

MANNINGHAM

Ordinary Meeting of the Council

MINUTES

Date:	Tuesday, 28 August 2018
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 28 AUGUST 2018 AT 7:00PM
IN COUNCIL CHAMBER, CIVIC CENTRE
699 DONCASTER ROAD, DONCASTER**

The meeting commenced at 7:00pm.

PRESENT:

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

OFFICERS PRESENT:

- Acting Chief Executive Officer, Ms Jill Colson
- Director Assets & Engineering, Mr Leigh Harrison
- Director Shared Services, Mr Philip Lee
- Director City Planning & Community, Mr Angelo Kourambas
- Acting Executive Manager People & Governance, Mr Andrew McMaster

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.

There were no disclosures made.

4 CONFIRMATION OF MINUTES

COUNCIL RESOLUTION

MOVED: CR MICHELLE KLEINERT
SECONDED: CR PAULA PICCININI

That the Minutes of the Ordinary Meeting of Council held on 24 July 2018 be confirmed.

CARRIED

5 PRESENTATIONS

5.1 Passing of Haydn Park

The Mayor noted the recent passing of Mr Haydn Park. Mr Park was an active member of the Manningham Recreation Association for many years and will be fondly remembered by the Park Orchards community for his generosity of spirit and service to others. The Mayor extended Council's deepest sympathies to Mr Park's family during this difficult time.

6 PETITIONS

6.1 Petition - Open Space Facilities for Local Residents and Sporting Clubs (Heide Ward)

COUNCIL RESOLUTION

MOVED: CR MIKE ZAFIROPOULOS
SECONDED: CR GEOFF GOUGH

That the supplementary Petition with 266 signatories requesting Council to urgently lobby the State Government and the North East Link Authority to secure sports and open space facilities for local residents and sporting clubs before any existing facilities are displaced by North East Link be received and referred through to the appropriate officer for consideration.

CARRIED

7 PUBLIC QUESTION TIME

7.1 Mr Testa

Q1 Will the Manningham City Council Engineers confirm the accuracy of the measurement that I have provided?

The Director of City Planning & Community, Mr Angelo Kourambas, thanked Mr Testa for his question.

Mr Kourambas advised that no further ground surveys are proposed to be undertaken as part of Amendment C109. It was noted that Amendment C109 had been through a comprehensive and inclusive statutory process, including the independent Planning Panel appointed by the Minister for Planning.

Mr Kourambas advised that the Panel considered the modelling taken by Council and Melbourne Water and determined that the levels used were appropriate for the purposes of the amendment.

Mr Kourambas advised that based on the information and questions presented to the Panel, Melbourne Water was directed to undertake a further ground survey of the Hillcroft Drive area to determine if these properties may flood. The work confirmed that the numerous properties in the Hillcroft Drive area are prone to flooding and that the SBO1 should apply as outlined in the Council report.

Q2

Why has my property a flood overlay when it meets and exceeds the two properties named and they do not have a flood overlay? Why are you not applying the same principals?

The Director of City Planning & Community, Mr Angelo Kourambas, responded that the flood modelling is quite complicated and there are many factors at play.

Mr Kourambas advised that the potential flood risk at 18 Amberwood Court was considered by the Independent Panel. Based on the expert evidence, the Panel concluded that the potential flooding at that property was minor and the overlay could be removed.

Mr Kourambas noted that the modelling indicated that flooding at that property and the Hillcroft Drive properties are subject to overland flows from different sources and flow depths at the property boundaries.

Mr Kourambas further advised that 18 Amberwood Court is subject to flows entering the property mainly from Hillcroft Drive along the southern boundary. These flows at the property boundary are of lower flow depth when compared to flows at the front boundary of other Hillcroft Drive properties. On review, the SBO1 extent originally shown was assessed as being overstated for that property and recommended for removal.

Mr Kourambas advised that by comparison, Hillcroft Drive properties located on the southern side of the road are subject to overland flows travelling along Hillcroft Drive but also from the local catchment to the south. As a consequence, the flows along the front property boundary are deeper than is the case along 18 Amberwood Court.

Mr Kourambas reinforced that the Panel concluded that the levels used and the rigorous modelling undertaken were appropriate and fit for purpose for applying planning controls.

7.2 Miss Chan

Q1 Why is this criteria not used to replace our flood overlay as it complies with the expert review?

The Director of City Planning & Community, Mr Angelo Kourambas, thanked Miss Chan for her question.

Mr Kourambas advised that the experts report provided guidance about areas abutting roads where the modelled flood extent within private property may be excluded from the proposed SBO as noted by the questioner.

In the case of Hillcroft Drive properties, Mr Kourambas advised that the original modelling and subsequent detailed ground survey work, indicated that the properties will be affected by flooding associated with overland flows travelling down Hillcroft Drive as well as overland flows from the local catchment to the south.

Mr Kourambas noted that whilst the full flood extent is not proposed to be included in the overlay (as SBO3 was abandoned by Council) the information still forms part of the modelling and requires consideration when applying these exclusion principles.

Based on the full modelled flood areas, and the more significant flooding expected along Hillcroft Drive, Mr Kourambas advised that these properties did not meet the criteria for removal from the proposed planning overlay.

7.3 Mr Freschi

Will Manningham Council continue to do everything in its power to ensure that the Yarra Valley Country Club has an advisory committee process adopted to resolve this opportunity for our local soccer clubs to have a home before the North East Link wipes out much of Bulleen Park from 2020?

The Director of City Planning & Community, Mr Angelo Kourambas responded that Council is doing a number of things to support the intent of the question to ensure there is no net loss of active sporting facilities as a result of the North East Link. Mr Kourambas noted that Council is actively talking to the link authority, neighbouring councils and the state planning department which could potentially be subject to the advisory committee process described.

8 ADMISSION OF URGENT BUSINESS

There were no items of urgent business.

9 PLANNING PERMIT APPLICATIONS

9.1 Planning Permit Application No. PLN18/0117 - 799 and 801 Doncaster Road Doncaster and 1 Lauer Street Doncaster - Use and development of a child care centre (for 158 children) and alteration of access to a road in a Road Zone, Category 1

File Number:	IN18/339
Responsible Director:	Director City Planning and Community
Applicant:	Veuve Property Group
Planning Controls:	Residential Growth Zone – Schedule 2 (RGZ2), Design and Development Overlay Schedule 8 (DDO8)
Ward:	Koonung
Attachments:	1 Approved Plans ↓ 
	2 Legislative Requirements ↓ 

EXECUTIVE SUMMARY

Purpose

1. This report provides Council with an assessment of the planning permit application submitted for land at 799 and 801 Doncaster Road and 1 Lauer Street and recommends approval of the submitted proposal subject to amendments that will be addressed by way of permit conditions. The application is being reported to Council given that it is a Major Application (with a development cost of more than \$5 million).

Proposal

2. The proposal involves the use and development of a two-storey child care centre for 158 children with associated basement car parking.
3. The development is proposed to be constructed across three lots with a total land size of 1,967 square metres. The proposal has a site coverage of 45.3% and a maximum building height of 9.5 metres. A total of 34 car parking spaces are proposed within the basement car park accessible from Lauer Street.
4. The child care centre will operate five days a week being Monday to Friday and between the hours of 6:30am to 6:30pm.

Advertising

5. Notice of the application was given over a three-week period which concluded on 20 June 2018.
6. To date, one objection has been received from the adjoining western property, which is a medical centre on 797 Doncaster Road, Doncaster. The objection identified concerns primarily relating to noise and the potential impact on the existing medical centre use. The objection detailed that a residential building would be a more appropriate land use.

Key issues in considering the application

7. The key issues for Council in considering the proposal relate to:

- Planning Policy Frameworks;
- Location;
- Siting, scale, design and built form;
- Landscape;
- Amenity;
- Traffic, car parking and driveway construction; and
- Objector concerns.

Assessment

8. The development of the land for a two-storey child care centre is consistent with the relevant objectives of State and local planning policies of the Manningham Planning Scheme (the Scheme), including the requirements of the Residential Growth Zone, Schedule 1 (RGZ1), Design and Development Overlay, Schedule 8 (DDO8) and supporting policy relating to the non-residential uses within residential areas.
9. The proposed development features a contemporary design, which subject to conditions, meets the purpose of the intent of the zone and the decision guidelines of all applicable overlays, resulting in a development that will not adversely affect the amenity of the locality.

Conclusion

10. The report concludes that the proposal complies with the relevant planning policy due to mitigating site context circumstances and should therefore be supported, subject to some design changes to the building. The proposal makes efficient use of the site and is an appropriate non-residential development within this part of Manningham, with good access to services, facilities and public transport.
11. It is recommended that the application be supported, subject to conditions.

COUNCIL RESOLUTION

MOVED: CR ANNA CHEN
SECONDED: CR MIKE ZAFIROPOULOS

That Council:

- A. **Having considered the objection a NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application PL18/0117 at 799, 801 Doncaster Road and 1 Lauer Street, Doncaster for the Use and development of a child care centre and alteration of access to a road in a Road Zone, Category 1, subject to the following conditions –**
 1. **Before the use and development starts, amended plans must be e-mailed to and approved by the Responsible Authority. When approved, the plans will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the decision plans (prepared by Insite Architects, dated 19 February 2018) but modified to show:**

- 1.1. The masonry wall and fence to Doncaster Road and to the north-east of the site along Lauer Street recessed a minimum one metre from the site frontage;
- 1.2. A pedestrian footpath provided to the Lauer Street road verge;
- 1.3. Exposed "Access Ash" face brick or similar face brick applied to the wall around the basement car park entrance and portion of the ground floor north-eastern wall replacing the dark grey rendered cladding;
- 1.4. Further details of the service utilities and their cabinetry demonstrating how they have integrated into the design of the building;
- 1.5. Directional signs to the satisfaction of the responsible authority must be provided directing drivers to the area set aside for car parking;
- 1.6. General landscaping details in accordance with Condition 8 of the permit;
- 1.7. In accordance with the discussion plans, dated 23 July 2018, exposed "Access Ash" face brick or similar face brick finish applied to the south-east two storey portion of the building, replacing the dark grey rendered cladding;
- 1.8. In accordance with the discussion plans dated 23 July 2018 alterations to the external colour palette to include lighter finishes, replacing the dark grey rendered cladding;
- 1.9. In accordance with the discussion plans dated 23 July 2018 increase the area available for landscaping along Lauer Street and around the building entry through reducing the extent of the raised pedestrian access and bike parking, with bike parking relocated to the basement car park;
- 1.10. In accordance with the discussion plans dated 23 July 2018 shade sails removed from the plan to the south of the building along Doncaster Road;
- 1.11. A notation to indicate that the development must be constructed in accordance with the Sustainable Management Plan approved as part of this permit (prepared by LID Consulting, dated 22 February 2018), as per Condition 4 of this permit;
- 1.12. A notation to indicate that the acoustic fencing must be constructed in accordance with the Acoustic Engineering Report (prepared by Cogent Acoustics Pty Ltd, dated 16 February 2018);

- 1.13. A notation consistent with the recommendation of the Arboricultural Report (prepared by Galbraith & Associates, dated 03 April 2018) to indicate that the storage shed constructed on the western boundary be built on natural ground level or with excavation to be no greater than 100mm in depth below natural ground level.

Endorsed Plans

2. The use and 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 28 Days before the development starts, two copies of a Construction Management Plan (CMP) must be e-mailed to and approved by the Responsible Authority. The Construction Management Plan must be prepared using Council's CMP Template to address the following elements referenced in Council's Construction Management Plan Guidelines:

- 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;
- 3.5. Element A5: Waste Minimisation and Litter Prevention;
- 3.6. Element A6: Traffic and Parking Management.

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. The development must be constructed in accordance with the Sustainability Management Plan approved and forming part of this permit (prepared by LID Consulting, dated 22 February 2018). The recommendations of the Plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority prior to the commencement of the use.

Waste Management Plan

5. Before the development starts, a Waste Management Plan must be e-mailed 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 submitted draft Waste Management Plans (WMP) prepared by Leigh Design (dated 14 February 2018). The developer must ensure that the private waste contractor can access the development and the private waste contractor bins. No private waste contractor bins can be left outside the development boundary at any time on any street frontage for any reason.

Acoustic Report

6. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an amended Acoustic Report must be e-mailed to and approved by the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the acoustic report prepared by Cogent Acoustics Pty Ltd, dated 16 February 2018 but be modified to reflect any changes shown on plans endorsed under this permit or other conditions of this permit.

Management Plan Compliance

7. The management plans approved under Conditions 3, 4 and 5 and 6 of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.

Landscape Plan

8. Before the development starts, a landscaping plan prepared by a landscape architect or person of approved competence must be e-mailed 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:
 - 8.1. Species, locations, approximate height and spread of proposed planting;
 - 8.2. Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;
 - 8.3. Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;
 - 8.4. A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;

- 8.5. A minimum of 21 canopy trees on ground level, five capable of reaching a minimum mature height of 8 metres, spread along the frontages setback of the site. The trees must be a minimum height of 2.0 metres at the time of planting;
- 8.6. A minimum of 11 trees within the western first floor play area;
- 8.7. A minimum of four trees within the eastern first floor play area;
- 8.8. Suitable landscape treatment for the 1 metre wide landscape strip of land between the fence and footpath along Doncaster Road that can withstand and make use of storm water (rock mulch and tufting plants, for example);
- 8.9. Suitable landscape treatment for the landscaping between the pedestrian path and flood wall along Lauer Street that can withstand and make use of storm water (rock mulch and tufting plants, for example);
- 8.10. Low maintenance and drought-resistant street perimeter planting;
- 8.11. Uniform, fast-growing screen planting along the northern and western boundaries; and
- 8.12. Planting within 2 metres along the frontage from the edge of the driveway and 2.5 metres along the driveway from the frontage to be no greater than 0.9 metres in height at maturity.

Landscape Bond

9. Before the release of the approved plan for the approved development, 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 landscaping works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.

Completion and Maintenance

10. Before the use commences the following works must be completed generally in accordance with the approved plans and to the satisfaction of the Responsible Authority:
 - 10.1. All driveways, bicycle and car parking areas fully constructed, with appropriate grades and transitions, line marked and/or signed and available for use;
 - 10.2. All landscape areas must be fully planted and mulched or grassed.

11. Once the permitted development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
12. Buildings, including screening, engineering works and fences must be maintained to the satisfaction of the Responsible Authority.
13. The landscaping as shown on the approved landscaping plan must be maintained by replacing any dead, diseased, dying or damaged plants as soon as practicable and not using the areas set aside for landscaping for any other purpose, to the satisfaction of the Responsible Authority.
14. If required by the relevant fire authority, external fire services must be enclosed in a neatly constructed, durable cabinet finished to complement the overall development, or in the event that enclosure is not allowed, associated installations must be located, finished and landscaped to minimise visual impacts from the public footpath in front of the site to the satisfaction of the Responsible Authority.

Stormwater and Drainage

15. 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:
 - 15.1. Be designed for a 1 in 5 year storm; and
 - 15.2. Storage must be designed for 1 in 10 year storm.
16. Before the development starts, a construction plan for the system required by Condition 15 of this permit must be submitted to and approved by the Responsible Authority. The system must be maintained by the owner thereafter in accordance with the approved construction plan to the satisfaction of the Responsible Authority.
17. 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 Miscellaneous Works Permit is first obtained from the Responsible Authority.
18. 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.

Footpath Construction Plan

19. Longitudinal and cross sections for the proposed footpath within the Road Reserve in Lauer Street are to be submitted in accordance with an engineering construction plan approved by the Responsible Authority. Before the works start:
 - 19.1. A supervision fee equal to 2.5% of the cost of construction of the path must be paid to the Responsible Authority;
 - 19.2. A plan-checking fee equal to 0.75% of the cost of construction of the path must be paid to the Responsible Authority;
 - 19.3. A maintenance deposit equal to 5% of the cost of construction of the path must be lodged with the Responsible Authority and retained thereafter for a minimum of three months; and
 - 19.4. A schedule of costs for the construction of the path must be submitted to the Responsible Authority.

Car Parking

20. Before the approved use commences, the area set aside for the parking of vehicles and access lanes as shown on the approved plan must be:
 - 20.1. Constructed and formed to approved levels;
 - 20.2. Drained;
 - 20.3. Line marked to indicate each car space;
 - 20.4. Marked to show the direction of traffic along access lanes and driveways;
 - 20.5. Marked to show a car space for a person with a disability designed to the relevant Australian Standard;to the satisfaction of the Responsible Authority.
21. Parking areas and access lanes must be kept available for these purposes at all times and must be maintained to the satisfaction of the Responsible Authority.
22. The development must be provided with external lighting capable of illuminating access to each car parking space, outdoor service areas, pedestrian walkways and the building entry. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.
23. The loading and unloading of goods from vehicles must only be carried out on the land.

24. The collection of all waste from the premises must only be conducted between the hours of 8.00am to 6.00pm Mondays to Fridays to the satisfaction of the Responsible Authority.

25. The vehicular crossing must be constructed in accordance with the approved plans prior to commencement of the use to the satisfaction of the Responsible Authority.

VicRoads Condition

26. Prior to the commencement of the use or occupation of the development, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority (RA) and at no cost to VicRoads or the RA.

Site Services

27. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.

28. All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively to the satisfaction of the Responsible Authority.

29. All PVC pipes serving rainwater tanks which are positioned against building walls must be painted to match the colour of roofline guttering to the satisfaction of the Responsible Authority.

30. Car park lighting must be connected to reticulated mains electricity and be operated by a time switch, movement sensors or a daylight sensor to the satisfaction of the Responsible Authority.

31. Any reverse cycle air-conditioning unit erected on the walls or roof of the approved building must be so located, as to not adversely affect the amenity of the area by way of appearance/visual prominence to the satisfaction of the Responsible Authority. Where the Responsible Authority identifies a concern about visual appearance, appropriately designed/finished screening must be installed and maintained to the satisfaction of the Responsible Authority.

32. All security alarms or similar devices installed on the land must be of a silent type to the satisfaction of the Responsible Authority.

33. Unless depicted on a Roof Plan approved under Condition 1 of this permit, no roof plant (includes air conditioning units, basement exhaust ducts, solar panels or hot water systems) which is visible to immediate neighbours or from the street may be placed on the roof of the approved building, without details in the form of an amending plan being submitted to and approved by the Responsible Authority.

Fencing

34. Prior to the occupation of the approved building, 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

35. 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

36. Buildings, paved areas, drainage, external play areas, fencing and landscaping must be maintained to the satisfaction of the Responsible Authority.

Construction Management

37. The owner must use appropriate site management practices during construction to prevent the transfer of mud, dust, sand, slurry, litter, concrete or other construction waste 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.

Use

38. Except with the prior written consent of the Responsible Authority, the number of children who may attend the centre at any one time must not exceed 158.
39. Except with the prior written consent of the Responsible Authority, the child care centre must only operate between the hours of 6:30am and 6:30pm on weekdays only.

Amenity

40. Before the use commences, all fencing including acoustic fencing must be erected in accordance with the approved plan to the satisfaction of the Responsible Authority.
41. In the event of excavation or works causing damage to any other existing boundary fence, the owner of the development site must at their own cost repair or replace the affected fencing to the satisfaction of the Responsible Authority.
42. Garbage and recycling storage areas must be maintained in a neat and tidy condition to the satisfaction of the Responsible Authority.
43. All security alarms or similar devices installed on the land must be of a silent type to the satisfaction of the Responsible Authority.

44. All noise emanating from any mechanical plant (air conditioners, refrigeration plant, etc.) must comply with the State Environment Protection Policy N-1 and in the event of the Responsible Authority receiving justifiable complaints regarding noise from such sources, the onus will be on the owner of the development site to prove compliance with the relevant policy to the satisfaction of the Responsible Authority.
45. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
46. All children's play equipment must be maintained and kept in a safe condition to the satisfaction of the Responsible Authority.
47. The external play areas must be kept in a neat and tidy condition to the satisfaction of the Responsible Authority.
48. The operator of the centre must through proper management and supervision techniques, ensure that excessive noise is not generated by external play activities, to the satisfaction of the Responsible Authority.
49. The exhaust system of any cooking area must be provided with filter devices capable of minimising the external emission of odours and airborne fat particles to the satisfaction of the Responsible Authority and such filter system must be maintained to the satisfaction of the Responsible Authority.
50. The use and development must be managed so that the amenity of the area is not detrimentally affected, to the satisfaction of the Responsible Authority, through the:
 - 50.1. Transport of materials, goods or commodities to or from the land;
 - 50.2. Storage of goods and wastes;
 - 50.3. Appearance of any building, works or materials; and
 - 50.4. Emission of noise, light, vibration, odour & dust.
51. At all times the number of car spaces available on site must not be less than 34, with 17 spaces provided for staff parking.

Permit Expiry

52. This permit will expire if one of the following circumstances apply:
 - 52.1. The development is not started within two years of the date of this permit; and
 - 52.2. The development is not completed within four years of the date of this permit; and

52.3. The use is not commenced within four years of the completion of the development.

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 and Environment Act 1987*.

CARRIED

2. BACKGROUND

- 2.1 The application was submitted to Council on 27 February 2018. A request for further information was sent on 09 March 2018.
- 2.2 All requested further information was received by Council on 14 May 2018.
- 2.3 Notice of the application was given over a three-week period which concluded on 20 June 2018.
- 2.4 The statutory time for considering a planning application is 60 days, which lapsed on 13 July 2018.
- 2.5 Planning Application PL13/023679 sought approval to construct 16 two-storey 'townhouse' style dwellings over the same 3 lots being sought to be developed under this planning application. This was refused at a Council meeting on July 29 2014.
- 2.6 Planning Permit PL13/023919 granted approval to remove three covenants, one registered to the title of each of the lots this planning application relates to. These covenants restricted development to the construction of a private dwelling of brick and outbuildings. The titles are now not encumbered by any covenants.
- 2.7 Planning Application PL16/026260 sought approval to construct a three-storey apartment building containing 37 dwellings over two levels of basement car parking over the same 3 lots being sought to be developed under this planning application. Council decided to issue a Notice of Decision to Grant a Permit at the Council meeting on 28 March 2018 and a Planning Permit was issued on 24 April 2018.

3. THE SITE AND SURROUNDS

The Site

- 3.1 The site is situated on the north-western corner of the Doncaster Road and Lauer Street intersection, approximately 25 metres east of the Doncaster Road and Church Road intersection.
- 3.2 The site comprises three irregularly shaped lots with a combined area of 1,968 square metres. The Doncaster Road frontage is 49.39 metres, the Lauer Street frontage is 30.56 metres, the northern boundary is 51.51 metres, and the western

boundary is 37.71 metres long. A 6.31 metre long curved splay is at the south-eastern corner.

- 3.3 Each lot within the site is currently developed with a single-storey brick dwelling with a tiled, hipped roof. The dwellings at 799 and 801 Doncaster Road gain access from crossovers on Doncaster Road, and the dwelling at 1 Lauer Street from the crossover and driveway adjacent to the northern boundary in Lauer Street. The secluded private open space area are all located on the northern side of the dwellings.
- 3.4 The land slopes down from south-western corner (on Doncaster Road) towards the north-eastern corner (on Lauer Street), with a level difference of 2.69 metres. Along the Lauer Street frontage, the level difference is 2.28 metres.
- 3.5 A 2.44 metre wide drainage and sewerage easements abuts the length of the northern boundary within the site. Council's records indicate that there are drainage and sewerage assets within the easement.
- 3.6 Front fencing ranges in height between 0.77 metres and 1.6 metres and is constructed in brick and timber.

The Surrounds

- 3.7 The site directly abuts four properties, to the north and west. The surrounding development is described as follows:

Direction	Address	Description
North	7 Lauer Street, Doncaster	This property adjoins the eastern half of the northern boundary. It is developed with a single-storey brick dwelling that is setback 7.6 metres to Lauer Street and 4.8 metres to the common boundary. Access is gained from a crossover and driveway that is adjacent to the common boundary. The garage is at the rear, and abuts the common boundary. The secluded private open space area is on the western side, at the rear of the dwelling. One habitable room window faces the site.
	Units 3 & 4/122 Church Road, Doncaster	<p>These properties adjoin the western half of the northern boundary and are part of a 4 unit single-storey residential development. Access is shared and central in the development and gained from Church Road.</p> <p>Unit 3 borders all but 3 metres of the common boundary with its secluded private open space area on the eastern side of the dwelling, which also adjoins the common boundary. Three habitable room windows face the site.</p> <p>Unit 4 borders the western 3 metres of the common boundary. The brick garage belonging to Unit 4 is located adjacent to the north western corner of the site, such that the dwelling does not have an interface with the site. There are no habitable room windows that face the site.</p>

West	797 Doncaster Road, Doncaster	This property adjoins the entire length of the western boundary. It is developed with a single-storey building that is used as a Medical Centre. The building is setback 14.6 metres to Doncaster Road and 4.0 metres to the common boundary. Access is gained from Church Road to the car park located within the Doncaster Road frontage. Being a Medical Centre, there are no habitable room windows that face the site.
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- 3.8 The character of the broader neighbourhood is in transition. Single, detached brick dwellings are common to many properties, however many of these lots are being redeveloped with two or more townhouse style dwellings or apartments on consolidated lots. The nearest apartment style development is at 765 & 767 Doncaster Road located approximately 260 metres west the site.
- 3.9 Doncaster Road adjoins the southern boundary of the site. This major arterial road has three lanes of traffic in each directions (inclusive of a bus lane), with a central dividing median. Doncaster Road is under the jurisdiction of VicRoads and is served by several bus routes, including the Smart Bus services.
- 3.10 On the northern side of the site, land is zoned General Residential Zone, Schedule 2 where less intensive town house style developments are supported under Clause 21.05 (Residential) and Clause 43.02 (Design and Development Overlay – Schedule 8 (DDO8-3)) under the Manningham Planning Scheme.
- 3.11 The site is well located to a range of services and facilities, with the Doncaster Secondary College located 150 metres to the north-west, the Municipal Offices located 500 metres to the west, and the Doncaster Shoppingtown located one kilometre to the west.
- 3.12 In front of the site along Doncaster Road is a footpath and bus stop with shelter. There is no footpath along Leaur Street.

4. THE PROPOSAL

It is proposed to demolish the existing buildings and clear all vegetation for the use and development of a child care centre (for 158 children) and alteration of access to a road in a Road Zone, Category 1 (removal of two crossovers in Doncaster Road).

Submitted plans and documents

The proposal is depicted on plans prepared by Insite Architects (dated 19 February 2018), and a Landscaping Plan prepared by Package Landscapes Australia (dated 03 April 2018).

- 4.1 The following reports were submitted in support of the application:
- Water Management Report – Engeny Water Management, 06 December 2017;
 - Town Planning Report – Breese Pitt Dixon Pty Ltd, February 2018;
 - Waste Management Plan – Leigh Design, 14 February 2018;
 - Traffic Report – Cardno Victoria, 16 February 2018;
 - Acoustic Engineering Report – Cogent Acoustics Pty Ltd, 16 February 2018.
 - Sustainability Management Plan – LID Consulting, 22 February 2018;
 - Arboricultural Report – Galbraith & Associates, 03 April 2018.

Development summary

4.2 A summary of the development is provided as follows:

Site area:	1,967sqm.	Maximum Building Height:	9.5m.
Site Coverage:	45.3%.	Setback to Doncaster Road (south)	Basement – 3.38m – 7.37m. Ground floor – 5.135m – 7.65m. First floor – 4.86m – 9m.
Total Useable Outdoor Play Area:	1139sqm.	Setback to Lauer Street (east)	Basement – 3.45m – 3.765m Ground floor – 3.6m – 12.19. First floor – 4.125m – 18.335m.
Number of Children:	158.	Setback to northern boundary	Basement – 5.1m. Ground floor – 5.01m – 8.275m. First floor – 5.01m – 6.675m.
Number of Car Parks:	34 (17 assigned to staff, and 17 assigned to drop off)	Setback to western boundary	Basement – 5.36m. Ground floor – 7.4m – 10.63m. First floor – 9.13m – 11.93m.

Design layout

- 4.3 The basement level consists of the 34 proposed car parking spaces, waste storage area and a lift lobby.
- 4.4 The ground floor layout consists of a prominent entry location towards the intersection of Doncaster Road and Lauer Street providing a clear point of address. A central east-west main corridor extends through the building providing access to six child minding rooms along with kitchen and staff areas. All child minding rooms are provided with direct access to ground floor outdoor play space. A variety of landscaping is proposed around the building, including 21 canopy trees spread along the boundaries of the site.
- 4.5 The first floor includes a further three child minding rooms, parent meeting room, staff planning room as well as two outdoor play areas. Much of the first floor area is centrally located over the ground floor and site with a double storey portion located to the south-east of the site. The first floor supports two outdoor play areas to the east and the west of the building, totalling 144 square metres and 222 square metres respectively. A variety of landscaping is proposed within the outdoor play areas, including 11 canopy within the western play area and four canopy trees within the eastern play area.

Pedestrian and vehicle access and layout

- 4.6 The pedestrian path from the intersection of Doncaster Road and Lauer Street leads into the entry and foyer of the building. Bicycle parking is to the southern side of the entrance. The internal lift and stairs services all levels.
- 4.7 One 7.8m wide crossover and driveway provides vehicular access and is adjacent to the northern boundary in Lauer Street. A remote controlled security gate is provided centrally on the driveway ramp.
- 4.8 The basement car park supports efficient and safe pedestrian access to stairwells and a lift providing access to upper floors.
- 4.9 The proposal includes the construction of a footpath in Lauer Street in front of the site.

Landscaping

- 4.10 All trees are to be cleared from within the site. Canopy trees are proposed adjacent to all site boundaries in addition to formalised plantings in landscaping beds adjacent to site boundaries.

Design detail

- 4.11 The proposed building is designed in contemporary architectural forms, which incorporates a dark grey Colorbond flat roof and articulated façade presentations on all sides. The façades consist of a mix of Exotec and rendered cladding in blue, white, purple, green and light grey with brightly coloured vertical fins projecting from the south-eastern corner of the building.
- 4.12 The proposal adopts a 1.8 - 2 metre high acoustic boundary fence to consist of painted steel posts with painted timber batten on marine ply/ cement sheet and coloured acrylic sheet infill. This fence is constructed on parts of the Doncaster Road title boundary and to the north-boundary adjoining 7 Lauer Street.

5. LEGISLATIVE REQUIREMENTS

- 5.1 Refer to Attachment (Planning & Environment Act 1987, Manningham Planning Scheme, other relevant legislation policy)
- 5.2 A permit is required under the following Clauses of the Manningham Planning Scheme:
- Pursuant to Clause 32.07-7 (Residential Growth Zone, Schedule 1), a planning permit is required to construct a building or construct or carry out works for a use in Section 2 (Child Care Centre).
 - Pursuant to Clause 43.02-2 (Design and Development Overlay, Schedule 8), a planning permit is required to construct a building or construct or carry out works.
 - Pursuant to Clause 52.29 (Land Adjacent to a Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road), a permit is required to create or alter access to a road in a Road Zone, Category 1.

6. REFERRALS

External

- 6.1 Given the proposal involves the removal of accessways onto Doncaster Road, the application has been referred to VicRoads as a determining referral authority.
- 6.2 VicRoads have not objected to the proposal, subject to one condition to be included in the permit.

Internal

Service Unit	Comments
Engineering & Technical Services Unit – Drainage	<ul style="list-style-type: none"> No objection subject to conditions that have been included in the recommendation including the provision of onsite storm water detention system.
Engineering & Technical Services Unit – Flooding	<ul style="list-style-type: none"> No objection as suitable overland flow protection measures have been incorporated into the proposal.
Engineering & Technical Services Unit – Vehicle Crossing	<ul style="list-style-type: none"> No objection subject to conditions that have been included in the recommendation.
Engineering & Technical Services Unit – Access and Driveway	<ul style="list-style-type: none"> No objection subject to conditions that have been included in the recommendation.
Engineering & Technical Services Unit – Traffic and Car Parking	<ul style="list-style-type: none"> No objection.
Engineering & Technical Services Unit – Construction Management	<ul style="list-style-type: none"> No objection subject to a requirement for the provision of a construction management plan.
Engineering & Technical Services Unit – Waste	<ul style="list-style-type: none"> No objection subject to conditions that have been included in the recommendation including the requirement for private waste collection.
Engineering & Technical Services Unit – Easements	<ul style="list-style-type: none"> No objection subject to consent to “Build Over Easement” being obtained prior to the granting of a building permit.
City Strategy Unit – Urban Design	<ul style="list-style-type: none"> No objection subject to conditions. The following recommendations were provided: <ul style="list-style-type: none"> Adoption of external brick finish to the south and east elevations generally around the building entry and around the rendered walls in proximity to the entrance to the basement car park. Alterations to the external colour palette for walls and the feature vertical elements to the south-east of the building. Removal of steps and pedestrian ramp from the Lauer Street frontage to provide more landscaping.

Service Unit	Comments
	<ul style="list-style-type: none"> ▪ Provide a more open frontage with improved connections to the footpath on Lauer Street. ▪ Design signage so it is integrated into the building. ▪ Service cabinetry be designed to blend with the building design. ▪ Setback and incorporate alternative materials into the fence to Doncaster Road to accommodate visual interest and landscaping. ▪ Removal of shade sails to the south side of the building.

7. NOTIFICATION

- 7.1 Notice of the application was given for a three-week period which concluded on 20 June 2018, by sending letters to nearby properties and displaying four signs in the street frontages.
- 7.2 One objection was received from the adjoining western property, 797 Doncaster Road, Doncaster.
- 7.3 The objection identified concerns primarily relating to noise and the potential impact on the existing medical centre use. The objection detailed that a residential building would be a more appropriate land use.
- 7.4 A response to the objection is included at the end of Section 9 Assessment of this report.

8. ASSESSMENT

- 8.1 The proposal has been assessed against the relevant state and local planning policies, the zone, overlay and the relevant particular provisions and general provisions of the Manningham Planning Scheme.
- 8.2 The assessment is made under the following headings:
- Planning Policy Frameworks;
 - Location;
 - Siting, scale, design and built form;
 - Landscape;
 - Amenity;
 - Traffic, car parking and driveway construction; and
 - Objector concerns.

Planning Policy Frameworks

- 8.3 Policy emphasises the need for a mix of development that are well designed with a focus on high density residential development in established activity centres, along main roads and on strategic redevelopment sites.

- 8.4 Under Clause 21.05 Residential, the site falls within Precinct 2 - areas adjoining main roads and activity centres where a substantial level of change is anticipated. The DDO8 itself provides design objectives, which direct the built form outcomes and drive the 'future character' intended. It is acknowledged that the Overlay objectives make reference to 'apartments' and 'housing', however this is simply consequential to the residential intent of the land. The design outcomes for all buildings will be advanced through the assessment of the Design and Development Overlay, Schedule 8.
- 8.5 The establishment of a child care facility on the site broadly compliments this desired outcome given the number of residential development occurring along Doncaster Road and other main roads in the municipality. Specific assessment against the requirements of Clause 22.05 (Non-Residential Uses in a Residential Zone) and the Design and Development Overlay, Schedule 8 is offered below.

Location

- 8.6 The development is consistent with the locational criteria set out for non-residential uses in Clause 22.05 as follows:
- The character of Doncaster Road between Doncaster Hill and Victoria Street is generally mixed. It contains range of residential accommodation (apartments, townhouses, units and retirement living), retail, car sales, medical centres and community facilities.
 - The site has good access public transport networks and will have good access to pedestrian networks.
 - Vehicle access to the site is positioned on Lauer Street, and as detailed within the traffic assessment report, will not result in detrimental impact to the operation of either Lauer Street or Doncaster Road.

Siting, scale, design and built form

- 8.7 The site is located within sub-precinct 'Main Road' pursuant to the Design and Development Overlay, Schedule 8, which is anticipated to deliver a substantial level of change from existing built form. The surrounding area will support buildings up to three stories, including apartment buildings. Council's non-residential uses policy (Clause 22.05) requires buildings complement the surrounding or preferred built form with respect to building scale, siting, height, massing, setbacks, existing roof form and window and door proportions.
- 8.8 The proposed childcare centre is generally smaller in scale and has larger boundary setbacks than the apartment building approved on the site earlier this year. Most notably site coverage has been reduced from 59.8% to 45.3%, the building height reduced from 11.5m to 9.5m.
- 8.9 The building is setback 6.7 metres from the adjoining residential property at 7 Lauer Street to the north. It has a minimum 5 metre setback to the adjoining residential property on Church Road. The building has minimum setbacks of 7.4 metres from the western boundary (medical centre on Doncaster Road). The side and rear setbacks provide sufficient area for transition and meaningful landscaping.
- 8.10 The minimum front setback specified in the Design and Development Overlay, Schedule 8 is 6 metres. The majority of the building is setback greater than 6 metres to Doncaster Road, with setbacks ranging from 7 to 7.6 metres. The portion of the building for the entry is setback 4.125 metres from the corner of

Doncaster Road and Lauer Street. This is considered acceptable, given the design response provides for a clear sense of address while allowing for open landscaping either side of the entrance.

- 8.11 The maximum building height of 9.5m is acceptable and within the residential setting. The height will be comparable to future developments on the majority of nearby properties.
- 8.12 The building has an increased setback and built form that steps down to the adjacent site to the western boundary (currently medical centre). This provides a meaningful transition to the existing site context and also will reduce residential amenity impacts such as the extent of overshadowing should the property be redeveloped for residential purpose.
- 8.13 In regards to the setback to Lauer Street, much of the setback is taken up with pedestrian ramp, low rendered walls, a paved entry space and a double-width vehicle crossover, resulting in limited space for landscaping. Discussion plans provided to Council following the urban design referral offers a number of design improvements including materials to soften, activate and engage visually along the elevation with effect. The changes proposed by the applicant will be included in the recommendation as permit conditions to legitimise the changes shown on the discussion plans.
- 8.14 The proposal adopts a 1.8 - 2 metre high fence along parts of the Doncaster Road frontage. Council's Urban Designer recommended that the fence be recessed from the property boundary to support a landscaped frontage. The minimum setback required for the fence on the Doncaster Road frontage of this property is important for footpath amenity and is particularly important in this location, as there is a popular bus stop and narrow road reserve. Via a permit condition incorporated into the recommendation, the minimum one metre setback for the fence on the Doncaster Road frontage, as well as the Lauer Street frontage is required.
- 8.15 Following the above, it is submitted the built form and fencing is considered to meet the criteria for non-residential uses in Clause 22.05 and design objectives sought for the Design and Development Overlay, Schedule 8. Additionally, it is submitted that the design response complements and is responsive to the existing scale of development and landscape character and represents an acceptable outcome.
- 8.16 The proposal is also consistent with the decision guidelines of Clause 22.12 Environmentally Sustainable Development. Conditions in the recommendation will ensure the development is constructed in accordance with the Sustainable Design Assessment provided with the application.

Landscape

- 8.17 All existing vegetation across the three sites is to be removed. The arborist report submitted with the application indicated that there are no trees of moderate or high retention value. Replacement planting of more appropriate species within outdoor play areas is proposed to deliver amenity and shading for the child care centre.

- 8.18 Landscaping is proposed along each property boundary. This achieves a high landscape quality outcome to the streetscape presentation and maintains amenity to adjoining properties.
- 8.19 The proposed landscape plan details that a total of 38 trees will be planted through open spaces on ground level. Landscaping will also be incorporated into the first floor play areas using planter beds. The proposed landscaping will maintain and enhance the landscape character sort for this area.
- 8.20 An outdoor shed is to be constructed in proximity of trees on the adjoining medical centre site, via a permit condition, the shed will be required to be constructed in accordance with the recommendation of the arborist report.

Amenity

- 8.21 Given the aforementioned setbacks, and importantly the separation of the child care centre from the adjoining properties, the visual and acoustic privacy of adjoining properties have been suitably maintained through the siting of play areas, windows and doors. Car parking areas are sited away from residential boundaries. Waste facilities are appropriately located on the site within the basement car park, away from residential interfaces.
- 8.22 On-site amenity of play areas is provided to a high standard through northern solar orientation. Appropriate shade sources are provided in all play areas.
- 8.23 Acoustic fencing is proposed along the northern and western boundaries adjoining properties in different ownership. The plans detail that along these boundaries "acoustic fence to meet or exceed the performance requirements as listed in the acoustic report." For greater clarity, a permit condition will require the notation be amended to specifically refer to the Acoustic Engineering Report, Cogent Acoustics Pty Ltd, 16 February 2018. Prior to the occupation of the centre, all fencing must be erected in accordance with the approved plans via a permit condition.
- 8.24 Other potential amenity impacts have been addressed through permit conditions, including condition 5 (waste management plan), condition 38 (children numbers), condition 39 (hours of operation) and condition 48 (supervision of children).
- 8.25 The combination of the proposal's design and the implementation of the above conditions will ensure that amenity impacts of the proposal can be appropriately managed.
- 8.26 It is submitted that the amenity criteria of Clause 22.05 have been appropriately managed and will be enforceable through permit conditions.

Traffic, car parking and driveway construction

- 8.27 Under Clause 52.06-5 a child care centre has a car parking rate of 0.22 spaces per child. The proposal is for a maximum 158 children, which generates a requirement for 34 car parking spaces. The proposal is compliant with this requirement through the provision of 34 car parking spaces within the basement car park.

- 8.28 The basement car park has been designed to allow vehicles to leave the site in a forward direction. Council's Engineering and Technical Services Unit raised no concerns in relation to the layout or design of the basement car park.
- 8.29 According to the Traffic and Transport Assessment, prepared by Cardno, childcare drop off and collection periods are typically spread out over a longer time period in comparison to kindergartens and schools. This is thought because attendance hours are generally prescribed by parent/guardian working hours, rather than learning start and finish times.
- 8.30 Cardno suggest the maximum addition of 2 vehicle movements on average per minute during the peak hour on Doncaster Road and Lauer Street will not have a significant impact on the operation of Lauer Street or the surrounding road network and is considered appropriate.
- 8.31 Council's Engineering and Technical Services Unit and VicRoads have raised no objection in regards to the proposals impact on the surrounding road network.
- 8.32 Following the above, it is submitted the site generally meets the traffic, car parking and driveway construction criteria set out for non-residential uses in Clause 22.05 and car parking objectives sought for the Design and Development Overlay, Schedule 8.
- 8.33 An assessment against the car parking design standards in Clause 52.06-9 is provided in the table below:

Design Standard	Met/Not Met
1 – Accessways	Met The accessways servicing the basement car park meets the minimum width and height clearance requirements, and has been designed to allow all vehicles to enter and exit the site in a forward direction onto Lauer Street.
2 – Car Parking Spaces	Met Car parking space dimensions and aisle widths are provided in accordance with the requirements.
3 – Gradients	Met Council's Engineering and Technical Services Unit have determined the accessway gradients comply.
4 – Mechanical Parking	Not applicable No mechanical parking proposed.
5 – Urban Design	Met The vehicle crossover and basement ramp will not dominant features in the streetscape.
6 – Safety	Met The basement car park is provided with an automatic door with an automatic opening and intercom system.
7 – Landscaping	Met subject to condition No ground level car parking is proposed. Landscaping is provided to soften the appearance of the vehicle entry.

- 8.34 A permit is required under Clause 52.29 of the Manningham Planning Scheme as the proposal involves the removal of two crossovers in Doncaster Road, as it is zoned Road Zone, Category 1. The decision guidelines of this clause include the views of the relevant road authority, which forms Condition 26 of the recommendation.

Objector concerns

- 8.35 A response to the grounds of the objection are provided in the following paragraphs:

Noise and inadequate acoustic treatments

- 8.36 Given the basement parking to Lauer Street, the only noise likely to audible to the objector is from children as they play. Play areas will be monitored by staff and excessive noise generally controlled.
- 8.37 The State Environment Protection Policy and the guidelines recommended by the Association of Australian Acoustical Consultants – Guideline for Child Care Centre Acoustic Assessment, September 2010 provide a benchmark for appropriate attenuation of noise from outdoor play areas.
- 8.38 According to the Acoustic Engineering Report submitted with the application, it was advised that subject to the recommendations presented in the report being implemented, the proposed development would satisfy these requirements. The level of noise generated from the proposal will be acceptable within the surrounding context as play areas are dispersed around the site, acoustic boundary fencing is provided and screening to upper floor play spaces provided.
- 8.39 For greater clarity, a permit condition will require the annotation on the plans be amended to specifically refer to the Acoustic Engineering Report, Cogent Acoustics Pty Ltd, 16 February 2018.
- 8.40 It is further noted that the main road location, whilst not a detriment to the use itself, assists in moderating or masking the impacts of noise and activity associated with the facility because of the already greater background levels of traffic noise and activity.

Proposal could deter potential patients and impact the medical centre business

- 8.41 The Victorian Civil and Administrative Tribunal and its predecessors have generally found subjective claims such as this are difficult, if not impossible to gauge and of no assistance to the determination of a planning permit application. It is considered the impacts of a proposal are best assessed through an assessment of the amenity implications. This report provides a detailed assessment of the amenity impact of this proposal, which have been determined to be appropriately managed.

The development should be for a residential building

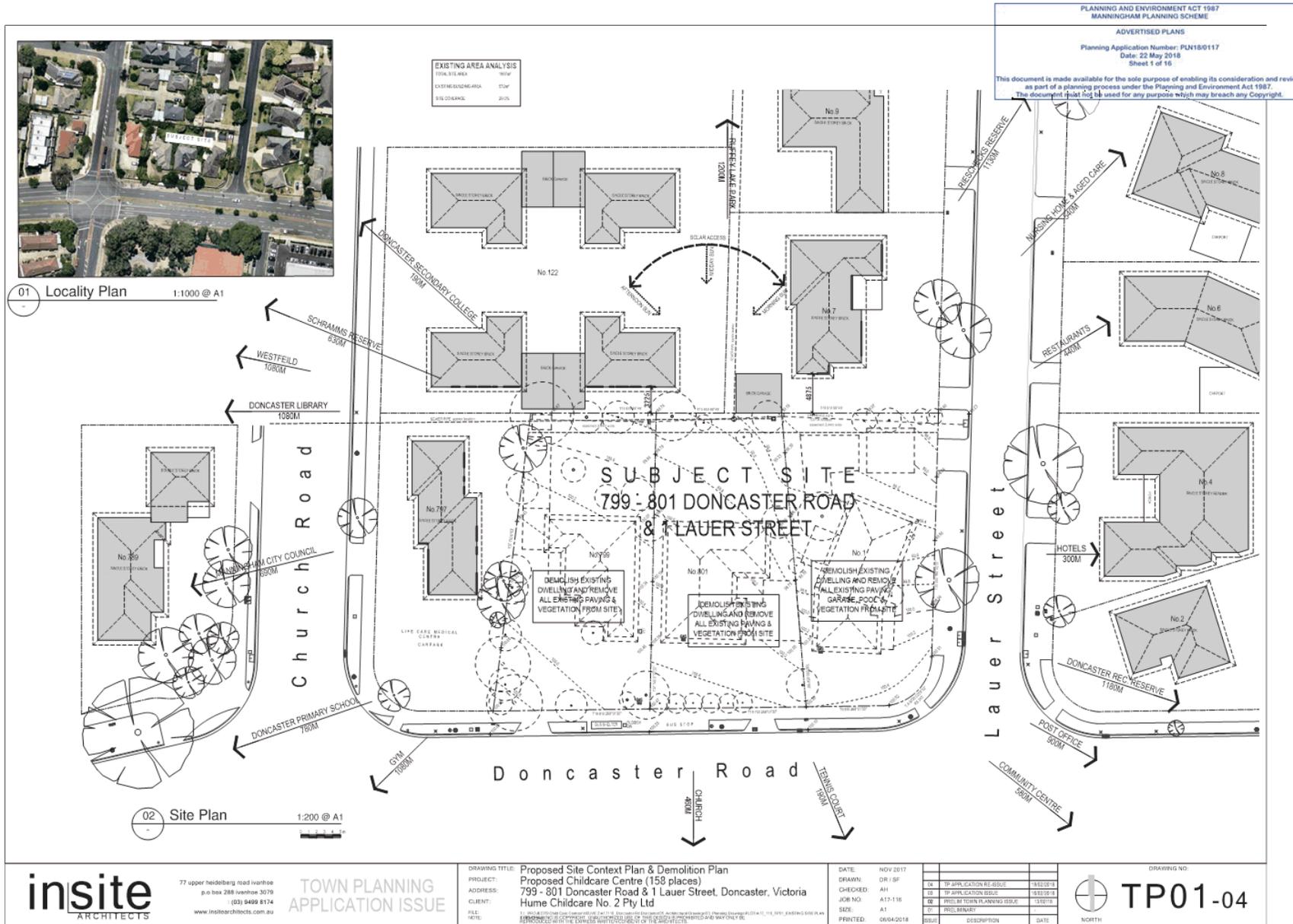
- 8.42 The site is within the Residential Growth Zone, which allows the use of the land for a child care centre with a Planning Permit. As outlined in the assessment, the proposal is considered highly compliant with the relevant planning policies and requirements. The proposal is therefore considered appropriate for the site.

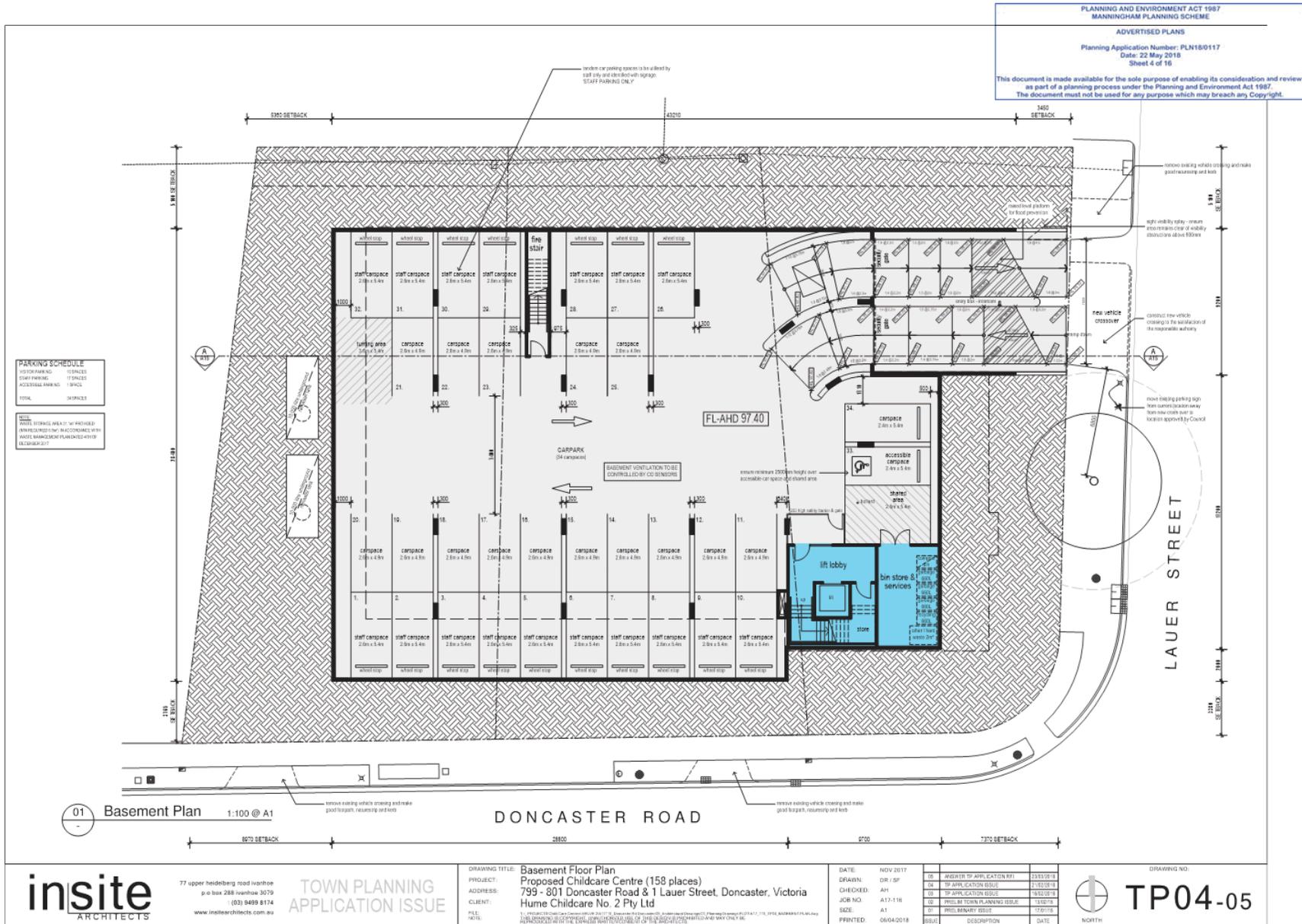
9. CONCLUSION

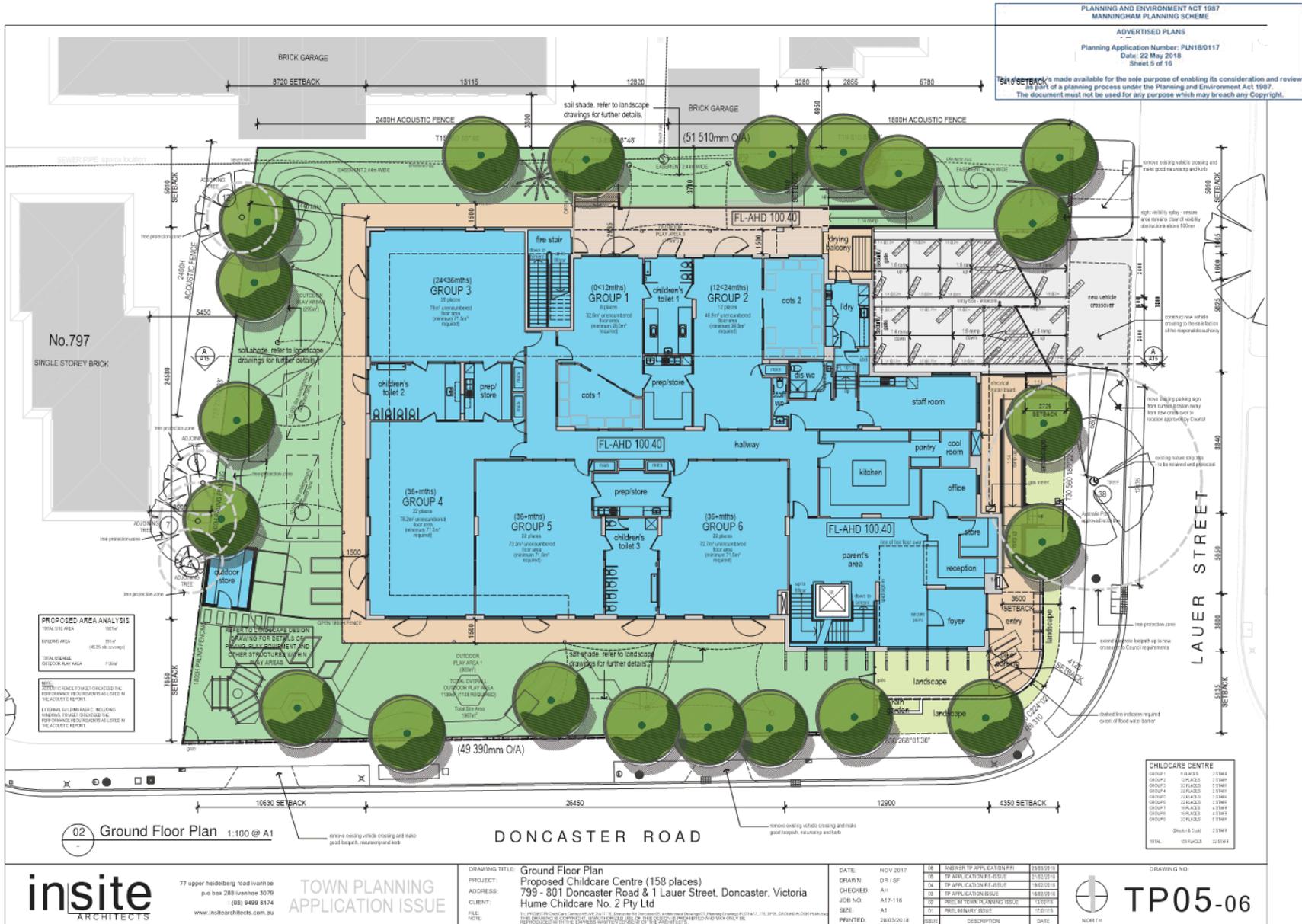
- 9.1 It is recommended that the application be supported, subject to design changes that will be required by way of conditions.

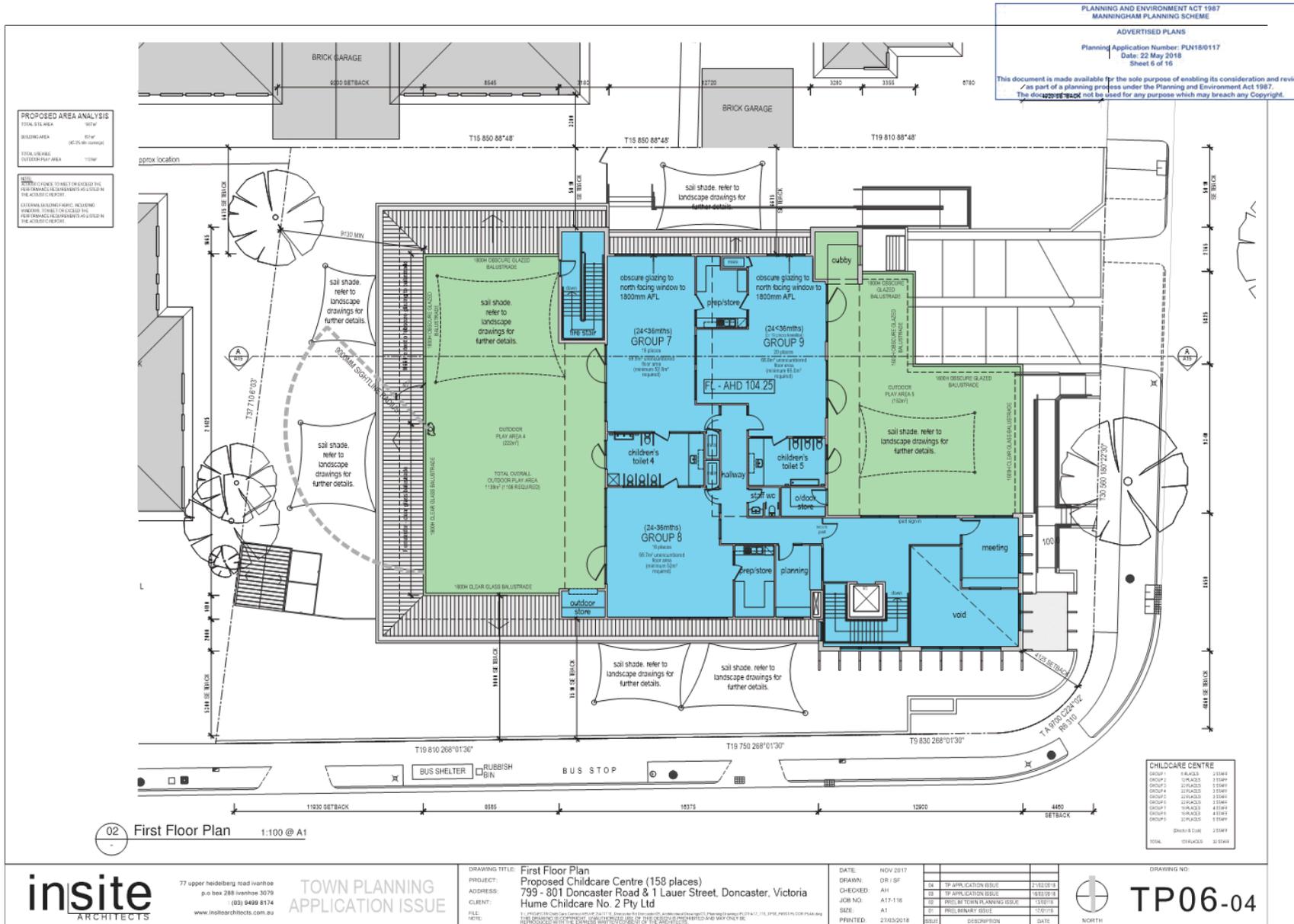
10. DECLARATION OF CONFLICT OF INTEREST

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









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77 upper heidelberg road ivanhoe
p o box 288 ivanhoe 3079
(03) 9499 8174
www.insitearchitects.com.au

TOWN PLANNING
APPLICATION ISSUE

DRAWING TITLE: First Floor Plan
PROJECT: Proposed Childcare Centre (158 places)
ADDRESS: 799 - 801 Doncaster Road & 1 Laurer Street, Doncaster, Victoria
CLIENT: Hume Childcare No. 2 Pty Ltd

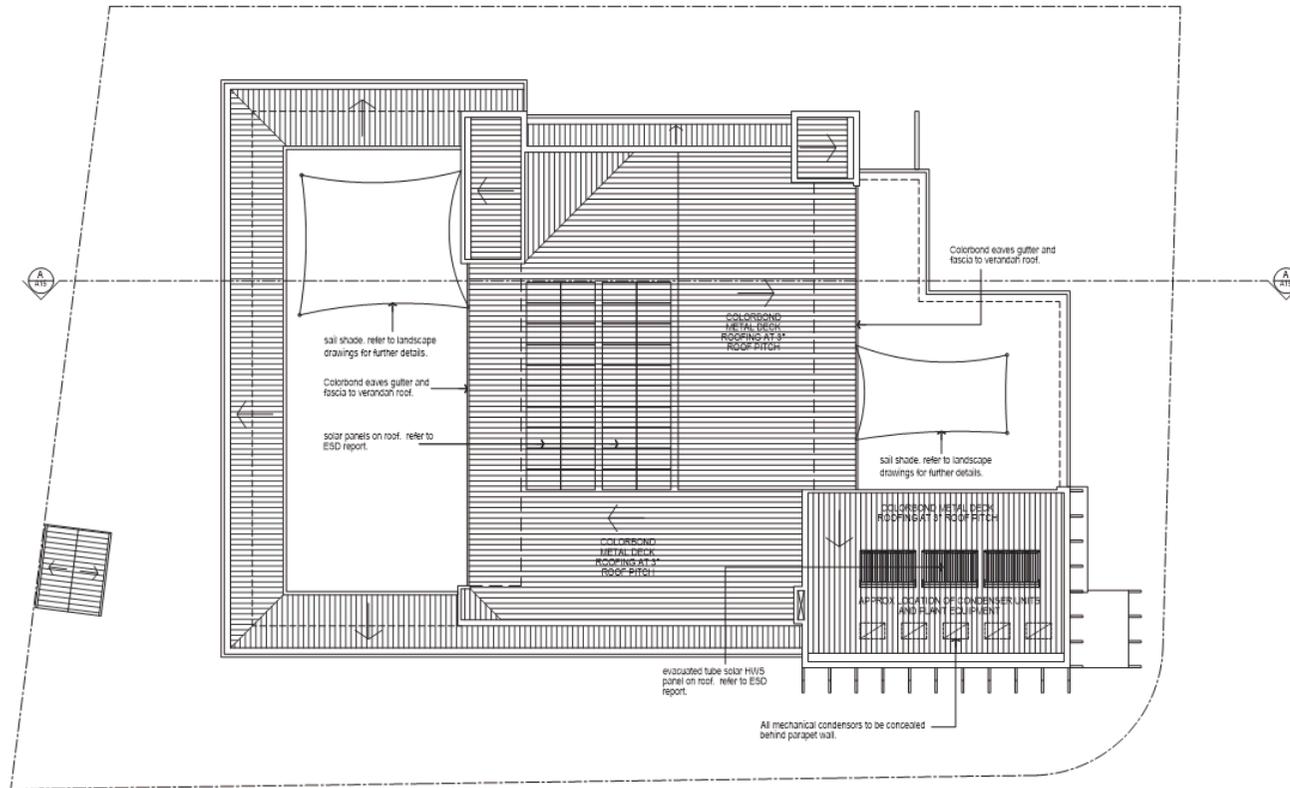
DATE: NOV 2017
DRAWN: DR / SF
CHECKED: AH
JOB NO: A17-116
SIZE: A1
PRINTED: 21/03/2018

NO.	DESCRIPTION	DATE
01	TP APPLICATION ISSUE	27/02/2017
02	TP APPLICATION ISSUE	16/02/2018
03	PRELIM TOWN PLANNING ISSUE	13/07/18
04	PRELIMINARY ISSUE	17/07/18

DRAWING NO: TP06-04

NORTH

PLANNING AND ENVIRONMENT ACT 1987
MANNINGHAM PLANNING SCHEME
ADVERTISED PLANS
Planning Application Number: PLN18/0117
Date: 22 May 2018
Sheet 7 of 16
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01 Roof Plan 1:100 @ A1

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p.o box 288 ivanhoe 3079
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www.insitearchitects.com.au

TOWN PLANNING
APPLICATION ISSUE

DRAWING TITLE: Roof Plan
PROJECT: Proposed Childcare Centre (158 places)
ADDRESS: 799 - 801 Doncaster Road & 1 Lauer Street, Doncaster, Victoria
CLIENT: Hume Childcare No. 2 Pty Ltd
FILE: 1. PROJECT: Child Care Centre (158 places) - Doncaster 799 - 801 Doncaster Rd, Lauer Street, Doncaster, Victoria. Planning Application # 18/0117. 118.1903.ROOF PLAN.007
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NO	DESCRIPTION	DATE
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02	TP APPLICATION ISSUE	16/02/18
03	PRELIMINARY ISSUE	17/01/18
04	ISSUE	



DRAWING NO: TP07-03

PLANNING AND ENVIRONMENT ACT 1987
MANNINGHAM PLANNING SCHEME

ADVERTISED PLANS

Planning Application Number: PLN18/0117
Date: 22 May 2018
Sheet 8 of 16

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01 South Elevation
Doncaster Road

1:100 @ A1

acoustic boundary fence to consist of painted steel posts with painted timber batten on marine ply / cement sheet and coloured acrylic sheet infill built above rendered masonry base wall. 2000mm max. o/a height.

solid rendered masonry base wall to boundary acoustic fence. Top of wall to be at RL 100.97 as per Ergony (Water Management Consultancy) advice dated 6th December 2017.

02 East Elevation
Lauer Street

1:100 @ A1

acoustic boundary fence to consist of painted steel posts with painted timber batten on marine ply / cement sheet and coloured acrylic sheet infill built above rendered masonry base wall. 2000mm max. o/a height.

solid rendered masonry base wall to boundary acoustic fence. Top of wall to be 400mm above NGL as per Ergony (Water Management Consultancy) advice dated 6th December 2017.

03 North Elevation

1:100 @ A1

acoustic boundary fence to consist of painted steel posts with painted timber batten on marine ply / cement sheet and coloured acrylic sheet infill built above rendered masonry base wall. 2000mm max. o/a height.

solid rendered masonry base wall to boundary acoustic fence. Top of wall to be 400mm above NGL as per Ergony (Water Management Consultancy) advice dated 6th December 2017.

04 West Elevation

1:100 @ A1

acoustic boundary fence to consist of painted steel posts with painted timber batten on marine ply / cement sheet and coloured acrylic sheet infill built above rendered masonry base wall. 2000mm max. o/a height.

solid rendered masonry base wall to boundary acoustic fence. Top of wall to be 400mm above NGL as per Ergony (Water Management Consultancy) advice dated 6th December 2017.

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77 upper heidelberg road ivanhoe
p.o box 288 ivanhoe 3079
(03) 9409 8174
www.insitearchitects.com.au

TOWN PLANNING
APPLICATION ISSUE

DRAWING TITLE: Elevations
Proposed Childcare Centre (158 places)
799 - 801 Doncaster Road & 1 Lauer Street, Doncaster, Victoria
Hume Childcare No. 2 Pty Ltd

DATE: NOV 2017
DRAWN: AHES
CHECKED: AH
JOB NO: A17-116
SIZE: A1
PRINTED: 17/04/2018

ID	DESCRIPTION	DATE
01	ANSWER TO APPLICATION RFI	13/11/2017
02	TP APPLICATION ISSUE	18/12/2017
03	TP APPLICATION ISSUE	18/12/2017
04	PRELIMINARY ISSUE	27/01/2018
05	PRELIMINARY ISSUE	27/01/2018

DRAWING NO: TP08-04

NORTH



PLANNING AND ENVIRONMENT ACT 1987
MANNINGHAM PLANNING SCHEME

ADVERTISED PLANS

Planning Application Number: PLN18/0117
Date: 22 May 2018
Sheet 10 of 16

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01 South Elevation 1:100 @ A1
Doncaster Road

02 East Elevation 1:100 @ A1
Lauer Street

03 North Elevation 1:100 @ A1

04 West Elevation 1:100 @ A1

MATERIALS, FINISHES & COLOURS LEGEND

- CLEAR GLASS
- OBSCURE GLASS
- ROOF, GUTTER & FASCIA
DULUX 'COLORBOND BASALT'
- EXOTEC EXPRESS JOINTED CLADDING & RHS FIN
DULUX 'WATER RACEWAY'
- EXOTEC EXPRESS JOINTED CLADDING & RHS FIN
DULUX 'WHITE POLAR QUARTER'
- EXOTEC EXPRESS JOINTED CLADDING & RHS FIN
DULUX 'PURPLE FEATHER'
- EXOTEC EXPRESS JOINTED CLADDING & RHS FIN
DULUX 'CONCEPTUAL'
- RENDERED CLADDING
DULUX 'TIMELESS GREY'
- POWDERCOAT DOOR & WINDOW FRAMES AND
VERANDAH POSTS DULUX 'MONUMENT'

insite
ARCHITECTS

22 WPKR CRENSHAW WAY STYBRIDGE
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TOWN PLANNING
APPLICATION ISSUE

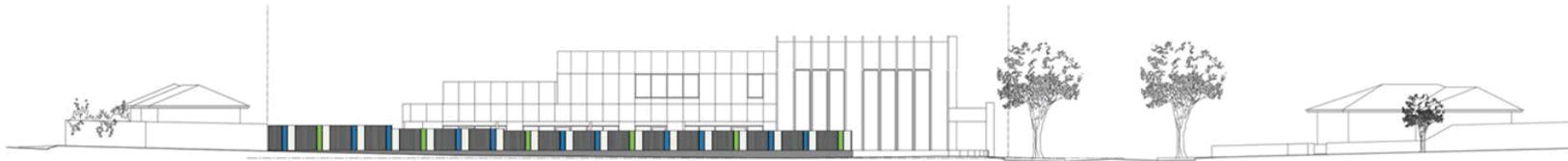
DRAWING TITLE: Coloured Elevations
Proposed Childcare Centre (158 places)
/99 - 801 Doncaster Road & 1 Lauer Street, Doncaster, Victoria
Hume Childcare No. 2 Pty Ltd

PROJECT: ADDRESS: CLIENT: DATE: NOV 2017
DRAWN: AHES CHECKED: AH JOB NO: A17-116
SCALE: A1 PERMITTED: 17/04/2018

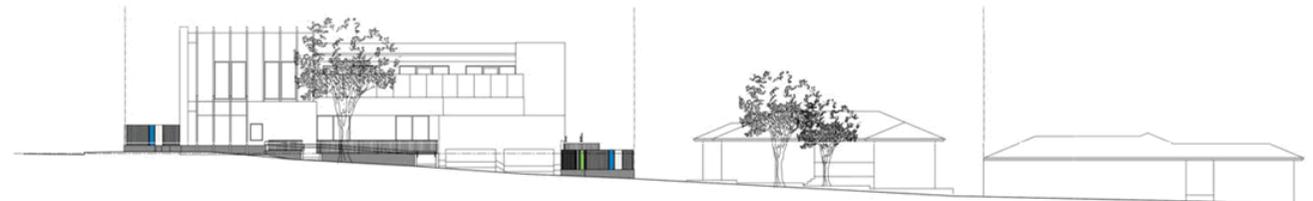
DRAWING NO: TP10-02

TP APPLICATION RE-ISSUE	18/02/2018
TP APPLICATION ISSUE	18/02/2018
ISSUE	DESCRIPTION DATE

PLANNING AND ENVIRONMENT ACT 1987
 MANNINGHAM PLANNING SCHEME
 ADVERTISED PLANS
 Planning Application Number: PLN18/0117
 Date: 22 May 2018
 Sheet 11 of 16
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02 Streetscape - fence 1:150 @ A1
 -
 Doncaster Road



02 Streetscape - fence 1:150 @ A1
 -
 Lauer Street

- MATERIALS, FINISHES & COLOURS LEGEND**
- CEMENT SHEET
DULUX WHITE POLAR QUARTER
 - ACRYLIC - BLUE
 - ACRYLIC - GREEN
 - TIMBER FENCING & RENDER
DULUX TIMELESS GREY
 - POWDERCOAT STEEL FENCE POSTS
DULUX 'MONUMENT'

<p>22 WOOD STREET, DONCASTER VIC 3108 TEL: 03 9409 5170 WWW.INSITEARCHITECTS.COM.AU</p>	<p>TOWN PLANNING APPLICATION ISSUE</p>	<p>DRAWING TITLE: Coloured Elevations (Fence) PROJECT: Proposed Childcare Centre (158 places) ADDRESS: /99 - 801 Doncaster Road & 1 Lauer Street, Doncaster, Victoria CLIENT: Hume Childcare No. 2 Pty Ltd</p>	<p>DATE: NOV 2017 DRAWN: AHES CHECKED: AH JOB NO.: AT7-116 SIZE: A1 SCALE: 1:150 @ A1 DATE: 17/04/2018</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%;"></td> </tr> <tr> <td>TP APPLICATION RE-ISSUE</td> <td>18/02/2018</td> </tr> <tr> <td>TP APPLICATION ISSUE</td> <td>18/02/2018</td> </tr> <tr> <td>DESCRIPTION</td> <td>DATE</td> </tr> </table>			TP APPLICATION RE-ISSUE	18/02/2018	TP APPLICATION ISSUE	18/02/2018	DESCRIPTION	DATE	<p>DRAWING NO.: TP11-02 NORTH</p>
TP APPLICATION RE-ISSUE	18/02/2018												
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DESCRIPTION	DATE												

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 and which have not been withdrawn;*
- *Any decision and comments of a referral authority which it has received;*
- *Any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development; and*
- *Any significant social effects and economic effects which the responsible authority considers the use or development may have.*

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:

- State Planning Policy Framework
- Local Planning Policy Framework
- Clause 32.07 Residential Growth 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 32.07 Residential Growth Zone, Schedule 2

The purpose of the General Residential Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide housing at increased densities in buildings up to and including four storey buildings.*
- *To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.*
- *To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.*
- *To ensure residential development achieves design objectives specified in a schedule to this zone.*

- *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.

An assessment for buildings and works for two or more dwellings is required under the provisions of Clause 55 of the Manningham Planning Scheme.

The purpose of Clause 55 is generally to provide well designed dwellings with considered regard to internal amenity, while at the same time, maintaining the amenity and character of the locality, with particular emphasis on the amenity of adjoining residents.

Overlay

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 support two storey townhouse style dwellings with a higher yield within sub-precinct B and sub-precinct A, where the minimum land size cannot be achieved.*
- *To ensure new development is well articulated and upper storey elements are not unduly bulky or visually intrusive, taking into account the preferred neighbourhood character.*
- *To encourage spacing between developments to minimise a continuous building line when viewed from a street.*
- *To ensure the design and siting of dwellings have regard to the future development opportunities and future amenity of adjoining properties.*
- *To ensure developments of two or more storeys are sufficiently stepped down at the perimeter of the Main Road sub-precinct to provide an appropriate and attractive interface to sub-precinct A or B, or other adjoining zone.*
- *Higher developments on the perimeter of sub-precinct A must be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct B or other adjoining zone.*
- *To ensure overlooking into adjoining properties is minimised.*
- *To ensure the design of carports and garages complement the design of the building.*
- *To ensure the design of basement and undercroft car parks complement the design of the building, eliminates unsightly projections of basement walls above natural ground level and are sited to allow for effective screen planting.*
- *To create a boulevard effect along Doncaster Road and Manningham Road by planting trees within the front setback that are consistent with the street trees.*
- *To encourage landscaping around buildings to enhance separation between buildings and soften built form.*

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.
- A permit cannot be granted to vary the condition regarding the minimum land size and configuration specified in Table 2 to this Schedule.
- A permit cannot be granted to vary the Maximum Building Height specified in Table 2 to this Schedule. This does not apply to:
 - The rebuilding of a lawful building or works which have been damaged or destroyed.
 - A building which exceeds the specified building height for which a valid building permit was in effect prior of the introduction of this provision.
- 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
DDO8-1 (Main Road) Sub-precinct	11 metres provided the condition regarding minimum land size is met. If the condition is not met, the maximum height is 9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the site of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.	1,800 square metres must be all in the same sub-precinct. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage	For one dwelling on a lot: <ul style="list-style-type: none"> • Minimum front street setback is the distance specified in Clause 54.03-1 or 6 metres, whichever is the lesser • Minimum side street setback is the distance specified in Clause 54.03-1 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
--	---

State Planning Policy Framework

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

Clause 15.01-1 Urban design

The objective of this policy is:

- *To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

Clause 15.01-2 Urban design principles

The objective of this policy is:

- *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

Clause 15.01-4 Design for safety

The objective of this policy is:

- *To improve community safety and encourage neighbourhood design that makes people feel safe.*

Policy guidelines

Planning must consider as relevant:

- *Safer Design Guidelines for Victoria (Crime Prevention Victoria and Department of Sustainability and Environment, 2005).*

Clause 15.01-5 Cultural identity and neighbourhood character

The objective of this policy is:

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

Clause 15.02-1 Energy and resource efficiency

The objective of this policy is:

- *To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*

Clause 16.01-1 Integrated housing

The objective of this policy is:

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

Clause 16.01-2 Location of residential development

The objective of this policy is:

- *To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.*

Clause 16.01-4 Housing diversity

The objective of this policy is:

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

Clause 16.01-5 Housing affordability

The objective of this policy is:

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

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 the **Main Road Sub-Precinct**.

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.*

Under the heading Economic Development Issues, Non-residential uses and commercial developments which do not have a community service role are discouraged from locating in residential areas. Commercial development remote from activity centres is also discouraged

in order to protect the amenity of residential areas, the viability of activity centres and to ensure the safe and efficient functioning of the road network.

Clause 21.05-6 Economic Development Issues (in residential areas)

The relevant objectives of this policy are:

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

The strategies to achieve these objectives include:

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

Local Planning Policy

Clause 22.05 Non Residential Uses In Residential Areas

This policy applies to non-residential uses in a Residential Growth Zone, General Residential Zone, Neighbourhood Residential Zone and Low Density Residential Zone.

This policy builds on the Municipal Strategic Statement (MSS) objectives in Clause 21.05 and 21.06 which aim to balance the need for residents to access services in residential locations while ensuring that residential amenity is not adversely affected.

The residential zones (Residential Growth Zone, General Residential Zone, Neighbourhood Residential Zone and Low Density Residential Zone) are encouraged to accommodate a range of non-residential uses that service local community needs.

Clustering of non-residential uses benefits the local community by allowing multi-purpose trips to be made, reducing car dependency and providing opportunities for social interaction.

However, non-residential uses in residential areas have the potential to adversely impact on the amenity and character of an area through high levels of on-site activity, traffic generation, the emission of noise, odour, light and visual disorder (storage of waste). Based on the residential zones, which define areas where growth will be directed and where only incremental and minimal change will be encouraged, discretionary nonresidential uses need to be responsive to the existing or preferred character and amenity of their residential location in the following ways:

- In the General Residential Zone and the Neighbourhood Residential Zone areas, discretionary non-residential uses need to be responsive to the existing neighbourhood character and environmental and landscape values.

- In the Low Density Residential Zone areas, discretionary non-residential uses need to be responsive and subordinate to existing neighbourhood character and environmental and landscape values.
- In the Residential Growth Zone areas, the integration of non-residential uses as part of higher density development is encouraged to avoid the underutilisation of land.

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

Particular Provisions

Clause 52.06 Car Parking

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

- *0.22 spaces to each child.*

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

General Provisions

Clause 65 Decision Guidelines

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

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*

9.2 Planning Application PL17/027970 at 196-198 Serpells Road, Templestowe for the use and development of a child care centre (for 146 children), the removal of native and exotic vegetation and the display of internally illuminated business identification signage

File Number:	IN18/338
Responsible Director:	Director City Planning
Applicant:	Foresite Planning & Bushfire Consultants
Planning Controls:	Low Density Residential Zone (LDRZ); Significant Landscape Overlay, Schedule 1 (SLO1)
Ward:	Heide
Attachments:	<ol style="list-style-type: none">1 Decision Plans ↓ 2 Discussion Plans ↓ 3 Legislative Requirements ↓ 

EXECUTIVE SUMMARY

Purpose

1. This report provides Council with an assessment of the planning permit application submitted for land at 196-198 Serpells Road, Templestowe and recommends approval of the submitted proposal subject to amendments that will be addressed by way of permit conditions. The application is being reported to Council as it has been 'called in' by Councillors.

Proposal

2. The proposal involves the use and development of a single-storey child care centre for 146 children. The proposal also includes the removal of native and exotic vegetation and the display of internally illuminated business identification signage.
3. The land has a total area of approximately 3,874 square metres. The proposal has a site coverage of 29% and a maximum building height of 7.85 metres. A total of 32 car parking spaces are provided within an open-air car park.
4. The child care centre is proposed to operate between 6:30am and 6:00pm weekdays.

Advertising

5. Notice of the application was given over a two-week period which concluded on 30 May 2018.
6. 28 objections have been received. The objections identify concerns primarily relating to traffic, neighbourhood character, design, overdevelopment, policy, vegetation and noise.

Key issues in considering the application

7. The key issues for Council in considering the proposal relate to:
- Planning Policy Frameworks;
 - Location;
 - Siting, scale, design and built form;
 - Landscaping and tree retention/removal;
 - Amenity;
 - Traffic, car parking, access and pedestrian safety;
 - Signage; and
 - Objector concerns.

Assessment

8. The use and development of the land for a child care centre is appropriate having regard to relevant Planning Policy Frameworks of the Manningham Planning Scheme (the Scheme), including the requirements of the Low Density Residential Zone, Significant Landscape Overlay, Schedule 1 and supporting policy relating to the non-residential uses within residential areas.
9. The proposal is in accordance with the objectives of the low density area, including encouraging uses with a community service role to be located within close proximity to other community based facilities, ensuring commercial uses do not compromise the amenity and character of the neighbourhood and that the use does not exceed the servicing capacity of the land.
10. The proposed development features a contemporary design that responds to the landscape character of the area and subject to conditions, meets the purpose of the intent of the zone and the decision guidelines of the applicable overlay, resulting in a use and development that will not adversely affect the amenity of the locality and will provide a service to the broader community.

Conclusion

11. This report concludes that the proposal complies with the relevant planning policy in the Scheme and should be supported, subject to conditions requiring modest design changes to the development and the submission of management plans for Council approval.
12. It is recommended that the application be supported, subject to conditions.

COUNCIL RESOLUTION

MOVED: CR PAUL MCLEISH
SECONDED: CR ANNA CHEN

That Council:

- A. Having considered all objections issue a NOTICE OF DECISION TO GRANT A PERMIT in relation to Planning Application PL17/027970 at 196-198 Serpells Road, Doncaster for the use and development of the land for child care centre, the removal of native and exotic vegetation and the display of internally illuminated business identification signage, subject to the following conditions –**

1. Before the development starts, amended plans must be drawn to scale, e-mailed to 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 Elevation Architecture, Job No. 0959-12, Revision B dated 27 April 2018, but modified to show the following:
 - 1.1 The plans amended to reflect the revised layout of the development as shown on the discussion plans prepared by Elevation Architecture, Job No. 0959-12, Revision 5 dated 1 August 2018, which includes but is not limited to:
 - 1.1.1 Reduction in the number of child care places by 8 places to 138 children;
 - 1.1.2 Subsequent reduction in car parking by 2 spaces to 30 spaces;
 - 1.1.3 Reconfiguration of the car park to provide additional landscape areas, including a central area, a strip alongside the pedestrian path and adjacent to the ramp within the site frontage;
 - 1.1.4 Reduction in the projection of the north-western building eave over the pedestrian path to avoid the transmission easement and comply with Condition 57 of this permit; and
 - 1.1.5 Minor reduction to the south-eastern setback of the southern wing of the building by 0.596 metres to 10.215 metres.

Fencing and streetscape

- 1.2 Full details of all acoustic fencing (in accordance with the acoustic report approved under Condition 6 of this permit) and associated retaining walls, including materials and finishes, which must be muted to respond to the character of the area;
- 1.3 A minimum 25% transparency provided to the 1.8 metre high acoustic fencing to the Serpells Road and Wayamba Place frontages;
- 1.4 Relocation of the south-western acoustic fence to the south-western property boundary, to a maximum height of 2.5 metres;
- 1.5 Provision of a 1 metre high barrier within the outdoor play area, setback 1 metre from the south-western property boundary for the provision of a landscape strip;
- 1.6 Greater detail of the scale of the utility cabinets and water meters positioned behind low walls along the frontage, including details of adequate screening to these elements to ensure these cabinets integrate appropriately and are not dominant features of the front façade;

- 1.7 Provision of a new 1.8 metre high acoustic fence along the entire length of the north-western property boundary, to the same acoustic rating as the fencing proposed along the south-eastern boundary (in accordance with the acoustic report approved under Condition 6 of this permit)

Car parking areas

- 1.8 Full setback dimensions for the car park, measured perpendicular to relevant title boundaries;
- 1.9 Full dimensions of all car parking spaces and accessway widths in accordance with Design Standard 2 of Clause 52.06-9;
- 1.10 Full lighting details for all external areas in accordance with Conditions 29 and 60 of this permit;
- 1.11 A concrete kerb to the car park to prevent the passage of vehicles onto landscaped/grassed areas;
- 1.12 The surface of the driveway and car parking area in dark coloured concrete or bitumen;

Other

- 1.13 All recommendations and design changes as required by the SMP, GTP, WMP, acoustic report and any other report approved under conditions of this permit.

Endorsed Plans

2. The use and 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 28 days before the development starts, a Construction Management Plan (CMP) must be e-mailed to and approved by the Responsible Authority. When approved the plan will form part of the permit. The Construction Management Plan must be prepared in accordance with the template within Council's CMP 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.

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. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an amended Sustainability Management Plan (SMP) and Green Travel Plan (GTP) must be e-mailed to and approved by the Responsible Authority. When approved the Plan will form part of the permit. The recommendations of the Plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority prior to the commencement of the use. The SMP must be generally in accordance with the plan prepared by lid consulting dated 1 March 2018 and the GTP must be generally in accordance with the plan prepared by lid consulting dated 15 February 2018, but modified to show the following:**
 - 4.1 Management 3.3 Metering**
 - 4.1.1 Plan notations and commit in report that all major common area services will be separately submetered. Alternatively, the BESS entry must be amended to NO.**
 - 4.2 Water 1.1 Water Efficient Fixtures**
 - 4.2.1 Correctly scope out Showerhead & Washing Machines in BESS.**
 - 4.3 Water 3.1 Water Efficient Landscaping**
 - 4.3.1 Provide details of water efficient landscaping or indicate commitment in report. Alternatively, the BESS entry must be amended to NO.**
 - 4.4 Energy 3.7 Internal Lighting – Non-Residential**
 - 4.4.1 Commit to a maximum illumination power density (W/m²) in at least 90% of the relevant building class at least 20% lower than required by Table J6.2a of the NCC 2016 BCA Volume 1 Section J (Class 2 to 9). Alternatively, the BESS entry must be amended to NO.**
 - 4.5 Energy 4.2 Renewable energy systems – Solar**
 - 4.5.1 Plan notations, including location and size, to correspond with the report providing a 3.5kW PV system.**
 - 4.6 IEQ 1.4 Daylight access – Non-residential**
 - 4.6.1 Daylight calculations (modelling or hand calculations) must be included in the SMP to demonstrate how the non-residential spaces are predicted to perform in relation to daylight benchmarks outlined in BESS.**

4.7 Stormwater

4.7.1 Provide stormwater management calculations in report.

4.7.2 Plan notations to indicate size and location of rainwater tanks and connection to toilets, bin wash and irrigation and details of raingardens proposed.

4.8 Transport 1.4-6 Bicycle Facilities

4.8.1 Plan notations and commit in report that the relevant bike facilities indicated in BESS are being provided.

4.9 Urban Ecology 3.2 Food Production – Non-Residential

4.9.1 Incorporate provision of space for small production gardens in the landscape scheme.

4.10 Overall

4.10.1 Provide the BESS report as a finalised version with all appendices; and

4.10.2 The project must meet the minimum 50% overall score with minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS.

Waste Management Plan

5. Before the development starts, or the issue of a building permit for the development, whichever is the sooner; a Waste Management Plan must be e-mailed to and approved by the Responsible Authority. The plan must show:

5.1 That a private contractor will undertake all collections from within the site;

5.2 The waste storage area / volume required;

5.3 The storage of waste and recycling in a sheltered area not visible from outside the site;

5.4 How waste and recycling is to be managed and collected from within the development;

5.5 Swept path diagrams demonstrating how a waste collection vehicle will enter and exit the car park in a forward direction.

Acoustic Report

6. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an amended Acoustic Report must be e-mailed to and approved by the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the acoustic report prepared by Marshall Day Acoustics dated 13 April 2018 but be modified to reflect any changes shown on plans endorsed under this permit or other conditions of this permit.

Management Plan Compliance

7. The management plans approved under Conditions 3, 4, 5 and 6 of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.

Landscape Plan

8. Before the development starts, a landscaping plan prepared by a landscape architect or person of approved competence must be e-mailed to and approved by the Responsible Authority. Such plan must be generally in accordance with the submitted landscape plan prepared by Genus Landscape Architects, Job No. 18-2221, Revision C dated 27 April 2018, modified to correspond with the layout on the plans approved under Condition 1 of this permit, and must show:
 - 8.1 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;
 - 8.2 At least 80% of species selected must be indigenous to the area, as described in Manningham City Council's *Native Splendour*. Plants must be sourced from one of the indigenous plant suppliers listed in *Native Splendour* (page 4);
 - 8.3 Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;
 - 8.4 Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;
 - 8.5 A minimum of seven trees planted within the Wayamba Place frontage and within the south-western building setback, capable of reaching a minimum mature height of 6 metres. The trees must be a minimum height of 2 metres at the time of planting;
 - 8.6 Suitable landscape treatment for the 1 metre wide landscape strip of land between the fence and title boundaries to Serpells Road and Wayamba Place, which must be of low maintenance, and capable of reaching a mature height of 3 metres;
 - 8.7 Planting between the fence and the Wayamba Place title boundary must be capable of reaching a mature height of at least 4 metres, where adjacent retaining walls that are at least 0.5 metres from natural ground level;
 - 8.8 Uniform, fast-growing screen planting along the entire south-western and north-western boundaries, capable of reaching a mature height of 3 metres at maturity. The species must be a minimum height of 1.5 metre at the time of planting;
 - 8.9 All planting within the transmission easement demonstrated to comply with Condition 62 of this permit;

8.10 Planting within 2 metres along the frontage from the edge of the driveway and 2.5 metres along the driveway from the frontage along the exit lane to be no greater than 0.9 metres in height at maturity; and

8.11 Methods of protection, including details of Tree Protection Zones, for existing vegetation to be retained, as per the Arborist report prepared by Jarrad Miller Arboriculture, dated 8 November 2017.

Landscape Bond

- 9. Before the release of the approved plan for the development, a \$10,000 cash bond or guarantee must be lodged with 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.**

Completion and Maintenance

- 10. Before the use commences the following works must be completed generally in accordance with the approved plans and to the satisfaction of the Responsible Authority:**
- 10.1 All driveways, bicycle and car parking areas fully constructed, with appropriate grades and transitions, line marked and/or signed and available for use;**
- 10.2 Redundant vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated (where applicable); and**
- 10.3 All landscape areas must be fully planted and mulched or grassed.**
- 11. Once the permitted development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.**
- 12. Buildings, including screening, engineering works and fences must be maintained to the satisfaction of the Responsible Authority.**
- 13. The landscaping as shown on the approved landscaping plan must be maintained by replacing any dead, diseased, dying or damaged plants as soon as practicable and not using the areas set aside for landscaping for any other purpose, to the satisfaction of the Responsible Authority.**
- 14. If required by the relevant fire authority, external fire services must be enclosed in a neatly constructed, durable cabinet finished to complement the overall development, or in the event that enclosure is not allowed, associated installations must be located, finished and landscaped to minimise visual impacts from the public footpath in front of the site to the satisfaction of the Responsible Authority.**

Vegetation Protection

15. The owner must ensure that contractors/tradespersons who install services or work near the vegetation to be retained on site and adjoining properties are made aware of the need to preserve the vegetation and to minimise impacts through appropriate work practices.
16. An in-ground drip-feed watering system must be installed in the main landscaped areas to the satisfaction of the Responsible Authority.
17. No vegetation, apart from that shown on the approved plan as vegetation to be removed, may be felled, destroyed or lopped without the written consent of the Responsible Authority.
18. During construction works:
 - 18.1 No excavation, trenching or soil removal, other than what is approved on the endorsed plan, may be carried out within the drip line of any tree to be retained on or adjoining the subject site, without the prior written approval of the Responsible Authority, no excavation, trenching or soil removal may be carried out within the dripline of any tree to be retained without the prior written consent of the Responsible Authority;
 - 18.2 No goods or materials may be stored or vehicles parked within the dripline of any tree to be retained on or adjoining the subject site; and
 - 18.3 Any exposed roots must be cut by or under the supervision of an Arborist or suitably qualified person.

Stormwater and Drainage

19. The owner must provide onsite stormwater detention storage or other suitable system (which may include but is not limited to the re-use of stormwater using rainwater tanks), to limit the Permissible Site Discharge (PSD) to that applicable to the site coverage of 35 percent of hard surface or the pre existing hard surface if it is greater than 35 percent. The PSD must meet the following requirements:
 - 19.1 Be designed for a 1 in 5 year storm; and
 - 19.2 Storage must be designed for 1 and 10 year storm.
20. Before the developments starts, a construction plan for the system required by Condition 19 of this permit must be submitted to and approved by the Responsible Authority. The system must be maintained by the Owner thereafter in accordance with the approved construction plan to the satisfaction of the Responsible Authority.
21. 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 Miscellaneous Works Permit is first obtained from the Responsible Authority.

22. 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.

Footpath works to Serpells Road

23. Footpath access must be constructed along the entire frontage of Serpells Road to the corner of Wayamba Place with a pedestrian crossing at the corner of Wayamba Place to connect with the pedestrian crossing on the north-eastern side of Serpells Road. The pedestrian crossing must be to Council satisfaction with tactiles provided as per AS 1428.4. The kerb and channel and drainage works are required along the entire frontage of Serpells Road to connect to the existing drainage and kerb and channel at the corner of Wayamba Place.
24. Before the development is completed, the owner must complete the footpath, kerb and channel and drainage works along the frontage of Serpells Road in accordance with an engineering construction plan approved by the Responsible Authority. The drainage is to be designed for 1 in 5 year storm as required by the Engineering and Technical Services Department.
25. Longitudinal and cross sections for any footpath, kerb and channel and drainage works within the Road Reserve are to be submitted in accordance with an engineering construction plan approved by the Responsible Authority.
26. Before the works start:
 - 26.1 A supervision fee equal to 2.5% of the cost of construction of the path, kerb and channel and drainage must be paid to the Responsible Authority;
 - 26.2 A plan-checking fee equal to 0.75% of the cost of construction of the path, kerb and channel and drainage must be paid to the Responsible Authority;
 - 26.3 A maintenance deposit equal to 5% of the cost of construction of the path, kerb and channel and drainage must be lodged with the Responsible Authority and retained thereafter for a minimum of three months; and
 - 26.4 A schedule of costs for the construction of the path, kerb and channel and drainage must be submitted to the Responsible Authority.

Car Parking

27. Before the approved use commences, the area set aside for the parking of vehicles and access lanes as shown on the approved plan must be:
 - 27.1 Constructed, formed and sealed to approved levels;
 - 27.2 Drained;
 - 27.3 Line marked to indicate each car space, including the staff parking spaces;
 - 27.4 Marked to show the direction of traffic along access lanes and driveways;
 - 27.5 Marked to show a car space for a person with a disability designed to the relevant Australian Standard;to the satisfaction of the Responsible Authority.
28. Parking areas and access lanes must be kept available for these purposes at all times and must be maintained to the satisfaction of the Responsible Authority.
29. The development must be provided with external lighting capable of illuminating access to each car parking space, outdoor service areas, pedestrian walkways and the building entry. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.
30. The loading and unloading of goods from vehicles must only be carried out on the land.
31. The collection of all waste from the premises must only be conducted between the hours of 8.00am to 6.00pm Mondays to Fridays to the satisfaction of the Responsible Authority.
32. The vehicular crossing must be constructed in accordance with the approved plans prior to commencement of the use to the satisfaction of the Responsible Authority.

Car Parking Management Plan

33. Before the commencement of the use, a Car Parking Management Plan must be emailed to and approved by the Responsible Authority. When approved, the plan will then form part of the permit. Traffic and parking operations on and adjacent to the site must conform to this approved plan. The plan must be generally in accordance with the endorsed plans, and include details of:
 - 33.1 How the allocation of car parking spaces will be managed, including the provision of staff car parking during the operating hours and the provision of parent car parking during the morning and afternoon peak periods;

33.2 The specification of staff management to enable efficient operation of on-site car parking to avoid staff and parent peak demands coinciding;

33.3 Measures to prevent staff and parents parking in Serpells Road, with the operator to direct all staff and request all visitors to park on site.

Sewer connection

34. Before the use commences the development must be connected to reticulated mains sewer to the satisfaction of the Responsible Authority.

Building Services

35. All services to the new building, including water, electricity, gas, sewerage and telephone must be installed underground, with associated trenching located to minimise impacts on the root zones of existing trees located on the subject land, to the satisfaction of the Responsible Authority.

36. Any reverse cycle air-conditioning unit erected on the walls of the approved building must be so located, as to not adversely affect the amenity of the area by way of appearance/visual prominence to the satisfaction of the Responsible Authority. Where the Responsible Authority identifies a concern about visual appearance, appropriately designed/finished screening must be installed and maintained to the satisfaction of the Responsible Authority.

37. Unless depicted on a Roof Plan approved under Condition 1 of this permit, no roof plant (including air conditioning units, solar panels or hot water systems) which is visible to immediate neighbours or from the street may be placed on the roof of the approved building, without details in the form of an amending plan being submitted to and approved by the Responsible Authority.

Use

38. Except with the prior written consent of the Responsible Authority, the number of children who may attend the centre at any one time must not exceed 138.

39. Except with the prior written consent of the Responsible Authority, the child care centre must only operate between the hours of 6:30am and 6:00pm on weekdays only.

Amenity

40. Before the use commences, all fencing including acoustic fencing must be erected in accordance with the approved plan to the satisfaction of the Responsible Authority.

41. In the event of excavation or works causing damage to any other existing boundary fence, the owner of the development site must at their own cost repair or replace the affected fencing to the satisfaction of the Responsible Authority.
42. Garbage and recycling storage areas must be maintained in a neat and tidy condition to the satisfaction of the Responsible Authority.
43. All security alarms or similar devices installed on the land must be of a silent type to the satisfaction of the Responsible Authority.
44. All noise emanating from any mechanical plant (air conditioners, refrigeration plant, etc.) must comply with the State Environment Protection Policy N-1 and in the event of the Responsible Authority receiving justifiable complaints regarding noise from such sources, the onus will be on the owner of the development site to prove compliance with the relevant policy to the satisfaction of the Responsible Authority.
45. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
46. All children's play equipment must be maintained and kept in a safe condition to the satisfaction of the Responsible Authority.
47. The external play areas must be kept in a neat and tidy condition to the satisfaction of the Responsible Authority.
48. The operator of the centre must through proper management and supervision techniques, ensure that excessive noise is not generated by external play activities, to the satisfaction of the Responsible Authority.
49. The exhaust system of any cooking area must be provided with filter devices capable of minimising the external emission of odours and airborne fat particles to the satisfaction of the Responsible Authority and such filter system must be maintained to the satisfaction of the Responsible Authority.
50. The use and development must be managed so that the amenity of the area is not detrimentally affected, to the satisfaction of the Responsible Authority, through the:
 - 50.1 Transport of materials, goods or commodities to or from the land;
 - 50.2 Storage of goods and wastes;
 - 50.3 Appearance of any building, works or materials; and
 - 50.4 Emission of noise, light, vibration, odour & dust.

Signage

51. The location, size, structure and details, including the advertisement wording and colours, of the approved signs shown on the approved plans, must not be altered without the written consent of the Responsible Authority.
52. The approved signs must not contain flashing or intermittent light.
53. Except with the written consent of the responsible authority, the approved signs may only be illuminated during the hours of operation.
54. The intensity of the light in the approved signs must be limited so as not to cause glare or distraction to motorists, or loss of amenity in the surrounding area, to the satisfaction of the Responsible Authority.
55. The approved signs must be located wholly within the boundaries of the subject land.
56. The approved signs must be constructed and maintained in good condition to the satisfaction of the Responsible Authority.

AusNet Services

57. No part of the proposed buildings, including eaves, awnings, canopies, shelters and the like, is permitted on AusNet Transmission Group's easement.
58. The proposed car park must be used only by domestic and small commercial vehicles not exceeding 3 metres in height. Parking, loading, unloading and load adjustment of large commercial vehicles is not permitted on the easement.
59. The use of vehicles and equipment involved in construction work on the easement must not exceed 3 metres operating height without prior written permission from AusNet Transmission Group Pty Ltd.
60. Any lighting poles erected on the easement must not exceed 3 metres in height and must be designed so as to allow lanterns to be lowered to ground level for servicing. Higher poles may be permitted subject to available conductor to ground clearances at this site. Power to lighting poles must be installed underground.
61. Scaffolding is not permitted on the easement.
62. All trees and shrubs planted on the easement must not exceed 3 metres maximum mature growth height.
63. The storage of flammable materials, including that within waste bins, is not permitted on the easement.
64. Natural ground surface levels on the easement must not be altered by stockpiling of excavation material or by landscaping without prior written approval from AusNet Transmission Group.

65. All services traversing the easement must be installed underground.

66. All future works within the easement must be submitted to AusNet Transmission Group and approved in writing prior to the commencement of work on site.

Expiry

67. This permit will expire if one of the following circumstances apply:

67.1 The development is not started within two (2) years of the date of this permit;

67.2 The development is not completed within four (4) years of the date of this permit;

67.3 The use is not commenced within two (2) years of the completion of the development.

68. The advertising signage permission expires fifteen years after its issue date.

PROCEDURAL MOTION

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

MOVED: CR MIKE ZAFIROPOULOS

SECONDED: CR PAUL MCLEISH

THE PROCEDURAL MOTION WAS CARRIED

THE SUBSTANTIVE MOTION WAS PUT

DIVISION

A Division was called by Councillor Gough and the Council divided as follows:

FOR (5): Councillors Andrew Conlon, Anna Chen, Sophy Galbally, Dot Haynes and Paul McLeish.

AGAINST (4): Councillors Michelle Kleinert, Geoff Gough, Paula Piccinini and Mike Zafirooulos.

THE SUBSTANTIVE MOTION WAS CARRIED

2. BACKGROUND

2.1 The application was submitted to Council on 15 December 2017 and a request for further information was sent on 9 January 2018.

- 2.2 All requested further information was received by Council on 3 May 2018.
- 2.3 Notice of the application was given over a two-week period which concluded on 30 May 2018.
- 2.4 The statutory time for considering a planning application is 60 days, which lapsed on 2 July 2018.
- 2.5 The land title is not affected by any covenants or restrictions.

3. THE SITE AND SURROUNDS

The Site

- 3.1 The site is situated on the corner of Serpells Road and Wayamba Place, approximately 600 metres south of Reynolds Road and 1.15 kilometres north-west of King Street.
- 3.2 The site has a Serpells Road frontage width of 52 metres, a Wayamba Place side road frontage width of 72 metres, a south-western boundary length of 66 metres and a north-western length of 45 metres. The site has a total area of 3,874 square metres.
- 3.3 A single-storey brick dwelling presently occupies the site, with approximate setbacks of 24 metres to Serpells Road, 12.5 metres to Wayamba Place, 22.5 metres to the south-western boundary and 23.5 metres to the north-western boundary. A driveway leading from Wayamba Place provides uncovered parking adjacent to the dwelling. The road frontages are unfenced.
- 3.4 The dwelling is well screened by mature vegetation within the road reserves, as well as in the eastern corner of the site and to the side and rear boundaries. Vegetation within the road reserve predominantly consists of indigenous Blackwood varying from 3-5 metres in height within the road reserve to Serpells Road and exotic Photinia varying from 2-5 metres in height within the Wayamba Place road reserve. On-site vegetation consists of a cluster of 5 metre high Photinia in the eastern corner and a further 3 metre high row along the north-western side boundary. Sporadic vegetation through the site consists of a mix of native and exotic vegetation, with medium significance vegetation including an 8 metre high Desert Ash, 12 metre high Pin Oak, an 11 metre high Swamp Gum and a 9 metre high Yellow Gum.
- 3.5 The site is affected by a transmission easement varying from 19.319 metres to 27.61 metres in width for the length of the north-western boundary, which occupies an overall area of 1,131.4 square metres, or 29% of the site.
- 3.6 The topography falls approximately 2 metres from the Serpells Road frontage to the rear, south-western boundary.

The Surrounds

3.7 The site has a direct abuttal with two properties, as follows:

Direction	Address	Description
South-west	4 Wayamba Place	A single-storey dwelling is setback 5 metres from the common boundary and 26.5 metres from the street. A swimming pool to the rear of the dwelling is setback 3 metres from the common boundary and an outbuilding is setback a minimum 1 metre from the common boundary. The property has an area of 3,774 square metres.
North-west	184 Serpells Road	An illuminated private tennis court with a 2.2 metre setback runs the length of the common boundary. The tennis court is screened by the row of existing Photinias on the subject site. A single-storey dwelling is setback approximately 21.5 metres from the common boundary. The property has an area of 3,928 square metres.

- 3.8 Serpells Road is defined as a Council urban link road. It is an undivided 7.8 metre wide sealed carriageway which accommodates a single through traffic lane in each direction. There is no formal provision for on-street car parking. Roadside drainage consists of a swale drain. No pedestrian path is provided on the southern side adjacent to the site, however a pedestrian path is provided on the northern side of Serpells Road opposite the site. A speed limit of 40km/h applies to the area east of the site, changing to 60km/h to the west of the site.
- 3.9 Wayamba Place is a Council urban access road. It is an undivided 7.5 metre wide sealed carriageway which accommodates simultaneous two-way through traffic movements. Kerb and channel drainage is provided to this road, however no pedestrian path is provided. A speed limit of 50km/h applies to this road.
- 3.10 The subject site is located within the Low Density Residential Zone. This zone spans 500 metres to the north (to Reynolds Road), 250 metres to the east, 200 metres to the south and 1.5km to the west (to Williamsons Road). The predominant characteristic of the area is large two-storey detached housing. Serpells Road is known colloquially as Templestowe's 'golden mile'.
- 3.11 Within a 500 metre radius of the site, other non-residential uses include Serpells Primary School, St Charles Borromeo Catholic Primary School, Bupa Aged Care and Holy Cross church and retreat, all located to the east. Serpells Community Reserve and The Grange Reserve are also located within this radius, to the south. Arcare Aged Care is currently under construction to the south-east, at the intersection of Tuckers Road and King Street.

- 3.12 The subject site is serviced by the 279 bus route operating from Templestowe to Box Hill. Major connecting bus routes provide access to a wider range of residential areas within the municipality as well as Melbourne's Central Activity District. Pedestrian access along Serpells Road is improving as paths continue to be constructed. Currently, access from the site to King Street cannot be completed on pedestrian paths, however the pedestrian path along Tuckers Road will be constructed as part of the Arcare Aged Care development, which will complete this link.

4. THE PROPOSAL

- 4.1 It is proposed to use and develop the site for a single-storey child care centre for 146 children. An uncovered car park incorporates 32 spaces and a loading area. A pedestrian path is located along the north-western side of the building to provide access to the entry at the northern corner of the building. Business identification signage comprises two sign types: an internally illuminated circular sign in two locations and a lettered sign in another two locations. Ten trees require a planning permit for their removal.

Submitted plans and documents

- 4.2 The proposal is outlined on the plans prepared by Elevation Architecture, Job No. 0959-12, Revision B dated 27 April 2018 and landscape plans prepared by Genus Landscape Architects, Job No. 18-2221, Revision C dated 27 April 2018. Refer to Attachment 1.
- 4.3 Discussion plans have been prepared by the applicant following a public consultation meeting responding to officer and objector concerns (prepared by Elevation Architecture, Job No. 0959-12, Revision 5 dated 1 August 2018). Refer to Attachment 2. To adopt any of the changes on these discussions plans, conditions must specify the changes required. The changes to the plans are summarised as follows:
- Reduction in the number of child care places by 8 places to 138 children;
 - Subsequent reduction in car parking by 2 spaces to 30 spaces;
 - Reconfiguration of the car park to provide additional landscape areas, including a central area, a strip alongside the pedestrian path and adjacent to the ramp within the site frontage;
 - Reduction in the projection of the north-western building eave over the pedestrian path to avoid the transmission easement; and
 - Minor reduction to the south-eastern setback of the southern wing of the building by 0.596 metres to 10.215 metres.
- 4.4 The following reports were submitted to support the application:
- Planning report prepared by Foresite Town Planning, dated December 2017;
 - Arboricultural report prepared by Jarrad Miller Arboriculture, dated 8 November 2017;
 - Traffic report prepared by Traffix Group, dated November 2017;
 - Acoustic report prepared by Marshall Day Acoustics, dated 13 April 2018;
 - Sustainability management plan prepared by lid consulting, dated 1 March 2018; and
 - Green travel plan prepared by lid consulting, dated 15 February 2018.

Development summary

4.5 A summary of the development is provided as follows:

Land Size:	3,874m ²	Maximum Building Height:	7.713m
Site Coverage:	29%	Street setback to Serpells Road (north-east)	9.2m
Indoor activity room area:	474.5m ²	Side road setback to Wayamba Place (south-east)	10.8m
Outdoor play area:	1,022m ²	Setback to south-western boundary	7.4m
Total car parking spaces:	32	Setback to north-western boundary	19.8m

Design layout

4.6 The single-storey child care centre comprises eight activity rooms for children of varying ages, a central covered outdoor play area and outdoor play areas to the north-eastern, south-eastern and south-western sides of the building.

Pedestrian and vehicle access and layout

4.7 Pedestrian entry to the building is provided via a covered entry within the Serpells Road frontage. Multiple pedestrian paths are provided to the entry; from the Serpells Road frontage, and from the car park via a ramp and path alongside the south-western side of the building. A footpath is proposed within the road reserve to Serpells Road. Pedestrians would then access the footpath on the northern side of Serpells Road to connect with the local footpath network.

4.8 Vehicle access is proposed via a new 6.5 metre wide crossover to Serpells Road, leading to an uncovered 32 space car park. A delivery and turning area is provided at the southern end of the car park. Car parking spaces are not specifically allocated for staff.

Vegetation removal

4.9 A total of 39 trees are proposed to be removed; 29 of which are located on site and 10 within the road reserve. 20 of the 39 trees are exempt species, which do not require a planning permit for removal (such as Sweet Pittosporum, Desert Ash, Loquat, Monterey Pine, Japanese Privet and Sallow Wattle species). A further seven trees are exempt as they are exotic trees either less than 6 metres high and/or less than 0.35 metres diameter at breast height. A further two trees are exempt pursuant to bushfire protection regulations as they are within 10 metres of the existing dwelling.

- 4.10 Of the 10 trees requiring a planning permit for removal, four are required to be removed from the road reserve of Serpells Road for pedestrian path construction, four are located along the north-western boundary adjacent to the proposed car park and two are located within the Serpells Road site frontage.

Landscaping

- 4.11 Canopy trees are proposed between the car park and the site frontage and at the rear of the car park. There is capacity for screen planting along the north-western and south-western boundaries. A one metre setback is provided for planting in front of fencing along the Serpells Road and Wayamba Place frontages.

Design detail

- 4.12 The proposed building features a contemporary architectural design, which incorporates face brick and fibre cement wall cladding with charcoal metal gable roofing.
- 4.13 Fencing consists of 1.8 metre high acoustic fencing to the road frontages and 3.5 metre high acoustic screen fencing offset 1 metre from the south-western boundary.

5. LEGISLATIVE REQUIREMENTS

- 5.1 Refer to Attachment 3.
- 5.2 A permit is required under the following Clauses of the Manningham Planning Scheme:
- Clause 32.03-1 (Low Density Residential Zone) – use of the land for a child care centre;
 - Clause 32.03-4 (Low Density Residential Zone) – buildings and works associated with a Section 2 use (child care centre);
 - Clause 42.03-2 (Schedule 1 to the Significant Landscape Overlay) – to construct a building or construct or carry out works.
 - Clause 42.03-2 (Schedule 1 to the Significant Landscape Overlay) – to remove, destroy or lop any Victorian native vegetation, or an exotic or Australian native tree with either a trunk circumference of more than 0.35 metres measured at a height of 1.3 metres above natural ground level, or a height of more than 6 metres.

6. REFERRALS

External

- 6.1 Given the proposal involves the construction of a building or the construction or carrying out of works on land within 60 metres of a major electricity transmission line (220 Kilovolts or more) or an electricity transmission easement, the application has been referred to AusNet Services as a determining referral authority.

- 6.2 AusNet Services have no objection subject to conditions providing that no part of the building (including eaves) being permitted within the easement, natural surface levels on the easement must not be altered, and a maximum 3 metre height limitation on the use of the car park by domestic and small commercial vehicles, any lighting poles and all trees and shrubs within the easement.

Internal

- 6.3 The application was referred to a number of Service Units within Council. The following table summarises the responses:

Service Unit	Comments
Engineering & Technical Services Unit – Drainage	<ul style="list-style-type: none"> No objection subject to conditions that have been included in the recommendation including the provision of onsite storm water detention.
Engineering & Technical Services Unit – Vehicle Crossing	<ul style="list-style-type: none"> No objection subject to conditions that have been included in the recommendation including the removal of the redundant vehicle crossovers and footpath, kerb and channel provided along the frontage of Serpells Road in accordance with an engineering construction plan.
Engineering & Technical Services Unit – Access and Driveway	<ul style="list-style-type: none"> No objection as adequate sight lines are available from the exit lane and the width and internal radius of the driveway allow sufficient turning areas for all vehicles to reverse and exit the site in a forward direction.
Engineering & Technical Services Unit – Traffic and Car Parking	<ul style="list-style-type: none"> No objection as the number of car parking spaces provided is satisfactory and there are no traffic issues in the context of the traffic and the surrounding street network.
Engineering & Technical Services Unit – Car Parking Layout	<ul style="list-style-type: none"> No objection.
Engineering & Technical Services Unit – Construction Management	<ul style="list-style-type: none"> No objection subject to a requirement for the provision of a construction management plan.
Engineering & Technical Services Unit – Waste	<ul style="list-style-type: none"> No objection subject to conditions that have been included in the recommendation including the requirement for private waste collection.
Engineering & Technical Services Unit – Easements	<ul style="list-style-type: none"> No objection subject to build over easement approval being granted.
Engineering & Technical Services Unit – Flooding	<ul style="list-style-type: none"> No objection subject to the floor levels remaining at 106.50 metres Australian Height Datum.
Approvals & Compliance Unit – Environmental Health	<ul style="list-style-type: none"> No objection subject to the development connecting and discharging all plumbing waste to the available mains sewer and the proprietor of the child care centre obtaining a Food Act Registration from Council's Health Unit prior to commencing trade.

Service Unit	Comments
Strategic Projects Unit – Sustainability	<ul style="list-style-type: none"> No objection subject to a requirement for the submission of a Sustainability Management Plan and details provided on plan to correspond with the management plan.

7. CONSULTATION / NOTIFICATION

7.1 Notice of the application was given over a two-week period which concluded on 30 May 2018, by sending letters to nearby properties and displaying two signs on site.

7.2 28 objections have been received from the following properties:

- 184 Serpells Road, Templestowe;
- 9 Country Terrace, Templestowe;
- 5 Wayamba Place, Templestowe;
- 12 County Terrace, Templestowe;
- 8 Pioneer Drive, Templestowe;
- 133 Serpells Road, Templestowe;
- 7 Pioneer Drive, Templestowe;
- 6 Wayamba Place, Templestowe;
- 8 Wayamba Place, Templestowe;
- 5 Killibury Court, Templestowe;
- 1 Killibury Court, Templestowe;
- 6 Pioneer Drive, Templestowe;
- 170 Serpells Road, Templestowe;
- 18 County Terrace, Templestowe;
- 212 Serpells Road, Templestowe;
- 5 Berwyn Crescent, Templestowe;
- 112 Serpells Road, Templestowe;
- 151-153 Serpells Road, Templestowe;
- 6 Killibury Court, Templestowe;
- 3 Killibury Court, Templestowe;
- 8 Pioneer Drive, Templestowe;
- 208-210 Serpells Road, Templestowe;
- 120 Serpells Road, Templestowe;
- 7 Sarah Crescent, Templestowe;
- 121 Serpells Road, Templestowe;
- 208-210 Serpells Road, Templestowe;
- 78-84 Smiths Road, Templestowe; and
- 131 Serpells Road, Templestowe.

7.3 The grounds of objection are summarised as follows:

- Traffic, lack of off-street car parking, vehicle and pedestrian safety;
- Planning policy and use (hours of operation, transmission easement, concentration of non-residential uses);
- Design, built form and neighbourhood character (building setbacks, fencing); and
- Off-site amenity impacts (noise and loss of property value).

- 7.4 A consultation meeting was held on 23 July 2018.
- 7.5 A response to the grounds of objection are included in the assessment section of this report.

8. ASSESSMENT

- 8.1 The proposal has been assessed against the relevant state and local planning policies, the zone and overlay and the relevant particular provisions and general provisions of the Manningham Planning Scheme.
- 8.2 The following assessment is made under the headings:
- Planning Policy Frameworks;
 - Location;
 - Siting, scale, design and built form;
 - Landscaping and tree retention/removal;
 - Amenity;
 - Traffic, car parking, access and pedestrian safety;
 - Signage; and
 - Objector concerns.

Planning Policy Frameworks

- 8.3 The Low Density policy in Clause 21.06 of the Scheme recognises the need to encourage uses with a community service role to locate within close proximity to activity centres or other community based facilities, to ensure that commercial uses do not compromise the amenity and character of the neighbourhood and ensure uses do not exceed the servicing capacity of the land.
- 8.4 The policy also seeks to ensure that land is developed in a way that is compatible with the character of the area, including its landscape qualities and pattern of vegetation through the minimisation of earthworks and retention of existing vegetation, where appropriate, with new landscaping complementing the character of the area.
- 8.5 Traffic and car parking considerations within low density areas include ensuring the intensity and scale of use and development is appropriate having regard to the capacity of the existing road network and pedestrian accessibility and ensure the appropriate design and siting of on-site access, car parking, areas designated from vehicle manoeuvring and avoiding the extensive use of hard surfaces.
- 8.6 It is considered that the proposed facility accords with these key objectives through its proximity to other community based facilities, at a scale and intensity that is sensitive to the amenity and character of the surrounding low density area as detailed further in this assessment.

Location

- 8.7 Child care centres are a land use that, for the most part, are located in residential zones, given the unsuitability of industrial zoned land, and the significant competition for commercially zoned land of a size capable of accommodating the use. Child care centres by their nature require a significant parcel of land, to accommodate access, car parking, a large floor area and expansive outdoor play spaces. While in some inner suburban areas this has resulted in child care

centres with basement car parks and play areas on rooftops, another reasonable approach is to look for larger sites, including those in the Low Density Residential Zone (LDRZ). Council has received applications and issued a number of permits in recent times for centres in Low Density Residential Zone land, including:

- 318 Springvale Road (constructed)
- 339 Springvale Road (permit applied)
- 239 Foote Street (under construction)
- 9 Pescara Place (before VCAT, officer support)

8.8 Whether or not a low density zoned lot will be considered suitable will depend on a number of criteria. In exercising the discretion to issue a permit afforded by the Zone, planning policy at Clause 22.05 (Non-Residential Uses in a Residential Zone) provides strong guidance.

8.9 The site generally meets the locational criteria set out for non-residential uses in Clause 22.05 as follows:

- Is close to other community based facilities;
- Has good access public transport networks and will have good access to pedestrian networks, whereby construction of a pedestrian path is conditional of any permit to issue.

8.10 Furthermore, the proposal responds favourably to the locational criteria specifically applicable to proposals within LDRZ areas, as follows:

- The site is serviced by reticulated sewerage;
- Access to the site is via a sealed main road. Construction of kerb and channel to the Serpells Road frontage is a condition of the approval of the proposal;
- The site is not constrained by factors such as slope, significant vegetation cover, drainage lines and highly visible ridgelines or hilltops; and
- The site does not require significant earthworks to facilitate the development.

8.11 While the site is not immediately proximate to any of the municipality's activity centres, it is located close to other community based facilities. It is noted that the Major Activity Centre at The Pines Shopping Centre is within a distance of 1.8 kilometres.

8.12 The site also does not gain direct access from a main road, which is encouraged by Clause 22.05-3. Although this is an important criteria for non-residential uses within the municipality, this alone needs to be balanced against the other criteria and is not seen to be fatal to this application. Other factors surrounding the use and its acceptability within the neighbourhood are discussed below.

8.13 Given land availability particularly within or adjacent to activity centres in Manningham, it is likely to be a rare scenario where an application will meet all of the criteria set out at Clause 22.05. Therefore, having regard to the above factors, it is considered that the site is appropriately located for a child care centre as it responds positively against the criteria specified for non-residential uses.

Siting, scale, design and built form

- 8.14 The locational criteria considerations must be balanced with the importance of protecting the much valued landscape of Manningham's low density residential areas. The built form and site layout must therefore carefully respond to the low density character of the area.
- 8.15 When compared to the built form of other buildings in the area, the development compared favourably in siting, height, massing, setbacks, roof form and window proportions.
- 8.16 The building is set back sufficient distances from side and rear boundaries, observing compliance with the setbacks prescribed by the Significant Landscape Overlay, Schedule 1 (SLO1). The setbacks will enable an appropriate landscape treatment to be provided along the south-western and north-western residential interfaces.
- 8.17 The proposed building footprint comprises a site coverage of 29%, which is consisted with large single-storey dwellings in the immediate surrounds. In recent times, examples of two-storey development has reached this site coverage also. The site coverage will be akin to nearby development.
- 8.18 The proposal includes a large paved area for parking on the western side of the building. In a neighbourhood character context, this is not dissimilar visually to voids from buildings and landscaping created by private tennis courts which can be observed along the length of Serpells Road and surrounding streets. Reducing the visual impact of the car parking has been key in the formation of discussion plans, and it is not considered that this component of the development will be any more visible in the wider neighbourhood than tennis courts.
- 8.19 The selection of building materials and colours are highly compatible with the surrounding neighbourhood character. However, the use of solid high fencing to the road frontages is discouraged by policy. Fencing to the frontages consists of 1.8 metre high acoustic fencing. The fencing to the Wayamba Place frontage will be further elevated due to retaining walls present as the site falls to the south-western boundary. The material and colour of this fencing is unclear.
- 8.20 The submitted acoustic report submits that suitable materials that meet the required noise attenuation levels can be transparent. A condition will therefore require that a minimum 25% transparency be provided to all acoustic fencing to the road frontages. The 1 metre landscape buffer provided between fencing and both road frontages will be required to be densely landscaped to improve the appearance of fencing.
- 8.21 The overall built form of the development is considered to complement and is responsive to the existing scale of development and the landscape character of the surrounding area. In particular, it is considered the low scale nature of the building, nestled in amongst established vegetation which will integrate the development into the area, will lead to an appropriate built form response to accommodate the proposed use.

Landscaping and tree retention/removal

- 8.22 The development seeks to retain vegetation where possible, having regard to the relative quality of vegetation and the contributing value it has on the landscape character of the area. The location of existing vegetation to be retained will allow the development to make a positive contribution to the landscape character of the area.
- 8.23 Ten trees require a planning permit for removal. Four of these trees (Trees 29, 41, 46 and 47) are required to be removed from the road reserve of Serpells Road for pedestrian path construction. An additional tree (Tree 45), located just inside the Serpells Road title boundary, is also required to be removed to accommodate the pedestrian path. The trees are juvenile, display poor form and sit below power lines. They are not examples of trees valued in the Significant Landscape Overlay Schedule 1 control.
- 8.24 A further four, 3 metre high exotic Photinia trees (Trees 65-68) are located along the north-western boundary adjacent to the proposed car park. These trees have formed a hedge, with an approximate 5 metre spread. Photinia trees are not a species of any particular value in the Significant Landscape Overlay Schedule 1 control. It is recommended they be replaced with indigenous species to form a screen along this side boundary that is more consistent with the landscape character.
- 8.25 The remaining 5 metre high exotic Photinia tree (Tree 35) is located within the Serpells Road site frontage. This tree overhangs the proposed building and is surrounded by five other trees (including Photinias) that are to be retained. Given this tree does not provide a significant streetscape or environmental contribution, its removal is acceptable.
- 8.26 This application poses the opportunity to enhance the existing landscape character of the site. A number of conditional requirements will apply to ensure that the species selection is predominantly native (and avoiding exempt species listed in the SLO1).

Amenity

- 8.27 The site's location on a corner mitigates direct off-site amenity impacts. Amenity impacts of the proposal have been appropriately managed by the design response, including the siting the car park away from sensitive residential boundaries and the provision of landscape areas to screen the car park.
- 8.28 Similarly, play areas are predominantly located towards street frontages, limiting noise impacts to sensitive residential interfaces. Despite this, the plans show a 3.5 metre high acoustic fence to the south-western property boundary. The submitted acoustic report requires a 2.5 metre screen, therefore a condition will require the height to be reduced. A 1 metre setback to the fence has been provided to enable landscaping along the boundary, however limited access will be available to maintain this landscaping. This landscaping would serve little purpose, particularly if the adjoining land owner erects a fence along the title boundary. A condition requires the acoustic fence to be relocated to the boundary, with a barrier provided in its place to allow screening vegetation to be maintained behind the acoustic fence. Over time, landscaping will be visible above the acoustic fencing.

- 8.29 The following conditions will be applied to further address amenity-related issues:
- Hours and days of operation – limited to between 6:30am and 6:00pm on weekdays only;
 - Children numbers – reduced to a maximum 138 children as per the discussion plan;
 - Acoustic fencing compliance – including reduction to the south-western boundary fence height;
 - Noise minimisation – in accordance with Environmental Protection Authority requirements;
 - Waste collection hours and days – within operation hours only;
 - Odours – exhaust fans and the like adequately designed;
 - Lights spill – appropriate location and design of external lighting; and
 - Overall amenity.
- 8.30 Council submits that the combination of the proposal's design, together with the implementation of the above conditions, will ensure that amenity impacts of the proposal can be appropriately managed.

Traffic, car parking, access and pedestrian safety

- 8.31 Pursuant to Clause 52.06-5, car parking for a child care centre is calculated at a rate of 0.22 spaces per child. The proposal is for 146 children, which generates a requirement for 32 car parking spaces. The proposal is compliant with this requirement through the provision of 30 car parking spaces within the uncovered car park. The discussion plans propose a maximum of 138 children, which generates a requirement for 30 car parking spaces. The discussion plan demonstrates that 30 car parking spaces are provided.
- 8.32 The car park is provided with convenient access from Serpells Road, with well-defined entry points and vehicle access that is well separated from pedestrian pathing. The car park has been designed to allow vehicles to leave the site in a forward direction. The integration of landscaping into the car park and a condition to require dark coloured concrete will ensure the car park is non-intrusive in scale and visibility. Council's Engineering and Technical Services Unit raised no concerns in relation to the layout or design of the car park.
- 8.33 To ensure the car park is appropriately operated, it will require responsible management by the future operator and their staff. To achieve responsible management of the car park, a condition will require a Car Parking Management Plan prior to the commencement of the use.
- 8.34 The submitted traffic report estimates that the child care centre will generate up to 117 and 102 vehicle movements in the morning and afternoon peak hours, respectively. This equates to approximately one vehicle movement both in and out, every minute. An analysis of this data indicates that this is well within the acceptable limits. The report anticipates that traffic will likely be evenly distributed between entering/exiting the site from the east and the west along Serpells Road. Critically, the submitted analysis suggests that there is unlikely to be a queues formed on Serpells Road at any time and any queue that do form will result in very minor delays.

- 8.35 The report finds that current peak conditions on Serpells Road coincide with school start and finish times, whereas childcare centre peaks typically occur outside of these times. This is because attendance hours are generally prescribed by parent/guardian working hours, rather than typical learning start and finish times. Council's Engineering Services Unit raise no concern in relation to the expected traffic generated by the proposed development as confirmed in the submitted report. Overall, the proposed use and development will not generate any unreasonable traffic congestion within the surrounding street network.
- 8.36 An assessment against the car parking design standards in Clause 52.06-9 is provided in the table below:

Design Standard	Met/Not Met
1 – Accessways	Met subject to condition The accessway servicing the car park meets the minimum width requirements, and has been designed to allow all vehicles to enter and exit the site in a forward direction onto Serpells Road. A condition will require a visibility splay to be provided to the exit lane of the driveway.
2 – Car parking spaces	Met subject to condition Car parking space dimensions and aisle widths are required to be clarified to demonstrate compliance with this standard.
3 – Gradients	Met Council's Engineering and Technical Services Unit have determined accessway gradients comply.
4 – Mechanical parking	Not applicable No mechanical parking proposed.
5 – Urban design	Met The vehicle crossover and car park will not be dominant features in the streetscape.
6 – Safety	Met The basement car park is provided with an automatic door with an automatic opening and intercom system.
7 – Landscaping	Met subject to condition No ground level car parking is proposed. Landscaping is provided to soften the appearance of the vehicle entry.

Signage

- 8.37 The proposed signage is appropriate for the low density context given the signs are orderly, of good design and do not detract from the appearance of the building or the surrounding area.
- 8.38 The impact of the two illuminated signs will be minimal. The illuminated sign at the building entry faces the car park, not the street. The second illuminated sign will only be partially visible from Wayamba Place given it will be behind the 1.8 metre high boundary fencing.

Objector concerns

8.39 Further responses to the grounds of objection is provided as follows:

Traffic, lack of off-street car parking, vehicle and pedestrian safety

8.40 The potential traffic impacts have been assessed by the permit applicant's traffic consultant and Council's Engineering and Technical Services Unit who both concluded that, on considering the proposal in the context of the traffic and the surrounding street network, the proposal can be accommodated within the road network without creating any adverse traffic safety or capacity problems.

8.41 The number of car parking spaces provided meets the requirement for a child care centre of this capacity. A parking management plan will be required to ensure the efficient operation and management of the car park.

8.42 The car park has been designed to enable safe ingress and egress of vehicles. Pedestrian safety is managed by a dedicated pedestrian path alongside the building and a separate pedestrian access point from the Serpells Road site frontage. A new pedestrian path is required to be provided within the road reserve of Serpells Road, providing connection with existing path infrastructure.

Planning policy and use (hours of operation, transmission easement, concentration of non-residential uses)

8.43 The use of the land for a child care centre is not a prohibited use in the Low Density Residential Zone. The location of the site is proximate to other non-residential uses, as anticipated by the Low Density Policy in the Scheme.

8.44 The hours of operation will be limited by conditions of the permit and are reasonable in the context of a child care centre. Amenity impacts associated with the hours are appropriately mitigated, including traffic and noise.

8.45 The building itself is not located within the transmission easement, as required by the relevant authority. Any health related impacts associated with the proximity to transmission lines are outside the scope of this assessment.

Design, built form and neighbourhood character (building setbacks, fencing and signage)

8.46 The building is within the scope of assessment criteria provided by the Significant Landscape Overlay Schedule 1, including being less than 8 metres in height and providing 10 metre setbacks to road frontages.

8.47 Conditions will require fencing materials and detail to be provided, including that a minimum 25% transparency be provided across both frontages. A 1 metre wide landscape strip in front of all fencing will provide a further buffer from the street.

8.48 Signage is considered to be sensitively designed, particularly as illuminated signage will not be prominently visible from the streets. The illuminated building entry sign is orientated to face the car park and the illuminated sign to Wayamba Place will be predominantly obscured by the boundary fencing.

- 8.49 The design of the building has sought to limit the extent of vegetation removal and provide a landscape outcome that is in keeping with the landscape character of the area.

Off-site amenity impacts (noise and loss of property value)

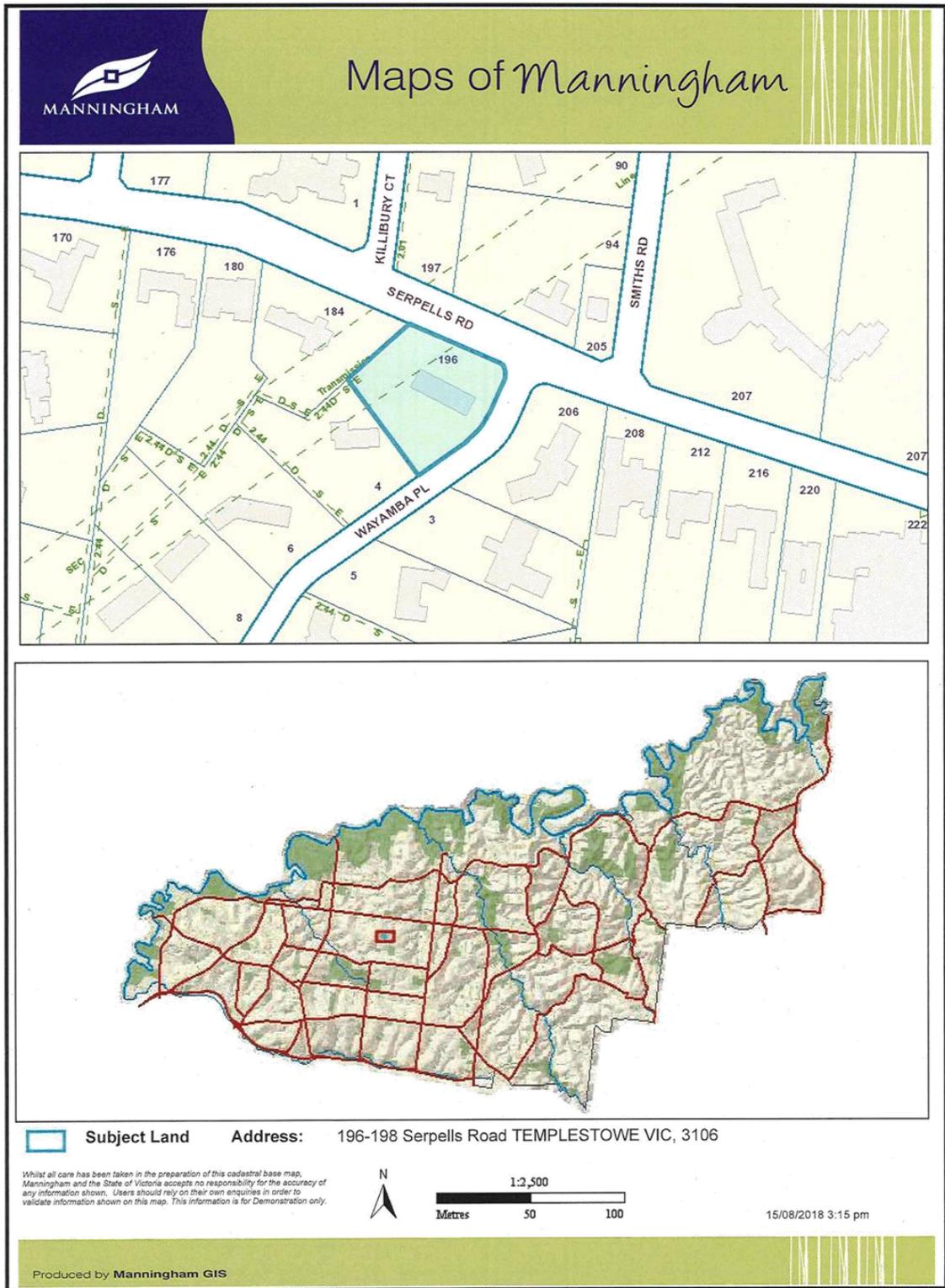
- 8.50 Noise impacts are mitigated by extensive acoustic screening, which extends beyond residential interfaces to both street frontages. This will help maintain the amenity of the general area as well as immediately abutting properties.
- 8.51 Any possible impact to the value of an objector's property is considered a subjective claim and not a ground which should be given any relevancy in the consideration of the planning permit application.

