



# Ordinary Meeting of the Council

## AGENDA

<b>Date:</b>	<b>Tuesday, 27 March 2018</b>
<b>Time:</b>	<b>7:00pm</b>
<b>Location:</b>	<b>Council Chamber, Civic Centre 699 Doncaster Road, Doncaster</b>

**This meeting is convened to transact the business listed below**

**Warwick Winn**  
**Chief Executive Officer**

*This meeting will be livestreamed. Members of the public who address Council will be heard on the live audio stream, and audio of them speaking will be recorded. All reasonable efforts will be made to avoid capturing live or recorded video footage of public attendees however there might be incidental capture.*

## COUNCIL MEETING SEATING PLAN

**ACTING DIRECTOR  
COMMUNITY  
PROGRAMS**

*Malcolm Foard*

**DIRECTOR SHARED  
SERVICES**

*Philip Lee*

**MANAGER  
COMMUNICATIONS &  
MARKETING**

*Juanita Haisman*

**Jill Colson**  
*Acting Chief Executive  
Officer*

**Cr Andrew Conlon**  
*Mayor*  
Mullum Mullum Ward

**ACTING EXECUTIVE  
MANAGER PEOPLE  
& GOVERNANCE**

*Kerryn Paterson*

**DIRECTOR CITY  
PLANNING**

*Angelo Kourambas*

**DIRECTOR ASSETS  
& ENGINEERING**

*Leigh Harrison*

**Cr Sophy Galbally**  
Mullum Mullum Ward

**Cr Michelle Kleinert**  
*Deputy Mayor*  
Heide Ward

**Cr Paula Piccinini**  
Heide Ward

**Cr Mike Zafiroopoulos AM**  
Koonung Ward

**Cr Paul McLeish**  
Mullum Mullum Ward

**Cr Anna Chen**  
Koonung Ward

**Cr Dot Haynes**  
Koonung Ward

**Cr Geoff Gough**  
Heide Ward

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**1 OPENING PRAYER AND STATEMENTS OF  
ACKNOWLEDGEMENT**

**2 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE**

**3 PRIOR NOTIFICATION OF CONFLICT OF INTEREST**

**4 CONFIRMATION OF MINUTES**

Confirmation of the Minutes of the Ordinary Meeting of Council held on 27 February 2018.

**5 PRESENTATIONS**




**6 PETITIONS**

**7 PUBLIC QUESTION TIME**

**8 ADMISSION OF URGENT BUSINESS**

## 9 PLANNING PERMIT APPLICATIONS

### 9.1 Planning Application PL17/027636 at 534-540 Doncaster Road, Doncaster for the use and development of the land for an eight-storey building over basement car parking, comprising a food and drink premises (café) and a retail premises at ground floor level and accommodation above, comprising a residential aged care facility and a retirement village

File Number:	IN18/59
Responsible Director:	Director City Planning
Applicant:	ARG Planning Pty Ltd
Planning Controls:	Activity Centre Zone, Schedule 1 (ACZ1); Development Contributions Plan Overlay, Schedule 1 (DCPO1); Parking Overlay, Schedule 1 (PO1)
Ward:	Koonung
Attachments:	<ol style="list-style-type: none"><li>1 Decision Plans <a href="#">↓</a> </li><li>2 Legislative Requirements <a href="#">↓</a> </li><li>3 Discussion Plans dated 14 February 2018 <a href="#">↓</a> </li></ol>

#### EXECUTIVE SUMMARY

##### Purpose

1. This report provides Council with an assessment of a planning permit application submitted for land at 534-540 Doncaster Road, Doncaster 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 is for the use and development of the land at 534-540 Doncaster Road, Doncaster for a maximum eight-storey building over basement car parking, comprising a food and drink premises and a retail premises at ground floor level and accommodation above, comprising a residential aged care facility and a retirement village (as defined by the *Retirement Villages Act 1986*). The proposal also incorporates the erection and display of business identification signage and alteration of access to Doncaster Road.
3. The land has a total area of 6,317 square metres. The proposal has a site coverage of 60.2%, a site permeability of 9.8% and a maximum building height of 22.05 metres, including a 3.65 metre high design element. A total of 161 car parking spaces are provided over two basement levels and a ground floor drop-off area, comprising 39 shared car parking spaces for the residential aged care as well as retail and café uses at lower ground floor, 119 car parking spaces for the retirement living component within the lower basement, and an additional three spaces within the front setback drop-off area at ground floor.

**Key issues in considering the application**

4. The key issues for Council in considering the proposal relate to:
  - policy (consistency with state and local planning policy);
  - design and built form;
  - on-site and internal amenity;
  - car parking, access, traffic, land adjacent to a Road Zone Category 1 and bicycle facilities; and
  - objector concerns.

**Objector concerns**

5. One objection has been received for the application to date, raising issues which are summarised as inappropriate vehicle access via Carawatha Road, which will exacerbate existing on-street car parking and traffic issues.

**Assessment**

6. The use and development of the land for an aged care facility and retirement living building is consistent with the relevant objectives of state and local planning policies of the Manningham Planning Scheme (the Scheme), including the requirements of the Activity Centre Zone 1 (ACZ) and supporting policy relating to the Doncaster Hill Principal Activity Centre. This proposal is the first of its kind within Doncaster Hill. The uses complement and support the strategic role of Doncaster Hill and contribute towards employment targets for the area. The use of the site for an aged care facility and a retirement village affords Doncaster Hill with a net community benefit that is fundamentally supported by policy. The aged care facility and retirement village support the key vision objectives of the ACZ, providing a high density, high-rise mixed-use development to meet growing community needs through innovative contemporary design.
7. The proposed development features a contemporary design, which presents a scale and design that creates a gateway building to Doncaster Hill and complements other high density developments that have been approved and developed in the vicinity. Whilst the proposed building exceeds the mandatory maximum building height by 0.4 metres and the design element height by 0.05 metres, these aspects will be made conditional of any permit to issue. The proposal also allows the building to provide an appropriate balance between maintaining a reasonable level of amenity for nearby properties and providing a reasonable level of on-site (internal) amenity for the future occupants of the building.

**Conclusion**

8. The relevant planning controls seek an intensive residential or mixed use development for the subject site. The proposed development, which includes a contemporary designed, high-density, mixed-use building in Doncaster Hill, complies with the various requirements of the ACZ as they relate to siting and building presentation which scales appropriately to surrounding development. This report concludes that the proposal complies with the relevant planning policy in the Scheme and should be supported, subject to conditions requiring design changes to the building and the submission of management plans for Council approval.
9. It is recommended that the application be supported, subject to conditions.

**1. RECOMMENDATION**

That Council:

**A. Having considered the objection issue a NOTICE OF DECISION TO GRANT A PERMIT in relation to Planning Application PL17/027363 at 534-540 Doncaster Road, Doncaster for the use and development of the land for a maximum eight-storey building over basement car parking, comprising a food and drink premises (café) and a retail premises at ground floor level and accommodation above, comprising a residential aged care facility and a retirement village (as defined by the *Retirement Villages Act 1986*), the erection and display of associated business identification signage and alteration of access to a road in a Road Zone, Category 1 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 Clarke Hopkins Clarke, Revision C dated 22 November 2017, but modified to show the following:**

**Design and built form**

- 1.1 Demonstrate the maximum building height (excluding the design element) does not exceed 18 metres above natural ground level at any given point;**
- 1.2 Demonstrate the maximum height of the design element does not exceed 21.6 metres above natural ground level at any given point;**
- 1.3 Relocation and reorientation of the design element to the south in accordance with the amended discussion plan, Revision D dated 14 February 2018;**

**Boulevard treatment and Doncaster Road frontage**

- 1.4 Details of the boulevard treatment (including paving materials) along Doncaster Road, in accordance with the Doncaster Hill Strategy, generally in accordance with the amended discussion plan, Revision D dated 14 February 2018;**
- 1.5 Provide the Doncaster Hill pedestrian boulevard pavement treatment over the ingress/egress to reinforce pedestrian priority in accordance with the amended discussion plan, Revision D dated 14 February 2018;**
- 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 The notation regarding the relocation of the light pole to be amended to refer to its replacement with the Doncaster Hill standard pole, bracket and luminaire;

**Car parking, access and basement areas**

- 1.8 Each of the three drop-off car parking spaces at ground floor widened to 2.9 metres in accordance with the amended discussion plan, Revision D dated 14 February 2018;
- 1.9 The use of convex mirrors at the top and bottom of ramps where visibility may be limited around a corner;
- 1.10 A bicycle parking allocation schedule that incorporates employees, retirement village residents and visitors;
- 1.11 Allocation of storage to each lodging room of the retirement village;
- 1.12 Details (type, materials, dimensions and volume) for each storage area enclosure and confirmation that each will be secure;
- 1.13 Provision of wheel stops to car spaces 33 and 37;

**Design detail**

- 1.14 The plastic mod-wood substituted with a high quality timber-look aluminium;
- 1.15 The detail of the twisted wave-form timber awning that is applied to the Doncaster Road frontage to be further developed or substituted for a more appropriate material, demonstrating it can be reliably constructed;
- 1.16 The business identification signage wording strengthened, with a cross-section detail showing the three-dimensionality of the signage lettering;

**Other**

- 1.17 Screening details and cross-section plans, as required, to demonstrate how overlooking will be limited within a 9 metre radius from balconies and habitable room windows to the adjoining development (that is under construction) at 23 Carawatha Road, Doncaster.
- 1.18 A schedule listing all sustainability features / commitments applicable to the approved development, as described in the approved Sustainability Management Plan, and including the provision of third pipe.



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

#### **Endorsed Plans**

2. The development and use 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 (SMP) must be submitted to and approved by the Responsible Authority. When approved the Plan will form part of the permit. The recommendations of the Plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the occupation of any dwelling. The Plan must be generally in accordance with the plan prepared by ADP Consulting dated 31 July 2017, but modified to show the following:
  - 4.1 Reference to the Doncaster Hill Sustainability Guidelines;
  - 4.2 Include installation of the mandatory Yarra Valley Water 3<sup>rd</sup> pipe for recycled water for toilet, laundry and irrigation.

**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 (WMP) prepared by Leigh Design dated 14 December 2016.

**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 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 acoustic report prepared by Acoustic Logic dated 3 November 2017 but be modified to reflect any changes shown on plans endorsed under this permit or other conditions of this 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 Access to the lifts;

7.3 The provision of tactile indicators;

7.4 The provision of braille indicators for the lifts;

7.5 The use of contrasting paving materials to assist the vision impaired;

7.6 All emergency exits; and

7.7 Basement car parking.

**Management Plan Compliance**

8. The Management Plans approved under Conditions 3, 4 and 5 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 uses start, 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.
10. Before the development starts, 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 the majority of persons residing in the development are retired persons as defined by the *Residential Villages Act 1986*. The Section 173 Agreement must be registered on title. It is further required that this agreement must be registered at the Office of Titles pursuant to Section 181 of the *Planning and Environment Act 1987*. This agreement must be prepared and executed at the owner's expense.

#### Completion

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

#### Landscape Plan

14. Before the development starts, 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 Hansen Partnership, dated 21 August 2017, but modified to show:
  - 14.1 The existing and proposed street trees within the road reserve of Carawatha Road;

- 14.2 Species, locations, approximate height and spread of proposed planting;
  - 14.3 Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;
  - 14.4 Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;
  - 14.5 A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;
  - 14.6 Details of the site frontage to Doncaster Road, including the location of any bicycle parking, ramps, planter bed and surface materials, to demonstrate how this area will function and be maintained to ensure a purposeful interaction with the public realm;
  - 14.7 All canopy trees and screen planting to be at least 1.5 metres in height at the time of planting, with the exception of trees within the Doncaster Road boulevard, which must be at least 3.5 metres in height at the time of planting;
  - 14.8 A section plan detailing the irrigation and drainage of the terrace and balcony landscape areas;
  - 14.9 Details of the raingarden, including maintenance details;
  - 14.10 Tree Protection Zones and recommendations notated on plan for trees on adjoining properties, as derived from the Arborist report prepared by Stem Arboriculture, dated 9 June 2017, and the addendum dated 23 November 2017, in conjunction with a notation referring to the requirements of Condition 18 of this permit.
15. Before the commencement of the development, an appropriate sculptural piece must be selected/commissioned in consultation with the Responsible Authority, the cost of which is to be borne by the developer.
  16. Any dead, diseased or damaged plants must be replaced as soon as practicable, to the satisfaction of the Responsible Authority.

#### **Landscape Bond**

17. 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.

**Tree Protection**

18. Unless the removal of vegetation on the adjoining property is agreed to in writing by the adjoining property owner, the vegetation must be retained to the satisfaction of the Responsible Authority by providing appropriate tree protection zones in accordance with the Arborist report prepared by Stem Arboriculture, dated 9 June 2017, and the addendum dated 23 November 2017.
19. All trees shown as retained on the endorsed Site Plan must be protected by Tree Protection Fencing (TPF) to form an appropriate and effective Tree Protection Zone (TPZ) or Vegetation Protection Zone (VPZ), to the satisfaction of the Responsible Authority.
20. All Tree Protection Zones on the subject land must be:
  - 20.1 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;
  - 20.2 Constructed in accordance with Australian Standard (4970-2009) titled "Protection of trees on development sites", and clearly marked "no-go zone/vegetation protection zone".
21. The following actions must not be undertaken in any Vegetation Protection Zone as identified on the approved plan, to the satisfaction of the Responsible Authority:
  - 21.1 The storage of materials or equipment;
  - 21.2 The disposal of any contaminated waste water;
  - 21.3 The use of a tree for temporary attachment of wiring or such like;
  - 21.4 Open cut trenching, or excavation works (whether or not for the laying of services);
  - 21.5 Changes to the soil grade level.

**Stormwater – On-site detention (OSD)**

22. 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:
  - 22.1 Be designed for a 1 in 5 year storm; and
  - 22.2 Storage must be designed for 1 in 10 year storm.

**Construction Plan (OSD)**

23. Before the development starts, a construction plan for the system required by Condition 22 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**

24. 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.
25. 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.

**On-site car parking and bicycle parking**

26. The areas set aside for the parking of vehicles, together with the aisles and access lanes as delineated on the endorsed plans must:
- 26.1 be completed and line-marked to the satisfaction of the Responsible Authority prior to the commencement of the development hereby permitted;
  - 26.2 be used for no other purpose and maintained at all times to the satisfaction of the Responsible Authority;
  - 26.3 be drained and sealed with an all-weather seal coat where appropriate.
27. Staff and visitor car parking spaces must be clearly lined-marked and signed and must not be used for any other purpose, to the satisfaction of the Responsible Authority.
28. All bicycle parking must be maintained and not be used for any other purpose, to the satisfaction of the Responsible Authority.

**Commercial Uses (Retail and food and drink premises)**

29. The uses must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
30. All delivery and collection of goods associated with the retail premises must be conducted within the subject land and within the operating hours approved under this permit.

31. 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.
32. The shop fronts for the retail and food and drink premises (which face Doncaster Road) must not be covered by promotional or other film or signage that reduces transparency of the interface, to the satisfaction of the Responsible Authority.
33. The operators of the commercial premises must ensure that all on-site activities are conducted in an orderly manner and must endeavour to ensure that patrons / customers who depart the premises late at night, do so in a manner not likely to cause noise disturbances to nearby residents and residents in the building, and in accordance with any approved car parking operation approved under another condition of this permit.
34. The exhaust system to the food and drink premises must be fitted with filter devices capable of minimizing the external emission of odours and airborne fat particles and be maintained to the satisfaction of the Responsible Authority.
35. The use of the land must not adversely affect the amenity of the neighbourhood, including through:
  - 35.1 the transport of materials, goods or commodities to or from the land;
  - 35.2 the appearance of any buildings, works or materials; and
  - 35.3 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.
36. 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.

#### **Development Contribution**

37. Prior to the completion of the development, a Development Contribution as agreed by the Responsible Authority in accordance with Clause 45.06 Development Contributions Plan Overlay Schedule 1 – Doncaster Hill Development Contributions Plan must be paid to the Responsible Authority.

**Lighting**

38. External lighting must be designed so as to minimise loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority.
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.

**General**

40. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
41. A centralised TV antenna to the aged care facility and to the retirement village must be installed and connections made to each lodging room/residence to the satisfaction of the Responsible Authority.
42. No individual dish antennae may be installed on the overall building to the satisfaction of the Responsible Authority.
43. If allowed by the relevant fire authority, external fire services must be enclosed in a neatly constructed, durable cabinet finished to complement the overall development, or in the event that enclosure is not allowed, associated installations must be located, finished and landscaped to minimise visual impacts from the public footpath in front of the site to the satisfaction of the Responsible Authority.
44. Once the permitted development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
45. Buildings, engineering works, fences and landscaped areas must be maintained to the satisfaction of the Responsible Authority.
46. Any external clothes drying facilities must be appropriately designed and must not be visible from the street.

**Department of Transport**

47. The permit holder must take all reasonable steps to ensure that disruption to bus operation within the bus lanes along Doncaster Road are kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria a minimum of 8 years prior. The permit holder must notify PTV by either calling 1800 800 007 or email [customerservice@ptv.vic.gov.au](mailto:customerservice@ptv.vic.gov.au).



**VicRoads**

48. Prior to the commencement of works, amended plans to the satisfaction of VicRoads must be submitted to the Responsible Authority for endorsement. Once endorsed, the plans will form part of this permit. The amended plan(s) shall show:
- 48.1 A fully dimensioned functional layout plan, generally as per 150153/TP10,
  - 48.2 Any new tree along Doncaster Road will have adequate safety clearance to the edge of the through traffic lane and the edge of the left-turn deceleration lane.
  - 48.3 Works incidental to the construction of the left turn lane and the realignment of the foot path along the site frontage such as but not limited to the relocation of power pole(s), signs and modifications to drainage assets etc.
49. Prior to the commencement of any roadworks, the applicant must submit the detailed engineering design plans along with detailed design stage road safety audit to VicRoads for review and obtain written approval. The detailed design plans must be prepared generally in accordance with the approved functional layout plan and functional stage road safety audit;
50. Prior to the commencement of the use or the occupation of the buildings or works hereby approved, the access crossover and associated works, including service relocation, must be provided and available for use to the satisfaction and at no cost to VicRoads and the Responsible Authority.
51. Where the roadworks, including footpath and nature strip, lie within private property, a widening of the road reserve will be required, at no cost to VicRoads. The developer must engage a licensed surveyor to prepare a Plan of Subdivision showing the affected land labelled "ROAD", which is to be vested in the Roads Corporation upon certification of the Plan of Subdivision, without any encumbrances. Subsequent to the registration of the plan, the subdivider must ensure that the original Certificates of Title that issue in the name of the Roads Corporation, are posted to: VicRoads - Property Services Department, 60 Denmark Street KEW, 3101.

**Permit Expiry**

52. This permit will expire if one of the following circumstances applies:
- 52.1 The development is not started within four (4) years of the date of this permit; and
  - 52.2 The development is not completed within eight (8) years of the date of this permit.

**52.3 The uses are not commenced within 2 (2) years of the development being completed.**

**52.4 The signs expire fifteen (15) years after the date of this permit.**

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

**VicRoads Notes**

- 1. The preparation of functional layout plans, detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current VicRoads' policy, procedures and standards and at no cost to VicRoads. In order to meet VicRoads' requirements for these tasks the applicant will be required to comply with the requirements documented as "Standard Requirements – Externally Funded Projects" and any other requirements considered necessary depending on the nature of the work.**
  - 2. Functional layout plans may need to be amended to accommodate any changes that may arise during the detailed design stage review; in response to the road safety audit; in relation to services and their relocation; vegetation; drainage; treatment of hazards within clear zones and other matters.**
  - 3. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.**
- B. Conduct further research into the traffic and car parking conditions along Carawatha Road and surrounding streets, with a view to developing an area-wide traffic management scheme to address anticipated increases in traffic volumes from potential future developments along and around Carawatha Road.**

**2. BACKGROUND**

- 2.1 A pre-application advice request was submitted to Council on 11 April 2017.**
- 2.2 The proposal was presented to the Sustainable Design Taskforce meeting on 27 July 2017.**
- 2.3 The application was submitted to Council on 29 August 2017.**
- 2.4 A request for further information was sent on 26 September 2017 and raised preliminary concerns with the submitted proposal relating to the boulevard treatment along Doncaster Road, the location of the design element, building setbacks, vehicle access and amenity.**
- 2.5 All requested further information was received by Council on 23 November 2017.**

- 2.6 Notice of the application was given over a four-week period which concluded on 9 January 2018.
- 2.7 The statutory time for considering a planning application is 60 days, which lapsed on 19 February 2018.
- 2.8 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 southern side of Doncaster Road, approximately 130 metres east of the intersection with Carawatha Road, Doncaster, and has a rear abuttal to Carawatha Road.
- 3.2 The site has a frontage width of 64.01 metres, an eastern side boundary total length of 96.32 metres, with a 5.18 metre long return, a 69.19 metre long Carawatha Road frontage width and a western side boundary length of 96.32 metres. The site has a total area of 6,317 square metres.
- 3.3 A single-storey commercial building presently occupies the site, accessible from a deceleration lane to a central driveway. The building is used as a restaurant, positioned in the north-western corner of the site, with the remainder of the site provided as bitumen car park.
- 3.4 The site is affected by a 1.83 metre wide drainage and sewerage easement in favour of Yarra Valley Water. The easement bisects the property centrally, on an east-west axis. The easement is not registered on title.
- 3.5 The topography falls approximately 4 metres from the north-eastern corner (Doncaster Road frontage) to the rear south-eastern corner of the site, with up to a 3 metre cross-fall to the west.
- 3.6 Site trees are generally of low to medium retention value, with the exception of two trees with high retention value. Tree 54 is an indigenous *Eucalyptus camaldulensis* (River Red Gum) and Tree 57 is a planted *Corymbia maculate* (Spotted Gum). The trees are located towards the south-western corner of the site.
- 3.7 The site is open to Doncaster Road. The eastern and western boundaries are enclosed by 2.3 metre high horizontal board fences and the southern boundary is enclosed by a 2.5 metre high brick wall that is generally offset from the boundary. There is currently no direct access available to Carawatha Road.

#### The Surrounds

- 3.8 The site directly abuts one property to the east and two properties to the west.
- 3.9 The property to the east at 546 Doncaster Road comprises a two-storey commercial building for a restaurant on a 4,107 square metre lot, with a 23 metre street setback and car parking around its perimeter. Some landscaping provides a buffer from the building to the street.

- 3.10 The property to the north-west at 532 Doncaster Road comprises a single-storey medical centre on a 765 square metre lot, with a 6.6 metre street setback, an approximately 2 metre setback from the common boundary and car parking provided at the rear.
- 3.11 The property to the south-west at 23 Carawatha Road is a 797 square metre lot with a three-storey apartment building with basement car parking currently under construction, which was approved by planning permit PL12/023246 on 20 June 2013. Endorsed plans for the development show one habitable room window at ground floor setback 1.015m from the common boundary, one habitable room window and balcony at first floor setback 2.215 metres from the common boundary, and one habitable room window at second floor setback 4.364 metres from the common boundary, with a balcony within this setback.
- 3.12 To the north of the site is Doncaster Road, an arterial road with three lanes of traffic in both directions. On-street car parking is restricted with a 'Clearway' sign.
- 3.13 To the south of the site is Carawatha Road, a local road with one unmarked lane in both directions. There are no parking restrictions in the vicinity of the site on the northern side of the road, however there is a two hour parking restriction on the southern side.
- 3.14 The character of the broader area is mixed, with commercial uses to the east and north along Doncaster Road (within the ACZ) and existing housing stock to the south and west. Tullamore estate is located diagonally opposite, to the north-west.
- 3.15 The subject site is located within the Doncaster Hill Principal Activity Centre. The Activity Centre spans along the main arterial roads (Doncaster Road, Tram, Elgar and Williamsons Road corridors) and forms a central hub of residential, commercial, retail and recreational facilities. It is apparent that the area is changing in line with Council's vision, evidenced by the construction of several residential apartment towers within the precinct. The subject site is a gateway site that is located at the south-western end of the ACZ, with surrounding land to the north and east also zoned ACZ. Land to the west along Doncaster Road is zoned Residential Growth, while land to the south and west along Carawatha Road is zoned General Residential.
- 3.16 In terms of public transport, the subject site is well serviced by bus routes operating along Doncaster Road, connecting activity centres and residential areas within the municipality to Melbourne's Central Activity District. Major bus interchanges are situated within the Westfield Doncaster complex within 1 kilometre walking distance to the north-east, and the Doncaster Park and Ride 1.2 kilometres to the west. In addition to having access to the numerous retail, restaurant and entertainment venues within the Shopping Centre, which itself is within 800 metres walking distance, the site is well serviced by other community and local facilities including Carawatha Reserve directly south, future parkland at Tullamore Estate, MC Square, Doncaster Primary and Doncaster Secondary College.

#### 4. THE PROPOSAL

4.1 It is proposed to clear the site to use and develop the land for two primary purposes, an aged care facility and a retirement village. To Doncaster Road, a five-storey residential aged care facility is proposed, accommodating 128 lodging rooms. This component also incorporates a food and drink premises and a retail premises at ground floor. To Carawatha Road, a part six, part eight-storey retirement village is proposed, accommodating 74 independent living units. Signage is proposed at ground level and on the front podium to Doncaster Road and at ground level to Carawatha Road. A permit is also required for the creation and alteration of access to Doncaster Road.

##### Submitted plans and documents

4.2 The proposal is outlined on the plans prepared by Clarke Hopkins Clarke, Revision C dated 22 November 2017 and landscape plans prepared by Hansen Partnership, dated 21 August 2017. Refer to Attachment 1.

4.3 The following reports were submitted to support the application:

- Planning report prepared by ARG planning, dated November 2017;
- Additional plans to respond to the Better Apartment Design Standards were also prepared by Clarke Hopkins Clarke, dated 20 February 2018.
- Waste management plan prepared by Leigh Design, dated 14 December 2016;
- Traffic report prepared by Cardno, dated 22 August 2017, updated 27 February 2018;
- Sustainability management report prepared by ADP Consulting, dated 31 July 2017;
- Daylight assessment report prepared by ADP Consulting, dated 3 November 2017;
- Acoustic report prepared by Acoustic Logic, dated 3 November 2017; and
- Arborist report prepared by Stem Arboriculture, dated 9 June 2017, and an addendum dated 23 November 2017.

##### Development summary

4.4 A summary of the development is provided as follows:

Land Size:	6,317m <sup>2</sup>	Tower Height:	18.4m, exceeds mandatory 18m
Site Coverage:	60.2%	Design Element Height:	3.65m, exceeds mandatory 3.6m
Permeability:	9.8%	Maximum Building Height:	22.05m
Number of lodging rooms (aged care)	128	Street setback to Doncaster Road (north)	Basement – 10m <u>Aged Care:</u> Ground floor – 10.85m Podium (1-2) – 10m Tower (3-4) – 18m

Number of independent living units (retirement village):	74	Setback to eastern boundary	Basement – 2.5m  <u>Aged Care:</u> Ground floor – 6m Podium (1-2) – 6m Tower (3-4) – 6m  <u>Retirement Living:</u> Lower ground – 4.01m Levels 1-6 – 4.01m Design element – 4.82m
• 1 bedroom:	8	Setback to Carawatha Road	<u>Retirement Living:</u> Basement – 5m Lower ground – 5m Levels 1-2 – 6m Levels 3-5 – 8m Level 6 – 10.768m Design element – 22.06m
• 2 bedrooms:	57	Setback to western boundary	Basement – 0m Lower ground – 5.5m Levels 1-4 – 5.5m Level 5 – 8m
• 3 bedrooms:	9	Total car parking spaces:	161
Total retail floor area:	215m <sup>2</sup>	• Aged care • Retail/restau rant spaces:	38 18
Food and drink floor area:	274m <sup>2</sup>	• Retirement living spaces:	97

### Design layout

- 4.5 The 128 lodging rooms of the five-storey aged care building fronting Doncaster Road are arranged in groups of eight, consisting of 32 rooms per level, together over four levels. Each resident is provided with their own bedroom and ensuite, with shared living, dining and kitchen facilities. Each room is provided with an external balcony or terrace varying from 7 to 62 square metres. Typically, residents tend to have high care needs, with many residents requiring staff assistance to move. Other communal facilities include a 316 square metre terrace at Level 3 and two 129 square metre courtyards at level 1. Additional facilities for residents at ground level include a cinema, worship space, hair and beauty salon and gym. Also at ground floor are publically accessible areas including a 274 square metre café with outdoor dining and a 215 square metre retail premises.

- 4.6 The part six, part eight-storey retirement village building to Carawatha Road is designed to form two separate wings. It contains a total of 74 independent living units, comprising eight one-bedroom units, 57 two-bedroom units and nine three-bedroom units. There are 14 different layout types, which vary from 63 square metres to 134 square metres. Ground floor communal facilities for residents of the retirement village include a 221 square metre central garden, a dining room and lounge, and activities rooms. At level 7, a design element is provided on the eastern wing, comprising a roof garden, communal dining area, a men's shed and art and craft room.

#### **Pedestrian and vehicle access and layout**

- 4.7 Two separate pedestrian entries are provided, a central access point to the aged care facility at the Doncaster Road frontage, and a central access point to the retirement village at the Carawatha Road frontage. Each entry has a sense of address via an airlock and foyer leading to lift access.
- 4.8 Similarly, two separate vehicle access points are provided. The existing Doncaster Road crossover is relocated to the western end of the frontage, together with the extension to the existing deceleration lane. This leads to a 6.35 metre wide ramp to the lower ground basement entry. This basement level directly serves the aged care facility and the café and retail premises. A new crossover is proposed to the western end of the Carawatha Road frontage. This leads to a 6.1 metre wide ramp to the lower basement level entry. This lower basement level directly serves the retirement village. At each basement level, a loading bay is provided together with storage, including for bicycles and waste. An internal ramp provides access between the two basement levels.
- 4.9 A total of 161 car parking spaces are provided within the development, including 39 spaces within the lower ground basement level with direct access to Doncaster Road, an additional three spaces provided for 'drop off' at ground level, and 119 spaces within the lower basement level with direct access to Carawatha Road.

#### **Landscaping**

- 4.10 Canopy trees are proposed within the frontage to Doncaster Road to realise a boulevard treatment and also along the frontage of Carawatha Road. Screen planting is proposed along the side boundaries. Communal areas are to be landscaped and provided with seating at levels 1, 3 and the roof garden.

#### **Design detail**

- 4.11 The proposed building features a contemporary architectural design, which seeks to activate both frontages. The aged care facility provides a stone clad façade with substantial glazing, includes vertical garden elements and a feature timber batten canopy across the building façade. The retirement living building features eastern and western wings with a central garden and light court feature and central entrance. The eastern wing is two levels higher than the western wing to create a transition to the western adjoining properties. The design provides for a podium element with tower levels featuring a wrap-around white metal balcony elements contrasting with darker wall cladding, with vertical garden elements to lower levels.

- 4.12 Business identification signage is proposed to be located at ground level beside the entrances on Doncaster Road and Carawatha Road, with an additional sign on the podium to Doncaster Road.

## 5. LEGISLATIVE REQUIREMENTS

- 5.1 Refer to Attachment 2.
- 5.2 A permit is required under the following Clauses of the Manningham Planning Scheme:
- Clause 37.08-6 (Activity Centre Zone, Schedule 1), a permit is required to construct a building or construct or carry out works, to use the land for accommodation (a residential aged care facility and a retirement village), a food and drink premises and a retail premises.
  - 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 alteration of access to Doncaster Road, it is a statutory requirement to refer the application to VicRoads as a determining referral authority.
- 6.2 VicRoads have no objection subject to conditions being included on any permit issued which relate to the provision of a functional layout plan and trees within the nature strip between the kerb and channel and the footpath to be deleted. The deletion of these trees conflicts with the required boulevard treatment. Officers have discussed this matter with VicRoads who state they would agree to trees within this location, without amending their written response. Previous applications have negotiated a compromise providing for adequate safety clearance. Officers have advised VicRoads that the condition will be modified in line with a previously agreed outcome within Doncaster Hill (**Condition required**).
- 6.3 As the proposal involves a residential building and a retirement village, each comprising more than 60 dwellings/lodging rooms, it is a statutory requirement to refer the application to Public Transport Victoria as a determining referral authority.
- 6.4 Public Transport Victoria has no objection subject to a condition on any permit issued requiring the permit holder take all reasonable steps to ensure that disruption to bus operation along Doncaster Road is minimised during construction.

### Internal

- 6.5 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"> <li>• There is adequate point of discharge for the site. All runoff is to be directed to the point of discharge (<b>Condition required</b>).</li> <li>• Provide an on-site stormwater detention system (<b>Condition required</b>).</li> </ul>
Engineering & Technical Services Unit – Vehicle Crossing	<ul style="list-style-type: none"> <li>• A “Vehicle Crossing Permit” is required.</li> </ul>
Engineering & Technical Services Unit – Access and Driveway	<ul style="list-style-type: none"> <li>• Adequate sight lines are available from the exit lane.</li> <li>• 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.</li> </ul>
Engineering & Technical Services Unit – Traffic and Car Parking	<ul style="list-style-type: none"> <li>• Access via Doncaster Road to the Aged Care facility is satisfactory but there are concerns regarding the use of Carawatha Road as access for the independent living car park.</li> <li>• Carawatha Road is approximately 675 metres long and 7 metres wide, connects to Doncaster Road at either end of the road and carries in the order of 740 vehicles per day. It provides access to residential dwellings as well as commercial premises. On-street parking is available along both sides of the road.</li> <li>• The Traffic and Transport Assessment report prepared by Cardno for this development indicates that the proposed residential traffic would cause increased traffic volumes along Carawatha Road, including other neighbouring roads which could be used to access the Eastern Freeway via Elgar Road. There is concern regarding the road safety implications of elderly persons undertaking right turns from Carawatha Road onto Elgar Road to access the Freeway. Elgar Road is a busy arterial road and finding a gap between the two streams of opposing traffic to negotiate a right turn could pose a safety issue. The anticipated additional traffic from the development along Carawatha Road during the AM and PM peak hour traffic are considered to be within acceptable limits for the function of the road in the context of the street network. While it is recognised that the increased traffic volume and traffic impact is not significant, it is acknowledged that this development is the first to occur along this road and the proposal to gain access to the site via Carawatha Road could set a precedent for future developments along the street.</li> </ul>

Service Unit	Comments
	<ul style="list-style-type: none"> <li>Accordingly, it would be prudent for Council to re-examine the traffic and parking conditions along this and surrounding streets, with a view to developing an area-wide traffic management scheme to address anticipated increases in traffic volumes from potential future developments along Carawatha Road (<b>Recommendation B</b>).</li> </ul>
Engineering & Technical Services Unit – Car Parking Layout	<ul style="list-style-type: none"> <li>The car parking layout is generally satisfactory, with the exception of the spacing of car spaces 33 and 37 in relation to space 34, which need to be addressed with wheel stops (<b>Condition required</b>).</li> </ul>
Engineering & Technical Services Unit – Construction Management	<ul style="list-style-type: none"> <li>A construction management plan is required (<b>Condition required</b>).</li> </ul>
Engineering & Technical Services Unit – Waste	<ul style="list-style-type: none"> <li>Private waste collection will be required within the development.</li> <li>No private waste contractor bins can be left outside the property boundary for any reason.</li> <li>A final Waste Management Plan needs to be approved as part of the permit (<b>Condition required</b>).</li> </ul>
Engineering & Technical Services Unit – Easements	<ul style="list-style-type: none"> <li>Build over easement approval is not required.</li> </ul>
Strategic Projects Unit – Sustainability	<p>The following amendments to the submitted Sustainability Management Plan are required before approval (<b>Condition required</b>):</p> <ul style="list-style-type: none"> <li>Reference should be made to the Doncaster Hill Sustainability Guidelines (<b>Condition required</b>).</li> <li>The Sustainability Management Plan must be amended to include installation of a 3<sup>rd</sup> pipe for recycled water for toilet, laundry and irrigation (<b>Condition required</b>).</li> <li>The applicant needs to contact YVW directly for further information on the impact of the third pipe on the proposed sustainability features of the development, particularly the proposed large rainwater tanks.</li> </ul>
City Strategy Unit – Urban Design	<p><u>Material substitutions</u></p> <ul style="list-style-type: none"> <li>A plastic mod-wood product will not be accepted as an appropriate substitute for natural timber for external use on this building. High quality timber-look laminated aluminium will be an acceptable substitute for timber for use on this development (<b>Condition required</b>).</li> </ul>

Service Unit	Comments
	<p><u>Setbacks</u></p> <ul style="list-style-type: none"> <li>The podium and tower setbacks appear to meet the setback requirements for this sub-precinct.</li> </ul> <p><u>Articulation</u></p> <ul style="list-style-type: none"> <li>The building elevations are suitably articulated and adequate prominence has been given to the building entrances.</li> <li>The twisted wave-form timber awning on the Doncaster Road frontage of the building is an elegant way of highlighting the Doncaster Road building entrance and providing shade protection. However, the construction detail for this element that indicates '150 x 50mm stained timber slats' that are, in some cases, more than 5 metres long and fixed to a timber frame at the top and bottom. The detail of this element needs to be further developed or a more appropriate material proposed (<b>Condition required</b>).</li> </ul> <p><u>Sculpture</u></p> <ul style="list-style-type: none"> <li>The inclusion of a public art element in the Doncaster Road setback of the development is encouraged and supported. Council is required to be involved in the selection / commissioning of an appropriate piece (<b>Condition required</b>).</li> </ul> <p><u>Relocated light pole</u></p> <ul style="list-style-type: none"> <li>The development proposes the relocation of an existing light pole. The development should include the replacement of this with the Doncaster Hill standard pole, bracket and luminaire (<b>Condition required</b>).</li> </ul> <p><u>Boulevard</u></p> <ul style="list-style-type: none"> <li>The Doncaster Hill pedestrian boulevard pavement treatment should be provided over the Doncaster Road ingress / egress to reinforce pedestrian priority. The existing splitter island may need to be redesigned and a pavement header course and bollards incorporated to warn pedestrians of the potential conflict (<b>Condition required</b>).</li> <li>The landscape plan shows the boulevard treatment is, in many places, less than the 3.6m wide requirement. The full 3.6m wide boulevard must be provided (<b>Condition required</b>).</li> </ul>

Service Unit	Comments
	<p><u>Signage</u></p> <ul style="list-style-type: none"> <li>Plans and details indicate that the building signage will have ‘thickness’ / depth. The wording in relation to these elements should be strengthened and that a cross-section detail be provided to show the three-dimensionality of the signage lettering (<b>Condition required</b>).</li> </ul> <p><u>Utility cabinets</u></p> <ul style="list-style-type: none"> <li>Plans and elevations indicate that utility cabinets and the water meter will be positioned behind low walls on the Doncaster Road frontage of the development. Further detail in relation to the scale and screening of these elements is required (<b>Condition required</b>).</li> </ul> <p><u>Landscaping</u></p> <ul style="list-style-type: none"> <li>The landscape plan should show existing and proposed street trees in Carawatha Road (<b>Condition required</b>).</li> <li>More detail is required in relation to the irrigation and drainage of the proposed terrace and balcony landscape areas (<b>Condition required</b>).</li> </ul>
City Strategy Unit – Doncaster Hill	<ul style="list-style-type: none"> <li>This site is located at the western gateway entrance to Doncaster Hill. Clarify nature and size of the ‘gateway sculpture’ that is proposed to mark the gateway entry point. It is unclear whether the sculpture will be visible/make a significant statement, particularly as the location proposed is not at the far western corner of the building (the entry point to Doncaster Hill). A condition requires the commissioning and selection of the sculpture with input from Council (<b>Condition required</b>).</li> <li>Support housing diversity and use of the land for a retirement village and residential aged care, particularly as there is a 29% forecast increase in people aged over 50 by 2036 (Source: .id 2016 Census data). The mix of uses caters both for residents who seek independent living and older residents with higher care needs.</li> <li>Creation of employment generating uses is consistent with the Doncaster Hill Strategy vision. This project has the potential to generate a significant number of local jobs, in a specialised field where there is a chronic shortage of jobs of this nature in Doncaster Hill.</li> </ul>

Service Unit	Comments
	<ul style="list-style-type: none"> <li>• Provision of café with outdoor seating for residents and visitors at ground level will significantly improve site amenity, create an activated boulevard frontage and provide an easily accessible gathering place for existing residents in Precincts 6 and 7, future residents and residents of the Tullamore Estate.</li> <li>• Commercial and retail uses and food and drink premises will provide an alternative offering to Westfield and will cater for both residents and neighbouring local business employees.</li> <li>• There is a good provision of shared spaces accessible to all residents to encourage social interaction, i.e. roof gardens, men's shed, communal dining facilities.</li> </ul>

## 7. CONSULTATION / NOTIFICATION

- 7.1 Notice of the application was given over a four-week period which concluded on 9 January 2018, by sending letters to nearby properties and displaying two large signs on site.
- 7.2 One objection has been received from 2 Attunga Court, Doncaster.
- 7.3 The grounds of objection are summarised as inappropriate access to Carawatha Road, which will exacerbate existing on-street car parking and traffic issues.
- 7.4 A response to the grounds of objection are included in the assessment section of this report (at section 8.51).

## 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 Scheme.
- 8.2 The following assessment is made under the headings:
- State and Local Planning Policy Frameworks (SPPF and LPPF);
  - Design and built form;
  - On-site and internal amenity;
  - Car parking, access, traffic, land adjacent to a Road Zone Category 1 and bicycle facilities; and
  - Objector concerns.

**State and Local Planning Policy Frameworks (SPPF and LPPF)**

- 8.3 Key objectives of the SPPF and LPPF seek to intensify activity centres as a focus for high-quality development and encourage increased activity and density as a way to achieve broader urban consolidation objectives.
- 8.4 At both the SPPF and LPPF levels, policy emphasises the need for mixed use development with a focus on high density residential development in the Doncaster Hill Activity Centre, in which the site is located. The use of the site for the purpose of an aged care facility and a retirement village, in conjunction with a retail and food and drink premises is appropriate within the zoning of the land and the strategic context of the site. The site's location places it within very good proximity to access to public transport and existing services.
- 8.5 Council has, through its policy statements throughout the Planning Scheme, sought to implement this policy as it relates to Doncaster Hill at Clause 21.09 through the ACZ.
- 8.6 Within the Doncaster Hill Principal Activity Centre there are various precincts delineated in accordance with their topographic orientation and aspect on Doncaster Hill, their relationship to main roads, and their present and future uses. The site, together with all land on the south side of Doncaster Road west of Tram Road, is within Precinct 7.
- 8.7 Under the ACZ1, the subject site is located in Precinct 7D, which is exclusive to this property. The relevant objectives for Precinct 7D (Clause 5.7-2) are:
- *To encourage an appropriate mix of residential and commercial uses in the precinct.*
  - *To create a vibrant and commercially viable mix of uses, generally on smaller allotments than is proposed for precincts located further east in Doncaster Hill.*
  - *To ensure that the precinct has ready access to well designed public open space.*
  - *To improve pedestrian access through this precinct to Doncaster Road from the residential land to the south.*
  - *To create a landmark gateway building at the eastern and western ends of the precinct.*
- 8.8 The proposed land uses are fundamentally supported by the ACZ as they will provide for a vibrant range of mixed uses to support the strategic role of the Doncaster Hill Principal Activity Centre and increase the provision of housing for sectors of the community that have not yet been purposefully provided for within Doncaster Hill. The proposal provides necessary uses within a building in a location that is highly accessible to the community that is consistent with the vision for the Doncaster Hill area. In particular, it supports the key vision objectives, which encourage high density, high-rise mixed-use development to meet growing community needs through innovative contemporary design.

- 8.9 The non-residential uses are located at ground level and front Doncaster Road. These uses also takes advantage of the sites northern aspect, and are therefore well located to activate the public realm. These uses are consistent with the objective of the ACZ which seeks to encourage commercial and small-scale retail uses at the lower level of buildings, with high-density apartment style residential development on upper levels.

### **Design and built form**

- 8.10 The ACZ sets a number of mandatory and preferred maximums/minimums for buildings within the Activity Centre. These mainly relate to the scale of the development, such as height and setback distances. The requirements establish a three dimensional building envelope for each site.

- 8.11 The following assessment identifies and considers these mandatory and preferred requirements from the ACZ, as outlined at Clause 4.4 (Design and Development), as well as the decision guidelines at Clause 8.0:

#### Building Height

- 8.12 The maximum building height is a mandatory requirement that cannot be varied. The maximum building height permitted for this site under the ACZ is 18 metres and there is a further height allowance of a maximum 3.6 metres attributed to a design element.
- 8.13 Acknowledging the slope of the site, the proposed building reaches a height of 18.4 metres. This exceeds the prescribed maximum building height and must be modified to meet the mandatory 18 metre requirement. The majority of the building complies with this mandatory requirement. The area of the building that exceeds the requirement is limited to the south-eastern corner of the eastern wing of the retirement village building. A condition will require full compliance with the mandatory maximum building height (**Condition required**).
- 8.14 The design element, which comprises a roof garden on the eastern wing of the retirement village that has a frontage to Carawatha Road, adds a further height of 3.65 metres. This marginally exceeds the mandatory maximum 3.6 metres. A condition can easily address this minor level of non-compliance (**Condition required**). The overall maximum building height is therefore 22.05 metres.
- 8.15 In relation to the percentage of the roof area of which the design element covers, the design element meets the requirement that *it occupies an area less than 15% of the overall roof area*. The proposed design element occupies 11.17% of the overall roof area.
- 8.16 The following calculations have been submitted for the design element area:
- Total roof area = 3,089sqm
  - Total floor area of level 7 = 345sqm
  - Areas of level 7 that are not included within design element are stairwells / waste and plant rooms and supply shafts.
  - Areas of level 7 which are included within the design element are the rooms, lift core and circulation area.
  - Design element % =  $345\text{sqm} / 3,089\text{sqm} \times 100 = 11.17\%$

- 8.17 The design element is setback approximately 12 metres from the retirement village façade of level 6 below. It therefore does not have a great impact and is unable to make a significant architectural statement, making a minor contribution to the overall built form and appearance. This is contrary to policy, and therefore, a condition will require the design element to be reorientated and repositioned to the south-eastern corner of the building to increase its prominence (**Condition required**). Importantly, this will have negligible off-site amenity impacts due to the substantial setback maintained from the western property boundary. This will enable the design element to be more prominently viewed from Carawatha Reserve, located directly south. This will ensure that the design element continues the theme of those in other developments within Doncaster Hill and is in line with the vision statement in the Doncaster Hill Strategy 2002 which seeks to emphasise the existing dramatic landform of Doncaster Hill through built form that steps down the hill.

#### Podium and Front Setbacks

- 8.18 A permit cannot be granted to vary the front setbacks for properties that abut Doncaster Road, including the front podium and front tower setbacks. As such, the requirement to achieve a 10 metre setback at the podium level and an 18 metre setback to the tower are both mandatory requirements. Both the podium and tower front setbacks meet these mandatory setbacks, enabling greater opportunities for retail and café uses to integrate with the public realm. The mandatory requirements are met.
- 8.19 The ACZ allows for minor buildings and works within the setbacks (such as verandas, architectural features, balconies, sunshades, screens, artworks and street furniture setbacks) provided they are designed and located appropriately. At ground floor, a large alfresco dining area is provided on the eastern side of the front setback to provide outdoor dining to the café. The alfresco provides a minimum 3.6 metre setback to the edge of the kerb to enable the boulevard treatment, with the setback to be dimensioned (**Condition required**).
- 8.20 While the alfresco encroaches into this front setback area, it will generally be perceived to be subordinate to the boulevard and building form due to being partly cut into the landform as a result of the cross fall of the site. The base of the tower at level 3 incorporates a communal terrace over the podium for the aged care facility. This encroachment is reasonable as it is sensitively designed by being partly concealed by the podium parapet, with a clear glass balustrade above. This space provides a significant advantage for the age care facility given it is a large north-facing outdoor communal area. The outdoor dining area and the terrace are considered to be designed and located appropriately, taking advantage of the site's northern aspect.

#### Side and Rear Building Setbacks

- 8.21 Policy includes preferred minimum requirements relating to side and rear setbacks that can be varied by a permit). The minimum preferred setback is 4.5 metres from a side boundary and 5 metres from the rear boundary.



- 8.22 Side and rear building setbacks are compliant across the development, with the exception of a single point along the eastern boundary, where a minimum 4.01 metre setback is provided to the retirement village building. This variation to the preferred 4.5 metre side setback is considered acceptable as it is likely that a future development will need to provide a setback of greater than 4.5 metres due to the angled return of the property boundary and therefore a minimum 9 metre setback will likely be achieved to the future building, mitigating any off-site amenity impacts to the adjoining property to the east. Importantly, the remainder of the building development complies with the 4.5 metre side setback. In fact, due to the angled return at this point, the section of the building south of this point quickly increases to create a larger setback that assists to reduce the impact of the wall.
- 8.23 The level of visual bulk attributed to the development is considered to be reasonable for the site context and the massing of the proposed building is considered to be acceptable within the emerging dense urban environment. The proposal in its submitted form responds appropriately to the site and has adequately taken into account the expectations of residential amenity. For instance, the development is at its lowest to its most sensitive interface, being the adjoining development to the west at 23 Carawatha Road.

#### Overshadowing

- 8.24 The development is located on the southern side of Doncaster Road and will not cast shadows on properties outside the activity centre (to the west) after 11:00 am on 22 September due to the site orientation, meeting the overshadowing requirements of the ACZ.

#### Overlooking

- 8.25 There are opportunities for overlooking to occur from the retirement village to the adjoining development that is currently under construction at 23 Carawatha Road. The adjoining development has generally been sited to avoid a direct interface from habitable room windows and private open space areas to the subject site given the potential for redevelopment of the subject site. Balconies from the retirement village are generally setback 4.5 metres from the common boundary. Ordinarily, this setback would enable compliance with overlooking requirements where the adjoining property is subject to the same zone setback requirements. In this case, the adjoining property is located in a different zone, and is therefore setback less than 4.5 metres from the common boundary.
- 8.26 Downward views into the habitable room window that faces the subject site at ground floor may not be adequately limited by the location and relative height of balconies opposite. Overlooking will occur to the top level balcony of the adjoining development, which is setback approximately 2 metres from the common boundary. Overlooking is generally avoided into the associated top level habitable room windows as a separation of approximately 9 metres is provided from the retirement village balconies to the adjoining building. Given the level of off-site amenity impacts that will result from the overlooking into the ground floor habitable room window and to the top level deck, the plans are required to demonstrate that overlooking has been limited within a 9 metre radius (**Condition required**).

### Boulevard Character

- 8.27 The development provides a minimum 10 metre podium setback and a 3.6 metre wide paved promenade across the site frontage to replace the existing footpath to Doncaster Road, as required by policy. However, landscape treatment between the boulevard and the building façade is predominantly limited to small areas within planter boxes, despite deep soil areas provided by way of a 10 metre basement setback, due to the provision of the alfresco area and a central vehicle drop-off area and driveway. The drop-off area is considered integral to the use of the aged care facility, and is noted to also be capable of accommodating an ambulance as required. It is considered that the landscape treatment is reasonable as it provides planter boxes across the length of the alfresco dining area, capable of softening the appearance of the alfresco area.

### Landscape Design

- 8.28 The ground level and roof level landscaped areas appear to be commensurate with other high density developments within Doncaster Hill. Ground level screen planting is provided giving a buffer between built form where possible, including along the side boundaries. Numerous canopy trees and large to medium size shrubs are incorporated into the side setbacks and into the Carawatha Road frontage to provide an appropriate level of visual interest and soften the built form environment, as viewed from the south. Communal areas are also well landscaped, with the tower terrace in particular, providing a strong contribution to the landscape treatment to the Doncaster Road frontage.

### Access and Mobility

- 8.29 A condition will require the submission of 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 vehicle and pedestrian access into the building, to the satisfaction of the Responsible Authority. The entrance to the Doncaster Road building lobby is at-grade and one step is provided to the Carawatha Road foyer entrance, and it is considered that any further external changes to the building recommended by the Plan and Audit will be designed appropriately so as not to have any unreasonable impact on the public realm.

### **On-site and internal amenity**

- 8.30 The scale of the proposed building is generally consistent with the expectation of development outlined in the ACZ. Notwithstanding the policy support for the site's redevelopment, urban consolidation is not the only relevant planning consideration. Good design and amenity must also be considered.
- 8.31 For apartment developments over four storeys, a proposal is assessed against the *Apartment Design Guidelines for Victoria 2017*, which include standards for internal and external amenity. However, the Apartment Design Guidelines apply only to apartment developments. The use of the land for a retirement village therefore sits in a void where there is limited guidance in the planning scheme for an on-site amenity assessment. For this reason, and given the similarities in the design of the retirement village to an apartment building, it is considered necessary to assess the development broadly against the on-site amenity provisions of the Apartment Developments provisions.

- 8.32 The relevant apartment standards for on-site amenity include accessibility, building entry and circulation, private open space and storage. The standards for internal amenity include functional layout, room depth, windows and natural ventilation. The retirement village lodging rooms demonstrate a high level of compliance with these standards, with the exception of instances of non-compliance with room depth and private open space requirements.
- 8.33 Above ground lodging rooms should have private open space consisting of a balcony with a minimum area of 8 square metres with a minimum dimension of 1.8 metres for a 1 bedroom lodging room, with these quantities scaling up as the number of bedrooms increase. In all lodging room layout types, the minimum balcony area is met, however in 26 individual instances, the minimum dimension is either partially met or not met. These balconies do not meet the minimum dimension as they incorporate a curved design to achieve a particular architectural outcome as viewed externally from the building. The balconies generally provide the minimum dimension required to a part of the balcony. Architectural expression plays an important role in shaping a building in the ACZ. Given the importance of the architectural expression of the building and that the balconies do achieve the minimum balcony area, conditions will not be imposed upon development to comply with the specific minimum dimension requirements.
- 8.34 Lodging rooms are required to provide a maximum room depth of 9 metres where the room combines the living, dining and kitchen areas, where the kitchen is the furthest room from the window with a minimum ceiling height of 2.7 metres. In all lodging room layout types, the rooms are combined, the kitchen is the furthest room and the ceiling height is 2.7 metres. The exceptions to this requirement apply to five of the lodging room types, thus affecting 18 individual lodging rooms, with a maximum room depth of 9.25 metres. This is considered acceptable given the marginal extent of non-compliance, and that these habitable rooms are provided with reasonable daylight access given the number, size and location of these windows.
- 8.35 Overall, the independent living units are demonstrated to provide a high degree of internal amenity through accessibility, building entry and circulation, storage, functional layout, windows and natural ventilation.

### **Car parking, access, traffic, land adjacent to a Road Zone Category 1 and bicycle facilities**

#### Car parking and access

- 8.36 Prior to a new use commencing or a new building being occupied, Clause 52.06-2 requires the number of car parking spaces outlined in Table 1 at Clause 52.06-5 to be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the Responsible Authority.
- 8.37 The Scheme requires a total of **153** car parking spaces for the proposed development. The **161** car parking spaces proposed exceeds this requirement by **8** car parking spaces. The car parking requirements and number of spaces provided is detailed below and summarised in the table to follow.

- 8.38 Parking for the residential aged care facility is required at a rate of 0.3 spaces to each of the 128 lodging rooms, which generates a requirement for **38** car parking spaces. Parking for the retail and café (food and drink) premises is required at a rate of 4 spaces to each 100 square metres of leasable floor area, which generates a requirement for a total of **18** car parking spaces. Therefore, the uses provided in the building with direct access via Doncaster Road generate a requirement for a combined total of **56** car parking spaces. Of the 161 spaces available on site, a total of **39** car parking spaces are provided directly for these uses within the lower ground floor basement. While this falls short of the 56 spaces required by 17 spaces, overflow parking is available in the lower basement, accessible via an internal ramp. Pedestrians are able to access the ground floor public areas via a lift and stairwell. To facilitate a more efficient flow of vehicles within the basement, an additional **3** drop-off spaces are provided at ground level for the purposes of the aged care facility.
- 8.39 Parking for the retirement village is required at a rate of one space for the 65 dwellings with one or two bedrooms and two spaces for the 9 dwellings with three bedrooms, which generates a total requirement for **83** car parking spaces. The 74 dwellings within the retirement village generate a requirement for a further **14** visitor car parking spaces. Therefore, the retirement village use provided in the building with direct access via Carawatha Road generates a requirement for a total of **97** car parking spaces. Of the 161 spaces available on site, a total of **119** car parking spaces are provided directly for this use within the lower basement, which exceeds the car parking demand for the retirement village by 22 spaces. This provides an opportunity for overflow parking from the lower ground floor basement (which itself is intended for aged care and ancillary uses).

Purpose	Scheme car parking requirement	Car parking provided
Aged care	38 spaces	29 spaces available with overflow capacity in the lower basement
Retail	8 spaces	7 spaces allocated with overflow capacity in the lower basement
Food and drink premises	10 spaces	3 spaces allocated with overflow capacity in the lower basement
Retirement living	83 spaces	105 spaces available in lower basement, with surplus 22 spaces used for overflow from the lower ground level basement
Retirement visitors	14 spaces	14 spaces allocated in lower basement
Total	153 spaces	161 spaces

- 8.40 An assessment against the car parking design standards at Clause 52.06-9 of the Scheme is provided in the table below:

Design Standard	Assessment
1 – Accessways	<ul style="list-style-type: none"> <li>• The accessway to the basement car park meets the minimum width and height clearance requirements.</li> <li>• A minimum 6.1 metre by 7 metre passing area is provided at the entrance to the basement and an island is provided at the site frontage to separate traffic.</li> <li>• A minimum 2.1 metre headroom clearance is provided throughout, with the exception of spaces 88 and 89 located under a ramp. Given there is a surplus of car spaces for the development, this is considered acceptable.</li> <li>• All vehicles are able to exit the site in a forwards direction.</li> <li>• An adequate visibility splay area is provided along the exit lane.</li> <li>• Within the basement, a 4 metre internal radius is provided at changes of direction.</li> </ul>
2 – Car Parking Spaces	<ul style="list-style-type: none"> <li>• Car parking spaces are provided in accordance with the requirements, with a minimum 2.6 metre width, 4.9 metre length and access from an aisle width of at least 6.4 metres.</li> <li>• A condition will require the three drop-off car parking spaces at ground floor to be widened to 2.9 metres to assist people with limited mobility from the aged care facility to enter/exit vehicles.</li> <li>• Disabled spaces have been designed in accordance with the Australian Standard for Off-street parking for people with disabilities (AS/NZS 2890.6:2009)</li> <li>• There are no tandem spaces proposed.</li> </ul>
3 – Gradients	<ul style="list-style-type: none"> <li>• Appropriate driveway gradients have been provided to each driveway. All car parking area and ramp gradients have been assessed as compliant with the standard.</li> </ul>
4 – Mechanical Parking	<ul style="list-style-type: none"> <li>• No mechanical parking is proposed.</li> </ul>
5 – Urban Design	<ul style="list-style-type: none"> <li>• The vehicle crossings and accessways located on the western side of the respective frontages will not dominate the landscape.</li> <li>• Parking areas and the entrance to the basements are sensitively designed to avoid dominating the street.</li> </ul>
6 – Safety	<ul style="list-style-type: none"> <li>• Pedestrian access from the site frontages are clearly separated from the roadways.</li> <li>• Pedestrian routes within the basements are separated from traffic where possible.</li> </ul>
7 – Landscaping	<ul style="list-style-type: none"> <li>• Landscaping is well-placed adjacent to driveways within site frontages, including being integrated with the boulevard treatment to Doncaster Road.</li> </ul>

Traffic

- 8.41 The traffic generated from the aged care facility, retail and food and drink premises to Doncaster Road can be accommodated by the existing road network. There are some reservations, however in relation to the impact of traffic generated to Carawatha Road from the retirement village.
- 8.42 The submitted traffic report identifies that taking into account that the peak hour of operation of the retirement village is likely to be outside of commuter peak hours, and the likely traffic impacts on Carawatha Road and surrounding local streets, the development is unlikely to cause a significant traffic impact on the surrounding road network.
- 8.43 Council's Engineering department do have concerns in relation to traffic but find that increased traffic from this development is considered to be within acceptable limits of the surrounding street network. With this development being the first to occur along this road within the ACZ and therefore the first to gain access to the site via Carawatha Road, it is acknowledged that future developments within the ACZ that propose access via Carawatha Road must each be considered on their merits to adequately assess potential traffic impacts on this road and the surrounding street network. There are also road safety implications from elderly persons navigating local streets to potentially take right hand turns onto Elgar Road to access the Eastern Freeway. It will therefore be necessary for Council to further consider the traffic and car parking conditions along Carawatha Road and surrounding streets, with a view to developing an area-wide traffic management scheme to address anticipated increases in traffic volumes from potential future developments along Carawatha Road (**Recommendation B**).
- 8.44 Overall, the traffic generated as a result of the proposed use and development, is considered to be generally compliant with the broader policy objectives of encouraging sustainable transport modes.

Land Adjacent to a Road Zone Category 1

- 8.45 A permit is required under Clause 52.29 of the Scheme as the proposal involves the removal of the existing crossover and creation of a new crossover to Doncaster Road, which is zoned Road Zone Category 1.
- 8.46 The decision guidelines of this clause include consideration of the views of the relevant road authority.
- 8.47 VicRoads has provided conditional consent to the proposal, therefore the access arrangement is considered appropriate.

Bicycle Facilities

- 8.48 In developments for a residential building of four or more storeys, for the aged care facility the Scheme requires 1 employee bicycle parking space for every 7 beds and 1 visitor space for every 60 beds. This equates to 18 employee bicycle spaces and 2 visitor spaces, for a combined total of 20 spaces based on 128 beds proposed. For the retirement village, the Scheme requires a further 1 bicycle parking space to every 10 lodging rooms for residents and 1 visitor space for every 10 lodging rooms. This equates to 7 resident bicycle spaces and 7 visitor spaces, for a combined total of 14 spaces based on the 74 lodging rooms proposed. The proposal does not generate a statutory bicycle parking

requirement for retail or food and drink premise uses. Therefore, a total number of 34 bicycle spaces are required for all uses combined on site. The proposal provides 24 bicycle spaces in lockable compounds (12 at each basement level) and three spaces provided at the entrance to the retirement living building. This falls short of the Scheme requirements by 7 bicycle spaces.

- 8.49 The submitted traffic report reasons that the requirement for employees is excessive. The report contends that staff generally work shifts that commence very early in the morning, finish very late at night, or work overnight, which presumably is attempting to justify that fewer employees are likely to use this mode of transport during these hours. The rate is equivalent to one space per three staff. It is agreed that the supplied bicycle parking will be suitable. However, it will be necessary for the allocation of bicycle spaces between employees, residents and visitors to be detailed to ensure the allocation provided is appropriate.
- 8.50 Based on the above assessment, the development also requires two showers and associated change rooms for employees. Two change rooms with showers are provided at ground floor within the aged care facility, which meets this requirement.

### **Objector concerns**

- 8.51 A response to the grounds of objection is provided in the below paragraphs:

#### Access via Carawatha Road, impacts upon on-street parking and traffic

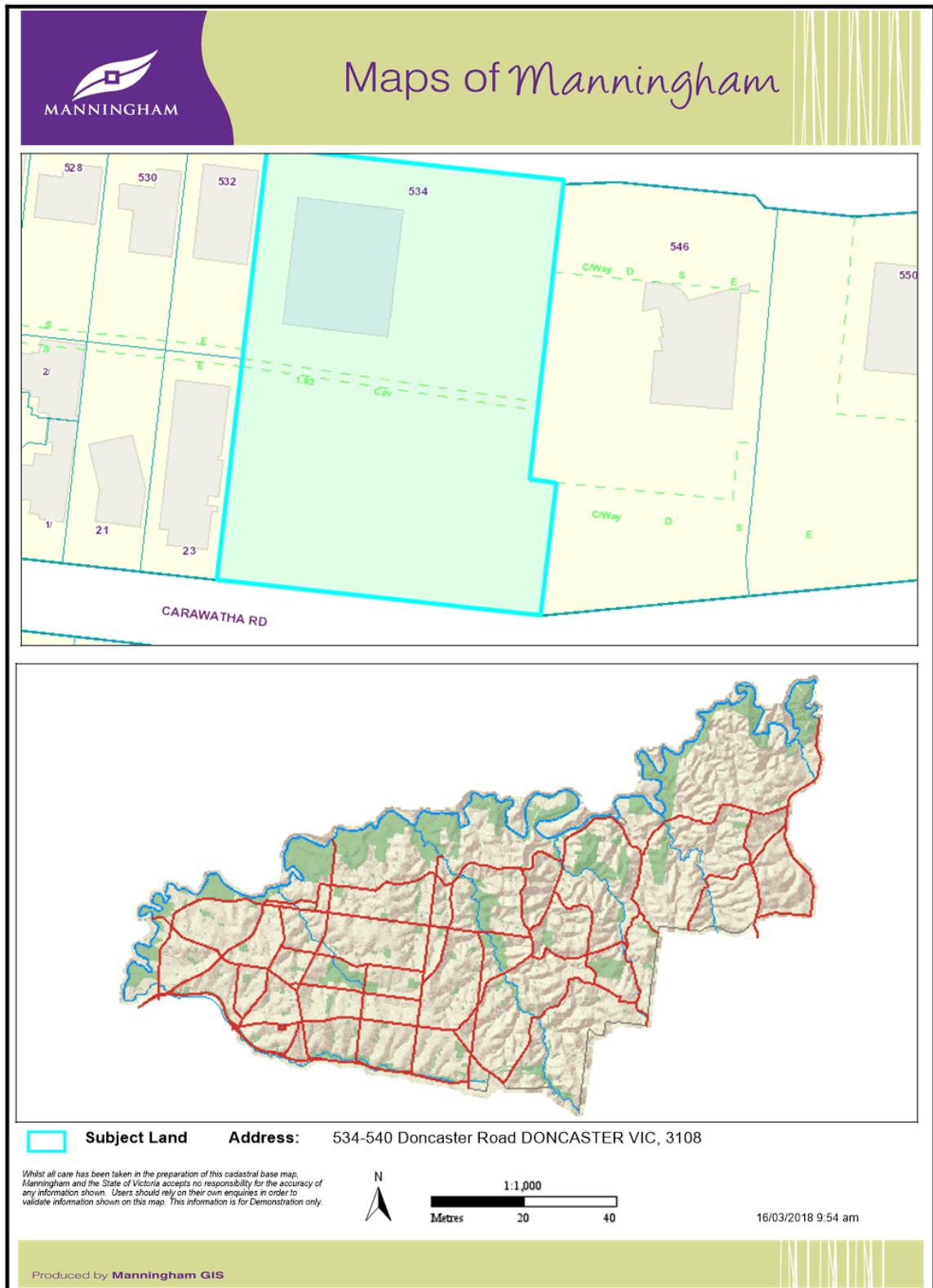
- 8.52 It is acknowledged that there are existing on-street car parking issues along the eastern end of Carawatha Road due to the operation of existing businesses. This is being managed in part by parking restrictions on the southern side of Carawatha Road. Overtime, these businesses are likely to be redeveloped as they operate on properties located within the ACZ.
- 8.53 The number of car parking spaces provided is satisfactorily contained on site and provides a surplus of 8 spaces. The potential traffic impacts have been assessed by the permit applicant's traffic consultant and Council's Engineering Services Unit. The assessments conclude that when considering the proposal in the context of the traffic and the surrounding street network, the expected traffic impacts can be accommodated on the surrounding road network without creating any adverse traffic safety or capacity problems. Ongoing management of traffic along Carawatha Road and surrounding local streets will be further investigated by officers.

