



MANNINGHAM

Ordinary Meeting of the Council

MINUTES

Date:	Tuesday, 27 August 2019
Time:	7:00pm
Location:	Council Chamber, Civic Centre 699 Doncaster Road, Doncaster

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**MANNINGHAM CITY COUNCIL
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL
HELD ON 27 AUGUST 2019 AT 7:00PM
IN COUNCIL CHAMBER, CIVIC CENTRE
699 DONCASTER ROAD, DONCASTER**

The meeting commenced at 7:00pm.

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

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

**1 OPENING PRAYER AND STATEMENTS OF
ACKNOWLEDGEMENT**

The Mayor read the Opening Prayer & Statements of Acknowledgement.

2 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

There were no apologies.

3 PRIOR NOTIFICATION OF CONFLICT OF INTEREST

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

There were no disclosures made.

4 CONFIRMATION OF MINUTES

COUNCIL RESOLUTION**MOVED: CR SOPHY GALBALLY****SECONDED: CR ANNA CHEN**

That the Minutes of the Ordinary Meeting of Council held on 23 July 2019 be confirmed.

CARRIED

5 PRESENTATIONS

There were no Presentations.

6 PETITIONS

6.1 Parking - King Street, Templestowe

COUNCIL RESOLUTION**MOVED: CR MICHELLE KLEINERT****SECONDED: CR GEOFF GOUGH**

That the Petition with 39 signatories requesting parking be reinstated along King Street, Templestowe be received and referred through to the appropriate Officer for consideration.

CARRIED

7 PUBLIC QUESTION TIME

7.1 Mrs M Downie, Donvale

- Q1 How many of our councillors live in Manningham? If any don't what is their qualification for being a councillor?

The Chief Executive Officer, Mr Andrew Day responded that a person is qualified to be a candidate for the office of councillor if they have an entitlement under the Local Government Act. Without disclosing individual councillors' personal circumstances, Mr Day confirmed that all councillors are currently entitled to act as councillors under the Local Government Act.

- Q2 In view of all the stories about buildings with inflammable cladding can Council give an assurance that all high rise buildings meet standards and do not have cladding that is a potential fire risk?

The Director City Planning and Community responded that the Victorian Building Authority (VBA) through its Cladding Taskforce is leading the statewide cladding audit on behalf of the State Government. The Taskforce's focus is on reducing the fire risk of buildings found to contain combustible cladding.

Mr Kourambas advised that the number of buildings identified with cladding in Manningham is 19 and noted that this information and more is available on the VBA website.

Mr Kourambas further responded that the VBA is now working with the relevant residents and owners corporations on the necessary risk assessments and rectification works at each property. Council is actively supporting the VBA through this process to ensure the risk to residents and the community is minimised.

8 ADMISSION OF URGENT BUSINESS

There were no items of urgent business.

9 PLANNING PERMIT APPLICATIONS

9.1 Planning Application PLN18/0172 at 454-456 Doncaster Road, Doncaster for the use and development of a three-storey childcare centre plus associated basement and sub-basement car parking, to display a floodlit business identification sign, and alter access to a road in a Road Zone, Category 1

File Number:	IN19/433
Responsible Director:	Director City Planning and Community
Applicant:	Keen Planning
Planning Controls:	Residential Growth Zone (RGZ2), Design and Development Overlay, Schedule 8 (DD08-1)
Ward:	Koonung
Attachments:	1 Decision Plans ↓ 2 Legislative Requirements ↓

EXECUTIVE SUMMARY

Purpose

1. This report provides Council with an assessment of the planning permit application submitted for 454-456 Doncaster Road, Doncaster and recommends its approval, subject to amendments to be addressed by way of permit conditions. The application is being reported to Council as it is a Major Application (a development cost of more than \$5 million).

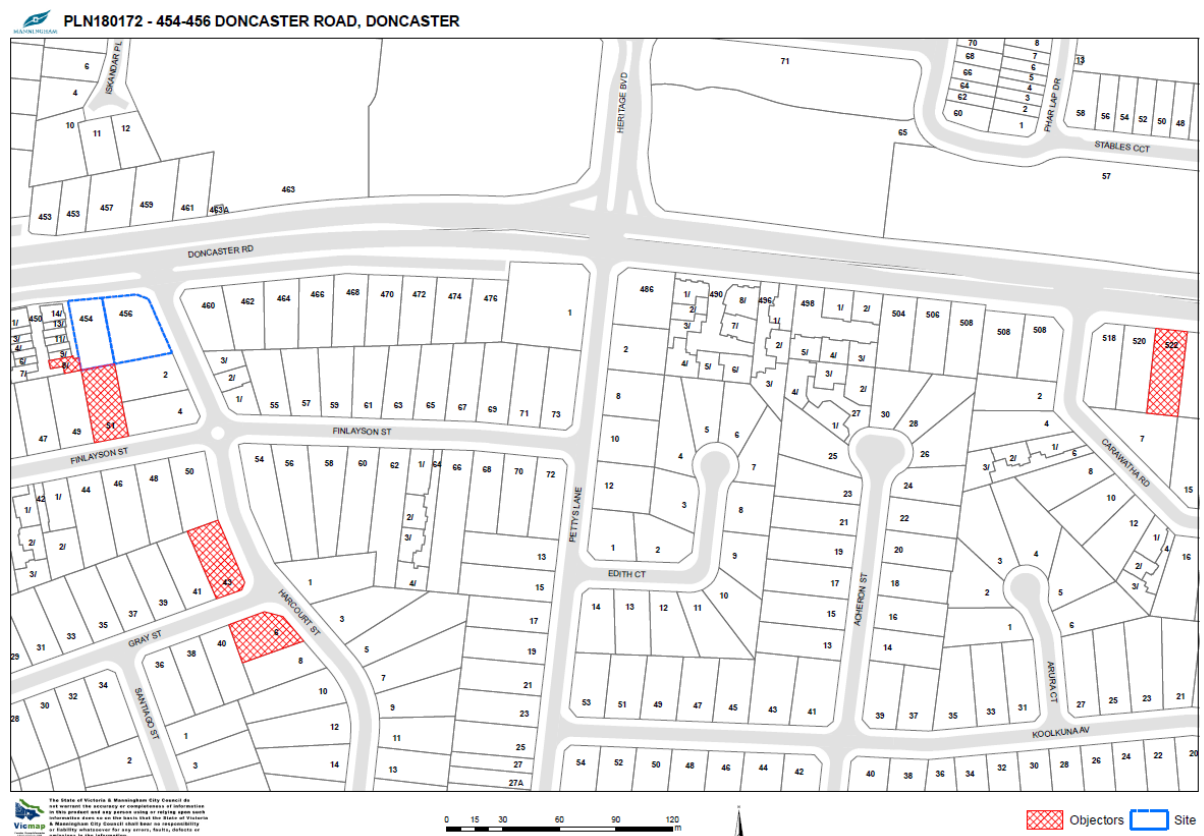
Proposal

2. The proposal is for the use and development of the land for a three-level childcare centre with two levels of associated car parking beneath.
3. The rooms are largely concentrated within the ground and first levels, with play spaces provided around the periphery of the building either within the site frontages, or in the form of raised terraces and balconies. The third level includes a larger roof-top play space. Acoustically treated balustrades wrap around the raised play areas.
4. The childcare centre proposes a capacity for 196 children and operating hours between 7.30am to 6.00pm Monday to Friday. The centre is proposed to be operated by "Inspire Early Learning" who provide a Montessori based learning program. A floodlit business identification sign is proposed within the front setback, displaying the centre name and logo.
5. Car parking is provided within a basement and sub-basement form and includes a total of 49 car spaces, which exceeds the statutory requirements by 6 spaces. The site frontage to Doncaster Road (service road) has the capacity to accommodate kerb-side parking for up to 6 vehicles. The plans indicate that the lower basement level would be allocated to staff, with the remainder for child drop-off and collection. Access into the car park is via the site's frontage to Harcourt Street.

6. The site comprises two residential allotments with a total area of 1,598sqm. The development proposes a site coverage of 58.1% and 28.3% permeability. The building is not more than three storeys at any one point and does not exceed a height of 10 metres, although the shade sails upon the rooftop play area do slightly exceed this.

Advertising

7. Notice of the application was given for a three week period which concluded on 15 May 2019.
8. Five objections have been received to-date, expressing concerns generally in relation to increased traffic and on-street parking pressures, neighbourhood character, amenity impacts, and commercial impacts.
9. Following advertising, the application was amended to include improved rear setbacks, increased landscaping, and a supplementary traffic analysis. Notice of the amended proposal was given to the immediately adjoining and objecting properties. Notification concluded on 1 August 2019. No further objections or submissions were received.



Key issues in considering the application

10. The key issues for Council in considering the proposal relate to:
 - Planning Policy Frameworks;
 - Location;
 - Siting, scale, design and built form;
 - Landscape;
 - Amenity;

- Traffic, car parking, access and pedestrian safety;
- Signage; and
- Objector concerns.

Assessment

11. The use and development of the land for a childcare centre is considered to be appropriate having regard to the relevant Planning Policy Framework of the Manningham Planning Scheme (the Scheme), and particularly in response to Clause 22.05 which provides policy direction relating to “non-residential uses in residential areas”. This policy encourages that the Residential Growth Zone accommodate a range of non-residential uses that service local community needs.
12. By virtue of the site’s location abutting a road zone (with additional benefit of a service road and side street) and its close proximity to the Doncaster Hill Activity Centre, the locational criteria for such uses are specifically achieved. A “clustering” of community based services will also eventuate upon the development of the approved public Health Club (gym, pool, tennis courts) on land opposite in the Tullamore Estate.
13. Of further importance is to ensure that the development will suitably integrate with the preferred neighbourhood and landscape character, which it does. The overall form is attractively designed to assume an “apartment style” appearance which will integrate with and reflect the preferred built form outcomes, as anticipated within the main roads sub-precinct of the Design and Development Overlay, Schedule 8 (DDO8-1). Amenity is well considered in the careful siting of the building footprint, with suitable landscape buffers, transitional scales toward the south and west, and a relatively modest building height. Noise attenuation measures (in respect of play noise) are proposed in the form of acoustic barriers upon the balcony play spaces, which are suitably setback from the more sensitive residential interfaces.



14. The use of the Harcourt Street to provide vehicular access into the site has been purposefully selected in favour of the main service road frontage. This is because access to the site via the service road would create adverse traffic and safety issues due the abrupt diagonal movement required across the head of the “T” intersection in respect of cars approaching the site from Doncaster Road. With local traffic moving through the intersection to Doncaster Road and the potential for some short queuing at certain times of the day, there would be a high risk of collisions and certainly increased delays for cars approaching the centre from Doncaster Road. This could impact adversely on the safety and efficiency of the Doncaster Road bus lane through propping.

15. The restrictive west-bound only traffic flows along the service road may also encourage unwanted parking in residential streets, in an attempt to find a more efficient route to east-bound and south-bound destinations.
16. The proposed access arrangement at the southern end of Harcourt Street is therefore the preferred outcome, allowing for safe passage into the basement and a more “even” distribution of traffic. The potential use of six kerb-side spaces along the service road frontage also remains an option, pending availability.
17. The gap acceptance analysis of the submitted traffic report confirms that the Harcourt Street intersection is not impacted by unreasonable queuing or delays during commuter peaks. Two short 10-15 minute peaks coinciding with the start and finish times of the nearby Birralee Primary School can see larger queues of approximately 4 vehicles (waiting to turn left onto Doncaster Road), however these clear promptly and with minimal delay. Officers have made several observations of the intersection which concur with this finding. The analysis concludes that the intersection would continue to operate in a similar manner and with little impact should the proposed use operate with its proposed access and capacity.
18. The basement car parking levels provide a surplus of 6 spaces beyond the statutory requirements. A car parking management plan will be required to implement certain measures, including the allocation of spaces to maximise available parking for both staff and parents, and methods to deter parking in nearby residential streets where parking may be deemed to be detrimental.
19. Overall, the proposed use is considered appropriate in this location and will offer a service of net community benefit to the existing residents and increasing population within this growth area, whilst remaining considerate to its residential setting. The proposed business identification sign is also well considered and integrates with the general styling of the building.

Conclusion

20. This report concludes that the proposal complies with the relevant planning policy in the Scheme and particularly with Local Policy at Clause 22.05, and the design outcomes anticipated by the DDO8.
21. It is recommended that the application be supported, subject to conditions requiring modest design changes and the implementation of operational management plans for the on-going protection of residential amenity.

COUNCIL RESOLUTION

MOVED: CR MIKE ZAFIROPOULOS
SECONDED: CR ANNA CHEN

That Council:

- A. Having considered all objections issue a NOTICE OF DECISION TO GRANT A PERMIT in relation to Planning Application PLN18/0172 at 454-456 Doncaster Road, Doncaster for the use and development of a three-storey childcare centre, plus associated basement and sub-basement car parking, to display a floodlit business identification sign and alter 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 prepared by Co-lab Architecture, dated 29 June 2019, but modified to show the following:

Design and layout

- 1.1. All roof-top shade sails replaced with a lower pergola style structure that better integrates with the overall design and appearance of the building, being more centrally located so as to reduce visibility from the public realm;
- 1.2. The first and second floor balcony fascia fronting Doncaster Road with a 1 metre deep central indent, or visually “broken up” with an alternate material (i.e. replacement of a central panel with vertical pickets) if deemed acceptable by the Responsible Authority;
- 1.3. Reduction of front entry path in favour of added landscaping;
- 1.4. Details of screenings and architectural treatments to attractively conceal the external fire space stairs upon the southern elevation;
- 1.5. The inclusion of bicycle parking within the lower basement car park for staff use;

Use

- 1.6. Greater detailing of the room layout (including permanent cots/beds, bag locker areas, storage areas, change areas, door swings etc.) with an accurate calculation of the unencumbered floor space provided per room;
- 1.7. The age and number of children per room accurately nominated on plan;

General

- 1.8. The location and setback of the business identification sign;
- 1.9. Sandpits within the front setbacks to be deleted, relocated or reduced to provide a continuous landscape buffer affront;
- 1.10. Longitudinal sections of the basement raps (as taken from the centre for the roadway) with full detailing of ramp gradients and clearance heights;

Materials and site services

- 1.11. A separate sheet with a full schedule of materials and finishes with colour samples of all external walls, roofs, fascias, window frames, paving (including terraces, balconies, roof terraces, stairs), fencing, privacy screens, roof top plant screens and retaining walls, and including the following (to also be shown on elevation):
 - 1.11.1. The ground level terrace fascia where visible to the frontage to be finished in a darker colour (such as charcoal/black);
 - 1.11.2. The backing of the business identification sign to be finished in a darker colour tone/shade that better blends with the landscape treatment;
 - 1.11.3. The shade sails to be of neutral colouring;

Other Conditions

- 1.12. A schedule listing all sustainability features and commitments, including any plan changes as per the Sustainability Management Plan required by Condition 4;
- 1.13. Full details of all noise attenuation measures required in accordance with an updated Acoustic Report, which is to undertake a further review of any operational restrictions for play times/number of children and any further measures (such as acoustic fencing) deemed necessary; and

- 1.14. A notation requiring that all trees protection measures must be implemented in accordance with the approved TMP.

Endorsed Plans

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

Construction Management Plan

3. Not less than 3 months 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;
- 3.6. Element A6: Traffic and Parking Management.

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

Sustainability Management Plan

4. Prior to the commencement of the development, 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 the building. The plan must be generally in accordance with the report prepared by Auswide Consulting and dated December 2018, though updated to reflect any conditional changes and the following:

- 4.1. Management 4.1 Building Users Guide: BESS Report amended to reflect assessment which indicates that the project commits to producing a Building User's Guide;
- 4.2. Water 1.1 Water Efficient Fixtures: Commitment required to providing dishwashers and washing machines as part of the building fit-out if included within the BESS assessment beyond default, and stated in the report;
- 4.3. Water Rainwater Reuse: Clarify in report and on plan the rainwater tank and size and connection to toilets and irrigation. Report states that no rainwater tanks proposed in the Water Section but a 15kL tank in stormwater section;
- 4.4. Water 4.1 Building Systems Water Use Reduction: Provide further information on the proposed strategy to reduce potable water usage to claim this credit;
- 4.5. Energy 1.1 Thermal Performance Rating - Non-Residential: The BESS assessment indicates a 100% reduction in energy used for heating and cooling, but the report does not detail how this is achieved. A development of this size is expected to provide a commitment to achieving at least a 10% improvement on National Construction Code minimum energy efficiency requirements (6-star standard indicated in report is not relevant to this building class);

- 4.6. **Energy 3.7 Internal Lighting - Non-Residential:** To claim this credit, indicate a clear commitment to a maximum illumination power density (W/m²) in at least 90% of the relevant building class at least 20% lower than required by Table J6.2a of the NCC 2016 BCA Volume 1 Section J (Class 2 to 9);
- 4.7. **Energy 4.2 Renewable energy systems – Solar:** Plans indicate a 24.6kWp solar photovoltaic system which should be accounted for in BESS assessment and report;
- 4.8. **IEQ 1.4 Daylight access – Non-residential:** Calculations (modelling or hand calculations) required in the report to demonstrate how the spaces are predicted to perform in relation to daylight benchmarks outlined in BESS (<https://bess.net.au/tool-notes/>);
- 4.9. **Transport 1.4 Bicycle Parking - Non-Residential:** Provide notations on drawings to demonstrate that this commitment is being delivered;
- 4.10. **Transport 1.5 Bicycle Parking - Non-Residential Visitor:** Provide notations on drawings to demonstrate that this commitment is being delivered;
- 4.11. **Transport 2.3 Motorbikes / Mopeds:** Indicate on plans the layout of motorbike spaces; and
- 4.12. **BESS Assessment:** Formally published and updated to ensure minimum scores are achieved.

Waste Management Plan

5. **Not less than 3 months before the development starts, a Waste Management Plan must be submitted to 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 Waste Management Plan (WMP) prepared by Leigh Design and dated 4 July 2018, but updated to include any changes required by Condition 1, as relevant.**

Car Parking and Use Management Plan

6. **Not less than 3 months prior to the commencement of the approved use, a Car Parking and Use Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will then form part of the permit and all measures implemented to the satisfaction of the Responsible Authority. The plan must be generally in accordance with the plans and described use, and include the following:**
 - 6.1. **Maximum staffing;**
 - 6.2. **Measures to avoid staff arrivals and departures coinciding with peak commuter periods associated with nearby school commencement and finishing times;**
 - 6.3. **Measures to maximise the supply of on-site car spaces available for both carers and staff;**
 - 6.4. **Any required signposting or allocation to accord with the recommendations above;**
 - 6.5. **Measures to prevent parking in nearby local residential streets and educate staff and carers of the requirement to park within the available on-site basement car park; and**
 - 6.6. **Any operational requirements to manage noise, as determined by the updated acoustic report.**

Unless otherwise agreed with the consent of the Responsible Authority, an updated plan must be submitted for review and approval within 6 months of the approved uses commencing, or where the nominated operational arrangements change.

Such plan must implement any changes deemed necessary by the use operators or Responsible Authority to ensure on-site parking and noise is adequately managed.

Tree Protection Management Plan

7. Prior to the commencement of the development, including demolition or levelling of the site, a Tree Management Plan (TMP) must be submitted to and endorsed by the Responsible Authority. When approved, the plan will then form part of the permit and all measures implemented to the satisfaction of the Responsible Authority. The TMP should generally reflect the recommendation in the report prepared by *Arboricultural Report by All Trees Consulting Services Pty Ltd, dated 7 November 2018*, and include:

- 7.1. Updated protection recommendations as relevant to the current proposal and any changes as required by Condition 1;**
- 7.2. A site plan detailing the tree protection zone (TPZ) and structural root zones (SRZ) of all trees to be retained, the location of all protective fencing barriers (accounting for any approved works within a TPZ), and a schedule of all general tree protection recommendations to be implemented during construction;**
- 7.3. The mapping of the excavation points on site plan for the purpose of the basement, playground and fire escape stairs within the TPZ of Tree 3 and the types of footings or foundations;**
- 7.4. Details of the project Arborist to be present on-site, including a general schedule of where Arborist supervision is required (i.e. during any hand digging for Tree 3 or where significant roots are encountered);**
- 7.5. Details of what alternative design or protection measures could be implemented in the event a significant root are encountered within the TPZ of Tree 3;**
- 7.6. Recommendations with regard to any placement of new trees and shrubs within the TPZ of protected trees and particularly of Trees 2 and 3, including excavation techniques where permitted; and**
- 7.7. Detailing of any remedial pruning or lopping required to any tree branches encroaching into the site.**

Management Plan Compliance

- 8. The Management Plans approved under Conditions 3, 4, 5, 6 and 7 of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.**
- 9. Before the occupancy of the development, 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.**

Landscape plan

- 10. 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 plan prepared by Package Landscapes Australia, Project No. 4994, dated 4 July 2019, but modified to show:**

- 10.1. Plant species more clearly referenced and identifiable on legend and plan;
- 10.2. The pot sizes to indicate the supply size (in height) of species at the time of planting, demonstrating that the majority of canopy trees planted at ground level are of a semi-mature height of at least 2 metres at the time of planting;
- 10.3. Detailing of any proposed planting at the raised levels, including details of any planters, drainage etc.;
- 10.4. Detailing of the “crazy pave” within any front setback area;
- 10.5. Details of the synthetic turf, including brand, colour, blade length etc. Unless a high quality material with a realistic appearance and suitable permeability can be demonstrated with the Harcourt Street frontage, an alternative natural material will be required;
- 10.6. The emergency pathways within the southern and western setbacks to be of a crushed rock/toppings or similar;
- 10.7. Landscaping within all boundary setbacks to incorporate continual canopy tree rows (to form a thick screen), with dense complimentary understory along front boundaries;
- 10.8. Suitable shallow-rooted and non-invasive species where within the easement;
- 10.9. Creepers or hedge-forming species to conceal the terraced wall within the front setback to Doncaster Road;
- 10.10. A vertical garden or suitable planting coverings upon the exposed basement walls;
- 10.11. Any species or excavation methods within the TPZ of retained trees, in accordance with the Tree Management Plan; and
- 10.12. Planting within 2 metres north of the edge of the driveway and 2.5 metres into the site along the northern side of the driveway to be no greater than 0.9 metres in height at maturity.

Landscape Bond

11. Before the release of the approved plan 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.

Use

12. Except with the prior written consent of the Responsible Authority, the childcare centre use may only operate between the hours of 7.30am to 6.00pm Monday to Friday.
13. Except with the prior written consent of the Responsible Authority, the number of children who may be cared for at the childcare centre at any one time must not exceed 196, or the amount permissible by the unencumbered space per room, whichever is the lesser.
14. Except with the prior written consent of the Responsible Authority, not more than 7 staff members in excess of the minimum staffing required for the number of children being cared for at the childcare centre may be present at any one time.
15. The external play areas must be kept in a neat and tidy condition to the satisfaction of the Responsible Authority.

16. The operator of the centre must ensure that excessive noise is not generated by external play activities through proper management and supervision techniques, and as required by any approved use management plan, to the satisfaction of the Responsible Authority.

Testing of noise emissions if required

17. At the request of the Responsible Authority, the owner and/or occupier must, within 30 days, supply an assessment by a qualified acoustic consultant of noise levels emitted from the site with readings taken at times and locations specified by the Responsible Authority.

The cost of the assessment is to be borne by the owner or occupier. If necessary, additional noise control features must be installed in consultation with an acoustic engineer, or activities and noise sources on the premises regulated at the direction of and to the satisfaction of the Responsible Authority.

The frequency of this request will be at the discretion of the Responsible Authority.

Completion and Maintenance

18. Before the commencement of the approved use, 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.
19. Privacy screens and acoustic measures as required in accordance with the approved plans must be installed prior to commencement of the use, to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority.
20. 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.
21. An in-ground drip-feed watering system must be installed in the main landscaped areas to the satisfaction of the Responsible Authority.

Vegetation protection

22. Prior to the commencement of works and for the duration of construction, protective fencing must be installed and maintained around all trees to be retained and associated protection measures implemented in accordance with the approved Tree Protection Management Plan to the satisfaction of the Responsible Authority. No vehicular or pedestrian access, storage of materials or equipment, grade changes or open cut trenching or excavation works (whether or not for the laying of services) is to occur within the Tree Protection Zone of trees to be retained, other than as approved on the endorsed Tree Protection Management Plan, or unless with the written consent of the Responsible Authority.
23. The owner must ensure that contractors/tradespersons who install services or work near the vegetation to be retained are made provided a copy of the approved Tree Protection Management Plan and adhere to the recommendations to preserve the vegetation and to minimise impacts through appropriate work practices.

Street Tree

24. Prior to the commencement of the development, the owner must arrange with Council's Parks and Recreation Unit for the removal of the street tree from Harcourt Street, and the planting of four new trees within the nature strips surrounding the site. This will involve the removal and replacement of four footpath panels adjacent to the nominated replacement trees with TripStop X to Council's specifications, which must be engineered and installed to withstand the pressure exerted from tree roots. Such works for the must only be undertaken by Council contractors to ensure quality and safety of work, and all costs associated with the above must be paid to the satisfaction of the Responsible Authority.

Stormwater – On-site detention (OSD)

25. 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. The PSD must meet the following requirements:

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

26. Before the development starts, a construction plan for the system required by Condition 25 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

27. 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.
28. 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.

Driveway and Car Parking Areas

29. Not less than 49 car spaces must be available on site at all times during operating hours to the satisfaction of the Responsible Authority.
30. Prior to the commencement of approved use, the area set aside for the parking of vehicles and access lanes as shown on the approved plan must be:
- 30.1. Constructed and formed to approved levels;
 - 30.2. Drained and surfaced with an all-weather-seal coat;
 - 30.3. line marked to indicate each car space;
 - 30.4. marked to show the direction of traffic along access lanes and driveways;
 - 30.5. marked to show a car space for a person with a disability designed to the relevant Australian Standard; and
 - 30.6. signposted as relevant, to the satisfaction of the Responsible Authority.

31. The loading and unloading of goods from vehicles must only be carried out on the land and within the approved operating hours.
32. Prior to the commencement of approved use, the proposed vehicular crossover must be constructed in accordance with the approved plans, and redundant crossovers removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.

Amenity

33. All security alarms or similar devices installed on the land must be of a silent type to the satisfaction of the Responsible Authority.
34. External lighting must be designed so as to limit loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority.
35. All noise emanating from any mechanical plant (air conditioners, refrigeration plant, etc.) must comply with the State Environment Protection Policy N-1 and in the event of the Responsible Authority receiving justifiable complaints regarding noise from such sources, the onus will be on the owner of the development site to prove compliance with the relevant policy to the satisfaction of the responsible authority.

General Services

36. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
37. All service pipes must be concealed and screened respectively to the satisfaction of the Responsible Authority.
38. All roof-top plant and services (including any hot water systems, but excluding solar panels) must be installed in appropriately screened areas (away from the outer edges of the roof section upon which they are installed) unless otherwise agreed in writing with the Responsible Authority.

Fencing

39. Prior to the commencement of the approved use, 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. Any proposed fencing is to be constructed at the cost of the developer.

Construction Management

40. 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

Advertising Sign

41. The approved sign must not contain flashing or intermittent light and must be constructed and maintained in good condition to the satisfaction of the Responsible Authority.

42. The intensity of the light in the approved sign must be limited so as not to cause glare or distraction to motorists, or loss of amenity in the surrounding area, to the satisfaction of the Responsible Authority.
43. No sign/s shall be illuminated between the hours of 9:30pm to 7:30am (inclusive).
44. The approved sign expires 15 years from the date of this permit, or if the approved use ceases to operate. Upon expiry, the sign and structures built specifically to support and illuminate it must be removed.

Permit Expiry

45. This permit will expire if one of the following circumstances applies:

- 45.1. The development is not started within two (2) years of the date of this permit; and
- 45.2. The development is not completed within four (4) years of the date of this permit; and
- 45.3. The use is not commenced within two (2) years of the completion of the development.

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.

CARRIED

2 BACKGROUND

- 2.1 The application was lodged in a very preliminary form immediately following a pre-application meeting in late 2017. Consequently, there was a significant amount of further information required. After subsequent plan amendments, the proposal was presented to the Sustainable Design Taskforce in June 2018. At this meeting, further modifications were tabled and overall, the proposal was well received. Comments pointed to the need to ensure landscaping and acoustics were well considered, and that the rear elevation was well presented.
- 2.2 Further plan changes were made in response to these comments, and notice of the application was given over a three-week period which concluded on 15 May 2019. On 5 July 2019, a Section 57A amendment was lodged to provide a supplementary traffic and gap analysis and some additional plans changes, including an increased 4 metre setback between the ground level play space and rear boundary, revisions to the fire escape location and increased landscaping within the western and southern setbacks. These changes were re-advertised by way of letters to neighbouring and objecting properties, with the advertising period concluding on 1 August 2019.
- 2.3 The statutory time for considering a planning application is 60 days, which falls on 2 September 2019.

3 THE SITE AND SURROUNDS

The Site

- 3.1 The site is located on the south-west corner of Doncaster Road (Service Road) and Harcourt Street. The site comprises two relatively standard residential allotments with a total area of 1,598 square metres. The site is irregularly shaped, with a combined frontage width of 37.22 metres to Doncaster Road and a 30.35 metre frontage to Harcourt Street.
- 3.2 The land has been vacant and devoid of vegetation for many years. The land has a cross-fall in the order of 4 metres from east to west. A 1.83 metre wide drainage and sewerage easement runs adjacent to the rear boundary.

The Surrounds

- 3.3 The site and the adjoining properties to the east and west and directly opposite are subject to the same planning controls (RGZ2 and DDO8-1). Properties to the south are within the General Residential Zone, Schedule 1 (GRZ1).
- 3.4 The site has direct abuttals with the following properties:

Direction	Address	Description
West (RGZ2)	450-452 Doncaster Road	<p>This property is developed with 12, three-storey townhouses which were constructed a year ago in accordance with Planning Permit PL13/023934. The townhouses are laid out in two separate rows, with the eastern row (units 8-14) running parallel to the site.</p> <p>The eastern row of townhouses is setback between 2.5 and 4.8 metres from the common boundary. The ground level setback provides pedestrian access to the dwelling entries, with the pathway excavated beneath the site level. There are four first floor balconies along with first and second floor windows upon the eastern elevations, all of which have unobscured views toward the site.</p>
South (RGZ1)	2 Harcourt Street 51 Finlayson Street	<p>This property adjoins the eastern half of the site's rear boundary and contains a two-storey brick dwelling which fronts Harcourt Street. A double garage is built upon the common property and setback 7.59 metres from the street. The dwelling is located to the south of the garage and contains one upper level window facing the site, and another at the ground level, though located a substantial distance from the shared boundary. The areas to the west and north of the dwelling provide secluded private open space, and there are two large, mature trees in the vicinity of the site (one being a eucalypt).</p> <p>This property shares its rear boundary with the western half of the site's southern boundary. The property contains a two level brick dwelling fronting Finlayson Street, which is located over 10 metres from the site.</p> <p>This setback area is used for secluded private open space and includes an outbuilding and several trees which provide a dense screen along the rear boundary.</p>

- 3.5 The character of the broader neighbourhood is in transition. This particular section of Doncaster Road still retains a number of single post-war homes, however is becoming increasingly defined by larger apartment style buildings and townhouse developments of three to four storeys (with exception of the recently completed 5 storey Tullamore building). These developments are consistent with the “preferred” neighbourhood character implied by the DDO8-1, and further developments of this nature are anticipated.
- 3.6 Land to the rear of the site (fronting either Harcourt Street or Finlayson Street) falls within a General Residential Zoning (GRZ1). Whilst predominantly characterised by single homes, there has been some transition toward increased housing densities in the form of units or townhouses. An example of this is the three, two-storey townhouses generally opposite the site at No. 53 Finlayson Street. This form of development is expected to increase in accordance with the incremental level of change anticipated.
- 3.7 Doncaster Road is a VicRoads declared arterial road running in an east-west alignment with three lanes of traffic in each direction. The outer lanes are dedicated bus lanes during peak hours. Service roads are provided on both sides in this particular section of Doncaster Road. There is no median break opposite the Harcourt Street intersection, so all traffic leaving this street must turn left into Doncaster Road. This aspect tends to reduce delays at the intersection, as it is relatively easy to turn out of the street especially with the impact of traffic lights further to the east.
- 3.8 There is a median break with an associated deceleration/turning lane approximately 340 metres west of the site, diagonally opposite the Hender Street intersection. This is designed to allow westbound traffic to turn around and head east prior to the signalised intersection further to the west.
- 3.9 The service road in front of the site has a width of 5.5 metres, with parking permitted on the southern side only. Traffic flow is restricted to a westbound direction, with an opening (left-turn only) onto the main carriageway just east of the Hender Street intersection.

4 THE PROPOSAL

- 4.1 The proposal is outlined on the plans prepared by Co-lab Architecture, dated 29 June 2019 and a landscape plan prepared by Package Landscapes Australia, Project No. 4994, dated 4 July 2019. Refer to Attachment 1.
- 4.2 The following reports were provided in support of the application:
- Town Planning report prepared by Keen Planning, dated July 2019;
 - Traffic Engineering Assessment prepared by Traffix Group, Job No. G25107R-03A, dated March 2019, plus supplementary assessment date 19 June 2019;
 - Acoustic Report prepared by Acoustic Design Pty. Ltd., dated 7 December 2018;
 - Waste Management Plan prepared by Leigh Design dated 4 July 2018;
 - Sustainable Management Plan prepared by Auswide Consulting, dated December 2018;
 - Arboricultural Impact Assessment and Tree Protection Management Plan prepared by All Trees Consulting Services Pty Ltd, dated 7 November 2018; and

- Centre Operator (Inspire Early Learning Centre) Description of Use and Demand Analysis, dated 19 June 2019.

Development summary

4.3 A summary of the development is provided as follows:

Land Size:	1,598m ²		Maximum Building Height:	10 metres (approx.11.7m to shade sail posts)	
Site Coverage:	58%		Preferred height under Zone and Overlay:	RGZ2: 14.5 metres (with slope provision) applicable to residential buildings	
Permeability:	28.3%			DDO8: 10 metres with slope provision (discretionary)	
Total Places:	196		Minimum setbacks:	Wall setbacks:	Play area/balcony setbacks:
No. of children per room:	0-3yrs	3-5yrs			
<i>Ground floor:</i>			<u>Doncaster Road</u>		
Room 1 (59m ²)	16	-	Basement:	3.05 - 5.9m	-
Room 2 (52 m ²)	16	-	Ground:	6.0 - 8.3m	3.7m
Room 3 (52m ²)	16	-	First:	7.3 - 9.6m	4.0 - 5.1m
Room 4 (54 m ²)	16	-	Second:	6.2m	5.6 - 5.9m
Room 5 (73 m ²)	-	22			
<i>First floor:</i>			<u>Harcourt Street</u>		
Room 6 (73m ²)	-	22	Basement:	2.5 - 8.3m	-
Room 7 (73 m ²)	-	22	Ground:	3.0 - 6.1m	-
Room 8 (74m ²)	-	22	First:	5.9m	2.65m
Room 9 (87m ²)	-	22	Second:	4.5 - 7.1m	3.8m
<i>Second floor:</i>			<u>Southern boundary</u>		
Room 10 (73m ²)	-	22	Basement:	4.0m	-
			Ground:	8.5m	4.0m
			First:	10.6m	4.3m
			Second:	12.7m	7.2m
Staff required: (1:4 ratio for 64 children between 0-3 years and 1:11 ratio for 132 children between 3-5 years)	16	12	<u>Western boundary</u>		
			Basement:	1.55m	-
			Ground:	6.98m	2.0m
			First:	11.27m	6.05m
			Second:	27.45m	11.12m
Statutory car parking rates:	No. of car spaces required on-site:		No. of car spaces provided on-site:	Car space shortfall or surplus:	
0.22 car spaces to each child	43		49	6 space surplus	

4.4 It is noted that there is an error on the development plans with respect to the age and number of children in some of the ground floor rooms. The figures above provide the correct room and age numbers, and a condition will require this be corrected on plan.

Use

- 4.5 The childcare centre proposes operating hours of 7.30am to 6.00pm Monday to Friday. There are five rooms which can accommodate a maximum of 196 children at any one time. At full capacity, the centre would require a total of 28 staff. It has been indicated that up to 3 office, 1 kitchen staff and 3 supporting staff would also be required.

Design layout

- 4.6 The main centre entry is presented to Doncaster Road, where the reception, kitchen, laundry and staff areas are located amidst 5 childcare rooms. Play spaces are provided at-grade within the Doncaster Road and Harcourt Street frontages and also in the form of raised terraces.
- 4.7 The first floor level contains four rooms which are serviced by balcony play spaces extending around the periphery. The second level is limited in footprint, containing only 1 room and a staff office/meeting area, with the remaining roof area of the level below providing a large “roof-top” play space. This area is open-air, with the exception of some shade sail coverings.
- 4.8 The play areas are enclosed by 1.8 metre high balustrades. These are constructed of solid concrete/stucco finishes in part, with an acoustic clear glass above with applied vertical metal batten screens in front. To the south and west, these battens are closely spaced to provide no more than 25% transparency, whilst to the north and east, more generous spacing enables views out toward the street aspects. Fencing along the site frontages is of a matching vertical batten design.

Pedestrian and vehicle access and layout

- 4.9 Two levels of car parking beneath the main building will service the centre, accessed via a new double width crossover in Harcourt Street. Whilst substantially in basement form, the upper level projects above the natural ground toward the west of the site, with this element used to accommodate terraced play areas above.
- 4.10 The first level provides 22 car spaces, in addition to the main waste collection area. The lower level provides 27 car spaces, 4 of which are in tandem and indicated for staff use.
- 4.11 The main building entrance is serviced by a graded pathway from Doncaster Road. A central lift core and stairwell connect the car park and each level above. The basements also has an emergency fire stair out toward the site frontage.
- 4.12 An existing vehicular crossover is to be removed from the service road frontage (generates the need for planning approval for this aspect).

Landscaping

- 4.13 The site peripheries will exhibit a layered landscape theme consisting of canopy trees, understorey planting and ground covers. The raised ground level terraces are proposed to be finished in a synthetic turf and soft-fall surfacing. Within the frontage to Doncaster Road (forward of the raised terrace play area), a number of large trees and shrubs are proposed, however it is also intended to be used as a play area, with a meandering pathway amidst the plantings and a sandpit area in the western corner.

- 4.14 The setback to Harcourt Street is similarly proposed as a play area, to be finished in a synthetic turf and “crazy pave”, and bordered with planting along the title boundary.
- 4.15 The setbacks between the ground level terraced play areas to the western and southern boundaries (2 metres and 4 metres respectively) will be dedicated to dense landscaping. Limited areas of these setbacks allow for clearances set aside for “informal” emergency exit pathways.

Design Detail

- 4.16 The architectural styling/built form is considered to be similar to that associated with a small apartment building. The main building facades will be constructed of a blue/grey toned face brickwork, with the balcony fascia’s completed in a beige coloured concrete combined with black vertical battens for visual interest.

Advertising sign

- 4.17 Business identification signage is proposed within the main street setback. The advertising area is 1.39 metres in height and 2.86 metres wide (total 3.98sqm). The sign reaches 1.9 metres in height, however the lower 550mm at the base is effectively reserved as a landscape “rise”. Signage detailing shows the centre business name (“Inspire Early Learning Journey”) and company logo, which will be illuminated with a flood light.
- 4.18 The location of the sign is not detailed on the site plan, however the perspectives indicate placement in the vicinity of the north-eastern corner splay, and integrated into the playground fencing approximately 2 metres back from the main frontage.

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 32.07 Residential Growth Zone, Schedule 2:

- Clause 32.07-2 for use of the land for a childcare centre
- Clause 32.07-8 to construct a building or construct or carry out works for a use in Section 2;

Clause 43.02 Design and Development Overlay, Schedule 8:

- To construct a building or construct or carry out works, including a front fence.

Clause 52.05 Signs:

- To construct or put up for display a floodlit business identification sign.

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

- To create or alter access to a road in a Road Zone, Category 1.

6 REFERRALS

External

- 6.1 As the proposal involves the removal of redundant crossover from the Doncaster Road (service road) the application was referred to VicRoads as a determining referral authority.
- 6.2 VicRoads has not objected to the proposal, nor included any conditional requirements due to the Service Road frontage.

Internal

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

Service Unit	Comments
Infrastructure Services Unit – Drainage	<ul style="list-style-type: none"> Stormwater must be drained to the point of discharge and the whole of the land graded and drained to minimise overland flows. No objection subject to conditions for the provision of on-site storm water detention.
Infrastructure Services Unit – Vehicle Crossing	<ul style="list-style-type: none"> Condition to require vehicle crossing permit be obtained prior to construction of new crossover and redundant crossovers to be removed and nature-strip and kerbs reinstated.
Infrastructure Services Unit – Access and Driveway	<ul style="list-style-type: none"> No objection – Design Standards are met. Conditions to require driveway gradient approval prior to the endorsement of plans
Infrastructure Services Unit – Traffic and Car Parking	<ul style="list-style-type: none"> The number of car parking spaces, dimensions and layout are in accordance with Clause 52.06-5 and are satisfactory. There are no significant issues with this development, as far as traffic concerns. From the traffic impact assessment report, they have addressed the parking requirements, on-street parking availability and the traffic counts conducted during peak hours (taking into account school movements). Although the current peak volumes are somewhat high, the final statements provided in the report are agreed with. In particular, it is considered that there would be no significant congestion generated during peak periods. The possibility of delays for motorists wishing to travel westbound along the service road (from the Harcourt Street intersection) is not a great issue, as the turning count conducted for the report shows minimal access demands for the service road.
Infrastructure Services Unit – Car Parking Layout	<ul style="list-style-type: none"> The car park layout is satisfactory.
Infrastructure Services Unit – Construction Management	<ul style="list-style-type: none"> No objection subject to a requirement for the provision of a construction management plan.
Infrastructure Services Unit – Waste	<ul style="list-style-type: none"> No objection subject to conditions for on-site private waste collection based on an approved waste management plan.

Service Unit	Comments
Infrastructure Services Unit – Easements	<ul style="list-style-type: none"> No objection.
Infrastructure Services Unit – Flooding	<ul style="list-style-type: none"> The Doncaster Road service road is likely to be affected by overland run-off, however, the proposal is not impacted in its current form.
Integrated Planning Unit – Sustainability	<ul style="list-style-type: none"> No objection subject to conditions requiring amendments to the assessment in order to meet Council's current expectations for Environmentally Sustainable Design (ESD) standards.
Children's Services	<ul style="list-style-type: none"> Plan detailing required to demonstrate sufficient unencumbered space for the allocated number of children per room, particularly at second floor level.
Health	<ul style="list-style-type: none"> The operator of the proposed childcare centre must apply and obtain a Food Act Registration with Council's Health Unit prior to any fit out and commencement of trade. (Permit Note required)
Park and Recreation	<ul style="list-style-type: none"> The tree located within the Harcourt St naturestrip proposed for removal is supported on the basis that a minimum of four new trees can be planted within the nature strips surrounding the development site, to benefit the overall landscape in the long term. Conditions will require costs associated with removal and replacement to be paid, including for the four footpath panels near the new trees to be replaced with TripStop X to Council specification.

7 CONSULTATION / NOTIFICATION

7.1 Notice of the application was given over a three-week period which concluded on 15 May 2019, by sending letters to nearby property owners and occupiers and displaying a large sign upon each frontage.

7.2 Five objections were received from the following properties:

- 6 Harcourt street, Doncaster;
- 51 Finlayson Street, Doncaster;
- 43 Gray street, Doncaster;
- 8/450-452 Doncaster Road, Doncaster; and
- 522 Doncaster Road, Doncaster

7.3 The main grounds of the objection can be summarised into the following categories:

- Neighbourhood character (height, bulk and commercial operation);
- Traffic and car parking (traffic congestion and parking in local streets);
- Off-site amenity impacts (overlooking, overshadowing, noise and landscaping); and
- Feasibility (in context of a nearby childcare centre approval).

- 7.4 Re-advertising was also undertaken following the submission of the Section 57A amendment, concluding on 1 August 2019. Notice was given to all objectors and adjoining properties, by way of sending letters which provided a description of the changes to the proposal. No further objections or submissions were received.
- 7.5 A response to the grounds of objection is included in the assessment section of this report.

