



# Ordinary Meeting of the Council

## AGENDA

<b>Date:</b>	<b>Tuesday, 28 March 2017</b>
<b>Time:</b>	<b>7:00pm</b>
<b>Location:</b>	<b>Council Chamber, Civic Centre 699 Doncaster Road, Doncaster</b>

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

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

## COUNCIL MEETING SEATING PLAN

**DIRECTOR  
COMMUNITY  
PROGRAMS**

*Chris Potter*

**DIRECTOR SHARED  
SERVICES**

*Philip Lee*

**MANAGER  
COMMUNICATIONS &  
MARKETING**

*Juanita Haisman*

**Warwick Winn**  
*Chief Executive Officer*

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

**EXECUTIVE  
MANAGER PEOPLE  
& GOVERNANCE**

*Jill Colson*

**DIRECTOR  
PLANNING &  
ENVIRONMENT**

*Teresa Dominik*

**DIRECTOR ASSETS  
& ENGINEERING**

*Leigh Harrison*

**Cr Sophy Galbally**  
Mullum Mullum Ward

**Cr Mike Zafiropoulos**  
Koonung Ward

**Cr Andrew Conlon**  
Mullum Mullum Ward

**Cr Anna Chen**  
Koonung Ward

**Cr Paula Piccinini**  
Heide Ward

**Cr Geoff Gough**  
Heide Ward

**Cr Paul McLeish**  
Mullum Mullum Ward

**Cr Dot Haynes**  
Koonung Ward

## INDEX

<b>1</b>	<b>OPENING PRAYER AND STATEMENTS OF ACKNOWLEDGEMENT .....</b>	<b>3</b>
<b>2</b>	<b>APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE .....</b>	<b>3</b>
<b>3</b>	<b>PRIOR NOTIFICATION OF CONFLICT OF INTEREST.....</b>	<b>3</b>
<b>4</b>	<b>CONFIRMATION OF MINUTES.....</b>	<b>3</b>
<b>5</b>	<b>VERBAL QUESTIONS FROM THE PUBLIC .....</b>	<b>3</b>
<b>6</b>	<b>PRESENTATIONS.....</b>	<b>3</b>
<b>7</b>	<b>PETITIONS .....</b>	<b>3</b>
<b>8</b>	<b>ADMISSION OF URGENT BUSINESS .....</b>	<b>3</b>
<b>9</b>	<b>PLANNING PERMIT APPLICATIONS.....</b>	<b>4</b>
9.1	Planning Application PL16/026408 at 195-197 Manningham Road, Templestowe Lower for the construction of a part 3-storey and part 4-storey apartment building containing 27 dwellings over one basement level of car parking, the creation of access to a road in a Road Zone, Category 1 and a reduction in the provision of onsite car parking (1 visitor space).....	4
9.2	Planning Application PL16/026260 at 799 - 801 Doncaster Road and 1 Lauer Street, Doncaster for the construction of a 3-storey apartment building containing 37 dwellings over two levels of basement car parking, and the alteration of access to a road in a Road Zone Category 1 (removal of two crossovers in Doncaster Road).....	86
<b>10</b>	<b>PLANNING &amp; ENVIRONMENT.....</b>	<b>152</b>
10.1	Amendment C114 to the Manningham Planning Scheme: 42 Walker Street Doncaster- Removal of Restrictive Covenant.....	152
10.2	State Government Review of Bushfire Management Overlay.....	174
10.3	Open Space and Streetscape Advisory Committee - Review of Terms of Reference .....	184
<b>11</b>	<b>ASSETS &amp; ENGINEERING .....</b>	<b>190</b>
11.1	Proposed Lease of Park Reserve Pavilion, 17 Park Avenue, Doncaster .....	190
11.2	Adoption of Manningham's Amended Road Management Plan - 2017.....	194
11.3	King Street Stage 1 Special Charge Scheme - Declaration and Levy .....	225
11.4	383-395 Manningham Road, Doncaster - Sale of Land.....	261
<b>12</b>	<b>COMMUNITY PROGRAMS .....</b>	<b>267</b>
12.1	Resilient Melbourne Strategy .....	267
<b>13</b>	<b>SHARED SERVICES .....</b>	<b>285</b>
<b>14</b>	<b>CHIEF EXECUTIVE OFFICER.....</b>	<b>286</b>
14.1	Strategic Risk Register Report to Council - six month period ending 31 December 2016 .....	286
14.2	Municipal Association of Victoria (MAV) Advocacy Motions - State Council Meeting May 2017 .....	294
14.3	Delegations - Statutory Review and Bi-annual Update 2017 .....	300

- 14.4 Appointment of Authorised Officer - Planning and Environment Act 1987 -  
March 2017 ..... 342
- 14.5 Record of Assembly of Councillors - March 2017 ..... 346
- 14.6 Documents for Sealing - 28 March 2017 ..... 356
- 15 NOTICES OF MOTION ..... 358**
- 15.1 Notice of Motion by Cr Sophy Galbally (NOM No. 2/2017) ..... 358
- 16 URGENT BUSINESS ..... 359**
- 17 WRITTEN QUESTIONS FROM THE PUBLIC ..... 359**
- 18 COUNCILLORS' QUESTION TIME ..... 359**
- 19 CONFIDENTIAL REPORTS ..... 359**

**1 OPENING PRAYER AND STATEMENTS OF  
ACKNOWLEDGEMENT**

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

**3 PRIOR NOTIFICATION OF CONFLICT OF INTEREST**

**4 CONFIRMATION OF MINUTES**

Confirmation of the Minutes of Ordinary Meeting of the Council held on 21 February 2017, the Confidential Meeting of the Council held on 21 February 2017 and the Special Meeting of the Council held on 21 February 2017.

**5 VERBAL QUESTIONS FROM THE PUBLIC**







**6 PRESENTATIONS**

**7 PETITIONS**

**8 ADMISSION OF URGENT BUSINESS**

## 9 PLANNING PERMIT APPLICATIONS

### 9.1 Planning Application PL16/026408 at 195-197 Manningham Road, Templestowe Lower for the construction of a part 3-storey and part 4-storey apartment building containing 27 dwellings over one basement level of car parking, the creation of access to a road in a Road Zone, Category 1 and a reduction in the provision of onsite car parking (1 visitor space)

File Number:	IN17/117
Responsible Director:	Director Planning and Environment
Applicant:	The ELLIS Group of Architects
Planning Controls:	Residential Growth Zone Schedule 2 (RGZ2), Design and Development Overlay Schedule 8-1 (DDO8-1), Adjustments to a road in a Road Zone, Category 1 (RDZ1)
Ward:	Heide
Attachments:	<ol style="list-style-type: none"><li>1 <a href="#">Locality Map</a>  </li><li>2 <a href="#">Advertised Plans</a>  </li><li>3 <a href="#">Planning Scheme Provisions</a>  </li></ol>

#### EXECUTIVE SUMMARY

##### Purpose

1. This report provides Council with an assessment of the planning permit application submitted for land at 195-197 Manningham Road, Templestowe Lower. This 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 given that it is a Major Application (more than 15 dwellings and a development cost of more than \$5 million).

##### Proposal

2. The proposal is for the development of a part 3-storey and part 4-storey apartment building containing 27 dwellings on two (2) adjacent lots with a combined site area of 1,536 square metres. The development proposes a site coverage of 56.6%, a site permeability of 26.3% and a maximum building height of 11.89 metres. The development provides a total of 32 car parking spaces in one basement level.

##### Key issues in considering the application

3. The key issues for Council in considering the proposal relate to:
  - (a) Policy (consistency with state and local planning policy);
  - (b) Compliance with built form and urban design policies;
  - (c) Parking, access, traffic and bicycle parking;
  - (d) Compliance with Clause 55 (Rescode); and
  - (e) Objector concerns.

##### Objector concerns

4. Ten (10) objections have been received for the application, summarised as follows:
  - (a) Neighbourhood character and overdevelopment;
  - (b) Traffic congestion and inadequate car parking;
  - (c) Access from Rosebank Terrace;
  - (d) Building height and the interface with adjoining properties;
  - (e) Overlooking and loss of privacy;
  - (f) Overshadowing;
  - (g) Inadequate landscaping;
  - (h) Noise;
  - (i) Loss of vegetation and garden beds;
  - (j) Waste collection;
  - (k) Location of the sub-station and EMR transmissions; and
  - (l) Construction impacts due to the proximity of basement excavation to boundaries.

### Assessment

5. The proposal is generally consistent with the provisions of the Manningham Planning Scheme, in particular Clause 21.05 Residential, the Design and Development Overlay – Schedule 8, and Clause 55 (ResCode). These controls recognise that there will be a substantial level of change in dwelling yields and built form on the site.
6. The proposed development sits comfortably within the changing Manningham Road streetscape, as it is similar in scale and design to other higher density ‘apartment’ style developments that have been developed along Manningham Road. Whilst the building has a maximum height of 11.89 metres, the section above the 10 metre preferred height is restricted to a modest 4-storey section of the building (29.9% of the level below) which is located on the northern side of the building. This design generally reflects the preferred character of the area and the built form outcome sought along main roads under DDO8 Main Road Sub-precinct.
7. The building is attractively presented and appropriately designed, generally graduating in height towards the centre of the building. Generous boundary setbacks allow for landscaping and protect adjoining residents from unreasonable visual and amenity impacts. It also achieves an acceptable balance in the consideration of the amenity of nearby properties and its attention to the internal amenity of future occupants.

### Conclusion

8. The report concludes that the proposal is considered to comply with the relevant planning policy and should therefore be supported, subject to some design changes to the building and the inclusion of suitable management plan conditions. The proposal makes efficient use of the site and is an appropriate residential development within this part of Manningham, with good access to services, facilities and public transport.
9. It is recommended that the application be supported subject to conditions.