## **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.





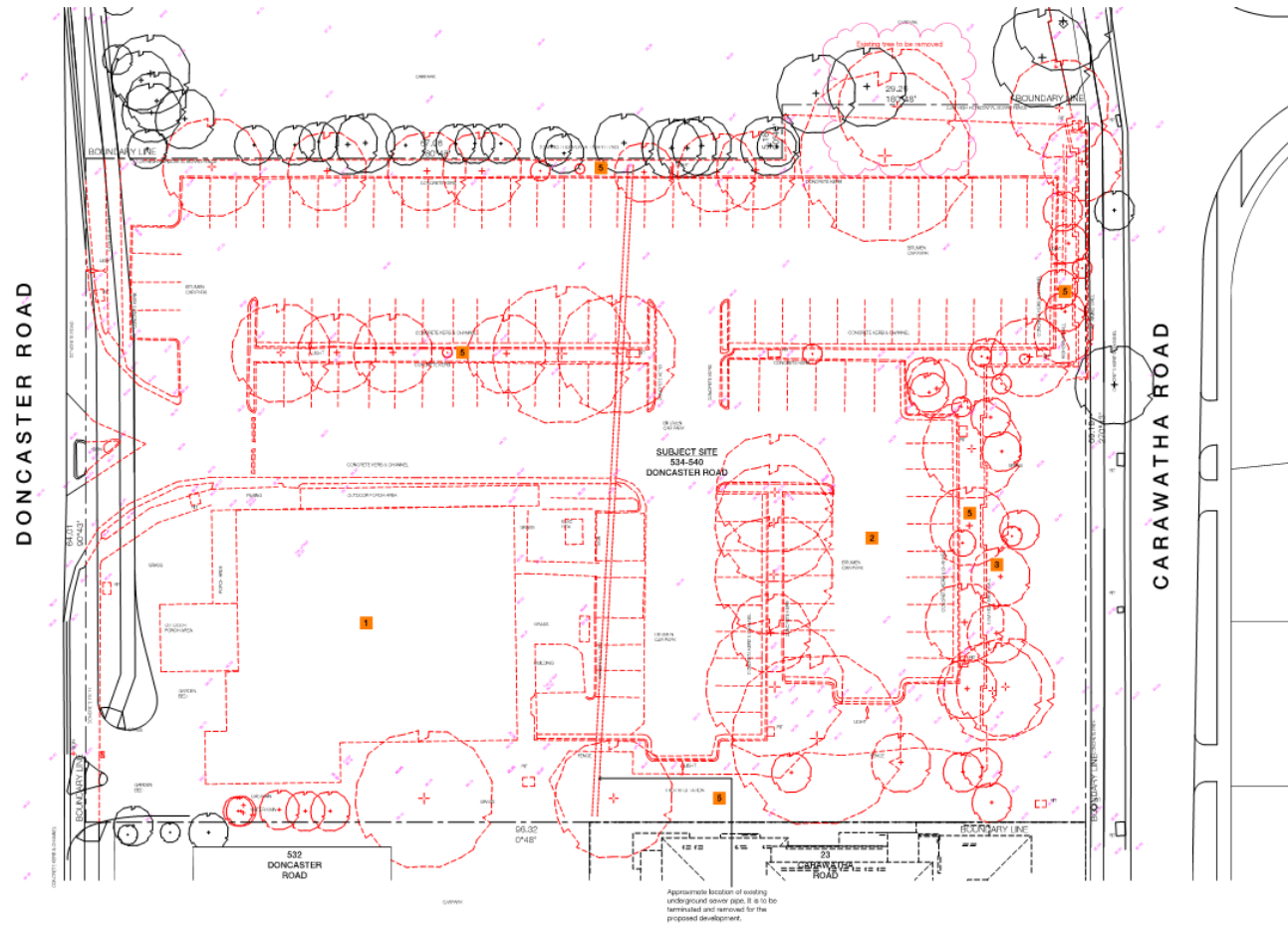
RACF	Area (m <sup>2</sup> )
<b>Lower ground</b>	
RACF Carpark	1270
RACF Rooms	-
RACF BOH + Circulation	739
<b>TOTAL (excl. terrace)</b>	<b>2009</b>
<b>TOTAL CARPARKS</b>	<b>39 Incl. 2 x DDA</b>
Terrace	0
<b>TOTAL (incl. terrace)</b>	<b>2048</b>
<b>Ground</b>	
RACF Rooms	- 32 Beds
RACF Amenity	912
NSA Retail / Commercial	468
RACF BOH + Circulation	423
<b>TOTAL (excl. terrace)</b>	<b>1803</b>
Terrace	79
Café Alfresco	131
<b>TOTAL (incl. terrace)</b>	<b>2013</b>
<b>Level 1</b>	
RACF Rooms	742 32 Beds
RACF Amenity	650
RACF BOH + Corridor	542
<b>TOTAL (excl. terrace)</b>	<b>1934</b>
Terrace	458
<b>TOTAL (incl. terrace)</b>	<b>2392</b>
<b>Level 2</b>	
RACF Rooms	742 32 Beds
RACF Amenity	650
RACF BOH + Corridor	542
<b>TOTAL (excl. terrace)</b>	<b>1934</b>
Terrace	209
<b>TOTAL (incl. terrace)</b>	<b>2143</b>
<b>Level 3</b>	
RACF Rooms	741 32 Beds
RACF Amenity	559
RACF BOH + Corridor	450
<b>TOTAL (excl. terrace)</b>	<b>1750</b>
Terrace	447
<b>TOTAL (incl. terrace)</b>	<b>2197</b>
<b>Level 4</b>	
RACF Rooms	741 32 Beds
RACF Amenity	541
RACF BOH + Corridor	450
<b>TOTAL (excl. terrace)</b>	<b>1732</b>
Terrace	44
<b>TOTAL (incl. terrace)</b>	<b>1776</b>
<b>TOTAL GFA (excl. Terrace)</b>	<b>11162.0</b>
<b>TOTAL GFA (incl. terrace)</b>	<b>12569.0</b>
Total GFA for RACF Carpark	2009 (excl. Terrace)
Total GFA for RACF	7350 (excl. Terrace)
Total GFA for Ground Floor	1803 (excl. Terrace)
Total GFA for RACF	8508 (incl. Terrace)
Total GFA for Ground Floor	2013 (incl. Terrace)

ILA	Apt Name Area (m <sup>2</sup> )	Balcony (m <sup>2</sup> )
<b>Basement</b>		
Carpark	4281	
Services / BOH / Vertical Circulation	659	
<b>TOTAL (excl. Balcony)</b>	<b>4940</b>	
<b>Total Carparks</b>	<b>119 (incl 2 x DDA)</b>	
<b>Lower Ground</b>		
1 Bed	L03 72 10	
	L08 72 27	
2 Bed	L05 81 16	
	L06 82 13	
2 Bed + Study	L01 118 15	
	L02 118 49	
	L09 117 33	
2 Bed + Study Alcove	L07 98 22	
	L10 95 14	
3 Bed	L04 121 33	
Total Apartment Area	974	
Apartment Amenities	777	
Apartment BOH + Circulation	352	
<b>TOTAL (excl. Balcony)</b>	<b>2103</b>	
Total IIA Balcony Area	238	
Courtyards	342	
<b>TOTAL GFA (incl. Balcony)</b>	<b>2683</b>	
<b>Ground</b>		
2 Bed	G4 82 14	
	G7 81 11	
	G8 82 12	
	G11 81 14	
2 Bed + Study	G1 118 9	
	G2 111 24	
	G3 118 12	
	G10 107 36	
	G12 117 23	
	G13 112 34	
2 Bed + Study Alcove	G6 100 61	
	G14 95 12	
3 Bed	G5 131 24	
	G9 110 56	
Total Apartment Area	1435	
Apartment Amenities	-	
Apartment BOH + Circulation	219	
<b>TOTAL (excl. Balcony)</b>	<b>1654</b>	
Total IIA Balcony Area	352	
Courtyards	56	
<b>TOTAL GFA (incl. Balcony)</b>	<b>2062</b>	

	Apt Name Area (m <sup>2</sup> )	Balcony (m <sup>2</sup> )
<b>Level 1</b>		
2 Bed	103 82 15	
	106 82 13	
	107 82 14	
	108 88 51	
	109 88 46	
	110 82 14	
2 Bed + Study Alcove	101 99 22	
	102 96 18	
	105 100 28	
	111 100 28	
	112 92 14	
3 Bed	104 121 32	
Total Apartment Area	1112	
Apartment Amenities	-	
Apartment BOH + Circulation	163	
<b>TOTAL (excl. Balcony)</b>	<b>1275</b>	
Total IIA Balcony Area	295	
<b>TOTAL GFA (incl. Balcony)</b>	<b>1570</b>	
<b>Level 1a</b>		
1 Bed	103A 63 17	
	106A 63 16	
2 Bed	107A 82 11	
	108A 88 30	
	109A 88 27	
	110A 82 14	
2 Bed + Study Alcove	101A 99 9	
	102A 96 10	
	105A 100 47	
	111A 100 14	
	112A 92 11	
3 Bed	104A 121 47	
Total Apartment Area	1074	
Apartment Amenities	-	
Apartment BOH + Circulation	163	
<b>TOTAL (excl. Balcony)</b>	<b>1237</b>	
Total IIA Balcony Area	352	
<b>TOTAL GFA (incl. Balcony)</b>	<b>1490</b>	
<b>Level 2</b>		
1 Bed	206 63 14	
	207 63 11	
	210 63 11	
2 Bed	209 81 12	
2 Bed + Study	208 112 31	
	209 112 28	
2 Bed + Study Alcove	201 99 11	
	202 95 10	
	204 96 35	
	205 100 19	
	211 100 14	
	212 92 10	
Total Apartment Area	1076	
Apartment Amenities	-	
Apartment BOH + Circulation	163	
<b>TOTAL (excl. Balcony)</b>	<b>1239</b>	
Total IIA Balcony Area	206	
<b>TOTAL GFA (incl. Balcony)</b>	<b>1445</b>	

	Apt Name Area (m <sup>2</sup> )	Balcony (m <sup>2</sup> )
<b>Level 3</b>		
1 Bed	306 63 12	
2 Bed	303 81 12	
2 Bed + Study Alcove	301 99 11	
	302 96 10	
	304 96 23	
	305 100 18	
	309 100 19	
	310 92 11	
	307 134 62	
	308 133 66	
Total Apartment Area	994	
Apartment Amenities	-	
Apartment BOH + Circulation	150	
<b>TOTAL (excl. Balcony)</b>	<b>1144</b>	
Total IIA Balcony Area	240	
<b>TOTAL GFA (incl. Balcony)</b>	<b>1384</b>	
<b>Level 4</b>		
2 Bed + Study Alcove	401 99 11	
	402 96 10	
3 Bed	403 133 81	
	404 133 66	
Total Apartment Area	461	
Apartment Amenities	-	
Apartment BOH + Circulation	68	
<b>TOTAL (excl. Balcony)</b>	<b>529</b>	
Total IIA Balcony Area	168	
<b>TOTAL GFA (incl. Balcony)</b>	<b>697</b>	
<b>Roof Level</b>		
Apartment Amenities	170	
Apartment BOH + Circulation	89	
<b>TOTAL (excl. Balcony)</b>	<b>259</b>	
<b>Outdoor Terrace</b>		
<b>TOTAL GFA (incl. Balcony)</b>	<b>285</b>	
<b>TOTAL GFA (excl. Basement, Balcony)</b>	<b>9440</b>	
<b>TOTAL GFA (incl. Balcony/ Courtyard)</b>	<b>11875</b>	
<b>TOTAL NSA for Apartments</b>	<b>7126</b>	
<b>Total NSA for Amenities</b>	<b>947</b>	
<b>Total NSA</b>	<b>8073</b>	
<b>% Amenities vs GFA</b>	<b>10.0%</b>	
<b>% Amenities vs NSA</b>	<b>11.7%</b>	
<b>TOTAL TERRACE</b>	<b>2435</b>	

Overall Summary	No.	Area (m <sup>2</sup> )	%
Total Site Area		6317	
Number of IIA Apartment	74		
Number of RACF Bed	128		
Number of Car Parking Spaces	158		
Building Site Coverage	3800		60.2%
Impervious Site Coverage	5697		90.2%
Public Open Space	1721		27.2%



**Demolition Notes**

- 1 EXISTING WALLS/STORY WALLS TO BE DEMOLISHED
- 2 EXISTING BRICKS/CONCRETE TO BE DEMOLISHED
- 3 EXISTING CONCRETE/BRICKWORK TO BE DEMOLISHED
- 4 EXISTING TREES, SET BACKS TO BE REMOVED

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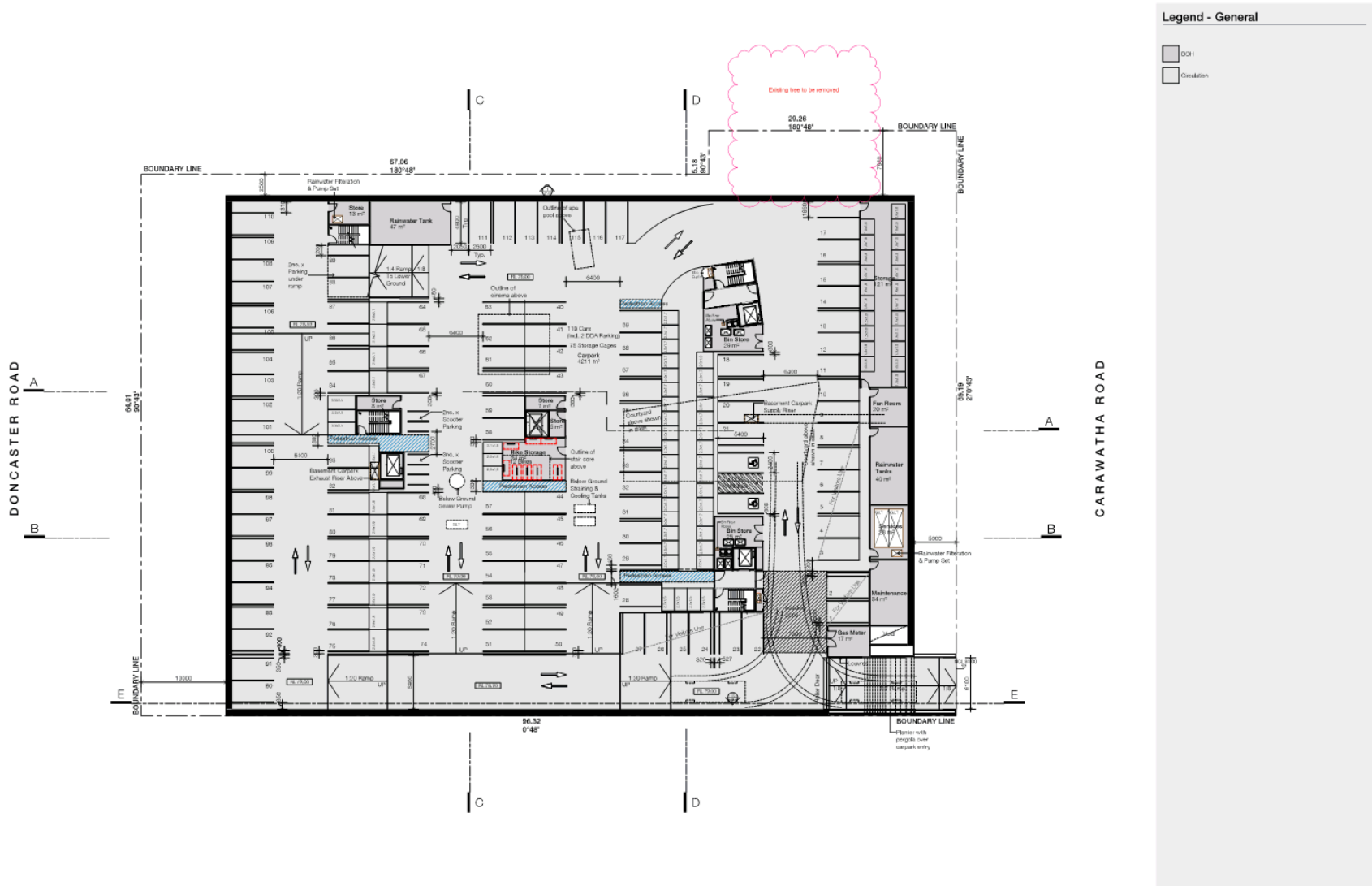
**Benetas Aged Care Doncaster**  
 534-540 Doncaster Road, Doncaster

**Demolition Plan**



**TOWN PLANNING**  
**150153/TP07**

2017.11.22  
**C**



**Legend - General**

- BCH
- Circulation

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 534-540 Doncaster Road, Doncaster

**Basement Level Floor Plan**

1:200 @ A1



**TOWN PLANNING**  
**150153/TP08**

2017.11.22

**C**



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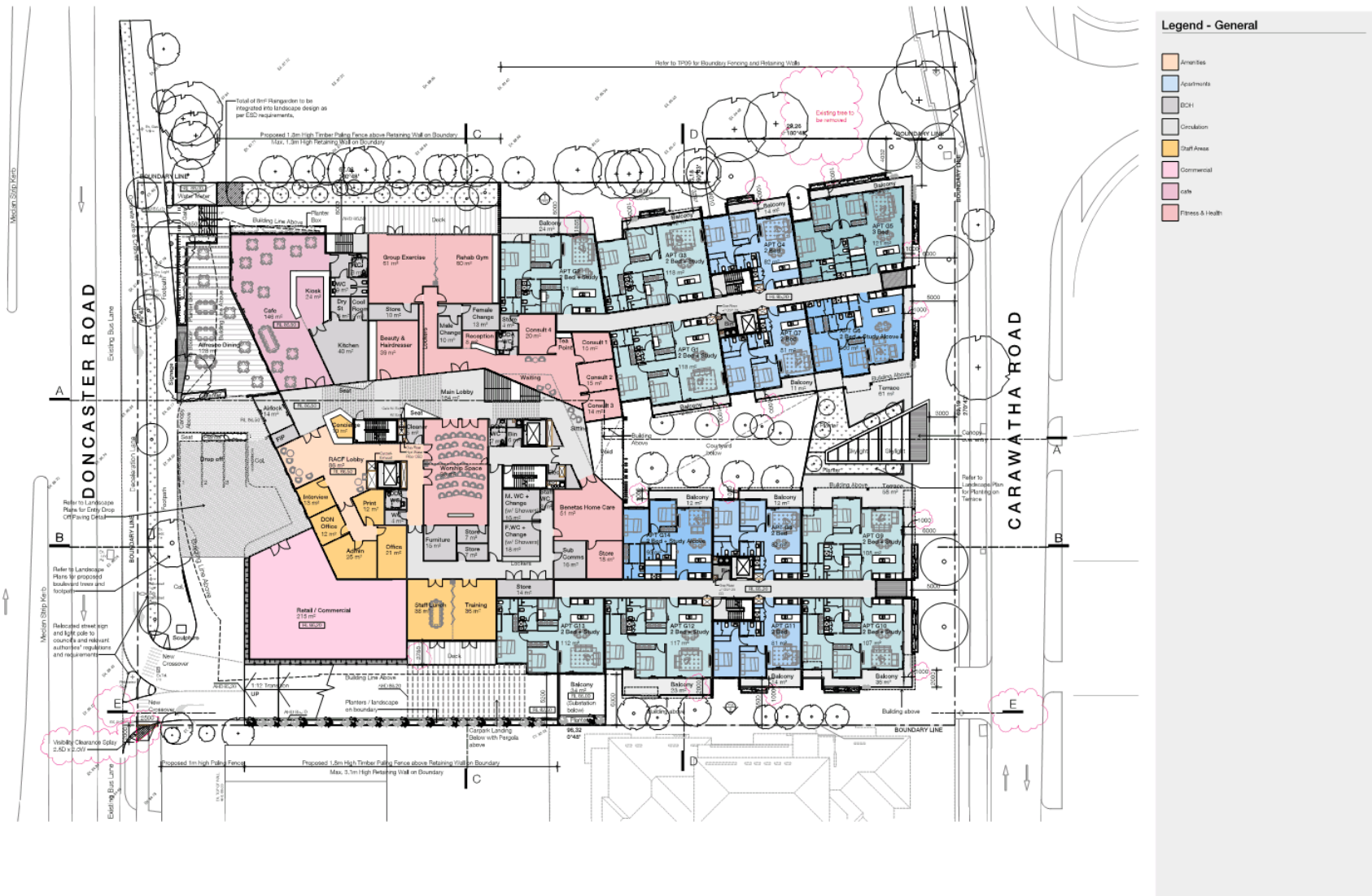
Lower Ground Floor Plan

1:200 @ A1

TOWN PLANNING  
150153/TP09

2017.11.22

C



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**Benetas Aged Care Doncaster**  
 534-540 Doncaster Road, Doncaster

Ground Floor Plan

1:200 @ A1

**TOWN PLANNING**  
**150153/TP10**

2017.11.22

**C**



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**Benetas Aged Care Doncaster**  
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Level 1 Floor Plan

1:200 @ A1

**TOWN PLANNING**  
**150153/TP11**

2017.11.22

**C**



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Level 1a Floor Plan

1:200 @ A1

**TOWN PLANNING**  
**150153/TP12**

2017.11.22

**B**



**Legend - General**

- Amenities
- BCH
- Circulation
- Living & Dining
- Units
- Staff Areas
- CDA Bedroom
- Garden

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**Benetas Aged Care Doncaster**  
 534-540 Doncaster Road, Doncaster

Level 2 Floor Plan

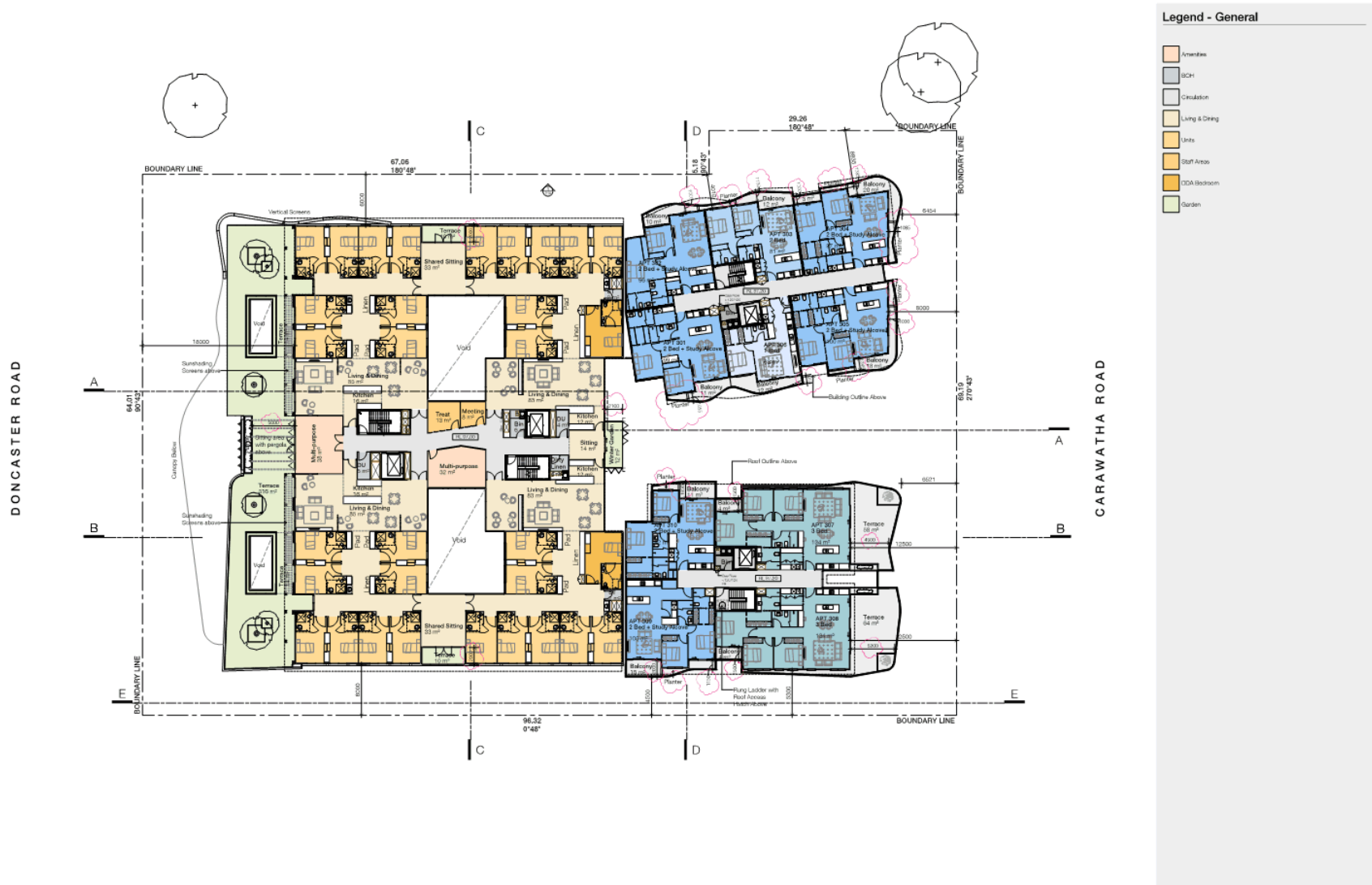


**TOWN PLANNING**  
**150153/TP13**

2017.11.22

**B**





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**Benetas Aged Care Doncaster**  
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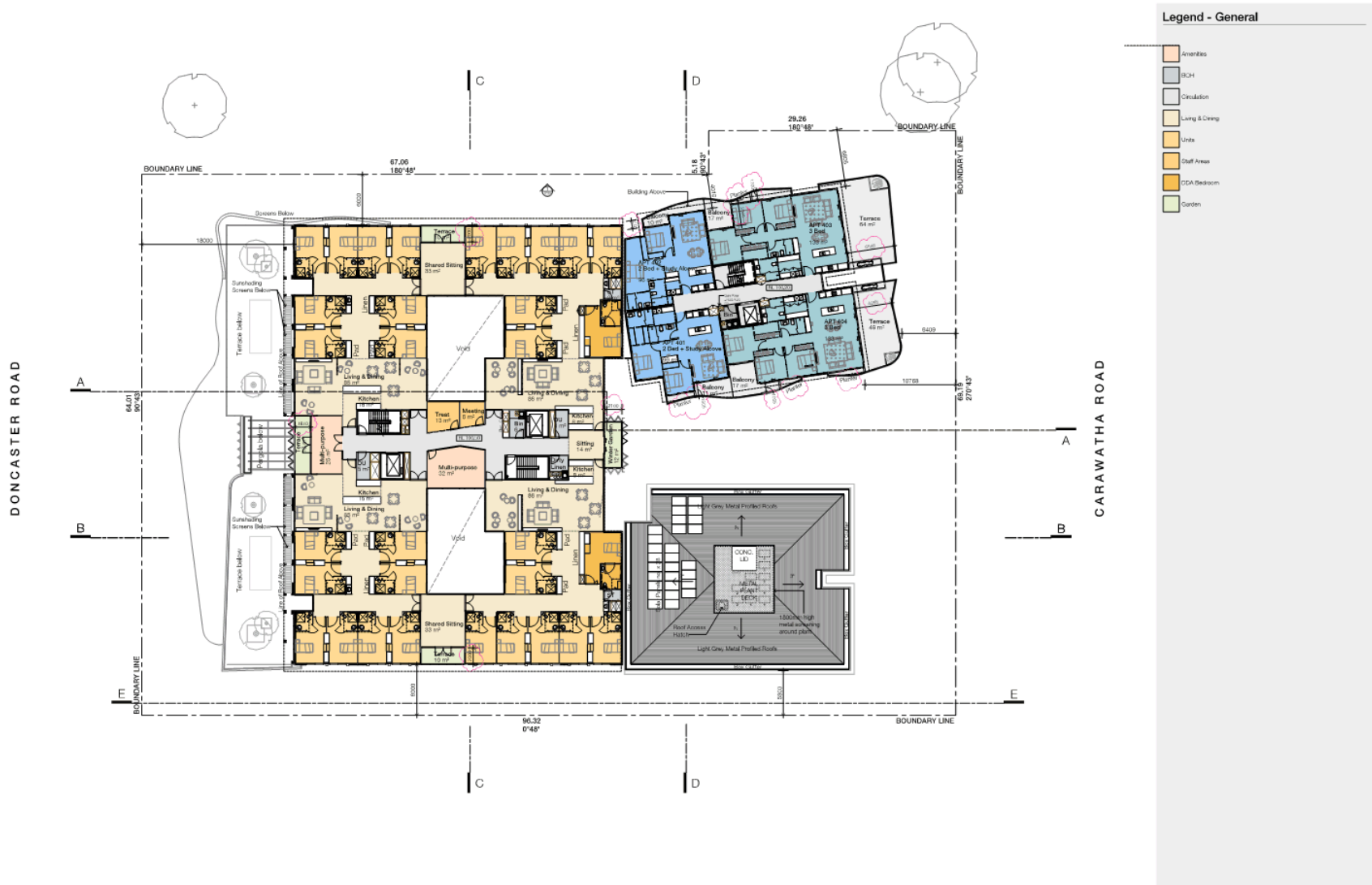
Level 3 Floor Plan

1:200 @ A1

**TOWN PLANNING**  
**150153/TP14**

2017.11.22

**B**



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**Benetas Aged Care Doncaster**  
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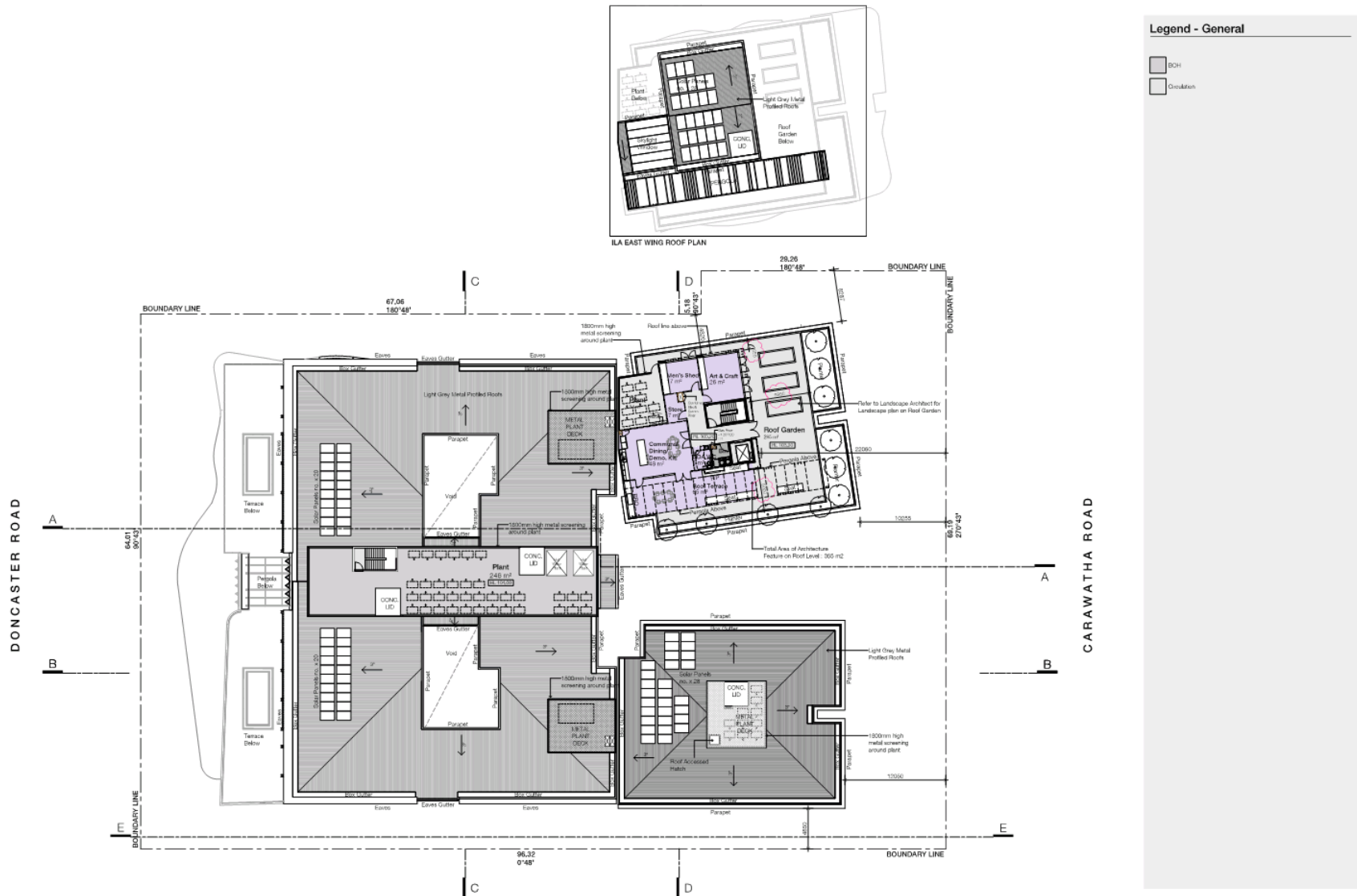
Level 4 Floor Plan

1:200 @ A1

**TOWN PLANNING**  
**150153/TP15**

2017.11.22

**B**



**Legend - General**

- SCH
- Circulation

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 Clarke Hopkins Clarke  
 110 Southville Street  
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 03 9519 4340  
 studio@chc.com.au  
 www.chc.com.au

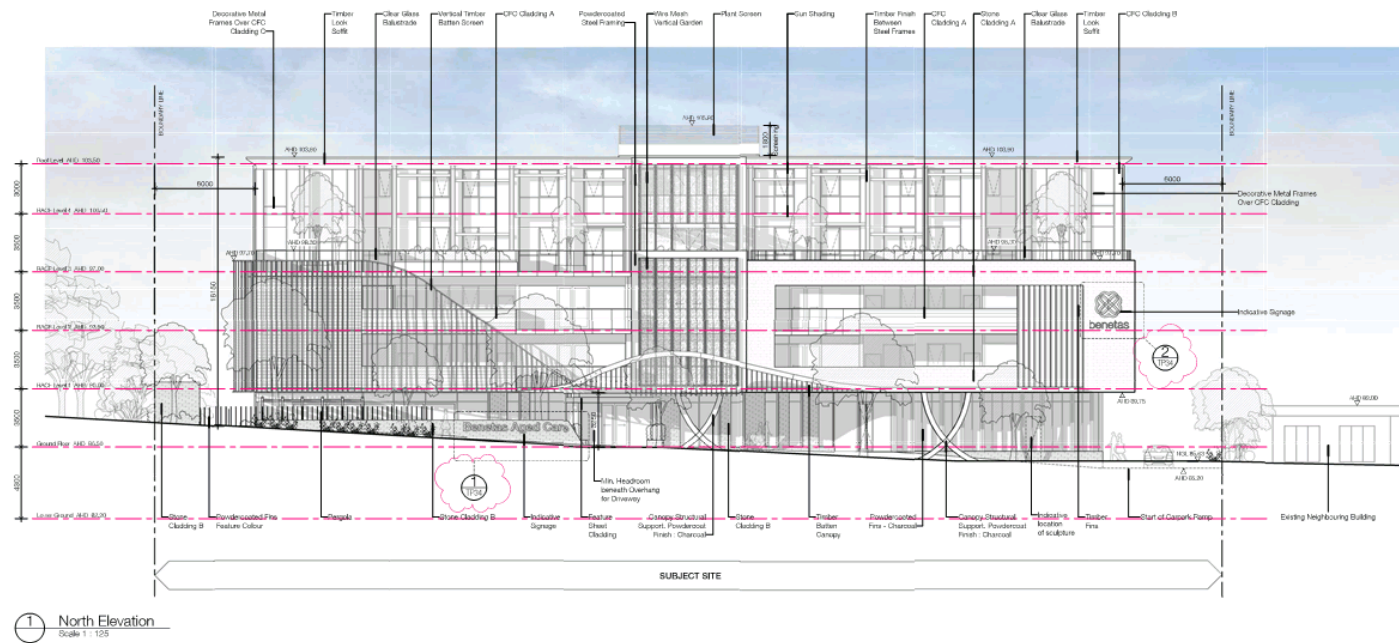
**Benetas Aged Care Doncaster**  
 534-540 Doncaster Road, Doncaster

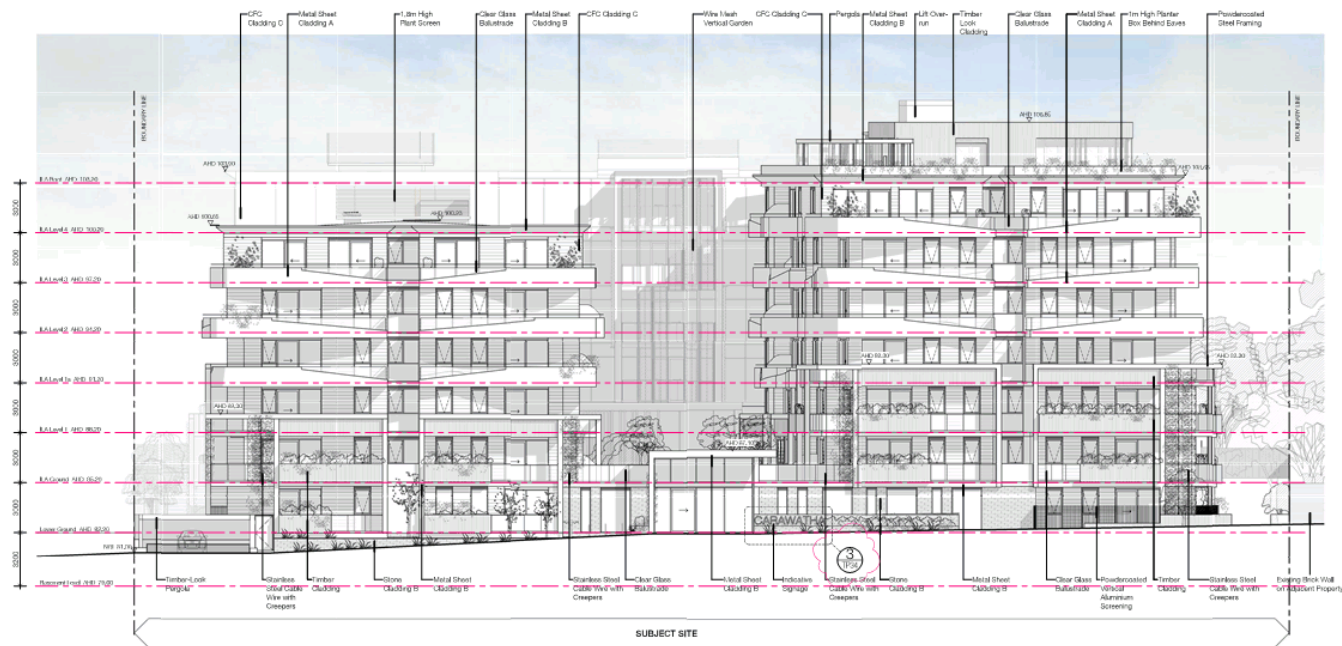
**Roof Plan**



**TOWN PLANNING**  
**150153/TP16**

2017.11.22  
**C**





1 South Elevation  
Scale 1:125

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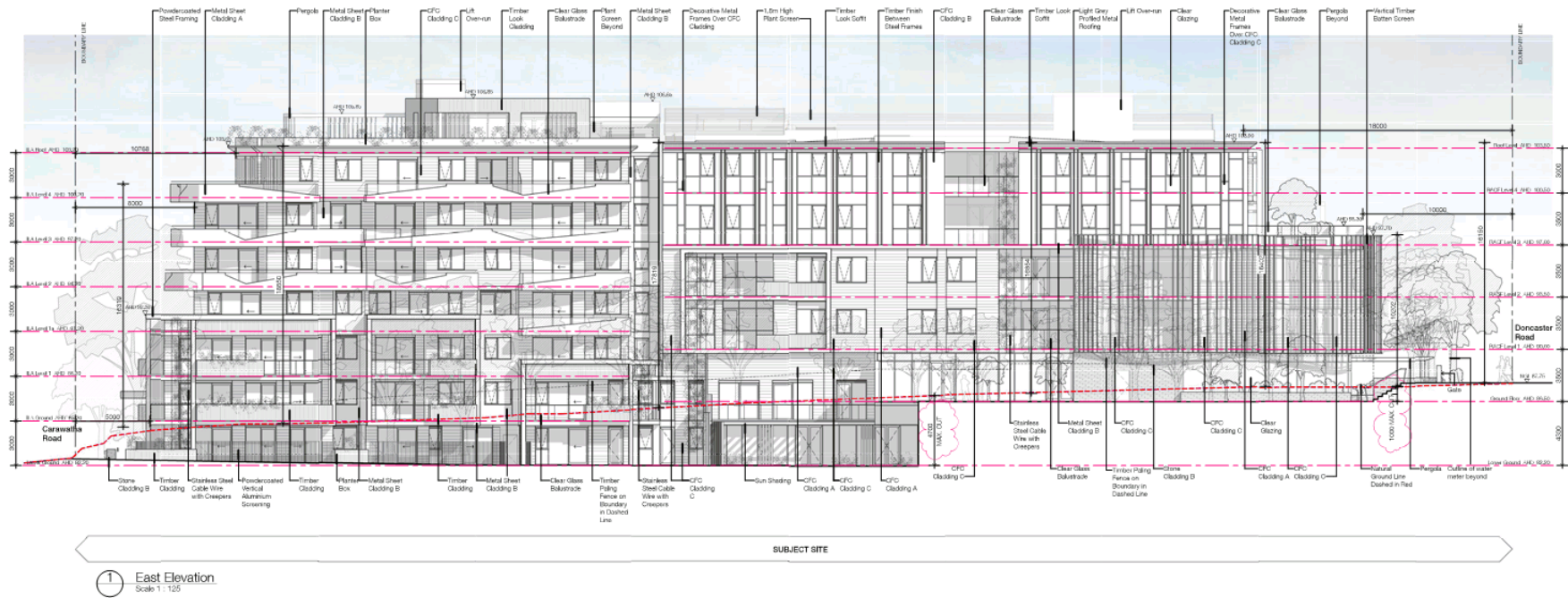
South Elevation - Carawatha Road

1:125 @ A1  
0 5 10

**TOWN PLANNING**  
**150153/TP18**

2017.11.22

**B**



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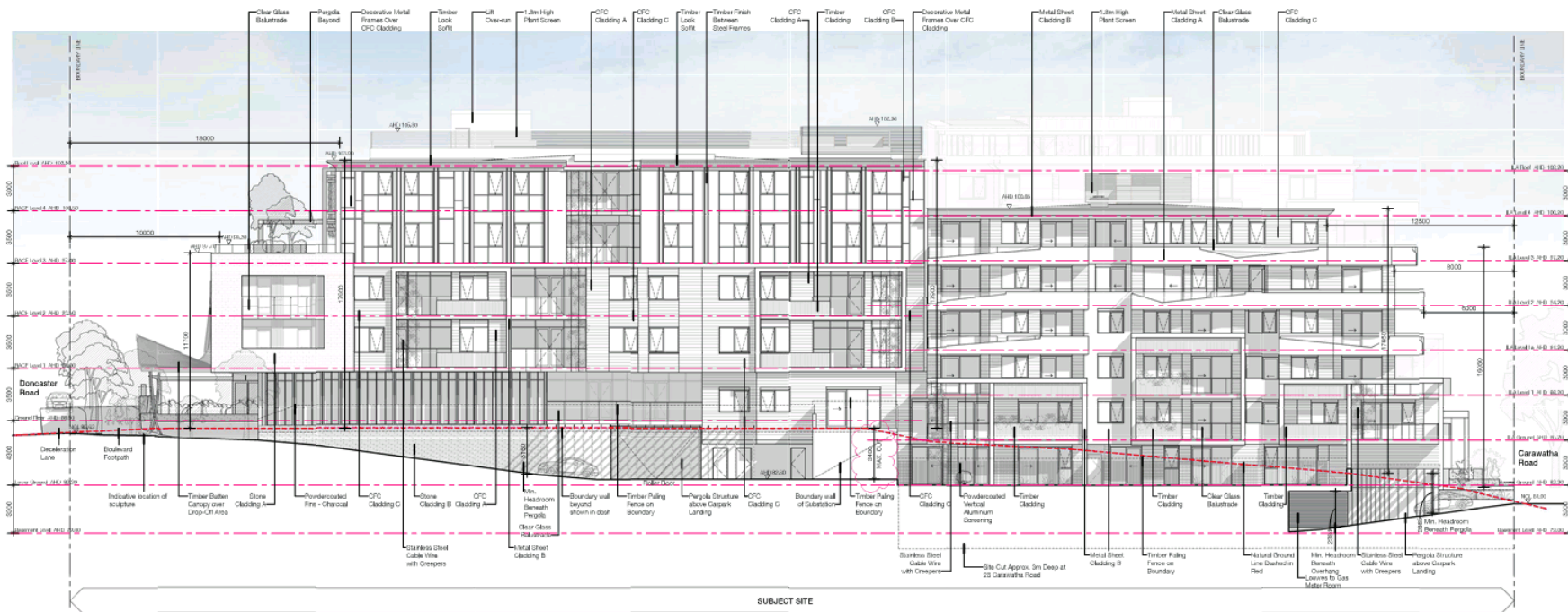
East Elevation

1:125 @ A1

TOWN PLANNING  
150153/TP19

2017.11.22

C



1 West Elevation  
Scale 1:125

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534-540 Doncaster Road, Doncaster

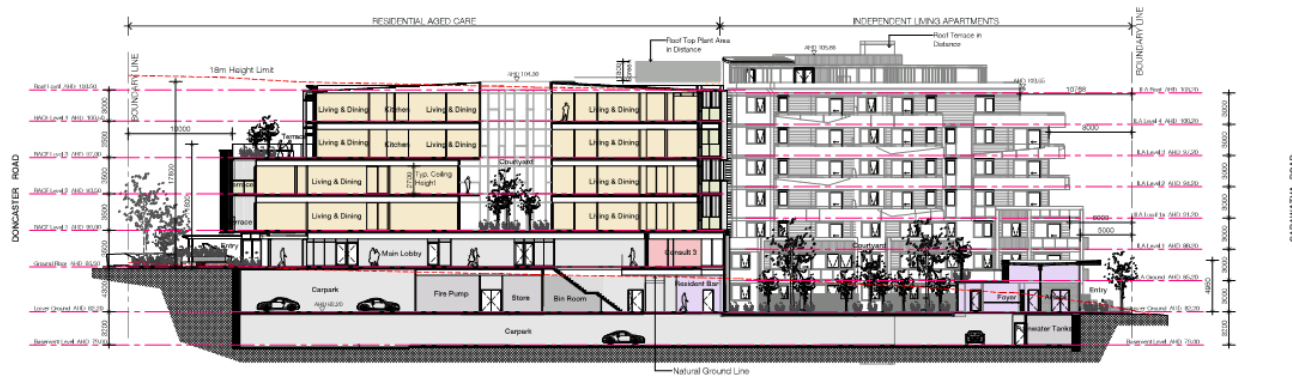
West Elevation

1:125 @ A1

**TOWN PLANNING**  
**150153/TP20**

2017.11.22

**C**



Section A-A



Section B-B

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 534-540 Doncaster Road, Doncaster

Sections A & B

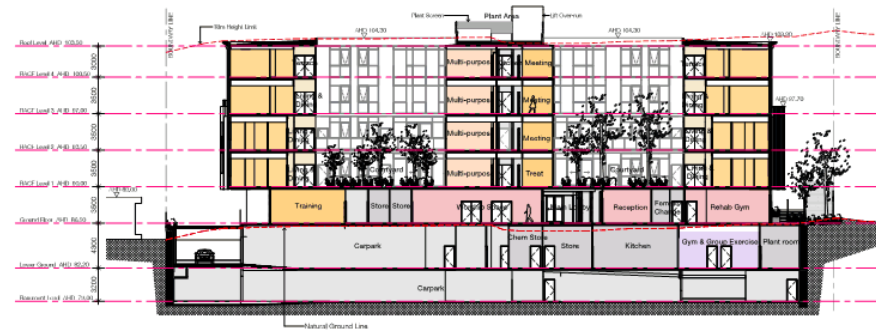
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**TOWN PLANNING**  
**150153/TP21**

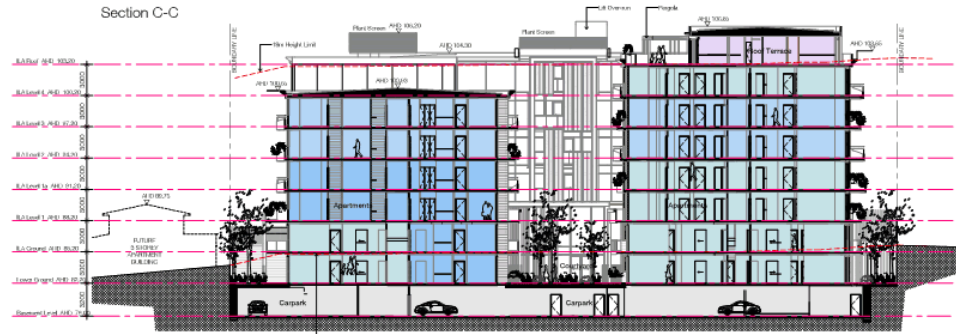
2017.11.03

**B**

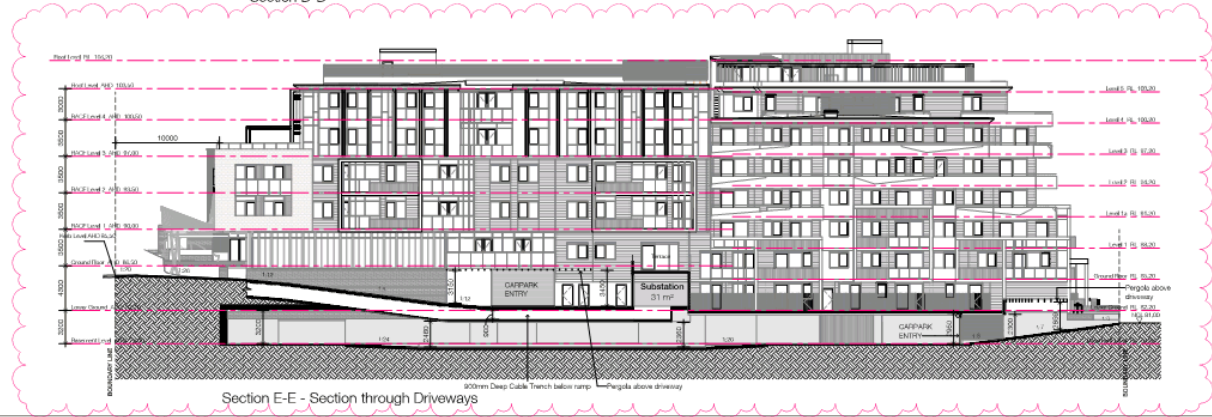




Section C-C



Section D-D



Section E-E - Section through Driveways

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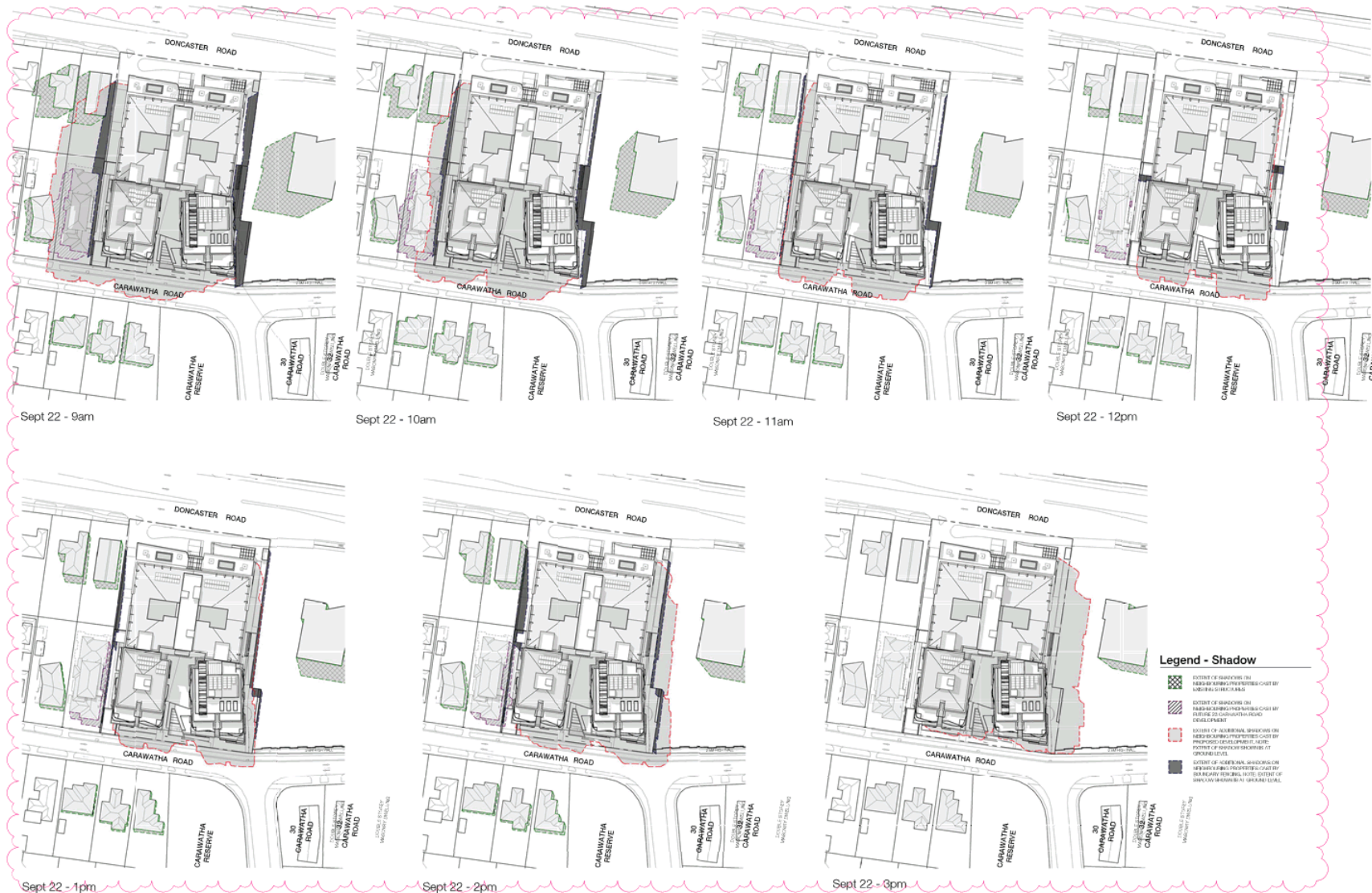
**Sections C, D and E (Section through driveways)**

1:200 @ A1  
0 10 20

**TOWN PLANNING**  
**150153/TP22**

2017.11.22

**B**



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534-540 Doncaster Road, Doncaster

Shadow Studies

As indicated @ A1

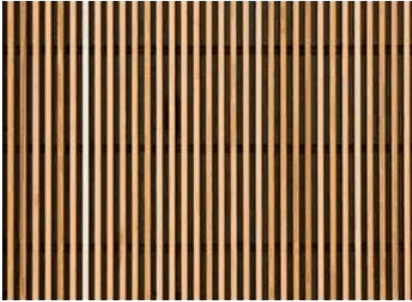


TOWN PLANNING  
150153/TP23


2017.11.03

B


**SCREENING**



VERTICAL TIMBER SLAT SCREEN




WIRE MESH VERTICAL GARDEN




POWDERCOATED STEEL FRAMING (CHARCOAL) FOR CREEPERS

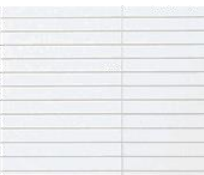
**"STREET LEVEL" ELEMENTS**




STONE CLADDING TYPE A: SANDSTONE OR SIMILAR WARM TONED COLOUR




STONE CLADDING TYPE A: SANDSTONE




CFC CLADDING TYPE A: LIGHT GREY




STONE CLADDING TYPE B: BLUESTONE



POWDERCOATED FINS: CHARCOAL




POWDERCOATED FINS: FEATURE COLOUR




ALUMINIUM WINDOW & DOOR FRAMES: CHARCOAL


**"UPPER LEVEL" ELEMENTS**




METAL SHEET CLADDING A: WHITE




METAL SHEET CLADDING B: CHARCOAL




TIMBER LOOK SOFFIT AND CLADDING



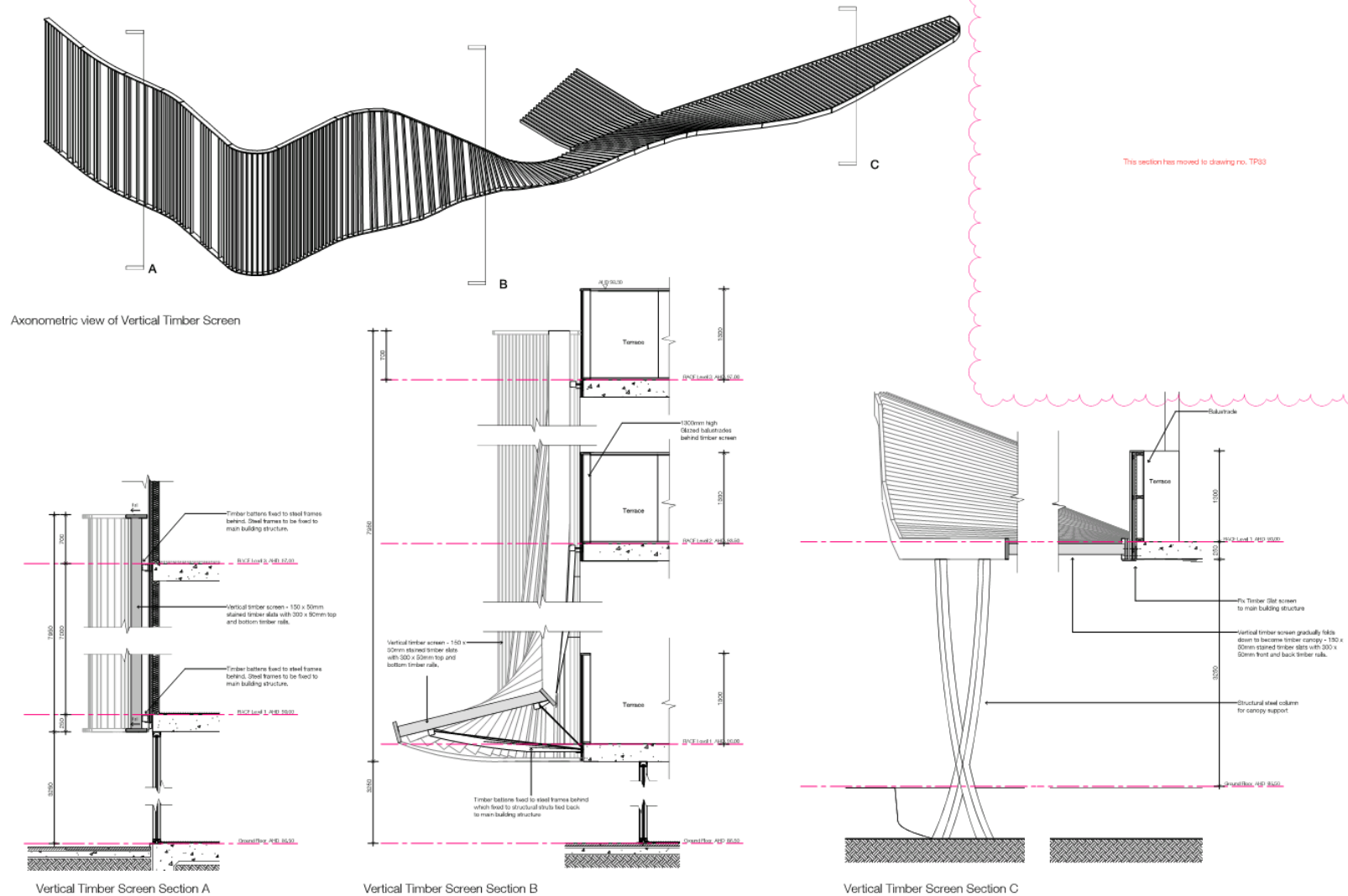
PROFILED METAL ROOFING IN SHALE GREY



CFC CLADDING B: LIGHT GREY



CFC CLADDING C: CHARCOAL



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Colchester CO1 2NS  
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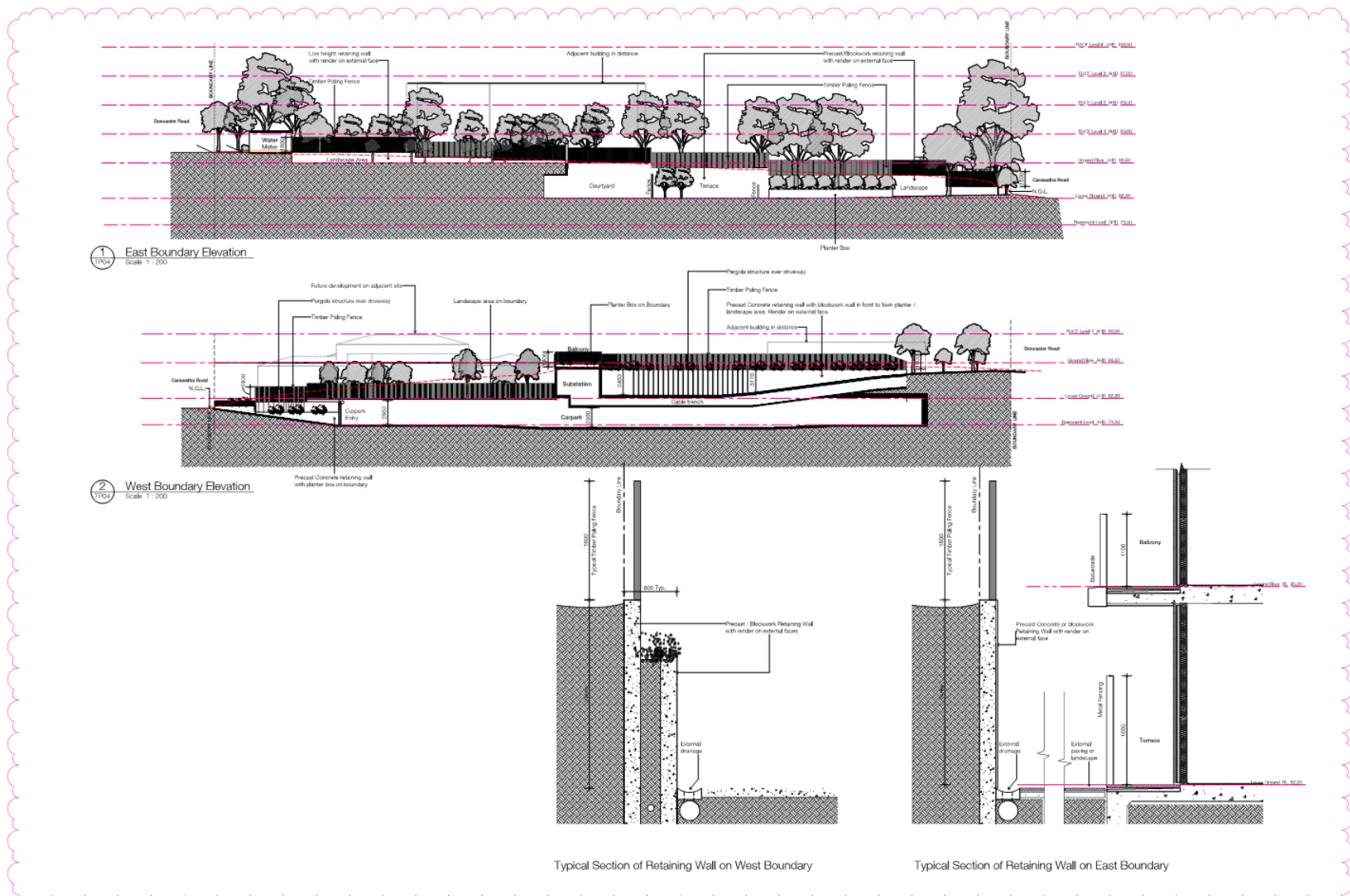
**Timber Batten Screening Details**

1:25 @ A1

**TOWN PLANNING**  
**150153/TP32**

2017.11.22

**B**



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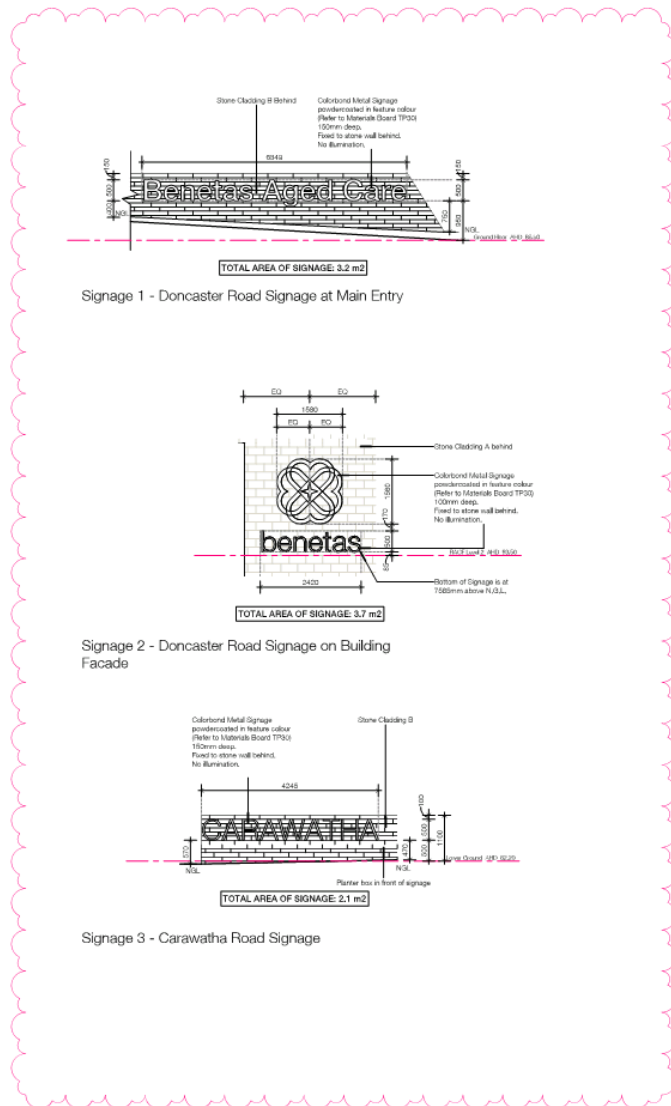
**Details of Retaining Walls along Boundaries**

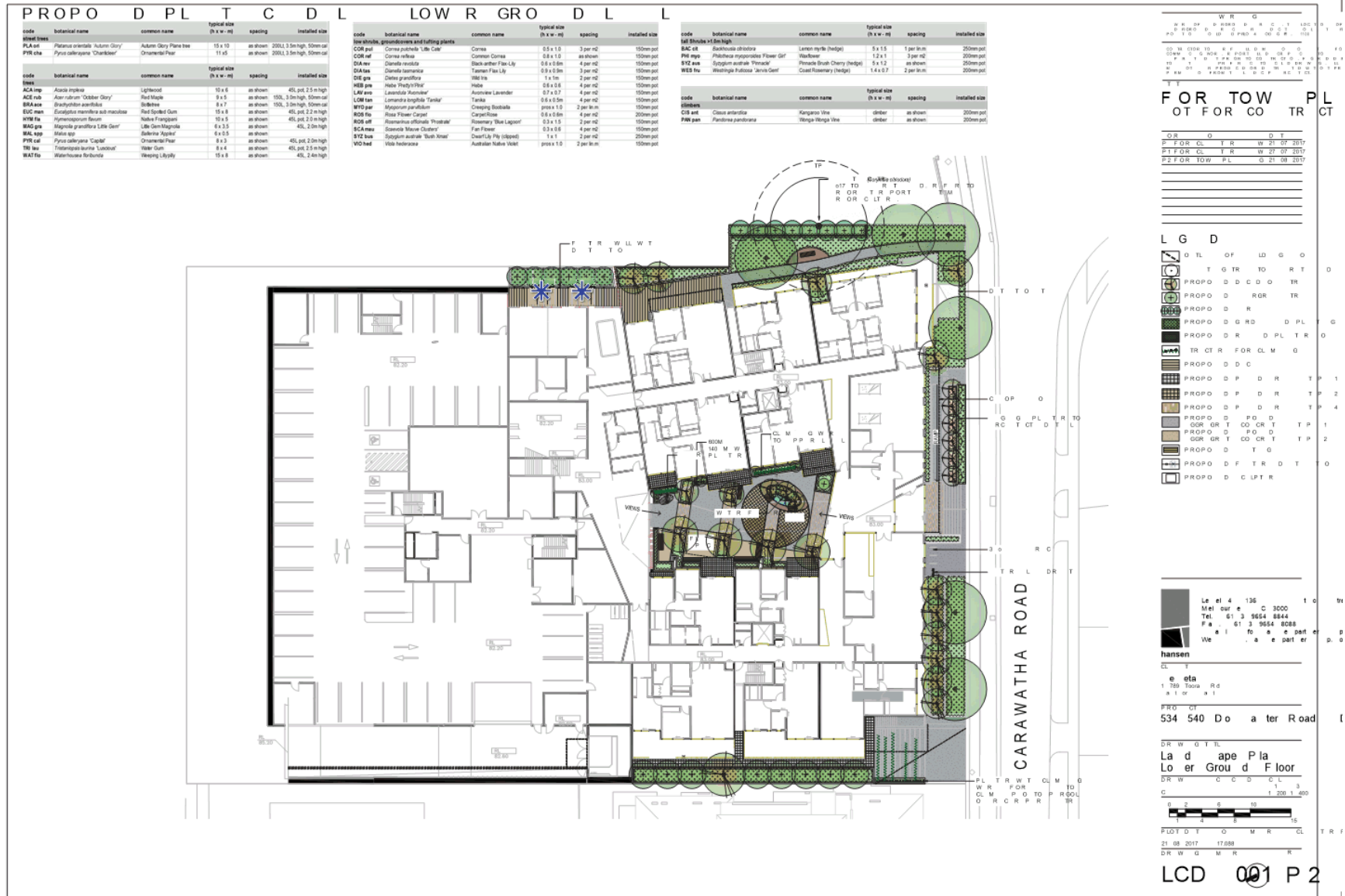
As indicated @ A1

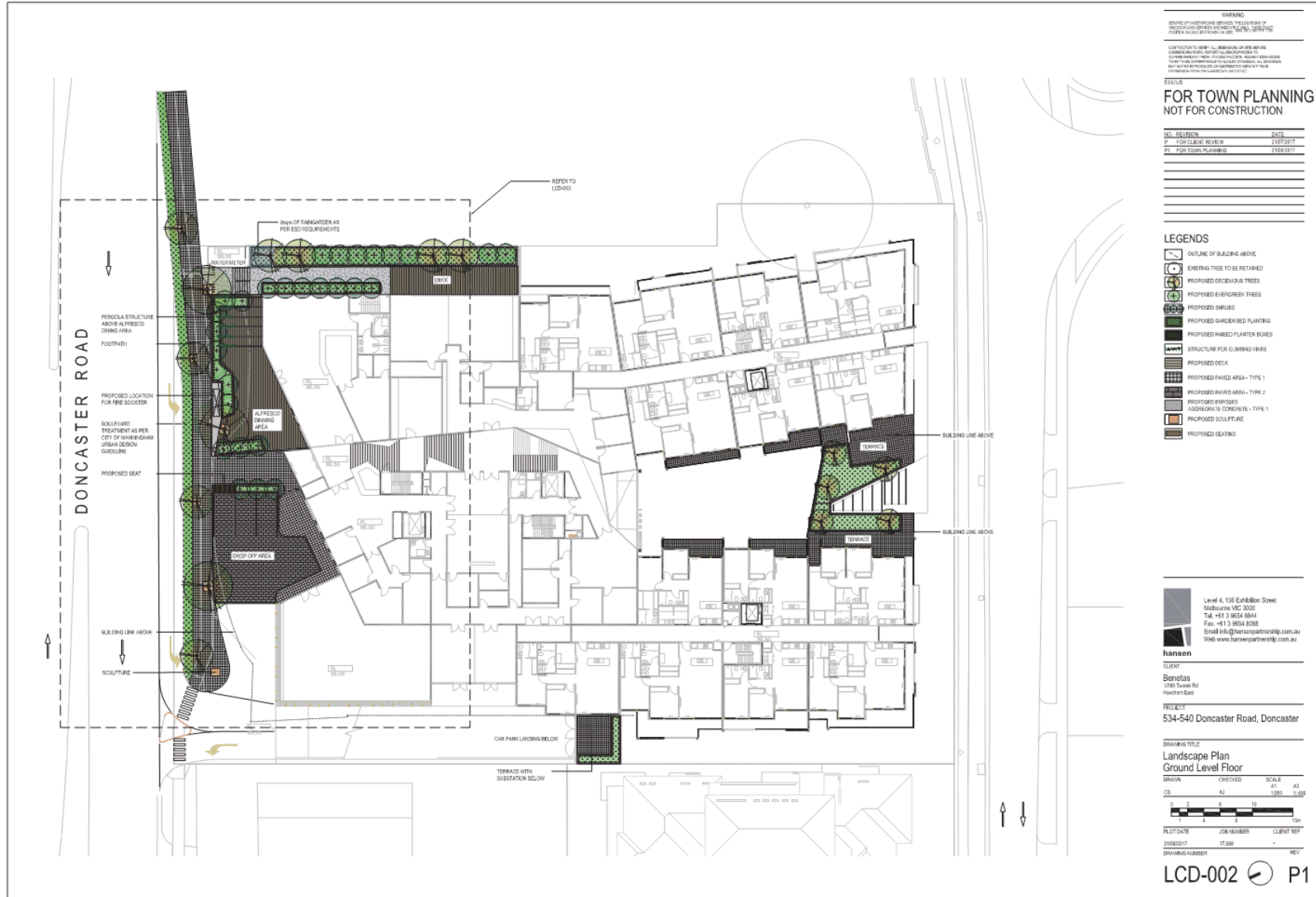
**TOWN PLANNING**  
**150153/TP33**

2017.11.22

**A**











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STATUS  
**FOR TOWN PLANNING**  
 NOT FOR CONSTRUCTION

NO.	REVISION	DATE
1	Issue Town Planning	23/03/2017

- LEGENDS
- OUTLINE OF BUILDING ABOVE
  - PROPOSED DECIDUOUS TREES
  - PROPOSED EVERGREEN TREES
  - PROPOSED SHRUBS
  - 1.2M NATURE STRIP
  - RAISED PLANTER BOXES
  - STRUCTURE FOR CLIMBING VINES
  - TIMBER DECK
  - 300 X 303 QUARTZSTONE PAVEMENT
  - 600 X 300 BLUESTONE PAVEMENT
  - 100 X 100 COBBLESTONE BORDER PAVEMENT
  - EXPOSED AGGREGATE CONCRETE
  - SEATING WITH TIMBER SLATS
  - PROPOSED SCULPTURE

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 Melbourne VIC 3000  
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 Fax: +61 3 9654 8088  
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 Web: www.hansenpartnership.com.au

**hansen**

CLIENT  
 Benetas  
 1188 Tonson Rd  
 Hawthorn East

PROJECT  
 534-540 Doncaster Road, Doncaster

DRAWING TITLE  
**Boulevard Detail Plan**  
 Ground Level Floor

DRAWN: CS      CHECKED: KJ      SCALE: AS SHOWN

0 1 2 3 4 5 6 7 8 9 10m

PLT DATE: 21/02/2017      JOB NUMBER: 17268      CLIENT REF:      DRAWING NUMBER: LCD-003      REV: P

PROPOSED PLANT SCHEDULE - LEVEL 1

code	botanical name	to common name	typical size (h x w x r)	spacing	installed size
ACE pd	Acer palmatum 'Elegant'	Japanese larch tree	4.5 x 5	as shown	45, pct. 2.0 m high
ACE sp	Acer palmatum 'Viking Glory'	Red larch	4.5 x 5	as shown	100, 3, 20m, 20m
FIC mc	Ficus microcarpa 'Miyajima'	Fig	8 x 5	as shown	2m in 100 pot
LAR ch	Larix laricina 'Duke of Devon'	Christmas tree	8 x 5	as shown	2m in 100 pot
PYR ca	Pyrus calleryana 'Coppell'	Callery pear	8 x 5	as shown	45, pct. 2.0m high
TRU ca	Trichostema lanatum 'Lamb's Tail'	Lamb's tail	8 x 5	as shown	45, pct. 2.5 m high
LYA Ara	Lycium arboreum	Decorative tree Palm	20 x 5	as shown	

code	botanical name	to common name	typical size (h x w x r)	spacing	installed size
DEL (Shade) (h) (h) high	Delonix regia 'Pinnaculata'	Delonix tree	5 x 1.2	15m	200mm pot
JUN ch	Jurinea chinensis 'Spartan'	Juniper	8 x 5	as shown	200mm pot
RAE tree	Rambusia adonis 'Woodward'	Rambusia	8 x 1	15m	200mm pot
MYR pan	Myrica parviflora	Swamp myrtle	1.8 x 1.5	50mm	200mm pot

code	botanical name	to common name	typical size (h x w x r)	spacing	installed size
CEI mlt	Clematis vitalba	Flowering Clematis	4 x 0.5	4 per m <sup>2</sup>	150mm pot
COE ab	Coronilla alliodora 'White Coral'	White Coral	3 x 1.5	4 per m <sup>2</sup>	150mm pot
CYC rec	Cyrtanthus rotundifolius	Cyrtanthus	3 x 2	as shown	200mm pot
DAP rdb	Daphne genkwa	Winter Daphne	8 x 1	2 per m <sup>2</sup>	200mm pot
DAI lns	Dianella laurifolia 'Fossil'	Dianella	1.8 x 0.8	4 per m <sup>2</sup>	150mm pot
HEB pr	Hebe pectinata	Hebe	1.8 x 0.8	4 per m <sup>2</sup>	150mm pot
HEB m	Hebe marginata	Hebe	1.8 x 0.8	4 per m <sup>2</sup>	150mm pot
LIK ma	Liriodendron chinensis 'White'	Liriodendron	4 x 0.4	6 per m <sup>2</sup>	150mm pot
PLA ag	Platanus aegyptiaca	Platanus	4 x 0.6	3 per m <sup>2</sup>	150mm pot
SYC h	Syringa chinensis 'Dwarf'	Syringa	1 x 1	50mm	200mm pot
STR ng	Strawberry tree	Strawberry tree	1 x 1.5m	2 per m <sup>2</sup>	200mm pot
WEI tree	Weinmannia racemosa	Weinmannia	1.8 x 0.8	5 per m <sup>2</sup>	150mm pot
WID tree	Weinmannia racemosa	Weinmannia	1.8 x 1.0	4 per m <sup>2</sup>	150mm pot

SENSORY PLANTING

code	botanical name	to common name	typical size (h x w x r)	spacing	installed size
PEL tree	Peperomia rotundifolia	Peperomia	4.0 x 0.8	2 per m <sup>2</sup>	150mm pot
ROE tree	Rondeletia odorata	Rondeletia	4.0 x 0.7	3 per m <sup>2</sup>	150mm pot
MUL tree	Mussaenda frondosa	Mussaenda	1.8 x 1.5	2 per m <sup>2</sup>	200mm pot
COE tree	Coronilla alliodora	Coronilla	3.0 x 0.5	3 per m <sup>2</sup>	150mm pot
S TA tree	Sida acuta	Sida	0.3 x 0.5	3 per m <sup>2</sup>	150mm pot
ORI tree	Oreocarya ovata	Oreocarya	0.3 x 0.5	3 per m <sup>2</sup>	150mm pot
SAL tree	Scaevola taccada	Scaevola	0.5 x 0.5	2 per m <sup>2</sup>	150mm pot
MEN tree	Mentha arvensis	Mint	0.45 x 0.8	4 per m <sup>2</sup>	150mm pot
TRU tree	Trichostema lanatum	Lamb's tail	0.3 x 0.5	6 per m <sup>2</sup>	150mm pot
ROE tree	Rondeletia odorata	Rondeletia	0.5 x 0.5	2 per m <sup>2</sup>	150mm pot
TRU tree	Trichostema lanatum	Lamb's tail	0.5 x 0.5	4 per m <sup>2</sup>	150mm pot
ORI tree	Oreocarya ovata	Oreocarya	0.2 x 0.5	4 per m <sup>2</sup>	150mm pot



**WARNING**  
 REVIEW OF UNDERGROUND SERVICES TO BE COMPLETED BY THE CLIENT PRIOR TO CONSTRUCTION.  
 CONSULT WITH THE LOCAL COUNCIL FOR THE LOCATION OF UNDERGROUND SERVICES.  
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**NOT FOR TOWN PLANNING**  
 NOT FOR CONSTRUCTION

NO.	REVISION	DATE
1	FOR CLIENT REVIEW	23/07/2017
2	FOR CLIENT REVIEW	23/07/2017
3	FOR TOWN PLANNING	23/07/2017

- LEGENDS**
- OUTLINE OF BUILDING ABOVE
  - EXISTING TREES TO BE RETAINED
  - PROPOSED DECIDUOUS TREES
  - PROPOSED EVERGREEN TREES
  - PROPOSED SHRUBS
  - PROPOSED GRASSMATS
  - PROPOSED PLANTED PLANTING BOXES
  - STRUCTURE FOR CLIMBING VINES
  - PROPOSED DECK
  - PROPOSED PAVED AREA - TYPE 1
  - PROPOSED PAVED AREA - TYPE 2
  - PROPOSED PAVED AREA - TYPE 4
  - PROPOSED EXPOSED AGGREGATE CONCRETE - TYPE 1
  - PROPOSED EXPOSED AGGREGATE CONCRETE - TYPE 2
  - PROPOSED SEATING

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CLIENT  
 Benelas  
 1181 Spring Rd  
 Hawthorn East

PROJECT  
 534-540 Doncaster Road, Doncaster

DRAWING TITLE  
**Landscape Plan**  
**Level 1**

DRAWN: CS      CHECKED: CS      SCALE: AS SHOWN

PLOT DATE: 17/08/17      JOB NUMBER: LCD-004      CLIENT REF: P2

DRAWING NUMBER: LCD-004 P2

PROPOSED PLANT SCHEDULE - LEVEL 2

Supplier	Latin Name	Common Name	Is 5m height, as shown	200mm pot
PAR 85	Parthenocissus Filicoides	Boston Ivy	checkbox	checkbox
TR4 jps	Trachelospermum Jasminoides	Chinese Star Jasmine	checkbox	checkbox



**WARNING**  
 BEFORE ANY WORK COMMENCES, THE LOCATION OF ALL UTILITIES MUST BE DETERMINED AND MARKED TO PREVENT DAMAGE TO THEM.

CONTRACTOR TO VERIFY ALL DIMENSIONS ON THIS SET OF DRAWINGS BEFORE COMMENCING WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND ALL OTHER RELEVANT AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE LOCAL AUTHORITY AND ALL OTHER RELEVANT AGENCIES.