8 ASSESSMENT

Planning Policy Framework


- 8.1 At the broader State and regional levels, the Planning Policy Framework (PPF) identifies that planning is to recognise the need for, and as far as practicable contribute towards the health, well-being and safety, diversity of choice and a high standard of urban design and amenity. It further recognises that non-residential uses can establish in residential areas subject to responding to a range of decision making criteria. Clause 19.02-2S includes an objective which is to assist the integration of education and early childhood facilities with local and regional communities. A number of strategies are established including (as they relate to a childcare centre):
- *Consider demographic trends, existing and future demand requirements and the integration of facilities into communities in planning for the location of education and early childhood facilities.*
 - *Locate childcare, kindergarten and primary school facilities to maximise access by public transport and safe walking and cycling routes.*
 - *Ensure childcare, kindergarten and primary school facilities provide safe vehicular drop-off zones.*
 - *Ensure streets and accessways adjoining education and early childhood facilities are designed to encourage safe bicycle and pedestrian access.*
- 8.2 The proposal measures favourably against these broader principals, given the site is located amid a higher density growth area with steady population increase expected, it provides a safe and secured basement drop-off, and is directly accessible by public bus transport and the established road networks and pathways.
- 8.3 This is further supported by the purpose of Residential Growth Zone, which specifically allows educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations. It is logical that such uses could, and should be permitted within growth zone areas to support the inherent population growth intended, and a childcare centre is one which offers both an educational and community benefit.
- 8.4 In addition to the overall appropriateness of the zone, consideration must be given to whether the context is appropriate. This is more intrinsically tested at the local level through policy at Clause 22.05 for non-residential uses in residential areas. The policy basis also encourages that residential zones accommodate a range of non-residential uses to service local community needs, though acknowledges that they have the potential to adversely impact amenity and character of an area. This requires consideration against a number of policy criteria, with an assessment against each of these provided under the headings to follow.

- 8.10 The site and neighbourhood context therefore provides ample justification for such a facility. It should also be noted that opportunities to incorporate childcare facilities within the Activity Centre Zone itself are often quite restricted, given the high space demands they require.
- 8.11 The proposal does not incorporate multiple uses and is a purpose built premises, however its floor plate is “flexible” and could be retro-fitted for other uses should demands ever change in the future (subject to planning approval).

Siting, Scale, Design and Built Form

- 8.12 Clause 22.05 requires buildings complement the preferred built form with respect to building scale, siting, height, massing, setbacks etc. The preferred neighbourhood character for this site is shaped by the policy requirements of the DDO8-1. Albeit that the policy makes reference to “residential development”, the same principals should be applied to non-residential development to ensure the preferred built form outcomes are being achieved.
- 8.13 The table below demonstrates that the proposal is responsive to the policy criteria of the DDO8-1, subject to some slight modifications generally relating to the shade sails, first floor balcony treatment and landscaping.

Design Element	Compliance
Building Height and Setbacks DDO8-1 (Main Roads)	
<ul style="list-style-type: none"> • 11 metres provided the condition regarding minimum land size (1800sqm all in the same precinct) is met. • If the condition is not met, the maximum height is 9 metres, unless the slope of the natural ground level at any cross-section wider than eight metres of the site of the building is 3.5 degrees or more, in which case the maximum height must not exceed 10 meters. 	<p>Satisfied The height of the building is at or below the suggested 10 metres maximum. An exception to this is the shade sails proposed above the roof-top play area, which increase building height to just under 12 metres.</p> <p>The schedule provides exceptions to the maximum building height, which includes services, lift over-runs, and roof mounted equipment including screening devices. Given shade sails are a removable fixture upon the main building, they could reasonably fall within the general exemption of “roof mounted equipment”. However, the sails are arguably higher than they need to be, and will be visible from the public realm by virtue of their placement. A <u>condition</u> will require these be replaced with a lower, more centralised “pergola style” structure which is more integrated and complimentary to the overall design. This will reduce the height, and be a better design response to the residential nature of the area.</p>
<ul style="list-style-type: none"> • Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser. • For the purposes of this schedule, balconies, terraces and verandahs may encroach within the street setback by a maximum of 2 metres. 	<p>Satisfied The building setbacks range between 6 metres and 8.3 metres, which meets or exceeds the minimum setback requirements. The schedule does enable encroachments into the required front setback area in the form of balconies, terraces and verandahs by a maximum of 2 metres, provided they do not extend along the width of the building.</p>

Design Element	Compliance
	<p>In this case, the raised section of the ground level play terrace extends slightly further into this setback, however only marginally (by 100mm at the western end and 500mm at the eastern end where the front boundary indents slightly). Where the encroachment is greatest, the terrace is virtually at-grade, and incorporates planters with canopy trees, hence achieving the intention for landscaping. To better conceal the raised terrace and make it more subordinate to the landscape treatment, a <u>condition</u> will require that the beige coloured fascia be substituted for a darker colour.</p> <p>The first floor level balcony play area also encroaches into the front setback for the entire width of the building. The balcony is setback 5 metres from the frontage for the most part (which is more generous than the 4 metres permitted) and does include some angling, however further modification is required to provide a greater sense of visual relief across the elevation. This can also be applied to the second floor level for visual consistency.</p> <p>This could to be addressed by introducing a 1m deep central indent into the balcony or alternatively through a change in materials. The later approach has the advantage of not compromising the usability of the adjacent play area. A <u>condition</u> will therefore require either an indent, or option to explore a material change within a central location across the fascia (as generally depicted in the image below).</p>
	
<p>Form</p>	
<ul style="list-style-type: none"> • Ensure that the site area covered by buildings does not exceed 60 percent. • Provide visual interest through articulation, glazing and variation in materials and textures. • Minimise buildings on boundaries to create spacing between developments. 	<p>Satisfied</p> <p>The site coverage is 58.1%, which is reflective of the compact building footprint proposed.</p> <p>The building walls are not stepped in a longitudinal sense due to the need for larger internal spaces (as compared to an apartment design) but are edged by substantial balconies</p>

Design Element	Compliance
	<p>which create a sense of depth and variation to the facades.</p> <p>Proposed setbacks create a satisfactory level of spacing to the buildings on adjoining lots.</p>
<ul style="list-style-type: none"> Where appropriate ensure that buildings are stepped down at the rear of sites to provide a transition to the scale of the adjoining residential area. Where appropriate, ensure that buildings are designed to step with the slope of the land. 	<p>Satisfied</p> <p>From the rear boundary, the main building is setback 8.6 metres at ground level, 10.57 metres at the first level, and 12.7 metres at the top level. Balcony play areas are setback a minimum of 4 metres from the rear boundary. These rear setbacks are considered to be generous, and achieve the required “transitioning” down to the two-storey scale of the adjoining properties within the more sensitive GRZ1.</p>
<ul style="list-style-type: none"> Avoid reliance on below ground light courts for any habitable rooms. 	<p>N/A</p>
<ul style="list-style-type: none"> Ensure the upper level of a two storey building provides adequate articulation to reduce the appearance of visual bulk and minimise continuous sheer wall presentation. 	<p>N/A</p>
<ul style="list-style-type: none"> Ensure that the upper level of a three storey building does not exceed 75% of the lower levels, unless it can be demonstrated that there is sufficient architectural interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation. 	<p>Satisfied</p> <p>The third storey building footprint is limited to a small area of 166sqm, which is less than one-third of the ground floor level area. This element is substantially setback 12.6 metres and 27.4 metres from the adjoining residential interfaces to the south and west respectively.</p> <p>The second storey also appears as a “third storey” at the western end due to the basement projection at this particular point. The level is again significantly recessed in from the levels below, with wall setbacks of 11.2 metres and 10.5 metres from the western and southern boundaries.</p>
<ul style="list-style-type: none"> Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos. 	<p>Satisfied</p> <p>The main play spaces are integrated into the overall design and assume a similar appearance to residential balconies. As discussed above, the replacement of the shade sails on the second level with a more integrative pergola style feature would be of benefit to the overall design.</p> <p>The shade sail within the front setback is considered to be acceptable from a streetscape perspective.</p> <p>The fire escape stairwell upon the external southern elevation is required to ensure safety. A <u>condition</u> will require that the “screen” proposed to conceal the stairs be further detailed and attractive in appearance.</p>

Design Element	Compliance
<ul style="list-style-type: none"> Be designed and sited to address slope constraints, including minimising views of basement projections and/or minimising the height of finished floor levels and providing appropriate retaining wall presentation. 	<p>Satisfied</p> <p>The “upper level basement” is considered a “sub-basement” as it is wholly beneath the ground level at the eastern end, and above the ground level at the western end due to the natural fall of the land. The projecting basement walls will be largely masked by the placement of terraced play areas atop and landscaping adjacent, however there is opportunity to establish vertical gardens to soften the exposed facades which will be required as a <u>condition</u> in the landscape plan.</p>
<ul style="list-style-type: none"> Be designed to minimise overlooking and avoid the excessive application of screen devices. 	<p>Satisfied</p> <p>Overlooking has been treated through the use of solid balcony balustrading and vertical battens above, with not more than 25% transparency where facing the residential interfaces to the west and south. The play areas facing toward the north and east are afforded views toward the public realms through a widened batten spacing.</p>
<ul style="list-style-type: none"> Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all mobilities. 	<p>Satisfied</p> <p>A pathway connection is provided between Doncaster Road and front entry into the building, in addition to lift and stair access between the car park and levels above.</p>
<ul style="list-style-type: none"> Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties. Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site. Integrate car parking requirements into the design of buildings and landform by encouraging the use of undercroft or basement parking and minimise the use of open car park and half basement parking. 	<p>Satisfied</p> <p>The basement projection is most prominent in the south-west portion of the site, and is not visible to the main site frontages. Any added height associated with the projection is suitably offset by the placement of the top level toward the eastern end of the building which therefore ensures the building is not more than three storeys in any location.</p>
<ul style="list-style-type: none"> Ensure the setback of the basement or undercroft car park is consistent with the front building setback and is setback a minimum of 4.0m from the rear boundary to enable effective landscaping to be established. Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces. 	<p>Satisfied</p> <p>The setbacks of the basement levels and all levels above (including balcony play areas) are 4 metres or more. The rear setback area has been fully dedicated to landscaping with wide spreading canopy trees, which is precisely what policy expects.</p> <p>The setback area also enables new canopy spreads to establish adjacent to, and without compromise to the overhanging canopies of neighbouring trees.</p>
<ul style="list-style-type: none"> Ensure that service equipment, building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the 	<p>Satisfied</p> <p>The metering and service cabinets are provided in a condensed manner at the western end of the frontage. They are finished in brickwork to match the building facades and will appropriately conceal the services and tie into the overall appearance of</p>

Design Element	Compliance
streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces.	the development.
Car Parking and Access	
<ul style="list-style-type: none"> • Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback. • 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. • 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. • Ensure that access gradients of basement car parks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements. 	<p>Satisfied</p> <p>The proposed crossover/accessway has been satisfactorily designed to facilitate safe and efficient access to and from the development, as discussed in further detail in the later assessment.</p> <p>One street tree requires removal, however this will be replaced with four new trees which will, in time, improve the overall nature strip presentation. Council's Parks Unit will be responsible for the selection of species and establishment of the new trees (at the developer's cost) to ensure the planned treed character is achieved.</p>
Landscaping	
<ul style="list-style-type: none"> • On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at maturity • Provide opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form. 	<p>Satisfied</p> <p>There are numerous canopy trees proposed with expected mature heights of 12 metres, in addition to supplementary small to mid-sized trees and understorey planting.</p> <p>Planting is shown along the site periphery which will achieve an overall "softening" of the built form as viewed from the public realm.</p>
Fencing	
<ul style="list-style-type: none"> • A front fence must be at least 50 per cent transparent. • On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn and Mitcham Roads, a fence must: <ul style="list-style-type: none"> • not exceed a maximum height of 1.8m • be setback a minimum of 1.0m from the front title boundary. <p>and a continuous landscaping treatment within the 1.0m setback must be provided.</p>	<p>Satisfied</p> <p>Front fencing is proposed in the form of 1.8 metre high vertical battens extending across both site frontages. The battens include 100mm of spacing which provides for a transparency of 75%. Where fronting Doncaster Road, fencing should be setback 1 metre from the front boundary to enable a continuous landscaping treatment affront. In this case, the fence is setback 500mm from the frontage. Given the higher level of transparency proposed, landscaping both behind and in front of the fence will have the ability to make a visible contribution to the streetscape as anticipated .</p>

Design Element	Compliance
	The fence also steps back further in the vicinity of the western and eastern corners, where more “open” planted areas can be provided. It also maximises the available play space and is setback significantly further from the main carriageways of Doncaster Road (due to the intervening service road).

- 8.14 This assessment demonstrates that the built form will be consistent with the preferred neighbourhood character of the DDO8-1, and also consistent with the siting, design, scale and built form requirements of Clause 22.05-3 as:
- The development reflects the scale, siting, height, massing and proportions expected for buildings within the Main Roads Sub-Precinct;
 - The development is well setback from side and rear boundaries to minimise impacts with respect to bulk and overshadowing, and to enable appropriate landscape treatments. Of particular note is the retention of a 4 metre landscape buffer along the more sensitive rear boundary which is free from any buildings or play spaces, thus setting the scene for long term screening by larger trees and assisting to reduce visual impacts of the building to the south.
 - The commercial nature of the building is masked through the careful selection of materials and colours, non-glazed elements and modulation which resonate with the appearance and proportions of residential buildings;
 - The main entry is easily identifiable from the main street frontage and high solid front fencing has been avoided;
 - Car parking is concealed beneath the building and therefore will not visibly dominate any aspect of the public domain.

Landscape

- 8.15 Trees planted at semi-mature heights will be required to ensure screening benefits establish faster, and larger trees and shrubs will border the proposed building. The dedication of the rear setback to planting will in time, fill the existing canopy coverage offered by the trees abutting (pictured below).
- 8.16 To further improve the landscape buffer along the site perimeter, a condition will require the sandpits adjacent to the frontages be deleted or modified to enable the continuance of a wider garden bed affront. The use of synthetic turf within this setback area is also not typically preferred, however given this is the side setback (where buildings could apply a 2 metre setback), it is acceptable provided a high quality appearance and level of permeability can be demonstrated. A natural alternative will otherwise be required.
- 8.17 Some encroachment will occur within the TPZ of the large neighbouring Spotted Gum (Tree 3), however the Arboricultural assessment suggests that its health and stability will not be significantly compromised (due to species tolerance) and with implementation of tree protection construction measures. A condition will require that a Tree Management Plan be submitted to ensure these measures are implemented during construction.



Amenity

8.18 Both Clause 22.05 and the Zone provisions provide considerations and measures to assess the impacts of non-residential buildings. Clause 55 does not apply to this application (being a non-residential building), however, Clause 32.07-10 of the Zone requires that any buildings or works that abuts the GRZ must meet six specific Clauses of Clause 55 along that boundary, which is the southern boundary in this case. Whilst this assessment is not technically applicable to the townhouses to the west (as they too fall within the RGZ), they are considered in this assessment all the same, so as to demonstrate that residential amenity overall is duly considered:

OBJECTIVE		OBJECTIVE SATISFIED / NOT-SATISFIED		
Clause 55.03 Site Layout and Building Massing				
55.03-5 – Energy Efficiency		The building is oriented and designed to take advantage of all solar aspects, with deep balcony projections also supporting energy efficiency.		
<ul style="list-style-type: none"> To achieve and protect energy efficient dwellings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. 		Whilst there are currently no rooftop solar facilities on any of the adjoining residential allotments, any future rooftop panels, should they be installed would not be impacted, as demonstrated by sectional shadow diagrams.		
Clause 55.04 Amenity Impacts				
55.04-1 – Side And Rear Setbacks		Satisfied		
<ul style="list-style-type: none"> 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. 		All setbacks from any residential abuttal well exceeds those required by Standard B17. The table below shows the setbacks provided from the southern property boundary. As seen, they well exceed those required in all cases. Setbacks from the western boundary are similarly well in excess of the minimum requirements.		
Setbacks from southern boundary:	Wall height (m)	Setback required (m)	Setback provided (m)	Compliance
Ground floor level balcony	4.23	1.189	4.00	Yes
Ground floor level wall	5.6	1.6	8.5	Yes
First floor level balcony	6.8	1.96	4.34	Yes
First floor level wall	7.75	2.84	10.58	Yes
Second floor level balcony	9.6	4.69	7.21	Yes
Second floor level wall	10	5.09	12.67	Yes

OBJECTIVE	OBJECTIVE SATISFIED / NOT-SATISFIED
<p>55.04-2 – Walls On Boundaries</p> <ul style="list-style-type: none"> To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>N/A</p> <p>No boundary construction is proposed.</p>
<p>55.04-3 – Daylight To Existing Windows</p> <ul style="list-style-type: none"> To allow adequate daylight into existing habitable room windows. 	<p>Satisfied</p> <p>The dwellings to the south have no windows within 3 metres of the shared boundary, and therefore no loss of daylight will occur.</p> <p>The townhouses to the east do have some habitable room windows within 3 metres of the site. The separation between the building and these windows well exceeds the requirements (a distance of half the wall height is required). The sectional shadow diagrams supplied by the applicant further demonstrate this.</p>
<p>55.04-5 – Overshadowing Open Space</p> <ul style="list-style-type: none"> To ensure buildings do not significantly overshadow existing secluded private open space. 	<p>Satisfied</p> <p>Some shadowing will impact the secluded private open space areas of the properties to the south between 1pm and 3pm. Though the shadows only extend marginally beyond the existing fence shadow, and fall upon the densely vegetated areas along the boundary (which would already be in shadow). In totality, additional shadowing impacts only a very small segment near the fence line. The proposal complies with the Standard.</p> <p>To the west, sectional diagrams demonstrate that shadow impacts in the AM periods will not extend above the balustrades of the four balconies facing the site, therefore meeting the Standard (although not applicable to these properties as they are located within the RGZ). The ground level courtyard of the southern-most townhouse has the potential to be affected by shadowing at 9am only, however sectional diagrams indicate that this area is already in shadow by current fencing due to the excavated nature of the area.</p>
<p>55.04-6 – Overlooking</p> <ul style="list-style-type: none"> To limit views into existing secluded private open space and habitable room windows. 	<p>Satisfied</p> <p>All balcony play areas are appropriately screened. The metal battens extending above the solid balustrades will be more closely spaced to not have not more than 25% transparency where facing the southern and western residential interfaces To the site frontages, the batten spacing will be increased to afford children with outward views.</p>

8.19 The above assessment demonstrates that the amenity of the adjoining properties to the south has been duly considered and whilst these ResCode Standards are not applicable to those properties to the west, the design response is considered to adequately protect their existing amenity.

- 8.20 Clause 22.05 suggests that uses should not adversely affect the amenity of nearby residents by way of noise, loss of privacy, traffic, car parking, lighting, odours or disturbance associated with hours of operation. Suggested design techniques specific to childcare centres include noise attenuation measures to inhibit the transmission of noise from buildings and external plays areas, and the sensitive siting of car parks, play areas etc.
- 8.21 The acoustic report submitted with the application has suggested that the terraced and balcony play spaces be provided with a material density of no less than 8kg per square metres with no breaks or spaces to contain noise sources to a reasonable level. This has been translated on plan in the proposed concrete base barriers and thick glass above which sits behind the vertical battens. Areas at grade where adjacent to the southern and western boundaries will not be used for the purpose of play.
- 8.22 The report makes mention of operational management techniques that reduce noise, such as spacing outdoor play times, however does not detail whether such measures should be applied in this case. A condition will require this aspect be considered and any recommendations updated as necessary, including whether any acoustic fencing along boundaries would be of benefit or necessary. Furthermore, a condition has been included requiring the testing of noise emissions if required as a result of any complaints received.
- 8.23 By virtue of the car parking and building layout, other impacts such as light, odour, waste collection etc. will be well contained. Whilst a childcare centre would seem a more intense use than a residential apartment building may ordinarily be, it's restricted operation between 7.30am to 6.00pm Monday to Friday means that the more sensitive periods after business hours and on the weekends (when residential amenity is generally most valued) are relieved from an activity occurring on the site.

Traffic and car parking

Car Parking

- 8.24 The statutory car parking rates specified by Clause 52.06 of the Scheme for a childcare centre require 0.22 car spaces to each child. For the 196 places proposed, a car parking rate of 43 spaces is required. The 49 on-site car spaces proposed exceed the statutory requirement by 6 spaces.
- 8.25 A minimum of 28 staff would be required to meet the carer ratio for the age and number of children. The applicant has also indicated that a further 4 administrative/kitchen staff and 3 support staff are proposed.
- 8.26 The lower level basement provides 27 spaces indicated for staff use. The upper level basement provides a further 22 spaces which appear reserved for parent parking. The service road frontage also provides 6 kerb-side parallel spaces for public use.
- 8.27 Given there are 6 excess spaces within the on-site car park, the number of staff proposed would seem reasonable. It is commonly accepted that staff are also required to undertake administrative and cooking functions, in addition to the required carers. It is also reasonable to expect that the number of staff present on site will change, depending on the number of booked places on any given day and time. Certain days and times may see places quite heavily booked and others less, and the number of staff required will fluctuate accordingly.

- 8.28 The use of alternative modes of transport (such as walking or public transport) could be reasonably expected for some proportion of staff and parents. In this location, the childcare centre is likely to attract some local residents within the general vicinity for the purpose of employment or child minding services.
- 8.29 The provisional car parking on site is therefore acceptable, given it exceeds statutory requirements and is functionally designed to ensure ease and convenience of use.

Access

- 8.30 The proposed point of vehicular access to Harcourt Street is considered to be the safest and most efficient location for this development/use and will not generate any adverse impacts in terms of traffic safety or residential impact.
- 8.31 When considering traffic and safety implications as indicated in the supplementary traffic assessment, the option of placing access to the service road was not considered at all appropriate. The following reasons exist for this conclusion:
- It will result in drivers arriving from Doncaster Road undertaking a diagonal movement across the head of the street intersection in order to enter the service road. At times (particularly during primary school peak traffic periods), it may be challenging to enter the service road without safety implications or delay due to queued vehicles obstructing the entrance;
 - Driver connectivity to and from the nearby road network would be significantly restricted, as all traffic exiting the site must travel via the long (360m) service road before accessing Doncaster Road. In the AM and PM peaks, there will be in the order of 79 vehicle movements exiting to the Doncaster Road service road (i.e. all exit traffic movements from the site);
 - Associated traffic wishing to travel back to the east must move across 4 westbound traffic lanes before performing a U-turn;
 - Drivers wishing to access the nearby southern residential area or nearby primary school must wait within the service road, then exit to Doncaster Road before turning left into Hender Street to get back to their intended destination; and
 - The less convenient access location would encourage parents to park in Harcourt Street and turnaround in private driveways, due to the connectivity issues with all traffic being required to exit the site carpark via a left-turn into the Doncaster Road service road.
- 8.32 Council's Infrastructure Service Unit agrees with these findings and also point out that the service lane is affected by overland stormwater flows, and any ramped accessway across this frontage could cause the basement to flood.
- 8.33 Providing a more accessible point of access is also likely to deter vehicle parking on local residential streets, which is a preferred outcome.
- 8.34 Whilst the proposed access arrangement will allow vehicles to travel through residential streets, Pettys Lane is a signalised intersection that allows a controlled and safe access route for any east-bound destinations. The Traffic Assessment also predicts that Doncaster Road will carry the majority of peak traffic distribution generated by the development.

Traffic

- 8.35 The gap acceptance analysis included in the Traffic Report essentially concludes that the Harcourt Street and Doncaster Road intersection does not generally result in the queuing of more than 1 to 2 vehicles during the AM and PM peak commuter periods, with queues clearing almost immediately. An exception to this is between two short 10-15 minute periods of 8:45am to 9.0am and 3:40am to 3:50pm, where traffic associated with the nearby Birralee Primary School creates two “spikes” in the regular traffic volumes. Queues of up to 3-4 vehicles can occur at these time, however queues still clear promptly due to the relative ease of access to Doncaster Road in this location.
- 8.36 The gap acceptance indicates the mean delay and percentile queue for vehicles turning left into Doncaster Road from Harcourt Street will be affected as follows:
- The AM peak hour currently has a 95th percentile queue of 1 vehicle, whilst under post development conditions this will increase to 2 vehicles.
 - The School pick-up peak hour and PM peak hour currently have 95th percentile queues of 1 vehicle, which will be maintained post-development.
 - The AM peak hour currently has a mean delay of 7.5 seconds, which will increase to 8.5 seconds post-development (i.e. an increase of 1 second on average).
 - The School pick-up peak hour currently has a mean delay of 8.4 seconds, which will increase to 8.6 seconds post-development (i.e. an increase of 0.2 seconds on average).
 - The PM peak hour currently has a mean delay of 7.8 seconds, which will increase to 8.2 seconds post-development (i.e. an increase of 0.4 seconds on average).
- 8.37 Officers have observed traffic patterns during the AM peak periods between 8.00am and 9.00am and concur with the findings of the Traffic Report. The intersection most commonly saw vehicles exiting with little or no delay. Between 8.30am and 9am, queuing of no more than 4 vehicles was observed, with these all leaving the intersection within not more than 8 seconds.
- 8.38 The nature of a childcare centre is substantially different to a school, in that child drop-off and collection can occur at any time during the centre’s operational hours, rather than at a set start and finish time. Similarly, staff arrivals and departures are staggered to respond to the slow increase in child attendance throughout the day.
- 8.39 Parents who also have school aged children generally opt to drop-off or collect children either before or after school starting and finishing times, and those who are working tend to use childcare services to accord with their working hours, which can vary substantially pending hours and locations of employment. The most of the traffic generated by the childcare centre will therefore unlikely exacerbate traffic and queuing during these short spikes in school traffic, and will not create unreasonable traffic impacts to the intersection and local area in general during the overall AM and PM commuter peaks.

Car parking and traffic management

- 8.40 It is acknowledged that the use has some potential to impact residential streets if not managed correctly, and therefore a condition will require a car parking management plan be submitted. Such plan will require measures to limit conflict between school peak periods and staff arrivals and departures, measures to ensure available on-site parking for parents is maximised during peak drop-off and collection times, and that measures be implemented to prevent parking in nearby residential streets
- 8.41 Within 6 months of the use commencing (or where any operational changes are proposed) an updated plan will be required to enable a “real life” assessment of the parking and traffic patterns relevant to this site and operation, and enable opportunity for the operator or the Responsible Authority to address any known issues should they occur.

Design Standards

- 8.42 The Design Standards of Clause 52.06 relating to accessways, car parking spaces, gradients, safety and landscaping have all been met. Mechanical parking is not applicable to this application. A condition will require that the security grill indicated upon the basement ramp entry remain open during operating times to enable unrestricted user access, and that all waste collection and deliveries occur on site and during permitted operating hours.
- 8.43 Bicycle parking spaces not required by the Scheme, however a condition will require that some be provided where space permits in the lower basement to encourage staff to use alternative modes of transport.

Signage

- 8.44 The proposed business identification sign is consistent with the requirements of Clause 22.07 Outdoor Advertising Signs Policy and Clause 52.05 Signs, in that it is professionally designed to reflect the architectural design of the proposed building, will allow for ease of identification for approaching vehicles, and avoids any direct visibility from residential interfaces.
- 8.45 The associated lighting is not anticipated to cause any impact beyond existing street lighting. A condition will limit illumination beyond 9:30pm to protect the amenity of surrounding residential properties. Whilst the light coloured backing of the sign matches the balcony fascia, a condition will require a darker colour shade be applied to better blend with the landscaping within the front setback. The logo and lettering could be modified if needed, to ensure it remains legible. The location and design of the sign will also require further clarification.

Objector issue / concerns

- 8.46 A response to the grounds of objection is provided as follows:

Traffic and car parking

- 8.47 The potential traffic impacts have been assessed by the permit applicant’s traffic consultant and Council’s Infrastructure Services Unit who both conclude that the proposal can be accommodated within the existing road network without creating any adverse traffic safety or operational problems. This is further detailed in the traffic assessment above.

- 8.48 Whilst the nearby residential streets may expect some traffic increase as result of the proposal, the site is different to Birrale Primary School in that it has a direct frontage to Doncaster Road, where it is expected that the highest distribution of traffic will be carried. A percentage of vehicles will utilise local streets south of the site, however, the nature of a childcare use results in a more spaced distribution of traffic arrivals and departures, and associated movements are unlikely to significantly compound traffic during the short spikes in traffic created by school commencements and finishing times.
- 8.49 Deliveries to the site will occur within operating hours and would most likely be from smaller vans which would be of no consequence. Waste collection is proposed twice a week and from within the confines of the basement.
- 8.50 The gap analysis provided by the applicant's traffic consultant demonstrates that the Harcourt Street intersection will not experience adverse queuing delays as a result of the proposal, noting that there are currently few delays experienced.
- 8.51 The preference by some objectors for access via the Doncaster Road service road is not a safe or viable option for the detailed reasons highlighted in the traffic assessment section above.
- 8.52 Incorrectly, the "road network" description of the submitted Traffic Assessment makes reference to a break in the median to allow for staged-right turn entry and exit movements to and from Harcourt Street. This mistake was not carried through to the assessment section which correctly considers the actual situation.
- 8.53 Existing on-street car parking demands currently created by residents and bus commuters should not be exacerbated by the proposal, given it offers a well-considered and convenient form of on-site parking allocation, with parking provisions exceeding what is required by the Scheme. There are "No standing" restrictions within Harcourt Street directly in front of and opposite the site, which together with the main centre entry facing Doncaster Road, should deter parent parking in residential streets. The basement parking also allows for a much more direct and convenient form of access into the building and controlled turning at a designated location.
- 8.54 The required car parking management plan will require measures be implemented to educate the facility users of the need to park on site, and not within local residential streets. A request will also be submitted to Council's Infrastructure Service Unit to further review the pre-existing conditions and ascertain if any further traffic management or parking restrictions need to be implemented.

Neighbourhood character, building scale and commercial use

- 8.55 Concerns have been raised with respect to the non-residential nature of the use and the three-storey scale proposed.
- 8.56 As detailed in the use assessment above, policy at Clause 22.05 of the Scheme is specifically aimed at directing non-residential uses within appropriate locations in residential areas. The site's main road location, proximity to the Doncaster Hill Activity Centre, well considered layout and large land parcel provide opportunity to accommodate this use without notable detriment to residential amenity.

- 8.57 The overall three-storey form is also consistent with the preferred neighbourhood character expected by both the zone and overlay provisions. Were a residential development proposed on this site instead, it could assume a very similar building scale and form to what is proposed. The proposal is not considered an overdevelopment of the land, which is demonstrated by its compliant site coverage, permeability, and very generous boundary setbacks (which well exceed those permissible by ResCode).
- 8.58 The overall building height is averaged at 10 metres, which is considered to be relatively modest and not substantially more than a two-storey dwelling. It is also within the building height expectations of the DDO8, and well beneath the 14.5 metre height recommendation of the zone (which anticipates four-storey apartment buildings). The modifications to the shade sails recommended in the above assessment will agreeably achieve a superior outcome which is more considerate of adjoining residential outlooks.
- 8.59 Whilst the nature of this commercial use will generate a notable amount of on-site activity, this is restricted to the nominated operating times on weekdays only, which in turn preserves residential amenity for evening periods and weekends, and considered a balanced outcome.

Amenity Impacts

- 8.60 The following provides a response relevant to the amenity concerns raised by *No. 51 Finlayson Street, Doncaster* (abutting western half of the southern boundary):
- 8.61 Visual bulk and landscaping - The objection included a request to delete the top level of the building, in addition to increasing upper level setbacks to at least 10 metres, and improve the intervening landscape buffer.
- 8.62 The upper level setback of the first and second floor level walls are more than 10 metres from the southern boundary, although the play area balconies 4.3 metres and 12.6 metres from the shared boundary respectively. These setback combined are very substantial, and achieve the required “stepping” toward the rear interface to ensure taller elements are centralised and well removed, as required by the DDO8.
- 8.63 The amended plans submitted following the initial advertising period provided improvements and responded to some concerns, in that the raised play area in the vicinity of the southern boundary is not located 4 metres from the common boundary, and landscaping within this setback is now substantially improved with an increased number of canopy trees which will in time, achieve screening between the properties.
- 8.64 Overlooking - The request for horizontal louvres is not considered necessary, given the vertical battens proposed are appropriately spaced to allow no more than 25% transparency (as ResCode would usually require). The vertical form of the battens also better complements the overall architectural styling adopted.
- 8.65 Noise – Noise will undoubtedly be generated during the weekday operational hours (particularly when outdoor play occurs), however the acoustic report suggests that the applied 8kg/m² material density material will to act as an affective sound barrier. Furthermore, the raised nature of the play areas apparently reduces the ability for noise to travel “downwards” toward the adjoining dwelling.

These aspects, combined with the 4 metre separation of any play areas from the southern boundary is not considered to warrant the deletion of these play spaces as requested, however, an updated acoustic assessment will be required to consider whether acoustic fencing along the title boundary is warranted to further limit noise transmission.

- 8.66 The following provides a response relevant to *No. 8/450-452 Doncaster Road, Doncaster* (southernmost townhouse in the row adjoining the site to the west) who has raised questions as to whether excavation will affect foundations or if overlooking or sunlight impacts will occur.
- 8.67 Loss of sunlight and overlooking - Daylight to existing windows is measurable by Clause 55.04-3 of the Scheme though not applicable in this case as the land is also within the Growth Zoning. Were it applied, the setbacks suggested by Standard B19 would be well exceeded (for example, a the 5.8m play area wall adjacent would require a 2.9m separation from the window, and over 5 metres is provided). The applicant has also produced sectional shadow diagrams which demonstrate that sunlight access to the balcony area is not affected by shadows at 9am or any time beyond that. The ground level courtyard is shadowed at 9am only, however is already in shadow from boundary fencing and excavation, and would not be impacted for the following 5 hours during the control period.
- 8.68 The application of balcony screening appropriately mitigates overlooking. Some upward views between the ground level play space and third floor level of the objectors property may occur, however if applying ResCode Standards, any views above a 1.7 metre height do not require (and cannot reasonably require) screening.
- 8.69 Excavation impacts – Excavation associated with the basement is setback 2 metres from the shared boundary. Protection works to ensure the structural integrity of existing buildings remain intact are regulated through the Building Permit process.

Feasibility

- 8.70 This objection raises concerns with the proximity of this proposed centre from the childcare centre approved on 522-524 Doncaster Road (under PL17/02803 for 148 places) and the economic feasibility, given they are approximately 600 metres from each other.
- 8.71 The census data referred to which indicates an oversupply of childcare places appears reflective of National data, and is not specific to Manningham or this particular location. The MSS anticipates Manningham's population will rise significantly and other immediate factors include the growing population of the Tullamore Estate.
- 8.72 Whilst a permit has been granted for another child care site, endorsed plans are yet to be obtained, and the permit has therefore not been acted upon and may never be. At present, there are no other centres in the immediate proximity. This particular centre offers a specific Montessori Educational and Kindergarten program, which may very well differ to the learning programs and offerings of other centres.

8.73 Various Tribunal decisions identify that the relevance of economic impacts in planning matters relates to the contended effects on the community, and cannot be applied to individuals and private financial interests without evidence of demonstrable impact.

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.



454 - 456 DONCASTER ROAD DONCASTER CHILDCARE CENTRE

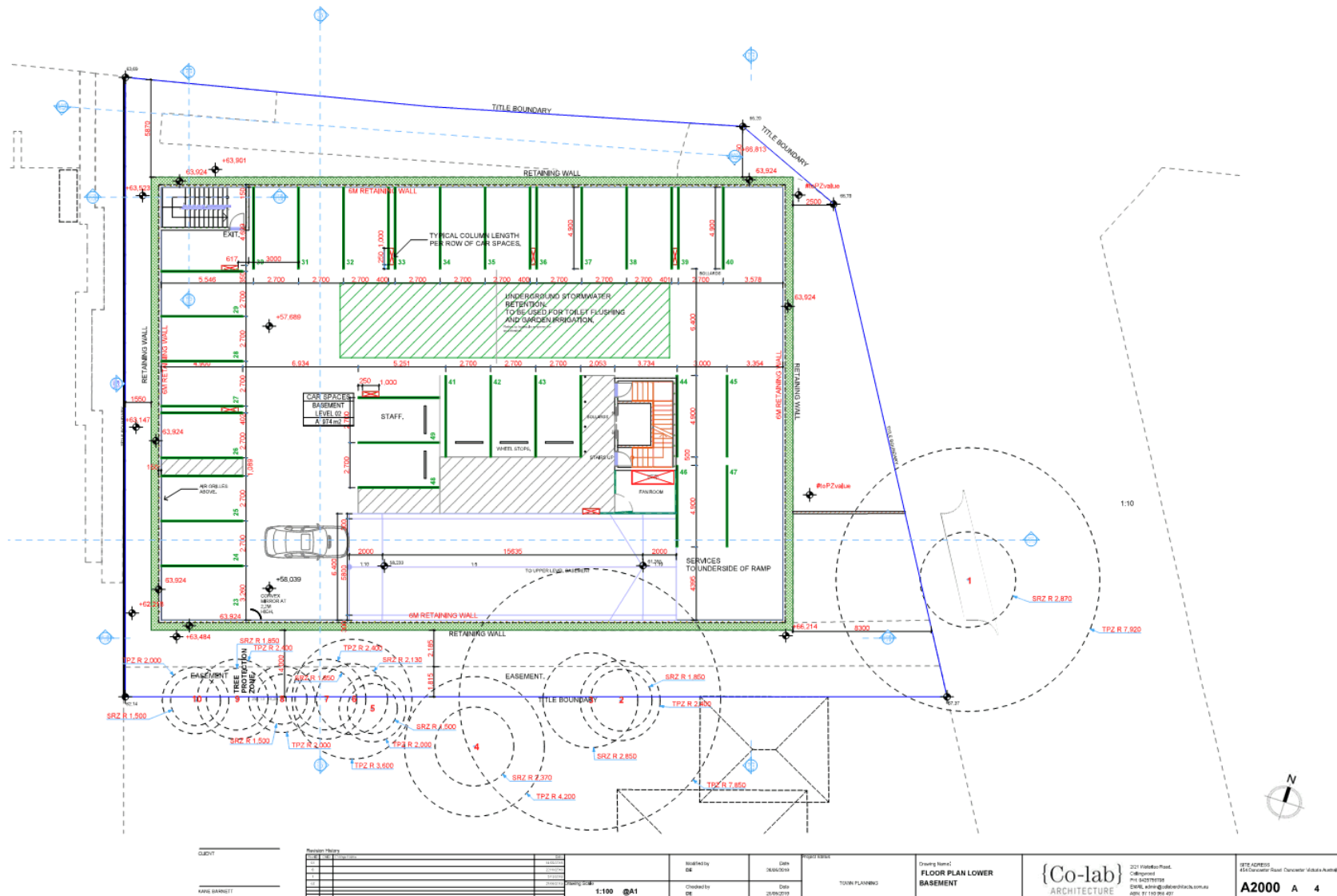
TOTAL SITE AREA		1998.00			
Area	Square Meters (m ²)	Kids	Staff		
ROOFED AREA	219.00				
SECOND FLOOR	633.00				
FIRST FLOOR	944.00				
GROUND FLOOR	1160.00				
UPPER BASEMENT	974.00				
LOWER BASEMENT	974.00				
Total:	280	83	14		
INTERNAL					
GROUND FLOOR					
Play Room 1	52	16	2		
Play Room 2 U3 S	52	16	4		
Play Room 3 U3S	52	13	4		
Play Room 4	52	16	2		
Play Room 5	72	22	2		
Total:	280	83	14		
FIRST FLOOR					
Play Room 6	73	22	2		
Play Room 7	72	22	2		
Play Room 8	73	22	2		
Play Room 9	72	22	2		
2ND FLOOR Play Room 10	86	22	2		
Total:	356	133	24		
Grand Total:	936	276	38		
EXTERNAL					
Area					
Square Meters (m²)					
Kids					
Staff					
Play Ground 1 (GF)	97	13.8			
Play Ground 2 (GF)	391	55.8			
Play Ground 3 (FF)	463	66.14			
Play Ground 4 (GF)	480	56.2			
Total:	1359	193.94			
Total					
4904.00					
Parking spaces					
External Parking					
upper Basement visitors		0			
lower Basement parking		22			
Total:		49	0	0	
permeable area (approximately) m²					
permeable area (approximately) m ²		928.00			
permeable area %		58.1%			
permeable area (approximately) m²					
permeable area %		453.00			
		28.3%			

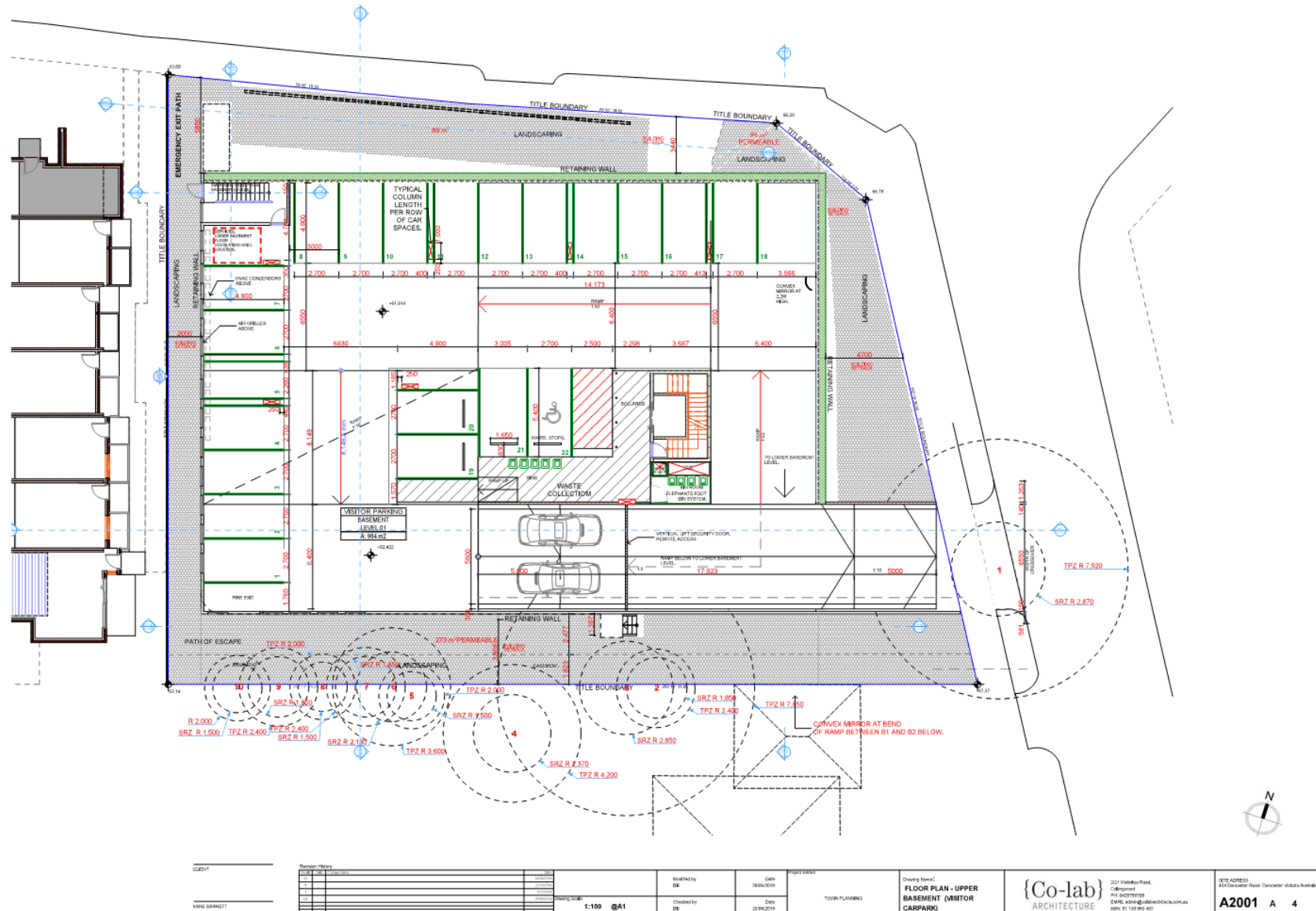
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A200	SITE ANALYSIS - EXISTING CONDITIONS	02	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
A201	TREE PROTECTION ZONE	2	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
A221	SITE PLAN - BUILDING SET BACKS	02	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
A237	PROPOSED SHADOW DIAGRAM 9AM 22 S...	2	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
A238	PROPOSED SHADOW DIAGRAM 10 AM 22 ...	2	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
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A2001	FLOOR PLAN - UPPER BASEMENT (VISITO...	02	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
A2002	Floor Plan - Ground Floor	02	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
A2003	Floor Plan - First Floor	02	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
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A2100	STRUCTURAL RETAINING WALL PLAN	2	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
A3000	ELEVATION	02	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
A3001	ELEVATION	2	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
A3002	ELEVATION	2	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
A3003	ELEVATION	02	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
A3004	ELEVATIONS STREETSCAPE	2	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