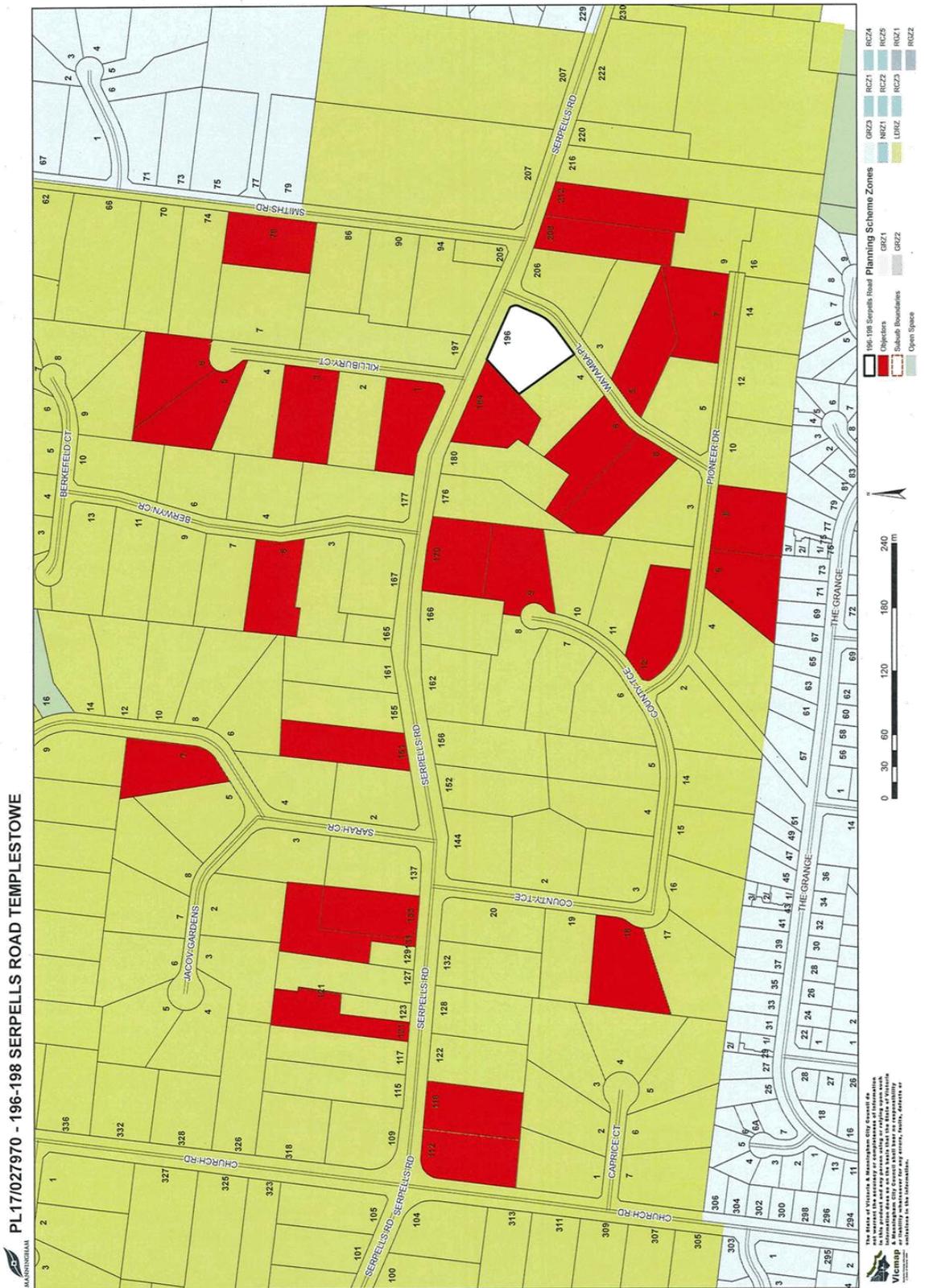
9. CONCLUSION

- 9.1 It is recommended that the application be supported, subject to conditions.

10. DECLARATION OF CONFLICT OF INTEREST

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

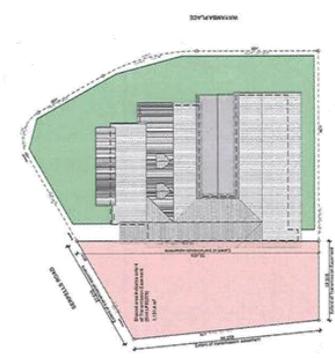




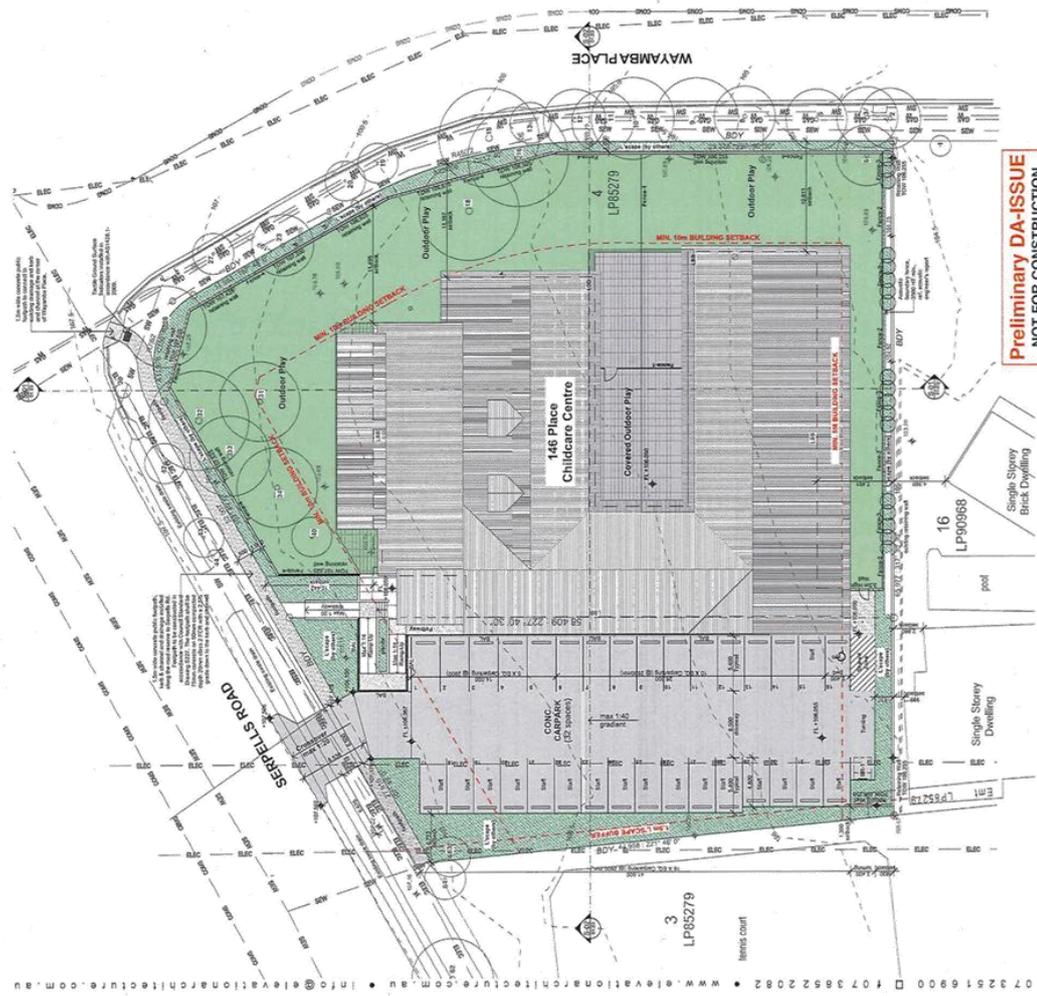
PLANNING AND ENVIRONMENT ACT 1987
MANNINGHAM PLANNING SCHEME
ADVERTISED PLANS
SITE PLAN LEGEND - Non-Development Info
This document is for information only. It is not a final plan and should not be used for any other purpose. It is subject to the Planning and Environment Act 1987 and the Planning and Environment Regulations 1987. The Council is not responsible for any errors or omissions in this document.

SITE INFORMATION
LOT 4 and LP95279
6.01 on LP95279
Templestowe VIC
3207
Approx. 2,874 sq m
1:100 scale

NOTES
1. Ensure setbacks and heights are in accordance with the Planning and Environment Act 1987 and the Planning and Environment Regulations 1987.
2. All setbacks and heights are to be measured from the finished ground level.
3. Land to be retained in accordance with the Planning and Environment Act 1987 and the Planning and Environment Regulations 1987.



Proposed Transmission Easement
Sheet 1/30
Site Plan
Scale: 1:200 @ A1



**Preliminary DA-ISSUE
NOT FOR CONSTRUCTION**

Development Application
architect: KH
client: CHLOEL GROUP
project no: 0959-12 A-DA-01.01 D

TEMPLESTOWE CHILDCARE
196-198 Serpell's Rd Templestowe VIC
client: CHLOEL GROUP

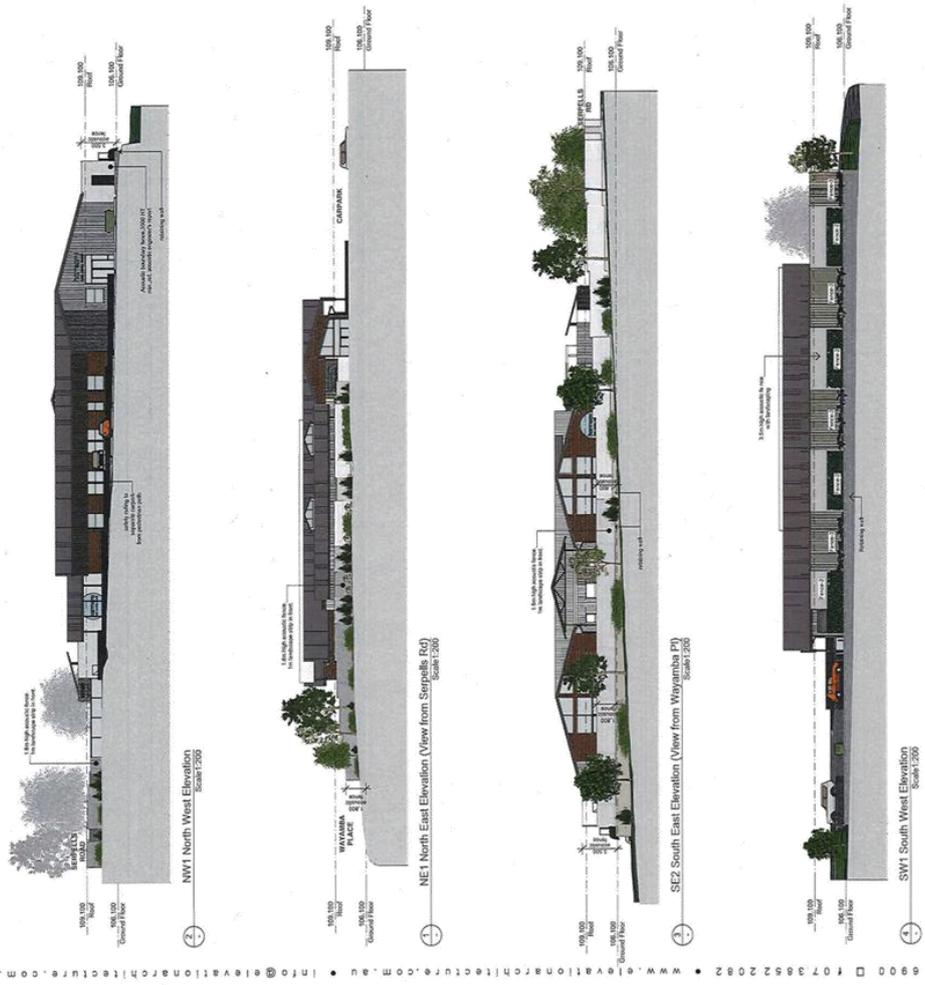
Rev	Description	Date
1	Issue for Information	15/05/2018
2	Issue for Information	15/05/2018
3	Issue for Information	15/05/2018

elevation
ARCHITECTURE
10/09/18 12: Templestowe Childcare - Concept2 Development Application 01 - ACB/CA/09/09/18 - 12 - JKL - Master - RH.glm

PLANNING AND ENVIRONMENT ACT 1987
MANNINGHAM PLANNING SCHEME
ADVERTISED PLANS
ELEVATION & SECTION DRAWINGS Number: PL17627070
DATE: 15 May 2018
Sheet 11 of 14

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- CL021 Fire Current Checking (for approval equal) Approved
- CL042 Fire Current Checking (for approval equal) Approved
- CL043 Fire Current Checking (for approval equal) Approved
- CL044 Fire Current Checking (for approval equal) Approved
- CL045 Fire Current Checking (for approval equal) Approved
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- CL100 Fire Current Checking (for approval equal) Approved



Elevations (with fencing)
scale:

Preliminary DA-ISSUE
NOT FOR CONSTRUCTION

Development Application
architect: KH
drawn: KH
project no: 0959-12 A-DA-09.03 B

PROJECT
TEMPLESTOWE CHILDCARE
196-198 Serpents Rd Templestowe VIC
client: CHLOEL GROUP

Rev	Description	Date
1	Issue for DA	
2	Issue for DA	
3	Issue for DA	
4	Issue for DA	
5	Issue for DA	
6	Issue for DA	
7	Issue for DA	
8	Issue for DA	
9	Issue for DA	
10	Issue for DA	

elevation
ARCHITECTURE

196-198 Serpents Rd Templestowe VIC
1300 666 666
www.elevationarch.com.au

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SITE INFORMATION
 196 Serpells Road
 Serpells Road, Serpells VIC 3192

DESIGN DEVELOPMENT NOT FOR CONSTRUCTION

**TEMPLESTOWE CHILDCARE CENTRE
 CALCULATION OF AREAS**

INTERNAL PLAY AREAS: 3.25 sqm clear required per child

Room Number	Room	Age Group	Occupancy	Min. Area Req. (m ²)	Area Provided (m ²)	Staff Ratio	No. of Staff
105	Activity Room 1	Age: 2-3 years	20	65	70	1:4	5
106	Activity Room 2	Age: 2-3 years	20	65	70	1:4	5
107	Activity Room 3	Age: 2-3 years	20	65	70	1:4	5
108	Activity Room 4	Age: 2-3 years	20	65	70	1:4	5
109	Activity Room 5	Age: 2-3 years	20	65	70	1:4	5
110	Activity Room 6	Age: 2-3 years	20	65	70	1:4	5
111	Activity Room 7	Age: 2-3 years	20	65	70	1:4	5
112	Activity Room 8	Age: 2-3 years	20	65	70	1:4	5
113	Activity Room 9	Age: 2-3 years	20	65	70	1:4	5
114	Activity Room 10	Age: 2-3 years	20	65	70	1:4	5
115	Activity Room 11	Age: 2-3 years	20	65	70	1:4	5
116	Activity Room 12	Age: 2-3 years	20	65	70	1:4	5
117	Activity Room 13	Age: 2-3 years	20	65	70	1:4	5
118	Activity Room 14	Age: 2-3 years	20	65	70	1:4	5
119	Activity Room 15	Age: 2-3 years	20	65	70	1:4	5
120	Activity Room 16	Age: 2-3 years	20	65	70	1:4	5
121	Activity Room 17	Age: 2-3 years	20	65	70	1:4	5
122	Activity Room 18	Age: 2-3 years	20	65	70	1:4	5
123	Activity Room 19	Age: 2-3 years	20	65	70	1:4	5
124	Activity Room 20	Age: 2-3 years	20	65	70	1:4	5
125	Activity Room 21	Age: 2-3 years	20	65	70	1:4	5
126	Activity Room 22	Age: 2-3 years	20	65	70	1:4	5
127	Activity Room 23	Age: 2-3 years	20	65	70	1:4	5
128	Activity Room 24	Age: 2-3 years	20	65	70	1:4	5
129	Activity Room 25	Age: 2-3 years	20	65	70	1:4	5
130	Activity Room 26	Age: 2-3 years	20	65	70	1:4	5
131	Activity Room 27	Age: 2-3 years	20	65	70	1:4	5
132	Activity Room 28	Age: 2-3 years	20	65	70	1:4	5
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144	Activity Room 40	Age: 2-3 years	20	65	70	1:4	5
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146	Activity Room 42	Age: 2-3 years	20	65	70	1:4	5
147	Activity Room 43	Age: 2-3 years	20	65	70	1:4	5
148	Activity Room 44	Age: 2-3 years	20	65	70	1:4	5
149	Activity Room 45	Age: 2-3 years	20	65	70	1:4	5
150	Activity Room 46	Age: 2-3 years	20	65	70	1:4	5
151	Activity Room 47	Age: 2-3 years	20	65	70	1:4	5
152	Activity Room 48	Age: 2-3 years	20	65	70	1:4	5
153	Activity Room 49	Age: 2-3 years	20	65	70	1:4	5
154	Activity Room 50	Age: 2-3 years	20	65	70	1:4	5
155	Activity Room 51	Age: 2-3 years	20	65	70	1:4	5
156	Activity Room 52	Age: 2-3 years	20	65	70	1:4	5
157	Activity Room 53	Age: 2-3 years	20	65	70	1:4	5
158	Activity Room 54	Age: 2-3 years	20	65	70	1:4	5
159	Activity Room 55	Age: 2-3 years	20	65	70	1:4	5
160	Activity Room 56	Age: 2-3 years	20	65	70	1:4	5
161	Activity Room 57	Age: 2-3 years	20	65	70	1:4	5
162	Activity Room 58	Age: 2-3 years	20	65	70	1:4	5
163	Activity Room 59	Age: 2-3 years	20	65	70	1:4	5
164	Activity Room 60	Age: 2-3 years	20	65	70	1:4	5
165	Activity Room 61	Age: 2-3 years	20	65	70	1:4	5
166	Activity Room 62	Age: 2-3 years	20	65	70	1:4	5
167	Activity Room 63	Age: 2-3 years	20	65	70	1:4	5
168	Activity Room 64	Age: 2-3 years	20	65	70	1:4	5
169	Activity Room 65	Age: 2-3 years	20	65	70	1:4	5
170	Activity Room 66	Age: 2-3 years	20	65	70	1:4	5
171	Activity Room 67	Age: 2-3 years	20	65	70	1:4	5
172	Activity Room 68	Age: 2-3 years	20	65	70	1:4	5
173	Activity Room 69	Age: 2-3 years	20	65	70	1:4	5
174	Activity Room 70	Age: 2-3 years	20	65	70	1:4	5
175	Activity Room 71	Age: 2-3 years	20	65	70	1:4	5
176	Activity Room 72	Age: 2-3 years	20	65	70	1:4	5
177	Activity Room 73	Age: 2-3 years	20	65	70	1:4	5
178	Activity Room 74	Age: 2-3 years	20	65	70	1:4	5
179	Activity Room 75	Age: 2-3 years	20	65	70	1:4	5
180	Activity Room 76	Age: 2-3 years	20	65	70	1:4	5
181	Activity Room 77	Age: 2-3 years	20	65	70	1:4	5
182	Activity Room 78	Age: 2-3 years	20	65	70	1:4	5
183	Activity Room 79	Age: 2-3 years	20	65	70	1:4	5
184	Activity Room 80	Age: 2-3 years	20	65	70	1:4	5
185	Activity Room 81	Age: 2-3 years	20	65	70	1:4	5
186	Activity Room 82	Age: 2-3 years	20	65	70	1:4	5
187	Activity Room 83	Age: 2-3 years	20	65	70	1:4	5
188	Activity Room 84	Age: 2-3 years	20	65	70	1:4	5
189	Activity Room 85	Age: 2-3 years	20	65	70	1:4	5
190	Activity Room 86	Age: 2-3 years	20	65	70	1:4	5
191	Activity Room 87	Age: 2-3 years	20	65	70	1:4	5
192	Activity Room 88	Age: 2-3 years	20	65	70	1:4	5
193	Activity Room 89	Age: 2-3 years	20	65	70	1:4	5
194	Activity Room 90	Age: 2-3 years	20	65	70	1:4	5
195	Activity Room 91	Age: 2-3 years	20	65	70	1:4	5
196	Activity Room 92	Age: 2-3 years	20	65	70	1:4	5
197	Activity Room 93	Age: 2-3 years	20	65	70	1:4	5
198	Activity Room 94	Age: 2-3 years	20	65	70	1:4	5
199	Activity Room 95	Age: 2-3 years	20	65	70	1:4	5
200	Activity Room 96	Age: 2-3 years	20	65	70	1:4	5
201	Activity Room 97	Age: 2-3 years	20	65	70	1:4	5
202	Activity Room 98	Age: 2-3 years	20	65	70	1:4	5
203	Activity Room 99	Age: 2-3 years	20	65	70	1:4	5
204	Activity Room 100	Age: 2-3 years	20	65	70	1:4	5

EXTERNAL PLAY AREAS: 7 sqm clear required per child

TOTAL NO. OF CHILDREN = 188

TOTAL REQUIRED AREA = 1264 sqm

INTERNAL PLAY AREA PROVIDED = 1264 sqm

EXTERNAL PLAY AREA PROVIDED = 1264 sqm

TOTAL PLAY AREA PROVIDED = 2528 sqm

TOTAL PLAY AREA REQUIRED = 2528 sqm

TOTAL PLAY AREA DEFICIT = 0 sqm

TOTAL PLAY AREA SURPLUS = 0 sqm

TOTAL PLAY AREA BALANCE = 0 sqm

TOTAL PLAY AREA STATUS = BALANCED

TOTAL PLAY AREA COMPLIANCE = 100%

TOTAL PLAY AREA APPROVAL = GRANTED

TOTAL PLAY AREA RECOMMENDATION = APPROVED

TOTAL PLAY AREA DECISION = POSITIVE

TOTAL PLAY AREA OUTCOME = SUCCESSFUL

TOTAL PLAY AREA RESULT = SATISFACTORY

TOTAL PLAY AREA PERFORMANCE = EXCELLENT

TOTAL PLAY AREA EFFICIENCY = HIGH

TOTAL PLAY AREA EFFECTIVENESS = SUPERB

TOTAL PLAY AREA IMPACT = POSITIVE

TOTAL PLAY AREA CONTRIBUTION = VALUABLE

TOTAL PLAY AREA BENEFIT = SIGNIFICANT

TOTAL PLAY AREA VALUE = HIGH

TOTAL PLAY AREA QUALITY = EXCELLENT

TOTAL PLAY AREA QUANTITY = SUFFICIENT

TOTAL PLAY AREA VARIETY = GOOD

TOTAL PLAY AREA ACCESSIBILITY = EXCELLENT

TOTAL PLAY AREA SAFETY = HIGH

TOTAL PLAY AREA SECURITY = GOOD

TOTAL PLAY AREA STABILITY = EXCELLENT

TOTAL PLAY AREA DURABILITY = HIGH

TOTAL PLAY AREA FLEXIBILITY = GOOD

TOTAL PLAY AREA ADAPTABILITY = EXCELLENT

TOTAL PLAY AREA INCLUSIVITY = HIGH

TOTAL PLAY AREA PARTICIPATION = EXCELLENT

TOTAL PLAY AREA ENGAGEMENT = HIGH

TOTAL PLAY AREA INTEREST = EXCELLENT

TOTAL PLAY AREA ENJOYMENT = HIGH

TOTAL PLAY AREA SATISFACTION = EXCELLENT

TOTAL PLAY AREA COMPLAINTS = LOW

TOTAL PLAY AREA INCIDENTS = MINIMAL

TOTAL PLAY AREA ACCIDENTS = ZERO

TOTAL PLAY AREA INJURIES = NONE

TOTAL PLAY AREA DEATHS = ZERO

TOTAL PLAY AREA SUICIDES = ZERO

TOTAL PLAY AREA MURDERS = ZERO

TOTAL PLAY AREA TERRORISM = ZERO

TOTAL PLAY AREA NUCLEAR = ZERO

TOTAL PLAY AREA BIOLOGICAL = ZERO

TOTAL PLAY AREA CHEMICAL = ZERO

TOTAL PLAY AREA PHYSICAL = ZERO

TOTAL PLAY AREA PSYCHOLOGICAL = ZERO

TOTAL PLAY AREA SOCIAL = ZERO

TOTAL PLAY AREA CULTURAL = ZERO

TOTAL PLAY AREA RELIGIOUS = ZERO

TOTAL PLAY AREA POLITICAL = ZERO

TOTAL PLAY AREA ECONOMIC = ZERO

TOTAL PLAY AREA ENVIRONMENTAL = ZERO

TOTAL PLAY AREA CLIMATE = ZERO

TOTAL PLAY AREA WEATHER = ZERO

TOTAL PLAY AREA AIR = ZERO

TOTAL PLAY AREA WATER = ZERO

TOTAL PLAY AREA SOIL = ZERO

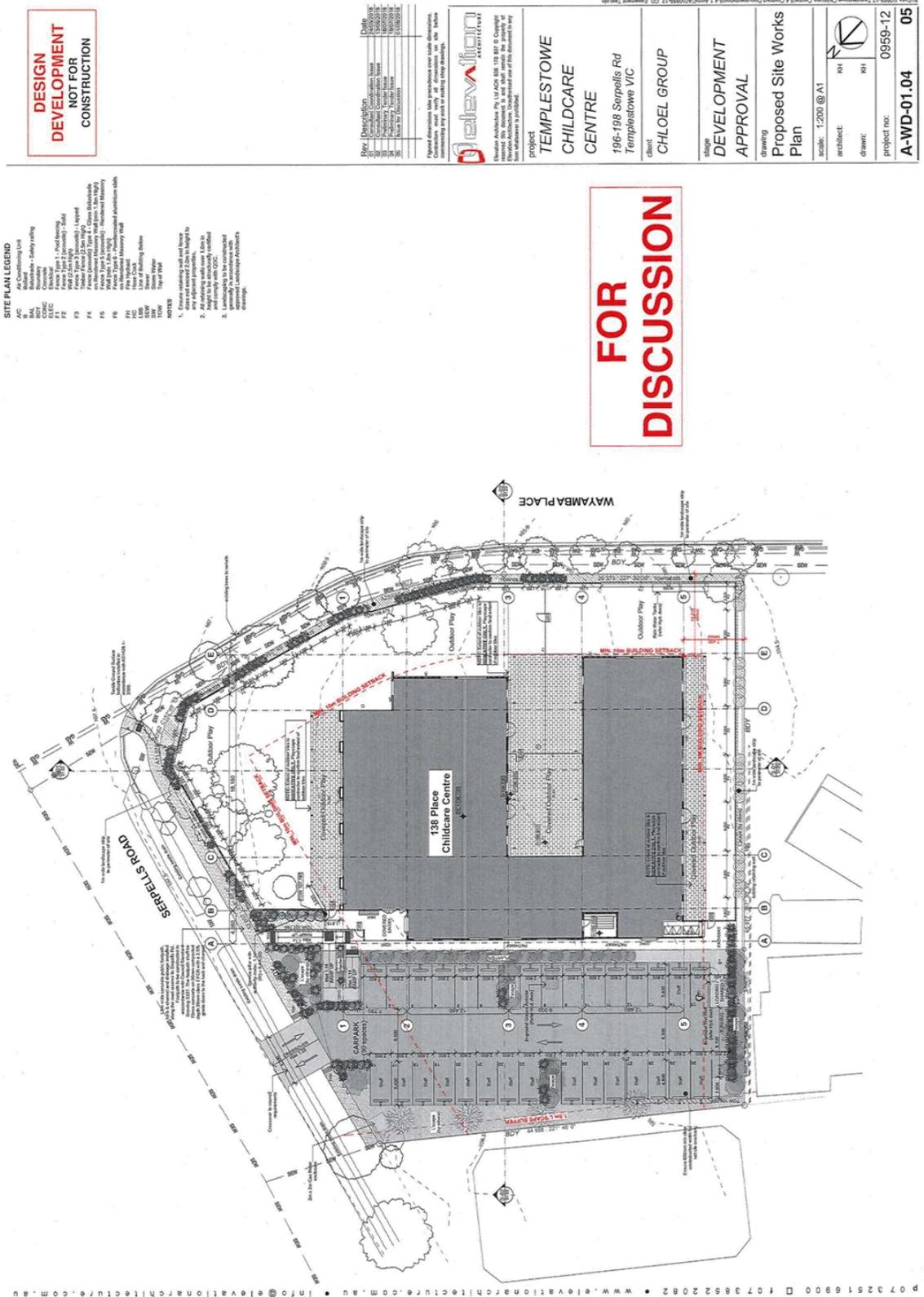
TOTAL PLAY AREA PLANTS = ZERO

TOTAL PLAY AREA ANIMALS = ZERO



SITE PLAN LEGEND

ACC: All Containing Unit
 BAL: Balustrade - Safety railing
 CONC: Concrete
 CORR: Corridor
 F1: Floor
 F2: Floor
 F3: Floor
 F4: Floor
 F5: Floor
 F6: Floor
 F7: Floor
 F8: Floor
 F9: Floor
 F10: Floor
 F11: Floor
 F12: Floor
 F13: Floor
 F14: Floor
 F15: Floor
 F16: Floor
 F17: Floor
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 F78: Floor
 F79: Floor
 F80: Floor
 F81: Floor
 F82: Floor
 F83: Floor
 F84: Floor





2. View of OSHC Entry



1. Carpark View

FOR DISCUSSION

**DESIGN DEVELOPMENT
NOT FOR CONSTRUCTION**

3D Views
scale: 1:1 @ A1

Project: **TEMPLESTOWE CHILDCARE CENTRE**
 architect: KH
 client: **CHLOEL GROUP**
 project no: **0959-12 A-WD-24.03 01**

Project: **TEMPLESTOWE CHILDCARE CENTRE**
 architect: KH
 client: **CHLOEL GROUP**
 project no: **0959-12 A-WD-24.03 01**

Rev	Description	Date

elevation ARCHITECTURE

07 2251 9900 | 107 365 2202 • www.elevationarchitecture.com.au • info@elevationarchitecture.com.au

07 2251 9900 | 107 365 2202 • www.elevationarchitecture.com.au • info@elevationarchitecture.com.au

Figures dimensions take precedence over scale. All dimensions in this table concerning any work or existing site drawings. All dimensions in this table concerning any work or existing site drawings. All dimensions in this table concerning any work or existing site drawings.



1 Playscape View



2 Playscape View

FOR DISCUSSION

DESIGN DEVELOPMENT NOT FOR CONSTRUCTION

3D Views
scale: 1:1 @ A1

project: **TEMPLESTOWE CHILDCARE CENTRE**
 196-198 Serpellis Rd, Templestowe VIC
 architect: KH
 client: **CHLOEL GROUP**
 project no: **0959-12 A-WD-24.04 01**

Rev	Description	Date

Rev	Description	Date

elevation
 ARCHITECTURE

Elevation Architecture Pty Ltd ACN 698 170 267 © Copyright reserved this document is not to be used without the written consent of Elevation Architecture. Unauthorised use of this document is a breach of contract and may be subject to prosecution.
 Plot Size: 100695-12 Templestowe Childcare Centre (Development) 196-198 Serpellis Rd, Templestowe VIC

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
- Clause 32.03 Low Density Residential Zone
- Clause 42.03 Significant Landscape Overlay, Schedule 1
- Clause 52.05 Signs
- Clause 52.06 Car Parking
- Clause 65 Decision Guidelines

Zone

Clause 32.03 Low Density Residential Zone

The purpose of the Low Density Residential Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.*

A permit is required for a Section 2 use – child care centre.

A permit is required to construct or carry out a building or works associated with a Section 2 use.

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider the Municipal Planning Strategy and the Planning Policy Framework.

This zone is in Signage Category 3.

Overlay

Clause 42.03 Significant Landscape Overlay, Schedule 1

Landscape character objectives to be achieved include:

- *To encourage development that is in keeping with the vegetated character of the area and is sympathetic to the existing built form.*
- *To ensure that development responds to the area's landscape and environmental characteristics, including topography, vegetation and waterways.*
- *To ensure that the visual impact of development is minimised.*
- *To minimise the visual impact of earthworks on the landscape.*
- *To minimise the impacts of site run-off and soil erosion on the landscape.*
- *To promote the retention and establishment of vegetation.*
- *To avoid, minimise and offset the removal of Victorian native vegetation.*
- *To maintain the treed character of the low density residential areas.*
- *To ensure that adequate setbacks are provided to enable the retention and planting of screen shrubs and large canopy trees as part of any development.*

A permit is required to construct a building or construct or carry out works.

A permit is required to remove, destroy or lop any vegetation specified in a schedule to this overlay. This does not apply:

- If the table to Clause 42.03-3 specifically states that a permit is not required.
- To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The statement of the nature and key elements of the landscape and the landscape character objective contained in a schedule to this overlay.*
- *The conservation and enhancement of the landscape values of the area.*
- *The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.*
- *The impact of the proposed buildings and works on the landscape due to height, bulk, colour, general appearance or the need to remove vegetation.*
- *The extent to which the buildings and works are designed to enhance or promote the landscape character objectives of the area.*
- *The impact of buildings and works on significant views.*
- *Any other matters specified in a schedule to this overlay.*

State 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, functional and provide good quality environments with a sense of place and cultural identity. Strategies towards achieving this are identified as follows:

- *Promote good urban design to make the environment more liveable and attractive.*
- *Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.*
- *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*

- *Ensure transport corridors integrate land use planning, urban design and transport planning and are developed and managed with particular attention to urban design aspects.*
- *Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.*

Clause 15.01-2 (Urban Design Principle) policy objective is:

- *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

The strategy to achieve this is to apply the listed strategies to development proposals for non-residential development or residential development not covered by Clause 54, Clause 55 or Clause 56.

Responsible Authorities are also required to have regard to the State's *Design Guidelines for Higher Density Housing*, which is referenced at Clause 15.01 of the Scheme.

The strategies include the application of design principles to the proposed development relating to context, public realm, safety, pedestrian spaces, energy and resource efficiency, architectural quality and landscape quality.

Clause 15.01-4 (Design for Safety) policy objective is:

- *To improve community safety and encourage neighbourhood design that makes people feel safe.*

The policy seeks to improve community safety and encourage neighbourhood design that makes people feel safe. The strategy identified to achieve this objective is to ensure the design of buildings, public spaces and the mix of activities contribute to safety and perceptions of safety.

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

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

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

- *Ensure development responds and contributes to existing sense of place and cultural identity.*
- *Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.*
- *Ensure development responds to its context and reinforces special characteristics of local environment and place by emphasising:*
- *The underlying natural landscape character.*
- *The heritage values and built form that reflect community identity.*
- *The values, needs and aspirations of the community.*

Clause 15.02-1 Sustainable development: Energy and resource efficiency

The policy objective is:

- *To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*

The clause has the following strategies:

- *Ensure that buildings and subdivision design improves efficiency in energy use.*
- *Promote consolidation of urban development and integration of land use and transport.*
- *Improve efficiency in energy use through greater use of renewable energy.*

- *Support low energy forms of transport such as walking and cycling.*

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

The policy objective is:

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

Clause 18.02-1 Movement networks: Sustainable personal transport

The policy objective is:

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

Clause 18.02-2 Cycling

The policy objective is:

- *To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.*

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

Require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, shopping and community facilities and other major attractions when issuing planning approvals.

Clause 18.02-4 Management of the road system

The policy objective is:

- *To manage the road system to achieve integration, choice and balance by developing and efficient and safe network and making the most of existing infrastructure.*

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 21.06 Low Density

Built form and landscape character

New development should be designed and sited to reinforce and be respectful of the landscape and environmental characteristics of the site and its surroundings. The importance of retaining and enhancing native vegetation cover and in some circumstances pine and cypress tree cover is an intrinsic part of the preferred character of low density residential areas.

Traffic and Carparking

The existing local road network within some parts of the Low Density Residential Zone is characterised by narrow roads, including single lane and unsealed roads, well-vegetated road verges, unmade kerbs and channels and no footpaths. The undulating topography in

these locations can create issues associated with impaired lines of vision for vehicles and limited pedestrian accessibility. This semi-rural road network contributes to the low density character of the area. The intensity of use and development should not detrimentally impact on the capacity or safety of the existing local road network, with all associated car parking to be provided on site.

Economic development issues

Council encourages home occupations as an important means of achieving economic development and providing opportunities that enable residents to work from home. The needs of these businesses should be addressed while ensuring that residential amenity is not adversely affected.

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.

Clause 21.14 Community Health and Wellbeing

The objectives of this clause are:

To provide appropriate spaces and facilities for social interaction.

- *To ensure that physical access to buildings, services and facilities meet the highest standards.*
- *To provide quality community amenities, educational institutions, diverse leisure, sporting and cultural opportunities and resident support services and programs.*
- *To encourage the provision of multi-purpose facilities in proximity to activity centres.*
- *To encourage the provision of aged accommodation in locations with appropriate infrastructure and access to services.*
- *To ensure that urban design promotes a sense of place, community identity, social interaction and a safe environment.*
- *To ensure that potentially contaminated sites do not impact on subsequent land uses or result in adverse effects on soil, water, air quality and health.*
- *To minimise adverse impacts associated with the location and operation of gaming venues and machines.*

One of the strategies to achieve these objectives is to:

Encourage the establishment of community based facilities, including child care centres and health care facilities, in proximity to activity centres or other community facilities.

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.

Particular Provisions

Clause 52.05 Signs

Pursuant to Clause 52.05-13, business identification and internally illuminated signs require a permit.

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

The character of the area including:

- *The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.*
- *The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.*
- *The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.*
- *The consistency with any identifiable outdoor advertising theme in the area.*

The relationship to the streetscape, setting or landscape:

- *The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.*
- *The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.*
- *The ability to screen unsightly built or other elements.*
- *The ability to reduce the number of signs by rationalising or simplifying signs.*
- *The ability to include landscaping to reduce the visual impact of parts of the sign structure.*

The relationship to the site and building:

- *The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.*
- *The extent to which the sign displays innovation relative to the host site and host building.*
- *The extent to which the sign requires the removal of vegetation or includes new landscaping.*

The impact of any illumination:

- *The impact of glare and illumination on the safety of pedestrians and vehicles.*
- *The impact of illumination on the amenity of nearby residents and the amenity of the area.*
- *The potential to control illumination temporally or in terms of intensity.*

The need for identification and the opportunities for adequate identification on the site or locality.

Clause 52.06 Car Parking

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

- *0.22 spaces to each child.*

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

General Provisions

Clause 65 Decision Guidelines

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

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*

9.3 Planning Application PL17/027661 at 463-535 Doncaster Road, Doncaster for the use and development of the land with a two-storey restricted recreation facility (health club)

File Number:	IN18/355
Responsible Director:	Director City Planning and Community
Applicant:	Urbis Pty Ltd
Planning Controls:	Residential Growth Zone, Schedule 1 (RGZ1); Development Plan Overlay, Schedule 3 (DPO3); Environmental Significance Overlay, Schedule 5 (ESO5); and Heritage Overlay, Schedule 43 (HO43)
Ward:	Koonung
Attachments:	1 Councillor Alternate Motion 1 ↓  2 Discussion Plans ↓ 

EXECUTIVE SUMMARY

1. Council resolved to support Planning Permit Application PL17/027661 for the use and development of the land with a two-storey restricted recreation facility at its meeting on 26 June 2018. The approval is subject to 41 conditions and is outlined in Appendix 1.
2. The application is before VCAT (due to Council's failure to determine the application within the statutory timeframe). A compulsory conference (mediation) is listed for 3 September 2018.
3. At a recent Tribunal Directions Hearing, the permit Applicant outlined support of Council's 41 conditions with the exceptions of modifications to Conditions 1.2, 1.13, 1.14 and 32, the deletion of Condition 38 and subsequent inclusion of new Conditions 1.15 and 1.16. The Tribunal has confirmed that the matters to be resolved at the mediation are therefore confined to the modifications to these conditions. The requirements of other conditions are not being contested.
4. This report provides Council with an assessment of the proposed modifications to the conditions proposed by the Permit Applicant. The Conditions subject to modification include the requirement for a 1.5m further setback to open-up view lines to Tullamore Homestead, the Section 173 Agreement, access and the control of signs. It is recommended that Council supports many of modifications, but subject to some minor change.
5. This decision will guide Council Officer's approach at the mediation. Should mediation at the conference be unsuccessful, a full hearing is listed for 15 October 2018.
6. The recommendation includes the approval with the modifications underlined.

COUNCIL RESOLUTION

MOVED: CR PAUL MCLEISH
SECONDED: CR DOT HAYNES

- A. That Council modify its conditions in support of the application in the following manner:**

Had an Application for Review against Council's failure to make a decision not been lodged with the Tribunal, it would have resolved to issue a Notice of Decision to Grant a Permit in relation to Planning Application PL17/027661 at 463-535 Doncaster Road, Doncaster for the use and development of the land with a two-storey restricted recreation facility (health club) comprising an indoor and an outdoor swimming pool, a gym and illuminated tennis courts, and partial demolition of a building in a heritage overlay, subject to the following conditions:

- 1. Before the development starts, amended plans drawn to scale and dimensioned, must be submitted to the satisfaction of 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 dwp Australia, Job No. 503510, Revision D dated 27 February 2018, but modified to show the following:**

Design and built form

- 1.1 Details of measures to soften the presentation of the exposed sections of the northern concrete wall of the basement. These walls must be 'feature' walls to achieve a high-quality aesthetic. This may or may not include the use of vertical garden elements, and sections of vertical timber or perforated Corten screens and must include the wall surface itself, having regard to 'Allotment Boundaries Adjacent to Road Reserves' from the approved Eastern Golf Course Development Plan.**
- 1.2 The roof on the western side of the health club set back to increase views to the cottage from Doncaster Road in accordance with the plans included within the Tullamore Homestead – Doncaster Road Visibility Amendments package prepared by DWP, printed dates 19 June 2018 (Drawings SK101, SK202 and SK203) and 13 August 2018 (Drawing SK402).**
- 1.3 Details of the type of cable mesh tennis court fencing. The designed is to maximise view lines from all northern aspects towards the Tullamore homestead.**

Car parking, access and bicycle facilities

- 1.4 The access to the at-grade car park off the proposed new road to be constructed in a future stage of the Tullamore subdivision modified in accordance with the swept path analysis plans shown in the Traffic and Transport Assessment report prepared by Cardno, dated 14 August 2017, including the widening of the accessway;**

- 1.5 Provision of a total of 22 bicycle parking spaces in accordance with Clause 52.34 (Bicycle facilities), including the design of spaces and signage;
- 1.6 Allocation of bicycle parking for staff and visitors detailed on plan and in a schedule;
- 1.7 All car parking space and accessway width dimensions, including for the tandem car parking spaces, demonstrated to comply with Design Standard 2 of Clause 52.06-9 (Car Parking) of the Manningham Planning Scheme;

Plan notations

- 1.8 Location and size of a solar component for the hot water system, in accordance with the approved SMP.
- 1.9 Location and size of a 12kW PV system, in accordance with the approved SMP.
- 1.10 Notations indicating the size and location of rainwater tanks and connection to toilets, pool top-up, bin wash and irrigation connection.
- 1.11 A schedule listing all sustainability features/commitments applicable to the approved development, as described in the approved Sustainability Management Plan; and
- 1.12 All recommendations and design changes as required by the sustainability management plan, acoustic report, disability access report, detailed reconstruction drawings and any other report approved under conditions of this permit.
- 1.13 A notation that no shade cloth, signage or any other treatment be applied to any part of the cable mesh tennis court fencing or any glazing associated with outdoor pool barriers. This excludes signage associated with safety and court identification.
- 1.14 A notation that clear glazing is to be used to all outdoor swimming pool fencing and balustrades.
- 1.15 A notation to state that the open space area surrounding the English Oak tree, from the western site boundary (of the English Oak tree) to the eastern side of the pedestrian footpath leading to the undercroft car park, is to remain open with no fencing to be installed.
- 1.16 A notation to state that the path and gateway accessed from Doncaster Road is to remain open to the public during the opening hours of the health club.

Endorsed Plans

2. The use and development, including the location of buildings, services, engineering works, fences and landscaping as shown on the approved plans, must not be altered without the written consent of the Responsible Authority.

Construction Management Plan

3. 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 CMP 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.

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. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an amended Sustainability Management Plan must be submitted to and approved by the Responsible Authority. When approved the Plan will form part of the permit. The recommendations of the Plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the use of the restricted recreation facility (health club). The Plan must be generally in accordance with the plan prepared by Sustainable Built Environments Melbourne, dated 30 November 2017, but modified to show the BESS report submitted as a finalised report.

Waste Management Plan

5. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an amended Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the submitted draft Waste Management Plan prepared by Low Impact Development Consulting, dated 23 June 2017. The developer must ensure that the private waste contractor can access the development and the private waste contractor bins. No private waste contractor bins can be left outside the development boundary at any time on any street frontage for any reason.

Acoustic Report

6. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, the Acoustic Report prepared by Acoustic Logic, dated 20 November 2017, must be approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit.

Disability Access

7. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, a Disability Access Plan that implements the recommendations of a Disability Access Audit, prepared by a suitably qualified person that demonstrates compliance with the relevant Australian Standards for access, including AS1428 Part 2, must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must include but not be limited to:

- 7.1 Vehicular and pedestrian access into the building;
- 7.2 The provision of tactile indicators;
- 7.3 The provision of braille indicators for the lifts;
- 7.4 The use of contrasting paving materials to assist the vision impaired;
- 7.5 All emergency exits; and
- 7.6 All car parking areas.

Management Plan Compliance

8. The plans approved under Conditions 3, 4, 5, 6 and 7 of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.

9. Before the approved use starts, a report from the author of the Sustainability Management Plan approved pursuant to this permit, or similar qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures/commitments in the Sustainability Management Plan approved under Condition 4 of this permit, and the third pipe requirements, have been implemented in accordance with the approved plans and the planning permit.

Heritage demolition and reconstruction

10. Before the demolition or the development starts, the statement of conservation practice prepared by Ray Tonkin, dated November 2017 and the associated structural engineering report prepared by MacLeod Consulting, dated February 2016, must be approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit.
11. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, detailed reconstruction drawings for works to house Tullamore must be prepared by an experienced conservation architect, supported as necessary by professional engineering advice, and must be submitted to and approved by the Responsible Authority. This documentation must be informed by available evidence of the original form of the homestead and in particular the verandah, which will form a significant component of the reconstruction works, as provided in the statement of conservation practice prepared by Ray Tonkin, dated November 2017 and the associated structural engineering report prepared by MacLeod Consulting, dated February 2016.
12. The scope of works related to the demolition and reconstruction of the existing heritage building and associated structures, must be completed in accordance with the detailed reconstruction drawings approved under Condition 11 of this permit and the approved statement of conservation practice prepared by Ray Tonkin, dated November 2017 and the associated structural engineering report prepared by MacLeod Consulting, dated February 2016. The works must be documented and supervised by an appropriately qualified conservation architect, to the satisfaction of the Responsible Authority.

Landscape Plan

13. Before the development starts, an amended landscaping plan must be submitted to the Responsible Authority for approval. The plan must be generally in accordance with the approved site layout plan and the decision plans prepared by mdg, Job No. 1658A dated 21 December 2017, but modified to show:
 - 13.1 Species, locations, approximate height and spread of proposed planting, including within road reserves;

- 13.2 Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;
 - 13.3 Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;
 - 13.4 A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;
 - 13.5 All canopy trees and screen planting to be at least 1.5 metres in height at the time of planting;
 - 13.6 Advanced planting comprising canopy trees along Doncaster Road and Heritage Boulevard boundaries; and
 - 13.7 Tree Protection Zones and recommendations notated on plan for the *Quercus robur* (English Oak) tree, as derived from the Arborist report prepared by Galbraith & Associates, dated 16 August 2017.
 - 13.8 Canopy tree planting along the Doncaster Road frontage, west of the building, replaced with shrubs not exceeding 1 metre in height at maturity.
 - 13.9 Suitable planting heights to the north-west of the English Oak tree, to provide view lines from the north-west, taking into account pedestrian movement from the future road to the north-west.
14. Any dead, diseased or damaged plants must be replaced as soon as practicable, to the satisfaction of the Responsible Authority.

Landscape Bond

15. Before the release of the approved plans for the development, a \$15,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.

Completion and Maintenance

16. Before the use commences the following works must be completed generally in accordance with the approved plans and to the satisfaction of the Responsible Authority:
- 16.1 All driveways, bicycle and car parking areas fully constructed, with appropriate grades and transitions, line marked and/or signed and available for use;
 - 16.2 Redundant vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated; and

16.3 All landscape areas must be fully planted and mulched or grassed.

17. Once the permitted development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
18. Buildings, including screening, engineering works, fences and landscaped areas must be maintained to the satisfaction of the Responsible Authority.
19. The landscaping as shown on the approved landscaping plan must be maintained by replacing any dead, diseased, dying or damaged plants as soon as practicable and not using the areas set aside for landscaping for any other purpose, to the satisfaction of the Responsible Authority.
20. If required by the relevant fire authority, external fire services must be enclosed in a neatly constructed, durable cabinet finished to complement the overall development, or in the event that enclosure is not allowed, associated installations must be located, finished and landscaped to minimise visual impacts from the public footpath in front of the site to the satisfaction of the Responsible Authority.

Tree Protection

21. The *Quercus robur* (English Oak) tree must be retained to the satisfaction of the Responsible Authority by providing an appropriate tree protection zone, maintaining the tree and undertaking works within this tree protection zone only in accordance with the Arborist report prepared by Galbraith & Associates, dated 16 August 2017.
22. All Tree Protection Zones on the subject land must be:
 - 22.1 Established and defined prior to the commencement of any construction works and associated fencing/signage must not be removed until works in the affected area have been fully completed to the satisfaction of the Responsible Authority;
 - 22.2 Constructed in accordance with Australian Standard (4970-2009) titled "Protection of trees on development sites", and clearly marked "no-go zone/vegetation protection zone".
23. The following actions must not be undertaken in any Vegetation Protection Zone as identified on the approved plan, unless strictly in accordance with the Arborist report prepared by Galbraith & Associates, dated 16 August 2017, to the satisfaction of the Responsible Authority:
 - 23.1 The storage of materials or equipment;
 - 23.2 The disposal of any contaminated waste water;

23.3 The use of a tree for temporary attachment of wiring or such like;

23.4 Open cut trenching, or excavation works (whether or not for the laying of services); and

23.5 Changes to the soil grade level.

Stormwater – On-site detention (OSD)

24. 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:

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

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

Construction Plan (OSD)

25. Before the development starts, a construction plan for the system required by Condition 24 of this permit must be submitted to and approved by the Responsible Authority. The system must be maintained by the Owner thereafter in accordance with the approved construction plan to the satisfaction of the Responsible Authority.

Drainage

26. 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 Miscellaneous Works Permit is first obtained from the Responsible Authority.

27. 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.

Roadworks

28. Before the development starts, a functional layout plan must be submitted to and approved by the Responsible Authority and will then form part of the permit. The plans must be dimensioned to show:

28.1 The left turn deceleration lane on the east approach on Members Drive, (into the basement carpark).

28.2 A traffic management device (to be agreed to by Council's Engineering and Technical Services Unit) at the intersection of Members Drive, Archer Road and the driveway into the basement carpark of the development.

28.3 Vehicle crossover details from the Proposed Road into the at-grade car park.

29. Before the works start:

29.1 A supervision fee equal to 2.5% of the cost of construction of the road and drainage works must be paid to the Responsible Authority.

29.2 A plan-checking fee equal to 0.75% of the cost of construction of the road and drainage works must be paid to the Responsible Authority.

29.3 A maintenance deposit equal to 5% of the cost of construction of the road and drainage works must be lodged with the Responsible Authority and retained thereafter for a minimum of three months.

29.4 A schedule of costs for the construction of road and drainage works must be submitted to the Responsible Authority.

30. Subsequent to the approval of the functional layout plan, detailed engineering design must be submitted to the Responsible Authority for approval.

31. Prior to the commencement of use or occupation of the development approved by this permit, the access works shown on the approved functional layout plan and detailed design plans must be completed to the satisfaction of VicRoads and at no cost to Council.

Use

32. Except with the prior written consent of the Responsible Authority, the restricted recreation facility may only be open to customers on Monday to Sunday between the maximum hours of 5:30am and 10:00pm.

33. All delivery and collection of goods must be conducted within the subject land and within the operating hours approved under this permit.

34. All noise emanating from commercial premises within the building must comply with the State Environment Protection Policy N-1 (Noise from commerce industry and trade) and in the event of the Responsible Authority receiving justifiable complaints regarding noise from such sources, the onus will be on the owner of the development site to prove compliance with the relevant policy to the satisfaction of the Responsible Authority.

35. The façade must not be covered by promotional or other film or signage that reduces transparency of the interface, to the satisfaction of the Responsible Authority.
36. The use of the land must not adversely affect the amenity of the neighbourhood, including through:
- 36.1 The transport of materials, goods or commodities to or from the land;
- 36.2 The appearance of any buildings, works or materials; and
- 36.3 The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or the presence of vermin;
- to the satisfaction of the Responsible Authority.
37. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view. All waste collection and recycling collection to be undertaken in accordance with Council requirements and the approved waste management plan.

Section 173 Agreement

- ~~38. Before the development starts (excluding demolition works), the owner of the land must enter into and execute an agreement with the Responsible Authority, pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide that:~~
- ~~38.1 no shade cloth, signage or any other treatment is applied to any part of the cable mesh tennis court fencing, or on any glazing associated with the outdoor pool barriers;~~
- ~~38.2 a glazed barrier of a single transparency is to be used for the outdoor swimming pool barriers;~~
- ~~38.3 view lines to the Tullamore homestead maximised from the north and south-west, including through regular maintenance of landscaping throughout the site;~~
- ~~38.4 the maintenance of pedestrian paths from Doncaster Road and the north-west into the site;~~
- ~~38.5 the open space area to the west of Tullamore homestead, including the space surrounding the English Oak tree is to remain open to the public; and~~
- ~~38.6 the pedestrian path and gateway accessed from Doncaster Road is to remain open to the public.~~
- ~~The Section 173 Agreement must be registered on title pursuant to Section 181 of the Planning and Environment Act 1987. This agreement must be prepared and executed at the owner's expense.~~

Lighting

38. The development must be provided with external lighting capable of illuminating access to each car parking space, storage, rubbish bin, recycling bin, pedestrian walkways, stairwells, lift, dwelling entrances and entry foyer. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.

Underground Services

39. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.

Signs

40. No shade cloth, signage or any other treatment be applied to any part of the cable mesh tennis court fencing or any glazing associated with outdoor pool barriers. This excludes signs of a maximum size of 0.3sqm associated with safety and court identification, and which is limited to 2 per court.

Permit Expiry

41. This permit will expire if one of the following circumstances applies:
- 41.1 The development is not started within four (4) years of the date of this permit;
 - 41.2 The development is not completed within eight (8) years of the date of this permit; and
 - 41.3 The use is not commenced within two (2) years of the development being completed.

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. THE PROPOSAL

- 2.1 The permit applicant proposes a series of changes to the wording of Conditions 1.2, 1.13, 1.14 and 32. They also propose the deletion of Condition 38 (requiring a Section 173 Agreement). The requirements in Condition 38 are now comprised in the modifications to Conditions 1.13 and through new Conditions 1.15 and 1.16. The specific changes are as follows:

2.2 Modify Condition 1.2 from:

1.2 *A decrease in the overall length of the new building to increase the setback of this building at least 1.5 metres from the western property boundary inclusive of all architectural treatments to increase views to the cottage from Doncaster Road.*

2.3 To:

1.2 *The roof on the western side of the health club set back to increase views to the cottage from Doncaster Road in accordance with the plans included within the Tullamore Homestead – Doncaster Road Visibility Amendments package prepared by DWP and date printed 19 June 2018.*

2.4 The intent of Condition 1.2 is to open the viewing angle to the homestead from the south-west. Rather than set back the entire western building line by 1.5 metres, the permit applicant proposes to set back only the north-western corner of the building by 2.2metres. See plans at Appendix 2.

2.5 Modify Condition 1.13 from:

1.13 *A notation that no shade cloth, signage or any other treatment applied to any part of the cable mesh tennis court fencing.*

2.6 To:

1.13 *A notation that no shade cloth, signage or any other treatment be applied to any part of the cable mesh tennis court fencing or any glazing associated with outdoor pool barriers. This excludes signage associated with safety and court identification.*

2.7 Minor modification of Condition 1.14 from:

1.14 *A notation that clear glazing is to be used to all outdoor swimming pool fencing.*

2.8 To:

1.14 *A notation that clear glazing is to be used to all outdoor swimming pool fencing and balustrades.*

2.9 Minor modification of Condition 32 from:

32. *Except with the prior written consent of the Responsible Authority, the restricted recreation facility may only be open to customers on Monday to Sunday between 5:30am and 10:00pm.*

2.10 To:

32. *Except with the prior written consent of the Responsible Authority, the restricted recreation facility may only be open to customers on Monday to Sunday between the maximum hours of 5:30am and 10:00pm.*

2.11 Deletion of the entirety of Condition 38, which reads:

38. *Before the development starts (excluding demolition works), the owner of the land must enter into and execute an agreement with the responsible authority, pursuant to section 173 of the planning and environment act 1987. The agreement must provide that:*
- 38.1 *no shade cloth, signage or any other treatment is applied to any part of the cable mesh tennis court fencing, or on any glazing associated with the outdoor pool barriers;*
- 38.2 *a glazed barrier of a single transparency is to be used for the outdoor swimming pool barriers;*
- 38.3 *view lines to the Tullamore homestead maximised from the north and south-west, including through regular maintenance of landscaping throughout the site;*
- 38.4 *the maintenance of pedestrian paths from Doncaster Road and the north-west into the site;*
- 38.5 *the open space area to the west of Tullamore homestead, including the space surrounding the English Oak tree is to remain open to the public; and*
- 38.6 *the pedestrian path and gateway accessed from Doncaster Road is to remain open to the public.*

The Section 173 Agreement must be registered on title pursuant to Section 181 of the Planning and Environment Act 1987. This agreement must be prepared and executed at the owner's expense.

- 2.12 All subsequent conditions following Condition 38 would be renumbered accordingly.
- 2.13 As a result of the deletion of Condition 38, provision of new Conditions 1.15 and 1.16, which require additional notations on the Condition 1 Plans to be approved:
- 1.15 *A notation to state that the open space area surrounding the English Oak tree, from the western site boundary (of the English Oak tree) to the eastern side of the pedestrian footpath leading to the undercroft car park, is to remain open with no fencing to be installed.*
- 1.16 *A notation to state that the path and gateway accessed from Doncaster Road is to remain open to the public for the during the opening hours of the health club.*

3. ASSESSMENT

- 3.1 The main considerations regarding the modifications posed by the permit applicant are the modifications to Condition 1.2 and the deletion of Condition 38. This assessment finds that the intent of the items required by Conditions 1.2 and 38 will be maintained through changes to existing conditions on the permit, as described in the Proposal section of this report. Moreover, the inclusion of appropriate conditions and plan modifications to replace the Section 173 Agreement will provide enforceable limitations on the permit holder for as long as they take benefit from the permit by operating the restricted recreation facility.

Condition 1.2

- 3.2 Condition 1.2 requires an additional 1.5 metre setback of the entire building from the western boundary. The intent of this change is to open the viewing angle from the south-west to the homestead. The effect of this condition would also result in reasonably significant changes to the floor layout of ground and first floor levels. In order to meet the intent of this condition, only the north-western corner of the building actually needs to be modified. Changes to the southern section of the western building line, for instance, will see no further increase in viewing angles.
- 3.3 The permit applicant has demonstrated through submitted plans that modifications to the north-western corner of the building has opened up the viewing angle. The plans exceed the setback intended by this condition by 0.7 metres. As the intent of this condition is deemed met by only modifying the north-western corner of the building, it is considered reasonable to vary Condition 1.2, which would be modified to refer to the specific plans that demonstrate this change.
- 3.4 Minor changes to the wording of modified Condition 1.2 refers to the specific drawing numbers and the dates they were prepared.

Conditions 38.1 and 38.2

- 3.5 Conditions 38.1 and 38.2 require tennis court fencing to remain unobstructed by any signage, shade cloth, or similar and for glazed swimming pool barriers to be transparent. The intent of these conditions are to be controlled by modified Condition 1.13, amended to allow for safety signage and court identification on tennis court fencing and swimming pool glazing. This is considered reasonable as the anticipated size of such signs will be minimal, yet necessary to ensure the safe and optimum operation of these facilities.
- 3.6 A new condition (Condition 40) is included to control the number of signs on the tennis court mesh fencing:

No shade cloth, signage or any other treatment be applied to any part of the cable mesh tennis court fencing or any glazing associated with outdoor pool barriers. This excludes signs of a maximum size of 0.3sqm associated with safety and court identification, and which is limited to 2 per court.

- 3.7 It is considered that safety and court identification signs would be defined as direction signage (defined by the Planning Scheme in this context as *a sign not exceeding 0.3 square metres that directs pedestrians but does not contain commercial information*). Direction signage is exempt from requiring a Planning Permit. Moreover, any direction signage sought by the permit holder with an area of greater than 0.3 square metres will require planning approval.

Conditions 38.3 and 38.4

- 3.8 No changes are proposed to address the deletion of Conditions 38.3 and 38.4. Condition 38.3 requires maximisation of the view lines to the homestead from the north and south-west by regular maintenance of landscaping throughout the site. Landscaping along the northern interface is below the tennis court due to the projection of the basement above natural ground level. In relation to the south-western interface, landscape plan Condition 13.8 requires shrub planting not exceeding 1 metre in height to the Doncaster Road frontage, west of the building,

in order to provide a clear view line from the south-west of the homestead. This, combined with existing Condition 19 (requiring landscaping maintenance) is considered to satisfactorily address the long term maintenance of landscaping.

- 3.9 Condition 38.4 requires the maintenance of pedestrian paths from two interfaces into the site, from Doncaster Road and from the north-western boundary. It is considered that the maintenance of these paths within the property will form part of the regular maintenance and orderly use of the site. Therefore, further restrictions would likely have little impact on the maintenance of these areas.

Condition 38.5

- 3.10 Condition 38.5 requires the open space area to the west of Tullamore homestead, including the space surrounding the English Oak tree to remain open to the public. From a security and liability perspective, the requirement to be open to the public would be during operating hours only. The intent of this condition is to be controlled by new Condition 1.15, for plans to be modified to provide a plan notation requiring the area surrounding the English Oak tree is to remain open with no fencing installed.
- 3.11 The distinction is that the proposed Condition 1.15 may reduce public access to the area between the tennis courts and homestead that is shown on plans as 'the green'. The Applicant has indicated this needs to be for private use for members to walk between the courts and the main facilities, but the area will remain open for viewing from the car parking and surrounding land as access will only be prevented by a low transparent cable mesh fence.
- 3.12 The Tullamore Estate provides greater than 20% public open space for residents and the inclusion of additional private land beyond the English Oak tree for open space is not considered a reasonable proposition, particularly when it will be privately used. Views to the homestead and 'the green' to the west of the homestead will be maintained behind a low cable mesh fencing.

Condition 38.6

- 3.13 Condition 38.6 requires the pedestrian path and gateway accessed from Doncaster Road to remain open to the public. Similar to Condition 38.6, this is considered intended to relate to operating hours only. The intent of this condition is intended to be controlled by new Condition 1.16, for plans to be modified to provide a plan notation requiring the gate and pathway to remain open to the public during the opening hours of the health club.
- 3.14 Proposed Condition 1.16 is also proposed to be corrected to delete a grammatical error by deleting the underlined words in the following sentence: "...to remain open to the public for the during the opening hours of the health club".

4. CONCLUSION

- 4.1 It is recommended that the changes to conditions be supported.

5. DECLARATION OF CONFLICT OF INTEREST

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

COUNCIL MEETING

26 JUNE 2018

9.4 Planning application PL17/027661 at 463-535 Doncaster Road, Doncaster for the use and development of the land with a two-storey restricted recreation facility (health club)

File Number: IN18/286
 Responsible Director: Director City Planning
 Applicant: Urbis Pty Ltd
 Planning Controls: Residential Growth Zone, Schedule 1 (RGZ1); Development Plan Overlay, Schedule 3 (DPO3); Environmental Significance Overlay, Schedule 5 (ESO5); and Heritage Overlay, Schedule 43 (HO43)
 Ward: Koonung
 Attachments: Nil

1. COUNCILLOR ALTERNATIVE MOTION 1

That Council resolve the following:

A. Had an Application for Review against Council's failure to make a decision not been lodged with the Tribunal, it would have resolved to issue a Notice of Decision to Grant a Permit in relation to Planning Application PL17/027661 at 463-535 Doncaster Road, Doncaster for the use and development of the land with a two-storey restricted recreation facility (health club) comprising an indoor and an outdoor swimming pool, a gym and illuminated tennis courts, and partial demolition of a building in a heritage overlay, subject to the following conditions:

- 1. Before the development starts, amended plans drawn to scale and dimensioned, must be submitted to the satisfaction of 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 dwp Australia, Job No. 503510, Revision D dated 27 February 2018, but modified to show the following:**

Design and built form

- 1.1 Details of measures to soften the presentation of the exposed sections of the northern concrete wall of the basement. These walls must be 'feature' walls to achieve a high-quality aesthetic. This may or may not include the use of vertical garden elements, and sections of vertical timber or perforated Corten screens and must include the wall surface itself, having regard to 'Allotment Boundaries Adjacent to Road Reserves' from the approved Eastern Golf Course Development Plan.**
- 1.2 A decrease in the overall length of the new building to increase the setback of this building at least 1.5 metres from the western property boundary inclusive of all architectural treatments to increase views to the cottage from Doncaster Road.**
- 1.3 Details of the type of cable mesh tennis court fencing. The**

designed is to maximise view lines from all northern aspects towards the Tullamore homestead.

Car parking, access and bicycle facilities

- 1.4 The access to the at-grade car park off the proposed new road to be constructed in a future stage of the Tullamore subdivision modified in accordance with the swept path analysis plans shown in the Traffic and Transport Assessment report prepared by Cardno, dated 14 August 2017, including the widening of the accessway;
- 1.5 Provision of a total of 22 bicycle parking spaces in accordance with Clause 52.34 (Bicycle facilities), including the design of spaces and signage;
- 1.6 Allocation of bicycle parking for staff and visitors detailed on plan and in a schedule;
- 1.7 All car parking space and accessway width dimensions, including for the tandem car parking spaces, demonstrated to comply with Design Standard 2 of Clause 52.06-9 (Car Parking) of the Manningham Planning Scheme;

Plan notations

- 1.8 Location and size of a solar component for the hot water system, in accordance with the approved SMP.
- 1.9 Location and size of a 12kW PV system, in accordance with the approved SMP.
- 1.10 Notations indicating the size and location of rainwater tanks and connection to toilets, pool top-up, bin wash and irrigation connection.
- 1.11 A schedule listing all sustainability features/commitments applicable to the approved development, as described in the approved Sustainability Management Plan; and
- 1.12 All recommendations and design changes as required by the sustainability management plan, acoustic report, disability access report, detailed reconstruction drawings and any other report approved under conditions of this permit.
- 1.13 A notation that no shade cloth, signage or any other treatment applied to any part of the cable mesh tennis court fencing.
- 1.14 A notation that clear glazing is to be used to all outdoor swimming pool fencing.

Endorsed Plans

2. The use and development, including the location of buildings, services, engineering works, fences and landscaping as shown on the approved plans, must not be altered without the written consent of the

Responsible Authority.**Construction Management Plan**

3. 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 CMP 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.

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. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an amended Sustainability Management Plan must be submitted to and approved by the Responsible Authority. When approved the Plan will form part of the permit. The recommendations of the Plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the use of the restricted recreation facility (health club). The Plan must be generally in accordance with the plan prepared by Sustainable Built Environments Melbourne, dated 30 November 2017, but modified to show the BESS report submitted as a finalised report.

Waste Management Plan

5. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an amended Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the submitted draft Waste Management Plan prepared by Low Impact Development Consulting, dated 23 June 2017. The developer must ensure that the private waste contractor can access the development and the private waste contractor bins. No private waste contractor bins can be left outside the development boundary at any time on any

street frontage for any reason.

Acoustic Report

6. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, the Acoustic Report prepared by Acoustic Logic, dated 20 November 2017, must be approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit.

Disability Access

7. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, a Disability Access Plan that implements the recommendations of a Disability Access Audit, prepared by a suitably qualified person that demonstrates compliance with the relevant Australian Standards for access, including AS1428 Part 2, must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must include but not be limited to:

- 7.1 Vehicular and pedestrian access into the building;
- 7.2 The provision of tactile indicators;
- 7.3 The provision of braille indicators for the lifts;
- 7.4 The use of contrasting paving materials to assist the vision impaired;
- 7.5 All emergency exits; and
- 7.6 All car parking areas.

Management Plan Compliance

8. The plans approved under Conditions 3, 4, 5, 6 and 7 of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.
9. Before the approved use starts, a report from the author of the Sustainability Management Plan approved pursuant to this permit, or similar qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures/commitments in the Sustainability Management Plan approved under Condition 4 of this permit, and the third pipe requirements, have been implemented in accordance with the approved plans and the planning permit.

Heritage demolition and reconstruction

10. Before the demolition or the development starts, the statement of conservation practice prepared by Ray Tonkin, dated November 2017 and the associated structural engineering report prepared by

MacLeod Consulting, dated February 2016, must be approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit.

11. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, detailed reconstruction drawings for works to house Tullamore must be prepared by an experienced conservation architect, supported as necessary by professional engineering advice, and must be submitted to and approved by the Responsible Authority. This documentation must be informed by available evidence of the original form of the homestead and in particular the verandah, which will form a significant component of the reconstruction works, as provided in the statement of conservation practice prepared by Ray Tonkin, dated November 2017 and the associated structural engineering report prepared by MacLeod Consulting, dated February 2016.
12. The scope of works related to the demolition and reconstruction of the existing heritage building and associated structures, must be completed in accordance with the detailed reconstruction drawings approved under Condition 11 of this permit and the approved statement of conservation practice prepared by Ray Tonkin, dated November 2017 and the associated structural engineering report prepared by MacLeod Consulting, dated February 2016. The works must be documented and supervised by an appropriately qualified conservation architect, to the satisfaction of the Responsible Authority.

Landscape Plan

13. Before the development starts, an amended landscaping plan must be submitted to the Responsible Authority for approval. The plan must be generally in accordance with the approved site layout plan and the decision plans prepared by mdg, Job No. 1658A dated 21 December 2017, but modified to show:
 - 13.1 Species, locations, approximate height and spread of proposed planting, including within road reserves;
 - 13.2 Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;
 - 13.3 Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;
 - 13.4 A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;
 - 13.5 All canopy trees and screen planting to be at least 1.5 metres in height at the time of planting;
 - 13.6 Advanced planting comprising canopy trees along Doncaster Road and Heritage Boulevard boundaries; and
 - 13.7 Tree Protection Zones and recommendations notated on plan for

the *Quercus robur* (English Oak) tree, as derived from the Arborist report prepared by Galbraith & Associates, dated 16 August 2017.

13.8 Canopy tree planting along the Doncaster Road frontage, west of the building, replaced with shrubs not exceeding 1 metre in height at maturity.

13.9 Suitable planting heights to the north-west of the English Oak tree, to provide view lines from the north-west, taking into account pedestrian movement from the future road to the north-west.

14. Any dead, diseased or damaged plants must be replaced as soon as practicable, to the satisfaction of the Responsible Authority.

Landscape Bond

15. Before the release of the approved plans for the development, a \$15,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.

Completion and Maintenance

16. Before the use commences the following works must be completed generally in accordance with the approved plans and to the satisfaction of the Responsible Authority:

16.1 All driveways, bicycle and car parking areas fully constructed, with appropriate grades and transitions, line marked and/or signed and available for use;

16.2 Redundant vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated; and

16.3 All landscape areas must be fully planted and mulched or grassed.

17. Once the permitted development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.

18. Buildings, including screening, engineering works, fences and landscaped areas must be maintained to the satisfaction of the Responsible Authority.

19. The landscaping as shown on the approved landscaping plan must be maintained by replacing any dead, diseased, dying or damaged plants as soon as practicable and not using the areas set aside for

landscaping for any other purpose, to the satisfaction of the Responsible Authority.

20. If required by the relevant fire authority, external fire services must be enclosed in a neatly constructed, durable cabinet finished to complement the overall development, or in the event that enclosure is not allowed, associated installations must be located, finished and landscaped to minimise visual impacts from the public footpath in front of the site to the satisfaction of the Responsible Authority.

Tree Protection

21. The *Quercus robur* (English Oak) tree must be retained to the satisfaction of the Responsible Authority by providing an appropriate tree protection zone, maintaining the tree and undertaking works within this tree protection zone only in accordance with the Arborist report prepared by Galbraith & Associates, dated 16 August 2017.

22. All Tree Protection Zones on the subject land must be:

22.1 Established and defined prior to the commencement of any construction works and associated fencing/signage must not be removed until works in the affected area have been fully completed to the satisfaction of the Responsible Authority;

22.2 Constructed in accordance with Australian Standard (4970-2009) titled "Protection of trees on development sites", and clearly marked "no-go zone/vegetation protection zone".

23. The following actions must not be undertaken in any Vegetation Protection Zone as identified on the approved plan, unless strictly in accordance with the Arborist report prepared by Galbraith & Associates, dated 16 August 2017, to the satisfaction of the Responsible Authority:

23.1 The storage of materials or equipment;

23.2 The disposal of any contaminated waste water;

23.3 The use of a tree for temporary attachment of wiring or such like;

23.4 Open cut trenching, or excavation works (whether or not for the laying of services); and

23.5 Changes to the soil grade level.

Stormwater – On-site detention (OSD)

24. 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:

COUNCIL MEETING

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

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

Construction Plan (OSD)

25. Before the development starts, a construction plan for the system required by Condition 24 of this permit must be submitted to and approved by the Responsible Authority. The system must be maintained by the Owner thereafter in accordance with the approved construction plan to the satisfaction of the Responsible Authority.

Drainage

26. 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 Miscellaneous Works Permit is first obtained from the Responsible Authority.
27. 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.

Roadworks

28. Before the development starts, a functional layout plan must be submitted to and approved by the Responsible Authority and will then form part of the permit. The plans must be dimensioned to show:
- 28.1 The left turn deceleration lane on the east approach on Members Drive, (into the basement carpark).
- 28.2 A traffic management device (to be agreed to by Council's Engineering and Technical Services Unit) at the intersection of Members Drive, Archer Road and the driveway into the basement carpark of the development.
- 28.3 Vehicle crossover details from the Proposed Road into the at-grade car park.
29. Before the works start:
- 29.1 A supervision fee equal to 2.5% of the cost of construction of the road and drainage works must be paid to the Responsible Authority.
- 29.2 A plan-checking fee equal to 0.75% of the cost of construction of the road and drainage works must be paid to the Responsible Authority.
- 29.3 A maintenance deposit equal to 5% of the cost of construction of the road and drainage works must be lodged with the

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Responsible Authority and retained thereafter for a minimum of three months.

29.4 A schedule of costs for the construction of road and drainage works must be submitted to the Responsible Authority.

- 30. Subsequent to the approval of the functional layout plan, detailed engineering design must be submitted to the Responsible Authority for approval.
- 31. Prior to the commencement of use or occupation of the development approved by this permit, the access works shown on the approved functional layout plan and detailed design plans must be completed to the satisfaction of VicRoads and at no cost to Council.

Use

- 32. Except with the prior written consent of the Responsible Authority, the restricted recreation facility may only be open to customers on Monday to Sunday between 5:30am and 10:00pm.
- 33. All delivery and collection of goods must be conducted within the subject land and within the operating hours approved under this permit.
- 34. All noise emanating from commercial premises within the building must comply with the State Environment Protection Policy N-1 (Noise from commerce industry and trade) and in the event of the Responsible Authority receiving justifiable complaints regarding noise from such sources, the onus will be on the owner of the development site to prove compliance with the relevant policy to the satisfaction of the Responsible Authority.
- 35. The façade must not be covered by promotional or other film or signage that reduces transparency of the interface, to the satisfaction of the Responsible Authority.
- 36. The use of the land must not adversely affect the amenity of the neighbourhood, including through:
 - 36.1 The transport of materials, goods or commodities to or from the land;
 - 36.2 The appearance of any buildings, works or materials; and
 - 36.3 The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or the presence of vermin;
 to the satisfaction of the Responsible Authority.
- 37. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view. All waste collection and recycling collection to be undertaken in accordance with Council requirements and the approved waste

management plan.

Section 173 Agreement

38. Before the development starts (excluding demolition works), the owner of the land must enter into and execute an agreement with the Responsible Authority, pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide that:
- 38.1 no shade cloth, signage or any other treatment is applied to any part of the cable mesh tennis court fencing, or on any glazing associated with the outdoor pool barriers;
- 38.2 a glazed barrier of a single transparency is to be used for the outdoor swimming pool barriers;
- 38.3 view lines to the Tullamore homestead maximised from the north and south-west, including through regular maintenance of landscaping throughout the site;
- 38.4 the maintenance of pedestrian paths from Doncaster Road and the north-west into the site;
- 38.5 the open space area to the west of Tullamore homestead, including the space surrounding the English Oak tree is to remain open to the public; and
- 38.6 the pedestrian path and gateway accessed from Doncaster Road is to remain open to the public.

The Section 173 Agreement must be registered on title pursuant to Section 181 of the Planning and Environment Act 1987. This agreement must be prepared and executed at the owner's expense.

Lighting

39. The development must be provided with external lighting capable of illuminating access to each car parking space, storage, rubbish bin, recycling bin, pedestrian walkways, stairwells, lift, dwelling entrances and entry foyer. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.

Underground Services

40. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.

Permit Expiry

41. This permit will expire if one of the following circumstances applies:
- 41.1 The development is not started within four (4) years of the date

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of this permit;

41.2 The development is not completed within eight (8) years of the date of this permit; and

41.3 The use is not commenced within two (2) years of the development being completed.

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.

- B. That Officers commence a review of Heritage Overlay 43 and upon completion, report back to Council on the findings of the review, and that a reasonable financial contribution towards the review be sought from the owner of the land.



MEMBERS DRIVE, LOOKING SOUTH AT TULLAMORE



DONCASTER ROAD, LOOKING NORTH EAST AT TULLAMORE (REVISED)

NEXT GEN HEALTH AND LIFESTYLE CLUB

TULLAMORE HOMESTEAD - DONCASTER ROAD VISIBILITY AMENDMENTS

01.08.2018

463 DONCASTER ROAD,
DONCASTER, VIC 3108

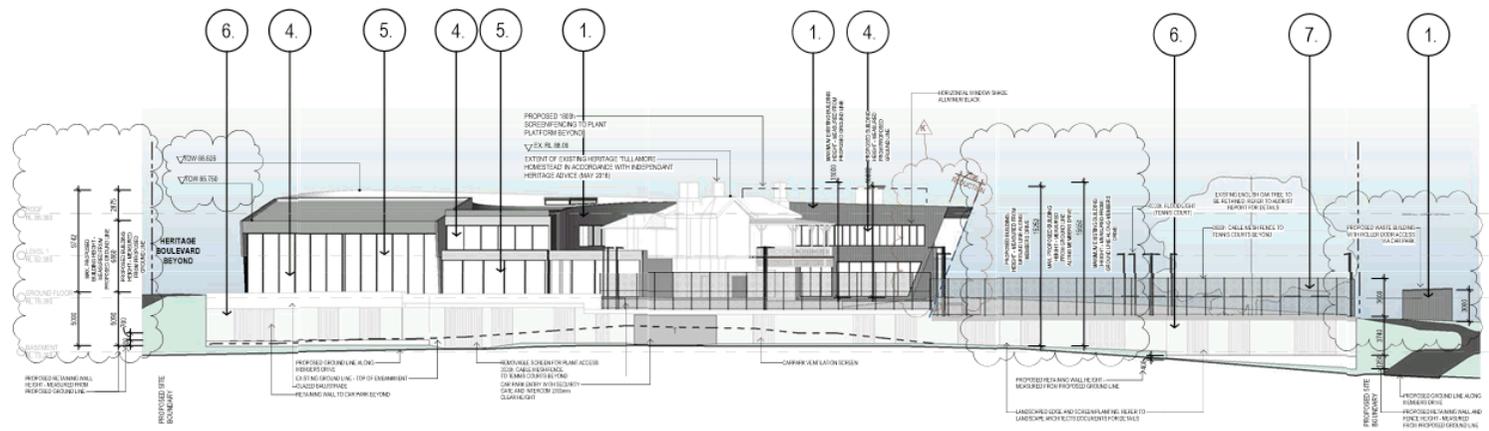
DRAWING LIST

- SK004 - PROPOSED PERSPECTIVE
- SK101 - SITE PLAN
- SK202 - GROUND FLOOR PLAN
- SK203 - LEVEL 1 PLAN
- SK402 - ELEVATIONS - MATERIALS

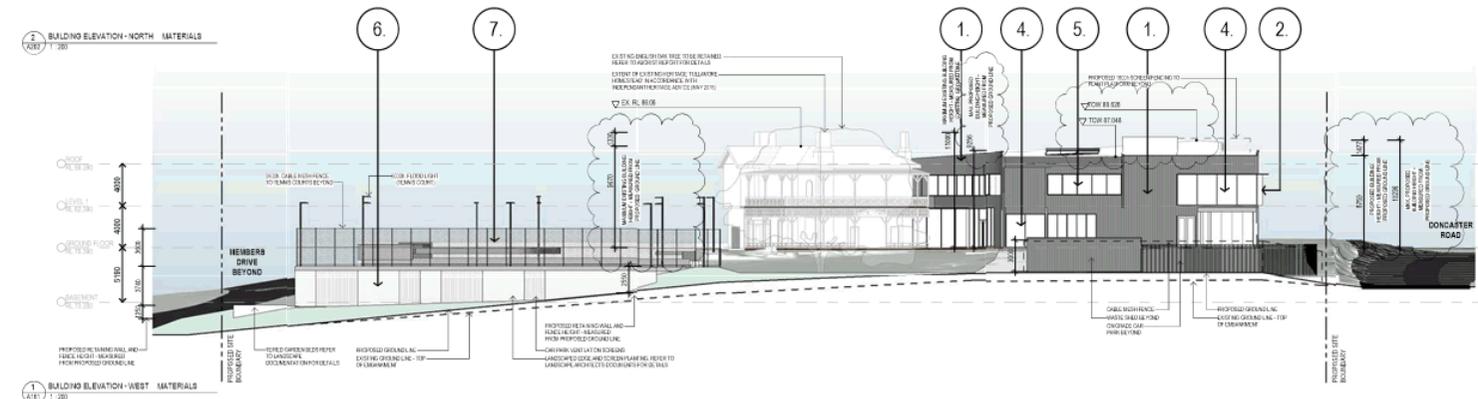




1. STANDING SEAM METAL CLADDING
 2. GLAZING COLOUR: TRANSLUCENT
 3. COLOURBACK GLASS COLOUR: BLACK
 4. GLAZING COLOUR: CLEAR
 5. ALUMINUM WINDOW FRAME COLOUR: MONUMENT
 6. RENDERED CONCRETE PLINTH
 7. BLACK CHAIN LINK FENCE



2. BUILDING ELEVATION - NORTH MATERIALS



1. BUILDING ELEVATION - WEST MATERIALS

The Applicant is advised that Council is a signatory to the Victorian Heritage Act 2017 and the Victorian Heritage Regulations 2017. Council is a signatory to the Victorian Heritage Act 2017 and the Victorian Heritage Regulations 2017. Council is a signatory to the Victorian Heritage Act 2017 and the Victorian Heritage Regulations 2017.

Site Area: 1.1500m²
 TOTAL BUILT FORM AREA: 5485M²
 TOTAL BUILT FORM SITE COVERAGE: 23%

NOTE: TOTAL BUILT FORM IS MEASURED TO THE EXTERNAL FACE OF EXTERIOR WALLS ON THE GROUND FLOOR.

SITE BOUNDARY

EXTENT OF EXISTING HERITAGE TULLAGHMORE HERITAGE IN ACCORDANCE WITH NEIGHBOURHOOD HERITAGE REPORT FOR DETAILS

REFER TO CIVIL DOCUMENTATION FOR ALL ADJOINING ROAD WORKS AND LEVELS

ALL LANDSCAPE LAYOUTS INCLUDING LEVELS TO EXISTING AREAS AND NEW AREAS, REFER TO LANDSCAPE DOCUMENTATION FOR DETAILS

REFER TO ARCHITECT REPORT AND LANDSCAPE ARCHITECTS DOCUMENTATION FOR DETAILED INFORMATION ON EXISTING TREES

PRELIMINARY
 NOT TO BE USED FOR BUILDING CONSTRUCTION

PROJECT NO.	503510
CLIENT	SK402
DATE	1/20/2018
SCALE	K

www.dwp.com.au

10 CITY PLANNING & COMMUNITY

10.1 Amendment C109 Manningham Planning Scheme - Land Subject to Inundation Overlay and Special Building Overlay - Consideration of Panel Report

File Number:	IN18/363
Responsible Director:	Director City Planning and Community
Attachments:	1 Amendment C109 Timeline ↓ 
	2 Amendment C109 Panel Report ↓ 
	3 Melbourne Water Report - Hillcroft Drive, Templestowe ↓ 

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider the report of the Independent Panel which considered submissions in relation to Amendment C109 to the Manningham Planning Scheme, and to make a decision whether or not to adopt the Amendment in the manner recommended by the Panel.

The Panel Report was received by Council on 19 March 2018 and released to the public on 28 March 2017. A copy of the Panel Report is included as Attachment 2.

Amendment C109 to the Manningham Planning Scheme, as exhibited, proposed to introduce and/or revise the application of the Land Subject to Inundation Overlay (LSIO) and the Special Building Overlays (SBO) in relation to 10,300 properties in Manningham. These overlays were proposed to apply to land identified by Melbourne Water and Council as being liable to inundation from an open watercourse or subject to overland flows exceeding the capacity of the underground drainage system, during a severe storm event (1 in 100 year Average Recurrence Interval (ARI)).

The Amendment was exhibited for six weeks from 12 November 2015 to 24 December 2015. A total of 567 submissions were received.

In relation to its consideration of submissions to Amendment C109, at its meeting of 26 September 2017, Council resolved to abandon that part of the Amendment that proposed to introduce Special Building Overlays 2 and 3 (relating to Council drains) and refer those submissions that related to SBO1 and the LSIO (relating to Melbourne Water drains) to an independent Panel for consideration. 81 submissions were referred to the Panel for its consideration.

The report of the Independent Panel recommends that Amendment C109 to the Manningham Planning Scheme be adopted subject to a number of changes. The Panel agreed with Melbourne Water and Council's position and recommended that the controls relating to 41 submissions be abandoned. A further recommendation of the panel was that Melbourne Water review the application of the proposed Special Building Overlay Schedule 1 to all properties in Hillcroft Drive, Templestowe, based on a more accurate ground survey. That work has now been completed by Melbourne Water who have confirmed that the revised flood shape submitted to the panel was correct.

Pursuant to section 27 of the Planning and Environment Act 1987, Council must consider the Panel's report before deciding whether or not to adopt the Amendment (with or without changes), or to abandon all or part of the Amendment.

COUNCIL RESOLUTION

MOVED: CR GEOFF GOUGH
SECONDED: CR MICHELLE KLEINERT

That Council:

- A. Notes the content of the Panel Report for Amendment C109 to the Manningham Planning Scheme;**
- B. Pursuant to section 29 of the *Planning and Environment Act 1987*, adopts Amendment C109 to the Manningham Planning Scheme as exhibited subject to the following changes:**
 - a) Amend the Special Building Overlay Schedule 1 and the Land Subject to Inundation Overlay as detailed in Appendix C and Appendix D to the *Panel Report – Manningham Planning Scheme Amendment C109* dated 19 March, 2018.**
 - b) Delete the Special Building Overlay Schedule 1 and the Land Subject to Inundation Overlay from the (non-submitter) properties as detailed in Appendix E to the *Panel Report – Manningham Planning Scheme Amendment C109* dated 19 March, 2018.**
 - c) Amend the application of the proposed Special Building Overlay Schedule 1 to all properties in Hillcroft Drive, Templestowe, based on the Melbourne Water recommendations as shown in *Attachment 3* to this report.**
 - d) Changes to the Explanatory Report to reflect recent changes to the Manningham Planning Scheme as a result of Amendment VC148.**
- C. Submits the adopted Amendment C109 to the Minister for Planning for approval in accordance with section 31 of the *Planning and Environment Act 1987*.**
- D. Does not support the rezoning of the properties at 13, 15, 19, 20 and 25 Carbine Street, Donvale as part of Amendment C109 and that Council writes to the owners of those properties advising them of Council's decision.**
- E. Notifies all those whose submissions were referred to the Independent Panel to Amendment C109 of Council's decision.**
- F. Notifies all non-submitter property owners included in Appendix E to the *Panel Report – Manningham Planning Scheme amendment C109* dated 19 March, 2018.**

- G. Requests the Minister for Planning to review and consider removing the proposed application of the SBO1 on 8-36 Hillcroft Drive, Templestowe and 4 Fernbrook Way, Templestowe, on the basis that Melbourne Water's recommended application of the SBO1 is inconsistent with Criteria 1 (Properties adjacent to flooded roads) of the Inclusion/Exclusion Criteria specified in the Development of the Special Building Overlay Technical Report prepared for Council by Cardno and dated 21 September 2015, which was exhibited with Amendment C109.**

CARRIED

1. BACKGROUND

- 1.1 The detailed background to Amendment C109 is included as **Attachment 1**.
- 1.2 Council considered the 567 submissions received to Amendment C109 on 26 September 2017 and resolved as follows:
- "That Council:*
- A. Receives and considers all written submissions made to Amendment C109 to the Manningham Planning Scheme.*
 - B. Pursuant to section 23 of the Planning and Environment Act 1987, Council abandon those parts of Amendment C109 shown exhibited as SBO2 and requests that the Minister for Planning appoint an Independent Planning Panel to review only those submissions received to Amendment C109 relating to LSIO and SBO1 (Melbourne Water controls), in accordance with Part 8 of the Planning and Environment Act 1987.*
 - C. Refer only those submissions relating to LSIO and SBO1, including any late submissions received, to the Independent Planning Panel to be appointed by the Minister for Planning.*
 - D. Requests the Minister for Planning for an extension of time for a further two years in which to consider and adopt the amendment.*
 - E Writes to all submitters, informing them of Council's decision."*
- 1.3 The exhibited Amendment proposed to include an additional 380 properties in a LSIO or SBO1. There were 81 submissions that related to the LSIO and SBO1 and were referred to the Independent Panel for consideration.
- 1.4 A single person Panel was appointed by the Minister for Planning. The Panel hearing was held at the Manningham Civic Centre over 2 days on the 5 and 6 February 2018. Council was represented by Maddocks lawyers. Melbourne Water called expert evidence from Cardno who had undertaken the flood mapping on behalf of Council and Melbourne Water.
- 1.5 Six submitters requested to be heard by the Panel.

2. DISCUSSION/ISSUE

Panel report in summary

- 2.1 The Panel report was received by Council on 19 March 2018. The report was released to the public on 28 March 2018 and is included as **Attachment 2** to this report.
- 2.2 The Panel in its recommendation noted that Council had abandoned that part of the Amendment relating to the SBO2 and SBO3.
- 2.3 The Panel concluded that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework and is consistent with the relevant Ministerial directions and Practice Notes.
- 2.4 Based on the reasons set out in its report, the Panel makes the following recommendation in relation to the balance of the Amendment:
- “Adopt Amendment C109 to the Manningham Planning Scheme as exhibited subject to the following changes:*
- a. *Amend the Special Building Overlay Schedule 1 and the Land Subject to Inundation Overlay as detailed in the (Report);*
 - b. *Delete the Special Building Overlay Schedule 1 and the Land Subject to Inundation Overlay from the (non-submitter) properties identified in the (Report);*
 - c. *Review the application of the proposed Special Building Overlay Schedule 1 to all properties in Hillcroft Drive, Templestowe, based on a more accurate ground survey.”*
- 2.5 In coming to its decision, the Panel considered the flood modelling approach taken by Council and Melbourne Water and concluded that *“it is appropriate and fit for the purpose of applying planning controls”*.
- 2.6 The Panel also supported the systematic process of refining the extent of the proposed overlays undertaken by Council and Melbourne Water and noted that the vast majority of submissions had been resolved upon review by Melbourne Water and Council. The Panel also stated that the review and response to submissions went *“well beyond what is normally carried out for the purpose of applying planning overlays.”*
- 2.7 With the exception of properties in Hillcroft Drive, Templestowe, (discussed later in this report), the Panel accepted the final position reached by Melbourne Water and Council in relation to the flood mapping and extent of the proposed overlays on all properties.
- 2.8 The Panel was not convinced that the application of the LSIO or SBO would have any effect on property values or insurance premiums, and in any case, adopted the position of previous Panels that there is no justification for setting aside planning scheme amendments of this type on the basis that property values might be affected, or insurance premiums might increase.

2.9 In addition, for the reasons set out later in this report, the Panel does not support a further request to rezone the properties at 13, 15, 19, 20 and 25 Carbine Street, Donvale from (part) Urban Floodway Zone (UFZ) to General Residential Zone Schedule 3 (GRZ3) as part of the Amendment.

2.10 The Panel recommendations are discussed in more detail below.

Flood modelling

2.11 The Panel has addressed the issue of whether the flood modelling undertaken was suitable for the purposes of applying the proposed planning controls.

2.12 The Panel is satisfied that the systematic process of review and response to the submissions that has been carried out by Council and Melbourne Water provides an appropriate level of refinement of the base modelling well beyond what is normally carried out for the purposes of applying planning overlays.

2.13 More particularly:

“The Panel accepts that the direct rainfall method is an appropriate approach to the initial modelling in urban areas provided that a consistent approach is taken to refining the results. It has been well established in previous panel hearings that modelling of approximate or theoretical flood behaviour is appropriate and acceptable for the purposes of applying planning controls. The Panel notes that the application of an overlay is simply a means to identify areas that may be at risk of flooding, and to trigger the need to apply for a planning permit for some buildings and works that may be impacted by, or impact on, overland flood paths.”

Site Specific Submissions (not including Hillcroft Drive)

2.14 The Panel has noted that Council and Melbourne Water had substantially refined the proposed overlay in response to several of the submissions referred to it, which had resulted in many of the submissions being satisfactorily resolved. In addition, the Panel has noted that Melbourne Water had clarified or changed its position in relation to a number of properties during and after the hearing. These are noted in Appendix C and Appendix D to the Panel Report.

2.15 The outcome of those refinements was that:

- 6 submissions did not require resolution;
- 17 submissions were to be retained as exhibited;
- 41 submissions were to be abandoned;
- 15 submissions were to have the flood shape modified; and
- 2 submissions affected multiple properties.

2.16 The Panel has recommended that the SBO1 and LSIO be amended as shown in Appendix C and Appendix D of the Panel Report, with the exception of properties in Hillcroft Drive which are the subject of a separate recommendation.

Officer's response

2.17 It is recommended that the Panel's recommendation in relation to these submissions be adopted by Council.

Hillcroft Drive, Templestowe

2.18 Submissions to Amendment C109 were received in relation to numbers 10, 12, 14, 16, 18, 24, 26, 27, 29 and 30 Hillcroft Drive, Templestowe.

2.19 The Amendment proposed the application of the SBO1 to a number of properties in Hillcroft Drive. Melbourne Water advised that following a review, the SBO extents on some of the Hillcroft Drive properties were proposed to be reduced from that exhibited. In all cases the final proposed SBO1 would apply only to the front of the properties and in some cases, the extent of the SBO1 at the front of the properties was proposed to be reduced.

2.20 The Panel accepted that the modelling used to map the overlay extent is somewhat of an approximation and in most cases this does not lead to unreasonable inaccuracy in overly mapping. However it agreed with submitters that there did appear to be some anomalies.

2.21 Whilst the Panel concluded that removing the properties from the overlay '*may be appropriate*', it recommended that the application of the proposed SBO1 in Hillcroft Drive, Templestowe be reviewed by Melbourne Water, based on a more accurate ground survey.

2.22 It is important to note, however, that detailed surveys are not usually conducted at the amendment stage of a municipal wide amendment but may be required at the permit stage.

2.23 Since the Panel hearing, Melbourne Water has commissioned a ground survey and undertaken a review of the SBO1 in Hillcroft Drive based on that information. The results of the Melbourne Water review were received by Council on 31 July 2018. The report is attached at **Attachment 3**.

2.24 In summary, the Melbourne Water review states that a field survey was completed to determine if properties along the length of Hillcroft Drive flood. This analysis was done considering flooding from the Melbourne Water system alone. Flooding from the Council system was removed from the exhibited shapes. 18 Amberwood Court was excluded from the analysis as well. Those decisions were undertaken at the panel hearing stage with the information available at the time. The maximum flood level was compared to the 'front property boundary levels' to determine if the property is flood prone. The field analysis showed that 2, 4 and 6 Hillcroft Drive are flood free and the rest of the properties fronting Hillcroft Drive are flood prone along the frontage of the properties only. The report also noted that the detailed survey undertaken for Hillcroft Drive is not usually required at a municipal wide amendment stage but may be required at the planning permit stage for a new development proposal.

2.25 Melbourne Water has recommended that, having regard to the additional ground survey work, the revised flood shape proposed at the panel hearing is appropriate and should be included as an update to the Melbourne Water exhibited flood shape as shown in **Attachment 3**.

Officer's response

- 2.26 It is recommended that Melbourne Water's recommendation in relation to the Hillcroft Drive properties be supported by Council.

Additional changes to non-submitter properties

- 2.27 Council and Melbourne Water recommended further consequential changes to the SBO1 and LSIO as they apply to properties nearby submitters' properties. These are identified in Appendix E to the Panel Report.
- 2.28 The Panel has stated that "*clearly if the properties are in similar circumstances to other properties where changes have been agreed, it follows that the same changes should be made*". Accordingly it has concluded that the additional 'non-submitter' properties identified by Council and Melbourne Water (with the exception of Hillcroft Drive, Templestowe) should have the overlay removed as proposed.

Officer's response

- 2.29 The properties at 20, 22 28 & 34 Hillcroft Drive were reviewed by Melbourne Water, along with the other Hillcroft Drive properties, as discussed in section 2.25. Melbourne Water has recommended the retention of the SBO1 along the Hillcroft Drive frontage.
- 2.30 It is recommended that Council supports the Panel's recommendations and the Melbourne Water recommendations for Hillcroft Drive, with respect to the 'non-submitter' properties.

Removal of the Urban Floodway Zone from 13, 15, 19, 20 and 25 Carbine Street, Donvale

- 2.31 The property owners of the above properties made a request to Melbourne Water to have the Urban Floodway Zone (UFZ) on their properties removed as part of Amendment C109.
- 2.32 The request was supported by Melbourne Water and Council. The officer recommendation at the 26 September 2018 meeting was to rezone these properties to a General Residential Zone Schedule 3 (GRZ3). Following discussions with Melbourne Water, it was ascertained that with the introduction of the SBO1, these properties no longer needed to be included within the UFZ.
- 2.33 Council sought direction from the Panel if this change could be included as part of the Amendment.
- 2.34 The Panel agreed that the requested change would be a sensible 'tidy up' of the zoning of the land. However it expressed concern that the proposed zone change had not come about as part of any systematic review of the UFZ resulting from the Amendment and the strategic merits have not been examined.
- 2.35 The Panel therefore recommends that it is not appropriate to rezone the subject properties from part (UFZ) to GRZ3 as part of the Amendment.

Officer's response

- 2.36 It is recommended that Council support the Panel recommendation with respect to the Carbine Street properties and that the owners of these properties be advised accordingly.

Other issues*Drainage maintenance and upgrade*

- 2.37 A number of submissions raised concerns that the flood mapping does not take into account recent upgrades to drainage infrastructure and that the extent of flooding would be less if drains were properly maintained.
- 2.38 The Panel agreed with Council that the most up to date information on the current condition of drains should be used for flood mapping. While recognising that drainage infrastructure is continually upgraded and it could be argued that flood mapping should be altered, the Panel agreed with Council that it is appropriate to expeditiously manage the risk associated with flooding and implement the flood controls in a timely manner. The Panel also agreed that further delays to further refine the controls are not justified and that flood overlays are not a prohibition on use of land but rather a trigger that a permit may be required for certain types of works.

Property values, insurance premiums and administrative burden

- 2.39 Several submissions raised concerns regarding the impact of the Amendment on property values, insurance premiums and the administrative burden on future development of requiring a planning permit.
- 2.40 The Panel concluded that there is no evidence that the application of an SBO will negatively affect property values or insurance premiums.
- 2.41 The Panel also stated that previous Panels have consistently found that there is no justification for setting aside planning scheme amendments of this type on the basis that property values might be affected, or insurance premiums might increase and that it adopted the same position.

Exhibited changes to the Municipal Strategic Statement

- 2.42 The exhibited Amendment sought to amend the Municipal Strategic Statement at Clause 21.12 (Infrastructure) and at Clause 21.16 (Key References) to include references to:
- *Flood Management Plan for Manningham Council and Melbourne Water (2011)* (the Flood Management Plan), which provided the framework for establishing overlays to reflect the results of the flood mapping project undertaken in 2011, and;
 - *Development of the Special Building Overlay – Technical Report for Manningham City Council (September 2015)* prepared by Cardno (Cardno Technical Report) 1, which provides an overview of the methodology used in the Flood Management Plan.

2.43 These changes were not raised in any of the submissions received. The Panel noted that these changes form part of the exhibited Amendment and has not recommended any change in this respect.

Officer's response

2.44 The documents referred to provide background to the implementation of the SBO1 and LSIO.

2.45 It is therefore recommended that the proposed changes to the Municipal Strategic Statement be adopted by Council as exhibited.

Flood mapping Manningham local catchments

2.46 Underpinning Amendment C109 was the mapping undertaken by Cardno for five of the local drainage catchments within Manningham.

2.47 This mapping formed the basis for the proposed SBO2 and SBO3 which were exhibited as part of Amendment C109, but were subsequently abandoned by Council in September 2017.

2.48 It is important, to note, however, that this mapping still exists in the public arena, (by virtue of the exhibition of Amendment C109), although no status has been afforded to it.

2.49 The Panel has noted in its report that Council advised that the flood mapping is being used by Council to prioritise drainage upgrades throughout the municipality. It also noted that Council did not make any submission about when the areas affected by flooding from Council assets (SBO2 and SBO3) would be re-visited. More particularly, the Panel has stated that it assumes that Council intends to revise flood mapping of these areas at a future date and to pursue a separate amendment to introduce appropriate planning controls.

2.50 Council is likely to need to address the status of this mapping at some time in the future.

3. COUNCIL PLAN / STRATEGY

Council Plan and Strategies

3.1 Under the Council Plan 2013-2017, the relevant Council Plan at the time of exhibition of the Amendment, Strategic Objective 4 Planning for Where We Live, the Annual Initiatives for 2014-2015 included, "*Identify further land subject to flooding in the Manningham Planning Scheme to improve management of future catchment flood levels.*"

3.2 Under the current Council Plan, consideration of this amendment relates to the following goals:

- 1.1 A healthy, resilient and safe community
- 2.4 Well utilised and maintained community infrastructure
- 3.2 Reduce our environmental impact and adapt to climate change

State Government Strategy

- 3.3 Most recently, the Victorian Government has developed the *Victorian Floodplain Management Strategy* (2016) to help communities be better prepared for future floods. The Strategy clarifies the roles and responsibilities of government agencies and authorities involved in flood management. It aims to improve the evaluation and communication of flood risks so communities and relevant agencies can take better-informed action to manage floods.
- 3.4 That Strategy also states that in order to avoid or minimise future risks, the use of planning controls to manage the potential growth in flood risk should be endorsed. It also sets accountabilities in land use planning to avoid increased stormwater runoff from new developments.

Auditor General's Report

- 3.5 The Auditor General released the '*Managing Storm Water Flooding Risks in Melbourne*' report (2005), following widespread flooding of the Melbourne metropolitan area between December 2004 and January 2005. The Auditor General formed the view that Victorian Councils were not effectively managing flooding risks associated with significant storm events and recommended that Councils provide a higher level of flood protection, carry out reliable flood mapping and include the results in their planning schemes.
- 3.6 In 2007, Melbourne Water released its '*Port Phillip and Westernport Region Flood Management and Drainage Strategy*', in response to the Auditor General's report. One of the key themes of that strategy was improved collaboration and communication between Councils and Melbourne Water. A key action involved the joint development of Flood Management Plans to improve the flood knowledge base and for the organisations to work collaboratively to better address flood risk. Accurate flood mapping is considered to be a critical foundation for the development of sound drainage and flood management activities.
- 3.7 In June 2011, Council and Melbourne Water adopted a joint Flood Management Plan for the municipality which aims to facilitate a coordinated approach to flood management within Manningham. Section 11 of the Flood Management Plan sets out a list of actions for Council and Melbourne Water to reduce flood risk and flood impact severity for Manningham. Council Strategies
- 3.8 Council's Drainage Strategy 2004-2014 recognised the need for buildings and other vulnerable assets to be above flood levels and not to be surrounded or isolated by deep or fast flowing waters and recommended 'a municipal wide study be carried out and an overlay be introduced for overland flow path areas which prevents any development which may occur in the flow path'.
- 3.9 The *Manningham Residential Strategy* (2012) includes an action (Action 4.4 – short term) to "complete floodway mapping and progress appropriate planning controls on the affected properties"
- 3.10 Recommendation 6 of the *Manningham Planning Scheme Review* (2014) is to amend the Planning Scheme to apply the Special Building Overlay or Land Subject to Inundation Overlay where mapping of local drainage catchments has confirmed that land is subject to flooding.

State and Local Planning Policy Frameworks

- 3.11 It should be noted that Amendment VC148 to the Manningham Planning Scheme (31 July 2018) includes changes to the State and Local Planning Policy Frameworks and the Explanatory Report to the amendment will need to be updated to reflect these changes.
- 3.12 Having regard to the changes introduced by VC148, the proposal to apply the LSIO and SBO is consistent with the following Clauses of the State Planning Policy Framework:
- Clause 11 Settlement seeks to anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.
 - Clause 13 Environmental Risks and Amenity specifies that planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach. In addition, planning should aim to avoid or minimise natural and human-made environmental hazards, environmental degradation and amenity conflicts. Planning should also identify and manage the potential for the environment and environmental changes, to impact upon the economic, environmental or social well-being of society.
- 3.13 In particular, Amendment C109 will implement the following objectives of Clause 13.03 Floodplains:
- To assist the protection of:*
- *Life, property and community infrastructure from flood hazard.*
 - *The natural flood carrying capacity of rivers, streams and floodways.*
 - *The flood storage function of floodplains and waterways.*
- 3.14 The relevant strategies in Clause 13.0-1S are to:
- 'Identify land affected by flooding, including land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority in planning schemes.'*
- and
- 'Avoid intensifying the impacts of flooding through inappropriately located use and development.'*
- 3.15 The Amendment is also consistent with the following clauses of the Local Planning Policy Framework which includes the Municipal Strategic Statement and Local Planning Policies:
- Clause 21.05 Residential, Clause 21.06 Low Density and Clause 21.07 Green Wedge and Yarra River Corridor all recognise that areas within the municipality are susceptible to flooding and that any proposals to subdivide or develop land need to have regard and respond to identified land constraints including flooding.
 - Clause 21.12 Infrastructure recognises that Council is responsible for providing drainage for the local street network and local catchment areas. Council also encourages developments to design and upgrade drainage

infrastructure to reduce the occurrence of inundation and flooding, and improve safety and enhance the amenity of the municipality. Further, it recognises that Council will continue to identify land which has drainage and flood constraints.

Planning Practice Note 12

3.16 Practice Note 12 (PN12): *Applying the flood provisions in planning schemes* (revised June 2015) provides guidance about applying the flood provisions in planning schemes and identifying which flood overlay should apply.

3.17 PN12 states, relevantly:

“In general, it is not practical or economical to provide land use planning or flood protection up to the ‘probable maximum flood (PMF)’. A lesser flood standard, known as the ‘design flood event’ (DFE), is adopted for land use planning purposes and is the area applicable for planning schemes. The area defined by the DFE will be referred to as ‘land subject to inundation’ and can be divided into its relevant UFZ, FO, LSIO and SBO components as the case requires. In Victoria, the DFE for land use planning and building purposes is the 100-year ARI (average recurrence interval) flood, which occurs on average once every 100 years. This is the basis for declaring flood levels and flood areas under the Water Act 1989 and for setting minimum building floor levels under the Building Act 1993.”

4. IMPACTS & IMPLICATIONS

Community

- 4.1 Existing houses or buildings will not retrospectively be required to obtain planning permit approval (only new development will require a planning permit where planning permit exemptions are not met).
- 4.2 The proposed flooding overlays only affect small parts or sections of properties in most instances, and therefore new development will only need a planning permit if it is located within the overlay itself (where planning permit exemptions are not met).
- 4.3 The identification of properties within overland flow paths can also enable community education and communications to be better directed, to enable residents to best prepare for flood events.

Sustainability

- 4.4 The proposed amendment is likely to have positive social and economic effects. Benefits include better management of land liable to flooding and reduced incidence of flood damage to habitable floor areas over time.
- 4.5 By more accurately identifying land within the SBO and LSIO, the Amendment will assist Council to provide timely and more accurate advice when new development is proposed on land that is potentially subject to inundation.
- 4.6 Increasing the awareness of flood potential and thereby minimising the potential impacts of flooding will also have public safety benefits.

- 4.7 The economic impact of flooding on individuals and communities will be minimised through reduced flood risk. Design requirements arising from the application of the SBO and LSIO may result in some increase in development costs. However, having access to information early in the planning phase will allow appropriate, cost effective strategies to be implemented by developers.
- 4.8 After re-development of a site, costs associated with future flood damage should be reduced. This benefit would be specific to individual properties.

5. IMPLEMENTATION

Finances and Resources

- 5.1 Melbourne Water has shared the costs associated with exhibition of the Amendment and has also paid the costs associated with the Panel hearing.

Timelines

- 5.2 In accordance with section 26 1(b) of the *Planning and Environment Act 1987*, the Panel report must be made available once 28 days have elapsed from the receipt of the Panel Report. The Report was made available online on Wednesday 28 March 2018. Letters were also sent to all 81 submitters advising them of its availability.

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.

ATTACHMENT 1**AMENDMENT C109 TIMELINE**

- 29 September 2015 Council resolution to seek authorisation to prepare and exhibit the Amendment – SBO1, SBO2, SBO3 and LSIO.
- The Amendment was placed on exhibition for 6 weeks from 12 November to 24 December 2015.
- A notice appeared in the Manningham Leader on 9 November 2015 and the Government Gazette on 12 November 2015 and again on the 26 November 2015.
- 21 February 2017, Council considered a recommendation to refer Amendment and submissions to an Independent Panel – Council resolution to defer for 3 months.
- Additional consultation measures included:
 - further invitations to meet with officers to discuss the officer response to submissions;
 - investigation of new information raised through these one-on-one meetings; and
 - meetings in September 2017 where submitters raised concerns with Councillors.
- 26 September 2017, Council considered a recommendation to refer Amendment to an Independent Panel. Council resolution to split amendment – Part 1 (SBO1 and LSIO) referred to a Panel and Part 2 (SBO2 and SBO3) abandoned.
- Panel Hearing to consider submissions for SBO1 and LSIO held 5 and 6 February 2018.
- Panel report received 18 March 2018 – recommended that Amendment be adopted with changes– also recommended that the Hillcroft Drive Templestowe properties be further reviewed by Melbourne Water prior to adoption.
- 31 July 2018, Melbourne Water report on review of Hillcroft Drive controls received – recommended adoption of overlay across frontage of Hillcroft Drive properties.
- 28 August 2018 – Council to consider adoption of the Amendment.



This Corrections Report is to be read in conjunction with the *Panel Report* dated 19 March 2018.

Amendment	Manningham Planning Scheme Amendment C109 Corrections Report
Panel Members	Trevor McCullough (Chair)
Public Hearing Dates	5 and 6 February 2018
Submission of Report	19 March 2018
Date of this Report	16 August 2018

Issues Raised

1. An email was received from Susan Ross of Manningham City Council dated 15 August 2018 outlining the following issue:

Several of the 'outline descriptions' included on the maps provided by Melbourne Water, and included in Appendix D of the Panel report, are inconsistent with the final position agreed between Council and Melbourne Water as set out in Appendix C of the panel report.

Panel response

2. The Panel has examined the maps and agrees that some of the 'outline descriptions' provided on the maps by Melbourne Water could be confusing if read in isolation.
3. The inconsistencies can be corrected by simply removing the 'outline descriptions' from the maps in Appendix D. The 'outline descriptions' are superfluous, and so can be removed without changing any other meaning. Their removal will avoid anyone drawing incorrect conclusions about the final recommended position.
4. The graphical representations shown in Appendix D are correct and match what is listed in Appendix C.

Other changes to the report

5. No other changes are required to the report and the recommendations are unaltered.

Notice to Submitters

6. As the Council made the Panel Report available to the public, Council is responsible to notify any affected parties and advise them of the changes to the report.

Trevor McCullough, Chair

Planning and Environment Act 1987

Panel Report

Manningham Planning Scheme Amendment C109

Land Subject to Inundation Overlay and Special Building Overlay Schedule 1

19 March 2018



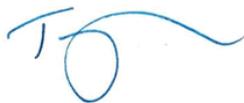
Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Manningham Planning Scheme Amendment C109

Land Subject to Inundation Overlay and Special Building Overlay Schedule 1

19 March 2018



Trevor McCullough, Chair

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Appendix E Further sites to be removed from the overlays**List of Abbreviations**

ARI	Average Recurrence Interval
CKC	Charter Keck Cramer
FTR	Further Technical Review
GRZ	General Residential Zone
LiDar	Light Detection and Ranging
LSIO	Land Subject to Inundation Overlay
PPN	Planning Practice Note
SBO	Special Building Overlay
UFZ	Urban Floodway Zone
VIA	Value Impact Assessment

Overview

Amendment summary	
The Amendment	Manningham Planning Scheme Amendment C109
Common name	Land Subject to Inundation Overlay and Special Building Overlay Schedule 1
Brief description	Implements the review of the Special Building Overlay and Land Subject to Inundation Overlay
Subject land	As exhibited the Amendment applies to 10,300 properties in the City of Manningham
The Proponents	Manningham City Council and Melbourne Water
Planning Authority	Manningham City Council
Authorisation	A03189 authorised on 15 October 2015 (No conditions)
Exhibition	12 November to 24 December 2015
Submissions	A total of 567 submissions were received on the exhibited Amendment including a number of late submissions. 81 submissions were received in relation to SBO1 and the LSIO. Only submissions in relation to the SBO1 and LSIO were referred to the Panel. The submissions are listed in Appendix A.

Panel process	
The Panel	Trevor McCullough
Directions Hearing	Doncaster, 28 November 2017
Panel Hearing	Doncaster, 5 and 6 February 2018
Site inspections	No site visits were carried out
Appearances	The parties appearing at the Hearing are listed in Appendix B
Citation	Manningham PSA C109 [2018] PPV
Date of this Report	19 March 2018

Executive summary

(i) Summary

Manningham Planning Scheme Amendment C109 (the Amendment) as exhibited seeks to introduce or revise the application of the Land Subject to Inundation Overlay (LSIO) and the Special Building Overlay (SBO) in respect to 10,300 properties in the City of Manningham.

Council resolved to abandon those parts of the Amendment that related to the proposed SBO2 and SBO3. The remaining part of the Amendment applies only to the proposed LSIO and the SBO1 areas, which are under Melbourne Water control.

The purpose of the SBO and the LSIO is to ensure that new development is designed to maintain the free passage and temporary storage of floodwaters, to minimise flood damage and not cause any significant rise in flood level or flow velocity that may adversely affect existing properties.

The key issues raised in the submissions are briefly summarised as follows:

- individual properties have not experienced flooding in the past
- the modelling is inaccurate
- Council and/or Melbourne Water drainage works have already addressed any potential flooding impacts
- existing drains are poorly maintained and/or inadequate
- drains should be upgraded to cope with a 1 in 100 year ARI flood event
- new development and increases in density exacerbate flooding
- property values and insurance premiums will be negatively affected
- where an overlay does not impact on existing structures on a property, its application is unnecessary
- additional financial and administrative burden.

The Panel has considered the flood modelling approach taken by Council and Melbourne Water and concluded that it is appropriate and fit for the purpose of applying planning controls. The systematic process of refining the extent of the proposed overlays undertaken by Council and Melbourne Water is supported. The Panel notes that the vast majority of submissions have been resolved upon review by Melbourne Water and Council.

With the exception of properties in Hillcroft Drive, Templestowe, the Panel accepts the final position reached by Melbourne Water and Council in relation to the flood mapping and extent of the proposed overlays on all properties.

The Panel was not convinced that the application of the LSIO or SBO would have any effect on property values or insurance premiums, and in any case, adopts the position of previous panels that there is no justification for setting aside planning scheme amendments of this type on the basis that property values might be affected, or insurance premiums might increase.

For the reasons set out in this report, the panel does not support a further request to rezone the properties at 13, 15, 19, 20 and 25 Carbine Street, Donvale from (part) UFZ to GRZ3 as part of this Amendment.

(ii) Recommendations

The Panel notes that Council has abandoned the part of the Amendment relating to the Special Building Overlay 2 and Special Building Overlay 3.

Based on the reasons set out in this Report, the Panel makes the following recommendation in relation to the balance of the Amendment:

Adopt Amendment C109 to the Manningham Planning Scheme as exhibited subject to the following changes:

- a) Amend the Special Building Overlay Schedule 1 and the Land Subject to Inundation Overlay as detailed in Appendix C and as shown in Appendix D of this report.
- b) Delete the Special Building Overlay Schedule 1 and the Land Subject to Inundation Overlay from the (non-submitter) properties identified in Appendix E of this report.
- c) Review the application of the proposed Special Building Overlay Schedule 1 to all properties in Hillcroft Drive, Templestowe, based on a more accurate ground survey.

1 Introduction

1.1 The Amendment

(i) Amendment description

As exhibited, the Amendment proposed to introduce or revise the application of the Land Subject to Inundation Overlay (LSIO) and the Special Building Overlay (SBO) in respect to 10,300 properties.

The exhibited Amendment sought to:

- amend the Municipal Strategic Statement at Clause 21.12 (Infrastructure) and at Clause 21.16 (Key References) to include references to:
 - *Flood Management Plan for Manningham Council and Melbourne Water (2011)* (the Flood Management Plan), which provided the framework for establishing overlays to reflect the results of the flood mapping project undertaken in 2011, and
 - *Development of the Special Building Overlay – Technical Report for Manningham City Council (September 2015)* prepared by Cardno (Cardno Technical Report) 1, which provides an overview of the methodology used in the Flood Management Plan.
- replace the existing SBO schedule with three new schedules that distinguished between areas subject to inundation in relation to the ‘main’ drainage system (Melbourne Water drains) and the ‘local’ drainage system (Council drains), and established planning permit exemptions for certain areas where Council is the nominated drainage authority; and
- replace the LSIO and SBO maps with updated maps.

The exhibited schedules were referred to as SBO1, SBO2 and SBO3 and were proposed to be applied as follows:

- SBO1 - to the Melbourne Water drainage system, with Melbourne Water nominated as the determining referral authority.
- SBO2 - to the local drainage system, with Council nominated as the responsible authority.
- SBO3 - to the local drainage system, with Council nominated as the responsible authority. SBO3 was similar to SBO2, except that a planning permit was proposed to be required in fewer circumstances, such as when a building or extension is constructed with a floor level below an identified level.

(ii) Purpose of the Amendment

The subject land was identified by Melbourne Water and Council as being liable to inundation from an open watercourse (LSIO) or subject to overland flows exceeding the capacity of the underground drainage system during a 1 in 100 year Average Recurrence Interval (ARI) storm event (SBO).

The purpose of the SBO and the LSIO is to ensure that new development is designed to maintain the free passage and temporary storage of floodwaters, to minimise flood damage

and not cause any significant rise in flood level or flow velocity that may adversely affect existing properties. It also seeks to protect water quality.

Council submitted that including the SBO and the LSIO in the planning scheme enables drainage and flooding issues to be addressed early in the development process (through triggering a planning permit for buildings and works) rather than only at the later building permit stage.

1.2 Abandonment of SBO2 and SBO3

After considering submissions to the Amendment on 26 September 2017, Council resolved to abandon those parts of the Amendment that related to the proposed SBO2 and SBO3.

The remaining part of the Amendment applies only to the proposed LSIO and the SBO1 areas, which are under Melbourne Water control.

Council advised that the Amendment was “*effectively split*” by the Council resolution. The Panel notes that the Amendment was not formally split into Part 1 and Part 2. In any case, the Panel has not considered that part of the Amendment relating to the SBO2 and SBO3.

The Panel notes the Council resolution in relation to the abandoned part of the Amendment:

That Council:

- a) use the knowledge of drainage network improvements needed gained through the C109 amendment process to inform the prioritisation of drainage maintenance and upgrades in the next 4 years;*
- b) proceeds with the investment of at least \$10.8M in drainage works over the next 4 years in our current budget, and prepares a plan to increase that investment for the next budget;*
- c) completes the upgrade to the Asset Management system to better enable efficient planning and management of drainage assets.*

The reasons for abandoning the SBO2 and SBO3 parts of the Amendment are not clear to the Panel, but that is a decision for the Council. Council advised that the flood mapping is being used by Council to prioritise drainage upgrades throughout the municipality.

Council did not make any submission about when the areas affected by flooding from Council assets (SBO2 and SBO3) would be re-visited. The Panel assumes that Council intends to revise flood mapping of these areas at a future date and pursue a separate amendment to introduce appropriate planning controls.

1.3 Background to the proposal

In response to the *Port Phillip and Westernport Region Flood Management and Drainage Strategy*, Council and Melbourne Water engaged consultants in 2011 to carry out flood modelling and review the extent of the SBO and LSIO across Manningham.

Flood mapping was completed for the five catchments of Bulleen North, Ruffey Creek, Mullum Mullum Creek, Koonung Creek and Andersons Creek. The mapped flood extents

were filtered to delete or modify areas of lower risk. The flood modelling methodology is discussed in more detail in Chapter 3 of this report.

1.4 Summary of issues raised in submissions

The key issues raised in the submissions are briefly summarised as follows:

- individual properties have not experienced flooding in the past
- the modelling is inaccurate
- Council and/or Melbourne Water drainage works have already addressed any potential flooding impacts
- existing drains are poorly maintained and/or inadequate
- drains should be upgraded to cope with a 1 in 100 year ARI flood event
- new development and increases in density exacerbate flooding
- property values and insurance premiums will be negatively affected
- where an overlay does not impact on existing structures on a property, its application is unnecessary
- additional financial and administrative burden.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing.

The Panel has reviewed a large volume of material. The Panel has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Flood modelling
- Site specific submissions
- Other issues
 - Drainage maintenance and upgrade
 - Property values, insurance premiums and administrative burden
 - Removal of the Urban Floodway Zone from 13, 15, 19, 20 and 25 Carbine Street, Donvale

2 Planning context

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

The Panel has reviewed Council's response and the policy context of the Amendment, and has made a brief appraisal of the relevant planning controls and relevant planning strategies.

2.1 Strategic and policy framework

The Amendment has been assessed against the objectives of the State Planning Policy Framework and is considered to be consistent with the principles of State Policy, in particular:

Clause 13.02-1 Floodplain Management which includes strategies to:

- Identify land affected by flooding, including floodway areas, as verified by the relevant floodplain management authority in planning scheme maps. Land affected by flooding is land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority.
- Avoid intensifying the impact of flooding through inappropriately located uses and development.

Council submitted that the Amendment will assist in the protection of life, property and community infrastructure from flood hazard and from the natural flood carrying capacity of rivers, streams and floodways, and will protect the flood storage function of floodplains and waterways.

The Amendment is also supported by the Local Planning Policy Framework, and in particular Clause 21.12-4 (Infrastructure - Services), which identifies the key issues relating to water and drainage and seeks (most relevantly) to:

- ensure that drainage infrastructure is designed and upgraded to provide a safe and efficient system
- ensure that the use and development of land maintains the flood flow characteristics of the Yarra River and its tributaries.

Further strategic work and 'other actions' identified under clause 21.12-4 include:

- identifying land with drainage and flood constraints in the planning scheme; and
- continuing to liaise with Melbourne Water to co-operatively manage the stormwater and natural creek systems in the municipality.

Council made reference in its Part A submission to the *Council Plan 2013-2017*, Council's *Drainage Strategy 2004-2014*, the *Manningham Residential Strategy 2012* and the *Manningham Planning Scheme Review 2014*, all of which provide strategic support to more accurately mapping flood levels and implementing appropriate planning controls.

Council also made reference to the *Victorian Floodplain Management Strategy 2016*. The strategy states that in order to avoid or minimise future risks, the use of planning controls to manage the potential growth in flood risk should be endorsed. It also sets accountabilities in land use planning to avoid increased stormwater runoff from new developments.

Council submitted that, while the strategy was released following the preparation of the Amendment, the objectives of the Amendment are considered to be in line with the strategy.

2.2 Planning scheme provisions

Council provided the following useful table comparing the purposes of the SBO and LSIO:

Special Building Overlay	Land Subject to Inundation
To identify land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority.	To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.
To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.	To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
To protect water quality in accordance with the provisions of the relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Vic).	To protect water quality in accordance with the provisions of the relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Vic).
	To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

Council noted that the SBO includes a more extensive list of exemptions from the need for a permit to construct a building or to construct or carry out works.

2.3 Ministerial Directions and Practice Notes

Ministerial Directions

The Amendment is consistent with Minister's Direction No. 9 – Metropolitan Strategy (as amended 30 May 2014) pursuant to section 12 of the *Planning and Environment Act 1987* – that requires planning authorities to have regard to the Metropolitan Strategy (Plan Melbourne).

Plan Melbourne includes a policy under Direction 6.3 (Integrate urban development and water cycle management to support a resilient and liveable city) to:

6.3.2 Improve alignment between urban water management and planning by adopting an integrated water management approach

Council submitted that by improving and implementing more accurate flood modelling, Council and Melbourne Water can better plan for future flood impacts, contribute to

broader plans for whole-of-water cycle management with other governments and agencies and can reduce, through planning permit applications, the impacts of flooding within the municipality.

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

Planning Practice Notes

Council provided a detailed assessment of Planning Practice Note 12 (PPN12) – *Applying the Flood Provisions in Planning Schemes June 2015* - in its Part A submission.

The Council Part A submission concluded:

As recommended in PPN12, the Floodplain Management Plan was prepared in 2011 to determine the extent and severity of flooding in the relevant catchments. The modelling in the Floodplain Management Plan was evaluated and used in Cardno Technical Report in 2015 to confirm the number of properties to be included in the LSIO and SBO based on the type of flooding identified. Further to this, in 2016 Council engaged Water Technology to undertake a peer review of the methodology used to develop the flood mapping (outlined further below).

In these circumstances, Council is satisfied that the methodology used to prepare the flood modelling and translate that modelling into the appropriate overlays is robust and accurate.

2.4 Discussion

Several submitters challenged the voracity of the modelling approach or the site-specific application of the overlays, but none challenged the strategic foundations of the Amendment. It seemed to be accepted that Council and Melbourne Water were acting appropriately in applying the proposed planning controls.

Council best summarised its' position in its Part B submission:

Council submits that by improving and implementing more accurate flood modelling, Council and Melbourne Water can better plan for future flood impacts, contribute to broader plans for whole-of-water cycle management with other governments and agencies and can reduce, through planning permit applications, the impacts of flooding within the municipality.

2.5 Conclusion

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes. The Panel concludes that the Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 Flood modelling

3.1 The issue

Is the flood modelling that has been undertaken suitable for the purposes of applying the proposed planning controls?

3.2 Background

Council advised that flood mapping was completed for the five catchments of Bulleen North, Ruffey Creek, Mullum Mullum Creek, Koonung Creek and Andersons Creek. Three smaller urban catchments abutting the Bulleen North catchment, and the Jumping Creek and Brushy Creek catchments are yet to be mapped.

Council submitted that the flood mapping was undertaken in accordance with Melbourne Water's specifications and Melbourne Water was either engaged in the flood model calibration or, in the case of Bulleen North and Ruffey Creek, managed the consultancy contracts, to ensure robust and consistent results.

The mapped flood extents were filtered in accordance with industry practice to generally delete flooding which is less than 50 millimetres in depth and where the flood velocities are low. The data filtering process removed areas of the flood extent considered as low risk as set out in the Cardno Technical Report. This filtering process included modification of the extent of areas displaying flooding which are isolated from the flood extent and remote from underground drainage assets, which were less than 500 square metres in area.

Melbourne Water submitted that the production of flood maps involves a number of activities:

In general, the required methodology to produce reliable flood maps involves the following four stages:

- *Production of topographic information for the area being mapped*
- *Estimation of the magnitude of flows along drainage paths (i.e. hydrologic analysis)*
- *Estimation of flood depths and flow velocities along the drainage lines (i.e. hydraulic analysis) and*
- *Delineation of flood extent and determination of properties subject to flood inundation.*

3.3 Review process

Council provided a description of the flood modelling review process in its Part A Submission. The following is a summary of that process based on Council's submission.

Following receipt of submissions, officers of Council and Melbourne Water undertook a review of all submissions received in relation to the Amendment. The further technical review (FTR) was undertaken in cases where submitters questioned the inclusion of their property in the LSIO and / or SBO due to:

- the accuracy of the modelling

- flooding not having been experienced in the past
- the minimal extent of coverage of the overlay over the property.

The FTR resulted in a large number of recommended changes, including refinements to the flood shapes that had been modelled, changes to the overlay applying to the property (e.g. changing from SBO1 to SBO3) and in some instances, the removal of proposed overlays from some properties.

Water Technology was engaged in 2016 to undertake a peer review assessing the methodology used for the catchment mapping and translation to the planning overlays (Peer Review).

The Peer Review concluded that:

- the methods and outputs for the five catchment areas comprising the Amendment are appropriate for urban flood mapping
- appropriate checks and validation have been made in each study such that the design flow estimates are considered robust
- a consistent and appropriate method has been applied to the processing of model results to produce mapping outputs that are relatively consistent across the municipality.

The Peer Review also concluded that a number of small, isolated areas of inundation that were not expected to represent any significant threat to life or property could be removed from the SBO3 without compromising the appropriate management of flood risk within the area. Given the SBO3 was subsequently abandoned by Council, this recommendation is no longer relevant.

Following a further round of consultation between March and September 2017, further reviews were carried out in response to submitter concerns. Council ultimately abandoned the parts of the Amendment relating to SBO2 and SBO3.

There are a number of properties that are affected by flooding from both Council and Melbourne Water assets. Council and Melbourne Water had adopted a policy of only applying one type of SBO Schedule to each property. When the SBO2 and SBO3 were abandoned, 35 properties were reviewed to see if the SBO1 should be applied to cover flooding from Melbourne Water assets on these properties. Melbourne Water advised the outcome of the review at the Hearing. In summary, Melbourne Water determined that the 16 of these properties should have the SBO1 retained. At the Panel's direction, Melbourne Water wrote to all 35 affected property owners to advise them of the outcome of the review and invited further submission.

Melbourne Water also reviewed seven late submissions and clarified its position on two other submissions in January 2018.

Submitters to the Hearing raised several new issues that Melbourne Water subsequently reviewed.

The post-exhibition changes are discussed in Chapter 4. The vast majority of submissions have been resolved as a result of the further reviews undertaken by Melbourne Water.

A summary of the final outcome of all reviews of submissions is provided in Appendix C of this report. Appendix C shows the final Melbourne Water position on all 'live submissions' referred to the Panel.

3.4 Evidence and submissions in relation to mapping

Mr Andrew Prout (Submission 427, December 2015) submitted that there were a number of aspects of the SBO mapping that required review:

- *Use of rainfall on grid flood modelling in built up urban areas.*
- *Filtering of rainfall on grid flood model results.*
- *Inappropriate application of Melbourne Water Technical Guidelines.*
- *Lack of continuity and connectivity of flow paths.*
- *Many proposed SBO areas where there would not be any overland flow in a major storm.*
- *Other obvious valleys where overland flow would occur where no SBO is proposed.*
- *Extension of SBOs too far upstream into catchments.*
- *Proposed SBOs on very steep slopes which are not subject to overland flooding.*

He submitted that this resulted in unintended results in the mapping of overland flow paths. He gave four examples of how, in his submission, the modelling had produced inaccurate results. Mr Prout submitted that the flood modelling should be independently reviewed and the following issues resolved:

- *Rainfall on grid should not be adopted in built up urban areas.*
- *Shallow sheet flow should be excluded from the SBO shapes*
- *The upstream limits and extents of the SBOs should be systematically determined.*

Melbourne Water relied on the evidence of Mr Robert Swan, who opined as following in relation to each of the flood mapping projects undertaken by Council and Melbourne Water:

(The mapping) was completed generally in accordance with the Melbourne Water's relevant Technical Specifications for Flood Mapping Projects that were relevant at the time of project commencement.

