



**MANNINGHAM**

# **COUNCIL MEETING MINUTES**

<b>Date:</b>	<b>Tuesday, 22 February 2022</b>
<b>Time:</b>	<b>7:00pm</b>
<b>Location:</b>	<b>Council Chamber, Civic Centre 699 Doncaster Road, Doncaster</b>

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**MANNINGHAM CITY COUNCIL  
MINUTES OF THE COUNCIL MEETING  
HELD ON 22 FEBRUARY 2022 AT 7:00PM  
IN COUNCIL CHAMBER, CIVIC CENTRE  
699 DONCASTER ROAD, DONCASTER**

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The meeting commenced at 7:02pm.

**PRESENT:**

- Councillor Michelle Kleinert (Mayor)
- Councillor Deirdre Diamante (Deputy Mayor)
- Councillor Anna Chen
- Councillor Andrew Conlon
- Councillor Geoff Gough
- Councillor Carli Lange
- Councillor Tomas Lightbody
- Councillor Laura Mayne
- Councillor Stephen Mayne

**OFFICERS PRESENT:**

- Chief Executive Officer, Mr Andrew Day
- Director Experience and Capability, Ms Kerryn Paterson
- Director City Services, Ms Rachelle Quattrocchi
- Acting Director City Planning & Community, Mr Niall Sheehy
- Chief Legal and Governance Officer, Mr Andrew McMaster
- Chief Financial Officer, Mr Jon Gorst
- Acting Group Manager Approvals and Compliance, Ms Fiona Troise
- Group Manager Community Programs, Ms Lee Robson

**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 Mayor noted three written disclosures of a conflict of interest were received from:

- Cr Deirdre Diamante for item 9.1 concerning Planning Application PLN20/0544 at 15 Glendale Avenue, Templestowe, the interest being a general conflict of interest as she lives in close proximity to 15 Glendale Avenue;
- Cr Carli Lange for item 10.2 concerning the endorsement of nominations for the Manningham Youth Advisory Committee, the interests being both a material and a general conflict of interest due to a family member applying to join the committee; and
- Director of City Services, Rachelle Quattrocchi for item 17.1 concerning the South East Metropolitan Advanced Waste Processing Project, the interest being a material conflict of interest due to her role as an interim Board member of South East Metropolitan Advanced Waste Processing Pty Ltd.

### 4 CONFIRMATION OF MINUTES

**COUNCIL RESOLUTION**

**MOVED: CR DEIRDRE DIAMANTE**  
**SECONDED: CR ANDREW CONLON**

**That the Minutes of the Council Meeting held on 14 December 2021 be confirmed.**

**CARRIED UNANIMOUSLY**

## 5 PRESENTATIONS

### 5.1 Passing of former Councillor Clive Pick

The Mayor acknowledged the recent passing of former Councillor Clive Pick.

Mr Pick served as a Councillor from 1992 - 1994. Mr Pick's passion for the community focused on multicultural causes and campaigns. He also enjoyed getting involved in local grassroots movements and the Manningham business community.

As a Councillor, Mr Pick was dedicated to Templestowe Village and helping meet the needs of its traders. He was also a great advocate and promoter of Bulleen's Veneto Club where he served as an ambassador to the club for well over two decades.

#### COUNCIL RESOLUTION

**MOVED: CR GEOFF GOUGH**  
**SECONDED: CR ANNA CHEN**

**That Council:**

- **place on record its sadness at the recent passing of Mr Clive Pick;**
- **record its appreciation for the contribution by Mr Clive Pick to the Manningham Council and the broader community; and**
- **extend its sympathy and condolences to Mr Pick's family at this very difficult time.**

**CARRIED UNANIMOUSLY**

### 5.2 Australia Day Honours 2022

The Mayor acknowledged Templestowe resident Li Na Lei OAM who received an award in this year's Australia Day Honours List for service to the Paralympics and as a Gold Medallist.

### 5.3 Winter Olympics Silver Medallist – Scotty James

The Mayor acknowledged and congratulated Warrandyte born Scotty James who won the silver medal in the Men's Snowboard Halfpipe Finals at the recent Beijing Winter Olympics 2022.

The four time Olympian was the youngest male Olympian in 50 years when competing at this first Olympics in 2010. Scotty has been an active role model and mentor within his sport, and is a great ambassador for winter sports and the sporting community.

## 6 PETITIONS

There were no Petitions.

## 7 PUBLIC QUESTION TIME

### 7.1 M Downie

- Q1 I have recently been walking my dog in 100 acres because of its gravel paths. However, it is like an obstacle course with so many fallen trees covering the tracks. I recently saw council staff removing some dead trees along Knees Rd. When will Council clean up trees blocking paths in 100 acres?

*Ms Rachelle Quattrocchi, Director City Services thanked the resident for her question and responded that regular maintenance is conducted within the 100 Acres Bushland Reserve. Ms Quattrocchi advised that parks maintenance crews are currently working through a back log of tree requests from recent storm events and attending to all tree debris requests as soon as practicable. This request has been noted and alerted for action by the parks team. An update on the progress of these works will be provided once available.*

- Q2 The open space beside the FOMDAC rooms at 53-55 Aranga Crescent seems to be a magnet for undesirable nocturnal activities. Rubbish eg drink cans (alcohol) soda, stream vials (used for sniffing are) regularly dumped and on occasions there are people sleeping rough. Previously our past President cleaned up but it is not our responsibility and this is something I am not prepared to do. In November and again this month I have had to contact the police. What will Council do to control rubbish dumping and make it safer for people to exit the rooms at night?

*Ms Quattrocchi responded that dumped rubbish is addressed across Manningham via both our compliance and open space management teams. She noted that if dumped rubbish is causing an issue residents are encouraged to report it to Council via lodgement of a Customer Request and it will be assigned to a clean-up crew accordingly. Ms Quattrocchi further advised that ongoing engagement and education is also a focus to prevent dumping of rubbish in the community. She noted that security of open space areas is a police matter, and Council will continue to work in partnership with the police to address anti-social and community safety matters.*

### 7.2 H Jurcevic OAM

- Q1 With the number of Ethnic Seniors' Clubs in Manningham, possibly 15+, some who have memberships well over 100 members in many of the Clubs. Considering Council has 90+ million dollars in the bank and being debt free would Council provided a 'dedicated' Seniors' Club community bus, as well, so as to guarantee the seniors club members will be picked up and taken home for their weekly meeting?

*Mr Niall Sheehy, Acting Director City Planning and Community responded that Council is in the process of rolling out a trial of the Supported Transport Service. The trial will introduce alternative ways to link patrons to places they wish to travel to, enabling increased independence and social opportunities.*

*Mr Sheehy advised that the trial will operate until December 2022. Throughout this period, officers will continuously evaluate the service, which will inform Council on the best way forward to assist older residents of Manningham to be better connected. He noted that a report will be presented to Council once the trial has been evaluated.*

### **7.3 S Coliaie**

When there is a rule (however it is so general and not tailored about the minimum required distance from other properties, ...) and it clearly tell that this business CANNOT KEEP the garage open during and between the sessions why despite of raising 3 cases and spending almost a year Manningham Council not the home business to obey the existing rule?

How can I get a formal response from Manningham Council to provide it to the EPA/VACT for further follow up?

*Mr Niall Sheehy, Acting Director City Planning and Community responded that the relevant part of the planning scheme that relates to home based businesses is set by the State Government and does not include any prescriptive criteria such as distance or noise requirements. Instead, officers must take a subjective analysis when investigating complaints regarding home businesses.*

*In response to the questioners specific issue, Mr Sheehy advised that officers had attended both properties to observe activity. He advised that, having observed the activity, officers concluded there was no breach of the planning scheme and therefore, Council is unable to require that the garage door and the adjoining home business be closed during operation.*

*Mr Sheehy advised that a written response would be provided to the questioner in addition to the verbal advice already received.*

### **7.4 G Lau**

I have emailed our council with pictures and videos in regarding to illegal parking/loading during school time at school zone at Cassowary St Doncaster East but situation has gone from bad to worse. The situation creates dangerous to resident, students and drivers. This situation will only get worse as there are two active sites starting and 3 extra sites will be starting soon within 15 blocks distance to the school (in total 5).

While planning department keeps issue permit to developers which is destroying our environment. Any planning to improve the traffic around school area due to so many townhouses were permitted and the number of cars has increased dramatically.

What can you do to improve this situation? Will you introduce some restrictions and penalty especially to the sites which are close to schools?

*Mr Niall Sheehy, Acting Director City Planning and Community responded that construction work in close proximity to the school has exacerbated traffic conditions within the school precinct.*

*Mr Sheehy advised that parking restrictions apply to the northern side of Cassowary Street between Blackburn Road and Devon Drive. No parking is allowed between half past eight and 9:15am in the morning and 3pm to 4pm in the afternoon in order to facilitate safe two-way traffic flow during these periods. In addition, restrictions along the Blackburn Road service lane are also being reviewed in conjunction with the footpath to encourage walking. Mr Sheehy advised that Manningham officers will continue to monitor the area and will take appropriate action if vehicles are observed to be parked unlawfully.*

## **8 ADMISSION OF URGENT BUSINESS**

There were no items of Urgent Business.

## 9 PLANNING PERMIT APPLICATIONS

### 9.1 Planning Application PLN20/0544 at 15 Glendale Avenue, Templestowe for the construction of six, two-storey dwellings

#### Conflict of Interest

Cr Diamante stated: "Councillors, I wish to disclose that I have a conflict of interest in this item, the interest being a general conflict of interest as I live in close proximity to 15 Glendale Avenue. I will be leaving the chamber for the duration of this matter."

*Having disclosed her conflict of interest Cr Diamante left the meeting at 7:20pm and returned at 7:23pm after the matter had been finalised. She took no part in the discussion or voting on this item.*

File Number:	IN22/11
Responsible Director:	Acting Director City Planning & Community
Applicant:	Tom Motta Building Designer
Planning Controls:	General Residential Zone, Schedule 2; Design and Development Overlay Schedule 8-3 (Sub-precinct B)
Ward:	Westerfolds
Attachments:	1 Decision Plans <a href="#">↓</a> 2 Legislative Requirements <a href="#">↓</a> 3 Map of Objectors (confidential)

#### EXECUTIVE SUMMARY

##### Purpose

1. This report provides Council with an assessment of the planning permit application submitted for the land at 15 Glendale Avenue, Templestowe. The report recommends approval of the submitted proposal, subject to amendments that will be addressed by way of permit conditions. The application is being reported to Council as the application has been called in at the request of Councillors.

##### Proposal

2. The proposal is for the construction of six, two-storey dwellings, each with an at-grade double garage. The existing dwelling on the land will be demolished to make way for the proposal.
3. The six dwellings are arranged in two rows of three, along the eastern and western boundaries of the site. The two dwellings at the 'front' of each row (Dwellings 1 and 4) have their garages facing Glendale Avenue, which are accessed by their own individual driveways and crossovers. The remaining dwellings (Dwellings 2, 3, 5 and 6) have their garages within a central shared driveway.

4. The land has a frontage of 28.95 metres to Glendale Avenue and a total site area of 1,323 square metres. The proposal has a building site coverage of 48.5%, site permeability of 31.7%, and achieves a garden area (per the definition at Clause 73.01 of the Manningham Planning Scheme) of 35.1%.
5. The maximum height of the development is 8.045 metres (north elevation).
6. A total of 12 car parking spaces are provided within the double garages of each dwelling. No on-site visitor car parking is provided.

#### **Notification**

7. Notice of the application was given over a two week period that concluded on 24 November 2021, by way of letters to adjacent and nearby properties and erecting a notice on the site frontage.
8. To date, 11 objections have been received. Issues raised primarily relate to traffic and car parking congestion and safety, internal driveway manoeuvrability, overdevelopment (including setting of a precedent), noise, pollution, overlooking, overshadowing to windows, neighbourhood character, streetscape impacts, insufficient landscaping/greenery, waste collection functionality, environmental impacts, insufficient infrastructure, insufficient room sizes and private open spaces, visual bulk/massing, impacts to adjoining trees, construction materials, boundary fencing, and property maintenance.
9. The location of objectors are shown on a map provided in Confidential Attachment 3.

#### **Key issues in considering the application**

10. The key issues for Council in considering the proposal relate to:
  - The Planning Policy Frameworks
  - Design and built form
  - Two or more dwellings on a lot and residential buildings
  - Car parking and traffic
  - Objector concerns

#### **Assessment**

11. The development of the land for six, two-storey dwellings is consistent with the Planning Policy Frameworks, Zone, Overlay and relevant Particular Provisions of the Manningham Planning Scheme.
12. Subject to the recommended conditions, the proposal generally complies with the objectives of Clause 55 (Two or more dwellings on a lot and residential buildings), the design requirements of Schedule 8 to the Design and Development Overlay (DDO8), the purpose and decision guidelines of the General Residential Zone, and is an appropriate response to its physical site context as well as its strategic policy context.
13. The proposed car parking arrangement is consistent with the requirements of Clause 52.06 (Car parking) of the Scheme.

14. The subject site is located within the Principal Public Transport Network (PPTN) area and therefore there is no requirement in the Manningham Planning Scheme for the provision of visitor car parking spaces.

### Conclusion

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

### COUNCIL RESOLUTION

**MOVED:** CR ANNA CHEN  
**SECONDED:** CR GEOFF GOUGH

**That Council:**

- A. Having considered all objections, issue a Notice of Decision to Grant a Permit in relation to Planning Application PLN20/0544 at 15 Glendale Avenue, Templestowe for the construction of six, two-storey dwellings, subject to the following conditions –**

#### **Amended Plans**

- 1. Before the development starts, amended plans drawn to scale and dimensioned, must be submitted 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 Tom Motta Building Designer, project number 001, Revision C, dated 1 November 2021), but modified to show:**

#### **Open Space**

- 1.1 Details of tree protection measures required to be implemented for all existing vegetation within adjoining properties, as per the Tree Protection Management Plan required as part of this permit.**
- 1.2 A notation to indicate that the gas and water meter locations will be screened by landscaping or non-obtrusive, attractive screens to the satisfaction of the Responsible Authority.**
- 1.3 The erroneous notations referring to removal and replacement of a street tree deleted.**
- 1.4 The Dwelling 2 and 5 storage sheds reduced in size to enable screen planting along the site boundaries, with alternate storage provided off the garage if practicable, while maintaining a total minimum 6 cubic metres of storage per dwelling.**
- 1.5 The Dwelling 3 clothesline relocated to the fence/adjoining garage wall on the boundary.**
- 1.6 The landscaping strips opposite the Dwelling 1, 2, 4 and 5 kitchen and meals windows with a width of 1.5 metres, or these windows having a sill height of at least 1.4 metres above the driveway level.**

**Tree 30**

- 1.7 The finished floor level of the Dwelling 4 garage to be 0.1 metre above natural ground level in accordance with the arborist recommendations to protect Tree 30, by cross sectional diagrams and additional survey information as necessary. Any subsequent changes to the garage appearance must be managed to minimise off-site amenity or other impacts, to the satisfaction of the Responsible Authority.**

**Overlooking**

- 1.8 Cross sectional diagrams demonstrating how the boundary fence and free-standing trellis will limit overlooking from the Dwelling 5 deck (including on a 45 degree angle from the edge of the deck) in accordance with Standard B22 of Clause 55.04-6 (Overlooking) of the Scheme.**
- 1.9 The erroneous notation on the north elevation of Dwelling 3 that refers to no trellis being required deleted.**
- 1.10 A detailed diagram to demonstrate how the free-standing trellis will be constructed, which must not be attached to the fence to the satisfaction of the Responsible Authority.**

**Car parking / Access**

- 1.11 The proposed crossover dimensioned to show a width of 3.0 metres.**
- 1.12 Sensor lights provided above all porch entries and garage openings.**
- 1.13 Doors providing internal access from garages redesigned so that they do not swing into the car parking spaces within the garages.**
- 1.14 The internal dimensions of the Dwelling 1 and 4 garages, which comply with Clause 52.06-9 of the Scheme.**
- 1.15 Updated swept path diagrams that show both the ingress and egress movements for the southern car pace in the Dwelling 3 garage.**

**Sustainability**

- 1.16 Solar protection measures provided above the north facing living, meals and kitchen windows of Dwellings 3 and 6, which must not be more than 0.6 metres deep.**
- 1.17 A notation to indicate that the development must be constructed in accordance with the Sustainable Design Assessment approved as part of this permit.**

- 1.18 All plan notations required by the Sustainable Design Assessment approved as part of this permit;
- 1.19 A notation to indicate that the development must be constructed in accordance with the STORM Rating Report approved as part of this permit.
- 1.20 All plan notations required by the STORM Rating Report approved as part of this permit.

#### **Endorsed Plans**

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

#### **Sustainable Design Assessment**

3. The development must be constructed in accordance with the Sustainable Design Assessment approved and forming part of this permit (Prepared by Northern Environmental Design, dated 17 September 2020), and all of its requirements must be implemented and complied with at all times to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.

#### **Tree Protection Management Plan (TPMP)**

4. Before the submission of plans to be endorsed under Condition 1, a Tree Protection and Management Plan (TPMP) prepared by a suitably qualified Arborist, setting out how the trees to be retained will be protected during construction, and which generally follows the layout of Section 5 of AS4970 'Protection of trees on development sites', must be submitted to the Responsible Authority. When approved the TPMP will be endorsed and form part of the permit. The TPMP must include:
  - 4.1 A plan showing the TPZ and SRZ for all trees to be retained along with the location of protective fencing and/or areas where ground protection systems will be used.
  - 4.2 Details of any proposed work within a TPZ and construction controls required to reduce the impacts to retained trees.
  - 4.3 A statement advising any removal or pruning of Council owned trees must be undertaken by Council approved contractor.
  - 4.4 A statement that Council will be notified within 24 hours of any breach of the TPMP or where damage has occurred to the tree.

#### **Tree Protection Fencing**

5. All Tree Protection Fencing must be maintained in good condition until the completion of the development to the satisfaction of the Responsible Authority.

**Tree Impact Management**

6. All contractors/tradespersons (including demolition workers) who install services or work near trees to be retained must be made aware of the need to preserve the trees and to minimize impacts on the trees through appropriate work practices.

**Construction Management Plan**

7. 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:

- 7.1 Element A1: Public Safety, Amenity and Site Security
- 7.2 Element A2: Operating Hours, Noise and Vibration Controls
- 7.3 Element A3: Air Quality and Dust Management
- 7.4 Element A4: Stormwater and Sediment Control and Tree Protection
- 7.5 Element A5: Waste Minimisation and Litter Prevention
- 7.6 Element A6: Traffic and Parking Management

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

8. The Construction Management Plan approved as part of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority.

**Completion**

9. Before the occupation of the approved dwellings, landscaped areas must be fully planted and mulched or grassed generally in accordance with the approved plan and to the satisfaction of the Responsible Authority.
10. Privacy screens and obscure glazing as required in accordance with the approved plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority.

The use of obscure film or spray fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.

11. Driveway gradients and transitions as shown on the plan approved under Condition 1 of this permit must be generally achieved through the driveway construction process to the satisfaction of the Responsible Authority.

**Landscape Plan**

- 12. Before the development starts, a landscaping plan prepared by a landscape architect or person of approved competence must be submitted to the Responsible Authority for approval. Such plan must be generally in accordance with the plan approved under Condition 1 of this permit, and must show:**
- 12.1 Any changes to the development layout required under Condition 1 of this permit as relevant;**
- 12.2 Species, locations, approximate height and spread of proposed planting and the retention of existing trees and shrubs (including in close proximity on adjoining properties), where appropriate or as directed by any other condition of this Permit;**
- 12.3 Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;**
- 12.4 Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;**
- 12.5 A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;**
- 12.6 A minimum of one (1) canopy tree, capable of reaching a minimum mature height of 8 metres, within the front setback of Dwellings 1 and 4. The trees must be a minimum height of 1.5 metres at the time of planting;**
- 12.7 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, and to be one of the fastigate/upright species from the below list or similar, to the satisfaction of the Responsible Authority:**
- Liriodendron tulipifera 'Fastigiata';**
  - Quercus palustris 'Pringreen';**
  - Ginkgo biloba 'Princeton Sentry';**
  - Acer platanoides 'Crimson Sentry; or**
  - Ulmus parvifolia 'Inspire PBR'.**
- 12.8 Screen planting along the north, east and west boundaries, to be a minimum height of 0.5 metres at the time of planting, and capable of reaching a mature height of 3 metres;**
- 12.9 Planting within 2 metres along the frontage from the edge of the driveways and 2.5 metres along the driveways from the frontage to be no greater than 0.9 metres in height at maturity.**

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

**Landscape Bond**

13. Before the review of development plans under Condition 1 of this permit, a \$10,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.

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

14. Before the development starts, an engineering plan for an on-site stormwater detention (OSD) system to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must depict an 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) that is designed in accordance with Council's [On-Site Stormwater Detention Guidelines \(March 2021\)](#) to the satisfaction of the Responsible Authority.
15. Before the dwellings are occupied, the OSD system must be installed and then maintained in accordance with the engineering plan endorsed under this permit to the satisfaction of the Responsible Authority.

**Drainage**

16. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor. A connection to Council maintained assets must not be constructed unless a Connection to Council Drain Permit is first obtained from the Responsible Authority.
17. The whole of the land, including landscaped and paved areas must be graded and drained to the satisfaction of the Responsible Authority, to prevent ponding and to minimise overland flows onto adjoining properties.

**Site services**

18. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
19. All external services including pipes must be concealed and screened respectively to the satisfaction of the Responsible Authority.
20. Communal lighting must be connected to reticulated mains electricity and be operated by a time switch, movement sensors or a daylight sensor to the satisfaction of the Responsible Authority.

**Vehicle Crossings and Accessways**

21. 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.

**Maintenance**

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

**Brickwork**

23. All brickwork on or immediately adjacent to a site boundary (visible from the adjoining property) must be cleaned and finished to the satisfaction of the Responsible Authority.

**Permit Expiry**

24. This permit will expire if one of the following circumstances applies:
- 25.1 The development is not started within two (2) years of the date of this permit; and
- 25.2 The development is not completed within four (4) years of the date of this permit.
- 3 The Responsible Authority may extend the periods referred to if a request is made in writing by the owner or occupier either before the permit expires or in accordance with Section 69 of the *Planning & Environment Act 1987*.

**CARRIED UNANIMOUSLY**

**2. BACKGROUND**

- 2.1 No planning permits have been previously granted for the site.
- 2.2 A previous application (PLN18/0304) for the construction of eight, two-storey dwellings was considered by Council in May 2019. The proposal comprised two rows of four dwellings arranged along the east and west boundaries of the site, all serviced by a central driveway. Each dwelling was provided with a single width garage, with an additional car space provided within a mechanical car-stacker system. One on-site visitor car parking space was provided at ground level. The proposal had an overall site coverage of 46.7%, site permeability of 30.2% and a maximum building height of 8.335 metres. The style of the built form was contemporary, with a mix of flat and skillion roofs, and contemporary materials and design features including vertical battens. Council resolved to refuse to grant a permit for the application. This decision was upheld by the Victorian Civil and Administrative Tribunal (VCAT) following a hearing on 18 December 2019 in an Order dated 20 April 2020 (Advanced Choice Property Group v Manningham CC [2020] VCAT 499). The Tribunal however did make the following comments in relation to the future development of the site:-

*“It is possible that a development of 8 dwellings will be approved on this site. However, consideration must be given to the appearance of visual bulk and continuous sheer wall presentation, and the impact on the streetscape and neighbouring properties both currently (as required to be considered by clause 55 of the Scheme) and with respect to future development opportunities and amenity. As noted earlier, this may involve separation between the dwellings, less dwellings, less bedrooms, increased articulation within the dwellings and the ground and upper level or other design changes. The design of the garage and the car stackers must also be reviewed to ensure that they are workable and that all of the elements within the garage can be properly utilised.”*

- 2.3 The application was submitted on 2 December 2020 for the construction of six, two-storey dwellings.
- 2.4 A request for further information was sent on 23 December 2020. The letter also raised concerns in relation to minimum garden area compliance, sheer wall form, landscaping opportunities (due to location of site services), inconsistent window sizes/shapes, design detail, overlooking, and secluded private open space dimensions.
- 2.5 An application to amend the proposal under Section 50 of the *Planning and Environment Act 1987* was submitted on 31 May 2021. Subsequently, a second request for further information was sent on 29 June 2021. The letter raised similar concerns to the original letter, with the addition of a comment that the newly provided swept path diagrams would be subject to an assessment.
- 2.6 A second Section 50 Amendment was submitted on 2 October 2021 in response to the further information request letter from June 2021.
- 2.7 On 29 October 2021, email correspondence was sent to the applicant advising that the application was ready for notification, but that there were outstanding concerns. These included the lack of solid roofing above the Dwelling 1 and 4 porches, sheer wall form, and design detail.
- 2.8 On 3 November 2021, a third Section 50 Amendment was submitted. The amendment included reductions to the Dwelling 1 and 4 porch roof footprints and a change to solid roofing, as well as first floor setback increases to the east of Dwelling 1, west of Dwelling 4, and north of Dwellings 3 and 6. These setback increases resulted in the first floor walls being between 435mm and 465mm further away from the rear boundary, and provided up to an additional 1.3 metres of spacing between Dwellings 1 and 4 as viewed from Glendale Avenue.
- 2.9 Notice was given over a two week period concluding on 24 November 2021.
- 2.10 The statutory time for considering a planning application is 60 days, which lapsed on 25 December 2021.
- 2.11 A consultation meeting was held on 22 December 2022, attended by both the applicant and objectors.
- 2.12 The land title is not affected by any covenants or 173 Agreements.

### 3. THE SITE AND SURROUNDS

#### The Site

- 3.1 The site is situated on the northern side of Glendale Avenue, approximately 28 metres from the intersection with Hovea Street to the west, and approximately 105 metres north of Foote Street.
- 3.2 The site is rectangular in shape, with a frontage and rear dimensions of 28.95 metres, side boundary dimensions of 45.72 metres, and an area of 1,323 square metres. The site has an approximate fall of 4 metres from south (front) to north (rear).
- 3.3 The site contains a single storey rendered brick dwelling. The dwelling has a tiled gable roof, with a detached metal double garage. The garage is accessed via a concrete driveway and crossover adjacent to the eastern boundary. A second concrete driveway and crossover is located adjacent to the western boundary.
- 3.4 The vegetation on the site is relatively sparse, with some medium sized trees located adjacent to the eastern and western boundaries and in the front setback. The remainder of the land consists predominately of open lawn with some smaller shrubs dispersed throughout.
- 3.5 A 1.83 metre wide drainage easement runs along the northern boundary of the site.
- 3.6 There is no existing front fence along the Glendale Avenue frontage. Side and rear fencing consists of 1.6 metre high chain wire mesh along the eastern boundary, and 1.6 metre high palings along the north and west boundaries. A street tree is located near the centre of the frontage, and an electricity pole and Telstra pit are located immediately west of the eastern most crossover.

#### The Surrounds

- 3.7 The site has direct abutments with the following properties:

Direction	Address	Description
North	4 Hovea Street	This lot comprises a single storey red brick dwelling with an undercroft garage and a tiled pitched roof. The dwelling is setback 14.165 metres from the common boundary along with secluded private open space.
	6 Hovea Street	This lot comprises a single storey red brick dwelling with an undercroft garage and a tiled pitched roof. The dwelling is setback is 13.62 metres from the common boundary along with secluded private open space.
East	17 Glendale Avenue	This lot comprises a single storey brick dwelling with a flat galvanised iron roof and undercroft garage. The minimum building setback to the common boundary is 1.7 metres. One window faces the subject site.

West	13 Glendale Avenue	<p>This property has been developed with four dwellings.</p> <p>Unit 2 abuts the southern part of the western boundary and is developed with a double storey brick dwelling with a pitched tiled roof and a brick garage on the common boundary. The private open space is located to the south of the dwelling adjacent to Glendale Avenue.</p> <p>Unit 3 abuts the northern part of the western boundary and is developed with a double storey brick dwelling with a pitched tiled roof and a brick garage on the common boundary. The private open space is located to the north of the dwelling.</p> <p>The common driveway that serves the four dwellings abuts the central section of the western boundary.</p>
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- 3.8 The character of the broader area is mixed. To the north and east there are a number of single and two-storey unit developments, as well as a number of older single storey dwellings with undercroft garages due to the sloping topography. The predominant external finishes include a range of brick and render, with mostly tiled pitched roofs with some examples of other roofing styles and materials.
- 3.9 To the south and west the character transitions to a more intensive built form generally in accordance with the variance in planning policy. In this nearby area, the prevalence of semi-attached dwellings increases, along with apartment building typology.
- 3.10 There are several planning application approvals on nearby sites, including at 21 Glendale Avenue, 33 Glendale Avenue, and 45 Glendale Avenue.
- 3.11 Planning Permit PLN18/0598 at 21 Glendale Avenue allows the construction of six, two-storey dwellings and associated basement garage. The Permit was issued as a result of a consent order submitted as part of a Section 77 (Refusal) VCAT appeal, after the original application was refused by Council Officers. The amended plans that led to the consent order show that the two-storey dwellings are contemporary in form and materials, are arranged in one row along the site, and are all attached at ground level, with two points of separation at the first floor level. This approval provides a density of 1 dwelling per 139.36m<sup>2</sup>.
- 3.12 Planning Permit PLN19/0291 at 33 Glendale Avenue allows the construction of two, two-storey dwellings. The dwellings are contemporary in style with flat roofs, a grey and charcoal colour scheme, and contemporary materials and design features. Based on the land size of 741m<sup>2</sup>, this proposal achieves a density of 1 dwelling per 370.3m<sup>2</sup>.
- 3.13 Planning Permit PLN19/0158 at 45 Glendale Avenue was issued at the direction of VCAT after a Section 77 (Refusal) appeal. The current endorsed plans show the construction of two, three-storey dwellings and two, two-storey dwellings. The dwellings are arranged in one row and are fully attached at ground and first floor levels. This approval provides a density of 1 dwelling per 184.78m<sup>2</sup>.

- 3.14 The site is in close proximity to two main arterial roads, being Foote Street and Williamsons Road.
- 3.15 There are no on-street parking restrictions along this section of Glendale Avenue, although there are several painted line markings along the south side of the street indicating 'no-standing' areas. Nearby parking restrictions include timed 'no-standing' signs within Glendale Avenue near the Foote Street intersection, and several other 'no-standing' signs further north along Hovea Street where it curves towards the east.
- 3.16 A number of bus stops are located within walking distance of the subject site with routes that cover a large variety of destinations across Melbourne. The routes include buses stopping at the corner of Anderson and Parker Streets (279 Box Hill – Doncaster), at the corner of Foote Street and Williamsons' Road (901 Melbourne Airport - Frankston) and multiple routes running through stops in Templestowe Village to the west – including the 905 to the Melbourne CBD. There are also multiple public open space areas generally within 300 metres of the site including Verbena Reserve, Kelly's Corner and Hawtin Reserve, and the Manningham Templestowe Leisure Centre is also within a similar proximity.

**4. THE PROPOSAL**

- 4.1 The proposal is outlined on the plans prepared by Tom Motta Building Designer, project number 001, Revision C, dated 1 November 2021. Refer to Attachment 1.
- 4.2 The following reports/documents were submitted in support of the application:
  - Sustainable Design Assessment (SDA) prepared by Northern Environmental Design, dated 17 September 2020.
  - Waste Management Plan (WMP) prepared by Northern Environmental Design, dated 17 September 2020.
  - Arborist Report prepared by Trees and Associates Pty Ltd, dated 24 May 2021.
  - Swept Path Analysis, prepared by One Mile Grid Traffic Engineering, revision B. dated 11 February 2021.
  - Clause 55 Assessment Report, prepared by Tom Motta Building Designer, Revision A, submitted 2 October 2021.

4.3 A summary of the development is provided as follows:

Land size:	1,323.6m <sup>2</sup>	Minimum south wall (front) setback:	Ground: 6.04m First Floor: 6.79m
Site coverage:	48.5%		
Permeability:	31.7%		
Garden area:	35.1%		
Proposed maximum building height:	8.045m	Minimum north wall setback:	Ground: 2.025m First Floor: 2.585m
Number of dwellings:	6	Minimum east wall setback:	Ground: 1.5m First Floor: 2.03m
• 4 Beds:	• 4		
• 5 Beds:	• 2		
Dwelling density:	One per 220.6m <sup>2</sup>		

Car parking:	2 spaces per dwelling	Minimum west wall setback:	Ground: 1.5m First Floor: 2m
• Total:	12 spaces	Minimum north wall setback:	Ground: 2.025m First Floor: 2.585m
• 4 Beds:	8 spaces		
• 5 Beds:	4 spaces		

### Design Layout

- 4.4 The six dwellings are arranged in two rows of three running north-south. The two rows are separated by a central common driveway. Dwellings 1 and 4 address the street with their own individual driveways and crossovers.
- 4.5 Dwellings 1 and 4 are not attached to the adjacent dwellings to the rear. A 1.3 metre separation is provided at ground floor, and a minimum 2.25 metre separation is provided at the first floor.
- 4.6 Dwellings 2 and 3 are attached at ground level, as are Dwellings 5 and 6. These dwellings are not attached at first floor, with a 2.18 metre separation provided.
- 4.7 The ground floor of each dwelling contains a double garage, living, dining and kitchen areas, and one bedroom or enclosed study. Laundries and powder rooms/ensuites are also located at ground floor.
- 4.8 Outdoor secluded private open space (SPOS) is provided at ground level for each dwelling, adjacent to the side and rear boundaries of the site. Each SPOS is accessible directly from a living room, and a deck is provided for outdoor recreation, with the remainder of the spaces available for landscaping and services/equipment such as clotheslines, water tanks and storage sheds.
- 4.9 At the first floor, Dwellings 1 and 4 contain 4 bedrooms with a bathroom and separate toilet, and an ensuite to the main bedroom. Dwellings 2, 3, 5 and 6 contain 3 bedrooms with a bathroom and separate toilet, and an ensuite to the main bedroom.

### Pedestrian and vehicle access

- 4.10 The garages of Dwellings 1 and 4 have front Glendale Avenue with independent driveways and crossovers for vehicle access. Pedestrian access to these front dwellings is gained via independent paved pedestrian paths directed to the Glendale Avenue frontage.
- 4.11 Dwelling 1 utilises an existing crossover, which is 3.11m wide.
- 4.12 Dwelling 4 also utilises an existing crossover, which is 3.08m wide.
- 4.13 Dwellings 2, 3, 5 and 6 have their garages facing inwards to central driveway. This driveway is connected to a crossover in the approximate centre of the Glendale Avenue frontage. Each of these dwellings has a delineated porch entry nearby to the garage opening separated by landscaping.
- 4.14 The crossover providing access from Glendale Avenue to the shared central driveway is a proposed third crossover, and will be 3 metres wide (as required by a permit condition).
- 4.15 Internal access is provided between the dwellings and their respective garages.

**Landscaping**

4.16 Landscaping opportunities are provided at ground level throughout the development.

**Design detail**

4.17 The ground floor of the development is finished in predominantly brick with some render, and has flat roofing with parapet forms.

4.18 The first floor of the development is finished in a mix of render and timber-look cladding, with traditional hipped roofing of charcoal grey roof tiles.

4.19 A 0.9m high steel fence with 50% transparency is proposed surrounding the front setbacks of Dwellings 1 and 4, with gates for their pedestrian paths. These front setback areas are excavated to a maximum depth of 0.85 metres, and retaining walls are provided to achieve this. The proposed steel fences are located above these retaining walls, enclosing the lowered portions of the front setbacks.

**5. LEGISLATIVE REQUIREMENTS**

5.1 Refer to Attachment 2.

5.2 A permit is required under the following Clauses of the Manningham Planning Scheme:

- Clause 32.08-6 (General Residential Zone, Schedule 2 – GRZ2), to construct two or more dwellings on a lot.
- Clause 43.02-2 (Design and Development Overlay, Schedule 8 – DDO8-3), to construct a building or construct or carry out works.

**6. REFERRALS****External**

6.1 There are no applicable determining or recommending referral authorities.

**Internal**

6.2 The application was referred to a number of Service Units within Council. The following table summarises the response:

<b>Service Unit</b>	<b>Comments</b>
Infrastructure Services Unit – Drainage	No objection subject to standard conditions for the provision of an on-site storm water detention system.
Infrastructure Services Unit – Vehicle Crossing	No objection subject to a Vehicle Crossing Permit being obtained prior to the construction of the crossover.
Infrastructure Services Unit – Access and Driveway	No objection subject to gradients being shown to comply with Clause 52.06 (Car parking) of the Scheme.

Infrastructure Services Unit – Traffic and Car Parking	No objection, with a recommendation for one on-site visitor car parking space to be provided.
Infrastructure Services Unit – Car Parking Layout	No objection, subject to a condition for the doors providing internal access from garages to their dwellings to be clear of the car parking dimensions.
Infrastructure Services Unit – Construction management	No objection subject to a condition for a Construction Management Plan (CMP) to be prepared.
Infrastructure Services Unit – Waste	No objection, and advice that Council collection can occur. Recommendation for increased bin storage areas to account for future glass and food waste streams.
Infrastructure Services Unit – Easements	No objection.
Infrastructure Services Unit – Flooding	Not applicable. The site is not subject to flooding from Council's drainage systems.
Statutory Planning Arborist	No objection, subject to conditions for: <ul style="list-style-type: none"> <li>• Location of tree protection fencing shown on plans.</li> <li>• Preparation of a Tree Protection and Management Plan.</li> <li>• Standard tree protection and impact management conditions.</li> </ul>

## 7. CONSULTATION / NOTIFICATION

- 7.1 Notice of the application was given over a two week period that concluded on 24 November 2021.
- 7.2 During the notification period, letters were sent to nearby properties and a sign was displayed on the site frontage.
- 7.3 To date, 11 objections have been received. The main grounds of objection can be summarised into the following categories:
- Traffic and car parking (congestion and safety)
  - Internal driveway manoeuvrability
  - Overdevelopment (including setting of a precedent)
  - Neighbourhood character (including streetscape impacts)
  - Visual bulk/massing
  - Overlooking
  - Overshadowing to windows
  - Insufficient landscaping/greenery
  - Impacts to neighbouring trees
  - Waste collection functionality

- Insufficient infrastructure
- Insufficient room sizes and private open spaces
- Noise
- Pollution and environmental impacts
- Construction materials
- Boundary fencing
- Property maintenance
- Construction impacts (including trades vehicle parking and truck access)

7.4 A response to these grounds of objection is included in the assessment section of this report.

## 8. ASSESSMENT

8.1 The proposal has been assessed against the relevant state and local planning policies, the zone and overlay, and the relevant particular provisions and general provisions of the Manningham Planning Scheme.

8.2 The assessment is made under the following headings:

- Planning Policy Frameworks
- Design and Built Form
- Two or more dwellings on a lot and residential buildings
- Car parking and traffic
- Objector concerns

### Planning Policy Frameworks

8.3 At both the state and local levels, relevant planning policy identifies a need for a greater mix of housing in Manningham, including medium and higher density residential developments. Policy also seeks to ensure that these developments are well designed, and has a focus on locating higher density housing in close proximity to activity centres and along main roads and public transport routes.

8.4 Clause 21.05 (Residential) separates Manningham's residential land into four residential character precincts. Clause 21.05 does this in response to higher level policy in the Planning Policy Framework such as Clause 16.01-1S (Housing supply), which encourages higher density housing development on sites that are well located in relation to jobs, services and public transport.

8.5 The subject site is included within Precinct 2, which covers residential areas surrounding activity centres and along main roads.

8.6 A substantial level of development change is anticipated in Precinct 2. This is distinct from the other residential character Precincts 1, 3 and 4 which anticipate either incremental or minimal change only.

8.7 Precinct 2 areas are also covered by the Design and Development Overlay, Schedule 8 (DDO8), which outlines specific built form, car parking, landscape and fencing outcomes. These outcomes are intended to regulate the design of new developments in Precinct 2, to define what constitutes substantial change in the Manningham context and to achieve a preferred neighbourhood character.

- 8.8 Precinct 2 areas are further delineated by Clause 21.05 into three sub-precincts. These sub-precincts dictate a tiered approach to the strategic policy intentions for substantial change, to ensure that the highest intensity development is appropriately located, and that appropriate transitions to incremental/minimal change areas are achieved by the larger built form.
- 8.9 The subject site is identified within Sub-precinct B (DDO8-3), in which *single storey and two storey dwellings only will be considered and development should have a maximum site coverage of 60 percent*. The proposal does not exceed two storeys at any point, and the site coverage is 48.5%.
- 8.10 In addition to being affected by planning policy that encourages a substantial level of change, the site's location demonstrates that it is appropriate for a higher form of density than what currently exists, provided that an appropriate design outcome is achieved. This site is in close proximity to main arterial roads Foote Street and Williamsons Road, associated bus routes, as well as the Templestowe Village Neighbourhood Activity Centre.
- 8.11 The development of the land with an increased residential density is therefore appropriate when considering the strategic context of the site, in accordance with the Planning Policy Frameworks. The proposed density of one dwelling per 220m<sup>2</sup> is considered to achieve the substantial level of change that is intended by the policies, and the maximum site coverage and recommended number of storeys is not exceeded.
- 8.12 The submitted Sustainable Design Assessment demonstrates that the proposal can achieve best practice sustainability outcomes in accordance with Clauses 21.10 and 22.12 (Environmentally Sustainable Development) of the Scheme. Compliance with this document will be required via permit conditions.
- 8.13 Despite meeting the high level strategic policies, the proposal must still meet the specific design objectives of the DDO8 and other relevant provisions of the Scheme. These provisions have all been assessed and detailed in the following paragraphs.

### **Design and Built Form**

- 8.14 The proposal is consistent with the mandatory height (11 metres), number of storeys (3 storeys), and minimum garden area requirement (35%) of the General Residential Zone.
- 8.15 The DDO8 outlines specific built form, car parking, landscape and fencing outcomes that should be achieved by a proposal, to meet its overall design objectives.
- 8.16 The following assessment is made against the specific built form, car parking, landscape and fencing requirements of the DDO8:

Design Element	Compliance
<b>Building Height and Setbacks (Sub-Precinct B)</b>	
<ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Satisfied</b> The slope of the site enables a maximum building height of 10 metres.</p> <p>The maximum height of the proposal is 8.045 metres, which does not exceed this requirement.</p>
<ul style="list-style-type: none"> <li>Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser.</li> </ul>	<p><b>Satisfied</b> A 6.04 metre minimum setback is achieved to Glendale Avenue. Appropriate street setback variation is provided through greater setbacks being provided to the garages to avoid a continuous building line as viewed from the street.</p> <p>The porches of Dwellings 1 and 4 extend slightly forward of the front walls of the dwellings, which remains compliant with the DDO8 setback provision of the Scheme (which enables a maximum 2 metre encroachment).</p>
<b>Form</b>	
<ul style="list-style-type: none"> <li>Ensure that the site area covered by buildings does not exceed 60 percent.</li> </ul>	<p><b>Satisfied.</b> The development has a site coverage of 48.5%.</p>
<ul style="list-style-type: none"> <li>Provide visual interest through articulation, glazing and variation in materials and textures.</li> </ul>	<p><b>Satisfied.</b> The development incorporates a mixture of colours and materials to provide visual interest.</p> <p>Materials include dark brown brick, taupe render, timber-look cladding and charcoal coloured roofing. These materials and colours provide different tones and textures for visual interest, whilst also complementing one another and the existing streetscape.</p>
<ul style="list-style-type: none"> <li>Minimise buildings on boundaries to create spacing between developments.</li> </ul>	<p><b>Satisfied.</b> Buildings on boundaries are avoided except for the garages of Dwellings 1 and 4. The provision of a garage wall on a side boundary is a common design response, and these walls contribute to a modest percentage of the relevant boundary lengths (14.2%).</p> <p>The Dwelling 1 garage on the western boundary is also strategically located opposite an existing garage on the boundary on the adjoining property.</p> <p>The Dwelling 4 garage on the eastern boundary is not located opposite any existing habitable room windows or the main secluded private open space of the adjoining property.</p>

<ul style="list-style-type: none"> <li>Where appropriate ensure that buildings are stepped down at the rear of sites to provide a transition to the scale of the adjoining residential area.</li> </ul>	<p><b>Satisfied.</b> The two-storey scale of the proposal in addition to the setbacks and internal separation of Dwellings 3 and 6, provide an appropriate transition to the single storey dwellings with undercroft garages to the north (rear).</p>
<ul style="list-style-type: none"> <li>Where appropriate, ensure that buildings are designed to step with the slope of the land.</li> </ul>	<p><b>Satisfied.</b> The levels and heights of the proposed dwellings step down in accordance with the slope of the land.</p>
<ul style="list-style-type: none"> <li>Avoid reliance on below ground light courts for any habitable rooms.</li> </ul>	<p><b>Satisfied.</b> No below ground light courts are proposed or required.</p>
<ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Satisfied.</b> There are no continuous sheer walls proposed.  Material variation and fenestration are utilised to provide articulation between the levels, especially where the first floor is minimally recessed from the ground floor below. The upper level is also adequately set back from external boundaries to reduce the appearance of visual bulk.</p>
<ul style="list-style-type: none"> <li>Ensure that the upper level of a three storey building does not exceed 75% of the lower levels, unless it can be demonstrated that there is sufficient architectural interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation.</li> </ul>	<p><b>Not applicable.</b> The proposal is two storeys only.</p>
<ul style="list-style-type: none"> <li>Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos.</li> </ul>	<p><b>Satisfied.</b> There are no double storey porticos or similarly imposing design features proposed. Single-storey porch canopies are proposed, which are not an excessive width or scale as compared to the entry doors and overall facades.</p>
<ul style="list-style-type: none"> <li>Be designed and sited to address slope constraints, including minimising views of basement projections and/or minimising the height of finished floor levels and providing appropriate retaining wall presentation.</li> </ul>	<p><b>Satisfied.</b> The levels and heights of the dwellings are suitably stepped in accordance with the slope of the land.</p>
<ul style="list-style-type: none"> <li>Be designed to minimise overlooking and avoid the excessive application of screen devices.</li> </ul>	<p><b>Satisfied subject to conditions.</b> Subject to conditions discussed in the assessment of Clause 55.04-6 (Overlooking) of the Scheme, overlooking impacts will be suitably minimised without excessive screening.</p>

<ul style="list-style-type: none"> <li>• Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all mobilities.</li> </ul>	<p><b>Satisfied.</b> The ground level entries of all dwellings respond to the slope of the land, minimising steps within the development.</p>
<ul style="list-style-type: none"> <li>• Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties.</li> </ul>	<p><b>Not applicable.</b> No basement is proposed.</p>
<ul style="list-style-type: none"> <li>• Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site.</li> </ul>	<p><b>Not applicable.</b> Parking is provided at ground level.</p>
<ul style="list-style-type: none"> <li>• Integrate car parking requirements into the design of buildings and landform by encouraging the use of undercroft or basement parking and minimise the use of open car park and half basement parking.</li> </ul>	<p><b>Not applicable.</b> Parking is provided at ground level.</p>
<ul style="list-style-type: none"> <li>• Ensure the setback of the basement or undercroft car park is consistent with the front building setback and is setback a minimum of 4.0m from the rear boundary to enable effective landscaping to be established.</li> </ul>	<p><b>Not applicable.</b> Parking is provided at ground level.</p> <p>Nonetheless, there is considered to be sufficient opportunities for landscaping within the rear setback considering the scale of the proposal.</p>
<ul style="list-style-type: none"> <li>• Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces.</li> </ul>	<p><b>Satisfied subject to conditions.</b> Sufficient setbacks for screen planting and provision of canopy trees are provided.</p> <p>Council’s Statutory Planning Arborist has advised that there are sufficient soil volumes for the planting of canopy trees up to 20 metres at maturity in the secluded private open space (SPOS) areas, based on standard calculations. Standard landscaping conditions require canopy trees with a mature height of 6-8 metres, which is what will be required in this case.</p> <p>Within the SPOS of Dwellings 3, 5 and 6, there are limitations due to the overhang of existing neighbouring trees (in the case of Dwelling 5), or due to a lesser setback (Dwellings 3 and 6). For these spaces, Council’s Statutory Planning Arborist has provided a list of upright species that would be most appropriate. Permit conditions will require the trees in these spaces to be one of the recommended species.</p>

<ul style="list-style-type: none"> <li>• Ensure that service equipment, building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces.</li> </ul>	<p><b>Satisfied subject to conditions.</b> No lifts or roof-mounted services are proposed.</p> <p>A condition will require an additional notation to be added to the plans in relation to the gas and water meter locations, to specify that their location will be screened by landscaping or a non-obtrusive, attractive structure to the satisfaction of the Responsible Authority.</p>
<p><b>Car Parking and Access</b></p>	
<ul style="list-style-type: none"> <li>• Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback.</li> </ul>	<p><b>Satisfied.</b> Only one new crossover is proposed. However, a total of three crossovers will be provided for the site.</p> <p>In this case, this outcome is considered acceptable due to the following:</p> <ul style="list-style-type: none"> <li>• No street trees require removal.</li> <li>• The site’s frontage is considerably wider than other allotments on the street (although notably, it is not ‘double-width’)</li> <li>• The accessways do not exceed 33% of the site frontage width, which satisfies Standard B14 of Clause 55.03-9 (Access) of the Scheme.</li> <li>• Two on-street parking spaces will remain available in front of the development.</li> <li>• If parking permits are introduced in the future (due to separate investigations into traffic and parking congestion on Glendale Avenue), the residents of the proposal will not be eligible for permits (pursuant to Manningham’s Parking Policy 2018), and therefore will not occupy the remaining on-street parking, whereas the current occupiers of the single dwelling on the site could.</li> </ul> <p>No street trees are located within the nature strip in front of the site. The erroneous notation indicating the removal of a street tree will be deleted via a permit condition.</p> <p>The subject site is located within the Principal Public Transport Network (PPTN) area and therefore there is no requirement in the Manningham Planning Scheme for the provision of visitor car parking spaces.</p>

<ul style="list-style-type: none"> <li>Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open space or is appropriately screened, as is necessary.</li> </ul>	<p><b>Not applicable</b></p>
<ul style="list-style-type: none"> <li>Ensure that where garages are located in the street elevation, they are set back a minimum of 1.0m from the front setback of the dwelling.</li> </ul>	<p><b>Satisfied.</b> The Dwelling 1 and 4 garages are setback at least 1 metre from the front porches to which they are adjacent. They are also setback approximately 700mm from the front walls of the front dwelling walls that are not covered by the porch. This outcome is aligned with the intention of this objective, which is to ensure that the streetscape elevation of the development is not dominated by garages.</p>
<ul style="list-style-type: none"> <li>Ensure that access gradients of basement car parks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements.</li> </ul>	<p><b>Not applicable.</b> Car parking is provided at ground level.  Nonetheless, gradients are required to be assessed in accordance with Clause 52.06-9 (Car parking) of the Scheme.</p>
<p><b>Landscaping</b></p>	
<ul style="list-style-type: none"> <li>On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at maturity.</li> </ul>	<p><b>Not applicable.</b> The proposal is two storeys only.</p>
<ul style="list-style-type: none"> <li>Provide opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form.</li> </ul>	<p><b>Satisfied subject to conditions.</b> As previously discussed in the DDO8 assessment, setbacks and soil volumes are sufficient for the provision of landscaping including screen planting. Additionally, retaining walls are setback at least 0.5 metres from boundaries to ensure that planting can occur at natural ground level – to reduce the time taken for the planting to grow above the fence line. Standard conditions will require screen planting to be at least 0.5 metres at the time of planting, and capable of reaching at least 3 metres at maturity.  To further improve screen planting outcomes further, conditions will require the rearrangement of services (clotheslines and storage) to maximise available space along the fence.</p>

<b>Fencing</b>	
<ul style="list-style-type: none"> <li>• A front fence must be at least 50 per cent transparent.</li> <li>• On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn and Mitcham Roads, a fence must:                             <ul style="list-style-type: none"> <li>• not exceed a maximum height of 1.8m</li> <li>• be setback a minimum of 1.0m from the front title boundary</li> </ul> </li> </ul> <p>and a continuous landscaping treatment within the 1.0m setback must be provided.</p>	<p><b>Satisfied.</b> The 0.9m high black steel fence enclosing the front setbacks of Dwellings 1 and 4 is notated as 50% transparent.</p> <p>The site does not front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn or Mitcham Road.</p>

**Two or more dwellings on a lot and residential buildings**

8.17 Clause 55 (Two or more dwellings on a lot and residential buildings) of the Scheme is commonly referred to as 'ResCode', and sets out various objectives and standards that a proposal must and should meet (respectively).

8.18 An assessment against Clause 55 is provided in the table below:

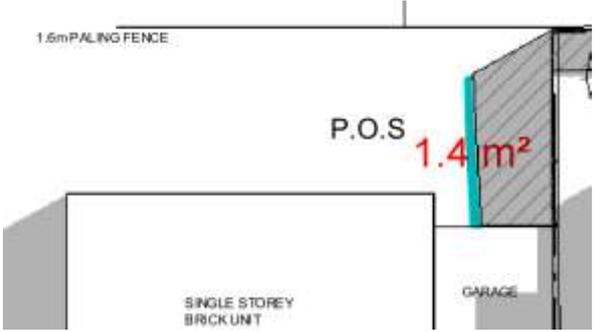
<b>Design Element</b>	<b>Compliance</b>
<p><b>55.02-1 – Neighbourhood Character</b></p> <ul style="list-style-type: none"> <li>• To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</li> <li>• To ensure that development responds to the features of the surrounding area.</li> </ul>	<p><b>Satisfied.</b> As identified by the relevant planning policy, a substantial level of change is anticipated for this site. The preferred neighbourhood character as set out by the DDO8 is for highly articulated contemporary form, with a range of visually interesting materials and facades.</p> <p>The design of the proposal has greater regard to the <i>existing</i> neighbourhood character, rather than the preferred contemporary form.</p> <p>The more traditional roof form and materials responds to the features of the surrounding area, which includes several older subdivisions with more traditional styles and materials.</p> <p>The combination of dark brown brick, render and timber-look cladding present with a balance of traditional and contemporary materials, which provides an appropriate response to the preferred neighbourhood character.</p>

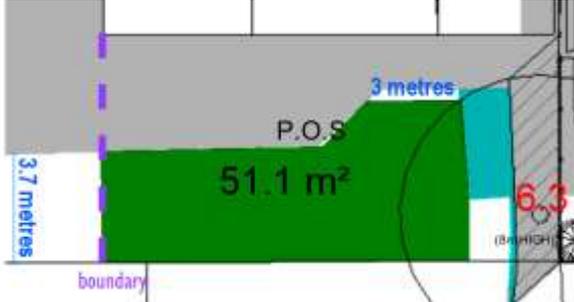
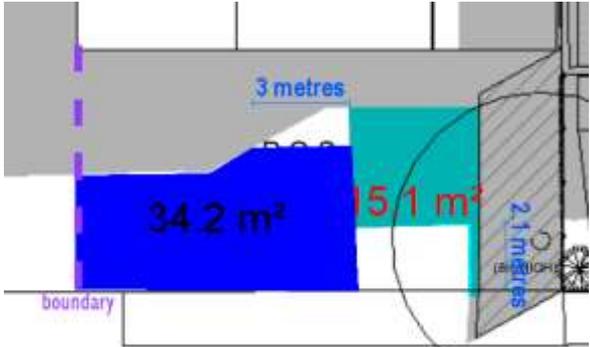
	The proposal is considered to satisfy the objectives of this clause.
<p><b>55.02-2 Residential policy</b></p> <ul style="list-style-type: none"> <li>To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</li> <li>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</li> </ul>	<b>Satisfied.</b> The proposal responds to the relevant local planning policy including the preferred outcomes for Sub-Precinct B, in particular given that the development does not exceed two storeys at any point, and as the site coverage is less than 60%.
<p><b>55.02-3 Dwelling Diversity</b></p> <ul style="list-style-type: none"> <li>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</li> </ul>	<b>Not applicable.</b> The proposal is for less than 10 dwellings.
<p><b>55.02-4 Infrastructure</b></p> <ul style="list-style-type: none"> <li>To ensure development is provided with appropriate utility services and infrastructure.</li> <li>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</li> </ul>	<b>Satisfied subject to conditions.</b> No concerns have been raised by Council's Infrastructure Services Unit relating to the capacity of the existing infrastructure to support the proposed development. A standard condition will require an on-site storm water detention system to be installed, to manage the rate of flow of storm water from the site into the existing drains.
<p><b>55.02-5 Integration with street</b></p> <ul style="list-style-type: none"> <li>To integrate the layout of development with the street.</li> </ul>	<b>Satisfied.</b> Adequate pedestrian and vehicle links are provided for each dwelling. Dwellings 1 and 4 are oriented to the street, and there is no high front fencing proposed.
<p><b>55.03-1 Street setback</b></p> <ul style="list-style-type: none"> <li>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</li> </ul>	<b>Satisfied.</b> The front setback of 6.04 metres complies with the minimum 6 metre requirement specified by the DDO8.
<p><b>55.03-2 Building Height</b></p> <ul style="list-style-type: none"> <li>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</li> </ul>	<b>Satisfied.</b> The maximum building height of 8.045 metres is below the 10 metre maximum specified for the site by the DDO8.
<p><b>55.03-3 Site coverage</b></p> <ul style="list-style-type: none"> <li>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</li> </ul>	<b>Satisfied.</b> The site coverage of 48.5% is well below the 60% maximum.

<p><b>55.03-4 Permeability and stormwater management</b></p> <ul style="list-style-type: none"> <li>• To reduce the impact of increased stormwater run-off on the drainage system.</li> <li>• To facilitate on-site stormwater infiltration.</li> <li>• To encourage stormwater management that maximises the retention and reuse of stormwater.</li> </ul>	<p><b>Satisfied subject to conditions.</b> The total permeable area of 31.7% exceeds the 20% minimum.</p> <p>As previously mentioned, an on-site detention system will be required via conditions.</p> <p>The proposal achieves a 100% STORM score through the provision of a 3,500L water tank to each dwelling.</p>
<p><b>55.03-5 Energy efficiency</b></p> <ul style="list-style-type: none"> <li>• To achieve and protect energy efficient dwellings and residential buildings.</li> <li>• To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</li> </ul>	<p><b>Satisfied subject to conditions.</b> All ground level open space areas have a northern aspect. North facing first floor windows of Dwellings 3 and 6 are protected by the eaves of the hipped roofs above.</p> <p>As there are no eaves at ground level, a condition will require that solar protection measures be provided above the north facing living, meals and kitchen windows of Dwellings 3 and 6. These eaves will not be permitted to exceed a depth of 0.6 metres, to ensure compliance with the Garden Area requirements of the Zone are maintained.</p> <p>A standard condition will require all relevant notations to be added to plans in accordance with the commitments within the submitted BESS report.</p>
<p><b>55.03-6 Open space</b></p> <ul style="list-style-type: none"> <li>• To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</li> </ul>	<p><b>Not applicable.</b> There is no public open or communal open space provided on the site or directly abutting any boundary.</p>
<p><b>55.03-7 Safety</b></p> <ul style="list-style-type: none"> <li>• To ensure the layout of development provides for the safety and security of residents and property</li> </ul>	<p><b>Satisfied subject to conditions.</b> There are no apparent safety or security issues with the development as proposed. Passive surveillance to the shared driveway is provided by the dwellings. Dwelling entries are not obscured from the common driveway or street, and secure parking is provided by enclosed garages with roller doors. Bollard lighting is provided within the landscape strips alongside the central driveway, and a condition will require that sensor lights be provided above all porch entries and garage openings to provide additional illumination.</p>
<p><b>55.03-8 Landscaping</b></p> <ul style="list-style-type: none"> <li>• To encourage development that respects the landscape character of the neighbourhood.</li> </ul>	<p><b>Satisfied subject to conditions.</b> As previously discussed, there are adequate setbacks and soil volumes for the provision of meaningful landscaping including screen planting and canopy trees.</p>

<ul style="list-style-type: none"> <li>• To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</li> <li>• To provide appropriate landscaping.</li> <li>• To encourage the retention of mature vegetation on the site.</li> </ul>	<p>Opportunities will be improved by previously discussed conditions for the relocation of sheds and clotheslines where possible. A condition will require the submission of a detailed landscape plan. Additionally, standard tree protection measures will be required to be implemented for existing trees on adjoining properties to minimise construction impacts.</p>
<p><b>55.03-9 Access</b></p> <ul style="list-style-type: none"> <li>• To ensure the number and design of vehicle crossovers respects the neighbourhood character.</li> </ul>	<p><b>Satisfied.</b> The proposal includes crossovers that will occupy 31% of the site’s 28.95 metre frontage. This is below the 33% maximum set by Standard B14 of this Clause. This numerical compliance is also supported by the previously provided assessment in the DDO8 table of this report.</p>
<p><b>55.03-10 Parking location</b></p> <ul style="list-style-type: none"> <li>• To provide convenient parking for resident and visitor vehicles.</li> <li>• To protect residents from vehicular noise within developments.</li> </ul>	<p><b>Satisfied subject to conditions.</b> Internal access to all garages is provided from the respective dwellings. Landscaping buffers are also provided to habitable room windows facing the common driveway.</p> <p>To ensure compliance with Standard B15 of this Clause, a condition will require the landscape strips opposite the Dwellings 1, 2, 4 and 5 kitchen and meals windows be dimensioned to show a width of no less than 1.5 metres. Alternatively, the internal elevations must be updated to show that these windows have a sill height of at least 1.4 metres above the driveway level.</p> <p>As recommended by Council’s Infrastructure Services Unit, a condition will also require that internal access doors do not impede the parking spaces inside the garages (i.e. switch to sliding doors or inwards swinging doors).</p> <p>The subject site is located within the Principal Public Transport Network (PPTN) area and therefore there is no requirement in the Manningham Planning Scheme for the provision of visitor car parking spaces.</p>
<p><b>55.04-1 Side and rear setbacks</b></p> <ul style="list-style-type: none"> <li>• To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</li> </ul>	<p><b>Satisfied.</b> The minimum ground floor setback provided to any side or rear boundary is 1.5 metres, which occurs in several locations. In accordance with Standard B17 of this Clause, a 1.5 metre setback allows a wall height of up to 5.25 metres. The maximum ground floor wall height within the development is 3.995 metres, which is well below the 5.25 metre maximum.</p>

	<p>At the first floor, the minimum setback provided to a side or rear boundary is 2 metres. This setback allows a wall height up to 6.91 metres in accordance with Standard B17. The maximum first floor wall height within the development is 6.835 metres, which is below this maximum.</p> <p>Notably, on the eastern elevation of Dwelling 5 where this maximum wall height occurs, the actual setback is 4.76 metres from the boundary – which is well within the B17 requirement.</p>
<p><b>55.04-2 Walls on boundaries</b></p> <ul style="list-style-type: none"> <li>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</li> </ul>	<p><b>Satisfied.</b> In accordance with Standard B18 of this Clause, the maximum allowable length of a wall on a boundary is 10 metres plus 25% of the remaining available boundary length. For this site, this equates to a 18.93 metre long wall on each side boundary. The proposed garage walls on the east and west side boundaries are 6.5 metres long.</p> <p>The Dwelling 1 garage wall on the western boundary has a slightly higher average height (3.295 metres) than the required 3.2 metres. This is considered acceptable given there is an opposite wall on the boundary on the neighbouring property, and as the maximum height (3.375 metres) is well below the required 3.6 metres.</p> <p>The Dwelling 4 garage wall on the eastern boundary is also well below the 3.6 metre maximum wall height, at 3.35 metres. Its average wall height is also slightly higher than the required 3.2 metre average height, at 3.315 metres. This is a compromise as a result of the garage level needing to be 100mm clear of natural ground level within the tree protection zone of a neighbouring tree. The protection and retention of this neighbouring tree immediately opposite the proposed garage will assist in mitigating any minor visual or amenity impact that may occur as a result of the 15 centimetre variation to the recommended average wall height. The height of this wall is therefore considered acceptable.</p>
<p><b>55.04-3 Daylight to existing windows</b></p> <ul style="list-style-type: none"> <li>To allow adequate daylight into existing habitable room windows</li> </ul>	<p><b>Satisfied.</b> Standard B19 of this clause sets out minimum clearances from existing habitable room windows for walls within a new development. All windows on the north and west adjoining properties are more than 3 metres from the common boundary and therefore the B19 clearances are easily met.</p>

	<p>On the eastern adjoining property, there is a non-habitable window notated within 1.7 metres of the common boundary. Although technically Standard B19 only applies to habitable room windows, the clearance to this window has still been assessed in this case. In accordance with Standard B19, a minimum width of 1 metre clear to the sky for a total area of more than 3 square metres is achieved. Additionally, the Dwelling 4 garage wall is 1.7 metres from the window, which exceeds the minimum setback requirement of 1.675 metres under Standard B19 (50% of the height of the wall). The first floor Bedroom 4 wall that is opposite the window has a setback of 4.575 metres, which exceeds the required setback of 3.1 metres under Standard B19.</p>
<p><b>55.04-4 North facing windows</b></p> <ul style="list-style-type: none"> <li>To allow adequate solar access to existing north-facing habitable room windows.</li> </ul>	<p><b>Not applicable.</b> There are no existing north facing habitable room windows on an adjoining property within 3 metres of the common boundary.</p>
<p><b>55.04-5 Overshadowing open space</b></p> <ul style="list-style-type: none"> <li>To ensure buildings do not significantly overshadow existing secluded private open space.</li> </ul>	<p><b>Satisfied.</b> The proposal satisfies the requirements of Standard B20. Largely, this is due to the site's orientation with its frontage to the south.</p> <p>There is some minor additional shadowing (beyond the fence line) to the east adjoining property's SPOS at 3pm. At this time, the large majority of the SPOS is not impacted by shadows from the proposal.</p> <p>There is also some minor additional shadowing to the west at 9 and 10am, with the greater occurring at 9am. This affects the two existing SPOS areas to the west. For 3/13 Hovea Street, the 9am shadow diagram demonstrates that there is a 1.4m<sup>2</sup> increase to SPOS shadows per the below image, which is considered negligible due to the shape and dimensions of the additional shade:</p> 

	<p>For 2/13 Hovea Street, the shadows from the proposed development cause a reduction to the available sunlight to the POS at 9 and 10am. At 10am, a minimum of 40 square metres with a minimum dimension of 3 metres unshadowed space is achieved, which meets the Standard (see below).</p>  <p>At 9am, the proposal is ~5.8 square metres short of the required 40m<sup>2</sup> (see below):</p>  <p>However, in accordance with Standard B21, this SPOS will still receive more than 5 hours of daylight (with the required dimensions) between 9am and 3pm, as between 10am and 3pm, Standard B21 remains met.</p>
<p><b>55.04-6 Overlooking</b></p> <ul style="list-style-type: none"> <li>To limit views into existing secluded private open space and habitable room windows.</li> </ul>	<p><b>Satisfied subject to conditions.</b> All first floor habitable room windows facing a boundary are provided with fixed obscure glazing to at least 1.7 metres above internal finished floor level, or are highlight windows with a sill height of 1.7 metres or higher. Ground floor habitable room windows and outdoor decks are proposed to be screened by free-standing trellis along the boundary fence. In most locations, the elevations clearly demonstrate that this outcome will sufficiently limit overlooking. In some instances, further clarification via a cross sectional diagram is required to ensure compliance with Standard B22 of this Clause. As such, conditions will require cross sectional diagrams to show how the boundary fence and free-standing trellis will limit views from the north-east corner of the</p>

	<p>Dwelling 5 deck (including on a 45 degree angle from the edge of the deck) in accordance with Standard B22 of Clause 55.04-6 (Overlooking) of the Scheme. Any additional trellis height as a result of the above sectional diagram must account for views on a 45 degree splay from the edge of the relevant window or deck.</p> <p>Additionally, a condition will require the erroneous notation on the north elevation of Dwelling 3 (which refers to no trellis being required) to be deleted.</p>
<p><b>55.04-7 Internal views</b></p> <ul style="list-style-type: none"> <li>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</li> </ul>	<p><b>Satisfied.</b> Internal elevations have been provided to demonstrate that views between dwellings within the development are limited in accordance with Standard B23 of this Clause.</p>
<p><b>55.04-8 Noise impacts</b></p> <ul style="list-style-type: none"> <li>To contain noise sources in developments that may affect existing dwellings.</li> <li>To protect residents from external noise.</li> </ul>	<p><b>Satisfied.</b> There is unlikely to be any unusual noise generated in association with the proposed dwellings that would be unreasonable in a residential setting, and there are no apparent external noise sources that may affect the dwellings.</p>
<p><b>55.05-1 Accessibility</b></p> <ul style="list-style-type: none"> <li>To encourage the consideration of the needs of people with limited mobility in the design of developments.</li> </ul>	<p><b>Satisfied.</b> The levels of the dwellings respond to the slope of the land to minimise the number of ground level steps. All dwellings have their main living area and kitchen at ground level, and at least a water closet if not a full bathroom. All dwellings also have either a bedroom or an enclosed study at ground level.</p>
<p><b>55.05-2 Dwelling entry</b></p> <ul style="list-style-type: none"> <li>To provide each dwelling or residential building with its own sense of identity.</li> </ul>	<p><b>Satisfied.</b> The porch of each dwelling provides an individual sense of address. The porches are all clearly visible to the street and/or shared driveway, and opportunities for landscaping are provided adjacent to the entries.</p>
<p><b>55.05-3 Daylight to new windows</b></p> <ul style="list-style-type: none"> <li>To allow adequate daylight into new habitable room windows.</li> </ul>	<p><b>Satisfied.</b> All new windows within the development will receive adequate access to daylight in accordance with Standard B27.</p>
<p><b>55.05-4 Private open space</b></p> <ul style="list-style-type: none"> <li>To provide adequate private open space for the reasonable recreation and service needs of residents.</li> </ul>	<p><b>Satisfied.</b> All dwellings are provided with at least 25m<sup>2</sup> of secluded private open space on the ground level with a minimum dimension of 3 metres and convenient access from the respective living rooms.</p>
<p><b>55.05-5 Solar access to open space</b></p> <ul style="list-style-type: none"> <li>To allow solar access into the secluded private open space of new dwellings and residential buildings</li> </ul>	<p><b>Satisfied.</b> The SPOS areas of Dwellings 3 and 6 are north facing and clearly comply with Standard B29. The first floor plan includes indications and dimensions to demonstrate that the remaining dwellings also meet the Standard.</p>

<p><b>55.05-6 Storage</b></p> <ul style="list-style-type: none"> <li>To provide adequate storage facilities for each dwelling</li> </ul>	<p><b>Satisfied.</b> Six cubic metres of externally accessible storage is provided to all dwellings in a combination of storage sheds in the open space areas, and cupboards under the stairs that are accessible from the garages.</p>
<p><b>55.06-1 Design detail</b></p> <ul style="list-style-type: none"> <li>To encourage design detail that respects the existing or preferred neighbourhood character</li> </ul>	<p><b>Satisfied.</b> The design detail of the proposal respects the existing neighbourhood character and provides a suitable transition to the preferred neighbourhood character.</p> <p>Elevations show the use of materials with varied textures and colours, and appropriate provision and spacing of windows for visual interest. Spacing between the dwellings at first floor on all elevations, and ground floor on the north elevation, is also clearly appreciable and assists in minimising the impression of visual bulk.</p> <p>Floor plans show graduation between ground and first floor setbacks, as well as varied first floor setbacks that provide articulation and avoid linear wall form.</p>
<p><b>55.06-2 Front fences</b></p> <ul style="list-style-type: none"> <li>To encourage front fence design that respects the existing or preferred neighbourhood character.</li> </ul>	<p><b>Satisfied.</b> As previously discussed, the front fence is consistent with the specific design objectives of the DDO8 for fences.</p>
<p><b>55.06-3 Common property</b></p> <ul style="list-style-type: none"> <li>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</li> <li>To avoid future management difficulties in areas of common ownership.</li> </ul>	<p><b>Satisfied.</b> The common driveway is practically designed. There are no apparent managerial issues that would be likely to arise as a result of this design.</p>
<p><b>55.06-4 Site services</b></p> <ul style="list-style-type: none"> <li>To ensure that site services can be installed and easily maintained.</li> <li>To ensure that site facilities are accessible, adequate and attractive</li> </ul>	<p><b>Satisfied subject to conditions.</b> There is sufficient space for site services to be provided and maintained.</p> <p>Standard site services conditions will be applied.</p>

### Car parking and traffic

- 8.19 The Scheme requires that each dwelling with three or more bedrooms be provided with two vehicle spaces, at least one of which must be undercover. An enclosed double garage is provided for each dwelling to comply with this requirement.
- 8.20 As the site is located within the Principal Public Transport Network buffer area, the Scheme does not require any on-site visitor parking spaces to be provided.

8.21 An assessment against the design standards of Clause 52.06 (Car parking) of the Scheme is provided in the below table:

Design Standard	Assessment
1 – Accessways	<p><b>Satisfied subject to conditions</b></p> <ul style="list-style-type: none"> <li>• The proposed driveways are at least 3 metres wide</li> <li>• There is no change of direction within the driveways themselves</li> <li>• At least 2.1 metres head room is provided for all garages and there is no first floor cantilevering affecting garage access.</li> <li>• The central accessway serves more than four car parking spaces, and is designed so that cars can enter and exit the site in a forwards direction.</li> <li>• Swept path diagrams have been provided that show the reversing manoeuvres required to enter and exit each of the car parking spaces from the central driveway. For the southern space of the Dwelling 3 garage, the ingress movement has been supplied rather than the egress movement also being shown. A condition will require this to be corrected.</li> <li>• The provided swept paths demonstrate that ingress and egress to/from the car parking spaces in the Dwelling 2, 3, 5 and 6 garages are possible with a maximum of one corrective manoeuvre. The northern most car paces (Dwellings 3 and 6) do not require any corrective manoeuvres. This outcome is considered a reasonable arrangement for a private garage, and allows all vehicles to conveniently exit the site in a forwards direction, which is a safer outcome. The swept path diagrams have also been assessed by Council’s Infrastructure Services Unit who have raised no objection to the arrangement.</li> <li>• A passing area is not required based on the length of the shared driveway and the number of car parking spaces it services.</li> <li>• The site plan demonstrates corner splays on either sides of the driveways at the frontage, which are notated to be 50% clear of visual obstructions. The 0.9m front fences are transparent, and the mailboxes and meter structures are notated to have a maximum height of 0.9m. A standard permit condition will ensure any landscaping in these areas is also 0.9m high or less.</li> </ul>
2 – Car parking spaces	<p><b>Satisfied subject to conditions</b></p> <ul style="list-style-type: none"> <li>• The double garages are at least 5.5 metres wide and 6 metres deep in accordance with Design Standard 2.</li> <li>• The depth dimensions of the Dwellings 1 and 4 garages are not shown, which will be corrected by a condition.</li> </ul>

3 – Gradients	<p><b>Satisfied</b></p> <ul style="list-style-type: none"> <li>The common driveway has a gradient of 1:10 for the first 5 metres.</li> <li>All gradients and transitions are in accordance with Design Standard 3.</li> </ul>
4 – Mechanical parking	<p><b>Not applicable</b></p> <ul style="list-style-type: none"> <li>There is no mechanical parking proposed.</li> </ul>
5 – Urban design	<p><b>Satisfied</b></p> <ul style="list-style-type: none"> <li>The garages are predominantly internal facing, and the street-facing garages do not visually dominate any public space.</li> </ul>
6 – Safety	<p><b>Satisfied</b></p> <ul style="list-style-type: none"> <li>Natural surveillance is provided from multiple dwellings in the development and there are views down the shared driveway from the street.</li> <li>Pedestrian access is separated from vehicles for Dwellings 1 and 4.</li> <li>Pedestrian access to Dwellings 2, 3, 5 and 6 convenient and straightforward, and there are sufficient opportunities for refuge from vehicles.</li> </ul>
7 – Landscaping	<p><b>Satisfied subject to conditions</b></p> <ul style="list-style-type: none"> <li>Conditions for a landscape plan detailing specific planting within the landscaping strips will ensure that appropriate landscaping is provided for the development.</li> </ul>

8.22 Pursuant to Manningham’s Parking Policy 2019, future residents of the proposal will not be eligible for any on-street parking permits if/when parking controls are introduced. The introduction of any parking controls would have to result from surveys/investigations by Council’s Infrastructure Services Unit, which would be undertaken separately to this planning application.

### **Objector issues / concerns**

8.23 A response to the grounds of objection is provided below under the relevant category headings:

#### Traffic and car parking (congestion and safety)

8.24 The proposal provides the required number of car parking spaces for residents in accordance with Clause 52.06 (Car parking) of the Scheme based on the number of bedrooms to each dwelling.

8.25 The provision of one on-site visitor car space is not required by Clause 52.06 (Car parking) of the Scheme given the site’s proximity to public transport and inclusion within the Principal Public Transport Network (PPTN) buffer area.

8.26 In their referral response, Council’s Infrastructure Services Unit did raise a concern that the proposal may result in an increased demand for visitor parking on the street. Their recommendation to include an on-site visitor car parking space was not able to be imposed due to the site’s location in the PPTN buffer area under the Scheme.

- 8.27 The Infrastructure Services Unit referral response also acknowledged that Glendale Avenue is identified as a street with known parking issues. These issues will be investigated separately by the Infrastructure Services Unit from the assessment of this planning application, which can only be assessed on its merits against the Manningham Planning Scheme.
- 8.28 Other issues raised by the objections that will need to be investigated separately to this application include - traffic from Foote Street and Williamsons Road using Glendale Avenue and the surrounding local streets as a cut-through, the streets are too narrow, problems with speeding vehicles, access for emergency services, and speed limits.
- 8.29 Various concerns were raised in the objections about instances where the double garages may be used for storage instead of car parking, and instances where households may own more than two cars. This application can only be assessed against the relevant car parking and storage requirements of the Scheme. The use of the garages within dwellings and ownership of vehicles are not matters that can be considered or enforced.
- 8.30 The number and combined width of crossovers in relation to the length of the street frontage has been assessed to be compliant against the relevant provisions of the Scheme. Additionally, only one new crossover is proposed, as two of the crossovers are already existing. There are also no street trees that will be impacted by the new crossover. The use of three crossovers enables the separation of the Dwelling 1 and 4 garages, which provides a more convenient access and parking arrangement for the development, and reduces the likelihood that future residents may revert to on-street parking. Two on-street car parking spaces will also be available in front of the site.

#### Internal driveway manoeuvrability

- 8.31 Internal driveway manoeuvrability is demonstrated on the advertised swept path diagrams, which have been reviewed by Council's Infrastructure Services Unit and further assessed in accordance with Clause 52.06 (Car parking) of the Scheme previously in this report.
- 8.32 The dimensions of the driveway, and the ingress and egress manoeuvres for all vehicles comply with the relevant provisions of the Scheme. These reversing manoeuvres also meet the relevant Australian Standard for off-street car parking (AS 2890. 1.2004).

#### Overdevelopment (including setting of a precedent)

- 8.33 The proposal has been assessed in detail against the relevant provisions of the Scheme by this report. The proposal is highly responsive to the high-level strategic policy intentions for the area, which anticipate a substantial level of development change.
- 8.34 As found by the assessment in this report, this substantial change is not achieved at the cost of non-compliance with the detailed design objectives and requirements for residential developments, or at the cost of unreasonable amenity impacts to the adjoining properties. Subject to several recommended conditions, the proposal is consistent with the specific design and character requirements of the DDO8, and the objectives and standards of Clause 55 'ResCode' of the Scheme.

- 8.35 Any future planning proposals in the neighbourhood will be considered on their individual merits and specific site context. This ensures that all applications are fully considered with regard to their physical and policy context despite any 'precedent' that is perceived to be set by nearby developments.

#### Neighbourhood character (including streetscape impacts)

- 8.36 As outlined in the Planning Policy Framework and DDO8 assessments within this report, the proposal is considered to respond appropriately to both the existing and preferred neighbourhood character.
- 8.37 The increased residential density is in accordance with the substantial level of change that is anticipated by the relevant provisions and is not inconsistent with emerging developments in the area. The style and layout of the development is respectful of the existing development pattern and character of the street. The development layout with two detached dwellings (Dwellings 1 and 4) addressing the street will blend in with the existing pattern of development, and avoids excessive width and massing to the street.
- 8.38 The pitched tile roofs with eaves, and use of brick and render is also consistent with the prevailing dwelling materials within the streetscape, while the colours and ground floor parapets are suitably contemporary in accordance with the preferred neighbourhood character of the DDO8.
- 8.39 Sufficient space is provided for the provision of meaningful landscaping including screen planting and canopy trees, which will also respond to the surrounding neighbourhood character. As mentioned previously, a landscape plan will be required by permit conditions, to detail specific planting to Council's satisfaction.

#### Visual bulk/massing

- 8.40 The proposal meets the relevant building height, wall height, setback, site coverage, walls on boundaries, and design detail provisions of the Scheme, as discussed in detail by this report.
- 8.41 The dwellings are sited to respond to the slope of the land to avoid excessive building levels and overall heights.
- 8.42 Meaningful spacing is provided at the first floor between all dwellings, and in some instances at the ground floor as well. The central break in the development provided by the shared driveway also provides a significant break in the built form as viewed from the street.

#### Overlooking

- 8.43 Potential overlooking impacts as a result of the proposal have been assessed in detail in the Clause 55 assessment of this report. Several permit conditions have been recommended to demonstrate categorically that Standard B22 of Clause 55.04-6 (Overlooking) of the Scheme is met.

Overshadowing to windows

- 8.44 Daylight to existing windows has been assessed in detail in the Clause 55 assessment of this report, as has overshadowing to open space. The development provides sufficient building setbacks to ensure that the relevant provisions of the Scheme are met. Based on these assessments, it has been bound that no unreasonable off-site amenity impacts will occur as a result of overshadowing from the proposal.

Insufficient landscaping/greenery

- 8.45 The proposal complies with the mandatory minimum garden area of the General Residential Zone.
- 8.46 The minimum secluded private open space dimensions set by Clause 55.05-4 (Private open space) of the Scheme are exceeded by the proposal.
- 8.47 Council's Statutory Planning Arborist has advised that there is sufficient soil capacity for the provision of canopy trees, and has recommended some species that will be implemented through permit conditions.
- 8.48 Services/equipment including sheds and clotheslines will be relocated by permit conditions as practicable, to improve screen planting opportunities.
- 8.49 As previously discussed, a landscape plan will be required by permit conditions, to detail the specific planting outcomes, which must be to Council's satisfaction.

Impacts to neighbouring trees

- 8.50 Tree protection measures as recommended by the submitted arborist report and in accordance with advice from Council's Statutory Planning Arborist will be imposed via permit conditions.
- 8.51 The concern raised in relation to the impacts of the Dwelling 4 garage to adjoining Tree 30 on the east adjoining property is not considered to be fully resolved by the arboricultural advice, as a result of insufficient plan details.
- 8.52 Based on the contours shown on the survey plan in the location of the Dwelling 4 garage (67.21 AHD), the proposed garage level (67.05 AHD) will be 160mm lower than natural ground level. Despite this, the arborist recommendations and subsequent notations on the floor plans and elevations state that the garage level will be 100mm above natural ground level, to provide for a suspended slab that will protect Tree 30.
- 8.53 To address this inconsistency, and ensure that Tree 30 is protected, conditions will require that clear demonstration of the 100mm clearance is provided. This may be through cross sectional diagrams, a re-survey of the land, and/or other plan clarifications. The condition will also be worded to ensure that no subsequent amenity impacts are created through an increased wall or building heights for the garage.

Waste collection

- 8.54 Council's Infrastructure Services Unit have advised that Council waste collection can be provided for this development. As such, there is no requirement for a waste truck to enter the site and turn around.

- 8.55 The provided floor plans include outlines to show that the street frontage has the capacity for the number of bins that will be out for collection each week. These outlines demonstrate that the bins will not occupy the entire frontage of the site, which will allow space for vehicle visibility and for the bins to be spread out if necessary.

#### Insufficient infrastructure

- 8.56 Council's infrastructure Services Unit have raised no concerns relating to the capacity of existing services and utilities, and the demands associated with the proposal.
- 8.57 As previously mentioned, an on-site detention system will be required by permit conditions, which will regulate the flow of stormwater from the site into the existing drainage infrastructure.

#### Insufficient room sizes and private open spaces

- 8.58 The private open spaces are in excess of the dimensions required by the Scheme, and Council's Statutory Planning Arborist has confirmed that there is sufficient space for the provision of canopy trees. Additionally, the ability for services/equipment such as sheds, clotheslines and water tanks to be located away from the main outdoor living areas also demonstrates that sufficient open space is provided.
- 8.59 All bedrooms are provided with dimensions to show that they either meet or exceed a minimum width of 3 metres, which demonstrate they are adequate in size. The Scheme does not include any dimension requirements for living areas or other internal rooms for developments of this scale. Nonetheless, the sizes of the main living areas are not considered to be unreasonable, and are orientated and designed with good accessibility to the outdoor open spaces.

#### Noise

- 8.60 The consideration of this planning application is confined only to the construction of the dwellings, as the residential use of the dwellings does not require a planning permit and is not a planning matter. Residential noise associated with a dwelling is considered normal and reasonable in an urban setting, including any noise generated by children and families using their outdoor private open space areas. Any future issues of amenity, if they arise, should be pursued as a civil matter.

#### Pollution and environmental impacts

- 8.61 A BESS Report and STORM rating report have been prepared for the development, which demonstrate that best practice sustainability and stormwater management standards can be achieved. Previously mentioned conditions will require that all relevant plan notations be added to ensure that the proposal will meet the commitments made within these reports.
- 8.62 In addition to the above-mentioned reports, which are a standard requirement in accordance with Clause 22.12 (Environmentally Sustainable Development) of the Scheme, the development will be subject to various sustainability requirements at the building permit stage.

- 8.63 The provision of new dwellings that meet the current best practice standards for sustainability and stormwater management are considered to be an improved environmental outcome for the site.
- 8.64 There is no clear link between this proposal in particular, and an increase to pollution. Minimisation and/or mitigation of environmental impacts (such as pollution) is at the forefront of the relevant environmentally sustainable development provisions of the Scheme, against which all planning applications are assessed.

#### Construction materials

- 8.65 There are no relevant provisions in the Scheme that regulate construction materials in relation to combustible cladding or similar considerations, as this is a consideration of the Building Permit process.
- 8.66 The external materials have been considered in relation to the design detail and neighbourhood character requirements of the Scheme, and were found to comply with those provisions.

#### Boundary fencing

- 8.67 A request has been made for 3 metre fencing along the eastern boundary. This considered excessive as the proposed fencing and trellis are already sufficient in height to provide screening as per Clause 55.04-6 (Overlooking) of the Scheme.
- 8.68 Boundary fencing is ultimately a civil matter between adjoining property owners and is only a relevant consideration for town planning insofar as it may be relied upon as a solution to limit potential overlooking.
- 8.69 If a civil agreement for a taller boundary fence is sought, it is recommended that the additional shadow impacts be considered, as this was a separate concern raised within the objector grounds.

#### Property maintenance

- 8.70 There is no demonstrated link between the approval of development applications and a lack of property maintenance.
- 8.71 There will be a greater responsibility for maintenance on the site once it is developed, as there will be an approved landscape plan that must be complied with, along with standard permit conditions for the development to be maintained to the satisfaction of Council.
- 8.72 Any future issues related to unsightly properties or fire hazards should be reported to Council's City Compliance Unit for investigation when/if they occur.

#### Construction impacts (including trades vehicle parking and truck access)

- 8.73 A permit condition will require that a Construction Management Plan (CMP) be prepared and submitted for assessment by Council prior to construction commencing on the site. The CMP will include a list of obligations that the construction process must adhere to, which can include the parking of trades vehicles and logistics for delivery trucks and machinery. Any breaches of the CMP during the construction process may result in enforcement action by Council.

8.74 The developer will be required to meet relevant Local Law and EPA practices to ensure that any impacts are mitigated, and compliance with Council's Works Code of Practice (June 2017) will also be required at all times.

**9. CONCLUSION**

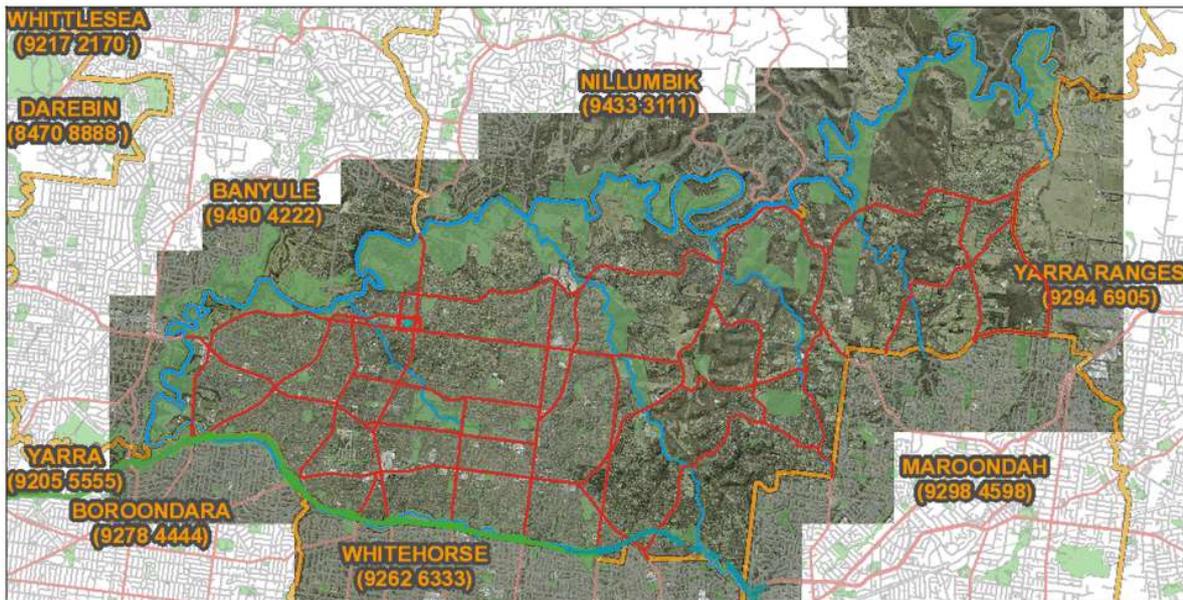
9.1 It is recommended that the application be approved subject to conditions.

**10. DECLARATION OF CONFLICT OF INTEREST**

10.1 No officers involved in the preparation of this report have any general or material conflict of interest in this matter.

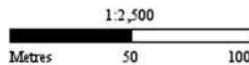


# Maps of Manningham



 **Subject Land**    **Address:** 15 Glendale Avenue, TEMPLESTOWE 3106

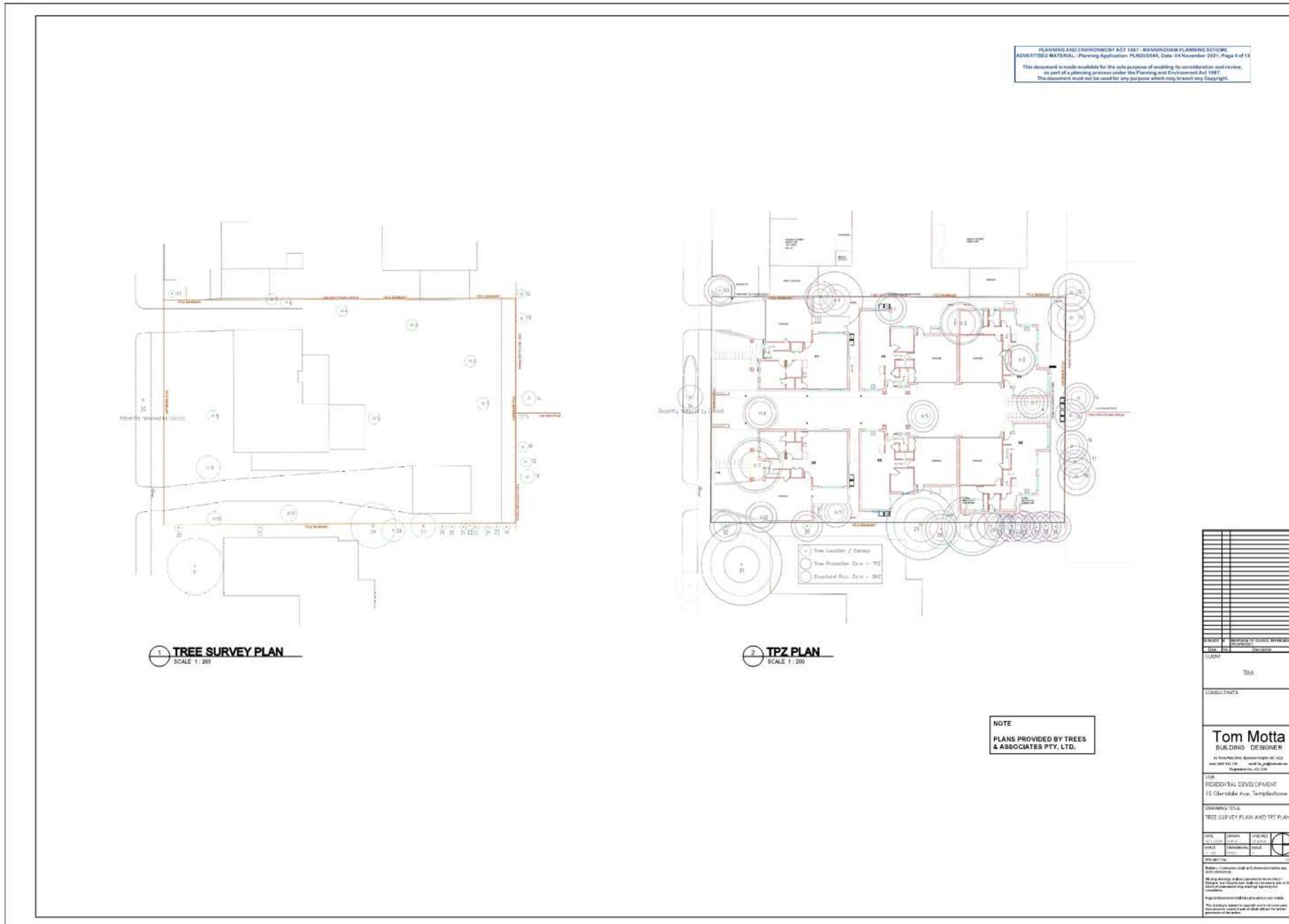
Whilst all care has been taken in the preparation of this cadastral base map, Manningham and the State of Victoria accepts no responsibility for the accuracy of any information shown. Users should rely on their own enquiries in order to validate information shown on this map. This information is for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



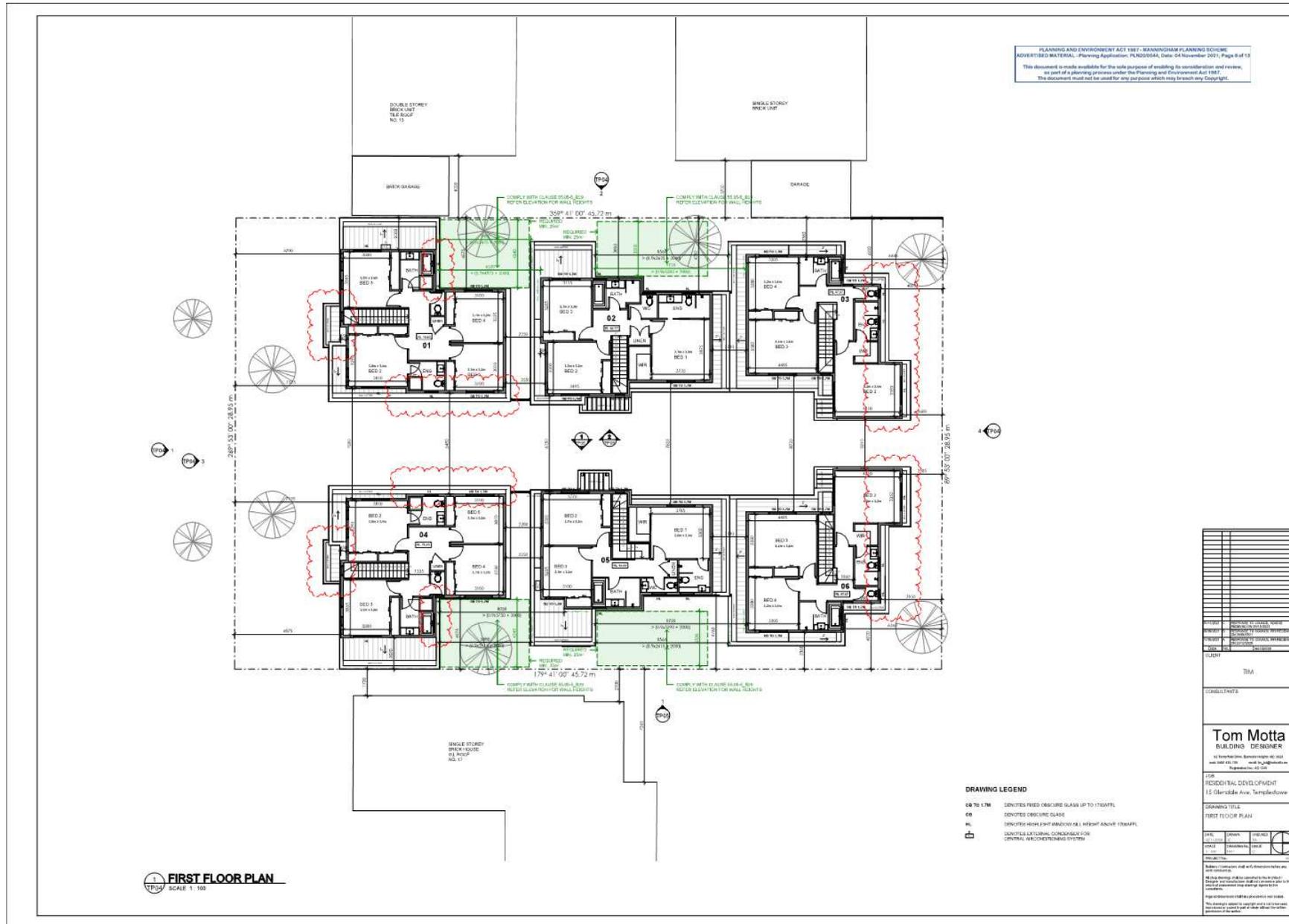
Feb 1, 2022, 8:09 AM

Produced by **Manningham GIS**















## 5. LEGISLATIVE REQUIREMENTS

### 5.1 PLANNING AND ENVIRONMENT ACT 1987 (THE ACT)

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

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

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

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

### 5.2 MANNINGHAM PLANNING SCHEME

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

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

#### Zone

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

The purpose of the General Residential Zone is:

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

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

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

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

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

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

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

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

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

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

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

### Overlays

#### Clause 43.02 Schedule 8 to the Design and Development Overlay

The design objectives are as follows:

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

#### Permit Requirement

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

#### Building Height & Setbacks

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

Table 1

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

#### Planning Policy Framework

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

Clause 15.01-1 (Urban Design) seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. Strategies towards achieving this are identified as follows:

- *Promote good urban design to make the environment more liveable and attractive.*
- *Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.*
- *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*
- *Ensure transport corridors integrate land use planning, urban design and transport planning and are developed and managed with particular attention to urban design aspects.*
- *Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.*

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

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

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

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

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

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

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

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

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

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

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

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

Clause 15.02-1 Sustainable development: Energy and resource efficiency

The policy objective is:

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

The clause has the following strategies:

- *Ensure that buildings and subdivision design improves efficiency in energy use.*
- *Promote consolidation of urban development and integration of land use and transport.*
- *Improve efficiency in energy use through greater use of renewable energy.*
- *Support low energy forms of transport such as walking and cycling.*

Clause 16.01-1 Residential development: Integrated housing

The policy objective is:

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

The clause has the following strategies:

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

Clause 16.01-2 Residential development: Location of residential development

The policy objective is:

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

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

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

Clause 16.01-4 Housing diversity

The policy objective is:

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

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

The policy objective is:

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

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

### **Municipal Strategic Statement**

#### Clause 21.03 Key Influences

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

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

#### Clause 21.05 Residential

This policy outlines the division of Manningham into four Residential Character Precincts. The precincts seek to channel increased housing densities around activity centres and main

roads where facilities and services are available. In areas which are removed from these facilities a lower intensity of development is encouraged. A low residential density is also encouraged in areas that have identified environmental or landscape features.

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

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

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

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

Development in Precinct 2 should:

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

Clause 21.10 Ecologically Sustainable Development

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

**Local Planning Policy**

Clause 22.08 Safety through urban design

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

Clause 22.09 Access for disabled people

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

Clause 22.12 Environmentally Sustainable Development

This policy applies throughout Manningham to residential and non-residential development that requires a planning permit in accordance with the thresholds in Table 1 of this Policy (except for land affected by the Activity Centre Zone (Schedule 1) that applies to Doncaster

Hill). The policy contains an overarching objective that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

### **Particular Provisions**

#### Clause 52.06 Car Parking

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

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

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

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

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

A development:

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

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

### **General Provisions**

#### Clause 65 Decision Guidelines

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

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

**9.2 Planning Application to VCAT under Section 87A of the Planning and Environment Act 1987 for an amendment to Planning Permit PL17/027403 at 181 Reynolds Road Doncaster East (The Pines) (VCAT reference number P11848/2021)**

**PL17/027403 was issued for the use and development of the land for a retirement village and dwellings within a multi-storey development also containing car parking, communal facilities and retail and office tenancies, and the creation and alteration of access to a road in a Road Zone, Category 1**

File Number:	IN22/25
Responsible Director:	Acting Director City Planning & Community
Applicant:	J Y Haben Pines SC No. 1 Pty Ltd C/- Up Co Planning
Planning Controls:	Commercial 1 Zone C1Z
Ward:	Westerfolds Ward
Attachments:	1 S87A Amended Plans (Revision 8) <a href="#">↓</a> 2 Previous Decision Plans (Revision 7) <a href="#">↓</a> 3 Legislative Summary <a href="#">↓</a>

## **EXECUTIVE SUMMARY**

### **Purpose**

1. This report provides Council with an assessment of the proposed amendment to Planning Permit PL17/027403, submitted directly to the Victorian Civil and Administrative Tribunal (VCAT) pursuant to Section 87A of the *Planning and Environment Act 1987*.
2. Planning Permit PL17/027403 was issued on 26 November 2018, for the use and development of the land at 181 Reynolds Road, Doncaster East (The Pines Shopping Centre), for a retirement village and dwellings within a multi-storey development also containing car parking, communal facilities and retail and office tenancies, and the creation and alteration of access to a road in a Road Zone, Category 1.
3. The application is being reported to Council as it proposes an amendment to an approved Major Application that was originally reported to Council on 24 April 2018 and 23 October 2018. Whilst Council is not the decision maker in this instance given that the application has been made directly to VCAT, Council must form a position on the proposed application.
4. The report provides details of the amendment and an assessment of the proposed changes, with a recommendation that Council provide its support, subject to some modifications by way of conditions.

5. Council's resolution (either to support or refuse the amendment) will be further discussed at VCAT proceeding/s, including the compulsory conference scheduled for 7 March 2022, and hearing scheduled to commence on 12 May 2022. Should Council resolve to support the amended proposal and the Applicant agrees to any recommended conditions, VCAT may decide the request 'on the papers', avoiding the need for the aforementioned compulsory conference and/or hearing.

### Proposal

6. Planning Permit PL17/027403 approved a proposal for the use and development of the existing open air car park to the south and west of the existing shopping centre building, for the purpose of a retirement village, dwellings, communal facilities and retail tenancies. The development was proposed to be constructed in two stages, with Stage 1 to include the western portion of the development and Stage 2 to include the eastern portion.
7. The overall layout remains largely consistent with that of the original approval, continuing to provide retirement living apartments and communal facilities within four building modules above three levels of partial basement car parks for shopping centre visitors and residents. The building height, massing and architectural presentation also largely remain consistent with the approved development. The vehicle access arrangements along Reynolds Road and the internal road (between the centre and the proposed development) are also maintained.
8. The proposed amendment seeks to modify the staging of the development, with Stage 1 to comprise of the eastern car parking levels and the remaining development within Stage 2.
9. The amendment also includes alterations to the development. This includes:
- Alterations to the access and car parking layout;
  - Reducing the overall number of car spaces by 4 (to 914);
  - Modifying the dwelling typologies and alterations to their internal layouts without alterations to the overall number of dwellings (280), as per the table below:

Dwelling Typologies	Original Decision Plans	Proposed S87A Plans
1 Bedroom	0	4
1 Bedroom plus Study	20	34
2 Bedroom plus 1 Bathroom	35	53
2 Bedroom plus 2 Bathroom	90	72
2 Bedroom plus 2 Bathroom and a Study	79	66
3 Bedroom	56	51
<b>Total Dwellings</b>	<b>280</b>	<b>280</b>

- Minor modifications to building setbacks,
- Deletion of the 3 retail premises; and

- Alterations to the layout and area of the community use tenancies along Blackburn Road. In particular by increasing the area of the southern tenancy by 5 square metres (129 square metres to 134 square metres) and reducing the northern tenancy area by 7 square metres (from 125 square metres to 118 square metres). Whilst the area of northern tenancy has been reduced it continues to meet the area requirement under Condition 16.3 of the permit. However, its layout has been altered from a regular rectangular shape to an 'L' shaped area with narrow dimensions and located partly under the basement ramp.
10. Permit conditions relevant to the above plan changes are proposed to be amended.
  11. The permit expiry condition (Condition 51) is also proposed to be amended to allow for three years from the date of issue of the amended permit to commence works and seven years from the date of issue of the amended permit to complete works and commence the uses.

### **Notification**

12. Notice of the application was given by the Applicant on 11 January 2022, at the direction of VCAT.
13. The lodgement of statement of grounds to VCAT was due on 31 January 2022. One joint statement of grounds by six objectors has been received which raised concerns relating to traffic impacts. The statement also indicated that the objectors did not wish to join as a party to the proceeding.

### **Key issues in considering the application**

14. The key issues for Council in considering the proposal relate to:
  - Planning Policy Frameworks;
  - Design and built form;
  - Car parking and traffic
  - Change to permit conditions and compliance with Condition 1 requirements of the permit.

### **Assessment**

15. The proposed amendment does not result in any significant changes to the layout and appearance of the development.
16. The proposed amendment to the staging of the development will ensure that adequate car parking supply is retained throughout the construction period. This is considered an acceptable approach and is in line with the intent of Condition 8 of the permit regarding the staging of the development.
17. The amendment to the layout of the access, car parking and dwellings are considered minor in nature and will not raise any additional amenity issues. The change in dwelling typologies including the introduction of one bedroom dwellings will also provide greater diversity of housing choices.
18. Given the substantial presence of retail in the shopping centre, the deletion of 3 retail premises from the development is considered reasonable.

19. The alteration to the layout of the northern tenancy with narrow width and partly being under the basement ramp is not supported. A permit condition will require this tenancy to be relocated and redesigned to a larger and rectangular space to maximise its useability.
20. The overall reduction of 4 car parking spaces is considered acceptable as it continues to comply with the statutory requirement in Clause 52.06 (Car Parking) of the Manningham Planning Scheme. The provision of 352 residential car parking spaces exceeds the requirement for 331 spaces, and the 562 retail car parking spaces exceeds the existing provision of 515 spaces for the shopping centre.
21. The proposed amendment to the permit condition to allow for additional time to commence and complete the development should be applied for and processed through the standard procedure of applying pursuant to Section 69 of the Planning and Environment Act 1987.

### Conclusion

22. This report concludes that the proposal generally complies with all relevant matters to be considered in the Manningham Planning Scheme and should be supported.
23. It is recommended that the amendment application be supported as per the officer recommendation.

### COUNCIL RESOLUTION

**MOVED:** CR ANDREW CONLON  
**SECONDED:** CR ANNA CHEN

**That Council:**

- A. **Having considered the proposed amendments, advise VCAT that Council is supportive of the request submitted under Section 87A of the Act to amend Planning Permit PL17/027403 and to modify the existing permit conditions as follows:-**

Changes proposed:

- Amendment to the staging of the development;
- Alterations to the access and car park layouts and a reduction in the number of car parking spaces by 4 (to 914);
- Introduction of 1 Bedroom dwellings without changing the overall number of dwellings (280);
- Alterations to dwelling layouts including minor modifications to building setbacks and the introduction of new apartment lobbies;
- Deletion of three retail premises; and
- Alteration to the location, layout and floor area of the community use tenancies along Blackburn Road.

**Subject to the following conditions (new/modified conditions underlined)-****Amended Plans**

1. Before the development commences, amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the book of plans drawn by Plus Architecture, Job No. 13033, dated 24 November 2021, Revision 8, but modified to show:

*Information*

- 1.1. Fully detailed architectural plans including full floor plan layouts and a comprehensive development schedule;
- 1.2. An assessment of the development against Clause 58 of the Manningham Planning Scheme, with plans amended as necessary to demonstrate reasonable compliance with the Clause 58.04-3 Noise, Clause 58.05-1 Accessibility, Clause 58.05-4 Storage, Clause 58.05-3 Private open space, Clause 58.07-1 Functional layout and in addition for dwellings not provided for retirement living use, Clause 58.07-2 Room depth, to the satisfaction of the Responsible Authority;
- 1.3. The staging plan as required by Condition 8;

*Design and Layout*

- 1.4. The allocation of dwellings not provided for retirement village use, with such provision to be not more than 40% of the total accommodation (units/dwellings) and must be located within Buildings C2 and D as first precedence;
- 1.5. Appropriate residential entry arrangement with accessible frontage to Blackburn Road for dwellings not provided for retirement living use, in Buildings C2 and D;
- 1.6. Appropriate residential entry arrangement and use separation for the balance of dwellings not provided for the retirement village use, to the satisfaction of the responsible Authority;
- 1.7. Design detailing of the pedestrian stairwell to the Reynolds Road frontage, demonstrating suitable visibility and safety;
- 1.8. Design detailing of the feature treatment on the western wall of the internal public pedestrian walkway (incorporating opaque backlit wall with fins or similar) and details of the proposed materials and finishes of the Retirement Living Lobby on the north-west corner of Apartment Building C1;
- 1.9. Any design changes or plan notations as required by the plans as approved under Conditions 3, 5, 9 and 10 of this Permit, and as relevant to the requirements of VicRoads and Transport for Victoria;

- 1.10. The northern community use tenancy relocated between the apartment lobbies facing Blackburn Road to provide a minimum floor area of 125 sqm and to include a kitchen and WC, DDA compliant access from Blackburn Road, with subsequent relocation of the service/ rainwater tank area on either sides of the southern apartment lobby and applying high quality external finishes and design treatments to the service area facing Blackburn Road that provide visual interest and integrate with the balance of the external façade to the satisfaction of the Responsible Authority;

*Use*

- 1.11. The allocation of not less than 5% of the total accommodation (units/dwellings) to Affordable Housing, in accordance with Condition 16.2 of this Permit;

*Car parking and access*

- 1.12. The car parking layout fully dimensioned and designed in accordance with the requirements of Clause 52.06 of the Manningham Planning Scheme, and to the satisfaction of the Responsible Authority, with changes to include, but not limited to:

1.12.1. A review of the ramp locations and any car spaces directly adjoining, including the turning radius for ramp access and potential conflict with vehicles accessing the spaces opposite the ramp entry;

1.12.2. Review and relocation of trolley bays as necessary to ensure there is no conflict with adjacent car spaces and vehicle movements;

1.12.3. Raised zebra crossings to all access points to the car park to comply with the relevant Australian Standards;

1.12.4. Lift lobby 3 to be recessed to accommodate a pedestrian pathway width of at least 1.5 metres directly adjacent, and additional clearance between the pedestrian crossing and the internal road (to improve general safety levels for all users);

*Materials*

- 1.13. Weather protection to the commercial facades facing Blackburn Road;
- 1.14. A full materials schedule including samples of main façade treatments, to be suitably approved by the Responsible Authority, and demonstrating:
- 1.14.1. Details of all commercial glazing which maximises visibility from the road frontage;
- 1.14.2. Suitable transparency within the gold glazing “GL4” upon the public walkway curtain wall;
- 1.14.3. Feature backlighting associated with the translucent cladding “C1”;
- 1.14.4. Façade treatments of the residential buildings to be generally low maintenance and durable materials;
- 1.14.5. Greater design detailing regarding balcony screens;

*Site Services*

- 1.15. The location of the plant equipment on the roof to be away from the sides of the building and where necessary, be screened to minimise any visual and amenity impacts on the street and adjoining properties, to the satisfaction of the Responsible Authority; and
- 1.16. Details of how site service will be screened/finished, so as to reasonably integrate into the overall development, including the design of cabinets where necessary.

**Endorsed Plans**

2. The layout of the site, the size of buildings and works, the staging and the description of the uses on the approved plans must not be modified for any reason without the written consent of the Responsible Authority.

**Sustainability Management Plan**

3. Prior to the endorsement of Condition 1 plans, an amended Sustainability Management Plan (SMP) prepared by a suitably qualified environmental engineer or equivalent must be submitted via email and approved by the Responsible Authority. The plan must demonstrate best practice in environmentally sustainable development from the design stage through to construction and operation using industry assessment tools. Upon approval the SMP for that stage it will be endorsed as part of the planning permit and the relevant stage of the development must incorporate the sustainable design initiatives outlined in the endorsed SMP to the satisfaction of the Responsible Authority.

**Construction Management Plan**

4. Not less than two months prior to each stage of the development commencing, a Construction Management Plan (CMP) must be submitted via email and approved by the Responsible Authority. When approved the plan will form part of the permit. The Construction Management Plan is to be prepared in accordance with the template within Council's Construction Management Plan Guidelines, and detail each stage of the development. The CMP must address, but is not be limited to the following:
  - 4.1. Element A1: Public Safety, Amenity and Site Security;
  - 4.2. Element A2: Operating Hours, Noise and Vibration Controls;
  - 4.3. Element A3: Air Quality and Dust Management;
  - 4.4. Element A4: Stormwater and Sediment Control and Tree Protection (also as per the specific requirements of this permit);
  - 4.5. Element A5: Waste Minimisation and Litter Prevention; and
  - 4.6. Element A6: Traffic and Parking Management.

The CMP must detail the location of vehicle parking of construction workers. Alternative parking arrangements for construction workers must be established to minimise impact on public parking associated with the shopping centre.

Council's Works Code of Practice (June 2016) and Construction Management Plan Guideline (June 2016) are available on Council's website. Construction Management Plan approved must be implemented and complied with at all times to the satisfaction of the Responsible Authority.

#### **Waste Management Plan**

5. Prior to the endorsement of Condition 1 plans, an amended Waste Management Plan (WMP) generally in accordance with the Waste Management Plan prepared by Leigh Design dated 17 November 2021 must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. and detail how best practice standards are achieved based on the Manningham City Council – Waste Collection for Residential Developments in Manningham – Guidelines for Developers including:
  - 5.1. Specific waste management practices pertaining to the relevant collection areas in the entire development, in addition to each stage of the development;
  - 5.2. Chutes, carousels, drop-off areas and compaction facilities, including those servicing Buildings A to C;
  - 5.3. Access to bin rooms, chutes and drop-off areas for all proposed components within the development;
  - 5.4. Hard waste collection;
  - 5.5. Collection locations and routines including times and frequency (to be generally outside of shopping centre trading hours);
  - 5.6. The methods used to educate residents of waste collection system including the recycling component and hard waste;
  - 5.7. The location in which collection vehicles will prop to undertake collection; and
  - 5.8. Swept path diagrams (relevant to each stage of the development) illustrating the collection vehicles to be used as well as height clearance requirements submitted for approval by the Responsible Authority.

When approved, the plan will form part of the permit. Private waste collection must occur on site and no private waste contractor bins can be left outside the development boundary at any time on any street.

#### **Disability Management Plan**

6. Before the commencement of the development (excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, piling, footings, ground beams and ground slab), a Disability Access Plan that implements the recommendations of a Disability Access Audit, prepared by a suitably qualified person that demonstrates compliance with the relevant Australian Standards for access, including AS1428 Part 2, must be submitted and approved to the satisfaction of the Responsible Authority. When approved the plan will form part of the permit. The plans must include but is not limited to:
  - 6.1. Vehicular and pedestrian access into the building;
  - 6.2. Access to the lifts;
  - 6.3. The provision of tactile indicators;
  - 6.4. The provision of Braille indicators for the lifts;
  - 6.5. The use of contrasting paving materials to assist the vision impaired;

- 6.6. Emergency exits, particularly above the ground floor; and
- 6.7. Car parking.

### **Management Plans**

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

### **Staging Plan**

8. Before the commencement of the development, a Staging Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved the plan will form part of the permit. The plan must detail the following, but is not limited to:
  - 8.1. The likely timing for the commencement and completion of each stage of the development,
  - 8.2. Measures to be implemented to minimise disruption to the operations of the shopping centre for both patrons and bus services;
  - 8.3. An itemised list of the works to be completed within each stage, with reference to the development plans and requirements of the conditions of this permit;
  - 8.4. Demonstration by the developer that at the completion of Stage 1 works, suitable car parking provision has been made available for the commercial component of the development, with appropriate vehicular circulation and access; and
  - 8.5. The completion of the urban plaza and bus interchange upgrades, to the satisfaction of the Responsible Authority.

### **Urban Plaza and Landscape Plan**

9. Prior to the endorsement of Condition 1 plans, a landscaping plan must be prepared by a suitably qualified landscape architect showing species, locations, approximate height and spread of proposed planting, and must be submitted to the Responsible Authority for approval. The plan for each stage must be generally in accordance with the concept landscape plan prepared by Group GSA and dated July 2018, but modified to show:
  - 9.1. Any details as relevant or directed by any other condition of this Permit;
  - 9.2. A detailed planting schedule of the species, numbers of plants, approximate height, spread of proposed planting and planting/pot size for all trees, shrubs and all other plants;
  - 9.3. Planting to be generally in accordance with preferred landscape theme defined in The Pines Structure Plan;
  - 9.4. Planting within the plaza area to account for required bus clearances;
  - 9.5. Details of the maintenance and upkeep of all planting and any "green-walls; and
  - 9.6. Species to be of semi-mature or mature growth to provide a well-established landscape theme at the time of planting.

10. Prior to the endorsement of Condition 1 plans, a plan (generally in accordance with drawing TP 147) detailing the urban design treatment of the plaza area must be submitted to and approved by the Responsible Authority. When approved, the plan will form part of the permit. The plan must be developed in consultation with and to the satisfaction of the Responsible Authority, and show:
  - 10.1. The provision of seating in the vicinity of each bus stop, whilst providing for sufficient footpath space for pedestrian movement. This must have regard adjacent retail shop fronts and entry points, and any bus overhang;
  - 10.2. Details of all proposed hard surface materials/paving for footpaths, to be of a feature design;
  - 10.3. Full design details and specifications of installation of any feature artwork, seatings, landscaping (potentially tiered landscaping) and facilities to the area between the pedestrian entry to the retail car park at Ground Floor Level and Retirement Living Lobby to ensure appropriate utilisation and activation of the plaza;
  - 10.4. Lighting and design treatment of the walkway connection between the plaza and lift, including any safety features;
  - 10.5. Public lighting to the bus interchange and pedestrian footpaths;
  - 10.6. The inclusion of water sensitive urban design features;
  - 10.7. Street furniture, including public signage, bins, seats, fencing and the like;
  - 10.8. Material and design of all canopies/shelters above pedestrian areas;
  - 10.9. The general planting as approved on the landscape plan required under Condition 9;
  - 10.10. Disabled access features; and
  - 10.11. Finished surface levels and treatment of any level differences.
11. Before the release of the approved plans for each stage of the development, a \$20,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas for that stage and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all landscaping works, provided the landscaped areas for that stage are being maintained to the satisfaction of the Responsible Authority.
12. Before the occupation of any building, or as nominated in the approved staging plan, landscaping and urban design works must be completed to the satisfaction of the Responsible, and then maintained to the satisfaction of the Responsible Authority.

### **Traffic and Parking Plan**

13. Before the commencement of the development, a Traffic and Parking Plan must be submitted via email and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must include and detail –
  - 13.1. Internal road finishes and details of the pavement area and zebra crossing, (designed to highlight its pedestrian function), including kerb heights;

- 13.2. The inclusion of flashing lights to the main pedestrian zebra crossing between the car park and centre entry;
- 13.3. Pedestrian crossing details at each of the car park access points;
- 13.4. Details of vehicle priority movements within the development area;
- 13.5. Proposed restrictive traffic barriers and the method of operation;
- 13.6. Signage and line-marking to direct traffic into the car park from the internal road;
- 13.7. Details of access and security into resident/visitor parking; and
- 13.8. Method in which visitors will be encouraged to park in nominated car spaces.

All works shown on the approved plan must be constructed, implemented and complied with at all times to the satisfaction of the Responsible Authority.

### **Roadworks**

14. Prior to the completion of Stage 1 of the development, the developer must carry out and pay all costs associated with the following roadworks:
  - 14.1. The left turn "slip-lane" from Blackburn Road formalised to better accord with Australian Standards, generally involving appropriate line marking and signage.

Such roadworks must be detailed in a Functional Layout Plan and engineering construction plans (civil plans) which must be submitted to and approved by the Responsible Authority, prior to the commencement of the roadworks.

15. Before any the commencement of roadworks associated with Condition 14, the Responsible Authority must be paid a supervision fee equal to 2.5% of the estimated cost of the works (estimate to be submitted to the Responsible Authority prior to the commencement of works), a plan checking fee equal to 0.75% of the cost of construction of the works and a maintenance deposit equal to 5% of the cost of construction of the works.

### **Section 173 Agreement**

16. Before the development starts, the owner of the land must enter into and execute an agreement with the Responsible Authority, pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide that:
  - 16.1. Aside from the approved number of dwellings which may, at the election of the owner be used by persons of any age, persons residing in the development are retired persons as defined by the Residential Villages Act 1986. The Section 173 Agreement must be registered on title. It is further required that this agreement must be registered at the Office of Titles pursuant to Section 181 of the Planning and Environment Act 1987;
  - 16.2. Not less than 5% of the total accommodation will be Affordable Housing, as defined within the *Planning and Environment Act 1987*. The Agreement must detail how the Affordable Housing component will be provided and managed, to the satisfaction of the Responsible Authority. Under this Agreement, the owner will determine ownership and tenure of this housing, provided such housing will remain Affordable Housing in perpetuity;

- 16.3. The Owner must offer Tenancy [northern tenancy fronting Blackburn Road with a minimum area of 125sqm] for lease to the Responsible Authority–
- 16.3.1. for nominal rent, which must not exceed \$100 per annum;
  - 16.3.2. for a total lease term of up to 20 years, with a review of lease after 10 years whereas by the Responsible Authority may elect to continue the remaining term of the lease for the nominal rent not exceeding \$100 per annum, unless otherwise negotiated;
  - 16.3.3. for commencement of lease upon at the time of the issuing of a certificate of occupancy for the residential component of the development;
  - 16.3.4. providing that the Responsible Authority is responsible for all fit out costs and outgoings, with the exception of a kitchen, toilet and all essential service connections which must be installed by the Owner and completed prior to the commencement of lease;
  - 16.3.5. with provision made for defining and controlling the use of the land, which must be for community purposes which are reasonably compatible with surrounding uses so as not to cause detriment to those surrounding uses;
  - 16.3.6. with provision made for surrender of the lease by the Responsible Authority without cause and termination of the lease by the Owner if the Responsible Authority does not use the land continuously for community purposes in accordance with condition 16.3.5, except for any vacancy periods associated with fit out works or a change of tenant or user;
- 16.4. The Owner must offer and maintain Tenancy [southern tenancy fronting Blackburn Road with a minimum area of 134sqm] for lease, on the open market –
- 16.4.1. for a community use, or other suitable use, as determined in consultation with and to the satisfaction of the Responsible Authority;
  - 16.4.2. for 80% of market value rent as determined by a certified practicing valuer or, if an alternative valuation method is proposed by the Owner which is to the satisfaction of the responsible authority, such alternative valuation method;
  - 16.4.3. otherwise on ordinary commercial terms, to the satisfaction of the Responsible Authority, which must include that the lessee is responsible for all fit out costs and outgoings;
  - 16.4.4. for a minimum term of 10 years, unless with agreement of Responsible Authority.
- 16.5. Before the development starts, the Owner must pay to the Responsible Authority \$40,000.00 for the purpose of preparing a landscape plan for the Council tree reserve at the southwest corner of Reynolds Road and Blackburn Road for a length of 110 metres of its abuttal to both Reynolds Road and Blackburn Road, and for the implementation and maintenance of the landscaping shown on the plan. Such landscape plan may include an arboricultural survey of existing vegetation at the sole discretion of the Responsible Authority.

The agreement must be prepared and executed at the owner's expense.

### **Drainage**

17. The development must be drained to the satisfaction of the Responsible Authority with the objective of maintaining pre-development flows and controlling littler infiltration.
18. Before the development of each stage starts, a construction plan for such drainage system required by Condition No. 17 of this permit must be submitted to and approved by the Responsible Authority.
19. 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.

### **Car Parking**

20. Before the occupation of the buildings in each stage, all basement parking spaces must be properly formed, line-marked, numbered (for resident car spaces only) and signposted to provide allocation to the commercial uses and/or each dwelling and visitors to the satisfaction of the Responsible Authority.
21. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose and the nominated residential car spaces may only be used by occupants of or visitors to the buildings to the satisfaction of the Responsible Authority.

### **Completion**

22. Prior to the occupation of any stage of the building approved under this permit, a report from the author of the relevant stage SMP report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures specified in the relevant stage of the SMP have been implemented in accordance with the approved Plan.
23. All privacy screens and obscure glazing as shown in accordance with the approved plans must be installed prior to occupation of each stage of the development to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority.
24. All plant and equipment that is not installed within the building must otherwise be installed in the area of plant and equipment on the roof of the building, unless otherwise agreed in writing with the Responsible Authority.
25. No air-conditioning units are to be installed on any balcony or façade so that they are visible from outside the site.
26. Any under-balcony drainage is to be concealed so as not to be visible to the public realm, to the satisfaction of the Responsible Authority.

27. Any clothes-drying rack or line system located on a balcony must be lower than the balustrade of the balcony and must not be visible from off the site to the satisfaction of the Responsible Authority.
28. An intercom and an automatic basement door opening system must be installed, so as to facilitate convenient 24 hour access to the basement car park by visitors, to the satisfaction of the Responsible Authority.
29. A centralised TV antenna system must be installed and connections made to the dwellings of each building module to the satisfaction of the Responsible Authority. No individual dish antennas may be installed on balconies, terraces or walls to the satisfaction of the Responsible Authority.
30. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
31. Buildings, paved areas, drainage, plaza area and landscaping must be maintained to the satisfaction of the Responsible Authority.

32. Deleted

#### **Loading and Unloading Operations**

33. All commercial deliveries to the proposed development may only be carried out between the hours of 7:00am to 9:00pm and by using heavy rigid vehicles (maximum size) to the satisfaction of the Responsible Authority. This excludes any existing any delivery arrangements permitted through any prior approvals relating to the operations of the existing shopping centre.
34. All unloading or loading activities (including by retail customers) must be carried out wholly within the land to the satisfaction of the Responsible Authority. Loading associated with the clubhouse must be carried out within the nominated loading bay within the car park, and not from the internal road.

#### **Amenity of Area**

35. The use and development be managed so that the amenity of the area is not detrimentally affected, to the satisfaction of the Responsible Authority, through the:
  - 35.1. Transport of materials, goods or commodities to or from the land;
  - 35.2. Storage of goods and wastes;
  - 35.3. Appearance of any building, works or materials;
  - 35.4. Emission of noise, light, vibration, odour & dust
36. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose to the satisfaction of the Responsible Authority.
37. 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.

38. External lighting must be designed so to limit loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority. Any communal lighting must be connected to reticulated mains electricity and be operated by a time switch, movement sensors or a daylight sensor to the satisfaction of the Responsible Authority.
39. All security alarms or similar devices installed on the land must be of a silent type and be connected to a registered security service.

#### **VicRoads Conditions**

40. Prior to the commencement of the permitted development, a Functional Layout Plan informed by a functional stage Road Safety Audit must be submitted to and approved by the Roads Corporation (VicRoads). When approved by VicRoads, the FLP may be endorsed by the Responsible Authority and will then form part of the permit. The Functional Layout Plan must be drawn to scale with all relevant measurements and annotations and must be generally in accordance with Plus Architecture, Job No. 13033, dated 24 November 2021, Revision 8, including:
  - 40.1. Left turn deceleration lane,
  - 40.2. left turn egress lane,
  - 40.3. Splitter island,
  - 40.4. Pedestrian footpath and crossing, naturestrip, kerb and channel,
  - 40.5. Any existing, required or relocated services/road furniture etc., and
  - 40.6. Land required for the above public works vested to VicRoads.
41. Subsequent to the approval of the Functional Layout Plan and prior to the commencement of any roadworks within the arterial road reserve the applicant must submit detailed engineering design plans to VicRoads for review and approval. The detailed design plans must be prepared generally in accordance with the approved Functional Layout Plan.
42. Prior to the commencement of the use or occupation of the development hereby approved under Stage 2, all works within the arterial road reserve must be completed in accordance with the approved detailed engineering design plans and Functional Layout Plan, to the satisfaction of VicRoads and the Responsible Authority and at no cost to VicRoads or the Responsible Authority.
43. Where the proposed road works on Reynolds Road, including footpath and nature strip, lie within the subject land, a widening of the road reserve will be required. At no cost to VicRoads, the developer must engage a licensed surveyor to prepare a Plan of Subdivision showing any affected land labelled "ROAD", which is to be vested to the Roads Corporation upon certification of the Plan of Subdivision, without any encumbrances. Subsequent to the registration of the plan, the subdivider must ensure that the original Certificates of Title that issues in the name of the Roads Corporation are posted to: VicRoads - Property Services Department, 60 Denmark Street KEW, 3101.

44. Prior to statement of compliance of Stage 2, where the proposed road works on Reynolds Road, including footpath and nature strip, lie within the subject land the permit holder must enter into an agreement with the Responsible Authority and VicRoads under section 173 of the Planning and Environment Act 1987 to provide for the permit holder to reimburse all costs incurred by VicRoads and the Responsible Authority associated with the declaration of the land as arterial road pursuant to the provisions of the Road Management Act 2004 and the rezoning of the land to RDZ1 pursuant to the provisions of the Planning and Environment Act 1987.

#### **Transport for Victoria Conditions**

45. Before the development starts, or other time agreed in writing with the Head, Transport for Victoria, amended plans to the satisfaction of the Head, Transport for Victoria must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans prepared by GTA Consultants Plan Reference V107310-SK01-10 Issue P3 dated 15th August 2018 but modified to show:

- 45.1. Staging plan / details of the bus interchange works
- 45.2. Any further detail design modifications required to best fit the 10 bus bays within the existing interchange space including kerb alignment
- 45.3. Relocation of the pedestrian crossing from the centre of the interchange to the northern end of the interchange
- 45.4. Provision of bus driver amenities (toilet) available during bus operating hours
- 45.5. Details of the height clearance for buses through the interchange and bus capable pedestrian crossings
- 45.6. Details of all bus shelters / the new canopy / walkways including seating, compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002
- 45.7. Details of pedestrian links (compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002) from the bus interchange to the shopping centre entrance
- 45.8. All landscaping details
- 45.9. Barriers proposed to direct pedestrian movements
- 45.10. Lighting plan for the bus interchange and access walkways, including signage directing pedestrians to the bus interchange
- 45.11. Details of electrical conduits for future proofing bus operations requirements.

all to the satisfaction of the Head, Transport for Victoria.

46. Unless otherwise agreed in writing before the development starts, detailed construction / engineering plans and computations must be submitted to and approved by Public Transport Victoria (PTV) for the bus interchange and all associated infrastructure, including landscaping and must be compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002. The plans must be generally in accordance with the endorsed plans under this permit.

47. A minimum of six (6) months' notice must be given to PTV by the permit holder of the likely commencement of works on the bus interchange and a staging works plan submitted for approval to the satisfaction of PTV.
48. Prior to the commencement of the works, a Traffic Management Plan must be submitted to PTV for endorsement, which outlines how traffic will be managed throughout the construction of the development and mitigate impacts to public transport to the satisfaction of Public Transport Victoria. All traffic management and mitigation costs must be at the full cost of the permit holder and in accordance with the approved Traffic Management Plan to the satisfaction of PTV. The Plan may interface with any plan requested by the Responsible Authority. The permit holder must take all reasonable steps to ensure that disruption to bus operations is kept to a minimum during construction.
49. During the construction period and prior to the completion of the works associated with the bus interchange, the permit holder must ensure that an operational "bus trial" is conducted for the bus interchange and any alterations needed are completed to the satisfaction of PTV.
50. Prior to the occupation of the development all works outlined on the endorsed plans for the bus interchange must be completed to the satisfaction of Public Transport Victoria at the full cost of the permit holder.