**STATUS**  
**FOR TOWN PLANNING**  
**NOT FOR CONSTRUCTION**

NO.	REVISION	DATE
01	FOR TOWN PLANNING	21/08/17
02	FOR TOWN PLANNING	21/08/17

- LEGENDS**
- OUTLINE OF BUILDING ABOVE
  - EXISTING TREE TO BE RETAINED
  - PROPOSED DECIDUOUS TREES
  - PROPOSED EVERGREEN TREES
  - PROPOSED SHRUBS
  - PROPOSED GARDEN BED PLANTING
  - PROPOSED RAISED PLANTER BOXES
  - STRUCTURE FOR CLIMBING VINES
  - PROPOSED DECK
  - PROPOSED PAVED AREA - TYPE 1
  - PROPOSED PAVED AREA - TYPE 2
  - PROPOSED PAVED AREA - TYPE 4
  - PROPOSED AGGREGATE CONCRETE - TYPE 1
  - PROPOSED AGGREGATE CONCRETE - TYPE 2
  - PROPOSED PAVING

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 Web: [www.hansenpartnership.com.au](http://www.hansenpartnership.com.au)

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 CLIENT:  
 Benetas  
 1178 Toorak Rd  
 Hawthorn East

PROJECT:  
 534-540 Doncaster Road, Doncaster

DRAWING TITLE:  
 Landscape Plan  
 Level 2

DRAWN	CHECKED	SCALE	A1	A3
CS	KJ	1:50	1:500	1:1000

PLOT DATE	JOB NUMBER	CLIENT REF
21/08/17	17388	-

DRAWING NUMBER: LCD-005 P1

PROPOSED PLANT SCHEDULE - LEVEL 3

code	botanical name	common name	typical size (h x w x r)	spacing	installed size
ACE pan	Acer palmatum 'Elegans'	Japanese larch	4 x 3	as shown	105, 100 x 1.5 h/gh
ACE vrb	Acer rubrum 'Obovatum Sargentii'	Red Maple	4 x 3	as shown	105L, 100 h/gh Overall
FIC vrb	Ficus microcarpa 'A/N' 'Santal'	Hills Fig	4 x 3	as shown	2.4m x 1.0/1.0m
LARD vrb	Lagerströmia indica 'A. Remye' 'Shobu'	Crane Flower	4 x 3	as shown	2.4m x 1.0/1.0m
PYF vrb	Pyrus adpressus 'Lindley'	Crabapple Pear	4 x 3	as shown	145, 100 x 1.5 h/gh
TRU vrb	Trichomanes aureum 'Lindleyi'	Water Gum	4 x 4	as shown	105, 100 x 1.5 h/gh
<b>Taxi Shrubbs 1.5m h/gh</b>					
SIZ vrb	Sloanea australis 'Pinnatifida'	Female Bush Cherry	5 x 1.2	70mm	220mm pot
JUN vrb	Juncus chinensis 'Spartan'	Scourer Juniper	5 x 1	50mm	200mm pot
BAN vrb	Banksia laevis 'Graft'	Banksia	5 x 1	70mm	200mm tag
MUR pan	Morus alba 'variegata'	Orange mulberry (dipped)	1.8 x 1.1	50mm	200mm pot
<b>Vertical screens</b>					
CLJ vrb	Clusia javanica	Kuhli Lilly	0.4 x 0.1	4 per m <sup>2</sup>	150mm pot
COB vrb	Cornus alba 'spicata' 'White Corner'	Dwarf White Cornus	0.3 x 0.1	4 per m <sup>2</sup>	150mm pot
CYC vrb	Cycas revoluta	Sago Palm	3 x 2	as shown	400mm pot
DAP vrb	Daphne genkwa	Winter Daphne	1 x 1	1 per m <sup>2</sup>	250mm pot
DAL vrb	Dandelion 'variegata' 'Tiramisu'	Tiramisu Plant Lily	0.6 x 0.6	4 per m <sup>2</sup>	150mm pot
HES pan	Hesperaloe parviflora	Red Yucca	0.6 x 0.6	4 per m <sup>2</sup>	150mm pot
HCB vrb	Hibiscus 'Blue Heaven'	Hibiscus	0.6 x 0.6	4 per m <sup>2</sup>	150mm pot
LIL vrb	Lilium 'variegatum' 'Milk and Honey'	Milk and Honey	0.4 x 0.4	4 per m <sup>2</sup>	150mm pot
PLA vrb	Platanus argentea	Silver Plane	0.4 x 0.4	4 per m <sup>2</sup>	150mm pot
SIZ vrb	Sloanea australis 'Red Heaven'	Red Heaven	1 x 1	1 per m <sup>2</sup>	250mm pot
STR vrb	Strawberry tree 'Red Heaven'	Red Heaven	1 x 1	1 per m <sup>2</sup>	250mm pot
WES vrb	Wisteria 'White Heaven'	White Heaven	0.3 x 0.3	4 per m <sup>2</sup>	150mm pot
WIL vrb	Wisteria 'White Heaven'	White Heaven	0.3 x 0.3	4 per m <sup>2</sup>	150mm pot
<b>Screeners</b>					
PAR vrb	Parthenocissus tricuspidata	Boston Ivy	0.6m height as shown	as shown	150mm pot
TRU vrb	Trichomanes aureum 'Lindleyi'	Water Gum	as shown	as shown	150mm pot

SENSORY PLANTING

code	botanical name	common name	typical size (h x w x r)	spacing	installed size
PEL vrb	Pteropodium frondscentum	Peppermint geranium	0.8 x 0.8	2 per m <sup>2</sup>	150mm pot
ROE vrb	Rosa rugosa	Rose Rosea	0.7 x 0.7	3 per m <sup>2</sup>	150mm pot
MUR pan	Morus alba 'variegata'	Orange mulberry (dipped)	1.8 x 1.5	2 per m <sup>2</sup>	200mm pot
CUB vrb	Corymbium album	Corymbium	0.8 x 0.8	3 per m <sup>2</sup>	150mm pot
STA vrb	Stachys recta	Lamb's Ears	0.3 x 0.5	3 per m <sup>2</sup>	150mm pot
ORV vrb	Origanum vulgare	Marjoram	0.4 x 0.4	2 per m <sup>2</sup>	150mm pot
SAL vrb	Salvia officinalis	Sage	0.3 x 0.5	2 per m <sup>2</sup>	150mm pot
MED vrb	Medicago sativa	Common Lucerne	0.45 x 0.9	4 per m <sup>2</sup>	150mm pot
TRU vrb	Trichomanes aureum 'Lindleyi'	Water Gum	0.3 x 0.3	4 per m <sup>2</sup>	150mm pot
ROE vrb	Rosa rugosa 'Princess of Wales'	Princess Rosemary	0.8 x 1.0	2 per m <sup>2</sup>	150mm pot
TRU vrb	Trichomanes aureum 'Lindleyi'	Water Gum	0.3 x 0.3	4 per m <sup>2</sup>	150mm pot
ORV vrb	Origanum vulgare	Marjoram	0.2 x 0.5	4 per m <sup>2</sup>	150mm pot



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**NOT FOR CONSTRUCTION**

DATE: 21/03/2017

- LEGENDS**
- OUTLINE OF BUILDING FOOTPRINT
  - EXISTING TREES TO BE RETAINED
  - PROPOSED DECIDUOUS TREES
  - PROPOSED EVERGREEN TREES
  - PROPOSED SHRUBBS
  - PROPOSED GARDEN BED PLANTING
  - PROPOSED RAISED PLANTER BOXES
  - STRUCTURE FOR CLIMBING VINES
  - PROPOSED DECK
  - PROPOSED PAVED AREA - TYPE 1
  - PROPOSED PAVED AREA - TYPE 2
  - PROPOSED PAVED AREA - TYPE 3
  - PROPOSED PAVED AREA - TYPE 4
  - PROPOSED EXPOSED AGGREGATE CONCRETE - TYPE 1
  - PROPOSED EXPOSED AGGREGATE CONCRETE - TYPE 2
  - PROPOSED SEATING

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**CLIENT**  
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 1181 Spring Rd  
 Hawthorn East

**PROJECT**  
 534-540 Doncaster Road, Doncaster

**DRAWING TITLE**  
 Landscape Plan  
 Level 3

**DRAWN** \_\_\_\_\_ **CHECKED** \_\_\_\_\_ **SCALE** A3  
 CS \_\_\_\_\_ KJ \_\_\_\_\_ 1:200

**PLOT DATE** 17/03/18 **JOB NUMBER** \_\_\_\_\_ **PRINT REF** \_\_\_\_\_

**DRAWING NUMBER** LCD-006 **REV** P1

PROPOSED PLANT SCHEDULE - LEVEL 4

code	botanical name	common name	typical size (H x W x D)	spacing	installed size
<b>tree</b>					
ACE pot	<i>Acer palmatum 'Flanagan'</i>	Light Japanese maple	4 x 3	as shown	45L pot 2.0m high
ACE rub	<i>Acer rubrum 'October Glory'</i>	Red Maple	9 x 5	as shown	150L, 1.5m high, 50cm cal
PIE tree	<i>Pinus strobus 'Mill Pinet'</i>	Mill Pine	6 x 3	as shown	2.4m x 100cm pot
LAC shr	<i>Lagerströmia indica 'Lance Strain'</i>	Coral Tree	4 x 3	as shown	2.5m x 100cm pot
PIE cal	<i>Pinus sabiniana 'Candle'</i>	Ornamental Pine	8 x 3	as shown	45L pot 2.0m high
TRU tree	<i>Tillandsia usneoides 'Lushout'</i>	Yucca Plant	8 x 4	as shown	45L pot 2.5m high
<b>Raised planters</b>					
DYZ tree	<i>Dryopteris australis 'Pencil'</i>	Parade Bracken	5 x 1.2	750mm	200mm pot
JUN shr	<i>Juniperus chinensis 'Spartan'</i>	Spartan Juniper	9 x 3	as shown	300mm pot
BALL tree	<i>Banksia laevis 'Goldie'</i>	Banksia	5 x 1	750mm	200mm pot
MUR pot	<i>Murraya paniculata</i>	Orange Jasmine (clipped)	1.8 x 1.5	500mm	300mm pot
<b>low shrubs, groundcovers and tufting plants</b>					
CLL tree	<i>Clivia miniata</i>	Red Lily	0.4 x 0.3	1 per pot	150mm pot
COP shr	<i>Conoclinium volubile 'White Coral'</i>	Overl' White coral	0.3 x 1.0	1 per pot	150mm pot
CTC tree	<i>Cyatodea allanii</i>	Sage Palm	3 x 2	as shown	400mm pot
OSP tree	<i>Ophiopogon japonicus</i>	White Grass	1 x 1	1 per pot	200mm pot
DIA tree	<i>Dianella aemula 'Tandil'</i>	Tandil Blue Lily	0.6 x 0.6	1 per pot	150mm pot
HIB tree	<i>Hibiscus syriacus 'Purple Heart'</i>	Heart	0.6 x 0.6	1 per pot	150mm pot
HOE shr	<i>Hemerocallis 'Blue Heaven'</i>	Heaven	0.6 x 0.6	1 per pot	150mm pot
LIR tree	<i>Liriodendron 'Marian White'</i>	White Lily tree	0.4 x 0.4	1 per pot	100mm pot
PLE tree	<i>Philadelphus 'Royal White'</i>	White Hawthorn	0.4 x 0.6	1 per pot	150mm pot
DYZ tree	<i>Dryopteris australis 'Steel Strain'</i>	Overl' L.P. (clipped)	1 x 1	500mm	200mm pot
STR tree	<i>Struthiostris reginae</i>	Overl' of Paradise	1 x 1.5m	1 per pot	200mm pot
BEE shr	<i>Berberis 'Crimson Clusters'</i>	Overl' Berberis	0.3 x 0.3	1 per pot	150mm pot
VO tree	<i>Viburnum carlesii</i>	Native V. tree	0.1 x 1.0	1 per pot	150mm pot
<b>climbers</b>					
PAR tree	<i>Parthenocissis vitacea</i>	Boston Ivy	8m height as shown	220cm pot	
TRU tree	<i>Tillandsia usneoides 'Lushout'</i>	Coral tree	as shown	220cm pot	

SENSORY PLANTING

code	botanical name	common name	typical size (H x W x D)	spacing	installed size
<b>PIE tree</b>	<i>Pinus strobus</i>	Mill Pine	6.8 x 5.5	2 per pot	150mm pot
<b>BOR tree</b>	<i>Boronia patens</i>	Brown Boronia	6.2 x 5.7	1 per pot	150mm pot
<b>WALL tree</b>	<i>Walleria floribunda</i>	Orange Jasmine (clipped)	1.8 x 1.5	2 per pot	200mm pot
<b>QUI tree</b>	<i>Quercus laevis</i>	Cotton gum	6.8 x 5.5	1 per pot	150mm pot
<b>ORA tree</b>	<i>Origanum vulgare</i>	Lamb's Ears	6.8 x 5.5	1 per pot	150mm pot
<b>ORI tree</b>	<i>Origanum vulgare</i>	Marjoram	6.8 x 5.5	4 per pot	150mm pot
<b>SAE tree</b>	<i>Salvia officinalis</i>	Sage	6.8 x 5.5	2 per pot	150mm pot
<b>HEB tree</b>	<i>Hemerocallis</i>	Common Day Lily	6.6 x 6.6	4 per pot	150mm pot
<b>TRU tree</b>	<i>Tillandsia usneoides</i>	Yucca Plant	6.8 x 5.5	1 per pot	150mm pot
<b>ROSE tree</b>	<i>Rosa rugosa</i>	Prickly Rosemary	6.8 x 5.5	2 per pot	150mm pot
<b>TRU tree</b>	<i>Tillandsia usneoides</i>	Yucca Plant	6.8 x 5.5	1 per pot	150mm pot
<b>ORI tree</b>	<i>Origanum vulgare</i>	Marjoram	6.8 x 5.5	4 per pot	150mm pot



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**STATUS**  
**FOR TOWN PLANNING NOT FOR CONSTRUCTION**

NO REVISION DATE  
 FOR TOWN REVIEW 21/03/2017  
 FOR TOWN PLANNING 07/04/2017  
 FOR TOWN PLANNING 17/04/2017

**LEGENDS**

- PROPOSED ENERGY TREES
- PROPOSED RAISED PLANTER BOXES
- PROPOSED PAVED AREA - TYPE 2
- PROPOSED PAVED AREA - TYPE 3

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 Hawthorn East

PROJECT  
 534-540 Doncaster Road, Doncaster

DRAWING TITLE  
**Landscape Plan**  
**Level 4**

DRAWN CHECKED SCALE A3  
 CS KJ 1:100 1:50

PLOT DATE JOB NUMBER CLIENT REF  
 21/03/2017 17568 -

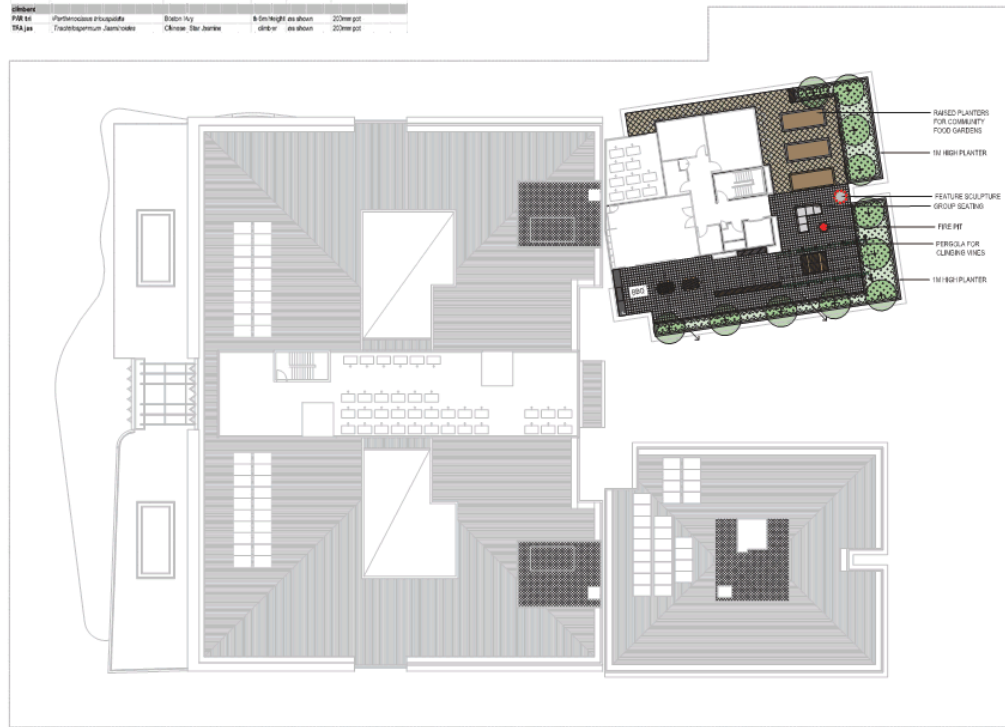
DRAWING NUMBER REV  
**LCD-007 P2**

PROPOSED PLANT SCHEDULE - ROOF

code	botanical name	common name	typical size m x w x ht	spacing	installed size
<b>tree</b>					
A12 pot	Acer japonicum 'Elegant'	Upright Japanese maple	4 x 3	as shown	45L pot 2.5 m high
A13 pot	Acer japonicum 'Saxatile' (cv)	Red Maple	9 x 5	as shown	100L 120cm high 30cm out
F12 pot	Ficus microcarpa 'M. Flax'	Mini Fig	6 x 3	as shown	24in in 102L pot
L14 pot	Lagotis compta 'Indica' (var) 'Black'	Black Starburst	4 x 3	as shown	22cm in 102L pot
M16 pot	Myrsine laevis 'Cascad'	Orange Red Pear	8 x 3	as shown	45L pot 2.0 m high
T18 tree	Fraxinus excelsior 'Linderoth'	White Gum	8 x 4	as shown	45L pot 2.5 m high
<b>Tall Shrub 1.8m high</b>					
S12 tree	Sedum spectabile 'Herbst'	Fireweed Seed Cherry	5 x 2	750mm	200mm pot
J14 shr	Juncus oerfoides 'Spartan'	Stolon Juniper	9 x 3	as shown	300mm pot
B16 tree	Bombax saepe 'Grand'	Burhee	5 x 1	750mm	200mm high
M18 pot	Moraea paniculata	Orange Jasmine (upped)	1.8 x 1.5	500mm	200mm pot
<b>low shrub, 1m maximum and sitting plant</b>					
C11 tree	Carex lasiocarpa	Kobe Lily	0.4 x 0.5	4 per m <sup>2</sup>	100mm pot
C16 shr	Cornus alba compact 'White Coral'	Dear White coral	0.3 x 1.0	4 per m <sup>2</sup>	100mm pot
C17 shr	Cydonia mollis	Quince Parv	3 x 2	as shown	400mm pot
D14 pot	Daphne odora	White Daphne	1 x 1	2 per m <sup>2</sup>	200mm pot
D16 tree	Dielsia ampelodes 'Tandil'	Tandil Plant Lily	0.6 x 0.6	4 per m <sup>2</sup>	100mm pot
M18 pot	Musa 'Parvifolia'	Mini	0.6 x 0.6	4 per m <sup>2</sup>	100mm pot
M19 shr	Musa 'Blue Hawaii'	Mini	0.6 x 0.6	4 per m <sup>2</sup>	100mm pot
L14 shr	Ligularia sinensis 'Moose Hill'	Wink Lily	0.4 x 0.4	6 per m <sup>2</sup>	100mm pot
P14 shr	Phlox subulata 'granatella'	Star Phlox/maui	0.4 x 0.6	3 per m <sup>2</sup>	100mm pot
S12 tree	Sedum spectabile 'Herbst'	Dear Lily (Physaloid)	1 x 1	500mm	200mm pot
S16 shr	Sedum spectabile	Dear Lily of the valley	1 x 1.5m	2 per m <sup>2</sup>	200mm pot
W18 shr	Wandellia grey 'Blue'	Dear Wandellia	0.3 x 0.3	3 per m <sup>2</sup>	100mm pot
W19 shr	Wickstroemia	Indian Flax	0.1 x 1.0	4 per m <sup>2</sup>	100mm pot
<b>climber</b>					
P14 tree	Parthenocissus tricuspidata	Boston Ivy	8.5m height as shown		200mm pot
T14 tree	Trochodendron araliifolium	Chinese Star Jasmine	climber	as shown	200mm pot

SENSORY PLANTING

code	botanical name	common name	typical size m x w x ht	spacing	installed size
<b>PERM</b>					
P11 tree	Pharbitis nil 'Scarlet Queen'	Perennial Ipomoea	0.8 x 0.8	2 per m <sup>2</sup>	100mm pot
R12 tree	Rosa rugosa	Rosee Brandy	0.7 x 0.7	3 per m <sup>2</sup>	100mm pot
M18 pot	Moraea paniculata	Orange Jasmine (upped)	1.8 x 1.5	2 per m <sup>2</sup>	200mm pot
C17 shr	Cydonia mollis	Quince Parv	0.3 x 0.5	3 per m <sup>2</sup>	100mm pot
S14 tree	Sedum spectabile	Lady's Ears	0.3 x 0.5	3 per m <sup>2</sup>	100mm pot
Q16 tree	Quercus macrocarpa	Ma oak	as shown	4 per m <sup>2</sup>	100mm pot
S14 shr	Sedum album	Sage	0.3 x 0.5	2 per m <sup>2</sup>	100mm pot
M19 shr	Moraea paniculata	Orange Mint	0.45 x 0.5	4 per m <sup>2</sup>	100mm pot
T14 tree	Trochodendron araliifolium	Star Jasmine	0.3 x 0.5	4 per m <sup>2</sup>	100mm pot
R12 shr	Rosa rugosa	Princess Rosemary	1.0 x 1.0	2 per m <sup>2</sup>	100mm pot
T14 tree	Trochodendron	Orange Eye	1.0 x 1.0	4 per m <sup>2</sup>	100mm pot
Q16 shr	Quercus rugosa	Orange	0.2 x 0.5	4 per m <sup>2</sup>	100mm pot



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STATUS  
**FOR TOWN PLANNING  
NOT FOR CONSTRUCTION**

NO.	REVISION	DATE
01	FROM CLIENT PRESENT	21/06/2017
02	FOR TOWN PLANNING	07/06/2017
03	FOR TOWN PLANNING	21/06/2017

- LEGENDS
- PROPOSED EVERGREEN TREES
  - PROPOSED PERENNIAL PLANTER BOXES
  - CLIMBER
  - PROPOSED PAVED AREA - TYPE 2
  - PROPOSED PAVED AREA - TYPE 3
  - SEATING
  - PROPOSED SCULPTURE
  - PROPOSED ARBOR STRUCTURE

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CLIENT  
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Prahran Vic 3181

PROJECT  
534-540 Doncaster Road, Doncaster

DRAWING TITLE  
Landscape Plan  
Roof

DRAWN CHECKED SCALE  
DS KS AS KS  
1:200 1:200 1:200

PLOT DATE JOB NUMBER CLIENT REF  
21/06/2017 17288 -

DRAWING NUMBER REV  
LCD-008 P2

## 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:**

- State Planning Policy Framework
- Local Planning Policy Framework
- Clause 37.08 Activity Centre Zone, Schedule 1
- Clause 45.06 Development Contributions Plan Overlay, Schedule 1
- Clause 45.09 Parking Overlay, Schedule 1
- Clause 52.02 Easements, Restrictions and Reserves
- Clause 52.05 Advertising signs
- Clause 52.06 Car Parking
- Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road
- Clause 52.34 Bicycle Facilities
- Clause 65 Decision Guidelines

#### Zone

##### Clause 37.08 Activity Centre Zone, Schedule 1

The purpose of the Activity Centre 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 encourage a mixture of uses and the intensive development of the activity centre:*
  - *As a focus for business, shopping, working, housing, leisure, transport and community facilities.*
  - *To support sustainable urban outcomes that maximise the use of infrastructure and public transport.*
- *To deliver a diversity of housing at higher densities to make optimum use of the facilities and services.*

- *To create through good urban design an attractive, pleasant, walkable, safe and stimulating environment.*
- *To facilitate use and development of land in accordance with the Development Framework for the activity centre.*

A permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise.

This zone is in Category 1 as it relates to advertising sign requirements.

Schedule 1, relevant to Doncaster Hill Principal Activity Centre outlines the following objectives:

*Land use and development objectives to be achieved*

- *To advance Doncaster Hill as a sustainable and vibrant mixed-use activity centre with a strong sense of place and civic identity.*
- *To develop the centre as a focus for contemporary high density residential development incorporating a mix of complementary retail, social, commercial and entertainment uses.*
- *To ensure the activity centre enhances the social, environmental, economic and cultural elements of the municipality and region, advancing Doncaster Hill as a destination in Melbourne's East.*

*Land use*

- *To provide for a vibrant range of mixed uses that support the strategic role of the Doncaster Hill Principal Activity Centre.*
- *To provide for a high level of activity that attracts people, provides a focal point for the community, creates an attractive and safe urban environment, increasing opportunities for social interaction.*
- *To ensure mixed use development comprises flexible floor spaces for a range of uses.*
- *To substantially increase the provision, intensity and diversity of housing (especially affordable housing), that allows for all sectors of the community to live in the centre.*
- *To provide for high-density residential development on individual sites in conjunction with a diversity of other uses including a mix of retail, commercial, social, community and entertainment uses.*
- *To encourage commercial and small-scale retail uses at the lower level of buildings, with high-density style residential development on upper levels.*

*Built form*

- *To create treed boulevards framed by podiums, consistent front setbacks and a high quality landscape along Doncaster, Williamsons and Tram Roads.*
- *To encourage innovative, contemporary architecture that provides a distinctive sense of identity for the Doncaster Hill Principal Activity Centre.*
- *To emphasise the existing dramatic landform of Doncaster Hill through built form that steps down the hill.*
- *To ensure an appropriate transition in height both within the activity centre and to surrounding neighbourhoods.*
- *To encourage built form that capitalises on key views and vistas including to the middle-ground and distant features including Dandenongs, the Kinglake Ranges and the central Melbourne skyline.*
- *To encourage the provision of urban art within built form or in adjacent public areas.*
- *To encourage the built form at gateway locations identified in the Framework Plan to be designed to act as markers with distinguishing architectural or urban design treatments*

*Environmental sustainability*



- To ensure Australian Best Practice environmentally sustainable design is met in relation to building energy management, water sensitive urban design, construction materials, indoor environment quality, waste management and transport.

Public realm

- To encourage active street frontages and pedestrian generating activities to be located along main roads.
- To ensure public spaces are minimally impacted by overshadowing, including preserving solar access in mid-winter to the key boulevards of Doncaster Road and Williamsons Road.
- To facilitate the enjoyment of public urban spaces/plazas, streetscapes, pedestrian and bicycle paths by ensuring that these areas are not excessively overshadowed or affected by wind tunnelling.
- To encourage artwork in suitable locations to contribute to creating a distinctive sense of identity.

Open space and landscaping

- To achieve development that provides accessible, safe, attractive and functional private and public open space opportunities, which are well connected and integrated within a permeable urban environment.
- To create a healthy and consistently landscaped environment that is dominated by native and indigenous planting.
- To maximise opportunities for landscaping in the public and private realm.
- To ensure each precinct has ready access to well designed public open space.

Transport and access

- To achieve development of circulation networks that focus on providing strong linkages within the Doncaster Hill Principal Activity Centre, and enhance public transport, pedestrian and bicycle users' amenity.
- To provide for well-defined vehicular, bicycle and pedestrian access both within and external to all precincts, with strong pedestrian crossing points to be established between the north and south sides of Doncaster Road.
- To encourage the integration of car parking areas into buildings and the unique sloping landform, including providing under-croft and basement as opposed to open-lot parking.

Under the ACZ1, the subject site is located in **Precinct 7D**. The objectives for Precinct 7D (clause 5.7-2) are as follows:

- To encourage an appropriate mix of residential and commercial uses in the precinct.
- To create a vibrant and commercially viable mix of uses, generally on smaller allotments than is proposed for precincts located further east in Doncaster Hill.
- To ensure that the precinct has ready access to well designed public open space.
- To improve pedestrian access through this precinct to Doncaster Road from the residential land to the south.
- To create a landmark gateway building at the eastern and western ends of the precinct.

Table 5.7-3 of the Scheme sets out the following precinct requirements:

Maximum height (excluding basement)	Design Element Height:	Setbacks

18m	3.6m above maximum height	10m to podium edge from front boundary 8m to front tower edge from podium edge 4.5m from side boundaries 5m from rear boundary
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### Overlays

#### Clause 45.06 Development Contributions Plan Overlay

*A permit must not be granted to subdivide land, construct a building or construct or carry out works until a development contributions plan has been incorporated into this scheme.*

*This does not apply to the construction of a building, the construction or carrying out of works or a subdivision specifically excluded by a schedule to this overlay.*

*A permit granted must:*

- *Be consistent with the provisions of the relevant development contributions plan.*
- *Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.*

#### Clause 45.09 Parking Overlay

*This overlay operates in conjunction with Clause 52.06. A schedule to this overlay may:*

- *Vary the requirements of Clause 52.06 as allowed by this overlay.*
- *Specify additional requirements to the requirements of Clause 52.06 as allowed by this overlay.*
- *Specify requirements for the provision of a financial contribution as a way of meeting the car parking requirements of Clause 52.06 or this overlay.*

### State Planning Policy Framework

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

Clause 11.01-1 (Activity Centres) includes the objective 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.

Clause 11.01-2 (Activity Centre Planning) includes the objective to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.

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 16.01-1 Residential development: Integrated housing

The policy objective is:

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

The clause has the following strategies:

- *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.*
- *Ensure that the planning system supports the appropriate quantity, quality and type of housing, including the provision of aged care facilities.*
- *Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.*
- *Encourage housing that is both water efficient and energy efficient.*

Clause 16.01-2 Residential development: Location of residential development

The policy objective 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.*

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

- *Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.*
- *Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.*
- *Ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development.*
- *Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.*
- *Identify opportunities for increased residential densities to help consolidate urban areas.*

Clause 16.01-3 Strategic redevelopment sites

The policy objective is:

- *To identify strategic redevelopment sites for large residential development in Metropolitan Melbourne.*

Specific reference is made at clause 16.01-3 to "strategic redevelopment sites" which are described as:

- *in and around Central Activity Centres;*
- *in or within easy walking distance of Principal or Major Activity Centres;*
- *in or beside Neighbourhood Activity Centres that are well served by public transport;*
- *on or abutting tram, train, light rail and bus routes that are part of the Principal Public Transport Network and close to employment corridors, Central Activities Districts, Principal or Major Activity Centres;*
- *in or near major modal public transport interchanges that are not in Principal or Major Activity Centres;*
- *able to provide ten or more dwellings, close to activity centres and well served by public transport.*

Clause 16.01-4 Housing diversity

The policy objective is:

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

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.*

Clause 18.02-5 Car parking

The policy objective is:

- *To ensure an adequate supply of car parking that is appropriately designed and located.*

The policy is relevant to the proposal because the application seeks a reduction in the standard car parking requirement of the Scheme. The objective is to ensure an adequate supply of car parking that is appropriately designed and located. It is also required to allocate or require land to be set aside for car parking subject to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking. Proposals are also encouraged to facilitate the use of public transport.

#### **Local Planning Policy Framework (LPPF)**

##### **Municipal Strategic Statement**

###### **Clause 21.03 Key Influences**

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

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

Clause 21.09 (Activity Centre and Commercial Areas) outlines that *principal, major and identified neighbourhood activity centres will be the focus of increased residential growth and development*. In particular, Doncaster Hill Principal Activity Centre will:

- *Challenges mainstream community planning and building design to achieve desired environmental outcomes.*
- *Provides more local jobs to reduce journey to work trips.*
- *Provides housing where residents may walk to facilities and services.*
- *Encourages reduced levels of car ownership and increased public transport usage.*

The vision for Doncaster Hill Principal Activity Centre is outlined in Council's *Doncaster Hill Strategy (2002)* and includes:

- *To implement the objectives of Melbourne 2030 in respect of Principal Activity Centres as a focus for retail, social, commercial, entertainment, civic and residential uses.*
- *To integrate ecologically sustainable development principles and techniques into every facet of the design, construction and operation/occupancy stages of new development to raise the aspirations of all users, appropriate for a city looking towards a long-term, responsible and sustainable future.*
- *To ensure that built form outcomes demonstrate the use of contemporary architecture combined with innovative urban design and building techniques that incorporate ecologically sustainable design principles.*
- *To emphasise the existing dramatic landform of Doncaster Hill through built form that steps down the hill.*
- *To encourage high density, high rise residential development.*
- *To provide a greater diversity of dwelling types.*
- *To alleviate pressure for more intense residential development in established urban areas.*
- *To reduce travel demand and change travel behaviour.*
- *To promote the development of sustainable transport options.*
- *To meet the future infrastructure requirements of Doncaster Hill in a comprehensive, timely and equitable way.*
- *To develop an integrated mixed-use precinct for Doncaster Hill Activity Centre which provides for an appropriate mix of uses and functions on a location specific level, including the provision of:*
  - *mixed uses within buildings, particularly along boulevard locations*
  - *small scale retail opportunities at ground floor level in conjunction with other mixed use developments*
  - *additional commercial/office floor space*
  - *flexible floor spaces within buildings to ensure life cycle adaptability.*

Within Doncaster Hill Principal Activity Centre there are various precincts delineated in accordance with their topographic orientation and aspect on Doncaster Hill, their relationship to main roads, and their present and future uses.

Clause 21.10 (Ecologically Sustainable Development) highlights Council's commitment to ESD and outlines a number of ESD principles to which regard must be given. These include building energy management, water sensitive design, external environmental amenity, waste management, quality of public and private realm and transport.

In relation to sustainability, the ACZ1 requires applicants to submit a Sustainability Management Plan that *demonstrates the application of Australian best practice rating tools and design principles, use of emerging technology, and a commitment to 'beyond compliance' throughout the construction period and subsequent operation of the development.*

### 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 Advertising Signs

Pursuant to Clause 52.05, a permit is required to erect or display a business identification sign if the total advertisement area of all signs to each premises must not exceed 8 m<sup>2</sup>. This does not include a sign with an advertisement area not exceeding 1.5 m<sup>2</sup> that is below a verandah or, if no verandah, that is less than 3.7 m above pavement level.

#### Clause 52.06 Car Parking

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

- 1 space for 1 and 2 bedroom dwellings.
- 2 spaces for 3 or more bedroom dwellings.
- 1 visitor space to every 10 dwellings (varied by the Parking Overlay, Schedule 1).

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

#### Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road

The purpose of this clause is:

- To ensure appropriate access to identified roads.
- To ensure appropriate subdivision of land adjacent to identified roads.

A permit is required to create or alter access to a road in a Road Zone, Category 1. A permit is required to create or alter access to land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road.

#### Clause 52.34 Bicycle Facilities

Pursuant to Clause 52.34-3, for a development of four or more storeys, the following number of bicycle spaces are required for an aged care facility:

- 1 space for every 7 beds for employees.
- 1 space for every 60 beds for visitors.

The following number of bicycle spaces are required for a retirement village:

- 1 space for every 10 lodging rooms for residents.
- 1 space for every 10 lodging rooms for visitors.

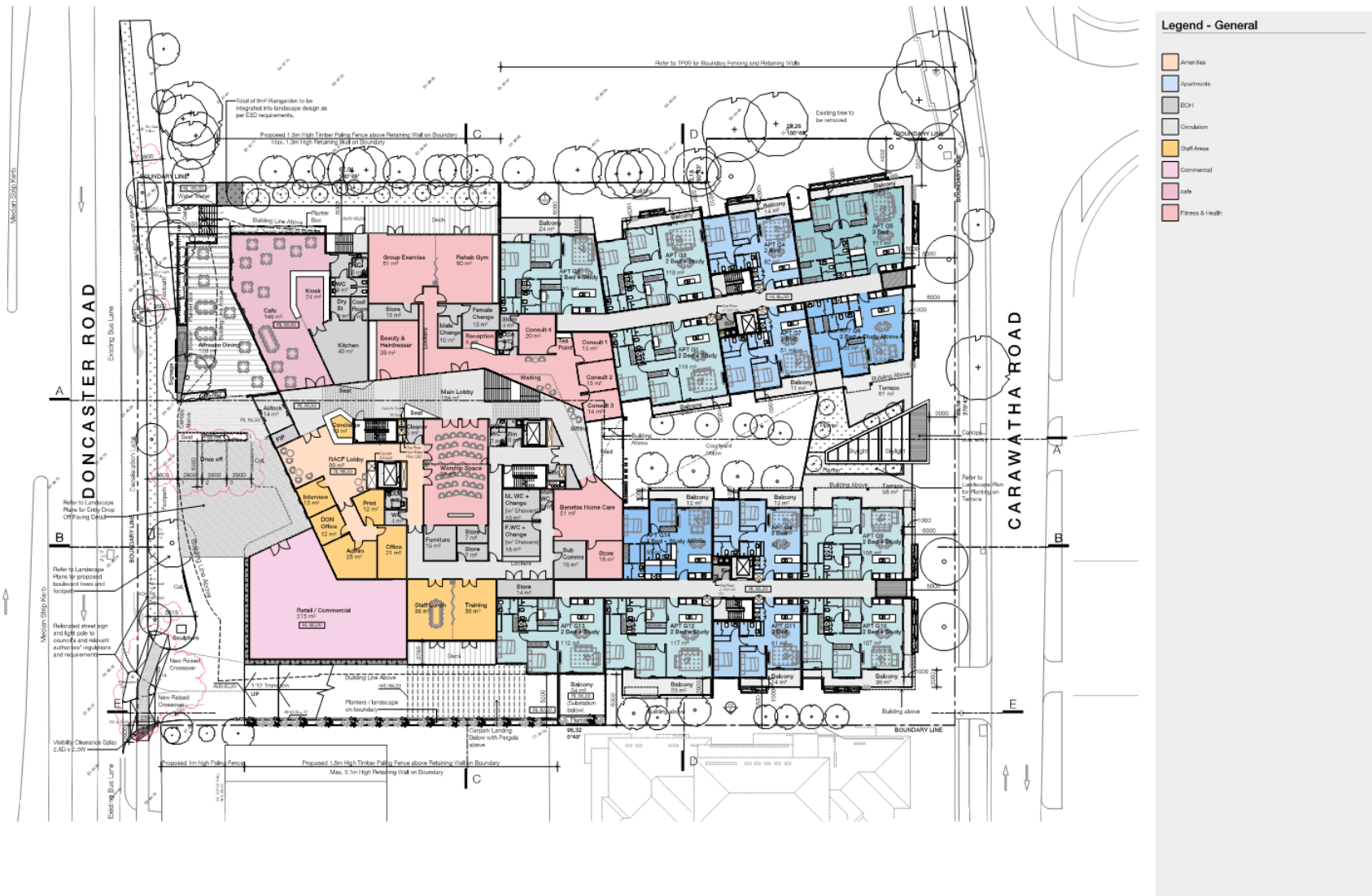
### General Provisions

#### 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.*





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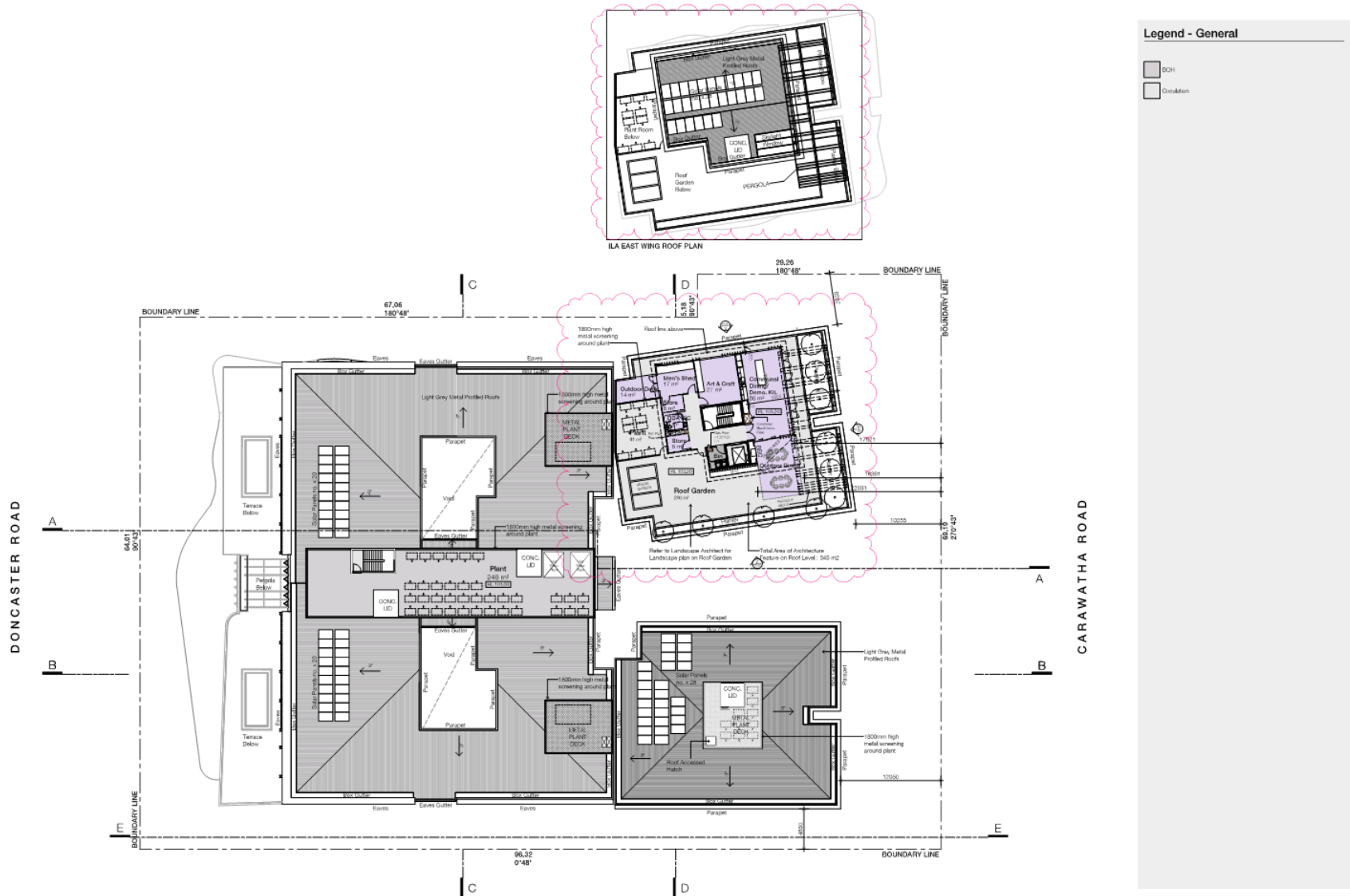
Ground Floor Plan

1:200 @ A1

TOWN PLANNING  
150153/TP10

2018.02.14

D



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**Roof Plan**





**TOWN PLANNING**  
**150153/TP16**

2018.02.14

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## 9.2 Planning Application PL17/027220 at 136-140 Andersons Creek Road, Doncaster East - Construction of twenty two, three-storey dwellings

File Number:	IN18/87
Responsible Director:	Director City Planning
Applicant:	Manki Holding Investment Pty Ltd
Planning Controls:	General Residential Zone 3 (GRZ3), Design & Development Overlay Schedule 9 (DD09),
Ward:	Mullum Mullum
Attachments:	<ol style="list-style-type: none"><li>1 Advertised Plans to accompany Council Report PL17/027220 136-140 Andersons Creek Road Doncaster East <a href="#">↓</a> </li><li>2 Legislative Requirements PL17/027220 136-140 Andersons Creek Road Doncaster East <a href="#">↓</a> </li></ol>

### EXECUTIVE SUMMARY

#### Purpose

1. This report provides Council with an assessment of a planning permit application submitted for land at 136-140 Andersons Creek Road, Doncaster East. This report recommends approval of the submitted proposal subject to permit conditions. The application is being reported to Council given that it is a Major Application (more than 15 dwellings).

#### Proposal

2. The proposal is for the development of twenty-two, three-storey dwellings (townhouses) on a site of 2966 square metres. Dwellings are each provided with a garage and either two, three or four bedrooms together with internal living spaces, amenities and balconies. The proposal is proposed to have a site coverage of 56.5%, garden area percentage of 35.05% and permeable area calculation of 25.92%.

#### Key issues in considering the application

3. The key issues for Council in considering the proposal relate to:
  - (a) Policy (consistency with state and local planning policy);
  - (b) Compliance with built form and design considerations (GRZ3 and DD09);
  - (c) Compliance with Clause 55 (Rescode).

#### Objector concerns

4. Objections have been received from the three (3) adjoining properties to the east in response to the advertised application. The main grounds of objection are summarised as:
  - Overdevelopment, building height, density and out of character
  - Increased traffic/Adequacy of car parking provision
  - Overlooking and loss of privacy
  - Overshadowing

- Location of on-site amenities, including appearance of waste bins
- Loss of existing landscape buffer
- Noise
- Impact on property values

### Assessment

5. Having regard to the planning policies and controls which govern the development, the proposal has been assessed to comfortably comply with the relevant planning considerations.
6. The proposal is considered to comply with the relevant planning policies in the Manningham Planning Scheme, in particular Clause 21.05 Residential. Furthermore it satisfies the mandatory requirements of the General Residential Zone 3 (GRZ3) and the design elements outlined in the Schedule 9 to the Design and Development Overlay (DDO9). The proposal also achieves a high level of compliance against the objectives set out at Clause 55 (ResCode).
7. Collectively, these planning controls recognise there will be a substantial level of change in respect of dwelling height, style and intensity of built form on the site, which is located within The Pines Major Activity Centre.
8. The three storey built form across the site is acceptable acknowledging that the proposal offers generous setbacks to all property boundaries in which landscaping can occur to filter views of the built form from external points around the site.
9. Car parking provision satisfies Clause 52.06 Car Parking of the Manningham Planning Scheme.
10. The proposed development offers an acceptable level of internal amenity and is assessed to present no unreasonable off-site amenity impacts.
11. In addition to achieving a high level of compliance with the planning policy context, the proposal responds positively to its physical site context.

### Conclusion

12. It is recommended that the proposal be supported subject to a series of planning permit conditions

### RECOMMENDATION

#### That Council:

**Having considered all objections a NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application PL17/027220 for the construction of twenty-two (22) three-storey dwellings on land at 136-140 Andersons Creek Road, Doncaster East subject to the following conditions:**

- 1 Before the development starts, amended plans drawn to scale and dimensioned, must be submitted via email and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the decision plans (prepared by Jesse Ant Architects, Revision A, dated 16 October 2017), but modified to show:**
  - 1.1 An accurate depiction of the canopy spread of the Council street tree situated on the road reservation forward of the site and the siting of the front fence outside of this canopy spread to the satisfaction of the Responsible Authority.**
  - 1.2 A plan notation that the Council street tree will be provided with tree protection fencing in accordance with Condition 14 of this permit.**
  - 1.3 A plan notation that the intercom system will provide 24 hour access to visitor car parking spaces.**
  - 1.4 The height of all balcony screens to be a minimum of 1.7 metres above finished floor level in accordance with Standard B22 of Clause 55.04-6 of the Manningham Planning Scheme.**
  - 1.5 The provision of internal barriers between adjoining balconies to a minimum height of 1.7 metres above finished floor level.**
  - 1.6 A plan notation that all habitable room windows directly facing Reynolds Road and Andersons Creek Road will be acoustically treated to protect residents from external traffic noises on these main roads to the satisfaction of the Responsible Authority.**
  - 1.7 The location of any building services at the frontage, including fire boosters, to be designed to complement the overall development to the satisfaction of the Responsible Authority.**
  - 1.8 Details within the legend of final driveway, car parking and all other paving details to the satisfaction of the Responsible Authority.**
  - 1.9 Any modifications or recommendations of the approved Sustainability Management Plan to be reflected on relevant drawings to the satisfaction of the Responsible Authority. This must include additional detail on the plans to indicate rainwater tank connection to all toilets, provision of external clotheslines to all dwellings and each dwelling's private open space area provided with an external tap and floor waste.**
  - 1.10 Plan adjustments to meet the requirements of VicRoads as outlined at Conditions 36 & 37.**
  - 1.11 A plan notation that "No U-Turn" signage will be installed to prevent illegal U-turns across Andersons Creek Road. The location of signage will be to the satisfaction of the Responsible Authority.**
- 2 The layout of the site and the size of buildings and works shown on the approved plans must not be modified for any reason, without the written consent of the Responsible Authority.**
- 3 Before the development starts, the permit holder must organise the removal of the easements in accordance with the permissions granted by PL16/025994 and PL16/026179 to the satisfaction of the Responsible Authority.**

- 4 Before the endorsement of Condition 1 plans, an amended Sustainability Management Plan (SMP), prepared by a suitably qualified environmental engineer or equivalent must be submitted via email and approved by the Responsible Authority. The plan must demonstrate best practice in environmentally sustainable development from the design stage through to construction and operation using industry assessment tools. The plan must generally accord with the submitted SMP prepared by LID Consulting, dated 14 September 2017 but modified by the following:**

**4.1 Update the BESS categories in order to meet the overall minimum score of 50%.**

**4.2 Update the BESS categories in order to meet the following minimum requirements:**

- **Energy (50%)**
- **Water (50%)**
- **IEQ (50%)**
- **Stormwater (50%)**

**4.3 The thermal performance rating (Energy 1.1) to achieve at least a 10% improvement on National Construction Code (NCC) minimum requirements.**

**When approved, the plan will form part of the permit. The recommendations of the plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the occupation of any dwelling.**

- 5 Before the development starts, a landscaping plan prepared by a landscape architect or person of approved competence must be submitted via email to the Responsible Authority for approval. Such plan must be generally in accordance with the development plan and be generally in accordance with the John Patrick Landscape Plan that was advertised as part of the application must be amended to update the planting schedule to specify the quantity of shrubs, ground covers, grasses and climbers and detail the location of these plantings on the landscape plan to the satisfaction of the Responsible Authority.**

- 6 Before the development starts, a Construction Management Plan (CMP) must be submitted via email and approved by the Responsible Authority. When approved the plan will form part of the permit. The Construction Management Plan is to be prepared in accordance with the template within Council's Construction Management Plan Guidelines. The CMP must address:**

**6.1 Element A1: Public Safety, Amenity and Site Security;**

**6.2 Element A2: Operating Hours, Noise and Vibration Controls;**

**6.3 Element A3: Air Quality and Dust Management;**

**6.4 Element A4: Stormwater and Sediment Control and Tree Protection (also as per the specific requirements of this permit);**

**6.5 Element A5: Waste Minimisation and Litter Prevention; and**

**6.6 Element A6: Traffic and Parking Management.**

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

- 7 The Waste Management Plan, as prepared by Leigh Design, dated 17 October 2017, 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.**
- 8 The Management Plans approved under Condition Nos. 4 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.**
- 9 Prior to the occupation of each building, written confirmation from the author of the approved Sustainability Management Plan, or a similarly qualified person or company, must be submitted to the Responsible Authority. The report must confirm that the sustainable design features/initiatives specified in the Sustainability Management Plan have been satisfactorily implemented in accordance with the approved plans.**
- 10 Before the review of development plans under Condition 1 of this permit, 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.**
- 11 Before the occupation of the approved dwellings, landscaped areas must be fully planted and mulched or grassed generally in accordance with the approved plan and to the satisfaction of the Responsible Authority.**
- 12 Privacy screens and obscure glazing as required in accordance with the approved plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority. The use of obscure film or spray fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.**
- 13 Driveway gradients and transitions as shown on the plan approved under Condition 1 of this permit must be generally achieved through the driveway construction process to the satisfaction of the Responsible Authority.**
- 14 Before the commencement of the development approved by this permit, tree protection fencing must be constructed around the Council street tree situated adjacent to the vehicle entry into the development. The tree protection fencing must be fenced off with star pickets and a barrier 1.5 metre high provided to protect the tree during construction. No excavation, trenching or soil removal may be carried out around this tree and the tree protection fencing must be maintained during the construction period to the satisfaction of the Responsible Authority.**
- 15 The developer must ensure that contractors/tradespersons who install services or work near any tree to be retained are to be made aware of the need to preserve the tree and to minimise impacts through appropriate work practices.**

- 16 The owner must provide on-site storm water detention storage or other suitable system (which may include but is not limited to the re-use of stormwater using rainwater tanks), to limit the Permissible Site Discharge (PSD) to that applicable to the site coverage of 35 percent of hard surface or the pre-existing hard surface if it is greater than 35 percent. The PSD must meet the following requirements:**
  - 16.1 Be designed for a 1 in 5 year storm; and**
  - 16.2 Storage must be designed for 1 in 10 year storm.**
- 17 Before the development starts, a construction plan for the system required by Condition 16 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.**
- 18 Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor. A connection to Council maintained assets must not be constructed unless a Miscellaneous Works Permit is first obtained from the Responsible Authority.**
- 19 The whole of the land, including landscaped and paved areas must be graded and drained to the satisfaction of the Responsible Authority, to prevent ponding and to minimise overland flows onto adjoining properties.**
- 20 Visitor parking spaces must not be used for any other purpose to the satisfaction of the Responsible Authority.**
- 21 Automatic garage door opening systems must be installed and maintained, so as to facilitate secure access to the allocated parking areas by residents, visitors and a rubbish collection contractor, to the satisfaction of the Responsible Authority.**
- 22 All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.**
- 23 All service pipes must be concealed and screened respectively to the satisfaction of the Responsible Authority.**
- 24 Communal lighting must be connected to reticulated mains electricity and be operated by a time switch, movement sensors or a daylight sensor to the satisfaction of the Responsible Authority.**
- 25 A centralised TV antenna system must be installed to each dwellings and connections made to each dwelling to the satisfaction of the Responsible Authority. No individual dish antennas may be installed on balconies, terraces, roofs or walls to the satisfaction of the Responsible Authority.**
- 26 Any reverse cycle air-conditioning unit, hot water boosters or other service plant erected on the walls of the approved building must be appropriately designed and finished with screening if necessary to minimise general visual impacts from off the site to the satisfaction of the Responsible Authority.**



- 27 All roof-top plant and services (including any hot water systems, but excluding solar panels) must be installed in appropriately screened areas, unless otherwise agreed in writing with the Responsible Authority.
- 28 Unless sufficiently screened by roof parapets, all solar panels and any associated safety railings must be located away from the outer edges of the roof section upon which they are installed, so as to minimise general visual impacts from off the site to the satisfaction of the Responsible Authority
- 29 Any air-conditioning unit installed on a balcony or terrace must stand at floor level and be positioned to minimise general visual impacts from off the site, and unless otherwise agreed in writing with the Responsible Authority, no air-conditioning unit may be erected on an external wall to the satisfaction of the Responsible Authority.
- 30 Any clothes-drying rack or line system located on a balcony or terrace must be lower than the balustrade of the balcony or terrace to minimise general visual impact from off the site to the satisfaction of the Responsible Authority.
- 31 All building services and metering located in the front setback, including fire services, gas, water and electricity, must installed in accordance with the approved plans and must be positioned in a discrete manner and be screened using cabinets, etc, that integrates with the overall building design to the satisfaction of the Responsible Authority.
- 32 Prior to the occupation of the approved dwellings, all fencing (whether new or retained) must be erected in good condition and be fit for screening purpose in accordance with the plans endorsed under Condition 1 of this permit to the satisfaction of the Responsible Authority.
- 33 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.
- 34 The owner must use appropriate site management practices to prevent the transfer of mud, dust, sand or slurry from the site into drains or onto nearby roads. In the event that a road or drain is affected, the owner must upon direction of the Responsible Authority take the necessary steps to clean the affected portion of road or drain to the satisfaction of the Responsible Authority.
- 35 Buildings, paved areas, fencing, external lighting, sight screens, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.

**VICROADS CONDITIONS (Condition 36 & 37)**

- 36 Prior to the commencement of works:
  - 36.1 A Functional Layout Plan (FLP) showing access arrangement must be submitted to and approved by the Roads Corporation. The plans must be drawn to scale with dimensions and must be generally in accordance with the advertised plans, but modified to show:
    - 8.8m service vehicles can enter and exit the site safely and efficiently with the use of turning templates.

- The layout ensures left-in left-out traffic movement (splitter island also needs to be modified).
- High angle exit.
- Redundant footpath removed.
- Appropriate signage and markings.

**36.2 Amended site plans must be submitted to and approved by VicRoads. Once approved by VicRoads the plans may then be endorsed by Council and will form part of the permit. The plans must be generally in accordance with the advertised plans and amended in accordance with the approved FLP.**

**37 Prior to the commencement of the use all works required by VicRoads under this permit must be completed to the satisfaction of the Responsible Authority and at no cost to VicRoads.**

**38 This permit will expire if one of the following circumstances applies:**

**38.1 The development is not started within four (4) years of the date of the issue of this permit; and**

**38.2 The development is not completed within eight (8) years of the date of this permit.**

**The Responsible Authority may extend these times 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.**

## **2. BACKGROUND**

- 2.1 The planning permit application was lodged on 29 March 2017.
- 2.2 A further information request was sought on 21 April 2017.
- 2.3 The design response has been substantially amended and improved from the original application lodged with Council. This includes redesigning the built form to appear as two apartment buildings on the site (noting dwellings are townhouses, not apartments) and revising the proposal to meet the garden area requirements of the Manningham Planning Scheme.
- 2.4 The application was advertised across December 2017 and received objections from three (3) adjoining residential properties at 3, 4 and 5 Wiggins Place Doncaster East. This land is located in a General Residential Zone – Schedule 3 (GRZ3).

## **3. THE SITE AND SURROUNDS**

- 3.1 The site is situated on the south-eastern corner of Andersons Creek Road and Reynolds Road, Doncaster East.
- 3.2 The site has a curved frontage to two roads with spans a total length of 91.17 metres. The site has a 43.7 m long southern boundary and a 55.16 metre long eastern boundary. It has a site area of 2966.6 square metres.

- 3.3 The natural contours of the land fall from the south-western end to the north-eastern end. In some locations, the natural topography has been altered by the development that has occurred on the land, particularly associated with the existing concrete driveway which has resulted in excavation across the western part of the site.
- 3.4 The current levels of the site fall from 93.2 AHD at the south-western corner to 86.6 AHD at the north-eastern corner.
- 3.5 A two storey, commercial building currently occupies the site. It presently accommodates the Genesis Fitness Club – an indoor recreation facility. Parking for the facility is provided “at grade” along the western side of the building, to the north of the building and in an undercroft car park beneath the northern end of the building.
- 3.6 Vehicle access to the site is via the Andersons Creek Road service road.
- 3.7 The site has minimal vegetation cover.
- 3.8 A 2.44 metre wide drainage and sewerage easement is positioned adjacent to the eastern property boundary. A 2.44 metre wide drainage and sewerage easement also extends across part of the northern boundary. Sewer manholes and stormwater pits are located within these easements. Additional stormwater pits are situated across the site outside of these easement.
- 3.9 The site has an abuttal with four (4) residential properties being:
  - Number 134 Andersons Creek, Road Doncaster East (to the south)
  - Number 3, 4 and 5 Wiggins Place, Doncaster East (to the east).
- 3.10 In terms of the general area, the site is situated within The Pines Major Activity Centre where there is presently a number of significant construction projects underway. There are also a number of recently completed developments, including the apartment building at the diagonally opposite corner of the Andersons Creek Road and Reynolds Road intersection (7 Red Hill Terrace). As such, the character of The Pines Activity Centre is certainly one that is undergoing substantial change.
- 3.11 Both Reynolds Road and Andersons Creek Road are major arterial roads under the jurisdiction of VicRoads, with raised central medians. Bus services operate along both roads.
- 3.12 The site is well located to a range of services, with The Pines Shopping Centre located 350 metres to the west and Milgate Primary School located 1.1km to the south by road. Anderson Park is located opposite the site on the south-west corner of the Andersons Creek and Reynolds Road intersection.

#### **4. THE PROPOSAL**

- 4.1 It is proposed to construct a total of twenty-two (22), three-storey dwellings.
- 4.2 The proposal relies on the existing access arrangement from Andersons Creek Road.

**Submitted plans and documents**

- 4.3 The proposal is outlined on plans prepared by Jess Ant Architects, dated 16 October 2017. A landscape plan prepared by John Patrick (dated October 2017) is also provided. These plans are provided at Attachment 1.
- 4.4 The following reports were also submitted in support of the application:
- A planning report prepared by Ratio Consultants, dated October 2017;
  - A traffic report prepared by Ratio Consultants, dated 17 October 2017;
  - A waste management plan prepared by Leigh Design, dated 17 October 2017;
  - A sustainability management plan prepared by LID Consulting, dated 14 September 2017;

**Design Layout**

- 4.5 At ground level, the dwellings are laid out in four (4) rows in an east-west alignment across the site. By virtue of attachment at the upper levels, the four (4) rows of dwellings present as two (2) modules. This is best depicted across the western elevation.
- 4.6 Dwellings 1 to 6 are sited at the northern end of the site, will present to Reynolds Road and will share a common accessway with Dwellings 7 to 12. At the southern end of the site, Dwelling 18 to 22 are positioned along the southern end of the site and will have an interface with No. 134 Andersons Creek Road. These dwellings will share a common accessway with Dwellings 13 to 17.
- 4.7 Dwelling entries to Dwellings 1 to 6 are provided by a brick paved pedestrian pathway that wraps across the northern frontage of the site
- 4.8 Centrally across the land, in between the two individual rows, a common area facilitating open space and a decorative internal pathway facilitates pedestrian access to the dwelling entries of the two central rows of dwellings (Dwellings 7 to 17).
- 4.9 The entries into Dwellings 18 to 22 is provided along the southern boundary of the site. A pedestrian pathway links the dwellings to the Andersons Creek Road service road footpath.
- 4.10 Minimum building setbacks at ground level are generally:
- 3.5 metres to the southern boundary
  - 3.6 metres to the eastern boundary
  - 3.45 metres to the northern boundary
  - 8.95 metres to the western boundary
  - Dwelling 1 encroaches into the above setbacks with a setback of 2.85 -7.45 metres at the north-western corner of the site

- 4.11 Setbacks at the first and second level are stepped in from the level below, except the stairwells across the southern elevation are proposed as three storey, vertical elements.

#### **Access and Car parking**

- 4.12 The existing crossover is utilised to facilitate access to the internal accessway. The existing crossover is 8 metres wide and will provide comfortable two-way access into and from the site.
- 4.13 The internal accessway spans from a width of 11.4 metres to 6.4 metres to enable vehicular entry to the garages of Dwellings 13 to 22. A 3.5 metre wide accessway increases to 6.4 metres to service the vehicles associated with Dwellings 1 to 12.
- 4.14 Permeable garage doors are sited across the two internal accessways thus enclosing these areas.
- 4.15 Of the twenty two (22) dwellings, nineteen (19) dwellings are provided with a double car garage. Dwellings 2, 8 and 12 are to have a single car garage. The garages allow internal access to the respective dwellings via a staircase.
- 4.16 Storage provision (6 cubic metres) is made beneath the stairwells or elsewhere within the garages of all dwellings.
- 4.17 A total of four (4) visitor car parking spaces are provided.
- 4.18 A 24,000 litre and 20,000 litre rainwater tanks are provided below the ground surface of the internal accessway.
- 4.19 Two (2) communal bin areas are provided to the east of Dwellings 6 and 17. Both shared bin areas are connected by an internal pathway providing convenient access to/from all dwellings.
- 4.20 Visitor bicycle parking is provided at the site's vehicle entry, adjacent to Dwelling 18.

#### **Design detail**

- 4.21 The proposed dwellings have a modern architectural design, which includes a flat roof form and articulated façade presentations across all elevations.
- 4.22 A detailed material schedule is illustrated on the elevation plans comprising a combined use of black face brickwork, light and dark grey render, dark grey metal cladding, wood grain feature panels together with glazing treatments and other finer grain design details.
- 4.23 A stepped, part solid/part transparent steel picket fence (generally up to 1.5 metres in height) is proposed to wrap around the road frontages extending from the west - Andersons Creek Road frontage - across and along the northern boundary of the site (Reynolds Road).

### Internal Amenity

- 4.24 At ground level, dwellings generally consist of garage and entry only. Dwellings 2 to 6 also are provided with a bedroom or sitting room at the entry level.
- 4.25 At first floor level, dwellings comprise of open planned living, dining, kitchen and sitting areas. Dwellings 1, 6 13 and 18 also accommodate a bedroom at this level. Some diversity is provided in terms of bathroom and laundry provision. All dwellings at this level are provided with a balcony adjoining a living or dining space (Dwelling 1 is provided with two balconies). Balconies have a minimum of ten square metres with a minimum dimension of 1.8 metres.
- 4.26 At the second floor level, dwellings comprise either two or three bedrooms with a separate bathroom. Some bedrooms are provided with a walk-in-robe or built-in-robe. Some master bedrooms are proposed with ensuites. Most dwellings are provided with a retreat at this uppermost level.

### Landscaping

- 4.27 A sophisticated landscape response is proposed across the entire site. Canopy trees are proposed along the streetscapes to consist of Sweeper Weeping Lilly-pillys, Pin Oaks and Sensation Box Elders. Other species, such as Native Frangipanis and Callery Pear trees, are proposed within the site.
- 4.28 Shrubs and groundcovers are also proposed throughout the site to further compliment the generous provision of canopy tree planting.
- 4.29 The proposal is proposed to have a site coverage of 56.5%, garden area percentage of 35.05% and permeable area calculation of 25.92%.

## 5. LEGISLATIVE REQUIREMENTS

- 5.1 Refer to Attachment 2.
- 5.2 A permit is required under the following Clauses of the Manningham Planning Scheme:
- Clause 32.08-6 (General Residential Zone), a Permit is required to construct two or more dwellings on a lot.
  - Clause 43.02-2 (Design and Development Overlay), a permit is required to construct a building or construct or carry out works.
  - 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 The proposal was referred to VicRoads as a determining referral authority.

- 6.2 VicRoads has no objection, however, require the site access to be improved to allow safe and efficient access to Council's waste management vehicle and delivery vehicles during and post construction. Accordingly, they require the inclusion of conditions to facilitate this on any planning permit to issue.

#### Internal

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

Service Unit	Comments
Engineering & Technical Services Unit – Drainage	An on-site storm water detention system is required.  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.
Engineering & Technical Services Unit – Vehicle Crossing	The proposal will utilise the existing crossover.
Engineering & Technical Services Unit – Access and Driveway	The internal radius of the driveway at the change of direction allows sufficient room for vehicles to turn and exit the site in a forward direction and complies with Design Standard 1: Accessways of Clause 52.06-9 and is satisfactory.
Engineering & Technical Services Unit – Traffic and Car Parking	No traffic or car parking concerns. However, do suggest a condition of permit could require "No U-Turn" signage to prevent illegal U-turns across Andersons Creek Road with the location of signage to be to the satisfaction of the Responsible Authority.
Engineering & Technical Services Unit – Car Parking Layout	No objection.
Engineering & Technical Services Unit – Construction Management	Require the submission of a Construction Management Plan as a condition of approval.
Engineering & Technical Services Unit – Waste	No objection, subject to bin collection occurring from within the title boundaries of the site.
Engineering & Technical Services Unit – Easements	No objection is raised to the construction of the proposed driveway, car parking space and paving works over the 3 metre wide easement located along the eastern property boundary.  In respect to other easements affecting the land, the owner is to arrange for the removal of these easements in accordance with earlier permits granted or apply to build over these easements by way of formal application.

Service Unit	Comments
City Strategy – Urban Design	No objection
Strategic Projects Unit – Sustainability	<p>Require an amended Sustainability Management Plan to be lodged which updates the BESS Assessment to achieve an overall minimum score of 50% and minimum Energy (50%), Water (50%), IEQ (50%) and Stormwater (50%).</p> <p>Requires the thermal performance rating (Energy 1.1) to achieve at least a 10% improvement on National Construction Code (NCC) minimum requirements.</p> <p>Requires plan updates to reflect ESD commitments.</p>

## 7. CONSULTATION / NOTIFICATION

- 7.1 Notice of the application was given for a four-week period which concluded on 22 December 2017, by sending letters to nearby properties and displaying two (2) signs on each street frontage.
- 7.2 Objections have been received from the following properties:
- 3 Wiggins Place, Doncaster East
  - 4 Wiggins Place, Doncaster East
  - 5 Wiggins Place, Doncaster East.
- 7.3 A response to the grounds of objections are included in the Assessment section of this report (see Section 8).

## 8. ASSESSMENT

### State and Local planning policy

- 8.1 Key objectives of the SPPF and LPPF seek to intensify Activity Centres as a focus for a higher density style of development and encourage increased activity as a way to achieve broader urban consolidation objectives.
- 8.2 The site is located within The Pines Activity Centre and covered by an adopted structure plan (The Pines Activity Centre, Structure Plan, September 2011) that designates residential dwellings as the preferred land use. It will also return residential land to its intended function of providing housing and contribute to the profile of this activity centre.
- 8.3 The design response achieves a high level of compliance with The Pines Activity Centre, Structure Plan, September 2011. Building heights accord with the preferred 11 metres set by the Plan, high-quality residential development is proposed and roadside vegetation (protected by an ES03) is undisturbed by the proposal.



- 8.4 Policy also encourages urban consolidation and medium to higher density development in this specific location due to the area’s capacity to support change given the site’s excellent access to shopping, sporting and other community facilities and bus services. The policy anticipates a substantial level of change from the previous character which constituted primarily single dwellings.
- 8.5 The size of the subject site (almost 3000 square metres) is considered entirely appropriate on which to accommodate a development in the height and form proposed. The height of the development is consistent with the preferred future character and the scale of built form corresponds with other nearby developments that have been constructed within the activity centre. Building setbacks, for the reasons that are discussed below, are appropriate and the future built form will be appropriately softened with the generous provision of landscaping that has been illustrated on the advertised landscape plan.
- 8.6 In addition to the planning context, the physical context of the site represents a suitable opportunity on which to facilitate a medium density development in the manner proposed here.

**Design and built form**

- 8.7 The proposal is consistent with the objectives and decision guidelines of Clause 32.08 General Residential Zone of the Scheme.
- 8.8 The proposal complies with the mandatory building height set out at Clause 32.08-9 General Residential Zone of the Scheme which provides that the building height must not exceed 11 metres and the building must contain no more than 3 storeys at any point. The proposal also complies with the mandatory garden area requirement providing at least 35% garden area to accord with Clause 32.08-4 of the Scheme.
- 8.9 In addition, the proposal satisfies the relevant design objectives of Clause 43.02 Design and Development Overlay - Schedule 9 (DD09) Residential Areas within The Pines Activity Centre and meets the 11 metre preferred building height specified with the DD09 at Clause 2.
- 8.10 An assessment against the relevant requirements of DDO9 is provided in the table below:

Design Element	Level of Compliance
<p><b><u>Building Height</u></b></p> <ul style="list-style-type: none"> <li>• Sub-Precinct A: Preferred height of Buildings is 11 metres</li> </ul>	<p><b>Met</b></p> <p>The maximum building height of 11 metres is not exceeded.</p> <p>Across the northern elevation, Dwelling 6 is shown to have a maximum building height of 10.9 metres above natural ground level.</p>
<p><b><u>Form</u></b></p> <ul style="list-style-type: none"> <li>• Provide visual interest through articulation, glazing and variation in materials and textures.</li> </ul>	<p><b>Met</b></p> <p>Visual interest to the development is provided by a variation of materials and finishes, articulation, use of glazing and the combination of horizontal and vertical elements utilised across the built form response which results, collectively, in a high level of articulation across all elevations.</p>

<ul style="list-style-type: none"> <li>Minimise buildings on boundaries to create spacing between developments.</li> </ul>	<p><b>Met</b> There is no development on or adjacent to the title boundaries which is a positive outcome.</p>
<ul style="list-style-type: none"> <li>Where appropriate ensure that buildings are stepped down at the rear of sites to provide a transition to the scale of the adjoining residential area.</li> </ul>	<p><b>Met</b> Building heights are concentrated across the streetscape elevations to the north and west.</p> <p>Given the land falls substantially towards the north (Reynolds Road), the rear module of dwellings do sit higher across the western and eastern elevations by virtue of the existing topography.</p> <p>That said, the southern most row of dwellings provides good stepping across the southern elevation to offer a transition to the property to the south at Number 134 Andersons Creek Road</p> <p>The proposed development across the eastern elevation also exhibits stepping from the uppermost level from the levels below to offer good setbacks and transition to properties within Wiggins Place.</p> <p>Acknowledging the challenging terrain of the site, it is considered that the proposal satisfies the design element.</p>
<ul style="list-style-type: none"> <li>Ensure that upper levels of a building provide adequate articulation to reduce the appearance of visual bulk and minimise continuous sheer wall presentation.</li> </ul>	<p><b>Met</b> The upper levels of the dwellings are well articulated in respect of building setbacks and balcony placement/design and the sense of visual bulk will be further reduced by the use of different materials and finishes.</p> <p>Brick finish is to be utilised at both ground and upper level in sections to offset the use of light and dark grey render at the upper level. The selective use of woodgrain feature panels and metal cladding provides further visual interest across key elevations and vantage points.</p>
<ul style="list-style-type: none"> <li>Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos.</li> </ul>	<p><b>Met</b> No imposing design features are proposed.</p>
<ul style="list-style-type: none"> <li>Be designed and sited to address slope constraints, including minimising views of basement projections and/or minimising the height of finished floor levels and providing appropriate retaining wall presentation.</li> </ul>	<p><b>Met</b> The dwellings are situated on various finished floor levels to step the development to respond to the slope of the land.</p>

<ul style="list-style-type: none"> <li>• Be designed to minimise overlooking and avoid the excessive application of screen devices.</li> </ul>	<p><b>Met</b> Screens are provided to minimise overlooking into the adjoining properties. The screens are incorporated into the design of the building and are not considered excessive. A varied use of materials is utilised to ensure that the repetitive use of identical screen treatments does not create visual bulk issues (as would be viewed from adjoining properties).</p>
<ul style="list-style-type: none"> <li>• Seek design solutions which respect the principle of equitable access at the main entry of any building for people of all mobilities.</li> </ul>	<p><b>Met</b> While the front entries of the dwellings can be accessed by people with limited mobility, it is acknowledged that the triple storey townhouse is unlikely to be an attractive form of dwelling type for a person of limited mobility.</p>
<ul style="list-style-type: none"> <li>• Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces.</li> </ul>	<p><b>Met</b> The proposal provides space around the site's perimeter in which to facilitate meaningful landscaping, including canopy trees and screen plants. The availability of space in which to landscape and the opportunities for some meaningful planting outcomes are clearly illustrated on the John Patrick landscape plan.</p>
<p><b><u>Car Parking and Access</u></b></p> <ul style="list-style-type: none"> <li>• Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback.</li> </ul>	<p><b>Met</b> The existing vehicular crossover is to be utilised and no street trees will be affected.</p>
<ul style="list-style-type: none"> <li>• Ensure that where garages are located in the street elevation, they are set back a minimum of 1.0m from the front setback of the dwelling.</li> </ul>	<p><b>Met</b> The row of garages themselves are not sited across either streetscape elevation. The openings to the row of garages are positioned across the western elevation but will be adequately concealed by the use of permeable garage doors.</p>
<ul style="list-style-type: none"> <li>• Ensure that access gradients of basement carparks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements.</li> </ul>	<p><b>Met</b> Gradients of the internal accessway has been assessed to comply with Design Standard 3 in Clause 52.06-8 of the Manningham Planning Scheme.</p>

<p><b><u>Landscaping</u></b></p> <ul style="list-style-type: none"> <li>On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at maturity.</li> </ul>	<p><b>Met</b></p> <p>The submitted landscape plan illustrates the use of an impressive number of canopy trees within the street setbacks to both Andersons Creek Road and Reynolds Road. The schedule provided on the landscape plan also shows these trees to be planted as advanced species (minimum supply size of 2 metres is noted).</p>
<ul style="list-style-type: none"> <li>Provide opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form.</li> </ul>	<p><b>Met</b></p> <p>The submitted landscape plan shows ample opportunities and carefully considered planting outcomes along the site boundaries to enhance on-site amenity and to assist in softening the appearance of the built form externally.</p>
<p><b><u>Fencing</u></b></p> <ul style="list-style-type: none"> <li>A front fence must be at least 50 per cent transparent.</li> <li>On sites that front Blackburn Road, Andersons Creek Road and Reynolds Road, a fence must:             <ul style="list-style-type: none"> <li>not exceed a maximum height of 1.8m</li> <li>be setback a minimum of 1.0m from the front title boundary and a continuous landscaping treatment within the 1.0m setback must be provided.</li> </ul> </li> </ul>	<p><b>Met with condition</b></p> <p>The front fences do not exceed 1.8 metres in height and are part solid/part transparent.</p> <p>While a permit condition could require the fencing to be sited 1 metre off the front title boundary to accord with this design element, in this instance this is not considered important given the sizeable road reservation that is situated between the title boundaries of the site and the footpath network along both Andersons Creek and Reynolds Roads. (The road reservation to Reynolds road is at least five metres wide extending up to 23 metres at the north-western corner. Along Andersons Creek Road, the reservation varies between 2 to 15 metres).</p> <p>It is noted that the westernmost end of the fence would encroach into the tree protection zone of the Council street tree which is positioned adjacent to the property boundary at the vehicle entry point. To avoid any detriment to this tree, it is considered appropriate to require the fence to be located outside the general canopy spread of this tree. It is further observed that the architectural drawings do not accurately depict the extent of the canopy spread of this tree, so this too, will need to be addressed by permit condition.</p> <p>A further condition will require tree protection fencing be installed prior to the commencement of the development and maintained during the course of construction.</p>

**Car parking, access, traffic and bicycle parking**Car parking

- 8.11 Prior to a new use commencing or a new building being occupied, Clause 52.06-2 of the Manningham Planning Scheme requires that the number of car parking spaces outlined at Clause 52.06-6 be provided on the land or as approved under Clause 52.06-3, to the satisfaction of the Responsible Authority.
- 8.12 Clause 52.06 requires resident car parking at a rate of one space for each dwelling with one or two bedrooms and two spaces for each dwelling with three or more bedrooms. Visitor car parking is required at a rate of one car parking space for every five dwellings.
- 8.13 For the proposal, Clause 52.06 requires the total provision of 41 car parking spaces for residents and 4 visitor car parking spaces. The proposed car parking provision meets this requirement with all three bedroom dwellings provided with a double car garage, two bedroom dwellings provided with a single car garage and the provision of four visitor spaces situated so that two spaces are provided per module of dwellings. The statutory requirement for resident and visitor car parking is therefore satisfied.
- 8.14 An assessment against the relevant car parking design standards at Clause 52.06-8 of the Manningham Planning Scheme is provided in the table below:

<b>Design Standard</b>	<b>Met/Not Met</b>
1 – Accessways	<b>Met</b> All car parking spaces have been designed to allow vehicles to enter and exit the site in a forward direction. Appropriate headroom clearances are provided and visibility splay areas adjacent to the driveway at the frontage are shown.
2 – Car Parking Spaces	<b>Met</b> All garages have dimensions which comply with the Design standard.
3 – Gradients	<b>Met</b> The maximum driveway gradients and transitions between gradients comply with the design standard.
5 – Urban Design	<b>Met</b> The accessways into and within the development will not be visually dominating on the streetscape.
6 – Safety	<b>Met</b> Access to the garages will be restricted by a security door which is reasonable, however, access to the visitor spaces and waste bin areas is needed. The Traffic Report refers to an intercom being provided within 4 metres of the property boundary. This is also reflected on the town planning drawings although a permit condition should confirm the intercom will enable 24-hour access for visitors.