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A9002	SCHEDULES	3	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
COVER SH...	Rendered view	3	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

CLIENT	Revision History	Issued by	Date	FOOTER	Drawing Name	{Co-lab} ARCHITECTURE	221 (Hawthorn) Road, Camberwell VIC 3163 P: 0437710193 E: info@colabarch.com.au ABN: 57 100 964 437	DATE APPROVED 25/08/2019 454 Doncaster Road Doncaster Victoria Australia A000 A 4
MARK BARNETT	1:1 @A1	Checked by	Date	TOWN PLANNING	COVER SHEET			







CLIENT	Revision History
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Modified by	Date	Modified by	Date
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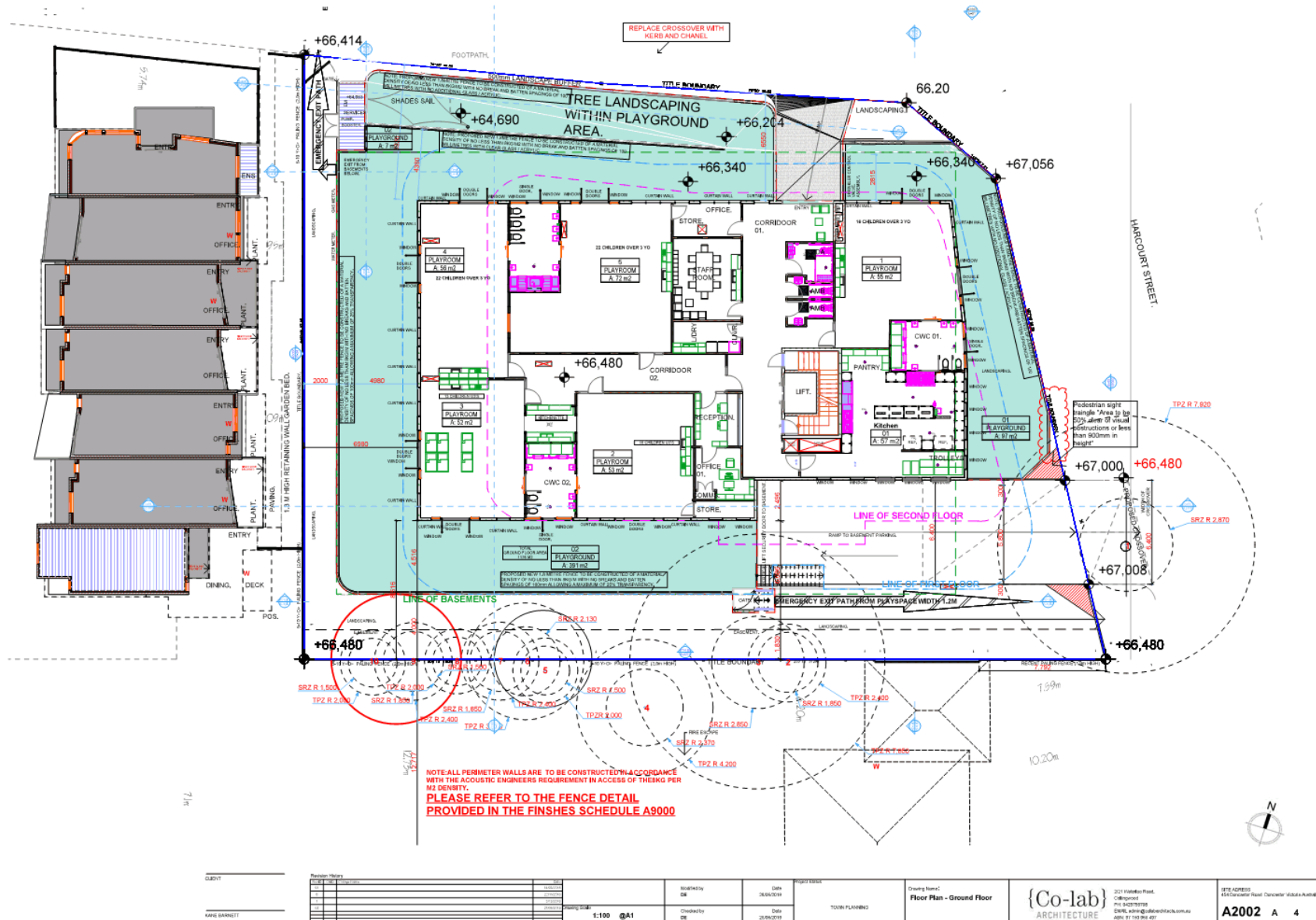
Project Name	Client	Project No.
TOWN PLANNING		

Drawing Name	Scale
FLOOR PLAN - UPPER BASEMENT (VISITOR CARPARK)	

{Co-lab}
ARCHITECTURE

221 Franklin Road,
Carrington
PH 0427719181
EMAIL: info@colabarchitects.com.au
ABN: 57 150 954 477

Project No.	Sheet No.
A2001	A 4



CLIENT
KARE BARRETT

Revision	History	Checked by	Date
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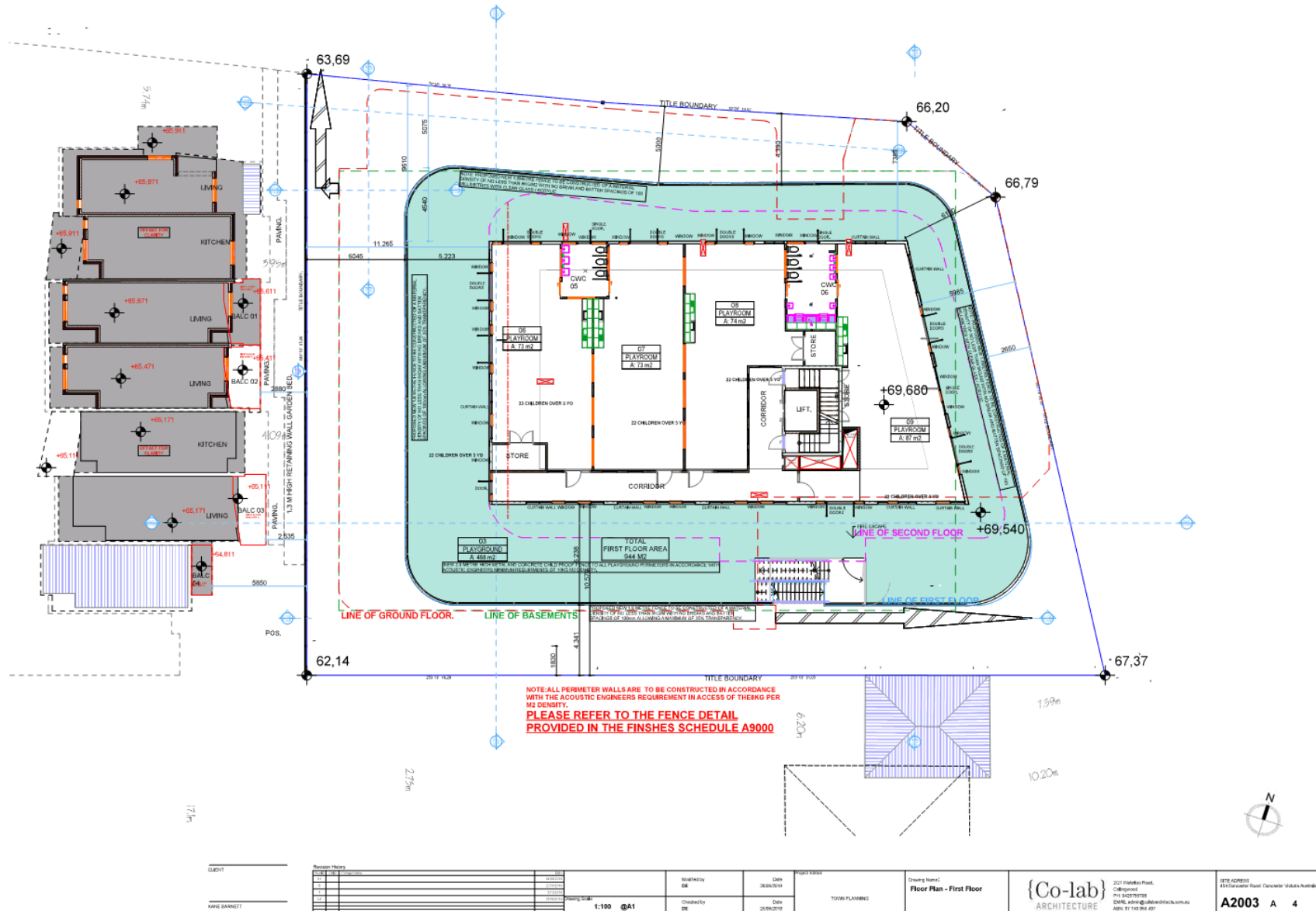
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DE	26/06/2019	

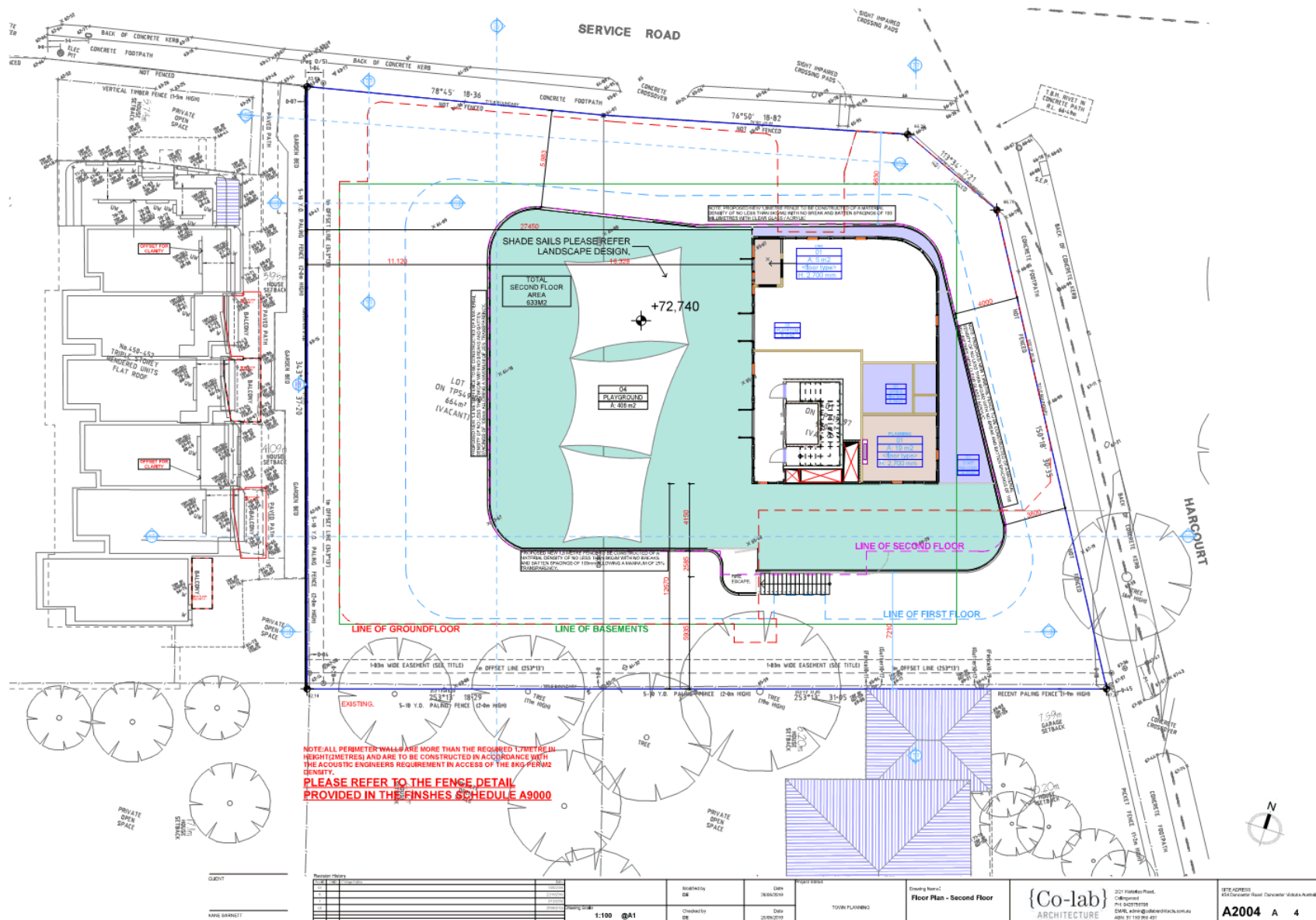
Drawing Name	Scale
Floor Plan - Ground Floor	1:100 @A1

{Co-lab}
ARCHITECTURE

221 Franklin Road,
Culleroin
PH 2407700
0438 449444
info@colabarch.com.au
April 17 199 964 477

Sheet	Project
A2002 A 4	





Revision History

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2	REVISED PER PERMIT COMMENTS	20/08/2019
3	REVISED PER PERMIT COMMENTS	20/08/2019
4	REVISED PER PERMIT COMMENTS	20/08/2019

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4	REVISED PER PERMIT COMMENTS	20/08/2019

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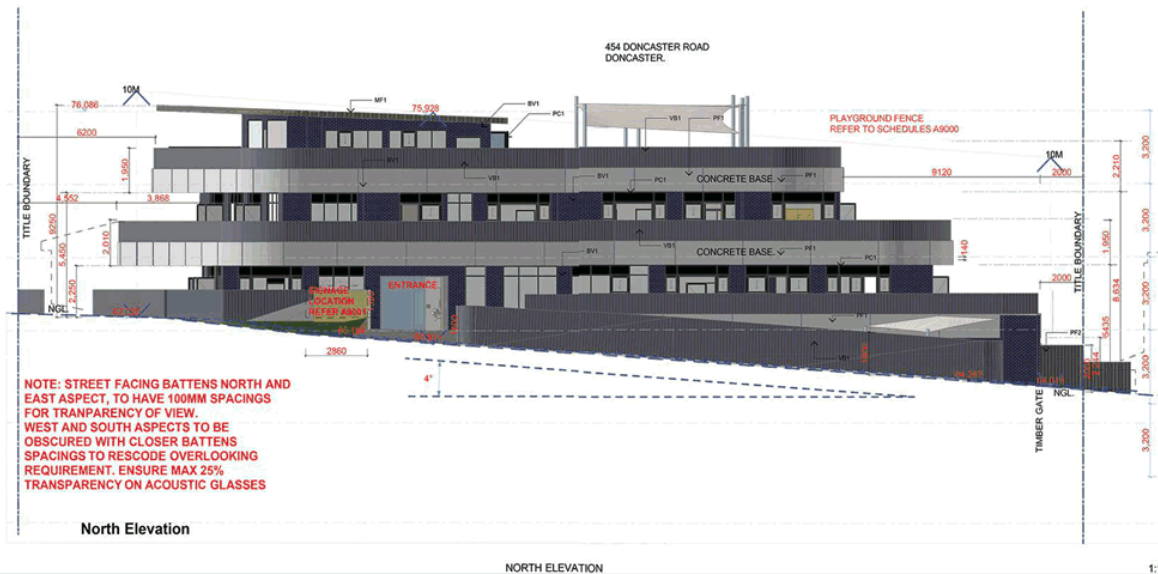
Client: HARCOURT

Project Name: Floor Plan - Second Floor

Architect: {Co-lab} ARCHITECTURE

221 Franklin Road, Coleraine
 PH: 042757858
 EMAIL: info@colabarchitects.com.au
 ABN: 57 153 994 477

2019 COPYRIGHT
 25/08/2019
 A2004 A 4

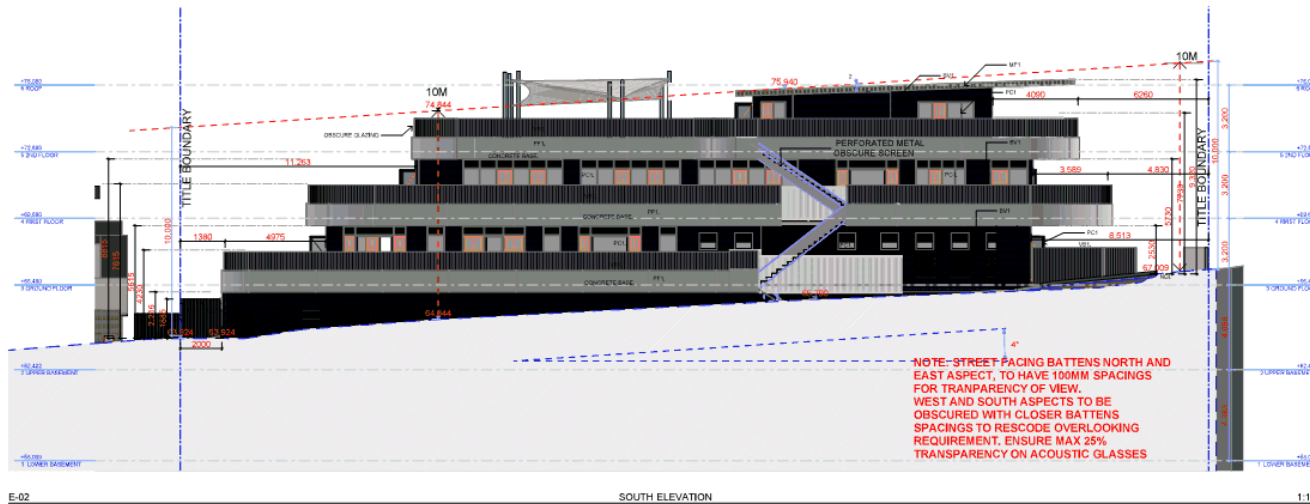


- BV1**
BRICKS
BLUE METALLIC
- PC 1**
POWDERCOAT BLACK
- PF 1**
CCS FINISH
RAFIA BEIGE
- PF 2**
PAINT FINISH
IRONSTONE
- VB1**
VERTICAL
BATTEN & ACOUSTIC
GLASS / ACRYLIC
- MF1**
METAL FINISH
CLOURBOND IRONSTONE

CLIENT	Revision History	Modified by	Date	Project Status	Drawing Name:		201 Waterloo Road, Colingwood Ph: 0423761708 Email: info@colabarchitects.com.au ABN: 97 150 968 497	SITE ADDRESS 454 Doncaster Road Doncaster Victoria Australia A3000 A 4																					
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Rev	Desc	Change Name	Date																										
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05			28/08/2019																										



South Elevation



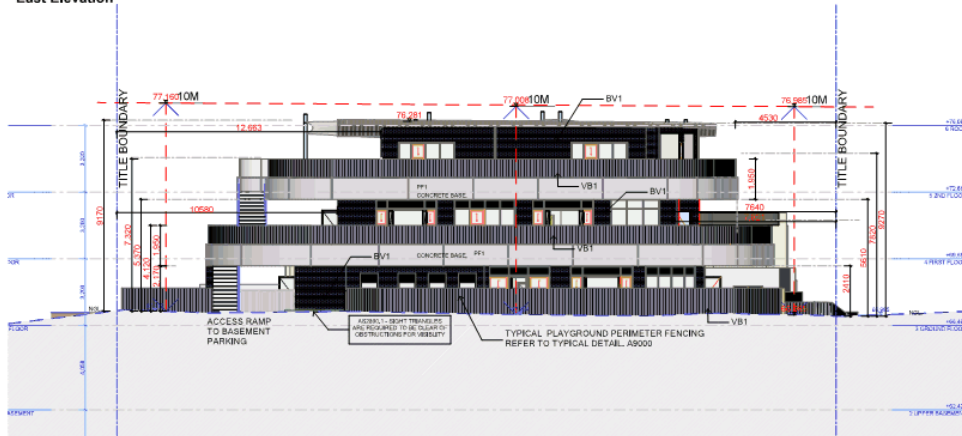
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BRICKS
BLUE METALLIC
- PC 1**
POWDERCOAT BLACK
- PF 1**
CCS FINISH
RAFIA BEIGE
- PF 2**
PAINT FINISH
IRONSTONE
- VB1**
VERTICAL
BATTEN & ACOUSTIC
GLASS / ACRYLIC
- MF1**
METAL FINISH
CLOURBOND IRONSTONE

E-02 SOUTH ELEVATION 1:100

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Rev	Description	Date																																						
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			Checked by	Date			251 Convent Road, Cape Town, Victoria Park 7700 S.A.																																	



East Elevation



**BV1
BRICKS
BLUE METALLIC**

**PC 1
POWDERCOAT BLACK**

**PF 1
CCS FINISH
RAFIA BEIGE**

**PF 2
PAINT FINISH
IRONSTONE**

**VB1
VERTICAL
BATTEN & ACOUSTIC
GLASS / ACRYLIC**

**MF1
METAL FINISH
CLOURBOND IRONSTONE**

NOTE: STREET FACING BATTENS NORTH AND EAST ASPECT, TO HAVE 100MM SPACINGS FOR TRANSPARENCY OF VIEW. WEST AND SOUTH ASPECTS TO BE OBSCURED WITH CLOSER BATTENS SPACINGS TO RESCODE OVERLOOKING REQUIREMENT. ENSURE MAX 25% TRANSPARENCY ON ACOUSTIC GLASSES

NOTE: OVER LOOKING AND ANTICLIMBING OBSCURED PERFORATED SCREEN TO INSIDE OF PERIMETER WALLS. PLEASE REFER TO TYPICAL DETAIL DRAWING AND FINISHES IN SCHEDULES SHEET NO.A9000

E-03 EAST ELEVATION 1:100

CLIENT	Revision History	Modified by	Date	PROJECT	Drawing Name	221 (Hawthorn) Road, Coburg VIC PH: 0427719181 EMAIL: info@co-lab.com.au APRIL 27 100 964 437	4876 ACRES 251 Conventer Road, Dandenong Victoria Australia																																	
MARK BARNETT	<table border="1"> <tr><th>REV</th><th>DESCRIPTION</th><th>DATE</th></tr> <tr><td>1</td><td></td><td></td></tr> <tr><td>2</td><td></td><td></td></tr> <tr><td>3</td><td></td><td></td></tr> <tr><td>4</td><td></td><td></td></tr> <tr><td>5</td><td></td><td></td></tr> <tr><td>6</td><td></td><td></td></tr> <tr><td>7</td><td></td><td></td></tr> <tr><td>8</td><td></td><td></td></tr> <tr><td>9</td><td></td><td></td></tr> <tr><td>10</td><td></td><td></td></tr> </table>	REV	DESCRIPTION	DATE	1			2			3			4			5			6			7			8			9			10			DE	28/05/2019	TOWN PLANNING	ELEVATION	{Co-lab} ARCHITECTURE	A3002 A 4
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		Checked by	Date																																					
		DE	28/05/2019																																					



West Elevation



**BV1
BRICKS
BLUE METALLIC**

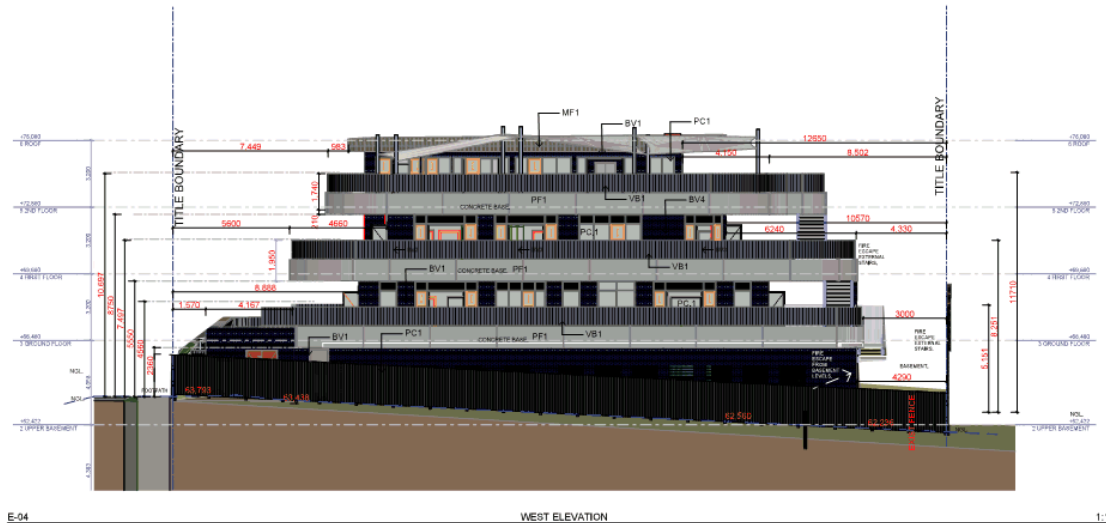
**PC 1
POWDERCOAT BLACK**

**PF 1
CCS FINISH
RAFIA BEIGE**

**PF 2
PAINT FINISH
IRONSTONE**

**VB1
VERTICAL
BATTEN & ACOUSTIC
GLASS / ACRYLIC**

**MF1
METAL FINISH
CLOURBOND IRONSTONE**



NOTE: STREET FACING BATTENS NORTH AND EAST ASPECT, TO HAVE 100MM SPACINGS FOR TRANSPARENCY OF VIEW. WEST AND SOUTH ASPECTS TO BE OBTAINED WITH CLOSER BATTENS SPACINGS TO RESOLVE OVERLOOKING REQUIREMENT. ENSURE MAX 25% TRANSPARENCY ON ACOUSTIC GLASSES

NOTE: OVER LOOKING AND ANTICLIMBING OBTAINED PERFORATED SCREEN TO INSIDE OF PERIMETER WALLS. PLEASE REFER TO TYPICAL DETAIL DRAWING AND FINISHES IN SCHEDULES SHEET NO.A9000

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2	REVISED PER PERMIT COMMENTS	DE	26/08/2019
3	REVISED PER PERMIT COMMENTS	DE	26/08/2019
4	REVISED PER PERMIT COMMENTS	DE	26/08/2019
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Client:	NAME BARRETT	Project Name:	TOWN PLANNING	Drawing Name:	ELEVATION	Scale:	1:100 @A1	Date:	26/08/2019	Project No.:	A3003 A 4
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{Co-lab}
ARCHITECTURE

221 (Holland) Road,
Cairnsport
PH: 0427917115
EMAIL: info@colabarchitects.com.au
ABN: 57 100 964 477

4872 ACRES
251 Conventer Road, Cairnsport, Queensland, Australia
A3003 A 4



North Elevation



**BV1
BRICKS
BLUE METALLIC**

**PC 1
POWDERCOAT BLACK**

**PF 1
CCS FINISH
RAFIA BEIGE**

**PF 2
PAINT FINISH
IRONSTONE**

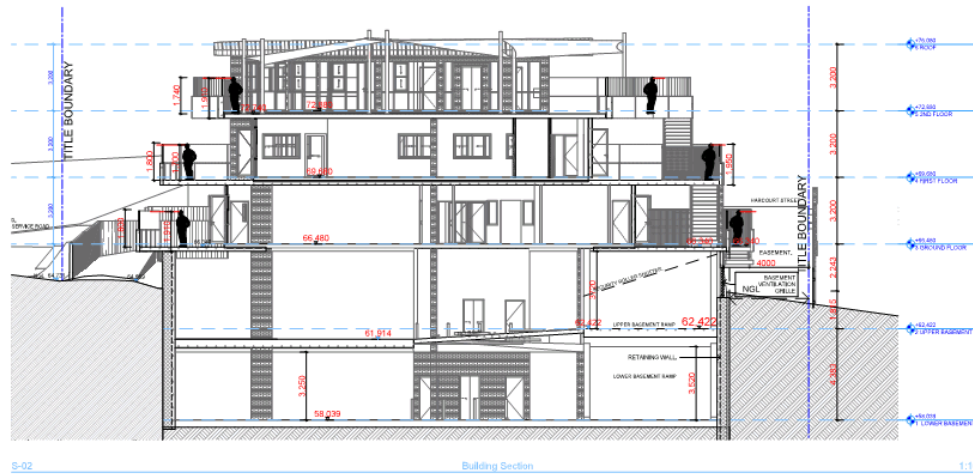
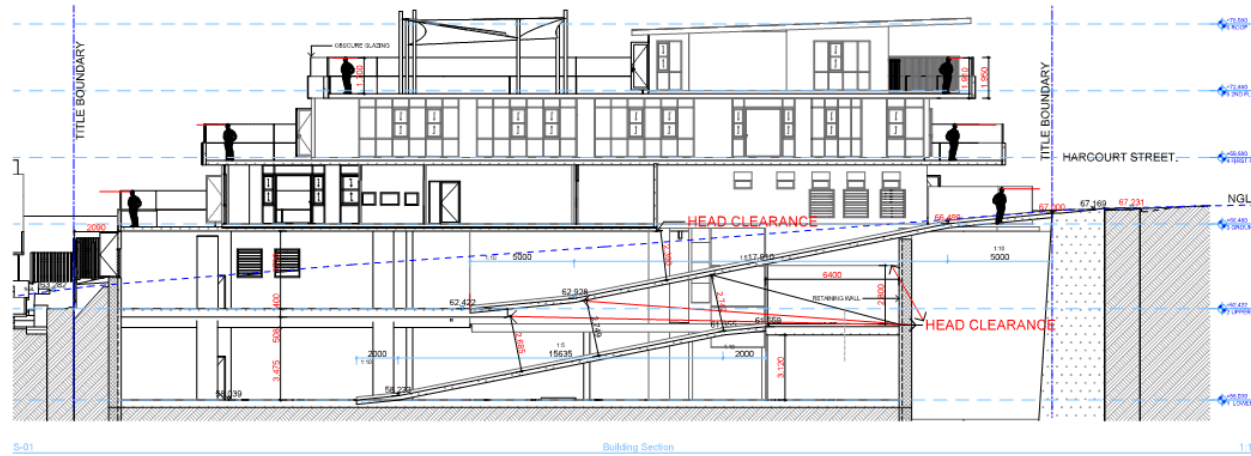
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VERTICAL
BATTEN & ACOUSTIC
GLASS / ACRYLIC**

**MF1
METAL FINISH
CLOURBOND IRONSTONE**

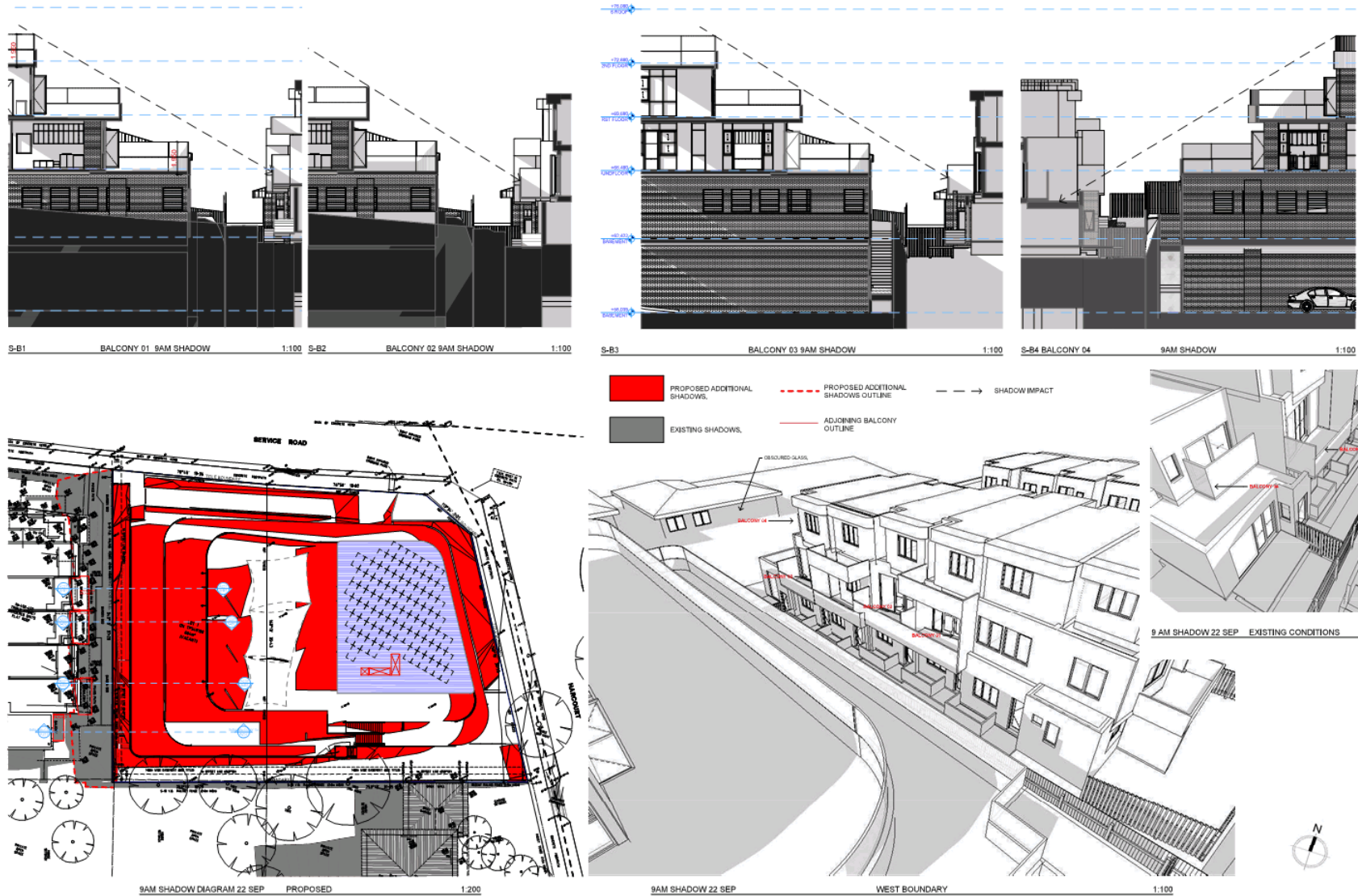


NOTE: STREET FACING BATTENS NORTH AND EAST ASPECT, TO HAVE 100MM SPACINGS FOR TRANSPARENCY OF VIEW. WEST AND SOUTH ASPECTS TO BE OBSCURED WITH CLOSER BATTENS SPACINGS TO RESCODE OVERLOOKING REQUIREMENT. ENSURE MAX 25% TRANSPARENCY ON ACOUSTIC GLASSES

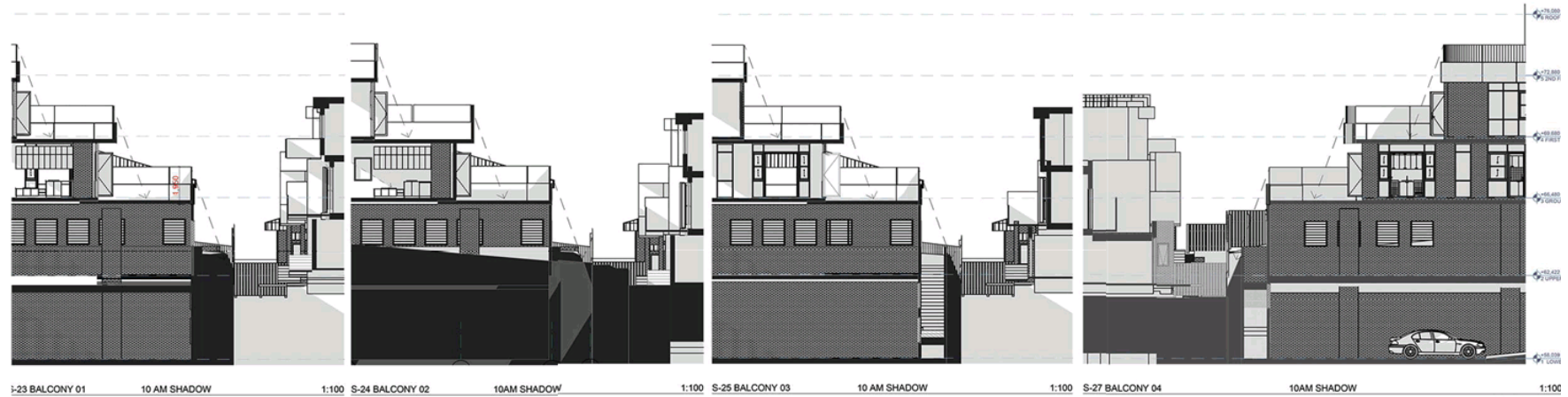
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KARIE BARNETT	01/11/2019 Change Name 3/02/2019 20/09/2019	DE	DE	26/06/2019	TOWN PLANNING	ELEVATIONS STREETScape		
	Drawing Scale							



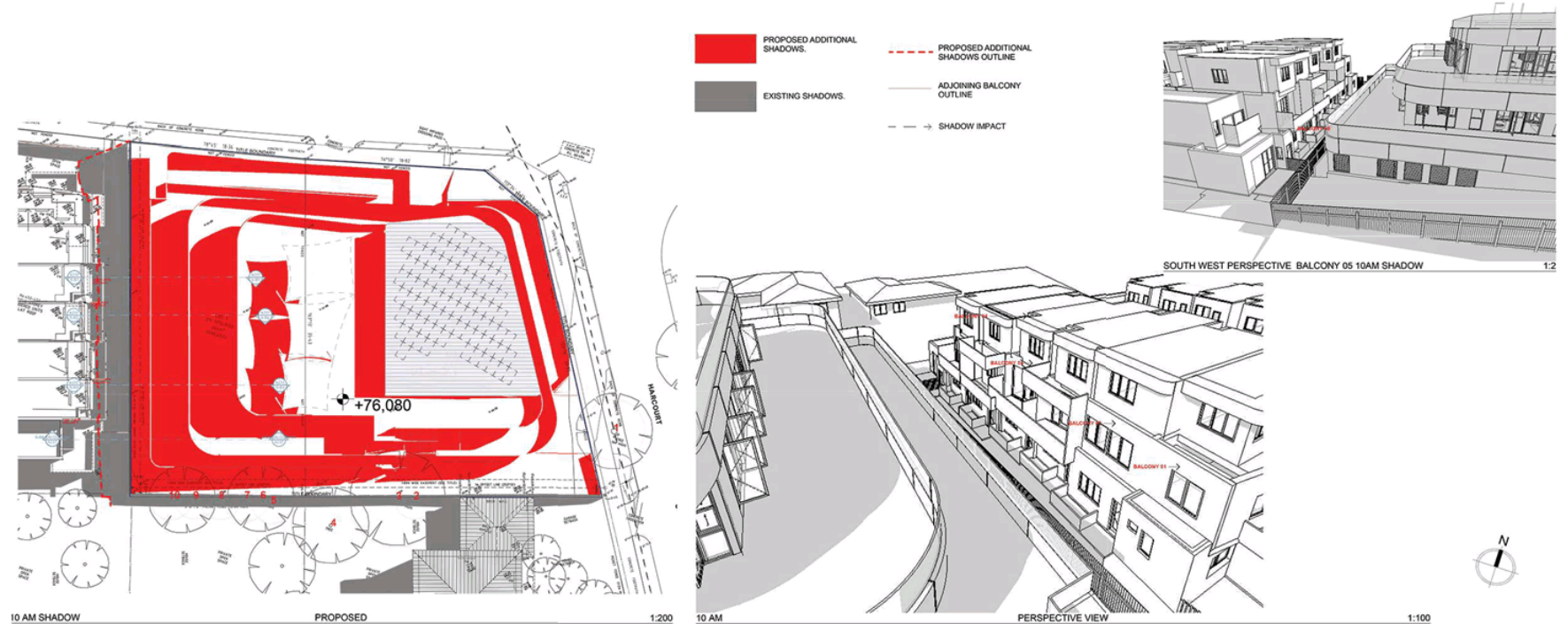
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CLIENT: KARE BARRETT Revision History:		Scale: 1:200, 1:100 @A1 Checked by: DE Date: 20/09/2019	PROJECT: TOWN PLANNING Drawing Name: PROPOSED SHADOW DIAGRAM 9AM 22 SEPTEMBER Date: 20/09/2019	221 Franklin Road, Cammerford NSW 2470 Tel: 0427791831 Email: info@colabarchitects.com.au ABN: 57 100 964 477	SITE ADDRESS: 251 Conventer Road, Cammerford NSW Australia A237 A 4
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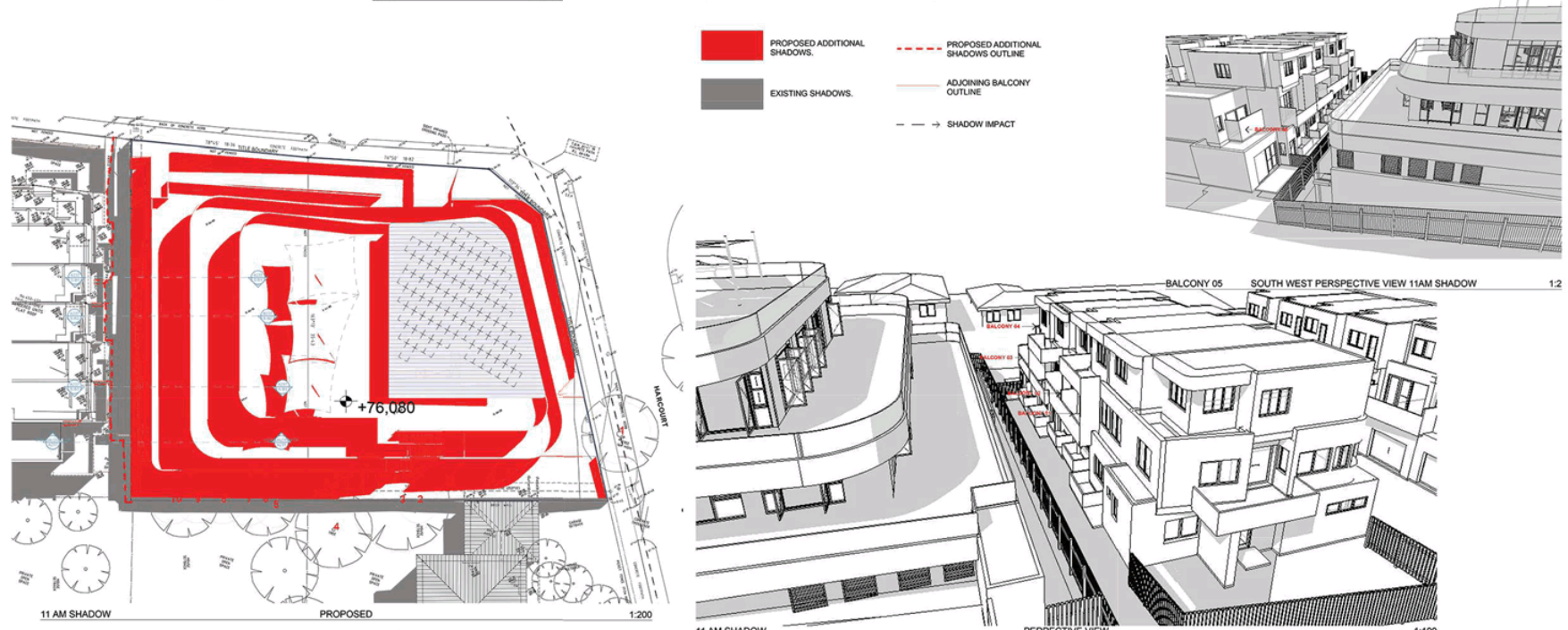
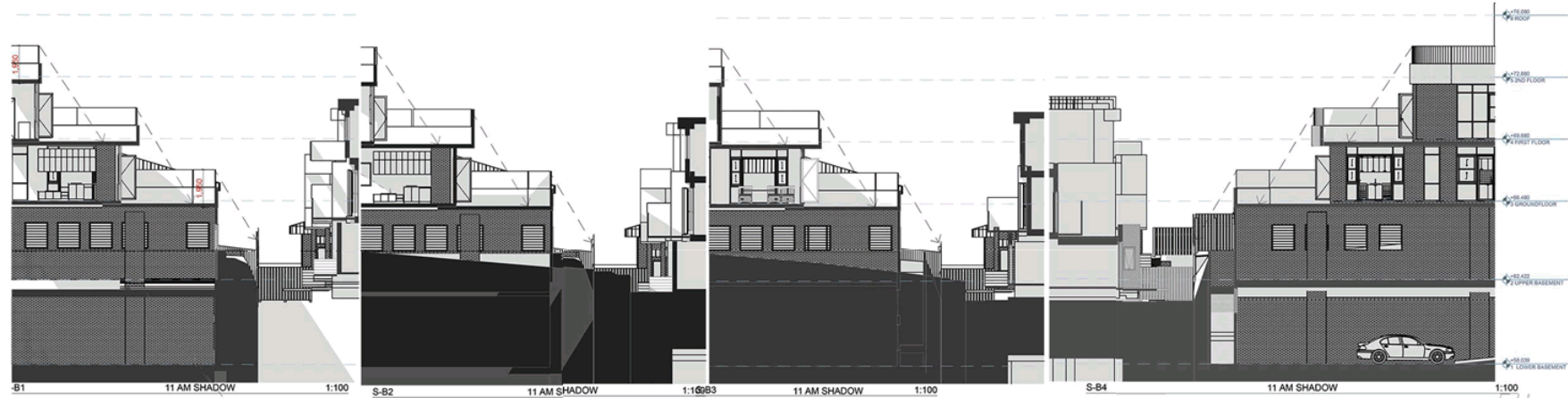