**1. RECOMMENDATION**

That Council:

- A. Having considered all objections a NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application PL16/026408 at 195-197 Manningham Road, Templestowe Lower for the construction of a part 3 and part 4 storey apartment building containing 27 dwellings over one basement level of car parking, the creation of access to a road in a Road Zone Category 1, and a reduction in the provision of onsite car parking (1 visitor space) –**

- 1. Before the development starts, two copies of amended plans (scale 1:100) and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will then form part of the permit. The plans must be generally in accordance with the decision plans prepared by The ELLIS Group Architects (Job No. 2286, Issue C, dated 8 December 2016 (received 15 December 2016)), but modified to show the following:**

**Built form**

- 1.1. The pitch of the roof above Apartments 303 – 306 reversed, so that it has an upward slope towards the centre of the building, whilst maintaining the angle of pitch;**
- 1.2. Deletion of the north-facing upper floor balconies of Apartments 303 - 306;**
- 1.3. Retaining walls in the Manningham Road and Rosebank Terrace frontages detailed, with maximum heights, materials and colours provided;**
- 1.4. Overlooking limited in accordance with Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme from:**
  - 1.4.1. All windows and balconies in the western elevation, and the upper floor north-facing windows of Apartment 306, into the secluded private open space areas of the dwellings approved under Planning Permit PL15/025893 at 193 Manningham Road and the dwelling at 1A Rosebank Terrace;**
  - 1.4.2. All highlight designed windows with a 1700mm annotated dimension between the finished floor level and the under sill;**
- 1.5. Externally accessible storage provided in accordance with Clause 55.05-6 (Storage) of the Manningham Planning Scheme by:**
  - 1.5.1. Each apartment allocated a minimum of 6 cubic metres of storage;**
  - 1.5.2. Storage areas in the basement level designed to not**



obstruct the parking and circulation of vehicles, or other services provided within the basement to the satisfaction of the Responsible Authority;

- 1.5.3. Details of the type and material of enclosure for each storage area within the basement and ground floor levels;
- 1.6. Details of screening for roof mounted equipment, if visible from adjoining residential properties or the public domain;
- 1.7. Notation prior to the construction commencing on site, the owner must arrange with Council's Parks Unit for the removal of the street trees located in front of the subject land and its replacement. All costs associated with this must be paid to the satisfaction of the Responsible Authority. The removal and replacement of street trees shall only be undertaken by Council contractors to ensure quality and safety of work.
- 1.8. Provision of one additional bicycle hoop adjacent to the front entrance of the building in lieu of the mailboxes (making the total number of bicycle parking spaces on site as 10 spaces);
- 1.9. An indicative location of the onsite stormwater detention system clear of the easement and proposed canopy trees;
- 1.10. Internal amenity improved in accordance with Clause 55.03-5 (Energy efficiency), Clause 55.04-8 (Noise impacts) and Clause 55.05-3 (Daylight to new windows) of the Manningham Planning Scheme by providing:
  - 1.10.1. Notation that acoustically rated glazing is to be used for all south facing windows and sliding door, if not for the entire building;
  - 1.10.2. A highlight window in the battle axe shaft of the common wall of the Bedroom and the Living areas of Apartments 102, 103, 104, 107, 108, 202, 203, 204, 208 and 209, to provide a supplementary light source;
  - 1.10.3. The east-facing Living Room & Bedroom 2 walls of Apartments 102, 103, 104, 202, 203 and 204 with a setback of 4.0 metres to the eastern boundary, to allow in additional daylight;
  - 1.10.4. The west-facing Living Room & Bedroom 2 walls of Apartments 107, 108, 208 and 209 with a setback of 4.0 metres to the western boundary, to allow in additional daylight;
  - 1.10.5. The window of Bedroom 1 in Apartments 304 and 305 widened to 1.2 metres, to allow in additional daylight;
  - 1.10.6. Bathrooms of Apartments 106, 205, 207, 303 and 306

provided with a window, for light and ventilation;

**1.10.7. Operable, external shading devices on the west-facing Bedroom 2 window of Apartment 106, Bedroom 1 window of Apartment 107 & 108, and Living Room of Apartment 109, Bedroom 1 of Apartment 207, 208 & 209, and Bedrooms 1 and 2 of Apartment 210, for solar protection;**

**1.10.8. Fixed, external shading devices on the north-facing Bedroom 2 window of Apartment 205, Bedroom 1 and the living room of Apartment 206, and Bedroom 1 of Apartment 207;**

**1.11. Notation of the type of Hot Water System proposed on the roof. This must be consistent with the revised Sustainability Management Plan required under Condition 5 of this permit.**

**1.12. A schedule of materials and finishes with colour samples of all external walls, roofs, fascias, window frames, paving (including terraces, balconies, roof terraces, stairs), fencing, privacy screens, roof top plant screens, retaining walls and the building identification sign.**

#### **The Basement and Accessways**

**1.13. Any amendments required by VicRoads Conditions 37- 43 of this permit;**

**1.14. Plan notation that any redundant vehicle crossover must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority;**

**1.15. Location of intercom systems adjacent to each basement security door;**

**1.16. Longitudinal Section Drawing (scale 1:100) drawn demonstrating compliance with Design Standard 3: Gradients of Clause 52.06 (Car parking) of the Manningham Planning Scheme. The drawing must show the length of each driveway segment, spot levels at each change of gradient, and a gradient calculated as 1:X for each segment from:**

**1.16.1. The centre of Rosebank Terrace to the base the basement. The drawing must not alter the gradient of the footpath and must include an accessway gradient of 1:10 for the first 2 metres into the site;**

**1.16.2. Along the southern edge of the accessway ramp between the basement and Manningham Road;**

**1.17. Notation of the use of the water tank, to correspond with the identified use in the revised Sustainability Management Plan and STORM Report;**

**Site services**

- 1.18. The letterbox relocated to face Manningham Road adjacent to the pedestrian path and integrated into the landscaping, unless written agreement to the location of the letterboxes adjacent to the front entrance is provided by Australia Post, to the satisfaction of the Responsible Authority;
- 1.19. The location of any fire services and details of how they will be designed so as to minimise visual impacts from either street frontage;
- 1.20. The design details of the building's front entry, including an elevation drawing of the letterboxes, platform lift and screening to the services cabinets;
- 1.21. The location of retractable clotheslines to all ground level open spaces and balconies, designed so they are not visible from the street or adjoining properties;
- 1.22. Details of basement ventilation, including the location of any mechanical intake or outlet;
- 1.23. A schedule listing the minimum sustainability features applicable to the development, as described in the approved Sustainability Management Plan;

**Endorsed Plans**

2. The development as shown on the approved plans must not be altered without the prior written consent of the Responsible Authority.
3. The existing bus stop and associated infrastructure on Manningham Road must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria at the cost of the permit holder.

**Construction Management Plan**

4. Before the development starts, two copies of a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved, the Plan will form part of the planning permit. The Plan must address, but not be limited to the following:
  - 4.1. A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - 4.2. Hours of construction;
  - 4.3. Delivery and unloading points and expected frequency;
  - 4.4. On-site facilities for vehicle washing;

- 4.5. Asset protection procedures for any public footpaths;
- 4.6. The location of parking and site facilities for construction workers;
- 4.7. Measures to minimise the impact of construction vehicles arriving at and departing from the land;
- 4.8. Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;
- 4.9. The measures for prevention of the unintended movement of building waste and other hazardous materials and pollutants on or off the site, whether by air, water or other means;
- 4.10. An outline of requests to occupy the front nature strip and any anticipated disruptions to local services;
- 4.11. Measures to minimise the amount of waste construction materials;
- 4.12. Measures to minimise noise and other amenity impacts from mechanical equipment/construction activities, especially outside of daytime hours;
- 4.13. Adequate environmental awareness training for all on-site contractors and sub-contractors.

#### **Sustainability Management Plan**

5. Before the development starts or the issue of a building permit for the development, whichever is the sooner, two copies of a revised Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The revised plan must be prepared in accordance with the current version of the Green Star – Design & As Built tool, or the Built Environment Sustainability Scorecard. When approved the Plan will form part of the permit. The recommendations of the revised 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 revised plan must be generally in accordance with the plan prepared by prepared by Frater Consulting Services (Version 0, dated 26 May 2016) but modified to account for all design changes required by Condition 1 of this permit, and show the following:

#### **Indoor Environment Quality**

- 5.1. All apartments have an adequate light;
- 5.2. All bathrooms on an external wall on the building have a windows for light and ventilation;
- 5.3. Exposed glazing has sufficient shading/overhangs to avoid overheating and glare;
- 5.4. Provide adjustable external blinds/shutters on west facade to

control glare and summer solar gains;

- 5.5. Ensure north glazing has adequate overhangs to control summer glare while allowing winter solar gains.

**Energy Efficiency – Clotheslines**

- 5.6. Fixed or retractable clotheslines for each dwelling in a courtyard, hidden on a balcony or within a bathroom or laundry with adequate ventilation to prevent condensation and mould growth;

- 5.7. Reflect the provision for clotheslines in the STEPS report;

**Energy**

- 5.8. Thermal performance (page 5) – preliminary energy ratings must be undertaken for a sample number of apartments to demonstrate that a 10% improvement on the National Construction code can be achieved;

- 5.9. Efficient HWS (page 5) – the type of proposed HWS.

**Waste Management Plan**

6. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an amended Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The Plan must generally be in accordance with the plan prepared by Frater Consulting Services (Version 0, dated 6 December 2016), but modified to provide:

- 6.1. The exact location of waste collection vehicles will stop and undertake waste collection from within the basement and ensure that a minimum 2.4 metre high overhead height clearance is provided at this point to ensure an orderly collection of waste;

- 6.2. No private waste contractor bins can be left outside the development boundary or left unattended at any time on any street frontage for any reason.

**Management Plan Compliance**

7. The Management Plans approved under Conditions 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.
8. Before the approved use starts, a report from the author of the Sustainability Management Plan, approved pursuant to his permit, or similar qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures in the Sustainability Management Plan approved under Condition 4 of this permit have been implemented in accordance with the approved

plans.

**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. Before the occupation of the dwellings approved under this planning permit, privacy screens and/or obscure glazing as required in accordance with the approved plans must be installed to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.
11. Before the occupation of the dwellings approved under this planning permit, 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.
12. Before the occupation of the dwellings approved under this planning permit, 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.
13. Before the occupation of the dwellings approved under this planning permit, any redundant vehicle crossover must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.
14. Before the occupation of the dwellings approved under this planning permit, all fencing must be erected in accordance with the plans endorsed under Condition 1 of this permit to the satisfaction of the Responsible Authority.
15. Before the occupation of the dwellings approved under this planning permit, all retaining walls must be constructed and finished in a professional manner to ensure a neat presentation and longevity to the satisfaction of the Responsible Authority.
16. Before the occupation of the dwellings approved under this planning permit, intercom and an automatic basement door opening system for both basement doors (connected to each dwelling) 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.
17. Before the occupation of the approved dwellings, all associated basement parking spaces must be line-marked, numbered and signposted to provide allocation to each dwelling and visitors to the satisfaction of the Responsible Authority.
18. Visitor car parking spaces must be clearly marked and must not be

used for any other purpose to the satisfaction of the Responsible Authority.

#### **Landscaping Plan**

19. Before the development starts, two copies of an amended Landscaping Plans (scale 1:100) and dimensioned, must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the approved site layout plan and the decision plan prepared by Frater Consulting Services (Job No. 16-104, June 2016), but modified to show:

19.1. Any amendments required under Condition 1 of the planning permit;

19.2. Notation prior to the construction commencing on site, the owner must arrange with Council's Parks Unit for the removal of the street trees located in front of the subject land and its replacement. All costs associated with this must be paid to the satisfaction of the Responsible Authority. The removal and replacement of street trees shall only be undertaken by Council contractors to ensure quality and safety of work.

19.3. Species, locations, approximate height and spread of proposed planting;

19.4. All canopy trees and screen planting along the side and rear boundaries are at least 1.5 metres in height at the time of planting.

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.

#### **Landscaping Bond**

20. Before the release of the approved plan for the development, a \$10,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.