<p>7 – Landscaping</p>	<p><b>Met</b>                  Opportunities to landscape around the main internal accessway (north-south alignment) will be provided and canopy trees opportunities are shown at the entry to the internal accessways (which service all garages) which will soften views to garaging from the road.</p>
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Bicycle parking

8.15 There is no requirement under the Manningham Planning Scheme to provide bicycle spaces as the built form is three storeys in height (the requirement applies for developments of four or more storeys). However, the permit applicant has elected to include two bicycle spaces adjacent to the vehicular entry of the development which will enable safe bicycle parking for visitors.

Traffic

8.16 The submitted traffic impact assessment states that the proposed development will generate traffic at a daily rate of five vehicle movements per dwelling per day allocated one car space and seven vehicle movements per dwelling per day allocated two car spaces. Application of these rates to the proposed dwellings results in a daily traffic volume of 148 vehicle movements per day, including approximately 15 vehicle movements (10%) per hour during periods of peak activity (one movement every four minutes on average).

8.17 The additional traffic generated by the proposed development will flow directly onto Andersons Creek Road. It is the advice of the Traffic Engineering report that the surrounding road network has the ability to accommodate the expected increase in traffic volume associated with the proposed development. The site access is limited to left in/left out movements only from Andersons Creek Road which will provide for safe entry and exiting of the site, including in peak times.

8.18 Council’s Engineering Services Unit raise no concern in relation to the expected traffic generated by the proposed development.

**Clause 55 Two or More Dwellings on a Lot (Rescode Assessment)**

8.19 An assessment against the objectives of Clause 55 of the Manningham Planning Scheme is provided in the table below:

OBJECTIVE	OBJECTIVE MET / NOT MET
<p><b>55.02-1 – Neighbourhood Character</b></p> <ul style="list-style-type: none"> <li>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</li> <li>To ensure that development responds to the features of the site and the surrounding area.</li> </ul>	<p><b>Met</b></p> <p>The proposal contributes to the preferred character of more intense development and the substantial change envisaged for The Pines Activity Centre, as discussed in the assessment against the state and local planning policy frameworks.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
<p><b>55.02-2 – Residential Policy</b></p> <ul style="list-style-type: none"> <li>To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</li> <li>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</li> </ul>	<p><b>Met</b></p> <p>The application was accompanied by a very detailed and well considered written planning report that has demonstrated how the development is consistent with State, Local and Council planning policy.</p>
<p><b>55.02-3 – Dwelling Diversity</b></p> <ul style="list-style-type: none"> <li>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</li> </ul>	<p><b>Met</b></p> <p>The proposal includes a mix of dwellings with either two, three or four bedrooms which offers a good level of diversity across the 22 dwellings.</p> <p>Dwellings are reliant on balconies as their primary open space.</p> <p>Some variation is provided across the various floor plans.</p>
<p><b>55.02-4 – Infrastructure</b></p> <ul style="list-style-type: none"> <li>To ensure development is provided with appropriate utility services and infrastructure.</li> <li>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</li> </ul>	<p><b>Met subject to condition</b></p> <p>The site has access to all services. The applicant will be required to provide an on-site stormwater detention system to alleviate pressure on the drainage system.</p>
<p><b>55.02-5 – Integration With Street</b></p> <ul style="list-style-type: none"> <li>To integrate the layout of development with the street.</li> </ul>	<p><b>Met</b></p> <p>Front entries of dwellings are oriented to face the site frontages (where possible) to integrate the development with the street. This is particularly so across the Reynolds Road frontage.</p> <p>Front fences are not excessive in height and are partly transparent.</p> <p>Good integration is also provided at the upper levels by virtue of balcony placement.</p>
<p><b>55.03-1 – Street Setback</b></p> <ul style="list-style-type: none"> <li>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</li> </ul>	<p><b>Objective Met</b></p> <p>The proposal seeks a variation to the 9 metre Rescode requirement.</p> <p>In terms of its setback to Andersons Creek Road, the proposal offers a varied setback which ranges between 8.65 metres to 10.4 metres. An exception to this range is a 2.45 metre setback concerning Dwelling 1 which occurs at the north-western corner of the land.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	<p>Having regard to the sizeable road reservation that is present across both frontages, the minimal encroachment into the 9 metre setback across the majority of the western setback, it is considered appropriate to support a minor reduction to the street setback.</p> <p>The development achieves a 3.45-3.5 metre setback to the Reynolds Road frontage which satisfies the “side” setback requirement on a corner allotment.</p>
<p><b>55.03-2 – Building Height</b></p> <ul style="list-style-type: none"> <li>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</li> </ul>	<p><b>Met</b></p> <p>The maximum building height of 10.9 metres satisfies the requirements of the Zone.</p>
<p><b>55.03-3 – Site Coverage</b></p> <ul style="list-style-type: none"> <li>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</li> </ul>	<p><b>Met</b></p> <p>The proposed site coverage is 56.5%, which is below the 60% requirement in the standard.</p>
<p><b>55.03-4 – Permeability</b></p> <ul style="list-style-type: none"> <li>To reduce the impact of increased stormwater run-off on the drainage system.</li> <li>To facilitate on-site stormwater infiltration.</li> </ul>	<p><b>Met</b></p> <p>The proposal has 25.92% of site area as pervious surface, which complies with the standard.</p>
<p><b>55.03-5 – Energy Efficiency</b></p> <ul style="list-style-type: none"> <li>To achieve and protect energy efficient dwellings.</li> <li>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</li> </ul>	<p><b>Met</b></p> <p>Living spaces are located on the northern end of the respective dwellings to maximise solar access, where possible.</p> <p>Balconies have been located on the north, east or west of the dwellings, where possible.</p> <p>Corner townhouses will also achieve cross ventilation.</p> <p>Due to the orientation of the lot, and the design response, there will be a number of dwellings which are limited to a southerly orientation for both internal and external living spaces. This equates to eight of the 22 dwellings (being less than one third of the total).</p>



OBJECTIVE	OBJECTIVE MET / NOT MET
<p><b>55.03-6 – Open Space</b></p> <ul style="list-style-type: none"> <li>To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</li> </ul>	<p><b>Met</b></p> <p>No formal communal open space is proposed although it is considered the entry pathway and landscape areas will provide an informal space which may be enjoyed by future occupants of the development.</p>
<p><b>55.03-7 – Safety</b></p> <ul style="list-style-type: none"> <li>To ensure the layout of development provides for the safety and security of residents and property.</li> </ul>	<p><b>Met</b></p> <p>Noting the enclosed garage spaces and wide, pedestrian paths facilitating direct pedestrian entry to each of the dwellings, a high level of amenity, safety and security for future occupants will be provided by the development.</p>
<p><b>55.03-8 – Landscaping</b></p> <ul style="list-style-type: none"> <li>To encourage development that respects the landscape character of the neighbourhood.</li> <li>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</li> <li>To provide appropriate landscaping.</li> <li>To encourage the retention of mature vegetation on the site.</li> </ul>	<p><b>Met with condition</b></p> <p>The submitted landscape plan is illustrative of the fact that the proposed buildings will be appropriately complimented and softened with the varied use of plant species ranging from ground covers to large canopy trees (e.g. Pin Oaks) to provide for a pleasant future environment. A condition of permit will require adherence to the landscape plan subject to some additional information to be included in the Plant Schedule.</p>
<p><b>55.03-9 – Access</b></p> <ul style="list-style-type: none"> <li>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</li> </ul>	<p><b>Met</b></p> <p>There is only one vehicle crossover proposed for the development. It is an existing crossover which will comfortably service entry and egress from the site for future occupants.</p>
<p><b>55.03-10 – Parking Location</b></p> <ul style="list-style-type: none"> <li>To provide convenient parking for resident and visitor vehicles.</li> </ul>	<p><b>Met</b></p> <p>Garages for all dwellings are conveniently located and will provide, via an internal stairwell, safe internal access into the living spaces of the dwellings.</p>
<p><b>55.04-1 – Side And Rear Setbacks</b></p> <ul style="list-style-type: none"> <li>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</li> </ul>	<p><b>Met</b></p> <p>The development offers setbacks which generally exceed Standard B17 to both the eastern and southern boundaries.</p> <p>It is noted that the external walls adjacent to the stairwells associated with the southern row of dwellings (Dwellings 18 to 22) achieve B17 compliance with a 3.5 metre setback and 8.4 metres maximum building height.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
<p><b>55.04-2 – Walls On Boundaries</b></p> <ul style="list-style-type: none"> <li>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</li> </ul>	<p><b>Met</b></p> <p>There are no walls to be constructed on any boundary of the site. This is a positive outcome.</p>
<p><b>55.04-3 – Daylight To Existing Windows</b></p> <ul style="list-style-type: none"> <li>To allow adequate daylight into existing habitable room windows.</li> </ul>	<p><b>Met</b></p> <p>The dwelling at 134 Andersons Creek Road has one habitable room window facing the site.</p> <p>The setback of the built form will not compromise the ability for this window to achieve daylight access.</p> <p>Regarding the Wiggins Place properties, dwellings and their respective habitable room windows have setbacks from the common boundary that are well in excess of five metres and the development poses no issues with these windows achieving good daylight access.</p>
<p><b>55.04-4 – North Facing Windows</b></p> <ul style="list-style-type: none"> <li>To allow adequate solar access to existing north-facing habitable room windows.</li> </ul>	<p><b>Met</b></p> <p>The dwelling at 134 Andersons Creek Road has one north-facing window situated within 3 metres to the south of the site.</p> <p>Having regard to the location of this window relative to the setback of the built form on the subject site immediately opposite, the proposal is compliant with the requirements of the Standard.</p>
<p><b>55.04-5 – Overshadowing Open Space</b></p> <ul style="list-style-type: none"> <li>To ensure buildings do not significantly overshadow existing secluded private open space.</li> </ul>	<p><b>Met</b></p> <p>The shadows cast by the development have no impact on adjoining properties at either 9am or 12pm.</p> <p>At 3pm, properties at 4 and 5 Wiggins Place experience some shadowing of their secluded private open spaces.</p> <p>Notwithstanding this shadow, the size of the secluded private open spaces are large enough in which to accept that the shadow implications to these adjoining properties are compliant with the requirements of the standard.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
<p><b>55.04-6 – Overlooking</b></p> <ul style="list-style-type: none"> <li>To limit views into existing secluded private open space and habitable room windows.</li> </ul>	<p><b>Met subject to condition</b></p> <p>Boundary fencing and privacy screens are proposed to provide limitations on overlooking into the adjoining property's open spaces and habitable room windows.</p> <p>It is observed that some screens situated across balconies are proposed to a height of 1.5m above FFL, rather than 1.7m above FFL.</p> <p>It is considered appropriate to require, by permit condition, that balcony screens be a minimum 1.7m above FFL</p> <p>It is observed that the design of some balcony screens propose the use of timber looking louvre, 45 degree downward screens up to a height of 1.1m above FFL, with a 600mm section of the screen to constitute obscured glazing. This is considered to be an acceptable outcome acknowledging that the ability for light to permeate through the louvre screens will enhance the amenity of the balcony spaces (and internally also) for future occupants.</p>
<p><b>55.04-7 – Internal Views</b></p> <ul style="list-style-type: none"> <li>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</li> </ul>	<p><b>Met subject to condition</b></p> <p>Internal barriers should be provide between balconies where balconies are situated adjacent to one another.</p> <p>The two modules of dwellings are separated by a minimum distance between upper level windows of 9.65 metres and hence no additional internal screening measures are warranted.</p>
<p><b>55.04-8 – Noise Impacts</b></p> <ul style="list-style-type: none"> <li>To contain noise sources in developments that may affect existing dwellings.</li> <li>To protect residents from external noise.</li> </ul>	<p><b>Met subject to condition</b></p> <p>There are no unusual noise sources that may affect existing dwellings.</p> <p>The planning report makes reference to habitable room windows facing the two main roads being acoustically treated. This will be confirmed as a permit condition will require the habitable room windows directly facing Reynolds Road and Andersons Creek Road to be acoustically treated to protect residents from external traffic noises on these main roads.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
<p><b>55.05-1 – Accessibility</b></p> <ul style="list-style-type: none"> <li>To encourage the consideration of the needs of people with limited mobility in the design of developments.</li> </ul>	<p><b>Met</b></p> <p>It is acknowledged that the dwelling type is unlikely to be suited to persons of limited mobility.</p>
<p><b>55.05-2 – Dwelling Entry</b></p> <ul style="list-style-type: none"> <li>To provide each dwelling or residential building with its own sense of identity.</li> </ul>	<p><b>Met</b></p> <p>The front entries of the dwellings can be easily identified by the design of the built form and the surrounding pedestrian paths and landscape areas.</p>
<p><b>55.05-3 – Daylight To New Windows</b></p> <ul style="list-style-type: none"> <li>To allow adequate daylight into new habitable room windows.</li> </ul>	<p><b>Met</b></p> <p>New windows are provided with sufficient light court areas to allow adequate solar access.</p>
<p><b>55.05-4 – Private Open Space</b></p> <ul style="list-style-type: none"> <li>To provide adequate private open space for the reasonable recreation and service needs of residents.</li> </ul>	<p><b>Met</b></p> <p>All dwellings are provided with balconies consisting of a minimum of 8 square metres with a minimum dimension of 1.6 metres. Indeed, the balcony sizes as part of the development exceed these minimum requirements which is a good outcome.</p> <p>Future residents will also have access to the communal pathway and adjoining open space areas.</p> <p>Further, Anderson Park is also located directly to the west of the site and will offer more substantial recreational opportunities.</p>
<p><b>55.05-5 – Solar Access To Open Space</b></p> <ul style="list-style-type: none"> <li>To allow solar access into the secluded private open space of new dwellings and residential buildings.</li> </ul>	<p><b>Met</b></p> <p>Provision of north-facing open space has been maximised acknowledging the difficulties with achieving north facing orientation to all dwellings.</p>
<p><b>55.05-6 – Storage</b></p> <ul style="list-style-type: none"> <li>To provide adequate storage facilities for each dwelling.</li> </ul>	<p><b>Met</b></p> <p>Adequate storage spaces for each dwelling is provided within their respective garages.</p>
<p><b>55.06-1 – Design Detail</b></p> <ul style="list-style-type: none"> <li>To encourage design detail that respects the existing or preferred neighbourhood character.</li> </ul>	<p><b>Met</b></p> <p>The dwellings present as a robust, series of buildings (two modules) across the western elevation, while a solid, yet articulated building mass, is proposed across the northern (Reynolds road) frontage (one module).</p> <p>For the reasons discussed earlier in this report, the design response is of a high level and one which respects the preferred neighbourhood character for The Pines Major Activity Centre.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
<p><b>55.06-2 – Front Fence</b></p> <ul style="list-style-type: none"> <li>To encourage front fence design that respects the existing or preferred neighbourhood character.</li> </ul>	<p><b>Met subject to condition</b></p> <p>The front fence design is acceptable for the reasons discussed earlier in this report (noting the need for it to be situated outside the canopy spread of the Council street tree).</p>
<p><b>55.06-3 – Common Property</b></p> <ul style="list-style-type: none"> <li>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</li> <li>To avoid future management difficulties in areas of common ownership.</li> </ul>	<p><b>Met</b></p> <p>It is not envisaged that there will be difficulties associated with managing the future common property areas which will constitute the communal accessways, pedestrian pathways, bin store areas and perimeter and internal landscaping.</p>
<p><b>55.06-4 – Site Services</b></p> <ul style="list-style-type: none"> <li>To ensure that site services can be installed and easily maintained.</li> <li>To ensure that site facilities are accessible, adequate and attractive.</li> </ul>	<p><b>Met subject to condition</b></p> <p>Appropriate site services, such as mailboxes, are provided.</p> <p>A condition of approval will require the location of any building services at the frontage, including fire boosters, to be shown and designed to complement the overall development.</p> <p>The legend on proposed plans will also need to provide greater detail in relation to paving treatments, including pedestrian paving.</p>

### Objector concerns

#### Overdevelopment, building height, density and out of character

8.20 Having regard to the planning policies and controls which govern the development, the proposal has been assessed to comfortably comply with the relevant planning considerations in relation to building site coverage, setbacks and heights. The three storey built form across the site is acceptable acknowledging that the proposal offers generous setbacks to all property boundaries in which landscaping can occur to filter views of the proposed built form from off the site. Overall, for the reasons previously outlined, the proposal satisfies the objectives and requirements of DDO9 and Clause 55 of the Manningham Planning Scheme.

8.21 As such, while it is acknowledged that some residents are unhappy about the level of density, the scale of built form and the extent of development, the proposal is consistent with the planning controls that dictate future planning character for the site.

#### Increased traffic/Car Parking Provision

8.22 Regarding the potential increase in traffic, Council's Engineering & Technical Services Unit raise no concerns regarding the impact of the proposal on the surrounding traffic network.

- 8.23 An assessment on the potential traffic impact is provided in the traffic report submitted with the application. The report concludes that the surrounding road network has the ability to accommodate the expected increase in traffic volume associated with the proposed development. The report acknowledges that site access is limited to left-in/left-out movements only from Andersons Creek Road, which will ensure vehicles exiting the site will be able to do so in a safe manner even during peak times.
- 8.24 In response to objector's concerns about potential U-turns for vehicles seeking to turn right upon entry into Andersons Creek Road, Council's engineers suggest the inclusion of signage to prevent such U-turns. The exact location of signage can be determined in conjunction with Council engineers at the plan endorsement stage.
- 8.25 In terms of car parking provision, the proposal meets the statutory requirement set out at Clause 52.06 Car Parking in relation to resident and visitor car parking.

#### Overlooking and loss of privacy

- 8.26 Potential overlooking to the adjoining properties to the north has been assessed against DDO9 and Clause 55.04-6 of the Manningham Planning Scheme. External screens with no more than 25% transparency are provided to limit views from the north-facing habitable room windows, which comply with the standard in Clause 55.04-6 (Overlooking).
- 8.27 An objector has raised the importance of windows facing onto her Wiggins Place property to have frosted windows to protect the privacy of her family. It is confirmed that all upper level habitable room windows across the eastern elevation are to be provided with either highlight windows, or windows which will have fixed, obscuring to 1.7m above FFL, which is compliant with the standard.
- 8.28 One of the objectors raises the need for a higher boundary fencing to address privacy concerns. Both the eastern and southern boundaries of the site are defined by a two (2) metre high timber paling fence which on the inspection carried out by the planning officer, appeared to be in a good condition. It is not considered necessary to require the permit applicant to increase the height of the boundary fencing as two metres is deemed sufficient to address ground level privacy concerns. It is noted that windows and balconies at upper levels will be screened within the development to meet the requirements of the Scheme.

#### Overshadowing

- 8.29 The proposal presents minimal shadow implications to neighbouring properties, and in respect of the shadow diagrams provided with the application, illustrate that the only shadow implication that occurs from the development is at 3pm at the September equinox.
- 8.30 Acknowledging that a small extent of shadow is caused to properties at Number 4 and Number 5 Wiggins Place at this time, it is still the case that this extent of shadow is compliant with the Rescode standard.

Location of On-site Amenities, including Waste bins

- 8.31 Concern has been raised in relation to the siting of amenities on the site, particularly in terms of waste bins, and that this will create off-site amenity issues to neighbouring properties.
- 8.32 Council officers do not agree with this assertion and consider that good setbacks are provided for the shared bin area in the order of 3 metres to the common boundary with the neighbouring properties

Loss of Existing Landscape Buffer

- 8.33 An objector has raised concern that the development is being proposed on land that was to constitute a landscape buffer between the current building and neighbouring properties as part of an earlier planning application (PL03/014742).
- 8.34 Notwithstanding this may have been the case as part of the earlier approval granted, a new proposal is entitled to be presented and considered on its merits.
- 8.35 The landscape buffer that has been enjoyed for several years from the historic planning permission granted does not forever encumber the land, such as, in the manner a restrictive covenant might.

Noise

- 8.36 It is noted that the permission being sought as part of this application relates to the construction of dwellings, rather than the use of the land for this purpose. On that basis, issues of noise to be generated by the future development are not relevant considerations to this planning application. Residential noise associated with a dwelling is considered normal and reasonable in an urban setting. Any future issues of amenity, if they arise should be pursued as a civil matter

Impact on Property Values

- 8.37 An assertion that the proposal will adversely affect neighbouring property values is a subjective claim. The Victorian Civil and Civil Administrative Tribunal and its predecessors have generally found such claims that a proposal will reduce property values difficult, if not impossible to gauge, and of no assistance to the determination of a planning permit application. As such, it is considered that the impacts of a proposal are best assessed through an assessment of the amenity implications rather than any impacts upon property values.

**9. DECLARATION OF CONFLICT OF INTEREST**

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

PROPOSAL FOR 22 TRIPLE STOREY TOWNHOUSES  
AT 136-140 ANDERSONS CREEK ROAD, DONCASTER EAST

TOWN PLANNING DRAWING LIST:

- |                                    |  |
|------------------------------------|--|
| TP00 - COVER SHEET                 | TP13 - SECOND FLOOR PLAN (T13-T22)     |
| TP01 - PERSPECTIVE                 | TP14 - ROOF PLAN                       |
| TP02 - LOCATION PLAN               | TP15 - ELEVATIONS(01)                  |
| TP03 - NEIGHBORHOOD CHARACTER      | TP16 - ELEVATIONS(02)                  |
| TP04 - DESIGN RESPONSE             | TP17 - ELEVATIONS(03)                  |
| TP05 - STREETScape                 | TP18 - SECTIONS(01)                    |
| TP06 - DEMOLITION PLAN             | TP19 - SECTIONS(02)                    |
| TP07 - SITE LAYOUT PLAN            | TP20 - MATERIAL SCHEDULE               |
| TP08 - GROUND FLOOR PLAN (T1-T12)  | TP21 - GARDEN AREA SITE PLAN & DETAILS |
| TP09 - GROUND FLOOR PLAN (T13-T22) | TP22 - SHADOW DIAGRAMS(1)              |
| TP10 - FIRST FLOOR PLAN (T1-T12)   | TP23 - SHADOW DIAGRAMS(2)              |
| TP11 - FIRDT FLOOR PLAN (T13-T22)  |  |
| TP12 - SECOND FLOOR PLAN (T1-T12)  |  |



PERSPECTIVE - ANDERSONS CREEK ROAD

ISSUE FOR RFI  
16.10.2017

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Project	Date	Rev	Description
136-140 Andersons Creek Road, Doncaster East	16.10.2017	2	ISSUE FOR RFI
Drawing			
COVER SHEET			

Project Number		Drawing Number	
16050		TPO0	
Date	16.10.2017	Scale	Amendment
Drawn	DAI	Checked	AL/JJW
			A





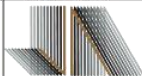
PERSPECTIVE - CORNER OF ANDERSONS CREEK ROAD AND REYNOLDS ROAD



PERSPECTIVE - REYNOLDS ROAD

**Notes**

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Project	136-140 Andersons Creek Road, Doncaster East
Drawing	PERSPECTIVE

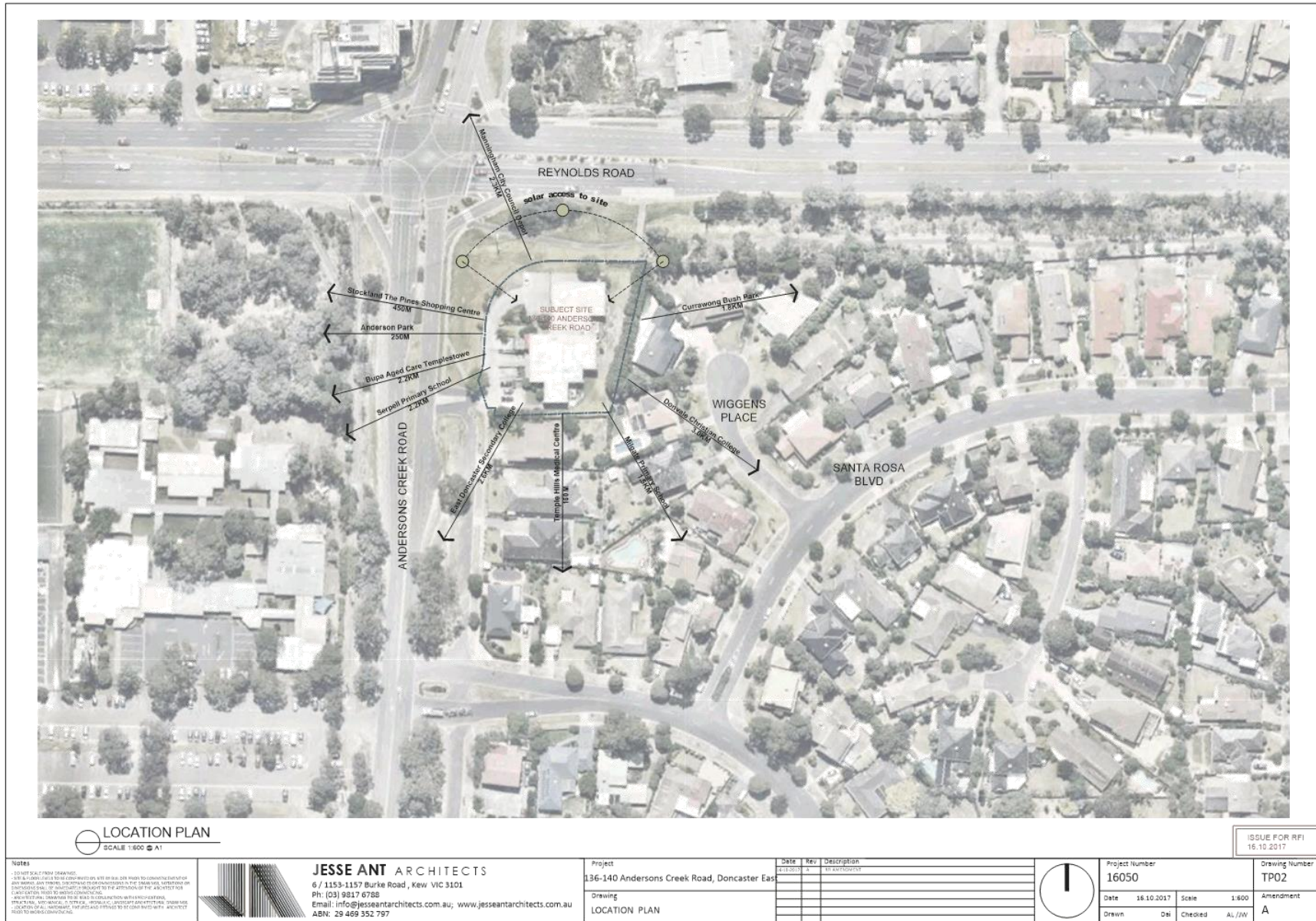
Date	Rev	Description
16.10.2017	1	ISSUE FOR RFI



Project Number	16050
Date	16.10.2017
Scale	
Drawn	

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 16.10.2017

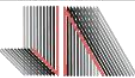
Drawing Number	TP01
Amendment	A





NEIGHBORHOOD CHARACTER  
SCALE 1:300 @ A1

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Project  
 136-140 Andersons Creek Road, Doncaster East  
 Drawing  
 NEIGHBORHOOD CHARACTER

Date	Rev	Description
16.10.2017	1	ISSUE FOR RFI



Project Number  
 16050  
 Date 16.10.2017 Scale 1:300  
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 16.10.2017

Drawing Number  
 TP03  
 Amendment  
 A



DESIGN RESPONSE  
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 ABN: 29 489 352 797

Project	136-140 Andersons Creek Road, Doncaster East
Drawing	DESIGN RESPONSE

Date	Rev	Description
16.10.2017	1	ISSUE FOR RFI



Project Number	16050
Date	16.10.2017
Scale	1:300
Drawn	DAI
Checked	AL/JJW

ISSUE FOR RFI  
16.10.2017

Drawing Number	TP04
Amendment	A



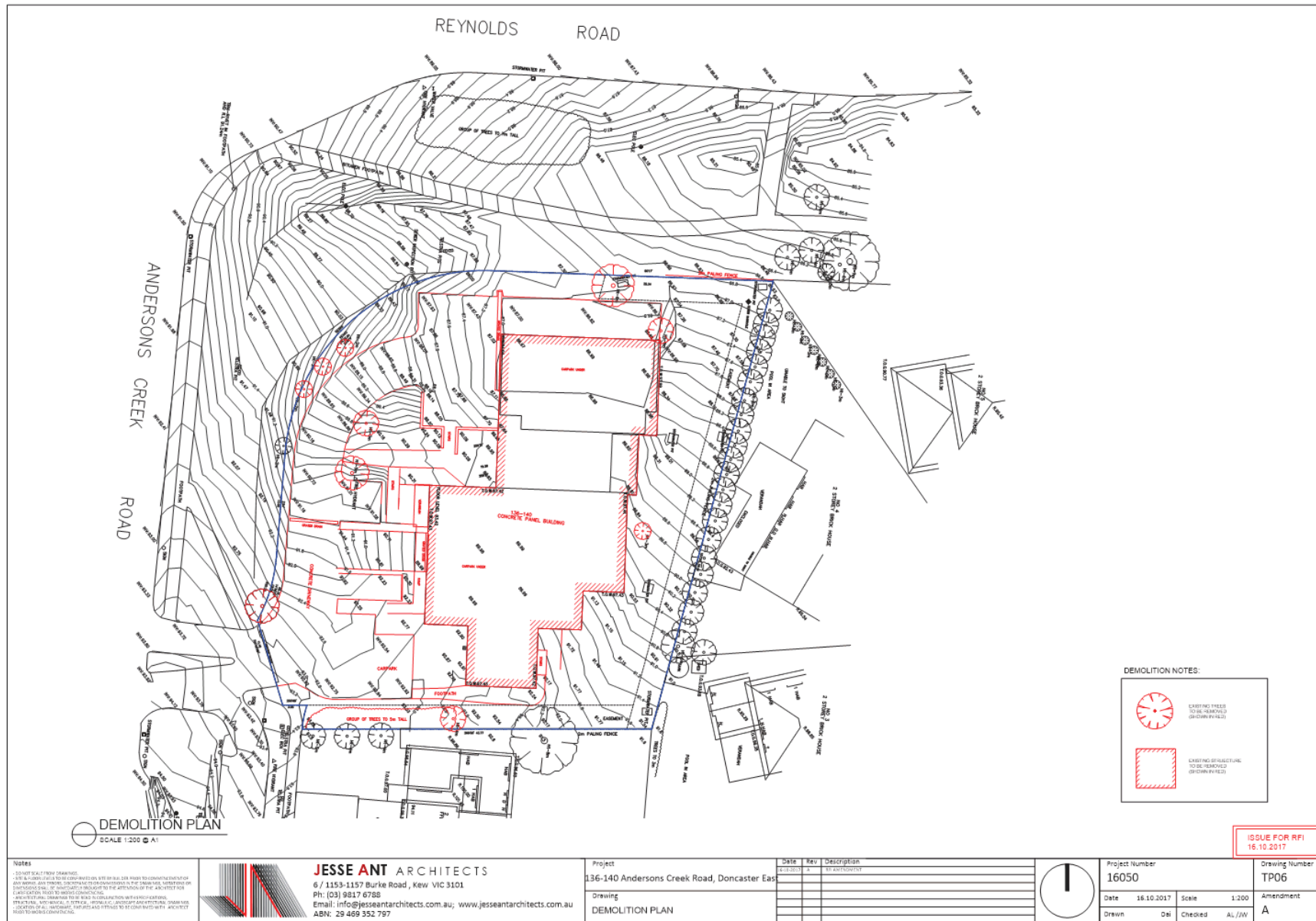
ISSUE FOR RFI  
16.10.2017

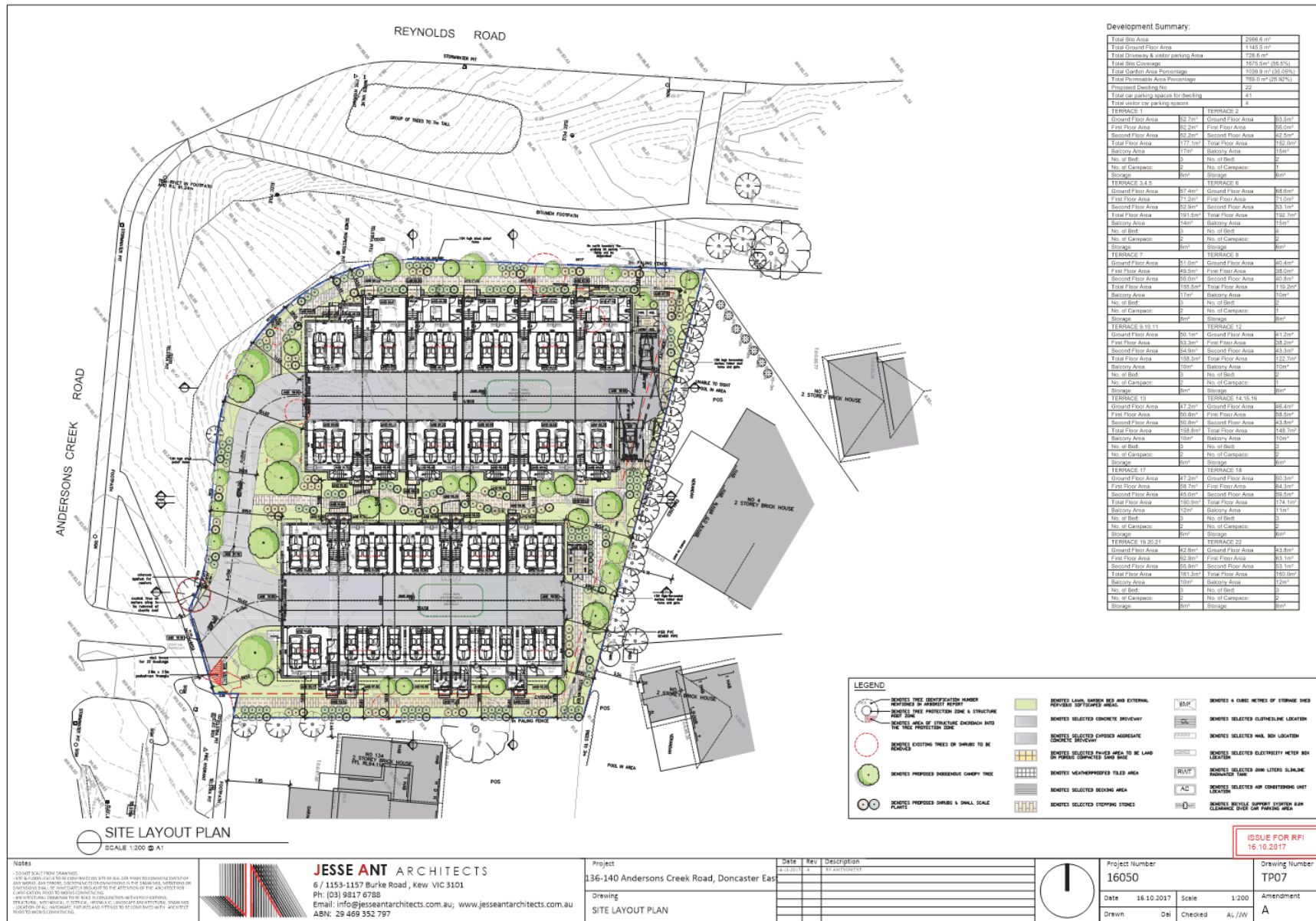
**Notes**  
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Project	136-140 Andersons Creek Road, Doncaster East
Drawing	STREETSCAPES
Date	16.10.2017
Rev	2
Description	16.10.2017

Project Number	16050	Drawing Number	TP05
Date	16.10.2017	Scale	1:200
Drawn	DAI	Checked	AL/JJW
		Amendment	A







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Project  
 136-140 Andersons Creek Road, Doncaster East  
 Drawing  
 GROUND FLOOR PLAN (T1-T12)

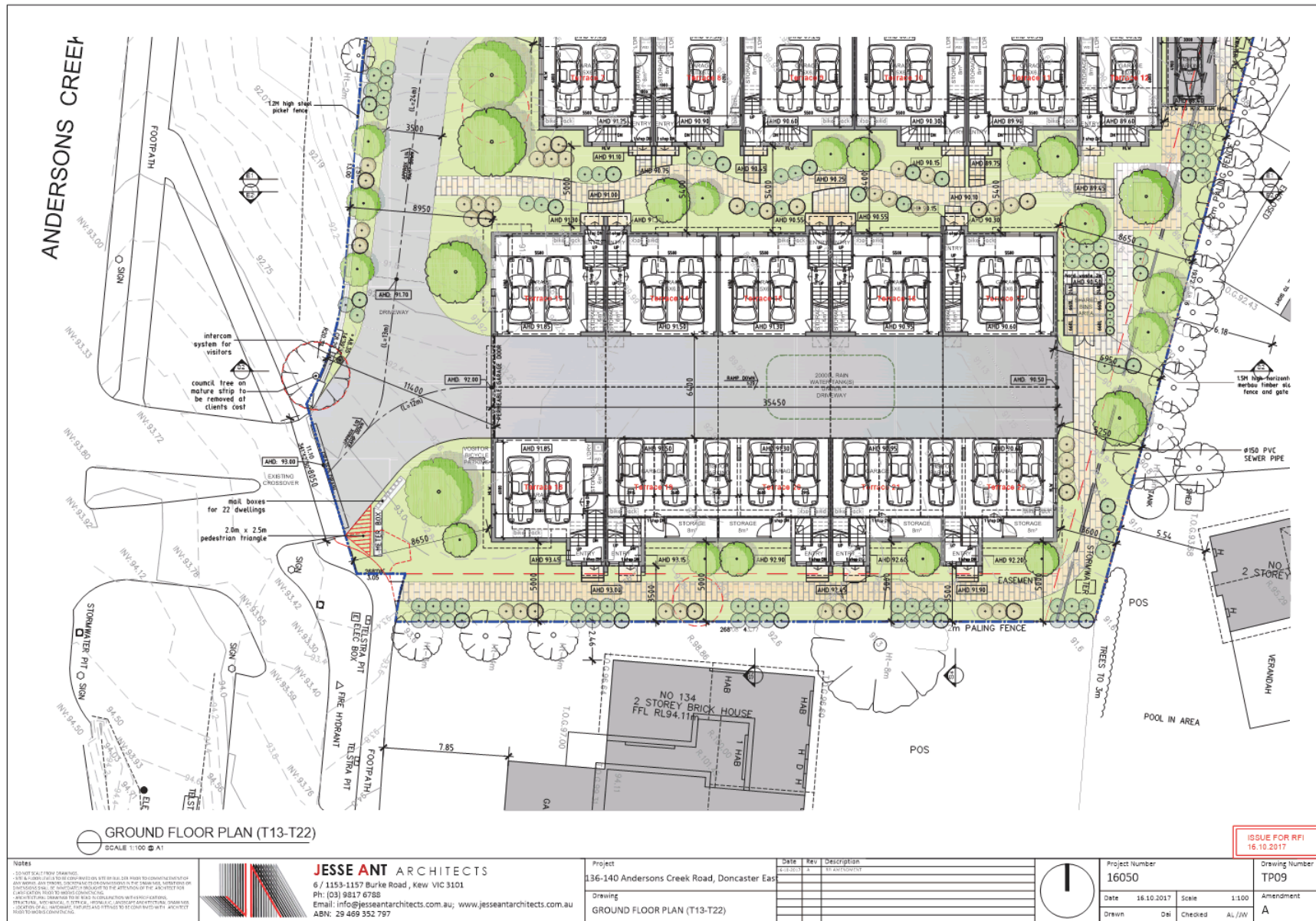
Date	Rev	Description
16.10.2017	1	ISSUE FOR RFI



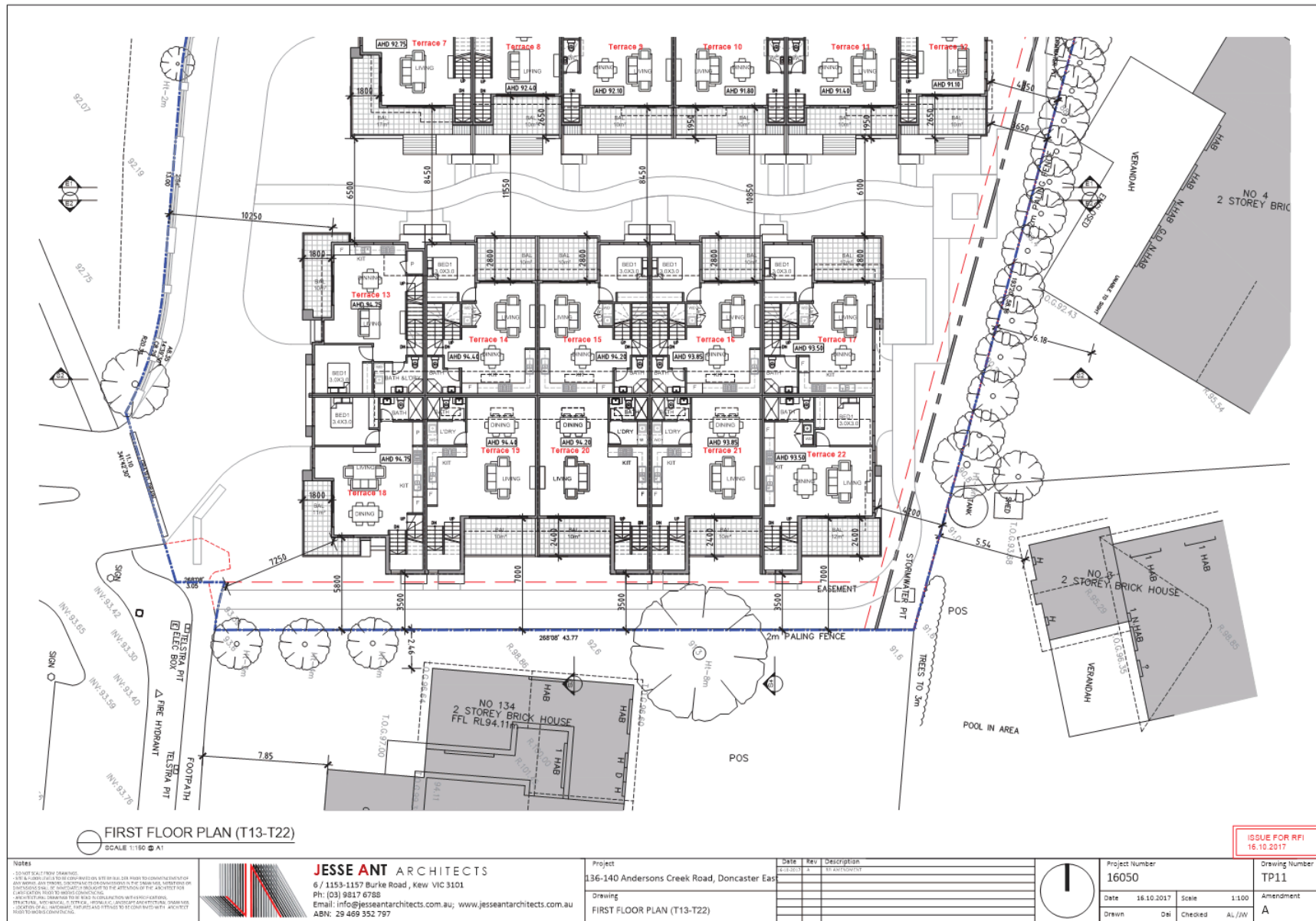
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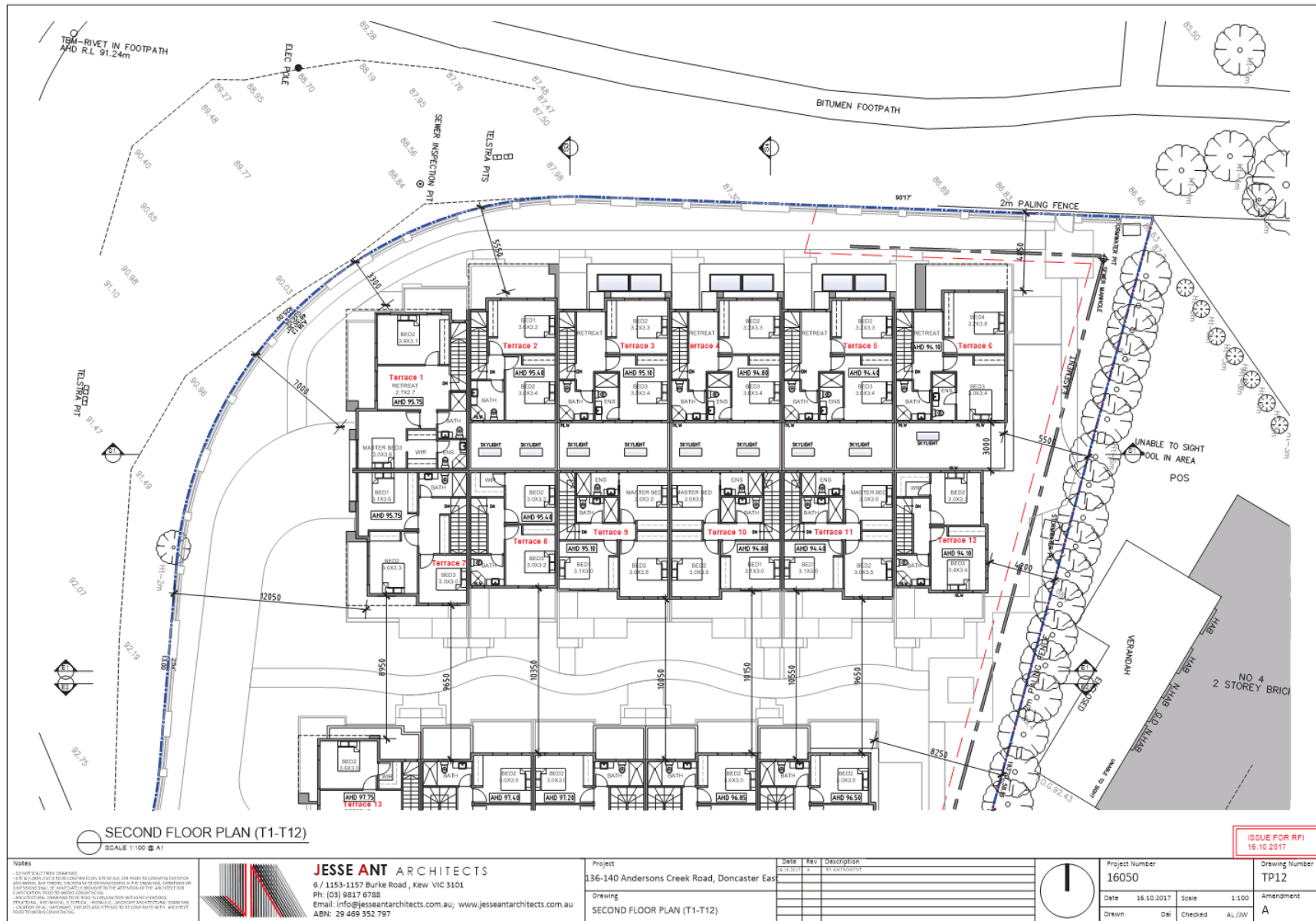
Drawing Number  
 TP08  
 Amendment  
 A

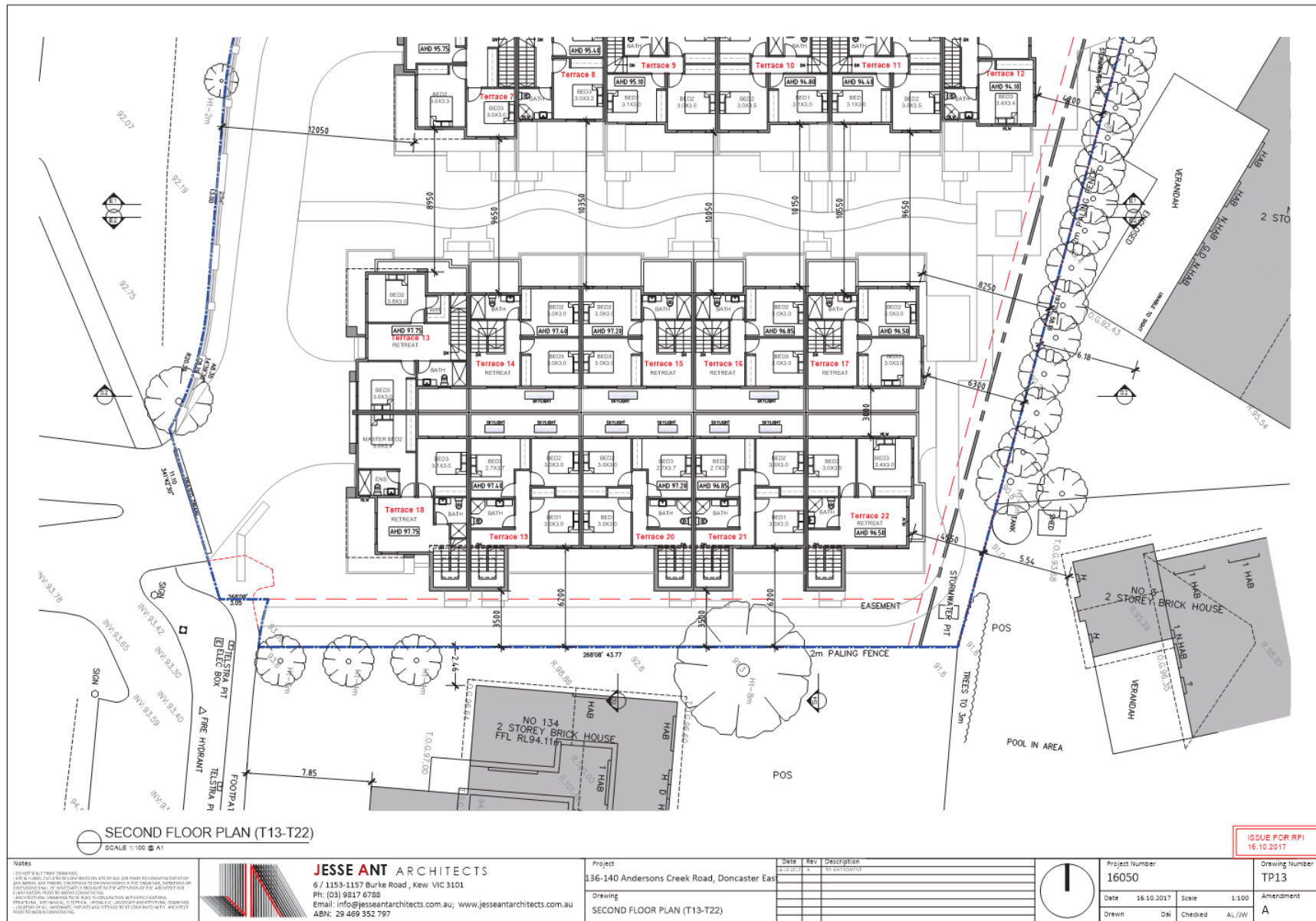


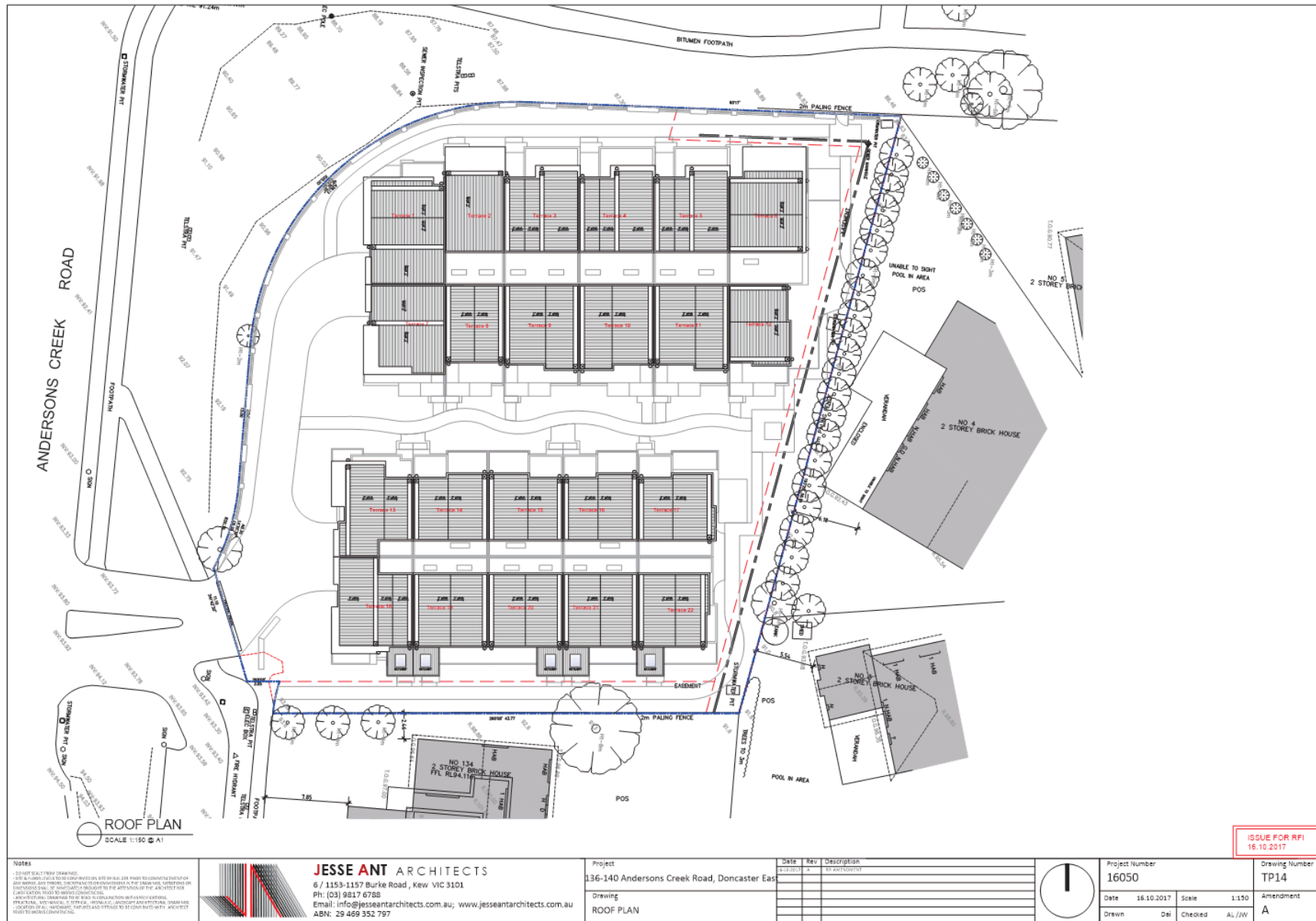












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Project  
 136-140 Andersons Creek Road, Doncaster East  
 Drawing  
 ROOF PLAN

Date	Rev	Description
16.10.2017	1	ISSUE FOR RFI



Project Number  
 16050  
 Date 16.10.2017 Scale 1:150  
 Drawn OBI Checked AL/JJW

ISSUE FOR RFI  
 16.10.2017

Drawing Number  
 TP14  
 Amendment  
 A









**SECTION 1-1**  
SCALE 1:100 @ A1

**SECTION 2-2**  
SCALE 1:100 @ A1

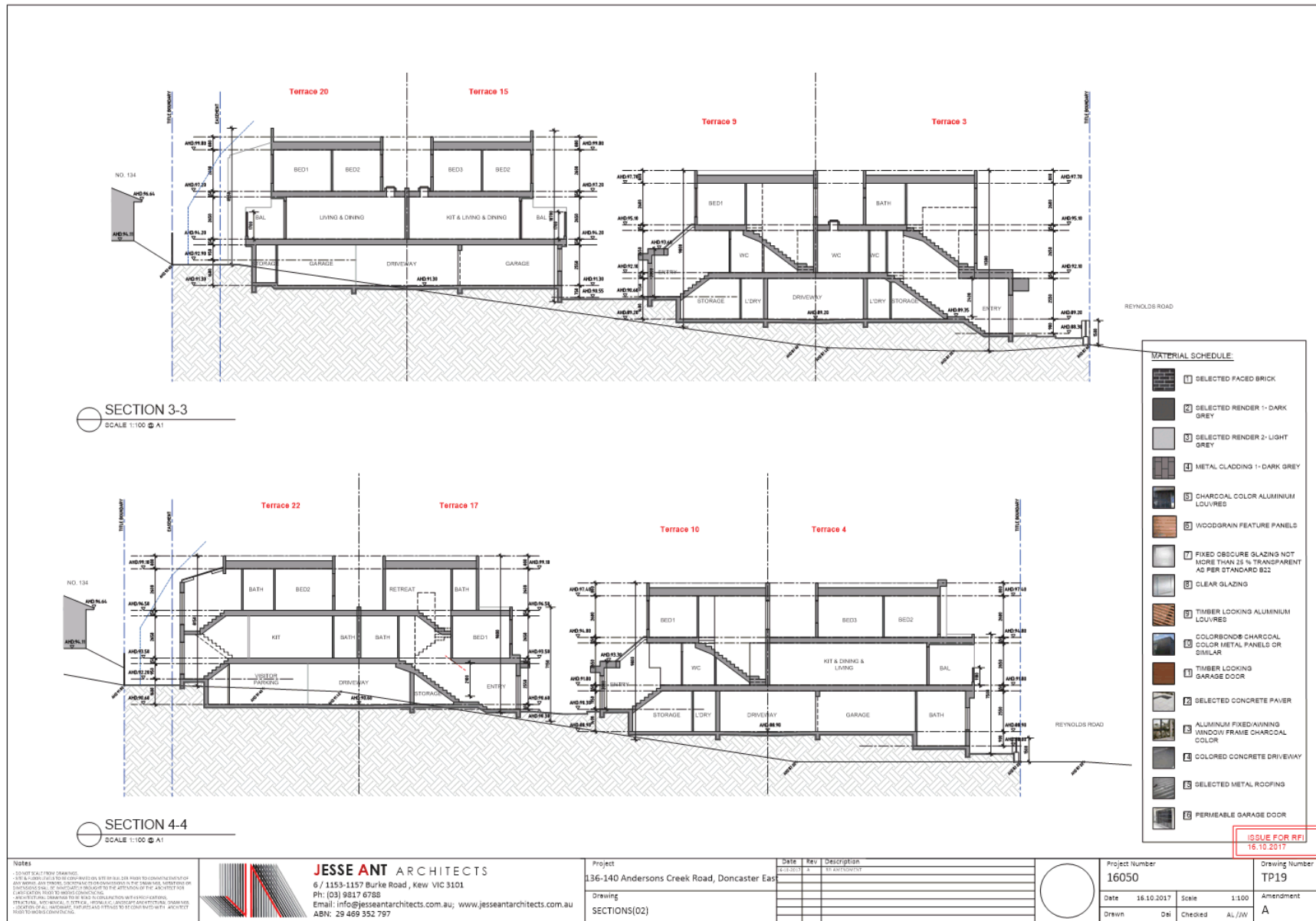
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- 1 SELECTED FACED BRICK
- 2 SELECTED RENDER 1- DARK GREY
- 3 SELECTED RENDER 2- LIGHT GREY
- 4 METAL CLADDING 1- DARK GREY
- 5 CHARCOAL COLOR ALUMINIUM LOUVRES
- 6 WOODGRAIN FEATURE PANELS
- 7 FIXED OBSCURE GLAZING NOT MORE THAN 25% TRANSPARENT AS PER STANDARD B22
- 8 CLEAR GLAZING
- 9 TIMBER LOOKING ALUMINIUM LOUVRES
- 10 COLORBOND® CHARCOAL COLOR METAL PANELS OR SIMILAR
- 11 TIMBER LOOKING GARAGE DOOR
- 12 SELECTED CONCRETE PAVER
- 13 ALUMINIUM FIXED/WINNING WINDOW FRAME CHARCOAL COLOR
- 14 COLORED CONCRETE DRIVEWAY
- 15 SELECTED METAL ROOFING
- 16 PERMEABLE GARAGE DOOR

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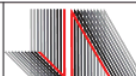
Date	Rev	Description
16.10.2017	1	ISSUE FOR RFI

Project	136-140 Andersons Creek Road, Doncaster Eas
Drawing	SECTIONS(01)
Project Number	16050
Date	16.10.2017
Scale	1:100
Drawn	DAI
Checked	AL/JW
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Amendment	A



Notes

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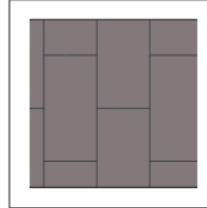
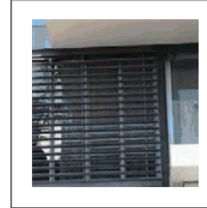

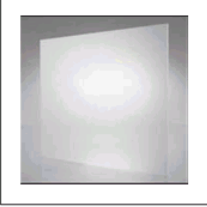

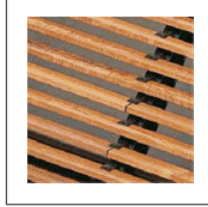




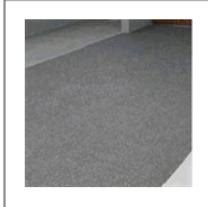




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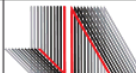
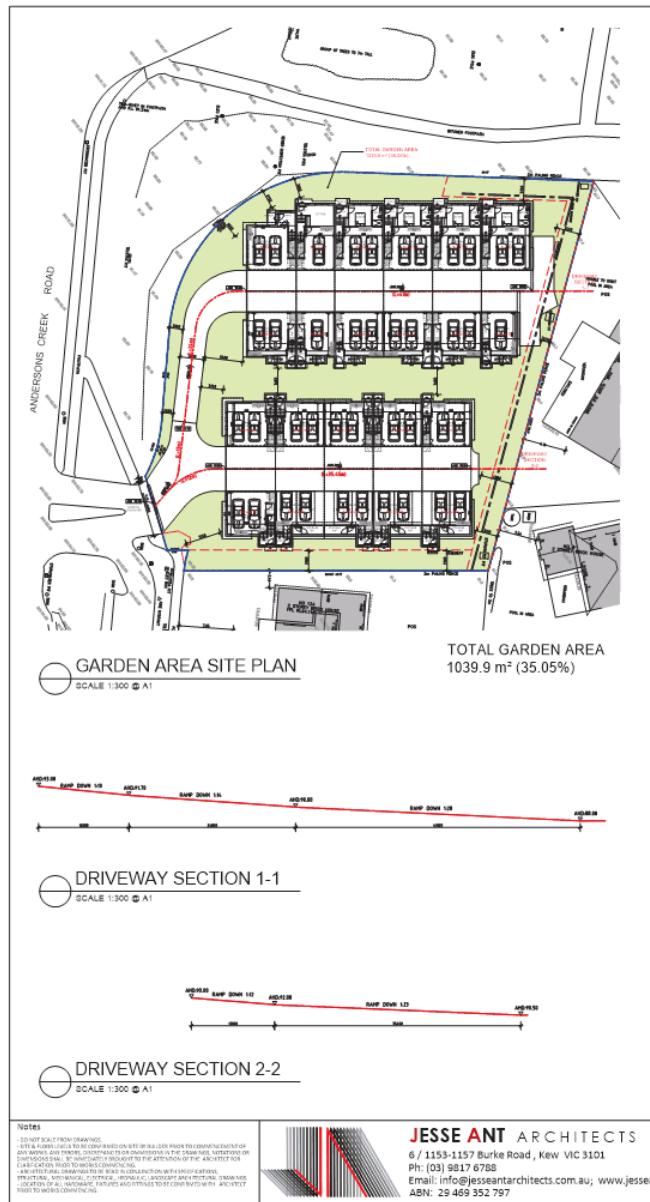


Project Number	16050	Drawing Number	TP19
Date	16.10.2017	Scale	1:100
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		Amendment	A

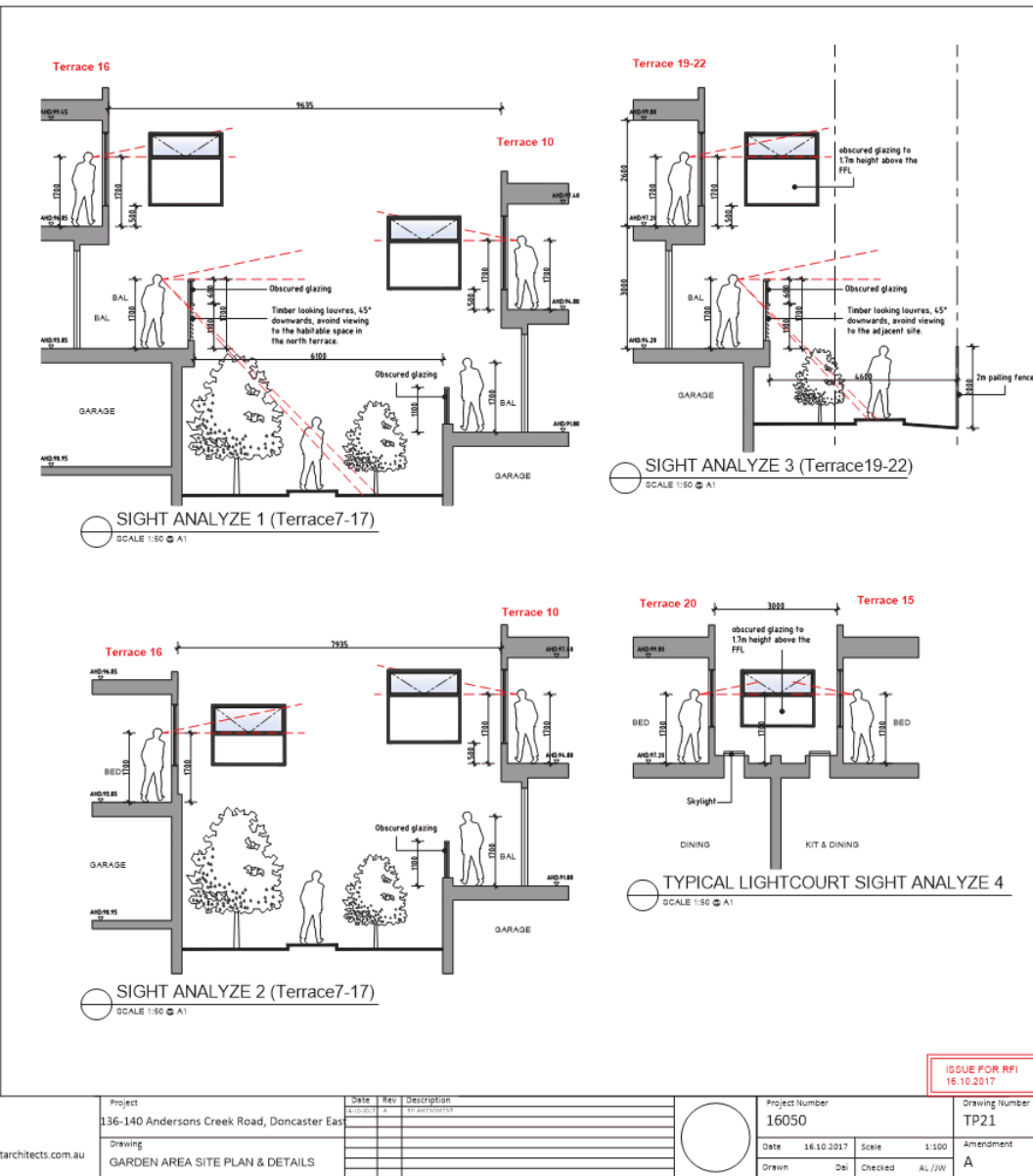
					
MATERIAL 1: SELECTED FACE BRICK	MATERIAL 2: SELECTED RENDER1-DARK GREY	MATERIAL 3: SELECTED RENDER1-LIGHT GREY	MATERIAL 4: METAL CLADDING 1-DARK GREY	MATERIAL 5: CHARCOAL COLOR ALUMINIUM LOUVRES	MATERIAL 6: WOODGRAIN FEATURE PANELS
					
MATERIAL 7: FIXED OBSCURE GLAZING NOT MORE THAN 25 % TRANSPARENT AS PER STANDARD B22	MATERIAL 8: CLEAR GLAZING	MATERIAL 9: TIMBER LOOKING ALUMINIUM LOUVRES	MATERIAL 10: COLORBOND® CHARCOAL COLOR METAL PANELS OR SIMILAR	MATERIAL 11: TIMBER LOOKING GARAGE DOOR	MATERIAL 12: SELECTED CONCRETE PAVER
					
MATERIAL 13: ALUMINIUM FIXED/AWNING WINDOW FRAME CHARCOAL COLOR	MATERIAL 14: COLORED CONCRETE DRIVEWAY	MATERIAL 15: SELECTED METAL ROOFING	MATERIAL 16: PERMEABLE GARAGE DOOR		

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Date	Rev	Description																					
16.10.2017	1	ISSUE FOR RFI																					
Project Number <b>16050</b>		Drawing Number <b>TP20</b>																					
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16.10.2017

Date	Rev	Description
16.10.2017	1	ISSUE FOR RFI

Project Number	16050	Drawing Number	TP21
Date	16.10.2017	Scale	1:100
Drawn	DL	Checked	AL/JJW
		Amendment	A



Notes  
 1. SHADOWS CAST FROM PROPOSED DWELLING AND BOUNDARY FENCE. SHADOWS FROM EXISTING DWELLING AND BOUNDARY FENCE ARE NOT SHOWN FOR CLARITY. SHADOWS FROM PROPOSED DWELLING AND BOUNDARY FENCE ARE SHOWN FOR CLARITY. SHADOWS FROM EXISTING DWELLING AND BOUNDARY FENCE ARE NOT SHOWN FOR CLARITY.

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Project  
 136-140 Andersons Creek Road, Doncaster East

Drawing  
 SHADOWS(01)

Date	Rev	Description
16.10.2017	1	ISSUE FOR RFI



Project Number  
 16050

Date  
 16.10.2017

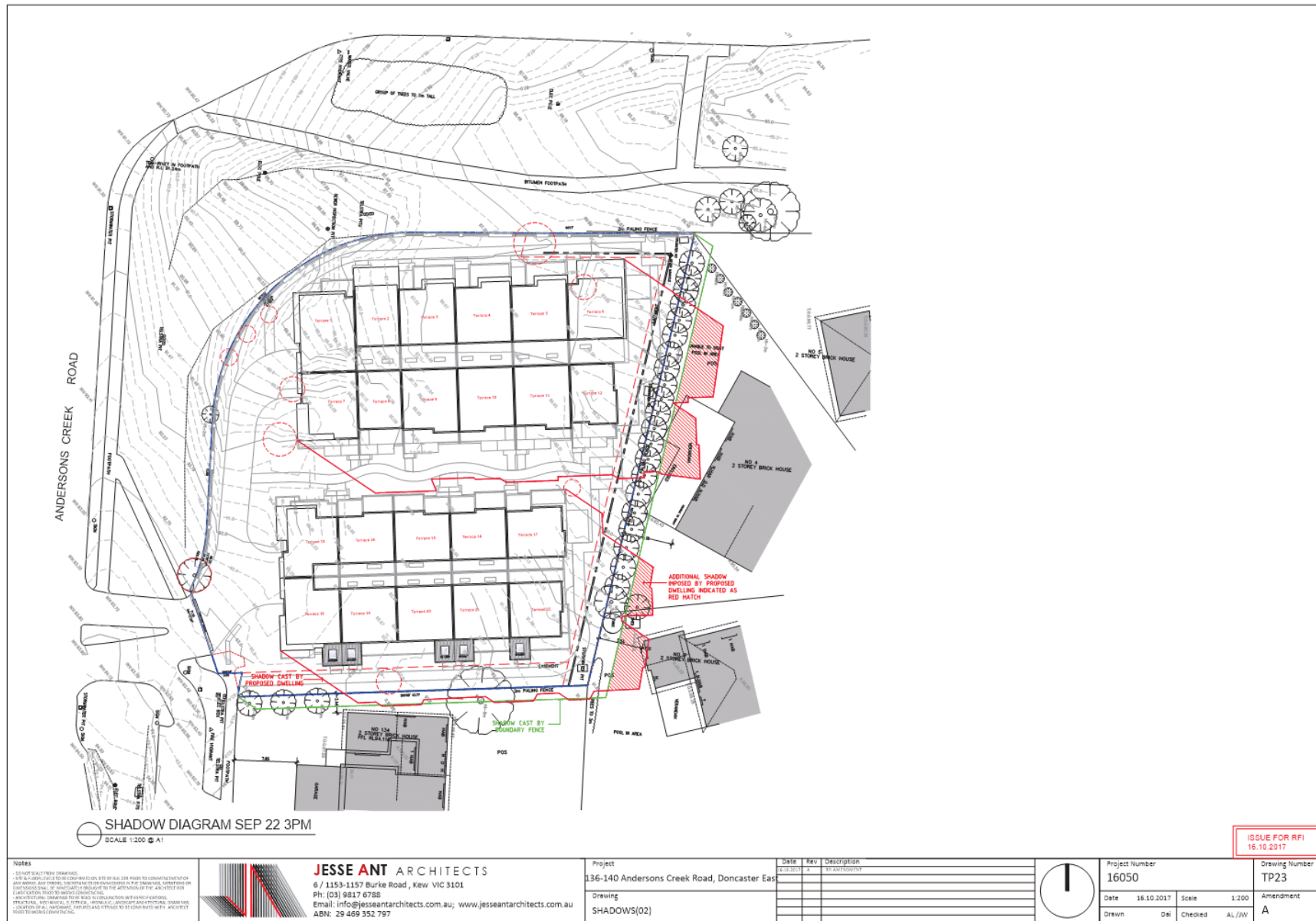
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Drawn  
 DBI

Checked  
 AL/JW

Drawing Number  
 TP22

Amendment  
 A





PLANTING SCHEDULE

NO	SYMBOL	NAME	COMMON NAME	SIZE	PLANT HEIGHT	PLANT WIDTH	PLANT
101	[Symbol]	Small Tree	Small Tree	100	1.2m	1.0m	100%
102	[Symbol]	Medium Tree	Medium Tree	200	2.0m	1.5m	100%
103	[Symbol]	Large Tree	Large Tree	300	3.0m	2.0m	100%
104	[Symbol]	Shrub	Shrub	100	1.5m	1.0m	100%
105	[Symbol]	Palmetto	Palmetto	100	1.5m	1.0m	100%
106	[Symbol]	Flowering Shrub	Flowering Shrub	100	1.5m	1.0m	100%
107	[Symbol]	Groundcover	Groundcover	100	1.0m	1.0m	100%
108	[Symbol]	Grass	Grass	100	1.0m	1.0m	100%
109	[Symbol]	Water Feature	Water Feature	100	1.0m	1.0m	100%
110	[Symbol]	Lighting	Lighting	100	1.0m	1.0m	100%



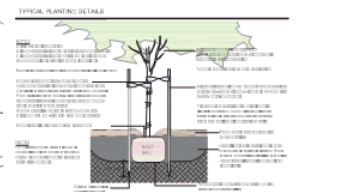
NOTIFICATION NOTES

1. All planting shall be done in accordance with the Council's Environmental Management System (EMS) and the Council's Land Management Policy (LMP).

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3. All planting shall be done in accordance with the Council's Environmental Management System (EMS) and the Council's Land Management Policy (LMP).

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PROJECT INFORMATION

PROJECT NAME: [Name]

CLIENT: [Name]

DATE: [Date]

SCALE: 1:100



## 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 32.08 Residential Growth Zone, Schedule 3 (GRZ3)
- Clause 43.02 Design and Development Overlay, Schedule 9 (DD09)
- Clause 52.06 Car Parking
- Clause 55 Two or more dwellings on a lot and Residential Buildings
- Clause 65 Decision Guidelines

#### Zone

##### Clause 32.08 General Residential Zone, Schedule 3

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

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

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 9 to the Design and Development Overlay

The design objectives are as follows:

- *To increase residential densities and provide a range of housing types around The Pines Activity Centre.*
- *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 apartment style developments on larger lots which address the street frontage.*
- *To ensure new development is well articulated and upper storey elements are not unduly bulky or visually intrusive.*
- *To implement the building form of The Pines Activity Centre Structure Plan 2011.*
- *To encourage spacing between developments to minimise a continuous building line when viewed from a street.*
- *To ensure the design and siting of dwellings have regard to the future development opportunities and future amenity of adjoining properties.*
- *To ensure overlooking into adjoining properties is minimised.*
- *To ensure the design of carports and garages complement the design of the associated building.*
- *To ensure the design of basement car parks complement the design of the building, minimises unsightly projections of basement walls above natural ground level and are sited to allow for effective screen planting.*
- *To provide built form and landscape outcomes that provide for a transition between the subject site and abutting residential properties.*

#### **Permit Requirement**

- A Planning Permit is required to construct a building or construct or carry out works under this overlay.

#### **Building Height & Setbacks**

- Development should comply with the preferred heights identified in Map 1. This height is specified to be 11 metres.