#### **Expiry**

51. This permit will expire if any one of the following circumstances apply:
  - 51.1. The development is not started within four (4) years of the date of the issue of this permit;
  - 51.2. The development is not completed within eight (8) years of the date of this permit;
  - 51.3. The use is not commenced within eight (8) years of the date of this permit;

The Responsible Authority may extend these times if a request is made in writing before the permit expires or within three months afterwards.

- B. Advise VCAT that Council is not supportive of the proposed amendment to the expiry condition of the permit (Condition 51), and that a separate request is required to be applied for pursuant to Section 69 of the Planning and Environment Act 1987.**
- C. Authorises its officers to consent to any minor amendments to the permit conditions or plans that may arise as a consequence of the VCAT proceeding provided that they do not substantially alter Council's resolution.**

**CARRIED UNANIMOUSLY**

## 2. BACKGROUND

- 2.1 Planning Permit PL17/027403 was issued on 26 November 2018, for the land at 181 Reynolds Road, Doncaster East (The Pines Shopping Centre) at the direction of VCAT, following Council's decision to support the application (Council Meeting - 23 October 2018) and a compulsory conference held on 20 November 2018.
- 2.2 An application to amend the permit under Section 87A of the Planning and Environment Act 1987 (S87A amendment) was submitted to VCAT on 1 December 2021. A copy of the application and all other documents were served to Council on 17 December 2021.
- 2.3 Public notice of the S87A amendment was undertaken by the applicant on 11 January 2022 at the direction of VCAT. One joint statement of grounds by six objectors was received which raised concerns relating to traffic impacts. The statement also indicated that the objectors did not wish to join as a party to the proceeding. The due date for the lodgement of statement of grounds has since passed.
- 2.4 A compulsory conference is scheduled for 7 March 2022 to facilitate mediation of any matters if needed. Council is required to provide a copy of draft amended permit conditions for discussion at the compulsory conference by 28 February 2022.
- 2.5 Council's formal position will be derived through the consideration of this report and provided to VCAT through the lodgement of a statement of grounds.

## 3. THE SITE AND SURROUNDS

### The Site

- 3.1 The overall site is known as The Pines, which is a free-standing shopping centre on the north-eastern corner of Blackburn Road and Reynolds Road, Doncaster East. It is commercially zoned, and identified as a *Major Activity Centre* in Clause 21.09 Activity Centres and Commercial Areas of the Manningham Planning Scheme (highest tier of activity centre designation within Manningham). The overall site area is approximately 77,633 square metres, and has a street frontage to Reynolds Road of 196 metres, and to Blackburn Road of 165 metres.
- 3.2 The shopping centre is centrally located and largely "internalised" in a traditional shopping mall arrangement. The centre comprises over 100 retail stores, a library, medical centre and community centre (operated by Council). The centre underwent a major extension in 2004, with the additional floor area extending to the north of the original building. Overall, it generally comprises:
  - Shops 15,086 square metres
  - Supermarkets 8401 square metres
  - Food Premises 870 square metres
  - Fitness Centre 355 square metres
- 3.3 There is a total of 1,316 car spaces on-site, many of which are provided to the south and west of the original centre building, and at the northern end of the site. Supplementary under-building and roof-deck car parking is also available.

- 3.4 There are two, well-spaced, points of vehicular access from Blackburn Road and a single point of access from Reynolds Road. A two-way “internal road” adjacent to the building provides connection between the southern entry/exit to Blackburn Road and the entry/exit to Reynolds Road. This route also provides access to the external parking areas and car spaces located under the building. It additionally serves as a bus interchange, incorporating ten parallel bus bays generally confined to the southern section in front of the main centre entry.
- 3.5 The internal road provides a linking accessway to the northern section of car parking, which also connects with a 141 space car park associated with The Pines Living and Learning Centre (Council owned facility) located immediately to the north. There are reciprocal parking rights over the Council owned land and the shopping centre land which were established through a Section 173 Agreement.
- 3.6 The “development area” which is subject to this application is the open air car park to the south and west of the centre, comprising a total of 515 car spaces. This area is at a relative level to the centre entry, and raised substantially above the key intersection to the south-west, as defined by the partially exposed “crib-wall”.
- 3.7 The Pines is one of two *Major Activity Centres* (along with *Doncaster Hill*) located within the municipality, as identified under local policy. Under Council’s Municipal Strategic Statement (MSS), the centre is defined as a Sub-Regional Retail Centre.

### The Surrounds

- 3.8 The site has various abuttals, however those relevant to the “development site” are described as follows:

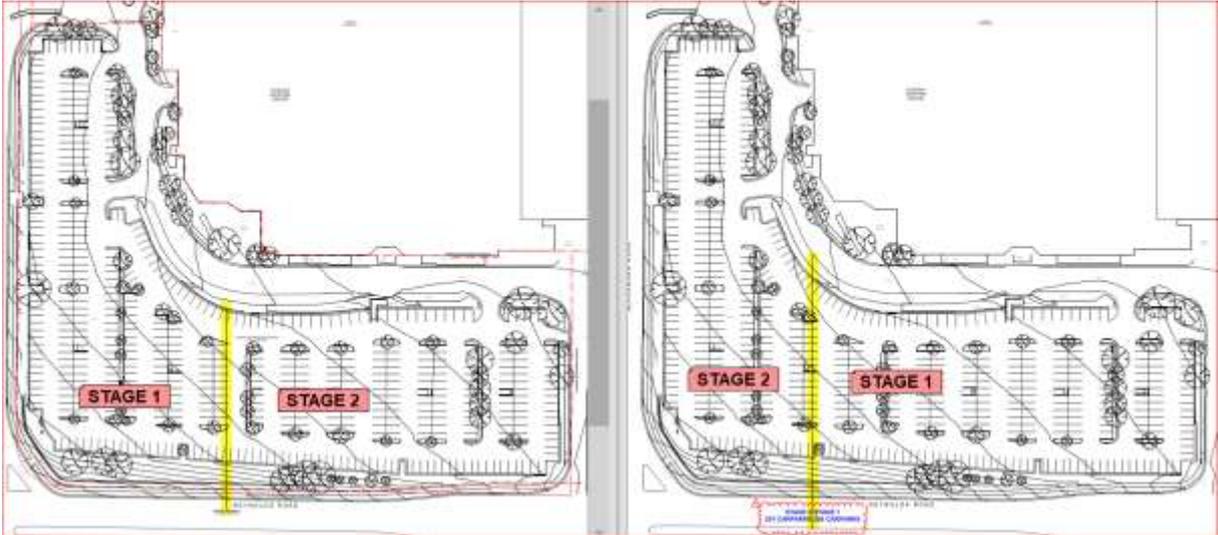
Direction	Address	Description
East	183-185 Reynolds Road	This lot is directly to the east of the accessway from Reynolds Road and is developed with a petrol station/convenience shop, a car wash and a small food and drink premises. The property is on higher ground and has no physical relationship with the shopping centre.  It is noted that land further east at 187-191 Reynolds Road has been developed with an apartment building over five levels and with a landscaped setback to the frontage.
South	180-200 Reynolds Road	This land on the southern side of Reynolds Road is directly opposite both the site and the adjoining service station. This land has been developed with a multi-storey residential development across four buildings.

	484 Reynolds Road	This land is located opposite the western section of the site frontage, and is developed with a service station which addresses the main intersection.
West	Vivaldi Court	These properties share their rear interface with Blackburn Road to address their Vivaldi Court frontages. Views to the dwellings are generally well screened by high fencing and road reserve planting.

- 3.9 The land in its vicinity also forms part of The Pines Activity Centre. The Activity Centre area includes the land along Reynolds Road to the east of the site, extending just beyond and inclusive of parts of Andersons Creek Road. There are a number of significant construction projects underway or recently completed, including the apartment building at corner of the Andersons Creek Road and Reynolds Road intersection (7 Red Hill Terrace) and apartments at 180-200 Reynolds Road. As such, the character of the Activity Centre is undergoing a substantial level of change as anticipated through policy.
- 3.10 The land on the western side of Blackburn Road falls outside of the Activity Centre area, and is developed in a typical residential manner. These properties (opposite to the west and south-west of the site) generally share their rear interface with Blackburn Road and address their respective local street frontages.
- 3.11 Blackburn Road is a major arterial road, and Reynolds Road is classified as a part of the Principal Road Network.

#### 4. THE PROPOSAL

- 4.1 The proposal is outlined on the plans prepared by Plus Architecture, Job No. 13033, dated 24 November 2021, Revision 8. Refer to Attachment 1 (S87A plans).
- 4.2 A copy of the previous decision plans (Revision 7) upon which the permit was granted at the direction of VCAT is provided in Attachment 2 to this report.
- 4.3 Prior to the matter being heard at VCAT in November 2018, Council formed its position to support the application in the Council Meeting on 23 October 2018 based on Revision 6 of the plans. The plans were subsequently modified before being presented to VCAT as the decision plans (Revision 7).
- 4.4 The following provides a general summary of the main changes included in the most recent amended plans. This includes side-by-side images (with the original decision plans on the left and S87A plans on the right) and tables for comparison:
- a. Alteration to the staging of the development by delivering the eastern car parking levels only within Stage 1 and the remainder of the development within Stage 2. This is in contrast to the current approval, which comprises of the western section within Stage 1 and the eastern section within Stage 2. The image below is a comparison of the staging line.



- b. Alterations to the car park layout by the relocation of internal ramps, refinements to the vehicle bay and aisle dimensions, relocating the lift/stairwell cores, trolley bays, bin stores and building services, and reducing the number of car parking spaces by 4 (from 918 to 914).

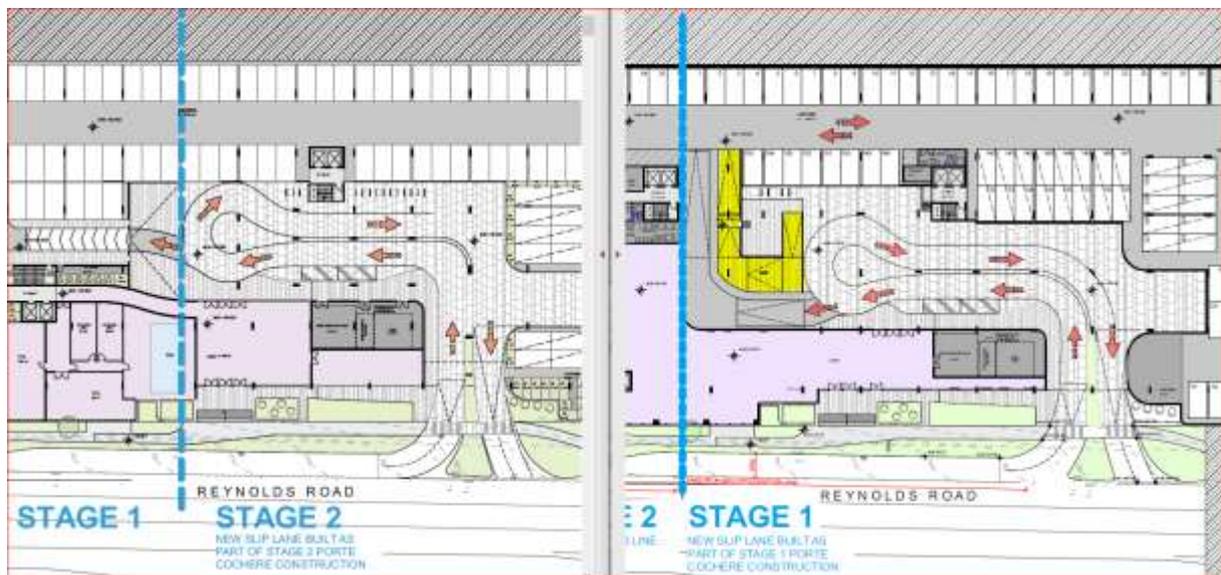
The images below compare the change to the ramp location providing access from Ground Floor to Lower Ground Floor retail parking and the change to the aisle design on Ground Floor plan by removing 4 car parking spaces.





- c. Alterations to the access and car park layout and introducing a gated pedestrian accessway from the porte cochere into the residential car park at Basement 01 Level.

The images below compare the ramp arrangement on the decision plans and S87A plans, providing access to the residential car park at Basement 01 Level from Reynolds Road. The yellow highlight identifies the location of the new pedestrian access proposed.



- d. Alterations to the mix of dwelling typologies including the introduction of 1 Bedroom dwellings, and alterations to dwelling layouts without changing the overall number of dwellings (280).
- e. Deletion of 3 retail tenancies from the Lower Ground Floor Level and Ground Floor Level at the northern edge of the car park that face the internal road (between the shopping centre and proposed development).

The image below shows the location of the two retail tenancies proposed for removal at Ground Floor Level.



- f. Alteration to the layout and size of the community use tenancies facing Blackburn Road. This includes an increase of 5 square metres to the southern tenancy and a reduction of 7 square metres to the northern tenancy (125 square metres to 118 square metres). It is noted that the proposed 118 square metres of the northern tenancy complies with the area specified on Condition 16.3 of the permit.

The images below show a comparison of the community use tenancies on the decision plans and S87A plans at Basement 01 and Basement 02 levels respectively.





g. Built form changes including:

- Introducing two Apartment Entrance Lobbies at the Blackburn Road frontage of Basement 01 Level for Apartment Buildings C2 and D, and consequential extensions to Basement 01 to the north. The images below show a comparison of the layout and the location of the new entrance lobbies highlighted on the S87A plans:



- Provision of a lobby for the Retirement Living units with a spiral staircase from the Plaza to Apartment Building C1.

The image below shows the location of the retail tenancy (blue) that is proposed to be deleted and replaced with an entrance lobby (yellow on the S87A plans).



- Redesign of the retirement living clubhouse with an increased setback from the southern site boundary (from 6.1 metres to 7.53 metres) and increased separation between Apartment Buildings B and C1 at Level 01 from 19.77 metres to 20.58 metres. The image below is a comparison of the clubhouse design on the decision plans and S87A plans.



- Apartment Building A (western wing) is relocated eastwards by 65 millimetres and its northern setback from the podium at Level 01 is reduced from 2.67 metres to 2.57 metres;
- Roof plant & services updated as per the services requirement for the dwellings; and
- Improved façade glazing & canopy design to the pedestrian link from Reynolds Road to the plaza (between the Retirement Living community use and the western car park).

4.5 The proposal also seeks to amend the following permit conditions:

Existing Permit Conditions	Proposed change to Permit Conditions
Condition 1 (requiring amended plans) and Condition 40 (VicRoads condition requiring plans changes)	Amended to reference the S87A plans
Condition 5 (Waste Management Plan)	Amended to reference the Waste Management Plan submitted with the S87A plans.
Condition 8.4 - Demonstration the at completion of Stage 1, suitable car parking provisions are made available for both the commercial and residential components, with appropriate circulation and access;	Condition 8.4 - Demonstration the at completion of Stage 1, suitable car parking provision is made available for the commercial component, with appropriate circulation and access;
Condition 10.3 - Full design details and specifications of feature wall/artwork within the walls space adjacent to Retail G2;	Condition 10.3 - Full design details and specifications of feature wall/artwork within the walls space to the west of the pedestrian entry to the retail car park at Ground Floor Level;
Condition 16.4 - The Owner must offer and maintain Tenancy [southern tenancy fronting Blackburn Road with a minimum area of 129sqm] for lease, on the open market	Condition 16.4 - The Owner must offer and maintain Tenancy [southern tenancy fronting Blackburn Road with a minimum area of 134sqm] for lease, on the open market.
Condition 32 - The shop and glass facades of the retail tenancies facing the internal road are not to be covered by posters, film or signage that reduces the transparency of the interface to the satisfaction of the Responsible Authority, unless otherwise agreed.	Proposed to be deleted.
Condition 51 - This permit will expire if any one of the following circumstances apply: 51.1 The development is not started within four (4) years of the date of the issue of this permit; 51.2 The development is not completed within eight (8) years of the date of this permit; 51.3 The use is not commenced within eight (8) years of the date of this	Condition 51 - This permit will expire if any one of the following circumstances apply: 51.1 The development is not started within three (3) years of the date of the issue of this amended permit; 51.2 The development is not completed within seven (7) years of the date of this amended permit;

<p>permit; The Responsible Authority may extend these times if a request is made in writing before the permit expires or within three months afterwards.</p>	<p>51.3 The use is not commenced within seven (7) years of the date of this amended permit. The Responsible Authority may extend these times if a request is made in writing before the permit expires or within three months afterwards.</p>
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4.6 Comparisons of the mix of dwelling typologies and car parking spaces between the original decision plans and proposed amended plans is provided in the following tables:

Dwelling Typologies	Original Decision Plans	Proposed S87A Plans
1 Bedroom	0	4
1 Bedroom plus Study	20	34
2 Bedroom plus 1 Bathroom	35	53
2 Bedroom plus 2 Bathroom	90	72
2 Bedroom plus 2 Bathroom and a Study	79	66
3 Bedroom	56	51
<b>Total Dwellings</b>	<b>280</b>	<b>280</b>

Car Parking	Original Decision Plans	Proposed S87A Plans
Total Car Parking Provided	918	914
Total Residential Car Parking Provided	365 (including 28 visitor spaces)	352 (including 21 visitor spaces)
Total Retail Car Parking Provided	553	562
Car Parking provided at the completion of Stage 1	427	559 (133 at Basement 01 level, 220 at Lower Ground Floor level and 206 at Ground Floor level) (While the Stage 1 plans show 155 space at Basement 01 level, the Reynolds Road access, Porte Cochere and 22 additional spaces will not be constructed during Stage 1. This is to avoid retail staff and customers from using this access after completion of stage 2).
Additional Car Parking provided at the completion of Stage 2	491	333

- 4.7 The following reports and documents were provided in support of the application:
- Cover letter for the proposed amendment prepared by Urban Planning Collective dated 01 December 2021;
  - A Statement of changes prepared by Plus Architecture dated 12 November 2021;
  - Traffic Impact Assessment Report prepared by Stantec (previously known as GTA consultants), Issue A, dated 26 November 2021;
  - Waste Management Plan prepared by Leigh Design, dated 17 November 2021; and
  - A Track changes version of Planning Permit PL17/027403 reflecting the proposed changes to the permit conditions.
- 4.8 The more detailed aspects of the proposal are discussed within the assessment section, as relevant.

## 5. LEGISLATIVE REQUIREMENTS

- 5.1 Refer to Attachment 3 (Planning & Environment Act 1987, Manningham Planning Scheme, other relevant legislation and policy)
- 5.2 The original proposal required a planning permit under the following Clauses of the Manningham Planning Scheme:
- Clause 34.01 (Commercial 1 Zone), to construct a building or construct or carry out works, and for the use of the land for “accommodation”.
  - 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. This clause has since been renamed to ‘Land Adjacent to the Principal Road Network’ and now requires a permit for creation or access to a road in a Transport Zone 2.
- 5.3 The proposed amendment does not introduce any new planning permit triggers.

## 6. REFERRALS

### External

#### Department of Transport

- 6.1 Both VicRoads and Transport for Victoria were not active participants in the previous compulsory conference held by VCAT in November 2018. However, both organisations did provide a consent/non-objection letter for the decision plans.
- 6.2 VicRoads and Transport for Victoria’s functions have since been consolidated under the Department of Transport (DoT). As part of the VCAT requirements, the Applicant was required to serve a copy of the application on the DoT by 11 January 2022 and any subsequent statement of grounds from the DoT were due by 31 January 2022.
- 6.3 To date, no statement of grounds from DoT have been received.

- 6.4 Council does not anticipate that there will be any significant change to the DoT's position from the previous VCAT proceeding given the nature of the changes sought.

#### Internal

- 6.5 The application was referred to the Council's Infrastructure Services Unit. The following table summarises their response:

Service Unit	Comments
Infrastructure Services Unit	<ul style="list-style-type: none"> <li>• Reword Condition 1.12.3 to require raised zebra crossings to all access points to the car park to comply with the relevant Australian Standards.</li> <li>• The WMP outlines the use of chutes for garbage and recyclables but does not outline any further details on disposal methodology for the other waste streams;</li> <li>• The WMP does not outline the disposal arrangement for users for their food/organic waste as well as future glass;</li> <li>• The WMP does not distinguish collection disposal arrangements between the different areas being developed i.e. retirement living, medical and community area.</li> <li>• The waste disposal and collection methodology needs to clearly articulate how waste will be handled by the different areas, i.e. is there an expectation that users will need to access the bin room to dispose of certain items.</li> <li>• The WMP references 'at call' hard waste collection but does not outline how it is organised and by whom.</li> <li>• Section 2 (as well as other sections) of the WMP needs further details to be provided based on the above comments.</li> </ul>

## 7. CONSULTATION / NOTIFICATION

- 7.1 Since Council is not the decision maker for this application, VCAT is responsible for the consideration of any 'statement of grounds' (objections or submissions) received by any third parties. Any notified third party submitting a statement of grounds has the opportunity to become a 'party' to the VCAT proceedings, allowing them to participate in the compulsory conference and hearing.
- 7.2 Notice of the application was given by the Applicant on 11 January 2022, by sending letters to the owners and occupiers of all adjacent and opposite properties and by displaying 7 signs across the subject site for a two week period.
- 7.3 The lodgement of statement of grounds to VCAT was due on 31 January 2021. One joint statement of grounds by six objectors was received which raised concerns relating to traffic impacts. The statement of grounds indicated that the objectors do not wish to be a party to the proceeding, but would like VCAT to consider their grounds.

**8. ASSESSMENT**

- 8.1 An assessment of the S87A plans has been undertaken by assessing the proposed changes in the context of the approved development and the relevant planning provisions.
- 8.2 Since the issue of Planning Permit PL17/027403, Amendment VC136 to the Planning Scheme has introduced state wide requirements for apartment developments under Clause 58 of the Scheme.
- 8.3 In accordance with the transitional requirements under Clause 34.01 Commercial 1 Zone, Clause 58 does not apply to a planning permit application, or an amendment of a permit under Section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136, i.e. 24 July 2019. Previous VCAT decisions have found that this transitional provision also extends to amendment applications under Section 87A of the Act.
- 8.4 Given that Planning Permit PL17/027403 was lodged prior to the approval date of VC136, the application technically enjoys the benefit of the transitional provisions. However, Condition 1.2 of the permit requires an assessment of the development against Clause 58 of the Scheme, with plans amended as necessary to demonstrate reasonable compliance with Clause 58.04-3 Noise, Clause 58.05-1 Accessibility, Clause 58.05-4 Storage, Clause 58.05-3 Private open space, Clause 58.07-1 Functional layout, and in addition for dwellings not provided for retirement living use, Clause 58.07-2 Room depth, to the satisfaction of the Responsible Authority.

**Planning Policy Framework**

- 8.5 The proposed amendment does not result in significant changes to the use, layout and scale of the approved development. This continues to meet the vision and objectives including for mixed use development and higher density housing in Clause 21.09 (Activity Centres and Commercial areas) of the Manningham Planning Scheme.
- 8.6 The inclusion of two new apartment entry lobbies will be an improvement as it further activates the frontage to Blackburn Road and provide appropriate residential entry arrangements in accordance with Condition 1.5 of the permit.
- 8.7 The layout of the community use tenancies are altered as a consequence of accommodating two apartment lobbies on the Blackburn Road frontage.
- 8.8 The development continues to offer the northern tenancy along Blackburn Road to the Responsible Authority on lease for community use, in accordance with Condition 16.3 of the permit. However, the revised layout is not considered practical or useable given its irregular shape, reduced headroom beneath a ramp and narrow width. As such, it is recommended that the northern tenancy be relocated to the service area between the two apartment lobbies facing Blackburn Road, with an area of at least 125 square metres. An indicative image of the relocated northern tenancy is provided below.



- 8.9 In order to achieve this outcome and maximise the useability of the northern community use tenancy, it is recommended that the Condition 1.10 of the permit be reworded from:

Condition	Proposed change
<p>Condition 1.10 - A review of the finished floor levels and/or layout of the community use tenancies to explore the potential for an internal connection, if compatible uses are identified and leases agreed prior to the submission of drawings for endorsement</p>	<p>Condition 1.10 - The northern community use tenancy relocated between the apartment lobbies facing Blackburn Road to provide a minimum floor area of 125 sqm and to include a kitchen and WC, DDA compliant access from Blackburn Road, with subsequent relocation of the service/ rainwater tank area on either sides of the southern apartment lobby and applying high quality external finishes and design treatments to the service area facing Blackburn Road that provide visual interest and integrate with the balance of the external façade to the satisfaction of the Responsible Authority</p>

- 8.10 No change is proposed to the Affordable housing provision requirement under Condition 16.2 of the permit (5% of the total dwelling yield). As such, the development continues to remain consistent with Council’s *Affordable Housing Policy and Action Plan 2010-2020* and the *Residential Strategy 2012*.

- 8.11 While the inclusion of 1 Bedrooms dwellings changes the dwelling typology mix and some internal layout changes, its inclusion offers a greater variety and mix of dwelling typologies as sought under Clause 21.09 (Activity Centre and Commercial Areas of the Scheme).
- 8.12 The deletion of the 3 retail tenancies (at the northern edge of the car park and facing the internal road) will result in a reduction in the proposed commercial floor area from over 1000 square metres to 650 square metres (for the medical centre). The proposal to delete the retail tenancies relies on the substantial retail offered by the shopping centre and market research that suggests these tenancies will not be viable. It is noted that the development retains the option to reintegrate these tenancies back into the development in the future (through the subsequent submission of an amendment).

**Design and Built Form**

- 8.13 The overall architectural expression, level of articulation, building heights, scale and massing of the development generally remains consistent with the decision plans.

Layout and Setback change

- 8.14 The relocation of the lift /stairwell cores and introduction of an entry lobby for the Retirement Living units result in alterations to the layouts and setbacks of nearly 140 dwellings. The change in the setbacks are minor and will not result in additional visual bulk or have internal impacts to future residents.
- 8.15 Although the submitted documents do not include detailed layouts of all dwelling typologies and their storage provisions, an assessment of their amenity will be undertaken as per Condition 1.2 of the permit, which requires an assessment of the dwellings against the requirements of Clause 58 (Apartment Development) of the Scheme.

Addition of Entry Lobbies

- 8.16 The introduction of entry lobbies for Apartment Buildings C2 and D towards Blackburn Road and a separate lobby for the Retirement Living units for Building C1 will improve accessibility to satisfy Conditions 1.5 and 1.6 of this permit, and provide each building with a sense of identity.
- 8.17 It is however recommended that Condition 1.8 be reworded to include the detailing of the materials and finishes of the Retirement Living Lobby on the north-west corner of Apartment Building C1 to read as follows:

Condition	Proposed change
Condition 1.8 - Design detailing of the feature treatment upon the western wall of the internal public pedestrian walkway (incorporating opaque backlit wall with fins, or similar);	Condition 1.8 - Design detailing of the feature treatment on the western wall of the internal public pedestrian walkway (incorporating opaque backlit wall with fins or similar) and details of the proposed materials and finishes of the Retirement Living Lobby on the north-west corner of Apartment Building C1;

Deletion of Retail Tenancies

- 8.18 Replacing the retail tenancy at Lower Ground Floor Level (that was anticipated to be used as a Café) for a Retirement Living Lobby is considered reasonable as it seeks to improve the connection between the Retirement living/ Clubhouse with the plaza and the shopping centre. In doing so it also provides an appropriate identity to the Retirement Living apartments from the internal road.
- 8.19 However, their deletion with a lack of appropriate urban design treatment to this area of the plaza will fail to activate the interface with the internal road and will reduce the use of the plaza solely for the purpose of commuting.
- 8.20 The proposed treatment to this area, including two planter boxes and some seating combined with a two storey northern wall of the car park, is not considered to offer a high quality urban design treatment to positively contribute to the overall experience of the plaza. The images below show a comparison of this section of the plaza on the decision plans (left) and the S87A plans (right).



- 8.21 To address this concern, it is recommended that Condition 10.3 of the permit which requires an urban design treatment plan of the plaza including for the area between the two retail tenancies be reworded to reflect the deletion of the tenancies and require adequate reconfiguration, landscaping and facilities to this area to ensure its appropriate utilisation.

## Car parking and traffic

### Development Staging

- 8.22 The amendment proposes changes to the development staging, with Stage 1 limited to the construction of the eastern car parking spaces and the remaining development to be constructed in Stage 2. This is considered acceptable, as it acknowledges the strategic importance of the site by way of ensuring that an adequate provision of car parking is retained throughout the construction of the development in line with the intent of Condition 8 of the permit.
- 8.23 At the end of Stage 1, the development will deliver a total of 581 car parking spaces that will be used for retail car parking during Stage 2 construction, which is in excess of the 515 existing car parking spaces to the south and west of the shopping centre. This includes the 155 car parking spaces designated for retirement living at the Basement 01 Level that will be temporarily allocated for retail parking.
- 8.24 Given that the vehicle crossover on Reynolds Road will be constructed during Stage 2, in order to temporarily utilise the Basement 01 level 'Retirement Living' car parking spaces for retail car parking purposes during Stage 2 construction, a temporary ramp is proposed from Lower Ground Floor Level to Basement 01 Level. The details of this temporary ramp will be provided as per the Staging Plan required under Condition 8 of the permit.
- 8.25 The Traffic Report confirms that during Stage 1 construction, 235 existing spaces on the site (within the Stage 2 footprint) will be maintained and remain operational. Whilst this will be at a reduced capacity than existing conditions, the report identifies an additional 148 car parking spaces surrounding the broader site area, which will be available during peak demand hours to accommodate the temporary shortfall of the car parking spaces. This level of disruption is considered somewhat inevitable during the construction of a development of this scale. The eventual net community benefit offered by the development is considered to outweigh any temporary convenience that will arise during construction.

### Car Parking Provision and Bicycle Provision

- 8.26 Although the amendment proposes to reduce the overall car parking provision by 4 spaces, this continues to exceed the statutory car parking required under Clause 52.06 (Car Parking) of the Manningham Planning Scheme.

Use	No. of Dwellings/ Area of use	Statutory Parking Rate	Statutory Parking requirement	Car Parking provided
1 Bedroom Dwellings	38	1 space per one or two bedroom dwelling	39	331
2 Bedroom Dwellings	191	1 space per one or two bedroom dwelling	191	
3 Bedroom Dwellings	51	2 spaces per three+ bedroom dwelling	102	

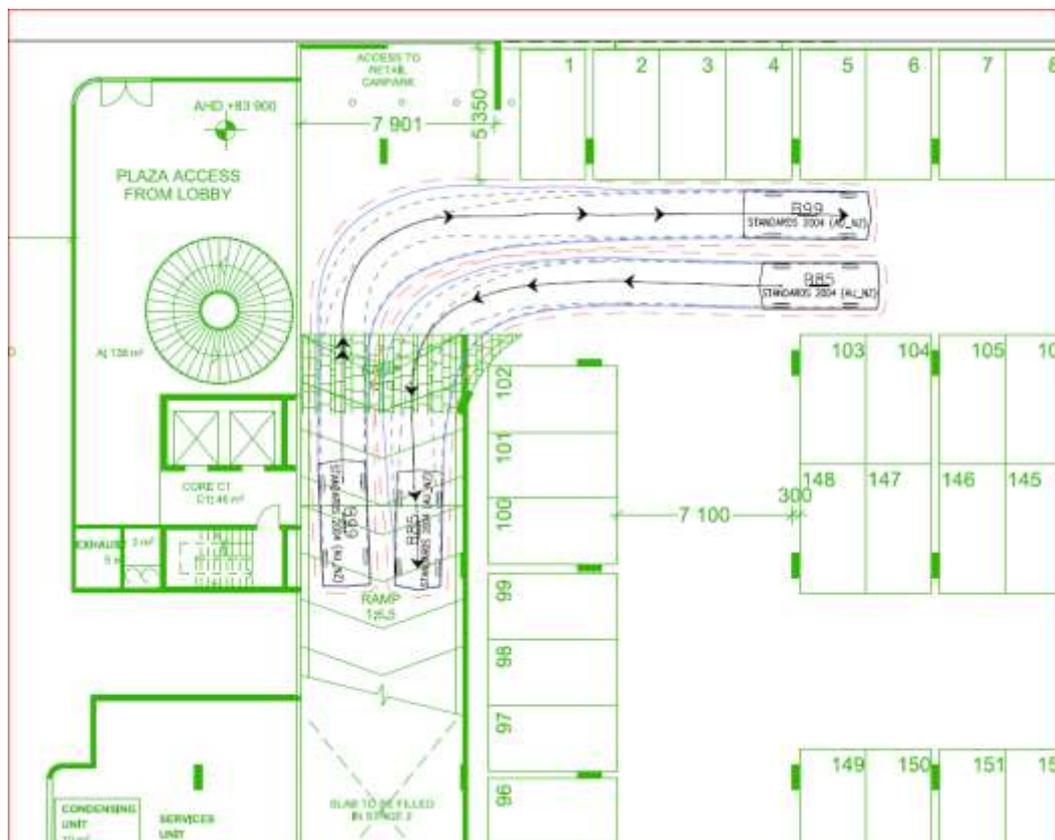
Visitor Car Parking for residential component	-	None required (within PPTN)	0	21
<b>Total Residential Car Parking provided</b>			<b>331</b>	<b>352</b>
Medical Centre	650	3.5 spaces per 100 square metre	22	22
Retail	-	-	-	540
<b>Total Retail Car Parking provided</b>				<b>562</b> (in excess of the existing car parking provision of 515 spaces)

- 8.27 The proposal includes several dwellings that also include a Study room. However, given that the proposed study areas are generally smaller nook spaces (comparable to a size of a Walk in Robe), these rooms are not considered a 'bedroom' for the calculations of the car parking requirements.
- 8.28 The proposed 562 publicly accessible retail parking spaces will sufficiently cater for the existing supply of 515 retail parking spaces within the subject site, as well as the additional requirement of 22 spaces for the medical centre. It is therefore considered that the car parking provision is sufficient and exceeds the requirement under the Planning Scheme.
- 8.29 The table below demonstrates compliance of the amended proposal with the statutory bicycle parking requirement set out in Clause 52.34 (Bicycle Parking) of the Scheme.

Use	No. of Dwellings/ Area of use	Statutory bicycle space rate	Statutory bicycle space requirement	Bicycle space provided.
Retirement Living	280	N/A	N/A	60 (On Lower Ground Floor Level)
Visitor spaces for residential component		N/A	N/A	8 (Basement 01 Level)
<b>Total Bicycle parking provided for the residential component</b>			<b>N/A</b>	<b>76</b>
Medical Centre	10 Practitioners	1 space per 8 Practitioner	1	3
<b>Total Retail Bicycle Parking provided</b>				<b>16 (Ground Floor Level)</b>

Vehicular Access and Car Parking Layout

- 8.30 The car parking layout generally remains consistent with the decision plans, in terms of the allocation of areas for residential and retail car parking, the vehicle crossover location on Reynolds Road and the internal road and the ingress and egress points for the respective uses.
- 8.31 Reduction in the dimensions of the parking spaces from 5.4 metres x 2.7 metres to 5.3 metres x 2.7 meters, and an increase in the aisle width from 6.2 metres to 6.4 metres continues to meet Design Standard 2 of Clause 52.06-9 (Car Parking) of the Scheme.
- 8.32 Condition 1.12 of the permit will ensure that the car parking layout is fully dimensioned and designed in accordance with the Clause 52.06 of the Scheme.
- 8.33 The proposed vehicle ramp in the eastern car park between the Ground and Lower Ground Floor Levels is not provided with sufficient room for turning vehicles. In particular, the submitted swept path diagrams show the body of the vehicle encroaching into the wall adjacent to the ramp (see image below).



- 8.34 The relocation of this ramp also results in a single aisle connecting the Ground Floor Level eastern and western car parks, which may potentially create a bottleneck that affects traffic flow. This ramp may also raise safety concerns for vehicles parked in Car spaces 84 to 86 when they reverse to exit the car park.



8.35 It is therefore recommended that this concern be addressed by rewording Condition 1.12.1 of the permit from:

Condition	Proposed change
Condition 1.12.1 - A review of the ramp locations and any car spaces directly adjoining;	Condition 1.12.1 - A review of the ramp locations and any car spaces directly adjoining, including the turning radius for ramp access and potential conflict with vehicles accessing the spaces opposite the ramp entry;

8.36 The widening of the north-south aisle at the vehicle entry of the Ground Floor Level by removing 4 car parking spaces, along with line marking to prioritise the north-south vehicle movements is considered an appropriate design response to improve the vehicle movements at the potentially busiest part of the car park.

**Amendment to Permit conditions and Compliance with Condition 1 requirements.**

Amendment to Permit Condition

8.37 The amendment to following permit conditions to reflect the changes under the proposed amendment are considered acceptable:

- Condition 1 (requiring Amended Plans) and 40 (Vic Roads) to reference the amended plans;
- Condition 5 (Waste Management Plan) to reference the Waste Management Plan submitted with S87A plans;
- Condition 8.4 (Staging Condition) to remove reference to the delivery of any residential car parking spaces as part of Stage 1;

- Condition 16.4 relating to community use tenancies to reflect the revised floor area; and
- Deletion of Condition 32 restricting usage of posters, films and signage on the retail tenancies facing the internal road.

8.38 The amendment proposes to reword Condition 10.3 of the permit that requires details and specifications of feature wall/artwork within the walls space adjacent to Retail G2 to:

*Full design details and specifications of feature wall/artwork within the walls space the west of the pedestrian entry to the retail car park at Ground Floor Level.*

8.39 As discussed earlier in this report, it is recommended that this condition be instead reworded as follows:

*Full design details and specifications of installation of any feature artwork, seatings, landscaping (potentially tiered landscaping) and facilities to the area between the pedestrian entry to the retail car park at Ground Floor Level and Retirement Living Lobby to ensure appropriate utilisation and activation of the plaza.*

8.40 It is also proposed to amend the Condition 51 (Permit Expiry) of the permit to allow for three years from the date of issue of the amended permit to commence work and seven years from the date of issue of the amended permit to complete the work and commence the uses. Condition 51 is proposed to be amended to read as:

*Condition 51. This permit will expire if any one of the following circumstances apply:*

*51.1 The development is not started within three (3) years of the date of the issue of this amended permit;*

*51.2 The development is not completed within seven (7) years of the date of this amended permit;*

*51.3 The use is not commenced within seven (7) years of the date of this amended permit.*

8.41 A request for an extension of time for a development of this scale is not unreasonable especially considering the constraints imposed due to COVID-19 Pandemic over the last two years. However, amending the permit expiry condition not considered an appropriate mechanism to allow for an extension. This should instead be done through a request under Section 69 (Extension of Time) of the Planning and Environment Act 1987.

8.42 Amending Condition 51 of the permit to allow for works to commence and complete 'from the date of issue of the amended permit' will also be unclear and ambiguous should there be any future amendments lodged. As such, the proposed amendment to Condition 51 is not supported.

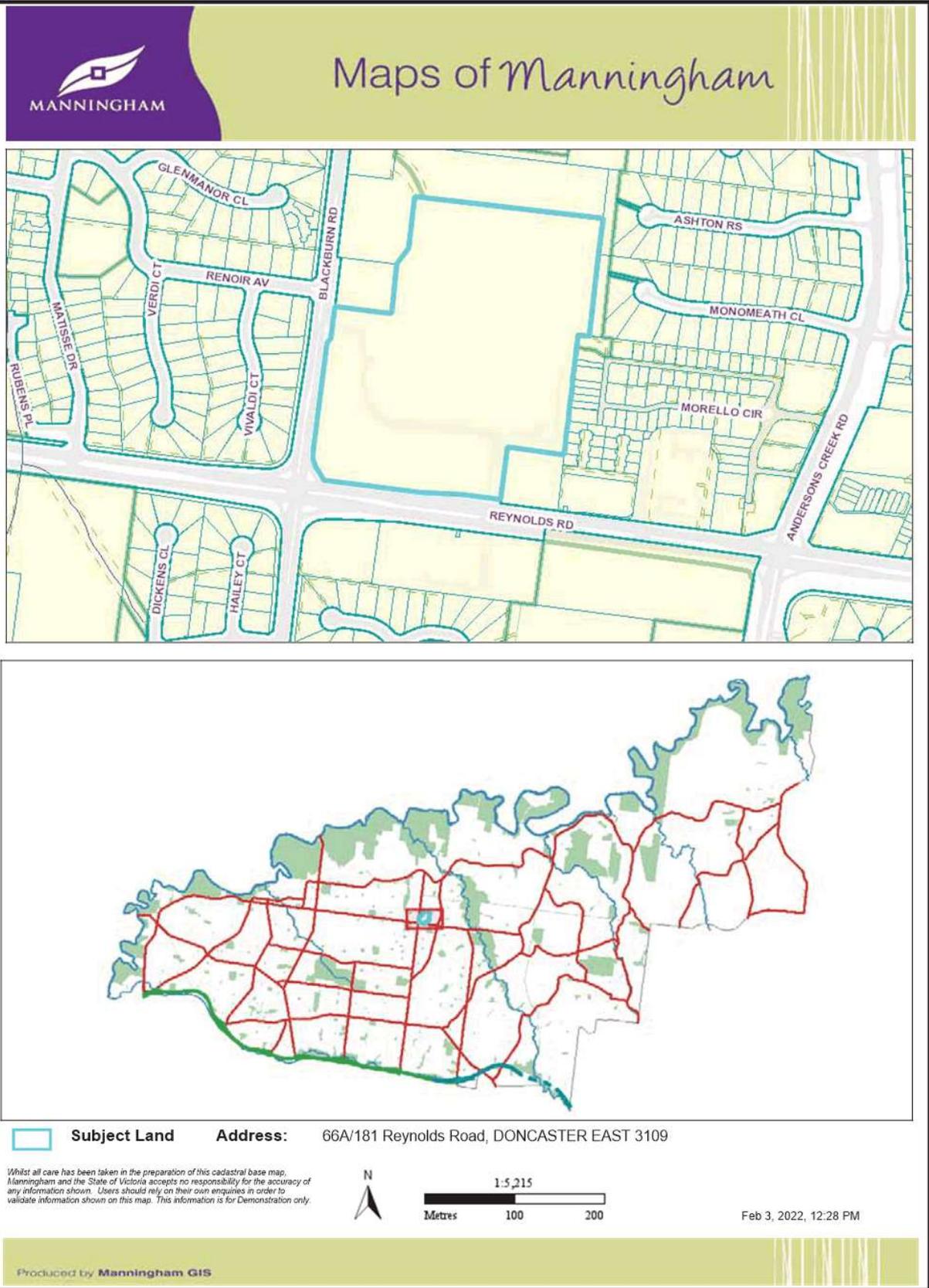
#### Assessment against Condition 1 requirements

8.43 A number of the required changes under Condition 1 of the permit have been undertaken on the proposed amended plans.

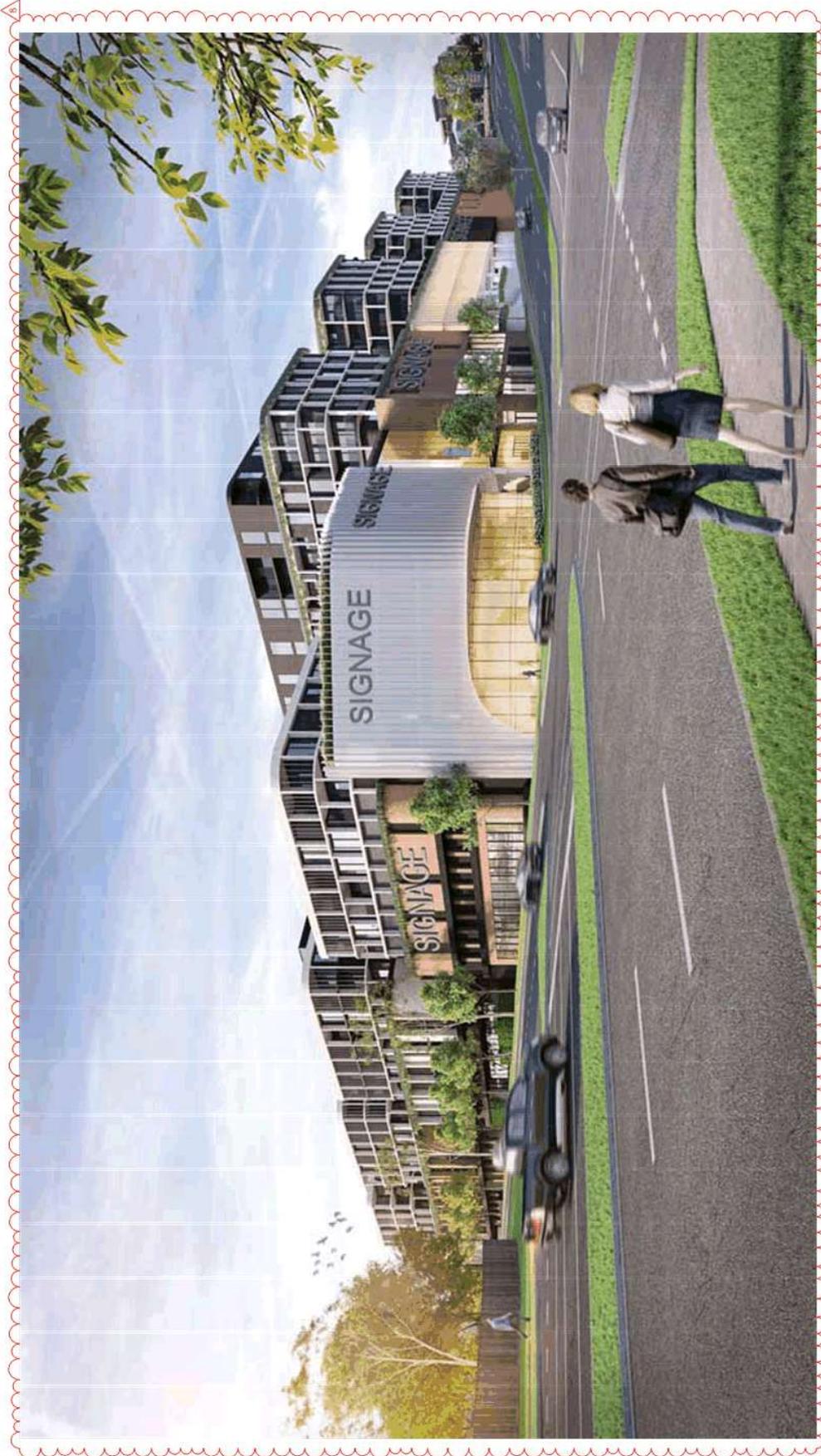
- 8.44 Whilst these conditions could technically be removed from the permit on the basis that they have now been met, it is considered to be more appropriate to keep the conditions on the permit as they arose out of a mediated outcome and would retain greater weight and protection against future change (i.e. future amendments) if they remain as express requirements on the permit.
- 8.45 Further, it is also noted that the Applicant has not sought to delete any of the specific Condition 1 requirements.
- 8.46 On this basis, all existing Condition 1 requirements should be retained and assessed for compliance when plans are submitted for endorsement.

## **9. DECLARATION OF CONFLICT OF INTEREST**

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



2.06B PERSPECTIVE RENDER

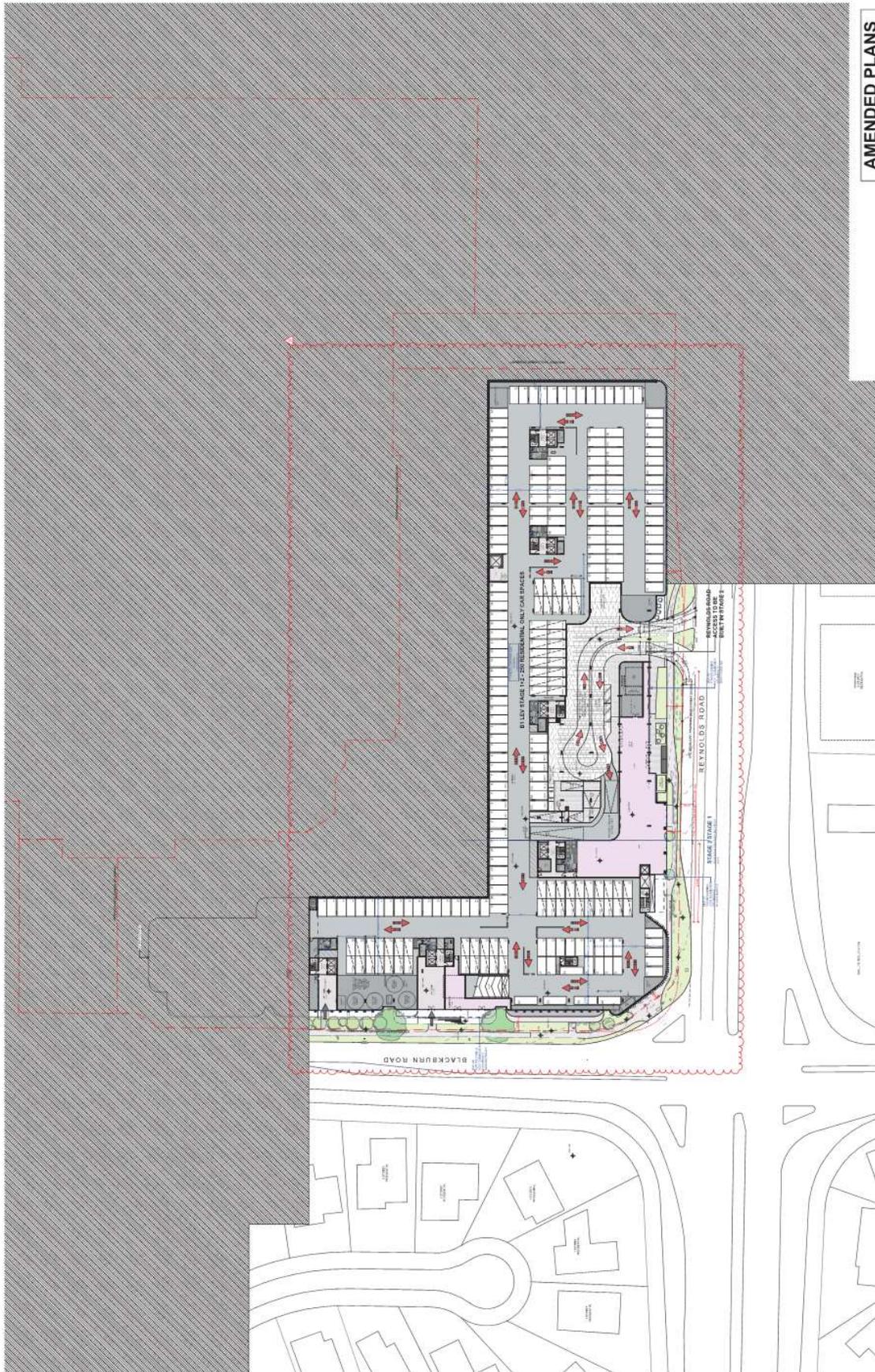


**plus**  
architecture

NOTE: SIGNAGE SUBJECT TO FUTURE  
PLANNING PERMIT APPLICATION







**AMENDED PLANS**

PROJECT NAME	181 REYNOLDS RD
DATE	18/11/2021
SCALE	AS SHOWN
NO.	TP098
13033	6

**THE PINES**  
181 REYNOLDS RD  
DONCASTER EAST

**BASEMENT OF FLOOR PLAN**

APPROVED FOR CONSTRUCTION BY THE CITY OF MELBOURNE ON 18/11/2021. THIS PLAN IS VALID FOR CONSTRUCTION ONLY. ANY CHANGES TO THIS PLAN MUST BE APPROVED BY THE CITY OF MELBOURNE. THE CITY OF MELBOURNE IS NOT RESPONSIBLE FOR THE ACCURACY OF THIS PLAN.



REVISION	DATE	BY	CHKD.

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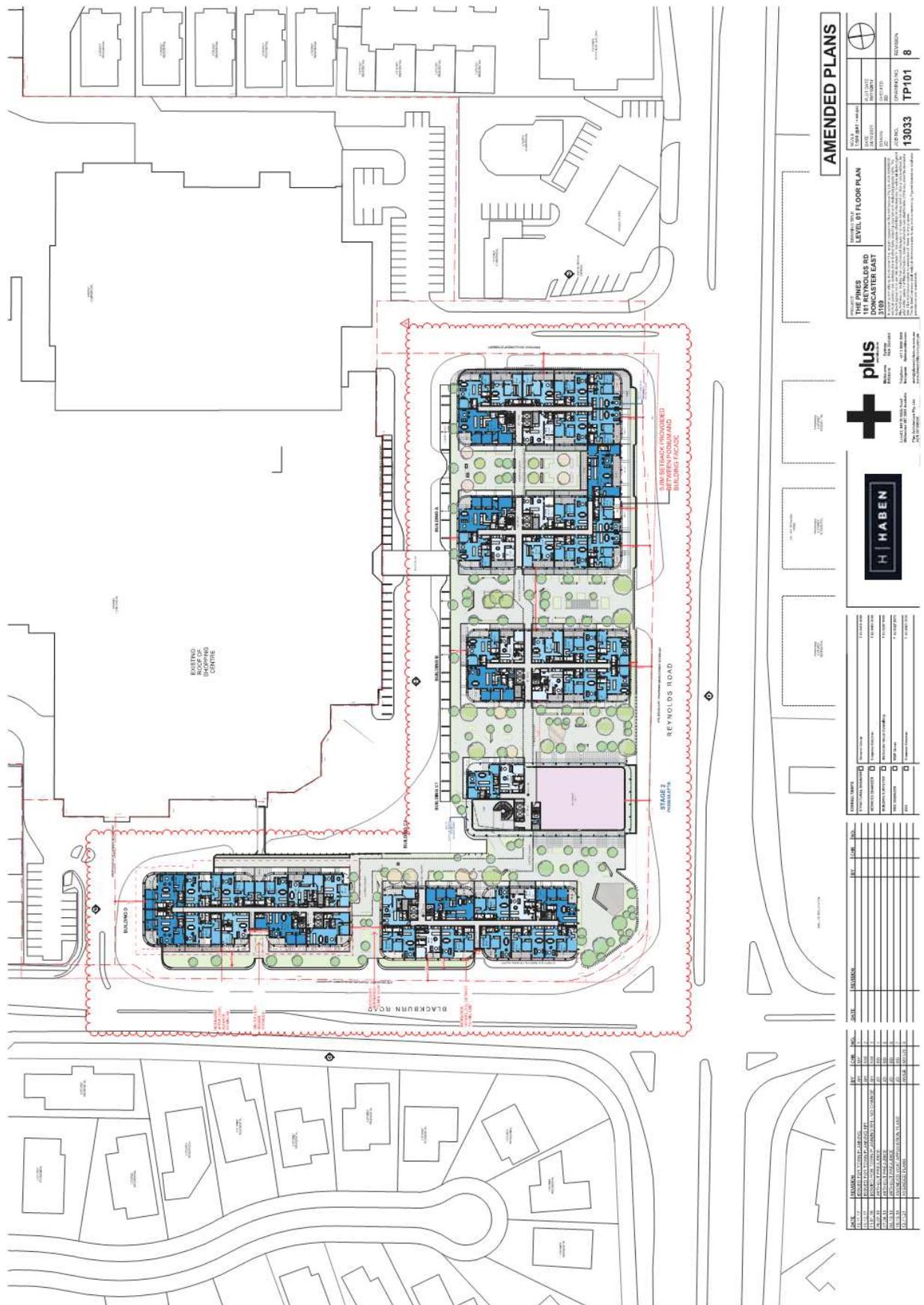
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REVISION	DATE	BY	CHKD.

REVISION	DATE	BY	CHKD.





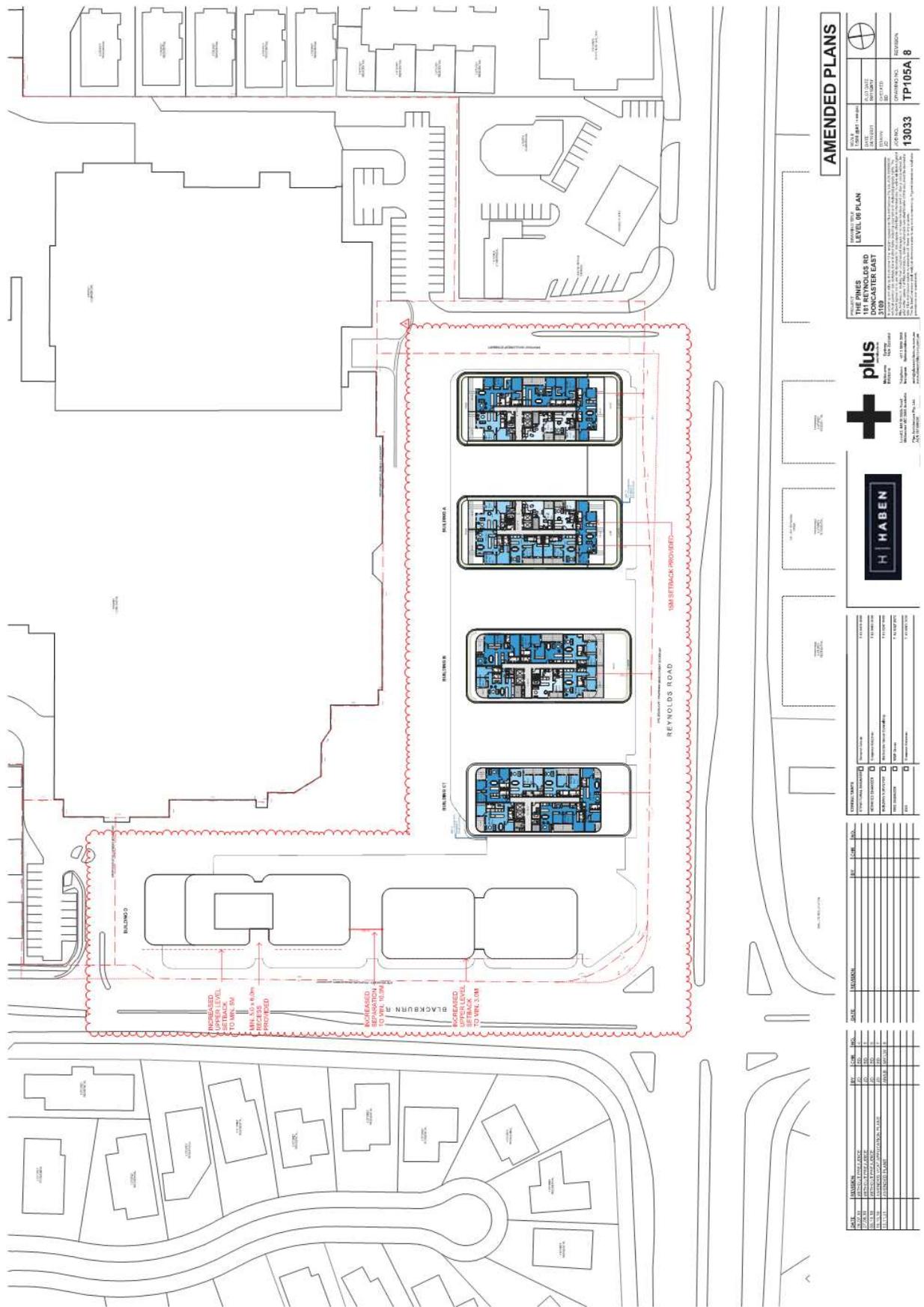












<b>AMENDED PLANS</b>	
THE PINES 181 REYNOLDS RD DONCASTER EAST	LEVEL UP PLAN 130333 TP105A 8

PREPARED BY: [Name] DATE: [Date] DRAWN BY: [Name] CHECKED BY: [Name]	PROJECT NO: [Number] SHEET NO: [Number] SCALE: [Scale]
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**plus**

**HABEN**

130333 TP105A 8

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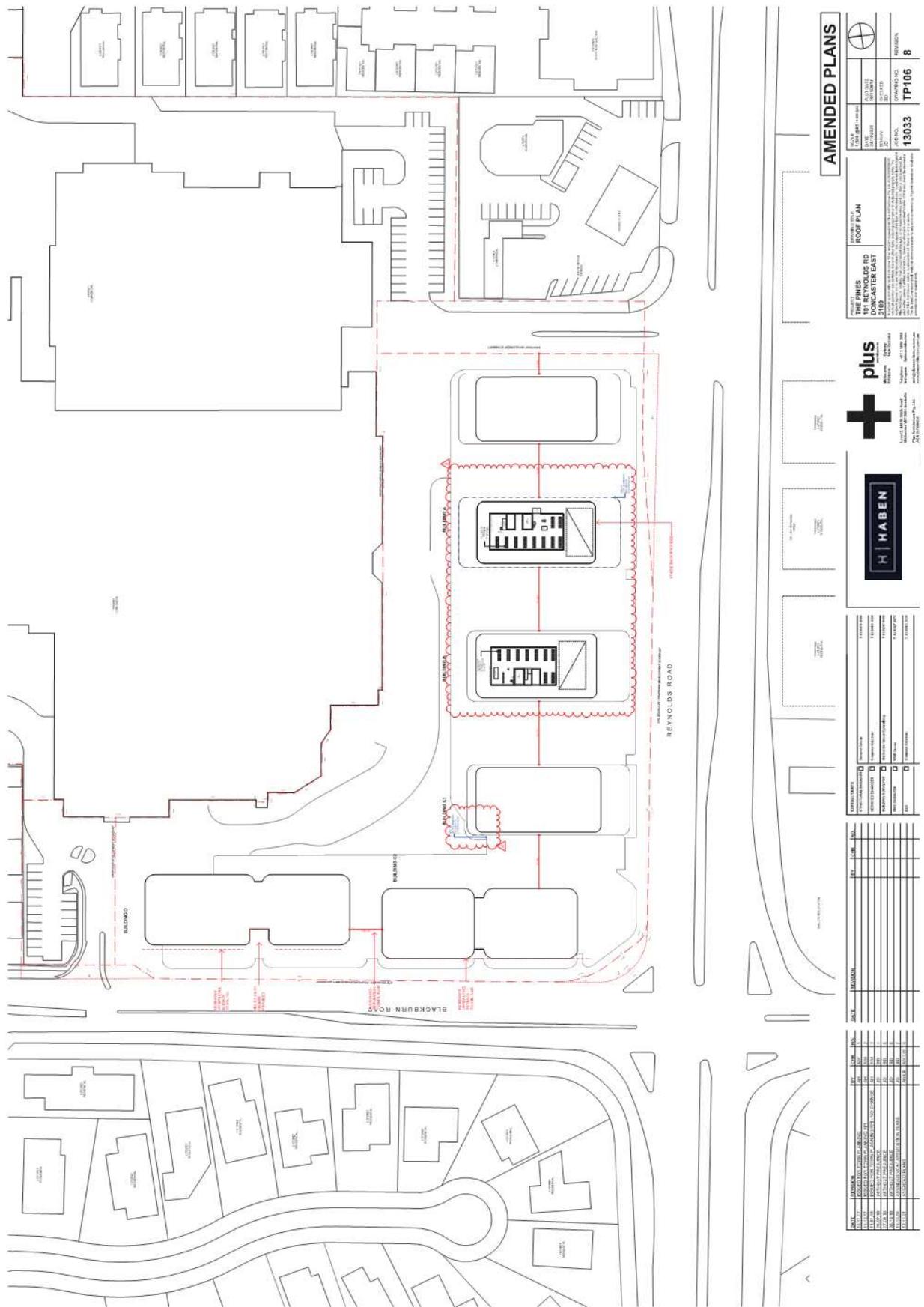
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DATE	BY	FOR
13/03/2022	TP106	8

**AMENDED PLANS**

**THE PINES**  
181 REYNOLDS RD  
DONCASTER EAST

**ROOM PLAN**

130333 TP106 8



DATE	BY	FOR
13/03/2022	TP106	8

DATE	BY	FOR
13/03/2022	TP106	8

DATE	BY	FOR
13/03/2022	TP106	8











**APN NORTH ELEVATION**  
Date: 12/08/2020

**APN EAST ELEVATION**  
Date: 1/20/21

**MATERIAL LEGEND - REFER TO MATERIAL SCHEDULE**

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**AMENDED PLANS**

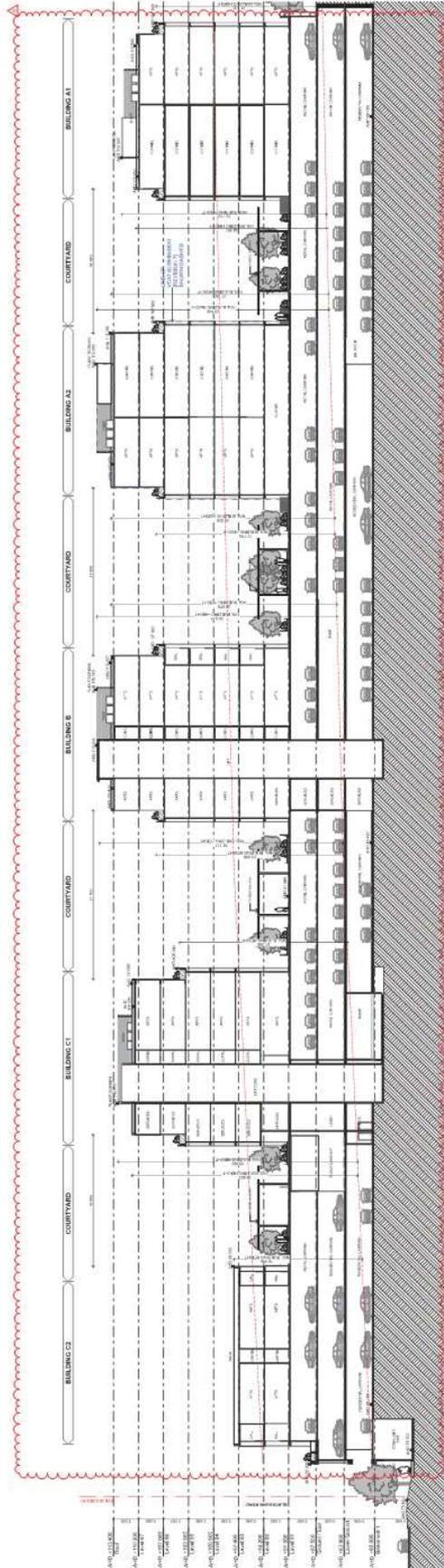
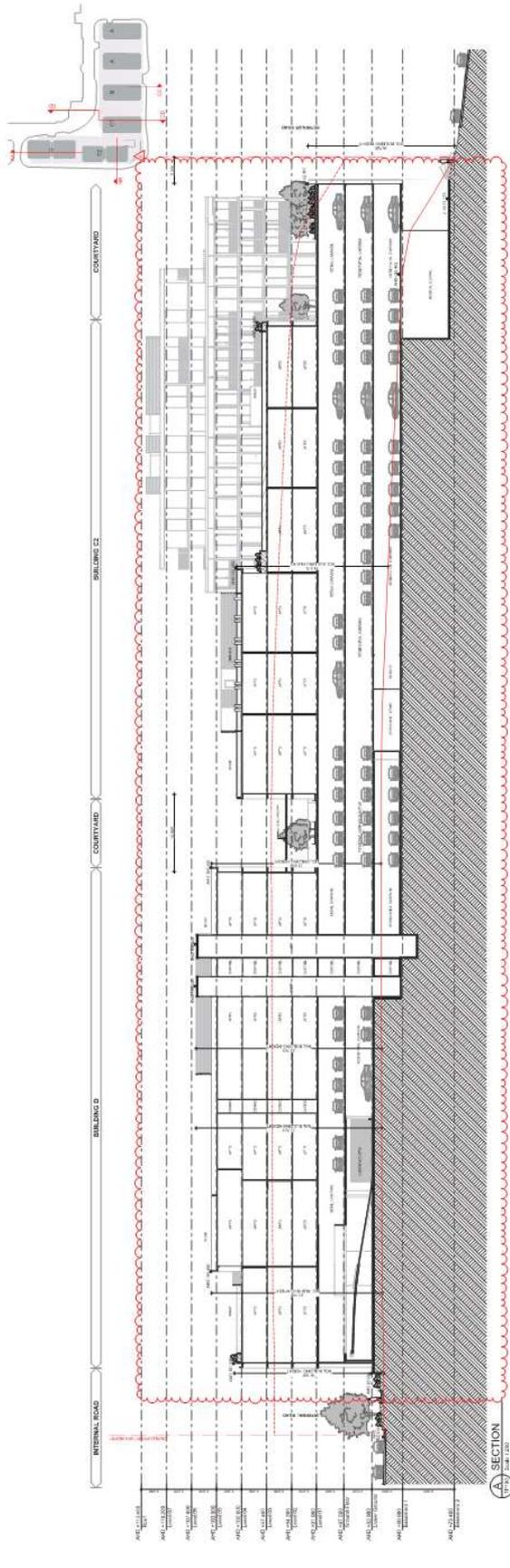
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THE PINES	181 REYNOLDS RD	DOUGCASTER EAST
NO. 13033	TP136	6

**plus**

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**AMENDED PLANS**

DATE	1/11/2022	REVISION	TP141 8
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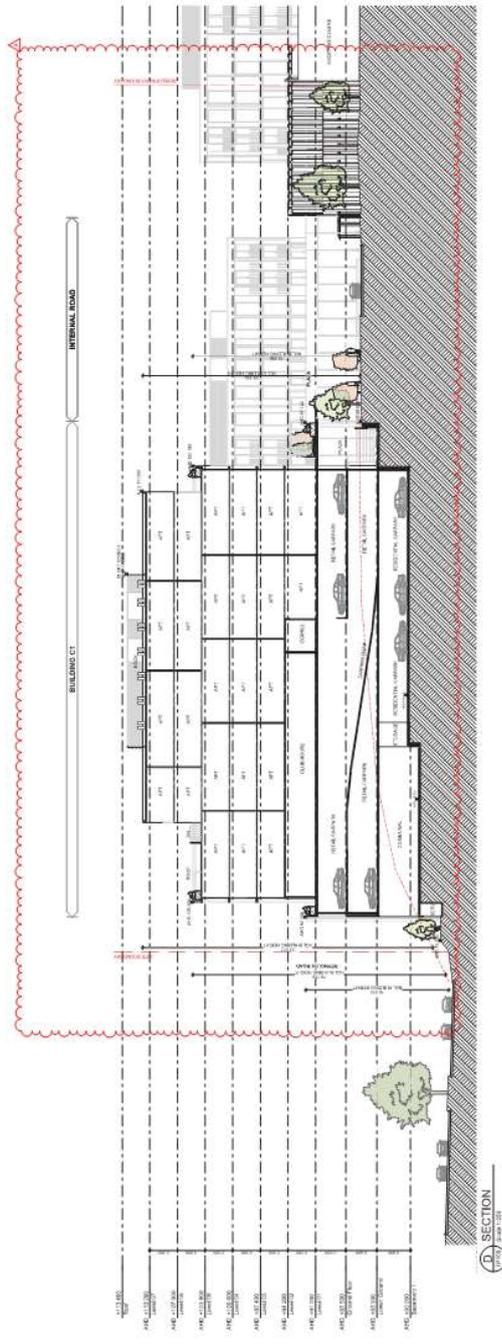
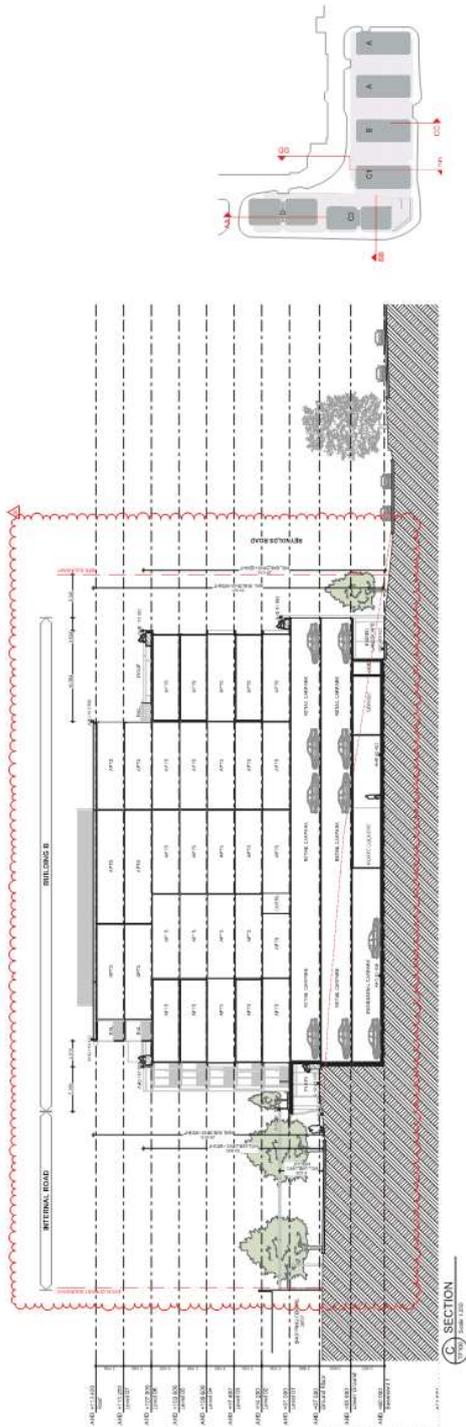
**THE PINES AT REYNOLDS RD DOWNCENTER EAST**

**plus**

**HABEN**

REVISION	DATE	BY	CHKD
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13033 TP141 8



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DATE	TP142
SCALE	6

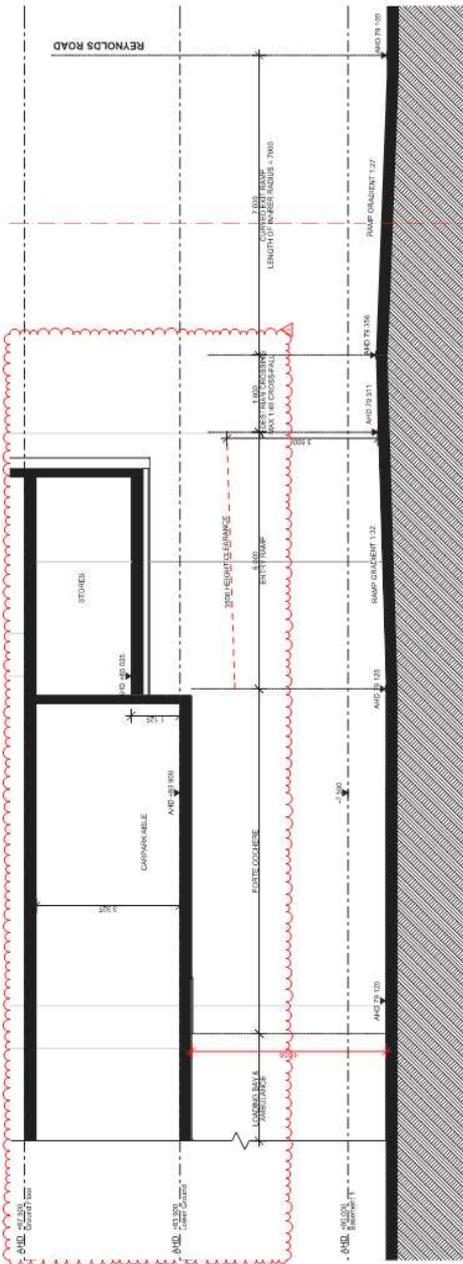
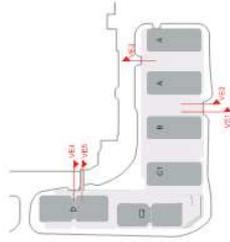
**THE PINES**  
181 REYNOLDS RD  
DUNCASTER EAST



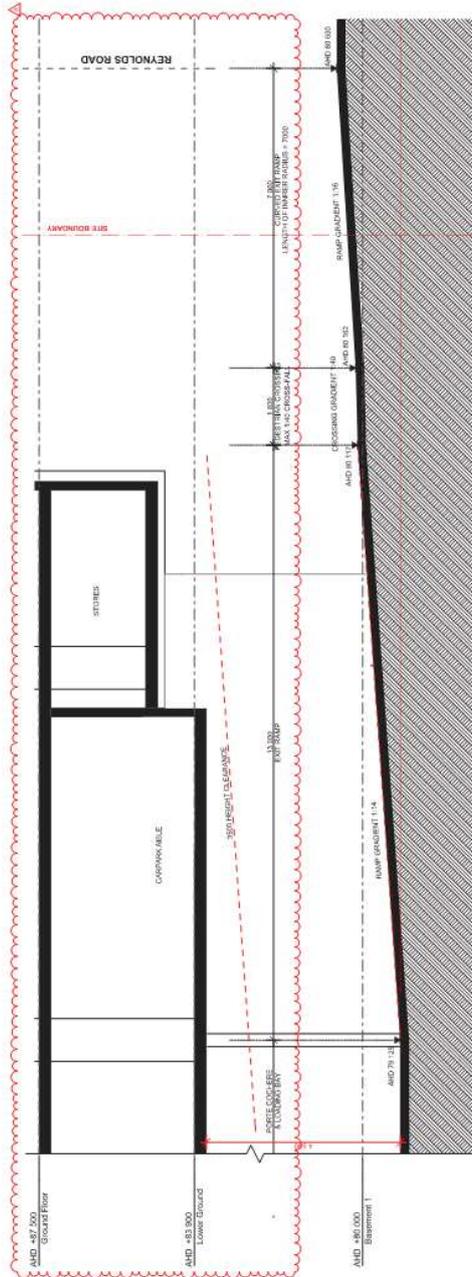
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EXISTING WALL	PROPOSED WALL
EXISTING FENCE	PROPOSED FENCE
EXISTING CURB	PROPOSED CURB
EXISTING GROUND LEVEL	PROPOSED GROUND LEVEL

REV.	DATE	BY	CHKD.	DESCRIPTION

DATE	14/02/2022
DESIGNER	ARCHITECT
CLIENT	THE PINES
PROJECT NO.	13033
PROJECT NAME	181 REYNOLDS RD
PROJECT ADDRESS	DUNCASTER EAST
PROJECT STATE	SOUTH AUSTRALIA
PROJECT POSTCODE	5092
PROJECT PHONE	08 8322 2222
PROJECT FAX	08 8322 2222
PROJECT EMAIL	info@haben.com.au
PROJECT WEBSITE	www.haben.com.au



4.1.1.1 BASEMENT PORTE COCHÈRE ENTRY LONGITUDINAL SECTION



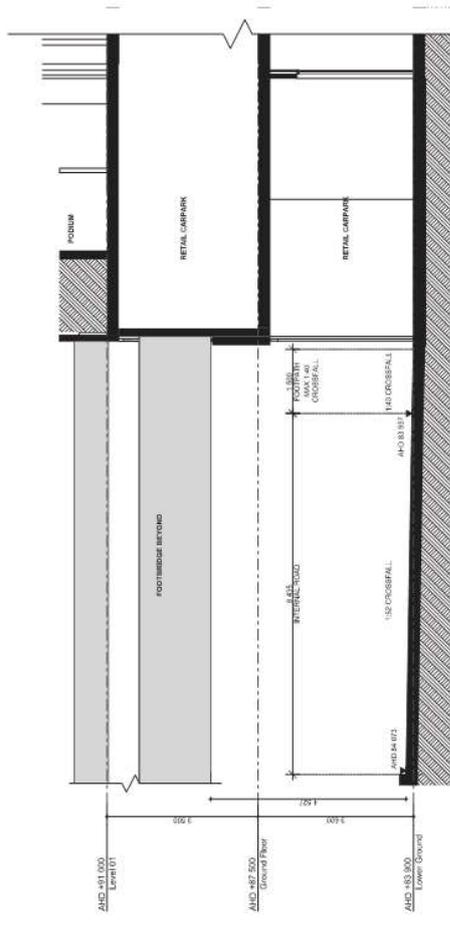
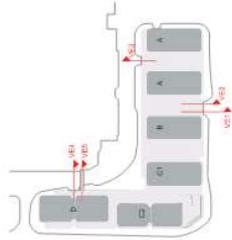
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**AMENDED PLANS**

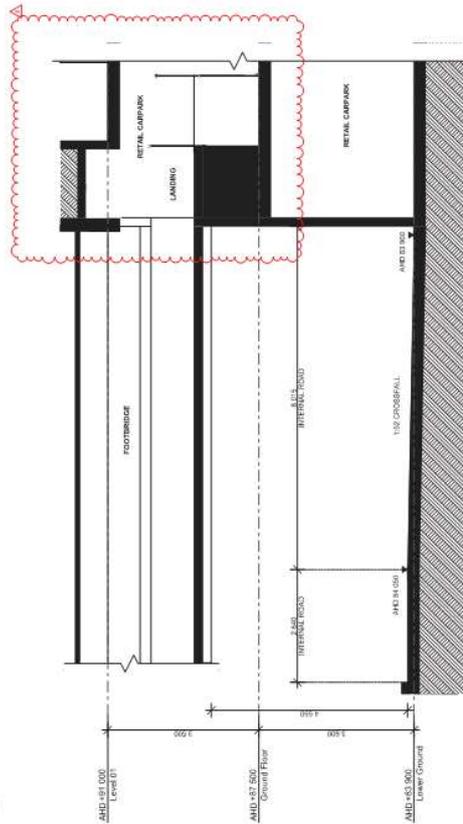
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PROJECT NO.	13033
PLAN NO.	TP143
REVISION	8



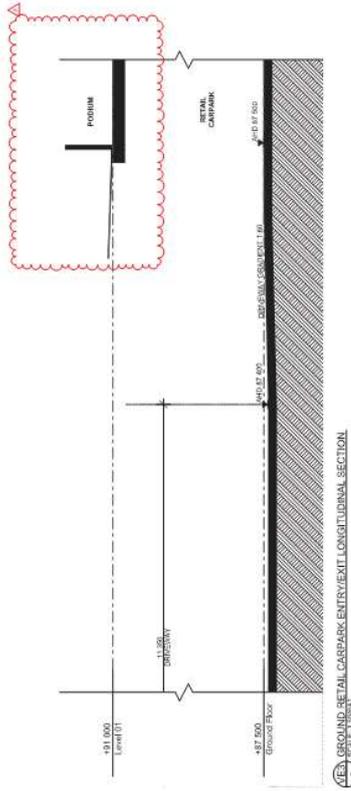
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8	ISSUED FOR PERMIT	21/02/22	...	...



LOWER GROUND RETAIL CARPARK ENTRY EXIT LONGITUDINAL SECTION



FOOTBRIDGE CLEARANCE - INTERNAL ROAD CROSS-SECTION



GROUND RETAIL CARPARK ENTRY EXIT LONGITUDINAL SECTION

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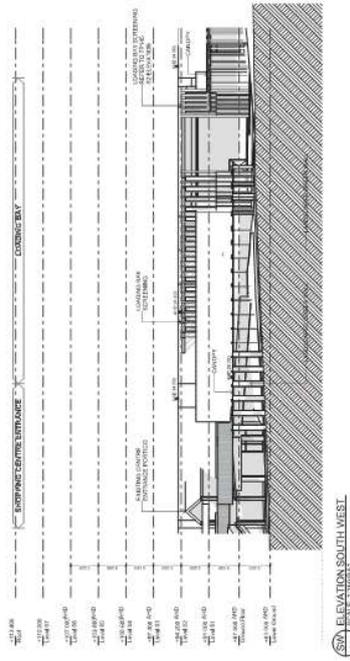
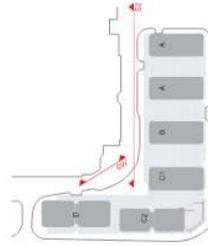
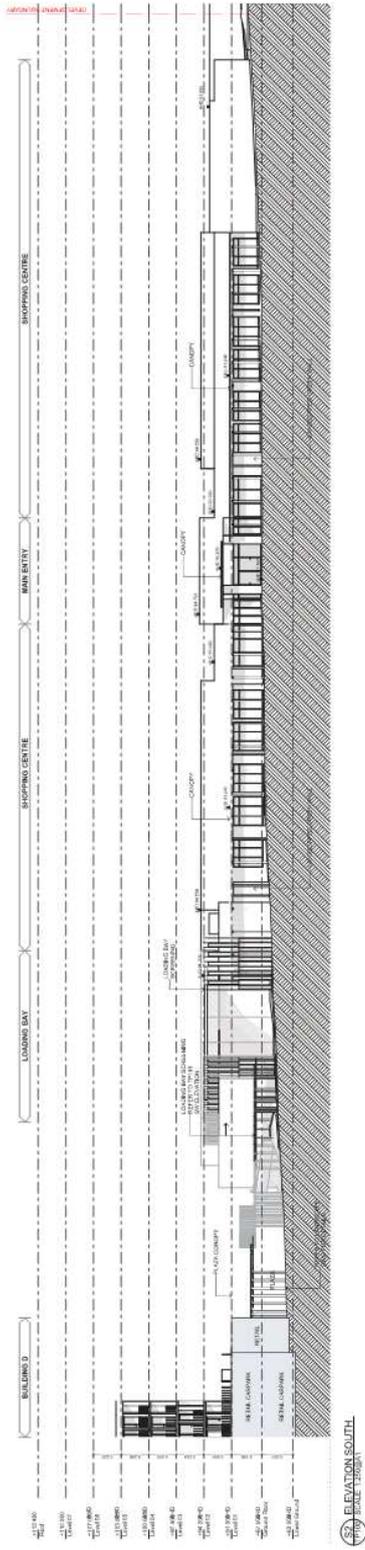
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CLIENT	181 REYNOLDS RD
DATE	2021-02-10
SCALE	1:100
BY	AL
CHK	AL
APP	AL
REV	8
PLAN NO.	TP144
DRAWING	13033

**plus**

**H | HABEN**

181 REYNOLDS RD  
DUNCASTER EAST  
VIC 3176  
PH: (08) 880 0000  
WWW.PINERESORTS.COM.AU



AMENDED PLANS	
PLAN NO	TP145
DATE	13/03/22
BY	TP145
NO	6

**THE PINES**  
181 REYNOLDS RD  
DOONCASTER EAST

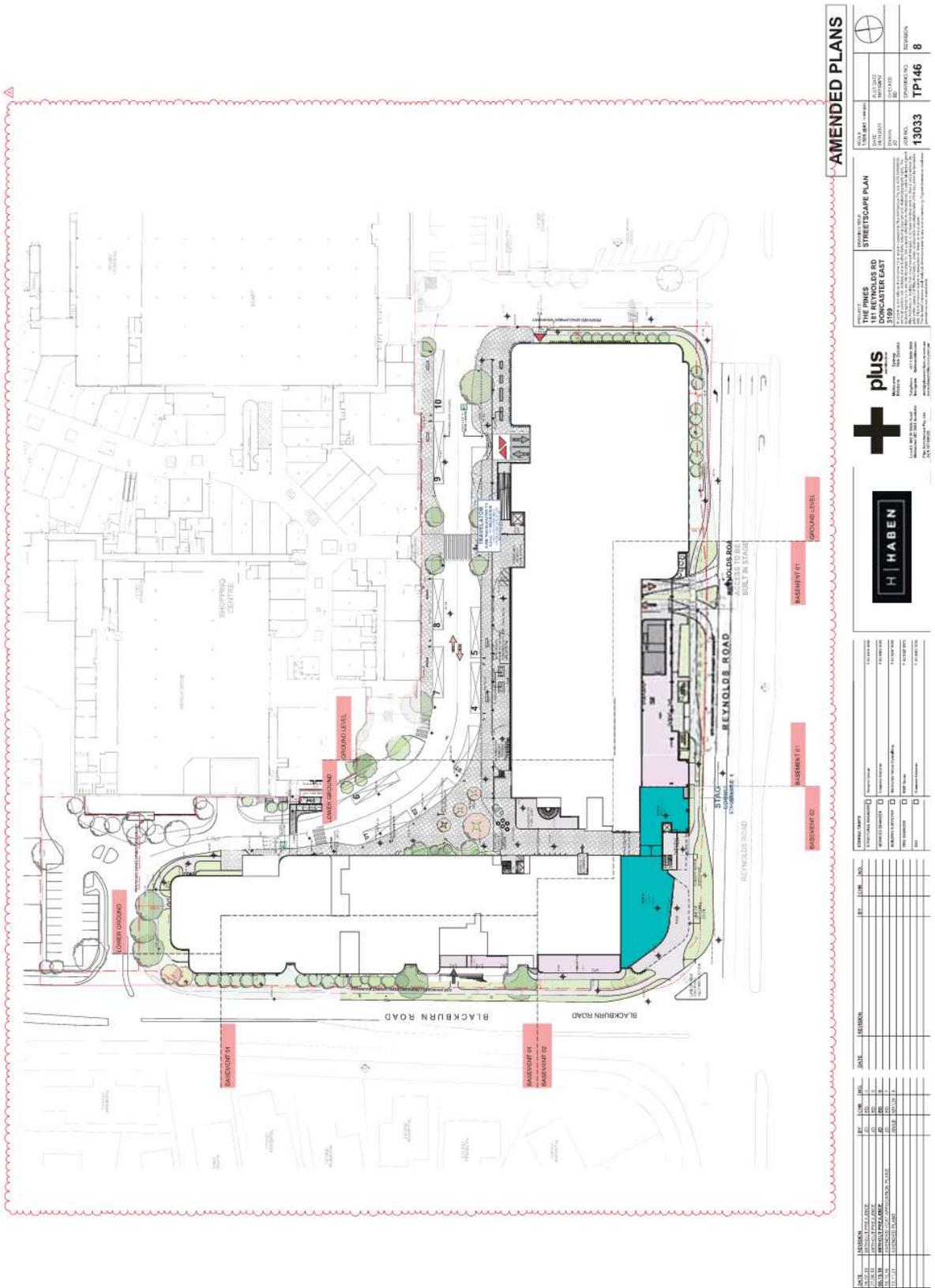
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ELEVATION

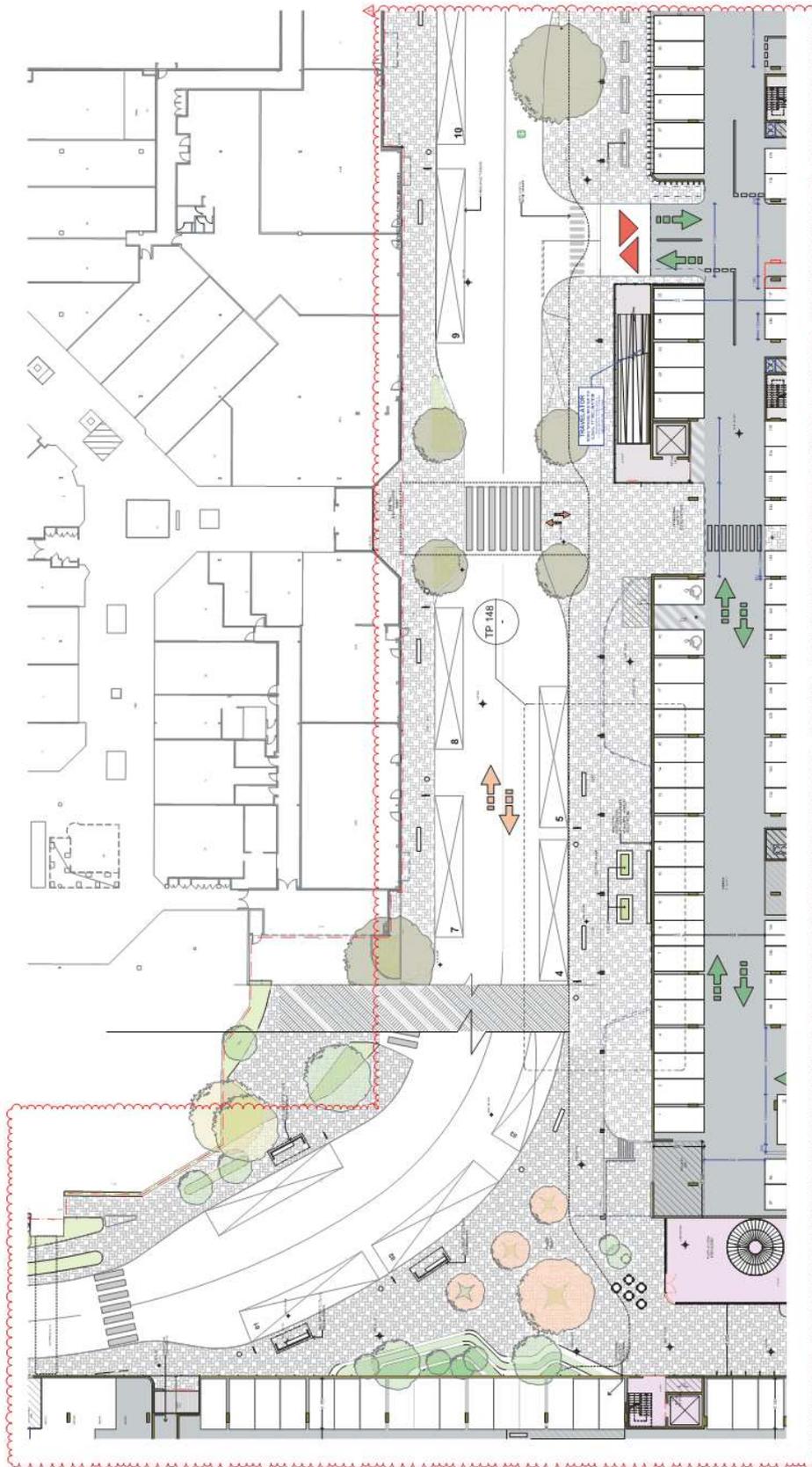
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REV.	DATE	BY	CHK.	NO.	DESCRIPTION





**NOTE:**  
ALL BUS STOPS DESIGNED GENERALLY IN ACCORDANCE WITH VIC ROADS BUS STOP GUIDELINES 2006

**AMENDED PLANS**

PROJECT NAME	THE PINES
DATE	13/02/2022
SCALE	AS SHOWN
PROJECT NO.	130033
PLAN NO.	TP147
REVISION	8

**FOR ALL VICS PLUS PLAN**  
**THE PINES**  
 151 REYNOLDS RD  
 DONCASTER EAST



DATE	REV	DESCRIPTION

DATE	REV	DESCRIPTION

DATE	REV	DESCRIPTION



# 6.01 MATERIAL SCHEDULE

APPLIED FINISH:  
LIGHT  
APPLIED FINISH:  
MEDIUM  
APPLIED FINISH:  
DARK

(AF1)  
(AF2)  
(AF3)

GLAZING:  
CLEAR (SHOPFRONT)  
GLASS BALLUSTRADE:  
CLEAR  
GLAZING:  
DARK  
GLAZING:  
GOLD

(GL1)  
(GL2)  
(GL3)  
(GL4)

MASONRY:  
LIGHT  
MASONRY:  
RED  
MASONRY:  
BROWN

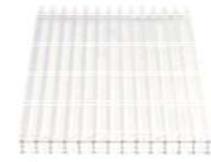
(MA1)  
(MA2)  
(MA3)

CLADDING:  
TRANSLUCENT  
METAL FINISH:  
DARK GREY  
METAL FINISH:  
LIGHT  
METAL FINISH:  
GREY

(CT)  
(MF1)  
(MF2)  
(MF3)

PRIVACY SCREENING:  
DARK GREY FINISH  
PECKLI FORMLINER

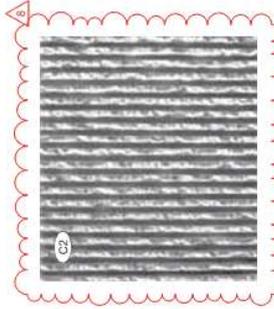
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(CT)



(PS1)



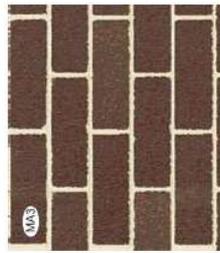
(C2)



(AF2)



(GL4)



(MA3)



(MF3)



(AF3)



(GL3)



(MA2)



(MF2)



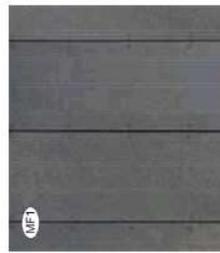
(AF1)



(GL2)



(MA1)



(MF1)



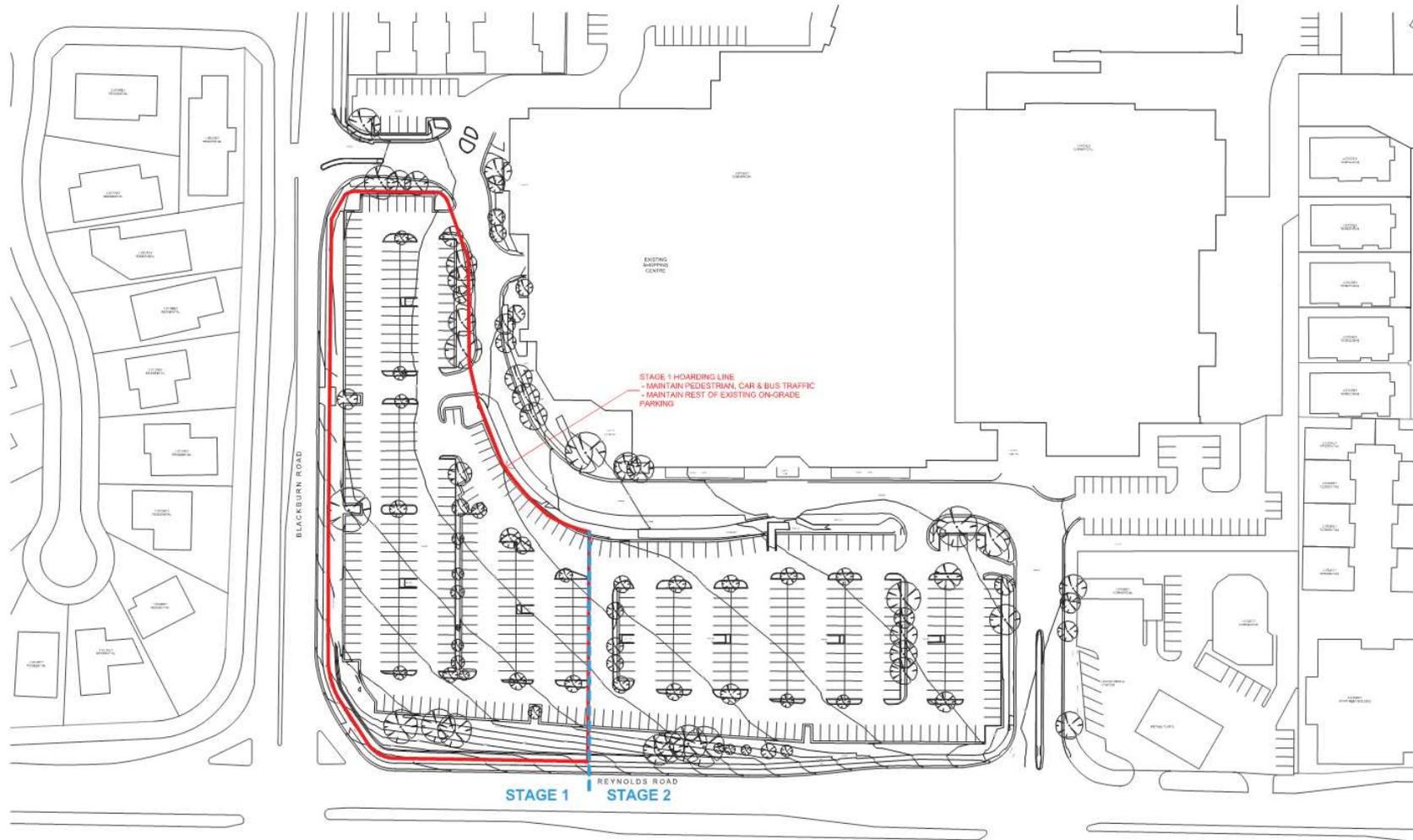
REVISION: 8

NO: 13033 DATE: 24/11/2021

181 REYNOLDS RD DONCASTER EAST 3109

THE PINES





NOTE: DRAWING HAS BEEN SUBSTITUTED  
REFER TO STATEMENT OF CHANGES FOR DETAILS

DATE	REVISION	BY	DATE	BY
15/01/2022	ISSUE FOR TENDER	...	...	...
08/01/2022	REVISED TO REFLECT CHANGES	...	...	...
05/01/2022	REVISED TO REFLECT CHANGES	...	...	...

DATE	REVISION	BY	DATE	BY

DESCRIPTION	DATE	BY
STAGE 1 HOARDING LINE	15/01/2022	...
STAGE 1/2 BOUNDARY	08/01/2022	...
STAGE 1/2 BOUNDARY	05/01/2022	...
STAGE 1/2 BOUNDARY	15/01/2022	...
STAGE 1/2 BOUNDARY	08/01/2022	...
STAGE 1/2 BOUNDARY	05/01/2022	...

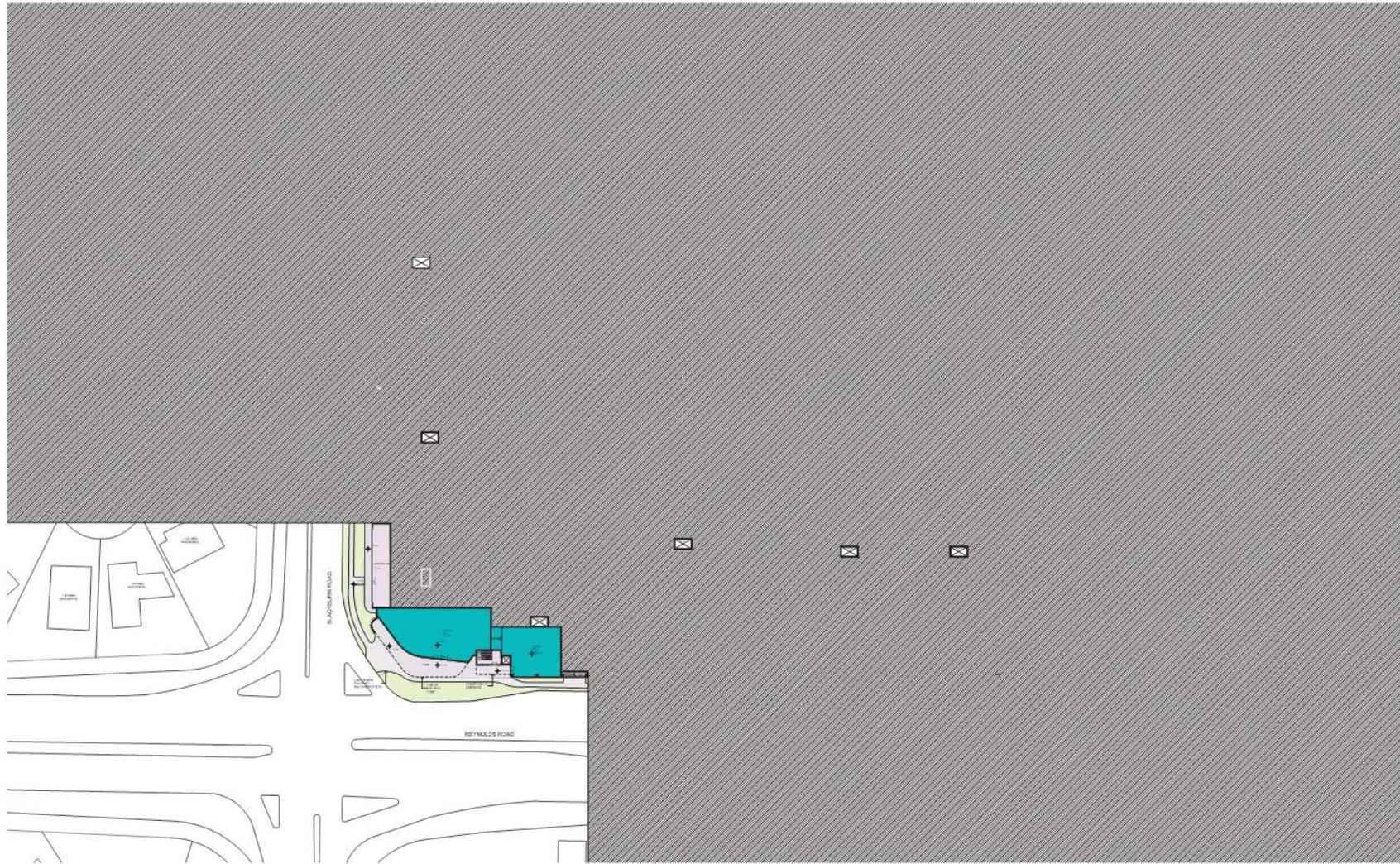


AMENDED VCAT APPLICATION PLANS

PROJECT: THE PINES 181 REYNOLDS RD DONCASTER EAST 3109

PROPOSED TRADING: STAGING PLAN - SITE

SCALE: 1:500 (A4) - 1:1000 (A3)	DATE: 08/01/2022	DRAWN BY: JAC	JOB NO.: 12026
DATE: 08/01/2022	DATE: 08/01/2022	DATE: 08/01/2022	DATE: 08/01/2022
DATE: 08/01/2022	DATE: 08/01/2022	DATE: 08/01/2022	DATE: 08/01/2022
DATE: 08/01/2022	DATE: 08/01/2022	DATE: 08/01/2022	DATE: 08/01/2022



NOTE: DRAWING HAS BEEN SUBSTITUTED  
REFER TO STATEMENT OF CHANGES FOR DETAILS

DATE	REVISION	BY	DATE	NO.
04/11/19	REVISED PER PLAN	JP	04/11/19	1
05/01/19	REVISED PER PLAN	JP	05/01/19	1
05/01/19	REVISED PER PLAN	JP	05/01/19	1
05/01/19	REVISED PER PLAN	JP	05/01/19	1
05/01/19	REVISED PER PLAN	JP	05/01/19	1

DATE	REVISION	BY	DATE	NO.

DESCRIPTION	DATE	BY	DATE	NO.

**Stockland**

**plus**

Building  
Partners

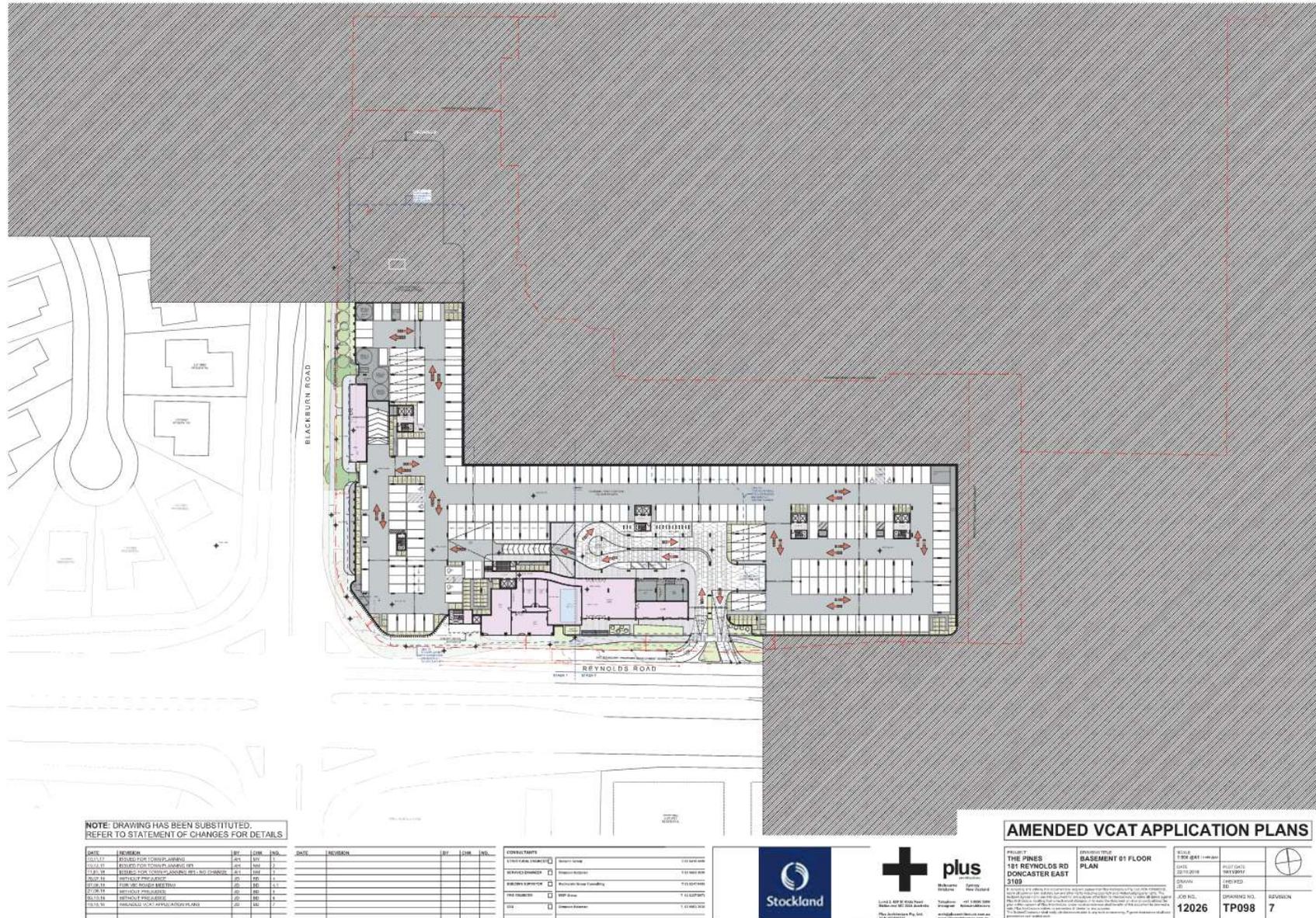
1000  
1000  
1000

**AMENDED VCAT APPLICATION PLANS**

PROJECT:  
**THE PINES  
181 REYNOLDS RD  
DONCASTER EAST  
3109**

DATE	BY	NO.	REVISION
02/10/2019	JP	1	

JOB NO. **12026** DRAWING NO. **TP098A** REVISION **7**









NOTE: DRAWING HAS BEEN SUBSTITUTED REFER TO STATEMENT OF CHANGES FOR DETAILS

DATE	DESCRIPTION	BY	DATE	NO.
04/11/21	REVISED FOR CONCEPT DRAWING	ALC	04/11/21	1
04/11/21	REVISED FOR CONCEPT DRAWING	ALC	04/11/21	2
04/11/21	REVISED FOR CONCEPT DRAWING	ALC	04/11/21	3
04/11/21	REVISED FOR CONCEPT DRAWING	ALC	04/11/21	4
04/11/21	REVISED FOR CONCEPT DRAWING	ALC	04/11/21	5
04/11/21	REVISED FOR CONCEPT DRAWING	ALC	04/11/21	6
04/11/21	REVISED FOR CONCEPT DRAWING	ALC	04/11/21	7

DATE	DESCRIPTION	BY	DATE	NO.

CHECKLIST ITEMS	STATUS	DATE	BY
CONCEPT DESIGN	<input checked="" type="checkbox"/>	04/11/21	ALC
PERMITTED APPROVALS	<input type="checkbox"/>		
CONSTRUCTION CONTRACT	<input type="checkbox"/>		
CONTRACT SIGNATURE	<input type="checkbox"/>		
CONTRACT SIGNATURE	<input type="checkbox"/>		



AMENDED VCAT APPLICATION PLANS

PROJECT: THE PINES AT REYNOLDS RD DONCASTER EAST 3109

PROPOSED: LEVEL 01 FLOOR PLAN

SCALE: 1:500 (A4) - 1:1000 (A3)	DATE: 02/02/2022	DRAWN: JLF	CHECKED: JLF
JOB NO.: 12026	DRAWING NO.: TP101	REVISION: 7	



NOTE: DRAWING HAS BEEN SUBSTITUTED REFER TO STATEMENT OF CHANGES FOR DETAILS

DATE	DESCRIPTION	BY	DATE	NO.
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04/11/21	REVISED FOR CONCEPT APPROVAL	AS	04/11/21	2
04/11/21	REVISED FOR CONCEPT APPROVAL	AS	04/11/21	3
04/11/21	REVISED FOR CONCEPT APPROVAL	AS	04/11/21	4
04/11/21	REVISED FOR CONCEPT APPROVAL	AS	04/11/21	5
04/11/21	REVISED FOR CONCEPT APPROVAL	AS	04/11/21	6
04/11/21	REVISED FOR CONCEPT APPROVAL	AS	04/11/21	7

DATE	DESCRIPTION	BY	DATE	NO.

VERSION NUMBER	DESCRIPTION	DATE
01	Issue for Tender	11/04/2021
02	Issue for Tender	11/04/2021
03	Issue for Tender	11/04/2021
04	Issue for Tender	11/04/2021
05	Issue for Tender	11/04/2021
06	Issue for Tender	11/04/2021
07	Issue for Tender	11/04/2021
08	Issue for Tender	11/04/2021
09	Issue for Tender	11/04/2021
10	Issue for Tender	11/04/2021
11	Issue for Tender	11/04/2021
12	Issue for Tender	11/04/2021
13	Issue for Tender	11/04/2021
14	Issue for Tender	11/04/2021
15	Issue for Tender	11/04/2021
16	Issue for Tender	11/04/2021
17	Issue for Tender	11/04/2021
18	Issue for Tender	11/04/2021
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96	Issue for Tender	11/04/2021
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98	Issue for Tender	11/04/2021
99	Issue for Tender	11/04/2021
100	Issue for Tender	11/04/2021



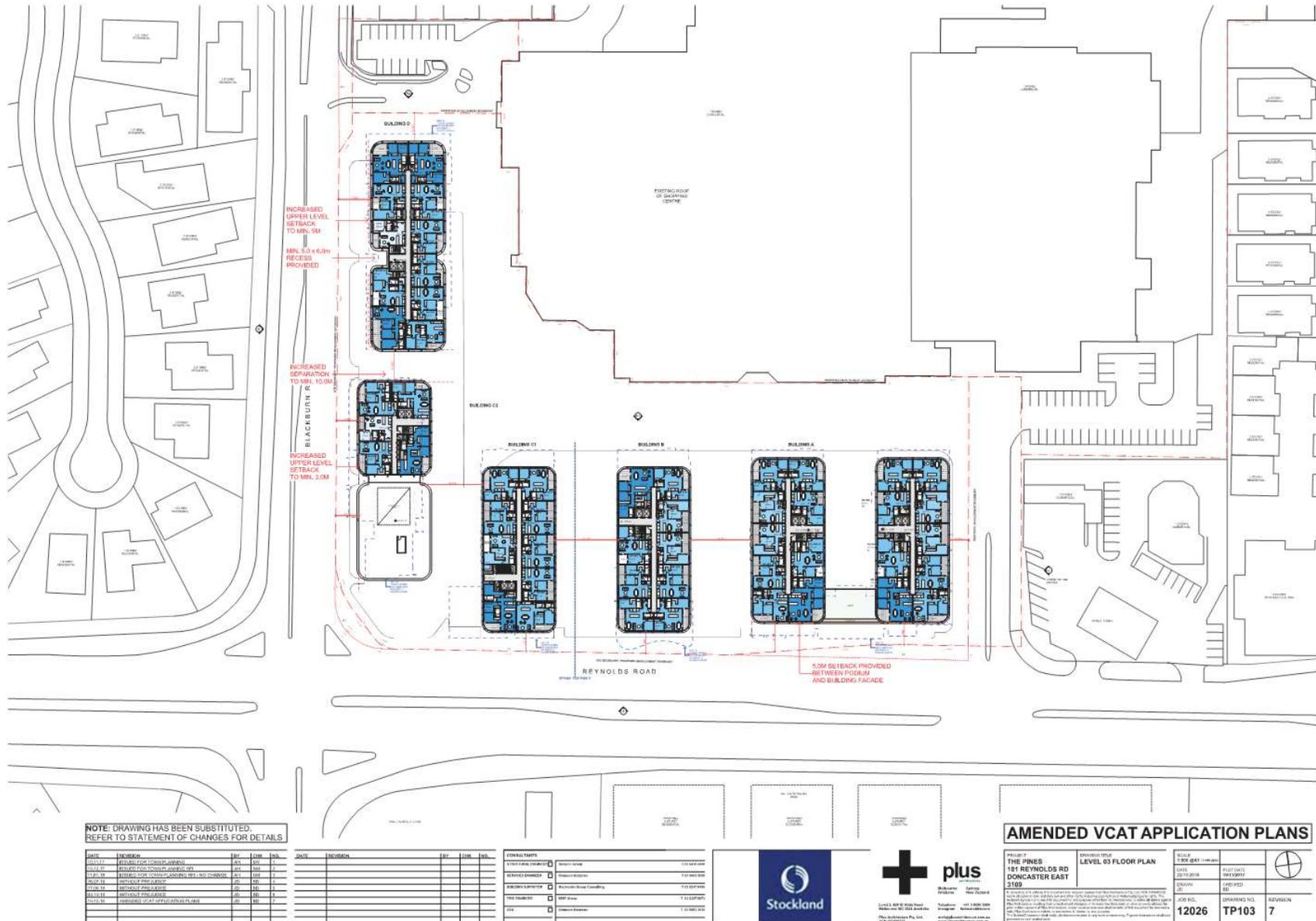
AMENDED VCAT APPLICATION PLANS

PROJECT: THE PINES AT REYNOLDS RD DONCASTER EAST 3109

PROPOSED TITLE: LEVEL 02 FLOOR PLAN

SCALE: 1:500 (B1) 1:100 (B2)	DATE: 02/02/2022	PROJECT NO: 12026	DRAWING NO: TP102	REVISION: 7
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12026 TP102 7



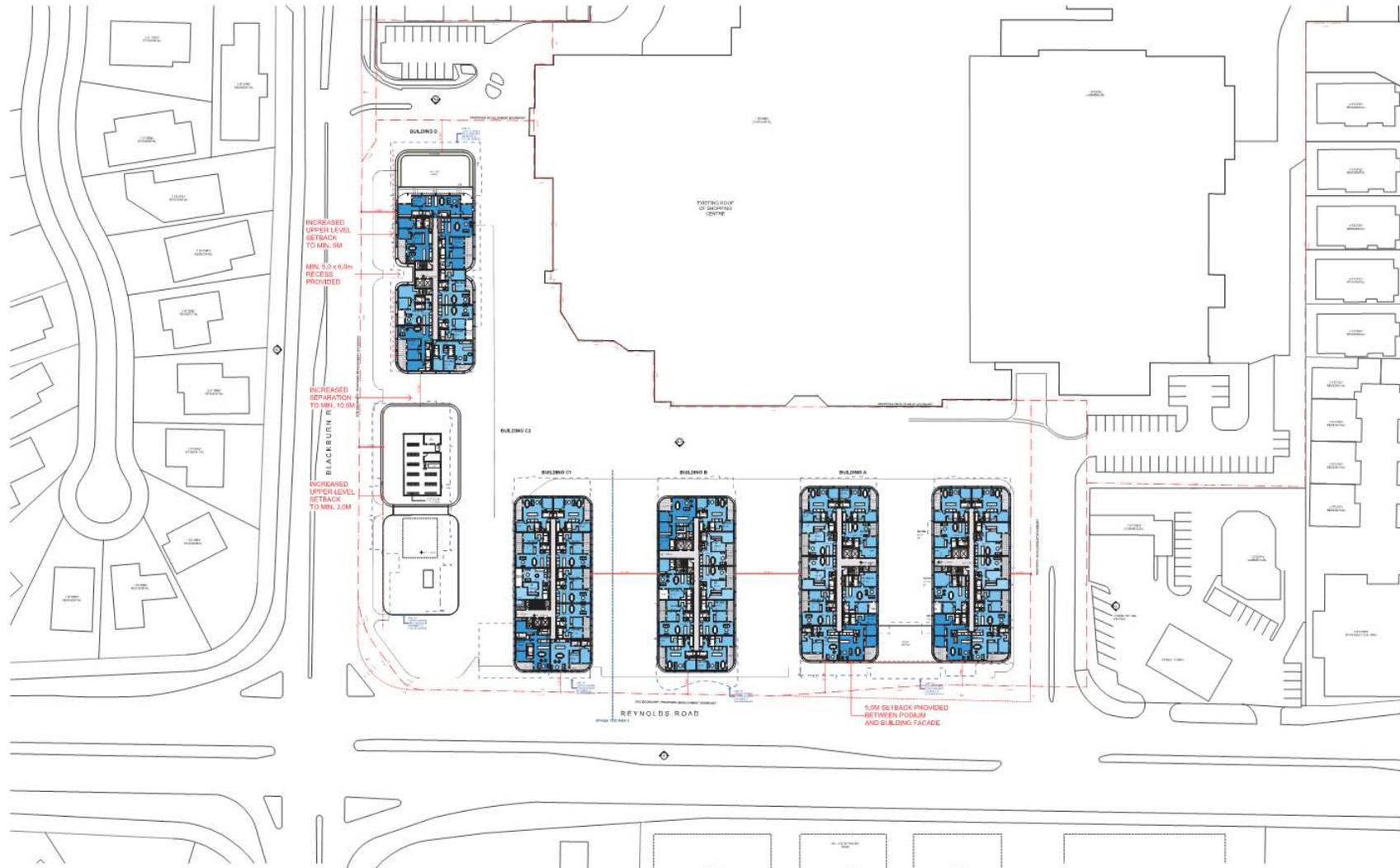
**AMENDED VCAT APPLICATION PLANS**

**PROJECT: THE PINES 41 REYNOLDS RD DONCASTER EAST 3109**

**PROPOSED TITLE: LEVEL 03 FLOOR PLAN**

DATE: 02/10/2019  
 DRAWN: JLF  
 CHECKED: JLF  
 JOB NO.: 12026  
 DRAWING NO.: TP103  
 REVISION: 7





NOTE: DRAWING HAS BEEN SUBSTITUTED REFER TO STATEMENT OF CHANGES FOR DETAILS

DATE	DESCRIPTION	BY	CHKD	APP
04/11/21	REVISED FOR CONCEPT APPROVAL	AS	AS	AS
04/11/21	REVISED FOR CONCEPT APPROVAL	AS	AS	AS
04/11/21	REVISED FOR CONCEPT APPROVAL	AS	AS	AS
04/11/21	REVISED FOR CONCEPT APPROVAL	AS	AS	AS
04/11/21	REVISED FOR CONCEPT APPROVAL	AS	AS	AS
04/11/21	REVISED FOR CONCEPT APPROVAL	AS	AS	AS
04/11/21	REVISED FOR CONCEPT APPROVAL	AS	AS	AS
04/11/21	REVISED FOR CONCEPT APPROVAL	AS	AS	AS

DATE	DESCRIPTION	BY	CHKD	APP

REVISION NUMBER	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	11/04/2021
2	REVISED FOR CONCEPT APPROVAL	11/04/2021
3	REVISED FOR CONCEPT APPROVAL	11/04/2021
4	REVISED FOR CONCEPT APPROVAL	11/04/2021
5	REVISED FOR CONCEPT APPROVAL	11/04/2021
6	REVISED FOR CONCEPT APPROVAL	11/04/2021
7	REVISED FOR CONCEPT APPROVAL	11/04/2021
8	REVISED FOR CONCEPT APPROVAL	11/04/2021
9	REVISED FOR CONCEPT APPROVAL	11/04/2021
10	REVISED FOR CONCEPT APPROVAL	11/04/2021

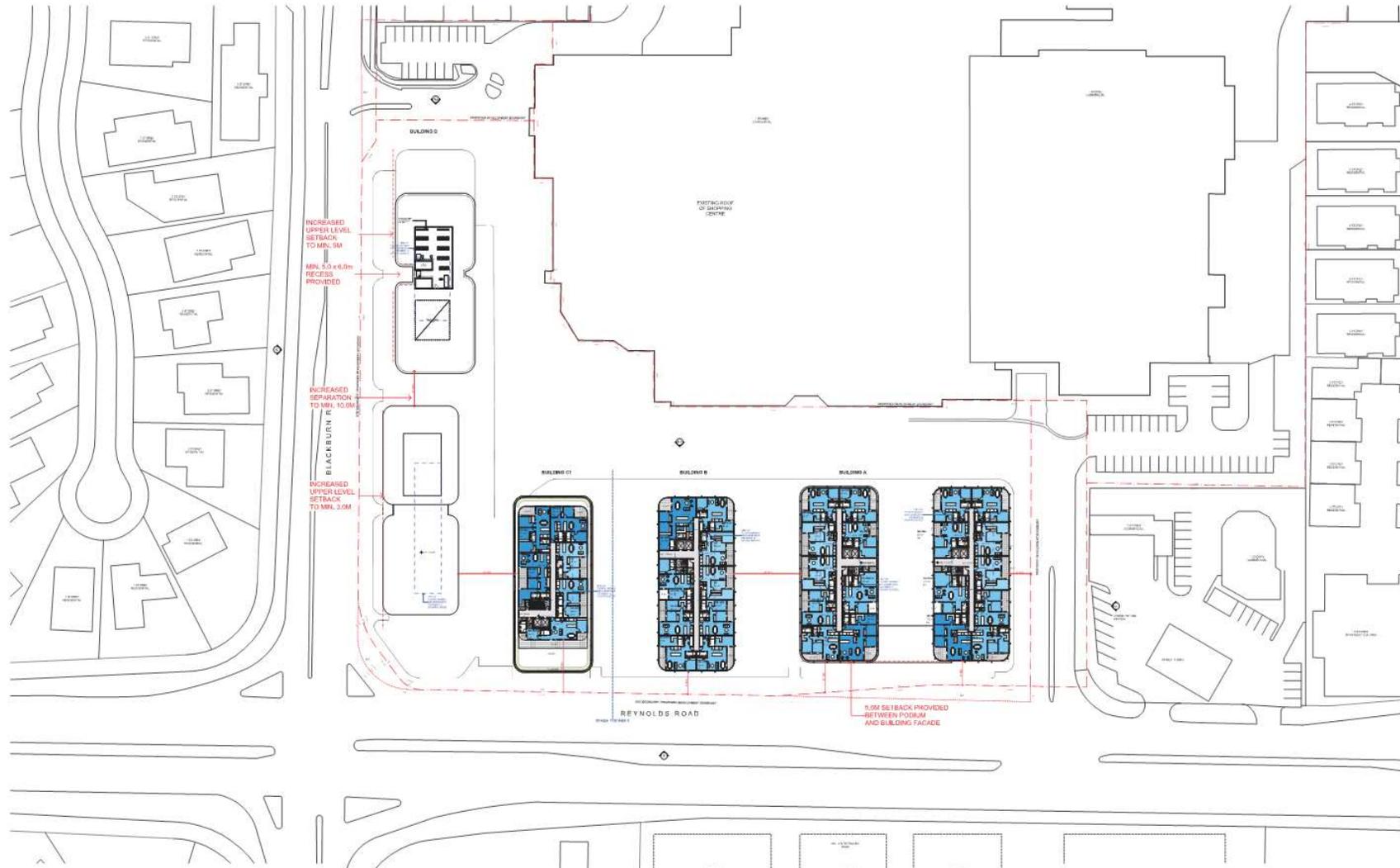


AMENDED VCAT APPLICATION PLANS

PROJECT: THE PINES 41 REYNOLDS RD DONCASTER EAST 3109

PROPOSED: LEVEL 04 FLOOR PLAN

SCALE: 1:500 (B1) 1:100 (B2)	DATE: 02/22/2022	PROJECT NO: 12026	DRAWING NO: TP104	REVISION: 7
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NOTE: DRAWING HAS BEEN SUBSTITUTED REFER TO STATEMENT OF CHANGES FOR DETAILS

DATE	DESCRIPTION	BY	CHKD	APP
04/11/21	REVISED FOR CONCEPT DRAWING	AS	AS	AS
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04/11/21	REVISED FOR CONCEPT DRAWING	AS	AS	AS

DATE	DESCRIPTION	BY	CHKD	APP

CONTRACT ITEMS	STATUS	DATE
CONTRACT ITEMS		



AMENDED VCAT APPLICATION PLANS

PROJECT: THE PINES AT REYNOLDS RD DONCASTER EAST 3109

PROPOSED TRIP LEVEL 05 FLOOR PLAN

SCALE: 1:500 (EAST - NORTH)

DATE: 02/22/2022

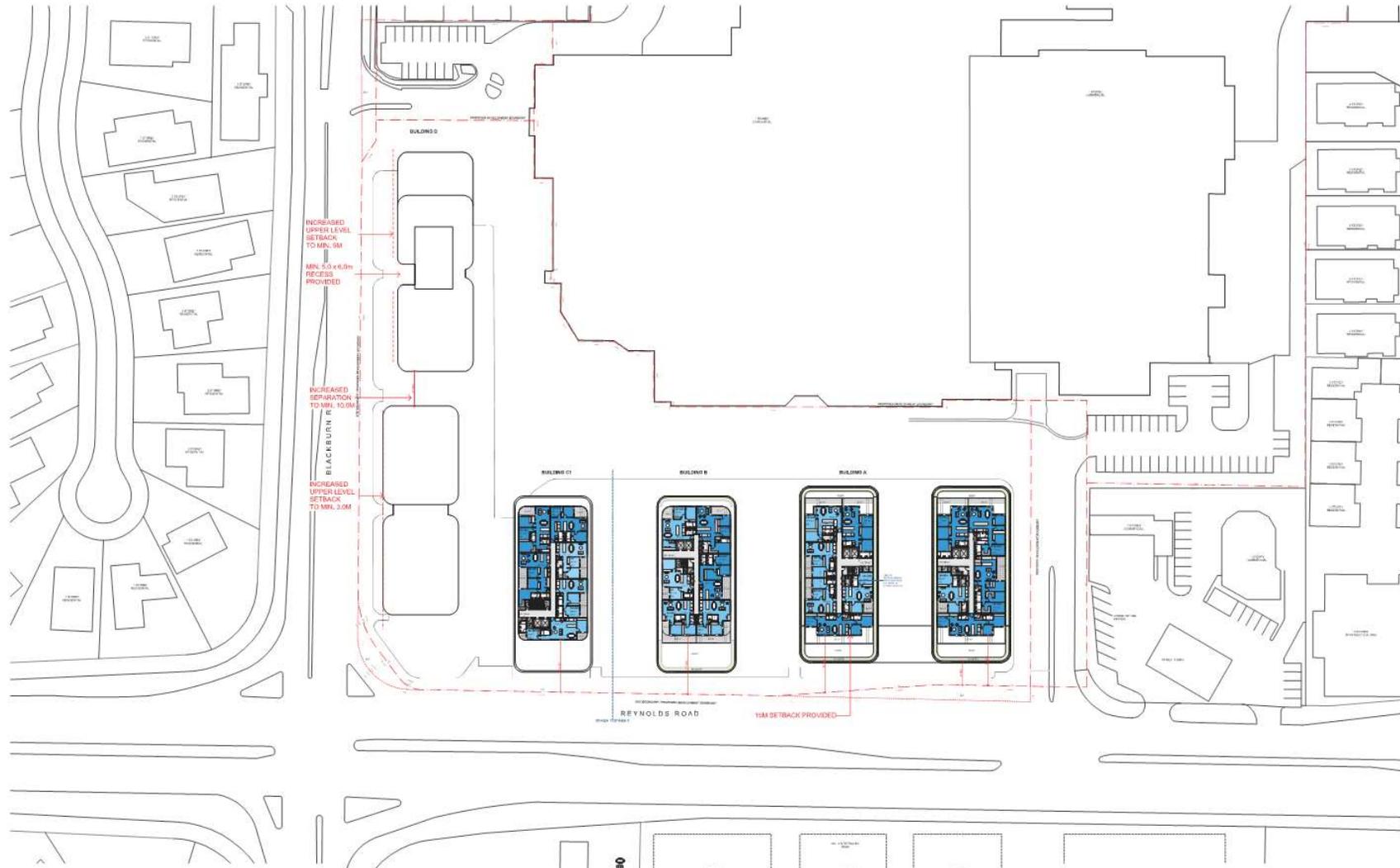
DRAWN BY: [Signature]

CHECKED BY: [Signature]

JOB NO.: 12026

DRAWING NO.: TP105

REVISION: 7



NOTE: DRAWING HAS BEEN SUBSTITUTED REFER TO STATEMENT OF CHANGES FOR DETAILS

DATE	REVISION	BY	DATE	NO.
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20/11/21	REVISION 3	JP	20/11/21	3

DATE	REVISION	BY	DATE	NO.