#### **Stormwater – On-site detention**

21. 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:

**21.1 Be designed for a 1 in 5 year storm; and**

**21.2 Storage must be designed for 1 in 10 year storm.**

#### **Construction Plan**

- 22. Before the development starts, a construction plan for the system required by Condition 21 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**

- 23. 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.**
- 24. 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**

- 25. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.**
- 26. Maintenance of the common area landscaping must be managed by the body corporate.**
- 27. All upper level service pipes (excluding stormwater downpipes) and any wall mounted spa-bath pump must be concealed and screened respectively to the satisfaction of the Responsible Authority.**
- 28. Any reverse cycle air-conditioning unit erected on the walls, roofs or balconies of the approved dwellings must be located, to not adversely affect the amenity of the area by way of appearance/visual prominence to the satisfaction of the Responsible Authority. Where the Responsible Authority identifies a concern about visual appearance, appropriately designed/finished screening must be installed and maintained to the satisfaction of the Responsible Authority.**
- 29. Unless depicted on a Roof Plan approved under Condition 1 of this permit, no roof plant (includes air conditioning units, basement exhaust ducts, solar panels or hot water systems) which is visible to immediate neighbours or from the street may be placed on the roof of the approved building, without details in the form of an amending plan**



being submitted to and approved by the Responsible Authority.

30. A centralised TV antenna must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.
31. No individual dish antennae may be installed on the overall building to the satisfaction of the Responsible Authority.
32. Any wall-mounted, instantaneous gas hot water system located on a balcony wall or on a general external wall of the building, so as to be visible from off the site must be provided with a neatly designed, durable screen (in perforated metal sheeting, for instance) to the satisfaction of the Responsible Authority or be of the recessed type with a cover plate.
33. 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.
34. Any security door/grille to the basement opening must maintain sufficient clearance when fully open to enable the convenient passage of waste collection vehicles which are required to enter the basement and such clearance must also be maintained in respect of sub-floor service installations throughout areas in which the waste collection vehicle is required to travel to the satisfaction of the Responsible Authority.

#### Maintenance

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

#### Earthworks

36. The extent and depth of cut and fill must not exceed that shown on the plans endorsed under Condition 1 of this permit without the written consent of the Responsible Authority.

#### VicRoads Conditions (Conditions 37 – 43)

37. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the occupation of the building hereby approved.
38. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the works hereby approved.
39. The new crossover on Manningham Road should be 3.5 metres wide at the property boundary and the edges to the crossover angled at 60

degrees for the first 3.0 metres from the edge of the road.

40. The accessways should have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road.
41. Prior to the occupation of the building hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:
  - 41.1 Formed to such levels and drained so that they can be used in accordance with the plan;
  - 41.2 Treated with an all-weather seal or some other durable surface.
42. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).
43. Vehicles must enter and exit the land in a forward direction at all times.

#### Permit Expiry

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

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

## 2. BACKGROUND

- 2.1 A pre-application advice request was submitted on 9 December 2015.
- 2.2 A proposal for the site was presented to the Sustainable Design Taskforce meeting on 28 January 2016, at which issues were raised regarding the appropriateness of the fourth storey, the built form at the northern end, whether appropriate stepping is provided to adjoining properties, streetscape presentation, the presence of below ground light courts, the limited opportunities for landscaping, and the appropriateness of the proposed vehicle crossing adjacent to the bus stop in Manningham Road.
- 2.3 The application was received on 24 June 2016.

- 2.4 A request for further information was sent on 19 July 2016. This included identifying preliminary concerns relating to the proposal being an overdevelopment of the site, compliance with the Design and Development Overlay – Schedule 8, the design of the basement, internal amenity, landscaping and built form.
- 2.5 All required further information was received on 15 December 2016.
- 2.6 The statutory time for considering a planning application is 60 days, which lapsed on 13 February 2017.
- 2.7 Covenant 1474125 is registered to the Title and regulates the excavation of materials carried out to that solely for the purpose of foundations for a building. The covenant also prohibits the use of the site for the manufacturing or winning of bricks, tiles, or pottery ware. On this basis, Covenant 1474125 will not be breached should this planning proposal be approved.

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

#### **The Site**

- 3.1 The site is situated on the north-western corner of the Manningham Road and Rosebank Terrace intersection, approximately 180 metres east of the Manningham Road and Thompsons Road intersection.
- 3.2 The site comprises two irregular shaped lots with a combined area of 1,536 square metres. The Manningham Road frontage is 31.5 metres, the Rosebank Terrace frontage is 51.26 metres, the northern boundary is 32.31 metres, and the western boundary is 39.81 metres long. A 4.82 metre long splay is opposite the intersection.
- 3.3 The site is currently developed with a large single-storey brick dwelling with a tiled, hipped roof. The dwelling is built across both lots and is serviced by two vehicle crossovers, the first adjacent to the western boundary on Manningham Road and the second in Rosebank Terrace adjacent to the intersection. The secluded private open space area is located on the northern side of the dwelling.
- 3.4 The land slopes upwards from Manningham Road towards the northern boundary, with a level difference of 1.73 metres along the western boundary and 2.62 metres between the splay and eastern boundary at Rosebank Terrace. Along the Manningham Road and Rosebank Terrace frontages are 1.5 metre high brick retaining walls.
- 3.5 A 2.44 metre wide drainage and sewerage easements abuts the length of the northern boundary within the site. Council's records suggest that there are no pipes located within the easement.
- 3.6 With the exception of the northern 16 metres of the Rosebank Terrace frontage which contains a 1.95 metres high timber paling fence, no fences present to either street. Timber paling fences between 1.7 metres and 1.9 metres in height are common to the western and northern boundaries respectively.

#### **The Surrounds**

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

Direction	Address	Description
North	1A Rosebank Terrace, Templestowe Lower	<p>This property adjoins the northern boundary and forms part of a 2 dwelling development that was approved under Planning Permit PL11/022479 on 2 August 2012. Both dwellings are 2 storeys high. This side by side designed development results in the dwelling at 1A Rosebank Terrace being the only dwelling to abut the common boundary.</p> <p>The contemporarily designed dwelling contains a variety of construction materials and a tiled, hipped roof. The dwelling is setback 7.6 metres to the street. The garage is setback 0.2 metres to the common boundary (southern), and the open-plan Living and Dining area is 1.4 metres to the common boundary. A crossover and driveway provides vehicular access to the garage. The secluded private open space area is on the western side (rear) and contains a deck to provide a transitional space between the living and open space areas. The dwelling is designed to limit overlooking from their habitable room windows towards the site.</p>
West	193 Manningham Road, Templestowe Lower	<p>This property adjoins the western side of the site and is currently developed with a single-storey dwelling setback 11.4 metres to Manningham Road and 1.8 metres to the common boundary.</p> <p>Planning Permit PL15/025893 granted approval to redevelop the site for 4 dwellings (2 X 2 storey and 2 X 3 storey dwellings, and alter the access to Manningham Road) on 8 December 2016. The building design is in a 'boxy' contemporary appearance with minimal eaves. This proposal is yet to commence.</p> <p>The ground floor secluded private open space areas for the southern 2 dwellings adjoins the common boundary.</p> <p>All dwellings are designed to limit overlooking from their habitable room windows towards the site.</p>

- 3.8 The character of the broader neighbourhood is in transition. Single, detached brick dwellings are common to many properties, however many of these lots are now being redeveloped with two or more townhouse style dwellings or apartments on consolidated lots. The nearest 'apartment' style developments are at 194 & 196 Manningham Road to the south-east and 181-183 Manningham Road to the west.
- 3.9 Manningham Road adjoins the southern boundary with the site. This major arterial road has three lanes of traffic in each directions (inclusive of a bus lane),

with a central dividing median. Manningham Road is under the jurisdiction of VicRoads and served by several bus routes, including the Smart Bus services.

- 3.10 On the northern side of the site, land is zoned General Residential Zone, Schedule 1 where less intensive, incremental developments are supported under Clause 21.05 (Residential) and Clause 22.15 (Dwellings in the General Residential Zone, Schedule 1) under the Manningham Planning Scheme.
- 3.11 The site is well located to a range of services, with the Macedon Plaza Shopping Centre located 950 metres to the east and the Westfield Doncaster Shopping Centre approximately 2km to the east. The Manningham Park Primary School is located 250 metres to the east. The Riverview Reserve is the nearest public open space area and this is located 180 metres to the south.
- 3.12 Immediately in front of the site, on Manningham Road, is a bus stop.

#### 4. THE PROPOSAL

- 4.1 It is proposed to demolish the existing buildings and clear all vegetation to enable the construction of a part 3-storey and part 4-storey apartment building comprising 27 dwellings over one level of basement car parking. The proposal also seeks to create access to a road in a Road Zone Category 1, and reduce the provision of onsite car parking (1 visitor space).

##### Submitted plans and documents

- 4.2 The proposal is depicted on plans prepared by the Ellis Group of Architects (issue C, dated 8 December 2016, and received 15 December 2016), and a Landscaping Plan prepared by Frater Consulting Services (dated June 2016, and received 15 December 2016). Refer to Attachment 1.
- 4.3 The following reports were submitted in support of the application:
- Town Planning Report – Apex Town Planning, November 2016;
  - Traffic Impact Assessment Report – TTM Consulting, 14 December 2016;
  - Waste Management Plan – Frater Consulting Services, 16 December 2016;
  - Sustainability Management Plan - Frater Consulting Services, 26 May 2016;
  - Arboricultural Report – McLeod Trees, 8 November 2016; and
  - Acoustic Report – Noise Consulting, 17 October 2016.

##### Development summary

- A summary of the development is provided as follows:

Site area:	1,536sqm.	Maximum Building Height:	11.89m.
Site Coverage:	56.6%.	Setback to Manningham Road	Basement – 2.5m (part).

	(south)	Ground floor – 6.0m. First floor – 6.0m. Second floor – 6.0m (lift). Third floor – >13m.
Permeability: 26.3%.	Setback to Rosebank Terrace (east)	Basement – 2.0m. Ground floor – 3.0m. First floor – 3.0m. Second floor – 6.0m. Third floor – 6.0m.
Number of Dwellings: 27.	Setback to northern boundary	Basement – 4.0m. Ground floor – 4.0m. First floor – 4.0m. Second floor – 5.0m. Third floor – 5.0m.
• 1 bedroom: 4.	Setback to western boundary	Basement – 1.5m. Ground floor – 3.0m. First floor – 3.0m. Second floor – 5.69m. Third floor – 5.69m.
• 2 bedrooms: 22.	Car parking spaces:	32.
• 3 bedrooms: 1.	Resident spaces:	28.
Density: One per 56.9sqm.	Visitor spaces:	4 (5 required).