### **State Planning Policy Framework**

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

#### Clause 11 – Settlement

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

#### Clause 15 – Built Environment and Heritage

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 – HousingClause 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.*

Clause 18 - Transport

## Local Planning Policy Framework (LPPF)

### Clause 21.02 Municipal Profile

#### 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 with these areas being a focus for higher density developments.

The Clause recognises the role of the Pines Activity Centre as a key Activity Centre within the municipality and provides a range of retail, commercial, community facilities and residential development opportunities.

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

##### Clause 21.05-2 Housing

The relevant objectives of this policy are:

- *To accommodate Manningham's projected population growth through urban consolidation, in infill developments and Key Redevelopment Sites.*
- *To ensure that housing choice, quality and diversity will be increased to better meet the needs of the local community and reflect demographic changes.*
- *To ensure that higher density housing is located close to activity centres and along main roads in accordance with relevant strategies.*
- *To promote affordable and accessible housing to enable residents with changing needs to stay within their local neighbourhood or the municipality.*

- *To encourage development of key Redevelopment Sites to support a diverse residential community that offers a range of dwelling densities and lifestyle opportunities.*
- *To encourage high quality and integrated environmentally sustainable development.*

The strategies to achieve these objectives include:

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

#### Clause 21.05-4 Built form and neighbourhood character

The objective of this policy is:

- *To ensure that residential development enhances the existing or preferred neighbourhood character of the residential character precincts as shown on Map 1 to this Clause.*

The strategies to achieve this objective include:

- *Require residential development to be designed and landscaped to make a positive contribution to the streetscape and the character of the local area.*
- *Ensure that where development is constructed on steeply sloping sites that any development is encouraged to adopt suitable architectural techniques that minimise earthworks and building bulk.*
- *Ensure that development is designed to provide a high level of internal amenity for residents.*
- *Require residential development to include stepped heights, articulation and sufficient setbacks to avoid detrimental impacts to the area's character and amenity.*

#### Clause 21.09 Activity Centres and Commercial Areas

This section applies to all activity centres and commercial areas identified in Framework Plan 5.

The Clause acknowledges that the Pines, East Doncaster is the municipality's one and only Major Activity Centre.

The vision for the Pines Activity Centre will continue to be a focus for the community and to provide for their retail, community, recreational and entertainment needs as well as providing for a diversity of residential options within its context of being on the fringe of the metropolitan area of Melbourne and its proximity to the Green Wedge.

Key Strategic Objectives are:

- Support the development of The Pines Activity Centre which meets the social, recreational and retail needs of the population at the sub-regional level.
- Ensure that any future development in The Pines Activity Centre is in keeping with its location on the fringe of the urban area and its proximity to the Green Wedge.

- Encourage apartment style development within The Pines Activity Centre to maximise the use of the commercial and social facilities provided within and to provide alternative housing options for the locality.
- Encourage greater use of public transport to and from The Pines Activity Centre and advocate for more services and for these services to be provided more frequently.
- Enhance the public realm within The Pines Activity Centre by ensuring that the public spaces meet a range of community needs, are well linked together, are easily accessible, safe and visually pleasing.
- Maximise use of the area's natural strengths such as views to surrounding rural and bushland areas in keeping with the community interest.
- Support housing choices to meet changing demographic trends, especially an ageing population.
- Support a range of health, family and professional services relevant to the role of The Pines Activity Centre.
- Support a range of education and learning activities to meet the needs and aspirations of the local community.
- Provide for well defined vehicular, bicycle and pedestrian access both with and external to all precincts, with strong pedestrian crossing points to be established on main roads.

#### Clause 21.10 Environmentally Sustainable Development

Council's Environmentally Sustainable Development Policy seeks to achieve best practice design, construction and operation for new development.

A number of considerations are to be made under the headings: key issues, objectives, and strategies relating to the following areas:

- Clause 21.10- 2 Energy Performance
- Clause 21.10-3 Water Sensitive design.
- Clause 21.10-4 External environmental amenity and internal healthy environment considerations
- Clause 21.10-5 Waste Management
- Clause 21.10- 6 Quality of Private and Public realm
- Clause 21.10-7 Transport
- Clause 21.10-8 Urban Ecology

#### **Local Planning Policy**

##### Clause 22.08 Safety through urban design

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

##### Clause 22.09 Access for disabled people

This policy also applies to all land in Manningham. It seeks to ensure that people with a disability have the same level of access to buildings, services and facilities as any other

person. The policy requires the needs of people with a disability to be taken into account in the design of all proposed developments.

Clause 22.12 Environmentally Sustainable Development

This policy applies throughout 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:

- 1 space for 1 and 2 bedroom dwellings
- 2 spaces for 3 or more bedroom dwellings
- 1 visitor space to every 5 dwellings for developments of 5 or more dwellings

Clause 52.06-8 outlines various design standards for parking areas that should be achieved.

Clause 52.29 Land Adjacent to a Road Zone Category 1 (RDZ1) or a Public Acquisition Overlay for a Category 1 Road

The purpose of this provision is:

- To ensure appropriate access to identified roads
- To ensure appropriate subdivision of land adjacent to identified roads.

A permit is required to create or alter access to a road in a Road Zone, Category 1.

Clause 55 Two more dwellings on a lot and residential buildings

The development of two or more dwellings on a lot must meet the requirements of this clause. An assessment against this clause is provided in Appendix 1 of this report.





**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 PL16/026253 at 121-125 James Street Templestowe for the Use and development of a four-storey mixed use building comprising; two food and drink premises, two take-away premises and one convenience shop at the lower levels, with 35 dwellings to the upper levels, associated basement car parking over two basement levels and alteration of access to a road in a Road Zone Category 1 - (Amended Application)**

File Number:	IN18/90
Responsible Director:	Director City Planning
Applicant:	Melshang Pty Ltd
Planning Controls:	Residential Growth Zone, Schedule 2 and Design and Development Overlay, Schedule 8
Ward:	Heide
Attachments:	<ol style="list-style-type: none"><li>1 Advertised Full Set of Plans - PL16/026253 - 121 James Street Templestowe <a href="#">↓</a> </li><li>2 Legislative Requirements text for Council Report - PL16 026253 - 121-125 James Street, Templestowe <a href="#">↓</a> </li><li>3 Zoning Map - PL16/026253 - 121-125 James Street Templestowe <a href="#">↓</a> </li><li>4 Templestowe Village Structure Plan Maps - PL16/026253 - 121-125 James Street Templestowe <a href="#">↓</a> </li></ol>

## EXECUTIVE SUMMARY

### Purpose

1. This report provides Council with an assessment of the planning permit application submitted for land at 121 and 123-125 James Street, Templestowe. This report recommends support of the submitted proposal. The application is being reported to Council given that it is a Major Application (more than 15 dwellings and a development cost of more than \$5 million).

### Proposal

2. The proposal is for the development of a four-storey mixed use building on two (2) lots known as 121 and 123-125 James Street, Templestowe, which has an area totalling 2505 square metres. The development proposes 35 dwellings on the upper levels, two food and drink premises, two take-away premises and one convenience shop at the lower levels and associated basement car parking over two basement levels. The proposal includes alteration of access to a road in a Road Zone Category 1, 91 car spaces and reduction of the requirements for the loading bay height clearance (from 4.0m to 3.6m). The maximum height is 10.9m, the site coverage is 88.9% with site permeability being 8.4%.

### Key issues in considering the application

3. The key issues for Council in considering the proposal relate to:
  - (a) Compliance with the relevant State, Local Policy Frameworks and Templestowe Village Structure Plan (SPPF, LPPF and TVSP);
  - (b) Mixed use of the land;



- (c) Built form and landscaping;
- (d) Compliance with built form and urban design policies;
- (e) On-site (internal) amenity and Off-site amenity (Clause 55 assessment);
- (f) Car parking, access, traffic and bicycle parking;
- (g) Objector concerns.

#### **Objector concerns**

4. Two (2) objections were originally received, with one objection repeating the interests of four properties. Therefore, a total of five (5) properties are involved in the objections for the application. It is noted that these two (2) objections were for the original proposal, which was advertised in 2016. The current amended proposal was advertised in late 2017 and no new or further objections were received. However, given that the two (2) original objections have not been withdrawn, the two (2) objections remain. These objections (received to the original proposal in 2016) are summarised as:
  - a) Over-development and visual bulk;
  - b) Design and Height of Building (height, height transition to the residential interface, lack of articulation, visual interest, setbacks and impact on existing neighbourhood character);
  - c) Quality of external finishes and design detail;
  - d) Side and rear setbacks.
  - e) Off-site amenity impact (including daylight to existing windows, over-shadowing, overlooking and visual bulk);
  - f) On-site amenity (lack of dwelling diversity and reasonable functionality and poor light and ventilation from 'snorkel' windows and internal light wells);
  - g) Lack of on-site car parking for the retail premises and visitors;
  - h) Excessive site coverage of more than 60% (64.2%);
  - i) Inadequate landscaping opportunities (to soften the built form);
  - j) Insufficient sizing of retail premises; and
  - k) The use and zoning.

#### **Assessment**

5. The proposed mix of uses, increased housing density, apartment building concept and car parking provision is considered to be appropriate for the site and location. The development is considered to meet the relevant State and Local Policies, objectives of the Design and Development Overlay, Schedule 8 (DDO8-2), of the Manningham Planning Scheme and the relevant Templestowe Village Structure Plan (TVSP).
6. These provisions recognise that there will be a substantial level of change in dwelling yields and built form outcomes in the area, and provides guidance in relation to how this can occur in a controlled, planned and consistent approach across the municipality and in manner that minimises off-site amenity impacts.

7. The proposal provides an appropriate urban design outcome, suitable setbacks, stepping to the residential interfaces and incorporates a landscape treatment that will suitably screen and soften the building from the sensitive residential abutments, as directed by the Local Planning Policy for Precinct 2 of Clause 21.05 (Residential), Clause 55.02-1 (Neighbourhood Character), Clause 55.02-2 (Residential Policy) and the design objectives and guidelines of Clause 43.02 - Schedule 8 to the Design and Development Overlay (DDO8), of the Manningham Planning Scheme.
8. The design detail and architectural expression of the building makes a positive contribution to the area and streetscape by providing a building with high level of visual interest, through varied materials and detailing.
9. The proposal incorporates suitable screening devices into the architectural built form to reduce overlooking and suitable setbacks to sensitive interfaces to reduce visual bulk and overshadowing to adjoining residential properties, resulting in minimal off-site amenity impacts.
10. The proposal provides suitable on-site amenity, including reasonable private open space (balcony) design, dimensions and orientations (as per the 'Better Apartment Design Standards', which came into effect in March 2017), and suitable solar access to habitable rooms from the internal courtyard.

### Conclusion

11. The report concludes that the proposal is considered to comply with the relevant State and Local Planning Policies of the Manningham Planning Scheme and should therefore be approved.
12. It is recommended that a Notice of Decision for a Planning Permit issue subject to the conditions below.

### 1. RECOMMENDATION

#### That Council:

- A. **Having considered the proposal and the objection, issues a NOTICE OF DECISION TO GRANT A PERMIT in relation to Planning Application PL16/026253 at 121 and 123-125 James Street, Templestowe, for the use and development for a four-storey mixed use building comprising; two food and drink premises, two take-away premises and one convenience shop at the lower levels, with 35 dwellings to the upper levels, associated basement car parking over two basement levels, and alteration of access to a road in a Road Zone Category 1, subject to the following conditions:**

#### Amended Plans

1. **Before the development starts, amended plans drawn to scale and dimensioned, must be submitted via email and approved by the Responsible Authority. When approved the plans will then form part of the permit. The plans must be generally in accordance with the decision plans, perspectives and elevations (prepared by Mudher Architects – Revision R and landscape concepts prepared by Jodie Hay Garden Design dated 2 September 2017 and Alexander Urbanism), but modified to show:**

- 1.1 The accessway modified to provide a sharper angle at the 'seagull' traffic island to discourage illegal right turn movements at the access – with signage and design for a left turn only for exit and no right turn for entry;
- 1.2 The disabled car spaces to comply with the Australian Standards AS 2890.6 – particularly on basement 2 floor plan, where the car spaces beside the ramp walls need to increase by 300mm;
- 1.3 Removal of the word Café from the plans;
- 1.4 Removal of the stair access and doorway access down to the residents community library space, in favour of a windows to this void and natural light access space;
- 1.5 Modification of the internal access from the resident's community library access door from the foyer, to assist in its prominence as the main entry to the community space/library, and deletion of the access door to the eastern walkway;
- 1.6 The visual screens to the internal courtyard modified to be 1.7m high above the finished floor level, to increase solar access into dwellings from the internal courtyard;
- 1.7 The location and details of all existing easements on the site/s;
- 1.8 Indication and a notation that no part of the excavation or retaining walls within proximity of the easement along the northern boundary, may encroach into the easement;
- 1.9 Details (height and materials) of all internal fencing;
- 1.10 Details of any required mechanical ventilation to the basement level;
- 1.11 Locations of fire services, electrical meter cupboards, water and gas services and any other service areas, designed to blend with the development;
- 1.12 Any rooftop service equipment to be appropriately screened to blend with the development and located to limit amenity impacts;
- 1.13 Retractable or foldable clotheslines within the secluded private open space areas of all dwellings;
- 1.14 The upper level of the apartments to have operable shading provided to the North, East and West facing glazing. This could be in the form of external operable louvers, awnings, sliding shutters, Venetian or roller blinds;
- 1.15 Any other design changes or plan notations required by the sustainable design assessment report required by Condition 4 of the permit;
- 1.16 A notation to indicate that the development must be constructed in accordance with the sustainable design assessment report approved under Condition 4 of this permit;
- 1.17 Any changes required by VicRoads (conditions 22 to 24 of this permit).

#### **Endorsed Plan**

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

**Construction Management Plan**

3. Before the development starts, two copies of a Construction Management Plan (CMP) must be submitted 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; and
  - 3.6 Element A6: Traffic and Parking Management.

Council's CMP Template forms part of the Guidelines. When approved the plan will form part of the permit.

Council's Works Code of Practice (June 2016) and Construction Management Plan Guideline (June 2016) are available on Council's website or by contracting the Statutory Planning Unit on 9840 9470.

**Sustainable Design Assessment**

4. Before the development starts or the issue of a building permit for the development, whichever is the sooner, a modified version of the sustainable design assessment report must be submitted to and endorsed by the Responsible Authority. The modified sustainable design assessment report must be generally in accordance with the report submitted with the application (*GIW Environmental Solutions*, dated November 2017), but must be modified in the following manner:
  - 4.1 BESS Assessment - The SMP needs to be updated to include a complete and finalized Built Environment Sustainability Scorecard (BESS) report to enable a proper assessment to be undertaken. We expect a development of this size to achieve a minimum of 50% overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS;
  - 4.2 Energy - Thermal Performance Rating - the whole development to commit to achieving at least a 10% improvement on National Construction Code minimum energy efficiency requirements (such as 6.6-stars average for dwellings and 10% improvement on section J requirements for commercial areas). Provide a preliminary NatHERS assessment of sample units (FirstRate, Accurate or BERS Pro) & National Construction Code (NCC) Section J Deemed-to-satisfy / JV3 assessment or provide information on how energy efficiency requirements for the whole development will be achieved;

- 4.3 Energy – Internal Lighting – Residential & Commercial – achieve a maximum illumination power density (W/m<sup>2</sup>) in at least 90% of the relevant building class at least 20% lower than required by Table J6.2a of the NCC 2016 Volume 1 Section J (Class 2 to 9). The use of fluorescent lamps is discouraged (they contain toxic mercury, which complicates their disposal).
- 4.4 Energy – Renewable energy systems – Solar - The SMP states that a PV system will be installed in the project however a review of the plans does not show the proposed system. Update the application drawings to show and notate the proposed system location and its size.
- 4.5 Shading - Upper level of the apartments have insufficient shading to North, East and West facing glazing. Provide operable external shading, this could be in the form of external operable louvers, awnings, sliding shutters, Venetian or roller blinds. This will be required on updated application drawings.
- 4.6 Stormwater - The report modified to include stormwater strategies to adhere to Council's *Guideline for Recycled Water and Rainwater in Medium to High Density Developments September 2017*. Include of size, location and connections of stormwater management system within application drawings.

When approved, the sustainable design assessment will form part of the permit. The recommendations of the plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the occupation of any dwelling.

#### Waste Management Plan

5. Before the development starts, a 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 Plans (WMP) prepared by David Fairbairn Consulting Engineer (dated 31 August 2017) however must be amended as follows:
  - 5.1 Remove reference to Council providing the waste services for the development, as a private contractor will be responsible to undertake waste collection;
  - 5.2 The developer must ensure that the private waste contractor can access the development and the private waste contractor bins;
  - 5.3 No private waste contractor bins can be left outside the development boundary at any time on any street frontage for any reason.

#### Management Plan Compliance

6. The Management Plans approved under Condition 3 and 4 of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.

**Landscape Plan**

7. Before the development starts, a landscaping plan prepared by a landscape architect or person of approved competence must be submitted via email to the Responsible Authority for approval. Such plan must be generally in accordance with the concept landscape plans submitted with the application (prepared by Jodie Hay Garden Design dated 2 September 2017 and Alexander Urbanism) but must be modified to include any changes required by Condition 1 of this permit as relevant to the landscaping design.

**Landscape Bond**

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

9. Before the occupation of the approved dwelling and building, landscaped areas must be fully planted and mulched or grassed generally in accordance with the approved plan and to the satisfaction of the Responsible Authority. The use of synthetic grass as a substitute for open lawn area within secluded private open space or a front setback will not be supported. Synthetic turf may be used in place of approved paving decking and/or other hardstand surfaces.

**Completion**

10. Privacy screens and obscure glazing as required in accordance with the approved plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority. The use of obscure film or spray fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.

**Maintenance**

11. Buildings, paved areas, fencing, external lighting, sight screens, drainage and landscaping (including planting within integrated balcony planters) must be maintained to the satisfaction of the Responsible Authority.

**Vegetation**

12. The owner must ensure that contractors/tradespersons who install services or work near the vegetation to be retained (large Eucalypt to the south-east corner of the site) are made aware of the need to preserve the Tree Protection Zone (TPZ) and canopy of the vegetation and to minimise impacts through appropriate work practices.

**Stormwater – On-site detention (OSD)**

13. 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:

- 13.1 Be designed for a 1 in 5 year storm; and
- 13.2 Storage must be designed for 1 in 10 year storm.

**Construction Plan (OSD)**

14. Before the development starts, a construction plan for the system required by Condition 13 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 and Site Management Practices**

15. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor. A connection to Council maintained assets must not be constructed unless a Miscellaneous Works Permit is first obtained from the Responsible Authority.
16. 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.
17. The owner must use appropriate site management practices during demolition/construction to limit neighbourhood amenity detriment and protect community and Council assets in accordance with Council's Works Code of Practice, including measures 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.

**Driveway and Car Parking Areas**

18. Before the occupation of the dwellings and building approved under this planning permit, all redundant vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.

19. Before the occupation of any of the approved dwellings and building, all associated basement parking spaces must be line-marked, numbered and signposted to provide allocation to each dwelling and visitors to the satisfaction of the Responsible Authority.
20. Visitor parking spaces must not be used for any other purpose to the satisfaction of the Responsible Authority.
21. Automatic basement door opening systems must be installed and maintained, so as to facilitate secure access to the allocated parking areas by residents and visitors, to the satisfaction of the Responsible Authority.

**VicRoads Conditions (Conditions 22 to 24)**

22. Before the development starts, amended plans must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and 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 plans dated 17/11/16 and annotated as but modified to show:
  - 22.1 The access crossover modified as left in/left out, with a splitter island;
  - 22.2 The proposed crossover flared at 60 degrees with 3.0 radial turnouts at the kerb and with 1.0m clearance from any fixed object at the entrance of the property;
  - 22.3 Pedestrian visibility splays in accordance with Design Standard 1 of Clause 52.06 of the Manningham Planning Scheme.
23. Prior to occupation of the development hereby approved, the driveway and crossover are to be constructed to the satisfaction of the Responsible Authority and at no cost to VicRoads.
24. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety.

**Public Transport Victoria (Conditions 25 to 26)**

25. The existing bus stop and associated infrastructure on James Street must not be altered without the prior consent of the Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria.
26. The permit holder must take all reasonable steps to ensure that disruption to the bus operation along James Street must be kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen (14) days prior.



**General 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 service pipes must be concealed and screened respectively to the satisfaction of the Responsible Authority.
29. Communal lighting must be connected to reticulated mains electricity and be operated by a time switch, movement sensors or a daylight sensor to the satisfaction of the Responsible Authority.
30. Any reverse cycle air-conditioning unit, hot water boosters or other service plant erected on the walls of the approved building must be appropriately designed and finished with screening if necessary to minimise general visual impacts from off the site to the satisfaction of the Responsible Authority.

**Rooftop Service Equipment**

31. All roof-top plant and services (including any hot water systems, but excluding solar panels) must be installed in appropriately screened areas or located away from the outer edges of the roof sections so as to minimise their visual impacts, unless otherwise agreed in writing with the Responsible Authority.

**Services on Balconies and Terraces**

32. Any air-conditioning unit installed on a balcony or terrace must stand at floor level and be positioned to minimise general visual impacts from off the site, and unless otherwise agreed in writing with the Responsible Authority, no air-conditioning unit may be erected on an external wall to the satisfaction of the Responsible Authority.
33. Any clothes-drying rack or line system located on a balcony or terrace must be lower than the balustrade of the balcony or terrace to minimise general visual impact from off the site to the satisfaction of the Responsible Authority.

**Metering and Service Cabinets**

34. All building services and metering located in the front setback, including fire services, gas, water and electricity, must be installed in accordance with the approved plans and must be positioned in discrete manner and be screened using cabinets etc that integrate with the overall building design to the satisfaction of the Responsible Authority.

**Fencing**

35. Prior to the occupation of the approved dwellings and building, all fencing (whether new or retained) must be erected in good condition and be fit for screening purpose in accordance with the plans endorsed under Condition 1 of this permit to the satisfaction of the Responsible Authority.

**Permit Expiry**

- 36. This permit will expire if one of the following circumstances applies:**
- 36.1 The development is not started within four (4) years of the issue date of this permit; and**
  - 36.2 The development is not completed within eight (8) years of the issue date of this permit.**

**The Responsible Authority may extend these times 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.**

**2. BACKGROUND**

- 2.1 The original application was received by Council on 10 May 2016. Prior to this pre-application advice was provided in June 2015.
- 2.2 A request for further information was sent to the Applicant on 20 May 2016 and raised preliminary concerns regarding the submitted proposal relating to the proposed uses, built form, provision of landscaping, usability of the balconies, and on-site and off-site amenity.
- 2.3 All requested further information was received by Council on 17 November 2016.
- 2.4 The application was scheduled to go to Council Meeting on 21 February 2017, with a recommendation for Refusal.
- 2.5 A Section 57A Amendment to the application was received on 21 February 2017, prior to the scheduled Council Meeting, which halted a decision on the application at the Council Meeting.
- 2.6 All requested further information to the Section 57A Amendment proposal was received by Council on 22 October 2017.
- 2.7 The statutory time for considering a planning application is 60 days. The 60 day timeframe for this application lapsed on 29 January 2018.
- 2.8 It is noted that the original proposal included a reduction/variation in the Loading Dock height clearance requirement under Clause 52.07 (Loading and unloading of vehicles). Clause 52.07 and the associated specific requirements, were removed from the planning scheme in January 2018 (Amendment VC142) and therefore consideration is no longer required for this variation and reference to this has been removed from the proposal description/preamble.

**3. THE SITE AND SURROUNDS****The Site**

- 3.1 The site comprises two (2), sites; one residential lot on the western side and one larger lot on the eastern side, both fronting James Street (121 and 123-125 James Street, Templestowe).

- 3.2 Together the sites are fairly square in shape, with an angled front boundary to James Street, which adjoins a triangular road reserve and public space fronting James Street.
- 3.3 The site has a street frontage of 47.22 metres, a maximum depth of 50.57 metres on the western boundary and an area of approximately 2,505 square metres.
- 3.4 The site slopes up by approximately 4.4 metres over 71 metres, from the south-west corner (front) to the north-east corner (rear).
- 3.5 An easement (1.83 metre wide) is located along the southern (rear) boundary of 121 James Street and another easement (1.83 metre wide) is located along the western boundary of 123 James Street, which intersects the site (north to south).
- 3.6 The western lot is developed with a single-storey brick dwelling with a secluded private open space area and outbuildings located to the rear. The eastern lot is developed with a restaurant (Eastern Court) at upper level and a small grocery store at the under-croft ground floor (visible only to James Street). An open air carpark is located to the north- east of the building.
- 3.7 The western lot is accessed by a vehicle crossover and driveway on the western side of site. The eastern lot is accessed by a shared vehicle crossover and access way to a car parking area to the east of the site, which forms part of the common property associated with the adjoining shops.
- 3.8 The land titles are not constrained by relevant covenants or Section 173 Agreements. It is understood there is a civil agreement between the owner of 123-125 James Street and the adjoining owners' corporation to allow access to the rear carpark.

### The Surrounds

- 3.9 The site directly abuts seven (7) properties, which are described as follows:

Direction	Address	Description
West	Units 1, 2, 3 and 4 of 119 James Street, Templestowe	These four properties abut the western boundary of the site and are each developed with a two-storey dwelling, some with under-croft/basement level garages. The dwellings are setback 3.3, 4.6, 4.0 and 1.3 metres respectively from the common boundary at the closest point and the secluded private open space areas of the dwellings are oriented towards the site.
North	106 Wood Street, Templestowe	This property abuts the western section of the site's northern (rear) boundary and is developed with a single-storey, brick dwelling set back 20.5 metres from the common boundary. There is a secluded private open space to the rear of the dwelling, adjacent to the site and includes a large garage in the south-east corner, abutting the site.

	Unit 3, 108 Wood Street, Templestowe	This property abuts the central section of the site's northern (rear) boundary and is developed with the rear unit of three brick, two-storey townhouses. The townhouse is setback 2.2 metres from the common boundary. A rear walkway/service area is located adjacent to the site, while the secluded private open appears to be located to the north-west of the dwelling.
North and East	108 Wood Street, Templestowe	This property abuts the site to the north and east and is developed as a carpark servicing the shopping centre on the corners of Andersons Street, James Street and Wood Street. Vehicle access is provided from Wood Street and James Street (directly adjacent to the eastern boundary). The site is within the Commercial 1 Zone.
North-west corner	Unit 3, 104 Wood Street, Templestowe	This property abuts the north-west corner of the sites boundary and is developed with the rear unit of three brick, single-storey units. The unit is setback approximately 3.3 metres from the corner of the site. The private open space area is located in the south-east corner, directly adjacent to the site.
South	121A James Street, Templestowe	A large and significant Eucalypt is located in the south-east corner of the public space/road reserve. It is noted that this site is within the Road Zone Schedule 1.

- 3.10 The character of the immediate neighbourhood is mixed, with a variety of non-residential uses located along this section of James Street. This includes the Templestowe Village shopping centre located to the east and south of the site. There are many examples of more intensive townhouse residential developments around the site and the area.
- 3.11 Immediately to the south of the site is the main hub of the Templestowe Village Shopping Centre. Adjacent to the eastern side of the site is a continuation of the Templestowe Village Shopping Centre, comprising of smaller tenancies generally facing Andersons Street and some to James Street. A larger restaurant (Vibrante) occupies the corner of James and Andersons Streets.
- 3.12 There is a round-about at the intersection of James Street and Andersons Street, 55 metres to the east of the site and the nearest bus stop is located directly in front of the site.

#### 4. THE PROPOSAL

4.1 It is proposed to demolish the existing buildings, remove all vegetation on the site (no planning permit required), to use and develop the site for a four-storey mixed use building comprising 35 dwellings to the upper levels, two take-away premises and one convenience shop at the lower levels. The proposal also involves associated basement car parking over two basement levels and alteration of access to a road in a Road Zone, Category 1.

##### Submitted plans and documents

4.2 The proposal is outlined on the plans, perspectives and elevations, prepared by Mudher Architects – Revision R. The concept landscape plans within this set of plans, are prepared by Jodie Hay Garden Design dated 2 September 2017 and Alexander Urbanism. **Refer to Attachment 1.**

4.3 The following reports were also submitted as part of the application:

- A Planning Report prepared by Urban Planning Mediation, dated 24 August 2017 – Revision Q and Elevations Revision R;
- A Traffic Report prepared by TTM Traffic Parking Acoustics, dated 18 October 2016 and Amended 19 September, 2017;
- A Waste Management Plan prepared by David Fairbairn Consulting Engineer, dated 31 August 2017;
- An Arborist Report prepared by Galbraith and Associates, dated 24 October 2016; and
- A Sustainable Environmental Management Plan prepared by Rachael Stefanis for Mudher Architects, August 2017.

##### Development summary

4.4 A summary of the proposed development is provided as follows:

Land Size:	2505m <sup>2</sup>	Street setback to James Street (south)	Basement 2 – 0m Basement 1 – 0m Ground floor – 0m First floor – 0m Second floor – 5.5m
Site Coverage:	88% (figure calculated by Council Officers as figure given by applicant includes landscaped internal courtyard)	Setback to western boundary (residential townhouse unit development properties of James Street)	Basement 2 – 1.5m Basement 1 – 1.5m Ground floor – 2.0m First floor – 3.2m Second floor – 6.3m
Permeability:	8.4% (figure calculated by Council Officers as figure given by applicant includes landscaped internal courtyard)	Setback to eastern boundary (adjoining accessway and carpark)	Stairs are on the boundary for all levels, so next closest setback: Basement 2 – 0m Basement 1 – 0m Ground floor – 1m First floor – 1.2m Second floor – 2.6m

Maximum Building Height:	10.697m	Setback to northern (rear) boundary adjoining Wood Street properties	Basement 2 – 3m Basement 1 – 2.51m Ground floor – 4.7m First floor – 4.45m Second floor – 4.9m
Car parking spaces:	Total – 91 Basement 1 – 55 Basement 2 – 36 including - disabled spaces 3 - 36 residential visitor and customer spaces - 41 residential spaces -14 staff spaces -1 motorbike space		
Bicycle spaces:	Residential 14 Visitors/customers 11		

### Built form and earthworks

- 4.5 The proposed building is constructed of a mixture of Matrix wall cladding in different greys, common red bricks, a number of feature bricks and brick patterns (blues, charcoals and greys) and feature decorative ceramic tiles (blue, turquoise, green and lime green) in a horizontal pattern in six colours; white, cream, beige and three different greys (dark, medium and light grey). Windows are generally aluminium with clear, blue and grey glazing, clear glass balustrades will be opaque glass and visual screens are in the form of differing obscure glass screens and brick feature walls. The roof form will be an aluminium flat roof form.
- 4.6 Except for the excavation of the basement, no other earthworks are proposed.
- 4.7 The basement comprises 54 car spaces for residents and shop staff, storage areas for residents, bicycle parking, water tank room, service rooms and a commercial waste collection room;
- 4.8 The ground level comprises a partial basement car parking area (rear), with 36 car spaces for residential visitors and commercial visitors, two loading bays, a residential waste room, a separate commercial waste room, separate storage areas for retail space, 11 visitor bicycle racks, three (3) retail spaces (fronting James Street) and an entry foyer from James Street to the basement.
- 4.9 The first floor comprises eleven (11) two-bedroom apartments, two (2) more retail spaces (fronting James street and the eastern accessway), a gym for residents, a residents library/community space (with access to the side access laneway) a central courtyard (Garden) and two entry foyers from James Street and the eastern accessway to the central courtyard (Garden).
- 4.10 The second floor comprises thirteen (13) two-bedroom apartments, one (1) three bedroom apartment and an open light court with a view down to the central courtyard (Garden).
- 4.11 The third floor comprises seven (7) two-bedroom apartments, two (2) three-bedroom apartments and three (3) one-bedroom apartments, with an open light court with a view down to the central courtyard (Informal Garden).

- 4.12 Two lifts with associated stairs, service the building from the two basement levels up to level three. A separate commercial lift provides access from the two basement levels up to both levels with retail (ground floor level). It is also noted that the retail spaces at the partial basement 1 level have separate goods hoists to service directly into their retail spaces from the adjoining basement carpark.

### Land use

- 4.13 There are thirty-five (35) residential apartments proposed:
- Three (3) one-bedroom apartments;
  - Thirty-nine (29) two-bedroom apartments; and
  - Three (3) three bedroom apartments.
- 4.14 Five (5) retail premises are proposed as part of the mixed use development, over two levels, facing James Street and the accessway to the east (south-east corner). The premises include two (2) take-away premises, two (2) food and drink premises and one (1) convenience shop at the lower two levels.
- 4.15 The application seeks approval for the following retail spaces:
- Retail Premise 1 (Convenience Shop) – 189sqm
  - Retail Premise 2 (Food and Drink Premises 1 - Cafe) - 101sqm;
  - Retail Premise 3 (Takeaway 1) - 135sqm;
  - Retail Premise 4 (Food and Drink Premises 2 - Cafe) - 105sqm
  - Retail Premise 5 (Takeaway 2) – 105sqm
- 4.16 It is noted that while the plans notate the two Food and Drink Premises with the word 'Café', the Traffic Plan nominates these retail uses as Food and Drink Premises rather than Café (or Restaurant), which would attract a higher car parking requirement (0.4 spaces per patron/seat for Restaurant/Café vs 4 spaces to each 100sqm of leasable floor area for Food and Drink Premises).
- 4.17 There are no future tenants sought for the retail spaces and the proposal does not specify hours of operation or staff details.

### Access and car parking

- 4.18 A new 6.56 metre wide vehicle crossover is located adjacent to the western boundary, leading to a 5.56m wide accessway along the western boundary down to carparking within two basement levels. The basements include 91 car parking spaces including 7 visitor spaces and a total of 25 bicycle spaces (14 within a basement bicycle room and 11 at the lift).
- 4.19 Pursuant to Clause 52.06 of the Manningham Planning Scheme, the residential component of the proposal for the 35 apartments attracts a requirement of the following:
- 1 and 2 bedroom dwellings (32) – 32 spaces;
  - 3 bedroom dwellings (3) – 6 spaces;
  - Visitor car parking (35 x 0.2) – 7 spaces;
  - **Total 45 car parking spaces required.**

- 4.20 Pursuant to Clause 52.06 of the Manningham Planning Scheme, the five (5) retail premises detailed, attracts a requirement of the following:
- Food and drink and Take Away Food Premises (446sqm x 4 spaces per 100sqm) – 16 spaces;
  - Convenience shop (over 80sqm) – 10 spaces to this one premises;
  - **Total 26 car parking spaces required.**
- 4.21 The total requirement (pursuant to Clause 52.06 of the Manningham Planning Scheme) is therefore seventy-one (71) car parking spaces. As the proposal provides 91 on-site spaces, the requirement is exceeded by 21 spaces.
- 4.22 Pursuant to Clause 52.29 (Land adjacent to a Road Zone category 1) of the Manningham Planning Scheme, this application includes the proposed alteration of access to a road in a Road Zone, Category 1.

## 5. LEGISLATIVE REQUIREMENTS

- 5.1 Refer to Attachment 2 (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:
- Clause 32.08 (**General Residential Zone, Schedule 2**), a Planning Permit is required to construct two or more dwellings on a lot.
  - Clause 43.02-2 (**Design and Development Overlay**), a Planning Permit is required to construct or carry out works.
  - Clause 43.02-2 (**Schedule 8 to the Design and Development Overlay - 2**), a Planning Permit is required to construct a front fence within 3 metres of a street if the fence is associated with 2 more dwellings on a lot or a residential building.
  - 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.
  - Clause 52.07 (**Loading and unloading of vehicles**) - it is noted that this Clause and the associated requirements, was removed from the planning scheme in January 2018.

## 6. REFERRALS

### External

- 6.1 A permit is required to alter/create access to James Street (a road identified as a Road Zone, Category 1). Therefore a referral must be made to VicRoads as a determining referral authority.
- 6.2 VicRoads have no objection to the proposal subject to three (3) conditions. It is noted that they have advised their original referral response to the original proposal stands (received in January 2017), given the amendment proposal did not modify the crossover and access to the Road Zone, Category 1.



- 6.3 Given there is bus stop at the frontage of the proposed development and given the alteration of access to James Street (a road identified as a Road Zone, Category 1) it was considered appropriate to refer the application to Public Transport Victoria for their information and comment.
- 6.4 Public Transport Victoria have no objection to the proposal subject to two (2) conditions.

#### Internal

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

Service Unit	Comments
Engineering & Technical Services Unit – Drainage	<p><b><u>Drainage (Discharge from the site)</u></b> Point of discharge, on-site storm water detention, batter slopes, site inundation are satisfactory. Standard stormwater and overland flows conditions required (<b>condition required</b>).</p> <p>An on-site storm water detention system is required. Standard OSD conditions required (<b>condition required</b>).</p> <p><b><u>Flooding (Overlay controls)</u></b> The site is likely to be affected by overland run-off. The plans are OK they have included a raise of 250mm at the entrance of the carpark, as shown on TP05.</p>
Engineering & Technical Services Unit – Vehicle Crossing	<p>A “Vehicle Crossing Permit” is required.</p> <p>Vehicle crossing must be constructed as per the requirements of VicRoads.</p> <p>Driveway widths, turning areas, headroom clearances, direction of egress and passing areas, sightlines and gradients are satisfactory. However following condition is required to improve traffic direction (<b>Condition required</b>):</p> <ul style="list-style-type: none"> <li>• Sharper angle at the seagull to discourage illegal right turn movements at access – with signage. Left turn only for exit and No right turn for entry.</li> </ul>
Engineering & Technical Services Unit – Access and Driveway	<p>The driveway widths comply with Design Standard 1: Accessways of Clause 52.06-8 and are satisfactory.</p> <p>The internal radius of the driveway at the change of direction allows sufficient room for vehicles to turn and exit the site in a forward direction and complies with Design Standard 1: Accessways of Clause 52.06-8 and is satisfactory.</p>

Service Unit	Comments
	<p>A minimum 2.1m of headroom clearance beneath overhead obstructions is provided which complies with Design Standard 1: Accessways of Clause 52.06-8 and is satisfactory.</p> <p>Accessway sightlines at the site's frontage comply with Design Standard 1 of Clause 52.06-8 and are satisfactory.</p> <p>Driveway gradients comply with Design Standard 3: Gradients of Clause 52.06-8 and are satisfactory.</p>
Engineering & Technical Services Unit – Traffic, Car Parking and Car Parking Layout	<p>The number of car parking spaces is provided in accordance with Clause 52.06-5 and are satisfactory.</p> <p>The dimensions of the parking spaces generally comply with Design Standard 2 in Clause 52.06-8 and are satisfactory however, the disabled car spaces within the car park layout are unsatisfactory and requires the following modifications:</p> <ul style="list-style-type: none"> <li>• The disabled car spaces need to comply with the Australian Standards AS 2890.6 – particularly on basement 2 floor plan. The car spaces beside the ramp walls need to show an extra 300mm.</li> </ul> <p>The development will not generate any unreasonable traffic congestion within the surrounding street network.</p>
Engineering & Technical Services Unit – Construction Management	A Construction Management Plan is required ( <b>Conditions required</b> ).
Engineering & Technical Services Unit – Waste	<p>Amended Waste Management Plan required - <b>Comments:</b></p> <ol style="list-style-type: none"> <li>1. A private waste collection contractor will be required to undertake waste collection from the development.</li> <li>2. The draft Waste Management Plan needs to be amended to remove reference to Council providing the waste services for the development as a private contractor will be responsible to undertake waste collection.</li> <li>3. Collections by a private waste contractor need to occur from within the property basement.</li> <li>4. No private waste contractor bins can be left outside the property boundary for any reason.</li> </ol>

Service Unit	Comments
	<p><b>Recommended Permit Condition:</b></p> <ul style="list-style-type: none"> <li>• Before the development starts, a 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 Plans (WMP) prepared by David Fairbairn Consulting Engineer (dated 31 August 2017) however must be amended to remove reference to Council providing the waste services for the development as a private contractor will be responsible to undertake waste collection. 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.</li> </ul>
Engineering & Technical Services Unit – Easements	<p>Formal consent to “Build Over Easement” is required (<b>Condition/note required</b>).</p> <p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>• It would appear that the existing 2.0 metre wide easement located along the western property boundary of 123 James Street has been omitted from the plans. Our GIS system shows this as existing.</li> <li>• The applicant should be required to show this easement on the plans as part of their proposal, or provide satisfactory evidence to show that the easement has been subsequently removed from the title. If the easement is existing, the applicant/owner will need to obtain formal consent from Council and Yarra Valley Water to build over this easement.</li> <li>• It is noted that a proposed retaining wall is to be constructed adjacent to the easement along the northern property boundary of 121 James Street. No part of this retaining wall is to encroach onto the easement.</li> </ul>
Strategic Projects Unit – Sustainability	<p>The application <b>has yet to meet</b> Council’s current expectations for Environmentally Sustainable Design (ESD) standards for a development of this type and scale in its current form. Alterations to the report and application drawings need to be undertaken before the application can be deemed to meet Council’s ESD standards. Items to be addressed are outlined below:</p>

Service Unit	Comments
	<p><u>BESS Assessment</u> - The SMP needs to be updated to include a complete and finalized Built Environment Sustainability Scorecard (BESS) report to enable a proper assessment to be undertaken. We expect a development of this size to achieve a minimum of 50% overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS.</p> <p><u>Energy - Thermal Performance Rating</u> - Current commitment is for the apartment to achieve a 6-star average energy rating – this is the legal minimum required by the National Construction Code (NCC), non-residential components have not been addressed. For a development of this size we expect the whole development to commit to achieving at least a 10% improvement on National Construction Code minimum energy efficiency requirements (e.g. 6.6-stars average for dwellings and 10% improvement on section J requirements for commercial areas). Provide a preliminary NatHERS assessment of sample units (Firstrate, Accurate or BERS Pro) &amp; National Construction Code (NCC) Section J Deemed-to-satisfy / JV3 assessment or provide information on how energy efficiency requirements for the whole development will be achieved.</p> <p><u>Energy – Internal Lighting – Residential &amp; Commercial</u> - Commit to a maximum illumination power density (W/m<sup>2</sup>) in at least 90% of the relevant building class at least 20% lower than required by Table J6.2a of the NCC 2016 Volume 1 Section J (Class 2 to 9). We discourage the use of fluorescent lamps as they contain toxic mercury, which complicates their disposal.</p> <p><u>Energy – Renewable energy systems – Solar</u> - The SMP states that a PV system will be installed in the project however a review of the plans does not show the proposed system. Update the application drawings to show and notate the proposed system location and its size.</p> <p><u>Shading</u> - Upper level of the apartments have insufficient shading to North, East and West facing glazing. Provide operable external shading, this could be in the form of external operable louvers, awnings, sliding shutters, venetian or roller blinds.</p>

Service Unit	Comments
	<p><u>Stormwater</u> - The report has yet to include stormwater strategies proposed. We expect the proposed stormwater management strategy to adhere to Council's <i>Guideline for Recycled Water and Rainwater in Medium to High Density Developments September 2017</i>. Include of size, location and connections of stormwater management system in application drawings.</p> <p><b>Conditions will require the above.</b></p>
City Strategy Unit – Urban Design	No objection submitted to the proposal.

6.6 If a permit were to be issued the above requests would need to be specified as conditions.

## 7. CONSULTATION / NOTIFICATION

- 7.1 Notice of the original application was given over a three-week period which concluded on 20 December 2016, by sending letters to nearby properties and displaying three (3) large signs on site (a sign on the frontage of each lot and to the east of the eastern lot, adjacent to the eastern accessway and carpark).
- 7.2 Two (2) objections were received, from five (5) properties, (as detailed in section 7.5 and 7.6).
- 7.3 Notice of the this current amended application was given over a three-week period which concluded on 15 December 2017, by sending letters to nearby properties and displaying three (3) large signs on site (a sign on the frontage of each lot and to the east of the eastern lot, adjacent to the eastern accessway and carpark).
- 7.4 No new or further objections were received. However the two original objections have not been withdrawn. Therefore these two (2) objections remain, as detailed below.
- 7.5 Two (2) objections were received, from the following five (5) properties:
- 1/119 James Street, Templestowe on behalf of:
    - 2/119 James Street, Templestowe;
    - 3/119 James Street, Templestowe;
    - 4/119 James Street, Templestowe; and
  - 8/115-117 James Street, Templestowe.

7.6 The grounds of objection can be summarised as follows:

- Over-development and visual bulk of the site (high density);
- Design (height, height transition to the residential interface, lack of articulation, visual interest, setbacks and the impact of the proposed scale and bulk of the development on the existing neighbourhood character (increased stepping and reduction of the number of storeys is suggested);
- Quality of external finishes and design detail to respond to location and scale of building;
- Side and rear setbacks (Standard B17 of Clause 55.04-1) are not met in north-west corner of proposed development.
- Off-site amenity impact, including daylight to existing windows, over-shadowing, overlooking and visual bulk (including other visual design issues as detailed above);
- On-site amenity (lack of dwelling diversity and reasonable functionality and poor light and ventilation from 'snorkel' windows and internal light wells);
- Lack of on-site car parking for the retail premises and visitors. Car parking should meet Clause 52.06;
- Excessive site coverage of more than 60% (64.2%);
- Inadequate landscaping opportunities around the site to soften the built form (basement projection results in minimal if any meaningful landscaping);
- Insufficient sizing of retail premises (number of premises should be reduced to enable each premise to be larger);
- The zoning of part of the site (Residential Zone) would mean that the retail parts of the proposal are prohibited (as access to the car spaces for the commercial premises is required over the residential zoned land).

## 8. ASSESSMENT

8.1 An assessment is made under the following headings:

- State, Local Policy Frameworks and Templestowe Village Structure Plan (SPPF, LPPF and TVSP);
- Use;
- Built form, urban design and landscaping;
- Car parking, access, traffic, and bicycle parking;
- On-site (internal) amenity and Off-site amenity (Clause 55 assessment);
- Car parking, access, traffic and bicycle parking;
- Objector issues / concerns;
- Any other matters.

**State, Local Policy Frameworks and Templestowe Village Structure Plan (SPPF, LPPF and TVSP)**

State Planning Policy Framework (SPPF);

- 8.2 The development proposal responds to much of the State Planning Policy Framework for Residential Development (Clause 16.01) in the provision of *'range of housing types'* and *'more affordable housing closer to jobs, transport and services'* and specifically achieves the objective 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'*.
- 8.3 The proposal is also considered to achieve a suitable built form outcome with sensitivity to surrounding residential properties relating to Urban Environment and Design (Clause 15.01). Specifically, the proposal *'achieves architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties'*.

Local Planning Policy Framework (LPPF)

- 8.4 Clause 21.05 (Residential) Sub-Precinct A of the DDO8-2 specifies that *'three-storey apartment style developments are encouraged on land with a minimum area of 1800sqm'*. While the proposal technically exceeds this, consisting of 4 storeys, over five levels (including a basement and partial basement level). It is particularly relevant that the development presents and appears as three storey to the western residential elevation/interface and 2.5 to 3 story to the northern residential elevation/interface.
- 8.5 This Local Residential policy also specifies that development in this precinct should:
- *'Achieve high design standards'*;
  - *'Provide a graduated building line from side and rear boundaries'*
  - *'Minimise adverse amenity impacts on adjoining properties'*; and
  - *'Incorporate a landscape treatment that enhances the overall appearance of the development'*
- 8.6 All of which, the proposed development demonstrates and achieves.
- 8.7 The proposal meets the Local Policy for Non-residential uses in residential areas (Clause 22.05), as it encourages *'consolidation of existing allotments located in the Residential Growth Zone to facilitate integrated mixed use development on larger sites'* and also encourages *'non-residential uses within the Residential Growth Zone to be integrated at ground level within developments, with residential above'*.

Templestowe Village Structure Plan (TVSP)

- 8.8 The Templestowe Village Structure Plan (TVSP) specifies the Eastern Court restaurant site as a Key Strategic redevelopment site (within Section 5.3). The plan goes on to apply the Objective and Action (18) to *'support for more appropriate zoning of land at 121-123 James Street to provide for the potential expansion of retail / commercial core where this furthers the vision of the centre'*.

Changes to the Residential Zones since the TVSP was completed, now mean that rezoning is not necessary for the proposed uses, as retail uses are allowable within certain proximities of existing retail uses and Commercial Zones.

### Use

- 8.9 As the existing retail uses exist on the land, the proposed use of the land for a mixed use (retail and residential) is generally supported by local policy for non-residential uses in residential areas (Clause 22.05) of the Manningham Planning Scheme.
- 8.10 When considering the decision guidelines for the proposed non-residential uses within the zone (Clause 22.05), the proposal is considered to be compatible with residential use and to serve local community needs. The design, height, setbacks, landscaping loading facilities and appearance of the proposed building, are also considered to be suitable.
- 8.11 The use of the land for non-residential uses (such as the proposed retail), is also supported under the zone (General Residential Zone, Schedule 2), and it is noted that a purpose of the zone is to allow *“To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations”*.
- 8.12 The proposed hours of operation of the retail premises have not been indicated however, given the existing uses which operate at the site, the proposed uses are not likely to result in any unreasonable amenity impact, beyond what exists at the site for land, which is directly adjacent to a Neighbourhood Activity Centre. Accordingly no hour limitations are proposed.
- 8.13 The external access proposed to the resident’s library / community space (to the eastern accessway) is considered unnecessary, given the library or community space will be for residents of the building. Conditions will require modification of the internal access from the residents’ community library access door from the foyer, to assist in its prominence as the main entry to the community space/library, and deletion of the access door to the eastern walkway (**conditions required**).

### Design, built form, urban design and landscaping

#### Design Detail and Architectural Design Response

- 8.14 The objectives and design guidelines of Clause 43.02 (DDO8) envisage contemporary, articulated and integrated architectural presentations. The proposal is considered to provide suitable design outcomes to respond to these objectives.
- 8.15 An assessment against the requirements of the DDO8 is provided in the table below. These requirements also cover the policy requirements regarding built form and landscaping at Clause 22.05 of the Manningham Planning Scheme:



Design Element	Level of Compliance
<p><b><u>Building Height and setbacks</u></b></p> <ul style="list-style-type: none"> <li>The minimum lot size is 1800 square metres, which must be all the same sub-precinct. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage.</li> <li>The building has a maximum height of 11 metres provided the condition regarding minimum lot size is met. If the condition is not met, the maximum height is 9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.</li> </ul>	<p><b>Met</b></p> <p>The land has an area of 2505sqm and a maximum building height of 10.9 metres, therefore it does not exceed the requirement of 11 metres.</p>
<ul style="list-style-type: none"> <li>Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser.</li> <li>Minimum side street setback is the distance specified in Clause 55.03-1.</li> </ul>	<p><b>Considered Met</b></p> <p>Given the building is proposed to be located on the front boundary, the street setback exceeds the minimum setback requirement at 6.0m.</p> <p>Given this is a retail frontage to Templestowe Village, this is not a concern.</p> <p>It is also reflective of the existing setback of the existing building (restaurant and grocery store) on the land, which is located on the front boundary.</p>
<p><b><u>Form</u></b></p> <ul style="list-style-type: none"> <li>Ensure that the site area covered by buildings does not exceed 60 percent.</li> </ul>	<p><b>Considered Met</b></p> <p>The site coverage is approximately 88% and therefore exceeds the maximum. While this is technically not met, there is significant spacing to the north, west, south-east corner and courtyard central to the site, which offer landscaped spaces, albeit with levels below. The apparent site coverage will accordingly appear to be less.</p> <p>Therefore visually to surrounding properties and internal to the site, the building does not cover will not appear to be and is not considered to be excessive.</p>
<ul style="list-style-type: none"> <li>Provide visual interest through articulation, glazing and variation in materials and textures.</li> </ul>	<p><b>Met</b></p> <p>The development is considered to offer a high level of visual interest through architectural features, materials and colours.</p>

	<p>It is considered that the design detail results in a horizontal architectural presentation to most elevations, which reduces the perception of building bulk and height</p> <p>The upper levels are generally well stepped in and articulated, particularly to the sensitive residential interfaces, as a result no unreasonable impacts will occur to the adjoining properties.</p> <p>It is noted that the southern elevation presents some more horizontal features and materials to identify and highlight the main entrances to the mixed use building.</p>
<ul style="list-style-type: none"> <li>Minimise buildings on boundaries to create spacing between developments.</li> </ul>	<p><b>Met (within context)</b></p> <p>The buildings on the eastern and southern (frontage) boundaries are considered suitable within the context of the shopping centre. The setbacks to the western and northern residential interfaces are considered to provide suitable transition of built form and spacing for landscaping to establish and mature, in line with the DDO8 objectives and policy requirements.</p>
<ul style="list-style-type: none"> <li>Where appropriate ensure that buildings are stepped down at the rear of sites to provide a transition to the scale of the adjoining residential area.</li> </ul>	<p><b>Met</b></p> <p>The rear of the building is appropriately setback at the lower levels and stepped in to the upper levels, to provide a stepped transition to the adjoining properties to the north, to which 2.5 to 3 stories of the four storey building will be visible.</p>
<ul style="list-style-type: none"> <li>Where appropriate, ensure that buildings are designed to step with the slope of the land.</li> </ul>	<p><b>Met</b></p> <p>The building is appropriately designed in response to the slope of the land, provides some split levels, and a partially basement level and second basement.</p>
<ul style="list-style-type: none"> <li>Avoid reliance on below ground light courts for any habitable rooms.</li> </ul>	<p><b>Met</b></p> <p>There are no below ground light courts proposed.</p> <p>The central garden is over 230sqm and is above natural ground level. All windows facing the large central garden are bedrooms, kitchens or studies with good access to light from the large space.</p>
<ul style="list-style-type: none"> <li>Ensure that the upper level of a three storey building does not exceed 75% of the lower levels, unless it can be demonstrated that</li> </ul>	<p><b>Met</b></p> <p>The upper level is 72% of the ground level, even with central courtyard on both of these levels.</p>

<p>there is sufficient architectural interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation.</p>	
<ul style="list-style-type: none"> <li>Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos.</li> </ul>	<p><b>Met</b> Considering the location and context of the site, there are no inappropriate imposing design features proposed.</p> <p>It is noted that the eastern and southern interfaces are proposed to have a number of suitably designed sheer wall and design features to identify and highlight the foyer and retail entrances.</p>
<ul style="list-style-type: none"> <li>Be designed and sited to address slope constraints, including minimising views of basement projections and/or minimising the height of finished floor levels and providing appropriate retaining wall presentation.</li> </ul>	<p><b>Met</b> The basement levels are suitably excavated into the slope of the land on the northern portion, no unreasonable basement projections result.</p>
<ul style="list-style-type: none"> <li>Be designed to minimise overlooking and avoid the excessive application of screen devices.</li> </ul>	<p><b>Met</b> While the western and northern elevations are heavily reliant on screening devices, the modification of design detail of the screening and fenestration design is considered appropriate.</p>
<ul style="list-style-type: none"> <li>Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all mobilities.</li> </ul>	<p><b>Met</b> All parts of the building are provided with at grade access at the principal entries. The building is also provided with lifts to all levels.</p>
<ul style="list-style-type: none"> <li>Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties.</li> </ul>	<p><b>Met</b> There is no unreasonable projection of the basement.</p>
<ul style="list-style-type: none"> <li>Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site.</li> </ul>	<p><b>Met</b> The basement car park is not clearly visible from the site frontages due to the partial basement level presenting retail premises to the James Street.</p>
<ul style="list-style-type: none"> <li>Integrate car parking requirements into the design of buildings and landform by encouraging the use of undercroft or basement parking and minimise the use of open car park and half basement parking.</li> </ul>	<p><b>Met</b> Car parking is suitably provided within the basement levels.</p>

<ul style="list-style-type: none"> <li>• Ensure the setback of the basement or undercroft car park is consistent with the front building setback and is setback a minimum of 4.0m from the rear boundary to enable effective landscaping to be established.</li> </ul>	<p><b>Considered Met</b> The proposal only provides a 2.5m to 3.0m metre rear basement setback. The upper levels are then generally setback up to 4.9m.</p> <p>While the 4.0m setback is not met at the basemnet levels, the 2.5-3.0m will allow suitable spacing for meaningful and effective in-ground landscaping of canopy trees as intended by the DDO8 policy.</p>
<ul style="list-style-type: none"> <li>• Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces.</li> </ul>	<p><b>Met</b> Given the sensitive residential interfaces to the west, the proposed side setbacks of 1.5m, 2.0m, 2.5, and 4-5m from ground to upper levels respectively, provides suitable spacing for to allow landscaping to effectively mature, screen and soften the proposed built form.</p> <p>The concept landscape plan indicates suitable landscaping in these spaces.</p>
<ul style="list-style-type: none"> <li>• Ensure that service equipment, building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces.</li> </ul>	<p><b>Met</b> The lift overruns are setback considerably from boundaries.</p> <p>No roof top equipment is indicated, however standard conditions generally require service equipment to be appropriately screened to limit amenity impacts.</p> <p>Standard conditions generally require any services within the frontage to be designed so they complement the overall development.</p>
<p><b><u>Car Parking and Access</u></b></p> <ul style="list-style-type: none"> <li>• Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback.</li> </ul>	<p><b>Met</b> Only one vehicle crossover is proposed and does not impact any street trees.</p>
<ul style="list-style-type: none"> <li>• Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open space or is appropriately screened, as is necessary.</li> </ul>	<p><b>Met</b> The extension of the basement to the north will be below ground level and will be appropriately used as courtyards for the ground floor apartments.</p>

<ul style="list-style-type: none"> <li>• Ensure that access gradients of basement carparks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements.</li> </ul>	<p><b>Met</b> Gradients of the driveway comply with Design Standard 3 in Clause 52.06-8 of the Manningham Planning Scheme.</p>
<p><b>Landscaping</b></p> <ul style="list-style-type: none"> <li>• On sites where a three-storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at maturity.</li> </ul>	<p><b>Not Met</b> As the building is located on the front boundary, there is no opportunity to include canopy trees within a frontage. This is considered appropriate given the sites commercial frontage.</p> <p>It is noted that the existing Eucalypt within the road reserve (adjacent to the south-eastern corner) is protected.</p>
<ul style="list-style-type: none"> <li>• Provide opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form.</li> </ul>	<p><b>Met</b> As already discussed, the proposal provides adequate spacing for landscaping to effectively mature, screen and soften the proposed built form.</p>

**On-site amenity and Off-site amenity impacts**

Clause 55 – Two or more dwellings on a lot

8.16 The following assessment under the provisions of Clause 55 is provided and the analysis indicates that the proposal responds appropriately to the Clause 55 requirements, as follows:

<b>Objective</b>	<b>Objective Met/Not Met</b>
<p><b>55.02-1 – Neighbourhood Character</b></p> <ul style="list-style-type: none"> <li>• To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</li> <li>• To ensure that development responds to the features of the site and the surrounding area.</li> </ul>	<p><b>Met</b> As outlined in the Assessment of the proposal against the policy requirements of the State and Local Planning Policies, Templestowe Village Structure Plan (TVSP) and Assessment Table of the Design and Development Overlay, Schedule 8 (DDO8), it is considered that the proposed development responds appropriately to the preferred neighbourhood character and outcomes, or respect its surrounds.</p>
<p><b>55.02-2 – Residential Policy</b></p> <ul style="list-style-type: none"> <li>• To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</li> </ul>	<p><b>Met</b> The application was accompanied by a suitable written statement that demonstrated how the applicant considers the development to be consistent with State, Local and Council policy.</p>

Objective	Objective Met/Not Met
<ul style="list-style-type: none"> <li>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</li> </ul>	
<p><b>55.02-3 – Dwelling Diversity</b></p> <ul style="list-style-type: none"> <li>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</li> </ul>	<p><b>Met</b></p> <p>The proposed development provides for three (3) three-bedroom dwelling, twenty-nine (29) two-bedroom dwellings and three (3) one bedroom dwellings. While it would be preferable for a larger range of one, three and possibly four-bedroom apartments, the objective is considered met.</p>
<p><b>55.02-4 – Infrastructure</b></p> <ul style="list-style-type: none"> <li>To ensure development is provided with appropriate utility services and infrastructure.</li> <li>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</li> </ul>	<p><b>Met</b></p> <p>The site has access to all services. The applicant will be required to provide an on-site stormwater detention system to alleviate pressure on the drainage system.</p>
<p><b>55.02-5 – Integration With Street</b></p> <ul style="list-style-type: none"> <li>To integrate the layout of development with the street.</li> </ul>	<p><b>Met</b></p> <p>The proposed development provides adequate pedestrian links via a number of lifts and stairs from the basement, from James Street and the accessway to the east.</p> <p>The proposed development provides adequate vehicle links via the basement.</p>
<p><b>55.03-1 – Street Setback</b></p> <ul style="list-style-type: none"> <li>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</li> </ul>	<p><b>Objective Met</b></p> <p>The street setback exceeds the minimum setback requirement however, given the retail frontage to Templestowe Village, this is not a concern.</p>
<p><b>55.03-2 – Building Height</b></p> <ul style="list-style-type: none"> <li>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</li> </ul>	<p><b>Met</b></p> <p>The proposal is below the 11m maximum building height.</p> <p>While Sub-Precinct A of the DDO8 specifies that '<i>three-storey apartment style developments are encouraged on land with a minimum area of 1800sqm</i>'; the proposed partially four storey development is considered appropriate given the fourth storey is only visible to the activity centre (southern and eastern elevations) and the development predominantly presents as three storey to the residential interfaces.</p>

Objective	Objective Met/Not Met
<p><b>55.03-3 – Site Coverage</b></p> <ul style="list-style-type: none"> <li>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</li> </ul>	<p><b>Objective Met</b></p> <p>As discussed in the DDO8 Assessment, the applicant has indicated that the proposal would present 64.2% site coverage. However, it is noted that this calculation appears to exclude the internal courtyard ‘Informal Garden’ landscaped areas, which are located on the building, at the first floor level.</p> <p>The site coverage has therefore been calculated using the strip areas of landscaping to the north and west of the site and the small paved area to the south-east corner, to be approximately 88%.</p> <p>The site coverage does not meet the 60% maximum however acceptably responds to the existing or preferred neighbourhood character, the DDO8 objectives, particularly related to landscaping, setbacks and built form.</p>
<p><b>55.03-4 – Permeability</b></p> <ul style="list-style-type: none"> <li>To reduce the impact of increased stormwater run-off on the drainage system.</li> <li>To facilitate on-site stormwater infiltration.</li> </ul>	<p><b>Objective Met</b></p> <p>The applicant has indicated that the proposal would result in 17.6% permeability of the site. However it is noted that this calculation appears to include the internal courtyard landscaped areas, at the first floor level.</p> <p>The permeability has therefore been calculated using the areas of landscaping to the north and west of the site, to be 8.4%.</p> <p>The permeability does not meet the 20% requirement however acceptably responds to the DDO8 objectives, particularly related to landscaping, setbacks and built form.</p> <p>Standard conditions will require stormwater run-off on the drainage system and likely rainwater irrigation of the garden areas.</p>
<p><b>55.03-5 – Energy Efficiency</b></p> <ul style="list-style-type: none"> <li>To achieve and protect energy efficient dwellings.</li> <li>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</li> </ul>	<p><b>Met</b></p> <p>All living areas have suitable direct solar access. Only bedrooms, kitchen’s and study’s face the internal courtyard which is large enough to provide a significant amount of daylight.</p> <p>The plans indicate floor to ceiling laser cut privacy screens between the courtyard and the apartment windows, conditions will require that these are modified to be 1.7m high from the floor level, to increase solar access (<b>condition required</b>).</p>

Objective	Objective Met/Not Met
<p><b>55.03-6 – Open Space</b></p> <ul style="list-style-type: none"> <li>To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</li> </ul>	<p><b>Met</b></p> <p>The development is provided with suitable pedestrian links to the frontage and accessway to the east.</p> <p>Integration and surveillance of James Street and to the shopping strip to the south, is suitable from the shops and upper level apartments. The east facing apartments integrate and survey the accessway suitably.</p>
<p><b>55.03-7 – Safety</b></p> <ul style="list-style-type: none"> <li>To ensure the layout of development provides for the safety and security of residents and property.</li> </ul>	<p><b>Met</b></p> <p>The proposal would not result in unreasonable safety concerns to people accessing the building, as the main foyer entries are clearly visible from the frontage and accessway to the east and lifts/stairs are easily found within the basement levels.</p> <p>The second basement level will be for residents and staff only and will only be accessible through a security gate between the basement level and basement 2 level.</p>
<p><b>55.03-8 – Landscaping</b></p> <ul style="list-style-type: none"> <li>To encourage development that respects the landscape character of the neighbourhood.</li> <li>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</li> <li>To provide appropriate landscaping.</li> <li>To encourage the retention of mature vegetation on the site.</li> </ul>	<p><b>Met</b></p> <p>As already discussed in the DDO8 Assessment Table, the proposal provides adequate landscaping to effectively screen and soften the proposed built form, to the western and northern interfaces.</p> <p>The concept landscape plan indicates landscaping along this 1.5m setback however, the success of canopy trees to appropriately mature within this 1.5m cavity is improbable. While root zones may be successful within a 1.5m space, improved setbacks at the upper levels would be required to allow landscaping to suitably mature.</p> <p>As the building is located on the front boundary, there are no opportunities for landscaping to this frontage. It is noted that the existing Eucalypt within the road reserve (adjacent to the south-eastern corner) is protected and a landscape treatment is suitably provided from the south-east corner to the eastern foyer entry.</p>
<p><b>55.03-9 – Access</b></p> <ul style="list-style-type: none"> <li>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</li> </ul>	<p><b>Met</b></p> <p>The proposal only includes one double crossover to the 52m frontage.</p>



Objective	Objective Met/Not Met
<b>55.03-10 – Parking Location</b> <ul style="list-style-type: none"> <li>To provide convenient parking for resident and visitor vehicles.</li> </ul>	<b>Met</b> The basement car park provides suitable car parking for visitors, residents and staff and customers of the retail spaces.
<b>55.04-1 – Side And Rear Setbacks</b> <ul style="list-style-type: none"> <li>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</li> </ul>	<b>Met</b> As discussed within the DDO8 Assessment Table, the basement and ground floor rear (northern) setback does not meet the minimum 4.0 metres setback stipulated in the DDO8. The northern setback complies with the minimum setbacks of Standard B17 of Clause 55.04-1. In addition, it is considered that the development steps down appropriately to this sensitive residential interface, as per the policy and objectives of the DDO8. It is also relevant this northern elevation presents visually as 2.5 stories to the rear.  The side (western) setbacks meet the minimum setback requirements of the Standard along the extent of this interface. The side (eastern) setback of the stairs and building does not comply with the setback requirements of the Standard however, given the interface to the accessway, carpark and Commercial Zone, this is not a concern.
<b>55.04-2 – Walls On Boundaries</b> <ul style="list-style-type: none"> <li>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</li> </ul>	<b>Met</b> The walls on the southern and eastern boundaries exceed the Standard however, given their frontage to Templestowe Village and the accessway of the carpark to the east, the proposal is considered to respect the existing or preferred neighbourhood character.
<b>55.04-3 – Daylight To Existing Windows</b> <ul style="list-style-type: none"> <li>To allow adequate daylight into existing habitable room windows.</li> </ul>	<b>Met</b> The east facing habitable room windows of the existing properties to the east are provided with suitable setbacks in relation to the built form proposed, to ensure Standard B19 of Clause 55.04-3 is met.
<b>55.04-4 – North Facing Windows</b> <ul style="list-style-type: none"> <li>To allow adequate solar access to existing north-facing habitable room windows.</li> </ul>	<b>Met</b> There are no north facing windows within 3.0m of any proposed built form.
<b>55.04-5 – Overshadowing Open Space</b> <ul style="list-style-type: none"> <li>To ensure buildings do not significantly overshadow existing secluded private open space.</li> </ul>	<b>Met</b> The submitted shadow diagrams demonstrate that shadows will impact the properties to the west of the site between 9am and 10am, but that from 10am the shadows from the building will be confined to within the shadow of the existing fence line. Therefore Standard B21 of Clause 55.04-5 is met.

Objective	Objective Met/Not Met
<p><b>55.04-6 – Overlooking</b></p> <ul style="list-style-type: none"> <li>To limit views into existing secluded private open space and habitable room windows.</li> </ul>	<p><b>Met</b></p> <p>The ground level north facing windows are adequately screened by boundary fencing and will not allow overlooking into the adjoining properties to the north, in accordance with Standard B21 of Clause 55.04-5 (Overlooking).</p> <p>There will be no overlooking from the west facing or upper level north facing apartments, due to screening devices and obscure glazing being applied to balconies or windows with the potential to overlook adjoining secluded private open spaces or habitable room windows.</p> <p>The east and north facing windows do not offer any views into any private open space or habitable room windows.</p>
<p><b>55.04-7 – Internal Views</b></p> <ul style="list-style-type: none"> <li>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</li> </ul>	<p><b>Met</b></p> <p>Internal views through the courtyard 'Informal Garden' are proposed to be obscured by the use of internal screens and landscaping in front of internally facing windows.</p>
<p><b>55.04-8 – Noise Impacts</b></p> <ul style="list-style-type: none"> <li>To contain noise sources in developments that may affect existing dwellings.</li> <li>To protect residents from external noise.</li> </ul>	<p><b>Met</b></p> <p>The road noise and noise from retail shops on James Street and the accessway to the east of the site would not be anticipated to be significant.</p> <p>It is also noted that most bedrooms are internally positioned.</p>
<p><b>55.05-1 – Accessibility</b></p> <ul style="list-style-type: none"> <li>To encourage the consideration of the needs of people with limited mobility in the design of developments.</li> </ul>	<p><b>Met</b></p> <p>The main entry foyers access lifts of the southern and eastern side of the building to enable suitable accessibility to all levels for people of all motilities.</p>
<p><b>55.05-2 – Dwelling Entry</b></p> <ul style="list-style-type: none"> <li>To provide each dwelling or residential building with its own sense of identity.</li> </ul>	<p><b>Met</b></p> <p>Apartments are generally provided with their own sense of identity directly from the central courtyard 'Informal Garden'.</p>
<p><b>55.05-3 – Daylight To New Windows</b></p> <ul style="list-style-type: none"> <li>To allow adequate daylight into new habitable room windows.</li> </ul>	<p><b>Met</b></p> <p>All external windows appear to be provided with suitable light court to meet the Standard.</p>

Objective	Objective Met/Not Met
	<p>The internal windows facing the courtyard 'Informal Garden' are proposed to be screened with an external visual screen, and landscaping. As previously discussed, a condition will require that these are modified to be 1.7m high from the floor level, to increase solar access.</p>
<p><b>55.05-4 – Private Open Space</b></p> <ul style="list-style-type: none"> <li>To provide adequate private open space for the reasonable recreation and service needs of residents.</li> </ul>	<p><b>Met</b></p> <p>The size, width and usability of the proposed balconies to the apartments are considered appropriate.</p> <p>All balconies have a minimum dimension of 2.1m and some are significantly more. The balcony sizes all meet the minimum 8sqm requirement and range significantly including: 8sqm (14 apartments), 9-18sqm (12 apartments) and private open spaces of 30-62sqm (9 apartments).</p> <p>Apartments are provided with a range of sizes of private open spaces and balconies and all are provided with adequate space for the reasonable recreation and service needs of residents.</p>
<p><b>55.05-5 – Solar Access To Open Space</b></p> <ul style="list-style-type: none"> <li>To allow solar access into the secluded private open space of new dwellings and residential buildings.</li> </ul>	<p><b>Met</b></p> <p>Most balconies are either northern, eastern or western orientation and will receive a suitable amount of sunlight.</p> <p>Apartments 19, 20, 21 and 32 however, will have south facing balconies and will generally be overshadowed. It is noted that these balconies would have either partially eastern or western orientation, and are likely to receive some sunlight. It is also noted that these apartments will receive northern internal solar access from the internal courtyard 'Informal Garden'.</p>
<p><b>55.05-6 – Storage</b></p> <ul style="list-style-type: none"> <li>To provide adequate storage facilities for each dwelling.</li> </ul>	<p><b>Met</b></p> <p>Storage is provided for residential and retail uses within storage cages and rooms within the basement.</p>
<p><b>55.06-1 – Design Detail</b></p> <ul style="list-style-type: none"> <li>To encourage design detail that respects the existing or preferred neighbourhood character.</li> </ul>	<p><b>Met</b></p> <p>As discussed in the DDO8 table, the objectives and design guidelines of Clause 43.02 (DDO8) envisage contemporary, articulated and integrated architectural presentations. The proposal is considered to suitably meet these objectives.</p>

Objective	Objective Met/Not Met
<p><b>55.06-2 – Front Fence</b></p> <ul style="list-style-type: none"> <li>To encourage front fence design that respects the existing or preferred neighbourhood character.</li> </ul>	<p><b>Not applicable</b></p>
<p><b>55.06-3 – Common Property</b></p> <ul style="list-style-type: none"> <li>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</li> <li>To avoid future management difficulties in areas of common ownership.</li> </ul>	<p><b>Met</b></p> <p>The communal open space courtyard 'Informal Garden' and pedestrian entries are practical and attractive.</p> <p>Maintenance of these areas will be at the cost of residents communally.</p>
<p><b>55.06-4 – Site Services</b></p> <ul style="list-style-type: none"> <li>To ensure that site services can be installed and easily maintained.</li> <li>To ensure that site facilities are accessible, adequate and attractive.</li> </ul>	<p><b>Met</b></p> <p>It is not clear where the fire services will be located, or whether they will be integrated into the design of the building. Standard conditions generally require service equipment to be appropriately screened to limit amenity impacts (<b>conditions required</b>).</p> <p>Gas and electrical services appear to be suitably located.</p> <p>Some air conditioner units are positioned on the balconies of apartments, however they do not appear to significantly impede the usability of these spaces.</p> <p>Bin and recycling for both residential and retail uses is suitably located within waste rooms within the basements.</p> <p>The mail boxes are located within the foyer which will require Australia Post employees to get leave their vehicle/bike. A standard condition will require that the post boxes are located in line with Australia Post requirements.</p> <p>No roof top equipment is indicated however, standard conditions generally require service equipment to be appropriately screened to limit amenity impacts.</p> <p><b>(Standard conditions required)</b></p>

## Car parking, access, traffic and bicycle parking

### Traffic

8.17 Council's traffic engineers and VicRoads do not have concerns with the proposal and it is considered that any increase in traffic can be readily accommodated by James Street and will not result in adverse impacts to local streets.

### Access

8.18 The proposal seeks to create and alter access to James Street by widening the existing crossover for 121 James Street to provide access and removing all other crossovers. As VicRoads have no objection to the proposal, subject to conditions, the access arrangement to James Street is considered reasonable.

### Car parking

8.19 Pursuant to Clause 52.06 of the Manningham Planning Scheme, the car parking rate required for the proposed mixed use building is seventy-one (71) car parking spaces. As the proposal provides 91 on-site spaces, the requirement is exceeded by 20 spaces.

8.20 It is noted that while the application proposes two 'Food and Drink Premises', the word 'Café' has been included on the plan. Given the application and Traffic Report and applied car parking provision details refer to these premises as 'Food and Drink Premises', a condition will require that word 'Café' is removed from the plans (**condition**).

8.21 It is worth noting that given the proposal exceeds the required number of car parking spaces by 20, if the applicant sought to change the use from a 'Food and Drink Premises' to a 'Café/Restaurant' use, the car parking attracted would be 0.4 spaces per available patron/chair in the Café/Restaurant. Therefore the currently available 20 spaces would allow up to 50 patrons/chairs, plus the offset for the 4 spaces (equating to 10 patrons/chairs) currently allocated to each retail use.

8.22 For the proposed basement car parking, an assessment against the relevant car parking design standards in Clause 52.06-8 of the Manningham Planning Scheme is provided in the table below:

Design Standard	Met/Not Met
1 – Accessways	<b>Met</b> The driveway is more than 5 metres wide. Visibility splay areas and a passing area is provided at the frontage. Vehicles are able to enter and leave the site in a forward direction.
2 – Car Parking Spaces	<b>Met</b> The garages and car parking spaces comply with the minimum dimensions required under this standard.  A condition will require a modification to the disabled spaces to meet the requirements ( <b>conditions required</b> ).

3 – Gradients	<b>Met</b> The maximum driveway gradient and transitions between gradients comply with the standard.
5 – Urban Design	<b>Met</b> The driveway will not be visually dominating within the streetscape given its location at the western end of the site. The entry to the basement car park is obscured and not visible from the street.  The feature pergola structure with creepers proposed above the accessway into the basement is considered to be a suitable urban design and landscaping response to the accessway.  Given the proposed single story height the access and maintenance to this feature is also considered reasonable.
6 – Safety	<b>Met</b> Access to the lower basement (for residents and staff) is suitably restricted by a security door.
7 – Landscaping	<b>Met</b> As discussed in the DDO8 Assessment Table, the proposed landscaping is considered sufficient and the feature pergola structure with creepers above the accessway, is a reasonable urban design and landscaping response.