The projects completed by Cardno adopted the direct rainfall method for hydrological analysis, and this approach was tested during the Bulleen North project and accepted by Melbourne Water.

Water Technology P/L has also completed an independent technical review of the methodology. The direct rainfall approach is considered suitable for urban flood mapping projects in the latest version of Australian Rainfall and Runoff (2016).

Mr Swan gave evidence that the direct rainfall, or rainfall on grid, model is suitable for flood modelling in urban areas. He gave a detailed account of how the model had been applied, and how further criteria were then applied to include or exclude areas from the modelled

overlays. The details are not repeated in this report, they can be found in Mr Swan's expert evidence report.

In direct response to Mr Prout's submission, Mr Swan responded that:

- An independent review has now been conducted – by Water Technology
- The direct rainfall method is well accepted in urban areas as a valid approach to modelling and noted that the examples used by Mr Prout were cases where other modelling approaches had been used
- Shallow sheet flow should be retained in the modelling. It is a legitimate flood behaviour and should be accounted for in assessing flood behaviour.

Mr Swan's evidence described the process undertaken by Cardno and Council officers in further refining flood overlay shapes, including site inspections where required.

Mr Swan provided a response to all 'live' submissions. Mr Swan's position on each submission was adopted by Melbourne Water and Council.

Council summarised its position as follows:

In summary, Council is satisfied that the flood modelling which was conducted in 2011, and which has been thoroughly tested and analysed since that time, is accurate and represents the forecasted overland stormwater flows associated with a 1 in 100 year storm event.

It is important to reiterate here that a lack of historical evidence about flooding, as experienced by particular land owners, does not mean that the property may not be inundated by overland flooding in the future.

Council supports the Amendment as the application of the SBO1 and LSIO as proposed is the best means of protecting life and property as envisaged by the Scheme, whilst also reducing the impact of new buildings and works on the free flow and storage of floodwaters.

Council's position has been supported by several panels, which have found that the general absence of severe flooding or historical flood events over a property does not undermine the validity of the application of an SBO or LSIO.

3.5 Discussion

The Panel believes Mr Prout raised some good points about the need to refine the initial flood modelling data. The Panel is, however, satisfied that the systematic process of review and response to submissions that has been carried out by Council and Melbourne Water provides an appropriate level of refinement of the base modelling well beyond what is normally carried out for the purposes of applying planning overlays.

The Panel accepts that the direct rainfall method is an appropriate approach to the initial modelling in urban areas provided that a consistent approach is taken to refining the results. It has been well established in previous panel hearings that modelling of approximate or theoretical flood behaviour is appropriate and acceptable for the purposes of applying planning controls. The Panel notes that the application of an overlay is simply a means to identify areas that may be at risk of flooding, and to trigger the need to apply for a planning

permit for some buildings and works that may be impacted by, or impact on, overland flood paths.

The Panel also notes that Council and Melbourne Water have reviewed, and in many cases substantially reduced, the extent of the proposed overlays in response to submissions. The Panel supports this refinement where there is evidence to support a change. Where there is not clear evidence to support a reduction, the Panel believes that planning authorities should err on the conservative side and apply the overlay. The Panel is satisfied that Melbourne Water and Council have followed this approach on this Amendment.

3.6 Conclusion

The Panel concludes:

- The flood modelling approach taken by Council and Melbourne Water is appropriate and fit for the purpose of applying planning controls.
- The systematic process of refining the extent of the proposed overlays undertaken by Council and Melbourne Water is supported.

4 Site specific submissions

4.1 Introduction

As discussed in Chapter 3, Council and Melbourne Water have substantially refined the proposed overlay in response to submissions, which has resulting in many of the submissions being satisfactorily resolved. The Panel does not propose to provide detailed commentary on resolved submissions.

Appendix C sets out Council and Melbourne Water's final position on each of the remaining 81 'live' submissions. The table in Appendix C designates the submissions as follows:

- 1 – submission does not require resolution – 6 submissions
- 2 – Retain as exhibited – 17 submissions
- 3 – Abandon – 41 submissions
- 4 – Modification to exhibited flood shape – 15 submissions
- 5 – Multiple properties affected – 2 submissions.

Appendix D shows the final amended SBO1 and LSIO shapes proposed for each property where Melbourne Water proposed to change the overlay from that exhibited.

Appendix E shows a list of other properties where the overlays are proposed to be deleted.

4.2 The issues

The Panel has reviewed each of the remaining unresolved submissions. The most common concern raised by submitters related to the accuracy of the extent of the overlay proposed, having regard to the owners experience of flooding on the site.

The Panel received Hearing submissions from owners of the following properties:

- 17 Thea Grove, Doncaster East (Submission 95)
- 10 Hillcroft Drive, Templestowe (Submission 113)
- 24 Hillcroft Drive, Templestowe (Submission 345)
- 16 Hillcroft Drive, Templestowe (Submission 388)
- 6 Drummond Close, Donvale (Submission 102)
- 23-71 Alexander Road, Warrandyte (Submission 339).

The Panel has also provided comments on other unresolved submissions and submissions that have been partially resolved.

4.3 Submitters appearing at the Hearing

4.3.1 17 Thea Grove, Doncaster East (Submission 95)

(i) Submissions

Mr and Mrs Ward submitted that the SBO should not be applied to their property on the basis that:

- A levee bank on the northern edge of the property protects from flooding
- The Property is well drained and connected to the Council drainage system

- They have not observed flooding on the property in the past six to seven years since the levee has been installed.

The SBO at the front of the property was related to flooding from Council drains, and so no longer applies. Melbourne Water have advised that the proposed SBO1 has been reduced upon review, but maintain that the SBO1 should continue to be applied as it forms part of the overland flow path from Melbourne Water assets.

Mr Grant Ward represented the submitters at the Hearing. He advised that his parents had found the Amendment process very stressful. He submitted that the process of notifying and explaining the Amendment could have been handled much better.

Mr Kearney submitted that Melbourne Water had more recently had discussions with the Wards about how the land can be developed and the consequences of the overlay being applied.

Mr Ward acknowledged that his parents now understood the issues, and were much happier with Melbourne Water's final adopted position.

(ii) Discussion

It is unfortunate that the amendment process has caused stress for the Wards. Council has endeavoured to provide information on the reasons for and consequences of the proposed overlays, but for reasons that are unclear, the process has not hit the mark in the case of the Wards.

The changes to the SBO1 as proposed by Melbourne Water are a sensible response to the submission.

(iii) Conclusion

The Panel concludes that the SBO1 extent as shown in Appendix D for this property should be adopted.

4.3.2 10, 12, 14, 16, 18, 24, 26, 27, 29 and 30 Hillcroft Drive, Templestowe submissions (Submissions 113, 126, 340, 345, 373, 388, 394, 424, 460 and 536)

(i) Submissions

The Amendment proposes the application of the SBO1 to a number of properties in Hillcroft Drive, Templestowe. Council advised that the SBO extents on some of the Hillcroft Drive properties were proposed to be reduced from that exhibited. In all cases the final proposed SBO1 applies only to the front of the properties. In some cases the extent of the SBO1 at the front of the properties was also reduced.

Ms Liesbeth Van Altena (Submission 113) submitted that the overlay on her property was not justified and would impact the way she may wish to develop her property. She also expressed concerns about possible impact on property values and insurance costs.

Ms Monica Chan (Submission 345) submitted that the LiDar mapping had not picked up the retaining wall on the front of her property and that, in any case, only a small portion of her property is affected and so the overlay should be removed.

Mr Vincent Testa (Submission 388) submitted that the broad grids used in the LiDar mapping had led to anomalies on a number of properties along Hillcroft Drive and produced surveyed levels to demonstrate his point. He also highlighted some inconsistencies in the way that the overlay had been modified. He submitted that the overlay had been removed at properties in Amberwood Court and McCullum Road where a retaining wall had been identified, yet the same approach had not been applied in Hillcroft Drive.

Mr Testa also raised concerns about property values and insurance premiums (Discussed in Chapter 5).

Mr Swan gave evidence that the mapping did include inherent approximation due to the large scale of the grids used in the modelling, but maintained that it was still suitable for the intended purpose. Mr Swan and Mr Kearney both acknowledged that the mapping in Hillcroft Drive may benefit from review and on ground survey.

Mr Kearney agreed to undertake more detailed survey and review the levels and extent of the proposed SBO1 in Hillcroft Drive.

(ii) Discussion

The Panel accepts that the modelling used to map the overlay extent is somewhat of an approximation, and in most cases this does not lead to unreasonable inaccuracy in overlay mapping. The Panel, however, agrees with Mr Testa that in this case there do appear to be some anomalies. The level differences presented by Mr Testa, if they are accurate, would suggest that flooding of the front of his property is unlikely to the extent shown in the mapping. If that is true of Mr Testa's property, then others that share the topography in Hillcroft Drive would be similarly affected. The unique upward sloping nature strips and sloping fronts of properties would suggest that the properties could be at low risk of inundation, and the Panel concludes that removing the properties from the overlay may be appropriate.

(iii) Conclusion

The Panel concludes that the proposed SBO1 in Hillcroft Drive, Templestowe should be reviewed by Melbourne Water, based on a more accurate survey.

4.3.3 6 Drummond Close, Donvale (Submission 102)

(i) Submissions

The exhibited Amendment proposed the extension of the SBO1 into this property, particularly in the southern section of the property.

Mr Nicholson submitted that the proposed overlay did not accurately reflect the topography or recent drainage infrastructure works.

Mr Swan gave the following evidence in relation to this site:

The site survey confirms that the LiDAR has not accurately captured the ground surface profile for the site. The assessment of the flood shape has now been completed using the site survey and the peak flood levels reached during the 1 in 100 AEP flood event. This resulted in the house area being removed from the SBO and the shape better reflecting the ground surface surveyed.

Melbourne Water accepted Mr Swan's evidence and proposed a reduction in the extent of the SBO1.

Mr Nicholson advised the Panel at the Hearing that he accepted the final overlay shape proposed by Melbourne Water (as shown in Appendix D of this report).

(ii) Conclusion

The Panel concludes that the SBO1 extent for this property as shown in Appendix D should be adopted.

4.3.4 23-71 Alexander Road, Warrandyte (Submission 339)

(i) Submissions

The exhibited Amendment proposed an extension of the LSIO into the eastern section of the property and a new section of LSIO to the south.

Mr Abbott submitted that the proposed LSIO shape did not accurately reflect ground conditions. He submitted that flooding had not occurred over a long period of time.

Melbourne Water, adopting the evidence of Mr Swan, proposed at the Hearing that the existing LSIO be retained on the majority of the property (i.e. not modified as exhibited) and that the proposed southern extension (as exhibited) should be retained as shown in Appendix D.

It is understood that Mr Abbott accepts this position.

(ii) Conclusion

The Panel concludes that the LSIO extent for this property as shown in Appendix D should be adopted.

4.3.5 112 – 126 Old Warrandyte Road, Donvale (Mullum Creek Estate)

Submissions 46, 235 and 456

(i) Background

The site was the subject of the Amendment C83 to the Manningham Planning Scheme, a combined planning scheme amendment and permit which proposed the subdivision of the site into 56 lots in stages. The permit was issued by Council on 11 May 2012.

(ii) Submissions

Mr Mathews submitted that flooding was addressed as part of the application for a permit to subdivide the site.

Council adopted a position that it supported the removal of the overlays from the site.

Melbourne Water submitted that the overlay does not change existing permit conditions, but acknowledged that once subdivision works are completed to the satisfaction of Melbourne Water, the overlay could be amended or removed.

Melbourne Water has confirmed that the exhibited SBO flood shape can be abandoned, with the existing LSIO to be further reduced.

(iii) Discussion

Mr Mathews confirmed in an email to the Panel Chair on 8 February 2018 that he is in agreement with Melbourne Water's final position.

(iv) Conclusion

The Panel concludes that the LSIO extent for this property as shown in Appendix D should be adopted.

4.4 Other unresolved submissions

(i) Introduction

Appendix C lists the status of all 81 'live' submissions. Council advised that, of these, 6 do not require resolution and 41 have been abandoned. The 16 submissions raised in hearing submissions are discussed in the sections above.

Council and Melbourne Water provided the following responses to the remaining unresolved submissions.

(ii) Submissions where Council and Melbourne Water propose to change the exhibited SBO

While these submissions are listed as 'unresolved', Council and Melbourne Water have reviewed each one and proposed changes in order to resolve the submission. For most of these submissions it is not known whether the submitters are satisfied with the outcome.

Submission 28 – 20 Russell Street, Bulleen

Melbourne Water propose to remove part of the SBO at the front of the Property and retain the SBO at the rear of the property.

Submission 108 – 393 Park Road, Park Orchards

On the basis of Mr Swan's evidence, Council and Melbourne Water reduced the extent of the LSIO on the property.

The Panel understands that Mr and Mrs Theodorou are now satisfied with this outcome.

Submission 154 – 25 McCallum Road, Doncaster

Melbourne Water and Council proposed to remove the SBO1 from the rear of the property and modify the extent on the eastern side of the property.

The Panel understands that Mr Cambrey is now satisfied with this outcome.

Submission 354 - 441 Serpells Terrace, Templestowe

Melbourne Water agreed to trim the SBO at the front of the property as shown in Appendix D.

Submission 369 – 22 Russell Street, Bulleen

Melbourne Water propose to remove part of the SBO at the front of the Property and retain the SBO at the rear of the property.

Submissions 427 - 50 – 56 Ennismore Crescent, Park Orchards

Melbourne Water and Council have reviewed the extent of the SBO on this property in response to Mr Prout's submission. It is proposed to reduce the overlay as shown in Appendix D.

Submission 454 - 28 Harris Gully Road, Warrandyte

Melbourne Water propose to retain the LSIO over the south-eastern corner of the property.

Submission 505 - 23-31 Tills Drive, Warrandyte

Melbourne Water propose to retain the existing LSIO on the property i.e. not change as to the exhibited shape.

(iii) Submissions where Council and Melbourne Water propose to retain the overlay as exhibited

Melbourne Water propose to retain the overlays as exhibited for the following properties:

- Submission 5 – 55-57 Ennismore Crescent, Park Orchards
- Submission 49 – 32 Worthing Avenue, Doncaster
- Submission 155 - 23 Wagon Road, Templestowe
- Submission 336 - 6 Rush Place, Warrandyte (Submission withdrawn)
- Submission 371 - 7/9 Long Valley Way, Doncaster East
- Submission 446 - 302 George Street, Doncaster
- Submission 507 – 280 Yarra Street, Warrandyte
- Submission 509 - 361-363 Ringwood-Warrandyte Road, Warrandyte
- Submission 529 - 110 McGowans Road, Donvale
- Submission 559 - 2 Aquarius Court, Donvale
- Submission 563 - 17 Mopoke Hill Road, Warrandyte
- Submission 564 - 19 Mopoke Hill Road, Warrandyte
- Submission 565 - 21 Mopoke Hill Road, Warrandyte.

No further information was provided by Council or Melbourne Water in response to these submissions, other than advice that the submissions had been reviewed and no change is proposed to the exhibited Amendment.

These submissions generally raised the following issues:

- Inadequate maintenance of drains
- No flooding has been experienced at the property
- The flood modelling is inaccurate for the property.

(iv) Discussion

The Panel accepts the final position taken by Council and Melbourne Water on each of the 'unresolved' submissions, with the exception of the properties in Hillcroft Drive, Templestowe.

In all cases the submissions raised have been systematically reviewed by Council and Melbourne Water, and where appropriate, overlays have been reduced or modified.

(v) Conclusion

The Panel concludes that the final position taken by Council and Melbourne Water on each of the 'unresolved' submissions should be adopted, with the exception of the properties in Hillcroft Drive, Templestowe.

The final position for each property is as set out in Appendices C and D of this report.

4.5 Additional changes to 'non-submitter' properties**(i) Submissions**

Council and Melbourne Water recommended further consequential changes to the SBO1 and LSIO as it applies to properties nearby submitters properties. The circumstances that applied to these properties closely mirrored those of submitters properties, and so it is sensible to also propose the following changes:

- *remove overlay from 7 Yileen Court Donvale (related to submissions 46, 235 and 456). Melbourne Water agrees to the removal of the exhibited flood shape from this property.*
- *remove overlay from the front of 37 Lynwood Parade, Lower Templestowe (related to submission 184). Melbourne Water agrees to the removal of the exhibited flood shape from this property.*
- *remove overlay from 26 and 28 Airdrie Court, Lower Templestowe (related to submission 466). Melbourne Water agrees to the removal of the exhibited flood shape from these properties.*
- *remove overlay from 16 and 18 Montpellier Crescent Lower Templestowe (related to submission 65). Melbourne Water agrees to the removal of the exhibited flood shape from these properties.*
- *remove overlay from 3 and 5 Chaim Court and 59 Beckett Road, Doncaster (related to submission 71). Melbourne Water agrees to the removal of the exhibited flood shape from these properties.*
- *remove overlay from 18 and 20 Nottingwood Street, Doncaster East (related to submission 143). Melbourne Water agrees to the removal of the exhibited flood shape from these properties.*
- *remove overlay from properties 2,3,4 & 5 Montclair Court, Templestowe (related to submission 152). Melbourne Water agrees to the removal of the exhibited flood shape from these properties.*

- *remove overlay from 7 and 8 Drummond Close, Donvale (related to submission 170). Melbourne Water agrees to the removal of the exhibited flood shape from these properties.*
- *remove overlay from 4 Dilkara Court, Doncaster East (Submission 368). Melbourne Water agrees to the removal of the exhibited flood shape from this property.*
- *remove overlay from 13 & 15 Dirlton Crescent, Park Orchards (related to submission 427). Melbourne Water agrees to the removal of the exhibited flood shape from these properties.*
- *remove overlay from 4 Mossy Creek Slope and 22 and 24 Harris Gully Road, Warrandyte? (related to submission 452). Melbourne Water agrees to the removal of the exhibited flood shape from these properties.*
- *remove overlay from 52A Windella Quadrant, Doncaster (related to submission 471). Melbourne Water agrees to the removal of the exhibited flood shape from this property.*
- *remove overlay from 36-48 Tills Drive, Warrandyte (related to submission 505). Melbourne Water agrees to the removal of the exhibited flood shape from these properties.*
- *remove overlay from 13 and 14 Jolen Court, Donvale (related to submission 544). Melbourne Water agrees to the removal of the exhibited flood shape from these.*

Council and Melbourne Water submitted that properties at 20, 22 28 & 34 Hillcroft Drive, Templestowe should be retained as SBO1 along Hillcroft Drive frontage. These properties are subject to the same review as discussed in section 5.4 above. There may be consequential changes to these properties as a result of the review.

(ii) Discussion

The Panel agrees that the 'non-submitter' properties identified (with the exception of Hillcroft Drive, Templestowe) should have the overlay removed as proposed. Clearly if the properties are in similar circumstances to other properties where changes have been agreed, it follows that the same changes should be made.

(iii) Conclusions

The Panel concludes that the additional 'non-submitter' properties identified by Council and Melbourne Water (with the exception of Hillcroft Drive, Templestowe) as listed above (and in Appendix E) should have the overlay removed as proposed.

The properties at 20, 22 28 & 34 Hillcroft Drive should be reviewed along with other Hillcroft Drive properties as discussed in section 5.4.

4.6 Recommendations

The Panel makes the following recommendations in relation to the application of the overlay to specific properties:

Adopt Amendment C109 to the Manningham Planning Scheme as exhibited subject to the following changes:

- a) Amend the Special Building Overlay Schedule 1 and the Land Subject to Inundation Overlay as detailed in Appendix C and as shown in Appendix D of this report.
- b) Delete the Special Building Overlay Schedule 1 and the Land Subject to Inundation Overlay from the (non-submitter) properties identified in Appendix E of this report.
- c) Review the application of the proposed Special Building Overlay Schedule 1 to all properties in Hillcroft Drive, Templestowe, based on a more accurate ground survey.

5 Other issues

5.1 Drainage maintenance and upgrade

(i) The issue

A number of submissions raised concerns that:

- Flood mapping does not take into account recent upgrades to drainage infrastructure
- The extent of flooding would be less if drains were properly maintained.

(ii) Evidence and submissions

Council submitted that the timing and extent of upgrades was taken into account in the modelling, and that any upgrades which had occurred in the time between the modelling and consideration of submissions was also considered as part of the FTRs.

Council noted that upgrades may not necessarily benefit all properties, depending on the location and flood paths impacting the property.

Council submitted that, in any case, it is correct to proceed with the modelling using drainage infrastructure existing at that time. To do otherwise would delay the work in perpetuity and put lives and property at risk.

Council and Melbourne Water acknowledged that lack of proper maintenance can cause more extensive flooding but advised that both organisations will continue to ensure that local drains under its control are maintained to the appropriate standard.

(iii) Discussion

The Panel agrees with Council that the most up to date information on the current condition of drains should be used for flood mapping. It is recognised that drainage infrastructure is continually upgraded and so it could be argued that flood mapping should be altered. The Panel agrees with Council, however, that it is appropriate to expeditiously manage the risk associated with flooding and implement the flood controls in a timely manner. Further delays to further refine the controls are not justified. Flood overlays are not a prohibition on use of land but rather a trigger that a permit may be required for certain types of works. This distinction is often not well understood.

5.2 Property values, insurance premiums and administrative burden

(i) The issue

Several submissions raised concerns regarding the impact of the Amendment on property values, insurance premiums and the administrative burden on future development of requiring a planning permit.

(ii) Evidence and submissions

Council acknowledged the concerns, but submitted that these are matters not directly relevant to the merit and strategic justification for the Amendment and are outside the scope of the Panel's consideration.

Council noted that previous panels have consistently found that there is no justification for refusing an amendment to apply the SBO or LSIO on the basis of property values, insurance premiums or the administrative requirements associated with a potential planning permit trigger.

Nevertheless, in November 2016 Council engaged Charter Keck Cramer (CKC) to provide advice on what, if any, impact the SBO would have on the values of those properties affected in the short and long term. In summary, Council advised that the CKC report found that:

In undertaking this assessment Charter has not been able to establish that the application of the SBO will negatively impact the values of those properties to be affected. This is consistent with the findings of the study undertaken by Charter for the City of Stonnington in 2004.

... it is Charter's opinion that the SBO will not negatively impact property values in the City of Manningham.

Mr Testa submitted that the study undertaken by CKC was very limited and should not be used to draw conclusions. He referred to a report titled *Effects of Disclosure of Flood liability on Residential Property Values: An Update, Yeo and others May 2015*. He submitted that the Yeo report concluded that flood prone land is often discounted.

Mr Testa also provided the Panel with a copy of *Natural Disaster Insurance Review Executive Summary and Recommendations September 2011*. He submitted that the report suggests that insurance costs may go up if a flood overlay is applied.

In response¹, Council forwarded the Panel a full copy of the Yeo report and provided the following response on property value and insurance issues:

Mr Testa correctly noted that the Value Impact Assessment prepared by Charter Keck Cramer in November 2016 (VIA) referenced the work of Stephen Yeo. However, in doing so, the VIA (at page 11) notes that:

- Research indicates that actual flooding is much more likely to trigger an adverse effect on property values than floodplain designation or regulation 2 with the extent of discounting likely to be directly related to the degree of risk and any discount generally attributable to an actual flood event. Where multiple floods have occurred in a relatively short timeframe, the extent of discounting is generally higher.*

In contemplating any potential value impact associated with the disclosure of flood risk via mapping or the introduction of regulatory control, it is important

¹ Letter from Maddocks Lawyers dated 16 February 2018 to the Panel Chair

to recognise that the level of flood risk does not in fact change but simply recognises an existing condition of the land.

The VIA continues at page 11 to quote Mr Yeo 's work in respect of case studies conducted on the disclosure of flood risk and property values. It notes:

- In a comprehensive review of international and local research findings relating to the disclosure effect on residential properties, it was found that "the bulk of studies found no change in property values upon disclosure".*

The VIA drills down further by conducting a direct comparison analysis of properties within the City of Manningham currently subject to the SBO1. The VIA provided five different case studies, with each case compared to the sales of three non-SBO affected properties. Each case study involved a property where 75% - 100% of the property was affected by the SBO1. It is therefore considered to be a conservative assessment. It found no evidence or basis to indicate that the SBO has had an adverse impact on property values in the City of Manningham.

The extract provided by Mr Testa from the 2015 Paper does not discredit these findings.

In relation to insurance premiums, Council responded:

The Natural Disaster Insurance Review did not conclude that the identification of flood prone land leads to high insurance premiums. The focus of the Natural Disaster Insurance Review was on recent flood disasters, and the attitude and response of the insurance industry to flood events.

The extract provided by Mr Testa from the Victorian Floodplain Management Study supports Amendment C109. It indicates a desire for individuals and communities at risk of future flooding to be aware of the risks so that they can obtain suitable protection against those risks, both in terms of having access to insurance, and in benefiting from appropriate mitigation strategies.

Council concluded that, while Council recognises that these matters are of genuine concern to property owners, it submits that:

- *the VIA concluded that the SBO will not negatively impact property values in the City of Manningham*
- *there is no evidence before the Panel which demonstrates that the introduction of the SBO1 or LSIO will result in a devaluation of property or increase in insurance premiums; and*
- *in any event, these are matters outside the scope of the Panel's consideration of the strategic merit of Amendment C109.*

(iii) Discussion and conclusion

The information provided by Mr Testa did not convince the Panel that the application of the LSIO of SBO would have any effect on property values or insurance premiums. The material

referred to by Council and Melbourne Water concludes that there is no evidence that the application of an SBO will negatively affect property values or insurance premiums.

In any case, previous panels have consistently found that there is no justification for setting aside planning scheme amendments of this type on the basis that property values might be affected, or insurance premiums might increase. This Panel adopts the same position.

5.3 Removal of the Urban Floodway Zone from 13, 15, 19, 20 and 25 Carbine Street, Donvale

(i) The issue

The property owners of the above properties made a request to Melbourne Water to have the Urban Floodway Zone (UFZ) on their properties removed.

The request is supported by both Council and Melbourne Water.

The Panel has considered whether the request ought to be supported and whether it can be included in this Amendment.

(ii) Evidence and submissions

The officer report to Council on 26 September 2017 supported the requested change to remove the UFZ from properties in Carbine Street, Donvale (13, 15, 19, 20 and 25 Carbine Street, Donvale). The officer recommendation was to rezone these properties to a GRZ3. Following discussions with Melbourne Water, it was ascertained that with the introduction of the SBO1, these properties no longer needed to be included within the UFZ.

Melbourne Water has no objection to the removal of the UFZ and its replacement with the GRZ3. Attachment 1 to the Part A submission included a map of the land to be rezoned and a letter from Melbourne Water supporting the rezoning of these properties as part of the Amendment.

Council sought direction from the Panel if this change could be included as part of the Amendment.

(iii) Discussion

The Panel notes the agreement of Council and Melbourne Water to the requested change, and agrees that it seems to be a sensible 'tidy up' of the zoning of the land. The Panel accepts that no other parties are likely to be adversely affected by implementing the change.

The Panel is concerned, however, that the proposed rezoning was not part of the exhibited Amendment. Had it been, there well may have been other similarly placed property owners come forward requesting similar changes.

The proposed zone change has not come about as part of any systematic review of the UGZ resulting from the Amendment, and the strategic merits have not been examined. It is not clear that the request from the property owners has even come about as a result of the exhibition of the Amendment.

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(iv) Conclusions

On balance, the Panel concludes that it is not appropriate to rezone the properties at 13, 15, 19, 20 and 25 Carbine Street, Donvale from (part) UFZ to GRZ3 as part of this Amendment.

The Panel does see merit in reviewing the application of the UFZ in light of the most recent flood mapping, but that should be done on a more systematic basis over a broader area as part of a separate planning scheme amendment.

The Panel suggests that Council seek advice from the Department of Environment, Land, Water and Planning in relation to the best way to proceed.

Appendix A Submitters to the Amendment

A total of 567 submissions were received in relation to the exhibited Amendment. Of those 81 submissions relate to the SBO1 and the LSIO. Only those 81 'live' submissions are listed below.

Submission Number	Address	Exhibited control
3	16 Larne Avenue, Donvale	SBO1
5	55-57 Ennismore Crescent, Park Orchards	SBO1
9	20 Beaufort Rise, Warrandyte	SBO1
28	20 Russell Street, Bulleen	SBO1
37	4 Birchgrove Crescent, Templestowe	SBO1
46, 235, 456	112-126 Old Warrandyte Road, Donvale	LSIO & SBO2
49	32 Worthing Avenue, Doncaster	SBO1
50	12 Alder Court, Park Orchards	SBO1
65	20 Montpellier Crescent, Templestowe	LSIO
71	8 Chaim Court, Donvale	LSIO
75	65 Dehnert Street, Doncaster	SBO1
82	9 Bayles Court, Donvale	SBO1
86	41 Botanic Drive, Doncaster	SBO1
93	43 Botanic Drive, Doncaster	SBO1
95	17 Thea Grove, Doncaster East	SBO1
96	6 Hillcroft Drive, Templestowe	SBO1
102	6 Drummond Close, Donvale	SBO1
108	393 Park Road, Park Orchards	LSIO
110	4 Hillcroft Drive, Templestowe	SBO1
113	10 Hillcroft Drive, Templestowe	SBO1
126	12 Hillcroft Drive, Templestowe	SBO1
143	16 Nottingwood Street, Doncaster East	SBO1
145	5 Mossy Creek Slope, Warrandyte	LSIO
152	7 Montclair Court, Templestowe	LSIO
154	25 McCallum Road, Doncaster	SBO1
155	23 Wagon Road, Templestowe	SBO1
170	5 Trudi Court, Donvale	SBO1
184	35 Lynnwood Parade, Templestowe Lower	SBO1

Submission Number	Address	Exhibited control
242	70-82 and 84 Gold Memorial Road, Warrandyte	Existing LSIO to be removed, SBO2 to be introduced.
253	6 Montclair Court, Templestowe	LSIO
266	14 Alison Avenue, Bulleen	SBO1
336	6 Rush Place, Warrandyte	LSIO and SBO3
339	23-71 Alexander Road, Warrandyte	LSIO
340	26 Hillcroft Drive, Templestowe	SBO1
344	18 Amberwood Court, Templestowe	SBO1
345	24 Hillcroft Drive, Templestowe	SBO1
354	441 Serpells Terrace, Donvale	SBO1
366	29 Lynwood Parade, Templestowe Lower	SBO1
368	5 Dilkara Court, Doncaster	LSIO
369	22 Russell Street, Bulleen	SBO1
371	7/9 Long Valley Way, Doncaster East	SBO1
373	27 Hillcroft Drive, Templestowe	SBO1
378	8 Montclair Court, Templestowe	LSIO
381	6 Raymond Elliot Court, Park Orchards	LSIO
388	16 Hillcroft Drive, Templestowe	SBO1
392	2 Eumeralla Avenue, Templestowe Lower	LSIO
394	14 Hillcroft Drive, Templestowe	SBO1
395	33 Lynwood Parade, Templestowe Lower	SBO1
406	160 Bulleen Road, Bulleen	LSIO
424	29 Hillcroft Drive, Templestowe	SBO1
427	50 - 56 Ennismore Crescent, Park Orchards	SBO1
427A	Mossdale Court and Greenridge Avenue, Templestowe	SBO1 & SBO3
446	302 George Street, Doncaster	SBO1
452	26 Harris Gully Road and 10 West End Road and 4 First Street, Warrandyte	LSIO – 26 Harris Gully Road, SBO3 10 West End and SBO2 4 First Street
454	28 Harris Gully Road, Warrandyte	LSIO

Submission Number	Address	Exhibited control
456	122-124 Old Warrandyte Road, Donvale	LSIO &SBO2
460	30 Hillcroft Drive, Templestowe	SBO1
466	27 Airdrie Court, Templestowe Lower	LSIO
471	50 Windella Quadrant, Doncaster	LSIO &SBO2
478	14 Nottingwood Street, Doncaster East	SBO1
482	5 Chaim Court, Donvale	LSIO
484	1 Narcissus Court, Doncaster East	N/A
505	23-31 Tills Drive, Warrandyte	LSIO
506	282 Yarra Street, Warrandyte	LSIO
507	280 Yarra Street, Warrandyte	LSIO
509	361-363 Ringwood-Warrandyte Road, Warrandyte	LSIO
515	26 Baradine Terrace, Donvale	LSIO to be removed
519	25 Baradine Terrace, Donvale	LSIO to be removed
529	110 McGowans Road, Donvale	LSIO
536	18 Hillcroft Drive, Templestowe	SBO1
544	12 Jolen Court, Donvale	LSIO
549	307 George Street, Doncaster	SBO1
555	Eastlink	Various
559	2 Aquarius Court, Donvale	LSIO
561	15 Mopoke Hill Road, Warrandyte	LSIO
562	13 Mopoke Hill Road, Warrandyte	LSIO
563	17 Mopoke Hill Road, Warrandyte	LSIO
564	19 Mopoke Hill Road, Warrandyte	LSIO
565	21 Mopoke Hill Road, Warrandyte	LSIO
566	28 Baradine Terrace, Donvale	To be removed
567	21 Baradine Terrace, Donvale	LSIO to be removed with exception of minimal incursion

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Appendix B Parties to the Panel Hearing

Submitter	Represented by
Manningham City Council	Ms Briana Eastaugh of Maddocks and Ms Susan Ross
Melbourne Water	Mr Mike Kearney who called expert evidence from Mr Rob Swan of Cardno on Engineering
Ms Liesbeth Van Altena	
Mr Peter and Ms Yvonne Ward	Mr Grant Ward
Ms Monica Chan	
Mr Vincent Testa	
Mr Ross Nicholson	
Mrs M R Abbott	Mr Neil Abbott

Appendix C Council and Melbourne Water position on each of the referred submissions as put to the Panel Hearing

- Code legend:**
- 1 – submission does not require resolution – 6 submissions**
 - 2 – Retain as exhibited – 17 submissions**
 - 3 – Abandon – 41 submissions**
 - 4 – Modification to exhibited flood shape – 15 submissions**
 - 5 – Multiple properties affected – 2 submissions**

Note that Melbourne Water clarified or changed their position in relation to a number of properties during and after the Hearing – those changes are reflected in the following table

Sub No.	ADDRESS	Exhibited control	Position put to Panel	Code
3	16 Larne Avenue, Donvale	SBO1	As exhibited	1
5	55-57 Ennismore Crescent, Park Orchards	SBO1	As exhibited	2
9	20 Beaufort Rise, Warrandyte	SBO1	As exhibited	1
28	20 Russell Street, Bulleen	SBO1	SBO at front of property to be removed. SBO at rear of property to be retained.	4
37	4 Birchgrove Crescent, Templestowe	SBO1	Removed	3
46, 235, 456	112-126 Old Warrandyte Road, Donvale	LSIO & SBO2	Melbourne Water has confirmed that the exhibited SBO flood shape can be abandoned, with the existing LSIO to be further reduced.	3
49	32 Worthing Avenue, Doncaster	SBO1	As exhibited	2
50	12 Alder Court, Park Orchards	SBO1	Removed	3
65	20 Montpellier Crescent, Templestowe	LSIO	Removed	3
71	8 Chaim Court, Donvale	LSIO	Removed	3
75	65 Dehnert Street, Doncaster	SBO1	Removed	3
82	9 Bayles Court, Donvale	SBO1	Removed	3
86	41 Botanic Drive, Doncaster	SBO1	Removed	3
93	43 Botanic Drive, Doncaster	SBO1	Removed	3
95	17 Thea Grove, Doncaster East	SBO1	Retain exhibited flood shape with exception of SBO1 at front of property which is to be removed.	4
96	6 Hillcroft Drive, Templestowe	SBO1	Removed	3

Sub No.	ADDRESS	Exhibited control	Position put to Panel	Code
102	6 Drummond Close, Donvale	SBO1	Retain but reduce area of SBO1	4
108	393 Park Road, Park Orchards	LSIO	Retain but reduce area of LSIO	4
110	4 Hillcroft Drive, Templestowe	SBO1	Removed	3
113	10 Hillcroft Drive, Templestowe	SBO1	SBO1 to be reduced.	4
126	12 Hillcroft Drive, Templestowe	SBO1	SBO1 to be reduced.	4
143	16 Nottingwood Street, Doncaster East	SBO1	Removed	3
145	5 Mossy Creek Slope, Warrandyte	LSIO	Removed	3
152	7 Montclair Court, Templestowe	LSIO	Removed	3
154	25 McCallum Road, Doncaster	SBO1	Retain but remove western extent of SBO1	4
155	23 Wagon Road, Templestowe	SBO1	As exhibited	2
170	5 Trudi Court, Donvale	SBO1	Removed	3
184	35 Lynnwood Parade, Templestowe Lower	SBO1	Removed	3
242	70-82 and 84 Gold Memorial Road, Warrandyte	Existing LSIO to be removed, SBO2 to be introduced.	Removal of LSIO still supported	3
253	6 Montclair Court, Templestowe	LSIO	Removed	3
266	14 Alison Avenue, Bulleen	SBO1	Removed	3
336	6 Rush Place, Warrandyte	LSIO and SBO3	Submission withdrawn. Retain as exhibited.	2
339	23-71 Alexander Road, Warrandyte	LSIO	Melbourne Water has confirmed that the exhibited flood shape can be abandoned, with the existing LSIO to be further	3

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Sub No.	ADDRESS	Exhibited control	Position put to Panel	Code
			reduced.	
340	26 Hillcroft Drive, Templestowe	SBO1	SBO1 to be reduced.	4
344	18 Amberwood Court, Templestowe	SBO1	Removed	3
345	24 Hillcroft Drive, Templestowe	SBO1	SBO1 to be reduced in area.	4
354	441 Serpells Terrace, Donvale	SBO1	Retain but reduce area of SBO1 at front of property	4
366	29 Lynwood Parade, Templestowe Lower	SBO1	Removed	3
368	5 Dilkara Court, Doncaster	LSIO	Removed	3
369	22 Russell Street, Bulleen	SBO1	SBO at front of property to be removed. SBO to rear of property to be retained.	4
371	7/9 Long Valley Way, Doncaster East	SBO1	As exhibited	2
373	27 Hillcroft Drive, Templestowe	SBO1	As exhibited	2
378	8 Montclair Court, Templestowe	LSIO	Removed	3
381	6 Raymond Elliot Court, Park Orchards	LSIO	Removed	3
388	16 Hillcroft Drive, Templestowe	SBO1	SBO1 to be removed but still apply to the front of the property.	4
392	2 Eumeralla Avenue, Templestowe Lower	LSIO	Removed	3
394	14 Hillcroft Drive, Templestowe	SBO1	SBO to be reduced.	4
395	33 Lynwood Parade, Templestowe Lower	SBO1	Removed	3
406	160 Bulleen Road, Bulleen	LSIO	Removed	3
424	29 Hillcroft Drive, Templestowe	SBO1	As exhibited	2
427	50-56 Ennismore Crescent, Park Orchards	SBO1	50-52 Ennismore - Removed 54-56 Ennismore – SBO1 inundation at	3, 4

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Sub No.	ADDRESS	Exhibited control	Position put to Panel	Code
			front of property to be retained.	
427A	Mossdale Court and Greenridge Avenue, Templestowe	SBO1 & SBO3	Retain and abandon (property dependent)	5
446	302 George Street, Doncaster	SBO1	As exhibited	2
452	26 Harris Gully Road and 10 West End Road and 4 First Street, Warrandyte	LSIO – 26 Harris Gully Road, SBO3 10 West End and SBO2 4 First Street	Retain flood overlay over south eastern corner of property.	4
454	28 Harris Gully Road, Warrandyte	LSIO	Retain LSIO over the south eastern corner of the property.	2
456	122-124 Old Warrandyte Road, Donvale	LSIO & SBO2	Removed	3
460	30 Hillcroft Drive, Templestowe	SBO1	SBO to be reduced in area.	4
466	27 Airdrie Court, Templestowe Lower	LSIO	Removed	3
471	50 Windella Quadrant, Doncaster	LSIO & SBO2	Removed	3
478	14 Nottingwood Street, Doncaster East	SBO1	Removed	3
482	5 Chaim Court, Donvale	LSIO	Removed	3
484	1 Narcissus Court, Doncaster East	N/A	N/A	1
505	23-31 Tills Drive, Warrandyte	LSIO	Remove exhibited extent. Existing LSIO to be retained.	3
506	282 Yarra Street, Warrandyte	LSIO	Minor inundation highlighted in green on the on consolidated package of maps to be removed.	3
507	280 Yarra Street, Warrandyte	LSIO	As exhibited	2
509	361-363 Ringwood-Warrandyte Road,	LSIO	As exhibited	2

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Sub No.	ADDRESS	Exhibited control	Position put to Panel	Code
	Warrandyte			
515	26 Baradine Terrace, Donvale	LSIO to be removed	As exhibited	1
519	25 Baradine Terrace, Donvale	LSIO to be removed	As exhibited	1
529	110 McGowans Road, Donvale	LSIO	As exhibited	2
536	18 Hillcroft Drive, Templestowe	SBO1	As exhibited	2
544	12 Jolen Court, Donvale	LSIO	Removed and extent of existing LSIO also to be reduced in accordance with the package of maps provided.	3
549	307 George Street, Doncaster	SBO1	Removed	3
555	Eastlink	Various	Various parcels affected	5
559	2 Aquarius Court, Donvale	LSIO	As exhibited	2
561	15 Mopoke Hill Road, Warrandyte	LSIO	Removed	3
562	13 Mopoke Hill Road, Warrandyte	LSIO	Removed	3
563	17 Mopoke Hill Road, Warrandyte	LSIO	As exhibited	2
564	19 Mopoke Hill Road, Warrandyte	LSIO	As exhibited	2
565	21 Mopoke Hill Road, Warrandyte	LSIO	As exhibited	2
566	28 Baradine Terrace, Donvale	To be removed	As exhibited	1
567	21 Baradine Terrace Donvale	LSIO to be removed with exception of minimal incursion	Removed	3

Appendix D Melbourne Water proposed final SBO and LSIO

The properties included in this package are cases where Melbourne Water's recommendation is to modify the existing or Amendment C109 exhibited flood shape.

Council noted:

- Submission 339 (23- 71 Alexander Road, Warrandyte, at page 9), the map illustrates the 'Existing LSIO' in pink. Council has confirmed with Melbourne Water that the extent of the LSIO illustrated in pink is a reduction in the extent of the LSIO which currently applies to the property. The notation should therefore be taken as 'Existing LSIO as modified'.
- Submission 544 (12 Jolen Court, Donvale, at page 22), this map has been included to confirm that the existing LSIO (illustrated in grey) can also be reduced to the new flood shape (shown in blue).

Note that the Panel has recommended that the proposed flood overlays for properties on Hillcroft Drive, Templestowe should be reviewed.

Submission 28 – 20 Russell Street, Bulleen

Conclusions and Recommendations

Based on the assessment of the flood modelling results

Proposed Resolution for Property



Outcome: LSIO to be retained as shown above

Submissions 46, 235 and 456 - 112-126 Old Warrandyte Road, Donvale

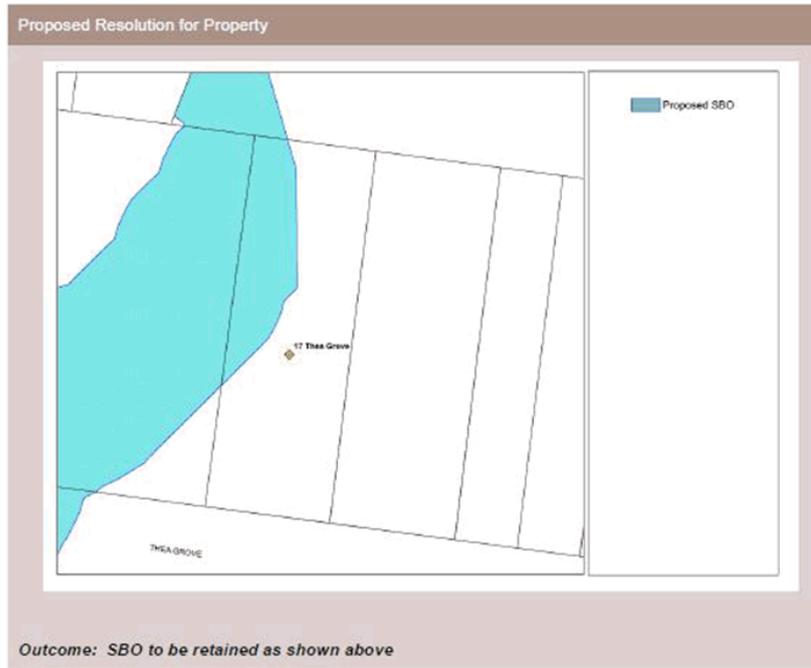
Proposed Resolution for Property

Outcome: Retain proposed LSIO

Submission 95 - 17 Thea Grove, Doncaster East

Conclusions and Recommendations

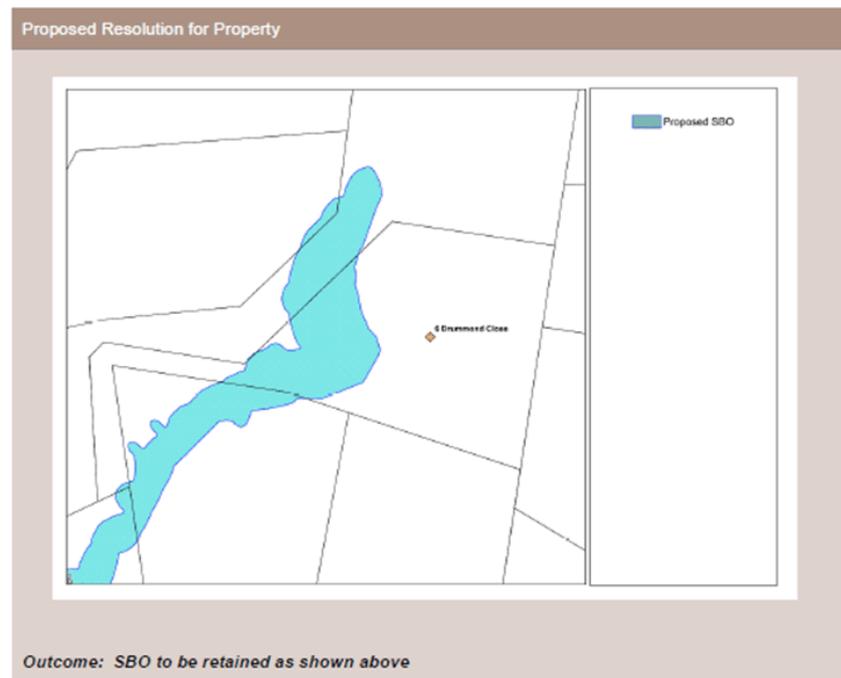
Based on the assessment of the flood modelling results



Submission 102 - 6 Drummond Close, Donvale

Conclusions and Recommendations

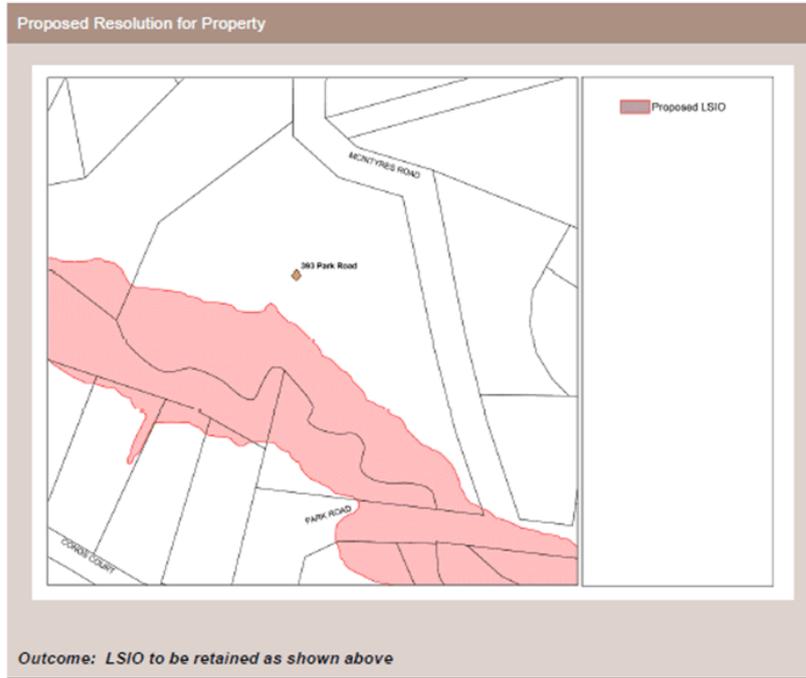
Based on the assessment of the flood modelling results



Submission 108 - 393 Park Road, Park Orchards

Conclusions and Recommendations

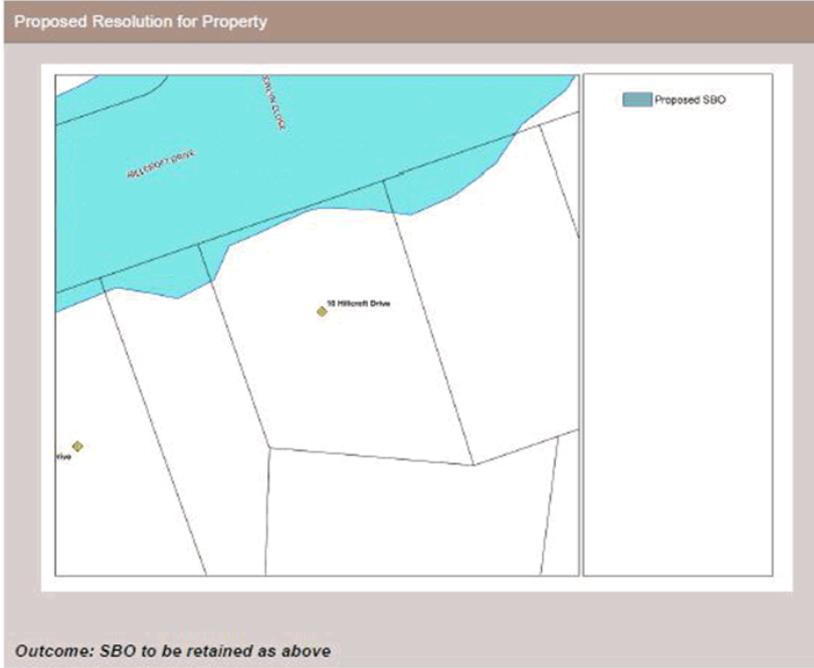
Based on the assessment of the flood modelling results



Submission 113 - 10 Hillcroft Drive, Templestowe

Conclusions and Recommendations

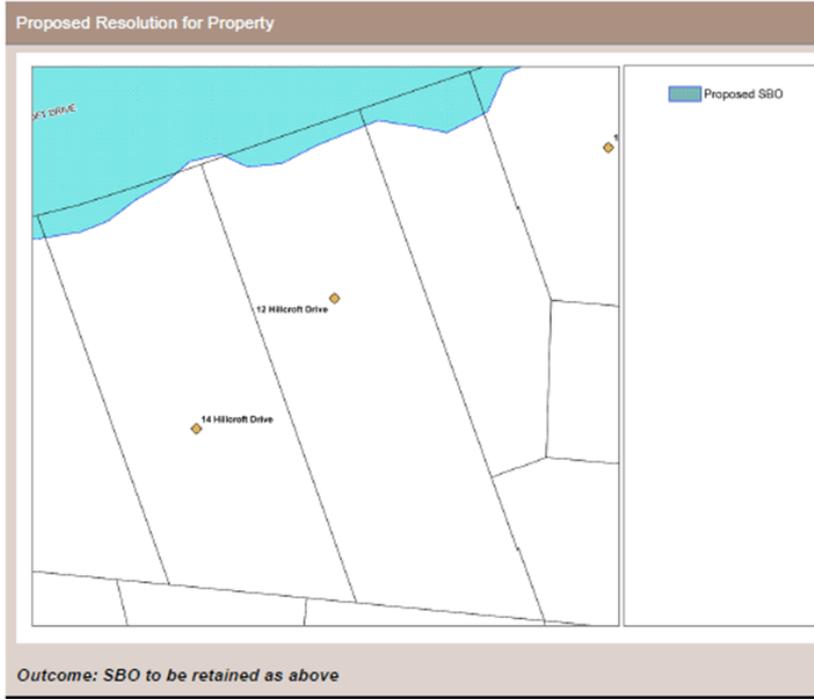
Based on the assessment of the flood modelling results



Submission 126 - 12 Hillcroft Drive, Templestowe

Conclusions and Recommendations

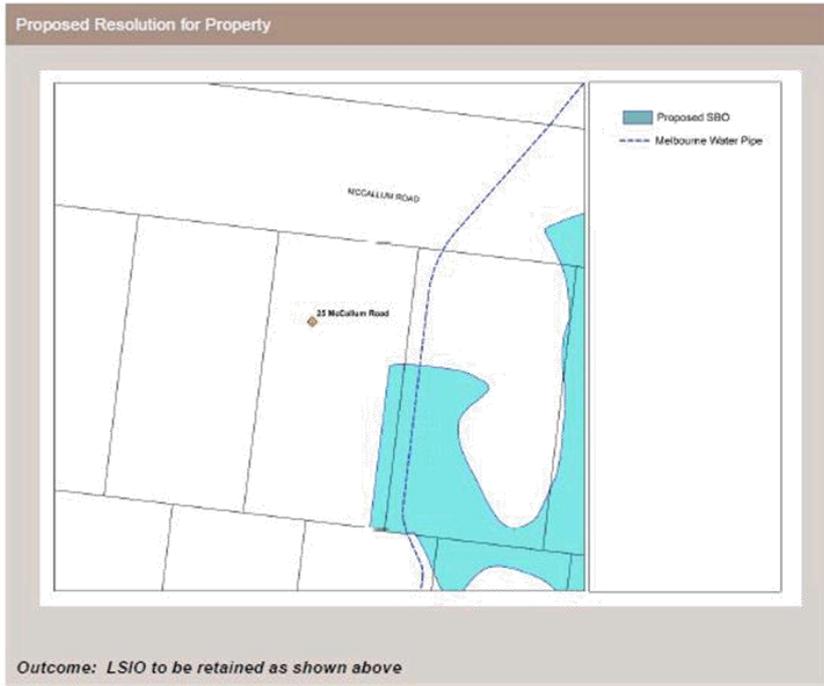
Based on the assessment of the flood modelling results



Submission 154 - 25 McCallum Road, Doncaster

Conclusions and Recommendations

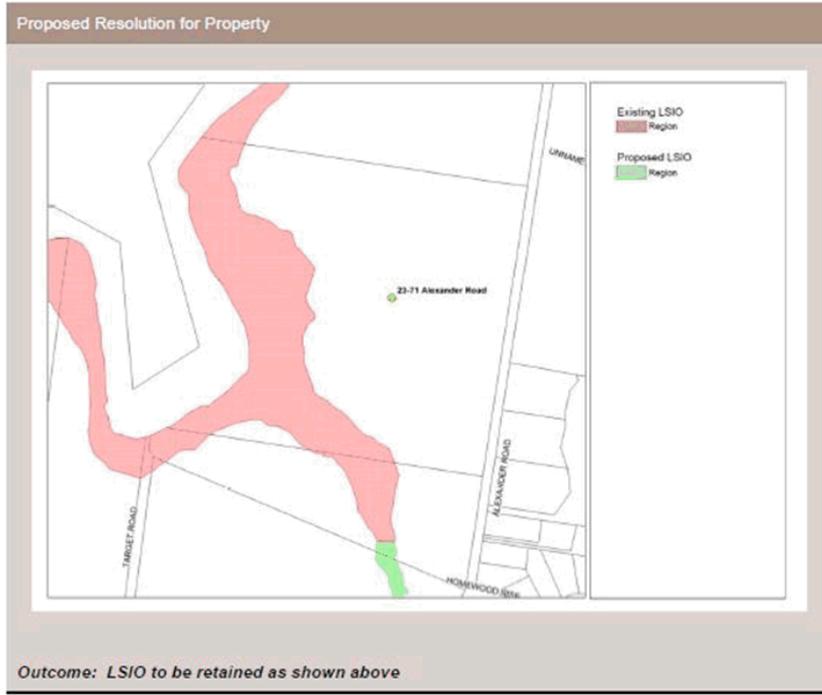
Based on the assessment of the flood modelling results



Submission 339 - 23-71 Alexander Road, Warrandyte

Conclusions and Recommendations

Based on the assessment of the flood modelling results



Submission 340 – 26 Hillcroft Drive, Templestowe

Conclusions and Recommendations

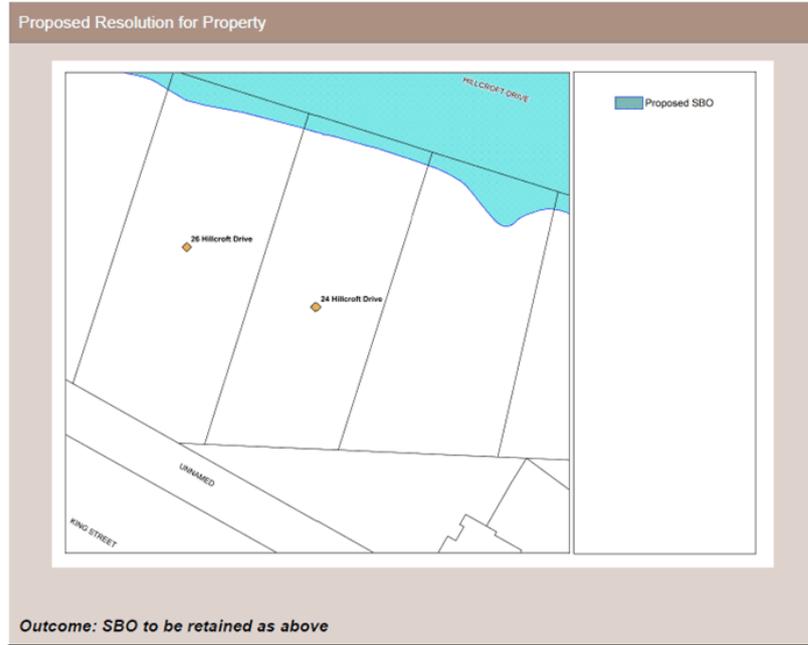
Based on the assessment of the flood modelling results



Submission 345 – 24 Hillcroft Drive, Templestowe

Conclusions and Recommendations

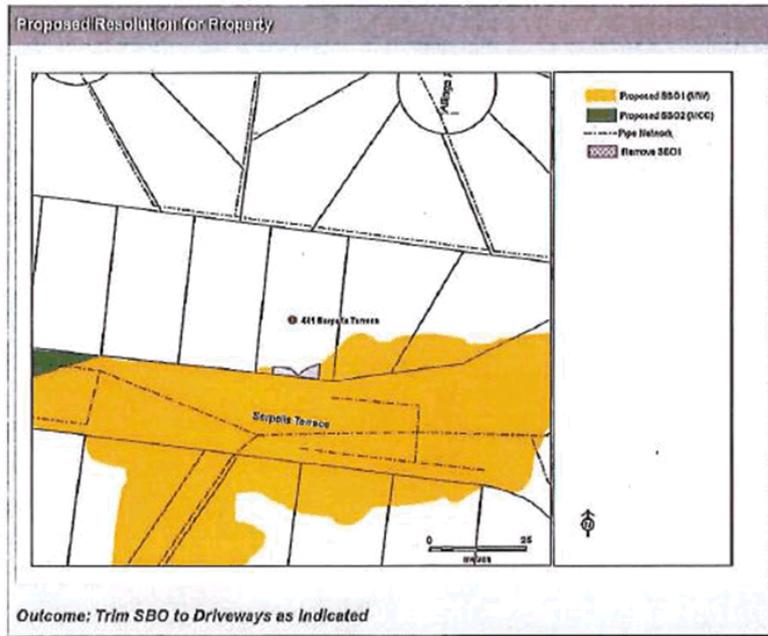
Based on the assessment of the flood modelling results



Submission 354 - 441 Serpells Terrace, Templestowe

2.4.23.2 Conclusions and Recommendations

Based on the assessment of the flood modelling results and the resulting site visit.



Submission 369 - 22 Russell Street, Bulleen

Conclusions and Recommendations

Based on the assessment of the flood modelling results

Proposed Resolution for Property

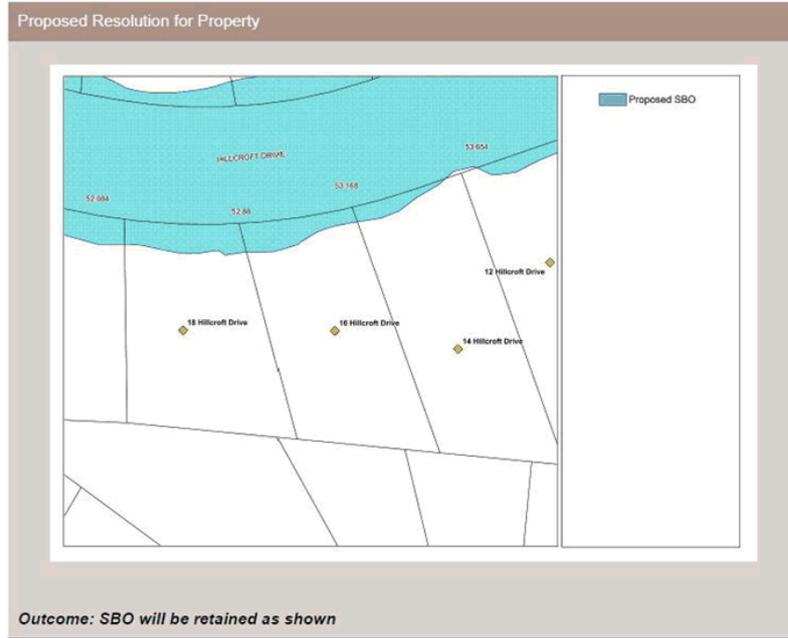


Outcome: LSIO to be retained as shown above

Submission 388 - 16 Hillcroft Drive, Templestowe

Conclusions and Recommendations

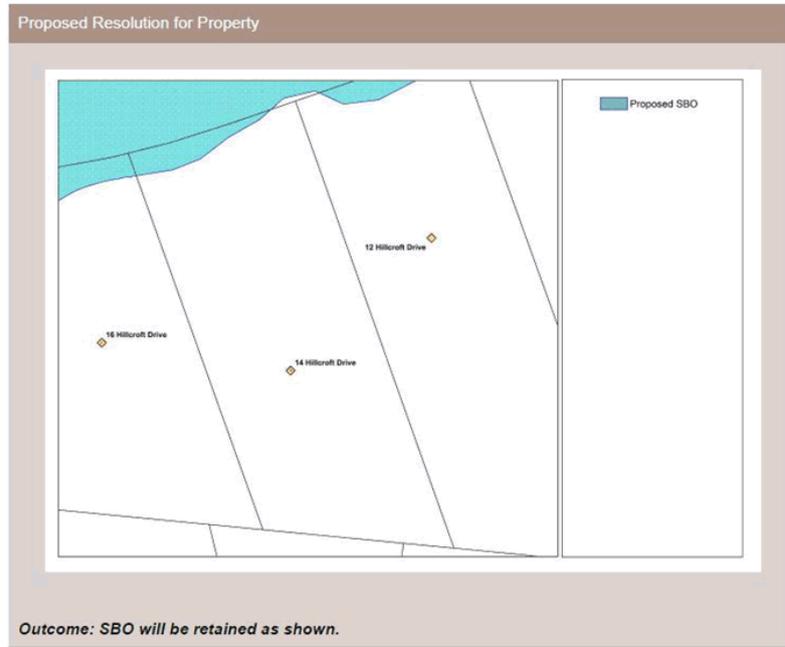
Based on the assessment of the flood modelling results



Submission 394 - 14 Hillcroft Drive, Templestowe

Conclusions and Recommendations

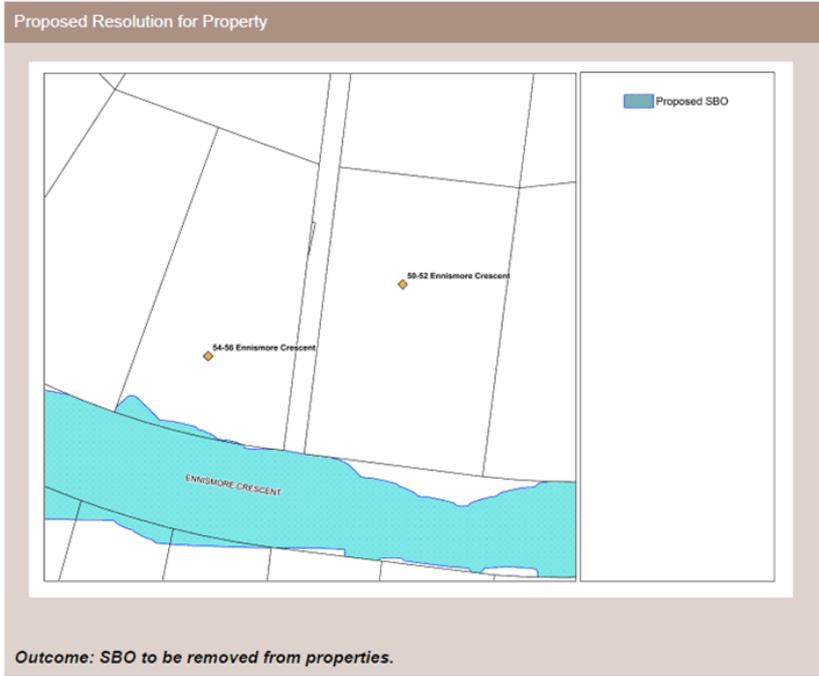
Based on the assessment of the flood modelling results



Submission 427 – 54-56 Ennismore Crescent, Park Orchards

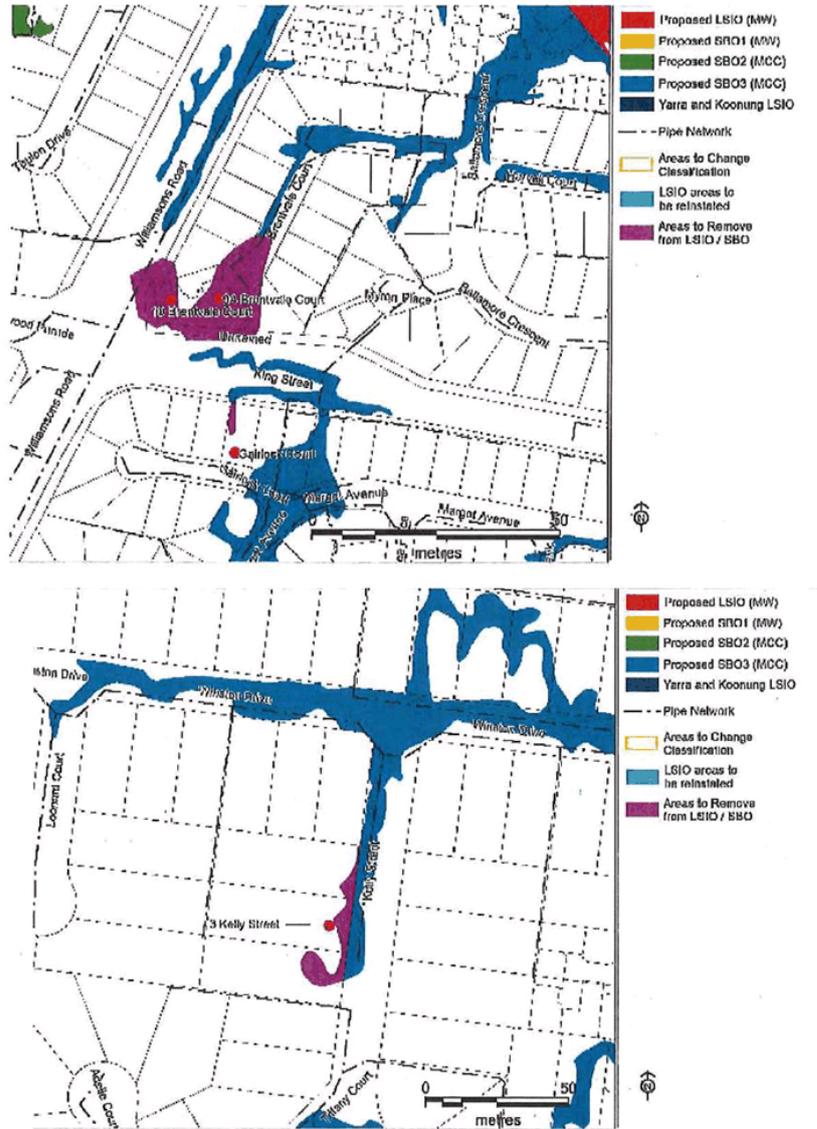
Conclusions and Recommendations

Based on the assessment of the flood modelling results



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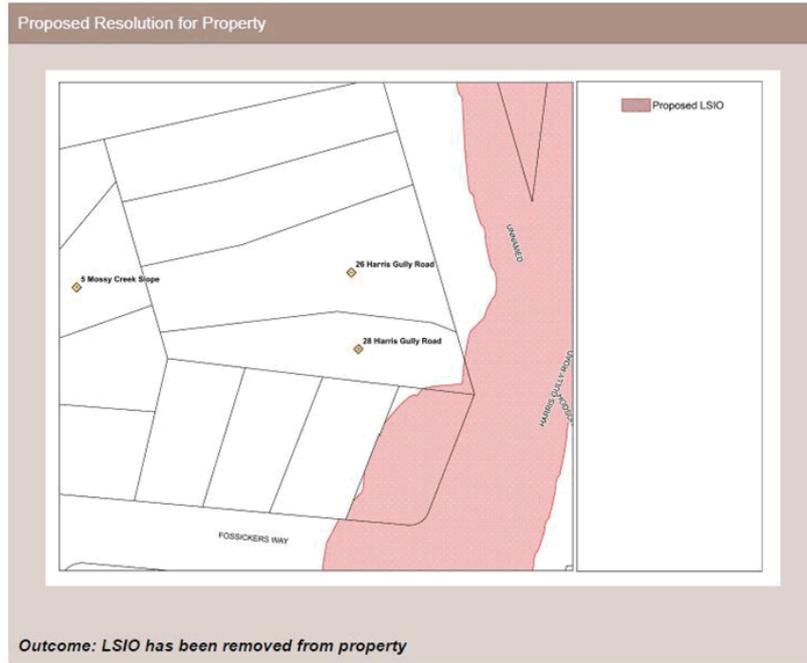
Submission 427A - 2/10 Brentvale Court & 11 Garlick Court & 5 Kelly Street, Doncaster



Submission 452 - 26 Harris Gully Road, Warrandyte

Conclusions and Recommendations

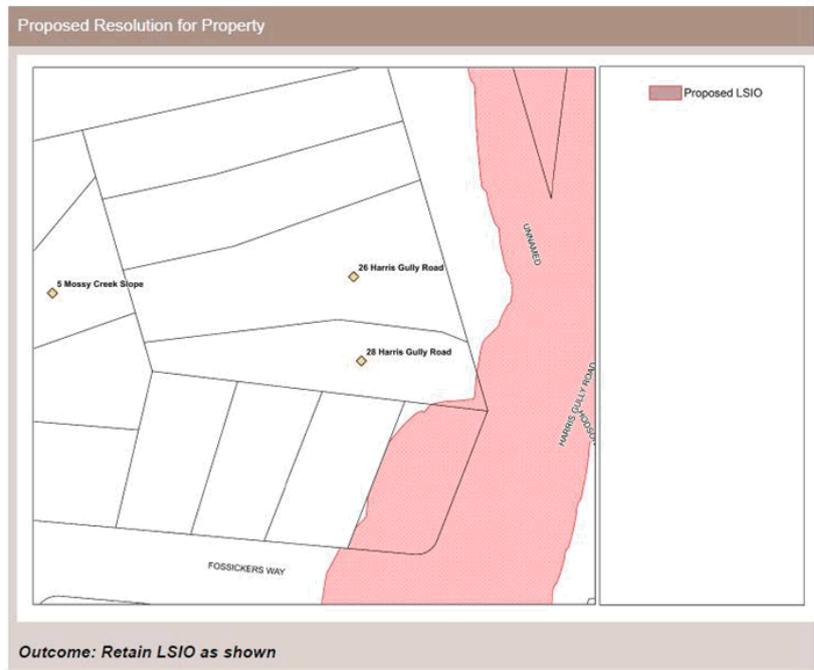
Based on the assessment of the flood modelling results



Submission 454 - 28 Harris Gully Road, Warrandyte

Conclusions and Recommendations

Based on the assessment of the flood modelling results



Submission 460 - 30 Hillcroft Drive, Templestowe

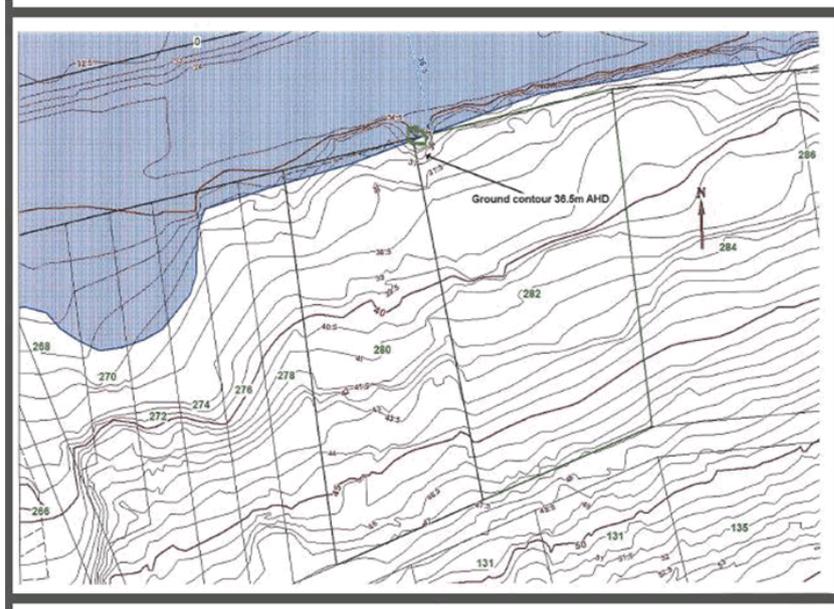
Conclusions and Recommendations

Based on the assessment of the flood modelling results



Submission 506 - 282 Yarra Street, Warrandyte

Minor inundation highlighted in green to be removed



Submission 544 - 12 Jolen Court, Donvale

The exhibited LSIO flood shape on the property was changed to SBO2 and abandoned. The existing LSIO (grey) has been reduced to the new shape (blue). The LSIO is to be reduced to the red line as shown below.



Appendix E Further sites to be removed from the overlays

Council and Melbourne Water proposed the removal of the exhibited flood shape from these properties:

- 7 Yileen Court, Donvale (related to submissions 46, 235 and 456).
- the front of 37 Lynwood Parade, Lower Templestowe (related to submission 184).
- 26 and 28 Airdrie Court, Lower Templestowe (related to submission 466).
- 16 and 18 Montpellier Crescent, Lower Templestowe (related to submission 65).
- 3 and 5 Chaim Court and 59 Beckett Road, Doncaster (related to submission 71).
- 18 and 20 Nottingwood Street, Doncaster East (related to submission 143).
- 2, 3, 4 & 5 Montclair Court, Templestowe (related to submission 152).
- 7 and 8 Drummond Close, Donvale (related to submission 170).
- 4 Dilkara Court, Doncaster East (Submission 368).
- 13 & 15 Dirlton Crescent, Park Orchards (related to submission 427).
- 4 Mossy Creek Slope and 22 and 24 Harris Gully Road, Warrandyte (related to submission 452).
- 52A Windella Quadrant, Doncaster (related to submission 471).
- 36-48 Tills Drive, Warrandyte (related to submission 505).
- 13 and 14 Jolen Court, Donvale (related to submission 544).

Memo

To: Susan Ross
From: Mike Kearney
Date: 31 July 2018
Subject: Planning Scheme Amendment C109

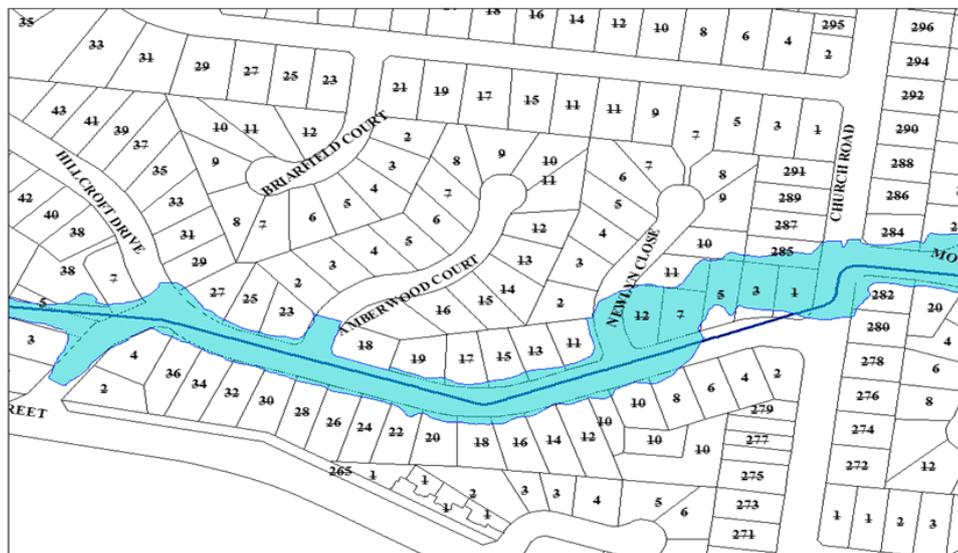
Background

The Independent Panel’s Report of the 19 March 2018 recommends a review of the SBO1 in Hillcroft Drive Templestowe based on accurate ground survey.

Key Points

Melbourne Water completed field survey to determine if properties within Hillcroft Drive flood. This analysis was done considering flooding from the Melbourne Water system alone. Flooding from the council system was removed from the exhibited shapes. No 18 Amberwood Court was excluded from this analysis as well. These decisions were under taken at the panel hearing stage with the information available at the time. The maximum flood level was compared to the ‘front property boundary levels’ to determine if the property was flood prone. Table 1 and the figure below shows the final outcomes.

The field survey data was then used to amend the exhibited flood shape as shown below;



Recommendation

Melbourne Water recommends this new flood shape based on ground survey be included as an update to the Melbourne Water exhibited flood shape.

The Panel also considered the flood modelling approach taken by Council and Melbourne Water and concluded that it is appropriate and fit for the purpose of applying planning controls. The systematic process of refining the extent of the proposed overlays undertaken by Council and Melbourne Water was also supported. The detail survey undertaken for Hillcroft Drive is not usually required at a municipal wide amendment stage but may be required at the planning permit stage for a new development proposal.

	Address		At start of driveway/building line			Impact
			1 % AEP (100yr ARI) flood level (mAHD)	Surveyed level (mAHD)	Depth (mm)	
2	Hillcroft	Drive	n/a	n/a	n/a	not flood prone based on Cardno's assessment
4	Hillcroft	Drive	n/a	n/a	n/a	not flood prone based on Cardno's assessment
6	Hillcroft	Drive	n/a	n/a	n/a	not flood prone based on Cardno's assessment
8	Hillcroft	Drive	55.35	55.22	130	flood prone
10	Hillcroft	Drive	54.90	54.65	245	flood prone
10	Hillcroft	Drive	54.42	54.24	180	CM parcel flood prone
12	Hillcroft	Drive	54.43	53.99	440	flood prone
14	Hillcroft	Drive	53.93	53.51	420	flood prone
16	Hillcroft	Drive	53.23	52.81	420	flood prone
18	Amberwood	Drive	n/a	n/a	n/a	not flood prone based on panel undertaking & Cardno's assesment
18	Hillcroft	Drive	52.88	52.52	360	flood prone
20	Hillcroft	Drive	52.26	51.98	280	flood prone
22	Hillcroft	Drive	51.21	50.97	240	flood prone
24	Hillcroft	Drive	50.34	50.21	130	flood prone
26	Hillcroft	Drive	49.77	49.65	120	flood prone
28	Hillcroft	Drive	49.24	49.09	150	flood prone
30	Hillcroft	Drive	49.02	48.86	160	flood prone
32	Hillcroft	Drive	48.12	48.00	120	flood prone
34	Hillcroft	Drive	47.76	47.70	60	flood prone
36	Hillcroft	Drive	47.57	47.21	360	flood prone
38A	Hillcroft	Drive*	47.40	46.83	570	flood prone (back of property - from footpath)
1	Hillcroft	Drive	n/a	n/a	n/a	flood prone - Cardno's modelling
3	Hillcroft	Drive	n/a	n/a	n/a	flood prone - Cardno's modelling
5	Hillcroft	Drive	n/a	n/a	n/a	flood prone - Cardno's modelling
7	Hillcroft	Drive	55.80	55.64	160	flood prone
12	Newlyn	Close	55.29	55.12	170	flood prone
11	Hillcroft	Drive	53.83	53.71	120	flood prone
13	Hillcroft	Drive	53.77	53.60	170	flood prone
15	Hillcroft	Drive	52.76	52.60	160	flood prone
17	Hillcroft	Drive	52.19	52.12	70	flood prone
19	Hillcroft	Drive (West)	51.55	51.48	70	flood prone
19	Hillcroft	Drive (East)	51.00	50.65	350	flood prone
23	Hillcroft	Drive	48.53	48.28	250	flood prone
25	Hillcroft	Drive	48.12	47.91	210	flood prone
27	Hillcroft	Drive	47.67	47.41	260	flood prone
29	Hillcroft	Drive	47.84	47.65	190	flood prone

10.2 Amendment C122 - Planning Scheme Corrections - Consideration of Panel Report

File Number: IN18/361
Responsible Director: Director City Planning and Community
Attachments: 1 Manningham C122 Panel Report [↓](#) 
2 Amendment documentation for adoption [↓](#) 

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider the report of the independent panel (the Panel) appointed to consider submissions to Amendment C122 to the Manningham Planning Scheme, and to make a decision on whether or not to adopt the amendment in the manner recommended by the Panel.

The Panel's report was received by Council on 24 July 2018, and has been released to the public. A copy of the Panel's report is included as Attachment 1.

Amendment C122 is generally policy neutral and proposes to amend the Manningham Planning Scheme to correct a number of administrative mapping anomalies associated with the application of the zones and overlays across various sites in Manningham. A number of these corrections relate to the removal of a Public Acquisition Overlay (PAO) from land where the site has been acquired by a statutory authority, the correction of zoning anomalies, and correction of a duplication error in the Design and Development Overlay provisions.

The Amendment also proposes the removal of Heritage Overlay (HO48) from the Municipal Offices at 699 Doncaster Road, Doncaster following a review of the Statement of Significance for the site.

The Amendment was exhibited between 5 February 2018 and 12 March 2018. A total of six submissions were received, of which two were in favour of the proposed amendment, three were opposed to specific aspects of the amendment, and one submission received from a statutory authority raised no objection to the Amendment. All submissions were referred to the Panel for consideration.

The Panel Hearing was conducted on 28 June 2018. The Panel report recommended that Amendment C122 to the Manningham Planning Scheme be adopted as exhibited.

Pursuant to section 27 of the Planning and Environment Act 1987, Council must consider the Panel's report (and recommendations) before deciding whether or not to adopt the Amendment (with or without changes), or to abandon all or part of the Amendment.

COUNCIL RESOLUTION

MOVED: CR SOPHY GALBALLY
SECONDED: CR MICHELLE KLEINERT

That Council:

- A. Notes the content of the Panel report for Amendment C122 to the Manningham Planning Scheme;**
- B. Pursuant to section 28 of the *Planning and Environment Act 1987*, abandons that part of Amendment C122 that relates to 136-140 Andersons Creek Road, Doncaster East.**
- C. Pursuant to section 29 of the *Planning and Environment Act 1987*, adopts the balance of Amendment C122, as recommended by the Panel, in the form set out in Attachment 2 (with the exception of that part of the amendment referred to in B above.**
- D. Submits the adopted part of Amendment C122 to the Minister for Planning for approval in accordance with section 31 of the *Planning and Environment Act 1987*.**
- E. Notes that all submitters will be notified of Council's decision.**

CARRIED

2. BACKGROUND

- 2.1 Amendment C122 to the Manningham Planning Scheme is required to correct a number of administrative mapping anomalies that have been identified regarding the application of zones and overlays across various sites in Manningham, including a number of Council owned properties.
- 2.2 The Amendment also proposes to remove the Heritage Overlay that currently applies to the Manningham Civic Centre at 699 Doncaster Road, Doncaster. (HO48). The Statement of Significance for the site was recently reviewed by heritage consultants Lovell Chen, who have identified a number of historical inaccuracies in the original assessment and on the basis of a further assessment have concluded that the building is not of sufficient significance at a local level to warrant inclusion in the Heritage Overlay.
- 2.3 The following section details the changes proposed as part of the Amendment:
Removal of Public Acquisition Overlays
- 2.4 Ten properties currently affected by the PAO have now been acquired by either Council or Melbourne Water and are/will be used for open space or road reservation purposes. Given that these parcels have now been acquired by the relevant statutory authority, the PAO is now considered to be redundant:
- 2.5 1/49 Walker Street, Doncaster (PAO7): This property comprises part of the Doncaster Hill Activity Centre and was purchased by Manningham Council in early 2017 for the purpose of creating a road reservation.

- 2.6 2 Briar Court, Doncaster (PAO7): This property also forms part of the Doncaster Hill Activity Centre and was purchased by Council in 2011 for the purpose of creating a road reservation.
- 2.7 9 Koolkuna Avenue, Doncaster (PAO1): This property was purchased by Council in 2014, with the intention of enlarging the existing Carawatha Reserve.
- 2.8 2A, 6A and 10A St Georges Avenue and 211A Williamsons Road, Templestowe Lower: These parcels were acquired by Council for the purpose of creating a continuous recreation trail between the Doncaster Hill Activity Centre and the Main Yarra Trail. As these parcels are now owned by Council, the PAO1 applying to this land is no longer required.
- 2.9 42A and 42 James Street, Templestowe (PAO1): These parcels are owned by Melbourne Water and Manningham Council respectively and make up part of the *Ruffey Creek Linear Park*, and will facilitate the creation of a continuous recreation trail between Doncaster Hill and the Main Yarra Trail.
- 2.10 23 McIntyres Road, Park Orchards (PAO1): This parcel is part of the Mullum Mullum Creek Linear Park and has been purchased by Council. As part of this amendment, another portion of this property is proposed to be rezoned to better categorise its use, as detailed in the next section.

Zones and Overlays

- 2.11 There are a further thirteen properties that require rezoning and/or overlay changes in order for them to be consistent with the intentions of the Planning Scheme. Several of these errors and anomalies have arisen from relatively recent amendments to the Planning Scheme where land has inadvertently been included in the wrong zone. Other corrections relate to land in private ownership which appears to have been inadvertently incorporated within a public land zone when the new format Manningham Planning Scheme was approved in June 2000.
- 2.12 136-140 Andersons Creek Road, Doncaster East: This parcel is currently in a General Residential Zone Schedule 3 (GRZ3) and is affected by Schedule 9 to the Design Development Overlay 9 (DDO9) – Residential Areas within the Pines Activity Centre. The subject land is currently developed with a gymnasium. Surrounding land to the south and east of the site is predominantly developed with single detached dwellings. Land to the north and north-west of the site forms part of The Pines Activity Centre and is in a Residential Growth Zone Schedule 2 – Residential Areas Along Main Roads (RGZ2) and is also affected by DDO9. The DDO9 was applied to the area forming part of The Pines Activity centre as part of Amendment C92 which was approved on 24 May 2012.
- 2.13 As part of the introduction of the reformed residential zones into the Manningham Planning Scheme (Amendment C105 approved 19 June 2014), the majority of the land affected by the former Residential 1 Zone (R1Z) in conjunction with the DDO9 was directly translated into the Residential Growth Zone Schedule 2 (RGZ2). The subject site was incorrectly included in the GRZ3 as part of the approval of Amendment C105.
- 2.14 The objectives of the existing zoning are inconsistent with the intent of the *Pines Activity Centre Structure Plan 2011* and the Design Objectives of the DDO9. It is considered that a rezoning to Residential Growth Zone – Schedule 2 (RGZ2)

would allow for development that is consistent with the location and intended outcomes of The Pines Structure Plan and the DDO8 overlay.

- 2.15 10A and 12-16 Montgomery Street, Doncaster East: These parcels are currently located in a General Residential Zone – Schedule 2 (GRZ2) and are also affected by a Design and Development Overlay – Schedule 13 (DDO13 - Residential Areas Surrounding Prominent Intersections and/or Interfacing Commercial Areas. Some of the schedule objectives include:
- *To increase residential densities and provide a range of housing types around activity centres; and*
 - *To support four storey, 'apartment style', developments on larger lots where ResCode standards can be met and which are located at prominent intersections and/or which interface commercial areas.*
- 2.16 Recent changes to the GRZ (VC110) have resulted in conflict between the preferred outcomes for these parcels and the amended zoning controls. As a result of these changes, the current GRZ2 that applies to the aforementioned properties is now inconsistent with the DDO13 and it is considered appropriate to apply a Residential Growth Zone Schedule 3 (RGZ3) as the objectives are consistent with the preferred outcomes for the development of the land to encourage higher density development.
- 2.17 169 -173 Bulleen Road, Bulleen: This privately owned land is included in an Urban Floodway Zone (UFZ) and is used for sporting purposes. The adjacent land is zoned Public Park Recreation Zone (PPRZ) and is also used for sport and recreation purposes. An anomaly exists in the western corner and along the south-western boundary of the site where the PPRZ intrudes into the private land. The Amendment is required to correct this anomaly by changing the zoning of the subject site from PPRZ to an UFZ.
- 2.18 17 and 19 Aminga Avenue, Doncaster East. As part of the introduction of the reformed residential zones into the Manningham Planning Scheme (Amendment C105 approved 19 June 2014), all land affected by the former Residential 3 Zone (R3Z) was supposed to be directly translated into General Residential Schedule 1 (GRZ1). The subject sites were previously zoned R3Z. It appears, however, that they were incorrectly included in the NRZ1, as part of the approval of C105, rather than the General Residential Zone Schedule 1 (GRZ1).
- 2.19 144 Manningham Road, Bulleen: This parcel is zoned part Residential Growth Zone Schedule 2 (RGZ2) and part Road Zone 1 (RDZ1). An anomaly exists where the RDZ1 intrudes into the privately held parcel. This amendment seeks to delete the road zone from the subject site and apply RGZ2 and DDO8 to ensure consistency with existing provisions applying to the remainder of the site.
- 2.20 757 Doncaster Road, Doncaster: This land is zoned Mixed Use Zone (MUZ) and is located between land in a Commercial 1 Zone (C1Z) and a Residential Growth Zone (RGZ2). The parcel is currently undeveloped and serves as an informal carpark. A previous amendment (C106) removed the DDO8 overlay from the parcel and inadvertently removed the DDO1 also applying to the site. This amendment proposes to apply the DDO1 (Doncaster Road Strategy Area) over the subject site in order to facilitate its development in line with the desired character for the Doncaster Road area. It is also noted the adjacent laneway is in a General Residential Zone GRZ2. The Amendment also proposes to rezone this section of land to MUZ to correct this anomaly.

- 2.21 Intersection of Doncaster Road and Heritage Boulevard Doncaster: This land, which is a declared arterial road under VicRoads control, has been modified recently in order to accommodate the signalised entry to the Tullamore estate which is currently under development. As the dimensions of the intersection have changed, VicRoads has requested that the RDZ1 and DDO1 be adjusted to include the changes made and bring the expanded road under its management.
- 2.22 2/12 Brackenbury Street, Warrandyte: This land is currently zoned Public Use Schedule 5 (PUZ5) and is used as a cemetery. Dividing the two parcels which make up the cemetery site is a disused road zoned Neighbourhood Residential Zone Schedule 1 (NRZ1), and marked as 'Blair Street'. This zoning is inconsistent with its current use as part of the cemetery and is proposed to be rezoned to a PUZ5. The Design and Development Overlay Schedule 3 (DDO3) is also proposed to be removed from this land.
- 2.23 23 McIntyres Road, Park Orchards: This land comprises part of the Mullum Mullum Linear Creek Trail and was recently acquired by Manningham Council. The land is currently zoned Rural Conservation Zone Schedule 3 (RCZ3) and is proposed to be rezoned to a Public Conservation and Resource Zone (PCRZ) in line with its use as a linear park. The Amendment also proposes to remove the Public Acquisition Overlay 1 (PAO1) from the north part of 23 McIntyres Road, Park Orchards, as described above.

Removal of Heritage Overlay HO48

- 2.24 699 Doncaster Road, Doncaster serves as the Council's administration and function centre. Built in the mid 1960s, the building on the site has been renovated and added to several times.
- 2.25 The building was identified as being of State significance in the *Heritage Study* (Context P/L, Peterson R, Stafford B 1991). The Statement of Significance identified the building as being, '*Of State significance as the most complex and arguably the finest expression of a Miesian pavilion in the state.*' Two significant trees on the site were also identified as being of significance in the *Manningham Heritage Garden and Significant Tree Study* (John Patrick Pty Ltd 2006), although these have since been removed as part of the development of MC² in approximately 2010.
- 2.26 In a detailed assessment of the municipal offices, heritage consultants Lovell Chen noted that, among other things, '*In terms of its form, neither the original building as it existed in 1964 nor the building assessed in 2006 (sic) could reasonably be described as a Miesian pavilion...*' The assessment goes on to state that '*On the basis of the above, it is evident that the building does not meet the threshold of State significance.*'
- 2.27 The assessment also discusses whether the building is of sufficient significance at a local level to warrant inclusion in the Heritage Overlay and notes, '*...its public face derives from works undertaken in the 1990s by, architects, Perrott Lyon Matheson. It provides no useful insights into the work of Mies van der Rohe or his influence on local architecture practice. It is an amalgam of architectural interventions...the building does not present as a well-resolved or coherent whole. On this basis, the building is not considered to be of sufficient aesthetic or architectural significance to warrant a HO.*'

- 2.28 On the basis of this assessment Amendment C122 proposes to remove the Heritage Overlay (HO48) from this site.

Duplication error – Design and Development Overlay, Schedules 4 & 5

- 2.29 In Schedules 4 and 5 to the Design and Development Overlay, an error occurs under 1.0 Design objectives where the line '*To ensure that development does not protrude above the prevailing height of the tree canopy*' is repeated. This Amendment seeks to remove the duplicated objective.

Exhibition and Submissions

- 2.30 The Amendment was placed on public exhibition between 5 February 2018 and 12 March 2018. A total of six submissions were received in response to the Amendment. Of these, three submissions supported or raised no objection to the proposed amendment and three objected to specific aspects of the Amendment.
- 2.31 At its meeting on 24 April 2018, Council resolved to request that an independent Panel be appointed under Part 8 of the *Planning and Environment Act 1987* to consider all submissions received in relation to Amendment C122 to the Manningham Planning Scheme. A Panel Hearing was conducted on 28 June 2018 at the Civic Offices.

3. DISCUSSION / ISSUE

- 3.1 Section 27 of the *Planning and Environment Act 1987* requires that Council examine the issues raised before the Panel, and review the Panels comments and recommendations prior to determining whether or not to adopt the amendment (with or without changes), or abandon all or part of the Amendment.
- 3.2 The report of the Panel was received on 24 July 2018 and was recently released to the public.
- 3.3 It is noted that broadly speaking, each of the submissions related to a specific aspect of the Amendment, and that the majority of the changes proposed as part of the Amendment did not attract any submissions. The Panel report therefore only deals with those matters that were the focus of submissions. A discussion of each of those matters follows.

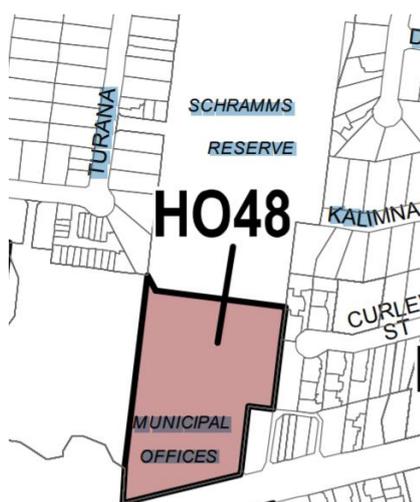
699 Doncaster Road, Doncaster

- 3.4 The *City of Doncaster and Templestowe Heritage Study (1991)* identified Council's Administration Building as being of heritage significance. The building was identified as a Miesian pavilion design and included (in part) the following appraisal:

'Of State significance as the most complex and arguably the finest expression of a Miesian pavilion in the state.'

- 3.5 The Manningham municipal offices and surrounds was subsequently included in the Heritage Overlay of the Manningham Planning Scheme (HO48). It is noted that when the site was mapped as part of the new format Manningham Planning Scheme in June 2000, the Heritage Overlay was only applied to part of the site, as shown in Figure 1.

Figure 1 – Current boundaries of HO48 – 699 Doncaster Road, Doncaster



- 3.6 Lovell Chen was commissioned by Council to undertake a review of the Statement of Significance and concluded that several errors had been made in the citation, and that these have resulted in an overstatement of the heritage significance of the site. Lovell Chen's advice indicated that the original assessment of significance and justification for protection under the Heritage Overlay was based on incorrect information and claims for architectural significance, in particular that:
- The attribution of the design to Gerd and Renata Block is incorrect.
 - The claim that the building is the most complex and arguably the finest expression of a Miesian pavilion in the State is unfounded.
- 3.7 The Panel report noted the following evidence provided by Lovell Chen at the Hearing, *'The Council Municipal Office complex has undergone a series of reconstruction activity in 1964, 1977, 1978-84 and the most recent in 1999 which significantly altered the front entry facade of the building ... Much of this work has over-built previous building facades and design elements culminating in what Ms Gray now describes as a building complex that presents as an amalgam of various architectural interventions:*
- While these are broadly consistent stylistically, the building does not present as a well-resolved or coherent whole.*
- 3.8 Further evidence provided by Lovell Chen at the Panel hearing concluded that the architects attributed to the building were also incorrectly identified.
- 3.9 In addition, it is noted that the trees and a fountain, which are also referenced in the Schedule to the Heritage Overlay, have since been removed under planning permission (as part of the development of MC Square), and along with artworks referenced in the citation are located outside of the mapped area of HO48.
- 3.10 In response, the Panel concluded that:
- The heritage significance of the Manningham City Council Municipal Offices has been diminished over time as a result of past additions and alterations

that have reduced or removed architectural elements that could be considered to reflect a Miesian pavilion typology.

- The heritage significance of the Miesian pavilion design of the Council Municipal Offices is also further reduced by the incorrect connection designated to the architects, Gerd and Renata Block.
- The removal of the Heritage Overlay (HO48) from the Council Municipal Offices and surrounds at 699 Doncaster Road, Doncaster is strategically justified and appropriate.

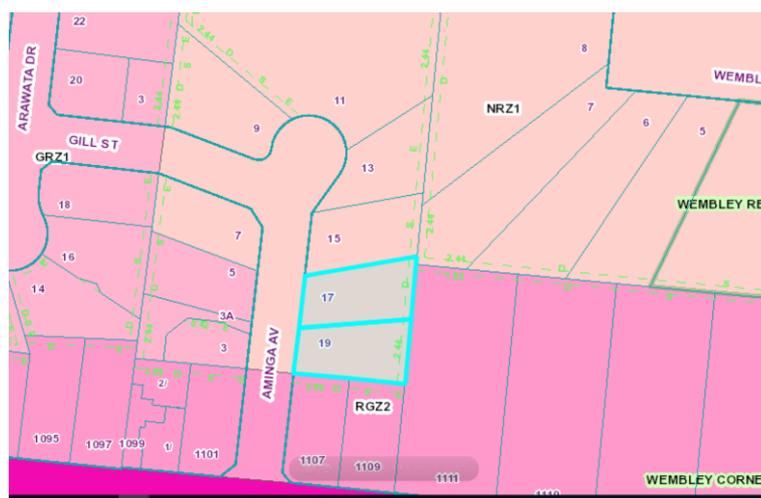
136-140 Andersons Creek Road, Doncaster East

- 3.11 The subject site is located on the south east corner of Andersons Creek Road and Reynolds Road and forms part of the Pines Activity Centre. The *Pines Activity Centre Structure Plan* area is recognised by Design and Development Overlay Schedule 9 – *Residential Areas within the Pines Activity Centre* (DDO9) which also applies to the subject site. All other sites within the DDO9, (comprising The Pines Activity Centre to the north of the subject site) are in a Residential Growth Zone Schedule 2 (RGZ2).
- 3.12 The Panel in its discussion *'considers there is sufficient strategic justification for the Amendment as it relates to the site. The Amendment is essentially designed to bring the zoning of the site into alignment with the mapping shown in Clause 21.05, DDO9 and The Pines Activity Centre Structure Plan and will both complement and facilitate the strategic directions of the Planning Scheme for the site.'*
- 3.13 In considering the objecting submission, the Panel noted that the concerns of the submitter are *'more related to planning permit processes and the decision making procedures associated with future development proposals. Any concerns regarding visual amenity and the like are matters that can be appropriately addressed within these processes.'*
- 3.14 On that basis, the Panel concluded that the rezoning of the site at 136-140 Andersons Creek Road, Doncaster East is strategically justified and appropriate.

17 and 19 Aminga Avenue, Doncaster East

- 3.15 The land at 17 and 19 Aminga Avenue, Doncaster East is located on the east side of the road one block north from Doncaster Road.
- 3.16 Abutting land to the south (1107 and 1109 Doncaster Road) and to the east (1111 Doncaster Road) is zoned Residential Growth Zone Schedule 2 (Residential Areas along Main Roads – RGZ2) with DDO8-1 (Main Road Sub-Precinct). Land abutting to the north (15 Aminga Avenue and beyond) is in the Neighbourhood Residential Zone Schedule 1 (Residential Areas with Predominant Landscape Features or Lower Housing Densities – NRZ1) and is also affected by a Design and Development Overlay Schedule 5 (Donvale/Doncaster East Pine Tree Theme Area – DDO5) and the Significant Landscape Overlay Schedule 7 (SLO7) relating to the Donvale/Doncaster East, Ruffey Lake Park and Zerbes Reserve Pine and Cypress Tree Areas.
- 3.17 Land opposite the site (3 and 5 Aminga Avenue) is in the General Residential Zone Schedule 1 with no overlays.

Figure 2 - Current zoning of 17 and 19 Aminga Avenue



- 3.18 The subject two lots are currently zoned NRZ1, with no overlays, and are the only lots in the NRZ1 in the area not covered by the DDO5 and SLO7. The Amendment proposes to rezone the site from NRZ1 to GRZ1. As previously noted, these lots were inadvertently included in the NRZ1 as part of Amendment C105 which introduced the reformed residential zones into the Manningham Planning Scheme.
- 3.19 The submission received in response to this part of the Amendment requested that the property at 7 Aminga Avenue, Doncaster East also be rezoned from the Neighbourhood Residential Zone Schedule 1 (NRZ1) to the General Residential Zone Schedule 1 (GRZ1) as part of Amendment C122.
- 3.20 In response to this submission the Panel, *'acknowledges that there would appear to be strategic merit in rezoning this land from NRZ1 to GRZ1. However, the Panel also acknowledges that this request for rezoning does not form part of Amendment C122. Accordingly, the Panel considers the request for rezoning of 7 Aminga Avenue outside the scope of the Amendment. Consideration of the future zoning of this land should be subject to a separate amendment process where other lands, as suggested by Council, could be considered as part of a more integrated planning review of this area of Doncaster East.'*
- 3.21 The Panel concluded that the rezoning of site at 17 and 19 Aminga Avenue, Doncaster East is appropriate.
- 3.22 It is noted however that a minor correction to the amendment documentation is required to change the address for 17 and 19 Aminga Avenue, Donvale, as per the exhibited amendment, to 17 and 19 Aminga Avenue, Doncaster East.
- 3.23 In conclusion the Panel has recommended that Amendment C122 to the Manningham Planning Scheme should be adopted as exhibited.

4. COUNCIL PLAN / STRATEGY

- 4.1 It is considered that the proposed amendment is in general alignment with the 4 year Council Plan. In particular the themes of Liveable Places and Spaces, Resilient Environment, Vibrant and Prosperous Economy, and Well Governed Council are considered pertinent.

5. IMPACTS AND IMPLICATIONS

- 5.1 Individual owners of affected properties or anyone else materially affected were notified about the proposed amendment.
- 5.2 The Amendment will provide greater certainty and clarity within the Planning Scheme by removing errors and redundant overlays, as well as supporting development within defined areas in line with Council plans and strategies.

6. IMPLEMENTATION**Finance / Resource Implications**

- 6.1 Planning scheme amendments are prepared and administered by the City Strategy Unit.
- 6.2 Given that all the proposed changes to the Planning Scheme have been initiated by Council, the cost of the Amendment will be covered by the City Strategy operational budget.

Communication and Engagement

- 6.3 All submitters will continue to be kept informed about the amendment process. Submitters have been notified of Council's decisions at each key stage of the amendment process.

Timelines

- 6.4 In accordance with Ministerial Direction 15, Council (the planning authority) is required to make a decision on the amendment within 40 business days of the date it receives the Panel's report (i.e. by 11 September 2018).
- 6.5 A planning authority must submit an adopted amendment under section 31 of the Act, together with the prescribed information within 10 business days of the date the amendment was adopted.

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.

Planning and Environment Act 1987

Panel Report

Manningham Planning Scheme Amendment C122

Planning Scheme Corrections

24 July 2018



Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Manningham Planning Scheme Amendment C122

Planning Scheme Corrections

24 July 2018



Chris Harty, Chair

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List of Abbreviations

ACZ	Activity Centre Zone
DDO	Design and Development Overlay
GRZ	General Residential Zone
HO48	Heritage Overlay Schedule 48 – City of Manningham Municipal Offices 699 Doncaster Road, Doncaster
LPPF	Local Planning Policy Framework
MUZ	Mixed Use Zone
NRZ	Neighbourhood Residential Zone
PAO	Public Acquisition Overlay
PCRZ	Public Conservation and Resource Zone
PPRZ	Public Park and Recreation Zone
PUZ	Public Use Zone
RDZ1	Road Zone Category 1
RGZ	Residential Growth Zone
SLO	Significant Landscape Overlay
SPPF	State Planning Policy Framework
UFZ	Urban Floodway Zone

Overview

Amendment summary	
The Amendment	Manningham Planning Scheme Amendment C122
Common name	Planning Scheme Corrections
Brief description	The Amendment proposes to amend various provisions to correct a number of items by making map and ordinance changes
Subject land	Various sites in Doncaster, Doncaster East, Templestowe, Templestowe Lower, Bulleen, Warrandyte and Park Orchards
Planning Authority	Manningham City Council
Authorisation	Ministerial Authorisation dated 14 December 2017
Exhibition	8 February to 12 March 2018
Submissions	Number of submissions: 6, with two opposed, one requesting changes. Refer to Appendix A for list of submitters

Panel process	
The Panel	Chris Harty
Directions Hearing	Manningham City Council offices, Doncaster, 31 May 2018
Panel Hearing	Manningham City Council offices, Doncaster, 28 June 2018
Site inspections	Unaccompanied, 31 May 2018
Appearances	Mr Matthew Lynch, Strategic Planner and Ms Susan Ross, Senior Strategic Planner from Manningham City Council, who called the following expert witness: - Kate Gray, Heritage Consultant and Historian from Lovell Chen Mr Robbie McKenzie, Town Planner from Ratio Consultants Pty Ltd on behalf of Taylor Bridge Pty Ltd
Citation	Manningham C122 [2018] PPV
Date of this Report	24 July 2018

Executive summary

Manningham Planning Scheme Amendment C122 (the Amendment) seeks to correct a number of errors and anomalies that have been identified for various sites within the municipality associated with the zones and overlays currently applying to the land. Several of these errors have arisen from relatively recent amendments to the planning scheme where land has inadvertently been included in an incorrect zone, whilst other corrections relate to land in private ownership which appears to have been incorrectly incorporated within a public land use zone when the new format Manningham Planning Scheme was approved in June 2000.

The Amendment also proposes to remove the Public Acquisition Overlay from a number of properties that have been acquired by Council or by Melbourne Water over a number of years and which are now redundant. The Amendment is also required to remove the Heritage Overlay (HO48) from the Council Municipal Offices following a review of the Statement of Significance. Finally, a minor change is also proposed to Schedules 4 and 5 of the Design and Development Overlay to remove the duplication of one of the objectives.

A small number of submissions were received to the Amendment relating to a number of specific properties.

The Panel has considered these submissions and tested the evidence of Council in relation to the removal of the Heritage Overlay.

The Panel concludes the changes proposed in the Amendment are appropriate and strategically justified. They reflect either an update of planning controls over land that has fundamentally changed in character or to address anomalies created by what appears to be inadvertent changes to the Planning Scheme from other amendment processes.

(i) Recommendation

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

- 1. Manningham Planning Scheme Amendment C122 be adopted as exhibited.**

1 Introduction

1.1 The Amendment

Manningham Planning Scheme Amendment C122 (the Amendment), proposes to amend the Manningham Planning Scheme (the Planning Scheme) to correct a number of mapping inconsistencies and some minor ordinance changes that have been identified by Council. The corrections are a result of anomalies that have occurred from earlier Ministerial and local amendments to the Planning Scheme.

The Amendment proposes to remove the Public Acquisition Overlay (PAO) from several parcels of land that have now been acquired for community uses, correct mapping anomalies to zone and overlay controls, remove the Heritage Overlay HO48 that applies to Council's Municipal Offices at 699 Doncaster Road, Doncaster, and remove an objective from Schedules 4 and 5 of the Design and Development Overlay (DDO) that is duplicated within each schedule.

Specifically, the Amendment proposes to:

- amend Map 7PAO to remove the PAO7 from 1/49 Walker Street, Doncaster
- amend Map 7PAO to remove PAO7 from 2 Briar Court, Doncaster
- amend Map 7PAO to remove PAO1 from 9 Koolkuna Avenue, Doncaster
- amend Map 2PAO to remove PAO1 from 10A, 6A and 2A St Georges Avenue, and 211A Williamsons Road, Templestowe Lower
- amend Map 2PAO to remove PAO1 from 42A and 42 James Street, Templestowe
- amend Map 3 to rezone land at 136-140 Andersons Creek Road, Doncaster East from General Residential Zone Schedule 3 (GRZ3) to Residential Growth Zone schedule 2 (RGZ2)
- amend Map 8 to rezone land at 10A and 12-16 Montgomery Street, Doncaster East from a GRZ2 to RGZ3
- amend Map 6 to rezone part of the land at 169-173 Bulleen Road, Bulleen from Public Park and Recreation Zone (PPRZ) to Urban Floodway Zone (UFZ)
- amend Map 8 to rezone land at 17 and 19 Aminga Avenue, Doncaster East¹ from Neighbourhood Residential Zone Schedule 1 (NRZ1) to GRZ1
- amend Map 8 to rezone part of the land at 144 Manningham Road, Bulleen from Road Zone Category 1 (RDZ1) to RGZ2). In addition, amend Map 8DDO to apply DDO8-1 to the entire site
- amend Map 7 to rezone part of the laneway adjoining land at 757 Doncaster Road, Doncaster from GRZ2 to the Mixed Use Zone (MUZ)
- amend Map 7DDO to apply DDO1 to the land at 757 Doncaster Road, Doncaster
- amend Map 7 to rezone part of the road reserve at the intersection of Doncaster Road and Heritage Boulevard, Doncaster from RGZ1 to RDZ1, and in addition, amend Map 7DDO to apply DDO1 to that section of land to be rezoned RDZ1

¹ The Panel acknowledges the request from Council to correct the address of this site from Donvale to Doncaster East.

- amend Map 9 to rezone part of a disused road forming part of 2-12 Brackenbury Street, Warrandyte from NRZ1 to Public Use Schedule 5 (PUZ5). In addition, amend map 9DDO to remove DDO3 from applying to the disused road
- amend Map 8 to rezone part of the land at 23 McIntyres Road, Park Orchards from Rural Conservation Zone Schedule 3 (RCZ3) to Public Conservation and Resource Zone (PCRZ)
- amend Map 8PAO to remove PAO1 from the north part of 23 McIntyres Road, Park Orchards
- amend Map 7HO to remove the Heritage Overlay (HO48) from 699 Doncaster Road, Doncaster. It also amends the schedule to Clause 43.01 Heritage Overlay to delete reference to heritage place HO48
- amend Schedules 4 and 5 to Clause 43.02 DDO to remove the following objective that is duplicated in each Schedule:

To ensure that development does not protrude above the prevailing height of the tree canopy.

Council generally considers the Amendment policy neutral seeking to correct a number of administrative mapping anomalies associated with the application of zones and overlays on various sites with the municipality.

A number of these corrections relate to the removal of the PAO from land where the site has been acquired by a statutory authority and the control is now no longer required.

For other sites, past amendments that have altered both the application and make up of residential zones have created inconsistencies, particularly with respect to building heights sought under various overlays.

Monitoring and review of the planning scheme have identified these inconsistencies. Council identified that the application of the HO48 to the Municipal Office and Function Centre and the original justification for the introduction of the control was based on incorrect information and claims for architectural significance. Removal was also supported by the fact that trees and artworks referenced in the Schedule to the Heritage Overlay are located outside of the mapped area.

Hence, the Amendment seeks to correct these anomalies, errors and inconsistencies.

1.2 Issues dealt with in this Report

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. The Panel has also had the benefit of the submission and evidence from Council at the Hearing which detailed the nature and reasons for the proposed changes.

The Panel has reviewed the material. All submissions, materials and evidence have been considered and tested by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

The majority of matters proposed to be changed under the Amendment attracted little if any submissions during public exhibition. A total of six (6) submissions were received to the Amendment which focused on the following matters:

- The removal of the HO48 from Council's Municipal Office and Function Centre located 699 Doncaster Road, Doncaster (Submitter 2).
- The rezoning of land at 136-140 Andersons Creek Road, Doncaster East from GRZ3 to RGZ2 with submissions supporting (Submitter 6), and against, rezoning (Submitter 4).
- The rezoning of land at 17 and 19 Aminga Avenue from NRZ1 to GRZ1 and request for additional land to be rezoned (Submitter 3).
- A general submission (Submitter 1) that did not refer to any specific property affected by the Amendment, but generally made reference to changes to Design and Development Overlay Schedule 8 (DDO8), which is not affected by the Amendment. The submission does not relate to any matter in the Amendment. It provides a set of concerns that have arisen from a recently approved development proposal that abuts the common the boundary with the submitter's land that is in an area identified for substantial change under the Manningham Planning Scheme.² Accordingly, this submission is not considered further as it does not relate to the matters affected by the Amendment.
- A submission from VicRoads (Submitter 5) offering no objection to the Amendment.

Accordingly, this Report deals with those property specific issues that were the focus of submissions referred to the Panel and considered under the following headings:

- Planning context
- Council Offices at 699 Doncaster Road, Doncaster and removal of the Heritage Overlay
- 136-140 Andersons Creek Road, Doncaster East
- 17 and 19 Aminga Avenue, Doncaster East.

All other proposed changes under Amendment C122 not addressed later in this Report are considered by the Panel to be satisfactory. These changes appropriately represent corrections to anomalies within the Planning Scheme.

² Refer to Clause 21.05 (Residential).

2 Planning context

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

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

2.1 Policy framework

(i) State Planning Policy Framework

Council submitted that the Amendment is supported by the following clauses in the State Planning Policy Framework (SPPF):

- Clause 10.01 (Integrated Decision Making)
- Clause 11 (Settlement)
- Clause 15 (Built Environment and Heritage)
- Clause 15.01-1 (Urban Design)
- Clause 16 (Housing)
- Clause 16.01-2 (Location of Residential Development).

Council considers the Amendment supports the objectives and strategies contained within the above clauses. The Amendment ensures that the provisions which apply to land within the Planning Scheme are accurate and consistent with relevant State policy.

(ii) Local Planning Policy Framework

Council submitted that the Amendment supports the following local planning objectives:

- Clause 21.05-2 (Housing)
- Clause 21.09-3 (Major Activity Centre (The Pines, Doncaster East)).

The Amendment responds to these policies by:

- removing several PAO controls that have become redundant following the acquisition of land for community purposes
- applying the correct zones to parcels of land covered by *The Pines Activity Centre Structure Plan, 2011* and the *Doncaster East Village Structure Plan, 2011*, that enable the strategic directions and outcomes of these plans to be achieved
- applying the appropriate zone and overlay controls to land incorrectly zoned or affected or not affected by appropriate overlay controls
- correcting inconsistencies in policy that have arisen from previous planning scheme amendments
- removing the Heritage Overlay HO48 that applies to Manningham City Council's Municipal Offices due to the out of date and inaccurate citation for heritage listing
- removing an objective from Schedules 3 and 4 of the DDO that are duplicated in each of these schedules.

The Amendment ensures that the provisions which apply to land within the Planning Scheme are accurate and consistent with relevant local policy.

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

The Amendment is consistent with strategic planning that has been undertaken for The Pines Activity Centre area (*The Pines Activity Centre Structure Plan, 2011*) and the Doncaster East Village, (the updated *Doncaster East Village Structure Plan, 2012*).

The Pines Activity Centre Structure Plan includes within its sphere of influence, the land at 136-140 Andersons Creek Road, Doncaster East. The Structure Plan identifies the site within *Precinct 4 – Eastern Gateway*. This area is identified for substantial change with a building height of 11 metres. Although the precinct is included in the RGZ2, the site is not, and is in the GRZ3, which reflects the surrounding residential areas to the east and south of this site. Accordingly, the proposed rezoning from GRZ3 to RGZ2 better reflects the land use and development intent for the site, as part of The Pines Activity Centre.

The *Doncaster East Village Structure Plan* includes land at 10A and 12-16 Montgomery Street, Doncaster East. The Plan identifies the site as appropriate for substantial change associated with multi-level residential apartment and townhouses with potential to incorporate public parking with building heights up to 13.5 metres. The GRZ2 zoning of the site fails to reflect the strategic intent for future development of the site and the current zoning of abutting land to the west and east which is RGZ3 and consistent with the intent of the DDO13. The Amendment proposes to correct this anomaly and better reflect the purpose of the Structure Plan and to apply the RGZ3.

2.2 Planning scheme provisions

The Amendment seeks to update, correct and delete anomalies, inconsistencies and obsolete provisions of the planning scheme. Planning policy is updated and corrected, and where necessary aligned with changes to zoning and overlay coverage. Changes are also proposed to the application of zones, rezoning and overlays and to the drafting of schedules where relevant.

All of these changes have appropriately used the relevant zones and overlays currently applied under the Manningham Planning Scheme.

2.3 Ministerial Directions and Practice Notes

Ministerial Directions

Council submitted that the Amendment meets the relevant requirements of:

- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

Planning Practice Notes

Council submitted that the Amendment is consistent with:

- Planning Practice Note 1 (PPN1) Applying the Heritage Overlay, January 2018
- Planning Practice Note 46 (PPN46) Strategic Assessment Guidelines, June 2015.

2.4 Conclusion

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 Council Offices at 699 Doncaster Road, Doncaster and removal of the Heritage Overlay

3.1 Background context and the issue

The Council Municipal Offices and surrounds located at 699 Doncaster Road, Doncaster (the site) are currently included in the Heritage Overlay (Clause 43.01) under HO48 in both mapped form (refer to Figure 1) and in the Schedule to the Heritage Overlay (refer to Figure 2). The Amendment proposes to remove the Heritage Overlay (HO48) from the Council offices and surrounds at 699 Doncaster Road, Doncaster (refer to Figure 1).

Figure 1 699 Doncaster Road, Doncaster and the current HO48 proposed to be deleted.

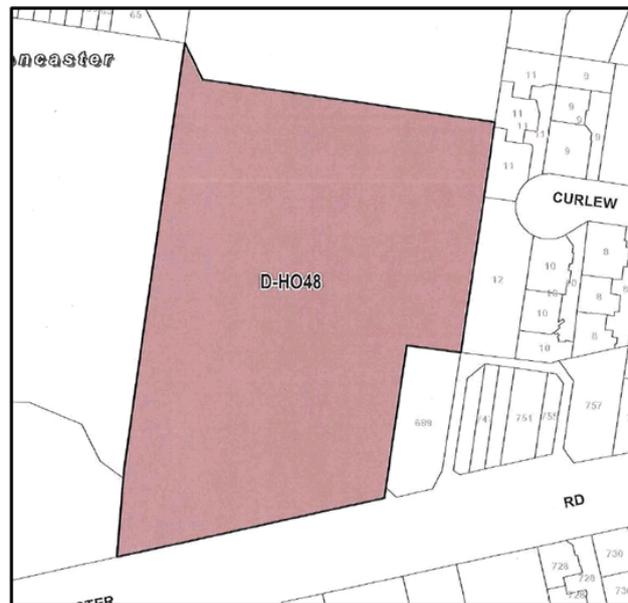


Figure 2 Extract from the Schedule to the Heritage Overlay showing the HO48 designation.

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO48	City of Manningham Municipal Offices - 699 Doncaster Road, Doncaster	No	No	Yes	Yes - artworks, fountain	No	No	-	No

The site serves as the Council administration and function centre. It is currently in the Activity Centre Zone Schedule 1 (ACZ1) and forms the Civic and Education Precinct (Precinct 1) located on the eastern fringe of the broader Doncaster Hill Principal Activity Centre.

Built in the mid-1960s the Municipal Offices has been renovated and added to several times. A review of the heritage statement of significance for the site identified a number of historical inaccuracies in the original assessment. As a result of these historical inaccuracies, Council determined that the building does not have sufficient State or local significance to warrant retention of the Heritage Overlay.

The issue is whether removal of the Heritage Overlay (HO48) from the Council offices is strategically demonstrated and appropriate.

3.2 Evidence and submissions

Council submitted that the Amendment has included the proposal to remove the HO48 from the Council offices because the original justification for applying the Heritage Overlay was based upon incorrect information and claims of architectural significance. In addition, Council submitted that trees and a fountain, which are also referenced in the Schedule to the Heritage Overlay, have since been removed under planning permission³, and along with artworks referenced in the citation are located outside of the mapped area of HO48.

The Warrandyte Historical Society (Submitter 2) expressed concern over the proposed removal of HO48 from the Council Municipal Offices. They were originally identified in the *City of Doncaster and Templestowe Heritage Study, 1991* (1991 Heritage Study) as having State significance for its architectural style, as one of the most complex and arguably the finest expression of a Miesian pavilion in the State. The Warrandyte Historical Society consider that removing the Heritage Overlay may undermine the soundness of the 1991 assessment, particularly as they consider it was a study that was the result of a long and detailed process with no previous disagreement with its outcomes.

The Warrandyte Historical Society was concerned over what information has led to the identification of historical inaccuracies and the proposal to remove heritage protection.

Expert evidence was provided by Ms Kate Gray, Heritage Consultant and Historian from Lovell Chen, who was engaged by Council to undertake a first principles review of the statement of significance for the Council Municipal Offices. She advised that the historical context and statement of significance for the Council Municipal Offices and surrounds was derived from the 1991 Heritage Study⁴ which stated:

History

A Miesian pavilion cantilevers suspended between two grey/green masonry, semi-cylindrical, stair blocks. A wing steps away at ground level, as the site slopes at left. It is clad with black finished steel plate clad, with exposed Universal Section mullions, with large panel dark glass windows.

The left-hand wing is Municipal Chambers. They have a 45 degree clear glass entrance canopy. The level below this (in effect, the basement) using the

³ Planning Permit No. PL09/020476 granted on 30 July 2010.

⁴ The City of Doncaster and Templestowe Heritage Study, 1991 is a reference document under Clause 21.16 of the Manningham Planning Scheme.

sloping site, fronts a courtyard. The west elevations have elaborate metal sun louvres on a tubular steel frame. There is an Anthony Prior 1986 sculpture 'I am a man like you'.

Designed by Gert [sic.] & Renate Block architects in c 1970. Gert Block was shortly after appointed Professor of Architecture at Christchurch University, New Zealand.

This building can be compared to Crown Hall MIT & National Gallery Berlin by Mies van der Rohe; South Yarra Public Library, Yuncken Freeman; Siemens, Church Street Richmond and Germany Embassy Canberra by Gert & Renate Block.

Statement of significance

Of State significance as the most complex and arguably the finest expression of a Miesian pavilion in the state.

Ms Gray's evidence was that the original assessment of significance and justification for protection under the Heritage Overlay was based on incorrect information and claims for architectural significance:

- *The attribution of the design to Gerd and Renata Block is incorrect.*
- *The claim that the building is the most complex and arguably the finest expression of a Miesian pavilion in the State is unfounded.*

Ms Gray's evidence provided detailed background and historical information on the various construction and renovation works that have occurred with the Municipal Offices since the first office was constructed in the 1950s. The Council Municipal Office complex has undergone a series of re-construction activity in 1964, 1977, 1978-84 and the most recent in 1999 which significantly altered the front entry facade of the building (refer to Figure 3). Much of this work has over-built previous building facades and design elements culminating in what Ms Gray now describes as a building complex that presents as an amalgam of various architectural interventions:

While these are broadly consistent stylistically, the building does not present as a well-resolved or coherent whole.

The reference to 'Miesian pavilion' relates to the architectural style of (Ludwig) Mies van der Rohe, a German architect of the 1930s to 1950s whose design became synonymous with box or pavilion style architecture which related to simple structures comprised of steel and glass with finishing details that exhibited a 'less is more' approach. His work was carried on by other architects, notably Gerd and Renata Block, who were noted in winning a design competition for the design of the former City of Nunawading (now Whitehorse City Council) Municipal Offices in 1965, around the same time as the first alterations to the Council Municipal Offices in 1964.

The connection between the Blocks and Council's office design is mistaken. According to Ms Gray, Council records show that the design architects for the 1964 additions were AK Lines, MacFarlane & Marshall, who followed a more modernist architectural design approach with many examples of public authority buildings that exhibited a design philosophy more closely

resembling 'brutalism'⁵, such as some of the former Melbourne and Metropolitan Board of Works regional office complexes and many local government municipal offices.

Figure 3 Development history of the Council offices with the dashed line representing the original Council office constructed in 1956.



Ms Gray considers that in terms of the built form of the Council Municipal Offices, neither the original rear addition as it existed in 1964 nor the complex as assessed in 1991 could reasonably be described as a Miesian pavilion. The 1964 addition is more clearly an example of mainstream 'International Style' of the 1960s and which has been altered since. The 1970s and 1980s additions draw on some of the characteristics of earlier Miesian styled buildings in Victoria through its use of glass and applied steel universal columns, and massing, but lacks the sophistication and purity of form typical of the style. The circular

⁵ Brutalism is an architectural style of the 1950s and 1960s characterised by simple, block-like forms and raw concrete construction.

concrete stairwells, used to unify the various 1970s and 1980s building programs, have roots in the 'Brutalism' of the 1960s.

She added that the incorporation of, somewhat-awkwardly-designed, sun louvres (refer to Figure 4) into the design of the building further undermines its success as an example of Mies-inspired design. Mies' pavilions were refined to produce structures of extraordinary simplicity. One of Mies' key achievements in this regard was the reduction of the roof to a simple hovering plane. The introduction of sun louvres was plainly a practical requirement of the 1977 works. However the visual effect of busy horizontal elements at the roof line both diminished the role of the vertical elements of the composition while introducing a complex roof-like element to the elevation. This straightforward and practical gesture impacts on the aesthetic outcome and its fidelity to Miesian design principles.

Figure 4 View of the rear (north elevation) of the Council offices showing remnants of the 1964 addition to the left and the 1977 additions to the right and the use of louvres.



Ms Gray surmised that:

The complex has also undergone significant physical change since it was first assessed 1991.

Accordingly, it is appropriate to undertake review of significance and the question of whether the [Heritage Overlay] is warranted.

Having undertaken a review of significance and assessment against the criteria in the [Victoria Planning Provisions] Practice Note Applying the Heritage Overlay (January 2018), it is my opinion that:

- *The building complex is an amalgam of a series of phases of works. While these are broadly consistent stylistically, the building does not present as a well-resolved or coherent whole.*
- *In particular, the 1999 works have had a transformative effect in terms of re-presenting the complex to Doncaster Road.*

- *In its current evolved form it is not a key example of the work of AK Lines, MacFarlane and Marshall and many examples of the firm's work survive, nor is it considered a notable example of a post-war municipal offices complex.*

On this basis, it is considered that the inclusion of the place in the HO Schedule is not warranted.

3.3 Discussion

The basis for applying the Heritage Overlay to the Council Municipal Offices and surrounds is primarily the architectural design expression of Miesian pavilion design and links to architects known for applying Miesian architectural design philosophy. Council has undertaken a first principles review of the statement of significance that supports the application of the Heritage Overlay. The 1991 Heritage Study was an assessment of the Council offices at a time when the building most likely displayed many Miesian pavilion features.

However, it is clear to the Panel that, the combined effects of additions and alterations that have occurred over time, since the original additions of 1964, have overtaken many of the elements that linked the built form design to the Miesian pavilion design philosophy.

Adding to the diminution of significance is the fact that the Blocks, the architects with most affinity to Miesian pavilion design, were not the architects commissioned to oversee the 1964 additions. AK Lines, MacFarlane & Marshall were the architects of these additions and the design was one that, although containing many elements of Miesian pavilion philosophy, also featured elements of a Modernist and Brutalism philosophy.

The Panel considers the later additions and alterations in 1999 have further over-built the original form resulting in the loss of significant architectural connection with Miesian pavilion design.

The Panel notes that the 1991 Heritage Study's statement of significance includes strong references to State significance. A later heritage study in 2006⁶ continued this level of significance without much analysis. The Panel notes the reference in Ms Gray's evidence to a post-World War II heritage study across Victoria where Part 2 of that Study⁷ prepared by Built Heritage in 2010 identified errors with the basis of the statement of significance for the Municipal Offices. These included the effects of the later additions and alterations to the building that have diminished its reflection of Miesian pavilion style. The Panel notes that the 2010 Study continued to incorrectly reference the architects. Despite, these findings, the Panel notes the 2010 Study's conclusion that the Heritage Overlay was still warranted, but on a local significance level.

The Panel considers the various additions and alterations to the Council Municipal Offices, has, over time, resulted in changes to the building that no longer strongly reflects the Miesian pavilion design philosophy. The links to the Blocks is not correct hence the

⁶ Manningham Heritage Study Review.

⁷ Built Heritage, Survey of Post War Built Heritage, 2010.

association to architects who practised in the Miesian tradition does not support heritage protection.

Finally, the Panel's views are affirmed by the inaccuracy of references in the Schedule to the Heritage Overlay under HO48 to trees, artworks and a fountain. These features are either not mapped within HO48 or have since been removed as a result of past authorised development. These changes and conditions do not support retention of the HO48 over the site.

3.4 Conclusions

The Panel concludes:

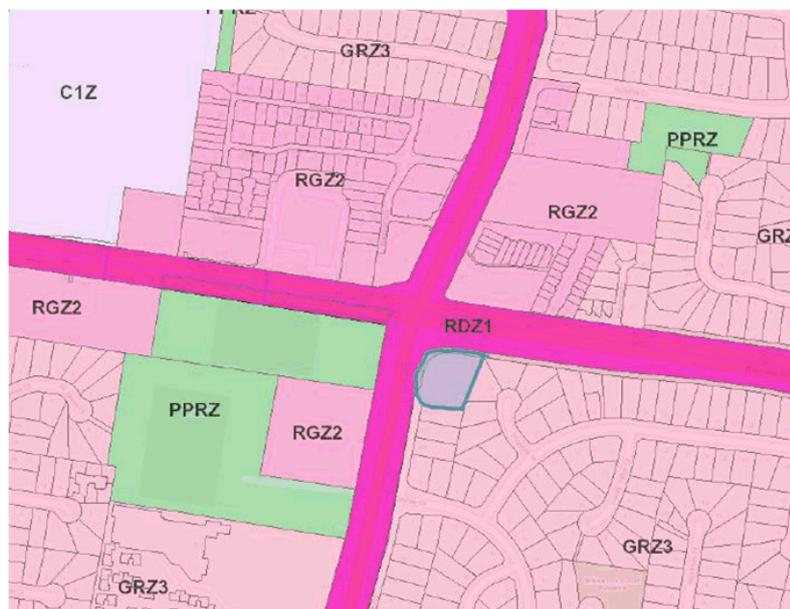
- The heritage significance of the Manningham City Council Municipal Offices has been diminished over time as a result of past additions and alterations that have reduced or removed architectural elements that could be considered to reflect a Miesian pavilion typology.
- The heritage significance of the Miesian pavilion design of the Council Municipal Offices is also further reduced by the incorrect connection designated to the architects, Gerd and Renata Block.
- The removal of the Heritage Overlay (HO48) from the Council Municipal Offices and surrounds at 699 Doncaster Road, Doncaster is strategically justified and appropriate.

4 136-140 Andersons Creek Road, Doncaster East

4.1 Background context and the issue

The site at 136-140 Andersons Creek Road, Doncaster East (the site) is located on the southeast corner of Andersons Creek Road and Reynolds Road. The site is located within The Pines Activity Centre and included in *The Pines Activity Centre Structure Plan, 2011*. Figure 5 shows the site is currently zoned GRZ3 (Post 1975 Residential Areas) and its relationship with the zoning of surrounding land. The site is also included in the DDO9 (Residential Areas within The Pines Activity Centre). Relevant policies affecting the site include Clause 21.05 (Residential) and Clause 21.09 (Activity Centres and Commercial Areas).

Figure 5 Current zoning of 136-140 Andersons Creek Road, Doncaster East and surrounding area.

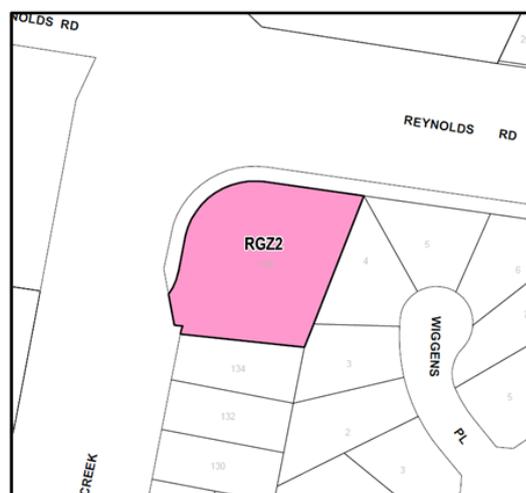


The site is included within the Structure Plan for The Pines Activity Centre because it forms part of the surrounding residential area that has a strong functional inter-relationship with The Pines Shopping Centre and offers opportunity for substantial change for residential purposes.