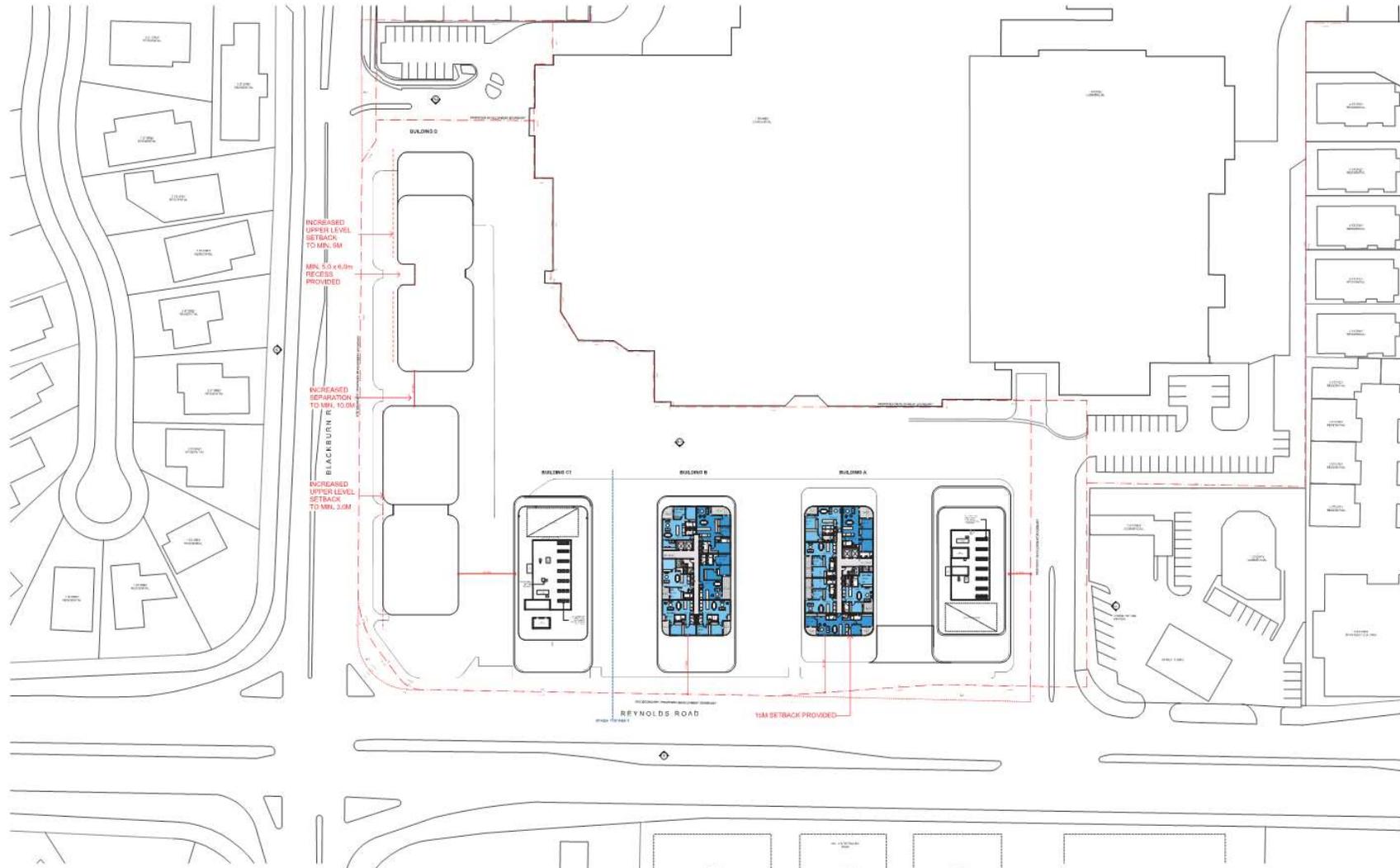
DESCRIPTION	DATE	BY

CIVIL WORK  
 STRUCTURAL WORK  
 MECHANICAL/ELECTRICAL/PLUMBING (MEP)  
 LANDSCAPE ARCHITECTURE  
 OTHER

12026  
 12026  
 12026

AMENDED VCAT APPLICATION PLANS

PROJECT: THE PINES AT REYNOLDS RD DONCASTER EAST 3109  
 PROPOSED TITLE: LEVEL 06 PLAN  
 DATE: 20/11/2021  
 DRAWN BY: J.P.  
 CHECKED BY: J.P.  
 JOB NO.: 12026  
 DRAWING NO.: TP105A  
 REVISION: 7



NOTE: DRAWING HAS BEEN SUBSTITUTED REFER TO STATEMENT OF CHANGES FOR DETAILS

DATE	REVISION	BY	USER	APP
20/11/21	REVISED PER PLAN	JP	JP	1
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20/11/21	REVISED PER PLAN	JP	JP	1

DATE	REVISION	BY	USER	APP

CHECKLIST ITEMS	STATUS	DATE	BY
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PERMITTED WORK	<input type="checkbox"/>		
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PERMITTED ERECTION	<input type="checkbox"/>		
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PERMITTED INTERIORS	<input type="checkbox"/>		
PERMITTED EXTERIORS	<input type="checkbox"/>		

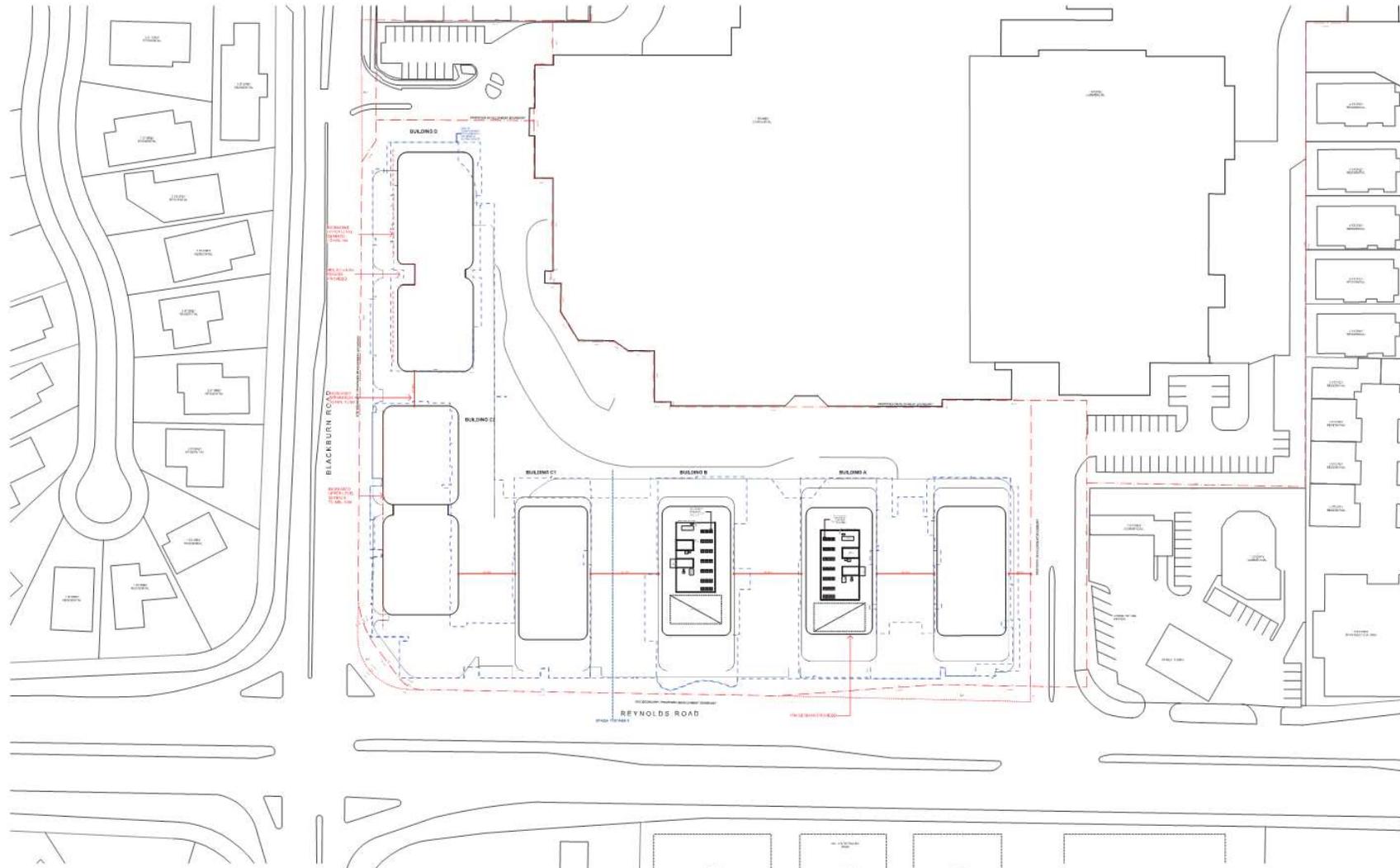


AMENDED VCAT APPLICATION PLANS

PROJECT: THE PINES AT REYNOLDS RD DONCASTER EAST 3109

PROPOSED LEVEL 07 PLAN

SCALE: 1:500 (B1) - 1:500 (B4)	DATE: 20/11/2021	DRAWN BY: JPM	CHECKED BY: JPM
JOB NO.: 12026	DRAWING NO.: TP105B	REVISION: 7	



NOTE: DRAWING HAS BEEN SUBSTITUTED  
REFER TO STATEMENT OF CHANGES FOR DETAILS

DATE	DESCRIPTION	BY	DATE	NO.
04/11/21	REVISED FOR CONCEPT APPROVAL	ALC	04/11/21	1
04/11/21	REVISED FOR CONCEPT APPROVAL	ALC	04/11/21	2
04/11/21	REVISED FOR CONCEPT APPROVAL	ALC	04/11/21	3
04/11/21	REVISED FOR CONCEPT APPROVAL	ALC	04/11/21	4
04/11/21	REVISED FOR CONCEPT APPROVAL	ALC	04/11/21	5
04/11/21	REVISED FOR CONCEPT APPROVAL	ALC	04/11/21	6
04/11/21	REVISED FOR CONCEPT APPROVAL	ALC	04/11/21	7

DATE	DESCRIPTION	BY	DATE	NO.

CHECKLIST ITEMS	STATUS	DATE
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CONCEPT APPROVAL	<input checked="" type="checkbox"/>	11/04/2021
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CONCEPT APPROVAL	<input checked="" type="checkbox"/>	11/04/2021



**AMENDED VCAT APPLICATION PLANS**

PROJECT: THE PINES AT REYNOLDS RD DONCASTER EAST 3109

PROPOSED TRIP ROOF PLAN

SCALE: 1:500 (EAST - NORTH)

DATE: 02/02/2022

DRAWN BY: [Signature]

CHECKED BY: [Signature]

DATE: 02/02/2022

JOB NO.: 12026

DRAWING NO.: TP106

REVISION: 7



**SOUTH ELEVATION**  
Scale 1:200



**WEST ELEVATION**  
Scale 1:200

NOTE: DRAWING HAS BEEN SUBSTITUTED.  
REFER TO STATEMENT OF CHANGES FOR DETAILS

DATE	REVISION	BY	DATE
04/11/21	ISSUED FOR CONCEPT APPROVAL	SL	04/11/21
04/11/21	ISSUED FOR CONCEPT APPROVAL REV	SL	04/11/21
04/11/21	ISSUED FOR CONCEPT APPROVAL REV 2	SL	04/11/21
04/11/21	ISSUED FOR CONCEPT APPROVAL REV 3	SL	04/11/21
04/11/21	ISSUED FOR CONCEPT APPROVAL REV 4	SL	04/11/21
04/11/21	ISSUED FOR CONCEPT APPROVAL REV 5	SL	04/11/21
04/11/21	ISSUED FOR CONCEPT APPROVAL REV 6	SL	04/11/21
04/11/21	ISSUED FOR CONCEPT APPROVAL REV 7	SL	04/11/21

DATE	REVISION	BY	DATE

REVISION NUMBER	DESCRIPTION	DATE
1	ISSUED FOR CONCEPT APPROVAL	04/11/21
2	ISSUED FOR CONCEPT APPROVAL REV	04/11/21
3	ISSUED FOR CONCEPT APPROVAL REV 2	04/11/21
4	ISSUED FOR CONCEPT APPROVAL REV 3	04/11/21
5	ISSUED FOR CONCEPT APPROVAL REV 4	04/11/21
6	ISSUED FOR CONCEPT APPROVAL REV 5	04/11/21
7	ISSUED FOR CONCEPT APPROVAL REV 6	04/11/21
8	ISSUED FOR CONCEPT APPROVAL REV 7	04/11/21

MATERIAL LEGEND: REFER 7.01 MATERIAL SCHEDULE

- (M1) APPLIED FRESH DARK
- (M2) APPLIED METAL FINISH
- (M3) MASONRY
- (M4) MASONRY
- (M5) MASONRY
- (M6) MASONRY
- (M7) MASONRY
- (M8) MASONRY
- (M9) MASONRY
- (M10) MASONRY
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- (M15) MASONRY
- (M16) MASONRY
- (M17) MASONRY
- (M18) MASONRY
- (M19) MASONRY
- (M20) MASONRY

**AMENDED VCAT APPLICATION PLANS**

PROJECT <b>THE PINES 181 REYNOLDS RD DONCASTER EAST 3109</b>	PROPOSED PLAN <b>WEST &amp; SOUTH ELEVATION</b>	SCALE 1:200 (EAST & SOUTH)	DATE 20/11/2019	DRAWN BY SL	CHECKED BY SL	DATE 20/11/2019	JOB NO. 12026	DRAWING NO. TP134	REVISION 7
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**SOUTH ELEVATION**  
Scale 1:200



**WEST ELEVATION**  
Scale 1:200

NOTE: SIGNAGE SUBJECT TO FUTURE PLANNING PERMIT APPLICATION

NOTE: SIGNAGE SUBJECT TO FUTURE PLANNING PERMIT APPLICATION

NOTE: DRAWING HAS BEEN SUBSTITUTED. REFER TO STATEMENT OF CHANGES FOR DETAILS

MATERIAL LEGEND: REFER 7.01 MATERIAL SCHEDULE

- (S1) APPLIED FRESH DARK
- (S2) APPLIED METAL FRESH GREY
- (S3) MASONRY LIGHT GREY
- (S4) MASONRY BROWN
- (S5) MASONRY BROWN GREY/TREX
- (S6) GLASS CLEAR (SPRINKLER)
- (S7) GLASS CLEAR
- (S8) GLASS BRUSHED CLEAR
- (S9) GLASS BRUSHED CLEAR
- (S10) METAL FRESH DARK GREY
- (S11) METAL FRESH LIGHT
- (S12) METAL FRESH GREY
- (S13) METAL FRESH GREY
- (S14) CLADDING TRUSS/CLAY

DATE	DESCRIPTION	BY	DATE	BY
04/11/21	ISSUED FOR CONCEPT APPROVAL	AL	04/11/21	AL
04/11/21	ISSUED FOR CONCEPT APPROVAL	AL	04/11/21	AL
04/11/21	ISSUED FOR CONCEPT APPROVAL	AL	04/11/21	AL
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04/11/21	ISSUED FOR CONCEPT APPROVAL	AL	04/11/21	AL
04/11/21	ISSUED FOR CONCEPT APPROVAL	AL	04/11/21	AL

DATE	DESCRIPTION	BY	DATE	BY

DESCRIPTION	DATE	BY

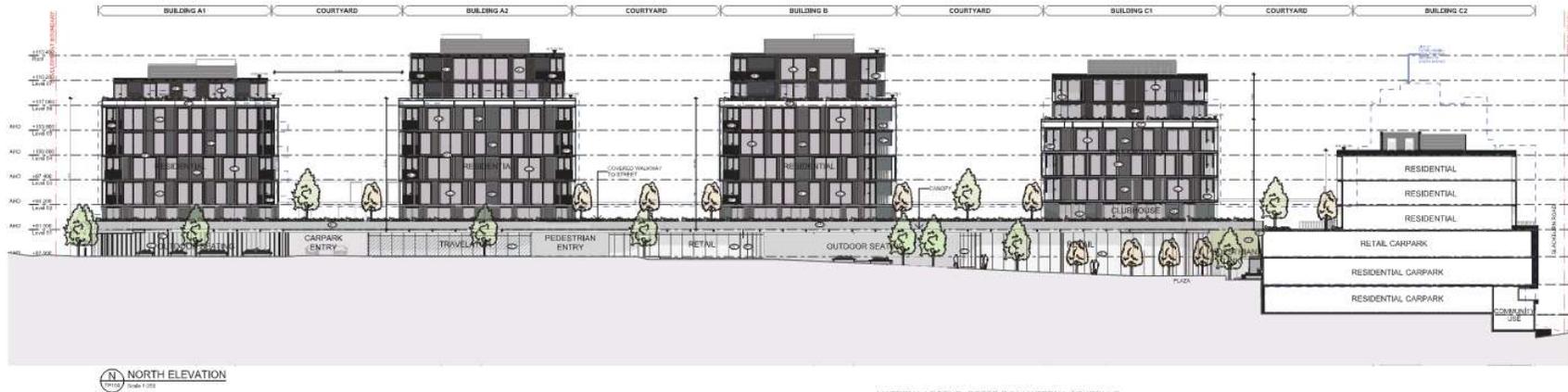
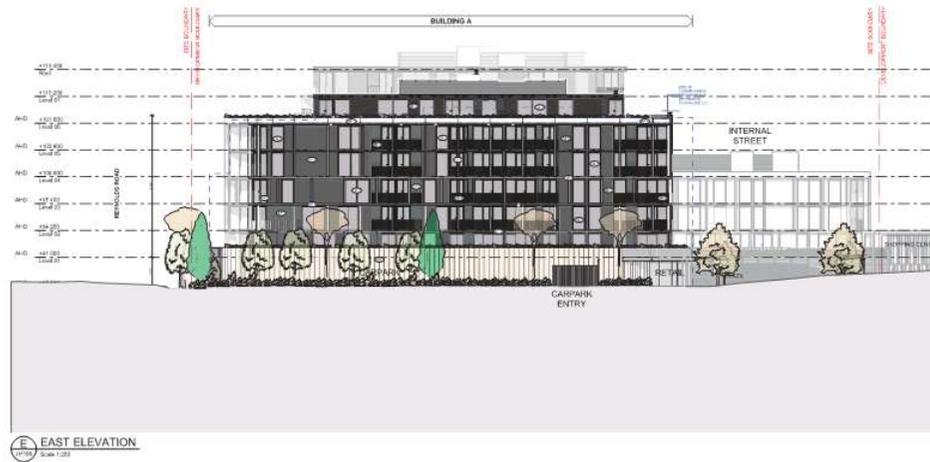


**AMENDED VCAT APPLICATION PLANS**

PROJECT: THE PINES 181 REYNOLDS RD DONCASTER EAST 3109

PROPOSED WEST & SOUTH ELEVATION

SCALE: 1:200 (EAST & SOUTH ELEVATION)	DATE: 02/10/2018	DRAWN BY: JIM TERRY
DATE: 02/10/2018	CHECKED BY: JIM TERRY	DATE: 02/10/2018
JOB NO. 12026	DRAWING NO. TP134B	REVISION 7



MATERIAL LEGEND: REFER 7.01 MATERIAL SCHEDULE

- 01 APPLIED FINISH DARK
- 02 APPLIED METAL FINISH
- 03 APPLIED FINISH LIGHT
- 04 MASONRY LIGHT
- 05 MASONRY DARK
- 06 MASONRY RED
- 07 MASONRY BRICK
- 08 MASONRY CONCRETE
- 09 MASONRY CLAY
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- 100 MASONRY CLAY

NOTE: DRAWING HAS BEEN SUBSTITUTED. REFER TO STATEMENT OF CHANGES FOR DETAILS

DATE	DESCRIPTION	BY	USER	APP
04/11/21	ISSUED FOR CONSTRUCTION	AS	AS	AS
04/11/21	ISSUED FOR CONSTRUCTION	AS	AS	AS
04/11/21	ISSUED FOR CONSTRUCTION	AS	AS	AS
04/11/21	ISSUED FOR CONSTRUCTION	AS	AS	AS
04/11/21	ISSUED FOR CONSTRUCTION	AS	AS	AS
04/11/21	ISSUED FOR CONSTRUCTION	AS	AS	AS
04/11/21	ISSUED FOR CONSTRUCTION	AS	AS	AS
04/11/21	ISSUED FOR CONSTRUCTION	AS	AS	AS
04/11/21	ISSUED FOR CONSTRUCTION	AS	AS	AS
04/11/21	ISSUED FOR CONSTRUCTION	AS	AS	AS

DATE	DESCRIPTION	BY	USER	APP

REVISION	DATE	DESCRIPTION
1	04/11/21	ISSUED FOR CONSTRUCTION
2	04/11/21	ISSUED FOR CONSTRUCTION
3	04/11/21	ISSUED FOR CONSTRUCTION
4	04/11/21	ISSUED FOR CONSTRUCTION
5	04/11/21	ISSUED FOR CONSTRUCTION
6	04/11/21	ISSUED FOR CONSTRUCTION
7	04/11/21	ISSUED FOR CONSTRUCTION
8	04/11/21	ISSUED FOR CONSTRUCTION
9	04/11/21	ISSUED FOR CONSTRUCTION
10	04/11/21	ISSUED FOR CONSTRUCTION

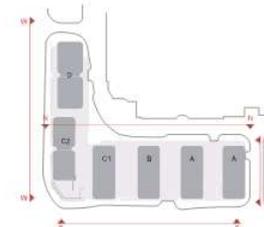
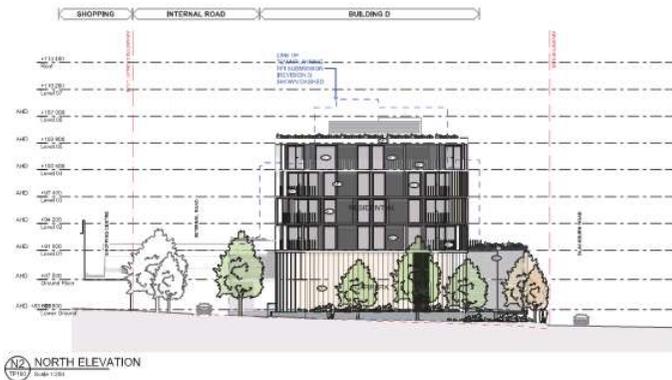


**AMENDED VCAT APPLICATION PLANS**

PROJECT: THE PINES 181 REYNOLDS RD DONCASTER EAST 3109

PROPOSED PLAN: NORTH & EAST ELEVATION

DATE: 02/02/2022	SCALE: 1:200	REVISION: 7
DRAWN BY: [Name]	CHECKED BY: [Name]	DATE: [Date]
JOB NO. 12026	DRAWING NO. TP135	REVISION 7



**E2 EAST ELEVATION**  
Scale: 1:200

MATERIAL LEGEND - REFER 7.01 MATERIAL SCHEDULE

- APPLIED FINISH - LIGHT
- APPLIED FINISH - MEDIUM
- APPLIED FINISH - DARK
- APPLIED METAL FINISH - BRONZE
- MASONRY - LIGHT
- MASONRY - RED
- MASONRY - BROWN
- PAINTED/SCREENED/EMBOSSED FINISH
- CLADDING - SHAPEROOF
- CLADDING - METAL
- CLADDING - SOLID
- METAL FINISH - SHAPEROOF
- METAL FINISH - SOLID
- METAL FINISH - EMBOSSED
- METAL FINISH - OTHER

NOTE: DRAWING HAS BEEN SUBSTITUTED. REFER TO STATEMENT OF CHANGES FOR DETAILS

DATE	REVISION	BY	DATE	BY
04/11/21	ISSUED FOR CONSTRUCTION	JL	04/11/21	JL
04/11/21	ISSUED FOR CONSTRUCTION	JL	04/11/21	JL
04/11/21	ISSUED FOR CONSTRUCTION	JL	04/11/21	JL
04/11/21	ISSUED FOR CONSTRUCTION	JL	04/11/21	JL
04/11/21	ISSUED FOR CONSTRUCTION	JL	04/11/21	JL
04/11/21	ISSUED FOR CONSTRUCTION	JL	04/11/21	JL

DATE	REVISION	BY	DATE	BY

FUNCTION	DESCRIPTION	DATE	BY



**AMENDED VCAT APPLICATION PLANS**

PROJECT <b>THE PINES 181 REYNOLDS RD DONCASTER EAST 3109</b>	PROPOSED PLAN <b>NORTH, EAST &amp; WEST ELEVATION</b>	SCALE 1:200 (EAST & WEST) 1:200 (NORTH)	DATE 20/01/2022	DRAWN JL	CHECKED JL	DATE 20/01/2022	REVISION 7
JOB NO. <b>12026</b>		DRAWING NO. <b>TP136</b>		REVISION			



E3 EAST ELEVATION  
Scale 1:200



E4 EAST ELEVATION  
Scale 1:200

MATERIAL LEGEND: REFER 7.01 MATERIAL SCHEDULE

- (C1) APPLIED FINISH: LIGHT
- (C2) APPLIED FINISH: MEDIUM
- (C3) APPLIED FINISH: DARK
- (C4) APPLIED FINISH: METAL
- (C5) APPLIED FINISH: BRICK
- (C6) APPLIED FINISH: MASONRY
- (C7) APPLIED FINISH: MASONRY
- (C8) APPLIED FINISH: MASONRY
- (C9) APPLIED FINISH: MASONRY
- (C10) APPLIED FINISH: MASONRY
- (C11) APPLIED FINISH: MASONRY
- (C12) APPLIED FINISH: MASONRY
- (C13) APPLIED FINISH: MASONRY
- (C14) APPLIED FINISH: MASONRY
- (C15) APPLIED FINISH: MASONRY
- (C16) APPLIED FINISH: MASONRY
- (C17) APPLIED FINISH: MASONRY
- (C18) APPLIED FINISH: MASONRY
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- (C20) APPLIED FINISH: MASONRY
- (C21) APPLIED FINISH: MASONRY
- (C22) APPLIED FINISH: MASONRY
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- (C24) APPLIED FINISH: MASONRY
- (C25) APPLIED FINISH: MASONRY
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- (C97) APPLIED FINISH: MASONRY
- (C98) APPLIED FINISH: MASONRY
- (C99) APPLIED FINISH: MASONRY
- (C100) APPLIED FINISH: MASONRY

NOTE: DRAWING HAS BEEN SUBSTITUTED.  
REFER TO STATEMENT OF CHANGES FOR DETAILS

DATE	REVISION	BY	USER	APP
04/11/21	ISSUE FOR CONSTRUCTION	ML	ML	1
04/11/21	ISSUE FOR PERMIT APPLICATION	ML	ML	2
04/11/21	ISSUE FOR PERMIT APPLICATION	ML	ML	3
04/11/21	ISSUE FOR PERMIT APPLICATION	ML	ML	4

DATE	REVISION	BY	USER	APP

REVISION	DATE	DESCRIPTION



**AMENDED VCAT APPLICATION PLANS**

PROJECT: THE PINES 181 REYNOLDS RD DONCASTER EAST 3109

DRAWING NO: TP137

REVISION: 7

DATE: 02/02/2022

JOB NO: 12026

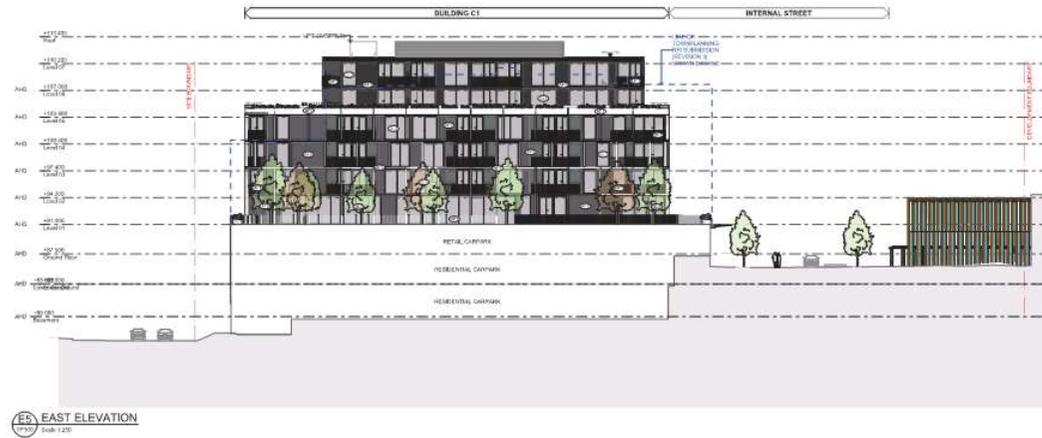
PROJECT TEAM: EAST ELEVATION (INTERNAL)

DATE: 02/02/2022

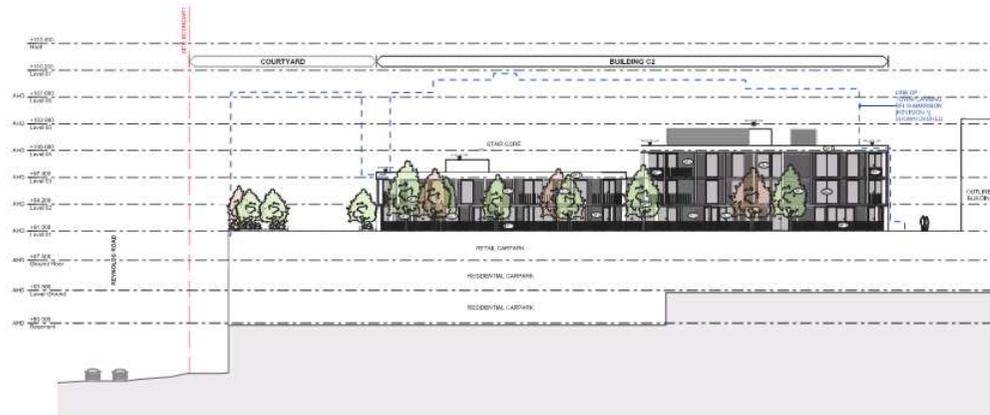
JOB NO: 12026

DRAWING NO: TP137

REVISION: 7



E1 EAST ELEVATION  
Scale 1:20



E2 EAST ELEVATION  
Scale 1:20

MATERIAL LEGEND: REFER 7.01 MATERIAL SCHEDULE

- APPLIED FINISH - LIGHT
- APPLIED FINISH - MEDIUM
- APPLIED FINISH - DARK
- APPLIED METAL FINISH - BRONZE
- MASONRY - LIGHT
- MASONRY - DARK
- MASONRY - STIPPLED
- MASONRY - STIPPLED - DARK GREY FINISH
- CLADDING - STIPPLED
- CLADDING - STIPPLED - DARK GREY FINISH
- CLADDING - STIPPLED - DARK GREY FINISH
- CLADDING - STIPPLED - DARK GREY FINISH
- METAL FINISH - DARK GREY
- METAL FINISH - LIGHT GREY
- METAL FINISH - DARK GREY
- METAL FINISH - DARK GREY

NOTE: DRAWING HAS BEEN SUBSTITUTED.  
REFER TO STATEMENT OF CHANGES FOR DETAILS

DATE	REVISION	BY	DATE	BY
04/11/21	ISSUED FOR CONCEPT APPROVAL	SLC	04/11/21	SLC
04/11/21	ISSUED FOR CONCEPT APPROVAL PER STOCKLAND	SLC	04/11/21	SLC
04/11/21	ISSUED FOR CONCEPT APPROVAL PER STOCKLAND	SLC	04/11/21	SLC
04/11/21	ISSUED FOR CONCEPT APPROVAL PER STOCKLAND	SLC	04/11/21	SLC

DATE	REVISION	BY	DATE	BY

DESCRIPTION	DATE	BY



**AMENDED VCAT APPLICATION PLANS**

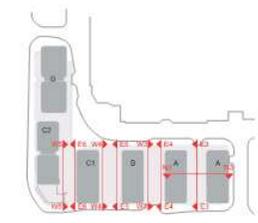
PROJECT: THE PINES 181 REYNOLDS RD DONCASTER EAST 3109

PROPOSED PLAN: EAST ELEVATION (INTERNAL)

SCALE: 1:20 (E1) 1:20 (E2)	PLUT DATE: 04/11/2021
DATE: 04/11/2021	PREP BY: SLG
DRAWN BY: SLG	CHECKED BY: SLG
JOB NO. 12026	DRAWING NO. TP138
	REVISION 7



WEST ELEVATION  
Scale 1:100



WEST ELEVATION  
Scale 1:100

MATERIAL LEGEND - REFER 7.01 MATERIAL SCHEDULE

- (M) APPLIED FINISH - LIGHT
- (M) APPLIED FINISH - MEDIUM
- (M) APPLIED FINISH - DARK
- (M) APPLIED METAL FINISH - BRASS
- (M) MASONRY - LIGHT
- (M) MASONRY - RED
- (M) MASONRY - BROWN
- (M) MASONRY - SCREENED SAND-COLOURED FINISH
- (M) CLADDING - SHAPEROOF
- (M) CLADDING - SLATE
- (M) CLADDING - SOLID
- (M) METAL FINISH - SAND-TOUCH
- (M) METAL FINISH - LAMINATE
- (M) METAL FINISH - OCEAN
- (M) CLADDING - TRIPLEGLAZED

NOTE: DRAWING HAS BEEN SUBSTITUTED. REFER TO STATEMENT OF CHANGES FOR DETAILS

DATE	REVISION	BY	DATE	DATE
04/11/21	ISSUED FOR CONCEPT APPROVAL	ML	04/11/21	04/11/21
04/11/21	ISSUED FOR PRELIMINARY APPROVAL PER SCOPE CHANGE	ML	04/11/21	04/11/21
04/11/21	ISSUED FOR PERMITS	ML	04/11/21	04/11/21
04/11/21	ISSUED FOR APPLICATIONS PERMITS	ML	04/11/21	04/11/21

DATE	REVISION	BY	DATE	DATE
04/11/21	ISSUED FOR CONCEPT APPROVAL	ML	04/11/21	04/11/21
04/11/21	ISSUED FOR PRELIMINARY APPROVAL PER SCOPE CHANGE	ML	04/11/21	04/11/21
04/11/21	ISSUED FOR PERMITS	ML	04/11/21	04/11/21
04/11/21	ISSUED FOR APPLICATIONS PERMITS	ML	04/11/21	04/11/21

LOCAL OFFICE: 1000 South Road, Doncaster East, VIC 3109

PH: 03 9450 1000

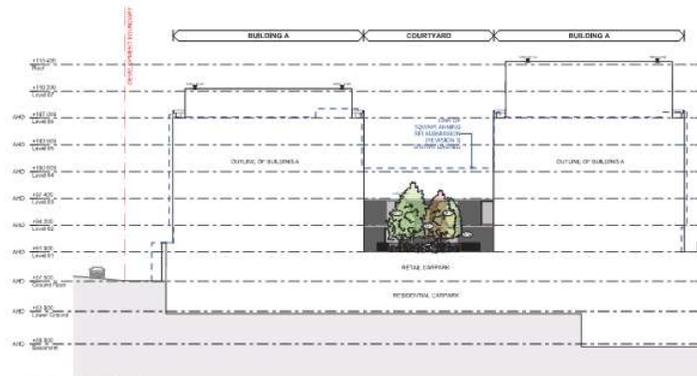
WWW.STOCKLAND.COM.AU

AMENDED VCAT APPLICATION PLANS

PROJECT: THE PINES 181 REYNOLDS RD DONCASTER EAST 3109		PROPOSED TITLE: WEST ELEVATION (INTERNAL)	
SCALE: 1:200 (EAST - 1:100 WEST)	DATE: 02/02/2022	DRAWN BY: [REDACTED]	CHECKED BY: [REDACTED]
JOB NO. 12026	DRAWING NO. TP139	REVISION 7	



116 WEST ELEVATION  
Scale 1:200



118 NORTH ELEVATION  
Scale 1:200

MATERIAL LEGEND: REFER 7.01 MATERIAL SCHEDULE

- (M1) APPLIED FINISH: LIGHT
- (M2) APPLIED FINISH: MEDIUM
- (M3) APPLIED FINISH: DARK
- (M4) APPLIED METAL FINISH: BRASS
- (M5) MASONRY: LIGHT
- (M6) MASONRY: RED
- (M7) MASONRY: BROWN
- (M8) MASONRY: GREY (SHEPPARD)
- (M9) MASONRY: GREY (SHEPPARD)
- (M10) MASONRY: GREY (SHEPPARD)
- (M11) METAL FINISH: STAINLESS STEEL
- (M12) METAL FINISH: BRASS
- (M13) METAL FINISH: BRASS
- (M14) METAL FINISH: BRASS
- (M15) METAL FINISH: BRASS
- (M16) METAL FINISH: BRASS
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- (M18) METAL FINISH: BRASS
- (M19) METAL FINISH: BRASS
- (M20) METAL FINISH: BRASS

NOTE: DRAWING HAS BEEN SUBSTITUTED. REFER TO STATEMENT OF CHANGES FOR DETAILS

DATE	REVISION	BY	DATE	BY
04/11/21	ISSUED FOR CONSTRUCTION	ALC	04/11/21	ALC
04/11/21	ISSUED FOR CONSTRUCTION WITH SCO CHANGES	ALC	04/11/21	ALC
04/11/21	ISSUED FOR CONSTRUCTION	ALC	04/11/21	ALC
04/11/21	ISSUED FOR CONSTRUCTION WITH SCO CHANGES	ALC	04/11/21	ALC

DATE	REVISION	BY	DATE	BY

DESCRIPTION	DATE	BY
ISSUED FOR CONSTRUCTION	04/11/21	ALC
ISSUED FOR CONSTRUCTION WITH SCO CHANGES	04/11/21	ALC
ISSUED FOR CONSTRUCTION	04/11/21	ALC
ISSUED FOR CONSTRUCTION WITH SCO CHANGES	04/11/21	ALC



**AMENDED VCAT APPLICATION PLANS**

PROJECT: THE PINES 181 REYNOLDS RD DONCASTER EAST 3109

PROPOSED PLAN: WEST & NORTH ELEVATION (INTERNAL)

SCALE: 1:200 (EAT) 1:100 (INT)

DATE: 04/11/2021

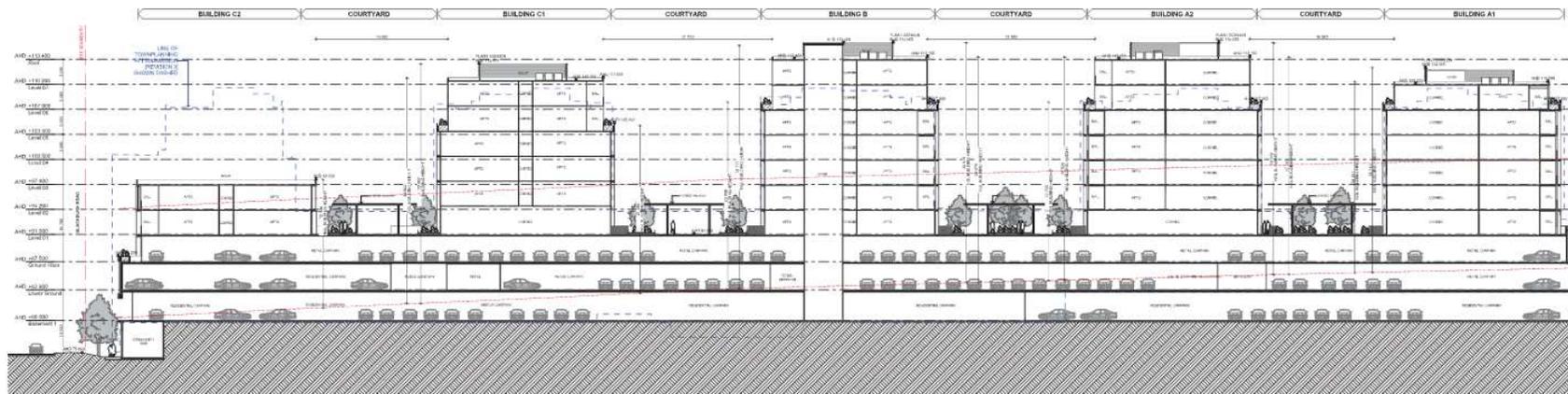
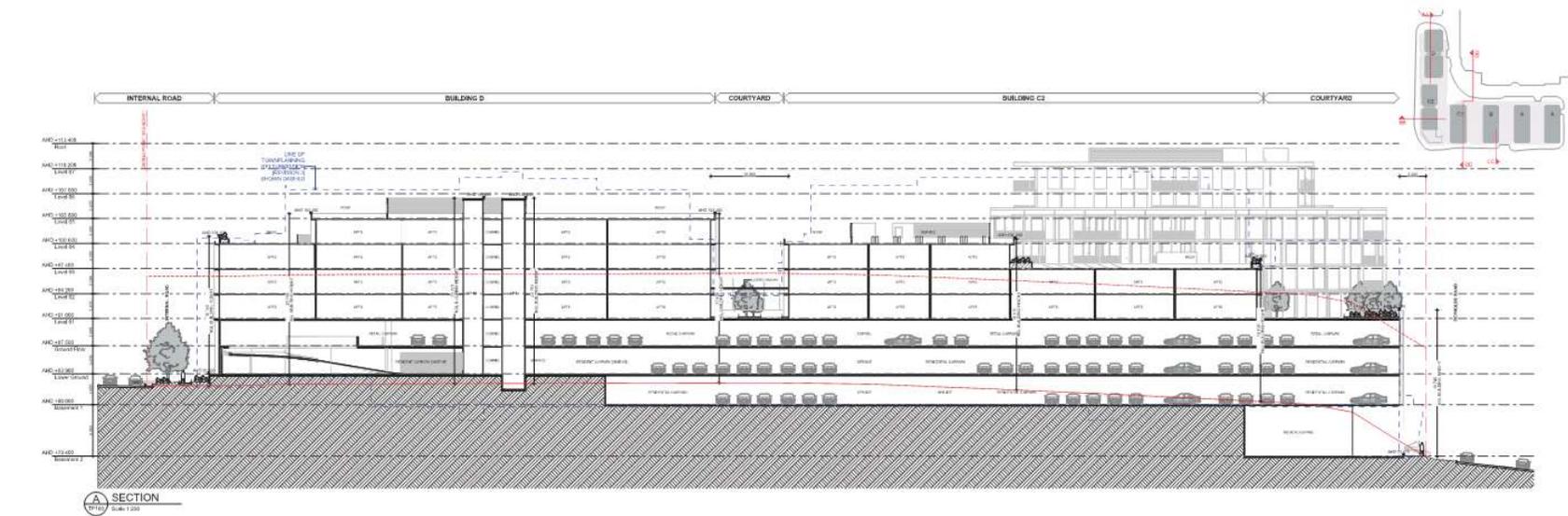
DRAWN BY: ALA

CHECKED BY: ALA

DATE: 04/11/2021

DRAWING NO.: TP140

REVISION: 7



**A SECTION**  
Scale: 1:200

DATE	DESCRIPTION	BY	CHKD	APP
04/11/21	ISSUED FOR CONSTRUCTION	SL	SL	SL
04/11/21	ISSUED FOR CONSTRUCTION	SL	SL	SL
04/11/21	ISSUED FOR CONSTRUCTION	SL	SL	SL
04/11/21	ISSUED FOR CONSTRUCTION	SL	SL	SL
04/11/21	ISSUED FOR CONSTRUCTION	SL	SL	SL

NOTE: DRAWING HAS BEEN SUBSTITUTED.  
REFER TO STATEMENT OF CHANGES FOR DETAILS

DATE	DESCRIPTION	BY	CHKD	APP

**PERMITTED WORKS**

- Stormwater
- Earth Retention
- Excavation
- Temporary Works
- Other

**plus**

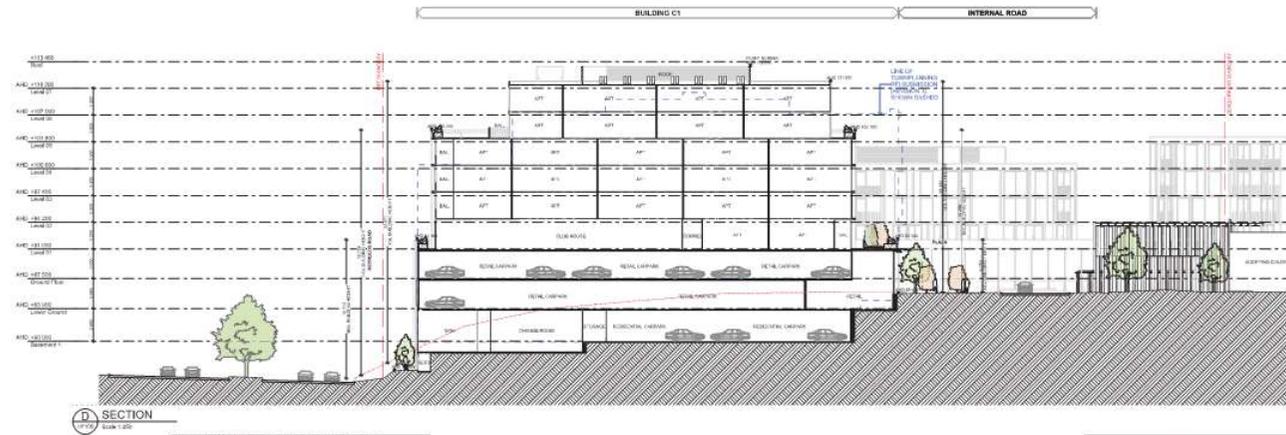
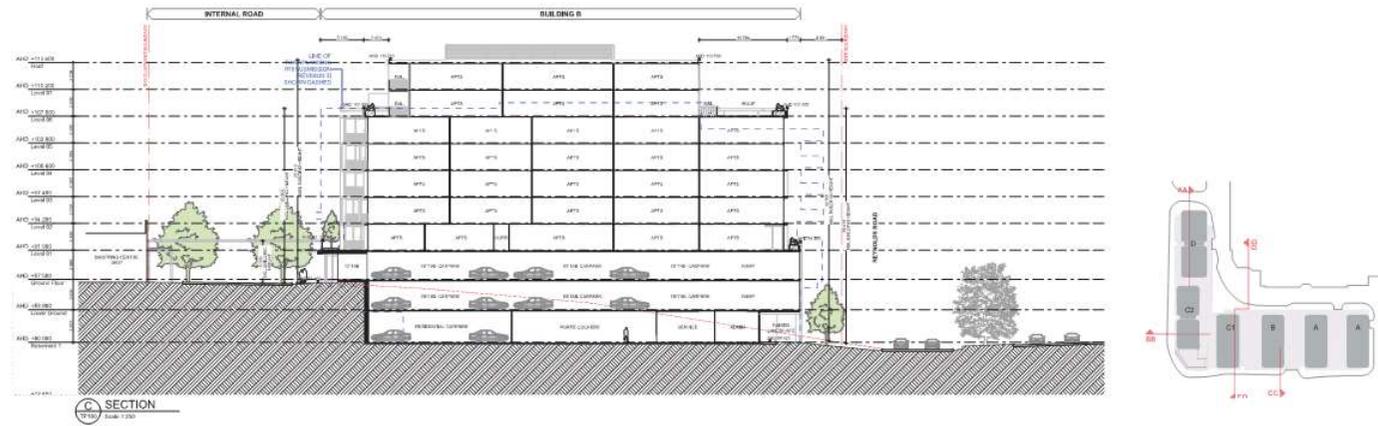
Stockland

**AMENDED VCAT APPLICATION PLANS**

PROJECT: THE PINES 181 REYNOLDS RD DONCASTER EAST 3109

PROPOSED PIPES SECTIONS

DATE: 08/03/2018	DRAWN BY: [Name]	CHECKED BY: [Name]	REVISION: [Number]
JOB NO. 12026	DRAWING NO. TP141	REVISION 7	



NOTE: DRAWING HAS BEEN SUBSTITUTED. REFER TO STATEMENT OF CHANGES FOR DETAILS

DATE	REVISION	BY	DATE	NO.
04/11/21	ISSUE FOR CONCEPT DRAWING	SLC	04/11/21	1
04/11/21	ISSUE FOR CONCEPT DRAWING	SLC	04/11/21	2
04/11/21	ISSUE FOR CONCEPT DRAWING	SLC	04/11/21	3
04/11/21	ISSUE FOR CONCEPT DRAWING	SLC	04/11/21	4
04/11/21	ISSUE FOR CONCEPT DRAWING	SLC	04/11/21	5
04/11/21	ISSUE FOR CONCEPT DRAWING	SLC	04/11/21	6
04/11/21	ISSUE FOR CONCEPT DRAWING	SLC	04/11/21	7

DATE	REVISION	BY	DATE	NO.

FEATURE NAME	STATUS	DATE
STREET LIGHTING	<input type="checkbox"/>	11/04/2021
REMOVED SIGNAGE	<input type="checkbox"/>	11/04/2021
REMOVED SIGNAGE	<input type="checkbox"/>	11/04/2021
NEW SIGNAGE	<input type="checkbox"/>	11/04/2021
NEW SIGNAGE	<input type="checkbox"/>	11/04/2021

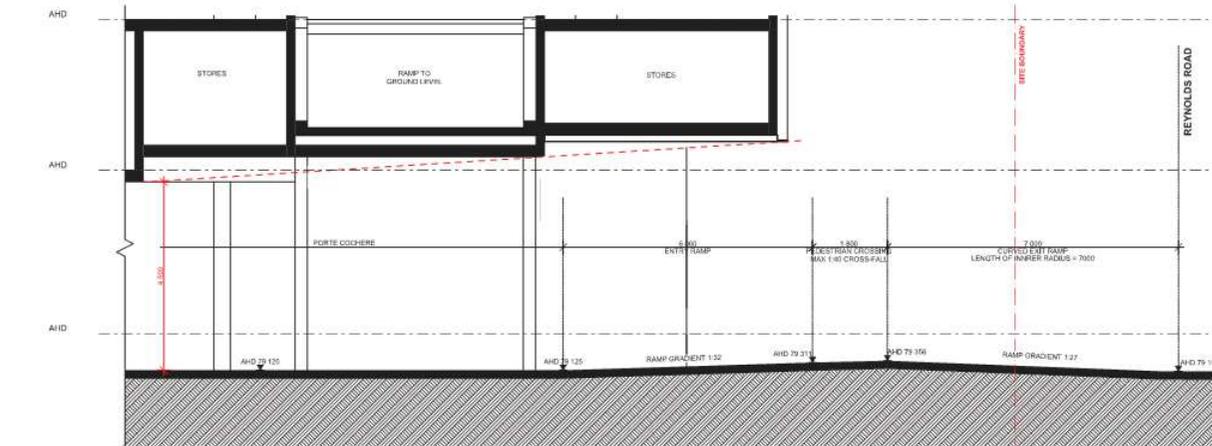


**AMENDED VCAT APPLICATION PLANS**

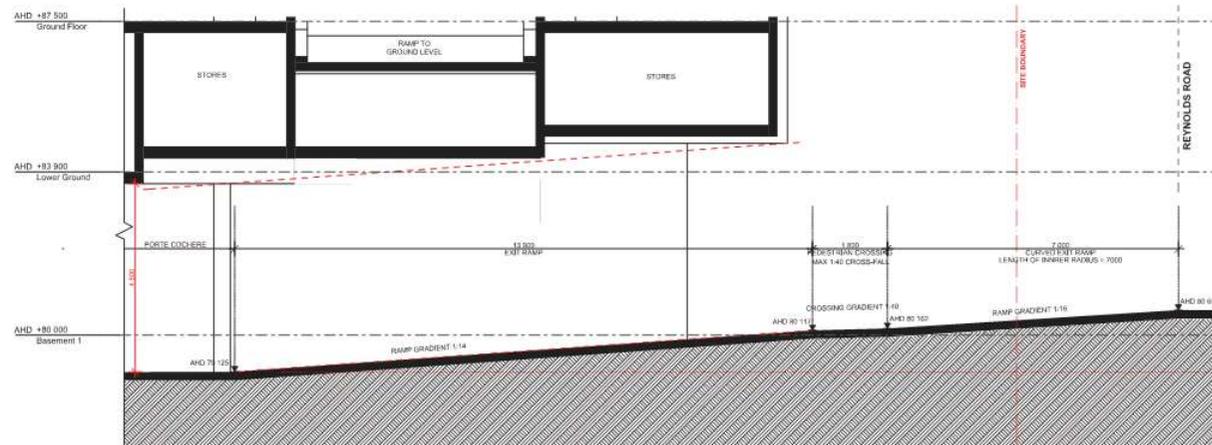
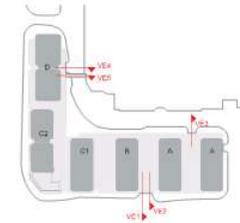
PROJECT: THE PINES 181 REYNOLDS RD DONCASTER EAST 3109

PROPOSED PLOT SECTIONS

SCALE: 1:200 (B1) 1:100 (B2)	DATE: 02/10/2019	DRAWN BY: [Name]	CHECKED BY: [Name]
JOB NO. 12026	DRAWING NO. TP142	REVISION 7	



161-B BASEMENT PORTE COCHERE ENTRY LONGITUDINAL SECTION  
SCALE 1:50 @A1



161-C BASEMENT PORTE COCHERE EXIT LONGITUDINAL SECTION  
SCALE 1:50 @A1

NOTE: DRAWING HAS BEEN SUBSTITUTED.  
REFER TO STATEMENT OF CHANGES FOR DETAILS

DATE	REVISION	BY	CHKD	APP
04/11/21	REVISED FOR CONCEPT APPROVAL	SLC	SLC	SLC
04/11/21	REVISED FOR CONCEPT APPROVAL	SLC	SLC	SLC
04/11/21	REVISED FOR CONCEPT APPROVAL	SLC	SLC	SLC
04/11/21	REVISED FOR CONCEPT APPROVAL	SLC	SLC	SLC

DATE	REVISION	BY	CHKD	APP

DESCRIPTION	DATE	BY	CHKD	APP
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1.0001				
1.0002				
1.0003				
1.0004				
1.0005				

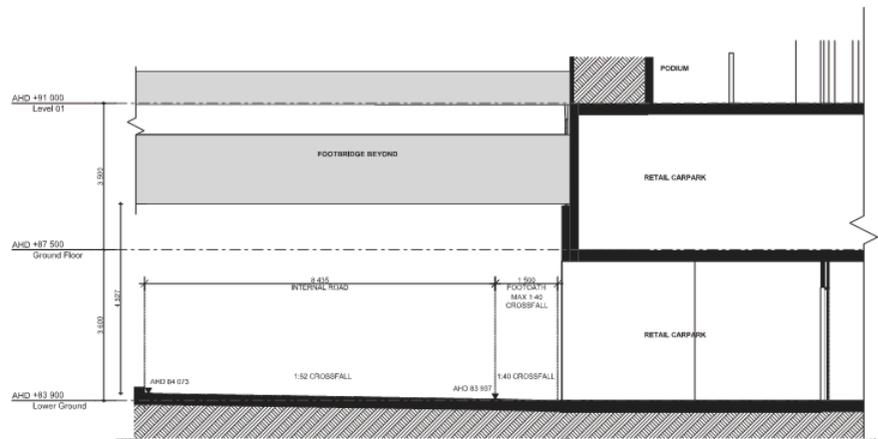


**AMENDED VCAT APPLICATION PLANS**

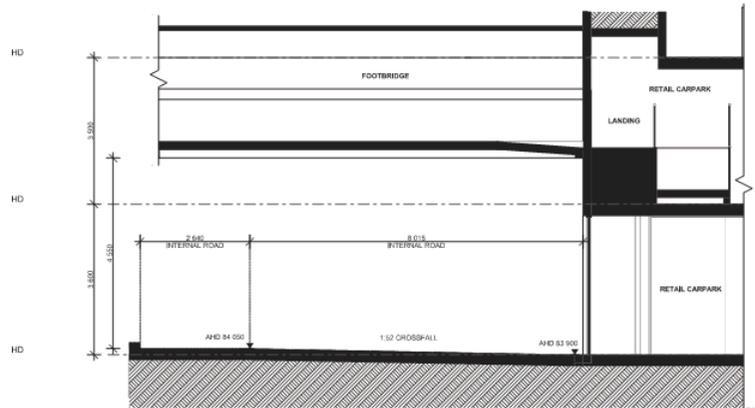
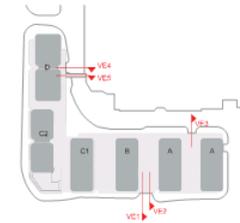
PROJECT: THE PINES 161 REYNOLDS RD DONCASTER EAST 3109

PROPOSED TRIP: VEHICLE ENTRY SECTION

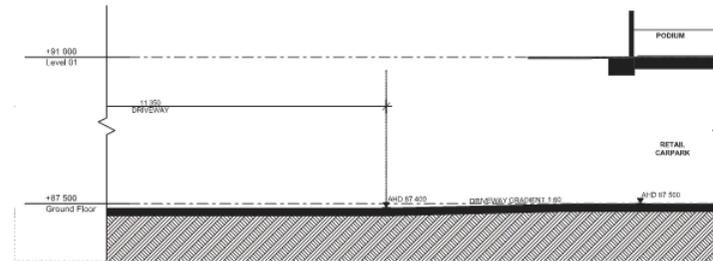
SCALE: 1:50 @A1 - 1:50 @A4	DATE: 20/01/2019	DRAWN BY: JIM WILSON
JOB NO.: 12026	DRAWING NO.: TP143	REVISION: 7



VEA-1 LOWER GROUND RETAIL CARPARK ENTRY/EXIT LONGITUDINAL SECTION  
SCALE: 1:50@A1



VEA-2 FOOTBRIDGE CLEARANCE - INTERNAL ROAD CROSS-SECTION  
SCALE: 1:50@A1



VEA-3 GROUND RETAIL CARPARK ENTRY/EXIT LONGITUDINAL SECTION  
SCALE: 1:50@A1

NOTE: DRAWING HAS BEEN SUBSTITUTED.  
REFER TO STATEMENT OF CHANGES FOR DETAILS

DATE	REVISION	BY	DATE	DATE	DATE
04/11/21	ISSUE FOR CONCEPT APPROVAL	SLC	04/11/21		
04/11/21	ISSUE FOR CONCEPT APPROVAL	SLC	04/11/21		
04/11/21	ISSUE FOR CONCEPT APPROVAL	SLC	04/11/21		
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DATE	REVISION	BY	DATE	DATE	DATE

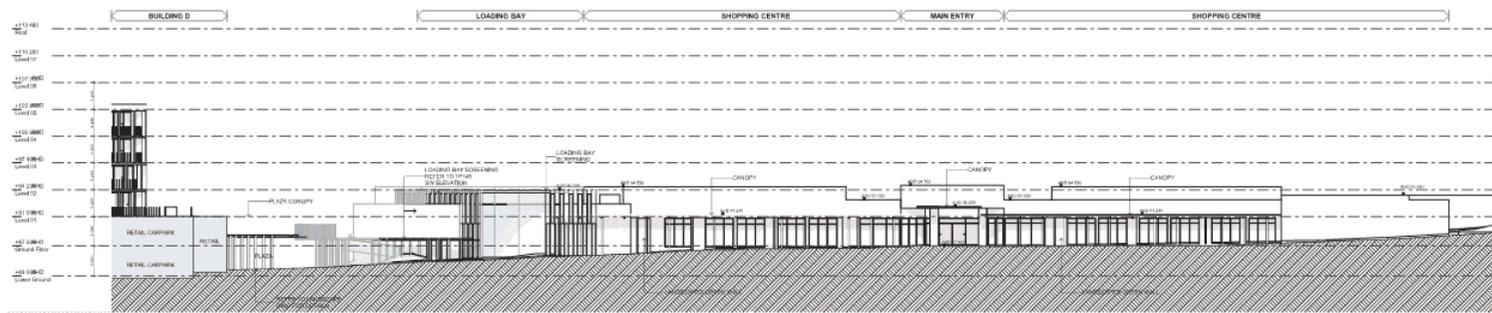
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VEHICLE ENTRY/EXIT	<input checked="" type="checkbox"/>	04/11/21

**AMENDED VCAT APPLICATION PLANS**

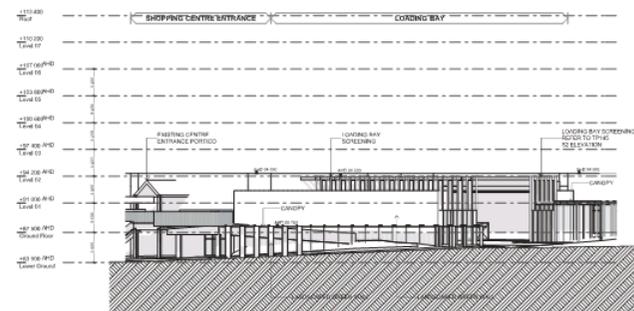
PROJECT: THE PINES 161 REYNOLDS RD DONCASTER EAST 3109

PROPOSED TRIP VEHICLE ENTRY SECTION

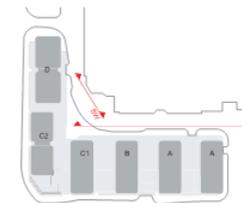
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DATE: 04/11/2021	DATE: 04/11/2021
DRAWN: SL	CHECKED: SL
JOB NO. 12026	DRAWING NO. TP144
	REVISION: 7



82 ELEVATION SOUTH  
SCALE: 1:200 (A1)



83 ELEVATION SOUTH WEST  
SCALE: 1:200 (A1)



NOTE: DRAWING HAS BEEN SUBSTITUTED.  
REFER TO STATEMENT OF CHANGES FOR DETAILS

DATE	REVISION	BY	DATE	BY
01/11/20	ISSUE FOR TENDER	DP	01/11/20	DP
02/11/20	REVISED FOR TENDER	DP	02/11/20	DP
03/11/20	REVISED FOR TENDER	DP	03/11/20	DP
04/11/20	REVISED FOR TENDER	DP	04/11/20	DP

DATE	REVISION	BY	DATE	BY

REVISIONS	DATE	DESCRIPTION
1	01/11/20	ISSUE FOR TENDER
2	02/11/20	REVISED FOR TENDER
3	03/11/20	REVISED FOR TENDER
4	04/11/20	REVISED FOR TENDER



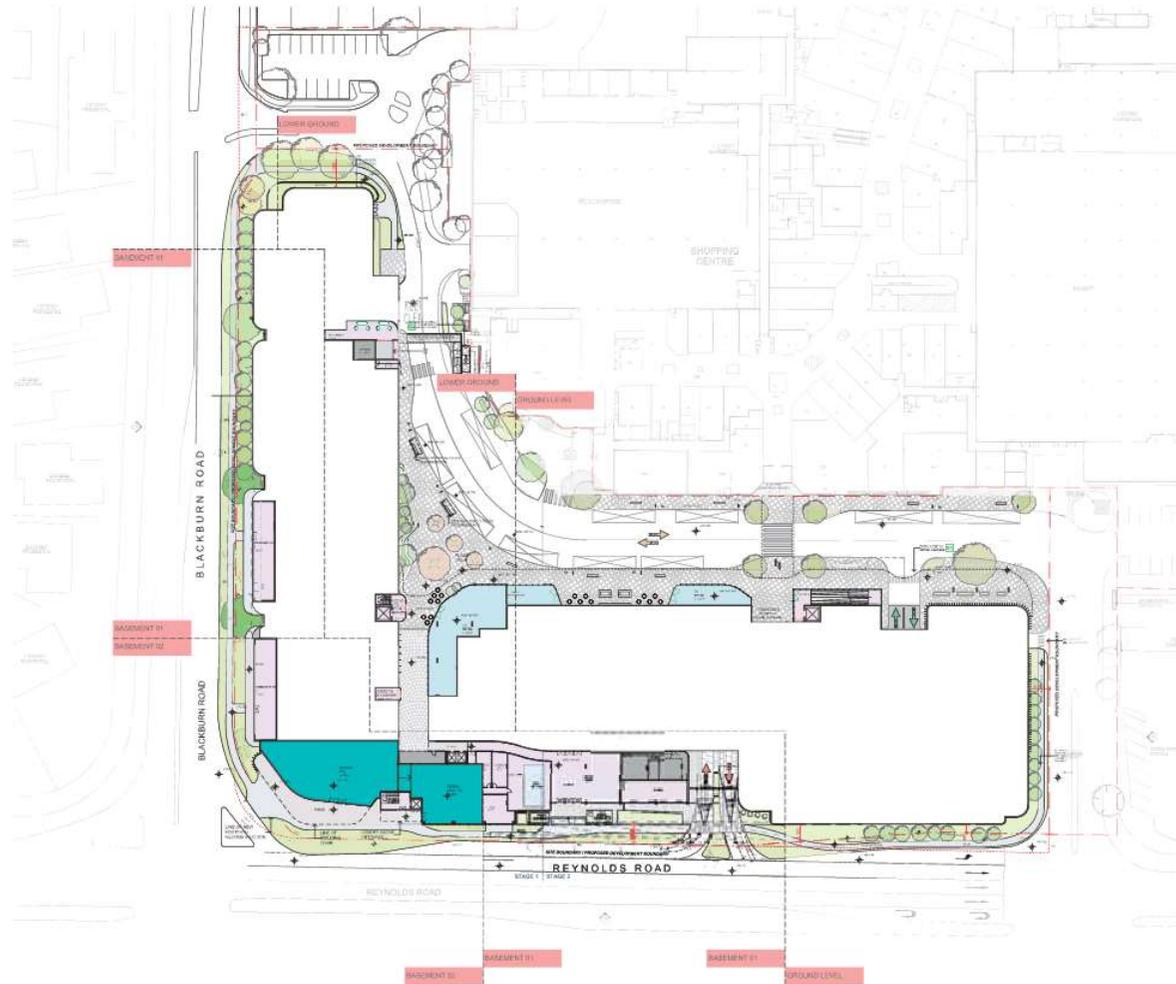
**AMENDED VCAT APPLICATION PLANS**

PROJECT: THE PINES #1 REYNOLDS RD DONCASTER EAST 3109

PROPOSED TITLE: SHOPPING CENTRE ELEVATION

SCALE: 1:200 (A1) - 1:100 (A4)	PLUT DATE: 08/11/2020
DATE: 02/11/2020	DRAWN: DP
JOB NO.: 12026	DRAWING NO.: TP145
	REVISION: 7

These plans are being submitted to the Victorian Civil and Administrative Tribunal (VCAT) for approval. The Tribunal will consider the plans and any objections to them. The Tribunal's decision is final. The applicant is responsible for ensuring that the plans comply with all applicable laws and regulations. The applicant is also responsible for ensuring that the plans are accurate and complete. The applicant is not responsible for any errors or omissions in the plans. The applicant is also responsible for ensuring that the plans are submitted in a timely manner. The applicant is also responsible for ensuring that the plans are submitted in a clear and concise manner. The applicant is also responsible for ensuring that the plans are submitted in a professional manner. The applicant is also responsible for ensuring that the plans are submitted in a manner that is consistent with the requirements of the Tribunal. The applicant is also responsible for ensuring that the plans are submitted in a manner that is consistent with the requirements of the Tribunal. The applicant is also responsible for ensuring that the plans are submitted in a manner that is consistent with the requirements of the Tribunal. The applicant is also responsible for ensuring that the plans are submitted in a manner that is consistent with the requirements of the Tribunal.



NOTE: DRAWING HAS BEEN SUBSTITUTED  
REFER TO STATEMENT OF CHANGES FOR DETAILS

DATE	REVISION	BY	CHKD	APP
2021.11	REVISION 01	JC	ES	1
2021.11	REVISION 02	JC	ES	1
2021.11	REVISION 03	JC	ES	1
2021.11	AMENDED VCAT APPLICATION PLANS	JC	ES	7

DATE	REVISION	BY	CHKD	APP

CONTRACT ITEMS	STATUS	DATE
1. SITE WORK	Completed	1.01.2021
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3. CONCRETE SLAB	Completed	1.01.2021
4. CONCRETE WALLS	Completed	1.01.2021
5. CONCRETE ROOF	Completed	1.01.2021
6. CONCRETE FLOOR	Completed	1.01.2021
7. CONCRETE CEILING	Completed	1.01.2021
8. CONCRETE STAIRS	Completed	1.01.2021
9. CONCRETE LIFT	Completed	1.01.2021
10. CONCRETE RAMP	Completed	1.01.2021
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12. CONCRETE TERRACE	Completed	1.01.2021
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100. CONCRETE GULLY	Completed	1.01.2021



**AMENDED VCAT APPLICATION PLANS**

PROJECT: THE PINES 181 REYNOLDS RD DONCASTER EAST 3109

PROFESSIONAL TITLE: STREETSCAPE PLAN

DATE: 2021.02.18

DRAWN BY: [Signature]

CHECKED BY: [Signature]

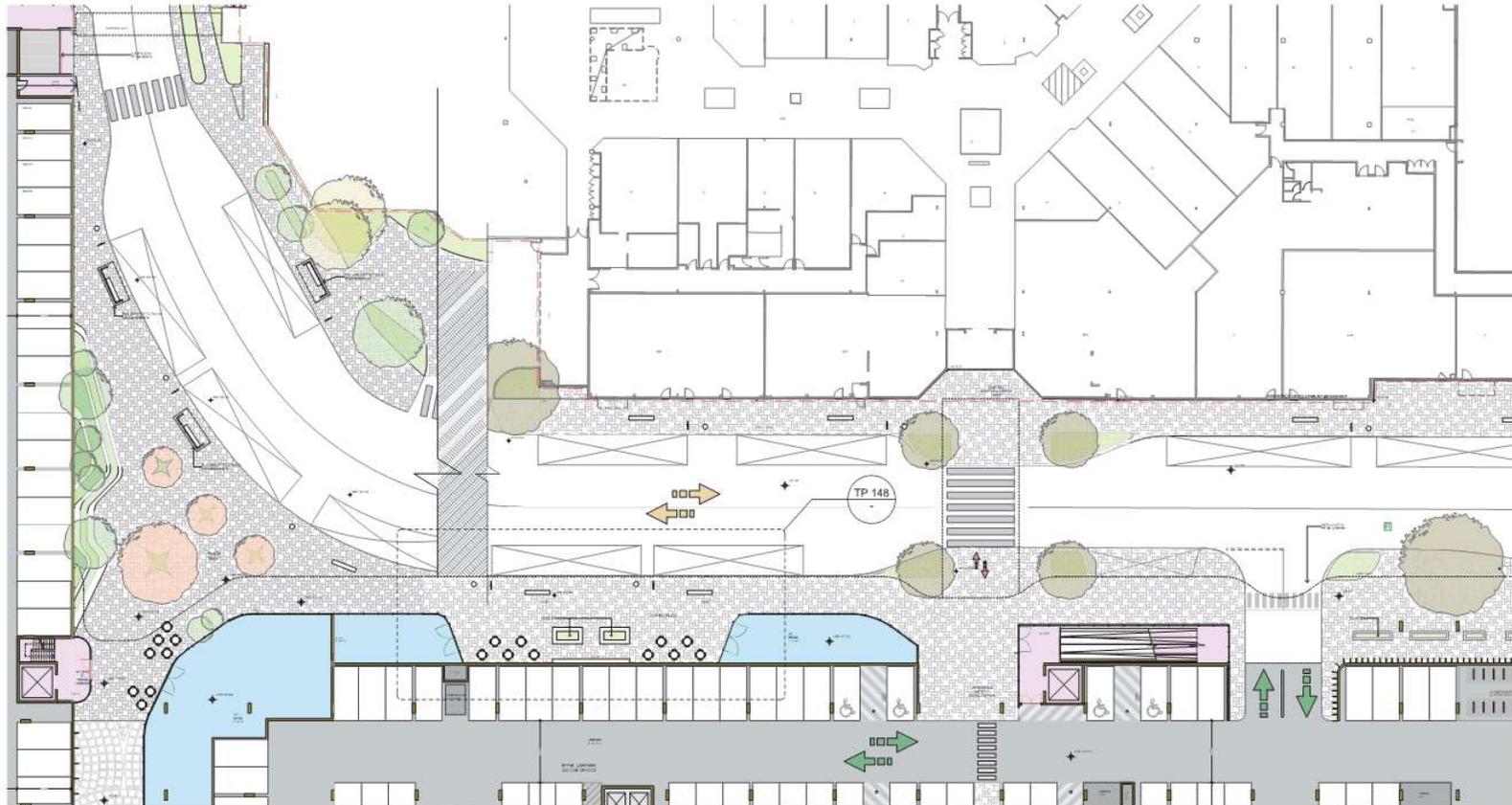
APPROVED BY: [Signature]

SCALE: 1:100

JOB NO.: 12026

DRAWING NO.: TP146

REVISION: 7



NOTE: DRAWING HAS BEEN SUBSTITUTED  
REFER TO STATEMENT OF CHANGES FOR DETAILS

DATE	REVISION	BY	DATE	NO.
04/11/20	ISSUED FOR PERMIT	JC	04/11/20	1
04/11/20	ISSUED FOR APPLICATION PLANS	JC	04/11/20	2

DATE	REVISION	BY	DATE	NO.

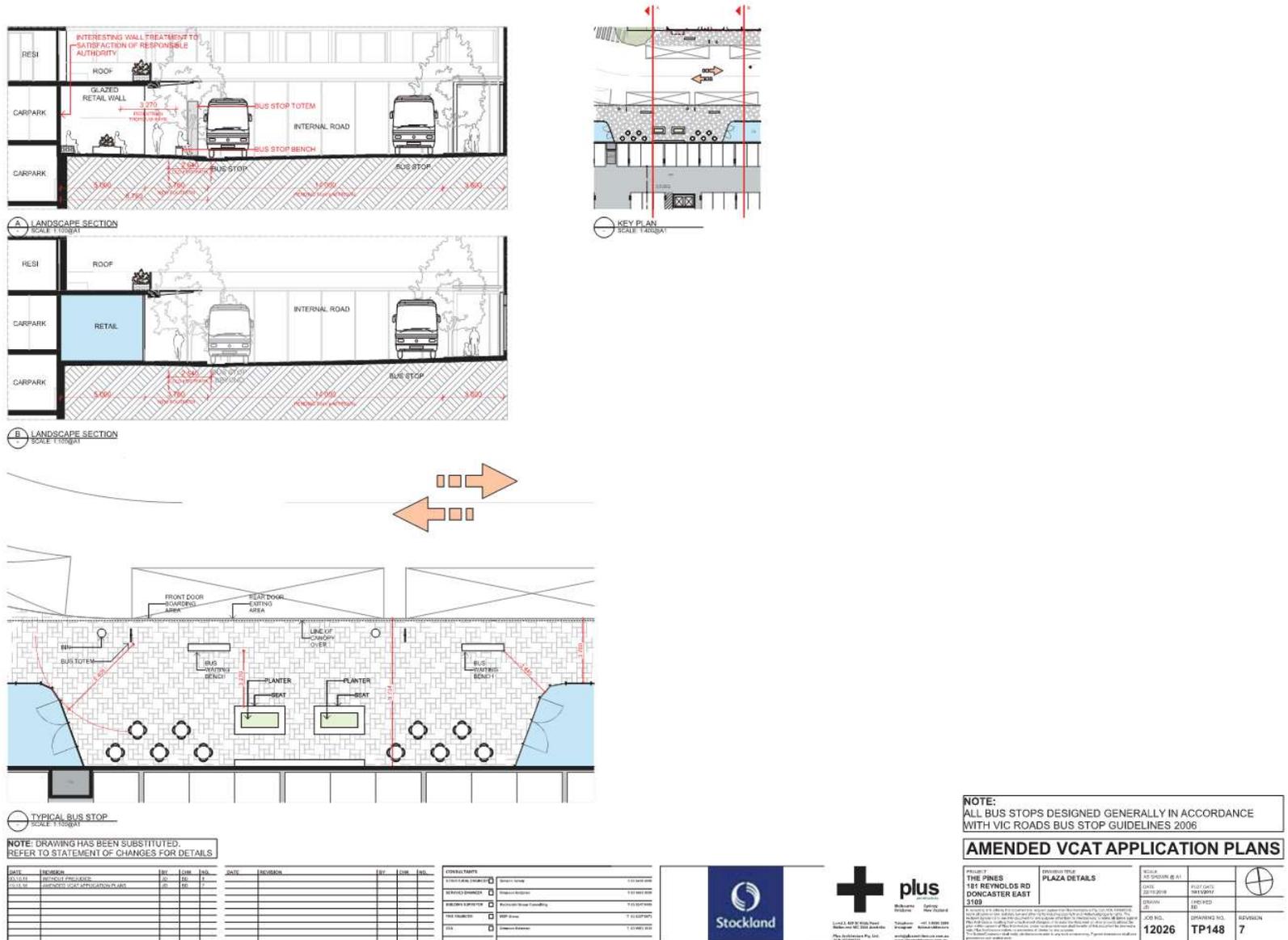
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2. DESIGN REVIEW	<input type="checkbox"/>	
3. PERMIT APPLICATION	<input type="checkbox"/>	
4. CONSTRUCTION	<input type="checkbox"/>	



NOTE:  
ALL BUS STOPS DESIGNED GENERALLY IN ACCORDANCE  
WITH VIC ROADS BUS STOP GUIDELINES 2006

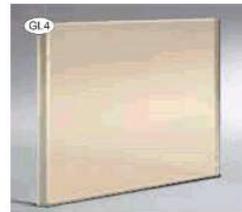
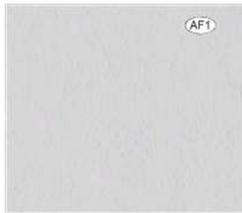
**AMENDED VCAT APPLICATION PLANS**

PROJECT	PROPOSED STOP	DATE	STATUS	REVISION
THE PINES 181 REYNOLDS RD DONCASTER EAST 3109	PLAZA PLAN	04/11/20	ISSUED	7



# 7.01

## MATERIAL SCHEDULE

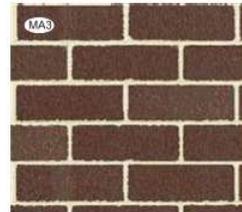


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- (AF2) APPLIED FINISH: MEDIUM
- (AF3) APPLIED FINISH: DARK

- (GL1) GLAZING: CLEAR (SHOPFRONT)
- (GL2) GLASS BALUSTRADE: CLEAR
- (GL3) GLAZING: DARK
- (GL4) GLAZING: GOLD

- (MA1) MASONRY: LIGHT
- (MA2) MASONRY: RED
- (MA3) MASONRY: BROWN

- (C1) CLADDING: TRANSLUCENT
- (MF1) METAL FINISH: DARK GREY
- (MF2) METAL FINISH: LIGHT
- (MF3) METAL FINISH: GREY
- (PS1) PRIVACY SCREENING: DARK GREY FINISH



THE PINES

181 REYNOLDS RD DONCASTER EAST 3109

NO:12026

DATE:22/10/2018

REVISION: 7



## 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 34.01 Commercial 1 Zone
- Clause 52.06 Car Parking
- Clause 52.34 Bicycle Facilities
- Clause 58 Apartment Developments
- Clause 65 Decision Guidelines

#### **Zone**

##### Clause 34.01 Commercial 1 Zone

The purpose of the Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

A Planning Permit is required to construct a building or construct or carry out works, and for the use of the land for "accommodation".

#### **Planning Policy Framework**

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

Clause 11.03-1 (Activity Centres) includes the objective to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.

It also includes the objective to build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres.

Clause 15.01-1 (Urban Design) seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. Strategies towards achieving this are identified as follows:

- *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 are as follows:

- *Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale and massing of new development.*
- *Ensure development responds and contributes to the strategic and cultural context of its location. Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
- *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security. Ensure development is designed to protect and enhance valued landmarks, views and vistas.*
- *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*
- *Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.*
- *Encourage development to retain existing vegetation.*

Responsible Authorities are also required to have regard to *Urban Design Guidelines for Victoria* and *Apartment Design Guidelines for Victoria*.

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 of place.*

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

- *Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.*
- *Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.*
- *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 respecting the:*
  - *Pattern of local urban structure and subdivision.*
  - *Underlying natural landscape character and significant vegetation.*
  - *Neighbourhood character values and built form that reflect community identity.*

Clause 15.02-1 Sustainable Development: Energy and resource efficiency

The policy objective is:

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

The clause has the following strategies:

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

Clause 16.01-1 Residential development: Integrated housing

The policy objective is:

- *To facilitate well-located, integrated and diverse housing that meets community needs.*

The clause has the following strategies:

- *Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.*

- *Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas;*
- *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*
- *Identify opportunities for increased residential densities to help consolidate urban areas.*
- *Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.*
- *Encourage the development of well-designed housing that: Provides a high level of internal and external amenity. Incorporates universal design and adaptable internal dwelling design.*
- *Encourage the development of well-designed housing that:
 
  - *Provides a high level of internal and external amenity.*
  - *Incorporates universal design and adaptable internal dwelling design.**
- *Support opportunities for a range of income groups to choose housing in well-serviced locations.*
- *Plan for growth areas to provide for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.*

#### Clause 16.01-1R Housing Supply- Metropolitan Melbourne

The policy objective is:

- *Manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are:
 
  - *In and around the Central City. Urban-renewal precincts and sites.*
  - *Areas for residential growth. Areas for greyfield renewal, particularly through opportunities for land consolidation.*
  - *Areas designated as National Employment and Innovation Clusters. Metropolitan activity centres and major activity centres. Neighbourhood activity centres - especially those with good public transport connections.*
  - *Areas near existing and proposed railway stations that can support transit-oriented development.**
- *Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.*
- *Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport.*
- *Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.*
- *Allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.*
- *Create mixed-use neighbourhoods at varying densities that offer more choice in housing.*

#### Clause 16.01-2 Housing Affordability

The policy objective is:

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

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

- *Improve housing affordability by:
 
  - *Ensuring land supply continues to be sufficient to meet demand.*
  - *Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.**

- *Promoting good housing and urban design to minimise negative environmental impacts and keep costs down for residents and the wider community.*
- *Encouraging a significant proportion of new development to be affordable for households on very low to moderate incomes.*
- *Increase the supply of well-located affordable housing by:*
  - *Facilitating a mix of private, affordable and social housing in suburbs, activity centres and urban renewal precincts.*
  - *Ensuring the redevelopment and renewal of public housing stock better meets community needs.*
- *Facilitate the delivery of social housing by identifying surplus government land suitable for housing.*

#### Clause 18.01-1 Land use and transport integration

The policy objective is:

- *To facilitate access to social, cultural and economic opportunities by effectively integrating land use and transport*

#### Clause 18.02-1 Movement networks: Walking

The policy objective is:

- *To facilitate an efficient and safe walking network and increase the proportion of trips made by walking.*

#### Clause 18.02-2 Movement networks: Cycling

The policy objective is:

- *To facilitate an efficient and safe bicycle network and increase the proportion of trips made by cycling.*

#### Clause 18.02-2 Movement networks: Public Transport

The policy objective is:

- *To facilitate an efficient and safe public transport network and increase the proportion of trips made by public transport.*

#### Clause 18.02-3 Movement networks: Principal Public Transport Network

The strategies include to facilitate high quality public transport access to job rich areas, maximise use of existing infrastructure particularly at interchanges, activity centres and where principal public transport routes intersect.

#### Clause 18.02-4 Roads

The policy objective is:

- *To facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.*

#### Clause 19.02-4 Social and Cultural infrastructure

The policy objective is:

- *To provide fairer distribution of and access to, social and cultural infrastructure.*

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

#### **Municipal Strategic Statement**

##### Clause 21.03 Key Influences

This clause identifies that future housing need and residential amenity are critical land-use issues that will challenge Manningham's future growth and sustainable development. The MSS acknowledges that there is a general trend towards smaller household size as a result

of an aging population and smaller family structure which will lead to an imbalance between the housing needs of the population and the actual housing stock that is available.

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

#### Clause 21.05 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.

A substantial level of change is anticipated in *Precinct 2- Residential Areas Surrounding Activity Centres and Along Main Roads* with these areas being a focus for higher density developments.

The Clause recognises the role of the Pines Activity Centre as a key Activity Centre within the municipality which provides a range of retail, commercial, community facilities and residential development opportunities. Whilst not specifically relevant to the site, the residential area around The Pines Activity Centre (shown on Manningham Planning Scheme maps as DDO9) is an area where development ranging in height from 11 metres to 16 metres is encouraged in designated areas, as identified in The Pines Activity Centre Structure Plan (2011).

Clause 21.05-2 identifies the relevant objectives, which includes:

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

The strategies to achieve these objectives include:

- *Ensure that the provision of housing stock responds to the needs of the municipality's population.*
- *Promote the consolidation of lots to provide for a diversity of housing types and design options.*
- *Ensure higher density residential development occurs around the prescribed activity centres and along main roads identified as Precinct 2 on the Residential Framework Plan 1 and Map 1 to this clause.*

- *Encourage development to be designed to respond to the needs of people with limited mobility, which may for example, incorporate lifts into three storey developments.*

#### Clause 21.09 Activity Centres and Commercial Areas

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

The Clause acknowledges that the Pines, East Doncaster as one of two Major Activity Centres in the municipality.

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

Key Strategic Objectives are:

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

Reference is made to The **Pines Activity Centre Structure Plan (2011)**, which is attached and summarised at the end of this attachment.

#### Clause 21.10 Environmentally 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.

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

#### **Local Planning Policy**

##### Clause 22.04 Residential Accommodation

This policy applies to all land within Residential Growth Zone, General Residential Zone, Neighbourhood Residential Zone and Low Density Residential Zone. Amongst other objectives, it seeks to ensure that that group accommodation, residential buildings, residential villages and retirement villages are appropriately located close to activity centres, public transport networks, to optimise convenient access to these services and facilities.

##### Clause 22.08 Safety through urban design

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

##### Clause 22.09 Access for disabled people

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

##### Clause 22.12 Environmentally Sustainable Development

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

#### **Particular Provisions**

##### Clause 52.06 Car Parking

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

- 1 space for 1 and 2 bedroom dwellings.
- 2 spaces for 3 or more bedroom dwellings.
- 1 visitor space to every 5 dwellings for developments of five or more dwellings, or 0 spaces if the land is identified within the Principal Public Transport Network Area as shown on the Principal Public Transport Network Area Maps (State Government of Victoria, August 2018).
- 3 spaces to each 100sqm of net floor area of office (for land within PPTN);
- 3.5 spaces to each 100sqm of leasable floor area of medical centre (for land within PPTN).

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

##### Clause 52.29 Land Adjacent to a the Principal Road Network

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 Transport Zone 2.

**Clause 52.34 Bicycle Facilities**

Pursuant to Clause 52.34-3, the following number of bicycle spaces are required in development of four or more storeys:

- *1 space for every 5 dwellings for residents.*
- *1 space for every 10 dwellings for visitors.*
- *1 to each 8 practitioners for medical centre employees*
- *1 to each 4 practitioners for visitors*

**General Provisions****Clause 65 Decision Guidelines**

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

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

## The Pines Activity Centre Structure Plan (2011) Summary

### 1.1. The Pines Structure Plan

The Pines Structure Plan 2011 provides a framework to guide future development and land use over a 20 year period for the area identified as The Pines Activity Centre. The 2011 Structure Plan provides the vision and objectives for The Pines Activity Centre and establishes strategic directions for the precincts within.

The Structure Plan has been prepared from a review of the 1992 Pines Activity Centre Structure Plan and an assessment of current issues and projected needs for the future including feedback from residents and major stakeholders. The State Government, through their strategy, *Melbourne 2030*, has classified The Pines Activity Centre as a Major Activity Centre. Councils are required to prepare and keep up to date structure plans for Major Activity Centres. Major Activity Centres are required to provide for a range of commercial and community services and facilities that are grouped in one area and are easily accessible. *Melbourne 2030* encourages more efficient use of residential land by supporting higher density development, such as apartments and town houses to be provided within Major Activity Centres.

The Pines Activity Centre Structure Plan is supported by the former Structure Plan, *The Pines Activity Centre Structure Plan 1992*; the *Retail and Commercial Assessment of the Pines Major Activity Centre*, Tim Nott, December 2008, and *The Pines Structure Plan, Issues Paper*, September 2009.

The draft *Pines Activity Centre Structure Plan* was adopted by Council on 27 April 2010 for public exhibition and consultation. The draft *Pines Activity Centre Structure Plan, May 2010* was made available for public comment for six weeks. At the 31 August 2010 Meeting, Council considered the draft Structure Plan and the 30 submissions received in response. At the meeting, Council approved the draft Structure Plan, with changes, to form the basis for the future planning of the Pines Activity Centre.

### 1.2. The Purpose of The Pines Structure Plan

The purpose of The Pines Structure Plan is:

- To provide certainty to the local community and investors about the future form and use of the Pines Activity Centre;
- To manage change to ensure that The Pines Activity Centre remains vibrant and an attractive place to visit and or live;
- To guide decision-makers and other relevant key stakeholders at State and local level regarding works and initiatives;
- To guide future use and development in a manner that is consistent with state and local planning policy;
- To direct Council resources to best serve the regional and local community.

## 2. Vision and Objectives

### 2.1. Vision for The Pines Activity Centre

The Pines Activity Centre Structure Plan 1992 provided the following vision *"the opportunity exists to create a major community focus at The Pines Activity Centre. The Activity Centre will provide for retail, community, recreational, entertainment and residential land uses clustered and integrated to serve the needs of residents in the surrounding area."*

Building upon the former statement, the following vision for The Pines Activity Centre Structure Plan is:

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

### 2.2. General Strategic Objectives

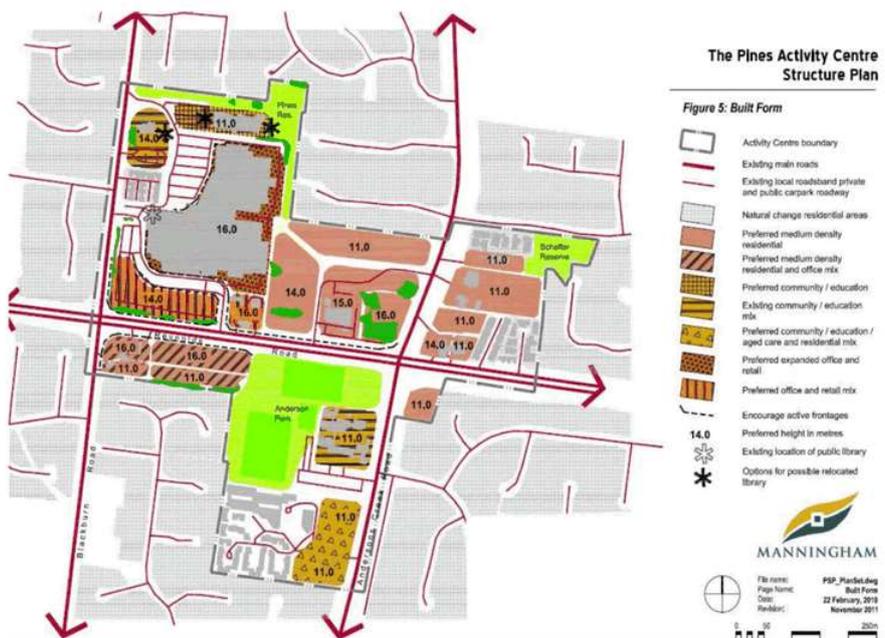
The strategic objectives for The Pines Structure Plan have been developed from a review of the goals and strategies of the previous Structure Plan and from an assessment of current issues and broad aims for land use and development in the future. The broad strategic objectives for the overall Activity Centre follow:

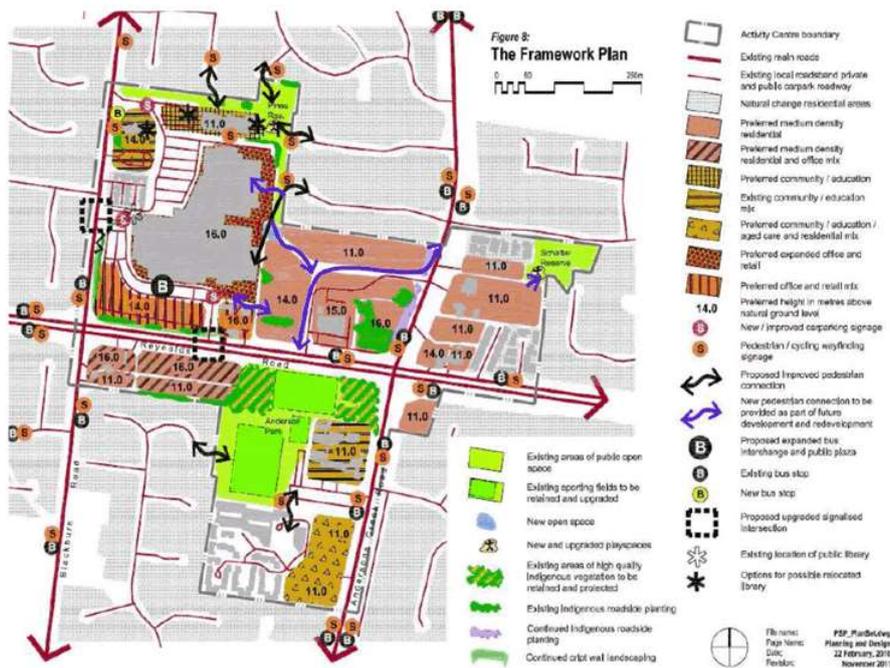
- 2.2.1. Support the development of the Pines Activity Centre which meets the social, recreational and retail needs of the population at the sub-regional level.
- 2.2.2. Ensure that any future development in The Pines Activity Centre is in keeping with its location on the fringe of the urban area and its proximity to the green wedge.
- 2.2.3. Encourage apartment style development within The Pines Activity Centre to maximise the use of the commercial and social facilities provided within and to provide alternative housing options for the locality.
- 2.2.4. Encourage greater use of public transport to and from The Pines Activity Centre and advocate for more services and for these services to be provided more frequently.
- 2.2.5. Enhance the public realm within the Pines Activity Centre by ensuring that the public spaces meet a range of community needs, are well linked together, are safe and are visually pleasing.
- 2.2.6. Maximise use of the area's natural strengths such as views to surrounding rural and bushland areas in keeping with the community interest.
- 2.2.7. Support housing choices to meet changing demographic trends, especially an ageing population.
- 2.2.8. Support a range of health, family and professional services relevant to the role of The Pines Activity Centre.
- 2.2.9. Support a range of education and learning activities to meet the needs and aspirations of the local community.
- 2.2.10. Create a consistent landscaped theme, sense of place and branding that easily distinguishes The Pines Activity Centre from other centres.
- 2.2.11. Provide for well defined vehicular, bicycle and pedestrian access both within and external to all precincts, with strong pedestrian crossing points to be established on main roads.

**2.3. Commercial Development Strategic Objectives**

Providing for an expansion in commercial uses and development to meet increased local needs, such as additional retail, office and entertainment activities and supporting local employment.

- 2.3.1. Provide for an increase in retail and office floor space to meet the future needs of the sub regional population.
- 2.3.2. Ensure that any new development gives highest priority to pedestrian circulation.
- 2.3.3. Encourage outwardly focussed retail facilities with provisions for goods display areas which address streetscape and which are visible from the building's exterior. Encourage the building façade at street level to be inviting and interesting to pedestrians.
- 2.3.4. Ensure that any new commercial development is integrated with the existing shopping centre and that such development retains a family friendly and local community environment.
- 2.3.5. Ensure that any new commercial development does not detract from the viability and vitality of surrounding neighbourhood centres.
- 2.3.6. Support the establishment of land uses which have minimal impacts on residential amenity.
- 2.3.7. Encourage the development of restaurants or public spaces on the top level of the shopping centre to allow the community to enjoy the surrounding views of the Kinglake mountains and Dandenong Ranges.





### 5. Precinct Actions

The Pines Activity Centre contains six precincts as shown in the following Development Framework Plan. The following section provides specific objectives and actions relating to each precinct. It should be noted that in terms of timing, Short term (S) is within the first 5 years, Medium term (M) within 5 – 10 years and Long term (L) within 10 to 20 years.

#### Precinct 1 – Retail and Commercial Core

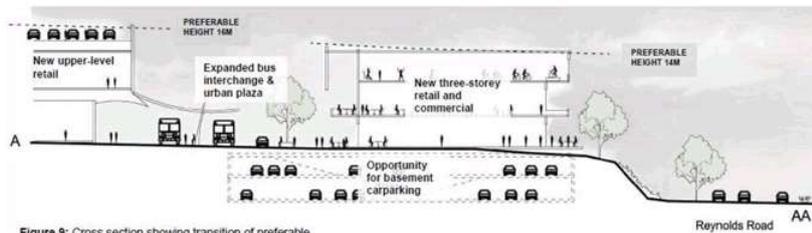
The retail core currently comprises The Pines Shopping Centre and surrounding carpark. The centre has been expanded and refurbished in 2005 and now contains 19,120 sq m of retail floor space and 1,880 sq m of other commercial space. Precinct 1 also includes the petrol filling service station and a block of apartments.



Key	Action	Stakeholders	Timing
1.1	Promote retail and commercial development within the existing surface carpark to give a visual presence to Reynolds Road. Provide for an additional expansion of between 4,000 and 10,000 sq. m of retail and 2,000 sq m of office floorspace on the existing site and sufficient car spaces to meet these needs.	Stocklands/MCC	L
1.2	Advocate for an appropriate design and expansion of the bus interchange to provide for additional bus services by doubling the bus spaces. Improve pedestrian and cycle access and amenities (e.g. provide for all weather protection, bike storage).	DOT/Stocklands/MCC	S
1.3	Encourage the creation of high quality urban plazas.	Stocklands/MCC	L
1.4	Investigate opportunities to improve pedestrian amenity with introduction of yellow orbital bus service	DOT/Stocklands/MCC	L
1.5	Review the disability access to The Pines	Stocklands	S
1.6	To undertake a detailed feasibility study including potential funding sources and advocacy for the relocation of The Pines	Stocklands/users of the library	S

	Library and the future of the Warrandyte Library.		
1.7	Review access points into the shopping centre, in particular, review the pedestrian and vehicular entry from Blackburn Road.	DOT/Stocklands/MCC	S
Key	Action	Stakeholders	Timing
1.8	Depending on the out come of the study under Action 1.6 and the investigations to be carried out in Precinct 2, investigate opportunities for provision/retention of community facilities within the commercial core as part of any expansion of the shopping centre.	Stocklands/MCC	L

**Precinct 1 – Retail and Commercial Core**



**Figure 9:** Cross section showing transition of preferable heights, the opportunity for the expansion of the existing bus interchange, the creation of an urban plaza, and new basement and rooftop parking.

**Height**

The cross section above provides an indication of the scale of the preferable development in Precinct 1. The cross section shows a second level of retail and a possible upper-level parking deck within the existing Pines Shopping Centre footprint and a new three storey retail and commercial building in place of what is now a surface carpark to the south.

**Landscape character**

The landscape vision for the precinct is for an improved presentation to Blackburn and Reynolds Roads, with feature weeping planting / other obscuring the existing crypt wall and ornamental shade trees within newly created urban spaces.

**Built form**

The vision for this precinct is for continued high-quality retail and commercial development that has an address to Reynolds and Blackburn Roads. Provision of replacement underground and additional rooftop carparking will provide opportunity for the expansion of the existing bus interchange and the creation of an urban plaza. Ground-level retail space surrounding the newly expanded plaza and bus interchange should incorporate uses that will assist in activating this space. Upper-level retail and commercial spaces should maximise access to panoramic views.



## 10 CITY PLANNING & COMMUNITY

### 10.1 Planning Scheme Amendment C127mann and Planning Permit Application PLN20/0303 - 674-680 Doncaster Road, 2 Short Street, and 14, 14A, 16 & 18 Hepburn Road, Doncaster (Doncaster Church of Christ) - Consideration of Panel Report

File Number:	IN22/52
Responsible Director:	Acting Director City Planning & Community
Attachments:	<ol style="list-style-type: none"><li>1 Panel Report <a href="#">↓</a></li><li>2 Summary of Panel recommendations and responses <a href="#">↓</a></li><li>3 Planning Scheme Amendment C127mann documents <a href="#">↓</a></li><li>4 Planning Permit Application PLN20/0303 documents <a href="#">↓</a></li><li>5 Draft Section 173 Agreement - affordable housing <a href="#">↓</a></li></ol>

#### EXECUTIVE SUMMARY

*The purpose of this report is to present and provide a response to Council on the findings and recommendations from the Independent Panel (Panel) appointed by the Minister for Planning who considered the submissions made to Planning Scheme Amendment C127mann (Amendment), Planning Permit Application PLN20/0303 (Application) and the draft Section 173 Agreement (Agreement), relating to the Doncaster Church of Christ site, Doncaster. The Panel report is included as Attachment 1.*

*The Panel has recommended that the Amendment be adopted as exhibited and the Application be approved subject to some changes to the conditions in the draft planning permit. The Panel also fully supports the provision of affordable housing in the proposed development under the draft Section 173 Agreement.*

*Section 27(1) of the Planning and Environment Act 1987 (Act) requires the planning authority (Council) to consider the Panel's report before deciding whether or not to adopt the Amendment (with or without changes) or to abandon all or part of the Amendment. As the Application was lodged and considered concurrently with the Amendment, Section 96F of the Act also requires Council to consider the Panel's report before deciding whether or not to recommend the granting of the Application to the Minister for Planning.*

*The Panel have concluded the Amendment "... broadly meets the policy objectives of the Planning Policy Framework and the ACZ1" and, "The height increase is broadly consistent with the overall objectives of the Doncaster Hill Strategy to locate the tallest buildings on the highest parts of the hill ...". In respect to the Application, the Panel have concluded "The proposal is a quality architectural response that will, together with surrounding development, help to mark the Activity Centre as a destination and create a sense of place and civil identity."*

*This report recommends pursuant to section 29 of the Act, that Council adopts the Amendment as exhibited, and pursuant to section 96G of the Act, request the Application be approved by the Minister for Planning in accordance with the changes recommended by the Panel. An officer response to Panel's findings and recommendations is in Attachment 2. It is also recommended that the proposal be referred to the Minister for Planning pursuant to section 31 of the Act for approval.*

**COUNCIL RESOLUTION**

**MOVED:** CR LAURA MAYNE  
**SECONDED:** CR STEPHEN MAYNE

**That Council:**

- A. Pursuant to sections 27(1) and 96F of the *Planning and Environment Act 1987*, considers the Panel Report for Amendment C127mann and Planning Permit Application PLN20/0303 respectively, contained in Attachment 1.**
- B. Pursuant to section 29 of the *Planning and Environment Act 1987* adopt Amendment C127mann, as exhibited.**
- C. Pursuant to sections 31 and 96H of the *Planning and Environment Act 1987*, refer the Amendment and Application respectively, to the Minister for Planning, contained in Attachment 3 and Attachment 4.**
- D. Pursuant to section 35 of the *Planning and Environment Act 1987*, request the Minister of Planning approve Amendment C127mann to the Manningham Planning Scheme, contained in Attachment 3.**
- E. Pursuant to section 96G of the *Planning and Environment Act 1987*, recommend to the Minister for Planning that Planning Permit Application PLN20/0303 be granted, generally in accordance with the recommendations made by Planning Panels Victoria, contained in Attachment 4. The Planning Permit Application also includes advisory notes compiled to assist and guide the Proponent in the development, including the advisory note required by Council resolution G in Item 1.10 of the minutes dated 24 August 2021 relating to the acoustic treatment of the auditorium.**
- F. Note that the draft Section 173 Agreement for affordable housing is being finalised in preparation for signing by Council and the Proponent, generally in accordance with Attachment 5.**
- G. Notify the submitters of Council's resolution.**

**CARRIED UNANIMOUSLY**

**1. BACKGROUND**

- 1.1 The properties of the Site are at 674 – 680 Doncaster Road, 2 Short Street, and 14, 14A, 16 & 18 Hepburn Road, Doncaster. Whilst the Amendment applies only to 674-680 Doncaster Road and 2 Short Street, the Application applies to the whole of the Site.
- 1.2 The following table summarises the key events in the Amendment and Application process to date:

Date	Event
18 December 2018	Hollerich Town Planning Pty Ltd, on behalf of The Properties Corporation of the Churches of Christ, lodged a request to amend the Manningham Planning Scheme to change the planning controls that apply to part of the Site to facilitate the future development of the Site.
14 July 2020	Hollerich Town Planning Pty Ltd, on behalf of The Properties Corporation of the Churches of Christ, lodged the Application pursuant to section 96A of the Act. The Application was designed to comply with the proposed amended planning controls, should they be approved.
23 February 2021	Council resolved to seek authorisation from the Minister for Planning to exhibit the Amendment, Application and draft Section 173 Agreement.
7 May 2021	The Amendment and Application received authorisation. The authorisation required the Agreement be exhibited concurrently with the Amendment and Application.
10 June to 12 July 2021	The Amendment, Application and Agreement were placed on exhibition.
24 August 2021	Council resolved to refer submissions to a Panel.
2 September 2021	Panel appointed by the Minister for Planning.
17 September 2021	Directions Hearing.
12, 14 & 15 October 2021	Panel Hearing.
1 December 2021	Panel Report received.
7 December 2021	Panel Report publically released.

1.3 The Amendment documentation is contained in Attachment 3 and the Application documentation is contained Attachment 4. Attachment 5 contains a copy of the draft Section 173 Agreement.

1.4 The proposal is described as follows:

The Amendment

1.5 The exhibited Amendment proposes to change the Manningham Planning Scheme by:

- Amending schedule 1 of the Activity Centre Zone (ACZ1) to shift the boundary between sub-precincts 2B and 2C to the east, so that the properties at 674-680 Doncaster Road and 2 Short Street, Doncaster, sit within sub-precinct 2C, rather than in sub-precinct 2B. The inclusion of these properties within sub-precinct 2C has the effect to:

- Increase the mandatory height limit of this land from 29 metres to 40 metres;
  - Increase the design element height limit from 5.8 metres to 8.0 metres; and
  - Increase the setbacks from the front tower edge from the front boundary from 9 metres (sub-precinct 2B) to 11 metres (sub-precinct 2C).
- 1.6 As a consequence, the maximum mandatory height permitted on this land will increase from 34.8 metres to 48.0 meters, inclusive of the 8 metre design element.
- 1.7 The southern part of the Site relating to the properties at 14, 14A, 16 & 18 Hepburn Road will remain in sub-precinct 2F. No change to the built form controls in this sub-precinct are proposed.

### The Application

- 1.8 The exhibited Application proposes to develop the site by:
- Partially demolishing the existing heritage listed church (retention and restoration of the original 1880s chapel and demolition of the later additions);
  - Use and develop the Site for a 17-storey mixed-use development comprising 177 dwellings, a place of assembly, child care centre, two food and drink premises and offices;
  - A reduction in the standard car parking requirements for the non-residential uses on the Site; and
  - An alteration to the access arrangements to a road in a Road Zone, Category 1 (Doncaster Road). It should be noted that as part of Amendment VC205 approved on 20 January 2022 the Road Zone, Category 1 has been changed to Transport Zone (TRZ2).
- 1.9 The Application has been designed to comply with the new provisions proposed by the Amendment, should it be approved.
- 1.10 As part of the Application, ten of the 177 dwellings are proposed to be provided for affordable housing, secured through a voluntary section 173 Agreement between Council and the Proponent, for recording on the Titles of the land.
- 1.11 During the public exhibition period, a total of 32 submissions were received, including one late submission that was not considered by Council at its meeting of 24 August 2021. All submissions, including the late submission, were provided to the Panel for its consideration at the Hearing.
- 1.12 A total of 21 submissions were received via Council's website. Of the submissions received, 18 are generally regarded as a pro-former submission, however four of these contained further comments. 25 submitters own property and/or reside within an approximate 500 metre radius of the Site and 5 submitters own and/or reside in property beyond this radius. One submission was received from the Department of Transport, and one contained no address or contact details.

### Independent Panel Hearing

- 1.13 The Panel committee that was comprised of two members was appointed by the Minister for Planning on 2 September 2021. The Panel Hearing convened to consider the submissions to the proposal was conducted on 12, 14 & 15 September 2021. In attendance at the Hearing were Council, the Proponent, expert witnesses for Council and the Proponent, and two of the submitters to the proposal.
- 1.14 Council's legal representative was Planology Pty Ltd, with expert evidence provided by MGS Architects (urban design) and One Mile Grid (traffic).
- 1.15 The Proponent's legal representative was Best Hooper Lawyers, with expert evidence provided by Ratio Consultants (planning and urban design), Bryce Raworth Conservation Heritage (heritage) and Stantec formerly GTA Consultants (traffic).
- 1.16 The Panel report was received by Council on 1 December 2021 was made publically available on 7 December 2021.

## 2. DISCUSSION / ISSUE

- 2.1 Section 27(1) of the Act requires Council to consider the Panel report prior to deciding whether or not to adopt the Amendment, with or without changes, or to abandon all or part of the Amendment. Section 96F of the Act also requires Council to consider the Panel report before deciding whether or not to recommend to the Minister for Planning the granting of the permit.
- 2.2 The Panel considered all submissions made during the exhibition of the Amendment, Application and Agreement, including the late submission. The matters identified by the Panel, in their consideration of the submissions, have been grouped under the following eight headings:
  1. Planning context.
  2. Strategic justification.
  3. Built form.
  4. Heritage.
  5. Traffic and parking.
  6. Affordable housing.
  7. Other issues.
  8. The planning permit.
- 2.3 In considering the issues, the Panel provided discussions, conclusions and recommendations, as appropriate.
- 2.4 The Panel have concluded that the Amendment broadly meets the policy objectives in the Planning Policy Framework and the Activity Centre Zone, Schedule 1. The site is located where intensive development is encouraged, and where sustainable growth can occur supported by existing infrastructure and services. The Panel have recommended the Amendment be adopted as exhibited.

- 2.5 The Panel considers the Application is a quality architectural response that will, together with the surrounding development, create a sense of place and civic identity. The proposal responds to the topography of the land, and contributes to the objective in the *Doncaster Hill Strategy (2002, revised 2004)* of marking the ridgeline with taller built form that capitalises of views, and that tapers down the hill and towards the residential hinterland. The Panel have recommended the Application be issued subject to some changes to the draft planning permit.
- 2.6 The Panel fully supports the provision of affordable housing proposed in the development.
- 2.7 A summary of the Panel's findings and recommendations and the officer response to these are in Attachment 2.
- 2.8 The Panel made the following two recommendations:
1. ***Adopt Amendment C127mann to the Manningham Planning Scheme as exhibited.***
  2. ***Issue Planning Permit PLN20/0303 for the partial demolition of the existing heritage listed church, and the use and development of the land for a 17 storey mixed-use development comprising residential dwellings, a place of assembly, child care centre, two food and drinks premises, offices, a reduction in the standard car parking requirements and to alter the access arrangements to a road in a Road Zone, Category 1, subject to the permit conditions contained in Appendix C, including:***
    - a) ***amend condition 1 to require the plans to be updated to modify the Doncaster Road frontage of the podium to improve sightlines to the east and west elevations of the chapel from Doncaster Road, by way of increasing the setback line for the new built form and/or reviewing placement of awnings, canopies and overhangs.***
    - b) ***amend condition 41 to require demonstration that pedestrian movements (as well as parking demand) can be managed before the Responsible Authority allows an increase in the patron cap for the place of assembly uses.***
    - c) ***amend condition 1 to require the plans to be updated to ensure that the accessibility requirements in Clause 58.05-1 of the Planning Scheme are met.***
- 2.9 The Panel's recommended planning permit includes several other changes that have not been specifically included in their recommendation, but have been discussed more broadly in their report. Not all of these have not been identified in their track change version of the recommended planning permit that accompanied the report. A draft planning permit incorporating all changes, in a track change format, has therefore been prepared to clearly identify all changes that have been recommended by the Panel. This consolidated version includes some renumbering of the conditions to reflect the deletion and inclusion of conditions where they occur in their recommended permit, contained in Attachment 4.
- 2.10 Recommendation No. 2 proposes changes to three conditions in the draft planning permit. These are identified in the amended draft permit conditions as:

- Recommendation 2(a) – new condition 1.12;
- Recommendation 2(b) – new condition. This is condition 40 in the consolidated track change version of the permit; and
- Recommendation 2(c) – new condition 1.11.

2.11 The other changes, i.e. those not specifically included in the recommendation, are summarised as follows:

- Preamble: Deletion of “(177 dwellings)”. The Panel considers the number of approved dwellings is captured in Condition 2 of the permit conditions, which states that the use and development as shown on the approved plans must not be altered without the Responsible Authority’s consent, and is therefore not required.
- Condition 1.9: New condition to require internal alterations to some apartments overlooking the courtyard identified on plans TP206, TP207 and TP208, dated 29 September 2021.
- Condition 1.10: New condition to confirm the dimensions of the secondary areas to all bedrooms to satisfy Standard D26 of clause 58 of the scheme.
- Condition 1.22: Simplifies the expression of the condition that requires a change room/shower to be provided in association with the bicycle spaces in accordance with clause 52.34-3 of the scheme.
- Condition 1.25: New condition to require the deletion of three car spaces in the non-residential uses basement to provide a height clearance for service vehicles in the loading dock below. This condition is discussed in detail in Appendix 2.
- Condition 10.3: New condition to require measures to be implemented to manage events likely to result in a peak demand for car parking, to be detailed in the Car Parking Management Plan.
- Condition 15: Deleted. All restrictions have been removed from the Titles of the properties and the condition is now redundant.
- Condition 34: Simplifies the expression of the condition for the non-residential uses and the residential visitor car parking to be made available free of charge at all times and must not be sub-leased or used for any other purpose.
- Condition 39: Has been split into two conditions. Condition 39 now only limits the hours of operation and patron numbers for the Place of Assembly. The second part is now contained in new condition 40 and includes the consideration of pedestrian movements – see paragraph 3.4, recommendation 2b).
- Condition 67.4: Simplifies the expression of the condition that prescribes income ranges for the provision of affordable housing.

2.12 These other changes are all supported. They have been either broadly discussed in the Panel’s report or are considered as administrative refinements to the draft planning permit conditions.

2.13 This report recommends that the consolidated track change version of the planning permit conditions be forwarded to the Minister for Planning recommending Planning Permit Application PLN20/0303 be granted.

- 2.14 The proposal broadly meets the policy objectives in the PPF and the ACZ1. The Site is well located for access to public transport, services and existing infrastructure in the Doncaster Hill Activity Centre. It is a location where intensive development is encouraged, and where sustainable growth can occur supported by existing infrastructure and services. The proposal offers various benefits, including a diverse range of dwelling sizes, ten affordable housing dwellings, and a range of uses that provide a religious and cultural focus and opportunities for social interaction, consistent with the land use objectives in the ACZ1.
- 2.15 The height increase is broadly consistent with the overall objectives of the Doncaster Hill Strategy to locate the tallest buildings on the highest parts on the hill, with the lower buildings towards the external boundaries of the Activity Centre. The Amendment will address a 'dip' in the allowable height along Doncaster Road under the current controls and responds to the topography of the Site.
- 2.16 The Application is considered to be a quality architectural response that will together with the surrounding developments, help to mark the Activity Centre as a destination and create a place of civic identity. It is considered to be a site responsive design.

#### Section 173 Agreement – affordable housing

- 2.17 The Panel has acknowledged that there is a severe shortage of both social and affordable housing in Victoria as a whole, including in Manningham. The Panel fully supports the provision of affordable housing in the proposed development, being ten affordable housing dwellings.
- 2.18 Arrangements are currently being made for the Agreement to be finalised in preparation for signing by Council and the Proponent. Subject to Council's resolution, the Agreement should be signed before the amendment and permit was submitted to the Minister for Planning.

### **3. COUNCIL PLAN / STRATEGY**

#### Council Plan 2021 - 2025

- 3.1 The Amendment and Application are considered to align with and respond to Initiative 2.1: *Inviting Places and Spaces* goal in the Council Plan.

#### Strategic Context

- 3.2 The Amendment broadly supports and implements the relevant policies contained in the Planning Policy Framework (PPF) of the Manningham Planning Scheme (Scheme), including:
- Clause 11 (Settlement): 11.01-1S (Settlement), 11.03-1S (Activity centres) and 11.03-1R (Settlement – Metropolitan Melbourne).
  - Clause 15 (Built form and heritage): 15.01-1S (Urban design), 15.01-1R (Urban design – Metropolitan Melbourne), 15.01-2S (Building design), 15.01-5S (Neighbourhood character), 15.02-1S (Energy and resource efficiency) and 15.03-1S (Heritage conservation).
  - Clause 16 (Housing): 16.01-1S (Housing supply), 16.01-1R (Housing supply- Metropolitan Melbourne) and 16.01-2S (Housing affordability).

- Clause 17 (Economic development): 17.01-1S (Diversified economy) and 17.02-1S (Business).
- Clause 18 (Transport): 18.01-1S (Land use and transport planning), 18.02-1S (Walking), 18.02-2S (Cycling) and 18.02-4S (Roads).
- Clause 19 (Infrastructure): 19.02-4S (Social and cultural infrastructure), 19.03-1S (Development and infrastructure contributions plans), 19.03-2S (Infrastructure design and provision) and 19.03-3S (Integrated water management).

The Amendment will also assist in implementing the policy directions outlined in the Local Planning Policy Framework and the Municipal Strategic Statement of the Scheme, including clauses 21.04 (Vision – Strategic Framework), 21.02 (Municipal Profile), 21.03 (Key issues), 21.05 (Residential) 21.09 (Activity Centres and Commercial Areas), 21.10 (Environmentally sustainable development), 21.11 (Heritage), 21.12 (Infrastructure) and 21.14 (Community health and well-being).

#### Manningham Planning Scheme Review 2018 - 2022

- 3.3 Recommendation No. 4 provides for the review of the *Doncaster Hill Strategy (2002, revised 2004)* (Strategy). The scope of the review includes reviewing the Doncaster Hill planning principles including precinct guidelines, mandatory height controls, and urban form and preferred development outcomes. Upon implementation, the review is expected to provide contemporary decision making by responding to emerging trends and identified gaps in achieving the desired vision for Doncaster Hill.
- 3.4 DELWP gave in-principle support to progress the Amendment in the acknowledgement the Amendment request would proceed the finalisation of the review of the Strategy. MGS consultants have been engaged by Council to prepare a draft Doncaster Hill Framework Plan which will, if adopted, supersede the existing Strategy. This draft plan is yet to be publicly exhibited or considered by Council.
- 3.5 DELWP's in-principle support was contingent that the proposed built form must be justified on strong urban design grounds and that the Amendment must be consistent with Planning Practice Note *PPN60: Height and setback controls for activity centres*.

## 4. IMPACTS AND IMPLICATIONS

### Social Implications

- 4.1 The proponent has voluntarily agreed to provide ten of the proposed dwellings for affordable housing to contribute in meeting the future needs of the Manningham community. If the Amendment and Application are approved, the affordable housing will be secured by a Section 173 Agreement between Council and the proponent to the proposal.
- 4.2 The Agreement was exhibited together with the other supporting documentation as part of the exhibition process for the Amendment and Application in accordance with the conditions of Authorisation from the Minister for Planning. The Panel also considered the Agreement in their report and fully supports the provision of affordable housing proposed (Attachment 1).

- 4.3 If approved, the development will provide a variety of uses for the community. In addition to the range of dwelling types, a place of assembly, child care centre, two food and drinks premises and offices will be provided.

## 5. IMPLEMENTATION

### 5.1 Finance / Resource Implications

The proponent is responsible for the costs of the Amendment and Application prescribed under the *Planning and Environment (Fees) Regulation 2016*, as well as costs associated with the preparation of the Section 173 Agreement.

### 5.2 Communication and Engagement

A Communications Strategy was prepared to engage the key stakeholders to the proposal. The Amendment, Application and Agreement were exhibited concurrently in the following manner:

- Direct notification to property owners and occupiers that were considered to be affected by the request including all submitters to planning permit PLN18/0571 previously approved for the site, Ministers prescribed to be notified under the *Planning and Environment Act 1987* and the Department of Transport – total 455 letters;
- Notification in The Age newspaper and Government Gazette;
- Media release in the Warrandyte Diary;
- Documentation provided on the DELWP website;
- Documentation provided on Council's webpage ([yoursay.manningham.vic.gov.au/amendment-c127mann](https://yoursay.manningham.vic.gov.au/amendment-c127mann)), which included Frequently Asked Questions and a portal for making submissions;
- Documentation provided at Council's municipal offices and the Doncaster Library; and on
- Social media.

All submitters have been kept informed at all key stages of the Amendment and Application process, including notification directly from Planning Panels Victoria prior to and during the panel process, as required.

### 5.3 Timelines

The Amendment and Application has been progressed in accordance with the requirements prescribed in section 96 of the Act relating to the exhibition of the Amendment and Application.

Subject to the adoption by Council, the Amendment and Application will be forwarded to the Minister for Planning for approval.

## 6. DECLARATIONS OF CONFLICT OF INTEREST

- 6.1 No officers involved in the preparation of this report have any general or material conflict of interest in this matter.

**Planning  
Panels  
Victoria**

Manningham Planning Scheme Amendment C127mann  
Permit Application PLN20/0303  
Chapel Hill Development, Doncaster

**Panel Report**

*Planning and Environment Act 1987*

**1 December 2021**



**How will this report be used?**

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority may also recommend to the Minister that a permit that applies to the adopted Amendment be granted. The Minister may grant or refuse the permit subject to certain restrictions. [sections 96G and 96I of the PE Act]

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

*Planning and Environment Act 1987*

Panel Report pursuant to section 25 of the PE Act

Manningham Planning Scheme Amendment C127mann and Permit Application PLN20/0303

1 December 2021



Sarah Carlisle, Chair



Philippa Crone, Member

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## Glossary and abbreviations

ACZ1	Activity Centre Zone Schedule 1
Affordable Housing Policy	Council's <i>Affordable Housing Policy and Action Plan 2010-2020</i>
Amendment Land	the northern part of the site contained in 674-680 Doncaster Road and 2 Short Street, Doncaster
BADS	Better Apartment Design Standards
Council	Manningham City Council
DoT	Department of Transport
Existing Permit	Planning Permit PLN18/0571 issued by Council on 3 July 2019
PE Act	<i>Planning and Environment Act 1987</i>

## Overview

Amendment summary	
The Amendment and permit application	Manningham Planning Scheme Amendment C127mann and Permit Application PLN20/0303
Common name	Chapel Hill Development, Doncaster
Brief description	<p>Amendment:</p> <ul style="list-style-type: none"> <li>- adjust the precinct boundary between sub-precincts 2B and 2C in the Doncaster Hill Activity Centre</li> </ul> <p>Permit:</p> <ul style="list-style-type: none"> <li>- partially demolish the existing heritage listed church</li> <li>- use and develop the land for a 17-storey mixed-use development comprising residential dwellings, a place of assembly, child care centre, two food and drinks premises, offices</li> <li>- reduce the standard car parking requirements</li> <li>- alter the access arrangements to a road in a Road Zone, Category 1</li> </ul>
Site	<ul style="list-style-type: none"> <li>- 674-680 Doncaster Road, Doncaster</li> <li>- 2 Short Street, Doncaster</li> <li>- 14, 14A, 16 and 18 Hepburn Road, Doncaster</li> </ul>
The Proponent	Properties Corporation of the Churches of Christ
Planning Authority	Manningham City Council
Authorisation	7 May 2021
Exhibition	10 June to 12 July 2021
Submissions	Number of submissions: 32, including one late submission Opposed: 30

Panel process	
The Panel	Sarah Carlisle (Chair), Philippa Crone (Member)
Directions Hearing	17 September 2021 on video conference (MS Teams)
Panel Hearing	12, 14 and 15 October 2021 on video conference (Zoom)
Site inspection	Unaccompanied, 18 October 2021
Parties to the Hearing	<p><b>Council</b> represented by Darren Wong of Planology, who called expert evidence from:</p> <ul style="list-style-type: none"> <li>- Professor Rob McGauran of MGS Architects (urban design)</li> <li>- Valentine Gnanakone of OneMileGrid (traffic)</li> </ul> <p><b>Proponent</b> represented by Tania Cincotta of Best Hooper, who called expert evidence from:</p> <ul style="list-style-type: none"> <li>- Catherine Heggen of Ratio Consultants (planning and urban design)</li> <li>- Bryce Raworth of Bryce Raworth Conservation Heritage (heritage)</li> </ul>

Manningham Planning Scheme Amendment C127mann and Permit Application PLN20/0303 | Panel Report  
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- Tim de Young of Stantec (formerly GTA Consultants) (traffic)

**Morris Waters**

**John Allsop**

Citation Manningham PSA C127mann [2021] PPV

Date of this report 1 December 2021

## Executive summary

Amendment C127mann to the Manningham Planning Scheme and Permit Application PLN20/0303 relate to land at 674-680 Doncaster Road, 2 Short Street and 14, 14A, 16 and 18 Hepburn Road Doncaster owned by the Properties Corporation of the Churches of Christ. The Amendment and Permit Application were exhibited together under section 96A of the *Planning and Environment Act 1987*.

The site is located in Precinct 2 in the Doncaster Hill Activity Centre, and is zoned Activity Centre Zone Schedule 1 (ACZ1). The northern part of the site is in sub-precinct 2B, while the southern part of the site (fronting Hepburn Road) is in sub-precinct 2F.

The Amendment proposes to shift the boundary between sub-precincts 2B and 2C to the east, so that the northern part of the site sits within sub-precinct 2C rather than sub-precinct 2B. The effect is to increase the total maximum height limit on the northern part of the site from 34.8 metres to 48 metres. No change is proposed to the built form controls for the southern part of the site.

The site contains an existing heritage chapel built in 1889, which has had several additions between the 1950s and the 1990s. The Amendment and Permit Application would facilitate a redevelopment of the site to demolish the church additions, retain and restore the original brick chapel, and use and develop the site for a 17-storey mixed-use development comprising 177 dwellings, a place of assembly, child care centre, two food and drinks premises and offices. Ten of the 177 dwellings will be provided as affordable housing.

Key issues raised in submissions included:

- inadequate strategic justification for the Amendment (specifically, the change in height on the northern part of the site)
- design of the building including height, mass, visual bulk and shadow impacts
- car parking and traffic issues
- social impacts of affordable housing.

The proposal broadly meets the policy objectives in the Planning Policy Framework and the ACZ1. The site is well located for access to public transport, services and existing infrastructure in the Doncaster Hill Activity Centre. It is a location where intensive development is encouraged, and where sustainable growth can occur supported by existing infrastructure and services. The proposal offers various benefits, including a diverse range of dwelling sizes, 10 affordable housing dwellings, and a range of uses that provide a religious and cultural focus and opportunities for social interaction, consistent with the land use objectives in the ACZ1.

The increase in height on the northern part of the site is a departure from the Doncaster Hill Strategy. However the Strategy was last reviewed around 17 years ago, and is currently under review along with the built form controls in the ACZ1. The height increase is broadly consistent with the overall objectives in the Doncaster Hill Strategy to locate the tallest buildings on the highest parts of the hill, with lower buildings towards the external boundaries of the Activity Centre. It will address a 'dip' in the allowable height along Doncaster Road under the current controls, and will deliver an acceptable planning outcome and an improved urban design outcome.

The proposal is a quality architectural response that will, together with surrounding development, help to mark the Activity Centre as a destination and create a sense of place and civic identity. The proposal responds to the topography of the land, and contributes to the objective in the Doncaster

Hill Strategy of marking the ridgeline with taller built form that capitalises on views, and that tapers down the hill and toward the residential hinterland. The Panel was presented with expert urban design evidence that the built form and massing of the proposed development is site responsive and appropriate to its context.

The additional height allowed under the Amendment will result in some additional overshadowing on Short Street, a proposed park to the south of the site in Hepburn Road, and adjacent and nearby properties in Hepburn Road (particularly properties on the south side of Hepburn Road). On balance, the Panel considers that the extent of overshadowing is acceptable given the Activity Centre context, the built form expectations set by the ACZ1, the slope of the land, and the stepped formation of the proposed development which reduces the extent of shadow cast by the southern section of the development.

Heritage impacts were not a strong theme in submissions, and the Panel was presented with expert heritage and urban design evidence which concluded that the new built form represents an appropriate response to the retained and restored brick chapel. Notwithstanding, the Panel is concerned that the design of the podium of the new building will obscure views to the chapel from vantage points along Doncaster Road. This will impact on the ability to fully appreciate the restoration works proposed, and to understand the chapel's significance to the public realm in terms of its relationship with the surrounding cluster of historic buildings. The Panel considers that consideration should be given to modifying the Doncaster Road frontage of the podium to create better viewlines to the side elevations of the chapel.

Submissions raised several concerns in relation to traffic and parking, including:

- conflict between vehicles using the southern carpark entrance and the Magnolia Apartments carpark entrance
- traffic congestion and safety issues in Short Street
- the performance of the Short Street/Doncaster Road intersection
- traffic congestion on other local roads and streets
- whether the proposed reduction in the statutory parking requirement for the non-residential uses is appropriate.

The Panel is satisfied on the basis of expert evidence (including an independent review by Mr Gnanakone on behalf of Council) that there are no traffic and parking reasons why the proposal should not be supported. The Panel is satisfied that the proposed conditions on the permit will adequately manage any traffic and parking issues that may arise.

The Panel fully supports the provision of affordable housing in the proposed development. There is no doubt that Victoria as a whole, including Manningham, has a severe shortage of both social and affordable housing, and that urgent action is needed to increase the supply. The contribution of 10 'tenure-blind' affordable housing dwellings represents a significant community and social benefit.

#### (i) Recommendations

Based on the reasons set out in this Report, the Panel recommends that Council:

1. **Adopt Amendment C127mann to the Manningham Planning Scheme as exhibited.**
2. **Issue Planning Permit PLN20/0303 for the partial demolition of the existing heritage listed church, and the use and development of the land for a 17 storey mixed-use**

development comprising residential dwellings, a place of assembly, child care centre, two food and drinks premises, offices, a reduction in the standard car parking requirements and to alter the access arrangements to a road in a Road Zone, Category 1, subject to the permit conditions contained in Appendix C, including:

- a) amend condition 1 to require the plans to be updated to modify the Doncaster Road frontage of the podium to improve sightlines to the east and west elevations of the chapel from Doncaster Road, by way of increasing the setback line for the new built form and/or reviewing placement of awnings, canopies and overhangs
- b) amend condition 41 to require demonstration that pedestrian movements (as well as parking demand) can be managed before the Responsible Authority allows an increase in the patron cap for the place of assembly uses
- c) amend condition 1 to require the plans to be updated to ensure that the accessibility requirements in Clause 58.05-1 of the Planning Scheme are met.

# 1 Introduction

## 1.1 The site and neighbourhood

### (i) The site

The site is shown in Figure 1. The Amendment applies only to the northern part of the site (674-680 Doncaster Road and 2 Short Street) (the Amendment Land). The Application applies to the whole of the site.

Figure 1 The site



Source: C Heggen's Witness Statement with Panel annotations

674-680 Doncaster Road currently contains a red brick chapel built in the 1880s, later additions including a church hall built between the 1950s and the 1990s, and at grade carparking. 2 Short Street and 14, 14A, 16 and 18 Hepburn Road currently contain single dwellings.