#### Bicycle parking

8.23 Pursuant to Clause 52.34 of the Manningham Planning Scheme, the proposal is required to provide 7 bicycle spaces for residents and 5 bicycle spaces for visitors/customers. The proposal provides a secured bicycle compound within the basement with 14 spaces for employees/residents and a public bicycle with 11 spaces for visitor/customers at the ground floor basement near the lift. The provision and requirements are therefore met.

#### **Objector issues / concerns**

##### Over-development and visual bulk

8.24 As discussed earlier in the Assessment Section of this report, the proposed building provides suitable setbacks within the context and varied abutments, reasonable transition to the residential interfaces and a high quality of visual interest and articulation.

##### Quality of external finishes and design detail

8.25 As discussed earlier in the Assessment Section of this report, the proposed building design detail is considered to provide suitable architectural expression, and suite of materials and finishes for the mixed use building, in this location.

Side and rear setbacks

- 8.26 As discussed earlier in the Assessment Section of this report, the proposal has been assessed and is considered to meet the required side setbacks of Standard B17 of Clause 55.04-1 (Side and Rear Setbacks).

Off-site amenity impacts

- 8.27 As discussed earlier in the Assessment Section of this report, the proposal has been assessed and is considered that the shadows cast to the properties to the west, comply with the Standards for 'overshadowing' and 'daylight to existing windows', and the development will not result in unreasonable overshadowing to these adjoining residential properties.

On-site amenity

- 8.28 As discussed earlier in the Assessment Section of this report, the proposal is considered to provide suitable on-site amenity, including suitable solar access to apartments from the internal courtyard.

Car parking for the retail premises and visitors

- 8.29 The car parking rate required for the proposed mixed use building is seventy-one (71) car parking spaces, pursuant to Clause 52.06 of the Manningham Planning Scheme. As the proposal provides ninety-one (91) on-site spaces, this requirement is exceeded.

Excessive site coverage

- 8.30 As discussed earlier in the Assessment Section of this report, the site coverage of the proposal exceeds the requirement (being approximately 88%) and the permeability does not meet the minimum 20% requirement (being 8.4%). While technically these standards are not met it is considered that the proposal does provide suitable spacing and space for landscaping around the northern and western sides of the building, which adjoins the residential interfaces. It is considered suitable that the southern and eastern interfaces do not have any setbacks and minimal landscaping, given their abutments to the Templestowe Village Shopping Centre.

Inadequate landscaping

- 8.31 As discussed earlier in the Assessment Section of this report, the development is considered to provide suitable setbacks from the western and rear boundary, to enable effective landscaping to establish and mature; therefore responding to the design guidelines within Clause 43.02 (DDO8) and Clause 55.06-2 (Landscaping) of the Manningham Planning Scheme).

Insufficient sizing of retail premises

- 8.32 Council is unable to influence the size of the commercial premises proposed. Our consideration is confined to amenity impacts such as parking supply and visual presentation, rather than economic viability.

Zoning (General Residential Zone, Schedule 2)

- 8.33 As the existing retail uses exist on the land at 123-125 James Street, the proposed use of the land for a mixed use (retail and residential) is generally supported by local policy at Clause 22.05 of the Manningham Planning Scheme, as the site is located mostly within the Templestowe Village Neighbourhood Activity Centre.
- 8.34 The proposed uses are permissible under the zoning of the land (General Residential Zone, Schedule 2) and all of the land is within this same Residential Zone, adjoining the Commercial Zone to the east and north-east.
- 8.35 The proposal does not specify hours of operation of the proposed retail premises, however considering the existing Restaurant, Convenience store and Retail uses at 123-125 James Street and considering only residential components are proposed to have an interface with the surrounding residential properties, unreasonable amenity impacts are not anticipated, beyond what exists at the site.

**9. DECLARATION OF CONFLICT OF INTEREST**

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



# PROPOSED COMMERCIAL & RESIDENTIAL DEVELOPMENT

ADDRESS: 121-125 JAMES STREET, TEMPLESTOWE, VICTORIA, 3108

## TOWN PLANNING APPLICATION

### ARCHITECTURAL DRAWING SCHEDULE

- TP01 NEIGHBOURHOOD CHARACTER
- TP02 DESIGN RESPONSE
- TP03 TREES CONDITIONS
- TP04 BASEMENT 2
- TP05 BASEMENT 1
- TP06 GROUND FLOOR PLAN
- TP07 FIRST FLOOR PLAN
- TP08 SECOND FLOOR PLAN
- TP09 (NOT USED)
- TP10 ROOF FLOOR PLAN
- TP11.1 ELEVATIONS EAST & SOUTH
- TP11.2 ELEVATIONS NORTH & WEST
- TP12.1 SECTIONS A-A & B-B
- TP12.2 SECTIONS X-X & Z-Z
- TP13 SHADOW DIAGRAMS
- TP14 MATERIALS SCHEDULE
- TP15 PERSPECTIVES 1
- TP16 PERSPECTIVE 2
- TP17 STREETSCAPE
- TP18 FIRST FLOOR RETAINING WALL



### CONSULTANTS DRAWINGS

- LANDSCAPE PLAN
- RE-ESTABLISHMENT, FEATURE & LEVEL PLAN
- FOOTPATH/LANEWAY CONCEPT PLAN

### DEVELOPMENT SUMMARY TABLE 121-125 JAMES STREET TEMPLESTOWE 3106

#### BUILDING AND SITE AREA ANALYSIS

FLOOR	TOTAL AREA (m <sup>2</sup> )	% Covered Area (Ground Floor)	% Covered Area (Basement)
Basement 2	275.60	N/A	N/A
Basement 1	273.03	N/A	N/A
Ground floor	180.83	95%	95%
First floor	125.68	95%	95%
Second floor	130.77	64%	60%
Third floor	205.91		
Roof terrace (2 x 100m <sup>2</sup> )	200		
Total land slope to permeable (450m <sup>2</sup> on 100m <sup>2</sup> floor)		95%	95%

#### Commercial & Residents Library / Community Space

Development Phase	# of Units	Type of Occupancy	Car Spaces
1	12	Commercial (Shop)	4
2	12	Commercial (Retail)	4
3	12	Commercial (Retail)	4
4	12	Commercial (Retail)	4
5	12	Commercial (Retail)	4
6	12	Commercial (Retail)	4
7	12	Commercial (Retail)	4
8	12	Commercial (Retail)	4
9	12	Commercial (Retail)	4
10	12	Commercial (Retail)	4
11	12	Commercial (Retail)	4
12	12	Commercial (Retail)	4
13	12	Commercial (Retail)	4
14	12	Commercial (Retail)	4
15	12	Commercial (Retail)	4
16	12	Commercial (Retail)	4
17	12	Commercial (Retail)	4
18	12	Commercial (Retail)	4
19	12	Commercial (Retail)	4
20	12	Commercial (Retail)	4
21	12	Commercial (Retail)	4
22	12	Commercial (Retail)	4
23	12	Commercial (Retail)	4

#### RESIDENTIAL

FLOOR	Building No.	TOTAL AREA (m <sup>2</sup> )	% of Bldg. Floor	No of Units	No of Car Spaces
PROVIDED	1	75.40	16.2%	2	0
	2	84.88	18.5%	2	1
	3	88.78	19.5%	2	1
	4	83.84	18.5%	2	1
	5	83.4	18.5%	2	1
	6	83.83	18.5%	2	1
	7	84.78	18.8%	2	1
	8	85.91	19.0%	2	1
	9	83.49	18.5%	2	1
	10	82.81	18.3%	2	1
	11	84.78	18.8%	2	1
	12	84.78	18.8%	2	1
	13	88.81	19.5%	2	1
	14	75.17	16.5%	2	1
	15	83.78	18.5%	2	1
	16	82.53	18.3%	2	1
	17	83.78	18.5%	2	1
	18	82.53	18.3%	2	1
	19	82.53	18.3%	2	1
	20	82.53	18.3%	2	1
	21	82.53	18.3%	2	1
	22	82.53	18.3%	2	1
	23	82.53	18.3%	2	1

#### RESIDENTIAL

FLOOR	Building No.	TOTAL AREA (m <sup>2</sup> )	% of Bldg. Floor	No of Units	No of Car Spaces
PROVIDED	24	88.5	19.5%	2	1
	25	74.23	16.5%	2	1
	26	74.23	16.5%	2	1
	27	74.23	16.5%	2	1
	28	72.9	16.2%	2	1
	29	44.9	10.0%	1	1
	30	44.9	10.0%	1	1
	31	73	16.2%	2	1
	32	86.73	19.0%	2	1
	33	44.9	10.0%	1	1
	34	83.9	18.6%	2	1
	35	87.4	19.2%	2	1

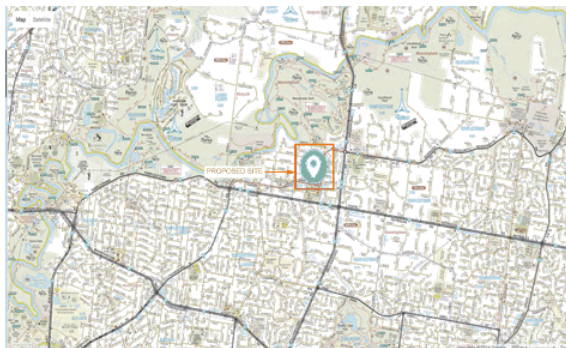
#### CARPARK ANALYSIS

DEVELOPMENT PHASE	Car Spaces	No of Car Spaces
BASEMENT LEVEL: B2	0	0
BASEMENT LEVEL: B1	0	0
GROUND FLOOR	0	0
FIRST FLOOR	0	0
SECOND FLOOR	0	0
THIRD FLOOR	0	0
ROOF TERRACE	0	0
TOTAL B1 & B2 PROVIDED	0	0

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 TEMPLESTOWE  
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 121 - 125 JAMES STREET,  
 TEMPLESTOWE, VICTORIA, 3108  
 Submission Date 23/10/2017  
 REVISION R  
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NOT TO SCALE



NOT TO SCALE

**SITE CONTEXT**

**Location:**  
The site located on the northern side of James Street, near the intersection with Anderson Street. The area is well served by an activity centre, public transport, schools and recreational facilities.

**Public Transport**  
Bus Stop (James Street) 10m S  
Bus Stop (Anderson Road) 150m SE

**Shopping**  
Tempestovae Village Shopping Centre 40m S  
Bulkeins Plaza Shopping Centre 4.2km SW

**Schools/Education Facilities**  
St. Kevins Primary School 1.4km SW  
Tempestovae Park Primary 2.1km E  
Tempestovae College 2.7km S

**Recreational Facilities/Open Space**  
Tempestovae Bowling Club 650m W  
Westerfields Sports Centre 650m W  
Westerfields Park 750m N  
Tempestovae Reserve 1.3km NE

**Site Measurements**  
Consolidated site's length is 47m and 49m wide.  
Site depths of 44.67m and 50.57m long.

Approx. total site area: 2250 square metres

**Features of site**

The proposed development sits on two consolidated site in 121 and 123 James Street.  
Both sites front onto James Street and are in a south to north orientation.  
A 1.83m wide drainage and sewage easement runs along the rear of the site.  
121 James Street consists of a double storey brick building, currently used as a restaurant. The front of the dwelling is predominately paved with brick, while there is a bus stop directly outside the site.  
123 James Street is a single storey brick dwelling with a tiled pitched roof.  
A carpark is located along both the eastern and northern sides of 123 James Street.  
There are a number of overgrown bushes and shrubs onsite - low value for retention.  
Lot sizes in the general area are of similar shape and size, however many have been consolidated or subdivided to allow medium density developments.

**Strategic location**

The existing restaurant and car park site has been identified in Council strategy for inclusion into the commercial area by rezoning.  
The surrounding residential area is zoned GR22, (Areas Surrounding Activity Centres and Along Main Roads) which support apartment development up to a height of 10 metres. (On sloping sites as define in planning scheme)  
The site offers scope for a mixed-use development complementing a well performing shopping centre that is geographically removed from the network of other centres.

**Features of surrounds - General Neighbourhood character**

The proposed consolidated sites abut commercial zones. - Both the sites are currently within the Tempestovae Village structure plan study area. 123 James Street and the associated car park are also within the retail and commercial core precinct boundary of this structure plan, while 121 James Street sits just outside.  
The activity centre includes some substantial buildings and the sloping terrain results in high built form throughout the centres often equivalent to 3 storeys in overall height.  
It also includes one much larger Apartment complex - 5-6 level mixed-use development within the initial core.  
There are a number of recreational facilities and public open space nearby, including MT Leisure Centre and Westerfield Park.  
The land is located at the interface between a commercial and an established residential area comprising substantial town house developments.  
The area is characterized by a streetscape of buildings most of which date from the 1950s till now.  
The immediate area comprises large blocks of land, which has been progressively developed for 2 and 3 storey medium density (infill) developments and is not earmarked for apartment style development.  
The older housing stock is predominately constructed from weatherboard or brick, however newer developments employ a variety of materials such as brick veneer, fibre and various lightweight cladding.  
Roof types of the older housing stocks are predominately pitched and hipped and constructed from terracotta tiles.  
Medium brick fences are most common along James Street.  
Front setbacks are generally medium, with strong presence of vegetation within the front garden of dwellings.  
Surrounding the subject sites are a number of medium density developments ranging from 3-8 dwellings on a lot.  
The surrounding lots have varied site coverage.  
Overall a pattern of development that is emerging as the single detached dwellings are being replaced with medium density dwellings.  
The area includes tall trees both in the residential area and the shopping centres including tall eucalypts.

**Summary:**

The site provides an opportunity to contribute to the enhancement of the commercial area and provision of a more urban lifestyle adding to housing diversity.  
The site is generally located within an activity structure study area and abuts commercially zoned land.  
The surrounding residential land is identified for multi level Apartment development. Sites within the activity centre are also proposed for much higher density development - in particular the opportunity for the redevelopment of the existing supermarket to a mixed-use multi-storey development with basement car park.  
Also nearby are recreational open space, schools, public transport and other essential services and infrastructure.  
The growing number of medium density developments within the area, which suggests that the current site is ideal for higher density development of the kind proposed incorporated in a mixed-use development.

PREPARED BY: MUDHER ARCHITECTS  
DRAWN BY: SURJEET S MUDHER  
CHECKED BY: SURJEET S MUDHER  
DATE: 23/03/2017

**MUDHER ARCHITECTS** Pty Ltd  
Surjeet S Mudher  
Director/Registered Architect No: 12088

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**COMMERCIAL & RESIDENTIAL DEVELOPMENT**  
121 - 123 JAMES STREET,  
TEMPLESTOWE, VICTORIA, 3108

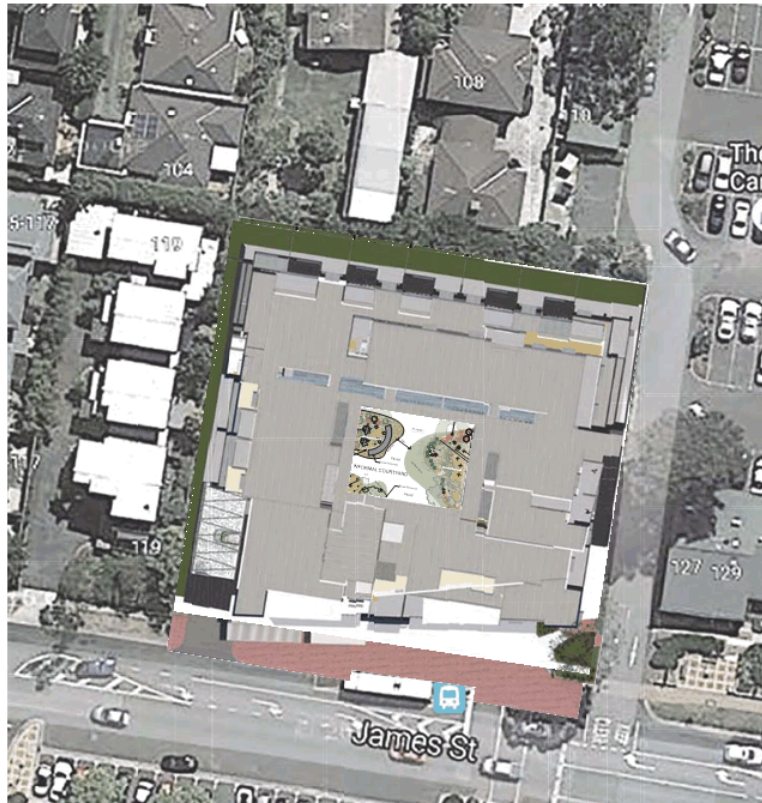
**NEIGHBOURHOOD CHARACTER**

**TOWN PLANNING APPLICATION**

DRAWN BY: SURJEET S MUDHER  
CHECKED BY: SURJEET S MUDHER  
DATE: 23/03/2017

Drawing Scale: 1:100 @ A0

Project ID: TP-01  
Sheet: TP  
Revision: R



**DESIGN RESPONSE**

**Strategic location**

The surrounding residential areas are covered by ACODS zoning. Areas of strategic activity centres close to the site include the support apartment development up to a height of 11 metres. (On-site bike and pedestrian routes are highlighted). The site also sits on a major road development complementing well established street corridors. The proposed development is a high-quality residential development with a mix of units and a mix of building heights. The proposed development is a high-quality residential development with a mix of units and a mix of building heights. The proposed development is a high-quality residential development with a mix of units and a mix of building heights.

**Site responsive design**

The design responds to the site by providing a landscaped car park that is a feature into the ground level and provides a buffer zone. Upper levels step back from the west and north neighbours to reduce solar exposure. The upper level is recessed including with graduated walls to minimise wind-blown. The building height responds to the edge of the lot and sits comfortably within the zoning.

**Design**

The proposed development will provide 5 Food & Drink Provision and 37 apartments over 2 floors with associated basement car parking. The site is located in a high-density residential area. The proposed development will provide 5 Food & Drink Provision and 37 apartments over 2 floors with associated basement car parking. The site is located in a high-density residential area. The proposed development will provide 5 Food & Drink Provision and 37 apartments over 2 floors with associated basement car parking. The site is located in a high-density residential area.

**Context**

The context of the proposed development is similar to the existing building at 121-125 James Street. Furthermore, surrounding the development are other high-density residential buildings. The proposed development is a high-quality residential development with a mix of units and a mix of building heights. The proposed development is a high-quality residential development with a mix of units and a mix of building heights. The proposed development is a high-quality residential development with a mix of units and a mix of building heights.

**Visual Bulk**

Design reduces a number of techniques to minimise visual bulk including: Employing various colours and materials to add visual interest.

Overlapping levels will be concealed with windows and glass.

Finishing bottom levels.

Space is provided for landscaping to soften built form and driveway paving.

Reduced and recessed upper level stepping away from neighbours and street.

Central building height is minimised - low floor to ceiling height.

The built form will be articulated incorporating a palette of materials and textures to break up the facade.

Central to the built form of the building is acceptable and will sit comfortably within the surrounding.

**Contextual Oversteering**

Oversteering is addressed in the design with high walls or screens (planting or screening) the screen to reduce solar bulk.

Rooflines of the building form to reduce bulk to be made consistent to avoid overlooking and also to provide good solar access.

Existing walls to be replaced with 2.0m and/or planting to screen from overlooking.

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**Summary:**

The proposed use development provides further residential development in the surrounding area. The design responds to the surrounding residential context by providing a high-quality residential development with a mix of units and a mix of building heights. The proposed development is a high-quality residential development with a mix of units and a mix of building heights. The proposed development is a high-quality residential development with a mix of units and a mix of building heights.

PREPARED BY: MUDHER ARCHITECTS  
 PREPARED FOR: LAUNCESTON CITY COUNCIL  
 PROJECT: COMMERCIAL & RESIDENTIAL DEVELOPMENT  
 DATE: 10 OCTOBER 2017

REVIEWED BY: MUDHER ARCHITECTS  
 REVIEWED FOR: LAUNCESTON CITY COUNCIL  
 PROJECT: COMMERCIAL & RESIDENTIAL DEVELOPMENT  
 DATE: 10 OCTOBER 2017

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**Surjeet S Mudher**  
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TYPE: COMMERCIAL & RESIDENTIAL DEVELOPMENT  
 121 - 125 JAMES STREET, TEMPLESTOWE, VICTORIA, 3108

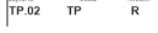
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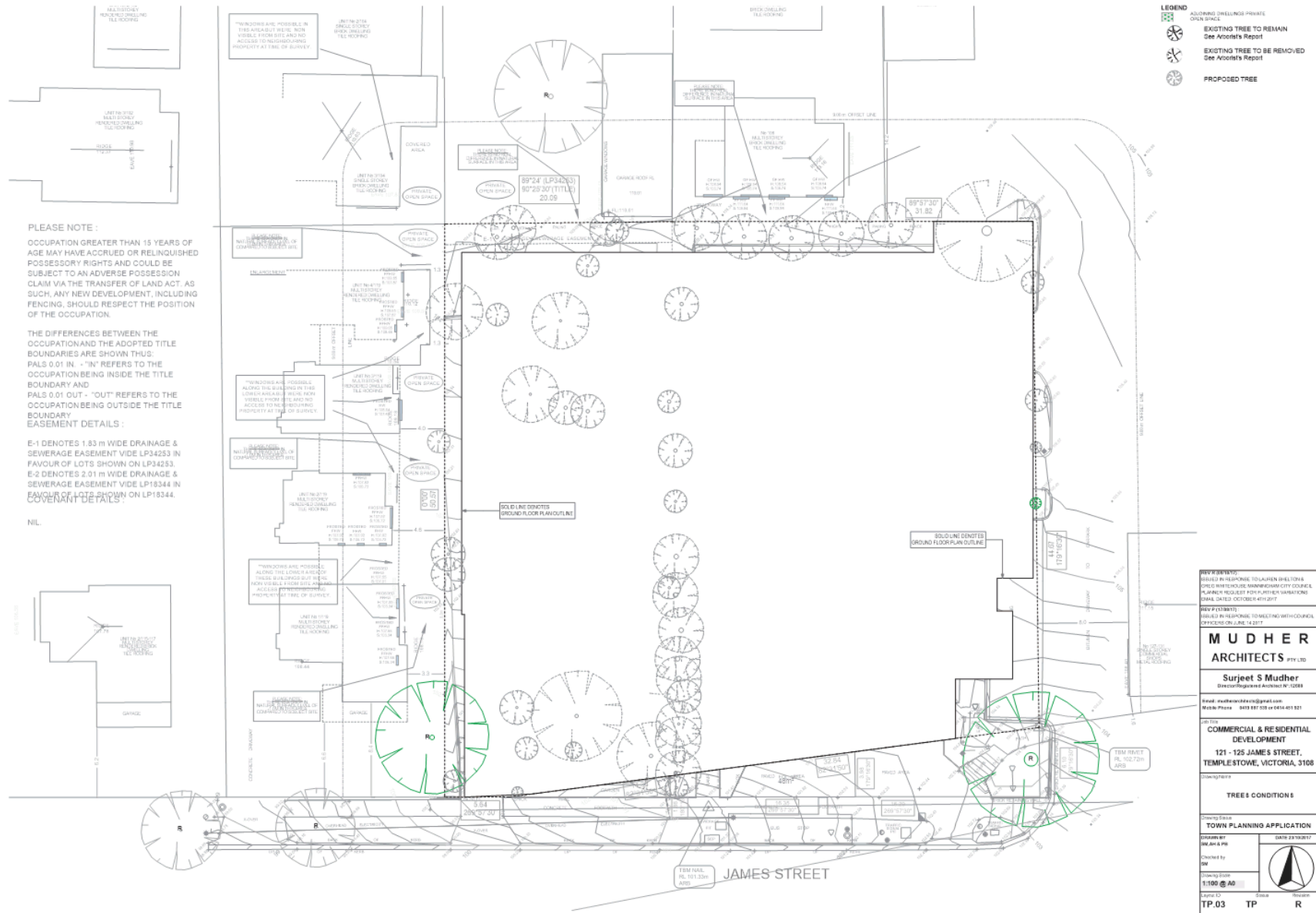
Drawing Code: TOWN PLANNING APPLICATION

DRAWN BY: SMM, AM & PW  
 CHECKED BY: SMM

DRAWING SCALE: 1:200 @ A0

Project ID: TP.02  
 Sheet: TP  
 Revision: R







PLEASE NOTE:  
 OCCUPATION GREATER THAN 15 YEARS OF AGE MAY HAVE ACCRUED OR RELINQUISHED POSSESSORY RIGHTS AND COULD BE SUBJECT TO AN ADVERSE POSSESSION CLAIM VIA THE TRANSFER OF LAND ACT. AS SUCH, ANY NEW DEVELOPMENT, INCLUDING FENCING, SHOULD RESPECT THE POSITION OF THE OCCUPATION.

THE DIFFERENCES BETWEEN THE OCCUPATION AND THE ADOPTED TITLE BOUNDARIES ARE SHOWN THUS:  
 PALS 0.01 IN - "IN" REFERS TO THE OCCUPATION BEING INSIDE THE TITLE BOUNDARY AND  
 PALS 0.01 OUT - "OUT" REFERS TO THE OCCUPATION BEING OUTSIDE THE TITLE BOUNDARY EASEMENT DETAILS:  
 E-1 DENOTES 1.83 m WIDE DRAINAGE & SEWERAGE EASEMENT VIDE LP34253 IN FAVOUR OF LOTS SHOWN ON LP34253.  
 E-2 DENOTES 2.01 m WIDE DRAINAGE & SEWERAGE EASEMENT VIDE LP18344 IN FAVOUR OF LOTS SHOWN ON LP18344.

- LEGEND**
- ADJACENT DWELLINGS PRIVATE OPEN SPACE
  - ENCLOSED PRIVATE OPEN SPACE
  - PRIVATE OPEN SPACE OPPORTUNITIES
  - CONCRETE DRIVEWAY LIGHT DRY
  - PERMEABLE CONCRETE DRIVEWAY DARK DRY
  - EXISTING TREE TO REMAIN (DRAWN TO SCALE)
  - EXISTING TREE TO BE REMOVED (DRAWN TO SCALE)
  - PROPOSED TREE
  - 200L WATER TANK
  - AIR CONDENSATE
  - WATER METER
  - GAS METER
  - GARAGE AND RECYCLING BINS
  - HOT WATER SYSTEM
  - BALL AND LIGHT
  - CLOSET/SLIDE
  - FIX OPaque GLASS
  - FIX TRANSPARENT GLASS
  - FIXED PARTITION
  - TR LAUNDRY THROUGH
  - HVAC HOT WATER SYSTEM

**CAR PARKING @ 80** (4.00/1.00)  
 RESIDENTIAL PARK (2.00/0.25)  
 COMMERCIAL STAFF (2.00/0.00)  
 DISABLED PARK (1.00/0.00)

**NOT FOR CONSTRUCTION**

REVISED BY: ISSUED IN RESPONSE TO LAUNCH OF 100% & 50% WITHIN THE MUDHER ARCHITECTS CITY COUNCIL PLANNING REQUEST FOR PART 4B VARIATIONS (DATE: 02 OCTOBER 2017)

REVISED BY: ISSUED IN RESPONSE TO MEETING WITH COUNCIL OFFICERS ON 14/12/17

**MUDHER ARCHITECTS** Pty Ltd  
 Subject S Mudher  
 Director Registered Architect No. 12068

Email: mudher@architects.com.au  
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**COMMERCIAL & RESIDENTIAL DEVELOPMENT**  
 121 - 125 JAMES STREET,  
 TEMPLESTOWE, VICTORIA, 3108

**BASEMENT 2 FLOOR PLAN**

Checked By: [Signature]  
**TOWN PLANNING APPLICATION**  
 DRAWN BY: [Signature] DATE: 23/08/17  
 Scale: 1:100 @ A0  
 Drawing No: TP-04  
 Status: R





**PLEASE NOTE :**  
 OCCUPATION GREATER THAN 15 YEARS OF AGE MAY HAVE ACCRUED OR RELINQUISHED POSSESSORY RIGHTS AND COULD BE SUBJECT TO AN ADVERSE POSSESSION CLAIM VIA THE TRANSFER OF LAND ACT. AS SUCH, ANY NEW DEVELOPMENT, INCLUDING FENCING, SHOULD RESPECT THE POSITION OF THE OCCUPATION.

THE DIFFERENCES BETWEEN THE OCCUPATION AND THE ADOPTED TITLE BOUNDARIES ARE SHOWN THUS:  
 PALS 0.01 IN. - "IN" REFERS TO THE OCCUPATION BEING INSIDE THE TITLE BOUNDARY AND  
 PALS 0.01 OUT - "OUT" REFERS TO THE OCCUPATION BEING OUTSIDE THE TITLE BOUNDARY EASEMENT DETAILS :

E-1 DENOTES 1.83 m WIDE DRAINAGE & SEWERAGE EASEMENT VIDE LP24253 IN FAVOUR OF LOTS SHOWN ON LP24253.  
 E-2 DENOTES 2.01 m WIDE DRAINAGE & SEWERAGE EASEMENT VIDE LP18344 IN FAVOUR OF LOTS SHOWN ON LP18344.

- LEGEND**
- ADJACENT DWELLING PRIVATE OPEN SPACE
  - EXCLUDED PRIVATE OPEN SPACE
  - PRIVATE OPEN SPACE OPPORTUNITIES
  - CONCRETE DRIVEWAY
  - ASPHALT DRIVEWAY
  - POSSIBLE CONCRETE DRIVEWAY
  - EXISTING PAVEMENT TO REMAIN
  - EXISTING PAVEMENT TO BE REPAIRED
  - PROPOSED TREE
  - DECK/RAVINE/TANK
  - AIR CONDITIONER
  - WATER METER
  - GAS METER
  - GARAGE AND RECYCLING BIN
  - HOT WATER SYSTEM
  - BOLLARD LIGHT
  - GLOVE BOX
  - FRIDGE/STOVE
  - RENDERED WALL
  - HARDBOARD WINDOW
  - LAUNDRY TROUGH
  - HOT WATER SYSTEM

**NOT FOR CONSTRUCTION**

REVISED TO RESPOND TO LAUREN BILLYTS & DREW BIRCHER'S REQUEST FOR VARIATION (DRAFT DATED OCTOBER 4TH 2017)

REVISED TO RESPOND TO MERRIS WITH CORRECTIONS ON JUNE 14 2017

**MUDHER ARCHITECTS** Pty Ltd  
 Director/Registered Architect No. 12883

Surject S Mudher  
 Director/Registered Architect No. 12883

Email: surject@mudher.com.au  
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**COMMERCIAL & RESIDENTIAL DEVELOPMENT**  
 121 - 125 JAMES STREET,  
 TEMPLETOWNE, VICTORIA, 3198

**GROUND FLOOR PLAN**

**TOWN PLANNING APPLICATION**

DATE: 24/5/2017

DRAWN BY: JAM & P  
 CHECKED BY: JAM

Scale: 1:100 @ A0

Project ID: TP-06 TP R

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**JAMES STREET**



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 PALS 0.01 OUT - "OUT" REFERS TO THE OCCUPATION BEING OUTSIDE THE TITLE BOUNDARY EASEMENT DETAILS :

E-1 DENOTES 1.83 m WIDE DRAINAGE & SEWERAGE EASEMENT VIDE LP34253 IN FAVOUR OF LOTS SHOWN ON LP34253.  
 E-2 DENOTES 2.01 m WIDE DRAINAGE & SEWERAGE EASEMENT VIDE LP18344 IN FAVOUR OF LOTS SHOWN ON LP18344.

- LEGEND**
- ALLOWING DWELLINGS PRIVATE OPEN SPACE
  - SECLUDED PRIVATE OPEN SPACE
  - PRIVATE OPEN SPACE (OPTIONAL) UNITS
  - CONCRETE DRIVEWAY
  - CONCRETE DRIVEWAY LIFT OFF
  - PERMISSIBLE CONCRETE DRIVEWAY (W/ASPH) (BY)
  - EXISTING TREE TO REMAIN (SEE AREA'S NOTES)
  - EXISTING TREE TO BE REMOVED (SEE AREA'S NOTES)
  - PROPOSED TREE
  - WELL, HANDWATER TANK
  - AIR CONDITIONER
  - WATER METER
  - COMBUSTIBLE
  - GARAGE AND RECYCLING BINS
  - HOT WATER SYSTEM
  - BOLLARD LIGHT
  - CLOTHESLINE
  - RISK STRIKE GLASS
  - RETAINING WALL
  - WINDABLE WINDOW
  - LABOURY HEIGHT
  - TR
  - HOT WATER SYSTEM

**NOT FOR CONSTRUCTION**  
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**MUDHER ARCHITECTS** Pty Ltd  
 Surjeet S Mudher  
 Director/Registered Architect No. 12088

Email: [mudherarchitects@gmail.com](mailto:mudherarchitects@gmail.com)  
 Mobile Phone: 0439 881 000 or 0434 401 921

**COMMERCIAL & RESIDENTIAL DEVELOPMENT**  
 121 - 125 JAMES STREET,  
 TEMPLESTOWE, VICTORIA, 3108

FIRST FLOOR PLAN

TOWN PLANNING APPLICATION

Drawn by: **SAJ AM & PM**  
 Checked by: **SM**  
 Drawing Scale: **1:100 @ A0**  
 Layout ID: **TP-07 TP R**

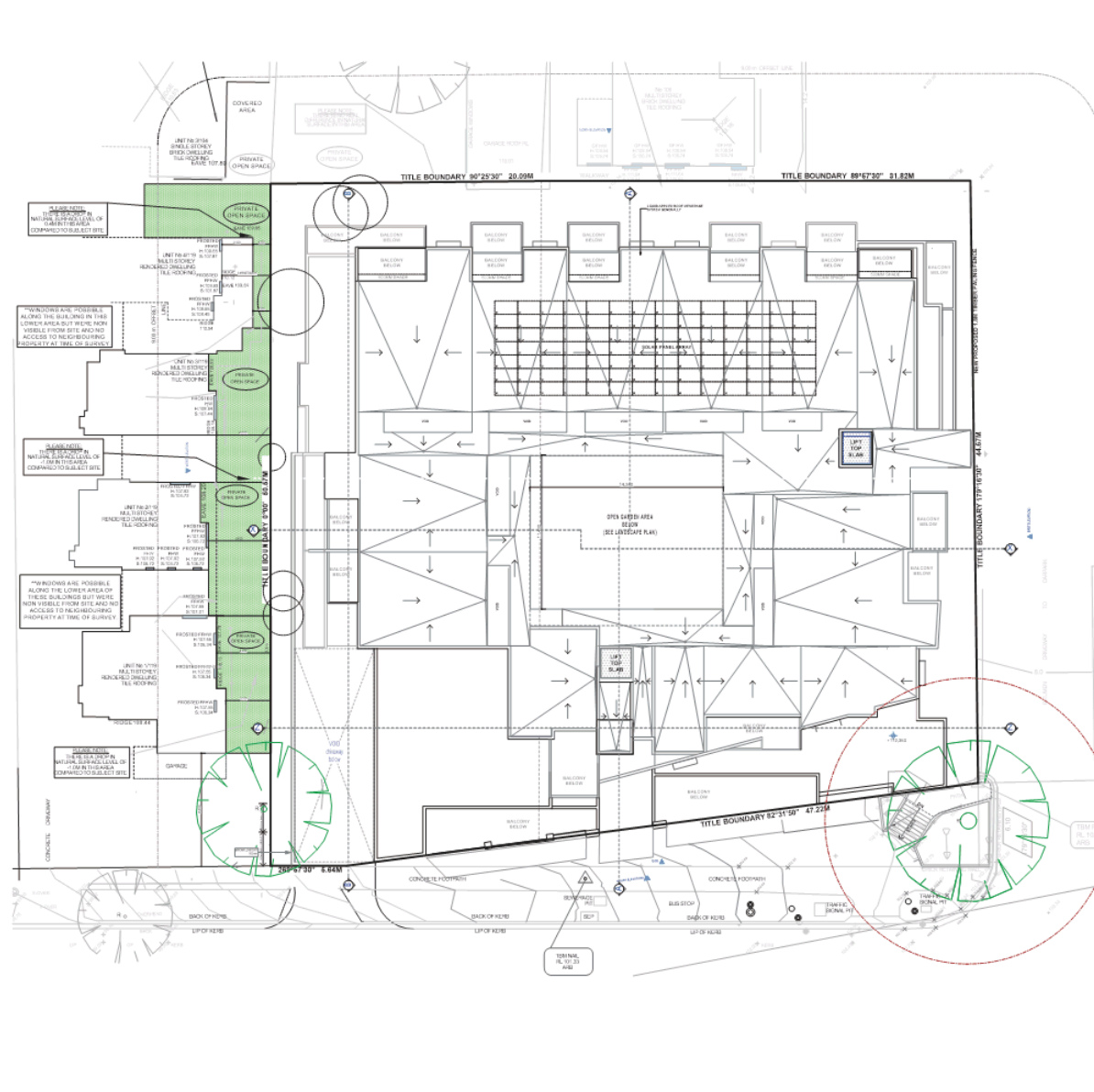




**PLEASE NOTE:**  
OCCUPATION GREATER THAN 15 YEARS OF AGE MAY HAVE ACCRUED OR RELINQUISHED POSSESSORY RIGHTS AND COULD BE SUBJECT TO AN ADVERSE POSSESSION CLAIM VIA THE TRANSFER OF LAND ACT. AS SUCH, ANY NEW DEVELOPMENT, INCLUDING FENCING, SHOULD RESPECT THE POSITION OF THE OCCUPATION.

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FALS 0.01 OUT - "OUT" REFERS TO THE OCCUPATION BEING OUTSIDE THE TITLE BOUNDARY EASEMENT DETAILS:

E-1 DENOTES 1.83 m WIDE DRAINAGE & SEWERAGE EASEMENT VIDE LP34253 IN FAVOUR OF LOTS SHOWN ON LP34253.  
E-2 DENOTES 2.01 m WIDE DRAINAGE & SEWERAGE EASEMENT VIDE LP18344 IN FAVOUR OF LOTS SHOWN ON LP18344.



- LEGEND**
- ALLOWED/SHALL/SHOULD PRIVATE OPEN SPACE
  - SECLUDED PRIVATE OPEN SPACE
  - PRIVATE OPEN SPACE OPPORTUNITIES
  - CONCRETE DRIVEWAY (M<sup>2</sup>)
  - PERMEABLE CONCRETE DRIVEWAY (M<sup>2</sup>)
  - EXISTING TREE TO REMAIN (See Arborist's Report)
  - EXISTING TREE TO BE REMOVED (See Arborist's Report)
  - PROPOSED TREE
  - WELL RAINWATER TANK
  - AIR CONDITIONER
  - WATER METER
  - GAS METER
  - GARBAGE AND RECYCLING BINS
  - HOT WATER SYSTEM
  - BOLLARD/LIGHT
  - CLOTHESLINE
  - RISK DRINKING GLASS
  - RETAINING WALL
  - HORIZONTAL WINDOW
  - LAUNDRY TROUGH
  - TR
  - HWC

**NOT FOR CONSTRUCTION**

PREPARED BY: MUDHER ARCHITECTS PTY LTD  
 DATED: 10/10/2017

**MUDHER ARCHITECTS PTY LTD**

**Surjeet S Mudher**  
 Director/Registered Architect No. 12068

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**COMMERCIAL & RESIDENTIAL DEVELOPMENT**  
 121 - 125 JAMES STREET,  
 TEMPLESTOWE, VICTORIA, 3108

**ROOF PLAN**

TOWN PLANNING APPLICATION

DATE: 23/03/2017

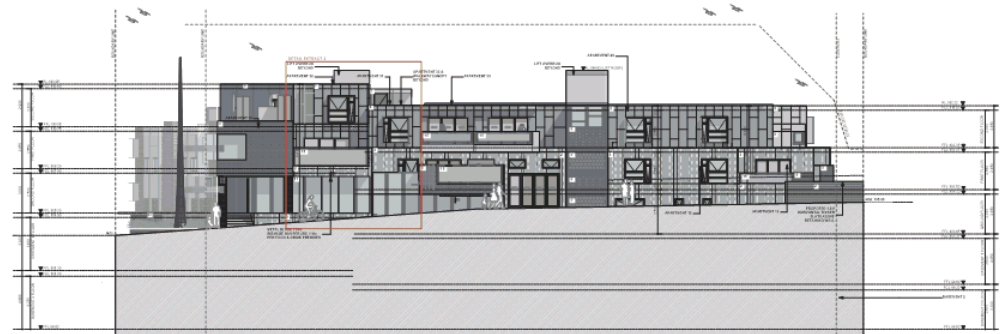
Checked by: SM

Scale: 1:100 @ A0

TP-10 TP R



SOUTH ELEVATION  
(JAMES STREET)



EAST ELEVATION



SOUTH ELEVATION  
(JAMES STREET)  
(NOT TO SCALE)



DETAIL EXTRACT 1 - SOUTH ELEVATION  
SCALE 1:50



DETAIL EXTRACT 2 - EAST ELEVATION  
SCALE 1:50

**BUILDING MATERIAL**

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
[Color swatch]	[Color swatch]	[Color swatch]	[Color swatch]	[Color swatch]	[Color swatch]	[Color swatch]	[Color swatch]	[Color swatch]	[Color swatch]	[Color swatch]	[Color swatch]	[Color swatch]	[Color swatch]	[Color swatch]	[Color swatch]
17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32
[Color swatch]	[Color swatch]	[Color swatch]	[Color swatch]	[Color swatch]	[Color swatch]	[Color swatch]	[Color swatch]	[Color swatch]	[Color swatch]	[Color swatch]	[Color swatch]	[Color swatch]	[Color swatch]	[Color swatch]	[Color swatch]

**LEGEND**  
DB STORAGE BLADE

NOTE:  
WHILE CAREFUL CONSIDERATION IS GIVEN TO THE HUES OF COLOURS AT THE TIME OF SUBMISSION, COLOURS CAN CHANGE AT THE TIME OF CONSTRUCTION. WE WILL ENDEAVOUR TO SUPPLY THE COLOUR SPECIFIED, SLIGHT VARIATION MAY OCCUR. THIS OFFICE TAKES NO RESPONSIBILITY FOR ANY ALTERATIONS.

**NOT FOR CONSTRUCTION**

REVISED BY: [Name]  
DRAUGHTSMAN: [Name]  
DATE: [Date]

**MUDHER ARCHITECTS** PTY LTD  
Director/Registered Architect No. 12088

Surjeet S Mudher  
Email: surjeet@mudherarch.com  
Mobile: 0438 837 553 or 0434 403 582

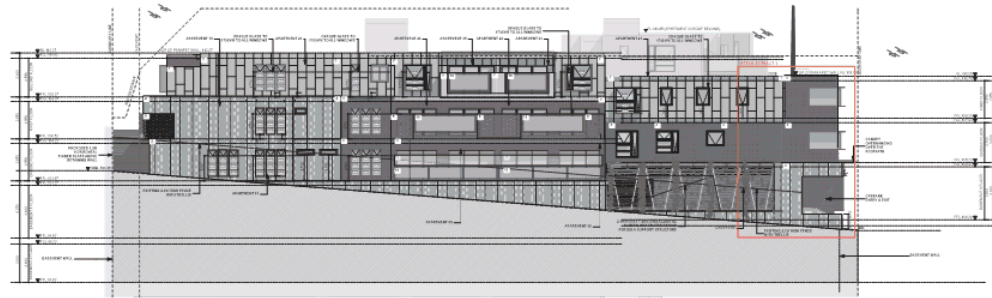
PROJECT:  
**COMMERCIAL & RESIDENTIAL DEVELOPMENT**  
121 - 125 JAMES STREET,  
TEMPLESTOWE, VICTORIA, 3108

ELEVATION 5 (1)

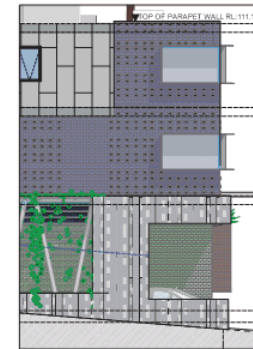
TOWN PLANNING APPLICATION

DRAWN BY: S.M. AM & P.M.	DATE: 23/08/17
CHECKED BY: S.M.	
Drawing Scale: 1:500, 1:50 @ A4	
Project ID: TP-11.1	Sheet: TP R

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WEST ELEVATION

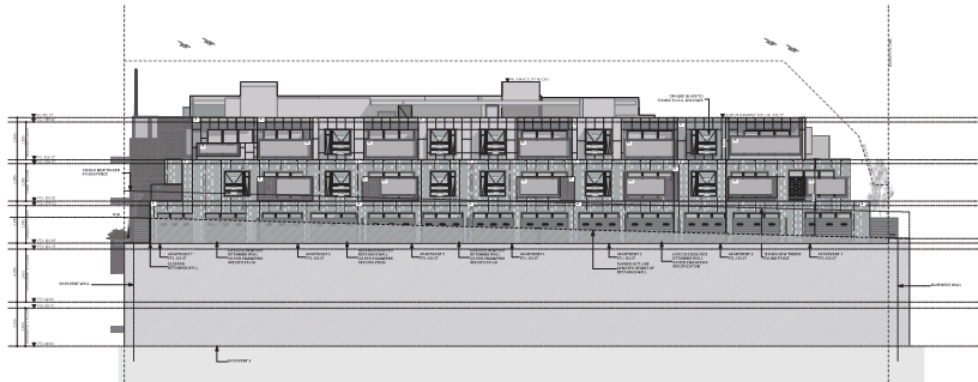


DETAIL EXTRACT 3 - WEST ELEVATION  
SCALE 1:50

**BUILDING MATERIAL**

10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50																																									
10		11		12		13		14		15		16		17		18		19		20		21		22		23		24		25		26		27		28		29		30		31		32		33		34		35		36		37		38		39		40		41		42		43		44		45		46		47		48		49		50	

**LEGEND**  
DB SKIN/AGE BLADE



NORTH ELEVATION

NOTE: WHILE CAREFUL CONSIDERATION IS GIVEN TO THE NAMES OF COLOURS AT THE TIME OF SUBMISSION, COLOUR NAMES CAN CHANGE AT THE TIME OF CONSTRUCTION. WE WILL ENDEAVOUR TO SUPPLY THE COLOUR SPECIFIED, SLIGHT VARIATION MAY OCCUR. THIS OFFICE TAKES NO RESPONSIBILITY FOR ANY ALTERATIONS.

**NOT FOR CONSTRUCTION**

PREPARED BY: MUDHER ARCHITECTS  
DRAWN BY: SURJEET S MUDHER  
CHECKED BY: SURJEET S MUDHER  
DATE: 10/10/2017

PREPARED BY: MUDHER ARCHITECTS  
DRAWN BY: SURJEET S MUDHER  
CHECKED BY: SURJEET S MUDHER  
DATE: 10/10/2017

**MUDHER ARCHITECTS P/L**  
Surjeet S Mudher  
Director/Registered Architect No. 12068

Email: [mudherarchitects@gmail.com](mailto:mudherarchitects@gmail.com)  
Mobile Phone: 0439 837 533 or 0434 403 582

**COMMERCIAL & RESIDENTIAL DEVELOPMENT**  
121 - 125 JAMES STREET,  
TEMPLESTOWE, VICTORIA, 3108

**ELEVATIONS**

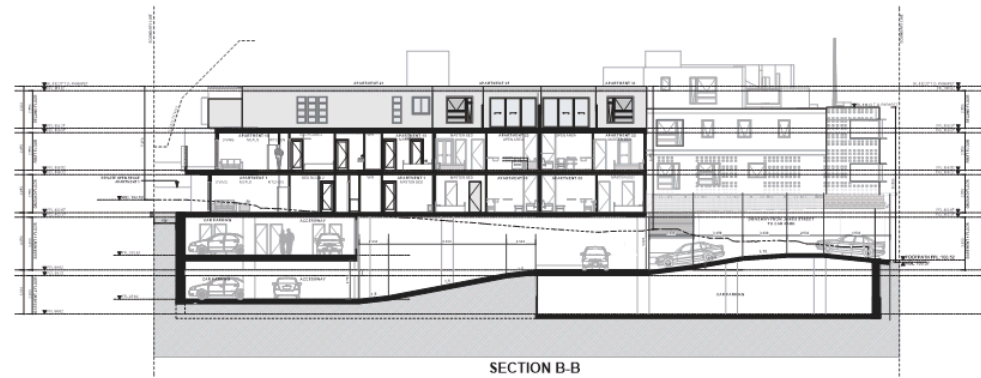
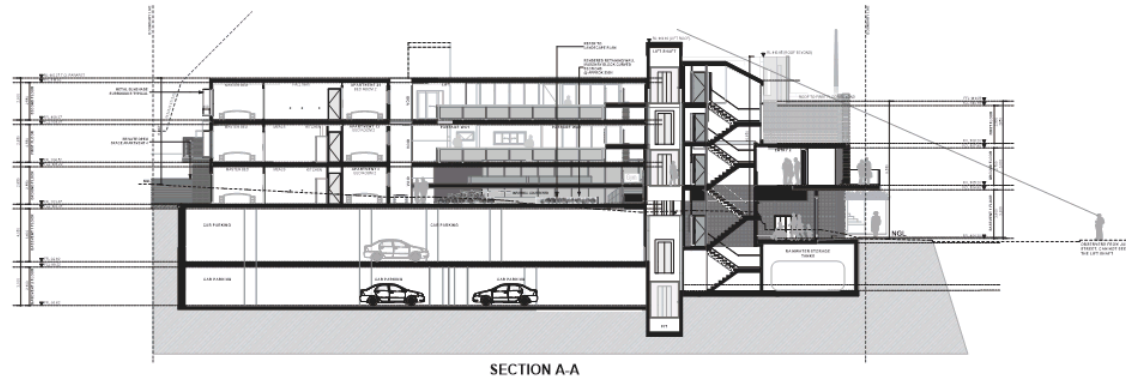
**TOWN PLANNING APPLICATION**

DRAWN BY: SURJEET S MUDHER  
CHECKED BY: SURJEET S MUDHER

Drawing Scale: 1:100, 1:50 @ A4  
Project ID: TP.11.2  
Scale: TP  
Revision: R

**NOT FOR CONSTRUCTION**  
PREPARED BY: MUDHER ARCHITECTS  
DRAWN BY: SURJEET S MUDHER  
CHECKED BY: SURJEET S MUDHER  
DATE: 10/10/2017

LEGEND  
SB STORAGE BLADE



NOTE:  
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**NOT FOR CONSTRUCTION**

PREPARED BY:  
DRAWN BY HELPONIC, TO LAUNCH BHELTON & SPICE WITH THE CITY OF MANNINGHAM CITY COUNCIL PLANNING REQUEST FOR FURTHER VARIATIONS (SMA), DATED OCTOBER 4TH 2017

PREPARED BY:  
DRAWN BY HELPONIC, TO MEET WITH COUNCIL OFFICERS ON JUNE 14 2017

**MUDHER ARCHITECTS** #FY LTD  
Director/Registered Architect No. 12068

**Surjeet S Mudher**  
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PROJECT:  
**COMMERCIAL & RESIDENTIAL DEVELOPMENT**  
121 - 125 JAMES STREET,  
TEMPLESTOWE, VICTORIA, 3108

Drawings:  
**SECTIONS A & B**

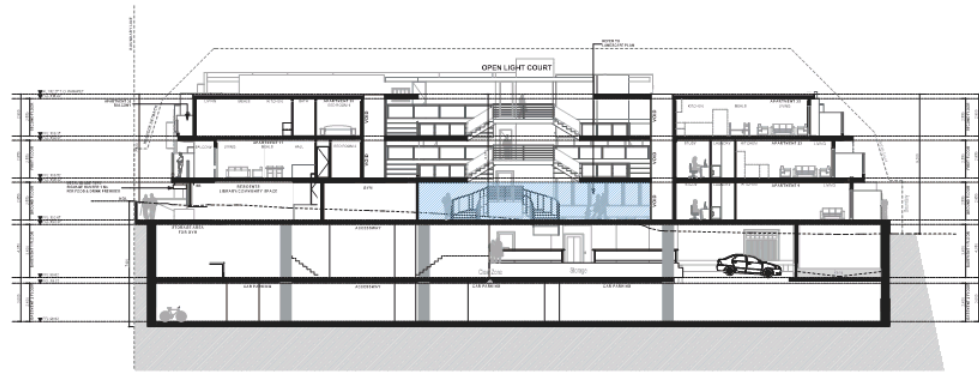
Drawing Title:  
**TOWN PLANNING APPLICATION**

DRAWN BY:  
SMA AM & PM  
Checked by:  
SM  
Drawing Scale:  
1:100 @ A4

Project ID	Sheet	Revision
TP-12.1	TP	R

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LEGEND  
SB SHORAGE BLADE



SECTION X-X



SECTION Z-Z

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**NOT FOR CONSTRUCTION**

PREPARED BY:  
MUDHER ARCHITECTS, TO LAUNCH BHEILTON & COLES WETFIELD, MANINGRIDGE CITY COUNCIL PLANNING REQUEST FOR FURTHER VARIATIONS (DRAFT), DATED: OCTOBER 4TH 2017

PREPARED FOR:  
MUDHER ARCHITECTS, TO MEET/NO WITH COUNCIL OFFICERS ON 14/03/2018

**MUDHER ARCHITECTS** PTY LTD

**Surjeet S Mudher**  
Director/Registered Architect No: 12088

Email: [mudherarchitects@gmail.com](mailto:mudherarchitects@gmail.com)  
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TYPE OF PROJECT:  
**COMMERCIAL & RESIDENTIAL DEVELOPMENT**  
121 - 125 JAMES STREET,  
TEMPLESTOWE, VICTORIA, 3108

Drawings/Plans:

SECTIONS X & Z

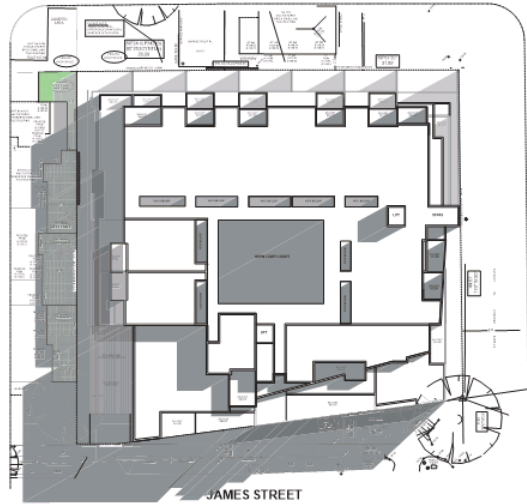
Drawing Title:

**TOWN PLANNING APPLICATION**

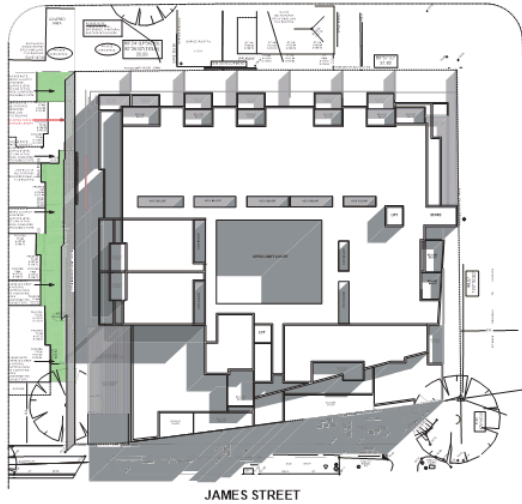
DRAWN BY: SUN AM & PW	DATE: 27/03/2017
CHECKED BY: SM	
DRAWING SCALE: 1:100 @ A4	

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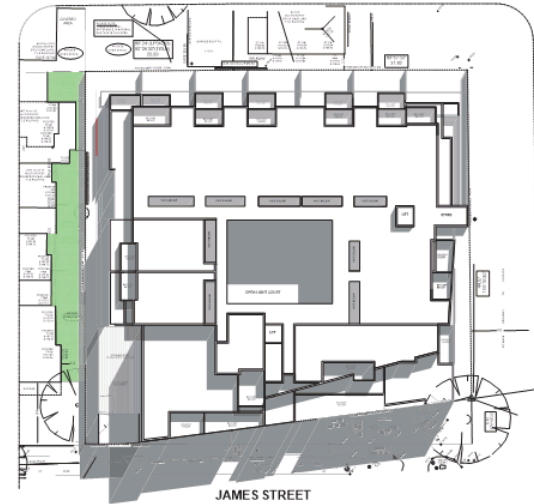
Project ID:	Scale:	Revision:
TP-12.2	TP	R



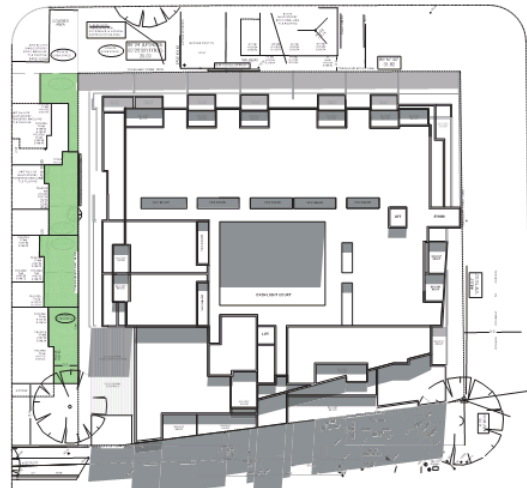
JAMES STREET  
9AM SHADOW DIAGRAM  
(22ND OF SEPTEMBER EQUINOX)



JAMES STREET  
10AM SHADOW DIAGRAM  
(22ND OF SEPTEMBER EQUINOX)



JAMES STREET  
11AM SHADOW DIAGRAM  
(22ND OF SEPTEMBER EQUINOX)



JAMES STREET  
12AM SHADOW DIAGRAM  
(22ND OF SEPTEMBER EQUINOX)





JAMES STREET  
3PM SHADOW DIAGRAM  
(22ND OF SEPTEMBER EQUINOX)

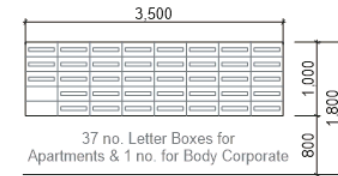
**SHADOW STUDY**  
THE SHADOW STUDY INFORMATION REFERRED TO IN THIS REPORT HAS BEEN PREPARED BY THE ARCHITECT. ALL SHADOW DIAGRAMS HAVE BEEN PREPARED TO GIVE THE ARCHITECT'S DESIGN.

<b>NOT FOR CONSTRUCTION</b>	
NOT FOR CONSTRUCTION ISSUED BY RESPONDING TO LAUNCH BRILLIANT & SPICE WITH HOUSE NUMBERING CITY COUNCIL PLANNING REQUEST FOR FURTHER VARIATIONS (DRAFT DATED OCTOBER 4TH 2017)	
NOT FOR CONSTRUCTION ISSUED BY RESPONDING TO MEETING WITH COUNCIL OFFICERS ON JUNE 14 2017	
<b>MUDHER ARCHITECTS</b> #111 LTD	
Surjeet S Mudher Director/Registered Architect No. 12083	
Email: <a href="mailto:mudherarchitects@gmail.com">mudherarchitects@gmail.com</a> Mobile Phone: 0439 837 522 or 0434 403 322	
COMMERCIAL & RESIDENTIAL DEVELOPMENT 121 - 125 JAMES STREET, TEMPLESTOWE, VICTORIA, 3108	
SHADOW DIAGRAMS (1)	
Drawing Title <b>TOWN PLANNING APPLICATION</b>	
DRAWN BY SMM, AM & PM	DATE 23/03/2017
CHECKED BY SMM	
DRAWING SCALE 1:200 @ A4	
DRAWING NO. TP-13	SHEET TP
REVISION R	

**BUILDING MATERIAL SCHEDULE**

- 1  RED COMMON BRICK  
(SAME AS EXISTING COLOUR)
- 2  BLUE AND ULTRA SMOOTH JAZZ BRICKS  
(TWO COLOURS, JAZZ BEING THE DOMINATE COLOUR)
- 3  BLUE AND ULTRA SMOOTH JAZZ BRICKS  
(TWO COLOURS, BLUE BEING THE DOMINATE COLOUR)
- 4  DARK BLUE WITH HALF BLACK BRICKS PATTERN  
(TWO COLOURS, BLUE BEING THE DOMINATE COLOUR  
HALF BRICK AT 110MM, ARTICULATING 25MM OUT)
- 5  HIT AND MISS BRICKS'
- 6  HIT AND MISS BRICKS WITH  
GLASS PANEL BEHIND
- 7  'LIGHT GREY SCYON' MATRIX WALL CLADDING  
600mm VERTICALS
- 8  'MID GREY SCYON' MATRIX WALL CLADDING  
600MM VERTICALS
- 9  LIGHT BLUE/TURQUOISE DECORATIVE  
CERAMIC TILES

- 10  LIME GREEN BRICK
- 11  ALUMINIUM CURTAIN WALL  
BLUE GLAZING
- 12  F.O.G. FIX OPAQUE GLASS - WINDOW GLAZING /  
BALUSTRADE PANEL  
FIX GLASS
- 13  ALUMINIUM GLASS FEATURE ENTRY DOOR  
GREY GLAZING
- 14  ALUMINIUM DOOR & WINDOW FRAMES  
NATURAL ANODISED COLOUR: COLORBOND 'DIESKAU'
- 15  BOUNDARY TIMBER FENCE
- 16  CLEAR GLASS - WINDOW GLAZING / BALUSTRADE PANEL
- 17  F.O.G. FIX OPAQUE GLASS - WINDOW GLAZING /  
BALUSTRADE PANEL FIX GLASS



DETAIL OF COMMON LETTER BOX  
SCALE 1:50

**NOT FOR CONSTRUCTION**

REVISED BY: HELPOURNE, TO LAUNCH BRILLIANT & SPICE WITH HOUSE, MANANGIMAN CITY, COCAFE PLANNING REQUEST FOR PARTIAL VARIATIONS (SALA), DATED: OCTOBER 4TH 2017

REVISED BY: HELPOURNE, TO MULTI-NO WITH COUNCIL OFFICERS ON JUNE 14 2017

**MUDHER ARCHITECTS** #Pty Ltd

**Surjeet S Mudher**  
Director/Registered Architect No: 12088

Email: mudherarchitects@gmail.com  
Mobile: Phone: 0439 887 933 or 0434 401 932

SITE NO: COMMERCIAL & RESIDENTIAL DEVELOPMENT  
121 - 125 JAMES STREET,  
TEMPLESTOWE, VICTORIA, 3108

DRAWING TITLE  
**MATERIAL SCHEDULE - Details**

Drawn By: TOWN PLANNING APPLICATION

<small>DRAWN BY: SALAM &amp; PIR</small>	<small>DATE: 23/08/17</small>
<small>CHECKED BY: SM</small>	
<small>DRAWING SCALE: @ A4</small>	
<small>Project ID: TP-14</small>	<small>Sheet: TP</small>
	<small>Revision: R</small>





SOUTH ELEVATION  
(JAMES STREET)  
(NOT TO SCALE)



VIEW FROM ROUNDABOUT  
(JAMES STREET)  
(NOT TO SCALE)

<b>NOT FOR CONSTRUCTION</b>	
<small>                 PREPARED BY: MUDHER ARCHITECTS PTY LTD                  ISSUED BY: HELSPORNE TO LAUNCH DRILL TOP &amp; TOPIC WITH THE VIC. MUNICIPALITY CITY COUNCIL PLANNING REQUEST FOR PLANNING VARIATIONS                  DRAWN DATE: OCTOBER 4TH 2017             </small>	
<small>                 PREP FOR TENDERS: ISSUED BY HELSPORNE TO MEET WITH COUNCIL OFFICERS ON JUNE 14 2017             </small>	
<b>MUDHER</b> ARCHITECTS PTY LTD	
Surjeet S Mudher <small>Director/Registered Architect No: 12588</small>	
<small>                 Email: mudherarchitects@gmail.com                  Mobile Phone: 0491 887 525 or 0454 403 382             </small>	
SITE USE: COMMERCIAL & RESIDENTIAL DEVELOPMENT 121 - 125 JAMES STREET, TEMPLESTOWE, VICTORIA, 3108	
Drawing Name: PER SPECIFIC 1	
Drawing Code: TOWN PLANNING APPLICATION	
DRAWN BY: SAK AM & PW	DATE EXISTENT: [ ]
CHECKED BY: SM	[ ]
DRAWING SCALE: 1:250 @ A4	[ ]
DRAWING ID: TP-15	REVISION: TP R

PLEASE NOTE: THIS IS NOT THE MATERIALS SELECTED, BUT IS FOR PRESENTATION USE ONLY.



NORTHERN/WEST ELEVATION  
(NOT TO SCALE)



EASTERN/NORTHERN ELEVATION  
(NOT TO SCALE)

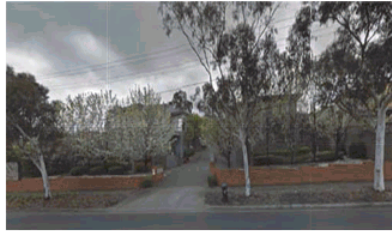


EASTERN/SOUTHERN ELEVATION  
(NOT TO SCALE)



SOUTHERN/WEST ELEVATION  
JAMES STREET  
(NOT TO SCALE)

<b>NOT FOR CONSTRUCTION</b>	
<small>                 NEEDS TO BE REVISIONED TO LAUREN BIRLOTTI &amp; CO'S SITE PLAN FOR MUDHER ARCHITECTS' TOWN PLANNING APPLICATION FOR VARIATION (DRAWN DATE: OCTOBER 4TH 2017)             </small>	
<small>                 NEEDS TO BE REVISIONED TO ADDRESS WITH COUNCIL COMMENTS ON JUNE 14 2017             </small>	
<b>MUDHER ARCHITECTS</b> Pty Ltd	
<b>Surjeet S Mudher</b> Director/Registered Architect No: 12588	
<small>                 Email: <a href="mailto:mudherarchitects@gmail.com">mudherarchitects@gmail.com</a>                  Mobile Phone: 0439 837 523 or 0434 463 303             </small>	
SITE TYPE: COMMERCIAL & RESIDENTIAL DEVELOPMENT 121 - 125 JAMES STREET, TEMPLESTOWE, VICTORIA, 3198	
Drawing Name: PERSPECTIVES 2	
Drawing Code: TOWN PLANNING APPLICATION	
DRAWN BY: SMM, AML & PM	DATE: 25/10/2017
CHECKED BY: SMM	
DRAWING SCALE: @ A3	
Project ID: TP-16	Sheet: TP
Revision: R	



115 - 117



119



127 - 131



133



EXISTING CONDITIONS



115 - 117

UNIT No 2/115 -117 MULTI STOREY RENDERED BRICK DWELLING TILE ROOFING

119

RESIDENTIAL MULTI STOREY DWELLING, CONSISTING OF FOUR UNITS, RENDERED AND BRICK VENEER EXTERIOR.

121 - 125

PROPOSED DEVELOPMENT FOR A THREE/ FOUR STOREY MIXED USE DEVELOPMENT INCLUDING SIX FOOD & DRINK PREMISES, THIRTY SEVEN DWELLINGS AND A ASSOCIATED BASEMENT CAR PARK AND ALTERATION OF ACCESS TO A ROAD IN A ROAD ZONE, CATEGORY 1

127 - 131

127 SAESHA NAILS AND BEAUTY COMMERCIAL SINGLE STOREY DWELLING, BRICK VENEER EXTERIOR WITH A CORRUGATED SHEET ROOF

129 TERENCE LONDON HAIR AND DESIGN COMMERCIAL SINGLE STOREY DWELLING, BRICK VENEER EXTERIOR WITH A CORRUGATED SHEET ROOF

131 ZERO 35: PIZZA BAR RESTAURANT COMMERCIAL SINGLE STOREY DWELLING, BRICK VENEER EXTERIOR WITH A CORRUGATED SHEET ROOF

133

VIBRANTE: RESTAURANT AND BAR COMMERCIAL: RESTAURANT SINGLE STOREY BRICK VENEER

JAMES STREET, TEMPLESTOWE

**NOT FOR CONSTRUCTION**

PREPARED BY: MUDHER ARCHITECTS  
 ISSUED BY: HELSPONIC, TO LAUNCH BRICKWORK & SPECIAL INTERESTS MANAGEMENT CITY COUNCIL PLANNING REQUEST FOR FURTHER VARIATIONS (FINAL), DATED: OCTOBER 4TH 2017

PREP FOR: MUDHER ARCHITECTS  
 ISSUED BY: HELSPONIC, TO MULTIPLY WITH COUNCIL OFFICERS ON JUNE 14 2017

**MUDHER ARCHITECTS** Pty Ltd  
 Director/Registered Architect No: 12088

Surjeet S Mudher  
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PROJECT: COMMERCIAL & RESIDENTIAL DEVELOPMENT  
 121 - 125 JAMES STREET, TEMPLESTOWE, VICTORIA, 3108

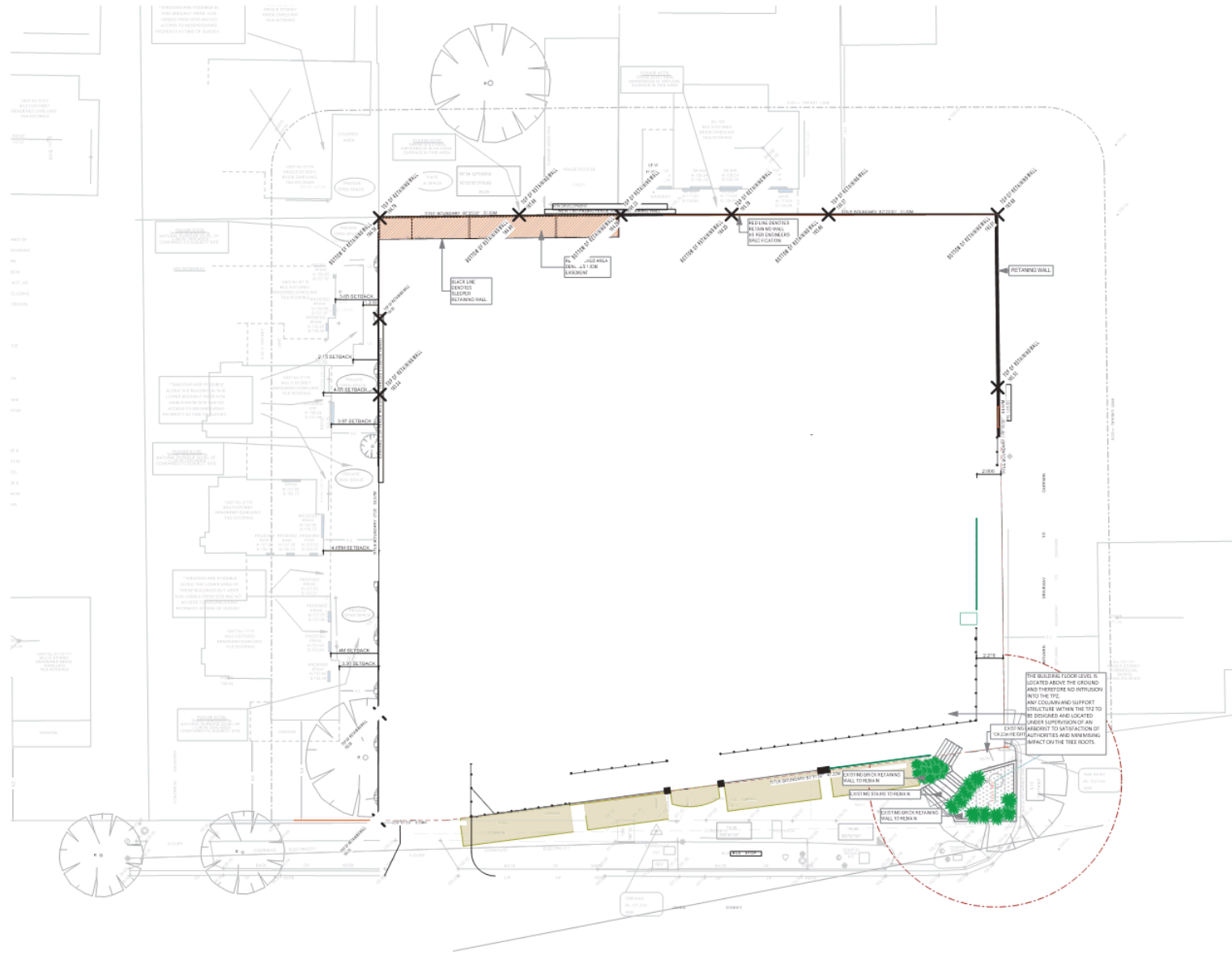
Drawings:  
 STREETSCAPE

Checked By:  
**TOWN PLANNING APPLICATION**

DRAWN BY: SUN AM & PW	DATE: 23/03/17
CHECKED BY: SM	
DRAWING SCALE: 1:200 @ A4	

Approval ID: TP-17  
 Status: TP  
 Revision: R

PLEASE NOTE: THIS DRAWING AND/OR ANY OTHER DRAWING IN THIS SET IS UNLAWFUL TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF MUDHER ARCHITECTS.