### Design layout

- 4.4 The ground level consists of 9 x 2-bedroom apartments, each provided with a ground level courtyard, with the exception of Apartment 101 that has a balcony facing Manningham Road. The courtyards range in area between 9 square metres and 64 square metres (excluding landscaping).
- 4.5 The first floor consists of 2 x 1-bedroom apartments and 8 x 2-bedroom apartments, each provided with a balcony that ranges from 8 to 14 square metres in area.
- 4.6 The second floor consists of 2 x 1-bedroom apartments, 5 x 2-bedroom apartments, and 1x 3-bedroom apartment. Apartments 301, 302, 303, 307 and 308 are each provided with a balcony that ranges from 12 to 41 square metres in area. Apartments 303-306 are over 2 levels and internal stairs provide access to the third floor above.
- 4.7 The third floor contains the upper floor areas of Apartments 303-306. Balconies are provided on the northern and southern sides of each apartment and have a total combined area of between 30 square metres and 32 square metres.

### Pedestrian and vehicle access and layout

- 4.8 The pedestrian path and associated platform lift provide pedestrian access from Manningham Road into the entry and foyer of the building. The internal lift and stairs services all levels except the third floor. This level is accessible from the lower level by the internal stairs of the respective apartment.
- 4.9 Two crossovers and driveways provide vehicular access. Adjacent to the northern boundary in Rosebank Terrace, a 3.5 metre wide crossover and accessway provides entry only access into the basement. Adjacent to the western boundary in Manningham Road, a 3.5 metre wide crossover and accessway provides an exit only egress for all vehicles. Secure automatic tilt doors are provided for both accessways within the basement.
- 4.10 Access to the dwellings from the basement level is from communal stairs and a lift.
- 4.10 The basement also incorporates a waste storage room, a 25,000L capacity underground water tank, 7 bicycle parking spaces and storage spaces for each apartment. Additional storage has also been provided in the common hallways at the ground and first floor levels using a lockable cupboards.

### Landscaping

- 4.11 All trees are to be cleared from within the site. Canopy trees are proposed adjacent to all site boundaries in addition to formalised plantings in landscaping beds adjacent to the site's boundaries.
- 4.12 Parallel aligned retaining walls are positioned east of the pedestrian path and return along the Rosebank Terrace frontage and provide a landscaping bed within.

### Design detail

- 4.13 The proposed building is designed in contemporary architectural forms, which incorporates a flat roof and articulated façade presentations on all sides. The façades consist of a mix of render, timber and metal cladding with framing elements projecting from the building, together with various façade treatments.

## 5. LEGISLATIVE REQUIREMENTS

- 5.1 Refer to Attachment 2.

## 6. REFERRALS

### External

- 6.1 Given the proposal includes creating and altering access to Manningham Road, it is a statutory requirement to refer the application to VicRoads as a Determining Referral Authority.
- 6.2 VicRoads have not objected to the proposal, but have required 7 conditions to be included into a permit, generally relating to the removal of redundant crossovers, crossover design, standard of works, ongoing maintenance and the direction of vehicle movements into and from the site (**Conditions 37 - 43**).

- 6.3 The application was also referred to Public Transport Victoria as the proposed accessway onto Manningham Road was adjacent to the rear of the bus stop in front of the site. This referral is not a statutory referral as the bus stop is not proposed to be altered and the development comprises less than 60 dwellings.
- 6.4 Public Transport Victoria have suggested that a condition be considered for inclusion by the Responsible Authority into any planning permit issued, that does not allow the bus stop to be altered without their approval, and that any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria. This request is considered appropriate and has been included as a permit condition (**Condition 3**).

#### Internal

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

Service Unit	Comments
Engineering & Technical Services Unit – Drainage	<ul style="list-style-type: none"> <li>There is adequate point of discharge for the site. All runoff is to be directed to the point of discharge (<b>Condition 23</b>).</li> <li>Provide an on-site stormwater detention system (<b>Condition 21</b>).</li> </ul>
Engineering & Technical Services Unit – Vehicle Crossing	<ul style="list-style-type: none"> <li>The existing disused vehicle crossover is required to be removed and the nature strip, kerb and channel and footpath reinstated (<b>Condition 13</b>).</li> <li>A “Vehicle Crossing Permit” is required.</li> </ul>
Engineering & Technical Services Unit – Access and Driveway	<ul style="list-style-type: none"> <li>Adequate sight lines are available from the exit lane.</li> <li>The width and internal radius of the driveway allow sufficient turning areas for all vehicles to exit the site in a forward direction.</li> <li>There is at least 2.1 metres headroom beneath overhead obstructions.</li> <li>The accessway from Rosebank Terrace does not comply with Design Standard 1: Accessways of Clause 52.06 (Car parking). A redesign of the gradients is required (<b>Condition 1.16</b>).</li> <li>The accessway gradient to Manningham Road needs clarification to demonstrate compliance with Design Standard 1: Accessways of Clause 52.06 (Car parking) (<b>Condition 1.16</b>).</li> </ul>
Engineering & Technical Services Unit – Traffic and Car Parking	<ul style="list-style-type: none"> <li>The dimensions of the car parking spaces comply.</li> <li>There are no traffic issues in the context of the surrounding street network.</li> <li>The reduction in the provision of onsite car parking is acceptable.</li> </ul>
Engineering & Technical Services Unit – Car Parking	<ul style="list-style-type: none"> <li>The car parking layout is satisfactory.</li> </ul>



Service Unit	Comments
Layout	
Engineering & Technical Services Unit – Construction Management	<ul style="list-style-type: none"> <li>• A Construction Management Plan is required <b>(Condition 4)</b>.</li> </ul>
Engineering & Technical Services Unit – Waste	<ul style="list-style-type: none"> <li>• Private waste collection is required onsite.</li> <li>• Amendments required to the submitted Waste Management Plan before approval to identify the exact location of where the waste collection vehicle will stop and to ensure that a minimum 2.4 metre overhead clearance is provided at this point to ensure orderly waste collection, and that no private waste collection bins are to be left on either street frontage for any reason.</li> <li>• A final Waste Management Plan needs to be approved as part of the permit <b>(Condition 6)</b>.</li> </ul>
Engineering & Technical Services Unit – Easements	<ul style="list-style-type: none"> <li>• Build over easement approval is required.</li> </ul>
Strategic Projects Unit – Sustainability	<ul style="list-style-type: none"> <li>• The following amendments to the submitted Sustainability Management Plan (SMP) are required before approval <b>(Conditions 1.10 and 5)</b>.</li> </ul> <p><u>Submission of a Revised SMP</u></p> <ul style="list-style-type: none"> <li>• The submitted SMP revised to the current version of Green Star – Design &amp; As Built Tool, or the Built Environment Sustainability Scorecard.</li> </ul> <p><u>Indoor Environment Quality</u></p> <ul style="list-style-type: none"> <li>• Apartments 102, 103, 104, 107 &amp; 108 (and the corresponding apartments on the level above) have inadequate daylight in their Bedroom 2. A condition has been included to provide a highlight window in the wall with the Living Room in the light handle to supplement external window light <b>(Condition 1.10)</b>.</li> <li>• Apartments 102, 103, 104, 107 &amp; 108 (and the corresponding apartments on the level above) have inadequate daylight in the Living rooms due to their depth. A condition has been included requiring the external walls of the Living Rooms and Bedroom 2 of these apartments be setback 4.0 metres to their opposing facing boundaries <b>(Condition 1.10)</b>.</li> <li>• Bedroom 1 windows in Apartment 304 &amp; 305 to have a minimum window width of 1.2 metres <b>(Condition 1.10)</b>.</li> <li>• Bathrooms to Apartments 106, 205, 207, 303</li> </ul>

Service Unit	Comments
	<p>and 306 to have a window for light and ventilation <b>(Condition 1.10)</b>.</p> <ul style="list-style-type: none"> <li>• Provide adjustable external blinds/shutters in the west facade to control glare and summer solar gains in habitable room windows <b>(Condition 1.10)</b>.</li> <li>• Ensure northern glazing has adequate fixed overhangs to control summer glare while allowing winter solar gains for habitable rooms <b>(Condition 1.10)</b>.</li> </ul> <p><u>Stormwater Management – Rainwater tank</u></p> <ul style="list-style-type: none"> <li>• Notation required on the Basement Plan to state the intended use of the water tank and to correspond with the SMP &amp; STORM report <b>(Condition 1.17)</b>.</li> </ul> <p><u>Energy</u></p> <ul style="list-style-type: none"> <li>• Preliminary energy ratings must be undertaken for sample of apartments to demonstrate that 10% improvement on the National construction Code (NCC) can be achieved.</li> <li>• The plans and SMP must be updated to reflect the type of solar hot water system is being proposed.</li> </ul>
<p>City Strategy Unit – Urban Design</p>	<ul style="list-style-type: none"> <li>• The basement level is sufficiently setback from property boundaries which will facilitate deep root boundary planting.</li> <li>• Concerned about the level of light penetration to the living spaces and saddleback bedrooms in apartments 102, 103, 104, 107, and 108 and would suggest that the depth of the terrace recesses be reduced <b>(Condition 1.10)</b>.</li> <li>• It is requested that the selection of lift product and the landscape and building treatments surrounding it be designed to make it read as part of the building <b>(Condition 1.20)</b>.</li> <li>• Landscaping Plan should include the provision of new street trees.</li> <li>• This site is on a topographical highpoint and will be highly visible. As such, particular attention needs to be paid to the positioning of roof plant, in this case, air-conditioning units, to ensure that they are not visible <b>(Condition 1.6)</b>.</li> <li>• The building identification signage is shown on rendered images provided. It is requested that this be seamlessly integrated into the construction of the façade of the building to achieve a quality outcome. Low-budget off-the-shelf applied lettering and numbers would</li> </ul>

Service Unit	Comments
	cheapen the development ( <b>Condition 1.12</b> ). <ul style="list-style-type: none"> <li>• Building material selection appears to be suitably varied and the building is appropriately articulated.</li> </ul>

## 7. CONSULTATION / NOTIFICATION

7.1 Notification of the application was given for a three-week period which concluded on 2 February 2017, by sending letters to nearby properties and displaying three signs on site in the street frontages.

7.2 Ten (10) objections have been received from the following properties:

- 193 Manningham Road (adjoining the site to the west);
- 1A Rosebank Terrace (adjoining the site to the north); and
- 1, 3, 8, 8A, 1/9, 10, 12 and 14 Rosebank Terrace. These properties are located along Rosebank Terrace north of the site, but do not abut the site.

7.3 The following is a summary of the grounds upon which the above properties have objected to the proposal:

- Neighbourhood character and overdevelopment;
- Traffic congestion and inadequate car parking;
- Access from Rosebank Terrace;
- Building height and the interface with adjoining properties;
- Overlooking and loss of privacy; and
- Overshadowing;
- Inadequate landscaping;
- Noise;
- Construction impacts due to the proximity of basement excavation to boundaries.

7.4 A response to the grounds of objection are included in the assessment from paragraphs 8.33 to 8.55 of this report.

## 8. ASSESSMENT

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

8.2 The assessment is made under the following headings:

- State and Local Planning Policy Frameworks (SPPF and LPPF);
- Design and built form;
- Car parking, access, traffic and bicycle facilities;
- Clause 55 (Rescode);
- Objector concerns; and
- Other matters.