### (ii) The neighbourhood

The neighbourhood includes a number of other recently approved and/or constructed developments in Doncaster Road, Hepburn Road and the surrounding streets, including:

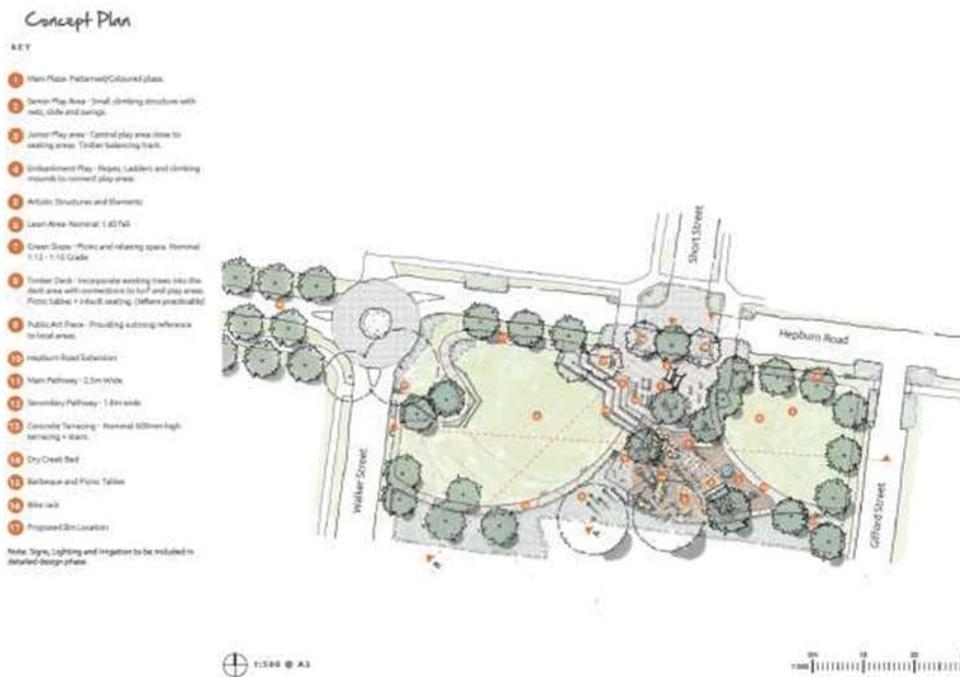
- the Magnolia Apartments at 20-24 Hepburn Road (176 apartments and basement car park, fully constructed) (see Figure 1)

- the Hepburn at 8-10 Hepburn Road (a 5 storey building comprising 67 apartments and associated basement level car parking, fully constructed)
- the Nest at 642 Doncaster Road (an 11 storey building containing 150 apartments, restricted retail office, café and basement car parking, fully constructed)
- MC2, the Manningham Council Civic Centre at 699 Doncaster Road (fully constructed)
- the Bunnings development at 659 Doncaster Road (three mixed-use buildings in three stages, Stage 1 consisting of a Bunnings store, basement carparking and apartments, under construction)
- 666 Doncaster Road (a 13-storey building consisting of apartments, approved but not yet commenced)
- 682-684 Doncaster Road (a 10 storey apartment building with roof terrace and basement car parking, providing 275 dwellings, retail premises and food and drink premises, approved but not yet commenced).

The streets to the south of the site are more conventional residential areas with single dwellings on larger lots.

Council is proposing to construct a park at 9-15 Hepburn Road (see Figure 1), and has prepared a concept plan for the park, extracted in Figure 2.

Figure 2 Concept plan for Hepburn Road park



Source: Document 1

## 1.2 Doncaster Hill Activity Centre

The site sits within the Doncaster Hill Activity Centre, on the south side of Doncaster Road. Doncaster Hill is identified as a Major Activity Centre in Plan Melbourne, and as a Principle Activity Centre in the Manningham Planning Scheme. The Planning Scheme contemplates substantial change and development intensification in Doncaster Hill.

The site (and the rest of the Activity Centre) is zoned Activity Centre Zone Schedule 1 (Doncaster Hill Major Activity Centre) (ACZ1).

Doncaster Hill is divided into seven precincts (refer to Figure 3). The site is within Precinct 2 (the South East Doncaster Boulevard Precinct). The Doncaster Hill Strategy and the ACZ1 contemplate a mix of residential and commercial uses in Precinct 2.

Figure 3 Doncaster Hill Activity Centre



Source: C Heggen's Witness Statement

Precinct 1 (the Civic and Education Precinct) is on the north side of Doncaster Road opposite the site. It includes Doncaster Primary School, the Doncaster Playhouse Theatre, Council's municipal offices and library, and Schramms Reserve which contains a number of sports fields. Precinct 4 contains the Westfield Doncaster Shopping Centre.

Precinct 2 has several sub-precincts with different built form controls. The Amendment Land is in sub-precinct 2B. The southern part of the site (the parcels fronting Hepburn Road) are in sub-precinct 2F.

Short Street currently forms the boundary between sub-precincts 2B and 2C. The land to the east of Short Street (including the Amendment Land) is within sub-precinct 2B. The land to the west of Short Street is within sub-precinct 2C.

The built form controls in each sub-precinct are set out in Figure 4. The maximum building heights and design element heights are mandatory. A ‘design element’ is defined in the ACZ1 as:

... a Design Element is a unique architectural or design feature that substantially contributes to the overall building form and appearance.

Design elements generally sit above the main tower and are sometimes recessed to form a ‘cap’ to the building.

Figure 4 Built form controls in sub-precincts 2B, 2C and 2F

Sub-Precinct	Maximum height (Excluding Basement)	Design Element Height	Setbacks
2B	29m	5.8m above maximum height	5m to front podium edge from front boundary 9m to front tower edge from front boundary 4.5m from side boundaries 5m from rear boundary
2C	40m	8.0m above maximum height	5m to front podium edge from front boundary 11m to front tower edge from front boundary 4.5m from the side boundaries 5m from rear boundary
2F	14.5m	None specified	5m from front boundary 4.5m from side boundaries 4.5m from rear boundary

Source: Edited extract from Clause 5.2-3 of the Activity Centre Zone Schedule 1

### 1.3 The proposal

#### (i) The Amendment

The Amendment proposes to shift the boundary between sub-precincts 2B and 2C to the east, so that the Amendment Land sits within sub-precinct 2C rather than sub-precinct 2B. The effect is to:

- increase the height limit on the Amendment Land from 29 metres to 40 metres
- increase the design element height limit from 5.8 metres to 8 metres.

As a consequence, the overall height permitted on the Amendment Land would increase from 34.8 metres to 48 metres.

The southern part of the site will remain in sub-precinct 2F, with no change to the built form controls proposed.

#### (ii) The Permit Application

The Permit Application proposes:

- partial demolition of the church buildings (retention and restoration of the original 1880s chapel and demolition of the later additions)

- use and development of the site for a 17-storey mixed-use development comprising 177 dwellings, a place of assembly, child care centre, two food and drinks premises and offices
- a reduction in the standard car parking requirements for the non-residential uses on the site
- an alteration to the access arrangements to a road in a Road Zone, Category 1 (Doncaster Road).

Ten of the 177 dwellings are proposed for affordable housing, to be secured through a section 173 agreement that was exhibited with the Amendment and Permit Application.

Figure 5 Render of the proposed development



Source: Proponent's Architectural Documentation (prepared by Design Inc.)

## 1.4 Background

### (i) Existing Permit

On 3 July 2019, Council granted Planning Permit PLN18/0571 (Existing Permit). The Existing Permit applies to the whole site and approves a development that is similar in scope and mix of uses as the Permit Application. The key differences are:

- an increase in the building height from around 35 metres (13 storeys) above basement to around 47 metres (17 storeys) above basement
- an additional level of design element (an increase from 2 to 3)
- an increase in the number of dwellings (from 136 to 177)
- an increase in the number of affordable housing dwellings (from 6 to 10)

- an increase in the floorspace of the residential communal area (from around 440 square metres on Level 8 to around 790 square metres spread across Levels 4, 8 and 16)
- a reduction in the office floorspace (from around 1,750 square metres to around 1,125 square metres)
- an increase in the food and drink floorspace (from around 290 square metres to around 320 square metres)
- an increase in the number of car parking spaces (from 400 to 480)
- an increase in the number of bike parking spaces (from 71 to 116).

No plans have been endorsed under the Existing Permit, and the Existing Permit has not been acted on. It is due to expire if the development is not started before 3 July 2023.

According to the Proponent, the development in the form allowed under the Existing Permit would be unviable, and it would be unable to obtain finance for the development.

#### **(ii) Chronology of events**

Council's Part A submission includes a comprehensive chronology of events leading up to the exhibition of the Amendment and Permit Application which provides important context. Of particular note are:

- the Amendment was requested in December 2018, initially without a permit application
- numerous discussions took place between the Proponent and Council between December 2018 and July 2020, when the Permit Application was lodged
- these discussions resulted in the initial design being refined to reduce the visual bulk of the proposed development, including in response to advice from Professor McGauran.

Professor McGauran's firm MGS Architects is providing ongoing advice to Council on a proposed refresh of the Doncaster Hill Strategy and the Activity Centre's built form controls, and provides advice from time to time on permit applications within the Activity Centre.

## **1.5 Procedural issues**

#### **(i) Directions Hearing and Hearing conducted electronically**

Due to ongoing restrictions associated with the COVID-19 pandemic, the Directions Hearing and Hearing were conducted by videoconference. The Directions Hearing was hosted by Planning Panels Victoria on Microsoft Teams. The Hearing was hosted by Council on Zoom.

At the Directions Hearing, Mr Waters (a submitter) initially had some difficulty in using Microsoft Teams. While he was able to see and hear the other participants, he was not able to unmute himself and was initially not able to participate in the Directions Hearing. With assistance from the Planning Panels Victoria office, Mr Waters was subsequently able to dial in to the Directions Hearing and could both hear and be heard.

Mr Waters requested that the Directions Hearing be abandoned. The Panel declined to abandon the Directions Hearing on the basis that once he dialled in, he was able to participate.

At the Directions Hearing the Panel requested Council to host the main Hearing, and to provide technical support to the Panel and the parties. Council expressed a preference to host the Hearing on Microsoft Teams. No objections were raised, and it was agreed that the Hearing would be conducted on Microsoft Teams.

Subsequent to the Directions Hearing, Planning Panels Victoria received several emails from Mr Waters raising a large number of questions (Document 11). Mr Waters queried why the Hearing was being conducted on Microsoft Teams and not on Zoom which he considered to be a more user friendly platform. Mr Waters indicated that he had successfully used Zoom on multiple occasions.

Planning Panels Victoria requested Council to host the Hearing on Zoom rather than Microsoft Teams. Council agreed, and provided technical assistance to Mr Waters to enable him to connect to and participate in the Hearing. The Panel thanks Council for accommodating this request, and for the assistance it provided to the Panel and parties throughout the Hearing.

**(ii) Adjournment request**

Mr Waters indicated at the Directions Hearing that he had reasons to request the process be abandoned. The Panel indicated that if he wished to make a formal request for the Hearing to be adjourned, he would need to put his request in writing together with reasons for the request, and that the Panel would then take submissions from the other parties in relation to the request before making a ruling.

On the morning of Day 1 of the Hearing, the Panel received a written request from Mr Waters to adjourn the Hearing (Document 14). The written request did not outline how long Mr Waters was seeking for the adjournment. He clarified at the Hearing that he was seeking an adjournment of two weeks.

Much of the content of Mr Waters' request related to Council processes that happened well in advance of the Panel being appointed. However, some of the matters raised related to the Panel process.

Mr Waters' request included a reference to documents being made available late. Mr Waters clarified at the Hearing that he was referring to Council's Part B submission. Council circulated its Part B submission at 10.41am on Monday 11 October 2021, the day before the Hearing commenced. The Panel explained that the Part B submission had been circulated in accordance with the Panel's Directions, which required it to be circulated by 12noon on 11 October.

Mr Waters' request indicated that he had been unable to take part in the Directions Hearing. As discussed above, after some initial technical difficulty involving Mr Waters not being able to locate the 'unmute' button, he dialled in to the Directions Hearing and was able to participate.

Other reasons Mr Waters provided in support of his request were:

- he objected to the Hearing being conducted online as he was not a computer expert
- he had not had sufficient time to consider the large amount of material provided as part of the Hearing process
- he had not had time to engage representation or advice
- there was no urgency for the matter to proceed.

Council opposed the adjournment request and submitted that the Hearing should proceed. It submitted that while planning processes can involve a reasonably large amount of material, this Amendment and Permit Application are not highly complex. The Panel process had been conducted in accordance with standard directions that allow the parties time to read the material and prepare for the Hearing, and the Directions Hearing and Hearing has been scheduled in accordance with the pre-set dates that were advertised with the Amendment and Permit Application.

The Proponent also opposed the adjournment request. It submitted that despite the Panel informing Mr Waters at the Directions Hearing that he would need to make an adjournment request in writing as soon as possible, the request had not been made until the day the Hearing commenced. It submitted that the Amendment had been on foot for some time (it was first requested in December 2018), and the Permit Application had followed the standard statutory timeframes. It submitted that the indicative hearing dates were known to submitters as early as December 2020, and Mr Waters had had sufficient time to engage an advocate (professional or otherwise) to assist him with the Hearing and had not done so. The Proponent submitted that even a short delay of two weeks would result in availability constraints for its experts, and that it would be significantly prejudiced if the matter were delayed.

After considering the request and the submissions made on Day 1 of the Hearing, the Panel decided to proceed with the Hearing. It noted that the Panel needed to balance the interests of the various parties and ensure fairness for all. It noted that the indicative hearing dates had been known for several months, and that this is a relatively standard process that is being run in accordance with standard directions and timeframes. The Panel noted that Mr Waters had been able to connect to the online Hearing, and was able to actively participate in the discussions.

#### **(iii) Copies of submissions**

At the Directions Hearing and in his subsequent emails to Planning Panels Victoria (Document 11) Mr Waters indicated that he had requested a copy of all submissions from Council. He indicated that Council had taken a long time to respond to his request, and when he was eventually provided with a copy of the submissions they were 'in a mess' and were incorrectly numbered.

The Panel indicated that it had been provided with what appeared to be a complete copy of the submissions and they were in order. Council offered to provide a further hard copy of the submissions to Mr Waters before the Hearing.

#### **(iv) Late submission**

At the Directions Hearing and in his subsequent emails to Planning Panels Victoria (Document 11) Mr Waters indicated that he had been given insufficient time to prepare his original submissions to Council. He indicated that he had requested an additional three weeks to prepare his submission, which had been denied. He was aware that Council had subsequently accepted a late submission after the close of the formal exhibition period. Mr Waters objected to Council accepting the late submission and referring it to the Panel. Mr Waters raised his concerns again on Day 1 of the Hearing.

At the Directions Hearing the Panel indicated that Mr Waters would have the opportunity to present further submissions to the Panel, and that the Hearing would be set down to commence on 12 October 2021 which was nearly four weeks after the Directions Hearing. At the Hearing, the Panel explained that under the *Planning and Environment Act 1987* (the PE Act), Council was able to accept late submissions and was able to refer them to a panel. Further, the Panel was required under the PE Act to consider all relevant submissions that had been referred to it.

## **1.6 Summary of issues raised in submissions**

The key issues by submitters were:

- inadequate strategic justification for the Amendment (specifically, the change in height on the Amendment Land)

- design of the building including height, mass, visual bulk and overshadowing
- car parking and traffic issues
- social impacts of affordable housing.

### 1.7 The Panel's approach

The Panel considered all written submissions made in response to the exhibition of the Amendment and Permit Application, observations from its site visit, and submissions, evidence and other material presented to it during the Hearing. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Strategic justification
- Built form
- Heritage
- Traffic and parking
- Affordable housing
- Other issues
- The planning permit.

### 1.8 Limitations

Some submitters raised concerns about:

- the potential for increased crime and loss of property values
- Council's policy of not issuing resident parking permits to allow residents of apartments to park on-street in permit zones
- difficulties in contacting Council officers for information about the proposal and submissions
- the involvement of Council committees in assessing this and previous applications
- Council salaries.

These are not planning issues, and are beyond the scope of the Amendment and the remit of the Panel.

## 2 Planning context

### 2.1 Planning policy framework

Council provided a comprehensive analysis of the Planning Policy Framework in its Part A submission. The Panel has summarised the particularly relevant parts below.

#### Victorian planning objectives

These are set out in section 4 of the PE Act, and include:

- providing for the fair, orderly, economic and sustainable use and development of land
- ensuring a pleasant, efficient and safe environment for all Victorians and visitors
- ensuring that buildings of historic significance will continue to be appropriately protected, conserved and enhanced
- balancing the present and future interests of all Victorians.

#### Clause 11 (Settlement)

Clause 11 contains objectives to:

- promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements
- encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres.

Clause 11.03-1R (Activity Centres – Metropolitan Melbourne) contains the strategy to support the development and growth of Metropolitan Activity Centres by ensuring they (among other things):

- are able to accommodate significant growth for a broad range of land uses
- are supported with appropriate infrastructure
- provide high levels of amenity.

#### Clause 15 (Built form and Heritage)

Clause 15 contains objectives to:

- create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity
- create a distinctive and liveable city with quality design and amenity
- achieve building design outcomes that contribute positively to the local context and enhance the public realm
- recognise, support and protect neighbourhood character, cultural identity, and sense of place
- encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions
- ensure the conservation of places of heritage significance.

#### Clause 16 (Housing)

Clause 16 contains an objective to facilitate well located, integrated and diverse housing that meets community needs. It includes strategies to:

- manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed-use development opportunities in major activity centres
- deliver more affordable housing closer to jobs, transport and services.

#### **Clause 17 (Economic Development)**

Clause 17 contains objectives to:

- strengthen and diversify the economy
- encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

#### **Clause 18 (Transport)**

Clause 18 includes objectives to:

- create a safe and sustainable transport system by integrating land use and transport
- promote increased development close to high-quality public transport routes
- ensure an adequate supply of car parking that is appropriately designed and located.

#### **Clause 19 (Infrastructure)**

Clause 19 includes objectives to provide fairer distribution of and access to social and cultural infrastructure.

#### **Municipal Strategic Statement**

Clause 21.03 (Key Issues: Future Housing Needs) states:

In future there will be an increase in the number of medium and high density residential developments

Higher density housing in close proximity to activity centres, major roads and transport routes, that address changing demographic needs will be encouraged.

Clause 21.03 (Key Issues: Residential Amenity) states:

In meeting future housing needs the challenge is to provide for residential redevelopment in appropriate locations, to reduce pressure for development in more sensitive areas, in a manner that respects the residential character and amenity valued by existing residents.

Clause 21.03 (Key Issues: Retailing and activity centres) states:

Activity centres will be developed as centres for business, shopping, working and leisure. They will also be important locations for the development of different types of housing, including forms of higher density development.

## **2.2 Other relevant planning strategies and policies**

### **(i) Doncaster Hill Strategy**

The Doncaster Hill Strategy was first adopted by Council in 2002, then revised 2004. The Design Vision for Doncaster Hill Activity Centre states:

The planned contemporary redevelopment of the area is aimed at providing new high-density housing choices for residents in eastern metropolitan Melbourne with access to top class public transport, entertainment, retail, commercial, community and cultural facilities. A major focus of Doncaster Hill is the provision of housing choice including apartment living for the people of Manningham. Apartment living in Doncaster Hill aims to appeal to retirees, empty nesters, young professionals, families, single persons of all ages and others wishing to enjoy the benefits of an urban village lifestyle.

As noted above, Council has engaged MGS Architects to review the Doncaster Hill Strategy and built form controls for the Activity Centre. This work continues.

**(ii) Plan Melbourne**

*Plan Melbourne 2017-2050* provides strong support for intensification of activity centres.

## 2.3 Planning scheme provisions

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework.

**(i) Zones**

The land is in the Activity Centre Zone. The purposes of the Zone are:

- To encourage a mixture of uses and the intensive development of the activity centre:
  - As a focus for business, shopping, working, housing, leisure, transport and community facilities.
  - To support sustainable urban outcomes that maximise the use of infrastructure and public transport.
- To deliver a diversity of housing at higher densities to make optimum use of the facilities and services.
- To create through good urban design an attractive, pleasant, walkable, safe and stimulating environment.
- To facilitate use and development of land in accordance with the Development Framework for the activity centre.

The ACZ1 sets out a long list of land use and development objectives for the Doncaster Hill Major Activity Centre. While the full list is not repeated here, the Panel has had regard to all the objectives. Themes of particular relevance are:

- Land use
  - advancing Doncaster Hill as a sustainable and vibrant mixed-use activity centre with a strong sense of place and civic identity
  - substantially increasing the provision, intensity and diversity of housing (especially affordable housing), that allows for all sectors of the community to live in the centre
  - delivering contemporary high density residential development that incorporates a mix of complementary non-residential uses
  - enhancing the social, environmental, economic and cultural elements of the municipality and increasing opportunities for social interaction
- Built form
  - encouraging innovative, contemporary architecture that provides a distinctive sense of identity for the Activity Centre
  - emphasising the existing dramatic landform of Doncaster Hill through built form that steps down the hill
  - ensuring an appropriate transition in height to surrounding neighbourhoods
  - encouraging built form that capitalises on key views and vistas
  - ensuring that public urban spaces and plazas, streets and parks are not excessively overshadowed or affected by wind tunnelling

- Transport
  - encouraging the integration of car parking into buildings and the unique sloping landform.

**(ii) Overlays**

The chapel site is subject to the Heritage Overlay Schedule 46. The relevant purposes of the Overlay are:

- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.

The land is subject to the Development Contributions Plan Overlay Schedule 1 and the Parking Overlay Schedule 1.

**(iii) Other provisions**

Relevant particular provisions include:

- Clause 52.06 (Carparking), which set out rates for the provision of on-site parking and design requirements for carparks
- Clause 52.29 (Land Adjacent to a Road Zone Category 1), which requires a permit to alter the access to Doncaster Road.

## 2.4 Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018 (PPN46). That discussion is not repeated here.

## 3 Strategic justification

### 3.1 Evidence and submissions

Council submitted that the proposal is consistent with Plan Melbourne 2017-2050 and Clause 11 (Settlement) of the Planning Policy Framework, which provide strong support for intensification of activity centres and the efficient use of land that benefits from existing public transport, services and infrastructure.

Council submitted that the proposal is consistent with the policy objectives in Clause 15 (Built form and heritage), as it will:

- maintain a safe and functional urban environment
- contribute to the sense of place and cultural identity in Doncaster Hill
- allow for a more consistent streetscape presentation along Doncaster Road by permitting some additional height on the northern part of the site
- allow for the heritage chapel to be conserved, restored and enhanced.

Many submitters from the Magnolia Apartments raised concerns about the loss of certainty resulting from the Amendment. They submitted that they bought their apartments with the comfort provided by the Doncaster Hill Strategy and the ACZ1 controls that heights on the site would not exceed 29 metres. Now a 40 metre proposal is being contemplated.

The Magnolia residents submitted that the site was included in sub-precinct 2B for good reason. They submitted that the Strategy states that it “sets a mandate” and standards for development in the Activity Centre, and that no justification had been provided for increasing the height allowable on the site. They submitted that if the Amendment is approved, they would feel “betrayed” by Council and the Minister for Planning.

Submitter 21 submitted that amending the Planning Scheme would create “a dangerous precedent for development creep”. They submitted that if the Amendment is allowed, future developments would be likely to seek similar amendment to increase density, which would “make a mockery of the existing schemes and the careful and thorough considerations behind them”.

Submitter 4 submitted that a redevelopment of the site with the preservation of the existing chapel and its integration into a new development would be a positive outcome, but that the development proposed is too high and there is already a glut of empty apartments in Doncaster. They submitted that apartment sizes should be increased, and more retail and office space should be provided.

### 3.2 Discussion

The proposal broadly meets and delivers on the policy objectives in the Planning Policy Framework and the ACZ1.

The site is well located for access to public transport (including the bus interchange at the nearby Westfield Shopping Centre), services and existing infrastructure in the Doncaster Hill Activity Centre. It is a location where intensive development is encouraged, and where sustainable growth can occur supported by existing infrastructure and services.

The proposal includes a diverse range of dwellings including 1, 2, 3 and 4 bedroom apartments, townhouses and affordable housing, in a location in which policy strongly supports high density

housing. It supports policies seeking to deliver increased affordable housing, increased housing diversity, and high density housing in and around activity centres.

The proposal offers a range of uses that provide a religious and cultural focus and opportunities for social interaction, consistent with the land use objectives in the ACZ1. The facilities, including the place of assembly and child care centre, will be available for use by the broader community. The range of uses compliments the uses focussed in the Civic and Education Precinct opposite the site on the north side of Doncaster Road.

The increase in height on the northern part of the site allowed by the Amendment is a departure from the Doncaster Hill Strategy. However, it is some 17 years since the Strategy was last reviewed, and the Strategy is currently under review by MGS Architects. Notably, Professor McGauran (a Principle at MGS Architects) supports the increase in height on the northern part of the site. The Panel considers that the height increase is broadly consistent with the overall objectives in the Doncaster Hill Strategy to locate the tallest buildings on the highest parts of the hill, with lower buildings towards the external boundaries of the Activity Centre.

The proposal is a quality architectural response that will, together with surrounding development, help to mark the Activity Centre as a destination and create a sense of place and civic identity. The proposal responds to the topography of the land, and contributes to the objective in the Doncaster Hill Strategy of marking the ridgeline with taller built form that capitalises on views, and that tapers down the hill and toward the residential hinterland.

The proposed permit includes conditions that satisfy the requirements of the Development Contributions Plan Overlay and will ensure that the development contributes towards transport, streetscape, public art and social infrastructure, to ensure the infrastructure needs of the community are met.

In response to submissions that the Amendment creates uncertainty or sets a precedent for future developments to seek increased densities, planning controls are never set in stone. It is entirely appropriate (and in fact required under the PE Act) for planning authorities to regularly review their planning schemes and adjust and update them to reflect contemporary needs and circumstances, and to address less desirable outcomes that might be created by the current controls. In this case, the Amendment seeks to address the less desirable outcome of the 'dip' in heights and the resulting uneven skyline along Doncaster Road (discussed in more detail in Chapter 4.4).

The Panel acknowledges Submitter 21's concerns that the Amendment would set a precedent and encourage other developers to seek to increase densities as well. However every proposal must be assessed on its individual merits. This Amendment seeks to address the 'dip' in heights along Doncaster Road. It is not simply about increasing densities. Further, the height limits in Doncaster Hill are mandatory, providing a level of certainty to residents that (absent a planning scheme amendment), development will not exceed the heights allowed under the Scheme.

The Panel does not accept submissions that Council should prioritise the needs of the community over those of the Proponent. What the PE Act and the Planning Scheme requires of both Council and the Panel is to balance the interests of present and future Victorians, not to prioritise the interests of one group over another. Council and the Panel are required to consider whether the proposal will deliver a net community benefit and sustainable development, balancing all the competing policy objectives and the interests of the community as a whole.

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme. It finds that the Amendment delivers a net community benefit, and should be supported. The Amendment is supported by, and implements, the relevant sections of the Planning Policy Framework, is well founded and strategically justified, and should proceed.

The Panel addresses whether the permit should issue in Chapter 9.

### 3.3 Conclusions and recommendations

The Panel concludes:

- The Amendment will deliver net community benefit and sustainable development, and should be supported.

The Panel recommends:

**Adopt Amendment C127mann to the Manningham Planning Scheme as exhibited.**

## 4 Built form

### 4.1 The issues

Issues were raised in relation to:

- building heights and setbacks
- bulk, mass and form
- overshadowing
- internal amenity.

### 4.2 What is proposed?

The development proposes an architectural and urban design response with varied building heights that seek to respond to the sloped conditions of the site, with a conceptual framework based on 'three hills'.

In summary, the key features of the proposed development are:

- an overall building height (including Design Element) of 17 levels and 46.80 metres (the highest element being the tower and Design Element, which is to be located on the northern part of the site)
- a podium of varying height of up to 8 levels above natural ground level:
  - built form fronting Doncaster Road is articulated as a design gesture with an angular form that seeks to 'embrace' the heritage chapel
  - the podium increases in height above natural ground level along Short Street with the downward slope of the land, and then steps down at the interface of Hepburn Road
- a U-shaped tower element that is set back:
  - around 42 metres from the Hepburn Road boundary
  - around 4.4 metres from the Short Street boundary
  - at least 11 metres from the Doncaster Road boundary (setbacks vary with the shape of the tower)
- a complementary architectural Design Element at the top of the tower, which is set back from the tower edges.

The void in the U-shaped tower has an internal separation of 10 metres between the two 'arms'. Apartments are configured to face into the void, at the bottom of which is a landscaped courtyard on Level 6 providing outlook to the apartments. The internal courtyard is surrounded by the tower element on the north, west and south sites, and is opens to the east.

The proposed design seeks to offer an equitable design approach with a minimum setback of 4.5 metres from the eastern boundaries.

### 4.3 Relevant considerations

#### (i) Doncaster Hill Strategy

The Doncaster Hill Strategy considers (among other things) the topographical characteristics of Doncaster Hill, and formed the basis for determining the building height controls that are now found in the ACZ1.

The over-arching vision for built form in the Activity Centre is for the tallest buildings to be located on the highest parts of the hill, with lower buildings towards the external boundaries of the Activity Centre. The Building Height Diagram in the Doncaster Hill Strategy identifies the properties along the Doncaster Road ridgeline as the most elevated properties in the Activity Centre and the location of the greatest building heights.

**(ii) Municipal Strategic Statement (MSS)**

Clause 21.02-2 (Key Issue 5, Doncaster Activity Centre) states:

- Encourage interesting contemporary architecture, and diverse and distinctive treatment of elevations that are of a high standard.
- Ensure that development within the Doncaster Activity Centre is of high quality and takes into account the capacity of existing infrastructure.
- Promote mixed use development and development of a vibrant public realm.

**(iii) Precinct 2 objectives**

The purposes and objectives of the ACZ1 are summarised in Chapter 2.3(i). Of particular relevance to built form in Precinct 2 are to:

- encourage the greatest area of high density development to locate along the Doncaster Road ridgeline
- retain and enhance the historic elements within the precinct and develop a link with the historic and arts enclave in Precinct 1
- create a public urban space/plaza with good solar access abutting the south side of Doncaster Road, with convenient access to the north side.

**(iv) Built form controls**

The built form controls that apply to the site (current and proposed) are summarised in Chapter 1.1(ii). In short, the Amendment proposes to change the boundary between sub-precincts 2C and 2F so that on the northern part of the site:

- the mandatory maximum height (excluding basement and Design Element) will increase from 29 metres to 40 metres
- the Design Element Height will increase from 5.8 metres above maximum height to 8 metres
- the setback from the front boundary to the front tower edge will increase from 9 metres to 11 metres.

No change is proposed to the built form controls for the southern part of the site (which will remain in sub-precinct 2F).

**(v) Decision guidelines**

Built form considerations listed in the decision guidelines in the ACZ1 include whether the proposed development:

- creates strong visual interest by providing unique building types based on innovative, contemporary architecture, urban design and ecologically sustainable development principles
- is site responsive and achieves an appropriate scale with a stepping down in built form that responds to Doncaster Hill's natural topography

- incorporates side and rear setbacks to enhance pedestrian safety and amenity, and assists in the retention of view lines, penetration of sunlight and creation of landscape buffers
- ensures that any environmental wind effects to the adjoining and surrounding neighbourhood are minimised
- provides overhead weather protection features adjoining key pedestrian walkways and nodal points
- ensures dwelling balconies have an open space area of at least 8 square metres, and a minimum dimension of 1.6 metres
- complements, where relevant, the form, scale, materials, colour and lighting of a heritage place on the same or adjoining site.

**(vi) Better Apartment Design Standards**

Clause 58 (Apartment Developments) of the Planning Scheme implements the Better Apartment Design Standards (BADs). It applies to apartment developments of five or more storeys in the ACZ. Clause 58 contains objectives, standards and decision guidelines. Development must meet all the objectives, and should meet all of the standards. Relevant objectives and standards are set out in Table 1.

**Table 1** Relevant objectives and standards from BADs

Clause	Objective	Standard
58.03-2 Communal open space	To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development	Standard D7: Communal open space should: - Provide outlook for as many dwellings as practicable - Avoid overlooking into habitable rooms and private open space of new dwellings
58.05-1 Accessibility	To ensure the design of dwellings meets the needs of people with limited mobility.	Standard D17: At least 50 per cent of dwellings should have: - A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom. - A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area. - A main bedroom with access to an adaptable bathroom. - At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.

58.07-3 Windows	To allow adequate daylight into new habitable room windows.	<p>Standard D26:</p> <p>Habitable rooms should have a window in an external wall of the building.</p> <p>A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.</p> <p>The secondary area should be:</p> <ul style="list-style-type: none"> <li>- A minimum width of 1.2 metres.</li> <li>- A maximum depth of 1.5 times the width.</li> </ul>
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#### 4.4 Building height and setbacks

**(i) The issues**

The issues are:

- the height increase allowed under the Amendment
- the proposed height and setbacks of the development.

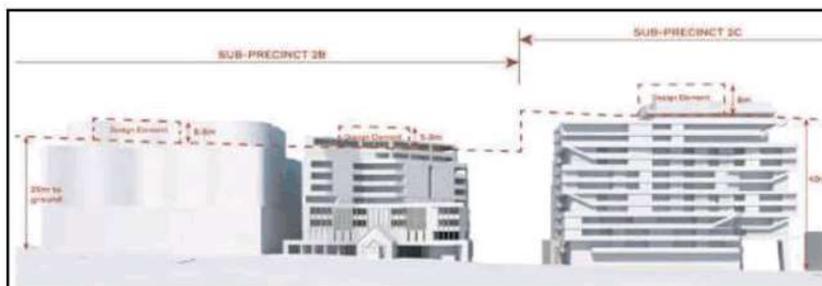
**(ii) Evidence and submissions**

The rationale for the Amendment is to regularise a ‘dip’ in the allowable heights along Doncaster Road. The Officer’s Report in the Council Minutes dated 23 February 2021, at which Council resolved to seek authorisation to prepare and exhibit the Amendment, stated:

The Proponent contends the current height controls in the ACZ1 will cause a dip in the built form along the southern side of Doncaster Road, restricting potentially desirable built form outcomes and resulting in poor urban design. The dip refers to the Site having lower relative maximum building heights than is achievable for the properties either side of it fronting Doncaster Road.

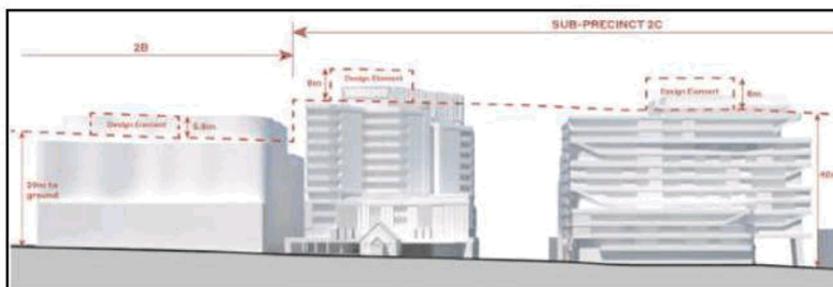
This dip is illustrated in Figure 6. The height increase proposes to address the dip, as shown in Figure 7.

**Figure 6 Subject site under current controls (sub-precinct 2B)**



Source: Council Minutes dated 23 February 2021

**Figure 7** Subject site with proposed amendment (inclusion in sub-precinct 2C)



Source: Council Minutes dated 23 February 2021

The request for the Amendment was accompanied by an Urban Design Assessment prepared by Ethos Urban on behalf of the Proponent. The study included an analysis of the vision and objectives for the Doncaster Hill Activity Centre, the urban design context, constructed and approved developments in the vicinity of the site, and the built form envelope on the site.

The Ethos Urban study argued that the increased height would facilitate a more coherent streetscape presentation to Doncaster Road, with the summit of the built form profile moving east with the topography of the ridgeline. Ethos Urban also considered that the height increase would have no greater visual dominance in the Doncaster Road streetscape or skyline profile – it merely avoids the dip that would occur if the existing controls are retained.

Several submissions raised concerns in relation to the proposed increase in height. As noted in Chapter 3.1, the Magnolia residents submitted that the Doncaster Hill Strategy sets a mandate and standards for development in the Activity Centre, which they relied on when making decisions to purchase their apartments and it would be unfair to now increase the height limit on the site. Submitter 6 was concerned about the impact of overshadowing that may be experienced on their property in Hepburn Road to the east of the site. Overshadowing is addressed in more detail in Chapter 4.6.

Others raised concerns about the increase in height in the context of the increased densities that it would allow, rather than opposing the height per se. For example, Submitters 21 and 23 stated:

The proposed amendment increases building height (from 29 metres to 40 metres) by close to 40%. The developers will also propose reduced parking requirements. Residents are already concerned with PLN20/030. To almost double the building density ignores residents' concerns with traffic, health and noise.

The Proponent submitted that the increased height was justified given the evolution of housing and activity centre policy and the change in built form in the Activity Centre since the Doncaster Hill Strategy was last updated:

... the Doncaster Hill Strategy that underpinned the current ACZ1 controls now dates back to 2002 (revised in 2004) and where there has been considerable change that has occurred in the Activity Centre over the last 20 years and the development of a number of high-rise buildings. In addition, State Government strategies including Plan Melbourne and the current policy directions at a state level have continued to emphasise the key strategic imperatives for intensification, updated projected population forecasts and housing demands being greater than originally anticipated and the importance of delivering housing growth in key locations such as this.

The Proponent called urban design evidence from Catherine Heggen, who considered the design responds well to the Doncaster Hill Strategy and offers a good approach to the slope of the land. Ms Heggen supported the increase in heights, stating:

... the proposed precinct boundary change would result in an appropriate outcome within this part of Doncaster Road and can be achieved without detracting from the overall approach to building height within Doncaster Hill, the activity centre skyline or the amenity of surrounding land.

She considered the design of the proposed building:

... achieves a coherent streetscape presentation to Doncaster Road and will contribute to the achievement of the building height objectives of the Doncaster Hill Strategy of a gradual reduction of building height when moving from the heart of the activity centre to the lower scale residential neighbourhoods further east and south of the site at the edges of the ACZ1.

Ms Heggen was asked as whether the height transition could be accommodated in the middle of a street block rather than the transition occurring at the street boundary (Short Street). She acknowledged that the use of a street block to transition heights was common, but stated that it was not uncommon for the transition to occur mid-block. Her opinion was that in this case, the location of the site, its topography, and its relationship to the Activity Centre supported a mid-block transition.

Council supported the increase in height. The Council Minutes dated 24 August 2021, at which Council considered submissions, stated:

The proposed realignment of sub-precinct boundary 2C ... to allow for additional building height will address this built form disparity and provide for an improved and desirable built form outcome along Doncaster Road.

In respect to the height of the building, the design element at the upper levels is considered to add visual interest to the prominent corner site on the intersection of Short Street and Doncaster Road.

Council's Part B submission stated:

In this case, the Proponent has put forward reasons why the building height for the Subject Land should be increased. Council has listened to, and tested, these arguments and has been persuaded that in this case some change to the ACZ1 is appropriate and justified. While it is important for the Scheme to provide certainty for developers and the community, Council is also cognisant that the Scheme is not 'set in stone'. It is important to recognise that the Scheme is a dynamic instrument that is regularly changed, updated and amended. This is part of the Council's role as a planning authority.

Council called urban design evidence from Professor McGauran of MGS Architects, who have been engaged by Council to undertake the review of the Doncaster Hill Strategy. Professor McGauran supported the proposed height increase. His evidence was that the changes would result in a built form that would better frame the gateway of Short Street with a development of equal scale to that permitted on the eastern corner (666 Doncaster Road), to balance the street entry and expression. He stated:

I am persuaded that there is sound logic in framing Short Street with development of similar scale to both sides of the street and with complementary street wall podium, tower scale and setbacks.

This broader strategy for built form and street definition for the emerging neighbourhood represents a well-considered response to land use, identity, and interfaces in my view.

Professor McGauran considered proposed development in detail. In relation to height and massing, he stated:

The position of the larger built form towards the Doncaster Road frontage is supported as a strategy.

The siting of the building to provide for setbacks and substantial transitioning down to the Hepburn Road interface is supported.

The creation of a podium expression in brickwork and masonry, the development then of a middle ground form expressive of the commercial/community activities of the middle levels and capping with an apartment building with consideration of a top and middle expression is also supported as a way of breaking the site down into a series of forms and street responses.

In relation to setbacks, Professor McGauran noted that the proposed development meets and in some cases exceeds the setbacks required under the ACZ1, including the revised front tower setbacks if the Amendment were to be approved. He considered that the proposed setbacks at ground and upper levels were appropriate.

### **(iii) Discussion**

The site's location within the Activity Centre, its topography, and its close proximity to high quality and high frequency transport routes and other services make it a suitable candidate for high density housing. As discussed in Chapter 3, there is strong policy support at both State and local levels for providing high density housing and more intensive forms of development in this location. That said, increasing the development potential of the site (by increasing the height limit) must be balanced against other policy considerations relating to good urban design outcomes, a high quality public realm and impacts on amenity.

The Panel agrees with the Proponent's Urban Context and Design Response Report dated 19 October 2020 (prepared by Hollerich Town Planning and exhibited with the application material) which succinctly explains the rationale of the proposed heights and setbacks. It states at pages 12, 13 and 18:

Most buildings present a podium and tower form with podium heights being varied due to the topography of the land. The tower component of buildings is generally setback from all boundaries, with setbacks in the range of 4.5 metres generally provided from neighbouring properties to allow for equitable development ...

Doncaster Road is located at the top of the hill with land sloping down to the north and south. ... It is noted that the subject site is located in a depression, with the natural ground levels lower than properties to the east and west ...

The overall height and form of the development seeks to contribute to a coherent streetscape presentation along Doncaster Road. ... the built form sits comfortably between the two approved buildings to the east and west. In this manner the development will contribute to the achievement of built form that emphasises the Doncaster Road ridgeline.

On its site inspection, the Panel paid close attention to the relationship of the site to the land and its topography, immediate context, adjoining properties and other features (including the proposed park in Hepburn Road). The Panel reviewed the documentation and examined the other areas and built form examples as noted by submitters.

Both the amended planning controls and the proposed development focus the taller built form along Doncaster Road to reinforce the character of the Activity Centre and mark the Short Street intersection as a 'gateway' opening to the commercial parts of the Activity Centre to the north of Doncaster Road. The heights then step down the site toward Hepburn Road, following the slope of the land and respecting the more traditional low rise residential hinterland to the south.

The Panel considers the increase in height on the northern part of the site will deliver improved urban design outcomes. It agrees with Ms Heggen and Professor McGauran that the increase will address the dip in the Doncaster Road skyline, and will allow a more balanced framing of the Short Street intersection. The proposed development (at 17 storeys) will be taller than the 13 storey development approved at 666 Doncaster Road, but will appear similar in scale due to the topography of the ridgeline, and will present a more consistent and harmonious skyline in this section of Doncaster Road (as can be seen in Figure 7).

The Panel agrees with the experts that the distribution of the height across the site is a sensible response to the site's location and topography, and is consistent with the Doncaster Hill Strategy and the Precinct 2 objective that direct taller built form be located along the ridgeline, with height stepping down toward the residential hinterland.

The Panel anticipates that the increase in height will be more perceptible from the south (including when viewed from the Magnolia Apartments) than when viewing the development from the north along Doncaster Road. However the increase is supported by policy and is strategically justified (see Chapter 3). The Panel does not consider that it will result in an unreasonable loss of amenity in the residential areas to the south, including the Magnolia Apartments.

The setbacks of the tower, and its 'cranked' orientation, will present visual interest along the Doncaster Road frontage and open up the entry to Short Street. The setback of the tower from Hepburn Road is generous and provides an appropriate separation to the lower scale of the more conventional residential hinterland to the south of Hepburn Road.

The proposed setbacks meet the requirements of the ACZ1, including the requirement for an increased setback of the tower element as a result of the Amendment. The Panel is satisfied that the setbacks (including along the eastern boundary of the site) broadly provide for an equitable-based high density development, and do not limit development potential on neighbouring properties.

#### **(iv) Conclusion**

The Panel concludes:

- The proposed height increase (and the height of the proposed development) will result in an acceptable planning outcome and improved urban design outcome, and are supported.
- The proposed setbacks are appropriate, and meet the requirements of the ACZ1.

## **4.5 Bulk, mass and form**

### **(i) The issue**

The issue is the bulk, mass and form of the proposed development.

### **(ii) Evidence and submissions**

Several written submissions (predominantly from the Magnolia residents) raised concerns within the scale and mass of the building and objected to the impact of the larger scale of building that would be allowed if the Amendment were approved, particularly when viewed from their apartments.

Ms Heggen's evidence was that the scale and massing of the proposed development responds appropriately to its context:

... the composition of the building is a well resolved response to the design challenges presented by the site's varied interfaces, the steeply sloping ground levels and the need to accommodate the functional requirements of a variety of activities. It established a legible podium base to the building that responds to the varied street interfaces. The podium shaping across the northern elevation allows the retained church to maintain a prominence within Doncaster Road, whilst at the same time expresses the internal functions with finer grain townhouses that address Short Street and Hepburn Road and a unified treatment to the community uses that sit above the Doncaster Road level.

Further to this, Ms Heggen presented additional evidence with a corridor study map and various street view photographs talking to the built form of the proposed development in relation to the comparative urban context of Precinct 2.

Council responded to the concerns raised by the Magnolia residents:

Council considers that the visual impact on these apartments needs to be considered having regard to the activity centre context of that property and the Application Land. Further, the location on the Subject Land where the additional height will be located is generally to the north of the Magnolia apartments as opposed to being directly opposite that building. This physical relationship between the additional height on the Application Land and the Magnolia apartments assists with minimising the visual impact from the additional height.

Professor McGauran's evidence was:

I am satisfied that the proposed expression and massing of the built form to the Doncaster Road frontage successfully frames the existing retained Church, establishes an appropriately human scaled street wall podium and in its upper-level form and siting and successfully transitions between the lower eastern development and taller western scale.

The raking north-western corner treatment of the tower is generous in its opening up of the street gateway to Short Street.

The Officer's Report in the Council Minutes dated 23 February 2021 described the neighbourhood as follows:

The neighbourhood is within the Doncaster Hill Major Activity Centre. Characterised by large, mixed-use commercial and residential developments, the most intensive developments in the municipality are located in this vicinity. Development has occurred on larger lots or on consolidated holdings to maximise development potential.

The Proponent's Urban Context and Design Response Report states:

The built form sits comfortably between the two approved buildings to the east and west. In this manner the development will contribute to the achievement of built form that emphasises the Doncaster Road ridgeline.

### **(iii) Discussion**

As noted in Chapter 1.1(ii), the site sits in an Activity Centre, in an area where a number of substantial developments have been recently approved or constructed. The bulk, mass and form of the proposed development must be considered in this context.

The Panel agrees with the expert urban design opinions from Ms Heggen and Professor McGauran that the built form and massing is site responsive and appropriate to its context. In particular, they supported the podium detailed in brick and masonry and the tower form set well back from Hepburn Road and that stepped away from Doncaster Road at the upper levels. Ms Heggen

further noted the site faced due north and the building's orientation adequately considered solar access principles.

**(iv) Conclusion**

The Panel concludes:

- The built form and massing of the proposed development is site responsive and appropriate to its context.

## 4.6 Overshadowing

**(i) The issues**

The issues are the impact of overshadowing to:

- the proposed park in Hepburn Road
- adjoining properties.

**(ii) Evidence and submissions**

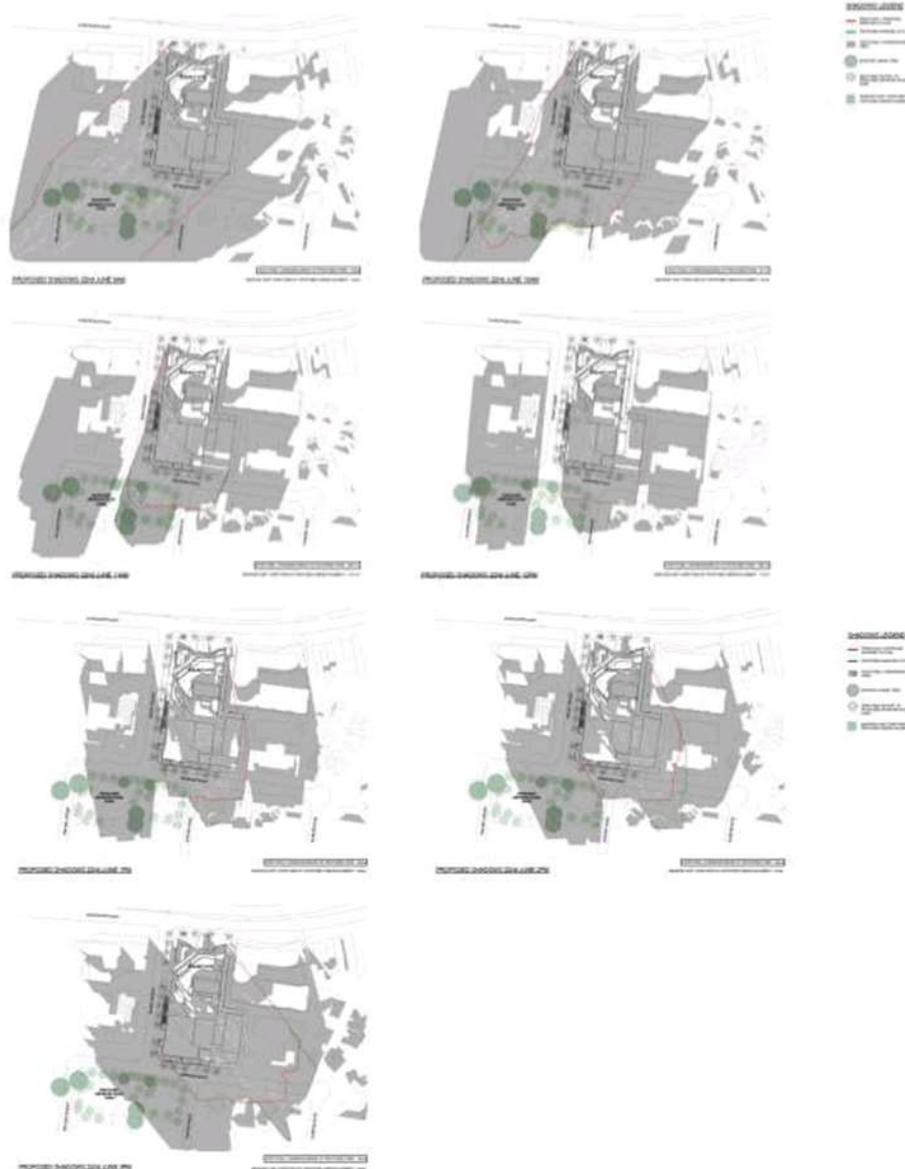
Council acknowledged that the increase in height on the northern part of the site would increase the overshadowing impacts on the surrounding area, including the proposed park on Hepburn Road. The Officer's Report in the Council Minutes dated 23 February 2021 stated:

One potential impact from additional building height is increased overshadowing. An assessment of the overshadowing impacts on the Hepburn Reserve, to the south of the Site, by the Proponent, indicates that no additional shade will be cast onto the Reserve at the equinox. However some additional overshadowing will occur there at the solstice, but this is less than the overshadowing generated by the apartment building at 20 Hepburn Road approved under Planning Permit PL11/021760 [the Magnolia Apartments].

Ms Heggen considered the shadow implications of the development in some detail. She referred to diagrams prepared by the Proponent's architects showing shadow on the proposed park in Hepburn Road from 9am to 3pm at the winter solstice (see Figure 8 below). She acknowledged that the development will cast some additional shadow on the park at the winter solstice, but regarded this as an acceptable outcome. She noted that the shadow cast by the proposed development would be substantially less than the shadow cast by the Magnolia Apartments, and stated:

Further to this, I consider this impact is acceptable given there will always be a part of the park in sunlight through the middle part of the day on the shortest day of the year. Shadow diagrams prepared for the spring equinox (22nd September) confirms that there will be no overshadowing of the proposed park either by the approved development or by the subject proposal.

Figure 8 Shadow analysis of impact on Hepburn Road park (prepared by Proponent’s architects)



Source: Attachment to the Proponent’s submission (Document 16)

Submitter 6 raised concerns relating to the impact of overshadowing that may be experienced on the adjoining property in Hepburn Road (the Hepburn apartments). Submitter 5 submitted:

Short Street will have a dark tunnel appearance in daylight hours as well as night time.

**(iii) Discussion**

As discussed in Chapter 4.4, the proposed Amendment offers a greater consistency of built form and skyline along this section of Doncaster Road. The increased height will, however, have implications in terms of additional off-site overshadowing impacts.

The public realm objectives in the ACZ1 look to “ensure public spaces are minimally impacted by overshadowing” and to “facilitate the enjoyment of public urban space ...as not being excessively overshadowed”. The ACZ1 requires that Design Elements should not cast additional shadow on adjacent and nearby properties and public spaces at 12noon on 22 June.

The Proponent’s shadow diagrams were discussed at length at the Hearing. The 22 June diagrams shown in Figure 8 demonstrate that there will be some overshadowing to the proposed park. However the shadows are largely cast by the main built form elements (the podium and tower), rather than the Design Element which only casts a very small sliver of shadow (only a few square metres) on the proposed park at 12noon on 22 June.

The shadow control in the ACZ1 is a discretionary control. It does not *prohibit* any shadow cast by a Design Element on public open space on 22 June. In the context of the precinct objectives and built form outcomes sought under the ACZ1, the Panel considers that the very small amount of additional shadow cast by the Design Element on the Hepburn Road park at 12noon on 22 June is an acceptable outcome.

Figure 8 shows the impact at the winter solstice, which is a worst case scenario. The shadow diagrams demonstrate that no additional overshadowing of the park would occur on the September equinox, from either the Design Element or the podium or tower. Further, the proposed development will have a considerably lesser impact on overshadowing across the park than that of the Magnolia Apartments.

Short Street will be overshadowed in the morning, although the shadow has largely passed by 11am. The shadow is cast by the podium and tower, not the Design Element. It was noted at the Hearing that Short Street would have been overshadowed in the morning by the development allowed under the Existing Permit, irrespective of the proposed height increase.

The shadow diagrams demonstrate that on 22 June, there will be some overshadowing of the adjoining properties located to the east of the site, and properties on the south side of Hepburn Road. However these shadows are all cast by the podium and tower. The Design Element does not cast any additional shadow on adjacent and nearby properties.

The directly adjacent property at 8-12 Hepburn Road is a 5 storey apartment development known as the Hepburn Apartments. Based on the aerial view in Figure 1, this development has two internal courtyards, one of which would be shadowed by the development from 2pm and both from 3pm. The Panel considers it likely that these courtyards would be shadowed by the built form on that site in any event. The impact of the overshadowing to 6 Hepburn Road further to the east is minimal, with shadow cast only after 3pm on 22 June, and only to the front garden of the first unit.

Shadowing of the properties on the south side of Hepburn Road will be more substantial, although parts of the private open space areas on each of these properties will continue to receive direct sun throughout the period of 10am to 3pm on 22 June. Some of this shadow would have been cast by the development permitted under the Existing Permit.

On balance, the Panel considers that while the extent of shadow cast on these properties is significant, it is acceptable given the Activity Centre context, the built form expectations set by the ACZ1, the slope of the land, and the stepped formation of the proposed development which reduces the extent of shadow cast by the southern section of the development. The shadow is not cast by the Design Element, so the shadows do not offend the requirement in the ACZ1.

**(iv) Conclusions**

The Panel concludes:

- The overshadowing caused by the proposed development on the public realm (including the proposed park in Hepburn Road) and adjacent and nearby properties largely meets the requirements of the ACZ1.
- The overshadowing impacts are acceptable given the site's context.

## 4.7 Internal amenity

**(i) The issue**

The issue is the extent of shadow cast on the apartments facing into the internal courtyard on Level 6.

**(ii) Evidence and submissions**

As noted in Chapter 4.2, the U-shaped tower has an internal landscaped courtyard on Level 6 that faces east. The courtyard width is 10 metres. The courtyard is shown in Figure 9 (north is to the left of the figure).

The courtyard is shown on the plans with landscaping and walking paths. However, the courtyard is not intended for use as communal open space. A notation on Drawing TP208 (the Level 6 plan) indicates that the courtyard is only accessible for maintenance (see Figure 9).

Ms Heggen's evidence was that the courtyard offers a 'biophilia design approach' and provides a pleasant aspect and outlook from the courtyard facing apartments on Levels 6 to 14, adding to the internal residential amenity of the proposed development. Her conclusion was:

I consider that subject to the exhibited permit conditions and the additional recommendations I have made below will mean that the proposal will deliver a high quality living opportunity to new residents and will not unreasonably impact on amenity conditions of other existing dwellings.

Ms Heggen indicated that while she is not a landscape architect, she believed a tropical style garden could survive in full shade and provide a lush and attractive outlook for the surrounding apartments.

Figure 9 Level 06 courtyard with U-shaped tower configuration



Source: extracted TP208 – Level 06 (prepared by DesignInc.)

Professor McGauran raised concerns about the impact of shadow on the courtyard facing apartments. He thought this impact could be improved by “modest erosions” to Levels 14 and 15 that would improve direct sunlight access into the void in the U-shaped tower. His evidence was:

The courtyard shadow diagrams indicate that the north facing south side apartments enjoy sun access only to apartments in the top third of the development. It was my view that this was an unfortunate outcome that could be mitigated through some modest erosion of upper-level form to the north of the courtyard at levels 14 and 15 that would result in more than 50% of these apartments receiving more than 1 hour of sunlight at the Equinox between the hours of 9am and 3pm. I remain of this view that in a development that relies on the courtyard for the amenity of dwellings both to the north and south, that the earlier recommendations remain my preference.

His recommended erosions to Levels 14 and 15 are set out in his Recommendation 1:

- at Level 15, delete Apartment 15.06
- at Level 14, substitute the footprint for Apartment 15.06 in lieu of Apartments 14.12, 14.13 and 14.14.

The Proponent opposed Professor McGauran’s Recommendation 1, noting that it was not supported by Ms Heggen or by Council officers. Professor McGauran had made the recommendation in advice to Council on a previous set of drawings dated October 2020. Those plans were amended prior to exhibition to face the end apartments east rather than into the courtyard. This resulted in an increased number of apartments receiving direct sunlight, and an increase in the proportion of apartments receiving direct sunlight to balconies when compared with the Existing Permit. The Proponent submitted:

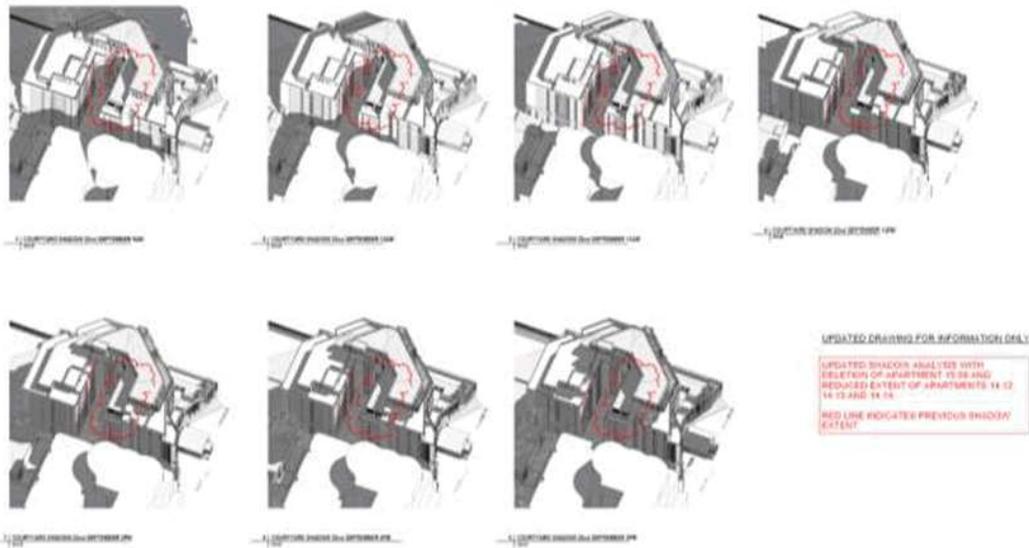
Upon assessing these updated plans, Council officers (accepted by the Council) formed that view that the recommendation by Rob McGauran to delete apartment 15.06 and combine apartments 14.12, 14.13 and 14.14 was not warranted. The Proponent supports the Council's officers assessment in this regard when the officer commented:

- The assessment of the internal shadow diagrams of the courtyard and the recommended deletion of 3 apartments (on the northern side of the tower courtyard) to improve the sunlight access into the tower courtyard, found that the modification would benefit 3 additional apartments (providing sunlight to their private open space balcony).
- Given the scale of these types of high density developments, there will generally always be some apartments that do not have the optimal orientation and direct access to natural light.
- Given there is no specific requirement or Standard for the provision of access to direct sunlight to a number/percentage of a development/dwellings, given the low proportion of apartments which do not receive direct sunlight, and given the recommended deletion of the 3 apartments would provide the direct sunlight benefit to on 3 additional apartments; the recommended modification is not considered justified.

The Proponent produced updated shadow diagrams showing the extent of additional apartments that would receive direct sunlight if Professor McGauran's Recommendation 1 was implemented (see Figure 10 below). These updated shadow drawings were considered by Ms Heggen, who did not support Professor McGauran's Recommendation 1 on the basis that it only delivered minimal additional direct sunlight access to very few apartments.

Council submitted that while it agreed that Professor McGauran's recommendation sought to address a legitimate planning consideration, would improve the amenity of these apartments and would benefit the overall development, it has decided that the change is not required. It considered that the change made prior to exhibition, that reorientated the apartments at the eastern ends of the building to face east rather than looking into the courtyard, resulted in an acceptable outcome.

Figure 10 TP307 courtyard shadows – improved sunlight access with McGauran Recommendation 1



Source: Extract from the Drawing TP208 (prepared by DesignInc.)

Questions were put to both Professor McGauran and Ms Heggen in relation to the shadow cast on the Level 6 internal courtyard and the courtyard facing apartments. They noted that the impact of

internal overshadowing was a common industry challenge, and that on most sites – particularly those with a smaller north facing frontage – some internal overshadowing generally cannot be avoided.

**(iii) Discussion**

The shadow diagrams in Figure 10 show that the Level 6 courtyard would remain in full shade throughout the day at the September equinox, even if Professor McGauran’s Recommendation 1 were adopted. The Panel accepts that this is not inconsistent with the intended role of this space as providing aspect and outlook rather than useable communal open space.

The Panel accepts that if Professor McGauran’s Recommendation 1 is adopted, there will be an hour of direct sunlight provided to what appears to be three apartments on the upper levels at the September equinox. While this will have some benefit for the internal amenity of those three apartments, the shadow diagrams in Figure 10 show that more than half of the apartments facing the courtyard would remain in full shade throughout the day on the September equinox.

BADS contains no specific requirement or Standard for direct sunlight access to apartments. Perhaps this reflects the difficulties of orienting higher density multi-level residential developments to ensure direct sun access to all dwellings.

The Panel was not persuaded that the benefit provided by the erosion of built form on Levels 14 and 15 is worth the loss of three apartments. On balance, the Panel agrees with the Proponent and Council that the modification is not justified.

**(iv) Conclusion**

The Panel concludes:

- The minor benefit of achieving a small amount of direct sunlight access to three upper level courtyard facing apartments does not justify the loss of three apartments on Levels 14 and 15. On balance, the Panel does not support Professor McGauran’s Recommendation 1.

## 5 Heritage

### 5.1 The issues

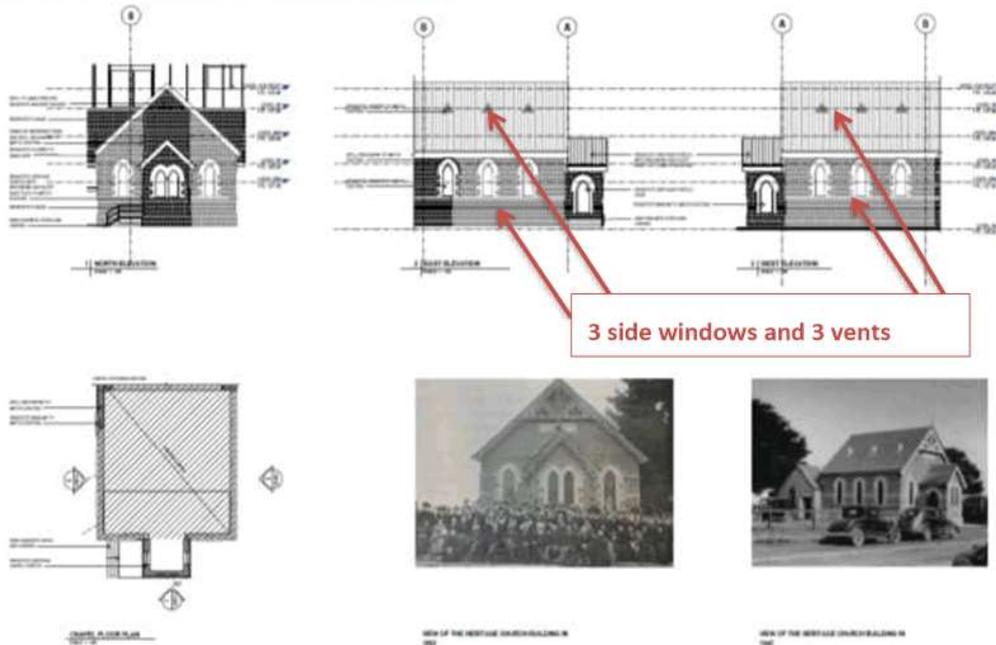
The issues are whether the significance of the heritage place (the chapel) will be adversely affected by:

- the extent of demolition proposed
- the proposed new works.

### 5.2 What is proposed?

The Proponent’s application material included plans prepared by Design Inc. demonstrating the restoration and conservation of the chapel, including the reinstated front portico and restoration works to both the east and west elevations, each of which has three side windows and three air vents.

Figure 11 TP601 (TP7) chapel alterations details



Source: Proponent’s Chapel alterations details (prepared by Design Inc) with annotations by the Panel

Mr Raworth’s heritage evidence provided a number of useful historical images of the chapel, showing what it was like before the alterations over the past few decades. One of these images is extracted as Figure 12, with explanatory annotations from the Panel.

Figure 12 Original character (with Panel annotations)



Figure 2 c.1913 view of the Doncaster Church of Christ showing the original character of the Doncaster Road (north) facade including the entry porch and projecting eaves with decorative timberwork. The site was then enclosed from Doncaster Road by a timber picket fence. The original timber chapel (repurposed as a hall) is partially visible behind the church at far left. Source: State Library of Victoria.

Source: Mr Raworth's evidence, with Panel annotations

### 5.3 Relevant considerations

#### (i) State and local heritage policy

As noted in Chapter 2.1, Clause 15.03 (Heritage Conservation) has the objective of ensuring the conservation of places of heritage significance. It includes the following strategies:

- Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.
- Encourage appropriate development that respects places with identified heritage values.
- Retain those elements that contribute to the importance of the heritage place.
- Encourage the conservation and restoration of contributory elements of a heritage place.
- Ensure an appropriate setting and context for heritage places is maintained or enhanced.
- Support adaptive reuse of heritage buildings where their use has become redundant.

Council's local heritage policy is contained in Clause 21.11. It has the objective of enhancing cultural heritage through the retention and protection of significant buildings. Strategies include:

- Discourage the demolition and destruction of heritage places.
- Encourage the retention of heritage fabric in development proposals.

- Encourage initiatives that preserve and enhance Manningham's cultural heritage.

**(ii) Heritage Overlay**

The purposes of the Heritage Overlay are set out in Chapter 2.3(ii).

**(iii) The Burra Charter**

The Australian ICOMOS Charter for Places of Cultural Significance (the Burra Charter) is a set of principles that have been adopted to create a nationally accepted standard for heritage conservation practice in Australia. It defines the basic principles and procedures to be followed in the conservation of heritage places, and is referenced in the Planning Scheme. It states:

**Article 22. New work**

22.1 New work such as additions or other changes to the place may be acceptable where it respects and does not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation.

22.2 New work should be readily identifiable as such, but must respect and have minimal impact on the cultural significance of the place.

## 5.4 Evidence and submissions

The Proponent submitted that the proposal secures the long term conservation and protection of the only building of heritage significance (the 1880s brick chapel), and preserves and secures the ongoing religious association with the site. It submitted that the new built form has been sensitively designed to complement the heritage fabric, with the podium angled to 'embrace' the chapel while providing 'breathing space' around it.

The Proponent called independent heritage evidence from Bryce Raworth, who noted that the chapel forms part of a small cluster of remaining late nineteenth century buildings along this part of Doncaster Road that includes the former Shire Offices and Doncaster Primary School, reflecting the nineteenth century civic development of this part of what was then a rural locality. The citation for the church complex in the City of Doncaster and Templestowe Heritage Study confirms that the later additions to the chapel have no heritage significance, and in fact indicates that the significance of the chapel is "*spoiled by the offending alterations*". His opinion was:

As a long standing place of worship and focus for community activity, the church complex might be seen to be of some social significance at a local level. This said, the social significance associated with the post-1956 additions is not, in my view, sufficient to warrant their retention, and remains appropriately represented by the original, restored church under the present proposal.

In relation to the impact of the new built form on the retained and restored chapel, Mr Raworth's evidence was:

While the 1889 church will be seen against a built form of substantial scale, it has been afforded positive 'breathing space' to either side and to the rear sufficient for it to retain a degree of prominence within the site, notwithstanding its diminutive scale. It also sits well forward on the site of the built form that extends to either side, which is set back from the street frontage. This will also assist in maintaining the discrete prominence of the 1889 church in terms of views to the site from Doncaster Road.

Mr Raworth noted that the podium has essentially the same form as that approved under the Existing Permit, suggesting that the impact of the podium on the chapel was regarded as acceptable at that time.

Council supported the proposed development from a heritage perspective. It acknowledged that its Heritage Advisor did not support the Permit Application in terms of the height of the proposed building, but raised no concerns about the extent of demolition or the design, layout or setbacks of the podium, that has the most direct interface with the heritage chapel. Council submitted:

... while the advice from its Heritage Advisor is an important piece of technical advice, it was not determinative of a planning decision on the Application. Indeed, the Council officer's assessment of the Application by virtue of the wide ranging matters to be considered, included a fulsome assessment of the advice and the broader planning considerations before arriving at an integrated planning decision [which supported the Application].

Professor McGauran (who is not a heritage architect, but has worked with a number of heritage buildings) considered that the setbacks of the new development to Doncaster Road were *"enhanced and balanced"* and *"align with the objectives of the Heritage Overlay to give space and focus to the remnant restored Chapel on the site"*. He stated:

The configuration of the proposed Church with the primary gathering forecourt and breakout areas to the northern interface are supported as a logical approach. Whilst the modest historic building has more constrained capacity, the inclusion of an auditorium, flat floor space and meeting rooms in combination with hospitality facilities, together create a hub facility that will make a very worthwhile contribution to community life in the precinct.

While heritage impacts was not a strong theme in submissions, Submitter 4 raised concerns about the impact of the proposed development on the retained heritage building, stating:

Protecting more of the church and expanding its overall size into the new development would display some considered and careful planning ...

## 5.5 Discussion

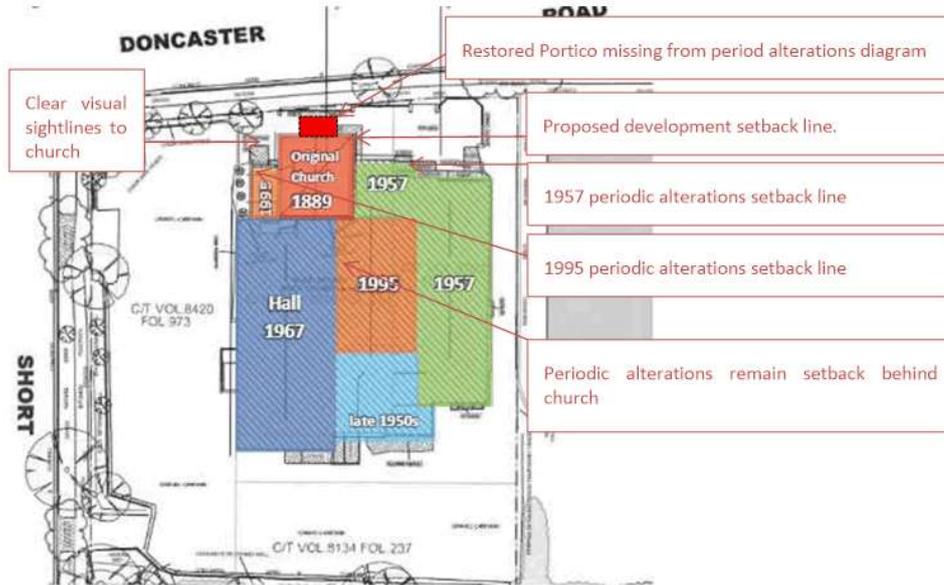
The Panel recognises the importance of the existing chapel. As a key built form node to the establishment of Doncaster village (prior to the turn of the century), the chapel offers a culturally significant contribution to understanding the urban growth of Doncaster. The chapel is one of a cluster of buildings that embody a longstanding significance and cultural built form value dating back to the 1800s. Over the decades the chapel has continued to remain an important part of Doncaster's history.

Council and the experts agreed that the extent of demolition was appropriate. The only parts to be demolished are the alterations and additions dating from the late 1950s (refer to Figure 13 below). The Panel accepts Mr Raworth's evidence that these do not contribute to the 1889 chapel's cultural or historic significance, which was confirmed by the Panel's observations on its site visit.

That said, the Panel observes that the current additions offer a respectful gesture to the original chapel, in that they are setback at least one-third of the depth of the chapel, or are sited behind the chapel in a respectful way. Further, the western corner of Doncaster Road and Short Street opens up a clear sightline to the chapel, maintaining it as a focal point along Doncaster Road, particularly when approaching from the west. These setback lines and view lines are noted on Figure 13 with the Panel's annotations.

This is in contrast to the proposed development. The angular form of the podium brings the eastern and western extents of the podium building line much closer to the building line of the existing chapel front. This is also marked on Figure 13 with the Panel's annotations.

Figure 13 Extent of demolition proposed (with Panel annotations)



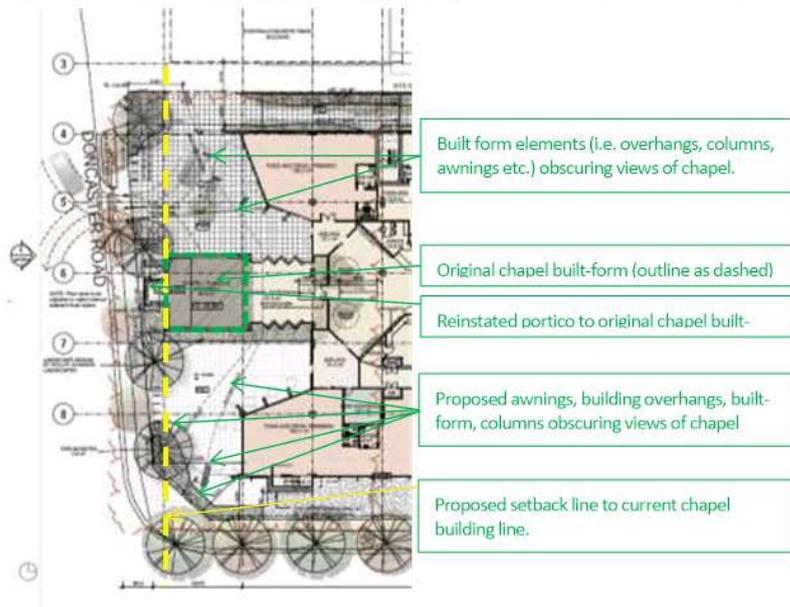
Source: Mr Raworth’s evidence with Panel annotations

The Panel recognises the chapel is proposed to be respectfully restored, which the Panel fully supports. The Panel also recognises that the angular form of the podium represents a respectful design gesture by ‘embracing’ the chapel and providing ‘breathing space’ immediately around it. However, the Panel is concerned that the scale and proportions of the new development may be overbearing compared to the original structure. Further, the Panel is concerned that the new building will obscure views to the chapel from certain vantage points, particularly from the south side of Doncaster Road when approaching from the west. The Panel’s concerns are outlined in the green annotations in Figures 14 to 17 below.

The chapel currently has a commanding presence on the site. Notably, several built form elements (including the side windows and vents) of the original chapel are visible both from the east and west on approach to the site along Doncaster Road. The Panel is concerned that once the new built form is constructed, it may be difficult to fully appreciate the restoration works proposed, as the chapel will be ‘tucked away’ and obscured such that the three windows and vents on each side will only be clearly visible from the forecourt areas in front of the podium, or from the north side of Doncaster Road close to the site.

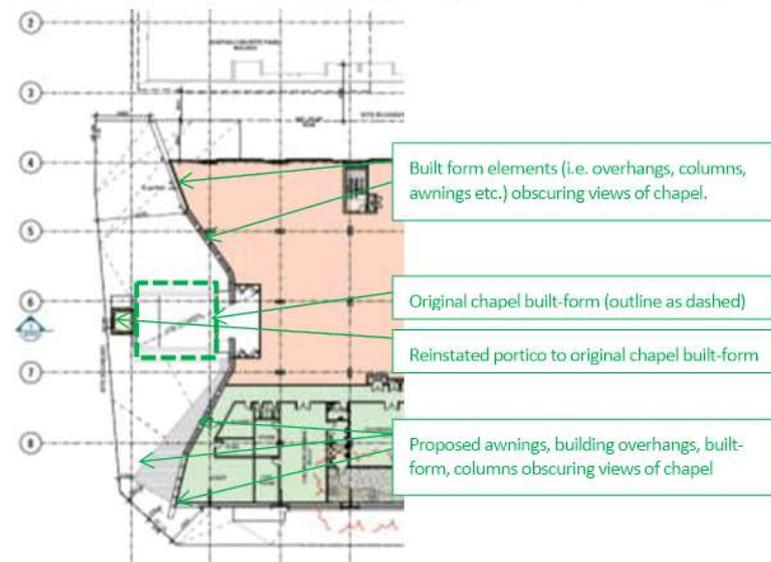
Further, the chapel plays an important role in the cultural significance of the site and the greater Doncaster Hill area. The Panel is concerned that obscuring visual sightlines to the chapel from the south side of Doncaster Road has the potential to compromise the understanding of the chapel’s significance to the public realm in terms its relationship with the surrounding cluster of historic buildings.

Figure 14 Elements of the new building that may overwhelm or obscure views of the chapel (1 of 4)



Source: Partial extract of Drawing No. TP206 (prepared by DesignInc.) with Panel annotations

Figure 15 Elements of the new building that may overwhelm or obscure views of the chapel (2 of 4)



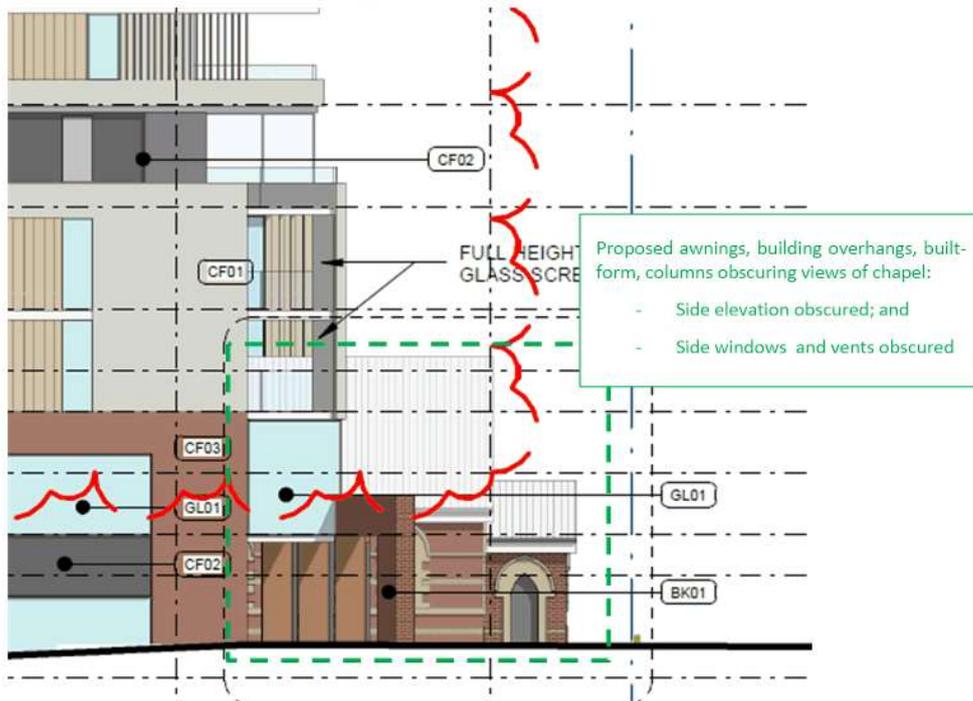
Source: Partial extract of Drawing No. TP207 (Prepared by DesignInc.) with Panel annotations

Figure 16 Elements of the new building that may overwhelm or obscure views of the chapel (3 of 4)



Source: Partial extract of Drawing No. TP404 – Key Elevation - West (Prepared by DesignInc.) with panel annotations

Figure 17 Elements of the new building that may overwhelm or obscure views of the chapel (4 of 4)



Source: Partial extract of Drawing No. TP401 – Key Elevation - East (Prepared by DesignInc.) with Panel annotations

At the Hearing, the Panel raised its concerns with Mr Raworth about the new built form obscuring the chapel from view from along Doncaster Road. The Panel specifically asked Mr Raworth whether he considered that the new development 'respects and does not distort or obscure the cultural significance' of the chapel, as provided for under the Burra Charter. His response was that he felt the design had respectfully considered the significance of the chapel, but he agreed that the new development would partially obscure the view of the chapel.

While the expert witnesses noted the angular design of the podium as a 'logical' approach that respects and embraces the heritage chapel, the Panel considers that a better outcome would be achieved if greater visibility of the chapel's side elevations were achieved from both the east and west approaches along Doncaster Road. Not only will this allow better views of the chapel itself and a better appreciation of the restoration works to be undertaken, it will allow a better appreciation of the chapel's role and relationship with the remaining cluster of heritage buildings.

This will require consideration of modifications to the Doncaster Road frontage of the podium, specifically:

- increasing the setback line for the eastern and western extents of the podium – consideration should be given to setting back the building line of the new built form to align with the rear (southern) wall of the chapel, and/or
- reviewing the placement of awnings, canopies and overhangs to create better sightlines to the chapel's side elevations.

While these modifications will result in some design changes to the podium's Doncaster Road facade, the Panel does not consider that they are so significant that it would be inappropriate to deal with them by way of alterations to the plans under condition 1 of the permit.

## 5.6 Conclusions and recommendation

The Panel concludes :

- The design of the Doncaster Road frontage of the podium should be reviewed to consider ways of improving sightlines to the chapel from the eastern and western approaches along Doncaster Road, and views of the side elevations including the windows and air vents.
- Specific consideration should be given to:
  - increasing the setback line for the eastern and western extents of the podium
  - reviewing the placement of awnings, canopies and overhangs to create better sightlines to the chapel's side elevations.

The Panel recommends that should the permit issue:

**Amend condition 1 to require the plans to be updated to modify the Doncaster Road frontage of the podium to improve sightlines to the east and west elevations of the chapel from Doncaster Road, by way of increasing the setback line for the new built form and/or reviewing placement of awnings, canopies and overhangs.**

## 6 Traffic and parking

### 6.1 The issues

Issues include:

- Issues with Short Street
- Concerns over traffic congestion
- Concerns over car parking.

### 6.2 What is proposed?

Key elements of the proposal include:

- two separate carparks with two separate entrances on Short Street, one servicing the non-residential uses and the other for the exclusive use of residents and their visitors
- five levels of parking, partly at ground level but mostly in basement levels due to the slope of the land
- a separate entrance off Hepburn Road to a loading dock, providing access for rubbish collection vehicle, trucks and delivery vehicles
- a separate entrance onto Doncaster Road which would only be used intermittently (for example, for weddings and funerals)
- provision of more than the statutory requirement for residential car spaces by 31 spaces (the statutory rate requires 256, and 287 are to be provided)
- fewer car spaces than the statutory requirement for the non-residential uses by 67 spaces (the statutory rate requires 260, and 193 are to be provided)
- provision of more than the statutory requirement for bicycle parks (the statutory rate requires 66, and 116 are to be provided).

The proposal was supported by a Transport Impact Assessment prepared by GTA Consultants (now Stantec) that included assessments of:

- the proposed carparking arrangements (numbers, layout and design) against the statutory requirements in Clause 52.09 of the Planning Scheme
- the proposed bicycle parking arrangements (numbers, layout, end of trip facilities) against the statutory requirements in Clause 52.34 of the Planning Scheme
- a carparking supply and demand assessment to support the reduction sought in non-residential car spaces
- the loading and waste collection arrangements
- traffic impacts of the proposed development on the surrounding road network
- the suitability of the site access points.

The Amendment and Permit Application were referred to the Department of Transport, who did not object to the permit provided conditions were included addressing the access to Doncaster Road. These have been included.

### 6.3 Relevant considerations

The decision guidelines in the ACZ1 require consideration of the following matters before deciding on a permit application, namely whether the proposal:

- incorporates provisions for pedestrians, cyclists and people with a disability demonstrating how access needs are accommodated
- integrates car parking requirements into the design of buildings and landform and minimises the use of car parks at street frontage
- provides vehicular access to buildings fronting key boulevards off side streets
- limits the number of vehicle crossings to each development.

## 6.4 Issues with Short Street

### (i) The issues

The issues are:

- the appropriateness of the southern carpark entrance, given the location of the Magnolia Apartments carpark entrance
- traffic congestion in Short Street
- whether the Short Street/Doncaster Road intersection needs upgrading.

### (ii) Evidence and submissions

The Magnolia residents were concerned that the two carpark entrances proposed on Short Street would create traffic conflict with vehicles using the Magnolia Apartments carpark entrance. They submitted that the entrance to the southern (residential) carpark on the site is almost directly opposite the Magnolia carpark entrance. They noted that the Magnolia carpark entrance is used not only by private vehicles, but also trucks and waste disposal collection. Mr Allsop raised additional concerns, noting that Short Street slopes steeply up to Doncaster Road which he considered reduces the visibility for traffic entering and exiting the carparks.

The Magnolia residents submitted that Short Street is already a traffic bottleneck, particularly at peak times, with cars turning into Short Street from Doncaster and Hepburn Roads, and traffic negotiating the Magnolia carpark entrance. They raised concerns about vehicle collisions, and the safety of pedestrians including school children using Short Street, given the significant amount of additional traffic that the proposed development would be expected to generate (all of which would use Short Street to access the carparks on the site).

Some submitters called for 'KEEP CLEAR' markings at the intersection of Doncaster Road and Short Street, to create gaps in the stationary traffic to allow vehicles to turn out of Short Street into Doncaster Road and minimise queuing in Short Street.

Mr de Young gave traffic evidence for the Proponent. He specifically addressed the relationship between the Magnolia carpark entrance and the proposed residential carpark entrance, given the concerns raised by submitters. He regarded the arrangement as acceptable because:

- the carpark entrances are not in fact almost directly opposite one another, but are offset by at least 10 metres
- the residential car park is expected to generate just over one vehicle movement per minute (on average) during the peaks, which is only a modest level of traffic
- the prohibition of parking on the eastern side of Short Street provides additional space for vehicles turning at the location of the two carpark entrances, which will lessen the impact of competing movements when they occur.

Mr de Young explained that the Traffic Impact Assessment's analysis of the Short Street/Doncaster Road intersection was based on a traffic gap analysis on the westbound carriageways of Doncaster Road, to determine if there were adequate gaps to accommodate the increased traffic volumes turning left out of Short Street. He said that the assessment was based on two conservative assumptions:

- all traffic entering and leaving the site would use the intersection, when in reality some residents and patrons will use the road network to the south
- the survey did not include gaps in the kerbside bus lane, which will have resulted in the number of gaps being underestimated given vehicles can legally use the bus lane to merge into the general traffic flow.

Mr de Young noted that the Magnolia Apartments had been built since the gap survey data was taken (in July 2017), and hence the gap survey did not capture the additional traffic generated by Magnolia. Mr de Young estimated an additional 22 vehicle movements through the intersection during the peaks attributable to Magnolia. His evidence was that this would not alter the findings of the Traffic Impact Assessment that the intersection has more than adequate capacity to accommodate the additional traffic generated by the proposal. He concluded:

Overall, I am satisfied that sufficient traffic capacity exists at the Doncaster Road / Short Street intersection to accommodate the development generated traffic during the PM peak hour. As Sunday traffic volumes are lower than weekday PM traffic volumes (and again noting the conservatism of the gap surveys), I am satisfied that the intersection will also operate satisfactorily during the Sunday midday peak hour.

Council retained Mr Gnanakone to undertake an independent assessment of the Traffic Impact Assessment and the traffic impacts of the proposed development. Mr Gnanakone found no traffic related reasons to refuse the proposal.

Mr Gnanakone also noted that the residential carpark entrance will be offset from the Magnolia entrance by around 10 metres, providing sufficient room for vehicle using both entrances to turn into Short Street without creating traffic conflicts. He noted that there are clear sightlines on Short Street by virtue of the ban on parking on the east side, which will provide visibility for motorists leaving the site. He concluded:

I therefore have no concern in relation to the siting of the site access points to Short Street.

Regarding pedestrian safety, Mr Gnanakone considered that each of the proposed site access points will have visibility splays on both sides to provide visibility to pedestrians along the footpath in accordance with the requirements of Clause 52.06 of the Planning Scheme. All vehicles will be entering and leaving the site in a forward direction, and will have clear sight of pedestrians. He concluded:

I am satisfied that the proposed access arrangements will not impact on pedestrian safety.

Mr Gnanakone noted that the gap survey data on which the original assessment of the Short Street/Doncaster Road intersection was based was out of date. He checked the data against more recent Department of Transport data at the nearby intersection of Doncaster Road and Council Street, which suggests that traffic volumes along Doncaster Road have declined since the gap survey was undertaken. He adopted the higher traffic volumes in the gap survey data, noting that this was a conservative approach. He concluded that the gaps on Doncaster Road are sufficient gaps to accommodate the future turning movements:

Based on the above, the traffic volumes generated by the proposed development are expected to be absorbed into the surrounding road network.

Mr Gnanakone did not consider that 'KEEP CLEAR' markings at the intersection are necessary. He acknowledged that there will be some queuing along Doncaster Road at peak times, but motorists will generally provide 'courtesy gaps' to allow traffic to turn out of Short Street into Doncaster Road. He noted that under the current road rules, the core objectives of the KEEP CLEAR are to ensure safety for the road users and to prevent queuing along the main road. They are not used to manage traffic from a side road merging into a main road.

Mr Gnanakone suggested some minor improvements to the wording of the permit conditions relating to traffic matters, which were included in Council's final consolidated version (Document 21).

Council submitted that both traffic experts considered that the access arrangements to the site are appropriate including the interaction between the residential carpark entrance and the Magnolia carpark entrance. Both experts were satisfied additional vehicle movements can be accommodated at the Short Street and Doncaster Road intersection without any unreasonable impacts on Short Street. Further, the Department of Transport raised no concerns about the operation of this intersection.

### (iii) Discussion

The Panel is satisfied that a robust assessment has been carried out in relation to the traffic impacts of the proposed development, which has been independently assessed by Mr Gnanakone and found to be appropriate. The Panel is satisfied that the assessment assumed appropriate traffic generation rates, and made a number of conservative assumptions about the capacity of Doncaster Road to accommodate vehicles turning in and out of Short Street. While the gap survey data was undertaken in 2017, it was updated by Mr de Young and checked by Mr Gnanakone against more recent data, and found to be appropriate and conservative.

The Panel is satisfied on the basis of the evidence that Short Street, and its intersection with Doncaster Road, have more than enough capacity to comfortably accommodate the additional traffic generated by the proposal without resulting in unacceptable queuing or bottlenecks in Short Street and without the need for any treatments such as 'KEEP CLEAR' markings at the intersection.

The Panel is satisfied on the basis of the evidence that the access points to the site, including the residential carpark entrance, are appropriately located and designed and will not result in unsafe conditions for vehicles entering and leaving the Magnolia Apartments, or for traffic or pedestrians using Short Street. In particular:

- The carpark entrances have been designed with appropriate visibility splays that will enable vehicles leaving the site to see pedestrians and other cars.
- No vehicles will need to reverse in or out of the carpark entrances.
- The ramp for vehicles exiting the residential carpark is appropriately designed with a slight downgradient, allowing plenty of opportunity for vehicles exiting the site to approach the exit slowly and pause if necessary to wait for oncoming traffic in Short Street to pass before exiting the site.
- According to the experts, there is sufficient room on Short Street, and between the residential carpark entrance and the entrance to the Magnolia Apartments, for vehicles to turn in and out of Short Street safely and with appropriate visibility distances.

The vehicle access points are appropriately located on side streets rather than Doncaster Road, consistent with the decision guidelines in the ACZ1.

The Panel notes that the Department of Transport did not object to the Amendment or Permit Application, and raised no concerns about traffic congestion or safety issues.

**(iv) Conclusions**

The Panel concludes:

- the southern residential carpark entrance is appropriately designed and located, including its relationship with the Magnolia Apartments carpark entrance
- the proposed development will not result in unacceptable traffic congestion in Short Street
- the Short Street/Doncaster Road intersection has more than adequate capacity to comfortably accommodate the additional traffic generated by the proposed development without resulting in unacceptable queuing or bottlenecks in Short Street, and without the need for any treatments such as 'KEEP CLEAR' markings at the intersection.

## 6.5 Traffic congestion

**(i) The issue**

The issue is whether the proposal will result in unacceptable traffic congestion on other local roads and streets (other than Short Street, which is addressed in the previous chapter).

**(ii) Evidence and submissions**

Mr Waters raised a number of concerns in relation to traffic congestion in the area. He was concerned that now that Hepburn Road had been extended and connected directly to Clay Drive, there is a convenient alternative route for traffic on Tram Road to access Doncaster Road via Clay Drive, Hepburn Road and Short Street. He pointed to the significant numbers of apartments recently approved on neighbouring sites generating a lot of additional traffic that was likely to use Hepburn Road and Short Street, and questioned whether traffic modelling had taken into account the Hepburn Road extension and the additional apartments and other developments recently approved in the area.

Mr Waters raised further concerns that the proposed park in Hepburn Road would attract further traffic that would park on-street in Hepburn Road, creating safety issues for children accessing the park on foot or on bikes.

Submitter 8 was against the development due to increasing traffic congestion near the new Bunnings Hotel development on the north side of Doncaster Road. They submitted:

It is expected the road use around Westfield and Bunnings are getting busier, which compromises the air quality and noise pollution to the local community. Please do reconsider.

Submitter 25 was *"totally opposed"* to the proposed development, submitting that access to and from their premises is hard enough at the moment and would be twice as bad with another apartment building so close. They submitted that traffic congestion on the roads in Doncaster is *"horrific with all the apartment buildings that have been built"*.

Mr de Young noted that some traffic generated by the development may utilise the streets to the south of the site to access Tram Road. He assumed 25 per cent of all traffic will utilise these roads,

with a maximum of 12.5 per cent using any one road which he regarded as conservative. This would equate to approximately 32-35 vehicle movements during peak hours on any given road to the south. He concluded:

In my view, this quantum of additional traffic could not be expected to detrimentally impact the operation or safety of the residential streets.

Like Mr de Young, Mr Gnanakone considered that most of the traffic generated by the proposed development would enter and leave the site from the north, via Short Street and onto Doncaster Road as this is the most convenient route in and out of the site. He considered that traffic generated by the proposal would have minimal impact on the streets to the south.

In response to questions from Mr Waters, Mr Gnanakone acknowledged that he had not taken the Hepburn Road extension into consideration, but he did not consider that this would likely have a significant impact on driver behaviour in terms of seeking alternative routes from Tram Road to Doncaster Road, as this would not be a convenient route. Nor did he consider that the Hepburn Road park would generate much vehicular traffic in future, given its size and nature as a local park. He considered that the majority of park traffic would likely be on foot or bike.

Similar to Mr de Young, Mr Gnanakone concluded:

- The anticipated traffic volumes generated by the development is not expected to have an impact on the operation of Short Street or the surrounding road network;
- I believe the proposal ... can be suitably accommodated by the surrounding road network and I have no concerns with regard to the level of development proposed from a traffic engineering point of view;

Council acknowledged that the extension of Hepburn Road through to Clay Drive may lead to some residents and patrons leaving by this route. However it noted that neither the traffic experts nor the Department of Transport had raised any concerns regarding traffic congestion.

### (iii) Discussion

The Panel acknowledges submitters' concerns about increased traffic in the surrounding streets. There has been a considerable amount of apartment development in this area in recent years, with more approvals recently issued but not yet constructed. This level of development activity inevitably generates understandable concerns about increased traffic on local streets.

However the Committee agrees with the experts that the vast majority of traffic generated by the proposed development will enter and exit the site via Short Street and Doncaster Road, rather than using the streets to the south of the site. The route to the north is far more convenient than threading through Clay Drive, Hepburn Road and Short Street. Even if traffic on Tram Road did choose to access Doncaster Road via Clay Drive, it is likely it would use the full extent of Clay Drive (which intersects with Doncaster Road a short distance to the west of Short Street), rather than diverting through Hepburn Road and Short Street.

The Panel agrees that given the size of the future Hepburn Road park and the nature of the facilities proposed to be provided, the park will cater mainly to local patrons, most of whom are likely to access the park on foot or by bike. Further, Council in its role as road management authority for local roads, can consider traffic calming measures if the traffic or parking in these local streets does become problematic in future.

**(iv) Conclusion**

The Panel concludes:

- The proposed development will not result in unacceptable traffic congestion on the surrounding street network.

**6.6 Carparking****(i) The issues**

The issues are:

- whether the proposed reduction in the statutory parking requirement for the non-residential uses is appropriate
- whether the carpark design and layout are appropriate.

**(ii) Evidence and submissions**

The Magnolia residents expressed concerns with the proposed reduction in carparking for the non-residential uses, submitting that when the place of assembly uses are at full capacity, it is likely that overflow parking demand will spill into the surrounding streets resulting in a lack of parking for existing residents.

Submitter 2 noted the multiple uses proposed on the site, and the increasing amounts of development along Doncaster Road where side street parking is “*almost impossible*”. They submitted that this leaves only nearby Westfield parking facilities, which are often in high demand. They submitted:

As a resident who understands and has dealt with the frustration of parking in the area I strongly oppose any reduction to the car parking requirements and would suggest advocacy for heightened visitor parking given the facilities within the building. Though on the development corridor and serviced by the 907 [bus], Manningham is still highly impractical to traverse on public transport unless along established high-frequency routes.

Submitter 4 submitted that adequate parking, including visitor parking, must be provided on-site and that carparks should be designed appropriately with entries wide enough for emergency vehicles. Submitter 6 submitted that there is already a problem with on-street parking in Hepburn Road, and residents often have more than one car which they inevitably park on the street.

Submitter 3 provided a very detailed analysis of the proposed parking provision against the patron number capacity of the non-residential uses. They submitted that many of these uses could operate concurrently (contrary to the assumptions made in the Traffic Impact Assessment), and noted that Doncaster has a very high reliance on travelling by car with low foot traffic. They considered that the shortfall in parking could well be much greater than estimated in the Traffic Impact Assessment, and opposed any reduction in the non-residential parking rate. They submitted that the surrounding streets “*have become near full of parked cars on the street since the advent of local high rise developments*”, a number of which has been approved with parking dispensations “*contributing to the on street parking situation and creating driving and parking hazards not to mention increasing the pedestrian risk*”.

Mr de Young and Mr Gnanakone both assessed the adequacy of the proposed parking provision and the design and layout of the carparks, and both considered that they will be acceptable.

Mr de Young's evidence was that the peak parking demand (which is predicted to occur on weekday evenings and weekends when there is an event on at the place of assembly) will be for 199 spaces. 193 on-site spaces are proposed, leaving a shortfall of 6 spaces that would need to be accommodated on the surrounding streets or in the nearby Activity Centre carparks. He concluded that the weekday daytime demands of the non-residential uses can be accommodated on-site.

Mr de Young considered the shortfall during peak times (evenings and weekends) to be acceptable because:

- the calculation of car parking demand anticipated may be on the high side
- the shortfall will only occur during the worst case scenario where the 650 person limit in the place of assembly is reached (which will be infrequently)
- there are currently car parking vacancies in the immediate vicinity of the site
- based on the statutory parking rates, the existing use of the site generates a need for up to 36 off-site car spaces (30 more than the expected shortfall), so the new development will theoretically generate less on-street parking demand than the existing use
- the permit conditions require a parking management plan which requires (among other things) measures to manage parking demand at peak times such as during events – this will include measures to suppress parking demand like encouraging use of public transport and car-pooling.

The Panel asked Mr de Young whether the excess spaces in the residential carpark could be used by non-residential uses if needed. He explained that this would not be possible as the internal lifts and stairwells in the residential car park are not connected to the non-residential parts of the proposed development. Further, non-residential car parking activity within the resident car park would not be desirable because it would compromise security for residents.

Mr Gnanakone undertook his own car parking demand assessment. Based on slightly different assumptions to those of Mr de Young, he calculated the total demand at 206 spaces (a maximum shortfall of 13 spaces, as opposed to Mr de Young's 6 spaces). He noted his assessment was conservative, as it did not consider the crossover in demand between church patrons and the cafe, and did not consider the likelihood that a number of patrons will be from the immediate vicinity of the site, and will arrive by foot or bike. He concluded:

As such, the shortfall of 13 spaces is not expected to materialise and the proposed car parking provision is considered acceptable.

Council acknowledged that the proposed development will generate a substantial demand for car parking as a consequence of the mix and intensity of uses proposed, but the demand will largely be accommodated on-site. It noted that the residential carpark will exceed the statutory requirement, which is unusual in an Activity Centre context where developers of apartments often seek reductions or waivers, relying on a 'centre wide' approach to parking.

Council noted that while the proposal seeks a reduction in the number of non-residential car spaces to be provided, demand will be moderated by conditions 39 and 40 of the permit which strictly control the intensity of the place of assembly uses with a cap on patron numbers and permitted hours of operation. Further, the spaces in the dedicated non-residential carpark can be shared between the non-residential uses, which will generate peak demands at different times. It submitted that this is an efficient use of the parking spaces.

On carpark design and layout, Mr de Young assessed the proposal against the relevant design standards set out in Clause 52.06. The design standards for access, parking spaces and ramp gradients are all met. He considered that there was potential benefit in implementing a one-way traffic circulation route in the non-residential car park to reduce internal conflicts and improve sight lines at certain location, which would also allow the provision of a few more parking spaces (although he did not consider this is necessary).

Mr Gnanakone undertook his own independent assessment of the carpark design and layout, and also concluded that it met all relevant standards in Clause 52.06. Mr Gnanakone did not support a one-way traffic circulation route in the carpark on the basis that it would require additional internal traffic movements for cars trying to find a space and cars exiting the carpark.

Submitter 2 submitted that Council must develop a detailed parking and traffic management plan for the construction phase and should communicate this with local residents. They suggested that the future park in Hepburn Road could be used for construction parking before the park is developed. The Panel notes that condition 3.6 on the permit requires a Construction Management Plan that addresses traffic and parking management, including consideration of a shuttle service for construction personnel to and from the site.

### (iii) Discussion

Clause 52.06 sets the statutory carparking rates and design and layout standards.

The Panel is satisfied that the car parking demand assessments of the experts are sound. They were undertaken using widely accepted methodologies, and although the assumptions underlying each assessment differed slightly (as did the maximum shortfall predicted), the Panel is satisfied that both assessments were generally robust and conservative in nature.

The main demand for parking will be generated by the place of assembly uses – the auditorium (capacity for 650 persons), the hall (capacity for 400 persons) and the chapel (capacity for 150 persons). While the theoretical maximum capacity of all of the place of assembly uses is 1,200 persons, conditions on the permit limit the total patrons for the place of assembly uses to 650.

Given the increasing densities in Doncaster and in the immediate surrounds of the site, it is reasonable to anticipate that a proportion of patrons for the non-residential uses will use alternative transport modes to get to and from the site. This was not factored into the parking demand assessments (other than to the extent it is built in to the statutory parking rates). The demand assessments are therefore likely to be conservative on the high side.

There may well be occasions when parking demand exceeds the on-site supply and spills into the surrounding streets, but this will only occur when the place of assembly is at full capacity. The Panel is satisfied on the basis of the Proponent's submissions that this will be rare. Further, permit conditions are included that:

- require a parking management plan to be approved before any use commences, which (among other things):
  - allocates the parking spaces
  - details how each carpark will be managed, including allowing available non-residential spaces to be used for overflow parking
  - has measures to manage parking demand at peak event times (condition 10)
- require the car parking spaces to be made available for the sole use of the owners, occupants or visitors to the building free of charge (condition 35)

- limit patron numbers to 650 (condition 39), with additional numbers only allowed with Council's consent and if it can be demonstrated that parking demand does not exceed the available spaces (condition 40)
- requires office parking spaces to be made available for overflow outside office hours (condition 49).

The Panel has considered Mr de Young's suggestion of implementing a one-way traffic circulation route in the non-residential carpark which would provide the potential to create a few extra spaces. The Panel does not consider this is necessary, as it does not anticipate the shortfall is likely to cause any off-site impacts. The Panel agrees with Mr Gnanakone that the one-way circulation route would require additional internal traffic movements in the carpark and would not allow for convenient access in and out of the carpark. Mr de Young provided other examples in his oral evidence of practical measures that could be included in a parking management plan to manage parking demand, including during peak demand when events are being held. The Panel is confident that any overflow parking issues can be adequately addressed through these alternative measures, which can be included in the parking management plan.

The residential carpark proposes an excess of 31 spaces, or 12 per cent above the statutory requirement. The Panel notes submitter concerns that some households have multiple cars and that residents of the new development may park their extra cars on the street. However, a permit is only required to reduce car spaces below the requirement. It is not clear there is a statutory power to require more than the required spaces.

The Panel is satisfied that the design and layout of the carparks is appropriate, on the basis of the assessments of the two traffic experts. The layouts meet the standards in Clause 52.06. Consistent with the decision guidelines under the ACZ1, the carparks are in the basement levels and follow the sloping form of the land. Those parts of the carparks that are above ground level have minimal street frontage (only the entrances), and are sleeved with built form. The Level 1 residential carpark includes a dedicated bike storage area that is conveniently located close to the carpark entrance on Short Street.

While the development proposes four separate vehicle crossings, the Panel considers this is justified. It is important that the residential and non-residential carparks are kept separate with separate entrances to manage security, and to prevent vehicle movement conflicts between residents and visitors to the building. It is also appropriate to separate waste collection and delivery vehicles from the main residential carpark entrance via the loading dock in Hepburn Road.

#### **(iv) Conclusions**

The Panel concludes:

- The proposed reduction in the statutory parking requirement for the non-residential uses is appropriate. The shortfall in supply in the non-residential carpark is unlikely to have any off-site impacts, given it will only occur during events when the place of assembly is operating at full capacity (likely to be infrequently).
- The residential carpark has an over-supply of parking spaces, and no additional on-site residential parking is warranted.
- The proposed permit conditions appropriately manage potential parking issues during peak events, including through a carparking management plan and a cap on numbers and hours of operation for the place of assembly uses.
- The carpark designs and layouts are appropriate.

## 7 Affordable housing

### 7.1 The issues

The issue is whether the affordable housing contribution is appropriate.

### 7.2 What is proposed?

The proposed development includes the provision of 10 of the 177 dwellings as affordable housing. This represents an increase of four additional dwellings from the Existing Permit. The affordable housing units will be secured by a section 173 agreement, a draft of which was exhibited with the Amendment and draft permit.

The agreement provides that:

- the units must meet the PE Act requirements for affordable housing, but not social housing
- the units may be leased to a registered housing agency, or sold to very low, low or moderate income households
- any of the dwellings can be used for housing people with disabilities or be funded by the National Disability Insurance Scheme or the National Rental Affordable Scheme
- the units must be provided within 12 months of the subdivision being registered and occupancy permits being issued.

### 7.3 Relevant considerations

One of the planning objectives in Victoria is to facilitate the provision of affordable housing (section 4(1)(fa) of the PE Act). The PE Act defines affordable housing as that suitable for very low, low and moderate income households, having regard to matters specified by the Minister in a notice published in the Government Gazette.

Council adopted its *Affordable Housing Policy and Action Plan 2010-2020* (Affordable Housing Policy) in 2010. It contains five policy objectives:

1. Council will advocate for increased government, developer and community support for the provision of affordable housing
2. Council will actively encourage and support the provision of affordable housing in Manningham
3. Council will examine opportunities to use government land for affordable housing
4. Council will ensure new affordable housing developments are appropriately located and designed
5. Council will provide appropriate community support initiatives and referral services to households facing housing stress.

The Affordable Housing Policy sets an 'aspirational' target that by 2020, 10 per cent of housing units within the Doncaster Hill Activity Centre will be affordable housing units.

Clause 21.05-2 of Council's Municipal Strategic Statement includes the objective:

- To promote affordable and accessible housing to enable residents with changing needs to stay within their local neighbourhood or the municipality

While there is general policy support for affordable housing in the Planning Scheme (see Chapter 2.1 and the above), there is no specific policy or target in the Scheme which specifies what affordable housing contributions are sought. The Scheme does not reference the Affordable Housing Policy.

#### 7.4 Evidence and submissions

Council submitted that although the Doncaster Hill Strategy does not expressly seek the provision of affordable housing within new developments, an affordable housing contribution is not inconsistent with the Strategy and is entirely consistent with the policy in the Planning Scheme and in Council's Affordable Housing Policy. It submitted:

Council considers that the Proponent's agreement to provide 10 'tenure-blind' affordable housing dwellings on the Application Land represents a significant community and social benefit. The Agreement has been agreed to voluntarily by the Proponent and is consistent with Council's Affordable Housing Strategy. The delivery of additional affordable housing will be a benefit that will only be secured if the Amendment and Application are supported.

...

The incorporation of additional affordable housing is a significant positive attribute to the Application and the Amendment. It will provide a material community benefit to the Manningham community and is a matter that the Panel should give weight in its overall assessment of the Amendment and Application.

This is a significant factor when considering whether a net community benefit is achieved.

The Officer's Report in the Council Minutes dated 23 February 2021 stated:

The provision of four additional Affordable Housing units, above that approved under Planning Permit PLN18/0571, has been made as part justification for the additional four storeys and 41 additional apartments that would be obtained under Planning Permit Application PLN20/0303, should it be approved. This is considered to be a reasonable trade off in the circumstances, particularly given the inclusion of other community facilities in the development, the policy support and urban design justifications for the development proposal and the lack of any requirements under the Manningham Planning Scheme. There is considered to be an overall net community benefit should the Amendment be approved.

The Proponent submitted that the affordable housing is a voluntary contribution, in circumstances where the Manningham Planning Scheme currently does not require (and cannot mandate) the provision of affordable housing for developments such as this.

One submitted (Submitter 1) submitted that affordable housing will damage Doncaster's reputation.

#### 7.5 Discussion

The Panel fully supports the provision of affordable housing in the proposed development. There is no doubt that Victoria as a whole, including Manningham, has a severe shortage of both social and affordable housing, and that urgent action is needed to increase the supply.

The Victorian Government recently announced its Big Housing Build project, a \$5+ billion investment that seeks to provide over 12,000 new social and affordable housing dwellings across Victoria. The main focus of the investment is on social housing, with 9,300 social housing dwellings to be provided.

More is needed to address the shortfall in supply, and private development has a significant role to play – particularly in the delivery of affordable (as opposed to social) housing.

The provision of 10 affordable housing dwellings as part of this development represents an overall contribution of 5.6 per cent of the total dwellings. This falls some way short of the 10 per cent target in Council's Affordable Housing Policy. That said, the contribution is purely voluntary, and there is no mechanism in the PE Act or the Planning Scheme to compel any larger contribution. The Panel notes that the contribution is more substantial than that offered in many comparable developments.

The Panel agrees with Council that the provision of 10 'tenure-blind' affordable housing dwellings represents a significant community and social benefit. The contribution will be secured by a legally enforceable agreement under which much of the detail of the contribution is subject to Council's approval. The contribution will provide a material community benefit to the Manningham community, and is a significant factor in the Panel's assessment that the proposal will deliver a net community benefit.

For completeness, there is no evidence that affordable housing will 'damage Doncaster's reputation' as a desirable place to live. On the contrary, an affordable housing offering will provide an opportunity for all parts of the community to live in this high amenity and desirable neighbourhood, including key workers.

## 7.6 Conclusion

The Panel concludes:

- The proposed affordable housing contribution is appropriate, and is a significant factor in the community benefit analysis of the proposed development.

## 8 Other issues

### 8.1 The issues

The issues are:

- the need for an operational management plan, including to manage peak periods and large events
- overlooking of neighbouring properties
- minor issues with daylight access to some apartments, the design and layout of some of the parking spaces, and accessibility requirements for some apartments.

### 8.2 Operational management

The proposal involves multiple non-residential uses which could overlap or operate concurrently (religious gatherings, other events or functions, the childcare centre, offices and retail tenancies).

Level 4 contains the hall, the auditorium and associated backstage facilities, multipurpose meeting rooms and gathering spaces and offices, as well as several apartments. The non-residential uses can be accessed on foot from Doncaster Road and through the shared central corridor, or via Lifts 1 and 4 which connect to the non-residential carpark. There is separate access to the apartments, via Hepburn Road (a pedestrian access), or via Lift 6 which accesses the three levels of residential carpark.

The Panel queried whether the forecourt and plaza areas on Doncaster Road were large enough to cope with the overflow of people gathering before or after a congregation or large event. The Proponent responded that the shared central corridor is over 5 metres wide, straight and easy to navigate, and would provide a buffer gathering and circulation space if needed. Further, not all patrons are likely to disperse into the forecourt and plaza area. Many will travel to and from the facility by car, and separate lift access is provided to the non-residential carpark directly from the main circulation corridor (via Lifts 1 and 4). There is a separate goods lift servicing the auditorium.

The childcare centre entrance is on Level 5, separated from the place of assembly, office and retail entrances on Level 4. The childcare centre is accessed via Lifts 1, 2 and 4. Lifts 1 and 4 connect to the childcare carpark on Level 3. Lift 2 connects to the residential lobby. This seems appropriate given residents of the building may use the childcare centre.

The common access to all the non-residential uses from Lifts 1 and 4 is appropriate, as it will allow for sharing of the non-residential car spaces to deal with any overflow parking demand that may occur from any one particular use.

The Panel acknowledges the Proponent's submissions about the shared central corridor and capacity of the forecourt and plaza area to accommodate people gathering for a church service or large event. The cap on patrons for the place of assembly uses (650 patrons) in condition 39 will assist in managing these issues. However the Panel considers that there is some potential for pedestrian movement conflicts if more than 650 patrons are permitted on site. This should be another consideration of the Responsible Authority under condition 40 (41 in the Panel's recommended version in Appendix C) before agreeing to lift the cap.

It was noted during the Hearing that there may be the need for an operational management plan to ensure the various uses can function concurrently effectively. The permit conditions do not

require an operational management plan, although they do require a carparking management plan as noted in Chapter 6.6. The Panel does not consider that the permit needs to include a condition requiring an operational management plan, although this is something the building manager could implement if required.

The Panel recommends that should a permit issue:

**Amend condition 41 to require demonstration that pedestrian movements (as well as parking demand) can be managed before the Responsible Authority allows an increase in the patron cap for the place of assembly uses.**

### 8.3 Overlooking of neighbouring properties

At the Hearing, Mr Waters raised a concern in his oral submissions about overlooking of the north facing balconies in the Magnolia Apartments, noting that this was the only private open space available to the occupants of these apartments.

As noted in Chapter 4.3(vi), BADS includes objectives and standards in relation to overlooking of neighbouring properties. The Panel is satisfied that the Short Street road reserve and the side setbacks on the proposed development will create a sufficient separation distance between the new apartments and the Magnolia Apartment balconies to effectively manage overlooking without the need for screening. The BADS objective of limiting views into habitable room windows and private open space of existing dwellings is met.

### 8.4 Daylight access

Some of the apartments include bedrooms with 'snorkel' windows (window in a smaller secondary area within a bedroom, in place of a window on an external wall). Standard D26 of BADS sets out minimum dimensions for secondary areas, to ensure the window provides sufficient daylight access to the bedroom (see Chapter 4.3(vi)).

Ms Heggen recommended that the plans be updated to confirm the dimensions of the secondary areas where not already shown, to demonstrate that Standard D26 is met. This was agreed to by the Proponent, and is reflected in condition 1.10 in Council's consolidated set of permit conditions (Document 21). The Panel supports this change.

In his advice to Council on an earlier version of the application plans, Professor McGauran noted a concern with daylight access to the living areas and kitchens for a number of apartments. He considered that work areas are in some cases around 12 metres from external daylight sources, with narrow rooms between the work areas and the daylight source. For apartments with flanking walls to the balconies and balcony overhangs, combined with the narrow proportions of the rooms, he considered poor daylight outcomes could result. He also queried the adequacy of daylight access for the indented bedrooms at the east end of units 6.11 and 7.11, given the constrained openings. Condition 1.27 of the Permit requires the plans to be updated to show:

Further modification of any solid balcony side walls to be translucent privacy screens, to improve daylight and solar access, to the satisfaction of the Responsible Authority

## 8.5 Accessibility

Clause 58.05-1 implements the accessibility requirements in BADS. The BADS objective is to ensure the design of dwellings meets the needs of people with limited mobility. Standard D17 sets out how this might be achieved (see Chapter 4.3(vi)).

At the Hearing, the Panel took Ms Heggen to Drawing TP210, noting an apartment layout was labelled as accessible, however issues with clearances and access from the corridor into the main living spaces did not seem compliant with Standard D17 in BADS. Ms Heggen agreed that the apartment, along with others, required further refinement to achieve compliance.

The Panel recommends that should a permit issue:

**Amend condition 1 to require the plans to be updated to ensure that the accessibility requirements in Clause 58.05-1 of the Planning Scheme are met.**

## 8.6 Design of the carparks

During the course of the Hearing the Panel picked up some minor issues with the design of the carparks.

The non-residential carpark on Level 2 includes a row of tandem spaces intended for parking for church administrative staff. Three of these spaces (02-54, 02-56 and 02-58) overhang the loading dock on the level below. It became clear that the overhang meant that there would be insufficient clearance in the loading dock to allow vehicles to turn and exit the loading dock in a forward direction, and that these spaces would need to be deleted. This is picked up in condition 1.23 of the final consolidated permit conditions (Document 21).

For the reasons set out in Chapter 6.6, the Panel does not consider that the small shortfall in non-residential parking spaces is likely to cause any impact. The loss of the additional three spaces as a result of the overhang of the loading dock does not change the Panel's view. It does not consider that the reconfiguration of the carpark is necessary or warranted.

If, in future, Council is considering lifting the patron cap under condition 39, and it is not satisfied that the parking demand is able to be accommodated, it could require the carpark to be reconfigured as Mr de Young suggests as a condition of lifting the cap.

The residential carpark at Basement 1 Level includes storage cages along the wall adjacent to Lift Pit 5. There is 1840mm clearance between the storage cages and parking spaces B1-60 and B1-46. The Panel queried whether this was sufficient to allow access to the storage cages while cars were parked in these spaces.

Mr de Young's reconfigured carpark plans in Document 19 showed how the residential carpark could be reconfigured to create an additional eight spaces (four at Basement 1 Level, four at Level 1) in the event that some spaces needed to be deleted to provide access to the storage cages. While the Panel appreciates Mr de Young's efforts, it does not consider that reconfiguring the carparks is warranted, given:

- the storage cages in question could be allocated to the same apartment owner as the affected parking spaces
- even if the spaces had to be deleted, there is already an excess in spaces being provided in the residential carpark.

## 9 The planning permit

### 9.1 Relevant considerations

Clause 71.02-3 of the Planning Scheme requires a responsible authority considering a permit application to take an integrated approach, and to balance competing objectives in favour of net community benefit and sustainable development.

Clause 65 of the Planning Scheme states:

Because a permit can be granted does not imply that a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

Clause 65.01 requires the Responsible Authority to consider, as appropriate:

- the Planning Policy Framework
- the purpose of the zone, overlay or other provision
- the orderly planning of the area
- the effect on the amenity of the area.

The ACZ1 includes a detailed list of matters that must be considered before deciding on an application. They include:

- whether the proposal achieves an appropriate mix of uses to complement and support the strategic role of the Doncaster Hill Activity Centre
- whether the proposal provides for flexible non-residential floor spaces that can be adapted in the future to a variety of alternative non-residential uses
- the contribution that the proposal can make towards the achievement of residential population targets set out in the Doncaster Hill Strategy
- whether the proposal provides for an appropriate scale of development to accommodate the mix and intensity of uses envisaged for the precinct.

Specific design and built form considerations and access considerations are also listed, which are discussed in Chapters 4.1 and 6.3.

Other matters to be taken into account include:

- objections
- comments and decisions of referral authorities
- other matters a Responsible Authority must and may take into account under section 60 of the PE Act, including the Victorian planning objectives and the economic, social and environmental impacts of the proposed use and development
- adopted government policy.

### 9.2 Discussion

Council's Part A submission provided a helpful summary of the permit triggers, application requirements and referral requirements for the proposed development under the Planning Scheme. It also provided a summary of referral authority comments and responses, and a chronology of the Permit Application. The Panel has been assisted by these in its deliberations.

The development will increase the diversity of the residential stock in Manningham, in a well located area consistent with the policy objectives of Clause 16 (Housing) and the aims of the

Doncaster Hill Strategy. The ten affordable housing apartments are in a location close to jobs, transport and services, as directed by policy.

The Proponent explained that the non-residential facilities to be provided as part of the development (such as the auditorium and meeting spaces) will benefit not just the church community but also the broader community, as these spaces will be made available for use by school groups and other community groups. The childcare centre will provide an important facility in an area experiencing significant growth and residential intensification. The Panel notes Submitter 22's support for the proposal, noting that there was a need for performance spaces in Doncaster.

The affordable housing contribution is increased from 6 (under the Existing Permit) to 10, providing much needed affordable housing in the area.

The development will result in substantial upgrades to the Doncaster Road streetscape and public realm, including a new plaza that will activate and invigorate the front setback to Doncaster Road.

Further, the proposal will:

- assist in the long-term conservation of the heritage chapel
- create a significant opportunity for the Church to further enhance its place, role and facilities in the community
- generate significant economic and employment opportunities, not only through the construction of the development but also through the commercial and community-based uses on the site.

The Panel appreciates that many of these benefits would be delivered under the Existing Permit (if it were to be acted on). However the Proponent advised that it became apparent from financial analysis and costings undertaken following the grant of the Existing Permit that the development in that form was unlikely to be able to be funded due to lower than normal returns as a consequence of the extensive community facilities being provided. The Proponent advised that the likely return for the approved development was only 4 per cent, and to receive bank finance the return would need to be at least 20 percent. The additional apartment yield delivered by the additional four storeys effectively makes the project feasible, as well as delivering 41 additional apartments and four additional affordable housing dwellings.

The issues and impacts required to be considered in the decision guidelines have been discussed at length in the issue-specific chapters of this Report. In essence the Panel considers:

- The proposal broadly meets and delivers on the policy objectives in the Planning Policy Framework and the ACZ1, and delivers acceptable outcomes.
- The proposal includes a diverse range of dwellings, an affordable housing component, and a broad mix of non-residential uses that are appropriate in terms of the objectives in the ACZ1 for Precinct 2 and for the Activity Centre as a whole.
- The non-residential components offer a range of uses that provide a religious and cultural focus and opportunities for social interaction, consistent with the objectives in the ACZ1.
- Consistent with the built form decision guidelines in the ACZ1, the proposal is a quality architectural response that will, together with surrounding development, help to mark the Activity Centre as a destination and create a sense of place and civic identity.
- The proposal responds appropriately to the topography of the land, and contributes to the objective in the Doncaster Hill Strategy of marking the ridgeline with taller built form

that capitalises on view, and that tapers down the hill and toward the residential hinterland.

- While the proposed development will result in additional overshadowing of both the public and private realms, the extent of shadowing is acceptable given the site's physical and policy context.
- The proposed permit conditions will adequately manage any traffic or parking issues that may arise, and there are no traffic or parking reasons why the proposed development should not be supported.

The Panel has assessed the permit application against the principles of net community benefit and sustainable development. It considers that the proposal delivers a net community benefit, and should be supported subject to the recommendations made in the preceding chapters to address specific issues raised in submissions.

### 9.3 Conditions

Both Council and the Proponent provided their preferred versions of the permit conditions, as attachments to their submissions. Council provided a final consolidated set of permit conditions with its response to the Proponent's preferred version noted (Document 21). The Panel has used Document 21 as the basis of its recommendations.

The changes shown in Document 21 were largely agreed between Council and the Proponent. Most are minor corrections or clarifications, or changes recommended by the experts. The Panel has reviewed these changes, and supports them.

The changes that were not agreed were:

- deletion of the specific number of dwellings (177) from the permit preamble (what the permit allows)
- changes to condition 1.27.

The Proponent submitted that the number of dwellings should not be referred to in the preamble, as the Scheme requires a permit for the use of dwellings, not the specific number. Council opposed the deletion of the number of dwellings on the basis that including the number provided certainty as to how many dwellings would be provided. The Panel agrees with the Proponent. In any event, certainty as to the number of dwelling to be delivered is provided by condition 2, which states that the use and development as shown on the approved plans must not be altered without the Responsible Authority's consent.

Condition 1.27 is a standard condition, and requires the plans to be amended to include a schedule listing sustainability features and commitments, as well as changes required by the Sustainability Management Plan. The Proponent sought that the condition be simplified to refer only to changes required by the Sustainability Management Plan. Council opposed the change, submitting that the condition makes it clear on the face of the permit what commitments need to be implemented under the Sustainability Management Plan by listing these on the endorsed plans. Council submitted that promoting these commitments as notations on the plans avoids them being inadvertently overlooked in the construction stage of the development. The Panel supports Council's position, and considers that condition 1.27 should be reinstated in its original (exhibited) form.

For completeness, in the previous chapters, the Panel has recommended changes to conditions to address:

- modifications to the Doncaster Road frontage of the podium to improve sightlines to the east and west elevations of the chapel from Doncaster Road (see Chapter 5)
- demonstration that pedestrian movements (as well as parking demand) can be managed before the Responsible Authority allows an increase in the patron cap for the place of assembly uses (see Chapter 8.2)
- updates to the plans to ensure that the accessibility requirements in Clause 58.05-1 of the Planning Scheme are met (see Chapter 8.5).

All of the above changes are reflected in the Panel's recommended permit conditions in Appendix C.

## 9.4 Recommendation

The Panel recommends:

**Issue planning permit PLN20/0303 for the partial demolition of the existing heritage listed church, and the use and development of the land for a 17 storey mixed-use development comprising residential dwellings, a place of assembly, child care centre, two food and drinks premises, offices, a reduction in the standard car parking requirements and to alter the access arrangements to a road in a Road Zone, Category 1, subject to the permit conditions contained in Appendix C.**

## Appendix A Submitters to the Amendment

No.	Submitter	No.	Submitter
1	Val (anonymous)	17	Wing Kee Philip Chung and Yuet Mei Yeung
2	Alexander Owens	18	Yuet Yi Yeung
3	Basile Sepsakos	19	Bridget Lee
4	Scott Lynn	20	Serena Pavlidis
5, 5A	John and Helen Allsop	21	Wei Ting Ji
6	Val Mathie	22	Geoffrey Knight
7	R and D McCloud	23	Wei Ting Ji
8	Vincent Wang	24	Barry Cooper
9	Kelvin Loh	25	Elizabeth Downes
10	Ka Lam	26	Greg Downes
11	Yin Kian Choong	27	Yuqing Li
12	Aya Bonalos	28	May Siu Fun Yiu
13	Wai Kit Cheung and Siu Kei Lam	29	Morris Waters and Shulan Guo
14	Dony Wahyudi	30	Feng Guo
15	Andry Tjahjono	31	Department of Transport
16	Weibin Gu	32	Margaret Wegner

## Appendix B Document list

No.	Date	Description	Presented by
1	22/9/21	Concept plan for Hepburn Park	Council
2	"	Existing Permit PLN18/0571	"
3	"	Decision plans for Existing Permit	"
4	23/9/21	Submitter Location Map	"
5	4/10/21	Part A Submission – Council (including attachments)	"
6	5/10/21	Expert witness statement – V Gnanakone (Traffic)	"
7	"	Expert witness statement – T De Young (Traffic)	Proponent
8	"	Expert witness statement – C Heggen (Planning and Urban Design)	"
9	"	Expert witness statement – B Raworth (Heritage)	"
10	"	Use zone plan	"
11	Various	Bundle of emails received by Planning Panels Victoria from Mr Waters in relation to various matters, together with responses	Mr Waters
12	07/10/21	Expert witness statement – R McGauran (Urban design)	Council
13	12/10/21	Part B Submission – Council (including attachments)	"
14	13/10/21	Adjournment request – Mr Waters	Mr Waters
15	13/10/21	Traffic Impact Assessment (GTA Consultants) – updated document (with Appendix A swept path assessment included)	Proponent
16	"	Submission – Proponent, including multiple attachments	"
17	"	Expert witness presentation – C Heggen	"
18	14/10/21	Clause 58 Compliance Schedule updated with storage provision highlighted	"
19	15/10/21	Car parking layout options prepared by T de Young	"
20	"	Photo showing rendered Church window surrounds	"
21	15/10/21	Council consolidated version of permit conditions	Council

## Appendix C Panel recommended version of the Permit

[Tracked Added](#)

~~Tracked Deleted~~

Tracked against Document 21

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# PLANNING PERMIT

GRANTED UNDER SECTION 96I OF THE  
PLANNING AND ENVIRONMENT ACT 1987

Permit No.: PLN20/0303

Planning scheme: Manningham

Responsible authority: Manningham City Council

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**ADDRESS OF THE LAND:** 674-680 Doncaster Road, 2 Short Street and 14, 14A, 16 & 18 Hepburn Road, Doncaster

### THE PERMIT ALLOWS:

Develop the site under planning permit application PLN20/0303 to partially demolish the existing heritage listed church, use and develop a 17-storey mixed-use development comprising residential dwellings, a place of assembly, child care centre, two food and drinks premises, offices, a reduction in the standard car parking requirements and alter the access arrangements to a road in a Road Zone, Category 1.

### THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

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1. Before the use and development starts, amended plans drawn to scale and dimensioned, must be submitted to the satisfaction of and approved by the Responsible Authority. When approved the plans will then form part of the permit. The plans must be generally in accordance with the decision plans (prepared by Design Inc, Project No. 16040, Revision TP7 dated 15 January 2021), but modified to show:
  - 1.1 The replacement of the pale bronze profiled vertical Colorbond metal cladding (marked on the plan as CW03) defining the northern balconies of Apartments 6.11 on Level 6 and 7.11 on Level 7 with the pale bronze powder coated aluminium box fins (marked on the plan as MB01), and to terminate at the western edge of the balconies;
  - 1.2 The brickwork brand and colour identified on the plans as 'BK01' modified to be a pale colour, to match the original lighter coloured brick used for detailing on the 1889 church building, to the satisfaction of the Responsible Authority;

- 1.3 Roof form overhang over Apartment 6.19 to be removed to allow the window to be clear to the sky;
- 1.4 The doors adjoining the Level 8 and 16 outdoor areas to be glazed and have glazed windows either side, where practicable;
- 1.5 Relocation of the air conditioning units or modification of apartments balconies which do not meet Standard B19 of Clause 58.05-3 of the Manningham Planning Scheme (as they do not provide an additional 1.5sqm of area, where an air conditioning unit is located);
- 1.6 The minimum 2.7m high floor to ceiling heights for apartments, also indicated on the elevation plans;
- 1.7 Further modification of any solid balcony side walls to be translucent privacy screens, to improve daylight and solar access, to the satisfaction of the Responsible Authority;
- 1.8 Indication of removal, relocation or modification of the easement, as approved by Yarra Valley Water;
- 1.9 The ballooned changes shown on TP206, TP 207 and TP208 all dated 29 September 2021;
- 1.10 Confirmation of the dimensions of the secondary areas to all bedrooms to satisfy Standard D26 of Clause 58 of the Planning Scheme where not already shown.
- 1.11 [Modifications required to the plans to ensure that the accessibility requirements in Standard B17 of Clause 58.05-1 of the Manningham Planning Scheme are met in at least 50% of dwellings.](#)

#### **Boulevard treatment and Doncaster Road frontage**

- 1.12 [Changes to the Doncaster Road frontage of the podium to improve sightlines to the east and west elevations of the chapel from Doncaster Road, by way of increasing the setback line for the new built form and/or reviewing placement of awnings, canopies and overhangs, to the satisfaction of the Responsible Authority;](#)
- 1.13 Full details of the boulevard treatment along Doncaster Road, including maintaining a minimum 3.6m wide paved promenade with staggered avenues of deciduous trees, with full dimensions and paving materials in accordance with the Doncaster Hill Strategy;
- 1.14 The continuation of the Doncaster Hill paved promenade treatment over the Doncaster Road crossover/driveway to reinforce pedestrian priority Landscaping;
- 1.15 All landscaping areas detailed and dimensioned to correspond with the concept landscape plans (prepared by Phillip Johnson Landscaping, Job No.1019, dated 14 October 2020);
- 1.16 The retention of the street trees within the road reserve of Hepburn Road, unless otherwise agreed by the Responsible Authority;

#### **Car parking, access and basement areas**

- 1.17 Suitably located charging stations for the car parking and bicycle areas, within each of the two basements;
- 1.18 A detailed schedule and allocation of car parking spaces for each apartment and townhouse within the basement and Level 1, rationalised based on the location of corresponding allocated external storage spaces and the most convenient lift locations relative to the entrance of each dwelling;
- 1.19 Allocation of external storage for each dwelling, rationalised based on the location of

corresponding allocated resident vehicle spaces, including a minimum 6m<sup>3</sup> of storage to each townhouse;

- 1.20 Details of the materials, finishes and dimensions of all external storage areas;
- 1.21 Details and plan notations demonstrating each area set aside for bicycle spaces complies with Clause 52.34-6 (Design of bicycle spaces) and Clause 52.34-7 (Bicycle signage) of the Manningham Planning Scheme or to the satisfaction of the Responsible Authority;
- 1.22 The provision of one change room/shower as required by Clause 52.34-3 (Bicycle) of the Manningham Planning Scheme;
- 1.23 A notation detailing that all redundant vehicle crossovers be removed and the footpath, nature strip, kerb and channel be reinstated;
- 1.24 Details of the ventilation provided to all car park areas;
- 1.25 The deletion of car spaces 02-54, 02-56 and 02-58 on Level 2 of the car park to provide a height clearance of 4.5m above the floor level of the loading dock below.