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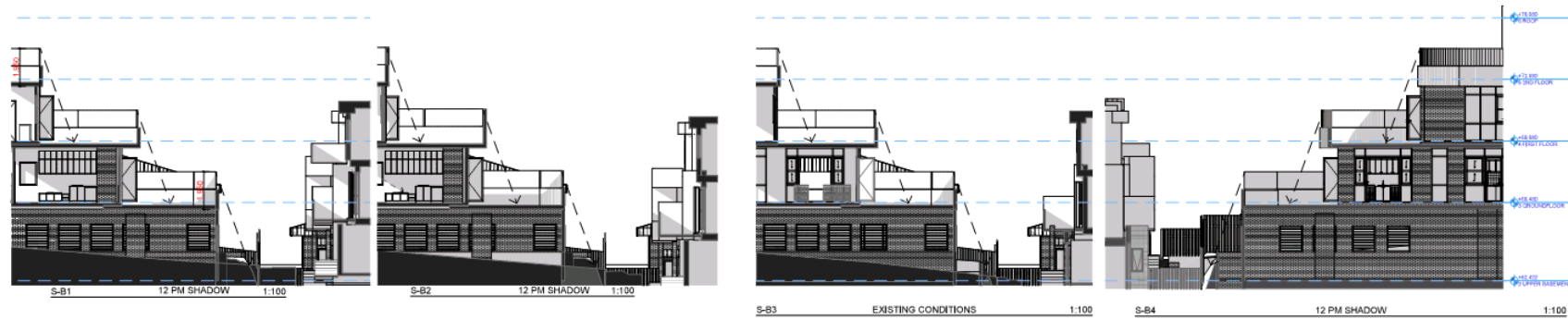


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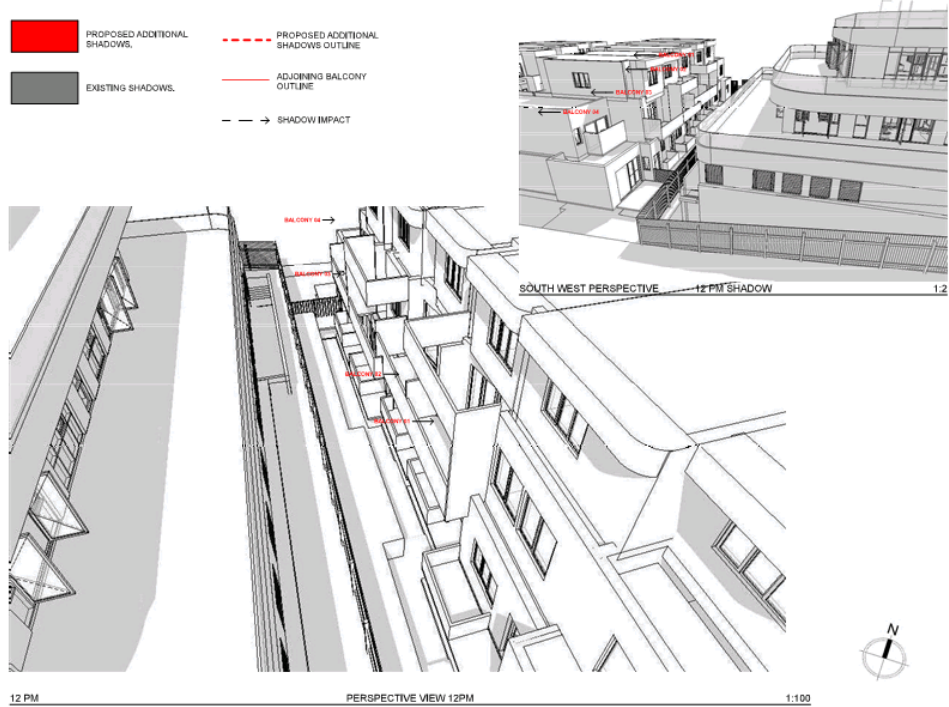
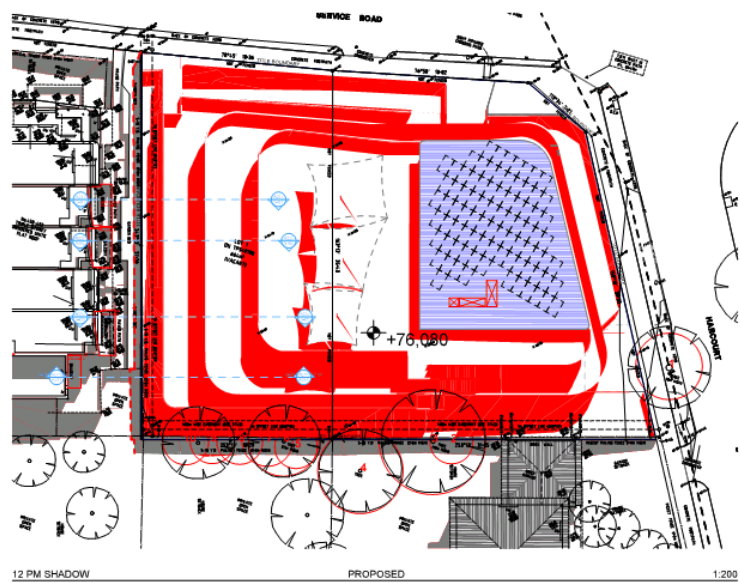
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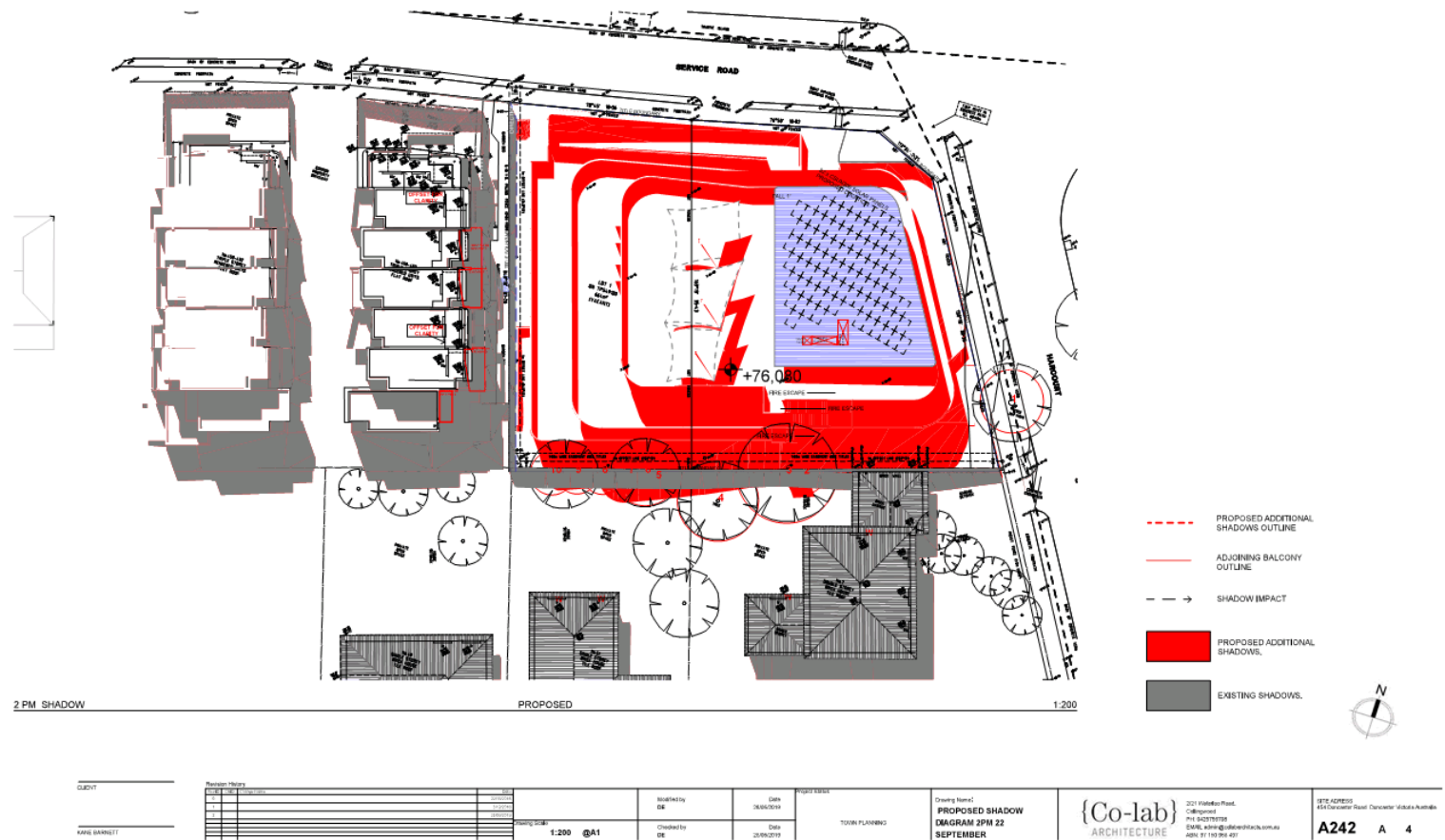
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KANE BARNETT	1. 2019/08/27 2. 2019/08/27	Modified by DE 28/08/2019 Checked by DE 28/08/2019	TOWN PLANNING	PROPOSED SHADOW DIAGRAM 11 AM 22 SEPTEMBER			



- PROPOSED ADDITIONAL SHADOWS.
- EXISTING SHADOWS.
- PROPOSED ADDITIONAL SHADOWS OUTLINE.
- ADJOINING BALCONY OUTLINE.
- SHADOW IMPACT



CLIENT	Revision History	Scale	1:200, 1:100, 1:2	Author	DE	Date	28/05/2019	Project Name	TOWN PLANNING	Drawing Name	PROPOSED SHADOW DIAGRAM 12PM 22 SEPTEMBER	Client	{Co-lab} ARCHITECTURE	Address	221 Havelock Road, Cantonment, Singapore 069719	Phone	65 6342 7193	Email	enquiries@colabarchitects.com.sg	APR 17 10 39 AM '17
NAME	DATE	BY	REASON	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE



CLIENT	Revision History
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	2. 20/08/2019
	3. 20/08/2019
	4. 20/08/2019

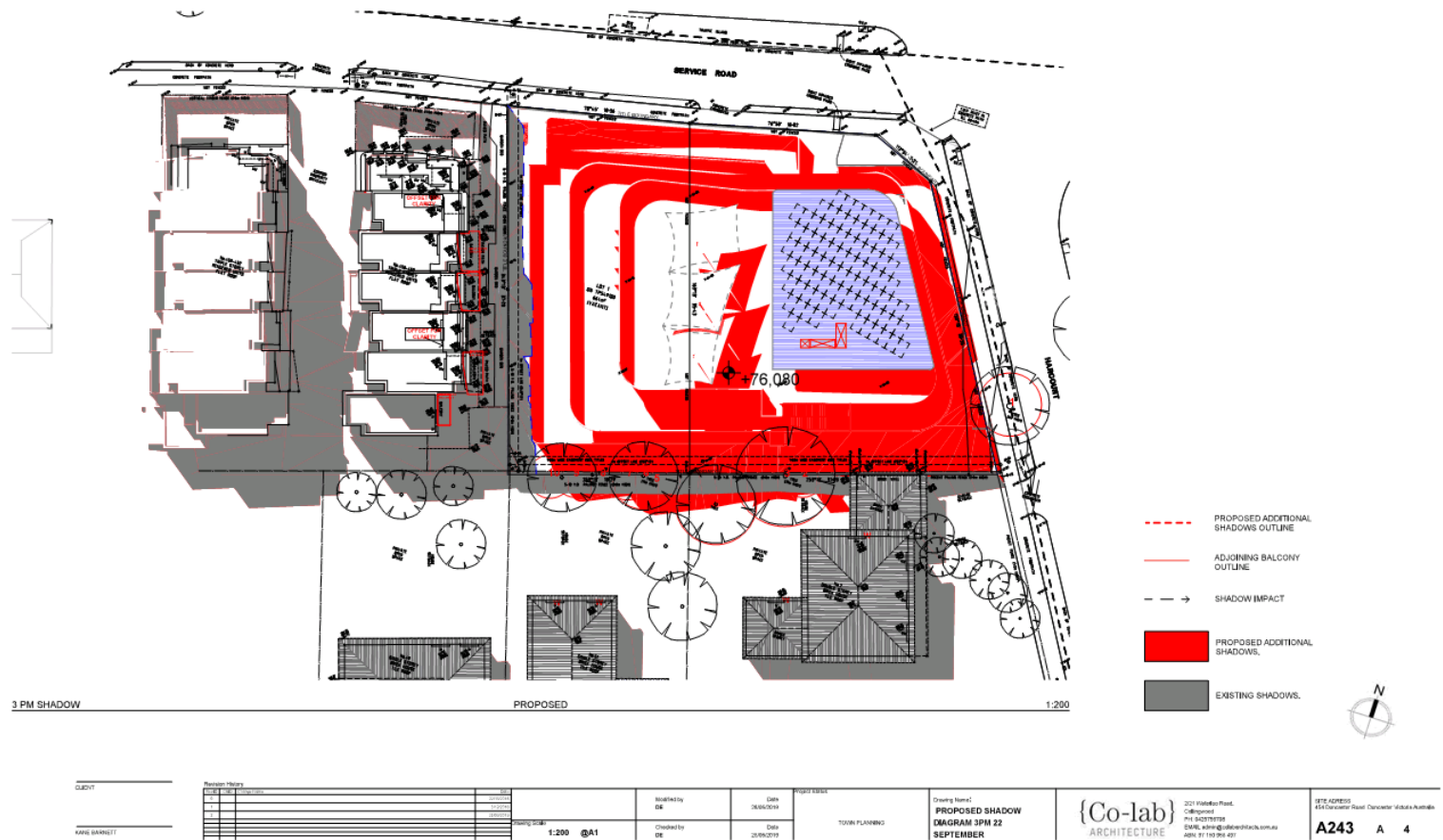
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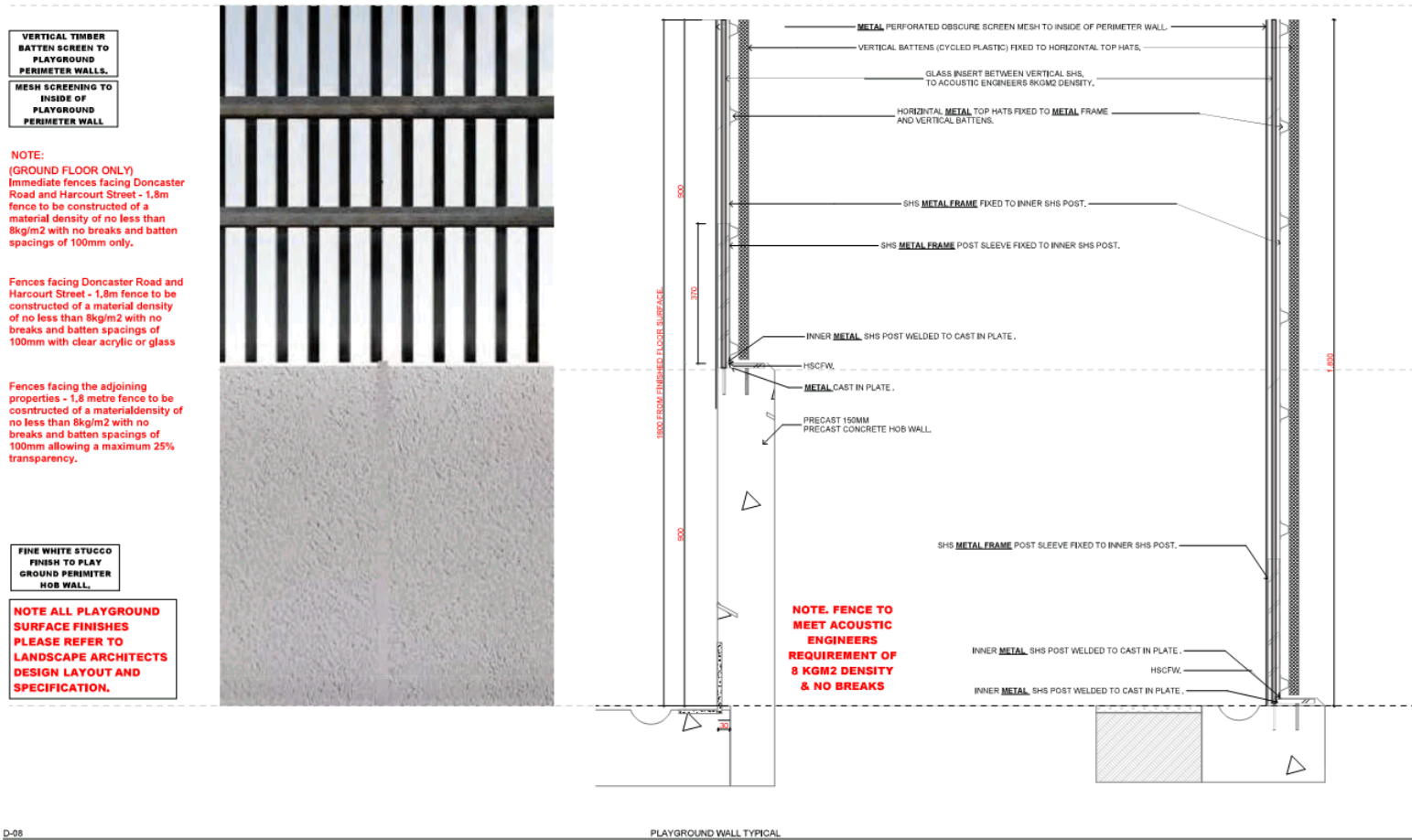
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Crawing Name:
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 DIAGRAM 2PM 22
 SEPTEMBER**

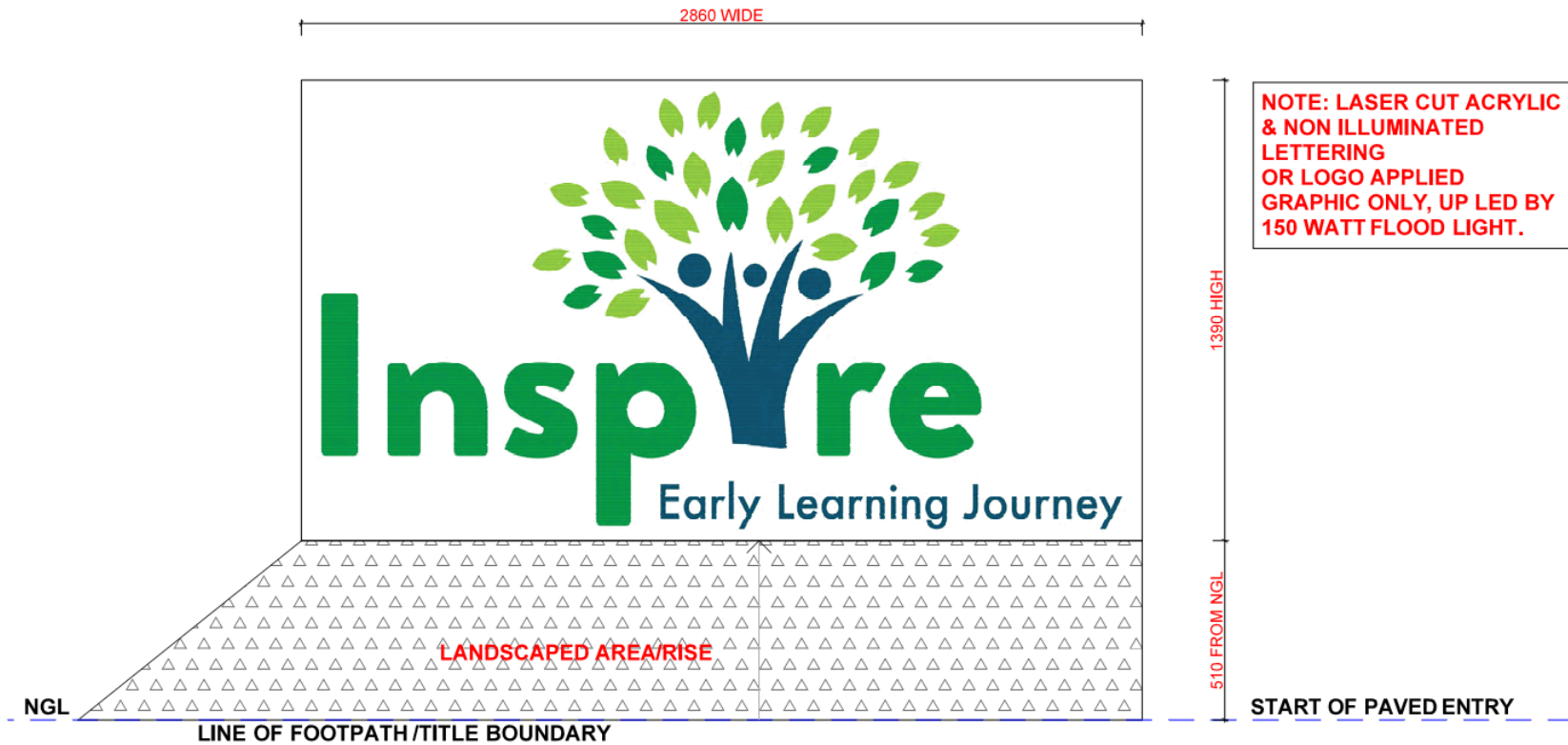
{Co-lab}
 ARCHITECTURE
 221 (Hawthorn) Road,
 Camberwell
 VIC 3163
 03 9594 2000
 03 9594 4777

2872 ACRES
 251 Convent Road, Dandenong Victoria Australia
A242 A 4








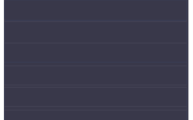




CLIENT	Revision History	Modified by	Date	PROJECT	Drawing Name	221 (Hobart) Road, Collingwood VIC 3068 PH: 03 9377 0100 EMAIL: info@co-lab.com.au ABN: 57 150 964 477	247E ACROSS 255 Doncaster Road, Doncaster Victoria Australia A9000 A 4
MARK BARNETT		DE	26/08/2019	TOUR PLANNING	{Co-lab} ARCHITECTURE		
		Checked by	Date				
		DE	26/08/2019				



ENTRY SIGNAGE TO LANDSCAPED BUFFER ZONE

CLIENT	Revision History	DATE	ISSUED BY	DATE	PROJECT	Drawing Name	221 Havelock Road, Cammerford Cammerford NSW 2470 02 4979 1000 02 4979 1001	221 Havelock Road, Cammerford, NSW 2470
KAREE BARNETT	1	20/08/2019	DE	20/08/2019	TOWN PLANNING	SIGNAGE DETAIL	{Co-lab} ARCHITECTURE	A9001 A 4

<p>BV1 BRICKS BLUE METALLIC</p>		<p>PC1 MATT BLACK POWDER COATED FINISH TO EXTERNAL DOORS AND WINDOW FACADE.</p>	
<p>BLUSTONE PAVERS TO ENTRY</p>		<p>VB1 VERTICAL BATTEN & ACOUSTIC GLASS / ACRYLIC</p>	
<p>CONCRETE FINISH TO BASEMENT RAMPS.</p>			
<p>MF1 IRONSTONE FINISH TO ROOF.</p>			
<p>PC1 MATT BLACK POWDER COATED FINISH TO EXTERNAL DOORS AND WINDOW FACADE.</p>			
<p>PF 1 CCS FINISH RAFIA BEIGE CCS) COLOURED CONCRETE SURFACES</p>			

REV	NO	DATE	DESCRIPTION

{Co-lab}
ARCHITECTURE

327 Vireonius Road,
Collingwood
VIC 3068
DRAFTING@COLLABARCHITECTURE.COM.AU
MOB: 041 152 900 887

454 Doncaster Road Doncaster

Drawing Name
SCHEDULES

Drawing Status

Modified by: Date
DE 28/08/19

Checked by: Date
DE 28/08/19

Drawing Title

Project ID
A0002 A 4

5.. LEGISLATIVE REQUIREMENTS

5.1 PLANNING AND ENVIRONMENT ACT 1987 (THE ACT)

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

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

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

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

5.2 MANNINGHAM PLANNING SCHEME

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

- Planning Policy Framework
- Local Planning Policy Framework
- Clause 32.07 Residential Growth Zone, Schedule 2
- Clause 43.02 Development 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

Zones

Clause 32.08 General Residential Zone, Schedule 2

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 provide housing at increased densities in buildings up to and including four storey buildings.*
- *To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.*
- *To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.*
- *To ensure residential development achieves design objectives specified in a schedule to this zone.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Permit Requirement:

- *A permit is required for the use of a childcare centre (Section 2 use)*
- *A permit is required to construct or carry out works associated with a Section 2 use.*

There is no height restrictions applicable to non-residential buildings (though a 14.5 metre discretionary height is permitted for residential buildings).

Clause 55 is not applicable, however any buildings or works constructed on a lot that abuts land which is in a General Residential Zone, Neighbourhood Residential Zone, or Township Zone must meet the requirements of Clauses 55.03-5, 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary.

Overlays

Clause 43.02 Schedule 8 to Design and Development Overlay

The design objectives are as follows:

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

Permit Requirement

- *A permit is required to construct or carry out works.*

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 maximum building height in Table 2
- For the purposes of this Schedule, the Maximum Building Height does not include building services, lift over-runs and roof mounted equipment, including screening devices.

- For the purposes of this Schedule, balconies, terraces, and verandahs may encroach within the Street Setback by a maximum of 2.0m, but must not extend along the width of the building.

Table 1 (discretionary height requirements)

Sub-Precinct	Maximum Building Height	Condition regarding minimum land size	Street setback
DDO8-1 (Sub-Precinct Main Roads)	11 metres provided the condition regarding minimum land size is met. If the condition is not met, the maximum height is 9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the site of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.	1,800 square metres must be all in the same sub-precinct. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage.	For two or more dwellings on a lot or a residential building: <ul style="list-style-type: none"> • Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser • Minimum side street setback is the distance specified in Clause 55.03-1

Policy requirements also relate to form, car parking, landscaping and front fencing.

Planning Policy Framework

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

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

Strategies towards achieving this are identified as follows:

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

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

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

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

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

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

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

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

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

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

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

Clause 15.02-1 Sustainable Development: Energy and resource efficiency

The policy objective is:

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

The clause has the following strategies:

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

Clause 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 18.02-2R Principal Public Transport Network

The policy objective is:

- *To maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.*

Clause 19.02-2 Community Infrastructure: Education Facilities

The policy objective is:

- *To assist the integration of education and early childhood facilities with local and regional communities.*

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

- *Consider demographic trends, existing and future demand requirements and the integration of facilities into communities in planning for the location of education and early childhood facilities.*
- *Locate childcare, kindergarten and primary school facilities to maximise access by public transport and safe walking and cycling routes.*
- *Ensure childcare, kindergarten and primary school facilities provide safe vehicular drop-off zones.*
- *Locate secondary school and tertiary education facilities in designated education precincts and areas that are highly accessible to public transport.*
- *Locate tertiary education facilities within or adjacent to activity centres.*
- *Ensure streets and accessways adjoining education and early childhood facilities are designed to encourage safe bicycle and pedestrian access.*
- *Develop libraries as community based learning centres.*

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement

Clause 21.02 Municipal Profile

Manningham is close to a number of tertiary institutions in city and suburban locations, which provide employment and further education opportunities. The municipality offers social and cultural opportunities and community services which attract people from the broader regional context.

It is projected that by 2031, Manningham will have an estimated resident population of 136,300 people. It is anticipated that an additional 20,600 people will take residence in Manningham between 2006 and 2031 (forecast.id).

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. A substantial level of change is anticipated in Precinct 2 with these areas being a focus for higher density developments. Economic development issues include objectives to encourage uses with a community service role in close proximity to activity centres or other community based facilities.

Non-residential uses and commercial developments which do not have a community service role are discouraged from locating in residential areas. Commercial development remote from activity centres is also discouraged in order to protect the amenity of residential areas, the viability of activity centres and to ensure the safe and efficient functioning of the road network.

The site is located within Sub-Precinct: **Main Roads**.

The Main Roads Sub-Precinct is an area where three storey (11m), contemporary 'apartment style' developments are supported on land with a minimum area of 1,800sqm. All development in sub-precinct should have a maximum site coverage of 60 percent. Higher developments on the perimeter of another zone should be designed so that the height and form are sufficiently stepped down to compliment the scale and form of adjoining residential areas.

Development in Precinct 2 should:

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

Clause 21.10 Ecologically Sustainable Development

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

Local Planning Policy

Clause 22.05 Non-Residential Uses in Residential Areas

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

The residential Growth Zone is encouraged to accommodate a range of non-residential uses that service local community needs. The key aim is to balance the need for residents to access services in residential locations while ensuring that residential amenity is not adversely affected by way of high levels of on-site activity, traffic generation, noise emission, odour, light and visual disorder. Key preferences for locating these facilities are

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 rates

- 0.22 space to each child.

The 49 spaces provided on site exceeds the statutory requirement for 43 spaces, and therefore a permit is not required to reduce the standard car parking requirements.

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.

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

A development:

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

This provision is not applicable to non-residential buildings, however select requirements as specified in the RGZ are to be met.

General Provisions

Clause 65 Decision Guidelines

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

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

9.2 Planning Application PLA19/0043 at 420 Ringwood-Warrandyte Road, Warrandyte for an amendment to Planning Permit PLN18/0415, to allow for the consumption of liquor on the deck and to amend Condition 14 relating to limitations on amplification equipment.

File Number:	IN19/530
Responsible Director:	Director City Planning and Community
Applicant:	SongBowden Planning on behalf of Lowe Corporation
Planning Controls:	Rural Conservation Zone (RCZ3), Bushfire Management Overlay (BMO), Environmental Significance Overlay (ESO2)
Ward:	Mullum Mullum
Attachments:	1 Locality Map ↓ 2 Advertised Plan ↓ 3 Objector Map ↓ 4 Legislative Requirements ↓

EXECUTIVE SUMMARY

Purpose

1. This report provides Council with an assessment of an Amended Planning Permit Application PLA19/0043 for Bramleigh Estate at 420 Ringwood-Warrandyte Road Warrandyte.
2. Planning Permit PLN18/0415 was issued on the 26 September 2018, allowing “buildings and works associated with alterations and additions to the existing function centre and installation of a non-illuminated business sign”.
3. The works which included the construction of a deck on the southern side of the building have now been completed.

Proposal

4. The purpose of the amended permit application primarily is to allow for consumption of liquor on the now existing deck and to delete/amend condition 14 of Planning Permit PLN18/0415 to allow amplified noise (music and voice) at background levels from speaker systems associated with wedding ceremonies.
5. Condition 14 of the permit restricted the use of external sound amplification equipment on the deck. The condition stated... “No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose without the further written consent of the Responsible Authority”. The amended application proposes to modify this condition.

Advertising

6. Notice of the application was given over a two week period. Twenty one objections have been received including a joint objection from a group of local residents.

Key Issues in considering the application

7. The key issues for Council in considering the proposal relate to the potential for an increase in noise levels arising from both consumption of alcohol on the deck, voices and the playing of amplified equipment on the deck.

Conclusion

8. It is recommended that the amendment be supported subject to additional conditions that will seek to control offsite amenity impacts being generated including limiting the times when consumption of liquor and amplification noise from speakers may occur.

COUNCIL RESOLUTION

MOVED: CR ANDREW CONLON
SECONDED: CR PAUL MCLEISH

That Council:

Issue a Notice of Decision to Grant an Amended Planning Permit (PLN18/0415) in relation to Planning Application PLA19/0043 at 420 Ringwood-Warrandyte Road, Warrandyte for:

Preamble Amended (new/modified additions underlined)

- **Buildings and works associated with alterations and additions to the existing function centre and installation of a non-illuminated business sign and sale and consumption of liquor.**

and subject to the following conditions:- (new conditions underlined, old conditions struck out)

Amended Plan

- 1. Before the development starts, amended plans must be submitted via email to and approved by the Responsible Authority. When approved, the plans will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application (drawn by Impact Design Consultants, job number 17-0943, revision D, dated 14 May 2018) but modified to show:**
 - 1.1 The provision of a 400mm gap under the decking to allow the passage of overland flow water beneath the deck.**
 - 1.2 The provision of a safety barrier across the northern end of car spaces 25 to 29 inclusive which are located at the top of a steep batter slope.**
 - 1.3 A plan notation to indicate the proposed gravel car parking adjacent to retained trees is to be constructed at or above existing site grade, in accordance with the recommendations of the arboricultural report (prepared by Ajarboriculture, dated August 2018) to the satisfaction of the Responsible Authority.**
 - 1.4 A plan notation to indicate the Tree Protection Measures contained in Appendix 4 of the arboricultural report (prepared by Ajarboriculture, dated August 2018) to be implemented to the satisfaction of the Responsible Authority.**

- 1.5 A plan notation to indicate that the existing swale drain will be rock lined, with a series of steps to control the velocity of overland flow, to the satisfaction of the Responsible Authority.
- 1.6 The signage plan clearly dimensioned to demonstrate the display area does not exceed 3sq.m in accordance with the Clause 52.05 (Category 4) and the proposed colour scheme.

Endorsed Plans

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

Vegetation Protection

3. Before the development starts (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), vegetation marked on the plan to be retained must have a Vegetation Protection Fence erected to the edge of the tree canopy to the satisfaction of the Responsible Authority. Each vegetation protection fence must be constructed of orange parawebbing or similar robust material approved by the Responsible Authority and erected to a height of 1.5 metres above ground level and clearly signed "Vegetation Protection Zone – No Entry" on all sides, to the satisfaction of the Responsible Authority.
4. The following actions must not be undertaken within the Vegetation Protection Zone, to the satisfaction of the Responsible Authority:
- Materials or equipment stored within the zone;
 - Nothing is to be attached to any tree (including temporary service wires, nails, screws or any other fixing device);
 - Open cut trenching or excavation works (whether or not for laying of services) undertaken within the zone; or
 - Changes to the soil grade level within the zone.
5. The Tree Protection Measures contained in Appendix 4 of the arboricultural report (prepared by Ajarboriculture, dated August 2018) must be implemented to the satisfaction of the Responsible Authority.
6. The owner must ensure that contractors/tradespersons who install services or work near the vegetation to be retained are made aware of the need to preserve the vegetation and to minimise impacts through appropriate work practices.
7. No vegetation, apart from that shown on the approved plan as vegetation to be removed may be felled, destroyed or lopped without the written consent of the Responsible Authority.
- #### Site Management
8. The owner must use appropriate site management practices during construction to prevent the transfer of mud, dust, sand, slurry, litter, concrete or other construction waste from the site into drains or onto nearby roads. In the event that a road or drain is affected, the owner must upon direction of the responsible authority take the necessary steps to clean the affected portion of road or drain to the satisfaction of the Responsible Authority.

Effluent Disposal

9. All plumbing wastes from the development must be connected to the available mains sewer to the satisfaction of the Responsible Authority.
Drainage
10. All runoff from the development must be directed to the point of discharge to the satisfaction of the Responsible Authority.
Use of new deck area
11. The new deck must be used in association with the existing function centre (indoor area). It must not be used for separate or concurrent functions without the further written consent of the Responsible Authority.
12. No permanent structures such as marquees, shade sails, gazebos or similar are to be erected on the deck without the further written consent of the Responsible Authority.
13. All car parking areas must be line marked prior to finished construction of the deck hereby approved and maintained to the satisfaction of the Responsible Authority.
14. ~~No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose without the further written consent of the Responsible Authority.~~
The playing of any externally amplified music, announcements and/or conducting ceremonies on the deck must:
 - 14.1 Only occur in association with wedding events conducted on the land;
 - 14.2 Only occur between the hours of 12 noon and 7:30pm, and for a maximum period that totals 2 hours per wedding event;
 - 14.3 Not exceed background level music;
 - 14.4 Be run through a portable sound system/equipment controlled by the owner/operator at all times, and be removed from the deck by 7:30pm.
15. The deck must be closed to use by patrons / guests by 8.00pm, unless an acoustically treated double door airlock is provided for ingress/egress to the deck area, or alternatively the building is reglazed including all doors and windows with double glazing (excluding service and utility areas), whereby the deck must be closed to use by patrons / guests by 8.30pm Eastern Standard Time and 9.30pm Eastern Standard Daylight Saving Time.
16. All external windows facing the deck must be closed by 8.00pm. All doors providing pedestrian access to the deck must be closed prior to the deck closing time outlined in Condition 15, and not used by any patrons / guests except for persons with limited mobility or for the purpose of emergency ingress/egress.
17. All doors providing access to the deck must be fitted with self-closing mechanisms and these mechanisms must be maintained in good working order to the satisfaction of the Responsible Authority. The doors must not be propped open.

18. The following direction signs must be installed on site:
- 18.1 A sign on the deck identifying that the deck is closed for patron / guest use in accordance with the specified times outlined pursuant to Condition 15;
- 18.2 A sign on the deck identifying 'no alcohol is to be consumed beyond the curtilage of the deck at any time';
- 18.3 A sign internal to the building and at the ramp entrance that the deck is not be used as an exit or entry to the building after closing time in accordance with the specified times outlined pursuant to Condition 15, except for persons with limited mobility or for the purpose of emergency ingress/egress.
19. All signs must be installed and maintained to the satisfaction of the Responsible Authority.
20. Noise levels emanating from the premises must not exceed those required to be met under the State Environment Protection Policy (Control of Music Noise from Public Premises, No. N-2) 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.
- Sale/Service & Consumption of Liquor
21. The sale/service of liquor on the deck must:
- 21.1 only occur between 12 noon and 8.00pm;
- 21.2 only occur for a maximum period of 2 hours per event.
- Liquor may be consumed on the deck for up to 30 minutes following the end of the sale/service period to enable guests to finish a drink. After this time, no liquor can be consumed or is allowed on the deck. The consumption of liquor on the deck may occur until closure time of the deck outlined pursuant to Condition 15.
- A log indicating the hours of the sale/service of liquor must be kept for each event and made available for viewing by the Responsible Authority on request.
- Management Plan
22. Prior to the use of the deck commencing for the sale and consumption of liquor, a Management Plan must be submitted to and approved by the Responsible Authority, to address the conditions of use of the deck under this Permit.
- If the closing time of the deck is dependent on the installation of a double door airlock or double glazing referred to in Condition 15, then the Management Plan must include details of a) the design and location of the airlock/double glazing (site plan and elevations), and b) details of the airlock materials and c) a statement /certification from a qualified acoustic engineer that the design appropriately controls noise from inside the venue all to the satisfaction of the Responsible Authority.
- General
23. External lighting for the deck, car parking area and surrounds must be designed so to limit loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority.

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

CFA Conditions

Mandatory Condition

25. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Amended Bushfire Management Plan

26. Within 3 months of works commencing, an amended Bushfire Management Plan must be submitted to and endorsed by the Responsible Authority. When endorsed the plan must not be altered without the consent of CFA and the Responsible Authority.

The plan must be generally in accordance with the Bushfire Management Plan prepared by BAL Assessments (version 1) but modified as followed:

- a) Removal of the dot point of “The canopy of new trees must be separated by at least 5 metres” from below the heading of “Defendable space“ and replacing it with “The canopy of trees must be separated by at least 5 metres (excluding any existing tree identified on the locality plan prepared by Impact Design Consultants, revision E and dated 14-08-2018).”
- b) Removal of the dot point of “Trees must not overhang or touch elements of the building” from below the heading of “Defendable space“ and replacing it with “Trees must not overhang or touch elements of the building (excluding the single feature tree within the deck)”.

Permit Expiry

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

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

Amended Permit Expiry

28. **This Permit will expire if:**
- 28.1 **The use and/or development approved by the Amended Permit (PLA19/0043) does not start within two years of the issue date of this amended permit.**

CARRIED

2. BACKGROUND

Planning Permit PLN18/0415

- 2.1 Planning Permit PLN18/0415 was issued on the 26 September 2018, allowing “buildings and works associated with alterations and additions to the existing function centre and installation of a non-illuminated business sign”.
- 2.2 The application proposed the construction of a new deck on the southern side of the building with associated access ramp, formalisation of car parking areas and the installation of a business sign at the front entry.
- 2.3 The application stated that:
- “the deck would be used as a “meet and greet” area for functions, prior to the function room being opened. This area will provide guests attending the function centre an area to congregate after parking their vehicles. This area will not be used independently of the existing building”.*
- 2.4 Planning Permit PLN18/0415 included nineteen (19) conditions, including many to control amenity impacts associated with the use of the deck. The conditions included a prohibition on amplified sound systems being used on the deck (Condition 14).
- “No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose without the further written consent of the Responsible Authority”.*
- 2.5 In issuing the Planning Permit, Council accepted that the property had existing use rights under the Manningham Planning Scheme to hold weddings and functions.
- 2.6 An existing use right can be established by an owner under the Clause 63 of the planning scheme if they can demonstrate that an activity has occurred ongoing for 15 years. In this instance, the application provided information to demonstrate that the venue (formally Alfred’s Homestead) was used as a restaurant, dinner dance and function venue since 1989, which included weddings.
- 2.7 It is important to note the owner has not sought a Certificate of Compliance, which is a legal document that confirms an existing use right. Council proceeded to issue the permit for the deck associated with the venue as it has no information before it that would suggest the existing use right can’t be established, and it would appear the applicant could quite easily apply for a Certificate.
- 2.8 The plan for the deck was approved and endorsed on 16 November 2018, following a minor secondary consent request that sought to remove a signature tree that was proposed within the deck’s design.
- 2.9 The deck was constructed between November 2018 and January 2019.

Liquor License Application

- 2.10 On 20 February 2019, an application for variation of a Restaurant and Café Liquor Licence was lodged by the Lowe Corporation to Victorian Commission for Gambling and Liquor Regulation (VCGLR) to increase the redline area and include the external deck.

