



MANNINGHAM

Ordinary Meeting of the Council

MINUTES

Date:	Tuesday, 25 February 2020
Time:	7:00pm
Location:	Council Chamber, Civic Centre 699 Doncaster Road, Doncaster

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**MANNINGHAM CITY COUNCIL
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL
HELD ON 25 FEBRUARY 2020 AT 7:00PM
IN COUNCIL CHAMBER, CIVIC CENTRE
699 DONCASTER ROAD, DONCASTER**

The meeting commenced at 7:00pm.

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

OFFICERS PRESENT: Chief Executive Officer, Mr Andrew Day
Director City Services, Mr Leigh Harrison
Director City Planning & Community, Mr Angelo Kourambas
Director Shared Services, Mr Philip Lee
Corporate Counsel and Group Manager Governance & Risk,
Mr Andrew McMaster
Group Manager Approvals and Compliance, Niall Sheehy

1 OPENING PRAYER AND STATEMENTS OF ACKNOWLEDGEMENT

The Mayor read the Opening Prayer & Statements of Acknowledgement.

2 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

There were no apologies.

3 PRIOR NOTIFICATION OF CONFLICT OF INTEREST

The Chairperson asked if there were any written disclosures of conflict of interest submitted prior to the meeting and invited Councillors to disclose any conflict of interest in any item listed on the Council Agenda.

The Mayor advised that a written disclosure of conflict of interest had been received from: -

- Cr Paula Piccinini for Item 9.1 concerning Application for Review P1938/2019 of Planning Permit Application PLN18/0598 at 21 Glendale Avenue, Templestowe (Amended Plans for VCAT), the interest being an indirect interest due to close association.

4 CONFIRMATION OF MINUTES

COUNCIL RESOLUTION

MOVED: CR MICHELLE KLEINERT
SECONDED: CR ANDREW CONLON

That the Minutes of the Ordinary Meeting of Council held on 28 January 2020 and the Special Meeting of Council held on 11 February 2020 be confirmed.

CARRIED

5 PRESENTATIONS

5.1 Acknowledgement of Leigh Harrison, Director City Services

The Mayor and Councillors acknowledged Mr Leigh Harrison, Director City Services, on his retirement after 10 years of service to the City of Manningham.

Mr Harrison was instrumental in driving Manningham's capital works program, improving asset management strategies and systems, establishing municipal emergency management practices and guiding transport advocacy.

During his time at Manningham, Mr Harrison also had oversight of the construction of Mullum Mullum Stadium, MC² and major redevelopments of Aquarena, Warrandyte Community Centre, Sheahans Road Basketball Stadium and the Ted Ajani Centre to name a few.

The Mayor and Councillors thanked Mr Harrison for his service to the Manningham community and wished him well for the future.

On behalf of the organisation, Chief Executive Officer, Mr Andrew Day also acknowledged and thanked Mr Harrison for his service and wished him well for the future.

6 PETITIONS

There were no Petitions.

7 PUBLIC QUESTION TIME

7.1 Mr V Testa, Templestowe

- Q1 My question is whether Manningham City council accept my evidence of the facts that I submitted regarding the Child seat at the Boulevard playground and all I want is a simple reply as yes we do No WE do NOT

The Chief Executive Officer, Mr Andrew Day responded that a simple yes or no answer would not suffice in this instance. Mr Day advised that the information provided by Mr Testa was forwarded to officers who considered the information and acted appropriately in terms of dealing with the swing. Mr Day thanked Mr Testa for providing Council with this information.

In clarifying Mr Testa's question regarding commentary in the Mannigham Leader, Mr Day advised that the commentary by officers was in direct response to questions from the Leader. Mr Day reiterated that Council has been respectful in response to the questions asked by Mr Testa and indicated that he was comfortable with the professionalism and response from officers to the questions asked in the Leader newspaper article.

7.2 Ms S Yee, Doncaster

- Q1 With coronavirus having a significant impact on our local businesses, in particular, Chinese restaurants and grocery stores, what will Council do to encourage residents to start going out and patronising their local shops again, and what will you do to support businesses which are suffering?

The Mayor, Councillor Paul McLeish responded that Council is very grateful for the contribution to public health and safety that has been made by the citizens identified. He noted that he had met with Ms Yee and a number of local traders to discuss the economic impact the Covid-19 virus was having in the community.

The Mayor advised that Council is considering how to best support local businesses and encourage the community to do the same. He noted that a downturn like this can have a significant impact in the community and encouraged people to buy from local businesses and shop with local traders across the community.

7.3 Mr R Smith, Doncaster

- Q1 Is Council willing to allow its Council Officers to ignore present regulations instead of obeying them until some future time when those regulations MAY be acceptable?

Director City Planning and Community, Mr Angelo Kourambas responded that he did not agree with the premise of the question or the assumptions behind the comments made by Mr Smith.

Mr Kourambas advised that officers are proposing that Council consider advancing a planning scheme amendment at tonight's meeting to bring the site in line with all the surrounding properties in the area. He stated that Council was not being asked to approve a planning permit for two dwellings but to advance an amendment to the next phase where Mr Smith would have an opportunity to be heard before an independent panel in response to the proposed planning scheme amendment.

Mr Kourambas further advised that he would provide a written response to Mr Smith's question.

7.4 Mr T J Lim, Donvale

- Q1 Is the planning officer who attended my daughter's address at Donvale a Council Officer? If he is, do you condone this sort of conduct?

The Chief Executive Officer, Mr Andrew Day responded that he would take the question on notice. Mr Day advised that officers would follow up Mr Lim's comments and speak with him directly in terms of the service delivery.

- Q2. Does Council take into account any questions raised by residents but not the owners of their property? Am I allowed to ask questions as a non owner resident?

The Chief Executive Officer, Mr Andrew Day responded yes.

8 ADMISSION OF URGENT BUSINESS

There were no items of Urgent Business.

9 PLANNING PERMIT APPLICATIONS

9.1 Application for Review P1938/2019 of Planning Permit Application PLN18/0598 at 21 Glendale Avenue, Templestowe (Amended Plans for VCAT)

File Number:	IN20/56
Responsible Director:	Director City Planning and Community
Applicant:	Kamber Invest Pty Ltd
Planning Controls:	General Residential Zone, Schedule 2; Design and Development Overlay, Schedule 8-3 (Sub-Precinct B); Principal Public Transport Network (PPTN)
Ward:	Heide
Attachments:	<ol style="list-style-type: none">1 Advertised Plans (Original Proposal) ↓2 Delegate Report (Original Proposal) ↓3 Refusal Notice (Original Proposal) ↓4 Amended Plans (New Proposal) ↓5 Legislative Requirements ↓

EXECUTIVE SUMMARY

Introduction

1. This report relates to an application for a planning permit (PLN18/0598) for six two-storey dwellings at 21 Glendale Avenue, Templestowe that is currently the subject of a review proceeding (P1938/2019) at the Victorian Civil and Administrative Tribunal (VCAT). The application is currently before VCAT for review following the decision to refuse to grant a permit. The hearing is scheduled to commence on 23 March 2020.
2. This report provides an assessment of amended plans that have been served on Council and neighbouring properties and are sought to be formally substituted through the VCAT proceeding.
3. The report recommends that Council support the amended proposal (subject to conditions) as the reasons for the refusal of the application have now been addressed.
4. The original application was not reported to Council and was refused under delegation.
5. The amended application is now being reported to Council to form a view on the newly substituted amended plans, given the number of objections received to the initial proposal.

Amended Plans

6. The aspects that have been amended from the original proposal generally relate to a reduction in the proposed built form which, most significantly, includes the introduction of separation at the first floor level. The reduction in the built form is primarily achieved through a reduction in the number of bedrooms within the dwellings. Overall, four bedrooms have been removed from the development resulting in a 52 square metre reduction in the first floor level.
7. The fundamental details of the proposal, including the number of storeys, number of dwellings and car parking provision remain consistent with the original proposal.

Advertising, Objections and Plan Circulation

8. Notice of the original planning permit application received a total of 92 objections.
9. Prior to the circulation of the amended plans, there were no other parties to the VCAT proceeding (noting that one statement of grounds was submitted by an objector that did not wish to join as a party to the proceeding).
10. Notice of the proposed amendment to the application was given by the Applicant for Review on 5 February 2020, to all originally notified properties and to any objector who submitted a statement of grounds. All notified persons have until the 28 February 2020, to lodge a statement of grounds with VCAT and become a party to the proceeding.

Key Issues in Consideration of the Amended Proposal

11. The key issues for Council in considering the proposal relates to the following:
 - a. Whether the proposal has addressed the original reasons for the refusal of the application;
 - b. Whether the proposal adequately contributes to the preferred neighbourhood character outcomes; and
 - c. Whether the proposal appropriately considers siting, built form and amenity requirements.

Assessment

12. The proposal presents a significantly improved outcome that addresses the original reasons for the refusal of the application and demonstrates compliance with all relevant provisions of the Manningham Planning Scheme.
13. The amended proposal presents an appropriate scale and built form that contributes to the preferred neighbourhood character established under the DDO8 and adequately considers both off-site and on-site amenity.

Conclusion

14. The report concludes by recommending that, subject to conditions, Council support the amended proposal through the VCAT proceeding.

Conflict of Interest

Councillor Paula Piccinini stated:

"Councillors, I wish to disclose that I have a conflict of interest in this item, the interest being an indirect interest due to close association. I will be leaving the meeting room for the duration of this matter."

Having disclosed her conflict of interest Councillor Piccinini left the meeting at 7:47pm and returned at 7:54pm after the matter had been finalised. Councillor Piccinini took no part in the discussion or voting on this item.

COUNCIL RESOLUTION

MOVED: CR GEOFF GOUGH
SECONDED: CR MICHELLE KLEINERT

That Council:

- A. In VCAT proceeding P1938/2019, having considered the proposed amendments, support the amended proposal for the construction of six, two-storey dwellings and associated garage as shown on the plans prepared by *Planning & Design*, job number 6181, revision F, dated 28 January 2020 subject to the following permit conditions:**

Amended Plans

- 1. Before the development starts, amended plans drawn to scale and dimensioned, must be submitted via email and approved by the Responsible Authority. When approved the plans will then form part of the permit. The plans must be generally in accordance with the decision plans (prepared by *Planning and Design*, project number 6181, revision F, dated 28 January 2020), but modified to show:**
 - 1.1 Details, location and overall height of the screening device provided to the rooftop service equipment clearly shown on site plans and elevations.**
 - 1.2 In relation to the eastern boundary;**
 - 1.2.1 Section drawings showing sight lines from the terrace and east-facing dining/living/kitchen window of dwellings 2-6 to demonstrate the minimum extent of screening required to limit overlooking in accordance with Standard B22 of Clause 55.04-6 Overlooking of the Manningham Planning Scheme;**
 - 1.2.2 The existing fence replaced with a new 2 metre high timber paling fence; and**
 - 1.2.3 Any trellis extensions provided on a free standing structure inside the boundary fence and to be of the minimum height required to adequately limit screening (as per the aforementioned section drawings).**
 - 1.3 Details of the materials and transparency of all trellis additions, to demonstrate compliance with Standard B22 of Clause 55.04-6 Overlooking of the Manningham Planning Scheme.**

- 1.4 The selected timber privacy screens applied to first floor windows replaced with a more durable material.
- 1.5 The extent of glazing to the primary entry doors of each dwelling reduced to increase privacy to the dwellings.
- 1.6 Details of the storage areas of dwelling 2 and 3, which are to be within a storage cupboard.
- 1.7 The western wall of Dwelling 1 at the first floor level provided with a consistent minimum boundary setback of 3.62 metres.
- 1.8 Deletion of the *Innowood* cladding finish (and associated section of protruding wall) from the western side of the frontage of Dwelling 1.
- 1.9 Deletion of the southernmost arbor feature over that projects over the basement ramp.
- 1.10 All screening treatments to limit overlooking notated on the relevant floor plans.
- 1.11 Deletion of the *batten screening* feature from the external walls.
- 1.12 The balustrade associated with Dwelling 1's first floor balcony to be of a glazed material to all sides (including the privacy ledge), with obscured glazing used where necessary to limit overlooking.
- 1.13 The eastern wall of Dwelling 6 at the first floor level recessed a minimum of 0.5 metres from the ground level wall below.
- 1.14 The western wall of Dwelling 6 at the first floor level provided with a minimum boundary setback of 3.1 metres.
- 1.15 An additional 0.5 metres in reversing area provided on the western side of the aisle opposite the northern-most car parking space associated with Dwelling 6, achieved by reducing the western boundary setback to 1.5 metres in this area.
- 1.16 Any changes required by the updated sustainability management plan required by this permit.

Endorsed Plans

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

Construction Management Plan

3. Not less than 90 days before the development starts, a Construction Management Plan (CMP) must be submitted via email and approved by the Responsible Authority. When approved the plan will form part of the permit. The Construction Management Plan is to be prepared in accordance with the template within Council's Construction Management Plan Guidelines. The CMP must address:
 - 3.1 Element A1: Public Safety, Amenity and Site Security;
 - 3.2 Element A2: Operating Hours, Noise and Vibration Controls;
 - 3.3 Element A3: Air Quality and Dust Management;
 - 3.4 Element A4: Stormwater and Sediment Control and Tree Protection (also as per the specific requirements of this permit);
 - 3.5 Element A5: Waste Minimisation and Litter Prevention; and
 - 3.6 Element A6: Traffic and Parking Management (including measures that are to be adopted to manage the parking of builder/contractor vehicles).

Council's Works Code of Practice (June 2016) and Construction Management Plan Guideline (June 2016) are available on Council's website.

Sustainability Management Plan

- 4. Prior to the endorsement of plans under Condition 1 of this permit, a sustainability management plan must be submitted via email and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the sustainable management plan prepared by SBE, dated 10 July 2019, but must be modified to reflect the updated development as shown on the plans submitted under Condition 1 of the permit.**
- 5. The development must be constructed in accordance with the sustainability management plan approved and forming part of this permit, and all of its requirements 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.**

Waste Management Plan

- 6. Not less than 90 days before the development starts, a Waste Management Plan must be submitted via email and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the waste management plan contained in appendix E of the sustainable management prepared by SBE, dated 10 July 2019, but must be modified to reflect the updated development as shown on the plans submitted under Condition 1 of the permit.**
- 7. The private waste contractor must be able to access the development and the private waste contractor bins at all relevant times. No private waste contractor bins may be left outside the development boundary at any time on any street frontage for any reason.**

Tree Protection and Management Plan

- 8. Before the submission of plans to be endorsed under Condition 1 of this permit, a Tree Protection and Management Plan (TPMP), setting out how the trees to be retained will be protected during construction, and which generally follows the layout of Section 5 of AS4970 'Protection of trees on development sites', must be submitted to and approved by the Responsible Authority. When approved the TPMP will be endorsed and form part of the permit. The TPMP must include:**
 - 8.1 A plan showing the TPZ and SRZ for all trees to be retained (as per the Condition 1 plans) along with the location of protective fencing and/or areas where ground protection systems will be used;**
 - 8.2 Details of proposed work within TPZ and arborist supervision when this is proposed;**
 - 8.3 A statement advising any removal or pruning of Council owned trees must be undertaken by Council approved contractor; and**

8.4 A statement that Council will be notified within 24 hours of any breach of the TPMP or where damage has occurred to the tree.

9. All Vegetation Protection Fencing must be maintained in good condition until the completion of the construction works on the site to the satisfaction of the Responsible Authority.
10. The owner must ensure that all contractors/tradespersons (including demolition workers) who install services or work near trees to be retained are made aware of the need to preserve the trees and to minimize impacts on the trees through appropriate work practices.

Completion

11. Before the occupation of the approved dwellings, landscaped areas must be fully planted and mulched or grassed generally in accordance with the approved plan and to the satisfaction of the Responsible Authority.
12. Privacy screens and obscure glazing as required in accordance with the approved plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority. The use of obscure film or spray fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.
13. Driveway gradients and transitions as shown on the plan approved under Condition 1 of this permit must be generally achieved through the driveway construction process to the satisfaction of the Responsible Authority.

Landscape Plan

14. Before the development starts, a landscaping plan prepared by a landscape architect or person of approved competence must be submitted via email to the Responsible Authority for approval. Such plan must be generally in accordance with the plan approved under Condition 1 of this permit and must show:
 - 14.1 Species, locations, approximate height and spread of proposed planting and the retention of existing trees and shrubs, where appropriate or as directed by any other condition of this Permit;
 - 14.2 Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;
 - 14.3 Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;
 - 14.4 A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;
 - 14.5 A minimum of two (2) canopy trees, within the private open space of Dwelling 6, to be a minimum height of 1.5 metres at the time of planting;
 - 14.6 Screen planting along the side and rear boundaries, to be a minimum height of 0.5 metres at the time of planting;

14.7 Appropriate planting within the drainage and sewerage easement to minimise the risk of damage to assets within the easement;

14.8 Planting within 2 metres along the frontage from the edge of the driveway(s) and 2.5 metres along the driveway(s) from the frontage to be no greater than 0.9 metres in height at maturity.

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

Landscape Bond

15. Before the review of development plans under Condition 1 of this permit, 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.

Stormwater – On-site detention (OSD)

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

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

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

Construction Plan (OSD)

17. Before the development starts, a construction plan for the system required by 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

18. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor. A connection to Council maintained assets must not be constructed unless a Connection to Council Drain Permit is first obtained from the Responsible Authority.

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

Site Services

20. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
21. All external services including pipes must be concealed and screened respectively to the satisfaction of the Responsible Authority.
22. 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.
23. Any reverse cycle air-conditioning unit, hot water boosters or other service plant erected on the walls of the approved dwellings must be appropriately designed and finished with screening if necessary to minimise general visual impacts from off the site to the satisfaction of the Responsible Authority.
24. All building services and metering located in the front setback, including fire services, gas, water and electricity, must be installed in accordance with the approved plans and must be positioned in discrete manner and be screened using cabinets etc that integrated with the overall building design to the satisfaction of the Responsible Authority.

Rooftop Plant

25. All roof-top plant and services (including any hot water systems, but excluding solar panels) must be installed in appropriately screened areas, unless otherwise agreed in writing with the Responsible Authority.
26. Unless sufficiently screened by roof parapets, all solar panels and any associated safety railings must be located away from the outer edges of the roof section upon which they are installed, so as to minimise general visual impacts from off the site to the satisfaction of the Responsible Authority.

Vehicle Crossings and Accessways

27. Prior to occupation of the approved dwellings, any new or modified vehicular crossover must be constructed in accordance with the plans endorsed under Condition 1 of this permit to the satisfaction of the Responsible Authority.
28. Redundant vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.

Car Parking

29. Before the occupation of the approved dwellings, all associated 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.

30. Automatic basement door opening systems must be installed and maintained, so as to facilitate secure access to the allocated parking areas by residents, visitors and a rubbish collection contractor, to the satisfaction of the Responsible Authority.

Fencing

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

Retaining Walls

32. 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.

Maintenance

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

Construction Management

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

Permit Expiry

36. This permit will expire if one of the following circumstances applies:
- 36.1 The development is not started within two (2) years of the date of this permit; and
 - 36.2 The development is not completed within four (4) years of the date of this permit.

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

CARRIED

2. BACKGROUND

Application Background

- 2.1 The original permit application was lodged with Council on 7 September 2018.
- 2.2 Extensive concerns were identified by Council Officers and a number of revisions and amendments were made to the application by the Applicant prior to proceeding to public notification.
- 2.3 The application was put on public notification for a two-week period, concluding on 8 August 2018. A total of ninety-two (92) objections were received.
- 2.4 There were no applicable determining or recommending referral authorities.
- 2.5 Council's delegate refused the application on 3 September 2019, relying on the following grounds:
 1. *The development fails to comply with the preferred neighbourhood character outcomes of Clause 21.05 (Residential Precinct 2) and Design and Development Overlay Schedule 8-3 (DDO8-3), contrary to the objectives of Clause 55.02-1 Neighbourhood Character of the Manningham Planning Scheme*
 2. *The proposal is an overdevelopment of the site, resulting in unreasonable bulk and massing, contrary to policy in Clause 21.05 (Residential Precinct 2) and design objectives of Schedule 8 to Clause 43.02 Design and Development Overlay of the Manningham Planning Scheme.*
 3. *The location of service equipment along the frontage of the site the retaining walls within the frontage compromises landscaping opportunities contrary to design objectives of Design and Development Overlay Schedule 8-3 (DDO8-3).*
 4. *The lack of windows that maximum daylight and solar energy to the ground floor living/dining area of Unit 1 is contrary to the objectives of Clause 55.03-5 (Energy efficiency) of the Manningham Planning Scheme.*
 5. *The development will have unreasonable amenity impacts to the existing properties to the north with regard to potential overlooking from Unit 6 ground and first floor north-facing windows, contrary to the objectives and standard of Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme.*
 6. *The development will have unreasonable amenity impacts to the existing property to the east with regard to potential overlooking from Unit 2 ground terrace, contrary to the objectives and standard of Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme.*
 7. *The proposed glazed entry doors along the common property pedestrian path compromises the privacy of adjoining residents, contrary to the objective of Clause 55.04-7 (Internal Views) of the Manningham Planning Scheme.*

8. *The lack of visible and easily identifiable weather protection entry to Units 2, 3, 4, 5 and 6 is contrary to the objective of Clause 55.05-2 (Dwelling entry) of the Manningham Planning Scheme.*
 9. *The secluded private open space of Units 1, 3, 4 and 5 does not satisfy the objective and standard of Clause 55.05-4 (Private open space) of the Manningham Planning Scheme.*
 10. *The secluded private open space of Unit 1 does not satisfy the objective and standard of Clause 55.05-5 (Solar access to open space) of the Manningham Planning Scheme.*
 11. *The storage of Units 2 and 3 does not satisfy the objective and standard of Clause 55.05-6 (Storage) of the Manningham Planning Scheme.*
 12. *The north-most car space of Unit 6 does not satisfy the requirements of Design standard 1 of Clause 52.06-9 (Car Parking) of the Manningham Planning Scheme.*
- 2.6 Refusal of the application was based on the plans prepared by *Planning & Design*, job number 6181, revision B, dated 3 July 2019 (**Decision Plans**).

Appeal Background

- 2.7 On 2 October 2019, an application under the Major Cases List was lodged with VCAT under Section 77 of the *Planning and Environment Act 1987* for review of Council's refusal to grant a permit.
- 2.8 In accordance with VCAT regulations, all original objectors were served with notice of the application for review.
- 2.9 Only one statement of grounds were received, however did not wish to be joined as a party to the proceeding. Council and the Applicant remained as the only parties involved in the proceeding.
- 2.10 Following the lodgement of the review application, the Applicant flagged their intent to put forward a revised concept seeking to address the grounds of refusal and achieve Council support.
- 2.11 The applicant proceeded to engage in extensive discussions with Council Officers, which included the submission of several iterations of amended plans. These discussions culminated in a Compulsory Conference (mediation) held at VCAT on 20 January 2020.
- 2.12 Following the Compulsory Conference, the Applicant circulated a final set of amended plans to Council and to all originally notified properties and persons who submitted a statement of grounds (plans prepared by *Planning & Design*, job number 6181, revision F, dated 28 January 2018) (**Amended Plans**).
- 2.13 All original objectors now have a second opportunity to be involved in the appeal proceeding. Statement of grounds must be received at VCAT by 28 February 2020.
- 2.14 The Amended Plans have been circulated in accordance with the guidelines established under VCAT Practice Note PNPE9 – *Amendment of Plans and Applications*.

- 2.15 The hearing is scheduled to commence on 23 March 2020. Council is required to reach a position on the Amended Plans prior to the hearing so it can inform all other parties, take appropriate action and make submissions to the Tribunal accordingly.
- 2.16 Should Council adopt the Officer recommendation to support the proposal there are a number of different ways the appeal process could proceed:
- 2.16.1 If no statement of grounds are received and the Applicant accepts Council's conditions, Council and the Applicant have the opportunity to seek an outcome via mutual consent through the filing of consent orders, avoiding the need to go to hearing.
- 2.16.2 If no statement of grounds are received but the Applicant does not accept Council's conditions and this disagreement cannot be resolved, there may still be a need to proceed to a shorter form of hearing to allow VCAT to determine the appropriateness of the conditions in dispute.
- 2.16.3 If statement of grounds are received, the matter will proceed to the scheduled hearing and Officers will make submissions to VCAT as to why the proposal should be supported. This may still include a more minor dispute over conditions between Council and the Applicant if the Applicant does not accept Council's conditions.
- 2.17 Alternatively, should Council resolve not to support the amended plans, the matter will proceed to hearing as scheduled. Council representatives will make submissions based on any amended grounds of refusal.

3. THE SITE AND SURROUNDS

The Site

- 3.1 The site is situated on the northern side of Glendale Avenue, approximately 40 metres from the change of direction that leads to Foote Street.
- 3.2 The rectangular shaped site has a south-to-north orientation with a width of 18.29 metres and depth of 45.72 metres for a site area of 836.2 square metres.
- 3.3 The site is affected by a 1.83 metre wide drainage and sewerage easement that is located along the northern boundary.
- 3.4 The site is currently developed with a split-level brick dwelling located centrally within the lot with an undercroft carport. The frontage is unfenced and the side and rear boundaries are defined by timber paling fences of various heights.
- 3.5 A crossover on the eastern side of the frontage provides vehicle access via a driveway that runs along the eastern boundary.
- 3.6 A large multi-stemmed *Sydney Red Gum* (Tree 2), which is approx. 13 metre height, is located within the front setback amongst a garden setting that includes dense, heavily manicured grounds cover and low lying shrubs. The landscaping appears to extent forward of the title boundary to the footpath.

- 3.7 A number of mature trees are also located within the rear setback of the site (trees 5 to 7).
- 3.8 A mature street tree is located forward of the site, approximately 4 metres west of the crossover.
- 3.9 The land has a significant cross-fall, with the high point being at the south-western corner, falling a total of 4.32 metres to the north-eastern corner.

The Surrounds

- 3.10 Glendale Avenue is a multi-faceted local road that includes two north-to-south sections that connect to Foote Street, an east-to-west section and a court-bowl.
- 3.11 Glendale Avenue features a road reserve defined by street trees, with a mixed character of frontages, both fenced and unfenced. Footpaths are provided on both sides of the road and on-street car parking is generally available on both sides of the road reserve.
- 3.12 The surrounding land is developed for residential purposes with a mix of traditional single dwelling developments and newer multi-unit developments.
- 3.13 Whilst the character of the area is mixed, traditional brick finishing with pitched tiled roof forms remain most prevalent.
- 3.14 *Templestowe Village* neighbourhood activity centre is located approximately 200 metres to the west (as the crow-flies).
- 3.15 Foote Street and Williamsons Road are the nearest main roads. These roads also contain bus stops that are serviced by a number of routes. The nearest bus stop is approximately 280 metres away (measured along the roads).
- 3.16 The site has direct abutments with four properties, as follows:

Direction	Address	Description
West	1/19, 2/19 and 3/19 Glendale Avenue, Templestowe	<p>Contains a recently constructed multi-dwelling development consisting of three, two-storey townhouses in a tandem arrangement which has since been subdivided.</p> <p>The development was approved under Planning Permit PL12/022697 and was completed in 2015 having since also been subdivided.</p> <p>The dwellings are attached at the ground floor level and feature separation at the first floor level. Private open space areas are located along the western boundary.</p> <p>The common property accessway runs along the eastern boundary (adjoining the subject land) along with the garage of the rear dwelling.</p>

East	1/23 and 2/23 Glendale Avenue, Templestowe	<p>Contains an older multi-unit development consisting of two split-level townhouses in a tandem arrangement.</p> <p>The development was approved under Planning Permit PL93/006315 and have since been subdivided.</p> <p>The dwellings are attached via a garage and private open space areas are located to the sides and front/rear of the dwelling respectively.</p> <p>The common property accessway runs along the eastern boundary.</p>
North	10 Hovea Street, Templestowe	<p>Contains a single dwelling that is located in excess of 10 metres from the subject land.</p> <p>Private open space is provided in the form of a traditional rear yard area that adjoins the subject land.</p> <p>A large <i>Lemon Scented Gum</i> is located within the rear yard.</p>
North	12 Hovea Street, Templestowe	<p>Contains a single dwelling that is located a minimum of approximately 6 metres from the subject land.</p> <p>Private open space is provided in the form of a traditional rear yard area that adjoins the subject land.</p>

4. THE PROPOSAL

Amendments

- 4.1 A copy of the original Decision Plans (Revision B) is provided as Attachment 1 to this report. The Delegate Report that provides the Council Officer assessment of these plans and the refusal notice are provided as Attachment 2 and Attachment 3 respectively.
- 4.2 The Amended Plans (revision F) are provided as Attachment 4.
- 4.3 The Amended Plans provide changes from the Decision Plans in response to the grounds of refusal and the more detailed concerns identified within the Delegation Report. These include:
- 4.3.1 Alterations at the basement level, including the reconfiguration of the northern-most car parking space and relocation the storage areas for dwellings 2 and 3.

- 4.3.2 Reconfiguration of the front setback area, including relocation of the entry stairs, deletion of the retaining wall forward of Dwelling 1 and relocation of the service cupboards to alongside the driveway.
- 4.3.3 Conversion of Dwelling 1 to a 'reverse-living' arrangement with the living area and balconies at the first floor level and bedrooms at the ground floor level.
- 4.3.4 Increase to the eastern boundary ground floor level setback of dwellings 3-6 by 0.4 metres, subsequently increasing the respective secluded private open space (SPOS) areas by 2.3 square metres.
- 4.3.5 Reconfiguration of the primary entries of dwellings 2-6, including recessing of entry spaces and additional entry canopies.
- 4.3.6 Reductions in the footprint at the first floor level through removal of four bedrooms, including the introduction of graduated separation between dwellings 2 and 3 and dwellings 4 and 5, deletion of the east-facing terraces and increases to the eastern boundary setbacks.
- 4.3.7 Alterations to the external design detail which include removal of the gable ends.
- 4.3.8 Alterations to boundary fencing treatments.

Proposal Description

- 4.4 The proposal, as shown on the Amended Plans, consists of six, two-storey dwellings in an attached, tandem arrangement over a basement garage.
- 4.5 The proposal provides a site coverage of 59.3 percent, permeability of 32.4 percent and garden area of 35.7 percent.
- 4.6 The maximum building height is 7.1 metres.
- 4.7 All dwellings are orientated towards the west, with access provided via a communal walkway along the western boundary.
- 4.8 Dwelling 1 provides a reverse living arrangement with a first floor level, south-facing balcony providing the SPOS.
- 4.9 All other dwellings have a conventional internal configuration with SPOS provided at the ground level on the eastern side of the building. Dwelling 6 includes additional SPOS to the rear.
- 4.10 All dwellings contain three bedrooms, with the exception of Dwelling 6 which contains four bedrooms.
- 4.11 All dwellings are provided with two car-parking spaces within the basement level.
- 4.12 Dwellings 1 to 3 are provided with tandem car parking and access the basement via a communal stairwell. Dwellings 4 to 6 have their own internal access to the basement level and are also provided with laundry facilities within the basement. Storage is provided in the form of cages/cupboards or storage rooms.

- 4.13 Vehicle access to the basement is provided via the existing crossover which is to be widened.
- 4.14 The proposal includes retention of Tree 2 (within the front setback) and Tree 7 (within the rear setback).
- 4.15 Outside of the actual basement cavity, earthworks are most prevalent along the western boundary, including retaining walls of up to 1.5 metres in height to manage the cut required for the pedestrian entry pathway.
- 4.16 The development includes a contemporary design detail with flat roof forms, utilising a range of external finishes including render and timber cladding.
- 4.17 The frontage is to remain unfenced.

5. LEGISLATIVE REQUIREMENTS

- 5.1 Refer to attachment 5 for extracts of the applicable sections of the *Planning and Environment Act 1987* and the Manningham Planning Scheme.
- 5.2 Pursuant to Clause 32.08-6 of the General Residential Zone, a planning permit is required to construct two or more dwellings on a lot.
- 5.3 Pursuant to Clause 43.02-2 of the Design and Development Overlay, a planning permit is required to construct a building or construct or carry out works.
- 5.4 Through local policy and the application of the relevant zones and overlays, the subject land and surrounding area is identified as being within Residential Precinct 2, which applies to residential areas surrounding activity centres and along main roads. The land falls within residential precinct 2 due to the proximity to both *Templestowe Village* and the surrounding main roads.
- 5.5 Residential Precinct 2 anticipates and encourages a *substantial level of change*. Within Precinct 2, the subject land falls within Sub-Precinct B. Sub-Precinct B is the lower order in terms of development densities within the *substantial change* area.

6. REFERRALS

External

- 6.1 There are no applicable determining or recommending referral authorities.

Internal

- 6.2 Comments were sought from Council's Infrastructure Service unit during the processing of the original planning permit application. The comments identified issues with vehicles reversing from the northern-most car parking space within the basement. This concern informed a specific ground of refusal (ground 12).
- 6.3 Updated advice has been sought from Council's Infrastructure Service unit in response to the Amended Plans. They have confirmed that this specific concern can be readily addressed via permit condition.

7. CONSULTATION / NOTIFICATION

- 7.1 Notice of the original planning permit application was given over a two-week period which concluded on 8 August 2018. A total of ninety-two (92) objections were received.
- 7.2 The objections contained grounds that broadly related to:
 - 7.2.1 DDO8 compliance;
 - 7.2.2 Scale and size of the development;
 - 7.2.3 Design detail;
 - 7.2.4 Amenity impacts through overshadowing, overlooking and visual bulk;
 - 7.2.5 Site response;
 - 7.2.6 Vehicle access and car parking; and
 - 7.2.7 Landscaping and open space provision.
- 7.3 All original objectors were required to be notified of the commencement of a review proceeding by the Applicant by no later than 7 November 2019 in accordance with VCAT standard procedures.
- 7.4 All original objectors had until 25 November 2019 to submit a statement of grounds and become a 'party' to the proceeding.
- 7.5 One statement of grounds was received, however did not wish to be joined as a party to the proceeding. Subsequently, prior to the circulation of the proposed Amended Plans, there have been no third parties involved in the proceeding.
- 7.6 In accordance with VCAT regulations, where an Applicant proposes to amend their proposal in a manner which generally reduces the proposal (as is the case in this instance), public re-notification is generally not required.
- 7.7 However, given the significant community interest in the application, Council Officers negotiated a requirement for all originally notified properties and people who had submitted statement of grounds to be notified of the proposed Amended Plans.
- 7.8 Subsequently, notice was served on 5 February 2020, and all original objectors now have a second opportunity to be involved in the review proceeding should they wish to. Statement of grounds are due by 28 February 2020.
- 7.9 VCAT will be responsible for the consideration of any further statement of grounds should they be submitted.

8. ASSESSMENT

Has the proposal addressed the original reasons for refusal of the application?

- 8.1 The amended proposal seeks to address Council's concerns not through a reduction in dwelling numbers, but through a reduction in the scale and built form largely achieved by reducing the number of bedrooms within the dwellings. Through the removal of four bedrooms from within the development, the first floor level achieves a 52 square metre footprint reduction.
- 8.2 When assessing an application within the residential zones, the number of dwellings is not a relevant factor for consideration. Instead, it is the scale and layout of the development relative to amenity and character based considerations that determine the acceptability of a development. This line of thinking has been frequently reinforced in VCAT decisions over the years (most recently in *RYJ Development Pty Ltd v Monash CC* [2020] VCAT 87, http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2020/87.html?context=1;query=derbyshire;mask_path=au/cases/vic/VCAT).
- 8.3 Consequently, the number of dwellings is not a determinative factor and the fact that the Amended Plans do not reduce the dwelling numbers is not critical in consideration of this application. The application must be considered on the basis of neighbourhood character and amenity based concerns that were identified in Council's refusal of the original application.
- 8.4 Council's refusal of the application did not relate to any fundamental opposition to the six-dwelling development or even the terraced style layout of the development, noting that the area is strategically earmarked for 'substantial change'. Further, the original assessment of the application, as contained within the Delegate Report, acknowledges policy support for a development of this nature.
- 8.5 Instead, the issues with the application related to specific aspects of the proposal that, in combination, arrived at a conclusion that the proposal was seeking too much from the site. These concerns were reflected through the twelve grounds of refusal.
- 8.6 Subsequently, an amended proposal that retains the more holistic details of the application but includes changes to address the specific reasons for refusal of the application can be an acceptable proposition.
- 8.7 Based on this, the appropriateness of the amended proposal is best determined via an assessment against the grounds of refusal, as follows.
- 8.8 Ground of Refusal 1 and Ground of Refusal 2

The development fails to comply with the preferred neighbourhood character outcomes of Clause 21.05 (Residential Precinct 2) and Design and Development Overlay Schedule 8-3 (DDO8-3), contrary to the objectives of Clause 55.02-1 Neighbourhood Character of the Manningham Planning Scheme.

The proposal is an overdevelopment of the site, resulting in unreasonable bulk and massing, contrary to policy in Clause 21.05 (Residential Precinct 2) and design objectives of Schedule 8 to Clause 43.02 Design and Development Overlay of the Manningham Planning Scheme.

- 8.9 The first two grounds are best addressed in conjunction with each other given that they contain interrelated concerns. These grounds largely relate to lack of adherence to the built form outcomes anticipated within Residential Precinct 2.
- 8.10 The Delegation Report elaborates on this issue by identifying the problematic aspects of the design being the scale of the first floor as a result of the cantilevering and lack of building breaks/articulation and the presence of dominant architectural features.
- 8.11 A full assessment against the DDO8 is provided under the proceeding section of this assessment. Subject to conditions, the development accords with the relevant design objectives and policy of the DDO8.
- 8.12 The Amended Plans significantly reduce the size of the first floor level, introducing two clear breaks between dwellings and increasing setbacks to the south. Further, the amended proposal has removed the heavy gable elements from the side and rear elevations. These changes serve to significantly reduce visual bulk at the upper level.
- 8.13 The following images provide a comparison of the Decision Plans (top) and Amended Plans (bottom), demonstrating the evident reduction in bulk:

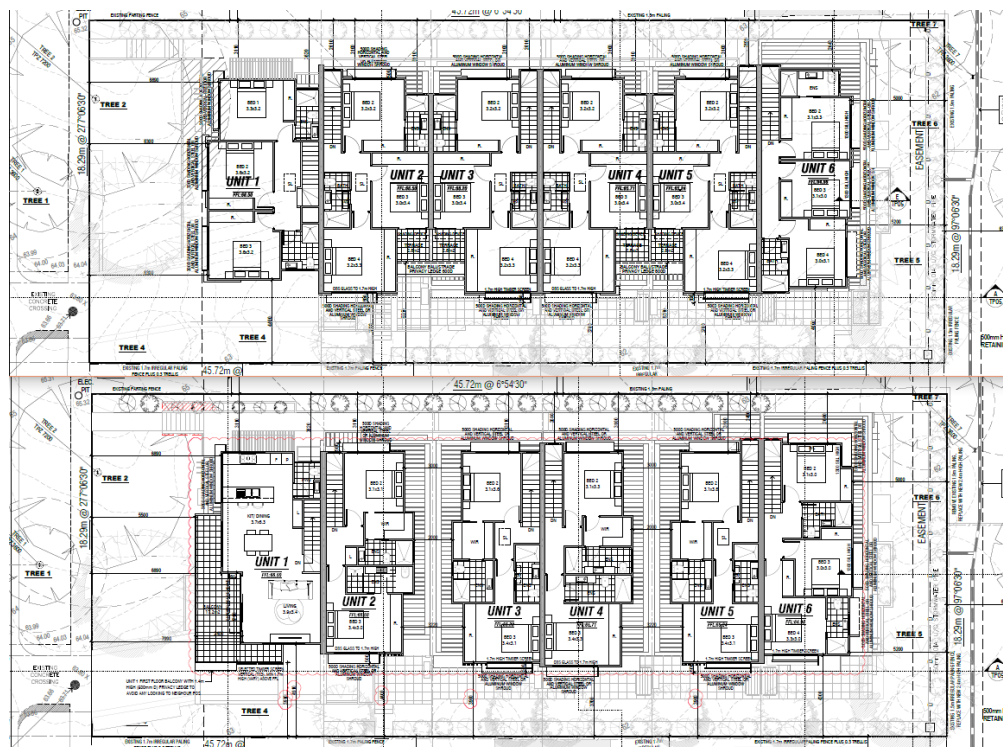


Figure 1: First floor plans.



Figure 2: Elevation plans.

8.14 The first floor level is now in-line with the development expectations for Residential Precinct 2. These grounds have therefore been addressed.

8.15 Ground of Refusal 3

The location of service equipment along the frontage of the site the retaining walls within the frontage compromises landscaping opportunities contrary to design objectives of Design and Development Overlay Schedule 8-3 (DDO8-3).

8.16 The service cabinet has been relocated from the site frontage to within the retaining wall adjacent to the driveway. This is an appropriate location as it is integrated within the built form and does not contribute additional bulk to the streetscape.

8.17 The retaining walls within the front setback have been reconfigured to both minimise impacts to Tree 2 (to be retained) and ensure maximum new landscaping opportunities. The retaining wall that was previously forward of Dwelling 1 has been removed entirely, whilst the retaining walls and cut associated with the common walkway has been relocated further within the site.

8.18 This ground has been addressed.

8.19 Ground of Refusal 4

The lack of windows that maximum daylight and solar energy to the ground floor living/dining area of Unit 1 is contrary to the objectives of Clause 55.03-5 (Energy efficiency) of the Manningham Planning Scheme.

8.20 Dwelling 1 has now been converted to a reverse living arrangement, with the kitchen/living and SPOS (in the form of a balcony) provided at the first floor level. As a result, the open plan living area is now provided with windows to three sides, no longer relying on a single south-facing interface.

8.21 This ground has been addressed.

8.22 Ground of Refusal 5

The development will have unreasonable amenity impacts to the existing properties to the north with regard to potential overlooking from Unit 6 ground and first floor north-facing windows, contrary to the objectives and standard of Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme.

8.23 The Amended Plans now include a new 2.4 metre high timber paling fence along the northern boundary, replacing the previous proposal for retention of the existing 1.5 metre high fence with an additional 0.6 metres of trellis as was shown on the Decision Plans.

8.24 Given the building setbacks and window design, the new fence provides sufficient screening for all north-facing windows within the development (both ground and first floor). This is demonstrated through Section E-E, which depicts site-lines as being blocked by either the window shroud or the boundary fence in a manner that complies with Standard B22 of Clause 55.04-6 Overlooking of the Scheme.

8.25 This ground has been addressed (further assessment of overlooking is provided under the Clause 55 assessment table located at a later stage of the planning assessment section of this report).

8.26 Ground of Refusal 6

The development will have unreasonable amenity impacts to the existing property to the east with regard to potential overlooking from Unit 2 ground terrace, contrary to the objectives and standard of Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme.

8.27 The Amended Plans now provide for a continuous 0.6 metre trellis addition above the existing 1.7 metre high timber paling fence along the entirety of eastern boundary (behind Dwelling 1).

8.28 The trellis addition reaches a height in excess of 1.7 metres above the finished floor level of the terrace within Dwelling 2's SPOS area, providing sufficient screening in accordance with Standard B22 of Clause 55.04-6 Overlooking of the Scheme.

8.29 However, unnecessary screening on the boundary is not an ideal outcome that should be minimised where possible. Excess trellis is a poor outcome.

8.30 To address this, permit **conditions** will require demonstration of the extent of screening that is actually required and the screening provision to be tailored accordingly. This will include replacement of the existing fence with a new fence of 2 metres in height, minimising the extent of trellis that is required.

8.31 Subject to these conditions, this ground has been addressed.

8.32 Ground of Refusal 7

The proposed glazed entry doors along the common property pedestrian path compromises the privacy of adjoining residents, contrary to the objective of Clause 55.04-7 (Internal Views) of the Manningham Planning Scheme.

- 8.33 The Amended Plans provide for recessed entry ways for majority of the dwellings, removing the dwelling entries from the pathway and creating a sense of separation and privacy.
- 8.34 Irrespective of this change, the use of fully glazed entry doors is still a poor outcome with regard to internal privacy. This can be readily addressed via a permit **condition** that requires a reduction in the extent of glazing applied to these doors.
- 8.35 Subject to this condition, this ground has been addressed.
- 8.36 Ground of Refusal 8
- The lack of visible and easily identifiable weather protection entry to Units 2, 3, 4, 5 and 6 is contrary to the objective of Clause 55.05-2 (Dwelling entry) of the Manningham Planning Scheme.*
- 8.37 The Amended Plans are now clear that each dwelling entry has a canopy over to provide weather protection and a sense of identification to the respective dwelling entries.
- 8.38 Further, the recessing of the entry spaces to Dwellings 2 and 3 along with the provision of a feature wall between the entries of Dwellings 5 and 6 improves the sense of address of each of these dwellings by providing a more individualised external transition space.
- 8.39 This ground has been addressed.
- 8.40 Ground of Refusal 9
- The secluded private open space of Units 1, 3, 4 and 5 does not satisfy the objective and standard of Clause 55.05-4 (Private open space) of the Manningham Planning Scheme.*
- 8.41 In converting Dwelling 1 to a reverse-living arrangement, the SPOS is now provided in the form of a balcony at the first floor level. The balcony has a minimum area of 17.2 square metres with a prevailing width of 2.4 metres. This comfortably exceeds the requirements of Standard B28 of Clause 55.05-4 Private Open Space (8 square metres and 1.6 metre width for a balcony) and even exceeds the increased requirements of the technically not-applicable apartment guidelines (Standard B43 requires 12 square metres with a minimum dimension of 2.4 metres for an apartment of 3 or more bedrooms).
- 8.42 In increasing the eastern boundary setback to dwellings 3 to 5, the primary SPOS area of each dwelling has also been increased to at least 25.1 square metres with a minimum dimension of 4.3 metres. This complies with the requirements of Standard B28 for ground floor private open space which requires a minimum of 25 square metres with a minimum dimension of 3 metres.
- 8.43 Based on the above, sufficient secluded private open space is now provided to all dwellings for the reasonable recreation and service needs of future residents.
- 8.44 This ground has been addressed.

8.45 Ground of Refusal 10

The secluded private open space of Unit 1 does not satisfy the objective and standard of Clause 55.05-5 (Solar access to open space) of the Manningham Planning Scheme.

8.46 In relocating Dwelling 1's SPOS to the first floor level, the level of solar access to the space has significantly improved.

8.47 Previously, the undersized ground level SPOS sat on the southern side of the dwelling and entirely beneath the cantilevered first floor above. The open aspects to the south and east were further impeded by screening and feature columns respectively.

8.48 The first floor balcony now has an open aspect to the south, east and west, with a small area also provided with some northern aspect. Whilst the balcony continues to be located on the southern side of the dwelling, a level of solar access will still be provided during the morning and evening periods due to the multi-aspect nature of the space.

8.49 On balance, this is considered to be an acceptable outcome, particularly given that all other dwellings feature near unimpeded northern aspect to their open space areas.

8.50 This ground has been addressed.

8.51 Ground of Refusal 11

The storage of Units 2 and 3 does not satisfy the objective and standard of Clause 55.05-6 (Storage) of the Manningham Planning Scheme.

8.52 The Decision Plans depicted the basement storage areas of Dwelling 2 and Dwelling 3 as being within a wall and column respectively. Whilst these areas did technically meet the volume requirements of Standard B30 of Clause 55.05-6 Storage, they were considered to be largely unusable based on their minimal width.

8.53 The Amended Plans relocate the storage areas adjacent to the bin storage area within the basement. Crucially, the areas are now of a more conventional size and shape.

8.54 Subject to a condition requiring details of these spaces, this ground will be addressed.

8.55 Ground of Refusal 12

The north-most car space of Unit 6 does not satisfy the requirements of Design standard 1 of Clause 52.06-9 (Car Parking) of the Manningham Planning Scheme.

8.56 The swept path diagrams that accompanied the Decision Plans depicted the northern-most car parking space of Dwelling 6 as utilising the space adjacent to the car parks of Dwellings 1-3 to perform a change of direction. This was considered to be the most efficient way to perform a change of direction due to the lack of reversing area adjacent to the space.

- 8.57 The Decision Plans relocate the space an additional 0.9 metres west, providing additional reversing space for an easier change of direction.
- 8.58 Council’s traffic engineers are not satisfied that this represents an appropriate solution as it would still result in complex vehicle manoeuvres. However, providing an additional reversing space of 0.5 metres on the eastern side of the basement (adjacent to this space only) would readily allow for a change of direction. This can readily be required by a **condition**.
- 8.59 This is considered to be an acceptable design response as the basement would continue to be setback a sufficient distance from the site boundary to allow for screen planting as required.
- 8.60 Subject to this change, this ground will be addressed.

Neighbourhood Character Response (Design and Development Overlay, Schedule 8)

- 8.61 A development must respect the *existing neighbourhood character* or contribute to a *preferred neighbourhood character*. In an instance where a preferred neighbourhood character is expressively established, this trumps consideration of the existing neighbourhood character.
- 8.62 A preferred neighbourhood character is established within Residential Precinct 2 through the application of the Design and Development Overlay, Schedule 8 (DDO8). Subsequently, compliance with the preferred character is relevant in this instance.
- 8.63 The following table provides an assessment of the Amended Plans against the DDO8:

Design Element	Compliance
Building Height and Setbacks DDO8-3 (Sub-Precinct B)	
9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the site of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.	Satisfied The slope of the site enables a maximum building height of 10m. The proposed maximum building height is 7.1 metres, compliant by 2.9 metres.
Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser. For the purposes of this Schedule, balconies, terraces and verandahs may encroach within the Street Setback by a maximum of 2.0m, but must not extend along the width of the building.	Satisfied A 6.0m front setback is achieved to Glendale Avenue. The first floor, street-facing balcony of Dwelling 1 does not protrude further than 2 metres into the frontage or extend across the full width of the building.
Form	
Ensure that the site area covered by buildings does not exceed 60 percent.	Satisfied The development has a site coverage of 59.3 percent.