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

- 8.3 Key objectives of the SPPF and LPPF seek to intensify activity centres as a focus for high-quality development and encourage increased activity and density as a way to achieve broader urban consolidation objectives.
- 8.4 At both the SPPF and LPPF levels, policy encourages higher density development in established activity centres or on strategic redevelopment sites, particularly for housing. Whilst the site is not specifically identified as a strategic redevelopment site within the MSS, it substantially meets key criteria as a strategic redevelopment site primarily through its location and proximity to a Principle Activity Centre and a Neighbourhood Activity Centre with good access to public transport and existing services, and the ability of the site to accommodate more than ten dwellings.
- 8.5 The use of the site for the purpose of dwellings is appropriate within the zoning of the land and the strategic context of the site. There is policy support for an increase in residential density within and close to activity centres and the activation of street frontages to increase the vibrancy of the area.
- 8.6 The proposed development exceeds the 10 metre building preferred height requirement outlined in the DDO8 for lots with an area less than 1,800 square metres that have a slope of 2.5 degrees or more. The consolidation of two lots with a combined area of 1,536 square metres is considered appropriate to accommodate the development in the height proposed as the development provides increased setbacks to compensate for its larger scale in comparison to traditional medium density housing. This is consistent with the preferred future character outlined in the DDO8. The site is located in an area which is undergoing change and revitalisation due to the demand for increased density within the municipality.
- 8.7 While there is a strategic imperative for Council to encourage urban consolidation where an opportunity exists, this is not in isolation and other relevant policies (requiring new design to be appropriate for the physical and social context) are still relevant. The proposed development and its response to the streetscape (including supporting high quality urban design, on and off-site amenity of future occupants and neighbours, energy efficiency and a positive contribution to neighbourhood character) will be assessed in the following sections of this report.
- 8.8 Council has, through its policy statements in the Manningham Planning Scheme, and in particular by its adoption of the DDO8 over part of this neighbourhood, created a planning mechanism that will in time alter the existing neighbourhood character along Manningham Road and in some adjoining side streets.

- 8.9 Council’s planning preference is for higher density, multi-unit developments which can include apartment style developments on larger lots. This higher density housing thereby provides for the “preferred neighbourhood” character which is guided by the design elements contained within the DDO8, in conjunction with an assessment against Clause 21.05 and Clause 55 – Rescode. The resultant built form is contemplated to have a more intense and less suburban outcome.
- 8.10 An apartment development across this site is generally consistent with the broad objectives of Council’s planning policy outlined at Clause 21.05 of the Manningham Planning Scheme. The policy encourages urban consolidation (and ‘apartment style’ buildings) in specific location due to its capacity to support change given the site’s main road location and proximity to services, such as public transport. The policy anticipates a substantial level of change from the existing character of primarily single dwellings and dual occupancies which have occurred in the past.

**Design and built form**

8.11 An assessment against the requirements of the DDO8 is provided below:

Design Element	Met/Not Met
<p><b>DDO8-1 (Main Road Sub-Precinct)</b></p> <ul style="list-style-type: none"> <li>The minimum lot size is 1800 square metres, which must be all the same sub-precinct. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage</li> <li>11 metres provided the condition regarding minimum land size is met.</li> </ul> <p>If the condition is not met, the maximum height is 9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the site of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.</p>	<p><b>Objective Considered Met subject to condition</b></p> <p>The site has an area of less than 1,800 square metres that is entirely within the Main Road Sub-Precinct. Given the slope of the land, the site therefore has a preferred maximum building height of 10 metres.</p> <p>The building has a maximum height of 11.89 metres, which exceeds the preferred height by 1.89 metres.</p> <p>The purpose of providing discretion in building height on the Main Road Sub-Precinct is to allow flexibility to achieve design excellence. This might be through providing a ‘pop-up’ level to provide visual interest to an otherwise flat roof form, or a design feature at a ‘gateway’ site. The discretion is only provided to this sub-precinct because main road streetscapes are typically less fragmented environments compared to local streets and therefore can absorb some additional height.</p> <p>The portion of the building above 10 metres in height is restricted to the upper level of Apartments 303-306. This level is located in the northern half of the building footprint, generally centred between the eastern and western boundaries. This level has a total floor area of 206 square metres and represents 29.9% of the floor area below.</p>

Design Element	Met/Not Met
	<p>The third storey is setback 5.69 metres to the western boundary, 6.0 metres to the eastern boundary (Rosebank Terrace) and 7.5 metres to the northern boundary with the uncovered balconies setback 5.0 metres to the northern boundary. These upper floor components will therefore not be significantly visible when viewed from outside the site.</p> <p>The upper level is generally considered to have been designed to limit the appearance of height as far as practicable. The roof is a gentle sloping gable design that slopes upwards towards the property at 1A Rosebank Terrace. To further reduce the height of the building in the northern elevation, a condition has been included requiring the slope of the roof above Apartments 303-306 be reversed so that it slopes up towards the centre of the building <b>(Condition 1.1)</b>. This will have the added benefit of providing restricted solar access into the north facing living areas of the apartments in summer.</p> <p>Apartments 303-306 each have a balcony on their northern side and extend approximately 2.4 metres north of the northern wall. The eastern side of the balcony on Apartment 303 and the western side of the balcony on Apartment 306 have 1.7 metre high opaque glazing, to limit overlooking, and the northern sides each have 1.2 metres high opaque glazed balustrades. This creates visual bulk and contributes to the appearance of bulk ion the building when viewed from Rosebank Terrace and a condition has been included requiring these balconies be deleted <b>(Condition 1.2)</b>.</p> <p>The ground, first floor and second floor levels of the apartment building are within the maximum height limit of 10 metres.</p> <p>Overall, it is considered that the height of the building is acceptable and will not have unreasonable impacts on the streetscape or adjoining properties.</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</li> </ul>	<p><b>Met</b></p> <p>The ground and first floor walls of the building are setback 6 metres to Manningham Road.</p>

Design Element	Met/Not Met
the lesser.	The DDO8 allows balconies and terraces to encroach within the street setback by a maximum of 2 metres, which have been provided for all apartments in the Manningham Road frontage.
<p><b>Form</b></p> <ul style="list-style-type: none"> <li>Ensure that the site area covered by buildings does not exceed 60 percent.</li> </ul>	<p><b>Met</b></p> <p>The building has a site coverage of 56.6%.</p>
<ul style="list-style-type: none"> <li>Provide visual interest through articulation, glazing and variation in materials and textures.</li> </ul>	<p><b>Met</b></p> <p>The building incorporates a mixture of colours and materials to provide visual interest. Articulation is also provided by the stepping of walls, the use of balconies, glazing, fascias and framing elements.</p>
<ul style="list-style-type: none"> <li>Minimise buildings on boundaries to create spacing between developments.</li> </ul>	<p><b>Met</b></p> <p>No part of the building is constructed on a boundary. Building setbacks are 1.5 metres to the western boundary at the basement level, 3.0 metres at ground floor level and 4.0 metres to the northern boundary providing space between the building and the adjoining properties. This spacing can accommodate substantial landscaping and courtyards. This is considered to be an appropriate outcome for adjoining properties and the streetscape.</p>
<ul style="list-style-type: none"> <li>Where appropriate ensure that buildings are stepped down at the rear of sites to provide a transition to the scale of the adjoining residential area.</li> </ul>	<p><b>Met subject to condition</b></p> <p>The site is on a corner and has its frontage to Manningham Road. Therefore the rear of the site is considered to be the northern boundary.</p> <p>The building is stepped down at the rear through excavation, staggered setbacks, and the incorporation of balconies and varied building materials.</p> <p>The upper levels of the building contain some stepping towards the rear of the site, i.e. at 1A Rosebank Terrace. As mentioned, a condition has been included requiring the north-facing balconies of Apartments 303-306 be deleted as they contribute to the appearance of the height of the building. The deletion of these balconies will substantially improve the stepped building form, which is appropriate as the dwelling at 1A Rosebank Terrace is a two-storey dwelling (<b>Condition 1.2</b>).</p> <p>With the inclusion of this condition, the</p>

Design Element	Met/Not Met
	transition in building height towards the dwelling at 1A Rosebank Terrace is considered acceptable.
<ul style="list-style-type: none"> <li>Where appropriate, ensure that buildings are designed to step with the slope of the land.</li> </ul>	<p><b>Met</b></p> <p>Excavation is proposed throughout and increases in depth towards the northern boundary. This reduces the height of the building above the natural ground level and the associated visual impact. Within the building short ramp sections in the common areas (gradient 1:14) allow the height of the building to be stepped and contribute in its site responsive design to slope.</p>
<ul style="list-style-type: none"> <li>Avoid reliance on below ground light courts for any habitable rooms.</li> </ul>	<p><b>Met</b></p> <p>The building does not rely on below ground light courts for any habitable rooms.</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>Not applicable</b></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>Met</b></p> <p>The third floor level of the building covers 29.9% of the second floor level. The second floor level of the building covers 74.9% of the first floor level, meeting the 75% requirement. The second floor is also graduated from the lower levels to reduce its prominence and visual bulk.</p> <p>Overall, the building is well articulated and provides visual interest.</p>
<ul style="list-style-type: none"> <li>Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos.</li> </ul>	<p><b>Met</b></p> <p>There are no porticos or imposing design elements proposed. Design features are considered to be well integrated into the overall design of the building.</p>
<ul style="list-style-type: none"> <li>Be designed and sited to address slope constraints, including minimising views of basement projections and/or minimising the height of finished floor levels and providing appropriate retaining wall presentation.</li> </ul>	<p><b>Met subject to condition</b></p> <p>The depth of excavation has addressed site slope, minimised basement projections, and the overall height of the building.</p> <p>Details of the retaining walls in Manningham Road and Rosebank Terrace frontages have not been provided. A condition is included requiring their details be provided for approval, noting their estimated height of 1 metre is not excessive (<b>Condition 1.3</b>).</p>
<ul style="list-style-type: none"> <li>Be designed to minimise overlooking and avoid the excessive application of screen</li> </ul>	<p><b>Met subject to condition</b></p> <p>Although the dwelling at 1A Rosebank Terrace and the 4 dwellings approved at 193</p>



Design Element	Met/Not Met
devices.	<p>Manningham Road have been designed to limit views towards the site from there habitable room windows, overlooking from various windows and balconied into their secluded private open space areas may be possible from the development. Conditions are included requiring the design to demonstrate that overlooking will be limited into these sensitive areas in accordance with Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme (<b>Condition 1.4</b>).</p> <p>No screening devices are proposed.</p>
<ul style="list-style-type: none"> <li>Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all mobilities.</li> </ul>	<p><b>Met</b></p> <p>The path to the building entry contains steps and a platform lift, allowing equitable access by people of all mobilities.</p> <p>The internal lift provides access to the basement car park and entries to all dwellings.</p>
<ul style="list-style-type: none"> <li>Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties.</li> </ul>	<p><b>Met</b></p> <p>The basement does not project above natural ground level in any elevation, eliminating excessive building height.</p>
<ul style="list-style-type: none"> <li>Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site.</li> </ul>	<p><b>Met</b></p> <p>The basement is not visible in either street frontage as it is below 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>Met</b></p> <p>All car parking spaces are provided within the basement car park.</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>Met</b></p> <p>The basement is generally consistent with the front building setback of 6 metres, except for the corner of the fire pump / services room which is setback 2.5 metre. This is supported as the pedestrian entry to the building's foyer is located above, and thereby no landscaping is reduced in the sites frontage.</p> <p>The rear building setback is 4 metres, which provides adequate room for effective landscaping to be established.</p>
<ul style="list-style-type: none"> <li>Ensure that building walls,</li> </ul>	<p><b>Met</b></p>