**NOT FOR CONSTRUCTION**

PREPARED BY: MUDHER ARCHITECTS PTY LTD  
 ISSUED BY: HELIPHONE TO LAUNCH IBEA TOWER & OFFICE WITH HOUSE MANAGING CITY COUNCIL PLANNING REQUEST FOR FURTHER VARIATIONS (MALL) DATED: OCTOBER 4TH 2017

REVISIONS: ISSUED BY: HELIPHONE TO MEET WITH COUNCIL OFFICERS ON: JUNE 14 2017

**MUDHER ARCHITECTS** PTY LTD  
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PROJECT: COMMERCIAL & RESIDENTIAL DEVELOPMENT  
 121 - 125 JAMES STREET, TEMPLESTOWE, VICTORIA, 3108

DRAWING: FIRST FLOOR RETAINING WALL LEVEL 8

Drawing Date: 23/03/2017

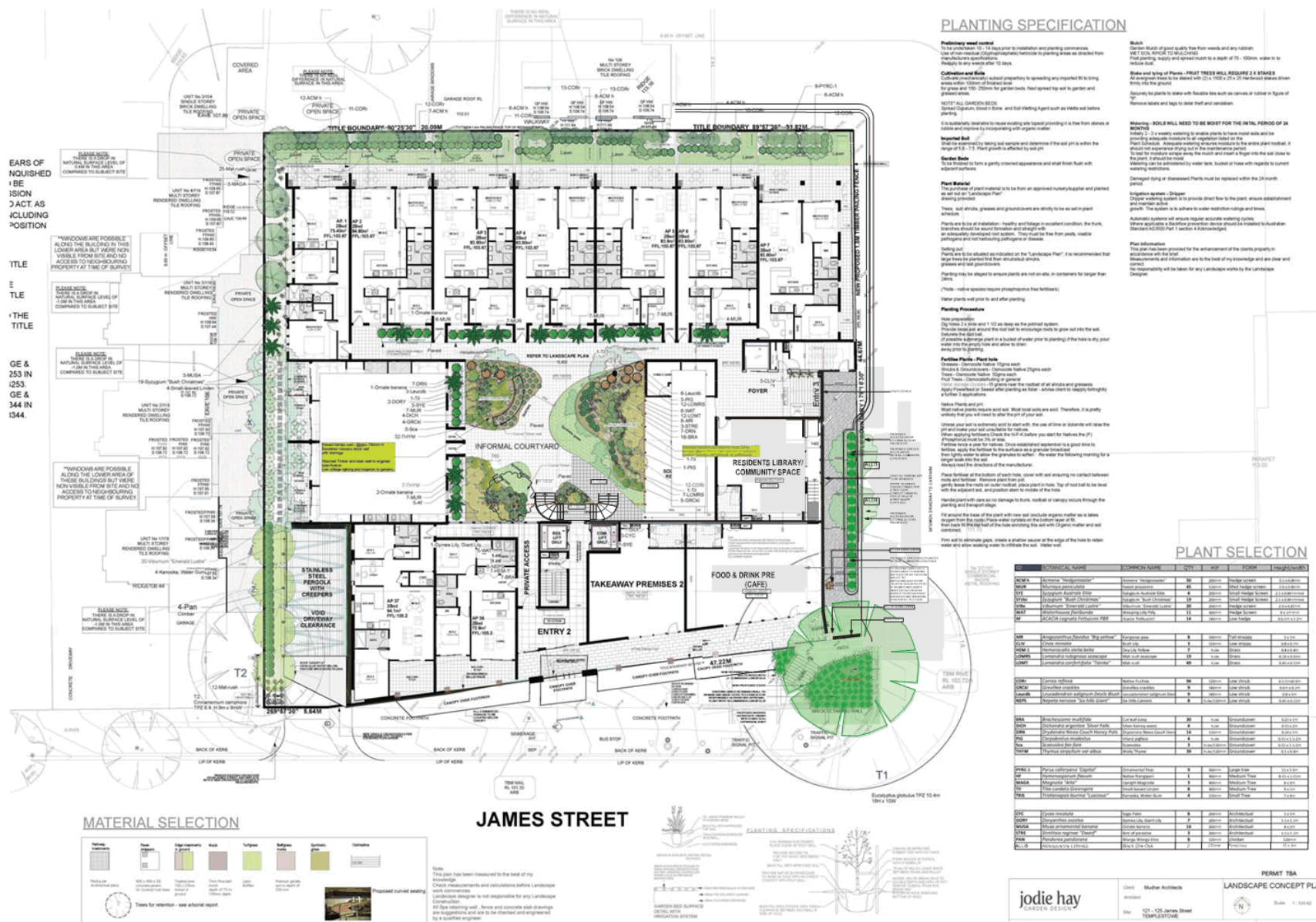
**TOWN PLANNING APPLICATION**

DRAWN BY: SAU AM & PM  
 Checked by: SM  
 Drawing Scale: 1:100 @ A4

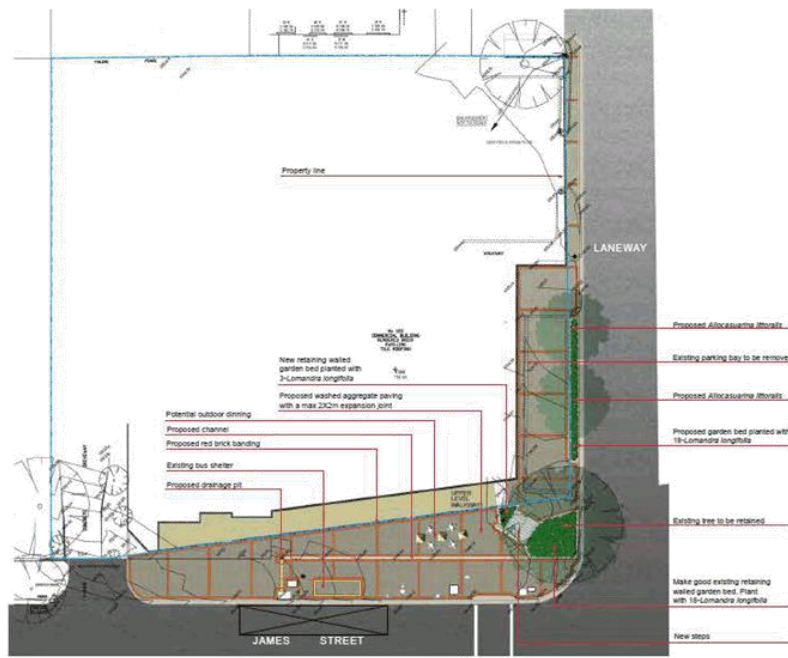
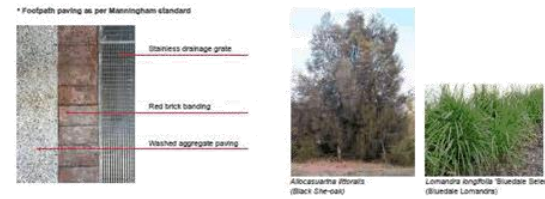
North Arrow

Scale: 1:100 @ A4  
 Revision: R

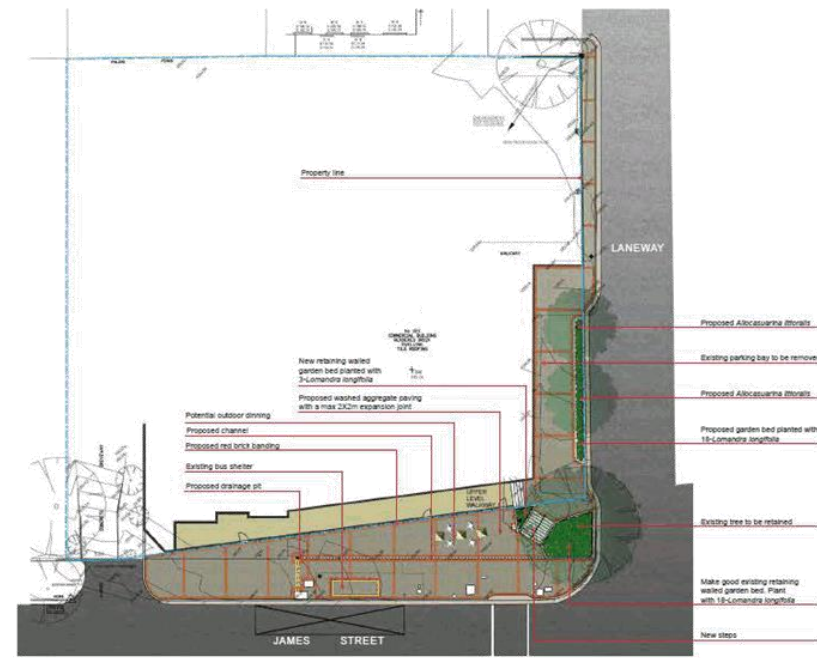
TP-18 TP R







OPTION 1  
Proposed garden bed along the laneway located outside the site boundary



OPTION 2  
Proposed garden bed along the laneway located within the site boundary



123 JAMES STREET, TEMPLESTOWE  
MULTI-UNIT RESIDENTIAL DEVELOPMENT  
Streetscape Concept

ALEXANDER URBANISM  
STRATEGIC PLANNING MASTER PLANNING URBAN DESIGN

## 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.*

#### **Registered Restrictive Covenants & Section 173 Agreements**

##### Section 61(4) of the Act

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.

The subject land is not affected by any registered restrictive covenant.

##### Section 173 Agreement

The land is affected by a Section 173 Agreement. The Section 173 Agreement is not relevant to the proposal.

### 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 22.05 Non-Residential Uses in Residential Areas
- Clause 32.08 General Residential Zone, Schedule 2
- Clause 43.02 Design and Development Overlay, Schedule 8
- Clause 52.06 Car Parking
- Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road
- Clause 55 Two or more dwellings on a lot and Residential Buildings
- Clause 65 Decision Guidelines

#### **Zone**

##### Clause 32.08 General Residential Zone, Schedule 2

The purpose of the General Residential Zone is:

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



A Planning Permit is required to construct two or more dwellings on a lot within this zone and Planning Permit is required for the uses of Convenience restaurant and shop and any other food and drink premises or retail space.

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.

The applicable decision guidelines for non-residential use and development are as follows:

- *Whether the use or development is compatible with residential use.*
- *Whether the use generally serves local community needs.*
- *The scale and intensity of the use and development.*
- *The design, height, setback and appearance of the proposed buildings and works.*
- *The proposed landscaping.*
- *The provision of car and bicycle parking and associated accessways.*
- *Any proposed loading and refuse collection facilities.*
- *The safety, efficiency and amenity effects of traffic to be generated by the proposal.*

#### **Overlay(s)**

##### 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 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.
- A permit is not required to construct or extend one dwelling on a lot more than 500 square metres.

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.

Sub-Precinct	Maximum Building Height	Condition regarding minimum land size	Street Setback
DDO8-2 Sub-precinct A	11 metres provided the condition regarding minimum lot size is met. If the condition is not met, the maximum height is 9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.	1800 square metres must be all the same sub-precinct. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage	For one dwelling on a lot: <ul style="list-style-type: none"> <li>• Minimum front street setback is the distance specified in Clause 54.03-1 or 6 metres, whichever is the lesser.</li> <li>• Minimum side street setback is the distance specified in Clause 54.03-1.</li> </ul> For two or more dwellings on a lot or a residential building: <ul style="list-style-type: none"> <li>• Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser.</li> <li>• Minimum side street setback is the</li> </ul>

			distance specified in Clause 55.03-1.
--	--	--	---------------------------------------

The other design requirements under this schedule to the overlay are included under Section 8 of this report.

A Planning Permit is required to construct a building or construct or carry out works under this overlay.

### 5.3 State Planning Policy Framework

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

#### Clause 15.01 Urban environment

##### 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 Sustainable development

##### 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 Residential development

##### 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.*

#### 5.4 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 three sub-precincts within Precinct 2 consist of:

Sub-precinct – Main Road (DDO8-1) is an area where three storey (11 metres) 'apartment style' developments are encouraged on land with a minimum area of 1,800m<sup>2</sup>. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage. The area of 1,800m<sup>2</sup> must all be in the same sub-precinct. All development in the Main Road sub-precinct should have a maximum site coverage of 60 percent.

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

Sub-precinct A (DDO8-2) is an area where two storey units (9 metres) and three storey (11 metres) 'apartment style' developments are encouraged. Three storey, contemporary developments should only occur on land with a minimum area of 1800m<sup>2</sup>. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and

have a shared frontage. The area of 1800m<sup>2</sup> must all be in the same sub-precinct. In this sub-precinct, if a lot has an area less than 1800m<sup>2</sup>, a townhouse style development proposal only will be considered, but development should be a maximum of two storeys. All development in Sub-precinct A should have a maximum site coverage of 60 percent.

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

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

The site is located within **Sub-Precinct – A**.

Development in Precinct 2 should:

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

#### Clause 21.05-2 Housing

The relevant objectives of this policy are:

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

The strategies to achieve these objectives include:

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

#### Clause 21.05-4 Built form and neighbourhood character

The objective of this policy is:

- *To ensure that residential development enhances the existing or preferred neighbourhood character of the residential character precincts as shown on Map 1 to this Clause.*

The strategies to achieve this objective include:

- *Require residential development to be designed and landscaped to make a positive contribution to the streetscape and the character of the local area.*
- *Ensure that where development is constructed on steeply sloping sites that any development is encouraged to adopt suitable architectural techniques that minimise earthworks and building bulk.*
- *Ensure that development is designed to provide a high level of internal amenity for residents.*
- *Require residential development to include stepped heights, articulation and sufficient setbacks to avoid detrimental impacts to the area's character and amenity.*

#### **Local Planning Policy**

Clause 22.05 (Non-residential uses in residential areas) applies to non-residential uses in a Residential Growth Zone, General Residential Zone, Neighbourhood Residential Zone and Low Density Residential Zone. The policy seeks to balance the need for residents to access services in residential locations, while ensuring that residential amenity is not adversely affected. The policy encourages a range of non-residential uses to be clustered together, to service local community needs, reduce car dependency and provide opportunities for social interaction.

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

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

#### **Particular Provisions**

Clause 52.06 (Car Parking) is relevant to this application. Pursuant to Clause 52.06-5, car parking is required to be provided at the following rate:

- 1 space for 1 and 2 bedroom dwellings
- 2 spaces for 3 or more bedroom dwellings
- 1 visitor space to every 5 dwellings for developments of 5 or more dwellings

Clause 52.06-8 outlines various design standards for parking areas that should be achieved.

#### Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road

The purpose of this clause is:

- *To ensure appropriate access to identified roads.*
- *To ensure appropriate subdivision of land adjacent to identified roads.*

A permit is required to create or alter access to a road in a Road Zone, Category 1.

#### Clause 52.34 Bicycle Facilities

Clause 52.03 sets out requirements for bicycle parking. The retail and residential uses attract differing provisions. An assessment against this clause is provided within the Assessment Section of this report

Clause 55 Two more dwellings on a lot and residential buildings

The development of two or more dwellings on a lot must meet the requirements of this clause. An assessment against this clause is provided within the Assessment Section of this report.

**General Provisions**

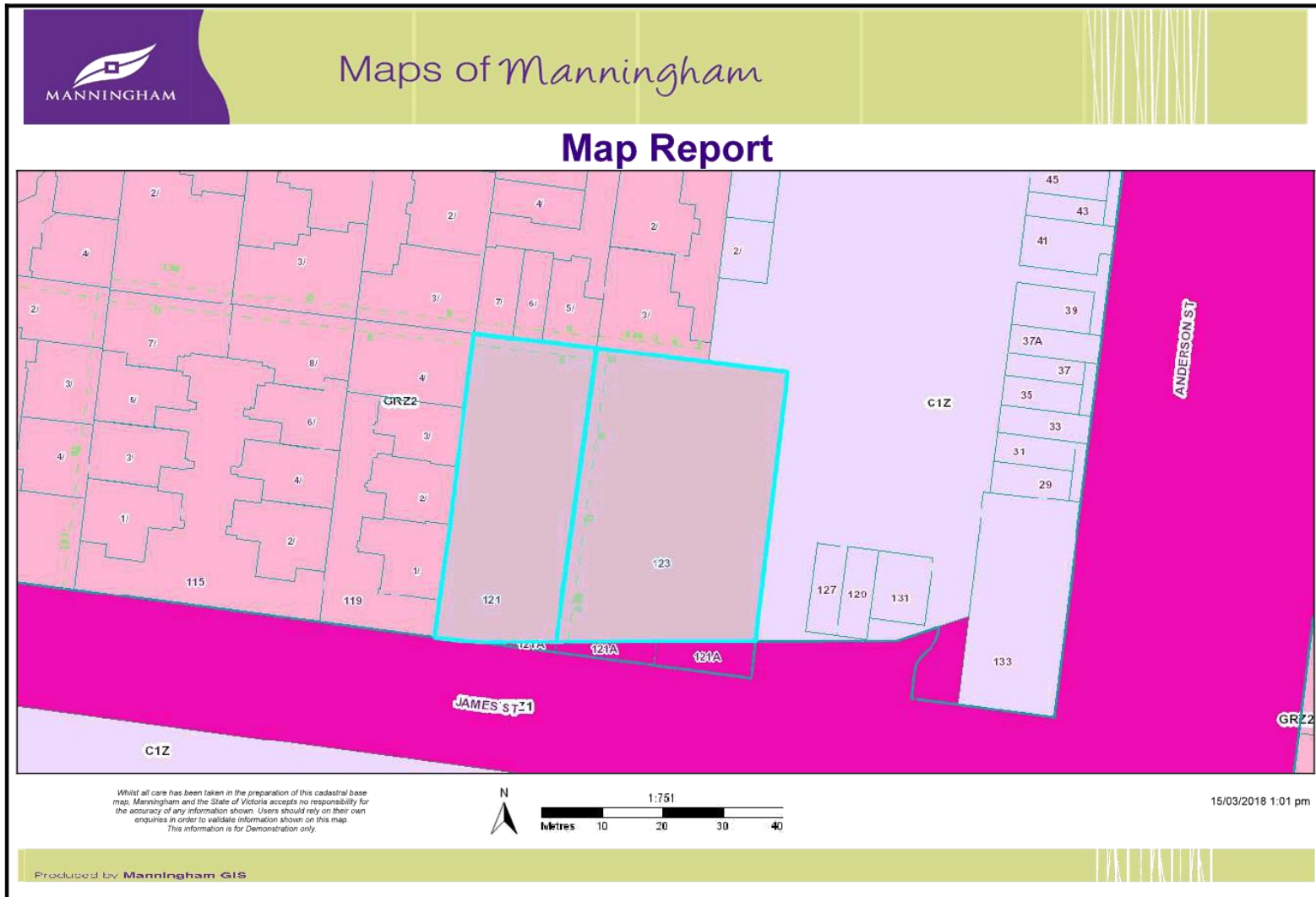
Clause 65 (Decision Guidelines) outlines that before deciding on an application, the responsible authority must consider, as appropriate:

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

**5.5 OTHER RELEVANT LEGISLATION AND POLICY**

The following are relevant documents referenced in the Scheme that are particularly applicable to this application:

- (a) *Templestowe Village Structure Plan (Manningham City Council, 2012 - revised 2013);*
- (b) *Better Apartment Design Standards (Environment, Land, Water, Water and Planning (DELWP and Office of the Victorian Government Architect (OVGA), December 2016 - to come into effect March 2017); and*
- (c) *Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004).*





Map 1: Structure Plan Boundary



**LEGEND**

- |  |                               |  |   |
|--|-------------------------------|--|---|
|  | Study area                    |  | Increased residential densities (No change proposed)    |
|  | Key activity centre precincts |  | Existing lower density residential (No change proposed) |
|  | Village entrances             |  | Existing residential zone (No change proposed)          |
|  | Civic plaza                   |  | Business zoned properties                               |
|  | Existing open space           |  |   |

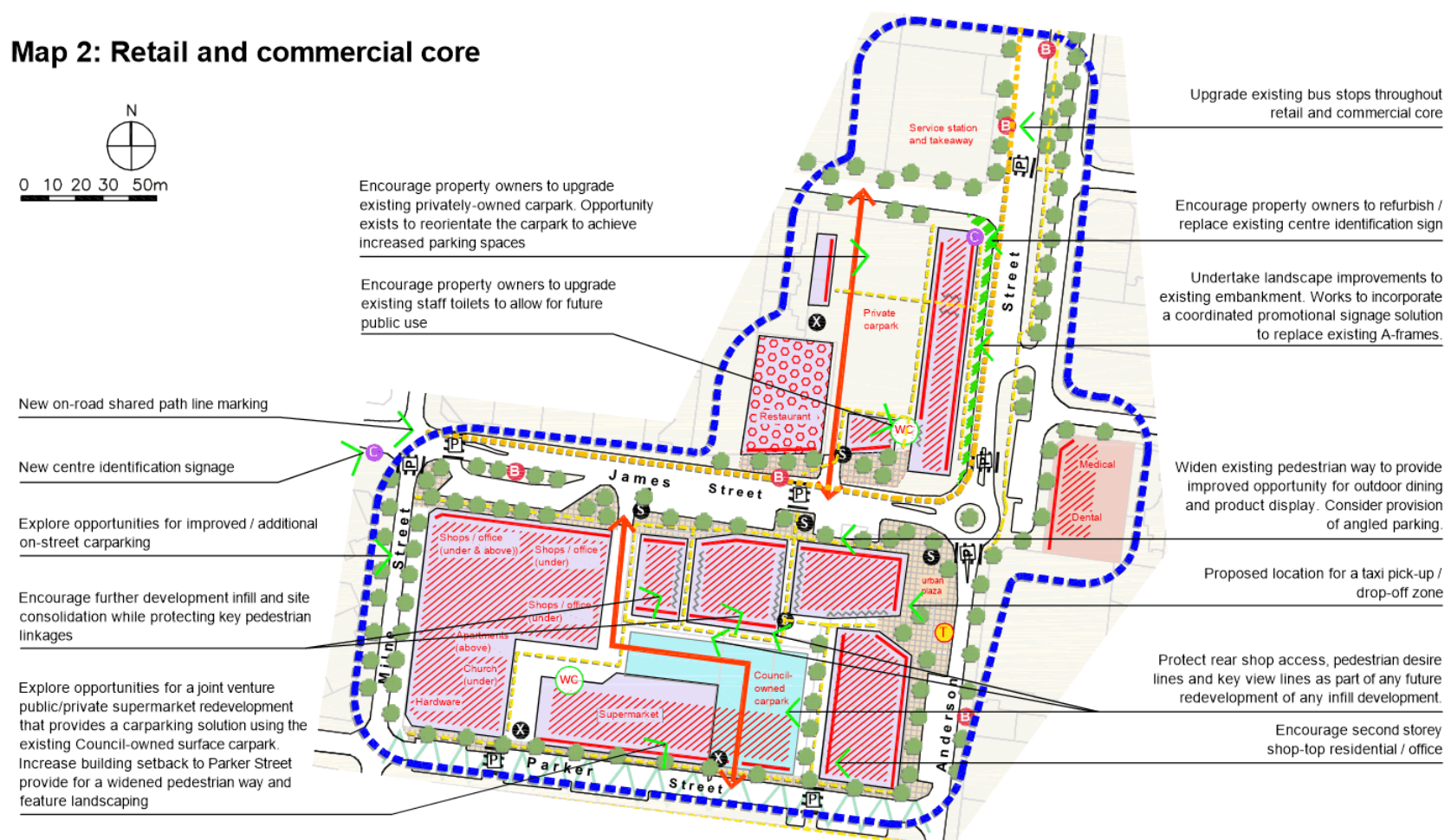
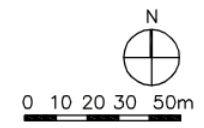
- |  |                         |
|--|-------------------------|
|  | Child care / pre-school |
|  | Public Hall             |
|  | Existing playspace      |
|  | Churches                |

- |  |                      |
|--|----------------------|
|  | Basketball stadium   |
|  | Netball pavilion     |
|  | Mechanics institute  |
|  | Templestowe RSL      |
|  | Heritage schoolhouse |
|  | Heritage churches    |
|  | Leisure centre       |
|  | Bowling club         |

**ACTIONS**

- |  |   |  |                                      |
|--|---|--|--------------------------------------|
|  | Future shop-top residential / office                    |  | New playspace                        |
|  | Car parking future development site                     |  | Continued street tree planting       |
|  | New / upgraded bus stops                                |  | Strengthen existing shared path link |
|  | Upgraded pedestrian crossings                           |  | Future shared path section           |
|  | New pedestrian crossings (subject to Vicroads approval) |  | New taxi zone                        |

### Map 2: Retail and commercial core



- Encourage property owners to upgrade existing privately-owned carpark. Opportunity exists to reorientate the carpark to achieve increased parking spaces
- Encourage property owners to upgrade existing staff toilets to allow for future public use
- Upgrade existing bus stops throughout retail and commercial core
- Encourage property owners to refurbish / replace existing centre identification signage
- Undertake landscape improvements to existing embankment. Works to incorporate a coordinated promotional signage solution to replace existing A-frames.
- New on-road shared path line marking
- New centre identification signage
- Explore opportunities for improved / additional on-street carparking
- Encourage further development infill and site consolidation while protecting key pedestrian linkages
- Proposed location for a taxi pick-up / drop-off zone
- Explore opportunities for a joint venture public/private supermarket redevelopment that provides a carparking solution using the existing Council-owned surface carpark. Increase building setback to Parker Street provide for a widened pedestrian way and feature landscaping
- Protect rear shop access, pedestrian desire lines and key view lines as part of any future redevelopment of any infill development.
- Encourage second storey shop-top residential / office

**LEGEND**

- Precinct boundary
- Existing business zoned properties (No change proposed)
- Existing residential zone (No change proposed)
- Enhanced pedestrian connection between precincts

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**ACTIONS**

- Activated street frontages
- Laneway activation
- Civic plaza and widened pedestrian promenade
- Proposed business zoned properties (Eastern Court)
- Future shop-top residential / office

- Public car parking future development site
- Primary vehicle circulation
- Hall New taxi zone
- Future on-road shared path link
- Strengthened pedestrian link

- Centre directory / wayfinding signage
- Improved centre identification signage
- New / upgraded bus stops
- New / upgraded pedestrian crossings (Subject to Vicroads approval)

- Reinforce street tree planting to enhance streetscape character
- Improved bin enclosure presentation
- New / improved public toilets
- Landscape improvements incorporating coordinated promotional signage to replace A-frames




## 10 PLANNING & ENVIRONMENT

### 10.1 Proposed Reform to Victoria Planning Provisions - Facilitating Residential Aged Care Development

File Number: IN18/93

Responsible Director: Director City Planning

Attachments:

- 1 Proposed Reforms to Residential Aged Care Facilities [↓](#) 
- 2 Summary of Proposed Changes to Residential Aged Care Facility Provisions [↓](#) 
- 3 Council Response to Proposed Changes [↓](#) 

#### EXECUTIVE SUMMARY

*The purpose of this report is to inform Council of the State Government's draft changes to existing planning controls for residential aged care facilities (RACF) and to seek endorsement of Council's proposed response.*

*The purpose of the changes is to streamline the approvals process and to facilitate RACF development to meet the needs of the State's ageing population. Comments were sought on the proposed changes by Friday 16 February 2018. Given the Council meeting cycle, a draft submission was lodged on 15<sup>th</sup> February, with advice that a submission outlining Council's endorsed position would be lodged following the Council meeting on 27 March 2018.*

*Currently, under the definition of Residential Building, applications for buildings and works associated with a new RACF development are assessed under the full buildings and works requirements applicable under the relevant residential zone (not including the Low Density Residential Zone), including assessment against all the requirements found in ResCode and any mandatory building height, minimum garden area, or any other requirements included in the zone.*

*The proposed changes would introduce a particular provision into all Planning Schemes in relation to an RACF which would mean that any application would be assessed against the proposed provision rather than the zone provisions. Some of the ResCode standards relating to matters such as setbacks, walls on boundaries, overshadowing, overlooking, noise etc. would continue to apply (subject to variations with a permit), but other standards relating to matters such as provision of public open space, solar access to public open space, landscaping, energy efficiency, would no longer apply. Other standards, such as those relating to site coverage and maximum building height, would be included as specific requirements in the provision but would differ from the ResCode and zone provisions.*

*Of particular note is that the draft provision would override other requirements in the Planning Scheme where a similar requirement (for example height and site coverage) is outlined in a zone or overlay (with the exception of heritage, flood related and bushfire management overlays).*

*It is recognised that there are currently difficulties associated with assessing an application for an RACF in the same way as other residential buildings, however there are a number of areas of concern in relation to the changes being proposed:*

- *The proposed requirements provide minimal design requirements and insufficient guidance to achieve quality aged accommodation outcomes, particularly in relation to amenity considerations, such as open space, solar access etc., which would contribute to the liveability of residents;*
- *The proposed controls overlook the locational factors associated with RACF which are already included in the State Planning Policy Framework and local policies.*
- *The proposed controls would mean that an RACF would be assessed in exactly the same way in all the residential zones in Manningham with no regard for the differences between those zones and overlays, such as the Design and Development Overlay Schedule 8, which have been designed largely in response to neighbourhood and landscape character and proximity to main roads and activity centres;*
- *The proposed controls do not specify a minimum land area which would be needed to ensure that the size and scale of any development is appropriate have regard to the character of any area.*
- *The proposed controls 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 with specific site attributes and at the same time indicates that the Neighbourhood Residential and Low Density Residential Zones are not preferred locations for such facilities;*
- *Under the proposed controls, if an application for a RACF meets all of the specified requirements then it would be exempt from advertising;*
- *The current lack of guidance in relation RACF above four storeys in height would continue; and*
- *The review of the planning controls misses a significant opportunity to review broader accommodation options for older persons such as Retirement Villages.*

## **1. RECOMMENDATION**

### **That Council:**

- A. opposes the proposed reforms the Victoria Planning Provisions in relation to Residential Aged Care Facilities for the reasons outlined in this report.**
- B. endorses the submission in Attachment 3 which will constitute Council's formal response to the Department of Environment, Land, Water and Planning (DELWP) proposed reforms to Residential Aged Care Facilities. This submission follows a draft submission that was submitted to meet DELWP's deadline of 16 February 2018.**
- C. notes that if the Department introduces any changes relating to residential aged care facilities and / or retirement villages, then the local policy in the Manningham Planning Scheme entitled 'Residential Accommodation' (Clause 22.04) would need to be reviewed to remove any inconsistencies or repetition.**

## 2. BACKGROUND

- 2.1 The Minister for Planning has requested that the Department of Environment, Land, Water and Planning (DELWP) prepare draft changes to the VPP and all planning schemes to facilitate appropriately designed and located residential aged care facilities (RACF) to cater for an ageing population.
- 2.2 An RACF is defined at Clause 74 of the Victoria Planning Provisions (VPP) as:
- Land used to provide accommodation and personal or nursing care for aged. It may include recreational, health, or laundry facilities and services for residents of the facility.*
- 2.3 An RACF is different from a retirement village, as it provides a high level of personal or nursing care predominantly comprising private bedrooms and shared hallways and facilities. In comparison, a retirement village offers permanent accommodation for retired or older people, predominantly in whole units or apartments.
- 2.4 By 2051 it is estimated that 27% of all Victorians will be older than 60. The middle and outer suburban areas of metropolitan Melbourne will experience the largest proportion of this projected change.
- 2.5 In March 2017, the Victorian Government released its housing strategy, 'Homes for Victorians' that addresses issues of housing supply, affordability and choice. In conjunction with this, the Victorian Government's metropolitan strategy, 'Plan Melbourne 2017 – 2050', identifies the need to streamline approval processes for specific housing types, including RACF, to ensure that future community needs are met.
- 2.6 In July 2016, the State Government's *Managing Residential Development Advisory Committee – Residential Zones Review* identified the need for residential zones to provide greater housing diversity and choice.
- 2.7 The Advisory Committee concluded that whilst State Planning policy supports RACF to enable 'ageing in place', the existing planning provisions are overly restrictive in facilitating this form of development. In response, a working group, with representatives from industry, peak bodies, council and state government was established to provide advice in developing new RACF planning controls.
- 2.8 Presently an RACF does not require a planning permit for the use under the: Neighbourhood Residential Zone; General Residential Zone; Residential Growth Zone; Mixed Use Zone and Township Zone (which does not form part of the Manningham Planning Scheme). However, a planning permit is required for buildings and works given the way the use is defined (an RACF is included under the broader definition of 'residential building' in the abovementioned zones). As a result, a RACF proposal must be assessed under all the buildings and works requirements of a residential zone, which includes assessment against all Clause 55 (ResCode) requirements of the VPP and any mandatory building height, minimum garden area and other requirements.
- 2.9 There are currently no standard decision criteria specifically applicable to a RACF. However it should be noted that the Manningham Planning Scheme provides some guidance for consideration of an application for a RACF through a local planning policy at Clause 22.04 – Residential Accommodation.

- 2.10 In the Low Density Residential Zone, an RACF requires a planning permit for both the use and for buildings and works.

### Proposed Changes

- 2.11 The State Government proposes to change the controls in all Victorian Planning Schemes by introducing a specific Clause (Clause 52.xx – Residential Aged Care Facility). The new Clause would apply to the construction of a building or carrying out of works associated with a RACF in the following residential zones: Neighbourhood Residential Zone; General Residential Zone; Residential Growth Zone; Mixed Use Zone; and Township Zone (which does not exist in the Manningham Planning Scheme). The proposed Clause 52.xx is included as **Attachment 1**.

- 2.12 Some of the key requirements of the new clause are proposed to be:

- A maximum building height of 13.5 metres;
- Car parking to be provided at the rate of 0.3 car spaces to each lodging room (no change);
- A maximum front fence height within 3 metres of a street of 1.5 metres;
- A maximum site coverage of 80%, including buildings, driveways, pedestrian paths, car park area; and
- As shown in **Attachment 2**, only some of the standards of Clause 55 would apply, that is:
  - the Clause 55 standards in relation to matters including setbacks, walls on boundaries, daylight to existing windows, north facing windows, overshadowing of open space, overlooking and noise impacts would apply; but
  - all other Clause 55 standards relating particularly to site layout and building massing, onsite amenities and facilities, and detailed design would not apply.

- 2.13 Importantly the proposed Clause specifies that:

- A planning permit application could be made to vary any of the ‘requirements to be met’ (outlined in Clause 52.xx-3); and
- An application which meets all of the stated requirements (Clause 52.xx-3) would be exempt from the notice requirements and applications for review.

- 2.14 The draft provisions would override other requirements in a planning scheme where a similar requirement is outlined in a zone or an overlay, except where the following overlays apply:

- Heritage Overlay,
- Floodway Overlay
- Land Subject to Inundation Overlay
- Special Building Overlay
- Bushfire Management Overlay.

### 3. DISCUSSION / ISSUE

- 3.1 Housing choice and the need to provide high quality aged accommodation for the aged is an important issue for Manningham, where the number of aged persons in Manningham is higher than Greater Melbourne. The 2016 census shows that Manningham's population aged 60+ was 27% compared to 19% for Greater Melbourne.
- 3.2 It is recognised that there are currently difficulties associated with assessing an application for an RACF in the same way as other residential buildings, however there are a number of areas of concern in relation to the changes being proposed.

#### Key Issues

##### Lack of design and amenity requirements

- 3.3 The proposed requirements provide minimal design requirements and insufficient guidance to achieve quality aged accommodation outcomes, particularly in relation to amenity considerations, such as open space, solar access etc., which are matters which contribute to the liveability of a RACF for those who reside and work within them.

##### Lack of locational requirements

- 3.4 The draft provisions focus on built form objectives but do not address locational factors. The State Planning Policy Framework (Clause 16.02-4) provides policy direction for the location and design of residential aged care facilities and encourages such development to be located in residential areas and activity centres, close to services and public transport. Council's local planning policy (Residential Accommodation - Clause 22.04) provides more specific guidance by encouraging aged accommodation in a Residential Growth Zone, General Residential Zone in areas accessible to services and public transport. It is noted that B2 of Clause 55 addresses the need to support medium densities in areas serviced by public transport and accessible to community facilities. Whilst the State provisions address the need to focus increased densities in areas close to services and public transport, the proposed control overlooks this important matter.

##### Lack of consideration of neighbourhood character issues

- 3.5 Presently, the proposed controls are drafted in a way that would mean that an RACF would be assessed in exactly the same way in all the residential zones in Manningham with no regard for the differences between those zones and overlays (such as the Design and Development Overlay Schedule 8) which have been designed largely in response to neighbourhood and landscape character and proximity (or otherwise) to main roads and activity centres.
- 3.6 As illustrated in the second table in **Attachment 2**, the maximum height of 13.5 metres and maximum site coverage of 80% would exceed the maximums specified in all of Manningham's residential zones other than the Residential Growth Zone. In the General Residential Zone, for example, where higher density residential development can currently be permitted in some locations, the height of that development must not exceed 11 metres, or the site coverage

should not exceed 60%. The proposed provisions for RACF are that the building height should not exceed 13.5 metres and site coverage should not exceed 80%.

#### Minimum Land Area

- 3.7 The proposed control does not specify a minimum lot size. It is considered that this requirement is needed to ensure that the size and scale of development is appropriate having regard to neighbourhood character issues.

#### Council's Residential Accommodation Policy

- 3.8 The proposed controls 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 with specific site attributes and at the same time indicates that the Neighbourhood Residential and Low Density Residential Zones are not preferred locations for such facilities.
- 3.9 If these changes relating to residential aged care facilities are introduced in their current form, Clause 22.04 would need to be reviewed to remove any inconsistencies or repetition.

#### Exemption from advertising

- 3.10 Under the proposed controls, if an application for a RACF meets all of the specified requirements then it would be exempt from advertising.
- 3.11 Given the significant difference between the height, site coverage and Clause 55 standards which would apply to RACF vs other residential development which could be applied for in the residential zones, it is considered unreasonable that such applications be exempt from advertising and related rights of objection and appeal.
- 3.12 The purposes of Clause 52.xx include to recognise that residential aged care facilities have a different scale and built form to the surrounding neighbourhood and to ensure that such facilities do not adversely impact on the amenity of the adjoining neighbours. Given that the appearance, density and function of a RACF is significantly different to a single, and even multiple, dwellings on a lot, residents should be given the opportunity to have input into the planning process.

#### Residential aged care facilities in excess of four storeys

- 3.13 There is currently a lack of guidance in Planning Schemes in relation RACF above four storeys in height and that would continue, despite the currently proposed changes.
- 3.14 Manningham has considerable experience with assessing residential aged care facilities and retirement villages, given a considerable number of facilities currently exist in the municipality. Rather than having a low level, multi-storey building that is of a domestic scale, a number of more recent proposals have been submitted for approval comprising four or more storeys and consist of a combination of aged care and a retirement village.



- 3.15 It is noted that proposed Clause 52.xx requires a development to meet specific Clause 55 requirements, however these only apply to development up to and including four storeys, therefore there is no guidance for a development comprising five storeys or more. Whilst apartment standards are outlined in Clause 58 of the Manningham Planning Scheme, these provisions do not and will not apply to a residential aged care facility, or a retirement village, because of the way different uses are defined and grouped in the VPPs (Clause 75.01). Given the recent strengthening of apartment standards, it is considered that similar high standards should be applicable for the housing of our aged residents when it takes a higher built form.

#### Retirement villages

- 3.16 It is considered that the review of the planning controls misses a significant opportunity to review broader accommodation options for older persons, such as Retirement Villages.
- 3.17 It is acknowledged that the State Government is seeking to facilitate residential aged care facilities to enable residents to 'age in place,' however the whole concept of ageing in place is broader than RACF and encompasses facilities such as retirement villages, that offer full priced accommodation with a lower level of care, for retired people or the aged.
- 3.18 Under the Manningham Planning Scheme, Retirement Village is defined as '*Land used to provide permanent accommodation for retired people or the aged and may include communal recreational or medical facilities for residents of the village*'. However there are no VPP provisions or guidance relating to how to assess a planning application for this use. It is noted that the Manningham Planning Scheme has a policy at Clause 22.04 entitled 'Residential Accommodation' that provides general policy guidance for a range of uses including group accommodation, residential buildings, residential villages and retirement villages.
- 3.19 Given the synergy between a RACF and a retirement village, it is considered that DELWPs current review needs to be broadened to address both uses. Furthermore, guidance needs to be provided in relation to building height and setbacks; internal amenity issues, to provide an attractive environment for residents; environmental sustainability, to ensure that the buildings operate efficiently (in terms of energy consumption, water usage, ventilation, solar access to communal outdoor open spaces); and landscape treatment, to provide a transition between an aged care facility/ retirement village and the surrounding streetscape.

## **4. COUNCIL PLAN / STRATEGY**

- 4.1 The response to the proposed VPP reforms to Residential Aged Care Facilities relates to the following Council Plan items:

Theme – Healthy Community – Goal 1.2 Connected and Inclusive Community  
Action Area – Housing Choices that meet the needs of our community

Theme – Liveable Places and Spaces – Goal 2.1 Inviting Places and Spaces  
Action Area – Managing impact of growth and density on amenity.

## 5. IMPACTS AND IMPLICATIONS

- 5.1 The proposed VPP reforms address meeting minimum design standards but fail to address important amenity issues outlined in Res Code (Clause 55), such as the provision of open space, solar access etc, all of which contribute to liveability.
- 5.2 Council has done extensive strategic planning work to manage residential change in the municipality. The Manningham Residential *Strategy* (2002) - revised (2012), encourages increasing residential development in areas located close to activity centres and along specified main roads, where services, employment and transport are available. This policy direction has been translated into the Manningham Planning Scheme in the form of the Design and Development Overlay – Schedules 8 and 9 (DD08 and DD09), which came into operation in 2007 (Amendment C50) and refined in 2014 (Amendment C96).
- 5.3 Presently, the proposed changes to the VPP are drafted in a way that would mean that an RACF would be assessed in exactly the same way in all the residential zones in Manningham, with no regard for the differences between those zones and overlays (such as DDO8 and DDO9).
- 5.4 The proposed controls do not specify a minimum lot size. It is considered that this requirement is needed to ensure that the size and scale of development is appropriate having regard to neighbourhood character issues.
- 5.5 The proposed controls do not address locational factors, which is a significant weakness, as it means a RACF could potentially be developed on any lot included in a Neighbourhood Residential Zone, General Residential Zone and Residential Growth Zone without having regard to Council's local planning policy (Residential Accommodation - Clause 22.04) that specifically encourages aged accommodation in a Residential Growth Zone, General Residential Zone in areas accessible to services and public transport.

## 6. IMPLEMENTATION

- 6.1 Council officers became aware of DELWP's proposed reforms to RACF via a weekly State Government e-bulletin 'Planning Matters'. No formal notification was sent to Council. The proposed reforms were advertised over the Christmas period from mid-December 2017 to February 2018.
- 6.2 In the draft letter sent to DELWP on 15 February 2017, Council expressed its disappointment that Council was not directly notified of the proposed reforms with comments being sought in a period which included the Christmas and summer holiday period.
- 6.3 The Department of Land, Water and Planning was seeking feedback on the proposed reforms by Friday 16 February 2018.
- 6.4 Given the Council meeting schedule, a draft response was provided on Thursday 15 February, with advice that a formal council submission would be lodged following the Council meeting on 27 March 2018.

## 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.



## Facilitating Residential Aged Care Development

Proposed reforms to the *Victoria Planning Provisions*

DECEMBER 2017

Feedback is invited on proposed changes to the *Victoria Planning Provisions* (VPP) to facilitate the development of Residential Aged Care Facilities (RACF).

### Purpose

The Minister for Planning has requested the Department of Environment, Land, Water and Planning to prepare draft changes to the VPP and all planning schemes to support appropriately designed and located RACF developed in established residential areas to cater for an ageing population.

### The need for change

By 2051 it is estimated that 27% of all Victorians will be older than 60. The middle and outer suburban areas of metropolitan Melbourne will experience the largest proportion of this projected change.

The responsibility for the planning, delivery and funding of health and ageing services is a shared responsibility between all levels of government, the private sector and the not-for-profit sector.

Victoria's primary policy objective is to ensure that access to aged care services is available for all those who need them within the communities which they live.

### Policy context

In March 2017, the Victorian Government released the housing strategy, *Homes for Victorians* to provide certainty in planning and housing supply and to coordinate cross-government issues to achieve housing affordability, access and choice. *Homes for Victoria* complements *Plan Melbourne 2017 – 2050* which focuses on the need to streamline approvals processes for specific housing types including RACF development to ensure that future community needs are met.

In July 2016, the *Managing Residential Development Advisory Committee – Residential Zones Review* identified the need for residential zones to provide greater support and flexibility. The Committee concluded that:

- There is strong planning policy support at a State level to facilitate RACF development and to enable 'ageing in place'.
- The maximum building height controls in the current suite of residential zones do not support State planning policy support for facilitating RACF development.
- RACFs should be excluded from mandatory maximum building height requirements and some ResCode requirements.
- A working group, with representatives from industry, peak bodies, councils and state government, has been established to provide advice in developing new RACF planning controls to ensure their timely and cost effective delivery.



Department of Environment, Land, Water and Planning

### How are RACFs currently considered in the VPP?

The State Planning Policy Framework via Clause's 16.02-3 and 16.02-4 outline the following objectives with regard to RACFs:

- To facilitate the timely development of RACFs to meet existing and future need; and
- To encourage well-designed and appropriately located RACFs.

An RACF is defined at Clause 74 of the VPP as:

*"Land used to provide accommodation and personal or nursing care for the aged. It may include recreational, health or laundry facilities and services for residents of the facility"*

The RACF definition is nested under 'Residential building' and includes 'nursing home' within the overarching 'Accommodation' group of land use terms.

A RACF is also defined by the Building Code of Australia as a Class 9c building, with the following general description outlined in Practice Note 2014-30 issued by the Victorian Building Authority:

*"RACF buildings may house children, disabled or aged persons, who need physical assistance in conducting their daily activities, and help to evacuate the building during an emergency. The BCA classification will depend on the building size, population and resident characteristics."*

The use of land for a RACF does not require permit (as-of-right) within the following residential zones (the zones):

- Neighbourhood Residential Zone
- General Residential Zone
- Residential Growth Zone
- Mixed Use Zone
- Township Zone

Currently a permit is required for the building and works component of a RACF proposal due to its definitional relationship with 'Residential building' within the zones. As a result, a RACF proposal must be assessed under the full building and works requirements of the zones which include assessment against the requirements found in ResCode (Clause 55) of the VPP and any mandatory building height, minimum garden area, or any other requirement outlined within the zones.

A RACF proposal is a section 2 use (permit required) within the Low Density Residential Zone. A permit for buildings and works is required for any section 2 use.

### What changes are proposed?

The following reforms are proposed to the VPPs and all planning schemes:

1. At Clauses 74 and 75, relocate the definition of 'Residential aged care facility' from under 'Residential Building' to under 'Accommodation' and remove 'Nursing home' as a defined use.
2. Introduce a new RACF focused Particular Provision at Clause 52 (the draft provision).

### Why relocate the definition?

The current location of the RACF definition of Clause 75.01 under 'Residential building', means an assessment against Clause 55 (ResCode) is required for buildings and works within the zones.

Relocating the RACF definition to under 'Accommodation' will mean that the use will remain as-of-right and an assessment of the buildings and works component is moved from the zones to the draft provision.

### What is the scope of the draft provision?

The draft provision will apply to the use and development for a RACF:

- as defined at Clauses 74 and 75 of the VPP; and
- within the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone.

The draft provision will override other requirements in a planning scheme where a similar requirement is outlined in a zone or an overlay except where the following overlays apply:

- Heritage Overlay
- Floodway Overlay
- Land Subject to Inundation Overlay
- Special Building Overlay
- Bushfire Management Overlay

Other requirements outlined in a zone or overlay, such as vegetation or buffer protections etc, will continue to apply.

### How will a RACF be considered under the draft provision?

A planning permit will be required for buildings and works associated with a RACF. A RACF will be required to meet a suite of requirements which are aimed at reducing impacts on neighbouring amenity and other matters which include:

- maximum front fence height
- maximum building heights not exceeding 13.5 metres

Department of Environment, Land, Water and Planning

- car parking provided at 0.3 car spaces to each lodging room
- site area covered by buildings, including driveways, pedestrian path and area set aside for car parking, not exceeding 80 per cent of the site area
- meeting the following standards from ResCode (Clause 55):
  - B6 'Street setback' (excludes porte cochere)
  - B17 'Side and rear setbacks'
  - B18 'Walls on a boundary'
  - B19 'Daylight to existing windows'
  - B20 'North facing windows'
  - B21 'Overshadowing open space'
  - B22 'Overlooking'
  - B24 'Noise impacts'
  - B27 'Daylight to new windows'
- building entry point (including a porte cochere) to:
  - have direct access from a street
  - be sheltered from the weather
  - have convenient access from on-site car parking
- accessways designed to the satisfaction of the relevant road authority.

A permit may be granted to vary any of these requirements.

### How have these requirements been determined?

In 2012, a working group provided advice to the then Minister for Planning on the proposed requirements to streamline RACF within the VPPs.

That working group and overall process undertook a thorough assessment of the requirements contained within Clause 55 of the VPP in consultation with the RACF industry and local government to determine what requirements were needed for appropriate consideration and assessment of RACFs.

In September 2017, the project working group was reformed to reconsider those conclusions and other matters that have since emerged to inform the draft provision.

### Exemption from notice and review

The *Planning and Environment Act 1987* requires a responsible authority to decide whether to give notice of a permit application unless the planning scheme directs otherwise.

The draft provision proposes to exempt notice of an application being given if all requirements listed in the draft provision are met.

Where a requirement is to be varied, the responsible authority will have the discretion to consider the appropriateness of the variation and determine whether notice of an application is required to be given.

### How do I provide feedback?

The Minister for Planning will consider stakeholder feedback in deciding whether to introduce the reforms to the Victorian Planning Provisions and all planning schemes.

For more information on the proposed reforms, copies of the draft provision and to provide feedback visit: [www.planning.vic.gov.au/residential-aged-care](http://www.planning.vic.gov.au/residential-aged-care)

Feedback must be provided by **5:00pm Friday, 16 February 2018**.

For more information, please email: [planning.systems@delwp.vic.gov.au](mailto:planning.systems@delwp.vic.gov.au). Or call the Victorian Government Contact Centre: 1300 366 356.

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## CONSULTATION DRAFT

**52.XX RESIDENTIAL AGED CARE FACILITY**

--A--  
Proposed  
Provision

**Purpose**

To facilitate the development of Residential aged care facilities.

To recognise that Residential aged care facilities have a different scale and built form to the surrounding neighbourhood.

To ensure Residential aged care facilities do not adversely impact on the amenity of adjoining neighbours.

**52.XX-1**

--A--  
Proposed  
Provision

**Scope**

This clause applies to the construction of a building or the construction or carrying out of works associated with a Residential aged care facility in a:

- Neighbourhood Residential Zone
- General Residential Zone
- Residential Growth Zone
- Mixed Use Zone
- Township Zone

If a zone, overlay or schedule specifies a different requirement from any requirement in this clause, the requirements in this clause apply except where a Heritage Overlay, Floodway Overlay, Land Subject to Inundation Overlay, Special Building Overlay or a Bushfire Management Overlay applies.

**52.XX-2**

--A--  
Proposed  
Provision

**Permit requirements**

A permit is required to construct a building, or construct or carry out works associated with a Residential aged care facility.

**52.XX-3**

--A--  
Proposed  
Provision

**Requirements to be met**

The following requirements must be met:

- A front fence within 3 metres of a street must not exceed 1.5 metres in height.
- The building height must not exceed 13.5 metres.
- Car parking must be provided at the rate of 0.3 car spaces to each lodging room.
- The site coverage, including a driveway, pedestrian path, and an area set aside for car parking, must not exceed 80 per cent of the site area.
- The following standards found at Clause 55 of this scheme:
  - B6 'Street setbacks' (does not include a porte cochere.)
  - B17 'Side and rear setbacks'
  - B18 'Walls on a boundary'
  - B19 'Daylight to existing windows'
  - B20 'North facing windows'
  - B21 'Overshadowing open space'
  - B22 'Overlooking'
  - B24 'Noise impacts'
  - B27 'Daylight to new windows'
- The main entry to a building (including a porte cochere) must be designed to:
  - Have direct vehicle and pedestrian access from a street.
  - Be sheltered from the weather.

## CONSULTATION DRAFT

- Have convenient pedestrian and vehicle access from on-site car parking.
- Access ways designed to the satisfaction of the relevant road authority.

**52.XX-4 Variation to a requirement**

--/-----  
Proposed  
Provision

A permit may be granted to vary any of the requirements of Clause 52.XX-3.

**52.XX-5 Information requirements**

--/-----  
Proposed  
Provision

An application must be accompanied by the following information as determined by the responsible authority:

- A design response which explains how the proposed development responds to the site and context description and responds to the requirements of this clause.
- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A proposed site and layout plans, drawn to scale and fully dimensioned showing:
  - Site shape, size, orientation and easements.
  - Existing levels of the site and the difference in levels between the site and surrounding properties.
  - Location of existing buildings to be retained.
  - The location of buildings, secluded private open space and habitable room windows of surrounding properties which have an outlook to the site within 9 metres.
  - Proposed levels of the site and the difference in levels between the site and surrounding properties.
  - The location and layout of all proposed buildings, habitable room windows including finished floor levels and setbacks.
  - Proposed landscaping and open space areas.
  - Proposed crossovers, driveways, onsite car parking, service and delivery areas.
  - All external storage, waste areas and services.
- An elevation plan, drawn to scale showing the height, colour and materials of all buildings and structures.
- Shadow diagrams showing proposed shadows.

**52.XX-6 Exemption from notice and review**

--/-----  
Proposed  
Provision

An application which meets all of the requirements of Clause 52.XX-3 is exempt from the notice requirements of section 52(1) (a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

**52.XX-7 Decision guidelines**

--/-----  
Proposed  
Provision

Before deciding on an application, in addition to the decision guidelines in Clause 65, 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.
- Whether the permit requirements outlined in Clause 52.XX-3 have been met.
- How the proposed development responds to the site and context description.
- The impact of any building height above 13.5 metres, when viewed from the street and/or a side street.
- The impact of any reduced on-site car parking on neighbouring streets and associated traffic management.
- The impact on the amenity of existing dwellings and proposed amenity for future residents.

## Residential Aged Care Facilities – Proposed Changes

## Applicability of Clause 55 (Res Code) – Two or More Dwellings on a Lot

Name of Provision	Standard	Included in RACF Particular Provision?
<b>Neighbourhood Character &amp; Infrastructure</b>		
Neighbourhood Character	B1	X
Residential – Supporting medium density development	B2	X
Dwelling diversity	B3	X
Infrastructure	B4	X
Integration with street	B5	X
<b>Site Layout &amp; Building Massing</b>		
Street setback	B6	✓
Building height	B7	X
Site coverage	B8	X
Permeability	B9	X
Energy efficiency	B10	X
Open space	B11	X
Safety	B12	X
Landscaping	B13	X
Access	B14	X
Parking location	B15	X
<i>No standard</i>		
<b>Amenity Impacts</b>		
Side and rear setbacks	B17	✓
Walls on boundaries	B18	✓
Daylight to existing windows	B19	✓
North-facing windows	B20	✓
Overshadowing open space	B21	✓
Overlooking	B22	✓
Internal views	B23	X
Noise Impacts	B24	✓
<b>On-site amenity and facilities</b>		
Accessibility	B25	X
Dwelling entry	B26	X
Daylight to new windows	B27	✓
Private open space	B28	X
Solar Access to open space	B29	X
Storage	B30	X
<b>Detailed Design</b>		
Design detail ie façade treatment, window and door proportion	B31	X
Front fences	B32	X
Common property	B33	X
<b>Apartment Developments</b>		
Site Services	B34	X
Energy efficiency	B35	X
Communal open space	B36	X
Solar access to communal outdoor open space	B37	X
Deep soil and canopy trees objective	B38	X
Integrated water and stormwater management	B39	X
Noise impacts	B40	X
Accessibility	B41	X
Building entry and circulation	B42	X
Private open space above ground floor	B43	X
Storage	B44	X
Waste and recycling	B45	X
Functional layout	B46	X
Room Depth	B47	X
Windows	B48	X
Natural ventilation	B49	X



**Residential Aged Care Facilities – Proposed Changes****Maximum Building Height and Site Coverage**

The proposed new Residential Aged Care Facility particular provision includes the following requirements in relation to building height and site coverage (which can be varied with a permit):

- a maximum building height of 13.5 metres; and
- maximum site coverage, including a driveway, pedestrian path, and an area set aside for car parking, of 80% of the site area.

<b>Zone</b>	<b>Building Height</b>	<b>Site Coverage</b>
<b>Neighbourhood Residential Zone (State Control)</b>	As specified in the schedule or <u>must</u> not exceed 9 metres and 2 storeys	As specified in the schedule or CI Standard B8 ( <u>should</u> not exceed 60%)
Schedule 1 Residential Areas with Predominant Landscape Features or Lower Housing Densities	None specified so <u>must</u> not exceed 9 metres and 2 storeys	None specified so B8 applies
<b>General Residential Zone (State Control)</b>	As specified in the schedule or <u>must</u> not exceed 11 metres and 3 storeys	As specified in the schedule or Standard B8 ( <u>should</u> not exceed 60%)
Schedule 1 Residential Areas Removed from Activity Centres and Main Roads	<u>Must</u> not exceed 9 metres or 10 metres on sloping site	None specified so B8 applies
Schedule 2 Residential Areas Surrounding Activity Centres and Along Main Roads (Subprecincts A & B)	None specified so <u>must</u> not exceed 11 metres and 3 storeys	None specified so B8 applies
Schedule 3 Post 1975 Residential Areas	None specified so <u>must</u> not exceed 11 metres and 3 storeys	None specified so B8 applies
<b>Residential Growth Zone (State Control)</b>	As specified in the schedule or <u>should</u> not exceed 13.5 metres	As specified in the schedule or CI Standard B8 ( <u>should</u> not exceed 60%)
Schedule 1 Eastern Golf Course Site	<u>Must</u> not exceed 11 metres where land further than 70 metres from Doncaster Road	None specified so B8 applies
Schedule 2 Residential Areas Along Main Roads	None specified so <u>should</u> not exceed 13.5 metres	None specified so B8 applies
Schedule 3 Residential Areas Surrounding Prominent Intersections and/or Interfacing Commercial Areas	<u>Must</u> not exceed 13.5 metres	None specified so B8 applies
<b>Mixed Use Zone (State Control)</b>	<u>Must</u> not exceed that specified in the schedule	As specified in the schedule or CI Standard B8 ( <u>should</u> not exceed 60%)
Schedule 1 Manningham Mixed Use Areas	None specified	None specified so B8 applies

File ID: CO18/16917

28 March 2018

Planning.systems@dewlp.vic.gov.au

Dear Sir/Madam

### **Response to Facilitation of Residential Aged Care Development**

Further to its Council meeting on 27 March 2018, this letter represents Council's formal response to the proposed changes to the Victoria Planning Provisions relating to the above matter. This letter is further to Council's draft response that was submitted on 16 February to meet Department of Environment Land Water and Planning's (DELWP's) prescribed timeline.

The proposed reforms represent significant changes to the planning controls relating to RACF which impact all municipalities across Victoria. It is imperative that all Councils are made aware of the proposed changes, particularly given that RACF will become a more prevalent form of accommodation as the population continues to age.

Housing choice and the provision of accommodation for the aged is an important issue for Manningham where the number of aged persons in Manningham is higher than Greater Melbourne. The 2016 census shows that Manningham's population aged 60+ was 27% compared to 19% for Greater Melbourne.

Whilst Council is pleased that the Minister is seeking to streamline the approval process to support appropriately designed RACF, Council has a number of concerns, as outlined below.

#### *Lack of design and amenity standards*

Whilst Council appreciates that it may be onerous for a RACF to be assessed against all provisions of Clause 55 (as is currently the case), it is considered that the provisions have been reduced to address only minimum design standards. The proposed controls address: site coverage, building height, car parking, building setbacks, and limited amenity protection for adjoining properties, such as overlooking and overshadowing.

Important Clause 55 standards that contribute to liveability that should be included in any provision for a RACF are:

- Provision of public open space;
- Solar access to public open space;
- Landscaping; and
- Energy efficiency.

#### *Lack of locational requirements*

The draft provisions focus on built form objectives but is silent on locational factors. The State Planning Policy Framework (Clause 16.02-4) provides policy direction for

the location and design of residential aged care facilities and encourages such development to be located in residential areas and activity centres, close to services and public transport. Council's local planning policy (Residential Accommodation - Clause 22.04) provides more specific guidance by encouraging aged accommodation in a Residential Growth Zone, General Residential Zone and in areas accessible to services and public transport. It is noted that B2 of Clause 55 addresses the need to support medium densities in areas serviced by public transport and accessible to community facilities.

Council has done extensive strategic planning work to manage residential change in the municipality. The Manningham Residential Strategy (2002) - revised (2012), encourage increasing residential development in areas located close to activity centres and along specified main roads, where services, employment and transport are available. This policy direction has been translated into the Manningham Planning Scheme in the form of the Design and Development Overlay – Schedules 8 and 9 (DD08 and DD09), which came into operation in 2007 (Amendment C50) and refined in 2014 (Amendment C96).

Presently, the proposed controls are drafted in a way that would mean that an RACF would be assessed in exactly the same way in all the residential zones in Manningham with no regard for the differences between those zones and overlays (such as the Design and Development Overlay – Schedule 8) which has been designed largely in response to neighbourhood and landscape character and proximity to main roads and activity centres.

The maximum height of 13.5 metres and maximum site coverage of 80% would exceed the maximums specified in all of Manningham's residential zones other than the Residential Growth Zone. In the General Residential Zone, where higher density residential development can currently be permitted in some locations, the height of that development must not exceed 11 metres, or the site coverage should not exceed 60%. Similarly, the Neighbourhood Residential Zones specifies a maximum height of nine metres and two storeys. This varies substantially from the proposed provisions for the RACF that specifies that the building height should not exceed 13.5 metres and site coverage should not exceed 80%.

#### *Council's Residential Accommodation Policy*

The proposed controls would conflict with Council's Residential Accommodation Policy (Clause 22.04) which specifically directs RACF to the Residential Growth and General Residential Zones. This policy also identifies that the Neighbourhood Residential and Low Density Residential Zones are not preferred locations for such facilities.

#### *Minimum Land Area*

The proposed control does not specify a minimum lot size. It is considered that this requirement is needed to ensure that the size and scale of development is appropriate having regard to neighbourhood character issues.

*Residential Aged Care Facilities in Excess of Four Storeys*

It is noted that the proposed provisions apply to a development up to four storeys. Presently there is no guidance to assess a RACF above four storeys and this will continue.

*Exemption from Advertising*

There is particular concern is that if a proposal meets all the specified requirements then a planning application is exempt from being advertised, and thus removes the community's right to object to an application or appeal Council's decision. Given that the appearance, site coverage, density and function of a RACF is significantly different from a single dwelling, and even multiple dwellings, on a lot, residents should be given an opportunity to have input into the planning process. The different built form outcome of a RACF is acknowledged in one of the objectives of the proposed Clause 52.xx that states:

*'To recognise that Residential aged care facilities have a different scale and built form to the surrounding neighbourhood.'*

*Retirement Villages*

It is considered that the review of the planning controls misses a significant opportunity to review broader accommodation options for older persons, such as Retirement Villages. It is acknowledged that the State Government is seeking to facilitate residential aged care facilities to enable residents to 'age in place', however the whole concept of ageing in place is broader than RACF and encompasses facilities such as retirement villages. Presently there are no VPP provisions or guidance relating to how to assess a planning application for this use.

Given the synergy between a RACF and a retirement village, it is considered that DELWPs current review needs to be broadened to address both uses. Furthermore, guidance needs to be provided in relation to the following:

- Location;
- Building height and setbacks;
- Internal amenity issues, to provide an attractive environment for residents;
- Environmental sustainability, to ensure that the buildings operate efficiently (in terms of energy consumption, water usage, ventilation, solar access to communal outdoor open spaces); and
- Landscape treatment, to provide a transition between an aged care facility/ retirement village and the surrounding streetscape.

Manningham has considerable experience with assessing residential aged care facilities and retirement villages, given a considerable number of facilities currently exist in the municipality. Rather than having a low level, multi-storey building that is of a domestic scale, a number of more recent proposals have

been submitted for approval comprising four or more storeys and consist of a combination of aged care and a retirement village.



Manningham officers would be happy to meet with relevant representatives of DELWP to discuss specific planning applications to help explain the form of development that is being currently being sought and the limitations officers face with the existing planning controls. It is considered that this may help develop controls that would deliver quality aged accommodation that promotes health and well-being for its occupants, and would be appropriate within the streetscape context.

Yours sincerely



**VIVIEN WILLIAMSON**  
**Manager, City Strategy**

## 10.2 Heritage Advisory Committee - Review of Terms of Reference

File Number:	IN18/101
Responsible Director:	Director City Planning
Attachments:	1 Heritage Advisory Committee Terms of Reference January 2014 <a href="#">↓</a> 
	2 Revised Terms of Reference March 2018 <a href="#">↓</a> 

### EXECUTIVE SUMMARY

*The purpose of this report is to seek Council approval for revised Terms of Reference for Council's Heritage Advisory Committee and to advertise for new community representatives to serve the next three year term of that Committee.*

*The purpose of the Heritage Advisory Committee is to provide advice to Council on the conservation, promotion of, and education about, heritage places within the municipality.*

*The Committee currently comprises one Councillor appointed by Council, one representative each from the Doncaster and Templestowe Historical Society and Warrandyte Historical Society and two community representatives.*

*Consistent with a number of other Council Advisory Committees, it is proposed to revise the Terms of Reference of the Committee in accordance with Council's Advisory Committees Policy adopted in July 2017.*

*The key changes proposed to the Terms of Reference include:*

- *Changes to the membership of the Committee to include a representative of the Wonga Park History Group;*
- *Reducing the number of community representatives from three to two;*
- *Inclusion of clauses relating to nomination, conflict of interest; code of conduct; support provided by Council and reporting; and*
- *Inclusion of a requirement for review of the terms of reference and the role, function and membership and productivity of the Committee once every four years.*

*Given that the two current community representative members of the Committee have served terms of over ten years, it is proposed that nominations be called for new community representatives following the next meeting of the Heritage Advisory Committee in May, 2018.*

### 1. RECOMMENDATION

**That Council:**

- Endorses the revised Terms of Reference for the Heritage Advisory Committee (Attachment 2).**
- Notes that the Heritage Advisory Committee is deemed a Special Committee as required under the Deductible Gift Recipients program for tax deductibility purposes.**

- C. Notes that an advertisement for nominations for the two community representative positions will appear in Manningham Matters, Manningham Leader, Warrandyte Diary and the Council website in May 2018.
- D. Notes that the Doncaster and Templestowe Historical Society, Warrandyte Historical Society and Wonga Park History Group will be asked to confirm their representatives for the next three year term of the Heritage Advisory Committee.
- E. Notes that the current representatives will be thanked for their contribution to the Heritage Advisory Committee and will be informed of the advertisement for nominations.

## 2. BACKGROUND

- 2.1 Council established the Heritage Advisory Committee (HAC) in 1990 to oversee the Doncaster and Templestowe Heritage and Archaeological Studies. The Committee was also involved in the preparation of the Wonga Park Heritage Study. During the preparation of the Wonga Park Study, the Committee comprised one Councillor and eight community representatives, in addition to Council Officers.
- 2.2 The role of the Heritage Advisory Committee has expanded since its establishment to include consideration of applications under Council's Heritage Restoration Fund. Other roles of the Committee have included the initiation and review of policy development, promotion of the benefits of local heritage conservation and education of the community with respect to local heritage matters. Since 2010/11 the HAC has also provided input into Manningham's Heritage Week celebrations.
- 2.3 Over the life of the Committee a number of changes have been made to its terms of reference, as summarised in the table below:

Date	Key Changes
July 2006	<ul style="list-style-type: none"> <li>• Role of Committee broadened to include promotion and education.</li> <li>• Additional criteria for selection of community representation including interest in and knowledge of flora and fauna and interest in and knowledge of local industrial history (mining).</li> <li>• Number of community representatives reduced from four to three.</li> </ul>
May 2011	<ul style="list-style-type: none"> <li>• Restriction to three community representatives removed.</li> <li>• Selection criteria for community representatives changed to refer to representation from across the suburbs of the municipality.</li> <li>• Additional clause included to allow the Committee from time to time to co-opt additional representatives to provide</li> </ul>

Date	Key Changes
	<p>expertise and input relating to heritage matters.</p> <ul style="list-style-type: none"> <li>• Additional provision to allow Committee members (with the exception of community representatives) to nominate a proxy to attend a meeting on their behalf.</li> </ul>
January 2014	<ul style="list-style-type: none"> <li>• Changes to the role of the Committee to also include: <ul style="list-style-type: none"> <li>○ To provide advice to Council on the promotion and marketing of places of heritage significance.</li> <li>○ To provide an advocacy role for heritage matters.</li> <li>○ Recommend to Council new heritage places for inclusion in heritage citations.</li> </ul> </li> <li>• Changes to the selection criteria for community representation to include residents with knowledge of cultural and indigenous history.</li> <li>• Additional provisions in relation to the way in which nominations for community representatives will be sought and assessed.</li> <li>• Specification of the term of community representatives as generally four years.</li> </ul>

2.4 The current terms of reference for the HAC are included as **Attachment 1**.

2.5 The stated purpose of the Committee is to “provide advice to Council on the conservation, promotion of, and education about, heritage places within the municipality”.

2.6 The Committee meets as required but approximately four times each year and its current membership includes:

#### Councillors

- One Councillor appointed by Council – currently Cr Piccinini

#### Council officers (no voting rights)

- Council’s Heritage Advisor
- Council’s Heritage Planner

#### Specialist and community representation

- A representative from the Doncaster & Templestowe Historical Society
- A representative from the Warrandyte Historical Society
- Community representation from across the municipality (currently two representatives).



### 3. DISCUSSION / ISSUE

#### Review of Terms of Reference

- 3.1 The Terms of Reference of the Heritage Advisory Committee have been reviewed, in consultation with the current Committee, having regard to Council's *Advisory Committee Policy* adopted in July 2017.
- 3.2 The Terms of Reference have been updated, as shown in **Attachment 2**, to provide consistency with the Terms of Reference for other Council Advisory Committees. The main changes proposed to the current Terms of Reference include:
- Simplification of the purpose and roles and tasks of the Committee;
  - Meetings to be held approximately three (vs four) times per year;
  - Specification of meeting procedures and protocols;
  - Changes to the membership of the Committee to include a representative of the Wonga Park History Group. Since the Committee was first established the Wonga Park History Group has been established as a subcommittee of the Wonga Park Cottage Inc.
  - Reducing the number of community representatives from three to two in order to reflect the additional representative referred to above;
  - Inclusion of clauses relating to nomination, resignation, conflict of interest; code of conduct; relationship to the media, confidential information, support provided by Council and reporting; and
  - Inclusion of a requirement for review of the terms of reference and the role, function and membership and productivity of the Committee once every four years.

#### Appointment of Community Representatives

- 3.3 As outlined in the revised Terms of Reference, Clause 7 Membership Criteria specifies that a maximum of three x three year terms (9 years) should apply.
- 3.4 Two of the current community representatives (one position is currently vacant) have made valuable contributions as members of the Committee for over 10 years.
- 3.5 Accordingly it is proposed to call for new nominations for both community representative positions on the Committee. It is proposed that the nomination process should commence in May 2018 to allow for one more meeting of the existing Committee membership.
- 3.6 At the same time each of the Historical Societies and the History Group referred to in the Terms of Reference will be asked to nominate their representative for membership of the Committee.

**4. COUNCIL PLAN / STRATEGY**

- 4.1 Under the goal of “*A connected and inclusive community*”, the Council Plan 2017-2021 includes the action “*respect, support and celebrate Aboriginal people, culture and heritage*”.
- 4.2 The HAC can assist Council to implement that action.

**5. IMPACTS AND IMPLICATIONS**

- 5.1 The revised Terms of Reference will ensure that the Heritage Advisory Committee can best achieve its purpose of providing advice to Council on the conservation, promotion of, and education about, heritage and heritage places within the municipality.

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

- 6.1 Council staff will provide the necessary administrative and professional support for the Committee.
- 6.2 Council’s appointed Heritage Advisor will also provide professional advice to the Committee.

**Communication and Engagement**

- 6.3 Nominations for the appointment of two community representatives to the Committee will be called by public notice in the local media and the Council website.
- 6.4 Nominees will be required to nominate on the appropriate form within the advertised period.
- 6.5 Appointments to the Committee will be made by Council based on the membership criteria in the revised Terms of Reference.
- 6.6 Current community representatives will be thanked for their contribution to the Heritage Advisory Committee.

**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 City Council**  
**HERITAGE ADVISORY COMMITTEE**

**TERMS OF REFERENCE**

**January 2014**

**1. Purpose of the Committee**

The purpose of the Heritage Advisory Committee is to provide advice to Council on the conservation, promotion of, and education about, heritage places within the municipality.

This includes considering applications received for funding under the Heritage Restoration Fund.

**2. Role of the Committee**

The Heritage Advisory Committee does not have the authority to make decisions on behalf of Council.

The role of the Heritage Advisory Committee is:

- To consider and make recommendations to Council regarding applications for assistance made pursuant to Council's Heritage Restoration Fund.
- Initiate and review policy development and consider strategic policy issues associated with changes to the Manningham Planning Scheme (e.g. reviewing heritage controls, overseeing the preparation of heritage studies, recommending measures to assist in heritage conservation at the local level etc.).
- To promote the benefits of local heritage conservation to the wider community.
- To educate the community with respect to local heritage matters.
- To share information between members of the Advisory Committee relating to the conservation and promotion of heritage places.
- To consider a broader range of community concerns and interests relating to heritage matters.
- To investigate and recommend to Council the initiation of conservation plans for Council owned heritage places, where appropriate.
- To nominate special heritage projects.

- To assist with undertaking and reviewing any responses to consultation associated with heritage based planning scheme amendments or major planning permit applications as appropriate.
- To provide advice to Council on the promotion and marketing of places of heritage significance.
- To provide an advocacy role for heritage matters.
- Recommend to Council new heritage places for inclusion in heritage citations.

### 3. Membership

#### Councillors

- One Councillor appointed by Council

#### Council officers

- Council's Heritage Advisor
- Council Heritage Planner
- Council officers at Advisory Committee meetings do not have voting rights.
- The Committee will be assisted by other Council officers and the officers who attend will vary depending on the issues under discussion.
- Council officers will provide administrative support to the Advisory Group.

#### Specialist and Community Representation

- Specialist and community representation on the Committee will include:
  - Representative from the Doncaster & Templestowe Historical Society
  - Representative from the Warrandyte Historical Society
  - Community representation from across the municipality.
- Membership of the Committee is voluntary and unpaid.
- Community representation will be sought from:
  - Residents with a strong interest in and knowledge of local history, including various aspects of local and physical history, heritage interpretation and education, significant vegetation and landscaping;
  - Residents with interest in and knowledge of local industrial history (mining, orcharding); and
  - Residents with knowledge of cultural and indigenous history.
- Selection criteria when seeking community representatives will include appointment of residents from across the municipality i.e. community representatives will be chosen to provide representation from across the suburbs of the municipality.
- Nominations for community representative positions on the Advisory Committee will be advertised in the Manningham Leader. People will

be given at least two weeks to submit a nomination from the date of the newspaper advertisement. Copies of the Terms of Reference for the Advisory Committee will be made available to potential nominees.

- Nominations received for the community representative positions will be assessed by a sub-committee comprising Councillors and Council officers. The sub-committee will make a recommendation to Council on the membership of the Advisory Group which will then be determined by Council.
- An Advisory Committee member will forfeit their membership if they are absent from 3 consecutive meetings without leave.
- The Advisory Committee may from time to time co-opt additional representatives to provide expertise in relation to heritage matters to support the role of the Committee.
- The length of the term on the Advisory Committee for community representatives will generally be four years.

#### Chairperson

- The Councillor representative will be appointed by Council to the position of Chair of the Group for a period twelve months.
- In the absence of the appointed Chair, the meeting will be chaired by a nominated substitute.

#### **4. Meetings**

The Heritage Advisory Committee will meet as required but approximately four times per year (every three months), or more often as required. More frequent meetings may be required where the Committee is required to deal with specific projects or issues e.g. to oversee a heritage study for the municipality.

All Committee members have an equal right and responsibility to make decisions in relation to matters being decided by the Committee. With the exception of community representatives, members may nominate a proxy to attend a Heritage Advisory Committee meeting on their behalf.

The quorum for the Advisory Committee meeting will be half the total membership plus one.

The Senior Planner/Heritage Planner and Council's Heritage Advisor are expected to attend all meetings of the Heritage Advisory Committee. Other staff members will be invited to attend the meetings of the Heritage Advisory Committee on an 'as needs' basis, should the Committee be considering a matter relating to their expertise and/or project(s).

The Committee's advice will be presented to Council via the appropriate Council Directorate where required e.g. to seek additional funding for projects; to seek support for initiation or implementation of heritage projects.

**5. Transparency and accountability**

The recommendations of the Heritage Advisory Committee will be reported to Council as appropriate and the minutes of each meeting of the Committee will be made available to Council and the Executive Management Team.

The Committee's assessment of applications made under Council's Heritage Restoration Fund must be carried out in accordance with any Council endorsed policies.

The assessment is to be undertaken by Council officers together with the external Committee members only, with the recommendations for funding to be made via a report to a Council meeting for determination.



DRAFT

## Terms of Reference

### Heritage Advisory Committee

<p><b>1. Purpose</b></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><b>2. Roles and tasks</b></p>	<ul style="list-style-type: none"> <li>• To consider and make recommendations to Council in relation to amendments to the Manningham Planning Scheme which relate to heritage matters.</li> <li>• To consider and make recommendations to Council regarding applications received in relation to Council's Heritage Restoration Fund.</li> <li>• 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.</li> <li>• To provide advice to Council in relation to heritage events, community education and programs.</li> </ul>
<p><b>3. Chairperson</b></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><b>4. Decision making</b></p>	<p>The Committee acts in an advisory capacity only and has no delegated authority to make decisions on behalf of Council.</p>
<p><b>5. Meetings</b></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"> <li>• Commence on time and conclude by the stated completion time</li> <li>• Be scheduled and confirmed in advance with all relevant papers distributed to each member</li> <li>• Encourage fair and respectful discussion</li> <li>• Focus on the relevant issues at hand</li> <li>• Provide advice to Council, as far as practicable, on a consensus basis.</li> </ul>
<p><b>6. Membership</b></p>	<p>The Committee will comprise:</p> <ul style="list-style-type: none"> <li>• One Councillor appointed by Council;</li> <li>• One representative from the Doncaster and Templestowe Historical Society;</li> <li>• One representative from the Warrandyte Historical Society;</li> <li>• One representative from the Wonga Park History Group (Subcommittee of Wonga Park Community Cottage Inc); and</li> <li>• Two community representatives appointed by Council.</li> </ul> <p>A quorum for an Advisory Committee meeting is 50% plus one including at least:</p> <ul style="list-style-type: none"> <li>- One Councillor</li> <li>- Two specialist or community representatives</li> </ul> <p>Officers in attendance:</p> <ul style="list-style-type: none"> <li>• Manager City Strategy or representative</li> <li>• Strategic Planner</li> <li>• Council's Heritage Advisor</li> </ul> <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><b>7. Membership Criteria</b></p>	<p>The following membership criteria will be used in making community appointments to the committee:</p> <ul style="list-style-type: none"> <li>• Live within the municipality</li> <li>• 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.</li> <li>• 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</li> <li>• Relevant experience in committees / or demonstrated ability to participate in, and constructively contribute to a group, committee, or organisation</li> <li>• Ability to regularly attend and participate in meetings as scheduled</li> <li>• A mix of skills and attributes to complement other members of the committee</li> <li>• Diversity in terms of gender, age and culture</li> </ul>





	<ul style="list-style-type: none"> <li>• Performance and contribution of members seeking re-nomination</li> <li>• Consideration of staggered appointments to ensure a membership that preserves the balance between old and new</li> <li>• A maximum of three x three year terms (9 years) for community representatives.</li> </ul>
<p><b>8. Nomination Process</b></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><b>9. Resignation</b></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><b>10. Conflict of interest</b></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><b>11. Code of Conduct</b></p>	<p>Committee members must:</p> <ul style="list-style-type: none"> <li>• Act with integrity</li> <li>• Impartially exercise their responsibilities in the interests of the local community</li> <li>• Not improperly seek to confer an advantage or disadvantage on any person, including themselves</li> <li>• Treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of Councillors, committee members and Council officers</li> <li>• 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</li> <li>• Take reasonable care of their own health and safety and that of others</li> <li>• Commit to regular attendance at meetings</li> </ul> <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>



<b>12. Media</b>	<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>
<b>13. Confidential information</b>	<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>
<b>14. Review</b>	<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>
<b>15. Support</b>	<p>The Council will provide the necessary support to assist the committee to function effectively including:</p> <ul style="list-style-type: none"> <li>• Maintaining contact details of members</li> <li>• Preparing and distributing agendas and prior reading material</li> <li>• Preparing and distributing meeting minutes</li> <li>• Circulating other material to committee members as necessary</li> <li>• Preparation of an Assembly of Councillors record as required under the Local Government Act 1989.</li> </ul>
<b>16. Reporting</b>	<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"> <li>• Contain details of the proceedings and outcomes for action</li> <li>• Be clearly expressed and self-explanatory</li> <li>• Incorporate any relevant reports or a summary of the relevant information considered in forming any recommendation</li> </ul> <p>Minutes of all meetings will be published on the Councillor Hub and Manningham Council website.</p>

## 11 ASSETS & ENGINEERING

### 11.1 285-287 George Street, Doncaster - Sale of Part Road Reserve

File Number:	IN18/99
Responsible Director:	Director Assets and Engineering
Attachments:	1 285-287 George Street Aerial Map <a href="#">↓</a> 
	2 Valuation (confidential)

#### EXECUTIVE SUMMARY

*A request has been received from the owner of the property at 285-287 George Street, Doncaster, to purchase a small section of disused road reserve at the front of the property. The section of road is not used as part of the road and footpath infrastructure, and is considered to be superfluous to Council requirements. It is recommended that Council discontinues the section of road and sells it to the abutting owner, subject to satisfying the statutory requirements.*

#### 1. RECOMMENDATION

**That Council:**

- A. Agree to the discontinuation of the section of road reserve at the front of 285-287 George Street, and which is shown on the plan attached to this report and labelled as Attachment 1; and**
- B. Approve the undertaking of the statutory procedures pursuant to Sections 189 and 223 of the Local Government Act 1989 (“the Act”).**

#### 2. BACKGROUND

- 2.1 The property owner of 285-287 George Street, Doncaster, has formally approached Council seeking to purchase the triangular parcel of land at the George Street frontage.
- 2.2 The property at 285-287 George Street comprises two adjoining allotments of approximately 2,068 square metres in land area, and the road reserve in front of that property, which varies in width from 0.0 metres to 3.4 metres, has an area of approximately 58 square metres.
- 2.3 Council officers were surveyed to ascertain whether the section of road reserve in front of the subject property could be considered surplus to Council requirements, and it has been ascertained that it can, with the view that the sale would remove the jagged boundary line along the George Street frontage.
- 2.4 The acquisition of the part road reserve will allow the land owner to develop the land with eight two-storey and part three-storey townhouses, having an acceptable setback from George Street.