#### Other

- 1.26 Capacity of all rainwater tanks;
- 1.27 All services designed to integrate into the design detail of the built form and suitably screened;
- 1.28 Any required design inclusions or modifications in response to the Acoustic Assessment approved under a further Condition of this Permit;
- 1.29 ~~Any changes required by the Sustainability Management Plan approved under a further Condition of this permit~~ [A schedule listing all sustainability features / commitments applicable to the approved development, including the provision of a third pipe system and any changes to plans required under the Sustainability Management Plan approved under a further Condition of this permit;](#)
- 1.30 All recommendations and design changes as required by Department of Transport as required by a further Condition of this Permit;
- 1.31 Design details (including location, height and materials) of the screens and/or design features as included and required by the Wind Report under a further Condition of the Permit;
- 1.32 Notations to demonstrate compliance with the recommendations of the Wind Report under a further Condition of the Permit;
- 1.33 All recommendations and design changes as required by the reports and management plans approved under further Conditions of this permit to the satisfaction of the Responsible Authority.

#### Endorsed Plans

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

#### Construction Management Plan

- 3. Not less than three months before the development starts, a Construction Management Plan (CMP) must be submitted and approved to the satisfaction of the Responsible Authority. When approved the plan will form part of the permit. The Construction Management Plan is to be prepared in accordance with the template within Council's CMP Guidelines. The CMP must address:

- 3.1 Element A1: Public Safety, Amenity and Site Security;
- 3.2 Element A2: Operating Hours, Noise and Vibration Controls;
- 3.3 Element A3: Air Quality and Dust Management;
- 3.4 Element A4: Stormwater and Sediment Control and Tree Protection (also as per the specific requirements of this permit);
- 3.5 Element A5: Waste Minimisation and Litter Prevention; and
- 3.6 Element A6: Traffic and Parking Management which is also to include consideration of a shuttle service for construction personnel to and from the site.

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

#### **Sustainability Management Plan**

4. Prior to the endorsement of plans under Condition 1, an amended Sustainability Management Plan (SMP) must be submitted and approved to the satisfaction of the Responsible Authority. When approved the Plan will form part of the permit. The recommendations of the Plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the occupation of any dwelling. The plan must be generally in accordance with the prepared by Lucid Consulting Australia and dated 16 October 2020, and the Stormwater Management Report and associated MUSIC model, prepared by Adams Consulting Engineers and dated 12 January 2021 but be modified to:
  - 4.1 Demonstrate best practice 4-star in the Green Star Design and As-Built Rating System;
  - 4.2 Include details and the size of rainwater tanks and their connections;
  - 4.3 Provide the third pipe connection, which must not only be a single point connection to top up the rainwater tank;
    - 4.3.1 Provide a revised the stormwater management strategy to:
    - 4.3.2 Provide a certified copy of water quality analysis – MUSIC from the service provider for Council records;
    - 4.3.3 Locate treatment units prior to OSD is acceptable, but it is the design engineer's responsibility to verify the levels work and flow rates work;
    - 4.3.4 Provided OSD storage volume is not acceptable - permissible site discharge and OSD storage volume must be calculated using OSD4 programme (refer to Council's OSD Guideline for details);
    - 4.3.5 Provide an alternative to SPELL storm Chambers (not a preferable option as a solution for OSD storage), unless otherwise agreed;
    - 4.3.6 Detail that 15 KL water tank must be used for toilet flushing.

#### **Green Travel Plan**

5. The development must be constructed in accordance with the Green Travel Plan approved and forming part of this permit (prepared by GTA Consultants, dated 8 May 2020), and all of its requirements must be implemented and complied with at all times to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.

**Waste Management Plan**

6. Prior to the submission of plans under Condition 1, an amended Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be to the satisfaction of the Responsible Authority, generally in accordance with the submitted Waste Management Plan prepared by Leigh Design, dated 19 November 2020, but bemoified to detail:
  - 6.1 A modified waste management strategy to the satisfaction of the Responsible Authority;
  - 6.2 Waste generation rates, collection frequency, bin requirements, size and location of bin storage rooms and details on waste facilities and equipment;
  - 6.3 Plans showing appropriate turning facilities, swept path diagrams, turning circles and relevant height clearances (included within the report/plan);
  - 6.4 Details on how residents will practically and conveniently access waste facilities;
  - 6.5 Details on how residents will practically and conveniently access dispose of garbage, recyclables, food organic waste and glass material;
  - 6.6 Measures to ensure that the private waste contractor can access the development and the private waste contractor bins;
  - 6.7 No private waste contractor bins can be left outside the development boundary at any time on any street frontage for any reason.

**Acoustic Report**

7. In association with the submission of plans under Condition 1, an amended Acoustic Report must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the acoustic report Acoustic Design Criteria Assessment prepared by Acoustic Logic and dated 14 May 2020, but be modified to show:
  - 7.1 Treatment to address external noise intrusion from traffic on Doncaster Road to ensure compliance with the criteria in Table 2 of the assessment (likely to include medium to heavy weight single glazing or IGU);
  - 7.2 An Acoustic assessment to consider the potential noise impacts of the non-residential uses on internal dwellings and other uses within the development and the surrounding neighbourhood and where suitable, recommend suitable attenuation measures.

**Pedestrian Wind Environment Report**

8. In association with the submission of plans under Condition 1, an amended Pedestrian Wind Environment Report must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the report prepared by Windtech, dated 4 November 2020, but be modified to show:
  - 8.1 Alternative measures to provide wind protection that avoids the provision of screens on the north-western balconies of Levels 6 and 7, based on the requirement under Condition 1.2 of this permit to the satisfaction of the Responsible Authority;
  - 8.2 Diagrams to show the location of all required screens.

**Disability Access Plan**

9. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, a Disability Access Plan that implements the recommendations of a Disability Access Audit, prepared by a

suitably qualified person that demonstrates compliance with the relevant Australian Standards for access, including AS1428 Part 2, must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must include but is not limited to:

- 9.1 Vehicular and pedestrian access into the building;
- 9.2 Access to the lifts;
- 9.3 The provision of tactile indicators;
- 9.4 The provision of braille indicators for the lifts;
- 9.5 The use of contrasting paving materials to assist the vision impaired;
- 9.6 All emergency exits; and
- 9.7 Car parking areas.

#### **Car Parking Management Plan**

10. Before the commencement of any approved use, a Car Parking Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will then form part of the permit. Traffic and parking operations on and adjacent to the site must conform to this approved plan. The plan must be generally in accordance with the endorsed plans and must include:
  - 10.1 The allocation of all car parking spaces;
  - 10.2 Details of how each car park will be managed, including access arrangements and any measures to allow any available non-residential car parking spaces to be utilised by other uses as overflow parking;
  - 10.3 Measures to be implemented to manage events likely to result in a peak demand for car parking;
  - 10.4 Details of how the loading area will be managed for both the residential and non-residential uses; and
  - 10.5 Details of how all bicycle parking spaces will be allocated and managed.

#### **Conservation Management Plan**

11. Prior to any demolition works commencing on the site or the endorsement of plans under Condition 1, whichever is the sooner, a conservation management plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the conservation management plan will be endorsed and form part of the permit. The conservation management plan must provide further details of works which will be undertaken to the existing church building on the site and include:
  - 11.1 Detailed plans to show the specific stain glass windows that will be retained and any measures required for removal during the construction process, storage details, restoration and installation measures as part of the interpretive strategy under a further Condition of this permit, to the satisfaction of the Responsible Authority. The CMP must include details of a suitably qualified stained glass conservator undertaking the works;
  - 11.2 Details of the storage location for the existing interpretive signage, foundation stones and stain glass windows during construction works to ensure their protection;
  - 11.3 A detailed plan outlining the new location of the existing interpretive signage, foundation stones and stain glass windows as part of the interpretive strategy under Condition 16 of this permit;
  - 11.4 Detailed construction plans (drawn to scale of 1:20) of the new portico informed by available evidence of the original building to the satisfaction of the Responsible Authority and plan details

of how the new portico and steps will be fixed to the existing church building;

- 11.5 Detailed construction plans (drawn to the scale of 1:20) to show how the existing church building will be fixed to the new building to the satisfaction of the Responsible Authority; and
- 11.6 Detailed construction plans (drawn to the scale of 1:20) to show the integration of the existing church building with the new building so that it is level and aesthetically compatible with the chapel extension, gardens and foyer to the satisfaction of the Responsible Authority.

Works must be undertaken in accordance with the conservation management plan and must be managed by a suitably qualified heritage specialist to the satisfaction of the Responsible Authority.

#### Management Plan Compliance

- 12. The Management Plans and reports approved under Conditions 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.
- 13. Before the occupancy of the development, a report from the author of the Sustainability Management Plan approved under a further Condition of this permit, or similar qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures / commitments in the Sustainability Management Plan approved under a further Condition of this permit, and the third pipe requirements, have been implemented in accordance with the approved plans and the planning permit to the satisfaction of the Responsible Authority.

#### Yarra Valley Water Easement

- 14. Before Condition 1 plans can be considered for endorsed, written formal consent from Yarra Valley Water to modify, relocate or build over the easement is required to be provided.
- 15. Deleted.

#### Archival record

- 16. Prior to any demolition works commencing on the site, a photographic heritage record of the church building and the buildings to be demolished or altered must be prepared to the satisfaction of the Responsible Authority. One archival quality copy of the record along with an electronic copy must be submitted to the Responsible Authority. The record must also include:
  - 16.1 Views of each elevation of the building/s;
  - 16.2 Two diagonally opposed views of each internal space in the building/s; and
  - 16.3 Any architectural design detailing of the building/s.
  - 16.4 Photo log sheets including plans clearly showing north and indicating what direction the images were taken.

The photographic record must be taken with an SLR camera of at least 8 megapixels and images saved in RAW format.

#### Interpretive strategy

- 17. Before the commencement of the use of the place of assembly, an interpretive strategy of permanent displays must be installed within the Level 4 public space foyer to the satisfaction of the Responsible Authority. It must include the archival record approved under a further Condition, incorporated with existing interpretive signage, existing church archives that document the history and development of the site and there-use of existing stain glass windows.

**Landscape Plan**

18. Before the development starts, amended landscaping plans must be submitted to the Responsible Authority for approval. The plans must be generally in accordance with the approved site layout plans and the decision plans prepared by Phillip Johnson Landscaping, Job No.1019, dated 14 October 2020, but modified to show:
- 18.1 Species, locations, quantities, approximate height and spread of proposed planting;
  - 18.2 Details of soil preparation and mulch depth for garden beds;
  - 18.3 Sectional details of shrub planting method and the canopy tree planting method which includes support staking and the use of durable ties;
  - 18.4 Full details of the boulevard treatment along Doncaster Road, including maintaining a minimum 3.6m wide paved promenade with staggered avenues of deciduous trees, with full dimensions and paving materials in accordance with the Doncaster Hill Strategy;
  - 18.5 The continuation of the Doncaster Hill paved promenade treatment over the Doncaster Road crossover/driveway to reinforce pedestrian priority;
  - 18.6 A separate sectional detail of Doncaster Road boulevard canopy tree planting methods, which includes appropriate root director or root cell technology incorporated to ensure that the boulevard paving is not damaged by tree roots over time;
  - 18.7 Sectional details of the planting method for planter boxes, including the method of drainage;
  - 18.8 A minimum 1m wide area to the perimeter of the site, within the private open space/courtyard area of dwellings fronting Short Street and Hepburn Road;
  - 18.9 Further details of and a landscape treatment provided to the following spaces, to the satisfaction of the Responsible Authority:
    - 18.9.1 Between the loading dock accessway and the eastern boundary, fronting Hepburn Road;
    - 18.9.2 Generally along the southern frontage to Hepburn Road (including within front courtyards);
    - 18.9.3 Generally along the eastern frontage to Short Street (including within front courtyards);
  - 18.10 Improved details of the site frontage to Doncaster Road, including the location of bicycle parking, ramps, planter beds, retaining walls and surface materials, to demonstrate how this area will function and be maintained to ensure a purposeful interaction with the public realm;
  - 18.11 The irrigation of communal garden beds and lightweight planter boxes controlled by sensors;
  - 18.12 Details of any rain-garden, including maintenance details;
  - 18.13 All canopy trees and screen planting to be at least 1.5 metres in height at the time of planting, with the exception of trees within the Doncaster Road boulevard, which must be at least 3.5 metres in height at the time of planting;
  - 18.14 The retention of the street trees within the road reserve of Hepburn Road, unless otherwise agreed by the Responsible Authority.

**Landscape Bond**

19. 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.

#### Street Trees

20. Footpath panels adjacent to proposed street tree locations must be removed and reinstalled by the developer/property owner with TripStop X to Council specification, and to the satisfaction of the Responsible Authority.
21. All fencing foundations and infrastructure must be engineered and installed to withstand the pressure exerted from roots from street trees as they grow, to the satisfaction of the Responsible Authority.
22. All street trees along Hepburn Road must be retained and protected in accordance with AS 4970, to the satisfaction of the Responsible Authority unless otherwise agreed to by the Responsible Authority.
23. All street tree removal and planting works must be undertaken by Council at the full cost of the permit holder, to the satisfaction of the Responsible Authority.

#### Completion and Maintenance

24. Once the permitted development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
25. Before the occupation of any approved dwelling the following works must be completed generally in accordance with the approved plans and to the satisfaction of the Responsible Authority:
  - 25.1 All privacy screens and obscured glazing must be installed, noting that the use of obscure film fixed to transparent windows is not considered to be 'obscured glazing';
  - 25.2 All driveways, bicycle and car parking areas fully constructed, with appropriate grades and transitions, line marked and/or signed and available for use; and
  - 25.3 All landscape areas must be fully planted and mulched or grassed.
26. Buildings, including screening, engineering works, fences and landscaped areas must be maintained to the satisfaction of the Responsible Authority.
27. The landscaping as shown on the approved landscaping plan must be maintained by replacing any dead, diseased, dying or damaged plants as soon as practicable and not using the areas set aside for landscaping for any other purpose, to the satisfaction of the Responsible Authority.
28. In the event of excavation or works causing damage to any existing boundary fence, the owner of the development site must at their own cost repair or replace the affected fencing to the satisfaction of the Responsible Authority.

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

29. The owner must provide on-site storm water detention storage or other suitable system (which may include but is not limited to the re-use of stormwater using rainwater tanks), to limit the Permissible Site Discharge (PSD) to that applicable to the site coverage of 35 percent of hard surface or the pre-existing hard surface if it is greater than 35 percent. The PSD must meet the following requirements:
  - 29.1 Be designed for a 1 in 5 year storm; and
  - 29.2 Storage must be designed for 1 in 10 year storm.

**Construction Plan (OSD)**

30. Before the development starts, a construction plan for the system required by a further Condition 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**

31. 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.
32. The whole of the land, including landscaped and paved areas must be graded and drained to the satisfaction of the Responsible Authority, to prevent ponding and to minimise overland flows onto adjoining properties.

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

33. The areas set aside for the parking of vehicles, together with the aisles and access lanes as delineated on the endorsed plans must:
- 33.1 Be completed and line-marked to the satisfaction of the Responsible prior to the occupation of the development or commencement of the uses hereby permitted;
  - 33.2 Be used for no other purpose and maintained at all times to the satisfaction of the Responsible Authority; and
  - 33.3 Be drained and sealed with an all-weather seal coat.
34. The residential, visitor and non-residential car parking areas must be clearly lined marked and signed and must not be used for any other purpose, to the satisfaction of the Responsible Authority.
35. All car parking spaces associated with the non-residential uses and the residential visitor car parking contained within the building must be made available for use by the relevant owners, occupants and visitors to the building free of charge at all times and must not be sub-leased or used for any other purpose to the satisfaction of the Responsible Authority.
36. All bicycle parking areas must be maintained and not be used for any other purpose, to the satisfaction of the Responsible Authority.
37. The use of the crossover on Doncaster Road for vehicle access must only be associated with special events of the place of assembly, to the satisfaction of the Responsible Authority.
38. An intercom and an automatic garage door opening system must be installed, so as to facilitate convenient 24 hour access to the residential car park by visitors, to the satisfaction of the Responsible Authority.

**Place of Assembly**

39. Except with the prior written consent of the Responsible Authority, the maximum number of patrons who may attend the place of assembly at any one time and the hours of operation of the place of assembly are:

**427 patrons on Monday to Friday between 8:00am and 5:00pm**

**650 patrons on Monday to Friday between 5:00pm and 11:00pm**

**650 patrons on Saturday and Sunday between 8:00am and 11:00pm**

40. The number of patrons who may attend the place of assembly on Monday to Friday between 8:00am and 5:00pm may increase 650 patrons with the prior written consent of the Responsible Authority.
41. **[Separate condition, not part of condition 40]** Additional patrons will only be permitted if it can be demonstrated that the car parking demand for the place of assembly does not exceed the available car parking spaces, and that pedestrian movements of patrons can be adequately accommodated, to the satisfaction of the Responsible Authority.

#### **Child Care Centre**

42. Except with the prior written consent of the Responsible Authority, the number of children who may attend the centre at any one time must not exceed 120.
43. Except with the prior written consent of the Responsible Authority, the child care centre must only operate between the hours of 6:00am and 7:00pm on weekdays only.
44. The external play areas must be kept in a neat and tidy condition to the satisfaction of the Responsible Authority.
45. The operator of the centre must through proper management and supervision techniques, ensure that excessive noise is not generated by external play activities, to the satisfaction of the Responsible Authority.
46. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.

#### **Food and Drink Premises**

47. Except with the prior written consent of the Responsible Authority, the food and drink premises must only operate between the hours of 7:00am and 10:00pm Monday to Sunday.
48. The shop fronts of the food and drink premises must not be covered by promotional or other film or signage that reduces transparency of the interface, to the satisfaction of the Responsible Authority.
49. The exhaust system to the food and drink premises must be fitted with filter devices capable of minimizing the external emission of odours and airborne fat particles and be maintained to the satisfaction of the Responsible Authority.

#### **Offices**

50. Except with the prior written consent of the Responsible Authority, the offices must only operate between the hours of 7:00am and 6:00pm on weekdays only, to ensure that unused car parking spaces outside of these times are made available as overflow parking for other uses.

#### **Amenity**

51. Before the uses commence, all fencing, including acoustic fencing and any other measures must be erected in accordance with the approved plan to the satisfaction of the Responsible Authority.
52. All security alarms or similar devices installed on the land must be of a silent type to the satisfaction of the Responsible Authority.
53. 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.
54. All delivery and collection of goods associated with the non-residential uses must be conducted within the subject land and within the operating hours approved under this permit.

55. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view. All waste collection and recycling collection must be undertaken in accordance with Council requirements and the approved waste management plan.
56. The collection of all waste from the premises must only be conducted between the hours of 8.00am to 6.00pm Monday to Friday to the satisfaction of the Responsible Authority.
57. The operators of non-residential uses must ensure to the satisfaction of the Responsible Authority that all on-site activities are conducted in an orderly manner and must endeavour to ensure that patrons / customers who depart the premises late at night, do so in a manner not likely to cause noise disturbances to nearby residents and residents in the building, and in accordance with any approved car parking operation approved under another condition of this permit.
58. The use and development must be managed so that the amenity of the area is not detrimentally affected, to the satisfaction of the Responsible Authority, through the:
  - 58.1 Transport of materials, goods or commodities to or from the land;
  - 58.2 Storage of goods and wastes;
  - 58.3 Appearance of any building, works or materials, and
  - 58.4 Emission of noise, light, vibration, odour & dust.

#### Lighting

59. External lighting must be designed so as to minimise loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority.
60. The development must be provided with external lighting capable of illuminating access to each car parking space, storage area, waste bins, pedestrian walkways, stairwells, lifts, dwelling entrances and entry foyers. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.

#### Development Contribution

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

#### General

62. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
63. A centralised TV antenna must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.
64. No individual dish antennae may be installed on the overall building to the satisfaction of the Responsible Authority.
65. If allowed by the relevant fire authority, external fire services must be enclosed in a neatly constructed, durable cabinet finished to complement the overall development, or in the event that enclosure is not allowed, associated installations must be located, finished and landscaped to minimise visual impacts from the public footpath in front of the site to the satisfaction of the Responsible Authority.
66. Buildings, engineering works, fences and landscaped areas must be maintained to the satisfaction of the Responsible Authority.

67. Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter.

#### Affordable housing

68. Prior to the commencement of buildings and works Affordable Housing must be secured under a mutually agreed to Section 173 Agreement between the Proponent and Council and must be signed by all parties before the Amendment is sent to the Minister for Planning for approval, at the latest. The affordable housing dwellings must satisfy the following:
- 68.1 Be not less than 10 in number, which are likely to be one or two bedroom apartments;
  - 68.2 To be tenure blind with finishes reflecting all other apartments within the development and fully integrated into the development;
  - 68.3 The ultimate location will reflect the needs of the occupant or provider, can be grouped together or spread throughout the development and are likely to be in the lower levels;
  - 68.4 All residents must satisfy one of the prescribed income ranges contained in the Ministerial Order entitled '~~Specification of Income Ranges~~' published in the ~~Victoria Government Gazette No. G23 dated 26 June 2019 at page 1070~~ pursuant to section 3AB of the *Planning and Environment Act 1987*;
  - 68.5 Any of the dwellings can be used for disability purposes or form part of the National Disability Insurance Scheme or the National Rental Affordable Scheme, provided the dwellings satisfy all the other requirements of Council as specified herein;
  - 68.6 The need for flexibility with respect to models of ownership and management of the dwellings is acknowledged, including third party Affordable Housing providers, trusts and the like; and
  - 68.7 Council requires the initial owner and occupier of each dwelling to be approved of in writing by Council to ensure that Council's requirements in respect of affordable housing dwellings, as outlined herein, are satisfied;
  - 68.8 The cost of preparing and registering the agreement is to be paid by the permit holder.

#### Department of Transport

69. Prior to commencement of the buildings and works, a Functional Layout Plan showing the access arrangement to the chapel off Doncaster Road, must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with the plan date stamped 1/10/2020 and annotated TP206 Rev TP6 and plan date stamped 15/01/2021 and annotated TP504 Rev TP7 but modified to show:
- 69.1 Access control; retractable bollards at the boundary or within the site, to limit access for special events only;
  - 69.2 Access and the layout of parking for "hearse" and "wedding vehicle";
  - 69.3 Demonstrated manoeuvring space for vehicles to enter and exit the site in a forward direction; and
  - 69.4 Paved promenade treatment across the crossover to reinforce pedestrian priority.
70. Prior to commencement of the use, all disused or redundant vehicle crossings must be removed, and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Head,

Transport for Victoria and the Responsible Authority.

71. Prior to the occupation of the development, the crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.
72. Vehicles must enter and exit the land in a forward direction at all times.
73. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Doncaster Road is kept to a minimum during construction of the development. Foreseen Disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria eight (8) weeks prior by emailing customerservice@ptv.vic.gov.au.

**Permit Expiry**

74. This permit will expire if one of the following circumstances applies:
  - 74.1 The development is not started within four (4) years of the date of this permit;and
  - 74.2 The development is not completed within eight (8) years of the date of this permit.
  - 74.3 The uses are not commenced within two (2) years of the development being completed.

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

Summary of issues discussed by the Panel and Officers' response.

Attachment 2

Issues addressed by the Panel	Panel's Discussions, Conclusions & Recommendations	Officer Response and Recommendation
<b>1. Planning Context</b>		
<p>The Panel summarised the relevant objectives in the Act, Plan Melbourne 2017-2050, Doncaster Hill Strategy (2002, revised 2004), Ministerial Direction 11, the policy settings in the State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF), the requirements of the Activity Centre Zone, Schedule 1 (ACZ1), Heritage Overlay 46, Development Contributions Overlay, Schedule 1 (DCPO1) and clauses 52.06 &amp; 52.20 of the Scheme that are applicable to the proposal.</p>	<p>The planning provisions provide the context in which the submissions received on the Amendment were considered by the Panel.</p>	<p>The summary of the relevant planning provisions by the Panel are considered comprehensive.</p>
<b>2. Strategic Justification</b>		
<p>The Panel appraised the policy context of the Amendment and in particular the ACZ1 and the DCPO1. Specific concerns from submitters relating to precedence, and prioritising the needs of the community over the developer were also discussed.</p>	<p><u>Discussion:</u> The Panel considers the Amendment will deliver a net community benefit and sustainable development, and should be supported.</p> <p>In arriving at this conclusion, the Panel noted that planning controls are never set in stone, commenting that it is appropriate, and is in fact required by the Act, for a Council regularly review their planning schemes. On this basis no precedence is considered to have been created.</p> <p>The panel also didn't accept the submissions that Council should prioritise the needs of the community over those of the proponent, as the Act and the Scheme requires the Panel and Council to balance the interests of present and future Victorians, and not to prioritise the interests of one group over another.</p> <p><u>Conclusion:</u> The Panel concludes:</p> <ul style="list-style-type: none"> <li>The Amendment will deliver net community benefit and sustainable development, and should be supported.</li> </ul>	<p>The Panel's conclusion is supported.</p> <p>Recommendation No. 1 is supported.</p>

Issues addressed by the Panel	Panel’s Discussions, Conclusions & Recommendations	Officer Response and Recommendation
	<p>Recommendation:</p> <p><b>Panel Recommendation No 1:</b></p> <ul style="list-style-type: none"> <li>• <i>Adopt Amendment C127mann to the Manningham Planning Scheme as exhibited.</i></li> </ul>	
<b>3. Built form</b>		
<p>The key issues to be resolved are:</p> <ul style="list-style-type: none"> <li>• Building heights and setbacks.</li> <li>• Bulk, mass and form.</li> <li>• Overshadowing.</li> <li>• Internal amenity.</li> </ul>	<p><b>Building heights and setbacks</b></p> <p>Discussion:</p> <p>The panel have identified the following issues:</p> <ul style="list-style-type: none"> <li>• The height increase allowed under the Amendment.</li> <li>• The proposed height and setbacks of the development.</li> </ul> <p>The Panel considers the proposed increase in height on the northern part of the site will deliver improved urban design outcomes. It agrees with the expert evidence that the height increase will address the dip in the Doncaster Road skyline and will allow for a more balanced framing of the Short Street intersection. The Panel notes the proposed 17-storey development will be taller than the 13-storey development at 666 Doncaster Road, but will appear similar in scale due to the topography of the ridgeline, and will present a more consistent and harmonious skyline in the section of Doncaster Road.</p> <p>The Panel anticipates that the increased height will be more perceptible from the south, however notes that the height increase is supported in policy and is strategically justified. The panel does not consider that it will result in an unreasonable loss of amenity in the residential areas to the south, including the Magnolia Apartments.</p> <p>The Panel has determined that the setbacks requirements of the ACZ1 have been met, including the requirement for an increased setback of the tower element as a result of the Amendment. The setbacks broadly provide for an equitable-based high density development and do not limit the development potential on neighbouring properties.</p>	<p>The Panel’s conclusions are supported.</p>

Issues addressed by the Panel	Panel’s Discussions, Conclusions & Recommendations	Officer Response and Recommendation
	<p><u>Conclusions:</u> The Panel concludes:</p> <ul style="list-style-type: none"> <li>• The proposed height increase (and the height of the proposed development) will result in an acceptable planning outcome and improved urban design outcome, and are supported.</li> <li>• The proposed setbacks are appropriate, and meet the requirements of the ACZ1.</li> </ul> <p><b><u>Bulk, massing and form</u></b> <u>Discussion:</u> The Panel has identified the following issue:</p> <ul style="list-style-type: none"> <li>• The issue is the bulk, mass and form of the proposed development.</li> </ul> <p>The Panel agrees with the expert evidence that the built form and massing is site responsive and appropriate in its context.</p> <p><u>Conclusion:</u> The Panel concludes:</p> <ul style="list-style-type: none"> <li>• The built form and massing of the proposed development is site responsive and appropriate in its context.</li> </ul> <p><b><u>Overshadowing</u></b> <u>Discussion:</u> The Panel has identified the following overshadowing impacts to:</p> <ul style="list-style-type: none"> <li>• The proposed park in Hepburn Road.</li> <li>• Adjoining properties.</li> </ul> <p>The Panel has considered the overshadowing impacts on all adjoining properties, including on the proposed new Hepburn Road park. The overshadowing was also considered in the context of the overshadowing that would be generated by Planning Permit Application PLN18/0571 that has been approved for the site.</p>	

Issues addressed by the Panel	Panel’s Discussions, Conclusions & Recommendations	Officer Response and Recommendation
	<p>The Panel considers, on balance, that while the extent of shadow cast on these properties is significant, it is acceptable given the Activity Centre context, the built form expectations set by the ACZ1, the slope of the land, and the stepped formation of the proposed development which reduces the extent of shadow cast by the southern section of the development.</p> <p><u>Conclusions:</u> The Panel concludes:</p> <ul style="list-style-type: none"> <li>• The overshadowing caused by the proposed development on the public realm (including the proposed park in Hepburn Road) and adjacent and nearby properties largely meets the requirements of the ACZ1.</li> <li>• The overshadowing impacts are acceptable given the site’s context.</li> </ul> <p><u>Internal amenity</u> <u>Discussion:</u> The Panel has identified the following issue:</p> <ul style="list-style-type: none"> <li>• The issue is the extent of shadow cast on the apartments facing into the internal courtyard on Level 6.</li> </ul> <p>The residential tower is a u-shaped building that incorporates a 10 metre wide east-facing landscaped courtyard on Level 6. The northern wall will generate overshadowing on some of the north-facing courtyard apartments. During the Hearing, the Panel considered expert evidence presented on behalf of the Council (Professor McGauran from MGS Architects) that recommended the deletion of Apartment 15.06 on Level 15 and at Level 14, replace Apartments 14.12, 14.13 and 14.14 with the footprint of the Apartment 15.06 to minimise overshadowing impacts.</p> <p>The Panel was not persuaded in the benefit provided by erosion of built form on Levels 14 and 15 is worth the loss of three apartments. It also noted that there are no specific requirements in the Better</p>	

Issues addressed by the Panel	Panel’s Discussions, Conclusions & Recommendations	Officer Response and Recommendation
	<p>Apartment Design Standards for direct sunlight access to apartments. The Panel agrees with the Proponent and Council that the modification is not justified.</p> <p><u>Conclusion:</u> The Panel concluded:</p> <ul style="list-style-type: none"> <li>The minor benefit of achieving a small amount of direct sunlight access to three upper level courtyard facing apartments does not justify the loss of three apartments on levels 14 and 15. On balance the Panel does not support professor McGauran’s Recommendation.</li> </ul>	
<b>4. Heritage</b>		
<p>The issues are whether the significance of the heritage places (the chapel) will be adversely affected by:</p> <ul style="list-style-type: none"> <li>The extent of demolition proposed.</li> <li>The proposed new works.</li> </ul>	<p><u>Discussion:</u> The Panel accepted the evidence that the later additions of the chapel, dating from the 1950’s onwards, do not contribute to the 1889 chapel’s cultural or historical significance, and fully supports the respectful restoration of the original chapel building. The Panel also notes that the chapel has a commanding presence on the Site.</p> <p>The Panel is however concerned that the scale and proportions of the new development may be overbearing compared to the original structure. They are concerned the new building will obscure views to the chapel from certain vantage points, particularly from the south side of Doncaster Road when approaching from the west. These obscured views may make it difficult to fully appreciate the restoration works proposed, as the chapel will be “tucked away” and obscured such that the three windows and vents on each side of the chapel will only be clearly visible from the forecourt areas in front of the podium, or from the north side of Doncaster Road close to the Site. The Panel is concerned that obscuring sightlines to the chapel has the potential to compromise the understanding of the chapel’s significance to the public realm in terms of its relationship with the surrounding cluster of historical buildings.</p>	<p>The Panel’s conclusions are supported.</p> <p>Recommendation No. 2(a) is supported.</p> <p>The Panel’s conclusions are supported. The improved sightlines will provide a visual enhancement of the restored chapel and reinforce the heritage significance of the cluster of remaining late 19<sup>th</sup> century buildings along this part of Doncaster Road, including the former Shire Offices and Doncaster Primary School.</p>

Issues addressed by the Panel	Panel’s Discussions, Conclusions & Recommendations	Officer Response and Recommendation
	<p>The Panel considers a better outcome would be achieved if greater visibility of the chapel’s side elevations were provided from both the east and west approaches along Doncaster Road, to allow better views of the chapel itself, a better appreciation of the restoration works and a better appreciation of the chapel’s role and relationship with the remaining cluster of heritage buildings.</p> <p><u>Conclusions:</u> The panel concludes:</p> <ul style="list-style-type: none"> <li>• The design of the Doncaster Road frontage of the podium should be reviewed to consider ways of improving sightlines to the chapel from the eastern and western approaches along Doncaster Road, and views of the side elevations including the windows and air vents.</li> <li>• Specific considerations should be given to:               <ul style="list-style-type: none"> <li>○ Increasing the setback line for the eastern and western extents of the podium.</li> <li>○ Reviewing the placement of awnings, canopies and overhangs to create better sightlines to the chapel’s side elevations.</li> </ul> </li> </ul> <p><u>Recommendation:</u> <b>Panel Recommendation No. 2(a).</b></p> <ul style="list-style-type: none"> <li>• <i>Amend condition 1 to require the plans to be updated to modify the Doncaster Road frontage of the podium to improve sightlines to the east and west elevations of the chapel from Doncaster Road, by way of increasing the setback line for the new built form and/or reviewing placement of awnings, canopies and overhangs.</i></li> </ul>	
<b>5. Traffic and parking</b>		
<p>The key issues to be resolved are:</p> <ul style="list-style-type: none"> <li>• Issues with Short Street.</li> <li>• Concerns over traffic congestion.</li> <li>• Concerns over car parking.</li> </ul>	<p><b>Issues with Short Street</b></p> <p><u>Discussion:</u> The Panel identified the following issues:</p>	<p>The Panel’s conclusions are supported.</p>

Issues addressed by the Panel	Panel’s Discussions, Conclusions & Recommendations	Officer Response and Recommendation
	<ul style="list-style-type: none"> <li>• The appropriateness of the southern carpark entrance, given the location of the Mongolia Apartment (20 Hepburn Road) carpark entrance.</li> <li>• Traffic congestion in Short Street.</li> <li>• Whether the Short Street/Doncaster Road intersection need upgrading.</li> </ul> <p>The Panel accepts the traffic and parking evidence that the proposed residential car parking entrance, being offset from the basement entrance of the Magnolia Apartments, has been appropriately designed and will not result in unsafe conditions for vehicles entering and leaving the Magnolia Apartments, or for traffic or pedestrians using Short Street. The Panel is also satisfied that there is a comfortable capacity in Short Street to accommodate the additional traffic generated by the proposal without improvements to the intersection being required.</p> <p><u>Conclusions:</u> The Panel concludes:</p> <ul style="list-style-type: none"> <li>• The southern residential carpark entrance is appropriately designed and located, including its relationship with the Magnolia Apartments carpark entrance.</li> <li>• The proposed development will not result in unacceptable traffic generation in Short Street.</li> <li>• The Short Street/Doncaster Road intersection has more than adequate capacity to comfortably accommodate the additional traffic generated by the proposed development without resulting in unacceptable queuing or bottlenecks in Short Street, and without the need for any treatments such as “KEEP CLEAR” markings at the intersection.</li> </ul> <p><u>Concerns over traffic congestion</u> <u>Discussion:</u> This issue relates to whether unacceptable traffic congestion will be generated on other local roads and streets (other than Short Street)</p>	

Issues addressed by the Panel	Panel’s Discussions, Conclusions & Recommendations	Officer Response and Recommendation
	<p>by the proposed development. The new Hepburn Road extension to Clay Drive and the upgrading of the Hepburn Road Park were considered.</p> <p>The Panel acknowledges the concerns of the submitters but agrees with the expert evidence that the majority of traffic generated by the proposed development will enter and exit the Site via Short Street and Doncaster Road, rather than using the streets to the south of the site. The Panel also agrees with the evidence that given the size of the future Hepburn Road park, the park will cater mainly for local patrons who will likely access the park by foot or bike. Acknowledgement was also made that Council, as road manager, could consider traffic calming measures should traffic or parking in these local streets be problematic in the future.</p> <p><u>Conclusion:</u> The Panel concludes:</p> <ul style="list-style-type: none"> <li>• The proposed development will not result in unacceptable traffic congestion on the surrounding street network.</li> </ul> <p><b><u>Concerns over car parking</u></b> <u>Discussion:</u> The Panel has identified the following issues:</p> <ul style="list-style-type: none"> <li>• Whether the proposed reduction in the statutory parking requirement for the non-residential uses is appropriate.</li> <li>• Whether the carpark design and layout are appropriate.</li> </ul> <p>The Panel agrees with the expert evidence from the Proponent and Council that the proposed car parking is acceptable based upon the methodologies for calculating demand, and the management of car parking by the conditions in the draft planning permit. They also note that it is important that the residential and non-residential carparks are kept separate with separate entrances to manage security, and to prevent vehicle movement conflicts between residents and visitors.</p>	

Issues addressed by the Panel	Panel’s Discussions, Conclusions & Recommendations	Officer Response and Recommendation
	<p>The Panel is also satisfied that the layout of the basements meets the requirements of the Scheme and the Decision Guidelines under the ACZ1.</p> <p><u>Conclusions:</u> The Panel concludes:</p> <ul style="list-style-type: none"> <li>• The proposed reduction in the statutory car parking requirement for the non-residential uses is appropriate. The shortfall in supply in the non-residential carpark is unlikely to have any off-site impacts, given it will only occur during events when the place of assembly is operating at full capacity (likely to be infrequently).</li> <li>• The residential carpark has an over-supply of parking spaces, and no additional on-site resident parking is warranted.</li> <li>• The proposed permit conditions appropriately manage potential parking issues during peak events, including through a car parking management plan and a cap on numbers and hours of operation for the place of assembly uses.</li> <li>• The carpark design and layouts are appropriate.</li> </ul>	
<b>6. Affordable housing</b>		
<p>The issue the Panel considered, is whether the proposed affordable housing contribution is appropriate in the development.</p>	<p><u>Discussion:</u> The Panel fully supports the provision of affordable housing to address the severe shortage of social and affordable housing in Victoria and Manningham. The Panel notes that the proposed 10 affordable housing dwellings represents a contribution of 5.6% of the total (177) dwellings and is short of the 10% aspirational target in Council’s Affordable Housing policy. They further note that the contribution is purely voluntary and that there is no mechanism to compel any larger contribution.</p> <p>Matters taken into consideration by the Panel included the objectives of the Act which seeks to facilitate the provision of affordable housing, and Council’s Affordable Housing Policy that sets an aspirational target that by 2020, 10% of housing units within the Doncaster Hill Activity Centre will be affordable housing units.</p>	<p>The Panel’s conclusion is supported.</p> <p>The development under Planning Permit Application PLN20/0303 proposes 177 dwellings, 41 dwelling more than was approved under Planning Permit PLN18/0571 for the site.</p> <p>The Proponent has agreed to provide four of the 41 dwellings for affordable housing, representing 10% of the additional yield in dwellings that would be achieved should the proposal be approved.</p>

Issues addressed by the Panel	Panel’s Discussions, Conclusions & Recommendations	Officer Response and Recommendation
	<p><u>Conclusion:</u> The Panel concludes the proposed affordable housing contribution is appropriate, and is a significant factor in the community benefit analysis of the proposed development.</p>	<p>This is considered acceptable and meets the aspirational targets identified in Council’s Affordable Housing Policy.</p>
<b>7. Other issues</b>		
<p>The key issues are:</p> <ul style="list-style-type: none"> <li>• The need for an operational management plan, including to manage peak periods and large events for pedestrian movements.</li> <li>• Overlooking of neighbours properties.</li> <li>• Minor issues with daylight access to some apartments, the design and layout of some of the parking spaces, and accessibility requirements for some apartments.</li> </ul>	<p><b><u>Operational management</u></b> <u>Discussion:</u> The Panel acknowledges the multiple non-residential uses in the development could overlap and operate concurrently, but questioned whether the forecourt and plaza areas on Doncaster Road were large enough to cope with the overflow of people gathering before and after a congregation or from large events.</p> <p>The Panel acknowledges the Proponent’s submission that the cap on patron numbers for the place of assembly (650 patrons) required by Condition 39 of the draft planning permit will assist in managing these issues. However, the Panel considered that there is some potential for pedestrian movement conflicts if more than 650 patrons are permitted on site, which should be another consideration for Council under Condition 40 in the consolidated track version of the draft planning permit.</p> <p><u>Recommendation:</u> <b>Panel Recommendation No. 2(b).</b></p> <ul style="list-style-type: none"> <li>• <b><i>Amend condition 41 to require demonstration that pedestrian movements (as well as parking demand) can be managed before the Responsible Authority allows an increase in the patron cap for the place as assembly uses.</i></b></li> </ul> <p><b><u>Overlooking of neighbouring properties</u></b> <u>Discussion:</u> The Panel considered a submission that overlooking impacts would occur from the proposed development into the north facing balconies of the Magnolia Building, in Short Street opposite the site. The Panel</p>	<p>The Panel’s conclusions are supported.</p> <p>Recommendations No. 2(b) and No. 2(c) are supported.</p>

Issues addressed by the Panel	Panel’s Discussions, Conclusions & Recommendations	Officer Response and Recommendation
	<p>considered that the road reserve width and proposed setbacks of the proposed building combined to provide sufficient separation distance between the new apartments and the Magnolia apartments to effectively manage overlooking without screening.</p> <p><b>Daylight access</b>  <u>Discussion:</u>                      The Panel considered the suitability of the design for adequate daylight provision to smaller, secondary areas within a bedroom, and to the work areas (including kitchen areas) in some narrow apartments in the proposed building. This does not relate to the apartments the Panel considered for deletion that faced the internal courtyard of Level 6.</p> <p>The Panel supports condition 1.10 in the draft permit that requires confirmation of the dimension requirements for the secondary areas of all bedrooms to comply with Standard D26 of clause 58 of the scheme. In addition, the Panel acknowledged that condition 1.7 requires further modification of any solid balcony side walls to be translucent privacy screens, to improve daylight and solar access, to the satisfaction of the Responsible Authority.</p> <p><b>Design of carparks</b>  <u>Discussion:</u>                      The Panel considered two matters. The first relates to the non-residential car park on Level 2 which includes a row of tandem spaces intended for parking for church administrative staff. These overhang the level below and would provide insufficient clearance for service vehicles to turn and exit the loading dock in a forward direction. The deletion of these spaces is reflected in Condition 1.25 of the revised draft permit. The Panel does not consider the small shortfall in parking spaces is likely to cause any impact and does not consider that the reconfiguration of the carpark is warranted or necessary.</p>	

Issues addressed by the Panel	Panel’s Discussions, Conclusions & Recommendations	Officer Response and Recommendation
	<p>The second matter relates to the location of some storage cages and the Panel queried whether these could be accessed while cars were parked in the car parking spaces next to them. Following expert evidence that suggested some reconfiguration could be achieved, the Panel concluded this was not required because the cages could be allocated to the same apartment owner as the affected parking spaces, and even if the spaces had to be deleted, there is already an excess in spaces being provided in the residential carpark.</p> <p><b>Accessibility</b>  <u>Discussion:</u>                      The Panel considered the accessibility requirements of an apartment against the requirements of clause 58.05-1 of the Scheme. This was labelled “accessible” on the plans, however issues with clearances and access from the corridor to the main living spaces did not seem compliant with the requirements.</p> <p><u>Recommendation:</u>  <b>Panel Recommendation No. 2(c).</b></p> <ul style="list-style-type: none"> <li>• <b><i>Amend condition 1 to require the plans to be updated to ensure that the accessibility requirements in Clause 58.05-1 of the Planning Scheme are met.</i></b></li> </ul>	
<b>8. The planning permit</b>		
<p>The Panel considered the relevant requirements of the Scheme in their assessment of Planning Permit Application PLN20/0303.</p>	<p><u>Discussion:</u>                      Having assessed the merits of the Application, the submissions received to the proposal following exhibition, and the expert evidence from the Proponent and Council, the Panel has assessed the Application against the principles of net community benefit and sustainable development. The Panel considers the proposal delivers a net community benefit, and should be supported subject to their recommendations made to address the specific issues raised in submissions.</p>	<p>Recommendation No. 2 is supported.</p>

Issues addressed by the Panel	Panel's Discussions, Conclusions & Recommendations	Officer Response and Recommendation
	<p>A track changes version of the Panels recommended Planning Permit is in Attachment 4 of this report.</p> <p><u>Recommendation:</u></p> <p><b>Panel Recommendation No. 2:</b></p> <ul style="list-style-type: none"><li><i>Issue planning permit PLN20/0303 for the partial demolition of the existing heritage listed church, and the use and development of the land for a 17 storey mixed-use development comprising residential dwellings, a place of assembly, child care centre, two food and drinks premises, office, a reduction in the standard car parking requirements and to alter the access arrangements to a road in a Road Zone, category 1, subject to the permit conditions contained in Appendix C.</i></li></ul>	

**Planning and Environment Act 1987****MANNINGHAM PLANNING SCHEME****Notice of the Preparation of an Amendment to a Planning Scheme and Notice of an Application for a Planning Permit Given Under Section 96C of the *Planning and Environment Act 1987*****Amendment C127mann  
Planning Permit Application PLN20/0303**

The land affected by the Amendment is 674-680 Doncaster Road and 2 Short Street, Doncaster.

The land affected by the application is 674-680 Doncaster Road, 2 Short Street and, 14, 14A, 16 & 18 Hepburn Road, Doncaster.

The Amendment proposes to amend Schedule 1 of the Activity Centre Zone to alter the boundary of sub-precinct 2C, to include within sub-precinct 2C, the land at 674-680 Doncaster Road and 2 Short Street, Doncaster.

The application is for a permit to partially demolish the existing heritage listed church, and use and develop the site for a 17-storey mixed-use development comprising 177 dwellings, a place of assembly, child care centre, two food and drinks premises, offices, a reduction in the standard car parking requirements and alter the access arrangements to a road in a Transport Zone (TRZ2).

Ten of the dwellings are proposed for Affordable Housing, which will be secured by a voluntary Section 173 Agreement between Manningham Council and The Properties Corporation of the Churches of Christ.

The applicant for the permit is Hollerich Town Planning Pty Ltd, on behalf of The Properties Corporation of the Churches of Christ.

You may inspect the Amendment, the Explanatory Report about the Amendment, the application, and any documents that support the Amendment and the application, including the proposed permit and draft Section 173 Agreement, free of charge, at:

- the Manningham City Council website at [yoursay.manningham.com.au/amendment-c127mann](http://yoursay.manningham.com.au/amendment-c127mann); and/or
- during office hours, at the office of the planning authority, Manningham Council, 699 Doncaster Road, Doncaster, or at the Doncaster Library, MC2, 687 Doncaster Road, Doncaster; and/or
- at the Department of Environment, Land, Water and Planning website [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection)

ANDREW DAY  
Chief Executive Officer

*Planning and Environment Act 1987*

## **MANNINGHAM PLANNING SCHEME**

### **AMENDMENT C127mann – 674-680 Doncaster Road and 2 Short Street, Doncaster PLANNING PERMIT APPLICATION PLN20/0303 674-680 Doncaster Road, 2 Short Street and 14, 14A, 16 & 18 Hepburn Road, Doncaster**

#### **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 requested and planning permit application has been made by Hollerich Town Planning Pty Ltd (the Proponent) on behalf of the landowner, The Properties Corporation of the Churches of Christ.

##### **Land affected by the amendment**

The amendment applies to land at 674-680 Doncaster Road and 2 Short Street, Doncaster.

The amendment is a combined planning scheme amendment and a planning permit application under section 96A of the Planning and Environment Act 1987 ("Act").

The planning permit application applies to a larger site than the amendment, that is the whole of the subject land at 674-680 Doncaster Road, 2 Short Street and 14, 14A, 16 & 18 Hepburn Road, Doncaster.

##### **What the amendment does**

Amendment C127mann proposes to amend Schedule 1 to the Activity Centre Zone (ACZ1) by realigning the sub-precinct boundaries of 2C and 2B. The eastern edge of sub-precinct 2C currently ends at Short Street. It is proposed to extend sub-precinct 2C to the east so that it will encompass 674-680 Doncaster Road and 2 Short Street, Doncaster. The boundary between sub-precinct 2C and sub-precinct 2B will commence at the boundary between 674-680 Doncaster Road and 682-684 Doncaster Road, Doncaster.

The planning permit application PLN20/0303 seeks permission for:

- Partial demolition of a heritage building (church)
- Use and development of a 17-storey mixed use building
- Place of assembly
- Child care centre
- Two food and drink premises
- Offices
- Reduction in the standard car parking requirements
- Alterations of access to a road in a Transport Zone (TRZ2)

The draft planning permit is attached as a separate document to this Explanatory Report.

**Strategic assessment of the amendment****Why is the amendment required?**

Amendment C127mann has been informed by a detailed Urban Design Assessment of the area affected by the amendment and the surrounds, focusing predominantly on the eastern half of sub-precinct 2 of the Doncaster Hill Major Activity Centre.

The existing ACZ1 height controls result in a 'dip' in the built form along the Doncaster Road frontage as a result of the topography of the land, and the higher built form permitted to the west of Short Street when compared to the subject land. Street profile modelling demonstrates that due to the slope of the land the built form permitted on the subject land appears one storey lower than the adjoining land to the east (682-684 Doncaster Road) despite this neighbouring property being in the same sub-precinct and being closer to the edge of the activity centre. The permissible built form on the subject land appears three storeys lower than the land to the west of Short Street due to the different height controls under the sub-precincts and the sloping nature of the land.

The boundaries of the sub-precincts are arbitrary and the Urban Design Assessment undertaken by the Proponent for the amendment, has concluded that it is a poor urban design outcome to use the centre line of the Short Street road reservation as a sub-precinct boundary, particularly when considering the otherwise symmetrical streetscape of Short Street.

An increase to the maximum building height permitted on the subject land would facilitate a more coherent streetscape presentation to Doncaster Road, with the summit of the built form profile moving slightly east as the topography continues to slope upwards.

A height increase to 40 metres on the subject land would have no greater visual domination in the Doncaster Road streetscape or skyline profile. It will avoid the 'dip' that would occur if the existing controls remained and moves the summit slightly east.

**How does the amendment implement the objectives of planning in Victoria?**

The amendment applies and implements the objectives of planning in Victoria specified in Section 4 of the *Planning and Environment Act 1987* as outlined below.

- It provides for the fair, orderly, economic and sustainable use and development of land, by facilitating strategically justified development in a preferred location for urban intensification.
- It ensures a pleasant, efficient and safe environment for all Victorians and visitors.
- It ensures that buildings of historic significance on the subject land will continue to be appropriately protected, conserved and enhanced.
- It balances the present and future interests of all Victorians, facilitating higher density development in a well serviced location, and by improving urban design outcomes in the Doncaster Hill Major Activity Centre.

**How does the amendment address any environmental, social and economic effects?***Environmental Effects*

The proposed changes relate only to a change in mandatory height controls and is not likely to have any adverse environmental effects.

*Economic Effects*

The amendment is expected to have positive economic effects as it will enable the development of a larger building that can accommodate a mix of commercial and residential uses, as encouraged by the ACZ1.

*Social Effects*

The amendment supports an expansion of the community services offered on the subject land, including a total of 10 affordable housing units which is expected to have positive social effects and contribute to a net community benefit.

**Does the amendment address relevant bushfire risk?**

The subject land is not located in an area subject to bushfire risk.

**Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?***Ministerial Direction - The Form and Content of Planning Schemes*

This amendment was prepared and presented in accordance with the style guide and drafting instructions in the direction.

*Ministerial Direction No. 9 Metropolitan Strategy*

This amendment recognises the significance of the Doncaster Hill Major Activity Centre. The re-alignment of the existing sub-precinct boundaries proposes to improve urban design outcomes within the precinct which seeks to achieve built form that steps down the hill.

The Metropolitan Strategy (Plan Melbourne 2017 - 2050) provides strong support for intensification of activity centres and this amendment will support efficient use of the subject land that benefits from existing services and infrastructure.

*Ministerial Direction No. 11 Strategic Assessment of Amendments*

This explanatory report and addresses the requirements of Ministerial Direction 11.

*Ministerial Direction No. 15 The Planning Scheme Amendment Process*

This amendment and planning permit application under section 96A of the *Planning and Environment Act 1987* will follow the set times and steps specified for planning scheme amendments under this Direction.

*Ministerial Direction No. 18 Victorian Planning Authority Advice on Planning Scheme Amendments*

Not applicable.

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

The amendment supports and implements the Planning Policy Framework as demonstrated below. It supports the role and function of vibrant activity centres, in accordance with clauses 11.03-1R and 11.03-1S.

- It supports improved urban design outcomes in Doncaster Hill by enabling a more consistent streetscape presentation along Doncaster Road, in accordance with clause 15.01-1R.
- It will support the creation of well-designed places that are memorable and distinctive, while also strengthening the boulevard character of Doncaster Road, in accordance with clause 15.01-5S.
- It continues to ensure that the heritage place on the subject land will be conserved and enhanced as part of a future development, achieving the strategies of clause 15.01-1S.
- It supports the increased provision of housing within an existing area that is close to existing services and facilities, in accordance with clause 16.01-1S.
- It will provide for development that meets the community's needs for entertainment, office and other commercial services in accordance with clause 17.02-1S.
- It will provide for development that is close to high-quality public transport routes in accordance with clause 18.02-4S.

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

The Strategic Framework Plan at Clause 21.04 includes the subject land within the Doncaster Hill Major Activity Centre, and adjacent to a main road. This amendment seeks to improve urban design outcomes along the main road and within the evolving Doncaster Hill Major Activity Centre.

The amendment reinforces the vision for Doncaster Hill, as outlined by Clause 21.09, by ensuring that:

- the built form emphasises the dramatic landform in Doncaster Hill;

- development achieves a general stepping down of the built form, away from the ridgeline;
- high rise, and high density housing is supported in a well serviced area;
- a coherent and consistent streetscape is achieved along Doncaster Road.

Amendment C127mann ensures that the heritage status of the Doncaster Church of Christ is retained and protected as part of the redevelopment of the subject site, in accordance with clause 21.11 and 22.03 and the ACZ1.

**Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the Victorian Planning Provisions as outlined below.

- It amends an existing control (Activity Centre Zone – Schedule 1) to allow for a development that exceeds the existing height permitted on the subject land.
- The amendment has been informed by the guidance provided in Practice Note 60 (Height and Setback Controls for Activity Centres). In accordance with these guidelines, the proposed adjustment to the height control is underpinned by a comprehensive built form analysis for the site and adjoining properties.

**How does the amendment address the views of any relevant agency?**

The exhibition of Amendment C127mann and the planning permit application will provide a formal opportunity for all relevant stakeholders to provide comment on the proposal. The views of relevant agencies will be sought during this process.

**Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment is not expected to have any adverse impacts on the transport system. The subject land is located in the Doncaster Hill Major Activity Centre, where substantial development has already occurred.

**Resource and administrative cost**

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

The amendment is unlikely to have any adverse implications on the resource and administrative costs of the responsible authority.

**Where you may inspect this amendment**

The amendment, planning permit application and a draft section 173 Agreement is available for public inspection free of charge at the Manningham website at [yoursay.manningham.vic.gov.au/amendment-c127mann](https://yoursay.manningham.vic.gov.au/amendment-c127mann)

And

The amendment, planning permit application and a draft section 173 Agreement is available for public inspection free of charge, during office and/or operating hours at the following places:

- Manningham City Council: 699 Doncaster Road, Doncaster
- Doncaster Library, MC2, 687 Doncaster Rd, Doncaster

The amendment, planning permit application and a draft section 173 Agreement 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](https://www.planning.vic.gov.au/public-inspection)

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# PLANNING PERMIT

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GRANTED UNDER SECTION 96I OF THE  
PLANNING AND ENVIRONMENT ACT 1987

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Permit No.: PLN20/0303

Planning scheme: Manningham

Responsible authority: Manningham City Council

**ADDRESS OF THE LAND:** 674-680 Doncaster Road, 2 Short Street and 14, 14A, 16 & 18 Hepburn Road, Doncaster

## THE PERMIT ALLOWS:

Develop the site under planning permit application PLN20/0303 to partially demolish the existing heritage listed church, use and develop a 17-storey mixed-use development comprising residential dwellings, a place of assembly, child care centre, two food and drinks premises, offices, a reduction in the standard car parking requirements and alter the access arrangements to a road in a Transport Zone (TRZ2).

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

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1. Before the use and development starts, amended plans drawn to scale and dimensioned, must be submitted to the satisfaction of and approved by the Responsible Authority. When approved the plans will then form part of the permit. The plans must be generally in accordance with the decision plans (prepared by Design Inc, Project No. 16040, Revision TP7 dated 15 January 2021), but modified to show:
  - 1.1 The replacement of the pale bronze profiled vertical Colorbond metal cladding (marked on the plan as CW03) defining the northern balconies of Apartments 6.11 on Level 6 and 7.11 on Level 7 with the pale bronze powder coated aluminium box fins (marked on the plan as MB01), and to terminate at the western edge of the balconies;
  - 1.2 The brickwork brand and colour identified on the plans as 'BK01' modified to be a pale colour, to match the original lighter coloured brick used for detailing on the 1889 church building, to the satisfaction of the Responsible Authority;
  - 1.3 Roof form overhang over Apartment 6.19 to be removed to allow the window to be clear to the sky;
  - 1.4 The doors adjoining the Level 8 and 16 outdoor areas to be glazed and have glazed windows either side, where practicable;
  - 1.5 Relocation of the air conditioning units or modification of apartment balconies which do not meet Standard B19 of Clause 58.05-3 of the Manningham Planning Scheme (as they do not provide an additional 1.5sqm of area, where an air conditioning unit is located);
  - 1.6 The minimum 2.7m high floor to ceiling heights for apartments, also indicated on the elevation plans;
  - 1.7 Further modification of any solid balcony side walls to be translucent privacy screens, to improve daylight and solar access, to the satisfaction of the Responsible Authority;
  - 1.8 Indication of removal, relocation or modification of the easement, as approved by Yarra Valley Water;
  - 1.9 The ballooned changes shown of TP206, TP207 and TP208, all dated 29 September 2021;
  - 1.10 Confirmation of the dimensions of the secondary areas to all bedrooms to satisfy Standard D26 of Clause 58 of the Planning Scheme where not already shown;
  - 1.11 Modifications required to the plans to ensure that the accessibility requirements in Standard B17 of Clause 58.05-1 of the Manningham Planning Scheme are met in at least 50% of dwellings;

**Boulevard treatment and Doncaster Road frontage**

- 1.12 Changes to the Doncaster Road frontage of the podium to improve sightlines to the east and west elevations of the chapel from Doncaster Road, by way of increasing the setback line for new built form and/or reviewing placement of awnings, canopies and overhangs, to the satisfaction of the Responsible Authority;
- 1.13 Full details of the boulevard treatment along Doncaster Road, including maintaining a minimum 3.6m wide paved promenade with staggered avenues of deciduous trees, with full dimensions and paving materials in accordance with the Doncaster Hill Strategy;
- 1.14 The continuation of the Doncaster Hill paved promenade treatment over the Doncaster Road crossover/driveway to reinforce pedestrian priority Landscaping;
- 1.15 All landscaping areas detailed and dimensioned to correspond with the concept landscape plans (prepared by Phillip Johnson Landscaping, Job No.1019, dated 14 October 2020);
- 1.16 The retention of the street trees within the road reserve of Hepburn Road, unless otherwise agreed by the Responsible Authority;

**Car parking, access and basement areas**

- 1.17 Suitably located charging stations for the car parking and bicycle areas, within each of the two basements;
- 1.18 A detailed schedule and allocation of car parking spaces for each apartment and townhouse within the basement and Level 1, rationalised based on the location of corresponding allocated external storage spaces and the most convenient lift locations relative to the entrance of each dwelling;
- 1.19 Allocation of external storage for each dwelling, rationalised based on the location of corresponding allocated resident vehicle spaces, including a minimum 6m<sup>3</sup> of storage to each townhouse;
- 1.20 Details of the materials, finishes and dimensions of all external storage areas;
- 1.21 Details and plan notations demonstrating each area set aside for bicycle spaces complies with Clause 52.34-6 (Design of bicycle spaces) and Clause 52.34-7 (Bicycle signage) of the Manningham Planning Scheme;
- 1.22 The provision of one change room/shower as required by Clause 52.34-3 (Bicycle) of the Manningham Planning Scheme;
- 1.23 A notation detailing that all redundant vehicle crossovers be removed and the footpath, nature strip, kerb and channel be reinstated;
- 1.24 Details of the ventilation provided to all car park areas;
- 1.25 The deletion of car spaces 02-54, 02-56 and 02-58 on Level 2 of the car park to provide a height clearance of 4.5m above the floor level of the loading dock below.

**Other**

- 1.26 Capacity of all rainwater tanks;
- 1.27 All services designed to integrate into the design detail of the built form and suitably screened;
- 1.28 Any required design inclusions or modifications in response to the Acoustic Assessment approved under a further Condition of this Permit;
- 1.29 A schedule listing all sustainability features / commitments applicable to the approved development, including the provision of third pipe and any plans changes as required, as per the Sustainability Management Plan approved under a further Condition of this permit;
- 1.30 All recommendations and design changes as required by Department of Transport as required by a further Condition of this Permit;
- 1.31 Design details (including location, height and materials) of the screens and/or design features as

included and required by the Wind Report under a further Condition of the Permit;

- 1.32 Notations to demonstrate compliance with the recommendations of the Wind Report under a further Condition of the Permit;
- 1.33 All recommendations and design changes as required by the reports and management plans approved under further Conditions of this permit to the satisfaction of the Responsible Authority.

#### **Endorsed Plans**

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

#### **Construction Management Plan**

3. Not less than three months before the development starts, a Construction Management Plan (CMP) must be submitted and approved to the satisfaction of the Responsible Authority. When approved the plan will form part of the permit. The Construction Management Plan is to be prepared in accordance with the template within Council's CMP Guidelines. The CMP must address:
  - 3.1 Element A1: Public Safety, Amenity and Site Security;
  - 3.2 Element A2: Operating Hours, Noise and Vibration Controls;
  - 3.3 Element A3: Air Quality and Dust Management;
  - 3.4 Element A4: Stormwater and Sediment Control and Tree Protection (also as per the specific requirements of this permit);
  - 3.5 Element A5: Waste Minimisation and Litter Prevention; and
  - 3.6 Element A6: Traffic and Parking Management which is also to include consideration of a shuttle service for construction personnel to and from the site.

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

#### **Sustainability Management Plan**

4. Prior to the endorsement of plans under Condition 1, an amended Sustainability Management Plan (SMP) must be submitted and approved to the satisfaction of the Responsible Authority. When approved the Plan will form part of the permit. The recommendations of the Plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the occupation of any dwelling. The plan must be generally in accordance with the prepared by Lucid Consulting Australia and dated 16 October 2020, and the Stormwater Management Report and associated MUSIC model, prepared by Adams Consulting Engineers and dated 12 January 2021 but be modified to:
  - 4.1 Demonstrate best practice 4-star in the Green Star Design and As-Built Rating System;
  - 4.2 Include details and the size of rainwater tanks and their connections;
  - 4.3 Provide the third pipe connection, which must not only be a single point connection to top up the rainwater tank;
    - 4.3.1 Provide a revised the stormwater management strategy to:
    - 4.3.2 Provide a certified copy of water quality analysis – MUSIC from the service provider for Council records;
    - 4.3.3 Locate treatment units prior to OSD is acceptable, but it is the design engineer's responsibility to verify the levels work and flow rates work;
    - 4.3.4 Provided OSD storage volume is not acceptable - permissible site discharge and OSD storage volume must be calculated using OSD4 programme (refer to Council's OSD Guide line for details);

- 4.3.5 Provide an alternative to SPELL storm Chambers (not a preferable option as a solution for OSD storage), unless otherwise agreed;
- 4.3.6 Detail that 15 KL water tank must be used for toilet flushing.

#### **Green Travel Plan**

- 5. The development must be constructed in accordance with the Green Travel Plan approved and forming part of this permit (prepared by Traffix Group, dated 8 May 2020), and all of its requirements must be implemented and complied with at all times to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.

#### **Waste Management Plan**

- 6. Prior to the submission of plans under Condition 1, an amended Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be to the satisfaction of the Responsible Authority, generally in accordance with the submitted Waste Management Plan prepared by Leigh Design, dated 19 November 2020, but be modified to detail:
  - 6.1 A modified waste management strategy to the satisfaction of the Responsible Authority;
  - 6.2 Waste generation rates, collection frequency, bin requirements, size and location of bin storage rooms and details on waste facilities and equipment;
  - 6.3 Plans showing appropriate turning facilities, swept path diagrams, turning circles and relevant height clearances (included within the report/plan);
  - 6.4 Details on how residents will practically and conveniently access waste facilities;
  - 6.5 Details on how residents will practically and conveniently access dispose of garbage, recyclables, food organic waste and glass material;
  - 6.6 Measures to ensure that the private waste contractor can access the development and the private waste contractor bins;
  - 6.7 No private waste contractor bins can be left outside the development boundary at any time on any street frontage for any reason.

#### **Acoustic Report**

- 7. In association with the submission of plans under Condition 1, an amended Acoustic Report must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the acoustic report Acoustic Design Criteria Assessment prepared by Acoustic Logic and dated 14 May 2020, but be modified to show:
  - 7.1 Treatment to address external noise intrusion from traffic on Doncaster Road to ensure compliance with the criteria in Table 2 of the assessment (likely to include medium to heavy weight single glazing or IGU);
  - 7.2 An Acoustic assessment to consider the potential noise impacts of the non-residential uses on internal dwellings and other uses within the development and the surrounding neighbourhood and where suitable, recommend suitable attenuation measures.

#### **Pedestrian Wind Environment Report**

- 8. In association with the submission of plans under Condition 1, an amended Pedestrian Wind Environment Report must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the report prepared by Windtech, dated 11 February 2019, but be modified to show:
  - 8.1 Alternative measures to provide wind protection that avoids the provision of screens on the north-western balconies of Levels 6 and 7, based on the requirement under Condition 1.2 of this permit to the satisfaction of the Responsible Authority;
  - 8.2 Diagrams to show the location of all required screens.

**Disability Access Plan**

9. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, a Disability Access Plan that implements the recommendations of a Disability Access Audit, prepared by a suitably qualified person that demonstrates compliance with the relevant Australian Standards for access, including AS1428 Part 2, must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must include but is not limited to:
- 9.1 Vehicular and pedestrian access into the building;
  - 9.2 Access to the lifts;
  - 9.3 The provision of tactile indicators;
  - 9.4 The provision of braille indicators for the lifts;
  - 9.5 The use of contrasting paving materials to assist the vision impaired;
  - 9.6 All emergency exits; and
  - 9.7 Car parking areas.

**Car Parking Management Plan**

10. Before the commencement of any approved use, a Car Parking Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will then form part of the permit. Traffic and parking operations on and adjacent to the site must conform to this approved plan. The plan must be generally in accordance with the endorsed plans and must include:
- 10.1 The allocation of all car parking spaces;
  - 10.2 Details of how each car park will be managed, including access arrangements and any measures to allow any available non-residential car parking spaces to be utilised by other uses as overflow parking;
  - 10.3 Measures to be implemented to manage events likely to result in a peak demand for car parking;
  - 10.4 Details of how the loading area will be managed;
  - 10.5 Details of how all bicycle parking spaces will be allocated and managed.

**Conservation Management Plan**

11. Prior to any demolition works commencing on the site or the endorsement of plans under Condition 1, whichever is the sooner, a conservation management plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the conservation management plan will be endorsed and form part of the permit. The conservation management plan must provide further details of works which will be undertaken to the existing church building on the site and include:
- 11.1 Detailed plans to show the specific stain glass windows that will be retained and any measures required for removal during the construction process, storage details, restoration and installation measures as part of the interpretive strategy under a further Condition of this permit, to the satisfaction of the Responsible Authority. The CMP must include details of a suitably qualified stained glass conservator undertaking the works;
  - 11.2 Details of the storage location for the existing interpretive signage, foundation stones and stain glass windows during construction works to ensure their protection;
  - 11.3 A detailed plan outlining the new location of the existing interpretive signage, foundation stones and stain glass windows as part of the interpretive strategy under Condition 16 of this permit;
  - 11.4 Detailed construction plans (drawn to scale of 1:20) of the new portico informed by available evidence of the original building to the satisfaction of the Responsible Authority and plan details of how the new portico and steps will be fixed to the existing church building;
  - 11.5 Detailed construction plans (drawn to the scale of 1:20) to show how the existing church building will be fixed to the new building to the satisfaction of the Responsible Authority; and

- 11.6 Detailed construction plans (drawn to the scale of 1:20) to show the integration of the existing church building with the new building so that it is level and aesthetically compatible with the chapel extension, gardens and foyer to the satisfaction of the Responsible Authority.

Works must be undertaken in accordance with the conservation management plan and must be managed by a suitably qualified heritage specialist to the satisfaction of the Responsible Authority.

#### **Management Plan Compliance**

12. The Management Plans and reports approved under Conditions 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.
13. Before the occupancy of the development, a report from the author of the Sustainability Management Plan approved under a further Condition of this permit, or similar qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures / commitments in the Sustainability Management Plan approved under a further Condition of this permit, and the third pipe requirements, have been implemented in accordance with the approved plans and the planning permit to the satisfaction of the Responsible Authority.

#### **Yarra Valley Water Easement**

14. Before Condition 1 plans can be considered for endorsed, written formal consent from Yarra Valley Water to modify, relocate or build over the easement is required to be provided.

#### **Archival record**

15. Prior to any demolition works commencing on the site, a photographic heritage record of the church building and the buildings to be demolished or altered must be prepared to the satisfaction of the Responsible Authority. One archival quality copy of the record along with an electronic copy must be submitted to the Responsible Authority. The record must also include:

- 15.1 Views of each elevation of the building/s;
- 15.2 Two diagonally opposed views of each internal space in the building/s; and
- 15.3 Any architectural design detailing of the building/s.
- 15.4 Photo log sheets including plans clearly showing north and indicating what direction the images were taken.

The photographic record must be taken with an SLR camera of at least 8 megapixels and images saved in RAW format.

#### **Interpretive strategy**

16. Before the commencement of the use of the place of assembly, an interpretive strategy of permanent displays must be installed within the Level 4 public space foyer to the satisfaction of the Responsible Authority. It must include the archival record approved under a further Condition, incorporated with existing interpretive signage, existing church archives that document the history and development of the site and there-use of existing stain glass windows.

#### **Landscape Plan**

17. Before the development starts, amended landscaping plans must be submitted to the Responsible Authority for approval. The plans must be generally in accordance with the approved site layout plans and the decision plans prepared by Phillip Johnson Landscaping, Job No.1019, dated 14 October 2020, but modified to show:
- 17.1 Species, locations, quantities, approximate height and spread of proposed planting;
- 17.2 Details of soil preparation and mulch depth for garden beds;
- 17.3 Sectional details of shrub planting method and the canopy tree planting method which includes support staking and the use of durable ties;

- 17.4 Full details of the boulevard treatment along Doncaster Road, including maintaining a minimum 3.6m wide paved promenade with staggered avenues of deciduous trees, with full dimensions and paving materials in accordance with the Doncaster Hill Strategy;
- 17.5 The continuation of the Doncaster Hill paved promenade treatment over the Doncaster Road crossover/driveway to reinforce pedestrian priority;
- 17.6 A separate sectional detail of Doncaster Road boulevard canopy tree planting methods, which includes appropriate root director or root cell technology incorporated to ensure that the boulevard paving is not damaged by tree rootover time;
- 17.7 Sectional details of the planting method for planter boxes, including the method of drainage;
- 17.8 A minimum 1m wide area to the perimeter of the site, within the private openspace/courtyard area of dwellings fronting Short Street and Hepburn Road;
- 17.9 Further details of and a landscape treatment provided to the following spaces, to the satisfaction of the Responsible Authority:
  - 17.9.1 Between the loading dock accessway and the eastern boundary, fronting Hepburn Road;
  - 17.9.2 Generally along the southern frontage to Hepburn Road (including within front courtyards);
  - 17.9.3 Generally along the eastern frontage to Short Street (including within front courtyards);
- 17.10 Improved details of the site frontage to Doncaster Road, including the location of bicycle parking, ramps, planter beds, retaining walls and surface materials, to demonstrate how this area will function and be maintained to ensure a purposeful interaction with the public realm;
- 17.11 The irrigation of communal garden beds and lightweight planter boxes controlled by sensors;
- 17.12 Details of any rain-garden, including maintenance details;
- 17.13 All canopy trees and screen planting to be at least 1.5 metres in height at the time of planting, with the exception of trees within the Doncaster Road boulevard, which must be at least 3.5 metres in height at the time of planting;
- 17.14 The retention of the street trees within the road reserve of Hepburn Road, unless otherwise agreed by the Responsible Authority.

#### **Landscape Bond**

18. 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.

#### **Street Trees**

19. Footpath panels adjacent to proposed street tree locations must be removed and reinstalled by the developer/property owner with TripStop X to Council specification, and to the satisfaction of the Responsible Authority.
20. All fencing foundations and infrastructure must be engineered and installed to withstand the pressure exerted from roots from street trees as they grow, to the satisfaction of the Responsible Authority.
21. All street trees along Hepburn Road must be retained and protected in accordance with AS 4970, to the satisfaction of the Responsible Authority.
22. All street tree removal and planting works must be undertaken by Council at the full cost of the permit holder, to the satisfaction of the Responsible Authority.

**Completion and Maintenance**

23. Once the permitted development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
24. Before the occupation of any approved dwelling the following works must be completed generally in accordance with the approved plans and to the satisfaction of the Responsible Authority:
  - 24.1 All privacy screens and obscured glazing must be installed, noting that the use of obscure film fixed to transparent windows is not considered to be 'obscured glazing';
  - 24.2 All driveways, bicycle and car parking areas fully constructed, with appropriate grades and transitions, line marked and/or signed and available for use; and
  - 24.3 All landscape areas must be fully planted and mulched or grassed.
25. Buildings, including screening, engineering works, fences and landscaped areas must be maintained to the satisfaction of the Responsible Authority.
26. The landscaping as shown on the approved landscaping plan must be maintained by replacing any dead, diseased, dying or damaged plants as soon as practicable and not using the areas set aside for landscaping for any other purpose, to the satisfaction of the Responsible Authority.
27. In the event of excavation or works causing damage to any existing boundary fence, the owner of the development site must at their own cost repair or replace the affected fencing to the satisfaction of the Responsible Authority.

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

28. The owner must provide on-site storm water detention storage or other suitable system (which may include but is not limited to the re-use of stormwater using rainwater tanks), to limit the Permissible Site Discharge (PSD) to that applicable to the site coverage of 35 percent of hard surface or the pre-existing hard surface if it is greater than 35 percent. The PSD must meet the following requirements:
  - 28.1 Be designed for a 1 in 5 year storm; and
  - 28.2 Storage must be designed for 1 in 10 year storm.

**Construction Plan (OSD)**

29. Before the development starts, a construction plan for the system required by a further Condition 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**

30. 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.
31. The whole of the land, including landscaped and paved areas must be graded and drained to the satisfaction of the Responsible Authority, to prevent ponding and to minimise overland flows onto adjoining properties.

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

32. The areas set aside for the parking of vehicles, together with the aisles and access lanes as delineated on the endorsed plans must:
  - 32.1 Be completed and line-marked to the satisfaction of the Responsible prior to the occupation of the development or commencement of the uses hereby permitted;
  - 32.2 Be used for no other purpose and maintained at all times to the satisfaction of the Responsible Authority; and

32.3 Be drained and sealed with an all-weather seal coat.

33. The residential, visitor and non-residential car parking areas must be clearly lined marked and signed and must not be used for any other purpose, to the satisfaction of the Responsible Authority.
34. All car parking spaces associated with the non-residential uses and the residential visitor car parking contained within the building must be made available for use by the relevant owners, occupants and visitors to the building free of charge at all times and must not be sub-leased or used for any other purpose to the satisfaction of the Responsible Authority.
35. All bicycle parking areas must be maintained and not be used for any other purpose, to the satisfaction of the Responsible Authority.
36. The use of the crossover on Doncaster Road for vehicle access must only be associated with special events of the place of assembly, to the satisfaction of the Responsible Authority.
37. An intercom and an automatic garage door opening system must be installed, so as to facilitate convenient 24 hour access to the residential car park by visitors, to the satisfaction of the Responsible Authority.

#### **Place of Assembly**

38. Except with the prior written consent of the Responsible Authority, the maximum number of patrons who may attend the place of assembly at any one time and the hours of operation of the place of assembly are:
  - 427 patrons on Monday to Friday between 8:00am and 5:00pm**
  - 650 patrons on Monday to Friday between 5:00pm and 11:00pm**
  - 650 patrons on Saturday and Sunday between 8:00am and 11:00pm**
39. The number of patrons who may attend the place of assembly on Monday to Friday between 8:00am and 5:00pm may increase to 650 patrons with the prior written consent of the Responsible Authority.
40. Additional patrons will only be permitted if it can be demonstrated that the car parking demand for the place of assembly does not exceed the available car parking spaces, and that pedestrian movements of patrons can be adequately accommodated, to the satisfaction of the Responsible Authority.

#### **Child Care Centre**

41. Except with the prior written consent of the Responsible Authority, the number of children who may attend the centre at any one time must not exceed 120.
42. Except with the prior written consent of the Responsible Authority, the child care centre must only operate between the hours of 6:00am and 7:00pm on weekdays only.
43. The external play areas must be kept in a neat and tidy condition to the satisfaction of the Responsible Authority.
44. The operator of the centre must through proper management and supervision techniques, ensure that excessive noise is not generated by external play activities, to the satisfaction of the Responsible Authority.
45. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.

#### **Food and Drink Premises**

46. Except with the prior written consent of the Responsible Authority, the food and drink premises must only operate between the hours of 7:00am and 10:00pm Monday to Sunday.
47. The shop fronts of the food and drink premises must not be covered by promotional or other film or signage that reduces transparency of the interface, to the satisfaction of the Responsible Authority.
48. The exhaust system to the food and drink premises must be fitted with filter devices capable of minimizing the external emission of odours and airborne fat particles and be maintained to the satisfaction of the Responsible Authority.

**Offices**

49. Except with the prior written consent of the Responsible Authority, the offices must only operate between the hours of 7:00am and 6:00pm on weekdays only, to ensure that unused car parking spaces outside of these times are made available as overflow parking for other uses.

**Amenity**

50. Before the uses commence, all fencing, including acoustic fencing and any other measures must be erected in accordance with the approved plan to the satisfaction of the Responsible Authority.
51. All security alarms or similar devices installed on the land must be of a silent type to the satisfaction of the Responsible Authority.
52. 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.
53. All delivery and collection of goods associated with the non-residential uses must be conducted within the subject land and within the operating hours approved under this permit.
54. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view. All waste collection and recycling collection must be undertaken in accordance with Council requirements and the approved waste management plan.
55. The collection of all waste from the premises must only be conducted between the hours of 8.00am to 6.00pm Monday to Friday to the satisfaction of the Responsible Authority.
56. The operators of non-residential uses must ensure to the satisfaction of the Responsible Authority that all on-site activities are conducted in an orderly manner and must endeavour to ensure that patrons / customers who depart the premises late at night, do so in a manner not likely to cause noise disturbances to nearby residents and residents in the building, and in accordance with any approved car parking operation approved under another condition of this permit.
57. The use and development must be managed so that the amenity of the area is not detrimentally affected, to the satisfaction of the Responsible Authority, through the:
- 57.1 Transport of materials, goods or commodities to or from the land;
  - 57.2 Storage of goods and wastes;
  - 57.3 Appearance of any building, works or materials; and
  - 57.4 Emission of noise, light, vibration, odour & dust.

**Lighting**

58. External lighting must be designed so as to minimise loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority.
59. The development must be provided with external lighting capable of illuminating access to each car parking space, storage area, waste bins, pedestrian walkways, stairwells, lifts, dwelling entrances and entry foyers. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.

**Development Contribution**

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

**General**

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

62. A centralised TV antenna must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.
63. No individual dish antennae may be installed on the overall building to the satisfaction of the Responsible Authority.
64. If allowed by the relevant fire authority, external fire services must be enclosed in a neatly constructed, durable cabinet finished to complement the overall development, or in the event that enclosure is not allowed, associated installations must be located, finished and landscaped to minimise visual impacts from the public footpath in front of the site to the satisfaction of the Responsible Authority.
65. Buildings, engineering works, fences and landscaped areas must be maintained to the satisfaction of the Responsible Authority.
66. Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter.

#### **Affordable housing**

67. Prior to the commencement of buildings and works Affordable Housing must be secured under a mutually agreed to Section 173 Agreement between the Proponent and Council and must be signed by all parties before the Amendment is sent to the Minister for Planning for approval, at the latest. The affordable housing dwellings must satisfy the following:
  - 67.1 Be not less than 10 in number, which are likely to be one or two bedroom apartments;
  - 67.2 To be tenure blind with finishes reflecting all other apartments within the development and fully integrated into the development;
  - 67.3 The ultimate location will reflect the needs of the occupant or provider, can be grouped together or spread throughout the development and are likely to be in the lower levels;
  - 67.4 All residents must satisfy one of the prescribed income ranges contained in the Ministerial Order pursuant to section 3AB of the *Planning and Environment Act 1987*;
  - 67.5 Any of the dwellings can be used for disability purposes or form part of the National Disability Insurance Scheme or the National Rental Affordable Scheme, provided the dwellings satisfy all the other requirements of Council as specified herein;
  - 67.6 The need for flexibility with respect to models of ownership and management of the dwellings is acknowledged, including third party Affordable Housing providers, trusts and the like; and
  - 67.7 Council requires the initial owner and occupier of each dwelling to be approved of in writing by Council to ensure that Council's requirements in respect of affordable housing dwellings, as outlined herein, are satisfied;
  - 67.8 The cost of preparing and registering the agreement is to be paid by the permit holder.

#### **Department of Transport**

68. Prior to commencement of the buildings and works, a Functional Layout Plan showing the access arrangement to the chapel off Doncaster Road, must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with the plan date stamped 1/10/2020 and annotated TP206 Rev TP6 and plan date stamped 15/01/2021 and annotated TP504 Rev TP7 but modified to show:
  - 68.1 Access control; retractable bollards at the boundary or within the site, to limit access for special events only;
  - 68.2 Access and the layout of parking for "hearse" and "wedding vehicle";
  - 68.3 Demonstrated manoeuvring space for vehicles to enter and exit the site in a forward direction; and

- 68.4 Paved promenade treatment across the crossover to reinforce pedestrian priority.
69. Prior to commencement of the use, all disused or redundant vehicle crossings must be removed, and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria and the Responsible Authority.
70. Prior to the occupation of the development, the crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.
71. Vehicles must enter and exit the land in a forward direction at all times.
72. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Doncaster Road is kept to a minimum during construction of the development. Foreseen Disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria eight (8) weeks prior by emailing [customerservice@ptv.vic.gov.au](mailto:customerservice@ptv.vic.gov.au).

**Permit Expiry**

73. This permit will expire if one of the following circumstances applies:
- 73.1 The development is not started within four (4) years of the date of this permit;and
- 73.2 The development is not completed within eight (8) years of the date of this permit.
- 73.3 The uses are not commenced within two (2) years of the development being completed.

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

**Planning Permit Application Notes: PLN20/0303****Submission of Plans**

All plans submitted in accordance with the Permit should be submitted online. Search for your planning application on the planning applications portal and select Endorse Plans.

**Expiry of permits**

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.

**Department of Transport**

The proposed development requires the construction of a crossover. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works.

**Acoustic treatment of auditorium**

The proponent is recommended to undertake works to the auditorium to optimise the acoustic experience and sound quality, in order to maximise its functionality and community benefit.

**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](http://www.manningham.vic.gov.au/file/30396/download)

**Construction Management Plan (CMP)**

Construction Management Plans must be submitted using Council's Construction Management Plan Template. Please contact Council on 9840 9333 to acquire a current version of the template.

**Car parking of construction vehicles**

The Construction Management Plan must include arrangements for vehicles associated with the construction of the development to be parked within private properties where possible, to avoid and minimise on-street car parking and associated impact to nearby properties.

**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.

**Construction over easements**

Consent/s from the relevant service authorities must be obtained before to any works occurring over an easement.

**Vehicle Crossing Permit**

Before the construction of any vehicular crossings, a Miscellaneous Works Permit must be obtained from the responsible authority for all vehicular crossings. These must be constructed under the responsible authority's supervision, for which 24 hours' notice is required.

**Waste Management Plan**

The Waste Management Plan must comply with the Manningham City Council – Waste Collection for Residential Developments in Manningham – Guidelines for Developers. If the development is within Doncaster Hill precinct, the Waste Management Plan must also comply with the Sustainability Guidelines for Doncaster Hill.

**Disability Discrimination Act**

It is the responsibility of the Applicant/owner and the relevant Building Surveyor to ensure that all development works approved by any building permit is consistent with the requirements of the Disability Discrimination Act 1991.

**Health approval**

The premises is to comply with the Health Act 1958, as amended. Premises to be used for the sale or storage of food in any manner are to be registered under the Food Act and Council's Health and Local Laws Unit should be contacted before the use starts.

**OSD Plans**

Plans submitted for approval for the on site storm water detention system should be forwarded to Council's Engineering Services Unit. For any queries in relation to these plans please contact Engineering Services on Ph.9846 9563.

**Street Trees**

Unless otherwise negotiated, all council trees are to be retained and protected throughout demolition, construction and landscaping to practical completion per the Australian Standard AS4970 2007 – Protection of Trees on Development Sites.

Any removal or pruning of street trees must be arranged with Council's City Amenity Unit prior to any demolition or works taking place. Details for when approvals may be granted can be found in the Manningham City Council Tree Management Plan <http://www.manningham.vic.gov.au/trees-and-other-vegetation>.

All associated costs (including re-greening etc.) must be paid to the satisfaction of the Responsible Authority. Removal, pruning or replacement of the street tree can only be undertaken by Council contractors.

Please contact Parks on 9846 0515 should you have any queries.

**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.

**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](http://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.

**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.

**New development of 5 or more dwellings**

Pursuant to the Manningham Parking Permit Policy 2019, owners and occupiers of dwellings approved in this development will not be eligible to obtain residential parking permits in restricted parking areas.

## IMPORTANT INFORMATION ABOUT THIS PERMIT

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### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C127mann to the Manningham Planning Scheme.

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### WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

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### 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 a 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 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
  - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
  - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development or any stage of it 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
  - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
  - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
  - the use or development of any stage is to be taken to have started when the plan is certified; and
  - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

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### WHAT ABOUT REVIEWS?

- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.

*Planning and Environment Act 1987***MANNINGHAM PLANNING SCHEME****AMENDMENT C127mann****INSTRUCTION SHEET**

The planning authority for this amendment is Manningham Council.

The Manningham Planning Scheme is amended as follows:

**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

1. In **Zones** – Clause 37.08, insert a new Schedule 1 in the form of the attached document.

End of document

MANNINGHAM PLANNING SCHEME

27/05/2019  
C126mann

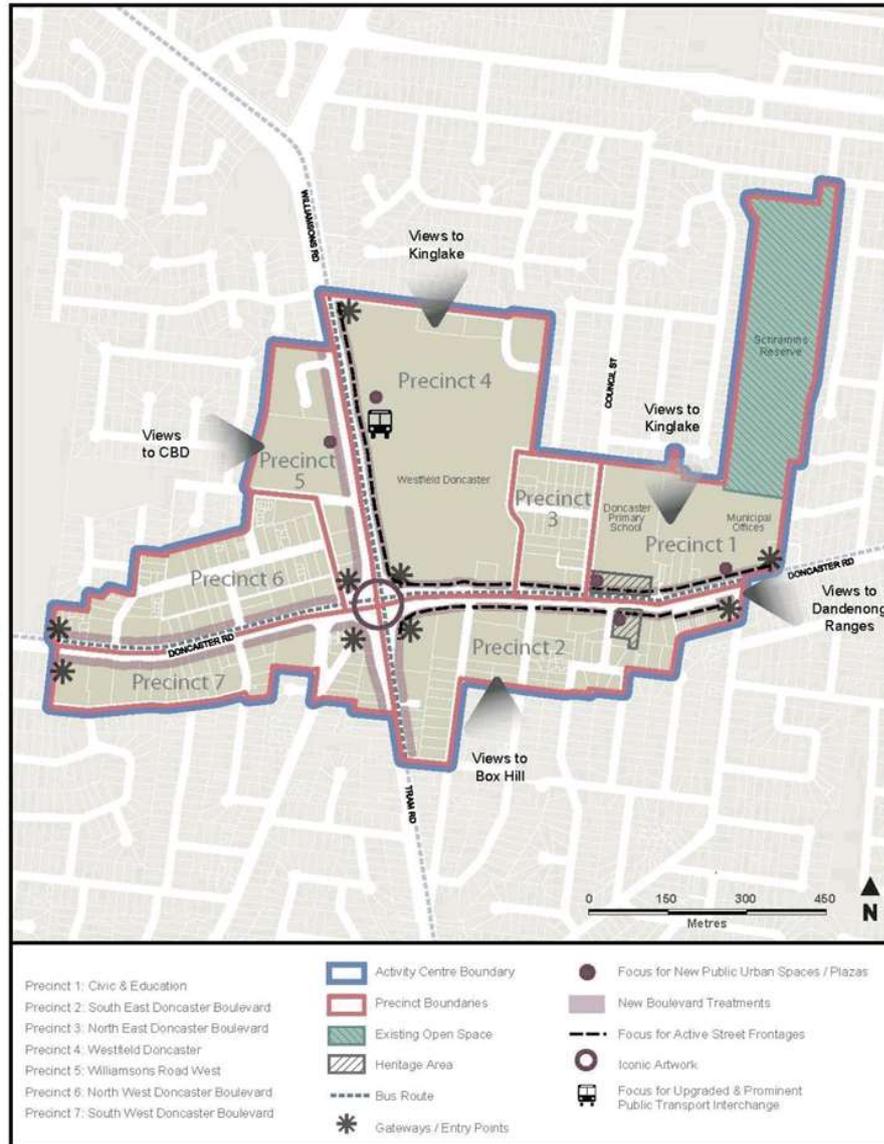
**SCHEDULE 1 TO CLAUSE 37.08 ACTIVITY CENTRE ZONE**

Shown on the planning scheme map as ACZ1.

**DONCASTER HILL MAJOR ACTIVITY CENTRE**

**1.0**  
23/05/2019  
C104

**Doncaster Hill Framework Plan**



**2.0**  
23/05/2019  
C104

**Land use and development objectives to be achieved**

- To advance Doncaster Hill as a sustainable and vibrant mixed-use activity centre with a strong sense of place and civic identity.

**MANNINGHAM PLANNING SCHEME**

- To develop the centre as a focus for contemporary high density residential development incorporating a mix of complementary retail, social, commercial and entertainment uses.
- To ensure the activity centre enhances the social, environmental, economic and cultural elements of the municipality and region, advancing Doncaster Hill as a destination in Melbourne's East.

**Land use**

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

**Built form**

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

**Environmental sustainability**

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

**Public realm**

- To encourage active street frontages and pedestrian generating activities to be located along main roads.
- To ensure public spaces are minimally impacted by overshadowing, including preserving solar access in mid-winter to the key boulevards of Doncaster Road and Williamsons Road.

**MANNINGHAM PLANNING SCHEME**

- To facilitate the enjoyment of public urban spaces/plazas, streetscapes, pedestrian and bicycle paths by ensuring that these areas are not excessively overshadowed or affected by wind tunnelling.
- To encourage artwork in suitable locations to contribute to creating a distinctive sense of identity.

**Open space and landscaping**

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

**Transport and access**

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

**Land configuration and ownership**

- To encourage the reconfiguration and consolidation of land where necessary to create viable development sites and optimal development of the centre.
- To avoid the fragmentation of land through subdivision that does not achieve the outcomes of the Development Framework.

**3.0**

28/01/2021  
C131mann

**Table of uses**

**Section 1 - Permit not required**

Use	Condition
Accommodation (other than Camping and caravan park, Caretaker’s house, Corrective institution and Dwelling)	Must not be located at ground floor level, except for entry foyers.
Caretaker’s house	Must be in conjunction with one or more other uses in section 1 or 2.
Dry cleaner	Must be in Precincts 4 or 2A.
Dwelling	
Education centre	Must be in Precinct 1.
Food and drink premises (other than Hotel and Tavern)	Must be in Precincts 4 or 2A.

## MANNINGHAM PLANNING SCHEME

Use	Condition
	<p>Must be in conjunction with one or more other uses in section 1 or 2, except for in Precinct 4A.</p> <p>Must be located at ground floor level, but is not limited to ground floor level, except for in Precinct 4A.</p>
<b>Home based business</b>	
<b>Leisure and recreation (other than Open sports ground, Restricted recreation facility, Major sports and recreation facility and Motor racing track)</b>	
<b>Laundromat</b>	Must be located in Precincts 4 or 2A.
<b>Market</b>	Must be located in Precinct 1.
<b>Office</b>	<p>Must not be in Precincts 2E-G, 3A or 6D-E.</p> <p>Must be in conjunction with one or more other uses in section 1 or 2.</p> <p>Any frontage at ground floor level must not exceed 2 metres, unless the office is a bank, real estate agency, travel agency, or any other office where the floor space adjoining the frontage is a customer service area accessible to the public.</p> <p>Within Precinct 3 on land bounded by Doncaster Road, Tower Street, Berkeley Street and Council Street, must have a floor area of at least 1,500 square metres.</p>
<b>Open sports ground</b>	Must be located in Precinct 1.
<b>Postal agency</b>	
<b>Railway</b>	
<b>Restricted recreation facility</b>	Must be located in Precinct 1.
<b>Shop (other than Adult sex product shop)</b>	Must be located in Precincts 4 or 2A.
<b>Tramway</b>	
<b>Any use listed in Clause 62.01</b>	Must meet requirements of Clause 62.01.

## Section 2 - Permit required

Use	Condition
<b>Adult sex product shop</b>	Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or Business 5 Zone, land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.

## MANNINGHAM PLANNING SCHEME

Use	Condition
<b>Commercial display area</b>	
<b>Food and drink premises (other than Hotel and Tavern) – if the Section 1 condition is not met</b>	Must be in conjunction with one or more other uses in section 1 or 2, except for in Precinct 4A.  Must be located at ground floor level, but is not limited to ground floor level, except for in Precinct 4A,
<b>Hotel</b>	Must be in conjunction with one or more other uses in section 1 or 2, except for in Precinct 4A.
<b>Office – if the Section 1 condition is not met</b>	Must be in conjunction with one or more other uses in section 1 or 2.  Within Precinct 3 on land bounded by Doncaster Road, Tower Street, Berkeley Street and Council Street, must have a floor area of at least 1,500 square metres.
<b>Place of assembly (other than Carnival, Circus and Drive-In theatre)</b>	Must be in conjunction with one or more other uses in section 1 or 2.
<b>Research centre</b>	
<b>Research and development centre</b>	
<b>Restricted recreation facility</b>	
<b>Retail premises (other than food and drink premises, market, primary produce sales, postal agency and shop)</b>	Must be in conjunction with one or more other uses in section 1 or 2, except for in Precinct 4A.  Must be located at ground floor level, but is not limited to ground floor level, except for in Precinct 4A.
<b>Service industry (other than Dry cleaner and Laundromat)</b>	
<b>Shop (other than Adult sex product shop) – if the Section 1 condition is not met</b>	Must be in conjunction with one or more other uses in section 1 or 2. except for in Precincts 4 or 2A.  Must be located at ground floor level, but is not limited to ground floor level. except for in Precincts 4 or 2A.
<b>Tavern</b>	Must be in conjunction with one or more other uses in section 1 or 2.
<b>Transport terminal (other than Airport, Road freight terminal and Wharf)</b>	
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	
<b>Any other use not in Section 1 or 3</b>	

## MANNINGHAM PLANNING SCHEME

## Section 3 - Prohibited

**Use**

Agriculture (other than Apiculture)  
 Airport  
 Brothel  
 Camping and caravan park  
 Cemetery  
 Corrective institution  
 Drive-in theatre  
 Freeway service centre  
 Industry (other than Service industry  
 and Research and development centre)  
 Major sports and recreation facility  
 Motor racing track  
 Primary produce sales  
 Road freight terminal  
 Saleyard  
 Timber production  
 Warehouse (other than a Commercial display area)  
 Winery  
 Wharf

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**4.0**

03/06/2010  
C87

**Centre-wide provisions****4.1**

03/06/2010  
C87

**Use of land**

A permit is not required to use land located in Precinct 1 for the purpose of Local Government or Education providing the use is carried out by, or on behalf of, the public land manager.

**4.2**

23/05/2019  
C104

**Subdivision**

Applications for subdivision of existing sites that are not associated with a development proposal that supports the objectives promoted by this Scheme for the Doncaster Hill Major Activity Centre are discouraged.

Consolidation of land to facilitate the creation of viable development sites is encouraged.

**4.3**

03/06/2010  
C87

**Buildings and works****Dwellings**

No permit is required to:

- Construct or extend one dwelling on a lot of more than 500 square metres. This exemption does not apply to:
  - Construction of a dwelling if there is at least one dwelling existing on the lot.
  - Extension of a dwelling if there are two or more dwellings on the lot.

## MANNINGHAM PLANNING SCHEME

- Construction or extension of a dwelling if it is on common property.
- Construction or extension of a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building, and the fence exceeds the maximum height specified in Clause 55.06-2.
- The development of a Caretaker's house or a Bed and breakfast.
- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Construct one dependent person's unit on a lot.

**4.4**23/05/2019  
C104**Design and development****Dwellings**

On a lot of less than 500 square metres, a development must meet the requirements of Clause 54 if it proposes to:

- Construct or extend one dwelling; or
- Construct or extend a front fence within 3 metres of a street if the fence is associated with one dwelling.

A development must meet the requirements of Clause 55 if it proposes to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.
- Construct or extend a front fence within 3 metres of a street if:
  - The fence is associated with 2 or more dwellings on a lot or a residential building, and
  - The fence exceeds the maximum height specified in Clause 55.06-2.

This does not apply to a development of four or more storeys, excluding a basement.

**Building height**

New development must not exceed the Maximum Building Heights and Design Element Heights specified in the precinct provisions at Clause 5 of this Schedule.

A permit cannot be granted to vary the Maximum Building Heights or Design Element Heights specified in the precinct provisions at Clause 5 of this Schedule.

For the purposes of this Schedule, the Maximum Building Height and Design Element Height does not apply to service equipment including plant rooms, lift overruns, solar collectors and other such equipment provided the following criteria are met:

- No more than 50% of the roof area is occupied by the equipment;
- The equipment is located in a position on the roof so as to minimise additional overshadowing of neighbouring properties and public spaces;
- The equipment does not extend higher than 3.6 metres above the Maximum Building Height as specified in the precinct provisions at Clause 5 of this Schedule; and

### MANNINGHAM PLANNING SCHEME

- The equipment is designed and screened to the satisfaction of the responsible authority.

For the purposes of this Schedule, a Design Element is a unique architectural or design feature that substantially contributes to the overall building form and appearance. Design Element Areas are identified for each precinct in the Precinct Provisions at Clause 5 of this Schedule.

Design Elements should:

- Substantially contribute to the overall built form and appearance by forming part of a distinctive architectural or ecologically sustainable design feature;
- Be based on contemporary architectural and innovative urban design techniques that incorporate ecologically sustainable design principles;
- Be located where built form will have the greatest impact and be able to make an architectural statement, including the highest areas on ridgelines, the area surrounding the intersection of Doncaster and Williamsons Road, and the entry points/gateways into Doncaster Hill Major Activity Centre;
- Not occupy greater than 15% of the overall roof area of the building.
- Not substantially increase the visual mass of the building; and
- Not cast additional overshadowing upon adjacent and nearby properties and public spaces at 12 noon on 22 June.

#### **Building setbacks**

A permit cannot be granted to vary the front setbacks, including the front podium and front tower setbacks, specified in the precinct provisions at Clause 5 of this Schedule for those properties abutting Doncaster Road, Williamsons Road or Tram Road.

A permit may be granted to vary the minimum side and rear setbacks specified in the precinct provisions at Clause 5 of this Schedule.

Minor buildings and works such as verandas, architectural features, balconies, sunshades, screens, artworks and street furniture may be constructed within the setback areas specified in the precinct provisions at Clause 5 of this Schedule provided they are designed and located to the satisfaction of the responsible authority.

#### **Overshadowing**

Development on the north side of Doncaster Road must not cast a shadow further than 1.2 metres south of the back of the kerb on the south side of Doncaster Road between 11:30am and 1:30pm on 22 June.

Development should be designed to avoid casting shadows on adjacent properties (including public open space areas) outside the activity centre between 11:00am and 2:00pm on 22 September.

#### **Boulevard character**

Development along Doncaster Road, Williamsons Road and Tram Road, except for land in Precinct 4A (Westfield Doncaster) along Williamsons Road, must provide:

- A podium of at least 12 metres along street frontages.
- A uniform 5 metre setback to a podium from the site frontage.
- A 3.6 metre wide paved promenade across the site frontage, replacing the existing footpath, to the satisfaction of the responsible authority.
- Two staggered avenues of large deciduous trees (minimum 3.5 metres height at time of planting) at 12 metre spacings, and the inside row being positioned at 3.5 metre offset from the building edge, with species being to the satisfaction of the responsible authority.

**MANNINGHAM PLANNING SCHEME**

- A tree grille at each tree, to be bordered by a pavement header strip to the satisfaction of the responsible authority.
- A mix of hard and soft landscape treatments within the street frontage setback area located between the new paved promenade and the front wall of the building. Hard landscape treatments may include paving, street furniture and screens etc., which complement the boulevard landscape treatment. Soft landscape treatments may include grassed areas and planting that complements the boulevard landscape treatment to the satisfaction of the responsible authority.
- Artwork in a suitable location within the street frontage area, unless an artwork contribution has been made in some other form to the satisfaction of the responsible authority.
- For land in Precinct 4A (Westfield Doncaster), the boulevard character treatments along Williamsons Road will be detailed in a Development Plan prepared and approved pursuant to Schedule 4 of the Development Plan Overlay.

**Landscape design**

Landscape design must:

- Incorporate screen planting and landscape buffers of 1.5 metre minimum width as an interface to adjoining sites;
- Provide canopy trees and native indigenous plantings;
- Provide landscape treatments to the tops of podiums to provide visual interest and to soften the built form environment; and
- Create private and public open space areas that are accessible, safe, attractive and functional for all users.

**Access and mobility**

New development must:

- Comply with the Australian Standard AS1428 Part 2 provisions for access and mobility;
- Provide a high level of accessibility at the principal front entry for any residential development; and
- Provide for side or rear access to parking areas on sites along Doncaster Road, where appropriate.

MANNINGHAM PLANNING SCHEME

5.0

Precinct provisions

--//--2021  
Proposed  
C12/mann

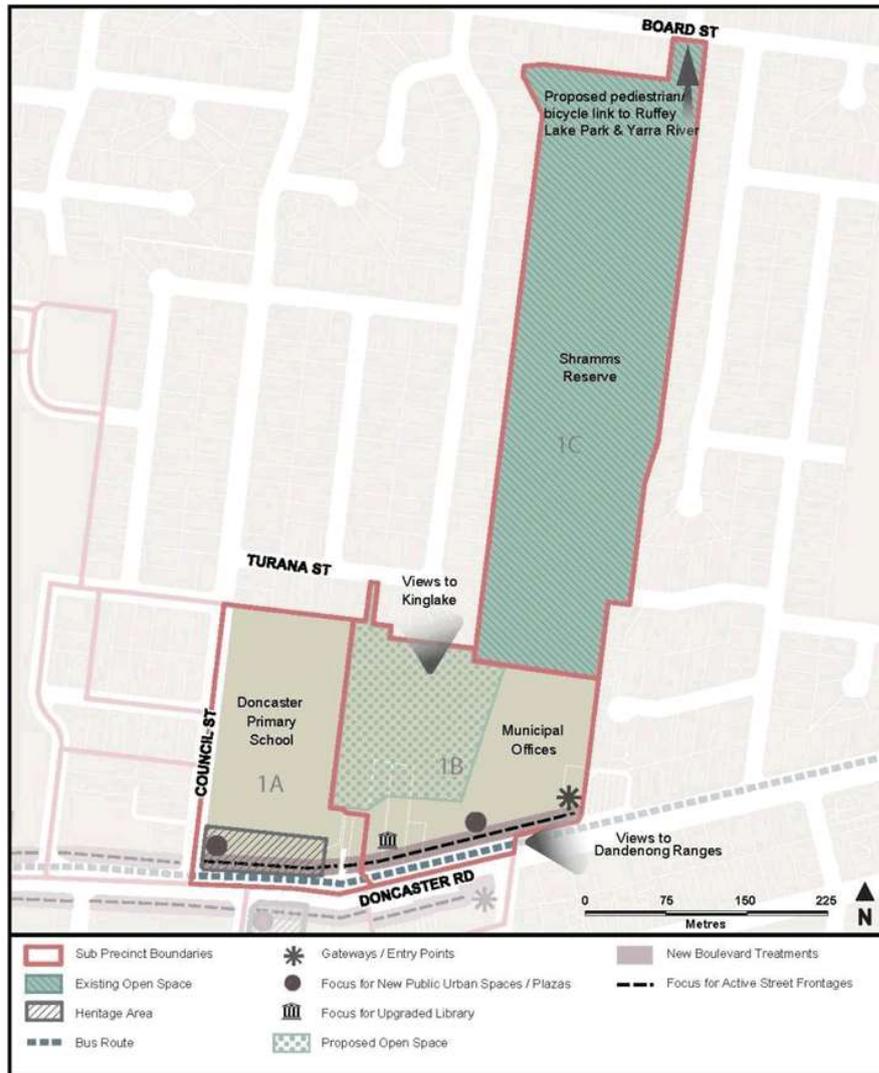
Precinct 1: Civic and Education

5.1

03/06/2010  
CB7

5.1-1

Precinct map



5.1-2

Precinct objectives

- To develop Precinct 1 as a consolidated focus for civic, community, education and recreation facilities and associated activities.
- To create an enhanced historic and arts enclave focusing on the old shire offices and school building as integral features of the precinct, and develop a link with the heritage elements in Precinct 2.

## MANNINGHAM PLANNING SCHEME

- To consider mixed use commercial and residential opportunities within the precinct.
- To create a major public open space comprising an attractive green spine and outdoor events space, with extensive canopy tree planting.
- To create well designed urban spaces/plazas interfacing with the major civic open space, community, civic and education facilities and Doncaster Road, as part of future development proposals.
- To create an attractive green spine as an 'outdoor events space' which is visible from Doncaster Road, and with strong pedestrian links to key buildings and new facilities within the precinct.
- To create a landmark gateway building at the eastern end of the precinct.

## 5.1-3 Precinct requirements

Sub-Precinct	Maximum height (Excluding Basement)	Design Element Height	Setbacks
1A	None specified	None specified	5m from front boundary 4.5m from side boundaries 8m from rear boundaries
1B	29m	3.8m above maximum height	5m from front boundary 4.5m from side boundaries 8m from rear boundaries
1C	None specified	None specified	None specified

## 5.1-4 Precinct guidelines

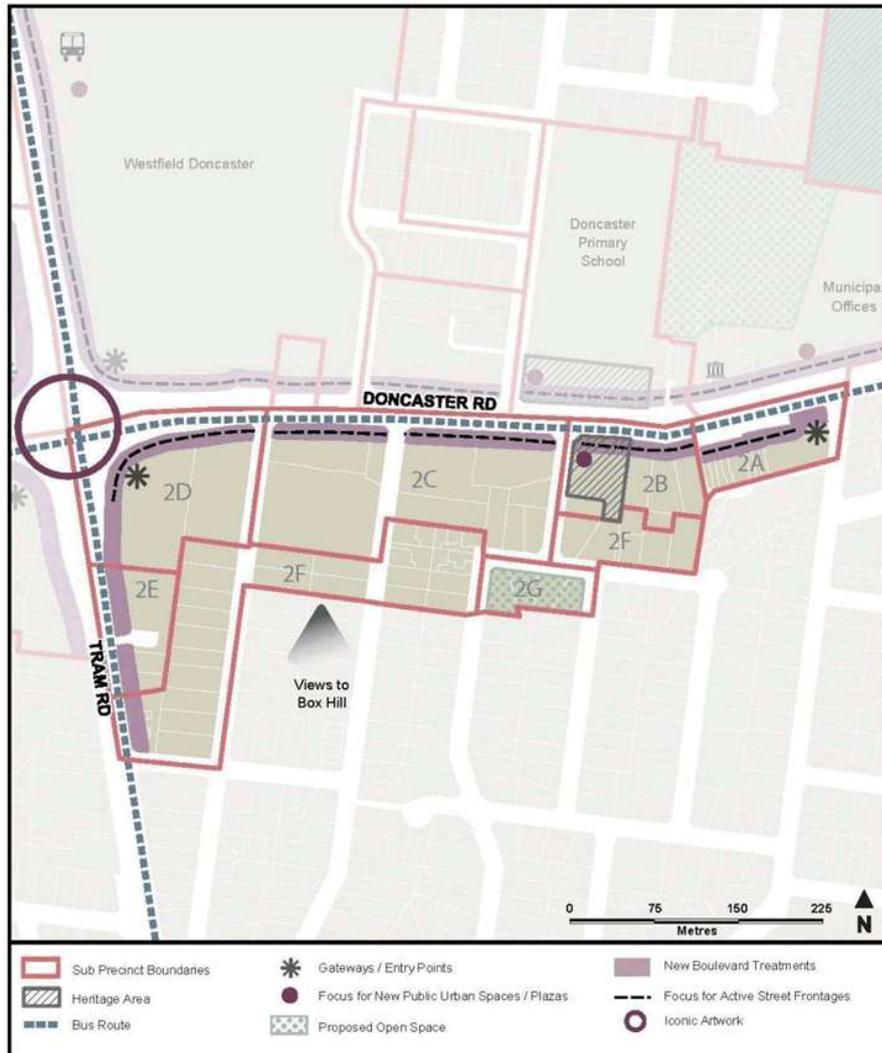
- Buildings should be innovative and contemporary and respond to the character of the existing municipal offices building and to the unique topography of the site.
- Recreation/open space setting should be preserved.
- Any new development should be sympathetic to the scale of the surrounding residential neighbourhood.
- Building facades and public spaces should reflect the precinct's functions.
- Pedestrian linkages should be created with the retail precincts / active street frontages of both Westfield Doncaster and Doncaster Road.
- Significant vistas to the northern ranges from Doncaster Road (in the vicinity of the Municipal Offices) and from Schramms Reserve should be retained.
- New boulevard treatments should allow for access to key views and be designed to highlight the entrance to community spaces and facilities provided.
- Extensively plant native and indigenous vegetation throughout the precinct.

MANNINGHAM PLANNING SCHEME

5.2 Precinct 2: South East Doncaster Boulevard

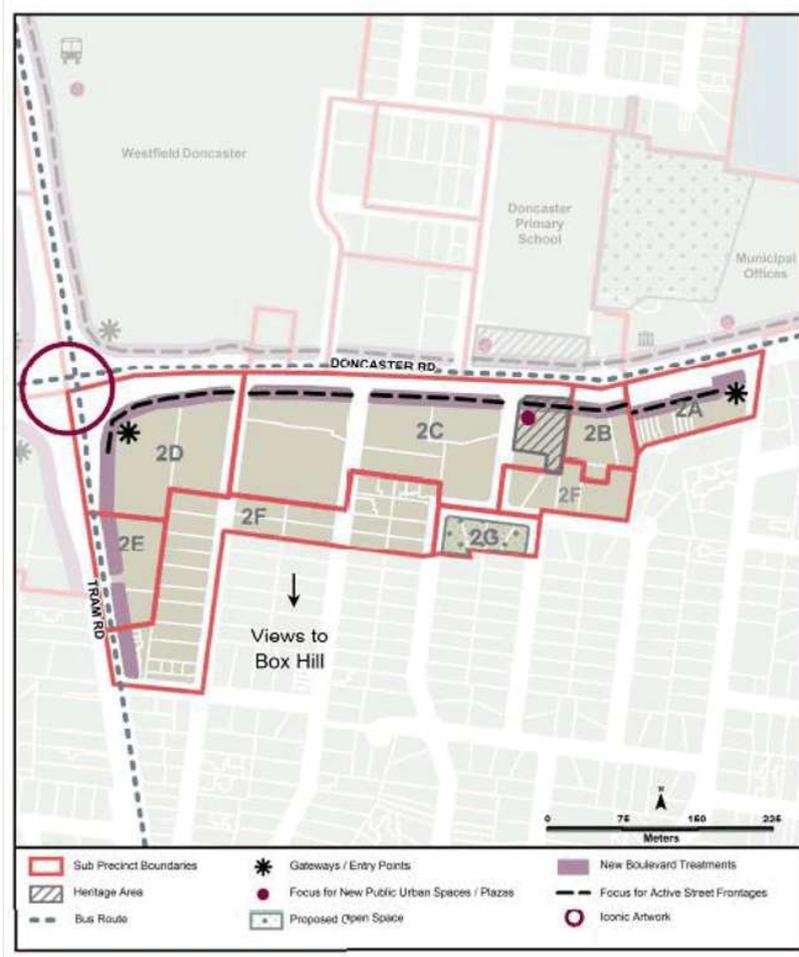
03/06/2010  
C87

5.2-1 Precinct map\_ MAP TO BE DELETED AND REPLACED WITH FOLLOWING MAP



MANNINGHAM PLANNING SCHEME

New Map to be inserted



5.2-2 Precinct objectives

- To encourage an appropriate mix of residential and commercial uses in the precinct.
- To encourage the greatest area of high-density development to locate along the Doncaster Road ridgeline.
- To encourage the provision of cafes, restaurants and outdoor eating within the precinct.
- To retain and enhance the historic elements within the precinct and develop a link with the historic and arts enclave in Precinct 1.

## MANNINGHAM PLANNING SCHEME

- To support and connect with the pedestrian link proposed for the Doncaster Road, Williamsons and Tram Roads intersection at the western end of the precinct.
- To create a landmark gateway building at the eastern and western ends of the precinct.
- To create a public urban space/plaza with good solar access abutting the south side of Doncaster Road, with convenient access to the north side.
- To develop an area of open space as a passive green park, with urban play opportunities, and located in an area convenient to the precinct with well defined pedestrian links.

## 5.2-3 Precinct requirements

Sub-Precinct	Maximum height (Excluding Basement)	Design Element Height	Setbacks
2A	21.5m	4.3m above maximum height	5m to front podium edge from front boundary 9m to front tower edge from front boundary 4.5m from side boundaries 5m from rear boundary
2B	29m	5.8m above maximum height	5m to front podium edge from front boundary 9m to front tower edge from front boundary 4.5m from side boundaries 5m from rear boundary
2C	40m	8.0m above maximum height	5m to front podium edge from front boundary 11m to front tower edge from front boundary 4.5m from the side boundaries 5m from rear boundary
2D	36m	7.2m above maximum height	5m to front podium boundary 13m to front tower edge from front boundary 4.5m from side boundaries 5m from rear boundary
2E	21.5m	None specified	5m to front podium edge from front boundary 9m to front tower edge from front boundary 4.5m from side boundaries 5m from rear boundary
2F	14.5m	None specified	5m from front boundary 4.5m from side boundaries 4.5m from rear boundary
2G	11m	None specified	3m from front boundary 4.1m from side boundaries 4.5m from rear boundary

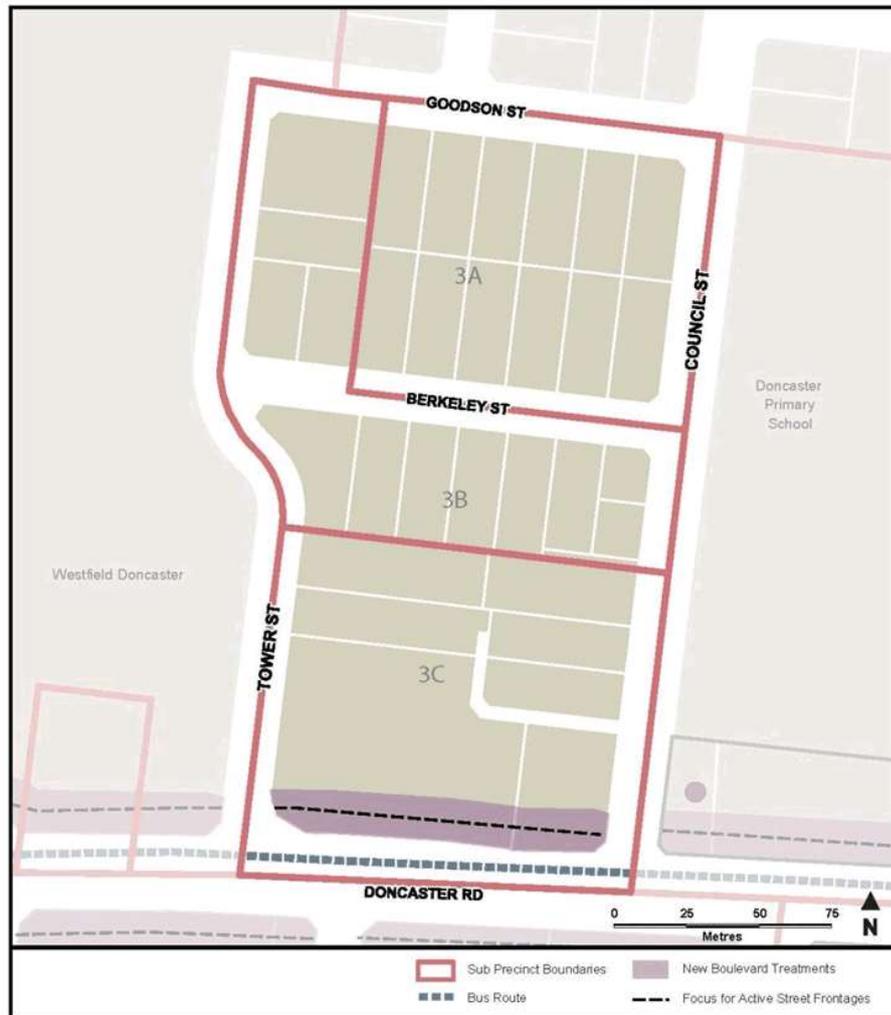
## 5.2-4 Precinct guidelines

- Development should recognise heritage elements within the precinct.
- Built form should achieve a general stepping of the building in a southerly direction from the ridgeline, down Tram Road, and towards the residential area to the east.

MANNINGHAM PLANNING SCHEME

**5.3**                    **Precinct 3: North East Doncaster Boulevard**  
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**5.3-1**                **Precinct map**



**5.3-2**                **Precinct objectives**

- To encourage a greater mix of uses including residential and commercial uses in the precinct.
- To encourage an enhanced pedestrian environment within the precinct.
- To ensure development steps down the hill to maximise the northerly aspect and commanding views to the northern ranges.
- To encourage the provision of a pedestrian and bicycle network to Westfield Doncaster and the civic and education precinct.

## MANNINGHAM PLANNING SCHEME

## 5.3-3 Precinct requirements

Sub-Precinct	Maximum height (Excluding Basement)	Design Element Height	Setbacks
3A	12.5m	None specified	5m from front boundary 4.1m from side boundaries 4.5m from rear boundary
3B	14.5m	None specified	5m from front boundary 4.5m from side boundaries 4.5m from rear boundary
3C	29m	5.8m above maximum height	5m to front podium edge from front boundary 15m to front tower edge from front boundary 4.5m from side boundaries 4.5m from rear boundary

## 5.3-4 Precinct guidelines

- Development should address rear lane-scapes providing alternate residential frontage to the north in addition to commercial and retail frontages along Doncaster Road.
- Developments should maximise opportunities afforded by being positioned between Westfield Doncaster and the civic and education precinct.

## 5.3-5 Any other requirements

In the areabetween Doncaster Road, Tower Street, Berkeley Street and Council Street, development must not occur on land with an area of less than 2,500 square metres.

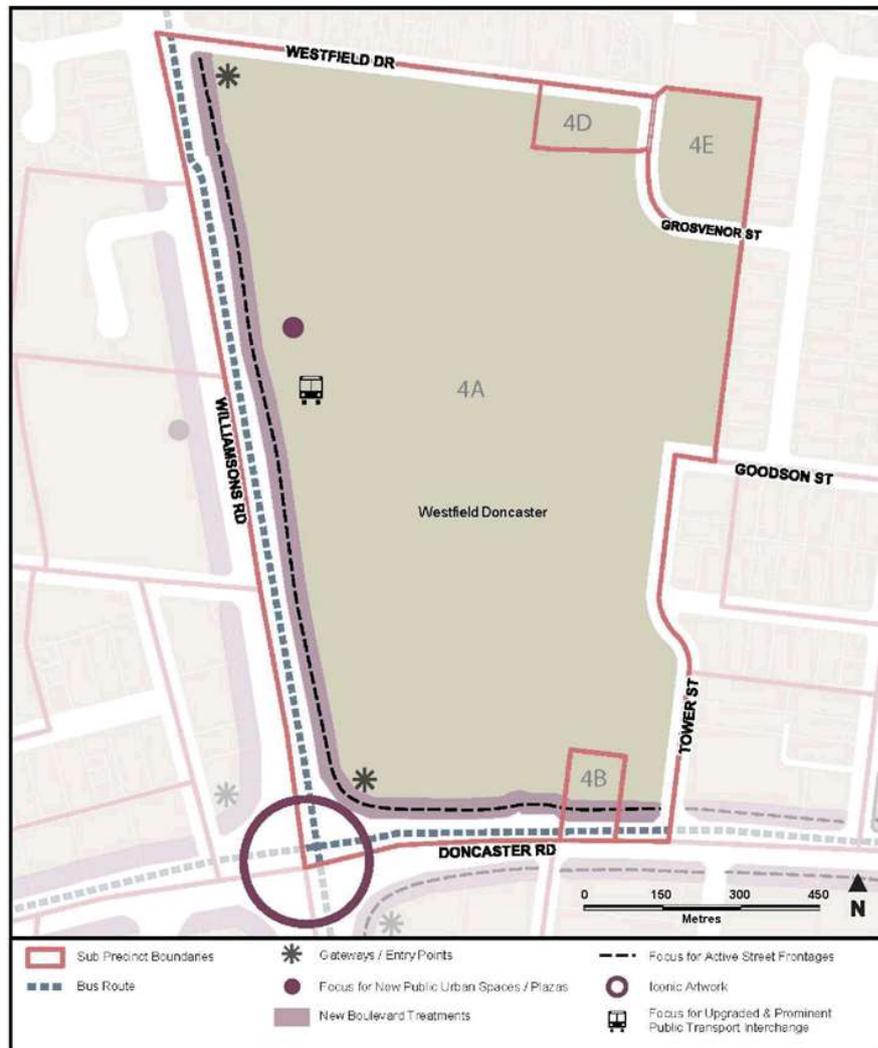
In the area between Berkeley Street, Tower Street, Goodson Street and Council Street, development must not occur on land with an area of less than 2,000 square metres.

MANNINGHAM PLANNING SCHEME

5.4 Precinct 4: Westfield Doncaster

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5.4-1 Precinct map



5.4-2 Precinct objectives

- To further improve existing active street frontages.
- Encourage an enhanced pedestrian environment within the precinct.
- To maintain and improve the positive engagement of the precinct with the main intersection of Doncaster Road and Williamson's Road.
- To provide opportunities for a range of residential and commercial uses to develop within the precinct along with the existing retail development.
- To create a number of significant externalised public urban spaces/plazas, which are well connected to the public transport interchange and boulevard along Doncaster Road.

## MANNINGHAM PLANNING SCHEME

- To support and connect with the pedestrian link proposed for the Doncaster, Williamsons and Tram Roads intersection at the western end of the precinct.
- To provide a high quality design outcome, improved streetscapes and appropriate interfaces with residential areas.
- To provide flexibility to respond to retail and employment trends.

## 5.4-3 Precinct requirements

Sub-Precinct	Maximum height (Excluding Basement)	Design Element Height	Setbacks
4A	None specified	None specified	None specified
4B	21.5m	4.3m above maximum height	5m to front podium edge from front boundary 13m to front tower edge from the front boundary 4.5m from the side boundaries 4.5m from the rear boundary
4D	11m	None specified	5m from front site boundary 4.5m from side boundaries
4E	None specified	None specified	None specified

## 5.4-4 Precinct guidelines

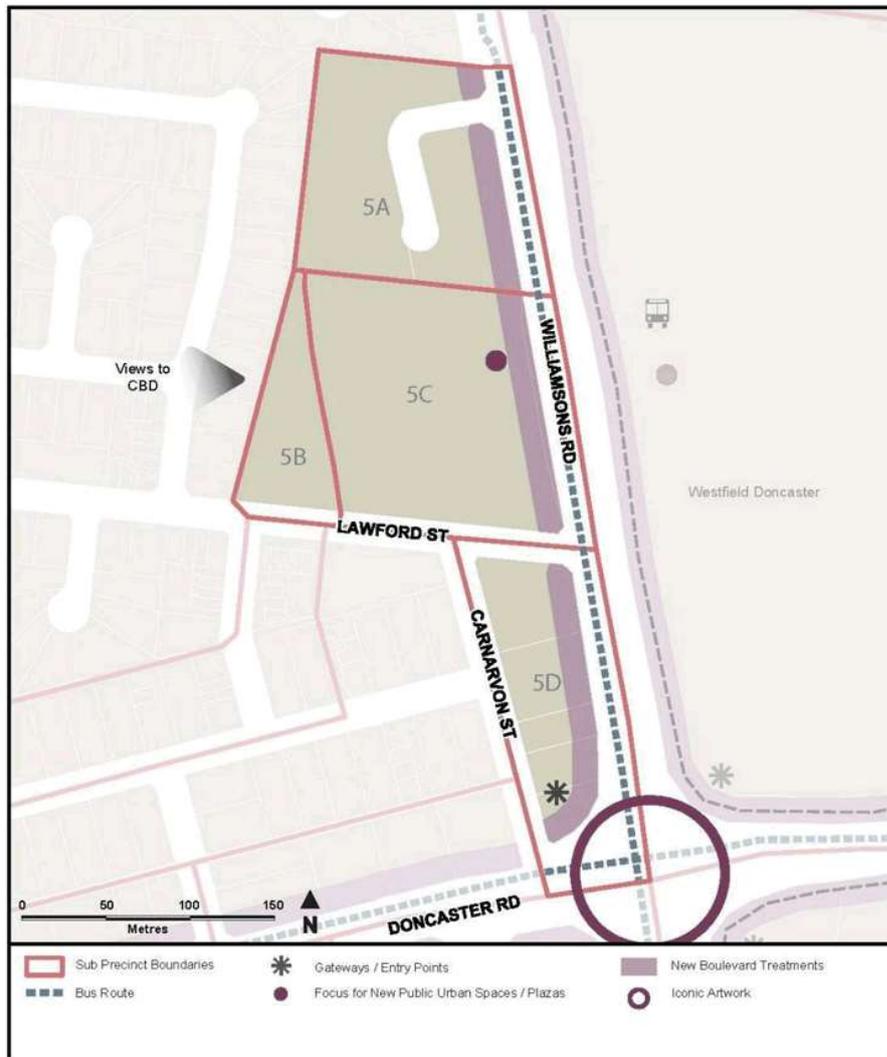
- Maintain a landmark building at the Doncaster Road and Williamsons Road intersection.
- Architectural design of any built form at the north west corner to Westfield Doncaster to be appropriate to its gateway location.
- To provide for a landmark building in the vicinity of the entrance forecourt to Williamsons Road.
- Maintain and enhance an integrated public transport interchange to support both Westfield Doncaster and the greater Doncaster Hill area in a prominent and easily accessible location.
- Create a pedestrian friendly interface between Westfield Doncaster, Doncaster Road, Williamsons Road and Tower Street.
- Establish strong pedestrian entries and linkages from Westfield Doncaster to all other precincts within Doncaster Hill.
- Future building form is to maximise the north-east aspect and views, and vistas to the CBD.
- External spaces should directly link to Williamsons Road and Doncaster Road where appropriate.

MANNINGHAM PLANNING SCHEME

5.5 Precinct 5: Williamsons Road West

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C87

5.5-1 Precinct map



5.5-2 Precinct objectives

- To encourage an appropriate mix of residential and commercial uses in the precinct.
- To encourage high density development along the Williamsons Road ridgeline, with less dense development progressively stepping down the hill towards the west.
- To capitalise on broad views and vistas obtained from strategic points along the Williamsons Road ridgeline, including from public urban spaces/plazas .
- To provide for an improved pedestrian network with stronger links to Westfield Doncaster, public transport interchanges, and nearby open space.

## MANNINGHAM PLANNING SCHEME

- To create a significant area of public urban space/plaza both within and convenient to the precinct to help cater for the proposed high-density development in the surrounding precincts.
- To create a landmark gateway building at the southern end of the precinct.
- To provide a pedestrian network that will provide positive linkages to the adjacent precincts in particular the Westfield Doncaster site, the public transport interchanges and Lawford Reserve.
- To encourage the inclusion of public open space abutting Williamsons Road that accommodates vistas to the city and has convenient links to Westfield Doncaster.

## 5.5-3 Precinct requirements

Sub-Precinct	Maximum height (Excluding Basement)	Design Element Height	Setbacks
5A	29m	None specified	5m from side boundaries 8m from rear boundary
5B	14.5m	None specified	5m from side boundaries 8m from rear boundary
5C	36m	7.2m above maximum height	5m to front podium edge from front boundary 9m to front tower edge from front boundary 5m from side boundaries
5D	29m	5.8m above maximum height	5m to front podium edge from front boundary 9m to front tower edge from front boundary 4.5m from side boundaries 5m from rear boundary

## 5.5-4 Precinct guidelines

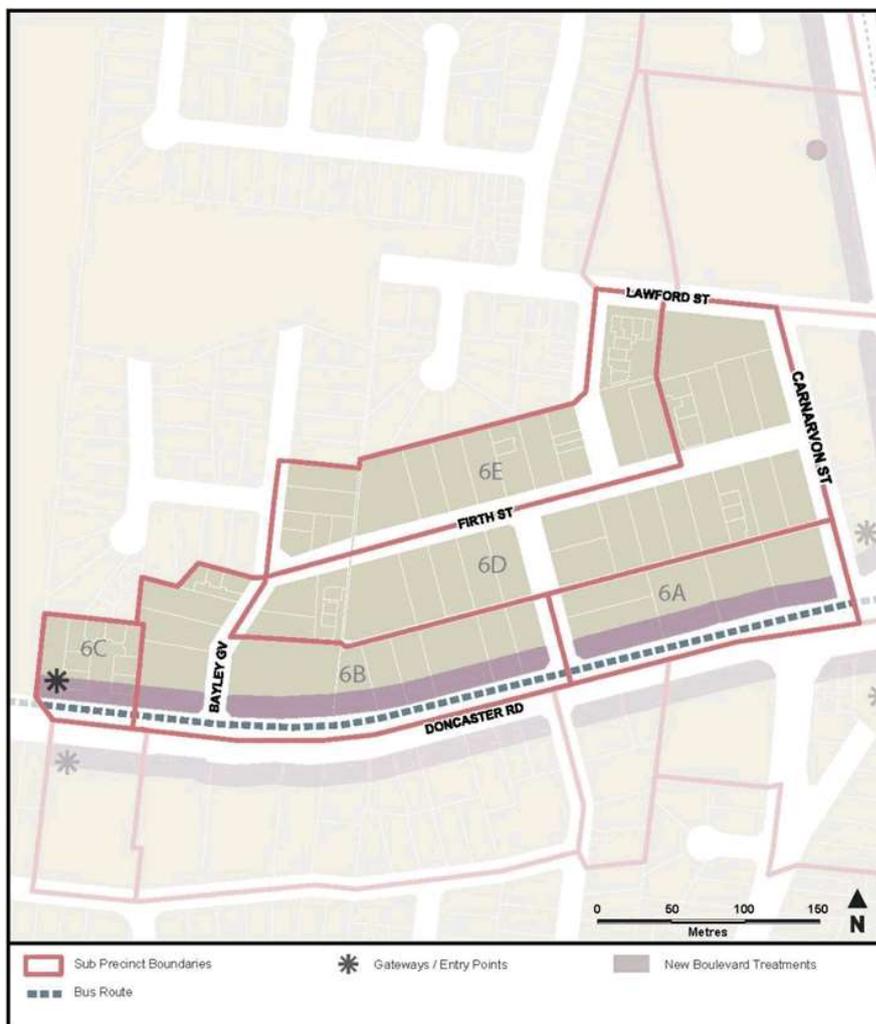
- Support and connect with the pedestrian link proposed for the Doncaster Road, Williamsons and Tram Roads intersection at the southern end of the precinct.
- Retain strategic view corridors towards the city from Williamsons Road within future development from specially created public urban spaces/plazas between buildings. A long continuous wall of building is discouraged.