The Amendment proposes to rezone the site from GRZ3 to RGZ2 (refer to Figure 6). The rezoning is considered a correction to better align development outcomes with strategic direction under zoning and policy for the area.

The issue is whether the rezoning is appropriate.

Figure 6 Proposed rezoning of 136-140 Andersons Creek Road, Doncaster East.



4.2 Submissions

Council submitted that the rezoning is considered necessary because the objectives of the existing GRZ3 are inconsistent with the intent of *The Pines Activity Centre Structure Plan* and the DDO9. Council considered that a rezoning to RGZ2 would allow for development that is consistent with the location and intended outcomes of the structure plan and the overlay.

The written submission from Apex Town Planning on behalf of Mr A Esmaili (Submitter 4) expressed concern that the rezoning would create the opportunity for an increased intensification of development of the site and result in the loss of privacy and the inability to provide screen planting affecting the submitter's land. There would also be potential for increased building heights afforded to development proposals under the RGZ, and the removal of garden area requirements.⁸

Council considered Submitter 4 failed to refer to *The Pines Activity Centre Structure Plan* and the fact the site falls within the Activity Centre area. Council submitted that, under the Structure Plan, the site is located within *Precinct 4 – Eastern Gateway*, which contains commercial and residential uses. The framework of the Structure Plan is achieved by implementing policy at Clause 21.05 and DDO9. Clause 21.05 identifies the site within Residential Character *Precinct 2 – Residential Areas Surrounding Activity Centres and Along Main Roads*. Areas within this Precinct, including the site, are identified for higher density developments where a substantial level of change is anticipated. Reflecting this, the policy identifies DDO9 as applying to the Precinct and including the site.

DDO9 includes building heights of 11 metres, which reflects that identified in the Structure Plan.

⁸ The RGZ does not require Garden Area to be provided.

Under the GRZ3, building heights are also 11 metres, however, the purposes of the GRZ are not consistent with the strategic direction of the Structure Plan, Clause 21.05 or DDO9. Hence, Council submitted that the RGZ2 was more appropriate and consistent with the zoning that has been applied within The Pines Activity Centre.

In contrast, the land abutting the site to the south and east are identified within *Precinct 4 – Post 1975 Residential Areas* under Clause 21.05, and have no association with land identified in the Structure Plan, including the site.

The GRZ3 has been applied to these areas including, inadvertently the site and reflects the policy intent for these residential areas to remain an area for incremental change. Council submitted such a zoning is inconsistent with the strategic and policy directions of the Planning Scheme for the site. This is reinforced under Clause 21.09-3 (Major Activity Centre (The Pines, Doncaster East)), where it specifically calls for the application of the RGZ to land identified within The Pines Activity Centre and for encouraging a mix of uses and activities and a diversity of housing at higher densities to make optimum use of facilities and services.

The RGZ2 is considered by Council an appropriate zone to apply to the site and although it allows for building heights up to 13.5 metres, this is tempered by the DDO9.

Mr Robbie McKenzie, Town Planner from Ratio Consultants Pty Ltd (Submitter 6) submitted on behalf of Taylor Bridge Pty Ltd, that the Amendment should be supported. Mr McKenzie submitted the Amendment is a correction of a zoning oversight that occurred under Amendment C105, which was gazetted on 19 June 2014 as part of a Ministerial Amendment to translate new residential zones. Essentially, this amendment was expected to rezone the balance of the residential land in The Pines Activity Centre from the former Residential 1 Zone to the RGZ. Unfortunately the rezoning missed the site, which forms part of the residential areas within The Pines Activity Centre.

Mr McKenzie's submission generally supported Council. He acknowledged the mis-match in building heights between the RGZ and the DDO9, but considered the latter would temper the former until such time as Council determines to review the controls to achieve better alignment between them.

4.3 Discussion

The Panel considers the rezoning appropriate. It accepts the submissions from Council and Mr McKenzie regarding the benefit of rezoning the site from GRZ3 to RGZ2.

The Panel considers there is sufficient strategic justification for the Amendment as it relates to the site. The Amendment is essentially designed to bring the zoning of the site into alignment with the mapping shown in Clause 21.05, DDO9 and *The Pines Activity Centre Structure Plan* and will both complement and facilitate the strategic directions of the Planning Scheme for the site.

The Panel's views are supported by the following:

- The balance of the residential land in The Pines Activity Centre is in a RGZ2. The site is the only land parcel within the activity centre boundary that is affected by the GRZ.

- The boundaries of The Pines Activity Centre encapsulate the site demonstrated by the extent of the DDO9 mapping and is the only site where the DDO9 applies in conjunction with the GRZ.
- Rezoning of the site will support objectives for substantial change and increased residential densities around The Pines Activity Centre, which is a Major Activity Centre where application of the RGZ is appropriate.

The Panel considers the concerns of Submitter 4 are more related to planning permit processes and the decision making procedures associated with future development proposals. Any concerns regarding visual amenity and the like are matters that can be appropriately addressed within these processes.

4.4 Conclusions

The Panel concludes:

- Rezoning of the site at 136-140 Andersons Creek Road, Doncaster East is strategically justified and appropriate.

5 17 and 19 Aminga Avenue, Doncaster East

5.1 Background context and the issue

The land at 17 and 19 Aminga Avenue, Doncaster East (the site) is located on the east side of the road one block north from Doncaster Road. The site abuts land to the south (1107 and 1109 Doncaster Road) and to the east (1111 Doncaster Road) that is zoned RGZ2 (Residential Areas along Main Roads) with DDO8-1 (Main Road Sub-Precinct). Land abutting to the north (15 Aminga Avenue and beyond) is in the NRZ1 (Residential Areas with Predominant Landscape Features or Lower Housing Densities) with DDO5 (Donvale/Doncaster East Pine Tree Theme Area) and the Significant Landscape Overlay Schedule 7 (SLO7) relating to the Donvale/Doncaster East, Ruffey Lake Park and Zerbes Reserve Pine and Cypress Tree Areas. Land opposite the site (3 and 5 Aminga Avenue) is in the GRZ1 with no overlays.

The site is currently zoned NRZ1 with no overlays and are the only lots in the NRZ1 in the area without DDO5 and SLO7 applying to the land. Current zoning of the site and surrounds are shown in Figure 7.

The Amendment proposes to rezone the site from NRZ1 to GRZ1 (refer to Figure 8).

Figure 7 Current zoning of 17 and 19 Aminga Avenue, Doncaster East and surrounding area.

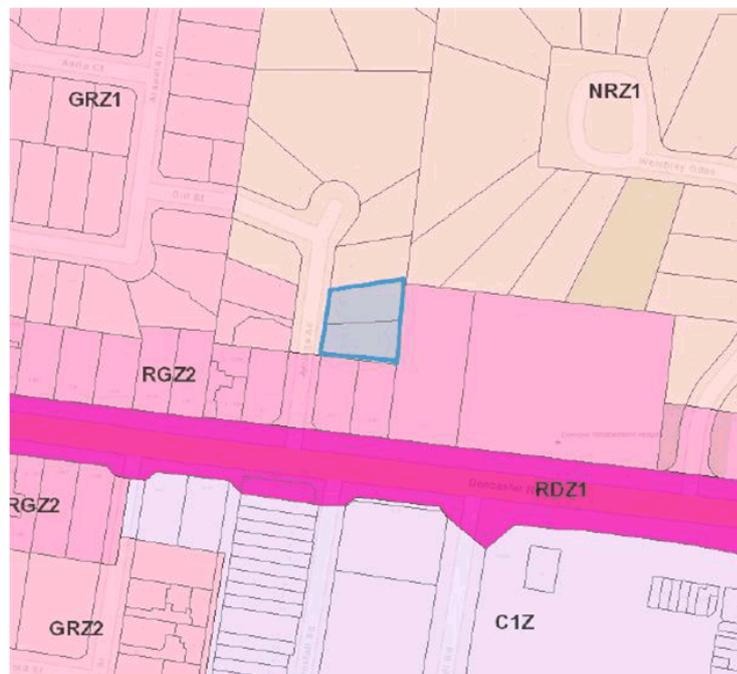
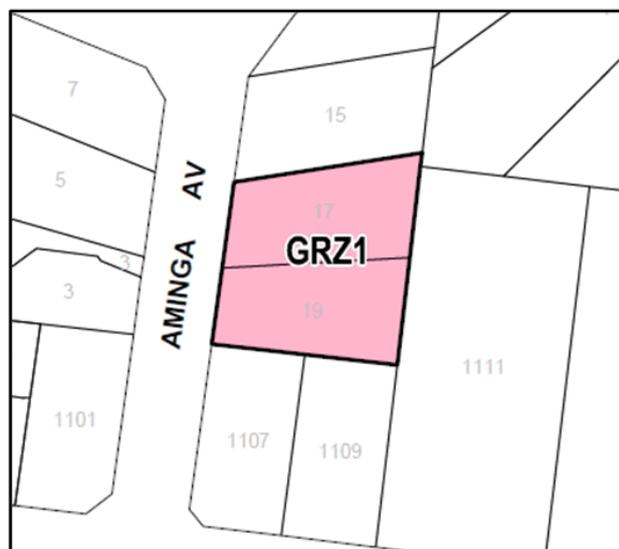


Figure 8 Proposed rezoning of 17 and 19 Aminga Avenue, Doncaster East.



The purpose of the rezoning is to better align the application of the GRZ1 and the absence of overlays with those properties on the opposite side of the road to act as a transitional area between land in the RGZ2 fronting Doncaster Road to the south and land in the residential hinterland to the north that is in the NRZ1.

A submission (Submitter 3) relating to land at 7 Aminga Avenue (opposite the site to the northwest) was received to the Amendment seeking to be included in the rezoning from NRZ1 to GRZ1. The land at 7 Aminga Avenue was subject to a separate Amendment C120 to the Manningham Planning Scheme, which sought to rezone the land from NRZ1 to GRZ1 to allow two dwellings to be built. Both the NRZ1 and DDO5 limit the number of dwellings on a lot to one. Despite officer support, Council resolved not to proceed with the amendment.

The issue is whether the rezoning of the site is appropriate and whether the land at 7 Aminga Avenue should be included in any rezoning.

5.2 Submissions

Council submitted amended residential zones were introduced across the municipality under Amendment C105. Prior to gazettal, the site and the properties at 3 and 5 Aminga Avenue were zoned Residential 3. Under that Amendment the site was inadvertently zoned NRZ1 instead of to the GRZ1. The Amendment is required to correct the omission of the site being rezoned in the GRZ1 and to correspond with the GRZ1 that has been correctly applied to the properties opposite at 3 and 5 Aminga Avenue.

A written submission from Morteza Farmand (Submitter 3) requested land opposite the site to the northwest at 7 Aminga Avenue should also be rezoned from NRZ1 to GRZ1. The submission argued the rezoning is appropriate because:

- It is consistent with the SPPF, by creating housing diversity in an area that is well serviced by retail shops, community services, employment opportunities and public transport.
- The current zone and overlays (NRZ1, DDO5 and SLO7) are set out for large blocks over 2000 square metres that have large pine trees. DDO5 limits the minimum subdivision area to 2000 square metres with a maximum 25 per cent site coverage that is really applicable to large blocks of land in the pine tree and low density area of Donvale/Doncaster East.
- The property at 7 Aminga Avenue is of a similar size as the site at approximately 660 square metres.
- The property at 7 Aminga Avenue currently sits in isolation with all the adjoining properties which are in the GRZ1 and would not be consistent with the character of development in the area.
- Inclusion in rezoning from NRZ1 to GRZ1 would be a logical and sensible change for this property, and it is typical of Council to have zone transitions across street boundaries.

Council considers the rezoning request from Submitter 3 is beyond the scope of the Amendment, which is focused on corrections to the planning scheme. The request for rezoning requires strategic justification. Council submitted it would be more appropriate to consider any rezoning request as part of a separate amendment process, which may include the consideration of other properties.

Council submitted that in the future, there may be a further opportunity to consider the rezoning of the land, but this should be considered more broadly to identify whether other properties would also be suitable for rezoning.

5.3 Discussion

The Panel agrees with Council and considers the site at 17 and 19 Aminga Avenue, Doncaster East should be rezoned from NRZ1 to GRZ1 as part of this Amendment. The rezoning would better align with the zoning of land opposite the site to the west and be consistent with the absence of overlays on the site and other land within the GRZ1.

With respect to the land at 7 Aminga Avenue, Doncaster East, the Panel acknowledges that there would appear to be strategic merit in rezoning this land from NRZ1 to GRZ1. However, the Panel also acknowledges that this request for rezoning does not form part of Amendment C122. Accordingly, the Panel considers the request for rezoning of 7 Aminga Avenue outside the scope of the Amendment. Consideration of the future zoning of this land should be subject to a separate amendment process where other lands, as suggested by Council, could be considered as part of a more integrated planning review of this area of Doncaster East.

5.4 Conclusions

The Panel concludes:

- The rezoning of site at 17 and 19 Aminga Avenue, Doncaster East is appropriate. Rezoning is justified as a correction to marry up land opposite the site that is currently zoned GRZ1 and has no overlays applied over it.
- Inclusion of land at 7 Aminga Avenue, Doncaster East as part of this Amendment is outside the scope of the Amendment. The future zoning of the land should be part of a broader review of zones and overlays for this part of Doncaster East as a separate process.

Appendix A Submitters to the Amendment

No.	Submitter
1	Keiron Whibley
2	Warrandyte Historical Society
3	Morteza Farmand
4	Apex Town Planning on behalf of A Esmaili
5	VicRoads
6	Ratio Consultants Pty Ltd on behalf of Taylor Bridge Pty Ltd

Appendix B Document list

No.	Date	Description	Provided by
1	28/06/2018	Council submission	Mr Matthew Lynch
2	"	Council submission Map Book	"
3	"	Heritage Expert Witness Appendices	Ms Kate Gray
4	"	1984 Aerial Photo	"
5	"	1991 Heritage Study	Mr Lynch
6	"	Heritage Places Extract from Doncaster and Templestowe Planning Scheme	"
7	"	English Oak tree extract from Council Heritage Database	"
8	"	Copy of Planning Permit No. PL09/20476 for additions to the Council Offices dated 30 July 2010	"
9	"	VCAT decision <i>Alphington Grammar School v Yarra CC</i> [2008] VCAT 995	"
10	"	<i>The Pines Activity Centre Structure Plan, 2011</i>	"
11	"	Clause 21.05 of Manningham Planning Scheme	"
12	"	Clause 21.09 of Manningham Planning Scheme	"
13	"	Clause 43.02, DDO and Schedule 9 of Manningham Planning Scheme	"
14	"	Clause 32.08, GRZ and Schedule 3 of Manningham Planning Scheme	"
15	"	Clause 32.07, RGZ and Schedule 2 of Manningham Planning Scheme	"
16	"	Submission from Ratio Consultants on behalf of Taylor Bridge Pty Ltd	Mr Robbie McKenzie
17	"	Manningham C105 Explanatory Report	"
18	"	Copy of zoning map	"
19	"	Copy of cadastre with zoning map	"
20	"	Copy of cadastre with overlays map	"
21	"	Schedule 3 to the Design and Development Overlay	Mr Lynch
22	"	Schedule 1 to the Activity Centre Zone	"
23	"	Schedule 13 to the Design and Development Overlay	"
24	"	<i>Doncaster East Village Structure Plan, 2012</i>	"
25	"	Clause 32.07, RGZ and Schedule 3 of the Manningham Planning Scheme	"

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No.	Date	Description	Provided by
26	"	Schedule 8 to the Design and Development Overlay	"
27	"	Schedule 1 to the Design and Development Overlay	"
28	"	Victorian Government Gazette dated 1 March 2018 relating to road declarations	"

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Planning and Environment Act 1987

MANNINGHAM PLANNING SCHEME

AMENDMENT C122

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 Manningham City Council.

Land affected by the amendment

The amendment applies to the following sites:

- 1/49 Walker Street, Doncaster;
- 2 Briar Court, Doncaster;
- 9 Koolkuna Avenue, Doncaster;
- 2A, 6A and 10A St Georges Avenue and 211A Williamsons Road, Templestowe Lower;
- 42A and 42 James Street, Templestowe;
- 136 Andersons Creek Road, Doncaster East;
- 10A and 12 - 16 Montgomery Street, Doncaster East;
- 17 and 19 Aminga Avenue, Doncaster East;
- 169 -173 Bulleen Road, Bulleen;
- 144 Manningham Road, Bulleen;
- 757 Doncaster Road, Doncaster;
- Intersection of Doncaster Road and Heritage Boulevard Doncaster;
- 2-12 Brackenbury Street, Warrandyte;
- 23 McIntyres Road, Park Orchards;
- 699 Doncaster Road, Doncaster;
- Land affected by Schedule 4 to the Design and Development Overlay (DDO4) – Templestowe Environmental Residential Area; and
- Land affected by Schedule 5 to the Design and Development Overlay (DDO5) – Donvale / Doncaster East Pine Tree Theme Area.

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

What the amendment does

The amendment is generally policy neutral and proposes to amend the Manningham Planning Scheme to correct a number of administrative mapping anomalies associated with the application of the zones and overlays across various sites in Manningham. A number of these corrections relate to the removal of a Public Acquisition Overlay (PAO) from land where the site has been acquired by a statutory authority, the correction of zoning anomalies, and correction of a duplication error in the Design and Development Overlay provisions. The amendment also proposes the removal of Heritage Overlay (HO48) from the Municipal Offices

at 699 Doncaster Road, Doncaster following a review of the Statement of Significance for the site.

In particular the amendment proposes to:

- Amend Map 7PAO to remove the Public Acquisition Overlay 7 (PAO7) from 1/49 Walker Street, Doncaster.
- Amend Map 7PAO to remove Public Acquisition Overlay 7 (PAO7) from 2 Briar Court, Doncaster.
- Amend Map 7PAO to remove Public Acquisition Overlay 1 (PAO1) from 9 Koolkuna Avenue, Doncaster.
- Amend Map 2PAO to remove Public Acquisition Overlay 1 (PAO1) from 10A, 6A and 2A St Georges Avenue, and 211A Williamsons Road, Templestowe Lower.
- Amend Map 2PAO to remove Public Acquisition Overlay 1 (PAO1) from 42A and 42 James Street, Templestowe.
- Amend Map 3ZN to rezone land at 136-140 Andersons Creek Road, Doncaster East from a General Residential Zone Schedule 3 (GRZ3) to a Residential Growth Zone Schedule 2 (RGZ2).
- Amend Map 8ZN to rezone land at 10A and 12-16 Montgomery Street, Doncaster East from a General Residential Zone – Schedule 2 (GRZ2) to a Residential Growth Zone Schedule 3 (RGZ3).
- Amend Map 6ZN to rezone part of the land at 169 - 173 Bulleen Road, Bulleen from a Public Park and Recreation Zone (PPRZ) to an Urban Flood Zone (UFZ).
- Amend Map 8ZN to rezone land at 17 and 19 Aminga Avenue, Doncaster East from a Neighbourhood Residential Zone Schedule 1 (NRZ1) to a General Residential Zone Schedule 1 (GRZ1).
- Amend Map 1ZN to rezone part of the land at 144 Manningham Road, Bulleen from a Road Zone Category 1 (RDZ1) to a Residential Growth Zone Schedule 2 (RGZ2). In addition, amend Map 8DDO to apply Schedule 8 (DDO8-1) to the entire site.
- Amend Map 7ZN to rezone part of the laneway adjoining land at 757 Doncaster Road, Doncaster from a General Residential Zone Schedule 2 (GRZ2) to a Mixed Use Zone (MUZ).
- Amend Map 7DDO to apply Schedule 1 to the Design and Development Overlay (DDO1) to the land at 757 Doncaster Road, Doncaster.
- Amend Map 7ZN to rezone part of the road reserve at the intersection of Doncaster Road and Heritage Boulevard, Doncaster from a Residential Growth Zone Schedule 1 (RGZ1) to a Road Zone Category 1 (RDZ1). In addition, amend Map 7DDO to apply DDO1 to that section of land to be rezoned Road Zone Category 1 (RDZ1).
- Amend Map 9ZN to rezone part of a disused road forming part of 2-12 Brakenbury Street, Warrandyte from Neighbourhood Residential Zone Schedule 1 (NRZ1) to Public Use Schedule 5 (PUZ5). In addition, amend map 9DDO to remove DDO3 from applying to the disused road.
- Amend Map 8ZN to rezone part of the land at 23 McIntyres Road, Park Orchards from Rural Conservation Zone Schedule 3 (RCZ3) to Public Conservation and Resource Zone (PCRZ).
- Amend Map 8PAO to remove the Public Acquisition Overlay Schedule 1 (PAO1) from the north part of 23 McIntyres Road, Park Orchards.
- Amend Map 7HO to remove the Heritage Overlay (HO48) from 699 Doncaster Road, Doncaster. It also amends the schedule to Clause 43.01 Heritage Overlay to delete reference to heritage place HO48.

- Amend Schedule 4 to Clause 43.02 Design and Development Overlay to remove a duplicated objective.
- Amend Schedule 5 to Clause 43.02 Design and Development Overlay to remove a duplicated objective.

Why is the amendment required?

The amendment is required to correct a number of errors and anomalies that have been identified for various sites within the municipality associated with the zones and overlays currently applying to the land. Several of these errors have arisen from relatively recent amendments to the planning scheme where land has inadvertently been included in an incorrect zone, whilst other corrections relate to land in private ownership which appear to have been incorrectly incorporated within a public land use zone when the new format Manningham Planning Scheme was approved in June 2000.

This amendment also proposes to remove the Public Acquisition Overlay (PAO) from a number of properties that have been acquired by Council or by Melbourne Water over a number of years and which are now redundant. The amendment is also required to remove the Heritage Overlay from the municipal offices following a review of the Statement of Significance. A minor change is also proposed to Schedules 4 and 5 of the Design and Development Overlay to remove the duplication of one of the objectives.

The following changes are proposed as part of the Amendment:

Removal of Public Acquisition Overlays

1/49 Walker Street, Doncaster - This property comprises part of the Doncaster Hill Activity Centre and is owned by Manningham City Council. The property at 1/49 Walker Street has been purchased by Council for road purposes. As the properties have now been acquired by Manningham City Council, application of the PAO is now considered to be redundant.

2 Briar Court, Doncaster - This property also forms part of the Doncaster Hill Activity Centre and was purchased by Council in 2011 for the purpose of creating a road reservation. As the property is now owned by Manningham Council the PAO7 applying to this property is now redundant.

9 Koolkuna Avenue, Doncaster - This property was purchased by Council in 2014 for the purpose of enlarging the existing Carawatha Reserve. As the property is now owned by Council the PAO1 applying to this property is now redundant.

2A, 6A and 10A St Georges Avenue and 211A Williamsons Road, Templestowe Lower - These parcels were acquired by Council for the purpose of creating a continuous recreation trail between the Doncaster Hill Activity Centre and the Main Yarra trail. As these parcels are now owned by Council the PAO1 applying to this land is now redundant.

42A and 42 James Street, Templestowe. 42 James Street is owned by the City of Manningham and 42A James Street is owned by Melbourne Water. These properties form part of the Ruffey Creek Linear Park with 42A James Street comprising the creek bank. As the land is now owned by both Manningham City Council and Melbourne Water, application of the PAO1 is now considered to be redundant.

23 McIntyres Road, Park Orchards. This parcel is Part of the Mullum Mullum Creek Linear Park and has been purchased by Council. As part of this Amendment another portion of this property is proposed to be rezoned to better categorise its use, this is detailed in the next section.

Zoning Anomalies

136-140 Andersons Creek Road, Doncaster East - This parcel is currently in a General Residential Zone Schedule 3 (GRZ3) and is affected by Schedule 9 to the Design Development Overlay 9 (DDO9) – Residential Areas within the Pines Activity Centre. The objectives of the existing zoning are inconsistent with the intent of the *Pines Activity Centre Structure Plan 2011* and the Design Objectives of the overlay. It is considered that a rezoning

to Residential Growth Zone – Schedule 2 (RGZ2) would allow for development that is consistent with the location and intended outcomes of the structure plan and the overlay.

10A and 12-16 Montgomery Street, Doncaster East - These parcels are currently located in a General Residential Zone – Schedule 2 (GRZ2) and are also affected by a Design and Development Overlay – Schedule 13 (DDO13 - Residential Areas Surrounding Prominent Intersections And/or Interfacing Commercial Areas. Some of the schedule objectives include:

- *To increase residential densities and provide a range of housing types around activity centres; and*
- *To support four storey, 'apartment style', developments on larger lots where ResCode standards can be met and which are located at prominent intersections and/or which interface commercial areas.*

Recent changes to the GRZ (VC110) resulted in conflict between the preferred outcomes for these parcels and the amended zoning controls. The current GRZ2 applying to the aforementioned properties is inconsistent with the DDO13 and it is considered appropriate to apply a Residential Growth Zone Schedule 3 (RGZ3) as the objectives are consistent with the preferred outcomes for the development of the land to encourage higher density development.

169 -173 Bulleen Road, Bulleen - This privately held land parcel is zoned Urban Flood Zone (UFZ) and is used for sporting purposes. The adjacent land is zoned Public Park Recreation Zone (PPRZ) which is also used for sport and recreation purposes. The anomaly exists in the western corner and along the south-western boundary of the site where the PPRZ intrudes into the private land. The amendment is required to correct this anomaly by rezoning the subject site from a PPRZ to an UFZ.

17 and 19 Aminga Avenue, Doncaster East - These two land parcels are currently zoned Neighbourhood Residential Zone Schedule 1 (NRZ1). Adjacent to land to the north and east is also in a NRZ1 and is affected by DDO5. As part of the introduction of the reformed residential zones (Amendment C105) these two parcels were inadvertently included in the NRZ1 rather than the General Residential Zone Schedule 1 (GRZ1).

144 Manningham Road, Bulleen - This parcel is zoned part Residential Growth Zone Schedule 2 (RGZ2) and part Road Zone 1 (RDZ1). The anomaly exists where the RDZ1 intrudes into the privately held parcel. This Amendment seeks to delete the road zone from the subject site and apply RGZ2 and DDO8 to ensure consistency with existing provisions applying to the remainder of the site.

757 Doncaster Road, Doncaster - This land is zoned Mixed Use Zone (MUZ) and is located between land in a Commercial 1 Zone (C1Z) and a Residential Growth Zone (RGZ2). The parcel is currently undeveloped and currently serves as an informal carpark. A previous amendment (C106) removed the DDO8 overlay from the parcel and inadvertently removed the DDO1 also applying to the site. This amendment proposes to apply the DDO1 (Doncaster Road Strategy Area) over the subject site in order to facilitate its development in line with the desired character for the Doncaster Road area. It is also noted the adjacent laneway is in a General Residential Zone GRZ2. The amendment also proposes to rezone this section of land to MUZ to correct this anomaly.

Intersection of Doncaster Road and Heritage Boulevard Doncaster – This land which is a declared arterial road under VicRoads control has been modified recently in order to accommodate the signalised entry to the Tullamore estate which is currently under development. As the dimensions of the intersection have changed, VicRoads has requested that the RDZ1 and DDO1 be adjusted to include the changes made and bring the expanded road under their management.

2-12 Brackenbury Street, Warrandyte - This land is currently zoned Public Use Schedule 5 (PUZ5) which is used as a cemetery. Dividing the 2 parcels is a disused road zoned Neighbourhood Residential Zone Schedule 1 (NRZ1), and marked as 'Blair Street'. This zoning is inconsistent with its current use as part of the cemetery and is proposed to be rezoned to a PUZ5. The Design and Development Overlay Schedule 3 (DDO3) is also proposed to be removed from this land.

23 McIntyres Road, Park Orchards - This land comprises part of the Mullum Mullum Linear Creek Trail and was recently acquired by Manningham City Council. The land is currently zoned Rural Conservation Zone Schedule 3 (RCZ3) and is proposed to be rezoned to a Public Conservation and Resource Zone (PCRZ) in line with its use as a linear park. The Amendment also proposes to remove the Public Acquisition Overlay 1 (PAO1) from the north part of 23 McIntyres Road, Park Orchards.

Removal of Heritage Overlay

699 Doncaster Road, Doncaster - This site serves as the Councils administration and function centre. Built in the mid 1960's it has been renovated and added to several times. A review of the heritage statement of significance for the site, identified a number of historical inaccuracies in the original assessment. As a result of these historical inaccuracies, it has been determined that the building does not meet the threshold of 'State significance'. Furthermore that the building is not of sufficient significance at a local level to warrant a Heritage Overlay.

Duplication error in Manningham Planning Scheme

Schedules 4 and 5 to the Design and Development Overlay - The error occurs under 1.0 Design objectives where the line 'To ensure that development does not protrude above the prevailing height of the tree canopy' is repeated twice. This Amendment seeks to remove the duplicated objective.

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

The amendment corrects a number of minor zoning and overlay anomalies ensuring the planning scheme provisions are correctly applied and implements the objectives of planning in Victoria as identified in Section 4 of the *Planning and Environmental Act 1987* as follows:

- 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 proposed changes are generally administrative in nature and are not likely to have any adverse environmental effects. The amendment is expected to have positive social and economic implications as it seeks to ensure that the overall zoning and application of overlays are consistently and appropriately applied.

It will provide greater clarity for land owners and enable the land to be developed in an appropriate manner.

Does the amendment address relevant bushfire risk?

The amendment and proposed changes 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 fire assessment was not considered necessary since the majority of subject areas are in built up areas zoned Residential Growth Zone and 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 following creeks and rivers, these are highly unlikely to be developed for any other purpose apart from conservation and recreation.

The relevant fire considerations in the construction of each dwelling will be a matter to be considered by the relevant building surveyor at the time of each individual owner's application for a building permit.

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

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7 (5) of the *Planning and Environment Act 1987*.

The amendment is consistent with the Ministerial Direction No. 9: Metropolitan Strategy, with particular regard to:

- Direction 2.2.3 'Support new housing in activity centres and other places that offer good access to jobs, services and public transport;
- Direction 4.1 'Create more great public places across Melbourne';
- Direction 4.3 'Achieve and promote design excellence';
- Direction 4.5 'Plan for Melbourne's green wedges and peri-urban areas;
- Direction 5.1 'Create a city of 20-minute neighbourhoods'; and
- Direction 5.4 'Deliver local parks and green neighbourhoods in collaboration with communities'.

The amendment is consistent with the Ministerial Direction No. 11 – Strategic Assessment of Amendments.

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

The amendment is consistent with the State Planning Policy Framework with particular regard to its objectives for Settlement (Clause 11), Environment and Landscape Values (Clause 12), Built Environment and Heritage (Clause 15), Housing (Clause 16) and Infrastructure (Clause 19).

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

The amendment corrects a number of zoning and overlay anomalies that have been identified. The amendment does not alter the intent or implication of the Local Planning Policy Framework. The amendment will ensure that the clear policy direction is provided for the use and development of the affected lots by correcting how the overall zoning and overlay boundaries are applied.

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

The amendment makes proper use of the Victorian Planning Provisions.

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

The amendment is being placed on public exhibition and will be accordingly be referred to relevant agencies for consideration.

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

The amendment is not expected to have any adverse implications 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 unlikely to have any adverse implications on the resource and administrative costs of Council.

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;
- The Manningham website at www.yoursaymanningham.com.au/C122; and,
- At The Pines, Doncaster, Bulleen, Warrandyte and Box Hill branch Libraries.

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

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Doncaster	1/49 Walker Street	Manningham C122 010d-paoMap07
Doncaster	2 Briar Court	Manningham C122 011d-paoMap07
Doncaster	9 Koolkuna Avenue	Manningham C122 012d-paoMap07
Templestowe Lower	2A, 6A and 10A St Georges Road and 211A Williamsons Road	Manningham C122 013d-paoMap02
Templestowe	42A and 42 James Street,	Manningham C122 014d-paoMap02
Doncaster East	136-140 Andersons Creek Road	Manningham C122 001znMap03
Doncaster East	10A and 12-16 Montgomery Street	Manningham C122 002znMap08
Doncaster East	17 and 19 Aminga Avenue	Manningham C122 004znMap08
Bulleen	169-173 Bulleen Road	Manningham C122 003znMap06
Bulleen	144 Manningham Road	Manningham C122 005znMap01 Manningham C122 0018ddoMap01
Doncaster	757 Doncaster Road	Manningham C122 019ddoMap07 Manningham C122 006znMap07
Doncaster	Corner Doncaster Rd and Heritage Bvd	Manningham C122 007znMap07 Manningham C122 016ddoMap07
Warrandyte	2-12 Brackenbury Street	Manningham C122 008znMap09 Manningham C122 020d-ddoMap09
Park Orchards	23 McIntyres Road	Manningham C122 015d-paoMap08 Manningham C122 009znMap08
Doncaster	699 Doncaster Road	Manningham C122 017d-hoMap07

*Planning and Environment Act 1987***MANNINGHAM PLANNING SCHEME****AMENDMENT C122****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 20 attached map sheets.

Zoning Maps

1. Amend Planning Scheme Map No's. 1, 3, 6, 7, 8 and 9 in the manner shown on the 9 attached maps marked "Manningham Planning Scheme, Amendment C122".

Overlay Maps

2. Amend Planning Scheme Map No's. 2PAO, 7PAO, 8PAO in the manner shown on the 6 attached maps marked "Manningham Planning Scheme, Amendment C122".
3. Amend Planning Scheme Map No. 7HO in the manner shown on the 1 attached map marked "Manningham Planning Scheme, Amendment C122".
4. Amend Planning Scheme Map No's. 1DDO, 7DDO, 9DDO in the manner shown on the 4 attached map marked "Manningham Planning Scheme, Amendment C122".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

5. In Overlays – Clause 43.01, replace the Schedule with a new Schedule in the form of the attached document.
6. In Overlays – Clause 43.02, replace Schedule 4 with a new Schedule 4 in the form of the attached document
7. In Overlays – Clause 43.02, replace Schedule 5 with a new Schedule 5 in the form of the attached document

End of document

MANNINGHAM PLANNING SCHEME

15/06/2017
C107 Proposed
122

SCHEDULE TO CLAUSE 43.01 HERITAGE OVERLAY

The requirements of this overlay apply to both the heritage place and its associated land.

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO1	Archaeological sites - Alexander Road, Warrandyte	No	No	Yes	No	No	No	-	Yes
HO2	"Nilja" - Alexander Road, Warrandyte	No	No	Yes	Yes - garage	No	No	-	No
HO3	House "Glenfern" - 10 Amberley Court, Bulleen	No	No	Yes	No	No	No	-	No
HO4	Templestowe Primary School No. 1395 (former) - 1-9 Anderson Street, Templestowe	Yes	No	No	No	No	No	-	No
HO5	Templestowe Memorial Hall – 11-13 Anderson Street, Templestowe	Yes	Yes	Yes	No	No	No	-	No
HO6	East Doncaster Hall - Andersons Creek Road, Doncaster East	Yes	No	Yes	No	No	No	-	No
HO7	Milgate Park Estate - Andersons Creek Road, Doncaster East	No	No	Yes	No	No	No	-	No
HO8	Coolibah - 13 Arunga Drive, Wonga Park	No	No	Yes	Yes - outbuildings, windmill/bore	No	No	-	No
HO203	Menlo – 17-25 Atkinson Street, Templestowe	-	-	-	-	Yes - Ref. No. H2294	Yes	-	No

MANNINGHAM PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO10	Templestowe Uniting Church (fmr. Presbyterian) - 104 Atkinson Street, Templestowe	Yes	Yes	Yes – Golden Ash only	Yes - timber church building, early post and wire fence	No	No	-	No
HO11	House (Smith House or Sunnyside Farm) - 134-136 Atkinson Street, Templestowe	No	No	No	No	No	No	-	No
HO205	River Red Gum on corner Balwyn Road & Doyle Street, Bulleen	No	No	Yes	No	No	No	-	No
HO12	House – 2-4 Batskos Drive, Warrandyte	No	No	Yes	No	No	No	-	No
HO13	Ben Nevis - 21-25 Ben Nevis Grove, Bulleen	No	No	Yes	No	No	No	-	No
HO14	Ross & Monica Larmer House - 42 Berrima Road, Donvale	No	No	No	No	No	No	-	No
HO15	Robert & Elizabeth Ley House - 58 Berrima Road, Donvale	Yes	No	Yes	No	No	No	-	No
HO17	Merchant Builders Former Display Houses Heritage Precinct - 4–12 Beverley Hills Drive & 408–418 Porter Street, Templestowe	Yes	No	Yes – English Oak at 4 Beverly Hills Drive only	No	No	No	-	No
HO18	Pontville – 16-20 Websters Road, Templestowe	-	-	-	-	Yes – Ref. No. H1395	Yes	-	Yes
HO20	Warrandyte Primary School No. 12 – 42-52 Brackenbury Street, Warrandyte	Yes	No	No	Yes - shelter shed	No	No	-	No

MANNINGHAM PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO21	House – 151 Brackenbury Street, Warrandyte	Yes	No	No	No	No	No	-	No
HO24	River Red Gum – Bridge Street Cnr. Manningham Road, Bulleen	No	No	Yes	No	No	No	-	No
HO25	Bridge Street Pine & Cypress Plantings - Bridge Street, Bulleen	No	No	Yes	No	No	No	-	No
HO26	"Journeys End" - 22-40 Bridge Street, Bulleen	No	No	Yes	Yes - entry gate	No	No	-	No
HO27	South Warrandyte Fire Station - 12 Brumbys Road, South Warrandyte	Yes	No	No	No	No	No	-	No
HO28	House - 138-140 Brysons Road, Warranwood	Yes	Yes	No	No	No	No	-	No
HO93	Couper's Orchard – 139-141 Brysons Road, Wonga Park	Yes	No	Yes	No	No	No	Plan No. 1 Incorporated under Clause 43.01-2 of the Manningham Planning Scheme, April 2008	No
HO29	House - 81 Brushy Park Road, Wonga Park	No	No	No	Yes - outbuilding	No	No	-	No
HO30	Bolin Swamp - Bulleen Road, Bulleen	No	No	Yes	No	No	No	-	Yes

MANNINGHAM PLANNING SCHEME

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HO214	House – 5 Buller Terrace, Lower Templestowe	No	No	No	No	No	No	-	No
HO31	"Worrall" - 2-4 Cat Jump Road, Donvale	Yes	No	Yes	No	No	No	-	No
HO34	Holy Trinity Anglican Church, Vicarage and Hall - 106 Church Road, Doncaster	Yes	No	Yes	No	No	No	-	No
HO35	Clifford Park - Clifford Drive, Wonga Park	No	No	Yes	Yes – within Clifford Park: levelled camp sites, footings of stage, large boomerang bases, flagpole, tower, chapel c1989; within State Park: toilet block & storage building, Rowallan Hall, four 'tables', swimming hole, pump house, camp fire circle, concrete cesspit/grease trap site, shower block base and camp	No	No	-	No

MANNINGHAM PLANNING SCHEME

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HO36	G. Stafford House - 37-39 Curry Road, Park Orchards	No	No	Yes	No	No	No	-	No
HO37	R. S. Hadley House - 41-43 Curry Road, Park Orchards	No	No	Yes	No	No	No	-	No
HO38	River Red Gum – Manningham Park Primary School, sth of David Road – 223-229 Manningham Road, Lower Templestowe	No	No	Yes	No	No	No	-	No
HO39	Yarra Brae Cottage - 8 Davis Road Cnr. Clifford Drive, Wonga Park	No	No	Yes	Yes - HV McKay gate	No	No	-	No
HO40	House (Clay House) - 10 Dehnert Street, Doncaster East	No	No	Yes	No	No	No	-	No
HO41	House - 1 Dellas Avenue cnr. McLachlan Street, Templestowe	Yes	No	Yes	No	No	No	-	No
HO42	English Oak - Doncaster Road (near Hender St corner), Doncaster	No	No	Yes	No	No	No	-	No

MANNINGHAM PLANNING SCHEME

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HO43	Former Eastern Golf Club "Tullamore" and stables - 463 Doncaster Road, Doncaster The Tree Protection Zone of Tree numbers 4, 27 and 82 as identified in the "Conservation Analysis and Policy" Meredith Gould Architects Pty Ltd (2011) as shown on the heritage overlay map.	Yes	No	Yes Tree numbers 4, 27 and 82 as identified in the "Conservation Analysis and Policy" Meredith Gould Architects Pty Ltd (2011).	Yes - stables	No	No	-	No
HO44	Shire Offices (fmr) - 673 Doncaster Road, Doncaster	Yes	No	No	No	No	No	-	No
HO45	Doncaster Primary School No. 197 - 675-683 Doncaster Road, Doncaster	Yes	No	Yes – Algerian Oaks only	No	No	No	-	No
HO46	Church of Christ - 680 Doncaster Road, Doncaster	Yes	Yes	No	No	No	No	-	No
HO47	Clarke Hopkins & Clarke Office (former) - 684 Doncaster Road, Doncaster	Yes	No	Yes	No	No	No	-	No

MANNINGHAM PLANNING SCHEME

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HO48	City of Manningham Municipal Offices—699 Doncaster Road, Doncaster	No	No	Yes	Yes—artworks, fountain	No	No	-	No
HO215	House – 724 Doncaster Road, Doncaster	Yes	No	No	No	No	No	-	No
HO49	House - 783 Doncaster Road, Doncaster	Yes	No	No	Yes - timber outbuilding	No	No	-	No
HO50	"Plassey" - 891-893 Doncaster Road, Doncaster East	Yes	No	No	Yes - basework of conservatory	No	No	-	No
HO51	Inge & Grahame King House - 18 Drysdale Road, Warrandyte	-	-	-	-	Yes - Ref. No. H1313	Yes	-	No
HO52	Wonga Park Primary School No. 3241, Residence & Algerian Oak - 41 Dudley Rd, Wonga Park	No	No	Yes	No	No	No	-	No
HO53	Red Box tree - 4 Dudley Road, Wonga Park	No	No	Yes	No	No	No	-	No
HO55	Allen Property - 42 Dudley Road, Wonga Park	No	No	Yes	No	No	No	-	No
HO56	House – 61A (59) Dudley Road, Wonga Park	No	No	No	No	No	No	-	No
HO57	House - 9 Dundas Court, East Doncaster	No	Yes	No	No	No	No	-	No
HO58	Tiffany Heights - 9-11 Edgar Avenue, Wonga Park	No	No	Yes	No	No	No	-	No
HO216	House – 29 Edwin Road, Templestowe	No	No	No	No	No	No	-	No

MANNINGHAM PLANNING SCHEME

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HO208	Canary Island Pines & Dutch Elms at Egan Drive, Bulleen	No	No	Yes	No	No	No	-	No
HO112	St Clements Church – 9 – 21 Egan Drive, Bulleen	Yes	No	No	No	No	No	-	No
HO59	"Carawatha" - 10-12 Enfield Avenue, Park Orchards	Yes	No	Yes	No	No	No	-	No
HO60	Carey Baptist Grammar School - 9 Era Court, Donvale	Yes	No	No	No	No	No	-	No
HO61	Merchant Builders Former Display Houses Heritage Precinct - 1, 2 & 3 Exford Close, Donvale	Yes	No	No	No	No	No	-	No
HO62	Westerfolds Manor & Park - Fitzsimons Lane, Templestowe	Yes	No	Yes	Yes - garage	No	No	-	Yes
HO63	River Red Gums - Fitzsimons Lane & Porter Street (north-east corner), Templestowe	No	No	Yes	No	No	No	-	No
HO217	Templestowe War Memorial at 43-45 Foote Street, Templestowe	No	No	No	No	No	No	-	No
HO64	Kellybrook Winery and oak tree - 1-3 Fulford Road, Wonga Park	No	No	Yes	No	No	No	-	No
HO65	Avonleigh - 16 Fulford Road, Wonga Park	No	No	Yes	No	No	No	-	No
HO67	Colella Orchards - 14 Gatters Road, Wonga Park	No	No	Yes	No	No	No	Plan No. 1 Incorporated under Clause	No

MANNINGHAM PLANNING SCHEME

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								43.01-2 of the Manningham Planning Scheme, April 2008	
HO68	House - 88-90 George Street, Doncaster	No	No	Yes	Yes - outbuilding	No	No	-	No
HO69	"Heimat" - 125 George Street, Doncaster	Yes	No	Yes	No	No	No	-	No
HO209	Golden Elm at 174 George Street, Doncaster	No	No	Yes	No	No	No	-	No
HO70	"Fromhold" - 176 George Street, Doncaster	Yes	No	Yes – Golden Elm only	No	No	No	-	No
HO210	Monterey Pines at 137 – 139 Glenvale Road, Donvale	No	No	Yes	No	No	No	-	No
HO71	Mines - "Sailor's Reef" - 42-56 Gold Memorial Road, Warrandyte	No	No	No	No	No	No	-	No
HO72	Archaeological site Bulleen Drive-In (fmr) – 49 Greenaway Street, Bulleen	No	No	Yes	No	No	No	-	Yes
HO73	Meg Henderson Houses Precinct - 232 Greenslopes Drive and 1 Fran Court, Lower Templestowe	Yes	No	Yes	No	No	No	-	No
HO219	Warrandyte South Primary School No. 3476 (former) at 58-64 Hall Road, Warrandyte South.	No	No	No	No	No	No	-	No

MANNINGHAM PLANNING SCHEME

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HO74	South Warrandyte Hall - 66-68 Hall Road, South Warrandyte	No	No	No	No	No	No	-	No
HO75	Tod Park & Parkinson property - 18-20 Hartley Road and 114-116 Jumping Creek Road, Wonga Park	No	No	Yes	Yes – tea rooms, cottage and office	No	No	-	No
HO76	Wyndover - 26 Hartley Road (Cnr. Moser Road), Wonga Park	No	No	Yes	Yes - fence remnant	No	No	-	No
HO77	Hartley Cottage - 30 Hartley Road, Wonga Park	No	No	Yes	Yes - fence remnant	No	No	-	No
HO78	Pavilion - 72 Hartley Road, Wonga Park	No	No	No	No	No	No	-	No
HO79	Warrandyte High School - 241 Heidelberg-Warrandyte Road, Warrandyte	Yes	No	No	No	No	No	-	No
HO80	House – 298 Heidelberg-Warrandyte Road, Warrandyte	No	No	No	No	No	No	-	No
HO81	Jenkins Homestead - 23 Hemingway Ave., Templestowe	Yes	No	No	No	No	No	-	No
HO211	Monterey Pines at 126, 128, 130, 132 & 138 High Street, Doncaster.	No	No	Yes	No	No	No	-	No
HO82	House – 131 High Street, Doncaster	Yes	No	Yes	No	No	No	-	No
HO83	Winter Park Cluster Housing –137-149 High Street & 6-17 Timber Ridge, Doncaster	-	-	-	-	Yes – Ref. No H1345	Yes	-	No

MANNINGHAM PLANNING SCHEME

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HO212	Monterey Cypresses at 333, 339, 344 & 360 High Street, Doncaster	No	No	Yes	No	No	No	-	No
HO84	Mines - 'Great Southern' 27-41 Hodson Road, Warrandyte	No	No	No	No	No	No	-	No
HO85	Windrush - Homestead Road, Templestowe	Yes	No	No	No	No	No	-	No
HO86	Newman Grave Sites - Homestead Road & 9 Watties Lane, Templestowe	No	No	Yes	No	No	No	-	No
HO87	Homestead Boarding Kennels and Cattery - 12 Homestead Road, Wonga Park	No	No	Yes	No	No	No	-	No
HO88	House - 97-99 Homestead Road, Wonga Park	Yes	No	No	No	No	No	-	No
HO89	Cottage - 1 Hooper Road, Wonga Park	No	No	No	No	No	No	-	No
HO90	Hooper Cottage - 19 Hooper Road, Wonga Park	No	No	Yes	No	No	No	-	No
HO91	Former Naughton House and Factory - part 7-11 and part 13-15 Hutchinson Avenue, Warrandyte	-	-	-	-	Yes - Ref. No. H1314	Yes	-	No
HO204	House - 103 James Street, Templestowe	No	No	No	No	No	No	-	No
HO92	Motor Garage (Motor Body Works) - 133 James Street, Templestowe	Yes	No	No	No	No	No	-	No
HO94	Marshall's Post Office (former) - 76-78 Jumping Creek Road, Wonga Park	No	No	No	No	No	No	-	No

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HO95	Irwin House (former) - 177-179 Jumping Creek Road, Wonga Park	No	No	No	No	No	No	-	No
HO96	House - 181 Jumping Creek Road, Wonga Park	Yes	No	No	No	No	No	-	No
HO97	Potters Cottage - 321-327 Jumping Creek Road, Warrandyte	No	Yes	Yes	No	No	No	-	No
HO98	St Anne's Chapel - 54-62 Knees Road, Park Orchards	No	No	No	No	No	No	-	No
HO99	Wonga Park Hall & Reserve - Launders Avenue, Wonga Park	No	No	Yes	No	No	No	-	No
HO100	Oak Trees - 10 Launders Avenue, Wonga Park	No	No	Yes	No	No	No	-	No
HO101	House - 75 Leeds Street, Doncaster	No	No	Yes	No	No	No	-	No
HO102	House - 88 Leeds Street, Doncaster	No	No	Yes	No	No	No	-	No
HO103	Mt Lofty Landscape - Lower Homestead Road, Wonga Park	No	No	Yes	No	No	No	-	No
HO104	Former stables - Wonga Park homestead - 5 Lower Homestead Road, Wonga Park	No	No	No	No	No	No	-	No
HO105	McDonald Avenue - McDonald Avenue, Templestowe	No	No	Yes	No	No	No	-	No
HO201	Cottage - 125 - 127 McGowans Road, Donvale	No	No	Yes	No	No	No	-	No

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HO106	Adit Gold Mine – Part Reserve PS414269V and part 1A McIntyres Road, Park Orchards	No	No	No	No	No	No	-	No
HO107	Archaeological site - 69-129 McIntyres Road, Park Orchards	No	No	Yes	No	No	No	-	Yes
HO108	House - 2 McLeod Street, Doncaster	No	No	Yes	No	No	No	-	No
HO109	John & Val Reid House - 72 Macedon Road, Lower Templestowe	No	No	Yes	No	No	No	-	No
HO110	Alwyn Seir House - 74 Macedon Rd., Lwr. Templestowe	No	No	Yes	No	No	No	-	No
HO111	House - 12 Mahoneys Court, Warrandyte	No	No	No	No	No	No	-	No
HO113	A. H. Snelleman House (former) - 42 Melbourne Hill Road, Warrandyte	No	No	No	Yes - carport	No	No	-	No
HO114	Petty & Austins Orchards - Monckton & Homestead Roads, Templestowe	No	No	Yes	Yes - packing shed	No	No	Plan No. 1 Incorporated under Clause 43.01-2 of the Manningham Planning Scheme, April 2008	No
HO115	"Caringa" - 1 Monckton Road, Templestowe	No	No	Yes	Yes - front fence, gate	No	No	-	No
HO116	Pontville & Monckton Gateposts - 6 Monckton Road, Templestowe	Yes	No	No	No	No	No	-	No

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HO117	Timber Packing Shed - 20 Monckton Road, Templestowe	No	No	No	No	No	No	-	No
HO118	House - 123 Mitcham Road, Donvale	No	No	Yes	No	No	No	-	No
HO119	Archaeological site Reserve - Mullum Drive, Donvale (7922-555)	No	No	Yes	No	No	No	-	Yes
HO120	Laminex House (fmr) - 1 Oakland Drive, Warrandyte	No	Yes	No	No	No	No	-	No
HO121	House (fmr "Hildene") – 32-34 Octantis Street, Doncaster East	No	No	Yes	Yes - pergola	No	No	-	No
HO122	Old Warrandyte Road Heritage Precinct – 1-29 and 12-26 Old Warrandyte & 1-8 Cat Jump Roads, Donvale	No	No	Yes	No	No	No	-	No
HO123	Ian H. Grabowsky House - 15 Old Warrandyte Road, Donvale	No	No	Yes	Yes-fence	No	No	-	No
HO124	'Sunningdale' - 16 Old Warrandyte Road, Donvale	Yes	No	Yes	No	No	No	-	No
HO125	Joseph Alexander House (former) - 21 Old Warrandyte Road, Donvale	No	No	No	No	No	No	-	No
HO206	<i>Cornwall House</i> – 103 Old Warrandyte Road, Donvale	No	No	Yes – Golden Cypress & Windmill Palm only	No	No	No	-	No

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HO126	Wonga Park Community Cottage - Old Yarra Road, Wonga Park	No	No	No	No	No	No	-	No
HO220	Merchant Builders Olympus Drive Display Houses (former) at 20 & 22 Olympus Drive, Lower Templestowe	No	No	No	No	No	No	-	No
HO128	"Whitefriars" Carmelite Monastery (now Whitefriars Park) - 88-130 Park Road, NE Cnr. Heads Road, Donvale	Yes	Yes	Yes	Yes - fence, gate	No	No	-	No
HO129	Park Orchards Chalet - 579 Park Road, Park Orchards	No	No	No	No	No	No	-	No
HO130	Templestowe Hotel - 23-29 Parker Street, Templestowe	No	No	Yes	No	No	No	-	No
HO132	Collyer House - 10 Paynters Road, Wonga Park	No	No	No	No	No	No	-	No
HO133	Avanti - 30 Paynters Road, Wonga Park	Yes	No	No	No	No	No	-	No
HO134	House - 33 Paynters Road, Wonga Park	Yes	No	No	No	No	No	-	No
HO135	Doonaree - 35 Paynters Road, Wonga Park	No	No	No	No	No	No	-	No
HO136	Former Wonga Park Store (train carriage) - 38 Paynters Road, Wonga Park	No	No	No	No	No	No	-	No
HO137	Muller House - 39 Paynters Road, Wonga Park	No	Yes	No	No	No	No	-	No

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HO138	C. & P. Mylins House (fmr) - 9-11 Pine Ave., Park Orchards	Yes	No	Yes	No	No	No	-	No
HO139	River Red Gums - Porter St., Templestowe	No	No	Yes	No	No	No	-	No
HO140	St. Haralambous -190-200 Porter Street, Templestowe	No	No	Yes	No	No	No	-	No
HO141	Pound Bend Gold Diversion Tunnel - Pound Bend Road, Warrandyte	-	-	-	-	Yes - Ref. No. H1260	Yes	-	No
HO142	P. & J. McQuie House - 7 Ranleigh Rise, Lwr. Templestowe	Yes	No	Yes	No	No	No	-	No
HO143	(D & R Bates) - 14 (Lot 1) Reserve Road, Wonga Park	Yes	No	No	No	No	No	-	No
HO144	House - 34-36 Reserve Road, Wonga Park	Yes	No	No	No	No	No	-	No
HO145	Currawong Bush Park, Rangers Office, accommodation, conference room and shelter - 277-285 Reynolds Road, Donvale (7922-268-271)	No	No	Yes	Yes - outbuildings	No	No	-	Yes
HO221	Wood Street Footbridge at 1-13 Riverwood Lane, Lower Templestowe	No	No	Yes	No	No	No	-	No
HO146	Moreton Bay Fig - 1 Robb Close, Bulleen	No	No	Yes	No	No	No	-	No
HO147	"Clarendon Eyre" orig. "Springbank" - 6 Robb Close, Bulleen	No	No	Yes	No	No	No	-	No

MANNINGHAM PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO148	Rosco Drive Heritage Precinct – 9, 28, 30 & 34 Rosco Drive, Templestowe	Yes	No	No	No	No	No	-	No
HO149	Solar House - 32 Rosco Drive, Templestowe	-	-	-	-	Yes - Ref. No H1312	Yes	-	No
HO150	House - 8 Russell Road, Warrandyte	No	No	No	No	No	No	-	No
HO151	Topping House - 3 St Denys Crescent, Wonga Park	No	No	No	Yes - well	No	No	-	No
HO152	Carter House - 2-4 St Georges Ave., Templestowe	No	No	No	No	No	No	-	No
HO153	House & Hedge - 52-54 Serpells Rd., Templestowe	Yes	No	Yes	No	No	No	-	No
HO154	Morialta - 81-83 Serpells Rd., Templestowe	No	No	No	No	No	No	-	No
HO155	House – 47-49 Smiths Road, Templestowe	No	No	Yes	Yes - outbuildings	No	No	-	No
HO156	Stane Brae - 5 Stane Brae Court, Wonga Park	No	No	Yes	Yes - remains of concrete ammunition store & rifle range	No	No	-	No
HO157	St Stephens Anglican Church - 5-7 Stiggant Street, Warrandyte	Yes	No	No	Yes - fence, gate, flagpole	No	No	-	No
HO54	Ironbark - 6 Styles Court, Wonga Park	No	No	Yes	No	No	No	-	No
HO158	House - 18 Summit Drive, Bulleen	Yes	No	No	No	No	No	-	No

MANNINGHAM PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO159	Warrandyte Uniting Church - 1-3 Taroona Ave., Warrandyte	Yes	Yes	Yes	No	No	No	-	No
HO160	Heide I - 5 Templestowe Road, Bulleen	-	-	-	-	Yes - Ref. No. H687	Yes	-	No
HO161	Heide II - 7 Templestowe Road, Bulleen	-	-	-	-	Yes - Ref. No. H1494	Yes	-	Yes
HO162	River Red Gums - Templestowe Road, Lower Templestowe	No	No	Yes	No	No	No	-	No
HO163	Black Flat Mining Area Heritage Precinct - Tills Drive and Nelson Drive, Warrandyte	No	No	No	No	No	No	-	No
HO164	"Kembla" - 36-48 Tills Drive, Warrandyte	No	No	Yes	Yes - outdoor pool, entry gate, stonework terracing	No	No	-	No
HO165	"The Stone House" - 1-21 Tills Drive Cnr. 323 Warrandyte-Ringwood Road, Warrandyte	Yes	No	No	No	No	No	-	No
HO166	Violet Hawkes' Cottage - Tills Drive, Warrandyte	Yes	No	No	No	No	No	-	No
HO167	House - 243-245 Tindals Road, Warrandyte	No	No	Yes	Yes - outbuildings, fence, gate	No	No	-	No
HO222	House & Garden at 18-20 Unwin Street, Templestowe	No	No	Yes	No	No	No	-	No

MANNINGHAM PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO169	Schramms Cottage Heritage Precinct - 62-78 Victoria Street, Doncaster	No	No	No	No	No	No	-	No
HO170	Black Achan Pear & Bunya Bunya Pine at - Municipal Gardens, Victoria Street, Doncaster	No	No	Yes	No	No	No	-	No
HO171	Trinity Lutheran Church & Canary Island Palm at - 51-53 Victoria Street, Doncaster	Yes	Yes	Yes	No	No	No	-	No
HO172	Trinity Lutheran Church Manse & English Oak at - 51-53 Victoria Street, Doncaster	Yes	Yes	Yes – English Oak only	No	No		-	No
HO173	Schramms Cottage - 62-78 Victoria Street, Doncaster	Yes	Yes	Yes	No	No	No	-	No
HO174	Lutheran Cemetery (fmr) - 80-90 Victoria Street, Doncaster	Yes	No	Yes	No	No	No	-	No
HO175	"Friedensruh" - 10 Waldau Court, Doncaster	-	-	-	-	Yes - Ref. No. H376	Yes	-	No
HO179	Timber Reserve inc. Pigtail Mine - Warrandyte State Park, Webb St & Pigtail Rd, Warrandyte	No	No	Yes	No	No	No	-	No
HO180	Fourth Hill and Whipstick Gully inc. Quarries (Warrandyte State Park) - Webb Street & Gold Memorial Road, Warrandyte	No	No	No	No	No	No	-	No

MANNINGHAM PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO181	Archaeological site (Ref. VAS 7922/202) - Wetherby Road eastern Cnr Eastern Freeway, Doncaster East	No	No	Yes	No	No	No	-	Yes
HO182	House - 108 Whittens Lane, Doncaster	No	No	No	No	No	No	-	No
HO183	Yarra Brae House & Yarra Brae Farm – 7-9 Yarra Brae Close, Wonga Park	Yes	No	Yes	Yes - complex of outbuildings and structures	No	No	-	No
HO184	The Hedge - 52-78 (9087) Yarra Road, Wonga Park	No	No	Yes	Yes - outbuilding, well	No	No	-	No
HO185	Elder House - 277-279 Yarra Road, Wonga Park	No	No	Yes	No	No	No	-	No
HO186	Milpara Catholic Centre - 280 (9086) Yarra Road, Wonga Park	No	No	Yes	No	No	No	-	No
HO187	Seddon Hill - 372 (9061) Yarra Road, Wonga Park	No	No	Yes	No	No	No	-	No
HO188	White Lodge - 391 (9046) Yarra Road, Wonga Park	No	No	Yes	No	No	No	-	No
HO189	Read Orchard complex (former) - 404 Yarra Road & 6 Toppings Road, Wonga Park	No	No	Yes	Yes - outbuilding, fence	No	No	-	No

MANNINGHAM PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO190	St Marks Anglican Church - 406 Yarra Road, Wonga Park	No	No	No	No	No	No	-	No
HO191	Warrandyte Township Heritage Precinct - Yarra & Brackenbury Streets, Russell and Mullens Roads, Warrandyte	No	No	Yes – English Oak at 77 Yarra Street & Pepper Tree at 111 Yarra Street only	No	No	Yes – applies to 95, 103 – 109, 163, 165, 167, 183 – 187, 189, 193 – 197 & 207 Yarra St only	-	No
HO192	"Yarra Lodge" (fmr. Hemsworth House) - 18 Yarra Street, Warrandyte	No	No	No	Yes - outbuildings	No	No	-	No
HO193	Shop & Residence - 36-38 Yarra Street, Warrandyte	No	No	No	No	No	No	-	No
HO194	Warrandyte Police Station (fmr) - 71 Yarra St., Warrandyte	Yes	No	No	No	No	No	-	No
HO195	Grand Hotel - 112 Yarra Street, Warrandyte	Yes	Yes	No	No	No	No	-	No
HO196	Diary Tree - 141 Yarra Street, Warrandyte	No	No	Yes	No	No	No	-	No
HO197	Warrandyte Mechanics Institute - 180-186 Yarra St., Warrandyte	No	Yes	No	No	No	No	-	No
HO198	Warrandyte Fire Station (fmr) – Cnr. Yarra Street & Mitchell Ave, Warrandyte	Yes	No	No	Yes - steel tower	No	No	-	No

MANNINGHAM PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO199	Former Warrandyte Wine Hall - 232-236 Yarra St., Warrandyte	-	-	-	-	Yes - Ref. No. H1150	Yes	-	No
HO200	Alexa Goyder's House - 300 Yarra Street, Warrandyte	Yes	No	Yes	No	No	No	-	No
HO22	House – 314 Yarra Street (161 Brackenbury Street), Warrandyte	Yes	No	No	No	No	No	-	No
HO23	House – 318 Yarra Street, Warrandyte	Yes	No	No	No	No	No	-	No

MANNINGHAM PLANNING SCHEME

21/02/2013
C54
[Proposed C122](#)

SCHEDULE 4 TO [CLAUSE 43.02](#) THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO4**.

TEMPLESTOWE ENVIRONMENTAL RESIDENTIAL AREA

1.0 Design objectives

21/02/2013
C54 [Proposed C122](#)

To maintain and enhance the special bushland and low-density character of the Templestowe environmental residential area.

To ensure that development responds to the area's environmental characteristics, including topography, soils and vegetation, and is sympathetic to the existing built form and style.

To maintain the vegetation dominated vistas and bushland character.

To protect and enhance the pattern of vegetation, landscape quality and ecosystems.

To ensure that development recognises the existing infrastructure capacities and does not generate demand for extensive upgrades of infrastructure, including the standard of roads and drainage.

To maintain consistency, where present, of current front setbacks.

To ensure that development does not protrude above the prevailing height of the tree canopy.

To retain the predominance of single detached housing and discourage other forms of development.

To minimise earthworks.

To retain backyards and perimeter areas of the sites as an opportunity for planting canopy trees.

~~To ensure that development does not protrude above the prevailing height of the tree canopy.~~

To ensure that land retains areas of pervious surfaces and a low site coverage to enable the retention and establishment of vegetation, particularly that which is indigenous to the area.

To reinforce the open streetscape character by having no, or low fencing allowing the continuity of landscape and views to front gardens.

2.0 Buildings and works

21/02/2013
C54

Permit requirement

A permit is required to construct or carry out works for an outdoor domestic swimming pool or spa and associated mechanical and safety equipment associated with a dwelling.

A permit is required to construct a front fence.

Dwellings

Each lot must not be developed with more than one dwelling. A permit cannot be granted to vary this requirement.

MANNINGHAM PLANNING SCHEME

A permit is not required to construct a dwelling or construct or carry out works associated with a dwelling or a domestic swimming pool or spa and associated mechanical and safety equipment provided the following conditions are met:

Siting

- The dwelling is setback equal to or further from the frontage than any part of a building on an adjoining lot with frontage to the same road.
- The dwelling is set back at least 1.8 metres from the side boundary if the dwelling is not higher than 3.6 metres or at least 100 millimetres for every 300 millimetres or part that the building exceeds 3.6 metres.
- The dwelling is setback at least 5 metres from the rear boundary, to enable the provision of canopy trees within the setback zone so that an appropriate landscaped transitional edge can be created.
- The site coverage of the dwelling does not exceed 35 percent when combined with the area of any existing buildings on the land.
- At least 50 percent of the site is a garden, lawn or other pervious surface. It must not contain a building, domestic swimming pool or spa and associated mechanical and safety equipment or other impervious surface.

Form

- The dwelling has an overall height no greater than 8 metres above the natural surface level of the ground directly below that part.
- The floor area of any second storey element of a dwelling (including balconies) does not exceed 75 percent of the ground floor area (including verandahs and balconies).
- Porticos and other design features are to be integrated with the overall design of the building and not include imposing design features such as double storey porticos.
- The external colour scheme and materials of the dwelling are non-reflective and are in muted tones.

Car Parking and access

- Ensure that where garages and carports are located in the street elevation, they are setback a minimum of 1.0 metre from the front setback of a dwelling.
- Include only one vehicular crossover, except in circumstances where it is a corner site, or where the frontage exceeds 18 metres.

Earthworks

- The works (excluding the actual cavity of the domestic swimming pool or spa) do not exceed 1 metre in height or depth above or below natural ground level.
- The import or export of excavated material to or from the land does not exceed 50 cubic metres.
- The area of the works does not exceed 100 square metres.
- No works are carried out over an easement.

Fences

A permit is not required to construct a front fence provided:

MANNINGHAM PLANNING SCHEME

- the fence is a maximum height of 1.2 metres; and
- the fence is at least 50 percent transparent.

3.0 Subdivision

21/02/2013
C54

Each lot must be at least 650 square metres.

This requirement does not apply to the subdivision of land containing more than one dwelling as at the approval date of this scheme or for which a planning permit for more than one dwelling has been issued prior to the approval date.

A permit cannot be granted to subdivide land which is not in accordance with any of these requirements.

4.0 Advertising signs

--/20--

C-

Proposed
C122

None specified.

5.0 Decision guidelines

--/20--

C-

Proposed
C122

None specified.

MANNINGHAM PLANNING SCHEME

21/02/2013
C54 Proposed
C122

SCHEDULE 5 TO CLAUSE 43.02 THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO5**

DONVALE/DONCASTER EAST PINE TREE THEME AREA

1.0 Design objectives

21/02/2013
C54 Proposed
C122

To maintain and enhance the special pine-tree and low-density character of the Donvale/Doncaster East pine tree theme area.

To ensure that development responds to the area's characteristics, including topography and vegetation, and is sympathetic to the existing built form and style.

To protect and enhance the pattern of vegetation and landscape quality.

To ensure that development recognises the existing infrastructure capacities and does not generate demand for extensive upgrades of infrastructure, including the standard of roads and drainage.

To maintain consistency, where present, of current front setbacks.

To ensure that development does not protrude above the prevailing height of the tree canopy.

To retain the predominance of single detached housing and discourage other forms of development.

To minimise earthworks.

To retain backyards and perimeter areas of the sites as an opportunity for planting canopy trees.

~~To ensure that development does not protrude above the prevailing height of the tree canopy.~~

To ensure that land retains areas of pervious surfaces and a low site coverage to enable the retention and establishment of vegetation, particularly pine and cypress trees.

To reinforce the open streetscape character by having no, or low fencing allowing the continuity of landscape and views to front gardens.

2.0 Buildings and works

21/02/2013
C54

Permit requirement

A permit is required to construct or carry out works for an outdoor domestic swimming pool or spa and associated mechanical and safety equipment associated with a dwelling.

A permit is required to construct a front fence.

Dwellings

Each lot must not be developed with more than one dwelling. A permit cannot be granted to vary this requirement.

~~Overlays - Clause 43.02 - Schedule 5 DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 5~~

PAGE 1 OF 3

MANNINGHAM PLANNING SCHEME

A permit is not required to construct a dwelling or construct or carry out works associated with a dwelling or a domestic swimming pool or spa and associated mechanical and safety equipment provided the following conditions are met:

Siting

- The dwelling is setback equal to or further from the frontage than any part of a building on an adjoining lot with frontage to the same road.
- The dwelling is set back at least 1.8 metres from the side boundary if the dwelling is not higher than 3.6 metres or at least 100 millimetres for every 300 millimetres or part that the building exceeds 3.6 metres.
- The dwelling is setback at least 5 metres from the rear boundary, to enable the provision of canopy trees within the setback zone so that an appropriate landscaped transitional edge can be created.
- The site coverage of the dwelling does not exceed 25 percent when combined with the area of any existing buildings on the land.
- At least 50 percent of the site is a garden, lawn or other pervious surface. It must not contain a building, domestic swimming pool or spa and associated mechanical and safety equipment or other impervious surface.

Form

- The dwelling has an overall height no greater than 8 metres above the natural surface level of the ground directly below that part.
- The floor area of any second storey element of a dwelling (including balconies) does not exceed 75 percent of the ground floor area (including verandahs and balconies).
- Porticos and other design features are to be integrated with the overall design of the building and not include imposing design features such as double storey porticos.
- Any outbuilding has an area less than 50 square metres.
- The external colour scheme and materials of the dwelling are non-reflective and are in muted tones.

Car Parking and access

- Ensure that where garages and carports are located in the street elevation, they are setback a minimum of 1.0 metre from the front setback of a dwelling.
- Include only one vehicular crossover, except in circumstances where it is a corner site, or where the frontage exceeds 18 metres.

Fences

A permit is not required to construct a front fence provided:

- the fence is a maximum height of 1.2 metres; and
- the fence is at least 50 percent transparent.

3.0
19/01/2006
VC37

Subdivision

Unless the averaging option is applied, each lot must be at least 2,000 square metres.

MANNINGHAM PLANNING SCHEME

Averaging option

A permit may be granted to create lots of less than 2,000 square metres provided:

- The average area of all lots shown on the plan of subdivision is at least 2,000 square metres.
- Each lot is at least 1,500 square metres.
- No lot is more than 2,500 square metres.
- It can be demonstrated that a better environmental outcome will be achieved through the use of the averaging option than would have been achieved through the use of the 2,000 square metre minimum lot size.
- An overall development plan is prepared to the satisfaction of the responsible authority showing building envelopes, access, common property and subdivision details.
- The land does not contain a lot on a plan of subdivision approved by the Registrar of Titles created under an averaging option.
- The lot size and location of dwellings on abutting properties is considered.
- The use of space for access roads and driveways is minimised to maintain the unique character of the area and preserve as much vegetation as possible.
- The lots are connected to a reticulated sewerage system.
- An agreement under section 173 of the Act is entered into which prohibits the further subdivision of lots created under this averaging option.

A permit cannot be granted to subdivide land which is not in accordance with the 2,000 square metre minimum lot size or averaging option requirements.

4.0 Advertising signs

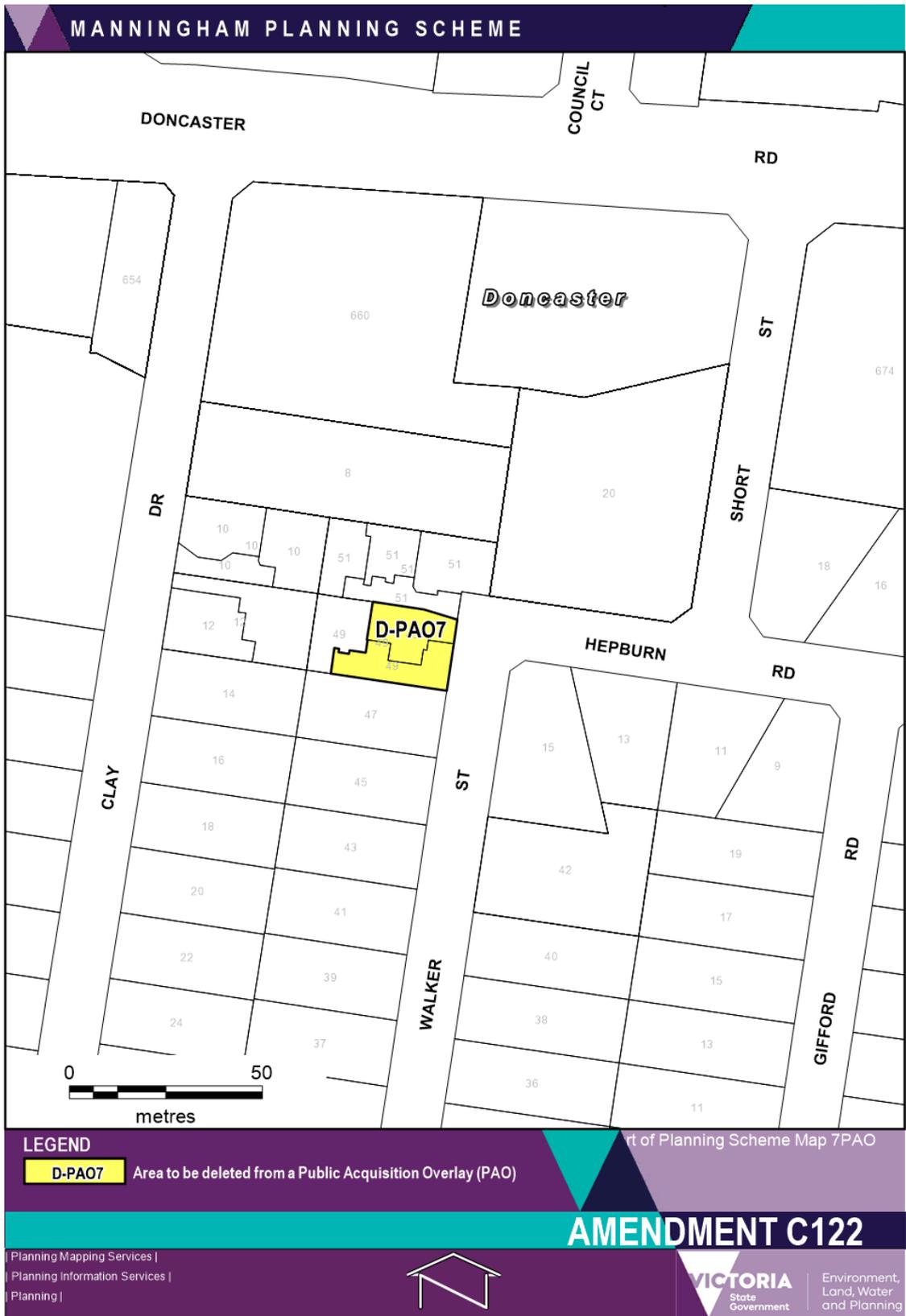
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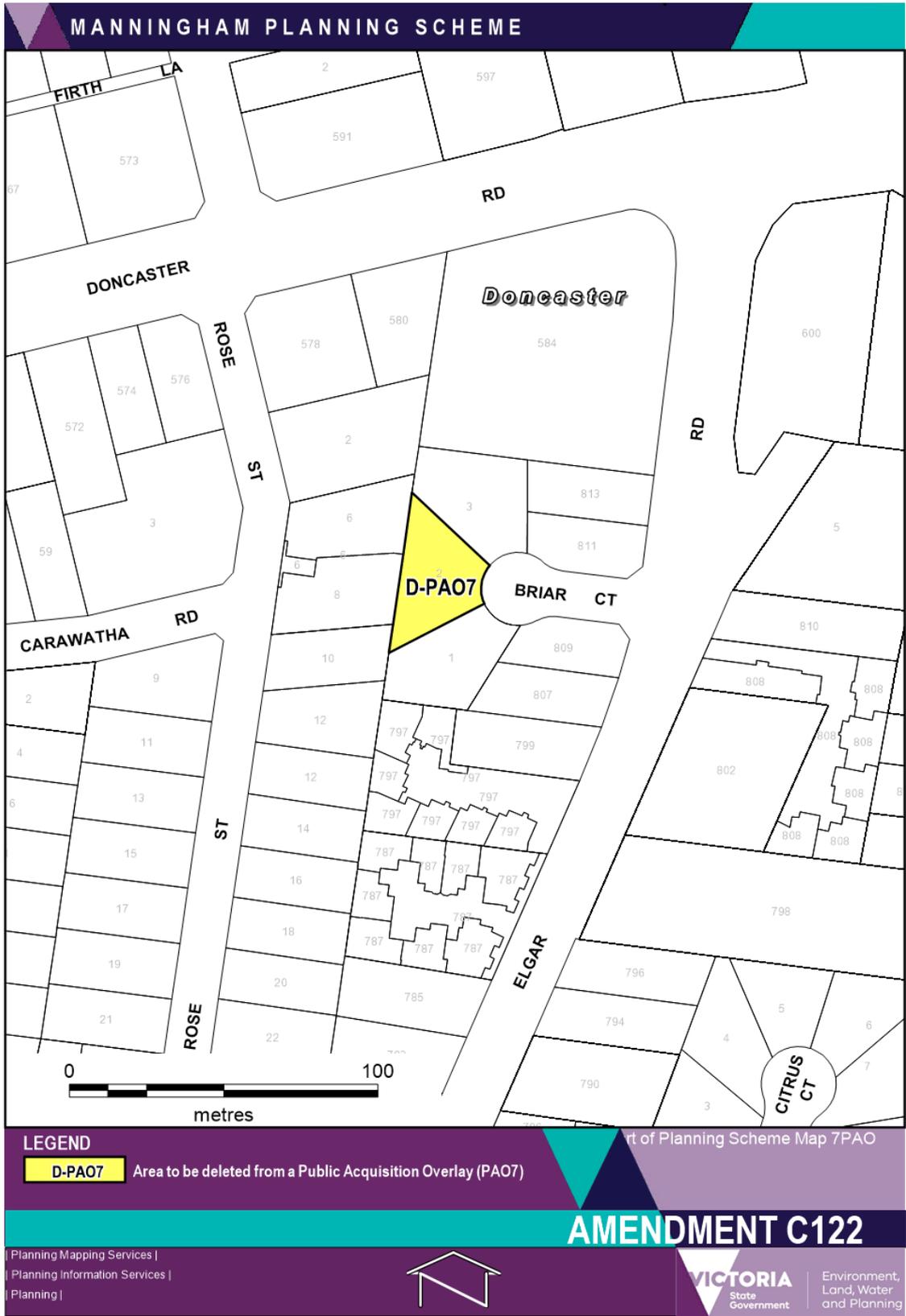
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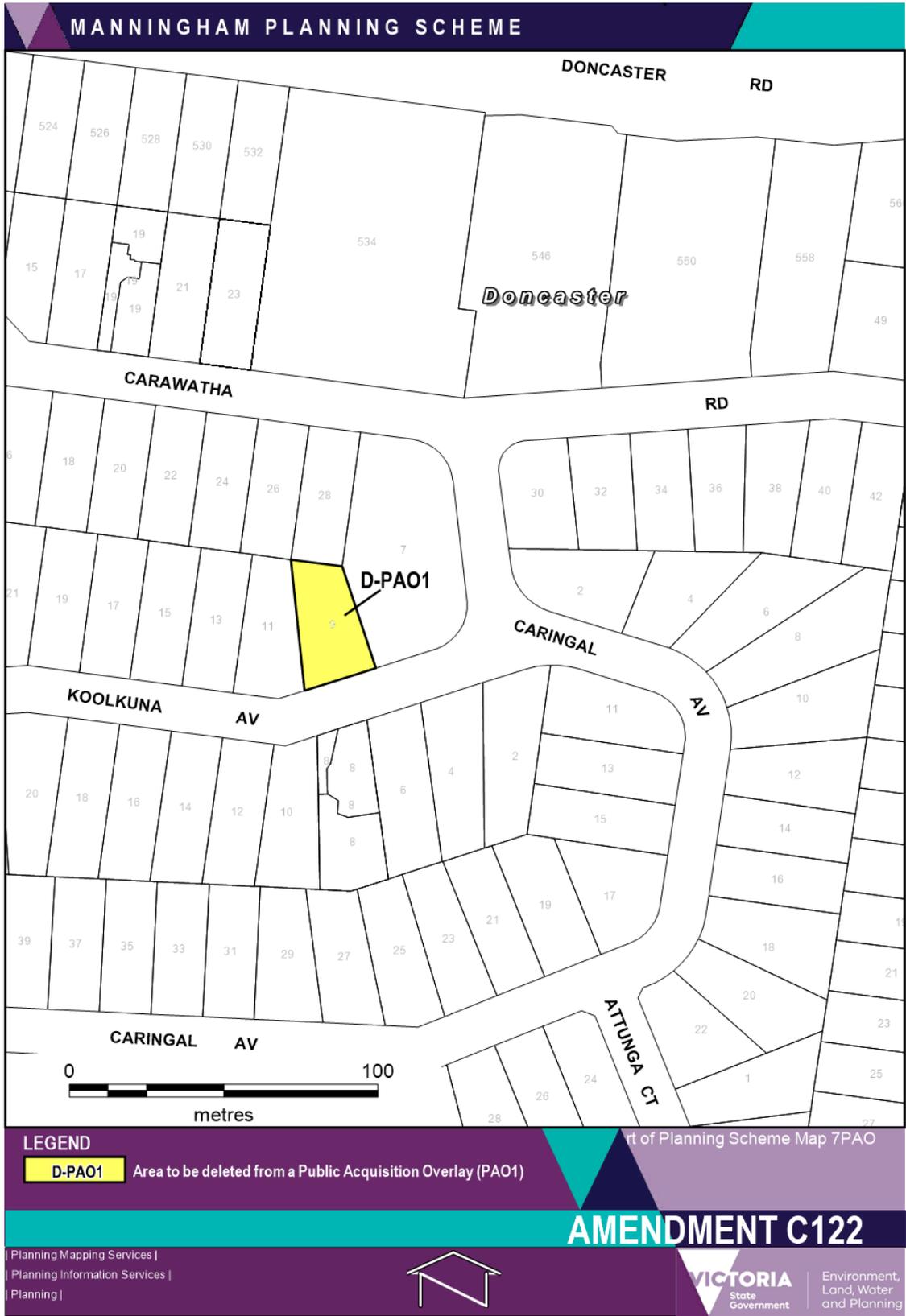
5.0 Decision guidelines

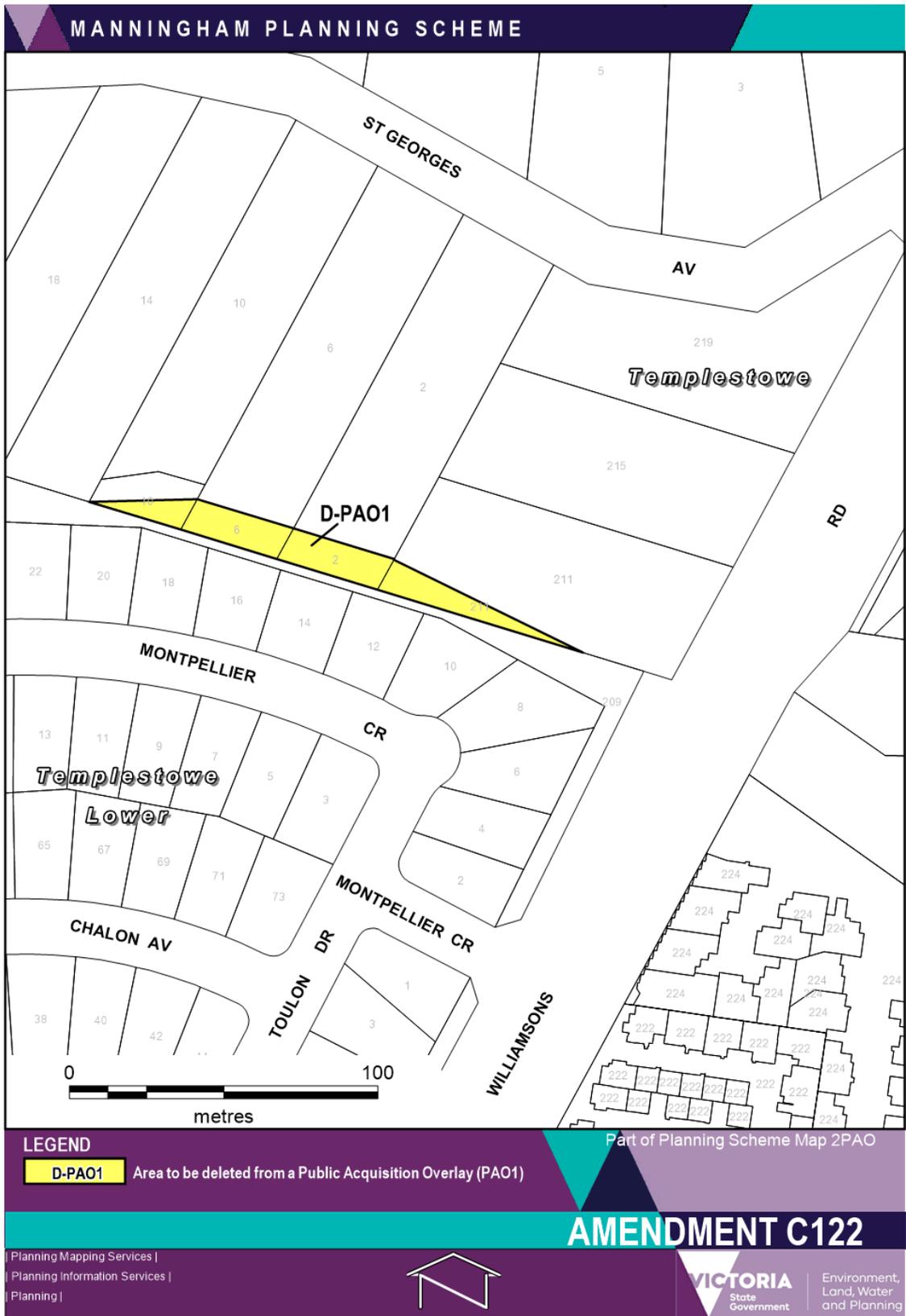
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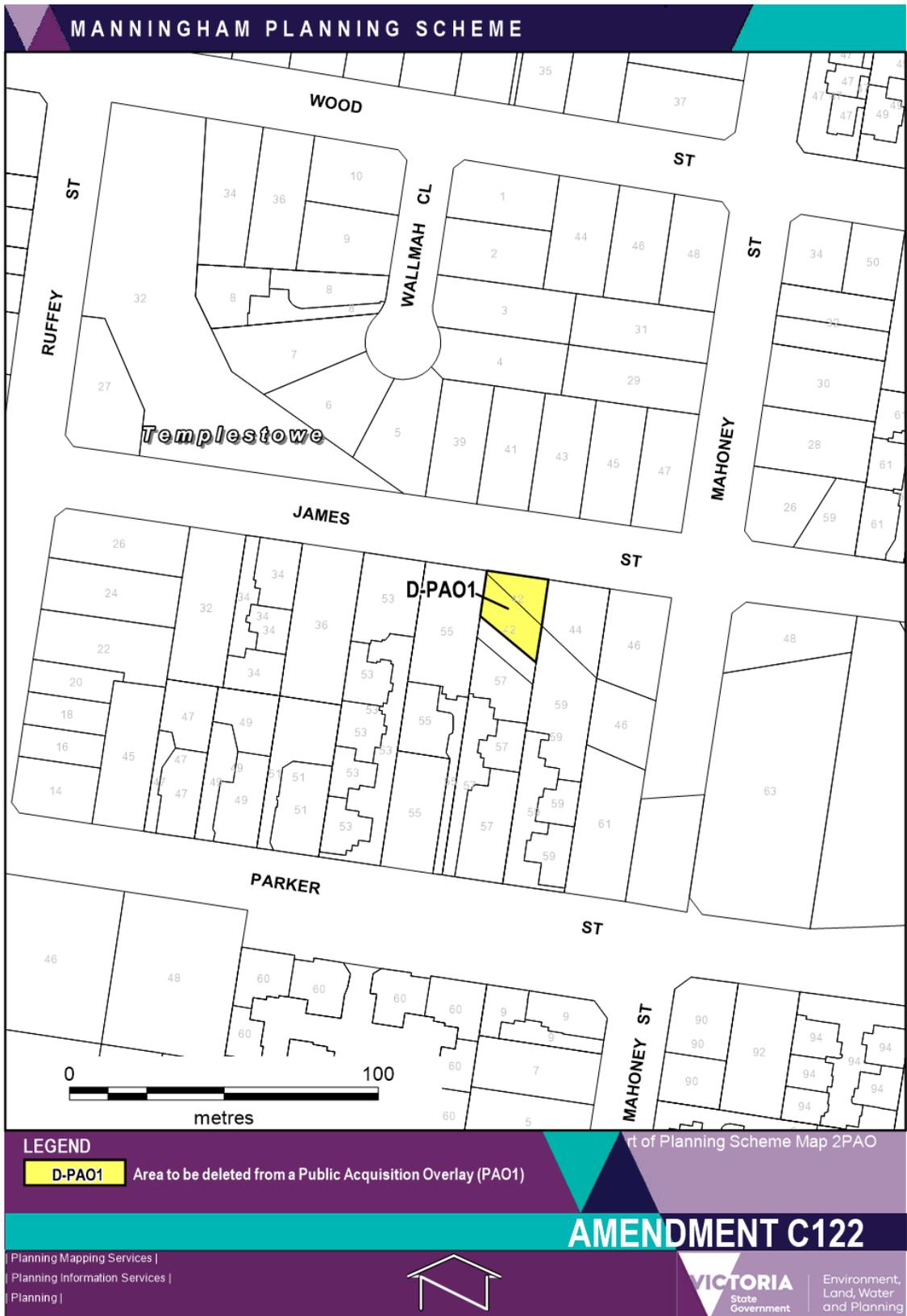
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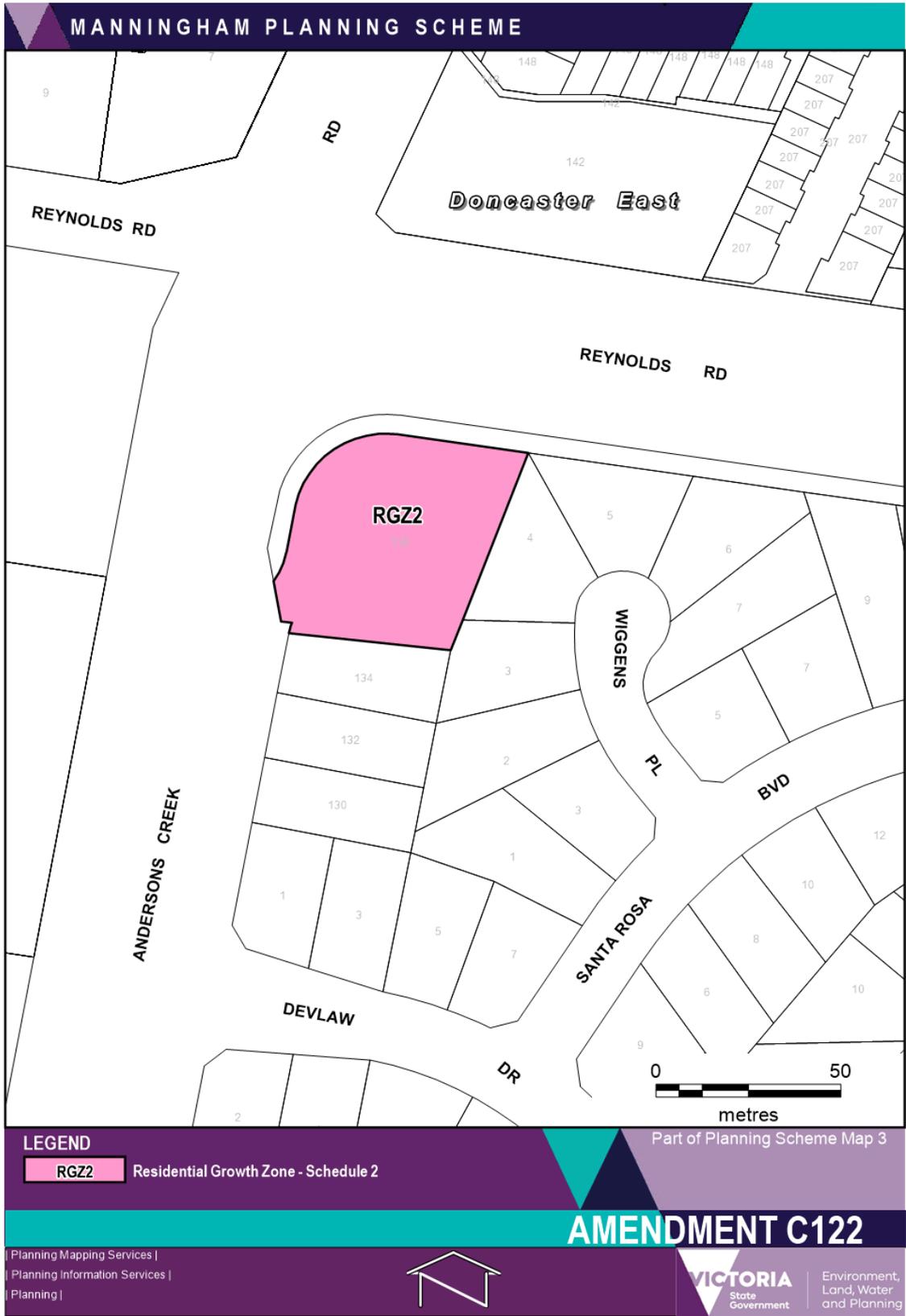


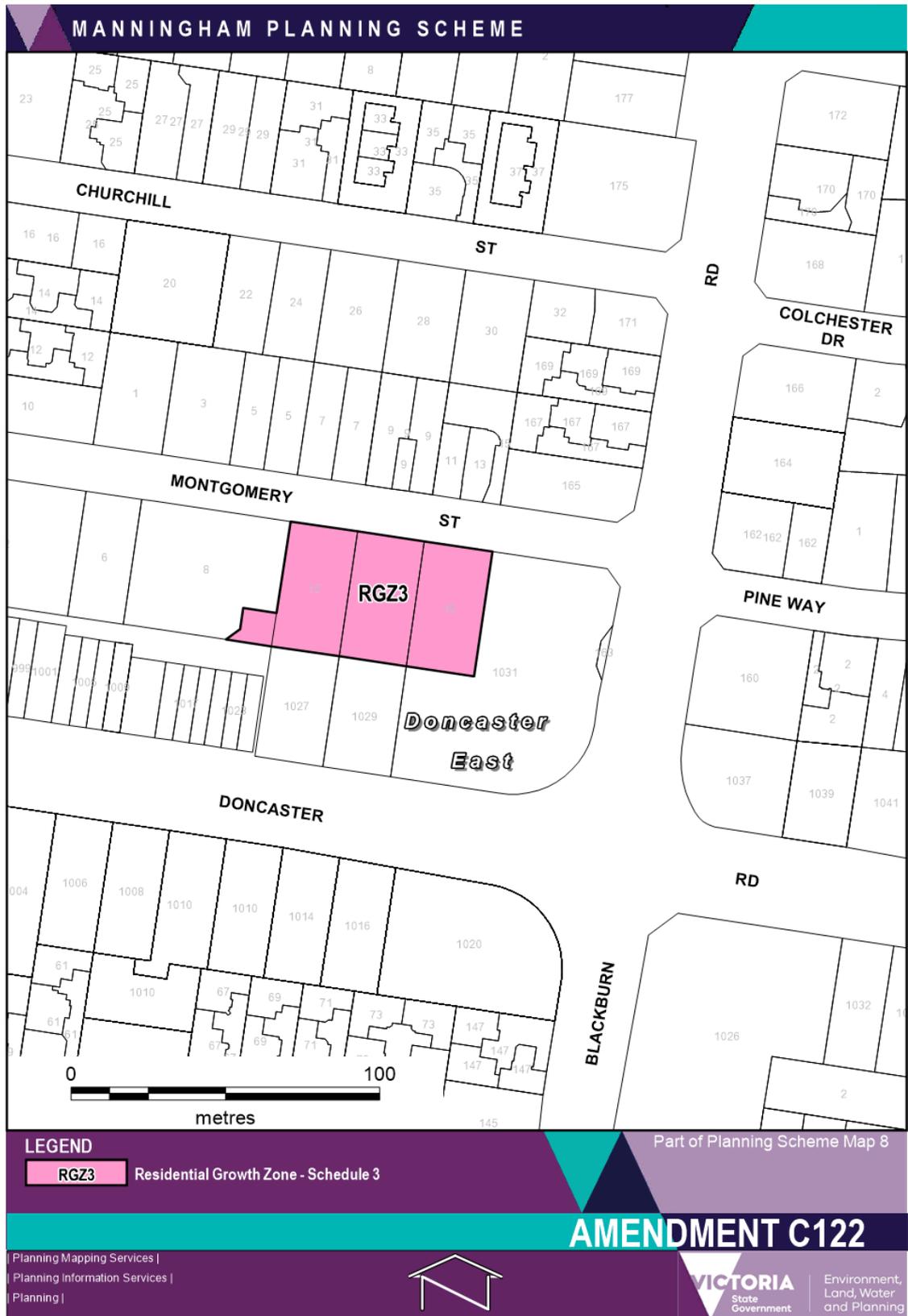


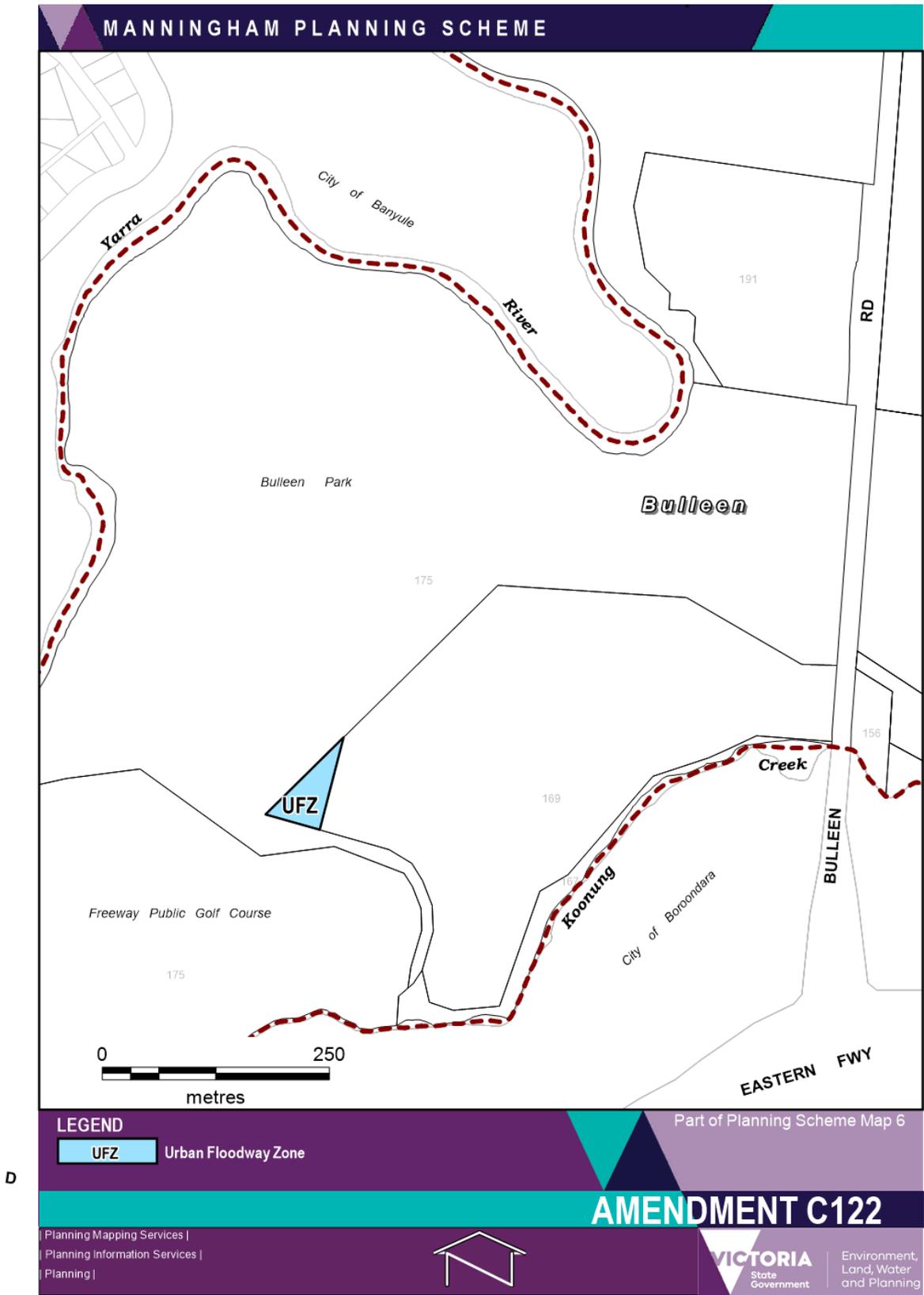


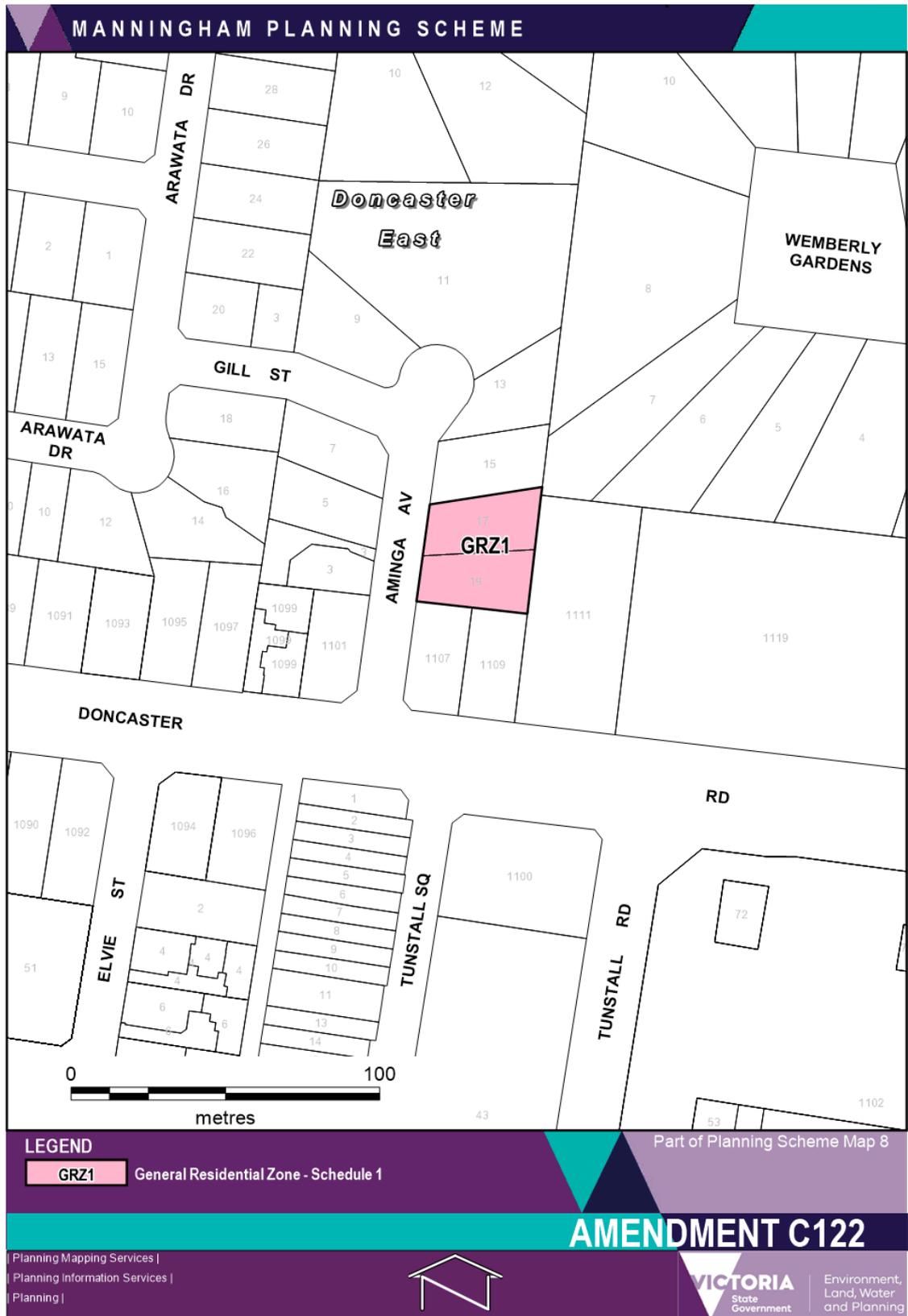


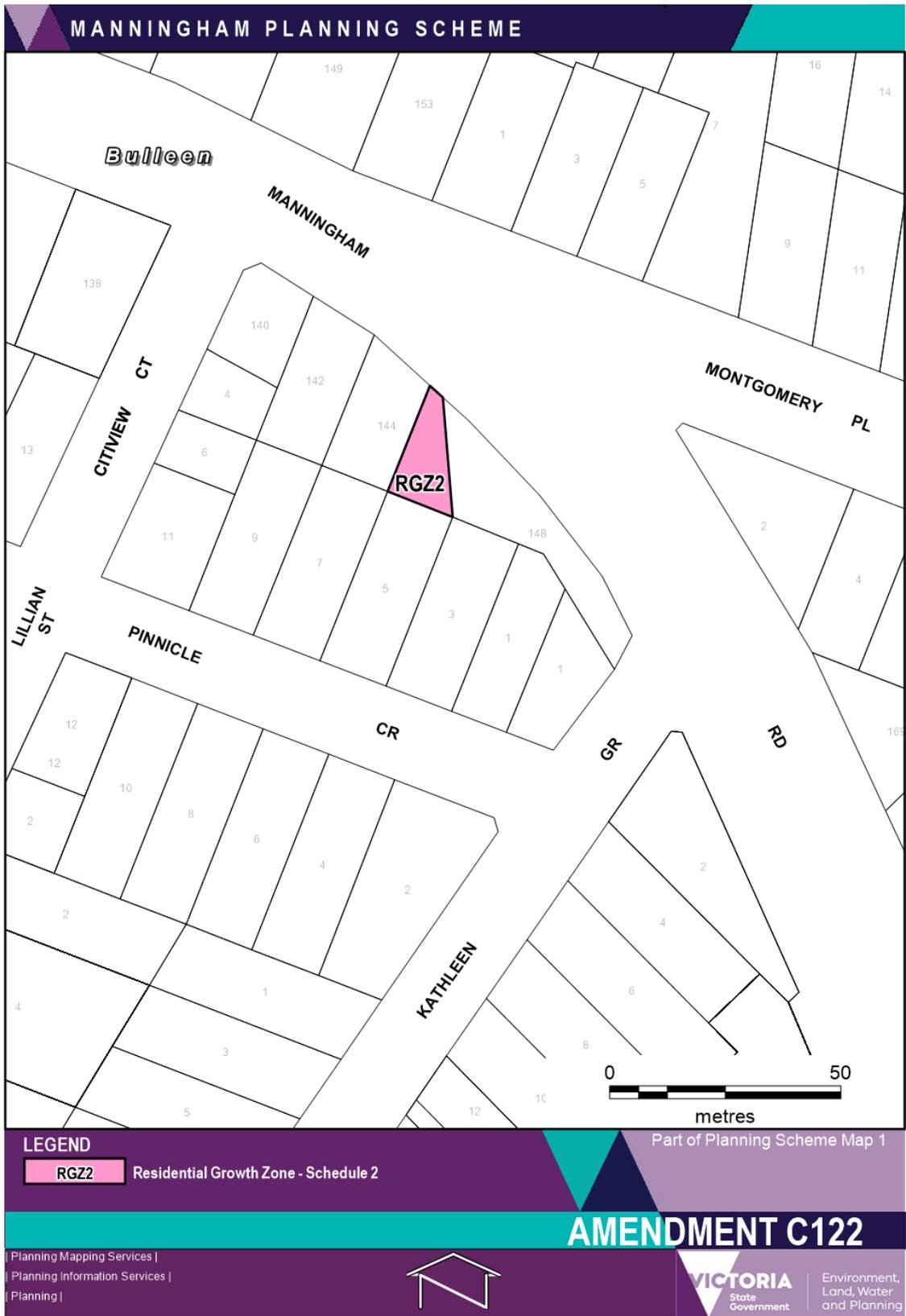


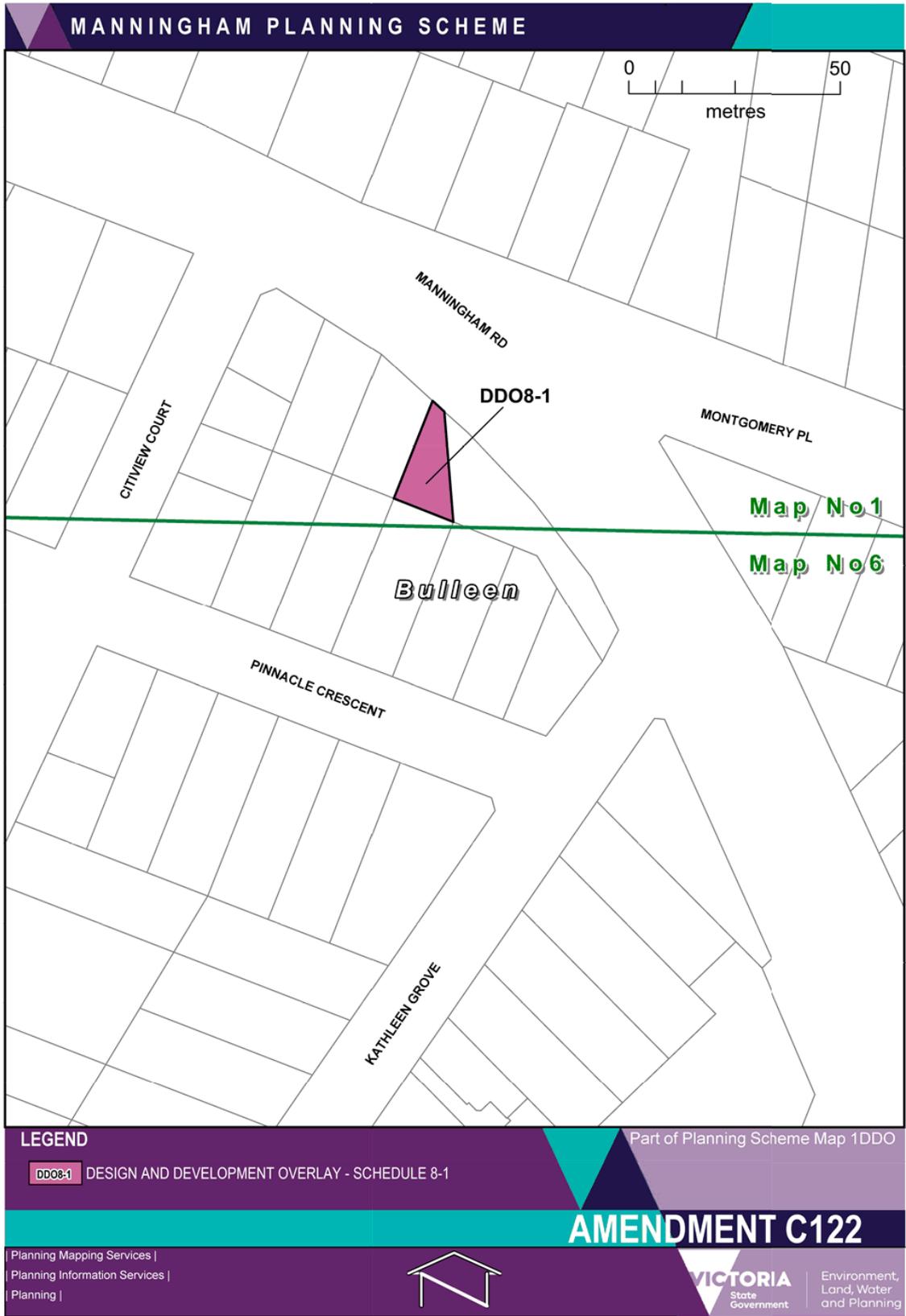


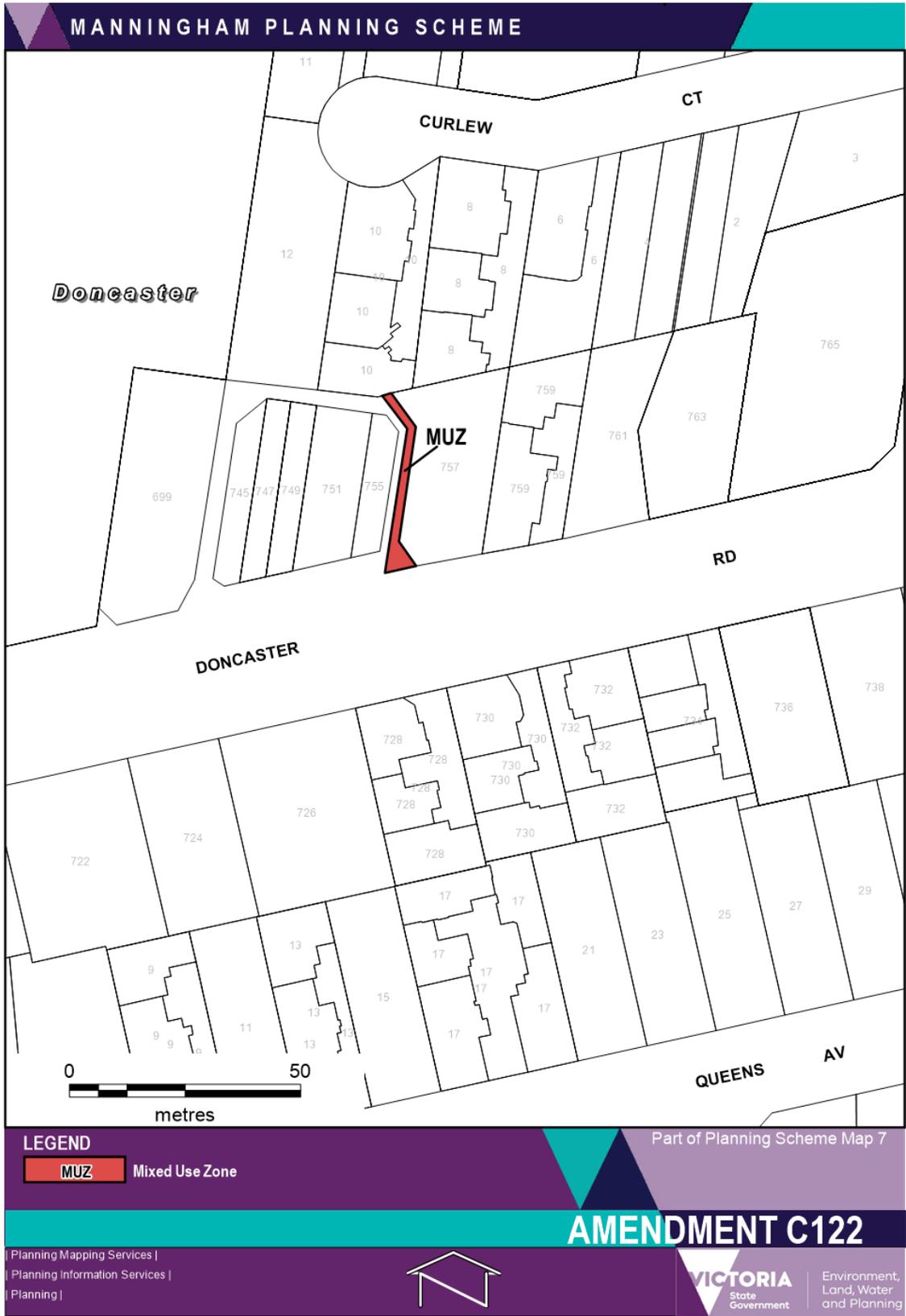


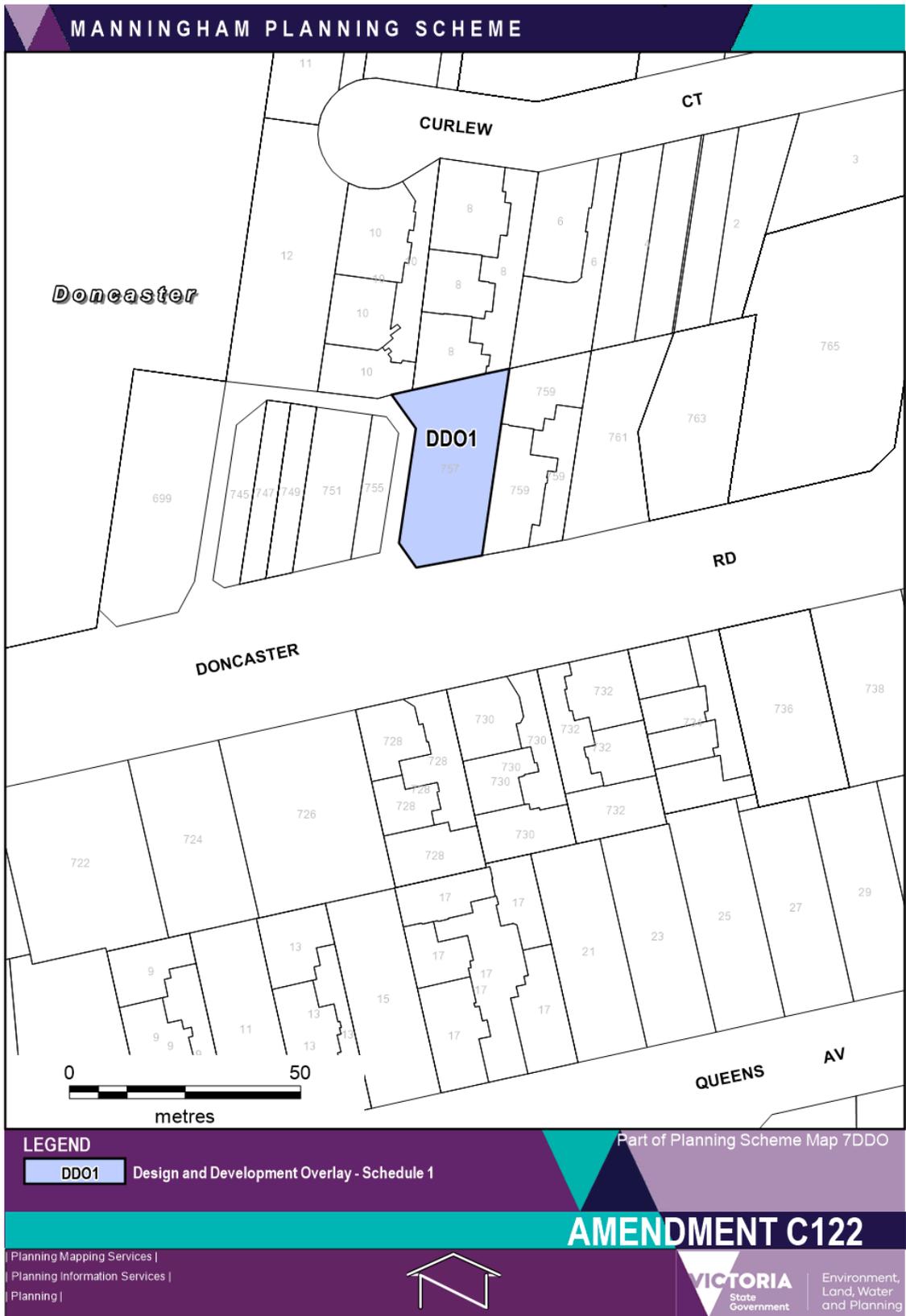


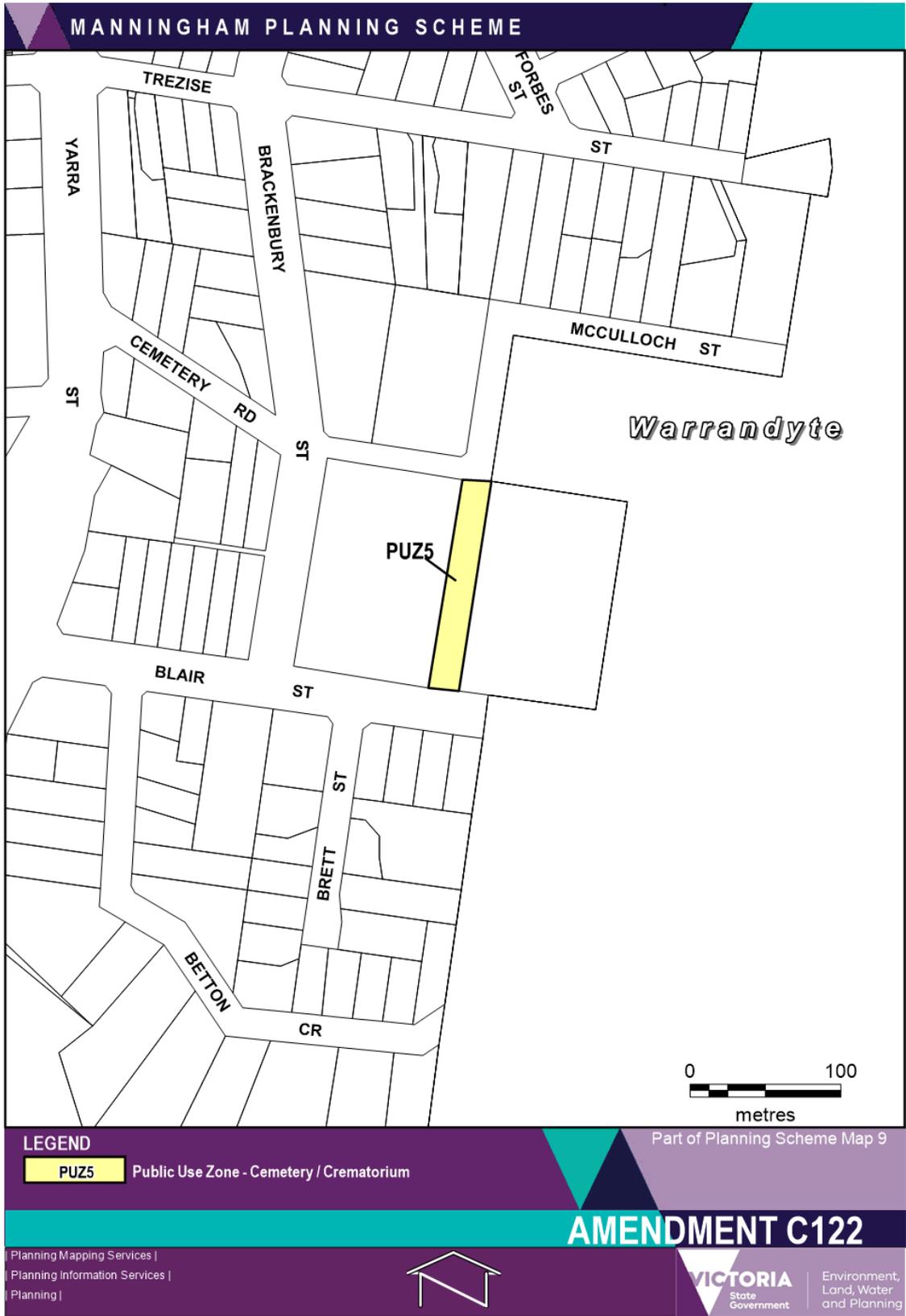


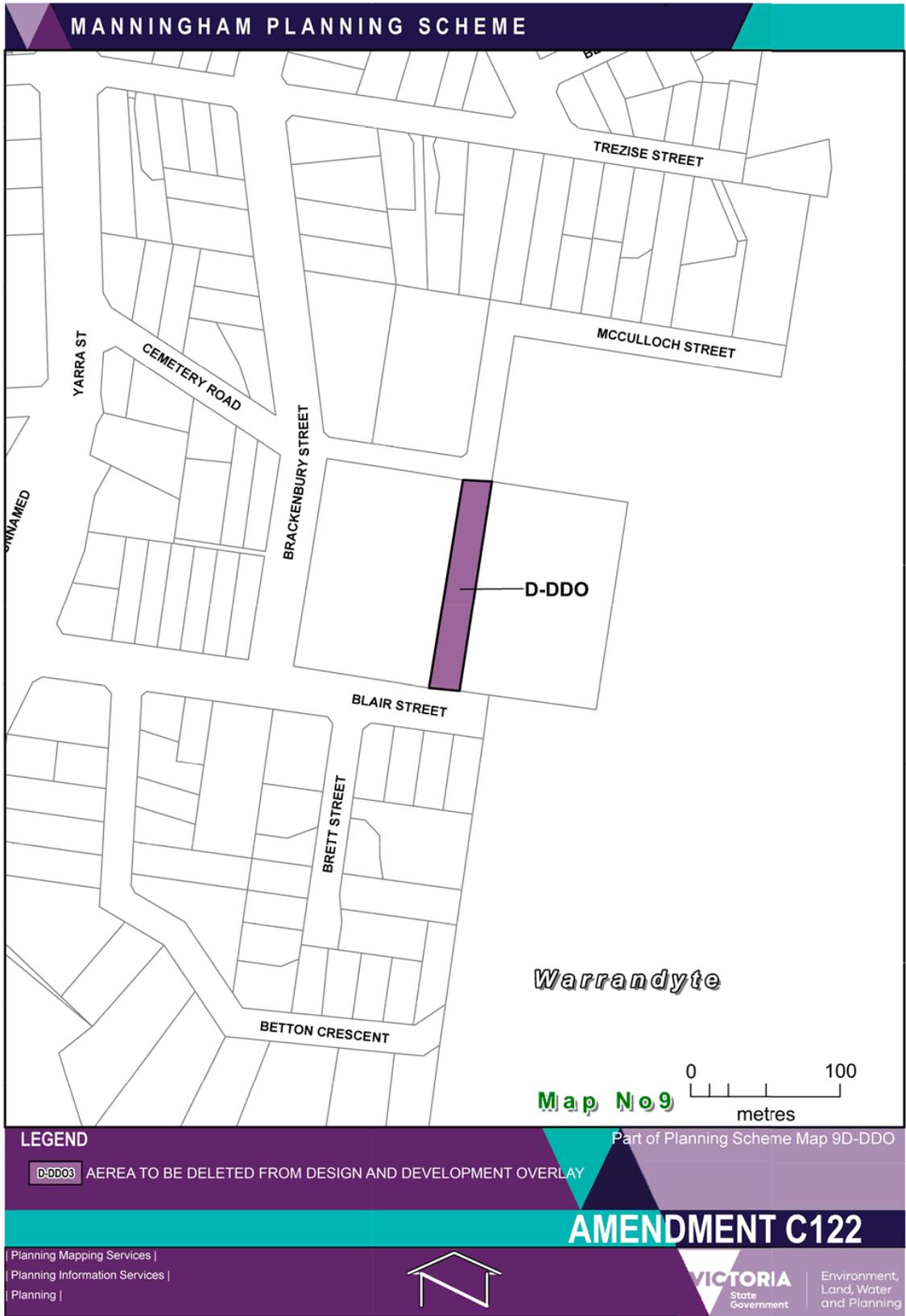


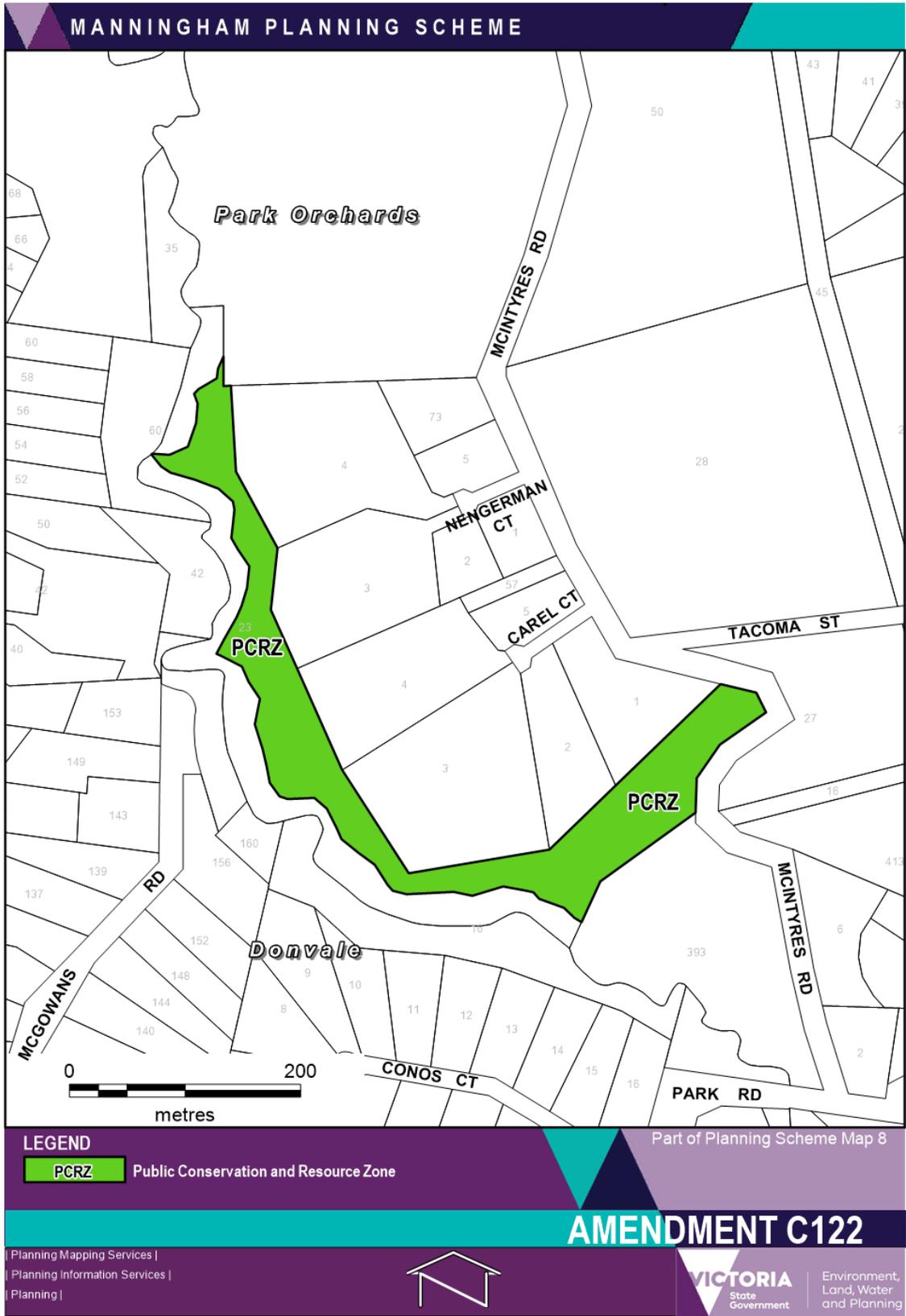


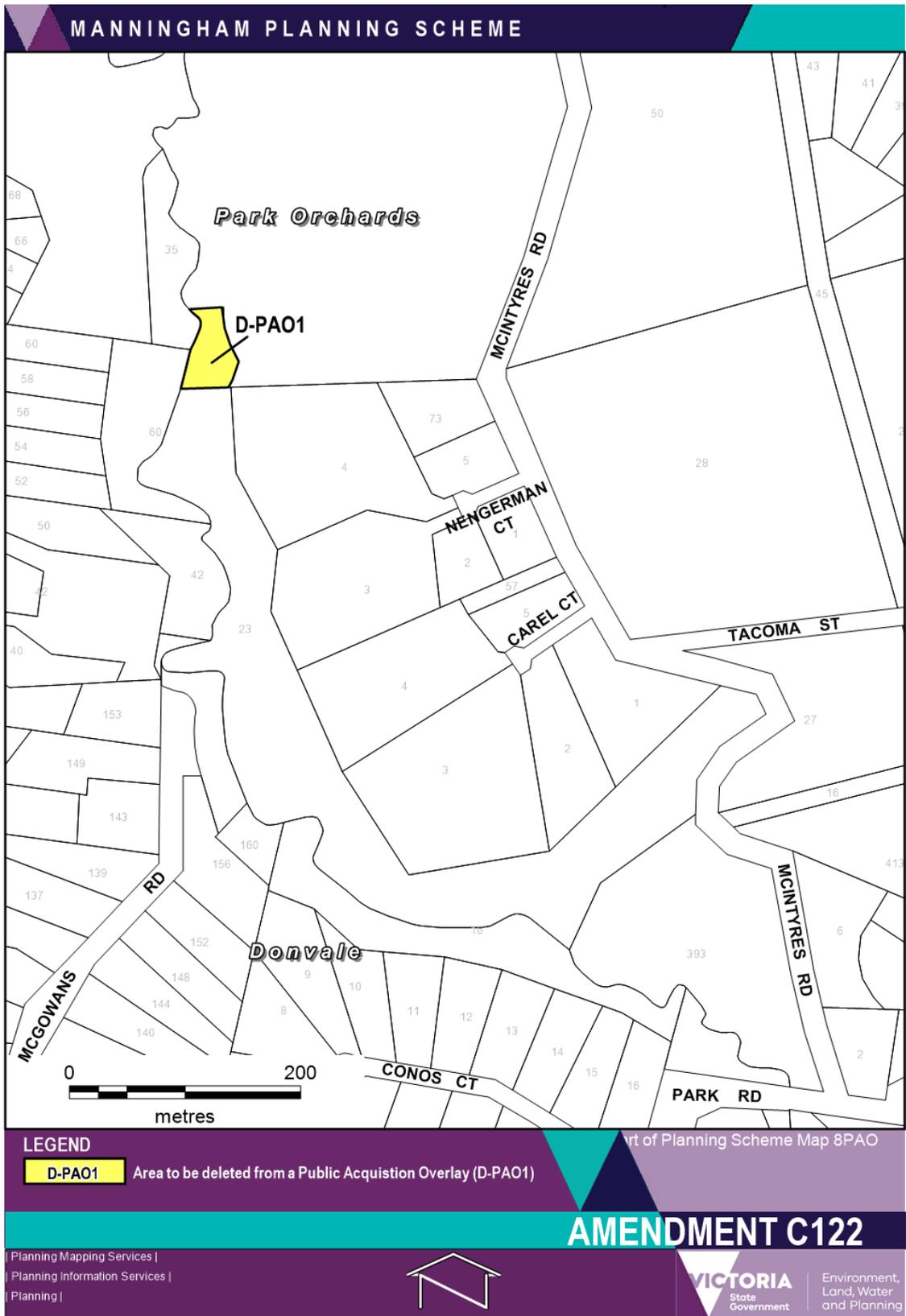


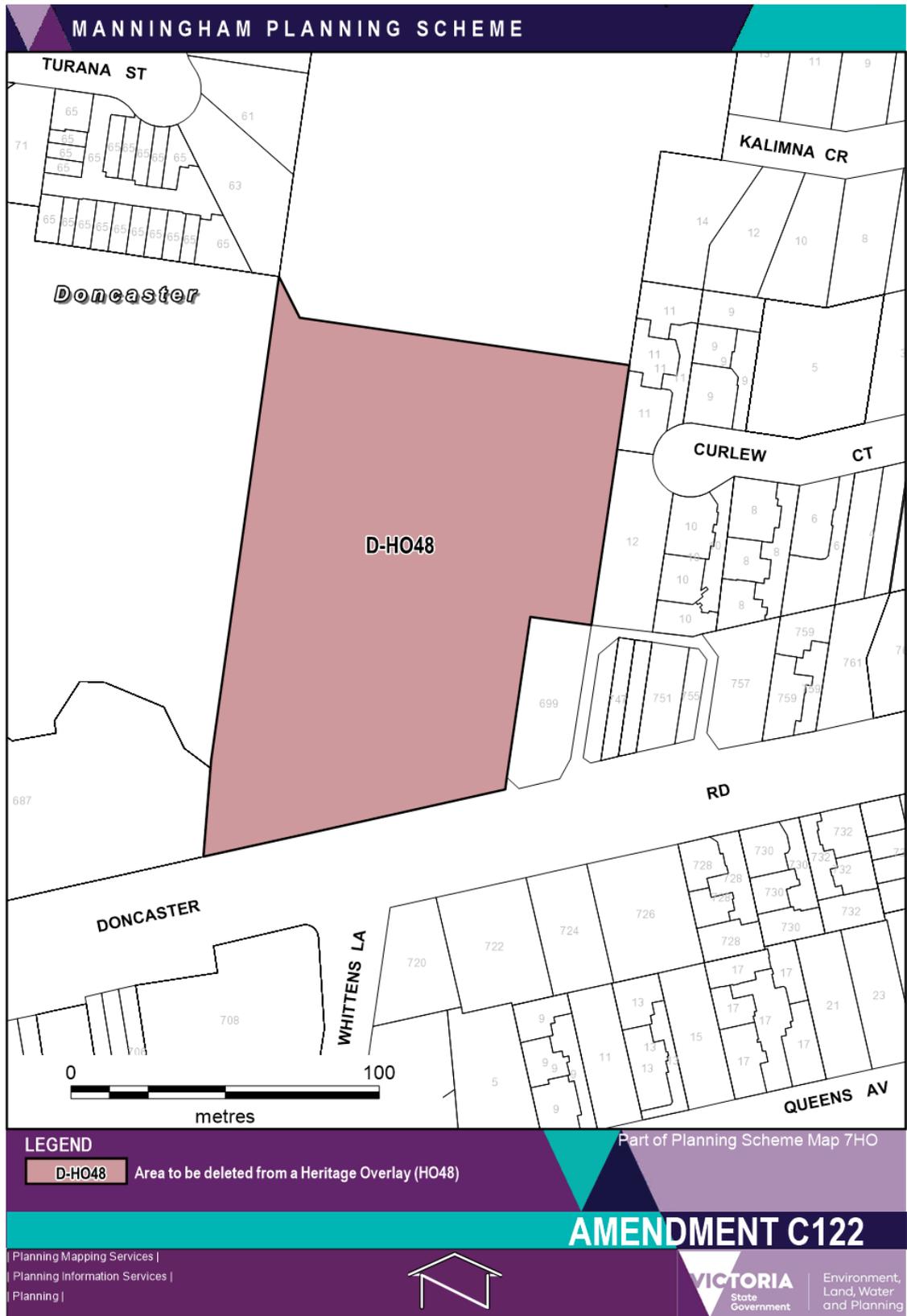


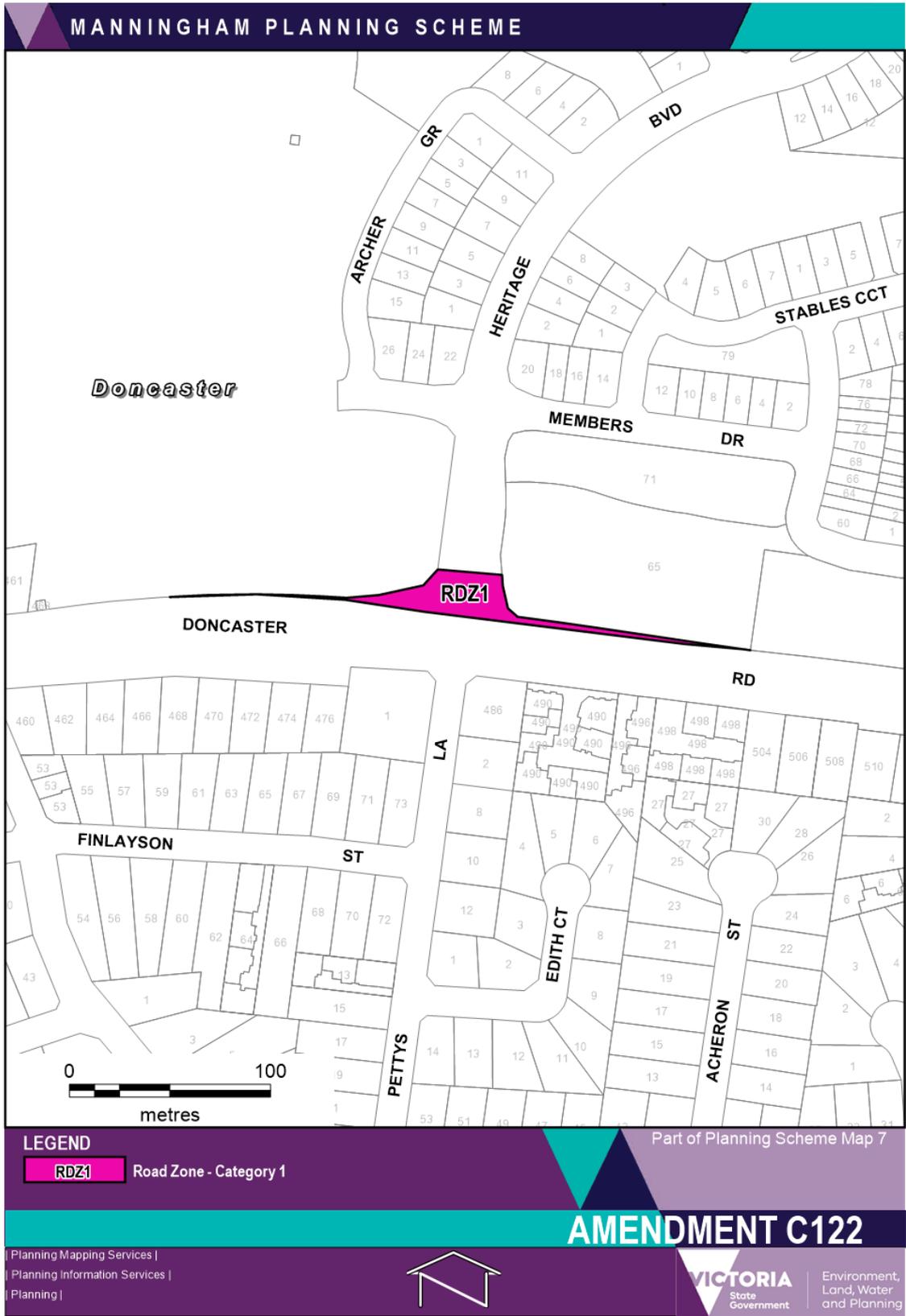


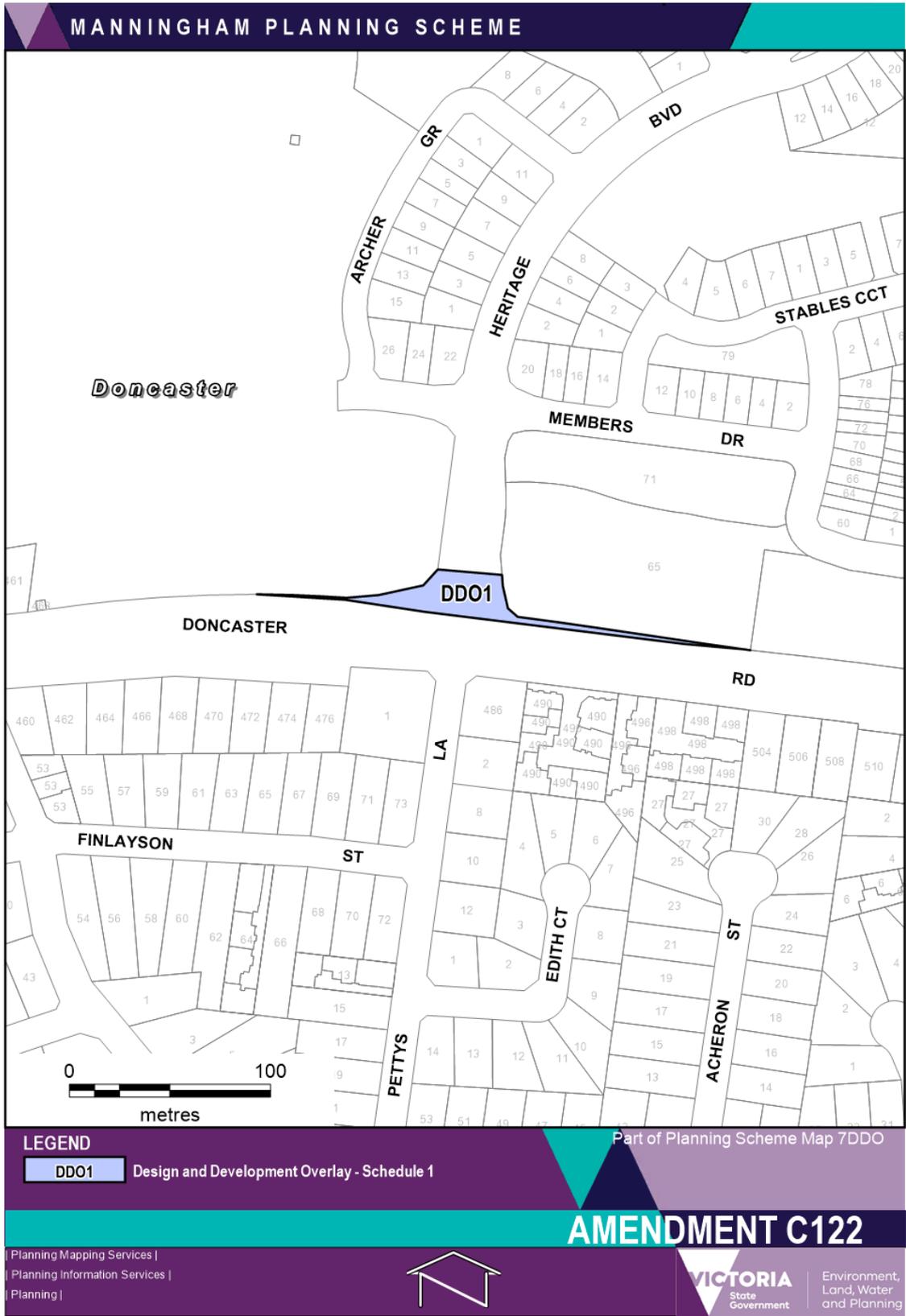












10.3 Manningham Planning Scheme Review 2018

File Number:	IN18/357
Responsible Director:	Director City Planning and Community
Attachments:	1 Manningham Planning Scheme Review Findings and Recommendations 2018 ↓ 

Executive Summary

The purpose of this report is for Council to consider a review of the Manningham Planning Scheme (Attachment 1) which is required to be undertaken every four years under the Planning and Environment Act 1987.