Design Element	Compliance
<p>Provide visual interest through articulation, glazing and variation in materials and textures.</p>	<p>Satisfied subject to conditions</p> <p>The development incorporates a range of different measures to provide visual interest that include an appropriate contemporary mix of render and timber/colorbond steam cladding.</p> <p>Whilst the range of finishes is generally appropriate, the application of these materials is excessive and overdone in some locations. Namely, the use of 'batten screening' over timber cladding on the side elevations is excessive and 'complicates' the building presentation. The use of this feature is considered to be unnecessary with appropriate visual interest provided by the mixture of materials behind it. This can be addressed by a permit condition that requires complete removal of the batten screen from the proposal.</p> <p>Further, to the frontage the mixture of materials applied to the balustrade associated with the first floor balcony contributes unnecessary visual bulk. The glazing finish is considered to be most appropriate as it provides a softness to the presentation. Subsequently, a permit condition can require the balustrade (including the screening device applied to the eastern side) to be entirely of a glazed material.</p> <p>Appropriate window placement and scale is utilised to provide further visual interest.</p>
<p>Minimise buildings on boundaries to create spacing between developments.</p>	<p>Satisfied</p> <p>No buildings are proposed on any of the boundaries.</p>
<p>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>	<p>Satisfied subject to condition</p> <p>Whilst the built form is generally well articulated and stepped to provide a transition, it does not provide a sufficient enough built form reduction to Dwelling 6 considering the sensitive SPOS interfaces to the north.</p> <p>To the eastern side, whilst the side setback does increase from the prevailing eastern side setbacks, it results in a sheer two-storey wall. To the western side, the proposed setback of Dwelling 6 is almost the minimum western boundary setback found within the development. Permit conditions can address this by requiring:</p> <ul style="list-style-type: none"> • The first floor level setback on the eastern side setback an additional 0.5 metres, achieving a subsequent recessing of 0.5 metres; and

Design Element	Compliance
	<ul style="list-style-type: none"> The first floor level western setback to be at least 3.1 metres, to at least mimic the prevailing western boundary setback provided within the development. <p>These conditions will ensure appropriate reduction of the built form to the rear.</p>
Where appropriate, ensure that buildings are designed to step with the slope of the land.	<p>Satisfied</p> <p>The proposed dwellings step down towards the rear of the site in accordance with the fall of the land. The basement is also designed in this manner.</p>
Avoid reliance on below ground light courts for any habitable rooms.	<p>Satisfied</p> <p>No below ground light courts are proposed.</p>
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>Satisfied subject to conditions</p> <p>The first floor level provides a noticable reduction in footprint from that of the level below (approx. 78 percent).</p> <p>Crucially, the first floor level includes clear gaps at two key locations, between dwellings 2 and 3 and between dwellings 4 and 5 to provide visual relief to adjoining properties to the east and west. The stepping down of the building heights to reflect the slope of the land also assists in this regard.</p> <p>The first floor level also incorporates varied side setbacks to minimise the 'sheer' horizontal appearance. Critically, this includes greater eastern boundary setbacks to Dwelling 1 and Dwelling 2 to minimise visual bulk when viewed from the street.</p> <p>Conversely, the streetscape presentation undoes a lot of the good work, appearing 'unbalanced' due to the cantilevering on the western side and prominent arbor-like treatment over the driveway on the eastern side. The cantilevering of the eastern side is acceptable as it is softened by the protruding balcony.</p> <p>The unbalanced streetscape presentation can be addressed via conditions that require the western side be recessed (setback increased by 0.51 metres minimum which results in a consistant setback with the powder room), deletion of the cladding feature at the south-western corner and deletion of the forward-most arbor on the eastern side.</p>

Design Element	Compliance
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>Not applicable</p> <p>The proposal is two storeys only.</p>
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>Satisfied</p> <p>There are no porticos or imposing design elements proposed. Design features are well-integrated into the overall design of the building.</p>
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>Satisfied</p> <p>The dwellings respond well to the fall of the land by stepping down the site minimising potential amenity impacts to adjacent properties.</p> <p>Overall, the development retains a reasonably low profile (particularly to the eastern side), consistent with development profiles within the surrounding streetscape.</p>
Be designed to minimise overlooking and avoid the excessive application of screen devices.	<p>Satisfied</p> <p>The development reacts well to its surrounds, designed in a manner that avoids the need for any screening treatment to majority of windows on the northern and western elevations through the provision of a higher boundary fences (discussed under the Clause 55.04-6 assessment).</p> <p>Screening to the windows on the eastern elevation is largely unavoidable due to the interface to the adjoining property to the east.</p>
Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all mobilities.	<p>Satisfied</p> <p>The ground level entries of all dwellings respond to the topography of the land minimising steps within the development.</p> <p>The need for stairs at the entry pathway is largely unavoidable given the fall of the land.</p>
Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties.	<p>Satisfied</p> <p>The basement is entirely contained below natural ground level.</p>
Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site.	<p>Satisfied</p> <p>The basement entry is located below natural ground level, is well recessed behind the front wall of the dwelling and includes a permeable door.</p>

Design Element	Compliance
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>Satisfied</p> <p>The development utilises a basement for car parking that gains access from the low side of the frontage. The basement has been designed to be contained entirely beneath natural ground level.</p>
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>Satisfied</p> <p>The basement level is setback 6 metres from the front boundary and 4 metres from the rear boundary</p>
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>Satisfied</p> <p>The basement level is setback a minimum of 1.5 metres (as per the change required via condition) from side boundaries. At the ground floor level, a minimum setback of 1 metre is proposed (adjacent to on-boundary construction on the adjoining property), whilst the remainder of the building setbacks significantly exceed this.</p>
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>Satisfied subject to conditions</p> <p>Site screens are shown around all roof-mounted service equipment, however, no details are provided of these screens.</p> <p>A condition should require details of these screens.</p>
Car Parking and Access	
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>Satisfied</p> <p>The existing crossover is proposed to be retained and widened. The development will not have any impact on the existing street tree.</p>
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> <p>The basement does not extend beyond the built form of the building at the ground floor level.</p>

Design Element	Compliance
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.	<p>Not applicable</p> <p>All car parking is located within the basement level.</p>
Ensure that access gradients of basement carparks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements.	<p>Satisfied</p> <p>All gradients at the ramp and within the basement are in accordance with Clause 52.06 of the Scheme.</p>
Landscaping	
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.	<p>Not applicable</p> <p>The proposal is two storeys only.</p>
On sites where one or two storey development is proposed include at least 1 canopy tree within the front setback, which has as spreading crown, and is capable of growing to a height of 8.0m or more at maturity.	<p>Satisfied</p> <p>Retention of the existing mature tree within the front setback (which is given a <i>high</i> arboricultural rating) is considered to satisfy this requirement.</p>
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>Satisfied</p> <p>Screen planting opportunities are available along the rear and side boundaries in all locations where adjacent to the development.</p>
Fencing	
<p>A front fence must be at least 50 per cent transparent.</p> <p>On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn and Mitcham Roads, a fence must:</p> <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</p> <p>No front fence is proposed.</p>

8.64 Subject to the recommended conditions, the above assessment demonstrates that the proposal will satisfactorily contribute to the preferred neighbourhood character.

Building Siting and Amenity (Clause 55 Two or More Buildings on a Lot and Residential Buildings).

- 8.65 Clause 55 of the Manningham Planning Scheme provides the relevant assessment criteria for a development of this nature.
- 8.66 The following table provides the summary Clause 55 assessment that was contained within the Delegation Report for the original proposal as depicted on the Decision Plans, with updates as relevant to reflect the amended proposal. Where the assessment has changed based on the proposal shown on the Amended Plans, it is coloured in blue:

Objective	Compliance
55.02-1 – Neighbourhood Character	Met subject to conditions. Refer to DDO8 assessment provided within this report.
55.02-2 – Residential Policy	Met subject to conditions. Refer to DDO8 assessment provided within this report.
55.02-3 – Dwelling Diversity	N/A. Less than 10 dwellings proposed.
55.02-4 – Infrastructure	Met subject to a condition requiring an on-site storm water detention system.
55.02-5 – Integration With Street	Met. The development is oriented to Glendale Avenue.
55.03-1 – Street Setback	Met. The development meets the 6 metre setback requirement of the DDO8.
55.03-2 – Building Height	Met. The maximum building height is 7.1m; up to 10 metres permitted
55.03-3 – Site Coverage	Met. Site coverage is 59.3%, maximum permitted 60%.
55.03-4 – Permeability and Stormwater Management	Met. Permeability is 32.4%; 20% minimum required.
55.03-5 – Energy Efficiency	Met. All dwellings are provided with dual aspects and adequate opportunities for daylight. Shading is provided to the relevant windows and the development will not unreasonably impact energy efficiency of surrounding residences given the lot orientation.
55.03-6 – Open Space	N/A. The site does not adjoin public open space.
55.03-7 – Safety	Met. All dwelling are accessible from the common pedestrian path.
55.03-8 – Landscaping	Met subject to a condition requiring a landscaping plan and standard tree protection measures.
55.03-9 – Access	Met. The existing crossover will be retained to provide access to the common property driveway to the basement garage.

Objective	Compliance
55.03-10 – Parking Location	Met. The basement car parking of Units 1, 2 & 3 will be accessed via a staircase to the common pedestrian path. Units 4, 5 & 6 will have direct internal access via the laundry to each dwelling.
55.04-1 – Side And Rear Setbacks	<p>Met. All setbacks comply with the standard requirements. By way of example to the minimum setback at each interface:</p> <p><u>Ground floor:</u></p> <ul style="list-style-type: none"> • North; ResCode Required Setback = 1.06m; Proposed = 4m metre; • East; ResCode Required Setback = 1.05m; Proposed = 4.3m – 5.5m; • West; ResCode Required Setback = 1m; Proposed = 1m – 3m <p><u>First floor:</u></p> <ul style="list-style-type: none"> • North; ResCode Required Setback = 1.9m; Proposed = 5m – 5.2m; • East; ResCode Required Setback = 1.89m; Proposed = 3.7m – 4.3m • West; ResCode Required Setback = 1.67m; Proposed = 2.4m – 3.11m;
55.04-2 – Walls On Boundaries	N/A. There are no walls along any boundaries.
55.04-3 – Daylight To Existing Windows	Met. Windows in the neighbouring dwelling are provided the necessary light court and setbacks from the development.
55.04-4 – North Facing Windows	Met. There are no habitable room window setback within 3 m of the subject land.
55.04-5 – Overshadowing Open Space	Met. The SPOS of Unit 1, 23 Glendale Avenue will receive at least 5 hours of sunlight to the secluded private open space area. Neither the western side covered deck/patio of Unit 2, 23 Glendale Avenue [max. approx. 3m wide] nor the open rear northern area of SPOS [min. 3.6m wide] will not be affected by the proposal. It is considered that the relevant Standard has been met.
55.04-6 – Overlooking	<p>Met subject to conditions.</p> <p>At the ground floor level, the existing and proposed fencing (as relevant) will provide sufficient screening from all habitable room windows and terraces.</p>

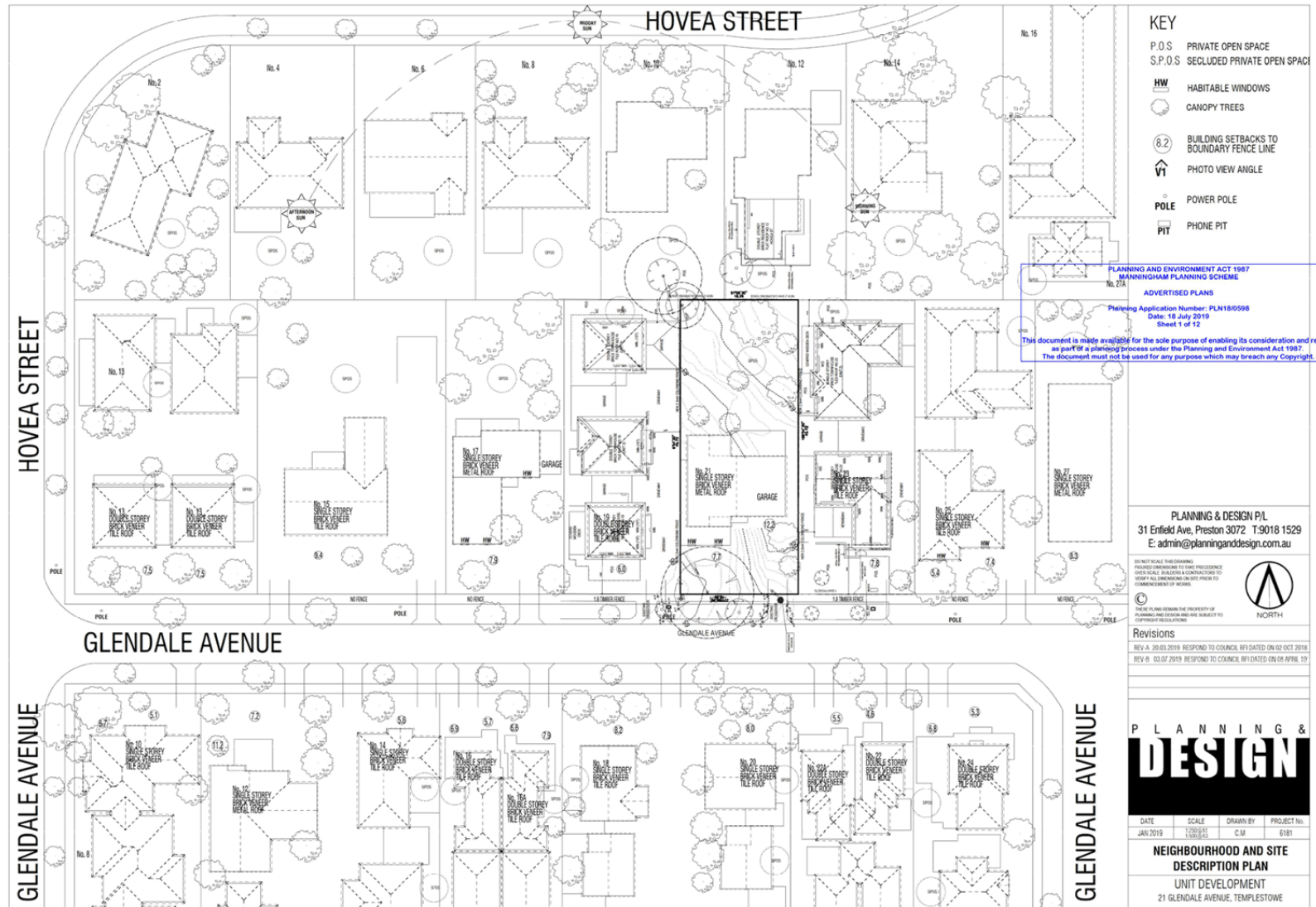
Objective	Compliance
	<p>However, the addition of 0.6 metres of trellis to an 'irregular paling fence' is unlikely to be a durable treatment. As discussed, conditions will required demonstration of the fencing height that is actually required to limit overlooking with the solution tailored to match. This will include replacement of the existing boundary fence with a new fence of at 2 metres in height and any trellis that is then necessary to be erected independent of the fence. A further condition will require details of the trellis to ensure an adequate opacity is utilised.</p> <p>At the first floor level, a range of solutions are proposed.</p> <p>To the north, a combination of the building setback, the window shroud and the new fence height will ensure overlooking is suitably reduced. This is demonstrated on Section E-E (TP05).</p> <p>To the east, all windows are treated to 1.7 metres through either screens, obscure glazing or raised still heights. A condition should require replacement of the timber screen with a more durable material to ensure longevity.</p> <p>To the west, a raised still height is provided to Dwelling 6's Bed 2 window as it is within 9 metres of a window on the adjoining property. No other windows are required to be screened as there are no habitable room windows or SPOS within 9 metres of the windows due to the driveway interface.</p> <p>To ensure eventual delivery of the noted screening methods, a permit condition will require all screening treatments notated on the floor plans.</p>
55.04-7 – Internal Views	Met subject to condition. A condition will require reduction in the extent of glazing applied to the primary entry doors to increase internal privacy.
55.04-8 – Noise Impacts	Met.
55.05-1 – Accessibility	Met. Due to the slope of the land down from street level, there are numerous steps required to access each dwelling, as well as from within the building. This is not an ideal situation for residents and visitors to the property, but is acceptable in this circumstance.
55.05-2 – Dwelling Entry	Met. Majority of the dwelling entries are recessed to have their own external entry space, whilst a canopy is provided above the entry of each dwelling for shelter.
55.05-3 – Daylight To New Windows	Met.
55.05-4 – Private Open Space	Met. All dwellings achieve the minimum requirements for SPOS, either 25 square metres at the ground floor level or 8 square metres at an upper level balcony.

Objective	Compliance
55.05-5 – Solar Access To Open Space	Met. Majority of the SPOS areas are unrestricted to the northern side.
55.05-6 – Storage	Met subject to condition. All dwellings are provided with a usable storage area. A condition will require detail of these spaces.
55.06-1 – Design Detail	Met subject to conditions. Refer to DDO8 assessment provided within this report.
55.06-2 – Front Fence	Met. No front fence proposed.
55.06-3 – Common Property	Met. Common property is proposed along the pedestrian path, driveway and within the basement.
55.06-4 – Site Services	Met.

8.67 Subject to the recommended conditions, the above assessment demonstrates that the proposal meets all objectives of Clause 55 of the Manningham Planning Scheme.

9. DECLARATION OF CONFLICT OF INTEREST

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



- KEY**
- P.O.S PRIVATE OPEN SPACE
 - S.P.O.S SECLUDED PRIVATE OPEN SPACE
 - HW HABITABLE WINDOWS
 - ☉ CANOPY TREES
 - ⊖ BUILDING SETBACKS TO BOUNDARY FENCE LINE
 - ∠ PHOTO VIEW ANGLE
 - ⊕ POWER POLE
 - Ⓜ PHONE PIT

PLANNING AND ENVIRONMENT ACT 1987
MANNINGHAM PLANNING SCHEME
 No. 27A
ADVERTISED PLANS
 Planning Application Number: PLN180598
 Date: 18 July 2019
 Sheet 1 of 12

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Revisions

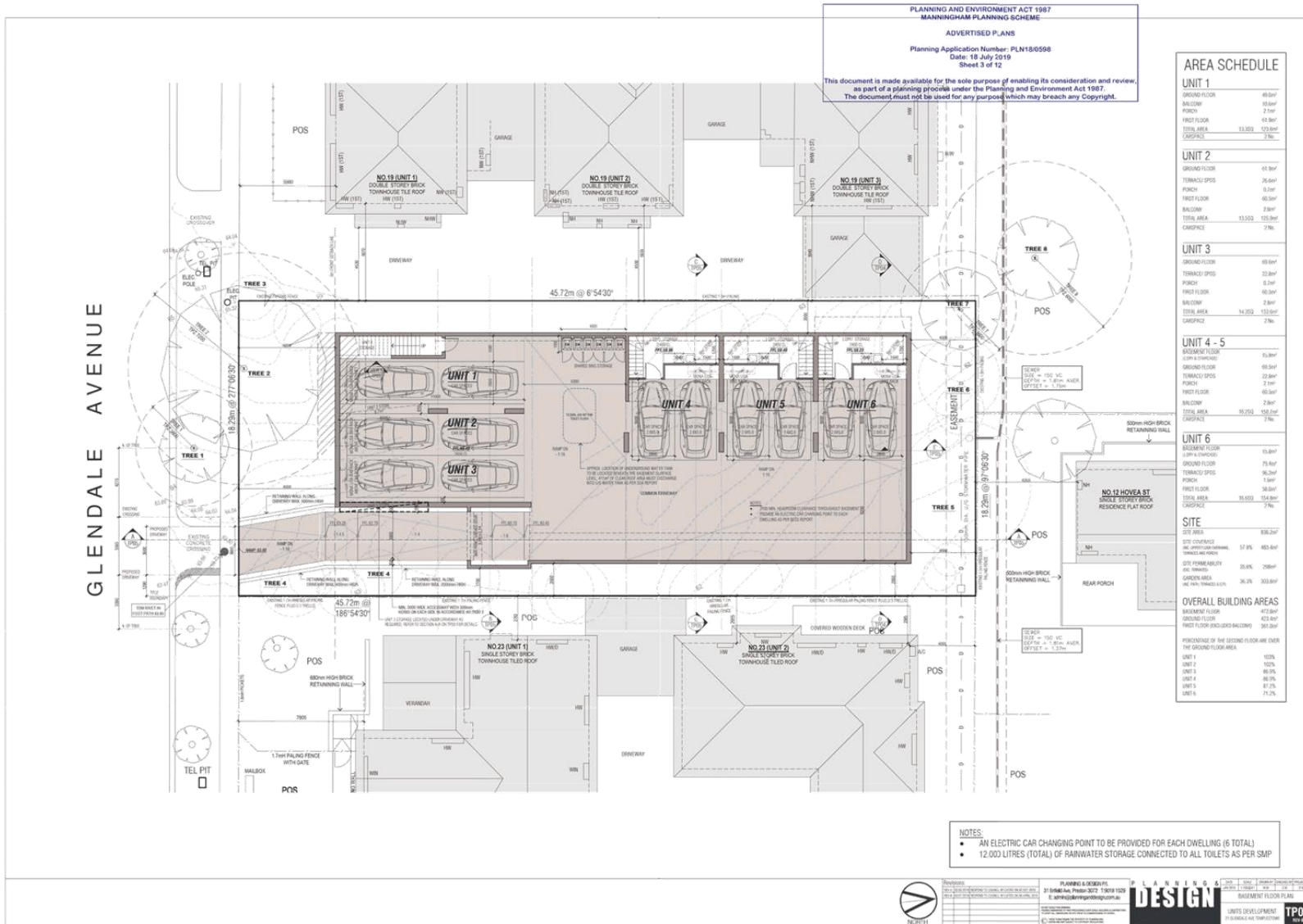
REV-A: 20.03.2019 RESPOND TO COUNCIL RFI DATED ON 02 OCT 2018
 REV-B: 03.07.2019 RESPOND TO COUNCIL RFI DATED ON 08 APRIL 19

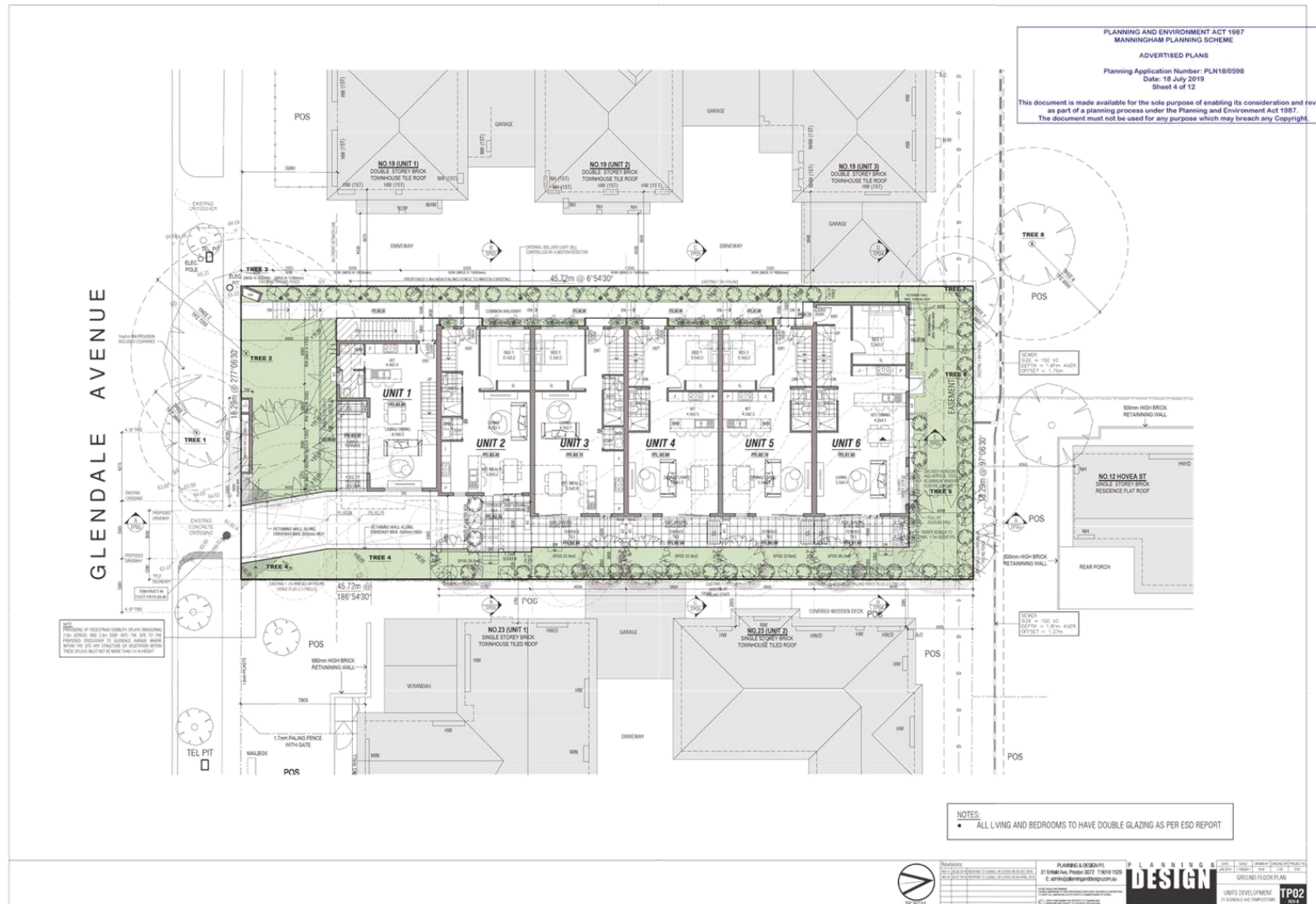


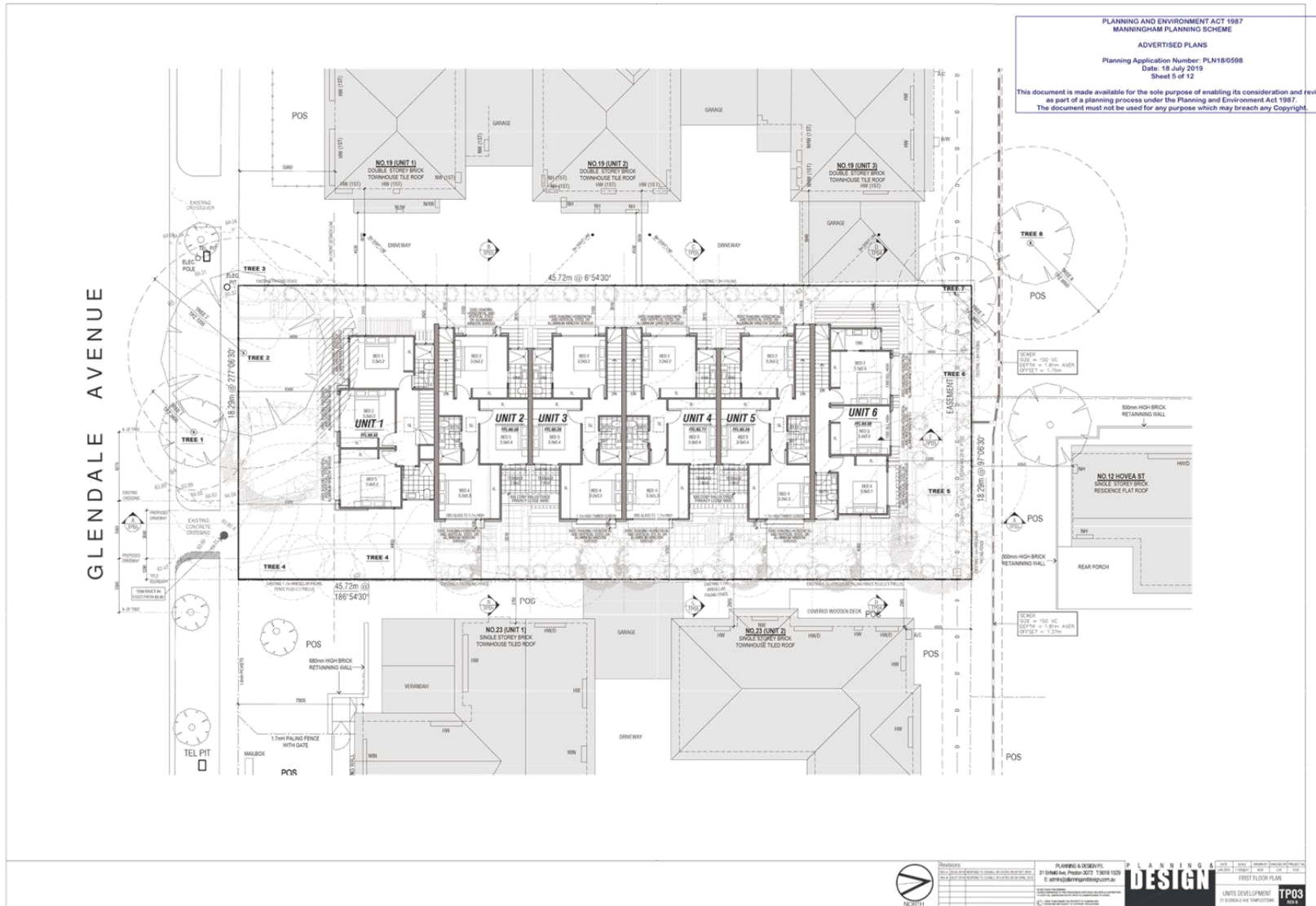
DATE	SCALE	DRAWN BY	PROJECT No.
JAN 2019	1:500	C.M	6181

NEIGHBOURHOOD AND SITE DESCRIPTION PLAN
 UNIT DEVELOPMENT
 21 GLENDALE AVENUE, TEMPLESTOWE

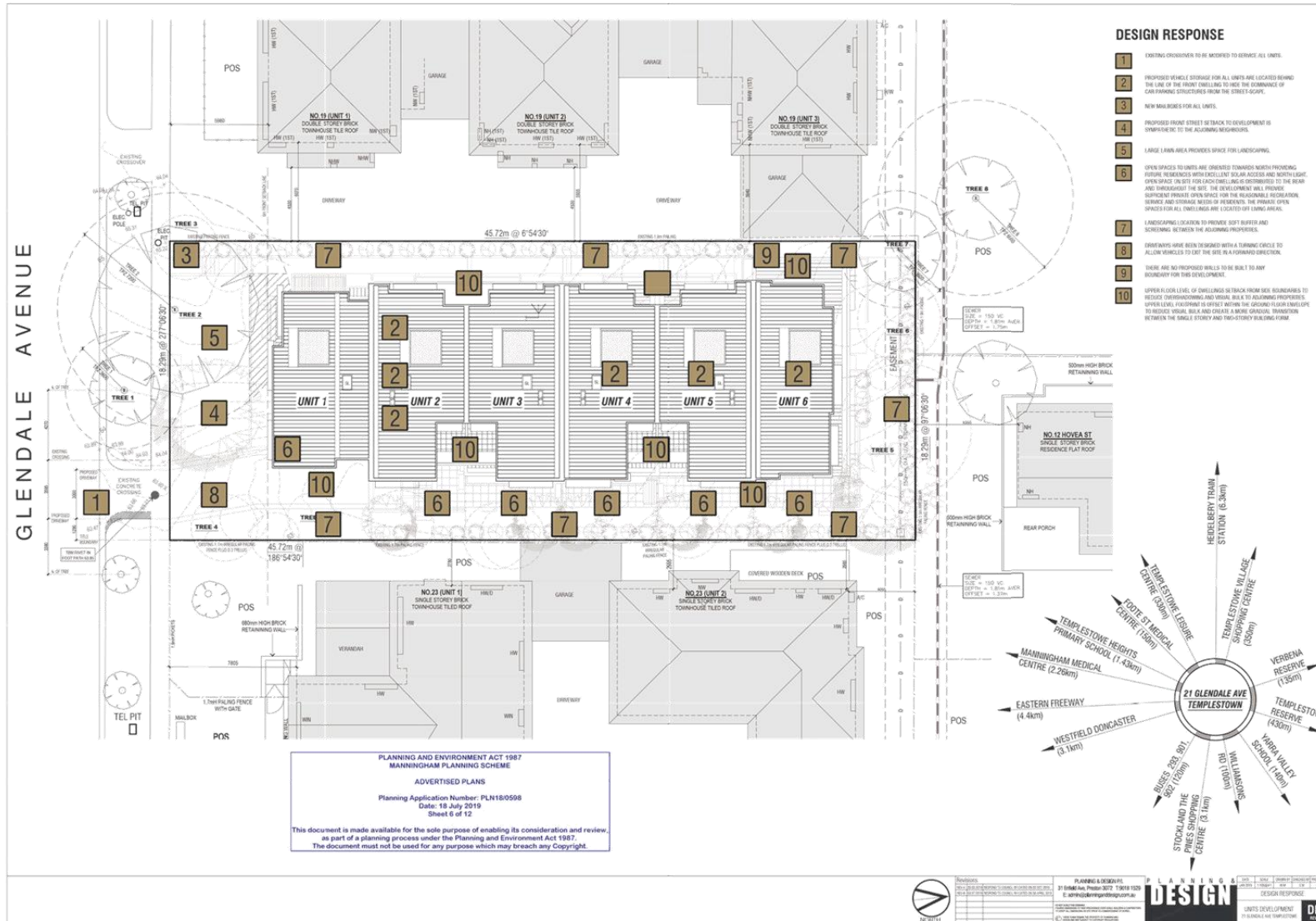




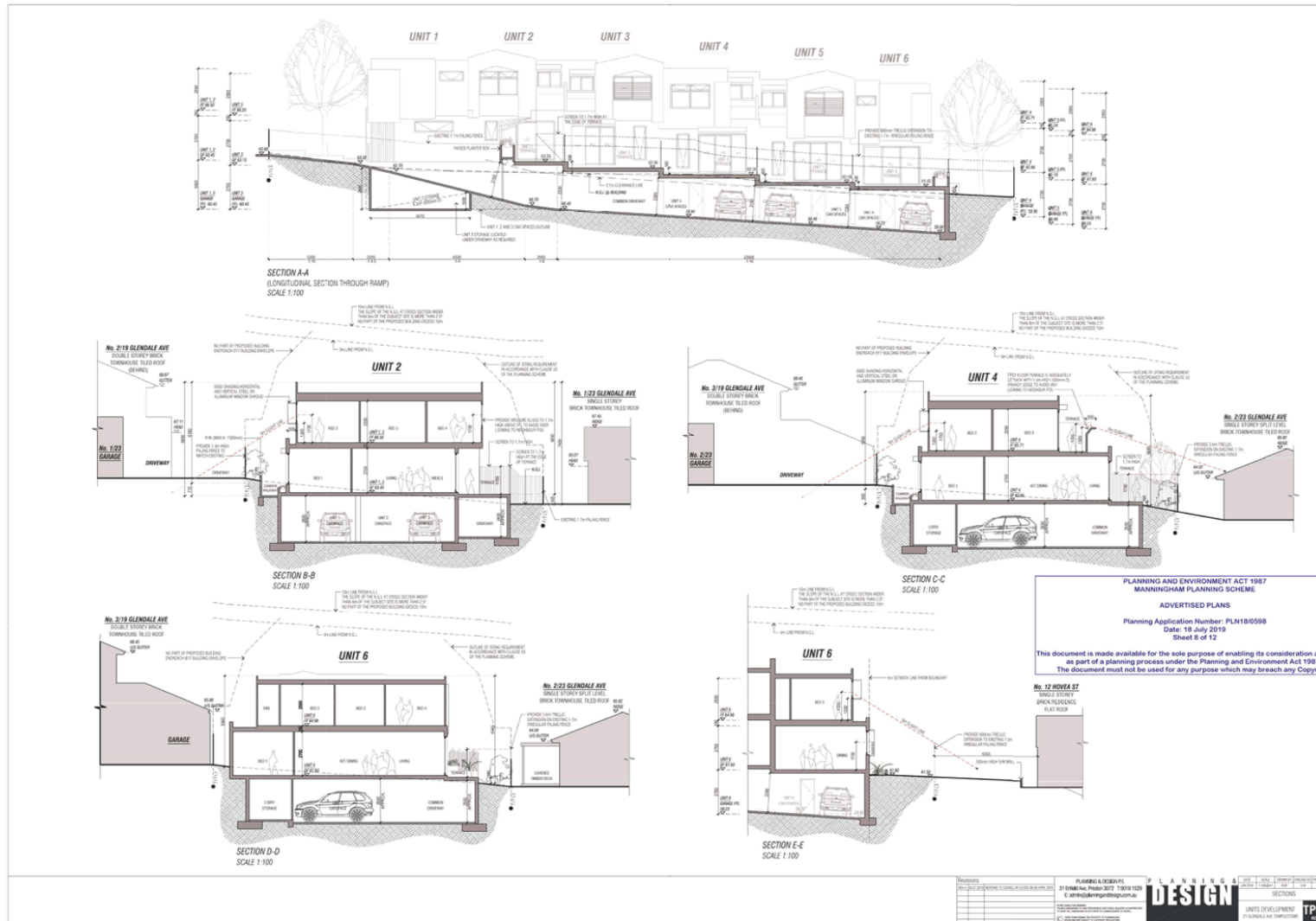


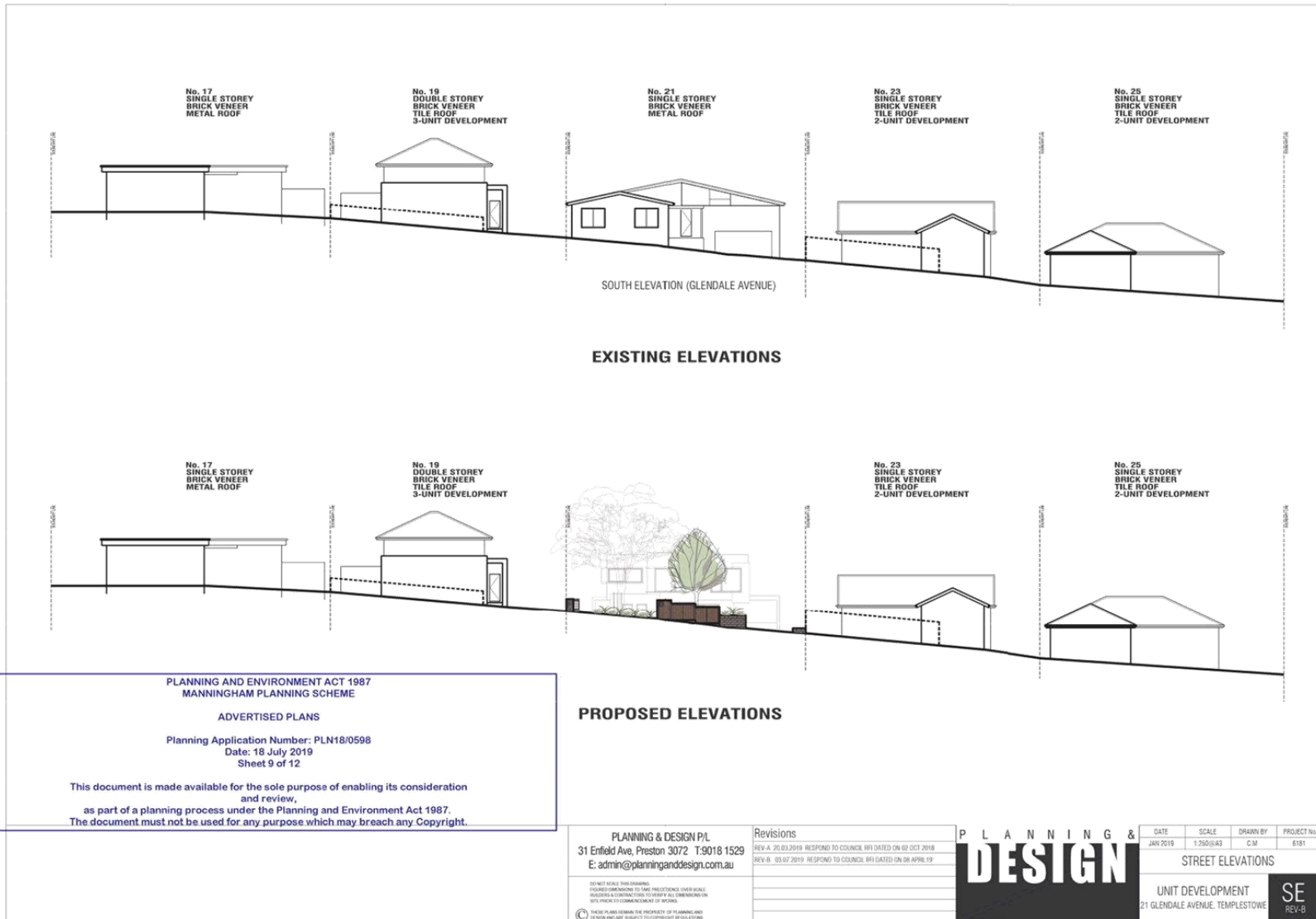


PLANNING AND ENVIRONMENT ACT 1987
MANNINGHAM PLANNING SCHEME
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Planning Application Number: PLN180598
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Sheet 5 of 12
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ROOF - COLORBOND METAL ROOF
COLOUR: MONUMENT



WINDOWS
ALUMINIUM BLACK FRAME WITH CLEAR/ OBS GLASS OR SIMILAR



TERRACE PAVING
TWO-COLOURED GREY TILES OR SIMILAR



DRIVEWAY/ WALKWAY
CONCRETE COLOUR FINISH OR SIMILAR



GARAGE DOOR - ALUMINIUM BAR PANEL
COLOUR: BLACK OR SIMILAR



TS1
SELECTED TIMBER SCREEN



TS2
TIMBER SCREENING VERTICAL



BW - SELECTED BLOCK RETAINING WALL
COLOUR: CHARCOAL



SR1
RENDER WITH CONCRETE FINISH
COLOUR: DULUX TIMELESS GREY GR23 OR SIMILAR



SR2
SMOOTH RENDER FINISH
COLOUR: DULUX MOORLAND A251



SR3
SMOOTH RENDER FINISH
COLOUR: DULUX TERRACE WHITE 9W



SSC
SELECTED STEAM CLADDING (MIXED WIDTH)
COLOUR: DULUX SURFAMIST



IC - INNOWOOD CLADDING
COLOUR: AMERICAN OAK OR SIMILAR

COLOUR AND MATERIAL SCHEDULE:

- SR1 - RENDER WITH CONCRETE FINISH
COLOUR: DULUX TIMELESS GREY GR23
- SR2 - SMOOTH RENDER FINISH
COLOUR: DULUX MOORLAND A251
- SR3 - SMOOTH RENDER FINISH
COLOUR: DULUX TERRACE WHITE 9W
- SSC - SELECTED STEAM CLADDING
COLOUR: DULUX SURFAMIST
- TP - 1.8m HIGH TIMBER PAILING FENCE
- TS - SELECTED TIMBER SCREEN MAX. 1.7m HIGH ABOVE FFL WITH NO MORE THAN 25% TRANSPARENT IN ACCORDANCE WITH STANDARD 922 OF RESCODE
- RHS - RECTANGULAR ALUMINIUM HOLLOW SECTION
COLOUR: TIMBER COLOUR FINISH
- BW - SELECTED BLOCK RETAINING WALL
COLOUR: CHARCOAL
- ALUMINIUM WINDOWS THROUGH-OUT
- COLORBOND GUTTERS, FASCIA'S AND DOWNPIPES

PLANNING AND ENVIRONMENT ACT 1987
MANNINGHAM PLANNING SCHEME

ADVERTISED PLANS

Planning Application Number: PLN18/0598
Date: 18 July 2019
Sheet 10 of 12

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I/WE HEREBY DECLARE THAT I/WE ARE THE REGISTERED ARCHITECT/ENGINEER/PLANNING PROFESSIONAL DESIGNER/CONSULTANT RESPONSIBLE FOR THE PREPARATION OF THESE PLANS AND THAT I/WE ARE A MEMBER OF A PROFESSIONAL BODY OF ARCHITECTS/ENGINEERS/PLANNING PROFESSIONALS/DESIGNERS/CONSULTANTS WHOSE REGISTERED STATUS IS RECORDED IN THE REGISTER OF PROFESSIONAL DESIGNERS/CONSULTANTS.

Revisions	
REV A	07.05.2019: TOWN PLANNING SUBMISSION
REV B	03.07.2019: RESPOND TO COUNCIL RFI DATED ON 08 APRIL 2019

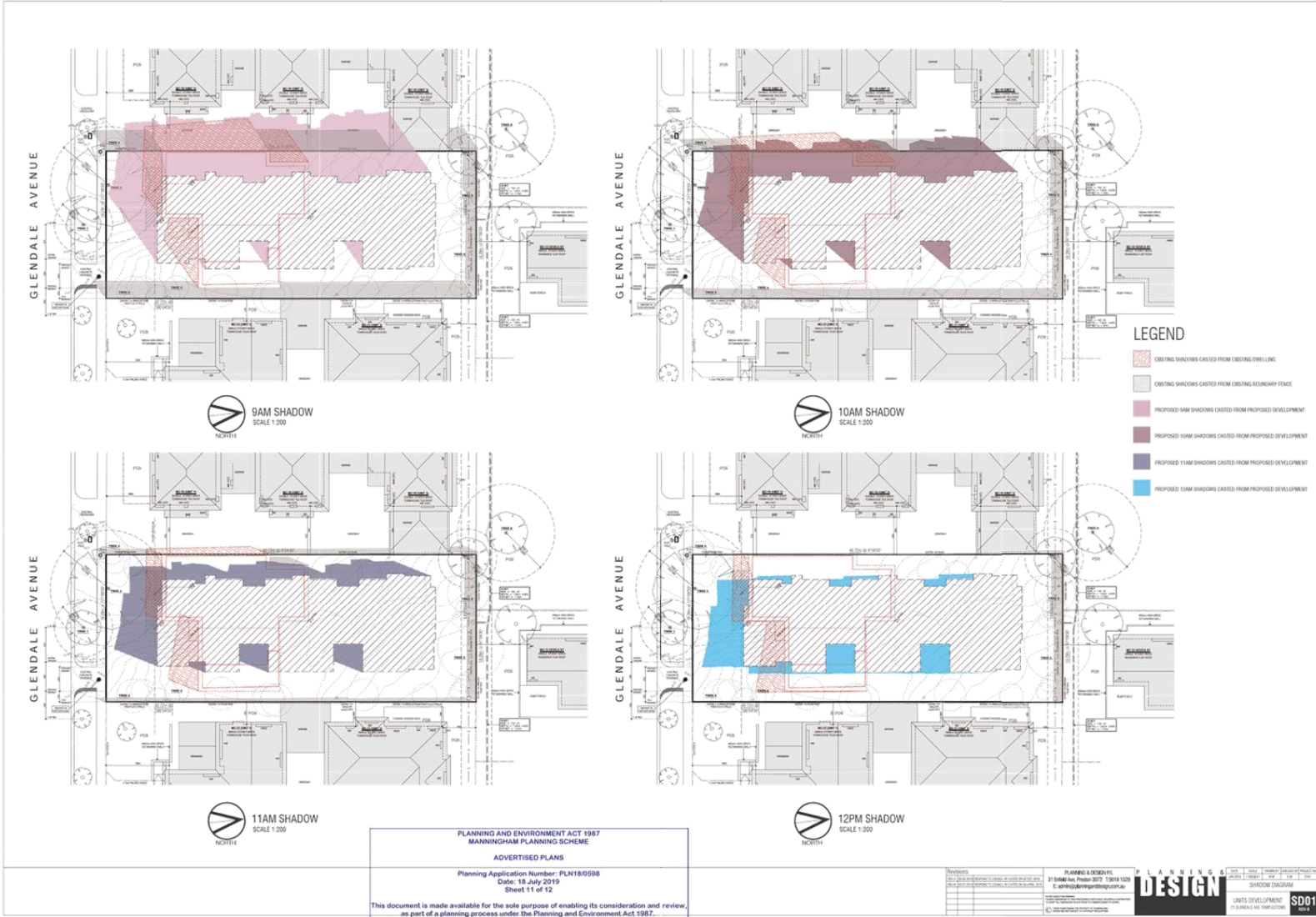
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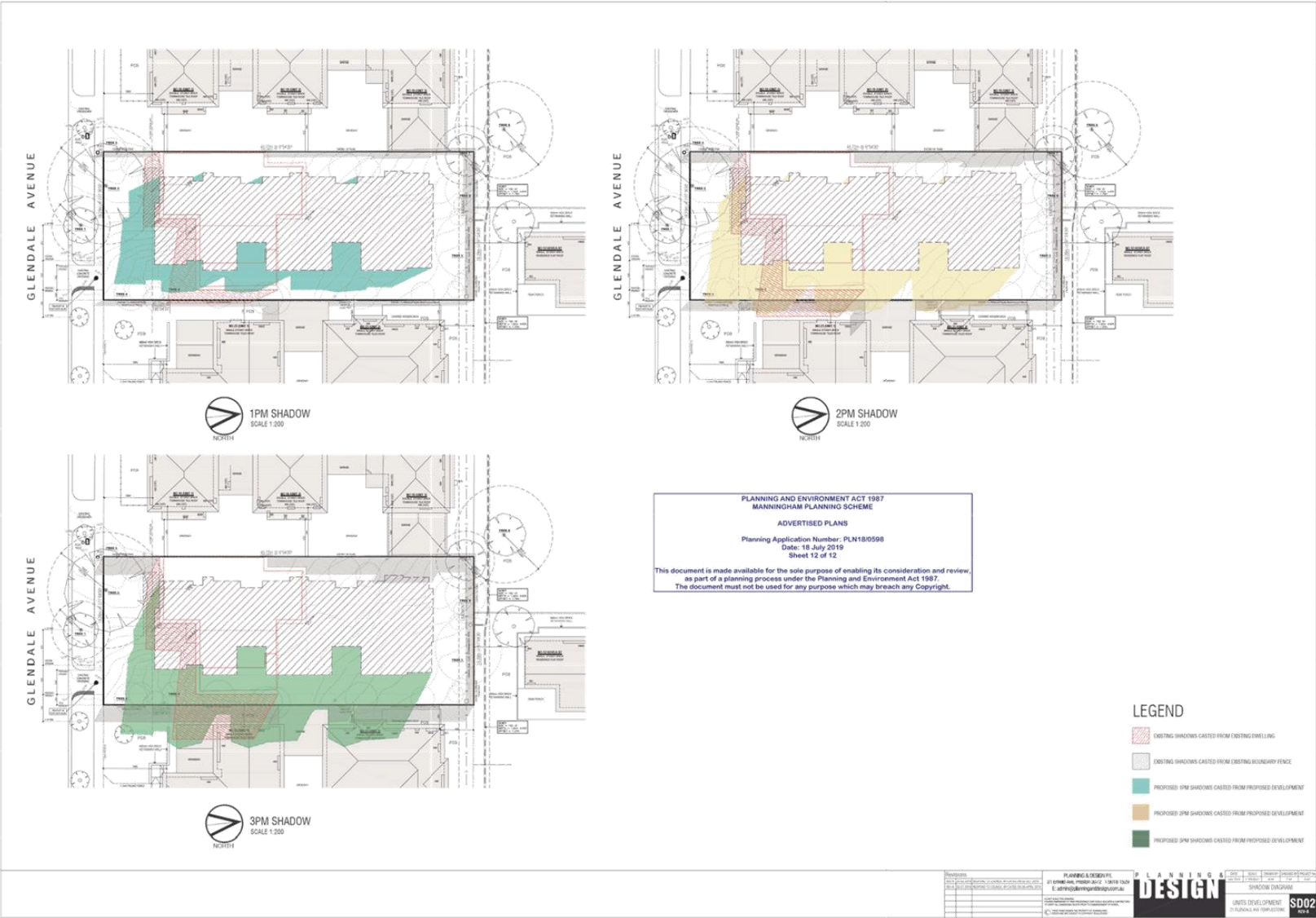
DATE	SCALE	DRAWN BY	CHECKED BY	PROJECT No.
JUNE 2018	1:1000/841	W M	C M	18072

COLOUR AND MATERIAL SCHEDULE

UNIT DEVELOPMENT
31 ROSEVILLE AVE, DONCASTER

CS
REV-B





Manningham Council
Delegation Report



Application No.	PLN18/0598
Application Received	7 September 2018
Amendment Received	18 July 2019
60 Day Statutory Time Frame	7 October 2019
Officer	Julie Mikkelsen / Christine Daly
Delegate	Jeff Gower

Applicant	Kamber Invest Pty Ltd
Owner	Kamber Invest Pty Ltd

Address	21 Glendale Avenue TEMPLESTOWE
Proposal	Construction of six, two-storey dwellings and associated basement garage
Ward	HEIDE

Zone	General Residential Zone Schedule 2 (GRZ2)
Overlay	Design and Development Overlay Schedule 8-3 (DDO8-3) & PPTN
Permit Triggers	Clause 32.08-6 Construction of two or more dwellings on a lot Clause 43.02 Schedule 8 – Residential areas surrounding activity centres and along main roads. Clause 52.06 Car parking Clause 55 Two or more dwellings on a lot and residential buildings
Potential Overland Flow?	N/A

Advertised?	Yes
Number of Objections and Submissions	92
Referral Authority's Decision	N/A
Officer Recommendation	Refuse to Grant a Permit

<p>The Site</p>	 <p>Figure 1: Aerial view of subject site (January 2019).</p> <p>The subject land slopes down from the street frontage to the rear of the site. A canopy tree within the front setback is proposed to be retained.</p>
<p>The Surrounds</p>	 <p>Figure 2: Aerial view of the surrounding neighbourhood (January 2019).</p>
<p>Proposal</p>	<p>The proposal is outlined on the following plans (prepared by Planning and Design, job number 6181, revision B, dated 3 July 2019) D19/102283:</p> <ul style="list-style-type: none"> • Basement floor plan: TP01 • Ground floor plan: TP02 • First floor plan: TP03 • Elevations: TP04 • Sections: TP05 • Street elevations: TP06

	<ul style="list-style-type: none"> Schedule of colours and materials: <p>The following reports were submitted with the application:</p> <ul style="list-style-type: none"> Planning report (prepared by Planning and Design, dated July 2019) D19/102281 Sustainability Management Plan (prepared by SBE, dated 10 July 2019) D19/102279 Traffic and Parking Assessment (prepared by O'Brien Traffic, dated 10 July 2019) D19/102277 Waste Management Plan (prepared by SBE, dated 10 July 2019) D19/102276
Previous planning permits	N/A
Application history	<p>The application was amended under Section 50 of the <i>Planning and Environment Act 1987</i> on 18 July 2019.</p> <p>The amendment changed the designer who completely redesigned the proposal from an apartment to townhouse development.</p>
Registered restrictive covenant	N/A
Section 173 agreement	N/A
Aboriginal Cultural Heritage	The site is not within an area of Cultural Heritage sensitivity.
Planning policies	<p>Planning Policy Framework</p> <ul style="list-style-type: none"> Clause 15 Built Environment and Heritage Clause 16 Housing <p>Local Planning Policy Framework</p> <ul style="list-style-type: none"> Clause 21.05 Residential Clause 21.10 Environmentally Sustainable Development Clause 22.12 Environmentally Sustainable Development
Zone	General Residential Zone Schedule 2 (GRZ2)
Overlays	Design and Development Overlay Schedule 8-3 (DDO8-3)
Particular provisions	<p>Clause 52.06 Car Parking</p> <p>Clause 55 Two or more dwellings on a lot and residential buildings</p>
General provisions	Clause 65 Decision Guidelines
Permit triggers	<p>Under the zone, a permit is required to construct two or more dwellings on a lot.</p> <p>Under the Design and Development Overlay, a permit is required to construct a building or construct or carry out works.</p>

Notification	<p>Notice of the application was given in accordance with Section 52 of the Act by:</p> <ul style="list-style-type: none"> • Letters to the owners and occupiers of nearby properties, including all adjoining properties • One sign on the site frontage
Objection and submission properties	<p>92 submissions were received, the majority of which are as one of three pro-forma submissions. The general location of submitters is shown in Appendix 4.</p> <p>The grounds of objection and their responses are included in a later section of this report.</p>
Statutory referral authorities	N/A
Internal referrals	<p>Infrastructure Services Unit</p> <p>Engineering advice was received on 15 August 2019, as follows:</p> <ul style="list-style-type: none"> • The accessway servicing Unit 6 is to be designed to enable vehicles to exit the site in a forward direction using no more than three manoeuvres to comply with Design Standard 1: Accessways of Clause 52.06-9 Car Parking of the Manningham Planning Scheme. The plans currently show more than three manoeuvres to exit / enter or else they need to reverse past four parking spaces which is not acceptable. • The number of on-site car parking spaces for the development satisfies Clause 52.06-5. However, the findings of the Traffic Report prepared by O'Brien Traffic is not supported, particularly in relation to visitor parking. The development is likely to generate additional visitor on street parking requirements which is likely to create congestion within the surrounding road network. Glendale Street is identified as a street with known parking issues (likely due to the existing number of units in the street) and it is considered that the development proposal would worsen the parking situation. It is suggested that one visitor space be provided on-site to ensure that the existing parking issues in the surrounding streets are not further exacerbated.
Planning assessment	<p>Planning policy frameworks</p> <p>The proposal is generally consistent with the relevant state planning policies. However, it is not consistent with the objectives of Precinct 2 built form and neighbourhood character design requirements in Clause 21.05 Residential, and the objectives of Clause 43.02 Schedule 8 for the following reasons.</p> <p>The proposed development comprises six attached two-storey townhouses with a common property basement garage. It is of contemporary flat-roofed design constructed of render at ground floor with a combination of render and two types of cladding at first floor. It is noted that the elevations do not have the correct colour and material schedule details, although the colours are accurate [TP04 & CS].</p> <p>The proposal fails to positively respond to the following relevant design objectives of Schedule 8 to Clause 43.02 Design and Development Overlay</p> <ul style="list-style-type: none"> • <i>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</i>

- *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.*

The proposed shape and form does not contribute to, or respond to the prevailing streetscape and neighbourhood character, which is typically one and two storey buildings with pitched roofs. Whilst there are some established dwellings with flat roofs, new dwellings typically have pitched roofs.