- 2.11 A copy of the application was served on Council pursuant to Section 33(2) of the Liquor Control Reform Act 1998 which is when Council became aware of the intention to licence the deck area.
- 2.12 On 8 March 2019, Council indicated to the Commission that they objected to the granting of the variation based on there being no planning permit for the sale and consumption of liquor on the deck. It appears that the application made to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) used the endorsed town planning drawings from Planning Permit PLN18/0415, showing a red-line superimposed over the approved deck area implying the planning permit approved the red-line over the deck, when it did not. In a letter to the Victorian Commission for Gambling and Liquor Regulation (VCGLR), Council noted other anomalies and sought an extension of time to provide further submissions once a full investigation had occurred.
- 2.13 The amended Liquor Licence No 32201709 was subsequently issued by the VCGLR. The licence included the following varied conditions:
- The licensee must not permit the playing of any amplified or recorded musical works at higher than background level on the external deck area.
 - Trading within the external deck area must conclude not later than 10pm on any day.
- 2.14 The license provides for the sale and consumption of liquor subject to Restaurant and Café conditions, which requires that a substantial provision must be made in the venue for tables and chairs, and the predominant activity carried out must be the preparation and serving of meals. The license provides for a maximum capacity of 400 patrons, and allows trading until 1am, except on Sunday and various public holidays (where trading is limited to 11.30pm).
- 2.15 A Liquor License and Planning Permit have separate enforcement protocols, carried out by VCGLR and Council respectively.

The Amendment Request

- 2.16 The amended planning application (PLA19/0043) was received on 28 May 2019. It simply requested:
- *Allow for the consumption of liquor on the premises in accordance with the redline for the building and decking areas.*
 - *Include two speakers (85 watt each) on the decking for the purpose of background music until 8pm (Amendment to Condition 14 of the permit).*
- 2.17 The application was advertised on 17 June 2019, and 21 objections were received. The objectors were generally within a 300m radius of the property.
- 2.18 During the advertising period, the owner of Bramleigh also lodged a submission in support of the application and included references to noise attenuation measure controls:

“...I have worked extensively with neighbours in the period of time that I have been operating the venue and have taken on board all suggestions and put many of them into place. I have also contacted local neighbours explaining our current plans to replace windows etc. to try and minimise noise from the venue at all times, not just after 11pm when we are required to restrict noise even though we are licensed until 1am most nights of the week. At the time we took over the site in January 2018, we have improved the local amenity of the site greatly. We have done extensive clean-up of the site (which many neighbours have contacted and thanked us for) Removed unsafe dead pine trees that had already seen 2 failures prior to our arrival, improved the venue access for disabled patrons, renovated the food preparation areas, and reduced the food safety concerns that Manningham Council had expressed to the prior owners on many occasions.....”

When dealing with liquor commission for the red line adjustment, I offered to permanently reduce our trading hours to liquor commission who found that this was not required, and we had voluntarily offered to have a deck curfew of 10pm, with security actively involved for each event from 9.30pm until half an hour after the last guest has left the venue to ensure that this is enforced and to bring all guests inside at the correct time, to reduce the impact on any neighbours. By controlling the times on the deck area, and not allowing it to run until 1am (even as a social area without alcohol consumption) I have better control over the potential for impact to our neighbours. We can ensure deck doors are closed at 10pm which will eliminate the majority of the noise concerns as it is when the doors are opened and closed that noise can escape from the venue. The security will also be responsible for assisting cars when leaving the venue to reduce any potential excessive noise from vehicles leaving the site any time after 9.30pm.

I am again wanting to offer a reduction in our trading hours to the council for our application for the change in planning permit if required. We are actively working with our clients regardless and when discussing time lines we aim to finish events Sunday – Thursday by 11pm and by midnight on Friday & Saturday. “

- 2.19 A consultation meeting was held on 25 July 2019, attended by the applicant, Council staff, Councillors and objectors. There was no firm resolution, but the applicant acknowledged that they would provide more information in support of the application, to help address some of the concerns.
- 2.20 An amended application (pursuant to Section 57A of the Planning and Environment Act 1987) was received on 5 August 2019. It was circulated to all objectors.
- 2.21 The amended application provided more details in relation to the request, and sought additional conditions to limit both the serving and consumption of alcohol on the deck, and when amplified music and noise occur. The application is further described in Section 4 of this Report, under the heading Proposal.
- 2.22 Before the application was amended, Council officers met and discussed with the owner, the possibility of formalising some commitments that had been made in the applicant's submission during the advertising period and reaffirmed at the consultation meeting relating to the current operations of the existing venue. These fall outside the limited ambit of the application (which relates to the use of the deck only).

They included reducing the late night trading hours of the venue, the employment of security within the venue which is understood to occur between 8.30pm and half an hour after the last guest has left, and future noise attenuation measures through building works.

- 2.23 These commitments could have been included with the application and made binding through an agreement on the goodwill of the applicant, but have not. The applicant has indicated:

It is important that due to the confined nature of the permission sought as part of this application, noise attention measures for the existing building and operation of the function centre do not form part of this application.

3. THE SITE AND SURROUNDS

- 3.1 The site is located on the west side of Ringwood-Warrandyte Road, Warrandyte, at the intersection with Harding Road Warrandyte. The site has an overall site area of 3.695 hectares with an irregular frontage of 85.0m to Ringwood-Warrandyte Road, Warrandyte.
- 3.2 The land is located within a Rural Conservation Zone and adjoins land with the same zoning to the north, south and to the east of Ringwood-Warrandyte Road. Warrandyte State Park adjoins the western boundary (see Figure 1).



Figure 1: The site.

- 3.3 The site was formerly known as Alfred's Homestead, a restaurant and function centre, including a wedding venue, that had been in operation since the 1970's. The current owner of the property (Lowe Corporation) opened as Bramleigh Estate Warrandyte in late 2018.
- 3.4 The existing building is single storey, of timber clad construction with a pitched tiled roof that has undergone cosmetic external and internal alterations since ownership of the property changed in 2018. This includes the addition of a large deck on the southern side of the building (453sq.m.).

Access to the deck is provided from the car park, via a ramp (see Figure 2). There are also stairs at the main entrance to the venue on the eastern side of the building, accessed via the semi-circular driveway.

- 3.5 The building is positioned midway on the site and towards the higher portion of the land. It is setback between 130m and 95m from the eastern (front) boundary, approximately 35m from the Harding Road side boundary (north) and the deck is setback approximately 50m from the southern side boundary.
- 3.6 The existing access to the building is via a circular bitumen driveway with gravel car parking areas to the south (except for bitumen car parking spaces directly adjacent to the deck) and to the north of the building.
- 3.7 The land has scattered stands of native vegetation around the perimeter of the site, with denser vegetation towards the western boundary which adjoins the Warrandyte State Park (see Figure 3).



Figure 2: The deck and ramp.

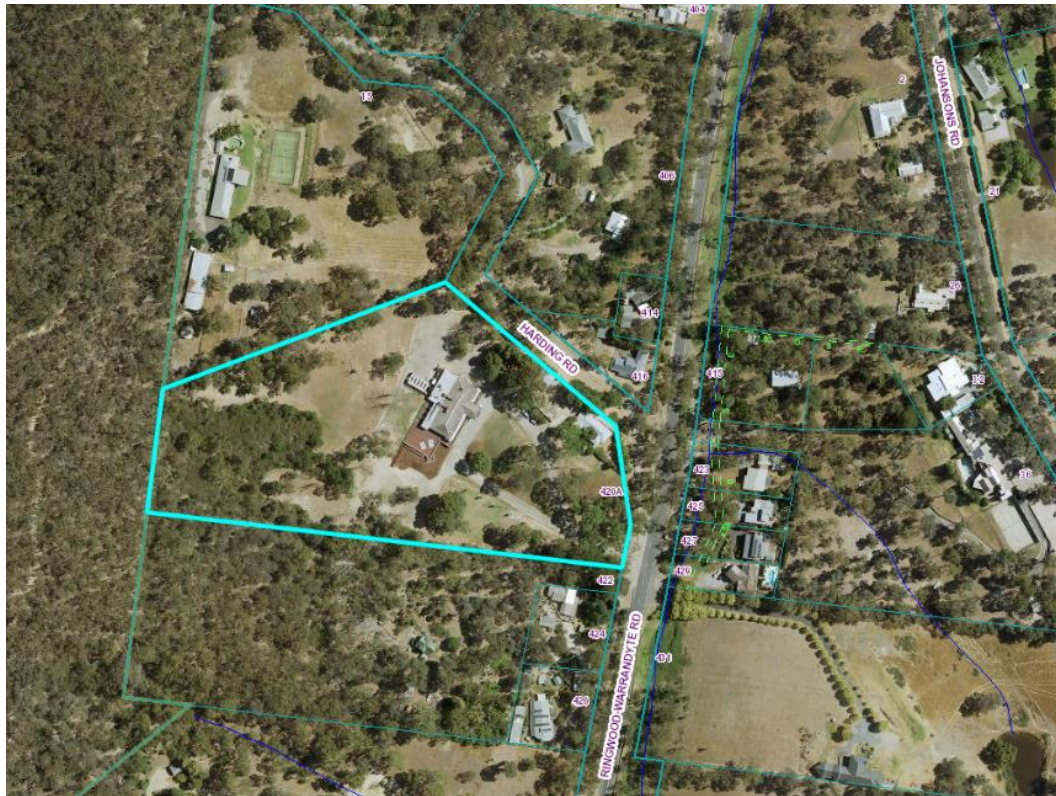


Figure 3: The surrounds

3.8 The following table outlines the surrounding properties:

Direction	Address	Description
West	Warrandyte State Park	The site directly abuts the Warrandyte State Park to the west.
North-West	15 Harding Road Warrandyte	To the north west of the site is 15 Harding Road which contains a dwelling setback approximately 86m from the common boundary. The dwelling is setback approximately 170m from the deck area.
North-East	Harding Road & 416 Ringwood-Warrandyte Road	To the north east, the site abuts Harding Road. To the north of Harding Road is 416 Ringwood-Warrandyte Road which contains a dwelling. The dwelling is setback approximately 109m from the deck area.

East	Ringwood-Warrandyte Road boundary	This is the front entry to Bramleigh Estate. On the eastern side of Ringwood-Warrandyte Road are dwellings setback approximately 180m from the deck area.
South	422 Ringwood-Warrandyte Road Warrandyte	This 3.0 hectare property has a 14.0m frontage to Ringwood-Warrandyte Road, with its driveway along the common boundary. The land has significant vegetation coverage. The land contains a dwelling located centrally on the site and setback approximately 55m from the common boundary and 107m from the deck area.

- 3.9 There appears to be 21 dwellings within a 300m radius of the venue. Several of the properties are elevated above Ringwood Warrandyte Road.

4. THE PROPOSAL

- 4.1 The amended proposal (received 5 August 2019, pursuant to Section 57A of the Planning and Environment Act 1987) seeks to add the sale/service and consumption of liquor to 'what the permit allows', delete/amend and include new conditions and a new red-line plan.
- 4.2 The amendment seeks to delete/amend Condition 14 and replace it with six (6) new conditions:

New Condition 1:

The playing of any externally amplified music and announcements on the deck must:

- only occur in association with wedding events conducted on the land;
- only occur between the hours of 12 noon and 7:30pm;
- must not exceed background level music;
- be run through a portable music system controlled by the owner/operator at all times;
- the portable music system must be removed from the deck by 7:30pm.

New Condition 2

The deck must be closed to patron / guest use after 10:00pm.

New Condition 3

All external doors providing pedestrian access to the deck must be closed after 10:00pm, and not used except for the purposes of Disability Access or emergency access.

New Condition 4

The following direction signs must be installed on site:

- a sign on the deck identifying that the deck is to be closed to patron / guest use at 10:00pm;
- a sign on the deck identifying the extent of the approved 'red line area';
- a sign internal to the building that the deck is not be used as an exit or entry to the building after 10:00pm, except for the purposes of disability or emergency access;

All signs must be installed and maintained to the satisfaction of the Responsible Authority.

New Condition 5

The service of liquor on the deck must:

- only occur between 12 noon and 7:30pm;
- only occur for a maximum period of 2 hours per event.

New Condition 6

The consumption of liquor on the deck must:

- only occur between 12 noon and 10:00pm.

- 4.3 The proposal is to extend the existing licensed area for the consumption of liquor from within the building out onto the deck, as indicated by the "redline" on the plan below. The deck and ramp permitted under planning permit PLN18/0415 is indicated on the plan shaded yellow (see Figure 4).

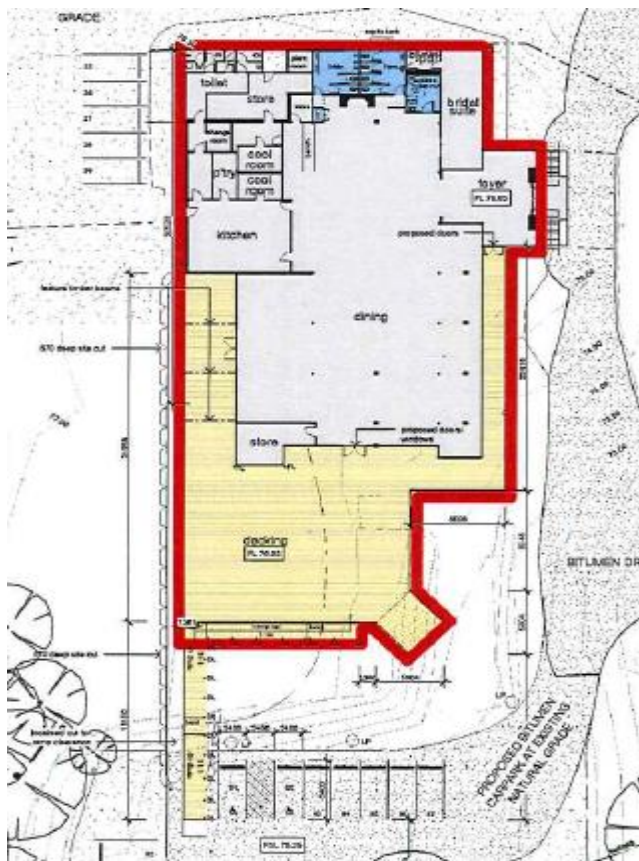


Figure 4: Red Line Plan

4.4 In support of the amended application, the applicant indicated the following:

“Use of the deck for the sale and consumption of liquor

Since the construction of the deck in late 2018, our clients have held wedding ceremonies up on the deck. It is important to note, that no planning permit is required for our clients to use the deck for wedding ceremonies as it enjoys existing use rights in this regard.

To remain competitive in today’s market, our client seeks permission for guests to be served and consume liquor on the deck during wedding ceremonies and during ‘pre-dinner’ drinks.

We confirm that the use of the deck for the service and consumption of liquor will occur in the following manner:

- *No alcohol will be **served** on the deck after 7.30pm.*
- *The service of alcohol on the deck will be limited to a maximum of 2hrs per event.*
- *The **consumption** of alcohol on the deck will be limited to between 12noon and 10pm, after which time, the deck is to be closed and not to be used by patrons.*
- *Signage is proposed to be installed within the building and on the deck that:*

- *identifies the extent of the liquor licence 'red line area' to prevent guests taking alcohol onto the grounds;*
- *identifies the deck is closed at 10pm; and*
- *all guests (except where disability access is required) must exit the building via the front door.*

Playing of Music on the Deck (variation of Planning Permit condition 14)

The current condition 14 prohibits the playing of any ceremonial music and announcements during weddings conducted on the deck.

Our client seeks the variation to condition 14 to facilitate the playing of background music and wedding announcements during the day and early evening. It is not proposed to use the deck for the purposes of a dance floor or similar.

We confirm that the playing of amplified music and announcements on the deck will occur in the following manner:

- *The playing of music will be limited to between the hours of 12 noon and 7.30pm;*
- *The playing of amplified music and announcements is to be exclusively for wedding events (not for birthday parties or any other similar function).*
- *External music levels will be limited to be no higher than background level music (as specified by Environmental Protection Authority policy SEPP N-2).*
- *Following discussions with the Council Officer's it is understood that it preferable to the Council that (if the proposal is approved) that external speakers are portable speakers owned and operated by Bramleigh Estate management and that the speakers are removed from the deck after 7.30pm. "*

5. LEGISLATIVE REQUIREMENTS

- 5.1 Refer to Attachment (Planning & Environment Act 1987, Manningham Planning Scheme, other relevant legislation policy).
- 5.2 A planning permit is required for the sale and consumption of liquor under Clause 52.27 Licensed Premises of the Manningham Planning Scheme:

A permit is required to use land to sell or consume liquor if the area that liquor allowed to be consumed or supplied under a licence is increased.

- 5.3 Section 73(2) of the Planning and Environment Act 1987 limits Council's assessment to only the amendment request:

73 (2) If the responsible Authority decides to grant an amendment to a permit subject to conditions, the conditions must relate to the amendment to the permit;.

6. REFERRALS

- 6.1 There were no statutory referrals required under the Manningham Planning Scheme.

7. CONSULTATION / NOTIFICATION

- 7.1 The (initial) application was advertised to surrounding properties and a large sign was placed on the frontage of the site.
- 7.2 Twenty-one objections were received, one of which was from a group of residents in the area. The individual objections were received from the following property addresses:

15-43 (3 objections), 24-38	Harding Road Warrandyte
396-398, 400, 406, 416, 424, 426, 428-438, 431, 437-441, 440-444	Ringwood-Warrandyte Road Warrandyte
2-24, 32-34, 36-52,	Johansons Road Warrandyte
3-7	Royden Road Warrandyte
8	Hogan Avenue Warrandyte
198-202	Jumping Creek Road Warrandyte
24-38	Anzac Road Warrandyte

- 7.3 The grounds of objection mainly relate to the increase in noise levels arising from both the serving and consumption of alcohol on the deck, voices and the playing of amplified music on the deck. This would exacerbate the noise already coming from the venue and will affect the amenity of surrounding residential properties. In particular:
- Potential for live bands on the deck if amplification is allowed.
 - Potential noise from alcohol fuelled patrons on the deck.
 - The serving of liquor on the deck will increase the floor area able to be utilised for functions and dining options, which will encourage patrons to remain outdoors for any and all of the licensing hours.
 - This increase in noise will also be detrimental to wildlife, with the venue adjoining the Warrandyte State Park.
- 7.4 The objections also related to issues with the current operations including:
- Level of noise from music and activities already audible at excessive levels, patrons outside and leaving the venue, cleaners in the early hours.
 - Alleged breaches of the liquor license.
 - Breaches of the existing permit issued for the deck (PLN18/0415)
 - External lighting issues.

8. ASSESSMENT

- 8.1 This is an amended permit application, and therefore the assessment needs to consider and relate to the proposed changes only. Council may add additional conditions to the permit, but they need to relate to the proposed changes.
- 8.2 The main considerations for the appropriateness of this amended permit application (to authorise the sale/service and consumption of liquor on the approved deck, and to delete/amend Condition 14 to allow amplified background music, announcements and wedding ceremonies on the deck subject to new conditions) in a formal sense are:
- The Planning Policy Framework, including Clause 13.05-1S Noise and Clause 21.07-06 Economic Development;
 - The purpose and decision guidelines of Clause 52.27 Licensed Premises;
 - The decision guidelines of Clause 65 – Approval of an Application; and,
 - The issues raised in objections.
- 8.3 In reality, the consideration of both aspects (sale/service and consumption of liquor, and deleting/amending Condition 14) relates to noise, and the impact of this on the amenity of the area.

Planning Consideration

- 8.4 Clause 13.05-1S Noise Abatement has as its objective *“To assist the control of noise effects on sensitive land uses”* and this is intended to be achieved through ensuring *“that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area”*.
- 8.5 The noise emissions in this instance are from an existing deck, meaning the applicant is very limited in *‘using the range of building design, urban design and land use separation techniques’* to ameliorate noise impacts (noting, the deck is well separated from neighbouring dwellings by over 100m). What remains is the ability to control the land use function (i.e. the operation of the deck), and this must be considered in the context of what noise would prejudice (or unreasonably impact) community amenity.
- 8.6 The applicant has sought to balance this (in their consideration), through requesting six new conditions be added to the permit to limit detriment to the amenity of the area.
- 8.7 Before considering the appropriateness of the amendment, and whether an appropriate balance is achieved through the applicant’s proposal, it is noted:
- Clause 21.07-06, Economic Development Issues - Green Wedge and Yarra River Corridor includes the objective *to ensure residential and environmental amenity is not affected by business activities, and to encourage sustainable business opportunities which complement the scenic, landscape and environmental qualities of the area.*

Similarly, the purpose of Clause 52.27, Licensed Premises is also *to ensure that the impact of the licensed premises on the amenity of the surrounding area is considered*. Decision guidelines provide for Council to address:

- *The impact of the hours of operation on the amenity of the surrounding area.*
- *The impact of the number of patrons on the amenity of the surrounding area.*

- 8.8 As a starting point, licensing the deck area and allowing limited amplified music outside is not an unreasonable request given the use of the venue that exists on site (a wedding and function venue), and the reasonable separation that exists between the venue's homestead style building and its neighbours (over 100m). What is critical, is that a reasonable balance is achieved in relation to operations on the deck where the outdoor activity is now focused.
- 8.9 Background noise in the broader area varies. While it may be quiet at times, particularly at night, there would be a reasonable level of ambient background noise from Ringwood-Warrandyte Road, property maintenance, and rural and residential activities during the daytime. Noise from the existing venue, and similar commercial operations nearby may also be heard.
- 8.10 Allowing limited amplified noise (music and voice) on the deck during the day and at background levels to facilitate a wedding ceremony, inclusive of music for a short time afterwards, is acceptable. This is largely consistent with the applicant's intentions and requested conditions, which can be implemented with only one significant change.
- 8.11 It is noted that background noise levels are defined in EPA Policy SEPP N-2, and the venue, including the deck, must accord with EPA Policy SEPP N-2 (Control of Music Noise from Public Premises) in any case. If noise from the deck complies with the background noise level in SEPP N-2, then the maximum noise limits allowed under the policy will easily be achieved also.
- 8.12 The one change to the applicant's requested conditions relating to noise is that they presently allow amplified music to be played for a maximum 7.5 hour continuous period (between 12noon and 7.30pm), all be it, at background level and associated with a 'wedding event'. If a wedding ceremony commenced at 12 noon, amplified music could then potentially be played all afternoon. The hearing of music for the deck for this length of time by objectors in the context of background noise in the area is undesirable and an added intrusion on their amenity. The applicant's condition will be further amended to limit amplified noise from speakers to a two-hour timeframe.
- 8.13 The concluding time of 7.30pm for amplified noise on the deck is appropriate, based on a maximum window of time, two hours and the other limitations proposed.
- 8.14 The type of speaker system used for music and voice is a less importance factor, however, officers understand that the use of a portable speaker owned by the venue offers the most practical solution, as the volume can be set by the venue once and then maintained at this level. The speaker can then be easily removed by the operator at the end of the two hour period so that the permit conditions can be easily met.

- 8.15 Likewise, allowing the sale/service and consumption of liquor on the deck during the day, inclusive of a two hour serving limit, immediately before and after a wedding ceremony as proposed by the applicant appears reasonable in the context of existing background noise, noting it is not the serving of liquor that generates noise, but the potential for rowdy behaviours from guests.
- 8.16 The two hour serving limit and end of service at 7.30pm should ensure no unreasonable amenity loss will occur to objectors from patrons who have been served alcohol for a long period of time, and when background noise is likely to subside.
- 8.17 The likelihood of rowdy behaviour increases as serving time increases. The applicant has requested a 10pm close of the deck, and the possibility for consumption of alcohol on the deck until this time. Officers are concerned by this, given background noise in the area should have subsided by this time and be very limited. Unreasonable patron noise is likely to impact neighbours during the evening, particularly given the number of events occurring at the venue.
- 8.18 To encourage and allow the use of the deck for the consumption of alcohol between the hours of 7.30pm and 10pm is unreasonable, and only encourages guests to congregate outside for longer periods of time after many hours of alcohol service inside the venue.
- 8.19 A condition will limit the outdoor consumption of liquor on the deck after 8pm, (being 30min after the final service of liquor on the deck) thereby allowing patrons reasonable time to finish their drinks. The serving of pre-dinner drinks and canapés on the deck would conclude by this time, with the more formal part of the proceedings then continuing inside the venue.
- 8.20 A condition will also require a Management Plan to be submitted to and approved by Council, prior to the use of the deck commencing for the sale and consumption of liquor, to address the conditions of use of the deck required under this permit.

Objector Concerns

- 8.21 New conditions, that are slightly firmer than requested by the applicant, generally address the concerns of neighbours in relation to the sale/service and consumption of liquor on the deck, and the playing of amplified speaker noise as per the above paragraphs.
- 8.22 Council has limited opportunities to consider other aspects raised by objectors, particularly in relation to the management of the existing venue within the homestead style building.
- 8.23 It is recommended Council include a condition to limit opening of windows and doors to the deck area after 8pm which may allow music within the venue to escape. A condition requiring windows to be closed, and doors to have a self-closing mechanisms is possible and easily regulated.

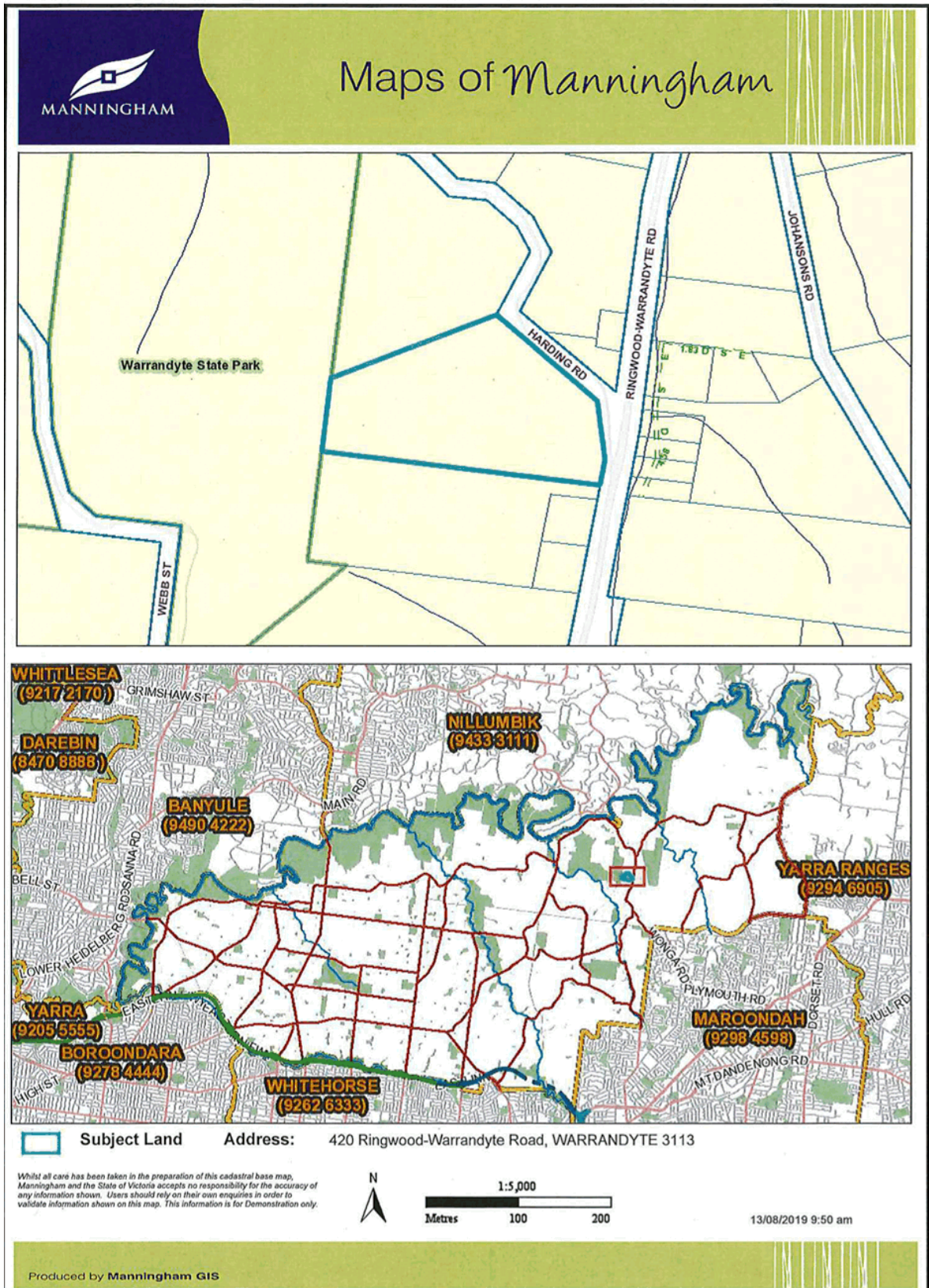
- 8.24 It is positive that the owner/operator seeks to manage amenity through an existing security arrangement, particularly at the end of the night when guests are leaving the venue (through the front door and not via the deck). The engagement of a security service is beyond the requirements of the liquor licence, although the license does include a requirement that:

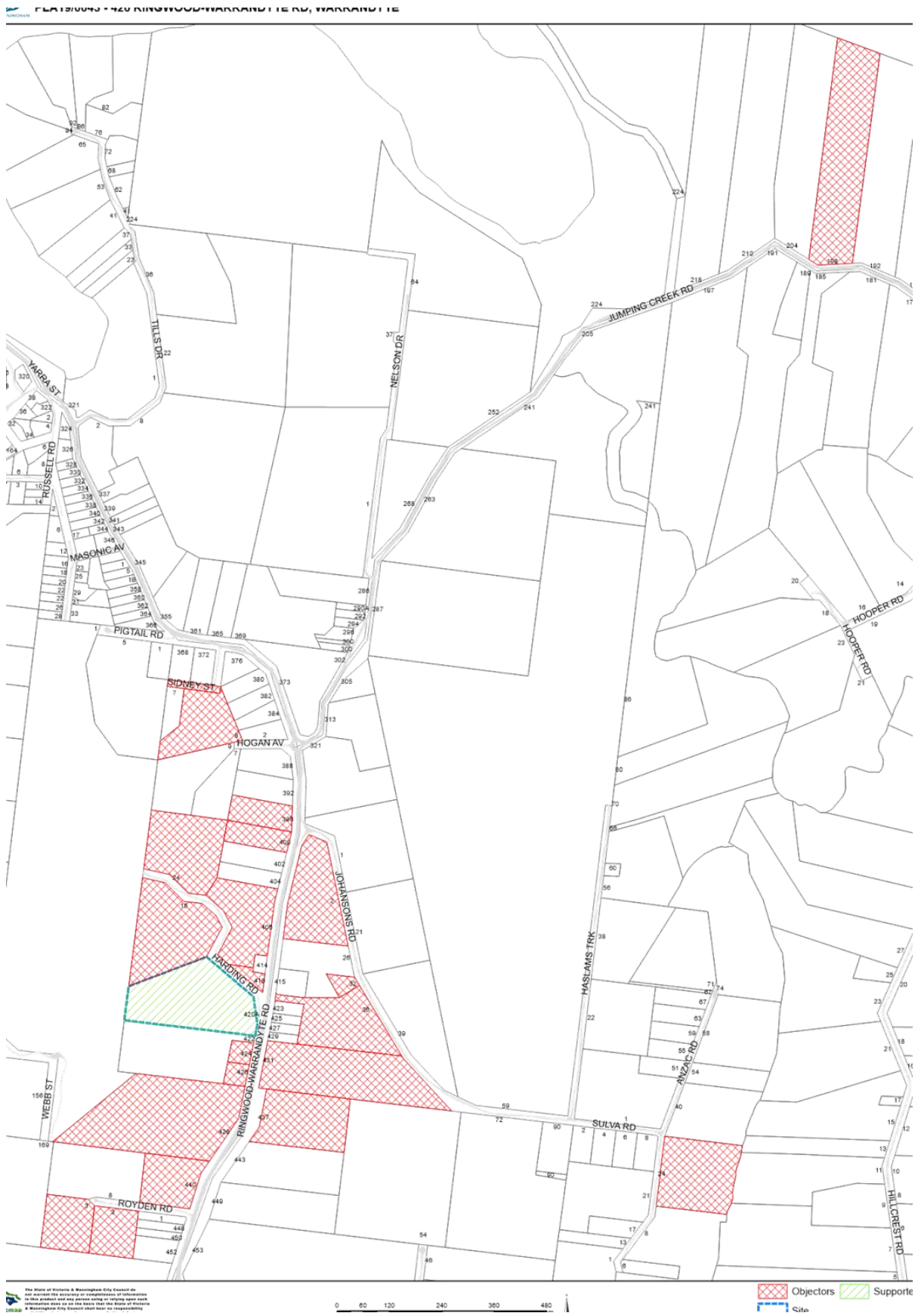
The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised under the licence.

- 8.25 The security service, together with proposed signs, can clearly regulate and limit the use of the deck in accordance with the proposed conditions.
- 8.26 The existing venue also has management limitations and requirements through the liquor license issued by VCGLR and SEPP N-2 (Control of music noise from public premises).
- 8.27 The impact from permitting the sale/service and consumption of liquor for limited periods from the deck and amplified speaker noise at background level on the nearby State Park appears negligible.

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.





LEGISLATIVE REQUIREMENTS

5.1 PLANNING AND ENVIRONMENT ACT 1987 (THE ACT)

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

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

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

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

5.2 MANNINGHAM PLANNING SCHEME

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

- Planning Policy Framework
- Local Planning Policy Framework
- Clause 52.27 Licensed Premises
- Clause 65 Decision Guidelines

Planning Policy Framework (PPF)

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

Clause 13.05-1S Noise Abatement

Objective

- To assist the control of noise effects on sensitive land uses.

Strategy

- Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement

Clause 21.07 Green Wedge and Yarra River Corridor

Clause 21.07-6 Economic development issues

A key issue of this Clause is:

- Environmental and amenity impacts of agricultural and commercial businesses.

A key objective of this Clause is

- To ensure residential and environmental amenity is not affected by business activities.

Particular Provisions

Clause 52.27 Licensed Premises

Purpose

- To ensure that licensed premises are situated in appropriate locations.
- To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

General Provisions

Clause 65 Decision Guidelines

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

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

10 CITY PLANNING & COMMUNITY

10.1 Veneto Club, Bulleen Development Plan consideration for approval

File Number: IN19/535
Responsible Director: Director City Planning and Community
Attachments: 1 Attachment 1 - Veneto Club Development Plan July 2019
[↓](#)

EXECUTIVE SUMMARY

The Veneto Club occupies the land at 191 Bulleen Road, Bulleen and includes as its primary use a club building, sporting fields, tennis courts, car parking areas and a number of existing outbuildings. The Veneto Club is affected by a number of planning scheme controls, including a Development Plan Overlay (DPO2). This control states that a Development Plan must be prepared to the satisfaction of Council, Melbourne Water and Parks Victoria and is required to be prepared before a permit is granted to use land or carry out works.

A Development Plan was first submitted for consideration in October 2018 by Pro Urban consultants on behalf of the Veneto Club. Following consultation with key stakeholders, a revised Development Plan was resubmitted for further consideration in June 2019. Relevant and affected stakeholders were notified of the Development Plan and invited to comment. A submission has been received from North East Link Project (Authority) and letters from Melbourne Water and Parks Victoria (DELWP) have also been received stating that the proposed plan is satisfactory subject to conditions.

It is recommended that Council approve the proposed Development Plan subject to some changes.

COUNCIL RESOLUTION

MOVED: CR GEOFF GOUGH
SECONDED: CR MICHELLE KLEINERT

That Council:

A. Approve the Veneto Club Development Plan (July 2019) subject to the following changes:

a) Inclusion of the following text on p14:

“Exemptions:

Any future planning permit application or works must generally be in accordance with the Development Plan. With the exception of any buildings and works associated with NELP that do not have any adverse environmental and amenity impacts to the satisfaction of the responsible authority.”

And under Stage 1 on p14:

“The landscaping works articulated in Figure 11 and Figure 12 of the Development Plan must be implemented to the satisfaction of the responsible authority and as part of the Stage 1 works”.

- b) Amend the ‘*Staging Plan*’ at Figure 12 on p14 to show additional landscaping opportunities along the western boundary of the site adjacent to the tennis courts, extending to the southern boundary of the site, to be implemented as part of Stage 1.
- c) The landscape objective under Stage 2 on page 20 stating: “*To ensure new landscaping incorporates native species*” be deleted.
- d) Amend the Sensitivity Plan (Figure 9, p11) in the Development Plan to show an extension of the ‘*Interface of Importance*’ along the full extent of the northern boundary of the Veneto Club.
- e) Amend the text on p11 Sensitivity Plan to include additional dot points under paragraph 2, stating:
 - *“the proximity of the site to the Bolin Bolin Billabong and;*
 - *the impact of buildings and works, including excavation on the cultural sensitivity of the site, based on its proximity to the Yarra River.”*
- f) Include an additional paragraph on p11 to state that “*due to the proximity of the site within 200m of the Yarra River, an assessment would need to be undertaken to determine whether a Cultural Heritage Management Plan (CHMP) would be required. It is noted that this assessment would be undertaken as part of the planning permit application.*”
- g) Address minor administrative and typographical errors in the Development Plan.

CARRIED

1. BACKGROUND

- 1.1 The Veneto Club was formed in 1967 and in 1969 purchased the land at 191 Bulleen Road, Bulleen. The site is still owned and occupied by the Veneto Club for sporting, social and community events. The club currently has a total of 2,900 members.
- 1.2 The subject site’s surrounds form part of the Yarra River floodplain within the Chandler Basin. The open space and sporting fields are bound by the Eastern Freeway to the south, the suburb of Bulleen to the east, Banksia Street to the north and The Boulevard and residential development to the west.
- 1.3 On 28 December 2018, the Veneto Club lodged a planning permit to extend its kitchen area at first floor level, within the existing building envelope. Council

advised in June 2018 that before a permit application can be considered, that a Development Plan for the site needs to be considered and approved by Council.

1.4 The proposed Development Plan is required to respond to the provisions of Schedule 2 to the Development Plan Overlay (DPO2). The Development Plan must show future use and development for the Veneto Club and include the following:

- *“No further development outside existing building footprints;*
- *Improvements to the appearance of existing buildings when viewed from the Yarra River;*
- *A landscape plan in accordance with The Middle Yarra Concept Plan – Burke Road to Watsons Creek December 1993.”*

1.5 The Development Plan *“must also be prepared in consultation with and to the satisfaction of Melbourne Water and Melbourne Parks and Waterways (Parks Victoria - DELWP)”*.

1.6 The proposed Development Plan forms **Attachment 1** to this report.

Planning Framework

1.7 In addition to the DPO2, the preparation of the Development Plan has been informed by the relevant provisions of the Manningham Planning Scheme.

1.8 The site is located within the Urban Floodway Zone (UFZ) and is also affected by a number of planning overlays:

- Design and Development Overlay – Schedule 2;
- Land Subject to Inundation Overlay (LSIO);
- Environmental Significance Overlay – Schedule 2 & 3 (ESO2) and (ESO3); and
- Significant Landscape Overlay (SLO2)

Urban Flood way Zone (UFZ)

1.9 Under the UFZ, a permit is required to construct a building or carry out works and must be referred to the relevant floodplain management authority, Melbourne Water.

Design and Development Overlay (DDO2)

1.10 The DDO seeks to identify areas that are affected by specific requirements relating to the design and built form of new development.

1.11 Schedule 2 to the DDO relates specifically to the Yarra (Birrarrung) River Corridor Protection applies with the following specific requirements under *DDO2-A Bulleen Road, Bulleen*:

- The complete or partial replacement of an existing building within the minimum setback specified in the schedule must not:
 - Exceed a maximum height of 8m.
 - Reduce the existing setback of the building from the Yarra River and public open space (set at a minimum of 70m for this site specifically).
 - Increase the existing gross floor area of the existing building.

1.12 The indicative building envelope proposed in the Development Plan is not located within the setback area specified in the overlay, hence the requirements relating to the maximum building height do not apply.

Land Subject to Inundation Overlay (LSIO)

1.13 The LSIO applies to mainstream flooding in urban areas. The LSIO has been applied to the broader area surrounding the Yarra River Corridor. Any application must also be referred to Melbourne Water.

Environmental Significance Overlay (ESO2 & ESO3)

1.14 The purpose of the ESO is to identify areas where development may be affected by environmental constraints and to ensure that development is compatible with environmental values. Building and works requirements and vegetation removal controls apply.

Significant Landscape Overlay (SLO2)

1.15 The purpose of the SLO is to identify significant landscapes. SLO2 relates to the Yarra (Birrarrung) River corridor environs. Building and works and vegetation removal controls apply.

2. DISCUSSION / ISSUE

- 2.1 Typically, a Development Plan is prepared at the time that the DPO control is applied to land and is usually implemented in situations where a significant strategic planning framework has been prepared. This did not occur for the subject DPO area, most likely due to the historical nature of the control (over 20 years old).
- 2.2 Whilst a number of planning permits have been issued for development of the club facilities over the years, Council wrote to the Veneto Club in June 2018, advising that a Development Plan must be prepared for the site prior to the issue of any further planning permits. This letter followed a pre-application meeting earlier in 2018 where a proposed extension to the existing building was discussed.
- 2.3 In light of the above, a Development Plan has now been prepared and seeks to facilitate improvements to the land at 191 Bulleen Road, Bulleen as well as to ensure these future improvements balance the competing priorities of the five key stakeholders (Melbourne Water, Parks Victoria - DELWP, Manningham City Council, North East Link Project Authority (NELP) and the Veneto Club).

- 2.4 The Development Plan was first submitted in October 2018 and was circulated to key stakeholders for comment. Based on discussions with Melbourne Water, Parks Victoria and Council, it became clear that the plan did not adequately address the issues of sensitivity and landscaping along the Yarra River, amongst other things and needed to be revised. Based on these discussions, a revised plan was submitted for consideration in June 2019.
- 2.5 The Development Plan has been recirculated for comment by Parks Victoria and Melbourne Water as it requires their endorsement before Council is able to approve it.

The Development Plan

- 2.6 The Development Plan includes the vision for the site and details the site context and surrounding areas. It also outlines land use, built form and landscape features that will guide the future development of the Veneto Club. It has been informed by the views of Council, Melbourne Water and DELWP (Parks Victoria).

- 2.7 The Development Plan includes the following requirements and components:

- That future development be confined to the existing building footprint and will not exceed a maximum height of 29m (AHD) and is well outside of the 70 metre setback line from the Yarra River prescribed through DDO2.
- There is no works proposed to the indoor stadium, outbuildings or grandstands.
- A two staged redevelopment of the site is proposed as follows:
- Stage 1 to include:
 - An expansion of the level 2 'Sala Venezia' (the kitchen) increasing the capacity of this space and allowing for an increase in the building height from 25.05m to 27.55 m.
 - Landscape treatments to screen existing and proposed works from view of the Yarra River environs.
 - Increase canopy plantings along the western boundary to screen future development from view along the Yarra River Trail.
 - Landscape treatments to improve the interface along the Yarra River.
- Stage 2 to include:
 - An expansion to the main club building (over the Bocce court) to accommodate future club expansions and allow for an increase in height of approximately 9m to a maximum height of 29m.
 - No additional landscaping is proposed as part of Stage 2. All landscaping works proposed along the River interface will be undertaken as part of Stage 1.

- 2.8 The need for the Stage 1 works including expansion of the kitchen area have triggered the need for the preparation of the Development Plan as the Veneto

Club intends to undertake these works as soon as possible and is unable to secure a planning permit without an approved Development Plan. There are no definitive plans at this stage, however, for the Stage 2 expansion. The Veneto Club has used the Development Plan process as an opportunity to explore future development outcomes and in doing so has articulated a possible extension to the main club building (Stage 2).

- 2.9 It is noted that the works described above will be subject to planning permit approvals.
- 2.10 The Development Plan also includes a number of built form, design and landscape objectives including:
- *To ensure that any future works at the Veneto Club maintains the free passage and temporary storage of flood water, minimises flood damage.*
 - *To respond to the sensitivities of the sites and surrounds.*
 - *To ensure any future development does not create increased visual impact when viewed from the river corridor.*
 - *To ensure the appearance of development is subordinate to the local landscape setting, with any views of development being filtered through vegetation.*
 - *To minimise the visual impact of the building through the incorporation of muted finishes and lighter tones applied to upper levels to ensure the building appears recessive and blends in with the surrounds.*
 - *To provide additional landscaping along the southern boundary (as part of Stage 1) in accordance with the landscape plan.*
 - *To ensure that Stage 2 development does not create increased visual impact when viewed from the river corridor.*
- 2.11 The Development Plan consists of four plans to identify the scope of future works to be undertaken on the site:
- Site Concept Plan
 - River Interface Concept Plan
 - Staging Plan – stages 1 and 2.
 - Landscape Plan

Consultation on the Development Plan

- 2.12 There is no statutory requirement to exhibit a proposed Development Plan once the DPO is in place in the planning scheme, however, in this instance there is a requirement to seek the endorsement of the Development Plan for the Veneto Club by Council, Parks Victoria and Melbourne Water.
- 2.13 It is also important to note, that once a Development Plan is approved, future planning applications that are generally in accordance with the Development Plan

are not required to be advertised. Statutory referrals for permit applications, however, will still apply.