The review identifies the major planning issues affecting the municipality, assesses the strategic performance of the Planning Scheme, documents strategic work carried out since the last review, outlines the consultation undertaken to inform the review and makes recommendations arising from the review.

The key issues facing the municipality which will influence key planning decisions can be grouped in five broad themes:

- *Neighbourhood character and residential development*
- *Transport, traffic, access and car parking*
- *Urban design and public spaces*
- *Activity centres and economic development*
- *Natural environment and Green Wedge protection*

It is generally considered that the Manningham Planning Scheme is operating effectively, with extensive strategic work undertaken in the years preceding both this current and the previous review period.

Manningham has also continued to build on the effectiveness of the scheme with more recent strategic work being progressively implemented through amendments to the Planning Scheme. Key outcomes have included the introduction of a municipal wide (excluding ACZ1 area) Ecologically Sustainable Design (ESD) Policy, municipal wide open space contribution requirements and introduction of the reformed residential zones.

There is however a need for the Planning Scheme to evolve and provide innovative and sustainable planning solutions to continue to deliver a liveable, prosperous and vibrant Manningham and address the key influences likely to shape planning in Manningham over the next four years.

The recommendations arising from the Review primarily relate to:

- *changes required to the Planning Scheme to respond to State Government reforms and recently adopted plans and strategies;*
- *further strategic work to respond to identified strategic gaps and to review key strategic documents; and*

- *advocacy by Council to the State Government for changes to State policy within the Planning Scheme.*

Some of the high priority recommendations of the review include:

- *Changes to the Local Planning Policy Framework (in particular the Municipal Strategic Statement and Local Policies to provide streamlined and contemporary planning policy to guide decision making - including incorporating current information (including statistical data), adopted strategies and plans; implementing key land use and development recommendations from relevant documents; and removing redundant provisions and repetition.*
- *Review of the local planning policy framework for guiding residential development across the municipality to ensure that the Planning Scheme continues to appropriately direct and manage residential growth in Manningham.*
- *Review of existing bushfire and native vegetation planning policies, to reflect changes to the State planning provisions.*
- *Review of the Local Planning Policy Framework to address a number of identified gaps including, policy guidance in relation to the use and development of child care centres and investigation of appropriate planning tools to facilitate affordable and social housing.*
- *Continuing to advocate to the State government and relevant agencies to take greater leadership in addressing a number of high priority land use and development planning issues, such as minimization of the impacts of the North East Link on Manningham residents and the business community and recognition of Doncaster Hill as a place of State significance.*

COUNCIL RESOLUTION

MOVED: CR MICHELLE KLEINERT
SECONDED: CR PAUL MCLEISH

That Council:

- A. Endorses the *Manningham Planning Scheme Review, Findings and Recommendations, August 2018*, at Attachment 1 to this report.**
- B. Submits the *Manningham Planning Scheme Review, Findings and Recommendations, August 2018* to the Minister for Planning in accordance with section 12B(1) of the *Planning and Environment Act 1987*.**

CARRIED

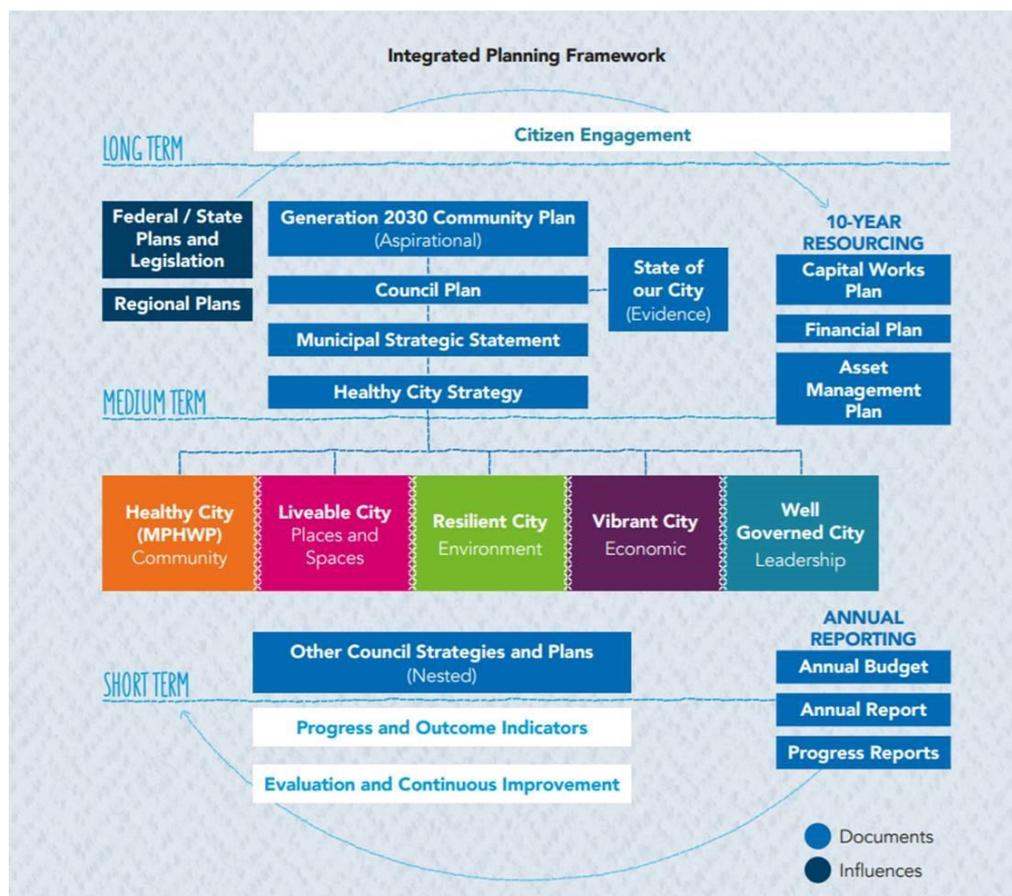
2. BACKGROUND

Requirement to Review a Planning Scheme

- 2.1 The *Planning and Environment Act 1987* (the Act) requires a Council to review its planning scheme no later than one year after each date by which it is required to approve a Council Plan. Consequently, a review of the Planning Scheme and a report outlining its findings was required to be submitted to the Minister for Planning by 27 June 2018.
- 2.2 However, as part of the Department of Environment, Land, and Planning (DELWP) Smart Planning program, DELWP is proposing changes to the form and content of planning schemes, which was anticipated to be implemented by the Minister for Planning as an amendment in mid-2018. In response, the Minister for Planning has given councils until 31 December 2018 to report their review.
- 2.3 A review of the Planning Scheme is essentially an audit procedure to identify how efficiently and effectively the Planning Scheme is currently implementing relevant State and local land use and development planning objectives. The Act requires the review to evaluate whether the Planning Scheme:
- is consistent in form and content with the directions or guidelines issued by the Minister; and
 - sets out effectively the policy objectives for use and development of land in the area to which the planning scheme applies; and
 - makes effective use of State provisions and local provisions to give effect to State and local planning policy objectives.
- 2.4 The Planning Scheme Review is not a re-write of the planning scheme. It primarily seeks to identify potential changes to the Planning Scheme (e.g. to address policy gaps, improvements to provisions to assist decision making) and to identify further strategic work required to inform changes (e.g. the review of the Doncaster Hill Strategy and review of the application of the residential zones).
- 2.5 The new format Manningham Planning Scheme (including the MSS) came into effect on 29 June 2000 and has been subject to reviews in 2003, 2010 and 2014.

What is a Planning Scheme?

- 2.6 A Planning Scheme is the statutory document which sets out the objectives, policies and provisions for use, development and protection of land and regulates the use and development of land to achieve those objectives and policies.
- 2.7 The Manningham Planning Scheme is the primary tool for implementation of Council's adopted strategies which relate to land use and development, such as the Doncaster Hill Strategy, Bicycle Strategy, Green Wedge Strategy, Integrated Transport Strategy, Open Space Strategy and Residential Strategy.
- 2.8 The diagram below illustrates where the MSS (the key strategic component of the Planning Scheme) fits in Council's Integrated Planning Framework.



2.9 All planning schemes in Victoria contain State and Local Planning Policies, Zones, Overlays and Particular Provisions that affect how land can be used and developed.

2.10 Council cannot alter State Policy or parts of the Planning Scheme derived from the Victoria Planning Provisions (VPP), however it can:

- Change the Local Planning Policy Framework (LPPF) which includes the Municipal Strategic Statement (MSS) and Local Policies;
- Choose specific zones and overlays from the Victoria Planning Provisions to apply to specific land; and
- Introduce and change schedules to zones, overlays and other provisions, where permitted to do so by the Victoria Planning Provisions

in order to maximize the Scheme’s effectiveness and efficiency to deliver on Council’s vision and objectives for land use and development within the municipality.

Review Methodology

2.11 DELWP has produced Planning Practice Note No. 32 (*Review of Planning Schemes*) which suggests a process for conducting and reporting on the review. In summary, the review should be presented in a report to Council which:

- identifies the major planning issues facing the municipality;

- demonstrates how the planning scheme implements State Planning Policy;
- assesses the strategic performance of the scheme;
- documents the strategic work that has been completed or carried out since the previous review and any additional work required to strengthen the strategic direction of the planning scheme;
- articulates the monitoring and review that has been carried out;
- outlines the consultation process and its outcomes; and
- makes recommendations arising from the review including:
 - suggested changes to the objectives and strategies of the LPPF;
 - suggested changes to the VPP tools to achieve the strategies and ensure the objectives and desired outcomes are being met;
 - new strategic work necessary to support future policy development or changes to the provisions of the scheme;
 - suggested changes to improve operational and process practices; and
 - identifying any planning application or other data that may need to be collected to inform the next review.

Review Inputs

2.12 Extensive background work has been undertaken to inform the Planning Scheme Review which takes into account:

- Changes to the State Planning Policy Framework (SPPF) and other State strategies and initiatives;
- New or revised Council strategies;
- Links with the Council Plan;
- Consistency with the SPPF;
- Feedback from the local community and other key stakeholders, including statutory authorities, Council staff and Councillors;
- Assessment of the LPPF, including zones and overlays; and
- Analysis of VCAT decisions and Planning Panel Reports.

3. DISCUSSION / ISSUE

Contents of the Review Report

- 3.1 The Planning Scheme Review report titled, *Manningham Planning Scheme Review, Findings and Recommendations, August 2018* has been prepared for Council's consideration (Refer Attachment 1). The report presents the key findings arising from the review and recommendations for implementing the findings.
- 3.2 The report includes the following sections:
- Municipal Planning Context - This section provides a contextual overview of Manningham including a snapshot of our community and how it is changing. These attributes and trends will influence the direction of the strategic land use and development planning framework over the next four years.
 - State Government Initiatives – Provides a summary of planning policy changes and initiatives by the State Government that have or are likely to have significant implications for the Manningham Planning Scheme.
 - Local Strategic Initiatives - This section of the report identifies key strategic work that has been undertaken by Council since the previous review that may have implications for the Manningham Planning Scheme, including the update of the Economic Development Strategy 2011-2030 (revised 2018), the Tunstall Square Structure Plan (2015) and Manningham Link Road Improvement Strategy (2014).
 - Community and Stakeholder Feedback – This section outlines consultation undertaken prior to commencement of the review used to inform the development of the five themes around which the consultation and communications relating to the review has been structured:
 - Neighbourhood character and residential development
 - Transport, traffic and car parking
 - Urban design and public spaces
 - Activity centres and economic development
 - Natural environment and Green Wedge protection

This section also details the consultation and engagement undertaken as part of the review and key findings.

- Key Issues - This section of the report provides an overview of the key planning issues facing the municipality, and which will influence key planning decisions over the next four years. These issues are addressed through each of the five themes developed through the communications and engagement process for the Planning Scheme Review. These key influences are based on a review of Manningham's physical and demographic characteristics, current Local and State policies and initiatives, internal and external consultation and the current Council Plan.

- Links to the Council Plan - the *Planning and Environment Act 1987* requires an MSS to be consistent with the current Council Plan. This section reviews how effective the scheme is in meeting the goals of the Council Plan as it relates to the use, development and protection of land, and whether the MSS objectives align with the corporate goals.
- Consistency with the State Planning Policy Framework (SPPF) – Provides a broad assessment of the manner in which the MSS supports and implements the objectives of planning in Victoria, insofar as it relates to the State Planning Policy Framework (and Plan Melbourne) to meet the objectives of the *Planning and Environment Act 1987*.
- Review of the Local Planning Policy Framework - includes an assessment of the performance of the Planning Scheme insofar as how all the local provisions, including the LPPF, zones and overlays are supporting both the objectives included in the Planning Scheme and any other Council objectives.
- Review of Permit Applications and Planning Scheme Amendments - provides an overview of the quantum and types of planning permit applications received and planning scheme amendments processed, to help identify opportunities to improve the administration of Council's statutory and strategic planning responsibilities. Detailed analysis of Victorian Civil and Administrative Tribunal (VCAT) and Planning Panel Victoria (PPV) helps to identify gaps or emerging issues within the existing policy framework of Planning Scheme.

Key findings of the Review

- 3.3 It is generally considered that the Manningham Planning Scheme is operating effectively, with extensive strategic work undertaken in the years preceding both this current and the previous review period. In particular this includes:
- the application of the Activity Centre Zone (ACZ1) to the Doncaster Hill Activity Centre,
 - development of the Green Wedge Action Plan,
 - an extensive review of the Environmental Significance, Significant Landscape and Design and Development Overlays to remove duplication and simplify controls applying to individual properties; and
 - a well-developed residential planning framework which has been given effect through various zones and overlay provisions in the Planning Scheme.
- 3.4 Manningham has also continued to build on the effectiveness of the scheme with more recent strategic work being progressively implemented through amendments to the Planning Scheme. Key outcomes have included the introduction of a municipal wide (excluding ACZ1 area) Ecologically Sustainable Design (ESD) Policy, municipal wide open space contribution requirements and introduction of the reformed residential zones.

- 3.5 It is noted that a number of State Government policy changes and initiatives have or are likely to have significant implications for the Manningham Planning Scheme and may result in consequential amendments – particularly the changes to the residential zones, the new Native Vegetation Framework and the modifications to the bushfire protection provisions.
- 3.6 In addition some proposals, such as the current review of the Victoria Planning Provisions (VPP) together with the Planning Policy Framework (PPF) and review of the Green Wedge planning provisions remain largely unresolved and further strategic work will need to be undertaken to respond to these issues once finalised.
- 3.7 Whilst the PPF is likely to have a significant impact on the proposed content and structure of the LPPF, any changes to the LPPF needs to ensure that it is updated to incorporate current information, including census data, adopted strategies and plans and implements key land use and development recommendations from relevant documents as appropriate.
- 3.8 Such a review also needs to delete redundant information and respond to existing policy gaps within the Manningham Planning Scheme. Some of the gaps identified included the need for more specific policy direction for child care centres and investigating the need for policy for major promotional signage in major activity centres.
- 3.9 It is noted that the structure of the current MSS is significantly different to the SPPF and that any amendment to update the MSS should seek to better simplify and streamline the structure of the LPPF to ensure greater consistency with the SPPF. The review also identified that changes could be made to the MSS to better address a number of State Planning Policy objectives particularly having regard to bushfire risk, the Native Vegetation Framework, the importance of the Yarra River and Affordable Housing. Conversely, it is considered that Council should advocate to the State Government to take a greater role with respect to addressing matters relating to Environmentally Sustainable Development (ESD) and Floodplain Management.
- 3.10 It is considered that the zone selection remains broadly appropriate. However, the State Government recently introduced changes to the suite of reformed Residential Zones (Amendment VC110), which have had a significant impact on the current operation of the zones and schedules (and associated overlays and local policy). Council has three years from the date the reforms were introduced (i.e. until 27 March 2020) to review the application of the residential zones across the municipality. It is proposed to broaden the scope of that review to address a range of residential matters raised in relation to the Planning Scheme Review.
- 3.11 A number of other specific matters raised in the assessment of the zones include:
- The land use impacts of the proposed alignment of the North East Link;
 - The need to implement Structure Plans for Activity Centres where developed (as appropriate);
 - Opportunities to audit Council owned land to maximise the return and community benefits from Council land holdings;
 - Ensuring public land is appropriately zones; and
 - The need to review of Doncaster Hill Strategy.

- 3.12 It is broadly considered that the current application of the overlay controls is also appropriate, with an extensive review of the Environmental Significance, Significant Landscape and Design and Development Overlays implemented via Amendment C54 on 21 February 2013. Minor drafting corrections are proposed to improve to clarity of these provisions, but otherwise these controls are generally working well.
- 3.13 Similarly only minor changes to the Heritage Overlay are proposed to address a number of errors and anomalies. It is noted however, that there are gaps in relation to the level of detail currently available for those places of significance in relation to the extent of places assessed across the municipality.
- 3.14 The most significant issue is in relation to the conflict created between the reformed residential zones and associated Design and Development Overlays (in particular Design and Development Overlay Schedule 8 – which identified areas of substantial change). The DDO8 and other relevant overlays will be reviewed as part of the broader review of the application and operation of the residential zones.
- 3.15 A number of other specific matters raised in the assessment of the overlays include:
- Tension between bushfire planning and vegetation management;
 - Ensuring land affected by a Public Acquisition Overlay (PAO) is recorded where acquired by Council;
 - Investigating residentially developed land affected by the Environmental Audit Overlay (EAO) to determine appropriateness of the EAO.
 - Need to investigate the current Parking Overlays (Doncaster Hill and Jackson Court Activity Centres).
- 3.16 A number of additional matters were also raised in relation to other provision of the planning scheme:
- Advocating to the State Government for a minor change to the Urban Growth Boundary (UGB) as it affects land at 2-14 Websters Road, Templestowe, which is considered an anomaly;
 - Advocating to the State Government to merge Clause 57 with the Rural Conservation Zone (RCZ) as part of the current Green Wedge planning provisions review; and
 - Issues raised in relation to Car Parking (Clause 52.06), both from a technical perspective in relation to the application of the clause requirements, and more broadly, in terms of community concern regarding the perceived lack of car parking provided within new developments and commuter car parking.

- 3.17 An overview of the quantum and types of planning permit applications received and planning scheme amendments processed was undertaken to help identify opportunities to improve the administration of Council's statutory and strategic planning responsibilities. It is notable that the number of planning applications being received has stabilised at approximately 1150 applications per year for several years, assisting with future resource planning.
- 3.18 Almost a third of all applications received are for a multi-unit development, which is reflected in the types of applications being considered by the Victorian Civil and Administrative Tribunal (VCAT) with the majority of VCAT cases relating to residential multi-unit applications, which include a mixture of townhouse developments and apartments. The scale, form and amenity impacts of development within areas identified for higher density (Schedule 8 to the Design and Development Overlay (DDO8)) has been the focus of a large proportion of these decisions.
- 3.19 Particular issues that have been consistently addressed by VCAT relate to the number of storeys to be achieved within the mandatory height limit; side by side developments; spacing between buildings; landscaping; and amenity impacts, including perceptions of overshadowing/overlooking by objectors, building setbacks, and traffic/car parking. It is considered that those matters raised by VCAT in relation to residential development requiring further policy guidance, should be addressed as part of the review of the residential planning framework.
- 3.20 Many cases have also been in response to objector concerns about the perceived impact of development. This raises the importance of on-going community education about how Council is managing future population growth and change in the context of Manningham's Residential Growth Framework Plan and Plan Melbourne.
- 3.21 An analysis of Panel decisions during the current review period has found that, Council's views in relation to individual amendments are generally supported and the panels have recommended adoption of all amendments (with some being subject to conditions). Broadly speaking, the Panel for each of the amendments considered that there was adequate strategic justification and that the amendments were consistent with State and Local Planning Policy, Ministerial guidelines and Planning Practice Notes.

Recommendations of the Review

- 3.22 Based on the findings of the Review, the report includes a series of recommendations (which have been broadly grouped under the review of the LPPF, advocacy, residential development, bushfire planning, vegetation, Doncaster Hill, administrative changes, activity centres and a number of other matters)
- 3.23 The key recommendations include:
- Changes to the Local Planning Policy Framework (in particular the Municipal Strategic Statement and Local Policies) to provide streamlined and contemporary planning policy to guide decision making - including incorporating current information (including statistical data), adopted strategies and plans; implementing key land use and development recommendations from relevant documents; and removing redundant provisions and repetition.

- Review of the LPPF as it relates to guiding residential development across the municipality to ensure that the Planning Scheme continues to appropriately direct and manage residential growth in Manningham.
- Review of existing bushfire and native vegetation planning policies, to reflect changes to the State planning provisions.
- Review of the Local Planning Policy Framework to address a number of identified gaps including, policy guidance in relation to the use and development of child care centres and investigation of appropriate planning tools to facilitate affordable and social housing.
- Continuing to advocate to the State government and relevant agencies to take greater leadership in addressing a number of high priority land use and development planning issues, such as minimization of the impacts of the North East Link on Manningham residents and the business community and recognition of Doncaster Hill as a place of State significance.

3.24 Each of the recommendations of the Planning Scheme Review report are prioritised as high, medium or low priority. Preliminary work in relation to a number of the actions identified as a high priority has already commenced as part of the 2018/2019 Strategic Planning Work Plan, including review of the Doncaster Hill Strategy, review of the local planning policy framework for guiding residential development (which will address a number of matters raised in the Review report) and continuation of a municipal wide Development Contributions Plan. It is expected that a number of other actions will occur concurrently with the restructuring of the Manningham Planning Scheme required by the Smart Planning Reforms which is expected to be announced in the coming weeks.

3.25 Medium priority actions will be included in work planning for the 2019/2020 financial year and low priority actions will commence prior to the next Planning Scheme Review in June 2022.

4. COUNCIL PLAN / STRATEGY

- 4.1 A major initiative of the Council Plan 2017-2021 is to '*Ensure local planning is responsive to community need and aligned with local planning laws.*' The Measure to achieve this is '*Review of the Manningham Planning Scheme by 30 June 2018.*' This report completes the Council Plan Major initiative.
- 4.2 Section 12A(4) of the *Planning and Environment Act 1987* requires that "*A MSS must be consistent with the current Council Plan for the municipal council approved under section 125 of the Local Government Act 1989.*"
- 4.3 The Council's vision as set out in the Council plan 2017-2021 is to be, '*A liveable and harmonious city*'. Our mission is, '*A financially sustainable Council that listens, consults and acts with integrity, value and transparency*'.
- 4.4 The planning scheme review process provides Council with the opportunity to review how effective the scheme is in meeting the goals of the Council Plan as it relates to the use, development and protection of land, and whether the MSS objectives align with the corporate goals. An assessment has been undertaken as part of the review to determine the links between the MSS and our current Council Plan and concluded that the overarching principles of the MSS are consistent with the themes and associated goals contained in our Council Plan.

5. IMPACTS AND IMPLICATIONS

- 5.1 The Manningham Planning Scheme is a statutory document which sets out the objectives, policies and provisions relating to the use, development, protection and conservation of land in the City of Manningham to which it applies.
- 5.2 Council is required to evaluate the Planning Scheme every four years, in order to ensure that it is consistent with Ministerial Directions, sets out effectively the policy objectives for use and development of land; and makes effective use of State provisions and Local provisions.
- 5.3 The review seeks to ensure that the Manningham Planning Scheme is performing efficiently and effectively and to identify any gaps or corrections/changes to further improve its operation.

6. IMPLEMENTATION

Finance / Resource Implications

- 6.1 Any consequential amendments that are required to be undertaken to give effect to any recommended changes to the Planning Scheme will have financial considerations associated with them which will be managed through the City Strategy operational budget.
- 6.2 Any further strategic work or policy development identified in the review as priorities for future work will need to be considered on a case by case basis in terms of budgetary considerations and staff resources.

Communication and Engagement

- 6.3 A comprehensive stakeholder consultation and engagement plan was developed to inform the Planning Scheme review including:
 - Two workshops with Councillors - undertaken in October 2017 and April 2018.
 - Four focus group meetings with key stakeholder groups and members of Manningham's Community Panel – held over three days in the week commencing 26 February 2018.
 - Feedback through direct engagement with Council's Advisory Committees – Heritage Advisory, Open Space and Streetscape, Healthy Cities and Access and Equity.
 - Consultation with the broader community based on the feedback gained through the focus group sessions via an on-line survey on www.yoursaymanningham between 9 April to 7 May 2018. A total of 197 on-line surveys were completed. In addition 5 individual submissions were received from the community.
 - Consultation with statutory agencies and regulatory authorities with four responses received.

- Feedback from relevant Council business units, in particular Engineering and Technical Services, Statutory Planning, City Strategy, Economic Development, Social and Community Services and Aged and Disability Support Services, in relation to key issues and gaps in the planning scheme.
- 6.4 A range of issues were raised as part of the consultation, with many responses dealing with competing interests e.g. protection of Green wedge values and support for further subdivision or infrastructure provision and vegetation management.
- 6.5 It is therefore important to recognise that the Manningham Planning Scheme will not be able to address or facilitate all of the matters raised through the consultation. In addition to identifying the need for specific changes to the Planning Scheme and the need for further strategic work to inform future changes to the Planning Scheme, the Planning Scheme Review report also recognises the need to advocate to the State government and/or relevant agencies to give effect to key outcomes identified through the consultation.
- 6.6 Some matters raised through the consultation are entirely outside the scope of the Planning Scheme Review and where possible these matters will be passed on to relevant Service Units for consideration.

Timelines

- 6.7 As the current Council Plan 2017 -2021 was endorsed by Council in June 2017, this review was initially required to be completed by 30 June 2018, however the Department of Land, Environment, Water and Planning [DELWP] has since given councils until 31 December 2018 to report their review to the Minister for Planning).
- 6.8 Following the endorsement of the *Manningham Planning Scheme Review, Findings and Recommendations, July 2018* , by Council, a copy of the report will be forwarded to the Minister for Planning to meet the requirements of section 12B(5) of the *Planning and Environment Act, 1987*.

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.

Manningham Planning Scheme Review

Findings and Recommendations
Draft August 2018



Interpreter service

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MANNINGHAM

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ABBREVIATIONS

- ACZ1 Activity Centre Zone Schedule 1 (Doncaster Hill)
- DELWP Department of Environment, Land, Water and Planning
- GRZ General Residential Zone
- LDRZ Low Density Residential Zone
- LPPF Local Planning Policy Framework
- MSS Municipal Strategic Statement
- NEL North East Link
- NELA North East Link Authority
- PPF Planning Policy Framework
- SPPF State Planning Policy Framework
- UGB Urban Growth Boundary

1. Executive Summary

1.1. Planning Scheme Review Requirements

The *Planning and Environment Act 1987* (the Act), requires a planning authority to review its Planning Scheme no later than one year after the approval of its Council Plan. Consequently, a review of the Planning Scheme and a report outlining its findings is required to be submitted to the Minister for Planning by 27 June 2018 (although the Department of Land, Environment, Water and Planning [DELWP] has since given councils until 31 December 2018 to report their review to the Minister for Planning).

The review is essentially an audit procedure to identify how efficiently and effectively the Planning Scheme is currently implementing relevant State and local land use and development planning objectives. The Act requires the review to evaluate whether the Planning Scheme:

- is consistent in form and content with the directions or guidelines issued by the Minister; and
- sets out effectively the policy objectives for use and development of land in the area to which the planning scheme applies; and
- makes effective use of State provisions and local provisions to give effect to State and local planning policy objectives.

1.2. Review Inputs

Extensive background work has been undertaken to inform the Planning Scheme Review which takes into account:

- The current and changing municipal planning context;
- Changes to the State Planning Policy Framework (SPPF) and other State strategies and initiatives;
- New or revised Council strategies;
- Links with the Council Plan;
- Consistency with the SPPF;
- Feedback from the local community and other key stakeholders, including statutory authorities, Council staff and Councillors.
- Assessment of the LPPF including zones and overlays; and
- Analysis of VCAT decisions and Planning Panel Reports.

1.3. Consultation

A comprehensive stakeholder consultation and engagement plan was developed to inform the Planning Scheme review including:

- Two workshops with Councillors - undertaken in October 2017 and April 2018.
- Four focus group meetings with key stakeholder groups and members of Manningham's Community Panel – held over three days in the week commencing 26 February 2018.

- Feedback through direct engagement with Council's Advisory Committees – Heritage Advisory, Open Space and Streetscape, Healthy Cities and Access and Equity.
- Consultation with the broader community based on the feedback gained through the focus group sessions via an on-line survey on www.yoursaymanningham between 9 April to 7 May 2018. A total of 197 on-line surveys were completed. In addition 5 individual submissions were received from the community.
- Consultation with statutory agencies and regulatory authorities with four responses received.
- Feedback from relevant Council business units, in particular Engineering and Technical Services, Statutory Planning, City Strategy, Economic Development, Social and Community Services and Aged and Disability Support Services, in relation to key issues and gaps in the planning scheme.

Five themes were developed around which the consultation and communications relating to the review of the Planning Scheme has been structured. These themes are:

- Neighbourhood character and residential development;
- Transport, traffic and car parking;
- Urban design and public spaces;
- Activity centres and economic development; and
- Natural environment and Green wedge protection.

1.4. State & Local Initiatives Relevant to Review

Some of the State Government initiatives that have recently been undertaken that are relevant to the Planning Scheme are detailed below

- The recent release of the Metropolitan Planning Strategy, Plan Melbourne 2017-2050 and its five year implementation plan;
- Amendment VC110 which affected all Planning Schemes and made changes to the reformed residential zones.
- Recent changes to the Bushfire Management Overlay provisions; and
- Proposed changes to the Planning Policy Framework (PPF). The Municipal Strategic Statement (MSS) which is based on an older 'classical' template, needs to be substantially reviewed and redrafted to provide a 'best practice' model of a more streamlined Local Planning Policy Framework (LPPF).

Some of the local initiatives that are relevant to the review are:

- The Municipal Health and Wellbeing Plan;
- Economic Development Strategy 2011-2030 (revised 2018);
- Manningham Bus Network Review (2017); and
- Implementation of Structure Plans including the Tunstall Square Structure Plan.

1.5. Key Issues

The key planning issues facing the municipality and which will influence key planning decisions over the next four years are:

Neighbourhood Character and Residential Development

- Demographic changes
- Residential development
- Provision of housing to respond to changing community needs – social housing, affordable housing, ageing in place, people with disabilities
- Improving design and built form outcomes

Transport, Traffic, Access and Car Parking

- Limited public transport services
- Steep topography
- Traffic congestion
- Construction of the North East Link

Urban Design & Public Spaces

- Design and built form
- Environmentally Sustainable Development
- Open space provision and improving connectivity
- Continued protection of cultural heritage

Activity Centres and Economic Development

- Ensuring Activity Centres have a social, economic activity and employment focus
- Doncaster Hill
- Economic activity in the Green Wedge

Natural Environment and Green Wedge Protection

- Protection of high biodiversity values in the Green Wedge
- Loss of vegetation
- Tension between vegetation management and bushfire provisions;
- Inappropriate uses in the Green wedge

1.6. Consistency with the State Planning Policy Framework

This review indicates that the SPPF and MSS are broadly consistent, although it is noted that the SPPF has been more regularly reviewed, updated and revised than the MSS. The extensive changes at the State level since the last review have resulted in some gaps and inconsistencies in the current LPPF in relation to the bushfire provisions, native vegetation management, affordable housing, and planning provisions for the Yarra River.

The review also identified an opportunity for the State Government to take greater leadership in respect to ESD and floodplain management.

1.7. Key Recommendations

It is generally considered that the Manningham Planning Scheme is operating effectively, with extensive strategic work undertaken in the years preceding both this current and the previous review period. In particular this has included:

- the application of the Activity Centre Zone (ACZ1) to the Doncaster Hill Activity Centre;
- development of the Green Wedge Action Plan;
- an extensive review of the Environmental Significance, Significant Landscape and Design and Development Overlays to remove duplication and simplify controls applying to individual properties; and
- a well developed residential planning framework which has been given effect through various zones and overlay provisions in the Planning Scheme.

Manningham has also continued to build on the effectiveness of the scheme with more recent strategic work being progressively implemented through amendments to the Planning Scheme. Key outcomes have included the introduction of a municipal wide (excluding ACZ1 area) Ecologically Sustainable Design (ESD) Policy, municipal wide open space contribution requirements and introduction of the reformed residential zones.

There is however a need for the planning scheme to evolve and provide innovative and sustainable planning solutions to continue to deliver a liveable, prosperous and vibrant Manningham and which address the key influences likely to shape planning in Manningham over the next four years.

The key findings of the review reflected in the recommendations can be summarised as follows:

- Reviewing the LPPF to provide a streamlined and contemporary planning policy to guide decision making which includes incorporating current information (including statistical data), adopted strategies and plans; implementing key land use and development recommendations from relevant documents; removing redundant provisions and repetition.
- Review of the local planning policy framework for guiding residential development across the municipality to ensure that the planning scheme continues appropriately direct and manage residential growth in Manningham. The review of the Doncaster Hill Strategy (2002, revised 2004), will be an important consideration in considering the broader application of controls across the municipality.
- Continue to advocate to State government and relevant agencies to take greater leadership in addressing a number of high priority key land use and development planning matters including development of the North East Link to minimise its impacts on Manningham residents and the business community; recognition of Doncaster Hill as a place of State significance; and the need for Environmentally Sustainable Development (ESD) to be addressed within State planning policy.
- The need to review and where appropriate, implement changes to existing local planning including to the bushfire and native vegetation planning policies, to reflect changes to the State planning provisions. Review of the LPPF is also required to address a number of identified gaps including, policy guidance in relation to the use and development of child care centres, investigation of appropriate planning tools to facilitate affordable and social housing, strengthening policy relating to attached dwellings in the Low Density Residential Zone.

2. Introduction

2.1. Requirements of the Act

This report constitutes a review of the Manningham Planning Scheme (the Planning Scheme) as required under section 12(B) of the Planning and Environment Act 1987 (the Act). Council is required to review its planning scheme within one year of the date of approval of its Council Plan (Manningham Council's current Council Plan was approved on 27 June 2017).

As part of the Department of Environment, Land, and Planning (DELWP) Smart Planning program, DELWP is proposing changes to the form and content of planning schemes, which is anticipated to be implemented by the Minister for Planning as an amendment in mid-2018. In response the Minister has given councils until 31 December 2018 to report their review to the Minister for Planning in light of these changes.

The purpose of the review is to enhance the effectiveness and efficiency of the planning scheme in achieving:

- the objectives of planning in Victoria; and
- the objectives and strategies of the planning scheme, including the State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF).

The Act requires that the review must evaluate the Planning Scheme to ensure that it:

- is consistent in form and content with any directions or guidelines issued by the Minister under section 7(5) of the Act;
- sets out effectively the policy objectives for use and development of land in the area to which the planning scheme applies; and
- makes effective use of State provisions and local provisions to give effect to State and local planning policy objectives.

The review also identifies changes and additional strategic work required to be undertaken to improve the performance of the Planning Scheme. Proposed improvements to the planning scheme will be undertaken as planning scheme amendments separate to the review.

2.2. Scope of Review and Methodology

The Department of Environment, Land, Water and Planning (DELWP) has produced Planning Practice Note No. 32 'Review of Planning Schemes' – June 2015 and the 'Continuous Improvement Review Kit' - February 2006 which suggests a process for conducting and reporting on a review. In summary, the review should be presented in a report to Council which:

- identifies the major planning issues facing the municipality;
- demonstrates how the Planning Scheme implements State Planning Policy;
- assesses the strategic performance of the Planning Scheme ;
- documents the strategic work that has been completed or carried out since the previous review and any additional work required to strengthen the strategic direction of the Planning Scheme;

- articulates the monitoring and review that has been carried out;
- outlines the consultation process and its outcomes; and
- makes recommendations arising from the review including:
 - suggested changes to the objectives and strategies of the LPPF;
 - suggested changes to the VPP tools to achieve the strategies and ensure the objectives and desired outcomes are being met;
 - matters requiring further strategic work necessary to support future policy development or changes to the provisions of the scheme;
 - suggested changes to improve operational and process practices; and
 - identifying any planning application or other data that may need to be collected to inform the next review.

Community and stakeholder consultation is an important part of this review. Details of the community engagement activities undertaken and outcomes from the consultation are discussed in more detail in Section 10 of this report.

Consultation was also carried out with internal stakeholders to assess how the Planning Scheme is achieving the current strategic objectives set out in the Manningham Planning Scheme, to identify any gaps, and what further refinements may be needed to improve the overall operation of the Planning Scheme and to ensure more consistent decision making.

In particular, the 2018 Review takes into account:

- Changes to the State Planning Policy Framework (SPPF) and other State strategies and initiatives;
- New or revised Council strategies;
- Links with the Council Plan;
- Consistency with the SPPF;
- Assessment of the LPPF including zones and overlays;
- Analysis of VCAT decisions and Planning Panel Reports; and
- Feedback from the local community and other key stakeholders, including statutory authorities, Council staff and Councillors.

3. Municipal Planning Context

This section provides a contextual overview of Manningham including a snapshot of our community and how it is changing. These attributes and trends will influence the direction of the strategic land use and development planning framework over the next four years.

3.1. Neighbourhood Character and Residential Development

- Manningham has experienced relatively stable population (average of 1% per annum) and housing (average of 1.2% per annum) growth in recent years and the population is expected to continue growing at a steady rate. Manningham's population is projected to grow from 127,803 in 2018 to approximately 150,000 by 2036 (an additional 22,197 people) an average growth of 0.93% per annum.
- Whilst the number of people aged 70 and above is expected to increase by over 5,800 people between 2016 and 2036, proportionally the overall growth is expected to increase only marginally, from 15% of the total population at 2016 to 16.2% at 2036.
- The total number of dwellings in the City is anticipated to grow by an average of 631 dwellings per annum from 45,889 to more than 58,506 by 2036.
- The most significant change has occurred in the Doncaster Hill Major Activities Area, where the population has increased by 144% since the 2011 Census and construction of medium and high density housing has jumped from comprising 18.2% of the total number of dwellings at 2011 to approximately 80% of the total number of dwellings at 2016.
- In 2016, the dominant household type in the Manningham was 'Couple families with dependents', and by 2026 the largest forecast increase is expected in 'Lone person households'.
- Between 2016 and 2026, the forecasts for Manningham include a 9.5% increase in population under working age, a 16.2% increase in population of retirement age, and a 13.8% increase in population of working age.
- The expected increase in single person households and the continued ageing of the population are expected to be important drivers of change to the housing stock.
- New housing is also required to meet needs of the community with respect to ageing in place, housing for people with disabilities and affordable housing.
- It is expected that Doncaster Hill will continue to be the main focus for residential development, with the recent large increases in apartments expected to continue. Most other residential development is anticipated to be increasingly concentrated in areas adjacent to commercial centres and along transport corridors, notably in the suburbs of Doncaster, Doncaster East (including The Pines Activity Centre), Donvale and Bulleen. Some residential development is expected in most other parts of the City, albeit at a much lower rates.
- The *Manningham Residential Strategy (2012)* and *Manningham Residential Character Guidelines (2012)* seek to direct and manage the level of change in a manner that will best serve the interests of the community in terms of housing needs, built form and environmental outcomes. The map at Appendix 13 Manningham's Residential Character Areas identifies:
 - Those areas where a substantial level of change is encouraged, (including Doncaster Hill) primarily those residential areas surrounding activity centres and along main roads. These

areas are to be developed with a mix of apartments and townhouses are encouraged depending on the zoning and size of the lot. Development should be contemporary in design and development should transition in height to complement the interface of adjoining sub precincts or zones as appropriate.

- Those areas where an incremental level of change is anticipated. The future development of residential areas removed from activity centres and main roads should reinforce front and rear setbacks and site coverage to provide opportunities for landscaping and retain areas of open space, with a less intense urban form encouraged.
- Those areas where minimal change is anticipated. This includes those residential areas with identified environmental and landscape values. Minimal change is also anticipated in the Low Density Residential Zone. Any dwellings in these areas needs to consider the natural landscape and topographic features of the landscape.

3.2. Transport, Traffic, Access and Car Parking

- The City of Manningham is the only municipality in metropolitan Melbourne to rely solely on buses for its public transport services, as the area is not serviced by either light or heavy rail.
- 73.0% of the Manningham's working residents travel outside of the area to work, with almost 70% travelling to work by car, the majority being the sole occupant of the car. Only 9% of residents travelled by bus, 3.9% by train and 1.2% walked.
- A key challenge will be to change the mode-share away from being so heavily reliant on private car trips and to improve the quality and accessibility of public transport, walking and cycling facilities and services. Encouraging more transport options will ensure people can move conveniently and easily across the municipality and reduce traffic congestion.
- Manningham is generally characterised by undulating topography, creating challenges for the future provision of other means of public transport including rail and tram. Planning for pedestrian accessibility needs to have regard to the topography and providing good connectivity to key services and facilities including public transport.
- Continued management of Council controlled land (including on-street car parking and car parking at shopping centres), particularly in areas of higher density development, needs to maintain efficient traffic flow and safety.

3.3. Urban Design and Public Spaces

- Manningham's motto "Balance of City and Country" draws from the distinctive blending of the urban and rural characteristics of the municipality, with the Mullum Mullum Creek forming an informal boundary between the two.
- Approximately 18% of the City of Manningham is classified as open space – over 2000 hectares, comprising over 300 separate parks, gardens and reserves. Manningham has one of the largest networks of parks and p
- Despite the vast areas of open space, increasing population, urban density, small lot subdivision, larger houses and smaller private open spaces are placing increasing pressure on existing public open space. To ensure that the municipality can maintain its current level of open space provision, future strategic planning must include planning for new open space reserves.

3.4. Activity Centres and Economic Development

- Manningham has a thriving and diverse local economy serviced by more than 12,878 active businesses. The City's economic profile is characterised by a high proportion of home based and micro businesses (88% with under 5 employees) and approximately 1,500 commercially rated premises.
- Manningham is characterised by a low level of unemployment, skilled local workforce, prominent home based business sector and a strong level of industry diversity.
- Manningham is home to 40 Activity Centres and a number of 'out of centre' business precincts, including the Doncaster Road car yards, Bulleen Gateway and Websters Road industrial zone. The continued focus on activating and improving Activity Centres provides ongoing opportunities to attract and retain valuable businesses while creating vibrant and attractive social hubs.
- With just 20.8% of residents choosing to work locally, Manningham faces a challenge to support an increased number of quality employment and service options for the local population and to attract and retain appropriate businesses.
- With the majority of the Manningham developed for residential purposes. Business, Light Industrial and non-urban zoned land needs to be maintained and developed to its full potential in order to provide opportunities for employment and activity generation.
- Manningham's unique balance of city and country encourages a diverse range of unique tourism attractions that allow visitors to enjoy shopping, dining, sight-seeing in the natural environment, our food and wine and cultural experiences.

3.5. Natural Environment and Green Wedge Protection

- Manningham contains areas of State, regional, and local significance with rare and threatened species of botanical and zoological importance. The vegetation supports a diversity of habitats with 56 threatened species and is home to 22% of Victoria's known plants, including 11 species of State significance and four species of National significance
- Much of the eastern half of Manningham is designated a special 'Green Wedge' area for the protection of natural and rural values. The Green Wedge is a valued part of Manningham that protects important remnant vegetation providing habitat for rare flora and fauna, conserving biodiversity and providing for an alternative lifestyle choice, whilst creating a desirable destination for visitors, tourists and recreational users.
- Recent monitoring has indicated significant vegetation loss in Manningham, including within its urban areas. A key challenge will be to manage this vegetation loss.
- Over 5600 properties are included within a Bushfire Management Overlay (BMO) which identifies that properties that have the potential for extreme bushfire behavior and largely affects land in the Green Wedge and along the Yarra River corridor.
- Significant areas of Manningham have also been identified as being prone to inundation, although not all of these areas are subject to planning controls.
- Some areas within Manningham (predominantly land within the Green Wedge and along the Yarra River corridor and some areas in the Low Density Residential Zone) are not currently sewered. Whilst a number of areas form part of a sewer backlog program, management of water catchments and quality will continue to be a high priority.

4. State Government Initiatives

There has been an on-going evolution of the State sections of all planning schemes since the VPPs were introduced over twenty years ago. However, in the last four years there has been an unprecedented amount of actual and prospective change to policy at the state level, including the introduction of numerous planning policies and initiatives.

Those State Government initiatives that are of particular relevance to this review include:

- Smart Planning program (VicSmart System) which introduces standard State-wide requirements for low impact planning applications;
- Melbourne Metropolitan Planning Strategy ('Plan Melbourne 2017-2050');
- Modifications to the reformed residential zones;
- Proposed reforms to the Victoria Planning Provisions (VPP);
- Introduction of new Bushfire protection provisions, as well as inclusion of new areas mapped as part of the Bushfire Management Overlay (BMO);
- Introduction of a revised Native Vegetation Framework;
- Proposed reforms to the Planning Policy Framework (PPF);

These initiatives and policy changes are likely to have significant implications for the Manningham Planning Scheme and may result in consequential amendments – particularly the changes to the residential zones, the new Native Vegetation Framework and the modifications to the bushfire protection provisions.

Some proposals, such as the current review of the Victoria Planning Provisions (VPP) and the Planning Policy Framework (PPF) remain largely unresolved and further strategic work will need to be undertaken to respond to these issues once finalised.

Manningham Council is an active contributor to planning reform, particularly where this may result in greater efficiencies to planning processes and improvements to the Planning Scheme which will assist with more consistent decision making. Council has responded to nine key initiatives during the review period.

The following section provides greater detail on some of the key State policy initiatives since the last review that have or are likely to have implications for the Manningham Planning Scheme. A timeline of the State Government's key planning initiatives is contained in Appendix 1a. A summary of Council's response to nine of the key initiatives is included as Appendix 1b.

4.1. Smart Planning Program

The Smart Planning program is an initiative of the State government arising from a 2016 Budget commitment of \$25.5 million to reform the Victorian Planning System for the 21st century.

The Smart Planning program is being delivered in 3 stages, from 2016 onwards:

- Improve;
- Reform; and
- Transform.

DELWP has already implemented many of its 'Improve' and 'Reform' stages and is looking to identify and explore more substantial 'transformative' changes from 2018 onwards.

Among other things, the Smart Planning program will re-design Victoria's planning system using a number of new digital tools. Amendment VC133 was gazetted in May 2017 and it prepares planning schemes to enable their migration into the Planning Scheme Information Management System (PSIMS) to house, amend and publish planning schemes on-line.

Amendment VC142 (gazetted January 2018) was another 'Smart Planning' amendment which included a wide range of reforms across the VPP that:

- removed permit triggers,
- expanded permit exemptions for land uses and buildings and works,
- removed superfluous and outdated provisions,
- updated references,
- improved definitions,
- clarified common points of confusion, and
- improved the usability of the VPP.

It is expected that a range of reforms to the planning system will be introduced in the latter half of 2018, which will have implications for planning processes (e.g. preparing and lodging planning scheme amendments) and the content and structure of the planning provisions.

4.2. Melbourne Metropolitan Planning Strategy – Plan Melbourne 2017-2050

'*Plan Melbourne*' (2017) is the long-term plan designed to respond to the statewide, regional and local challenges and opportunities Victoria faces between up to 2050. It revises the 2014 version of Plan Melbourne with the aim to accommodate 8 million people by 2050 by creating certainty for communities, businesses and governments.

Several of the issues raised in Manningham's submission to the *Plan Melbourne Refresh Discussion Paper* in 2015 have been addressed in the new plan, however a number of key priorities for Council have not been addressed in the final plan, including the designation of Doncaster Hill as a major activity centre (rather than a metropolitan activity centre), and the deletion of Doncaster Rail from the plan, which was previously shown as a longer term infrastructure project.

A separate five-year implementation plan, with 112 actions, has been developed as a companion document to '*Plan Melbourne*' (2017). There are a number of specific short (end 2018) and medium (2-5 years) term actions which are likely to have implications for the Manningham Planning Scheme, with the State Government identifying Councils as implementation partners. Key focus actions for Manningham, include:

- Housing choice in appropriate locations, with a focus on increasing density in established areas
- Planning for Activity Centres
- Improving access to jobs closer to where people live
- Improving local travel choices
- Protecting and enhancing Melbourne's water edge parklands including along the Yarra River.

A number of the short term actions which have already commenced and which will have implications for the Planning Scheme are:

- Development of Regional Land Use Framework Plans
- Better Apartments Design Standards
- Review of green wedge planning provisions (commenced May 2018);
- Affordable Housing (voluntary tool and guidance released on 1 June 2018)
- Preliminary planning for the North East Link

A detailed assessment of how the MSS responds to and implements Plan Melbourne (and the State Planning Policy Framework more broadly) is included in Section 9 of this report.

4.3. Modifications to the Reformed Residential Zones (2017)

On 27 March 2017, Ministerial Amendment VC110 to all Victorian planning schemes made significant changes to the Residential Growth Zone (RGZ), General Residential Zone (GRZ) and Neighbourhood Residential Zone (NRZ). Changes were also made to the Mixed Use Zone (MUZ) and Township Zone (TP), however the Township Zone does not apply within the Manningham Planning Scheme.

A key purpose of the changes was to *'improve housing diversity and choice across all council areas, while protecting the open and garden character of more sensitive residential areas.'*

The key changes made by Amendment VC110, included:

- In the Residential Growth Zone, if no maximum building height is specified in a schedule to this zone, specifying that the building height should not exceed 13.5 metres.
- Removing the restriction on the number of dwellings that can be built on a property in the NRZ.
- Increasing the discretionary height limit for development in the GRZ from 9 metres to a mandatory maximum height of 11 metres (3 storey maximum).
- Increasing the mandatory maximum height limit for development in the NRZ from 8 metres to 9 metres (2 storey maximum).
- Introducing a mandatory 'garden area' requirement into the NRZ and GRZ.
- Providing an allowance to increase building height if land is subject to inundation requirements.
- Introducing the requirements or opportunity to specify design, neighbourhood character or other objectives for the zones.

Within the context of the Manningham Planning Scheme, the introduction of these controls has resulted in conflicts between the State-wide zone provisions and the existing requirements set out in the schedules to the residential zones. The inconsistencies further extend to a number of concurrent overlay provisions that apply to these zones and requirements set out in the local planning policy framework in the Manningham Planning Scheme.

More recently, Amendment VC143 was introduced into all Planning Schemes (15 May 2018) to improve the operation of the reformed residential zones. The Amendment clarifies the definition of the garden area requirement, and other matters that were introduced by Amendment VC110 in March 2017, and includes:

- Changing the definition of 'garden area' to clarify inclusions and exclusions.
- Changing the controls in the Residential Growth Zone to remove *Food and drink premises* and

Shop from not requiring a permit (Section 1 – Permit not required) and make it a permit required (Section 2) subject to conditions.

- Enabling the garden area requirement to be 'switched off' in the General Residential Zone (GRZ) by amending the schedule to the Zone in areas identified for more intensive residential development.
- Clarifying the application of, and exemptions to, the minimum garden area requirements for subdivision and development in the General Residential Zone and Neighbourhood Residential Zone.
- Providing exemptions to the application of the minimum garden area requirements for existing buildings that did not comply with the minimum garden area prior to the introduction of VC110.

Whilst VC143 clarifies a number of matters, the inconsistencies between the State planning provisions and Council's local planning policy framework largely remain unchanged. Councils have three years in which to review the operation and application of the residential zones.

4.4. Victoria Planning Provisions (VPP) Reform (2017)

In October 2017, the State government released a discussion paper (*Reforming the Victoria Planning Provisions*) aimed at simplifying and improving the operation of the planning system, and to make it the most efficient and responsive in Australia.

The paper noted that cumulative amendments to the VPP and local planning schemes over the past 20 years have led to increasingly long and complex planning schemes, resulting in complexity, duplication, delays and uncertainty.

The *Reforming the Victoria Planning Provisions* discussion paper focused on the structure and operation of the VPP. The paper was divided into five proposals:

- Proposal 1: A simpler VPP structure with *VicSmart* assessment built in.
- Proposal 2: An integrated planning policy framework.
- Proposal 3: Assessment pathways for simple proposals.
- Proposal 4: Smarter planning scheme drafting.
- Proposal 5: Improve specific provisions.

The proposals seek to simplify and improve the operation of the VPP, and to lay foundations for future transformative initiatives.

Council lodged a detailed submission to the Discussion Paper in late 2017 which broadly supported the proposed reforms. It was noted however, that any changes to the structure and operation of the VPP are likely to have implications for the review of the Planning Scheme.

4.5. New Bushfire Protection Provisions (2017)

Amendment GC13 (gazetted October 2017) updated Bushfire Management Overlay mapping as part of the Victorian Government's commitment to implement all recommendations of the 2009 Victorian Bushfires Royal Commission. Bushfire hazard was accurately mapped and captured using consistent criteria.

A companion amendment, (VC140 gazetted December 2017) made changes to the *State Planning Policy Framework for Bushfire* (at Clause 13) so as to enable a resilient response to settlement planning for bushfires. Amendment VC140 changed the Victoria Planning Provisions by requiring planning authorities and responsible authorities to among other things:

- Prioritise the protection of human life and the management of bushfire impact.
- Avoid any increase in the risk of bushfire to people, property and community infrastructure.
- Direct population growth and development to low risk locations and also to ensure safe access to areas where human life can be better protected.

Within Manningham, a total of 3171 properties were included within the BMO and 38 properties removed, resulting in a total of 5652 properties now affected by the Overlay.

As part of the updated provisions, DELWP has also introduced a formal process to enable the review of properties affected by the BMO and for Councils to introduce new schedules to the Overlay. To date only one formal request has been made by a local resident seeking a review of the BMO on their property (this was not supported by the CFA).

In response to these amendments, it will be necessary to review, and where appropriate, update the Bushfire Policy (currently at Clause 22.14) to reflect the changes to the State bushfire planning provisions.

4.6. Review of the Victorian Native Vegetation Clearing Regulations (2017)

In 2015, the Victorian Government commenced a review into the operation of native vegetation clearing provisions in the VPP. DELWP undertook an extensive review and consultation process to develop reforms to better protect sensitive native vegetation. (*Protecting Victoria's Environment - Biodiversity 2037*).

Amendment VC138 (gazetted 12 December 2017) implemented the outcomes of that review, providing a clear and consistent approach for the removal of native vegetation within the VPP. The review found that there was a need to streamline the processes and procedures for the preparation and assessment of an application to remove, destroy or lop native vegetation. The review also found that changes were required to:

- strengthen the provisions by enabling a broader range of native ecological values and for site specific assessment information to be considered in planning and decision making;
- better account for the environmental value of large scattered trees, endangered vegetation types and sensitive wetlands and coastal areas in decision making;
- make the system fairer, by allowing some site based information to supplement mapped information, and ensuring the information used in the regulations better reflects the vegetation on the ground; and
- improve monitoring and reporting on the implementation of the regulations.

Further work is required to undertake a more detailed review of Council's vegetation controls, in particular Clause 22.02 Native Vegetation Policy to ensure that the current planning controls are consistent with the new Regulations.

4.7. Yarra River Planning Controls (2017)

In 2014, the Victorian Government released the draft Recommendations Report for the Middle Yarra River Corridor Study. The Report outlined the values of the Middle Yarra River corridor and included recommendations about its future management between Ivanhoe and Warrandyte.

Amendment GC48 (gazetted 24 February 2017) introduced new planning controls in relation to land within the Yarra River corridor to protect the river and its surrounds. Manningham is one of six

municipalities affected by the new controls.

The new planning controls have been introduced on an interim basis until 31 January 2021, with a commitment by the State Government to further refine or improve the controls within 12 months of their operation. To date, no changes have been made. A decision in relation to the more permanent controls will be influenced by the Yarra Strategic Plan which is currently being developed.

4.8. Apartment Design Guidelines for Victoria (2017)

In the past, Victoria's planning system provided only limited design guidance for apartment developments. This has resulted in poor apartment designs that provide inadequate long-term living environments. Amendment VC136 (gazetted 13 April 2017) introduced state-wide requirements for all apartment developments in order to improve the standard of apartment living and provide attractive and affordable living opportunities for a variety of household types in Victoria. Amendment VC136 introduced requirements to improve:

- The layout of apartment developments, including building setbacks, communal open space and landscaping.
- The internal amenity of apartments, including daylight access, outlook, visual and acoustic privacy and storage.
- The functionality of apartments, including minimum room size and accessibility requirements.
- The environmental sustainability of apartment developments, including water and stormwater management, waste and recycling, energy efficiency, natural ventilation and noise attenuation in noise affected locations.

Amendment VC139 (gazetted 29 August 2017) subsequently introduced the *Apartment Design Guidelines for Victoria (2017)* to assist applicants, architects, building designers and planners when designing and assessing apartment developments. The guidelines consolidate the former *Design Guidelines for Higher Density Residential Development (2004)*, *Activity Centre Design Guidelines (2005)* and *Safer Design Guidelines for Victoria (2005)*.

The introduction of the apartment design guidelines has created conflict with some of the principles of the *Doncaster Hill Strategy (2004)*, and is another contributing factor for the need to review the Strategy.

4.9. Reforms to the Planning Policy Framework (2018)

As part of the Smart Planning program, DELWP recently trialled a new Planning Policy Framework (PPF) based on a metropolitan and regional 'model'. The proposed PPF involves the integration of the State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF) into a consolidated and rationalised Planning Policy Framework (PPF).

DELWP trialled the new PPF 'template' with two Councils, one of which was Manningham (the other Ballarat), in early 2018, to determine the suitability of the model. It launched the findings of the trial program in a statewide 'live streaming' event in April 2018.

The exercise was invaluable in terms of identifying redundant information and existing policy gaps within the Manningham Planning Scheme. Gaps identified included the need for more specific policy direction for child care centres and strengthening of the current policy position of having two attached dwellings in the LDRZ. As part of the process, questions were also raised around the policy intent and need for several policies, including the Eating and Entertainment Premises (22.06), Safety Through Urban Design (22.08) and Access for Disabled People policies. There was also some discussion about whether aspects of some policies are so specific in their application that they

should be developed as policy guidelines (e.g. Clause 22.11 Battle-axe lots). The model also reduced the duplication of information and supported the co-location of specific topics thereby reducing the size of the LPPF.

The trial also identified a number of potential gaps within the State Planning Policy Framework, however, in responding to existing local policy, namely gaming (Clause 22.18) and lack of more consolidated policy relating to Environmentally Sustainable Development (ESD) (Clause 22.12). There is uncertainty as to whether State policy adequately addressing these issues will be provided in the new PPF, until such time as the new framework is released.

As local government is often at the forefront of developing policy in response to new and emerging issues (e.g. Environmentally Sustainable Development), there is some concern that the new content and structure of the PPF, may restrict Councils from adequately responding to these issues through the planning system and responding to community expectations. The State Government needs to ensure that there is a process for regularly reviewing the proposed PPF and engaging with local government through this process.

It is anticipated that DELWP will make decisions regarding the VPP reforms and restructure of the Planning Policy Framework shortly. It is anticipated that Amendment VC148 will be gazetted towards the end of July 2018, which among other things, will introduce a new integrated Planning Policy Framework (PPF) and enable the future introduction of a Municipal Planning Strategy for each planning scheme. These changes to all planning scheme will have significant implications for the current content and structure of the Manningham Planning Scheme.

4.10. Other State Government initiatives

During the review period, the State Government has also released or introduced a number of other specific initiatives and policy changes which have already, or may have, significant implications for Manningham.

Additional policy changes that have been introduced during this period include:

- Update of the *Planning and Environment (Fees) Regulations 2016*.
- New infrastructure contributions system (VC9).
- Modification of the Ministerial Direction on the *Form and Content of Planning Schemes*.

A number of additional initiatives currently proposed by the State Government but not yet finalised include:

- Residential Aged Care Facilities (RACF); and
- Green Wedge planning provisions review.

5. Local Strategic Initiatives

This section of the report identifies key strategic work that has been undertaken since the previous review that may have implications for the Manningham Planning Scheme.

5.1. Municipal Health and Wellbeing Plan

The *Public Health and Wellbeing Act 2008* requires a Municipal Public Health and Wellbeing Plan to be consistent with the Council Plan and the Municipal Strategic Statement (MSS). The Municipal Public Health and Wellbeing Plan – *Manningham's Healthy City Strategy 2017-2021*, has recently been reviewed and was adopted by Council on 27 June 2017. The Plan focusses on creating a livable city by addressing the social, cultural and environmental factors that impact on community wellbeing.

The Plan was developed in accordance with Council's legislative obligation under the *Health and Wellbeing Act 2008* and will be used to strategically inform future work program delivered by Council and its partners.

The Plan has adopted the following goals from the current Council Plan:

- A healthy, resilient and safe community
- A connected and inclusive community

Within these two goals, the Plan is structured around four focus areas, each with a series of high level priorities and actions. The four focus areas are:

- Inclusive and Harmonious
- Healthy and Well
- Safe and Resilient
- Connected and Vibrant

The Plan, by taking an integrated approach, relates to the key goals of the Council Plan 2017-2021 and therefore the Municipal Strategic Statement. Section 6 includes an assessment of the MSS and its consistency with the current Council Plan.

Of particular relevance to this review are the following proposed actions in the Plan:

- Strive to become an age friendly city, enhancing opportunities for older people
- Make it easier to recreate and be physically active
- Enhance the community's sense of safety in Manningham
- Strive to create more liveable neighbourhoods
- Build local neighbourhoods that are vibrant and reflect community identity and need
- Advocate for housing diversity to meet community need
- Harness new opportunities for local tourism
- Encourage community to actively contribute to decision-making that shapes their neighbourhood and city

The Plan recognises the need to create more liveable neighbourhoods where the environment supports the social wellbeing of local people, which has been shown to have a positive impact on community wellbeing. Through land use planning and urban and neighbourhood design, Council can

play an important role by integrating a range of uses and activities that are accessible and can take place in one location. Integration maximises the use of community infrastructure and encourages community members to come together, to engage with and support each other. Mixed use developments also present an opportunity to create affordable housing availability and housing choice in non-traditional spaces, such as retail or community hub precincts.

5.2. Other Strategies and Plans

A brief summary and commentary is provided in relation to those Council strategic documents that have a more direct relationship with land use and development planning, and may include recommendations for specific changes to the planning scheme.

5.2.1. Economic Development Strategy 2011-2030 (revised February 2018)

The Economic Development Strategy was approved in 2011, and was revised in early 2018. The key changes included reviewing and updating the Action Plan to be a shorter time period (1 – 4 years) and removing the Action Plan from the Strategy. The Economic Development Strategy is structured around five key strategic directions being:

- Attaining and retaining businesses
- Developing leading local businesses
- Enhancing Manningham tourism
- Activating and improving activity centres
- Integrating economic development

The Economic Development Strategy includes a number of objectives (and related actions) that are of particular relevance to the planning scheme review, including:

- Support the retention and increased supply of physical space for commercial, agricultural and industrial business
- Support cultural, food and wine and environmental visitor attractions and activities
- Promote Manningham as a visitor destination
- Support placemaking based initiatives that enhance activity centres as vibrant hubs
- Embed economic outcomes into key Council documents

5.2.2. Manningham Bus Network Review (2017)

The *Manningham Bus Network Review 2017* has been prepared to assist Council to advocate to State Government and other relevant authorities on bus related matters. The document highlights gaps within the existing bus network, opportunities for better service provision and connections and any necessary infrastructure improvements required to support priority for buses on the road network.

Although the recommendations of the Bus Network Review relate to service and infrastructure improvements, the document is relevant to the Planning Scheme Review in so far as it recognises the importance of an integrated transport system in order to connect people to jobs and services and the role Council has in advocating for transport matters on behalf of its community. Improving bus services/frequency on specific routes / more bus routes was one of the key priority topics raised through the community consultation.

5.2.3. Tunstall Square Structure Plan (2015)

This structure plan provides a preferred vision and strategic framework for the development of Tunstall Square for the next 20 years and addresses:

- Land use and activities
- Built form
- Public spaces
- Access and movement

The Planning Scheme is required to give effect to key recommendations of the Structure Plan.

5.2.4. Domestic Wastewater Management Plan (2015)

This document outlines the priorities and strategies Council must implement to minimise the impact of wastewater on human health and the environment.

The aim of Manningham's Domestic Wastewater Management Plan is to:

- Improve and protect public health
- Promote the principles of environmental sustainability by reducing the impacts of domestic wastewater on local and remote receiving environments
- Educate the community on septic tank management and ongoing maintenance requirements

The Plan will link closely with the Planning Scheme, being an essential strategic planning tool in addressing both existing and future wastewater issues within the municipality. The Planning Scheme takes into consideration sites where reticulated sewerage is unavailable, and requires that land use and development proposals demonstrate that, amongst other things, all effluent will be treated and contained on site. Whilst the continued rollout of the sewer backlog area program does not appear to have resulted in any significant increase in the number of requests for subdivision, officers will continue to monitor this situation.

5.2.5. Manningham City Council Doncaster Hill Mode Shift Plan (2014)

The Doncaster Hill Mode Shift Plan was adopted by Council in July 2014.

The need for this plan arose from the findings of the *Doncaster Hill Traffic and Parking Study*, which forecast that congested traffic conditions, similar to an inner city activity centre, will result in the PM weekday peak period at full build out of Doncaster Hill, unless a mode share of 30% to sustainable transport modes can be achieved.

The draft Doncaster Hill Mode Shift Plan has been developed based on four overarching themes, including infrastructure, advocacy, behaviour change and planning. Greater priority needs to be given to the improvement of sustainable transport modes, to encourage greater community uptake. Actions arising from each of the four foregoing themes will be categorised into four main goals:

- Goal 1 - Walking / cycling
- Goal 2 - Public Transport
- Goal 3 - Road and Parking
- Goal 4 - Behaviour Change / Cultural Change

The Plan concludes that Doncaster Hill can technically accommodate future travel demands, if an integrated approach to transport and traffic planning is adopted and a further 10% reduction in dependency on private vehicle travel is achieved.

This Plan will be relevant to the proposed review of the *Doncaster Hill Strategy* (2002, revised 2004), particularly in terms of reviewing the Parking Overlay.

5.2.6. Manningham Links Road Improvement Strategy 2014

The primary focus of this Strategy is to identify Council's road improvement priorities to appropriate standards to ensure that the people can access home, work and activity centres and community facilities in a safe and efficient manner.

Although there are no specific actions that directly relate to the Planning Scheme, at a local level the upgrade of the link road and arterial road network improve accessibility and safety for local residents to and from the local road network, roads that link regional centres and the Melbourne Central Business District. There may also be the need for planning scheme amendments to address the reclassification of some roads, particularly where these changed from arterial to link roads.

6. Community & Stakeholder Feedback

Previous consultation undertaken by Council has identified various planning issues of relevance to the review of the Planning Scheme. Consultation included the *1000s of Voices* campaign/Council Plan, several major Planning Scheme amendments and an initial Councillor workshop in October 2017, which informed the development of five themes around which the consultation and communications relating to the review of the Planning Scheme has been structured. These themes are:

- Neighbourhood character and residential development
- Transport, traffic and car parking
- Urban design and public spaces
- Activity centres and economic development
- Natural environment and Green Wedge protection

These themes have also been used as the basis for setting out those attributes and trends that will likely influence the direction of the strategic land use and development planning framework and to highlight the key strategic land use planning and development issues for the municipality.

6.1. 1000s of Voices

As part of the development of Manningham's current Council Plan 2017-2021, the community was invited to participate in the 1000s of Voices community consultation campaign, as part of which feedback was sought about what is important to our community, under the themes of community, places and spaces, economy, environment and governance. Over 2000 people were involved in the consultation, with over 6000 comments made in relation to a variety of matters.

This feedback identified the following issues relevant to the Planning Scheme:

- housing density
- public transport
- traffic management and car parking
- community safety
- protection of the natural environment
- maintaining open space
- protecting the Green Wedge

6.2. Preliminary Focus Group Consultation

Four focus groups were conducted as part of the first stage of the community consultation and engagement program relating to the review of the Planning Scheme to:

- help identify and assist with better understanding of community sentiment regarding major planning issues facing Manningham
- to generate ideas to inform the Review
- build the capacity of participants to understand planning related issues that impact the local

community

- to inform the development of a subsequent round of municipality wide community engagement

Three of the focus group sessions comprised members of Manningham's Community Panel and one focus group session comprised representatives of various special interest groups, including trader associations, community and environment groups and regular applicants for planning permits.

Each session was structured to enable participants to provide feedback on two of the five themes (outlined above). Participants at the focus groups were asked to respond to three questions for each of the themes:

- What changes in Manningham do you like?
- In regard to the identified theme, what changes in Manningham are you concerned about?
- In regard to the identified theme, what ideas do you have for managing change in the future?

Each of the focus groups was attended by 12-15 participants. Unsurprisingly, a diverse range of views was expressed by participants in relation to some matters, such as the preferred location of future residential development. Other matters elicited more consistent feedback from participants, with broad support for the ongoing protection of the Green Wedge and ensuring connectivity between new development and open space.

Key issues raised during the focus groups included:

- Increasing size and scale of buildings and poor urban design outcomes e.g. low quality materials
- Limited provision of private open space in new developments
- Concern about personal safety
- Need for more housing diversity e.g. single storey dwellings
- Loss of canopy trees and gardens in urban areas as a result of increased residential development
- Traffic management of local streets – commuter car parking and resident car parking as a result of increased densities
- Need for improvements to the capacity of park and ride facilities
- Need for improvements to the bicycle network
- Lack of car parking spaces within activity centres
- The need to ensure that open space is provided within higher density areas and there is connectivity between these areas and open space and activity centres
- The need for greater guidance around the form and scale of development within identified activity centres
- Opportunity for greater development at local centres e.g. increased heights
- Concern about any changes that seek to erode the environmental values of the area
- Concern about the amount of illegal and legal vegetation removal and how this is changing the character of the area

A summary of the responses for each of the themes is included as Appendix 8.

6.3. Broader Community Consultation

The feedback from the focus groups helped inform the second stage of community consultation. The broader community was invited to provide feedback via an online survey on yoursaymanningham.com.au/planning-review. The primary purpose of this stage of the consultation was to seek feedback on what were the broader community's priorities in relation to the themes. A total of 197 submissions were received on-line. The ranking of each of the priorities is included at Appendix 9a and a summary of individual responses for each of the themes is included at Appendix 9b. A summary of the top priorities and responses raised in relation each theme is included below.

Question 1 Thinking about neighbourhood character and residential development, what are your priorities?

The top 4 priorities are:

- Built form, scale and height of residential buildings;
- Inclusion of private open space and landscaping;
- Provision of car parking; and
- Retention or replanting of mature trees.

A summary of some of the most common responses provided about why these are the top priorities include:

- There are too many apartments / town-houses / Impact of new development on neighbourhood character
- Loss of open space and mature vegetation / Need to retain open space and provide opportunities for landscaping which contribute to the streetscape character of the area
- Inadequate provision of on-site car parking places pressure on on-street car parking / Increased street congestion due to on-street car parking
- Increased development resulting in car parking issues in streets, at Park and ride, local shops etc. / More car parking required.

Question 2 Thinking about the various modes of transport that you use to get around Manningham and beyond, what are your priorities?

The top 3 priorities are:

- Additional public transport services for Manningham such as rail services;
- More bus services /frequency on specified bus routes / more bus routes; and
- More or improved park and ride facilities.

A summary of some of the most common responses provided about why these are the top priorities include

- Support additional public transport services and modes i.e. train line/tram
- Support for more parking at Park and Ride facilities / Local streets are becoming unofficial park and ride location;
- Facilities are not keeping up with current increase in population / Increased population resulting in increased pressure on existing parking;
- Buses are overcrowded at peak times and get caught up in traffic congestion

Question 3 Thinking about urban design and our public spaces, what are your priorities?

The top 3 priorities are:

- Quality and quantity of public open space;
- Accessibility and connectivity to public spaces and community facilities (e.g. being easy to get to and from where you live); and
- Design of public spaces.

A summary of some of the most common responses provided about why these are the top priorities include

- Open space/ public places need to be well designed, interesting and accessible for all age groups (i.e. children and grandparents) / Multi-purpose public spaces
- Open space is important – assists with overall health and well-being i.e. promotes mental health, fitness, social connectedness
- There is pressure on our existing open space reserves to be redeveloped for other uses, i.e. sporting facilities / roads
- Need more open green spaces and community spaces as a result of an increasing level of development and population

Question 4 Thinking about the various activity centres across Manningham, what are your priorities?

The top 3 priorities are:

- Additional car parking in and around activity centres;
- More community / open space in activity centres; and
- Development that encourages a mix of uses including retail, commercial, community and residential uses.

A summary of some of the most common responses provided about why these are the top priorities include

- Too much development / Traffic congestion and insufficient car parking
- Poor design / Impact of development on neighbourhood character
- Need more car parking around existing activity centres / Quality built form;
- Parking congestion occurs around activity centres
- Need to improve access to centres for pedestrians, cycling and people with disabilities.

Question 5 Thinking about our environment and the Green Wedge, what are your priorities?

The top 3 priorities are:

- Protection of environmental values of the Green Wedge;
- Provision of community gardens and other options for edible gardens; and
- Vegetation management associated with bushfire protection.

A summary of some of the most common responses provided about why these are the top priorities include

- Need to protect Green Wedge from inappropriate subdivision or development / Concern about moonscaping;

- Value the Green Wedge's special character and environmental qualities
- Protection of flora and fauna / Management of pest plants and animals / Need for cat curfew
- Support clearing for bushfire management to ensure safety / Monitor vegetation in respect to fire risk
- Community education / Support environmental programs to assist people to understand the importance of the Green Wedge

In general whilst respondents clearly identified those matters that are considered a priority, the associated responses often did not contain sufficient detail to clarify what it was about those priorities that specifically needs to be addressed as part of the planning scheme review, whether there is support for existing policy or whether policy changes are required. This was particularly pertinent to the questions regarding urban design and open space; activity centres; and the environment and Green Wedge. These questions also elicited fewer comments in general.

Respondents to the on-line survey were also invited to provide other suggestions or ideas for consideration as part of the review. In general the additional comments made are largely reflected in the previous commentary and predominantly relate to:

- Concerns in relation to residential density, poor design and quality of developments, loss of vegetation as a result of residential development, limiting the height of development and retention of neighbourhood character
- Infrastructure provision including public facilities and amenities, better management of roads and footpaths
- Improvements to public transport including provision of rail
- Issues around car parking, including the need for more car parking to be provided as part of developments
- Support for further subdivision of Low Density Residential Zoned land
- Provision of more affordable and social housing, and housing for people with disabilities.

Other matters raised that are relevant to this review are:

- Doncaster Hill Activity Centre including incentives to encourage office use, and the lack of an activated and vibrant community
- Ensuring that Manningham residents are protected as part of the development of the North East Link
- Maintenance of vacant sites within Doncaster Hill
- Support for a post war heritage study given the changing nature of residential development in Manningham

In addition 5 individual submissions were received in response to the Planning Scheme review. A summary of these submissions is included as Appendix 10. In general these submissions either raise matters that are outside the scope of the planning scheme (where relevant these matters have been referred to relevant departments for consideration, or repeat issues that have broadly been addressed in the above commentary, including prioritising public transport infrastructure, concerns around the built form outcomes of residential development, further subdivision of land in the Low Density Residential Zone, and tensions between the reformed zones and the local planning provisions.

6.4. Council Advisory Committees

Each of Council's Advisory Committees was briefed about the review and invited to provide feedback on those matters relevant to each committee. The Committees are advisory bodies to Council and generally consist of Councillors, Council officers and some community representation, including professional bodies. The committees consulted as part of the review were:

- Heritage Advisory Committee;
- Open Space and Streetscape Advisory Committee;
- Healthy City Advisory Committee; and
- Access and Equity Advisory Committee.

Feedback from the Advisory Committees has been incorporated into the review under the relevant themes.

6.5. Councillor Workshop(s)

An initial workshop was conducted with Councillors on 17 October 2017. That workshop provided the opportunity for Councillors to identify those matters that they would like considered as part of the review. A summary of the issues raised at that workshop is included as Appendix 11.

A second workshop was conducted with Councillors on 3 April 2017. Its purpose was to identify the short term priorities for Council having regard to the broad range of issues raised through the community consultation and engagement process to date. As part of this discussion, the top 3 priorities for Council were:

- Traffic management of local streets – commuter parking and resident car parking, parking rates
- Provision and quality of open space within higher density areas and connectivity between these areas and open space and activity centres
- Review of the residential zones

6.6. Statutory Agencies and Authorities

In order to inform the review, Council also consulted the following statutory agencies and authorities seeking feedback on the various components of the Planning Scheme:

- Aboriginal Victoria
- AGL (Gas and Electricity)
- Ausnet Services
- Country Fire Authority
- Department of Environment, Land, Water & Planning
- EPA Metro
- Heritage Victoria
- Housing Institute of Australia
- Melbourne Water
- Metropolitan Fire and Emergency Services Board

- Multinet Gas
- Municipal Association of Victoria
- Optus Communication
- Parks Victoria
- United Energy North
- Transport for Victoria
- Telstra
- VicRoads
- Victorian Building Authority
- Victorian Commission for Gambling and Liquor Regulation
- Wurundjeri Tribe Land & Compensation Cultural Heritage Council Inc
- Yarra Valley Water

Four responses were received. A detailed summary of the responses from the statutory agencies and other authorities, including the officers' response is included as Appendix 12. Some of the key points raised in the submissions are included below:

Transport for Victoria (TfV)

- Transport objectives of the MSS must continue to ensure new development does not preclude opportunities for provision of future public transport services or create long term impact on the current network.
- The integration between land use zoning and current and future transport services is critical in improving connectivity and better access for Manningham residents. The Planning Scheme needs to continue to protect and enhance the Principal Public Transport Network (PPTN) i.e. support increased densities around existing and planned high quality public transport. As new development occurs, improvements can be made to services along the PPTN to improve frequency and efficiency.
- The significance, protection and enhancement of the bus network, particularly Doncaster Area Rapid Transport (DART) needs to continue to be reflected in the Planning Scheme.
- Promoting and enhancing multi-modal connectivity is a key objective of TfV and active transport is key to this. TfV encourages Council to review the Victorian Cycling Strategy 2018-28 and use the goals and strategic approaches outlined in the document to inform localised active transport considerations for the municipality.

The comments provided by Transport for Victoria are generally supported, and in many cases planning controls are already in place to give effect to some of the key matters raised in the submission.

As part of the overall review of the MSS, consideration should be given to ensuring the comments from TfV are reflected in local policy, where relevant.

The review of the residential planning framework also provides an opportunity to review planning controls relating to appropriate location of residential development and ensure that increased densities continue to be supported in areas with existing and planned high quality public transport.

With regard to the bus network, Council will continue to work with TfV to improve bus frequency and services and where appropriate advocate for such improvements in line with the recent review of the

Manningham bus network. This however is not a matter that can be addressed in the planning scheme.

Environment Protection Authority (EPA)

This submission notes that the Planning Scheme currently has good recognition of the existing industrial areas within the municipality and polices that relate to the protection of the environment. The submission outlines some of the higher level or outstanding issues for consideration as part of the review. These include

- Changes to the LPPF to help facilitate good planning outcomes, including further policy guidance in relation to potentially contaminated land and ensuring the appropriate level of assessment is undertaken as former industrial land transitions to more sensitive uses (e.g. Doncaster Hill), and undertaking a stock take of contaminated land to inform the application of the Environmental Audit Overlay (EAO),

Additional comments were also provided in relation to a number of other matters which affect specific sites in Manningham. Further discussion may be needed with the EPA to determine the appropriateness of incorporating specific statements in the planning scheme in relation to a number of these matters which relate to contaminated land and groundwater, EPA licensed sites, former landfills, separation distances and materials recycling guidelines.

As noted in the EPA's submission, Manningham has detailed policy in relation to industrial sites, however it is recognised that additional statements could be included to strengthen this section, particularly in respect to separation distances to sensitive uses.

It is noted, however, that the North East Link is expected to have a significant impact on the Bulleen industrial precinct which will likely require further review of the LPPF. Certainly if any future land is proposed to be zoned for industrial purposes consideration should be given to the issues raised in this submission.

An audit of contaminated land to inform the application of the EAO is supported, as is an audit of land currently within the EAO to determine the appropriateness of the existing EAO is supported.

Port Phillip Region – Department of Environment, Land, Water and Planning (DELWP)

Note that the Planning Scheme lists 'Victoria's Native Vegetation Management: A Framework for Action 2002' in multiple locations. These guidelines are no longer applicable and any references should be updated to refer to the current policy document 'Guidelines for the removal, destruction or lopping of native vegetation (the Guidelines 2017)'.

Support updating the current reference document in the Planning Scheme as part of an overall review of the native vegetation policy in the LPPF.

6.7. Council Business Units

Feedback was sought from a number of Council business units in relation to key issues and gaps in the Planning Scheme, in particular Engineering and Technical Services, Statutory Planning, City Strategy, Economic Development, Social and Community Services and Aged and Disability Support Services. Feedback from Council's Business Units has been incorporated into the review under the relevant themes. Those matters that have not been addressed elsewhere through this report are summarised below:

- Investigation of planning tools to support an increase on development of commercial space, particularly office space;
- Updating the Planning Scheme to give effect to key aspects of the Open Space Strategy 2014 – which identifies gaps in the open space network;

- Investigating tools/options for ensuring future development is developed to enable people to age in place (all abilities/all ages);
- Investigating tools to require applications for major developments to prepare green travel plans;
- Review of the *Streetscape Character Study* (2009) – strengthen the network of treed boulevards and enhance Manningham’s distinctiveness and liveability.
- Reviewing the MSS (Clause 21.14 Community Health and Well-being and local planning policies (Clause 22.04 Residential accommodation and 22.09 Access for Disabled people) to better respond to Council’s commitment for an ‘Age and Dementia Friendly Manningham’ and ensuring they remain current;
- More guidance in the planning scheme relating to storm water management including on-site detention systems;
- Planning to ensure community connectedness and better community connectivity e.g. between new development, existing and/or future open space provision and activity centres and other community facilities and public transport.
- Investigating controls to protect trees (particularly larger/older trees) in urban areas in order to reduce the urban heat island effect.
- Investigation of a new statutory planning service to streamline planning services for some business activities.
- Investigation of planning tools e.g. vertical zoning / incentives/ trade-offs to ensure development doesn’t occur that is contrary to the use of commercially zoned land for commercial uses and encouraging increased economic activity e.g. office use in activity centres such as Doncaster Hill.
- Review of policy relating to home based business in response to recent changes to the planning provisions to ensure it considers contemporary ways doing business e.g. regular courier pickups to deal with on-line transactions.
- Advocating to the State government and relevant agencies to ensure that future planning for key services and facilities and infrastructure continue to be provided to meet the needs of the current and future community e.g. schools, etc.
- Investigate options to require residents to use garages for the purpose of parking vehicles.
- Need greater policy guidance/definition in relation to ‘incremental change’.
- Land use activities that may require policy guidance in future include a review of indoor recreation uses in activity centres and the associated amenity and car parking impacts and concerns relating to ‘airbnb.com.au’ accommodation.

7. Key Issues

This section of the report provides an overview of the key planning issues facing the municipality, and which will influence key planning decisions over the next four years. These issues are addressed through each of the five themes developed through the communications and engagement process for the Planning Scheme Review. These key influences are based on a review of Manningham's physical and demographic characteristics, current Local and State policies and initiatives, internal and external consultation and the current Council Plan.

7.1. Neighbourhood Character and Residential Development

Manningham's population is projected to grow from 127,803 in 2018 to over 150,000 by 2050. Additional policy is required to ensure the highest quality in urban design, amenity and liveability whilst providing for a diversity of housing choice in locations that continue to meet the needs of the current and future communities.

The current residential planning framework guiding development in the urban part of the municipality was introduced in 2012 through the *Manningham Residential Strategy (2012)*, with the aim of providing a balanced approach to managing areas of substantial, moderate and incremental change.

The State Government's introduction of the reformed residential zones and recent changes to further clarify the intent of these zones will require a review of the suite of controls guiding Council's residential planning framework. Council has 3 years from the date of the changes to the reformed residential zones (via Amendment VC110 on 27 March 2017) to review their operation and application.

The review of the local planning policy framework guiding residential development in Manningham should include an analysis of:

- population forecasts and demographic trends;
- current and emerging built form trends and implementation of policy to better address, among other things:
 - Design and built form outcomes;
 - Landscaping and provision of private open space areas;
 - Transition of higher density built form at the interface with areas of less substantial change;
- the application of the Design and Development Overlay, Schedule 8 (DDO8) which affects a significant proportion of areas designated for higher density surrounding activity centres and along main roads; and
- more policy guidance for developments in incremental change areas.

A further issue is investigating how housing responds to the needs of the community with respect to ageing in place, housing for people with disabilities and different models of affordable housing, such as social housing and co-housing. Further investigation is required to better understand Manningham's housing needs to determine how the Planning Scheme can facilitate the provision of such housing.

7.2. Transport, Traffic, Access and Car parking

Planning should provide for good access between people's place of residence and place of work and services and facilities. Ideally, this should be achieved through a mix of public and private transport, including different modes of transportation. It is also important that land use planning is better integrated with transport planning to reduce reliance on private cars to access jobs and services, and increase other forms of personal travel, including use of public transport, walking and cycling.

Manningham Council is the only metropolitan council not serviced by either trains or trams. Despite the municipality's close proximity to Melbourne's CBD and population growth since the previous planning scheme review, Manningham's public transport system is limited to bus services. As a result, residents of Manningham are heavily car dependent. This review identifies the continued importance of planning for increased development and directing this development to areas well serviced by public transport and the need to continue to advocate to providers for service and infrastructure improvements.

A significant proportion of Manningham is hilly. This creates physical difficulties for the provision of any future train or tram networks. For the bus network, accessing bus stops for some residents is difficult because of the steepness of the slopes in the streets.

A key challenge for Council will be to continue to implement behavior change for more sustainable means of transport. Whilst continuing to advocate to the State Government for a rail service to be extended to the municipality, it will be important to continue to work collaboratively with Transport for Victoria and bus service providers to ensure that appropriate bus services and associated infrastructure meet the needs of the community. It will also be important that planning for higher density development considers proximity and access to public transport services.

Concern has been raised that insufficient levels of on-site car-parking are provided as part of apartment or multi-unit developments and this together with commuter parking in proximity to 'high capacity and high frequency' public transport routes has resulted in the increased the reliance on on-street carparking.

Continued management of on-street car parking will need to be co-ordinated through a combination of general traffic management initiatives (car parking restrictions and other traffic infrastructure) and the use of planning tools, which could include review of parking rates in specific areas such as activity centres and other Council controlled land.

The North East Link (NEL) is a State Government initiative designed to provide a new freeway link between the Metropolitan Ring Road at Greensborough and the Eastern Freeway or Eastlink. It is anticipated that the NEL will have social, economic and environmental implications on the development corridor, as well as the surrounding areas.

A key challenge will be managing local community and employment impacts as a result of the construction, including:

- Loss or displacement of the Bulleen Industrial Precinct
- Impacts on the existing open space and recreation facilities
- Potential impacts on heritage places and sites of archeological significance

7.3. Urban Design and Public Spaces

It is important to continue to build on the city's distinctiveness of a 'balance of city and country' which is characterised by urban, suburban, low density and green wedge areas. As new development occurs there should be a cohesive and progressive focus on high quality urban design and public

amenity.

An opportunity exists to develop an integrated municipal design framework that outlines a clear vision for the city and an integrated way forward to improving the quality of the public and the private realm, and informs a coordinated works program to incrementally achieve the built form and public realm vision for the city. This could include encouraging innovative and contemporary urban design in areas of change that support activated streetscapes and sense of place and planning for an ageing community, whilst ensuring that the liveability in low density areas is enhanced through streetscape improvements.

The residential zones review provides the opportunity to provide more contemporary guidance with regard to urban design matters especially in relation to residential development and non-residential development. Similarly the implementation of existing Structure Plans for a number of Neighbourhood Activity Centres (and new Structure Plans/Urban Design Frameworks where required), will provide greater guidance in relation to built form outcomes including preferred height.

The Manningham Open Space Strategy (2014) identifies that there is currently a gap in the provision of open space in some areas where higher density residential development is being directed. Planning needs to ensure better connectivity between areas of existing public open space and location of higher density housing and activity centres and other significant services and facilities such as public transport.

In August 2017, Amendment GC42 introduced an Environmentally Sustainable Development (ESD) local policy into the Manningham Planning Scheme. This amendment has only been introduced on an interim basis until 30 June 2019 and there is a risk that this policy may lapse in the absence of any State Government led review or initiative to introduce guidance in the State section of the scheme, or other provisions in the scheme. Council will need to take a more active role in both retaining the local policy and in advocating for broader state wide provisions.

The continued extent and level of development occurring in both areas of substantial and incremental change has placed greater pressure on the retention of and protection of Manningham's heritage assets. A number of gaps exist in the extent of information currently contained in the heritage place citations in providing appropriate guidance for development applications. This lack of information makes it difficult for both heritage experts and decision-makers.

7.4. Activity Centres and Economic Development

A priority for the long-term viability of activity centres throughout Manningham is to maintain a social, economic activity and local employment focus.

A key challenge for Council is to ensure that residential development within activity centres is not at the expense of economic activity. Despite exponential growth in development in Doncaster Hill, the level of commercial activity has not been realized within the mix of uses envisaged for the centre. An issue for investigation within Doncaster Hill and other activity centres is the use of planning tools and other incentives/trade-offs to increase the level of commercial activity.

Since the last scheme review in 2014, the Doncaster Hill Activity Centre has been relegated from a Principal Activity Centre to a Major Activity Centre (rather than a Metropolitan Activity Centre) in the current Metropolitan Planning Strategy. A key challenge for Manningham is to continue to ensure that Doncaster Hill is able to achieve its current, and future role and function.

Identification of Doncaster Hill as a Metropolitan Activity Centre would provide greater opportunity to attract other government and/or private institutions to locate in Manningham to contribute towards job creation e.g. major health service, regional education facility, government departments.

A recent review of the rural areas (Green Wedge) has indicated a decline in broad acre farming

practices, with large scale commercial agricultural no longer considered viable due to a range of land constraints that restrict the productivity of land. A challenge for Council is to balance further economic growth (particularly tourism activities) within green wedge areas while protecting inherent environmental values. Council is currently progressing policy changes which seek to improve the long-term future and viability of the Green Wedge through providing clarity and guidance for permissible non-residential uses. In addition criteria have been developed to be used in considering to allow currently prohibited uses that may have strategic merit. Any economic development activity needs to be balanced with ensuring sustainable outcomes, including the protection of the environmental and landscape values.

7.5. Natural Environment and Green Wedge Protection

Protection of the natural environmental and landscape values is a key priority for Council in order to ensure an attractive environment for current and future residents and visitors. The Green Wedge area plays an important role in the continued conservation of remnant vegetation of high biodiversity values.

A key challenge for Manningham is managing vegetation loss across the municipality, including loss of trees in urban areas, and in particular native vegetation.

Recent changes introduced into the State Planning Policy Framework (SPPF) may have implications for managing vegetation within Manningham. These changes involve the introduction of a new native vegetation framework and amendments to the bushfire provisions. A review of local planning policy is required to ensure consistency with these new State provisions.

Recent monitoring has indicated significant vegetation loss across Manningham, including the urban areas. Whilst some of this is due to permitted clearing or is subject to exemptions for clearing under the planning scheme, a key challenge will be to manage this continued vegetation loss into the future. Further investigation is needed to consider a range of initiatives, including planning tools, to reverse the loss.

A key challenge will be to continue to protect Manningham's Green Wedge from inappropriate land use and development. It will be important to assess any proposed changes in response to the current State-led review of the Green Wedge provisions to ensure there are no unintended consequences for Manningham.

It will be important to ensure that we continue to respond to environmental risks including bushfire planning, flooding, drainage and sewerage.

8. Links to the Council Plan

Section 12A(4) of the *Planning and Environment Act 1987* requires that "A MSS must be consistent with the current Council Plan for the municipal council approved under section 125 of the *Local Government Act 1989*."

The Council Plan 2017-2021 was developed following extensive consultation with community, business, partners and Council officers, with over 2,500 of our local community adding their voice on what's important in Manningham. Following this feedback, Council has identified goals and actions in five key themes which underpin the Council Plan:

- Community
- Places and Spaces
- Environment
- Economy
- Council Leadership

The Council's vision as set out in the Council Plan 2017-2021 is to be, 'A liveable and harmonious city'. Our mission is, 'A financially sustainable Council that listens, consults and acts with integrity, value and transparency'.

The planning scheme review process provides Council with the opportunity to review how effective the scheme is in meeting the goals of Council's Corporate Plan as it relates to the use, development and protection of land, and whether the MSS objectives align with the corporate goals.

An assessment has been undertaken to determine the links between the MSS and our current Council Plan (refer Appendix 2). Based on this assessment, it is considered that the overarching principles of the MSS are consistent with the themes and associated goals contained in our Council Plan.

9. Consistency with State Planning Policy Framework (SPPF)

The review is required to demonstrate how the Municipal Strategic Statement (MSS) implements and gives effect to State Planning Policy.

The *Planning and Environment Act 1987* requires a MSS to further the objectives of planning in Victoria to the extent that they are applicable to the municipality. The MSS should reflect and support State policy.

The State Planning Policy Framework (SPPF) is made up of the following sections:

- Clause 11 – Settlement;
- Clause 12 – Environmental and Landscape Values;
- Clause 13 – Environmental Risks;
- Clause 14 – Natural Resource Management;
- Clause 15 – Built Environment and Heritage;
- Clause 16 – Housing;
- Clause 17 – Economic Development;
- Clause 18 – Transport; and
- Clause 19 – Infrastructure.

A broad assessment of the manner in which the MSS supports and implements the objectives of planning in Victoria, insofar as it relates to the State Planning Policy Framework (and Plan Melbourne), is provided in Appendix 3. The analysis identifies that whilst Manningham's Planning Scheme (including the MSS) is generally consistent with objectives and strategies contained in the SPPF, changes could be made to the MSS to better address a number of State Planning Policy objectives. It is also noted that the structure of the current MSS is significantly different to the SPPF and that any amendment to update the MSS should seek to better simplify and streamline the structure of the LPPF to ensure greater consistency with the SPPF.

As noted in Section 4 of this report, the State Government has recently undertaken a review of the SPPF and LPPF with the aim of consolidating all state, regional and local policy on a particular issue within the a single clause rather than being spread across the current structure of the SPPF, MSS and Local Policies.

Although the current MSS is based on an entirely different theme structure to that of the SPPF, it is considered that the MSS clearly articulates a strong relationship with State policy in respect to each of the State policy areas.

There have, however, been a number of changes at the State and local level that will impact on both the SPPF and MSS objectives and strategies, particularly in relation to the environment. These matters are highlighted below and discussed in further detail in Appendix 3.

- Yarra River: Need to address new controls introduced as part of Amendment GC48 which affected 6 municipal councils along the Yarra River corridor, including Manningham.
- Environmentally Sustainable Development (ESD): The SPPF currently provides minimal policy direction in respect to ESD. Council to advocate for the State Government to take a lead role

in achieving sustainability outcomes and implement statewide approach to sustainability in planning.

- **Bushfire risk:** Need for review of the LPPF, in particular Clauses 22.14 – Environmental and landscape significance protection in identified wildfire areas policy, around bushfire and vegetation management in response to changes to State Planning Policy.
- **Floodplain management:** Further direction will be required with respect to how to best inform the community about flood risks following the partial abandonment of Amendment C109 – Review of flood provisions. The State Government should also take a greater lead role in managing stormwater mapping across the metropolitan region to ensure that this mapping is applied in a more consistent and streamlined approach.
- **Native Vegetation Framework:** The LPPF in particular, Clause 22.02 – Native Vegetation Policy, needs to be reviewed to ensure consistency with the SPPF.
- **Affordable Housing:** On 1 June 2018, the Planning and Environment Act 1987 was amended to include a new objective '*to facilitate the provision of affordable housing in Victoria*'. Whilst these legislative changes provide the opportunity for Responsible Authorities to enter into an agreement with landowners or other parties under a section 173 agreement, this provides only for a voluntary agreement between parties, rather than requirements set out in planning scheme provisions. Review the LPPF to address affordable housing which has been identified as a gap in the Planning Scheme.

This review indicates that the SPPF and MSS are broadly consistent, although it is noted that the SPPF has been more regularly reviewed, updated and revised than the MSS. The extensive changes at the State level since the last review have resulted in some gaps and inconsistencies in the current LPPF. There is no evidence that content within the MSS diverges from or is inconsistent with State policy directions.

10. Review of Local Planning Policy Framework

This review has included consideration of the performance of the Planning Scheme insofar as how all the local provisions, including the LPPF, zones and overlays are supporting both the objectives included in the Planning Scheme and any other Council objectives.

The review of the MSS's consistency with the SPPF (Section 9) has identified a number of gaps and inconsistencies (both in the MSS and also to specific local policies and conversely the SPPF).

In response to proposed changes to the Planning Policy Framework, it is not proposed to undertake an extensive review of the form and content of the LPPF (the MSS in particular). It is anticipated that changes to the Planning Policy Framework are likely to be introduced prior to end of 2018, which will result in an extensive review and re-write of the LPPF.

10.1. Municipal Strategic Statement

The MSS establishes the strategic planning framework for a municipality. It should also support and implement the SPPF. The SPPF and MSS when read together, provide the strategic basis for the application of zones, overlays and particular provisions in the planning scheme. The MSS also provides the broad local policy basis for making decisions under a planning scheme.

The MSS should be continually refined as the planning authority develops, reviews and revises its strategic direction and as emerging issues arise in the municipality.

A substantial review and re-write of the MSS (together with a number of local policies) was last undertaken in 2008 (Amendment C52). A number of significant amendments have been approved since then, which have furthered the objectives of the Planning Scheme. However, at almost 120 pages, Manningham's current MSS is based on the 'classical' template which is considered to be an overly lengthy document. It currently contains outdated information, with a significant amount of repetition between it and the local planning policies e.g. Clause 21.10 Ecologically Sustainable Development and associated policy at Clause 22.12. These provisions are quite repetitive and could be streamlined. This was apparent in the feedback received as part of the pilot Planning Policy Framework (PPF) Council was recently involved in.

Regardless of whether or not the State Government introduces a new Planning Policy Framework, it is clear that the MSS needs to be streamlined and simplified to better assist in decision making and to reduce repetition. Consideration should also be given to formatting the MSS to more closely align with the SPPF to provide clear strategic policy direction for Manningham. Consideration also needs to be given to the level of background information and inclusion of statistical data which does not directly assist with decision making or assist with the administration of the Planning Scheme. Where information is to be included, it needs to be updated in line with current demographic information. Similarly, most actions currently listed as further strategic work have either been completed or are no longer relevant and should be removed.

10.2. Local Planning Policies

The Manningham Planning Scheme contains 18 Local Policies (with Amendment C117 proposing to introduce a further policy and update an existing policy).

- Clause 22.01 – Design and Development Policy;
- Clause 22.02 – Native Vegetation Policy;
- Clause 22.03 – Cultural Heritage Policy;

- Clause 22.04 – Residential Accommodation;
- Clause 22.05 – Non-Residential Uses in Residential Areas;
- Clause 22.06 – Eating and Entertainment Premises Policy;
- Clause 22.07 – Outdoor Advertising Signs Policy;
- Clause 22.08 – Safety through Urban Design Policy;
- Clause 22.09 – Access For Disabled People Policy;
- Clause 22.10 – Bulleen Gateway Policy;
- Clause 22.11 – Battle Axe Blocks Policy;
- Clause 22.12 – Environmental Sustainable Development;
- Clause 22.14 – Environmental and Landscape Significance Protection in Identified Wildfire Areas Policy;
- Clause 22.15 – Dwellings in the General Residential Zone, Schedule 1;
- Clause 22.16 – Industrial Areas Policy;
- Clause 22.17 – Eastern Golf Course Key Redevelopment Site Policy;
- Clause 22.18 – Gaming; and
- Clause 22.19 – Outbuildings in the Low Density Residential Zone.

Six policies have been revised or introduced since 2014:

- Clause 22.04 – Residential Accommodation - updated as part of Amendment C110 on 3 March 2016.
- Clause 22.05 - Non-Residential Uses in Residential Areas – updated as part of Amendment C110 on 3 March 2016.
- Clause 22.12 – Environmental Sustainable Development – introduced via Amendment GC42 on 31 August 2017.
- Clause 22.17 - Eastern Golf Course Key Redevelopment Site Policy – updated as part of Amendment C101 on 11 December 2014.
- Clause 22.18 – Gaming – introduced via Amendment C108 on 23 July 2015.
- Clause 22.19 – Outbuildings in the Low Density Residential Zone – introduced via Amendment C110 on 3 March 2016.

Some existing local policies need to be reviewed to respond to changes to State policy and consultation undertaken as part of the review.

Until a decision is made in relation to the proposed format of the new Planning Policy Framework it is difficult to undertake some of this work, particularly as the new structure of the PPF may see the removal of planning policies in their current form.

Policies identified for review include:

- Clause 22.02 – Native Vegetation Policy – in response to the State Government's change to policy in respect to vegetation management.
- Clause 22.09 – Access For Disabled People Policy – is out of date and needs to be reviewed having regard to the current version of the Building Regulations and Council's commitment to

an 'Age and Dementia Friendly Manningham'.

- Clause 22.10 – Bulleen Gateway Policy – will likely need to be reviewed in response to the Cultural River Precinct Structure Plan currently being developed by DELWP for this area and the implications of the North East Link (particularly given its impact on the Bulleen Industrial area).
- Clause 22.14 – Environmental and Landscape Significance Protection in Identified Wildlife Areas – in response to State Government's changes in bushfire planning (2014 Review Action).
- Clause 22.15 – Dwellings in the General Residential Zone, Schedule 1 – in response to the State Government's changes to the reformed zones resulting from Amendments VC110 and VC143. The review also needs to respond to current building trends and concerns raised in relation to the setbacks of driveways from street trees.
- Clause 22.19 – Outbuildings in the Low Density Residential Zone – currently being reviewed as part of Amendment C117 Review of Rural Land Uses which is likely to proceed to Panel.

Other potential gaps that have been raised which may impact existing policies are the lack of policy guidance relating to child-care centres and further investigation into the need for major promotional signage for the major centres.

10.3. Zones

Fifteen of the zones available in the Victoria Planning Provisions are currently in operation within the Manningham Planning Scheme as follows:

- Low Density Residential (plus 1 schedule)
- Mixed Use (plus 1 schedule)
- Residential Growth Zone (plus 3 schedules)
- General Residential Zone (plus 3 schedules)
- Neighbourhood Residential Zone (plus 1 schedule)
- Industrial 1 (plus 1 schedule)
- Commercial 1 (plus 1 schedule)
- Rural Conservation (plus 5 schedules)
- Public Use (plus 1 schedule)
- Public Park and Recreation (plus 1 schedule)
- Public Conservation and Resource (plus 1 schedule)
- Road
- Special Use (plus 3 schedules)
- Urban Floodway (plus schedule)
- Activity Centre (plus schedule)

It is considered that the zone selection remains broadly appropriate, noting that a review of the Rural Conservation Zone, was completed in 2016, which confirmed the appropriateness of the zone applying to Manningham's Green Wedge.

The State Government recently introduced changes to the suite of reformed Residential Zones (Amendment VC110), which have had a significant impact on the current operation of the zones and schedules (and associated overlays and local policy). Council has three years from the date the reforms were introduced to review the application of the residential zones across the municipality. Key changes to the zones including introduction of mandatory heights and the garden area provision will influence how the zones are to be applied as part of the proposed review of these zones.

Whilst the overall zone selection is generally considered to be appropriate, from time to time, isolated cases arise of sites that are/may be inappropriately zoned or included in two zones. It is important that a record be kept of inappropriate zoning and zoning anomalies as they become known and that regular 'housekeeping' planning scheme amendments be undertaken to address these.

10.3.1. Residential Zones

Low Density Residential Zone

The Low Density Residential Zone applies to over 2,000ha of land, comprising some 4,600 properties. It largely forms a buffer between the Green Wedge and Yarra River corridor areas, and the more urban residential areas. Parts of the low density residential areas have significant native vegetation and biodiversity values, whilst other areas have a unique landscape character. The low density residential areas within Manningham offer a choice for people who are seeking to live in a more spacious and attractive environment. In March 2014, the Minister approved Council's request to retain the 0.4ha minimum lot size for all LDRZ land in Manningham.

No specific issues have been identified in relation to the Low Density Residential Zone as part of this review.

Mixed Use Zone

The Mixed Use Zone currently only applies to five relatively small areas within the municipality. These areas comprise the Doncaster Park and Ride station adjacent to the Eastern Freeway, a parcel of land adjacent to the Macedon Plaza Neighbourhood Activity Centre, a parcel of land opposite the Jackson Court Neighbourhood Activity Centre (which was rezoned via Amendment C95) which is currently being developed with a five storey mixed-use development, a parcel of land at 757 Doncaster Road, Doncaster (which is currently vacant) and the Mitre 10 and service station development at the intersection of Blackburn and Andersons Creek Roads, Doncaster East.

No specific issues have been identified for the Mixed Use Zone as part of this review.

Residential Growth, General Residential and Neighbourhood Residential Zones

As part of its existing comprehensive residential planning framework, Council has identified those areas suitable for encouraging substantial residential growth, those areas where a moderate degree of change is expected and those residential areas with identified environmental and landscape values with limited opportunity for further development. The current suite of residential zones was applied through Amendment C105 in 2014 and not only reflected that desired planning outcomes for Council but also achieved a balanced approach to residential growth and generally complied with the State Government's requirements at the time for applying the reformed residential zones.

Ministerial Amendment VC110 (gazette 27 March 2017) made significant changes to the Residential Growth Zone (RGZ), General Residential Zone (GRZ) and Neighbourhood Residential Zone (NRZ) (refer to Section 4). The introduction of those controls has resulted in conflicts between the State-wide zone provisions and the existing requirements set out in the schedules to the residential zones of the Manningham Planning Scheme. The inconsistencies extend to a number of concurrent overlay provisions that must be read in conjunction with the requirements of the zones and requirements set out in the Local Planning Policy Framework.

Amendment VC143 (gazetted 15 May 2018) was subsequently introduced by the State Government in order to improve the operation of the reformed residential zones. Although this amendment provides some improvements, including definition of garden area, the inherent conflicts relating to building height, minimum garden area, and the number of dwellings on a lot remain. Importantly, the implementation of the improvements will rely on Council-led amendment processes.

The State Government has indicated that Councils have three years from the date the controls were introduced to rectify conflicts between the controls, however, it is noted that limited guidance has been provided by DELWP to date, regarding the process for undertaking such changes.

A key priority for Council will be to undertake a review of the Local Planning Policy Framework for guiding residential development across the municipality. This review will need to consider, among other matters, regional influences, population projections, demographic trends and the need to provide for a diversity housing, particularly in response to an ageing population and an expected increase of lone person households.

Consultation undertaken as part of the Review has also raised a number of other matters to be considered as part of the review of the residential framework including:

- side by side development which is resulting in substantial building footprints from boundary to boundary with no or minimal spacing to achieve good landscaping outcomes;
- changing building trends resulting from the garden area requirement, including increased provision of dual driveways (and associated impact on provision/retention of street trees);
- current building trends, including the form and materials and resultant inconsistencies with current planning objectives;
- the need to investigate planning tools to achieve better quality design outcomes particularly for developments of 3 or more storeys; and residential development in the townships and surrounding areas, east of the Mullum Mullum Creek; and
- managing development at the interface of areas designated for substantial and incremental change, particularly in relation to scale and form also needs to be addressed; and will be informed also by VCAT decisions and feedback from consultation undertaken as part of the review and other recent engagement processes.

10.3.2. Industrial 1 Zone

Manningham has three small areas of industrially zoned land, totalling approximately 15 hectares.

Council's Economic Development Strategy 2011-2030 (updated 2018), aims to support the retention and increased supply of physical space for commercial, agricultural and industrial businesses.

Opportunities to expand these employment generating zones will be pursued, particularly where there is close proximity to major road networks such as the Eastern Freeway and the proposed North East Link.

The current proposed alignment of the North East Link (NEL) is expected to have significant land use implications within the identified corridor, particularly with respect to the Bulleen industrial (comprising approximately 12 hectares), which will have a direct impact on existing businesses within the precinct and is likely result in the loss of jobs within the municipality.

Council will continue to advocate to North East Link Authority (NELA) and the State government for outcomes to ensure there is no net loss to the business community and employment opportunities within Manningham. This may also include, investigating opportunities to review Council's strategic landholdings to maximise community benefit, including opportunities for job creation, as well as opportunities to consider zoning changes in appropriate locations to facilitate additional employment

in Manningham. It is expected that Council will work closely with the State government and relevant authorities to ensure that any land deemed surplus to the final construction of the NEL will be utilised for appropriate economic development activities.

10.3.3. Commercial 1 Zone

The Commercial 1 Zone applies to all of Manningham's Major (excluding Westfield, Doncaster), Neighbourhood and local activity centres where the emphasis is for retail purposes. It also applies to other commercial areas primarily used for office purposes, which are generally located outside designated activity centres. The Commercial 1 Zone allows a mix of retail and office uses.

The Commercial 1 Zone (C1Z) replaced the Business 1 (B1Z), and Business 2 (B2Z) Zones in 2013 (Amendment VC100 gazetted 15 July 2013). At the time, Council was concerned that the former B2Z could become de-facto retail and commercial centres, given the lack of policy to guide appropriate uses. To date, there is little evidence to suggest that there has been any significant change in land uses within these areas, and office use is still the predominant land use activity.

Conversely, as Office is a Section 1 use in the C1Z, a further concern was raised in relation to the potential increase in the number of office uses locating within activity centres and the resultant impact on maintaining activated street frontages and surveillance. The changes to the use provisions within the C1Z appear to have had minimal impact in this regard, with the Major and Neighbourhood Activity Centres remaining thriving retail centres, although the mix of retail uses is undergoing change at some centres, such as Jackson Court, where there has been an increase in the number of restaurants, cafes and other food offerings.

Structure Plans have been developed for several Neighbourhood Activity Centres (Doncaster East/Devon Plaza, Templestowe Village, and Tunstall Square) which have not yet been fully implemented through the planning scheme. These Structure Plans should be implemented through the planning scheme to provide further guidance for the future development of these centres, particularly in relation to built form outcomes. The need for a Structure Plan or greater policy guidance to direct built form outcomes for the Jackson Court Activity Centre has also been raised as a policy gap, particularly given recent planning permit applications in the centre for mixed use multi-story buildings.

10.3.4. Rural Conservation Zone

The Rural Conservation Zone largely applies to privately owned land in Manningham's Green Wedge, including parts of Warrandyte, Warrandyte South, Park Orchards, Wonga Park, Templestowe and Donvale. Manningham's rural areas comprise approximately 27% of the total land area of the municipality, and includes approximately 1,050 properties.

A review of the planning controls applying to land use within Manningham's Green Wedge was identified as a recommendation of the 2014 Manningham Planning Scheme Review. The *Rural Areas Discretionary Land Uses Position Paper (2017)* reinforced the importance of maintaining the existing Rural Conservation Zone (RCZ) as the most appropriate planning zone that should apply to the rural areas of Manningham to ensure the development of sustainable and viable land uses.

That review also identified that there has been a decline in broad acre farming practices, with large scale commercial agricultural use no longer considered viable due to a range of land constraints that restrict the productivity of land. It also noted that environmental degradation and amenity conflicts with sensitive land uses are likely to preclude the expansion or intensification of agricultural activity.

The *Rural Areas Discretionary Land Uses Position Paper (2017)* identified that there are opportunities to enhance the tourism and commercial activity within Manningham's rural areas, particularly the Green Wedge. Changes to the rural zones in 2013 increased the flexibility of

permitted uses within the RCZ, however, given the Green Wedge falls outside the Urban Growth Boundary (UGB), it is subject to the provisions of Clause 57 which restricts or prohibits a range of discretionary land uses, including tourism-related uses, unless they occur 'in conjunction' with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.

The *Rural Areas Discretionary Land Uses Position Paper* (2017) recommended changes to the Planning Scheme to provide further strategic direction to guide discretionary non-residential uses in the Green Wedge; and to provide further policy direction in relation to outbuildings. Proposed Amendment C117 implements key actions arising from the review and makes improvements to the statutory framework for land use and development within Manningham's rural areas.

As part of the Position Paper, a set of criteria have also been developed to provide further guidance for Council in considering major proposals that may have strategic merit and could respect and enhance the environmental values of the Green Wedge, but are currently prohibited.

It is noted that the State Government is currently undertaking a review of the Green Wedge planning provisions (including the Core Planning Provisions at Clause 57). Further strategic work may be required to address any recommendations arising from that review. In addition a review of Manningham's Green Wedge Action Plan is proposed in 2019/2020 which could be used to address any key recommendations arising from the current State review.

10.3.5. Public Land Zones

The Public Use Zones (PUZ) have been applied appropriately across the municipality to designate education, transport, local government and major infrastructure sites.

Council owns significant areas of land, largely used and developed for open space and conservation purposes, community facilities, infrastructure and other Council purposes (although not all land is in a public land zone). Given the current rate capping environment Council is now operating in, an opportunity exists to undertake an audit of Council owned land to maximise the return and community benefits from Council land holdings.

No specific issues have been identified in relation to the Public Use Zone.

10.3.6. Public Park and Recreation Zone (PPRZ) and Public Conservation and Resource Zone (PCRZ)

These zones primarily apply to major tracts of public open space and publicly owned conservation areas, including the Warrandyte State Park, Yarra River Corridor, Mullum Mullum Linear Creek and Koonung Linear Creek. It is noted that some smaller areas of public open space have incrementally been included within a PCRZ or PPRZ to provide greater certainty to the community and to secure its long term retention, although it is not necessary to show all public open space in a PPRZ or PCRZ.

Whilst there are generally no issues arising from the application or operation of these zones, records should be kept of any parcels of land that Council has acquired, particularly where these adjoin major tracts of open space and conservation areas, with a view to correct the zoning of these sites as required.

The status of some significant areas of parkland that have been resolved in recent years and an amendment to the Planning Scheme is required to reflect Council ownership of a section of the Green Gully Linear Park which has recently been acquired by Council and parts of the Mullum Mullum Linear Park Trail.

10.3.7. Special Use Zone

The Special Use Zone Schedule 1 (SUZ1) has been applied to a number of private education centres and sports grounds, including the Trinity Grammar sports ground and Marcellin College on Bulleen Road, Bulleen and the Yarra Valley Country Club, Templestowe Road, Bulleen.

A planning permit application was lodged in 2015 for the use and development of the Yarra Valley Country Club for 202 two or three storey townhouse style dwellings in association with a Leisure and Recreation Facility, use of the land for the sale and consumption of Liquor (associated with the Leisure and Recreation Facility), vegetation removal and modified access to Templestowe Road (a Road in a Road Zone). The application is currently subject to a formal request for further information.

This site also forms part of the study area for the Cultural River Precinct Structure Plan, which is currently being developed by DELWP. The Structure Plan aims to ensure the long-term protection of the Yarra River and its parklands and manage development along the Yarra corridor. It is likely that a key outcome of the Structure Plan will be new requirements to guide future use and development, including for the subject site. It is likely that a planning scheme amendment will be required to give effect to any new provisions, although it is not yet known whether Council will need to undertake a site specific amendment with respect to the current proposal.

The Special Use Zone Schedule 2 (SUZ2) has been applied to the terminal station at 630-658 Blackburn Road, Templestowe.

The Special Use Zone Schedule 3 (SUZ3) was applied to the Donvale Christian College as part of Amendment C46 (gazetted 22 February 2007) to enable the continued use and development of the college site for the purpose of an education centre in accordance with a masterplan. The masterplan was revised as part of Amendment C103 in August 2014 to modify the specific location of access points, circulation and proposed new buildings and building additions.

No other specific issues have been identified in relation to the Special Use Zone.

10.3.8. Urban Floodway Zone

The Urban Floodway Zone (UFZ) applies to privately owned land across the municipality to identify major floodpaths.

As part of Amendment C109 to the Planning Scheme, a number of property owners in Carbine Street, Donvale made a request to Melbourne Water to have the Urban Floodway Zone (UFZ) on their properties removed. The Panel, in considering submissions to C109, noted that although Council and Melbourne Water agree in principle to the requested change, that a more systematic review of the UFZ is required in order to further examine the strategic merits of the proposal.

Council should advocate for Melbourne Water as the responsible floodplain authority, to undertake a broader review of the Urban Floodway Zone.

10.3.9. Activity Centre Zone

The Activity Centre Zone Schedule 1 (ACZ1) applies to the Doncaster Hill Major Activity Centre. Housing development data provided by DELWP indicates that there has been a 344% increase in the number of dwellings between 2005 and 2016. Although this information suggests that current planning provisions are generally directing higher density development to the preferred locations, what is less clear is whether some of the key aspirations for Doncaster Hill are being achieved. Questions has been raised about the current frameworks ability to deliver of a various components of the vision, including achieving a greater mix of uses, meeting affordable housing targets, and implementation of urban design outcomes that encourage greater permeability throughout the activity centre.

Council's *Doncaster Hill Strategy* (2002, revised 2004) plays a pivotal role, as part of the broader residential framework, in directing higher density development to a vibrant activity centre that is serviced by priority bus routes, schools, shopping, community facilities and open space. By attracting growth into this area, Council is able to better manage population growth and protect those residential areas with significant environmental and landscape values, including Warrandyte township and parts of Templestowe, Donvale, Doncaster East, Manningham's Green Wedge and Low Density Residential zoned land, from development pressure.

However, a review of the overall planning framework for the activity centre is required to address a range of matters including:

- the need to update the vision for Doncaster Hill and bring it into the 21st century;
- the lack of the planning framework to generate greater employment and create more activated streets;
- identifying current and future needs including planning for an ageing population.

Such a review would also provide an opportunity to review the key Doncaster Hill planning principles including, Precinct guidelines, mandatory heights, urban form and development principles, and review of Parking Precinct Plan/Parking Overlay.

10.4. Overlays

There are fifteen overlays in the Manningham Planning Scheme as follows:

- Environmental Significance (plus 4 schedules)
- Vegetation Protection (plus 3 schedules)
- Significant Landscape (plus 7 schedules)
- Heritage (plus 1 schedule)
- Design and Development (plus 12 schedules)
- Incorporated Plan (plus schedule)
- Development Plan (plus 3 schedules)
- Erosion Management (plus schedule)
- Land Subject to Inundation (plus 1 schedule)
- Special Building (plus 1 schedule)
- Bushfire Management (plus 2 schedules)
- Public Acquisition (plus 1 schedule)
- Environmental Audit (plus 1 schedule)
- Development Contribution Plan (plus 1 schedule)
- Parking (plus 2 schedules)

10.4.1. Environmental and Landscape Overlays

Environmental Significance Overlay (ESO)

In Manningham the Environmental Significance Overlay (ESO) has four schedules as follows:

Schedule 2 (ESO2) – Sites of Biological Significance

Schedule 3 (ESO3) – Buffer Conservation Areas Supporting Sites of Biological Significance

Schedule 4 (ESO4) – Sites of Biological Significance and Buffer Conservation Areas in Low Density Residential Areas

Schedule 5 (ESO5) – Environmentally Significant Urban Areas

The current suite of schedules has now been in place for five years providing our first opportunity to consider the success of the controls by monitoring vegetation loss over this period. An assessment of vegetation loss over the period 2011-2016 (which has not yet been considered by Council), has identified that even with the current regime of planning controls, enforcement and other initiatives to appropriately manage vegetation loss, including community education and annual tree planting, there has been a net loss of vegetation cover. Whilst some removal is likely to be attributed to illegal vegetation removal, the Planning Scheme also provides exemptions for vegetation removal under various State and local provisions. A range of initiatives will be needed to be considered for the future management of vegetation, but planning policy will continue to play an important role.

Internal consultation has indicated that although the schedules to the ESO are generally working well and assisting with decision making, various drafting errors have been identified and require correcting. In particular, it is considered that further guidance is required for earthworks. Whilst the existing provisions articulate the permit triggers, more explicit objectives and decision guidelines are needed to assist with the assessment of such planning applications and a specific local planning policy in relation to earthworks is not considered necessary.

Manningham was one of six councils affected by the State Government's Amendment GC48, which came into effect on 24 February 2017. The Amendment replaced existing planning controls along the Yarra River to provide a consistent approach throughout the Yarra River Corridor to manage built form and vegetation removal. As part of Amendment GC48, ESO1, which applied along the Yarra River Corridor and environs, was replaced with a new Schedule 2 to the Significant Landscape Overlay (SLO2). In addition, a new DDO2 has been applied to a select number of properties and sets maximum parameters for building height and setback from the Yarra River, for those properties immediately abutting the river.

Vegetation Protection Overlay (VPO)

The Vegetation Protection Overlay (VPO) has three overlays as follows:

Schedule 2 (VPO2) – Templestowe Vegetation Protection Area

Schedule 3 (VPO3) – 131 High Street, Doncaster

Schedule 5 (VPO5) – Significant Exotic, Native and Indigenous Vegetation

No specific issues have been identified in relation to the Vegetation Protection Overlay.

Significant Landscape Overlay (SLO)

The Significant Landscape Overlay (SLO) has 7 schedules as follows:

Schedule 1 (SLO1) – Significant Low Density Residential Landscape Areas

Schedule 2 (SLO2) – Yarra (Birrarung) River Corridor Environs

Schedule 3 (SLO3) – The Domain Significant Landscape Areas

Schedule 5 (SLO5) – Watercourse Areas

Schedule 6 (SLO6) – Low Density Residential Significant Pine and Cypress Tree Theme Areas

Schedule 7 (SLO7) – Donvale/Doncaster East, Ruffey Lake Park and Zerbes Reserve Pine and Cypress Tree Areas

Schedule 8 (SLO8) – Mullum Valley Estate

As with the suite of schedules to the ESO, four of the schedules to the SLO (SLO1, SLO3, SLO6 and SLO7) were reviewed and revised as part of Amendment C54 (21 February 2013) and have been in place for five years. It is expected that the findings and any proposed recommendations resulting from the review of native vegetation removal (yet to be formally considered by Council), will also be relevant to these schedules.

The discussion in the ESO above relating to earthworks, is also relevant to various schedules in the SLO where permit requirements for earthworks apply.

SLO2 applies along almost the length of the Yarra River corridor within Manningham and was introduced as part of Amendment GC48 (24 February 2017). It was introduced on an interim basis, with an expiry date of 31 January 2021, prior to which a decision will be made regarding the need for permanent controls.

10.4.2. Heritage and Built Form Overlays

Heritage Overlay

The Heritage Overlay applies to approximately 200 heritage places, including a number of heritage precincts, with a total of over 400 individual properties affected.