Design Element	Met/Not Met
<p>including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces.</p>	<p>The development provides appropriate wall setbacks to all boundaries to allow for screen planting that soften the appearance of the built form.</p>
<ul style="list-style-type: none"> <li>Ensure that service equipment, building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces.</li> </ul>	<p><b>Met subject to condition</b> Roof mounted equipment is located centrally within the roof. A condition (<b>Condition 1.6</b>) has been included requiring these services be screened to minimise any visual and amenity impacts from the street or adjoining properties.</p>
<p><b><u>Car Parking and Access</u></b></p> <ul style="list-style-type: none"> <li>Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback.</li> </ul>	<p><b>Objective met</b> Two crossovers and accessways are proposed, one in each street frontage. As mentioned, the accessway from Rosebank Terrace is an entry only access, and the accessway in Manningham Road is an exit only egress. Both are new and 3.5 metres wide. The existing crossover in Rosebank Terrace will be removed in lieu of the new crossover, and therefore no on street parking will be lost. In Manningham Road parking is already restricted by the bus stop.</p> <p>Two small street trees are required to be removed to facilitate the crossover in Rosebank Terrace. These are identified in the Arboricultural Report as being exotic species. A condition has been included requiring their replacement at the cost of the landowner to the satisfaction of the Responsible Authority (<b>Conditions 1.7 and 19.2</b>).</p>
<ul style="list-style-type: none"> <li>Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open space or is appropriately screened, as is necessary.</li> </ul>	<p><b>Met</b> The fire pump / services room extends beyond the built form in the front setback. Above this is the pedestrian entry for the building which provides an acceptable use of the space above.</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</li> </ul>	<p><b>Not applicable</b></p>

Design Element	Met/Not Met
dwelling.	
<ul style="list-style-type: none"> <li>Ensure that access gradients of basement carparks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements.</li> </ul>	<p><b>Met subject to condition</b> A permit condition will require a modified accessway gradient to be provided for the Rosebank Terrace. A permit condition will also require clarification that the inside bend in the accessway to Manningham Road is appropriate <b>(Condition 1.16)</b>.</p>
<p><b><u>Landscaping</u></b></p> <ul style="list-style-type: none"> <li>On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at maturity.</li> <li>On sites where one or two storey development is proposed include at least 1 canopy tree within the front setback, which has a spreading crown, and is capable of growing to a height of 8.0m or more at maturity.</li> </ul>	<p><b>Met subject to condition</b> Four canopy trees are shown on the Landscaping Plan within the Manningham Road frontage. A condition will require that a Landscaping Plan be submitted for approval <b>(Condition 19)</b>.</p>
<ul style="list-style-type: none"> <li>Provide opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form.</li> </ul>	<p><b>Met</b> The site plan shows the site will allow the planting of numerous canopy trees within the side and rear setbacks, which assist to soften the appearance of the built form.</p>
<p><b><u>Fencing</u></b></p> <ul style="list-style-type: none"> <li>A front fence must be at least 50 per cent transparent.</li> <li>On sites that front 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>Not applicable</b> No fencing is proposed.</p>

### Car parking, access, traffic and bicycle facilities

#### Car parking, Access and Traffic

- 8.12 Prior to a new use commencing or a new building being occupied, Clause 52.06-2 requires that the number of car parking spaces outlined at Clause 52.06-6 to be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the Responsible Authority.
- 8.13 This clause requires resident car parking to be provided at a rate of 1 space for each dwelling with one or two bedrooms, and 2 spaces for each dwelling with three or more bedrooms.
- 8.14 Visitor car parking is also prescribed at a rate of 1 car parking space for every five dwellings.
- 8.15 The proposal requires the provision of 28 car parking spaces for residents and 5 car parking spaces for visitors. The proposed parking provision complies with the residential requirements and is satisfactory. The proposal is 1 space deficient for the visitor space requirement of the Scheme, which has been applied for in the planning application.
- 8.16 The Traffic Report that accompanied the planning application supports the reduction of the 1 visitor space required under the Scheme. The report concluded that this is acceptable on the basis that the site's frontage in Rosebank Terrace can accommodate 6 parked vehicles and there is a low parking demand in the area.
- 8.17 The consideration of the request must be undertaken having regard for the application requirements and decision guidelines of Clause 52.06-6 (Car parking) of the Manningham Planning Scheme.
- 8.18 The applicable matters for consideration under the clause are:
- *The Car Parking Demand Assessment;*
  - *On street car parking in residential zones in the locality of the land intended for residential use;*
  - *The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas; and*
  - *Access to or provision of alternative transport modes to and from the land.*
- 8.19 The Traffic Report that accompanied the planning application provided an assessment on car parking demand in respect to the request for the reduction in the visitor space. It has identified that 6 on-street car parking spaces are available adjacent to the site in Rosebank Terrace. However, a solid white line is painted from the intersection along the centre of Rosebank Terrace for a distance of 30 metres and this prohibits on-street parking adjacent to the line. Therefore, the available on-street car parking is restricted to between the end of the line and the proposed new crossover, which is considered to be 3 spaces. Despite this, the 3 spaces are in excess of the car parking reduction (1 space) proposed.
- 8.20 The reduction of 1 car parking space is not considered to generate an unreasonable amenity impact for pedestrians or nearby residential properties. The site is located at the intersection and occupants or visitors whom arrive at the site would likely park in front of the site instead of further along Rosebank Terrace.

- 8.21 Finally, the bus stop in front of the site provides an immediately accessible alternative transport mode for visitors or occupants who don't own a vehicle. Several bus services operate along Manningham Road, including the Smart Bus services which typically operates at 15 minute intervals.
- 8.22 On this basis, the proposed reduction in the visitor space is supported and it is considered that the decision guidelines at clause 52.06-6 of the Scheme have been adequately considered.
- 8.23 An assessment against the car parking design standards in Clause 52.06-8 of the Scheme is provided in the table below:

Design Standard	Met/Not Met
1 – Accessways	<p><b>Met</b></p> <p>The accessways servicing the basement car park meets the minimum width and height clearance requirements, and has been designed to allow all vehicles to exit in a forward direction onto Manningham Road.</p> <p>The Standard requires a passing bay with dimensions of 5 metres x 7 metres for 2-way passing traffic at the frontage. Given that access into and egress from the site are from independent one-way accessways, this provision is not applicable.</p>
2 – Car Parking Spaces	<p><b>Met</b></p> <p>Car parking space dimensions and aisle widths are provided in accordance with the requirements.</p>
3 – Gradients	<p><b>Met subject to condition</b></p> <p>Council's Engineering and Technical Service Department have determined the gradient of the Rosebank Terrace accessways is non-compliant at the frontage. A condition has been included requiring this be redesigned (<b>Condition 1.16</b>).</p> <p>They have also required clarification on the inside gradient of the accessway to Manningham Road (<b>Condition 1.16</b>).</p> <p>The accessway on to Manningham Road complies.</p>
4 – Mechanical Parking	<p><b>Not applicable</b></p> <p>No mechanical parking proposed.</p>
5 – Urban Design	<p><b>Met</b></p> <p>Both vehicle crossings and accessways are not dominate features in the streetscape.</p>
6 – Safety	<p><b>Met subject to condition</b></p> <p>The basement car park is provided with automatic doors. A condition will require intercom systems be provided for both accessways (<b>Condition 1.15</b>).</p>
7 – Landscaping	<p><b>Met subject to condition</b></p> <p>No ground level car parking is proposed. Landscaping is provided to soften the appearance of both accessways. A condition has been included requiring a Landscaping Plan be submitted for approval (<b>Condition 19</b>).</p>

- 8.24 The Traffic Report confirms that the proposed development is expected to generate 14 residential vehicle movements per peak hour and a total of 137 vehicle trip ends per day. The majority of vehicle movements would be in the morning peak period when residents commute to work/business or other activities. In the afternoon, residential vehicle trips back to the site would be spread out over wider time frame. The report concludes that the expected volume of traffic that likely to be generated by the development is small and will not have any material impact on the capacity and operation of Manningham Road, Rosebank Terrace and the surrounding road network and intersections.
- 8.25 Council's Engineering and Technical Services Unit raise no concern in relation to the expected traffic generated by the proposed development. The proximity of the subject site to public transport will encourage a greater variety of transportation methods as opposed to sole reliance on a vehicle.
- 8.26 Overall, the traffic generated as a result of the proposed development (while acknowledging existing traffic congestion and problems in the surrounding street network) is considered to be generally compliant with the broader policy objectives of encouraging sustainable transport modes and ensuring there is a satisfactory level of parking provision as outlined in the SPPF and LPPF.

#### Land Adjacent to a Road Zone Category 1

- 8.27 A permit is required under Clause 52.29 of the Manningham Planning Scheme as the proposal involves the creation of a new crossover and the removal of an existing crossover in Manningham Road, as it is zoned Road Zone, Category 1.
- 8.28 The decision guidelines of this clause include the views of the relevant road authority.
- 8.29 VicRoads have not objected to the proposal, but have required 7 conditions to be included in any permit issued **(Conditions 37 to 43)**.

#### Bicycle Facilities

- 8.30 In developments of four or more storeys, one bicycle space is required for every five dwellings (for residents) and one bicycle space is required for every ten dwellings (for visitors).
- 8.31 The proposal requires the provision of 5 bicycle spaces for residents and 3 bicycle spaces for visitors. 7 resident bicycle 'Ned Kelly' rails are provided within the basement, adjacent to the lift for residents, which exceeds the prescribed requirements. Two bicycle hoops are provided adjacent to the buildings entrance for visitors and there is therefore a shortfall of one bicycle hoop from the Scheme prescribed requirement. A condition has been included requiring 3 hoops be provided at the entrance to ensure compliance with the prescribed requirements of Clause 52.34 (Bicycle facilities) of the Manningham Planning Scheme. **(Condition 1.8)**.