The cantilevered first floor over both the pedestrian path and driveway and the first floor front window shrouds creates a dominant upper level built form that almost overwhelms ground floor, which is sunk below footpath level behind retaining walls.

The proposal lacks articulation at both ground and first floor levels, resulting in excessive bulk and massing, which will adversely impact on the amenity of adjoining properties.

Further, the built form does not meet the following Buildings and works – form requirements:

- *Provide visual interest through articulation, glazing and variation in materials and textures.*

Whilst there is variation in the materials and textures of the building, there are other architectural features [particularly the first floor window shrouds] that overwhelm the built form.

- *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.*

Whilst the building steps down the site from footpath level maintaining a relatively constant building height, there is a lack of physical breaks within the building mass at the upper level to minimise the continuous, elongated built form, and sheer wall presentation as viewed from the adjoining properties to the east and west. The lack of physical breaks at upper level is in contrast to the surrounding built form in the street, notably the unit developments at Nos. 19 & 23 Glendale Avenue, and further afield such as Nos. 5, 21, and 41 Glendale Avenue.

The continuous upper level built form, and limited recessing of the upper level from the lower level built form of each dwelling, creates an unacceptable adverse impact on the amenity of these properties. Further, any articulation of first floor level walls is essentially lost through the provision of 1.7m high screening along the first floor balconies.

- *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.*

The slope of the land from the south-west corner to the north-east corner requires significant cut in the south-west corner of the site. This has resulted in retaining walls within the front setback and along the western side of the common property pedestrian path. Whilst the majority of these works are acceptable in the context of the slope constraints, the height and location of retaining walls within the front setback compromises the health of the existing canopy tree to be retained, and will also result in a poor amenity /outlook from living/dining/kitchen of Unit 1 given the limited setback of the retaining wall from the front building line.

- *Be designed to minimise overlooking and avoid the excessive application of screen devices.*

Overlooking from the proposed development’s habitable room windows and secluded private open space has been addressed using a variety of screening techniques, although further screening would be required for some windows and terraces if the proposal was to be supported. In most instances these are appropriate. However, the need for screening of first floor east-facing balconies of Units 2, 3, 4 & 5 significantly reduces any articulation that the building wall recesses could have provided. The added value of these first floor balconies for the sole use of one bedroom is also questionable.

- *Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all mobilities.*

Given the slope of the land, equitable access to all or any dwelling cannot be achieved without lifts. This is a design feature that would facilitate access for both future residents and visitors, but it cannot be required through the planning permit process. Accordingly, the current design solution is considered acceptable.

- *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.*

Service equipment and building services are proposed within the front setback along the footpath. This is an unacceptable design outcome due to the location, height and lack of integration with the overall building design and layout. These proposed structures create visual barriers between the public realm and the building and reduce landscaping opportunities within the front setback. Service cupboards, fire hydrants, etc. could be readily provided perpendicular to the footpath along the pedestrian path or driveway, integrated with retaining walls.

It is also noted that the clothesline of Unit 1 may be visible from both the footpath and the common property driveway. This is an undesirable outcome, which cannot be justified.

The Sustainability Management Plan submitted with the application demonstrates how the proposal complies with Clause 22.12 Environmentally Sustainable Development.

Zone

The proposal achieves compliance with the purpose and decision guidelines of the zone.

Site area (m ²)	Garden area % required	Garden area % provided	Compliance
836.2m ²	35% [292.7m ²]	36.3% [303.8m ²]	Yes

The proposal does not exceed the maximum height requirement of 10 metres.

The proposal does not exceed the maximum requirement of 3 storeys.

Overlays

An assessment against the requirements of Design and Development Overlay, Schedule 8 is included in the appendix of this report.

Clause 52.06 Car Parking

The site is located within the Principal Public Transport Network area.

Parking provision	Spaces required	Spaces provided	Compliance
Residents	2 per dwelling	2 per dwelling	Yes
Visitors	0	0	N/A

The proposal achieves compliance with the Design Standards of Clause 52.06-9, except for the following:

Design Standard 1 – Accessways

- It is proposed to construct a 1.0m high planter box within the 2.0m x 2.5m high splay; this structure should only be a maximum height of 900mm.
- The submitted Traffic Engineer’s report recommends that the bike rack at the end of the northern-most car space be deleted to facilitate entry and existing. Council’s Engineers do not consider that this adequately addresses their concerns.

Design Standard 2 – Car parking spaces

- For car spaces at 90°, the width of the accessway should be 6.4m, whereas only 6.3m is proposed adjacent to the car spaces of Units 1, 2 & 3. Swept paths demonstrate that there is satisfactory entry and exiting manoeuvres to and from these car spaces.

Non-compliance with Design Standard 1 – Accessways will form the basis for a ground of refusal.

Clause 53.18 Stormwater management in urban development

This clause does not apply as the application was lodged before the approval date of Amendment VC154, which was 26 October 2018.

However, a Stormwater Management Report has been submitted as part of the Sustainability Design Assessment, and demonstrates that the proposal achieves a STORM rating of 100% or higher to comply with the objectives of this clause.

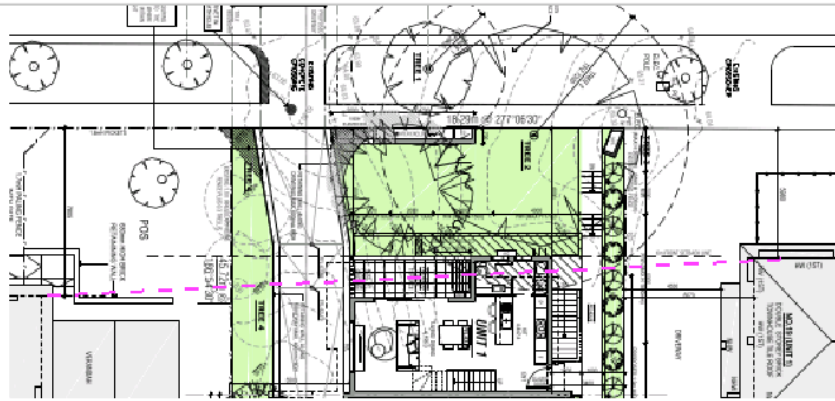
Clause 55 Two or more dwellings on a lot and residential buildings

An assessment against this clause is included in the Appendix 2 of this report.

The following comments are made where there is considered non-compliance or poor performance in relation to the objectives and standards.

Clause 55.03-1 – Street Setback

The front setback of 19 Glendale Avenue is 5.98m and the front setback of 23 Glendale Avenue is 7.805m, with the average being 6.89m. The proposal transitions across the site from 6.0m to 7.8m, as demonstrated in the diagram below, which is an appropriate design response.



Clause 55.03-5 – Energy Efficiency

Unit 1 only has a highlight east-facing living/dining room window adjacent to the common property driveway. The majority of windows adjoin the covered south-facing terrace. This arrangement compromises the availability of solar and daylight access to this room. Non-compliance with the Standard will form the basis for a ground of refusal.

Clause 55.04-1 Side and rear setback

Location	Wall height (m)	Setback required (m)	Setback provided (m)	Compliance
Ground floor – east Unit 6	3.85m	1.075m	3.90m	Yes
Ground floor – north	3.795m	1.058m	4.0m	Yes
Ground floor – west Unit 6	3.005m	1.0m	1.0m	Yes
Units 2-5	2.825m	1.0m	2.5m	Yes
First floor – east	6.69m	1.927m	3.7m	Yes
First floor – north	6.565m	1.89m	5.0m	Yes
First floor - west	5.7m	1.63m	2.4m	Yes
	5.97m	1.711m	3.1m	Yes

The above table indicates that the side and rear setbacks of the proposed development comply with the standard.

Clause 55.04-6 – Overlooking

There is potential overlooking from Unit 2 terrace at ground level to west-facing habitable room windows of Unit 1, 23 Glendale Avenue, as the proposed 1.7m high screen along the eastern side of the terrace is not fully enclosed due to the steps down to ground level.

In addition, there is the potential for overlooking from Unit 6 ground and first floor windows to the north. At ground floor level, it is proposed to provide a 1.7m high external screen to the north-facing living room with 600mm trellis above the existing 1.5m fence to prevent overlooking from the dining room

window. A more practical outcome would be to either add an external screen to the dining room window, consistent with the screening of the adjoining living room window or alternatively, construct a new 2.4m high boundary fence [as suggested by the owners of 12 Hovea Street]. A higher new boundary fence would also assist in preventing overlooking from the first floor Bed 3 window [Section E-E]. Additional sections demonstrating that there is no potential overlooking from Bed 2 would be required if the application was to be supported.

The non-compliance with this Standard will form the basis for a ground of refusal.

Clause 55.04-7 – Internal Views

There is no overlooking between SPOS of dwelling as a 1.7m high timber paling fences is proposed. Further, there is no opportunity for overlooking from 1st floor windows and balconies.

However, it is proposed to have glazed entry doors along the common property pedestrian path. This design element will compromise privacy of residents in each dwelling. The non-compliance with this Standard will form the basis for a ground of refusal.

Clause 55.05-2 – Dwelling Entry

It appears that there is little or no weather protection at the entry of Units 2, 3, 4, 5 & 6 from the common property pedestrian path, which is also uncovered. The non-compliance with this Standard will form the basis for a ground of refusal.

Clause 55.05-4 – Private Open Space

Unit 1 – a front, south-facing terrace 9.9m² [1.8m x 5.5m] with 1.1m wide adjoining garden is proposed for this 3-bedroom unit. It has poor utility and limited if any privacy, overshadowed throughout the day. It fails to satisfy the objective of the Standard to provide adequate private open space for the reasonable recreation and service needs of future residents. It also fails to meet the minimum dimension and area requirements of the Standard. The non-compliance with this Standard will form the basis for a ground of refusal.

Unit 2 – adequate secluded private open space is provided for this 4-bedroom dwelling.

Unit 3, 4 & 5 – All of these 4-bedroom dwellings have only 22.8m² of secluded private open, less than 25m² required by this Standard. It is considered that as an absolute minimum, the Standard should be met, particularly as each dwelling provides 4-bedroom accommodation. The non-compliance with this Standard will form the basis for a ground of refusal.

Unit 6 – adequate secluded private open space is provided for this 4-bedroom dwelling.

It is noted that the failure to meet the private open space Standard reflects overdevelopment of the site.

Clause 55.05-5 Solar access to open space

Location	Wall height (m)	Setback required (m)	Setback provided (m)	Compliance

	Unit 1, bed 3 first floor south-facing wall.	6.465m	7.8m	6.3m	No														
<p>Objections and submissions</p>	<p>The south-facing terrace of Unit 1 is covered by 1st floor. The uncovered area is in shade throughout much of the day, with the level of amenity further deteriorated by the height and proximity of the retaining walls within 2.9m of the living/dining room southern wall. Non-compliance with this standard and the overall poor amenity and useability of Unit 1 SPOS will form the basis for a ground of refusal.</p> <p><u>Clause 55.05-6 – Storage</u></p> <p>Units 4, 5 & 6 have 6m³ of storage within the laundry at basement level in accordance with the requirements of this Standard. The storage of Unit 1 is provided under the stairs that lead up from the basement to the common property pedestrian path.</p> <p>However, the storage associated with Units 2 and 3 is narrow and somewhat impractical with limited function or utility. The storage area for Unit 3 appears to be somehow incorporated into the structural wall of the basement. The lack of useable storage for Units 2 & 3 will form the basis for a ground of refusal.</p>																		
<p>The grounds of objection and their response are as follows: - 4 individual submissions, 3 different pro-forma submissions</p>																			
<table border="1"> <thead> <tr> <th data-bbox="563 920 944 994">Ground of objection / submission</th> <th data-bbox="944 920 1380 994">Response</th> </tr> </thead> <tbody> <tr> <td data-bbox="563 994 944 1144"><u>Application does not comply with DDO8 rules sub-precinct – an area where two-storey units [9 metres] are allowed.</u></td> <td data-bbox="944 994 1380 1144">The proposal is consistent with the design objectives of DDO8 sub-precinct B, which support two-storey townhouse style developments.</td> </tr> <tr> <td data-bbox="563 1144 944 1234"><u>Overdevelopment of the site</u></td> <td data-bbox="944 1144 1380 1234">Agreed. The proposal has unacceptable bulk and massing.</td> </tr> <tr> <td data-bbox="563 1234 944 1384"><u>Significant excavation to meet 9 metre height limit</u></td> <td data-bbox="944 1234 1380 1384">The significant cut into the site to create a basement and lower the overall height of the building is considered acceptable.</td> </tr> <tr> <td data-bbox="563 1384 944 1534"><u>Development not located on a main road</u></td> <td data-bbox="944 1384 1380 1534">The townhouse typology is considered acceptable in this location. However, the bulk and mass is not appropriate in this area of transition.</td> </tr> <tr> <td data-bbox="563 1534 944 1653"><u>Large mass and bulky building is not in character with surrounding area</u></td> <td data-bbox="944 1534 1380 1653">Agreed. These concerns will form the basis for grounds of refusal.</td> </tr> <tr> <td data-bbox="563 1653 944 1823"><u>The proposed flat roof warehouse style of development does not respect the street or established neighbourhood character</u></td> <td data-bbox="944 1653 1380 1823">Agreed. The built form does not respect or respond to the existing streetscape and neighbourhood character.</td> </tr> </tbody> </table>						Ground of objection / submission	Response	<u>Application does not comply with DDO8 rules sub-precinct – an area where two-storey units [9 metres] are allowed.</u>	The proposal is consistent with the design objectives of DDO8 sub-precinct B, which support two-storey townhouse style developments.	<u>Overdevelopment of the site</u>	Agreed. The proposal has unacceptable bulk and massing.	<u>Significant excavation to meet 9 metre height limit</u>	The significant cut into the site to create a basement and lower the overall height of the building is considered acceptable.	<u>Development not located on a main road</u>	The townhouse typology is considered acceptable in this location. However, the bulk and mass is not appropriate in this area of transition.	<u>Large mass and bulky building is not in character with surrounding area</u>	Agreed. These concerns will form the basis for grounds of refusal.	<u>The proposed flat roof warehouse style of development does not respect the street or established neighbourhood character</u>	Agreed. The built form does not respect or respond to the existing streetscape and neighbourhood character.
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	<p><u>Height and shadow issues</u></p>	<p>The maximum building height is in accordance with both the zone and overlay provisions of the Manningham Planning Scheme. An assessment of shadowing diagrams submitted with the application demonstrate that the relevant ResCode Standard is met. It is noted that the SPOS of Unit 1, 23 Glendale Avenue is located within the front setback, and the SPOS of Unit 2, 23 Glendale Avenue is located along the northern boundary of the site [unaffected by the proposal] as well as a covered deck along the western boundary.</p>
	<p><u>The building does not sufficiently step down the site to complement the scale and form of neighbouring homes.</u></p>	<p>The proposed development steps down the site from street frontage to achieve a relatively uniform building height. However, there is unacceptable bulk and massing with little articulation at either ground or first floor level, which is inconsistent with the scale and form of development in proximity of the subject land.</p>
	<p><u>There is overlooking into the back yards of neighbouring homes.</u></p>	<p>Agree. There is a likelihood of overlooking from the ground floor terrace of Unit 2 to Unit 1, 23 Glendale Avenue and from north-facing windows of Unit 6 to 10 & 12 Hovea Street.</p>
	<p><u>Tandem car parking does not provide for convenient and efficient vehicle movement, cumbersome and impractical.</u></p>	<p>Council's engineering department have not raised any concerns with the provision of tandem car spaces, and the Traffic Engineer's report and swept path analysis submitted with the application demonstrates that access from these tandem car spaces is acceptable.</p>
	<p><u>There is no visitor parking, which is a real concern in Glendale Avenue where traffic congestion and on-site parking issues already exists.</u></p>	<p>Council's engineering department have raised this concern. However, as the subject land is the Principal Public Transport Network area, no visitor car spaces are required in accordance with the requirements of the Manningham Planning Scheme.</p>
	<p><u>Lack of opportunities for the planting of large trees within the front setback to reflect existing neighbourhood character.</u></p>	<p>It is proposed to retain the existing canopy tree within the front 6m setback. However, there are concerns that the health of this tree may be compromised by the construction of the basement, retaining walls and pedestrian path.</p>

		However, if the tree is removed, there is sufficient space to plant at least 1 canopy tree within the front setback.
	<u>Overlooking to the north from all windows, with Trellis 600mm above existing fence not suitable; need new 2.4m high fence along northern boundary</u>	Agreed. The proposed use of trellis and external screens may not be adequate to prevent overlooking from ground north-facing windows of Unit 6 to the two properties at 10 & 12 Hovea Street, with the possibility of overlooking from Bed 2 & Bed 3 windows at first floor level. This concern will form that basis for a ground of refusal.
	<u>Lack of SPOS</u>	Agreed. All 4-bedroom units should have the minimum required under the provisions of the Manningham Planning Scheme.
	<u>Limited landscaping and high proportion of paving, particularly within setback areas</u>	Agreed. The location of services and retaining wall within the front setback does limit landscaping opportunities, to the detriment of the streetscape and neighbourhood character. This concern will form the basis for a ground of refusal.
	<u>Proposal does not provide for efficient or practical vehicle movements</u>	Agreed. There are concerns with vehicles exiting from Unit 6 car spaces, and the practical use of tandem car spaces within a basement.
Miscellaneous permit conditions	N/A	
Conclusion	It is recommended that a Notice of Decision to Refuse a Permit be issued subject to grounds of refusal discussed in this report	
Delegate's decision	That a Notice of Decision to Refuse a Permit be issued for the Construction of six, two-storey dwellings and associated basement garage at 21 Glendale Avenue TEMPLESTOWE, subject to grounds of refusal recommended in this report.	
Declaration of conflict of interest	No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.	

Officer's Signature:	Coordinator's Signature:	Delegate's Signature:
	 Date: 2/9/2019	
Date: 2 September 2019		Date: 3 Sept 2019

Appendix 1 – Clause 43.02 Schedule 8 to the Design and Development Overlay

Design Element	Compliance
Building Height and Setbacks DDO8-3 (Sub-precinct B)	Met <ul style="list-style-type: none"> • Building height is less than 9.0m. • A 6.0m front setback is achieved.
Form	Met - site coverage is below 60%. - There are no building on boundaries Not met: <ul style="list-style-type: none"> • Upper levels walls are not articulated • Units 1 & 2 have 1st floor larger than ground floor with cantilevering above driveway along eastern boundary. • Units 3 & 4 have articulation between ground and first floor levels of 86.9%. • Unit 5 has 87.2% articulation • Unit 6 has 71.2%
Car Parking and Access	Met <ul style="list-style-type: none"> • The existing crossover provides access to the common property basement garage.
Landscaping	Met <ul style="list-style-type: none"> • It is proposed to retain the existing canopy tree within the front setback. However, it is noted that it is proposed to construct both retaining walls and pedestrian step access within the tree protection zone of this tree, which may compromise its health. If the existing canopy tree is removed, there is opportunity for a new canopy tree within the frontage. There is opportunity for screen planting along the side and rear boundaries.
Fencing	Met <ul style="list-style-type: none"> • No front fence is proposed. However, it is proposed to construct service cabinets along the frontage, having dimensions 4.7m x 0.7m x 1.6m [max. height]. These structures are not integrated into the overall built form of the proposal and will significantly impact on the streetscape. The siting and design of these cabinets will form the basis for a ground of refusal.

Appendix 2 – Clause 55 Two or more dwellings on a lot

Objective	Compliance
55.02-1 – Neighbourhood Character	Not met. Refer to policy assessment in Planning Assessment.
55.02-2 – Residential Policy	Not met. Refer to policy assessment in Planning Assessment.
55.02-3 – Dwelling Diversity	N/A. Less than 10 dwellings proposed.
55.02-4 – Infrastructure	Met subject to a condition requiring an on-site storm water detention system.
55.02-5 – Integration With Street	Met. The development is oriented to Glendale Avenue.
55.03-1 – Street Setback	Not met. Refer to Planning Assessment.
55.03-2 – Building Height	Met. The maximum building height is 7.455m; up to 10 metres permitted
55.03-3 – Site Coverage	Met. Site coverage is 57.8%, maximum permitted 60%.
55.03-4 – Permeability and Stormwater Management	Met. Permeability is 35.6%; 20% minimum required.
55.03-5 – Energy Efficiency	Met for Units 2, 3, 4, 5 & 6, which have east facing living rooms accessing SPOS.

Objective	Compliance
	Not met for Unit 1. Refer to planning assessment.
55.03-6 – Open Space	N/A. The site does not adjoin public open space.
55.03-7 – Safety	Met. All dwelling are accessible from the common pedestrian path.
55.03-8 – Landscaping	Met subject to a condition requiring a landscaping plan and standard tree protection measures.
55.03-9 – Access	Met. The existing crossover will be retained to provide access to the common property driveway to the basement garage.
55.03-10 – Parking Location	Met. The basement car parking of Units 1, 2 & 3 will be accessed via a staircase to the common pedestrian path. Units 4, 5 & 6 will have direct internal access via the laundry to each dwelling.
55.04-1 – Side And Rear Setbacks	Met. Refer to Planning Assessment.
55.04-2 – Walls On Boundaries	N/A. There are no walls along any boundaries.
55.04-3 – Daylight To Existing Windows	Met. Windows in the neighbouring dwelling are provided the necessary light court and setbacks from the development.
55.04-4 – North Facing Windows	Met. There are no habitable room window setback <u>within</u> 3 m of the subject land.
55.04-5 – Overshadowing Open Space	Met. The SPOS of Unit 1, 23 Glendale Avenue will receive at least 5 hours of sunlight to 40m ² of within the front setback. Neither the western side covered deck/patio of Unit 2, 23 Glendale Avenue [max. approx. 3m wide] nor the open rear northern area of SPOS [min. 3.6m wide] will not be affected by the proposal. It is considered that the relevant Standard has been met.
55.04-6 – Overlooking	Not met. Refer to Planning Assessment.
55.04-7 – Internal Views	Not met. Refer to Planning Assessment.
55.04-8 – Noise Impacts	Met.
55.05-1 – Accessibility	Met. Due to the slope of the land down from street level, there are numerous steps required to access each dwelling, as well as from within the building. This is not an ideal situation for residents and visitors to the property, but is acceptable in this circumstance.
55.05-2 – Dwelling Entry	Not met. Refer to Planning Assessment.
55.05-3 – Daylight To New Windows	Met.
55.05-4 – Private Open Space	Not met. Refer to Planning Assessment.
55.05-5 – Solar Access To Open Space	Not met. Refer to Planning Assessment.
55.05-6 – Storage	Not met. Refer to Planning Assessment.
55.06-1 – Design Detail	Not met. Refer to policy assessment in Planning Assessment.
55.06-2 – Front Fence	Met. No front fence proposed.
55.06-3 – Common Property	Met. Common property is proposed along the pedestrian path, driveway and within the basement.
55.06-4 – Site Services	Met.

Appendix 3 – site photos January 2019



Subject land, including canopy tree to be retained within the front setback



Existing crossover [to be retained] and driveway to under croft car parking



Unit 1, 23 Glendale Avenue, immediately to the east of the subject land



The front of the 3-unit development at 19 Glendale Avenue, immediately to the west of the subject land.



Common property driveway at 19 Glendale Avenue,
abutting western boundary of subject land



Side-by-side dual occupancy at 22 Glendale Avenue

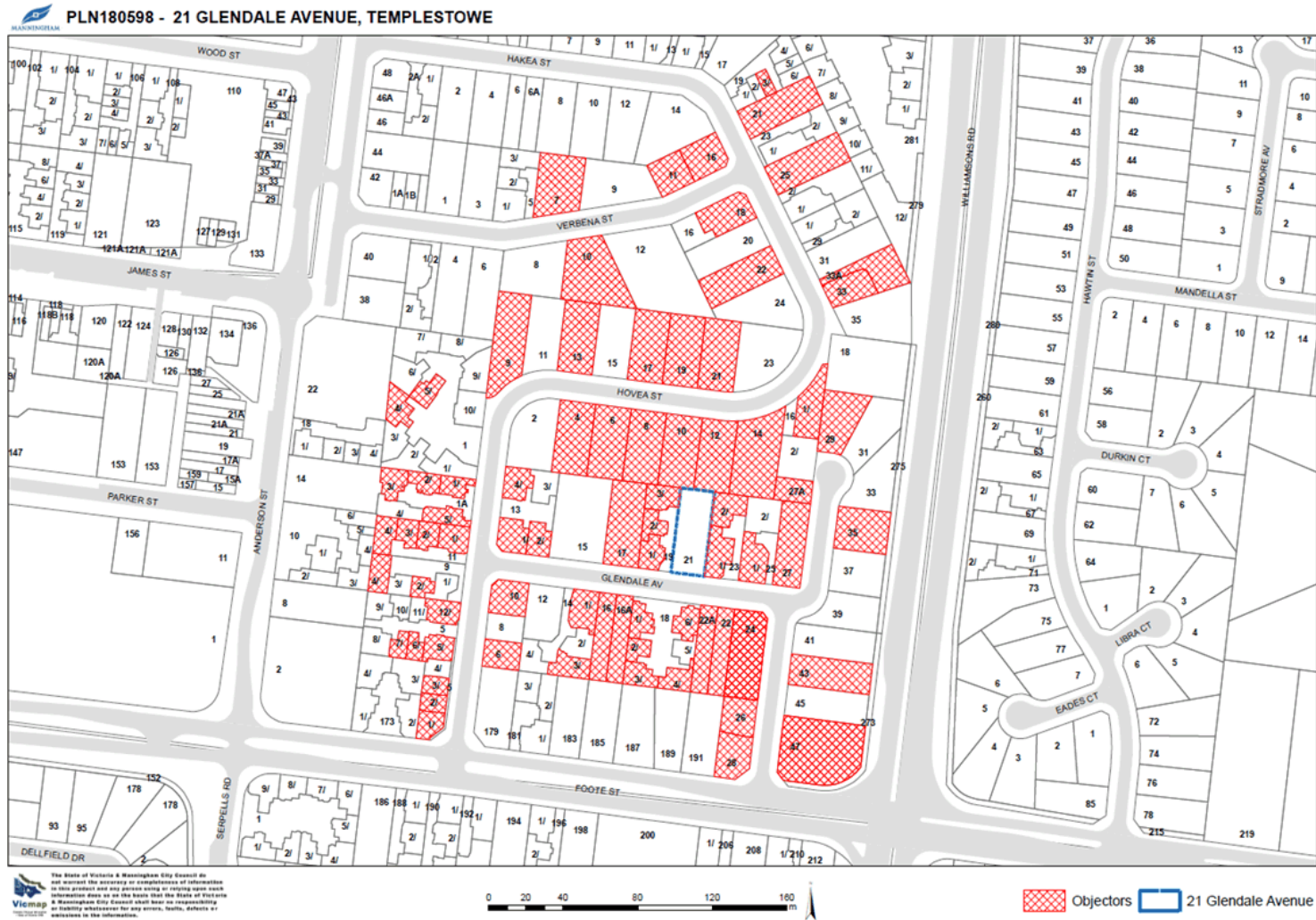


Multi-unit development at 18-20 Glendale Avenue, immediately opposite subject land.



Side-by-side dual occupancy at 16 Glendale Avenue

Appendix 4 – location of objectors



Manningham City Council (Responsible Authority)
Manningham Planning Scheme



NOTICE OF DECISION TO REFUSE TO GRANT A PERMIT PLN18/0598

Address of the land: 21 Glendale Avenue TEMPLESTOWE

Lot 25 LP 24836 Vol 8253 Fol 504

What has been refused? Construction of six, two-storey dwellings and associated basement garage

Grounds of refusal:

1. The development fails to comply with the preferred neighbourhood character outcomes of Clause 21.05 (Residential Precinct 2) and Design and Development Overlay Schedule 8-3 (DDO8-3), contrary to the objectives of Clause 55.02-1 Neighbourhood Character of the Manningham Planning Scheme.
2. The proposal is an overdevelopment of the site, resulting in unreasonable bulk and massing, contrary to policy in Clause 21.05 (Residential Precinct 2) and design objectives of Schedule 8 to Clause 43.02 Design and Development Overlay of the Manningham Planning Scheme.
3. The location of service equipment along the frontage of the site the retaining walls within the frontage compromises landscaping opportunities contrary to design objectives of Design and Development Overlay Schedule 8-3 (DDO8-3).
4. The lack of windows that maximum daylight and solar energy to the ground floor living/dining area of Unit 1 is contrary to the objectives of Clause 55.03-5 (Energy efficiency) of the Manningham Planning Scheme.
5. The development will have unreasonable amenity impacts to the existing properties to the north with regard to potential overlooking from Unit 6 ground and first floor north-facing windows, contrary to the objectives and standard of Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme.
6. The development will have unreasonable amenity impacts to the existing property to the east with regard to potential overlooking from Unit 2 ground terrace, contrary to the objectives and standard of Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme.
7. The proposed glazed entry doors along the common property pedestrian path compromises the privacy of adjoining residents, contrary to the objective of Clause 55.04-7 (Internal Views) of the Manningham Planning Scheme.
8. The lack of visible and easily identifiable weather protection entry to Units 2, 3, 4, 5 and 6 is contrary to the objective of Clause 55.05-2 (Dwelling entry) of the Manningham Planning Scheme.
9. The secluded private open space of Units 1, 3, 4 and 5 does not satisfy the objective and standard of Clause 55.05-4 (Private open space) of the Manningham Planning Scheme.

Notice of decision to refuse to grant a permit PLN18/0598
Date of notice: 3 September 2019

Signature for the Responsible Authority

10. The secluded private open space of Unit 1 does not satisfy the objective and standard of Clause 55.05-5 (Solar access to open space) of the Manningham Planning Scheme.
11. The storage of Units 2 and 3 does not satisfy the objective and standard of Clause 55.05-6 (Storage) of the Manningham Planning Scheme.
12. The north-most car space of Unit 6 does not satisfy the requirements of Design standard 1 of Clause 52.06-9 (Car Parking) of the Manningham Planning Scheme.

Notice of decision to refuse to grant a permit PLN18/0598
Date of notice: 3 September 2019



Signature for the Responsible Authority

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

- The Responsible Authority has decided to refuse to grant a permit.
(Note: This is not a refusal under Division 5 of part 4 of the **Planning and Environment Act 1987**.)
 - This notice sets out the grounds on which the application has been refused.
 - The grounds on which the application has been refused are those of the responsible authority unless otherwise stated.
-

WHAT ABOUT REVIEWS?

For the applicant –

- The person who applied for the permit may apply for a review of the refusal.
- The application for review must be lodged within 60 days of the giving of this notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must be served on the responsible authority, each other party and each other person entitled to notice of the application for review under the **Planning and Environment Act 1987** and the **Victorian Civil and Administrative Tribunal Act 1998** within 7 days after lodging the application with the Victorian Civil and Administrative Tribunal.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

For a recommending referral authority –

- If the applicant applies for a review of this decision, the applicant must give notice to any recommending referral authority that objected to the grant of the permit after an application for review is lodged.

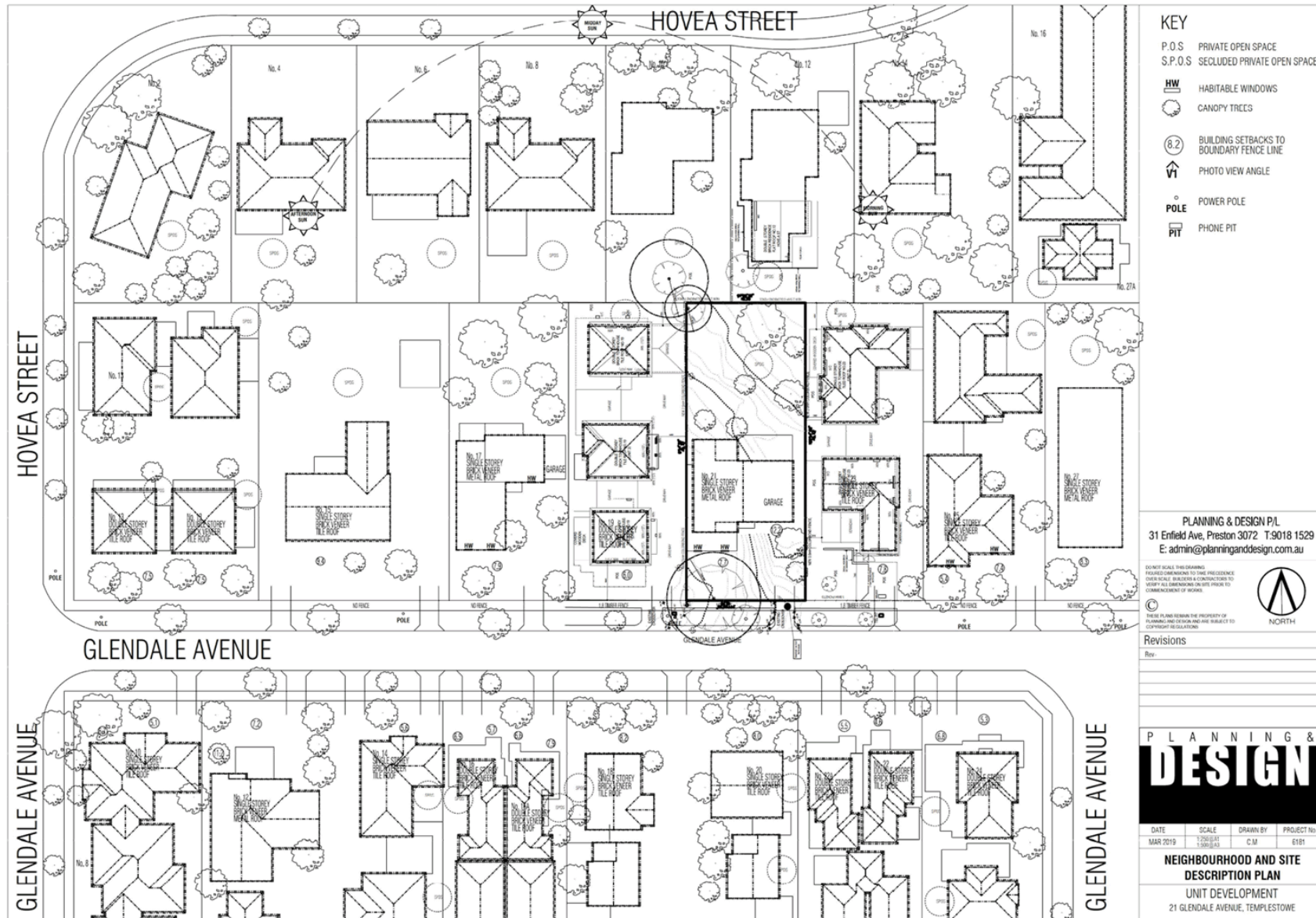
For an objector –

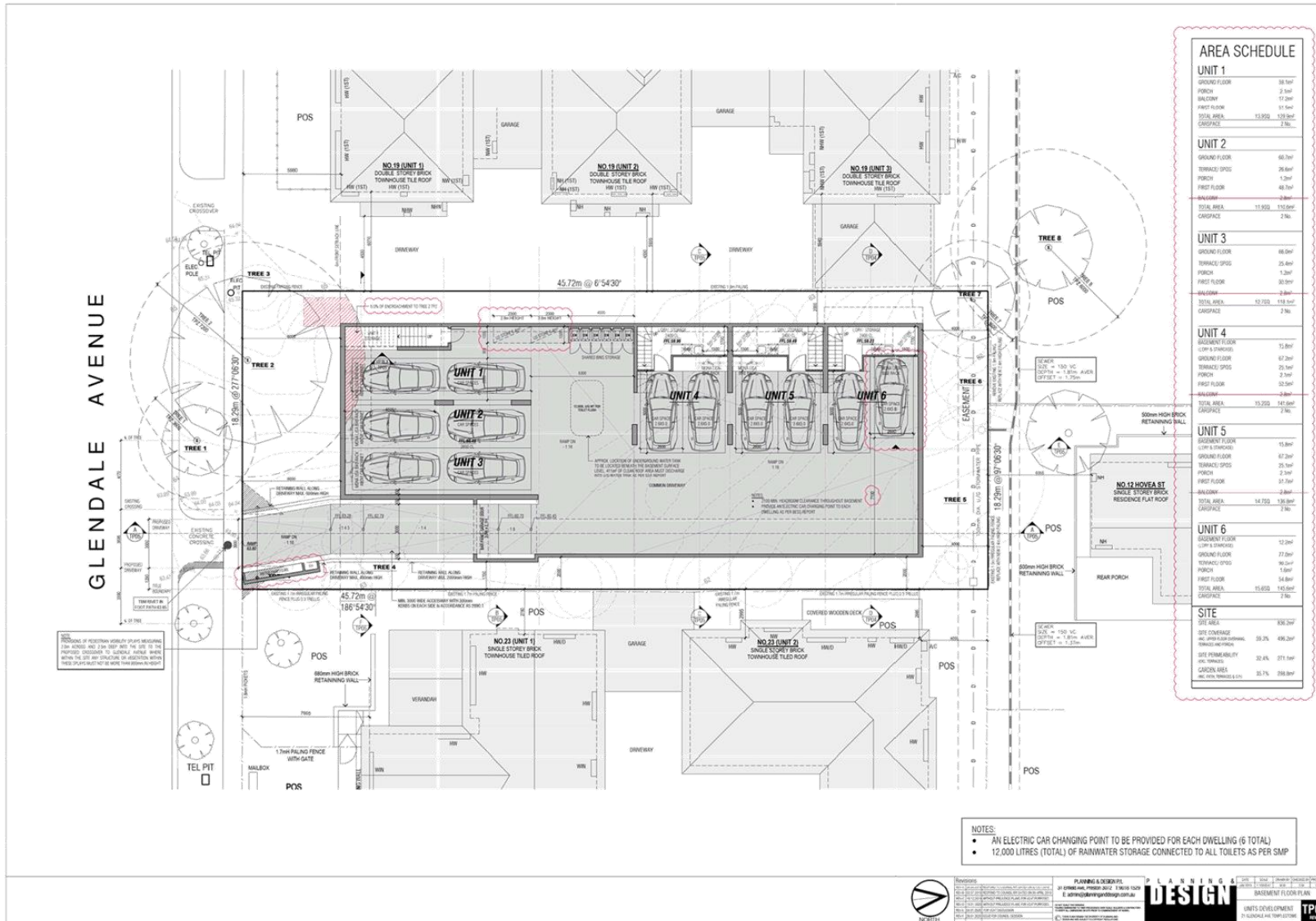
- If the applicant applies for a review of this decision, the applicant must give notice to objectors in accordance with the requirements of the **Planning and Environment Act 1987** and the **Victorian Civil and Administrative Tribunal Act 1998**.