Several issues which have previously been identified in respect to heritage matters and which remain current, include the lack of an archaeological study for the Wonga Park area, outstanding actions from the 2006 Heritage Study, numerous heritage place citations which contain limited detail that does not assist with decision making, and the lack of local guidelines for heritage places in Manningham (with the exception of the Warrandyte township heritage precinct).

More recently, there has been increasing interest in mid-twentieth century architecture and the importance of this period in suburban development, including within Manningham, with a significant number of houses and other buildings designed and constructed by well known architects and building companies during this period. Whilst the Heritage Overlay includes a variety of buildings showcasing the historical development of Manningham, further work would be required to assess the importance of mid twentieth century housing in the development of Manningham.

It is noted, based on information provided to Council to date, that the North East Link may impact some sites in Manningham included in the Heritage Overlay, including a significant tree on the corner of Bridge and Manningham Roads and sites with potential archaeological value. These will be specifically addressed as part of the reports currently being prepared as part of the Environmental Effects Statement (EES).

It is important that the Heritage Overlay remains current and that any corrections are recorded and considered as part of regular 'housekeeping' amendments including:

- HO6 East Doncaster Hall – 1-5 Andersons Creek Road, Doncaster East – modify the schedule to delete reference to tree controls following the review of the significance of the site.
- HO68 House – 88-80 George Street – reference to No. 90 George Street needs to be removed to reflect the subdivision of the site.
- HO184 The Hedge – 52-78 (9087) Yarra Road, Wonga Park – need to amend the address in the schedule to read '256-278 Yarra Road' to reflect the actual address of the property (which is mapped correctly).
- HO204 House – 103 James Street, Templestowe – assess whether the Heritage Overlay needs to be reviewed to reflect a recent VCAT decision which approved a permit to demolish the dwelling (pending the actual demolition of the dwelling).

Positive feedback was provided as part of the review in support of initiatives Council has instigated, including the Heritage Advisory Service (which has been operating very successfully for at least twenty years) and the development and implementation of the Warrandyte Heritage Guidelines. It is considered that these initiatives have resulted in positive outcomes for the ongoing protection and preservation of heritage places on Manningham. It is, however, considered that continued education is a key factor in ensuring there is a broader community understanding about the importance of heritage and available support for those people who own or manage an identified heritage place.

Design and Development Overlay

The Design and Development Overlay (DDO) has twelve schedules as follows:

- DDO1 – Doncaster Road Strategy Area
- DDO2 – Yarra (Birraring) River Corridor Protection
- DDO3 – Warrandyte Environmental Residential area
- DDO4 – Templestowe Environmental Residential Area
- DDO5 – Donvale/Doncaster East Pine Tree Theme Area
- DDO7 – 11 Toronto Avenue, Doncaster
- DDO8 – Residential Areas Surrounding Activity Centres and Along Main Roads
- DDO9 – Residential Areas Within the Pines Activity Centre
- DDO10 – Donvale Environmental Residential Area
- DDO11 – Mullum Valley Estate
- DDO12 – Former Lamanna Nursery Area
- DDO13 – Residential Areas Surrounding Prominent Intersections and/or Interfacing Commercial Areas

In addition to the SLO2, the DDO2 was also introduced along parts of the Yarra River Corridor area, as part of Amendment GC48 (24 February 2017), on an interim basis to 31 January 2021, prior to which a decision will be made regarding the need for permanent controls.

As mentioned previously, changes to the reformed residential zones via Amendment VC110, has created conflict between the State-wide provisions and DDO8 and DDO13 in particular.

Changes to the General Residential Zone (GRZ) included the introduction of a mandatory height of 11m or 3 storeys. The new mandatory height has implications for land currently included in that zone where DDOs also apply, which specify heights either less than or greater than the GRZ.

The DDO8 has played a pivotal role in managing higher density residential growth in areas surrounding activity centres and along main roads, in a manner that also provides a graduation in height at the interface with areas of incremental change. The DDO8 has 3 sub-precincts, although only two of these are in the GRZ and therefore affected by the new mandatory height control:

- DDO8-2 (Sub-precinct A). This sub-precinct has a mandatory maximum height limit of 11 metres on lots greater than 1,800m². If the minimum lot size condition is not met, the maximum mandatory height specified is 9 metres or 10 metres on a sloping site; and
- DDO8-3 (Sub-precinct B). This sub-precinct has a mandatory maximum height limit of 9 metres or 10 metres on a sloping site.

Conversely, the changes to the height provisions within the GRZ, now allows greater height in those areas where a moderate level of change is expected than those areas within the GRZ where a substantial level of change is anticipated (i.e. DDO8-2 and DDO8-3). A review of the DDO8 will be

considered concurrently with the review of the residential zones, in the context of the broader residential planning framework.

The DDO13, which applies to land on the south side of Montgomery Street, Doncaster East specifies a mandatory maximum building height of 13.5 metres. The mandatory height provisions of the GRZ subsequently restricted any development of this land to a maximum height of 11m. Amendments have been undertaken to give effect to DDO13 controls by rezoning the land from a GRZ to a Residential Growth Zone (RGZ). The objectives of that zone are consistent with the preferred outcomes for the development of the land to encourage higher density development.

Incorporated Plan Overlay (IPO)

Schedule 1 to the Incorporated Plan Overlay (IPO1) relates to the Westfield Shoppingtown Doncaster Concept Plan, September 1996.

Proposed Amendment C104, which is currently being processed, proposes to delete the existing Incorporated Plan Overlay (Schedule 1) from the land at 619 Doncaster Road and 1 Grosvenor Street, Doncaster, and apply a Development Plan Overlay (Schedule 4) to the land at 619 Doncaster Road, Doncaster, and 20-34 Westfield Drive, Doncaster, to facilitate the preparation and approval of a Development Plan to support the expansion of Westfield Doncaster.

Development Plan Overlay

The Development Plan Overlay (DPO) has two schedules as follows:

Schedule 1 (DPO1) - Large Potential Redevelopment Sites

Schedule 2 (DPO2) - Veneto Club

No specific issues have been raised in respect to the schedules of this overlay.

10.4.3. Land Management Overlays

Erosion Management Overlay (EMO)

The Erosion Management Overlay has been applied appropriately across the municipality, although is not considered to be a significant issue and no specific issues have been raised in respect to this overlay.

Land Subject to Inundation Overlay (LSIO) and Special Building Overlay (SBO)

These overlays apply to land subject to flooding from rivers and creeks or overland flow paths associated with drains, as identified by data provided by Melbourne Water.

Amendment C109 to the Planning Scheme as exhibited, proposed to introduce and/or revise the application of the Land Subject to Inundation Overlay (LSIO) and the Special Building Overlays (SBO) in relation to 10,300 properties in Manningham. These overlays were proposed to apply to land that has been identified by Melbourne Water and Council as being liable to inundation from an open watercourse or subject to overland flows exceeding the capacity of the underground drainage system, during a severe storm event (1 in 100 year Average Recurrence Interval (ARI)).

Council at its meeting of 26 September 2017, subsequently resolved to abandon that part of the Amendment that proposed to introduce Special Building Overlays 2 and 3 (relating to Council drains) and refer those submissions that related to SBO1 and the LSIO (relating to Melbourne Water drains) to an independent Panel for consideration. Council is expected to consider the recommendations of the Panel, in relation to the SBO1 and LSIO at its meeting in August 2018.

Legal advice has previously been obtained advising that abandoning all or part of the amendment would likely expose Council and the community to unnecessary risk in relation to flooding. It is important, to note, that this mapping still exists in the public arena, (by virtue of the exhibition of

Amendment C109), although no status has been afforded to it. Council is required to address the status of this mapping at some time in the near future, as there are risk management imperatives to do so. It is expected that options on the status of this mapping will be presented to Council for consideration in the coming months.

Bushfire Management Overlay (BMO)

The Bushfire Management Overlay (BMO) identifies areas that have the potential for extreme bushfire behaviour.

As part of Amendment GC13 (gazetted 3 October 2017) 3171 additional properties were included in the Overlay, and 38 were removed, resulting in a total of 5652 properties included in the Overlay.

As part of that amendment, two schedules were introduced in the Planning Scheme - BMO1 (186 properties in parts of Warrandyte and Wonga Park), and BMO2 (496 properties in other parts of Warrandyte and Wonga Park). For properties located within BMO1 or BMO2 where a single dwelling on a lot is proposed and specific bushfire protection measures are met in relation to minimum construction standards (a specified Bushfire Attack Level (BAL) rating, adequate defensible space, a water tank for firefighting purposes and access for fire trucks and equipment), a simpler application process may apply (which will not require referral to the relevant fire authority).

However, 66% of properties affected by the BMO are already covered by an Environmental Significance Overlay (ESO) which already trigger the need for a planning permit for buildings and works, and therefore likely still require referral to the CFA as part of a standard permit application process.

The number and type of applications within those areas included within a schedule should be monitored to determine what percentage of applications are able to meet the requirements of the schedules and therefore be considered under the more streamlined application process. Officers should continue to work with the CFA and DELWP to determine the appropriateness of introducing new and/or extending the current schedules to assist with streamlining the permit process where possible.

As noted elsewhere in this report, inconsistencies between the bushfire related provisions in the State Planning Policy Framework and the local provisions in the Planning Scheme, will need to be resolved. These issues inherently relate to the competing policy demands between bushfire protection and the importance of life and property, and vegetation management. In addition to the need to review local planning policy in respect to the new State planning provisions, there is a continued need to educate the community to ensure a balance is achieved in relation to vegetation conservation and bushfire risk.

Whilst Council is supportive of the overarching intent of recent changes to the State bushfire provisions, Clause 52.48 Bushfire Protection: Exemptions, which provides exemptions for vegetation removal (commonly known as the 10/30 rule), applies to the entire municipality, regardless of whether a property is at risk from bushfire. This includes the urban areas of Manningham. It is considered that Council should advocate to the State Government for the City of Manningham to be added to the list of municipalities which are exempt from Clause 52.48-1 Bushfire Protection Exemptions: Exemption to create defensible space around buildings used for accommodation unless the land is included in a BMO or is otherwise specified in a schedule to this clause. .

10.4.4. Other Overlays

Public Acquisition Overlay (PAO)

The Public Acquisition Overlay (PAO) has a schedule which specifies a number of acquiring authorities as shown below:

Acquiring Authority	Purpose	Properties Affected
PAO1		
Manningham City Council	Open Space	Land in Doncaster Hill, linear parks and other open space areas.
PAO2		
Melbourne Parks and Waterways	Open Space	Applies to land required by Parks Victoria e.g. Warrandyte State Park linkages.
PAO3		
Melbourne Water	Drainage	No properties currently affected.
PAO4		
Roads Corporation	Road widening	Applies to land identified for road widening by VicRoads
PAO5		
Department of Natural Resources and Environment	Open Space	Applies to State land mainly along the Yarra corridor
PAO6		
Manningham City Council	Drainage	No properties currently affected.
PAO7		
Manningham City Council	Road	Applies currently only to land in Doncaster Hill.

Council has progressed two amendments (C119 and C122) within the review period which address land affected by Public Acquisition Overlays, by removing the redundant provisions where individual sites have been acquired by the relevant acquiring authorities. Several properties have been acquired by Council within the Doncaster Hill Activity Centre for road purposes or open space purposes, with a number of other sites across the municipality also having been acquired by Council or Melbourne Water for the purpose of extending open space linear trails.

Ongoing recording of the acquisition of land by Council (and other acquiring authorities) is required to ensure that redundant provisions are removed as part of regular 'housekeeping' amendments to ensure that the Planning Scheme remains current. In some instances land may also need to be rezoned to reflect the purpose for which the land has been acquired.

It is also important that once land has been acquired by Council for public purposes (and the PAO removed), that there is a suitable means for flagging the property (using GIS) to ensure that due consideration is given to the future use of the land, particularly where a planning application is received for an adjoining property.

Environmental Audit Overlay

The EAO applies to a relatively small number of sites within the municipality including the car service and repair businesses within the Doncaster Hill Activity Centre Zone (ACZ1). It is noted that there are two areas zoned for residential purposes within the EAO including, 1 Bellevue Avenue, Doncaster East and land at 415 Doncaster Road and all properties in Golf Links Court, Doncaster, both used and developed for residential purposes. Whilst the EAO appears to be directly translated from the former Doncaster and Templestowe Planning Scheme, further investigation should be undertaken in relation to these areas to determine the appropriateness of retaining the EAO.



Development Contributions Overlay

Schedule 1 of the Development Contributions Plan Overlay (DCPO1) applies to Doncaster Hill.

A development contributions plan is a funding mechanism used to levy new development to help fund Council's planned infrastructure projects.

A Development Contributions Plan (DCP) has been in place for the Doncaster Hill Major Activity Centre since 2005 (DCPO1). A levy applies to development in Doncaster Hill the company that provides funding towards the provision of Council infrastructure relating to social, transport, streetscape and public art projects.

The Doncaster Hill DCP expires in 2025. Council officers are currently evaluating the infrastructure projects that have been delivered, those that need to be constructed over the next 7 years and projects that are no longer relevant and will not be constructed.

Council officers, with the assistance of the appointed consultant who has specialist skills in preparing development contribution plans, are also currently preparing a DCP for the balance of the municipality. A planning scheme amendment will be required to introduce a DCP in the Manningham Planning Scheme.

Parking Overlay

Two Parking Overlays currently apply in Manningham. Parking Overlay – Schedule 1 (PO1) applies to the Doncaster Hill Principal Activity Centre and Parking Overlay – Schedule 2 (PO2) applies to the Jackson Court Neighbourhood Activity Centre.

Both of the schedules to the Parking Overlay have been informed by Parking Precinct Plans prepared for each of centres.

PO1 is proposed to be amended as part of Amendment C104 – Westfield Doncaster Future Plans, to reflect new parking rates for the Centre. These relate to shop and office uses, as informed by the integrated transport and access plan prepared in support of the Amendment.

Feedback has been provided suggesting that a review of the Jackson Court Parking Overlay (PO2), is required given more recent changes to the mix of commercial activities in the centre, including an increase in the number of restaurants, cafes and other food offerings, and an increase in the level of development in and adjoining the centre, which anecdotally is having an impact on the level of car parking within the centre.

10.5. Other Planning Controls

10.5.1. Urban Growth Boundary

The Urban Growth Boundary (UGB) was established in October 2002, following the release of 'Melbourne 2030' the Victorian (Labour) Government strategic planning policy framework for the metropolitan area of Greater Melbourne that aimed to limit urban sprawl.

The UGB clearly defines where development can and cannot occur, protecting Melbourne's highly valued open spaces, farming, conservation and recreation areas as 'Green Wedges'. Since its establishment in the planning scheme, the urban growth boundary has been altered a number of times in identified 'Growth Areas', but not in Manningham.

Whilst Council supports the application of the UGB, Council has previously written to the State Government seeking support for a minor change to the UGB as it affects land at 2-14 Websters Road, Templestowe. The land is owned by Manningham City Council and is currently used for a range of low intensity municipal purposes, including storage of materials. The land is relatively flat, and there are currently no major buildings on the site and only a very small amount of vegetation

around its boundaries.

As land adjoining to both the east and west is within the UGB, and that the boundary extends further to the north, both to the east and west of the subject land, the location of the boundary is considered anomalous.

Land immediately to the east is used for an electricity terminal station, with Council offices and Depot to the southeast, while land to the west is zoned and developed for low residential purposes. Land immediately opposite, on the south side of Websters Road, is included in an Industrial 1 Zone and there is an opportunity to similarly zone the subject land to provide much needed land supply for local employment opportunities which are currently lacking in Manningham, in particular this part of Manningham.

10.5.2. Green Wedge Planning Provisions

The State Government (DELWP) has commenced a review of Melbourne's Green Wedge provisions to ensure they support the Plan Melbourne outcomes for Green Wedges. Research and consultation is being undertaken to identify issues and the contemporary land use challenges in these areas.

The review will consider all Green Wedge related provisions. For Manningham this will include Clause 35.06 (Rural Conservation Zone) and Clause 57 (Metropolitan Green Wedge Land). In particular it is considered desirable to merge Clause 57 with the RCZ as it currently creates confusion with respect to uses permitted in the RCZ.

10.5.3. Car Parking

Various comments have been made with respect to Clause 52.06 Car Parking, both from a technical perspective in relation to the application of the clause requirements, and more broadly, in terms of community concern regarding the perceived lack of car parking provided within new developments which results in an increase of on-street car parking and commuter parking particularly in close proximity to high frequency, high capacity bus routes. Community feedback has suggested that this is resulting in increased traffic congestion, particularly in those local streets where the Planning Scheme encourages a substantial level of development, and is of particular concern to residents in courts.

There appears to be some conflict between the technical requirements provided in Clause 52.06 and the Australian Standards relating to Parking facilities. The decision guidelines require that a car parking plan prepared under Clause 56.02-8 must consider a range of matters, including the Australian Standards.

Officers would also like to advocate for change to Design standard 3: Gradients (Clause 52.06-9) to require the first 6 metres of public and private car parks should be 1:20 (5%) regardless of the length of the driveway, where feasible.

With regard to the continued management of on-street car parking, any solutions will need to include a combination of general traffic management initiatives (including car parking restrictions, resident parking permits, line marking of car parking areas and other traffic infrastructure), the need to encourage the use of public transport and car sharing as ways of reducing the demand for car parking, as well as the use of planning tools, including the review of parking rates in public area.

11. Review of Permit Applications & Planning Scheme Amendments

This section of the review provides an overview of the quantum and types of planning permit applications received and planning scheme amendments processed, to help identify opportunities to improve the administration of Council's statutory and strategic planning responsibilities. Although the volume of applications received is not a direct reflection of the need for changes to the Planning Scheme, it is useful to understand how the type and number of applications has changed to identify potential efficiencies to improve clarity of the Planning Scheme and better manage and direct staff resources.

Detailed analysis of Victorian Civil and Administrative Tribunal (VCAT) and Planning Panel Victoria (PPV) helps to identify gaps or emerging issues within the existing policy framework of Planning Scheme.

Information relating to planning permit applications, VCAT decisions, planning scheme amendments and Panel hearings is outlined below:

11.1. Planning Permit Applications

11.1.1. Assessment of Application Received

Assessment of the Planning Permit Activity Reporting System (PPARS) from 2010/2011 to 2017/2018 shows a steady decline in the annual lodgment of planning applications during the 2010/2011 – 2012/2013 financial years which is likely reflective of the broader economic climate at that time e.g. interest rates were higher than they are now.

Financial Year	Applications Received	Change in application numbers received from previous year	Percentage change from previous year
2010/2011	969	-	-
2011/2012	932	-37	-3.8%
2012/2013	820	-112	-12.0%
2013/2014	944	124	15.1%
Sub Total 2010/2014	3665	-	-
2014/2015	966	22	2.3%
2015/2016	1188	222	23.0%
2016/2017	1124	-64	-5.4%
2017/2018	1157	33	2.9%
Sub Total 2014/2018	4435	770	21.0%

Source: PPARS

The trend in declining planning application numbers was abruptly reversed during the 2013/2014 – 2015/2016 period that coincided with the housing boom that most significantly impacted Melbourne and Sydney. This period saw an additional 368 applications lodged, which represented a 44.9%

increase in workload above the 2012/2013 year, which was considered a very significant increase.

Factors likely to be related to increased numbers in planning applications received by Manningham Council during this period include:

- Manningham is desirably located, has good amenity and is readily accessible to employment hubs, cultural centres and services.
- Rising land values and house prices.
- The introduction of more restrictive residential zones in neighbouring municipalities.

The following two year period saw a plateauing of the number of planning applications lodged. The number of planning applications being received has stabilised at approximately the 1150 applications per year, which has occurred now for each of the last 3 years. Appendix 4 provides the details of planning application statistics for the period June 2014 to June 2018.

An average of 90-100 applications have been received per month during the current review period. It is notable that the number of applications increased to 125 per month in mid 2016. That spike in the number of applications, coupled with a reduction in the number of applications being determined, resulted in a backlog developing. Following a concerted effort to deal with this problem, an additional 400 decisions were made in the first 3 months of 2017. The resultant effect has been the removal of the backlog and refocus on improving service standards.

11.1.2. Assessment of the Types of Applications

A total of 986 permits were approved in the 2017/2017 financial year. Of these a third (323) were for a multi-dwelling residential development, just over 20% were for the subdivision of land and a similar percentage relating to the alterations of a building, structure or dwelling. Although it is possible that vegetation removal was also required for some of these applications, only 3% (30) applications specifically related to vegetation removal.

The past four years has seen changes in the typology of residential developments lodged, including:

- Applications for higher yields are more commonly being sought because of the high sales prices that are being paid for the dwellings including (i.e. densities on individual lots are increasing).
- Changes in the form of development with an increase in town-houses in rows (side-by-side layout).
- Apartment buildings exceeding the preferred height.

These design characteristics can result in a number of amenity impacts.

- Large building footprints which limit landscaping opportunities and compromise the positioning of services including water tanks and storage sheds
- Large building footprints also limit provision of car parking often with consent being sought to not provide the required visitor car parking.
- Tall buildings with minimal setbacks generate bulk, massing and overshadowing, and be visually intrusive to adjoining properties or from the street.
- Issues around waste collection if there is insufficient street frontage to place the bins, which requires a communal collection area and space for a garbage vehicle to exit the site in a forward direction, where privately contracted.
- Smaller room sizes, smaller than prescribed open space areas, or minimal internal floor to ceiling heights creates amenity impacts for occupants.

Other issues that have arisen through the planning applications process are associated with the competing policy positions relating to the protection of human life above vegetation clearing in bushfire prone areas, although it is recognized that protection of life comes first.

11.1.3. Statutory Planning Initiatives to Improve Statutory Efficiencies

Council has also implemented some exciting initiatives within the current review period including the introduction of on-line planning services in January 2018. The new online services allow for the lodgment and payment of planning applications. It also enables the community to view planning applications on-line and to lodge submissions in relation to planning applications via the website. These initiatives resulted in Council being awarded the MAV Technology Award for Customer Experience Achievement of the Year in 2018.

In addition, the Statutory Planning Office has transitioned into an electronic office from a paper based office. The new work model has resulted in efficiencies in the delivery of the statutory planning service, which will continue to see service standards improve, not to mention the significant cost savings in paper and stationary.

11.1.4. Victorian Civil and Administrative Tribunal Decisions

Planning applications that are appealed provide the opportunity for the relevant planning scheme provisions to be independently tested. The decisions examine and often provide insight into the application of a provision, which is considered an important as an evaluation tool for planning scheme reviews. This section provides a summary of the main issues addressed by the Tribunal which may have potential implications to the Manningham Planning Scheme.

The majority of VCAT cases relate to residential multi-unit applications, which include a mixture of townhouse developments and apartments. The scale, form and amenity impacts of development within areas identified for higher density (Schedule 8 to the Design and Development Overlay (DDO8)) has been the focus of a large proportion of decisions.

The introduction of Amendment C96 to the Planning Scheme in 2014 tightened the DDO8 controls, by mandating maximum building heights within two of the three sub-precincts, as well as introducing a range of design objectives to guide the different forms of development encouraged in this location. Whilst these changes have generally resulted in achieving positive policy outcomes, it is evident that there have been inconsistent VCAT decisions in relation to what Council considers to be acceptable development outcomes.

Particular issues that have been consistently addressed by VCAT relate to the number of storeys to be achieved within the mandatory height limit; side by side developments; spacing between buildings; landscaping; and amenity impacts, including perceptions of overshadowing/overlooking by objectors, building setbacks, and traffic/car parking.

It is important to note that VCAT decisions are not only based on policy, but site context and therefore at times it would appear that varying development outcomes are able to be achieved from one site to another within the same DDO8 sub-precinct. It is acknowledged that the DDO8 control is complex in that it provides guidance for three separate sub-precincts and includes both discretionary and mandatory controls. Adding to the complexity is the reference to the use of 'must' as a discretionary term rather than a mandatory requirement within the Statewide Clause 43.02 - Design and Development Overlay, which is contrary to the general drafting of provisions with the Victoria Planning Provisions (VPPs).

It is further noted that the reformed residential zones introduced into the Planning Scheme as part of Amendment C105 (gazetted 19 June 2014) and other subsequent amendments to amend these zones, have resulted in a number of conflicts with current planning policy framework. The key

conflicts relate to discretionary height controls as specified within the zone and DDO8, minimum garden area requirements and number of dwellings on a lot.

It is considered that those matters raised by VCAT in relation to residential development requiring further policy guidance, should be addressed as part of the review of the residential planning framework.

A recent major VCAT decision in the Green Wedge, involving a non-residential use in the Rural Conservation Zone, is of note. The VCAT decision affirmed Council's refusal of an application to construct a hotel in conjunction with a Winery. Principal comments about why the proposed use and development was considered inappropriate for the area related to traffic; access and parking; design and siting; amenity; and landscaping. In response to the VCAT decision, changes have been proposed to the policy at Clause 22.05 Non-residential Uses in Residential Areas Policy, as part of Amendment C117 to the Planning Scheme. The changes seek to address potential gaps in the draft policy and better reflect the terminology applied in that decision.

Many cases have also been in response to objector concerns about the perceived impact of development. This raises the importance of on-going community education about how Council is managing future population growth and change in the context of Manningham's Residential Growth Framework Plan.

11.2. Planning Scheme Amendments

11.2.1. Planning Scheme Amendments Processed

Since 1 June 2014, nineteen (19) Council (C) and five Group (GC) Planning Scheme amendments have been progressed. Of these, twenty (20) have been approved by the Minister for Planning.

A further three amendments have been refused or abandoned by Council (C114, C118, C120).

- C114 related to the removal of a covenant from 42 Walker Street, Doncaster to enable the future development of the site in accordance with the current planning provisions applying to the site.
- C118 sought interim heritage controls for a property at 5 Ians Grove, Templestowe Lower.
- C120 sought to rezone the land and remove the Design and Development Overlay at 7 Aminga Avenue, Doncaster East to enable the land to be developed with more than one dwelling.

Of the twenty (20) completed amendments, nine (9) were prepared and approved by the Minister for Planning (Ministerial Amendments), including four (4) amendment requests instigated by Council (C105, C106, C121, C119). With the exception of C105, which was a significant strategic amendment, in that it replaced the previous residential zones with the new reformed residential zones, the remaining three amendments prepared and approved by the Minister were largely corrective in nature or sought to strengthen existing policy.

Four amendments were initiated by external parties, namely Amendment C103 (updated Donvale Christian College Masterplan), C95 (combined planning permit application and rezoning of land at 3-9 and 11 Mitchell Street, Doncaster East), C101 (various zone and overlay changes affecting the former Eastern Golf Course on Doncaster Road, Doncaster) and C112 (removal of restrictive covenants at 775, 777 and 779 Doncaster Road, Doncaster). The small number of externally sought amendments suggests that most development being sought is supported by the existing planning provisions.

The remaining seven (7) amendments were instigated and processed by Council:

C102 – rezoning and application of a DDO to land in Montgomery Street, Doncaster East

C108 – introduction of a gaming policy

C110 – addressed identified policy gaps in residential areas including outbuildings in the LDRZ

C111 – rezoning of 383 Manningham Road, Doncaster

C113 – corrections to the Heritage Overlay provisions

C123 – introduced public open space rates for the municipality

GC42 – introduced an Environmental Sustainable Development policy

A number of these amendments introduced strategic policy, namely C108, C110, C123 and GC42, which have broadened the strategic direction of the MSS. The remaining three amendments related to specific parcels of land, predominantly owned by Council.

A further four (4) amendments are currently still being processed. Of these only one (1) has been initiated by an external party, being Amendment C104 (Westfield Doncaster expansion). Appendix 6 provides a summary of all those amendments processed over the review period 1 June 2014 – 31 May 2018.

Whilst a number of key strategic policies have been implemented via planning scheme amendments in the review period or are currently being processed (including C109 – review of flooding controls and C117 – review of rural land uses), a number of the amendments instigated by Council have largely been corrective in nature or sought to strengthen existing policy. It is clear that a significant amount of strategic work has been undertaken in the preceding review periods to implement aspects of current planning policy, including the residential planning framework, a significant review of the environmental overlay controls and controls around the network of activity centres, including the introduction of the Activity Centre Zone to Doncaster Hill. It is recognised however, that the next four year period will provide the opportunity to undertake a review of a number of key policies with proposals to review: the Doncaster Hill Strategy; residential planning framework including the operation and application of zones and overlays, review of the Integrated Transport Strategy; and the Green Wedge Action Plan.

Whilst each of these key strategic documents were developed at different times and currently have their own separate goals and objectives, each of these documents are inter-related in some way and there is a need to ensure that each of their objectives are considered in a more balanced way. Given each of these documents is proposed to be reviewed in the next year or so, there is an opportunity to better integrate these documents through a higher order strategic land-use framework that can then be better articulated through the planning scheme and bring all the document together to ensure that they have regard to one another.

11.2.2. State and Local Initiatives to Improve Processing of Planning Scheme Amendments

The State Government has recently commenced rolling out a new Amendment Tracking System (ATS), which provides planning authorities with the ability to lodge, track and pay for planning scheme amendments online and improve reporting and auditing capabilities. The next stage in this process is ATS authoring, which will allow planning authorities to draft planning scheme amendments online. The release is scheduled for delivery in September as the Victoria Planning Provisions are migrated into the digital tool. Once this has been completed, the ATS Authoring system will be rolled out to all councils, together with the migration of local planning schemes into the digital database.

At a local level, officers have prepared a draft Business Case for automating the planning scheme amendment process to improve the service provided to the community and other key stakeholders

and generate internal efficiencies as part of the Planning Scheme Amendment process. Among other things it is expected that this process would:

- Create an event workflow for the PSA process.
- Create efficiencies around the public exhibition process including generating databases, and giving notice to affected owners/occupiers and key stakeholders using automated template documents;
- Provide the ability for submissions to be automatically recorded and acknowledged.
- Automate the process to notify submitters at key stages of the amendment process;
- Ensure that key timeframes set under Ministerial Direction 15 for completing the process are met.

Greater efficiencies may also be achieved by reviewing the current delegations under the *Planning and Environment Act 1987*, to avoid seemingly minor matters needing to be reported to Council for consideration. This includes the current need to seek a Council resolution to request an extension of time to consider an amendment (to avoid it lapsing) when Council has previously considered a prior resolution to progress the amendment to the next stage of the amendment process e.g. C104 Westfield Doncaster, which was recently due to lapse and required a resolution to seek an extension of time albeit, Council had previously resolved to refer to matter to a panel and advisory committee. The lead time to meet the Council reporting timeframe can result in significant delays in the processing of amendments.

11.2.3. Analysis of Panel Reports

Planning Panels are appointed by the Minister for Planning to consider planning scheme amendments where there have been submissions which are unable to be resolved. During the review period, Planning Panels Victoria has deliberated on seven Planning Scheme Amendments (which have been formally considered by Council) as outlined below:

- C95 – Rezoning of land at 3-9 and 11 Mitchell Street, Doncaster East.
- C101 – Rezoning of land within the former Eastern Golf Club - Tullamore.
- C102 – Application of Design and Development Overlay to 6, 8, 10, 12, 14 & 16 Montgomery Street, Doncaster East.
- C111 – Rezoning of land at 383-395 Manningham Road, Doncaster.
- C112 – Removal of restrictive covenants on land at 775,777 & 779 Doncaster Road, Doncaster.
- C113 – Amendments to the Heritage Overlay, including amendments to HO155 47-49 Smiths Road, Templestowe.
- GC42 – Introduction of an Environmental Sustainable Policy.

Panel hearings have been conducted for Amendment C109 (review of flooding provisions for the municipality) - although the panel's report has not yet been formally considered by Council, and C122 (Miscellaneous changes to the Manningham Planning Scheme) – for which the report is yet to be received. Panel hearings are also scheduled in the next few months for Amendment C104 (Westfield Doncaster) and C117 (Rural Zones review).

An analysis of Panel decisions during the current review period has found that, Council's views in relation to individual amendments are generally supported and the panels have recommended adoption of all amendments (with some being subject to conditions). Broadly speaking, the Panel for each of the amendments considered that there was adequate strategic justification and that the

amendments were consistent with State and Local Planning Policy, Ministerial guidelines and Planning Practice Notes. A more detailed analysis of those Panel reports is included in Appendix 7.

With the exception of GC42, the remaining six Panels each dealt with a site specific matter which, in the majority of cases, sought to amend the planning controls to support the future re-development of the subject land. As a consequence, the Panels' recommendations have not resulted in any significant policy shifts requiring further changes to the Planning Scheme.

A number of the reports of the Planning Panels have included recommendations for further strategic work or include discussion around matters that should be considered as part of future amendments. The following matters raised in each of the following Panel reports are pertinent to this review:

- Amendment C95 -
 - if a shift to a commercial zone is to be contemplated it should occur in the context of a broader strategic review of the Jackson Court Neighbourhood Activity Centre; and
 - the possible extension of the Parking Overlay Schedule 2 to 11 Mitchell Street be investigated as part of a future review of the Parking Precinct Plan applying to the Jackson Court Neighbourhood Activity Centre.
- Amendment C101 - a minor change to Clause 22.03 Cultural Heritage Policy, Decision Guidelines by amending Point 6 to include reference to 'Statements of Significance', to ensure a more consistent approach to the consideration of development applications.
- Amendment C113 – the need to update the citation for HO155 to reflect current practice and circumstances. It is proposed that this property could be reviewed as one of a group of places identified as a high priority for review.
- Amendment GC42 - the local planning policy has been introduced into both planning schemes on an interim basis until 30 June 2019. The introduction of permanent controls may require an additional planning scheme amendment to introduce permanent controls.

12. Recommendations

To assist in prioritising the implementation of the recommendations, all recommendations have been given a priority ranking. This ranking indicates the estimated timeframe for implementation of the recommendation:

- HIGH (H)** Recommendation to be implemented or progressed in 2018/2019
- MEDIUM (M)** Recommendation to be commenced in 2019/2020 subject to available resources
- LOW (L)** Recommendation proposed to be undertaken prior to next review

Rec No	Recommendation Title	Scope of Works	Benefits of implementation	Timeframe
1.	Review and restructure the existing Local Planning Policy Framework of the Manningham Planning Scheme in accordance with proposed changes to the Planning Policy Framework (PPF).	<ul style="list-style-type: none"> • determine the format and structure of the MSS to ensure greater consistency with the SPPF • improve clarity, remove repetition and update information (e.g. census data) • update all reference documents including all adopted strategic work as relevant and implement key land use and development recommendations from relevant strategies including <i>Economic Development Strategy</i> (2018) and Structure Plans • review the suite of local planning policies at Clause 22 and where appropriate, implement changes to update/strengthen policy, or delete where no longer required 	<p>Provides a streamlined and contemporary planning policy to guide decision making.</p> <p>Updates the LPPF to incorporate current information including census data, adopted strategies and plans and implement key land use and development recommendations from relevant documents.</p> <p>Will ensure that the next Review is based on more contemporary planning policy.</p> <p>Note the timing may be dependent on the release of a new PPF if this is likely to be introduced imminently.</p>	High

Rec No	Recommendation Title	Scope of Works	Benefits of implementation	Timeframe
		<ul style="list-style-type: none"> redundant policy provisions should be removed as appropriate 		
2.	<p>Residential Development</p> <p>Review of the local planning policy framework for guiding residential development across the municipality in accordance with the 3 year period determined by the State Government (March 2020).</p>	<ul style="list-style-type: none"> assessment of population forecasts and demographic trends; the application and operation of the residential zones and associated planning policies and overlays; current and emerging built form trends to implement policy to better address among other things poor design and built form outcomes (e.g. in substantial change areas and in the three townships and surrounding areas east of the Mullum Mullum Creek), use of poor quality materials and side-by-side development; ensure that careful consideration is given to built form outcomes in transitional areas and development within court bowls; implications of the car parking requirements within development, particularly within local neighbourhoods and in courts. change to the term 'must' in the head provision of the Design and Development Overlay which is applied as a discretionary term rather than mandatory requirement. 	<p>Meets Statutory requirement to review the operation and application of the zones (and associated overlays and local planning policy) within 3 years of the date VC110 was introduced.</p> <p>Alignment with State policies.</p> <p>Provides contemporary decision making by responding to emerging trends</p>	High
3.	<p>Advocacy</p> <p>Continue to advocate to the State government (and other relevant agencies) to take greater leadership in addressing</p>	<p>Whilst these matters may impact land use and development outcomes, they are outside the scope of Council.</p> <p>Council can however continue to advocate to the State Government (and/or other relevant</p>		

Rec No	Recommendation Title	Scope of Works	Benefits of implementation	Timeframe
	<p>the following key land use and development planning matters:</p> <ul style="list-style-type: none"> • Designation of Doncaster Hill as a place of State significance ; • Identification of Doncaster Rail as a high priority strategic transport project • Advocating to State government and Transport for Victoria (TfV) for increased public transport options including improving bus services / frequency on specific routes and other opportunities for better service provision and infrastructure improvements • Ensure there is no net loss to the business community and employment opportunities resulting from the construction of the North East Link (NEL). • Ensure that any land deemed surplus to the final construction of the NEL will be utilized for appropriate economic development opportunities. • Request a change to the Urban Growth Boundary (UGB) as it affects land at 2-14 Websters Road, Templestowe 	<p>agencies) through correspondence or direct contact with relevant representatives to implement changes to give effect to these matters.</p> <p>It is expected that initial contact on each of these matters will be via written correspondence.</p>	<ul style="list-style-type: none"> • Provide greater opportunity to attract other government and/or private institutions to locate in Manningham to contribute towards job creation and attract funding for future infrastructure provision and planning • Enable preservation of part of the Eastern Freeway corridor for future heavy rail between CBD and Doncaster for future station, interchanges and supporting infrastructure to prevent future development compromising the rail project; • Improve patronage of public transport routes and improve services to meet the current and future needs of the local community. • Need to proactively manage the local community and employment impacts as a result of the construction of the NEL. • Will enable possible future rezoning of the land to support employment opportunities and local job creation within the municipality. 	<ul style="list-style-type: none"> • High • Low • High • Medium • Medium • Medium
4.	Review of the Doncaster Hill Strategy	<ul style="list-style-type: none"> • review of the Doncaster Hill planning principles including precinct guidelines, mandatory heights, urban form, development principles 	Provides contemporary decision making by responding to emerging trends and identified gaps in achieving the desired vision for Doncaster Hill.	High

Rec No	Recommendation Title	Scope of Works	Benefits of implementation	Timeframe
		<ul style="list-style-type: none"> review of the Parking Overlay 	Enables investigation of other planning tools and incentives to give effect to the vision for the centre.	
5.	<p>Bushfire Planning</p> <p>Review and where appropriate, implement changes to planning for areas of high bushfire risk</p> <p>In conjunction with the CFA and DELWP, investigate the appropriateness of introducing new or extending current BMO schedules to assist with the streamlining of the planning permit application process.</p> <p>Request the Minister for Planning to add the urban areas of Manningham to the list of municipalities exempt from Clause 52.48-1 Bushfire Protection Exemptions: Exemption to create defensible space around buildings used for accommodation.</p>	<p>Review of the MSS to ensure consistency with the SPPF;</p> <p>Review of the local policy at Clause 22.14, to reflect changes to the State planning provisions.</p>	<p>Compliance with the requirements of the Act.</p> <p>Provides a streamlined and contemporary planning policy to guide decision making.</p> <p>Inclusion of additional schedules may assist with streamlining some planning applications and reducing red tape.</p> <p>Exempting the urban area from the 52.48-1 exemption may assist with the reduction of vegetation loss in urban areas with is contributing to the urban heat island effect and contribute to retention of landscape and streetscape character</p>	High
6.	<p>Environmentally Sustainable Development (ESD)</p> <p>Continue to advocate for the State-government to introduce a policy equivalent to Councils ESD policy at Clause 22.12 into the State Planning Policy Framework.</p> <p>Seek an extension of time for the ESD policy prior to its termination date/</p>	May require a future planning scheme amendment to seek an extension of time.	Provides consistent application of policy across the State	Medium
7.	<p>Floodplain Management</p> <ul style="list-style-type: none"> Advocate to Melbourne Water to undertake a broader review of the 	Future planning scheme amendment to implement any proposed changes to controls.	Corrects the controls as they apply to individual properties	Medium

Rec No	Recommendation Title	Scope of Works	Benefits of implementation	Timeframe
	Urban Floodway Zone as the responsible authority in this regard.			
8.	Native Vegetation Management Review and where appropriate, implement changes to the Native vegetation Policy (Clause 22.02) to ensure consistency with the recent change to the State planning provisions. Review the Environmental Significance and Significant Landscape Overlays	Review of the MSS to ensure consistency with the SPPF; Review of the local policy at Clause 22.02, to reflect changes to the State planning provisions. <ul style="list-style-type: none"> correct minor drafting errors; and develop more specific objectives and strategies in relation to earthworks. 	Compliance with the requirements of the Act. Provides a streamlined and contemporary planning policy to guide decision making. Alignment with State policies.	Medium
9.	Affordable Housing Policy Investigate how the Planning Scheme could be amended to facilitate the provision of affordable housing in response to changes to the Act.	Undertake research to better understand Manningham’s housing needs to determine how the planning scheme can be changed to better facilitate the provision of affordable and social housing (including housing for people with disabilities).	Address a strategic gap in the Planning Scheme. Alignment with the P & E Act.	Low
10.	Car Parking <ul style="list-style-type: none"> Changes to Clause 52.06 car parking to address tensions between the State planning provisions and Australian standards. Car parking management review. 	Advocate to the State Government (DELWP) to investigate changes to Clause 52.06 to ensure greater consistency in the provisions. Review appropriate planning tools as part of a co-ordinated approach to manage car parking, particularly in areas designated for substantial change.	Responds to a community issue considered to be of high importance.	Medium
11.	Provision of private open space Investigate changes to private open space requirements as part of the residential planning policy review	Refer Recommendation 2 above		High

Rec No	Recommendation Title	Scope of Works	Benefits of implementation	Timeframe
12.	Public Open Space Implement key policy objectives of the Public Open Space Strategy 2014 as part of the review of the LPPF.	Review of the LPPF.	Alignment with adopted local policies. Address strategic gaps in the planning scheme as appropriate.	High
13.	Local Planning Policy Framework – Develop and implement new/amend policy:	Develop and implement new or amend existing policies to address existing gaps, including: <ul style="list-style-type: none"> • Non residential uses including childcare centres • major promotional signage in the Major Activity Centres • strengthen policy relating to having two attached dwellings in the LDRZ 	Address strategic gaps in the planning scheme as appropriate.	Medium Low High
14.	Administrative Planning Scheme Amendment(s) to address the following matters requiring changes to the planning requirements: <ul style="list-style-type: none"> • Review the road zone provisions in response to current classification of roads; • Sites that have been identified as being in two zones or individual sites inappropriately zoned; • Correction of zoning relating to land in Council ownership for open space purposes. • Continue to remove redundant provisions relating to the Public Acquisition Overlay where land is 	Planning scheme amendment	Corrects the controls as they apply to individual properties.	Medium/Low

Rec No	Recommendation Title	Scope of Works	Benefits of implementation	Timeframe
	obtained by the relevant acquiring authority.			
15.	Economic Development Strategy (2018) Implement key objectives of the Strategy and as they relate to planning Investigate planning tools to encourage local employment opportunities:	<ul style="list-style-type: none"> Investigate opportunities to expand employment generating zone. Review of Council's strategic landholdings to consider opportunities to maximise the return and community benefit from underutilized land, which may include zoning changes 	<p>Alignment with adopted local policies.</p> <p>Address strategic gaps in the planning scheme as appropriate.</p>	Low
16.	Activity Centre Planning Implementation of existing and development of Structure Plans for Neighbourhood Centres:	<ul style="list-style-type: none"> Implement the Tunstall Square, Templestowe and Doncaster East Structure Plans through the Planning Scheme. Investigate the need for a Structure Plan for the Jackson Court Neighbourhood Activity Centre to provide further guidance on built form and design outcomes and review of the existing Parking Overlay. 	<p>Address strategic gaps in the planning scheme as appropriate.</p> <p>Ensure appropriate built form outcomes for Activity Centres.</p>	Medium
17.	Cultural Heritage Review and update of Manningham's heritage studies and database.	<ul style="list-style-type: none"> An archaeological study for Wonga Park Implementation of key recommendations from the Heritage Study 2006 Review heritage citation for properties included in the Heritage Overlay (it is proposed to review those sites where gaps have been identified) Development of Heritage Guidelines for local heritage places to help assist applicants and decision making (excluding Warrandyte township) 	<p>Ability to protect significant heritage and cultural assets in Manningham.</p>	Low

Rec No	Recommendation Title	Scope of Works	Benefits of implementation	Timeframe
		<ul style="list-style-type: none"> Undertake an assessment of mid-twentieth century architecture in Manningham with a view to including places of at least local significance in the Heritage Overlay; Amend the schedule to the heritage Overlay to correct errors or omissions. 		
18.	Development Contributions Plan Finalise and implement a Development Contributions Plan for the municipality	Finalise the Development Contributions Plan. Planning scheme amendment.	Provides Council with the ability to levy appropriate funding from new development for new or improved infrastructure provision to support new development. Provides an alternative infrastructure funding opportunity for Council.	High
19.	Process Review current delegations for Planning permits and Planning Scheme Amendments		Create greater efficiencies in processing planning permit applications and planning scheme amendments.	Medium





Contact Details

Council's Strategic Planning Team 9840 9434

www.manningham.vic.gov.au



APPENDIX 1a

STATE GOVERNMENT PLANNING INITIATIVES 2014-2018

The following table provides a summary of the State Government's key planning initiatives for the period 2014-2018 that relate to the Manningham Planning Scheme.

Date	Issue	Council Feedback Provided
2014		
30 May	Replacement of metropolitan strategy 'Melbourne 2030' with Plan Melbourne (VC106).	
19 September	Introduction of VPP relating to VicSmart planning assessment provisions (VC114).	
2015		
May	Release of 'Better Apartments' – Discussion Paper. Council feedback provided July 2015.	✓
22 Oct – 18 December	Release of 'Plan Melbourne 2017 – 2050' Discussion Paper. Council feedback provided on 2 February 2016.	✓
December	Establishment of Yarra Ministerial Advisory Committee (MAC) to provide advice to the State Government on improving governance arrangements for protecting the Yarra River.	
10 December 2015	Establishment of the Managing Residential Development Advisory Committee to report on the application of zones for residential development in metropolitan Melbourne and the four regional cities of Bendigo, Ballarat, Geelong and Latrobe. The Advisory Committee was supported by the Managing Residential Development Taskforce which prepared <i>Residential State of Play reports</i> for each metropolitan sub-region. The five Residential Zones State of Play reports for metropolitan Melbourne (Central, Northern, Eastern, Southern and Western subregions) provided an overview at the sub-regional level on demographics, population growth, residential zoned land, dwelling supply and anticipated residential growth. Council feedback provided on 14 th March 2016.	✓
21 December 2015	Gazettal of VC121 that introduced State controls on protection of the Yarra River and associated changes.	

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Date	Issue	Council Feedback Provided
2016		
July	Release of the discussion paper on 'Protecting the Yarra River' (Birrarung) that concluded that the current regulatory arrangements leave the river vulnerable to inappropriate development as a result of increasing pressures from increased urbanisation. Council feedback provided on 30 August 2016.	✓
July 2016 – June 2018	Launch of Smart Planning program - a 2 year program aimed at simplifying and clarifying Victoria's planning regulations to provide greater efficiency and transparency in decision making.	
September	Release of Apartment Design standards. Council feedback was provided on 19th September 2016.	✓
October	Release of Ministerial Direction on preparation and content of Development Contributions Plans (DCPs); and associated reporting requirements. A municipal council must identify the collection and expenditure of funds in accordance with the template included in the Ministerial Direction. The report must be included in council's annual report prepared under the Local Government Act 1989.	
2017		
24 February	Introduction of new and/or amended overlay controls to provide a consistent approach to the management of development within the Yarra River Corridor between Richmond and Warrandyte to protect the Yarra River's landscape and environmental qualities. The Amendment affects six municipalities, including Manningham, on an interim basis until 31 January 2021.	
March	Release of <i>Plan Melbourne 2017 – 2050</i> (Refresh), which supersedes <i>Plan Melbourne 2014</i> . <i>Plan Melbourne 2017 – 2050</i> is a long-term plan to accommodate Melbourne's future population and employment growth.	
31 March	Revision of SPPF to refer to Plan Melbourne 2017 (VC134).	
27 March	Introduction of reformed residential zones to the Victoria Planning Provisions and all planning schemes (Amendment VC110). These changes amend the provisions of the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone and Township Zone and	

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Date	Issue	Council Feedback Provided
	introduce 'garden area' requirements and related provisions. The changes are based on the recommendations of the Managing Residential Development Advisory Committee.	
13 April	Introduction of apartment development provisions (Clause 58) and changes to Clause 55 (two or more dwellings on a lot and residential buildings) (Amendment VC136).	✓
October	Release of discussion paper ' <i>Reforming the Victoria Planning Provisions</i> '. Council feedback provided on 1 December 2018.	✓
3 October	Introduction of updated BMO, mapping and relevant provisions as part of the Victorian Government's commitment to implement all recommendations of the <i>2009 Victorian Bushfires Royal Commission</i> . (GC 13). Council feedback provided in September 2016 and 29 March 2017.	✓
6 December	Release of draft reforms of Residential Aged Care Facilities. Council feedback provided on 29 th March 2018.	✓
12 December	Release of reformed provisions to remove, destroy or lop native vegetation to streamline the planning permit and assessment process. (VC138). Council feedback provided in May 2016 and March 2017.	✓
2018		
March	Affordable Housing – DELWP seeking examples of Section 173 Agreements. Council provided feedback in April 2018.	✓

APPENDIX 1b

**MANNINGHAM'S RESPONSE TO STATE GOVERNMENT PLANNING INITIATIVES
2014-2018**

Council responded to nine key initiatives. They are:

1. Better Apartments
2. Plan Melbourne Refresh 2017 – 2050
3. Managing Residential Development Advisory Committee
4. Yarra River Planning Controls
5. Reforming the Victoria Planning Provisions
6. Update of Bushfire Management Overlay (BMO) Controls
7. Residential Aged Care Facilities
8. Native Vegetation Clearing Regulations
9. Planning Mechanisms for Affordable Housing

A summary of Council's response is provided below.

Better Apartments (May 2015)

In May 2015, the State Government released the *Better Apartments – A Discussion Paper* on apartment design and liveability standards. Council's response addressed a range of issues, including daylight, sunlight, storage space, outlook, ventilation, noise, outdoor space, energy efficiency, car parking and landscaping.

To help inform Council's response, officers sought input from residents who were living in apartments (at the time) to gauge what they liked/disliked about the design aspect(s) of their apartment.

In September 2016, Council officers worked with representatives of DELWP to develop the draft Apartment Design Standards that formed the basis of Amendment VC136.

Plan Melbourne Refresh 2017 – 2050 (February 2016)

On 2 February 2016, Council provided feedback on *Plan Melbourne Refresh – Discussion*

Council's priorities were:

- Improving environmental sustainability for long term resilience.
- Redefining Doncaster Hill as a Metropolitan Activity Centre to attract and increase employment opportunities (as part of the broader role of middle ring suburbs to increase employment opportunities).
- Improving public transport including extending the heavy rail line to Manningham.
- Increasing the provision of affordable housing.
- Providing for innovative health service solutions.

On March 11 2017, the Minister for Planning released a refreshed Plan Melbourne 2017 – 2050, Melbourne metropolitan planning strategy.

Managing Residential Development Advisory Committee (November 2015)

In November 2015, the Managing Residential Development Advisory Committee (MRDAC) was appointed to report on the application of residential zones in metropolitan Melbourne and the four regional cities of Bendigo, Ballarat, Geelong and Latrobe, having regard to managing growth, proximity to transport and jobs, housing affordability and diversity.

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The purpose of the MRDAC was to review the application of the zones across Victoria and provide advice on how the residential zones and residential policies could be modified to better achieve State policy objectives.

The key issues outlined in Council's response were:

- The transition to the reformed residential zones was largely policy neutral given Council's comprehensive planning framework comprising zones, overlays and local policies. (Amendment C105).
- The implementation of the zones was 'ad hoc' across the State with little consideration given to the cumulative effect of the new zones on the broader capacity of accommodating the State's projected population growth and future housing targets.
- Modifications are recommended to achieve more affordable housing in any medium and large scale residential development.

Yarra River Planning Controls (July 2016)

The Victorian Government has sought to protect the Yarra River from inappropriate development and protect its environmental and landscape characteristics.

In July 2016, the Victorian Government released a Discussion Paper seeking the views of the community and other stakeholders, (including Councils) on key matters of local significance. The document sought feedback on an appropriate management model for protecting the entire length of the Yarra River.

Council's response to the Discussion Paper addressed:

- The need to reinforce Manningham's policy objectives of accessing and protecting the Yarra River.
- The challenge to balance environmental, recreation, economic and tourism opportunities.
- The lack of clarity in relation to any new management approach.
- The need for Bipartisan approach in any new management approach.

Reforming the Victoria Planning Provisions (October 2017)

The State Government initiated the Smart Planning program to reform the Victorian planning system and increase the effectiveness and efficiency of the planning system. As part of that program, a discussion paper was released in October 2017 – '*Reforming the Victoria Planning Provisions*'.

Council supported the proposed reforms. Specific issues included:

- The importance of clarifying and simplifying the green wedge provisions and flood management provisions;
- The need to clarify the relationship between the VPP and the current Planning Scheme review process; and
- The resource implications of the proposed changes.

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Update of Bushfire Management Overlay (BMO) Controls (March 2017)

The State Government sought changes to the Bushfire Management Overlay provisions in response to recommendations of the 2009 Victorian Bushfires Royal Commission. In summary, the changes included increasing the extent of the BMO to cover areas of extreme fire risk across Victoria, and the introduction of two new schedules to the BMO.

Across Manningham, 3171 properties were proposed to be added to the Overlay along with the removal of 38 properties, making a total of 5652 properties affected by Overlay.

Council made a submission to DELWP on 28 March 2017 that outlined:

- Its concerns with the expansion of the BMO and the proposed schedules 1 and 2 of the BMO.
- The need for the State Government to take the lead with the consultation, given its wide application across the State. Council submitted that it did not have the resources, nor technical background to explain the methodology and justify the changes.

Residential Aged Care Facilities (December 2017)

In December 2017, DELWP released a proposal to reform existing planning controls to support a more streamlined approach to developing residential aged care facilities (RACF). The proposed changes would introduce a particular provision into all Planning Schemes which would mean that any application would be assessed against the proposed provision rather than the zone provisions. In Manningham, the provision would apply to a Residential Growth Zone, General Residential Zone and Neighbourhood Residential Zone.

Council in its submission, raised a number of concerns in relation to the proposed draft provision:

- Overlooks the locational factors that exist in the State Planning Policy Framework and Council's local policy, particularly its Residential Accommodation policy (Clause 22.04).
- Would conflict with Council's Residential Accommodation Policy (Clause 22.04) which specifically directs this type of accommodation to Residential Growth and General Residential Zones.
- Would exempt an application from advertising if it met all of the specified requirements.

Other concerns included:

- The current lack of guidance for an RACF above four storeys would continue.
- The review of the planning controls misses a significant opportunity to review broader accommodation options for older persons such as Retirement Villages.

Native Vegetation Clearing Regulations (May 2016 and March 2017)

In May 2016 and March 2017, Council responded to two documents: *Review of the native vegetation clearing regulations – summary of proposed amendments to the Victoria Planning Provisions (VPP)*, and *The draft Native vegetation clearing – Assessment Guidelines* respectively.

In summary, officers generally supported the recommendations. The feedback to these two documents influenced the native vegetation reforms introduced in Amendment VC138.

APPENDIX 1b**Planning Mechanisms for Affordable Housing (June 2018)**

In June 2017, the Planning and Building Legislation Amendment was introduced into parliament (*Housing Affordability and Other Matters*) Bill 2017. The changes came into effect on 1 June 2018. The Act defines 'affordable housing', and will give a council an opportunity to enter into a voluntary Section 173 Agreement with a developer to provide affordable housing as part of a residential development.

In April 2018, Council provided feedback to DELWP regarding its experience with developing section 173 Agreements for 8 Montgomery Street, Doncaster East and 383-395 Manningham Road, Doncaster.

APPENDIX 2

MUNICIPAL STRATEGIC STATEMENT CONSISTENCY WITH CURRENT COUNCIL PLAN

	COUNCIL PLAN-OBJECTIVE	MSS CONSIDERATION OF OBJECTIVE
1	<p><u>Healthy Community</u></p> <ul style="list-style-type: none"> • A healthy, resilient and safe community • A connected and inclusive community 	<p><u>Clause 21.04-1 City of Manningham Council Plan</u></p> <p>The Council Plan and the MSS share a common vision. Our vision is for:</p> <ul style="list-style-type: none"> • A vibrant, safe and culturally diverse community that fosters participation, connectedness, harmony, social inclusion, health and wellbeing. <p><u>Clause 21.05-2 Residential – Strategies:</u></p> <ul style="list-style-type: none"> • Ensure that the provision of housing stock responds to the needs of the municipality's population. • Encourage development to be designed to respond to the needs of people with limited mobility, which may for example, incorporate lifts into three storey developments. <p><u>Clause 21.09-2 and 21.09-3 Activity Centre and Commercial Areas – Strategies:</u></p> <ul style="list-style-type: none"> • Provide a range of social and community services to be located in the Doncaster Hill Activity Centre to meet the needs of the current and future residents and reinforce its role as Manningham's civic centre. • Provide appropriate infrastructure to meet the needs of the Doncaster Hill community, in accordance with the Doncaster Hill Development Contributions Plan, Manningham City Council, February 2005. • Ensure provision of a greater intensity and diversity of housing. • Encourage a mix of uses including residential development to ensure the long-term viability and competitiveness of the activity centres. <p><u>Clause 21.12-2 and 21.12-3 Infrastructure – Strategy:</u></p> <ul style="list-style-type: none"> • Facilitate the location and development of transport hubs at or adjoining activity centres. • Promote cycling and walking opportunities by providing safe bicycle routes and expanding the bicycle network, and providing pedestrian trails to improve accessibility to local and regional commercial, community and recreational facilities. <p><u>Clause 21.14-4 Community Health And Well-Being – Strategy:</u></p> <ul style="list-style-type: none"> • Encourage the establishment of community based facilities, including child care centres and health care facilities, in proximity to activity centres or other community facilities.
2	<p><u>Liveable places and spaces</u></p> <ul style="list-style-type: none"> • Inviting places and spaces • Enhanced parks, open space and streetscapes 	<p><u>Clause 21.13-2 Open Space and Tourism - Strategy :</u></p> <ul style="list-style-type: none"> • To provide a wide range of high quality and accessible public open space areas to encourage physical activity and social interaction to meet the existing and future needs of residents and visitors. <p><u>Clause 21.09-2 Activity Centres and Tourism (Principal Activity Centre) - Strategy</u></p> <ul style="list-style-type: none"> • Ensure that development incorporates high quality public and private open spaces that are useable, accessible, safe, well landscaped

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	COUNCIL PLAN-OBJECTIVE	MSS CONSIDERATION OF OBJECTIVE
	<ul style="list-style-type: none"> Well connected, safe and accessible travel Well utilised and maintained community infrastructure 	<p>and provide opportunities for recreation and social interaction. These spaces should be well linked to major facilities for pedestrian networks to assist with permeability and pedestrianisation.</p> <p><u>Clause 21.09-4 Activity Centres and Commercial Areas – Strategy:</u> To achieve effective and safe pedestrian movement within Neighbourhood Activity Centres</p> <p><u>Clause 21.13-2 Open Space and Tourism - Strategy</u></p> <ul style="list-style-type: none"> To provide and manage comprehensive pedestrian, bicycle and trail networks. <p><u>Clause 21.12-2 Infrastructure (Public Transport) – Strategies:</u></p> <ul style="list-style-type: none"> Encourage creation of ‘park and ride’ and ‘bike and ride’ facilities and public transport linkages. Facilitate the location and development of transport hubs at or adjoining activity centres. <p><u>Clause 21.12-3 Infrastructure (Roads) – Strategies:</u></p> <ul style="list-style-type: none"> To ensure that a comprehensive network of paths is available which facilitates safe and accessible bicycle and pedestrian movement. To maximise opportunities along Doncaster Road and other main roads to facilitate pedestrian and cyclist activity and provide higher levels of user amenity. <p><u>Clause 21.09-2 Principal Activity Centre (Doncaster Hill)</u></p> <ul style="list-style-type: none"> Provide high quality pedestrian and bicycle linkages in both public and private areas, which improve the street level environment to create connections that are accessible, safe, interesting and pleasant. <p><u>Clause 21.09-3 Major Activity Centre (The Pines, Doncaster East) -Strategy</u></p> <ul style="list-style-type: none"> Provide pedestrian / bicycle links through The Pines Activity Centre, surrounding areas and open space links. <p><u>Clause 21.09-4 Neighbourhood Activity Centres - Strategy</u></p> <ul style="list-style-type: none"> To improve pedestrian, bicycle and public transport access to Neighbourhood Activity Centres. <p><u>Clause 21.09-5 Local Activity Centres – Strategies:</u></p> <ul style="list-style-type: none"> Improve pedestrian, bicycle and public transport access to Local Activity Centres. Achieve effective and safe pedestrian movement within Local Activity Centres. <p><u>Clause 21.05-3 Residential (Subdivision) - Strategy</u></p> <ul style="list-style-type: none"> Ensure subdivisions are designed to provide adequate vehicle, pedestrian and bicycle links.
3	<p><u>Resilient Environment</u></p> <ul style="list-style-type: none"> Protect and enhance our environment and biodiversity Reduce our impact and adapt to climate change 	<p><u>Clause 21.06-2 Low Density (Housing) -Strategies</u></p> <ul style="list-style-type: none"> Maintain the low density residential land as a buffer area between residentially zoned land and the green wedge and Yarra River corridor, by discouraging the rezoning of land. Avoid, minimise and offset native vegetation removal and impacts. Ensure that the siting and design of housing development and associated infrastructure and services minimises the extent of earthworks and responds to site constraints including slope, waterways and wildfire risk.

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	COUNCIL PLAN-OBJECTIVE	MSS CONSIDERATION OF OBJECTIVE
		<p><u>Clause 21.13-2 Open Space and Tourism - Strategies:</u></p> <ul style="list-style-type: none"> • To protect, enhance and increase biodiversity values of public open space. • To protect, enhance and increase landscape values of public open space. • To develop and maintain public open space of regional or municipal significance for the benefit of the whole community. <p><u>Clause 21.14-4 Community Health and Well-Being – Strategies:</u></p> <ul style="list-style-type: none"> • Require applications for development and subdivision to include the results of land capability assessments where appropriate, which demonstrate that the proposal is capable of treating and containing wastewater on site. <p><u>Clause 21.10-2 Ecologically Sustainable Development – Strategies:</u></p> <ul style="list-style-type: none"> • Encourage the preparation of sustainability management plans for developments, where appropriate, which minimise use of non-renewable resources, waste, emissions and energy. <p><u>Clause 21.10-3 Ecologically Sustainable Development – Strategies:</u></p> <ul style="list-style-type: none"> • Encourage the provision of sustainability management plans for developments (where appropriate) which minimise use of resources, waste, emissions and energy. <p><u>Clause 21.05-3 and 21.05-5 Residential – Strategies:</u></p> <ul style="list-style-type: none"> • Ensure that subdivision and associated works in wildfire areas are appropriately sited, designed and managed to address wildfire risk. • Ensure that development in areas with recognised environmental and landscape values are designed to minimise the impact on vegetation and protect landscape character and heritage values. • Encourage development that meets higher construction standards and/or utilises alternative treatments to address wildfire risk in preference to vegetation removal. <p><u>Clause 21.06-3 and 21.06-5 Low Density- Strategies</u></p> <ul style="list-style-type: none"> • Ensure subdivision design and layout considers lot orientation, size and location of building envelopes and integrated water management to achieve ecologically sustainable design outcomes. • Ensure that subdivision design and layout responds appropriately to topography and vegetation cover and is consistent with Net Gain objectives and principles to avoid, minimise and offset native vegetation removal and impacts, where appropriate. • Ensure that subdivision and associated works in wildfire areas are appropriately sited, designed and managed to address wildfire risk. • Encourage subdivision layouts to provide for the safety and security of residents and property by considering wildfire, flooding, landslip and steep slopes. • Ensure that building and effluent envelopes are located to protect vegetation, view lines and minimise the extent of earthworks. • Protect and enhance native vegetation including roadside vegetation as wildlife habitat and as corridors for flora and fauna. • Protect and enhance wetland, stream and waterway environments to conserve soils, ensure water quality, avoid sedimentation and retention of native vegetation as wildlife habitat and as a corridor for wildlife movement. • Ensure that sediment run-off is contained on site using best practice techniques during the use and development of any land.

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	COUNCIL PLAN-OBJECTIVE	MSS CONSIDERATION OF OBJECTIVE
		<ul style="list-style-type: none"> • Require land use and development proposals to demonstrate compliance with Net Gain objectives and principles to avoid, minimise and offset native removal of and impacts upon native vegetation. • Require development and landscaping to protect and enhance wildlife corridors. • Ensure that subdivision, buildings and/or works in wildfire areas are appropriately sited, designed and managed to address wildfire risk. • Encourage development that meets higher construction standards and/or utilises alternative treatments to address wildfire risk in preference to vegetation removal. • Protect, conserve and enhance the environmental, recreational and heritage values of waterways (including natural drainage gullies) and their environments. • Ensure that effluent envelopes are located to minimise environmental impacts. <p><u>Clause 21.07-2 and 21.07-3 and 21.07-5 Green Wedge and Yarra River Corridor -Strategies</u></p> <ul style="list-style-type: none"> • Maintain existing patterns of development and the character of the green wedge and Yarra River corridor areas. • Ensure that the scale of development is appropriate to the capability of the land to retain effluent on site. • Avoid, minimise and offset native vegetation removal and impacts. • Ensure that the siting and design of housing development and associated infrastructure and services minimises the extent of earthworks and responds to site constraints including slope, waterways and wildfire risk. • Prepare and implement a Land Management Plan for all applications for subdivision. • Encourage landowners of new subdivisions to identify building envelopes to limit the impacts of development, with consideration to environmental, cultural and landscape qualities, wildfire risk, topography, watercourses, lot size/design and servicing constraints. • Ensure that subdivision design and layout responds appropriately to topography and vegetation cover and is consistent with Net Gain objectives and principles to avoid, minimise and offset native vegetation removal and impacts. • Require the preparation of a site analysis plan of the site and surrounds for all development and subdivision proposals showing the opportunities and constraints, and how a proposal appropriately responds to this analysis. • Prepare and implement Land Management Plans that enhance the land's environmental values. • Protect and enhance native vegetation, including roadside vegetation as wildlife habitat and as corridors for flora and fauna. • Protect and enhance wetland, stream and waterway environments to conserve soils, ensure water quality, avoid sedimentation and retention of native vegetation as wildlife habitat and as a corridor for wildlife movement. • Require land use and development proposals to demonstrate compliance with Net gain objectives and principles to avoid, minimise and offset removal of and impacts upon native vegetation. • Promote the re-vegetation of cleared areas or gaps in habitat corridors with indigenous species. • Ensure that subdivision, buildings and/or works in wildfire areas are appropriately sited, designed and managed to address wildfire risk. • Encourage development that meets higher construction standards and/or utilises alternative treatments to address wildfire risk in

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	COUNCIL PLAN-OBJECTIVE	MSS CONSIDERATION OF OBJECTIVE
		<p>preference to vegetation removal.</p> <ul style="list-style-type: none"> Require proposals to be supported by the outcomes of a proper land capability assessment. Ensure that sediment run-off is contained on site using best practice techniques during the use and development of any land. Require development and landscaping to protect and enhance habitat corridors.
4	<p><u>Vibrant and Prosperous Economy</u></p> <ul style="list-style-type: none"> Grow our local business, tourism and economy 	<p><u>Clause 21.13-3 Open Space and Tourism – Strategies:</u></p> <ul style="list-style-type: none"> Encourage tourism opportunities that meet the needs of the local and business community. Promote, protect and enhance Melbourne’s Valley of the Arts region as a tourist destination. Promote and enhance Manningham’s tourism assets in Framework Plan 7. Require the development of tourist activities to respond to land capability (including environmental and servicing constraints). Encourage uses such as small-scale bed and breakfast accommodation, matched to land capability (including environmental and servicing constraints). Promote tourism developments that complement local communities, surrounding land uses and natural resources. Require development proposals to adopt best-practise design and construction techniques to ensure that the proposals have a neutral or positive impact on environmental characteristics and visual landscape quality of surrounding land uses and natural resources. Promote sustainable and high quality development of physical infrastructure. Promote environmentally sensitive road upgrades. Promote key tourism assets with appropriate signage. Require developments to demonstrate that traffic impacts will be minimised. <p><u>Clause 21.09 Activity Centres and Commercial Areas – Strategies:</u></p> <ul style="list-style-type: none"> Encourage the establishment of community based facilities in or adjacent to activity centres to encourage social interaction and to service resident needs. Encourage a mix of uses including residential development to ensure the long-term viability and competitiveness of the activity centres. Identify opportunities for increased retail and office floor space to meet the future needs of the sub regional population.
5	<p><u>Well Governed Council</u></p> <ul style="list-style-type: none"> A financially sustainable Council that managed resources effectively and efficiently 	<p><u>Clause 21.15 Monitoring and Review</u> sets out the mechanisms to monitor the effectiveness of the Local Planning Policy Framework (LPPF),</p> <p><u>Clause 21.15 - Strategies</u></p> <ul style="list-style-type: none"> Tracking of indicators and targets using the Council Plan Use of indicators and targets using other key Council Strategies e.g. Manningham’s Water15 – Sustainable Water Management Plan

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	COUNCIL PLAN-OBJECTIVE	MSS CONSIDERATION OF OBJECTIVE
	<ul style="list-style-type: none">A Council that values citizens in all that we do.	<p>(2005)</p> <ul style="list-style-type: none">Annual Municipal Opinion Survey.

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MUNICIPAL STRATEGIC STATEMENT CONSISTENCY WITH THE STATE PLANNING POLICY FRAMEWORK

STATE PLANNING POLICY CLAUSE	STATE PLANNING POLICY OBJECTIVES	MUNICIPAL STRATEGIC STATEMENT (MSS)	SUPPORTED BY MSS?	RECOMMENDATIONS
CLAUSE 11 (SETTLEMENT)				
Clause 11.01 (Victoria)	<i>To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.</i>	The strategic directions articulated in the SPPF are identified in Clause 21.04 (Vision-Strategic Framework). The <i>Strategic Overview Framework Plan</i> spatially illustrates where specific land use outcomes will be supported and promoted across the municipality.	Yes.	None made.
Clause 11.02 (Urban growth)	<p><i>To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.</i></p> <p><i>To facilitate the orderly development of urban areas.</i></p> <p><i>To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create benefits for sustainability while protecting primary production, major sources of raw materials and valued environmental areas.</i></p>	<p>The strategic directions of the SPPF are addressed by Clause 21.04 Vision-Strategic Framework. The Strategic Overview Framework Plan illustrates the major strategic directions identified for the municipality. The current MSS is consistent with this section of the SPPF in that we have a hierarchy of activity centres, a Residential Strategy (2012) which designates areas for housing change across the municipality and an Open Space Strategy and an Economic Development Strategy which respectively provide recommendations around future provision of open space and opportunities for job creation in the local area, which are given effect through the various clauses of the MSS.</p> <p>The MSS includes specific focus on housing and identifies the objectives and strategies for accommodating population growth consistent with Councils <i>Residential Strategy</i> (2012) designates areas for housing change.</p> <p>More specifically, Clause 21.05 (Residential) divides the municipality into four residential character precincts and prescribes strategies for accommodating population growth in dwelling type. Areas where significant change is encouraged are located along main roads (transport corridors) and surrounding activity centres (service centres).</p> <p>Clause 21.06 (Low density) considers housing and subdivision options (among others) in the Low Density Residential Zone. This clause emphasises the environmental qualities identified in these areas.</p> <p>Primary production is negligible and there are no known</p>	Yes.	Review the appropriateness of the location of the residential zones, and residential character provisions for residentially zoned land. Residential policy in the MSS will also require review to ensure that it supports any future changes to support and give effect to any proposed changes to the residential framework.

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STATE PLANNING POLICY CLAUSE	STATE PLANNING POLICY OBJECTIVES	MUNICIPAL STRATEGIC STATEMENT (MSS)	SUPPORTED BY MSS?	RECOMMENDATIONS
		major sources of raw materials.		
Clause 11.03 (Activity centres)	<p><i>To build up activity centres as a focus for high quality development, activity and living for the whole community by developing a network of activity centres.</i></p> <p><i>To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural development into activity centres which provide a variety of land uses and are highly accessible to the community.</i></p>	<p>Clause 21.09 (Activity centres and commercial areas) provides a hierarchy and network of activity centres across the municipality, incorporating major, neighbourhood and local activity centres and other commercial areas.</p> <p>Clause 21.09 encourages the range of uses prescribed under the SPPF and these are considered highly accessible to the communities of Manningham.</p>	Yes.	None made.
Clause 11.04 (Open space)	<i>To assist creation of a diverse and integrated network of public open space commensurate with the needs of the community.</i>	<p>Clause 21.13 (Open space and tourism) provides council's vision for the provision of active and passive recreation opportunities.</p> <p>Scheme provisions identify the importance of continuing to expand and enhance the open space network and linkages to meet the needs of the community</p>	In part.	Clause 21.13 has been updated to refer to the <i>Public Open Space Strategy (2014)</i> , however, there are specific actions within that Strategy which require further review for inclusion within the Planning Scheme.
Clause 11.05 (Planning for distinctive areas and landscapes).	<i>Not applicable.</i>	Not applicable.	Not applicable.	Not applicable.
Clause 11.06 (Metropolitan Melbourne)	<p><i>To create a city structure that derives productivity, attracts investment, supports innovation and creates jobs.</i></p> <p><i>To provide housing choice close to jobs and services.</i></p> <p><i>To create a distinctive and liveable city with quality design and amenity.</i></p> <p><i>To create a city of inclusive, vibrant and healthy neighbourhoods that promote strong communities, healthy lifestyles and good access to local services and jobs.</i></p> <p><i>To create a more sustainable and resilient city that manages its land, biodiversity, water, energy, and waste resources in a more integrated way.</i></p> <p><i>To protect the green wedges of Metropolitan Melbourne from inappropriate development.</i></p>	<p>The MSS implements and gives effect to key aspects of the metropolitan strategy. These include:</p> <p><u>Creation of jobs:</u> Council's <i>Economic Development Strategy (2011-2030)</i> (revised February 2018) contains an amended Action Plan for the years 2018-2021 which includes a number of actions relevant to the Review..</p> <p>Proposed Amendment C117 reviews non-residential uses in the green wedge, by recognising change and opportunities that are occurring there. It proposes changes to the MSS to encourage greater economic activity including the increasing demand for tourism, while balancing the environmental values of the area.</p> <p><u>Affordable housing:</u> Refer to response in Clause 16.</p> <p><u>Housing choice:</u> As noted previously Manningham has a well-developed residential planning framework which actively seeks to implement the strategies contained in Plan Melbourne and is detailed in the MSS, including identifying areas for substantial change around activity</p>	In part.	Ensure that the relevant revised economic actions are translated into Scheme provisions.

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STATE PLANNING POLICY CLAUSE	STATE PLANNING POLICY OBJECTIVES	MUNICIPAL STRATEGIC STATEMENT (MSS)	SUPPORTED BY MSS?	RECOMMENDATIONS
	<p><i>To strengthen the integrated metropolitan open space network.</i></p>	<p>centres (including within the Doncaster Hill precinct) and along major roads with good access to public transport. The Doncaster Hill Strategy (2002, revised 2004), is Council’s response to increased demand for more “appropriate, sustainable and diverse housing options”. This strategy is reflected in Clause 21.05 of the MSS. The Doncaster Hill Strategy has been earmarked for review in 2018/19.</p> <p><u>Green wedge areas:</u> Clause 21.07 details planning policy in relation to the Green Wedge and Yarra River corridor and identifies the challenges to address the competing interests between the use of land for rural living, agricultural pursuits and biodiversity protection. The scheme contains objectives and strategies to ensure that developments are site responsive and to improve the habitat, vegetation, soil and water qualities alongside streamside environments.</p> <p>The Manningham Green Wedge and surrounding rural areas provide a country lifestyle as well as providing business and tourism opportunities. Many of these areas also contain significant vegetation with high environmental values. Proposed Amendment C117 proposes changes to the MSS (and LPPF) that aim to ensure that opportunities exist to support more diverse economic activity (specifically tourism-related uses) – provided it is appropriate for the area. This Amendment will bring the MSS more into line with the SPPF.</p> <p><u>Open Space:</u> Clause 21.09 of the MSS sets out the need to provide a range of active and passive recreation opportunities in accordance with community needs. Manningham Planning Scheme Amendment C123, implements Action 1.4.1 of the Manningham Open Space Strategy (2014) that seeks to introduce public open space contribution rates across the municipality as a result of increased demand on public open space areas from the existing and future population. This Amendment gives effect to the SPPF with regard to strengthening the integrated metropolitan open space network.</p>		

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STATE PLANNING POLICY CLAUSE	STATE PLANNING POLICY OBJECTIVES	MUNICIPAL STRATEGIC STATEMENT (MSS)	SUPPORTED BY MSS?	RECOMMENDATIONS
CLAUSE 12 (ENVIRONMENTAL AND LANDSCAPE VALUES)				
Clause 12.01 (Biodiversity)	<i>To assist the protection and conservation of Victoria's biodiversity. To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.</i>	The Council vision is about providing a balance between rural and urban areas and the protection of the natural environment. The MSS (and local policy) give ongoing protection to landscape and environmental values across the municipality. Clause 21.04 (Vision – Strategic Framework) identifies sites of biological significance (Biosites) for future protection and development. Biosites are protected under Schedules of the Environmental Significance Overlay. Vegetation protection is also recognised under Clause 21.07 Green wedge and Yarra River corridor in addition to local policies under Clause 22.02 (Native Vegetation) and Clause 22.19 (Outbuildings in the Low Density Residential Zone).	Yes.	Changes to SPPF may have implications on current Council policy. The MSS and LPPF, in particular Clause 22.02 needs to be reviewed to ensure consistency with the SPPF.
Clause 12.02 (Coastal areas)	Not applicable.	Not applicable.	Not applicable.	None.
Clause 12.03 (Alpine areas)	Not applicable.	Not applicable.	Not applicable.	None.
Clause 12.04 (Environmentally sensitive areas)	<i>To protect and conserve environmentally sensitive areas.</i>	Addressed by the objectives, strategies and implementation of Clause 21.02 (Key influences) and Clauses 21.07 (Green Wedge and Yarra River Corridor). Clause 21.05 Residential and 21.06 Low Density also contain objectives and strategies in relation to environmentally sensitive areas.	Yes.	Modify the MSS to give effect to the new planning controls for the protection of the Yarra River, introduced as part of Amendment GC48 which affected 6 municipal councils along the Yarra River corridor, including Manningham, and amended Schedule 2 to the Significant Landscape Overlay.
Clause 12.05 (River corridors)	<i>To protect and enhance the significant river corridors of metropolitan Melbourne. Maintain and enhance the natural landscape character of the Yarra River corridor in which the topography, waterway, banks and tree canopy are dominant features providing a highly valued, secluded, natural environment for the enjoyment of the public.</i>	See above.	Yes.	See above.
CLAUSE 13 (ENVIRONMENTAL RISKS)				
Clause 13.01 (Climate Change Impacts)	Not applicable. This provision relates to coastal inundation and erosion.	Not applicable.	Not applicable	None.
Clause 13.02 (Floodplains)	<i>To assist the protection of:</i>	Addressed by the objectives, strategies and	In part.	Modify the MSS to reference the recent

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STATE PLANNING POLICY CLAUSE	STATE PLANNING POLICY OBJECTIVES	MUNICIPAL STRATEGIC STATEMENT (MSS)	SUPPORTED BY MSS?	RECOMMENDATIONS
	<ul style="list-style-type: none"> Life, property and community infrastructure from flood hazard. The natural flood carrying capacity of rivers, streams and floodways. The flood storage function of floodplains and waterways. Floodplain areas of environmental significance or of importance to river health. 	implementation of Clause 21.03 (Key influences) and Clause 21.12 (Infrastructure). These clauses should be modified to reference changes to the Scheme to introduce a Land Subject to Inundation Overlay (LSIO) and refer to further work that is being undertaken by Melbourne Water to identify additional areas within the municipality that are subject to flooding.		application of the LSIO and SBO1 under Amendment C109. Advocate the State Government to take a more proactive role in the implementation of floodplain mapping.
Clause 13.03 (Soil degradation)	<p><i>To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.</i></p> <p><i>To protect areas prone to erosion, landslip or other land degradation processes.</i></p> <p><i>The minimise the impact of salinity and rising water tables on land uses, buildings and infrastructure in rural and urban areas and areas of environmental significance and reduce salt loads in rivers.</i></p>	Clause 21.14 (Community health and well-being) includes as a key issue the identification of contaminated land, and requires as a strategy that contaminated land be appropriately treated as opportunities arise. Manningham contains some land affected by the Erosion Management Overlay, however it is not a significant issue for the municipality. Clause 21.07 identifies soil erosion as a threat. Not addressed in the MSS.	Yes. Yes No.	None
Clause 13.04 (Noise and air)	<p><i>To assist the control of noise effects on sensitive land uses.</i></p> <p><i>To assist the protection and improvement of air quality.</i></p>	Not specifically addressed in the MSS, although there are general statements throughout the MSS about ensuring particular land-uses protect the amenity of an area. Noise and its impact on high amenity areas, such as residential zones is largely addressed by State policy. It is not necessary to re-iterate every State policy in the MSS. Partially addressed by Clause 21.10 (Environmentally sustainable development) and Clause 21.08 (Industrial) which requires developments with a high standard of amenity. Manningham Council has an extensive network of shared bicycle and pedestrian paths to encourage non-motorised transportation. This contributes to an improvement in air quality.	No, but considered consistent. In part.	None. Review the MSS to include air quality improvement measures.
Clause 13.05 (Bushfire)	<p><i>To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection</i></p>	Whilst there is reference to wildfire risk in various clauses of the MSS, it is considered that further emphasis is required to be given to the protection of life to better reflect State policy (and to update references to bushfire risk).	In part.	The tension between the BMO and vegetation management has been identified in previous reviews. In light of recent changes to the SPPF around bushfire risk,

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STATE PLANNING POLICY CLAUSE	STATE PLANNING POLICY OBJECTIVES	MUNICIPAL STRATEGIC STATEMENT (MSS)	SUPPORTED BY MSS?	RECOMMENDATIONS
	<i>of human life.</i>	However, Clause 22.14 (Environmental and Landscape Significance Protection in Identified Wildfire Areas) has objectives to retain vegetation to preserve the recognised environmental and landscape significance and encouraging higher construction standards and/or alternative treatments in preference to vegetation removal.		it is even more important that we undertake a review of the LPPF, in particular Clause 22.14, around bushfire and vegetation management. Protection of life is the emphasis of the changes to the SPPF and this must be recognised in Council's MSS and LPPF. The extent of some of the environmental risk controls should be reviewed especially in light of updated bushfire controls.
CLAUSE 14 (Natural Resource Management)				
Clause 14.01 (Agriculture)	<i>To protect productive farmland which is of strategic significance in the local or regional context.</i> <i>To encourage sustainable agricultural land use.</i> <i>To facilitate the establishment, management and harvesting of plantations, and harvesting of timber from native forests.</i>	Not specifically addressed in the MSS. Clause 20.07 (Green Wedge) identifies the loss of productive agricultural land as an issue and seeks to discourage activities that result in the loss of productive land, however, recent review of the rural areas has confirmed that there has been a continual decline of commercial agricultural activities. That which is remaining is not regionally significant. Not addressed in the MSS. Not applicable.	In part.	Review the MSS to determine whether niche agricultural enterprises could be accommodated within Council's Green Wedge.
Clause 14.02 (Water)	<i>To assist the protection and, where possible restoration of catchments, waterways, water bodies, groundwater and the marine environment.</i> <i>To protect water quality.</i> <i>To ensure that water resources are managed in a sustainable way.</i>	Clause 21.12 (Infrastructure) of the MSS identifies that the protection and enhancement of Manningham's waterways and catchments is a key issue, and proposes and integrated approach to address issues around stormwater and drainage.	Yes	Continue to investigate the appropriateness of planning tools to further respond to issues around stormwater and drainage.
Clause 14.03 (Resource exploration and extraction)	Not applicable.	Not applicable.	Not applicable.	None.
CLAUSE 15 (Built Environment and Heritage)				
Clause 15.01 (Urban environment)	<i>To create urban environments that are safe, functional and provide good quality environments with a sense of place and</i>	The Residential Planning Framework in the MSS, currently includes policies around heritage, planning for safer design and ESD policy. The MSS through its current objectives	In part.	Review the MSS to ensure that Manningham's urban environments remain of a high quality, in conjunction with the

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STATE PLANNING POLICY CLAUSE	STATE PLANNING POLICY OBJECTIVES	MUNICIPAL STRATEGIC STATEMENT (MSS)	SUPPORTED BY MSS?	RECOMMENDATIONS
	<p><i>cultural identity.</i></p> <p><i>To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.</i></p> <p><i>To ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods.</i></p> <p><i>To improve community safety and encourage neighbourhood design that makes people feel safe.</i></p> <p><i>To recognise and protect cultural identity, neighbourhood character and a sense of place.</i></p> <p><i>To achieve neighbourhood that foster healthy and active living and community well-being.</i></p>	<p>and strategies supports the 20 minute city and also seeks to achieve contemporary design.</p> <p>The MSS contains the following clauses that must be read together and that all relate to the urban environment:</p> <ul style="list-style-type: none"> • Clause 21.05 (Residential); • Clause 21.06 (Low density); • Clause 21.09 (Activity centres and commercial areas); • Clause 21.10 (Environmentally sensitive development); • Clause 21.11 (Heritage); and • Clause 21.14 (Community health and well-being). <p>These provisions (together with various local policies) broadly support and give effect these objectives. However, due to the review of the residential zones, it is anticipated that these provisions will be significantly reviewed. In particular further work is required to achieve more appropriate design and built form outcome</p>		<p>review of the residential zones.</p>
<p>Clause 15.02 (Sustainable development)</p>	<p><i>To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.</i></p>	<p>Clause 21.04 (Vision – Strategic Framework) reiterates that the Council Plan and the MSS share a common vision for a municipality that supports sustainable development and achieves a balance between lively activity areas supporting a healthy local economy, and preserving our rural areas and abundance of open space.</p> <p>Clause 21.05 (Residential) has objectives for housing and subdivision to achieve environmentally sustainable developments. Other actions under Clause 21.05-4 also require the views of Council’s Sustainable Design Taskforce on major development applications to be considered.</p> <p>Clause 21.06 (Low density) has an objective to ensure that subdivision adopts environmentally sustainable design principles.</p> <p>Similarly, Clause 21.09 (Activity centres and commercial areas) includes within the Vision to integrate sustainable development principles and techniques into every facet of the design.</p>	<p>Yes.</p>	<p>Clause 22.12 was gazetted with an expiry date under Clause 22.12-8 (Expiry), being 30 June 2019, or earlier if it is superseded by an equivalent provision of the Victorian Planning Provisions.</p> <p>Although a State-wide approach to sustainability is Council’s preferred public policy position to provide a consistent sustainability framework, Clause 22.12 should be reviewed prior to its expiry date.</p>

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STATE PLANNING POLICY CLAUSE	STATE PLANNING POLICY OBJECTIVES	MUNICIPAL STRATEGIC STATEMENT (MSS)	SUPPORTED BY MSS?	RECOMMENDATIONS
		<p>Clause 21.10 (Environmentally sustainable development) is Council's main MSS provision and it includes building energy management, water sensitive design, external environmental amenity, waste management, quality of public and private realm, transport and urban ecology requirements. In its current form, Clause 21.10 was gazetted on 31 August 2017 under Planning Scheme Amendment GC42.</p> <p>To be read in conjunction with Clause 21.10 is Clause 22.12 (Environmentally sustainable development), gazetted also under Planning Scheme Amendment GC42. This local policy builds upon the policy basis prescribed under Clause 21.10.</p>		
<p>Clause 15.03 (Heritage)</p>	<p><i>To ensure the conservation of places of heritage significance.</i></p> <p><i>To ensure the protection and conservation of places of Aboriginal cultural heritage significance.</i></p>	<p>Objectives, strategies and implementation requirements are prescribed under Clauses 21.11 (Heritage) and Clause 22.03 (Cultural Heritage).</p> <p>The MSS identifies the need to continuously identify cultural heritage assets and ensure the community involvement in the protection, promotion and conservation of these places.</p>	<p>Yes.</p>	<p>Review the heritage listings under the schedule of Clause 43.01 (Heritage).</p>
CLAUSE 16 (Housing)				
<p>Clause 16.01 (Residential development)</p>	<p><i>To promote a housing market that meets community needs.</i></p> <p><i>To locate new housing in or close to activity centres and in urban renewal precincts and sites that offer good access to jobs, services and transport.</i></p> <p><i>To identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.</i></p> <p><i>To provide for a range of housing types to meet increasingly diverse needs.</i></p> <p><i>To deliver more affordable housing closer to jobs, transport and services.</i></p>	<p>Clause 21.04 (Vision – Strategic Framework), the Strategic Overview Framework Plan promotes a housing market to meet community needs, appropriately locates new housing close to activity centres, offers medium and higher density housing near employment and transport, and provides housing diversity. The framework does not address affordable housing.</p> <p>These objectives are also addressed under Clause 21.05 (Residential), Clause 21.06 (Low density) and Clause 21.09 (Activity centres and commercial areas).</p> <p>Further work has also been undertaken to identify areas suitable for medium density housing, having particular regard to the Doncaster Hill precinct area. Planning Scheme Amendment C33 is currently being prepared to incorporate changes to the LPPF.</p>	<p>In part.</p>	<p>Review these provisions in response to Council's Residential Strategy (2010).</p> <p>In respect to affordable housing, the <i>Housing Affordability and Other Matters Bill 2017</i> came into effect on 1 June 2018. The Act is intended in part to introduce a framework into the planning system to allow for the provision of affordable housing via voluntary arrangements with the private sector. The MSS does not include provisions relating to affordable housing and has been identified as a gap in the Manningham Planning Scheme. However, the recent affordable housing required in the rezoning of 8-12 Montgomery Street Doncaster East, is consistent with the <i>objectives of this State Policy</i>.</p>

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STATE PLANNING POLICY CLAUSE	STATE PLANNING POLICY OBJECTIVES	MUNICIPAL STRATEGIC STATEMENT (MSS)	SUPPORTED BY MSS?	RECOMMENDATIONS
Clause 16.02 (Housing form)	<p><i>To identify land suitable for rural living and rural residential development.</i></p> <p><i>To encourage the establishment of crisis accommodation and community care units in residential areas and to ensure that their location is kept confidential.</i></p> <p><i>To facilitate the timely development of residential aged care facilities to meet existing and future needs.</i></p> <p><i>To encourage well-designed and appropriately located residential aged care facilities.</i></p>	<p>Clause 21.04 (Vision – Strategic Framework), the Strategic Overview Framework Plan identifies land for rural living, which is located in the Rural Conservation Zone and the Low Density Residential Zone.</p> <p>These land are considered under Clause 21.06 (Low Density), and Clause 21.07 (Green Wedge and Yarra River Corridor) which requires the consideration of housing having regard for environmental attributes including bushfire impacts.</p> <p>Aged care accommodation is considered under Clause 21.14 (Community Health and Well-being) requiring these facilities to be provided with appropriate infrastructure and access to services.</p> <p>Crisis accommodation and community care units is largely addressed by State policy. It is not necessary to re-iterate every State policy in the MSS.</p>	In part.	None.
CLAUSE 17 (Economic Development)				
Clause 17.01 (Commercial)	<p><i>To encourage developments which meet the communities' needs for retail, entertainment, office and other commercial services and provide net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.</i></p> <p><i>To manage out-of-centre development.</i></p>	<p>Clause 21.04 (Vision – Strategic Framework), the Strategic Overview Framework Plan identifies the hierarchy of Activity centres across the municipality.</p> <p>Clause 21.09 (Activity Centres and Commercial Areas) is dedicated specifically towards providing a policy basis for the different levels of activity centre across the municipality.</p>	In part.	Review the MSS as appropriate to ensure consistency with <i>Plan Melbourne 2017-2050</i> and incorporate the Doncaster Hill Strategy as a 'major' centre.
Clause 17.02 (Industry)	<p><i>To ensure availability of land for industry.</i></p> <p><i>To facilitate the sustainable development and operation of industry and research and development activity.</i></p> <p><i>To protect industrial land of State significance.</i></p> <p><i>To create opportunities for innovation and the knowledge economy within existing and emerging industries, research and education.</i></p>	<p>Clause 21.04 (Vision – Strategic Framework), the Strategic Overview Framework Plan identifies the location of industrial land across the municipality.</p> <p>Clause 21.08 (Industrial) prescribes industrial use, and urban design and built form outcomes. Clause 22.10 (Bulleen Gateway) provides a policy basis for the consideration of industrial developments in Bulleen having regard for environmental and residential amenity impacts.</p>	In part.	Manningham Council has limited industrial land supplies, however, the North East Link (NEL) is likely to have significant implications for the industrial precinct in Bulleen, with advice provided to date that all business within this industrial precinct being required to relocate. This is likely to have a significant impact on the provision of employment and the local economy. Council needs to carefully consider the implications of the NEL, to identify opportunities for provision of industrial land within Manningham and/or other opportunities for local job creation.

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STATE PLANNING POLICY CLAUSE	STATE PLANNING POLICY OBJECTIVES	MUNICIPAL STRATEGIC STATEMENT (MSS)	SUPPORTED BY MSS?	RECOMMENDATIONS
Clause 17.03 (Tourism)	<i>To encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.</i> <i>To maintain and develop Metropolitan Melbourne as a desirable tourist destination.</i>	Clause 21.04 (Vision – Strategic Framework) includes Open Space and Tourism as a key land use theme. Clause 21.13 (Open space and Tourism) confirms Council's support for tourism initiatives that maintain and enhance a valuable and sustainable tourism industry.	Yes.	The MSS notes that a key challenge for the municipality is to enhance tourism opportunities at a local level. The <i>Manningham Tourism Strategic Plan</i> was endorsed by Council in 2007 and the implementation of this plan is ongoing. Council is currently undertaking Amendment C117 which includes changes to the MSS to support greater activity in the Green Wedge (in particular tourism activities) where land use conflicts can be minimised and any adverse amenity and environmental impacts are appropriately considered.
CLAUSE 18 (Transport)				
Clause 18.01 (Integrated Transport)	<i>To create a safe and sustainable transport system by integrating land-use and transport.</i> <i>To coordinate development of all transport modes to provide a comprehensive transport system.</i>	Clause 21.04 (Vision – Strategic Framework), Strategic Overview Framework Plan identifies Major Gateways as existing major transport links. Clause 21.09 (Activity Centres and Commercial Areas) has a key strategic objective to provide for well-defined vehicular, bicycle and pedestrian access both within and external to all precincts, with strong pedestrian crossing pints to be established on main roads. Clause 21.10 (Environmentally Sustainable Development) includes transportation strategies including the provision of appropriate bicycle parking and after-trip facilities, and to demonstrate how sustainable transport will be promoted and encouraged.	Yes.	Review the MSS as appropriate to ensure consistency with <i>Plan Melbourne 2017-2050</i> .
Clause 18.02 (Movement networks)	<i>To promote the use of sustainable personal transport.</i> <i>To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.</i> <i>To facilitate greater use of public transport and promote increased development close to high-quality public transport routes in Metropolitan Melbourne.</i> <i>To manage the road system to achieve integration, choice and balance by developing</i>	Clause 21.12 (Infrastructure) includes sections on public transport and movement networks that are consistent with State policy. Council owned roads are maintained on an on-going basis and this includes maximising the efficient use of these carriageways. The MSS does not address the adequacy of car supply. However, this is done through the schedules to Clause 45.09 (Parking Overlay).	Yes.	None.

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STATE PLANNING POLICY CLAUSE	STATE PLANNING POLICY OBJECTIVES	MUNICIPAL STRATEGIC STATEMENT (MSS)	SUPPORTED BY MSS?	RECOMMENDATIONS
	<p><i>an efficient and safe network and making the most of existing infrastructure.</i></p> <p><i>To ensure an adequate supply of car parking that is appropriately designed and located.</i></p>			
Clause 18.03 (Ports)	Not applicable.	Not applicable.	Not applicable.	None.
Clause 18.04 (Airports)	Not applicable.	Not applicable.	Not applicable.	None.
Clause 18.05 (Freight)	Not applicable.	Not applicable.	Not applicable.	None.
CLAUSE 19 (INFRASTRUCTURE)				
Clause 19.01 (Renewable Energy)	<i>To promote the provision of renewable energy in a manner that ensures appropriate siting and design considerations are met.</i>	Not addressed in the MSS.	No.	None.
Clause 19.02 (Community Infrastructure)	<p><i>To assist the integration of health facilities with local and regional communities.</i></p> <p><i>To assist the integration of education facilities with local and regional communities.</i></p> <p><i>To develop a strong cultural environment and increase access to arts, recreation and other cultural facilities.</i></p> <p><i>To provide fairer distribution of and access to of social and cultural infrastructure.</i></p>	Clause 21.14 (Community Health and Well-Being) contains several objectives relating to the provision of community amenities, educational facilities, cultural and health care facilities. These accord with the policies in the MSS.	In part.	None.
Clause 19.03 (Development infrastructure)	<p><i>To facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans and infrastructure contribution plans.</i></p> <p><i>To plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community</i></p>	<p>Not referenced in the MSS. Until recently, Manningham had not considered the introduction of developer contributions and it was considered that this was adequately addressed through State policy. The implementation of the Doncaster Hill Strategy has addressed the need for introducing developer contributions to help fund a range of infrastructure in this precinct area.</p> <p>Planning Scheme Amendment C123 recently introduced public open space contribution rates across the municipality.</p> <p>Clause 21.12 (Infrastructure) refers to Council's obligations to provide drainage infrastructure to reduce the occurrence of inundation and flooding, improve safety and enhance</p>	<p>No.</p> <p>Yes.</p>	Modify the MSS as necessary to address additional environmental and resource management issues and actions in general terms.

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STATE PLANNING POLICY CLAUSE	STATE PLANNING POLICY OBJECTIVES	MUNICIPAL STRATEGIC STATEMENT (MSS)	SUPPORTED BY MSS?	RECOMMENDATIONS
	<p><i>needs and protect the environment.</i></p> <p><i>To reduce the impact of stormwater on bays and catchments.</i></p> <p><i>To facilitate the orderly development, extension and maintenance of telecommunication infrastructure.</i></p> <p><i>To reduce waste and maximise resource recovery so as to minimise environmental, community amenity and public health impacts and reduce reliance on landfills.</i></p> <p><i>To plan for the development of pipeline infrastructure subject to the Pipelines Act 2005 to ensure that gas, oil and other substances are safely delivered to users and to and from port terminals at minimal risk to people, other critical infrastructure and the environment.</i></p> <p><i>To protect geodetic sites (survey marks) that support infrastructure projects, land development, survey, mapping and geographical information systems.</i></p>	<p>the amenity of the municipality. Council maintains and improves drainage through management plans.</p> <p>Clause 21.12 (Infrastructure) details Council's obligations relating to telecommunication infrastructure.</p> <p>The MSS only addresses the issue of waste generation under Clause 21.09 (Activity Centres and Commercial Centres). There is no reference in the MSS as to how pollution and waste will be specifically transported or how land degradation will be treated in regard to particular land-uses.</p> <p>Not addressed in the MSS. It is considered that this issue is adequately addressed by State Policy.</p> <p>Not addressed in the MSS. It is considered that this issue is adequately addressed by State Policy.</p>	<p>Yes.</p> <p>In part.</p> <p>No.</p> <p>No.</p>	

PLANNING APPLICATION STATISTICS JUNE 2014 - JUNE 2018

	2017/18	2016/17	2015/16	2014/15	2013/14
July	86	121	107	71	65
August	103	112	101	71	68
September	90	97	103	69	91
October	103	111	112	89	82
November	103	82	109	78	79
December	112	97	98	97	84
January	81	54	48	41	44
February	83	88	79	76	78
March	96	113	93	96	72
April	92	60	86	82	85
May	112	93	125	98	86
June	116	96	127	98	110
Total	1157	1124	1188	966	944

Value Source: PPARS (Total applications Received)

	2017/18	2016/17	2015/16	2014/15	2013/14
July	115	95	90	82	77
August	113	110	69	66	73
September	102	121	87	79	46
October	98	98	94	100	70
November	111	96	68	71	67
December	86	178	91	77	71
January	88	136	58	72	64
February	78	154	78	77	65
March	81	170	97	65	65
April	95	38	123	81	67
May	102	88	113	65	85
June	110	98	65	82	59
Total	1179	1382	1033	917	809

Value Source: PPARS (Total Responsible Authority Outcomes)

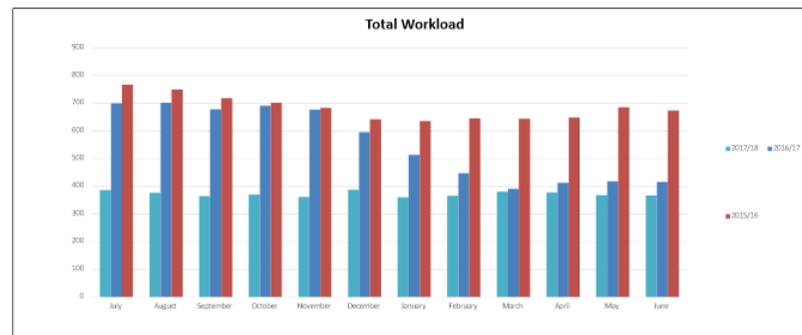
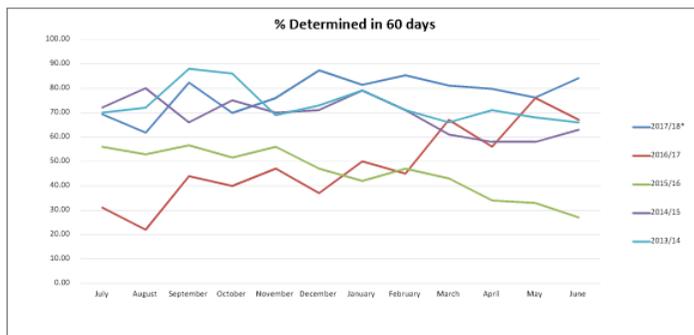
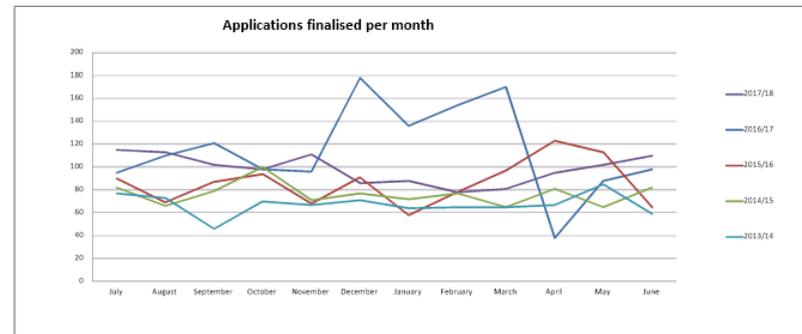
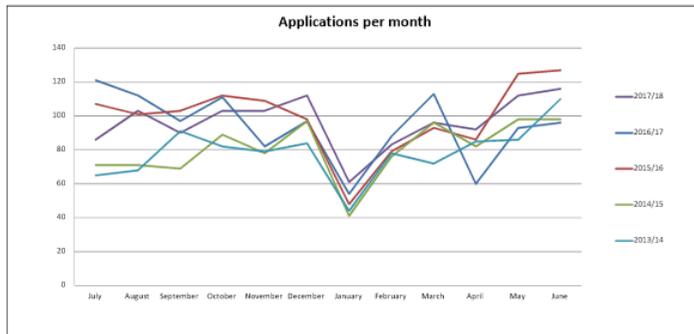
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	2017/18*	2016/17	2015/16	2014/15	2013/14
July	69.31	31	56.04	72	70
August	61.76	22	52.94	80	72
September	82.29	44	56.63	66	88
October	69.89	40	51.6	75	86
November	75.96	47	56	70	69
December	87.34	37	47	71	73
January	81.39	50	42	79	79
February	85.29	45	47	71	71
March	81.15	67	43	61	66
April	79.78	56	34	58	71
May	76.19	76	33	58	68
June	84.09	67	27	63	66
Total	77.87	48.5	45.5175	65.6667	73.25

Value Source: PPARS (Percentage within 60 days)
* First year data combining 60 day and 10 day files

	2017/18	2016/17	2015/16
July	386	699	766
August	376	701	749
September	364	677	717
October	369	690	701
November	361	676	683
December	387	595	642
January	360	513	635
February	365	447	645
March	380	390	644
April	377	412	648
May	367	417	685
June	366	415	673

Value Source: Property and Rating (Status Current)



APPENDIX 5

ANALYSIS OF VCAT DECISIONS 2014 - 2018

Planning Application	Site Address	Proposal	Key Planning Provisions	Council Decision	VCAT Determination	Key issues addressed by VCAT	Are there implications for the Manningham Planning Scheme?
PL12/023036	283 George Street, Doncaster	3 townhouses	R3Z 21.05 22.15 52.06	NOD	Permit affirmed (P458/2013)	Objector concerns: <ul style="list-style-type: none"> • Neighbourhood character; • Loss of vegetation. 	No.
PL12/023064	17 Outhwaite Avenue, Doncaster	3 townhouses	R3Z 21.05 22.15	NOD	Permit varied (P1257/2013)	Contested conditions. Details not included in VCAT's decision.	No.
PL12/023187	681-683 Park Road, Park Orchards	Use for store, buildings & works for sheds, vegetation removal	LDRZ SLO6 BMO 21.06 22.05	NOD	Permit varied (P1246/2013 & P1487/2013)	Variation to conditions to side setbacks to provide screen planting to address objector concern. VCAT considered: <ul style="list-style-type: none"> • The store, including its visual bulk; • Removal of 5 trees; • Landscaping; • Noise emissions; • Conditions regarding landscaping and vehicles parked on site 	No. Post decision: Amendment C110 introduced Clause 22.19 Outbuildings in a Low Density Residential Zone (3 March 2016) to provide additional policy guidance for the outbuildings.
PL12/023031	2 Kenneth Street, Bulleen	3 townhouses	R1Z DDO8-1 21.05 55	NOD	Permit varied (P1228/2013)	Objectors concerns: <ul style="list-style-type: none"> • Overshadowing; • Overlooking. 	No.
PL12/023042	33 Finlayson Street, Doncaster	4 townhouses	R3Z 21.05 22.15 55	Refusal	Refusal affirmed (P1473/2013)	<ul style="list-style-type: none"> • Neighbourhood character • Built form intensity; • Solar access; • Landscaping; • Internal views; • Accessibility. 	No.

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Planning Application	Site Address	Proposal	Key Planning Provisions	Council Decision	VCAT Determination	Key issues addressed by VCAT	Are there implications for the Manningham Planning Scheme?
PL12/022977	225 High Street, Templestowe Lower	Apartment building with basement (9 apartments)	R1Z DDO8-2 52.06	Failure (Refusal)	Permit (P1354/2013)	<p>21.05 guidelines are not sufficient to make two storey dwellings a maximum requirement</p> <p>DDO8 (sub-precinct B) maximum height and minimum lot size requirements are not mandatory.</p> <p>DDO8 design objectives anticipate a significant visual built form presence. DDO8 side setbacks are not mandatory requirements:</p> <ul style="list-style-type: none"> • Building heights; • Bulk; • Side setbacks. 	<p>Yes.</p> <p>Amendment C96 addressed this issue in part by introducing mandatory maximum building height requirements within sub-precinct B.</p> <p>Review 21.05 to investigate guidance in relation to two storey dwellings.</p> <p>Review DDO8 design objectives to address building bulk and articulation of upper levels.</p> <p>Review DDO8 setback requirements for the appropriate provision of landscaping.</p>
PL12/022712	1 Milne Street, Templestowe	Medical centre with basement	R1Z RDZ1 - adjoins DDO8-2 CHS 21.05 21.09 22.05 52.06	Refusal	Permit (P2015/2013)	<p>Clause 21.05 does not preclude commercial uses outside of the activity centre boundary.</p> <ul style="list-style-type: none"> • Whether medical centres should be located outside of the activity centre boundary • Balance of built form and landscaping on a site periphery to an activity centre; • Off-site amenity impacts from a medical centre 	<p>Yes.</p> <p>Use of conditions in state-wide zone provisions cannot be amended.</p> <p>Review 21.05 to investigate if additional guidance regarding the location of commercial uses outside of activity centres is required, in particular for the residential zones</p>

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Planning Application	Site Address	Proposal	Key Planning Provisions	Council Decision	VCAT Determination	Key issues addressed by VCAT	Are there implications for the Manningham Planning Scheme?
PL12/023140	15 Manningham Road, Bulleen	Convenience restaurant, signs, car parking reduction	R1Z RDZ1 - adjoins DDO8-1 52.05 52.06	Refusal	Permit (P1665/2013)	<ul style="list-style-type: none"> Clause 21.05 does not preclude commercial activity 	<p>Yes.</p> <p>Use conditions in state-wide zone provisions cannot be amended.</p> <p>Review 21.05 to investigate the need to include additional guidance regarding the location of commercial uses outside of activity centres, particularly within residential zones</p>
PL12/023313	19-25 Stintons Road, Park Orchards	Dwelling	RCZ3 ESO2 & 3 BMO CHS	NOD	Permit affirmed (P1031/2013)	<ul style="list-style-type: none"> Application for costs dismissed. Replacement dwelling on a lot Impact to views from adjoining private property 	No.
PL12/023118	107 Glenvale Road, Donvale	New dwelling to rear of existing dwelling	R1Z ESO5 21.05 22.02 52.06 55	NOD	Permit varied (P2033/2013)	<p>Objector's concerns:</p> <ul style="list-style-type: none"> Neighbourhood character; Overlooking; Traffic; Parking; Maintenance of property Community opposition to proposal 	No.
PL12/023138	5-9 Hanke Road, Doncaster	Apartment with basement (40 apartments)	R1Z DDO8-2	NOD	No permit (P1961/2013)	<ul style="list-style-type: none"> Design fails to respond acceptably to DDO8 design objectives; Parking and traffic 	<p>Yes.</p> <p>Basement projections; Setbacks to provide landscaping.</p>
PL09/020347	31-33 King Street, Templestowe	Retirement village with basement and 42 dwellings	GRZ3 RDZ1 - adjoins	Struck out	Permit amended (P776/2012)	<ul style="list-style-type: none"> Transfer to land to Council via S173 agreement 	<p>From 28 October 2016, King Street between Victoria Street and Blackburn Road has had its arterial road status revoked and is now a municipal road. The planning scheme will be updated to reflect the removal of the RDZ1. VicRoads is no longer a referral authority for King Street between Blackburn Road and Victoria Street.</p>

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Planning Application	Site Address	Proposal	Key Planning Provisions	Council Decision	VCAT Determination	Key issues addressed by VCAT	Are there implications for the Manningham Planning Scheme?
PL13/023341	4 Eildon Street, Doncaster	5 townhouses	R3Z 22.15 52.06 55	Refusal	Refusal affirmed (P2313/2013)	<ul style="list-style-type: none"> Neighbourhood character. Design objectives such as stepped heights, articulation of upper levels and provisions of sufficient front setbacks. On-site amenity. 	No.
PL12/023196	84-88 Whittens Lane, Doncaster	Apartment with basement - (16 apartments)	R1Z DDO8-3 21.05 52.06 55	Refusal	Permit (P2282/2013)	<ul style="list-style-type: none"> DDO8 does not mandate the number of storeys DDO8 and other planning provisions are sufficient in requiring the transition of built form at the interface of DDO8 sub-precincts and with other residential zones Building heights Transition of built form at interface of other zones/DDO8 sub-precincts 	Yes. Inconsistency between MSS and DDO8, as the DDO8 does not set a limit in the number of storeys. Review DDO8 and / or policy provisions to be consistent with current zone provisions or provide clearer guidance by either mandating the number of storeys or removing reference to allow for a site context responsive within the permissible maximum building height controls.
PL09/020302.02	8 Rosebank Terrace, Templestowe Lower	2 townhouses	R3Z 21.05 55	Refusal	Refusal affirmed (P2619/2013)	<ul style="list-style-type: none"> Changes to permit conditions not supported on basis that variations relate to an 'as-built' situation for a rear deck that is non-compliant with Res-Code requirements. 	No.
PL12/022918	321-327 Jumping Creek Road, Warrandyte	Extension to function centre and chapel, earthworks and vegetation removal	RCZ3 SLO4 HO97 BMO	NOD	Permit varied (P2568/2013)	<ul style="list-style-type: none"> Storage of mulch; Building alterations 	No.

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Planning Application	Site Address	Proposal	Key Planning Provisions	Council Decision	VCAT Determination	Key issues addressed by VCAT	Are there implications for the Manningham Planning Scheme?
PL12/023243	56 Rose Avenue, Templestowe Lower	3 townhouses	R3Z 21.05 22.15 55	Refusal	Permit (P2243/2013)	<ul style="list-style-type: none"> • Neighbourhood character; • Street setbacks; • Private open space; • Overlooking; • Overshadowing; • Landscaping; and • Safety & accessibility. 	<p>Yes.</p> <p>Investigate whether the local policy requirements at 21.05 and 22.15 needs to be strengthened to address:</p> <ul style="list-style-type: none"> • Upper levels. • Landscaping. • Front entries. <p>Local policy does not mandate the requirement that upper levels do not exceed 75% of the lower levels.</p>
PL12/203313	19-25 Stintons Road, Park Orchards	Dwelling	RCZ3 ESO2 & 3 BMO CHS	Permit	Permit affirmed (P1031/2013)	<ul style="list-style-type: none"> • Provisions and policy are sufficient to require the appropriate location and siting of a dwelling to minimise removal of vegetation, minimise views from the street/public view points, responds with topography apply not particular special weight toward the sharing of views between private properties. • Replacement dwelling on a lot. • Impact to views from adjoining private property • Neighbourhood character 	<p>Yes.</p> <p>Investigate whether any review of RCZ3, ESO3 should more clearly define the interpretation of the protection of 'viewlines and vistas'.</p>

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Planning Application	Site Address	Proposal	Key Planning Provisions	Council Decision	VCAT Determination	Key issues addressed by VCAT	Are there implications for the Manningham Planning Scheme?
PL12/022919	26 Greendale Road, Doncaster	3 townhouses	R3Z 21.05 22.15 52.06 55	NOD	Permit varied (P1042/2013)	<ul style="list-style-type: none"> • Neighbourhood character; • Rear setbacks to provide landscaping; • Recessing upper levels; • Separation between buildings; • Daylight under Clause 55.04-3; and • Car parking. 	No.
PL13/023887	30-34 Rainbow Valley Road, Park Orchards	Dwelling and vegetation removal	RCZ2, ESO2 & 3 BMO 52.17 52.47 52.28 21.07 22.02 22.14	Permit	No permit (P948/2014)	The local provisions, particularly the RCZ identify dwelling as a Section 2 use, with the primary objectives being the protection of the conservation value of the site and that it can be located and designed to manage bushfire hazards.	No.
PL13/023501	1 Monkton Road, Templestowe	Residential aged care facility and vegetation removal	LDRZ HO115 SLO6 15.01 & 15.03 16.02 22.04	Refusal	Refusal affirmed (P260/2014)	<ul style="list-style-type: none"> • Bushfire risk; • Type and need for the facility; • Whether there is a significant social effect; • Role & purpose of LDRZ; • Policy & physical context; • Heritage significance; • Landscape significance; • Visual impact; • Building form; • Vegetation removal; • Amenity impacts; and • Car parking and traffic 	No.

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Planning Application	Site Address	Proposal	Key Planning Provisions	Council Decision	VCAT Determination	Key issues addressed by VCAT	Are there implications for the Manningham Planning Scheme?
PL14/024208	Morrison's Nursery 160-166 Williamsons Road, 5-7 Henry Street, 59 Margot Avenue, Doncaster	Townhouses and access to a road zone	GRZ3 RDZ1 – adjoins 21.05 22.15 52.06 55	Failure	Permit by consent P2059/2014	By consent	No.
PL13/023828	1/856-860 Doncaster Road, Doncaster East	Promotional signs	C1Z DDO1	Refusal	Permit (P2059/2014)	<ul style="list-style-type: none"> • Appropriateness of signs. 	<p>Yes.</p> <p>Investigate the potential to require showrooms to prominently their goods within so that advertising does not excessively items on display in showroom</p>
PL14/024297	25 Buckingham Crescent, Doncaster	2 townhouses (side by side)	GRZ1 21.05 22.15 52.06 55	Permit	Permit varied (P2093/2014)	<ul style="list-style-type: none"> • Side by side dwellings; Front façade; • Double storey porch; • Side setback to garage; • Decorative columns 	<p>Yes.</p> <p>Investigate whether the relevant provisions of the of the scheme need to be reviewed to reinforce the pattern of development of the street; design features of front façade as they present to the street to be compatible, with existing and emerging development as they present to the street. In particular to avoid / minimise imposing vertical design features.</p>
PL13/023330	1091 Doncaster Road, Doncaster East	8 townhouses with basement	RGZ2 RDZ1 - adjoins DDO8-1 52.06 55	Refusal	Permit by consent	By agreement	No.
PL13/023956	247, 249, 253 Warrandyte Road, Park Orchards	4 lot subdivision, altered access and variation of restriction.	LDRZ SLO1	Refusal	Refusal affirmed (P1993/2014)	<ul style="list-style-type: none"> • Breach of Section 173 Agreement 	No.

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Planning Application	Site Address	Proposal	Key Planning Provisions	Council Decision	VCAT Determination	Key issues addressed by VCAT	Are there implications for the Manningham Planning Scheme?
PL14/024554	110 Williamsons Road, Doncaster	Place of assembly	GRZ2, RDZ1 - adjoins DDO8-3 Clause 21.05 Clause 22.15	NOD	Permit affirmed (P2029/2014)	<ul style="list-style-type: none"> Traffic and car parking Hours of operation 	No.
PL12/023294	1067 Doncaster Road, Doncaster East	4 townhouses and altered access to a road zone	RGZ2 RDZ1 - adjoins DDO8-1 21.05 52.29 55	Refusal	Permit (P1220/2014)	<ul style="list-style-type: none"> VicRoads refusal Planning policy context Design, siting & proposed landscape response Appropriateness of the rear setback Retention of landscaping bond is supported. 	Yes. Investigate rear setback relating to basement or undercroft car park, use instead <i>building</i>
PL13/023809	320 Serpells Road, Doncaster East	Apartment with basement (10 apartments)	GRZ3 21.05 52.06 55	Refusal	Permit (P1797/2014)	<ul style="list-style-type: none"> Objectives of Post 1975 areas under 21.05 – incremental change Overdevelopment Neighbourhood character Amenity for future residents Compliance with Clause 55 Car parking 	Yes. Investigate policy to clarify the meaning of incremental change under 21.05
PL14/024241	1 Eyre Court, Templestowe	4 townhouses	GRZ1 21.05 22.15 52.06 55	Failure (Refusal)	Permit (P2225/2014)	<ul style="list-style-type: none"> Built form & policy contexts Amenity impacts on neighbours The provisions do not limit number of storeys Visual bulk Amenity for future occupants 	Yes. Example of incremental change - <i>makes a small and incremental contribution to the broad housing objectives to increase the diversity of dwellings that are found in both State and local planning policy.</i> Determining front setbacks against B6 is strictly unnecessary in the courtbowl given the curved alignment and varied setbacks of neighbours.

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							Post decision, Amendment VC110 introduced mandatory number of storey and garden area provisions into the General Residential Zone which would likely impact the size of the dwellings.
PL14/024539	14 Lynne Street, Donvale	2 townhouses	GRZ1 21.05 22.15	NOD	Permit varied (P289/2015)	<ul style="list-style-type: none"> • Objector concerns • Neighbourhood character • Bulk and massing • Noise • Overshadowing 	No.
PL14/024299	12 Calvin Crescent, Doncaster East	3 townhouses	GRZ1 21.05 22.15	Refusal	Refusal affirmed (P2318/2014)	<ul style="list-style-type: none"> • Neighbourhood character • Overdevelopment • Internal amenity • Traffic & car parking 	Yes. Example of incremental change
PL14/024465	15 Smiths Road, Templestowe	4 townhouses	GRZ3 21.05 22.15	NOD	Permit affirmed (P178/2015)	<ul style="list-style-type: none"> • Objector concerns • Consistency with policy • Neighbourhood character • Compliance with ResCode 	No.
PL14/024464	81-83 Glenair Court, Templestowe Lower	8 townhouses	GRZ1	NOD	Permit varied (P410/2015)	<ul style="list-style-type: none"> • Objector concerns: • Neighbourhood character • First floor extent • Visual bulk • Private open space • Traffic generation • Solar access to secluded private open space 	No.
PL14/024600	2-4 Reserve Road, Wonga Park	Helicopter landing site	RCZ4 ESO3 52.15	Refusal	Refusal affirmed (P366/2015)	<ul style="list-style-type: none"> • Clause 52.15 • Amenity 	No.
PL14/024344	99 Atkinson Street, Templestowe	3 townhouses	GRZ1 21.05 22.15 52.06 55	Refusal	Permit (P526/2015)	<ul style="list-style-type: none"> • Neighbourhood character • Disability access • Building on a slope • Semi-recessed basements • Height • Bulk 	Yes. Review policy guidance for development in proximity to areas of higher density

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PL14/024277	90-94 Johansons Road, Warrandyte South	Outbuilding	RCZ3 ESO3 BMO	Permit	Permit varied (P1058/2015)	<ul style="list-style-type: none"> Size and layout of outbuilding 	<p>No.</p> <p>Amendment C117 proposes to provide additional guidance for outbuildings in the Rural Conservation Zone</p>
PL13/023751	321-327 Jumping Creek Road, Wonga Park	3 accommodation units ancillary to a function centre	RCZ3 ESO3 BMO HO97	NOD	Permit varied (P1208/2014)	<p>Objector concerns</p> <ul style="list-style-type: none"> How to considered an unauthorised use and development Expansion of the site in a piecemeal manner. Inappropriate intensification of the existing use 	<p>No.</p>
PL13/023819	1-5 Yarra Street, Warrandyte	Service Station	NRZ1 RDZ1 - adjoins DDO3 BMO LSIO CHS 22.05 52.12 52.29	Refusal	Refusal affirmed (P1193/2015)	<ul style="list-style-type: none"> Suitability of location Access to the site Local community need (determined low) 	<p>Yes.</p> <p>Low density residential areas, and Low Density Residential Zone not clearly defined – para 94-96.</p> <p>52.12 – No decision guidelines for a service station, para 107.</p> <p>Non-residential illumination of sites in a residential setting, may be commercial in nature and not characteristic of ambient residential lighting.</p> <p>Loss of vegetation in road reserve to facilitate access points result in the loss of landscape values.</p> <p>Traffic circulation within the site (para 205 – 212). And Tanker movements (para 213 – 218).</p>

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PL11/22330.02	107 Wood Street, Templestowe	Amendment - 8 townhouses and reduction in visitor car parking.	GRZ1	Refusal	Permit (P765/2015)	Oral decision.	No.
PL14/024391.01	5 Unwin Street, Warrandyte	Amendment to single dwelling - front fence	NRZ1 DDO4 ESO1 ESO5	NOD	Permit varied. (P730/2015)	Neighbourhood character (front fence)	No.
PL14/024743	47 McCallum Road, Doncaster	Store use	GRZ1 22.05	Refusal	Refusal affirmed (P831/2015)	<ul style="list-style-type: none"> Consistency with policy Amenity impacts 	No.
PL13/023396.01	590 Park Road, Park Orchards	Amended conditions; hours to sell liquor, red line area & and buildings and works.	C1Z SLO6 52.27	NOD	Permit varied. (P1063/2015) & (P1331/2015)	Objector concerns: <ul style="list-style-type: none"> Amenity impacts Risks to school children 	No.
PL14/024440	50 Summit Drive, Bulleen	2 townhouses – new to the rear of the existing dwelling	GRZ1 21.05 22.15	Refusal	Refusal affirmed (P877/2015)	<ul style="list-style-type: none"> Neighbourhood character Design response Solar access Safety & the dwelling entry Walls on boundaries Landscaping 	No.
PL14/024444	1 Lakeview Terrace, Templestowe Lower	7 townhouses	RGZ2 DDO8-1 21.05 52.06 55	Failure (permit)	Permit varied (P977/2015)	<ul style="list-style-type: none"> Visual bulk and form Amenity impacts on neighbours Parking and traffic 	No.
PL12/023228	20-22 Webb Street, Warrandyte	2 lot subdivision, vegetation removal, second dwelling	NRZ1 ESO5 DDO3 BMO 52.47 56	Refusal	Refusal affirmed (P1640/2015)	<ul style="list-style-type: none"> Subdivision design on steep land Bushfire Ecological values 	Yes. Consider reviewing local subdivision provisions to ensure no inappropriate subdivisions.

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Planning Application	Site Address	Proposal	Key Planning Provisions	Council Decision	VCAT Determination	Key issues addressed by VCAT	Are there implications for the Manningham Planning Scheme?
PL14/024789	55-57 Tram Road, Doncaster	8 townhouses	RGZ2 RDZ1 - adjoins DDO8-1 21.05 52.29 55	Refusal	Refusal affirmed (P1441/2015)	<ul style="list-style-type: none"> Design typology (in rows) GRZ is not an 'Anything goes' zone – para 32. Bulk, massing & setbacks Does not meet design objectives of DDO8-1. Vehicle movements. Landscaping. Tandem parking and impacts on internal amenity; Solar access to secluded open space and habitable rooms. 	No.
PL14/024484	36 Oakland Drive, Warrandyte	Outbuilding, pool, vegetation removal, earthworks	LDRZ ESO4 52.17	Refusal	Permit (P1567/2015)	<ul style="list-style-type: none"> Substituted plans Removal of native vegetation (13 native trees) Earthworks on sloping land >20%. 	No. Note: amendments made to the permit application plans substituted during the hearing process were generally satisfactory to the Council
PL14/024793	1026-1030 Doncaster Road, Doncaster East	6 storey apartment building above basement	RGZ2 (part) GRZ 2 (part) DD08-1 (in part) DD08-2 (in part)	Refusal	Permit (P2347/2015)	<ul style="list-style-type: none"> Amended plans; Height – exceeding prescribed DDO8 provisions; Transition in building height; Street setbacks; Breadth of built form; Shading; Bulk; Internal amenity; Car parking and traffic. 	Yes. <ul style="list-style-type: none"> Review the provisions to address conflict between discretionary height in RGZ and DDO8-1 and guidance in relation to: <ul style="list-style-type: none"> subterranean floor level requirements amenity impacts on neighbouring properties internal amenity built form treatment at interface with activity centre Sunken courtyards that limit landscaping; Subterranean floor levels minimising daylight.

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PL14/024312	8 Darryl Street, Bulleen	2 townhouses	GRZ1	Refusal	Refusal affirmed (P2408/2015)	<ul style="list-style-type: none"> • Neighbourhood Character; • Three Storeys; • Visual Bulk; • Lack of Landscaping; • Materials and finishes; • Screening for overlooking • Internal Amenity; • Accessibility 	No.
PL11/022306.02	81 Ayr Street, Doncaster	Amendment to townhouses	GRZ1	Permit	Permit varied (P307/2016)	<ul style="list-style-type: none"> • Spacing between dwellings. 	No.
PL14/024700	8 Corroboree Place, Templestowe Lower	2 townhouses	GRZ1 21.05 22.15 52.06 55	NOD	Permit varied (P2405/2015)	<ul style="list-style-type: none"> • Side by side design; • Neighbourhood character and incremental change; • Policy; • Scale and built form; • Site responsive design; • Amenity impacts; • Solar access to living areas. 	Yes. Consideration for side by side designs.
PL14/024764	3 Kelly Street, Doncaster	8 townhouses	GRZ2 DDO8-3 21.05 52.06 55	Refusal	Permit (P2210/2015)	<ul style="list-style-type: none"> • Policy; • Visual bulk and articulation; • Projection of basement. 	No.
PL15/025284	6 Timberglades, Park Orchards	Retaining wall (retrospective)	LDRZ ESO4	NOD	Permit affirmed (P2373/2015)	<p>Objector concerns:</p> <ul style="list-style-type: none"> • Bulk and appearance; • Environmental character; • Screen planting. 	No.
PL15/025585	2-3 Citrus Court, Doncaster	10 townhouses	GRZ2 DDO8-2 21.05	Failure (Refusal)	Permit (P720/2016)	Permit granted by consent order.	No.
PL15/025299	9-10 Citrus Court, Doncaster	9 townhouses	GRZ2 DDO8-2 21.05	Failure (Refusal)	Permit	Permit granted by consent order.	No.

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PL14/024343	21 June Crescent, Templestowe	7 townhouses	GRZ2 DDO8-3 21.05 55	NOD	No permit granted (P213/2016)	<p>Objector concerns:</p> <ul style="list-style-type: none"> • Neighbourhood character; • Dwelling interfaces; • Number of storeys; • Site responsive design; • Bulk, massing & form; • Inadequate landscaping; • Not supported by the strategic directions of the DDO8 	<p>Yes.</p> <p>Relevant provisions should be reviewed to address potential gaps or investigate whether greater direction should be provide in relation to:</p> <ul style="list-style-type: none"> • Protruding basements; • Dwelling intensity; and • Interface with adjoining zones.
PL15/025170	113-115 High Street, Doncaster	6 townhouses	GRZ1 21.05	Failure (refusal)	Permit (P769/2016)	<ul style="list-style-type: none"> • Amended plans; • Visitor car parking; • Landscaping; • Entries within the site; • Location of tandem spaces; • Car parking stackers; • Setbacks 	No.
PL14/024740	19 Oliver Road, Templestowe	Covenant removal	GRZ3 52.02	Refusal	Refusal affirmed (P790/2016)	<ul style="list-style-type: none"> • Proposal not supported on basis that it is likely that a close beneficiary objector will have a perceived detriment from any kind of proposal to vary/remove covenant. 	No.
PL15/025344	3 Dryden Street, Doncaster	8 townhouses	GRZ2 DDO8-3 21.05 52.06 55	Refusal	Permit (P477/2016)	<ul style="list-style-type: none"> • Neighbourhood character • Building bulk; • Amenity. 	<p>Provisions should be reviewed to provide greater direction or address potential gaps in guidance relating to:</p> <ul style="list-style-type: none"> • Neighbourhood character • Building bulk; • Amenity.

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Planning Application	Site Address	Proposal	Key Planning Provisions	Council Decision	VCAT Determination	Key issues addressed by VCAT	Are there implications for the Manningham Planning Scheme?
PL15/025029	51-53 Beverley Street, Doncaster East	12 townhouses	GRZ2 DDO8-2 21.05 52.06 55	Refusal	Refusal affirmed (P627/2016)	<ul style="list-style-type: none"> Substituted plans Three storey built form The prominence of the site Design response Limited recessing to the 3rd level Inadequate landscaping Mass, bulk and design detail Impact on adjoining trees Poor car parking – tight vehicle movements Internal amenity 	Yes. Appearance of building – apartment v. townhouse and is this important given the layouts from the two design typologies tend to differ.
PL09/020097.01	969-973 Doncaster Road, Doncaster East	Apartment Amendment increase dwellings from 22-38	RGZ2 DDO8-1	Failure	Permit (P1619/2016)	<ul style="list-style-type: none"> Compulsory conference 	Consent by all parties.
PL15/025115	3 Vicki Court, Doncaster	4 townhouses	GRZ1	NOD	Permit (P1212/2016)	<ul style="list-style-type: none"> No hearing 	Consent by all parties as an outcome of a compulsory conference.
PL15/025088	16 Walker Street, Doncaster	2 townhouses	GRZ1 21.05 22.15 52.06 55	Refusal	Permit (P916/2016)	<ul style="list-style-type: none"> Substituted plans Side by side layout Neighbourhood character Projecting garage level Landscaping boundary to boundary design and lack of spacing Excavation Internal amenity 	Yes. Consideration be given to creating a side-by-side design policy with considerations for slope.
PL14/024881	2 Wright Avenue, Donvale	Apartment 12 dwellings	RGZ2	Permit	Permit varied (P1367/2016)	<ul style="list-style-type: none"> No hearing 	No.
PL15/025435	10 Barak Street, Bulleen	2 townhouses	GRZ1	Permit	Permit varied (P1697/2016)	<ul style="list-style-type: none"> Oral decision. 	No.