#### **Clause 55 (Rescode)**

- 8.32 An assessment against the objectives of Clause 55 is provided in the table below:

Objective	Objective Met/Not Met
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Objective	Objective Met/Not Met
<p><b>55.02-1 – Neighbourhood Character</b></p> <ul style="list-style-type: none"> <li>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</li> <li>To ensure that development responds to the features of the site and the surrounding area.</li> </ul>	<p><b>Met</b></p> <p>As outlined in the assessment of the proposal against the policy requirements of the Design and Development Overlay – Schedule 8 (DDO8), the proposed apartment development responds positively to the preferred neighbourhood character and respects the natural features of the site, and its surrounds.</p>
<p><b>55.02-2 – Residential Policy</b></p> <ul style="list-style-type: none"> <li>To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</li> <li>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</li> </ul>	<p><b>Met</b></p> <p>The application was accompanied by a written statement that has demonstrated how the development is consistent with State, Local and Council policy.</p> <p>Clauses 21.05 (Residential) and 43.02 (Design and Development Overlay – Schedule 8), are applicable to the site and support medium density developments. The development can take advantage of public transport and community infrastructure and services.</p>
<p><b>55.02-3 – Dwelling Diversity</b></p> <ul style="list-style-type: none"> <li>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</li> </ul>	<p><b>Met</b></p> <p>The proposal includes a mix of one, two and three bedroom dwellings with a range of floor areas to provide diversity.</p>
<p><b>55.02-4 – Infrastructure</b></p> <ul style="list-style-type: none"> <li>To ensure development is provided with appropriate utility services and infrastructure.</li> <li>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</li> </ul>	<p><b>Met subject to condition</b></p> <p>The site has access to all services. The landowner is required to provide an on-site stormwater detention system to alleviate pressure on the drainage system <b>(Condition 21)</b>.</p>
<p><b>55.02-5 – Integration With Street</b></p>	<p><b>Met</b></p> <p>The front entry of the development is orientated</p>

Objective	Objective Met/Not Met
<ul style="list-style-type: none"> <li>To integrate the layout of development with the street.</li> </ul>	towards Rosebank Terrace and integrates well with the the street.
<p><b>55.03-1 – Street Setback</b></p> <ul style="list-style-type: none"> <li>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</li> </ul>	<p><b>Met</b></p> <p>The building is setback 6 metres to Manningham Road which complies with DDO8.</p>
<p><b>55.03-2 – Building Height</b></p> <ul style="list-style-type: none"> <li>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</li> </ul>	<p><b>Objective Considered Met</b></p> <p>The building has a maximum height of 11.89 metres, which is 1.89 metres above the 10 metre preferred height requirement under the DDO8.</p> <p>For the reasons discussed in Section 8.11 of this report, the maximum building height is considered appropriate.</p>
<p><b>55.03-3 – Site Coverage</b></p> <ul style="list-style-type: none"> <li>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</li> </ul>	<p><b>Met</b></p> <p>The proposed site coverage is 56.6%, which is below the 60% requirement in the standard.</p>
<p><b>55.03-4 – Permeability</b></p> <ul style="list-style-type: none"> <li>To reduce the impact of increased stormwater run-off on the drainage system.</li> <li>To facilitate on-site stormwater infiltration.</li> </ul>	<p><b>Met</b></p> <p>The proposal has 26.3% of site area as pervious surface, which complies with the standard requirement.</p>
<p><b>55.03-5 – Energy Efficiency</b></p> <ul style="list-style-type: none"> <li>To achieve and protect energy efficient dwellings.</li> <li>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</li> </ul>	<p><b>Met subject to condition</b></p> <p>Given the orientation of the site, there are 6 apartments that are south-facing, two on each level. These apartments are all located on the corner of the building and various habitable rooms within then and the provision of balconies for some of them, maximise exposure to sunlight.</p> <p>As discussed in Section 6.5 Internal Referrals of this report, a condition has been included requiring a revised SMP to be submitted for approval. The condition includes a number of sustainability measures to be incorporated into the building’s design <b>(Condition 5)</b>.</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</li> </ul>	<p><b>Not applicable</b></p> <p>No communal open space is proposed and the development is not adjacent to any public open space.</p>



Objective	Objective Met/Not Met
<p>public and communal open space provided in or adjacent to the development.</p>	
<p><b>55.03-7 – Safety</b></p> <ul style="list-style-type: none"> <li>To ensure the layout of development provides for the safety and security of residents and property.</li> </ul>	<p><b>Met</b></p> <p>The pedestrian path is visible from Rosebank Terrace and access into the building is restricted. Access into basement is restricted by intercom controlled automatic doors.</p>
<p><b>55.03-8 – Landscaping</b></p> <ul style="list-style-type: none"> <li>To encourage development that respects the landscape character of the neighbourhood.</li> <li>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</li> <li>To provide appropriate landscaping.</li> <li>To encourage the retention of mature vegetation on the site.</li> </ul>	<p><b>Met subject to conditions</b></p> <p>Generous landscaping can be accommodated within the setbacks to all site boundaries. The development is not expected to have any impact on vegetation within adjoining properties due to the building setbacks.</p> <p>A Landscaping Plan has been provided, but will be required to be amended by a permit condition <b>(Condition 19)</b> to reflect all plan changes under Condition 1.</p> <p>The submitted Landscaping Plan provides four canopy trees within the Manningham Road frontage and a combination of trees and landscaping adjacent to the other boundaries.</p> <p>A permit condition will require an indicative location of the stormwater detention system on the site plan to be located outside of easements and canopy tree landscape areas <b>(Condition 1.9)</b>.</p> <p>A landscape maintenance bond of \$10,000 will be required by a permit condition <b>(Condition 20)</b>.</p>
<p><b>55.03-9 – Access</b></p> <ul style="list-style-type: none"> <li>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</li> </ul>	<p><b>Met</b></p> <p>Consideration of access was made in the DDO8 assessment in Section 8 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> </ul>	<p><b>Met</b> The internal lift provides equitable access for residents and visitors from all car parking spaces within the basement levels.</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</li> </ul>	<p><b>Met</b></p> <p>The setbacks to the northern and western boundaries comply with the prescribes requirements at all levels.</p>

Objective	Objective Met/Not Met
dwellings.	
<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>Not applicable</b> There are no walls proposed on a boundary.</p>
<p><b>55.04-3 – Daylight To Existing Windows</b></p> <ul style="list-style-type: none"> <li>To allow adequate daylight into existing habitable room windows.</li> </ul>	<p><b>Met</b> All existing and proposed habitable room windows are provided with sufficient light court areas that comply with the standard.</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 north facing windows within 3 metres of the site.</p>
<p><b>55.04-5 – Overshadowing Open Space</b></p> <ul style="list-style-type: none"> <li>To ensure buildings do not significantly overshadow existing secluded private open space.</li> </ul>	<p><b>Met</b> Overshadowing is required to be considered on the 22<sup>nd</sup> September equinox between 9am and 3pm..</p> <p>The only property to experience overshadowing from the proposed development is the dwelling at 193 Manningham Road that adjoins the western site boundary.</p> <p>The submitted shadow diagrams indicate that shade will be cast, beyond that generated by the common boundary fence, into this property between 9am and 11am. At 9am shade will impact a small area (approximately 5sqm) of the secluded private open space area on the northern side of the dwelling. Part of the dwelling and front yard will also shaded at this time. At 10am, none of the secluded private open space area will be impacted, noting that reduced shading will over the dwelling and front yard. At 11am no overshadowing will occur.</p> <p>The extent of overshadowing is well within the prescribed provisions described under Clause 55-04-5.</p> <p>That said, Planning Permit PL15/025893 has since been issued approving the construction of 4 dwellings on the lot at 193 Manningham Road. The approved design includes ground floor secluded private open</p>

Objective	Objective Met/Not Met
	<p>space areas for the front 2 dwellings within the development (Dwellings 1 &amp; 2). These open space areas are on the eastern side of the building and abut the common boundary with the site.</p> <p>Overshadowing from the proposed development would impact these open space areas, also between 9am and 11am.</p> <p>Clause 55.04-5 provides that <i>if existing sunlight to the secluded private open space area of an existing dwelling is less than the requirements of the standard, the amount of sunlight should not be further reduced.</i></p> <p>The prescribed area is 40sqm with a minimum dimension of 3 metres. Both the open space areas of newly approved Dwellings 1 &amp; 2 have an area of 25sqm and are below the prescribed area requirements of the clause.</p> <p>Had this development been constructed (or commenced construction), the overshadowing impacts on these open space areas would exceed the allowable requirements of the clause. Importantly, Clause 55.04-5 requires consideration to be given to existing developments only. Although a planning permit has been granted, the permit may not be acted on and the approved development may not be constructed.</p> <p>In the event that the permit is acted on and development commences, it must be noted that Dwellings 1 &amp; 2 are designed with secondary areas of open space in the form of upper floor west-facing terraces that are directly accessible from living areas. These provide an additional open space area for each dwelling and the size of the terraces themselves exceeds the minimum requirements for open space under Clause 55.05-4 (Private open space) of the Manningham Planning Scheme. These terraces will not be overshadowed at all from the proposed development.</p> <p>On this basis, no unreasonable overshadowing of existing or approved private open space will occur at 193 Manningham Road from the proposed development.</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>Met subject to condition</b></p> <p>The dwelling at 1A Rosebank Terrace and the dwellings approved at 193 Manningham Road all have their habitable room windows designed to limit overlooking towards the site in accordance with the</p>

Objective	Objective Met/Not Met
	<p>prescribed requirements of Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme. Therefore no overlooking could occur into these windows from the proposed development.</p> <p>Consideration must also be given to the potential to overlook into the secluded private open space areas of these dwellings from the proposed development.</p> <p>The secluded private open space area at 193 Manningham Road is on the western side of the building. Any potential for overlooking would be from Apartments 106, 207, and 306 which are all located in the north-western corner of the proposed building, which are adjacent to the secluded private open space area.</p> <p>At ground level, the common boundary fence appropriately limits overlooking from Apartment 106. Apartment 207 and 306 both have windows in the northern wall of their Bedroom 1. The elevation plans indicate that these are highlight windows, however no under sill dimension has been notated on the plans. To comply, the minimum under sill height is required to be 1700mm above the finished floor level. It is noted that throughout the building, none of the highlight windows are notated with the 1700mm minimum under sill height. A condition has been included requiring all highlight windows to be notated with a minimum 1700mm high sill height above the finished floor level, to ensure compliance with the requirements of Clause 55.04-6 (<b>Condition 1.4</b>).</p> <p>It is not possible to determine whether overlooking will be possible from the upper level balcony of Apartment 306 into the secluded private open space of the dwelling at 193 Manningham Road. As mentioned, a condition has been included requiring the north-facing balconies of apartments 303-306 to be deleted (<b>Condition 1.2</b>), which will thereby prevent overlooking from the balconies and an apparent plan inconsistency between the Floor Plan and Elevation Plan. Despite this, a condition has been included requiring the design to demonstrate that overlooking will be limited into this area in accordance with Clause 55.04-6 of the Manningham Planning Scheme (<b>Condition 1.4</b>).</p> <p>The secluded private open space areas of Dwelling 1-3 of the approved development at 193 Manningham Road are all located on the eastern side of the building and will be able to be overlooked from the</p>