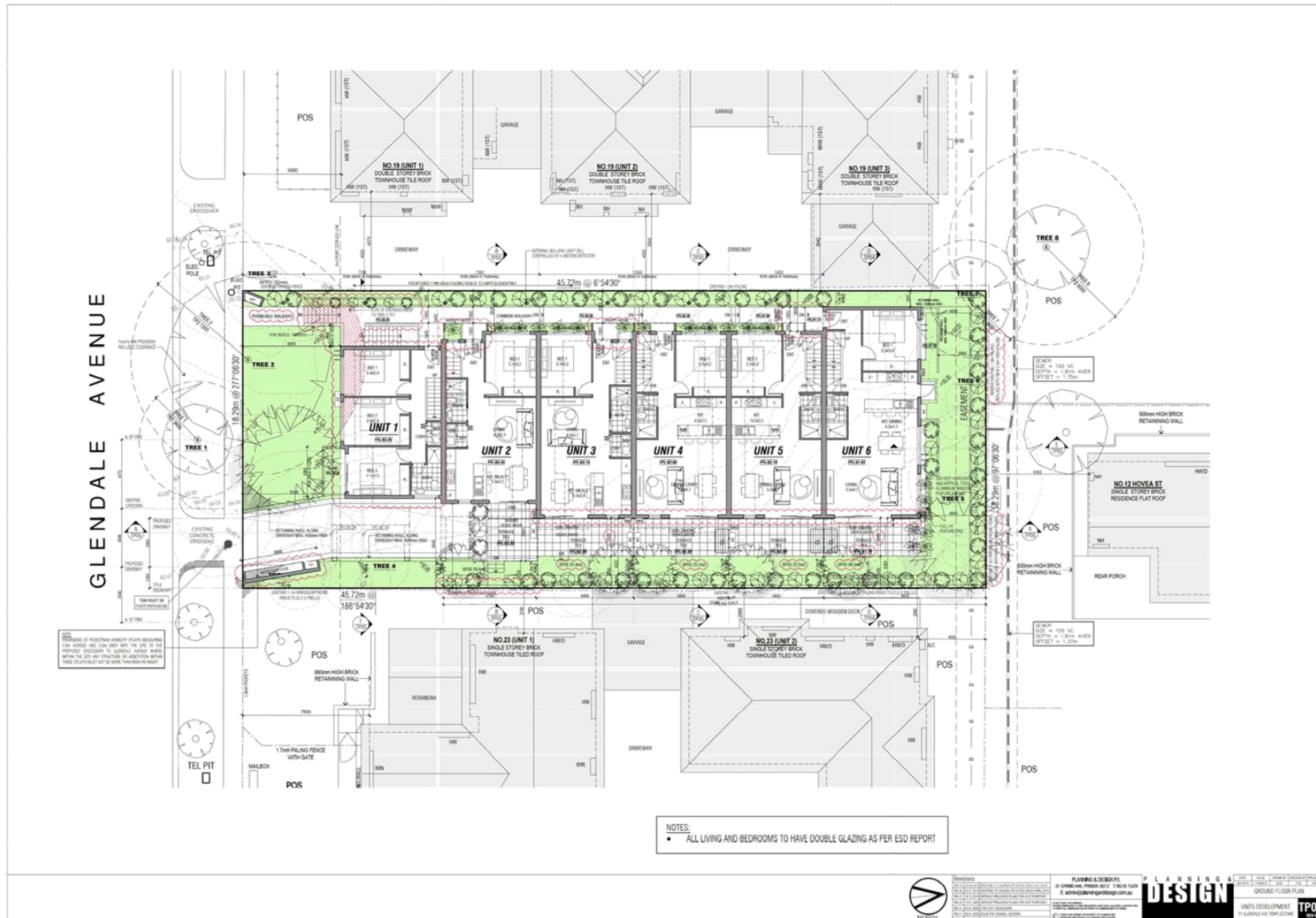
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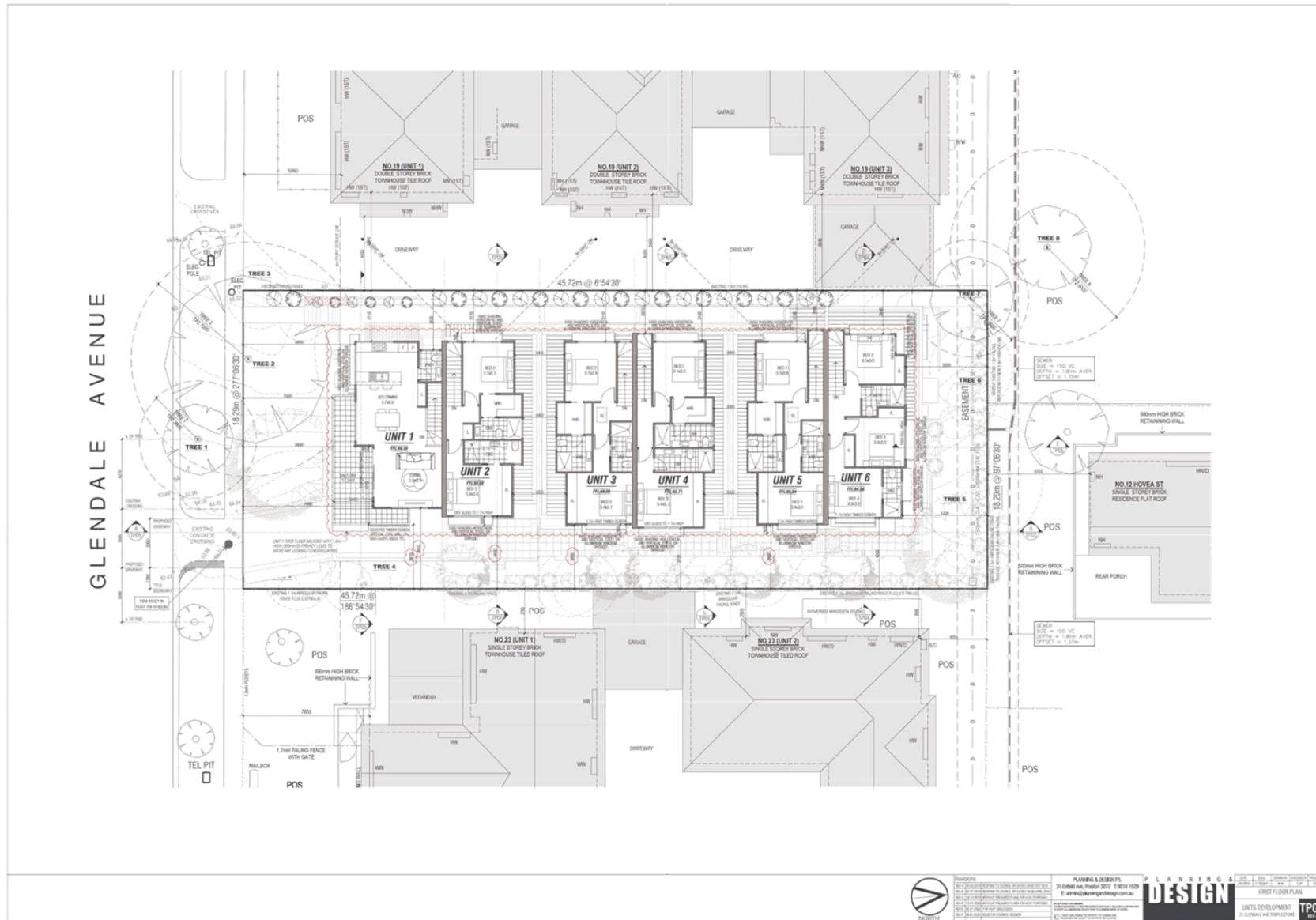


Signature for the Responsible Authority

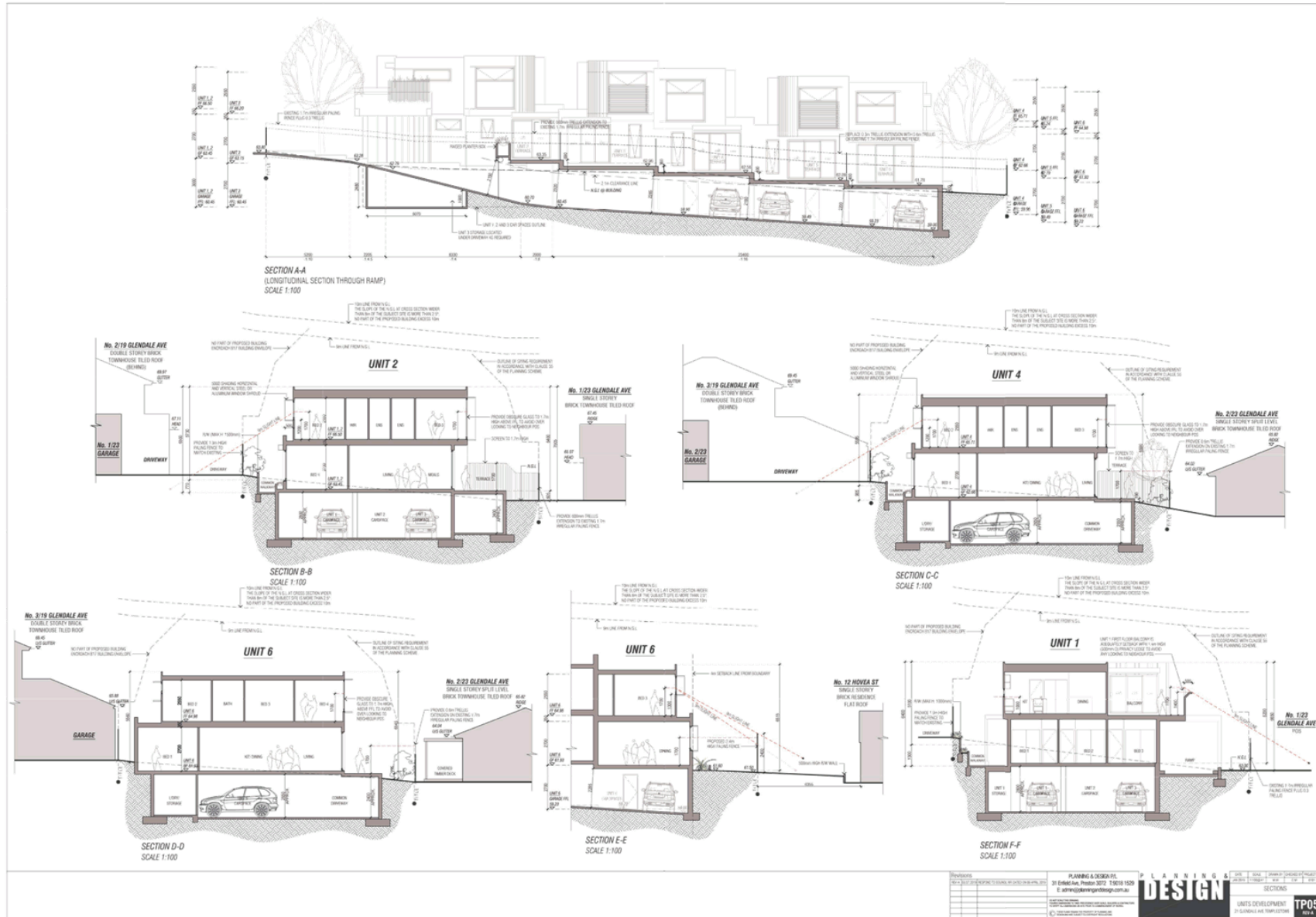






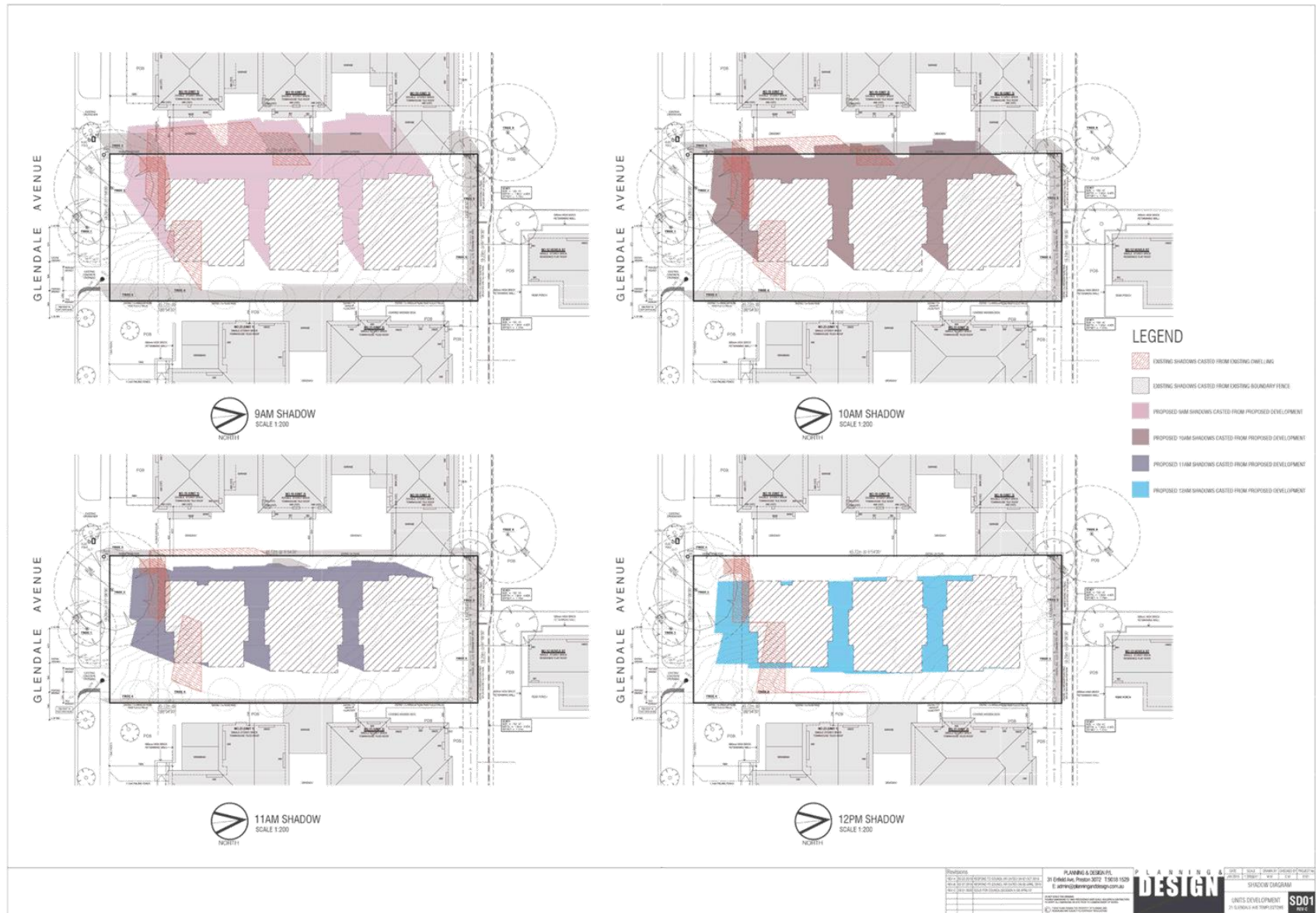




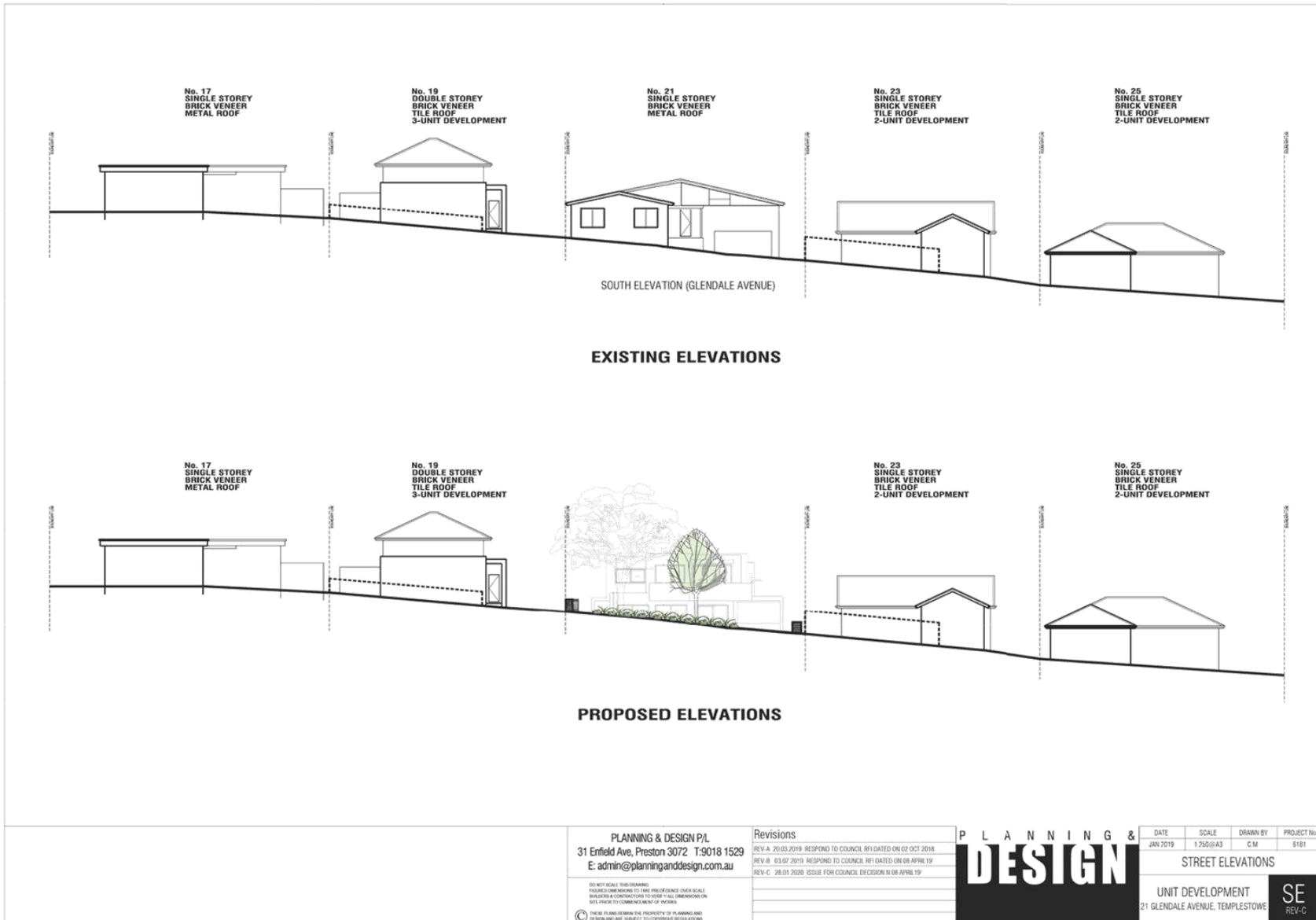














ROOF - COLORBOND METAL ROOF
COLOUR: MONUMENT



WINDOWS
ALUMINIUM BLACK FRAME WITH CLEAR/CLS GLASS OR SIMILAR



TERRACE PAVING
TWO-COLOURED GREY TILES OR SIMILAR



TS1
SELECTED TIMBER SCREEN



DRIVEWAY/ WALKWAY
CONCRETE COLOUR FINISH OR SIMILAR



TS2
TIMBER SCREENING VERTICAL



GARAGE DOOR - ALUMINIUM BAR PANEL
COLOUR: BLACK OR SIMILAR



BW - SELECTED BLOCK RETAINING WALL
COLOUR: CHARCOAL



SSC
SELECTED STEAM CLADDING (MIXED WIDTH)
COLOUR: MONUMENT



IC - INNOWOOD CLADDING
COLOUR: AMERICAN OAK OR SIMILAR



SR1
RENDER WITH CONCRETE FINISH
COLOUR: DULUX TIMELESS GREY GR23 OR SIMILAR

SR2
SMOOTH RENDER FINISH
COLOUR: DULUX MOORLAND A251

SR3
SMOOTH RENDER FINISH
COLOUR: DULUX TERRACE WHITE 9W

COLOUR AND MATERIAL SCHEDULE:

- SR1 - RENDER WITH CONCRETE FINISH
COLOUR: DULUX TIMELESS GREY GR23
- SR2 - SMOOTH RENDER FINISH
COLOUR: DULUX MOORLAND A251
- SR3 - SMOOTH RENDER FINISH
COLOUR: DULUX TERRACE WHITE 9W
- SSC - SELECTED STANDING SEAM CLADDING
COLOUR: MONUMENT
- TP - 1.8m HIGH TIMBER PAILING FENCE
- TS - SELECTED TIMBER SCREEN MAX. 1.7m HIGH ABOVE FFL WITH NO MORE THAN 25% TRANSPARENT IN ACCORDANCE WITH STANDARD B22 OF RESCODE
- RHS - RECTANGULAR ALUMINIUM HOLLOW SECTION
COLOUR: TIMBER COLOUR FINISH
- BW - SELECTED BLOCK RETAINING WALL
COLOUR: CHARCOAL
- ALUMINIUM WINDOWS THROUGH-OUT
- COLORBOND GUTTERS, FASCIA'S AND DOWNPIPES

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Revisions

REV A	07.05.2019	TOWN PLANNING SUBMISSION
REV B	03.07.2019	RESPOND TO COUNCIL RFI DATED ON 08 APRIL 2019
REV C	26.01.2020	ISSUE FOR COUNCIL DECISION

PLANNING &
DESIGN

DATE	SCALE	DRAWN BY	CHECKED BY	PROJECT No.
JUNE 2018	1:100@A1	W.M	C.M	6072

COLOUR AND MATERIAL SCHEDULE

UNIT DEVELOPMENT 31 ROSEVILLE AVE, DONCASTER	CS REV-C
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5. LEGISLATIVE REQUIREMENTS

5.1 PLANNING AND ENVIRONMENT ACT 1987 (THE ACT)

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

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

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

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

5.2 MANNINGHAM PLANNING SCHEME

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

- Planning Policy Framework
- Local Planning Policy Framework
- Clause 32.08 General Residential Zone, Schedule 2
- Clause 43.02 Design and Development Overlay, Schedule 8
- Clause 52.06 Car Parking
- Clause 55 Two or more dwellings on a lot and Residential Buildings
- Clause 65 Decision Guidelines

Zone

Clause 32.08 General Residential Zone, Schedule 2

The purpose of the General Residential Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

A Planning Permit is required to construct two or more dwellings on a lot.

The construction and extension of two or more dwellings on a lot must meet the requirements of Clause 55.

An application to construct or extend a dwelling or residential building on a lot must provide a minimum garden area of 35% for lots above 650 square metres.

This does not apply to an application to alter or extend an existing building that did not comply with the minimum garden area requirement of Clause 32.08-4 on the approval date of Amendment VC110.

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

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

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

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

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

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

Overlays

Clause 43.02 Schedule 8 to the Design and Development Overlay

The design objectives are as follows:

- *To increase residential densities and provide a range of housing types around activity centres and along main roads.*
- *To encourage development that is contemporary in design that includes an articulated built form and incorporates a range of visually interesting building materials and façade treatments.*
- *To support three storey, 'apartment style', developments within the Main Road sub-precinct and in sub-precinct A, where the minimum land size can be achieved.*
- *To ensure new development is well articulated and upper storey elements are not unduly bulky or visually intrusive, taking into account the preferred neighbourhood character.*
- *To encourage spacing between developments to minimise a continuous building line when viewed from a street.*
- *To ensure the design and siting of dwellings have regard to the future development opportunities and future amenity of adjoining properties.*
- *To ensure developments of two or more storeys are sufficiently stepped down at the perimeter of the Main Road sub-precinct to provide an appropriate and attractive interface to sub-precinct A or B, or other adjoining zone.*
- *To ensure overlooking into adjoining properties is minimised.*
- *To ensure the design of carports and garages complement the design of the building.*
- *To ensure the design of basement and undercroft car parks complement the design of the building, eliminates unsightly projections of basement walls above natural ground level and are sited to allow for effective screen planting.*
- *To encourage landscaping around buildings to enhance separation between buildings and soften built form.*

Permit Requirement

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

Building Height & Setbacks

- Any building or works must comply with the requirements set out in Table 1 and 2 of this Schedule.
- For the purposes of this Schedule, the Maximum Building Height does not include building services, lift over-runs and roof mounted equipment, including screening devices.
- For the purposes of this Schedule, balconies, terraces, and verandahs may encroach within the Street Setback by a maximum of 2.0m, but must not extend along the width of the building.

Table 1

Sub-Precinct	Maximum Building Height	Condition regarding minimum land size	Street setback
DDO8-3 (Sub-Precinct B)	9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the site of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.		For two or more dwellings on a lot or a residential building: <ul style="list-style-type: none"> • Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser • Minimum side street setback is the distance specified in Clause 55.03-1

Planning Policy Framework

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

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

Strategies towards achieving this are identified as follows:

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

- *Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.*
- *Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.*
- *Promote good urban design along and abutting transport corridors.*

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

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

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

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

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

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

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

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

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

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

Clause 15.02-1 Sustainable Development: Energy and resource efficiency

The policy objective is:

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

The clause has the following strategies:

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

- *Encourage retention of existing vegetation and planting of new vegetation as part of development and subdivision proposals.*

Clause 16.01-1 Residential development: Integrated housing

The policy objective is:

- *To promote a housing market that meets community needs.*

The clause has the following strategies:

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

Clause 16.01-2 Residential development: Location of residential development

The policy objective is:

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

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

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

Clause 16.01-3 Housing diversity

The policy objective is:

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

The several strategies to achieve this objective include the following:

- *Ensure housing stock matches changing demand by widening housing choice.*
- *Facilitate diverse housing that offers choice and meets changing household needs through:*
 - *A mix of housing types.*
 - *Adaptable internal dwelling design.*
 - *Universal design.*
- *Encourage the development of well-designed medium-density housing that:*
 - *Respects the neighbourhood character.*
 - *Improves housing choice.*
 - *Makes better use of existing infrastructure.*
 - *Improves energy efficiency of housing.*
- *Support opportunities for a range of income groups to choose housing in well-serviced locations.*

- *Ensure planning for growth areas provides for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.*

Clause 16.01-4 Housing affordability

The policy objective is:

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

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

The policy objective is:

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

Clause 18.02-1 Movement networks: Sustainable personal transport

The policy objective is:

- *To promote the use of sustainable personal transport.*

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement

Clause 21.03 Key Influences

This clause identifies that future housing need and residential amenity are critical land-use issues that will challenge Manningham's future growth and sustainable development. The MSS acknowledges that there is a general trend towards smaller household size as a result of an aging population and smaller family structure which will lead to an imbalance between the housing needs of the population and the actual housing stock that is available.

This increasing pressure for re-development raises issues about how these changes affect the character and amenity of our local neighbourhoods. In meeting future housing needs, the challenge is to provide for residential re-development in appropriate locations, to reduce pressure for development in more sensitive areas, and in a manner that respects the residential character and amenity valued by existing residents.

Clause 21.05 Residential

This policy outlines the division of Manningham into four Residential Character Precincts. The precincts seek to channel increased housing densities around activity centres and main roads where facilities and services are available. In areas which are removed from these facilities a lower intensity of development is encouraged. A low residential density is also encouraged in areas that have identified environmental or landscape features.

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

A substantial level of change is anticipated in Precinct 2. Whilst this area will be a focus for higher density developments, there are three sub-precincts which each stipulate different height, scale and built form outcomes to provide a transition between each sub-precinct and adjoining properties, primarily in Precinct 1 – Residential Areas Removed from Activity Centres and Main Roads.

The site is located within **Sub-Precinct B**.

Sub-Precinct B 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.

Development in Precinct 2 should:

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

Clause 21.10 Ecologically Sustainable Development

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

Local Planning Policy

Clause 22.08 Safety through urban design

This policy applies to all land in Manningham. It endeavours to provide and maintain a safer physical environment for those who live in, work in or visit the City of Manningham. The policy seeks attractive, vibrant and walkable public spaces where crime, graffiti and vandalism is minimised.

Clause 22.09 Access for disabled people

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

Clause 22.12 Environmentally Sustainable Development

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

Particular Provisions

Clause 52.06 Car Parking

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

- *1 space for 1 and 2 bedroom dwellings.*
- *2 spaces for 3 or more bedroom dwellings.*

No residential visitor car parking spaces are required for any part of the land identified as being within the Principal Public Transport Network Area.

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

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

A development:

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

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

General Provisions

Clause 65 Decision Guidelines

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

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

10 CITY PLANNING & COMMUNITY

10.1 Planning Scheme Amendment C130mann - 11 Toronto Avenue, Doncaster

File Number:	IN20/74
Responsible Director:	Director City Planning and Community
Attachments:	<ol style="list-style-type: none">1 Council Minutes (27 August 2019) ↓2 Ministerial Authorisation (21 October 2019) ↓3 Notice of Preparation of Amendment ↓4 Explanatory Report ↓5 Deleted Design and Development Overlay, Schedule 7 ↓6 Map of Deleted Design and Development Overlay, Schedule 7 ↓7 Instruction Sheet ↓

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider the one submission that was received during the exhibition period of proposed Planning Scheme Amendment C130mann to the Manningham Planning Scheme.

At its Council meeting of 27 August 2019, Council resolved to seek Ministerial Authorisation to exhibit Planning Scheme Amendment C130mann. The amendment seeks to delete the Design and Development Overlay, Schedule 7 (DDO7). This overlay is a specific control which only applies to one property at 11 Toronto Avenue, Doncaster (the Site). The overlay only permitted the subdivision of the land in accordance with Planning Permit PL02/013542. This Permit was never acted upon and has expired, and the land cannot now be subdivided. A copy of the exhibited documents are included in Attachments 1 - 7.

One (1) objection was received following public exhibition. The grounds of objection centred on the historical planning events of the site, but did not require changes to the amendment or state why the amendment should not be supported.

The Responsible Authority (Council) may refer to an Independent Panel submissions which do not require a change to the amendment, and it is recommended that the one submission be referred to an Independent Panel for review.

The report and the recommendations made by the Independent Panel would then be considered by Council when making a decision on Amendment C130mann. If supported, the amendment would be sent to the Minister for Planning for approval.

COUNCIL RESOLUTION

MOVED: CR ANNA CHEN
SECONDED: CR MIKE ZAFIROPOULOS

That Council:

- 1 Note the submission received in response to Planning Scheme Amendment C130mann;**

- 2 **Request the Minister for Planning appoint an Independent Panel under part 8 of the *Planning and Environment Act 1987*, to consider the submission received in response to Planning Scheme Amendment C130mann;**
- 3 **Refer the submission to the Independent Panel for consideration; and**
- 4 **Write to the submitter, informing them of Council's decision to refer the submission to the Independent Panel, to enable them the opportunity to be heard on the matter.**

CARRIED

2. BACKGROUND

2.1 On 27 August 2019, Council resolved to:

1. Seek authorisation from the Minister for Planning under section 8A of the *Planning and Environment Act 1987* to prepare Amendment C130 to the Manningham Planning Scheme in accordance with Attachment 1.
2. Note the proposed concurrent amendment and planning permit application process for two, two-storey dwellings in accordance with section 96A of the *Planning and Environment Act 1987*.
3. Note that subject to authorisation being granted by the Minister for Planning, exhibit Amendment C130 to the Manningham Planning Scheme and the draft planning permit for a period of one (1) month in accordance with section 19 of the *Planning and Environment Act 1987*.

2.2 Ministerial authorisation to prepare Planning Scheme Amendment C130mann (the Amendment) was granted on 21 October 2019. The authorisation was conditional and required the planning permit application that accompanied the Amendment for concurrent consideration be removed from the Amendment.

2.3 The Amendment (excluding the planning permit application) was exhibited for 5 weeks between 5 December 2019 and 13 January 2020.

3. DISCUSSION / ISSUE

3.1 One (1) objection was received to the Amendment on 10 January 2020. The grounds of the objection primarily centred on the historical planning events of the site as a basis for its concern. It was unclear to Council officers how these directly related to the Amendment as it was exhibited.

3.2 The objector was contacted on 17 January 2020 (phone and email), to request that they provide a supplementary submission to clarify the nature of the objection. This was lodged on 22 January 2020. The supplementary submission again centred on past historical events.

3.3 The request for and receipt of the supplementary submission was made after the closing date of the exhibition of the Amendment; (13 January 2020), and therefore considered a late submission. Section 22(2) of the *Planning and Environment Act 1987* (the Act) prescribes:

- (2) *the planning authority may consider a late submission and must consider one if the Minister directs.*
- 3.4 As clarification on the submission was sought, the consideration of the supplementary submission is considered appropriate in the circumstances and is allowable under section 22(2).
- 3.5 Neither the original or supplementary objections requested a change to the Amendment.
- 3.6 Section 23(2) of the Act anticipates instances where a submission does not require a change to an exhibited amendment, by prescribing:
- *a planning authority may refer to the panel submissions which do not require a change to the amendment.*
- 3.7 This report recommends that the submission be referred to an independent panel (Recommendation 2) pursuant to section 23(2). The recommendation has been made to ensure the submission has been duly considered by Council in its final decision on the Amendment.

Review of the Objection

- 3.8 The following response is provided to the grounds of objection:

Unlawful nature of the dwelling and previous Manningham administrations did not act on enforcement orders

- 3.9 This ground alleges the existing dwelling is unlawful and relates to an enforcement order that was issued by VCAT.

Officers' response:

- 3.10 A Building Permit for the dwelling was granted by a private building surveyor on 25 March 2003 (BA-03/51529).
- 3.11 The VCAT order was made on 25 February 2005 (VCAT Reference No. P2603/2004) upon application following a sustained period of enforcement activity by Council to ensure the building was being lawfully constructed. The order required, within three months from the date of the order, the landowner to cease works and complete one of the following actions:
- (a) *Remove the two dwellings under construction on the subject land; or*
 - (b) *Develop the subject land in accordance with Planning Permit No. PL02/013542; or*
 - (c) *Bring the subject land into compliance with the Manningham Planning Scheme, to the satisfaction of the Responsible Authority.*
- 3.12 The landowner satisfied option (c) of the order.

- 3.13 Following the review of the single dwelling plans, VCAT handed down two further orders. On 2 December 2005 they determined that the single dwelling plans satisfied option (c) (VCAT Reference No. P1421/2005). Then, on 11 December 2007, they determined that further amended plans for the single dwelling satisfied option (c) (VCAT Reference No. P2176/2007).
- 3.14 The dwelling was completed in accordance with these plans. A Council officer inspection (25 October 2018) was conducted of the site following the submission of the Amendment which confirmed the building was constructed as a single dwelling.
- 3.15 It is considered that the dwelling is lawful and that the orders made by VCAT were appropriately enforced.

Amendment C130mann undoes previous orders to require demolition

- 3.16 This ground claims that the orders that were previously made to demolish the dwelling will be undone if the Amendment is approved.

Officers' response:

- 3.17 The orders handed down from VCAT on 25 February 2005 provided the landowner a choice of three options to employ to rectify the unauthorised building works at that time. The landowner elected to pursue option (c) as outlined above, which was complied with.
- 3.18 Orders made by VCAT do not prevent a landowner from making an application to Council to amend the Scheme.

Construction loophole to avoid Council scrutiny

- 3.19 This ground relates to a perceived loophole that would avoid Council scrutiny when an existing dwelling is used or proposed to be converted into a multi-unit development. The objection claims that developers could build as many units on any sized block by having them assessed by private building surveyors, rather than Council.

Officers' response:

- 3.20 The objection appears to misinterpret the respective roles of the two approvals systems that operate in parallel with each other - the planning approval system and the building approval system. In the planning approval system, planning schemes, prescribe what types of uses and developments require a planning permit and what types do not. If a planning permit is required, this must be obtained before the use or development commences. Applications for planning permits are not required for all uses and developments, but when they are, they must be determined by the local Council. Private building surveyors cannot assess these applications.
- 3.21 In contrast, the building approval system considers the building elements of construction work. When a Planning Permit and Building Permit are both required, the Planning Permit must be obtained before the Building Permit is issued. The Building Permit can only be issued if it is strictly in accordance with the Planning Permit. The Building approval system is privatised, and this allows Building Permits to be granted by either a Council or a private building surveyor.

- 3.22 No. 11 Toronto Avenue is zoned General Residential Zone, Schedule 1 (GRZ1) and a Planning Permit is not required for a single dwelling, i.e. only a Building Permit is required to permit the dwelling's construction. As mentioned, this was obtained from a private building surveyor on 25 March 2003.
- 3.23 Should the dwelling at 11 Toronto Avenue be proposed to be converted into two or more dwellings, a planning application must be lodged with Council, as this is a permit trigger under the requirements of the GRZ1.
- 3.24 A planning application would be notified to adjoining and nearby landowners seeking their comments (submission) on the proposal.
- 3.25 No construction loopholes are therefore considered to exist.

Space, trees and vegetation should be protected

- 3.26 This ground relates to the potential impacts that could be generated by an approved planning application for a multi-unit development.

Officers' response:

- 3.27 This concern would be assessed under a planning application that would be lodged independently to the Amendment. The separation of buildings and vegetation characteristics in Toronto Avenue are elements of neighbourhood character that are required to be considered in the assessment, along with the other provisions of the Scheme including Rescode and traffic and car parking requirements.
- 3.28 The planning application that originally accompanied the Amendment demonstrated general compliance with the Scheme for two dwellings. The application did not propose any external additions to the existing dwelling, other than the conversion of a front room to a double garage and associated driveway, and a fence that divides the rear open space area into two secluded open space areas, providing one for each dwelling.
- 3.29 No vegetation or additional spaces were proposed to be lost under the application. Council will also recall that the draft planning permit presented at the 27 August 2019 Council meeting required landscaping to be planted in accordance with an approved Landscape Plan.
- 3.30 Council should note that opportunities can be created to enhance a property should a planning permit be granted. This is most obvious in the landscaping treatments that are required and which can contribute to the existing neighbourhood character.

Excessive overshadowing

- 3.31 This ground claims the size of the building generates excessive overshadowing.

Officers' response:

- 3.32 The footprint and the material impacts of the existing dwelling has been established since at least 6 September 2010 when the Occupancy Certificate was issued by a private building surveyor.

- 3.33 Overshadowing was assessed in the planning permit application that originally accompanied Planning Scheme Amendment C130mann. The extent of overshadowing was assessed as being well within the allowable limits under the Scheme. Given that this planning application no longer forms part of Amendment C130mann, overshadowing would now only be formally considered under a separate planning permit application.

No permit was granted by Council or VCAT to build the single dwelling

- 3.34 This ground claims the dwelling is unauthorised by virtue of an approval having not been granted by Council or VCAT.

Officers' response:

- 3.35 The single dwelling was approved by a private building surveyor on 25 March 2003 (BA-03/51529) under the building approvals system. Under this privatised system, the Building Permit is not required to be determined by Council. VCAT does not issue Building Permits.

The dwelling is larger than approved under the Building Permit

- 3.36 This ground claims that the dwelling has been built to a larger size than approved under the Building Permit.

Officers' response:

- 3.37 An Occupancy Certificate for the dwelling was issued by a private building surveyor on 6 September 2010. The size of the approved dwelling is not the responsibility of Council.

Costly planning history

- 3.38 This ground relates to the costs that have been incurred during the extensive development history of the site.

Officers' response:

- 3.39 It is considered that this is not relevant to the Amendment.

Inappropriate building materials

- 3.40 This ground relates to potentially dangerous materials that are alleged to have been used in the construction of the building, and why Council does not ban certain materials. Standards of materials are considered under the Building Regulations.

Officers' response:

- 3.41 Council has no authority to restrict or ban particular building materials in this instance. Therefore this matter is considered not relevant to the Amendment.

4. COUNCIL PLAN / STRATEGYCouncil Plan 2017 – 2021

- 4.1 Should the Amendment be approved and come into effect, it is considered to align with the Healthy Community theme in Council's four year plan.

Manningham Planning Scheme Review 2018

- 4.2 The Amendment is not identified as a strategic planning project under Council's Planning Scheme Review. The amendment was requested on behalf of the landowner.

Design and Development Overlay, Schedule 7

- 4.3 The Design and Development Overlay, Schedule 7 has a control to restrict the subdivision of the land at 11 Toronto Avenue. It is specific control that applies to no other land parcels.
- 4.4 If the Amendment were to proceed, the subdivision of the land would not be controlled by Schedule 7 to the overlay. Subdivision would instead be controlled by the provisions of the General Residential Zone, Schedule 1, and clause 56 (Residential subdivision).

5. IMPACTS AND IMPLICATIONS

- 5.1 The Planning Permit Application that originally accompanied the Amendment no longer forms part of the Amendment.
- 5.2 The landowner may lodge a planning application with Council to convert the dwelling into two or more dwellings at any time. This could be undertaken independently subject to the approval of Amendment C130man and would be subject to the usual appeal rights to VCAT, which apply to any planning decisions made by Council.
- 5.3 Should the Amendment be approved and come into effect, the landowner would be able to apply to subdivide the land under an approved planning application.
- 5.4 Neither the objector nor the applicant to the Amendment can appeal any decisions made by Council or the Minister for Planning.

6. IMPLEMENTATION

- 6.1 Finance / Resource Implications

The applicant is responsible for the costs of the amendment process in accordance with the *Planning and Environment (Fees) Regulations 2005*.

6.2 Communication and Engagement

A communications strategy was developed to manage communications for Amendment C130mann in accordance with the Act. It included:

- Notices in the Government Gazette and Manningham Leader;
- The Yoursay Manningham portal;
- Direct notification sent to adjoining and opposite property owners and occupiers; and
- Displaying copies of the proposed Amendment at The Pines, Doncaster, Bulleen and Warrandyte branch libraries.

The Amendment was also exhibited on the Department of Environment, Land, Water and Planning (DELWP) website.

6.3 Timelines

Should Council resolve to refer the submission to an Independent Panel, the Panel Hearings have been tentatively agreed to be held in the week beginning 13 April 2020 (Direction Hearing) and 11 May 2020 (Panel Hearing).

7. DECLARATIONS OF CONFLICT OF INTEREST

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

10.2 Amendment C130mann - 11 Toronto Avenue, Doncaster - Seeking Authorisation for Public Exhibition

File Number:	IN19/537
Responsible Director:	Director City Planning and Community
Attachments:	1 Amendment C130mann Documentation ↓
	2 Aerial Photograph ↓
	3 Zone Map ↓
	4 Overlay Map ↓
	5 Aboriginal Cultural Heritage Map ↓
	6 Explanatory Report from Amendment C42 ↓
	7 Assessment - Clause 22.15 ↓
	8 Assessment - Clause 55 ↓

EXECUTIVE SUMMARY

A request was received on 2 October 2018 from Roz Wilson (Solicitor and Urban Planner) for a combined planning scheme amendment and planning permit pursuant to section 96A of the Planning and Environment Act 1987 (Attachment 1).

The request is on behalf of the landowner, Dragan Jurkic, and only relates to land at 11 Toronto Avenue, Doncaster. The residential property is developed with a single dwelling set within a residential neighbourhood. It is surrounded by dwellings on all sides.

Amendment C130 proposes to:

- Delete the Design and Development Overlay, Schedule 7 (11 Toronto Avenue, Doncaster) and amend maps DDO map 6 and DDO map 7 of the Manningham Planning Scheme. This is a site specific schedule that only applies to 11 Toronto Avenue, Doncaster.*
- Convert the existing dwelling at 11 Toronto Avenue, Doncaster, into two (2) dwellings and associated buildings and works under a planning permit application lodged under section 96A of the Planning and Environment Act 1987.*

Council officers support the proposed amendment and planning permit application.

COUNCIL RESOLUTION

MOVED: CR PAUL MCLEISH
SECONDED: CR GEOFF GOUGH

That Council:

- 1 Seek authorisation from the Minister for Planning under section 8A of the *Planning and Environment Act 1987* to prepare Amendment C130 to the Manningham Planning Scheme in accordance with Attachment 1.**
- 2 Note the proposed concurrent amendment and planning permit application process for two, two-storey dwellings in accordance with section 96A of the *Planning and Environment Act 1987*.**

- 3 **Note that subject to authorisation being granted by the Minister for Planning, exhibit Amendment C130 to the Manningham Planning Scheme and the draft planning permit for a period of one (1) month in accordance with section 19 of the *Planning and Environment Act 1987*.**

PROCEDURAL MOTION

MOVED: CR GEOFF GOUGH
SECONDED: CR ANNA CHEN

That Councillor Haynes be permitted an extension of time to speak in accordance with clause 44.6 of the Manningham City Council Meeting Procedure Law 2017.

CARRIED

THE SUBSTANTIVE MOTION WAS PUT AND CARRIED

2. BACKGROUND

The Site

- 2.1 The property at 11 Toronto Avenue, Doncaster (the Site), is located on the west side of Toronto Avenue opposite the Toronto Avenue / Warren Street intersection. Attachment 2 identifies the site in its neighbourhood.
- 2.2 The regular shaped site has an approximate area of 770sqm, with approximate dimensions of 20.4 metres x 37.5 metres. The Site slopes towards the west (rear) with a level difference of approximately 1.5 metres from the Toronto Avenue frontage to the west boundary. A 2.44 metre wide drainage easement adjoins the west boundary within the Site. There is no significant vegetation within the site.
- 2.3 The site is developed with one two-storey dwelling constructed across the full width of the site. From Toronto Avenue and the rear, the dwelling appears as two side-by-side dwellings in a near symmetrical design. A party wall divides the dwelling into two halves, however large openings at the ground and upper level allows the free movement of people between both sides of the building limiting its use to a single dwelling. The dwelling contains one kitchen.
- 2.4 The building materials used are brick at ground level and lightweight rendered materials at the upper level. Colours are muted. The hipped roof is tiled. Vehicular access is from a crossover adjacent to the northern end of the frontage. At the rear, two upper-storey balconies face east.
- 2.5 There are no covenants or section 173 agreements registered to the title.

The Neighbourhood

- 2.6 The neighbourhood is characterised by detached single and double-storey brick dwellings on conventionally shaped lots ranging in area between 650sqm and 900sqm. The existing housing stock is gradually being replaced by medium density housing. Dual occupancy developments are at 3 & 3A and 17 & 19 Toronto Avenue. The dwellings at 3 & 3A Toronto are in a side-by-side design. The rate of residential change is incremental.

Existing Planning Scheme Controls

- 2.7 The following zone and overlay controls apply:
- The site and neighbourhood are zoned the General Residential Zone, Schedule 1 (GRZ1) – see Attachment 3.
 - The site is subject to the Design and Development Overlay, Schedule 7 (11 Toronto Avenue, Doncaster) – see Attachment 4.
- 2.8 The Design and Development Overlay, Schedule 7 contains the following requirements. These relate specifically to subdivision:
- *The land must not be subdivided into two or more lots unless the subdivision is in accordance with the development approved by Planning Permit PL02/013542.*
 - *A permit cannot be granted to subdivide the land which is not in accordance with this requirement.*

Area of Aboriginal Cultural Heritage Sensitivity

- 2.9 The site (and part of the neighbourhood) is within an area of Cultural Heritage Sensitivity due to the site's close proximity to the Koonung Creek – see Attachment 5.
- 2.10 The proposal is exempted from the requirement to prepare a Cultural Heritage Management Plan as it is for the construction of two dwellings on a lot less than 1100sqm in area.

Planning History

- 2.11 The site's planning history is summarised as follows:
- 6 March 2002: Planning Application PL01/012404 refused by Council. The decision was affirmed by VCAT on appeal.
 - 25 March 2003: Building Permit BA-03/51529 issued for a single dwelling.
 - 3 June 2003: Planning Permit PL02/013542. Dual occupancy. Approved by VCAT (26 May 2003). Permit never acted upon and has expired.
 - 8 July 2004: Amendment C42 to the Manningham Planning Scheme introduced Schedule 7 of the DDO to apply to 11 Toronto Avenue, Doncaster, as a Ministerial Amendment. It only permitted the subdivision of land into two or more lots in accordance with the development approved under Planning Permit PL02/013542. Schedule 7 also provided that a permit could not be granted to subdivide the land which is not in accordance with this requirement.
 - 25 February 2005 – 11 December 2007. A sustained period of enforcement activity pursued the unauthorised construction of two dwellings. This included an enforcement order issued by VCAT (25 February 2005), requiring within three months from the order, the cessation of works and the completion of one of the following three actions:

- (a) Remove the two dwellings under construction.
 - (b) Develop the land in accordance with Planning Permit PL02/013542.
 - (c) Bring the site into compliance with the planning scheme, to the satisfaction of the Responsible Authority.
- The landowner endeavoured to satisfy options (b) and (c).
 - An application to amend the order was made to VCAT. The Order (20 May 2005) amended option (c) by requiring plans to be submitted for approval, extended the time to comply with the order and set a further hearing date.
 - An amendment to Planning Permit PL02/013542 was lodged with VCAT on 27 May 2005 to satisfy option (b). On the same day, plans for a single dwelling were submitted to Council to attempt to satisfy option (c). The landowner was unsuccessful on both accounts. Council advised the plans were unsatisfactory and VCAT refused the amendment and provided a further extension of time to comply with the order.
 - Following the review of the single dwelling plans, VCAT handed down two further orders. On December 2005 the Tribunal determined that the single dwelling plans satisfied option 1(c) of the enforcement order. On 11 December 2007 the Tribunal determined that the further amended plans for the single dwelling satisfied option 1(c) of the enforcement order.
 - The dwelling is complete (as of 2007) in accordance with these plans.

3. DISCUSSION / ISSUE

- 3.1 It is proposed to seek authorisation from the Minister for Planning to prepare and exhibit the combined planning scheme amendment and planning permit application made concurrently under section 96A of the *Planning and Environment Act 1987* (to be known as Amendment C130mann) for the property at 11 Toronto Avenue, Doncaster.
- 3.2 The planning permit application is only seeking to develop the site into two dwellings. It is not seeking to subdivide the land. Should the amendment proceed, it will enable the landowner to apply to subdivide the land at a later date.

Planning Scheme Amendment

- Delete the Design and Development Overlay, Schedule 7.

Planning Permit Application

- Develop the existing dwelling into two (2) dwellings.

- 3.3 The following responses are made to each request:

Officer response to request the Planning Scheme Amendment

History of the introduction of Amendment C42

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- 3.4 The purpose of Amendment C42 was to restrict how the site could be subdivided, having regard to past unauthorised building activity, and the possibility that further unauthorised activities may occur.
- 3.5 Amendment C42 was prepared by the Minister for Planning in response to a single dwelling that had been constructed, without regard to the requirements of VCAT's decision to grant a permit for Planning Application PL02/013542 to construct two dwellings.
- 3.6 The Explanatory Report forming part of Amendment C42 (Attachment 6) included consideration of the site's planning history, and highlighted the following key events:
- The amendment was required to prohibit the subdivision of land at 11 Toronto Avenue unless it was in accordance with Planning Permit PL02/013542.
 - The owner had commenced construction of a single dwelling without consideration to the requirements of VCAT.
 - A building approval has been issued for a single dwelling with a similar footprint and layout to the plans originally proposed.
 - The responsible authority was concerned that the landowner may at a later date request a permit to subdivide the existing dwelling into two attached dwellings. Clause 62.02 of the planning scheme does not require a permit to internally rearrange a building, the types of changes necessary to convert the existing dwelling into two dwellings may not require a permit and could occur without consideration of clause 55 of the planning scheme.
 - At the time Amendment C42 was gazetted, the landowner was complying with the Manningham Planning Scheme as the single dwelling did not require a permit.

Is there strategic justification to delete the control?

- 3.7 A site inspection in late 2018 confirmed that the building is used as a single dwelling in accordance with VCAT's enforcement order (c) (25 February 2005). In other words, all previous planning breaches that were previously resolved, remain resolved.
- 3.8 The amendment request, including the consideration of the Explanatory Report prepared for Amendment C42 has been reviewed by Council's Corporate Counsel, who observed:
- Planning Scheme Amendment C42 appears to have been directed towards the punishment of the then landowner for their conduct through the planning system rather than prosecuting the landowner for a breach of the *Planning and Environment Act 1987*, or seeking a VCAT enforcement order, which would be the usual enforcement methods for dealing with such breaches.
 - In the absence of strategic justification for the control remaining in the planning scheme, it is considered insistence upon the retention of the control would be punishment of the landowner, rather than a good planning outcome having regard to the controls council has otherwise determined should apply to this land by virtue of the present zoning.

- 3.9 The assessment of the proposed planning permit application confirms that the land would be suitable to be subdivided under the present zoning and other requirements of the scheme – see paragraph 3.35.

The proposed amendment to delete DDO7 from 11 Toronto Avenue, Doncaster is supported.

Officer response to request the proposed Planning Permit Application

- 3.10 The works required to convert the existing dwelling into two dwellings include:
- Close and seal the internal openings to a fire-rated wall standard, to ensure building code compliance and to delineate each dwelling;
 - Convert the ground floor “Workshop” that addresses Toronto Avenue into a double garage for the southern dwelling;
 - Construct a crossover and accessway from Toronto Avenue to the converted garage; and
 - Construct a fence within the secluded private open space area at the rear to create two secluded private open space areas, one for each dwelling.
- 3.11 A Building Permit will be required following the gazettal of Amendment C130 to complete the fire-rated wall and garage construction. Council’s Building Services Unit has advised that the buildings works required to convert the dwelling are achievable.
- 3.12 The planning permit application has been assessed against all current provisions of the Manningham Planning Scheme as follows:

Planning Policy Framework

3.13 Clause 15 (Built Environment and Heritage)

The following objectives are applicable:

- *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity (clause 15.01-1S).*
- *To create a distinctive and liveable city with quality design and amenity (clause 15.01-1R).*
- *To achieve building design outcomes that contribute positively to the local context and enhance the public realm (clause 15.01-2S).*
- *To achieve neighbourhoods that foster healthy and active living and community wellbeing (clause 15.01-4S).*
- *To recognise, support and protect neighbourhood character, cultural identity, and sense of place (clause 15.01-5S).*
- *To ensure the protection and conservation of places of Aboriginal cultural heritage significance (clause 15.03-2S).*

- 3.14 The development of the site with two dwellings is considered to meet all relevant objectives under clause 15. The existing dwelling has contributed to the safety, health and function of the neighbourhood ensuring a sense of place for at least 10 years. Converting the existing dwelling into two dwellings would achieve the same outcomes in this urban environment.
- 3.15 The existing built form is consistent with the neighbourhood character in respect to scale, form, materials, setbacks to the boundaries and contemporary design. All material impacts from the dwelling have already been established. There are currently no unacceptable amenity impacts. The conversion into two dwellings is unlikely to create any additional unacceptable amenity impacts.
- 3.16 The requirement to prepare a Cultural Heritage Management Plan is exempted under regulations 10 and 11 of the *Aboriginal Heritage Regulations* 2018, as the proposal comprises the development of two dwellings on a lot less than 1100sqm in area. The exemptions also include the subdivision of two dwellings.
- 3.17 Clause 16 (Housing)
- The following objectives are applicable:
- *To promote a housing market that meets community needs* (clause 16.01-1S).
 - *To locate new housing in designated locations that offer good access to jobs, services and transport* (clause 16.01-2S).
 - *To provide for a range of housing types to meet diverse needs* (clause 16.01-3S).
 - *To deliver more affordable housing closer to jobs, transport and services* (clause 16.01-4S).
- 3.18 The development of one additional dwelling adds to the residential housing stock of Manningham and contributing to the housing market needs of the community. The side-by-side design is one of several design typologies available in the Manningham housing market.
- 3.19 The site is located near services, particularly Westfield Doncaster which is a classified as a Major Activity Centre under the Manningham Planning Scheme. Jobs and transport are also readily accessible.

Local Planning Policy Framework

Clause 21.05 (Residential)

- 3.20 Manningham is divided into four residential character precincts. The site and neighbourhood are located in Precinct 1 (Residential Areas Removed from Activity Centres and Main Roads), where an incremental level of change is expected.
- 3.21 The future development vision is to encourage development that reinforces existing front and rear setbacks and site coverage to provide opportunities for landscaping and retain areas of open space. Precinct 1 therefore encourages a less intensive urban form.

- 3.22 Whilst the design of future dwellings may vary from the existing built forms, dwellings will need to provide increased open space for the planting and retention of trees and associated landscaping. The prevailing character of low front fences, retaining walls or the absence of front fences is also encouraged.
- 3.23 The proposal is consistent with this policy. Developing the existing dwelling into two dwellings is considered an incremental level of change as anticipated in Precinct 1. The existing dwelling already reinforces the setbacks and site coverage, and there are ample opportunities to provide landscaping in the open spaces areas.
- 3.24 The front fence is a brick pier with metal infill fence with an approximate height of 1.5 metres. It is partly transparent. The front setback is visible to the street. The height of the fence is comparable to other front fences in Toronto Avenue. It is considered acceptable.