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Planning Application	Site Address	Proposal	Key Planning Provisions	Council Decision	VCAT Determination	Key issues addressed by VCAT	Are there implications for the Manningham Planning Scheme?
PL15/025717	15 Davis Street, Doncaster	2 townhouses	GRZ1 21.05 22.15 52.06 55	NOD	Permit varied (P1349/2016)	<ul style="list-style-type: none"> Side-by-side layout Neighbourhood character Building massing; Landscaping; Visual Bulk 	Yes. Clause 22.15 has no objective to reinforce the garden area.
PL15/025447	911 Doncaster Road, Doncaster East	7 townhouses	RGZ2 DDO8-1	Refusal	Refusal (P1480/2016)	<ul style="list-style-type: none"> Building bulk and mass; Design detail; Amenity; Landscaping; Waste management 	No implications to Manningham Planning Scheme
PL14/024889	11-13 Herlihys Road, Templestowe Lower	Child care centre	GRZ1 22.05 52.06	Refusal	Permit (P469/2016)	<ul style="list-style-type: none"> Need Neighbourhood character Overflow car parking Car park design and safety Traffic generation Amenity impacts Visual bulk Overshadowing 	Yes. Review Clause 22.05 to include child care centre attributes.
PL15/025266.01	16 Raven Street, Doncaster East	Carport	GRZ1	Refusal	Permit (P2126/2016)	<ul style="list-style-type: none"> Suitability 	No.
PL16/026453	15 Melaleuca Avenue, Templestowe Lower	5 Townhouses	GRZ2	Failure (Consent)	Permit (P2326/2016)	<ul style="list-style-type: none"> Compulsory conference 	No.
PL15/025909	65 Wetherby Road, Doncaster	2 townhouses	GRZ1	By consent	Permit (P2262/2016)	<ul style="list-style-type: none"> No hearing 	No.
PL15/025768	2 Hakea Street, Templestowe	5 townhouses	GRZ2 DDO8-3	Refusal	Permit (P1750/2016)	<ul style="list-style-type: none"> Substituted plans Building bulk and mass No separation between building forms and limited articulation Lack of transition to adjoining properties at the rear Landscaping 	Yes. VCAT conditioned provision of visitor car parking Relevant provisions applying to the site should be reviewed to determine appropriate application of zoning or requirements relating to:

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						<ul style="list-style-type: none"> Visitor carparking 	<ul style="list-style-type: none"> Building bulk and mass No separation between building forms and limited articulation Lack of transition to adjoining properties at the rear Landscaping
PL16/026309	565 Doncaster Road, Doncaster	Trade supplies, service industry, office	ACZ1	By consent	Permit (P2355/2016)	<ul style="list-style-type: none"> In conjunction with test. 	Yes. Use of in conjunction with test in the ACZ may be difficult to meet.
PL15/025745	239-247 Foote Street, Templestowe	Child care centre	LDRZ 22.05 52.06 52.29	NOD	Permit varied (P1845/2016)	<ul style="list-style-type: none"> Use in this location Neighbourhood character Amenity impacts on surrounding properties, Traffic based concerns. 	No.
PL13/023888.01	8-12 Flinders Street, Bulleen	2 townhouses	GRZ1	Permit	Permit varied (P2580/2016)	<ul style="list-style-type: none"> Oral decision 	No.
PL15/025905	Units 1 & 2, 1 Milan Street, Doncaster East	3 townhouses	GRZ1	Permit	Permit varied (P2141/2016)	<ul style="list-style-type: none"> Oral decision 	No.
PL16/026087	583 Park Road, Park Orchards	Single dwelling & earthworks	LDRZ SLO6	NOD	Permit varied (P2363/2016)	<ul style="list-style-type: none"> Retrospective Earthworks under SLO Drainage; Overlooking; Neighbour amenity 	No.
PL15/025930	19 Outlook Drive, Doncaster	2 townhouses	GRZ1	Refusal	No permit	<ul style="list-style-type: none"> Substituted plans Neighbourhood character Inadequacy of SPOS configuration having regard for the number of people in the dwellings Visually imposing design 	No.

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PL16/025933	25 Hartley Road, Wonga Park	Helicopter landing site & storage shed	RCZ5 BMO ESO2	By consent	Permit (P161/2017 & P162/2017)	<ul style="list-style-type: none"> Objection withdrawn prior to compulsory conference 	No.
PL15/025850	289 Manningham Road, Templestowe Lower	6 townhouses and car parking reduction	RGZ2 DDO8-1 21.05 52.06 55	Refusal	Permit (P2538/2016)	<ul style="list-style-type: none"> Substituted plans Scale; Interfaces with adjoining zone (GRZ); Housing diversity; Two street interfaces Side setbacks 	<p>Yes.</p> <p>No mention to side boundaries in the DDO8, only front and rear.</p> <p>Relevant provisions applying to the site should be reviewed to determine appropriate application of zoning or other requirements relating to:</p> <ul style="list-style-type: none"> Scale; Interfaces with adjoining zone (GRZ); Housing diversity; Two street interfaces Side setbacks
PL16/026045	294-298 Manningham Road, Templestowe Lower	14 townhouses	RGZ2 DDO8-1 21.05 52.06 55	Refusal	No permit (P2573/2016)	<ul style="list-style-type: none"> Appropriateness of townhouse design in DDO1 areas Rows of townhouses Multiple accessways Landscaping Waste collection 	No.
PL16/026081	52-54 Manningham Road, Bulleen	16 townhouses	RGZ2 DDO8-1 21.05 52.06 55	NOD	Permit varied (P63/2017)	<ul style="list-style-type: none"> Objector appeal Oral decision 	No.
PL16/026240	3 Willowbank Court, Templestowe	Tennis Court & vegetation removal	GRZ3 ESO5	By consent	Permit (P2678/2016)	<ul style="list-style-type: none"> Compulsory conference Substituted plans 	No.
PL15/025671	35 Hakea Street, Templestowe	6 townhouses with basement	GRZ2 DDO8-3	NOD	Permit varied (P2092/2016)	<ul style="list-style-type: none"> Neighbourhood character Traffic and parking 	Yes.

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Planning Application	Site Address	Proposal	Key Planning Provisions	Council Decision	VCAT Determination	Key issues addressed by VCAT	Are there implications for the Manningham Planning Scheme?
PL16/026386	44 Anderson Street, Templestowe	Townhouses	GRZ2 DDO8-2	By consent	Permit	<ul style="list-style-type: none"> Compulsory conference 	No.
PL15/025685	30-32 and 34-36 Hopetoun Road, Park Orchards	2 Lot Subdivision - Boundary Realignment	LDRZ SLO6 56	Refusal	No permit (P27/2017)	<ul style="list-style-type: none"> Neighbourhood character; distinctive lot pattern; potential impact on vegetation, and undesirable precedent 	No.
PL15/025685	42 Ross Street, Doncaster East	2 townhouses	GRZ1	Refusal	Permit by consent (P304/2017)	<ul style="list-style-type: none"> Compulsory conference 	No.
PL16/026568	13 Arnold Grove, Doncaster	5 townhouses	GRZ2 DDO8-2	Refusal	Permit (P433/2017)	<ul style="list-style-type: none"> Compulsory conference Substituted plans Reduced the number of dwellings from six to five Reduced the height of the rear dwelling from three storeys to two storeys. Provision of visitor car parking space 	No.
PL16/026425	4 Frederick St, Bulleen	Townhouses	GRZ1	Permit	Permit varied (P711/2017)	<ul style="list-style-type: none"> Oral decision 	No.
PL16/026610	460 Doncaster Road, Doncaster	4 townhouses and access to RDZ1	RGZ2 DDO8-1 21.05 52.06 52.29 55	Refusal	Permit (P2637/2016)	<ul style="list-style-type: none"> Substituted plans Policy support Street setbacks and height Recessed garage Amenity impacts Support for 4 crossovers 	Yes. Review wording of provisions in respect to the number of preferred crossovers.
PL15/025910	37 Thiele Street, Doncaster	4 townhouses over basement	GRZ2 DDO8-3 21.05 22.09 52.06 55	NOD	Permit varied (P2645/2016)	<ul style="list-style-type: none"> Policy support Neighbourhood character Amenity Traffic and parking Flooding (C109) 	No.

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Planning Application	Site Address	Proposal	Key Planning Provisions	Council Decision	VCAT Determination	Key issues addressed by VCAT	Are there implications for the Manningham Planning Scheme?
PL15/025711	10A Hillhouse Road, Templestowe	7 townhouses and parking reduction	GRZ3 21.05 22.15 52.06 55	Refusal	Refusal (P1889/2016)	<ul style="list-style-type: none"> Site response Building form and spacing Streetscape Amenity 	No.
PL15/025711	25-35 Park Road, Donvale	45 townhouses	GRZ3 21.05 22.15 52.06 55	Refusal	Refusal (P218/2017)	<ul style="list-style-type: none"> Substituted plans Neighbourhood character Incremental change Road access Stormwater retarding basin Pedestrian access to Eastlink trail 	<p>Yes.</p> <p>Site not included in a residential character area under <i>Manningham Residential Character Guidelines, 2012</i>.</p> <p>Policy gap for developments in GRZ3.</p>
PL16/026014	8 Jamieson Road, Wonga Park	Sealed driveway and vegetation removal (retrospective)	RCZ2 ESO2 BMO	Refusal	Permit (P2438/2016)	<ul style="list-style-type: none"> Vegetation loss, as determined under AS4970-2009 Landscape character 	<p>Yes.</p> <p>Provisions applying to the site should be reviewed to determine appropriate application of zoning or other requirements relating to:</p> <ul style="list-style-type: none"> Earthworks Drainage; Overlooking; Neighbour amenity
PL16/026472	174 Bulleen Road, Bulleen	5 townhouses	RGZ2 DDO8-1 21.05 22.15 52.06 55	NOD	Permit varied (P238/2017)	<ul style="list-style-type: none"> Conditions appeal Deletion of part of an upper level Access 	No.
PL16/026022	7-9 Aranga Crescent, Donvale	6 townhouses	GRZ1 21.05 22.15 52.06 55	NOD	Permit varied (P151/2017)	<ul style="list-style-type: none"> Policy support Neighbourhood character Amenity Traffic & car parking Waste collection 	No.

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PL16/026800	109-111 Brushy Park Road, Wonga Park	Polyhouse associated with existing nursery	RCZ2 ESO3 BMO	NOD	Permit varied (P917/2017)	<ul style="list-style-type: none"> • Compulsory conference 	No.
PL16/026604	233 Thompsons Road, Templestowe Lower	3 townhouses	GRZ1 GRZ1 21.05 22.15 55	NOD	Permit varied (P1564/2017)	<ul style="list-style-type: none"> • Permit conditions 	No.
PL16/026361	13 Jeffery Street, Templestowe Lower	2 townhouses	GRZ1 21.05 22.15 55	Permit	Permit (P799/2017)	<ul style="list-style-type: none"> • Conditions appeal • Setbacks • Glazing panels to garage doors • Landscaping bond 	Yes. Landscaping bond supported.
PL16/026490	5 Ben Nevis Grove, Bulleen	2 townhouses	GRZ1 21.05 22.15 55	Permit	Permit varied (P725/2017)	<ul style="list-style-type: none"> • Conditions appeal • Side by side design • Increased articulation • Redesign – stairs to alfresco • Landscaping bond 	Yes. Landscaping bond supported.
PL16/026651	17 Greendale Road, Doncaster East	3 townhouses	GRZ1 21.05 22.15 55	NOD	Permit (P384/2017)	<ul style="list-style-type: none"> • Substituted plans 	No. No condition 1 requirements.
PL16/026339	12 Avon Street, Bulleen	4 townhouses	GRZ1 21.05 22.15 55	Refusal	Permit (P885/2017)	<ul style="list-style-type: none"> • Substituted plans • Policy support • Landscaping • Energy efficiency • Accessibility 	No.

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Planning Application	Site Address	Proposal	Key Planning Provisions	Council Decision	VCAT Determination	Key issues addressed by VCAT	Are there implications for the Manningham Planning Scheme?
PL16/026408	195-197 Manningham Road, Templestowe Lower	Apartment building over basement - 27 apartments	RGZ2 DDO8-1 21.05 52.06 55	NOD	Permit varied (P802/2017)	<ul style="list-style-type: none"> • Objector appeal • Building Height and Scale • Transition in building height • Overlooking • Operation of the ramp and garage door • Amenity of Apartment 105 • Reduction of visitor car parking space 	Yes. Differences in height provisions between the RGZ1 and DDO8-1
PL16/026110	12 Oliver Road, Templestowe	3 lot subdivision	GRZ3 21 22.11 52.06 56	Refusal	Permit (P519/2017)	<ul style="list-style-type: none"> • Neighbourhood character impact arising from the subdivision • Access, including battle axe design • Landscaping • Public open space contribution 	Yes. Consideration of Clause 22.11 in its effectiveness to provide battle axe access
PL17/027042	325 Manningham Road, Templestowe Lower	Advertising signage Illuminated electronic promotion sign	C1Z 52.05	Permit	Permit varied (P951/2017)	<ul style="list-style-type: none"> • No hearing - decision by order 	No.
PL16/026469	7 & 8 Blanche Court, Doncaster East	7 townhouses	GRZ1	NOD	Permit varied (P760/2017)	<ul style="list-style-type: none"> • Substituted plans • Objector appeal • Policy support • Traffic impacts • Waste management 	No.
PL16/026815	22 Carlton Court, Templestowe	3 townhouses	GRZ3 21.05 52.06 55	NOD	Permit (P1138/2017)	<ul style="list-style-type: none"> • Objector appeal • Policy support • Design response • Impacts on neighbouring properties • Car parking and traffic • Impacts on vegetation on neighbouring properties 	No.

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Planning Application	Site Address	Proposal	Key Planning Provisions	Council Decision	VCAT Determination	Key issues addressed by VCAT	Are there implications for the Manningham Planning Scheme?
PL16/026679	1 Fuller Street, Bulleen	2 townhouses over basement	GRZ1 21.05 22.15 52.06 55	Refusal	Permit (P1028/2017)	<ul style="list-style-type: none"> Substituted plans Design response to neighbourhood character 	No.
PL14/024047	5 Lower Homestead Road, Wonga Park	Landscape garden supplies	RCZ4 ESO3 HO104 LSIO	Refusal	Appeal withdrawn	NA.	No.
PL16/026846	26 Carrathool Street, Bulleen	4 townhouses	GRZ2 DDO8-3	Refusal	Permit (P1697/2017)	<ul style="list-style-type: none"> Substituted plans Compulsory conference 	No.
PL17/026998	10 Wellington Street, Templestowe Lower	2 townhouses	GRZ1 21.05 22.15 52.06 55	Permit	Permit varied (P1925/2017)	<ul style="list-style-type: none"> Objector appeal Oral decision 	No.
PL16/026737	29 Balwyn Road, Bulleen	2 townhouses	GRZ1 21.05 22.15 52.06 55	Refusal	Permit by consent (1440/2017)	<ul style="list-style-type: none"> No hearing, decision by order 	No.
PL16/026779	46-52 Brumby's Lane, Warrandyte South	Winery, agriculture & residential hotel	RCZ ESO3 BMO 52.06 52.27 52.34 57	Refusal	No Permit (P1625/2017)	<ul style="list-style-type: none"> Substituted plans Is the residential hotel prohibited – used in conjunction with pursuant to Clause 57 Essential association & functional relationship Design response Environmental impacts – vegetation water & habitat Risk in the BMO Traffic and car parking Amenity impacts Liquor licence Road widening and intersection works 	Yes. Non-residential uses in a conservation area – reviewed provisions.

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Planning Application	Site Address	Proposal	Key Planning Provisions	Council Decision	VCAT Determination	Key issues addressed by VCAT	Are there implications for the Manningham Planning Scheme?
PL16/026852	33-35 Manningham Road, Bulleen	Child care centre, easement removal and signage	RCZ2 DDO8-1	Refusal	Permit, by agreement (P1821/2017)	<ul style="list-style-type: none"> Compulsory conference 	No.
PL16/026537	11 & 13 Roseville Avenue, Doncaster	10 townhouses	GRZ2 DDO8-2 21.05 22.15 52.06 55	Permit	Permit (P1734/2017)	<ul style="list-style-type: none"> Objector appeal Policy support Non-compliance with Clause 55 Service provision 	No.
PL16/026668	23 Fielding Way, Templestowe	2 townhouses	GRZ3	Refusal	Permit, by consent (P1446/2017)	<ul style="list-style-type: none"> Substituted plans No hearing 	No.
PL16/026761	1084 Doncaster Road, Doncaster East	5 townhouses	RGZ2 DDO8-1 21.05 22.15 52.06 52.29 55	Permit	Permit varied (P1732/2017)	<ul style="list-style-type: none"> Conditions appeal Objector concerns Waiver of 1 visitor parking space Setbacks Windows in garages 	No. No circumstance to support the waiver of the visitor parking space.
PL15/025757	38 Frederick Street, Doncaster	6 townhouses	GRZ2 DDO8-3 21.05 22.15 52.06 55	Refusal	Permit, by consent (P2054/2017)	<ul style="list-style-type: none"> Compulsory conference 	No.
PL15/025449	102 Rose Avenue, Templestowe Lower	5 townhouses	GRZ1 21.05 22.15 52.06 55	Refusal	Permit, by consent (P2221/2017)	<ul style="list-style-type: none"> Compulsory conference Substituted plans 	No.
PL16/026256	8-20 Keen Avenue, Warrandyte	Subdivision and native vegetation removal	NRZ1 ESO5 DDO3 BMO LSIO 52.17	NOD	Permit varied (P1762/2017)	<ul style="list-style-type: none"> Conditions appeal Consolidation of lots Retention of trees 	No.

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Planning Application	Site Address	Proposal	Key Planning Provisions	Council Decision	VCAT Determination	Key issues addressed by VCAT	Are there implications for the Manningham Planning Scheme?
PL15/025522	94 Wood Street, Templestowe	5 townhouses	GRZ2 DDO8 21.05 52.06 55	NOD	Permit varied (P1921/2017)	Objector appeal: <ul style="list-style-type: none">• Circulated plans• Policy support• Site context• Amenity impacts• Drainage & flooding	No.

APPENDIX 6

CHANGES TO MANNINGHAM PLANNING SCHEME SINCE JUNE 2014

Approval Date	Amendment No.	Summary
5 June 2016	GC4	The Amendment removes floor space restrictions in all planning schemes following the introduction of the reformed commercial zones.
19 June 2014	C105	The Amendment replaces the previous residential zones with the new reformed residential zones, being: <ul style="list-style-type: none"> Residential Growth Zone; General Residential Zone; and Neighbourhood Residential Zone The Amendment also updated planning scheme maps to reflect the reformed commercial zone.
14 August 2014	C103	The Amendment updated Schedule 3 to the Special Use Zone (SUZ) by replacing the 2006 Master Plan with a revised Master Plan 2013. It also updated the schedule to Clause 81.01 Incorporated Documents to reference the revised 2013 Master Plan.
20 November 2014	C95	The Amendment rezones the land at 3-9 and 11 Mitchell Street, Doncaster East from a General Residential Zone – Schedule 2 to a Mixed Use Zone. The amendment also introduces a control that applies specifically to the site and an Incorporated Document to ensure that the proposed use and development of the site takes place in accordance with the plans for a multi-storey mixed use development including a shop, restaurant/reception centre, residential apartments and basement car park.
11 December 2014	C101	The Amendment introduces a range of zone and overlay changes and introduces a Development Plan Overlay to guide the redevelopment of the former Eastern Golf Course for residential development.
23 July 2015	C106	The Amendment applies to various properties across the municipality and updates the Manningham Planning Scheme to correct errors and remove anomalies that came into effect with Amendment C50, Amendment C95, Amendment C96 and Amendment C105.
23 July 2015	C108	The Amendment introduces changes to guide the location, design and operation of gaming machines within the municipality.
3 March 2016	C110	The Amendment responds to a number of identified statutory and policy gaps in residential areas, particularly the low density residential zone, by providing clearer guidance in relation to outbuildings and aged care facilities to ensure new buildings and development are responsive to neighbourhood character uses. The Amendment also addresses non-residential uses proposed on main roads.
29 September 2016	C102	The Amendment affects 6, 8, 10, 12, 14 and 16 Montgomery Street, Doncaster East. The amendment includes the combination of the rezoning of land as well as replacing DDO8 with DDO13, to enable the Council owned land to be developed for medium density residential through an Expression of Interest process.

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Approval Date	Amendment No.	Summary
24 February 2017	GC48	This 'group of councils' amendment affects six (6) Councils. In Manningham, the Amendment replaces existing planning controls along the length of the Yarra River to guide development and vegetation removal. The Amendment also introduces a new control applying mandatory maximum building height and setback controls from the Yarra River to nominated properties in close proximity to the river.
6 April 2017	C111	The Amendment seeks to rezone and subdivide the existing Council owned land at 383 – 395 Manningham Road, Doncaster into two lots to facilitate the redevelopment of the vacant portion of the site for residential purposes.
15 June 2017	C107	The Amendment makes changes to the Schedule to the Heritage Overlay so the Manningham Planning Scheme is consistent with the Victorian Heritage Register.
20 July 2017	C121	The Amendment rezones the former Council owned site at 8 Montgomery Street, Doncaster East from a General Residential Zone - Schedule 2 (GR22) to a Residential Growth Zone - Schedule 3 (RGZ3). The amendment is required to give effect to the planning provisions that were introduced via Amendment C102. Amendment VC110 changed the provisions of the General Residential Zone and introduced the need for a mandatory minimum garden area requirement which meant the development originally envisaged for the redevelopment (and sale of the site) at 8 Montgomery Street could not proceed. Amendment C121 facilitates the redevelopment of the site as originally intended with Amendment C102.
3 August 2017	C112	The Amendment facilitates the removal of restrictive covenants at 775, 777 and 779 Doncaster Road, Doncaster by amending the Schedule to Clause 52.02.
17 August 2017	C119	The Amendment corrects a number of anomalies associated with the application of the zones and overlays across specific Council owned sites.
31 August 2017	GC42	The Amendment introduces an Environmentally Sustainable Development local planning policy into two planning schemes, including the Manningham Planning Scheme on an interim basis until 30 June 2019.
3 October 2018	GC13	The Amendment updates the mapping and ordinance for the Bushfire Management Overlay across Victoria.
21 December 2017	C113	The Amendment allows prohibited uses for HO74 (South Warrandyte Hall) and makes a number of corrections to errors and anomalies in the Schedule to the Heritage Overlay and planning scheme maps.
21 December 2017	GC76	The Amendment introduces a maximum building height for dwellings and residential buildings consistent with heights specified in existing overlays, where these heights exceed the default height in the General Residential Zone. The Amendment also removes local variations to the Neighbourhood Residential Zone which specify a maximum number of dwellings on a lot, a maximum building height of 9 metres for dwellings and residential buildings and additional height exemptions for slope or land liable to flooding.
19 April 2018	C123	The Amendment introduces mandatory public open space contribution rates across the municipality as a result of increased demand on public open space areas from the existing and future population.

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APPENDIX 6

Legend



C amendments – changes to the Manningham Planning Scheme



GC amendments – changes to more than one planning scheme

APPENDIX 6

AMENDMENTS CURRENTLY BEING PROGRESSED

Amendment No.	Main Issue	Status
C104	Replacement of existing Incorporated Plan with a new Development Plan to guide the future expansion of Westfield Doncaster.	Council has considered submissions and resolved to refer all 85 submissions to a Panel and Advisory Committee at its meeting on 27 February 2018. The Panel and Advisory Committee commences on 3 September 2018
C109	Review of existing or introduction of new flooding controls across the municipality	On 26 September Council resolved to abandon the progression of SBO2 and SBO3; and forward submissions relating to Land Subject to Inundation (LSIO) and Schedule 1 to the Special Building Overlay (SBO1) to a Panel for consideration. The Panel's Report is expected to be considered by Council at its August meeting cycle.
C117	Review of existing local policy and introduction of a new local policy to guide non-residential land uses in the Green Wedge.	Council resolved to refer all 26 submissions to a Panel for consideration at its meeting on 26 June 2018.
C122	The Amendment applies to a number of properties across the municipality addresses a range of anomalies within the Manningham Planning Scheme	On 24 April 2018 Council resolved to refer all 5 submissions to a Panel. The Panel Hearing was conducted on 28 June 2018. Currently waiting on the panel report before reporting the matter to Council.

APPENDIX 7

ANALYSIS OF PANEL REPORTS

AMENDMENT NUMBER	DETAILS OF AMENDMENT	PANEL'S COMMENTS
C95	<p>This Amendment applies to land at 3-9 and 11 Mitchell Street, Doncaster East.</p> <p>The Amendment proposed to rezone the subject land from a Residential 1 Zone (R1Z) to a Mixed Use Zone (MUZ). The amendment also proposed to delete the Design and Development Overlay Schedule 8 – Residential Areas Surrounding Activity Centres and Along Main Roads (DDO8) from the subject land.</p> <p>More specifically the Amendment proposed to:</p> <ul style="list-style-type: none"> • Rezone 3-9 and 11 Mitchell Street, Doncaster East from a Residential 1 Zone to a Mixed Use Zone. • Amend Planning Scheme Map 7. • Delete Design and Development Overlay Schedule 8 (DDO8) from the subject land. • Apply a new Design and Development Overlay (DDO13) to the land to manage built form outcomes including height and setbacks. • Amend Planning Scheme Map 7DDO. <p>Concurrent to the preparation of the planning scheme amendment, an application for planning permit (PL11/021966) has been made under section 96A(1) of the <i>Planning and Environment Act 1987</i> (the Act). The planning permit application proposes to use and develop the site for a five-storey building comprising supermarket at ground level, three storeys of residential apartments, a restaurant/function centre on the top level and basement car park. The application also seeks a reduction in the number of car spaces and removal of an easement.</p> <p>As part of the amendment, a section 173 agreement has also been drafted, which requires the provision of a supermarket, with a minimum floor area of 1300 square metres, as part of any building developed on the site.</p>	<p>The Panel noted that a redevelopment of this site on the edge of an activity centre for a more intensive form of residential and commercial development is supported by, and implements, the relevant sections of the State and Local Planning Policy Frameworks and the various strategic documents to which the policies refer.</p> <p>In summary, the Panel concluded:</p> <p><u>Need for the supermarket and land use consequences</u></p> <ul style="list-style-type: none"> • The Jackson Court Neighbourhood Activity Centre (JCNAC) would immediately be benefitted in terms of its retail offer by a new supermarket and this would have flow on benefits to persons living within the Centre's trade area. • The subject land is an appropriate location for a new supermarket within the JCNAC and is compatible with surrounding uses. <p><u>Traffic, parking, built form and design impacts</u></p> <ul style="list-style-type: none"> • On balance, and weighing up competing planning objectives, it is considered that the proposal is an acceptable outcome from a built form and design perspective, provided that a supermarket is included in the mix of uses and subject to the imposition of additional conditions relating to acoustic attenuation measures, greater rear setbacks and other design changes, including landscaping; an additional first level open space insert and traffic and parking management measures. <p><u>Implementation</u></p> <ul style="list-style-type: none"> • The Mixed Use Zone is an appropriate zone for the site and represents an appropriate approach to the future management of land use and development outcomes on the subject land. • DDO13, which is capable of accommodating other unknown built form outcomes of comparable scale to the proposed development (under the Permit Application), is not supported given the existence of DDO8 (which provides for a maximum height of 11m) and the strategic work which underpinned it. • A more limited approach that does not permanently displace DDO8 and is specific to the Permit Application is considered the most suitable change to the Planning Scheme, where the built form controls will otherwise default to the existing DDO8 provisions. • Despite the planning mechanism to be used, it is still considered appropriate to require a section 173 agreement to ensure that a minimum area (1300sqm) of the ground floor would be set aside for a supermarket and that the agreement will end after a period of 15 years from the date of commencement of the supermarket <p>Impact on the Planning Scheme</p> <p>Although no immediate changes are required to the Planning Scheme in response to this Amendment, the Panel Report did raise a couple of matters that might be pertinent to any future strategic work being considered for the JCNAC:</p>

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AMENDMENT NUMBER	DETAILS OF AMENDMENT	PANEL'S COMMENTS
		<ul style="list-style-type: none"> In relation to the zoning of the subject site, the Panel noted that, 'If a shift to a commercial zone is to be contemplated it should occur in the context of a strategic planning exercise for the JCNAC, perhaps following completion of the development of the subject land and the clarification of its role within the centre. In the absence of this work the Panel considers that the MUZ represents a more prudent approach to the future management of land use and development outcomes on the subject land, with particular regard to its residential interfaces.' In relation to the possible extension of the Parking Overlay Schedule 2 to 11 Mitchell Street. Whilst this recommendation was not supported by Council, it may be prudent to investigate inclusion of this site as part of a future review of the Parking Precinct Plan applying to the JCNAC.
<p>C101</p>	<p>The Amendment applies to 'Eastern Golf Club-Tullamore', 463 Doncaster Road, Doncaster.</p> <p>The Amendment proposed to:</p> <ul style="list-style-type: none"> Rezone the site from the Residential 3 Zone to the Residential Growth Zone (RGZ) and apply Schedule 1 Apply the Development Plan Overlay and apply Schedule 3 Reduce the extent of the Heritage Overlay (HO43) Amend the Schedule to the Heritage Overlay at Clause 43.01 to specify that tree controls apply to three trees Amend the Environmental Significance Overlay Schedule 5 by including an exemption for the removal of nominated trees, included in a new reference document Delete the Design and Development Overlay Schedule 1 Amend Clause 22.17 'Eastern Golf Course Key Redevelopment Site Policy' to delete the 'Application Requirements' and make minor changes to the 'Decision Guidelines'. <p>In conjunction with the request for the amendment, Mirvac (Victoria) Pty Ltd (Mircac) submitted a proposed Development Plan (Development Plan) and accompanying technical documents that indicates how it intends to develop the whole site. The form and content of the proposed Development Plan responds to the requirements of Schedule 3 to the Development Plan Overlay Schedule (DPO3) proposed as part of Amendment C101 and the existing policy included in Clause 22.17 'Eastern Golf Course Key Redevelopment Site Policy'.</p>	<p>The Panel concluded that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework.</p> <p>The Panel and Advisory Committee (PAC) recommended that Amendment C101 to the Manningham Planning Scheme be adopted subject to conditions which reflect mapping and wording changes to the Heritage Overlay 43 and other minor wording changes to the Development Plan Overlay Schedule 3 and that the Development Plan should be approved subject to a number of changes.</p> <p>The PAC considered that the process entered into by Council and the Eastern Golf Club in 2009 and then the new landowner (Mircac) since 2011 has been thorough and professional and has led to a high degree of community acceptance. The provision of 20% public open space on this infill residential site is impressive (along with its new access provided to the surrounding community), the vehicle and pedestrian links are logical and link with surrounding assets and the Development Plan will provide the community with a reasonable level of certainty as to how the land will be developed.</p> <p>The Panel noted that many of the changes proposed are minor yet in total would add clarity to the Development Plan.</p> <p>Impact on the Planning Scheme</p> <p>The PAC's recommendations in relation to the Amendment generally proposed changes to refine and clarify the controls and did not raise any significant issues with current of the proposed policy framework.</p> <p>One matter raised by the PAC and which has not been addressed to date, is a minor change to Clause 22.03 Cultural heritage Policy, Decision Guidelines by amending Point 6 to include reference to 'Statements of Significance', to ensure a more consistent approach to the consideration of development applications.</p>

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AMENDMENT NUMBER	DETAILS OF AMENDMENT	PANEL'S COMMENTS
C102	<p>The Amendment applies to land known as 6, 8, 10, 12, 14 and 16 Montgomery St Doncaster East.</p> <p>The Amendment proposed to:</p> <ul style="list-style-type: none"> • Delete Schedules 8 and 8-2 of the Design and Development Overlay. • Apply Schedule 13 of the Design and Development Overlay (DDO13) to the above mentioned land. • Amend clause 21.05 to acknowledge the introduction of DDO13. • A planning application to re-subdivide 6, 8 and 10 Montgomery Street. 	<p>The Panel concluded that:</p> <p><i>'The Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework.'</i> It found that the, <i>'Amendment is well founded and is strategically justified ...'</i></p> <p>The Panel, in recommending that the Amendment be adopted as exhibited, supported a number of changes (as recommended by officers), which had previously been supported by Council at its meeting on 24 November 2015. The Panel considered that these minor changes were appropriate and would not change the intent of the exhibited amendment.</p> <p>Impact on the Planning Scheme</p> <p>No further changes are required to the planning scheme as a result of this Amendment.</p>
C111	<p>The Amendment applies to land known as 383-395 Manningham Road, Doncaster.</p> <p>The Amendment proposed to:</p> <ul style="list-style-type: none"> • rezone the above address from Public Use Zone 3 to Residential Growth Zone (Schedule 2); and • Apply Design and Development Overlay Schedule 8 – Sub-precinct 1 (DDO8-1). <p>The Amendment was required to facilitate the sale and redevelopment of Council owned land.</p>	<p>The Panel concluded that, <i>'...the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified, and the Amendment should proceed.'</i></p> <p>The Panel noted that the purpose for which the broader site was originally zoned, Public Use Zone (Health and Community), has been substantially fulfilled and that there is little likelihood that the balance of the land represented by the subject site can be utilised for its original zoned purpose. On that basis the Panel supported the rezoning of the subject site.</p> <p>Impact on the Planning Scheme</p> <p>No further changes are required to the planning scheme as a result of this Amendment</p>
C112	<p>The Amendment applies to land known as 775, 777 and 779 Doncaster Road, Doncaster.</p> <p>The Amendment:</p> <p>Proposed to facilitate the removal of restrictive covenants applying to the parcels aforementioned.</p> <p>The covenants allow only one dwelling with outhouses and garage on each lot, and restrict the materials that can be used to construct the dwellings.</p>	<p>The Panel noted that:</p> <p><i>'Higher density residential development on the Site is strongly supported by the State and local policy frameworks, as well as the applicable zone and overlay controls. While the removal of the covenants may negatively impact the interests of some nearby landowners, removing the covenants will deliver broader community benefits including urban consolidation, more efficient use of existing infrastructure and services, and more sustainable land use. In the Panel's view, these broader community benefits outweigh the potential dis-benefits.'</i></p> <p>The Panel concluded that, <i>'the removal of the covenants represents a satisfactory balancing of policies and interests, resulting in a net community benefit to the citizens of Manningham and Victoria. The Amendment is supported and should proceed'.</i></p> <p>Although not directly relevant to the review of the planning scheme, it is noted that the Panel in its discussion noted that the widely accepted criteria for an amendment to authorise variation or removal of a covenant are those set out in the Mornington Peninsula C46 Panel report:</p> <p><i>'First, the Panel should be satisfied that the Amendment would further the objectives of planning in Victoria. The Panel must have regard to the Minister's Directions, the Planning Provisions, MSS, strategic plans,</i></p>

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AMENDMENT NUMBER	DETAILS OF AMENDMENT	PANEL'S COMMENTS
		<p><i>policy statements, codes or guidelines in the Scheme, and significant effects the Amendment might have on the environment, or which the environment might have on any use or development envisaged in the Amendment.</i></p> <p><i>Second, the Panel should consider the interests of affected parties, including the beneficiaries of the covenant.</i></p> <p><i>Third, the Panel should consider whether the removal or variation of the covenant would enable a use or development that complies with the Planning Scheme.</i></p> <p><i>Finally, the Panel should balance conflicting policy objectives in favour of net community benefit and sustainable development. If the Panel concludes that there will be a net community benefit and sustainable development it should recommend the variation or removal of the covenant.</i></p> <p><i>These principles have been adopted and applied by many subsequent panels. This Panel agrees that these are the appropriate criteria, and the following chapter considers the issues raised in submissions against these criteria.'</i></p> <p>It is worth noting that these criteria should be applied to any future amendments relating to the removal of covenants.</p> <p>Impact on the Planning Scheme</p> <p>No further changes are required to the planning scheme as a result of this Amendment</p>
<p>C113</p>	<p>The Amendment applies to land at 66-68 Hall Road, Warrandyte South. It also applies to six other heritage places currently included in the Heritage Overlay of the Manningham Planning Scheme including HO155 House 47 Smiths Road, Templestowe.</p> <p>The Amendment:</p> <ul style="list-style-type: none"> • In relation to 66-68 Hall Road, Warrandyte South the Amendment changes the schedule to the Heritage Overlay HO74 by permitting prohibited uses on the land. • In relation to the six other heritage places, the Amendment corrects errors and anomalies in the current Schedule to the Heritage Overlay and Planning Scheme maps. 	<p>The Panel Report particularly focussed on the proposal to reduce the extent of HO155 (47- 49 Smiths Road, Templestowe) by removing town houses facing Aumann Drive that were developed in 2009 being the subject of the only unresolved submission.</p> <p>The Panel has considered all submissions and evidence presented to it and concluded that:</p> <ul style="list-style-type: none"> • The objecting submission should not have been dismissed as beyond the scope of Amendment. The objecting submission relates directly to a purpose of the Amendment, which includes to update the extent of HO155 to reflect the heritage significance of the place since redevelopment of land in 2009. • 47 Smiths Road should be removed from HO 155 as, since the property was subdivided and redeveloped in 2009, no significant fabric remains and it no longer reaches the threshold of local heritage significance. • Irrespective of whether 47 Smiths Road is retained in the HO, the Citation requires updating to adopt the current format and to reflect current circumstances. Rather than suggesting that the administrative task of changing the address on the Citation should preclude a change to the extent of HO155, it would have been better to foreshadow the need to update the Citation. <p>Impact on the Planning Scheme</p> <p>The Panel noted the need to update the citation for HO 155 to reflect current practice and circumstances as part of the next review of heritage provisions in the Manningham Planning Scheme. It is recognised that a number of citations relating to existing heritage places require further review to ensure that they remain</p>

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AMENDMENT NUMBER	DETAILS OF AMENDMENT	PANEL'S COMMENTS
		current. It is proposed that this property could be reviewed as one of a group of places identified as a high priority for review.
GC42	<p>The Amendment applies to all land in Manningham City Council (except for land affected by the Activity Centre Zone (Schedule 1) that applies to Doncaster Hill).</p> <p>The Amendment introduces a Local Planning Policy to ensure that development achieves best practice in environmental sustainability, from the design stage through to construction and operation.</p> <p>The amendment was prepared in conjunction with Darebin City Council.</p>	<p>In summary, the Panel concluded that <i>'...the amendment is both sound and strategically justified.'</i> It further noted that: <i>'The issues raised by the HIA were comprehensively considered by the EEDAC (Environmental Efficiency Design Advisory Committee). The HIA has not introduced any new arguments or evidence that has persuaded the Panel to divert from the findings of the EEDAC report and the approach adopted by similar amendments which were ultimately approved by the Minister.'</i></p> <p>Following its discussion of whether ESD policies are required or appropriate given the range of other policy and regulation that already exists, the Panel concluded that, <i>'there is strong policy support for the inclusion of the proposed ESD policies within the local planning policy framework and supports them.'</i></p> <p>The Panel did however recommend a 12 month sunset clause be included for the Manningham policy.</p> <p>Impact on the Planning Scheme</p> <p>Amendment GC42 was approved on 31 August 2017. The local planning policy has been introduced into both planning schemes on an interim basis until 30 June 2019. The introduction of permanent controls will be subject to further advice from DELWP.</p>

PLANNING SCHEME REVIEW FOCUS GROUPS SUMMARY

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1. Neighbourhood character and residential development

In regards to 'neighbourhood character and residential development', what changes in Manningham do you like?

Community members like the following changes:

- The planning, maintenance and upgrade of green spaces in the municipality, which ensure the areas maintains its 'green' or 'treed' character. This includes native planting in parks and street scapes, and the variety of parks/gardens in the area.
- The increased diversity of Manningham is adding to the neighbourhood character. Some community members like how the mix of new cultures, restaurants and festivals enrich the area's character.
- That development is being directed to main roads.

Special interest group members like the following changes:

- The introduction of Design and Development Overlay (DDO) 8.
- Development is being directed along main roads which helps reduce traffic congestions.
- Locating green spaces next or near to residential areas.

In regards to 'neighbourhood character and residential development', what changes in Manningham are you concerned about?

Community members are concerned about the following changes:

- The increasing size and scale of development, as very dense housing such as multi-level apartments replace a single dwelling. This results in a feeling of the 'city coming to the suburbs', and is perceived as being out of character with the local area. Some community members suggested that high density development can present privacy issues due to overlooking adjacent properties.
- The quality of apartment/housing design including the use of low quality materials, which is perceived as detracting from the neighbourhood character. This includes dwellings which do not have eaves and result in higher running costs and poor environmental outcomes.
- The small size of new apartments and their low internal amenity. This can have flow on effects as people use their car park for storage and park their cars on the surrounding streets.
- The loss of the tree canopy and gardens in the area due to the increased dwelling to block size ratio.
- Infrastructure provision which is not keeping up with residential development.

Special interest group members are concerned about the following changes:

PLANNING SCHEME REVIEW FOCUS GROUPS SUMMARY

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- The loss of trees across the municipality and their impact on the neighbourhood character. This includes the loss of trees on individual parcels of land where a block may be 'moon-scaped'.
- The size and scale of new developments, particularly multi-level apartments and single dwellings which take up a significant portion of a block of land. It is perceived that these developments impact on the amenity of surrounding areas, particularly neighbours, due to increased traffic and visual bulk.
- The perceived irregularity in which planning controls are implemented and enforced, and sometimes simply disregarded by developers/builders.
- The lack of suitable accommodation to house an ageing population.

In regards to 'neighbourhood character and residential development', what ideas do you have for managing change in the future?

Community members suggested the following ideas:

- The Planning Scheme should require higher quality design outcomes regarding new development. This could include adequate balcony and garden provision, requiring front and side setbacks, limiting blank facades such as large garage doors and the inclusion of environmentally sustainable design (ESD).
- Ensure large developments are accompanied by community infrastructure/services such as shops, gyms or cafes. This could involve negotiating with developers to provide facilities that are accessible to the public in private developments.
- Some community members believed that new developments should be spread more evenly across the municipality, while others preferred the current trend of high density developments concentrated to particular areas (such as Doncaster Hill).
- Tighten controls on maintenance of gardens on new developments so as not to detract from the neighbourhood character.
- Have development provide housing that is appropriate for a range of households, including elderly and families.

Special interest group members suggested the following ideas:

- Have clear neighbourhood character guidelines for identified precincts throughout the municipality.
- Review General Residential Zone Schedule 1 (GRZ1) and General Residential Zone Schedule 3 (GRZ3) to ensure appropriate provision of private open space.
- Review policies on tree retention in residential zones and in DDO8.
- Examine height and site coverage of developments and ensure development has sufficient front and side setbacks to limit impact on neighbouring properties.

PLANNING SCHEME REVIEW FOCUS GROUPS SUMMARY

APPENDIX 8

2. Traffic, transport and car parking

In regards to 'traffic, transport and car parking', what changes in Manningham do you like?

Community members like the following changes:

- The introduction of parking sensors at shopping centres.
- Bus services have been improved with the introduction of bus lanes, although some buses can still get quite crowded.
- The footpath network is well maintained.

Special interest group members like the following change:

- The introduction of clause 52.06 (Car parking), however it should be brought in line with Australian standards.

In regards to 'traffic, transport and car parking', what changes in Manningham are you concerned about?

Community members are concerned about the following changes:

Public transport

- Buses are unable to service the passenger demand growth and are skipping stops when full or late.
- Insufficient bus services to peri-urban areas, particularly on Sundays.
- Challenges accessing buses for older people, who are unable to walk the distance to a stop (over 800m) and subsequently must drive to major transport nodes.
- There are challenges finding car parks near public transport hubs and some commuters are parking in residential streets while others are opting to drive.

Parking

- Growth in the number of shops, cafes and restaurants in Activity Centres is generating increased demand for car parking, which is not being met.
- New high-rise developments do not include sufficient parking and residents are parking on local streets.
- Commuters are filling up parking spaces on residential streets.

Traffic

- Growth in the residential population is adding to the traffic in the area, making it more dangerous to cycle and difficult for cars to turn onto main roads from side streets.
- People are using cars as many destinations such as shops are not in walking distance.
- Cars parking on both sides of the street are restricting through traffic.

PLANNING SCHEME REVIEW FOCUS GROUPS SUMMARY

APPENDIX 8

Special interest community members are concerned about the following changes:

- Car ownership rates are too high due to inadequate public transport, particularly as the population is growing.
- There are issues with parking waivers for developments, such as visitor parking, which are leading to objections and delays in the planning process.
- Residents are using parking spaces for storage and are parking on surrounding streets.
- There are insufficient bike lanes to encourage cycling.
- Ramp grades to basements may need to be reviewed to ensure good sight lines.

In regards to 'traffic, transport and car parking', what ideas do you have for managing change in the future?

Community members suggested the following ideas:

Public transport

- Advocate for improved public transport and bus services including higher frequencies, longer hours of operation, better route coverage and connections between routes and better bus shelters.
- Increase capacity and/or number of 'park and ride' facilities. This includes providing better bike storage at park and rides.
- Advocate for Doncaster Rail.

Parking

- Explore parking restrictions on side streets to limit commuter parking.
- Review parking rates for new developments.
- Negotiate with larger developments to provide more parking for commuters and people shopping in Activity Centres and neighbourhood centres (potentially in exchange for increased building heights).

Bikes

- Develop better links between bike paths and key destinations.

Special interest community members suggested the following ideas:

- Increase the frequency of public transport, particularly those that run to and from the city. This may also include advocating for a variety of public transport options such as tram and rail.
- Review clause 52.06 (Car parking) to align with Australian standards.

PLANNING SCHEME REVIEW FOCUS GROUPS SUMMARY

APPENDIX 8

3. Urban design, public realm and open space

In regards to 'urban design, public realm and open space', what changes in Manningham do you like?

Community members like the following changes:

- The Council has developed a clear residential development framework.
- Council's promotion of high quality open space in Manningham including the provision of BBQs, shade trees, walking tracks and accessibility of open spaces.

Special interest group members did not provide any further comments.

In regards to 'urban design, public realm and open space', what changes in Manningham are you concerned about?

Community members are concerned about:

- Decrease in public open space provision per resident as the population grows.
- Sense of safety at night time and in parks.
- The poor-quality design of new developments that abut the public realm and open space. This includes the usage of low quality materials, lack of natural materials and limited creativity.
- The general change of the public realm due to development.

Special interest group members are concerned about:

- The accessibility of open space for residents in new developments in an around Activity Centres. This includes not always providing sufficient public and private space nearby and poor connections to open space.
- Perceived poor build quality, cheap material usage and poor urban design outcomes of many new developments.

In regards to 'urban design, public realm and open space', what ideas do you have for managing change in the future?

Community members suggested the following ideas:

- Ensure that street scapes are green and low maintenance by planting native plants.
- Council should fund a pilot program for residents to plant nature strips in areas of high density to build a sense of community and improve streetscapes.
- Provide more open space in and around new developments. This could be achieved through design guidelines for new high-density developments. Similarly, there is scope to provide community facilities within new developments, such as playgrounds, health facilities and shops.
- High-rise developments should be restricted to main roads and should have stronger guidelines around design including solar access, sustainability, internal amenity and public open space.

PLANNING SCHEME REVIEW FOCUS GROUPS SUMMARY

APPENDIX 8

Special interest group members suggested the following ideas:

- Use developer contributions to provide public open space adjacent to new high-rise developments.
- Ensure there is good connectivity between new developments and public open spaces.

PLANNING SCHEME REVIEW FOCUS GROUPS SUMMARY

APPENDIX 8

4. Activity centres and economic development

In regards to 'Activity Centres and economic development', what changes in Manningham do you like?

Community members like the following changes:

- The growth of key Activity Centres within the municipality, including the Tunstall Square redevelopment and other local centres, which offer a good balance of community uses, arts and cultures, events and parks.
- The economic development of the area facilitated by Doncaster Shopping Town and Aquarena among other attractions.

Special interest group members like the following changes:

- Residential development around Activity Centres.
- Up-grade works along the river delivered by Council and Melbourne Water.

In regards to 'Activity Centres and economic development', what changes in Manningham are you concerned about?

Community members are concerned about:

- Small neighbourhood centres which appear to be in decline. This includes the Wonga Park Shopping area which has many unleased shops and Bulleen and Devon Plazas which are in a dilapidated condition.
- Rapid development in Activity Centres is decreasing levels of open space and greenery, as well as putting pressure on traffic and car parking spaces. Similarly, increased patronage of these centres is adding to this pressure.

Special interest group members are concerned about:

- New residential developments occurring at the expense of retail and other mixed uses. Insufficient floor space is provided at the base of development for other uses.
- Activity centres, neighbourhood centres and local centres in Manningham which are not covered by structure plans. This means there are no plans for transport, parking and pedestrian movement within the areas.
- Lack of adequate parking provision in Activity Centres.

In regards to 'Activity Centres and economic development', what ideas do you have for managing change in the future?

Community members suggested the following ideas:

- Continue to encourage mixed use development, and larger commercial facilities or medical facilities to locate in the municipality to allow people to live and work in the suburb and to minimise car usage.

PLANNING SCHEME REVIEW FOCUS GROUPS SUMMARY

APPENDIX 8

- Encourage the provision of community spaces and open space to be provided alongside residential developments in Activity Centres. There is some license to allow more development if these are provided for.
- Host events (such as farmers markets) in Activity Centres to encourage a diverse range of uses.
- Improve pedestrian and bike connections in/around and to/from Activity Centres.
- There is a need to manage car parking in the future. Car stackers may allow for more cars to be parked in a smaller area.
- Co-locate schools and community facilities to maximise space and diversify uses of infrastructure.

Special interest group members suggested the following ideas:

- Employ vertical zoning in Activity Centres, to provide more certainty and strategic intent.
- Include provisions for fostering the growth of business in Activity Centres such as business concessions.
- Implement plans that would secure commensurate levels of parking growth alongside residential growth in Activity Centres. Ideas include a parking contributions plan, to develop new parking facilities as a result of levies collected from new developments.
- Collaborate with neighbouring Councils regarding funding of facilities in Activity Centres.

PLANNING SCHEME REVIEW FOCUS GROUPS SUMMARY

APPENDIX 8

5. Environment and Green Wedge protection

In regards to the 'environment and the Green Wedge', what changes in Manningham do you like?

Community members like the following changes:

- The reserve maintenance and general maintenance of Manningham as a 'green' suburb. This includes the establishment of street trees, maintaining nature strips, play equipment provision in reserves and walking path maintenance.
- The protection of the Green Wedge via Planning Scheme controls and strategies.
- The activities run in the Green Wedge that connect people with nature and the environment.

Special interest group members like the following changes:

- Recent changes to the Planning Scheme have allowed for some weed species to be cut down without a planning permit.
- The Green Wedge provides ready access to greenery, including wineries, which adds to the 'beauty' of the area.

In regards to the 'environment and the Green Wedge', what changes in Manningham are you concerned about?

Community members are concerned about:

- Increased levels of development and its impact on waterways, and the potential pressure to develop sections of the Green Wedge due to the growing population.
- Environmental issues are not at the front of people's minds and there is a perceived disconnection between the growing population and the Green Wedge, and other green spaces in general.
- Loss of native species and biodiversity.
- New developments are taking up a larger portion of an overall block and as a result reducing green spaces in and around the Green Wedge.
- Unclear management arrangements mean some areas such as creek beds are not being maintained properly.

Special interest group members are concerned about:

- The balance between environmental protection and development is skewed toward development.
- Permit conditions for maintenance of native vegetation is not adhered to over the long term.
- Noxious weed removal has not been managed well by both property owners and Council.
- Insufficient environment and character protection in Green Wedge areas.

PLANNING SCHEME REVIEW FOCUS GROUPS SUMMARY

APPENDIX 8

- There is too much vegetation removal, particularly illegal removal.

In regards to the 'environment and the Green Wedge', what ideas do you have for managing change in the future?

Community members suggested the following ideas:

- There needs to be an emphasis on connecting people with nature to ensure the environment and the Green Wedge is protected. This could involve educational programs in the Green Wedge, placing lights on walking paths and more maps (including walking trails) of the Green Wedge.
- Connect people with nature by facilitating the development of edible gardens and edible nature strips.
- There needs to be more vigilant controls on vegetation removal. This could involve more severe penalties for illegal vegetation removal.
- The Green Wedge is the area's greatest asset and development should be restricted within it. Similarly, the 'green' nature of the municipality should be protected by placing more requirements on mid to high density housing.

Special interest group members suggested the following ideas:

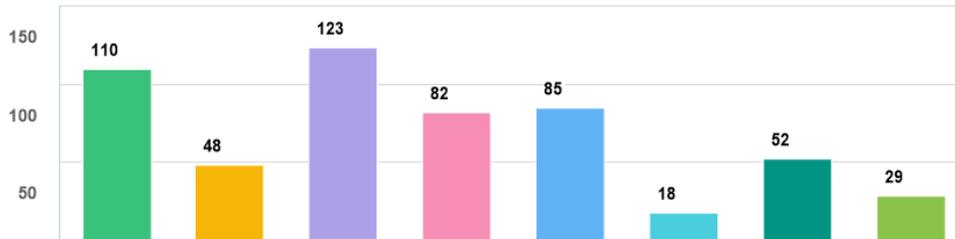
- Increase penalties for illegal vegetation removal and for not removing noxious weeds. In addition, increase animal and plant pest control.
- Increase the provision of public open space on single lots with apartments.
- Educate the broader community about the environment and biodiversity and connect people to the Green Wedge. This could involve making the Green Wedge more of a 'destination'.

Increase environmental protection standards within the Planning Scheme and ensure that the character of the Green Wedge is maintained.

PLANNING SCHEME REVIEW ON-LINE SURVEY – RANKING OF PRIORITIES

VISITORS	483	CONTRIBUTORS	195	CONTRIBUTIONS	197
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Thinking about neighbourhood character and residential development, what are your priorities?

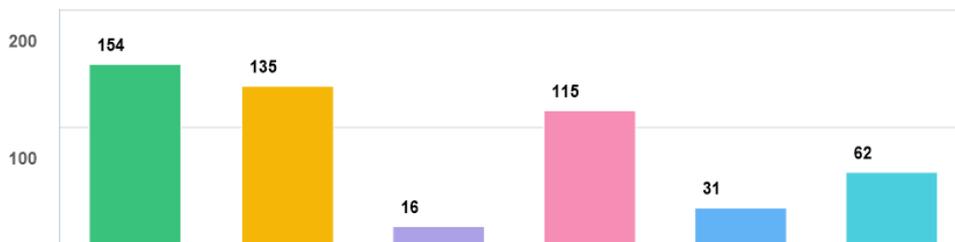


Question options

- Inclusion of private open space and landscaping.
- Building design and appropriate use of external materials.
- Built form, scale and height of residential buildings.
- Retention or replanting of mature trees.
- Provision of car parking.
- Location of utilities, such as air conditioners and service infrastructure.
- Housing diversity to enable people to age in place (i.e. to enable people to remain in their home as long as they are able, as they age).
- Housing that provides opportunity for inter-generational families (multiple families).

(197 responses, 0 skipped)

Thinking about the various modes of transport that you use to get around Manningham and beyond, what are your priorities? ..



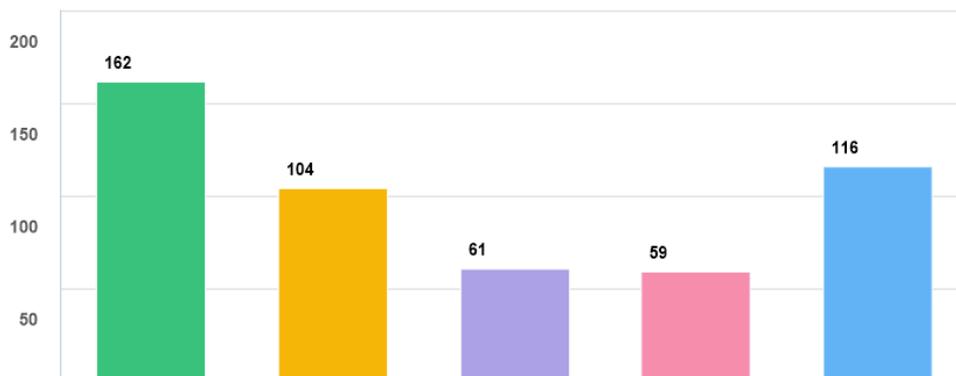
Question options

- Additional public transport services for Manningham, such as rail services
- More bus services/frequency on specific routes/more bus routes
- Availability of car share schemes
- More or improved park and ride facilities
- Improved provision of bicycle parking facilities at activity centres and other key locations such as community facilities/additional bike lanes
- Increased car parking at activity centres

(197 responses, 0 skipped)

APPENDIX 9a

Thinking about urban design and our public spaces, what are your priorities?

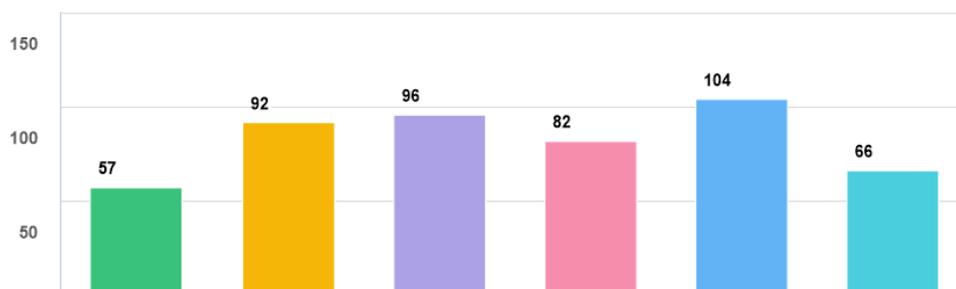


Question options

- Quality and quantity of public open space.
- Design of public spaces.
- Design of buildings adjacent to public spaces.
- Community safety arising from building design.
- Accessibility and connectivity to public places and community facilities (e.g. being easy to get to and from where you live).

(197 responses, 0 skipped)

Thinking about the various activity centres across Manningham, what are your priorities?



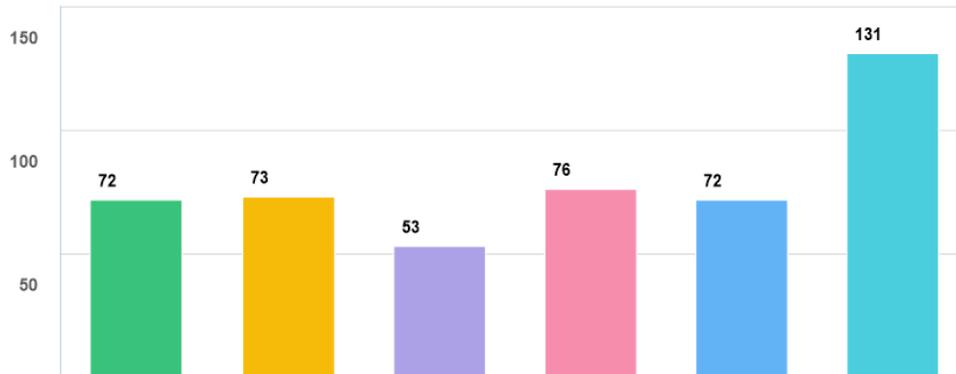
Question options

- Residential development within and around activity centres.
- Development that encourages a mix of uses including retail, commercial, community and residential uses.
- More community/open space in activity centres.
- Clearer guidance regarding building height and built form (design, materials) in activity centres.
- Additional car parking in and around activity centres.
- Better pedestrian/bicycle connections in and around and to and from activity centres.

(197 responses, 0 skipped)

APPENDIX 9a

Thinking about our environment and the Green Wedge, what are your priorities?

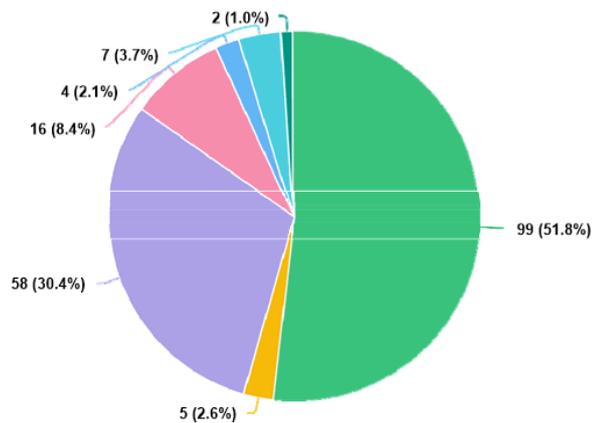


Question options

- Better management of vegetation removal.
- Vegetation management associated with bushfire protection.
- Environmental education.
- Provision of community gardens and other options for edible gardens.
- Pest plant and animal control.
- Protection of environmental values of the Green Wedge.

(197 responses, 0 skipped)

Which of the following best describes your current household?



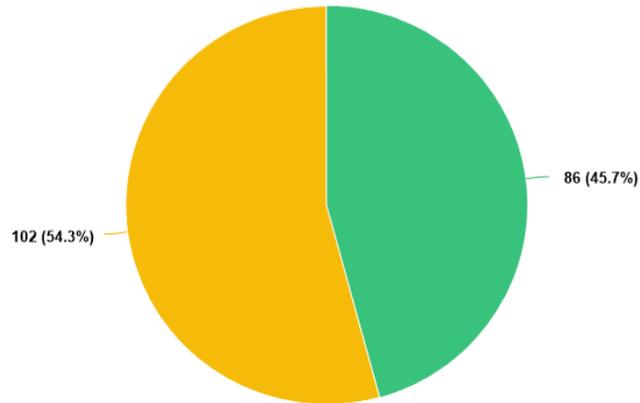
Question options

- Couple with children at home
- Single parent with children at home
- Couple with no children at home
- Single household
- Group household
- Other household
- Prefer not to say

Optional question (191 responses, 6 skipped)

APPENDIX 9a

What is your gender?

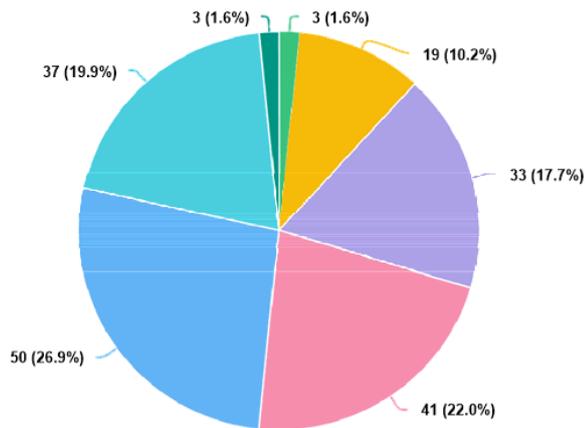


Question options

- Male
- Female

Optional question (188 responses, 9 skipped)

What is your age?

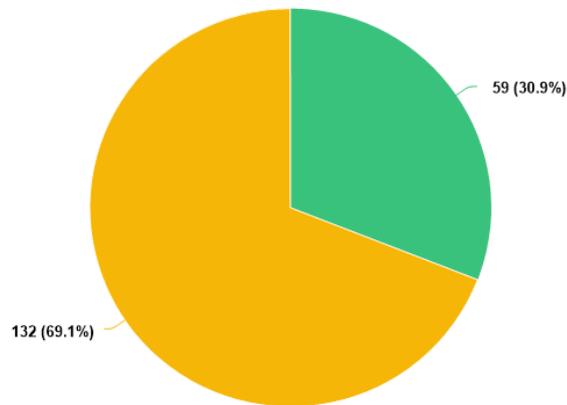


Question options

- 18 - 25
- 26 - 35
- 36 - 45
- 46 - 55
- 56 - 65
- Over 65
- Prefer not to say

Optional question (186 responses, 11 skipped)

Were you born overseas?

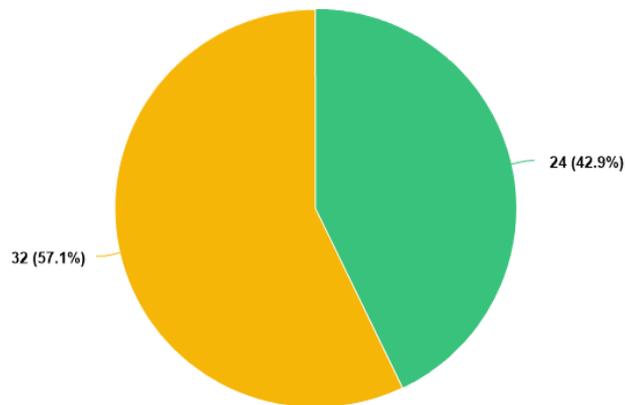


Question options

- Yes
- No

Optional question (191 responses, 6 skipped)

Do you speak a language other than English at home?



Question options

- Yes
- No

Optional question (56 responses, 141 skipped)

APPENDIX 9b

PLANNING SCHEME REVIEW ON-LINE SURVEY - SUMMARY OF INDIVIDUAL RESPONSES

Question 1 – Neighbourhood Character	No. of Responses
1. There are too many apartments /town-houses/ New development is having a detrimental impact on the character of the surrounding area/ Overdevelopment	31
2. Development is too high	6
3. New developments dominate the streetscape/ New development should be more in keeping with the surrounding area	2
4. Lack of privacy	6
5. Need to retain current character	24
6. Support higher densities / increased heights in designated areas	6
7. Support housing diversity / Affordable housing	5
8. Support independent and accessible housing for an ageing population / Support housing that provides for multi-generational housing / People with a disability / Need one or two storey development for elderly	8
9. In some areas current planning controls limit development to one additional dwelling	1
10. Loss of green spaces and open space / Development results in the loss of mature vegetation / Need to retain open space and provide opportunities for landscaping to contribute to the streetscape character of the area / Maintain an aesthetic environment	28
11. Support more open spaces/Not enough green spaces in new developments	4
12. Inadequate provision of on-site car parking places pressure on on-street car parking / Increased street congestion due to on-street car parking / Reduced car parking for existing residents	18
13. Increased development resulting in car parking issues in streets, at Park and Ride, local shops etc.	13
14. Developments look cheap / nasty / will look dated in the future / do not contribute to the streetscape/character / support better quality homes	10
15. There is a need for greater certainty about how areas will be developed / managing the level of development / Should be a limitation / council policy on how many developments should be approved in a street	2
16. Location of utilities can contribute to noise pollution and visual pollution / Utilities should be considered as part of planning	6
17. Infrastructure provision	12
18. Public transport and other infrastructure is not keeping up with the rate of development	5
19. Miscellaneous	19
20. Need to incorporate ESD into development	2

APPENDIX 9b

Question 2 - Transport	No. of Responses
1. Support additional public transport services/ support additional transport modes i.e. train line / Support an extension of light rail / Support for high speed and grade separated public transport	37
2. Facilities are not keeping up with current increase in population / Increased population resulting in increased pressure on existing parking	15
3. Hilly topography contributes to limiting use of public transport (1)	1
4. Buses are overcrowded at peak times / buses get caught up in traffic congestion / do not stop / scheduled buses are often cancelled	9
5. Support increased bus services / frequency / connectivity and connections / priority routes / access other Train Stations / Dedicated bus lanes	7
6. Support more parking at Park and Ride facilities/ multi-storey facilities / Local streets are becoming unofficial park and ride location	18
7. Need more parking signs without time restrictions	1
8. Multi-level covered parking areas required to provide more direct access to public transport	1
9. Improved cycling paths/lanes	3
10. Difficult to get around the municipality on a bicycle	4
11. Car share schemes would be the cheapest and easiest option to alleviate traffic congestion / Support provision of dedicated spaces at park and ride facilities for car share only parking	2
12. Shuttle bus systems	1
13. Better pedestrian linkages between residential open space and activity centres.	2
14. Need for improved bus services in Green Wedge, including Wonga Park/Warrandyte	2
15. More disabled parking areas	1
16. Safety??	2
17. More / improved parking and road planning required	7
18. High / too much reliance on cars	3
19. Miscellaneous	38
20. Support a train, or light rail	11

APPENDIX 9b

Question 3 – Urban Design and Open Spaces	No. of Responses
1. Open space is important – assists with overall health and well-being i.e. promotes mental health fitness, social connectedness/meeting places (creates a sense of belonging), place to exercise dogs	9
2. Manningham is fortunate with its extensive parks. It is a place where people come to live because of its open spaces	3
3. Need more open green spaces/community spaces as a result of an increasing level of development and population. Open space needs to be near high rise, with landscaping to provide shade.	8
4. Open space / public spaces need to be well designed for people to gather i.e. seating, shade, picnic facilities/ bbqs, rubbish bins, playgrounds, drinking fountains, toilets etc.	3
5. Areas (incl. open space, public spaces and streets) need to be safe, incl. being well lit	7
6. Need to keep and not lose open space to development. There is more pressure on our existing open space reserves to be redeveloped for other uses, i.e. sporting facilities / roads	9
7. Public spaces/ open space areas need to be accessible by car, and bike, with lots of car parking	6
8. Having more fitness stations in parks would be beneficial	1
9. Attention needs to be given to the interface between buildings adjacent to open spaces. Need to ensure buildings are designed and at a scale that do not overpower, or overshadow open space	6
10. Need to be well designed, interesting and accessible for all age groups (i.e. children and grandparents)/ multi-purpose public spaces	11
11. High rise is changing the character of the area, resulting in increased traffic. Need to retain character of the area	2
12. Need to provide children with opportunities to experience nature / Need for a world class children's playground	2
13. Currently there is a lack of well-designed high end architectural public hubs/spaces	2
14. Private and public space need to have regard to the surrounding character.	5
15. Other - Disappointed with design at Aquarena, concern about lack of maintenance of some playgrounds, concern about buildings with flammable cladding, there are some good and some bad public spaces. Manningham's facilities are outdated. No sewerage plants. Don't like apartment dwellers using shopping centres as play areas. Parks are for people, not dogs or eucalypts. Need better road infrastructure. Need more public lighting in streets.	16
16. Concern about apartment development standards, particularly height and setbacks / Balconies should not be considered as open space	3
17. Loss of open space with reserves being sold off	1
18. Need for natural spaces that encourage native animals and plants (incl Green Wedge). Need to increase peoples' awareness of natural ecosystems	1

APPENDIX 9b

Question 4 – Activity Centres	No. of Responses
1. Too much development / congestion / insufficient car parking	14
2. Poor design/ negative impact on neighbourhood character (Manningham's appeal has been lost) / poor planning / Development should reflect the local community	13
3. Support residential development, including in activity centres– however adequate car parking must be provided	4
4. Need to restrict level of development by limiting building heights and density. This needs to be defined	3
5. Residential development needs to be well designed, aesthetically pleasing and not have negative impacts on adjoining properties (overshadowing)	7
6. Liveable spaces – a mix of uses / Need to reinvigorate commercial areas with a range of social activities, open space multi-purpose spaces that are easily accessible.	7
7. Parking congestion occurs around activity centres (Doncaster/Westfield). Drive out because of no available car parking spaces. Eastland is more appealing	11
8. Manningham is anti-business. Businesses can complement residential areas / Business zoning should not be used for residential development / Need more shops / Need employment so Manningham is more than a dormitory suburb	5
9. Need more car parking around existing activity centres / quality built form	13
10. Need to improve access to centres via pedestrian, cycling for older, younger people, people with disabilities	10
11. Need to enforce parking restrictions	1
12. Wonga Park shops / the shops have been vacant for several years and was a meeting point for locals / car parking is important	2
13. Concern about the lack of variety in the range of shops in centres i.e. too many cafes, or cheap shops, lack of restaurants in residential areas i.e. Doncaster Road - need variety to invigorate area	3
14. Changing nature of retail meaning there will be less shops due to online shopping	1
15. Waste / noise pollution from activity centres	5
16. Need access or improved public transport – train, tram, bus to improve access to places and facilities	1
17. Other: Need unrestricted parking for local Manningham residents, restricted parking for others / Open space areas need to be easily accessible / Don't turn Manningham into Box Hill / appealing amenity/ Activity centres are ok at present but need to be maintained. Traffic accidents/ car spaces too small/ If I can't catch a bus I need to drive	6
18. Diversity is a key to good development / activity centres with mixed use development	2

APPENDIX 9b

Question 5 - Green Wedge	No. of Responses
1. Value the Green Wedge's special character and environmental qualities	21
2. Need to protect Green Wedge from inappropriate subdivision or development / concern about moonscaping	26
3. Support clearing for bushfire management to ensure safety / spaces are well maintained and accessible/ monitor trees and vegetation in Manningham with respect to fire risk	7
4. Green Wedge provides opportunity for food production	2
5. Protection of flora and fauna / management of pest plants and animals / need for cat curfew / protection of native animals	10
6. Community gardens – Children are missing out about nature / support use of nature strips for edible food planting / sustainable food production	6
7. Community education – involve schools, scouts/ Support environmental programs to assist people to understand the importance of the Green Wedge / Expand environmental areas like Currawong Bush Park / opportunity for community building	7
8. Native / natural vegetation needs to be protected and improved	2
9. Tree removal is destroying the character of the area/habitat	2
10. Trees/vegetation on public land/open space need to be better maintained so that vegetation does not become overgrown	5
11. Support preference for use of native street trees	1
12. Support connection of sewer backlog program	1
13. Support subdivision of land / subdivision would result in improved land management	3
14. Green Wedge over-rated	1
15. Erosion	1
16. Importance of stewardship	2
17. Maintain access and increase parks and gardens	2
18. Litter control / ban on plastic bottles	1
19. Miscellaneous	5

APPENDIX 10

COMMUNITY AND COMMUNITY GROUP FEEDBACK

SUBURB	KEY ISSUES RAISED	OFFICER COMMENT
Doncaster	<p>Review needs to scope and prioritise public transport infrastructure to accommodate both current and projected population growth and developments within Doncaster Hill and other activity centres.</p> <p>By way of example, the submitter referred to long waiting periods at the Doncaster Park and Ride facility to take a bus into the city during morning peak hour.</p>	<p>The comments raised by the submitter in relation to the need for public transport infrastructure to accommodate both current and projected population growth and developments within Doncaster Hill and other activity centres, are generally supported.</p> <p>VicRoads is currently undertaking significant service and infrastructure improvements along major transport networks and key locations, including the Doncaster Park and Ride facility.</p> <p>The review of the residential planning framework also provides an opportunity to review planning controls relating to appropriate location of residential development and ensure that increased densities continue to be supported in areas with existing and planned high quality public transport.</p> <p>Council will also continue to work with Transport for Victoria (TfV) to improve bus frequency and services and where appropriate advocate for such improvements in line with the recent review of the Manningham bus network.</p>
Andersons Creek Landcare (ACCA) Park Orchards	<p><u>Speed limits</u></p> <p>Vehicle traffic is moving too fast for 'back roads' and often carrying more traffic than intended in the Green Wedge. This is impacting on congestion, poor condition of the roads, safety of pedestrians attempting to walk without paths and wildlife.</p> <p>Recommend a speed reduction to a maximum of 30km/hour and other traffic calming measures in Green Wedge roads that are not intended to take through traffic.</p> <p><u>Tourist/local walking signage</u></p> <p>Request signage to promote use of Fourth Hill by locals and tourists (above Andersons Creek along Gold Memorial Road)</p> <p><u>24 hour cat curfew</u></p> <p>Recommend the introduction of regulations to keep cats inside residences and in caged runs 24 hours a day for the protection of both cats and wildlife.</p>	<p>A number of the matters raised by the submitter relate to addressing local issues and infrastructure works, including:</p> <ul style="list-style-type: none"> • Review of speed limits in the local street network within the Green Wedge. • Request for signage at Fourth Hill. • Request for new footpath on the south side of Warrandyte-Heidelberg Road, at Harris Gully roundabout with Yarra Street. <p>These specific matters are outside the scope of the planning scheme review and have been referred to relevant Council business units for consideration. Representatives from these units will communicate directly with the submitter regarding the consideration of these requests.</p> <p><u>24 hour cat curfew</u></p> <p>Council considered the potential introduction of a 24 hour cat curfew as part of the Draft Domestic Animal Management Plan (2017-2021) in June 2018, but a curfew was not incorporated in the adopted plan.</p>

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SUBURB	KEY ISSUES RAISED	OFFICER COMMENT
	<p><u>Enforcement and higher penalties for dumping rubbish</u> Requests that Council should be more proactive about enforcing penalties for dumping of rubbish and that penalties should be severe and more commensurate with one's ability to pay.</p> <p><u>Protection of indigenous vegetation</u> More focus is required to not only protect trees but protect and promote the planting of other indigenous vegetation such as grasses, herbs, lilies, orchids, bushes and shrubs, etc.</p> <p><u>Sustainability</u> All new developments should meet higher standards for sustainability, in particular flash flooding type events as a result of climate change. Submitter has recommended this could be mitigated by water tanks and gross pollutant traps to manage the flow of human related waste.</p>	<p><u>Enforcement and higher penalties for dumping rubbish</u> The penalties for illegally dumped rubbish is set by the State Government. Changes are currently being proposed to the Bill which may result in greater enforcement.</p> <p><u>Protection of indigenous vegetation</u> Manningham's Landscape team utilises a range of indigenous plants of local provenance as part of their landscaping within public spaces, where appropriate. In addition, Manningham's environment biodiversity education and incentive programs, such as LEAF and community stewardship programs conducted at Currawong Bush Park, promote the use of a range of range of indigenous plants of local provenance. Manningham provides local indigenous plants to local schools for planting days and also as part of Environment Day. Native Splendour (Edition 2) is distributed to the local community and identifies plant nurseries that stock indigenous plants of local provenance.</p> <p><u>Sustainability</u> Amendment GC42 to the Planning Scheme (31 August 2017) introduced, among other things, a new Clause 22.12 Environmentally Sustainable Development Policy (ESD) on an interim basis until 30 June 2019. The Policy specifies the following objectives to be satisfied where applicable:</p> <ul style="list-style-type: none"> • Energy Performance • Water Resources • Indoor Environment Quality • Stormwater Management • Transport • Waste Management • Urban Ecology <p>The Policy also sets out application requirements and dependent on the scale of the development, an applicant needs to demonstrate how the relevant policy objectives will be achieved by completing either a</p>

APPENDIX 10

SUBURB	KEY ISSUES RAISED	OFFICER COMMENT
		Sustainable Design Assessment (SDA) or a Sustainability Management Plan (SMP).
Templestowe Lower	<p>Development in the form of 2 storey apartment blocks with semi basement car parking is occurring around Macedon Square Plaza which is not in keeping with the character of the area. Key concerns relate to bulk, scale and expression. In particular, there is concern about the standards of development, in that they do not express domesticity but rather industrial, with few windows facing north little variability to their silhouette. Concern is also expressed about poor internal amenity.</p> <p>Character of area is being destroyed by short term thinking and minimal standards.</p> <p>Suggest Council consider following NSW examples and engage professional design committees to review planning applications.</p>	Council will be required to review the planning provisions applying to the subject area to ensure consistency with the reformed zone provisions. As part of that strategic work, it is anticipated that Council will also be reviewing guidance in relation to better urban design outcomes.
Donvale	<p>Have been long term residents of Donvale and request the opportunity to be able to subdivide their 1 acre block into two ½ acre blocks with the intent of retaining the original home on one lot and to sell the other to assist with funding retirement. This will allow the submitter to remain living in the area. The property is not encumbered with vegetation or steep topography.</p> <p>Submitter also considers that there are other neighbouring properties that would also be suitable for subdivision into ½ acre lots. The rezoning of these properties could assist in managing population growth in Manningham.</p> <p>Property is connected to all services including sewerage and is located in close proximity to public transport and centres (including Eastland and Mitcham shopping centre).</p>	<p>In response to changes to the Statewide clause 32.03 Low Density Residential Zone (LDRZ), as part of Amendment VC100 in July 2013, Council formally requested the Minister for Planning introduced a schedule to LDRZ with a blanket 0.4ha (1 acre) minimum lot size requirement for all lots within LDRZ irrespective of whether the lot was connected to reticulated sewerage.</p> <p>The Municipal Strategic Statement (MSS) at Clause 21.06 and the <i>Manningham Residential Strategy (March 2012)</i> identifies the important role that the larger lot sizes play in offering a lifestyle opportunity for residents whilst contributing to Manningham's 'balance of city and country.' Importantly, the Strategy outlines the criteria used in assessing a rezoning application for land within the LDRZ to facilitate a more intensive residential development to ensure that any rezoning of land is a strategically acceptable outcome and does not result in setting an undesirable precedent for subdivision in the Low Density Residential Zoned areas.</p>
Warrandyte (Warrandyte Community Association - WCA)	Concerned about the size and intensity of residential development and in particular the emergence of larger style dwellings (McMansions) in Warrandyte.	Recent changes to the Neighbourhood Residential Zone (NRZ), as part of Amendment GC76 introduced by the Minister for Planning in December 2017, amended the schedule to the NRZ to remove the local requirement within Manningham for no more than 1 dwelling on a lot. However, the Design and Development Overlay – Schedule 3 (DDO3) that applies to

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SUBURB	KEY ISSUES RAISED	OFFICER COMMENT
	<p>Submitter has undertaken an analysis of existing Neighbourhood Residential Zone (NRZ) and has identified the need to amend the schedule to NRZ to add a new column titled 'limits' to guide appropriate single dwelling outcomes.</p> <p>Attached to the submission was an objection lodged by the WCA in relation to the use and development of the land for agriculture, winery, residential hotel, liquor licence, reduction of car parking requirements and removal of vegetation.</p>	<p>areas affected by NRZ1 in Warrandyte currently limits no more than 1 dwelling on a lot.</p> <p>It is important to note that the schedule template is set by the State Government and Council does not have the ability to amend the schedule template to include additional columns or headings. Council also needs to ensure that any local content is consistent with the intent of the zone and schedule requirements.</p> <p>Council will be required to review the planning provisions applying to the subject area to ensure consistency with the reformed zone provisions, as well as determining the appropriateness of the current zone provisions applying to a particular area.</p> <p>The particular planning application referred to by the submitter was refused by Council and this decision to refuse the issue of a permit was also affirmed by VCAT.</p>

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PLANNING SCHEME REVIEW - COUNCILLOR WORKSHOPS**PROTECTION OF THE NATURAL ENVIRONMENT**

- Protect 3 villages
 - Wonga Park
 - Park Orchards
 - Warrandyte
- Overdevelopment in townships
 - Site setbacks
 - McMansions
- Limited protection for large trees in urban areas
- Other municipalities have these protections
- Utilise nature strips - role for beautifying streets. Define Council's role.

COMMUNITY SAFETY

- Community safety – policies which encourage activated street frontages in commercial areas and provide from surveillance of adjacent public areas? (officer example)
Street lighting needs to be improved
- Bushfire – policy on plantings
- Bushfire – land west of Mullum Creek near Springvale Road (why removed/not included in BMO)
- Pine trees – review of controls/policy. Some now dangerous and replacement tree requirements
- Many evil drains. Broken footpaths and poor lighting, contribute to lack of community safety

TRAFFIC MANAGEMENT

- Set a minimum width of a road for private roads eg. The Pines. No turning points provided
- Morrisons Nursery & golf course only 1 entry/exit. The road network should have been permeable. Avoid creation of enclaves.
- 40km speed limits in activity centres
- Car stacking – allows them to go higher (built form)
- Would prefer car stacking vs waiver of car parking
- Review carparking rates in Doncaster Hill – modal shift not that successful
- Traffic management of local streets being used as rat runs
- Car parking ratios

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- Don't like waivers
- Prescribed numbers

- Manningham not having rail is adding to congestion – impacting on car parking
- No waivers of car parking
- Consistency of contribution to public infrastructure
- Scale of developments in local streets – capacity of available car parking eg. In courts where parking is limited
- Should be getting contribution for footpaths etc. Use of a PAO to acquire land for footpaths (road reserve)
- Insufficient/poor quality footpaths and bicycle infrastructure available in order to encourage change of travel patterns

PUBLIC TRANSPORT

- Don't have enough buses to support spread of development
- Taking bus indents out of main road was a poor decision e.g. King Street
- Continue to advocate for a second-form of public transport?

DENSITY

- Have controls in place to protect some areas from high density housing
- Need to review building heights on Council (Office) site and in other areas eg. Williamsons Road
- Need to better understand the quantities or what we are delivering on
- High priority to review the res zones and support retention of DD08 in its current form
- Time to review Doncaster Hill eg. Heights, boundaries, things to do differently, major intersections
- Note that there is no minimum lot size. Is it possible to apply a minimum lot size in some areas?
- Occupancy rates – do we need to know this and how does this affect Manningham?
- Houses with POS as verandahs
- Contribution to all infrastructure roads, drains etc. There is an increased strain on infrastructure from new development.
- Levels of development allowed (number of storeys)
- Speed with which density is spreading within identified areas - not clear where the edge is
- Houses with verandahs as their private open space not appropriate
- Guidelines for townhouses (vs apartments) similar to something Yarra has

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PROTECTING THE GREEN WEDGE

- Promoting tourism
- Enabling appropriate diversity at use in rural zone
- 10/30 Rule resulting in vegetation removal
- Consider smaller subdivision size in Green Wedge

MAINTAINING OPEN SPACE

- Maintain per capita amount of public open space
- Ask for 60% site coverage in some zones – want to strengthen this
- Maintain established open areas around high density
- Location of open space - where population is
- Improving open space
- Zoning open space to protect future use
- All ratepayers have to contribute but particularly high density

OTHER

- Some new development in Yarra Street doesn't 'blend in'. More urban design guidelines or overlay
- Vistas
- Views from river
- With introduction of NBN there is now out of date/redundant infrastructure requiring removal – need a policy. Eg. Some powerlines and other cables such as Optus
- Lessons to be learned from VCAT eg. DD08, 1026 Donc Road (Church) VCAT Decision
- Consider new policy re: undergrounding of powerlines
- Wind assessment on pedestrian walks environment
- Stepping down clarity of the area of Westfield
- Technology and environmental changes will impact on the Planning scheme eg. Recycling water plant – need greater contingency planning – anticipating changes
- Master / Structure Plans for identified Neighbourhood Activity centres if they don't yet have one – that will regulate height, built form etc to guide development and to keep up the speed of development in Manningham
- Strategy to protect energy infrastructure against competing and incompatible uses to ensure new development does not unreasonably affect the adjoining properties such as overshadowing of solar panels.

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**PLANNING SCHEME REVIEW – COUNCILLOR WORKSHOP 2
NOTES FROM 3 APRIL 2018**

NEIGHBOURHOOD CHARACTER AND RESIDENTIAL DEVELOPMENT

Review of the residential zones - Priority 3

- DD08 in courts
 - Parking
 - Waste collection
- Possible solutions – increased parking provided in courts etc where other items cannot be delivered

Limited provision of private open space in new developments

More guidance around side by side development

- Need more housing diversity eg. Single story dwellings
- Neighbourhood zone around – Wonga Park, Park Orchards.
- Allow diverse housing – HUB economic support for business
- Ageing in place
- Protect – spread of diverse housing

Built form issues - Increasing size and scale of buildings and poor urban design outcomes eg. Low quality materials.

- Forward thinking wind effects for high rise blocks

Enforce the 5% Affordable/disability/Housing on Developers of 20+

TRANSPORT, TRAFFIC AND CAR PARKING

Traffic management of local streets – commuter parking and resident car parking, parking rates – Priority 1

Need for increased public transport including bus improvements

- Bus stops (State \$)

Improvements to the bicycle network

Improvements to the capacity of park and ride facilities

Inadequate street widths

- Movement of vehicles
- On street parking

Street connectivity

Parking on nature strips

URBAN DESIGN AND PUBLIC SPACES

Concern about personal safety

Provision and quality of open space within higher density areas and connectivity between these areas and open space and activity centres – Priority 2

- Provision for open space within higher density areas

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- Useable open space

Planting on nature strips (3 Dot points)

ACTIVITY CENTRES AND ECONOMIC DEVELOPMENT

Opportunity for greater development at local centres eg. Increased heights

- Local business centres/shopping strips
 - Land use built from height, parking, characteristics

Lack of car parking spaces within activity centres

Review of Doncaster Hill

Guidance around built form and scale of development in activity centres

More guidance around the built form, land use and parking outcomes for Jackson Court

NATURAL ENVIRONMENT AND GREEN WEDGE

Review of the Environmental Significance Overlays

Concern about the amount of illegal and legal vegetation removal and how this is changing the character of the area

Concern about any changes that seek to erode the environmental values of the area

Bushfire management – permitted clearing of vegetation

Promoting tourism in the Green Wedge

Loss of canopy trees and gardens in urban areas

OTHER ISSUES

Development contributions

Lack of policy for childcare – non residential uses

Towards carbon neutral Council

- Any new builds must include solar lights Leo/Green walls
- Council and private and corporate development/upgrade

Potential Provisions

Incentives for affordable housing

PARKING LOT

Greater clarity in controls for community to have certainty about development expectations

The emergence of electric vehicle charging

Sharing economy – car share, business incubators

APPENDIX 12

FEEDBACK FROM STATUTORY AGENCIES & OTHER AUTHORITIES

AGENCY / AUTHORITY	KEY ISSUES RAISED	OFFICER COMMENT
Victorian Commission for Gambling and Liquor Regulation	No comment.	-
Transport for Victoria	<p>Overall Strategic Direction</p> <ul style="list-style-type: none"> • TfV welcomes the opportunity to continue to work with Council to identify opportunities for improvements to the current transport network, ensuring future land uses and proposed access and movement connections are well considered. • Transport objectives of the MSS must continue to ensure new development does not preclude opportunities for provision of future public transport services or create long term impact on the current network. • Key recommendations: <ul style="list-style-type: none"> - Transport objectives and strategies address the need for new development not to preclude the potential for the provision of future transport services. - New development should always also take into consideration proximity and access to existing transport services. - Community facilities, including health, entertainment and sporting facilities, should be located within walking distance to public transport services. - Council is encouraged to consult with TfV prior to any major rezoning of land. - TfV to be consulted in conjunction with VicRoads and other authorities to improve the connectivity of the bicycle network. - Clause 21.12-2 Public Transport and Clause 21.12-3 Roads to be updated with reference to the <i>Make Manningham Mobile Transport Strategy 2010</i> which replaces the <i>Manningham Integrated Transport Strategy 2003</i>. <p>Transport and Land Use Integration</p> <ul style="list-style-type: none"> • The integration between land use zoning and current and future transport services is critical in improving connectivity and better access for Manningham residents. The Planning Scheme needs to continue to protect and enhance the Principal Public Transport Network (PPTN) i.e. support increased densities around existing and planned high quality public transport. As new development occurs, improvements can be made to services along the PPTN to improve frequency and efficiency. • Consider appropriate land use zoning which generates activity and demand for transport services within 400-800m of existing public transport stops. Low level of development 	<p>The comments provided by Transport for Victoria are generally supported, and in many cases planning controls are already in place to give effect to some of the key matters raised in the submission.</p> <p>As part of the overall review of the MSS, consideration should be given to ensuring the comments from TfV are reflected in local policy.</p> <p>The review of the residential planning framework also provides an opportunity to review planning controls relating to appropriate location of residential development and ensure that increased densities continue to be supported in areas with existing and planned high quality public transport.</p> <p>With regard to the bus network, Council will continue to work with TfV to improve bus frequency and services and where appropriate advocate for such improvements in line with the recent review of the Manningham bus network.</p>

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AGENCY / AUTHORITY	KEY ISSUES RAISED	OFFICER COMMENT
	<p>which does not generate demand for public transport services will impact the opportunity to provide higher quality services.</p> <p>Bus Network</p> <ul style="list-style-type: none"> • Bus remains the key public transport priority for the municipality. TfV will continue to work with Council, bus operators and local community to identify opportunities for improvements to the bus network. • The Doncaster Area Rapid Transport (DART) provides a network of high frequency routes that travel both east-west and north-south through the municipality. As patronage of DART services continue to grow, TfV will continue to review DART bus services, including potential improvements to service frequencies. • The significance, protection and enhancement of the bus network, particularly DART needs to continue to be reflected in the Planning Scheme. Any current or future development along key bus routes must not impact the reliability of the DART network or local bus routes. Council should enhance pedestrian connectivity to and from bus stops, and seek to influence the design of bus stops in line with broader streetscape planning. <p>North East Link</p> <ul style="list-style-type: none"> • As part of the NEL project, the State Government has announced the Doncaster Busway project which will include two separated bus only lanes that provide direct access to and from Doncaster Park and Ride and connect to the Victoria Park precinct. <p>Active Transport</p> <ul style="list-style-type: none"> • Promoting and enhancing multi-modal connectivity is a key objective of TfV and active transport is key to this. TfV encourages Council to review the Victorian Cycling Strategy 2018-28 and use the goals and strategic approaches outlined in the document to inform localised active transport considerations for the municipality. 	
<p>Environment Protection Authority (EPA)</p>	<p>EPA notes the Manningham planning scheme has good recognition of the existing industry and environmental issues within the municipality. EPA's response highlights some higher level issues that may have emerged since the last review which are provided for context rather than specific changes as part of this review.</p> <p>The EPA is currently undergoing reform and has launched a new 5 year organisational strategy to help realise its vision of a <i>healthy environment that supports a liveable and prosperous Victoria now and always</i>. The EPA's feedback primarily relates to:</p> <ul style="list-style-type: none"> • The potential conflict between existing industry and future land uses without careful consideration of appropriate planning controls; and • Considering any significant effects the local environmental conditions, including any 	<p>As noted in the EPA's submission, Manningham has detailed policy in relation to industrial sites, however it is recognised that additional statements could be included to strengthen this section, particularly in respect to separation distances to sensitive uses.</p> <p>It is noted, however, that the North East Link is expected to have a significant impact on the Bulleen industrial precinct which will likely require further review of the LPPF. Certainly if any future land is proposed to be zoned for industrial purposes consideration should be given to the issues raised in this submission.</p> <p>An audit of contaminated land to inform the application of the EAO is supported, as is an audit of land currently within the EAO to</p>

APPENDIX 12

AGENCY / AUTHORITY	KEY ISSUES RAISED	OFFICER COMMENT
	<p>contamination of land, might have on future use or development.</p> <p>Policy reform context</p> <ul style="list-style-type: none"> • There has been recent recognition by the State government that the current land use planning system does not adequately prevent encroachment of sensitive land use buffers of existing industry, potentially causing long term negative impacts and regulatory difficulties for the EPA and industries. • Considerable work is being done to address many of these short comings within planning schemes at the State level, however there are relevant considerations for incorporation in the Planning Scheme to help facilitate good planning outcomes: <ul style="list-style-type: none"> – MSS - Municipal Profile – The EPA supports the current clear directions relating to industrial activity – Key Influences – This policy should be expanded to consider potentially contaminated land and ensuring the appropriate level of assessment is undertaken as former industrial land transitions to more sensitive uses (e.g. Doncaster Hill). – Implementation/Future Strategic Work – Council should consider undertaking a stocktake of contaminated land to inform the application of the Environmental Audit Overlay (EAO), particularly those areas transitioning to more sensitive uses. <p>Additional considerations for the Manningham Planning Scheme – there are a number of other environmental considerations that may affect the decision making process in reviewing the Planning Scheme:</p> <ul style="list-style-type: none"> • Contaminated Land and Groundwater – contaminated land and ground water needs to be considered for changes to the planning scheme particularly for land identified for growth or a change in use. When preparing planning scheme amendments Council must have regard to Ministerial Direction No 1 – Potentially contaminated land. Also need to consider the General Practice Note on Potentially Contaminated Land which provides additional guidance on how to identify potentially contaminated land and how the environmental audit system can be used. Includes reference to known Groundwater Quality Restricted Use Zones in Manningham which need to be remediated and are important considerations of future development in these areas. • EPA Priority Sites Register – Priority sites are those where the EPA has issued a clean-up notice or pollution abatement notice. It is likely that these sites would require environmental remediation before they can be rezoned for sensitive uses. There is one site in Manningham in Stintons Road, Park Orchards. 	<p>determine the appropriateness of the existing EAO is supported.</p>

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AGENCY / AUTHORITY	KEY ISSUES RAISED	OFFICER COMMENT
	<ul style="list-style-type: none"> • EPA Licensed Sites – There are 2 sites in Manningham. These licences allow discharge to water and are not likely to have an impact on surrounding areas. • Former Landfills – The EPA is currently developing a public register of landfills and will be a useful resource for future planning scheme updates. Council should check their records and ensure appropriate consideration is given to any closed landfills. Additional information is available in EPA Publication 1642 Assessing planning proposals within the buffer of a landfill (October 2017). This is designed to assist with assessment of planning applications of planning scheme amendments and what level of assessment is required. • Separation Distances – given the limited supply of industrial areas it is critical to ensure appropriate planning around industrial areas. Residential encroachment into industrial areas is a major issue in Victoria. Refer to EPA Recommended separation distances for industrial residual air emissions. • Separation distances - The EPA recommends that the 'agent of change' principle be incorporated into the relevant sections of the Planning Scheme. • Reverse Buffers – Clause 52.10 of the VPP ensures applications of particular new industry and warehouse uses are referred to the EPA when threshold to a sensitive use are not met. However there is no statutory requirement within the threshold of an existing industry - often referred to as reverse buffers. Some Councils have included reference to reverse buffers within the planning scheme. • Materials Recycling Guidelines – the EPA suggests including reference to the Management and Storage of Combustible Recyclable and Waste Materials Guidelines as a reference document. <p>It is noted that the Planning Scheme currently has good recognition of the existing industrial areas within the municipality and polices that relate to the protection of the environment. This submission outlines some of the higher level or outstanding issues for consideration as part of the review.</p>	
<p>Port Phillip Region DELWP</p>	<ul style="list-style-type: none"> • Note that the Planning Scheme lists '<i>Victoria's Native Vegetation Management: A Framework for Action 2002</i>' in multiple locations. These guidelines are no longer applicable and any references should be updated to refer to the current policy document '<i>Guidelines for the removal, destruction or lopping of native vegetation (the Guidelines 2017)</i>' 	<p>Support updating the current reference document in the Planning Scheme as part of an overall review of the native vegetation policy in the LPPF</p>

Appendix 13
June 2015

Manningham's Residential Character Areas Balance of City and Country

<p>ACZ1: Doncaster Hill (substantial change)</p>  <p>0.6% 2.1%</p> <p>The Activity Centre Zone includes increased housing opportunities particularly large scale apartment buildings with mandatory heights.</p>	<p>RGZ: Residential Growth Zone (substantial change)</p>  <p>1.5% 5.4%</p> <p>Residential areas fronting main roads.</p> <p>This zone in conjunction with DDO8-1 encourages three storey apartment development on larger size lots.</p>	<p>GRZ2: General Residential Zone (moderate to substantial change)</p>  <p>2.5% 9.1%</p> <p>Residential areas around activity centres. This zone in conjunction with DDO8-2 and DDO8-3 encourages two storey units (9m) on smaller lots and three storey apartment development on larger lots.</p> <p>Development must comply with mandatory height requirements.</p>
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GRZ3: General Residential Zone
(moderate change)



8.7%
21.8%

Residential areas with more recent housing that enable moderate housing growth while maintaining neighbourhood character.

Areas generally located away from main roads and activity centres that provide some opportunity for additional dwelling density within non mandatory height limits.

GRZ1: General Residential Zone
(incremental change)



15.0%
45.6%

Residential areas removed from activity centres and main roads.

The area is protected from substantial change through open space requirements to retain the landscape and spacious character. Mandatory heights apply.

NRZ1: Neighbourhood Residential Zone
(minimal change)



2.7%
4.0%

Residential areas subject to minimal change because of environmental/landscape qualities.

There are fewer opportunities for additional housing and this area is protected through subdivision limits and mandatory heights.

These three zones amount to 4.69% municipal area and 16.69% residential properties:

- direct growth along main roads and activity centres; and
- provide housing choice in areas that are well located to public transport and services.

Neighbourhood Activity Centres 0.4%

Other 5.2%

OS: Open Space 17.7%

LDRZ: Low Density Residential Zone
(LDRZ: Low Density Residential Zone)



18.5%
9.8%

Spacious residential areas providing a buffer between the urban areas and the green wedge.

There are few opportunities for additional housing.

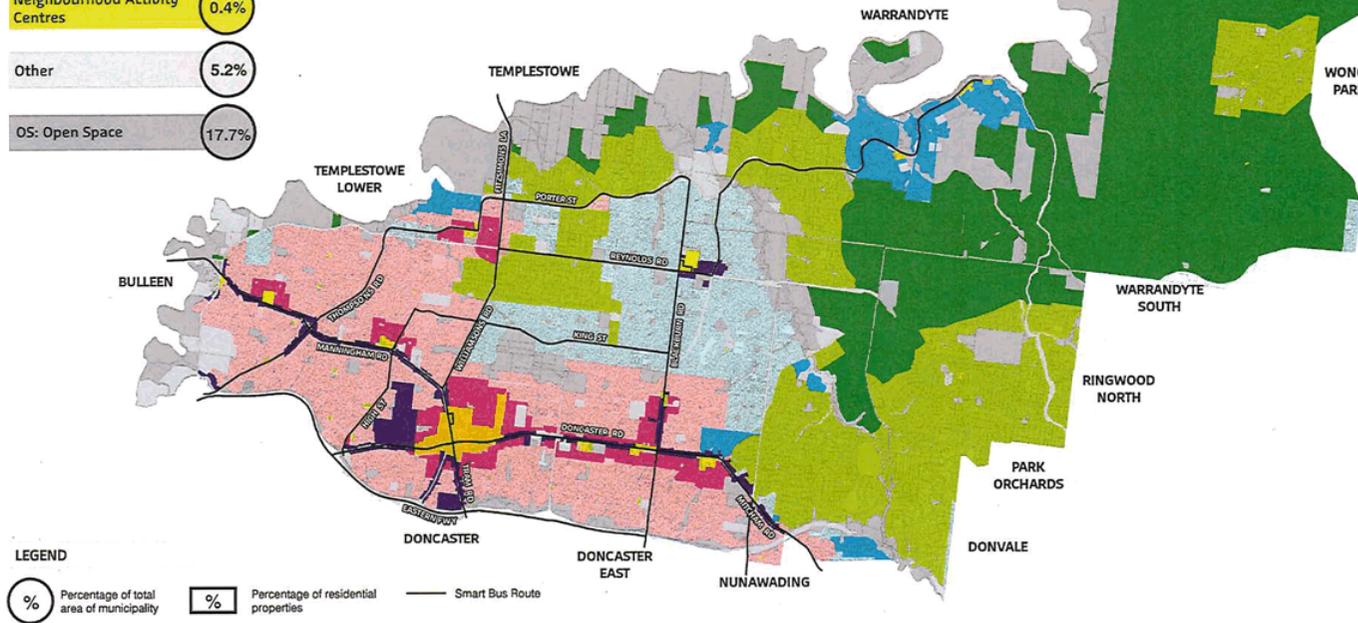
RCZ: Green Wedge
(RCZ: Rural Conservation Zone)



27.3%
2.3%

Primarily rural residential in character, the area is often heavily treed with strong environmental qualities.

There are very few opportunities for additional housing.



10.4 Heritage Advisory Committee - Consideration of Nominations for Community Representatives

File Number:	IN18/358
Responsible Director:	Director City Planning and Community
Attachments:	1 Heritage Advisory Committee Terms of Reference ↓ 
	2 Summary of Nominations for Community Representatives (confidential)

EXECUTIVE SUMMARY

The purpose of this report is to consider the nominations received for community representatives for Council's Heritage Advisory Committee (HAC). The Committee provides strategic advice on the conservation, promotion and education about heritage and heritage places within the City of Manningham.

At its meeting on 27 March 2018, Council endorsed revised Terms of Reference for Council's Heritage Advisory Committee which confirmed membership of the Committee, membership criteria (including the maximum term for community representatives) and a process for the selection of community representatives for the advisory committee.

Membership of the Committee comprises one Councillor and one representative each from the Doncaster and Templestowe Historical Society, Warrandyte Historical Society and Wonga Park History Group. In addition, there are two community representatives appointed by Council which are currently vacant.

Following a four week advertising period commencing from mid-May 2018, three nominations have been received for the two positions.

A Councillor Committee was formed in accordance with the process outlined in the Terms of Reference, to act as a selection panel. The Councillor Committee comprising, Cr Piccinini (current Heritage Advisory Committee Chair), Cr Conlon (Mayor) and Cr Zafiropoulos met on 17 July 2018 to consider the applications and make a recommendation regarding the preferred applicants to fill the two vacant positions.

Together with the nominated representatives from the three Historical Societies/Heritage Group, the preferred nominees will provide a strong body of knowledge, skills and expertise to support the role of the Heritage Advisory Committee.

COUNCIL RESOLUTION

MOVED: CR PAULA PICCININI
SECONDED: CR MIKE ZAFIROPOULOS

That Council:

- A. Notes that, as set out in the Heritage Committee Terms of Reference, vacancies for two community representative positions were advertised, and that three nominations were received.**

- B. Endorses the Councillor Committee's recommendation to appoint Jim Poulter and Bernice Charity as the community representatives on Council's Heritage Advisory Committee for a three year term.**
- C. Acknowledges and thanks John Boylett for his nomination and encourages him to provide ideas and feedback via the many consultation channels available to the Manningham community.**
- D. Notes that Eric Collyer is the nominated representative for the Doncaster and Templestowe Historical Society, Margaret Kelly is the nominated representative for the Warrandyte Historical Society and Barry Box is the nominated representative for the Wonga Park History Group.**

CARRIED

2. BACKGROUND

- 2.1 The *Advisory Committee Policy* (July 2017) provides a framework for the consistent operation of all Council's advisory committees.
- 2.2 New Terms of Reference for the Heritage Advisory Committee were adopted by Council on 27 March 2018, consistent with the Advisory Committee Policy (Refer Attachment 1).
- 2.3 The Terms of Reference specify that membership for the Heritage Advisory Committee will comprise:
- One Councillor appointed by Council;
 - One representative from the Doncaster and Templestowe Historical Society;
 - One representative from the Warrandyte Historical Society;
 - One representative from the Wonga Park Historical Group (Subcommittee of Wonga Park Community Cottage Inc); and
 - Two community representatives appointed by Council.
- 2.4 The Historical Societies and History Group have recently confirmed their representatives. Eric Collyer is the nominated representative for the Doncaster and Templestowe Historical Society, Margaret Kelly the nominated representative for the Warrandyte Historical Society and Barry Box the nominated representative for the Wonga Park History Group.
- 2.5 The two community representative positions are currently vacant. The Terms of Reference specify the membership criteria applicable for community appointments for the Heritage Advisory Committee, as follows:
- Live within the municipality;

- Have a strong interest in and knowledge of local history, including various aspects of local built history and landscape history. This could include specialist knowledge or interest in local buildings, gardens and landscapes. It could also include specialist knowledge in heritage interpretation and education.
- Have a strong interest or knowledge in differing time periods of importance to the development of the municipality. For example, the early orcharding years or the mid-twentieth suburban development.
- Relevant experience in committees / or demonstrated ability to participate in, and constructively contribute to a group, committee, or organisation.
- Ability to regularly attend and participate in meeting as scheduled.
- A mix of skills and attributes to complement other members of the committee.
- Diversity in terms of gender, age and culture.
- Performance and contribution of members seeking re-nomination.
- Consideration of staggered appointments to ensure a membership that preserves the balance between old and new.
- A maximum of three x three year (9 years) for community representatives.

3. DISCUSSION / ISSUE

- 3.1 Nominations for appointment to the Committee were called for by public notice in the local media and on the Council website over a one month period.
- 3.2 Three nominations have been received, all from individuals who have not previously been members of Council's Heritage Advisory Committee. The reasons for applying, the areas of expertise, interest, relevant skills and qualifications, and experience in group participation are summarised in Attachment 2.
- 3.3 All of the nominations received are from people who generally met the membership criteria. Two of the applications are from current members of the Doncaster and Templestowe Historical Society (seeking nomination as individual community representatives).
- 3.4 Council officers met with each of the applicants to further discuss their interests in the heritage of the local area and what skills and attributes they have that would complement existing membership on the Committee.
- 3.5 A Councillor Committee, comprising Cr Piccinini (current Heritage Advisory Committee Chair), Cr Conlon (Mayor) and Cr Zafiroopoulos, met on 17 July 2018 to consider the applications and make a recommendation regarding the preferred applicants to fill the two vacant positions.

- 3.6 After careful consideration, the Councillor Committee has recommended that, Bernice Charity and Jim Poulter are considered the preferred applicants for the three year term of the Committee.

4. COUNCIL PLAN / STRATEGY

- 4.1 The Heritage Advisory Committee provides advice to Council on the conservation, promotion and education on heritage and heritage places within the municipality.

5. IMPACTS AND IMPLICATIONS

- 5.1 Together with the nominated representatives from the three Historical Societies/Heritage Group, the preferred nominees will provide a strong body of knowledge, skills and expertise to support the role of the Heritage Advisory Committee.
- 5.2 None of the previous members of the Heritage Advisory Committee re-nominated for the current vacancies. The selection process therefore provides an opportunity to refresh the representative membership.

6. IMPLEMENTATION

- 6.1 The residents appointed by Council as community representative members of the Heritage Advisory Committee will be contacted by phone and will be sent a letter, together with the revised Terms of Reference.
- 6.2 The resident not selected for HAC membership will be contacted by phone and mail and encouraged to provide, valuable ideas and feedback to Council via the many communication channels available to the Manningham community.

7. DECLARATION 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.



Terms of Reference

Heritage Advisory Committee

<p>1. Purpose</p>	<p>To provide advice to Council on the conservation, promotion of, and education about, heritage and heritage places within the municipality.</p> <p><i>A heritage place is defined as a building, garden, landscape or landscape element (e.g. a tree or row of trees) that has heritage significance to the municipality. This will include all heritage places included on the Schedule to the Heritage Overlay. It may also include other buildings, gardens, landscapes or landscape elements that are not included on the Schedule, but are considered to be of potential heritage value to the municipality.</i></p>
<p>2. Roles and tasks</p>	<ul style="list-style-type: none"> • To consider and make recommendations to Council in relation to amendments to the Manningham Planning Scheme which relate to heritage matters. • To consider and make recommendations to Council regarding applications received in relation to Council's Heritage Restoration Fund. • To provide a forum through which community representatives, Councillors and staff can exchange ideas to assist with the ongoing management and enhancement of heritage in Manningham. • To provide advice to Council in relation to heritage events, community education and programs.
<p>3. Chairperson</p>	<p>Meetings will be chaired by a Manningham Councillor, nominated by Council on an annual basis.</p> <p>In the event that the Chairperson is absent, the meeting will be chaired by the Chairperson's nominee or representative of Council.</p>
<p>4. Decision making</p>	<p>The Committee acts in an advisory capacity only and has no delegated authority to make decisions on behalf of Council.</p>
<p>5. Meetings</p>	<p>Meetings will be held approximately three times each year, or more often as required.</p> <p>Specific additional meetings may be required on an as-needs basis, such as during the development or review of a major strategy. Additional meetings will be subject to approval by both the Chairperson and the Director of Planning and Environment.</p> <p>Meetings are closed to the community outside endorsed members and delegates.</p>



	<p>Meetings will:</p> <ul style="list-style-type: none"> • Commence on time and conclude by the stated completion time • Be scheduled and confirmed in advance with all relevant papers distributed to each member • Encourage fair and respectful discussion • Focus on the relevant issues at hand • Provide advice to Council, as far as practicable, on a consensus basis.
<p>6. Membership</p>	<p>The Committee will comprise:</p> <ul style="list-style-type: none"> • One Councillor appointed by Council; • One representative from the Doncaster and Templestowe Historical Society; • One representative from the Warrandyte Historical Society; • One representative from the Wonga Park History Group (Subcommittee of Wonga Park Community Cottage Inc); and • Two community representatives appointed by Council. <p>A quorum for an Advisory Committee meeting is 50% plus one including at least:</p> <ul style="list-style-type: none"> - One Councillor - Two specialist or community representatives <p>Officers in attendance:</p> <ul style="list-style-type: none"> • Manager City Strategy or representative • Strategic Planner • Council's Heritage Advisor <p>Guests or subject matter experts may be invited to attend meetings as required. With the exception of community representatives, members may nominate a proxy to attend a Heritage Advisory Committee meeting on their behalf.</p>
<p>7. Membership Criteria</p>	<p>The following membership criteria will be used in making community appointments to the committee:</p> <ul style="list-style-type: none"> • Live within the municipality • Have a strong interest in and knowledge of local history, including various aspects of local built history and landscape history. This could include specialist knowledge or interest in local buildings, gardens and landscapes. It could also include specialist knowledge in heritage interpretation and education. • Have a strong interest or knowledge in differing time periods of importance to the development of the municipality. For example, the early orcharding years or the mid-twentieth suburban development • Relevant experience in committees / or demonstrated ability to participate in, and constructively contribute to a group, committee, or organisation • Ability to regularly attend and participate in meetings as scheduled • A mix of skills and attributes to complement other members of the committee • Diversity in terms of gender, age and culture



	<ul style="list-style-type: none"> • Performance and contribution of members seeking re-nomination • Consideration of staggered appointments to ensure a membership that preserves the balance between old and new • A maximum of three x three year terms (9 years) for community representatives.
<p>8. Nomination Process</p>	<p>Nominations for appointment to the Committee will be called by public notice in the local media and Council website.</p> <p>Nominees shall nominate on the appropriate form to Council within the advertised period.</p> <p>Appointments will be made by Council and selected based on the criteria above.</p> <p>Membership will be for a three year period to ensure that the representation is continuously refreshed and that opportunity is provided for new community members to participate.</p> <p>Members can re-nominate after their term ends in accordance with the nomination process and membership criteria.</p> <p>Officers will undertake an initial assessment of the applicants to determine compliance with the membership criteria and provide this list to the Chairperson.</p> <p>A Councillor committee supported by an officer and comprising the Mayor, Chairperson and one other Councillor will rank the applicants and make a recommendation regarding the preferred applicants.</p> <p>Council is not bound by the recommendation of the Councillor committee in appointing community representatives.</p>
<p>9. Resignation</p>	<p>A member of the Committee may resign at any time. Notice of resignation is to be provided in writing to the Chair of the Committee.</p> <p>Membership on the Committee will be deemed to have been resigned if a member fails to attend three consecutive meetings without prior notice.</p> <p>Where a vacancy occurs within 6 months of the current membership expiring and providing that a quorum is maintained, the vacancy will not be filled for the remainder of the term.</p> <p>Casual vacancies that occur due to a community representative resigning or membership lapsing may be filled by co-opting suitable candidates identified from the most recent selection process for the remainder of the previous incumbent's term.</p>



	<p>Officers, in consultation with the Councillor committee, will make a recommendation to the Chief Executive Officer to appoint a suitable candidate for the remainder of the previous incumbent’s term.</p> <p>Where there are no suitable candidates identified, a formal expression of interest and selection process as set out in the nomination process is required.</p>
<p>10. Conflict of interest</p>	<p>Committee meetings form an Assembly of Councillors and Councillors and officers are required to comply with the Conflict of Interest provisions as set down in the Local Government Act 1989. Disclosures of a Conflict of Interest must be recorded in the minutes and the Councillor or officer must leave the room while the matter is being considered.</p> <p>Where a community member has a Conflict of Interest (as defined in the Local Government Act) in relation to a matter in which the committee is concerned, or likely to be considered or discussed, the community member must disclose the matter to the group before the matter is considered or discussed. It will be at the discretion of the Chairperson if the community member remains or leaves the room whilst the matter is discussed, and this must also be recorded in the minutes of the meeting. A community member who has declared a Conflict of Interest on a matter must abstain from voting on the matter if they remain in the meeting.</p>
<p>11. Code of Conduct</p>	<p>Committee members must:</p> <ul style="list-style-type: none"> • Act with integrity • Impartially exercise their responsibilities in the interests of the local community • Not improperly seek to confer an advantage or disadvantage on any person, including themselves • Treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of Councillors, committee members and Council officers • Commit to providing a safe, inclusive and productive environment free from discrimination, harassment and bullying by not engaging in behaviour that is intimidating or that may constitute discrimination, harassment or bullying • Take reasonable care of their own health and safety and that of others • Commit to regular attendance at meetings <p>Community representatives are expected to abide by this Code of Conduct and any breach of this Code of Conduct may result in termination of membership.</p> <p>Councillors are bound by the Councillor Code of Conduct.</p> <p>Council officers are bound by the Employee Code of Conduct.</p>



12. Media	<p>Contact with the media by committee members will be conducted in accordance with the Manningham City Council Media Policy.</p> <p>Committee members should defer any media enquiries to the Chairperson in the first instance and should take care not to respond as a representative of the committee.</p>
13. Confidential information	<p>Committee members must not disclose information that they know, or should reasonably have known is confidential information.</p> <p>Committee members have an obligation to not disclose any materials or information that is not publicly available unless approved by the Chairperson or a representative of Council.</p> <p>Committee members should be mindful of their obligations under the Privacy and Data Protection Act 2014 regarding the use and disclosure of information.</p>
14. Review	<p>A review of the terms of reference and the role, function, membership, and productivity of the committee will be conducted at least once every four years from the date of their adoption by Council to ensure currency and effectiveness.</p> <p>These terms of reference may be revoked at any time by Council.</p>
15. Support	<p>The Council will provide the necessary support to assist the committee to function effectively including:</p> <ul style="list-style-type: none"> • Maintaining contact details of members • Preparing and distributing agendas and prior reading material • Preparing and distributing meeting minutes • Circulating other material to committee members as necessary • Preparation of an Assembly of Councillors record as required under the Local Government Act 1989.
16. Reporting	<p>Minutes of the committee meeting will be circulated to members within 2 weeks of the meeting and must:</p> <ul style="list-style-type: none"> • Contain details of the proceedings and outcomes for action • Be clearly expressed and self-explanatory • Incorporate any relevant reports or a summary of the relevant information considered in forming any recommendation <p>Minutes of all meetings will be published on the Councillor Hub and Manningham Council website.</p>

10.5 Naming of Reserves Policy

File Number:	IN18/362
Responsible Director:	Director City Planning and Community
Attachments:	<ol style="list-style-type: none">1 Naming Rules - Principles ↓ 2 Naming of Reserves Policy 1996 ↓ 3 Draft Naming of Reserves Policy ↓ 4 Request to Rename Park in Tullamore ↓ 

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider:

- *the adoption of a new Council policy for the naming of reserves which complies with the Geographic Place Names Act 1998 and the related Naming Rules for Places in Victoria 2016, and*
- *a request from Mirvac for Council to rename a new local park in the Tullamore Estate after living local resident.*

When Council received the request from Mirvac earlier this year it became clear that Council's existing Naming of Reserves Policy, which had been last updated in 1996, was well out of date, was not consistent with the Geographic Place Names Act 1998 and related Naming Rules. The existing policy also did not reflect the principles for the naming of reserves which had been used in the Open Space Strategy adopted by Council in 2014.

Under the Geographic Place Names Act 1998, Council is the naming authority for places and is required to resolve on all geographic places names (including parks) in the municipality, with the exception of geographic places of regional, state and national significance. However the Naming Rules for Places in Victoria 2016 are the current statutory requirements for the naming of places and are therefore mandatory for all naming authorities in Victoria.

Notwithstanding the Naming Rules, it is possible for Council to augment the Naming Rules in relation to the naming of places. That is best done via a Council policy relating to matters where Council does have some discretion, such as preferred naming conventions for reserves and commemorative naming. A draft new Naming of Reserves Policy is included as Attachment 2 to this report.

The draft Policy provides that reserves should be named in accordance with the protocols adopted in Council's Open Space Strategy where local parks are named after the street in which they are located and linear reserves after the principle on which they are located.

In addition, the draft Policy proposes that Council will only consider commemorative naming in relation to deceased persons who were members of the Manningham community and have made a substantial contribution to the community.

Accordingly the naming of the new neighbourhood park in the Tullamore Estate as Les Smith is not supported, although Les' significant contribution is acknowledged and has been recognised by a plaque in the park.

COUNCIL RESOLUTION

MOVED: CR DOT HAYNES
SECONDED: CR MIKE ZAFIROPOULOS

That Council:

- A. Endorses the updated Naming of Reserves Policy (Attachment 3)
- B. Delegates to the Director City Planning and Community Council's function in the naming of renaming of reserves in accordance with the *Naming rules for places in Victoria, 2016* under the *Geographic Place Names Act 1998*, and Council's Naming Reserves Policy.
- C. Does not support the naming of the new neighbourhood park in Tullamore Estate as Les Smith Park and confirms the naming of this park as Makybe Reserve.

CARRIED

2. BACKGROUND

Council's Role as Naming Authority

- 2.1 Council as a naming authority under the *Geographic Place Names Act 1998* (the Act) is required to resolve on all geographic place names in the municipal district, with the exception of geographic places of regional, state and national significance.
- 2.2 Under the Act a place is defined as "*any place or building that is, or is likely to be, of public or historical interest and includes, but is not restricted to –*
 - (a) *the township, area, park, garden, reserve of land, suburb and locality;*
 - (b) *topographical feature, including undersea feature;*
 - (c) *street, road, transport station, government school, government hospital and government nursing home;*"
- 2.3 The Act provides for preparation of guidelines relating to the procedures to be implemented in selecting, assigning or amending names of places. The *Naming rules for places in Victoria 2016* (the Naming Rules) are the statutory requirements for naming roads, features and localities and are mandatory for all Victorian naming authorities.
- 2.4 The Naming Rules include 12 general principles which must be used in conjunction with the relevant statutory requirements related to roads, features and localities. (Attachment 1)
- 2.5 They also include more specific requirements in relation to the naming of features, which include reserves and elements, such as pavilions, within them, as well as requirements in relation to consultation and lodging of proposals with the Office of Geographic Place Names.

- 2.6 The Naming Rules also include a checklist to ensure compliance with the principles, relevant statutory requirements and processes for naming or renaming.

Council Policy

- 2.7 Manningham's current Naming of Reserves Policy (ENV 12.5) (Attachment 2) was adopted by Council in 1996 and includes only three policy elements:
1. That reserves will be named after locations rather than Councillors or original landowners, except where a significant and continuing contribution to community life or contribution to history has been demonstrated.
 2. How Council will decide on the name for a reserve.
 3. The process for renaming of a reserve.
- 2.8 Council's *Open Space Strategy* adopted in 2014 introduced an updated naming protocol to standardise and simplify the naming of reserves within the open space network:
- Local parks that form part of a larger linear park to be given the name of the linear park.
 - Reserve names shortened to delete the "Street" component e.g. Lawford Street Reserve became Lawford Reserve.
 - Naming of playspaces or other facilities within linear parks e.g. Larnoo Drive Reserve became Larnoo Playspace – Mullum Mullum Creek Linear Park.
 - Duplicated names for the adjoining reserves were removed e.g. Fahey Park and Daniel Reserve were separate names for the same open space and were simplified to Daniel Reserve.

Request for Renaming of a Reserve

- 2.9 On 16 January 2018, Mirvac wrote to Council (Attachment 3) requesting the renaming of one of the new Council parks in Tullamore Estate "Les Smith Park". This park is the 3,000 m² local park situated on Phar Lap Drive and Makybe Walk and in accordance with Council's naming protocols adopted in the Open Space Strategy 2014 is named Makybe Reserve after one of the abutting streets. The park includes a large playspace, picnic facilities, connecting paths and extensive landscaping. The park also retains a number of large Eucalypts from the golf course.
- 2.10 The matter was considered at Council's 10 April 2018 Strategic Briefing Session but referred for further consideration, including the need to develop a new Naming of Reserves Policy.

- 2.11 Les Smith is 103 years old and a former board member and President of Eastern Golf Club. Les took a leading role during his 71 years of club membership in enhancing the flora and fauna on the golf course site, including the planting of many of the native trees that are now a significant feature in the Tullamore landscape.
- 2.12 It should be noted that since that request Mirvac has, with consent, installed a heritage sign in the new park commemorating the contribution of Les Smith to the area, at the time that the park was formally opened.

3. DISCUSSION / ISSUE

New Naming of Reserves Policy

- 3.1 When Council received the request from Mirvac earlier this year, it became clear that Council's existing *Naming of Reserves Policy*, which had been last updated in 1996, was out of date, was not consistent with the *Geographic Place Names Act 1998* and related *Naming rules for places in Victoria*, and did not reflect the principles for the naming of reserves which were included in Council's *Open Space Strategy 2014*.
- 3.2 Although the Naming Rules are mandatory it is possible for Council to augment the Naming Rules in relation to the naming of places. That is best done via a Council policy relating to matters where Council does have some discretion, such as preferred naming conventions for reserves and commemorative naming.
- 3.3 A proposed new *Naming of Reserves Policy* is included as Attachment 4. The draft Policy has been designed to:
- Be consistent with the principles and procedures set out in the *Naming rules for places in Victoria 2016*;
 - Confirm the Council reserve naming principles set out in the *Open Space Strategy 2014*;
 - Maintain the existing Policy of naming reserves after locations rather than Councillors or original landowners;
 - More clearly set out that Council would only consider naming a reserve after a deceased person where a significant contribution to community life, or contribution to history, has been demonstrated.
 - Be clear that Council would not consider naming of a reserve after a living person.
- 3.4 In accordance with the Council's *Open Space Strategy 2014* the draft Policy specifies that for new reserves:
- Local parks will be named after the road on which they are located (deleting the street/road etc. components), e.g. Lawford Reserve;
 - Linear parks will be named after the principal waterway on which they are located, e.g. Ruffey Creek Linear Park; and

- Reserves identified in the *Open Space Strategy 2014* as regional or district can be named after the adjoining road, suburb, indigenous name, original land owner or an appropriate person (refer to commemorative naming).
- 3.5 In relation to commemorative naming (naming of reserves after a person), the *Naming rules for places in Victoria* (Principle (H) Using commemorative names) already include requirements including:
- If named after a person, that person should be or have held in strong regard by the community with a preference given to unofficial names used by the local community. Consideration should be given to the person's achievements, relevant history and association to the area, and the significance of the family/person to the area/land.
 - Any person should have been held in strong regard by the community.
 - The names of people who are still alive must be avoided because community attitudes and opinions change over time.
 - A commemorative name applied to a feature can use the first name and surname of a person, not first or given names.
 - The initials of a given name are not to be used in any instance.
 - The consent of the family of the commemorated person should be obtained.
 - In exceptional circumstances a feature can be named after a living person. In order to do so the naming authority must apply in writing to the Registrar for Geographic Places Names (the Registrar) to seek an exemption from this principle. Prior to this consent from the person should be sought. The naming authority must outline the reasons for the proposal including evidence about the person's achievements, relevant history and association to the area. This exemption must be sought prior to commencing any public consultation or reaching a decision on the final naming proposal.
- 3.6 Within the context of the Naming Rules, it is proposed that the *Naming of Reserves Policy* provides that:
- commemorative naming of deceased persons will be considered by Council where:
 - they commemorate a deceased individual who was a member of the Manningham community; and
 - the individual has made a substantial contribution to the Manningham community greater than would be reasonably expected through paid employment or their voluntary contribution.
 - commemorative naming of a reserve after a living person will not be considered by Council.

- 3.7 Similarly to Council's *Road Naming Policy* the draft *Reserves Naming Policy* proposes that the naming or renaming of a reserve be managed under delegated authority in accordance with the adopted policy, with the nominated delegate being Director Planning and Community.
- 3.8 Any diversion from the policy contents in relation to the proposed reserve name will need to be a decision of the Council rather than the delegate.

Request for renaming of reserve in Tullamore

- 3.9 There have been a small number of Manningham parks that have been renamed after individuals who have made a significant contribution to the community. Thompsons Road Reserve was renamed Ted Ajani Reserve after a former Councillor, Morris Williams Reserve after a local State politician and Saxon Reserve renamed JW Thomson Reserve after a former Council employee.
- 3.10 Consideration of naming a reserve after a living person would require an exemption from the Registrar from the relevant principle (H) in the Naming Rules.
- 3.11 In addition, the draft Policy proposes that Council will only consider commemorative naming in relation to deceased persons who were members of the Manningham community and have made a substantial contribution to the community.
- 3.12 Accordingly the renaming of the new neighbourhood park in the Tullamore Estate as Les Smith is not supported and its naming as Makybe Reserve, which is in accordance with the draft policy, is confirmed. However Les' significant contribution is acknowledged and has been recognised by a plaque in the park.

4. COUNCIL PLAN / STRATEGY

- 4.1 The development of Council policy in relation to the Naming of Reserves is consistent with the Council Plan themes of Liveable Places and Spaces and a Well Governed Council.

5. IMPACTS AND IMPLICATIONS

- 5.1 A *Naming of Reserves Policy* will ensure that Council has a clear local policy direction and procedure for the naming of Council reserves within the broader statutory requirements of the *Naming rules for places in Victoria*.

6. IMPLEMENTATION

Finance / Resource Implications

- 6.1 The financial considerations in relation to requests for naming or renaming or reserves or Council proposals for the naming or renaming of reserves include staff resourcing, the cost of consultation, advertising and appropriate signage. However the introduction of the policy is unlikely to change the status quo which is delivered within existing annual operational budgets.

Communication and Engagement

- 6.2 Consultation in relation to the naming or renaming of reserves will be undertaken in accordance with the Naming Rules and the adopted *Naming of Reserves Policy*.

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.

2 General principles

The following principles must be used in conjunction with the relevant statutory requirements outlined in the three other sections of the naming rules related to roads, features and localities. They are designed to ensure no ambiguity, confusion, errors or discrimination are caused by the naming, renaming or boundary change process. All general principles are equally important.

Principle (A) Ensuring public safety

Geographic names and boundaries must not risk public and operational safety for emergency response; or, cause confusion for transport, communication and mail services. Many emergency services and other public services (such as mail) are determined by locality boundaries or road extents, and proposals must ensure that operations will not be adversely affected.

For example, the boundary of a locality must be applied in a way that makes sense, not only for the local community but also for visitors. Similarly, the extent of a road name should ensure easy navigation for pedestrians and vehicles along the entire route, from one end to the other.

Principle (B) Recognising the public interest

Regard needs to be given to the long-term consequences and short-term effects on the wider community of naming, renaming or adjusting the geographic boundary of a place. Changes will affect not only the current community but also future residents, emergency response zones, land titles and addresses, property owners, businesses and visitors.

A proposal will only be registered if the long-term benefits to the community can be shown to outweigh any private or corporate interests, or short-term effects.

Principle (C) Linking the name to place

Place names should be relevant to the local area with preference given to unofficial names used by the local community. If named after a person (refer to [Principle H Using commemorative names](#)), that person should be or have been held in strong regard by the community.

Names that link the name to the place could relate to Aboriginal culture and occupation of the land, local flora and fauna, Australian war contributions (refer to [Section 2.3 Anzac commemorative naming project](#)), European exploration and settlement, local geography and geology, significant events, the cultural diversity of past and current inhabitants, or patterns of land usage and industrial/mineral/agricultural production.

Infrastructure features should use the name of the locality, for example Tarneit Railway Station. Features that use the name of locality are not considered duplicates, but must have a unique identifier that distinguishes the feature from other similarly named features. Refer to [4.2.3 Locational names](#) for further information.

This principle is particularly relevant to new estates, where naming themes can provide a strong link to place. Names of estates should not be applied to roads, features or localities to avoid possible future issues related to address. Those that have a historical connection to place are preferred. Refer to [Principle \(I\) Using Commercial and business names](#).

A place of greater than local significance should have a name relevant to the wider community. A road, feature or locality of greater than local significance will usually fall into one or more of the following categories:

- it is located in two or more municipal areas

Section 2 General principles

- it is located in a significant tourist precinct
- it is proposed to be created as part of a State or Federal Government project
- it is a major waterway
- it is a major undersea or shoreline feature
- it has major cultural, natural or recreational landscape features
- it is linked to a significant Aboriginal feature, story or landscape. Refer to [Principle \(F\)](#) Recognition and use of Aboriginal languages in naming.

In these instances a naming authority can request that the Registrar convenes a Geographic Place Names Advisory Committee to develop or determine a decision on a naming proposal (refer to [Section 1.5.5](#) for further details).

Principle (D) Ensuring names are not duplicated

Proposed names must not duplicate another name within the distances listed below, irrespective of locality and/or council boundaries. Duplicates are considered to be two (or more) names within close proximity, or names that are identical or have similar spelling or pronunciation. Examples of names that are similar and considered to be duplicates are White, Whyte, Wite and Wiet.

[VICNAMES](#) can be used to check for a duplicate road, feature and locality names. Select the road or place and select duplicate. Refer to the [Guide to VICNAMES](#) available at www.delwp.vic.gov.au/namingplaces>VICNAMES for further advice.

Note: the radius will default to either 5, 15 or 30 kilometres based on the location classification listed below. The defaulted radius provides the minimum required distance between duplications.

Duplication is not allowed within the same locality or the following default distances:

- **metropolitan urban areas**, within a 5 kilometre radius (metropolitan Melbourne and Geelong, city centres and surrounding suburbs)
- **regional urban areas**, within a 15 kilometre radius (a regional urban area consists of a town centre and its surrounding suburbs)
- **rural or remote areas**, within a 30 kilometre radius (a rural or remote area is an area located outside of towns).

Examples of duplicate name scenarios and solutions are available in [Section 2.1](#).

Examples and scenarios of names not considered duplicates are available in [Section 2.2](#).

If a naming authority is uncertain of which classification to apply, it should contact OGN for advice.

Alternatively, apply a cautionary approach when checking for duplication and use the 30 kilometre radius search.

If the proposed name is duplicated, consider assigning it to something other than what you want to name (such as a park, reserve, road or a locality), outside of the duplicate search radius. If a feature or road is located near a state boundary, care should also be taken to avoid duplication with names in the other state, according to the distances prescribed above.

When considering the assignment of locality names, the above requirements are not applicable and naming authorities should refer to [Section 5: Localities](#).

An exception to this principle is the assignment of multiple feature names within, for example, a park or reserve. The feature names must have a direct relationship with each other. Examples include Mildura Wharf Carpark adjacent to and servicing Mildura Wharf, Neulynes Carpark adjacent to Neulynes Mill Site, and Albert Park Lake and Albert Park Playing Fields located in Albert Park (the park). This exception is not allowed for the assignment of locality names or road names, which must be unique. Refer to [Section 2.2.1](#) for further information. For further advice please contact OGN.

Section 2 General principles

If naming authorities have a proposed name not duplicated within the same locality, but marginally within the radius deemed to be a duplicate, you may contact OGN for further advice.

Principle (E) Names must not be discriminatory

Place names must not discriminate. Refer to the *Equal Opportunity Act 2010* for further information.

Principle (F) Recognition and use of Aboriginal languages in naming

The use of Aboriginal languages in the naming of roads, features and localities is encouraged, subject to agreement from the relevant Traditional Owner group(s). If the application of an Aboriginal name is being considered to be applied as a Dual name, then please also refer to [Principle \(G\) Dual names](#).

Naming authorities are strongly encouraged to consult with the relevant Traditional Owner group(s) prior to any public consultation on the proposed name(s). In instances of more than one relevant Traditional Owner group, naming authorities must consult all parties.

Further information about how to identify the appropriate Traditional Owner group(s), convene consultation meetings and respond to issues that may arise, is available in [Section 7.3 Developing an Aboriginal naming proposal](#).

Principle (G) Dual names

Australian states and territories use dual names as a way of recognising the names given to places by different enduring cultural and language groups. For further information refer to the [Principles for the consistent use of place names](#) (www.icsm.gov.au/publications/index.html).

In Victoria, the approach to giving simultaneous and joint recognition of Aboriginal and non-Aboriginal cultures through naming is to form a dual name with two distinct name parts, usually one part of non-Aboriginal language origin and the other of Aboriginal language origin.

Naming authorities wishing to develop dual naming proposals need to ensure the following issues are considered:

- Dual names can be applied to natural topographical features (e.g. islands, mountains, mountain ranges and rivers) and mapped or bounded areas such as state forests, national parks, Crown land reserves and open space recreation reserves.

To avoid possible confusion for addressing or the provision of emergency management, dual names cannot be adopted for:

- localities, towns or rural districts
- constructed features such as roads, highways, bridges or communication towers.

Note: roads and localities should only be assigned a name that is either an Aboriginal name or non-Aboriginal name.

- Dual naming is a priority consideration when a feature already has a widely accepted name of non-Aboriginal origin and newly available information indicates that an Aboriginal name could also apply.
- If a dual name is proposed, the non-Aboriginal name would appear first in the combined name, as long as it best reflects local community usage. For example, [Point Ritchie / Moyjil](#) (see maps.land.vic.gov.au/lassi/VicnamesUI.jsp?placelid=6743).
- If a non-Aboriginal name has weak support in the general community and the origin and application of an Aboriginal name is well supported, a dual name may be formed with the Aboriginal name part appearing first. In some cases, a single well-supported Aboriginal name could be substituted for the weakly supported non-Aboriginal name, instead of adopting a dual name.