MANNINGHAM PLANNING SCHEME

5.6 Precinct 6: North West Doncaster Boulevard

03/06/2010  
C87

5.6-1 Precinct map



5.6-2 Precinct objectives

- To encourage an appropriate mix of residential and commercial uses in the precinct.
- To create a vibrant and commercially viable mix of uses at a lower scale and generally on smaller scale allotments than is proposed for precincts located further east in Doncaster Hill.
- To encourage the provision of pedestrian and cycling links to connect with Lawford Reserve and the Doncaster Road, Williamsons and Tram Roads intersection at the eastern end of the precinct.
- To create a landmark gateway building at the western end of the precinct.
- To strengthen pedestrian and bicycle linkages between the precinct and Lawford Street Reserve.

## MANNINGHAM PLANNING SCHEME

## 5.6-3 Precinct requirements

Sub-Precinct	Maximum height (Excluding Basement)	Design Element Height	Setbacks
6A	21.5m	None specified	5m to front podium edge from front boundary 11m to front tower edge from front boundary. 4.5m from side boundaries 5m from rear boundary
6B	21.5m	None specified	5m to front podium edge from front boundary 11m to front tower edge to front boundary 4.5m from side boundaries 5m from rear boundary
6C	18m	3.6m above maximum height	5m to podium edge from front boundary 11m to front tower edge from front boundary 4.5m from side boundaries 5m from rear boundary
6D	14.5m	None specified	5m from site boundary 4.5m from side boundaries 4.5m from rear boundary
6E	11m	None specified	2m from front boundary 4.1m from side boundaries 5m from rear boundary

## 5.6-4 Precinct guidelines

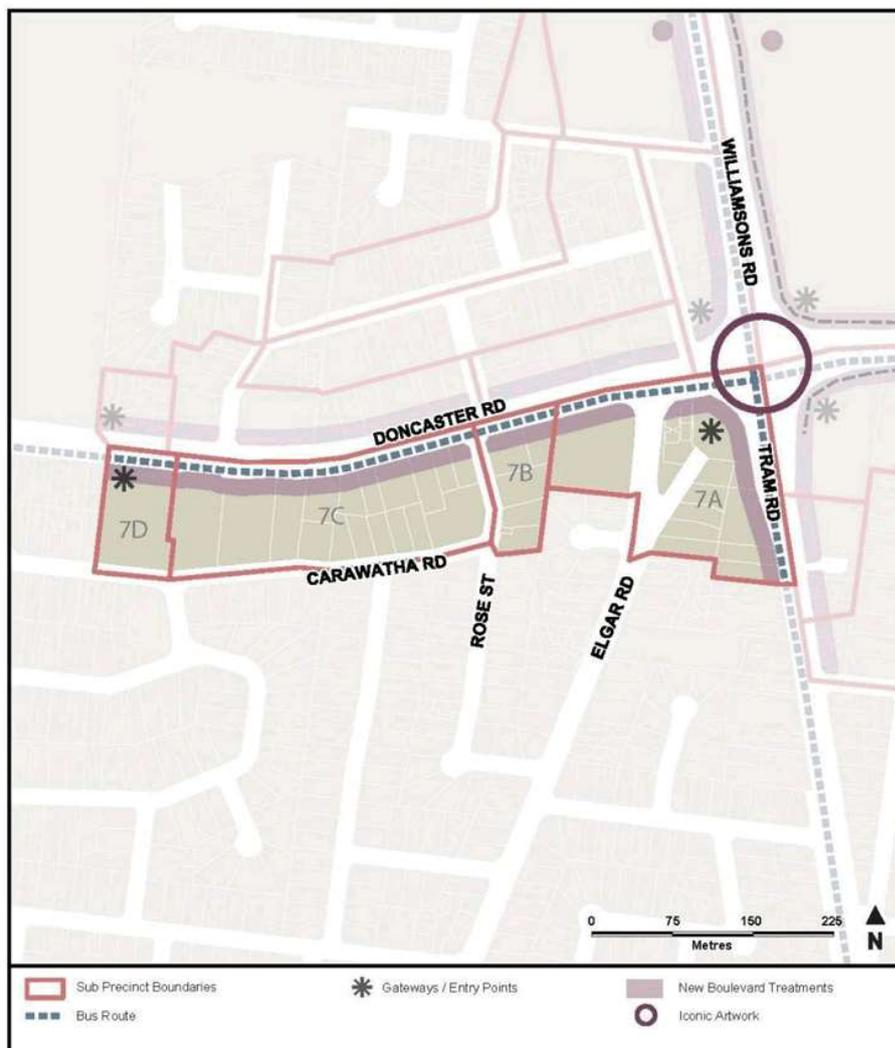
- Support and connect with the pedestrian link proposed for the Doncaster, Williamsons and Tram Roads intersection at the southern end of the precinct.

MANNINGHAM PLANNING SCHEME

5.7 Precinct 7: South West Doncaster Boulevard

03/06/2010  
C87

5.7-1 Precinct map



5.7-2 Precinct objectives

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

## MANNINGHAM PLANNING SCHEME

## 5.7-3 Precinct requirements

Sub-Precinct	Maximum height (Excluding Basement)	Design Element Height	Setbacks
7A	32.5m	6.5m above maximum height	5m to podium edge from front boundary 9m to tower edge from front boundary 4.5m from side boundaries 4.5m from rear boundary
7B	29m	4.3m above maximum height	5-10m to front podium edge from front boundary 6m to front tower edge from podium edge 4.5m from side boundaries 5m from rear boundary
7C	21.5m	None specified	5-10 to front podium edge from front boundary 8m to tower edge from podium edge 4.5m from side boundaries 5m from rear boundary
7D	18m	3.6m above maximum height	10m to podium edge from front boundary 8m to front tower edge from podium edge 4.5m from side boundaries 5m from rear boundary

## 5.7-4 Precinct guidelines

- Strengthen links between the precinct and existing nearby areas of open space.
- Significant vistas to the CBD skyline from Doncaster Road should be retained.
- Provide open space which offers well designed play opportunities to the south of the precinct.
- Support and connect with the pedestrian link proposed for the Doncaster, Williamsons and Tram Roads intersection at the eastern end of the precinct.

## 6.0

23/05/2019  
C104

## Application requirements

In addition to the application requirements set out at Clause 37.08-7, an application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate, to the satisfaction of the responsible authority. For the land in Precinct 4A (Westfield Doncaster), the application requirements set out below are to be read in conjunction with those in the Development Plan Overlay (Schedule 4), as appropriate:

- Sections of the proposed building at appropriate intervals.
- Sight-lines from balcony edges.
- A three-dimensional coloured artist's impression showing the proposed development in the context of surrounding development.
- A traffic and car parking assessment that includes existing traffic details, parking allocation, traffic generation and distribution, impact of generated traffic on the existing road network, parking generation rates and traffic management from the development construction phase onwards.
- A Sustainability Management Plan (SMP).

## MANNINGHAM PLANNING SCHEME

- In Precinct 1, an application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:
  - To the application for permit being made.
  - To the application for permit being made and to the proposed use or development.

**Sustainability Management Plan**

A Sustainability Management Plan (SMP) must achieve the following to the satisfaction of the responsible authority:

- Address matters of building energy management, water sensitive urban design, construction materials, indoor environment quality, waste management, and transport.
- Demonstrate the application of Australian best practice rating tools and design principles, use of emerging technology, and a commitment to 'beyond compliance' throughout the construction period and subsequent operation of the development.
- Identify statutory obligations and documented sustainability performance standards from Government and other authorities.
- Specify key performance indicators, to an agreed level, to measure the achievement of objectives and initiatives identified in the Plan.
- Identify responsibilities and a schedule for both implementing and monitoring the Plan over time.

The individual components of the SMP should address:

- Building Energy Management:
  - The design of the building for energy efficiency (thermal envelope).
  - The use of energy saving technologies to further reduce demand.
  - The use of alternative energy sources, whether provided on-site or through the purchase of 'green energy'.
- Water Sensitive Urban Design:
  - An integrated water management plan that identifies opportunities for:
    - A reduction in demand for potable water through use of water conservation features and alternative sources of supply such as wastewater and stormwater.
    - A reduction in the volume of wastewater through water conservation and reuse.
    - An improvement in stormwater quality runoff and a reduction in peak flows through appropriate treatment and stormwater reuse.
- Construction Materials:
  - The use of building materials that minimise ecological or health impacts and greenhouse gases based on the type and volume of raw materials, water and energy consumed in their production.
  - The use of materials that can be expected to endure for the life of the development with minimal maintenance and can be recycled at the end of their useful life.
  - The reuse of recycled materials and the use of materials with recycled components.
  - The use of materials produced in Victoria or Australia.
  - The use of pre-fabricated, pre-cut and standardised components to reduce waste.

## MANNINGHAM PLANNING SCHEME

- Indoor Environment Quality:
  - The provision of airflow, fresh air intake, cross-ventilation, daylight, appropriate level of lighting, views and direct access to outdoor areas.
  - The use of materials with low levels of toxic chemicals, minimal off-gassing and production of allergens and other internal air pollutants.
  - The exclusion of external pollutants (including odours) and the safe disposal of internally generated pollutants
  - The measures to reduce reliance on mechanical heating, ventilation, cooling and lighting systems.
  - The use of flexible internal controls for these systems.
  - The measures to minimise noise levels and noise transfer within and between buildings and associated external areas.
  - The provision of an independent acoustics report detailing measures to minimise adverse impacts of noise levels and noise transfer within and between buildings.
- Waste Management:
  - An integrated plan for:
    - A reduction in the amount of waste delivered.
    - A reduction in the amount of waste to landfill.
    - Maximising recycling and composting opportunities.
    - Appropriately dealing with hazardous materials.
    - The provision of adequate private/communal space(s) for the collection of recyclable materials and waste.
- Quality of Public and Private Realm:
  - Design and development that conforms to the Australian Standard AS1428 Part 2 provisions for access and mobility.
  - Design and development that provides a high level of accessibility at the principal front entry for any residential development.
  - The provision of an independent access audit report detailing measures to conform with the Australian Standard AS1428 Part 2 provisions for access and mobility.
  - The provision of shared spaces that can accommodate varying functions and flexibility for future uses.
- Transport:
  - The provision of easily located 'after trip' facilities for bicycle users, joggers, etc.
  - Car parking that reduces energy consumption due to lighting and ventilation.
- Demolition and Construction
  - The protection of vegetation and other features to be retained and public assets.
  - Testing for and development of a management plan for contaminated or potentially contaminated sites.
  - The prevention of the unintended movement of building waste and hazardous materials and other pollutants on or off the site, whether by air, water or other means.

## MANNINGHAM PLANNING SCHEME

- The measures to minimise the amount of waste delivered; the recycling of demolition and waste materials; and the return of waste materials to the supplier (where the supplier has a program of reuse or recycling).
- The measures to minimise noise and other amenity impacts from mechanical equipment and demolition/construction activities, especially outside of daytime hours.
- The measures to minimise interference with normal circulation and parking arrangements and any continuing use of outdoor areas.
- The measures for ensuring worker and public safety.
- A means for communicating construction arrangements to occupants of affected properties.
- The provision of adequate environmental awareness training for all on-site contractors and sub-contractors.

**7.0**17/09/2009  
VC59**Notice and review**

An application to construct a building or construct or carry out works is not exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act in accordance with Clause 37.08-8 of the Activity Centre Zone.

**8.0**27/05/2019  
C126mann**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65 and Clause 37.08-9, the responsible authority must consider, as appropriate:

**Use**

- Whether the proposal achieves an appropriate mix of uses within the site to complement and support the strategic role of Doncaster Hill Major Activity Centre.
- Whether the proposal provides for flexible non-residential floor spaces that can be adapted in the future to a variety of alternative non-residential uses.
- The contribution that the proposal made towards the achievement of residential population targets as set out in the *Doncaster Hill Strategy* (October 2002, Revised 2004) and as envisaged by this scheme.
- Whether the proposal will create a mix of active uses and pedestrian generating activities, particularly at street level, that contribute to a vibrant public realm.
- The contribution made towards the achievement of employment targets, including commercial and retail floor space forecasts as set out in the *Doncaster Hill Strategy* (October 2002, Revised 2004).
- Whether the proposal provides for an appropriate scale of development in order to accommodate the mix and intensity of uses envisaged for each precinct.

**Design and built form**

Whether the proposed development:

- Creates a strong visual interest by providing unique building types based on innovative, contemporary architecture, urban design and ecologically sustainable development principles.
- Is site responsive and achieves an appropriate scale with a stepping down in built form that responds to Doncaster Hill's natural topography.
- Incorporates side and rear setbacks to enhance pedestrian safety and amenity, and assists in the retention of view lines, penetration of sunlight and creation of landscape buffers.

## MANNINGHAM PLANNING SCHEME

- Ensures that any environmental wind effects to the adjoining and surrounding neighbourhood is minimised to the satisfaction of the responsible authority.
- Provides overhead weather protection features adjoining key pedestrian walkways and nodal points.
- Ensures dwelling balconies have an open space area of at least 8 square metres, and a minimum dimension of 1.6 metres.
- Complements, where relevant, the form, scale, materials, colour and lighting of a heritage place on the same or adjoining site.
- The objectives, standards and decision guidelines of Clause 55. This does not apply to a development of four or more storeys, excluding a basement.
- Whether the design and siting of any sign/s satisfies the following design principles:
  - Signs should be integrated into the design of the building façade, preferably within the first 3 levels of the podium;
  - Signs should be of a size and height that is complementary to the built form of the building and surrounding landscape treatments;
  - Signs should be limited in number and incorporate limited detail other than is necessary to identify the building name and key tenants;
  - Signs should be consolidated in mixed use and commercial developments to avoid the visual clutter of signage and displays (eg. vehicles, products, promotional material and free standing signs).

**Subdivision**

- Whether the subdivision is associated with a development proposal that supports the objectives promoted by this Schedule and does not result in the fragmentation of sites.

**Access**

Whether the proposed development:

- Incorporates provisions for pedestrians, cyclists and people with a disability demonstrating how access needs are accommodated.
- Integrates car parking requirements into the design of buildings and landform by encouraging the use of under-croft or basement parking and minimises the use of open lot/half basement/ground floor car parks at street frontage.
- Provides vehicular access to buildings fronting key boulevards off side streets or via rear access.
- Limits the number of vehicle crossings to each development.

**9.0**

23/05/2019  
C104

**Signs**

Signs requiring a permit under Clause 52.05 must not be located within the 5 metre setback from the street frontage along Doncaster Road, Williamsons Road and Tram Road, except for the land in Precinct 4A (Westfield Doncaster) along Williamsons Road. For land in Precinct 4A (Westfield Doncaster) along Williamsons Road, guidance for the location and display of advertising signs will be detailed in a Development Plan prepared and approved pursuant to Schedule 4 of the Development Plan Overlay.

**10.0**

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C104

**Other provisions of the scheme**

None specified.

MANNINGHAM PLANNING SCHEME

**11.0**

23/05/2019  
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**Background documents**

*Doncaster Hill Strategy (Manningham City Council, October 2002, Revised 2004); and  
Doncaster Hill Sustainability Guidelines (Manningham City Council, June 2004).*

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# PLANNING PERMIT

GRANTED UNDER SECTION 96I OF THE  
PLANNING AND ENVIRONMENT ACT 1987

Permit No.: PLN20/0303

Planning scheme: Manningham

Responsible authority: Manningham City Council

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ADDRESS OF THE LAND: 674-680 Doncaster Road, 2 Short Street and 14, 14A, 16 & 18 Hepburn Road, Doncaster

THE PERMIT ALLOWS:

Develop the site under planning permit application PLN20/0303 to partially demolish the existing heritage listed church, use and develop a 17-storey mixed-use development comprising residential dwellings (177 dwellings), a place of assembly, child care centre, two food and drinks premises, offices, a reduction in the standard car parking requirements and alter the access arrangements to a road in a Road Transport Zone, Category 1, (TRZ2).

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

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1. Before the use and development starts, amended plans drawn to scale and dimensioned, must be submitted to the satisfaction of and approved by the Responsible Authority. When approved the plans will then form part of the permit. The plans must be generally in accordance with the decision plans (prepared by Design Inc, Project No. 16040, Revision TP7 dated 15 January 2021), but modified to show:
  - 1.1 The replacement of the pale bronze profiled vertical Colorbond metal cladding (marked on the plan as CW03) defining the northern balconies of Apartments 6.11 on Level 6 and 7.11 on Level 7 with the pale bronze powder coated aluminium box fins (marked on the plan as MB01), and to terminate at the western edge of the balconies;
  - 1.2 The brickwork brand and colour identified on the plans as 'BK01' modified to be a pale colour, to match the original lighter coloured brick used for detailing on the 1889 church building, to the satisfaction of the Responsible Authority;
  - 1.3 Roof form overhang over Apartment 6.19 to be removed to allow the window to be clear to the sky;
  - 1.4 The doors adjoining the Level 8 and 16 outdoor areas to be glazed and have glazed windows either side, where practicable;
  - 1.5 Relocation of the air conditioning units or modification of apartments balconies which do not meet Standard B19 of Clause 58.05-3 of the Manningham Planning Scheme (as they do not provide an additional 1.5sqm of area, where an air conditioning unit is located);
  - 1.6 The minimum 2.7m high floor to ceiling heights for apartments, also indicated on the elevation plans;
  - 1.7 Further modification of any solid balcony side walls to be translucent privacy screens, to improve daylight and solar access, to the satisfaction of the Responsible Authority;

- 1.8** Indication of removal, relocation or modification of the easement, as approved by Yarra Valley Water;
- 1.9** The ballooned changes shown of TP206, TP207 and TP208, all dated 29 September 2021;
- 1.10** Confirmation of the dimensions of the secondary areas to all bedrooms to satisfy Standard D26 of Clause 58 of the Planning Scheme where not already shown;
- 1.11** Modifications required to the plans to ensure that the accessibility requirements in Standard B17 of Clause 58.05-1 of the Manningham Planning Scheme are met in at least 50% of dwellings;

#### **Boulevard treatment and Doncaster Road frontage**

- 1.91.12** Changes to the Doncaster Road frontage of the podium to improve sightlines to the east and west elevations of the chapel from Doncaster Road, by way of increasing the setback line for new built form and/or reviewing placement of awnings, canopies and overhangs, to the satisfaction of the Responsible Authority;
- 1.101.13** Full details of the boulevard treatment along Doncaster Road, including maintaining a minimum 3.6m wide paved promenade with staggered avenues of deciduous trees, with full dimensions and paving materials in accordance with the Doncaster Hill Strategy;
- 1.111.14** The continuation of the Doncaster Hill paved promenade treatment over the Doncaster Road crossover/driveway to reinforce pedestrian priority Landscaping;
- 1.121.15** All landscaping areas detailed and dimensioned to correspond with the concept landscape plans (prepared by Phillip Johnson Landscaping, Job No.1019, dated 14 October 2020);
- 1.131.16** The retention of the street trees within the road reserve of Hepburn Road, unless otherwise agreed by the Responsible Authority;

#### **Car parking, access and basement areas**

- 1.141.17** Suitably located charging stations for the car parking and bicycle areas, within each of the two basements;
- 1.151.18** A detailed schedule and allocation of car parking spaces for each apartment and townhouse within the basement and Level 1, rationalised based on the location of corresponding allocated external storage spaces and the most convenient lift locations relative to the entrance of each dwelling;
- 1.161.19** Allocation of external storage for each dwelling, rationalised based on the location of corresponding allocated resident vehicle spaces, including a minimum 6m<sup>3</sup> of storage to each townhouse;
- 1.171.20** Details of the materials, finishes and dimensions of all external storage areas;
- 1.181.21** Details and plan notations demonstrating each area set aside for bicycle spaces complies with Clause 52.34-6 (Design of bicycle spaces) and Clause 52.34-7 (Bicycle signage) of the Manningham Planning Scheme;
- 1.191.22** The provision of one change room/shower (~~for nine employee bicycle spaces~~) as required by Clause 52.34-3 (Bicycle) of the Manningham Planning Scheme;
- 1.201.23** A notation detailing that all redundant vehicle crossovers be removed and the footpath, nature strip, kerb and channel be reinstated;
- 1.211.24** Details of the ventilation provided to all car park areas;

1.221.25 The deletion of car spaces 02-54, 02-56 and 02-58 on Level 2 of the car park to provide a height clearance of 4.5m above the floor level of the loading dock below.

**Other**

1.231.26 Capacity of all rainwater tanks;

1.241.27 All services designed to integrate into the design detail of the built form and suitably screened;

1.251.28 Any required design inclusions or modifications in response to the Acoustic Assessment approved under a further Condition of this Permit,

1.261.29 A schedule listing all sustainability features / commitments applicable to the approved development, including the provision of third pipe and any plans changes as required, as per the Sustainability Management Plan approved under a further Condition of this permit;

1.271.30 All recommendations and design changes as required by Department of Transport as required by a further Condition of this Permit;

1.281.31 Design details (including location, height and materials) of the screens and/or design features as included and required by the Wind Report under a further Condition of the Permit;

1.291.32 Notations to demonstrate compliance with the recommendations of the Wind Report under a further Condition of the Permit;

1.301.33 All recommendations and design changes as required by the reports and management plans approved under further Conditions of this permit to the satisfaction of the Responsible Authority.

**Endorsed Plans**

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

**Construction Management Plan**

3. Not less than three months before the development starts, a Construction Management Plan (CMP) must be submitted and approved to the satisfaction of the Responsible Authority. When approved the plan will form part of the permit. The Construction Management Plan is to be prepared in accordance with the template within Council's CMP Guidelines. The CMP must address:

- 3.1 Element A1: Public Safety, Amenity and Site Security;
- 3.2 Element A2: Operating Hours, Noise and Vibration Controls;
- 3.3 Element A3: Air Quality and Dust Management;
- 3.4 Element A4: Stormwater and Sediment Control and Tree Protection (also as per the specific requirements of this permit);
- 3.5 Element A5: Waste Minimisation and Litter Prevention; and
- 3.6 Element A6: Traffic and Parking Management which is also to include consideration of a shuttle service for construction personnel to and from the site.

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

#### Sustainability Management Plan

4. Prior to the endorsement of plans under Condition 1, an amended Sustainability Management Plan (SMP) must be submitted and approved to the satisfaction of the Responsible Authority. When approved the Plan will form part of the permit. The recommendations of the Plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the occupation of any dwelling. The plan must be generally in accordance with the prepared by Lucid Consulting Australia and dated 16 October 2020, and the Stormwater Management Report and associated MUSIC model, prepared by Adams Consulting Engineers and dated 12 January 2021 but be modified to:
  - 4.1 Demonstrate best practice 4-star in the Green Star Design and As-Built Rating System;
  - 4.2 Include details and the size of rainwater tanks and their connections;
  - 4.3 Provide the third pipe connection, which must not only be a single point connection to top up the rainwater tank;
    - 4.3.1 Provide a revised the stormwater management strategy to:
    - 4.3.2 Provide a certified copy of water quality analysis – MUSIC from the service provider for Council records;
    - 4.3.3 Locate treatment units prior to OSD is acceptable, but it is the design engineer's responsibility to verify the levels work and flow rates work;
    - 4.3.4 Provided OSD storage volume is not acceptable - permissible site discharge and OSD storage volume must be calculated using OSD4 programme (refer to Council's OSD Guide line for details);
    - 4.3.5 Provide an alternative to SPELL storm Chambers (not a preferable option as a solution for OSD storage), unless otherwise agreed;
    - 4.3.6 Detail that 15 KL water tank must be used for toilet flushing.

#### Green Travel Plan

5. The development must be constructed in accordance with the Green Travel Plan approved and forming part of this permit (prepared by Traffix Group, dated 8 May 2020), and all of its requirements must be implemented and complied with at all times to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.

#### Waste Management Plan

6. Prior to the submission of plans under Condition 1, an amended Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be to the satisfaction of the Responsible Authority, generally in accordance with the submitted Waste Management Plan prepared by Leigh Design, dated 19 November 2020, but be modified to detail:
  - 6.1 A modified waste management strategy to the satisfaction of the Responsible Authority;
  - 6.2 Waste generation rates, collection frequency, bin requirements, size and location of bin storage rooms and details on waste facilities and equipment;
  - 6.3 Plans showing appropriate turning facilities, swept path diagrams, turning circles and relevant height clearances (included within the report/plan);

- 6.4 Details on how residents will practically and conveniently access waste facilities;
- 6.5 Details on how residents will practically and conveniently access dispose of garbage, recyclables, food organic waste and glass material;
- 6.6 Measures to ensure that the private waste contractor can access the development and the private waste contractor bins;
- 6.7 No private waste contractor bins can be left outside the development boundary at any time on any street frontage for any reason.

**Acoustic Report**

- 7. In association with the submission of plans under Condition 1, an amended Acoustic Report must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the acoustic report Acoustic Design Criteria Assessment prepared by Acoustic Logic and dated 14 May 2020, but be modified to show:
  - 7.1 Treatment to address external noise intrusion from traffic on Doncaster Road to ensure compliance with the criteria in Table 2 of the assessment (likely to include medium to heavy weight single glazing or IGU);
  - 7.2 An Acoustic assessment to consider the potential noise impacts of the non- residential uses on internal dwellings and other uses within the development and the surrounding neighbourhood and where suitable, recommend suitable attenuation measures.

**Pedestrian Wind Environment Report**

- 8. In association with the submission of plans under Condition 1, an amended Pedestrian Wind Environment Report must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the report prepared by Windtech, dated 11 February 2019, but be modified to show:
  - 8.1 Alternative measures to provide wind protection that avoids the provision of screens on the north-western balconies of Levels 6 and 7, based on the requirement under Condition 1.2 of this permit to the satisfaction of the Responsible Authority;
  - 8.2 Diagrams to show the location of all required screens.

**Disability Access Plan**

- 9. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, a Disability Access Plan that implements the recommendations of a Disability Access Audit, prepared by a suitably qualified person that demonstrates compliance with the relevant Australian Standards for access, including AS1428 Part 2, must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must include but is not limited to:
  - 9.1 Vehicular and pedestrian access into the building;
  - 9.2 Access to the lifts;
  - 9.3 The provision of tactile indicators;
  - 9.4 The provision of braille indicators for the lifts;
  - 9.5 The use of contrasting paving materials to assist the vision impaired;

9.6 All emergency exits; and

9.7 Car parking areas.

#### **Car Parking Management Plan**

10. Before the commencement of any approved use, a Car Parking Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will then form part of the permit. Traffic and parking operations on and adjacent to the site must conform to this approved plan. The plan must be generally in accordance with the endorsed plans and must include:

10.1 The allocation of all car parking spaces;

10.2 Details of how each car park will be managed, including access arrangements and any measures to allow any available non-residential car parking spaces to be utilised by other uses as overflow parking;

10.3 Measures to be implemented to manage events likely to result in a peak demand for car parking;

10.4 Details of how the loading area will be managed;

10.5 Details of how all bicycle parking spaces will be allocated and managed.

#### **Conservation Management Plan**

11. Prior to any demolition works commencing on the site or the endorsement of plans under Condition 1, whichever is the sooner, a conservation management plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the conservation management plan will be endorsed and form part of the permit. The conservation management plan must provide further details of works which will be undertaken to the existing church building on the site and include:

11.1 Detailed plans to show the specific stain glass windows that will be retained and any measures required for removal during the construction process, storage details, restoration and installation measures as part of the interpretive strategy under a further Condition of this permit, to the satisfaction of the Responsible Authority. The CMP must include details of a suitably qualified stained glass conservator undertaking the works;

11.2 Details of the storage location for the existing interpretive signage, foundation stones and stain glass windows during construction works to ensure their protection;

11.3 A detailed plan outlining the new location of the existing interpretive signage, foundation stones and stain glass windows as part of the interpretive strategy under Condition 16 of this permit;

11.4 Detailed construction plans (drawn to scale of 1:20) of the new portico informed by available evidence of the original building to the satisfaction of the Responsible Authority and plan details of how the new portico and steps will be fixed to the existing church building;

11.5 Detailed construction plans (drawn to the scale of 1:20) to show how the existing church building will be fixed to the new building to the satisfaction of the Responsible Authority; and

11.6 Detailed construction plans (drawn to the scale of 1:20) to show the integration of the existing church building with the new building so that it is level and aesthetically compatible with the chapel extension, gardens and foyer to the satisfaction of the Responsible Authority.

**Works must be undertaken in accordance with the conservation management plan and must be managed by a suitably qualified heritage specialist to the satisfaction of the Responsible Authority.**

#### Management Plan Compliance

12. The Management Plans and reports approved under Conditions 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.
13. Before the occupancy of the development, a report from the author of the Sustainability Management Plan approved under a further Condition of this permit, or similar qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures / commitments in the Sustainability Management Plan approved under a further Condition of this permit, and the third pipe requirements, have been implemented in accordance with the approved plans and the planning permit to the satisfaction of the Responsible Authority.

#### Yarra Valley Water Easement

14. Before Condition 1 plans can be considered for endorsed, written formal consent from Yarra Valley Water to modify, relocate or build over the easement is required to be provided.

#### Removal of restriction

- ~~15. — Before the development starts, the restriction contained in the Instrument of transfer number B416060 on Lot 9 of PS 056685 must be removed from the title pursuant to Section 23 of the Subdivision Act 1988, to the satisfaction of the Responsible Authority.~~

#### Archival record

- ~~16.15.~~ Prior to any demolition works commencing on the site, a photographic heritage record of the church building and the buildings to be demolished or altered must be prepared to the satisfaction of the Responsible Authority. One archival quality copy of the record along with an electronic copy must be submitted to the Responsible Authority. The record must also include:

~~16.115.1~~ Views of each elevation of the building/s;

~~16.215.2~~ Two diagonally opposed views of each internal space in the building/s; and

~~16.315.3~~ Any architectural design detailing of the building/s.

~~16.415.4~~ Photo log sheets including plans clearly showing north and indicating what direction the images were taken.

**The photographic record must be taken with an SLR camera of at least 8 megapixels and images saved in RAW format.**

#### Interpretive strategy

- ~~17.16.~~ Before the commencement of the use of the place of assembly, an interpretive strategy of permanent displays must be installed within the Level 4 public space foyer to the satisfaction of the Responsible Authority. It must include the archival record approved under a further Condition, incorporated with existing interpretive signage, existing church archives that document the history and development of the site and there-use of existing stain glass windows.

#### Landscape Plan

- ~~18.17.~~ Before the development starts, amended landscaping plans must be submitted to the Responsible Authority for approval. The plans must be generally in accordance with the approved site layout plans and the decision plans prepared by Phillip Johnson Landscaping, Job No. 1019, dated 14

October 2020, but modified to show:

- 18.117.1** Species, locations, quantities, approximate height and spread of proposed planting;
- 18.217.2** Details of soil preparation and mulch depth for garden beds;
- 18.317.3** Sectional details of shrub planting method and the canopy tree planting method which includes support staking and the use of durable ties;
- 18.417.4** Full details of the boulevard treatment along Doncaster Road, including maintaining a minimum 3.6m wide paved promenade with staggered avenues of deciduous trees, with full dimensions and paving materials in accordance with the Doncaster Hill Strategy;
- 18.517.5** The continuation of the Doncaster Hill paved promenade treatment over the Doncaster Road crossover/driveway to reinforce pedestrian priority;
- 18.617.6** A separate sectional detail of Doncaster Road boulevard canopy tree planting methods, which includes appropriate root director or root cell technology incorporated to ensure that the boulevard paving is not damaged by tree rootsover time;
- 18.717.7** Sectional details of the planting method for planter boxes, including the method of drainage;
- 18.817.8** A minimum 1m wide area to the perimeter of the site, within the private open space/courtyard area of dwellings fronting Short Street and Hepburn Road;
- 18.917.9** Further details of and a landscape treatment provided to the following spaces, to the satisfaction of the Responsible Authority:
  - 18.9.117.9.1** Between the loading dock accessway and the eastern boundary, fronting Hepburn Road;
  - 18.9.217.9.2** Generally along the southern frontage to Hepburn Road (including within front courtyards);
  - 18.9.317.9.3** Generally along the eastern frontage to Short Street (including within front courtyards);
- 18.1017.10** Improved details of the site frontage to Doncaster Road, including the location of bicycle parking, ramps, planter beds, retaining walls and surface materials, to demonstrate how this area will function and be maintained to ensure a purposeful interaction with the public realm;
- 18.1117.11** The irrigation of communal garden beds and lightweight planter boxes controlled by sensors;
- 18.1217.12** Details of any rain-garden, including maintenance details;
- 18.1317.13** All canopy trees and screen planting to be at least 1.5 metres in height at the time of planting, with the exception of trees within the Doncaster Road boulevard, which must be at least 3.5 metres in height at the time of planting;
- 18.1417.14** The retention of the street trees within the road reserve of Hepburn Road, unless otherwise agreed by the Responsible Authority.

#### **Landscape Bond**

- 19.18.** 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.

#### Street Trees

- 20.19.** Footpath panels adjacent to proposed street tree locations must be removed and reinstalled by the developer/property owner with TripStop X to Council specification, and to the satisfaction of the Responsible Authority.
- 21.20.** All fencing foundations and infrastructure must be engineered and installed to withstand the pressure exerted from roots from street trees as they grow, to the satisfaction of the Responsible Authority.
- 22.21.** All street trees along Hepburn Road must be retained and protected in accordance with AS 4970, to the satisfaction of the Responsible Authority.
- 23.22.** All street tree removal and planting works must be undertaken by Council at the full cost of the permit holder, to the satisfaction of the Responsible Authority.

#### Completion and Maintenance

- 24.23.** Once the permitted development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
- 25.24.** Before the occupation of any approved dwelling the following works must be completed generally in accordance with the approved plans and to the satisfaction of the Responsible Authority:
- 25.124.1** All privacy screens and obscured glazing must be installed, noting that the use of obscure film fixed to transparent windows is not considered to be 'obscured glazing';
  - 25.224.2** All driveways, bicycle and car parking areas fully constructed, with appropriate grades and transitions, line marked and/or signed and available for use; and
  - 25.324.3** All landscape areas must be fully planted and mulched or grassed.
- 26.25.** Buildings, including screening, engineering works, fences and landscaped areas must be maintained to the satisfaction of the Responsible Authority.
- 27.26.** The landscaping as shown on the approved landscaping plan must be maintained by replacing any dead, diseased, dying or damaged plants as soon as practicable and not using the areas set aside for landscaping for any other purpose, to the satisfaction of the Responsible Authority.
- 28.27.** In the event of excavation or works causing damage to any existing boundary fence, the owner of the development site must at their own cost repair or replace the affected fencing to the satisfaction of the Responsible Authority.

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

- 29.28.** The owner must provide on-site storm water detention storage or other suitable system (which may include but is not limited to the re-use of stormwater using rainwater tanks), to limit the Permissible Site Discharge (PSD) to that applicable to the site coverage of 35 percent of hard surface or the pre-existing hard surface if it is greater than 35 percent. The PSD must meet the following requirements:
- 29.128.1** Be designed for a 1 in 5 year storm; and
  - 29.228.2** Storage must be designed for 1 in 10 year storm.

#### Construction Plan (OSD)

- 30.29.** Before the development starts, a construction plan for the system required by a further Condition 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

~~31.30.~~ 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.

~~32.31.~~ The whole of the land, including landscaped and paved areas must be graded and drained to the satisfaction of the Responsible Authority, to prevent ponding and to minimise overland flows onto adjoining properties.

#### On-site car parking and bicycle parking and access

~~33.32.~~ The areas set aside for the parking of vehicles, together with the aisles and access lanes as delineated on the endorsed plans must:

~~33.132.1~~ Be completed and line-marked to the satisfaction of the Responsible prior to the occupation of the development or commencement of the uses hereby permitted;

~~33.232.2~~ Be used for no other purpose and maintained at all times to the satisfaction of the Responsible Authority; and

~~33.332.3~~ Be drained and sealed with an all-weather seal coat.

~~34.33.~~ The residential, visitor and non-residential car parking areas must be clearly lined marked and signed and must not be used for any other purpose, to the satisfaction of the Responsible Authority.

~~35.34.~~ ~~All car parking spaces contained within the buildings basements must be made available for use by the relevant owners, occupants and visitors to the building free of charge at all times and must not be sub-leased or used for any other purpose to the satisfaction of the Responsible Authority. All car parking spaces associated with the non-residential uses and the residential visitor car parking contained within the building must be made available for use by the relevant owners, occupants and visitors to the building free of charge at all times and must not be sub-leased or used for any other purpose to the satisfaction of the Responsible Authority.~~

~~36.35.~~ All bicycle parking areas must be maintained and not be used for any other purpose, to the satisfaction of the Responsible Authority.

~~37.36.~~ The use of the crossover on Doncaster Road for vehicle access must only be associated with special events of the place of assembly, to the satisfaction of the Responsible Authority.

~~38.37.~~ An intercom and an automatic garage door opening system must be installed, so as to facilitate convenient 24 hour access to the residential car park by visitors, to the satisfaction of the Responsible Authority.

#### Place of Assembly

~~39.38.~~ Except with the prior written consent of the Responsible Authority, the maximum number of patrons who may attend the place of assembly at any one time and the hours of operation of the place of assembly are:

**427 patrons on Monday to Friday between 8:00am and 5:00pm**

**650 patrons on Monday to Friday between 5:00pm and 11:00pm**

**650 patrons on Saturday and Sunday between 8:00am and 11:00pm**

~~40.39.~~ The number of patrons who may attend the place of assembly on Monday to Friday between 8:00am and 5:00pm may increase to 650 patrons with the prior written consent of the Responsible Authority. ~~Additional patrons will only be permitted if it can be demonstrated that the car parking demand for the place of assembly does not exceed the available car parking spaces, to the satisfaction of the Responsible Authority.~~

41.40. Additional patrons will only be permitted if it can be demonstrated that the car parking demand for the place of assembly does not exceed the available car parking spaces, and that pedestrian movements of patrons can be adequately accommodated, to the satisfaction of the Responsible Authority.

#### **Child Care Centre**

42.41. Except with the prior written consent of the Responsible Authority, the number of children who may attend the centre at any one time must not exceed 120.

43.42. Except with the prior written consent of the Responsible Authority, the child care centre must only operate between the hours of 6:00am and 7:00pm on weekdays only.

44.43. The external play areas must be kept in a neat and tidy condition to the satisfaction of the Responsible Authority.

45.44. The operator of the centre must through proper management and supervision techniques, ensure that excessive noise is not generated by external play activities, to the satisfaction of the Responsible Authority.

46.45. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.

#### **Food and Drink Premises**

47.46. Except with the prior written consent of the Responsible Authority, the food and drink premises must only operate between the hours of 7:00am and 10:00pm Monday to Sunday.

48.47. The shop fronts of the food and drink premises must not be covered by promotional or other film or signage that reduces transparency of the interface, to the satisfaction of the Responsible Authority.

49.48. The exhaust system to the food and drink premises must be fitted with filter devices capable of minimizing the external emission of odours and airborne fat particles and be maintained to the satisfaction of the Responsible Authority.

#### **Offices**

50.49. Except with the prior written consent of the Responsible Authority, the offices must only operate between the hours of 7:00am and 6:00pm on weekdays only, to ensure that unused car parking spaces outside of these times are made available as overflow parking for other uses.

#### **Amenity**

51.50. Before the uses commence, all fencing, including acoustic fencing and any other measures must be erected in accordance with the approved plan to the satisfaction of the Responsible Authority.

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

53.52. 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.

- ~~54.~~53. All delivery and collection of goods associated with the non-residential uses must be conducted within the subject land and within the operating hours approved under this permit.
- ~~55.~~54. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view. All waste collection and recycling collection must be undertaken in accordance with Council requirements and the approved waste management plan.
- ~~56.~~55. The collection of all waste from the premises must only be conducted between the hours of 8.00am to 6.00pm Monday to Friday to the satisfaction of the Responsible Authority.
- ~~57.~~56. The operators of non-residential uses must ensure to the satisfaction of the Responsible Authority that all on-site activities are conducted in an orderly manner and must endeavour to ensure that patrons / customers who depart the premises late at night, do so in a manner not likely to cause noise disturbances to nearby residents and residents in the building, and in accordance with any approved car parking operation approved under another condition of this permit.
- ~~58.~~57. The use and development must be managed so that the amenity of the area is not detrimentally affected, to the satisfaction of the Responsible Authority, through the:
- ~~58.1~~57.1 Transport of materials, goods or commodities to or from the land;
  - ~~58.2~~57.2 Storage of goods and wastes;
  - ~~58.3~~57.3 Appearance of any building, works or materials; and
  - ~~58.4~~57.4 Emission of noise, light, vibration, odour & dust.

#### Lighting

- ~~59.~~58. External lighting must be designed so as to minimise loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority.
- ~~60.~~59. The development must be provided with external lighting capable of illuminating access to each car parking space, storage area, waste bins, pedestrian walkways, stairwells, lifts, dwelling entrances and entry foyers. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.

#### Development Contribution

- ~~61.~~60. Prior to the completion of the development, a Development Contribution as agreed by the Responsible Authority in accordance with Clause 45.06 Development Contributions Plan Overlay Schedule 1 – Doncaster Hill Development Contributions Plan must be paid to the Responsible Authority.

#### General

- ~~62.~~61. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
- ~~63.~~62. A centralised TV antenna must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.
- ~~64.~~63. No individual dish antennae may be installed on the overall building to the satisfaction of the Responsible Authority.
- ~~65.~~64. If allowed by the relevant fire authority, external fire services must be enclosed in a neatly constructed, durable cabinet finished to complement the overall development, or in the event that enclosure is not allowed, associated installations must be located, finished and landscaped to minimise visual impacts from the public footpath in front of the site to the satisfaction of the Responsible Authority.

~~66.65.~~ Buildings, engineering works, fences and landscaped areas must be maintained to the satisfaction of the Responsible Authority.

~~67.66.~~ Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter.

#### Affordable housing

~~68.67.~~ Prior to the commencement of buildings and works Affordable Housing must be secured under a mutually agreed to Section 173 Agreement between the Proponent and Council and must be signed by all parties before the Amendment is sent to the Minister for Planning for approval, at the latest. The affordable housing dwellings must satisfy the following:

~~68.167.1~~ Be not less than 10 in number, which are likely to be one or two bedroom apartments;

~~68.267.2~~ To be tenure blind with finishes reflecting all other apartments within the development and fully integrated into the development;

~~68.367.3~~ The ultimate location will reflect the needs of the occupant or provider, can be grouped together or spread throughout the development and are likely to be in the lower levels;

~~68.467.4~~ All residents must satisfy one of the prescribed income ranges contained in the Ministerial Order entitled '~~Specification of Income Ranges~~' published in the ~~Victoria Government Gazette No. G23 dated 26 June 2019 at page 1070~~ pursuant to section 3AB of the *Planning and Environment Act 1987*;

~~68.567.5~~ Any of the dwellings can be used for disability purposes or form part of the National Disability Insurance Scheme or the National Rental Affordable Scheme, provided the dwellings satisfy all the other requirements of Council as specified herein;

~~68.667.6~~ The need for flexibility with respect to models of ownership and management of the dwellings is acknowledged, including third party Affordable Housing providers, trusts and the like; and

~~68.767.7~~ Council requires the initial owner and occupier of each dwelling to be approved of in writing by Council to ensure that Council's requirements in respect of affordable housing dwellings, as outlined herein, are satisfied;

~~68.867.8~~ The cost of preparing and registering the agreement is to be paid by the permit holder.

#### Department of Transport

~~69.68.~~ Prior to commencement of the buildings and works, a Functional Layout Plan showing the access arrangement to the chapel off Doncaster Road, must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with the plan date stamped 1/10/2020 and annotated TP206 Rev TP6 and plan date stamped 15/01/2021 and annotated TP504 Rev TP7 but modified to show:

~~69.168.1~~ Access control; retractable bollards at the boundary or within the site, to limit access for special events only;

~~69.268.2~~ Access and the layout of parking for "hearse" and "wedding vehicle";

~~69.368.3~~ Demonstrated manoeuvring space for vehicles to enter and exit the site in a forward direction; and

~~69.468.4~~ Paved promenade treatment across the crossover to reinforce pedestrian priority.

~~70.69.~~ Prior to commencement of the use, all disused or redundant vehicle crossings must be removed, and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria and the Responsible Authority.

~~71.70.~~ Prior to the occupation of the development, the crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.

~~72.71.~~ Vehicles must enter and exit the land in a forward direction at all times.

~~73.72.~~ The permit holder must take all reasonable steps to ensure that disruption to bus operation along Doncaster Road is kept to a minimum during construction of the development. Foreseen Disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria eight (8) weeks prior by emailing customerservice@ptv.vic.gov.au.

#### **Permit Expiry**

~~74.73.~~ This permit will expire if one of the following circumstances applies:

~~74.173.1~~ The development is not started within four (4) years of the date of this permit;and

~~74.273.2~~ The development is not completed within eight (8) years of the date of this permit.

~~74.373.3~~ The uses are not commenced within two (2) years of the development being completed.

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

### **Planning Permit Application Notes – PLN20/0303**

#### **Submission of Plans**

All plans submitted in accordance with the Permit should be submitted online. Search for your planning application on the planning applications portal and select Endorse Plans.

#### **Expiry of permits**

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.

#### **Department of Transport**

The proposed development requires the construction of a crossover. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works.

#### **Acoustic treatment of auditorium**

The proponent is recommended to undertake works to the auditorium to optimise the acoustic experience and sound quality, in order to maximise its functionality and community benefit.

#### **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](http://www.manningham.vic.gov.au/file/30396/download)

#### **Construction Management Plan (CMP)**

Construction Management Plans must be submitted using Council's Construction Management Plan Template. Please contact Council on 9840 9333 to acquire a current version of the template.

#### **Car parking of construction vehicles**

The Construction Management Plan must include arrangements for vehicles associated with the construction of the development to be parked within private properties where possible, to avoid and minimise on-street car parking and associated impact to nearby properties.

#### **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.

#### **Construction over easements**

Consent/s from the relevant service authorities must be obtained before to any works occurring over an easement.

#### **Vehicle Crossing Permit**

Before the construction of any vehicular crossings, a Miscellaneous Works Permit must be obtained from the responsible authority for all vehicular crossings. These must be constructed under the responsible authority's supervision, for which 24 hours' notice is required.

#### **Waste Management Plan**

The Waste Management Plan must comply with the Manningham City Council – Waste Collection for Residential Developments in Manningham – Guidelines for Developers. If the development is within Doncaster Hill precinct, the Waste Management Plan must also comply with the Sustainability Guidelines for Doncaster Hill.

**Disability Discrimination Act**

It is the responsibility of the Applicant/owner and the relevant Building Surveyor to ensure that all development works approved by any building permit is consistent with the requirements of the Disability Discrimination Act 1991.

**Health approval**

The premises is to comply with the Health Act 1958, as amended. Premises to be used for the sale or storage of food in any manner are to be registered under the Food Act and Council's Health and Local Laws Unit should be contacted before the use starts.

**OSD Plans**

Plans submitted for approval for the on site storm water detention system should be forwarded to Council's Engineering Services Unit. For any queries in relation to these plans please contact Engineering Services on Ph.9846 9563.

**Street Trees**

Unless otherwise negotiated, all council trees are to be retained and protected throughout demolition, construction and landscaping to practical completion per the Australian Standard AS4970 2007 – Protection of Trees on Development Sites.

Any removal or pruning of street trees must be arranged with Council's City Amenity Unit prior to any demolition or works taking place. Details for when approvals may be granted can be found in the Manningham City Council Tree Management Plan <http://www.manningham.vic.gov.au/trees-and-other-vegetation>.

All associated costs (including re-greening etc.) must be paid to the satisfaction of the Responsible Authority. Removal, pruning or replacement of the street tree can only be undertaken by Council contractors.

Please contact Parks on 9846 0515 should you have any queries.

**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.

**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](http://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.

**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.

**New development of 5 or more dwellings**

Pursuant to the Manningham Parking Permit Policy 2019, owners and occupiers of dwellings approved in this development will not be eligible to obtain residential parking permits in restricted parking areas.

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## IMPORTANT INFORMATION ABOUT THIS PERMIT

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### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C127mann to the Manningham Planning Scheme.

### WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

### 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 a 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 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
  - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
  - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development or any stage of it 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
  - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
  - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
  - the use or development of any stage is to be taken to have started when the plan is certified; and
  - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

### WHAT ABOUT REVIEWS?

- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.

# CHAPEL HILL 674 - 680 DONCASTER RD, 14, 14A, 16 SHORT ST, 18 HEPBURN RD, DONCASTER

DOCUMENTATION DRAWING LIST TOWN PLANNING

- TP001 TITLE AND DRAWING REGISTER TOWN PLANNING
- TP101 EXISTING CONDITIONS SURVEY PLAN
- TP102 DEMOLITION PLAN
- TP103 SITE PLAN
- TP201 BUILDING KEY PLAN - KEY - BASEMENT 2
- TP202 BUILDING KEY PLAN - KEY - BASEMENT 1
- TP203 BUILDING KEY PLAN - KEY - LEVEL 01
- TP204 BUILDING KEY PLAN - KEY - LEVEL 02
- TP205 BUILDING KEY PLAN - KEY - LEVEL 03
- TP206 BUILDING KEY PLAN - KEY - LEVEL 04
- TP207 BUILDING KEY PLAN - KEY - LEVEL 05
- TP208 BUILDING KEY PLAN - KEY - LEVEL 06
- TP209 BUILDING KEY PLAN - KEY - LEVEL 07
- TP210 BUILDING KEY PLAN - KEY - LEVEL 08
- TP211 BUILDING KEY PLAN - KEY - LEVEL 09
- TP212 BUILDING KEY PLAN - KEY - LEVEL 10
- TP213 BUILDING KEY PLAN - KEY - LEVEL 11
- TP214 BUILDING KEY PLAN - KEY - LEVEL 12
- TP215 BUILDING KEY PLAN - KEY - LEVEL 13
- TP216 BUILDING KEY PLAN - KEY - LEVEL 14
- TP217 BUILDING KEY PLAN - KEY - LEVEL 15
- TP218 BUILDING KEY PLAN - KEY - LEVEL 16
- TP219 BUILDING KEY PLAN - KEY - LEVEL 17
- TP220 BUILDING KEY PLAN - KEY - LEVEL 18 ROOF
- TP301 EXISTING SHADOW ANALYSIS
- TP302 EXISTING SHADOW ANALYSIS
- TP303 PROPOSED SHADOW ANALYSIS
- TP304 PROPOSED SHADOW ANALYSIS

DOCUMENTATION DRAWING LIST TOWN PLANNING

- TP305 PROPOSED SHADOW ANALYSIS (Design Element)
- TP306 PROPOSED SHADOW ANALYSIS
- TP307 PROPOSED SHADOW ANALYSIS
- TP401 KEY ELEVATION - EAST
- TP402 KEY ELEVATION - NORTH
- TP403 KEY ELEVATION - SOUTH
- TP404 KEY ELEVATION - WEST
- TP501 KEY SECTION - EAST WEST
- TP502 KEY SECTION - NORTH SOUTH
- TP503 KEY SECTION - DRIVEWAY
- TP504 KEY SECTION - PLAZA
- TP601 CHAPEL ALTERATION DETAILS
- TP602 DESIGN ELEMENT ANALYSIS
- TP603 DESIGN ELEMENT ANALYSIS
- TP604 FINISHES SCHEDULE & EXTERNAL DETAILS
- TP605 3D VIEWS
- TP701 GENERAL ARRANGEMENT PLAN - BASEMENT 1
- TP702 GENERAL ARRANGEMENT PLAN - LEVEL 01
- TP703 GENERAL ARRANGEMENT PLAN ZONE 1 - LEVEL 02
- TP704 GENERAL ARRANGEMENT PLAN ZONE 2 - LEVEL 02
- TP705 GENERAL ARRANGEMENT PLAN ZONE 1 - LEVEL 03
- TP706 GENERAL ARRANGEMENT PLAN ZONE 2 - LEVEL 03
- TP707 GENERAL ARRANGEMENT PLAN - LEVEL 04
- TP708 GENERAL ARRANGEMENT PLAN - LEVEL 05
- TP709 GENERAL ARRANGEMENT PLAN ZONE 1 - LEVEL 06
- TP710 GENERAL ARRANGEMENT PLAN ZONE 2 - LEVEL 06
- TP711 GENERAL ARRANGEMENT PLAN - LEVEL 08
- TP712 GENERAL ARRANGEMENT PLAN - LEVEL 09
- TP713 GENERAL ARRANGEMENT PLAN ZONE 1 - LEVEL 14
- TP714 GENERAL ARRANGEMENT PLAN - LEVEL 15
- TP715 GENERAL ARRANGEMENT PLAN - LEVEL 16
- TP716 GENERAL ARRANGEMENT PLAN - LEVEL 17

REV	DATE	DESCRIPTION	BY	CHK
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE		KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE		KL
TP5	20.02.2020	RFI INFORMATION		AD

**General Notes**  
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All discrepancies to be reported to Architect for instruction before proceeding

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PROJECT  
**CHAPEL HILL  
680 DONCASTER ROAD,  
EXPANDED SCHEME**

TITLE  
**TITLE AND DRAWING  
REGISTER TOWN  
PLANNING**

DRAWING NO.	<b>TP001</b>	REV	<b>TP7</b>
DWG SCALE	as A1, half scale at A3		
PROJECT NO.	10040		
PROJECT DATE	09.2017		
BIM FILENAME			
ISSUED BY	ISSUED BY	CHK	APPROVED BY
OFFICE NO.	A00005		
<b>TOWNPLANNING</b>			

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REV	DATE	DESCRIPTION	BY	CHK
TP7	15.01.2021	TOWN PLANNING - R1 RESPONSE		KL
TP6	16.10.2020	TOWN PLANNING - R1 RESPONSE		KL
TP5	01.02.2020	FOR INFORMATION		AD

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**TITLE**  
 EXISTING CONDITIONS  
 SURVEY PLAN

DRAWING NO.	<b>TP101</b>	REV	<b>TP7</b>
DWG SCALE	1:200 at A1, half scale at A3		
PROJECT NO.	10040		
PROJECT DATE	09.2017		
BIM FILENAME			
ISSUED BY	KL	APPROVED BY	AD
OFFICE NO.	A10001		
<b>TOWNPLANNING</b>			

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REV	DATE	DESCRIPTION	BY	CHK
TP7	15.01.2021	TOWN PLANNING - R1 RESPONSE		KL
TP6	16.10.2020	TOWN PLANNING - R1 RESPONSE		KL
TP5	20.02.2020	FOR INFORMATION		AD

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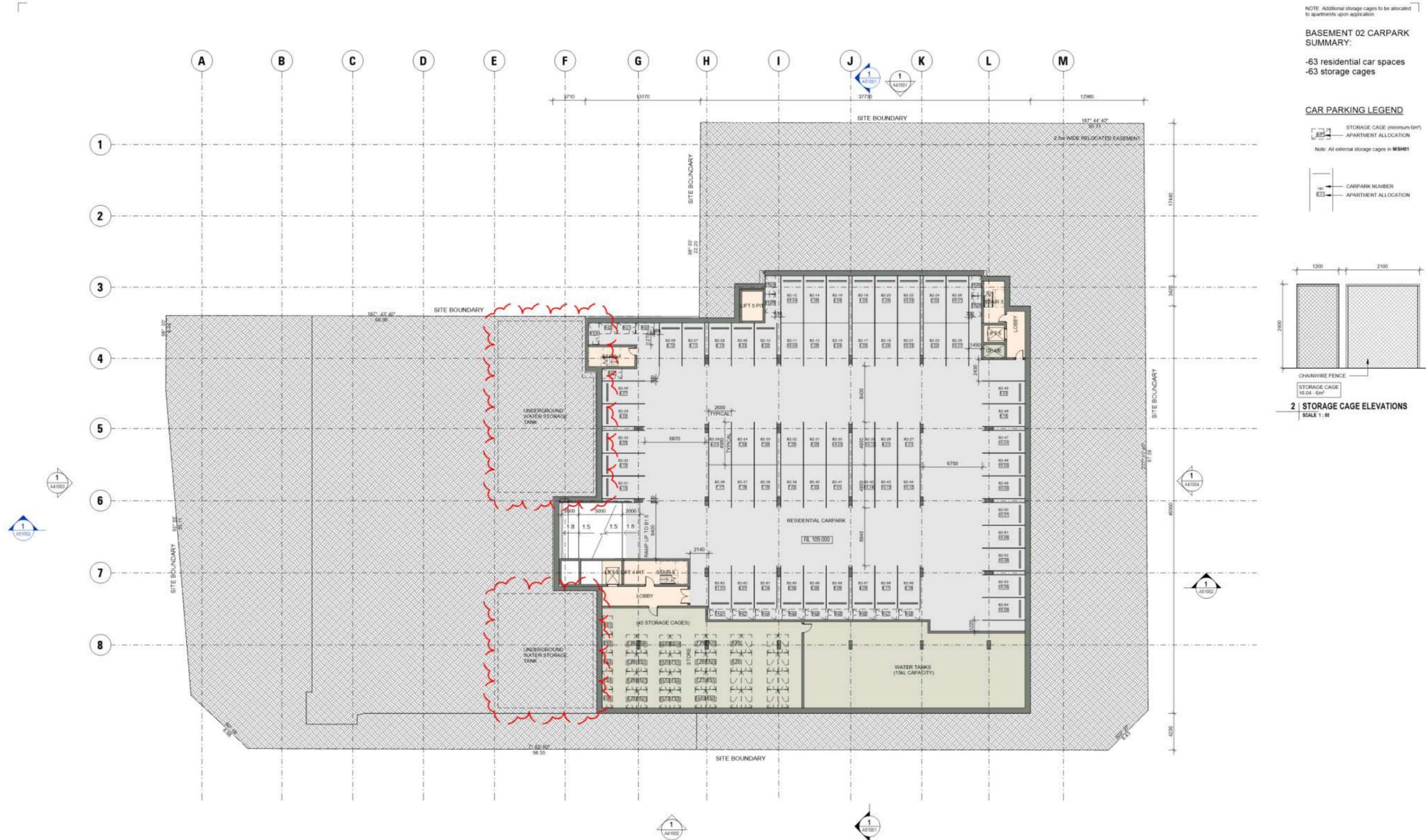
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**PROJECT**  
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**TITLE**  
 DEMOLITION PLAN

<b>DRAWING NO.</b>	<b>TP102</b>	<b>REV</b>	<b>TP7</b>
<b>DWG SCALE</b>	1:200 or A1, half scale at A3		
<b>PROJECT NO.</b>	18040		
<b>PROJECT DATE</b>	09.2017		
<b>SIM FILENAME</b>			
<b>OFFICE NO</b>	A10011		
<b>TOWNPLANNING</b>			

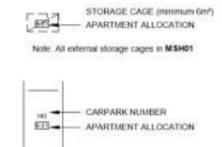




NOTE: Additional storage cages to be allocated to apartments upon application.

**BASEMENT 02 CARPARK SUMMARY:**  
 -63 residential car spaces  
 -63 storage cages

**CAR PARKING LEGEND**



REV	DATE	DESCRIPTION	BY	CHK
TP7	15.01.2021	TOWN PLANNING - R1 RESPONSE		KL
TP6	16.10.2020	TOWN PLANNING - R1 RESPONSE		KL
TP5	20.02.2020	FOR INFORMATION		AD
TP4				
TP3				
TP2				
TP1				

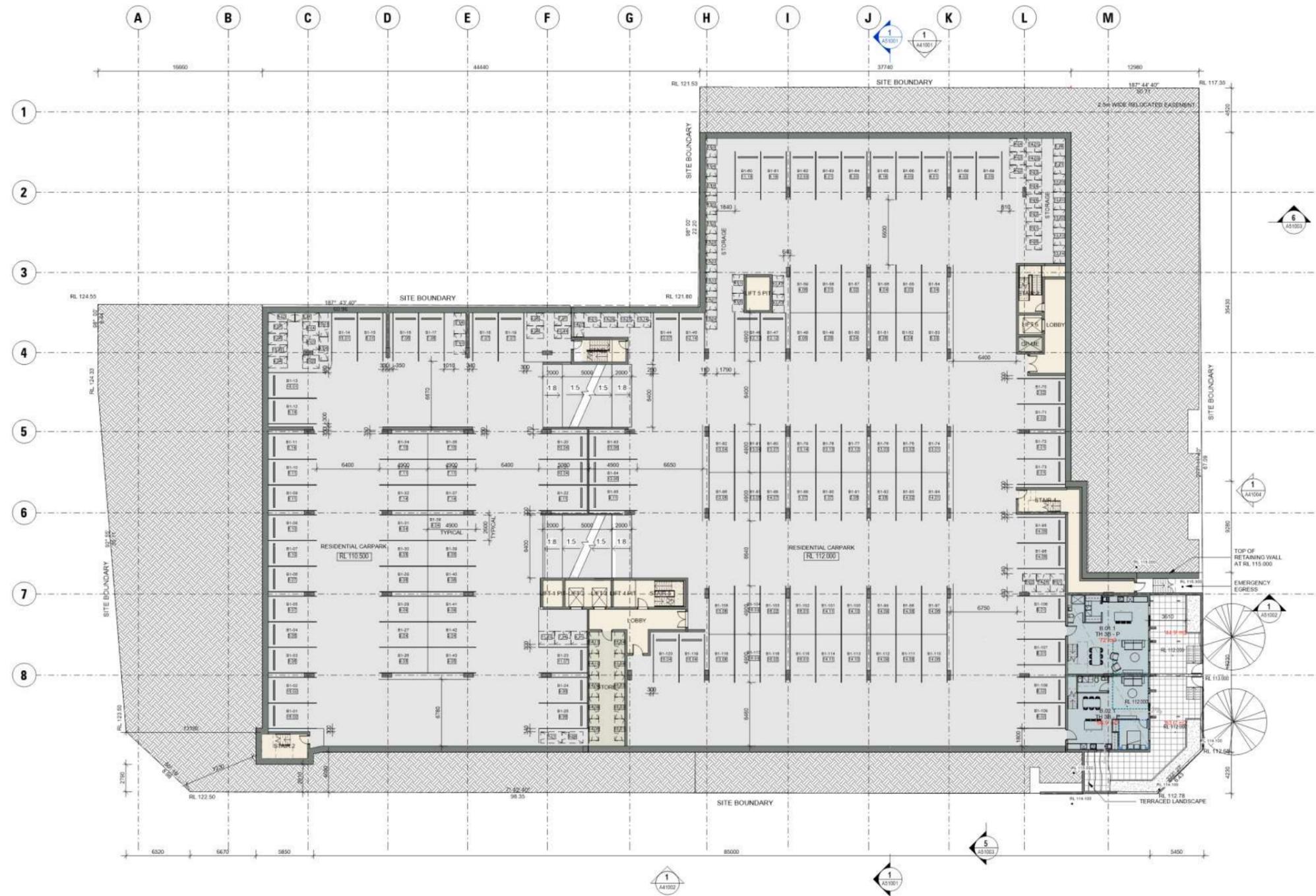
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**PROJECT**  
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 680 DONCASTER ROAD,  
 EXPANDED SCHEME  
**TITLE**  
 BUILDING KEY PLAN -  
 KEY - BASEMENT 2

DRAWING NO.	TP201	REV	TP7
DWG SCALE	As indicated at A1, half scale at A2		
PROJECT NO.	16040		
PROJECT DATE	09.2017		
BIM FILENAME			
ISSUED BY	KL	APPROVED BY	AD
OFFICE NO.	A21921		
<b>TOWNPLANNING</b>			

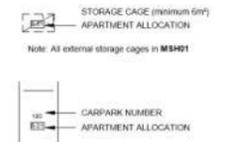


NOTE: Additional storage cages to be allocated to apartments upon application.

**BASEMENT 01 CARPARK SUMMARY:**

- 120 residential car spaces
- 73 storage cages

**CAR PARKING LEGEND**



**LEGEND**

- Minimum living area dimensions - 3.0m x 3.0m for 1 bedroom unit, 3.0m x 3.3m for 2 - 4 bedroom unit
- Minimum main bedroom dimensions - 3m x 3.4m
- Minimum dimensions for all other bedrooms - 3m x 3m
- Cross ventilation breeze path - 5m (minimum) - 18m (maximum). Note: All townhouses to be vertically cross-ventilated.
- Accessible clear path of travel
- Symbol within bathroom refers to an adaptable bathroom
- Floor finish to all townhouse private open spaces and apartment balconies to be PV02
- Note: All redundant vehicle crossovers to be removed. Footpath, nature strip, kerb and channel to be reinstated.

**TREE LEGEND**

- EXISTING TREE
- PROPOSED TREE
- EXISTING TREE TO BE REMOVED

REV	DATE	DESCRIPTION	BY
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.01.2020	FOR INFORMATION	AD
REV	DATE	DESCRIPTION	

**General Notes**  
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**PROJECT**  
**CHAPEL HILL 680 DONCASTER ROAD, EXPANDED SCHEME**

**TITLE**  
**BUILDING KEY PLAN - KEY - BASEMENT 1**

DRAWING NO.	<b>TP202</b>	REV	<b>TP7</b>
DWG SCALE	As indicated or A1, half scale or A3		
PROJECT NO.	10540		
PROJECT DATE	09.2017		
BIM FILENAME			
DRAWN BY	KL	CHECKED BY	AD
OFFICE NO.	A21811		
<b>TOWNPLANNING</b>			



NOTE: Additional storage cages to be allocated to apartments upon application.

**LEVEL 01 CARPARK SUMMARY:**  
 -104 residential car spaces  
 -77 residential bike spaces  
 -54 storage cages  
 -2 service bay car spaces

**CARPARK LEGEND**  
 STORAGE CAGE (minimum 6m²)  
 APARTMENT ALLOCATION  
 Note: All external storage cages in MSH01

CARPARK NUMBER  
 APARTMENT ALLOCATION

**LEGEND**  
 Minimum living area dimensions  
 - 3.3m x 3m for 1 bedroom unit  
 - 3.6m x 3.3m for 2 - 4 bedroom unit  
 Minimum main bedroom dimensions  
 - 3m x 3.4m  
 Minimum dimensions for all other bedrooms  
 - 3m x 3m  
 Cross ventilation breezeway path  
 - 5m (minimum) - 18m (maximum)  
 Note: All townhouses to be vertically cross-ventilated  
 Accessible clear path of travel  
 Symbol within bathroom refers to an adaptable bathroom

Floor finish to all townhouse private open spaces and apartment balconies to be PV02  
 Note: All redundant vehicle crossovers to be removed  
 Footpath, nature strip, kerb and channel to be reinstated

**TREE LEGEND**  
 EXISTING TREE  
 PROPOSED TREE  
 EXISTING TREE TO BE REMOVED

REV	DATE	DESCRIPTION	BY	CHK
TR0	16.10.2020	TOWN PLANNING - R11 RESPONSE		KL
TR1	03.07.2020	FOR INFORMATION		AD

**General Notes**  
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**PROJECT**  
**CHAPEL HILL 680 DONCASTER ROAD, EXPANDED SCHEME**  
**TITLE**  
**BUILDING KEY PLAN - KEY - LEVEL 01**

<b>DRAWING NO.</b>	<b>TP203</b>	<b>REV</b>	<b>TP6</b>
<b>DWG SCALE</b>	As indicated at A1, half scale at A3		
<b>PROJECT NO.</b>	16040		
<b>PROJECT DATE</b>	09.2017		
<b>BIM FILENAME</b>	[REDACTED]		
<b>OFFICE NO.</b>	A21011		
<b>TOWNPLANNING</b>			



- NOTE: Additional storage cages to be allocated to apartments upon application.
- LEVEL 2 CARPARK SUMMARY:**
- 92 place of assembly car spaces
  - 8 place of assembly staff tandem car spaces
  - 100 total car spaces
  - 8 residential storage cages
- CARPARKING LEGEND**
- STORAGE CAGE (minimum 6m<sup>2</sup>)
  - APARTMENT ALLOCATION
  - Note: All external storage cages in MSHR1
  - CARPARK NUMBER
  - APARTMENT ALLOCATION
- LEGEND**
- Minimum living area dimensions
    - 3.3m x 3m for 1 bedroom unit
    - 3.6m x 3.3m for 2 - 4 bedroom unit
  - Minimum main bedroom dimensions
    - 3m x 3.4m
  - Minimum dimensions for all other bedrooms
    - 3m x 3m
  - Cross ventilation breeze path
    - 5m (minimum) - 18m (maximum)
    - NOTE: All townhouses to be vertically cross-ventilated
  - Accessible clear path of travel
  - Symbol within bathroom refers to an adaptable bathroom
- Floor finish to all townhouse private open spaces and apartment balconies to be FV02
- Note: All redundant vehicle crossovers to be removed. Footpath, nature strip, kerb and channel to be reinstated.
- TREE LEGEND**
- EXISTING TREE
  - PROPOSED TREE
  - EXISTING TREE TO BE REMOVED

REV	DATE	DESCRIPTION	BY	CHK
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE		KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE		KL
TP5	03.02.2020	FOR INFORMATION		AD

**General Notes**

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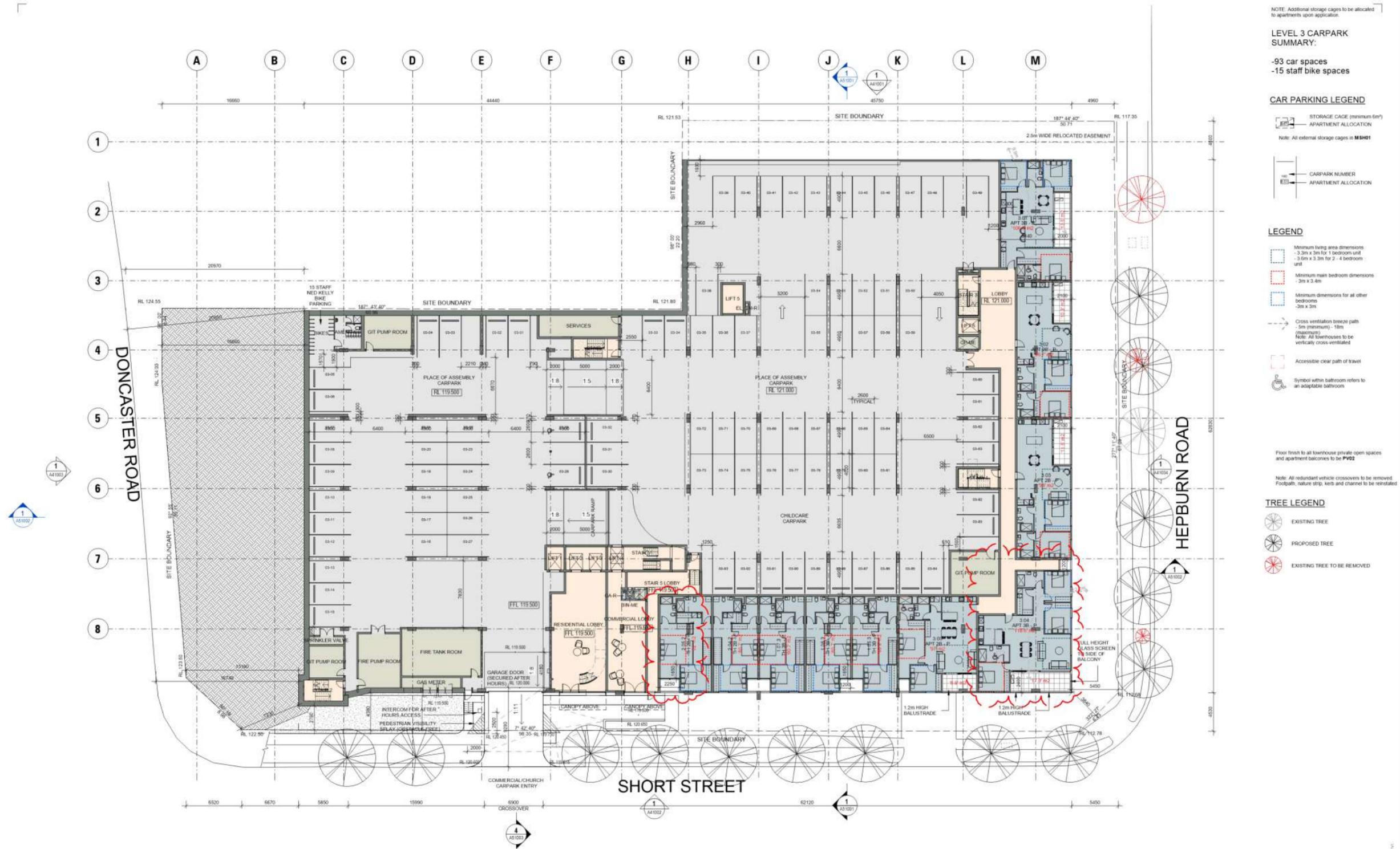
PROJECT

**CHAPEL HILL  
680 DONCASTER ROAD,  
EXPANDED SCHEME**

TITLE

**BUILDING KEY PLAN -  
KEY - LEVEL 02**

DRAWING NO.	<b>TP204</b>	REV	<b>TP7</b>
DWG SCALE	As indicated at A1, half scale at A3		
PROJECT NO.	116040		
PROJECT DATE	09.2017		
BIM FILENAME			
OFFICE NO.	A21021		
<b>TOWNPLANNING</b>			



NOTE: Additional storage cages to be allocated to apartments upon application.

**LEVEL 3 CARPARK SUMMARY:**

- 93 car spaces
- 15 staff bike spaces

**CARPARK LEGEND**

- STORAGE CAGE (minimum 6m<sup>2</sup>)
- APARTMENT ALLOCATION
- Note: All external storage cages in **M3001**
- CARPARK NUMBER
- APARTMENT ALLOCATION

**LEGEND**

- Minimum living area dimensions:
  - 3.3m x 3m for 1 bedroom unit
  - 3.6m x 3.3m for 2 - 4 bedroom unit
- Minimum main bedroom dimensions: 3m x 3.4m
- Minimum dimensions for all other bedrooms: 3m x 3m
- Cross ventilation breeze path - 5m (minimum) - 18m (maximum)
- Note: All storehouses to be vertically cross-ventilated
- Accessible clear path of travel
- Symbol within bathroom refers to an adaptable bathroom

Floor finish to all townhouse private open spaces and apartment balconies to be **P102**

Note: All redundant vehicle crossovers to be removed. Footpath, nature strip, kerb and channel to be reinstated.

**TREE LEGEND**

- EXISTING TREE
- PROPOSED TREE
- EXISTING TREE TO BE REMOVED

REV	DATE	DESCRIPTION	BY	CHK
TP7	15.01.2021	TOWN PLANNING - R1 RESPONSE		KL
TP6	16.10.2020	TOWN PLANNING - R1 RESPONSE		KL
TP5	03.02.2020	FOR INFORMATION		AD

**General Notes**

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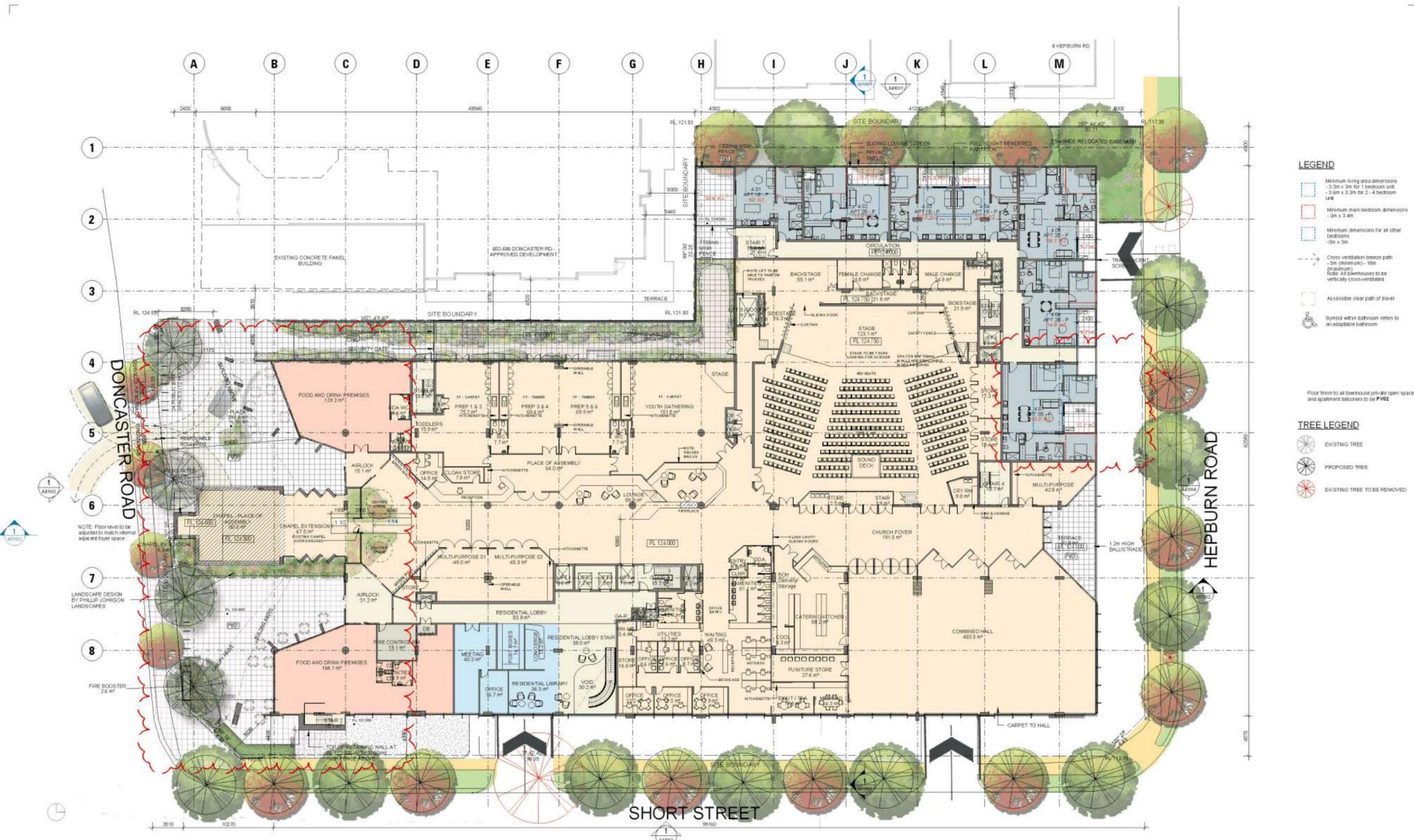
**PROJECT**

**CHAPEL HILL  
680 DONCASTER ROAD,  
EXPANDED SCHEME**

**TITLE**

**BUILDING KEY PLAN -  
KEY - LEVEL 03**

DRAWING NO.	<b>TP205</b>	REV	<b>TP7</b>
DWG SCALE	As indicated at A1, half scale at A3		
PROJECT NO.	116040		
PROJECT DATE	09.2017		
BIM FILENAME			
OFFICE NO.	A21031	AD	
<b>TOWNPLANNING</b>			



- LEGEND**
- Minimum living area dimensions  
- 0.3m x 3m for 1 bedroom unit  
- 0.6m x 3.3m for 2-4 bedroom unit
  - Minimum main bedroom dimensions  
- 3m x 3.4m
  - Minimum dimensions for all other bedrooms  
- 3m x 3m
  - Cross ventilation breeze path  
- 5m (minimum) - 10m (maximum)  
Note: All townhouses to be vertically cross-ventilated
  - Accessible clear path of travel
  - Symbol within bathroom refers to an adaptable bathroom
- Floor finish to all townhouse private open spaces and apartment balconies to be PWB2
- TREE LEGEND**
- EXISTING TREE
  - PROPOSED TREE
  - EXISTING TREE TO BE REMOVED

TR1	16.10.2020	TOWN PLANNING - FRI RESPONSE	KL
TR2	23.07.2020	FOR INFORMATION	AD
TR3	DATE	DESCRIPTION	

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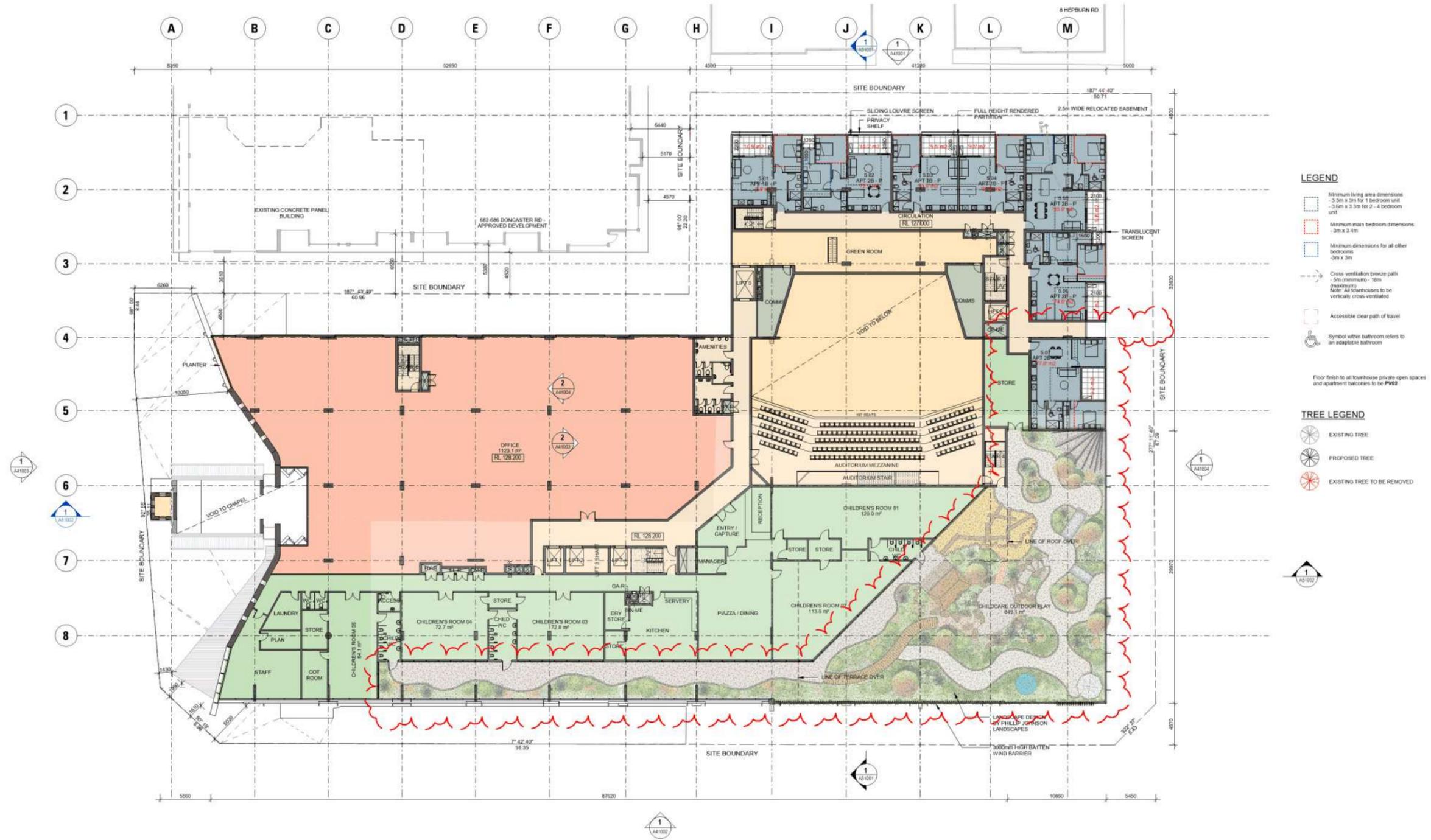
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 EXPANDED SCHEME

**TITLE**  
 BUILDING KEY PLAN -  
 KEY - LEVEL 04

DRAWING NO.	TP206	REV	TP6
DWG SCALE	As indicated at A1, half scale at A2		
PROJECT NO.	19030		
PROJECT DATE	06/2017		
BIM FILENAME			
ISSUED BY	ISSUED BY	KL	AD
OFFICE NO.	A21041		
<b>TOWNPLANNING</b>			



REV	DATE	DESCRIPTION	BY	CHKD
1	16.10.2020	TOWN PLANNING - RFI RESPONSE	RL	
2	30.07.2020	FOR INFORMATION	AD	
3				
4				
5				
6				
7				
8				

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**TITLE**  
 BUILDING KEY PLAN -  
 KEY - LEVEL 05

<b>DRAWING NO.</b>	<b>TP207</b>	<b>REV</b>	<b>TP6</b>
<b>DWG SCALE</b>	As indicated at A1, half scale at A3		
<b>PROJECT NO.</b>	16040		
<b>PROJECT DATE</b>	09.2017		
<b>BIM FILENAME</b>			
<b>OFFICE NO.</b>	A21051		
<b>TOWNPLANNING</b>			



REV	DATE	DESCRIPTION	BY	CHK
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE		AL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE		AL
TP5	03.07.2019	FOR INFORMATION		AD
TP4				
TP3				
TP2				
TP1				

**General Notes**  
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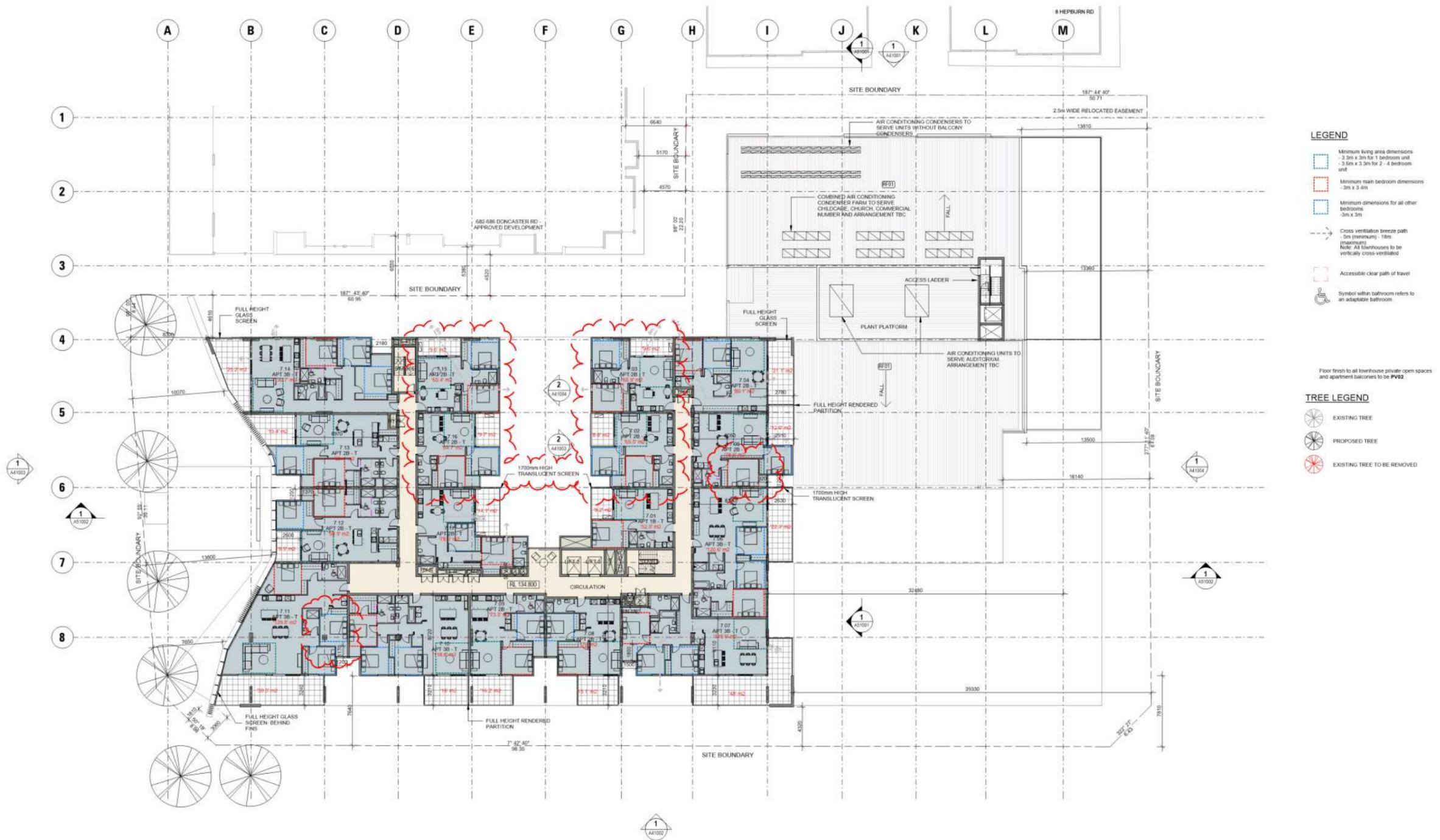
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**PROJECT**  
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 EXPANDED SCHEME  
**TITLE**  
 BUILDING KEY PLAN -  
 KEY - LEVEL 06

**DRAWING NO.** TP208 **REV** TP7  
**DWG SCALE** As indicated at A1, half scale at A2  
**PROJECT NO.** 16640  
**PROJECT DATE** 09.2017  
**BIM FILENAME**  

Author	SW	Checked	KL	Approved	AD
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**OFFICE NO** A21061  
**TOWNPLANNING**



REV	DATE	DESCRIPTION	BY	CHK
TP7	11.01.2021	TOWN PLANNING - R1 RESPONSE		KL
TP6	16.10.2020	TOWN PLANNING - R1 RESPONSE		KL
TP5	03.07.2020	FOR INFORMATION		AD
TP4				
TP3				
TP2				
TP1				

**General Notes**  
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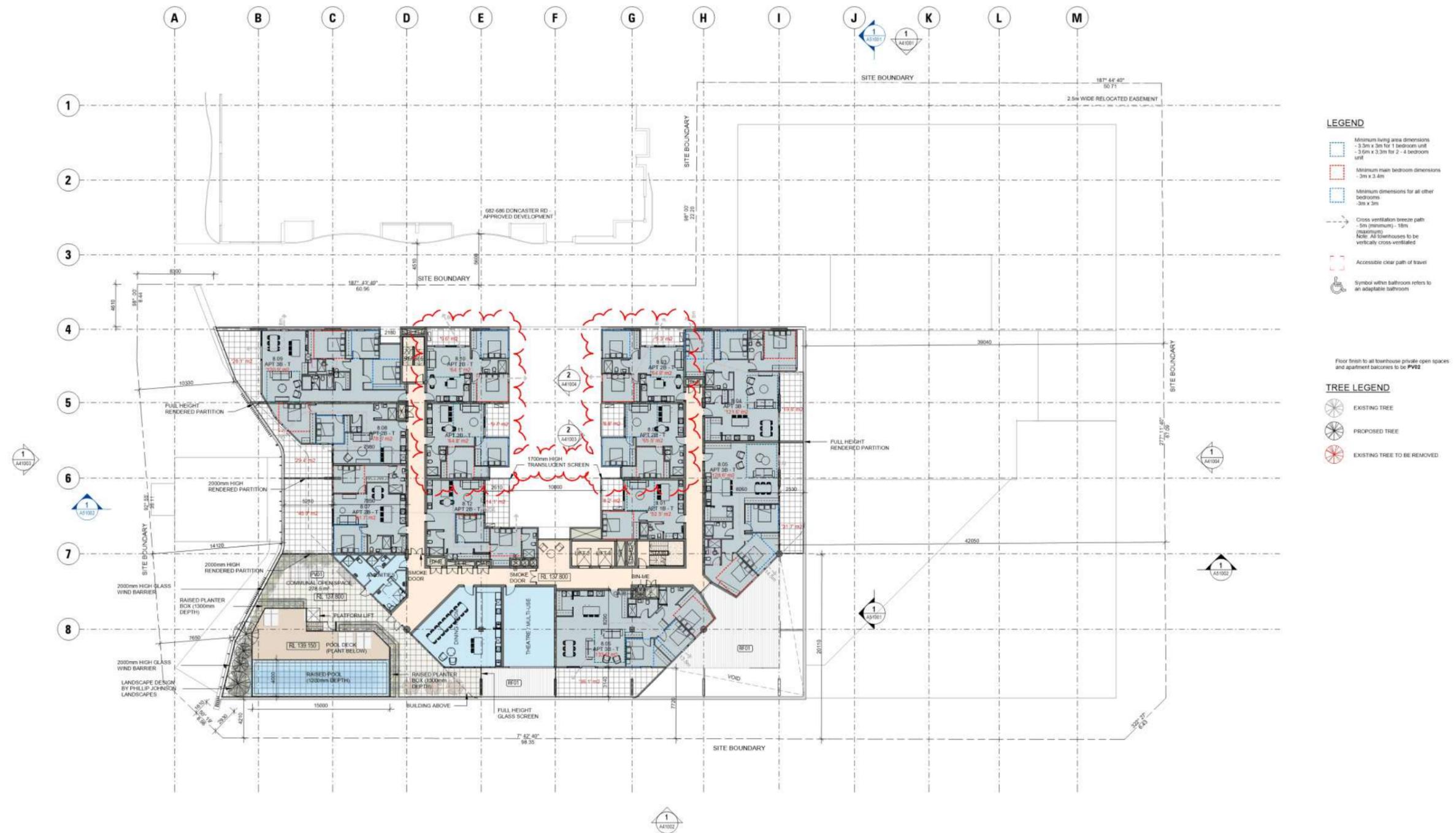
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 EXPANDED SCHEME**

**TITLE**  
**BUILDING KEY PLAN -  
 KEY - LEVEL 07**

DRAWING NO.	<b>TP209</b>	REV	<b>TP7</b>
DWG SCALE	As indicated at A1, half scale at A3		
PROJECT NO.	16040		
PROJECT DATE	09.2017		
BIM FILENAME			
ISSUED BY	KL	APPROVED BY	AD
OFFICE NO.	A21071		
<b>TOWNPLANNING</b>			



REV	DATE	DESCRIPTION	BY	CHKD
TP7	15.01.2021	TOWN PLANNING - RP1 RESPONSE	KL	
TP6	16.10.2020	TOWN PLANNING - RP1 RESPONSE	KL	
TP5	30.07.2020	FOI INFORMATION	AD	
TPV				

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**PROJECT**  
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**TITLE**  
**BUILDING KEY PLAN -  
 KEY - LEVEL 08**

**DRAWING NO.** TP210 **REV** TP7

**DWG SCALE** As indicated at A1, half scale at A3

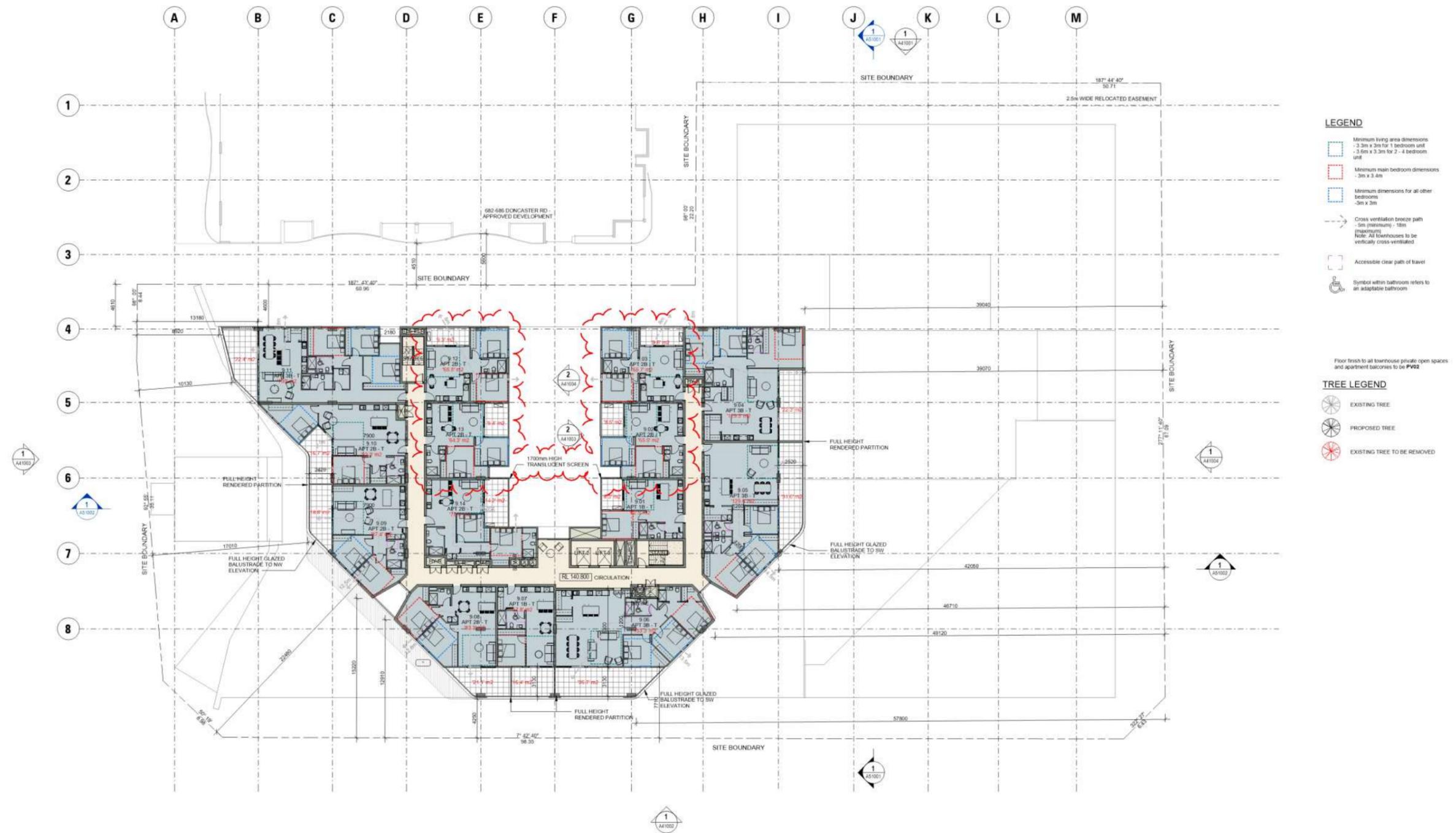
**PROJECT NO.** 16048

**PROJECT DATE** 09.2017

**BIM FILENAME**

**OFFICE NO.** A21081

**TOWNPLANNING**



REV	DATE	DESCRIPTION	BY	CHKD
TP7	15.01.2021	TOWN PLANNING - R1 RESPONSE		
TP6	16.10.2020	TOWN PLANNING - R1 RESPONSE		
TP5	20.02.2020	FOR INFORMATION		
TP4				
TP3				
TP2				
TP1				

**General Notes**  
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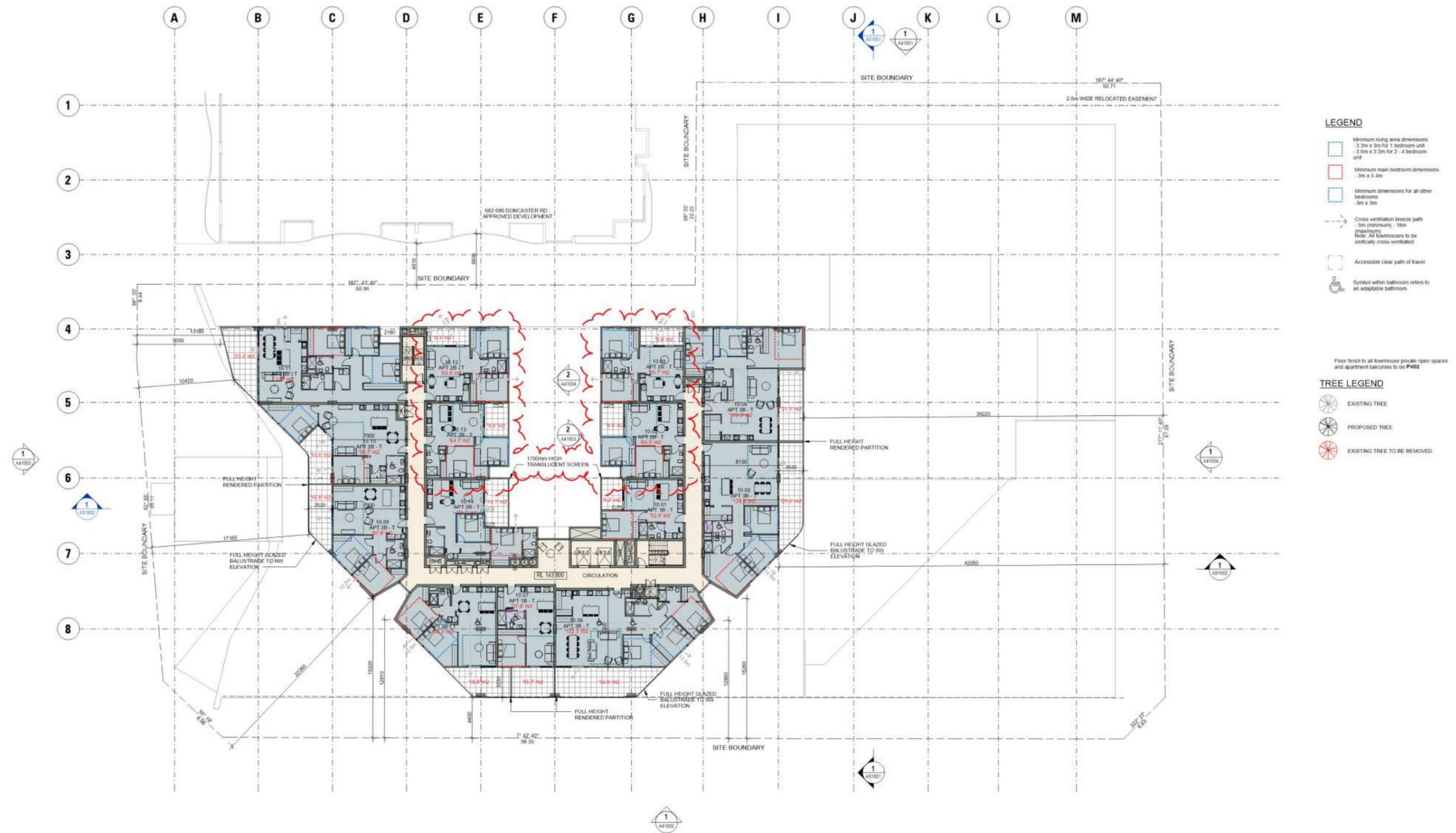
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**PROJECT**  
**CHAPEL HILL  
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 EXPANDED SCHEME**

**TITLE**  
**BUILDING KEY PLAN -  
 KEY - LEVEL 09**

DRAWING NO.	TP211	REV	TP7
DWG SCALE	As indicated at A1, half scale at A2		
PROJECT NO.	16040		
PROJECT DATE	09.2017		
BIM FILENAME			
ISSUED BY	ISSUED BY	KL	AD
OFFICE NO	A21001		
<b>TOWNPLANNING</b>			



- LEGEND**
- Minimum living area dimensions  
- 3.3m x 3m for 1 bedroom unit  
- 3.6m x 3.3m for 2-4 bedroom unit
  - Minimum main bedroom dimensions  
- 3m x 3.4m
  - Minimum dimensions for all other bedrooms  
- 3m x 3m
  - Cross ventilation breeze path  
- 5m (minimum) - 15m (maximum)  
Note: All townhouses to be vertically cross-ventilated
  - Accessible clear path of travel
  - Symbol within bathroom refers to an adaptable bathroom
- Floor finish to all townhouse private open spaces and apartment balconies to be PV62
- TREE LEGEND**
- EXISTING TREE
  - PROPOSED TREE
  - EXISTING TREE TO BE REMOVED

REV	DATE	DESCRIPTION	BY	CHK
TP7	15.01.2021	TOWN PLANNING - R1 RESPONSE		KL
TP6	16.10.2020	TOWN PLANNING - R1 RESPONSE		KL
TP5	20.02.2020	FOR INFORMATION		AD
TP4				
TP3				
TP2				
TP1				

**General Notes**  
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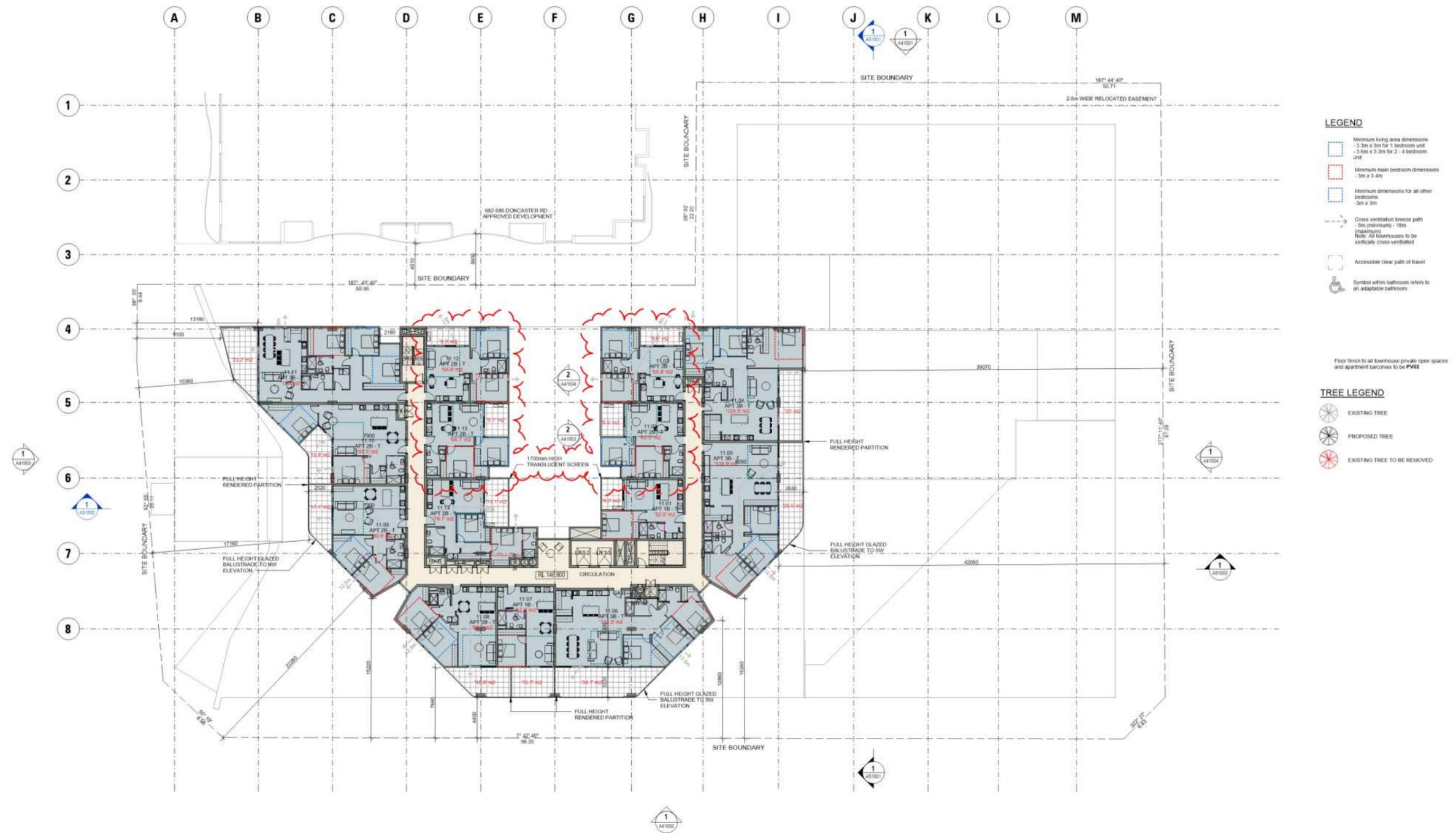
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**PROJECT**  
 CHAPEL HILL  
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**TITLE**  
 BUILDING KEY PLAN -  
 KEY - LEVEL 10

DRAWING NO.	<b>TP212</b>	REV	<b>TP7</b>
DWG SCALE	As indicated at A1, half scale at A2		
PROJECT NO.	16040		
PROJECT DATE	09.2017		
BIM FILENAME			
ISSUED BY	ISSUED BY	KL	AD
OFFICE NO	A21101		
<b>TOWNPLANNING</b>			



REV	DATE	DESCRIPTION	BY	CHKD
TP7	15.01.2021	TOWN PLANNING - R1 RESPONSE		
TP6	16.10.2020	TOWN PLANNING - R1 RESPONSE		
TP5	20.02.2020	FOR INFORMATION		
TP4				
TP3				
TP2				
TP1				

**General Notes**  
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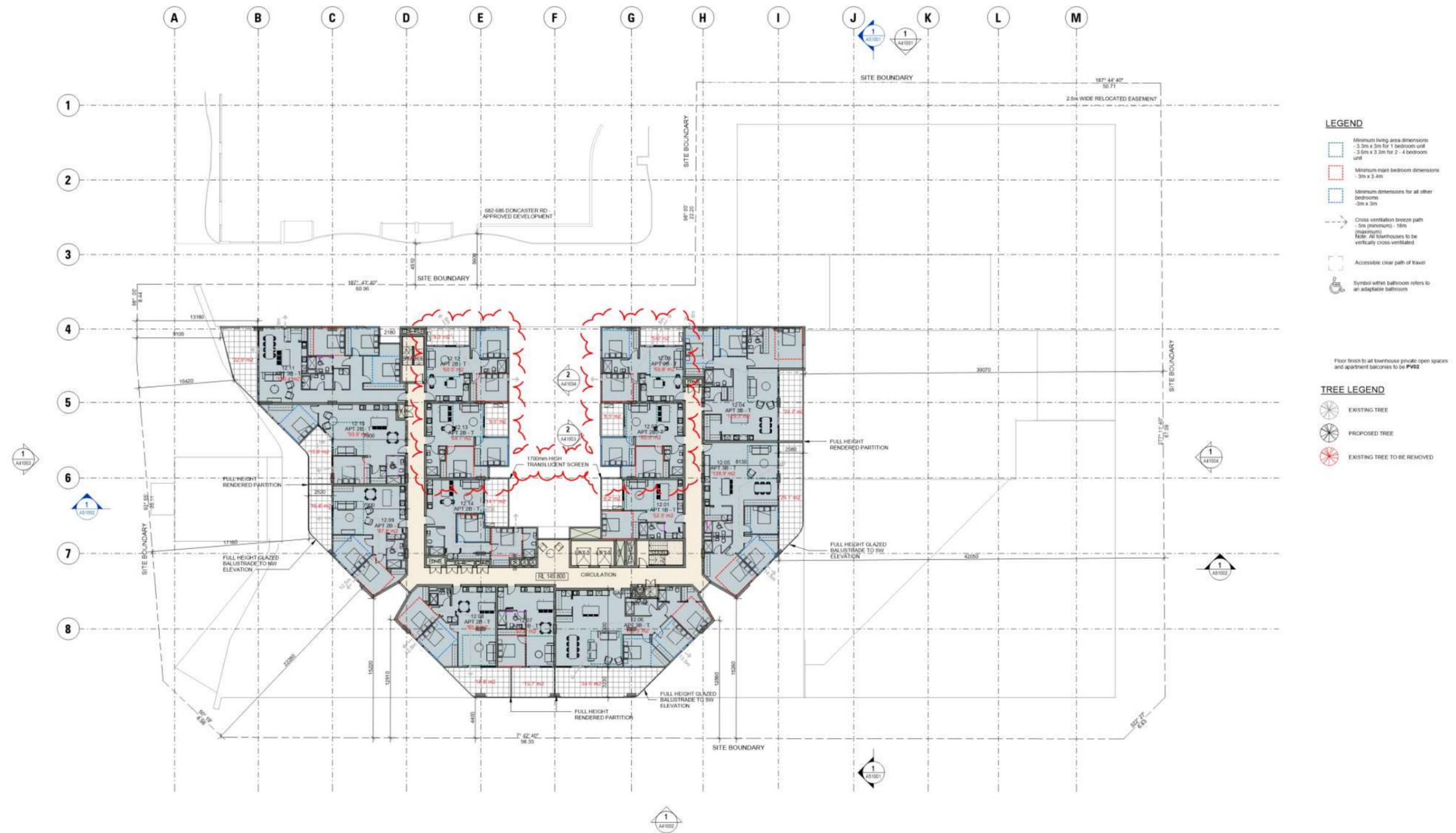
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**TITLE**  
**BUILDING KEY PLAN -  
 KEY - LEVEL 11**

DRAWING NO.	<b>TP213</b>	REV	<b>TP7</b>
DWG SCALE	As indicated at A1, half scale at A2		
PROJECT NO.	16040		
PROJECT DATE	09.2017		
BIM FILENAME			
ISSUED BY	KL	APPROVED BY	AD
OFFICE NO.	A21111		
<b>TOWNPLANNING</b>			



- LEGEND**
- Minimum living area dimension  
- 3.3m x 3m for 1 bedroom unit  
- 3.6m x 3.3m for 2 - 4 bedroom unit
  - Minimum main bedroom dimensions  
- 3m x 3.4m
  - Minimum dimensions for all other bedrooms  
- 3m x 3m
  - Cross ventilation breeze path  
5m (minimum) - 18m (maximum)  
NOTE: All townhouses to be vertically cross ventilated
  - Accessible clear path of travel
  - Symbol within bathroom refers to an adaptable bathroom
- Floor finish to all townhouse private open spaces and apartment balconies to be PV62
- TREE LEGEND**
- EXISTING TREE
  - PROPOSED TREE
  - EXISTING TREE TO BE REMOVED

REV	DATE	DESCRIPTION	BY	CHK
TP7	15.01.2021	TOWN PLANNING - R1 RESPONSE		KL
TP6	16.10.2020	TOWN PLANNING - R1 RESPONSE		KL
TP5	20.02.2020	FOR INFORMATION		AD
REV	DATE	DESCRIPTION		

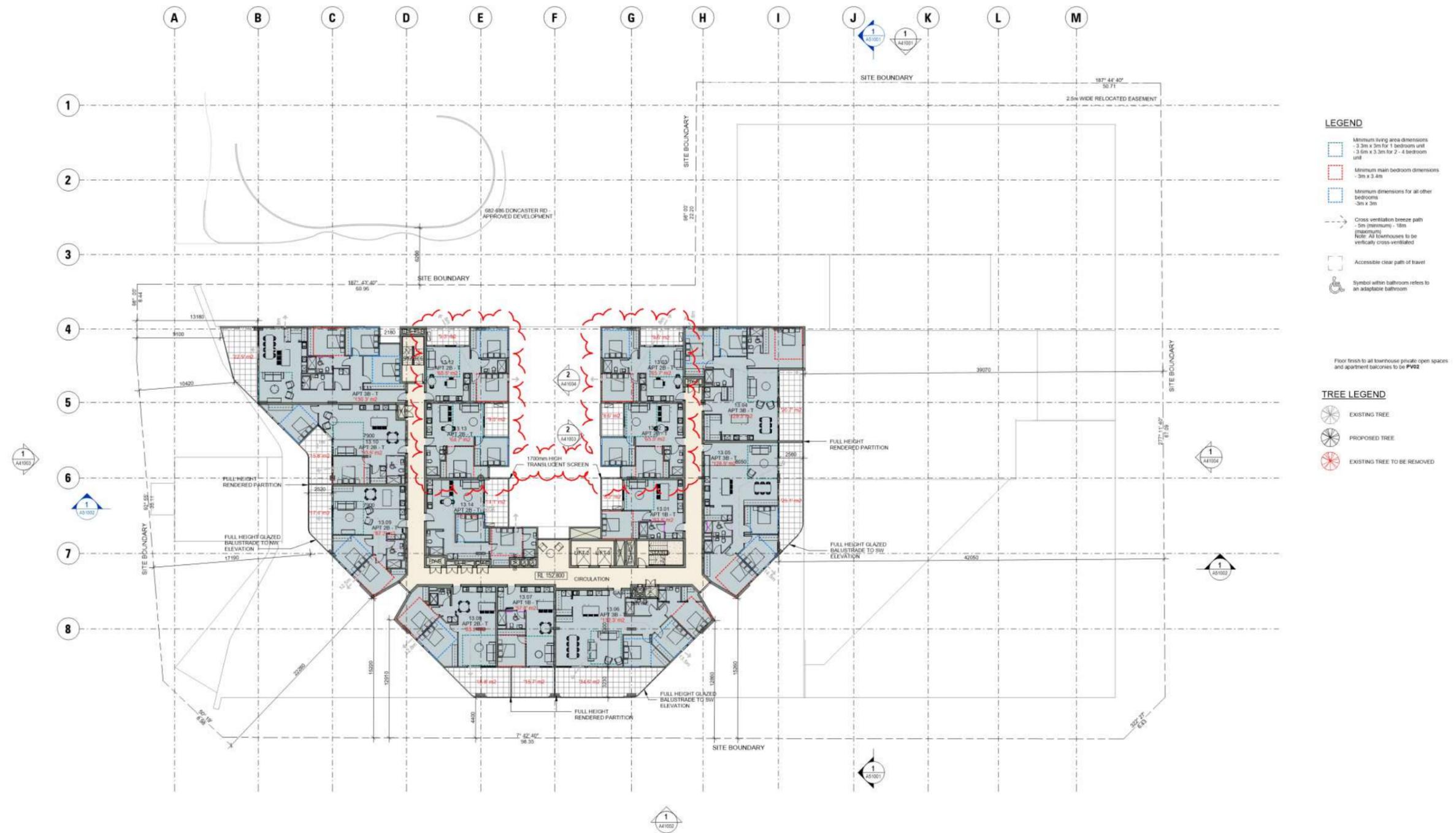
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**PROJECT**  
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**TITLE**  
 BUILDING KEY PLAN -  
 KEY - LEVEL 12

DRAWING NO.	TP214	REV	TP7
DWG SCALE	As indicated at A1, half scale at A2		
PROJECT NO.	16040		
PROJECT DATE	09.2017		
BIM FILENAME			
ISSUED BY	KL	APPROVED BY	AD
OFFICE NO	A21121		
<b>TOWNPLANNING</b>			



REV	DATE	DESCRIPTION	AD
TP7	15.01.2021	TOWN PLANNING - R1 RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - R1 RESPONSE	KL
TP5	20.02.2020	FOR INFORMATION	AD
REV	DATE	DESCRIPTION	

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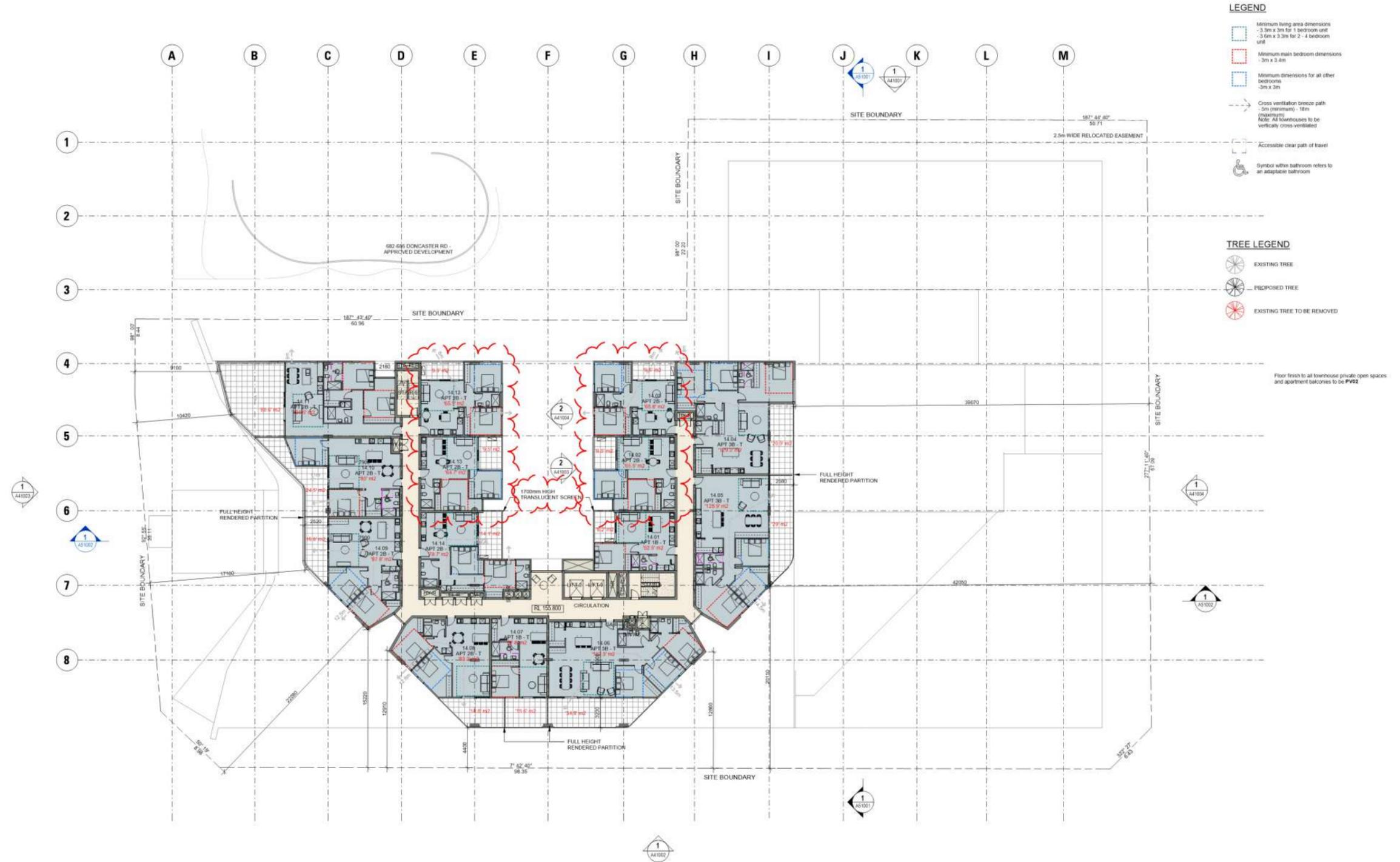
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 EXPANDED SCHEME**

**TITLE**  
**BUILDING KEY PLAN -  
 KEY - LEVEL 13**

DRAWING NO.	<b>TP215</b>	REV	<b>TP7</b>
DWG SCALE	As indicated at A1, half scale at A2		
PROJECT NO.	16040		
PROJECT DATE	09.2017		
BIM FILENAME			
ISSUED BY	KL	APPROVED BY	AD
OFFICE NO	A21131		
<b>TOWNPLANNING</b>			



REV	DATE	DESCRIPTION	BY	CHK
TP7	15.01.2021	TOWN PLANNING - R1 RESPONSE		KL
TP6	16.10.2020	TOWN PLANNING - R1 RESPONSE		KL
TP5	03.02.2020	FOR INFORMATION		AD

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 EXPANDED SCHEME  
**TITLE**  
 BUILDING KEY PLAN -  
 KEY - LEVEL 14

DRAWING NO.	TP216	REV	TP7
DWG SCALE	As indicated at A1, half scale at A2		
PROJECT NO.	16040		
PROJECT DATE	09.2017		
BIM FILENAME			
ISSUED BY	KL	APPROVED BY	AD
OFFICE NO.	A21141		
<b>TOWNPLANNING</b>			



REV	DATE	DESCRIPTION	BY	CHKD
SP7	15.01.2021	TOWN PLANNING - R1 RESPONSE		KL
TP6	16.10.2020	TOWN PLANNING - R1 RESPONSE		KL
TP5	01.02.2020	FOR INFORMATION		AD

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 EXPANDED SCHEME  
**TITLE**  
 BUILDING KEY PLAN -  
 KEY - LEVEL 15

DRAWING NO.	<b>TP217</b>	REV	<b>TP7</b>
DWG SCALE	As indicated at A1, half scale at A2		
PROJECT NO.	16040		
PROJECT DATE	09.2017		
BIM FILENAME			
ISSUED BY	ISSUED BY	KL	AD
OFFICE NO	A21151		
<b>TOWNPLANNING</b>			



REV	DATE	DESCRIPTION	BY	CHKD
1	16.10.2020	TOWN PLANNING - RFI RESPONSE	RL	
2	20.07.2020	FOR INFORMATION	AD	
3				
4				
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7				
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**TITLE**  
 BUILDING KEY PLAN -  
 KEY - LEVEL 16

**DRAWING NO.** TP218 **REV** TP6  
**DWG SCALE** As indicated at A1, half scale at A3  
**PROJECT NO.** 16040  
**PROJECT DATE** 09.2017  
**BIM FILENAME**  
 DWG: SW, PROJECT: RL, APPROVED: AD  
**OFFICE NO.** A21161  
**TOWNPLANNING**



**LEGEND**

- Minimum living area dimensions  
- 3.2m x 3m for 1 bedroom unit  
- 3.6m x 3.3m for 2 - 4 bedroom unit
- Minimum main bedroom dimensions  
- 3m x 3.4m
- Minimum dimensions for all other bedrooms  
- 3m x 3m
- Cross ventilation breeze path  
- 5m (minimum) - 18m (maximum)  
Note: All townhouses to be vertically cross-ventilated
- Accessible clear path of travel
- Symbol within bathroom refers to an adaptable bathroom

**TREE LEGEND**

- EXISTING TREE
- PROPOSED TREE
- EXISTING TREE TO BE REMOVED

Floor finish to all townhouse private open spaces and apartment balconies to be PV02

REV	DATE	DESCRIPTION	AD
TP7	15.01.2021	TOWN PLANNING - R1 RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - R1 RESPONSE	KL
TP5	03.02.2020	FOR INFORMATION	AD

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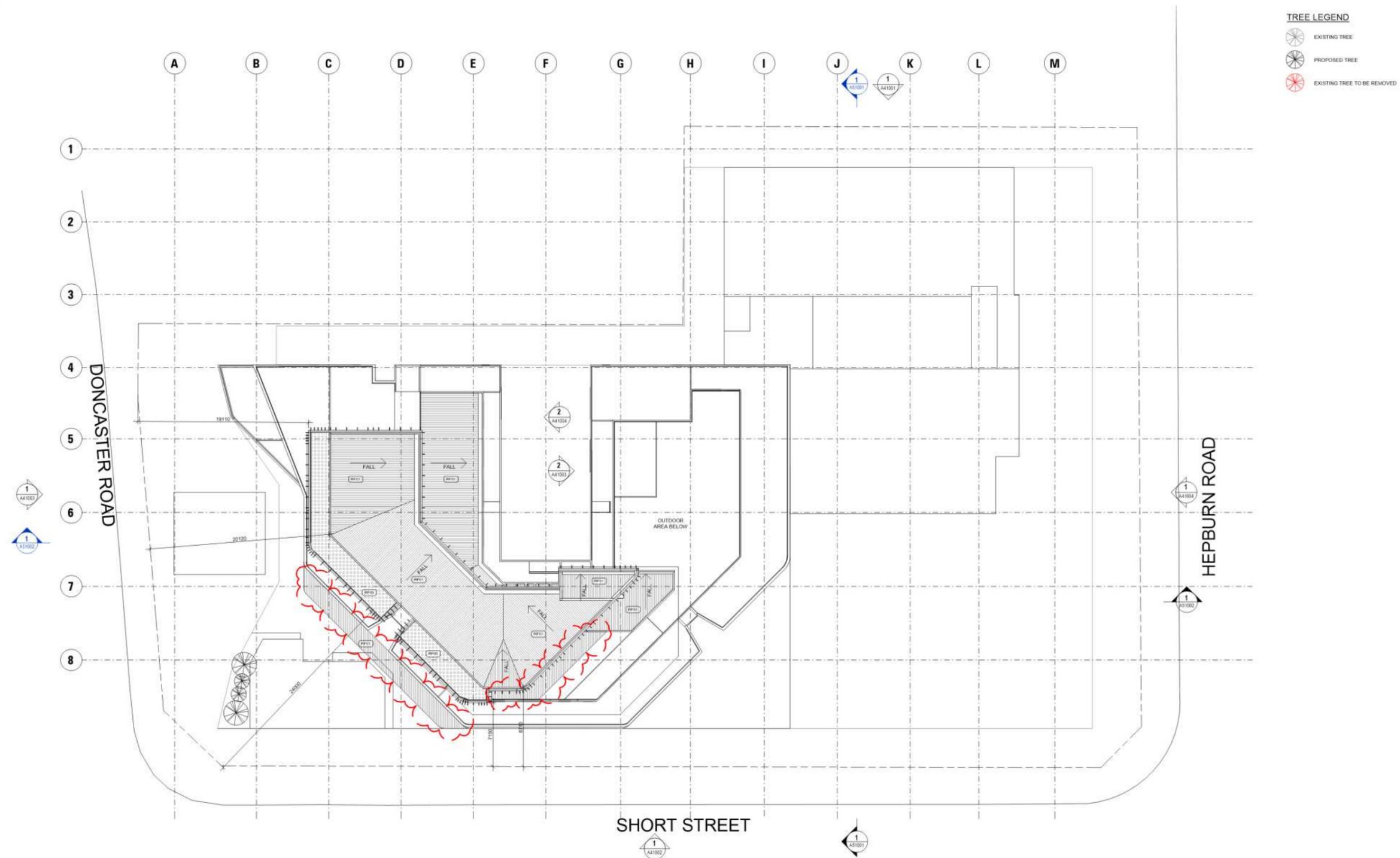
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**PROJECT**  
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**TITLE**  
 BUILDING KEY PLAN -  
 KEY - LEVEL 17

DRAWING NO.	<b>TP219</b>	REV	<b>TP7</b>
DWG SCALE	As indicated at A1, half scale at A2		
PROJECT NO.	16040		
PROJECT DATE	09.2017		
BIM FILENAME			
ISSUED BY	ISSUED BY	KL	AD
OFFICE NO	A21171		
<b>TOWNPLANNING</b>			



REV	DATE	DESCRIPTION	BY	CHK
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE		KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE		KL
TP5	01.02.2020	RFI INFORMATION		AD

**General Notes**  
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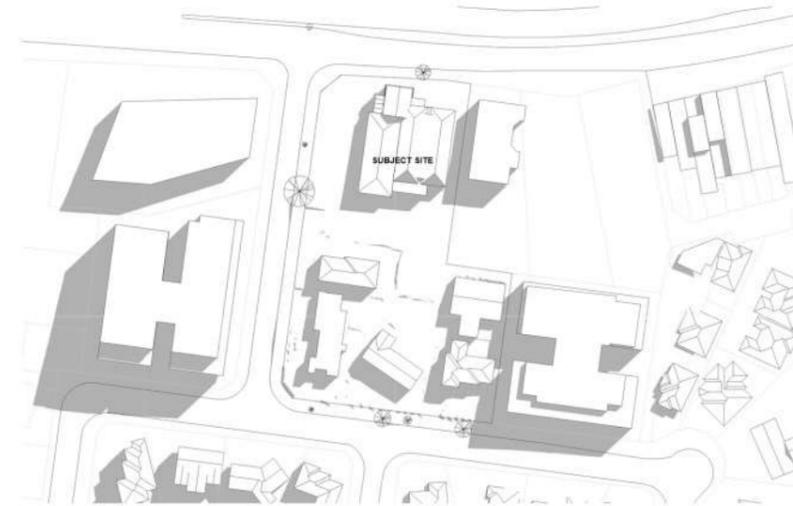
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**PROJECT**  
 CHAPEL HILL  
 680 DONCASTER ROAD,  
 EXPANDED SCHEME  
**TITLE**  
 BUILDING KEY PLAN -  
 KEY - LEVEL 18 ROOF