Clause 22.15 (Dwellings in the General Residential Zone, Schedule 1)

- 3.25 The proposal generally complies with clause 22.15. An assessment is at Attachment 7.

General Residential Zone, Schedule 1 (Clause 32.08)

- 3.26 The site and neighbourhood are zoned General Residential Zone, Schedule 1. The purpose of the zone is to encourage development that respects the neighbourhood, and encourage a diversity of housing types and growth in locations offering good access to services and transport.
- 3.27 The proposal has been assessed against the provisions of the PPF and the LPPF in paragraphs 3.14 to 3.26. It is considered acceptable.
- 3.28 Clause 32.08-4 (Construction or extension of a dwelling or residential building) requires that 35% of a lot must be provided with garden area, if the lot exceeds 650sqm in area. This is a mandatory requirement that cannot be varied by a permit.
- 3.29 A minimum Garden Area of 270.28sqm must be provided, based upon a Site area of 772.24sqm. The proposed Garden Area is 277.42sqm which represents 35.92% of the Site area and complies.

Design and Development Overlay, Schedule 7 (Clause 43.02)

- 3.30 The DDO7 is proposed to be removed by this amendment.
- 3.31 As noted, the proposed planning permit is not seeking to subdivide the land.
- 3.32 The current controls allow the subdivision of 11 Toronto Avenue into two or more lots approved under Planning Permit PL02/013542. However, this cannot be achieved because Planning Permit PL02/013542 has expired. Given that this subdivision cannot be carried out, the overlay control has the effect of prohibiting all subdivision on the site.
- 3.33 Should Council be of a mind to support Planning Scheme Amendment C130, and agree to delete the Design and Development Overlay, Schedule 7 from 11 Toronto Avenue, the land could be subdivided at a later date under the requirements of the zone and clause 56 (Residential subdivision).

- 3.34 The design objective requires that development on land has regard to clause 55 (Two or more dwellings on a lot and residential building) – see paragraph 3.42 and Attachment 8.

Particular Provisions

Clause 52.06 (Car parking)

- 3.35 Three bedrooms are proposed for each dwelling. Three bedroom dwellings must be provided with 2 car parking spaces. Both dwellings have a double garage meeting the requirement.
- 3.36 Clause 52.06-9 (Design standards for car parking) prescribes standards for accessways, dimensions of car parking spaces, gradients and urban design. These standards are all met.
- 3.37 Condition 1.5 of the draft Planning Permit requires a sensor light to be provided adjacent to each garage door to ensure safety. With the inclusion of this condition, the standard for safety will be met.
- 3.38 Visitor car parking is not required as the development is less than 5 dwellings. Despite this, visitors could informally park in front of the garages within the Site.

Clause 53.18 (Stormwater management in urban development)

- 3.39 This clause does apply. The application was lodged on 2 October 2018, and predates the gazettal of Planning Scheme Amendment VC154 on 26 October 2019. The requirements of the clause do not apply to planning applications lodged before Amendment VC154 came into effect.

Clause 55 (Two or more dwellings on a lot and residential buildings)

- 3.40 The proposal generally complies with clause 55. The following conditions are recommended in the draft planning permit where it is considered there is non-compliance in relation to a specific objective or standard. An assessment is at Attachment 8.

Clause 55.03-8 (Landscaping)

- Condition 5 requires a landscaping plan be prepared and approved to ensure an adequate landscaping response is provided.
- Condition 6 requires the payment of a \$3,519 bond or lodgement of a bank guarantee to ensure the landscaping is adequately maintained for a 13 week period.
- Condition 11 requires the ongoing maintenance of landscaping to the satisfaction of the Responsible Authority.

Clause 55.04-6 (Overlooking)

- Condition 1.1 requires a plan notation restricting the upper level deck screens to have a maximum transparency of 25%, to ensure overlooking is appropriately restricted.

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Clause 55.04-7 (Internal views)

- Condition 1.2 requires the new internal fence to be 2.2 metres high with 300mm of trellis on top, to ensure internal views are appropriately restricted.

Clause 55.06-4 (Site services)

- Condition 1.3 requires a clothesline to be provided in the secluded private open space of each dwelling, to ensure appropriate services are provided.

Clause 65 (Decision guidelines)

- 3.41 Subject to the recommended planning permit conditions, the proposal is considered to be consistent with the requirement of the clause.

Clause 66.02 (Buildings and works not requiring a permit unless specifically required by the planning scheme)

- 3.42 Clause 66.02 lists the buildings and works that do not require a permit (unless specifically required by the scheme). The following inclusion is relevant:
- *The internal rearrangement of a building or works provided the gross floor area of the building, or the size of the works, is not increased and the number of dwellings is not increased.*
- 3.43 This exemption cannot be applied by the landowner to undertake internal building works if they were to result in the conversion of the existing dwelling into two dwellings.
- 3.44 Where two dwellings are proposed to be created, as identified under this planning application, a planning permit is required prior to works commencing.
- 3.45 It is important to note that the provisions of clause 66.02 at the time Amendment C42 was gazetted have been superseded. The exemptions that applied at that time to the internal rearrangement of a building were:
- *The internal rearrangement of a building or works provided the gross floor area of the building, or the size of the works, is not increased.*
- 3.46 This exemption did not apply to an internal rearrangement where the number of dwellings would be increased which was a factor in the introduction of Amendment C42.

4. COUNCIL PLAN / STRATEGYCouncil Plan 2017 – 2021

- 4.1 Should the amendment to the planning scheme commence, it is considered that it would align with the Healthy Community theme in Council's four year plan.

Manningham Planning Scheme Review 2018

- 4.2 Amendment C130mann is not identified as a strategic planning project under the Planning Scheme Review. The amendment was requested on behalf of the landowner.

Design and Development Overlay, Schedule 7

- 4.3 Schedule 7 of the Design and Development Overlay has a specific control to restrict the subdivision of the land at 11 Toronto Avenue. If a planning scheme amendment to remove this control from the scheme was to proceed, the subdivision of the land would not be controlled by a schedule to an overlay.
- 4.4 Subdivision would instead be controlled by the provisions of the General Residential Zone, Schedule 1, and clause 56 (Residential subdivision).

5. IMPACTS AND IMPLICATIONS

- 5.1 The form and appearance of the existing building will remain unchanged, except for the construction of crossover and accessway adjacent to the south boundary. The material impacts from the building have been established since about 2007 and no unreasonable amenity impacts from the accessway are expected.
- 5.2 Any person may make a submission in respect to the planning scheme amendment or the proposed planning permit. Any submissions that are received will be independently considered by a Planning Panel.
- 5.3 The decision making in a combined amendment and application is not subject to appeal to VCAT.
- 5.4 Neither the person who makes a submission in objection to the planning permit application or the landowner can appeal any decisions made by Council or the Minister for Planning regarding the planning permit.

6. IMPLEMENTATION**6.1 Finance / Resource Implications**

The applicant will be responsible for covering the costs of the amendment process in accordance with the *Planning and Environment (Fees) Regulations 2005*.

6.2 Communication and Engagement

A communications strategy will need to be prepared to manage communications required for the planning scheme amendment in accordance with the *Planning and Environment Act 1987* and will include:

- Notice in the Government Gazette;
- Notices in the *Manningham Leader*,
- Direct notification sent to adjoining and opposite property owners and occupiers;
- Information on Council's website; and
- Information available at the municipal offices and all local libraries.

6.3 Timelines

Subject to Council supporting to proceed with Amendment C130, documentation will be prepared and Council officers will seek authorisation from the Minister for Planning.

Following authorisation it is expected to place the amendment on exhibition for a minimum period of one month after notice is given in the Government Gazette, in accordance with section 19(4)b of the *Planning and Environment Act 1987*.

Having regard for the recommendations made from a Panel Hearing (if required), and the requirements from the Department of Environment, Land, Water and Planning, the amendment is expected to be completed within approximately 6 months following authorisation.

7. DECLARATIONS OF CONFLICT OF INTEREST

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

Planning and Environment Act 1987

MANNINGHAM PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C130mann

The Manningham City Council has prepared Amendment C130mann to the Manningham Planning Scheme.

The land affected by the amendment is 11 Toronto Avenue, Doncaster.

Amendment C130mann proposes is a combined planning scheme amendment and planning permit application under section 96A of the *Planning and Environment Act 1987*. The amendment proposes to delete the Design and Development Overlay, Schedule 7 (11 Toronto Avenue, Doncaster) and accompanying maps, that applies only to 11 Toronto Avenue, Doncaster, and seek a planning permit to convert the existing dwelling at 11 Toronto Avenue, Doncaster, into two (2) dwellings, and associated buildings and works.

You may inspect the amendment, any documents that support the amendment and the explanatory report about the amendment, free of charge, at the following locations:

- during office hours at the office of the planning authority, Manningham City Council, 699 Doncaster Road, Doncaster.
- online at www.yoursaymanningham.com.au/C130mann.
- at the Doncaster/The Pines/Bulleen/Warrandyte branch libraries and the Box Hill branch library.
- at the Department of Environment, Land, Water and Planning website www.delwp.vic.gov.au/public-inspection.

Any person who may be affected by the amendment may make a submission to the planning authority about the amendment. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for council to consider submissions and to notify such persons of the opportunity to attend council meetings and any public hearing held to consider submissions.

The closing date for submissions is **[insert date]**. A submission must be sent to the:

Manager Integrated Planning
Manningham City Council
PO Box 1
DONCASTER VIC 3108

Or submitted online at www.yoursaymanningham.com.au/C130mann

The planning authority must make a copy of every submission available at its office for any person to inspect free of charge for two months after the amendment comes into operation or lapses.

Signed:

ANDREW DAY
Chief Executive Officer

Planning and Environment Act 1987

**MANNINGHAM PLANNING SCHEME
AMENDMENT C130MANN AND
PLANNING PERMIT APPLICATION
EXPLANATORY REPORT**

Who is the planning authority?

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

The amendment has been made at the request of Roz Wilson (Solicitor and Urban Planner).

Land affected by the Amendment

The amendment only applies to the land at 11 Toronto Avenue, Doncaster.

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

The amendment is a combined planning permit application and planning scheme amendment under section 96A of the Act.

The planning permit application applies to convert the existing dwelling into two (2) dwellings.

What the amendment does

The Amendment proposes to:

- Delete the Design and Development Overlay, Schedule 7 (11 Toronto Avenue, Doncaster) from 11 Toronto Avenue, Doncaster, and amend maps 6DDO and 7DDO accordingly.

The planning permit application seeks approval to:

- Convert the existing single dwelling into two (2) dwellings.

The draft planning permit and proposed plans is attached at Attachment 2 to this Explanatory Report.

Strategic assessment of the Amendment

Why is the Amendment required?

The amendment is required to allow the subdivision of 11 Toronto Avenue, Doncaster, to be carried out in accordance with the current requirements of the Manningham Planning Scheme.

The Design and Development Overlay, Schedule 7, which currently applies, only permits the subdivision of the land in accordance with Planning Permit PL02/013542. It also does not allow a permit to be granted to subdivide the land which is not in accordance with this requirement.

Planning Permit PL02/013542 approved the construction of two dwellings. This was never acted upon and has expired.

The Design and Development Overlay, Schedule 7, therefore has the effect of prohibiting all subdivision proposals on the land.

Approval to subdivide 11 Toronto Avenue, Doncaster, is not being sought under this planning permit application. However, should Planning Scheme Amendment C130mann be approved, the land would be able to be subdivided under a separate planning application.

The Design and Development Overlay, Schedule 7 control does not support good planning outcomes having regard for the controls Manningham Council has determined should apply to the land by virtue of the present zoning.

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

The amendment is considered to implement the following relevant objectives for planning in Victoria under Section 4 of the Act:

- To provide for the fair, orderly, economic and sustainable use and development of land;
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community; and
- To balance the present and future interests of all Victorians.

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

The amendment is specific to one parcel of land and no adverse environmental effects are expected. The land is already developed with a single dwelling and the land has been significantly modified by this development. There are no environmental overlays that apply to the land or in the immediate neighbourhood.

The amendment is expected to have a positive social and economic effect. The deletion of the Design and Development Overlay, Schedule 7 would allow the *Purpose* of the General Residential Zone to be fully applied, enabling a diversity of housing types in close proximity to services and community facilities, and good access to transport.

Does the Amendment address relevant bushfire risk?

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

The preparation of a separate bushfire assessment was not considered necessary because 11 Toronto Avenue, and the surrounding neighbourhood, are a built up area zoned General Residential Zone, and are not located within a Bushfire Management Overlay (BMO) or a Bushfire Prone Area (BPA). While there are small linear parks adjacent to the Eastern Freeway, these may be subject to redevelopment for the upgrading of the Eastern Freeway as part of the North East Link Project.

The relevant fire considerations in the conversion of the existing single dwelling into two dwellings will be a matter for consideration by the relevant building surveyor during the assessment of the Building Permit.

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

The amendment is consistent with the following Ministerial Directions under section 7(5) of the *Planning and Environment Act 1987*:

- Direction: The Form and Content of Planning Schemes.
- Direction No. 9: Metropolitan Planning Strategy, with particular regard to:
 - Direction 2.1 *Manage the supply of new housing in the right locations to meet population growth and create a sustainable city*;
 - Direction 2.2, Policy 2.2.3: *Support new housing in activity centres and other places that offer good access to jobs, services and public transport*;
 - Direction 2.5 *Provide greater choice and diversity of housing*;
 - Direction 4.3 *Achieve and promote design excellence*; and

- Direction 5.1 *Create a city of 20-minute neighbourhoods.*
- Direction No. 11: Strategic Assessment of Amendments.

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

The amendment is consistent with and supports the following clauses of the Planning Policy Framework:

- Clause 15 (Built Environment and Heritage)
 - Clause 15.01-1S (Urban design)

To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.
 - Clause 15.01-1R (Urban design- Metropolitan Melbourne)

To create a distinctive and liveable city with quality design and amenity.
 - Clause 15.01-2S (Building design)

To achieve building design outcomes that contribute positively to the local context and enhance the public realm.
 - Clause 15.01-4S (Healthy neighbourhoods)

To achieve neighbourhoods that foster healthy and active living and community wellbeing.
 - Clause 15.01-5S (Neighbourhood character)

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.
 - Clause 15.03-2S (Aboriginal cultural heritage)

To ensure the protection and conservation of places of Aboriginal cultural heritage significance.
- Clause 16 (Housing)
 - Clause 16.01-1S (Integrated housing)

To promote a housing market that meets community needs.
 - Clause 16.01-2S (Location of residential development)

To locate new housing in designated locations that offer good access to jobs, services and transport.
 - Clause 16.01-3S (Housing diversity)

To provide for a range of housing types to meet diverse needs.
 - Clause 16.01-4S (Housing affordability)

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

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

This strategic consideration only applies if the planning scheme includes an LPPF at Clause 20.

The amendment does not alter the intent or implications of the Local Planning Policy Framework or the Municipal Strategic Statement.

The amendment is consistent with clause 21.05 (Residential) of the Municipal Strategic Statement. No. 11 Toronto Avenue, Doncaster, is located in Precinct 1 (Residential Areas Removed from Activity Centres and Main Roads) under the clause, which anticipates an incremental level of change. The planning permit application proposes to convert the existing single dwelling into two dwellings. This level of change is considered to be incremental.

The amendment is consistent with clause 22.15 (Dwellings in the General Residential Zone, Schedule 1). The planning permit application meets the Siting, Form, Car Parking and Access, Landscaping and Fencing policy requirements of the clause.

How does the amendment support or implement the Municipal Planning Strategy?

This strategic consideration only applies if the planning scheme includes an MPS at Clause 02.

The Manningham Planning Scheme does not currently have a Municipal Planning Strategy at Clause 02.

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

The Design and Development Overlay, Schedule 7 has the effect of prohibiting subdivision at 11 Toronto Avenue, Doncaster. Deleting this control would enable the considerations of all subdivisions as is anticipated under the General Residential Zone, Schedule 1. The amendment would therefore make proper use of the Victoria Planning Provisions.

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

There are no relevant agencies.

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

The amendment is not likely to have a significant impact on the transport system.

Resource and administrative costs

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

The amendment is considered to not have a significant impact on the resources and administrative costs of Council. The proponent will be responsible for all fees associated with the process.

Where you may inspect this Amendment

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

- Manningham City Council, 699 Doncaster Road, Doncaster; or
- Online at www.yoursaymanningham.com.au/C130mann

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection

Submissions

Any person who may be affected by the Amendment and/or planning permit may make a submission to the planning authority. Submissions about the amendment and/or planning permit must be received by **(date to be inserted)**.

A submission must be sent to:

Manager Integrated Planning
Manningham City Council
PO Box 1
DONCASTER VIC 3108

Or online at www.yousaymanningham.com.au/C130mann

Panel hearing dates

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

- Directions hearing: **Week beginning**
- Panel hearing: **Week beginning**

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Doncaster	11 Toronto Avenue	Manningham C130mann 006ddoMap06
Doncaster	11 Toronto Avenue	Manningham C130mann 007ddoMap07

ATTACHMENT 2 – Draft Planning Permit and Proposed Plans

**PLANNING PERMIT C130mann
DRAFT CONDITIONS**

Address of the land: 11 Toronto Avenue, Doncaster

The permit allows: Conversion of the existing dwelling into two, two-storey dwellings, and associated buildings and works

Amended Plans

1. Before the development starts amended, dimensioned plans must be submitted by email and approved by the Responsible Authority. When approved the plans will then form part of the permit. The plans must be generally in accordance with the decision plans (prepared by Fourth Dimension Design Studio, Job No. 23436, received by Council on 2 October 2018), but modified to show:
 - 1.1 A plan notation that reads "The upper level deck screens of both dwellings must have a maximum transparency of 25%.", to ensure overlooking is appropriately restricted;
 - 1.2 The internal fence separating the secluded private open space areas with a height of 2.2 metres, plus 0.3 metres of trellis fixed on top, to ensure internal views are appropriately restricted;
 - 1.3 A clothesline within each secluded private open space area, to ensure that adequate services are provided;
 - 1.4 A sensor light adjacent to each garage entry;
 - 1.5 Boundary fencing transposed on the elevation plans; and
 - 1.6 The street tree in front of the site accurately located, with a separation distance between the tree and proposed crossover notated.

Endorsed Plans

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

Completion

3. Before the dwellings approved under this permit are occupied, privacy screens and obscure glazing approved under Condition 1 of this permit must be installed to the satisfaction of the Responsible Authority. The use of obscure film or spray fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.
4. Before the dwellings approved under this permit are occupied, landscaping must be completed generally in accordance with the Landscaping Plan approved under Condition 5 of this permit, to the satisfaction of the Responsible Authority.

Landscaping Plan

5. Before the development starts, a landscaping plan prepared by a landscape architect or person of approved competence must be submitted via email to the Responsible Authority for approval. The plan must be generally in accordance with the plan approved under Condition 1 of this permit and must show:

- 5.1 All relevant changes to the development layout required under Condition 1 of this permit;
- 5.2 Species, locations, approximate height and spread of proposed planting and the retention of existing trees and shrubs, where appropriate or as directed by any other condition of this permit;
- 5.3 Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;
- 5.4 Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;
- 5.5 A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;
- 5.6 A minimum of one (1) canopy tree, capable of reaching a minimum mature height of 8 metres, within the front setback of each dwelling. The tree must be a minimum height of 1.5 metres at the time of planting;
- 5.7 A minimum of one (1) canopy tree, within the private open space of each dwelling, to be a minimum height of 1.5 metres at the time of planting;
- 5.8 Screen planting along the rear boundary of the site, to be a minimum height of 0.5 metres at the time of planting;
- 5.9 Planting within 2 metres along the frontage from the edge of the driveway(s) and 2.5 metres along the driveway(s) from the frontage to be no greater than 0.9 metres in height at maturity.

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

Landscaping Bond

6. Before the review of the plans submitted under Condition 1 of this permit, a \$3,519 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas. The 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.

Drainage

7. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge, to the satisfaction of the Responsible Authority.
8. The whole of the land, including landscaped and paved areas must be graded and drained to the satisfaction of the Responsible Authority, to prevent ponding and to minimise overland flows onto adjoining properties.

Vehicle Crossings and Accessways

9. Prior to occupation of the approved dwellings, any new or modified vehicular crossover must be constructed in accordance with the plans endorsed under Condition 1 of this permit, to the satisfaction of the Responsible Authority.

Fencing

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

Maintenance

11. Buildings, privacy screens and obscure glazing, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.

Construction Management

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

Permit Expiry

13. This permit will expire if:

- 13.1 The development is not started within two (2) years of the date of this permit; or
- 13.2 The development is not completed within four (4) years of the date of this permit.

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

Planning Permit Notes:

Submission of plans

All plans submitted in accordance with this permit must be emailed with a cover letter to planningapplications@manningham.vic.gov.au.

How to avoid the expiry of this permit

Under Section 69 of the *Planning and Environment Act 1987* the owner or occupier of the land may apply to extend a permit either:

- before it expires; or
- within 6 months of the expiry if the permit has not been acted on; or
- within 12 months of the expiry of the permit if the development was started lawfully before the permit expired.

Works Code of Practice

The development must comply with Council's Works Code of Practice (June 2017), available at www.manningham.vic.gov.au/file/30396/download.

Building Permit

Please note that this planning permit does not give permission to commence work. A Building Permit must be issued prior to commencing building work pursuant to the Building Act and Building Regulations. Please contact Council's Building Service Unit on 9840 9430 or visit Council's website if you require further information.

Post Construction Inspection

The Responsible Authority (Statutory Planning Unit) must be advised when all construction and works (including nature strip restoration and on-site landscaping) are fully completed to enable the site to be inspected for compliance with the approved permit and plans.

Vehicle Crossing Approval

Before the construction or modification of a vehicular crossing, a Vehicle Crossing Permit must be obtained from the Responsible Authority. Approved vehicular crossings must be constructed under the Responsible Authority's supervision, for which 24 hours notice is required.

Mailboxes

The location and design of mail boxes must accord with Australia Post guidelines found at www.auspost.com.au/media/documents/Appendix_02_Aug13.pdf. Developers seeking additional information regarding this should call Australia Post Customer Service on 13 13 18.

Street Trees

Any removal or lopping of street trees must be arranged with Council's City Amenity Unit. All costs associated with this must be paid to the satisfaction of the Responsible Authority. The removal and replacement of the street tree must only be undertaken by Council contractors to ensure quality and safety of work unless with the written consent of the Responsible Authority. Please contact them on 9846 0515 should you have any queries.

Allocation of New Property Addresses

Manningham City Council is the Responsible authority for the allocation of all new property addressing. For information or advice regarding the allocation of new addresses please contact Council's Property Services Unit on 9840 9242.

IMPORTANT INFORMATION ABOUT THIS PERMIT

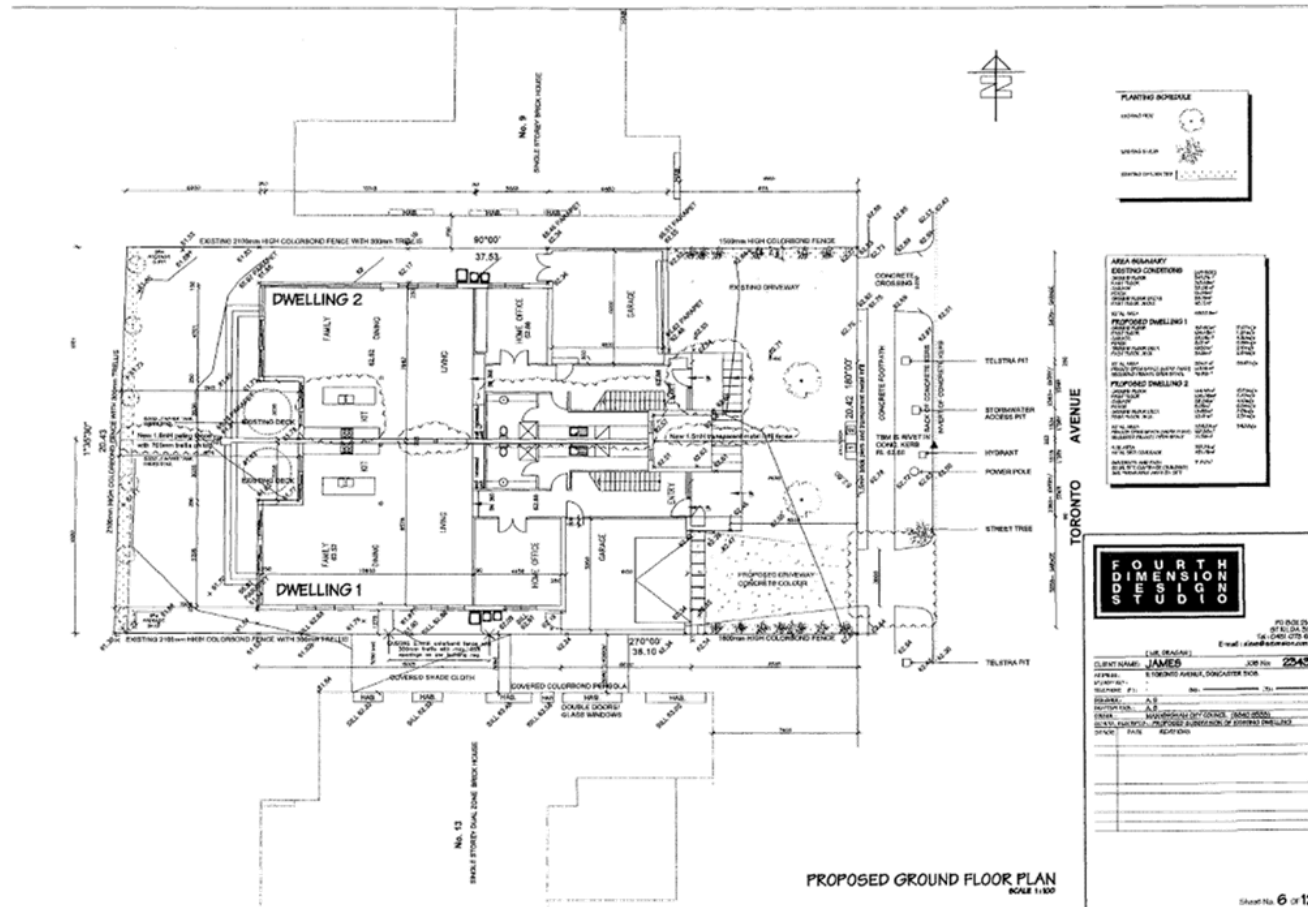
WHEN DOES A PERMIT BEGIN?

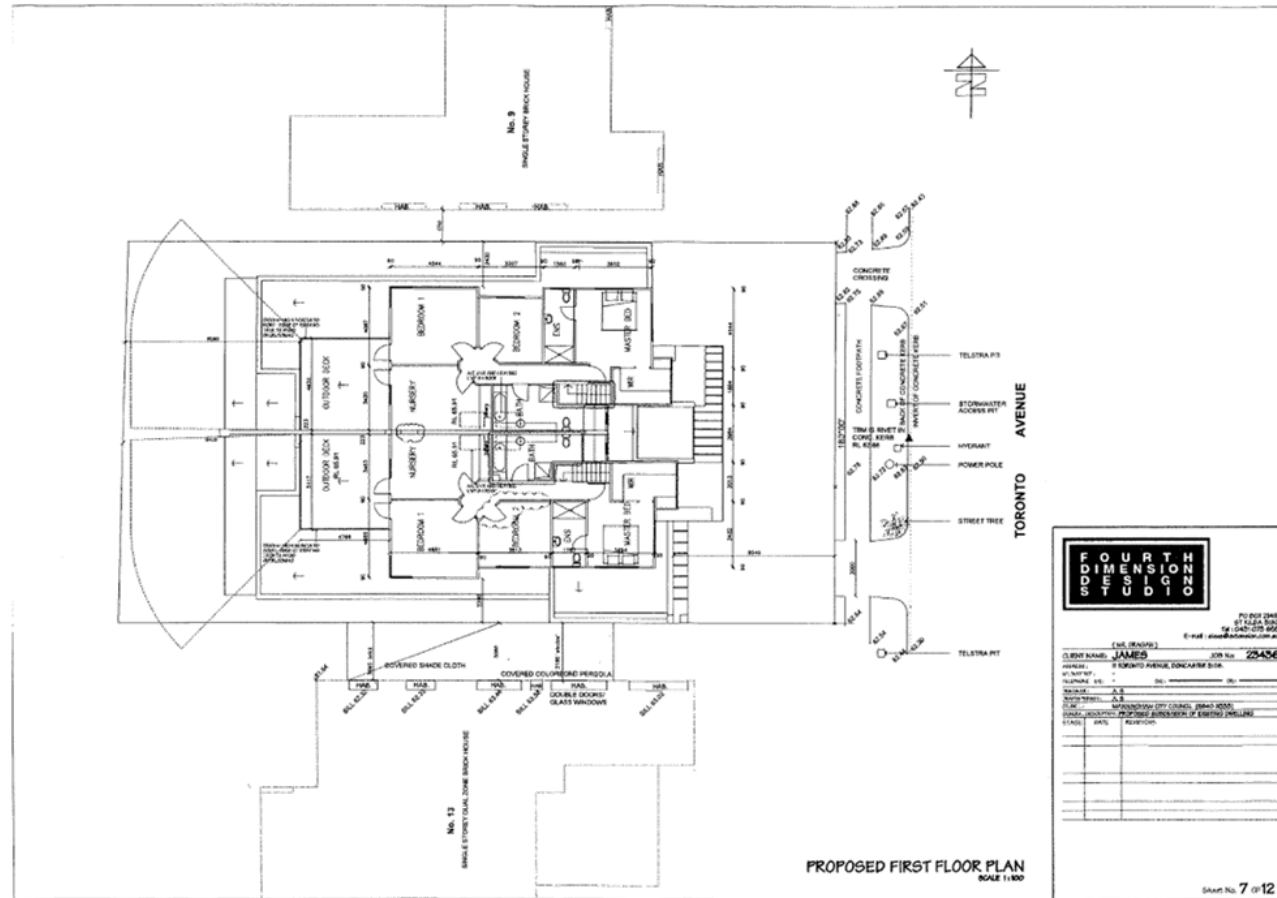
A permit operates:

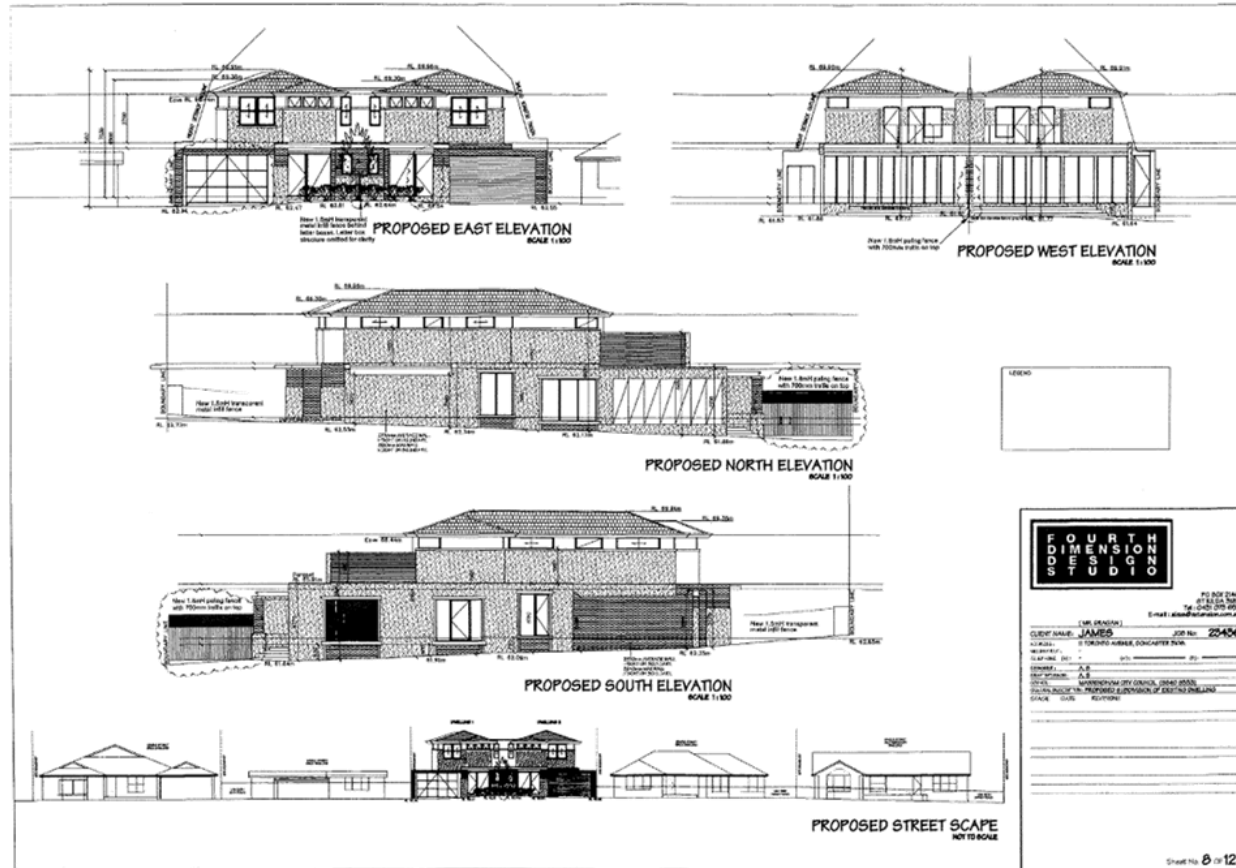
- From the date specified in the permit; or
 - If no date is specified, from –
 - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
 - (ii) the date on which it was issued, in any other case
-

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if –
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within five years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
 2. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.
-







MANNINGHAM PLANNING SCHEME

27/05/2019
C126mann

SCHEDULE 7 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO7.

11 TORONTO AVENUE, DONCASTER

1.0
27/05/2019
C126mann

Design objectives

To ensure that development on the land has regard to Clause 55.

2.0
27/05/2019
C126mann

Buildings and works

None specified.

3.0
27/05/2019
C126mann

Subdivision

The land must not be subdivided into two or more lots unless the subdivision is in accordance with the development approved by Planning Permit No. PL02/013542.

A permit cannot be granted to subdivide the land which is not in accordance with this requirement.

4.0
27/05/2019
C126mann

Signs

None specified.

5.0
27/05/2019
C126mann

Application requirements

None specified.

6.0
27/05/2019
C126mann

Decision guidelines

None specified.



*Planning and Environment Act 1987***MANNINGHAM PLANNING SCHEME****AMENDMENT C130mann****INSTRUCTION SHEET**

The planning authority for this amendment is Manningham City Council.

The Manningham Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 2 map sheets.

Overlay Maps

1. Amend Planning Scheme Map No's 6DDO and 7DDO in the manner shown on the 1 attached map marked "Manningham Planning Scheme, Amendment C130mann".

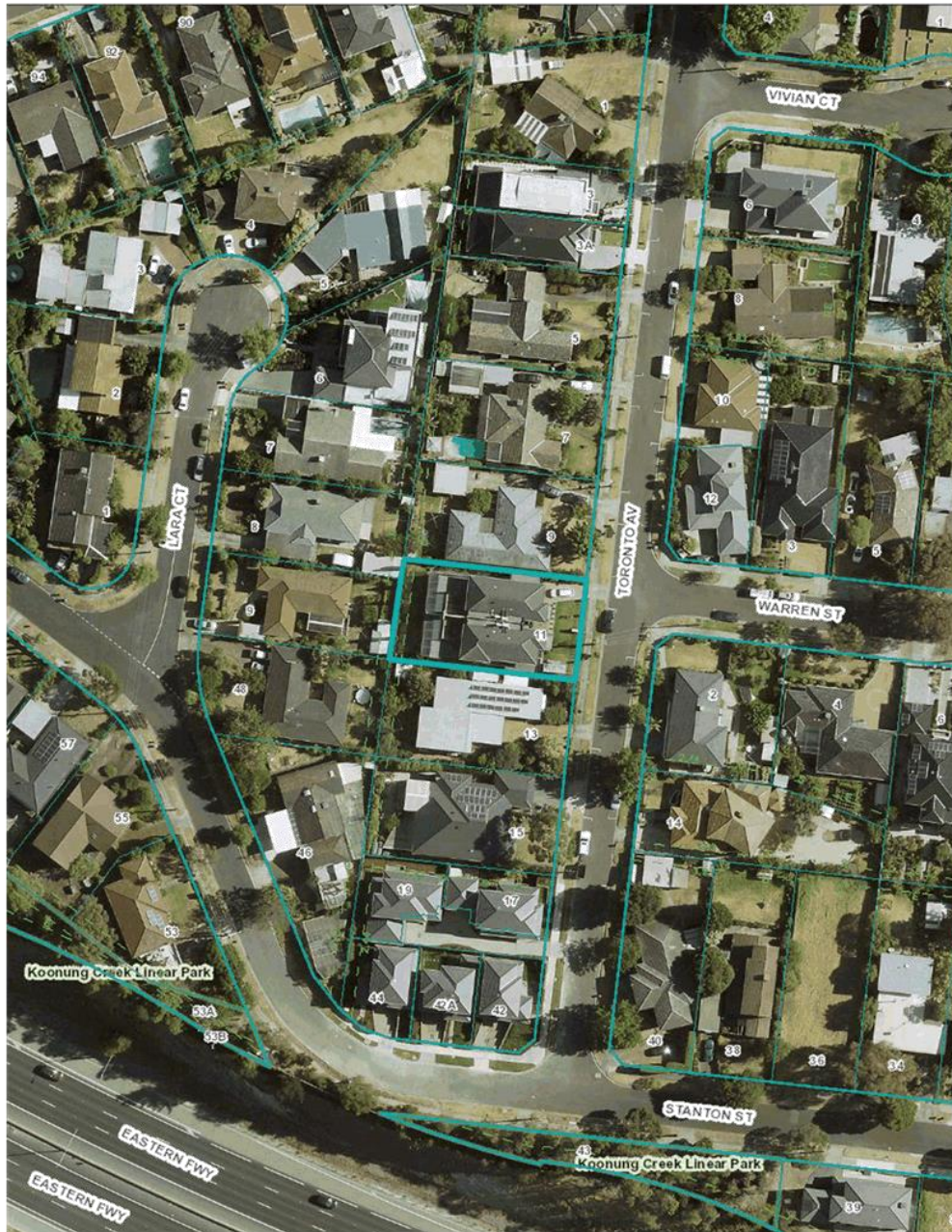
Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

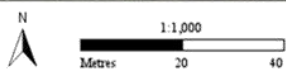
2. In **Overlays** - delete Clause 43.02, Schedule 7.

End of document

11 Toronto Avenue, Doncaster

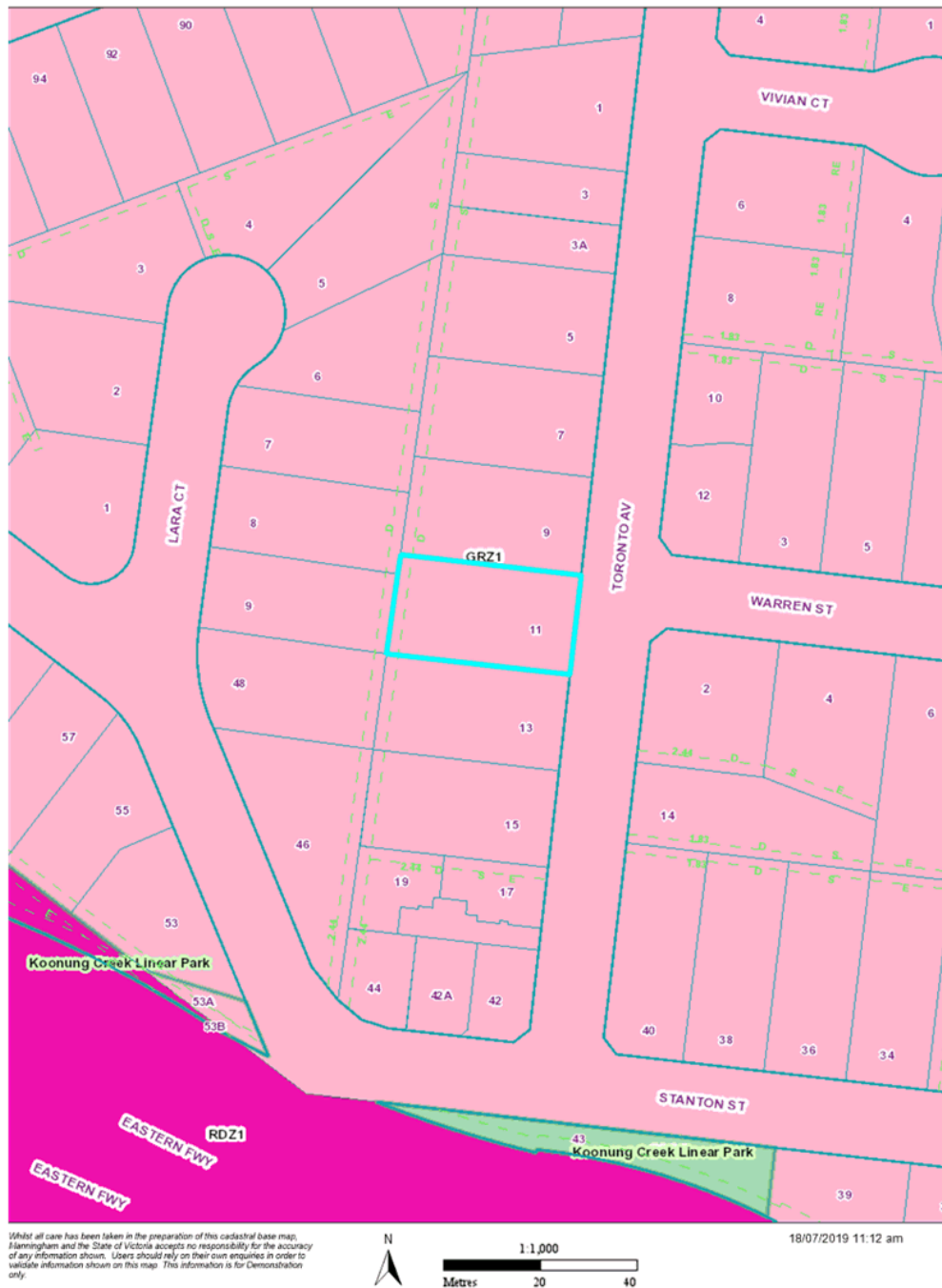


Whilst all care has been taken in the preparation of this cadastral base map, Barenbrug and the State of Victoria accepts no responsibility for the accuracy of any information shown. Users should rely on their own enquiries in order to validate information shown on this map. This information is for Demonstration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



18/07/2019 10:27 am

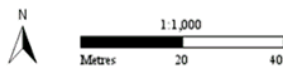
Zone Map 11 Toronto Avenue, Doncaster



Overlay Map 11 Toronto Avenue, Doncaster



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



18/07/2019 11:18 am

Aboriginal Cultural Heritage Map 11 Toronto Avenue, Doncaster



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18/07/2019 11:26 am

Planning and Environment Act 1987

MANNINGHAM PLANNING SCHEME

AMENDMENT C42

EXPLANATORY REPORT

Who is the Planning Authority?

This amendment has been prepared by the Minister for Planning. The Minister for Planning is the planning authority for the amendment.

Land affected by the Amendment.

The land affected by the amendment is Lot 8 on Plan of Subdivision LP50963, being 11 Toronto Avenue, Doncaster.

What the Amendment does.

The amendment introduces a new schedule to Clause 43.02 - Design and Development Overlay (DDO7) to prohibit the land at 11 Toronto Avenue, Doncaster from being subdivided into two or more lots, unless the subdivision is in accordance with the development authorised under Planning Permit No. PL02/013542.

Why the Amendment is required.

The amendment is required to prohibit the subdivision of land at 11 Toronto Avenue, Doncaster (Lot 8 LP50963) unless it is in accordance with Planning Permit No. PL02/13542 directed to be granted by the Victorian Civil and Administrative Tribunal (VCAT) on 26 May 2003. The planning permit allows for the '*construction of two (2) two-storey dwellings in accordance with the endorsed plan*', however the owner has commenced construction of a single dwelling on the land without consideration to the requirements of VCAT.

The proposal was presented for VCAT's consideration because of Council's failure to grant a permit within the prescribed time. Council did however resolve that if the appeal had not been lodged it would not have supported the application. VCAT determined that a planning permit be granted subject to amended plans being submitted that showed a number of changes to the two dwellings in order to minimise the impact of the development on the amenity of adjoining properties. To date, plans suitable for endorsement under the planning permit have not been lodged. Notwithstanding this, a building approval has been issued for a single dwelling with a similar footprint and layout to the plan originally proposed.

The responsible authority is concerned that the owners of 11 Toronto Avenue, Doncaster (Lot 8 LP50963) may at a later point request a planning permit to subdivide the existing single dwelling into two (2) attached dwellings (dual occupancy). As Clause 62.02 does not require a planning permit to internally rearrange a building or works, the types of changes necessary to convert the existing single dwelling into two attached dwellings may not require a planning permit and could occur without consideration to the residential development provisions contained in Clause 55 of the Planning Scheme.

The amendment is also necessary to control any future subdivision of the site due to the failure of the landowners to enter into a section 173 Agreement with Council. Council has

previously requested the owners of the land to enter into a section 173 Agreement to prevent the use of the land for two dwellings or for the land to be subdivided at any time, other than in accordance with Planning Permit No. PL02/013542. The owners' solicitor has indicated to Manningham City Council, in a letter dated 11 February 2004, that the owner is not prepared to enter into any such section 173 Agreement.

The exploitation and lack of respect for the planning and building controls in Victoria may continue should the owners request subdivision at a later time. At this point, the owners are complying with the Planning Scheme as the single dwelling does not require a planning permit. The provisions of Clause 62.02 allow the internal rearrangement of a single dwelling to allow it to be used and subdivided into two dwellings, without the need for the two dwellings to be scrutinised under the provisions of Clause 55 of the Scheme. Therefore, in order to restrict the subdivision of Lot 8 on Plan of Subdivision LP50963, unless it is in accordance with the development approved under Planning Permit No. PL02/013542, a Design and Development Overlay (DDO7) has been applied over the land.

Impact of the Amendment.

Minister's Directions

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

The amendment is affected by Minister's Direction No. 9 under section 12 of the *Planning and Environment Act 1987*.

In accordance with Minister's Direction No. 9, the Metropolitan Strategy has been considered as follows:

What aspects, if any, of the Metropolitan Strategy are relevant?

The relevant aspects of the Metropolitan Strategy are:

- Policy 9.1 – Achieve better planning decisions.

How does the Metropolitan Strategy affect the amendment?

The Metropolitan Strategy will not have a direct affect on the amendment.

Is the amendment consistent with any directions and policies in the Metropolitan Strategy?

The amendment is considered to be generally consistent with Policy 9.1, as it will assist in providing continued confidence and certainty in the planning system.

Does the amendment support, give effect to or assist the implementation of the Metropolitan Strategy or can it be reasonably modified to do so?

The amendment supports, gives effect to and assists in the implementation of the Metropolitan Strategy as detailed above.

Will the amendment compromise the implementation of the Metropolitan Strategy?

The amendment should not compromise the implementation of the Metropolitan Strategy.

Environmental Effects

The amendment will not cause adverse environmental effects.

Social and Economic Effects

The amendment will not cause adverse social and economic effects.

Strategic and Policy Justification of the Amendment

The amendment is generally consistent with the State Planning Policy Framework and Local Planning Policy Framework.

Clause 19.01 Subdivision addresses the need '*to control the subdivision and consolidation of land and the removal and variation of easements and restrictions through planning schemes*'. The amendment requires that any future subdivision of the land must be in accordance with Planning Permit No. PL02/013542, which through the amended plans condition, has addressed issues relating to amenity and neighbourhood character. The layout and form of the existing dwelling contravenes the planning permit and has not had regard to the impact on the amenity of adjoining residents. The subdivision of the existing dwelling into two or more dwellings would be likely to have a detrimental impact on the amenity of adjoining residents. The amendment will ensure that the land as currently developed cannot be subdivided and is therefore considered to be consistent with Clause 19.01 of the planning scheme.

Where you may inspect this Amendment.

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

Department of Sustainability and Environment
Planning Information Centre
Upper Plaza
Nauru House
80 Collins Street
Melbourne

Manningham City Council
699 Doncaster Road
Doncaster

Clause 22.15 Dwellings in the General Residential Zone, Schedule 1

REQUIREMENTS	ARE THE REQUIREMENTS MET?
Siting	
<ul style="list-style-type: none"> Ensure that the rear setback is of a sufficient width to allow for the retention or planting of canopy trees and to allow for recreational opportunities. 	<p>Yes</p> <ul style="list-style-type: none"> The rear setback is sufficiently wide to plant canopy trees and provide adequate recreational opportunities for occupants.
<ul style="list-style-type: none"> Minimise buildings on boundaries to create spacing between dwellings to reinforce the pattern of the street. If any adjoining property has no existing boundary walls, the total length of walls should be limited to that generally required for the provision of a garage. 	<p>Objective met</p> <ul style="list-style-type: none"> This requirement applies to new developments. The garage walls of both dwellings are on the side boundaries. The lengths of the walls on the boundaries are limited to the garages.
Form	
<ul style="list-style-type: none"> Encourage upper levels to be stepped in from the ground floor to avoid sheer walls and achieve articulation and visual interest. Preferably, upper levels should not exceed 75% of the ground floor area (excluding verandahs and balconies). 	<p>Yes</p> <ul style="list-style-type: none"> The upper level is stepped in from the ground level providing articulation and visual interest. The area of the upper level as a percentage of the ground floor is: <ul style="list-style-type: none"> Dwelling 1: 52.8%; Dwelling 2: 58.3%.
<ul style="list-style-type: none"> Promote building materials that reflect the prevailing materials of the surrounding residential area. 	<p>Yes</p> <ul style="list-style-type: none"> The use of face brickwork at ground level and rendered lightweight finishes at the upper level are consistent with the materials used in the neighbourhood.
<ul style="list-style-type: none"> Ensure porticos and other design features integrate with the overall design of the building and not include imposing design features such as double storey porticos. 	<p>Yes</p> <ul style="list-style-type: none"> There are no imposing design features.
Car Parking and Access	
<ul style="list-style-type: none"> Ensure garages are set back a greater distance than the front wall of the building. 	<p>Yes</p> <ul style="list-style-type: none"> The garages of both dwellings are recessed behind the front entrances of both dwellings.
<ul style="list-style-type: none"> Design developments with a maximum of two vehicle crossovers. Where possible retain existing vehicle crossovers to minimise the removal of street tree(s). Driveways should be generally setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback. 	<p>Yes</p> <ul style="list-style-type: none"> One additional crossover is proposed – two in total. The new crossover is likely to be set back within 1.5 metres of the small street tree in front of the site. This tree could be replaced or replanted. A note is included on the draft planning permit requiring consultation with Council's City Parks Unit.
<ul style="list-style-type: none"> Incorporate a landscape strip on either side of a driveway capable of supporting a variety of shrubs and small trees, with preferably a minimum width of 0.5m adjacent to the fence line and a 1m width adjacent to the dwelling. 	<p>Yes</p> <ul style="list-style-type: none"> A 0.5m wide landscaping strip is provided between the side of the accessway and side boundary. A 1m wide landscaping strip is provided between the accessway and each dwelling.