**3. DISCUSSION / ISSUE**

- 3.1 If Council resolves that it intends to sell the land, the following actions will take place:
- 3.1.1 A public notice will be published in the Manningham Leader newspaper, advising of Council's proposal to discontinue the section of road and sell the land to the abutting owner, and of a person's right to make a submission.
  - 3.1.2 If there are no submissions, Council will proceed to formally discontinuing the section of road and to sell its land to the abutting owner.
  - 3.1.3 If submissions are made, they will need to be considered and/or heard by a Committee of Council established for that purpose, which would consider the matter and refer to a second report and recommendation to Council.
  - 3.1.4 If Council then resolves to sell the land, a notice will be prepared for publication in the Victorian Government Gazette to discontinue the section of road, and Council's surveyor will be engaged to prepare the necessary plans and its solicitor will be engaged to undertake the transfer of the land.

**4. COUNCIL PLAN / STRATEGY**

- 4.1. Council strategy is to consider such matters on a 'case by case' basis in consultation with relevant service units and other interested parties, in accordance with statutory requirements.
- 4.2 The sale of discontinued roadways by Council to abutting owners must be made on the basis of a fully transparent and equitable process.

**5. IMPACTS AND IMPLICATIONS**

- 5.1 The discontinuance and sale of this section of road reserve is not expected to affect anybody as it has never been used as a roadway.
- 5.2 The existing footpath alignment conceals the fact that a road reserve exists to the north of the footpath.

**6. IMPLEMENTATION**

- 6.1 Finance / Resource Implications
  - 6.1.1 The land that is the subject of this report has been valued by Council's valuers at market value, and the price has been agreed by the prospective purchaser, who has also agreed to pay Council's associated survey and legal costs. Refer to attachment 2.
  - 6.1.2 The valuation has had regard to the development potential of the combined site including the acquisition of the part road reserve.

6.1.3 The proceeds from the sale has not been anticipated in Council's budget.

6.2 Communication and Engagement

A Public Notice in accordance with the Act will be published in the Manningham Leader, advising of Council's intention to discontinue the section of road and to sell it for market value plus costs, providing for the opportunity for any person to make a submission to Council.

6.3 Timelines

It is anticipated that the discontinuance and sale of the land may take at least 3-4 months.

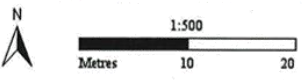
**7. DECLARATIONS OF CONFLICT OF INTEREST**

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

# Map Report



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



05/02/2018 8:31 am

## 12 COMMUNITY PROGRAMS

### 12.1 Community Care Services Update

File Number: IN18/88  
Responsible Director: Manager Social and Community Services  
Attachments: Nil

#### EXECUTIVE SUMMARY

*Council is a provider of community care services to approximately 2,721 Manningham residents. Services are funded through the Victorian Government Home and Community Care Program for Younger People (HACCPYP) for people aged less than 65 years and the Commonwealth Home Support Programme (CHSP) for people aged over 65 years.*

*Council has a current contract with the Commonwealth to provide CHSP services and the State to provide HACCPYP services up until June 2019. The Commonwealth has recently announced its intention to offer extensions to the CHSP agreement up until June 2020. In June 2017, Council decided that it would not register as a service provider under the National Disability Insurance Scheme (NDIS) and continue to provide HACCPYP services to non NDIS eligible people.*

*At this stage, there is no additional financial impacts on Council as a result of program reforms in the aged and disability sector. Advice provided through the Municipal Association of Victoria from Minister Foley indicates that DHHS will recompense HACCPYP providers for lost revenue as a result of being unable to charge fees for NDIS clients and for services provided until clients commence with an alternative provider and that funding to support continuing services for people under 65 who are not NDIS eligible will be available.*

*The results of the Local Government Community Satisfaction Survey in 2017 identifies that the local community values council's role in 'elderly support services' placing it third in importance behind sealed roads and waste management and rating elderly support services in council's top three performing areas. A recent Commonwealth audit confirms this result with council achieving a perfect score on all audit standards related to management, access and user rights.*

*Council has a strong role to play in progressing age and dementia friendly objectives both of which are articulated in council's strategic plans. Council is a signatory to the Victorian Government and MAV Age Friendly Victorian Declaration and through this has a commitment to support processes to create age friendly communities and address barriers which limit the inclusion of older people. There is strong alignment of objectives with the roles council currently plays as service provider, strategic planner and advocate for older people and people with a disability who live and work in the municipality.*

*This report provides an update on changes that continue to impact the community care sector as a result of Commonwealth aged and disability reforms and the transition of eligible clients to the NDIS. Program changes are still being considered by both State and Commonwealth governments post the current agreement period and this means the exact nature and shape of future community care programs remains unclear.*



*Council will need to consider what role or part it wants to play in supporting the local community based on a range of local factors and sustainability of any future model in the longer term. It is recommended that Council continue with its previous objective to support local residents and continue to provide community care services under the current State and Commonwealth Agreements up until 2019/20. It is advised that Council wait and further assess longer term objectives as a potential service provider when it is known from the State and Commonwealth governments how these programs will proceed.*

## **1. RECOMMENDATION**

**That Council:**

- A. supports current HACCPYP clients eligible under the NDIS to transition to alternate NDIS service providers;**
- B. continues to provide HACCPYP services under the current State contract until June 2019 and reviews its ongoing position dependent on any proposed State Government future program;**
- C. continues to provide CHSP services under the current Commonwealth contract until June 2019 and that a proposed CHSP one year extension until June 2020 will be progressed subject to any changed contract terms having no additional financial impact on Council; and**
- D. note that a further report will be provided to Council as information becomes available regarding the future of the HACCPYP and CHSP programs.**

## **2. BACKGROUND**

- 2.1 Council through its Aged and Disability Support Services (ADSS) service unit provides over 136,000 hours of community care services and meals on wheels to approximately 2,721 Manningham residents.
- 2.2 Services delivered include domestic assistance, personal care, respite care, food services, planned activity groups and social support. Council is also a provider of Regional Assessment Services (RAS) for Commonwealth and State programs. About 90% of clients and 82% of the hours of service delivered are for older people aged over 65 years of age.
- 2.3 The Commonwealth Home Support Programme (CHSP) for people aged over 65 years and the State Home and Community Care Program for Younger People (HACCPYP) aged less than 65 years predominantly fund the direct care services and clients pay a fee towards services they receive. Council makes a contribution to the overall operational costs within ADSS including overhead costs, direct care services and council strategic functions related to policy and planning for older residents.

- 2.4 There have been a number of aged and disability reforms driven by the Commonwealth over recent years with the most significant impacts for Council being the rollout of CHSP and National Disability Insurance Scheme (NDIS). Information has previously been provided to Council relating to these changes and developments.

#### **Overview of Roles and Responsibilities**

- 2.5 The Commonwealth is responsible for funding and management of aged care and its objective is for a national, unified and consistent aged care system.
- 2.6 Council entered into a contract with the Commonwealth to be a provider of CHSP services in 2016. At that time, contractual arrangements were supported by the Commonwealth and Victorian Governments who agreed that special transition provisions would apply to support service delivery in Victoria until June 2019 when the current contract is due to expire.
- 2.7 The Commonwealth is continuing to refine the shape of aged care in Australia and a public discussion paper on future care at home reform was released in August 2017. While some suggestions for reform are outlined in the paper, no decisions have been made about specific future program or implementation arrangements. Some of the areas currently under consideration include; whether the CHSP program will continue to be block funded; whether the Home Care Packages Program and CHSP will be amalgamated into one program; and whether Regional Assessment Services (RAS) and Aged Care Assessment Services (ACAS) will be amalgamated in the future.
- 2.8 To prepare the way for future reform, the government has recently announced that funding arrangements for the CHSP will be extended until 30 June 2020. This will include an extension of agreements with service providers and the RAS, with new funding conditions to provide a greater focus on activities that support independence and wellness and provide more choice for consumers. It is expected that new CHSP grant agreements will be sent to service providers by mid-2018.
- 2.9 The State is responsible for management of HACCPYP. Council has an agreement with the State through the Department of Health and Human Services (DHHS) to deliver HACCPYP services to eligible clients up until June 2019.
- 2.10 The NDIS officially commenced its roll out in Manningham in November 2017. The NDIS provides support to people with disability, their families and carers. It is jointly governed and funded by the Australian, and participating state and territory governments. Most if not all HACCPYP clients will test for NDIS eligibility.
- 2.11 In June 2017, Council decided to not register as an NDIS service provider and to continue to deliver HACCPYP services to non NDIS eligible people under the current service agreement with the State. This means that current HACCPYP clients who became eligible participants under the NDIS will have to select alternate NDIS service providers no later than April 2019. Given these circumstances, a decision was made to cease the Manningham Activities for Special Kids (MASK) program after the September/October 2017 school holidays.

- 2.12 In order to provide service system stability for current HACCPYP clients, DHHS proposed a financial model that enabled clients who became NDIS participants to continue with their current HACCPYP service provider up and until April 2019 (the Manningham NDIS phase in period).
- 2.13 DHHS have not indicated what will be the future of the HACCPYP program after June 2019. The Heads of Agreement between the Commonwealth and Victorian Government on the NDIS includes that *“The Victorian Government will, however, continue to provide basic community care services to meet support needs not intended to be met by the NDIS.”*
- 2.14 The Regional Assessment Services (RAS) is funded by the Australian Government and is managed in Victoria by DHHS. Council RAS officers determine eligibility for community care services. Recently Eastern Metropolitan Region (EMR) councils established a Statement of Intent for RAS to work across municipal boundaries. This innovation conceptualises a framework which has the potential for cost savings, resource sharing and systemic change at a regional level and supports positive and timely outcomes for vulnerable residents.
- 2.15 The role of local government as defined in the Local Government Act 1989 (currently under review) states *“The primary objective of a Council is to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions”*. Within this context, local governments in Victoria have been a significant service provider of community care services for both older and younger people for many years. This role is not a legislated local government requirement and relatively unique to Victoria.
- 2.16 Some stakeholders including the Municipal Association of Victoria (MAV) have argued that Victorian local governments play an important role in the delivery of community care services.
- 2.17 In its response to the Commonwealth on the proposed 2015 CHSP Programme Guidelines, the MAV wrote to the Commonwealth and included *“We reiterate that one of the agreed strengths in the Victorian service system has been the high level of involvement in both the origins and development of localised models of community care and support services by councils, and having that level of government responsibility for local service planning and coordination, which we hope to work with the Commonwealth to preserve and develop into the future”*.

### **Value of Council’s Role**

- 2.18 Results from the 2017 Local Government Community Satisfaction Survey coordinated by the Department of Environment, Land, Water and Planning on behalf of Victorian Councils identifies that the Manningham community rates ‘elderly support services’ as extremely important or very important (77% of respondents). This was the third highest response after ‘sealed local roads’ and ‘waste management’ in terms of the question how important is a service area as a responsibility for Manningham council.
- 2.19 Further, the survey results showed the second top performing area of council was elderly support *“with a performance index of 70, elderly support services also rate highly, over two fifths of residents rate council’s performance in the area of elderly support services as very good or good”*.

- 2.20 Feedback from Manningham service users consistently rates a high level of satisfaction with council's community care services. In 2014, a survey undertaken by the Local Government Research Group of 303 of council's community care service users indicated the significance the council services have in their lives. Comments such as the following reflect this: *"It is only because I get help from the council that I can stay in my home. The family think I should go into care, but I think, thank God for the Council"* and *"I don't trust strangers in the house but happy to have people who are screened by the Council"*.
- 2.21 There is a strong alignment of objectives with the roles council currently plays as service provider, strategic planner and advocate for older people and people with a disability who live and work in this municipality. Council is often viewed as a focal point for local residents to support people to navigate service structures and receive trusted information. This valued role often fills a void that exists in current information and service systems and supports people who would potentially slip through the gaps.
- 2.22 Council has committed to progress both age and dementia friendly city goals articulated in council's strategic plans for 2017-2021 and through the signing of the Victorian Government and MAV Victorian Age Friendly Declaration in 2017. Through this, Council has committed to support processes to create an age friendly community; address barriers that limit the participation of older people; empower seniors' involvement in local age friendly initiatives and value stakeholder engagement by working together to promote and strengthen collaborations.
- 2.23 This work is enhanced by council's role as a service provider. A local school provided the following feedback after the Social Support Choir (a CHSP funded program) sang with students: *"To finish 2017 with the Manningham Community Choir attending our carols was so wonderful!"* and *"I had lots of positive feedback about your participation. Will book you in for next year?"*
- 2.24 Council's community care services have been independently audited for quality outcomes by the Australian Government, Australian Aged Care Quality Agency in May 2017. All 18 standards covering effective management, access and service delivery and user rights and responsibilities were met. The Auditor comments highlighted that *"Council has a strong understanding of and engagement with the communities in which it operates and this understanding is reflected in strategic planning, service delivery and continued service development"* and *"Care recipients interviewed spoke highly of the support provided by staff and gave examples of how programs have maintained their independence"*.

### 3. DISCUSSION / ISSUE

- 3.1 In this changing and rate capped environment, some councils are considering their future role/s in a range of public service areas including as a direct community care service provider. Matters to consider will be specific to each municipality based on a number of factors including local circumstances, financial arrangements, preferences, goals and objectives of that council and local community.
- 3.2 The current CHSP and HACCPYP agreements to provide community care services are due to expire by June 2019 with a proposed CHSP extension until 2020.

- 3.3 Council has previously indicated a preference to cause minimal disruption to current clients and to continue to provide services under the current agreements. Given the value placed on these services by the Manningham community and a responsible approach to financial management, Council can continue in this direction.

#### **Financial Issues**

- 3.4 In 2017/18 it is anticipated that Council will contribute approximately \$1.4 million towards the \$9.2 million direct ADSS costs. This includes council's direct costs for functional and strategic areas of ADSS including fully council subsidised areas such as Assisted Transport and Age and Dementia Friendly City objectives.
- 3.5 As a result of changes which have occurred to date there have been some impacts on Council's income and expenditure.
- 3.6 The closure of MASK resulted in permanent changes with an income reduction of DHHS grant funding and client fees however also reduced council's staff and program expenditure.
- 3.7 The roll out of NDIS has resulted in a reduction of income through client HACCPYP fees and also reduced council's expenditure as early NDIS transition clients have moved to alternate NDIS service providers. Advice has been received that the State government is looking to recompense for some of these losses.
- 3.8 The recent announcement of a recurrent increase to the CHSP Meals Subsidy (meals on wheels) in 2017/18 will increase council's income by \$66,000 with no additional expenditure. This will decrease council's ongoing contribution in this program.
- 3.9 These changes and previous efficiencies implemented since 2015/16 have resulted in an overall reduced financial commitment by council of over \$300,000 and a 9% reduction in full time equivalent staff from 104.85 to 95.75 FTE staff.
- 3.10 ADSS is awaiting advice from the Commonwealth regarding a renegotiation of CHSP service targets to better align with local community needs. If successful, this will result in funding for Assisted Transport currently fully funded by council. It is anticipated that the full year effect of decreased expenditure in relation to MASK cessation and expected transition of NDIS participants from HACCPYP will continue to positively impact the 2018/19 council budget.

#### **Strategic Direction**

- 3.11 Beyond 2018/19 it is difficult to make accurate predictions regarding HACCPYP. DHHS has provided some advice regarding HACCPYP funding post NDIS phase in period (April 2019) however this will need to be adjusted based on the number of actual clients who exit HACCPYP and the number of HACCPYP clients who remain in the program. Discussions with DHHS confirm that future funding can only be accurately determined once NDIS roll out has been completed.
- 3.12 EMR Councils have written several letters to the Secretary DHHS asking for further clarification on a range of matters including the basis for HACCPYP funding reductions. DHHS and Minister Foley (through the MAV) have recently written to provide clarity on funding arrangements. This has included advice that DHHS will recompense HACCPYP providers for lost revenue as a result of being

unable to charge fees for NDIS clients and for services provided until clients commence with an alternative provider and that funding to support continuing services for people under 65 who are not NDIS eligible will be available.

- 3.13 This notification has provided some surety that council will not be disadvantaged through the NDIS transition arrangements. DHHS has yet to propose a service or funding structure for HACCPYP past the current agreement date of June 2019. Therefore at this point, it is not possible to provide accurate advice as to whether Council should participate as a HACCPYP service provider post June 2019 when the current contract is due to expire.
- 3.14 The CHSP funding arrangements are fixed for the current service agreement until June 2019. It is anticipated that there may be some changes in expected service outcomes in the one year CHSP extension agreements until June 2020. It is unknown if there will also be a financial impact on Council in the extension agreement and this would need to be assessed once the proposed agreement is provided by mid-2018.
- 3.15 It is recommended that if there are no negative financial impacts on Council that the one year extension agreement would be a feasible option. This would allow time for Council to consider its future options as a CHSP service provider when a more comprehensive understanding of the CHSP post 2020 is provided.
- 3.16 Post 2019/20 Council needs to consider what role or part Council wishes to play in supporting the local community as a service provider, planner, advocate and the financial and relative sustainability of any model or preference.
- 3.17 The aged and disability service sector in Victoria and Australia has undergone and continues to go through significant change. The terms and conditions for funding care services and who will be eligible in the future to receive support is still being developed and revised. New service providers are entering the open market and clients are increasingly being channelled into self-directed care and funding models of service delivery which are designed to provide greater user choice. How local government would operate as a service provider in a competitive environment needs further consideration.

#### **4. COUNCIL PLAN / STRATEGY**

- 4.1 The delivery of community care services supports Council Plan 2017-2021 Goal 1.2: A Connected and Inclusive Community. This is done by supporting people to engage in community life, to be inclusive of our community in age, ability and diversity. ADSS is progressing a specific Council Plan 2017/18 initiative to strengthen opportunity for older people in building a dementia and age friendly city.
- 4.2 The delivery of community care services achieves Council objectives of the Healthy City Strategy 2017-2021 by supporting a community that is inclusive and welcoming of all people and a community where everyone aspires to optimal health and wellbeing.
- 4.3 ADSS has responsibility of Council's Ageing Well in Manningham Strategy 2012-2018 supporting Council's commitment to develop an age friendly community where everybody can fulfil their potential regardless of age and actively participate in all aspects of community life.

## 5. IMPACTS AND IMPLICATIONS

- 5.1 Continuing under current HACCPYP and CHSP contracts means council retains its commitments to these programs until 2019/20.
- 5.2 This decision enables council to retain a direct role supporting some of the most vulnerable people in the Manningham community during a period of uncertainty as aged care and disability reforms continue to progress. It creates minimal disruption to current customers and clients and maintains contractual commitments already made. Feedback received in December confirms this "*J was extremely happy with the news that ADSS would continue to provide HACCPYP hours she stated this would make a big difference to the change process to maintain some continuity of service and staff*" and "*D was thrilled to have this news and stated it would make life so much easier to have this continuity while other things changed*".
- 5.3 This activity supports Human Rights principles of dignity, equality and mutual respect, which are shared across cultures, religions and philosophies.
- 5.4 Enables council to make future decisions on continuing service provider role/s based on evidence and understanding of any obligations and benefits as well as the strategic plans of the council and Manningham community.

## 6. IMPLEMENTATION

### 6.1 Finance / Resource Implications

As noted, actions already implemented have reduced council's financial contribution to CHSP and HACCPYP service delivery. With the full rollout of NDIS, Council's contribution will further diminish as HACCPYP service delivery is reduced.

### 6.2 Communication and Engagement

Council clients have been advised of changes as they have occurred and relevant to their own service delivery. Information related to the rollout of NDIS has been extensively provided and clients transitioning to the NDIS have been supported by council officers. Council has engaged with key stakeholders in the EMR including other EMR councils and senior officers from both the NDIS and DHHS.


### 6.3 Timelines

The current CHSP and HACCPYP contracts run until June 2019 with a proposed CHSP extension until June 2020. A decision to continue as a service provider after 2019/20 will be required before the current agreements finish. Council can be provided a further report to make this decision once details and proposed future contractual arrangements are known.

## 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.

## 12.2 Access and Equity Advisory Committee Terms of Reference 2018

File Number: IN18/104  
Responsible Director: Manager Social and Community Services  
Attachments: 1 Access and Equity Advisory Committee Draft Terms of Reference 2018-2021 [↓](#) 

### EXECUTIVE SUMMARY

*The membership of Council's current Access and Equity Advisory Committee will lapse in June 2018.*

*This report seeks Council endorsement of the updated Access and Equity Advisory Committee Terms of Reference (ToR); and seeks approval to advertise for community representatives to serve the next three-year term of the Committee.*

*A copy of the revised TOR is provided in **Attachment 1**.*

*The amendments align the ToR with the requirements of new Advisory Committees Policy (July 2017) which streamline the way in which Council Advisory Committees are formed and operate.*

*The key changes proposed include:*

- *Alignment of the membership criteria, nomination process, membership term, resignation processes, conflict of interest, code of conduct, media policy, confidentiality, review processes, reporting processes and sunset clause with the Advisory Committees Policy, 2017.*
- *Extending the Committee tenure from two years to three years.*
- *Reducing the maximum number of community representatives from 20 to 16.*
- *Providing for minutes to be made publically available on Council's website.*

### 1. RECOMMENDATION

**That Council:**

- endorse the updated Terms of Reference for the Access and Equity Advisory Committee (Attachment 1).**
- note that an Expression of Interest process will be conducted in April/May 2018, seeking membership for the 2018-2021 term of the Committee.**
- note that current representatives will be thanked for their contribution to the Committee and will be informed of the nomination process for the 2018-2021 Committee.**
- note that a future report will be prepared for Council, seeking endorsement of the proposed membership of the 2018-2021 Access and Equity Advisory Committee.**



## 2. BACKGROUND

- 2.1 The Manningham Access and Equity Advisory Committee was established in 2003 to provide advice on the needs of people from culturally and linguistically diverse (CALD) backgrounds and the needs of people with a disability and their carers.
- 2.2 In 2014 the committee's scope was broadened to also consider gender equity issues and the needs of people who identify as being lesbian, gay, bi-sexual, transgender or intersex (LGBTI).
- 2.3 The purpose of the committee is to advise Council to support it in making decisions that incorporate the interests, values and needs of Manningham's diverse communities; as they relate to human rights, access, equity and inclusion.
- 2.4 Meetings are held bi-monthly.
- 2.5 The diverse communities represented by the Committee are:
  - 2.5.1 People with culturally, linguistically and religiously diverse backgrounds
  - 2.5.2 People with disabilities and their carers
  - 2.5.3 People who identify as lesbian, gay, bisexual, transgender, intersex and/or queer (LGBTIQ)
  - 2.5.4 Women and men, in terms of gender equity.
- 2.6 Advice provided by the Committee during its term has included comments and recommendations on issues/items such as: the development of Council's Draft Inclusive Manningham Strategy, Council Plan 2018-2021, Healthy City Strategy 2018-2021, inclusive employment practices, LGBTIQ opportunities, Manningham customer service transformation, CALD communications review, Recreation Strategy Action Plan, the NDIS, safe road crossings and footpath connectivity, and the proposed Regional Paddle Sports Plan.
- 2.7 The Terms of Reference (ToR) of the Committee have been reviewed ahead of inviting nominations for membership of its next 3-year term.
- 2.8 The review considered improvement opportunities to ensure currency and effectiveness of the Committee, and aligned the ToR with Council's Advisory Committee Policy 2017.
- 2.9 A copy of the proposed ToR is provided as Attachment 1.
- 2.10 Changes include:
  - 2.10.1 Alignment of the membership criteria, nomination process, membership term, resignation processes, conflict of interest, code of conduct, media policy, confidentiality, review processes, reporting processes and sunset clause with Council's Advisory Committee Policy (2017).
  - 2.10.2 Extending the committee tenure from two years to three years.

- 2.10.3 Reduction of the maximum number of community representatives from 20 to 16.
- 2.10.4 Providing for meeting minutes to be made publically available on Council's website.

### **3. COUNCIL PLAN / STRATEGY**

- 3.1 The Access and Equity Advisory Committee provides advice that supports Council in achieving its vision of being "A liveable and harmonious City".
- 3.2 In particular its advice assists in creating "A connected and inclusive community" (Goal 1.2 of the Council Plan).
- 3.3 Its roles include:
  - 3.3.1 Provision of advice on the implementation of the (draft) Inclusive Manningham Strategy 2018, and in assisting in monitoring its effectiveness via contribution of the development and review of the Strategy and its Action Plan.
  - 3.3.2 Provision of advice on the development and review of key Council Strategies, Policies and Plans.

### **4. IMPACTS AND IMPLICATIONS**

The Access and Equity Advisory Committee advises on measures to help create and support a diverse, accessible and inclusive community, through the continuous improvement of Council operations and planning.

### **5. IMPLEMENTATION**

- 5.1 Finance / Resource Implications

There are no financial implications to this report.
- 5.2 Communication and Engagement

The Expression of Interest process will be undertaken in line with the requirements of the TOR which stipulate that "Nominations for appointment to the Committee will be called by public notice in the local media and Council website, and in writing to relevant local or peak agencies and community organisations".

Current community representatives will be thanked for their contribution to the Access and Equity Advisory Committee and will be informed of the nomination process for the 2018-2021 Committee.
- 5.3 Timelines
  - 5.3.1 March 2018 – Council endorsement of the proposed ToR
  - 5.3.2 April/May 2018 - Expression of Interest process
  - 5.3.3 June 2018 - Report to Council seeking endorsement of new committee membership
  - 5.3.4 6 August 2018 - First meeting of the 2018-2021 Committee.

**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.



### Access and Equity Advisory Committee Terms of Reference 2018-2021

<b>Purpose</b>	<p>The Access and Equity Advisory Committee will advise Council to support it in making decisions that consider the interests, values and needs of Manningham's diverse communities as they relate to human rights, access, equity and inclusion.</p> <p>The diverse communities represented by the committee are:</p> <ul style="list-style-type: none"> <li>• People with culturally, linguistically and religiously diverse backgrounds</li> <li>• People with disabilities and carers</li> <li>• People who identify as gay, lesbian, bisexual, transgender, intersex and/or queer</li> <li>• Women and men, in terms of gender equity</li> </ul>
<b>Roles and tasks</b>	<p>The role of the Committee is to:</p> <ol style="list-style-type: none"> <li>1. Advise on the implementation of the <i>(Draft) Inclusive Manningham Strategy 2018</i> and to assist in monitoring its effectiveness, via contribution to the development and review of the Strategy and its Action Plans.</li> <li>2. Advise on the development and review of key Council strategies, policies and plans.</li> <li>3. Provide a forum through which community representatives, community organisations, Councillors and Council Officers can exchange ideas to assist with the ongoing enhancement of the lives of people from diverse backgrounds and with diverse identities.</li> </ol>
<b>Chairperson</b>	<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>
<b>Decision Making</b>	<p>The Committee acts in an advisory capacity only and has no delegated authority to make decisions on behalf of Council.</p> <p>The committee will provide advice to Council and staff to assist them in their decision making.</p>



<b>Meetings</b>	<p>Meetings will be held bi-monthly, with six meetings held each year.</p> <p>Specific additional meetings may be required on an as-needs basis, such as during the development or review of a major strategy.</p> <p>Meetings are closed to the community outside endorsed committee members and delegates, and invited guest presenters.</p> <p>A quorum for the Advisory Committee meeting is 40% plus one, including the Chair.</p> <p>Meetings will:</p> <ul style="list-style-type: none"> <li>• Commence on time and conclude by the stated completion time.</li> <li>• Be scheduled and confirmed in advance, with all relevant papers distributed to each member.</li> <li>• Encourage fair and respectful discussion.</li> <li>• Focus on the relevant issues at hand.</li> <li>• Provide advice to Council, as far as practicable, on a consensus basis.</li> </ul> <p>In circumstances where a community organisation/agency representative is an apology, there is an expectation that a suitable substitute organisation representative will attend in their place.</p>
<b>Membership</b>	<p>Membership of the Committee will be for a three-year term.</p> <p>The Committee will comprise up to sixteen (16) representatives appointed by Council.</p> <p>As far as possible, there will be a balance in representation within the following categories:</p> <ul style="list-style-type: none"> <li>• Community/consumer/individual representatives</li> <li>• Community organisation / Agency representatives</li> </ul> <p>As far as possible there will be a balance in representation between people representing different aspects of diversity and inclusion, as specified in 'membership criteria'.</p> <p>Officers in attendance:</p> <ul style="list-style-type: none"> <li>• Director Community Programs and/or Manager of Social and Community Services, or representative.</li> <li>• Council officers - these officers will vary depending on the issues planned for discussion.</li> <li>• Guests or subject matter experts may be invited to attend meetings as required.</li> </ul>



<p><b>Membership Criteria</b></p>	<p>The following membership criteria will be used in making appointments to the Committee.</p> <ul style="list-style-type: none"> <li>• Live in, work in, study in or have a connection to Manningham.</li> <li>• Have a commitment to and knowledge in creating accessible, inclusive and equitable outcomes in one or more of the following areas:             <ul style="list-style-type: none"> <li>- People with culturally, linguistically and religiously diverse backgrounds</li> <li>- People with disabilities and carers</li> <li>- People who identify as gay, lesbian, bisexual, transgender, intersex and/or queer</li> <li>- Social inclusion</li> <li>- Gender equity</li> </ul> </li> <li>• Relevant experience in committees / or demonstrated ability to participate in and constructively contribute to a group, committee or organisation.</li> <li>• Ability to regularly attend and participate in meetings as scheduled.</li> <li>• A mix of skills and attributes to complement other members of the committee</li> <li>• Diversity in terms of gender, age and culture.</li> <li>• Past-attendance and contribution of committee members seeking re-nomination.</li> <li>• Consideration of staggered appointments to ensure a membership that preserves the balance between old and new.</li> <li>• A maximum of three 3-year terms (9 years).</li> </ul>
<p><b>Nomination Process</b></p>	<p>Nomination:</p> <ul style="list-style-type: none"> <li>• Nominations for appointment to the Committee will be called by public notice in the local media and Council website, and in writing to relevant local or peak agencies and community organisations.</li> <li>• Nominees shall nominate on the appropriate form to Council within the advertised period.</li> <li>• Committee members can re-nominate after their term ends in accordance with the nomination process and membership criteria.</li> </ul> <p>Appointment:</p> <ul style="list-style-type: none"> <li>• Officers will undertake an initial assessment of the applicants to determine compliance with the membership criteria and provide this list to the Chairperson.</li> <li>• A Councillor Committee, supported by an officer and comprising: the Mayor, Committee Chairperson and one other</li> </ul>



	<p>Councillor will rank the applicants and make a recommendation regarding the preferred applicants.</p> <ul style="list-style-type: none"> <li>• Council is not bound by the recommendation of the Councillor committee in appointing community representatives.</li> <li>• Appointments will be made by Council and selected based on the membership criteria above.</li> </ul>
<p><b>Resignation</b></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 and the officer responsible for managing the Committee.</p> <p>Membership of 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 with less than six months of the Committee’s term remaining, and providing that a quorum is maintained, the vacancy will not be filled.</p> <p>Where the vacancy is to be filled:</p> <ul style="list-style-type: none"> <li>• Community representative(s) appointed on behalf of an agency/organisation may be replaced or substituted at any time at the agency/organisations discretion, by notifying the Chairperson and responsible Council officer in writing. Due consideration should be given to ensuring the appointee has the appropriate mix of competencies to undertake the role, and refreshing membership of a regular basis.</li> <li>• Vacancies that occur due to a community agency/organisation representative membership lapsing and/or in circumstances when the agency/organisation no longer wishes to be a member of the Committee may be filled by co-opting suitable candidates identified during the most recent selection process to fill the remainder of the previous incumbent’s term.</li> <li>• Vacancies that occur due to a community/individual representative resigning or membership lapsing may be filled by co-opting suitable candidates identified during the most recent selection process to fill the remainder of the previous incumbent’s term.</li> <li>• 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.</li> </ul>



	<ul style="list-style-type: none"> <li>• Where there are no suitable candidates identified, a formal expression of interest and selection process as set out in the nomination process is required.</li> </ul>
<p><b>Conflict of Interest</b></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.</p>
<p><b>Code of Conduct</b></p>	<p>Committee members must:</p> <ul style="list-style-type: none"> <li>• Act with integrity</li> <li>• Impartially exercise their responsibilities in the interests of the local community</li> <li>• Not improperly seek to confer an advantage or disadvantage on any person, including themselves</li> <li>• Treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of Councillors, committee members and Council officers</li> <li>• 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.</li> <li>• Take reasonable care of their own health and safety and that of others</li> <li>• Commit to regular attendance at meetings.</li> </ul> <p>Committee members are expected to abide by this Code of Conduct and any breach 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>





<b>Media</b>	<p>Contact with the media by committee members will be conducted in accordance with the Manningham 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>
<b>Confidential information</b>	<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 not to disclose any materials or information that is not publically 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>
<b>Review</b>	<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 to ensure currency and effectiveness.</p> <p>These Terms of Reference may be revoked at any time by Council.</p>
<b>Support</b>	<p>Council officers will provide the necessary support to assist the Committee to function effectively including:</p> <ul style="list-style-type: none"> <li>• Maintaining contact details of members</li> <li>• Preparing and distributing agendas and prior reading material</li> <li>• Preparing and distributing meeting minutes</li> <li>• Circulating other material to committee members as necessary</li> <li>• Preparation of an Assembly of Councillors record as required under the Local Government Act 1989.</li> </ul>
<b>Reporting</b>	<p>Agendas will be circulated to committee members not less than seven days before the meeting date.</p> <p>Minutes of the committee meetings will be circulated to members within two weeks of the meeting and must:</p> <ul style="list-style-type: none"> <li>• Contain details of the proceedings and outcomes for action</li> <li>• Be clearly expressed and self-explanatory</li> <li>• Incorporate any relevant reports or a summary of the relevant information considered in forming any recommendation.</li> </ul> <p>Minutes will be published on the Councillor Hub.</p>



	Minutes will be published on the Manningham Council website following endorsement by the Committee, with the exception of reports and attachments that are confidential in nature.
<b>Sunset Clause</b>	All Council advisory committees have a sunset clause of four years.

**13 SHARED SERVICES**


There are no Shared Services report.

## 14 CHIEF EXECUTIVE OFFICER

### 14.1 Manningham Quarterly Report, Quarter 2, 2018

File Number: IN18/103

Responsible Director: Executive Manager People and Governance

Attachments: 1 Manningham Quarterly Report, Quarter 2, 2018  

#### EXECUTIVE SUMMARY

*The Manningham Quarterly Report outlines key organisational indicators and many of the reporting requirements under the Local Government Performance Reporting Framework (LGPRF). The also report enables greater transparency to monitor and track key aspects of Council's performance for continuous improvement purposes.*

#### 1. RECOMMENDATION

**That Council note the Manningham Quarterly Report for October – December 2017/18.**

#### 2. BACKGROUND

This report has been developed on a quarterly basis to promote transparency and to meet legislative requirements under the Local Government Act (1989), Planning and Reporting Regulations (2008) and the LGPRF.

#### 3. REPORT SUMMARY

##### Capital Works

3.1 41.6% of the overall Capital Works Program has been completed including the completion of 2 Female Friendly Facility Upgrades at Bulleen Park Pavilion and Ted Ajani Reserve. Upgrades in Schramms and Doncaster Pavilion continue. Other works completed during the quarter include the energy efficiencies program (practical completion) and Sheehans Road Highball Facility.

3.2 The Domeney Reserve Pavilion Upgrade, Citizen Connect Customer Relationship Management (Phase 1), Jumping Creek Road (Stage 1) and King Street (Stage 2) projects will not be completed on time due to scoping, consultation and approval delays.

##### Finance

3.3 Council continues to be in a sound financial position and is committed to remaining focussed on being a financially sustainable Council. At the end of December, Council's operating surplus (income less expenses) was 0.4% or \$0.2 million ahead of budget (against mid-year budget review).

**Activity Report**

- 3.4 13 out of the 14 Major Initiatives in the Strategic Resource Plan for 2017/18 are on schedule with the remaining project expected to catch up in Quarter 3. The target for the six months is 50% completion.
- 3.5 27 of the 29 CEO Key Performance Indicators are either complete or on schedule. Highlights for the quarter included delivery of a Customer Improvement Plan, activities for Community Safety month in November and completion in December of the 6,000 energy efficient LED street lights install across Manningham.

**4. DECLARATIONS OF CONFLICT OF INTEREST**

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








# Manningham

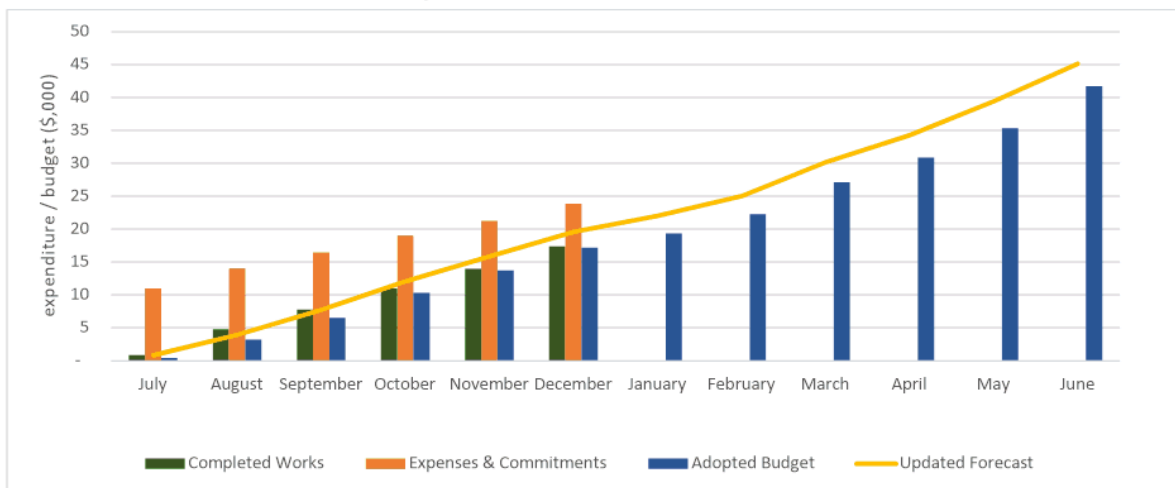
## Quarterly Report 2017/18




### Quarter 2: October - December 2017

## 1. Capital Works

\$41.7m Adopted Budget  
 \$3.4m Extra Funds  
 \$45.13m Updated Forecast

 <b>82</b> Projects Total	 <b>12</b> Projects Completed	 <b>31</b> Projects Delayed / Incomplete	 <b>29</b> Projects On Schedule	 <b>9</b> Projects To Start	<b>41.6%</b> Program Completed
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 VALUE OF CAPITAL WORKS <b>\$17.36m</b>	 ↑.9% CAPITAL WORKS VARIANCE <b>\$.16m</b>	 CAPITAL INCOME & GRANTS ↑ <b>53.2%</b>
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### Spotlight

- Satisfactory progress has been made on the implementation of the Capital Works Program overall. The Domeney Reserve Pavilion Upgrade, Citizen Connect Customer Relationship Management (Phase 1), Jumping Creek Road (Stage 1), and King Street (Stage 2) projects will not be completed in this financial year due to scoping, consultation and approval delays.
- \$0.2m ahead of adopted budget expenditure, but below the forecast due to a number of projects, which are lagging from a project expenditure prospective, but are expected to be completed.
- 53% variance in capital income reflects additional unbudgeted grants and income being received for works to be undertaken this financial year.

# 2. Finance

	Revenue	Expenses	Surplus
Budgeted	\$114.1m	\$55.6m	\$58.5m
Actual	\$114.4m	\$55.7m	\$58.7m

## Revenue Variation



USER FEES & CHARGES

↑2.4%  
\$0.2m

## Expenses Variation

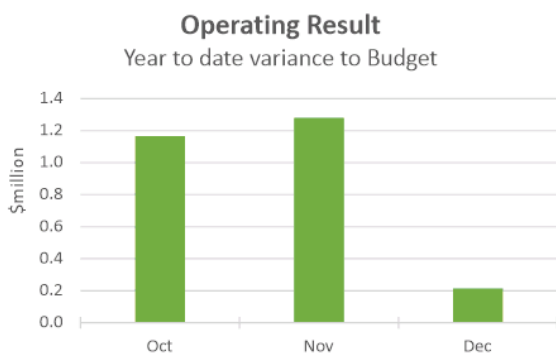
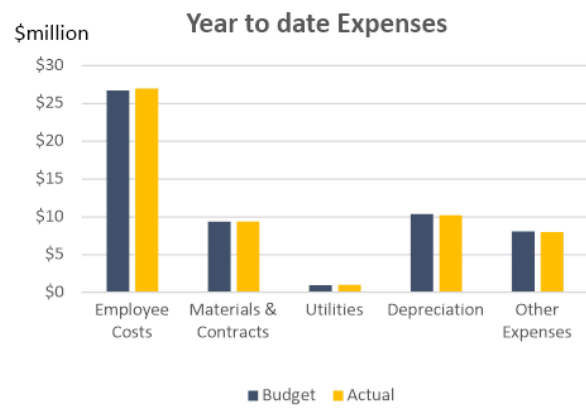
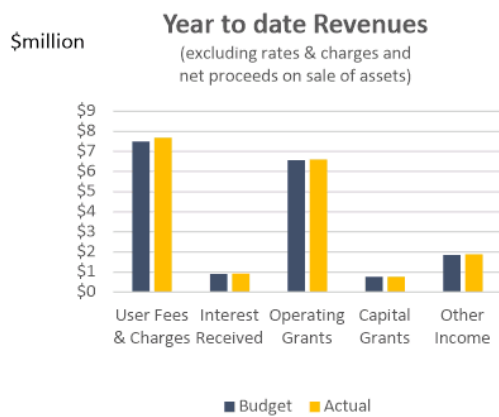


EMPLOYEES

OTHER VARIANCES

↑1.0%  
\$0.3m

↓1.1%  
\$0.2m

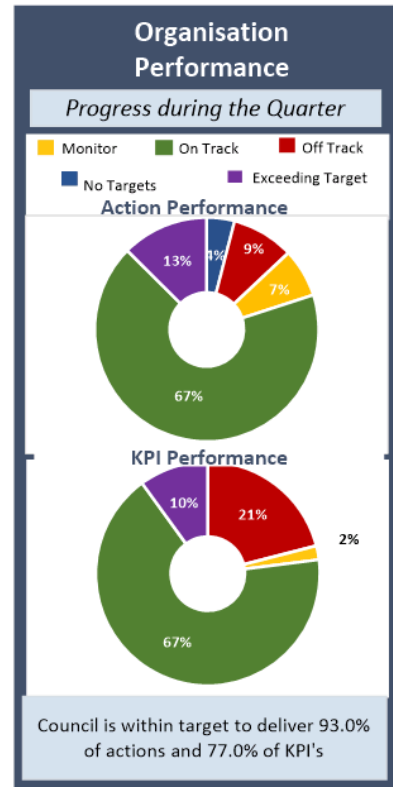
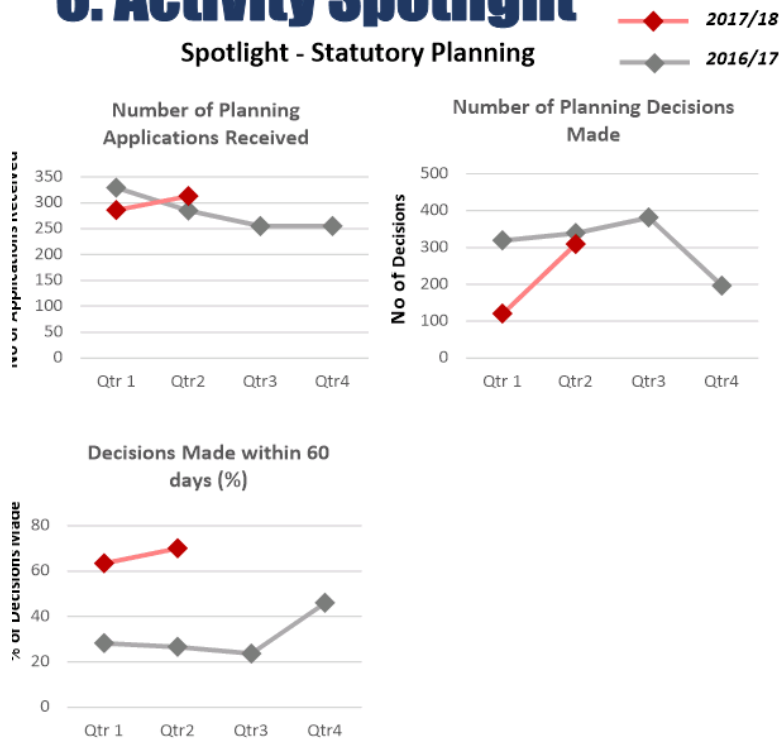


### Spotlight

- At the end of December, Council's operating surplus (income less expenses) was 0.4% or \$0.2 million ahead of budget (against mid-year budget review).
- Revenues are \$0.3 million higher than anticipated and expenses \$0.1 million higher than budget, equating to a \$0.2 million higher than expected operating surplus.
- A formal review of year-end forecasts was conducted in December 2017 and a further review will be undertaken as part of 2018/19 Budget process.

# 3. Activity Spotlight

## Spotlight - Statutory Planning

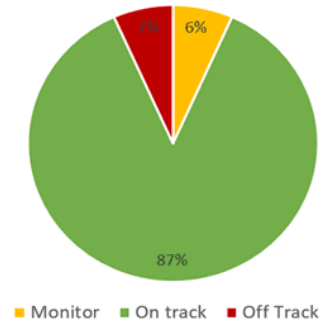


### Major Initiatives to deliver for the Council Plan 2017-2021

14 Major Initiatives have been identified across the Council Plan themes of Community, Places and Spaces, Environment, Economy and Well Governed. These will be delivered across the four years .

For Quarter 2, twelve of the Major Initiatives are either completed or on schedule for completion. The two delayed projects are Phase 2 Customer Service Improvement program due to the need to retender for a key component. Construction of Bolin Bolin Integrated Water Management Facility has been delayed due to a number of unforeseen site conditions, the supply of a suitable clay liner for the storage basins, wet weather and commissioning of the power supply to the various sites. The works will be completed in March 2018.

Projects are being closely monitored to ensure successful completion.



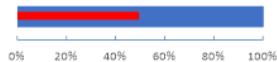


# 4. Major Initiatives

## HEALTHY COMMUNITY



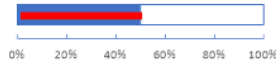
Healthy City Strategy 2017 - 2021



Adopted Healthy City Strategy 2017-2021 continues to be implemented in partnership with Healthy City Advisory Committee. Secured Skilled 4 the Future funding for youth initiative



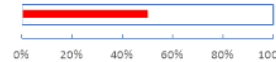
2017 – 2021 Access, Equity and Diversity Strategy



Inclusive Manningham Strategy 2018-2021 being drafted in consultation with Councils Access and Equity Committee.



Deliver female friendly facility upgrades in selected Pavillions

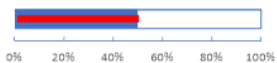


Upgrades completed at Bulleek Park Pavillion 1 and Ted Ajani Reserve. Upgrades in Schramms and Doncaster Pavillion currently being done.

## LIVEABLE PLACES AND SPACES



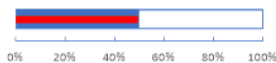
Ensure local planning is responsive to community need



The Planning Scheme review has commenced in consideration of new Council Plan, Planning Panel decisions and timeframes, Planning Scheme amendments undertaken and VCAT decisions. Community consultation to commence in February.



Implementation of Parks Improvement Program

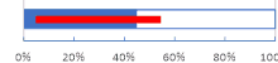


Improvement Program achievements:

- Ruffey Creek Linear Park Management Plan endorsed.
- Reischicks Reserve Pavilion and Domoney Reserve Recreation Centre user consultation commenced.
- Lawford Reserve (Stage 2) – design of playspace, picnic and skate/basketball upgrade underway.



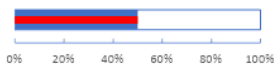
A new Integrated Transport Strategy for the region



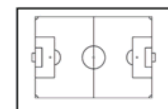
Plan being reshaped following the announcement by the State Government on the North East Link route, which has a significant impact on transport planning in Manningham.



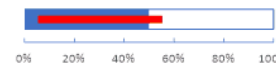
Roads Improvement Program



- 'Roads Improvement Program achievements:
- King Street (Stage 1) - well advanced with retaining wall, nature strip and pavement wearing course works to be completed.
  - Jumping Creek Road - Stage 1 has been split into 2 stages. Construction to start in June 2018 (subject to planning approval). Jumping Creek Road Stage 1 at consultation phase.



Mullum Mullum Stadium



The EOJ process for Mullum Mullum Stadium has been completed and successful applicants advised. Mullum Mullum Stadium construction on track to be completed by 30 April 2018.

# Major Initiatives cont.

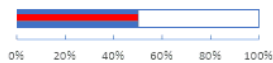
## RESILIENT ENVIRONMENT

3.1 Protect and enhance our environment and biodiversity

3.2 Reduce our environmental impact and adapt to climate change



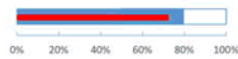
Upgrading Council drainage



Marcus Road Drainage Improvement design completed Design for 511 Ringwood Warrandyte Road easement drain nearing completion.



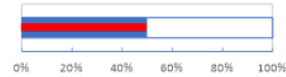
Bolin Bolin Billabong Water



The project has been delayed due to a number of unforeseen site conditions, the supply of a suitable clay liner for the storage basins, wet weather and commissioning of the power supply to various sites.



Environmental education and awareness



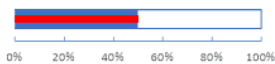
Over 40 Community Nature Walks, Environment Seminars & Field Trips, Home Harvest and Spring Outdoors events have been held. The Positive Charge and Solar Savers program

## VIBRANT AND PROSPEROUS ECONOMY

4.1 Grow our local business, tourism and economy



Grow the visitor economy, visitor destinations and events



Developing video of Manningham as a tourist and visitor destination.

### About Manningham Business

- 30+ local retail centres, 9 neighbourhood activity centres, 1 major activity centre and 1 principal activity centre
- 13,000 local business in Manningham
- As the largest sector, retail employs nearly 5,000 people and generates over \$530 million to the local economy each year;
- Home based business account for 80 % of all businesses in Manningham

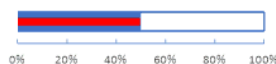
## WELL GOVERNED COUNCIL

5.1 A financially sustainable Council that manages resources effectively and efficiently

5.2 A Council that values citizens in all that we do



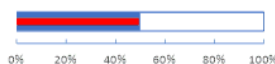
Long term sustainability of Council



Key budget principles developed and to be presented to Councillors following mid-year budget review. On track to achieve adoption by 30 June 2018.



Making it easy for citizens to interact with us



Implementation (Phase 1): Centralised Contact Centre by August 2017 is complete. Level of enquiries 'handled' by the Contact Centre up from less than 30% to 60%. Increasing capacity building across staff

### Key: Monitoring Progress



Target  
Actual  
\*Target is usually 25% cumulative across the project timeframe  
*In the example above, the project is 25% actual with a target of 20%*

## 5. CEO Key Performance Indicators

Further information to be presented by the CEO at the mid-year performance review

● Complete 
 ● On Track 
 ● Off Track



Key Performance Indicator (KPI)	Measures	
Through our Citizen Connect program, we will make it easy for citizens to interact with us, find out information, request a service, provide feedback or report an issue	1. Implementation (Phase 1) Centralised Contact Centre by August 2017. ■ First Call Resolution (measured by increased % of enquiries handled by the Customer Service team - compared to switchboard model 2016/17) Target = 60% FCR by end 2017/18 (compared to below 30% in 2016/17) ■ Reduced abandoned call rate (calls to main number and service units) Target = 5% abandoned calls by end 2017/18 (compared to more than 20% abandoned calls 2016/17)	● ● ●
Plan for the health and wellbeing of the municipality	2. Customer Relationship Management by June 2018 <i>Delayed as unsuccessful first round tender. New tender issued.</i> 3. Customer Experience Improvement Plan by December 2017 3. Adoption of Healthy City Strategy Action Plan 2017 – 2021 by 30 September 2017 ■ Action Plan developed in partnership with key stakeholders ■ Community Safety Month initiatives by November 2017 4. Deliver two initiatives on priority social issues, aligned to the Council Plan, by 30 June 2018 5. Prepare a Year 1 progress report by 30 June 2018 which demonstrates on schedule delivery of the plan.	● ● ● ● ●
Ensure Council's communications channels are fit-for purpose for Manningham's diverse CALD community	6. Review of channels undertaken, formulate actions and implement by 31 December 2017 <i>Report scheduled for February Council meeting.</i>	●
Adoption and implementation of access, equity and diversity strategy across the municipality	7. Adoption of the 2017 - 2021 Access, Equity and Diversity Strategy/ Action Plan (Inclusive Manningham Strategy) by 30 June 2018 ■ Action Plan developed with key stakeholders by 30 June 2018 ■ Plan and commence implementation of a new initiative encouraging social and economic inclusion by 30 June 2018	● ● ●
Communication and Engagement that encourages participation in decision making	8. A range of initiatives to achieve at least a 5% increase in the satisfaction rate, from 54% in 2016/17, with Council communication and engagement by 30 June 2018	●
Operational efficiency targets	9. Coordinate delivery of 2017/18 savings target of \$2.1 million by 30 June 2018 through improved efficiency, whilst maintaining service levels.	●
Capital Works programme phasing and delivery	10. Percentage of capital works budget carried forward 5% or less from adopted budget	●
Present detailed options paper for property portfolio development - including financial modelling, high level planning implications and site development option plans	11. Paper presented to an SBS by October 2017. <i>This item was presented to Council on 5 December 2017.</i>	●
Prepare a 10 Year Long Term Financial Plan incorporating key strategies to address the long term sustainability of Council	12. Completion of Financial Plan by 30 June 2018	●

● Complete 
 ● On Track 
 ● Off Track

## CEO Key Performance Indicators cont.

Key Performance Indicator (KPI)	Measures	
Implementation of Parks Improvement Program	13. Implementation of Parks Improvement Program works: <ul style="list-style-type: none"> <li>■ Schramms Cottage Masterplan by December 2017</li> <li>■ Rieschecks Reserve (work on ground) by June 2018</li> <li>■ Domeney Reserve (Recreation Centre) by Sept. 2018</li> <li>■ Lawford Reserve Management Plan (Stage 2) by June 2018</li> </ul>	●
Deliver a new Integrated Transport Strategy for private and public transport in the region	14. Plan developed and commenced implementation of priorities by 31 December 2018	●
Improve connectivity through Road Improvement Program including upgrade of Council Link Roads	15. Staged works completed as programmed: <ul style="list-style-type: none"> <li>■ King Street by 31 December 2019</li> <li>■ Stage 1 Jumping Creek Road by 30 June 2021</li> </ul>	●
Assist in addressing growing demand in indoor sports through completion of Mullum Mullum Stadium	16. Construction completed by 30 April 2018. Operation and use arrangements in place by 30 June 2018	●
Grow the visitor economy and create opportunities for visitor destinations and events within	17. Implementation of Greater Melbourne Destination Management and Visitor Plan by 30 June 2018	●
Ensure local planning is responsive to community need and aligned with local planning laws	18. Review of Manningham Planning Scheme by 30 June 2018	●
Manage and maintain Bolin Bolin Billabong Facility to supply harvested stormwater for sports ground irrigation	19. Bolin Bolin Facility construction completed by 30 October 2017. <i>The project has been delayed due to a number of unforeseen site conditions, the supply of a suitable clay liner for the storage basins, wet weather and commissioning of the power supply to the various sites. The project is set to be commissioned by end of March 2018.</i> 20. Maximise Council's waste resource recovery rate to ensure that there is a reduction in landfill compared to 2016/17	●
Demonstrate leadership in sustainable and innovative environmental practices	21. Improve energy and carbon efficiency in Council owned and managed buildings to achieve reduced greenhouse emissions by 20% from 2009 levels by 2020. 22. By completing installation of 6,000 energy efficient LED street lights by 31 December 2017	●
Strengthen Governance framework to ensure robust processes in support of Council decision making	23. Draft Meeting Local Law reviewed and reported to SBS by October prior to consultation phase. Final law in place by 13 December 2017	●
Facilitate organisational renaissance in support of being the 'Best Council in Victoria' through launching and embedding values program and structural change as required	24. Values program launched by September 2017 25. Conduct a pulse survey by June 2018 with an increase in staff engagement from 2016/17 26. Review opportunity for a 360 type assessment process by 30 June 2018 – report to be presented to Councillors 27. Define what the "Best Council" looks like by 30 June 2018 – report to Councillors	●
Records Management modernisation	28. Public Records Office of Victoria (PROV) Percentage compliance at 68% by June 2018	●
Statutory Planning Permit processed within 60 days	29. 10% increase from 2016/17 baseline by June 2018	●

## 14.2 Strategic Risk Register - six month report 31 December 2017

File Number: IN18/106  
Responsible Director: Executive Manager People and Governance  
Attachments: 1 Strategic Risk Register 31 December 2017  

### EXECUTIVE SUMMARY

*This report provides Council with summary details of Manningham City Council's (MCC) Strategic Risk Register for the period ending 31 December 2017, demonstrating compliance with the Local Government Planning and Reporting Framework. The reporting cycle is also embedded into Manningham City Council's Risk Management Policy framework.*

*Capture of the strategic risks and their current and target risk ratings is a dynamic process and is relative to a point in time. There are presently 12 strategic risks.*

### 1. RECOMMENDATION

**That Council notes the Strategic Risk Register as at 31 December 2017 following endorsement by the Audit Committee on 22 February 2018.**

### 2. BACKGROUND

- 2.1 The Strategic Risk Register comprises 12 strategic 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 defined strategic risks as, 'significant enough to potentially impact the 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 is a key treatment tool that is 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 undertaken by the Audit Committee at each meeting.

**3. DISCUSSION / ISSUE**

- 3.1 At a management level, the Risk Management Committee, chaired by the CEO, 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 Register was discussed at the 13 December 2017 Risk Management Committee. The new Council Plan was referenced to ensure strategic risks were aligned with the themes and goals. Key external influences were also considered such as:
- Potential power outages during peak summer demands, and
  - Release of the Exposure Draft Local Government Bill.
- 3.3 The Risk Management Committee determined that the high level risk descriptions were still applicable and the current and target risk ratings appropriate. The effectiveness of each treatment plan was then discussed with the individual risk owner and updated accordingly.
- 3.4 Most of the strategic risks have accompanying treatment plans that are working to strengthen the existing controls and mitigate the likelihood or consequence of the risk occurring. These treatment plans reflect high level major strategies or audit activity.
- 3.5 The remaining risks maintain an application and monitoring of continual controls, which are detailed in the corresponding Operational Risk Register.
- 3.6 There has been no recent material change in the strategic risk profile.
- 3.7 The draft Strategic Risk Register Report was endorsed by the Audit Committee at its meeting on 15 February 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 LGPRF Report

Six month report as at 31 December 2017

Risk No	Risk Description	Existing Control	Current Likelihood	Current Consequence	Current Risk Rating	Treatment Plan	Target Likelihood	Target Consequence	Target Risk Rating
<b>CITY OF MANNINGHAM</b>									
12	A major business interruption incident	Business Continuity Management Policy Framework including: Policy, Crisis Management Response & Recovery Plans, Directorate Business Impact Analysis and Crisis Management Team  External provider, held training session with Crisis Management Team 29 June 2017 followed by test exercise conducted on 12 July 2017. Report issued. Second exercise (internal) partnered with Municipal Emergency Management August 2017.  Report to Audit Committee re Crisis Management Training and Test Exercise 3 Nov 2017. Also referenced in Audit Committee Chair's report to Council Strategic Briefing Session 21 Nov 2017.  IT Disaster Recovery Plan and annual testing exercise	Rare	Catastrophic	High	Implementation of Crisis Management exercise recommendations as per annual Test Exercise Report  Review Business Continuity Management policy	Rare	Major	Medium
9	Inadequate contract management practices	Capital Works framework, delegations, authorisation processes and Cap works committee. Annual Internal Audit Program includes major contract audit cycle.  Skilled staff, knowledge and expertise, detailed specifications and conflict of interest declarations. Contractor management training  Stringent Tender process, including comprehensive specifications for contracts (penalties, insurance, retentions), credit rating, bank guarantee and referee checking. Project Steering Committees  Contractor Inspections and audits - Strategic Projects, Engineering Operations, Electrical Line Clearance, Parks and Works minor contracts  Performance monitoring & Reporting	Possible	Major	High	Waste Management Contract Internal Audit  Corporate Project Management System software project  Compliance plan 17/18	Unlikely	Major	Medium

Strategic Risk Register LGPRF Report

Six month report as at 31 December 2017

Risk No	Risk Description	Existing Control	Current Likelihood	Current Consequence	Current Risk Rating	Treatment Plan	Target Likelihood	Target Consequence	Target Risk Rating
7	Failure to adequately protect the health and safety of employees, contractors, volunteers or members of the public as a result of Council services	<p>Ongoing implementation of WHS Strategy and annual action plan</p> <p>Regular cycle internal audit</p> <p>Inspections, comprehensive contract conditions and demonstration of compliance and monitoring of work practices.</p> <p>Well functioning WHS committee structure reviewing all new and revised policies</p> <p>Professionally qualified advisory staff. Compulsory training for Health and Safety Representatives. Communication initiatives including staff and contractor training, intranet resources, E-learning, tool box talks and OHS notice boards.</p> <p>Quarterly OHS Incident and Injury Hazard Reporting &amp; Analysis to Risk Management Committee (Executive) and WHS Committees.</p>	Likely	Major	High	Implementation of year one Action Plan OHS Strategy 2017/18	Likely	Moderate	High
11	Inappropriate procurement practices	<p>Procurement Policy review critiqued and endorsed by Audit Committee and adoption by Council 24-02-17</p> <p>Annual Internal Audit program Procurement</p> <p>Upgrade and integration of software functionality to align with additional Procurement system controls.</p> <p>Monthly Procurement Performance 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/Contract management training. Regular communication of Procurement procedure changes, information sessions and training.</p> <p>Staff Code of Conduct Promotion of integrity culture Fraud and Corruption Policy Protected Disclosure Procedures</p>	Unlikely	Moderate	Medium	Procurement Internal Audit 2018	Unlikely	Moderate	Medium



Strategic Risk Register LGPRF Report

Six month report as at 31 December 2017

Risk No	Risk Description	Existing Control	Current Likelihood	Current Consequence	Current Risk Rating	Treatment Plan	Target Likelihood	Target Consequence	Target Risk Rating
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) including strong focus on community and Council staff education. Associated sub plans. ie. Heatwave Plan and Flood Emergency Plan. Municipal Emergency Planning Committee &amp; associated sub committees</p> <p>Electrical Line Clearance Management Plan 2016-2020</p> <p>Insurance Program</p> <p>Capital Investment, building condition audits, maintenance programs and asset inspection cycles.</p> <p>Climate 2020 Action Plan - Strategic Plan Various community education and awareness initiatives, to foster and equip a climate aware community,</p>	Possible	Moderate	Medium	<p>Manningham Planning Scheme Amendment C109 (LSIO &amp; SBO1) submission process to the Minister for Planning, as per Council resolution 26 September 2017</p> <p>Annual Municipal Emergency Management Plan exercise</p>	Possible	Minor	Medium
8	Change in government policy and/or funding resulting in significant impact on the delivery of critical services	<p>Commonwealth Government, State Government and MAV communication to Council and Councillors at key transaction stages</p> <p>Lobbying and advocacy for improved outcomes for LG sector, including advocacy through MAV</p> <p>Long term financial modelling (10 Year Financial Strategy) incorporating Rate Capping formula impact. Monitoring and reporting process. 2017/18 Budget including Strategic Resource plan 2017-20 adopted by Council 27 June 2017</p>	Unlikely	Major	Medium	Application and monitoring of internet controls.	Unlikely	Major	Medium
6	Inappropriate access, use or significant loss of data/corporate records	<p>Ongoing maintenance of firewall, data backups/offsite data center, security access controls</p> <p>Ongoing patching of servers and clients</p> <p>Continual review of key policies: -Acceptable use of IT - Information privacy &amp; security -IT hardware and software -Email use Policy and notebook staff training</p>	Unlikely	Major	Medium	Records Management Transformation Project - TRIM (Phase 2)	Rare	Major	Medium

Strategic Risk Register LGPRF Report

Six month report as at 31 December 2017

Risk No	Risk Description	Existing Control	Current Likelihood	Current Consequence	Current Risk Rating	Treatment Plan	Target Likelihood	Target Consequence	Target Risk Rating
		<p>E-learning Privacy Act module – or training cycle</p> <p>Privacy Act compliance review</p> <p>TRIM upgrade 2017-18 - greater reliability, data classification, structure, access, governance and training</p>							
5	Fraud or corruption incident	<p>E learning Fraud and Corruption control module rolled out organisation wide 2017</p> <p>Ongoing distribution of IBAC, VAGO and Ombudsman communications to executive and senior management.</p> <p>Participation in the IBAC Fraud and Corruption Research Project and Survey 2017</p> <p>Councillor Code of Conduct reviewed 2017. Fraud and Corruption Policy and Control Plan reviewed 2017</p> <p>Risk Assessments/Risk Register, Risk Management framework, Protected Disclosure Procedures. Monitoring by Risk Management Committee and independent Audit Committee. Delegation register and statements</p> <p>Annual External Audit by Victorian Auditor General's Office (VAGO)</p> <p>Annual Internal Audit program by independent contractor and reporting to Audit Committee</p> <p>Implementation of reviewed Procurement Policy and Procedures including upgrade to software systems enhancements to align with process change 2017. New monthly Procurement exception reporting.</p> <p>Recruitment processes</p>	Unlikely	Major	Medium	<p>Annual Compliance Plan 2017/18</p> <p>Internal Audit Plan 2018-2018</p>	Rare	Moderate	Medium

Strategic Risk Register LGPRF Report

Six month report as at 31 December 2017

Risk No	Risk Description	Existing Control	Current Likelihood	Current Consequence	Current Risk Rating	Treatment Plan	Target Likelihood	Target Consequence	Target Risk Rating
4	Inadequate stakeholder management or engagement impacting brand reputation	<p>Corporate branding review 2017. New branding launched &amp; training organisation wide 2017/18.</p> <p>Consultation framework including policy, training, consultative culture, systems, monitor &amp; review. Active Community panel. Listening posts 12 times per year.</p> <p>Development and adoption of Council Plan 2017-2021 following extensive Community consultation (1000 voices)</p> <p>Undertook recent customer satisfaction research to inform Customer Experience &amp; Improvement Plan, which includes performance tracking.</p> <p>Induction and ongoing awareness training of communications and media relations protocol.</p>	Possible	Moderate	Medium	<p>Development and launch of Citizen Connect to transform the delivery of customer service and information to the needs of the customer.</p> <p>Phase 1 Contact Centre completed (Sep 2017).</p> <p>Phase 2 Customer Relationship Management System (4<sup>th</sup> Quarter 2018)</p>	Unlikely	Moderate	Medium
3	Inadequate financial planning & management significantly impacting the delivery of critical services	<p>Financial management system, policies &amp; procedures, comprehensive Budget process &amp; adoption by Council. Highly experienced qualified staff</p> <p>10 Year long term financial strategy and review incorporating Rate Capping formula.</p> <p>Annual external audit by VAGO including financial risk analysis rating. Audit Committee oversight of VAGO's Closing Report and annual Financial Report of accounts prior to adoption by Council.</p> <p>Monthly reporting to Executive Management Team and Quarterly to Council and Audit Committee.</p> <p>Investment Policy including access to expert independent advice. Controls and Monitoring Access to short &amp; long term funding</p> <p>Management monitoring, Strong sector communication with LG Superannuation company, enquiry by Audit Committee and development of contingency as required.</p> <p>Daily IT backup, IT Disaster Recovery Plan</p>	Rare	Major	Medium	Application and monitoring of internal controls	Rare	Major	Medium

Strategic Risk Register LGPRF Report

Six month report as at 31 December 2017

Risk No	Risk Description	Existing Control	Current Likelihood	Current Consequence	Current Risk Rating	Treatment Plan	Target Likelihood	Target Consequence	Target Risk Rating
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, procedures, internal and external audit, external monitoring, compliance plan reviews, risk management framework & incident reporting  Culture of compliance (Code of Conduct training and Employee of Code of Conduct handbook training during induction.  Legislative alerts, delegations, training  Appointment of Corporate Counsel position 2017	Unlikely	Moderate	Medium	Implementation and monitoring of internal audit control system improvements.	Unlikely	Moderate	Medium
1	Failure of IT Systems (Infrastructure, I.T. & Services) impacting critical services	Offsite backup 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 DRP Plan	Unlikely	Moderate	Medium	Annual review of Disaster Recovery Plan after DR Exercise	Unlikely	Moderate	Medium

### 14.3 Documents for Sealing

File Number: IN18/107  
Responsible Director: Chief Executive Officer  
Attachments: Nil

#### EXECUTIVE SUMMARY

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

#### 1. RECOMMENDATION

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 F S C Lam  
3 Roderick Street, Doncaster East**

**Consent to Build Over an Easement  
Agreement under Section 173 of the Planning and Environment Act 1987  
Council and Hui Teng Pty Ltd  
4 Saxon Street, Doncaster**

**Licence  
Council and Living and Learning At Ajani Inc.  
Part Ted Ajani Reserve  
284-302 Thompsons Road, Templestowe Lower**




#### 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.

## 14.4 Record of Assembly of Councillors

File Number:	IN18/108
Responsible Director:	Chief Executive Officer
Attachments:	<ol style="list-style-type: none"><li>1 Record of Assembly of Councillors - Municipal Emergency Management Planning Committee <a href="#">↓</a> </li><li>2 Record of Assembly of Councillors - Heritage Advisory Committee <a href="#">↓</a> </li><li>3 Record of Assembly of Councillors - Open Space and Streetscape Advisory Committee <a href="#">↓</a> </li></ol>

### 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.*

#### 1. RECOMMENDATION

**That Council note the Records of Assemblies for the following meetings and that the records be incorporated into the minutes of this Council Meeting:**

- **Municipal Emergency Management Planning Committee – 2 February 2018**
- **Heritage Advisory Committee – 14 February 2018**
- **Open Space and Streetscape Advisory Committee – 26 February 2018**

#### 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

**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.

- Municipal Emergency Management Planning Committee – 2 February 2018
- Heritage Advisory Committee – 14 February 2018
- Open Space and Streetscape Advisory Committee – 26 February 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

**Municipal Emergency Management Planning Committee**

**Meeting Date:** Friday 2 February 2018  
**Venue:** Council Chamber, Civic Office, 699 Doncaster Rd, Doncaster  
**Starting Time:** 10am

**1. Councillors Present:**

Councillor Andrew Conlon (Mayor) – Mullum Mullum Ward

**Officers Present:**

Helen Napier – Municipal Emergency Management Coordinator  
Esther Daniel – Emergency Management Officer  
John O'Brien – Assets and Environment Coordinator  
Catherine Walker – Coordinator Social Support

**2. Disclosure of Conflicts of Interest**

No disclosures were made.

**3. Items Considered**

- 3.1. Confirmation of November 2017 Minutes
- 3.2. Actions Arising From Previous Minutes
- 3.3. Correspondence
- 3.4. Update of Contacts
- 3.5. State and Regional projects update
- 3.6. Training and Exercising Update
- 3.7. Presentation: Dementia awareness training for emergency services
- 3.8. Presentation: Case study and debrief outcomes: Balcony Collapse incident, East Doncaster, December 2017.
- 3.9. Presentation: December 2017 Storm Event
- 3.10. Review of Risks – Structure Fire
- 3.11. Sub-committee and Agency Reports

**Finishing time** -The meeting ended at 12 noon



Record of an Assembly of Councillors

Manningham City Council

## **Heritage Advisory Committee**

**Meeting Date:** 14 February 2018  
**Venue:** Koonung Room, Civic Office, 699 Doncaster Rd, Doncaster  
**Starting Time:** 6.00pm

**1. Councillors Present:**

Councillor Andrew Conlon (Mayor) – Mullum Mullum Ward

**Apologies from Councillors:**

Councillor Paula Piccinini – Heide Ward

**Officers Present:**

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**

- Confirmation of previous minutes
- Declaration of conflict of interest
- Actions from previous meeting (15 November 2017)
- Updates
- Heritage Committee's Terms of Reference discussion
- Planning Scheme Review discussion
- Other business
- Next Meeting

The meeting ended at approximately 7.45pm

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Record of an Assembly of Councillors

Manningham City Council

**Open Space and Streetscape Advisory Committee Meeting**

**Meeting Date:** 26 February 2018  
**Venue:** Koonung Room, Civic Office, 699 Doncaster Rd, Doncaster  
**Starting Time:** 6.00 pm

**1. Councillors Present:**

Councillor Mike Zafiroopoulos AM – Koonung Ward  
Councillor Sophy Galbally – Mullum Mullum Ward

**Officers Present:**

Angelo Kourambas – Director City Planning  
Paul Goodison – Coordinator Landscape & Leisure  
Andrew Graydon – Parks Coordinator

**2. Disclosure of Conflicts of Interest**

No conflicts of interest were declared

**3. Items Considered**

- Welcome and introductions
- Apologies
- Conflicts of interest
- Confirmation of previous minutes
- Matters arising
- Manningham Planning Scheme review
- Lions Park upgrade Warrandyte
- Waldau / Victoria Street precinct plan
- Role of Council's Arts Advisory Committee
- Linear Park maintenance
- Other business
  - A future update to be provided on impact of North East Link on open space
  - Future use of Westerfolds Manor
  - Ruffey Lake Park maintenance issues, community event dates and Melbourne water retarding basin works
  - Update on new Tullamore Parks
- Next meeting – 28 May 2018

**Finishing time**

The meeting ended at 8.00 pm

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**15 URGENT BUSINESS**

**16 COUNCILLORS' QUESTION TIME**

**17 CONFIDENTIAL REPORTS**

There are no Confidential reports.