Section 2 General principles

Dual names will be formally registered without any distinction between non-Aboriginal and Aboriginal name parts other than sequence. If a visual separator is required for clarity, it should be a solidus (i.e. a /) preceded and followed by a space. The feature type should only be included with the non-Aboriginal name. The following examples would be acceptable:

- Gariwerd / Grampians National Park
- Grampians National Park / Gariwerd
- Nambruc / Aberfeldy State Forest
- Colquhoun State Forest / Boyanga Gidi.

Dual names once registered are to be used in full, particularly on maps, signs and legal documents. Shortened versions are not to be used.

Principle (H) Using commemorative names

Naming often commemorates an event, person or place. Examples include recognising Aboriginal people or cultural events, or following a theme such as Australian war contributions (refer to [Section 2.3 Anzac commemorative naming project](#)). When considering a commemorative name, the following points must be considered.

- If named after a person, that person should be or have been held in strong regard by the community, with preference given to unofficial names used by the local community. When deciding on the assignment of a commemorative name, naming authorities should consider the person's achievements, relevant history and association to the area, and the significance of the family/person to the area/land. For example, a family that has been associated with an area for at least 50 years.
- The names of people who are still alive must be avoided because community attitudes and opinions can change over time.
- A commemorative name applied to a locality or road should use only the surname of a person, not first or given names.
- A commemorative name applied to a feature can use the first name and surname of a person; although, it is preferred that only the surname be used.
- The initials of a given name are not to be used in any instance.

Note: if a name is duplicated you may consider using a first or middle name or a locally used name; however, the naming authority should contact the OGN for further advice.

This approach ensures that emergency and postal services are not delayed because of inconsistent application of a name. For example, *Smith Park* is a clearer name than *John Edward Smith Park* because it's possible John Park, Edward Park, John Smith Park, J. E. Smith Park or J. E. S. Park might be used by the public.

Naming authorities should make every effort to gain consent from family members of the person being commemorated. Supporting evidence that shows a naming authority's attempts to consult family members should be provided to OGN when lodging the proposal.

Supporting evidence is required, including copies of letters sent to the family, copies of newspaper advertisements calling for consent or contact details of the family and any response from the family. When a naming authority is unable to locate existing family members, the naming authority may use the newspaper notice advertising the proposed name to also call for consent from the family and/or request family contact details from the community. Refer to [Section 7.2.4](#) The consultation process, Notices. Any response from the family should be included in the proposal sent to the Registrar.

If a naming authority has exhausted avenues to contact families and the proposal is the name of a person who passed away at least 70 years ago, the Registrar will consider the naming proposal.

Section 2 General principles

In exceptional circumstances, if the naming authority wishes to name a road, feature or locality after a living person, it must apply in writing to the Registrar to seek an exemption from this principle. Consent from the person should be sought prior to any exemption request being submitted to OGN. The naming authority must outline the reasons for proposing a living person's name, including but not limited to evidence about the person's achievements, relevant history and association to the area. This exemption request must be sought prior to commencing any public consultation or reaching a decision on the final naming proposal.

Principle (I) Using commercial and business names

For similar reasons to those outlined in [Principle \(H\)](#), naming authorities should not name places after:

- commercial businesses
- trade names
- estate names (which are solely commercial in nature)
- not-for-profit organisations.

Names of estates should not be applied to roads, features or localities to avoid possible future issues related to addressing. Names with historical connections to places are preferred.

Note: Estate names include names applied to residential estates, commercial use estates, e.g. residential subdivisions and business parks or commercial/industrial zoned land. Where roads, features and localities are named using the estate name, that have no link to place, then the name will not be allowed.

Naming authorities should use their discretion as to whether an exemption request is required. For further advice contact the OGN.

Exceptions may apply if the business or organisation had an association with the area over a substantial period of time and is held in high regard by the community, e.g. [Lions Park Mallacoota](#) (maps.land.vic.gov.au/lassi/VicnamesUI.jsp?placeId=12026), Mantello Drive and Vegemite Way.

In these circumstances, the naming authority must apply in writing to the Registrar to seek exemption from this principle, including but not limited to evidence of the business's or organisation's association with the area and any known community views. This exemption request must be sought prior to commencing any public consultation or reaching a decision on the final naming proposal.

Principle (J) Language

The use of names from Australian English, Aboriginal names and names from other languages need to be given careful consideration. The following points must be considered.

- Geographic names, except when they are proper nouns, must be written in standard Australian English or a recognised format of an Aboriginal language local to the area of the road, feature or locality.
- Geographic names should be easy to pronounce, spell and write, and preferably not exceed three words (including feature or road type) and/or 25 characters.
An exception to this is in the use of Aboriginal languages, when it is accepted that Aboriginal names that initially appear complex will, over time, become familiar and easy to use.
- Names taken from a language other than English that represent geographical features generally use generic terms and will be allowed, unless the combination produces a duplication of sense. For example, Tor Mountain would not be allowed because Tor means mountain.
- 'The' is not a suitable prefix in naming of any road, feature or locality. For example, The Avenue is not acceptable.

Section 2 General principles

- Hyphens can be used within place names that indicate the extent of the feature, for instance Mellick-Munjie Parish or Hattah-Kulkyne National Park. They can also be used when the name incorporates a hyphenated surname, for instance Kingsford-Smith Ulm Reserve.
- Diacritical marks (symbols such as ´, ¨ or ˘) will be omitted from names drawn from languages that use such marks. For example, Cape Reamur (not Cape Réamur).
- Punctuation marks such as commas and full stops are not allowed.
- An apostrophe must be deleted from geographic names written with a final 's and the possessive 's should not be included. For example, Wilsons Promontory (not Wilson's Promontory) or O'Reilly (not O'Reilly).
- Abbreviations are not allowed. An exception applies to the use of the honorific Saint. For example, Mount must be registered or recorded in full, but Saint can be recorded as St if requested by the naming authority. For example, St Agness Hill, Saint Georges Point and Mount Alfred.
- For the purposes of consistency, names starting with Mc or Mac must not have a space included between the Mc or Mac and the rest of the name. For example MacKenzie Falls, McAdam Gap and McCarthy Spur.
- A name cannot be a numeric value. For example 1st Street; 101 Road, 5th Avenue, 12 Apostles or 9 Mile Creek. Though Twelve Apostles and Nine Mile Creek would be allowed.
- Roads and features must use approved road and feature types which are located in [Appendix A](#) and [Appendix B](#).

Principle (K) Directional names to be avoided

Cardinal directions (north, south, east and west) must be avoided. A proposed name that uses a cardinal direction to distinguish itself from another similar name is considered to be a duplicate name. In these instances, a different name must be chosen to allow for a clear distinction between two or more roads, features or localities.

An example of an unacceptable name is Smith Street being renamed Smith Street West and Smith Street East – either one or both ends of the street must be renamed.

Principle (L) Assigning extent to a road, feature or locality

When a proposal to name a road, feature or locality is being developed, the naming authority must clearly define the area and/or extent to which the name will apply. As a minimum, a proposal for a road or waterway must include the line details, a feature (excluding a waterway) must include the centroid coordinates, and a locality must include the polygon attributes.

For example, the name of a road should apply from one end of the road to the other, i.e. to the points where the road finishes or intersects with other roads.

The name of a waterway should apply from the beginning of the watercourse to its confluence with another waterway or body.

2.1 Results from a VICNAMES duplication search

Proposed names must not be duplicated. Duplicates are considered to be two (or more) names within close proximity, and those which are identical or have similar spelling or pronunciation.

Not all results from a VICNAMES duplication search are duplicates. Common sense is required to determine similar sounding names. Sound out the name to ensure suitable difference.

Additionally, VICNAMES does not always pick up duplicates. For example, when checking a name ending with an s, the s is often omitted by the application.



Policy Manual

Section 4 - Environmental Amenity

ENV12 Reserves

ENV12.5 Naming of Reserves

- 1 Reserves will be named after locations rather than Councillors or original landowners, except where a significant and continuing contribution to community life or contribution to history has been demonstrated.
- 2 Council will decide on the name for a reserve after consideration of submissions from local residents in the case of neighbourhood or local parks and from any interested people or organisations in the case of regional or sports reserves.
- 3 In the case of a proposed renaming of a reserve:
 - 3.1 Public Notices shall be placed in local newspapers inviting comments from interested people on a proposed name change; and
 - 3.2 letters shall be sent to interested organisations and abutting land owners advising them of the proposed name change.

Document History

Responsible Officer:	Director Environmental Amenity		
Last Updated (who & when)			
Authority:	Council	12/03/96	Item 21
References	Nil		
Next Review Date			
Included on website?			



Policy Register

Naming of Reserves Policy 2018

Draft - not approved

Policy Classification	- Infrastructure
Policy N°	- D18/107621
Policy Status	- Draft
Responsible Service Unit	- City Strategy
Authorised by	- TBA
Date Adopted	- TBA
Next Review Date	- TBA

This policy is part of a suite of policies adopted by Council or the Executive Management Team (EMT).

New or replacement policies can be created and developed within Service Units but can only be added to Council's Policy Register by Strategic Governance following the approval of the policy by Council or the EMT.



**Policy Register
Naming of Reserves Policy 2018**

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Policy Register Naming of Reserves Policy 2018

1. PURPOSE

The *Geographic Place Names Act 1998* (the Act) makes provision for the naming of places and registration of place names in Victoria.

The current guidelines relating to procedures to be implemented in selecting, assigning or amending names of places, made in accordance with the Act are *Naming rules for places in Victoria – Statutory requirements for naming roads, features and localities 2016* (the Naming Rules).

In accordance with the Naming Rules, Manningham City Council is a naming authority in relation to features for which Council is responsible. This includes preparing or considering a naming proposal, community consultation and lodging a proposal with the Office of Geographic Place Names for consideration.

Features include reserves and facilities within them.

The purpose of this policy is to provide a local policy framework for Council's role as the naming authority for Council owned and managed reserves within the broader context of the Act and Naming Rules.

This policy provides a framework for a consistent approach to the assigning of names to reserves, and features within reserves, throughout the municipality to enable the clear identification of the reserve for emergency services and visitors to the reserve or feature.

Open space features that could be named under this policy include:

- Parks, playgrounds, skate parks, community gardens, picnic sites and rotundas;
- Sporting facilities, including sports fields, athletics fields, basketball/netball courts and bowling greens;
- Cycling, walking and horse trails and associated footbridges; and
- Other park features such as lakes, wetlands and lookouts.

2. POLICY STATEMENT

2.1 Council as a naming authority

Council's role as a naming authority in relation to the naming and renaming of Council owned and managed reserves will be undertaken in accordance with the *Geographic Place Names Act 1998* and the *Naming rules for places in Victoria 2016*.

The Naming Rules set out the following principles and other relevant statutory requirements which must be considered in relation to the naming of roads, features



Policy Register Naming of Reserves Policy 2018

and localities:

- Principle (A) Ensuring public safety;
- Principle (B) Recognising public interest;
- Principle (C) Linking the name to a place;
- Principle (D) Ensuring names are not duplicated;
- Principle (E) Names must not be discriminatory;
- Principle (F) Recognition and use of Indigenous Australian names;
- Principle (G) Dual names;
- Principle (H) Using commemorative names;
- Principle (I) Using commercial and business names;
- Principle (J) Language;
- Principle (K) Directional names to be avoided;
- Principle (L) Assigning extent to a road, feature or locality.

2.2 Naming of reserves

Where a plan of subdivision creates a reserve or where Council acquires land for a reserve the following will apply.

- Local parks will be named after the road (not including the type of road) on which they are located. Where a reserve has multiple road frontages, the name of the longest road frontage should be used.
- Linear parks will be named after the principal waterway on which they are located, i.e. Ruffey Creek Linear Park.
- Regional and district parks can be named after the adjoining road, suburb, Indigenous name, original land owner or an appropriate person. Where it is proposed to name the reserve after the original land owner or another person section 2.3 (Using commemorative names) of the policy will apply.
- Special features within a regional, district or linear park, such as a playspace, will have the feature named, i.e. Larnoo Playspace (Mullum Mullum Creek Linear Park).

2.3 Using commemorative names

In relation to Principle H (Using commemorative names) of the Naming Rules:

- Council will only consider the naming or renaming of a reserve after a person subject to the following conditions:
 - The person is deceased;
 - The deceased person was a member of the Manningham community who has made a substantial contribution to the Manningham



Policy Register Naming of Reserves Policy 2018

community, greater than would reasonably be expected through paid employment or their voluntary contribution; and

- The request is supported by the family of the person.

2.4 Naming by Delegated Authority

The Director Planning and Community is granted delegated authority to exercise the Council's function in the naming or renaming of reserves and in exercising this power will do so in accordance with the *Naming rules for places in Victoria 2016* under the *Geographic Place Names Act 1998* and the matters included within this policy.

3. SCOPE OF POLICY

This policy applies in relation to Council's role in the naming or renaming of reserves owned or managed by the City of Manningham when applying the principles and processes outlined in the *Naming rules of places in Victoria 2016*, prepared in accordance with the *Geographic Places Names Act 1998*.

4. RESPONSIBILITY

Director Planning and Community

5. DEFINITIONS

Act: means the *Geographic Place Names Act 1998*.

Feature: as described in Section 4 of the *Naming rules for places in Victoria – Statutory requirements for naming roads, features and localities 2016*, a feature is considered to be a unique geographical place or attribute that is easily distinguished within the landscape, for example reserves.

Naming Authority: can be a Municipal Council, government department or authority or a private organisations, when they are responsible for a particular road or feature within their jurisdiction.

Naming Rules: means the current version of the guidelines issued by the Registrar of Geographic Names under section 5 of the *Geographic Place Names Act 1998*. Currently these are *Naming rules for places in Victoria – Statutory requirements for naming roads, features and localities 2016*.

Reserve: includes any of the following:

- Council owned land used as public open space as described in



Policy Register Naming of Reserves Policy 2018

Manningham's Open Space Strategy 2014;

- Council managed Crown land used as public open space as described in Manningham's Open Space Strategy 2014;
- a new reserve created by a subdivision and vested in Council;
- land acquired by Council for the purposes of a reserve; and
- Council owned land used as community spaces in and around activity centres in the municipality.

6. RELATED POLICIES

Manningham Open Space Strategy 2014 – Manningham Council

7. SUPPORTING PROCEDURES

The procedures followed by Council in relation to its consideration of a request or proposal to name or rename a reserve will be those specified in Sections 6-10 and 13 of the *Naming rules for places in Victoria – Statutory requirements for naming roads, features and localities 2016* in relation to:

- Initiating of a proposal by an individual, community group, Councillor or Council officer;
- Consultation (except within new subdivisions);
- Objections and submissions (including consideration by Council);
- Finalising the proposal (including a decision by Council or delegate);
- Lodging a proposal with the Office of Geographic Names; and
- Implementation

8. GUIDELINES

Naming rules for places in Victoria – Statutory requirements for naming roads, features and localities 2016 – Department of Environment Land Water and Planning



**Policy Register
Naming of Reserves Policy 2018**

9. RELATED LEGISLATION

Geographic Places Names Act 1998

10. SUPPORTING RESEARCH AND ANALYSIS

Council adopted a Naming of Reserves Policy in 1996.

Since then the *Geographic Place Names Act 1998* has been introduced and guidelines published relating to procedures to be implemented in selecting, assigning or amending names of places, in the form of Naming of public place in Victoria – Statutory requirements for naming roads, features and localities 2016.

Accordingly any Council policy must be consistent with the Act and Naming Rules and its role is to augment the Naming Rules where possible in relation to Council's role as a naming authority.

11. DOCUMENT HISTORY

Policy Title:	Naming of Reserves Policy
Responsible Officer:	Paul Goodison
Resp. Officer Position:	Coordinator Landscape & Leisure
Next Review Date:	
To be included on website?	Yes

Last Updated	Meeting type? - Council or EMT	Meeting Date	Item N°
28 August 2018	Council	24 August 2018	



Policy Register
Naming of Reserves Policy 2018

Draft - not approved

Level 5, Q3, 6 Riverside Quay T +61 3 9695 9400
Southbank VIC 3006 www.mirvac.com
Australia



16 January 2018

Manningham City Council
699 Doncaster Road
Doncaster VIC 3108

NAMING OF LOCAL NEIGHBOURHOOD PARK, STAGE 1, TULLAMORE

I refer to recent discussions held with Mirvac staff and yourself regarding the naming of the local neighbourhood park located on Phar Lap Drive and Makybe Walk.

The development of Tullamore is based upon the retention and recognition of the site's unique cultural and environmental values, spanning across past (post-European settlement) uses including Sir Thomas Naughton Fitzgerald's weekend retreat 'Tullamore' from 1886, through to the home of the Eastern Golf Club from 1924 – 2016.

In addition to the construction of the original homestead and stables by Fitzgerald, the Eastern Golf Club's presence within the Doncaster and surrounding community has been considerable, and as such, Mirvac's redevelopment of the Tullamore site has sought to incorporate due recognition of the Club's history on the site.

Currently in his 103rd year, Les Smith is the oldest member of the Eastern Golf Club (both in age, and in membership tenure, having joined the Club in 1947). Les' contribution to the Club has been significant, including as a past-President and member of the Board, and as one of the key members responsible for planting much of the native vegetation forming the golf course fairways (much of this is still present to this day).

In recognition of Les's contribution to the history of the Tullamore site, Mirvac is seeking to name the local neighbourhood park in his name – 'Les Smith Park'. While it is understood that this does not comply with Council's current park naming policy, Mirvac hereby seeks Council's favourable consideration of this request in the context of Les' significant input.

Mirvac has spoken with Les about naming the park, and he has expressed his sincere gratitude at the proposal. A letter of support for Mirvac's proposal has also been received from Les' son this has been attached to this letter for your information.

As the neighbourhood park has now been completed, Mirvac is currently planning an event to open the neighbourhood park and celebrate Chinese New Year on 16th February 2018; at this event, Mirvac will officially open the park, and will be inviting Les and his immediate family as guests to celebrate this important event.

Mirvac would appreciate your favourable consideration of this request, and seeks confirmation of such at your earliest convenience to allow sufficient preparation of items such as park signage. It is proposed that Council's standard signage / guidelines will be used.

Mirvac Limited	Mirvac Funds Limited	Mirvac Real Estate Pty Ltd
ABN 92 003 280 699	ABN 70 002 561 640	ABN 65 003 342 452
	AFSL 233121	
	Responsible Entity for Mirvac Property Trust	
	ARSN 086 780 645	

Mirvac's Privacy Policy is on our website or contact our Privacy Officer on T +61 2 9080 8000

Should you require any further information, or wish to discuss the matter further, please feel free to contact the undersigned on mobile or email at

Mirvac looks forward to a favourable response from Council in recognition of the long-standing historical connection that Les has with the Tullamore site, and indeed, the Doncaster community at large.

Yours sincerely

Cc:

20th November 2017.

My father Les began his association with the Doncaster district in 1947 when he and my mother joined the Eastern Golf Club situated on the historic Tullamore Estate.

The Club itself had been operating since 1928 and over the years Les has witnessed many improvements to the course including refurbishment of the original home built for a Doctor Fitzgerald who used the property as a weekend retreat.

In the fifties Les was present when the property, originally leased by the Club, was purchased outright.

As a past President of Eastern Les was a member of the board who greeted then Governor of Victoria Sir Dallas Brookes who opened the renovated clubhouse in the early sixties.

Aside from the club it's important to recognise his involvement in the area as a whole because over many decades Les has taken a great interest in maintaining the local flora on the estate. For instance he was responsible for overseeing and personally planting much of the native vegetation, such as the pink flowering ironbark trees which graced the fairways, some of which are still beautifying the estate today.

Now in his 103rd year, Les is enjoying being a witness to the extensive development being undertaken by Mirvac and is humbled by the idea of creating a park in his name. My father believes the park will be an enduring reminder of Tullamore's rich past history.

Yours faithfully,

11 ASSETS & ENGINEERING

11.1 2017-2018 Capital Works Status Report - End of June Status Report

File Number: IN18/356

Responsible Director: Director Assets and Engineering

Attachments: 1 Capital Works Status Report - End of June 2018 [↓](#) 
 2 Traffic Light Program - End of June 2018 [↓](#) 

EXECUTIVE SUMMARY

This attached Capital Works Status Report, for the period ending 30 June 2018, is provided for review and consideration.

The overall financial performance indicators reveal that \$39.882 million (95.6%) of the Capital Works Program for 2017/18 was spent against the adopted budget of \$41.720 million (non-capitalised), which is above the Council Plan performance target of 95%. This compares to 96.3% for the 2016/17 result. The outcomes are summarised in the following table:

2017/18 Financial Performance Outcomes				
Adopted Budget \$000's	MYR Budget \$000's	Actual Expenditure (non-capitalised) \$000's	% of Actual Expenditure Vs Adopted Budget (non-capitalised)	% of Actual Expenditure Vs MYR Budget (non-capitalised)
41,720	45,131	39,882	95.6%	88.4%

In terms of the number of projects delivered, fifty three (53) were fully completed (89.8%) against a total of fifty-nine (59) in the adopted program, which is slightly below Council's non-reportable management performance target of 95%. However, including the partially completed projects, the overall completion percentage would increase to 96.8%. Of further note too, is that a total of 220 sub-projects were included on the 2017/18 program.

Throughout the financial year, performance was impacted by delays on a number of projects, which resulted in some thirty (30) incomplete projects (or \$2.927 million) being partially deferred or carried forward to the 2018/19 Capital Works Program.

The variation between the budget and actual expenditure occurred as a result of:

- *savings due to efficiencies achieved;*
- *project planning and approval delays;*
- *hold ups by third parties, such as utility company component works, and State Government approving departments (funding partners, land managers/owners);*
- *tender negotiations;*
- *protracted community and stakeholder consultation;*
- *contractor availability problems and performance issues;*
- *difficulties in gaining plant and materials, as experienced across the State;*
- *impacts from storm events and other non-programmed works affecting the delivery of capital works; and*
- *delayed progress of works and access difficulties due to unfavourable weather.*

The total value of the carry forwards to 2017/18 is \$2.852 million (6.8%) against the adopted budget. A detailed explanation is given against each carry forward project in tables F & G of the attached status report.

This report addresses and completes Council Plan Actions (Item 2.3.4.1) and (Item 5.1.3.66) relating to the delivery of the Capital Works Program, and the details of Council's performance will be included in the Annual Report.

COUNCIL RESOLUTION

MOVED: CR PAULA PICCININI
SECONDED: CR MICHELLE KLEINERT

That Council:

- A. Receive and note the attached Capital Works Program Status Report for the period ending 30 June 2018.**
- B. Note and approve the transfer of \$1.839 million, as indicated in the Status Report (Refer Table E), to enable the effective utilisation of capital funds and additional progress under the Capital Works Program.**
- C. Note the proposed carry forward amount of \$1.347 million, which will be considered as a part of the 2018/19 Mid-Year Review (Refer Table G).**
- D. Note the milestone performance table 'traffic light program', including those projects that were not completed and will be carried forward into 2018/19.**
- E. Note the surplus of \$1.622 million on the 2017/18 Program, representing projects delivered with savings/efficiencies of \$0.910 million, and from project scoping/planning delays of \$0.712 million, which will now be funded from the adopted 2018/19 Capital Works Program (Refer Table H).**

CARRIED

2. BACKGROUND

- 2.1 Reporting on the status of the 2017/2018 Capital Works Program is carried out on a quarterly basis to Council as a part of the CEO's Quarterly Performance Report. A detailed report is also presented to Council at the mid-year budget review and end-of-year (EoY) on the overall performance of implementation of the Capital Works Program, including commentary on the progress of budgeted and carry forward projects and variations.
- 2.2 A financial chart of performance with trend graphs and milestone program ('traffic light'), are presented in the attached report as indicators of performance, which have been previously endorsed by Council as the agreed set of monitoring tools for status reporting. Commentary on performance is by exception and as appropriate.
- 2.3 The value of completed works (actual total expenditure) on capital projects at end of June was \$39.882 million (95.6%) of the Capital Works Program (non-capitalised) against the against the Adopted Budget total of \$41.720 million, and (88.4%) against the Mid-Year Review (MYR) Budget of \$45.131 million. The net

difference between actual expenditure and the MYR budget being an increase in budget adjustments of \$0.013 million, less grants and income of \$0.788 million, less approved carry forwards of \$1.505 million, less proposed carry forwards (post MYR) of \$1.347 million to 2018/19, less unspent funds (surplus) of \$1.622 million.

- 2.4 The surplus of \$1.622 million is the net result of variations in expenditure on several projects, both under and over, and can be largely attributed to savings being delivered on a number of projects due to efficiencies being achieved to the value of \$0.910 million, and from project scoping and planning delays on a few projects to the value \$0.722 million that are ongoing and will continue into 2018/19, to be funded from next year's Capital Program (Refer Table H of the attached status report).
- 2.5 The total value of carry forwards to 2017/18 is \$2.852 million (6.8%), and includes \$1.505 million of approved carry forwards, plus \$1.347 million of proposed carry forwards that will be adjusted at the 2018/19 MYR.
- 2.6 The value of works completed at end of June is \$1.838 million (4.4%) below the adopted budget, \$5.249 million (11.6%) below the MYR budget, and \$1.622 million (3.9%) below the EoY Forecast amount of \$41.879 million, and includes the proposed carry forwards of \$1.347 million identified under the Capital Works Program, outlined in 2.3 and 2.5 above.
- 2.7 The overall financial performance outcomes are summarised as follows:

2017/18 Financial Performance Outcomes				
<i>Adopted Budget \$000's</i>	<i>MYR Budget \$000's</i>	<i>Actual Expenditure (non-capitalised) \$000's</i>	<i>% of Actual Expenditure Vs Adopted Budget (non-capitalised)</i>	<i>% of Actual Expenditure Vs MYR Budget (non-capitalised)</i>
41,720	45,131	39,882	95.6%	88.4%

- 2.8 The variation between the adopted budget and actual expenditure can be largely attributed to a number of projects that did not commence or were delayed resulting in some thirty (30) incomplete projects (or \$2.852) million being carried forward, to be completed in 2018/19.
- 2.9 The delays have occurred as a result of project planning and approval hold-ups, protracted community and stakeholder consultation, contractor availability and performance issues, from difficulties gaining plant and materials as experienced across the state, impacts from storm events and other non-programmed works affecting the delivery of works, and from access difficulties due to unfavourable weather.
- 2.10 Whilst these project delays have impacted on Council's overall performance, resulting in funds being carried forward, some of these projects are well advanced, with some \$1.2 million forecast to be spent in the first quarter of 2018/19.
- 2.11 Progress against milestones is below Council's non-reportable management performance target of 95%, with 53 projects (89.8%) completed out of a total of 59 projects against the adopted program.

- 2.12 Initially the Capital Works Program consisted of 59 projects. As a part of the MYR process, 24 new projects were introduced, giving an overall total of 83 projects. Council's long term planning and 10 year Capital Works Program has enabled these additional projects to be brought forward for implementation. It should be noted that a number of the completed projects are significant in size and several programs, such as the Asset Management Strategy, Road Management Strategy, Drainage Strategy, Advanced Design Fees and Minor Capital Works, have many significant sub projects and expenditure activities. Overall, a total of 220 sub projects were included on the 2017/18 Capital Works Program.
- 2.13 Some sensitivity analysis was undertaken to determine the qualitative performance of the uncompleted projects. Of the 30 incomplete/deferred/cancelled projects, 17 are more than 50% completed. Including the partially completed projects, the overall completion percentage would be 96.8% (+7.0%) against the adopted program.
- 2.14 This year's outcomes show a decrease in the number of incomplete/deferred projects compared to last year's total of 37 projects, and the result is well above the previous ten year average of 85%, and generally indicates consistent performance in the overall management and delivery of the Capital Works Program.
- 2.15 The performance outcomes for 2017/18 are summarised in the following table:

2017/18 Management Performance - Incomplete Projects			
No of Incomplete Projects	<25% complete	25% - <50% complete	>50% complete
30	9	4	17

- 2.16 Whilst the management performance target of 95% completion of projects was not met, the results need to be considered against influencing factors and unforeseen problems and delays encountered with the delivery of the Capital Works Program. Total expenditure on capital projects was also some \$5.5 million higher than the previous ten year average, with the majority of projects being completed.
- 2.17 Further details regarding milestone performance of capital projects can be obtained from the 'traffic light' program, Attachment C, included with the attached Status Report.
- 2.18 Capital income received is below YTD budget income at end of June, with an overall variance of 20.9%. This variance can be attributed to a reduction in the sale of plant and vehicle items and lower than expected sale prices, which are dictated by market rates, and from the deferral of income and grants associated to a number of projects that have been delayed and will carry over into 2018/19.

3. DISCUSSION / ISSUE

- 3.1 It is proposed that Council note the outcome of the implementation of the 2017/2018 Capital Works Program, the proposed carry forwards that will be considered at the 2018/19 Mid-Year Review (Refer Table G), and approve the transfer of funds, as indicated in the Status Report (Refer Table E), to ensure effective utilisation of capital funds and additional progress was made under the program.

4. COUNCIL PLAN / STRATEGY

- 4.1 The delivery of the Capital Works Program is also identified as Council Plan Actions (Item 2.3.4.1), to expend equal to or greater than 95% of capital expenditure against the adopted capital budget, and (Item 5.1.3.66), to have 5% or less of the capital works budget carried forward from the adopted budget.
- 4.2 The overall performance indicators reveal that 95.6% of the Capital Works Program (non-capitalised) for 2017/18 was spent against the adopted budget of \$41.720 million, and that Council Plan Action 2.3.4.1 has been achieved against the performance target.
- 4.3 The total value of carry forwards to 2018/19 was 6.8% of the adopted budget, and Council Plan Action 5.1.3.66 has therefore not been achieved.
- 4.4 This report addresses and completes these Council Plan Actions, and the details of Council's performance will be included in the Annual Report.

5. IMPLEMENTATION

5.1 Finance / Resource Implications

Works under the Capital Program have been implemented with an overall surplus of \$1.622 million against the end of year forecast amount of \$41.504 million. The surplus is the net result of variations in expenditure on several projects, both under and over, and can be largely attributed to savings being delivered on several projects due to efficiencies being achieved, and from project scoping and planning delays on a few projects that are ongoing and will be funded from the 2018/19 Capital Program.

- 5.2 \$116K of this surplus is from Council's Resort & Recreation Reserve, which consists of contributions from developers, for the purposes of acquiring, developing and improving Council owned or managed land for public open space. The funds may only be applied to open space projects following formal approval by Council, either through the budget planning or review process, or separate resolution of Council.
- 5.3 The remaining surplus of some \$1.5 million are rate funds that could be utilised to fund additional capital works, either on projects included in the 2018/19 Capital Works Program, or other priority capital projects that can be brought forward. The inclusion of any additional projects would need to be assessed and prioritised as a part of the capital evaluation process, to ensure that they are justified and can be delivered in order to meet asset and service needs, and/or improve cost efficiencies to enhance customer and business processes. A number of new projects are currently being considered for possible inclusion in the 2018/19 Capital Works Program and details regarding the future use of surplus funds and proposed variations to the program will be included in a future report to SBS.
- 5.4 A number of other part funding transfers were also been made on several projects, to enable effective utilisation of capital funds and additional progress was made under the Capital Works Program.

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.



**FINNS RESERVE -
CANOE LAUNCH**

**2017/2018 Capital Works Program
Status Report - End of June**

Capital Works Program 2017/2018 - Status Report Reporting Period - End of June

This Status report covers the period ending 30 June 2018. Variances are reported against the year-to-date (YTD) adopted budget, mid-year review (MYR) budget and adjusted forecast outcome. The value of works completed at end of June is **\$39.882 million** (non-capitalised).

- ✓ YTD Completed Works \$1.84 million favourable to the YTD Adopted Budget ¹
 - ✓ YTD Completed Works \$5.25 million favourable to the YTD MYR Budget ¹
 - ✓ YTD Completed Works \$1.62 million favourable to the YTD Forecast ¹
- Legend ✓ - Favourable against YTD Target, ✗ - Unfavourable against YTD Target

¹ This represents the financial outcome after accruing for works completed (non - capitalised)

Financial Performances

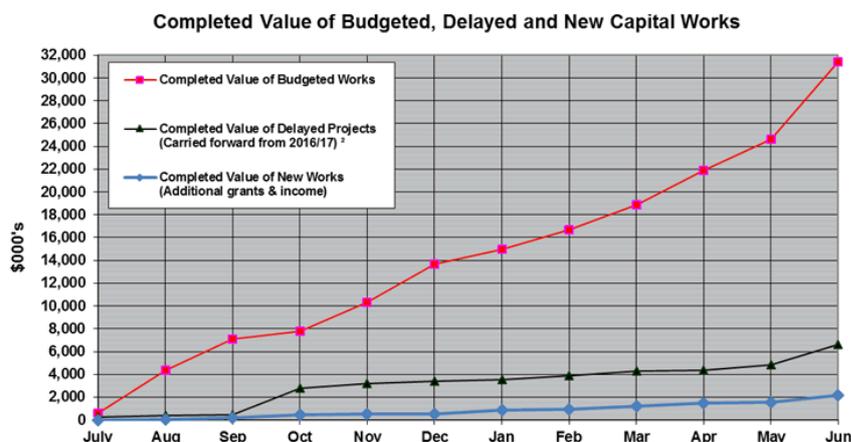
Attachment A and B to this summary report provides a chart of financial performance for both Capital Works Expenditure and Income to end of June. The following table provides a snapshot of the performance in regard to the implementation of the Capital Works Program.

	End of Year Forecast Budget (YTD)									
	Adopted Budget	YTD Adopted Budget	MYR Budget	EoY Forecast	YTD MYR Budget	YTD Forecast	YTD Actual	YTD Variance	YTD Variance %	Fav / Unfav
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	%	
A. Compared to Adopted Budget										
Budget YTD Outcome	41,720	41,720					39,882	1,838	4.4%	F
B. Compared to Mid Year Review Budget										
MYR Budget YTD Outcome			45,131		45,131	41,504	39,882	5,249	11.6%	F
C. Compared to Forecast Outcome										
Budgeted works	35,604		35,604	35,604	35,604	35,229	31,124	4,105		
Budgeted carry forwards	6,116		6,116	6,116	6,116	6,116	5,805	311		
Additional carry forwards from 2016/17			805	805	805	805	802	3		
New Works (MYR)			2,606	2,606	2,606	2,606	1,993	613		
Additional New Works (Post MYR):										
Grants and Income Removed From the Budget (Table B)			-	(933)	-	(483)	-	(483)		
Budget adjustments (Table C)			-	158	-	158	158	-		
Approved carry forwards to 2018/19 (Table F)			-	(1,505)	-	(1,505)	-	(1,505)		
Proposed carry forwards to 2018/19 (Table G)			-	(1,347)	-	(1,422)	-	(1,422)		
Forecast YTD Outcome	41,720		45,131	41,504	45,131	41,504	39,882	1,622	3.9%	F
D. Income (Table A)										
Budget including plant sales	3,620	3,922	4,777	4,789	4,777	4,339	3,778	999		
Grants & Income removed from the budget			-	(933)	-	(483)	-	-		
Forecast YTD Outcome	3,620	3,922	4,777	3,856	4,777	3,856	3,778	999	20.9%	U

At the end of June, **95.6%** of the total adopted budget and **88.4%** of the MYR budget allocation has been delivered (on ground value). Compared to the end-of-year (EoY) forecast **96.1%** of the total program allocation has been completed (non-capitalised).

Of the \$39.882 million of works completed at the end of June, the value of budgeted works completed, excluding the carry forward projects and new post budget adoption projects, is \$31.124 million. The completed value of the carry forward projects that were delayed from 2016/17, including those in the 2017/18 adopted budget, is \$6.607 million. The value of new post budget adoption projects at end of June is \$2.151 million.

The following provides a chart of the completed value of budgeted, delayed and new projects, at end of June.



² The value of completed carry forward projects that were delayed forms part of a combined carry forward amount of \$6.972 million.

Program Status and YTD Profile

The value of works completed (actual total expenditure) on capital works at end of June is currently stated at \$39.882 against the adopted budget total of \$41.720 million and MYR budget of \$45.131 million. The net difference between actual expenditure and the MYR budget being an increase in budget adjustments of \$0.013 million, less grants and income of \$0.788 million, less approved carry forwards of \$1.505 million, less proposed carry forwards (post MYR) of \$1.347 million to 2018/19, less unspent funds (savings) of \$1.622 million.

The value of works completed at end of June is \$5.249 million (11.6%) below the YTD MYR Budget of \$45.131 million, and \$1.622 million (3.9%) below the EoY forecast amount of \$41.504 million.

Against the YTD adopted budget, the value of works completed is \$1.838 million (4.4%) below the adopted budget of \$41.720 million.

The program areas that have contributed towards the variance against the EoY forecast include: Roads and Drains (\$457K), Streetscapes (\$386K), Parks & Recreation (\$364K), and Corporate/Electronic Service Delivery (\$339K).

Whilst the value of completed works is shown as favourable variance from a financial reporting perspective, the delivery of the Program is below the YTD budget and forecast from a project expenditure perspective, as a result of funds being carried forward on a number of projects that were delayed beyond Council’s control, and from a surplus (savings) of \$1.622 million being delivered under the Capital Works Program.

The total value of carry forwards to 2018/19 is \$2.852 million, and includes \$1.505 million of approved carry forwards, plus \$1.347 million of proposed carry forwards that will be adjusted at the 2018/19 MYR (Refer Tables F & G).

The surplus of \$1.662 million is the net result of variations in expenditure on several projects, both under and over, and can be largely attributed to savings being delivered on a number of projects to the value of \$0.910 million, and from project scoping and planning delays on a few projects, to the value of \$0.712 million, that are ongoing and will continue into 2018/19, to be funded from next year’s budget allocations (Refer Table H).

The overall financial performance indicators reveal that 95.6% of the Capital Works Program was spent against the adopted budget (non-capitalised), which is above the Council Plan performance target, to expend equal to or greater than 95% of capital expenditure against the adopted budget.

The percentage of capital works carried forward to 2018/19 was 6.8%, which did not meet the performance target, to have 5% or less of the capital works budget carried forward from the adopted budget.

Trends

The value of completed works takes into account YTD cash payments and accruals to reflect the level of works in progress and is an informed estimate of actual on ground effort. The value of completed works includes \$6.972 million that was carried forward from 2016/17. Of this amount, a total of \$0.134 million will be carried forward to complete works on a number of projects in 2018/19.

Capital works performance has been impacted by delays on a number of projects, which has resulted in \$2.852 million (representing 30 deferred/incomplete projects) being carried forward, to be completed in 2018/19.

The variation between the budget and actual expenditure has occurred as a result of savings due to efficiencies being achieved, from project planning and approval delays, protracted community and stakeholder consultation, contractor availability and performance issues, difficulties gaining plant and materials as experienced across the state, impacts from storm events and other non-programmed works affecting the delivery of works, and from access difficulties due to recent wet weather.

Capital Income received was below YTD budget income at end of June with a variance of 20.9%. This variance can be attributed and from the deferral of grants and income associated to a number of projects that have been delayed and will carry over into 2018/19, and from lower than expected sale of plant and equipment items that are dictated by market rates.

Milestone Performance

The 'traffic light' program of performance against key milestones is included as **Attachment C**. To end of June, some minor delays and deferrals were experienced on a number of projects (amber and red), but were completed.

Thirty (30) projects were not completed (brown) due to scoping, consultation and approval delays. These included; The SES Extension, Schramms Cottage Additional Structure, Domeney Reserve Pavilion Upgrade, Citizen Connect Customer Relationship Management Phase 1, Enterprise Project Management System, Asset Management System, Chris 21 Upgrade, Magiq Upgrade, Event Management System, Fleet Management Solution, Contact Centre Stage 2, Network Switch and Telephony Upgrade, Enterprise Application Interface (Middleware), Advanced Design Fees, Jumping Creek Road Stage 1, Road Management Strategy Upgrades (King Street Stage 2A), Road Management Strategy Traffic and Road Use (Oban Road), Bicycle Strategy Implementation (Taroona Avenue), Traffic Control Devices Local Roads (Onemda carpark), Road Safety Improvements Link and Collector Roads (High Street), Bus Bay Construction, Drainage Strategy Implementation (Waites Court, Euston Road, Marcus Road, 9 Montgomery Street, 511 Ringwood-Warrandyte Road, 1A Pinnacle Crescent, 13 Hadley court, Princely Terrace, and Melbourne Hill Road), Colman Park Pavilion Extension, Tennis Court Strategy Implementation (Doncaster Tennis Club), Park Orchards BMX Floodlights, Lawford Reserve Development, Pettys Reserve Sporting Development, Mullum Mullum Linear Park Stage 3, AMS Buildings (Emergency Management Initiatives), and Plant Replacement Program.

The unspent funds have either been transferred to other current year and substitute projects, to address contractual requirements and/or to meet asset and service needs, and then reallocated back in 2018/19 by adjustments to other project budgets and cash flows, or carried forward to be completed in 2018/19.

A number of other part funding transfers were also been made on several projects, and these have not impacted on the overall delivery of the programmed works, but has enabled continued progress and effective utilisation of funds is made under the current program (Refer Table D and E).

Progress against milestones is below Council's non-reportable management performance target of 95%, with 53 projects (89.8%) completed out of a total of 59 projects against the adopted program.

Performance Indicators - Major Capital Projects

Key Performance Indicators have been prepared to assist in measuring the scope and progress of major capital projects against cost/time variations. (Note: Key Projects are defined as those which are one off large strategic projects that have significant, local and possible regional impact).

The following is the list of major projects currently identified on the Capital Works Program:

Line No.	Project Description	Total 10 Yr Project Allocation	Total Grants / Income	Adopted Annual Budget / Carry Forwards	EoY Current Forecast	YTD Forecast including variations	YTD Actual (on-ground value)	YTD Var	YTD Var %	Comments
		\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	%	
2	New Footpath Construction (PPN)	12,241	0	940	994	994	895	99	10%	Completed
5	Energy Efficiencies (installation of sustainable public lighting to replace existing street lights)	1,832	0	232	371	371	301	70	19%	Completed
6	Jumping Creek Road Upgrade (Stage 1)	17,914	0	945	302	302	119	183	81%	Works delayed due to project planning, consultation and approval issues. \$400K carry forward to 2018/19
9	Road Management Strategy Upgrades Link Roads - (Construction of King Street Stage 1 - Blackburn to Wyena Way Commence construction of King Street Stage 2A - Wyena Way to Greenridge Ave)	45,432	5,873	2,537	1,712	1,712	1,848	64	4%	King Street Stage 1 works completed. Stage 2A Works delayed due to contractor availability. \$300K carry forward to 2018/19
18	Drainage Strategy Implementation (strategic drainage works to protect assets and properties from inundation. Includes Bolin Bolin Wetlands)	34,939	800	2,801	1,983	1,983	778	1,185	80%	Bolin Bolin Works completed. Several other drainage projects continuing into 2018/19. Savings secured.
22	Neighbourhood Activity Centres (Jackson Court Stage 4 and Tunstall Square Stage 3)	5,570	0	250	499	499	485	34	7%	Completed
23	Mullum Mullum Creek Linear Park Stage 3 (Park Road to Heads Road)	840	650	840	884	884	859	25	3%	Delays encountered due to Yarra Valley Water sewerage works between Sheahans College and Heads Road. \$40K carry forward to 2018/19.
29	Colman Park Pavilion Upgrade (club option)	1,120	195	1,270	1,270	1,270	1,129	141	11%	Consultation and approval delays. \$225K carry forward to 2018/19
30	Domeney Reserve Pavilion Upgrade	705	100	0	0	0	18	-18	0%	Consultation and approval delays encountered in the development of the Management Plan and finalisation of the Business Case. Unspent funds have been transferred to other projects and will be re-embursed in 2018/19.
34	Mullum Mullum Highball Facility	11,079	1,107	11,079	11,197	11,197	11,197	0	0%	Completed
36	Playspaces Development Program	6,008	0	512	512	512	604	-92	-18%	Completed
37	Sheahans Road Highball Facility	442	107	390	542	542	598	-56	-10%	Completed
38	Sportsground Refurbishment Program (Wonga Park Reserve and Bulleen Park)	1,488	0	128	128	128	104	24	19%	Completed
48	Citizen Connect: Customer Relationship Management phs 1	3,407	0	2,284	1,014	1,014	1,078	-64	-6%	Consultation and approval delays. Project was not sufficiently advanced to enable cross allocation of funds to be spent. Unspent funds were transferred to other projects and will be re-embursed in 2018/19.
Total				23,688	21,388	21,388	19,791	1,597	7.5%	

Of the 14 key projects listed on the Capital Works Program, 8 were completed with the majority of projects having a minimal variance (+/- 10% or less than \$50K) against the EoY forecast.

6 projects encountered delays and were not be completed, resulting in the need to carry forward funds to complete these projects in 2018/19.

Jumping Creek Road Stage 1 works were not be completed due to project planning, consultation and scoping delays.

King Street Stage 2A upgrade works were delayed due to contractor availability and was not completed as originally scheduled.

Waites Court drainage strategy improvement works was deferred due to internal resource delays, and Euston Road, Marcus Road, 9 Montgomery Street, 511 Ringwood-Warrandyte Road, 1A Pinnacle Crescent, 13 Hadley court, Princely Terrace, and Melbourne Hill Road drainage works was not completed due to project scoping, planning and approval delays. These projects will continue into 2018/19.

The Domenev Reserve Pavilion Upgrade project was not completed due to consultation and approval delays encountered in the development and approval of the Management Plan and finalisation of the Business Case, which impacted on the commencement of works.

The Citizen Connect Customer Relationship Management Phase 1 project was not completed as a result of not finding a suitable combination of product and partner that satisfied Council's needs and expectations following the evaluation of tender proposals. The project was retendered and was therefore not sufficiently advanced to enable the entire allocation of funds to be spent this financial year.

The Colman Park Pavilion extension was not completed due to delays in the commencement of works resulting from consultation and approval delays.

Overall, a variance of 7.5% for all key projects is currently stated against the YTD forecast amount.

Further details regarding milestone performance of major capital projects can be obtained from the 'traffic light' program, included as **Attachment C**.

Income

At end of June, Capital income was below EoY budget income. The following table provides a summary of income to be received in 2017/18, towards the implementation of the projects listed:

	Adopted Annual Budget \$'000	Asset Sales \$'000	Income Received in Advance \$'000	Income Adjustments \$'000	YTD Budget \$'000	YTD Actual \$'000	YTD Var \$'000	YTD Var %	Income yet to be received \$'000	Comments
Plant Replacement Program		750		-100	750	654	-96	-13%	4	Plant Sales (Trade-ins). Dictated by Market Rates.
Road Safety Improvements Council Link & Collector Roads - • Yarra Road - Asphalt Resurfacing. • Montgomery Street Car Park	67		38		67	68	1	1%	1	Grants Commission. To be received in two instalments. \$38K received in advance.
Road Management Strategy Upgrades Council Link Roads - • King Street • Heads Road / Whitefriars Roundabout • Tram / Merlin Service Alterations • Colman Road - Speed Humps • Heidelberg Warrandyte Road - Footpath	840		50	-375	840	453	-387	-46%	12	Roads to Recovery \$365K. Balance of \$375K to be received in 2018/19. Grants Commission \$100K. To be received in two instalments. \$50K received in advance.
Bicycle Strategy Implementation - • Yarra River Crossing - Feasibility Study • Tarcoona Avenue	333		181		333	310	-23	-7%	23	Grants Commission. To be received in two instalments. \$156K received in advance.
Traffic Control Devices Link Roads - • King Street and Church Road	63		30		63	54	-9	-14%	9	Grants Commission. To be received in two instalments. \$28K received in advance.
Traffic Control Devices Local Roads - • King Street and Church Road	38		18		38	33	-5	-13%	5	Grants Commission. To be received in two instalments. \$16K received in advance.
Traffic Management LTM Implementation - • Serpells Road	127		60		127	105	-22	-17%	22	Grants Commission. To be received in two instalments. \$56K received in advance.
Bus Bay Construction	51		24		51	42	-9	-18%	9	Grants Commission. To be received in two instalments. \$22K received in advance.
Drainage Strategy - Bolin Bolin Wetlands • Bolin Bolin Wetlands	0			125	125	125	0	0%	0	\$75K Boroondara Council and \$50K Carey Grammar.

	Adopted Annual Budget \$'000	Asset Sales \$'000	Income Received in Advance \$'000	Income Adjustments \$'000	YTD Budget \$'000	YTD Actual \$'000	YTD Var \$'000	YTD Var %	Income not received \$'000	Comments
Mullum Mullum Creek Linear Park Stage 3	0			0	65	0	-65	0%	0	Balance of SRV grant of \$65K to be claimed in 2018/19
Female Friendly Toilets	75			0	0	0	0	0%	0	SRV grant to be claimed in 2018/19
Sheahans Road Highball Facility	0		52	109	109	108	-1	-1%	1	\$57 Taxi grant. \$52K club contribution received in advance.
Domenev Reserve Pavilion Upgrade	100			-100	100	0	-100	0%	0	Club contribution to be received in 2018/19
Tennis Court Strategy Implementation (Upgrade and Refurbishment of Tennis Court Surfaces)	63			-63	63	0	-63	0%	0	Tennis Club contribution to be received in 2018/19
Colman Park Pavilion Extension	0			70	195	70	-125	-64%	0	\$30K Club Contribution and \$40K Cricket Vic. \$50K AFL and \$70K Bendigo Bank contribution to be claimed in 2018/19
Mullum Mullum Highball Stadium	1,000			-41	959	959	0	0%	0	\$850K Solar Panel Installation (Corporate Partner) income (reduction of \$150K), \$56K SRV grant to be claimed in 2017/18 and additional \$53K Melbourne Water income.
Manningham SES Building Extension	113			-75	113	38	-75	0%	0	\$38 State grant. \$62K balance of state grant grant and \$13K SES contribution to be received in 2018/19
Melbourne Water Corridors of Green	0		22	42	42	40	-2	-5%	2	\$42K Melbourne Water income received in advance
Park Orchards BMX - Floodlights & Berms	0		90	120	130	120	-10	-8%	0	\$100K SRV grant. \$90K grant received in advance, and \$40K Club Contribution. \$10K of SRV to be claimed in 2018/19
Ted Ajani Cricket Nets	0		45	56	56	55	-1	-2%	1	Additional \$56K SRV grant. \$45K received in advance
Donvale Reserve Management Plan (Pavilion Upgrade)	0			10	10	10	0	0%	0	Balance of SRV grant to be claimed in 2017/18
Doncaster Hockey Club - pitch surface replacement	0			325	345	326	-19	0%	-1	\$325K club contribution
Warrandyte Tennis Club Floodlights	0			95	95	95	0	0%	0	\$95K club contribution
Wonga Park Pre School	0			60	60	60	0	0%	0	Committee of management contribution
Cleaner Yarra Litter Hotspots Program	0			21	21	21	0	0%	0	Melbourne Water income
Highball Facilities (Park Orchards Primary School)	0			12	0	12	12	0%	0	Pool contribution
Yarra Street Pride of Place (streetscape works)	0			20	20	20	0	0%	0	VicRoads income
Total	2,870	750	610	311	4,777	3,778	999	20.9%	78	

Open Space Development

A budget of \$325,000 was provided for the development, upgrade and acquisition of public open space in 2017/18. The following is a summary of current open space projects:

	Adopted Budget \$'000	YTD Budget \$'000	YTD Actual \$'000	YTD Var \$'000	YTD Var %	Comments
Open Space Development						
<ul style="list-style-type: none"> Wetherby Plaza Morello Reserve Local Park Upgrades Linear Park Seats 	325	325	272	53	16.1%	Accommodated within budget.
Doncaster Hill Strategy						
Nil	0	0	0	0	0%	
Forecast YTD Outcome	325	325	272	53	16.1%	

Year End Position 2017/18

It can be noted that the value of works completed (actual total expenditure) on capital projects at end of June is currently stated at **\$39.882 million** (non-capitalised) with the following variances and adjustments:

Summary of Variances	\$'000
Grants and Income Received in Advance (Post MYR)	Nil
Additional Grants and Income (Post MYR)	Nil
Grants and Income Removed From the Budget (Post MYR) (Table B)	(933)
Budget Adjustments (Post MYR) (Table C)	158
Approved Deferrals/Transfers (MYR) (Table D)	3,847
Proposed Deferrals/Transfers (Table E)	1,839
Approved Carry Forwards to 2018/19 (Table F)	1,505
Proposed Carry Forwards to 2018/19 (Post MYR) (Table G)	1,347
Surplus - Deferred / Incomplete Projects (end of June) (Table H)	712

Grants and Income Removed From the Budget (Post MYR)

The following is a list of grants and income that will not be received this financial year:

Table B - Grants & Income Removed From the Budget	\$'000
• Dorney Reserve Pavilion Upgrade (Club contribution to be claimed in 2018/19)	(100)
• Tennis Court Strategy Implementation (Club contribution to be claimed in 2018/19)	(63)
• Colman Park Pavilion Extension (Bendigo Bank - \$75K and AFL - \$50K to be claimed in 2018/19)	(125)
• Mullum Mullum Linear Park Stage 3 (SRV grant to claimed in 2018/19)	(65)
• Park Orchards BMX Floodlights and Berms (SRV grant to claimed in 2018/19)	(10)
• Doncaster Hockey Club (Reduction in club funding)	(20)
• SES building Extension (Balance of State gov't grant of \$62K and SES contribution of \$13K to be received in 2018/19)	(75)
• Plant Replacement Program (Reduction in plant sales which are dictated by market rates)	(100)
• Road Management Strategy Upgrades - King Street (Roads to recovery income to be spent in 2018/19)	(375)
Total	(933)

Budget Adjustments (Post MYR)

The following is a list of budget adjustments that have been made under the current program post MYR:

Table C - Budget Adjustments	\$'000
• Enterprise Project Management System (Transfer of funds from cash reserves in order to complete project and meet contractual requirements)	63

<ul style="list-style-type: none"> MAGIQ Upgrade & Enhancements (Transfer of funds from cash reserves in order to successfully deliver the project and meet contractual requirements) 	24
<ul style="list-style-type: none"> Enterprise Application Interface (Middleware) (Transfer of funds from cash reserves in order to commence project and improve the robustness, reliability and cost effectiveness of Council's data sources and applications) 	59
<ul style="list-style-type: none"> AMS Highball Facilities (Park Orchards Primary School) (Additional income - contribution) 	12
Total	158

Approved Transfers (Post MYR)

The following is a summary of approved transfer of capital funds, to enable additional progress and effective utilisation of funds is made under the Capital Works Program.

Table D - Approved Transfers	\$'000	Comments
<ul style="list-style-type: none"> Zerbes Reserve Management Plan - Car Park 	180	Transfer of \$180K from Mullum Mullum Highball Stadium (Line 34). Note: the transferred amount is to be restored in 2017/18 following an over expenditure that occurred on Mullum Mullum Highball Stadium in 2016/17 that was funded from the Zerbes Reserve carry forward amount.
<ul style="list-style-type: none"> Donvale Reserve Management Plan - Pavilion Upgrade 	180	Transfer of \$180K from Mullum Mullum Highball Stadium (Line 34). Note: the transferred amount is to be restored in 2017/18 following an over expenditure that occurred on Mullum Mullum Highball Stadium in 2016/17 that was funded from the Donvale Reserve carry forward amount.
<ul style="list-style-type: none"> Neighbourhood Activity Centres - Tunstall Square Stage 3 	140	Transfer of \$140K from Mullum Mullum Highball Stadium (Line 34). Note: the transferred amount is to be restored in 2017/18 following an over expenditure that occurred on Mullum Mullum Highball Stadium in 2016/17 that was funded from the Tunstall Square Stage 3 carry forward amount.
<ul style="list-style-type: none"> Road Management Strategy Upgrades - Jumping Creek Road and Heads Road 	195	Transfer of \$195K from Mullum Mullum Highball Stadium (Line 34). Note: the transferred amount is to be restored in 2017/18 following an over expenditure that occurred on Mullum Mullum Highball Stadium in 2016/17 that was funded from the Road Management Strategy Upgrades carry forward amount.
<ul style="list-style-type: none"> Plant Replacement Program 	85	Transfer of \$85K from Mullum Mullum Highball Stadium (Line 34). Note: the transferred amount is to be restored in 2017/18 following an over expenditure that occurred on Mullum Mullum Highball Stadium in 2016/17 that was funded from the Plant Replacement carry forward amount.
<ul style="list-style-type: none"> Thompsons Road Retaining Wall 	54	Transfer of \$54K from Road Management Strategy Upgrades (Line 9).

• Energy Efficiencies	150	Transfer of \$150K from Road Management Strategy Upgrades (Line 9)
• Bicycle Strategy Implementation	115	Transfer of \$115K from Road Management Strategy Upgrades (Line 9).
• Road Management Strategy - Traffic and Road Use (Oban Road)	88	Transfer of \$88K from Drainage Strategy (Line 17).
• Ted Ajani Cricket Nets	54	Transfer of \$20K from Miscellaneous General Leisure (Line 33), \$34K from AMS Passive & Open Space (Line 55)
• Park Orchards BMX Facility	90	Transfer of \$35K from Miscellaneous General Leisure (Line 33), \$55K from AMS Passive & Open Space (Line 55)
• Warrandyte Tennis Club Floodlights	95	Transfer of \$95K from AMS Passive & Open Space (Line 55)
• MLTC Floor Replacement	145	Transfer of \$25K from Miscellaneous General Leisure (Line 33), \$120K from AMS Buildings (Line 53)
• Templestowe Woodworkers - Air Conditioning System	10	Transfer of \$10K from Vehicle Detection System (Line 73)
• Water Initiatives	30	Transfer of \$30K from Advanced Design Fees (Line 1)
• Advanced Design Fees - Footpath Program	144	Transfer of \$144K from Jumping Creek Road (Line 6)
• Drainage Strategy Implementation - Princely Terrace	205	Transfer of \$205K from Road Management Strategy Upgrades (Line 9)
• Bus Bay Construction - Doncaster/Church Road	39	Transfer of \$39K from Jumping Creek Road (Line 6)
• Drainage Strategy Implementation - Advanced Design	124	Transfer of \$4K from Jumping Creek Road (Line 6), \$20K from Road Management Strategy Upgrades (Line 9), and \$100K from Road Management Strategy (Line 11)
• AMS Roads, Reserves and Drains - <i>(Footpaths and Open Drains)</i>	300	Transfer of \$300K from Citizen Connect Customer Relationship Management Phase 1 (Line 47) Note: the transferred amount is to be restored to Citizen Connect Customer Relationship Management Phase 1 project in 2018/19 from AMS Roads, Reserves and Drains.
• AMS Buildings - <i>(Miscellaneous Building Refurbishment and Aquarena)</i>	803	Transfer of \$803K from Citizen Connect Customer Relationship Management Phase 1 (Line 47). Note: the transferred amount is to be restored to Citizen Connect Customer Relationship Management Phase 1 project in 2018/19 from AMS Buildings.
• Fleet Management Solution	200	Transfer of \$184 from Tech One upgrade (Line 52) and \$16K from Dorney Reserve Pavilion Upgrade (Line 30). Note: the transferred amount is to be restored to Dorney Reserve Pavilion in 2018/19 by adjustments to other project budgets and cash flows.
• Civic Centre / MC ² Fit Out	110	Transfer of \$110K from Dorney Reserve Pavilion Upgrade (Line 30). Note: the transferred amount is to be restored to Dorney Reserve Pavilion in 2018/19 by adjustments to other project budgets and cash flows.

<ul style="list-style-type: none"> Citizen Connect Contact Centre Phase 2 	247	Transfer of \$132K from Citizen Connect Contact Centre Phase 1 (Line 46) and \$115K from Dorney Reserve Pavilion Upgrade (Line 30). Note: the transferred amount is to be restored to Dorney Reserve Pavilion in 2018/19 by adjustments to other project budgets and cash flows.
<ul style="list-style-type: none"> AMS Road, Reserve & Drains (Furniture/Signs/Bins/Seats) 	50	Transfer of \$50K from Dorney Reserve Pavilion Upgrade (Line 30). Note: the transferred amount is to be restored to Dorney Reserve Pavilion in 2018/19 by adjustments to other project budgets and cash flows.
<ul style="list-style-type: none"> MCH Centres - Video Intercom System 	14	Transfer of \$14K from Dorney Reserve Pavilion Upgrade (Line 30). Note: the transferred amount is to be restored to Dorney Reserve Pavilion in 2018/19 by adjustments to other project budgets and cash flows.
Total	3,847	

Proposed Transfers (Post MYR)

The proposed transfer of funds is required on the following projects to address asset and service needs, and will enable additional progress and effective utilisation of funds is made under the Capital Works Program.

Table E - Proposed Transfers	\$'000	Comments
<ul style="list-style-type: none"> Enterprise Application Interface (Middleware) - (Improve the robustness, reliability and cost effectiveness of current and future application interfaces through full integration of disparate data sources and applications) 	159	Transfer of \$24K from Technology One Upgrade (Line 52) and \$135K from Online View Payments and Lodgement (Line 50)
<ul style="list-style-type: none"> MCH Centres (Pin board replacements) 	13	Transfer of \$13K from AMS Buildings (Lower Templestowe Preschool)
<ul style="list-style-type: none"> Bus Bay Construction 	49	Transfer of \$32K from Advanced Design Fees (Line 1), \$11K from Energy Efficiencies (Line 5), and \$6K from Traffic Control Devices Local Roads (Line 12)
<ul style="list-style-type: none"> Park Orchards BMX - Floodlights & Berms 	13	Transfer of \$13K from AMS Passive & Open Space - Floodlighting (Line 55)
<ul style="list-style-type: none"> Bicycle Strategy Implementation 	6	Transfer of \$6K from Drainage Strategy (Line 18)
<ul style="list-style-type: none"> Road Safety Improvements Local Roads 	35	Transfer of \$35K from Drainage Strategy (Line 18)
<ul style="list-style-type: none"> New Footpath Construction (PPN) 	354	Transfer of \$354K from Drainage Strategy (Line 18)
<ul style="list-style-type: none"> Neighbourhood Activity Centres 	59	Transfer of \$56K from Jumping Creek Road (Line 6) and \$3K from Road Safety Improvements Link Roads (Line 8)
<ul style="list-style-type: none"> Yarra Street Pride of Place 	63	Transfer of \$29K from Drainage Strategy (Line 18), \$32K from Thompsons Road (Line 74), and \$2K from Road Management Strategy Upgrades (Line 9)

• Street Lighting Replacement Program (low energy lighting)	35	Transfer of \$35K from Drainage Strategy (Line 18)
• Asset Management System	5	Transfer of \$2K from Vehicle Detection System (Line 73) and \$2K from AMS Project Management & Administration (Line 68)
• Colman Park Pavilion Extension	175	Transfer of \$175K from Plant Replacement Program (Line 59)
• AMS Buildings (Templestowe Park Tennis Club)	100	Transfer of \$100K from Plant Replacement Program (Line 59)
• Mullum Mullum Highball Facility	660	Transfer of \$115K from Customer Relationship Management solution (Line 47) and Drainage Strategy Implementation (Line 18)
• Network Switch and Telephony Upgrade	81	Transfer of \$5K from Asset Management System (Line 68), \$12K from Chris 21 Upgrade (Line 45), \$4K from Event Management System (Line 62), \$35K from Customer Relationship Management solution (Line 47), and 25K from Contact Centre Phase 2 (Line 81)
• Enterprise Project Management Solution	30	Transfer of \$10K from Customer Relationship Management solution (Line 47), \$16K from Online View, Payments and Lodgement Solution (Line 50), and \$4K from Technology One Upgrade (Line 52)
• Enterprise Application Interface (Middleware)	2	Transfer of \$1K from Asset Management System (Line 68), and 1K from Contact Centre Phase 2 (Line 81)
Total	1,839	

Approved Carry Forwards (Post 2017/18 MYR)

The following is a list of approved carry forwards to 2018/19:

Table F - Approved Carry Forwards	\$'000	Comments
• Tennis Court Strategy Implementation (Doncaster Tennis Club Courts 6 & 12)	(55)	Consultation and approval delays due to latent soil conditions (tree roots).
• Colman Park Pavilion Upgrade	(150)	Consultation and approval delays, which delayed the commencement of works.
• Advanced Design fees (Local Footpath Program)	(88)	Delays due to project planning and internal resourcing issues.
• Jumping Creek Road	(400)	Works have been delayed due to project planning, consultation and scoping delays.
• Road Management Strategy Upgrades (King Street Stage 2A)	(300)	Works delayed due to contractor availability.
• Road Management Strategy Traffic and Road Use (Oban Road)	(119)	Delays encountered in obtaining service authority approval and planning approval.
• Bicycle Strategy Implementation (Taroona Ave)	(393)	Delays encountered due to project planning, consultation and approval delays.
Total	(1,505)	

Proposed Carry Forwards (Post 2017/18 MYR)

The following is a list of proposed post MYR carry forwards to 2018/19:

Table G - Proposed Carry Forwards	\$'000	Comments
• Asset Management System	(6)	Vendor delays with integration requirements with other 3 rd party software applications.
• Chris 21 Upgrade	(38)	Consultation and approval delays.
• Magiq Upgrade and Enhancements	(7)	Vendor delays in completing and testing upgrade works.
• Event Management System	(159)	Project planning and consultation delays.
• Fleet Management Solution	(133)	Project planning and approval delays following a need to retender.
• Contact Centre Phase 2	(14)	Project planning and consultation delays.
• Schramms Cottage Additional Structure	(50)	Project scoping and approval delays
• Manningham SES Extension	(25)	Project scoping and approval delays
• Pettys Reserve Sorting Development	(15)	Project planning and consultation delays
• Park Orchards MMX Floodlights	(90)	Project scoping and approval delays
• Plant Replacement Program	(400)	Supplier and procurement delays
• Lawford Reserve Development	(181)	Contractor availability issues and delays in accessing materials
• Mullum Mullum Linear Park Stage 3	(40)	Delays encountered due to Yarra Valley Water sewerage works between Whitefriars College and Heads Road that has delayed the completion of the Mullum Mullum footbridge and trail works.
• Colman Park Pavilion Upgrade	(85)	Contractor performance delays.
• AMS Buildings - Neighbourhood Safer Places	(50)	Project Planning and approval delays due to NBN rollout at Emergency Coordination Centres and Relief Centres
• Enterprise Application Interface (Middleware)	(54)	Project delivery and vendor delays
Total	(1,347)	

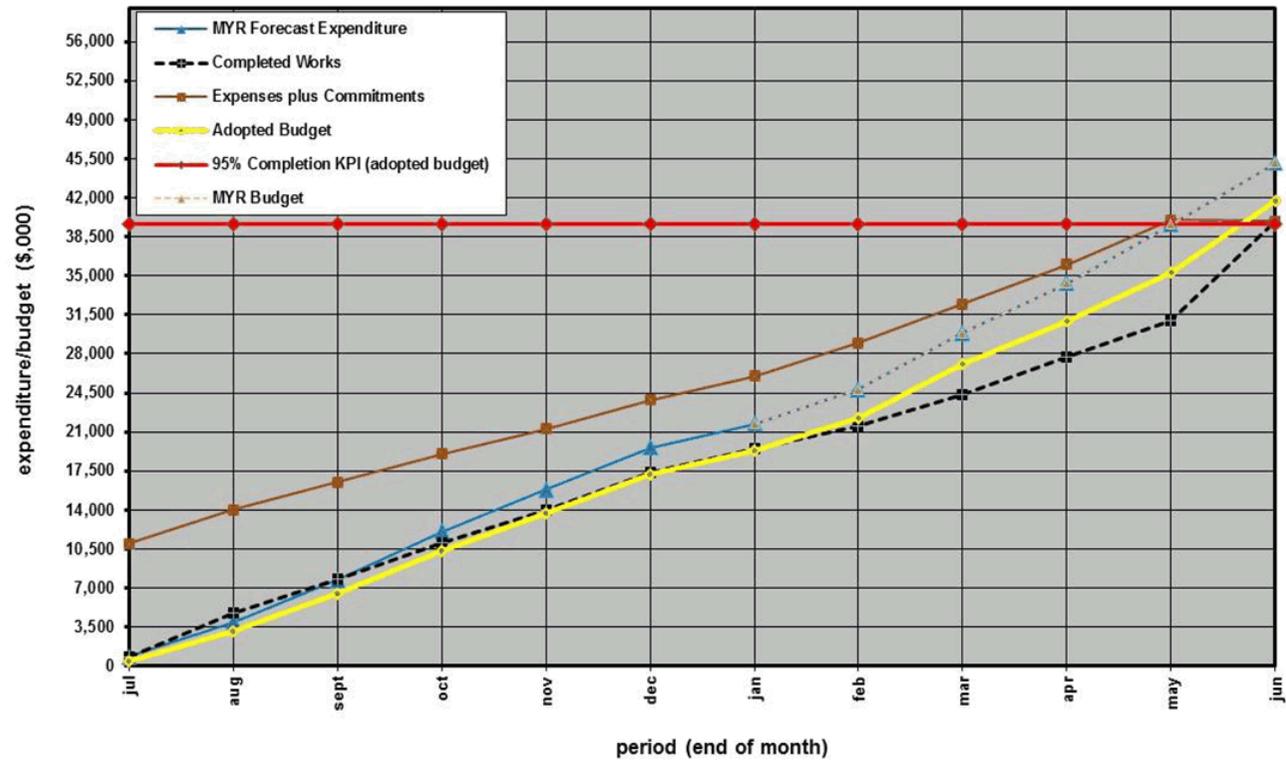
Surplus Funds - Deferred / Incomplete Projects

The following is a list of projects where surplus funds have been generated as a result of project scoping and planning delays, and these projects will continue into 2018/19, to be funded from next year's budget allocations:

Table H - Approved Carry Forwards	\$'000
• New Footpath Construction (PPN) – (Seating and perambulator ramps)	(99)
• Jumping Creek Road (Stage 1)	(183)
• Road Management Strategy Upgrades (King Street Stage 2A)	(64)
• Traffic Control Devices Link and Collector Roads (King Street and Church Road Channelisation works)	(14)
• Bus Bay Construction (88 & 89 Tram Road and Doncaster / Church Road)	(83)
• Bicycle Strategy Implementation (Taroona Ave)	(16)
• Drainage Strategy Implementation (Waites Court, Euston Road, Marcus Road, 9 Montgomery Street, 511 Ringwood-Warrandyte Road, 1A Pinnacle Crescent, 13 Hadley court, Princely Terrace, and Melbourne Hill Road)	(253)
Total	(712)

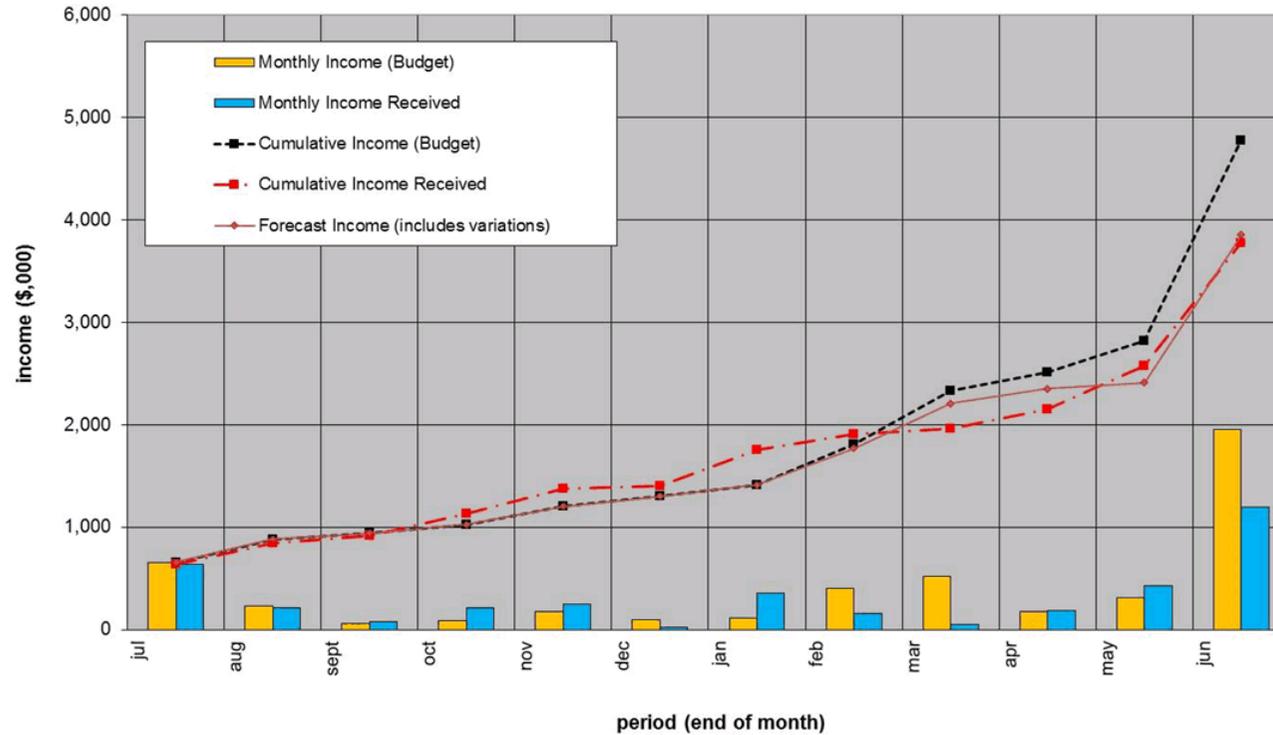
Capital Expenditure

Attachment A



Capital Works Income

Attachment B



ATTACHMENT C

TRAFFIC LIGHT PROGRAM

CAPITAL WORKS PROGRAM 2017/18

Line No.	Proj No.	DESCRIPTION OF WORKS	ADOPTED BUDGET FY18		CURRENT FY18		YTD ACTUAL FY18		YTD VALUATION		ESTIMATE		ANALYSE		GENERATE & IMPLEMENT NEW		Comments		
			Budget	Forecast	Budget	Forecast	Actual	Forecast	Actual	Forecast	Start	End	Start	End	Start	End		Start	End
20	D	Bicknello	20	20	20	20	20	20	0	0	-	-	-	-	-	-	NOV	NOV	Practical Completion
20	D	Bicknello	20	20	20	20	20	20	19	1	-	-	-	-	-	-	FEB	FEB	Practical Completion
20	D	Bicknello	20	20	20	20	20	20	20	0	-	-	-	-	-	-	JUL	JUN	Completed
19	S	Shawana Cottage	50	50	50	50	50	50	7	3	-	-	-	-	-	-	FEB	FEB	Completed
43	S	Scouts & Girl Guide Halls (Pines)	50	50	45	45	45	33	12	0	-	-	-	-	-	-	JUL	JUN	Completed
380	J	Young	200	200	300	300	300	334	4	0	-	-	-	-	-	-	JAN	MAY	Always due to contractor availability. Completed June. Works deferred due to audit. Funds allocated to other AMS projects
0	J	Young	45	45	0	0	0	0	0	0	-	-	-	-	-	-	MAR	MAY	Practical Completion April
100	M	Wood	100	100	100	100	100	99	1	0	-	-	-	-	-	-	OCT	DEC	100% additional income. Completed November.
75	M	Wood	15	75	75	75	70	70	0	0	-	-	-	-	-	-	JUL	AUG	Completed
45	F	Wood	45	45	0	0	0	0	0	0	-	-	-	-	-	-	MAR	MAY	Practical Completion April
45	F	Wood	45	45	45	45	45	45	0	0	-	-	-	-	-	-	OCT	MAR	Completed June
25	B	Bridges	25	25	25	25	25	18	7	0	-	-	-	-	-	-	OCT	NOV	Completed June
100	B	Bridges	100	100	100	100	100	100	0	0	-	-	-	-	-	-	JAN	MAR	Completed June
18	C	Carparks - Community	33	33	18	18	18	19	-1	0	-	-	-	-	-	-	JAN	MAR	Construction commenced in March. Completed June.
48	C	Carparks - Commercial	33	33	48	48	48	48	0	0	-	-	-	-	-	-	JAN	MAR	Construction commenced in March. Completed June.
0	C	Concrete ROW's	30	30	0	0	0	0	0	0	-	-	-	-	-	-	-	-	Works not required. To be undertaken in later years
25	D	Drainage	25	25	25	25	25	19	6	0	-	-	-	-	-	-	NOV	MAR	Completed January
100	F	Footpaths - Parks	100	100	100	100	100	100	41	0	-	-	-	-	-	-	OCT	APR	Completed June
355	F	Footpaths - Roads	355	355	355	355	355	355	0	0	-	-	-	-	-	-	JUL	JUN	Completed
75	F	Footpaths - Urban	100	100	75	75	75	54	21	0	-	-	-	-	-	-	JUL	APR	Completed June
70	F	Open Space Road Pavements	50	50	70	70	70	60	10	0	-	-	-	-	-	-	SEP	APR	Completed
50	F	Open Space Road Pavements	50	50	50	50	50	30	20	0	-	-	-	-	-	-	SEP	JUN	Completed
125	F	Road Furniture/Signs/Signposts	75	125	125	125	125	125	0	0	-	-	-	-	-	-	JUL	JUN	Completed
560	F	Road Restoration	850	560	850	850	850	497	353	0	-	-	-	-	-	-	SEP	MAR	Completed
15	F	Road Surfacing (Reseal)	15	15	15	15	15	15	0	0	-	-	-	-	-	-	NOV	NOV	Completed June
2312	F	Road Surfacing (Reseal)	2,430	2,430	2,312	2,312	2,430	2,430	-117	0	-	-	-	-	-	-	SEP	SEP	Always due to contractor availability issues. Completed June.
32	F	Road Renewal - Asphalt & Concrete	100	100	32	32	32	32	0	0	-	-	-	-	-	-	SEP	FEB	Completed March
242	F	Underground Open Drainage	242	242	242	242	242	242	0	0	-	-	-	-	-	-	JUL	JUN	Completed
100	F	Road System Improvements (Open Culvert Rehabilitation)	0	100	100	100	100	100	-1	0	-	-	-	-	-	-	APR	JUN	Completed
150	F	Signposting Centre Enhancements	150	150	150	150	150	150	74	76	-	-	-	-	-	-	JUL	JUN	Completed
30	F	Streetlights - Open Space	30	30	30	30	30	30	0	0	-	-	-	-	-	-	SEP	JUN	Completed
111	F	Streetlights - Urban	145	111	111	111	111	71	40	0	-	-	-	-	-	-	JUL	JUN	Completed May
97	F	Streetlights - Urban	250	190	97	97	97	97	30	0	-	-	-	-	-	-	SEP	JUN	Completed
35	F	Streetlights - Urban	35	35	35	35	35	35	0	0	-	-	-	-	-	-	AUG	JUN	Completed
5	F	Streetlights - Urban	30	5	5	5	5	5	0	0	-	-	-	-	-	-	SEP	JUN	Completed
100	F	Streetlights - Urban	100	100	100	100	100	40	60	0	-	-	-	-	-	-	JUL	JUN	Completed
40	F	Streetlights - Urban	40	40	40	40	40	38	2	0	-	-	-	-	-	-	OCT	FEB	Completed
90	F	Water Services	90	90	90	90	90	90	0	0	-	-	-	-	-	-	JUL	JUN	Completed
200	F	Streetlights - Urban	200	200	200	200	200	200	-1	0	-	-	-	-	-	-	SEP	JUN	Completed
50	F	Streetlights - Urban	50	50	50	50	50	37	13	0	-	-	-	-	-	-	OCT	JUN	Project commenced in March. Completed
50	F	Streetlights - Urban	50	50	50	50	50	37	13	0	-	-	-	-	-	-	AUG	JUN	Completed
62	F	Play Spaces Children Facilities	62	62	62	62	62	62	0	0	-	-	-	-	-	-	AUG	JUN	Completed
10	F	AMS Art Collection Conservation	10	10	10	10	10	6	4	0	-	-	-	-	-	-	JAN	JUN	Project commenced in April. Completed
158	F	AMS Project Maintenance	125	158	124	124	124	151	-27	0	-	-	-	-	-	-	JUL	JUN	Completed
59	F	Plant Replacement Program	2,720	2,910	2,030	2,030	1,840	96	0	0	-	-	-	-	-	-	JUL	JUN	Transfer of B&C from the Mullum Mullum Highway Station (Line 24) following completion of the project. This was funded from Plant Replacement carry forward amount. Progress delays. B&C carry forward to 2018/19. \$100K reduction in plant works.
TOTAL CAPITAL WORKS			41,292	38,891	38,891	38,891	37,264	1,227											

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12 SHARED SERVICES

Nil

13 CHIEF EXECUTIVE OFFICER

13.1 Strategic Risk Register Report to Council - Six Monthly Report 30 June 2018

File Number: IN18/368
Responsible Director: Acting Executive Manager People and Governance
Attachments: 1 Strategic Risk Register Final 30 June 2018 [↓](#) 

EXECUTIVE SUMMARY

This report provides Council with summary details of Manningham City Council's (MCC) Strategic Risk Register for the period ending 30 June 2018, demonstrating compliance with the Local Government Planning and Reporting Framework. Capture of the strategic risks and their risk ratings is a dynamic process and is relative to a point in time. There are currently 12 strategic risks presented in the attached register which was endorsed by the Audit Committee on 13 July 2018.

COUNCIL RESOLUTION

MOVED: CR GEOFF GOUGH
SECONDED: CR SOPHY GALBALLY

That Council note the Strategic Risk Register as at 30 June 2018.

CARRIED

2. BACKGROUND

- 2.1 The Strategic Risk Register comprises 12 identified risks with a target risk profile of one high risk and 11 medium risks. Directors and Service Area Managers undertake regular reviews of existing key operational and emerging risks.
- 2.2 The risk management policy defines Strategic risks as, 'significant enough to potentially impact Council's service delivery and implementation of the Council Plan and its statutory responsibilities'.
- 2.3 The 12 strategic risks are ultimately owned by the CEO, who delegates responsibility for each risk to the corresponding Director for respective treatment action and monitoring. The risks are reviewed by the Risk Management Committee on a six monthly basis or additional needs based occasions.
- 2.4 The three year Internal Audit Plan and Management's Compliance Plan, are key treatment tools used for the targeted monitoring and analysis of MCC's Strategic risks. The process of audit is deemed a highly effective treatment as the third line of defence in MCC's risk management assurance framework.
- 2.5 Each internal audit report includes the corresponding strategic risk and references an assessment of the key process risk, pre and post implementation of the internal audit recommendations. Independent monitoring of the implementation of the internal audit recommendations is routinely undertaken by the Audit and Risk Committee.

3. DISCUSSION / ISSUE

- 3.1 At a management level, the Risk Management Committee is chaired by the CEO, and is pivotal in monitoring the diverse risks across MCC with regular reporting on the control systems associated with the risk causes. Some of these include compliance plan reporting, quarterly OHS incident reporting, public safety issues via incident/claims reporting, procurement performance reporting, business continuity planning and monitoring outstanding internal audit recommendations.
- 3.2 This update of the Strategic Risk Register was workshopped at the June 2018 Risk Committee meeting. Two external streams of inputs being, the Aon Risk Report 2018 and VAGO Results 2016/17 Audit Performance, as well as Manningham specific topics, were considered by the Risk Management Committee as part of this review. The Committee discussed whether municipal emergency management should be a standalone risk or sufficiently covered under Risk number 7. **'Failure to adequately protect the health and safety of employees, contractors, volunteers or members of the public as a result of Council services'**. It was considered that emergency management features as a significant element of this risk and the more detailed controls and treatments should continue to be addressed in the specific operational risk.
- 3.3 In relation to Risk number 12, **'A major business interruption incident'**, the Committee was advised that the next crisis management response exercise will advance the level of testing. A suitable share software platform is also being explored for mutual access of key documents in addition to existing methods. The recent co-location of the IT data centre and the imminent telephony mobility system, are further significant controls to risk reduction and improved crisis management response and recovery flexibility.
- 3.4 There has been no recent material change in the strategic risk profile.
- 3.5 The draft Strategic Risk Register Report was endorsed by the Audit Committee at its meeting on 13 July 2018.

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.



Strategic Risk Register Summary

Date of Report: Wednesday, 4 July 2018

Risk No	Risk Description	Existing Control	Current Likelihood	Current Consequence	Current Risk Rating	Treatment Plan	Target Likelihood	Target Consequence	Target Risk Rating
CITY OF MANNINGHAM									
12	A major business interruption incident	<p>Business Continuity Management Policy Framework including: Policy, Crisis Management Response & Recovery Plans, Directorate Business Impact Analysis and Crisis Management Team</p> <p>External provider training Crisis Management and test exercise conducted June/July 2017. Report issued. Second exercise (internal) partnered with Municipal Emergency Management August 2017.</p> <p>Annual report to Audit Committee.</p> <p>IT co-location primary servers to offsite data center inner Melbourne suburb) April 2018 and IT Disaster Recovery Plan site alternative Council facility May 2018.</p> <p>IT DRP test exercises undertaken as part of two phased server relocations.</p> <p>IT Disaster Recovery Plan and annual testing exercise</p>	Rare	Catastrophic	High	<p>Implementation of Crisis Management exercise recommendations contained as per annual Test Exercise</p> <p>Review Business Continuity Management policy to Audit Committee July 2018 and subsequently to Council for adoption</p> <p>Annual Test Exercise BCM Crisis Management Response Plan 2018</p>	Rare	Major	Medium
9	Inadequate contract management practices	<p>Capital Works framework, delegations, authorisation processes and Cap works committee. Annual Internal Audit Program includes major contract audit cycle.</p> <p>Annual Internal Audit Program and Compliance Plan</p> <p>Skilled staff, knowledge and expertise, conflict of interest declarations and training.</p> <p>Stringent Tender process, including comprehensive specifications for contracts (penalties, insurance and retentions), credit</p>	Possible	Major	High	<p>Compliance plan 18/19</p> <p>High level monitoring waste recycle contract with Visy (post China ban) agreement</p> <p>Implementation new shared service (8 councils) Contractor certification verification system</p>	Unlikely	Major	Medium



Strategic Risk Register Summary

Date of Report: Wednesday, 4 July 2018

Risk No	Risk Description	Existing Control	Current Likelihood	Current Consequence	Current Risk Rating	Treatment Plan	Target Likelihood	Target Consequence	Target Risk Rating
		rating, bank guarantee and referee checking. Project Steering Committees Apply standard suit of Maddocks documents and extensive training in As400 provided. Contractor Inspections and audits - Strategic Projects, Engineering Operations, Electrical Line Clearance, Parks and Works minor contracts Performance monitoring & Reporting							
7	Failure to adequately protect the health and safety of employees, contractors, volunteers or members of the public as a result of Council services	Ongoing implementation of Work Health Safety Strategy and annual action plan Inspections, comprehensive contract conditions and demonstration of compliance and monitoring of work practices. Active WHS committee structure comprising strategic central and two operational committees, reviewing and adopting policies/procedures, analysing incident reports, training and audits etc. Professionally qualified advisory staff. Compulsory training for Health and Safety Representatives. Communication initiatives including staff and contractor training, Safety Alerts, intranet resources, mandatory E-learning, tool box talks and OHS notice boards. Quarterly OHS Incident and Injury Hazard Reporting & Analysis to Risk Management Committee (Executive) and WHS Committees. Risk Management framework monitored by Risk Management Committee	Likely	Major	High	Implementation of year one Action Plan WHS Strategy 2018/19	Likely	Moderate	High



Strategic Risk Register Summary

Date of Report: Wednesday, 4 July 2018

Risk No	Risk Description	Existing Control	Current Likelihood	Current Consequence	Current Risk Rating	Treatment Plan	Target Likelihood	Target Consequence	Target Risk Rating
11	Inappropriate procurement practices	<p>Procurement Policy annual review critiqued and endorsed by Audit Committee and adoption by Council 26 June 2018</p> <p>Annual Internal Audit program Procurement and Compliance Plan</p> <p>Procurement process controls set up in finance system software.</p> <p>Monthly Procurement Performance and exception Report</p> <p>Tendering Procedures, delegation, Conflict of Interest declaration prior to receiving tender's submissions, independent and centralised administration by Procurement officers and provision for appointment of probity officer.</p> <p>Annual Procurement training. Regular communication of Procurement procedure changes, information sessions and dedicated intranet page and access to templates/guidance.</p> <p>Staff Code of Conduct, promotion of integrity culture, Fraud and Corruption Policy/Plan and Protected Disclosure Procedures.</p>	Unlikely	Moderate	Medium	<p>Procurement Internal Audit 2018 action plan</p> <p>Compliance Plan 2018/19</p>	Unlikely	Moderate	Medium
10	Adverse environmental impact on Council and/or community assets	<p>Updated flood mapping data (five catchments), Flood Management Plan, Drainage Strategy and ongoing drainage maintenance program</p> <p>Municipal Emergency Management Plan (externally audited) and annual test exercise, including strong focus on community and Council staff education. Associated sub plans. i.e. Heatwave Plan and Flood Emergency Plan. Municipal Emergency Planning Committee & associated sub committees</p>	Possible	Moderate	Medium	<p>Amendment C109 Manningham Planning Scheme – Land subject to Inundation Overlay and Special Building Overlay – Consideration of Independent Review Panel report to Council August 2018</p> <p>Adopted Budget 18/19 additional allocation \$1.5M to improve drainage assets</p>	Possible	Minor	Medium



Strategic Risk Register Summary

Date of Report: Wednesday, 4 July 2018

Risk No	Risk Description	Existing Control	Current Likelihood	Current Consequence	Current Risk Rating	Treatment Plan	Target Likelihood	Target Consequence	Target Risk Rating
		Electrical Line Clearance Management Plan 2018-2021 Bolin Bolin Integrated Water Harvesting Facility (2018) Insurance Program Capital Investment, building condition audits, maintenance programs and asset inspection cycles.							
8	Change in government policy and/or funding resulting in significant impact on the delivery of critical services	Commonwealth Government, State Government and MAV communication to Council and Councillors at key transaction stages Lobbying and advocacy for improved outcomes for LG sector, including advocacy through MAV Long term financial modelling (10 Year Financial Strategy) incorporating Rate Capping formula impact. Monitoring and reporting process. 2018/19 Budget including Strategic Resource plan 2017-21 adopted by Council 26 June 2018	Unlikely	Major	Medium		Unlikely	Major	Medium
6	Inappropriate access, use or significant loss of data/corporate records	Firewall upgrade cycle, data backups/offsite data center, security access controls and server upgrade IT System Security Internal Audit 2017 IT General controls and security compliance review March 2018 Information Management Framework and performance report against Public Records Office Victoria key performance indicators Refresh of key policies: -Acceptable use of IT - Information Management Policy -Information privacy & security -IT hardware and software -	Unlikely	Major	Medium	Records Management Transformation Project - TRIM Phase Two Privacy Internal Audit 18/19	Rare	Major	Medium



Strategic Risk Register Summary

Date of Report: Wednesday, 4 July 2018

Risk No	Risk Description	Existing Control	Current Likelihood	Current Consequence	Current Risk Rating	Treatment Plan	Target Likelihood	Target Consequence	Target Risk Rating
		Email use IT induction training Information Management & TRIM induction training Staff Privacy Act awareness sessions Dedicated Privacy Officer TRIM upgraded 2017-18 - greater reliability, data classification, structure, access, governance and training							
5	Fraud or corruption incident	E learning Fraud and Corruption mandatory training and induction Participation in the IBAC Fraud and Corruption Research Project and Survey 2017 Fraud and Corruption Policy and Control Plan 2017 Protected Disclosure Procedures including mandatory CEO reporting 2017 Councillor Code of Conduct 2017 Procurement Policy 2018 & associated procedures subject to annual internal audit and compliance reviews. Monthly Procurement exception reporting. Risk Assessments/Risk Register, Risk Management framework. Monitoring by Risk Management Committee and independent Audit Committee. Delegation register and statements Annual External Audit by Victorian Auditor General's Office (VAGO) Annual Internal Audit program by independent contractor and reporting to Audit Committee Workshopping and launch new workplace values 2017 and ongoing integration organisation wide	Unlikely	Major	Medium	Annual Compliance Plan 2018/19 including data analytics Fraud and Corruption Management Internal Audit March 2018 action plan including risk assessments Staff Code of Conduct review 2018	Rare	Moderate	Medium



Strategic Risk Register Summary

Date of Report: Wednesday, 4 July 2018

Risk No	Risk Description	Existing Control	Current Likelihood	Current Consequence	Current Risk Rating	Treatment Plan	Target Likelihood	Target Consequence	Target Risk Rating
		Ongoing distribution of IBAC, VAGO and Ombudsman communications to executive and senior management. Recruitment Policy and procedures							
4	Inadequate stakeholder management or engagement impacting brand reputation	Development and launch of Citizen Connect to transform the delivery of customer service and information to the needs of the customer. Phase 1 Contact Centre completed Sep 2017. Customer Charter 2018 Corporate branding review 2017. New branding launched & training organisation wide 2017/18. Consultation framework including policy, training, consultative culture, systems, monitor & review. Active Community panel. Listening posts 12 times per year. Development and adoption of Council Plan 2017-2021 following extensive Community consultation (1000 voices) Annual Local Government Community Satisfaction Survey results to Council June 2018. Induction and ongoing awareness training of communications and media relations protocol.	Possible	Moderate	Medium	Development and launch of Citizen Connect to transform the delivery of customer service and information to the needs of the customer. Phase 2 Customer Relationship Management System (July 2018)	Unlikely	Moderate	Medium
3	Inadequate financial planning & management significantly impacting the delivery of critical services	Financial management system, policies & procedures, comprehensive Budget process & adoption by Council. Highly experienced qualified staff 10 Year long term financial strategy and review incorporating Rate Capping formula. Annual external audit by VAGO including financial risk analysis rating. Audit Committee oversight of VAGO's Closing Report and annual	Rare	Major	Medium		Rare	Major	Medium



Strategic Risk Register Summary

Date of Report: Wednesday, 4 July 2018

Risk No	Risk Description	Existing Control	Current Likelihood	Current Consequence	Current Risk Rating	Treatment Plan	Target Likelihood	Target Consequence	Target Risk Rating
		Financial Report of accounts prior to adoption by Council. Monthly reporting to Executive Management Team and Quarterly to Council and Audit Committee. Investment Policy including access to expert independent advice. Controls and Monitoring Access to short & long term funding Management monitoring, Strong sector communication with LG Superannuation company, enquiry by Audit Committee and development of contingency as required. Daily IT backup, IT Disaster Recovery Plan							
2	Non compliance with statutory and regulatory requirements	Internal audit plan cycle, external audit, Audit Committee, risk committee and annual compliance plan Staff knowledge, delegations, policies and procedures. Risk management framework & incident reporting to Risk Management Committee Culture of compliance, Employee of Code of Conduct Policy and training and induction processes. Legislative alerts, delegations, training Appointment of Corporate Counsel position 2017	Unlikely	Moderate	Medium	Implementation and monitoring of internal audit control system improvements by Audit Committee. Internal Audit Plan 2018/19 Compliance Plan 2018/19	Unlikely	Moderate	Medium
1	Failure of IT Systems (Infrastructure, I.T. & Services) impacting critical services	IT co-location primary servers to offsite data center (inner Melbourne suburb) May 2018 and IT Disaster Recovery Plan site alternative Council facility.	Unlikely	Moderate	Medium	IT DRP report to Audit Committee July 2018 Implementation of Key Improvements from test exercise and IT General Controls compliance review 2018	Unlikely	Moderate	Medium



Strategic Risk Register Summary

Date of Report: Wednesday, 4 July 2018

Risk No	Risk Description	Existing Control	Current Likelihood	Current Consequence	Current Risk Rating	Treatment Plan	Target Likelihood	Target Consequence	Target Risk Rating
		IT DRP test exercises undertaken as part of two phased relocations April & May 2018. Offsite backup including testing cycle and data storage/BCP in place. Firewalls, physical security and IT access controls IT strategy development, Architecture review, Policy, Procedures, Specialists, Supplier agreements, training and integration with Crisis Management Plan Network switches and infrastructure upgrade Annual and long term budget to maintain and improve system capability IT Disaster Recovery Plan							

13.2 Business Continuity Management Policy update

File Number: IN18/367
Responsible Director: Acting Executive Manager People and Governance
Attachments: 1 Business Continuity Management Policy Final 20-08-18 [↓](#)


EXECUTIVE SUMMARY

This report presents summary details of the review and update of Manningham City Council's (MCC) Business Continuity Management (BCM) Policy. The policy outlines the management framework that enables a systematic response to a major disruptive event and ensures Council's critical services resume as soon as possible. This review reflects recent edition updates to guidance standards, modification to the related framework documents and minor enhancements to roles and responsibilities. The Policy was endorsed by the Audit and Risk Committee on 13 July 2018.

COUNCIL RESOLUTION

MOVED: CR PAUL MCLEISH
SECONDED: CR ANNA CHEN

That Council adopt the attached Business Continuity Management Policy.

CARRIED

2. BACKGROUND

- 2.1 The Local Government Act 1989 requires Council to develop and maintain adequate internal control systems. A Victorian Auditor General's audit of Business Continuity Management in Local Government, provided the industry with a broad recommendation that councils should improve and strengthen their business continuity plans by: applying risk management methodologies, developing policies with clear objectives, roles and responsibilities, systematically monitoring, testing and reporting on the framework to senior management.
- 2.2 A substantial review of Manningham's Business Continuity Framework was undertaken in 2014, with a further update in 2016. Each review has consolidated substantial work undertaken post the 2009 Manningham civic building fire and aligns with current Australian Standard AS/NZ 5050:2010, utilising best practice guides and integration with Council's Risk Management Framework.

3. DISCUSSION / ISSUE

- 3.1 The Policy outlines Council's BCM Framework which comprises:
- BCM Policy
 - Crisis Management Response and Recovery Plans
 - Business Impact Analysis Spreadsheets
 - Directorate Critical Services Sub Plans

- 3.2 The policy articulates the business continuity management framework which provides a methodology of incident response, defined roles and responsibilities and the associated activation/deactivation steps. These are further detailed in the Crisis Management Response Plan which provides a structured strategic coordination to incident assessment and the accompanying Recovery Plan, which delivers an organised set of tasks to restore a critical resource.
- 3.3 The Crisis Management Plans are annually tested through an independent scenario exercise undertaken by the Crisis Management Team. An observation report and arising recommendations are monitored by the Risk Committee and formally reported to the Audit and Risk Committee, as part of their monitoring oversight.
- 3.4 The policy review reflects updates to the current framework, modification to definitions following updated editions of guidance documents and improvements identified through crisis management test exercises.
- 3.5 MCC's IT Disaster Recovery Plan sits alongside this policy as a related document and is subject to its own independent annual testing and reporting to the Risk Management Committee and Audit and Risk Management Committee.

4. COUNCIL PLAN / STRATEGY

- 4.1 The cyclical review of the BCM policy framework and corresponding scenario testing of MCC's crisis management response, continues to build organisational maturity and resilience in response to potential threats and impacts to critical business operations. This is fundamental to the delivery of the Council Plan and associated statutory services.

5. IMPACTS AND IMPLICATIONS

- 5.1 The purpose of the Policy is to restore and maintain 'Business as Usual' service delivery to the Manningham community, in the event of a disruptive event. A communication plan forms part of the Crisis Management Response and Recovery Plan, to ensure that contact with the community citizens and other external stakeholders is maintained at key stages of the incident response.

6. IMPLEMENTATION

- 6.1 Timelines

The Policy will be immediately effective upon adoption by Council.

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.

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BUSINESS CONTINUITY MANAGEMENT POLICY

POLICY NO:	POL/487
VERSION:	June 2018 D18/162535
SHORT DESCRIPTION:	To detail the Business Continuity Management Framework that will support an effective response to a significant business disruption to 'Business As Usual'.
RELEVANT TO:	All employees
RESPONSIBLE OFFICER:	Executive Manager People and Governances
RESPONSIBLE OFFICE:	Risk Management and Assurance
APPROVED BY:	Risk Management Committee on 20 June 2018 Adopted by Council on 28 August 2018
NEXT SCHEDULED REVIEW DATE:	June 2020
RELATED DOCUMENTS:	Crisis Management Response and Recovery Plans Directorate Critical Services Sub Plans Directorate Critical Services Business Impact Analysis Spreadsheets IT Disaster Recovery Plan Risk Management Policy

1. POLICY PURPOSE

The purpose of this Policy is to outline Manningham City Council's (MCC) Business Continuity Management (BCM) framework, including key fundamentals such as:

- Objectives and principles of BCM
- The BCM framework
- Critical Service risk assessment and Business Impact Analysis process
- Roles and responsibilities
- Plan testing and reporting.

For clarity, this policy does not create an additional reporting framework. BCM is a control or treatment to risks that impact the organisation's continuity. As such, reporting on the framework will be through the Risk Management Framework.

MCC is committed to managing disruption-related risk effectively. As such, the policy considers relevant BCM standards such as AS/NZS 5050:2010 Australian/New Zealand Standard Business continuity—Managing disruption-related risk, HB 292-2006 A Practitioners Guide to Business Continuity Management, Business Continuity Management – Building Resilience in Public Sector Entities, better practice guide, 2009 and Business Continuity Institute Best Practice Guidelines.

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2. BCM OBJECTIVES AND PRINCIPLES

"Contingent capacity and plans enable management to quickly focus on stabilising the situation and maintaining or resuming the most critical functions while still working in a planned way towards eventual restoration of routine operations and full achievement of objectives". AS/NZS 5050:2010

The benefits of having an effective Business Continuity Management framework include:

- Demonstrating organisational commitment and capability to manage BCM risks.
- Helping to ensure continuity of critical services to customers and to protect brand and reputation
- Helping to identify and manage current and future threats to the business
- Identifying regulatory and contractual requirements and obligations that are required to be delivered during a crisis
- Minimising downtime during incidents and improve recovery time
- Demonstrating resilience to customers, suppliers and the Council.

The objectives of MCC's BCM Framework is to help reduce the occurrence and scale of events that could cause a "major" or "catastrophic" disruption as well as equipping the organisation with the capacity to:

- Have a clear transparent and systematic approach to the activation of the Crisis Management Plan and delegation of control
- Stabilise any disruptive event as soon as possible
- Continue and/or quickly resume those services/operations that are most critical to the organisation's objectives and legislative obligations
- Minimise the impact on our people, our residents and reputation
- Provide a structured and consistent response to an unexpected crisis or anticipated disruptive event, from Crisis Management Team to operational level
- Expedite a return to 'Business As Usual' operations and a full recovery.
- Provide assurance to the Audit Committee and Council that a process of rigorous development and testing has been applied to BCM planning
- Ensure external communication to clients and stakeholders is maintained or promptly reinstated during a crisis.

Crucially, the BCM Framework needs to:

- Be sustainable
- Consider incident activation, plan activation, managing the incident and plan deactivation
- Have clearly defined roles and responsibilities to enable officers to act effectively and timely, with clear reporting processes that facilitate appropriate command and control oversight and management of the incident
- Provide structure regarding the management of an incident at both the strategic and operational levels
- Identify critical services and their dependencies
- Undertake regular BCM testing and training for key staff. Testing should validate the appropriateness of plans, increase capability and enable continuous improvement.



3. Emergency Management

The council could be impacted by two types of emergency events. These are detailed below:

- Community based emergency - Municipal Emergency Management Plan
- Council services/assets based crisis - Crisis Management Plan.

Community Based Emergency

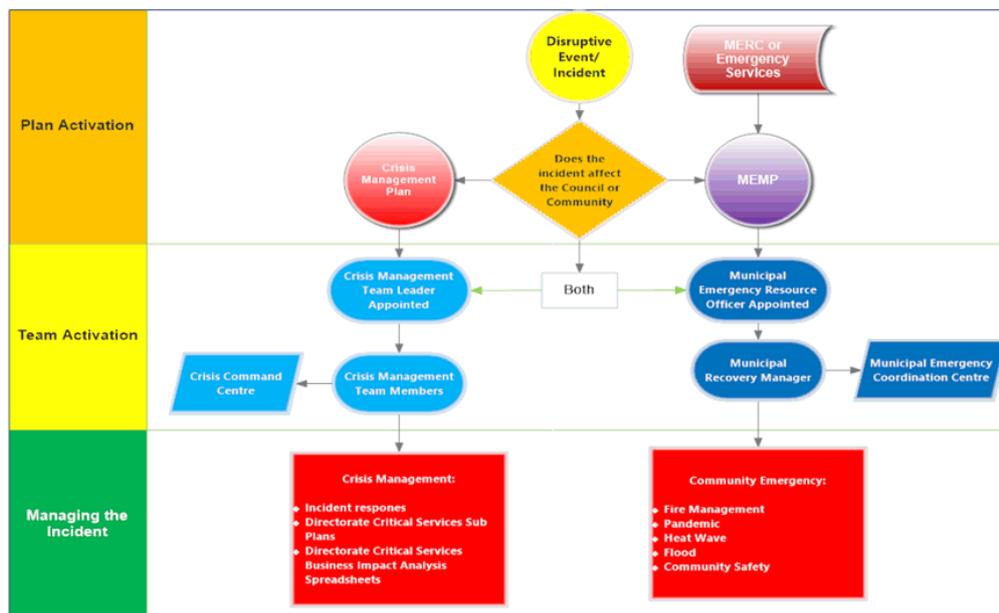
These events usually involve managing a community emergency response, i.e. flood/fire evacuation and coordination with other authorities. In the case of a community based emergency, the Municipal Emergency Management Plan (MEMP) would be activated in accordance with the Emergency Management Act. These incidents are usually managed by Emergency Services/Agencies in the first instance, before having Council involvement through the Municipal Emergency Coordinator (MERO) or nominated Municipal Recovery Manager. This policy does not address this type of event but demonstrates the interconnectedness, plans for communication and protocols.

Council Services/Assets Based Crisis

These incidents impact the Council's ability to deliver critical services. Whilst MCC's BCM framework is part of the Council's overall emergency management framework, its application is directed to a Council based incident. In these circumstances, the Crisis Management Plan would be activated.

It is understood that if the MEMP and Crisis Management Plan are activated together, resources/assets are to be prioritised to implementing the MEMP (under the control of the MERO) using the asset allocation principle of "Health and well-being of the Community is the first priority".

Below is an overview of the Councils emergency management framework.



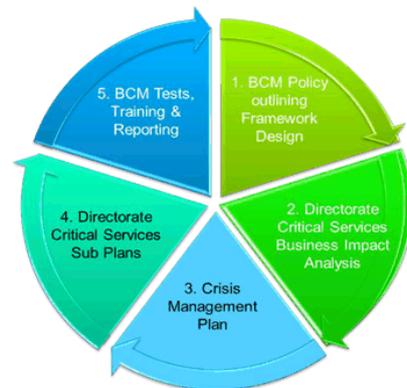


4. BUSINESS CONTINUITY MANAGEMENT FRAMEWORK

Australian National Audit Office states "Business continuity management is an essential component of good public governance. It is part of an entity's overall approach to effective risk management and should be closely aligned to the entity's incident management, emergency response management and IT disaster recovery."

The key element of the BCM framework are:

1. **BCM Policy** – details the elements of the BCM framework
2. Directorate 'Critical Services' risk assessment and **Business Impact Analysis Spreadsheet** (detailing the dependencies required to deliver critical services).
3. **Crisis Management Response & Recovery Plans** – generic response plan that covers incident assessment, plan activation process, managing the incident and team deactivation.



The Plans outlines Crisis Management Team roles, responsibilities and contact details. Includes incident planning and management templates, crisis control centre and communications centre details, as well as initial response checklists.

4. Directorate Critical Services Sub Plans

These Directorate plans list each Directorate's Critical Services identified in the Directorate Critical Services Business Impact Analysis Spreadsheet. The plans provides structure at the operational level with regards to recovering/restoring "High" and "Very High" rated critical services.

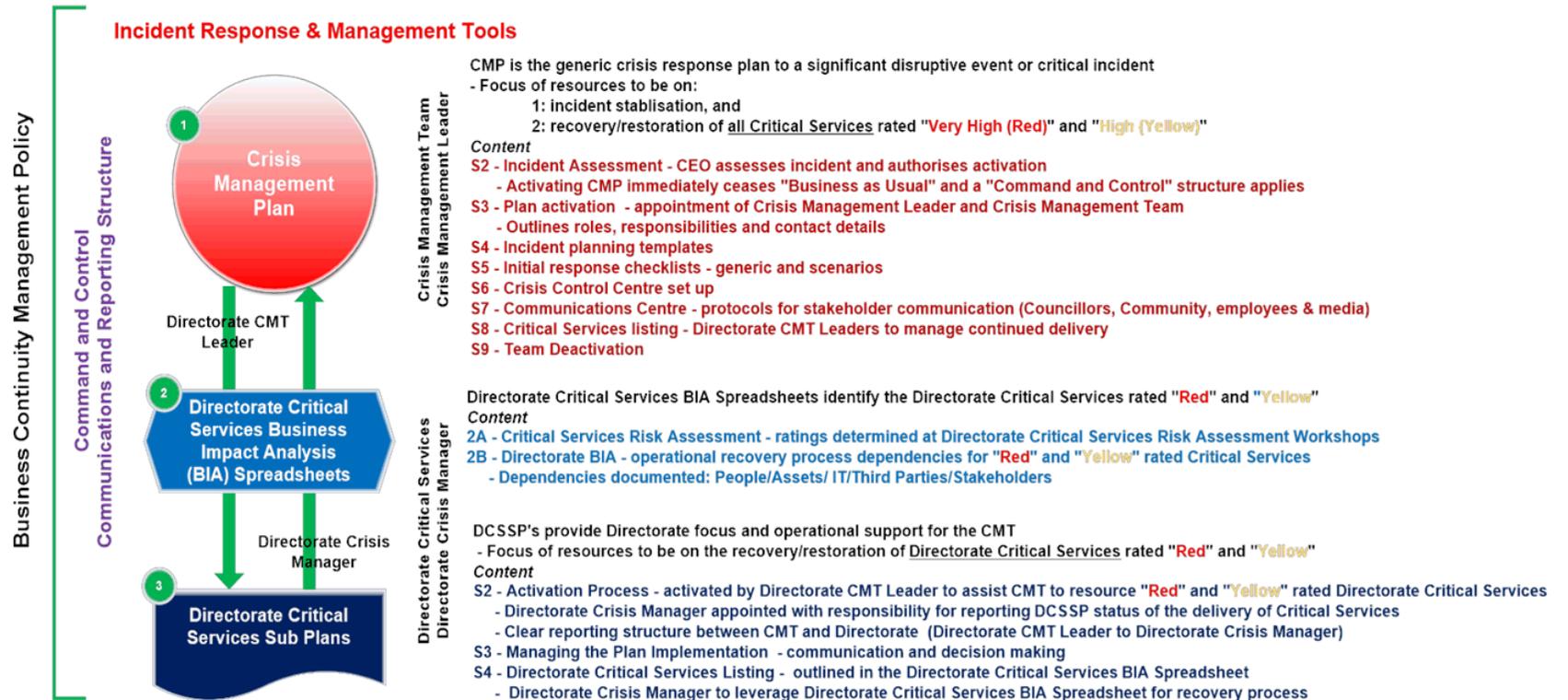
The Directorate Critical Services Sub Plans may be supported by **Service Unit Relief & Recovery Sub Plans**. ie. Citizen Connect, Aged and Disability Support Services.

5. **BCM Tests, Training and Reporting** – annual testing is anticipated together with reporting in accordance with the Local Government Performance Reporting Framework indicators.



Manningham's Business Continuity Management Framework Summary

The framework is designed to assist the response to a significant disruptive event or critical incident that could have a "major" or "catastrophic" impact.





5. Critical Service Risk Assessment and Business Impact Analysis

During an incident resource focus need to be prioritised based on:

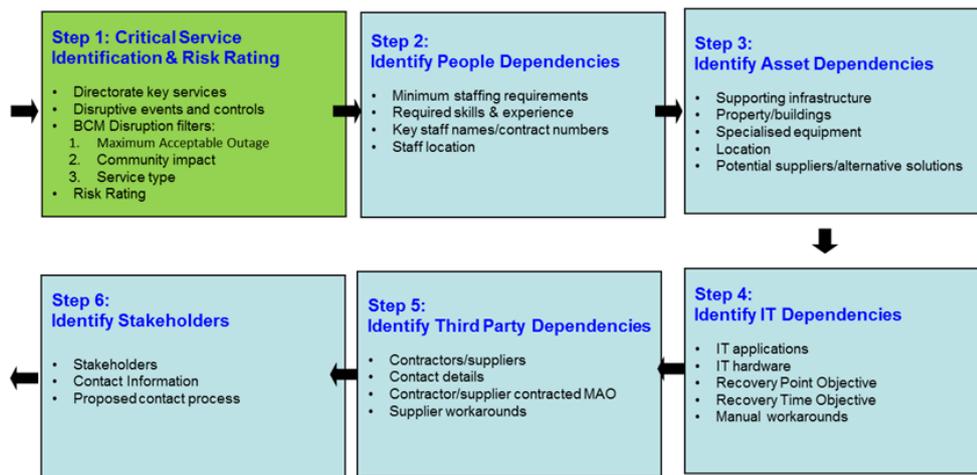
1. Incident stabilisation, and
2. Recovery/restoration of critical services rated “High” and “Very High”.

Critical Services are services that if not delivered, would have a major or possibly catastrophic impact on council’s reputation, client health, legislative or contract compliance, service delivery, financial performance and public health and safety. During an incident, Council must continue to deliver or quickly recover capabilities to deliver, Critical Services.

As such each Directorate shall undertake a Critical Services risk assessment to identify its ‘Critical Services’. The assessment process is detailed in the Directorate Critical Services Workshop Guidance Manual and should be recorded in the Business Impact Analysis Workbook.

Those services rated High or Very High will be considered ‘Critical Services’ and will require a Business Impact Analysis assessment. The Business Impact Analysis will identify service delivery procedures/ workflow maps/process manuals and the service dependencies needed to deliver a minimal service, including people, assets, IT, third parties and stakeholders.

The six step methodology adopted is as follows:



Outcomes from the Business Impact Analysis should be documented in Directorate Critical Services Business Impact Analysis Spreadsheet and feed into the Directorate Critical Services Sub Plans.

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6. ROLES AND RESPONSIBILITIES

The development of a suitable structure to ensure the appropriate oversight and accountability in managing an incident is critical. MCC has authorised the following levels of responsibility:

Council

- Approve the Business Continuity Management Policy.
- During an incident where the Crisis Management Plan has been activated, Management will provide the Councillors with timely communications.
- Where considered appropriate, the Mayor may be required to provide communications to stakeholders.

Audit Committee

- Consider the BCM Policy for Council approval.
- Monitor the management of Council's strategic risk controls

Risk Management Committee

- Review the BCM Policy every two years
- Monitor the annual testing, reporting and update of the BCM Framework

Chief Executive Officer (CEO)

- Responsible for the BCM Framework within MCC.
- Activate/deactivate the Crisis Management Plan.
- Appoint the Crisis Management Leader.
- Agree incident recovery objectives, incident authorisation arrangements and endorse major Crisis Management Team recommendations and decisions.
- Advise the Mayor, Councillors and Government as appropriate, on the status of an incident.
- Ensure appropriate reporting to the Audit Committee and Council.

Crisis Management Team Leader

- Lead the Response and Recovery process to restore business operations and delivery of services.
- Initiate Council's business continuity response.
- Appoint the Crisis Management Team and agree roles and responsibilities.
- Approve the Crisis Management Team Crisis Command Centre's location.
- Liaise with MERO if the MEMP activated.
- Perform preliminary event analysis and determine key strategic issues and recovery objectives.
- Chair the Crisis Management Team meetings.
- Provide the Crisis Management Team with directions.
- Report to the CEO on major decisions.

Crisis Management Response and Recovery Team

- Assist the Crisis Management Team (CMT) Leader with the recovery and plan activations.
- Undertake designated roles, as per role cards or as directed by CMT Leader.
- Determine resource requirements to fulfil their responsibilities.
- Provide regular status information to the CMT leader.
- Provide communications to internal and external stakeholders (via the Community Relations and Engagement Response Leader).

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Directorate Crisis Manager

- Upon request by Response and Recovery Management Leaders, activate Directorate Critical Services Sub Plan.
- Manage the implementation of the Directorate Critical Services Sub Plan, leveraging the Directorate Services Business Impact Analysis Spreadsheet.
- Report the status to the Directorate Crisis Management Team Leader.

Staff

- Assist the Crisis Management Team or Directorate Crisis Manager where requested.
- Unless specifically requested, do not communicate to the public.
- Work with their Directorate Crisis Manager to activate Directorate Critical Service Sub Plans and Service Unit Relief & Recovery Sub Plans.
- Work at locations determined by the Crisis Management Team.

More specific details of the Crisis Management Team roles and responsibilities is set out in the Crisis Management Plan.

7. TESTING AND TRAINING

It is important that the Crisis Management Team members maintain an intimate knowledge of their individual role. Team members and their relevant alternates must have a working knowledge of the BCM framework and relevant plans.

BCM test exercises will be conducted at least annually. These exercises should ensure BCM plans are up-to-date and remain relevant. Tests should be formally conducted and consider governance elements such as the development of detailed test plans, pre-test briefing sessions, testing protocols including issues logging, Recovery Time Objective recording and appropriateness of plan/workbook information. Post each test, debrief sessions should occur with participants to evaluate what worked and what could be further improved. Plans should then be updated and the test results reported to the Risk Committee and Audit Committee.

8. REPORTING

The follow is an outline of the BCM reporting structure:

1. Local Government Better Practice Guide Plan requires Management to confirm that they have a Business Continuity Plan setting out the actions that will be taken to ensure that key services continue to operate in the event of a disaster and details of the date of operation. This needs to be reported in the annual report and to the Department of Environment, Land, Water and Planning.
2. Directors with BCM risks will need to review their Directorate Critical Services Sub Plan and Directorate Services Business Impact Analysis Spreadsheet annually
3. As Business Continuity is a strategic risk, the CEO will need to report to the Audit Committee on the treatment plans, which includes the monitoring of the BCM framework
4. Annual review of the Crisis Management Plan to be managed by the Strategic Risk and Assurance Advisor.

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9. KEY DEFINITIONS

Term	Definition
Crisis Management Plan Activation	Process whereby the CEO authorised the activation of the Crisis Management Plan. Activation causes Council's "Business as Usual" operations to cease and is replaced with a strong "Command and Control" communication and reporting structure.
Business As Usual	Normal operations without any significant constraints.
Business Continuity Management (BCM)	A holistic management process that identifies potential threats and impacts to business operations and which provides a framework for building organisational resilience and capability of an effective response that safeguards the interests of its key stakeholders, reputation, brand and value-creating activities.
Business Impact Analysis (BIA)	The process that quantifies the disruptive impact of a given incident or disruption and identifies the infrastructure and resources required to enable the organisation to operate at the minimum accepted level.
Call Tree	Details who contacts which member of the Crisis Management Team upon activation.
Crisis Management	What you do before, during and after an incident/event/crisis/emergency.
Crisis Management Response Plan	A generic response plan to assist Management with the strategic coordination and management of a crisis event. Covers incident assessment, plan activation process, managing the crisis event and team deactivation.
Crisis Management Plan Resource Recovery	A companion guidance document to the Crisis Management Response Plan following activation. It provides a structured set of tasks, including role cards and templates for the Crisis Management Recovery Team to restore a critical service.
Critical Service	A service that is rated High or Very High and if not delivered, would have a major or catastrophic impact on Council's reputation, client health, legislative or contract compliance, service delivery, financial performance and public health and safety.
Disruption filters	Risk assessment filters used to determine the criticality of a service. Include Maximum Acceptable Outage (48 hours, 7 days or 30+ days), community impact (high dependency, high volume or low volume) and service type (core internal, contracted or statutory).
Disruptive event	An incident such as loss of public infrastructure, loss of staff, loss of building, loss of fuel and utilities, loss of IT and loss of telecommunications.
Incident Assessment	Process of identifying and rating the incident severity. The Incident Severity Table detailed in the CMP provides a guide for assessing an incident.
IT Disaster Recovery Plan (IT DRP)	Those BCM activities associated with the continuing, availability and restoration of IT infrastructure, including systems and applications.
Maximum Acceptable Outage (MAO)	Maximum period of time that an organisation can tolerate the disruption of a critical service.
Plan Activation Process	Process of declaring a crisis and appointment of the Crisis Management Leader and Crisis Management Team.
Recovery Point Objective (RPO)	With respect to the recovery of electronic data (system or application data), it relates to the last point in time prior to the business disruption, that the data was restored or backed up. This data will need to be re-entered once IT systems have been recovered.
Recovery Time Objective (RTO)	A target time period set for resumption of service delivery, recovery of an IT system or application, or resumption of performance of a service after a business disruption.
Risk treatment	Process of selection and implementation of measures to modify risk. BCM plans are risk treatments and become risk controls once finalised and tested.

13.3 Documents for Sealing

File Number: IN18/365
Responsible Director: Acting 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 SOPHY GALBALLY

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 G Ralston and B A Ralston
79 Carbine Street, Doncaster East**

**Consent to Build over an Easement
Agreement under Section 173 of the Planning and Environment Act 1987
Council and M Zikas
7 Wimbledon Court, Doncaster East**

**Consent to Build over an Easement
Agreement under Section 173 of the Planning and Environment Act 1987
Council and A & L Francis Pty Ltd
8 & 8A Corroboree Place, Templestowe Lower**

**Consent to Build over an Easement
Agreement under Section 173 of the Planning and Environment Act 1987
Council and KC3 Kelly Pty Ltd
3 Kelly Street, Doncaster**

**Consent to Build over an Easement
Agreement under Section 173 of the Planning and Environment Act 1987
Council and N Sgardelis
87 George Street, Doncaster East**

**Consent to Build over an Easement
Agreement under Section 173 of the Planning and Environment Act 1987
Council and Xue Development Pty Ltd
2 Ascot Street, Doncaster East**

**Community Services Lease
Council and Doncaster Rovers Soccer Club Inc.
Part 117-121 Andersons Creek Road, Doncaster East**

**Community Services Lease
Council and Doncaster Athletic Club Inc.
Part Rieschiecks Reserve, 125-149 George Street, Doncaster East**

**Consent to Build Over an Easement
Agreement under Section 173 of the Planning and Environment Act 1987
Council and Warrandyte Community Retirement Housing Cooperative Ltd
10 West End Road, Warrandyte**

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:	IN18/364
Responsible Director:	Acting Chief Executive Officer
Attachments:	<ol style="list-style-type: none">1 Heritage Advisory Committee - 17 July 2018 ↓ 2 Municipal Fire Management Planning Committee - 3 August 2018 ↓ 3 Municipal Emergency Management Planning Committee - 3 August 2018 ↓ 4 Access and Equity Advisory Committee - 6 August 2018 ↓ 5 Strategic Briefing Session - 7 August 2018 ↓ 6 Senior Citizens Reference Group - 8 August 2018 ↓ 7 Strategic Briefing Session - 14 August 2018 ↓ 8 Healthy City Advisory Committee - 15 August 2018 ↓ 

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 ANNA CHEN
SECONDED: CR MICHELLE KLEINERT

That Council note the Records of Assemblies for the following meetings and that the records be incorporated into the minutes of this Council Meeting:

- **Heritage Advisory Committee – 17 July 2018**
- **Municipal Fire Management Planning Committee – 3 August 2018**
- **Municipal Emergency Management Planning Committee – 3 August 2018**
- **Access and Equity Advisory Committee – 6 August 2018**
- **Strategic Briefing Session – 7 August 2018**
- **Senior Citizens Reference Group – 8 August 2018**
- **Strategic Briefing Session – 14 August 2018**
- **Health City Advisory Committee – 15 August 2018**

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 each of the following Assemblies are attached to this report.

- Heritage Advisory Committee – 17 July 2018
- Municipal Fire Management Planning Committee – 3 August 2018
- Municipal Emergency Management Planning Committee – 3 August 2018
- Access and Equity Advisory Committee – 6 August 2018
- Strategic Briefing Session – 7 August 2018
- Senior Citizens Reference Group – 8 August 2018
- Strategic Briefing Session – 14 August 2018
- Healthy City Advisory Committee – 15 August 2018

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

Heritage Advisory Committee – Community Nominations

Meeting Date: 17 July 2018
Venue: Council Chamber, Civic Office, 699 Doncaster Rd, Doncaster
Starting Time:

1. Councillors Present:

Councillor Andrew Conlon (Mayor) – Mullum Mullum Ward
Councillor Paula Piccinini – Heide Ward
Councillor Mike Zafiroopoulos – Koonung Ward

Officers Present:

Fiona Ryan – Coordinator Strategic Planning

2. Disclosure of Conflicts of Interest

There were no disclosures of conflict of interest.

3. Items Considered

- 1. Discussion of nominations for vacant community representative positions.**

Finishing time

The meeting ended at 4:00pm.

Record of an Assembly of Councillors

Manningham City Council

Municipal Fire Management Planning Committee

Meeting Date: 4 May 2018
Venue: Council Chamber, Civic Office, 699 Doncaster Rd, Doncaster
Starting Time: 8:00am

1. **Councillors Present:**

Councillor Paul McLeish – Mullum Mullum Ward

Officers Present:

Helen Napier - Municipal Emergency Management Coordinator
Andrew Graydon - Parks Co-ordinator
Scott Morone - Team Leader Local Laws
Amber Thorgersen - Emergency Management Officer

2. **Disclosure of Conflicts of Interest**

There were no disclosures of conflict of interest.

3. **Items Considered**

1. Fire Access Road Subsidy Scheme
2. Fire Management Plan/Multi Agency Works Plan
3. VFRR Update
4. Regional/State Update
5. Fire Access Road Subsidy Scheme
6. Hoarding
7. Election of Chair

Finishing time

The meeting ended at 10:00am

Record of an Assembly of Councillors

Manningham City Council

Municipal Emergency Management Planning Committee

Meeting Date: 3 August 2018
Venue: Council Chamber, Civic Office, 699 Doncaster Rd, Doncaster
Starting Time: 10:00am

1. Councillors Present:

Councillor Paul McLeish – Mullum Mullum Ward

Officers Present:

John O'Brien – Coordinator Assets and Environment
Helen Napier – Acting Manager Parks and Recreation
Amber Thorgersen – Emergency Management Officer
Scott Morone - Team Leader Local Laws, Approvals and Compliance

2. Disclosure of Conflicts of Interest

There were no disclosures of conflict of interest.

3. Items Considered

1. **Confirmation of Minutes**
2. **Actions Arising**
3. **Correspondence**
4. **General Business**
 - a. **Council Emergency Management Team – Update**
 - b. **Update on Garden Waste Voucher initiative**
 - c. **Grants & Projects Update**
 - d. **EM Legislation Update – MEMP Audit Requirements**
 - e. **CERA Update and approach in future**
 - f. **Training and Exercise Update**
 - g. **Items without notice**
5. **Subcommittee Reports**
6. **Agency Reports**

Finishing time

The meeting ended at 11:45am

Record of an Assembly of Councillors

Manningham City Council

Access and Equity Advisory Committee

Meeting Date: 6 August 2018
Venue: Function room 3, Civic Office, 699 Doncaster Rd, Doncaster
Starting Time: 5:00pm

1. **Councillors Present:**

Councillor Mike Zafiroopoulos – Koonung Ward

Officers Present:

Angelo Kourambas - Director City Planning & Community
Paul Waite - Co-ordinator Social Planning and Community Development
Jon Adams - Community Development Officer – Metro Access

2. **Disclosure of Conflicts of Interest**

There were no disclosures of conflict of interest.

3. **Items Considered**

1. Welcome and Acknowledgement of Country
2. Note any conflicts of interest
3. Round table introductions
 - a. What you bring to the committee
 - b. What you hope to achieve
4. Terms of Reference
5. Achievements of past Access and Equity Advisory Committee
6. Introductions to Manningham, Council and Strategic documents
7. Draft Inclusive Manningham Strategy and Action Plan – currently on Public Exhibition
8. Other Business
 - a. "Zone In' Social & Affordable Housing Advocacy Campaign

Finishing time

The meeting ended at 7:00pm

Record of an Assembly of Councillors

Manningham City Council

Strategic Briefing Session

Meeting Date: 7 August 2018
Venue: Council Chamber, Civic Office, 699 Doncaster Rd, Doncaster
Starting Time: 6.40pm

1. **Councillors Present:**
Councillor Andrew Conlon (Mayor)
Councillor Michelle Kleinert (Deputy Mayor)
Councillor Anna Chen
Councillor Sophy Galbally
Councillor Dot Haynes
Councillor Paul McLeish
Councillor Paula Piccinini
Councillor Zafiroopoulos

Apologies from Councillors:
Councillor Geoff Gough

Executive Officers Present:
Jill Colson, Acting Chief Executive Officer
Andrew McMaster, Acting Executive Manager People & Governance
Leigh Harrison, Assets and Engineering
Angelo Kourambas, Director City Planning
Kevin Ayre, Acting Director City Planning

Other Officers in Attendance:
Vivien Williamson, Manager City Strategy
Fiona Ryan, Coordinator Strategic Planning

2. **Disclosure of Conflicts of Interest**
No disclosures of conflict of interest were made.
3. **Items Considered**
- 1 Preliminary Financial Status Report for the year ending 30 June 2018
 - 2 Manningham Planning Scheme Review 2018
 - 3 Bus Services to the City of Manningham
 - 4 Heritage Advisory Committee – Consideration of Nominations for Community Representatives
 - 5 Environmental Initiatives at Council
 - 6 Gambling Advocacy

The meeting ended at 8:35pm

Record of an Assembly of Councillors

Manningham City Council

Senior Citizens Reference Group

Meeting Date: Wednesday 8 August 2018
Venue: Function Room 3, Civic Office, 699 Doncaster Rd, Doncaster
Starting Time: 9.30am to 11.00am

1. **Councillors Present:**
Councillor Anna Chen – Koonung Ward

Officers Present:
Keri Kennealy, Manager, Aged and Disability Support Services
Catherine Walker, Coordinator Social Support, Aged and Disability Support Services
Vicki Martinez, Social and Community Services

2. **Disclosure of Conflicts of Interest**
There were no conflicts of interest noted.

3. **Items Considered**

1. Seniors club updates
2. Review Terms of Reference Workshop – Review of current Terms of Reference
3. Dementia Awareness month September

Finishing time
The meeting ended at 11.00am

Record of an Assembly of Councillors

Manningham City Council

Strategic Briefing Session

Meeting Date: 14 August 2018
Venue: Council Chamber, Civic Office, 699 Doncaster Rd, Doncaster
Starting Time: 6.30pm

1. **Councillors Present:**
Councillor Andrew Conlon (Mayor)
Councillor Michelle Kleinert (Deputy Mayor)
Councillor Anna Chen
Councillor Sophy Galbally
Councillor Geoff Gough
Councillor Dot Haynes
Councillor Paul McLeish
Councillor Paula Piccinini
Councillor Zafiroopoulos

Apologies from Councillors:

Nil

Executive Officers Present:

Jill Colson, Acting Chief Executive Officer
Andrew McMaster, Acting Executive Manager People & Governance
Leigh Harrison, Assets and Engineering
Angelo Kourambas, Director City Planning

Other Officers in Attendance:

Carrie Bruce, Senior Governance Advisor
Susan Ross, Senior Strategic Planner
Stephanie Langton, Recreation Planner
Vivien Williamson, Manager City Strategy
Paul Goodison, Coordinator Landscape and Leisure

2. **Disclosure of Conflicts of Interest**
No disclosures of conflict of interest were made.

3. **Items Considered**
- 1 Amendment C109 Manningham Planning Scheme
 - 2 Waldau Precinct Masterplan
 - 3 Naming of Reserves Policy
 - 4 Use of Plastic Bottles, Cups and Straws in Manningham
 - 5 Amendment C122 – Planning Scheme Corrections
 - 6 Local Footpath Program
 - 7 2017-2018 Capital Works Status Report
 - 8 Strategic Risk Register
 - 9 Business Continuity Management Policy

The meeting ended at 9:22pm

Record of an Assembly of Councillors

Manningham City Council

Healthy City Advisory Committee

Meeting Date: 15 August 2018
Venue: Council Chamber, Civic Office, 699 Doncaster Rd, Doncaster
Starting Time: 3:00pm

1. **Councillors Present:**

Councillor Andrew Conlon – Mullum Mullum Ward

Officers Present:

Angelo Kourambas - Director City Planning and Community
Paul Waite - Coordinator Social Planning and Community Development
Vicki Martinez - Health Planner
Janae Hendrey - Social Planner and Placemaker

2. **Disclosure of Conflicts of Interest**

There were no disclosures of conflict of interest

3. **Items Considered**

1. **Welcome and Apologies**
2. **Watch this Space! Healthy and Well Theme – Presentations from Agencies and MCC Officers**
3. **Department of Health and Human Services Update**
4. **Annual Review of Healthy City Action Plan**
5. **Health and Wellbeing Consultation: Service Barriers and Service Innovation**
6. **Evaluation – Partnership Report**
7. **Collaborative Working Groups Update**
8. **Organisational Updates and Other Business**

Finishing time

The meeting ended at 5:00pm

14 URGENT BUSINESS

There were no items of urgent business.

15 COUNCILLORS' QUESTION TIME

15.1 Australian Institute of Project Management Awards

Councillor McLeish passed on his congratulations to Council's Director of Shared Services, Mr Philip Lee and his staff for their recent success at the Australian Institute of Project Management Awards. Council were winners in the following categories:

- ICT/Telecommunications: Online View, Payments and Lodgement
- Small Projects: Records Management Transformation
- Organisation/Change Management: Citizen Connect Contact Centre (High Commendation)
- Program/Project Director: Transformation Manager – Fiona Park

15.2 2018 Paul James Everitt Scholarship

Councillor Kleinert passed on her congratulatory notes to Mr Tim Lawson, Council's Manager of Procurement and Contracts, for his recent success in winning the Paul James Everitt Scholarship established by Procurement Australia. The Scholarship recognises and rewards high achieving individuals in the procurement field.

15.3 Sector Awards

Councillor Zafiroopoulos congratulated staff on their recent award successes and suggested that Councillors be notified of all award applications made and awards won in the future.

15.4 Safety and Security in Council Parks

Councillor Chen shared some recent feedback regarding Council's neighbourhood park development program and asked what measures are available to Council to improve safety and security in parks to encourage positive users.

15.5 Victorian Government Announcement - Suburban Rail Loop

Councillor McLeish advised that the Victorian Government has pledged to build an underground suburban rail network linking every major rail line in Melbourne and the new airport rail. He noted that the proposed route includes a train line to Doncaster. Councillor McLeish acknowledged that this was a momentous announcement, however expressed his disappointment that the proposed route would not take people directly into the city.

16 CONFIDENTIAL REPORTS

Nil

The meeting concluded at 9:03pm.

Chairperson
CONFIRMED THIS 25 September 2018