REQUIREMENTS	ARE THE REQUIREMENTS MET?
Landscaping	
<ul style="list-style-type: none"> Ensure the provision of pervious surfaces in the front and rear setbacks to enable the provision or retention of canopy trees. 	<p>Yes</p> <ul style="list-style-type: none"> Adequate pervious surfaces are provided across the site as part of the proposed development.
<ul style="list-style-type: none"> Require the private open space area and the front setback of dwellings to have a minimum of one canopy tree with a spreading crown, capable of growing to a height of 8.0m or more at maturity. 	<p>Yes</p> <ul style="list-style-type: none"> There is sufficient space for the planting of canopy trees within the front setback and the SPOS areas of each dwelling.
Front fence	
<ul style="list-style-type: none"> Ensure that the front fence is at least 50% transparent. 	<p>Yes</p> <ul style="list-style-type: none"> The existing front fence exceeds 50% transparency.

Clause 55 Two or More Dwellings on a Lot and Residential Buildings

CLAUSE	ARE THE OBJECTIVES & STANDARDS OF THE CLAUSE MET?
Neighbourhood Character and Infrastructure	
55.02-1 Neighbourhood character	Yes. The proposal is consistent with other multi-unit residential developments in the neighbourhood.
55.02-2 Residential policy	Yes. The application was accompanied by a written statement that considers the design against the PPF and Council's policies.
55.02-3 Dwelling diversity	NA. Less than 10 dwellings are proposed.
55.02-4 Infrastructure	Yes. The site has access to all services. The existing dwelling is connected to Council's drainage system.
55.02-5 Integration with the street.	Yes. Both dwellings address Toronto Avenue. Pedestrian paths and porch entries are clearly identifiable.
Site Layout and Building Massing	
55.03-1 Street setback	Yes. The front setback is 8.46m (Dwelling 2), which exceeds the minimum prescribed setback of 8.28m.
55.03-2 Building height	Yes. The maximum building height is 8.1m (Dwelling 2) which is below the 10m maximum height for sloping sites.
55.03-3 Site coverage	Yes. The site coverage of buildings is 55.9%.
55.03-4 Permeability	Yes. The proposal has 35.0% of site area as a pervious surface.
55.03-5 Energy efficiency	Yes. An assessment of energy efficiency will be undertaken at the Building Permit stage.
55.03-6 Open space	NA. There is no public or communal open space within or adjacent to the development.
55.03-7 Safety	Yes. Entries to both dwellings are identifiable and easily accessible from Toronto Avenue. Upper level windows provide passive surveillance over the front setback.
55.03-8 Landscaping	Yes, subject to conditions
55.03-9 Access	Yes. The number of vehicle crossovers respects the neighbourhood character. Less than 33% of the frontage is taken up by accessways.
55.03-10 Parking location	Yes. The garages are incorporated into the design of the dwellings with internal access provided. Both are convenient.
Amenity Impacts	
55.04-1 Side and rear setbacks	Yes. Side and rear setbacks are within the prescribed requirements.
55.04-2 Walls on boundaries	Yes. Walls on boundaries are restricted to the side garage walls. Both are constructed well within allowable limits.
55.04-3 Daylight to existing windows	Yes. All existing windows have a 3sqm light court.
55.04-4 North facing windows	NA. There are no north facing windows within 3m of the Site.
55.04-5 Overshadowing open space	Yes. Shadow diagrams are prepared for the control period. The extent of overshadowing is well within the allowable encroachments.
55.04-6 Overlooking	Yes, subject to conditions.
55.04-7 Internal views	Yes, subject to conditions.
55.04-8 Noise impacts	Yes. No unusual noise sources are expected.
On-Site Amenity and Facilities	
55.05-1 Accessibility	Yes. The gently sloping site allows an appropriate level of access for people of all mobility's.
55.05-2 Dwelling entry	Yes. Dwelling entries have their own sense of identity.
55.05-3 Daylight to new windows	Yes. All habitable room windows receive adequate daylight.
55.05-4 Private open space	Yes. The area and dimension requirements are met for both dwellings.
55.05-5 Solar access to open space	Yes. The SPOS areas of all dwellings are on the west side and will receive direct solar access.

CLAUSE	ARE THE OBJECTIVES & STANDARDS OF THE CLAUSE MET?
55.05-6 Storage	Yes. Storage sheds at the prescribed size are provided in each SPOS area.
Detailed Design	
55.06-1 Design detail	Yes. The contemporarily designed building containing hipped roofs, articulated building elements and well-proportioned windows respects the preferred neighbourhood character.
55.06-2 Front fence	Yes. The height of the front fence is 1.5 metres.
55.06-3 Common property	NA. If subdivided, no common property would be required.
55.06-4 Site Services	Yes, subject to conditions.
Apartment Developments (applies to apartment buildings of 4 storeys or less)	
55.07-1 Energy efficiency	NA.
55.07-2 Communal open space	NA.
55.07-3 Solar access to communal out door open space	NA.
55.07-4 Deep soil areas and canopy trees	NA.
55.07-5 Integrated water and stormwater management	NA.
55.07-6 Noise impacts	NA.
55.07-7 Accessibility	NA.
55.07-8 Building entry and circulation	NA.
55.07-9 Private open space above ground floor	NA.
55.07-10 Storage	NA.
55.07-11 Waste and recycling	NA.
55.07-12 Functional layout	NA.
55.07-13 Room depth	NA.
55.07-14 Windows	NA.
55.07-15 Natural ventilation	NA.



Department of Environment,
Land, Water and Planning

8 Nicholson Street
East Melbourne, Victoria 3002
PO Box 500
East Melbourne, Victoria 8002
www.delwp.vic.gov.au

Mr Andrew Day
Chief Executive Officer
Manningham City Council
Email address: matthew.lynch@manningham.vic.gov.au

Dear Mr Day

PROPOSED MANNINGHAM PLANNING SCHEME AMENDMENT C130MANN

I refer to your council's application for authorisation to prepare an amendment to the Manningham Planning Scheme. The amendment proposes to delete the Design and Development Overlay, Schedule 7 (11 Toronto Avenue, Doncaster) and seeks approval of a concurrent planning permit application in accordance with Section 96A of the *Planning and Environment Act 1987* to develop the existing dwelling at 11 Toronto Avenue into two dwellings.

Under delegation from the Minister for Planning, in accordance with section 8A of the *Planning and Environment Act 1987* (the Act) I authorise your council as planning authority to prepare the amendment subject to the following conditions:

1. Remove the application for a planning permit at 11 Toronto Avenue, Doncaster and associated documentation from Amendment C130mann.
2. Amend remaining documentation to reflect this change.

The Design and Development Overlay Schedule 7 (DDO7) only restricts the built form of the development with regard to subdivision. As the proposed planning permit does not seek to subdivide the land, the planning permit application can be considered by the responsible authority prior to the removal of DDO7 from the land and does not need to form part of Amendment C130 under section 96A of the Act.

The amendment must be submitted to the Minister for approval.

The authorisation to prepare the amendment is not an indication of whether or not the amendment will ultimately be supported.

Please note that [Ministerial Direction No. 15](#) sets times for completing steps in the planning scheme amendment process. This includes council:

- giving notice of the amendment within 40 business days of receiving authorisation; and before notice of the amendment is given, setting Directions Hearing and Panel Hearing dates with the agreement of Planning Panels Victoria. These dates should be included in the Explanatory Report ([Practice Note 77: Pre-setting panel hearing dates](#) provides information about this step).

The Direction also sets out times for subsequent steps of the process following exhibition of the amendment.

The Minister may grant an exemption from requirements of this Direction. Each exemption request will be considered on its merits. Circumstances in which an exemption may be appropriate are outlined in [Advisory Note 48: Ministerial Direction No. 15 – the planning scheme amendment process](#).

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002



In accordance with sections 17(3) and (4) of the Act, the amendment must be submitted to the Minister **at least 10 business days** before council first gives notice of the amendment.

Please submit the amendment electronically using the Amendment Tracking System (ATS).

If you have any further queries in relation to this matter, please contact
Planner, State Planning Services on _____ or email _____

Yours sincerely,



Melena McKaskill
Acting Manager, State Planning Services

2/10/2019

2438 G 49 5 December 2019

Victoria Government Gazette

Consistent with requirements within Part 5 and Schedule 8 of the **Local Government Act 1989**, Council has produced a new Community Local Law 2019 (excluding its Governance Local Law).

The issues covered in the proposed Community Local Law 2019 are substantially the same as the former Community Local Law 2012 with minor amendments to:

- make necessary changes arising from amendments to legislation and consultation with Council;
- ensure the 2019 Law's impact on human rights is consistent with the Charter of Human Rights and Responsibilities;
- correct minor formatting issues and remove redundant or conflicting provisions;
- reduce red tape and remove administrative-only permits;
- remove duplication with State law and the Murrindindi Planning Scheme.

The general purport of the proposed Community Local Law 2019 is:

- Part 1 – Preliminary matters
- Part 2 - Safety of people and property
- Part 3 – Streets and Roads
- Part 4 – Asset Protection
- Part 5 – Administration
- Part 6 – Enforcement.

A copy of the proposed 'Community Local Law 2019' and the 'Community Impact Statement' will be on display at all Murrindindi Shire Council offices and is on its website from 2 December 2019 until 31 January 2020.

The following public information sessions will be held:

1. Alexandra – Council Offices, Perkins Street – Tuesday 10 December 2019 at 6 pm.
2. Yea – Council Chambers – The Semi Circle, Yea – Thursday 12 December, 7 pm.
3. Marysville Information and Regional Arts Centre – Monday 20 January at 6 pm.
4. Kinglake Council Offices – Wednesday 22 January 2020 at 6 pm.

Any person affected by the proposed law can make a written submission to Council.

All submissions to be considered by Council must be received by 31 January 2020 in accordance with section 223 of the **Local Government Act 1989**.

Written submissions should be addressed to Murrindindi Shire Council, Local Laws Review, PO Box 138, Alexandra, Victoria 3714. Alternatively, you can email your submission to msc@murrindindi.vic.gov.au with 'Local Laws Review' as the subject.

Any person lodging a submission should clearly state whether they wish to be heard in support of their submission. Such person/s will be heard by Council (or a committee established by Council for this purpose) and may be represented by a person acting on his or her behalf at a special meeting of Council. Notification will be given of the date and time of the meeting.

All enquiries about Murrindindi Shire Council's Community Local Law review should be directed to Council's Manager Development Services, Natalie Stewart, on 5772 0333.

CRAIG LLOYD
Chief Executive Officer
Murrindindi Shire Council



MANNINGHAM
Planning and Environment Act 1987
MANNINGHAM PLANNING SCHEME

Notice of Preparation of Amendment
Amendment C130mann

The Manningham City Council has prepared Amendment C130mann to the Manningham Planning Scheme.

The land affected by the Amendment is 11 Toronto Avenue, Doncaster.

Amendment C130mann proposes a planning scheme amendment under the **Planning and Environment Act 1987**. The Amendment proposes to delete the Design and Development Overlay, Schedule 7 (11 Toronto Avenue, Doncaster) and the accompanying map, which only applies to 11 Toronto Avenue, Doncaster.

You may inspect the Amendment and the explanatory report on the Amendment free of charge at the following locations: during office hours at the office of the planning authority, Manningham City Council, 699 Doncaster Road, Doncaster; online at yoursaymanningham.com.au/C130mann; at The Pines, Doncaster,

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Bulleen and Warrandyte branch libraries; and at the Department of Environment, Land, Water and Planning website, delwp.vic.gov.au/public-inspection

Any person who may be affected by the Amendment may make a submission to the planning authority about the Amendment. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the Amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for Manningham City Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider submissions.

The closing date for submissions is Monday 13 January 2020. A submission must be sent to: Manager Integrated Planning, Manningham City Council, PO Box 1, Doncaster, Victoria 3108; or submitted online at yoursaymanningham.com.au/C130mann

The planning authority must make a copy of every submission available at its office for any person to inspect, free of charge, for two months after the Amendment comes into operation or lapses.

ANDREW DAY
Chief Executive Officer

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, of 1 McNab Avenue, Footscray, Victoria 3011, the personal representative, on or before 4 February 2020, after which date State Trustees Limited may convey or distribute the assets, having regard only to the claims of which State Trustees Limited then has notice.

ADCOCK, Dudley Alwin, late of Unit 14, 264 Springvale Road, Nunawading, Victoria 3131, deceased, who died on 14 August 2019.

BETTS, Neville David, late of Unit 2305, 3 St Kilda Road, St Kilda, Victoria 3182, deceased, who died on 31 August 2019.

BURCHETT, Ian Henderson, late of Unit 1, 23 Wewak Parade, Heidelberg West, Victoria 3081, deceased, who died on 25 August 2019.

FARROW, Raymond Peter, late of 178 Linsell Boulevard, Cranbourne East, Victoria 3977, deceased, who died on 9 August 2019.

HOWE, Roxy William, late of 76 Edgevale Road, Kew, Victoria 3101, deceased, who died on 4 January 2019.

MOSS, Audrey Elizabeth, late of Unit 1, 20 Nolan Street, Frankston, Victoria 3199, deceased, who died on 7 July 2019. Date of Grant 15 November 2019.

RODWELL, Brian Kenneth, late of Livingstone Gardens Aged Care, 39 Livingstone Road, Vermont South, Victoria 3133, deceased, who died on 29 May 2019.

SALAZAR-FLORES, Manuel, late of James Barker House, 64 Buckley Street, Footscray, Victoria 3011, deceased, who died on 24 September 2019.

SIMPSON, Mary Eleanor, late of 28 Gonyah Road, Blackburn North, Victoria 3130, deceased, who died on 23 August 2019.

STEPHENS, John David, late of 27 Ninth Street, Eildon, Victoria 3713, deceased, who died on 15 June 2019.

Dated 26 November 2019

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, of 1 McNab Avenue, Footscray, Victoria 3011, the personal representative, on or before 10 February 2020, after which date State Trustees Limited may convey or distribute the assets, having regard only to the claims of which State Trustees Limited then has notice.

CHEONG, Charity, late of Ashby Hostel, 25-31 Ashford Street, Lower Templestowe, Victoria 3107, deceased, who died on 31 August 2019.

DONNELLY, Leslie Francis, late of Kyneton Lodge SRS, 29 Donnithorne Street, Kyneton, Victoria 3444, deceased, who died on 18 June 2019.

Planning and Environment Act 1987

MANNINGHAM PLANNING SCHEME

AMENDMENT C130MANN

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared on behalf of the landowner by the Manningham City Council, which is the planning authority for this amendment.

The amendment has been made at the request of Roz Wilson (Solicitor and Urban Planner).

Land affected by the Amendment

The amendment only applies to the land at 11 Toronto Avenue, Doncaster.

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

What the amendment does

The Amendment proposes to delete the Design and Development Overlay, Schedule 7 (11 Toronto Avenue, Doncaster) from 11 Toronto Avenue, Doncaster, and amend maps 6DDO and 7DDO accordingly.

Strategic assessment of the Amendment

Why is the Amendment required?

The amendment is required to allow the subdivision of 11 Toronto Avenue, Doncaster to be carried out in accordance with the current requirements of the Manningham Planning Scheme.

The Design and Development Overlay, Schedule 7, which currently applies, only permits the subdivision of the land in accordance with Planning Permit PL02/013542. It also does not allow a permit to be granted to subdivide the land which is not in accordance with this requirement.

Planning Permit PL02/013542 approved the construction of two dwellings. This was never acted upon.

The Design and Development Overlay, Schedule 7 therefore has the effect of prohibiting all subdivision proposals on the land.

Approval to subdivide 11 Toronto Avenue, Doncaster, is not being sought under this planning permit application. However, should Planning Scheme Amendment C130mann be approved, the land would be able to be subdivided under a separate planning application.

The Design and Development Overlay, Schedule 7 control does not support good planning outcomes having regard for the controls Manningham Council has determined should apply to the land by virtue of the present zoning.

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

The amendment is considered to implement the following relevant objectives for planning in Victoria under Section 4 of the Act:

- To provide for the fair, orderly, economic and sustainable use and development of land;
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community; and
- To balance the present and future interests of all Victorians.

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

The amendment is specific to one parcel of land and no adverse environmental effects are expected. The land is already developed with a single dwelling and the land has been significantly modified by this development. There are no environmental overlays that apply to the land or in the immediate neighbourhood.

The amendment is expected to have a positive social and economic effect. The deletion of the Design and Development Overlay, Schedule 7 would allow the *Purpose* of the General Residential Zone to be fully applied, enabling a diversity of housing types in close proximity to services and community facilities and with good access to transport.

Does the Amendment address relevant bushfire risk?

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

The preparation of a separate bushfire assessment was not considered necessary because 11 Toronto Avenue, and the surrounding neighbourhood, are a built up area zoned General Residential Zone and are not located within a Bushfire Management Overlay (BMO) or a Bushfire Prone Area (BPA). While there are small linear parks adjacent to the Eastern Freeway, these may be subject to redevelopment for the upgrading of the Eastern Freeway as part of the North East Link Project.

The relevant fire considerations in the conversion of the existing single dwelling into two dwellings will be a matter for consideration by the relevant building surveyor during the assessment of the Building Permit.

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

The amendment is consistent with the following Ministerial Directions under section 7(5) of the *Planning and Environment Act 1987*:

- Direction: The Form and Content of Planning Schemes.
- Direction No. 9: Metropolitan Planning Strategy, with particular regard to:
 - Direction 2.1 *Manage the supply of new housing in the right locations to meet population growth and create a sustainable city;*
 - Direction 2.2, Policy 2.2.3: *Support new housing in activity centres and other places that offer good access to jobs, services and public transport;*
 - Direction 2.5 *Provide greater choice and diversity of housing;*
 - Direction 4.3 *Achieve and promote design excellence;* and
 - Direction 5.1 *Create a city of 20-minute neighbourhoods.*
- Direction No. 11: Strategic Assessment of Amendments.

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

The amendment is consistent with and supports the following clauses of the Planning Policy Framework:

- Clause 15 (Built Environment and Heritage)
 - Clause 15.01-1S (Urban design)
To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

- Clause 15.01-1R (Urban design- Metropolitan Melbourne)
To create a distinctive and liveable city with quality design and amenity.
- Clause 15.01-2S (Building design)
To achieve building design outcomes that contribute positively to the local context and enhance the public realm.
- Clause 15.01-4S (Healthy neighbourhoods)
To achieve neighbourhoods that foster healthy and active living and community wellbeing.
- Clause 15.01-5S (Neighbourhood character)
To recognise, support and protect neighbourhood character, cultural identity, and sense of place.
- Clause 15.03-2S (Aboriginal cultural heritage)
To ensure the protection and conservation of places of Aboriginal cultural heritage significance.
- Clause 16 (Housing)
 - Clause 16.01-1S (Integrated housing)
To promote a housing market that meets community needs.
 - Clause 16.01-2S (Location of residential development)
To locate new housing in designated locations that offer good access to jobs, services and transport.
 - Clause 16.01-3S (Housing diversity)
To provide for a range of housing types to meet diverse needs.
 - Clause 16.01-4S (Housing affordability)
To deliver more affordable housing closer to jobs, transport and services.

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

This strategic consideration only applies if the planning scheme includes an LPPF at Clause 20. The amendment does not alter the intent or implications of the Local Planning Policy Framework or the Municipal Strategic Statement.

The amendment is consistent with clause 21.05 (Residential) of the Municipal Strategic Statement. No. 11 Toronto Avenue, Doncaster, is located in Precinct 1 (Residential Areas Removed from Activity Centres and Main Roads) under the clause, which anticipates an incremental level of change. The planning permit application proposes to convert the existing single dwelling into two dwellings. This level of change is considered to be incremental.

The amendment is consistent with clause 22.15 (Dwellings in the General Residential Zone, Schedule 1). The planning permit application meets the Siting, Form, Car Parking and Access, Landscaping and Fencing policy requirements of the clause.

How does the amendment support or implement the Municipal Planning Strategy?

This strategic consideration only applies if the planning scheme includes an MPS at Clause 02. The Manningham Planning Scheme does not currently have a Municipal Planning Strategy at Clause 02.

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

The Design and Development Overlay, Schedule 7 has the effect of prohibiting subdivision at 11 Toronto Avenue, Doncaster. Deleting this control would enable the considerations of all subdivisions as is anticipated under the General Residential Zone, Schedule 1. The amendment would therefore make proper use of the Victoria Planning Provisions.

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

There are no relevant agencies.

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

The amendment is not likely to have a significant impact on the transport system.

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

The amendment is considered to not have a significant impact on the resources and administrative costs of Council. The proponent will be responsible for all fees associated with the process.

Where you may inspect this Amendment

The documents for the amendment are available for public inspection, free of charge, during office hours at the following locations:

- Manningham City Council
699 Doncaster Road
Doncaster VIC 3108
- The Pines, Doncaster, Bulleen and Warrandyte branch libraries.

The documents for the amendment are also available to inspect online at:

- The Manningham Council's website www.yoursaymanningham.com.au/C130mann
- The Department of Environment, Land, Water and Planning website www.planning.vic.gov.au/public-inspection

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority.

Submissions about the amendment must be received by **Monday, 13 January 2020**.

A submission must be sent to:

Manager Integrated Planning
Manningham City Council
PO Box 1
DONCASTER VIC 3108

Or submitted online at www.yoursaymanningham.com.au/C130mann

Panel hearing dates

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

- Directions hearing: Week beginning **Monday, 13 April 2020**.
- Panel hearing: Week beginning **Monday, 11 May 2020**.

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Doncaster	11 Toronto Avenue	Manningham C130mann 006ddoMap06
Doncaster	11 Toronto Avenue	Manningham C130mann 007ddoMap07

MANNINGHAM PLANNING SCHEME

~~27/06/2019~~
~~G126mann~~

~~SCHEDULE 7 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY~~

~~Shown on the planning scheme map as **DDO7**.~~

~~**44 TORONTO AVENUE, DONCASTER**~~

~~4.0~~

~~Design objectives~~

~~27/06/2019~~
~~G126mann~~

~~To ensure that development on the land has regard to Clause 55.~~

~~2.0~~

~~Buildings and works~~

~~27/06/2019~~
~~G126mann~~

~~None specified.~~

~~3.0~~

~~Subdivision~~

~~27/06/2019~~
~~G126mann~~

~~The land must not be subdivided into two or more lots unless the subdivision is in accordance with the development approved by Planning Permit No. PL02/013542.~~

~~A permit cannot be granted to subdivide the land which is not in accordance with this requirement.~~

~~4.0~~

~~Signs~~

~~27/06/2019~~
~~G126mann~~

~~None specified.~~

~~5.0~~

~~Application requirements~~

~~27/06/2019~~
~~G126mann~~

~~None specified.~~

~~6.0~~

~~Decision guidelines~~

~~27/06/2019~~
~~G126mann~~

~~None specified.~~



001

*Planning and Environment Act 1987***MANNINGHAM PLANNING SCHEME****AMENDMENT C130mann****INSTRUCTION SHEET**

The planning authority for this amendment is Manningham City Council.

The Manningham Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 2 map sheets.

Overlay Maps

1. Amend Planning Scheme Map No's 6DDO and 7DDO in the manner shown on the 1 attached map marked "Manningham Planning Scheme, Amendment C130mann".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

2. In **Overlays** - delete Clause 43.02, Schedule 7.
3. In **Operational Provisions** – Clause 72.03, insert a new Schedule in the form of the attached document.

End of document

11 CITY SERVICES

11.1 Active for Life Recreation Strategy 2010-2025 (2019 Review)

File Number: IN20/68
Responsible Director: Director City Services
Attachments: 1 Active for Life Recreation Strategy 2010-2025 (2019 Review) [↓](#)

EXECUTIVE SUMMARY

The draft Active for Life Recreation Strategy 2010-2025 (2019 Review) proceeded to a community consultation process across October and November 2019. The community consultation process sought feedback from key stakeholders and the wider community on the content and direction of the draft Strategy.

A total of 35 submissions were received for consideration by Council officers, and, where appropriate, the feedback has informed proposed amendments within the Strategy. Generally, the feedback received was supportive of the Strategy's direction and, as such, minimal amendments to the Strategy are proposed.

Following endorsement of the Strategy, implementation will occur until 2025.

COUNCIL RESOLUTION

MOVED: CR MICHELLE KLEINERT
SECONDED: CR ANNA CHEN

That Council:

- A. endorse the Active for Life Recreation Strategy; and**
- B. proceed with implementation of the Active for Life Recreation Strategy.**

CARRIED

2. BACKGROUND

- 2.1 A community consultation period was undertaken in October and November 2019, to seek community feedback on the draft Active for Life Recreation Strategy 2010-2025 (2019 Review) (the Strategy).
- 2.2 Community feedback was sought over a 4 week period using various communication mechanisms, to ensure that key stakeholders and the wider community were afforded an opportunity to provide feedback on the Strategy.
- 2.3 Feedback received through the community consultation phase has been collated, with relevant feedback informing minor proposed changes to the Strategy. A copy of the Strategy can be found at *Attachment 1*.

3. DISCUSSION / ISSUE

- 3.1 A community consultation process occurred between Thursday 24 October and Wednesday 20 November, seeking feedback from key stakeholders and the wider community on the content and direction of the Strategy. An online Yoursay page was developed on Council's website, providing the community with an opportunity to view the Strategy and other relevant documents. The page also included an online feedback form as well as information regarding the proposed implementation timeline.
- 3.2 To ensure feedback was received from a cross section of the community, including key stakeholders, a number of platforms were used to promote the community consultation phase, including:
- Council's social media platforms and website;
 - Direct emails to key stakeholders including clubs, sporting associations, advisory committees and other key community groups;
 - Manningham Matters publication;
 - Media release;
 - Information posters placed in strategic locations, including Council's leisure centres and Civic Centre; and
 - Copies of the Strategy being made available online, within Council's libraries and at Council's Customer Service.
- 3.3 To complement the above, 3 drop-in sessions were held to ensure the community were afforded an opportunity to ask questions directly to Council officers. Drop-in sessions were held at strategic locations across the municipality with the aim of targeting a variety of people including families, young people, older adults and CALD groups. The drop-in sessions were also supplemented by Council officer attendance at 4 Imagine Manningham 2040 engagement sessions, which included a senior's forum.
- 3.4 The online Yoursay feedback page was viewed on 332 occasions, with 32 submissions received via the page across the 4-week consultation period. A further 2 hard copy submissions and 1 email submission were also received.
- 3.5 Of the submissions received, 13 were received from an elected representative of a club, association or leisure provider, 10 from Manningham residents, 8 from general club/association/leisure centre members and 3 from residents residing near a sports field. One further respondent did not provide details of their representation.
- 3.6 The age groups of 55 to 64 and 45 to 54 had the highest rate of submissions with 9 and 8 respectively. Furthermore, the highest number of responses were received from residents residing in Park Orchards (7), Doncaster East (6), Donvale, Bulleen, Templestowe Lower and Wonga Park (3 each). A further 6 submissions were received from residents residing outside of Manningham, and 1 response was received from each of Doncaster, Templestowe and Warrandyte South. 1 other respondent did not provide this information.
- 3.7 It is noted that of the 35 submissions received, 10 were in relation to a specific project at Domeney Reserve. These responses have been provided to the relevant Council officer for consideration and direct response.

Proposed Amendments

- 3.8 Generally, feedback received during the community consultation phase supported the direction of the draft Strategy. Key themes that arose from the community consultation phase include:
- Participation opportunities for older adults is key;
 - Indoor program spaces at Aquarena for (dry) fitness classes needs to be reviewed due to current class availability and capacity; and
 - Support is required for clubs impacted by North East Link.
- 3.9 Further to the themes above, a number of responses suggested that additional explanation was required to make it clear that the action plan is high level in nature.
- 3.10 Proposed key amendments to the Strategy include:
- Specific wording has been added within section 4.3.3 (page 19) to highlight participation opportunities for older adults as a key focus. Wording has also been added to include CALD communities, people with a disability and their carers, with a particular focus on reducing social isolation;
 - Additional wording within section 5 (page 20) has been included, to better explain that the action plan is high level and whilst it does not mention all individual sports and activities, many of the actions will consider the diverse sport and recreation activities in Manningham;
 - Action 1.1.2 (page 21) has been expanded to consider indoor dry programmable spaces;
 - Action 1.3.5 (page 22) has been expanded to consider usage agreements for private land;
 - Action 1.4.3 (page 23) has been expanded to consider infrastructure to facilitate longer duration stays within Council's open space;
 - Action 2.4.1 (page 26) has been expanded to include assisting clubs impacted by North East Link and also advocating for the offset of lost/occupied open space; and
 - Examples of funding providers within action 2.4.2 (page 26) have been removed. Given the number of funding providers, it is not possible to list them all and as such, the wording has been amended to be more generic.

4. COUNCIL PLAN / STRATEGY

- 4.1 The Strategy has been written, and is being reviewed, to reflect and produce relevant outcomes for the Council Plan 2017-2021 and Healthy City Strategy 2017-2021.
- 4.2 Furthermore, the Strategy has been developed with consideration to align with the Manningham Open Space Strategy (2014), Bicycle Strategy (2013), Bushland Management Strategy (2012), Eastern Regional Trail Strategy (2018), Eastern Region Soccer Strategy (2007), Green Wedge Action Plan (2020), Melbourne East Sport and Recreation Strategy (2016-2026), Walk Manningham Plan (2011-2020) and Yarra River Corridor Concept Plan (2019).

- 4.3 The Strategy has included the consolidation of the Highball Infrastructure Plan (2013-2023), Horse Riding Strategy (2001) and Tennis Strategy (2003). The consolidation of these strategies/plans is consistent with Council's approach of reducing the number of individual strategies and plans, with the individual documents considered within the Strategy's Action Plan.

5. IMPACTS AND IMPLICATIONS

- 5.1 The Strategy provides a measurable action plan to ensure participation opportunities in active living, active recreation and organised sport are available to the community. It also provides a direction for Council on the provision of facilities, development of policies, as well as facilitation and promotion of opportunities to enable this participation.

6. IMPLEMENTATION

6.1 Finance / Resource Implications

- 6.1.1 The delivery of the Strategy review is within current budgets and resource allocations. Additional resources will however be required to deliver on a number of action items and will be subjected to consideration by Council through the annual budget process.

6.2 Communication and Engagement

- 6.2.1 As part of the community consultation process for the Strategy, respondents were afforded the opportunity to remain informed on the progress of the Strategy through email correspondence. With this, direct emails will be sent to these respondents, as well as key stakeholders including sporting clubs, associations and recreation providers, to inform when the Strategy has been endorsed by Council. In addition, Council's website and the Strategy's Yoursay page will be updated accordingly.

6.3 Timelines

- 6.3.1 Following endorsement, implementation of the Strategy will occur until 2025.

7. DECLARATIONS OF CONFLICT OF INTEREST

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



Active for Life Recreation Strategy 2010-25

(Reviewed 2019)



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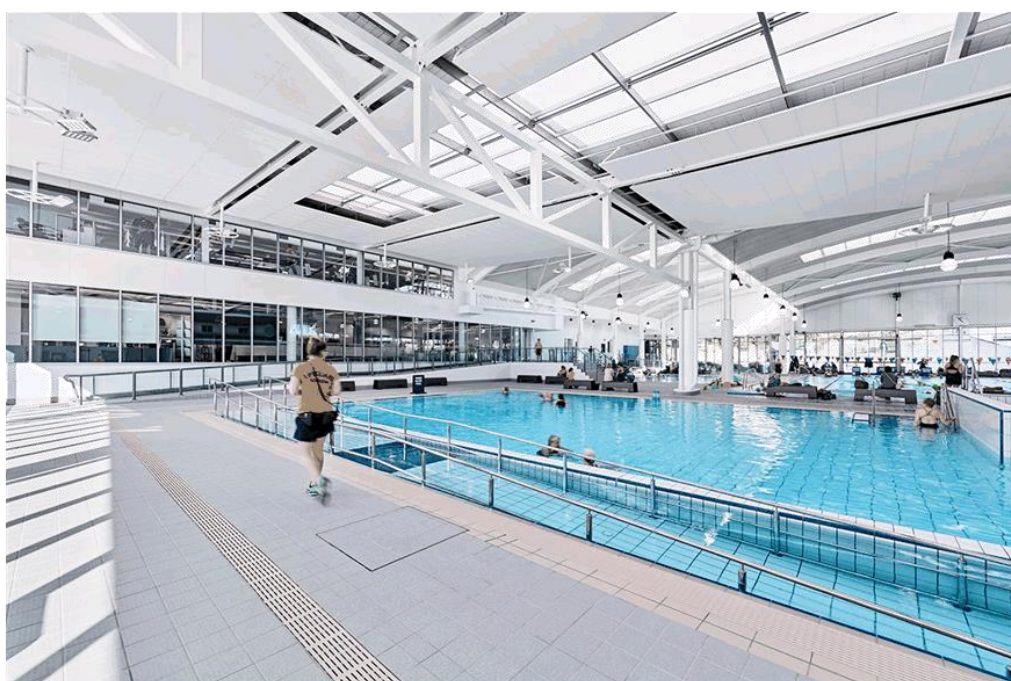
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1.0 Introduction

1.1 Background

In 2010, we developed the first 'Active for Life' Recreation Strategy (2010-25), which identified the vision for a healthy, more active community.

Since the implementation of the Recreation Strategy in 2010, we have invested millions of dollars into sporting and recreation infrastructure across our municipality. This has included major upgrades to Aquarena Aquatic and Leisure Centre, a synthetic soccer pitch at Park Road Reserve, the construction of shared trails, and most recently the construction of a brand new five court multi-use stadium at Mullum Mullum Reserve.

Furthermore, significant investment into football and cricket has been made, through delivering pavilion upgrades at a range of reserves (including female friendly facility upgrades), as well as major investment into drainage and irrigation infrastructure on sports fields. This investment has resulted in 100% conversion to drought tolerant grasses at all turf sports fields.

There have been a number of other achievements since 2010, including the development of a suite of walking brochures and an increased investment into programming initiatives that aim to encourage health and wellbeing within our community.

The sport and recreation landscape has also changed since 2010. Increasing demands on volunteers and an ageing population has influenced our strategic approach to sport and recreation. This has also been accompanied by an increasing population, which has led to significant participation growth in organised sport. National sport and health strategies are focusing on increasing physical activity participation levels, and population density, diversity and obesity levels continue to be key influences in this sector.

With the significant number of achievements arising from the previous Action Plan, coupled with a changing sport and recreation landscape, a major review of the Recreation Strategy has been undertaken. The review has ensured the Recreation Strategy meets the contemporary needs and requirements of our Council and our community.

The review of the Recreation Strategy has resulted in the development of new priority areas, which have influenced the development of a refreshed Action Plan. It is important to note that this review serves as an appendix to the existing Recreation Strategy. This Strategy document should be read in conjunction with the previous Recreation Strategy developed in 2010, to provide further context around sport and recreation within Manningham.

1.2 Defining the Scope

The Recreation Strategy considers three key areas to enable an increase in physical activity. These are Active Living, Active Recreation and Organised Sport. Each area can be defined as the following:

- **Active Living** - The ability to incorporate physical activity into our daily lives, including walking and cycling for short trips such as to and from school and work, and walking to the park and shops.
- **Active Recreation** - Encompasses physical activities that are non-competitive in nature such as walking, riding, playing, swimming, going to the gym, and health and wellbeing classes.
- **Organised Sport** - Sporting activities that are run under the auspice of a peak body.

Figure 1: Participation in physical activity



1.3 Council's Role in Recreation

As the closest level of government to the community, we contribute significantly to local sport and recreation participation through policy, planning, programming and facility provision. We aim to increase physical activity within our local community through:

- Facility planning, development and management;
- Strategy and policy development;
- Development and promotion of equitable participation opportunities;
- Increasing capacity for community participation; and
- Partnerships, collaboration and advocacy.

1.4 Methodology

To inform the review of the Recreation Strategy, we have considered:

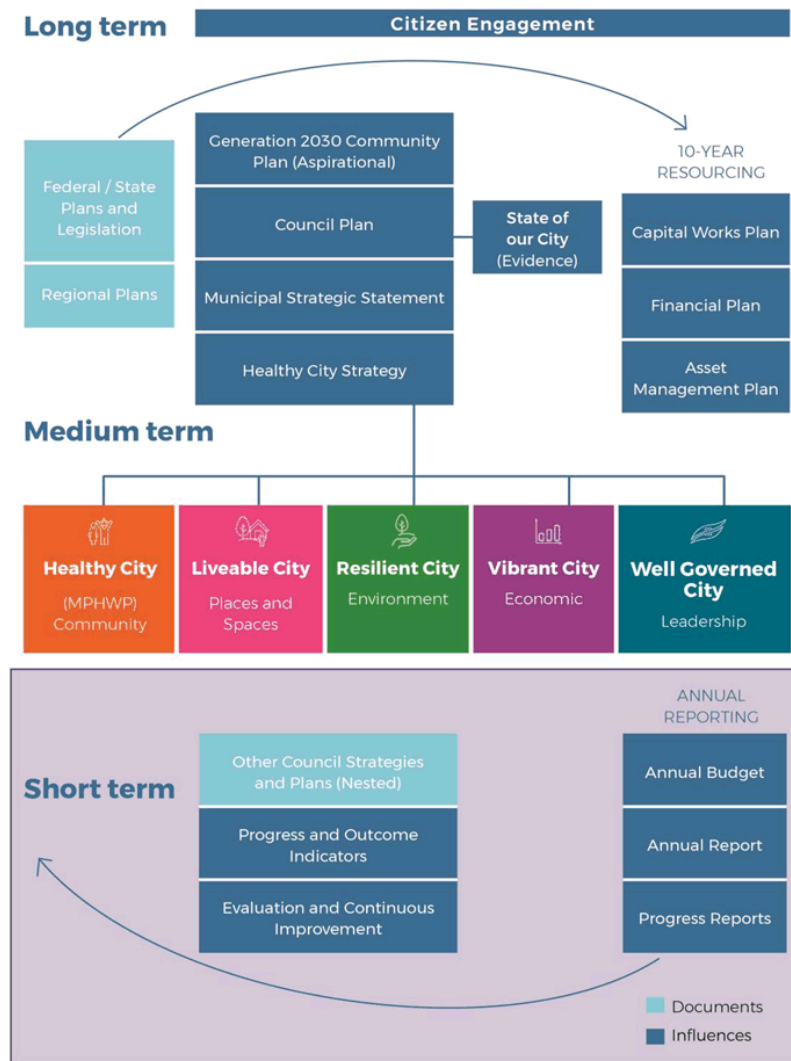
- Local, state and national strategic context of the Recreation Strategy;
- Local demographic data, as well as forecast population figures;
- Past, current and projected future organised sport participation in local sporting clubs;
- Local, state and national participation trends in active recreation;
- Review of current facility provision and projected facility gaps;
- Emerging trends;
- Legislative requirements; and
- Community feedback.

2.0 Planning Framework

2.1 Organisational Context

Our business is developed and delivered within an Integrated Planning Framework (figure 2). The Framework demonstrates how our plans and strategies work together to deliver outcomes under five themes. The Recreation Strategy supports delivery of a *Healthy City*. Other key strategies include the *Healthy City Strategy 2017-21* and the *Open Space Strategy 2014*.

Figure 2: Council's Integrated Planning Framework



2.1.1 Council Plan

Priorities listed within the Recreation Strategy strongly correlate with the *Council Plan 2017-2021*. The Council Plan aligns our services to achieve the vision of *A Liveable and Harmonious City*, which is supported by the Council Plan’s Themes and Goals (figure 3). Although the Recreation Strategy touches on all the themes, it specifically aligns with the *Healthy Community* and *Liveable Places and Spaces* Themes.

Figure 3: Council Plan themes

Themes	Goals
Healthy Community 	1.1 A healthy, resilient and safe community 1.2 A connected and inclusive community
Liveable Places And Spaces 	2.1 Inviting places and spaces 2.2 Enhanced parks, open space and streetscapes 2.3 Well connected, safe and accessible travel 2.4 Well utilised and maintained community infrastructure
Resilient Environment 	3.1 Protect and enhance our environment and biodiversity 3.2 Reduce our environmental impact and adapt to climate change
Vibrant And Prosperous Economy 	4.1 Grow our local business, tourism and economy
Well Governed Council 	5.1 A financially sustainable Council that manages resources effectively and efficiently 5.2 A Council that values citizens in all that we do

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2.1.2 Healthy City Strategy

The *Healthy City Strategy 2017-21* aims to improve the health, safety and wellbeing of our community. A requirement under the *Health and Wellbeing Act 2008*, the Strategy guides our strategic direction for a *Healthy Community*.

The Recreation Strategy has been reviewed in the context of the Healthy City Strategy and is critical to assist in delivering on many of the focus areas and priorities outlined in Figure 4 below.

Figure 4: Healthy City Strategy focus and priorities

Inclusive and harmonious	An inclusive, diverse community
	Generation friendly
Healthy and well	Healthy mind
	Healthy lifestyles
	Quality service system
Safe and resilient	A safe community
	A resilient community
Connected and vibrant	Creative community
	Sense of place
	Involved community

2.1.3 Manningham Open Space Strategy

The *Open Space Strategy 2014* is a ten year plan that sets priorities and guidelines for the protection, development and use of public open space in our municipality. The Open Space Strategy has been developed to achieve the goals outlined in Figure 5.

The *Open Space Strategy* divides our municipality into 15 precincts and identifies a range of strategic projects. These projects focus on ensuring access to a variety of key parcels of open space for our community, critical linkages across our municipality and a variety of strategic land purchases that are required to ensure future access to open space for our growing population.

The implementation of the *Open Space Strategy* is critical to our ability to be able to successfully deliver on the actions and intended outcomes of the Recreation Strategy.

Figure 5: Open Space Strategy vision, goals and objectives



2.1.4 Other Council Plans, Strategies and Documents

The Recreation Strategy considers a number of other Plans, Strategies and documents including:

- Aquarena Aquatic and Leisure Centre Master Plan (2006);
- Bicycle Strategy (2013);
- Bushland Management Strategy (2012);
- Eastern Regional Trail Strategy (2018);
- Green Wedge Action Plan (2020);
- Melbourne East Sport and Recreation Strategy (2016-2026);
- Walk Manningham Plan (2011-20); and
- Yarra River Corridor Concept Plan (2019).

2.1.5 Consolidation of Council Strategies

The Recreation Strategy has included the consolidation of the following strategic documents:

- Highball Infrastructure Plan (2013-23);
- Horse Riding Strategy (2002); and
- Tennis Strategy (2003).

The above strategies and plans have been incorporated into the Action Plan and are now considered superseded.

2.2 State Context

The Recreation Strategy considers the strategic direction from the State Government, with a particular focus on the *Active Victoria – A Strategic Framework 2017-21*. The Framework focuses on enhancement in the follow strategic areas:

- Meeting demand;
- Broader and more inclusive participation;
- Additional focus on active recreation;
- Build system resilience and capacity;
- Connect investment in events, high performance and infrastructure; and
- Work together on shared outcomes.

VicHealth has also released the *Physical Activity Strategy 2018-23*. This Strategy aims to increase the number of Victorians who are physically active, with a particular focus on children aged 5-12 years, young people aged 12-17 years as well as women and girls. Promoting physical activity is one of the five strategic imperatives identified for action to improve the health of all Victorians in *VicHealth's Action Agenda for Health promotion 2019-23*. In 2013 VicHealth set a goal of getting 300,000 more Victorians engaged in physical activity by 2030. Since then VicHealth has introduced a number of strategies, these include This Girl Can – Victoria, working with Councils and Schools on the 'Walk to School' initiative, funding Victoria Walks programs, supporting the Victorian Government's Change Our Game initiative and researching into the populations' changing needs and expectations of physical activity.

2.3 National Context

The *National Sport and Active Recreation Policy Framework 2011* has been developed to provide a consistent approach to developing policies that support participation at all levels of government. The Framework focuses on a number of key areas, with relevant areas for Local Government including:

- Participation;
- System sustainability;
- System alignment and collaboration;
- Helping to meet broader objectives; and
- Research and data review.

In its National Sports Plan: Sport 2030, Sport Aus states their target is to have 15% more Australians participating in at least 150 minutes of moderate to vigorous physical activity per week by 2030.

The Recreation Strategy has also considered the Department of Health's *Physical Activity and Sedentary Behaviour Guidelines*, which outlines recommended levels of physical activity for each life stage. Below are the recommendations around physical activity intensity, with the full recommendations including strength and flexibility found within the Guidelines.

- Children Birth to 5 years
 - Infants (Birth to one year) - 30 minutes of interactive supervised tummy time progressing to crawling spread throughout the day.
 - Toddlers (1 to 2 years) - at least 180 minutes of energetic play a day.
 - Pre-schoolers (3 to 5 years) - at least 180 minutes a day, of which 60 minutes is energetic play.
- Children and Young People aged 5-17 years
 - Accumulate 60 minutes or more of moderate to vigorous physical activity per day
- Adults aged 18-64 years
 - Accumulate 150 to 300 minutes of moderate or 75 to 150 minutes of vigorous intensity physical activity, or an equivalent combination of both each week.
- Older Adults 65 years and older
 - Accumulate at least 30 minutes of moderate intensity physical activity preferably on all days (where able).

3.0 Key Research

Since the development of the Recreation Strategy in 2010, our community has changed. Population growth, multiculturalism, sport participation rates and housing density are just some of the areas that have experienced change. It is important to understand our current community from both a local and state perspective to inform the Recreation Strategy's Action Plan.

3.1 Manningham Community

- A total of 116,255¹ (2016) people call Manningham home, of which 48.4% are males and 51.6% are females.
- We have one of the most diverse communities in metropolitan Melbourne, with 40% of the population in 2016 born overseas. This is compared to the Greater Melbourne average of 34%.
- 42% of the community speak a language other than English at home, compared to the Greater Melbourne average of 32%.
- In 2016, 5,844 people, or 5% of Manningham's population, reported needing help in their day-to-day lives due to disability.
- We have a low level of disadvantage within the community. In 2016, the average SEIFA score across the municipality was 1066, well above the Greater Melbourne average of 1,021. Only 15% of LGAs recorded a higher index score.
- Park Orchards recorded the lowest level of disadvantage at 1,125, followed by Wonga Park with 1,111, and Warrandyte and Warrandyte South with 1,110.
- Other suburbs including Templestowe (1,085), Donvale (1,082) and Templestowe Lower (1,064) also recorded scores above the Greater Melbourne average.
- Despite still recording scores above the Greater Melbourne average, Doncaster (including Doncaster Hill) recorded the lowest SEIFA score within the municipality with 1,037, followed by Bulleen with 1,047 and Doncaster East with 1,054.
- Medium to high density housing continues to be a key feature of the Doncaster Hill area, although the number of medium to high density within the municipality (24%) is lower than the Greater Melbourne Average (33%).
- We also have a higher median age of 43 compared to the Greater Melbourne average of 36.
- 46% of the community are either overweight or obese, including a higher proportion of females who are overweight at 27.2%, compared to the State average of 24.6%.
- 17.8% of our community are classified as inactive; they engage in less than 30 minutes of physical activity a week, which is below the state average of 18.9%.
- We are below the state average for 'adequate exercise', considered as at least half an hour of physical activity on 4 or more days per week, with 38.2% of our population achieving this compared to 41.3% of Victoria.

¹ It is noted that the Estimated Resident Population of Manningham in 2018 was 125,508. The 2016 Census figure has been used in this Strategy to ensure accuracy and consistency with other statistics listed in section 3.1.

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3.2 Active Recreation

The *VicHealth Indicators Survey (2015)* identifies that 70% of participation in physical activity in our City is attributed to active recreation, with the remaining 30% attributed to organised sport.

The three most common activities – walking, fitness/gym, and jogging/running – make up 44% of all recorded active recreation activity in Victoria (*Active Victoria, A Strategic Framework, 2017-21*). These three activities are also the highest participated activities in our City (walking (51.9%), jogging or running (12.7%), and gym or fitness (10.5%)).

It is noted that the Australian Sports Commission AusPlay report *Women and Girls Participation (2017)* concluded that women are just as active and participate as frequently as men, it is just that female participation is focused on active recreation as opposed to organised sport.

This is supported by *AusPlay Data (2019)* which indicates that participation in active recreation across Victoria is higher in females, with 43.7% of females 15 years and over participating in non-sport related activities only, compared to 22.5% of males. This is underpinned by the following activities:

- Walking (57.6% of females in Victoria participating compared to 35.2% of males);
- Fitness/Gym (40% females and 31.8% males); and
- Swimming (16% females and 12.8% males).

In addition to the above, activities such as yoga (9.8% females and 1.2% males) and pilates (7.7% females and 0.8% males) also have significantly higher rates of female participation compared to males.

Whilst facilities that accommodate organised sport can be used for active recreation (such as sports fields), our community halls, indoor centres and Neighbourhood Houses play an integral role in this space. Programming opportunities are also made available for the community through our aquatic centre Aquarena and indoor stadium facilities.

Walking and active travel are a key focus area for VicHealth, supporting the creation of a culture and environment that normalises active travel and encourages short neighbourhood trips to be active.

3.3 Organised Sport

The *VicHealth Indicators (2015)* identify that 30% of participation in physical activity in our City is attributed to organised sport.

Further supporting the notion that males participate in organised sport at higher levels than females is the *AusPlay Data (2019)*, which suggests that across Victoria, 29.8% of males aged 15 and over are participating only in organised sport, compared to 8.3% of females. This is supported by local data which identifies that 61.1% of organised sport participation in our City is by males (2016-17).

Netball remains the highest participated sport for females in our City, followed by basketball and gymnastics, with male participation highest in basketball, AFL and cricket.

2016-17 data indicated that our City experienced a high level of junior participation, with 66.5% of participants falling within the junior category. Senior participation (21.1%) and master's participation (11.5%) followed.

Furthermore, Doncaster East recorded the highest level of organised sport participation in 2016-17 with 18.4% of participants residing in the suburb. All other suburbs ranged between 13% and 7.4%.

Participation growth continues, with 13.8% growth recorded between 2014-15 and 2016-17. This growth is attributed to a number of factors including increasing popularity, population growth or changes in the structure of competition delivery. Growth is particularly prevalent in clubs that offer participation opportunities for females. Clubs with strong junior programs are also crucial as participation in the junior years paves the way for people to be active into adulthood. Despite overall participation growth, there continues to be an identified trend of participation decline in teenagers, with the *Active Victoria Framework* noting significant falls in participation in late teenage and early adult years.