2.14 In addition to notifying Parks Victoria and Melbourne Water, Council also chose to notify NELP and surrounding property owners of the proposed Development Plan. Letters and a copy of the Development Plan were sent to key stakeholders in the area including:

- Vic Roads
- North East Link Project (Authority) (NELP)
- Melbourne Water – Yarra Strategic Plan
- DELWP – Bulleen Precinct Land Use Framework Plan
- Trinity Grammar, Carey Grammar and Marcellin College

2.15 Comments on the revised Development Plan have been received as follows:

North East Link Project (Authority) (NELP)

2.16 The subject site is within the project area of the North East Link. The *Environment Effects Statement* shows a proposed access way to the immediate south of the site.

2.17 NELP has responded by stating that it does not have a preference as to whether the Development Plan shows the proposed access ways. It goes on to state that if the access way is shown, however, that a disclaimer be added:

“North East Link scope is based on the reference project shown in the North East Link EES, and is subject to change”.

Response:

2.18 On the advice of Council the indicative NELP access points are shown on the Site Plan.

2.19 The disclaimer required by NELP is also included in the Development Plan and is considered to satisfactorily allow for changes to access points to the North East Link by NELP.

2.20 Since submission of the Development Plan, the Veneto Club has requested that an additional clause be included in the Development Plan to exempt future buildings and works on the Veneto Club site that are requested by NELP, from having to comply with the Development Plan and to read as follows:

Exemptions

Any future planning permit application and or works must be consistent with this development plan. With the exception of any buildings and works at the request of NELP.”

2.21 The proposed inclusion of this exemption in the development plan is supported with changes. It is considered it should be amended to require that any exempt works do not have *“any adverse environmental and amenity impacts to the satisfaction of the responsible authority”*. This ensures that Council has a say in

determining whether a change to the Development Plan is required or not in response to the proposed works. It is noted, however, that the majority of the works associated with NELP are likely to be relatively minor e.g. earthworks, changes to kerb and channels and carparking layout etc. that can be considered to be '*generally in accordance*' with the Development Plan. Any buildings and works will still have to seek planning approval.

2.22 It is recommended the proposed exemption clause should read as follows:

“Exemptions

Any future planning permit application or works must be generally in accordance with the Development Plan. With the exception of any buildings and works associated with NELP that do not have any adverse environmental and amenity impacts to the satisfaction of the responsible authority.”

Melbourne Water

2.23 In a letter dated 11 July 2019, Melbourne Water has responded, stating that it now considers the changes made to the Development Plan now respond and address Melbourne Water’s concerns regarding Yarra River protection and landscape amenity. It goes on to state that the revised Development Plan now includes details on the required landscaping for the site and also includes photo images of the likely impact of the new development including the changes to heights associated with the built form.

2.24 This correspondence is accepted as support by Melbourne Water for the proposed Development Plan and that it is *‘to the satisfaction of’*.

2.25 The letter states that Melbourne Water will require the following for any staged work on the property:

1. *“Permit applications will be required to be made for the various stages of future work associated with the Development Plan. All works relating to the future stages must submitted to Melbourne Water for assessment and consent.*
2. *Future works will require additional planting and a landscape plan to be implemented to provide additional vegetation screening along the river corridor. This vegetation is mandatory as it will screen the built form from the river and will help to soften the visual impact of the existing and future development work.*
3. *Flood Risk Management Plan supported ‘in-principle’ by Melbourne Water on 28 February 2019 must be updated for revisions proposed to the Development Plan, and as per Melbourne Water comments included in response on 28 February 2019, and resubmitted to Melbourne Water for assessment and consent.”*

Response:

2.26 In response to the above requirements, the following comments are made:

- Permit applications will be required for all future works. Having an approved Development Plan does not obviate the need for planning applications. Under the suite of planning controls that apply to the site, all applications must be referred to Melbourne Water for assessment and consent as the floodplain management authority.
- The landscaping proposed to provide screening along the river corridor is intended to be implemented as part of Stage 1 of the Development Plan that will also be considered as part of a planning permit.
- The Flood Risk Management Plan will also form part of any planning permit conditions that are issued for the site.

Parks Victoria (DELWP)

- 2.27 In a letter dated 23 July 2019, Parks Victoria under the auspices of DELWP has responded stating that Parks Victoria does not object to the Development Plan subject to a number of comments as follows:

“Development Stage 1

The Development Plan include a requirement that the landscaping is required in conjunction with the approval and delivery of any works associated with Stage 1.

Development Stage 2

That the Development Plan build in a requirement that in conjunction with any future planning permit application documentation must be submitted to demonstrate how proposed development achieves all objectives. This must include a landscape impact assessment, prepared by a suitably qualified person and to the satisfaction of the responsible authority which demonstrates the visual impacts the proposed development will have when viewed from the Yarra River corridor (including from the south west where no additional landscaping is proposed).”

Response:

- 2.28 In response to the Stage 1 comment, the Development Plan includes a statement on p14, that *“Stage 1 includes the extensions to the Sala Venezia and landscaping works along the River interface”*.

- 2.29 To make it very clear that the proposed landscaping works must be implemented as part of Stage 1, it is recommended that the following statement should also be included:

“The landscaping works articulated in Figure 11 and Figure 12 of the Development Plan must be implemented to the satisfaction of the responsible authority and as part of the Stage 1 works”.

- 2.30 In response to the second comment on Stage 2 made by Parks Victoria, firstly, it is implicit in the plan that any future planning application will need to demonstrate how the proposed development achieves all of the objectives articulated in the Development Plan. It is considered that the current drafting of the Development Plan adequately addresses this requirement and no additional statements to be included in the Development Plan.

- 2.31 Secondly, Parks Victoria specifies the need for a requirement to be included in the Development Plan under Stage 2, stating that a permit application must *“include a landscape impact assessment (by a suitably qualified person) which demonstrates the visual impacts the proposed development will have when viewed from the Yarra River corridor”*.

- 2.32 It should be noted that no landscaping is proposed along the river as part of Stage 2. The Veneto Club have advised that additional opportunities for landscaping along the south western boundary are limited as the existing tennis courts extend to the site boundary providing no allowance for landscaping opportunities. In addition, the club states that the land also falls away quite significantly at this boundary location resulting in any building impacts associated with Stage 2 being minimised when viewed from this location (public walking track).

- 2.33 There is still some opportunity, however, to enhance the landscaping offerings adjacent to the tennis courts on the south western edge of the site where possible, as pockets of land do exist. To this end, it is recommended that the ‘*Staging Plan*’ at Figure 12 on p14, be amended to show additional landscaping adjacent to the tennis courts extending to the southern boundary of the site. This landscaping can be implemented as part of Stage 1.
- 2.34 As no landscaping is proposed as part of Stage 2, however, it is therefore recommended that the following landscape objective under Stage 2 on page 20 stating: “*To ensure new landscaping incorporates native species*”: be deleted.

Northern Interface and Cultural significance

- 2.35 It is also noted that the Veneto Club adjoins the Bolin Bolin Billabong to the north which is a significant and sensitive interface.
- 2.36 The ‘*Sensitivity Plan*’ on p 11 at Figure 9 of the Development Plan does not show the interface of importance extending for the entire northern boundary. It is recommended that this plan be amended to show the interface being extended along this boundary and an additional dot point be included on p11 to acknowledge the proximity to the Bolin Bolin Billabong as a sensitivity associated with the site.
- 2.37 Given that the site is in close proximity to the Yarra River and is therefore culturally sensitive, it is also recommended to include an additional dot point on p11, to acknowledge the impact of building and works, including excavation on the cultural sensitivity of the site, based on its proximity to the river. It is also recommended that an additional paragraph be included on p11 to state that “*due to the proximity of the site within 200m of the Yarra River, an assessment would need to be undertaken to determine whether a Cultural Heritage Management Plan (CHMP) would be required. It is noted that this assessment would be undertaken as part of the planning permit application*”.

Summary of recommended changes to the Development Plan

- 2.38 Based on the above discussion, it is recommended that Council approve the Development Plan subject to the following changes:
- 2.38.1 Inclusion of the following text on p14:
- Exemptions*
- Any future planning permit application or works must be generally in accordance with the Development Plan. With the exception of any buildings and works associated with NELP that do not have any adverse environmental and amenity impacts to the satisfaction of the responsible authority.”*
- 2.38.2 Inclusion of the following text on p14 under Stage 1:
- “The landscaping works articulated in Figure 11 and Figure 12 of the Development Plan must be implemented to the satisfaction of the responsible authority and as part of the Stage 1 works”.*

- 2.38.3 Amend the *'Staging Plan'* at Figure 12 on p14 to show additional landscaping opportunities along the western boundary of the site adjacent to the tennis courts, extending to the southern boundary of the site, to be implemented as part of Stage 1.
- 2.38.4 The landscape objective under Stage 2 on page 20 stating: "*To ensure new landscaping incorporates native species*": be deleted.
- 2.38.5 Amend the Sensitivity Plan (Figure 9, p11) in the Development Plan to show an extension of the *'Interface of Importance'* along the full extent of the northern boundary of the Veneto Club.
- 2.38.6 Amend the text on p11 *'Sensitivity Plan'* to include additional dot points at paragraph 2, stating:
- the proximity of the site to the Bolin Bolin Billabong and;
 - the impact of buildings and works, including excavation on the cultural sensitivity of the site, based on its proximity to the Yarra River.
- 2.38.7 Include an additional paragraph on p11 to state that "*due to the proximity of the site within 200m of the Yarra River, an assessment would need to be undertaken to determine whether a Cultural Heritage Management Plan (CHMP) would be required. It is noted that this assessment would be undertaken as part of the planning permit application*".
- 2.38.8 Address minor administrative and typographical errors in the Development Plan.

3. COUNCIL PLAN / STRATEGY

- 3.1 Under the *Council Plan 2017-21*, consideration of this Development Plan relates to the following goals:
- 2.1 Inviting places and spaces
 - 3.1 Protect and enhance our environment and biodiversity
 - 3.2 Reduce our environmental impact and adapt to climate change

4. IMPLEMENTATION

Finance / Resource Implications

- 4.1 The Development Plan has no financial implications for Council.
- 4.2 The Veneto Club has paid the relevant fee for the consideration of the Development Plan in accordance with the *Planning and Environment (Fees) Regulations 2016*.

Manningham Planning Scheme Review 2018

- 4.3 The Veneto Club Development Plan is not identified as a strategic planning project under the Planning Scheme Review. The amendment was requested on behalf of the landowner.

Communication and Engagement

- 4.4 Refer to section 3.12 for an outline of the consultation and engagement process undertaken in the consideration of the Development Plan.

Timelines

- 4.5 Once the Development Plan is approved by Council, planning permits can be considered for the site.

5. 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.



VENETO CLUB DEVELOPMENT PLAN
OCTOBER 2018
REVISED JULY 2019

inarc

Inarc Architects



proUrban Advisory, Planning & Management

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Image 1: Photo of existing concrete balcony details and original rain chain detail and a cantilevered concrete sump.



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DEFINITIONS



Image 2: Perspective of Proposed Sala Venezia Ballroom Redevelopment

DEFINITIONS

Building Footprint – the extent of built form at ground level.

Development Envelope – area above ground floor where existing or future additional built form is envisaged.

Existing Building Envelope – the existing built form at the time of the preparation of the development plan.

Grand Stand – tiered seating adjacent to soccer pitch 2.

Outbuildings – existing buildings on site that are separate to the Veneto Club Building includes machinery shed, La Baracca and Indoor Stadium.

Spill Over Car Parking – informal carparking area.

Veneto Club Building – main building onsite, includes the Sala Venezia, bocce courts and range of other meeting, function and dining rooms.

INTRODUCTION

INTRODUCTION

This Development Plan has been prepared by Inarc Architects and proUrban Advisory, Planning & Management (proUrban) on behalf of the Veneto Club. The Development Plan has been prepared in accordance with the requirements of Development Plan Overlay – Schedule 2 (DPO2) at Clause 43.04-2 of the Manningham Planning Scheme.

The purpose of the Development Plan is to provide an area specific planning framework to guide future development of the Veneto Club which is situated on the land identified as 191 Bulleen Road, Bulleen. The land has been home to the Veneto Club since 1969.

The Development Plan has been prepared in consultation with and to the satisfaction of Manningham City Council, Melbourne Water and Parks Victoria (formally Melbourne Parks and Waterways). The Development Plan has been prepared in consultation with the Department of Environment, Land, Water and Planning (DELWP) and the North East Link Authority (NELA). The Development Plan includes objectives which will guide any future works requiring a planning permit.

VISION

This document seeks to facilitate opportunities for future development and improvements to the land at 191 Bulleen Road, Bulleen.

The improvements should meet the competing priorities of the six key stakeholders (Melbourne Water, DELWP, Parks Victoria, Manningham City Council, NELA and the Veneto Club), which are expressed in this document.

BACKGROUND

The Veneto Club was formed in 1967. At that time the club consisted of early migrants from the Veneto region in the north east of Italy.

In 1969, a vacant 6.5 hectares of flood plain land on the banks of the Yarra at 191 Bulleen Road, Bulleen was purchased. The official opening of the current clubhouse occurred on 8 December 1973.

The purpose of the Veneto Club is to maintain, promote and foster the Italian - Veneto culture and its heritage through food, sport, social, and community interaction for its members and the wider community.

The Veneto Club's vision is to be a premier Veneto-centric club and a valued member of the broader local community. A club that provides a variety of popular sporting, social activities, culturally focused, traditional cuisine and a range of quality innovative dining options, all of which are financially successful in line with the club's strategic objectives.

The club is a membership-based club and membership is open to any member of the community. The club currently has approximately 1,200 voting members and 1,700 gaming members for a total of 2,900 members. In addition, the club has approximately 1000 active participants in both its football (soccer) or basketball program. Other sporting activities include squash, tennis, futsal, five aside, bocce and gym/fitness centre.

Approximately 60% of the membership base is of Australian-Italian-Veneto descent with approximately 800 members from Bulleen.

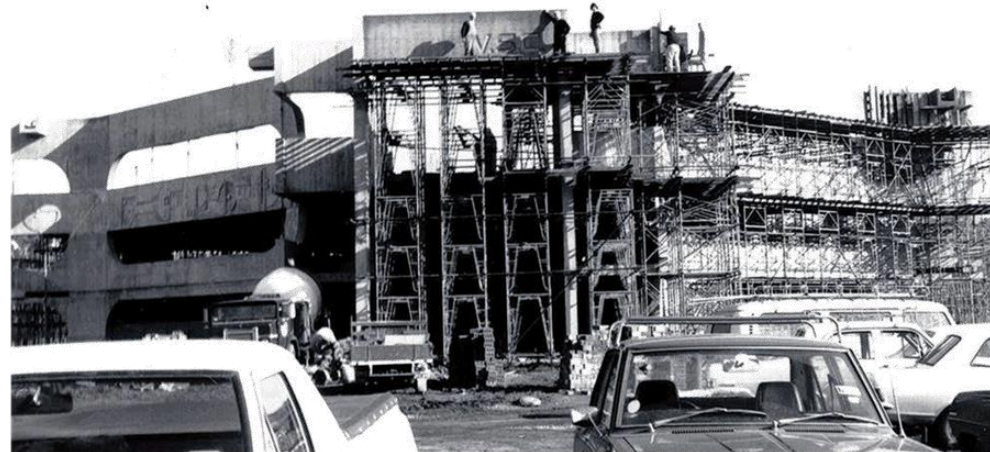


Image 3: Original Veneto Club Building in construction circa 1972



Image 4: An early Veneto Club gathering

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Figure 1 - Plan of Subject Site

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SITE PLAN

THE SITE

The Veneto Club is located at 191 Bulleen Road, Bulleen. The relevant Certificate of Title confirms the site is identified as one (1) land parcel which has the following legal description Lot 1 on Plan of Subdivision 406504J.

The site is an irregular shape, it has a 247-metre frontage to Bulleen Road (eastern boundary) and a depth of between 241 metres and 138 metres (western boundary). The irregular nature of the site is due to the western boundary of the site being formed by the Yarra River corridor. Overall the site is approximately 52,000sqm.

The site benefits from the following existing facilities:

- The club building;
- 2 x soccer fields and grandstand;
- 6 x tennis courts (illuminated);
- Large car parking catering for 500 cars plus an overflow parking area;
- Historical shed which is situated between the western grandstand and the sites western boundary;
- Ground keepers shed (for storage of materials); and
- BBQ facilities.

The site is currently occupied by the substantial club building which consists of four (4) levels. Internally there are a number of split levels and mezzanine levels which have been added since the original structure was built in the 1970's. Consequently, the upper level form steps across the site. The maximum building height (including services) is approximately 27.5m AHD.

The main club building and adjoining facilities have a footprint of approximately 5,700sqm which includes the following:

- Function rooms;
- Bistro/Eatery;
- Gaming area;
- Bocce courts;
- Basketball courts; and
- Gymnasium.

Please refer to Figure 1 which outlines the existing facilities and built form on site.

No new or additional uses of the land are proposed.

LEGEND

SUBJECT SITE - VENETO CLUB	SOCCER FIELDS
BUILDING FOOTPRINT	CHILDREN'S PLAY AREA
OUTBUILDING/ CANOPY/ SHED	VEGETATION - ENVIRONMENTALLY SENSITIVE AREA
CARPARK	WATER BODY
OUTDOOR DINING AREA	WALKING TRAIL
SPILL OVER CAR PARKING AREA (PERMEABLE)	PEDESTRIAN AND BICYCLE PATHS PROPOSAL AS PER SEPT 2018. SUBJECT TO CHANGE ACCORDING TO N.E.L.A. AUTHORITIES
TENNIS COURTS (ILLUMINATED)	VIEW CONES (#1 refers to image 1 on accompanying site photograph sheet on page 6)
NORTH EAST LINK ACCESSWAYS PROPOSAL AS PER SEPT 2018. SUBJECT TO CHANGE ACCORDING TO N.E.L.A. AUTHORITIES	

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SITE PHOTOGRAPHS

- 1**
View along Yarra River trail looking south east towards the Club (near northwest corner of site). Glimpses of the club buildings can be seen through the openings between the grandstand and sheds/ outbuildings.
- 2**
View along Yarra River trail looking south. The significant landscape buffer with mature planting help obscure the low lying shed/ outbuildings and grandstand of the club.
- 3**
View along Yarra River trail looking back east towards the Club. The top of Bocce Court building and the Stadium can be clearly seen from this point. (majority of building obscured from view by the change in level)
- 4**
View along Yarra River trail looking toward through a clearing back east towards the club buildings. Fencing to the soccer field, tennis court, and the stadium building can be clearly seen.
- 5**
View along Yarra River trail looking north showing the difference in level from the walking trail to the embankment. This interface is aided by mature trees and landscape buffer between the sporting fields and walking trail.
- 6**
View along Yarra River trail looking back towards the tennis courts. Due to the walking trail level being lower than the embankment, only the tennis court fencing is visible at this point.
- 7**
View along Yarra River trail looking back towards the main club building. The views of the club buildings are obscured with dense vegetation buffer from the trail continuing into the site.
- 8**
View of Stadium building from walking trail (south). Full extent of club buildings are partially obscured by trees along southern boundary of site.
- 9**
View of South East corner of site where walking trail meets Bulleen Road (northbound). View of carparking is slightly obscured by trees along southern boundary of site.
- 10**
View of Veneto Club entry gateway from Bulleen Road (southbound)
- 11**
Front on view of clubhouse building from Bulleen Road (southbound). The building is obscured by mature trees from this perspective.
- 12**
View of North East corner of site from Bulleen Road (southbound). The clubhouse building is visible from this corner.

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Figure 2 - Context Plan of Subject Site and surrounding areas.

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CONTEXT PLAN

SURROUNDING AREA

The subject site's surrounds are generally characterised by a mix of naturally occurring remnant vegetation, open space and recreation facilities. A nexus can be drawn between the comparatively urbanised surrounds of the broader area and the un-urbanised vegetated Yarra River corridor which is subject to flooding due to the low-lying nature of the land and the proximity to the River.

The site and surrounds form part of the Yarra River floodplain within the Chandler Basin. The Chandler Basin is a large retarding basin created to protect downstream suburbs from the effects of flooding.

The open space and sporting fields are bound by the Eastern Freeway to the south, the suburb of Bulleen to the east, Banksia Street to the north and The Boulevard and residential development to the west. As evidenced by the accompanying plan there is limited built form within the immediate surrounding area.

The closest sensitive urban interface takes the form of residential buildings which are approximately 250 metres to the north-east of the site. These are screened from view by large existing trees along Bulleen Road. To the east beyond the sporting fields of Marcellin College, school buildings and residential properties are approx. 380 metres from the Veneto Club.

Please refer to Figure 2 for details of the surrounding area.

SITE INTERFACE

The site's immediate interfaces consist of the following:

- North - densely vegetated public parkland that surrounds Bolin Bolin Billabong.
- East - Bulleen Road, Beyond Bulleen Road land is occupied by Trinity and Marcellin Colleges.
- South - Bulleen Park, which is an open sports field, improved by a double storey sporting pavilion.
- West - the Yarra River and River corridor which is managed by Parks Victoria.





Figure 3 - Urban Floodway Zone (UFZ)



Figure 4 - Environmental Significance Overlay – Schedules 2 and 3 (ESO2 and ESO3)

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STATUTORY & STRATEGIC PLANNING CONTEXT

PLANNING CONTROLS

The following section outlines the planning controls which apply to the site. Figures 3-8 provide a map of the subject site and the relevant planning controls.

The site is zoned as Urban Floodway Zone (UFZ) (See Figure 3)

The purpose of the UFZ is:

- To identify waterways, major floodpaths, drainage depressions and high hazard areas within urban areas which have the greatest risk and frequency of being affected by flooding.
- To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.
- To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989.
- To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environmental Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

The site is also affected by a number of planning overlays. The purpose and relevant objectives of each of the overlays affecting the site are outlined in more detail on the following pages. The site is affected by the following overlays:

- Environmental Significance Overlay – Schedule 2 & 3 (ESO2) & (ESO3) (See Figure 4);
- Significant Landscape Overlay (SLO2) (See Figure 5);
- Design and Development Overlay – Schedule 2-A (DDO2A) - (See Figure 6);
- Development Plan Overlay – Schedule 2 (DPO2) - (See Figure 7);
- Land Subject to Inundation Overlay (LSIO) - (See Figure 8);

ENVIRONMENTAL SIGNIFICANCE OVERLAY

- Environmental Significance Overlay – Schedule 2 (ESO2)
- Environmental Significance Overlay – Schedule 3 (ESO3) (See Figure 4 for ESO2 and ESO3)

The ESO seeks to identify areas where the development of land may be affected by environmental constraints and to ensure that development is compatible with identified environmental values.

The ESO2 specifically relates to sites of Biological Significance. ESO3 specifically relates to buffer conservation areas supporting sites of biological significance. The ESO2 and ESO3 include the following environmental objectives to be achieved:

- To protect and enhance the ecological values of Critical and Core Conservation Areas.
- To discourage development, particularly vegetation removal, within Critical Conservation Areas.
- To encourage the location of development within those areas that are the most degraded and devoid of Victorian native vegetation.
- To encourage development that is compatible with the conservation and protection of the ecological values of the area.
- To encourage development that is in keeping with the bushland character of the area and is sympathetic to the existing built form.
- To ensure that development responds to the area's environmental and landscape characteristics, including topography and waterways.
- To minimise earthworks.
- To ensure that the subdivision of land does not have a detrimental impact on the ecological integrity of Critical and Core Conservation Areas.
- To achieve an improvement in the extent and quality of Victorian native vegetation, consistent with the goal of Net Gain as set out in Victoria's Native Vegetation Management A Framework for Action (Department of Natural Resources and Environment 2002).
- To conserve and where possible enhance habitat for flora and fauna species recognised as threatened at the municipal, regional, state or federal level.
- To retain Victorian native vegetation and ensure the long term, sustainable management of land.
- To protect natural resources, waterways, ecological processes, genetic diversity and ecosystem services.
- To protect and enhance habitat corridors and ecological stepping stones.



Figure 5 - Significant Landscape Overlay – Schedule 2 (SLO2)



Figure 6 - Design and Development Overlay – Schedule 2 (DDO2A)

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STATUTORY & STRATEGIC PLANNING CONTEXT

SIGNIFICANT LANDSCAPE OVERLAY

The SLO2 relates specifically to the Yarra River Corridor Environs (See Figure 5)

The purpose of the SLO2 includes:

- To identify significant landscapes.
- To conserve and enhance the character of significant landscapes.

Clause 2.0 of Schedule 2 to the Significant Landscape Overlay outlines the following key themes for landscape character objectives to be achieved:

- Landscape, environmental and cultural values.
- Protection of waterway and the riparian zone.
- Public open space and access.
- Siting and design of built form

DESIGN & DEVELOPMENT OVERLAY

See Figure 6 for the Design and Development Overlay – Schedule 2-A (DDO2A)

The DDO seeks to identify areas which are affected by specific requirements relating to the design and built form of new development. The DDO2 relates specifically to 'Yarra (Birrarung) River Corridor Protection'.

The DDO2 outlines the following design objectives:

LANDSCAPE PROTECTION

- To protect and enhance the natural landscape character of the Yarra River corridor where the waterway, its topography, adjacent public open space and a continuous corridor of vegetation and canopy trees are the dominant features.
- To minimise the visual intrusion of development when viewed from the Yarra River and adjacent public open space, bicycle and shared paths and bridge crossings.
- To ensure development on visible hillslopes, crests, skylines and ridgelines is subordinate to existing local vegetation and natural landscape character setting.
- To ensure sufficient space is provided between buildings to maintain views to the Yarra River and allow for the planting and growth of vegetation, including large canopy trees.

SITING AND DESIGN

- To ensure new buildings are appropriately set back from the banks of the Yarra River and adjacent public open space.
- To avoid additional light spill and overshadowing from buildings on the banks and water of the Yarra River, its adjacent public open space, bicycle and shared paths.
- To ensure building elevations are presented at a variety of heights, avoid visual bulk and are stepped back from the frontage of the Yarra River and adjacent public open space.
- To ensure all external colours and finishes are non-reflective and do not create contrast with the natural landscape character setting.
- To ensure public views of buildings are filtered through vegetation and trees.

SITE COVERAGE AND PERMEABILITY

- To avoid tennis courts, swimming pools and other structures within identified setbacks from the Yarra River to protect and enhance the natural landscape character setting and riparian zone.
- To minimise impervious surfaces to allow for the filtration of water and retention and establishment of vegetation and canopy trees.
- To ensure all fencing within close proximity to the Yarra River is low in scale, visually permeable and does not create contrast with its natural landscape character setting.

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201805 - Veneto Club - Development Plan
July 2019



Figure 7 - Development Plan Overlay – Schedule 2 (DPO2)

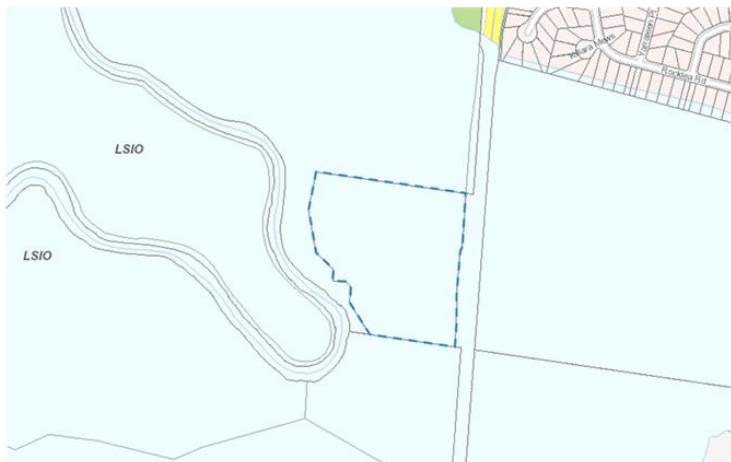


Figure 8 - Land Subject to Inundation Overlay (LSIO)

10

STATUTORY & STRATEGIC PLANNING CONTEXT

DEVELOPMENT PLAN OVERLAY

See Figure 7 for the Development Plan Overlay (DPO2).

The DPO seeks to identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.

The DPO2 outlines the following requirements for the development plan:

- The development plan must show future use and development for the Veneto Club and include the following:
- No further development outside existing building footprints.
- Improvements to the appearance of existing buildings when viewed from the Yarra River.
- A landscape plan in accordance with The Middle Yarra Concept Plan - Burke Road to Watsons Creek, December 1993.
- The development plan must be prepared in consultation with and to the satisfaction of Melbourne Water and Melbourne Parks and Waterways.

LAND SUBJECT TO INUNDATION OVERLAY

See Figure 8 for the Land Subject to Inundation Overlay (LSIO) Plan:

The LSIO seeks:

- To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.
- To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

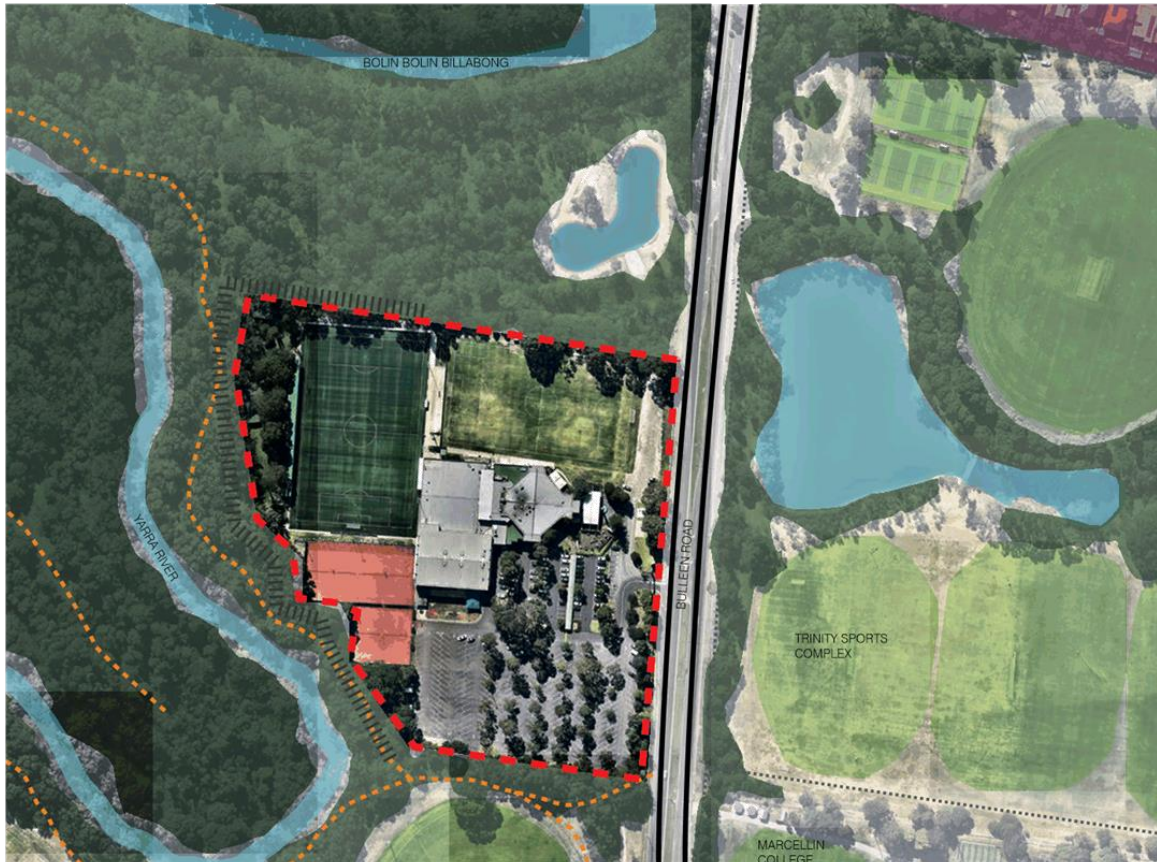
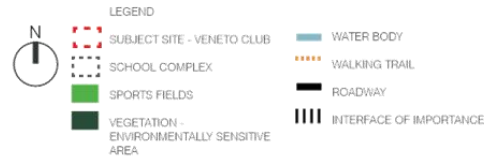


Figure 9 - Sensitivity plan of Subject Site



SENSITIVITY PLAN

SENSITIVITY

As outlined in the Context Plan section, the site is located within the largely un-urbanized Yarra River corridor. A Sensitivity Plan has been prepared to identify any sensitivities associated with the site and surrounding area. The sensitivity plan has informed the preparation of the Development Plan and development objectives to ensure future improvements and development respects the Yarra River environs.

As demonstrated on the sensitivity plan (refer Figure 9), the following sensitivities are associated with the site.

- The proximity of the site to the Yarra River environs.
- The appropriateness of built form on the site in the context of and when viewed from the Yarra River environs;
- The 'back of house' address and presentation of the club to the Yarra River environs as a consequence of the existing grandstand and historical cut and fill;
- The management of landscaping and vegetation in areas proximate to the Yarra River environs;
- The site is subject to flooding and overland flow and its flood prone character is a critical issue affecting the future use and development.

Whilst the exact timing of the application of the Development Plan Overlay (DPO2) to the subject site is uncertain, it is acknowledged that the DPO was in place at the time the new format Manningham Planning Scheme was introduced in 2000 (See Figure 7 on page 10 for the DPO2 overlay). The DPO was introduced to deal with sensitivities arising from uncoordinated development on the site and concerns of the key stakeholders (Melbourne Water, DELWP, Parks Victoria, and Manningham City Council).

A number of retrospective permit applications were sought by the club to deal with various alterations to the facilities over the years. This included a land swap associated with land now under the control of Parks Victoria. This situation arose following the construction of part of the tennis courts on the riparian strip of land owned (then) by Melbourne Water. Negotiations for a land swap followed construction of the tennis court.

Issues also arose about management of the land (both lands owned by the Veneto Club and by Melbourne Water (then) / Park Victoria (now)). For many years the Veneto Club maintained the area between its boundary and the Yarra River. There were also negotiations about the construction of a boundary fence to assist with demarcating title boundaries. These matters have now been resolved. Black bollards depict the property boundary and the Veneto Club no longer mows grass or tends to vegetation outside of its property boundary.

As noted in Middle Yarra River Corridor Study (2016), "The Middle Yarra River will offer a variety of natural landscape settings and experiences in which its topography, banks and a continuous tree canopy are the dominant features in views of the river corridor."

The preparation of the development plan seeks to provide certainty for both the Club and key Stakeholders.

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201805 - Veneto Club - Development Plan
July 2019



Figure 11 - River Interface Concept Plan

DEVELOPMENT PLAN

LAND USE

- The land is used as a place of assembly where people gather for cultural activities, entertainment and meetings.
- The land benefits from existing use rights and the use of the land is not proposed to change.

BUILT FORM

- Expansion of the level 2 'Sala Venezia' increasing the capacity and functionality of the space.
- Potential future expansion within the identified 'development envelope', to accommodate future Club expansions and to enable improvements to the appearance of existing buildings when viewed from the Yarra River.
- The proposed 'development envelope' allows for development to a maximum height of RL 29.00. The additional built form will accommodate future club facilities.

Note: The development plan does not allow for or propose works to the indoor stadium, outbuildings or grandstands (except for routine maintenance and repairs which would be exempt from a planning permit).

LANDSCAPE

- Landscape treatments are to be provided to screen the existing and proposed works from view of the Yarra River environs.
- Increased canopy plantings along the western boundary to screen future development from view along the Yarra River Trail.
- Landscape treatments to improve the interface along the Yarra River.



Figure 12 - Staging Plan

STAGING PLAN

The future redevelopment of the site will occur across two (2) stages, as illustrated on the indicative staging plans (Figure 12). The stages have been defined to achieve the following objectives:

- To provide certainty around the timeframe and delivery of landscaping works along the Yarra River interface.
- To ensure future works are appropriately screened to mitigate the visual impact from the Yarra River corridor.

STAGE 1

Stage 1 includes the extension to the Sala Venezia and landscaping works along the River interface.

STAGE 2

Stage 2 includes the future works to the main club building within the footprint identified in figure 10. While the club has no current plans for future development, stage 2 allows for future works within the set building envelope to a maximum height of RL 29.0. It is noted any future works would be subject to planning permit approval.



Image 5: Original Veneto Club Building in construction



Image 6: Original Veneto Club Building in construction

DEVELOPMENT OBJECTIVES

The built form, building design, landscape and general objectives have been prepared to achieve two primary outcomes.

Firstly, to respond to the views of Melbourne Water by ensuring that there be no further development at ground level which may impact overland flows, the capacity of the Chandler Basin or endanger built form, property or life in the event of a flood.

Secondly to respond to the concerns raised by DELWP, Parks Victoria and Council with respect to the Veneto Club's address to the Yarra River environs immediately adjacent its boundaries.

The objectives seek to implement the various desires of key stakeholders whilst also ensuring the Veneto Club is incentivised to implement improvements to the land and built form.

The development plan recognises the significant role the club plays for the local community and the clubs members.

The following section describes and discusses the key objectives applied in the Development Plan. The objectives have been split into the two stages to provide greater certainty around future development.

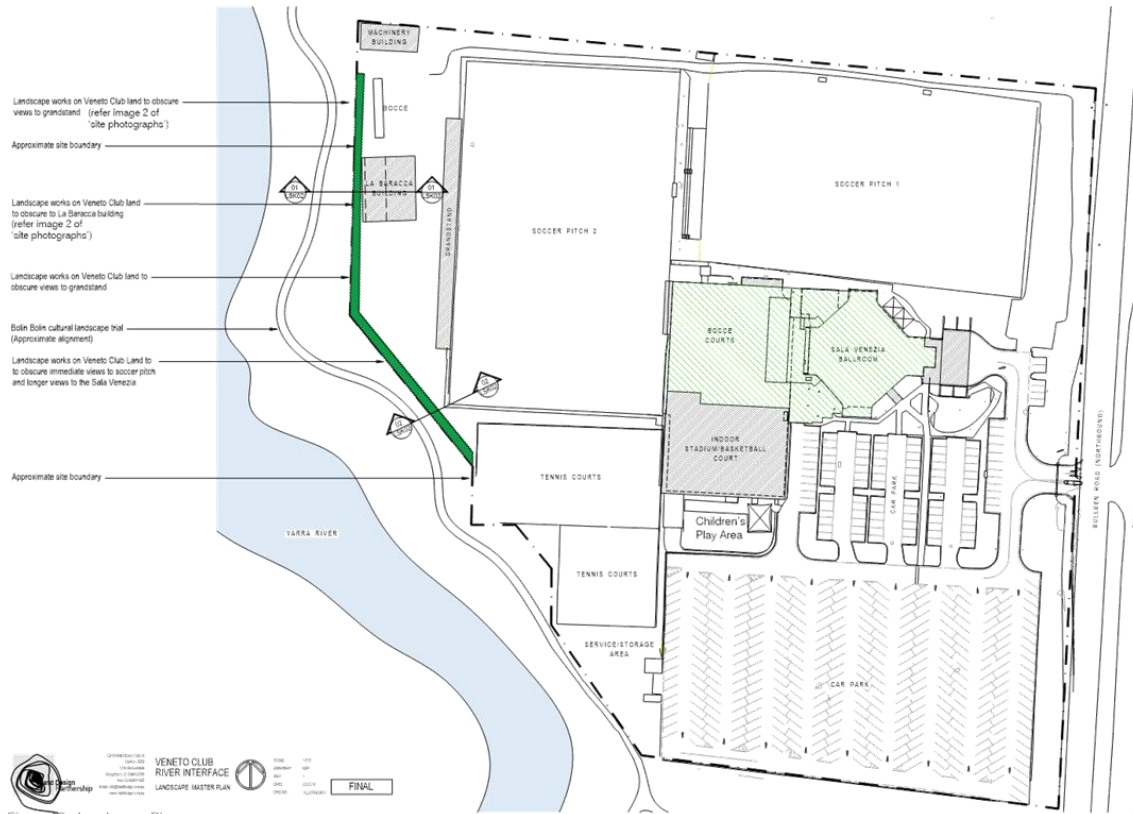


Figure T3 - Landscape Plan

DEVELOPMENT STAGE 1

DEVELOPMENT OBJECTIVES - STAGE 1

The following objectives relate to Stage 1 – Sala Venezia and landscaping works:

BUILT FORM OBJECTIVES

- To ensure that any future works or development at the Veneto Club maintains the free passage and temporary storage of floodwater, minimises flood damage and ensures the health of individuals is not risked.
- To ensure that any future development is confined to the existing building footprint and does not exceed a maximum height of 29m (AHD) in accordance with Drawing Number 1.00.
- To ensure future development is confined to the existing building footprint, ensuring any additional built form is well outside of the 70 metre setback line from the Yarra River prescribed through DDO2.

DESIGN OBJECTIVES

The current main club building is well setback from the river corridor. Views to the building are filtered through vegetation along the River corridor and site boundary. Views are also further filtered through surrounding club infrastructure. The proposed design objectives have been carefully considered to ensure the predominant outlook from the river corridor is native vegetation. It is anticipated that through increased landscaping along the western boundary and well considered material treatments and finishes, the club buildings will be screened from view.

- To respond to the sensitivities of the sites surrounds.
- To ensure any further development does not create increased visual impact when viewed from the river corridor.
- To ensure the appearance of development is subordinate to the local landscape setting, with any views of development being filtered through vegetation.
- To minimise the visual impact of the building through the incorporation of muted finishes and lighter tones applied to upper levels to ensure the building appears recessive and blends in with the surrounds.

(continued on following page)

DEVELOPMENT STAGE 1

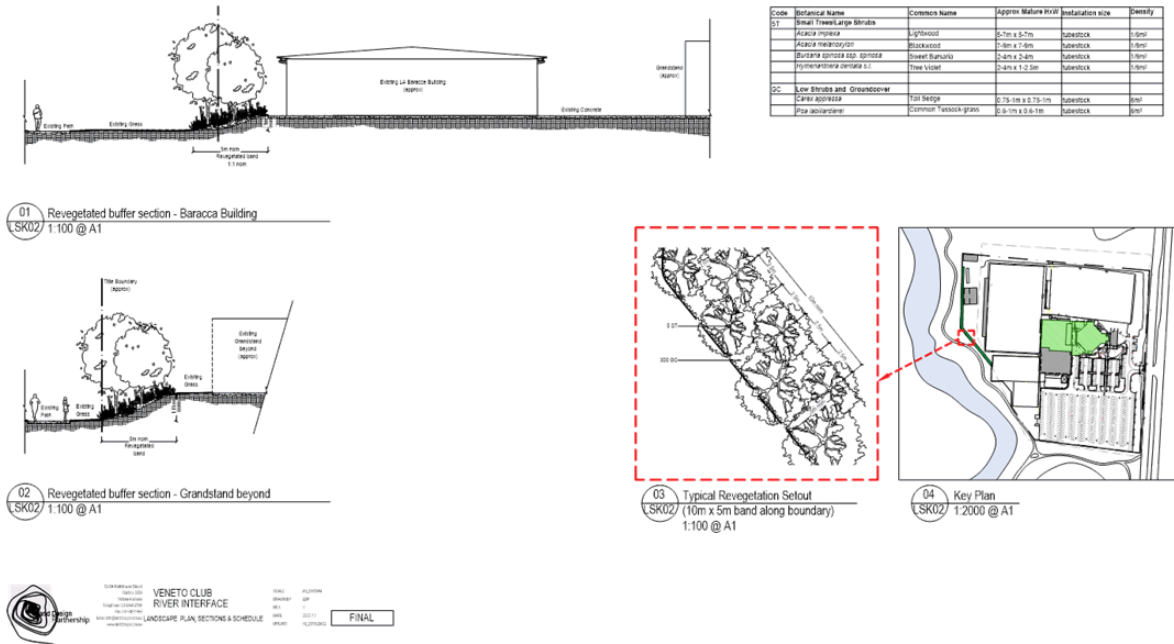


Figure 14 + 15 - Proposed Landscape Sections along river boundary

LANDSCAPE OBJECTIVES

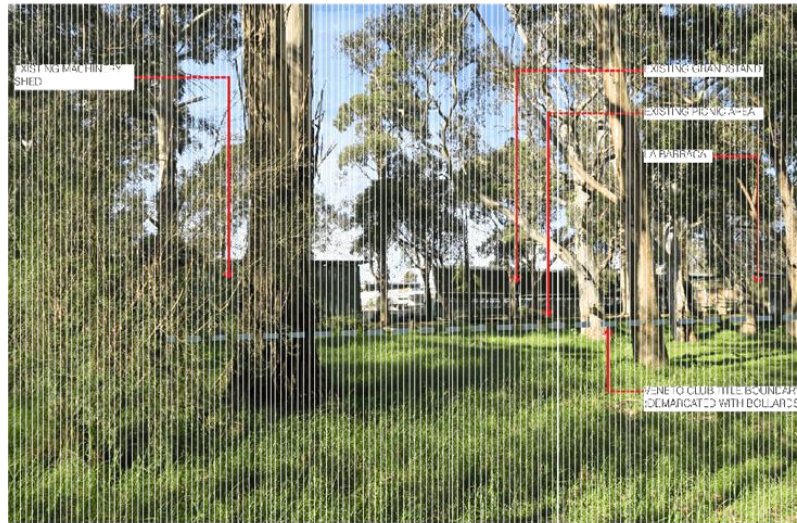
- To acknowledge the ecological importance of the site as a designated Buffer Conservation Area and the surrounding River Corridor environs.
- To ensure the ecological and aesthetic values of the River Corridor are protected and enhanced.
- To ensure new landscaping incorporates native species, including a range of shrubby trees for screening and tufting groundcovers for stabilization. Focus on species derived from DELWP EVC 56 - Floodplain Riparian Woodland.
- To provide additional landscaping along the western boundary in accordance with the landscape plan prepared by Land Design.
- To encourage the removal of weeds and maintenance of vegetation on Veneto Club land along the river interface.