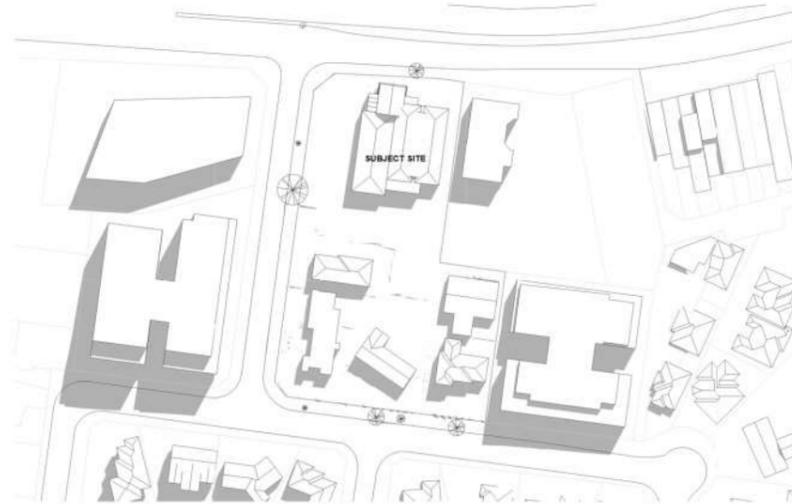
DRAWING NO.	<b>TP220</b>	REV	<b>TP7</b>
DWG SCALE	As indicated at A1, half scale at A2		
PROJECT NO.	16040		
PROJECT DATE	09.2017		
SIM FILENAME			
ISSUED BY	ISSUED BY	KL	AD
OFFICE NO	A21181		
<b>TOWNPLANNING</b>			



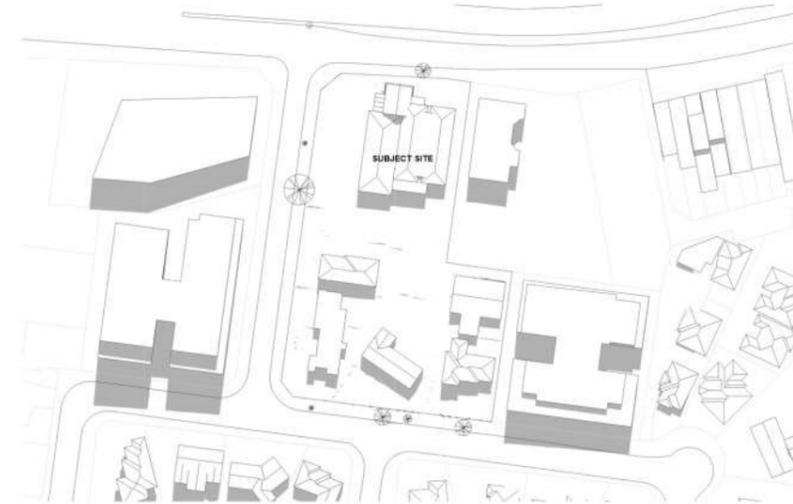
EXISTING SHADOWS 22nd SEPTEMBER 9AM



EXISTING SHADOWS 22nd SEPTEMBER 10AM



EXISTING SHADOWS 22nd SEPTEMBER 11AM



EXISTING SHADOWS 22nd SEPTEMBER 12PM

REV	DATE	DESCRIPTION	BY
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.02.2020	RFI INFORMATION	AD

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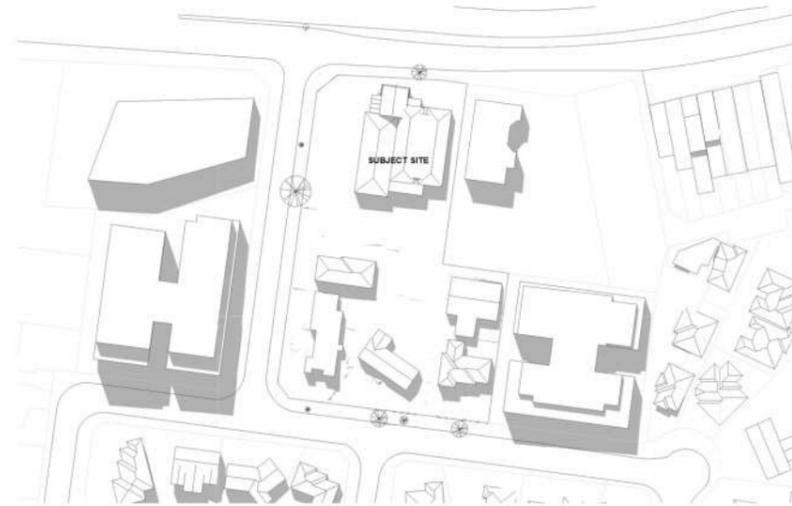
**PROJECT**  
 CHAPEL HILL  
 680 DONCASTER ROAD,  
 EXPANDED SCHEME

**TITLE**  
 EXISTING SHADOW  
 ANALYSIS

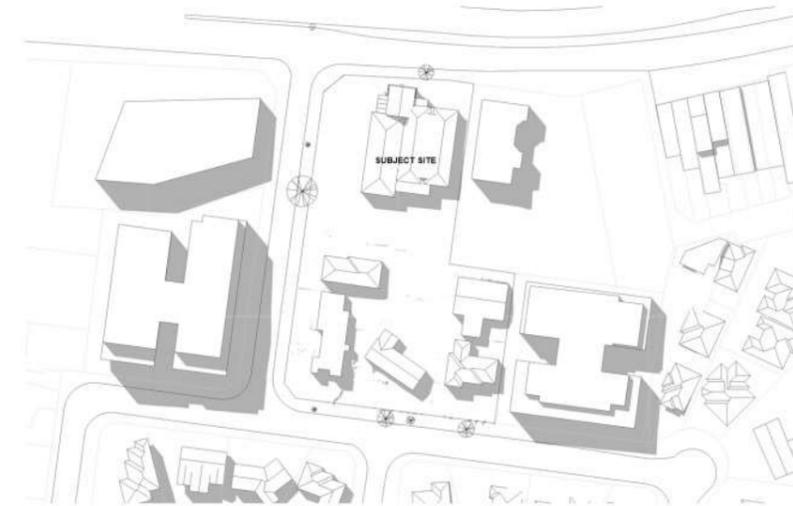
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DRAWING NO.	<b>TP301</b>	REV	<b>TP7</b>
DWG SCALE	1 : 1000 at A1, half scale at A3		
PROJECT NO.	16040		
PROJECT DATE	09.2017		
BIM FILENAME			
ISSUED BY	KL	APPROVED BY	AD
OFFICE NO.	A72001		
<b>TOWNPLANNING</b>			

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EXISTING SHADOWS 22nd SEPTEMBER 1PM



EXISTING SHADOWS 22nd SEPTEMBER 2PM



EXISTING SHADOWS 22nd SEPTEMBER 3PM

REV	DATE	DESCRIPTION	AD
TP7	15.01.2021	TOWN PLANNING - R1 RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - R1 RESPONSE	KL
TP5	03.02.2020	FOR INFORMATION	AD
REV	DATE	DESCRIPTION	

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**PROJECT**  
 CHAPEL HILL  
 680 DONCASTER ROAD,  
 EXPANDED SCHEME

**TITLE**  
 EXISTING SHADOW  
 ANALYSIS

**DRAWING NO.** TP302 **REV** TP7

**DWG SCALE** 1:1000 at A1, half scale at A3

**PROJECT NO.** 16040

**PROJECT DATE** 09.2017

**SIM FILENAME**

**OFFICE NO** A72002

**TOWNPLANNING**

**Orientation**  
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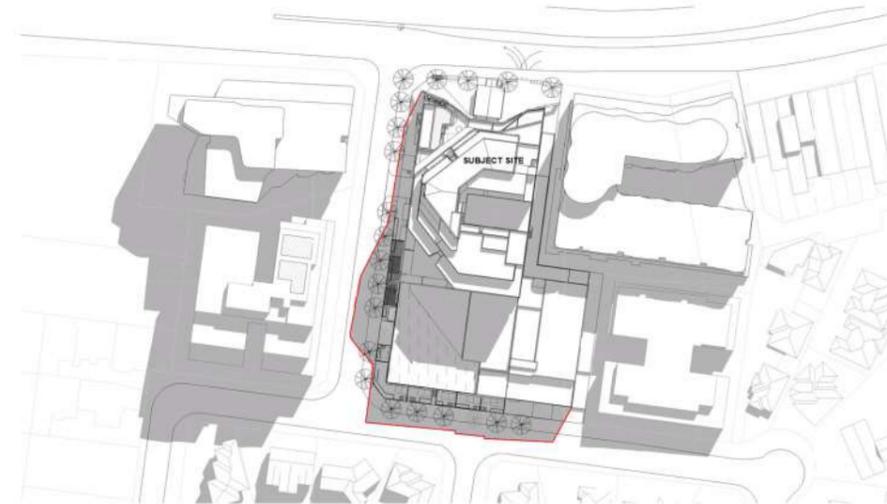
PROPOSED SHADOWS 22nd SEPTEMBER 9AM



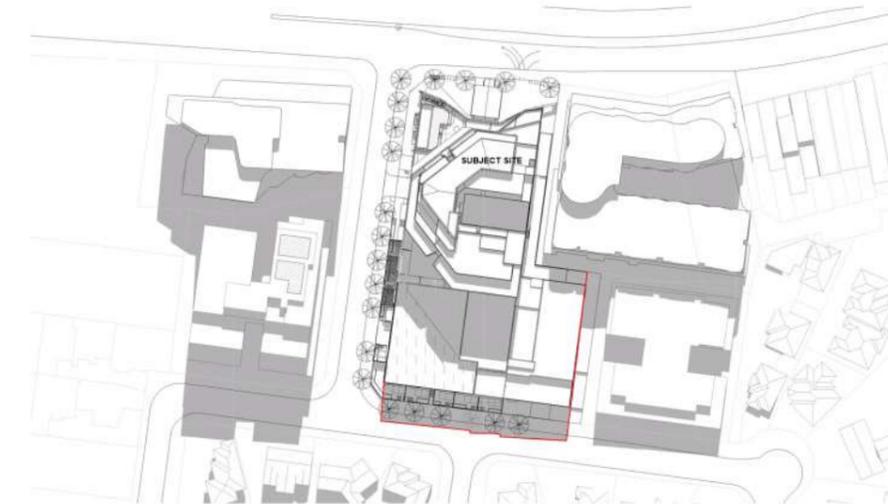
PROPOSED SHADOWS 22nd SEPTEMBER 10AM

SHADOWS LEGEND

- PROPOSED SHADOW OUTLINE WITH DESIGN ELEMENT
- PROPOSED SHADOW OUTLINE TO TOP OF LEVEL 14



PROPOSED SHADOWS 22nd SEPTEMBER 11AM



PROPOSED SHADOWS 22nd SEPTEMBER 12PM

REV	DATE	DESCRIPTION	BY
TP7	15.01.2021	TOWN PLANNING - R1 RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - R1 RESPONSE	KL
TP5	20.02.2020	FOR INFORMATION	AD

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**PROJECT**  
**CHAPEL HILL  
 680 DONCASTER ROAD,  
 EXPANDED SCHEME**

**TITLE**  
**PROPOSED SHADOW ANALYSIS**

**DRAWING NO.** TP303 **REV** TP7

**DWG SCALE** As indicated at A1, half scale at A2

**PROJECT NO.** 16040

**PROJECT DATE** 09.2017

**SIM FILENAME**

**ISSUED BY** [initials] **KL** **AD**

**OFFICE NO** A72003

**TOWNPLANNING**

**North Arrow**

**Scale**

**Revision History**





**SHADOWS LEGEND**

- PROPOSED SHADOW OUTLINE WITH DESIGN ELEMENT
- PROPOSED SHADOW OUTLINE TO TOP OF LEVEL 14

PROPOSED SHADOWS 22nd JUNE 12PM

REV	DATE	DESCRIPTION	AD
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	20.02.2020	FOR INFORMATION	AD

**General Notes**

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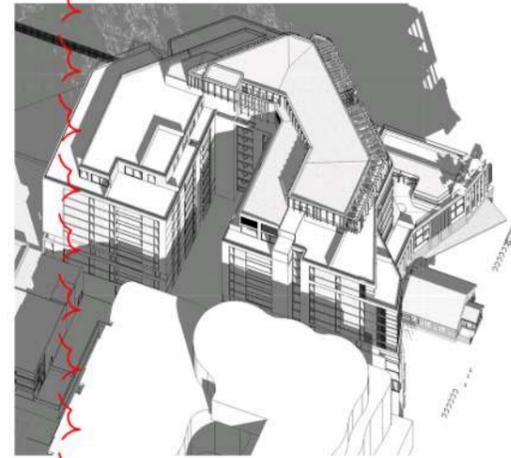
<p><b>CLIENT</b>                  DONCASTER CHURCH OF                  CHRIST / TEBTER</p>
--

<p><b>PROJECT</b>                  CHAPEL HILL                  680 DONCASTER ROAD,                  EXPANDED SCHEME</p>
<p><b>TITLE</b>                  PROPOSED SHADOW                  ANALYSIS (Design                  Element)</p>

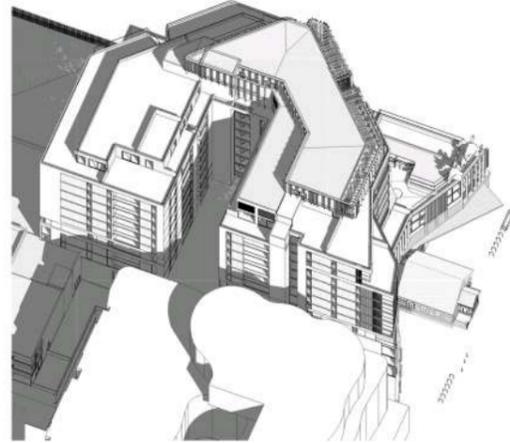
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DWG SCALE	As indicated at A1, half scale at A3		
PROJECT NO.	16040		
PROJECT DATE	09.2017		
SIM FILENAME			
ISSUED BY	ISSUED BY	KL	AD
OFFICE NO	A72005		
<b>TOWNPLANNING</b>			

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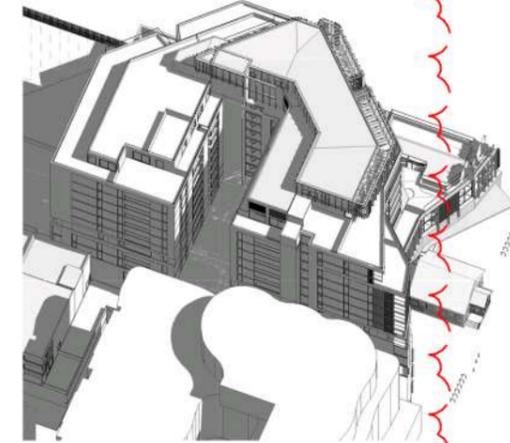
1 | COURTYARD SHADOW 22nd SEPTEMBER 9AM  
SCALE



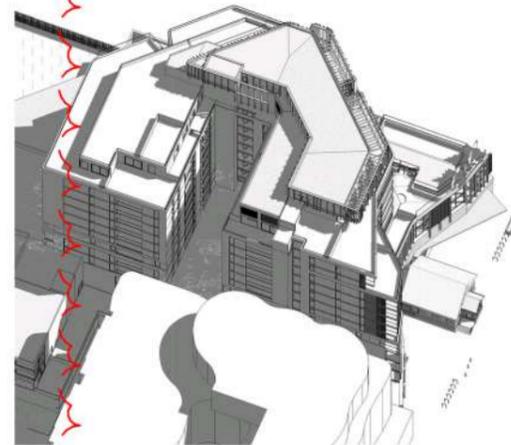
2 | COURTYARD SHADOW 22nd SEPTEMBER 10AM  
SCALE



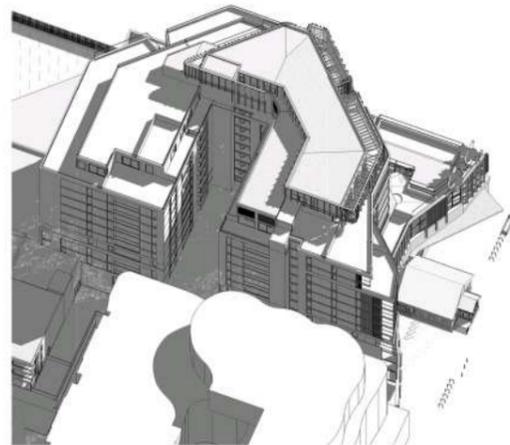
3 | COURTYARD SHADOW 22nd SEPTEMBER 11AM  
SCALE



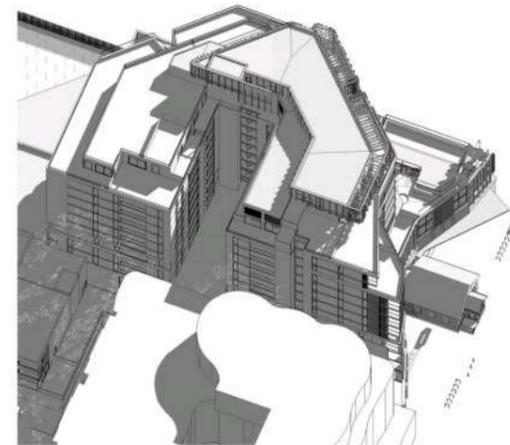
4 | COURTYARD SHADOW 22nd SEPTEMBER 12PM  
SCALE



7 | COURTYARD SHADOW 22nd SEPTEMBER 2PM  
SCALE



6 | COURTYARD SHADOW 22nd SEPTEMBER 2PM  
SCALE



5 | COURTYARD SHADOW 22nd SEPTEMBER 3PM  
SCALE

REV	DATE	DESCRIPTION	BY
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	01.02.2020	FOR INFORMATION	AD

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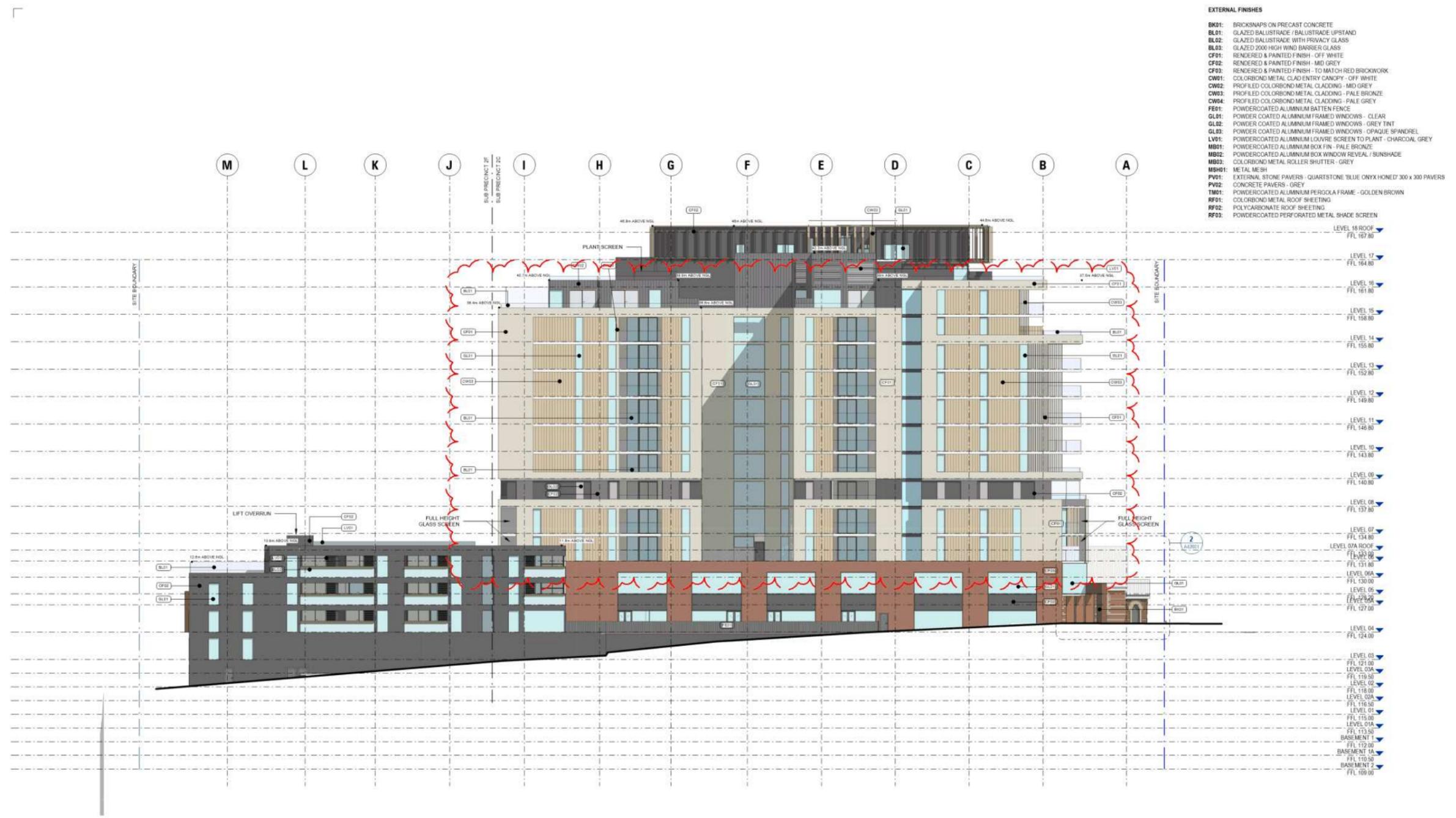
**PROJECT**  
 CHAPEL HILL  
 680 DONCASTER ROAD,  
 EXPANDED SCHEME

**TITLE**  
 PROPOSED SHADOW  
 ANALYSIS

**DRAWING NO.** TP307  
**REV** TP7  
**DWG SCALE** as A1, half scale at A3  
**PROJECT NO.** 10040  
**PROJECT DATE** 09.2017  
**SIM FILENAME** [unclear]  
**OFFICE NO** A72009

**TOWNPLANNING**

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- EXTERNAL FINISHES**
- BK01: BRICKSNAPS ON PRECAST CONCRETE
  - BL01: GLAZED BALUSTRADE / BALUSTRADE UPSTAND
  - BL02: GLAZED BALUSTRADE WITH PRIVACY GLASS
  - BL03: GLAZED 2000 HIGH WIND BARRIER GLASS
  - CF01: RENDERED & PAINTED FINISH - OFF WHITE
  - CF02: RENDERED & PAINTED FINISH - MID GREY
  - CF03: RENDERED & PAINTED FINISH - TO MATCH RED BRICKWORK
  - CW01: COLORBOND METAL CLAD ENTRY CANOPY - OFF WHITE
  - CW02: PROFILED COLORBOND METAL CLADDING - MID GREY
  - CW03: PROFILED COLORBOND METAL CLADDING - PALE BRONZE
  - CW04: PROFILED COLORBOND METAL CLADDING - PALE GREY
  - FE01: POWDERCOATED ALUMINIUM BATTEN FENCE
  - GL01: POWDER COATED ALUMINIUM FRAMED WINDOWS - CLEAR
  - GL02: POWDER COATED ALUMINIUM FRAMED WINDOWS - GREY TINT
  - GL03: POWDER COATED ALUMINIUM FRAMED WINDOWS - OPAQUE SPANDREL
  - LV01: POWDERCOATED ALUMINIUM LOUVRE SCREEN TO PLANT - CHARCOAL GREY
  - MB01: POWDERCOATED ALUMINIUM BOX FIN - PALE BRONZE
  - MB02: POWDERCOATED ALUMINIUM BOX WINDOW REVEAL / SUNSHADE
  - MB03: COLORBOND METAL ROLLER SHUTTER - GREY
  - MSH01: METAL MESH
  - PV01: EXTERNAL STONE PAVERS - QUARTZSTONE BLUE ONYX HONED 300 x 300 PAVERS
  - PV02: CONCRETE PAVERS - GREY
  - TMB1: POWDERCOATED ALUMINIUM PERGOLA FRAME - GOLDEN BROWN
  - RF01: COLORBOND METAL ROOF SHEETING
  - RF02: POLYCARBONATE ROOF SHEETING
  - RF03: POWDERCOATED PERFORATED METAL SHADE SCREEN

NOTE: SIGNAGE LOCATION AND DETAILS SUBJECT TO FUTURE PLANNING APPLICATIONS IF REQUIRED

REV	DATE	DESCRIPTION	BY	CHKD
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL	
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL	
TP5	03.02.2020	RFI INFORMATION	AD	

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**PROJECT**  
**CHAPEL HILL 680 DONCASTER ROAD, EXPANDED SCHEME**

**TITLE**  
**KEY ELEVATION - EAST**

DRAWING NO.	<b>TP401</b>	REV	<b>TP7</b>
DWG SCALE	1:200 at A1, half scale at A3		
PROJECT NO.	10040		
PROJECT DATE	09.2017		
BIM FILENAME			
ISSUED BY	KL	APPROVED BY	AD
OFFICE NO.	A41001		
<b>TOWNPLANNING</b>			



- EXTERNAL FINISHES**
- BR01: BRICKS/NAPS ON PRECAST CONCRETE
  - BL01: GLAZED BALUSTRADE / BALUSTRADE UPSTAND
  - BL03: GLAZED 2000 HIGH WIND BARRIER GLASS
  - CF01: RENDERED & PAINTED FINISH - OFF WHITE
  - CF02: RENDERED & PAINTED FINISH - MID GREY
  - CF03: RENDERED & PAINTED FINISH - TO MATCH RED BRICKWORK
  - CW01: COLORBOND METAL CLAD ENTRY CANOPY - OFF WHITE
  - CW02: PROFILED COLORBOND METAL CLADDING - MID GREY
  - CW03: PROFILED COLORBOND METAL CLADDING - PALE BRONZE
  - CW04: PROFILED COLORBOND METAL CLADDING - PALE GREY
  - FE01: POWDERCOATED ALUMINIUM BATTEN FENCE
  - GL01: POWDER COATED ALUMINIUM FRAMED WINDOWS - CLEAR
  - GL02: POWDER COATED ALUMINIUM FRAMED WINDOWS - GREY TINT
  - GL03: POWDER COATED ALUMINIUM FRAMED WINDOWS - OPAGUE SPANDREL
  - LV01: POWDERCOATED ALUMINIUM LOUVER SCREEN TO PLANT - CHARCOAL GREY
  - MB01: POWDERCOATED ALUMINIUM BOX FIN - PALE BRONZE
  - MB02: POWDERCOATED ALUMINIUM BOX WINDOW REVEAL / SUNSHADE
  - MB03: COLORBOND METAL ROLLER SHUTTER - GREY
  - MS01: METAL MESH
  - PV01: EXTERNAL STONE PAVERS - QUARTZSTONE: BLUE ONYX HONEY 300 x 300 PAVERS
  - PV02: CONCRETE PAVERS - GREY
  - TM01: POWDERCOATED ALUMINIUM PERGOLA FRAME - GOLDEN BROWN
  - RF01: COLORBOND METAL ROOF SHEETING
  - RF02: POLYCARBONATE ROOF SHEETINGS
  - RF03: POWDERCOATED PERFORATED METAL SHADE SCREEN

NOTE: SIGNAGE LOCATION AND DETAILS SUBJECT TO FUTURE PLANNING APPLICATIONS IF REQUIRED

**WEST ELEVATION FENCE DETAIL**

REV	DATE	DESCRIPTION	BY	CHK
TP7	15.01.2021	TOWN PLANNING - R1 RESPONSE		KL
TP6	16.10.2020	TOWN PLANNING - R1 RESPONSE		KL
TP5	07.07.2020	FOR INFORMATION		AD
REV	DATE	DESCRIPTION		

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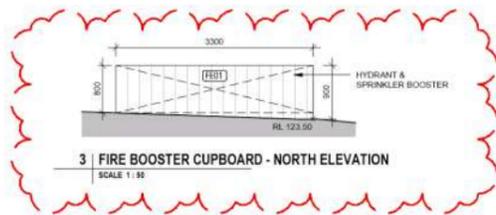
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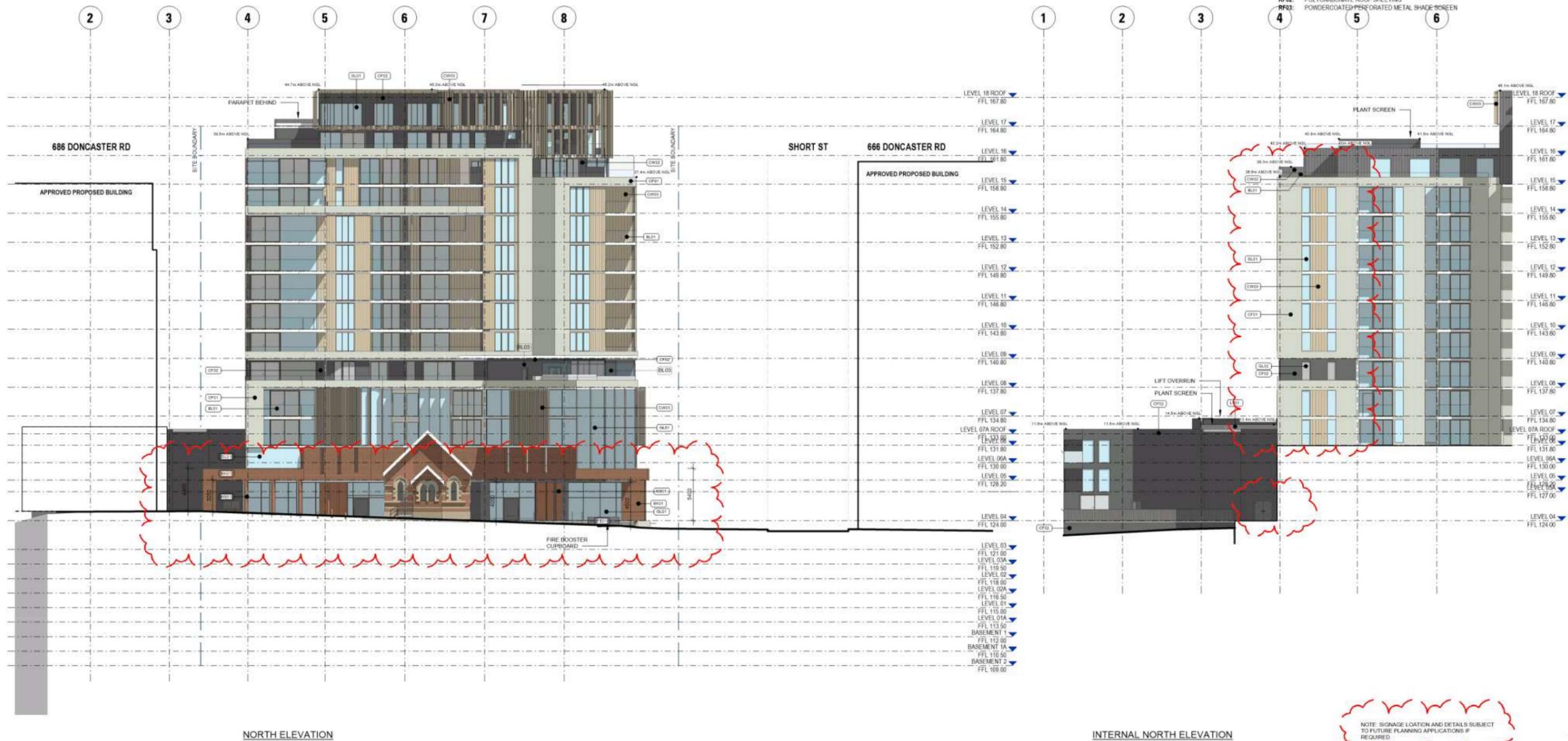
**PROJECT**  
**CHAPEL HILL 680 DONCASTER ROAD, EXPANDED SCHEME**

**TITLE**  
**KEY ELEVATION - WEST**

DRAWING NO:	<b>TP404</b>	REV	<b>TP7</b>
DWG SCALE:	1:200 at A1, half scale at A3		
PROJECT NO:	10040		
PROJECT DATE:	09.2017		
BIM FILENAME:			
OFFICE NO:	A41002		
<b>TOWNPLANNING</b>			



- EXTERNAL FINISHES**
- BK01: BRICKSNAPS ON PRECAST CONCRETE
  - BL01: GLAZED BALUSTRADE / BALUSTRADE UPSTAND
  - BL02: GLAZED BALUSTRADE WITH PRIVACY GLASS
  - BL03: GLAZED 2000 HIGH WIND BARRIER GLASS
  - CF01: RENDERED & PAINTED FINISH - OFF WHITE
  - CF02: RENDERED & PAINTED FINISH - MID GREY
  - CF03: RENDERED & PAINTED FINISH - TO MATCH RED BRICKWORK
  - CW01: COLORBOND METAL CLAD ENTRY CANOPY - OFF WHITE
  - CW02: PROFILED COLORBOND METAL CLADDING - MID GREY
  - CW03: PROFILED COLORBOND METAL CLADDING - PALE BRONZE
  - CW04: PROFILED COLORBOND METAL CLADDING - PALE GREY
  - FE01: POWDERCOATED ALUMINIUM BATTEN FENCE
  - GL01: POWDER COATED ALUMINIUM FRAMED WINDOWS - CLEAR
  - GL02: POWDER COATED ALUMINIUM FRAMED WINDOWS - GREY TINT
  - GL03: POWDER COATED ALUMINIUM FRAMED WINDOWS - OPAQUE SPANDREL
  - LV01: POWDERCOATED ALUMINIUM LOUVRE SCREEN TO PLANT - CHARCOAL GREY
  - MB01: POWDERCOATED ALUMINIUM BOX FIN - PALE BRONZE
  - MB02: POWDERCOATED ALUMINIUM BOX WINDOW REVEAL / SUNSHADE
  - MB03: COLORBOND METAL ROLLER SHUTTER - GREY
  - MSH01: METAL MESH
  - PV01: EXTERNAL STONE PAVERS - QUARTSTONE 'BLUE ONYX HONED' 300 x 300 PAVERS
  - PV02: CONCRETE PAVERS - GREY
  - TM01: POWDERCOATED ALUMINIUM PERGOLA FRAME - GOLDEN BROWN
  - RF01: COLORBOND METAL ROOF SHEETING
  - RF02: POLYCARBONATE ROOF SHEETING
  - RF03: POWDERCOATED PERFORATED METAL SHADE SCREEN



NOTE: SIGNAGE LOCATION AND DETAILS SUBJECT TO FUTURE PLANNING APPLICATIONS IF REQUIRED

REV	DATE	DESCRIPTION	BY	CHKD
TP7	15.01.2021	TOWN PLANNING - R1 RESPONSE		
TP6	16.10.2020	TOWN PLANNING - R1 RESPONSE		
TP5	20.02.2020	FOR INFORMATION		
REV	DATE	DESCRIPTION		

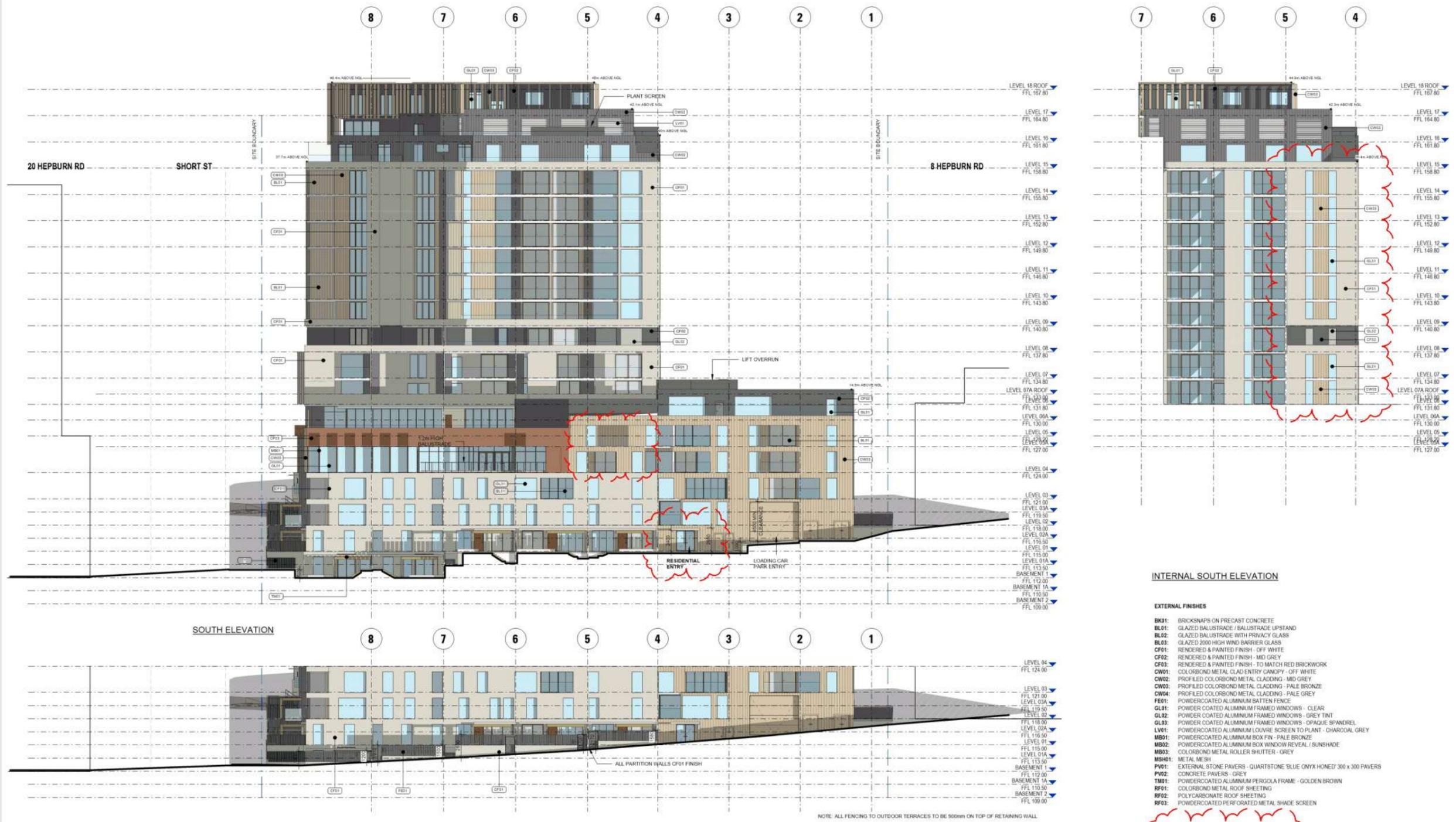
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**PROJECT**  
 CHAPEL HILL  
 680 DONCASTER ROAD,  
 EXPANDED SCHEME  
**TITLE**  
 KEY ELEVATION - NORTH

DRAWING NO.	TP402	REV	TP7
DWG SCALE	As indicated at A1, half scale at A2		
PROJECT NO.	16040		
PROJECT DATE	09.2017		
BIM FILENAME			
ISSUED BY	DESIGNED BY	CHKD BY	AD
OFFICE NO	A41003		
<b>TOWNPLANNING</b>			



INTERNAL SOUTH ELEVATION

- EXTERNAL FINISHES**
- BR01: BRICKSNAPS ON PRECAST CONCRETE
  - BL01: GLAZED BALUSTRADE / BALUSTRADE UPSTAND
  - BL02: GLAZED BALUSTRADE WITH PRIVACY GLASS
  - BL03: GLAZED 2800 HIGH WIND BARRIER GLASS
  - CF01: RENDERED & PAINTED FINISH - OFF WHITE
  - CF02: RENDERED & PAINTED FINISH - MD GREY
  - CF03: RENDERED & PAINTED FINISH - TO MATCH RED BRICKWORK
  - CW01: COLORBOND METAL CLAD ENTRY CANOPY - OFF WHITE
  - CW02: PROFILED COLORBOND METAL CLADDING - MID GREY
  - CW03: PROFILED COLORBOND METAL CLADDING - PALE BRONZE
  - CW04: PROFILED COLORBOND METAL CLADDING - PALE GREY
  - FB01: POWDER COATED ALUMINUM BATTEN FENCE
  - GL01: POWDER COATED ALUMINUM FRAMED WINDOWS - CLEAR
  - GL02: POWDER COATED ALUMINUM FRAMED WINDOWS - GREY TINT
  - GL03: POWDER COATED ALUMINUM FRAMED WINDOWS - OPAQUE SPANDEL
  - LV01: POWDER COATED ALUMINUM LOUVRE SCREEN TO PLANT - CHARCOAL GREY
  - MB01: POWDER COATED ALUMINUM BOX FIN - PALE BRONZE
  - MB02: POWDER COATED ALUMINUM BOX WINDOW REVEAL / SUNSHADE
  - MB03: COLORBOND METAL ROLLER SHUTTER - GREY
  - MSH01: METAL MESH
  - PV01: EXTERNAL STONE PAVERS - QUARTZSTONE 'BLUE ONYX HONED' 300 x 300 PAVERS
  - PV02: CONCRETE PAVERS - GREY
  - TR01: POWDER COATED ALUMINUM PERGOLA FRAME - GOLDEN BROWN
  - RF01: COLORBOND METAL ROOF SHEETING
  - RF02: POLYCARBONATE ROOF SHEETING
  - RF03: POWDER COATED PERFORATED METAL SHADE SCREEN

NOTE: SIGNAGE LOCATION AND DETAILS SUBJECT TO FUTURE PLANNING APPLICATIONS IF REQUIRED

SOUTH ELEVATION FENCE DETAIL

REV	DATE	DESCRIPTION	BY	CHKD
TP7	15.01.2021	TOWN PLANNING - R1 RESPONSE		
TP6	16.10.2020	TOWN PLANNING - R1 RESPONSE		
TP5	20.02.2020	FOR INFORMATION		
REV	DATE	DESCRIPTION		

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**CLIENT**  
**DONCASTER CHURCH OF CHRIST / TEBTER**

**PROJECT**  
**CHAPEL HILL 680 DONCASTER ROAD, EXPANDED SCHEME**

**DRAWING NO.** TP403 **REV** TP7

**DWG SCALE** 1:200 at A1, half scale at A3

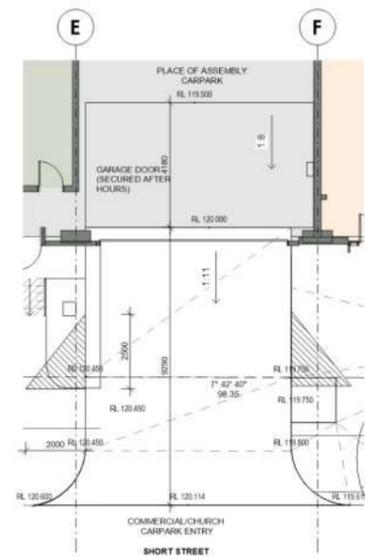
**PROJECT NO.** 18040

**PROJECT DATE** 09.2017

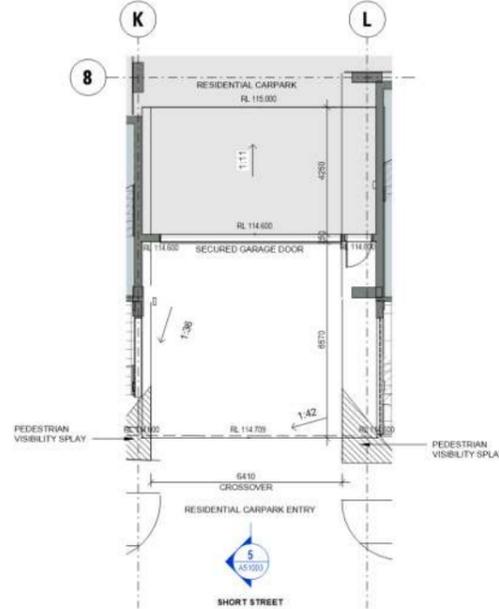
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**OFFICE NO** A41004

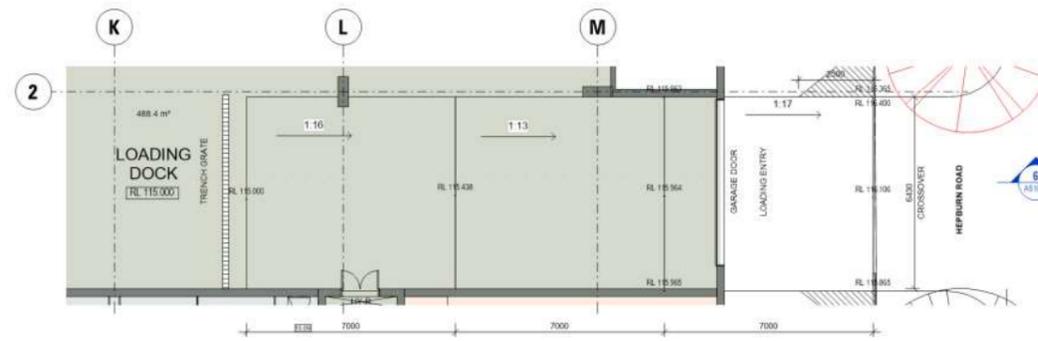
**TOWNPLANNING**



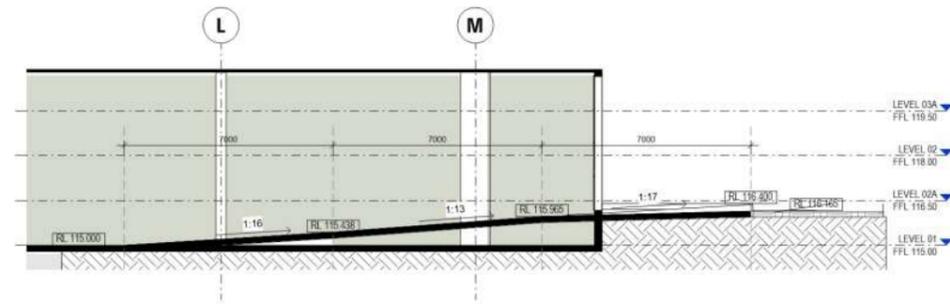
1 DRIVEWAY PLAN SHORT STREET LEVEL 03  
A41001



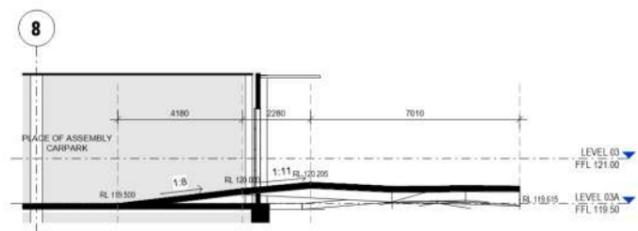
2 DRIVEWAY PLAN SHORT STREET LEVEL 01  
A41001



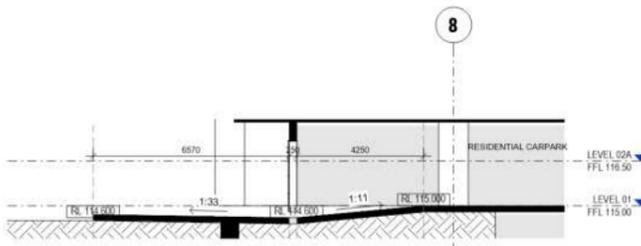
3 DRIVEWAY PLAN HEPBURN ROAD LEVEL 01  
A41001



6 DRIVEWAY SECTION HEPBURN ROAD LEVEL 01  
A21811



4 DRIVEWAY SECTION SHORT STREET LEVEL 03  
A21021



5 DRIVEWAY SECTION SHORT STREET LEVEL 01  
A21811

REV	DATE	DESCRIPTION	AD
TP7	15.01.2021	TOWN PLANNING - R1 RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - R1 RESPONSE	KL
TP5	01.02.2020	FOR INFORMATION	AD

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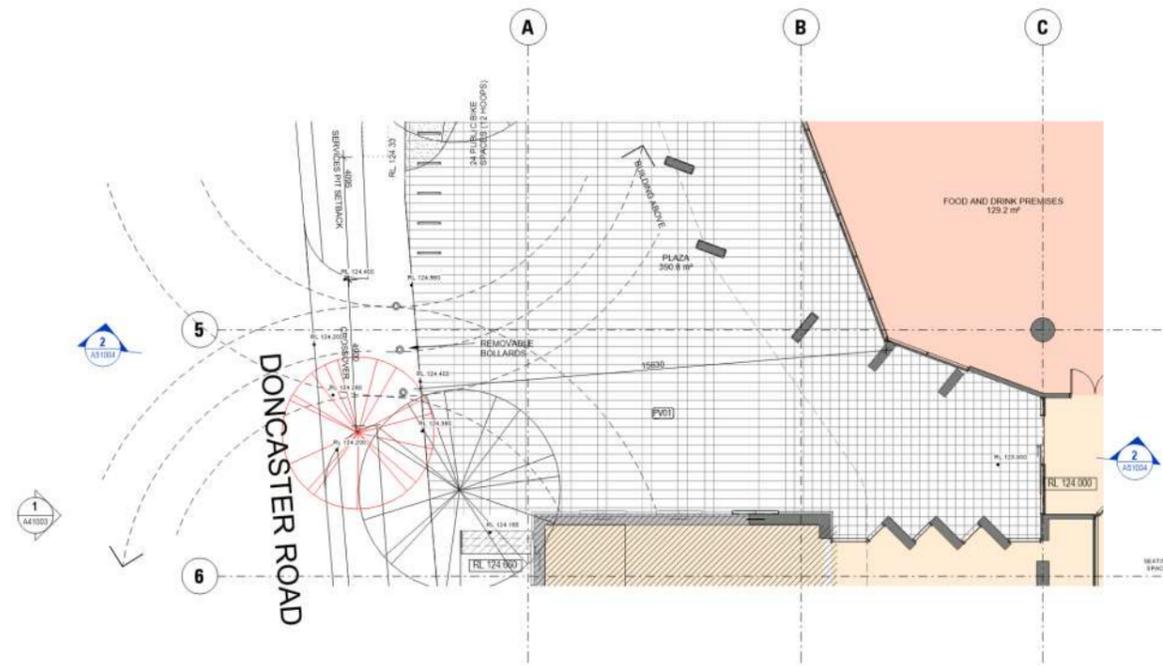
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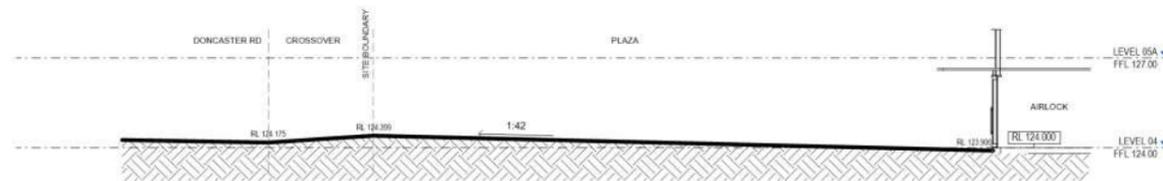
**PROJECT**  
**CHAPEL HILL  
680 DONCASTER ROAD,  
EXPANDED SCHEME**

**TITLE**  
**KEY SECTION -  
DRIVEWAY**

DRAWING NO.	<b>TP503</b>	REV	<b>TP7</b>
DWG SCALE	1:100 at A1, half scale at A3		
PROJECT NO.	10040		
PROJECT DATE	09.2017		
BIM FILENAME			
OFFICE NO.	A51003		
<b>TOWNPLANNING</b>			



1 PLAZA PLAN DONCASTER RD LEVEL 04  
SCALE 1:100



2 PLAZA SECTION DONCASTER RD  
SCALE 1:100

REV	DATE	DESCRIPTION	BY	CHKD
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL	
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL	
TP5	20.02.2020	FOR INFORMATION	AD	

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**TITLE**  
**KEY SECTION - PLAZA**

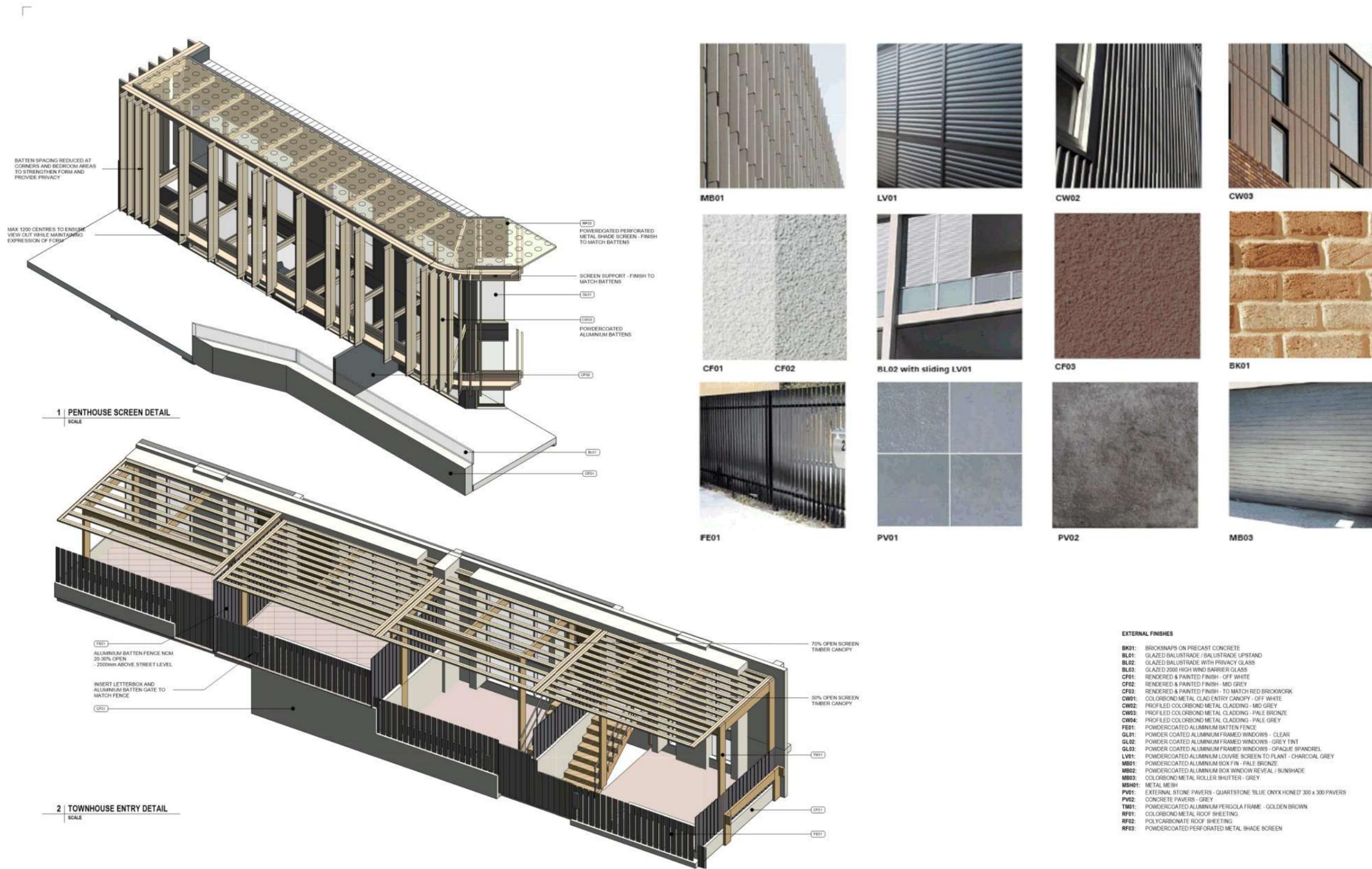
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DWG SCALE	1:100 at A1, half scale at A3		
PROJECT NO.	10040		
PROJECT DATE	09.2017		
BIM FILENAME			
DESIGNER		CHECKED	APPROVED
OFFICE NO.	A51004		
<b>TOWNPLANNING</b>			

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REV	DATE	DESCRIPTION	BY	CHKD

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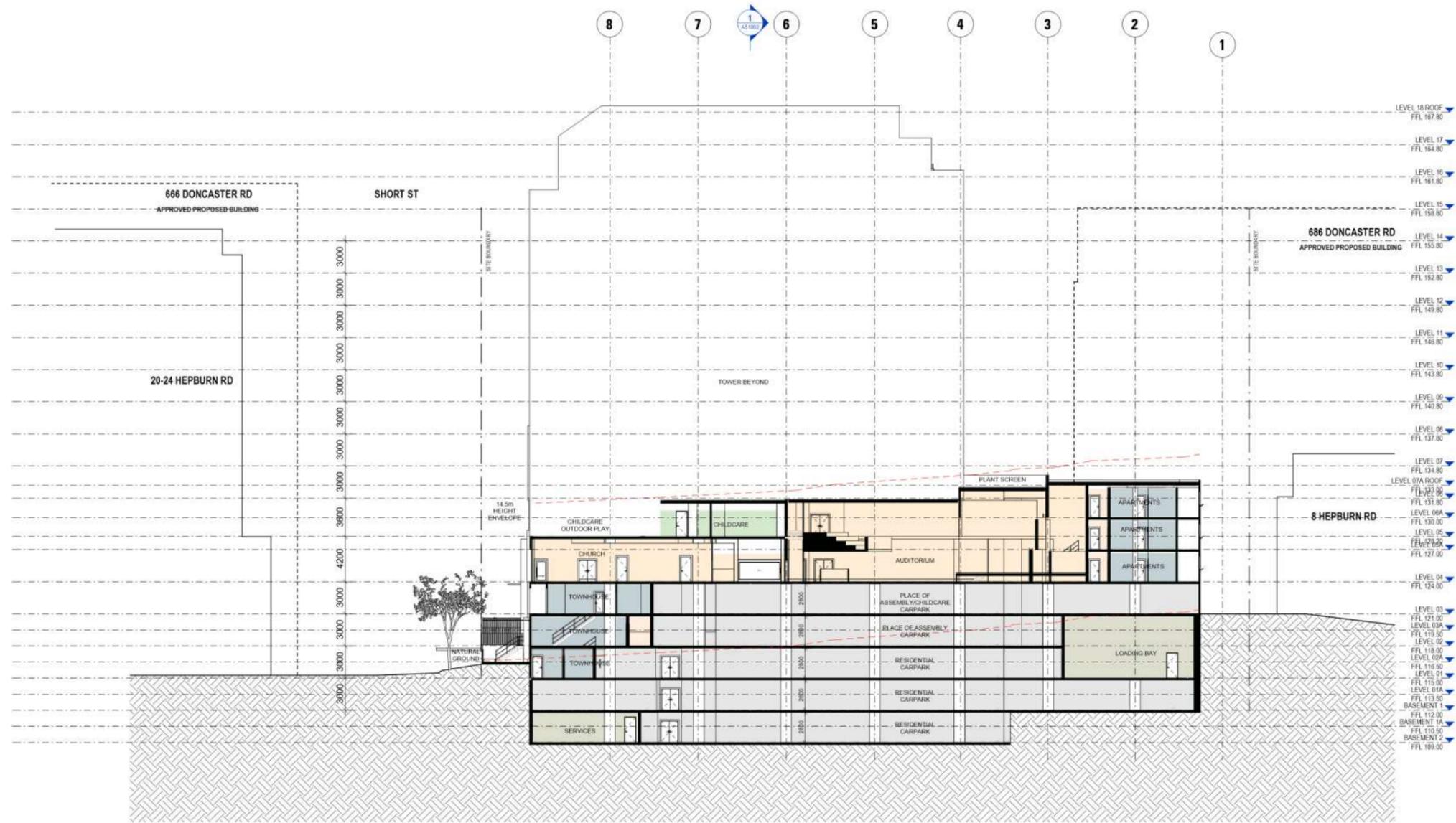
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**PROJECT**  
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 EXPANDED SCHEME

**TITLE**  
 FINISHES SCHEDULE &  
 EXTERNAL DETAILS

**DRAWING NO.** TP604 **REV** TP6  
**DWG SCALE** 1:200 at A1, half scale at A3  
**PROJECT NO.** 16040  
**PROJECT DATE** 09.2017  
**SIM FILENAME**  
**OFFICE NO** A00008  
**TOWNPLANNING**





REV	DATE	DESCRIPTION	BY	CHKD
TP7	15.01.2021	TOWN PLANNING - R1 RESPONSE		KL
TP6	16.10.2020	TOWN PLANNING - R1 RESPONSE		KL
TP5	20.02.2020	FOR INFORMATION		AD
TP4				
TP3				
TP2				
TP1				

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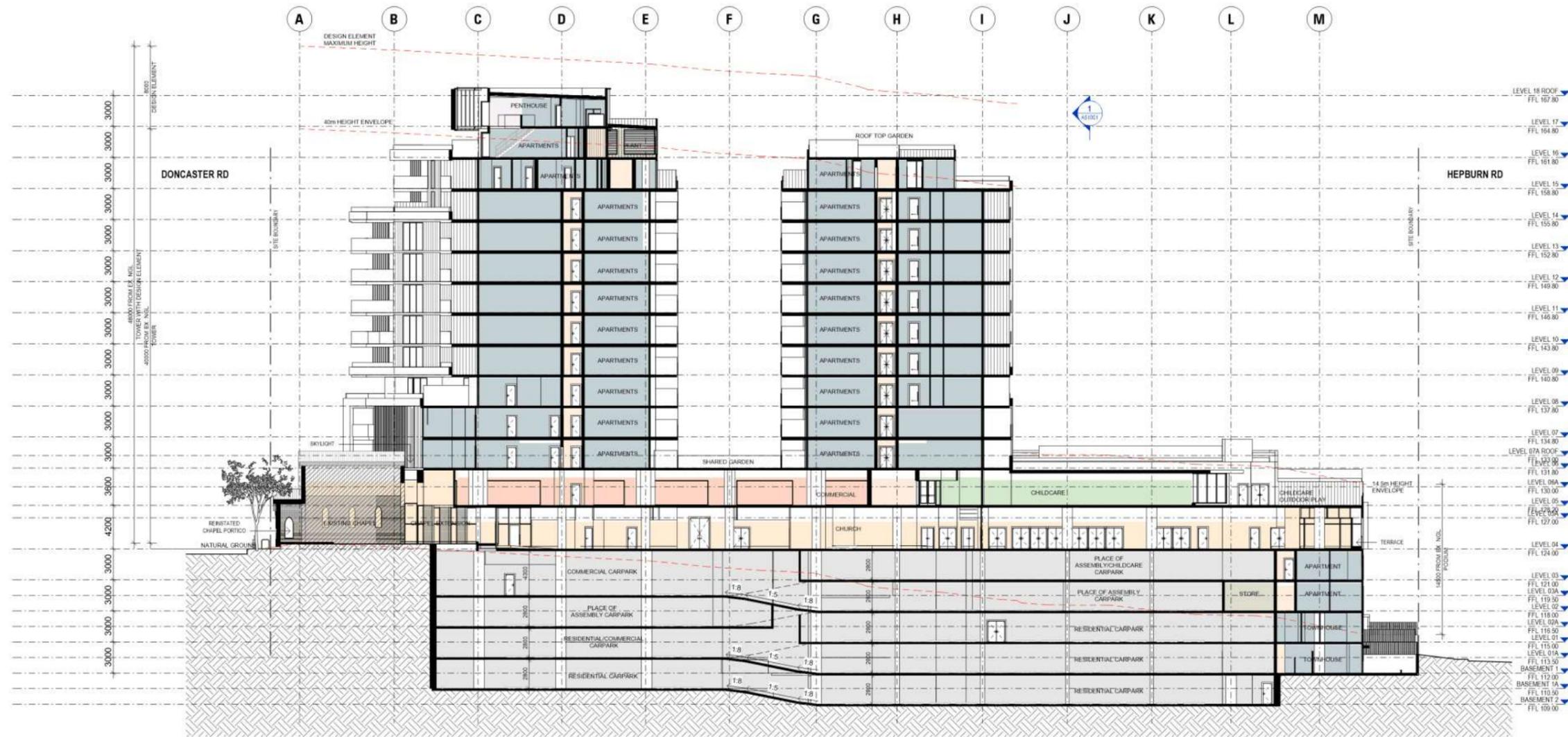
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 EXPANDED SCHEME**  
**TITLE**  
**KEY SECTION - EAST  
 WEST**

DRAWING NO.	<b>TP501</b>	REV	<b>TP7</b>
DWG SCALE	1:200 or A1, half scale at A3		
PROJECT NO.	10040		
PROJECT DATE	09.2017		
BIM FILENAME			
ISSUED BY	DESIGNED BY	KL	APPROVED BY
OFFICE NO.	A51001		
<b>TOWNPLANNING</b>			

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REV	DATE	DESCRIPTION	BY	CHK
TP7	15.01.2021	TOWN PLANNING - R1 RESPONSE		KL
TP6	16.10.2020	TOWN PLANNING - R1 RESPONSE		KL
TP5	20.02.2020	FOR INFORMATION		AD
REV	DATE	DESCRIPTION		

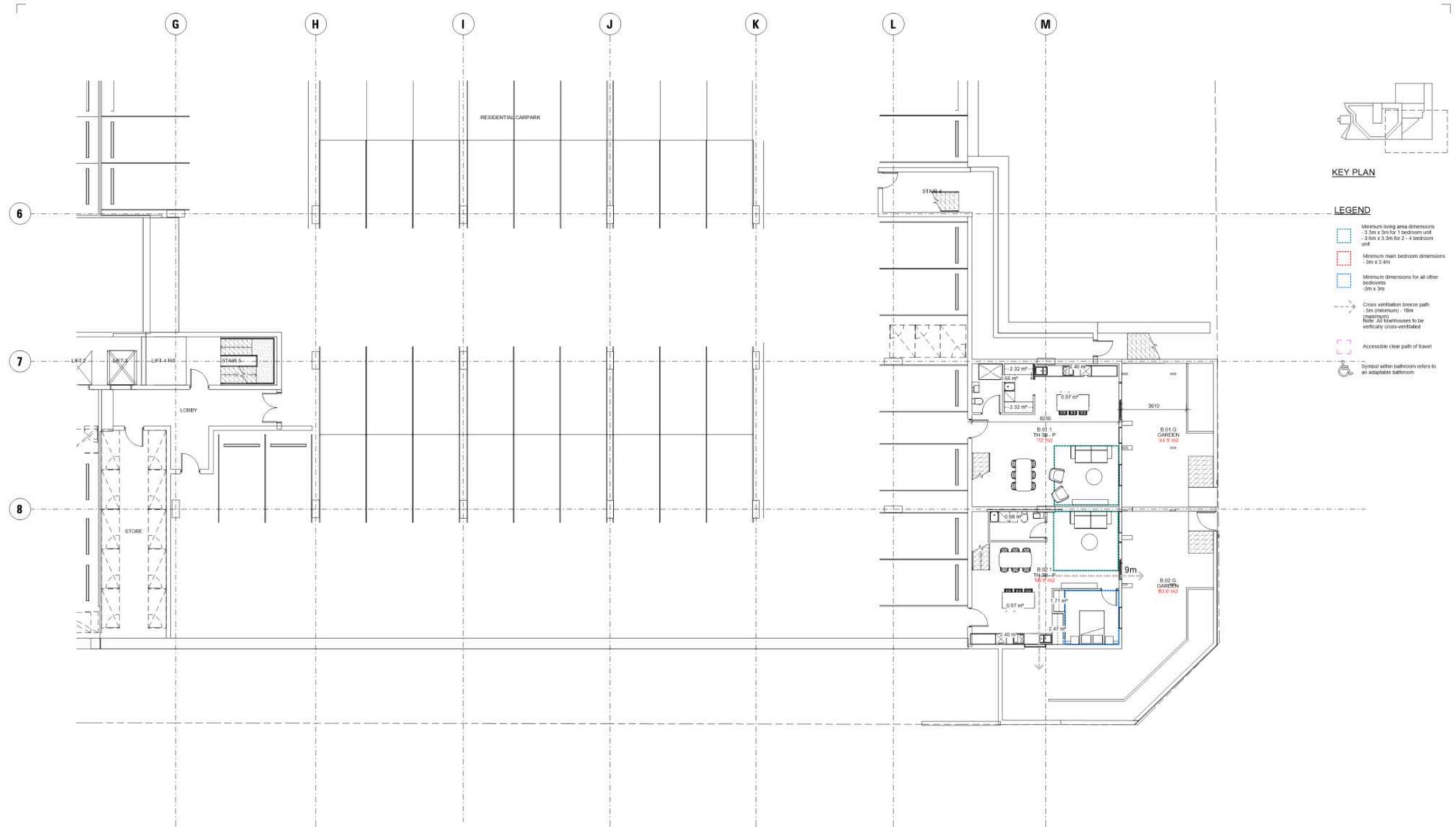
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 EXPANDED SCHEME  
**TITLE**  
 KEY SECTION - NORTH  
 SOUTH

DRAWING NO.	TP502	REV	TP7
DWG SCALE	1:200 or A1, half scale at A3		
PROJECT NO.	10040		
PROJECT DATE	09.2017		
BIM FILENAME			
ISSUED BY	KL	APPROVED BY	AD
OFFICE NO.	A51002		
<b>TOWNPLANNING</b>			



REV	DATE	DESCRIPTION	BY	CHKD
TP7	15.01.2021	TOWN PLANNING - R1 RESPONSE		KL
TP6	16.10.2020	TOWN PLANNING - R1 RESPONSE		KL
TP5	03.02.2020	FOR INFORMATION		AD

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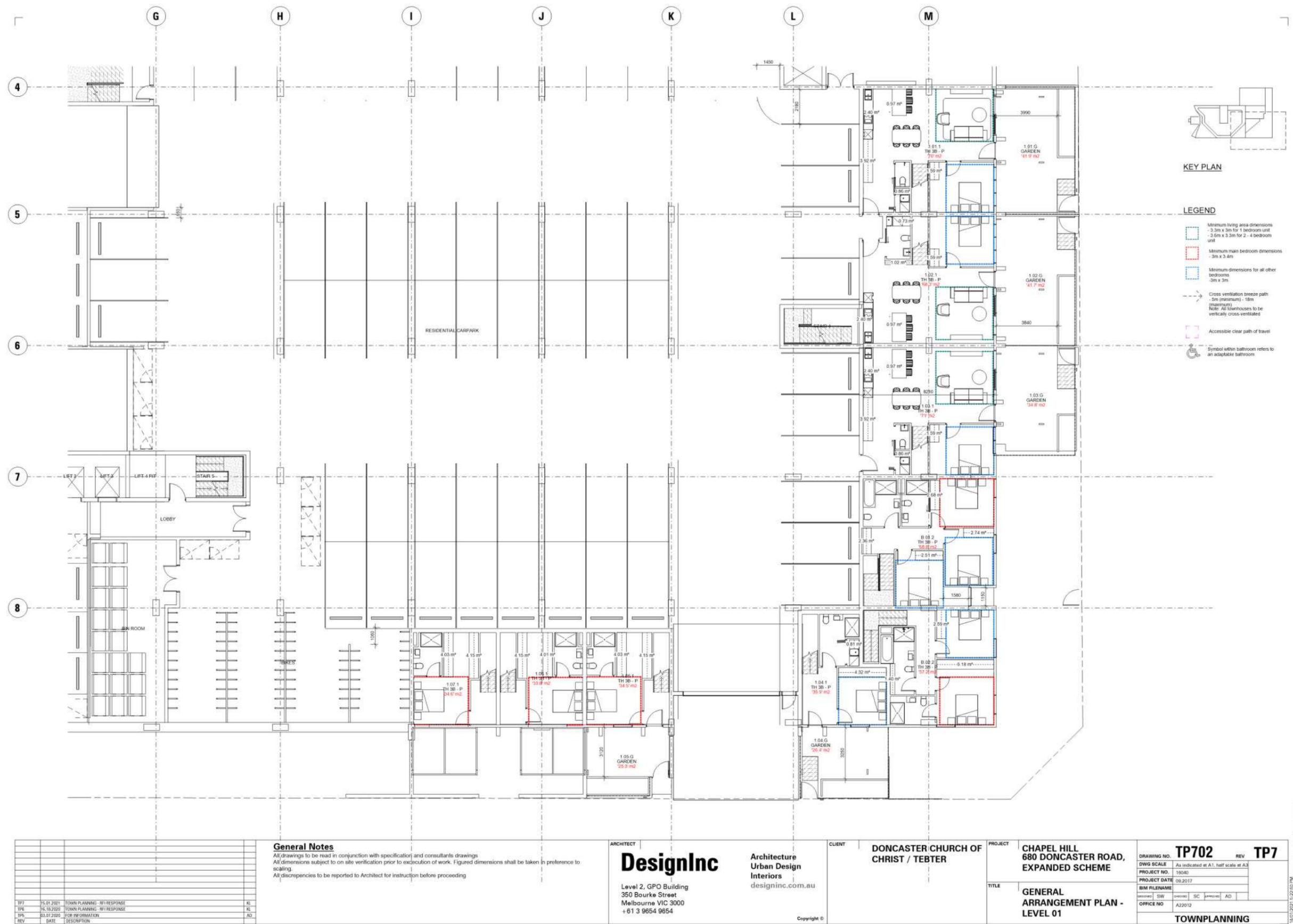
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**PROJECT**  
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**TITLE**  
 GENERAL  
 ARRANGEMENT PLAN -  
 BASEMENT 1

DRAWING NO.	TP701	REV	TP7
DWG SCALE	As indicated at A1, half scale at A2		
PROJECT NO.	16040		
PROJECT DATE	09.2017		
BIM FILENAME			
ISSUED BY	ISSUED BY	SEC	APPROVED BY
OFFICE NO	A22812		
<b>TOWNPLANNING</b>			





REV	DATE	DESCRIPTION	AD
TP7	15.01.2021	TOWN PLANNING - R1 RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - R1 RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD
TP4			
TP3			
TP2			
TP1			

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**PROJECT**  
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**TITLE**  
 GENERAL  
 ARRANGEMENT PLAN  
 ZONE 1- LEVEL 02

DRAWING NO.	TP703	REV	TP7
DWG SCALE	As indicated at A1, half scale at A2		
PROJECT NO.	16040		
PROJECT DATE	09.2017		
BIM FILENAME			
ISSUED BY	ISSUED BY	SC	APPROVED BY
OFFICE NO	A22022		
<b>TOWNPLANNING</b>			



REV	DATE	DESCRIPTION	BY	CHK
TP7	15.01.2021	TOWN PLANNING - R1 RESPONSE		KL
TP6	16.10.2020	TOWN PLANNING - R1 RESPONSE		KL
TP5	03.02.2020	FOR INFORMATION		AD
TP4				
TP3				
TP2				
TP1				

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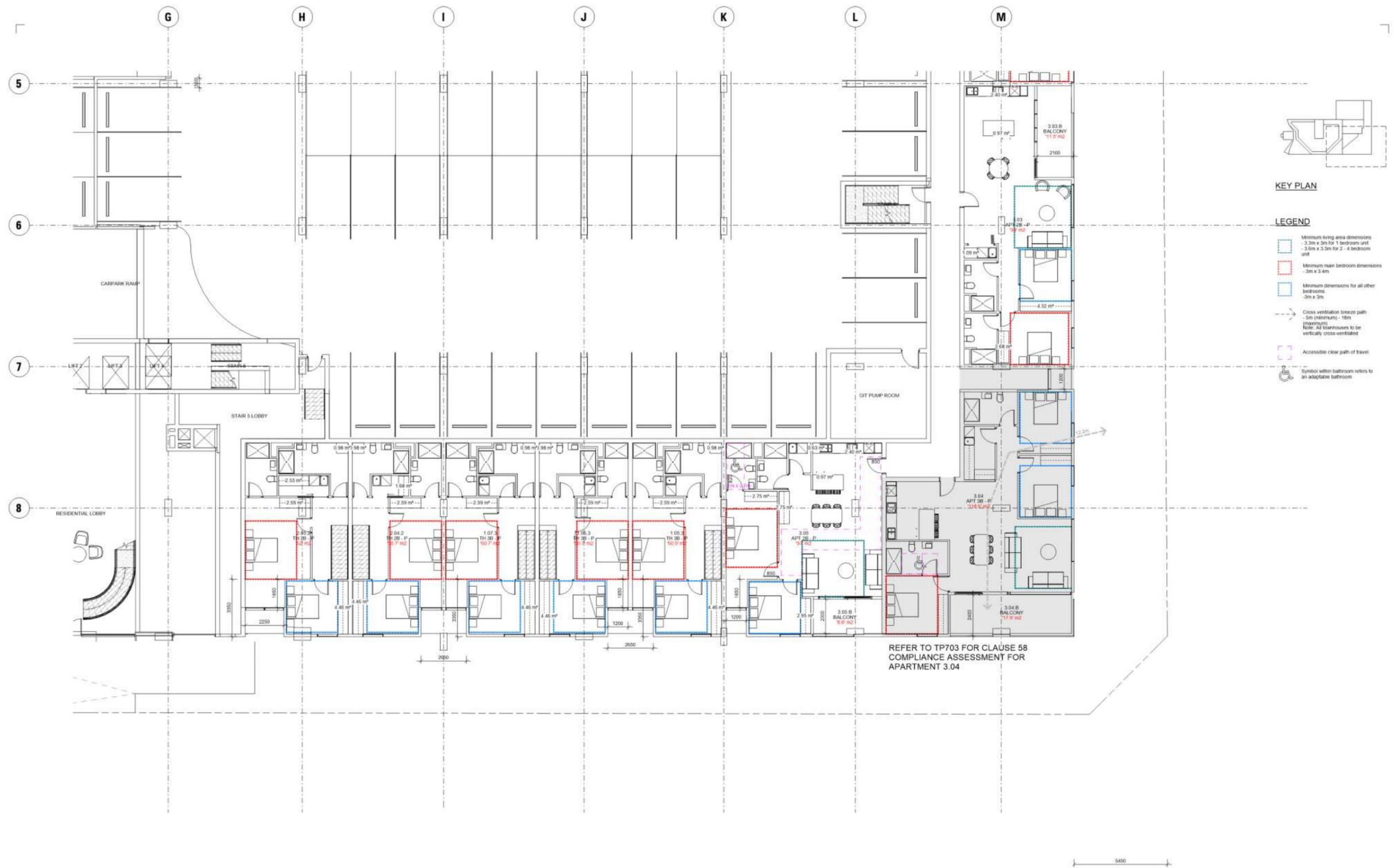
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**PROJECT**  
**CHAPEL HILL  
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 EXPANDED SCHEME**

**TITLE**  
**GENERAL  
 ARRANGEMENT PLAN  
 ZONE 2 - LEVEL 02**

DRAWING NO.	<b>TP704</b>	REV	<b>TP7</b>
DWG SCALE	As indicated at A1, half scale at A2		
PROJECT NO.	16040		
PROJECT DATE	09.2017		
SIM FILENAME			
ISSUED BY	ISSUED BY	SEC	APPROVED BY
OFFICE NO	A22024		
<b>TOWNPLANNING</b>			



REFER TO TP703 FOR CLAUSE 58 COMPLIANCE ASSESSMENT FOR APARTMENT 3.04

REV	DATE	DESCRIPTION	BY	CHKD
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE		KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE		KL
TP5	20.02.2020	FOR INFORMATION		AD

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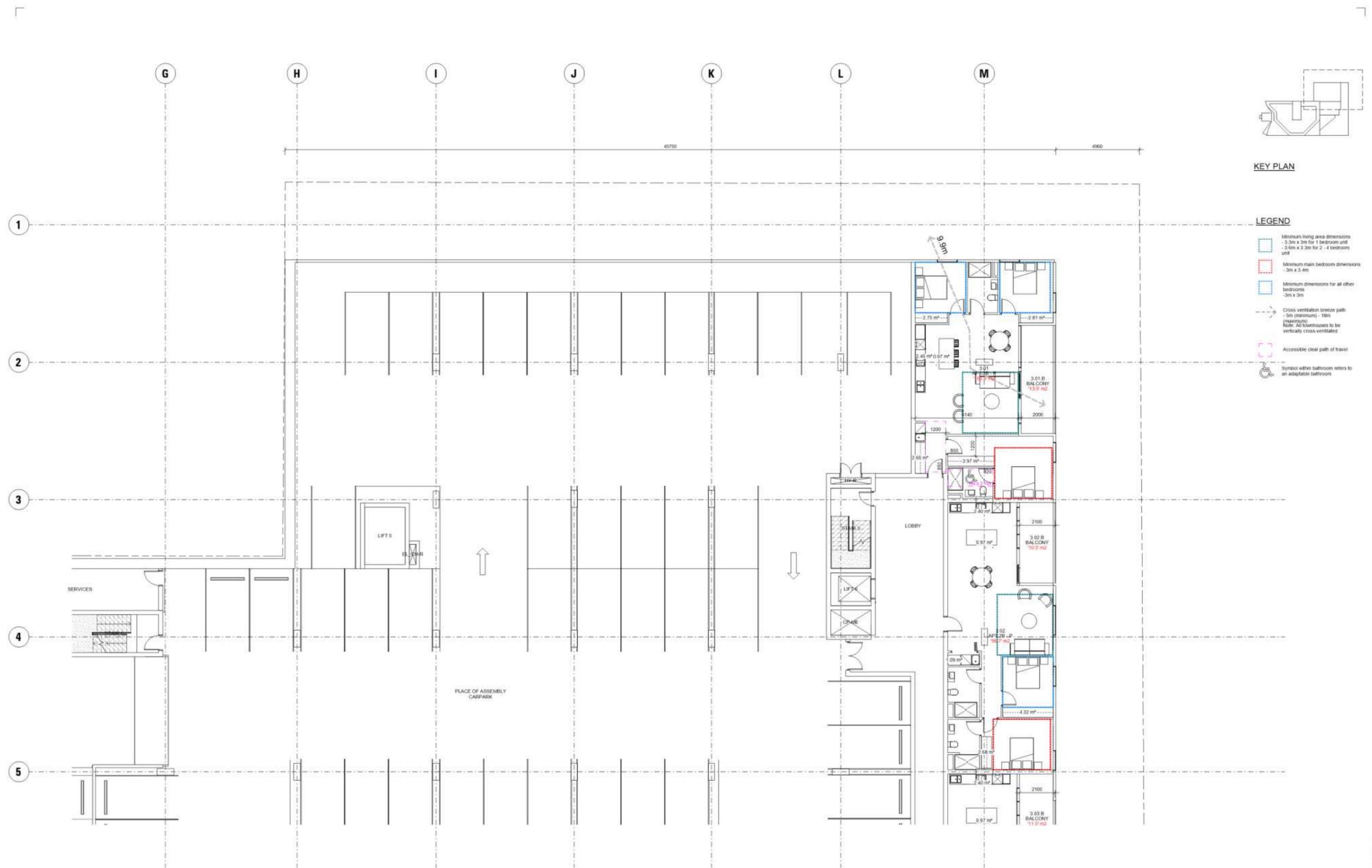
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PROJECT  
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TITLE  
**GENERAL  
 ARRANGEMENT PLAN  
 ZONE 1- LEVEL 03**

DRAWING NO.	<b>TP705</b>	REV	<b>TP7</b>
DWG SCALE	As indicated at A1, half scale at A2		
PROJECT NO.	16040		
PROJECT DATE	09.2017		
BIM FILENAME			
ISSUED BY	ISSUED BY	SEC	APPROVED BY
OFFICE NO.	A22032		
<b>TOWNPLANNING</b>			



REV	DATE	DESCRIPTION	BY	CHK
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE		KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE		KL
TP5	03.02.2020	RFI INFORMATION		AD
TP4				
TP3				
TP2				
TP1				

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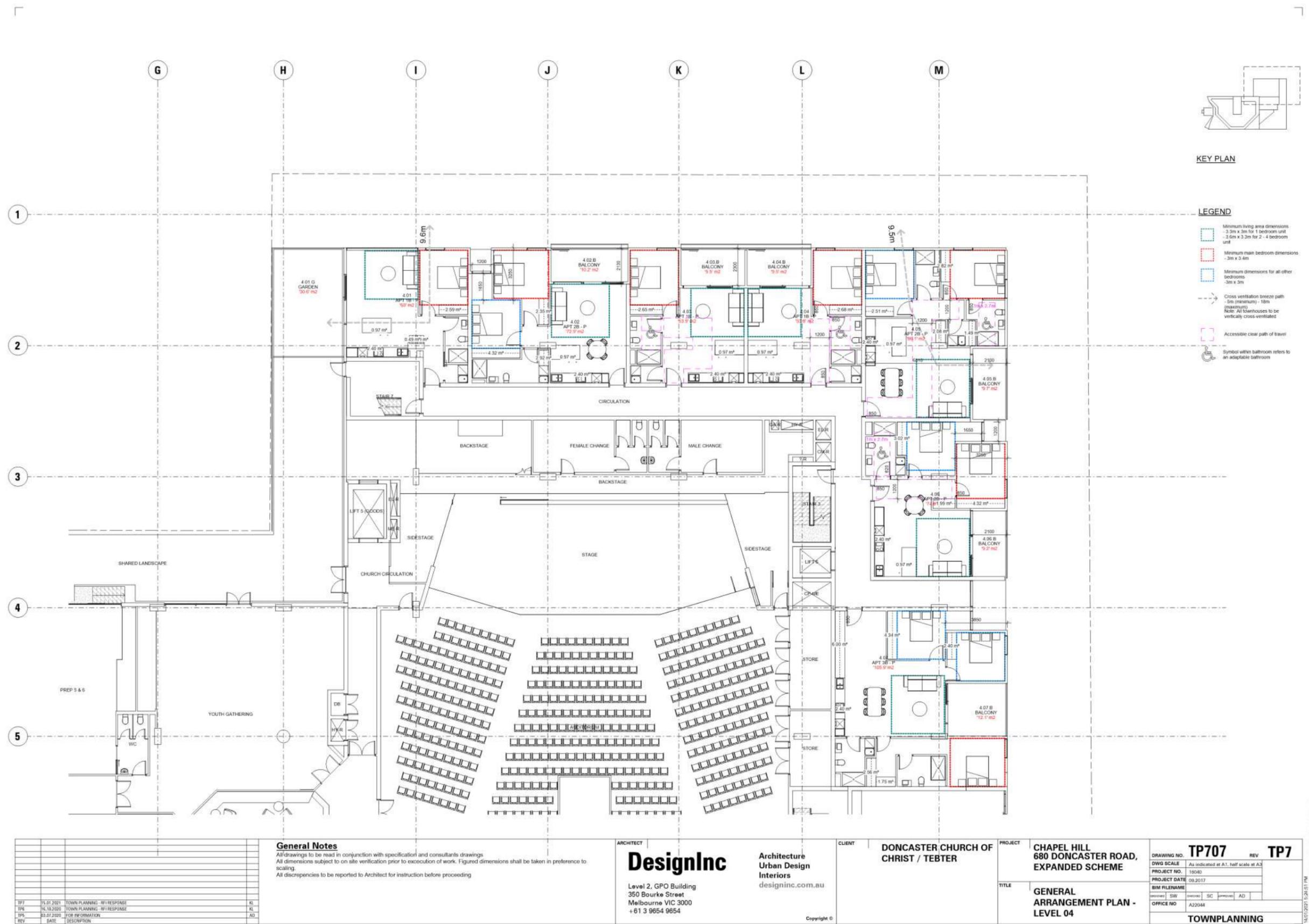
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 EXPANDED SCHEME**

**TITLE**  
**GENERAL  
 ARRANGEMENT PLAN  
 ZONE 2 - LEVEL 03**

**DRAWING NO.** TP706 **REV** TP7  
**DWG SCALE** As indicated at A1, half scale at A2  
**PROJECT NO.** 16040  
**PROJECT DATE** 09.2017  
**SIM FILENAME**  
**OFFICE NO** A22034  
**TOWNPLANNING**





REV	DATE	DESCRIPTION	BY	CHKD
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL	
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL	
TP5	01.02.2020	FOR INFORMATION	AD	

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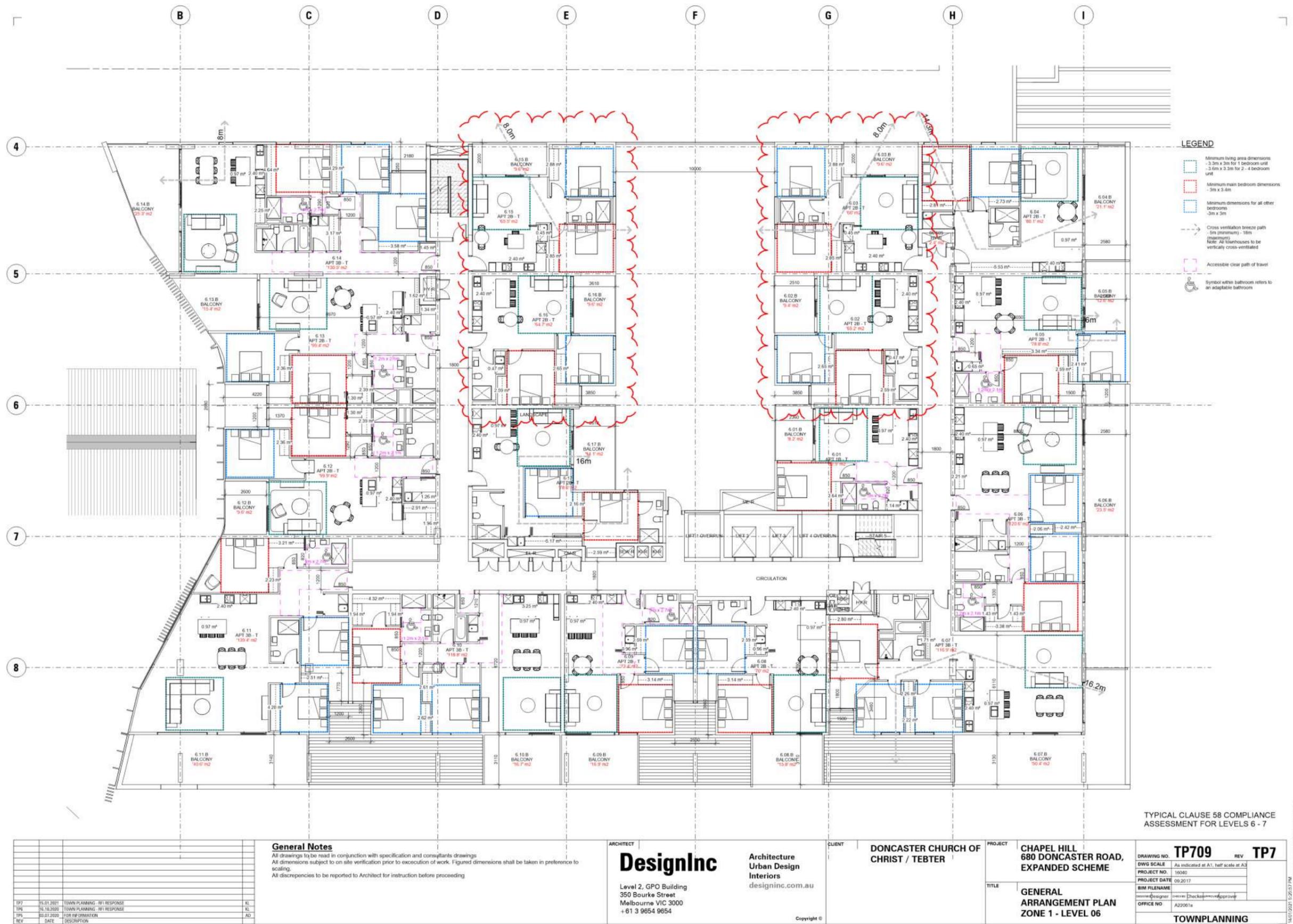
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**PROJECT**  
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**TITLE**  
 GENERAL ARRANGEMENT PLAN - LEVEL 05

**DRAWING NO.** TP708 **REV** TP7  
**DWG SCALE** As indicated at A1, half scale at A2  
**PROJECT NO.** 16040  
**PROJECT DATE** 09.2017  
**SIM FILENAME**  
**OFFICE NO** A22054  
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TYPICAL CLAUSE 58 COMPLIANCE ASSESSMENT FOR LEVELS 6 - 7

REV	DATE	DESCRIPTION	BY	CHKD
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE		KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE		KL
TP5	04.07.2019	FOR INFORMATION		AD

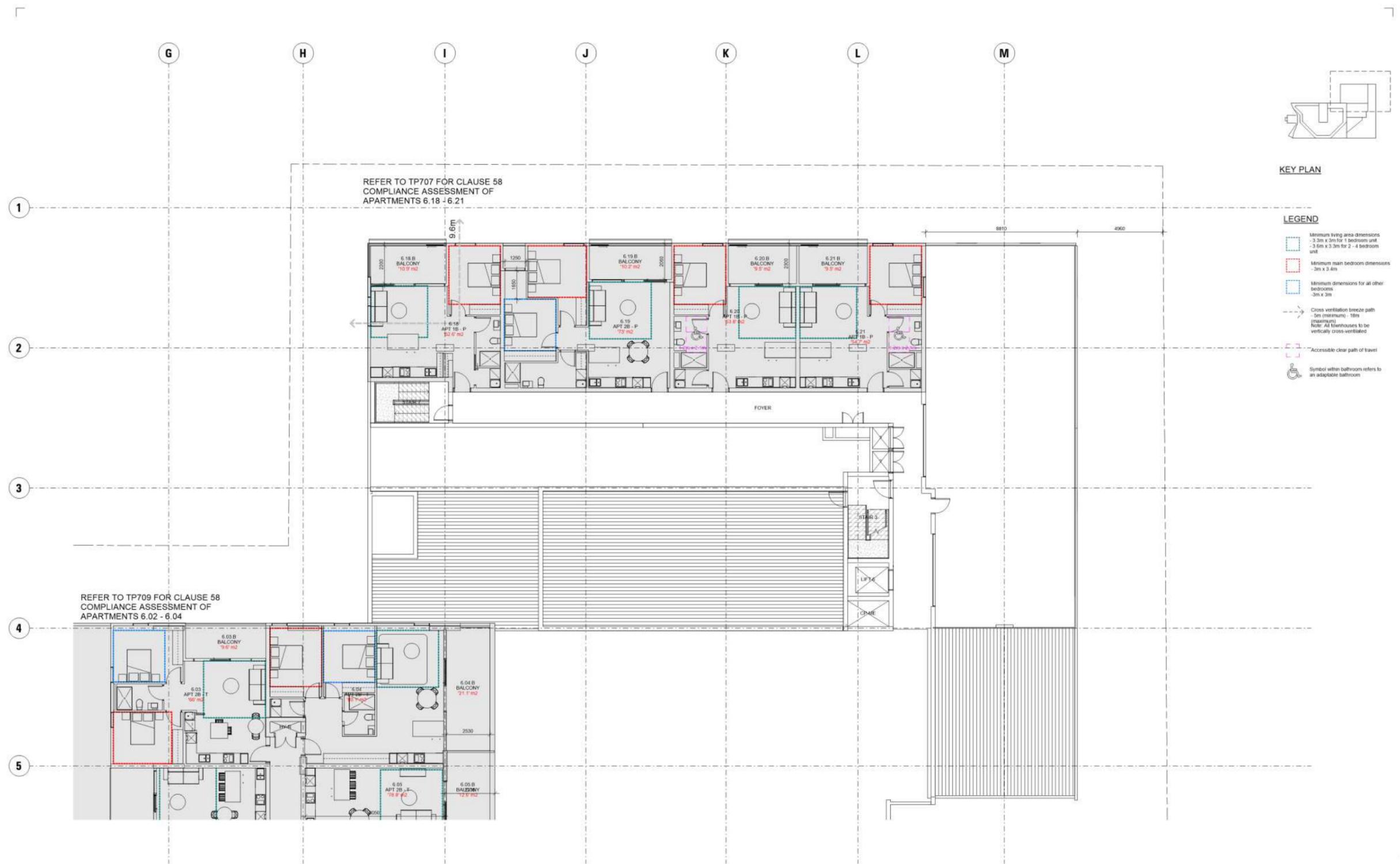
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**CHAPEL HILL  
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 EXPANDED SCHEME**  
**TITLE**  
**GENERAL  
 ARRANGEMENT PLAN  
 ZONE 1 - LEVEL 06**

<b>DRAWING NO.</b>	<b>TP709</b>	<b>REV</b>	<b>TP7</b>
<b>DWG SCALE</b>	As indicated at A1, half scale at A3		
<b>PROJECT NO.</b>	16040		
<b>PROJECT DATE</b>	09.2017		
<b>BIM FILENAME</b>	[Redacted]		
<b>OFFICE NO.</b>	A22061a		
<b>TOWNPLANNING</b>			



REV	DATE	DESCRIPTION	BY	CHKD
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE		KL
TP8	16.10.2020	TOWN PLANNING - RFI RESPONSE		KL
TP9	01.02.2020	FOR INFORMATION		AD

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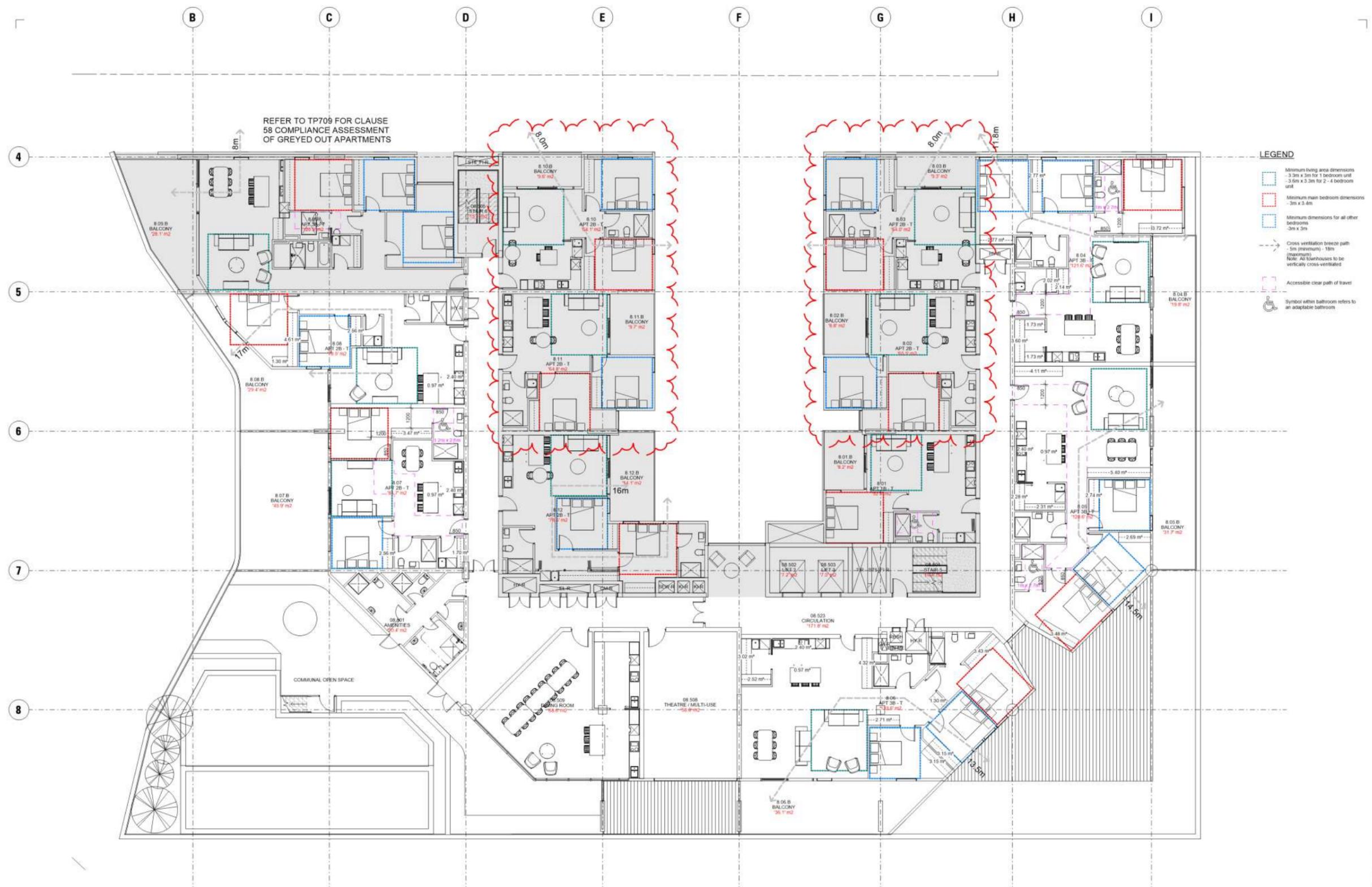
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**TITLE**  
**GENERAL  
 ARRANGEMENT PLAN  
 ZONE 2 - LEVEL 06**

DRAWING NO.	<b>TP710</b>	REV	<b>TP7</b>
DWG SCALE	As indicated at A1, half scale at A2		
PROJECT NO.	16040		
PROJECT DATE	09.2017		
SIM FILENAME	[unclear]		
DESIGNER	[unclear]		
CHECKED	[unclear]		
APPROVED	[unclear]		
OFFICE NO.	A22094a		
<b>TOWNPLANNING</b>			



REV	DATE	DESCRIPTION	BY	CHKD
TP7	15.01.2021	TOWN PLANNING - R1 RESPONSE		KL
TP8	16.10.2020	TOWN PLANNING - R1 RESPONSE		KL
TP9	20.02.2020	FOR INFORMATION		AD
REV	DATE	DESCRIPTION		

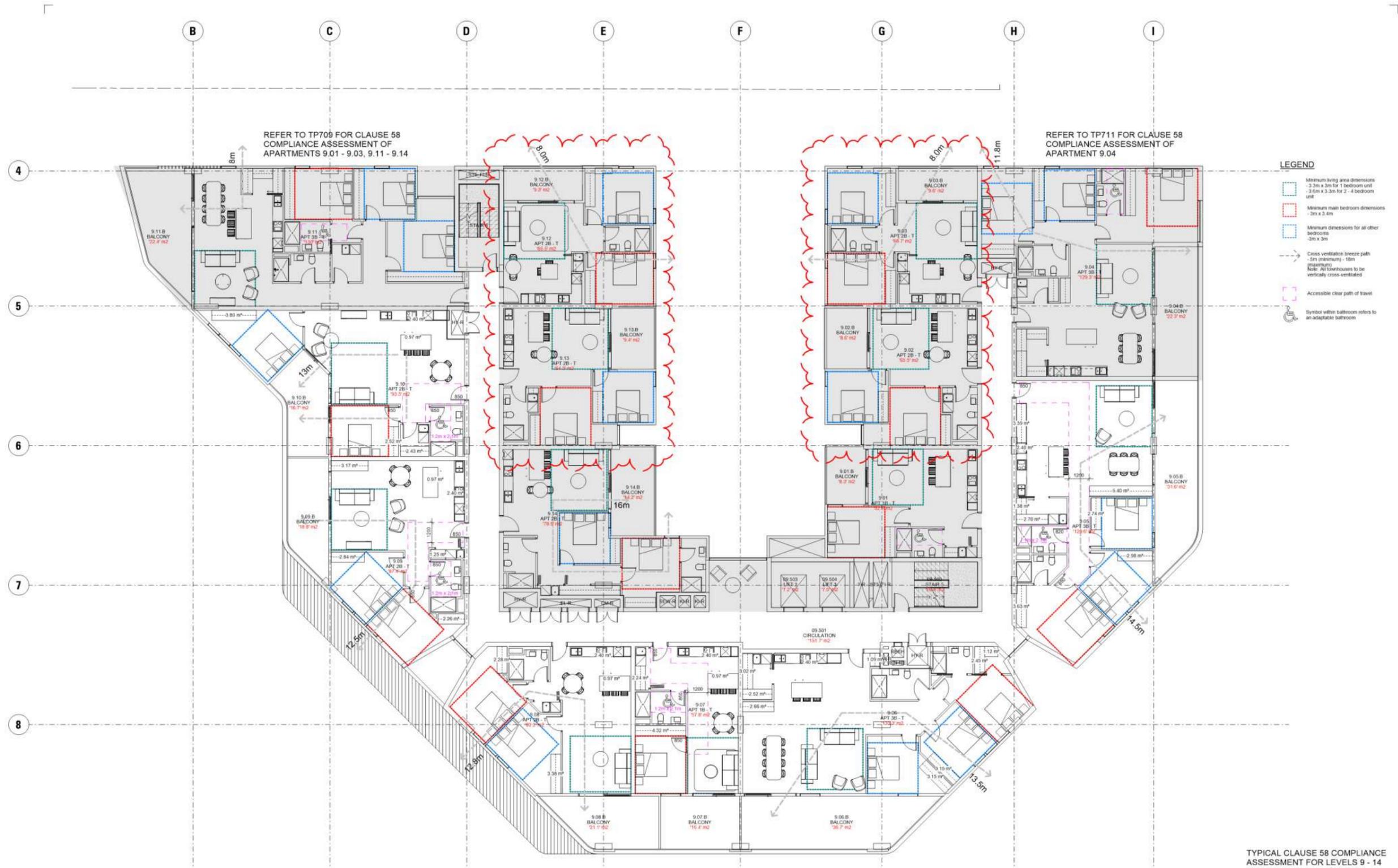
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**PROJECT**  
**CHAPEL HILL  
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 EXPANDED SCHEME**

<b>DRAWING NO.</b>	<b>TP711</b>	<b>REV</b>	<b>TP7</b>
<b>DWG SCALE</b>	As indicated at A1, half scale at A2		
<b>PROJECT NO.</b>	16040		
<b>PROJECT DATE</b>	09.2017		
<b>SIM FILENAME</b>			
<b>ISSUED BY</b>	KL	SC	AD
<b>OFFICE NO</b>	A22081		
<b>TOWNPLANNING</b>			



REV	DATE	DESCRIPTION	BY
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP8	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP9	03.07.2019	FOR INFORMATION	AD

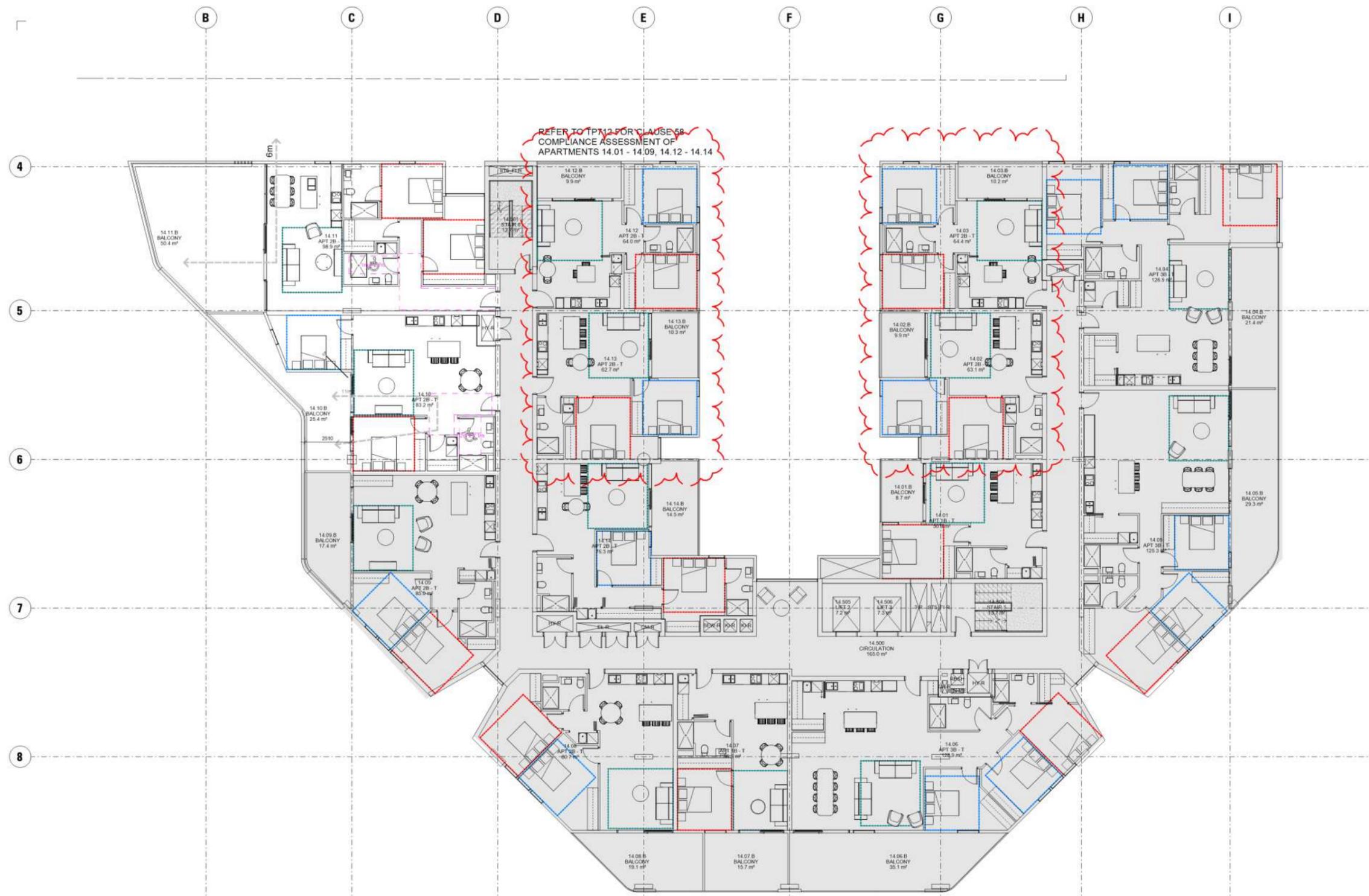
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**CHAPEL HILL  
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 EXPANDED SCHEME**  
**TITLE**  
**GENERAL  
 ARRANGEMENT PLAN -  
 LEVEL 09**

<b>DRAWING NO.</b>	<b>TP712</b>	<b>REV</b>	<b>TP7</b>
<b>DWG SCALE</b>	As indicated at A1, half scale at A3		
<b>PROJECT NO.</b>	16060		
<b>PROJECT DATE</b>	09.20.17		
<b>BIM FILENAME</b>			
<b>OFFICE NO.</b>	A22001		
<b>TOWNPLANNING</b>			



REV	DATE	DESCRIPTION	AD
TP7	15.01.2021	TOWN PLANNING - R1 RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - R1 RESPONSE	KL
TP5	20.02.2020	FOR INFORMATION	AD

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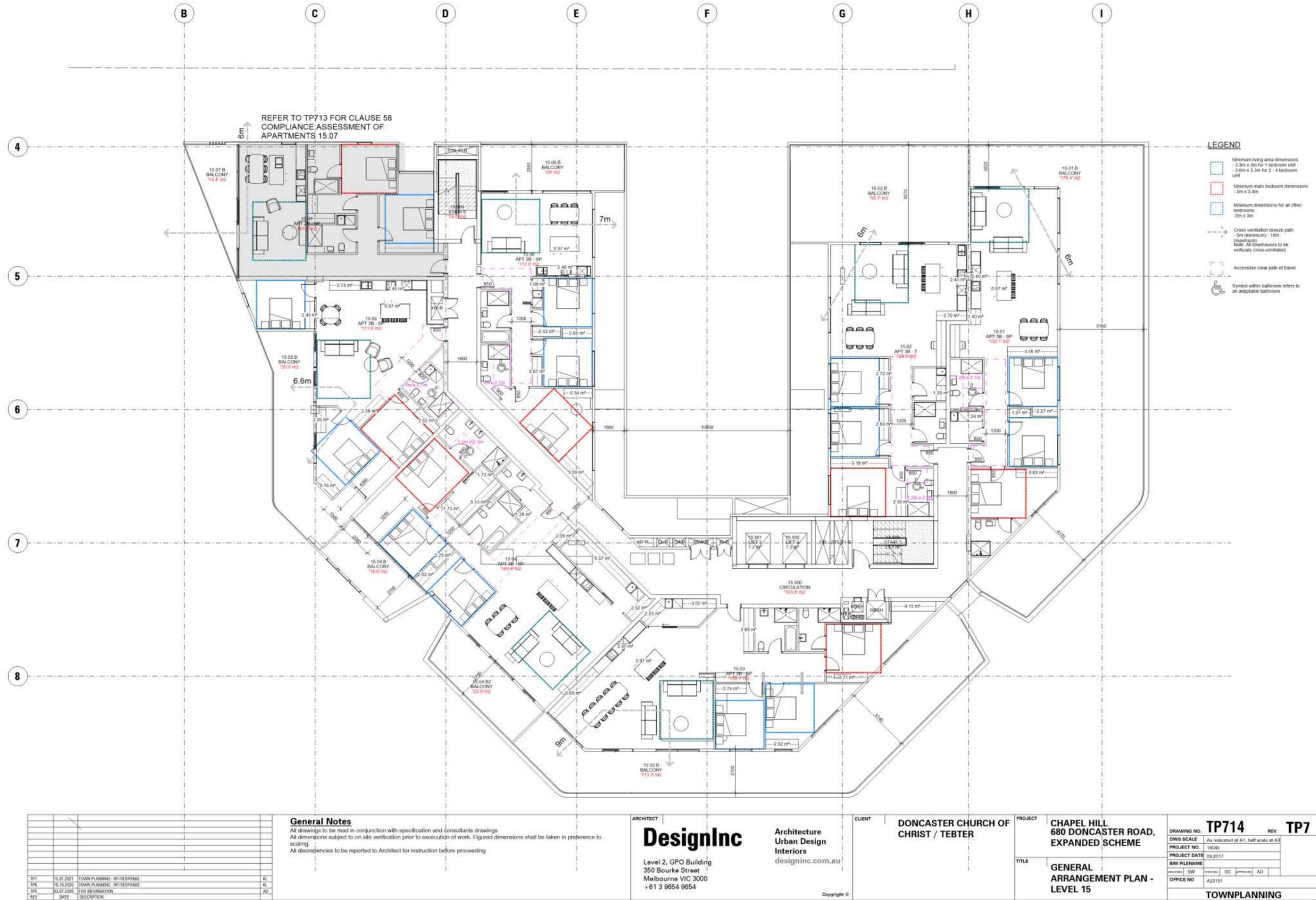
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**CLIENT**  
 DONCASTER CHURCH OF  
 CHRIST / TEBTER

**PROJECT**  
 CHAPEL HILL  
 680 DONCASTER ROAD,  
 EXPANDED SCHEME  
**TITLE**  
 GENERAL  
 ARRANGEMENT PLAN  
 ZONE 1 - LEVEL 14

DRAWING NO.	TP713	REV	TP7
DWG SCALE	1:100 at A1, half scale at A3		
PROJECT NO.	10040		
PROJECT DATE	09.2017		
BIM FILENAME			
DESIGNER		CHECKED	APPROVED
OFFICE NO.	A22141		
	TOWNPLANNING		

14.07.2021 10:28:56 PM  
 C:\Users\lucian\Documents\1405\1405-01\1405-01-TP713.dwg





REV	DATE	DESCRIPTION	BY
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	01.02.2020	FOR INFORMATION	AD

**General Notes**  
 All drawings to be read in conjunction with specification and consultants drawings.  
 All dimensions subject to on site verification prior to execution of work. Figured dimensions shall be taken in preference to scaling.  
 All discrepancies to be reported to Architect for instruction before proceeding.

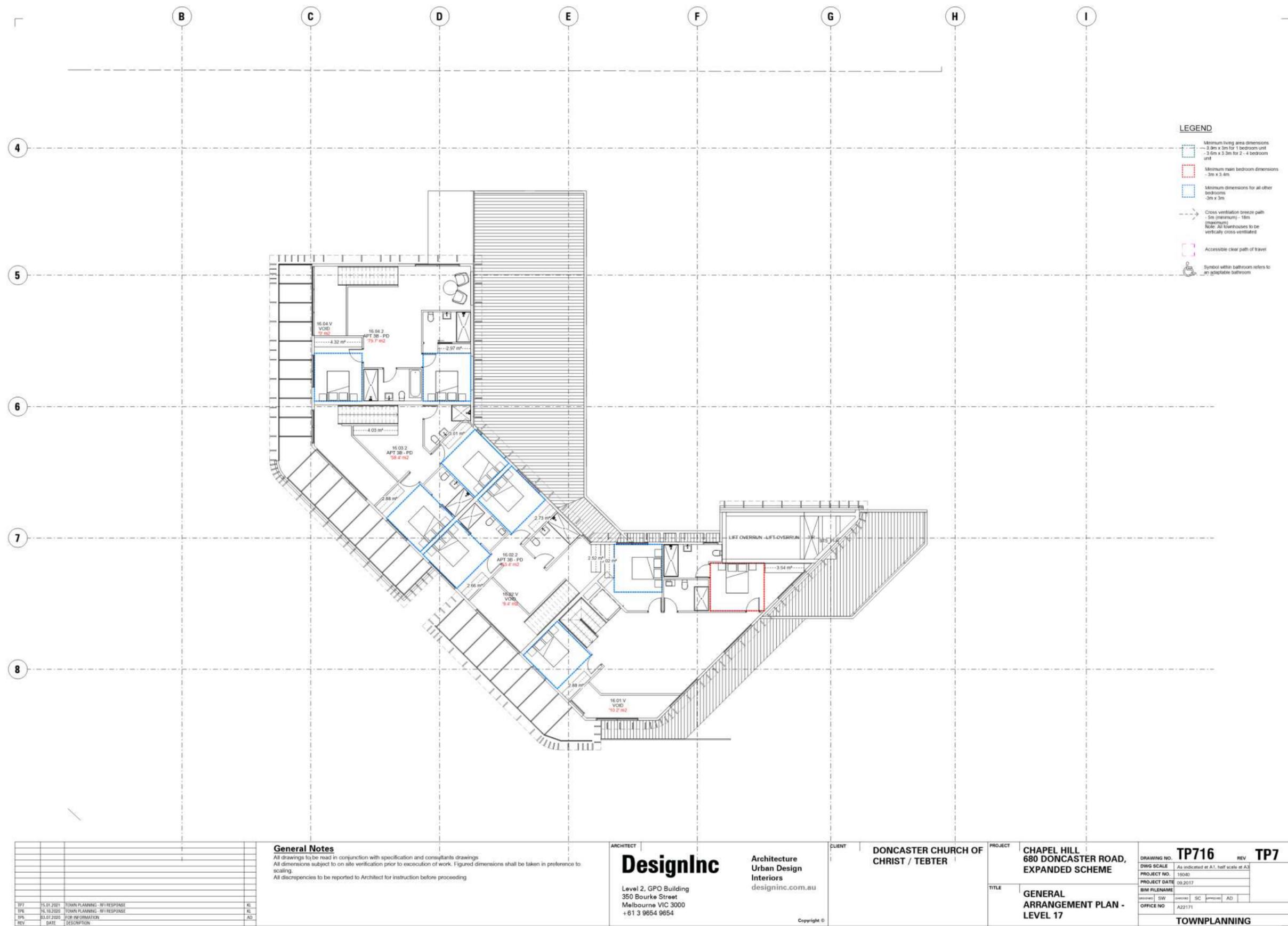
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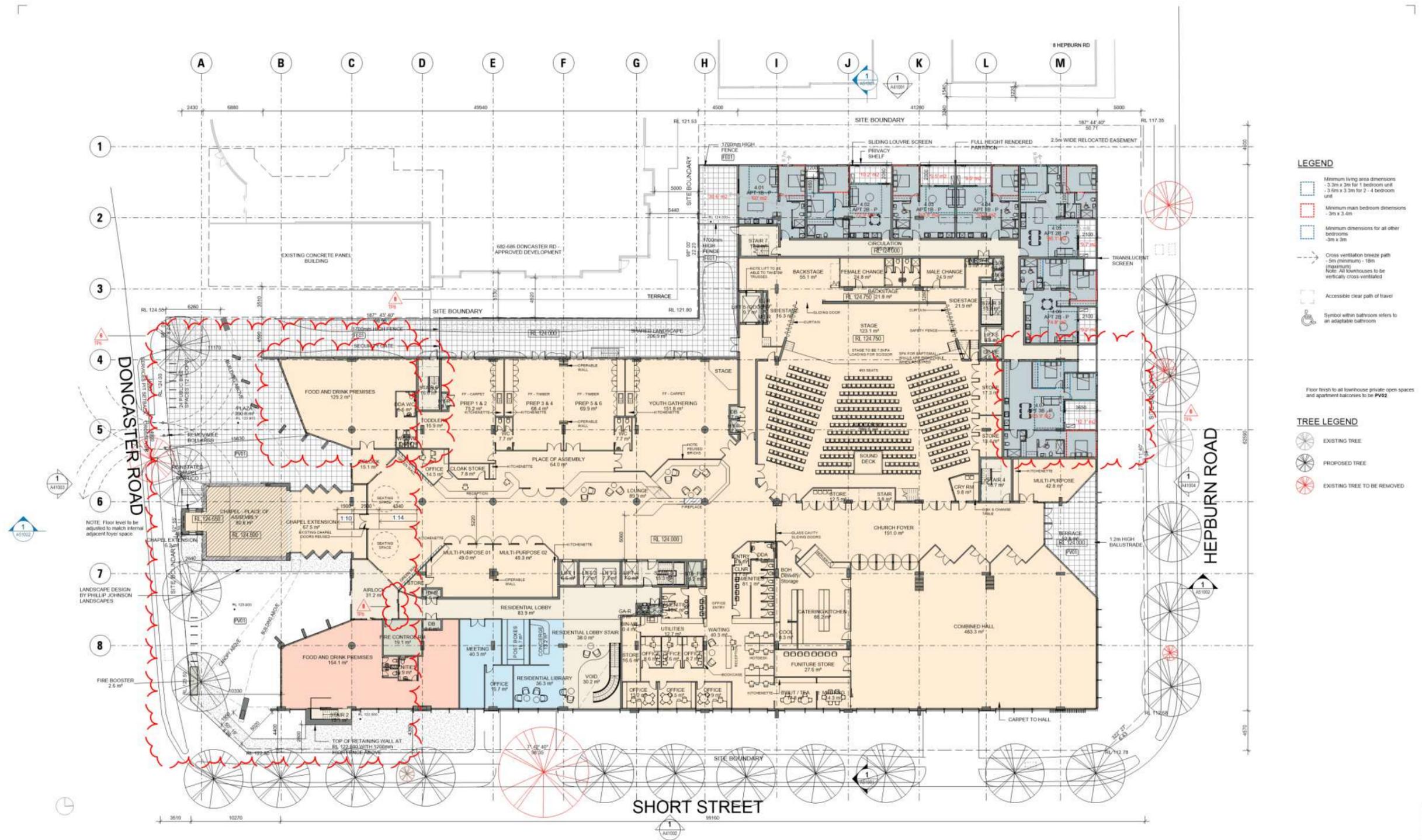
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**PROJECT**  
**CHAPEL HILL  
 680 DONCASTER ROAD,  
 EXPANDED SCHEME**

**TITLE**  
**GENERAL  
 ARRANGEMENT PLAN -  
 LEVEL 16**

**DRAWING NO.** TP715 **REV** TP7  
**DWG SCALE** As indicated at A1, half scale at A2  
**PROJECT NO.** 16040  
**PROJECT DATE** 09.2017  
**SIM FILENAME**  
**OFFICE NO** A22161  
**TOWNPLANNING**





- LEGEND**
- Minimum living area dimensions - 3.3m x 3m for 1 bedroom unit - 3.0m x 3.3m for 2-4 bedroom unit
  - Minimum main bedroom dimensions - 3m x 3.4m
  - Minimum dimensions for all other bedrooms - 3m x 3.4m
  - Cross ventilation breeze path - 5m (minimum) - 18m (maximum) Note: All townhouses to be vertically cross-ventilated
  - Accessible clear path of travel
  - Symbol within bathroom refers to an adaptable bathroom
- Floor finish to all lowhouse private open spaces and apartment balconies to be PV02
- TREE LEGEND**
- EXISTING TREE
  - PROPOSED TREE
  - EXISTING TREE TO BE REMOVED

NOTE: Floor level to be adjusted to match internal adjacent foyer space

LANDSCAPE DESIGN BY PHILLIP JOHNSON LANDSCAPES

FIRE BOOSTER 2.5 m<sup>2</sup>

REV	DATE	DESCRIPTION	BY	CHK
TP8	28.08.2021	DRAWING CORRECTION		KL
TP7	11.01.2021	TOWN PLANNING - R1 RESPONSE		KL
TP6	18.10.2020	TOWN PLANNING - R1 RESPONSE		KL
TP5	03.07.2020	FOR INFORMATION		AD
REV	DATE	DESCRIPTION		

**General Notes**  
 All drawings to be read in conjunction with specification and consultants drawings  
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**PROJECT**  
 CHAPEL HILL  
 680 DONCASTER ROAD,  
 EXPANDED SCHEME

**TITLE**  
 BUILDING KEY PLAN -  
 KEY - LEVEL 04

DRAWING NO.	TP206	REV	TP8
DWG SCALE	As indicated at A1, half scale at A3		
PROJECT NO.	16040		
PROJECT DATE	09.2017		
BIM FILENAME			
ISSUED BY	KL	APPROVED BY	AD
OFFICE NO.	A21041		
<b>TOWNPLANNING</b>			



REV	DATE	DESCRIPTION	BY
TP8	29.09.2021	DRAWING CORRECTION	KL
TP7	11.01.2021	TOWN PLANNING - R1 RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - R1 RESPONSE	KL
TP5	03.07.2020	DOB INFORMATION	AD

**General Notes**  
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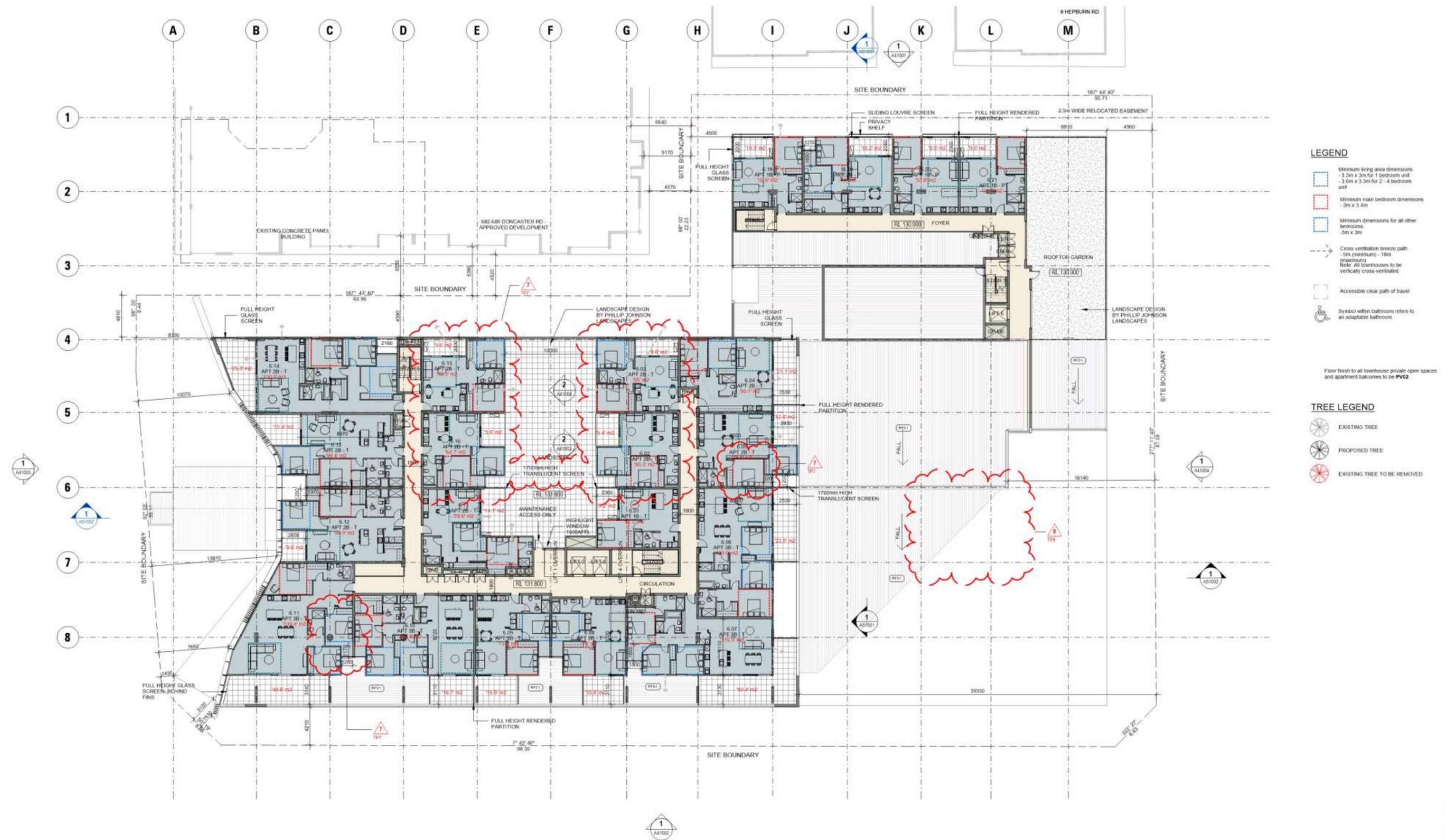
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**PROJECT**  
**CHAPEL HILL  
 680 DONCASTER ROAD,  
 EXPANDED SCHEME**

**TITLE**  
**BUILDING KEY PLAN -  
 KEY - LEVEL 05**

DRAWING NO.	<b>TP207</b>	REV	<b>TP8</b>
DWG SCALE	As indicated at A1, half scale at A3		
PROJECT NO.	16040		
PROJECT DATE	09.2017		
SIM FILENAME			
ISSUED BY	KL	APPROVED BY	AD
OFFICE NO.	A21051		
<b>TOWNPLANNING</b>			



REV	DATE	DESCRIPTION	BY	CHK
TP8	28.08.2021	DRAWING CORRECTION		KL
TP7	11.01.2021	TOWN PLANNING - R1 RESPONSE		KL
TP6	16.10.2020	TOWN PLANNING - R1 RESPONSE		KL
TP5	05.07.2020	FOR INFORMATION		AD

**General Notes**  
 All drawings to be read in conjunction with specification and consultants drawings.  
 All dimensions subject to on site verification prior to execution of work. Figured dimensions shall be taken in preference to scaling.  
 All discrepancies to be reported to Architect for instruction before proceeding.

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**CLIENT**  
**DONCASTER CHURCH OF CHRIST / TEBTER**

**PROJECT**  
**CHAPEL HILL  
 680 DONCASTER ROAD,  
 EXPANDED SCHEME**

**TITLE**  
**BUILDING KEY PLAN -  
 KEY - LEVEL 06**

DRAWING NO.	<b>TP208</b>	REV	<b>TP8</b>
DWG SCALE	As indicated at A1, half scale at A3		
PROJECT NO.	16040		
PROJECT DATE	09.2017		
BIM FILENAME			
ISSUED BY	KL	APPROVED BY	AD
OFFICE NO.	A21061		
<b>TOWNPLANNING</b>			



**MANNINGHAM CITY COUNCIL**

and

**THE PROPERTIES CORPORATION OF THE  
CHURCHES OF CHRIST**

**AFFORDABLE HOUSING AGREEMENT MADE  
PURSUANT TO SECTION 173 OF THE  
PLANNING AND ENVIRONMENT ACT 1987**

Property: 14, 14A and 16–18 Hepburn Road,  
2 Short Street and 674–680 Doncaster  
Road, Doncaster Victoria 3108

**Russell Kennedy Pty Ltd** ACN 126 792 470 ABN 14 940 129 185  
Level 12, 469 La Trobe Street, Melbourne VIC 3000 PO Box 5146, Melbourne VIC 3001 DX 494 Melbourne  
T +61 3 9609 1555 F +61 3 9609 1600 info@rk.com.au russellkennedy.com.au

Liability limited by a scheme approved under Professional Standards Legislation.