The ongoing participation growth within sporting clubs needs to be sustainably managed. It is important that Council assists clubs in developing techniques to sustainably grow their club, which can result in less impact on Council's facilities.

Governance within community sport has experienced change, with associations and clubs becoming more professional. Volunteer led community sports associations are being replaced by organisations with more professional structures and formal governance systems in light of community expectations and legislative requirements. This is due, in part, to the increasing requirements of the sector, and also as a result of time pressures on potential volunteers. The same is true of the volunteers required to administer local sporting clubs and as such we must be cogniscent of the need to provide high levels of support to local sporting clubs and volunteers, particularly with more legislative requirements being placed on sporting clubs (e.g. Child Safe Standards).

3.3.1 Future Facility Requirements

As our population continues to grow, so does participation in our local sporting clubs. Ongoing participation growth, whilst positive, places pressures on our existing sporting infrastructure. This leads to significant capacity issues which results in participation constraints.

To ensure our facilities cater for current and future demand, an analysis has been undertaken to determine the number of facilities required now and into the future, based on current and forecast participation figures. This analysis, coupled with various State Sporting Association facility strategies, has identified that by 2036, the following sports will require additional facilities to cater for demand within our municipality:

- AFL;
- Baseball;
- Cricket;
- Netball; and
- Soccer.

The Recreation Strategy Action Plan includes actions that focus on assessing facility provision, including upgrades to existing facilities to increase capacity, policies to govern usage and mapping open space that can be flagged for possible future organised sport infrastructure. This includes analysis of current and potential future Joint Usage Agreements for use of school land. It is also noted that there will, eventually, be a time where Council's sporting facilities reach maximum capacity, with no further opportunities to build new facilities. Actions have been developed to further explore this scenario through Council policy, maintenance practices as well as partnerships for sustainable growth.

3.3.2 Social and Modified Sport

VicHealth, through their *Teens and Sport Report (2018)*, noted that 9 out of 10 Australians aged 12-17 do not meet the Australian Physical Activity Guidelines of 60 minutes of physical activity every day. The Report notes that participation in sport decreases due to a number of factors including:

- Sport increasingly becomes less about what motivates them;
- Sport requires a greater commitment of time, financial resources and family support;
- Places on teams are competitive and opportunities become more limited; and
- Sport is competing for time with adolescents' other interests and commitments, such as education, employment and screen time.

The Report suggests modified versions of sports can assist with addressing the decline in teenage participants, whilst also considering social interaction as a priority.

Further to this, the *AusPlay Data* suggests that the main barrier for adult and older adult participation in sport and physical activity is people being time poor. It also notes that negative factors such as expense and competitive environments also act as barriers.

Social sport is becoming an increasingly popular alternative to organised sport amongst the community, given it is less competitive and has a strong focus on social outcomes in an informal setting. Social sport options also aim to address the time barrier and retain social and community connectedness as people age. VicHealth research has revealed that "People want to take part in social and unstructured sport and physical activity that is flexible and fun and fits into their busy lives. This is particularly true for people who are less physically active." (*Physical Activity Strategy 2019-2023*)

'Physical health or fitness', 'fun & enjoyment' and 'social reasons' are the three main motivators for older peoples' participation according to AusPlay's *A Focus on Older Australians' Participation in Sport and Physical Activity (2018)*. Modified versions of sports, such as 'walking sports' are starting to be offered which provide a lower impact version of the sport whilst offering the above three outcomes and helping to limit injury and work within individuals' health parameters, which are key barriers for older adults.

Social sport, active recreation and play are a Focus Area for VicHealth's Physical Activity Strategy 2019-23. VicHealth has funded the development of some modified/ social sport programs to inspire women and girls to be more active through sport, working towards better gender equality and take on greater leadership roles in sport. Their success outcome will be a greater number of people who are less active participating in social versions of sport and active recreation. Sport Aus has developed grants for State Sporting Associations to adapt their programs to better suit older Australians. Various Sporting Associations are continuing to introduce social/ casual and modified variations of their respective sports, including, but not limited to:

- 3x3 Basketball;
- AFL 9s;
- Barefoot Bowls (Lawn Bowls);
- Bowling with Babies (Lawn Bowls);
- Cardio Tennis;
- Football Fives (Soccer);
- Rock Up Netball;
- Social Sixes (Cricket);
- J-Ball (Hockey) and

- Walking Sports, ie Netball, Basketball, Soccer.

Given the potential participation growth in this area, the provision of infrastructure and access to facilities to support social sport is likely to be a future challenge. It does however provide an opportunity to address declining participation in teenagers, as well as encouraging more adults, including older adults, to participate in sport.

4.0 Strategic Direction

Figure 6: Recreation Strategy strategic direction



4.1 Vision

The development of the Recreation Strategy in 2010 resulted in the creation of a Vision to guide the strategy’s objectives, priority areas and action plan. The Vision has been retained and is designed to achieve two key themes within our Council Plan:

- **Healthy Community** – Through supporting access to services and facilities to improve health and wellbeing; and
- **Liveable Places and Spaces** – Through well maintained facilities that are designed for all.

4.2 Objectives

When developing the Recreation Strategy in 2010, we identified four key objectives for future recreation provision within the municipality. These are:

1. To increase participation in recreation in Manningham;
2. To ensure the community has diverse recreation choices in Manningham;
3. To provide great places for people to recreate in Manningham; and
4. To inspire people to participate in recreation in Manningham.

The Recreation Strategy provides a strong basis for us to fulfill our commitment for Manningham residents to be healthier in mind and body, with a community that is ‘Active for Life’.

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4.3 Priority areas

The priorities within the original Recreation Strategy have been reviewed and refined down to four key areas of focus for 2019-2025, which are designed to achieve the objectives and respond to participation trends.

4.3.1 Priority Area 1 - Provide flexible, multi-use and durable spaces for recreation to meet the needs of a growing community.

Spaces will be created to be versatile in their use. Single-use facilities do not provide a future-proofed investment for the community and as such we will develop facilities that can be utilised (or readily adapted) for a broad range of activities and accessible by all (including male/female participation, people with a disability and older adults). Facilities will be designed with life-cycle cost in mind, meaning they will be able to be utilised for long periods of time each week by multiple groups, maximising the community return on investment and minimising maintenance costs and down-time.

The increasing popularity of social competitions will continue to place pressure on facility provision and will be considered when developing future multipurpose facilities.

Further, our policies will be developed to reflect the contemporary views of the community and to increase usage of facilities.

With the increasing population density in key areas of our City, there is a growing number of people who will rely on public open space more than ever before due to limited, if any, backyard space. This trend is driving the need for an increase in the number of quality open spaces in the growth areas. The demand on these open spaces for community use will be far greater than we have previously experienced, with higher community expectation and a higher level of usage. This increase in population density is also placing significant demand on structured sporting facilities within certain sections of our municipality.

4.3.2 Priority Area 2 - Collaborate with key partners and organisations

Building partnerships with schools, community organisations, Local and State Sporting Associations as well as local clubs will strengthen opportunities for physical activity and help to achieve a healthy and active community.

Many local schools provide facilities that are utilised by the community. Similarly, schools are also a key user group of our facilities in terms of open space, sporting reserves, cross country trails and play spaces. We have a range of Joint Usage Agreements (JUA) currently in place with a variety of schools, however there are a number of school facilities which are capable of being used for organised sport that currently have no formal usage agreement in place. An analysis of these opportunities will be undertaken to determine a demonstrated need to continue existing JUAs and explore the development of additional JUAs as required.

Furthermore, collaborative partnerships with Local and State Sporting Associations will assist in the development of facility planning, including on a regional scale, as well as developing sustainable models for participation growth within local clubs.

A range of partnerships will also be fostered and developed with activity providers across other key stakeholder groups such as VicHealth and other government agencies, to provide high quality outcomes that enable community participation in sport and recreation.

Partnerships will be developed with a range of active recreation providers, including neighbourhood houses, University of the Third Age and other groups that provide active recreation opportunities as part of their programming. This will enable community members to be active through options outside of organised sport and through all stages of life.

4.3.3 Priority Area 3 - Foster an environment of inclusion

Our community is rich in diversity with 39.8% of our community born overseas. Whilst we have an ageing population, we are also a very family-oriented community and in addition, we have many people who live in share households or single dwellings. Furthermore, female participation in sport is increasing. A significant increase of 23% was recorded between 2014-15 and 2016-17 across 18 sports in our City, with this growth anticipated to continue.

Our population is also ageing, with the 2016 Census identifying that 27% of our population is aged 60+. It is important to ensure facilities can accommodate our ageing population, including implementing universal design and dementia friendly concepts. It is also important to develop participation opportunities for older adults to engage in physical activity, with consideration made to social and community connectedness. This extends to other groups including our CALD community and people with a disability and their carers, where participation opportunities can help reduce social isolation.

We will support our diverse residents to lead active lifestyles by providing community facilities, open spaces and facilitating programs that are inclusive for all ages, genders, sexuality, cultures, faiths, and for people of all abilities.

4.3.4 Priority Area 4 - Build capacity for our community

We will deliver and/or facilitate a number of programs to attract residents to parks and open space, encouraging them to participate in a physically active lifestyle. We recognise that these initiatives are useful in kick-starting activity, however support is required for community groups and sporting clubs to provide programs, to ensure that physical activity and recreation activities are sustained. We play a role to build the capacity and capability of the local community by:

- Providing knowledge and training;
- Helping to develop pilot programs;
- Extending existing programs;
- Assisting/encouraging the community and clubs to apply for community grants; and
- Developing and retaining partnerships with community groups and sporting clubs.

Building the capacity of our local community groups and sporting clubs will have a positive impact on new initiatives and will ensure the sustainable growth and delivery of quality programs for our community.

5.0 Action Plan

The following Action Plan is segmented under the four priority areas. Key outcomes have been developed for each priority area, with the actions responding to issues, opportunities and trends identified through research and consultation with key stakeholders.

It is noted that the action plan provides high level actions to guide Council investment into sport and recreation and where possible, does not recommend specific capital works projects. Similarly, the action plan aims not to mention individual sport and recreation activities, where possible. Many actions are high level in nature and whilst the actions may cover a variety of sports/recreation activities, those sports/activities are not specifically mentioned. It is however acknowledged that a small number of actions required the specific sport to be mentioned.

The Action Plan is segmented under the four priority areas:

1. Provide flexible, multi-use and durable spaces for recreation, to meet the needs of a growing community;
2. Collaborate with key partners and organisations;
3. Foster an environment of inclusion; and
4. Build capacity for our community to participate in sport and leisure.

Priority Area 1 - Provide flexible, multi-use and durable spaces for recreation to meet the needs of a growing community

OUTCOME	ACTION	MEASURE	TIMEFRAME
1.1 - Quality indoor and outdoor aquatic facilities to meet the needs of active recreation and organised sport participation.	1) Review the masterplan undertaken in 2006, for the outdoor areas of Aquarena, to determine future usage and facility provision, including car parking and outdoor pools.	Review of masterplan complete.	Short to Medium
	2) Review the aquatic needs of the community and plan for any future indoor development requirements, with consideration to indoor dry programmable spaces.	Review undertaken and any future developments identified planned for.	Ongoing
	3) Review options regarding management of Aquarena at the end of the current contract term.	Options reviewed and preferred option identified.	Medium to Long
1.2 - An expansive municipal-wide shared trail network that is heavily utilised by the community.	1) Prioritise the delivery of the shared trail network in accordance with the adopted Principal Pedestrian Network and Principal Bicycle Network, with consideration to relevant strategies, to accommodate walking, cycling and, where appropriate, horse riding.	Prioritisation list developed	Short to Medium
	2) Advocate for land to offset any potential loss of land as a result of the North East Link project.	Number of advocacy opportunities undertaken.	Ongoing
	3) Collaborate with relevant land managers to advocate for the maintenance and enhancement of linear parks that are not managed by Council.	Number of advocacy opportunities for maintenance and enhancement undertaken.	Ongoing

OUTCOME	ACTION	MEASURE	TIMEFRAME
<p>1.3 - Appropriate access to quality outdoor organised sporting infrastructure that:</p> <ul style="list-style-type: none"> • caters for growing clubs and participation trends; • meets the needs of a growing population; • accommodates mixed use; • accommodates the continued growth in social sport; and • provides for a diverse range of interests and opportunities. 	1) Develop an assessment criteria for prioritisation of sporting facility infrastructure development.	Assessment criteria developed.	Short to Medium
	2) Review Council's Seasonal Sports Pricing Policy for sportsfield playing surfaces and update to ensure equity amongst users, with consideration to Council's Community Infrastructure Plan.	Renewed Policy developed.	Short to Medium
	3) Develop a Policy for the allocation and use of seasonally allocated sporting infrastructure.	Completion of Policy.	Short to Medium
	4) Review and update Council's Outdoor Sports Infrastructure Guidelines, incorporating club financial contributions towards sporting infrastructure developments.	Renewed Policy developed.	Short to Medium
	5) Investigate opportunities to meet the sporting facility needs of current and future residents by developing a plan that: <ul style="list-style-type: none"> • Identifies current and projected future usage of facilities to determine the number of future facilities required; • Creates greater optimisation of existing facilities through reviewing allocation processes, Council policy and maintenance practices; • Identifies possible upgrades to existing infrastructure to increase capacity, including synthetic surfaces; • Maps existing and identify possible future Joint Usage Agreements for use of school land, including highball stadiums and sports fields (if need exists); • Identifies possible future land purchases and usage agreements for private land (if necessary). 	Completion of Plan.	Ongoing
	6) Incorporate facilities into master plans that consider the needs of social and modified sport competitions, including incorporating multipurpose principles into facility design.	Facilities incorporated into masterplans.	Ongoing

OUTCOME	ACTION	MEASURE	TIMEFRAME
1.4 - All residents, especially those living in higher density areas, have access to quality passive and active open spaces.	1) Advocate for open space that can cater for active recreation within the development and planning of new residential areas, where appropriate.	Number of opportunities undertaken to advocate for every residential development to have active recreation spaces undertaken.	Ongoing
	2) Purchase/acquire targeted land to increase open space and active recreation provision for the community in higher density areas, in accordance with the Open Space Strategy and where appropriate.	Land purchased to ensure open space provision consistent with the recommendations of the Open Space Strategy 2014.	Ongoing
	3) Plan open spaces to maximise opportunities for active recreation, organised sport and encourage active travel and longer duration stays including the provision of supporting infrastructure, where appropriate.	Number of opportunities included in open space planning, where appropriate.	Ongoing
1.5 - Ensure facility provision for a diverse range of active recreation opportunities.	1) Maintain existing public use open space infrastructure to a high standard, and plan for the provision of new infrastructure to encourage active recreation, where appropriate.	Existing facilities maintained to an appropriate level.	Ongoing
		Construction of new facilities, where appropriate.	
	2) Advocate for the provision of facilities to cater for youth, females, older adults and other minority groups (including disability and CALD) within future developments, where appropriate.	Number of opportunities undertaken to advocate for inclusive facilities.	Ongoing
	3) Engage with Parks Victoria to determine the need to develop a mountain bike facility at Candlebark Park.	Parks Victoria engaged and need identified.	Medium to Long
	4) Consider the viability of providing appropriate infrastructure, including indoor programmable spaces such as meeting rooms/office space, to build the capacity of sport and recreation organisations to enhance their service delivery within Manningham.	Development of infrastructure considered.	Medium to Long

OUTCOME	ACTION	MEASURE	TIMEFRAME
1.6 - Quality indoor stadium facilities to meet the needs of active recreation and organised sport participation.	1) Review the indoor sporting needs of the community and plan for any future development requirements, with particular focus on a master plan at Donvale Indoor Sports Centre and Manningham Templestowe Leisure Centre.	Review undertaken and master plans developed (if required).	Short to Medium
	2) Monitor participation rates and review the requirements for any additional indoor facility needs and, if required, undertake a feasibility study.	Participation rates monitored and feasibility study undertaken, if required.	Ongoing
	3) Upgrade and maintain existing council owned and/or operated stadiums to ensure they meet the required use.	Ongoing maintenance and upgrades undertaken as per condition audits.	Ongoing
	4) In consultation with the user groups and schools, review the ongoing requirements and partnerships of Joint Usage Agreements (JUA) at Park Orchards, Anderson Creek, Templestowe Heights and Doncaster (as a key indoor facility located in Precinct one of Doncaster Hill) Primary Schools.	Review undertaken and list of preferred JUAs identified.	Medium to Long
	5) Consolidate current stadium management contracts and undertake a tender process for their management and operation at the conclusion of the current contracts terms.	Tender process complete and contract awarded.	Medium to Long

Priority Area 2 - Collaborate with key partners and organisations

OUTCOME	ACTION	MEASURE	TIMESCALE
2.1- Highly effective partnerships resulting in increased facility provision for the community.	1) In conjunction with Tennis Victoria and tenant clubs, develop a guiding document that aims to review the current provision of tennis courts in the municipality and inform the future direction and requirements for the sport, including upgrades to existing facilities and assessment of club health. Consideration should be made to engaging other Councils to incorporate a regional approach should the appropriate opportunity arise.	Completion of document.	Short to Medium
	2) Collaborate with other local Councils and actively participate in the Melbourne East Region Project Steering Group (MERPSG), for improved provision of active recreation and sporting infrastructure, including continued investment into data collection.	Attendance at MERPSG meetings. Participation data collected biennial.	Ongoing
	3) Engage with key agencies, such as Schools and Parks Victoria, that provide open space and facilities within the municipality to ensure ongoing community use.	Key agencies engaged and usage of open space maintained.	Ongoing
2.2 - Strengthen key partnerships, to enhance the provision of physical activity opportunities, particularly in active recreation and organised sport.	1) Optimise partnerships with health and leisure providers, including sporting associations, to facilitate a range of inclusive initiatives across the municipality to engage all sectors of the community in a variety of physical activities, such as: <ul style="list-style-type: none"> • Delivery of health/physical activity programs in schools, neighbourhood houses and within the community; • Activation of open spaces for key target demographics; • Delivery of casual participation opportunities such as Rock Up Netball and Walking Basketball; • Support Council and State Government led initiatives. 	Partnerships and programs included in the Active Participation Plan (action 4.2.1).	Ongoing
	2) Partner with relevant groups to facilitate a suite of physical activities such as walks, fun runs, cycling, tai chi and dog-friendly activities.	Activities and partnerships incorporated into the Active Participation Plan (action 4.2.1).	Ongoing

OUTCOME	ACTION	MEASURE	TIMESCALE
2.3 - Strategic collaboration with key sporting organisations to enhance participation opportunities in active sport, with particular focus on increasing participation by under represented groups.	1) Advocate to local and state sporting associations to develop and enhance opportunities that foster inclusive participation.	Number of opportunities undertaken to advocate for inclusive participation	Ongoing
	2) Support local and state sporting associations and the local community to establish new sports activities/clubs as demand arises and suitable facilities are identified.	Support provided, as required.	Ongoing
	3) In partnership with state and local sporting associations, in collaboration with local sporting clubs, develop an approach to inform sustainable growth of sporting clubs, with particular focus on sports with high participation including basketball, netball, AFL, cricket, soccer and tennis.	Approach placed into Active Participation Plan (action 4.2.1).	Medium to Long
	4) Assist Paddle Victoria in the implementation of actions within the Regional Paddle Sports Centre Feasibility Plan (RPSCFP).	Actions from RPSCFP implemented.	Medium to Long
2.4 - A strategic approach to external partnerships, advocacy and funding.	1) Retain active involvement in the planning for the proposed North East Link project through advocating for the offset of lost/occupied open space, replacement and upgrade of open space/sporting facilities within the precinct, and assistance for impacted clubs/groups.	Active involvement in project retained.	Ongoing
	2) Apply to relevant funding providers for external funding for key projects that will enhance participation opportunities and facility provision in Manningham.	Number of grants applied for, as need and opportunity arises.	Ongoing
	3) Participate in, and contribute to the strategic direction of sports specific partnerships in the Eastern Region (e.g. State Sporting Association facility planning documents etc.).	Ongoing strategic contribution provided.	Ongoing
	4) Encourage and support clubs and groups to apply for small grants both internal and external to Council, including through Council's Community Facilities Capital Works Funding Program and Community Grant Program.	Support provided to community groups, as required.	Ongoing

Priority Area 3 - Foster an environment of inclusion

OUTCOME	ACTION	MEASURE	TIMESCALE
3.1 - Improved access to Manningham's organised sport and active recreation opportunities, to encourage participation by all members of the community.	1) Promote a diverse range of sport and recreation programs and facilities to the community, with consideration to utilising innovative communication streams, including promotion in easy English and multiple languages.	Promotion / communication portals included in Active Participation Plan (action 4.2.1).	Ongoing
	2) Develop and implement a social and behavioural change program within sporting clubs and recreation groups, which focuses on mental health, leadership and cultural change around key social issues.	Program developed and implemented.	Ongoing
	3) Develop and implement inclusive practices within Council sports and recreation policies which includes gender equity and child safe standards.	Inclusive practices are included within each policy review (where applicable).	Ongoing
	4) Support the delivery of the Manningham Safe, Respectful and Inclusive Sporting Club Pledge.	Support provided for the program delivery.	Ongoing
	5) Consider ways to reduce barriers for participation in active recreation and organised sport by the community.	Strategies to minimise barriers to participation included within Active Participation Plan (action 4.2.1).	Medium to Long
3.2 - Provide facilities that cater for all.	1) Ensure accessibility audits of priority Council-owned sporting assets are undertaken.	Audit undertaken and assessment placed in infrastructure plan.	Short to Medium
	2) Advocate for all future facilities to be designed and constructed with multi purpose and universal design principles incorporated.	Inclusive design principles included in all facilities, where appropriate.	Ongoing

Priority Area 4 - Build capacity for our community to participate in sport and leisure

OUTCOME	ACTION	MEASURE	TIMESCALE
4.1 - Support the development of well governed, sustainable sporting clubs.	1) Provide pro-active direction and support to Manningham based sport and recreation clubs and groups to implement capacity building initiatives through a range of mediums, including: <ul style="list-style-type: none"> • Volunteer training programs on key sustainability topics; • Advocacy for inclusive club environments; • Distribute resources relating to club sustainability and ensuring resources are easily accessible to clubs and groups; • Identification of funding opportunities (Council provided and other agencies) and grant writing support; • Club health checks, to determine current health of clubs. 	Support mechanisms included within the Active Participation Plan (action 4.2.1).	Ongoing
	2) Support volunteerism within local sport and recreation groups through recruitment and retention strategies, with a particular focus on promotion of the Manningham Volunteer Resource Service (MVRS).	MVRS promoted.	Ongoing
	3) Investigate innovative techniques to communicate with clubs and groups to promote Council led initiatives and key information relating to club sustainability.	Communication techniques investigated.	Ongoing
4.2 - A community that is inspired to spend time in their local parks, reserves and leisure centres.	1) Develop a Council wide initiative (Active Participation Plan) that aims to increase the health and wellbeing of the community through participation and promotion of organised sport and active recreation activities.	Initiative developed.	Short to Medium
	2) Activate Council's open space through promotion of availability and programs.	Availability and programs promoted.	Ongoing
	3) Investigate people counting technologies and strategies within park/open space developments, as appropriate, in order to gather baseline utilisation data and measure the impacts of capital/operational initiatives.	Investigation complete and number of opportunities identified.	Ongoing



OUTCOME	ACTION	MEASURE	TIMESCALE
4.3 – A community that values active transport.	1) Strategically promote opportunities for the community to engage in active transport.	Number of active transport opportunities promoted.	Ongoing
	2) Support a range of targeted initiatives that promote opportunities for active transport.	Support provided for active transport opportunities.	Ongoing
4.4 – A community that is connected to, and engaged with the natural environment.	1) Partner with aligned community groups to promote active use of the natural environment.	Number of partnerships created with aligned groups.	Ongoing
		Use of natural environment promoted.	



6.0 Monitoring and Review

The Recreation Strategy will be reviewed annually to determine the progress of the Action Plan. Measures within the Action Plan will be used to determine this progress. Actions with financial resources required are subject to our annual budget process. This process will be considered when measuring the success of the respective action.

7.0 Data Sources

1. **Active Victoria – A Strategic Framework for Sport and Recreation in Victoria 2017-2021** sport.vic.gov.au/publications-and-resources/strategies/active-victoria-strategic-framework-sport-and-recreation
2. **AusPlay – Participation Data for the Sport Sector** www.clearinghouseforsport.gov.au/data/assets/pdf_file/0011/735239/34648_AusPlay_summary_report_accessible2.pdf
3. **AusPlay Focus – Older Australians' Participation in Sport and Physical Activity 2018** www.clearinghouseforsport.gov.au/data/assets/pdf_file/0009/809343/AusPlay_Focus_Older_Australians_Participation.pdf
4. **AusPlay Focus – Women and Girls Participation** www.clearinghouseforsport.gov.au/data/assets/pdf_file/0011/782345/ASC_AusPlay_Focus_on_Women_and_Girls_Participation_Final.pdf
5. **AusPlay National Survey – State/Territory Results** www.clearinghouseforsport.gov.au/research/smi/ausplay/results/state
6. **Australia Physical Activity and Sedentary Behaviour Guidelines** www1.health.gov.au/internet/main/publishing.nsf/Content/pasb
7. **Australian Bureau of Statistics (Participation in Sport and Physical Recreation 2013-14)** www.abs.gov.au/ausstats/abs@.nsf/mf/4177.0
8. **Community ID (Manningham)** <https://profile.id.com.au/manningham>
9. **Health and Human Services – Inequalities in the Social Determinants of Health and what it means for the Health of Victorians** www2.health.vic.gov.au/public-health/population-health-systems/health-status-of-victorians/survey-data-and-reports/victorian-population-health-survey/victorian-population-health-survey-2014
10. **Inquiry into Women and Girls in Sport and Active Recreation 2015** www.sport.vic.gov.au/sites/default/files/documents/201704/Inquiry%20into%20women%20and%20girls%20in%20sport.pdf
11. **National Sport and Active Recreation Policy Framework 2011** www.health.gov.au/internet/main/publishing.nsf/Content/nsarpf#Principles
12. **Sport Aus – Sport 2030** www.sportaus.gov.au/nationalsportplan/home/featured/download/Sport_2030_-_National_Sport_Plan_-_2018.pdf
13. **Sport Participation in Australia (Clearinghouse for Sport) 2019** www.clearinghouseforsport.gov.au/knowledge_base/sport_participation/community_participation/sport_participation_in_australia

14. **Social Sport (Clearinghouse for Sport) 2018**
www.clearinghouseforsport.gov.au/knowledge_base/sport_participation/Sport_a_new_fit/social_sport
15. **VicHealth – Teens and Sport**
www.vichealth.vic.gov.au/-/media/FundingOpportunities/Growing-Participation-Sport/Teens%20in%20sport%20summary.pdf
16. **VicHealth Indicators Survey 2015 – Manningham LGA Profile**
https://www.vichealth.vic.gov.au/-/media/VHIndicators/Middle-metro/Vic161_Manningham_indicator_v5.pdf?la=en&hash=59466F7F6C8E89B129C7F4F75315E559FC76D0B9
17. **VicHealth Physical Activity Strategy 2018-23**
www.vichealth.vic.gov.au/-/media/ResourceCentre/PublicationsandResources/Physical-activity/VicHealth-Physical-Activity-Strategy.pdf?la=en&hash=D2922172FD7F63A662FC267FD5603AD8EBF32DE4
18. **VicHealth Physical Activity Strategy 2019-2023**
www.vichealth.vic.gov.au/media-and-resources/publications/physical-activity-strategy
19. **VicHealth Action Agenda for health promotion 2013-23**
www.vichealth.vic.gov.au/media-and-resources/publications/action-agenda-for-health-promotion



Contact Details

Council's Recreation Team 9840 9333 or via interpreter 9840 9355.

www.manningham.vic.gov.au



12 SHARED SERVICES

There were no Shared Services reports.

13 CHIEF EXECUTIVE OFFICER

13.1 Determination of Mayoral and Councillor Allowances

File Number: IN20/80
Responsible Director: Chief Executive Officer
Attachments: Nil

EXECUTIVE SUMMARY

Mayors and councillors are entitled to receive an allowance while performing their duties as an elected official. The amount of the allowance is determined by Council within a range set by the Victorian government. Councils are divided into three allowance categories based on income and population.

At least once every year the Minister for Local Government (the Minister) must review the allowance category for each Council and, if necessary, alter the relevant allowance category by publishing a notice in the Government Gazette, specifying the new allowance category.

Council was recently advised that following a review of mayoral and councillor allowance categories under the Local Government Act 1989 (the Act) the Minister has approved a change in Manningham's allowance category from category 2 to category 3. As a result of the alteration Council may undertake a review of its mayoral and councillor allowances under section 74(1B) of the act to determine the allowances payable.

COUNCIL RESOLUTION

MOVED: CR SOPHY GALBALLY
SECONDED: CR PAULA PICCININI

- A. That Council endorse in principle a mayoral allowance of \$100,434 with a \$9541 superannuation contribution, and a councillor allowance of \$31,444 with a \$2987 superannuation contribution.**
- B. That public notice of the proposed mayoral and councillor allowances be given by inviting submissions to be made in accordance with sections 74(4) and 223 of the Local Government Act 1989.**
- C. That a Committee comprising all Councillors be appointed to consider all submissions received.**
- D. Following consideration of all submissions, a report recommending the mayoral and councillor allowances be presented to a meeting of the Council on Tuesday 28 April 2020.**

CARRIED

2. BACKGROUND

- 2.1 Mayors and councillors are entitled to receive remuneration in the form of an allowance in accordance with the Act.
- 2.2 At least once every year, the Minister for Local Government reviews the allowance category for each Council. The review must have regard to changes in the number of residents and variations in Council's recurrent revenue figures (adjusting for inflation).
- 2.3 Council was recently advised that following a review of allowance categories by the Minister, Manningham's allowance category has changed from category 2 to category 3.
- 2.4 As a result of the alteration in category Council may, at its discretion, undertake a review of its mayoral and councillor allowances under section 74(1B) of the Act to determine the allowances payable. The allowances determined are payable from the date of the resolution of the Council determining the level of allowances.
- 2.5 The Victorian Government sets the upper and lower limits for all allowances paid to the Mayor and Councillors by Order in Council.

The allowance range for a Category 3 Council, approved by the Minister and applicable from 1 December 2019 is:

- Mayor: up to \$100,434 per annum
 - Councillor: \$13,123 - \$31,444 per annum
- 2.6 There is also a legislative requirement for an amount equivalent to the superannuation guarantee under Commonwealth taxation legislation (currently 9.5%) to be paid in addition to the allowance.
 - 2.7 Any review of mayoral and councillor allowances must involve public consultation under section 223 of the Act.

3. DISCUSSION / ISSUE

- 3.1 The current allowances previously determined by Council (adjusted annually) will continue to apply until Council undertakes a review and determines the level of mayoral and councillor allowance payable within its new category.
- 3.2 In reviewing allowances, consideration should be given to the scale and increasing complexity in the roles of both the mayor and councillors. Workloads continue to increase in line with the city's growth and the provision of suitable allowances enables those committed to civic leadership to better inform their choices about public service, their careers and financial future whilst balancing family and public life.
- 3.3 A review of Councils in the eastern region (Knox, Monash, Whitehorse and Yarra Ranges) and neighbouring category 3 Council's (Banyule and Boroondara) shows that like Councils have set their allowances at the top end of the range set by the Victorian government. This reflects the significant value and role of local government councillors in providing leadership and representing the varied interests of its diverse community. On this basis it is recommended that allowances be set at the top end of the range.

- 3.4 The process and timing for determining mayoral and councillor allowances is as follows:

Endorse allowances in principle for public consultation	25 February 2020
Public notice of submissions	3 March 2020
Close of submissions	31 March 2020
Hearing of submissions	7 April 2020
Council to determine and adopt allowances	28 April 2020
Allowances come into effect from the date of adoption	28 April 2020

4. COUNCIL PLAN / STRATEGY

The provision of Mayoral and Councillor allowances in meeting its strategic objectives in the Council Plan.

5. IMPACTS AND IMPLICATIONS

5.1 Finance / Resource Implications

The current mayoral and councillor allowances are set at the top of the range in category 2. The allowances approved by the Minister for category 2 and applicable from 1 December 2019 are:

- Mayor: up to \$81,204 per annum (plus 9.5% superannuation)
- Councillor: \$10,914 - \$26,245 per annum (plus 9.5% superannuation)

The increase in allowance per annum between category 2 and category 3 is:

- Mayor: \$19,230 (plus 9.5% superannuation)
- Councillor: \$5,199 (plus 9.5% superannuation)

The financial impact of increasing the allowance (plus 9.5% superannuation) effective from 28 April 2020 is approximately \$11,100. This can be accommodated within existing resources.

5.2 Communication and Engagement

Section 74(4) of the Act provides that a person has a right to make a submission under section 223 of the Act in respect of a review of allowances. Council must give public notice specifying that the mayoral and councillor allowances are being reviewed and invite submissions. The Act provides that the submission period must be open for at least 28 days from the date of publication of the notice. Submissions received will be considered by a committee appointed by Council for that purpose. Notice will be placed in the local press and on Council's website inviting submissions.

6. DECLARATIONS OF CONFLICT OF INTEREST

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

13.2 Manningham Quarterly Report, Quarter 2 (Oct - Dec) 2019

File Number: IN20/84
Responsible Director: Chief Executive Officer
Attachments: 1 Manningham Quarterly Report, Quarter 2 (Oct - Dec) 2019 [↓](#)

EXECUTIVE SUMMARY

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

COUNCIL RESOLUTION

MOVED: CR ANNA CHEN
SECONDED: CR GEOFF GOUGH

That Council note the Manningham Quarterly Report for 1 Oct – 31 Dec 2019.

CARRIED

2. BACKGROUND

The Manningham Quarterly Report aims to promote transparency and meet legislative requirements under the Local Government Act (1989) and Planning and Reporting Regulations (2008). The report contains key capital works, finance and corporate performance information for the quarter.

3. DISCUSSION / ISSUE

3.1 Capital Works

- 3.1.1 53 projects had been completed, with a further 135 started and progressing well. \$9.54million in works have been undertaken equating to 18.5% of the overall program. A further \$10 million has been committed, indicating a strong pipeline of works.
- 3.1.2 A mid-year review undertaken in December has resulted in the re-allocation of \$7.6 million in funding from at-risk projects to projects more easily completed this financial year.
- 3.1.3 The overall Program remains behind forecast with 41% variance against target. A number of projects are delayed and at risk of not being completed or started, due to delays in planning, securing contractors and changing priorities due to weather and storm events. The performance target of 90% completion is at risk, and suitable substitute projects are being organised.

- 3.1.4 Following a review, significant system and process changes have been implemented to improve performance this year and into the future. Since the Mid-Year Budget review, further changes have been made to address high risk projects to offset future impacts on the budget performance. A further 7 projects have been brought forward totalling \$252,000.
- 3.1.5 Every effort is being made to actively manage the program and replace “at risk” new projects with more readily deliverable Asset Management Strategy (AMS) projects. A number of contingency projects are being scoped and tendered to transfer funds to where delays occur on a project. Officers are working hard to mitigate the delays and manage the Program to deliver the best outcome possible.
- 3.1.6 Progress is being made on next year’s designs to enable consultation, permits and tendering for Quarter 1, 2020-21.

3.2 Finance

- 3.2.1 The Year to December 2019 operating result (income less expenses) ended slightly below the budget target by \$0.2 million or 0.3%.
- 3.2.2 The variance primarily relates to lower than budgeted fees and charges mainly in the Function Centre hall hire, planning application fees and higher than budgeted other expenses associated with North East Link Project. These unfavourable variances are partly offset by savings arising from ongoing management of employee costs and higher than budgeted grants.
- 3.2.3 Permanent variances for the year have been updated in the Mid-Year Budget review and were presented to Council in January 2020.

3.3 Corporate Performance

- 3.3.1 Statutory Planning performance is monitored following an investment of resources and process improvements over the past few years.
- 3.3.2 349 planning applications were received for the quarter, a marginal increase from the previous quarter (322) and on par with the previous quarter of 2018/2019. The number of planning decisions made has generally remained consistent. Planning decisions made within 60 statutory days has improved from 89% to 96.3% for the period.
- 3.3.3 For overall Corporate Performance, Council is on track to deliver 92.4% actions and on target with 77% of Key Performance Indicators. These will be monitored closely for successful completion.
- 3.3.4 Major Initiatives are significant pieces of work to deliver on the Council Plan goals. All of Council’s 13 Major Initiatives are on track.

3.4 Councillor and CEO Expenses

- 3.4.1 At the year to December, all Councillors are within their annual allowance. A pro rata adjustment to the allowances of Cr McLeish and Cr Piccinini reflects the change in Mayor during the Quarter on 7 November 2019.

3.5 CEO Key Performance Indicators

3.5.1 Each year a set of indicators are developed in areas or projects that require the Chief Executive Officer's attention. For 2019-20, 16 indicators monitor performance across strategic leadership and advocacy, service and capital works delivery, accountability, innovation and a values driven organisation. Progress is reported quarterly.

3.5.2 At Year to December, 15 of the 16 priority deliverables for the CEO Key Performance Indicators are on track. The one indicator off track is the Capital Works Program target of 90% completion (progress detailed in 3.1 above).

4. DECLARATIONS OF CONFLICT OF INTEREST

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



Manningham

Quarterly Report 2019/20

Quarter 2: October - December 2019

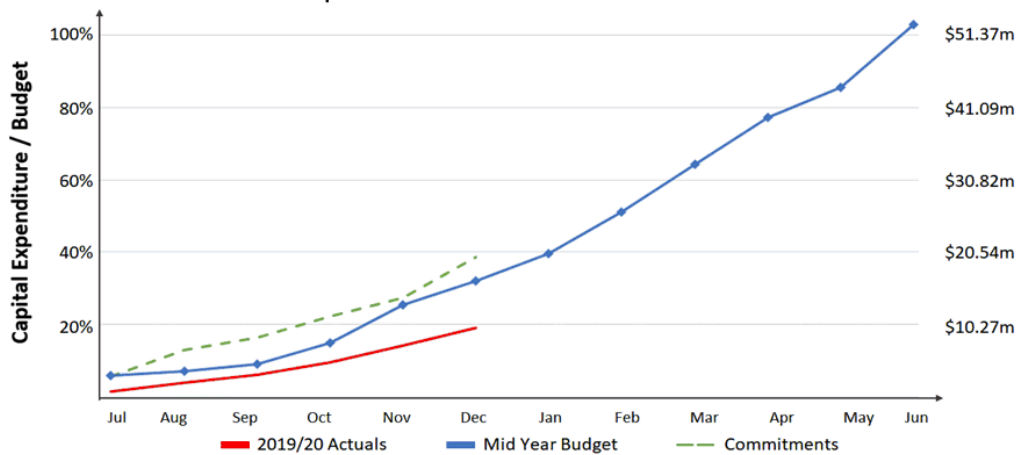
Key information on Manningham Council's performance and governance for the Quarter

1. Capital Works



\$50.34m	Adopted Budget
\$1.10m	Extra Funds
\$51.44m	Updated Forecast

18.5%
Program Completed



VALUE OF CAPITAL WORKS
\$9.54 m

CAPITAL INCOME & GRANTS
↓ **9.9%**

CAPITAL WORKS VARIANCE
↓ **41%**
\$4.90 m

Spotlight

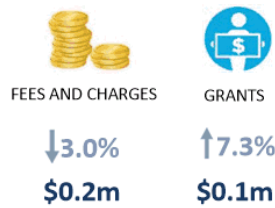
- 53 projects had been completed, with a further 135 started and progressing well. \$9.54million in works have been undertaken equating to 18.5% of the overall program. As shown in the graph above, a further \$10 million has been committed, indicating a strong pipeline of works.
- A mid-year review undertaken in December has resulted in the re-allocation of \$7.6 million in funding from at-risk projects to projects more easily completed this financial year.
- The overall Program remains behind forecast with 41% variance against target. A number of projects are delayed and at risk of not being completed or started, due to delays in planning, securing contractors and changing priorities resulting from weather and storm events. The performance target of 90% completion is at risk, and suitable substitute projects are being organised.
- Following the Pitcher partner review, significant system and process changes have been implemented to improve performance this year and into the future. Since the Mid-Year Budget review, further changes have been made to address high risk projects to offset future impacts on the budget performance. A further 7 projects have been brought forward totalling \$252,000.
- Every effort is being made to actively manage the program and replace "at risk" new projects with more readily deliverable Asset Management Strategy (AMS) projects. A number of contingency projects are being scoped and tendered to transfer funds to where delays occur on a project. Officers are working hard to mitigate the delays and manage the program to deliver the best outcome possible.
- Progress is being made on next year's designs to enable consultation, permits and tendering for Quarter 1, 2020-21.

2. Finance

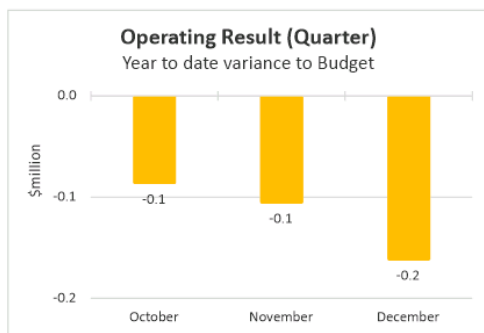
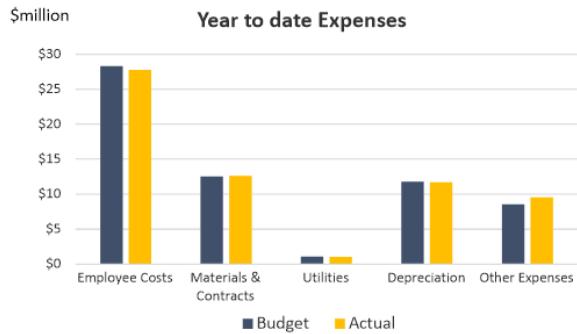
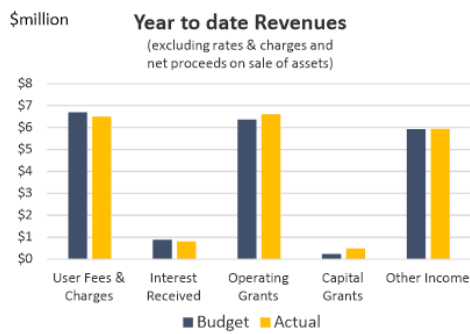
	Revenue	Expenses	Surplus
Budgeted *	\$125.5m	\$62.4m	\$63.1m
Actual	\$125.8m	\$62.8m	\$63.0m

* Adopted Budget

Revenue Variation



Expense Variation

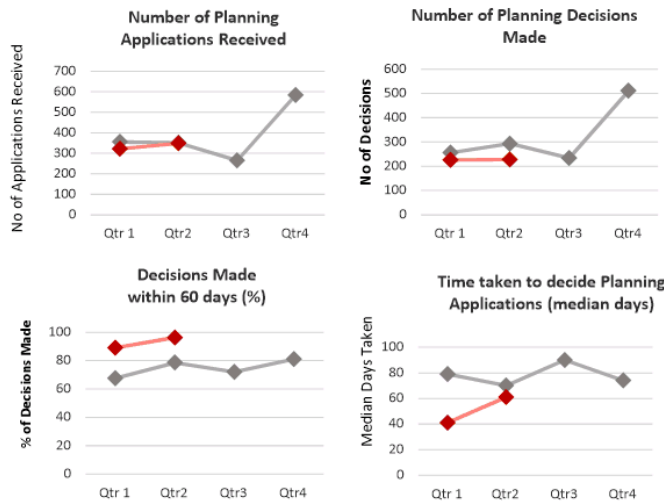


Spotlight

- The Year to December 2019 operating result (income less expenses) ended slightly below the budget target by \$0.2 million or 0.3%.
- The variance primarily relates to lower than budgeted fees and charges mainly in the Function Centre hall hire, planning application fees and higher than budgeted other expenses mainly attributable to costs associated with North East Link Project. These unfavourable variances are partly offset by savings arising from ongoing management of employee costs and higher than budgeted grants.
- Permanent variances for the year have been updated in the Mid-Year Budget review and the report presented to Council in January 2020.

3. Corporate Performance

Spotlight - Statutory Planning



Organisation Performance

Progress during the Quarter

■ Exceeding ■ Complete ■ On Track
■ Monitor ■ Off Track

Action Performance

KPI Performance Indicators (KPIs)

Council is within target to deliver 92.4% of actions and 79.0% of KPI's

Statutory Planning

Performance in statutory planning is monitored following a significant investment into resources and process improvement over the past few years. The number of applications received has marginally increased from the previous quarter and is on par with the same period last year. The number of planning decisions made has generally been consistent. The percentage of planning decisions made within 60 statutory days has improved to 96.3% this period.

Council Plan 2017-2021

The Manningham Council Plan has five themes: Healthy Community, Liveable Places and Spaces, Resilient Environment, Prosperous and Vibrant Economy and Well Governed Council. Goals for each theme were developed in consultation with the community and partners, Councillors and staff. We progress these goals through actions and Major Initiatives each year.

Major Initiatives are significant pieces of work to deliver on the 2017-2021 Council Plan. Delivered over the four years, new milestones are created when one is completed. In most cases, we aim for 25% progress each quarter to build to 100% completion across the 4 quarters of the financial year. For 2019/20 there are 13 Major Initiatives to progress the 2017-21 Council Plan goals. For Quarter 2, expected completion is 50% and all Major Initiative are on track (details in following pages).

For overall Performance, Council is on track to deliver 92.4% actions and within target to achieve 79% of Key Performance Indicators.

Full details of previous years progress can be found in our Manningham Annual Report at www.manningham.vic.gov.au

Imagine 2040 Community Consultation

It is important that we plan for the future together. To inform our planning and strategies Council has been hearing from the community, partners, business and developers on the needs and wants for Manningham for the next 20 years. We have been hearing about the importance of connection in our community and environment, planning for development, innovation in our response and preparedness to climate changes and protecting our unique balance of city and country.



The Imagine 2040 community consultation was held across the municipality and online from September to October. Information gathered, along with evidence, legislative requirements and expertise will assist to shape the Liveable City Strategy 2040 and update our Community Vision (Generation 2030).

4. Major Initiatives

Progress Key
 Actual
 Target

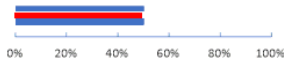
HEALTHY COMMUNITY

1.1 A healthy, resilient and safe community

1.2 A connected and inclusive community



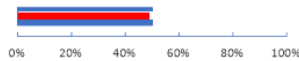
Healthy City Strategy 2017-2021



Implementation of the Action Plan includes accessibility audits of 20 Council buildings, review of Council's Community Grants Program to align with priority areas and increase participation of people with a disability.



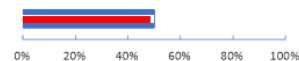
Promote a connected and inclusive community



Successfully held first of four events, in partnership with the Community Connectedness Working Group. Planning for annual pop-up Cinema in February. Met with partners and health planners network to explore a regional approach to address loneliness.



Deliver female friendly facility upgrades in selected Pavilions



Design complete and projects currently out to tender for Bulleen Park, Koonung Park and Timber Ridge. Ready for delivery in Quarters 3 and 4.

LIVEABLE PLACES AND SPACES

2.1 Inviting places and spaces

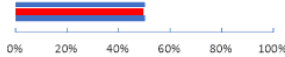
2.2 Enhanced parks, open space and streetscapes

2.3 Well connected, safe and accessible travel

2.4 Well utilised and maintained community infrastructure



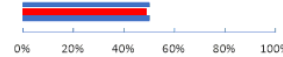
Local planning is responsive to need and planning laws



'Complete 4 Panel Planning Scheme Review (2018) recommendations:
 1. Doncaster Hill Strategy review (undertaking scoping and visioning)
 2. Translation of Local Planning Policy Framework (by March)
 3. Municipal Developer Contributions Plan (continued development)
 4. Bush Fire Planning (to be undertaken over next 6 months)



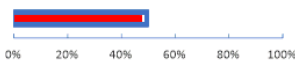
Parks Improvement Program



Drafting Landscape Masterplan for Ruffey Lake Park following community consultation. Ready for design of missing connections in the Main Yarra Trail to Warrandyte. Finalising Lawford Reserve Management Plan. Detailed design for Petty's Reserve pavilion, car park and civil works underway, with pitch design and specification complete.



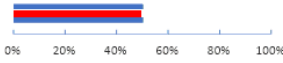
Roads Improvement Program



Road safety projects completed include King/Church Rd, Doncaster pedestrian refuge; Colman Road, Wonga Park and McLachlan St, Templestowe. Oban Rd, Donvale scheduled to commence soon. Undertaking detailed design for Jumping Creek Road, as well as evaluation of recent tender for contractor for next Stage.



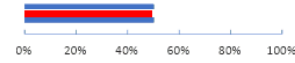
Integrated Transport



Implementation of the Transport Action Plan continues pending the significant impact of the North East Link on transport in the region. The Bus Action Plan is also being implemented to support safe, connected and accessible regional transport.



North East Link Planning



In December, the Minister for Planning released his Report on the North East Link Environmental Assessment Statement with draft Environment Performance requirements. Officers are assessing the Minister's Report to determine the next steps in pursuit of outcomes for Manningham.

Major Initiatives cont.

Progress Key

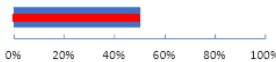
RESILIENT ENVIRONMENT

3.1 Protect and enhance our environment and biodiversity

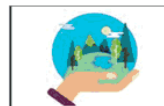
3.2 Reduce our environmental impact and adapt to climate change



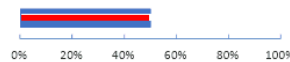
Council Drainage protects habitable floor levels and community safety



A Municipal Drainage Plan is being developed by June 2020. The Plan will encompass a response to flood mitigation. Officers have collated background information. Flood mapping to inform the strategy development has largely been completed.



Environmental education and awareness



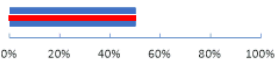
74 environmental events and education was held for 'Spring Outdoors'. Spring Outdoors is an annual regional program held by partners Manningham, Banyule and Nillumbik Councils.

VIBRANT AND PROSPEROUS ECONOMY

4.1 Grow our local business, tourism and economy

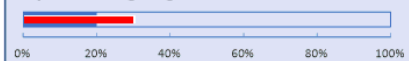


Grow the visitor economy, destinations and events



Promoting townships such as Warrandyte; destinations like Yarra River and partner organisations like Heide Museum of Modern Art with #ExploreManningham and partner with Yarra Ranges Tourism. Tourism information stands at Doncaster and Warrandyte libraries

Key: Monitoring Progress



*Target is usually 25% cumulative across the project timeframe
In the example above, the project is 20% complete with a target of 35%

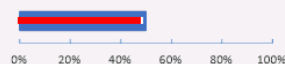
WELL GOVERNED COUNCIL

5.1 A financially sustainable Council that manages resources effectively and efficiently

5.2 A Council that values citizens in all that we do



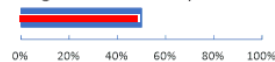
Making it easier for citizens to interact with us



Citizen Connect continues to improve service quality for customers. Results for the quarter include first point of contact to 73% (up from 70%). Also nearing completion of organisational-wide customer service training.