Requirement: *With the exception of general maintenance and pruning, existing native vegetation must not be removed from the site unless with the written consent of the responsible authority.*

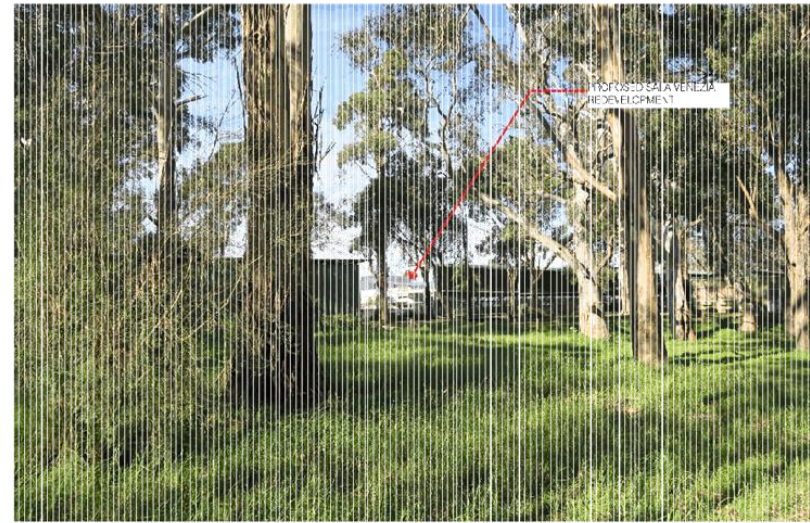
GENERAL OBJECTIVES

- To ensure any proposed development does not result in the net reduction of the capacity of the Chandler Basin or adversely impact overland flows

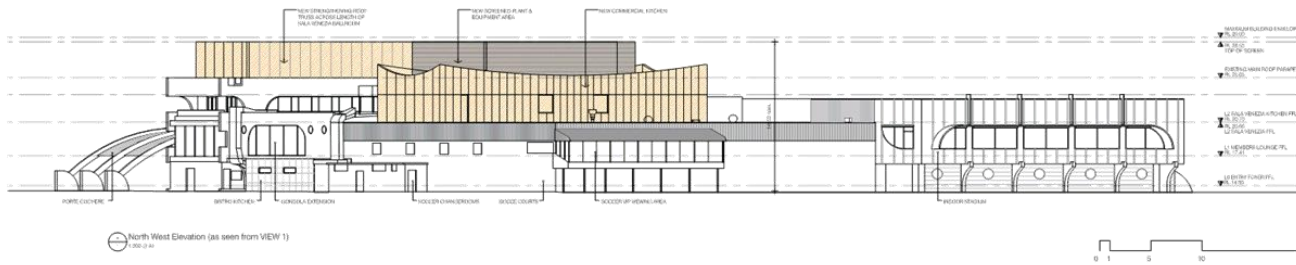
DEVELOPMENT STAGE 1



VIEW 1 - Existing North West View of Veneto Club from Walking Trail



VIEW 1 - Proposed North West View of Veneto Club from Walking Trail



North West Elevation (as seen from VIEW 1)



Key Plan

Figure 16 - Proposed Stage 1 Works - North West Elevation, Before & After Views, Key Plan

DEVELOPMENT STAGE 1

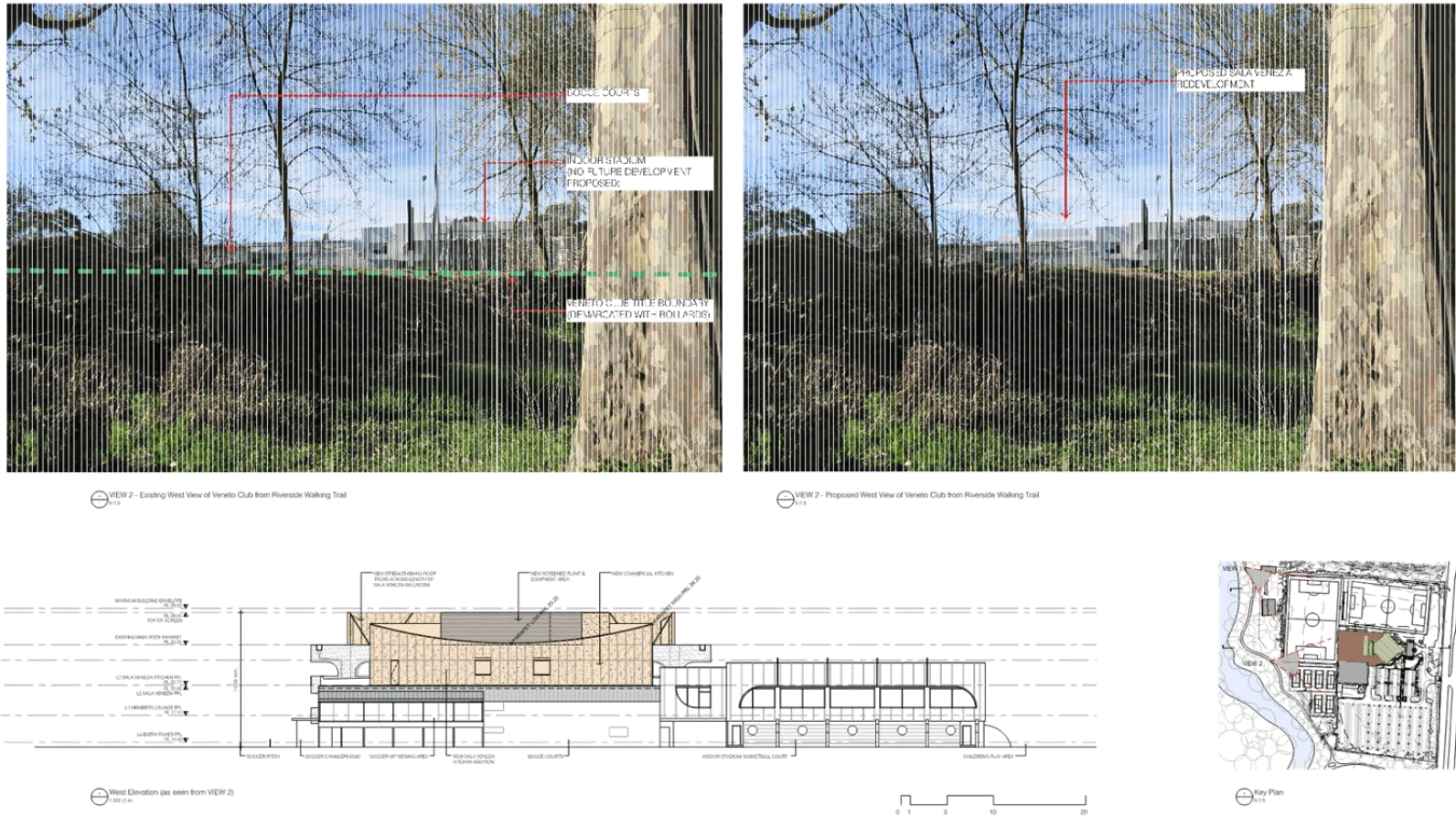


Figure 17 - Proposed Stage 1 Works - West Elevation, Before & After Views, Key Plan

DEVELOPMENT STAGE 2

DEVELOPMENT OBJECTIVES - STAGE 2

The following objectives apply to stage 2 – future works:

BUILT FORM OBJECTIVES

- To ensure that any future works at the Veneto Club maintains the free passage and temporary storage of floodwater.
- To ensure that any future works is confined to the existing building footprint and does not exceed a maximum height of 29m (AHD) in accordance with figure 10.
- To encourage maintenance works and improvements to the visual appearance of existing outbuildings which do not result in an increase in height or floor area.
- To ensure any future development is confined to the existing building footprint, ensuring it is well outside of the 70 metre setback line from the Yarra River.

DESIGN OBJECTIVES

The current main Club Building is well setback from the river corridor. Views to the building are filtered through vegetation along the River corridor and site boundary. Views are further filtered through surrounding club infrastructure. The proposed design objectives have been carefully considered to ensure the predominant outlook from the river corridor is the surrounding native vegetation. It is anticipated that through increased landscaping along the western boundary and well considered materials and finishes, the Club buildings will be screened from view.

- To respond to the sensitivities of the sites surrounds.
- To ensure development does not create increased visual impact when viewed from the river corridor.
- To ensure the appearance of development is subordinate to the local landscape setting, with any views of development being filtered through vegetation.
- To minimise the visual impact of the building through the incorporation of muted finishes and lighter tones applied to upper levels to ensure the building appears recessive and blends in with the surrounds.
- To encourage the use of timber or timber look finishes on elevations visible from the river corridor.
- To ensure future built form is designed to avoid visual bulk when viewed from the River corridor through the use of articulation and variation in materials and finishes.

LANDSCAPE OBJECTIVES

- To acknowledge the ecological importance of the site as a designated Buffer Conservation Area and the surrounding River Corridor environs.
- To ensure the ecological and aesthetic values of the River Corridor are protected and improved.
- To ensure new landscaping incorporates native species.
- To encourage the removal of weeds and maintenance of vegetation on Veneto Club land along the river interface.

Requirement: *With the exception of general maintenance and pruning, existing native vegetation must not be removed from the site unless with the written consent of the responsible authority.*

GENERAL OBJECTIVES

- To ensure any proposed development does not result in the net reduction of the capacity of the Chandler Basin or adversely impact overland flows.
- To ensure any proposed development does not result in increased safety risk to Club patrons or emergency service personal.

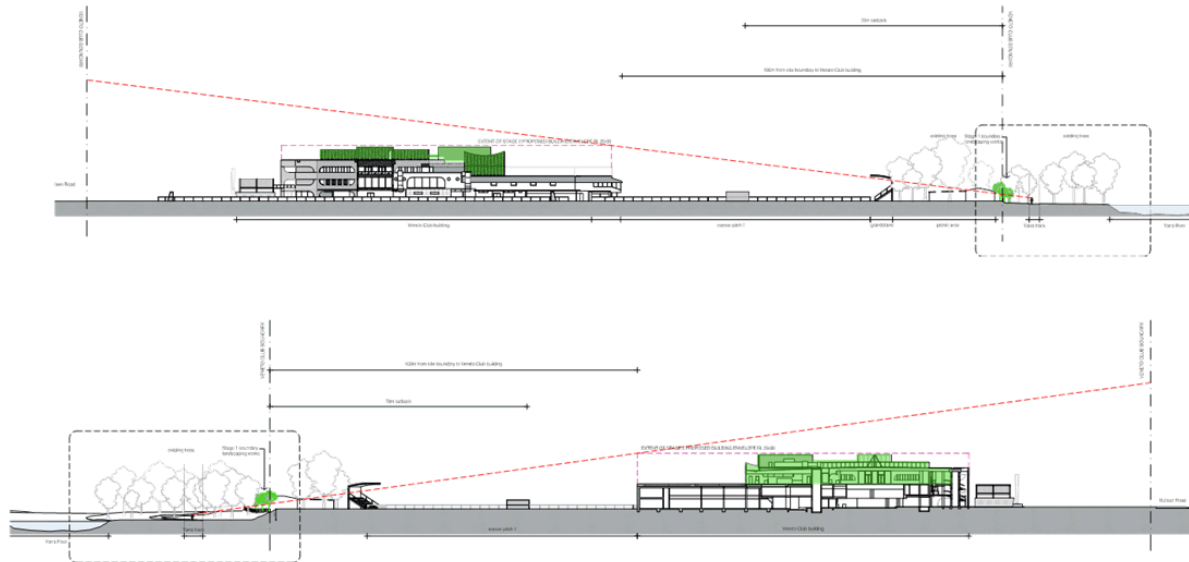


Figure 18 - Proposed Site Sections showing view lines from Yarra Trail and Stage 2 Envelope dashed (Stage 1 works in green)

DEVELOPMENT STAGE 2



Figure 19 - Proposed Stage 2 building envelope in relation to Stage 1 works - North West Elevation, Before & After Views, Key Plan

DEVELOPMENT STAGE 2

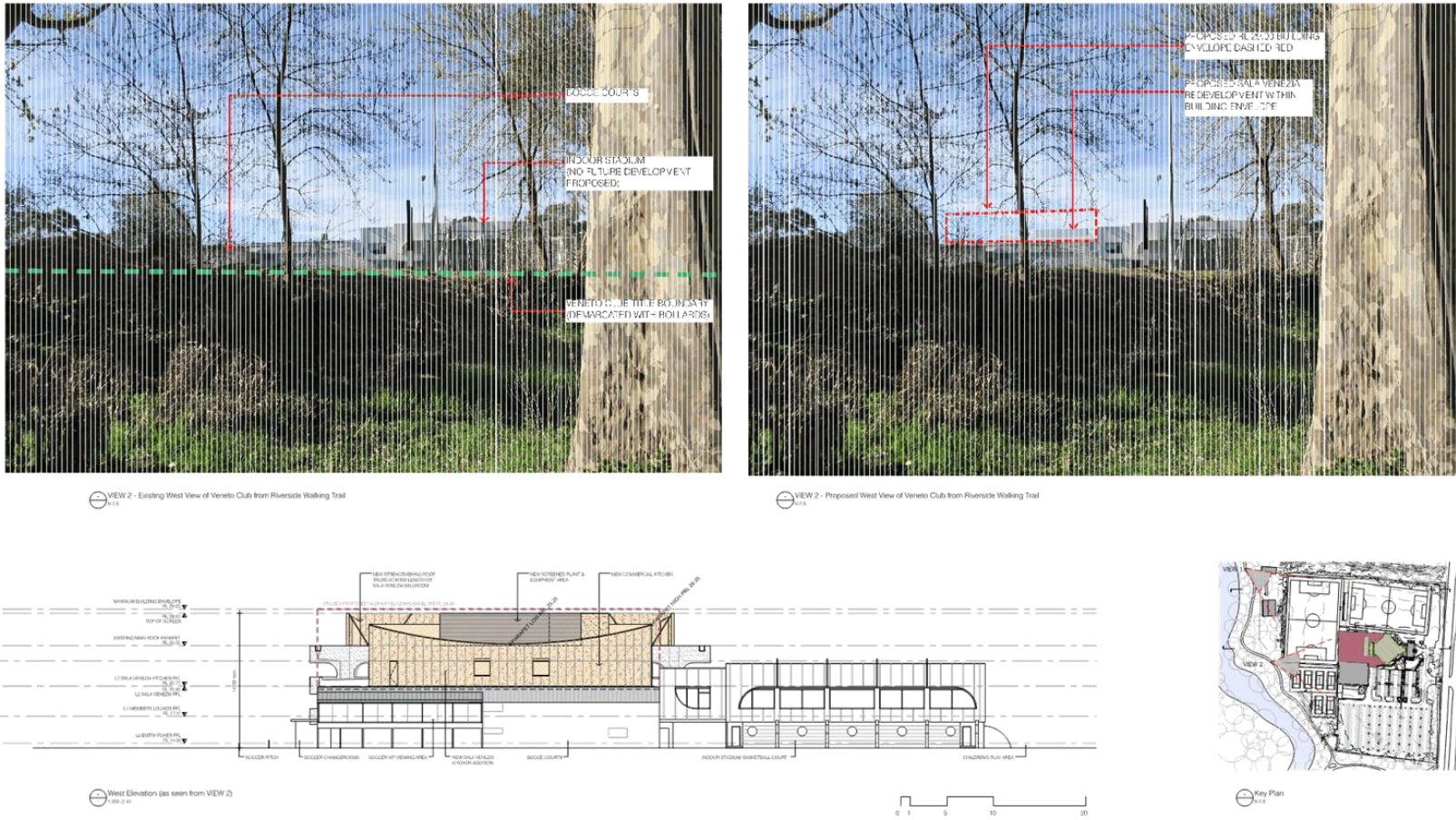


Figure 20 - Proposed Stage 2 building envelope in relation to Stage 1 works - West Elevation, Before & After Views, Key Plan

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

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

EXECUTIVE SUMMARY

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

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

Amendment C130 proposes to:

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

Council officers support the proposed amendment and planning permit application.

COUNCIL RESOLUTION

MOVED: CR PAUL MCLEISH
SECONDED: CR GEOFF GOUGH

That Council:

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

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

PROCEDURAL MOTION

MOVED: CR GEOFF GOUGH
SECONDED: CR ANNA CHEN

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

CARRIED

THE SUBSTANTIVE MOTION WAS PUT AND CARRIED

2. BACKGROUND

The Site

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

The Neighbourhood

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

Existing Planning Scheme Controls

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

Area of Aboriginal Cultural Heritage Sensitivity

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

Planning History

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

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

3. DISCUSSION / ISSUE

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

Planning Scheme Amendment

- Delete the Design and Development Overlay, Schedule 7.

Planning Permit Application

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

- 3.3 The following responses are made to each request:

Officer response to request the Planning Scheme Amendment

History of the introduction of Amendment C42

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

Is there strategic justification to delete the control?

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

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

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

Officer response to request the proposed Planning Permit Application

- 3.10 The works required to convert the existing dwelling into two dwellings include:

- Close and seal the internal openings to a fire-rated wall standard, to ensure building code compliance and to delineate each dwelling;
- Convert the ground floor “Workshop” that addresses Toronto Avenue into a double garage for the southern dwelling;
- Construct a crossover and accessway from Toronto Avenue to the converted garage; and
- Construct a fence within the secluded private open space area at the rear to create two secluded private open space areas, one for each dwelling.

- 3.11 A Building Permit will be required following the gazettal of Amendment C130 to complete the fire-rated wall and garage construction. Council’s Building Services Unit has advised that the buildings works required to convert the dwelling are achievable.

- 3.12 The planning permit application has been assessed against all current provisions of the Manningham Planning Scheme as follows:

Planning Policy Framework

- 3.13 Clause 15 (Built Environment and Heritage)

The following objectives are applicable:

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

- 3.14 The development of the site with two dwellings is considered to meet all relevant objectives under clause 15. The existing dwelling has contributed to the safety, health and function of the neighbourhood ensuring a sense of place for at least 10 years. Converting the existing dwelling into two dwellings would achieve the same outcomes in this urban environment.
- 3.15 The existing built form is consistent with the neighbourhood character in respect to scale, form, materials, setbacks to the boundaries and contemporary design. All material impacts from the dwelling have already been established. There are currently no unacceptable amenity impacts. The conversion into two dwellings is unlikely to create any additional unacceptable amenity impacts.
- 3.16 The requirement to prepare a Cultural Heritage Management Plan is exempted under regulations 10 and 11 of the *Aboriginal Heritage Regulations 2018*, as the proposal comprises the development of two dwellings on a lot less than 1100sqm in area. The exemptions also include the subdivision of two dwellings.

3.17 Clause 16 (Housing)

The following objectives are applicable:

- *To promote a housing market that meets community needs (clause 16.01-1S).*
 - *To locate new housing in designated locations that offer good access to jobs, services and transport (clause 16.01-2S).*
 - *To provide for a range of housing types to meet diverse needs (clause 16.01-3S).*
 - *To deliver more affordable housing closer to jobs, transport and services (clause 16.01-4S).*
- 3.18 The development of one additional dwelling adds to the residential housing stock of Manningham and contributing to the housing market needs of the community. The side-by-side design is one of several design typologies available in the Manningham housing market.
- 3.19 The site is located near services, particularly Westfield Doncaster which is a classified as a Major Activity Centre under the Manningham Planning Scheme. Jobs and transport are also readily accessible.

Local Planning Policy Framework

Clause 21.05 (Residential)

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

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

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

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

General Residential Zone, Schedule 1 (Clause 32.08)

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

Design and Development Overlay, Schedule 7 (Clause 43.02)

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

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

Particular Provisions

Clause 52.06 (Car parking)

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

Clause 53.18 (Stormwater management in urban development)

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

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

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

Clause 55.03-8 (Landscaping)

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

Clause 55.04-6 (Overlooking)

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

Clause 55.04-7 (Internal views)

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

Clause 55.06-4 (Site services)

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

Clause 65 (Decision guidelines)

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

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

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

4. COUNCIL PLAN / STRATEGY

Council Plan 2017 – 2021

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

Manningham Planning Scheme Review 2018

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

Design and Development Overlay, Schedule 7

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

5. IMPACTS AND IMPLICATIONS

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

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

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

6.2 Communication and Engagement

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

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

6.3 Timelines

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

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

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

7. DECLARATIONS OF CONFLICT OF INTEREST

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

Planning and Environment Act 1987

MANNINGHAM PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C130mann

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

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

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

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

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

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

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

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

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

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

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

Signed:

ANDREW DAY
Chief Executive Officer

Planning and Environment Act 1987

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

Who is the planning authority?

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

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

Land affected by the Amendment

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

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

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

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

What the amendment does

The Amendment proposes to:

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

The planning permit application seeks approval to:

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

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

Strategic assessment of the Amendment

Why is the Amendment required?

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

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

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

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

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

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

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

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

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

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

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

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

Does the Amendment address relevant bushfire risk?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There are no relevant agencies.

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

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

Resource and administrative costs

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

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

Where you may inspect this Amendment

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

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

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

Submissions

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

A submission must be sent to:

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

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

Panel hearing dates

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

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

ATTACHMENT 1 - Mapping reference table

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

ATTACHMENT 2 – Draft Planning Permit and Proposed Plans**PLANNING PERMIT C130mann
DRAFT CONDITIONS**

Address of the land: 11 Toronto Avenue, Doncaster

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

Amended Plans

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

Endorsed Plans

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

Completion

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

Landscaping Plan

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

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

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

Landscaping Bond

6. Before the review of the plans submitted under Condition 1 of this permit, a \$3,519 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas. The bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.

Drainage

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

Vehicle Crossings and Accessways

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

Fencing

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

Maintenance

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

Construction Management

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

Permit Expiry

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

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

Planning Permit Notes:

Submission of plans

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

How to avoid the expiry of this permit

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

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

Works Code of Practice

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

Building Permit

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

Post Construction Inspection

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

Vehicle Crossing Approval

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

Mailboxes

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

Street Trees

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

Allocation of New Property Addresses

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

IMPORTANT INFORMATION ABOUT THIS PERMIT

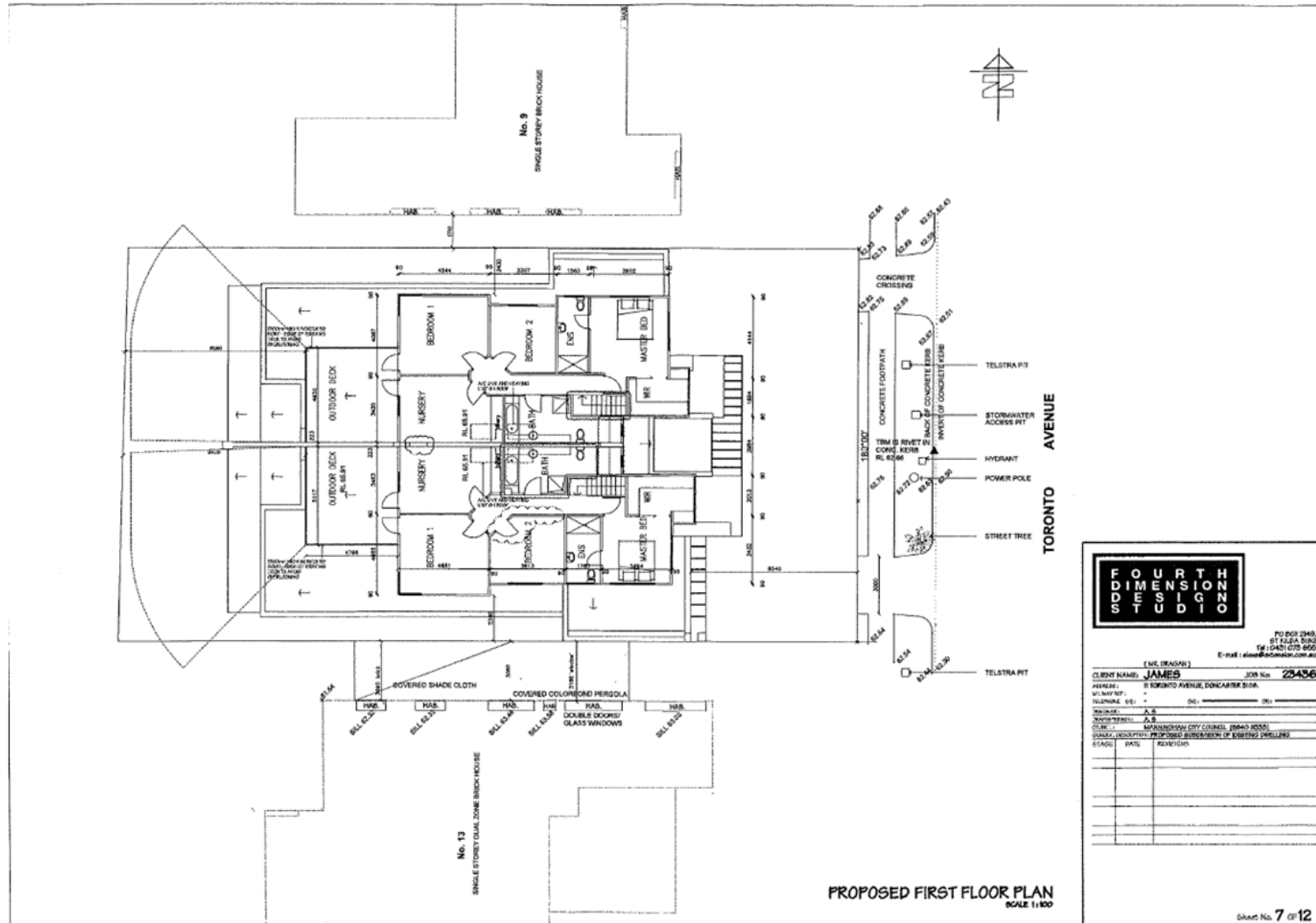
WHEN DOES A PERMIT BEGIN?

A permit operates:

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

WHEN DOES A PERMIT EXPIRE?

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



PROPOSED FIRST FLOOR PLAN
SCALE 1:100

FOURTH
DIMENSION

PO BOX 2340,
ST KATE'S RD
TEL: (416) 735-6555
E-mail: info@fourthdimension.com.au

(U.S. CLIENTS)

CLIENT NAME: **JAMES** JOB No: **23436**

ADDRESS: **8 TORONTO AVENUE, DONCASTER VIC.**

DATE: DE: (M)

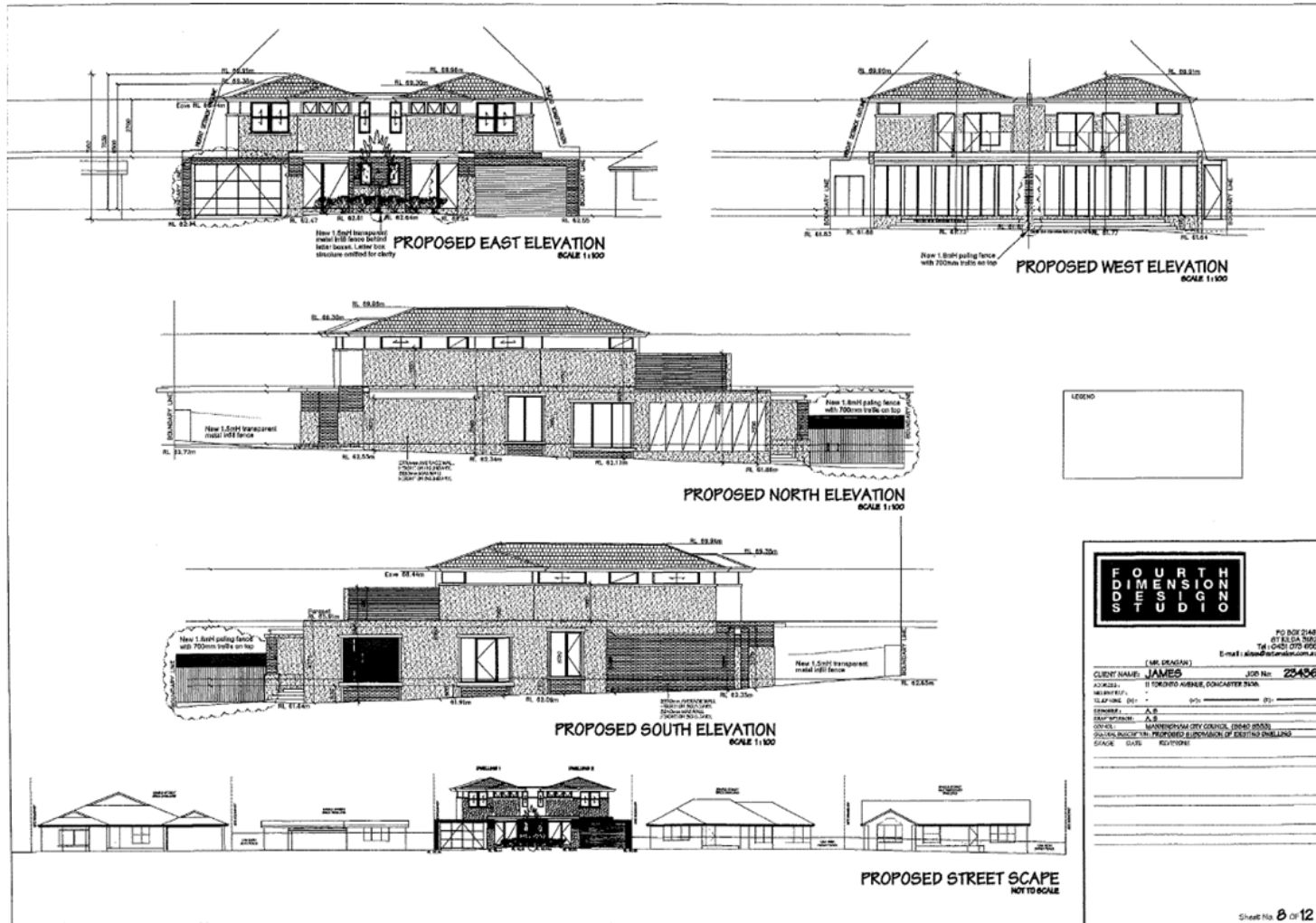
DESIGNER: **A.S.**

CLIENT: **MARLBOROUGH CITY COUNCIL (8840 ROAD)**

SCALE: **1:100** PROJECT: **RESIDENTIAL DEVELOPMENT OF EXISTING DWELLING**

SCALE: UNIT: PROJECT:

Sheet No. 7 of 12



MANNINGHAM PLANNING SCHEME

27/05/2019
C126mann

SCHEDULE 7 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

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

11 TORONTO AVENUE, DONCASTER

1.0
27/05/2019
C126mann

Design objectives

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

2.0
27/05/2019
C126mann

Buildings and works

~~None specified.~~

3.0
27/05/2019
C126mann

Subdivision

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

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

4.0
27/05/2019
C126mann

Signs

~~None specified.~~

5.0
27/05/2019
C126mann

Application requirements

~~None specified.~~

6.0
27/05/2019
C126mann

Decision guidelines

~~None specified.~~



001

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

The planning authority for this amendment is Manningham City Council.

The Manningham Planning Scheme is amended as follows:

Planning Scheme Maps

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

Overlay Maps

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

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

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

End of document

11 Toronto Avenue, Doncaster



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



18/07/2019 10:27 am

Zone Map 11 Toronto Avenue, Doncaster



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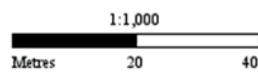


18/07/2019 11:12 am

Overlay Map 11 Toronto Avenue, Doncaster

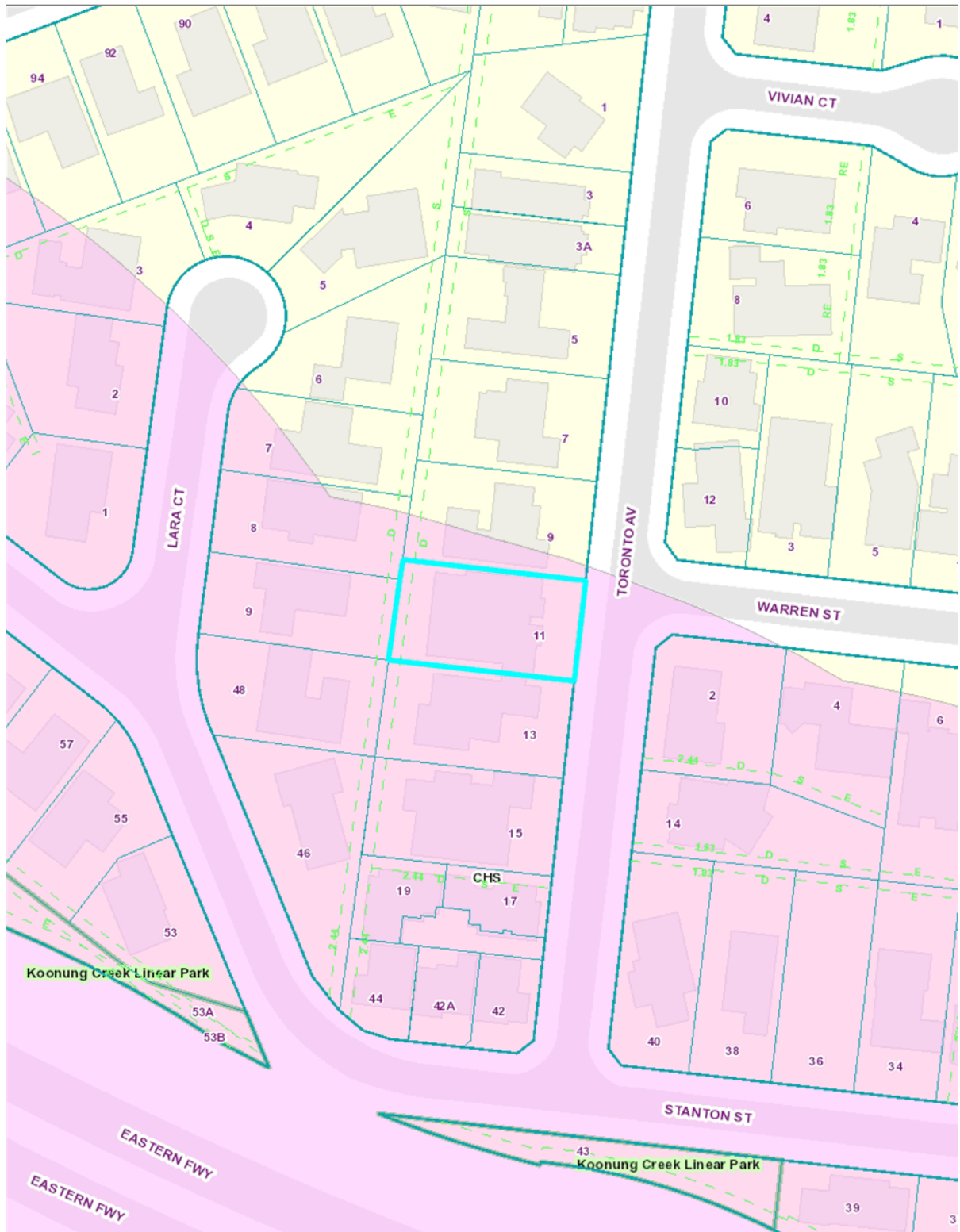


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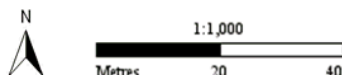


18/07/2019 11:18 am

Aboriginal Cultural Heritage Map 11 Toronto Avenue, Doncaster



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18/07/2019 11:26 am

Planning and Environment Act 1987

MANNINGHAM PLANNING SCHEME

AMENDMENT C42

EXPLANATORY REPORT

Who is the Planning Authority?

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

Land affected by the Amendment.

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

What the Amendment does.

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

Why the Amendment is required.

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

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

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

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

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

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

Impact of the Amendment.

Minister's Directions

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

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

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

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

The relevant aspects of the Metropolitan Strategy are:

- Policy 9.1 – Achieve better planning decisions.

How does the Metropolitan Strategy affect the amendment?

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

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

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

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

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

Will the amendment compromise the implementation of the Metropolitan Strategy?

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

Environmental Effects

The amendment will not cause adverse environmental effects.

Social and Economic Effects

The amendment will not cause adverse social and economic effects.

Strategic and Policy Justification of the Amendment

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

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

Where you may inspect this Amendment.

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

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

Manningham City Council
699 Doncaster Road
Doncaster

Clause 22.15 Dwellings in the General Residential Zone, Schedule 1

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

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

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

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

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

11 CITY SERVICES

11.1 2018-2019 Capital Works Program End of June Status Report

File Number: IN19/538
 Responsible Director: Director City Services
 Attachments: 1 2018-2019 Capital Works Program End of June Status Report [↓](#)

EXECUTIVE SUMMARY

This attached Capital Works Status Report, for the period ending 30 June 2019, is provided for review and consideration.

The overall financial performance indicators reveal that \$28.369 million (79.6%) of the Capital Works Program for 2018/19 was spent against the adopted budget of \$35.657 million (non-capitalised), which is below the Council Plan performance target of 90%. The outcomes are summarised in the following table:

2018/19 Financial Performance Outcomes					
Adopted Budget \$000's	MYR Budget \$000's	Actual Expenditure (non-capitalised) \$000's	EoY Forecast \$000's	% of Actual Expenditure Vs Adopted Budget (non-capitalised)	% of Actual Expenditure Vs MYR Budget (non-capitalised)
35,657	39,426	28,369	30,059	79.6%	72%

Throughout the financial year, performance was impacted by delays on a number of projects, which resulted in some fifty-three (53) incomplete projects (or \$9.367 million) being partially deferred or carried forward to the 2019/20 Capital Works Program.

The variation between the budget and actual expenditure occurred as a result of:

- *savings due to efficiencies achieved;*
- *project planning and approval delays;*
- *hold ups by third parties, such as utility company component works, and State Government approving departments (funding partners, land managers/owners);*
- *tender negotiations;*
- *protracted community and stakeholder consultation;*
- *contractor availability problems and performance issues;*
- *difficulties in gaining plant and materials;*
- *impacts from storm events and other non-programmed works affecting the delivery of capital works;*
- *delayed progress of works and access difficulties due to unfavourable weather;*
and
- *resourcing continuity challenges.*

This report addresses and completes Council Plan Actions (Item 2.4.3.11 and Item 2.4.3.12) and Capital Works Adopted budget CEO KPI (Item 5.1.2.35).

COUNCIL RESOLUTION

MOVED: CR MIKE ZAFIROPOULOS
SECONDED: CR MICHELLE KLEINERT

That Council:

- A. Receives and notes the attached Capital Works Program Status Report for the period ending 30 June 2019.**
- B. Notes and approves the transfer of \$0.600 million, as indicated in the Status Report (refer Table B), to enable the effective utilisation of capital funds and additional progress under the Capital Works Program.**
- C. Notes the proposed additional carry forward amount of \$0.207 million, which will be considered as a part of the 2019/20 Mid-Year Review (refer Table C in the attached status report).**
- D. Notes the surplus of \$1.483 million on the 2018/19 Program, representing projects delivered with savings/efficiencies. A separate evaluation process for emerging projects will be undertaken for projects that are ready for implementation in the 2019/20 program.**

CARRIED

2. BACKGROUND

- 2.1 Reporting on the status of the 2018/2019 Capital Works Program is carried out on a quarterly basis to Council as a part of the CEO's Quarterly Performance Report. A detailed report is also presented to Council at the mid-year budget review and end-of-year (EoY) on the overall performance of implementation of the Capital Works Program, including commentary on the progress of budgeted and carry forward projects and variations.
- 2.2 The attached Capital Works Status report includes a financial chart with trend graphs, which have been previously endorsed by Council as the agreed set of monitoring tools for status reporting. Commentary on performance is by exception and as appropriate.
- 2.3 The value of completed works (actual total expenditure) on capital projects at end of June was \$28.369 million (79.6%) of the Capital Works Program (non-capitalised) against the Adopted Budget total of \$35.657 million, and (72%) against the Mid-Year Review (MYR) Budget of \$39.426 million. Against the YTD adopted budget, there is a favourable variance of \$7.288 million (20.4%) below the adopted budget, \$11.057 million (28%) below the MYR budget, and \$1.69 million (5.6%) below the EoY Forecast amount of \$30.059 million, which can be attributed to delays of ongoing projects that are currently committed, and to a period of significant change impacting the continuity of resources through organisational restructure and staff turnover.

- 2.4 The surplus of \$1.483 million is the net result of variations in expenditure on several projects, both under and over, and can be largely attributed to savings being delivered on a number of projects due to efficiencies. A separate evaluation process for emerging projects will be undertaken for projects that are ready for implementation in the 19/20 program in order to distribute monies according to priority.

The total value of carry forwards to 2019/20 is \$9.574 million and includes \$9.367 million of approved carry forwards, plus \$0.207 million of proposed additional carry forwards to be adjusted at the 2019/20 MYR. The outcomes are summarised in the following table:

2018/19 Carry Forward Performance Outcomes		
<i>Adopted Carry Forward \$000's</i>	<i>Actual Carry Forward to be adjusted at 19/20 MYR \$000's</i>	<i>Carry Forward variance \$000's</i>
9,367	9,574	207

- 2.5 The adopted carry forward was identified during the 18/19 financial year and advertised as part of the budget development process for 19/20 capital works program. The actual carry forward at year end has varied by \$0.207 million dollars.
- 2.6 The variation between the adopted carry forward and actual carry forward can be largely attributed to early forecasting of the carry forward and natural variations in projects progressing faster or slower than expected across the whole program up to year end.
- 2.7 Progress against Council Plan actions (Item 2.4.3.12) is below the management performance target of 90%, with 26 projects (49.06%) completed out of a total of 79 projects, and a majority of the 53 incomplete projects partially completed.
- 2.8 The delays have occurred as a result of project planning and approval hold-ups, protracted community and stakeholder consultation, contractor availability and performance issues, difficulties gaining plant and materials as experienced across the state, impacts from storm events and other non-programmed works affecting the delivery of works, from access difficulties due to unfavourable weather, and from internal restructure continuity implications.
- 2.9 Whilst these project delays have impacted on Council's overall performance, resulting in funds being carried forward, some of these projects are well advanced, with the carried forward amount to be spent in the first half of 2019/20. A majority of these projects are anticipated to be completed within 2 months of the new financial year.
- 2.10 Initially, the adopted Capital Works Program 2018/19 consisted of 52 projects. As part of the MYR process, 27 new projects were introduced, giving an overall total of 79 projects. Council's long term planning and 10 year Capital Works Program has enabled these additional projects to be brought forward for implementation. It should be noted that a number of the completed projects are significant in size, and several programs, such as the Asset Management Strategy, Road Management Strategy, Drainage Strategy, Advanced Design Fees and Minor Capital Works, have many significant sub projects and expenditure activities associated with the program. Overall, a total of 176 sub projects were included on the 2018/19 Capital Works Program.