Ref MJD 119399-00102

An international member of

**AllyLaw**

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**THIS AGREEMENT** is made on

2021

**PARTIES**

- 1 **MANNINGHAM CITY COUNCIL**  
of 699 Doncaster Road, Doncaster Victoria 3108  
(Council)
- 2 **THE PROPERTIES CORPORATION OF THE CHURCHES OF CHRIST**  
ABN 40 411 353 768  
of First Floor, 582 Heidelberg Road, Fairfield Victoria 3078  
(Owner)

**RECITALS**

- A The Council is the responsible authority under the Act for the Scheme.
- B The Owner is registered or is entitled to be registered as proprietor of the Land.
- C The Owner has sought the support of Council in respect of the preparation and public exhibition of the Amendment, which, if approved, would allow:
  - (i) a maximum height (excluding the basement) for development of the Land to increase from 29m to 40m;
  - (ii) the design element height to increase from 5.8m above maximum height to 8m above maximum height;
  - (iii) increase setbacks from the front tower edge from the front boundary from 9m to 11m; and
  - (iv) generally allow the use and development of the Land for, amongst other things, a 17-storey mixed use building in accordance with the new planning permit, being an increase of 4 storeys above that permitted by the Existing Permit.
- D The Council requires the Owner to enter into and record this Agreement prior to the approval and gazettal of the Amendment and the issue of the Permit.
- E Part of the Land is encumbered by mortgage number AN484923L in which Churches of Christ Financial Services Limited is named as mortgagee. This Mortgagee has consented to the Owner entering into this Agreement.
- F Another part of the Land is encumbered by mortgage number AQ051835X in which National Australia Bank Limited is named as mortgagee. This Mortgagee has consented to the Owner entering into this Agreement.
- G This Agreement has been entered into in order to:
  - (i) facilitate and regulate the use or development of the Land; and
  - (ii) achieve and advance the objectives of planning in Victoria or the objectives of the Scheme in relation to the Land.
- H This Agreement is made under Division 2 of Part 9 of the Act.

**OPERATIVE PROVISIONS****1 DEFINITIONS**

In this Agreement:

- (a) **Act** means the *Planning and Environment Act 1987* as amended from time to time.
- (b) **Affordable Housing** has the same meaning as given to that term in the Act but excludes Social Housing.
- (c) **Affordable Housing Dwelling** means a Dwelling constructed on an Affordable Housing Lot which satisfies the Minimum Requirements and utilised for Affordable Housing.
- (d) **Affordable Housing Lot** means an individually titled Lot within the Development subdivided from the Land in accordance with any planning and other approval on which an Affordable Housing Dwelling is, or will be, constructed.
- (e) **Affordable Housing Provider** means:
  - (i) a Registered Housing Agency; or
  - (ii) a person or body that provides Affordable Housing in Victoria, approved by Council, such approval not to be unreasonably withheld or delayed.
- (f) **Agreement** means this Agreement, including the recitals and any annexures to this Agreement.
- (g) **Amendment** means proposed amendment C127mann to the Scheme.
- (h) **Business Day** means Monday to Friday excluding public holidays in Victoria.
- (i) **Development** means the proposed mixed use development on the Land in accordance with the Amendment as approved.
- (j) **Dwelling** has the same meaning as in the Scheme.
- (k) **Eligible Recipient** means a very low income household, low income household, or moderate income household as specified in the Ministerial Order that is eligible to purchase or reside in Affordable Housing in accordance with the Act.
- (l) **Endorsed Plan** means any plan or plans endorsed from time to time under the Permit.
- (m) **Existing Permit** means the planning permit described in Item 2 of Schedule 1, and includes any variation, amendment, replacement, and supplementary planning permit to that planning permit, other than the Amendment as approved.
- (n) **Government Agency** means any:
  - (i) government or government department or other body;
  - (ii) governmental, semi-governmental, municipal, administrative, statutory or judicial person, body or authority;

- (iii) a person (whether autonomous or not) charged with administration of any applicable Law.
- (o) **GST Act** means the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) (as amended).
- (p) **GST** means the goods and services tax as defined in the GST Act and also includes penalties and interest and any notional tax payable pursuant to the *GST Act and the National Taxation Reform (Consequential Provisions) Act 2000* (Cth).
- (q) **Housing Act** means the *Housing Act 1983* as amended from time to time.
- (r) **Input Tax Credit** in relation to a supply, means a credit under the GST Act for the GST payable by the recipient in respect of the supply.
- (s) **Land** means the land described in Item 1 of Schedule 1.
- (t) **Law** means any law, rule, Act, ordinance, regulation, by-law, local law, order, statutory instrument, control, restriction, direction, notice or proclamation and includes the requirements of any Government Agency, or any permit, the Scheme, or approval affecting the Land.
- (u) **Lot** has the same meaning as given to that term in the *Subdivision Act 1988* (Vic).
- (v) **Minimum Number** means the minimum number of Affordable Housing Dwellings specified in Item 3 of Schedule 1.
- (w) **Minimum Requirements** means the minimum requirements that a Dwelling in the Development must meet in order to qualify as an Affordable Housing Dwelling, set out in Item 4 of Schedule 1.
- (x) **Minister** means the Minister for Planning.
- (y) **Ministerial Order** means the order published pursuant to section 3AB of the Act entitled '*Specification of Income Ranges*' published in the Victorian Government Gazette No. G23 dated 26 June 2019 at page 1070 and any additional or replacement order.
- (z) **Mortgagee** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as mortgagee of the Land or any part of it.
- (aa) **NDIS** means the *National Disability Insurance Scheme*, which is a scheme of the Commonwealth of Australia that funds costs associated with disability, including housing.
- (bb) **NRAS** means the *National Rental Affordability Scheme*, which is a partnership between Australian, State and Territory governments to invest in affordable rental housing for low and moderate income earners.
- (cc) **Owner** means the person or persons who are registered or are entitled to be registered as proprietor of an estate in the Land or any part thereof, and includes a mortgagee in possession.
- (dd) **Permit** means any planning permit which may issue in respect of the Permit Application.

- (ee) **Permit Application** means the planning permit application proposed pursuant to section 96A of the Act in conjunction with the Amendment, identified in Item 5 of Schedule 1.
- (ff) **Plans and Specifications** means the plans, drawings, specifications and other documentation necessary to show compliance with the Minimum Requirements in respect of the Affordable Housing Dwellings to be approved to the satisfaction of the Council.
- (gg) **Registered Housing Agency** means a housing provider or association registered with Victoria's Registrar for Housing Agencies for the purposes of the Housing Act.
- (hh) **Scheme** means the Manningham Planning Scheme or any other planning scheme which applies to the Land from time to time.
- (ii) **Social Housing** has the same meaning as given to that term in the Act.
- (jj) **Tax Invoice** in relation to a supply, means an invoice for the supply required by the GST Act to support a claim by the recipient for an Input Tax Credit for the GST on the supply.

## 2 COMMENCEMENT

This Agreement comes into force on the date it was made as set out above.

## 3 ENDING OR AMENDING AGREEMENT

### 3.1 Ending or amending

3.1.1 This Agreement ends on the earlier of the date Council notifies the Owner in writing that the Owner:

- (a) has complied with all of its obligations under this Agreement; or
- (b) Council no longer requires the Owner to comply with the obligations specified in this Agreement.

3.1.2 Otherwise, this Agreement ends or is amended in accordance with the Act.

### 3.2 Cancellation or alteration of recording

As soon as reasonably practicable after this Agreement has ended or has been amended, the Council must, at the request and at the cost of the Owner, apply to the Registrar of Titles under the Act to cancel or alter the recording of this Agreement on the folio of the Register to the Land.

## 4 OWNER'S COVENANTS

### 4.1 Approval of Plans and Specifications

4.1.1 The Owner must provide to the Council for Council's approval (not to be unreasonably withheld) the proposed Plans and Specifications for the Affordable Housing:

- (a) as contemplated in this Agreement; and
- (b) at least ninety (90) days before,

and must obtain Council's approval to the Plans and Specifications, before the commencement of works under the Permit.

- 4.1.2 The Council must consider and respond to the proposed Plans and Specifications within sixty (60) days of receipt.
- 4.1.3 If Council does not provide its approval to the proposed Plans and Specifications the Council must give sufficient particulars as to why approval has been withheld. The Owner must amend and re-submit amended Plans and Specifications to Council for Council's approval, and the process in clauses 4.1.2 and 4.1.3 will repeat until Council's approval is given.

#### 4.2 Construction of Affordable Housing Dwellings

If the Owner commences any works pursuant to the Permit in respect of the Development on the Land, the Owner must promptly construct the Development in a continuous, proper and workmanlike manner and using all due care and skill, including the Minimum Number of Affordable Housing Dwellings on the Land for use as Affordable Housing, strictly in accordance with:

- 4.2.1 the Plans and Specifications;
- 4.2.2 the Endorsed Plans under the Permit; and
- 4.2.3 all applicable Laws.

#### 4.3 Approval of Affordable Housing Provider(s) and/or Eligible Recipients

4.3.1 The Owner must obtain Council's approval (not to be unreasonably withheld or delayed) to the initial Affordable Housing Provider or initial Eligible Recipient to which each of the Affordable Housing Dwellings are first to be transferred or leased to in accordance with this Agreement.

4.3.2 The Owner must enter into an agreement with:

- (a) one or more Affordable Housing Providers; and/or
- (b) one or more Eligible Recipients (provided that an Eligible Recipient cannot receive more than one Affordable Housing Dwelling),

for the transfer of at least the Minimum Number of Affordable Housing Dwellings, such agreement(s) to be approved by Council. Such agreement may take the form of, or include, a contract of sale.

4.3.3 Council will not unreasonably withhold or delay its approval to an agreement under clause 4.3.1 where:

- (a) Council has previously approved the relevant Affordable Housing Provider or Eligible Recipient; and
- (b) in the case of an Affordable Housing Provider, the agreement adequately provides for the future transfer or leasing of the Affordable Housing Dwellings to Eligible Recipients to Council's satisfaction in accordance with the terms of this Agreement.

#### 4.4 Delivery of Affordable Housing

Within the timeframes stipulated in clause 4.5 the Owner must transfer at least the Minimum Number of Affordable Housing Dwellings to the:

- 4.4.1 relevant Affordable Housing Provider(s) and/or Eligible Recipients approved by Council;
- 4.4.2 strictly in accordance with the relevant agreement approved by Council under clause 4.3; and
- 4.4.3 with good title, free of any mortgage, charge or caveat, and any other covenant, restriction or encumbrances that prevents or materially affects the ability of the Affordable Housing Dwelling to be utilised for Affordable Housing purposes.

#### 4.5 Timeframe for delivery

The Owner must fulfil all of its obligations under clauses 4.2, 4.3, and 4.4:

- 4.5.1 within 12 months of the later of:
  - (a) registration of the plan of subdivision creating the Affordable Housing Lots; and
  - (b) issuance of occupancy permits under the *Building Act 1993 (Vic)* for each Affordable Housing Dwelling; and
- 4.5.2 prior to the commencement of use of any part of the Development, other than that part to be used by the Owner as a place of worship.

#### 4.6 Successors in title

Until this Agreement is recorded on the folio of the Register which relates to the Land pursuant to section 181 of the Act, the Owner must ensure that the Owner's successors in title give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement including requiring the successors in title to execute a deed agreeing to be bound by the terms of this Agreement. Until that deed is executed, the Owner, being a party to this Agreement, remains liable to perform all of the Owner's obligations contained in this Agreement.

#### 4.7 Further assurance

The Owner must do all things necessary (including signing any further agreement, acknowledgment or document) to enable the Council to record this Agreement on the folio of the Register which relates to the Land.

#### 4.8 Payment of Council's costs

The Owner agrees to pay on demand to the Council the Council's costs and expenses (including any legal fees incurred on a solicitor-client basis) of and incidental to the preparation, execution, recording, removal, amendment and enforcement of this Agreement.

#### 4.9 Mortgagee to be bound

The Owner covenants to obtain the consent of any Mortgagee to be bound by the covenants in this Agreement if the Mortgagee becomes mortgagee in possession of the Land.

**4.10 Indemnity**

The Owner covenants to indemnify and keep the Council, its officers, employees, agents, workmen and contractors indemnified from and against all costs, expenses, losses or damages which they or any of them may sustain incur or suffer or be or become liable for or in respect of any suit action proceeding judgement or claim brought by any person arising from or referable to this Agreement or any non-compliance with this Agreement.

**4.11 Non-compliance**

If the Owner has not complied with this Agreement within 14 days after the date of service on the Owner by the Council of a notice which specifies the Owner's failure to comply with any provision of this Agreement, the Owner covenants:

- 4.11.1 to allow the Council its officers, employees, agents, workmen and contractors to enter the Land and rectify the non-compliance;
- 4.11.2 to pay to the Council on demand, the Council's reasonable costs and expenses (**Costs**) incurred as a result of the Owner's non-compliance;
- 4.11.3 to pay interest at the rate of 2% above the rate prescribed under section 2 of the *Penalty Interest Rates Act 1983* on all moneys which are due and payable but remain owing under this Agreement until they are paid in full,

and the Owner agrees:

- 4.11.4 to accept a certificate signed by the Chief Executive Officer of the Council (or any nominee of the Chief Executive Officer) as prima facie proof of the Costs incurred by the Council in rectifying the Owner's non-compliance with this Agreement;
- 4.11.5 that any payments made for the purposes of this Agreement shall be appropriated first in payment of any interest and any unpaid Costs of the Council and then applied in repayment of the principal sum;
- 4.11.6 that all Costs or other monies which are due and payable under this Agreement but which remain owing shall be a charge on the Land until they are paid in full.

**4.12 Council access**

The Owner covenants to allow the Council and its officers, employees, agents, workmen and contractors or any of them, to enter the Land (at any reasonable time) to assess compliance with this Agreement.

**4.13 Covenants run with the Land**

The Owner's obligations in this Agreement are intended to take effect as covenants which shall be annexed to and run at law and in equity with the Land and every part of it, and bind the Owner and its successors, assignees and transferees, the registered proprietor or proprietors for the time being of the Land and every part of the Land.

**4.14 Owner's warranty**

The Owner warrants and covenants that:

- 4.14.1 the Owner is the registered proprietor (or is entitled to become the registered proprietor) of the Land and is also the beneficial owner of the Land;

- 4.14.2 the execution of this Agreement by the Owner complies with the Registrar's Requirements for Paper Conveyancing Transactions made under section 106A of the *Transfer of Land Act 1958*;
- 4.14.3 there are no mortgages, liens, charges or other encumbrances or leases or any rights inherent in any person other than the Owner affecting the Land which have not been disclosed by the usual searches of the folio of the Register for the Land or notified to the Council;
- 4.14.4 no part of the Land is subject to any rights obtained by adverse possession or subject to any easements or rights described or referred to in section 42 of the *Transfer of Land Act 1958*; and
- 4.14.5 until this Agreement is recorded on the folio of the Register which relates to the Land, the Owner will not sell, transfer, dispose of, assign, mortgage or otherwise part with possession of the Land or any part of the Land without first disclosing to any intended purchaser, transferee, assignee or mortgagee the existence and nature of this Agreement.

## 5 GOODS AND SERVICES TAX

### 5.1 Definitions and expressions

Expressions used in this Agreement that are defined in the GST Act have the same meaning as given to them in the GST Act, unless expressed to the contrary.

### 5.2 Amounts payable do not include GST

Each amount, of whatever description, specified as payable by one party to the other party under this Agreement is expressed as a GST exclusive amount unless specified to the contrary.

### 5.3 Liability to pay any GST

Subject to clause 5.4, in addition to any amount payable by one party to the other party under this Agreement in respect of a taxable supply, the party liable to pay the amount (**Recipient**) must pay to the other party (**Supplier**) a sum equivalent to the GST payable, if any, by the Supplier in respect of the taxable supply on the date on which the Supplier makes a taxable supply to the Recipient irrespective of when the Supplier is liable to remit any GST under this Agreement in respect of a taxable supply to any governmental authority.

### 5.4 Tax Invoice

A party's right to payment under clause 5.3 is subject to a Tax Invoice being delivered to the Recipient.

## 6 GENERAL

### 6.1 No fettering of Council's powers

This Agreement does not fetter or restrict the Council's power or discretion in respect of any of the Council's decision making powers including but not limited to an ability to make decisions under the *Local Government Act 1989*, the *Local Government Act 2020*, and the Act or to make or impose requirements or conditions in connection with any use or development of the Land or the granting of any planning permit, the approval or certification of any plans of subdivision or consolidation relating to the Land or the issue of a Statement of Compliance in connection with any such plans.

**6.2 Time of the essence**

Time is of the essence as regards all dates, periods of time and times specified in this Agreement.

**6.3 Counterparts and electronic execution**

6.3.1 The parties consent to this Agreement being executed by or on behalf of one or more parties electronically by an electronic signature and/or by using an electronic execution service (**EES**) such as DocuSign.

6.3.2 Where this Agreement is executed electronically for or on behalf of a party (including by way of an EES), that party warrants that the electronic signature has been used to identify the person signing and to indicate that the party intends to be bound by the electronic signature.

6.3.3 This Agreement:

- (a) may be executed in any number of counterparts and all the counterparts together constitute one and the same instrument; and
- (b) is binding on the parties on the exchange of executed counterparts (including an exchange completed by EES) – a copy of an executed counterpart received by facsimile machine, email, or ESS:
  - (1) must be treated as an original counterpart;
  - (2) is sufficient evidence of the execution of the original; and
  - (3) may be produced in evidence for all purposes in place of the original.

6.3.4 If the signatures on behalf of one party are on different counterparts, this will be taken to be, and have the same effect as, signatures on the same counterpart and on a single copy of this Agreement.

**6.4 Governing law and jurisdiction**

This Agreement is governed by and is to be construed in accordance with the laws of Victoria. Each party irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts and tribunals of Victoria and waives any right to object to proceedings being brought in those courts or tribunals.

**6.5 Enforcement and severability**

6.5.1 This Agreement shall operate as a contract between the parties and be enforceable as such in a Court of competent jurisdiction regardless of whether, for any reason, this Agreement were held to be unenforceable as an agreement pursuant to Division 2 of Part 9 of the Act.

6.5.2 If a Court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void, then it shall be severed and the other provisions of this Agreement shall remain operative.

**6.6 Owner remains responsible**

The Owner has sole responsibility for the performance of its obligations under this Agreement, and is not relieved of any liability or obligation to perform its obligations under this Agreement, irrespective of:

- 6.6.1 receipt, review, inspection, consent, approval, or acceptance by the Council of any documents or information supplied by the Owner, including any plans; or
- 6.6.2 the Owner procuring the performance of any obligations by any third party, including any builders or consultants, regardless of whether this Agreement permits the procuring of a third party to perform. The Owner remains solely responsible for any actions or omissions of any party the Owner engages to carry out of the Owner's obligations under this Agreement (including any builder or consultants), as if those actions or omissions were performed or omitted by the Owner.

**7 NOTICES****7.1 Service of notice**

A notice or other communication required or permitted, under this Agreement, to be served on a person must be in writing and may be served:

- 7.1.1 personally on the person;
- 7.1.2 by leaving it at the person's address set out in this Agreement;
- 7.1.3 by posting it by prepaid post addressed to that person at the person's current address for service;
- 7.1.4 by email to the person's current email address notified to the other party; or
- 7.1.5 by facsimile to the person's current number notified to the other party.

**7.2 Time of service**

A notice or other communication is deemed served:

- 7.2.1 if served personally or left at the person's address, upon service;
- 7.2.2 if posted within Australia to an Australian address by express post, two Business Days; by standard post, six Business Days after posting;
- 7.2.3 if sent by email, subject to the clause 7.2.5, at the time of receipt as specified in section 13A of the *Electronic Transactions (Victoria) Act 2000*;
- 7.2.4 if served by facsimile, subject to the clause 7.2.5, at the time indicated on the transmission report produced by the sender's facsimile machine indicating that the facsimile was sent in its entirety to the addressee's facsimile; and
- 7.2.5 if received after 5.00pm in the place of receipt or on a day which is not a Business Day, at 9.00am on the next Business Day.

**7.3 Proof of receipt of notice by email**

In proving that a notice given by email has been received by the recipient, it is sufficient to produce an acknowledgement or receipt that the email has reached the recipient's email address.

**8 INTERPRETATION**

In this Agreement, unless the contrary intention appears:

- 8.1 the singular includes the plural and vice versa;
- 8.2 a reference to a document or instrument, including this Agreement, includes a reference to that document or instrument as novated, altered or replaced from time to time;
- 8.3 a reference to an individual or person includes a partnership, body corporate, government authority or agency and vice versa;
- 8.4 a reference to a party includes that party's executors, administrators, successors, substitutes and permitted assigns;
- 8.5 words importing one gender include other genders;
- 8.6 other grammatical forms of defined words or expressions have corresponding meanings;
- 8.7 a covenant, undertaking, representation, warranty, indemnity or agreement made or given by:
  - 8.7.1 two or more parties; or
  - 8.7.2 a party comprised of two or more persons,is made or given and binds those parties or persons jointly and severally;
- 8.8 a reference to a statute, code or other law includes regulations and other instruments made under it and includes consolidations, amendments, re-enactments or replacements of any of them;
- 8.9 a recital, schedule, annexure or description of the parties forms part of this Agreement;
- 8.10 if an act must be done on a specified day that is not a Business Day, the act must be done instead on the next Business Day;
- 8.11 if an act required to be done under this Agreement on a specified day is done after 5.00pm on that day in the time zone in which the act is performed, it is taken to be done on the following day;
- 8.12 a party that is a trustee is bound both personally and in its capacity as trustee;
- 8.13 a reference to an authority, institution, association or body (original entity) that has ceased to exist or been reconstituted, renamed or replaced or whose powers or functions have been transferred to another entity, is a reference to the entity that most closely serves the purposes or objects of the original entity;
- 8.14 headings and the provision of a table of contents are for convenience only and do not affect the interpretation of this Agreement.

## SCHEDULE 1

<b>Item 1 Land</b>	<p>All the land contained in the following certificates of title:</p> <ul style="list-style-type: none"> <li>(a) volume 8420 folio 973, being Lot 7 on LP 56685;</li> <li>(b) volume 11898 folio 154, being Lot 1 on TP 963498;</li> <li>(c) volume 8760 folio 463, being Lot 1 on TP 414887E;</li> <li>(d) volume 8234 folio 237, being Lot 1 on TP 238272A;</li> <li>(e) volume 8420 folio 974, being part of Lot 8 on LP 56685;</li> <li>(f) volume 9868 folio 389, being Lot 1 on SP 31128V;</li> <li>(g) volume 9868 folio 390, being Lot 2 on SP 31128V;</li> <li>(h) volume 8458 folios 832 and 833, being Lot 10 on LP 56685; and</li> <li>(i) volume 8420 folio 975, being Lot 9 on LP 56685,</li> </ul> <p>and known as 14, 14A and 16–18 Hepburn Road, 2 Short Street and 674–680 Doncaster Road, Doncaster Victoria 3108.</p>
<b>Item 2 Existing Permit</b>	<p>PLN18/0571 issued in respect of the Land by Council on 3 July 2019 authorising, amongst other things, the development and use of the Land for a 13-storey building in accordance with plans endorsed pursuant to that permit.</p>
<b>Item 3 Minimum Number of Affordable Housing Dwellings</b>	<p>10 Affordable Housing Dwellings.</p>
<b>Item 4 Minimum Requirements</b>	<p>The Minimum Requirements for a Dwelling to qualify as an Affordable Housing Dwelling for the purposes of this Agreement are each Dwelling must:</p> <ul style="list-style-type: none"> <li>(a) generally be 1 or 2 bedroom apartments;</li> <li>(b) be 'tenure blind', that is, with finishes reflecting all other apartments within the Development, being integrated into the Development and indistinguishable from comparable private market Dwellings in the Development;</li> <li>(c) be suitably located, accessible, and fitted out to meet the needs of the relevant Affordable Housing Provider and/or Eligible Recipient (if applicable);</li> <li>(d) preferably be located in the lower floor levels and can be grouped together or spread throughout the Development;</li> <li>(e) only be occupied by Eligible Recipients, who must satisfy one of the prescribed income ranges contained in the Ministerial Order;</li> <li>(f) if any of the Dwellings are to be used for disability purposes or form part of the NDIS or the NRAS, such Dwellings must satisfy all other requirements for Affordable Housing Dwellings as specified in this Agreement; and</li> <li>(g) be owned by <ul style="list-style-type: none"> <li>(1) an Eligible Recipient; or</li> </ul> </li> </ul>

	<p>(2) an Affordable Housing Provider, which can include a trust or other like ownership and management structure which, whilst giving flexibility, facilitates compliance with the requirements of this Agreement.</p>
<p><b>Item 5 Permit Application</b></p>	<p>Planning permit application no. PLN20/0303 to, amongst other things, use and develop the Land for a 17-storey mixed use development comprising of 177 Dwellings.</p>

Draft

14

## SCHEDULE 2

## MORTGAGEE CONSENTS

**CHURCHES OF CHRIST FINANCIAL SERVICES LIMITED** as Mortgagee under Mortgage No. AN484923L which encumbers part of the Land consents to the Owner entering into this Agreement and agrees to be bound by the terms of and conditions of this Agreement if the Mortgagee becomes mortgagee in possession of the Land.

DATED:

**[#Execution clause of first mortgagee to be inserted]**

**NATIONAL AUSTRALIA BANK LIMITED** as Mortgagee under Mortgage No. AQ051835X which encumbers a part of the Land consents to the Owner entering into this Agreement and agrees to be bound by the terms of and conditions of this Agreement if the Mortgagee becomes mortgagee in possession of the Land.

DATED:

**[#Execution clause of second mortgagee to be inserted]**

EXECUTED pursuant to Division 2 of Part 9 of the Act.

**[#Execution clause of the Owner to be inserted]**

THE COMMON SEAL of MANNINGHAM )  
CITY COUNCIL was hereunto affixed in the )  
presence of: )

\_\_\_\_\_  
Mayor/Councillor

\_\_\_\_\_  
Chief Executive

EXECUTED by MANNINGHAM CITY )  
COUNCIL by its Chief Executive Officer, )  
Andrew Day, being a delegated officer )  
pursuant to a Council Resolution dated )  
**[#date]:** )

\_\_\_\_\_  
Andrew Day  
Chief Executive Officer

**[#Council to indicate whether either of the above execution clause apply or provide an alternative clause]**

## 10.2 Endorsement of Nominations for Manningham Youth Advisory Committee

### Conflict of Interest

Cr Lange stated: "Councillors, I wish to disclose that I have a conflict of interest in this item, the interest being both a material and a general conflict of interest due to a family member applying to join the committee. I will be leaving the Chamber for the duration of this matter."

*Having disclosed her conflict of interest Cr Lange left the meeting at 7:32pm and returned at 7:36pm after the matter had been finalised. She took no part in the discussion or voting on this item.*

File Number: IN22/47

Responsible Director: Acting Director City Planning & Community

Attachments: Nil

### **EXECUTIVE SUMMARY**

*On 28 September 2021, Council endorsed the formation of the Manningham Youth Advisory Committee (MYAC). This new Committee's purpose is to provide advice to Council concerning the issues that affect the lives and wellbeing of young people in Manningham. The Committee will also be a forum for input by young people on key Council plans, strategies and policies.*

*The Terms of Reference state that The MYAC will comprise at least 8 young people (and up to 15 young people) aged between 16 to 25 years from a variety of backgrounds who live, study or work within Manningham. The term of appointment is for one year.*

*The actual number of young representatives was to be determined at the selection stage to ensure a good mix of interests on the Committee.*

*Two representatives of young people from Manningham Youth Services, will also be directly nominated by Manningham Youth Services.*

*Following a callout to young people to nominate, 21 applications were received. A Selection Panel was formed with Cr Laura Mayne (Co-chair) and Cr Anna Chen, assisted by officers to review and select the members.*

*Thirteen members were selected to provide a balance of gender, interests and abilities. The Panel noted the high quality of the nominations and diverse spread of skills and interests.*

*The successful nominations are now presented for endorsement by Council.*

**COUNCIL RESOLUTION**

**MOVED: CR LAURA MAYNE**  
**SECONDED: CR ANNA CHEN**

**That Council endorses the Selection Panel's recommendations to appoint thirteen young people as members of the Manningham Youth Advisory Committee for 2022 as set out below:**

<b>Andrew Wang</b>	<b>Melina Tahmasvand</b>	<b>Jessical O'Keefe</b>
<b>Sulaymann Hafeez</b>	<b>James Italia-Prasad</b>	<b>Rimsha Shakil</b>
<b>Stephanie Martinez</b>	<b>Humdaan Hafeez</b>	<b>Tara Alaie</b>
<b>Zhengjie Zhong</b>	<b>Alyssa Boutle</b>	<b>Shin Thant Eain (Berry)</b>
<b>Kaitlyn Lew</b>		

**CARRIED UNANIMOUSLY**

**2. BACKGROUND**

- 2.1 The formation of the inaugural Manningham Youth Advisory Committee (MYAC) was endorsed by Council on 28 September 2021.
- 2.2 A call for nominations of young people aged 16-25 years was put out through social media, via direct mail to schools and community groups and through partner organisations such as EACH.
- 2.3 Twenty-one nominations were received. These were of a high quality and indicated a broad range of interests and abilities.
- 2.4 The Terms of Reference outlined the proposed selection process where a selection panel would be formed, comprising:
- Council Officers;
  - at least two Councillor Representatives nominated to the MYAC; and
  - two young people who are not seeking nomination to the Committee.
- 2.5 The panel met on 10 December 2021 with Cr Laura Mayne and Cr Anna Chen in attendance, assisted by the Group Manager Community Programs and the Coordinator Children's Services, plus a young person from Manningham Youth Services.
- 2.6 The panel is recommending 13 young people be appointed for the 12 month term of the Committee. The young people are from various suburbs across the municipality including, Bulleen, Doncaster, Doncaster East, Templestowe, Balwyn North, Warrandyte and offer a mix of ages from 15 to 24 years. This spread of ages means the nominees are at various stages of life and offer differing perspectives and lived experiences.
- 2.7 The recommendations are made on the basis of the written applications made, and the aim to achieve a balance of gender, skills and other attributes to ensure diversity of thought and interest.

### 3. DISCUSSION / ISSUE

The nominations for membership for MYAC are as follows:

Andrew Wang	Melina Tahmasvand	Jessical O'Keefe
Sulaymann Hafeez	James Italia-Prasad	Rimsha Shakil
Stephanie Martinez	Humdaan Hafeez	Tara Alaie
Zhengjie Zhong	Alyssa Boutle	Shin Thant Eain (Berry)
Kaitlyn Lew		

- 3.1 As part of the selection process, all applications were assessed for eligibility (for example, some applicants were not of the specified age) and merit. There were 8 unsuccessful nominees.
- 3.2 Unsuccessful applicants will be contacted and thanked for their nominations and directed towards other opportunities to contribute to civic participation, such as attendance to the MYVoice Committee at Manningham Youth Services, and invited to nominate again next year if appropriate.

### 4. COUNCIL PLAN / STRATEGY

Healthy Community:

- 4.1.1 **Improve the range of accessible support and services available to young people** in Manningham by exploring a youth hub, advocating for improved mental health resources and working collaboratively with youth agencies.

### 5. IMPACTS AND IMPLICATIONS

The formation of a new Youth Advisory Committee was endorsed by Council in 2021 as part of the review of all Council Advisory Committees.

It is intended to train the young people in committee processes and support them to actively contribute to the Advisory Committee.

### 6. IMPLEMENTATION

#### 6.1 Finance / Resource Implications

There are no financial implications associated with the nomination of young people to the Committee.

#### 6.2 Communication and Engagement

The achievements of the MYAC will be communicated to Council and the wider community as the Committee is established and sets out its agenda for areas of interest in 2022.

#### 6.3 Timelines

The first meeting of the MYAC will occur as soon as practicable following the endorsement of the membership by Council.

**7. DECLARATIONS OF CONFLICT OF INTEREST**

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

**11 CITY SERVICES**

There were no city services reports.

## 12 EXPERIENCE AND CAPABILITY

### 12.1 Manningham Quarterly Report, Quarter 2, (Oct-Dec) 2021

File Number: IN22/63  
Responsible Director: Director Experience and Capability  
Attachments: 1 Manningham Quarterly Report, Quarter 2 (Oct - Dec) 2021 [↓](#)

#### EXECUTIVE SUMMARY

The Manningham Quarterly Report drives the pursuit of excellence in performance, accountability and transparency. The Report details performance in key areas including finance, capital works, progress of 2021-2025 Council Plan, governance, expenses and customer and community engagement for the quarter covering 1 October – 31 December 2021.

#### COUNCIL RESOLUTION

**MOVED: CR STEPHEN MAYNE**  
**SECONDED: CR GEOFF GOUGH**

**That Councillors note the Manningham Quarterly Report for Quarter 2, (Oct-Dec) 2021.**

**CARRIED UNANIMOUSLY**

## 2. BACKGROUND

- 2.1 The Manningham Quarterly Report meets the requirements of the Local Government Performance Reporting Framework and Council policies for areas including finance, capital works and governance as well as progress of the 2021 – 2025 Council Plan.
- 2.2 The report also incorporates key focus areas of customer and community engagement performance. This quarter also introduces the 2022 CEO Key Performance Indicators (KPIs) and a new expanded Capital Works section including progress on major projects and asset expenditure by category.

## 3. DISCUSSION / ISSUE

- 3.1 A summary is as follows

#### **Budget and Financial Performance**

- 3.2 Revised Budget: Under the *Local Government Act 2020*, the Chief Executive Officer is required to consider Council's half year financial position and include a statement as to whether a revised budget is, or may be, required. Despite the financial impact of COVID-19 on Council, the Chief Executive Officer, Andrew Day, is of the opinion a revised budget is not required. This is in accordance with Section 95 and Section 97 of the *Local Government Act 2020*.

- 3.3 Financial Performance: At the end of December 2021, Council's Operating Surplus was \$3.95 million (m) or 6.4% favourable compared to the year-to-date (YTD) adopted budget.
- 3.4 **The key favourable variances include:**
- \$2.44m favourable Operating Grants income mainly from \$1.40m of Department Of Health grants received earlier than budgeted and an unbudgeted COVID Safe Outdoor Activation grant of \$575k.
  - \$1.55m favourable Other Income mainly due to \$802k unbudgeted Quarry Royalty income as the quarry continues to operate into this financial year and timing of developers contributions (\$596k favourable).
  - \$1.04m favourable Capital Grants income received ahead of schedule primarily related to a Department of Infrastructure Local Roads Community Infrastructure Program Grant.
  - \$703k favourable Employee costs due to a number of vacancies across the organisation.
- 3.5 **These are partly offset by:**
- \$1.69m unfavourable Fees and User Charges due to COVID-19 Pandemic Financial Relief provided to Council's tenants from Leases & Licenses charges and lower than budgeted income from Community Venues and Arts & Culture and the ongoing lockdowns and restrictions.
  - \$1.14m unfavourable Other Expenses, including \$100K unbudgeted community grants, memberships for Legal, Governance & Risk being paid ahead of schedule and also early payment of library funding. Also Software licence costs are \$237k greater than the year to date budget and Data Communication costs are \$112k greater than the year to date budget.
  - \$737k unfavourable Statutory Charges, Fees & Fines mainly due to Parking Infringement activity being lower than budgeted due to ongoing lockdowns

### **Capital Works Performance**

- 3.6 The Capital Works report has been broadened to include capital expenditure and a major projects update.
- 3.7 The adopted 2021/22 capital budget of \$54.37m in new funding plus \$3.92m in carry forwards has been supplemented by \$0.73m in additional grants and user contributions increasing the overall budget to \$59.02m. This is a significant increase over previous years.
- 3.8 Total capital expenditure as at the end of December 2021 was \$14.47m which equates to 25% of the total budget. An additional 15 projects were added to the program in Q2 bringing the total number of projects in the program to 176. Six projects have been delayed or deferred, seven projects have been completed, 132 projects are on track and 34 projects have yet to commence.
- 3.9 COVID-19 is impacting the execution of the capital works program in a number of ways. Many projects were slowed by the enforced construction industry shutdown earlier in the financial year, long material procurement lead times, increasing material costs, low contractor and material availability and external approver bottlenecks all attributable to COVID-19.

The effects of the recent escalation of the Omicron outbreak over the Christmas period have yet to impact the numbers reported above, but it is possible they will impact on Q3 progress. To date six projects including the recladding of MC<sup>2</sup> and the Tram/Merlin Intersection works have been severely impacted and are unlikely to be completed this financial year as planned. Other projects are at some risk and will need to be monitored closely.

- 3.10 Every effort is being made to pivot to projects less affected by COVID-19 where possible, but this is becoming increasingly difficult.

### **2021-2025 Council Plan Performance**

- 3.11 All Major Initiatives and Initiatives are progressing well while continuing to respond to the impact of COVID-19. The Community Infrastructure Plan has been extended from a due date of 31 December 2021 to 30 June 2022.

### **CEO and Councillor Expenses**

- 3.12 All Councillors are within their allowance. The Mayor's allowance has been updated to reflect the change of Mayor from Cr Andrew Conlon to Cr Michelle Kleinert on 4 November 2021.

### **Governance**

- 3.13 Statutory Planning: There has been a slight reduction in statutory planning applications decided within time due to potentially COVID-19 and staffing and backfill.
- 3.14 Council's decision making: 38 out of 39 (97.4%) decisions by Council were made at a Council meeting open to the public during the quarter. One decision was a contract discussion that required confidentiality.
- 3.15 There was 98% attendance by Councillors at Council meetings this quarter

### **Community Engagement Performance**

- 3.16 Key consultations for the quarter included the Liveable City Strategy 2040 and the 2022/23 Budget. Community feedback is being considered and will be presented to Council separately.
- 3.17 To deliver on the commitment to early and meaningful community engagement, a drive on knowledge and capacity building is commencing across the organisation.

### **Customer Performance**

- 3.18 There was an increased number of cases lodged and incoming calls from the last quarter. The top 5 customer requests included hard and garden waste, rates, statutory planning, tree maintenance and building services.

### **CEO Key Performance Indicators (KPIs)**

- 3.19 Annual performance indicators have been identified for Chief Executive Andrew Day in particular areas of focus. The indicators commenced this quarter and unless otherwise stated, conclude on 31 December 2022.

**4. COUNCIL PLAN / STRATEGY**

The Report details progress on Council Plan major initiatives and initiatives

**5. DECLARATIONS OF CONFLICT OF INTEREST**

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

Quarter 2

1 October to 31 December 2021

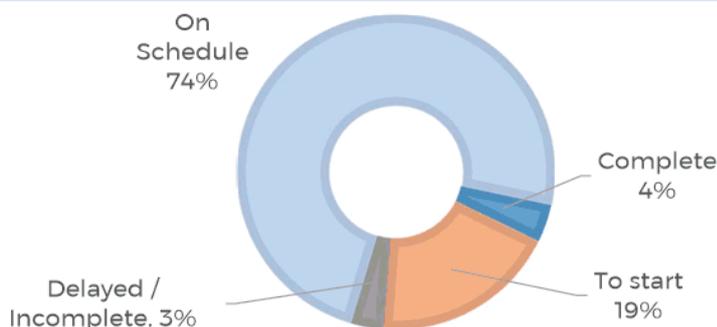
# Manningham Quarterly Report

*Key information on our performance and governance*



# 1. Capital Works

## Capital Works Projects



<b>Adopted Budget (m)</b>	<b>\$ 58.3</b>
<b>Additional Funding</b>	<b>\$ 0.7</b>
<b>Updated Forecast</b>	<b>\$ 59.0</b>

Program Complete	Projects Complete	Value of Capital Works	Capital Income & Grants
<b>25%</b>	<b>4%</b>	<b>\$14.47</b>	<b>\$4.9m</b>



## Capital Spotlight

- The adopted 2021/22 capital budget of \$54.37 million (m) in new funding plus \$3.92m in carry forwards has been supplemented by \$0.73m in additional grants and user contributions increasing the overall budget to \$59.02m. This is a significant increase over previous years
- Total capital expenditure as at the end of December 2021 was \$14.47m which equates to 25% of the total budget. An additional 15 projects were added to the program in Q2 bringing the total number of projects in the program to 176. Six projects have been delayed or deferred, seven projects have been completed, 132 projects are on track and 34 projects have yet to commence.
- COVID is impacting the execution of the capital works program in a number of ways. Many projects were slowed by the enforced construction industry shutdown earlier in the financial year, long material procurement lead times, increasing material costs, low contractor and material availability and external approver bottlenecks all attributable to COVID. The effects of the recent escalation of the Omicron outbreak over the Christmas period have yet to impact the numbers reported above, but it is possible they will impact on Q3 progress. To date six projects including the recladding of MC<sup>2</sup> and the Tram/Merlin Intersection works have been severely impacted and are unlikely to be completed this financial year as planned. Other projects are at some risk and will need to be monitored closely.
- Every effort is being made to pivot to projects less affected by COVID where possible, but this is becoming increasingly difficult.

# 1. Capital Works

## Major Projects - progress update

Overall, many projects are progressing well, despite difficulties associated with COVID.

The **Tree Planting and Streetscapes** project is going well with more than 1000 trees planted in the first half of the financial year.



Program (year to date)	Expenditure	Percentage
Artworks Program	\$10,000	0.07%
Buildings Program	\$1,509,248	10.23%
Capital Works Management	\$177,947	1.21%
Community Facilities Program	\$13,226	0.09%
Drainage Program	\$658,580	4.47%
Open Space Program	\$1,253,670	8.50%
Plant and Equipment Program	\$560,373	3.80%
Property Acquisition Program	\$1,337,443	9.07%
Recreation & Leisure Program	\$3,159,469	21.42%
Roads Program	\$3,370,736	22.86%
Streetscapes Program	\$344,619	2.34%
Sustainability Program	\$310,537	2.11%
Technology Program	\$1,831,175	12.42%
Transport Program	\$210,156	1.43%
Waste Management Program	\$447	0.00%
<b>TOTAL</b>	<b>\$14,747,627</b>	<b>100%</b>

The **Knees Road upgrade** project has been completed, including:

- drainage works,
- footpath on east side
- a shared path on west side
- a new round-about at Arundel Road
- new road surface.



**Heidelberg- Warrandyte Road Footpath** project is almost finalised. It is awaiting approval by Melbourne Water and should be completed in January.



The **Road Resurfacing Program** is also well under way with \$1.78m in expenditure to date.



The **Alva Avenue Easement Drainage** has commenced with private easement and South Valley works to be completed soon.



The **Swilk Reserve Playspace** is another project to be completed soon.

## 2. Financial Status

### Income Statement

Account Group	YTD Current Budget \$'000	YTD Actuals \$'000	YTD Variance \$'000	YTD Variance %	Annual Adopted Budget \$'000	Annual Forecast \$'000	Annual Forecast Variance (v Adopted Budget) \$'000
<b>1. Income</b>							
Rates - General	113,256	113,464	208	0.2%	113,818	113,899	81
Statutory Charges, Fees & Fines	2,234	1,497	(737)	(33.0%)	4,163	3,426	(736)
User Charges	4,610	2,925	(1,685)	(36.6%)	9,049	7,319	(1,730)
Interest Received	187	189	1	0.7%	375	375	
Grants & Subsidies	5,254	7,697	2,443	46.5%	11,730	13,095	1,365
Capital Grants & Contributions	1,434	2,471	1,037	72.3%	7,160	7,720	560
Other Income	3,307	4,854	1,547	46.8%	7,655	8,752	1,097
Net gain/(loss) on disposal of Property, Infrastructure, Plant and Equipment		232	232		133	133	
<b>Total 1. Income</b>	<b>130,282</b>	<b>133,330</b>	<b>3,048</b>	<b>2.3%</b>	<b>154,083</b>	<b>154,720</b>	<b>637</b>
<b>2. Expenditure</b>							
Employee Costs	28,896	28,193	703	2.4%	56,259	56,229	30
Materials & Contracts	14,331	14,026	306	2.1%	29,799	32,750	(2,951)
Interest	9	26	(17)	(185.4%)	48	48	
Utilities	1,004	703	301	30.0%	2,135	1,364	771
Other	9,647	10,784	(1,137)	(11.8%)	16,571	17,286	(715)
Depreciation	14,145	13,396	750	5.3%	28,292	28,304	(12)
<b>Total 2. Expenditure</b>	<b>68,032</b>	<b>67,126</b>	<b>906</b>	<b>1.3%</b>	<b>133,104</b>	<b>135,980</b>	<b>(2,877)</b>
<b>Operating Surplus / (Deficit)</b>	<b>62,250</b>	<b>66,204</b>	<b>3,954</b>	<b>6.4%</b>	<b>20,979</b>	<b>18,739</b>	<b>(2,240)</b>

### Executive Summary

At the end of December 2021, Council's Operating Surplus was \$3.95 million (m) or 6.4% favourable compared to the year-to-date (YTD) adopted budget.

#### The key favourable variances include:

- \$2.44m favourable Operating Grants income mainly from \$1.40m of Department Of Health grants received earlier than budgeted and an unbudgeted COVID Safe Outdoor Activation grant of \$575 thousand (k).
- \$1.55m favourable Other Income mainly due to \$802k unbudgeted Quarry Royalty income as the quarry continues to operate into this financial year and timing of developers contributions (\$596k favourable).
- \$1.04m favourable Capital Grants income received ahead of schedule primarily related to a Department of Infrastructure Local Roads Community Infrastructure Program grant
- \$703k favourable Employee costs due to a number of vacancies across the organisation.

#### These are partly offset by:

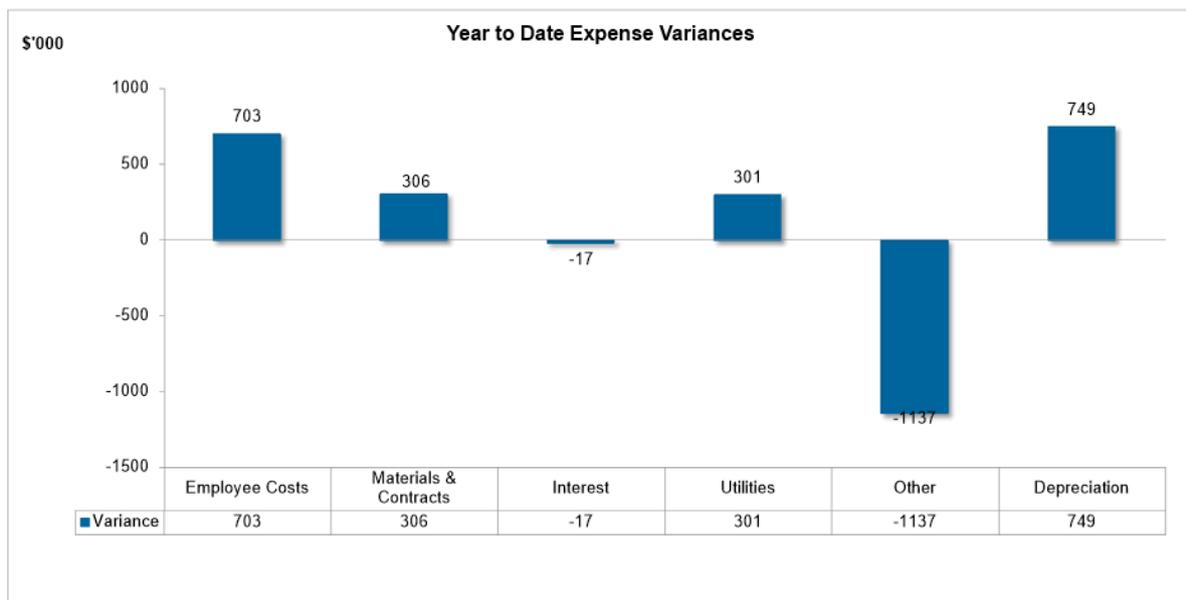
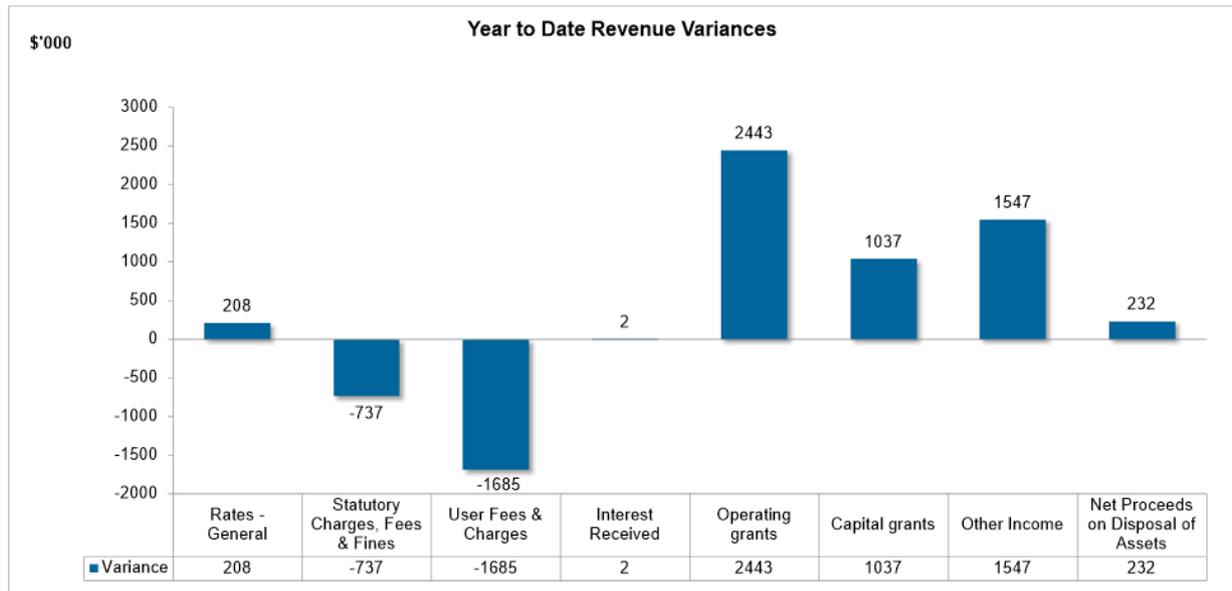
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- \$1.14m unfavourable Other Expenses, including \$100K unbudgeted community grants, memberships for Legal, Governance & Risk being paid ahead of schedule and also early payment of library funding. Also Software licence costs are \$237k greater than the year to date budget and Data Communication costs are \$112k greater than the year to date budget.
- \$737k unfavourable Statutory Charges, Fees & Fines mainly due to Parking Infringement activity being lower than budgeted due to ongoing lockdowns.

#### Impact of State Government restrictions associated with COVID

With the State Government continuing a State of Emergency and the ongoing restrictions, the ongoing financial impact on Council is being closely monitored. Any additional financial impacts on Council services, and/or any additional community financial relief measures beyond the assumptions adopted in the 2021/22 budget are being/will be reflected in the Annual Full Year Forecast

## 2. Financial Status

### Year to Date Income and Expenditure Variances by Category



## 2. Financial Status

### Cash and Investments

Council's cash and cash investments balance as at December 2021 is \$96.24 million

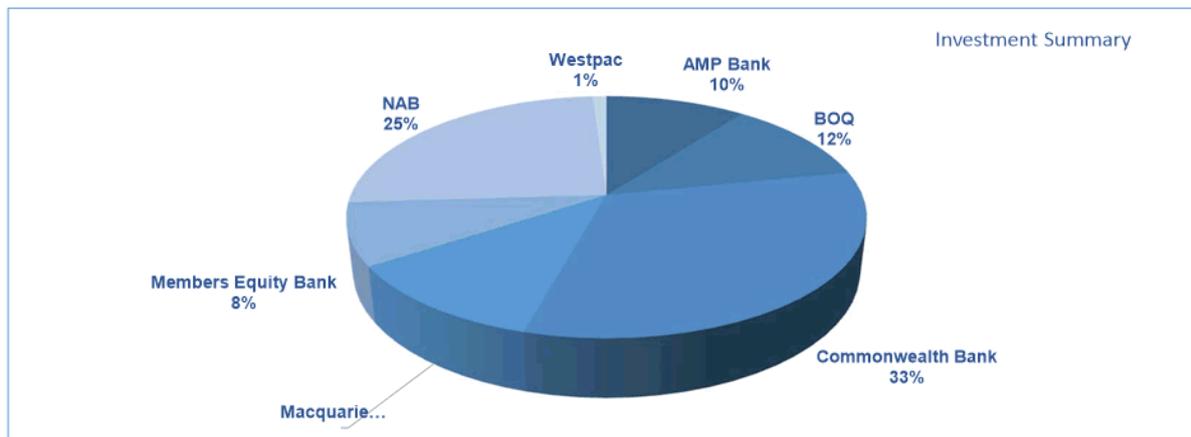
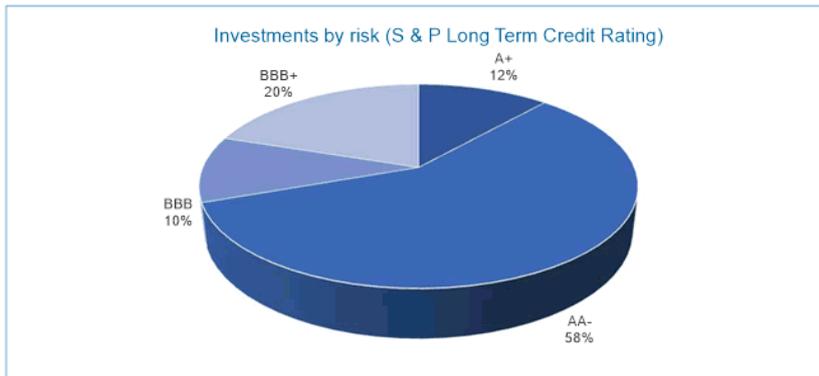
Council has a portfolio of \$80.50 million in term deposits. Investment options are regularly assessed for more profitable returns.

### Summary of Council's Investments

Average Weighted interest rate	0.45%
Average monthly interest	31,480
Maximum interest rate earned	0.95%

Standard & Poor (S&P) is a universal credit rating. There are 17 ratings, only using four different letters A-D. This is achieved by doubling or tripling letters—the more the better. Ratings can also include a plus sign (which is better than standalone letters) or a minus sign (which is worse than standalone letters).

The best is "AAA." This rating means it is highly likely that the borrower will repay its debt. The worst is "D," which means the issuer has already defaulted.



## 2. Financial Status

### Balance Sheet

	December 2021 (\$)	June 2021 (\$)	Movement (\$)
<b>ASSETS</b>			
<b>Current Assets</b>			
Trade and Other Receivables	63,484,828	15,908,770	47,576,058
Accrued Income	606,366	548,754	57,612
Cash and Cash Equivalents	2,735,054	2,805,106	
Other Financial Assets	91,500,020	74,086,656	17,413,364
Prepayments	140,313	1,275,030	(1,134,717)
Trade and Other Receivables	7,290,215	169,853	7,120,362
	<b>165,756,796</b>	<b>94,794,169</b>	<b>70,962,627</b>
<b>Non-Current Assets</b>			
Other Financial Assets - Non current	1,999,473	11,030,002	(9,030,529)
Investments in associates	2,826,117	2,826,117	0
Sundry Debtors - Non Current	601,931	616,286	(14,356)
Infrastructure, Property, Plant & Equipment	2,204,159,433	2,203,285,841	873,592
	<b>2,209,586,954</b>	<b>2,217,758,246</b>	<b>(8,171,293)</b>
<b>TOTAL ASSETS</b>	<b>2,375,343,749</b>	<b>2,312,552,415</b>	<b>62,791,334</b>
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
Trade and Other Payables	23,135,481	26,779,839	3,644,359
Provisions	14,545,075	14,149,304	(395,771)
Trust Funds and Deposits	13,280,154	13,444,291	164,138
	<b>50,960,709</b>	<b>54,373,434</b>	<b>3,412,725</b>
<b>Non-Current Liabilities</b>			
Provisions - Non Current	3,462,022	3,462,022	0
	<b>3,462,022</b>	<b>3,462,022</b>	<b>0</b>
<b>TOTAL LIABILITIES</b>	<b>54,422,731</b>	<b>57,835,456</b>	<b>3,412,725</b>
<b>NET ASSETS</b>	<b>2,320,921,018</b>	<b>2,254,716,958</b>	<b>66,204,060</b>
<b>EQUITY</b>			
Accumulated Surplus	789,555,538	760,593,232	28,962,306
Reserves	1,465,161,419	1,465,161,419	0
Current Retained Earnings	66,204,061	28,962,307	37,241,754
<b>TOTAL EQUITY</b>	<b>2,320,921,018</b>	<b>2,254,716,958</b>	<b>66,204,059</b>

### Reason for YTD variances

#### Current Assets

Current assets include cash and cash equivalents (cash held in bank accounts and term deposits or other highly liquid investments with terms of three As at 31 December 2021, total current assets (trade and other receivables) have increased compared to 30 June 2021 due to the 2021/22 annual rates and charges being raised during July 2021.

#### Non Current Assets

Property, infrastructure, plant & equipment and intangible assets represents 99.9 per cent of Council's non-current assets. As at 31 December 2021, the total non-current assets has decreased compared to 30 June 2021 relates to the classification of non-current investments as current in the new financial year.

#### Current Liabilities

As at 31 December 2021, the total current liabilities have decreased compared to 30 June 2021 primarily due to the timing of payments made to creditors (trade and other payables).

#### Non Current Liabilities

As at 31 December 2021, the total non current liabilities are in line with those at 30 June 2021

#### Equity (Accumulated Surplus and Reserves)

Equity includes Accumulated Surplus and Reserves. Reserves include Asset Revaluation reserves and other cash reserves which Council wishes to separately identify as being set aside to meet a specific purpose in the future and to which there is no existing liability. This component includes Reserves such as the Open Space Reserve and the Doncaster Hill Development Contributions Plan Reserve. These amounts are transferred to or from the accumulated surplus of Council and are separately disclosed.

As at 31 December 2021, the increase in Equity compared to 30 June 2021 is essentially related to the Year to Date Surplus in 2021/22.

## 2. Financial Status

### Open Space Reserve and Doncaster Hill Development Contributions Plan (DCP) Reserve Summary

\$'000s	Opening Balance at 1 July 2021	YTD Actual Income at 31 Dec 2021	Forecast Expenditure for 2021/22	Projected Reserve Balance (accounting for Forecast expenditure)
Open Space Reserve	\$11,768	\$3,746	\$6,380	\$9,134
Doncaster Hill DCP Reserve	\$1,430	\$0	\$0	\$1,430

#### The Open Space (resort and recreation)

**Reserve** was established to control contributions received from developers that will, upon completion of developments be utilised to acquire and create open space, and develop recreation and other facilities for residents in the respective development areas.

#### The Doncaster Hill activity centre DCP

**Reserve** was established to control contributions levied on developers under the Doncaster Hill Development Contributions Plan Overlay (DCPO) and funds will be utilised to develop social and community infrastructure in accordance with the conditions contained in the DCPO.

Open Space Reserve Contributions - Year to Date	
Property	Amount
7 Tuscany Rise, TEMPLESTOWE VIC 3106	\$340,000
330 Manningham Road, DONCASTER VIC 3108	\$264,000
4 Leura Street, DONCASTER EAST VIC 3109	\$222,400
99-101 Old Warrandyte Road, DONVALE VIC 3111	\$175,000
135 Manningham Road, BULLEEN VIC 3105	\$144,000
19 Ascot Street, DONCASTER EAST VIC 3109	\$131,040
188 Manningham Road, BULLEEN VIC 3105	\$120,000
2 Rupert Street, DONCASTER EAST VIC 3109	\$120,000
26-28 Parker Street, TEMPLESTOWE LOWER VIC 3106	\$115,000
86 Wood Street, TEMPLESTOWE VIC 3106	\$112,000
18 Champion Street, DONCASTER EAST VIC 3109	\$110,400
18 Wetherby Road, DONCASTER VIC 3108	\$107,030
17 Champion Street, DONCASTER EAST VIC 3109	\$105,000
142 Parker Street, TEMPLESTOWE VIC 3106	\$104,000
723 Elgar Road, DONCASTER VIC 3108	\$104,000
7 Chippendale Court, TEMPLESTOWE VIC 3106	\$90,000
126 Mitcham Road, DONVALE VIC 3111	\$89,600
207 Thompsons Road, BULLEEN VIC 3105	\$88,000
8 Valentine Street, BULLEEN VIC 3105	\$79,000
191 Manningham Road, TEMPLESTOWE LOWER VIC 3108	\$78,400
40 Windella Quadrant, DONCASTER VIC 3108	\$77,500
3 Nauru Court, DONCASTER VIC 3108	\$76,500
19 Boyd Street, DONCASTER VIC 3108	\$70,000
2 Lautrec Court, DONCASTER EAST VIC 3109	\$70,000
34 Boronia Grove, DONCASTER EAST VIC 3109	\$69,500
16 Ireland Avenue, DONCASTER EAST VIC 3109	\$69,000
8 Nirvana Crescent, BULLEEN VIC 3105	\$64,750
7 Morrison Crescent, DONCASTER VIC 3108	\$60,000
7 Rooney Street, TEMPLESTOWE LOWER VIC 3107	\$56,250
70 Chippewa Avenue, DONVALE VIC 3111	\$56,000
9 Stafford Court, DONCASTER EAST VIC 3109	\$55,000
20 Wilsons Road, DONCASTER VIC 3108	\$55,000
6 Malcolm Crescent, DONCASTER VIC 3108	\$51,000
2 Trevor Court, NUNAWADING VIC 3131	\$50,000
14 Fairway Road, DONCASTER VIC 3108	\$50,000
14 Princeton Place, TEMPLESTOWE VIC 3106	\$50,000
817 Doncaster Road, DONCASTER VIC 3108	\$37,500
9 Montgomery Place, BULLEEN VIC 3105	\$29,400
<b>Total Year to Date</b>	<b>\$3,746,270</b>

# Council Plan 2021-2025

Our Council Plan 2021-2025 has five themes:

- Healthy Community
- Liveable Places and Spaces
- Resilient Environment
- Vibrant and Prosperous Economy
- Well Governed Council



We developed goals for each theme in consultation with our local community, partners, Councillors and staff. We progress the Council Plan goals through actions and major initiatives each year

Major Initiatives are significant pieces of work, usually over the four years of the Council Plan. There are 19 major initiatives and initiatives to progress our 2021-25 Council Plan goals. You can find the full details of previous quarters and year's progress in our Manningham Annual Report at [www.manningham.vic.gov.au](http://www.manningham.vic.gov.au).

**Action we have taken to progress the goals of our Council Plan** **Progress**

**Healthy Community** Goals: ■ Healthy, Safe and Resilient  
■ Inclusive and Connected

1. **Improve the range of accessible support and services available to young people in Manningham by exploring a youth hub, advocating for improved mental health resources and working collaboratively with youth agencies.** ●

- Action**
- Advocacy materials developed and young people engaged.
  - Funding advocacy meeting held with Eastern Melbourne Primary Health Network.
  - Service partnerships underway with Access Health & Community and EACH.
  - Access Health & Community, Eastern Metro Primary Health Network all engaged. Regional colleagues aware and Whitehorse supportive of our advocacy.
  - Advocacy meetings held with Federal candidate

2. **Investigate extended use of community facilities, including libraries through a new Community Infrastructure Plan.** ●

**Action** Community Infrastructure Plan is well underway and on track to be delivered by 30 June 2022.

3. **Work to connect service providers, community groups, local organisations and networks to improve and profile community outcomes through forums and connections** ●

- Action**
- We launched the 2021/22 Community Grants Program, alongside the Small and Community Partnership Grants. We will be launching the Annual Grant program in February.
  - We held *Strength Through Connection* forums to build relationships between multicultural community leaders and groups with Council. The successful forums also resulted in growing the Manningham Multicultural online network.

4. **Support and educate to connect inclusive and healthy communities (inclusive of our First Nations and culturally diverse communities) through:** ●

- Implementing recommendations in Reconciliation Action Plan (RAP) to enhance recognition of First Nation Peoples
- Resources and information that link our community to the understanding of and responses to family violence
- The draft RAP is awaiting endorsement from the Wurundjeri Woi wurrung Corporation.
- Cultural Immersion Program that provided workshop opportunities for young First Nations people to reconnect with culture within their schools.
- Civic Centre installation of artwork created by local First Nations artist Ash Firebrace.

### 3. Council Plan 2021-2025 (continued)

Action we have taken to progress the goals of our Council Plan

Progress



#### Liveable Places and Spaces

**Goals:**

- Inviting places and spaces
- Enhanced parks, open space and streetscapes
- Well connected, safe and accessible travel
- Well utilised and maintained community infrastructure

**5. Strengthen our principles to guide responsible planning for new developments by:**

- adoption of Liveable City Strategy by December 2021 and Environmental Strategy by 30 June 2022
- review the Manningham Planning Scheme (MPS) by 30 June 2022
- investigate enhanced planning controls to enhance the protection of our environment.

Action

- Draft Liveable City Strategy endorsed for community feedback. Considering feedback for final document.
- The Strategy identifies a range of considerations to guide responsible development and green our city, and will inform the review of relevant planning controls for the 2022-26 Manningham Planning Scheme.

**6. Provide ways for people to connect by:**

- prioritising grant funding to support community inclusion and connections
- deliver actions in our Transport Action Plan and Bus Network Review 2017 including contributing to the planning of the Suburban Rail Loop (SRL), Doncaster Busway, Bus Rapid Transits, bus network and service improvements and enhancing our walking and cycling network.

Action

- Community Grant Program Policy updated to prioritise *connection to and engagement in community life*.
- Submission to Environmental Effects Statement for the SRL (Stage 1). Preparing for submission hearings.
- Met with Department of Transport on the Bus Networks Review.

**7. Upgrade our park and recreation facilities (as scheduled):** including Petty's Reserve Sporting Development (Stage 2), Rieschiecks Reserve Pavilion Redevelopment and Deep Creek Reserve

Action

- Works at Petty's Reserve and Rieschiecks reserve progressing well and due for completion in Q3.
- Awarded the contract for Deep Creek and due to commence works at the beginning of 2022.

**8. Implement our Parks Improvement Program** including creating a new open space on Hepburn Road, Ruffey Lake Landscape Masterplan, Waldau Precinct Plan and naming of Warrandyte Riverside Park

Action

- Naming of upgraded park in Warrandyte, (Lions Park) to wonguim wilam completed.
- Hepburn Road tenders awarded for demolition of houses in early 2022 and sculptural art piece.
- Ruffey Lake Park Landscape Masterplan and the Waldau Precinct Masterplan continues with:
  - path and surface treatment upgrades near The Boulevarde
  - planning for consultation and concept design for Victoria Street playspace upgrade
  - planning for additional tree planting throughout the park and progressing an EOI for the proposed café
  - installation of two fitness stations in the park
  - finalising concept design for Waldau Visitor Centre

**9. Investigate use of our facilities and identify opportunities to develop or repurpose facilities and the use of Council land for multi-use purposes to meet changing community needs through:**

Action

- Finalising the Community Infrastructure Plan by 30 June 2022 and implementing the 20 year Action Plan
- Assessing and improving the way stadiums are used in conjunction with Stadium Managers
- Improve access to sport and recreation facilities and spaces for broad community use and benefit
- Community Infrastructure Plan on track
- We are developing masterplans for the Donvale Indoor Sports Centre, Aquarena (outdoors), Manningham Templestowe Leisure Centre, Anderson Park and Wonga Park Reserve and engaging stakeholders in the review of management contracts for our leisure facilities to ensure that our facilities are providing inclusive and innovative programs and services to the community.

**10. We will continue to work to maintain to a high standard our roads, footpaths and drains.**

- Additional funding allocated for 2021/22 capital works budget to expand works on these three assets.
- Preparing detailed design for Tuckers Road, Jumping Creek Road, Porter/Anderson/James/Swilk/Union street in Templestowe. Stage 2 of the improvement works are underway in Knees Road, Park Orchards.
- Secured \$1m federal funding from Local Road and Community Infrastructure (LRCI) Program. Planning now for delivery by June 2022 to improve road safety and road condition on Brysons Road.

### 3. Council Plan 2021-2025

Action we have taken to progress the goals of our Council Plan

Progress



#### Resilient Environment

**Goals:**

- Protect and enhance our environment and biodiversity
- Reduce our environmental impact and adapt to climate change

#### 11. Delivery of our Environmental Strategy to:

- Strengthen principles to protect the environment, biodiversity and wildlife
- Advocate to government and business on environmental issues
- Improve management practices of bushland maintenance, pest animal and environmental weed control and monitoring, evaluating and improvement mechanisms
- Explore biodiversity improvement or environmental community engagement programs for local public areas with the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation, Melbourne Water and Parks Victoria
- Explore protection measures in our Community Local Law by 30 June 2022.

Action

- Draft Environmental Strategy is on schedule to be presented to Council before 30 June.
- Environment and renewable energy included in the Eastern Regional Group of Council's regional advocacy agenda for the upcoming federal election.
- Awaiting Wurundjeri's approval of the Reconciliation Action Plan (RAP), and the lifting of COVID restrictions to explore opportunities for community engagement programs
- Draft local law on track for Council to consider findings of gender impact/equality lens and legal review and readiness of the draft local law for community feedback.

#### 12. Support and educate to connect inclusive and healthy communities (inclusive of our culturally diverse communities) through environment education and waste programs

Action

Waste and environmental education and awareness program delivery in place. Some delays incurred due to COVID lockdown and restrictions on delivery of some programming.



#### Vibrant and Prosperous Economy

**Goals:**

- Grow our local business, tourism and economy

#### 13. Support local business through:

- Demonstrating leadership to increase procurement with Social Enterprises, Aboriginal Enterprises and Australian Disability Enterprises (collectively known as Social Benefit Suppliers) and local businesses.
- Capacity building and support through the Business Development Program.
- Exploring local opportunities to support local businesses to collaborate via a hub or co-working space
- Implementing the recommendations in the Doncaster Hill Strategy and Economic Development Strategy to encourage and support tourism and employment opportunities

Action

- Secured two Business Liaison Officers until mid-May 2022 with the extension of funding of the Victorian Government's funded Business Concierge and Hospitality program. These Officers are engaging directly with local business on a range of issues including COVID regulations, business permits and business development program.
- Working with Eastern Innovation Business Centre and Flexible Working Australia to take part in a regional Boosting Coworking program. We were successful in obtaining \$3,000 grant to support coworking, and local business can access a voucher of \$100 to be used at local coworking location.
- Building understanding of the immediate needs of business and creating a support program to assist through the Business Engagement app on CRM.
- Continue to deliver the Business Mentoring and Development Program
- Community consultation on draft Liveable City Strategy included tourism and employment opportunities such as a night time economy will also inform the Doncaster Hill and Economic Development Strategies.
- The key objectives of the Doncaster Hill Strategy to support tourism and employment opportunities continue to be implemented through the mixed-used development as part of the Doncaster Church of Christ Development, and the Bunnings development under construction, which includes a hotel.

### 3. Council Plan 2021-2025 (cont)

Action we have taken to progress the goals of our Council Plan

Progress



#### Well Governed Council

**Goals:**

- A financially sustainable Council that manages resources effectively and efficiently
- We value our customers and community in all that we do

**14. Maximise public value through the systematic planning and review of our services and effective early and broad engagement on our projects** ●

**Action** We have developed inaugural service plans for each of our services, with resourcing being considered for 2022/23 as part of the 2022/23 Budget development cycle.

**15. Explore ways to enhance performance reporting across social, environment and economic outcomes against community need.** ●

**Action** Following improvements to the Manningham Quarterly Report, further understanding current state of how we report our outcomes across the business.

**16. Ensure our long term financial sustainability by preparing our Budget and 10-year Financial Plan incorporating key strategies to Council by 30 June 2022** ●

**Action**

- Consultation on upcoming budget on Your Say Manningham. Feedback is now being considered.
- Planning for the next Budget and long term financial plan cycle. Early engagement with Councillors in October and November 2021.

**17. Improve our customer experience to better understand and meet their specific needs** ●

**Action** See Customer Experience Section of this report.

**18. Explore different ways to improve community satisfaction with our communications on local community issues, services and activities** ●

**Action**

- Took out more specific advertising in local papers promoting the work of Council
- Promoted the Manningham eNews through QR codes to increase subscribers
- Proactive in involvement at earlier stage in projects to ensure communication is part of early planning
- Promoted 5Ways advocacy on Your Say Manningham page to encourage community participation and raise awareness of local issue
- Developed new post and pre council meeting videos with Mayor inviting the community to get involved
- Restructure website (as part of the website renewal project) to improve the way we deliver information
- Co-ordinated Mayors radio interview on ABC

**19. Commence gender equality impact assessments on significant Council policies, services and programs for equitable, inclusive and accessible improvements for prominent issues** ●

**Action**

- We are undertaking gender quality impact assessments on policies, services and programs as they are reviewed including the Community Local Law.

**20. Continue to advocate, influence and respond to the North East Link Project (NELP) authority for improved mitigation measures and environmental outcomes, particularly around urban design, and to reduce the construction impact of the project on the community** ●

**Action**

- Council offices met with NELP/ Spark consortium to commence working on the primary package (tunnel package) of the NEL project. The Spark consortium includes WeBuild, GS Engineering and Construction, CPB Contractors, China Construction Oceania, Ventia, Capella Capital, John Laing Investments, DIF and Pacific Partnerships.
- We also met with the 'southern package' to discuss the key objectives that Council presented to the environmental effect statement (EES) hearings and judicial review, and to again reiterate the importance of retaining as much open space along the project corridor. For information on the southern package visit <https://infrastructurepipeline.org/project/north-east-link-secondary-package-2>

## 4. Chief Executive expenses

The Chief Executive Officer (CEO) incurs expenses while carrying out the role. Expense categories related specifically to the CEO role are travel, conferences and seminars and miscellaneous. Gifts declared are also included in this report although not an expense to Council. The CEO is required to be transparent in the use of Council resources as per the Employee Code of Conduct.

	Travel	Food and beverage	Conferences and seminars	Gifts declared	Misc.	Total Qtr	Total Year
A. Day	\$0.00	\$285.70	\$0	\$0	\$0	\$285.70	\$524.64

### Notes:

All costs are GST exclusive

### Expense categories

#### Travel

Costs associated with assisting the CEO in meeting transport costs incurred whilst attending meetings, functions and conferences. This includes taxi services, uber services, car parking fees, airfares, accommodation costs etc.

#### Food and Beverage

Costs associated with food or beverages that directly relate to the CEO role within a professional context.

#### Conferences and seminars

Costs associated with registration fees from attendance by the CEO at conferences, functions and seminars. Meetings such as these are normally held by local government related organisations, professional bodies and institutions, educational institutions and private sector providers on areas and events which impact on the role of the CEO and the City in general. This category also includes memberships and subscriptions to bodies and organisations whose activities are relevant to role of the CEO.

#### Gifts declared

Any gifts that exceed the token gift threshold (\$50.00) that the CEO is required to declare as per the Token Gift Policy.

#### Miscellaneous

Any other costs associated with the CEO role not covered by the categories above.

## 5. Councillor Expenses

An allocation of \$13,091 for each Councillor and \$14,870 for the Mayor is budgeted each financial year to reimburse Councillors for expenses incurred while carrying out their official roles.

Significant demands are placed on Councillors in carrying out their civic and statutory roles attending community meetings and events, capacity building and advocacy meetings in pursuit of the best outcomes for the municipality. The Mayor has a slightly higher allowance as they are required to carry out additional civic and ceremonial duties.

The Council Expenses Policy guides the reimbursement of Councillor expenses. This budget is all inclusive and covers conferences and training, travel, child minding and information and communications technology expenses. As part of Council's commitment to remaining accountable and transparent, these expenses will be presented to the community each quarter.

Categories include: Travel (including accommodation, cab charges), Car Mileage, Childcare, Information and Communication Technology, Conferences and Training (including professional development, workshops), General Office Expenses (including meeting incidentals), Formal Attendances (including community events and functions) and Other (publications).

Councillor	Travel	Car Mileage	Childcare	Information Communication Technology	Conference & Training	General Office Expense	Formal Attendance	Other	Total Qtr	Year to Date	Allowance (Financial Year)
Cr A Chen	\$0	\$0	\$0	\$0	\$0	\$0	-\$135	\$1,200	\$1,065	\$1,065	\$13,091
Cr A Conlon	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	-\$213	\$13,703
Cr D Diamante (Deputy Mayor)	\$0	\$0	\$0	\$0	\$0	\$0	\$55	\$85	\$140	\$140	\$13,091
Cr G Gough	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$13,091
Cr M Kleinert (Mayor)	\$0	\$0	\$0	\$177	\$0	\$0	\$75	\$85	\$337	\$442	\$14,257
Cr C Lange	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$273	\$13,091
Cr T Lightbody	\$19	\$0	\$0	\$0	\$105	\$0	\$0	\$85	\$209	\$268	\$13,091
Cr L Mayne	\$0	\$0	\$0	\$386	\$0	\$0	\$0	\$0	\$386	\$464	\$13,091
Cr S Mayne	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$13,091

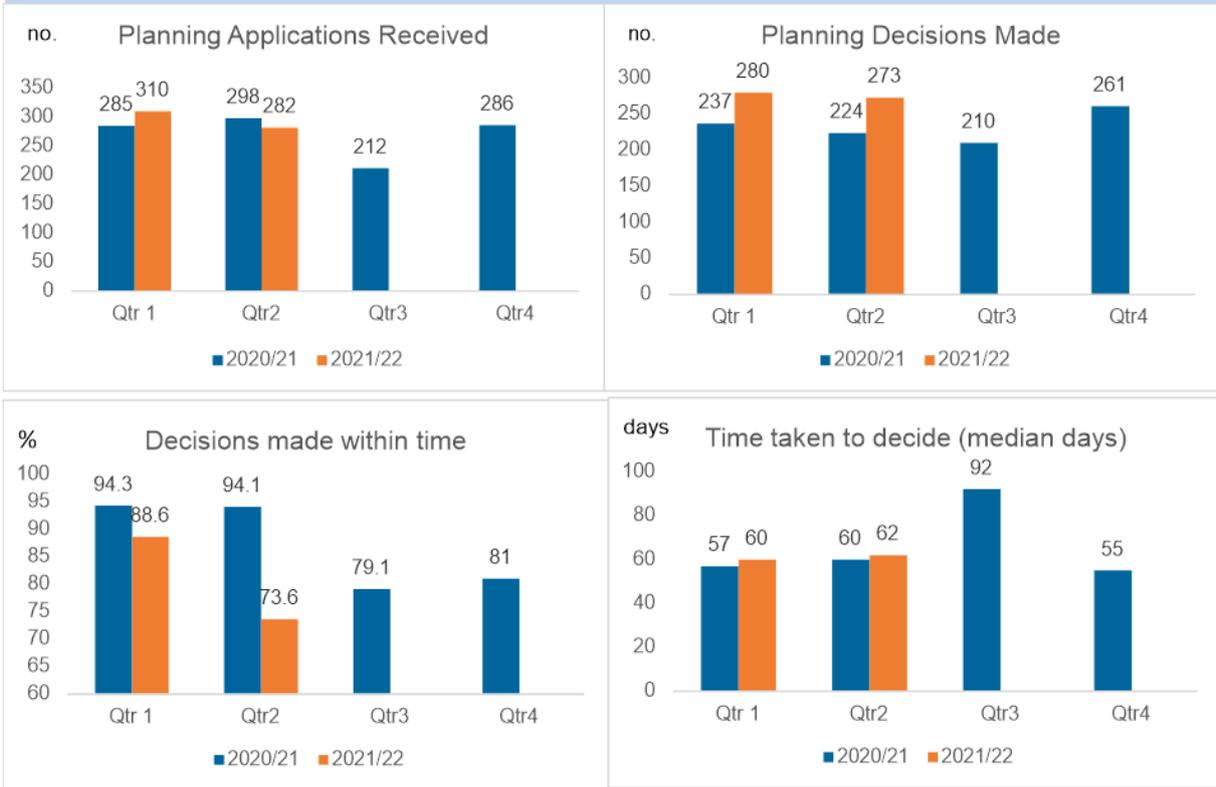
### Notes for the Quarter

1. Cr Michelle Kleinert was sworn in as Mayor at Council's Annual Meeting on 4 November 2021. Allowances for Cr Kleinert and outgoing Mayor, Cr Andrew Conlon have been adjusted for the remainder of the financial year on a pro-rata basis
2. \$77 adjustment for Cr L Mayne to the figure reported last quarter
3. \$135 reimbursement for Cr Chen following a refund from a cancelled event last financial year

# 6. Well Governed Spotlight

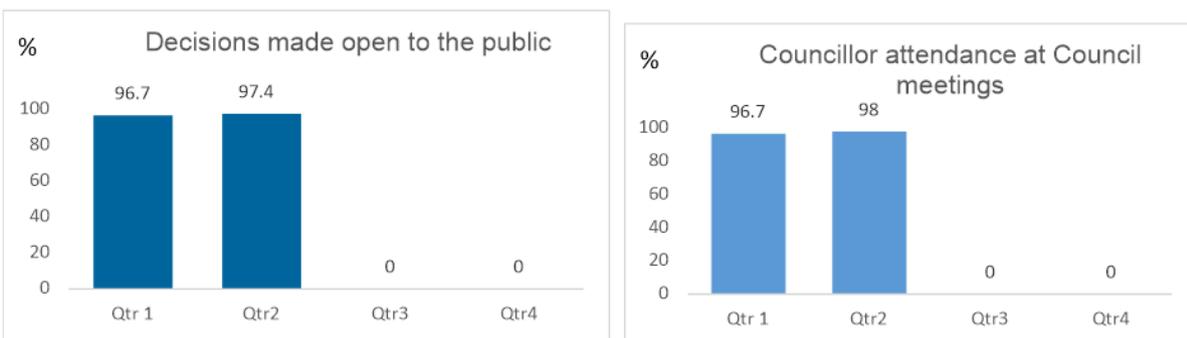
The indicators below are focus areas from the Local Government Performance Reporting Framework. Full data is available on the Know Your Council website

## Statutory Planning



There has been a slight reduction in applications decided within time due to potentially Covid 19 and staffing and backfill.

## Decision Making



- 97.4% decisions or resolutions were made open to the public, with 1 out of 39 resolutions being confidential as it related to contractual matters.
- There was 98% attendance by Councillors at Council meetings this quarter

# 7. Community Engagement

## Live engagement projects for the period:



### Liveable City Strategy

The draft Liveable City Strategy 2040 is a 20 year strategy to improve the liveability of Manningham, across our urban/suburban neighbourhoods to our rural areas.



### JW Thomson Reserve extension

We are expanding JW Thomson Reserve in Doncaster to improve access and adding new facilities.



### 5 Ways: help make this intersection safer

The intersection of Ringwood-Warrandyte Road/Croydon Road/Husseys Lane and Brumbys Road in Warrandyte South is known locally as '5 Ways'.



### 2022/23 Budget

We are asking your priorities as we start our early planning on our draft annual budget to deliver services and infrastructure over the next four years.

## Some of what you told us about what is proposed:

### Liveable City Strategy 2040

#### in our activity centres

"More vibrant day and night life" and "night owl, live music"  
"diverse shops and services"

#### our neighbourhood character

"Great idea, try to include controls on development that: respect the natural environment (flora & fauna) and minimize visual occlusion."

318 responses

### JW Thomson Reserve extension

"The addition of a table tennis table sounds great but again I live here and the reserve acts as a wind tunnel".

18 responses

### Safety on 5 ways intersection, Warrandyte

"had multiple accidents near misses at this intersection."

149 responses

### 2022/23 Budget

attention on parks and reserves, roads, traffic, and parking and waste management

1

129 responses



YOUR SAY | MANNINGHAM

#### For the Quarter:

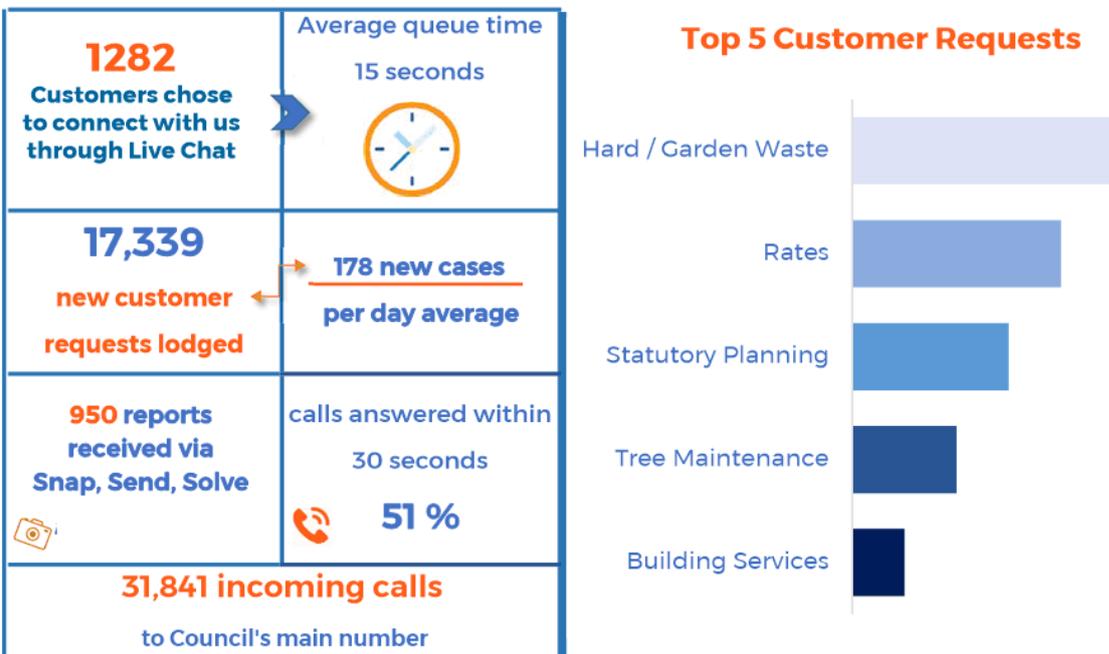
- total visits: 4900
- new registrations: 138

## Next steps on recent engagements

- Draft Anderson Park Masterplan: prepared for Council's consideration and support for its readiness for public comment early this year.
- Public Toilet Plan 2021: planning begins with Sheahans Reserve selected as the first site for new toilets.
- JW Thomson Reserve extension: feedback included support as well as concerns from neighbouring residents about the proposed new path location, table tennis facility and lighting. Officers are considering all feedback received as the plans are finalised over the coming months.
- Liveable City Strategy 2040: as part of the community engagement, we invited community feedback at two virtual drop-in sessions and two market stalls at Warrandyte Riverside and Tunstall Square. With the engagement now concluded, the project team are reviewing community feedback as the final document is prepared.

Register to have your say on upcoming projects at [yoursay.manningham.vic.gov.au](https://yoursay.manningham.vic.gov.au)

# 8. Customer Experience



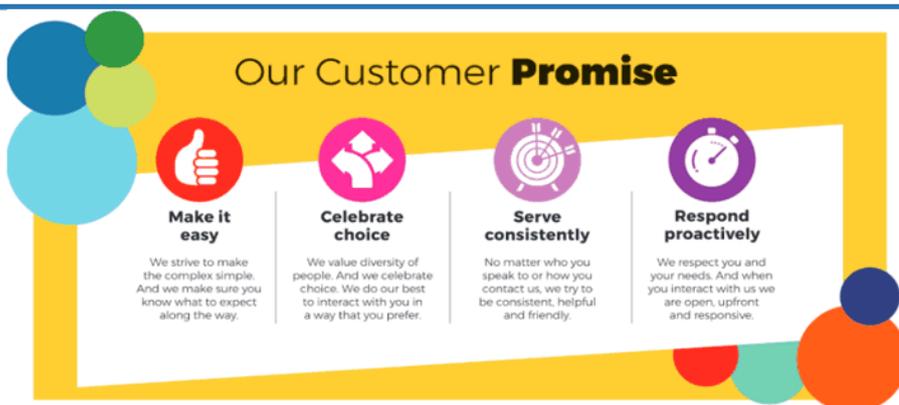
## Our projects to improve our customer's experience

We are continuously working to improve our customer's experience with projects including:

**Improving our overall customer experience** - work has commenced on developing a Customer Experience Action Plan for 2022-2024. This will outline specific initiatives that will focus our efforts on improving our customer's experience.

**Voice of customer program** - we are creating a consistent, ongoing customer feedback loop that will provide us with immediate customer feedback. This will guide our approach on where to focus our improvements to our customer's experience.

**Single view of customer transactions** - preparing to launch in early 2022 our Customer Service team will be able to see all of our customers' requests from one location. This will help us to serve customers faster and better engage to understand each customer's particular needs.



## 9. Chief Executive Indicators

Key Performance Indicator	Comments	
A Council approved Streetscape Management Plan and Nature Strip Policy by 30 June 2022.	Development of with Streetscape Management Plan input from lead consultant, report to Council in June 2022 for endorsement following consultation with the community. Nature strip policy under review, report to Council in June 2022.	
Emissions targets are set by 30 December 2021 and progress reported back to Council at least annually.	Council adopted emission targets in November 2021 to be: net zero emissions by 2028 for Council operations and net zero emissions by 2035 for the Manningham community. These inspiring targets are well ahead of the Victorian and Federal Governments. The targets will be included in the Climate Action Plan progress report in November each year.	
FOGO implemented to the Manningham community in 2022/23.	Presentation provided to Council in December 2021 on transition plan with a further report to be presented to Council in April 2022 to include Implementation Plan for FOGO.	
Expenditure of business and organisation relief initiatives including the COVID relief fund and Business Development Program.	COVID Relief funding is being expended in accordance with the categories outlined in the Council report of 26 October 2021.	
Implement the leadership framework 30 June 2022 and progress actions to embed into key people processes.	Planning for the launch of the leadership framework in progress.	
Continue to foster a positive organisation culture through embedding our values and behaviours into every day practice		
Meeting the organisation financial budget target as set out in the annual budgets for 2021/22 and 2022/23.	At the end of December 2021, Council's Operating Surplus was \$3.95m or 6.4% favourable compared to the year-to-date adopted budget. However, with the Victorian Government continuation of a State of Emergency due to COVID, the ongoing financial impact on Council is being closely monitored. Any additional financial impacts on Council services, and/or any additional community financial relief measures beyond the assumptions adopted in the 2021/22 budget are being/will be reflected in the Annual Full Year Forecast. At the end of December 2021, the Full Year Forecast Operating Surplus is currently anticipated to be \$18.74m which is \$2.24m lower than the Full Year Adopted Budget Surplus of \$20.98m.	
90% of the Council Plan Major Initiatives and Initiatives are on track at the end of the financial year.		
Completion of the review of Shared Services and implementation of a new staffing structure by 30 June 2022.	Review completed and new senior management structure in place	
90% completion of annual capital works program implemented	A full report on earlier in this report.	
Service Management Framework is resourced and implemented.	Service Plans complete and aligned with the 2022/23 Budget cycle. Existing resourcing extended whilst structure review is being conducted.	
Workforce Plan completed by 31 December 2021 and implementation of annual actions as detailed in the Plan.	Workforce Plan completed and shared with the organisation by 31 December.	
Asset plan to be presented to Council and adopted by 30 June 2022 and actions from 2022/23 to be implemented as per the action plan.	Asset Plan currently under development, with a draft scheduled for EMT review in February	
Finalise the Community Infrastructure Plan by 30 June 2022 and implement the Action Plan.	Community Infrastructure Plan in final development, with initial draft to be ready in March for internal review	
Completion of the Gender Equity Action Plan (GEAP) in line with legislative requirements and implementation of annual actions.	Development of the GEAP is in progress with consultation undertaken in November / December 2021. Consultation with Councillors planned for February 2022.	
Improved consultation and engagement satisfaction results, from the previous year, in the Community Satisfaction Survey (or equivalent).	The survey takes place across Feb - March	
Implement a program of Community Engagement training for officers.	Organising meetings with managers and directors in early 2022. In the session we will cover the Community Engagement Policy, guidelines, assessment tool and training.	
Delivery of the milestones and timelines as agreed in the advocacy plan for 2021/22 and 2022/23.		



**Manningham Council**

📍 Manningham Council, 699 Doncaster Road, Doncaster, 3108

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## 13 CHIEF EXECUTIVE OFFICER

### 13.1 Suburban Rail Loop Project Stage 1 Environmental Effects Statement Submission

File Number: IN22/54  
Responsible Director: Chief Legal and Governance  
Attachments: 1 Manningham City Council SRL East EES Submission [↓](#)

#### EXECUTIVE SUMMARY

*The Suburban Rail Loop is a proposed 90 kilometre rail line connecting outer suburban Melbourne in an orbital rail loop. The project comprises 3 distinct separate components:*

- *Suburban Rail Loop East (from Cheltenham to Box Hill) (**SRL East**);*
- *Suburban Rail Loop North (from Box Hill to Melbourne Airport), which includes a new train station at Doncaster (**SRL North**);*
- *Suburban Rail Loop West (from Melbourne Airport to Werribee) (**SRL West**).*

*Suburban Rail Loop Authority (SRLA) exhibited the SRL East Environment Effects Statement (EES) via a digital online platform to the public between 5 November 2021 until 16 December 2021, during which time the community could view the EES and make written submissions.*

*The EES for SRL East describes the existing environment, identifies benefits and potential impacts of this part of the project during its construction and operation and proposes ways to avoid, minimise, offset or manage any significant effects. The EES contains key documents such as technical summaries and technical reports which assess a range of factors including Traffic and Transport, Aboriginal Cultural Heritage, Landscape and Visual, Business and Retail and Air Quality.*

*While the SRL East EES does not directly impact the Manningham municipality, it is considered that the approvals framework adopted for the SRL East Project will be similarly adopted for the SRL North Project and therefore Council should seek to influence the framework development as part of the SRL East EES hearing process.*

*Council officers reviewed the SRL East EES documentation and engaged legal representation to draft a submission on behalf of Manningham City Council. The submission, shown in **Attachment 1**, covers Council's key concerns and advocacy items, which are noted and have been the subject of previous consideration by the Council by virtue of inclusion in the adopted Transport Action Plan including:*

- *Protecting the Strategic Principles of Doncaster Hill;*
- *Advocacy for the Implementation of an Express Bus Route mirroring the SRL Alignment*
- *Consultation with Council*
- *Environmental Performance Requirements*

**COUNCIL RESOLUTION**

**MOVED:** CR ANNA CHEN  
**SECONDED:** CR CARLI LANGE

**That Council:**

- A. Endorse the officer position expressed in the Manningham City Council (officer) SRL East EES Submission as presented in Attachment 1 of this report.**
- B. Note that the Independent Advisory Committee (IAC) hearings will commence on 28 February 2022, where Council will have the opportunity to address and expand on the issues raised in the submission.**
- C. Authorise Council's legal representative and senior council officers to represent Council at the IAC hearings in relation to the Suburban Rail Loop East (Stage 1), consistent with the intent of the submission that is recommended for adoption.**
- D. Delegate to Council's CEO the authority to make any necessary changes to the intent of the submission where it is considered necessary or evident having regard to other submissions or evidence put before the IAC.**

**CARRIED UNANIMOUSLY**

**1. BACKGROUND**

- 1.1 Councillors have previously informally expressed support for the Suburban Rail Loop Project in principle. It is considered that the Project and in particular the SRL North Project, will deliver significant improvements to public transport accessibility within Doncaster Hill, which has been the primary focus for significant development, including housing, within the municipality for the past 20 years. Council has invested considerable resources in strategic work to support Doncaster Hill and to facilitate its implementation.
- 1.2 The proposed Suburban Rail Loop East incorporates the areas between Cheltenham and Box Hill and does not extend to include Manningham/Doncaster Hill.
- 1.3 However, the design of the statutory approvals framework and environmental performance requirements (EPRs) adopted for Suburban Rail Loop East are considered likely to become the basis of the framework and EPRs adopted for the SRL North Project, which will include a station within the vicinity of Doncaster Hill.
- 1.4 Given this, it is considered imperative that council participate in the hearings and present its views on the proposed framework and EPRs in the SRL East Project EES hearings.

**2. DISCUSSION / ISSUE**

2.1 Officers have worked with Council's appointed solicitor to develop the submission based upon the strategic issues which have been the subject of previous briefings to Council and/or are consistent with Council's adopted Transport Action Plan. The submission elaborates on Council's issues in 5 categories:

- *Fixed Rail Advocacy*
- *Protecting the strategic advantage of activity centres*
- *Consultation*
- *Incorporated Document*
- *Environmental Performance Requirements*

2.2 Subject to Council's endorsement of the officer position enunciated in the submission, Council's appointed solicitor will advocate to the IAC on the issues that are raised within the submission at the hearings.

**3. IMPACTS AND IMPLICATIONS**Finance / Resource Implications

3.1 For the upcoming EES Advisory Committee Hearings (commencing 28 February 2022) Council has engaged legal representation to represent Manningham Council at the hearings.

3.2 It is anticipated that the cost of legal representation at the IAC will not exceed \$25,000.

Timelines

3.3 The SRL East EES Advisory Committee Hearings commence on Monday, 28 February 2022 and are anticipated to run for up to 40 business days (format and venue to be determined), generally sitting four days per week until Thursday 5 May.

3.4 On Thursday 23 June the Advisory Committee report is due to be submitted to Minister for Planning (35 business days from the final day of Hearing).

**4. DECLARATIONS OF CONFLICT OF INTEREST**

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



Planology Pty Ltd  
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T: 0430 453 372

16 December 2021

**Lodged via Submission Portal on Engage Victoria**

**To**

Planning Panels Victoria  
SRL East Inquiry and Advisory Committee

Dear Sir/Madam

**SRL East Inquiry and Advisory Committee  
Submission on behalf of Manningham City Council**

We act for Manningham City Council (**Council**). Council has instructed us to lodge this submission on its behalf.

**Overview**

1. Council makes this submission with respect to the Suburban Rail Loop East Environment Effects Statement (**EES**). Although the proposed Suburban Rail Loop East (**Project**) is not proposed to be within Manningham, Council has a direct interest in the Project as the Suburban Rail Loop North (**Stage 2 Project**) will be located within its municipality and will involve the construction of various infrastructure, including a station at Doncaster Hill.
2. Council supports the Project and the Stage 2 Project in principle. Council considers that the Stage 2 Project will deliver significant improvements to public transport accessibility within Doncaster Hill which has been the primary focus for significant development, including housing, within the municipality for the past 20 years. Council has invested considerable resources in strategic work to support Doncaster Hill and to facilitate its implementation.
3. Council is keen to work cooperatively with the Suburban Rail Loop Authority (**SRLA**) and the State Government to deliver the Stage 2 Project in a manner that can maximise the opportunities for Doncaster Hill and minimise the potential negative impacts.
4. Council is very keen to influence the design of the statutory framework and environmental performance requirements (**EPRs**) adopted for the Project. This is because Council expects that the framework adopted for the Project will become the basis for the Stage 2 Project.
5. Council's submission should be read in the above context.

Liability limited by a scheme approved under Professional Standards Legislation

### Fixed rail advocacy

1. The delivery of fixed rail to Doncaster Hill has been an ambition of Council for decades. Council has lobbied for many years to have fixed rail servicing Doncaster Hill, particularly given the original design of the Eastern Freeway included fixed rail within its centre median. Fixed rail along the Eastern Freeway would have provided direct access from Doncaster Hill into the CBD. Council understands that the delivery of the North East Link (NEL) will now include a Bus Rapid Transit within a busway along the Eastern Freeway as part of the project, which will provide a fast transport connection to the CBD. It is also acknowledged that the NEL project does not preclude rail in the future.
2. Within this context the delivery of the Stage 2 Project will provide fixed rail linkages to nearby Heidelberg and Box Hill. This will improve Doncaster Hill's accessibility to public transport.
3. Despite being just 12 kilometres from the CBD,<sup>1</sup> Manningham is the only metropolitan municipality without a train or tram line. This position will likely remain unchanged for at least another 20 years as construction on the Stage 2 Project is currently not expected to commence for at least a decade, with the current timeframe suggesting a commencement date for the Stage 2 Project sometime during the 2030s.
4. In these circumstances, Council urges the State Government to commence implementing Recommendation 58 of Victoria's Infrastructure Strategy 2021-2051 prepared by Infrastructure Victoria. Recommendation 58 states:

Improve frequencies and modify alignments of some existing bus routes, and introduce new services to connect the proposed train stations along the entire Suburban Rail Loop project, to start building patronage for it. Upon the project's completion, the bus network should be simplified.
5. Council is keen to work with the SRLA, Department of Transport and tertiary education institutions to implement a high frequency express bus service from La Trobe University to Monash University. More specifically, this would involve establishing a new route starting at Monash University and operating to Deakin University, Box Hill Station, Doncaster Hill, Bulleen, Heidelberg and La Trobe University, with minimal intervening stops (express service). This general route would essentially mirror the proposed Project's (and the Stage 2 Project's) alignment and could be delivered in the short term and well before the 20 year time frame required to construct and complete the Stage 2 Project. Specific reference to this outcome should be included in EPR T7 which seeks a review of bus services in areas around SRL stations.

### Protecting the strategic advantage of activity centres

6. Activity centres serve a critical strategic role across metropolitan Melbourne. They are focal points for large scale development and community interaction. Further, they are generally expected to deliver a large share of new development and housing within a municipality.

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<sup>1</sup> See clause 21.02-1 of the Manningham Planning Scheme.

7. Therefore, while the principle of building stations for the SRL within activity centres such as Doncaster Hill is undoubtedly consistent with planning policy, it is essential that the infrastructure associated with the Project does not constrain or diminish the strategic development potential of these activity centres and other areas where planning policy expressly directs increased housing densities.<sup>2</sup>
8. Council understands that under proposed Special Controls Overlay – Schedule 15, a planning permit will be required for any building if it is within the Project Infrastructure Protection A and for land outside that area for a building if it is:
  - a. more than three storeys;
  - b. with a basement;
  - c. with a footing founded more than three metres below Surface Level; or
  - d. a building (except Accommodation or Office) that applies a weight above the Surface Level equivalent to an average of greater than 45kpa.
9. Council has assumed that the SRLA has developed these parameters in order to ensure that the infrastructure associated with the Project will not be damaged by development above. Council considers that this is important and appropriate. However, the implication of these permit triggers has led Council to assume that if development exceeds these thresholds, it has the potential to impact on the Project's infrastructure. Council considers that such low thresholds within an activity centre (and in particular high order activity centres) or even strategic growth areas, gives rise to concern that the design of the Project may not adequately cater for the significant growth that the Scheme currently earmarks for these areas.
10. When the proposed Special Controls Overlay (**SCO**) controls are considered within the Doncaster Hill context, every new building within the SCO would likely require a planning permit. In other words, all buildings would have the potential to impact on the Project.
11. Therefore, it is critical that the Project is designed to ensure that the development potential of this strategic land is not prejudiced or constrained, and any additional structural requirements for new buildings would not become cost prohibitive. Further, Council expects that the need for activity centres to deliver considerable housing and employment opportunities will only increase once the Project is delivered.
12. Accordingly, the design of the Project needs to ensure that the strategic value of land within the SCO is not prejudiced by the Project's infrastructure. There is insufficient information to provide sufficient certainty that the Project will not be too close to the surface within areas designated for higher density development.
13. A further issue Council is facing is the uncertainty regarding the station location in Doncaster Hill. Council considers that unless the station location at Doncaster Hill is urgently resolved it will:
  - a. frustrate the further strategic planning work for Doncaster Hill; and

---

<sup>2</sup> This would include areas within the Residential Growth Zone and other activity centres.

- b. likely lead to further large scale developments within the activity centre, which if built, would likely add considerably to the impacts of the Stage 2 Project.

### Consultation – General comments

14. For various reasons, councils have a limited decision making role under the EES process and under the proposed planning controls. Indeed, the proposed amendments to the Scheme will remove councils as being the responsible authority for land within the SCO. In the context that councils will not be the decision maker, it is essential that councils still play a meaningful role in the consideration and approval of the documents that will contain the detailed design of the Project (and the Stage 2 Project).
15. Given the limited fine grain detail provided at this stage of the process, coupled with the vagaries of a reference design, councils need a clearer and more certain role in the preparation of documents after the EES process has been completed, including an actual say regarding the content of these documents.
16. Many councils, including Manningham, find it frustrating that each time a major project is proposed, they need to fight to be consulted through the preparation of key documents that will resolve much of the fine grain detail of a project. A more collaborative approach with councils would include them as an entity to be consulted and that their views will be considered and inform the relevant document, as a default, rather than making this issue a point of conflict during each EES hearing.
17. Further, by involving councils in the preparation of key documents following the approval of a project will assist with improving community confidence that local issues will be considered.
18. Council seeks changes to the EPRs and the SCO so that meaningful consultation occurs with councils when key documents are being prepared. For example, but not limited to:
  - a. The SRL East Surface and Tunnel Plans to be approved under the Project Incorporated Document do not require the Minister for Planning to consult with councils or to consider their views before approving this document. The same outcome results with respect to any amendment to the SRL East Surface and Tunnel Plans under clause 4.3.2 of Project Incorporated Document.
  - b. The Urban Design Strategy (UDS) to be approved under the Project Incorporated Document does not require the Minister for Planning to consult with councils or to consider their views before approving this document. The same outcome results with respect to any amendment to the UDS approved under clause 4.6.5 of the Project Incorporated Document.
  - c. The Urban Design and Landscape Plans (UDLPs) to be approved under the Project Incorporated Document do not require the Minister for Planning to consult with councils or to consider their views before approving this document. The same outcome results with respect to any amendment to the UPLPs approved under clause 4.7.9 of the Project Incorporated Document.
19. Genuine consultation should be a mandatory and integral part of the process to approve these important plans. These documents will provide the fine grain resolution and

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[https://planology-my.sharepoint.com/personal/darren\\_wong\\_planology\\_com\\_au/Documents/1.0 Matters/Manningham City Council/3963 - EES Hearing - Suburban Rail Loop/Matters/Manningham SRL EES Submission.docx](https://planology-my.sharepoint.com/personal/darren_wong_planology_com_au/Documents/1.0%20Matters/Manningham%20City%20Council/3963%20-%20EES%20Hearing%20-%20Suburban%20Rail%20Loop/Matters/Manningham%20SRL%20EES%20Submission.docx)

regulation of the Project and will be extremely important to the Project's success. Given councils have a key role in the planning for activity centres, which is generally where the proposed stations will be located, it is critical that councils are consulted and inform the preparation of these plans.

### Incorporated Document

20. Council acknowledges that the use of an incorporated document and the SCO is a framework that has been adopted by other major infrastructure projects, such as the NEL. Council accepts that the use of the SCO for this purpose is, in principle, appropriate.
21. Council considers that the scope of the SCO needs to be explicit and defined. Council is concerned that clause 4.2(m) of the Suburban Rail Loop East Incorporated Document (**Project Incorporated Document**) to be beyond the power of clause 45.12-2 or is otherwise an inappropriate provision to be included in a planning scheme.
22. Clause 45.12-2 confines the matters in which an incorporated document can include. It does not extend to effectively delegating to the Minister for Planning, who will be the responsible authority, the power to determine whether a certain development or use requires a planning permit by writing a letter.
23. Even if clause 4.2(m) would not be unlawful, the provision should not be included because it is vague and uncertain. A planning scheme should be the only place where a person needs to look to determine if they need a planning permit. A person should not have to enquire with the responsible authority whether it has written a letter exempting a particular use or development from a planning permit. Further, if the Minister for Planning can expand the scope of uses, buildings and works that will be exempt, and in turn form part of the Project, it makes it impossible for the potential environmental impacts to be scoped and to determine what EPRs would be necessary.
24. Council considers clause 4.2(m) of the Project Incorporated Document should be deleted.
25. Council considers that the Project Incorporated Document also needs to clarify whether a council would be stakeholder under the document. The Project Incorporated Document sometimes specifically references councils and other times includes a general reference to 'other stakeholders' but does not identify who are the stakeholders.

### Environmental Performance Requirements

26. Council is disappointed that numerous EPRs that were negotiated and approved as part of the NEL Project have not been adopted for the Project. For example, the Business EPRs do not refer to providing employee assistance and only refer to owners and tenants.
27. The EPRs need to be certain and measurable, and any plans required to be prepared need to be informed by consultation undertaken with councils.
28. To illustrate the above concerns, Council notes:
  - a. in LUP2, the interim land use plans 'should' be prepared in consultation with the relevant local council rather than using the word 'must';

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[https://planology-my.sharepoint.com/personal/darren\\_wong\\_planology\\_com\\_au/Documents/1.0 Matters/Manningham City Council/3963 - EES Hearing - Suburban Rail Loop/Matters/Manningham SRL EES Submission.docx](https://planology-my.sharepoint.com/personal/darren_wong_planology_com_au/Documents/1.0%20Matters/Manningham%20City%20Council/3963%20-%20EES%20Hearing%20-%20Suburban%20Rail%20Loop/Matters/Manningham%20SRL%20EES%20Submission.docx)

- b. in LUP4, while the public open space management plans will be prepared in consultation with councils, it is unclear whether they need to be informed by this consultation: this is to be compared with the role of local user group consultation;
  - c. in SC1, the listed elements for the communication and stakeholder engagement management framework should not be discretionary and the word 'must' needs to be used, and a bullet point needs to be included to require that the relevant council is consulted with when preparing the plan;
  - d. in SC2, the individual communications and stakeholder engagement plans need to explain how the consultation will be undertaken with councils; and
  - e. in SC3, SC4 and SW7, the word 'must' needs to replace the word 'should'.
29. Consultation within the EPRs and the Suburban Rail Loop East Incorporated Document – October 2021 needs to be mandatory, meaningful and robust.

### Conclusion

30. Council looks forward to discussing the above matters at the EES hearing and expanding on these matters and commenting, where appropriate, on other submissions that might be received.

If you have any questions, please contact me.

Yours sincerely



Darren Wong  
Principal

**13.2 Appointment of Authorised Officer - Planning and Environment Act 1987**

File Number: IN22/8  
Responsible Director: Chief Executive Officer  
Attachments: 1 S11A Instrument of Appointment and Authorisation -  
Hugh Charlton - 22 February 2022 [↓](#)

**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 Authorised Officer pursuant to Section 147(4) of the Act.*

*The Local Government Act 1989 also empowers Council to appoint a person, other than a Councillor, to be an authorised officer for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.*

*A person who is appointed to a position has the powers of that position under the legislation which they have been appointed. Authorisations are necessary to facilitate the efficient and effective function of councils as they enable authorised officers to carry out compliance or enforcement under legislation related to their functions and powers of the Council.*

*Authorised officers will continue to be appointed under s224 of the Local Government Act 1989, as there are no provisions for appointing authorised officers under the Local Government Act 2020.*

**COUNCIL RESOLUTION**

**MOVED: CR TOMAS LIGHTBODY**  
**SECONDED: CR LAURA MAYNE**

**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. Hugh Charlton be appointed as an authorised officer;**
- 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 or engagement with Council; and**
- C. the Instrument be signed and sealed.**

**CARRIED UNANIMOUSLY**

**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 officers, under the delegated authority of the Chief Executive Officer as the first part of a dual appointment process.
- 2.6 The appointment 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 general or material conflict of interest in this matter.

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

In this instrument "officer" means -

**Hugh Charlton**

**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 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case 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 22 February 2022.

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

Mayor .....

Chief Executive Officer .....

Date: .....

### 13.3 Informal Meetings of Councillors

File Number:	IN22/55
Responsible Director:	Chief Executive Officer
Attachments:	<ol style="list-style-type: none"><li>1 Strength Through Connection Meet and Greet Forum 8 December 2021 <a href="#">↓</a></li><li>2 Consultation Meeting 22 December 2021 <a href="#">↓</a></li><li>3 Councillor and CEO Only Time 1 February 2022 <a href="#">↓</a></li><li>4 Strategic Briefing Session 1 February 2022 <a href="#">↓</a></li><li>5 Consultation Meeting 3 February 2022 <a href="#">↓</a></li><li>6 Workplace Equality and Inclusion Action Plan Consultation 7 February 2022 <a href="#">↓</a></li><li>7 Strategic Briefing Session 8 February 2022 <a href="#">↓</a></li></ol>

#### EXECUTIVE SUMMARY

*Chapter 6, sub rule 1 of Manningham's Governance Rules requires a record of each meeting that constitutes an Informal Meeting of Councillors to be reported to Council and those records to be incorporated into the minutes of the Council Meeting.*

#### COUNCIL RESOLUTION

**MOVED:** CR ANDREW CONLON  
**SECONDED:** CR LAURA MAYNE

**That Council note the Informal Meetings of Councillors for the following meetings:**

- **Strength Through Connection Meet and Greet Forum 8 December 2021**
- **Consultation Meeting 22 December 2021**
- **Councillor and CEO Only Time 1 February 2022**
- **Strategic Briefing Session 1 February 2022**
- **Consultation Meeting 3 February 2022**
- **Workplace Equality and Inclusion Action Plan Consultation 7 February 2022**
- **Strategic Briefing Session 8 February 2022**

**CARRIED UNANIMOUSLY**

#### 1. BACKGROUND

- 1.1 Section 60 of the *Local Government Act 2020*, requires a Council to develop, adopt and keep in force Governance Rules (the Rules).
- 1.2 Chapter 6, sub rule 1 of Manningham's Governance Rules requires the Chief Executive Officer to ensure a summary of matters discussed at an informal meeting is tabled at the next convenient Council meeting and recorded in the minutes of that meeting.

1.3 An Informal Meeting of Councillors is a meeting that:

- is a scheduled or planned meeting of all Councillors (irrespective of how many Councillors attend) with the Chief Executive Officer for the purpose of discussing the business of Council or briefing Councillors; or
- is a scheduled or planned meeting of all Councillors (irrespective of how many Councillors attend) with the Executive Management Team for the purpose of discussing the business of Council or briefing Councillors; or
- is a scheduled or planned advisory committee meeting attended by at least one Councillor and one member of Council staff; and
- is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting.

## **2. DISCUSSION / ISSUE**

Summaries of the following informal meetings are attached to this report:

- Strength Through Connection Meet and Greet Forum 8 December 2021
- Consultation Meeting 22 December 2021
- Councillor and CEO Only Time 1 February 2022
- Strategic Briefing Session 1 February 2022
- Consultation Meeting 3 February 2022
- Workplace Equality and Inclusion Action Plan Consultation 7 February 2022
- Strategic Briefing Session 8 February 2022

## **3. DECLARATIONS OF CONFLICT OF INTEREST**

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

# Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS			
<b>Meeting Name:</b>	Strength Through Connection Meet and Greet Forum		
<b>Date:</b>	Wednesday, 8 December 2021	<b>Time Opened:</b>	6pm
		<b>Time Closed:</b>	8pm
<b>Location:</b>	Function Room		
<b>Councillors Present:</b>	Cr Kleinert, Cr Diamante, Cr Lange, Cr Conlon, Cr Chen, Cr Gough		
<b>Officers Present:</b>	Katrine Gabb, Anissa Gracie, Ellen Davis-Meehan, Michelle Zemancheff, Jen Worthington, Dean Graham, Niall Sheehy.		
<b>Apologies:</b>			
<b>Items discussed:</b>	<ol style="list-style-type: none"> <li>1. An introduction to place making</li> <li>2. Community involvement in emergency management</li> <li>3. Islam and Racism Reflection</li> </ol>		

CONFLICT OF INTEREST DISCLOSURES			
<b>Were there any conflict of interest disclosures by Councillors?</b>		No	
Councillor	Item	Left meeting for Item (Y/N)	Time Left / Time Returned

# Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS			
<b>Meeting Name:</b>	Consultation Meeting		
<b>Date:</b>	Wednesday, 22 December 2021	<b>Time Opened:</b>	5:30 pm
		<b>Time Closed:</b>	6:00 pm
<b>Location:</b>	Council Chambers / Zoom		
<b>Councillors Present:</b>	Cr Kleinert, Cr Chen, Cr Lightbody, Cr S Mayne (Zoom), Cr L Mayne (Zoom)		
<b>Officers Present:</b>	Emma Lawrance, Jonathan Caruso, Mel Tuangthong		
<b>Apologies:</b>	Cr Diamante, Cr Conlon, Cr Gough, Cr Lange		
<b>Items discussed:</b>	<ol style="list-style-type: none"> <li>1. Planning Application PLN20/0544 at 15 Glendale Avenue Templestowe</li> <li>2. Objector Submissions to the application</li> </ol>		

CONFLICT OF INTEREST DISCLOSURES			
<b>Were there any conflict of interest disclosures by Councillors?</b>		No	
Councillor	Item	Left meeting for Item (Y/N)	Time Left / Time Returned

# Informal Meeting of Councillors



MEETING DETAILS			
<b>Meeting Name:</b>	Councillor and CEO Only Time		
<b>Date:</b>	Tuesday, 1 February 2022	<b>Time Opened:</b>	05: 30pm
		<b>Time Closed:</b>	06: 20 pm
<b>Location:</b>	Koonung Room		
<b>Councillors Present:</b>	Mayor Cr Kleinert Deputy Mayor Cr Diamante Cr Chen Cr Cr Conlon Cr Gough Cr Lange Cr Lightbody Cr L.Mayne Cr S.Mayne		
<b>Officers Present:</b>	CEO- Andrew Day		
<b>Apologies:</b>			
<b>Items considered:</b>	1. Upcoming SBS items 2. Bulleen Plaza Car Park 3. Macedon Square Development 4. Information Technology 5. Cladding		

CONFLICT OF INTEREST DISCLOSURES			
<b>Were there any conflict of interest disclosures by Councillors?</b>		No	
Councillor	Item	Left meeting for Item (Y/N)	Time Left / Time Returned

# Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS					
<b>Meeting Name:</b>	Strategic Briefing Session				
<b>Date:</b>	Tuesday, 1 February 2022				
	<table border="1"> <tr> <td><b>Time Opened:</b></td> <td>6:30 pm</td> </tr> <tr> <td><b>Time Closed:</b></td> <td>8:09 pm</td> </tr> </table>	<b>Time Opened:</b>	6:30 pm	<b>Time Closed:</b>	8:09 pm
<b>Time Opened:</b>	6:30 pm				
<b>Time Closed:</b>	8:09 pm				
<b>Location:</b>	Zoom conferencing				
<b>Councillors Present:</b>	Cr Kleinert (Mayor), Cr Diamante (Deputy Mayor), Cr Chen, Cr Conlon, Cr Gough, Cr Lange, Cr Lightbody, Cr L Mayne and Cr S Mayne				
<b>Officers Present:</b>	<p><b>Executive Officers Present</b></p> <p>Andrew Day, Chief Executive Officer            Niall Sheehy, Acting Director City Planning &amp; Community            Rachelle Quattrocchi, Director City Services            Kerryn Paterson, Director Experience and Capability            Andrew McMaster, Chief Legal and Governance            Jon Gorst, Chief Financial Officer</p> <p><b>Other Officers in Attendance</b></p> <p>Kim Tran, Governance Officer            Paul Bonnici, Coordinator City Compliance            Fiona Troise, Acting Group Manager Approvals and Compliance            Jude Whelan, Manager Communications            Leah Baker, EA to Director City Planning &amp; Community</p>				
<b>Apologies:</b>	Nil				
<b>Items discussed:</b>	<ol style="list-style-type: none"> <li>1. Community Local Law Review</li> <li>2. Domestic Animal Management Plan</li> </ol>				
CONFLICT OF INTEREST DISCLOSURES					
<b>Were there any conflict of interest disclosures by Councillors?</b>	No				

# Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS			
<b>Meeting Name:</b>	Consultation meeting		
<b>Date:</b>	Thursday, 3 February 2022	<b>Time Opened:</b>	6.00pm
		<b>Time Closed:</b>	7.30pm
<b>Location:</b>	Zoom meeting		
<b>Councillors Present:</b>	Cr Kleinert, Cr Lange, Cr Chen		
<b>Officers Present:</b>	Jeff Gower, Glenda Ruggeri, Jacob Vittorio, James Paterson, Sawali Rai, Krishen Soobrayen		
<b>Apologies:</b>	Cr Diamante, Cr Gough, Cr Lightbody, Cr L Mayne		
<b>Items discussed:</b>	1. Planning Application PLN21/0444 at Everard Drive Road Reserve Yarra Street WARRANDYTE. Planning Permit application for the removal of vegetation associated with drainage works.		

CONFLICT OF INTEREST DISCLOSURES			
<b>Were there any conflict of interest disclosures by Councillors?</b>		No	
Councillor	Item	Left meeting for Item (Y/N)	Time Left / Time Returned

# Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS			
<b>Meeting Name:</b>	Workplace Equality and Inclusion Action Plan Consultation		
<b>Date:</b>	Monday, 7 February 2022	<b>Time Opened:</b>	6:00pm
		<b>Time Closed:</b>	6:45pm
<b>Location:</b>	Zoom		
<b>Councillors Present:</b>	Cr Kleinert, Cr Diamante, Cr Lange, Cr Chen, Cr Lightbody, Cr L Mayne and Cr S Mayne		
<b>Officers Present:</b>	Andrew Day, Kerryn Paterson, Niall Sheehy, Rachelle Quattrocchi, Jon Gorst, Andrew McMaster, Sarah Gilhooly		
<b>Apologies:</b>	Cr Conlon and Cr Gough		
<b>Items discussed:</b>	1. Workplace Equality and Inclusion Action Plan Consultation – Part 1: Gender Equality Action Plan		

CONFLICT OF INTEREST DISCLOSURES			
<b>Were there any conflict of interest disclosures by Councillors?</b>		No	
Councillor	Item	Left meeting for Item (Y/N)	Time Left / Time Returned

# Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS					
<b>Meeting Name:</b>	Strategic Briefing Session				
<b>Date:</b>	Tuesday, 8 February 2022				
	<table border="1"> <tr> <td><b>Time Opened:</b></td> <td>6:30 pm</td> </tr> <tr> <td><b>Time Closed:</b></td> <td>9:26 pm</td> </tr> </table>	<b>Time Opened:</b>	6:30 pm	<b>Time Closed:</b>	9:26 pm
<b>Time Opened:</b>	6:30 pm				
<b>Time Closed:</b>	9:26 pm				
<b>Location:</b>	Zoom conferencing				
<b>Councillors Present:</b>	Cr Michelle Kleinert (Mayor), Cr Deirdre Diamante (Deputy Mayor), Cr Anna Chen, Cr Andrew Conlon, Cr Geoff Gough, Cr Carli Lange, Cr Tomas Lightbody, Cr Laura Mayne and Cr Stephen Mayne				
<b>Officers Present:</b>	<p><b>Executive Officers Present</b></p> <p>Andrew Day, Chief Executive Officer            Niall Sheehy, Acting Director City Planning &amp; Community            Rachele Quattrocchi, Director City Services            Kerryn Paterson, Director Experience and Capability            Andrew McMaster, Chief Legal and Governance            Jon Gorst, Chief Financial Officer</p> <p><b>Other Officers in Attendance</b></p> <p>Carrie Bruce, Senior Governance Advisor            Daniele Raneri, Strategic Transport Planner            Liz Lambropoulos, Team Leader Integrated Transport            Lydia Winstanley, Coordinator City Planning            Katrine Gabb, Coordinator Social Planning and Community Strengthening            Michelle Zemancheff, Manager Economic and Community Wellbeing            Lee Robson, Group Manager Community Programs            Michael Tregonning, Acting Manager City Amenity            Drago Lijovic, Coordinator Waste Services</p>				
<b>Apologies:</b>	Nil				
<b>Items discussed:</b>	<ol style="list-style-type: none"> <li>1. Manningham's Anti-Racism Project</li> <li>2. South East Metropolitan Advanced Waste Processing Project (confidential)</li> <li>3. Suburban Rail Loop Project Stage 1 Environmental Effects Statement Submission</li> <li>4. VECO Expansion – Roll-in of Further Electricity Accounts</li> <li>5. Manningham Quarterly Report, Quarter 2 (Oct-Dec) 2021</li> <li>6. Planning Scheme Amendment C127mann and Planning Permit Application PLN20/0303 - 674-680 Doncaster Road, 2 Short Street, and 14, 14A, 16 &amp; 18 Hepburn Road, Doncaster (Doncaster Church of Christ) - Consideration of Panel Report</li> <li>7. Other matters not listed – Shade sails, road maintenance, community house funding</li> <li>8. Endorsement of Nominations for Manningham Youth Advisory Committee</li> </ol>				
CONFLICT OF INTEREST DISCLOSURES					
<b>Were there any conflict of interest disclosures by Councillors?</b>	Yes				

# Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



Councillor/Staff	Item	Left meeting for Item (Y/N)	Time Left / Time Returned
Rachelle Quattrocchi, Director City Services	Item 6.2 South East Metropolitan Advanced Waste Processing Project – Confidential	Yes	Ms Quattrocchi left the meeting at 7:02pm prior to discussion on this item and returned at 7:58pm after discussion had concluded.
Cr Carli Lange	Item 7.4 Endorsement of Nominations for Manningham Youth Advisory Committee	Yes	Councillor Lange left the meeting at 9:16pm prior to discussion on this item and did not return to the meeting.

**13.4 Documents for Sealing**

File Number: IN22/64  
Responsible Director: Chief Executive Officer  
Attachments: Nil

**EXECUTIVE SUMMARY**

*The following documents are submitted for signing and sealing by Council.*

**COUNCIL RESOLUTION**

**MOVED: CR CARLI LANGE**  
**SECONDED: CR GEOFF GOUGH**

**That Council sign and seal the following document:**

**Licence**  
**Council and Kinetic (Melbourne) Pty Ltd**  
**Part 2-14 Websters Road, Templestowe**

**Consent to Build Over an Easement**  
**Agreement under Section 173 of the Planning and Environment Act 1987**  
**Council and PARAS AUSTRALIA PTY LTD**  
**28 Roderick Street, Doncaster East**

**Consent to Build Over an Easement**  
**Agreement under Section 173 of the Planning and Environment Act 1987**  
**Council and AC May Ang and AK Win Ng**  
**8 Waratah Drive, Templestowe Lower**

**Consent to Build Over an Easement**  
**Agreement under Section 173 of the Planning and Environment Act 1987**  
**Council and GOLD3 GM HOLDINGS PTY LTD**  
**18 Meadowbank Avenue, Doncaster**

**Consent to Build Over an Easement**  
**Agreement under Section 173 of the Planning and Environment Act 1987**  
**Council and S Ngan**  
**147 Tunstall Road, Donvale**

**Consent to Build Over an Easement**  
**Agreement under Section 173 of the Planning and Environment Act 1987**  
**Council and Mason Lane Investments Pty Ltd**  
**17 Vista Street, Bulleen**

**CARRIED UNANIMOUSLY**

**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 general or material conflict of interest in this matter.

## 14 NOTICES OF MOTION

### 14.1 Notice of Motion by Cr Stephen Mayne (NOM No. 1/2022)

File Number: IN22/68

Attachments: Nil

#### COUNCIL RESOLUTION

MOVED: CR STEPHEN MAYNE  
SECONDED: CR TOMAS LIGHTBODY

That Council:

1. Notes the decision at the December 14, 2021 council meeting which imposed a collective 40% cut in recurrent grant funding for Manningham's 5 Community Houses for the period 2022-2024 when compared with funding over the previous 4 years;
2. Requests officers prepare a report for the May council meeting which considers:
  - a. the creation of a discreet 3 year funding program from July 1, 2022 through until June 30, 2025 for Manningham's 5 Community houses which is separate from the existing Community Partnership Grants Program;
  - b. an appropriate level of funding for such a program to be included in the 2022/23 budget.

FOR (3): Councillors Tomas Lightbody, Laura Mayne and Stephen Mayne.

AGAINST (6): Councillors Michelle Kleinert, Deirdre Diamante, Anna Chen, Andrew Conlon, Geoff Gough and Carli Lange.

THE NOTICE OF MOTION WAS LOST

MOVED: CR CARLI LANGE  
SECONDED: CR DEIRDRE DIAMANTE

That Council officers prepare a report for the May 2022 Council meeting on how Council can further support neighbourhood houses.

CARRIED UNANIMOUSLY

## 15 URGENT BUSINESS

There were no Urgent Business.

## 16 COUNCILLOR REPORTS AND QUESTION TIME

### 16.1 Councillor Reports

Cr Chen advised that the Metropolitan Transport Forum, which represents 26 Melbourne councils on transport issues, is holding a free online forum about cycling on Thursday, 24 February 2022. She noted that the forum would provide an opportunity for people to hear what the major political parties are doing to support cycling. More information can be found at [mtf.org.au](http://mtf.org.au).

### 16.2 Councillor Questions

**Cr Diamante** noted that Clean Up Australia Day is taking place on Saturday, 6 March and asked if Council could register Manningham sites on the Clean Up Australia Day website to generate interest and activity across Manningham?

*Ms Rachele Quattrocchi, Director City Services responded that Council is a strong supporter of Clean Up Australia Day and has a dedicated officer available to help community groups if they want to participate on the day. Ms Quattrocchi advised that there are contact details on the Clean Up Australia site and recommended that people register through the site. She also noted that interested people could contact Council directly through Council's website for further information.*

**Cr Chen** advised she had received some enquiries from the community about street sweeping. She asked if officers could advise how often street sweeping is conducted? How can the public find out which day the street is swept? Is the information available on Council's website? And will Council consider a review on the effectiveness of our street sweeping program?

*Ms Rachele Quattrocchi, Director City Services responded that Council's street sweeping program runs on an 8 – 12 week cycle for local roads within residential streets. Additionally, there is a program that runs fortnightly for footpaths and laneways within shopping precincts, car parks and busy areas within shopping precincts. Car parks within reserves are swept on a monthly cycle.*

*Ms Quattrocchi noted that the frequency of sweeping may increase in certain areas during seasonal weather events. Council also responds by request following a storm event, traffic incidents or oil spills. She further advised that the Department of Transport is responsible for sweeping of arterial roads, however, Council has on request attended as needed to make sure arterial roads are kept safe.*

*In terms of what's available on Council's website, Ms Quattrocchi advised that this could be updated to make sure this information is available to the community.*

*Ms Quattrocchi advised that Council regularly reviews its program to ensure its efficiency and looks at areas that may need to increase the frequency of our program. She noted that Council is also talking to the Department of Transport about the arterial road network and the maintenance of those roads.*

**Cr Gough** advised that the community has raised a number of concerns regarding the condition of Manningham's roads, roadsides, median strips and traffic islands due to weeds growing in the cracks in many locations. He noted that this issue is not confined to Manningham. Cr Gough asked what can be done to address this?

*Mr Andrew Day, Chief Executive Officer responded that this issue has been a topic of discussion amongst the Eastern Region Group of councils. Mr Day advised that there is some work that needs to be done in terms of advocating to the state government for further funding to maintain arterial roads. Some councils are contracted by the state to maintain arterial roads however the cost of maintenance exceeds the funding provided by the state.*

*Ms Rachelle Quattrocchi, Director City Services responded that on a local level, Council has a roadmap maintenance program that has been in existence for quite some time. She acknowledged that the Department of Transport does contribute partially to the cost of maintaining their roads.*

*Ms Quattrocchi advised that recently Council introduced a program for the spraying and removal of weeds. Overtime it is expected that residents will see a significant increase in the reduction of weeds across the city.*

*Council will continue to advocate to the state government and work in partnership with the Department of Transport to improve maintenance across not only our local areas, but the main arterial roads within Manningham.*

**Cr Gough** asked a follow up question. Are we able to get rid of the dead weeds growing out of concrete or do they have to stay there?

*Ms Quattrocchi responded that the weeds will be removed as part of the spraying and removal program.*

## 17 CONFIDENTIAL REPORTS

### Conflict of Interest

Ms Rachelle Quattrocchi stated: "Councillors, I wish to disclose that I have a conflict of interest for the confidential item, the interest being a material conflict of interest due to my role as an interim Board member of South East Metropolitan Advanced Waste Processing Pty Ltd. I will be leaving the meeting and will not participate in this item."

*Having disclosed her conflict of interest Ms Quattrocchi left the meeting at 7:38pm and took no part in this item. Ms Quattrocchi did not return to the meeting.*

### **COUNCIL RESOLUTION**

**MOVED: CR CARLI LANGE**  
**SECONDED: CR DEIRDRE DIAMANTE**

**That Council close the meeting to the public pursuant to sections 66(1) and 66(2)(a) of the *Local Government Act 2020*, to consider Item 17.1 South East Metropolitan Advanced Waste Processing Project - Council Commitment (Collaborative Procurement for Advanced Waste Processing Solutions) concerning Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.**

**CARRIED UNANIMOUSLY**

*The Meeting was closed to the public at 8:40pm to consider the following report and reopened at 9pm.*

### **17.1 South East Metropolitan Advanced Waste Processing Project - Council Commitment (Collaborative Procurement for Advanced Waste Processing Solutions)**

*This report contains confidential information within the meaning of the Local Government Act 2020 (the Act). The relevant ground applying is S3(1)a of the Act concerning Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.*

The meeting concluded at 9:00pm.

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Chairperson  
CONFIRMED THIS 22 MARCH 2022