Long Term Sustainability



Permanent variances for the year have been updated in the Mid-Year Budget review and the report presented to Council in January 2020.

5. Councillor Expenses

An allocation of \$12,770 for each Councillor and \$15,375 for the Mayor is budgeted each financial year to reimburse Councillors for expenses incurred while carrying out their official roles.

Significant demands are placed on Councillors in carrying out their civic and statutory roles attending community meetings and events, capacity building and advocacy meetings in pursuit of the best outcomes for the municipality. The Mayor has a slightly higher allowance as she are required to carry out additional civic and ceremonial duties.

The Councillor Allowance and Support Policy guides the reimbursement of Councillor expenses. This budget is all inclusive and covers conferences and training, travel, child minding and information and communications technology expenses. As part of Council's commitment to remaining accountable and transparent, these expenses will be presented to the community each quarter.

Categories include: Travel (including accommodation, cab charges), Car Mileage, Childcare, Information and Communication Technology, Conferences and Training (including professional development, workshops), General Office Expenses (including meeting incidentals), Formal Attendances (including community events and functions) and Other (publications).

Quarter 2, October to December 2019											
Councillor	Travel	Car Mileage	Childcare	Information Communication Technology	Conferences & Training	General Office Expenses	Formal Attendances	Other	Total Qtr	Year to Date	Allowance (Financial Year)
Cr A Chen	\$265	\$592	\$0	\$0	\$0	\$0	\$34	\$0	\$891	\$1,345	\$12,770
Cr A Conlon	\$0	\$560	\$0	\$218	\$0	\$0	\$0	\$50	\$829	\$1,138	\$12,770
Cr S Galbally	\$48	\$1,192	\$0	\$0	\$0	\$0	\$0	\$0	\$1,240	\$1,448	\$12,770
Cr G Gough	\$50	\$237	\$0	\$117	\$0	\$0	\$0	\$0	\$405	\$1,516	\$12,770
Cr D Haynes	\$46	\$0	\$0	\$0	\$0	\$0	\$581	\$0	\$628	\$2,194	\$12,770
Cr M Kleinert	\$721	\$154	\$0	\$182	\$227	\$88	\$80	\$0	\$1,452	\$1,605	\$12,770
Cr P McLeish (Mayor)	\$0	\$287	\$0	\$0	\$0	\$0	\$171	\$0	\$458	\$917	\$14,505*
Cr P Piccinini	\$0	\$0	\$0	\$0	\$1,500	\$0	\$0	\$0	\$1,500	\$1,565	\$13,640*
Cr M Zafiroopoulos (Deputy Mayor)	\$39	\$731	\$0	\$273	\$0	\$0	\$0	\$30	\$1,073	\$1,361	\$12,770

Notes for the Quarter

- \$13.65 GST was incorrectly applied to Cr Chen's Travel expenses and will be corrected next quarter.
- A pro rata adjustment to allowances of Cr McLeish and Cr Piccinini reflects the change in Mayor from Cr Piccinini to Cr McLeish on 7 November 2019.

6. CEO Expenses

The Chief Executive Officer incurs various expenditure while carrying out duties relating to the CEO role. Expense categories are travel, conferences and training (including professional development), gifts declared and miscellaneous). The CEO is required to be transparent in the use of Council resources as per the Employee Code of Conduct.

Quarter 2, October - December 2019

Chief Executive	Travel	Food & Beverage	Conferences & Training	Gifts declared	Miscellaneous	Total Qtr	Year to Date
Andrew Day	\$99	\$88	\$70	\$0	\$0	\$257	\$506

Note: All costs are GST exclusive

Expense categories

Travel

This category covers costs associated with assisting the CEO in meeting transport costs incurred whilst attending meetings, functions and conferences. This includes taxi services, uber services, car parking fees, airfares, accommodation costs etc.

Food and Beverage

This category covers costs associated with food or beverages that directly relate to the CEO role within a professional context.

Conferences and Training

This category covers registration fees associated with attendance by the CEO at conferences, functions, seminars and one-off or short-term training courses. Meeting such as these are normally held by local government related organisations, professional bodies and institutions, educational institutions and private sector providers on areas and events which support the role of the CEO or impact on the City in general.

Gifts Declared

This category relates to any gifts that exceed the token gift threshold (\$50.00) that the CEO is required to declare as per the Token Gift Policy.

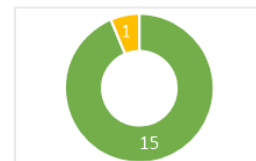
Miscellaneous

This category relates to any other costs associated with the CEO role not covered by the categories above.

7. CEO Key Performance Indicators

All deliverables are to be completed by 30 September 2020, unless otherwise stated

● Complete ● On Track ● Monitor ● Off Track



Area	Priority Deliverables	Status
Strategic Leadership and Advocacy	1) A long term vision for Manningham (Community Vision 2040, Liveable City Strategy 2040 including Doncaster Hill)	●
	2) Progression of a long term Community Infrastructure Plan	●
	3) Implement an Advocacy Plan to support the long term vision	●
	4) Extent to which Manningham Council's vision for North East Link is effectively represented	●
Delivery of Council Plan	5) 90% of Council Plan initiatives delivered	●
Delivery of Capital Works Program	6) 90% Capital Works Program delivered (<i>see front page for details</i>) <i>The overall Program remains behind forecast with 41% variance against target. There are a number of projects that are delayed and at risk of not being completed or started, due to delays in planning, securing contractors and changing priorities resulting from weather and storm events. The performance target of 90% completion is at risk. Every effort is being made to actively manage the program and replace "at risk" new projects with more readily deliverable Asset Management Strategy (AMS) projects. A number of contingency projects are being scoped and tendered to transfer funds to where delays occur on another project. Officers are working hard to mitigate the delays and manage the program to deliver the best outcome possible.</i>	●
Service Delivery	7) A service review program is developed to create a suite of services that is fit for purpose and delivers value to our community	●
	8) Progression of Council's property investment portfolio	●
	9) Annual Environmental report and delivery of a report on Council's fleet usage and opportunities	●
Drive Innovation	10) Support for Learning Innovation and Technology Committee to develop a futures paper.	●
	11) Continued progression of online services and major IT enhancements-MS Dynamics Customer Relationship Management system progressed	●
	12) Long term investment plan for IT/Transformation	●
Drive Accountability	13) Business planning, budgetary capital works and performance planning cycles are reviewed and in place	●
Values Driven Organisation	14) 'Public value' proposition is developed and integrated into decision making	●
	15) The Citizen Connect program is progressed to make it easier for our citizens to interact with us	●
	16) Newly formed internal Diversity Working Group is supported, with the development of an action plan and a focus on gender equity, age, CALD, LGBTIQ, and disability.	●

13.3 Documents for Sealing

File Number: IN20/75
Responsible Director: Chief Executive Officer
Attachments: Nil

EXECUTIVE SUMMARY

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

COUNCIL RESOLUTION

MOVED: CR DOT HAYNES
SECONDED: CR PAULA PICCININI

That the following documents be signed and sealed:

**Consent to Build Over an Easement
Agreement under Section 173 of the Planning and Environment Act 1987
Council and S E McCubbin and B Rundle
91 Brackenbury Street, Warrandyte**

**Deed of Renewal and Variation of Lease
Council and Florence Avenue Playgroup Association Inc.
Part 7-9 Florence Avenue, Donvale**

**Consent to Build Over an Easement
Agreement under Section 173 of the Planning and Environment Act 1987
Council and Yindu Investments Pty Ltd
9 Dryden Street, Doncaster East**

**Consent to Build Over an Easement
Agreement under Section 173 of the Planning and Environment Act 1987
Council and Joylifeyuan Pty Ltd and R L M K Marketing Pty Ltd
85 Rose Avenue, Templestowe Lower**

**Consent to Build Over an Easement
Agreement under Section 173 of the Planning and Environment Act 1987
Council and K A Hjelmstrom and J C Kenny
18 Colonsay Street, Templestowe**

CARRIED

2. BACKGROUND

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

3. DECLARATIONS OF CONFLICT OF INTEREST

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

13.4 Record of Assembly of Councillors

File Number:	IN20/79
Responsible Director:	Chief Executive Officer
Attachments:	<ol style="list-style-type: none">1 Strategic Briefing Session - 21 January 2020 ↓2 Ruffey Lake Park Landscape Masterplan Community Reference Group – 3 February 2020 ↓3 Strategic Briefing Session - 4 February 2020 ↓4 Municipal Emergency Management Planning Committee – 7 February 2020 ↓5 Liveability Innovation and Technology Committee - 12 February 2020 ↓6 Strategic Briefing Session - 18 February 2020 ↓

EXECUTIVE SUMMARY

Section 80A of the Local Government Act 1989 requires a record of each meeting that constitutes an Assembly of Councillors to be reported to an ordinary meeting of Council and those records are to be incorporated into the minutes of the Council Meeting.

COUNCIL RESOLUTION

MOVED: CR ANDREW CONLON
SECONDED: CR MIKE ZAFIROPOULOS

That Council note the Records of Assemblies for the following meetings and that the record be incorporated into the minutes of this Council Meeting:

- **Strategic Briefing Session – 21 January 2020**
- **Ruffey Lake Park Landscape Masterplan Community Reference Group – 3 February 2020**
- **Strategic Briefing Session – 4 February 2020**
- **Municipal Emergency Management Planning Committee – 7 February 2020**
- **Liveability Innovation and Technology Committee – 12 February 2020**
- **Strategic Briefing Session – 18 February 2020**

CARRIED

2. BACKGROUND

2.1 An Assembly of Councillors is defined in the *Local Government Act 1989* as a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of the Council staff which considers matters that are intended or likely to be:-

2.1.1 The subject of a decision of the Council; or

- 2.1.2 Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation.
- 2.2 An advisory committee can be any committee or group appointed by council and does not necessarily have to have the term 'advisory committee' in its title.
- 2.3 Written records of Assemblies are to include the names of all Councillors and members of Council staff attending, a list of matters considered, any conflict of interest disclosures made by a Councillor and whether a Councillor who has disclosed a conflict of interest leaves the meeting.

3. DISCUSSION / ISSUE

3.1 The Assembly records are submitted to Council, in accordance with the requirements of Section 80A of the Local Government Act 1989. The details of the following Assemblies are attached to this report.

- Strategic Briefing Session – 21 January 2020
- Ruffey Lake Park Landscape Masterplan Community Reference Group – 3 February 2020
- Strategic Briefing Session – 4 February 2020
- Municipal Emergency Management Planning Committee – 7 February 2020
- Liveability Innovation and Technology Committee – 12 February 2020
- Strategic Briefing Session – 18 February 2020

4. DECLARATIONS OF CONFLICT OF INTEREST

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

Record of an Assembly of Councillors

Manningham City Council

Strategic Briefing Session

Meeting Date: 21 January 2020
Venue: Council Chamber, Civic Office, 699 Doncaster Rd, Doncaster
Starting Time: 6:30pm

1. Councillors Present:

Cr Paul McLeish (Mayor), Cr Mike Zafiroopoulos (Deputy Mayor), Cr Anna Chen, Cr Andrew Conlon, Cr Sophy Galbally, Cr Geoff Gough, Cr Dot Haynes and Cr Michelle Kleinert

Apologies from Councillors:

Cr Paula Piccinini

Executive Officers Present:

Andrew Day, Chief Executive Officer
Leigh Harrison, Director City Services
Angelo Kourambas, Director City Planning & Community
Philip Lee, Director Shared Services
Andrew McMaster, Legal Counsel and Group Manager Governance and Risk – by phone

Other Officers in Attendance:

Carrie Bruce, Senior Governance Advisor
Kim Tran, Governance Officer
Kevin Arye, Chief Financial Officer
Sheraz Akram, Coordinator Management Accountant
Roger Woodlock, Project Engineering Specialist
Jude Whelan, Manager Communications
Matt Slavin, Manager Integrated Planning

2. Disclosure of Conflicts of Interest

Nil.

3. Items Discussed

- 3.1 North East Link Advice on Minister's Assessment (Legal Position) - confidential
- 3.2 2019/20 Mid-Year Budget Review
- 3.3 Melbourne Hill Road Catchment Drainage Improvement Options – confidential
- 3.4 Request for Funding – Bulleen Industrial Zone Group
- 3.5 Proposed Road Name Change - Part Henry Street to Bloom Street, Doncaster
- 3.6 Storm Flood Update
- 3.7 Climate Change Motion

The meeting ended at 9:38pm

Record of an Assembly of Councillors

Manningham City Council

Ruffey Lake Park Landscape Masterplan **Community Reference Group meeting**

Meeting Date: 3rd February 2020
Venue: Heidi Room, Civic Office, 699 Doncaster Rd, Doncaster
Starting Time: 6pm

1. **Councillors Present:**
Councillor Anna Chen – Koonung Ward
Councillor Dot Haynes – Koonung Ward (left meeting at 7pm)

Officers Present:
Matt Slavin (Manningham),
Carrie Lindsay (Manningham),
Stacey Robinson (Manningham),
Michael Tregonning (Manningham),

2. **Disclosure of Conflicts of Interest**

Nil.

3. **Items Considered**

1. **Welcome and introductions**
2. **Review of previous minutes**
3. **Community Consultation**
4. **Group discussion on the community consultation**
5. **Directions for the masterplan**
6. **Capital Works projects for this year**
7. **Timeline for the masterplan**

Finishing time

The meeting ended at 8pm.

Record of an Assembly of Councillors

Manningham City Council

Strategic Briefing Session

Meeting Date: 4 February 2020
Venue: Council Chamber, Civic Office, 699 Doncaster Rd, Doncaster
Starting Time: 6:34pm

1. Councillors Present:

Cr Paul McLeish (Mayor), Cr Mike Zafiroopoulos (Deputy Mayor), Cr Anna Chen, Cr Andrew Conlon, Cr Sophy Galbally, Cr Geoff Gough, Cr Dot Haynes, Cr Michelle Kleinert and Cr Paula Piccinini

Apologies from Councillors:

Nil

Executive Officers Present:

Andrew Day, Chief Executive Officer
Leigh Harrison, Director City Services
Angelo Kourambas, Director City Planning & Community
Philip Lee, Director Shared Services
Andrew McMaster, Corporate Counsel and Group Manager Governance & Risk
Kerryn Paterson, Group Manager People and Communications

Other Officers in Attendance:

Carrie Bruce – Senior Governance Advisor
Lee Robson – Group Manager Community Programs
Justin Hanrahan – Manager Economic and Community Wellbeing
Niall Sheehy – Group Manager Approvals and Compliance
Grant Jack – Group Manager Infrastructure & City Projects
Helen Napier – Manager City Amenity
Heather Callahan – Coordinator Recreation
Robert Morton – Recreation Planner
Jude Whelan – Manager Communications
Kevin Ayre – Chief Financial Officer
Sheraz Akram – Coordinator Management Accounting

2. Disclosure of Conflicts of Interest

Nil.

3. Items Discussed

- 3.1. Active for Life Recreation Strategy 2010-2025 (2019 Review)
- 3.2. Community Grants Program Guidelines 2020
- 3.3. Regulatory FAQ's
- 3.4. LGPRF Results 2018/19
- 3.5. Budget Planning Cycle Update
- 3.6. Planning Scheme Amendment C130mann – 11 Toronto Avenue, Doncaster
- 3.7. Bushfire Management Policies and Practices in Manningham

The meeting ended at 10:06pm

Record of an Assembly of Councillors

Manningham City Council

Municipal Emergency Management Planning Committee

Meeting Date: Friday 7 February 2020
Venue: Council Chamber, Civic Office, 699 Doncaster Rd, Doncaster
Starting Time: 10am

1. **Councillors Present:**
Councillor Paul McLeish (Mayor) – Mullum Mullum Ward

Officers Present:

Leigh Harrison – Director
Helen Napier – Manager City Amenity
Ben Middleton – Coordinator Emergency Management
Travis Fitch – Coordinator Environmental Health
Jude Whelan – Manager Communications
Matt Slavin – Manager Integrated Planning
Justin Hanrahan – Manager Economic and Community Wellbeing
John O'Brien – Assets and Environment Coordinator
Dean Graham – Engagement Officer EM
Michael Tregonning – Coordinator Parks

2. **Disclosure of Conflicts of Interest N/A**
Nil.

3. **Items Considered**

1. Confirmation of previous minutes
2. Actions arising
3. Correspondence
4. Guest Speaker Manningham GIS Public Access Mapping – Neil Christie
5. General Business
 - 5.1. New updated maps – Community facilities and emergency facilities
 - 5.2. Councils and Emergencies Project Update
 - 5.3. Parking Issues Warrantdyte
 - 5.4. CERA update and planning
 - 5.5. EM Legislation and planning reform
 - 5.6. Inter Council Human Resource sharing protocol
 - 5.7. Red Cross – Cost recovery and Invoice procedures
 - 5.8. Request for access to VPR records
 - 5.9. Incident Teenager drowning 24.11.2020
 - 5.10. Truck Rollover and permission to land aircraft
 - 5.11. Impacts of severe storm event
 - 5.12. Emergency Services Reception
 - 5.13. Community Engagement
 - 5.14. Coronavirus Update
 - 5.15. Manningham Support to East Gippsland Fires
 - 5.16. Grants and Projects Update
 - 5.17. Training and Exercise Update
6. Sub Committee Reports
7. Agency Reports
8. Next Meeting

Finishing time

The meeting ended at 12pm

Record of an Assembly of Councillors

Manningham City Council

Liveability Innovation and Technology Committee

Meeting Date: Wednesday 12 February
Venue: Council Chamber, Civic Office, 699 Doncaster Rd, Doncaster
Starting Time: 6.30pm

1. Councillors Present:

Councillor Mike Zafiroopoulos AM (Deputy Mayor) – Koonung Ward
Councillor Andrew Conlon – Mullum Mullum Ward
Councillor Michelle Kleinert – Heide Ward

Officers Present:

Angelo Kourambas - Director City Planning and Community
Matt Slavin - Manager Integrated Planning
Faye Adams - Senior Sustainability Officer (Secretariat)
Ben Harnwell - Coordinator Business, Events and Grants

2. Disclosure of Conflicts of Interest

Nil.

3. Items Considered

- 3.1. Project Update
- 3.2. Engagement Summary
- 3.3. Smart City Opportunities Workshop
- 3.4. Manningham Matters article
- 3.5. Committee Member updates
- 3.6. News from the Sector
- 3.7. What's next for Smart City Opportunities

Finishing time

The meeting ended at 8.30pm

Record of an Assembly of Councillors

Manningham City Council

Strategic Briefing Session

Meeting Date: 18 February 2020
Venue: Council Chamber, Civic Office, 699 Doncaster Rd, Doncaster
Starting Time: 6:43pm

1. Councillors Present:

Cr Paul McLeish (Mayor), Cr Mike Zafiroopoulos (Deputy Mayor), Cr Anna Chen, Cr Andrew Conlon, Cr Sophy Galbally, Cr Geoff Gough and Cr Michelle Kleinert

Apologies from Councillors:

Cr Dot Haynes and Cr Paula Piccinini

Executive Officers Present:

Andrew Day, Chief Executive Officer
Leigh Harrison, Director City Services
Angelo Kourambas, Director City Planning & Community
Philip Lee, Director Shared Services
Andrew McMaster, Corporate Counsel and Group Manager Governance & Risk
Kerryn Paterson, Group Manager People and Communications

Other Officers in Attendance:

Carrie Bruce – Senior Governance Advisor
Faye Adams, Senior ESD Officer
Matt Slavin, Manager Integrated Planning
Ellen Davis-Meehan, Community Engagement and Research Advisor
Justin Hanrahan, Manager Economic and Community Wellbeing
Sheraz Akram, Coordinator Management Accounting
Fiona Park, Manager Transformation
David Bellchambers, Manager Information Technology
Jude Whelan, Manager Communications
Niall Sheehy, Group Manager Approvals and Compliance
Kerryn Paterson, Group Manager People and Communications
Georgina Snaddon, Senior Corporate Planning and Performance Advisor

2. Disclosure of Conflicts of Interest

Nil.

3. Items Discussed

- 3.1. Smart Cities Opportunities Project
- 3.2. Imagine Manningham 2040 Update
- 3.3. Community Event Proposal
- 3.4. Transformation and IT Projects
- 3.5. Bushfire Management Policies and Practices in Manningham
- 3.6. Youth Employment Action Plan – 6 Month Update
- 3.7. Determination of Mayoral and Councillor Allowances
- 3.8. Manningham Quarterly Report, Quarter 2 (Oct-Dec) 2019
- 3.9. North East Link Project

The meeting ended at 10:04pm

14 URGENT BUSINESS

There were no items of Urgent Business.

15 COUNCILLORS' QUESTION TIME

15.1 Mountain Biking in Manningham

- Q1. Councillor Conlon asked if a report could be presented to a Strategic Briefing Session to consider how mountain biking might be catered for and what options would be available in providing those facilities in Manningham?

The Chief Executive Officer, Mr Andrew Day responded that a report can be provided at a future Strategic Briefing Session to advise on options and opportunities in terms of mountain biking in the municipality.

16 CONFIDENTIAL REPORTS

COUNCIL RESOLUTION

MOVED: CR DOT HAYNES
SECONDED: CR MIKE ZAFIROPOULOS

That Council declares Item 16.1 - Melbourne Hill Road Catchment Drainage Improvement Options is no longer confidential information and the report be considered in the open meeting of Council.

CARRIED

The Council Meeting remained open to consider the following report.

The Mayor advised that he would like to vacate the Chair for the duration of this item to fully enter the debate on this matter. The Mayor called for a motion to appoint the Deputy Mayor as Chairperson to enable this to occur.

PROCEDURAL MOTION

MOVED: CR PAULA PICCININI
SECONDED: CR SOPHY GALBALLY

That Councillor McLeish vacate the Chair in favour of Cr Zafirooulos for the remainder of the meeting.

CARRIED

16.1 Melbourne Hill Road Catchment Drainage Improvement Options

File Number:	IN20/85
Responsible Director:	Director City Services
Attachments:	<ol style="list-style-type: none">1 MHR Option 1 Scope of Works ↓2 MHR Flood Mapping ↓3 MHR Option 2 Scope of Works ↓4 MHR Estimated Tree Losses ↓5 Option Cost Estimates ↓6 MHR Drainage Upgrade Option Comparison ↓

EXECUTIVE SUMMARY

The flooding event in December 2011 resulted in reports received of flooding of six houses. Flood mapping undertaken has confirmed this flood risk, and the modelling indicates that 7 houses in this catchment are susceptible to flooding of habitable floor areas in a major (1% AEP) storm event. This flooding is due to uncontrolled flows and inadequacies in the existing drainage infrastructure.

Consultants were previously engaged to investigate sustainable drainage upgrade options and extensive community consultation was previously undertaken involving the community, the Melbourne Hill Road Reference Panel, ward councillors and officers. In November 2015, Council reconfirmed previous resolutions in support of Scheme 1 (Modified), as the preferred solution to address this flood risk.

Following further arboricultural investigation, it is estimated that Scheme 1 (Modified) will result in the loss of an estimated 299 trees. Councillors requested that officers investigate alternative options to minimise anticipated tree losses accordingly. This report consequently compares two shortlisted drainage upgrade options.

Options 1 and 2 are shown in Attachments 1 and 3, both of which achieve the desired flood mitigation objective.

Option 1 is essentially the same as Scheme 1 (Modified), but with an increased extent of pipe jacking (boring) and some minor pipe realignment to reduce the estimated tree losses to 206. Its estimated cost is \$4.795M.

Option 2 is estimated to result in the loss of 114 trees, but it achieves this through a significant reduction in the proposed scope of the underground drainage network to be constructed, at an estimated cost of \$3.485M. Option 2 lessens the extent of tree losses and the project cost. However, it results in greater susceptibility to incidental flooding from pit inlet blockages.

Attachment 6 to this report provides a succinct comparison of the two options.

It is recommended that Council adopt drainage improvement Option 1 as the preferred flood mitigation option for this catchment, that all affected property owners be so notified, and that the detailed design be completed, and easement acquisitions and a planning permit be secured, prior to the commencement of construction.

Councillor Gough left the meeting at 8:21pm and returned to the meeting at 8:24pm during discussion on item 16.1.

COUNCIL RESOLUTION

MOVED: CR ANDREW CONLON
SECONDED: CR SOPHY GALBALLY

That Council:

- A. Adopt drainage improvement Option 2 as the preferred option to address flood mitigation for the Melbourne Hill Road catchment, noting the reduction in the estimated tree losses from 299 to 114.**
- B. Notify all affected property owners within the catchment of Council's decision to adopt Option 2 as soon as possible.**
- C. Authorise officers to complete the detailed design for Option 2, progress the acquisition of easements, and secure a planning permit and all necessary approvals, prior to the commencement of construction.**
- D. Develop a communications plan to support engagement with the community throughout the duration of the project.**
- E. Authorise officers to progress the protection of the Option 1 easement extents for future drains, adjusted as required through the design process, as noted in items 3.3 and 3.10 of the officer's report.**

PROCEDURAL MOTION

MOVED: CR GEOFF GOUGH
SECONDED: CR DOT HAYNES

That Cr McLeish be permitted an extension of time to speak in accordance with clause 44.6 of the Manningham City Council Meeting Procedure Law 2017.

CARRIED

DIVISION

A Division was called by Councillor Galbally and the Council divided as follows:

FOR (6): Councillors Mike Zafiroopoulos, Anna Chen, Andrew Conlon, Sophy Galbally, Geoff Gough and Michelle Kleinert.

AGAINST (3): Councillors Paul McLeish, Dot Haynes and Paula Piccinini.

THE SUBSTANTIVE MOTION WAS DECLARED CARRIED.

1. BACKGROUND

- 1.1 Council records indicate that 6 houses, primarily located within the downstream valley, were flooded as a result of the December 2011 flood event. The intensity of the December 2011 storm event was estimated by officers to be of the order of a 1 in 80 year event. The base case flood model results (Attachment 2) show that there is a significant flooding problem in this catchment, with 7 houses flooding in a major, or 1% Annual Exceedance Probability flood event (statistically the worst storm in 100 years).
- 1.2 Consultants were engaged to investigate drainage upgrade options, flood modelling was undertaken for the catchment and extensive community consultation was undertaken, involving the community, Reference Panel, ward councillors and officers. In November 2015, Council reconfirmed previous resolutions in support of Scheme 1 (Modified), as the preferred solution to address this flood risk.
- 1.3 Further arboricultural assessment undertaken since indicates, however, that Scheme 1 (Modified) will result in the loss of an estimated 299 trees. Councillors requested that officers investigate alternative options to minimise estimated tree losses, while still achieving the target flood mitigation for habitable floors within the catchment. This report compares two alternative drainage upgrade options, accordingly.

Drainage Upgrade Options

- 1.4 Tree losses can be minimised by selecting an alternative construction methodology to open trenching, such as pipe jacking, which involves underground boring, rerouting pipes away from trees or reducing the extent of works. Pipe jacking is a significantly more expensive and less invasive process than open trench excavation.
- 1.5 Two drainage improvement options have been developed for consideration, as shown on the attached plans and described below. Both options theoretically provide protection for habitable floors in a 1% AEP storm event.
- 1.6 Option 1 – This option involves a similar scope of works to Scheme 1 (Modified), but incorporates several realigned drains and a greater extent of pipe jacking when compared with Scheme 1 (Modified). Notably, the Drysdale Road easement drain has been diverted from running across the rearages of 31 and 33 Drysdale Road to run through 86 Melbourne Hill Road, in order to avoid disturbance of the largest recorded tree in the catchment. This option also provides a point of drainage discharge to an underground drain to the majority of properties within the catchment (Attachment 1).
- 1.7 Option 2 – This option was developed as part of the 2014/2015 consultant study, and was known as Scheme 2.1 at that time. Option 2 primarily reduces the level of tree losses by reducing the scope of the drainage works compared with Option 1. Should Option 2 be supported, the remaining underground drainage works could be undertaken in the future to complete the full Option 1 easement drain extent. However, Option 2 does not provide points of drainage discharge to the majority of properties within this catchment (Attachment 3).

- 1.8 A comparison of these options is provided in Attachment 6 to this report.
- 1.9 It should be noted that officers will review the alignment of the proposed drains through 73 and 77 Melbourne Hill Road as shown on Attachments 1 and 3, to realign the drain from the road reservation to the alignment of the existing easements through 73, 75 and 77 Melbourne Hill Road. Easement widening requirements will also be assessed.

Tree Impacts of Options

- 1.10 This catchment is located in Neighbourhood Residential Zone 1, and is subject to Environmental Significance Overlay 5 under the Manningham Planning Scheme. Tree losses associated with this project will trigger a requirement for a Planning Permit.
- 1.11 The existing condition and works impact have not been assessed by the arborist for all trees that could be affected by these options. Further condition and impact assessment of surveyed trees will be required for the adopted option.
- 1.12 Attachment 4 to this report provides an assessment and estimation of anticipated tree losses as a result of the works for each of the potential options, as summarised below.

Option Number	Percentage of Trees Considered to be Lost Assessed by Arborist	Total Estimated Number of Trees Considered to be Lost
1	69%	206
2	58%	114

- 1.13 There are a significant number of existing trees within the catchment that will not be impacted by either option.
- 1.14 Although trees with greater than 10% intrusion into their Tree Protection Zones are considered to be lost for the purposes of a Planning Permit application, these trees will not necessarily require removal from site during the works. A tree management protocol will be adopted where the impact of the works on the Tree Protection Zone exceeds 10%, to minimise the extent of tree removal. The protocol will be informed by arborist advice before, during and after the works.

2. DISCUSSION / ISSUE

Property Valuations and Easement Acquisitions

- 2.1 Many of the easements within this catchment are occupied with existing sewers, and easement widening or, in some cases, the creation of new easements will be required in order to accommodate the proposed drains. The easement acquisitions will be undertaken by compulsory process.
- 2.2 The creation of new easements or widening of existing easements will encumber private property. Compensation will be paid to affected property owners in respect of the easement creation, as informed by independent valuations. It will be necessary for the valuers to undertake detailed valuations for each affected property for the adopted drainage option, to complete the easement acquisition process.

- 2.3 Should Option 2 be adopted by Council, it will be necessary to acquire easements to facilitate the eventual construction of the easement drains identified as part of Option 1, which would not be constructed as part of Option 2. This approach will ensure the protection of these alignments for future easement drain construction. It is strongly recommended that the Option 1 easement extents, adjusted as required through the design process, be acquired irrespective of which option is adopted.

Point of Drainage Discharge

- 2.4 Council is required to nominate a Point of Drainage Discharge for any property, either within the allotment or at the allotment boundary, where a building permit is required for the carrying out of building works.
- 2.5 Under the requirements of Council's Nominated Point of Drainage Discharge Policy, where a property's *point of drainage discharge is not within the immediate vicinity of a Council drain, ... , Council will consider options for the effective drainage of the site, including whether it is appropriate to require the owner of any property to construct an underground outfall drain from the property's point of drainage discharge to the nearest drainage system,.... in order to establish an effective point of drainage discharge for the property.*
- 2.6 Requirements for permit holder provision of an outfall drain can be triggered through a Planning Permit or a Building Permit associated with the construction of a house or other works. If an outfall drain requires upsizing to cater for additional downstream properties, then Council contributes the difference in cost.
- 2.7 The provision of connections to the majority of properties to underground drains facilitates undergrounding of stormwater flows from impervious surfaces within private property. The greater the number of storm water collection points provided, the less impact inlet blockages can be expected to have on system performance in a storm event.

20 and 22 Melbourne Hill Road

- 2.8 The properties located at 20 and 22 Melbourne Hill Road are subject to existing planning permit conditions requiring the owners to fund the construction of an outfall drain through several downstream properties. If Option 2 is adopted, this outfall drain will not be included in Council's scope of drainage works, and officers will need to conduct further investigations to determine a course of action to address this matter.

Option Cost Estimates

- 2.9 Cost estimates have been prepared for the two options under consideration, as tabulated below. Further details are provided in Attachment 5, including assumptions, inclusions and exclusions underpinning these cost estimates.

	OPTION 1	OPTION 2
TOTAL ESTIMATED PROJECT COST	\$4,795,000	\$3,485,000

- 2.10 The extra cost of acquiring the easements for future drains which are excluded from Option 2 over and above the Option 2 project cost is estimated to be \$342,000.

Comparison of Drainage Upgrade Options

- 2.11 A range of attributes have been identified to compare the available drainage upgrade options, based on the above information. A colour coded system has been adopted to rate the best and worst performing options against each attribute. Details of the adopted rating system, a summary of the key attributes for each of the identified drainage upgrade options and associated ratings for each option are provided in Attachment 6.

3. COUNCIL PLAN / STRATEGY

- 3.1 Item 3.2 of Council's Strategic Resource Plan 2019/2020 requires continued upgrades to Council drainage infrastructure, to protect habitable floor levels and improve community safety. The delivery of the Melbourne Hill Road drainage upgrade is a key project in this context.

4. IMPACTS AND IMPLICATIONS

- 4.1 Both options will theoretically deliver habitable floor flood mitigation in a major storm event for the catchment, whilst Option 1 also provides adjacent points of discharge for all properties.
- 4.2 Option 2 offers the lowest level of tree loss, and is the lowest priced of the options. However, it is more susceptible to drainage system blockage risk than Option 1, as it will rely on fewer drainage system inlet points and provides fewer Points of Drainage Discharge to the proposed underground drains than Option 1. Option 1 will also better manage residual flood risk, and will be more effective in conveying storm water.
- 4.3 Option 1 will also provide a point of drainage discharge to 20 and 22 Melbourne Hill Road as part of the project. Option 2 will not; thereby leaving future works, potentially by property owners, to cause further tree losses at the time.
- 4.4 The Council works will necessitate the loss or adverse impacts on existing trees, which will impact the aesthetics of the area. Every effort will be made to minimise the removal of trees that are considered lost, through the appropriate selection of construction methodology and arborist assessments prior to and during construction. Where feasible, trees will be retained on site and their condition monitored to retain as many trees as possible. Landscaping and revegetation works will be undertaken to re-establish vegetation over time. The easement creation compensation will also consider these impacts.

5. IMPLEMENTATION

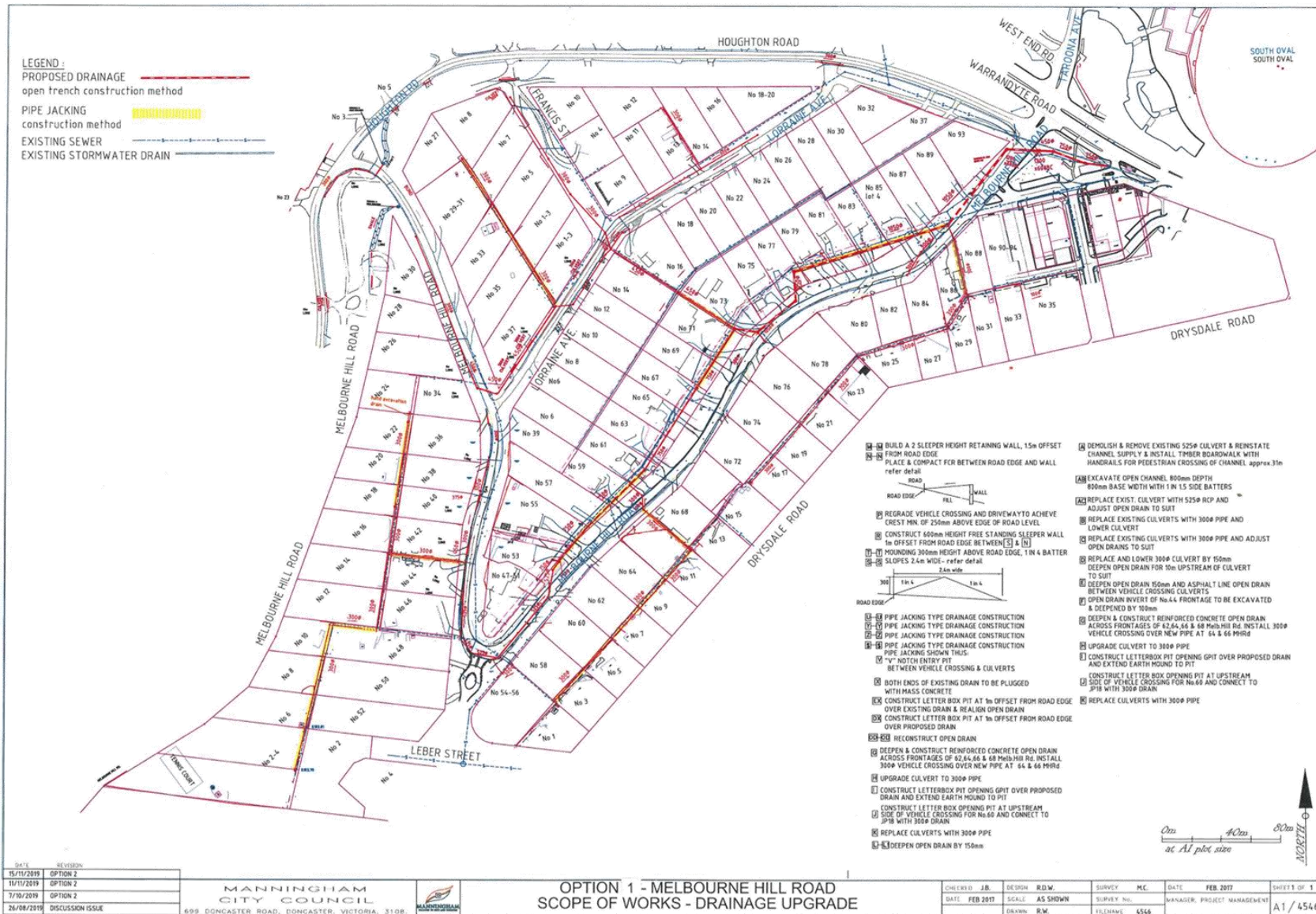
- 5.1 Finance / Resource Implications
- 5.1.1 Cost estimates for each of the project options have been developed (Attachment 5).
- 5.1.2 An allocation of \$270,000 has been made for the 2019/2020 financial year to progress the design and easement acquisition.

5.2 Communication and Engagement

- 5.2.1 A Reference Panel meeting was last conducted on 29 April 2019, to reiterate that there will be no special charge for this project, to provide advice on the project status, project staging, the easement acquisition process, the project program and proposed communications to the community.
- 5.2.2 The majority of affected properties have now been visited by officers to obtain preferred contact details and to undertake preliminary investigations, including survey.
- 5.2.3 Once a drainage upgrade option has been adopted, the next phase of this project will involve finalisation of the detailed design, the acquisition of easements and securing the necessary planning approval. There will be associated need for surveyors, Council officers, valuers and, in some cases, the arborist and other consultants to enter and inspect affected properties.
- 5.2.4 A communications plan will be developed, including details of the proposed easement acquisition process and tree management strategy, once a drainage upgrade option has been adopted. The Communications Plan will also consider the approach to be taken with 20 and 22 Melbourne Hill Road.
- 5.2.5 Letters will be distributed to all affected property owners advising of Council's resolution following the 25 February 2020 Council meeting, and inviting the owners to attend a drop-in session with Council officers to discuss the new concept and remaining project development process.
- 5.2.6 For properties where easement acquisition is required, correspondence and notices will be issued by Council's legal representatives directly to property owners, to ensure compliance with all requirements of the Land Acquisition and Compensation Act.

DECLARATIONS OF CONFLICT OF INTEREST

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



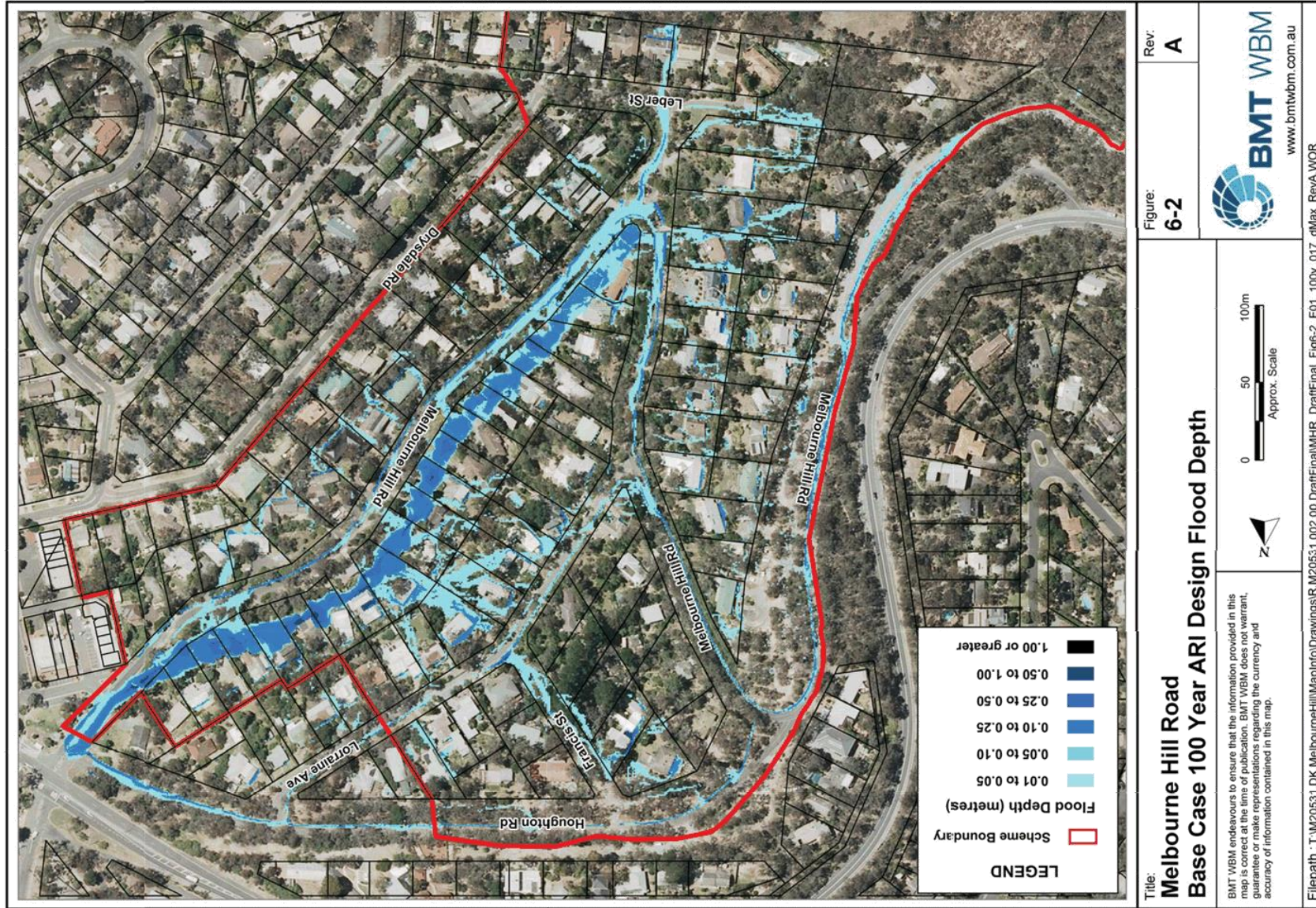
DATE	REVISION
15/11/2019	OPTION 2
11/11/2019	OPTION 2
7/10/2019	OPTION 2
26/08/2019	DISCUSSION ISSUE

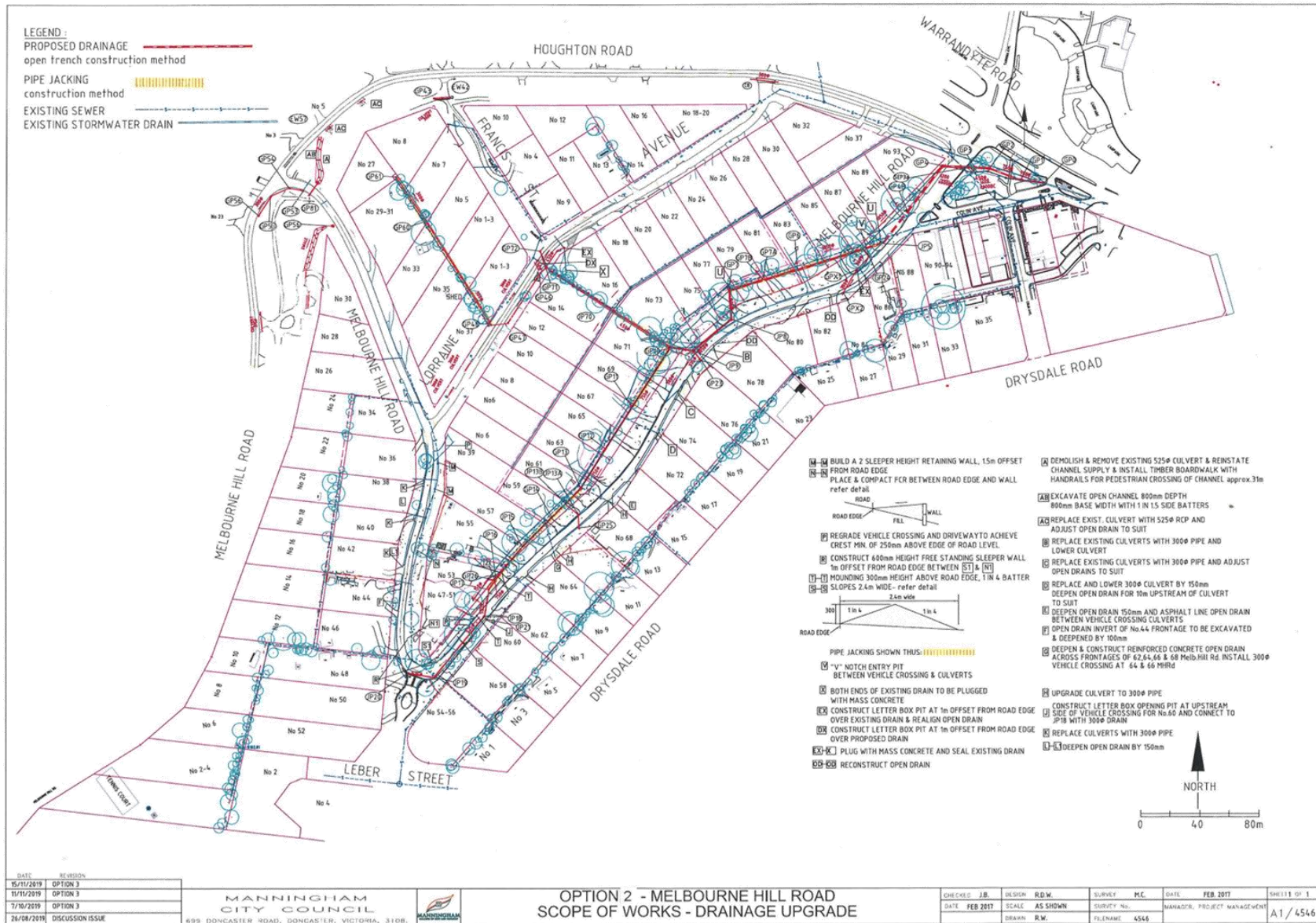
MANNINGHAM CITY COUNCIL
 699 DONCASTER ROAD, DONCASTER, VICTORIA, 3108.



**OPTION 1 - MELBOURNE HILL ROAD
 SCOPE OF WORKS - DRAINAGE UPGRADE**

CHECKED	J.B.	DESIGN	R.D.W.	SURVEY	M.C.	DATE	FEB. 2017	SHEETS OF 1
DATE	FEB 2017	SCALE	AS SHOWN	SURVEY No.		MANAGER, PROJECT MANAGEMENT		
DRAWN	R.W.			FILENAME	4546			A1 / 4546





**Melbourne Hill Road Catchment Drainage Improvement Options - Comparison of Tree Impacts
Attachment 4**

	Option 1 (No of trees)	Option 2 (No of trees)
Trees Assessed By Arborist		
<i>Tree Size</i>		
Trees considered to be lost with unspecified Diameter at Breast Height (DBH)	3	3
Trees considered to be lost with trunk (DBH) up to or equal to 25cm	80	32
Trees considered to be lost with DBH between 26cm and 79cm	56	28
Trees considered to be lost with trunk DBH equal to or exceeding 80cm	3	3
<i>Tree type (planning significance)</i>		
No. indigenous or Victorian Native trees considered to be lost	82	38
No. Australian native / exotic / other native trees considered to be lost	60	28
<i>Tree Arboricultural Rating</i>		
No. trees considered lost with moderate to high arboricultural rating	73	34
No. trees considered lost with none to low arboricultural rating	69	32
Surveyed trees considered to be lost (preliminary assessment) – Not assessed by Arborist.	64	48
Total No. trees estimated to be lost	206	114

Melbourne Hill Road Drainage Upgrade Option Cost Estimates Attachment 5

	OPTION 1	OPTION 2
Construction	\$2,857,755	\$2,261,093
Tree Removal	\$232,000	\$135,000
Tree Root Investigations	\$30,000	\$15,000
Easement Acquisition	\$605,000	\$263,000
Land Acquisition	\$0	\$0
Service Alterations	\$20,000	\$20,000
Landscape / Revegetation	\$30,000	\$20,000
Contingency	\$634,786	\$488,577
Professional fees	\$385,459	\$282,330
TOTALS	\$4,795,000	\$3,485,000

Assumptions, inclusions and exclusions underpinning these estimates are as follows:

- A 20% contingency allowance has been made in respect of each estimate.
- Easement acquisition estimates include compensation and the cost of Council valuer, surveyor and legal representation. No allowance has been made in this estimate for Council payments in respect of property owner legal and valuer representative charges or for conferences between Council's valuer and any valuer representing an owner. Similarly, no allowance has been made for professional fees associated with any negotiations to secure easements.
- Allowances for tree root investigation relate to non-destructive digging prior to trenching to assess the ability to preserve trees considered to be lost based on initial Arborist advice.

Melbourne Hill Road Drainage Upgrade – Option Comparison

Attachment 6

OPTION ATTRIBUTES	OPTION 1	OPTION 2
Estimated Project Cost	\$4.795M	\$3.485M
Number of properties affected by easement or land acquisition	47	21
Estimated number of trees requiring removal	206	114
Properties provided with a Point of Drainage Discharge to a Council underground drain / Flood protection	89	31
Options providing point of drainage discharge for 20 and 22 Melbourne Hill Road	Yes	No
Officer recommended option for adoption	Yes	No

Legend

Best performing option
 2nd best performing option

Gold
Silver

The meeting concluded at 9:03pm.

Chairperson
CONFIRMED THIS 24 MARCH 2020