- 2.11 This year's outcomes show an increase in the number of incomplete/deferred projects compared to last year's total of 30 projects, and the result is well below the previous ten year average of 85% (and prior three year average of 96%).
- 2.12 Whilst the management performance target of 90% completion of projects was not met, the results need to be considered against a number of projects with long lead times facing significant delays though project planning approval delays, protracted community and stakeholder consultation, contractor availability, procurement resources and project management resourcing.
- 2.13 The implementation of the organisational project management software system, CAPP, has created opportunities for improved governance, transparency and reporting; however, its implementation has faced a number of challenges due to the number of staff changes, as well as transitional issues with the software itself. Adaptation, training and governance are key priorities to support system implementation moving forward. There are also a number of enhancements planned, which are expected to assist users at all levels.
- 2.14 Capital income received is below YTD budget income at end of June, with an overall variance of 28.2%. This variance can be attributed to a reduction in the sale of plant and vehicle items and lower than expected sale prices, which are dictated by market rates, and from the deferral of income and grants associated to a number of projects that have been delayed and will carry over into 2018/19.

3. DISCUSSION / ISSUE

- 3.1 It is proposed that Council note the outcome of the implementation of the 2019/20 Capital Works Program Status Report, the proposed carry forwards that will be considered at the 2019/20 Mid-Year Review (Refer Table C), and approve the transfer of funds, as indicated in the Status Report (Refer Table B) to ensure effective utilisation of capital funds and additional progress was made under the program.

4. COUNCIL PLAN / STRATEGY

- 4.1 The delivery of the Capital Works Program is also identified as Council Plan Actions (Item 2.4.3.12), to expend equal to or greater than 90% of capital expenditure against the adopted capital budget, and (Item 5.1.3.66), to have 10% or less of the capital works budget carried forward from the adopted budget was not achieved.
- 4.2 The overall performance indicators reveal that 79.6% of the Capital Works Program (non-capitalised) for 2018/19 was spent against the adopted budget of \$35.657 million, and that Council Plan Action (Item 2.3.4.12) has not been achieved against the performance target of 90%
- 4.3 This report addresses and completes these Council Plan Actions, and the details of Council's performance will be included in the Annual Report.

5. IMPLEMENTATION**5.1 Finance / Resource Implications**

Works under the Capital Program have been implemented with an overall surplus of \$1.483 million against the end of year forecast amount of \$30.059 million. The surplus is the net result of variations in expenditure on several projects, both under and over, and can be largely attributed to savings being delivered on several projects due to efficiencies being achieved, and from project scoping and planning delays on a few projects that are ongoing.

5.2 The surplus funds are proposed to be utilised to fund additional capital works, either on projects included in the 2019/20 Capital Works Program, or other priority capital projects that can be brought forward. The inclusion of any additional projects would need to be assessed and prioritised as a part of the capital evaluation process, to ensure that they are justified and can be delivered in order to meet asset and service needs, and/or improve cost efficiencies to enhance customer and business processes. A number of new projects are currently being considered for possible inclusion in the 2019/20 Capital Works Program, and details regarding the future use of surplus funds and proposed variations to the program will be included in a future report to SBS.

5.3 A number of other part funding transfers have also been made on several projects, to enable effective utilisation of capital funds and additional progress was made under the Capital Works Program.

6. DECLARATIONS OF CONFLICT OF INTEREST

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



Bin Cages at Park Reserve

**2018/2019 Capital Works Program
Status Report - End of June**

Capital Works Program 2018/2019 - Status Report Reporting Period - End of June

This Status report covers the period ending 30 June 2019. Variances are reported against the year-to-date (YTD) adopted budget, mid-year review (MYR) budget, and adjusted forecast outcome. The value of works completed at end of June is \$28.369 million (non-capitalised)

- ✓ YTD Completed Works \$7.29 million favourable to the YTD Adopted Budget ¹
- ✓ YTD Completed Works \$11.06 million favourable to the YTD MYR Budget ¹
- ✓ YTD Completed Works \$1.69 million favourable to the YTD Forecast ¹

Legend ✓ - Favourable against YTD Target, x - Unfavourable against YTD Target

¹ This represents the financial outcome after accruing for works completed.

Financial Performances

This summary report provides a chart of financial performance for both Capital Works Expenditure and Income to end of June. The following table provides a snapshot of the performance in regard to the implementation of the Capital Works Program.

	End of Year Forecast Budget (YTD)									
	Adopted Budget	YTD Adopted Budget	MYR Budget	EoY Forecast	YTD MYR Budget	YTD Forecast	YTD Actual	YTD Variance	YTD Variance	Fav / Unfav
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	%	
A. Compared to Adopted Budget										
Budget YTD Outcome	35,657	35,657					28,369	7,288	20.4%	U
B. Compared to Mid Year Review Budget										
MYR Budget YTD Outcome			39,426		39,426	39,426	28,369	11,057	28.0%	U
C. Compared to Forecast Outcome										
Budgeted works	34,152		35,088	35,088	36,474	35,235	24,729	10,506		
Budgeted carry forwards	1,505		1,505	1,505	1,459	1,459	1,109	350		
Additional carry forwards from 2017/18			1,347	1,347	1,493	1,493	1,244	249		
New Works (MYR)										
Budget adjustments (Table D)			1,486	1,486	-	1,239	1,287	(48)		
Approved carry forwards 2018/19 (Table G)				(9,367)		(9,367)		(9,367)		
Forecast YTD Outcome	35,657		39,426	30,059	39,426	30,059	28,369	1,690	5.6%	U
D Income (Table A)										
Budget including plant sales	2,218	2,218	3,154	3,154	3,338	3,523	2,843	(625)		
Grants & income received in advanced				-	-	-	-	-		
Additional grants and income				-	-	-	-	-		
Forecast YTD Outcome	2,218	2,218	3,154	3,154	3,338	3,523	2,843	(625)	-28.2%	U

At the end of June, **79.6%** of the total adopted budget and **72.0%** of the MYR budget allocation has been delivered (on ground value).

Of the \$28.369 million of works completed at the end of June, the value of budgeted works completed, excluding the budgeted carry forward projects, is \$24.729 million. The completed value of the carry forward projects that were delayed from 2017/18, including those in the 2018/19 adopted budget, is \$2.396 million. The value of new post budget adoption projects at end of June is \$1.486 million.

Program Status and YTD Profile

The value of works completed (actual total expenditure) on capital works at end of June is currently stated at \$28.369 million against the adopted budget total of \$35.657 million and MYR budget of \$39.426 million.

Against the YTD adopted budget, there is a favourable variance of \$7.288 million (20.4%) below the adopted budget of \$35.657 million, which can be attributed to delays of ongoing projects that are currently committed and a period of significant change impacting resources through organisational restructure, staff recruitment resulting in staff shortages in key delivery areas.

The delivery of the Program is below the YTD budget and forecast from a project expenditure perspective, as a result of funds being carried forward on a number of projects that were delayed beyond Council's control, and from a surplus (savings) of \$ 1.483 million being delivered under the Capital Works Program.

The total value of carry forwards to 2019/20 is \$9.574 million, and includes \$9.367 million of approved carry forwards, plus \$0.27 million of proposed carry forwards that will be adjusted at the 2019/20 MYR (Refer Table C).

The surplus (savings) of \$1.483 million is the net result of variations in expenditure on several projects, both under and over, and can be largely attributed to savings being delivered on a number of projects, and from project scoping and planning delays on a few projects, that are ongoing and will continue into 2019/20, to be funded from next year's budget allocations.

A number of other part funding transfers have also been made on several projects, and these will not impact on the overall delivery of the programmed works, but will enable these projects to be delivered more effectively to address contractual requirements and/or to meet asset or service needs.

Capital Works - Key Performance Indicators (KPI)

Key Performance Indicators have been prepared to assist in measuring the scope and progress of capital works program and included in the Council Plan.

The overall financial performance indicators reveal that 79.6% of the Capital Works Program was spent against the adopted budget (non-capitalised), which is below the Council Plan performance target, to expend equal to or greater than 90% of capital expenditure against the adopted budget.

The percentage of capital works carried forward to 2019/20 was 20.4%, which did not meet the performance target, to have 10% or less of the capital works budget carried forward from the adopted budget.

Progress against milestones is below Council's non-reportable management performance target of 90%, with 26 projects (49.06%) completed out of a total of 79 projects against the overall program and majority of the 53 incomplete projects have been partially completed.

Trends

There have been a number of projects with long lead times that face significant delays through project planning, approval delays, protracted community and stakeholder consultation, contractor availability, procurement resources and project management resourcing. This has been complicated due to organisational change and resourcing challenges. Significant staff changes have now been completed and resourcing is becoming more stable.

The implementation of the organisational project management software system – CAPPm has created opportunities for improved governance, transparency and reporting, however this has faced a number of challenges due to the number of key staff changes, staff orientation, and utilisation, changeover of project managers, as well as ability to sustain and resource the increased and distributed tasks to project managers. Orientation, training and governance are key priorities to support system implementation and enhancements moving forward. There are also a number of enhancements planned and funding for the coming year that are expected to assist users at all levels with orientation, ease and the user experience.

Storm events, other agencies works and other non-programmed works have affected the delivery of works, by restricting access to sites. While storm and weather events cannot be avoided and occur without notice, effort is going into creating contingencies in project plans and prioritising key projects to minimise risks, where weather may be a critical factor. To improve capability, a range of new panel contracts have been established to ensure adequate resources are available and contractors are capable to assist in project delivery timing. Consideration is being given to improve coordination between other agencies to avoid future impacts.

Roads to Recovery Funding program has been changed for the 2019 period onwards. The funding program runs on a 4 year cycle and will take a greater focus on road safety initiatives rather than just asset management. This will change the type of road projects Manningham Council will be able to nominate and allocate funding to.

Milestone Performance

To end of June, a majority of incomplete/deferred/cancelled or carried forward projects experienced delays due to resourcing and weather concerns. These unspent funds have either been transferred to other current year and substitute projects to address contractual requirements and /or to meet asset and service needs, and then reallocated back in 19/20 by adjustments to other project budgets and cash flows, or carried forward to be completed in 19/20.

Changes are being made to the milestone report for future years due to the implementation of CAPPm software system to manage, track and evaluate the Capital Works projects.

Income

Capital Income received was below YTD budget income at end of June with a variance of 28.2%. This variance can be attributed from the deferral of grants and income associated to a number of projects that have been delayed and will carry over into 2019/20, and from lower than expected sale of plant and equipment items that are dictated by market rates.

Year End Position 2018/19

An EoY total of **\$28.369 million** is currently stated with the following variances and adjustments:

Summary of Variances	\$'000
Additional Grants and Income (Post MYR)	Nil
Approved Deferrals / Transfers (table B)	600
Approved Carry forwards to 2019/20	9,367
Actual Carry Forwards into 2019/20 (Post MYR) (Table C)	9,574
Surplus – Deferred / Incomplete Projects (end of June)	1,483

Approved Transfers

The following is a summary of approved transfer of capital funds, to enable additional progress and effective utilisation of funds in the Capital Works Program.

Table B - Approved Transfers	\$'000	Comments
<ul style="list-style-type: none"> Local Footpath Design and Construct (Line 3) 	600	Transfer of \$600K from Local Footpath Design and construct to AMS Footpath Roads (Line 47)
Total	600	

Variance to Adopted Carry Forward

The following is a summary of adopted carry forward and actual carry forward identified. The variance of \$207K will be adjusted at the MYR. For further detail refer to Table C

2018/19 Carry Forward Performance Outcomes		
Adopted Carry Forward \$000's	Actual Carry Forward to be adjusted at 19/20 MYR \$000's	Carry Forward variance \$000's
9,367	9,574	207

Table C - Carry Forwards from 18/19:

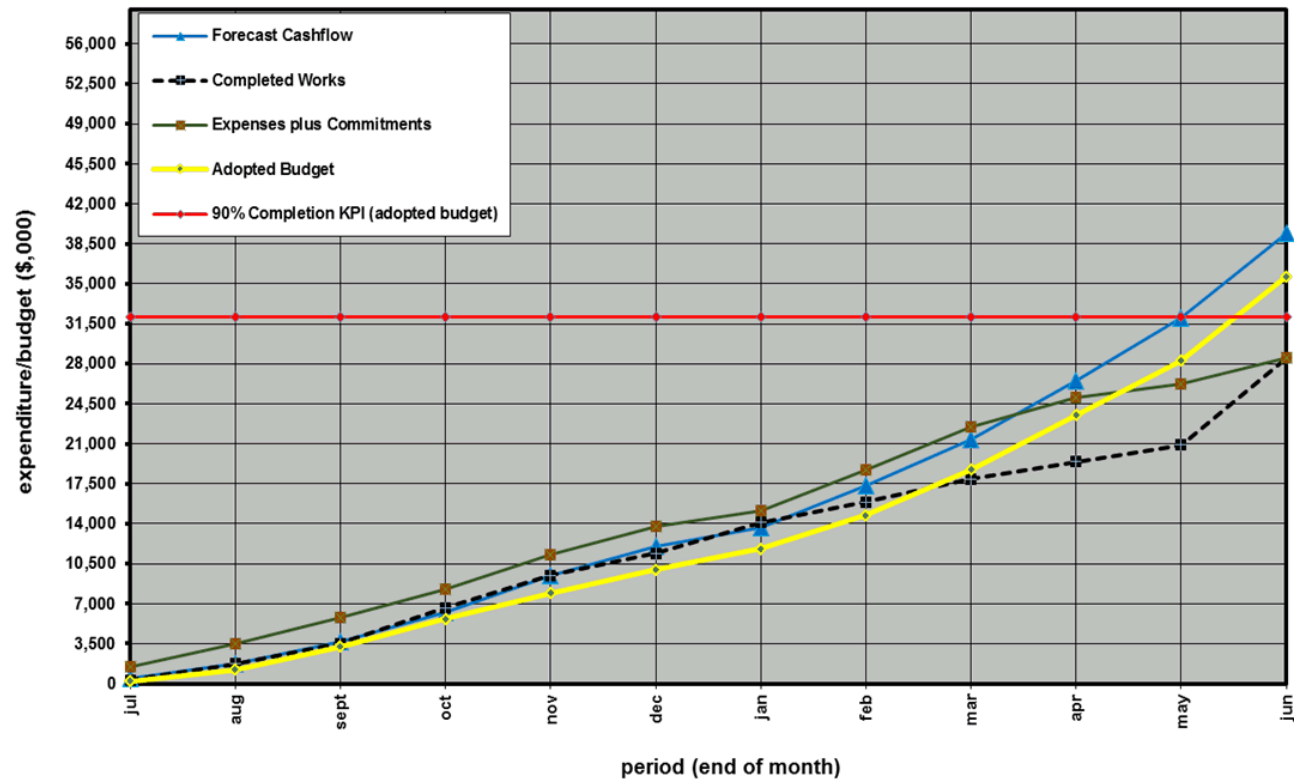
The following is a list of carry forwards into 2019/20:

Project	Unit	\$'000 Adpt CFWD (18/20)	\$'000 Actual CFWD	\$'000 C/F Variance	Comments
Dial B4 you Dig	IT	80	80	0	Carry forward confirmed. Project has not started due to the prerequisite not being completed. Deferred to 19/20
Customer Relationship Management CRM	Transformation	736	736	0	Phase 1 vendor & business decision making delays caused delay to starting phase 2
Information Architecture & Analytics	Transformation	163	253	-90	Tender documentation in progress – estimate only.
Smart Cities – Smarter Flows in Activity Centres	Transformation	31	115	-84	Budget for 2018/19 is \$200,000 rates and \$185,398 grant. Grant stipulated schedule had only \$168,062 for MC in 2018/19.
Workplace Health & Safety Management Solution	Transformation	0	166	-166	
Contract Management System	Transformation	0	93	-93	
Online Services City Approvals and Compliance	Transformation	24	63	-39	Carry forward required for post go live support in Jul – Aug for Stream 1 & 2.
MAGIQ upgrade & Enhancement	Transformation	0	115	-115	
Plant Replacement Program	Infrastructure Services	900	664	236	
Highball Facilities AMS	City Amenity	78	56	22	Being for replacement of skylights (\$56K) for Leeds St and MTL.C. Delayed due to resourcing.
MTLC netball Toilet upgrade (Templestowe) and Pavilion Development (planning)	City Amenity	250	250	0	Project on hold due to resourcing issues.
Mullum Mullum Bowls	City Amenity	358	350	8	Preliminary discussions and scoping has been undertaken. On hold due to resourcing
Female Friendly Toilets	City Amenity	100	100	0	Impact of North East Link planning in December 2018 resulted in project delays of Buleen Park Pavilion amenities refurbishment which will now be completed in September 2019 (between sport seasons)
Warrandyte Tennis Decking	City Amenity	40	40	0	Quotes received to replace existing decking approx. \$70k. As this is 50/50 cost share, waiting on Clubs response to contribution for increase in costs.
Outdoor Basketball & Netball Facilities	City Amenity	45	24	21	Warrandyte Reserve Netball Courts. Club have requested a change in scope, this has been costed and discussion to be had with Club.
Domeney Reserve Pavilion Upgrade (Line 28)	City Amenity/ City Projects	300	281	19	The change in concept and expansion of building envelope has been supported by Council on 26 march 2019. Professional services costs in detailed design has not been required thru this stage. Commitment of funding from clubs to new concept is now required prior to detailed design.
Jumping Creek Road (Line 5)	City Projects	2,250	1,694	556	Design and land acquisition delays, along with resource issues which lead to slippage on the project.
King Street - Stage 2B (Line 8)	City Projects	500	500	0	This project is more AT RISK due to variations from the contractor.
King St / Church Road Channelisation (Line 10)	City Projects	0	100	-100	
Serpells Road (Sarah to Cipora) (Line 14)	City Projects	0	434	-434	
Taroona Avenue Shared Path (Line 14)	City Projects	170	131	39	Unlikely to be complete this FY due to CHMP investigation.
Bolin Bolin Billabong (Line 17)	City Projects	0	264	-264	
Melbourne Hill Road Drainage Scheme (C,P & D) (Line 17)	City Projects	625	411	214	Land acquisition, council outcome - alternative design
Oban Road Culvert (Line 17)	City Projects	410	317	93	Project delivery not complete this FY - due to service relocation lead times
11-32 Toppings Road Wonga Park Pipe Lining (Line 17)	City Projects	0	160	-160	Resource issues have led to slippage in the project
South Valley Rd Catchment Drainage Improvements (Line 17)	City Projects	0	307	-307	

Tennis Club Strategy (Line 35) Doncaster 6 & 12 Currawong	City Projects	258	247	11	On hold due to resourcing. Doncaster Tennis ready to tender. Currawong scope and costings need to be confirmed.
Heidelberg- Warrandyte Road (Oakland to Alexander)	City Projects	295	290	5	Delay due to land acquisition confirmation - design complete
Hepburn Road Extension (Walker Street to Clay Drive)	City Projects	70	163	-93	Demolition for this FY, road construction programme for next FY
Doncaster Park Preschool (Line 46 AMS)	City Projects	150	123	27	Quotes received AT RISK due to restricted site access. Completed during July school holidays
Lower Templestowe Community Centre (Line 46 AMS)	City Projects	0	58	-58	
Ruffey Lake Park Toilets (church road) (Line 46 AMS)	City Projects	0	99	-99	
Playhouse Theatre (Line 46 AMS)	City Projects	0	99	-99	Safety issues which need to be addressed.
Finns Reserve Changing Places Facility	City Projects	90	90	0	Still awaiting detailed design from Civil engineer which has delayed the tender process and not be able to be completed.
12A Hamal Street Donvale Drainage Improvement	City Projects	40	0	40	
Manningham Road (Hazel Drive to Marcus Road) Shared Path - Bicycle Strategy	City Projects	15	0	15	
Rose Ave Drainage Improvement (Design Only)	City Projects	30	0	30	
Parker Street (High Street to Omar Road) Templestowe	City Projects	110	0	110	On hold pending road swap
Tram Merlin Traffic Signals	City Projects	130	0	130	Design only this FY, significant budget issues to be confirmed, delivery 19/20.
Braeside / Studley Intersection Realignment	City Projects	30	0	30	Concept design options to be discussed with Traffic and Urban. Design only 18/19
9 Montgomery	City Projects	50	0	50	Legal issue as a developer has made an issue
Euston Road	City Projects	180	0	180	Design only this FY. Revise design
James and Swilk St (Design Only)	City Projects	100	0	100	
9 Valencia Terrace Drainage Improvement (Design Only)	City Projects	15	0	15	Unforeseen survey issues
Leeds / Beverley Pedestrian Improvements (Splitter Island Replacement)	City Projects	50	0	50	
Tunstall Square Stage 4B (Line 18)	City Projects / Integrated Planning	332	314	18	Proposed carry forward to combine stage 4B construction works with Stage 5 works. Tendering and delivering the stages together will be more cost effective and reduce interruption to traders.
Gainsborough Reserve (Line 22)	Integrated Planning	0	19	-19	
Ruffey Lake Park Upgrade (Line 23)	Integrated Planning	0	50	-50	Councillor Chen Project
Parks Alive Park Upgrades (Line 33) (Fernleigh & Ronald)	Integrated Planning	50	83	-33	Project commencement delayed due to poor planning during the initiate phase - delayed delivery compounded due to resourcing issues.
Ranleigh Reserve (Line 33)	Integrated Planning	32	32	0	Delayed start due to resourcing issues. Due to the complexity of the site, there is now limited time to deliver what was requested.
Tasker Reserve (Line 33)	Integrated Planning	75	62	13	Delayed start due to resourcing issues. Post-consultation, the project needed to be re-scoped and there are now delays associated with supply of playground items.
Anthony Reserve (Line 22)	Integrated Planning	145	141	4	Delayed start due to resourcing issues. A concept has been prepared, but further liaison with Melbourne Water will be required to gain approval for works around their asset prior to commencing with construction works.
Dellview - Springwood	Integrated Planning	30	0	30	
Mullum Mullum Linear Stage 1	Integrated Planning	30	0	30	
TOTAL		9,367	9,574	-207	

Capital Expenditure

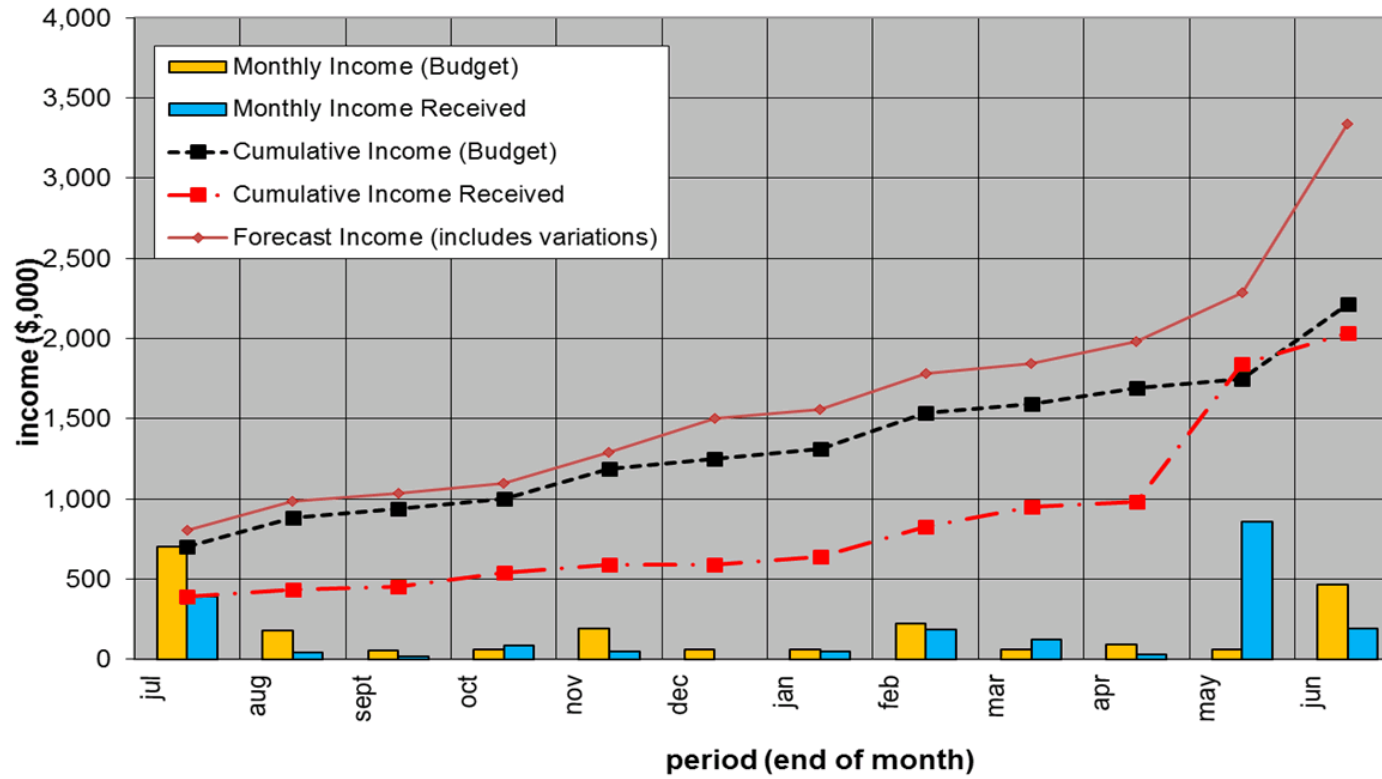
Attachment A



Capital Works Status Report - end of June 2019.DOC Page 8 of 9

Capital Works Income

Attachment B



12 SHARED SERVICES

There were no Shared Services reports.

13 CHIEF EXECUTIVE OFFICER

13.1 Change to September 2019 Council Meeting Date

File Number: IN19/533
Responsible Director: Corporate Counsel and Group Manager Governance & Risk
Attachments: Nil

EXECUTIVE SUMMARY

This report proposes that the Council meeting scheduled for 24 September 2019 be brought forward by one week to 17 September 2019.

COUNCIL RESOLUTION

MOVED: CR ANNA CHEN
SECONDED: CR SOPHY GALBALLY

That Council:

- A. reschedule the 24 September 2019 ordinary meeting of Council to 17 September 2019; and**
- B. authorise the Chief Executive Officer to provide public notice of the change in meeting date.**

CARRIED

2. BACKGROUND

Council endorsed its 2019 Council meeting schedule on 23 October 2018. This report recommends that Council vary the endorsed meeting schedule by bringing the September Council meeting forward by one week to 17 September 2019 for the reasons outlined below.

3. DISCUSSION / ISSUE

Council's Annual Report, including the audited financial and performance statements, is due for submission to the Minister for Local Government by 30 September 2019. A separate meeting is usually scheduled to consider the financial and performance statements before they are submitted to the Victorian Auditor General for auditing. Council is required to include a copy of the auditor's reports on the financial and performance statements in its Annual Report.

It is recommended that, rather than scheduling a separate meeting for the consideration of the financial and performance statements, the ordinary meeting of Council scheduled for 24 September 2019 be brought forward by one week to 17 September 2019. This will deliver an operational efficiency (by requiring only one Council meeting during September) and ensure the Victorian Auditor General has a reasonable timeframe to audit the financial and performance statements before the Annual Report is required to be submitted to the Minister for Local Government.

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.

13.2 Appointment of Authorised Officer - Planning and Environment Act 1987

File Number: IN19/557
Responsible Director: Chief Executive Officer
Attachments: 1 Instrument of Appointment and Authorisation - Justin Richardson [↓](#)

EXECUTIVE SUMMARY

In accordance with the Planning and Environment Act 1987 (the Act), Council is required to authorise officers for the purpose of enforcing the provisions of the Act. It is proposed to appoint the Council officer detailed below as an Authorised Officer pursuant to Section 147(4) of the Act.

COUNCIL RESOLUTION

MOVED: CR SOPHY GALBALLY
SECONDED: CR MICHELLE KLEINERT

In the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and the other legislation referred to in the attached instrument of appointment and authorisation, Council resolves that:

- A. the following Council Officer be appointed as an authorised officer:**
- Justin Richardson
- B. the instrument will come into force immediately upon execution and will remain in force until Council determines to vary or revoke the Instrument or the officer ceases their employment with Council; and**
- C. the Instrument be signed and sealed.**

CARRIED

2. BACKGROUND

- 2.1 The *Planning and Environment Act 1987* (the Act) regulates enforcement of the Act and is reliant on authorised officers acting on behalf of the Responsible Authority which is Council.
- 2.2 The Act, unlike the *Local Government Act 1989*, does not permit appointments to be made by the Chief Executive Officer and therefore in order for the officer to legally undertake the duties of their position under the Act, it is necessary for Council to make appointments by formal resolution.
- 2.3 The Instrument of Appointment and Authorisation has been prepared based on advice from Maddocks Lawyers and empowers the relevant officer to exercise those powers granted in the Instrument.

- 2.4 The appointment will come into force immediately upon its execution under the Seal of Council and will remain in force until varied or revoked by Council or the officer ceases employment with Council.
- 2.5 In addition to the appointment under the Act, Council pursuant to Section 224 of the *Local Government Act 1989*, may appoint any person other than a Councillor to be an authorised officer for the purposes of the administration and enforcement of most other Acts, Regulations or Local Laws which relate to the functions and powers of Council. This broader Instrument of Appointment and Authorisation has already been carried out, in respect to the designated officer, under the delegated authority of the Chief Executive Officer as the first part of a dual appointment process.
- 2.6 The appointment form will be recorded in the Authorised Officers Register that is required to be kept by Council and is available for public inspection.

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.

**Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)**

In this instrument "officer" means -

Justin Richardson

By this instrument of appointment and authorisation Manningham City Council -

- 1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
- 2. under section 232 of the *Local Government Act 1989* authorises the officer generally to institute proceedings for offences against the Acts and regulations described in this instrument.

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

This instrument is authorised by a resolution of the Manningham City Council on 27 August 2019.

The Common Seal of)
Manningham City Council)
was hereunto affixed)
in the presence of:)

Mayor

Chief Executive Officer

Date:

13.3 Record of Assembly of Councillors

File Number:	IN19/531
Responsible Director:	Chief Executive Officer
Attachments:	1 Sustainable Design Taskforce – 25 July 2019 ↓
	2 Strategic Briefing Session - 30 July ↓
	3 MEMPC - 2 August 2019 ↓
	4 Access & Equity Advisory Committee - 5 August 2019 ↓
	5 Strategic Briefing Session - 6 August 2019 ↓
	6 Strategic Briefing Session - 13 August 2019 ↓

EXECUTIVE SUMMARY

Section 80A of the Local Government Act 1989 requires a record of each meeting that constitutes an Assembly of Councillors to be reported to an ordinary meeting of Council and those records are to be incorporated into the minutes of the Council Meeting.

COUNCIL RESOLUTION

MOVED: CR ANDREW CONLON
SECONDED: CR MICHELLE KLEINERT

That Council note the Records of Assemblies for the following meetings and that the records be incorporated into the minutes of this Council Meeting:

- **Sustainable Design Taskforce – 25 July 2019**
- **Strategic Briefing Session – 30 July 2019**
- **Municipal Emergency Management Planning Committee – 2 August 2019**
- **Access & Equity Advisory Committee – 5 August 2019**
- **Strategic Briefing Session – 6 August 2019**
- **Strategic Briefing Session – 13 August 2019**

CARRIED

2. BACKGROUND

2.1 An Assembly of Councillors is defined in the Local Government Act 1989 as a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of the Council staff which considers matters that are intended or likely to be:-

2.1.1 The subject of a decision of the Council; or

2.1.2 Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation.

- 2.2 An advisory committee can be any committee or group appointed by council and does not necessarily have to have the term 'advisory committee' in its title.
- 2.3 Written records of Assemblies are to include the names of all Councillors and members of Council staff attending, a list of matters considered, any conflict of interest disclosures made by a Councillor and whether a Councillor who has disclosed a conflict of interest leaves.

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.

- Sustainable Design Taskforce – 25 July 2019
- Strategic Briefing Session – 30 July 2019
- Municipal Emergency Management Planning Committee – 2 August 2019
- Access & Equity Advisory Committee – 5 August 2019
- Strategic Briefing Session – 6 August 2019
- Strategic Briefing Session – 13 August 2019

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

Sustainable Design Taskforce

Meeting Date: 25 July 2019
Venue: Koonung Room, Civic Office, 699 Doncaster Rd, Doncaster
Starting Time: 7:30am

1. **Councillors Present:**
Councillor Mike Zafiroopoulos (Deputy Mayor) – Koonung Ward
Councillor Dot Haynes – Koonung Ward
Councillor Paul McLeish – Mullum Mullum Ward
Councillor Paula Piccinini – Heide Ward

Officers Present:
Fiona Troise – Manager Statutory Planning
Jonathan Caruso – Principal Planner
Julie Mikkelsen – Town Planner
Jessica Thomas – Town Planner
Jan Marzic – Approvals Engineer
Dylan Pedersen – Office Coordinator Statutory Planning

2. **Disclosure of Conflicts of Interest**
No disclosures were made.
3. **Items Considered**
1. 9-11 Clay Drive DONCASTER
 2. 52-56 Rathmullen Quadrant DONCASTER

Finishing time
8:50am

Record of an Assembly of Councillors

Manningham City Council

Strategic Briefing Session

Meeting Date: 30 July 2019
Venue: Council Chamber, Civic Office, 699 Doncaster Rd, Doncaster
Starting Time: 6:30pm

1. **Councillors Present:**
Councillor Paula Piccinini (Mayor), Councillor Anna Chen (Deputy Mayor),
Councillor Andrew Conlon, Councillor Sophy Galbally, Councillor Dot Haynes,
Councillor Geoff Gough, Councillor Paul McLeish and Councillor Mike Zafiroopoulos

Apologies from Councillors:
Councillor Michelle Kleinert

Executive Officers Present:
Andrew Day, Chief Executive Officer
Angelo Kourambas, Director City Planning and Community
Andrew McMaster, Corporate Counsel and Group Manager Governance & Risk

Other Officers in Attendance:
Niall Sheehy, Group Manager Approvals and Compliance
Fiona Troise, Manager Statutory Planning
Matt Slavin, Manager Integrated Planning
Lydia Winstanley, Senior Strategic Planner
Susan Ross, Senior Strategic Planner
Andrew Allan, Strategic Water Engineer

2. **Disclosure of Conflicts of Interest**
No conflicts of interest were disclosed.

3. **Items Discussed**
3.1 Flood Mapping
3.2 The Victorian Planning System
3.3 Planning Delegations
3.4 Sustainable Design Taskforce

The meeting ended at 9.50pm

Record of an Assembly of Councillors

Manningham City Council

Municipal Emergency Management Planning Committee (MEMPC)

Meeting Date: Friday 2 August 2019
Venue: Council Chamber, Civic Office, 699 Doncaster Rd, Doncaster
Starting Time: 10am

1. **Councillors Present:**
Councillor Sophy Galbally – Mullum Mullum Ward

Officers Present:

Leigh Harrison – Director
Ben Middleton – Coordinator Emergency Management
Scott Morone – Team Leader Local Laws and Municipal Fire Prevention Officer
Amber Thorgersen – Emergency Management Officer
Dean Graham – Engagement Officer, Emergency Management
John O'Brien – Assets and Environment Coordinator
Justin Hanrahan – Manager Economic and Community Wellbeing
Travis Fitch – Coordinator Environmental Health
Michael Tregonning – Coordinator Parks
Jude Whelan – Manager Communications

2. **Disclosure of Conflicts of Interest**
N/A

3. **Items Considered**

1. General Business
 - Terms of Reference and Membership List
 - Council Emergency Management Team
 - Grants and Projects Update
 - Council Neighbourhood Safer Places/Bushfire Place of Last Resort
 - MEMP Audit
 - CERA Update and Approach in the future
 - Community Engagement Update
 - Training and Exercise Update
2. Sub Committee Reports
 - Municipal Fire Management Planning Committee
 - Community Resilience Committee
3. Agency Reports

Finishing time

The meeting ended at 11.55am

Record of an Assembly of Councillors

Manningham City Council

Access & Equity Advisory Committee

Meeting Date: 5 August 2019
Venue: Heidi room, Civic Office, 699 Doncaster Rd, Doncaster
Starting Time: 5.00pm

1. Councillors Present:

Councillor Mike Zafiropoulos – Koonung Ward

Officers Present:

Matt Slavin, Manager Integrated Planning
Jon Adams, Community Development Officer – Metro Access
Ellen Davis-Meehan, Community Engagement and Research Advisor

2. Disclosure of Conflicts of Interest

No conflicts of interest were disclosed.

3. Items Considered

1. Welcome and Acknowledgement of Country
2. Confirmation of previous minutes
3. Engagement with LGBTIQ young people - Access Health
4. Introducing Manningham Youth Service Provider - EACH
5. Access Audits
6. Other Business
7. Summary of any advice back to Council
8. Agenda ideas for upcoming meetings
9. Committee member update

Finishing time

The meeting ended at 7.00pm

Record of an Assembly of Councillors

Manningham City Council

Strategic Briefing Session

Meeting Date: 6 August 2019
Venue: Council Chamber, Civic Office, 699 Doncaster Rd, Doncaster
Starting Time: 6:39pm

1. **Councillors Present:**
Councillor Paula Piccinini (Mayor), Councillor Anna Chen (Deputy Mayor),
Councillor Andrew Conlon, Councillor Sophy Galbally, Councillor Dot Haynes,
Councillor Geoff Gough, Councillor Paul McLeish and Councillor Mike Zafiroopoulos

Apologies from Councillors:
Councillor Michelle Kleinert

Executive Officers Present:
Andrew Day, Chief Executive Officer
Leigh Harrison, Director City Services
Angelo Kourambas, Director City Planning and Community
Andrew McMaster, Corporate Counsel and Group Manager Governance & Risk

Other Officers in Attendance:
Carrie Bruce, Senior Governance Advisor
Kim Tran, Governance Officer
Matt Slavin, Manager Integrated Planning
Andrew Allan, Strategic Water Engineer
Gabrielle O'Halloran, Senior Strategic Planner
Lee Robson, Group Manager – Community Programs
Ben Harnwell, Coordinator Business Events and Grants
Frank Vassilacos, Coordinator City Planning
Liz Lambropoulos, Team Leader Integrated Transport
Jude Whelan, Manager Communications
Felicity Lucarelli, Senior Integrated Communications Advisor – North East Link

2. **Disclosure of Conflicts of Interest**
No conflicts of interest were disclosed.

3. **Items Discussed**
- 3.1 Development Contributions
 - 3.2 Co-working in Manningham
 - 3.3 North East Link Update
 - 3.4 Flood mapping

The meeting ended at 9.10pm

Record of an Assembly of Councillors

Manningham City Council

Strategic Briefing Session

Meeting Date: 13 August 2019
Venue: Council Chamber, Civic Office, 699 Doncaster Rd, Doncaster
Starting Time: 6:35pm

1. **Councillors Present:**
Councillor Paula Piccinini (Mayor), Councillor Anna Chen (Deputy Mayor),
Councillor Andrew Conlon, Councillor Dot Haynes, Councillor Geoff Gough, Councillor
Michelle Kleinert, Councillor Paul McLeish and Councillor Mike Zafiroopoulos

Apologies from Councillors:
Councillor Sophy Galbally

Executive Officers Present:
Andrew Day, Chief Executive Officer
Leigh Harrison, Director City Services
Angelo Kourambas, Director City Planning and Community
Philip Lee, Director Shared Services
Andrew McMaster, Corporate Counsel and Group Manager Governance & Risk
Kerryn Paterson, Group Manager People and Communications

Other Officers in Attendance:
Carrie Bruce, Senior Governance Advisor
Vicki Miller, Strategic Risk and Assurance Advisor
Joseph Linnestad, Manager Citizen Connect
Donna Russ, Customer Experience Advisor
Jude Whelan, Manager Communications
Ellen Davis-Meehan, Community Engagement and Research Advisor
Matt Slavin, Manager Integrated Planning
Frank Vassilacos, Coordinator City Planning
Lee Robson, Group Manager Community Programs
Ben Harnwell, Coordinator Business Events and Grants

2. **Disclosure of Conflicts of Interest**
No conflicts of interest were disclosed.
3. **Items Discussed**
- 3.1 Audit Committee Update
 - 3.2 Customer Satisfaction and Citizen Connect Research
 - 3.3 Planning Scheme Controls for Exotic Pine and Cypress Trees
 - 3.4 Community Services Needs
 - 3.5 North East Link Employment Land Study (Websters Road / Industrial Land Offset)
 - 3.6 Fitzsimons Lane Upgrade
 - 3.7 Veneto Club, Bulleen Development Plan
 - 3.8 Amendment C130mann
 - 3.9 2018-2019 Capital Works Program Status Report

The meeting ended at 9.50pm

13.4 Documents for Sealing

File Number: IN19/516
Responsible Director: Chief Executive Officer
Attachments: Nil

EXECUTIVE SUMMARY

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

COUNCIL RESOLUTION

MOVED: CR DOT HAYNES
SECONDED: CR ANNA CHEN

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 Elf Property Pty Ltd
135 Manningham Road, Bulleen**

**Deed of Renewal and Variation of Lease
Council and Child and Family Care Network Inc.
Part 5-7 Derreck Avenue, Bulleen**

**Consent to Build over an Easement
Agreement under Section 173 of the Planning and Environment Act 1987
Council and MK & SM Developments Pty Ltd
24 Glenair Street, Templestowe Lower**

**Consent to Build over an Easement
Agreement under Section 173 of the Planning and Environment Act 1987
Council and STM Construction & Development Pty Ltd
34 Maggs Street, Doncaster East**

**Consent to Build over an Easement
Agreement under Section 173 of the Planning and Environment Act 1987
Council and C A Lepre and K M Lepre
111 Woodhouse Road, Donvale**

**Consent to Build over an Easement
Agreement under Section 173 of the Planning and Environment Act 1987
Council and Vector Property Corp Pty Ltd
2 Loxley Court, Doncaster East**

CARRIED

2. BACKGROUND

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

3. DECLARATIONS OF CONFLICT OF INTEREST

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

14 URGENT BUSINESS

There were no items of Urgent Business.

15 COUNCILLORS' QUESTION TIME

15.1 Suburban Rail Loop Advocacy

Councillor Chen raised the Suburban Rail Loop transport project noting the impact this project will have on Manningham. She advised that planning for the first stage of this project only extends to Box Hill and suggested that rail to Doncaster be included in stage one to address the expected increase in population and employment in Manningham. She noted that the State Government is currently silent on whether to include Doncaster in stage one of the project.

Councillor Chen asked – What can the community expect from Council in relation to its advocacy work on the Suburban Rail Loop to include Doncaster in stage one?

The Chief Executive Officer, Mr Andrew Day responded that a strategic assessment of the Suburban Rail Loop had been undertaken which shows the project being broken up into a number of separate tranches. Currently the first tranche is planned to start around Cheltenham and finish at Box Hill. He advised that Manningham's position is to seek to have the first tranche extended to include Doncaster.

In terms of advocacy, Mr Day responded that Council officers have met with a variety of stakeholders to outline Council's position including Rail Projects Victoria, the Suburban Rail Loop team and Latrobe University who is very interested in moving the rail as far north as possible. He also advised that Council is a member of a number of regional groups where Council's position has also been tabled.

Mr Day stated that Council had also taken the opportunity when meeting with Members of Parliament and Ministers about the North East Link Project to put Council's position quite firmly regarding Manningham being included in the first tranche of the Suburban Rail Loop.

In addition to this, Mr Day advised that Council is undertaking an independent piece of work to identify opportunities to ensure the right sort of land holdings are available to accommodate a stations as part of that first tranche.

16 CONFIDENTIAL REPORTS

There were no Confidential Reports.

The meeting concluded at 7:55pm

Chairperson
CONFIRMED THIS 17 September 2019