Objective	Objective Met/Not Met
	habitable room windows and balconies of Apartments 207, 208, 209, 306, 307 and 308. A condition has been included requiring these be designed to limit overlooking in accordance with Clause 55.04-6 of the Manningham Planning Scheme ( <b>Condition 1.4</b> ).
<b>55.04-7 – Internal Views</b> <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>	<b>Met</b> The proposed design layout will limit internal views into the secluded private open space and habitable room windows of dwellings within the development.
<b>55.04-8 – Noise Impacts</b> <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>	<b>Met subject to condition</b> There are no unusual noise sources that may affect existing dwellings.  A permit condition will require acoustically treated glazing to be provided to the habitable room windows directly facing Manningham Road, to protect occupants from external traffic noise ( <b>Condition 1.10</b> ). Acoustic glazing for the entire, if proposed, would be supported.  Plant on the roof is centrally located and may not require screening. Building services, including electrical substations and air inlets for the mechanical basement ventilation are required to be shown on the plans ( <b>Condition 1.22</b> ).
<b>55.05-1 – Accessibility</b> <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>	<b>Met</b> A platform lift adjacent to the main entrance allows access for people with limited mobility to the front entry of the building.  The internal lift provides access to the basement car park levels and entries of all dwellings.
<b>55.05-2 – Dwelling Entry</b> <ul style="list-style-type: none"> <li>To provide each dwelling or residential building with its own sense of identity.</li> </ul>	<b>Met</b> The apartments all derive pedestrian access from the central pedestrian path and foyer at the frontage. The building entry is well identified and sheltered by a canopy.
<b>55.05-3 – Daylight To New Windows</b> <ul style="list-style-type: none"> <li>To allow adequate daylight into new habitable room windows.</li> </ul>	<b>Met subject to conditions</b> Recommendations from Council's Sustainability Adviser are summarised in Section 6.5 Internal Referrals of this report. These have been included as conditions to ensure compliance with Clause 55.05-3 of the Manningham Planning Scheme ( <b>Condition 1.10</b> ).  Planning reforms in respect to 'apartment' style developments have been initiated by the State Government, and include design elements relating to

Objective	Objective Met/Not Met
	<p>room depth, window size and energy efficiency. The State Government have advised these are likely to be brought into effect in March 2017.</p> <p>The recommended conditions relating to daylight to new windows are consistent with the policy objective and are also consistent with the policy direction anticipated under the new reforms.</p>
<p><b>55.05-4 – Private Open Space</b></p> <ul style="list-style-type: none"> <li>To provide adequate private open space for the reasonable recreation and service needs of residents.</li> </ul>	<p><b>Met</b></p> <p>Eight of the ground floor dwellings are provided with secluded private open space areas that have paved courtyards and landscaped gardens.</p> <p>The total amount of private open space afforded to each dwelling ranges between 9 square metres and 64 square metres, excluding landscaping. The ninth dwelling, Apartment 109, has a 13 square metre balcony. It is considered that the spaces are sufficient in area for the recreation and service needs of residents and the provision of landscaping.</p> <p>The remaining dwellings are provided with secluded private open space in the form of balconies that range from 8 to 41sqm. Each balcony complies with the standard.</p>
<p><b>55.05-5 – Solar Access To Open Space</b></p> <ul style="list-style-type: none"> <li>To allow solar access into the secluded private open space of new dwellings and residential buildings.</li> </ul>	<p><b>Met</b></p> <p>An apartment building design typology, does not always allow all private open space areas to be provided with a northern aspect.</p> <p>However, south-facing courtyards have been minimised, and where proposed, they include a west or east orientation to provide adequate solar access.</p> <p>As mentioned a condition has been included requiring the upper floor north-facing balconies to be deleted from Apartments 303-306 (<b>Condition 1.2</b>). All these apartments have also been designed with south-facing balconies that are approximately 4.2 metres deep. Due to their depth, and roof top position, these are considered to receive adequate solar access.</p>
<p><b>55.05-6 – Storage</b></p> <ul style="list-style-type: none"> <li>To provide adequate storage facilities for each dwelling.</li> </ul>	<p><b>Met subject to condition</b></p> <p>6 cubic metres of externally accessible storage is prescribed for each dwelling under the clause.</p> <p>Storage has been provided in the basement in over-bonnet cages at the end of the car parking spaces and in independent cages. Within the building at the ground and first floor level, storage has also been provided in lockable cupboards in the common hallways.</p>

Objective	Objective Met/Not Met
	<p>Three of the cages in the basement and the lockable cupboards have not been allocated to the various dwellings.</p> <p>An assumption is made on the allocation of the cupboards based on their proximity to the entrances of the various dwellings.</p> <p>The following apartments have not been provided with the prescribed storage as follows:</p> <ul style="list-style-type: none"> <li>○ Apartment 101 – 4.1 cubic metres;</li> <li>○ Apartment 201 – 1.8 cubic metres;</li> <li>○ Apartment 302 – 1.8 cubic metres;</li> <li>○ Apartment 303 – 1.8 cubic metres;</li> <li>○ Apartment 304 – 1.8 cubic metres;</li> <li>○ Apartment 305 – 1.8 cubic metres;</li> <li>○ Apartment 306 – 1.8 cubic metres;</li> <li>○ Apartment 307 – 1.8 cubic metres; &amp;</li> <li>○ Apartment 308 – 1.8 cubic metres.</li> </ul> <p>To address these deficiencies, a condition has been included requiring each apartment within the development to be provided with the prescribed storage requirements. The condition will include:</p> <ul style="list-style-type: none"> <li>○ Each apartment to be allocated a storage facility with a minimum capacity of 6 cubic metres; and</li> <li>○ Storage spaces within the basement must not obstruct the parking and circulation of vehicles, or other services provided within the basement to the satisfaction of the Responsible Authority <b>(Condition 1.5)</b>:</li> </ul> <p>With the inclusion of this condition, all apartments will be provided with at least 6 cubic metres of storage.</p>
<p><b>55.06-1 – Design Detail</b></p> <ul style="list-style-type: none"> <li>• To encourage design detail that respects the existing or preferred neighbourhood character.</li> </ul>	<p><b>Met subject to condition</b></p> <p>The apartment building is well articulated and incorporates various materials and finishes to reduce the sense of visual bulk.</p> <p>A permit condition will also require a full schedule of materials and finishes with colour samples <b>(Condition 1.12)</b>.</p>
<p><b>55.06-2 – Front Fence</b></p> <ul style="list-style-type: none"> <li>• To encourage front fence design that respects the existing or preferred neighbourhood character.</li> </ul>	<p><b>Not applicable</b></p> <p>No fence is proposed.</p>
<p><b>55.06-3 – Common Property</b></p>	<p><b>Met</b></p> <p>The communal basement, pathway and shared</p>

Objective	Objective Met/Not Met
<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>landscaping areas are practically designed. There are no apparent difficulties associated with the future management of these areas.</p>
<p><b>55.06-4 – Site Services</b></p> <ul style="list-style-type: none"> <li>To ensure that site services can be installed and easily maintained.</li> <li>To ensure that site facilities are accessible, adequate and attractive.</li> </ul>	<p><b>Met subject to condition</b></p> <p>Site services are generally appropriately provided. The proposed letterbox is located immediately adjacent to the foyer entrance, and this may not be acceptable to Australia Post. A condition has been included requiring this be located to address Manningham Road, in lieu of providing space for the third bicycle hoop, as discussed in Paragraph 8.31 of this report <b>(Condition 1.18)</b>.</p> <p>A permit condition will require the location of any fire services at the frontage to be shown and designed to complement the overall development <b>(Condition 1.19)</b>.</p> <p>To bring together the landscaping and screening requirements adjacent to service cabinets, a permit condition will require details of the building's front entry and an elevation of the letterboxes and screening to service cabinets <b>(Condition 1.20)</b>.</p> <p>To ensure the appearance of the building does not detract from any elevation, a permit condition will require retractable clotheslines to be installed within all ground level open spaces and balconies to ensure that they are not visible from the street or adjoining properties <b>(Condition 1.21)</b>.</p>

### Objector concerns

8.33 A response to the grounds of objection is provided in the following paragraphs:

- (a) Neighbourhood character and overdevelopment;
- (b) Traffic congestion and inadequate car parking;
- (c) Access from Rosebank Terrace;
- (d) Building height and the interface with adjoining properties;
- (e) Overlooking and loss of privacy;
- (f) Overshadowing;
- (g) Inadequate landscaping;
- (h) Noise; and
- (i) Construction impacts due to the proximity of basement excavation to boundaries



Neighbourhood character and overdevelopment

- 8.34 The proposal has been assessed against the preferred neighbourhood character anticipated by planning policy at Clause 21.05 of the Manningham Planning Scheme. The policy outlines a substantial level of change is anticipated and a departure from the existing neighbourhood character is therefore inevitable. This, however, does not imply that impacts generated by the preferred neighbourhood character can unreasonably impact adjoining private properties or public spaces.
- 8.35 This site is capable of being developed for a range of dwelling typologies including that of an 'apartment' style development which is proposed. This typology generates different living standards to detached dwellings and may potentially impact neighbouring or nearby properties. Officers have considered the direct impacts of this development, and not as a comparison of what may occur if a different typology were proposed.
- 8.36 It is evident that the proposed development achieves a high level of compliance with respect to the existing DDO8 controls. The building is provided with articulated facades, varied materials and colours palette and an array of interesting architectural elements that adds visual interest. The building is well setback from all boundaries, allowing for perimeter landscaping to be established and adequate physical articulation and modulation to break up and disguise the length of the building and mitigate visual bulk concerns.

Traffic congestion and inadequate car parking

- 8.37 Council's Engineering & Technical Services Unit has assessed the application and has raised no concerns regarding the impact of the proposal on the surrounding traffic network. The increased traffic movement associated with the development can be readily accommodated in the surrounding street network. The exit only egress onto Manningham Road will be beneficial in reducing traffic generation on Rosebank Terrace.
- 8.38 The development provides a sufficient number of car parking spaces within the basement as required by Clause 52.06 (Car parking) of the Manningham Planning Scheme for resident car parking.
- 8.39 The proposed reduction in the visitor car parking requirement, by 1 space, is considered acceptable given the availability of on street car parking in Rosebank Terrace, the site being at the intersection where people arriving at the site will tend to park adjacent to the site and not further along Rosebank Terrace, and because of the availability of public transport along Manningham Road.

Access from Rosebank Terrace

- 8.40 Council's Engineering & Technical Services Unit has assessed the application and have not raised any objection for vehicle access into the site being provided from Rosebank Terrace.
- 8.41 This is an entry only access, and will therefore halve traffic movements that would otherwise occur had the proposed been designed to allow two-way vehicle movements into the site.

Building height and the interface with adjoining properties

- 8.42 The proposed building exceeds the preferred 10 metre height requirement under DDO8 by 1.89 metres, and an area located on the fourth level. A full assessment is made of this in Section 8.11 of the report. The increased height is generally supported because the fourth level has a small area compared with the level below (29.9%), its generous setbacks to the boundaries, and its design that achieves minimising height. Importantly, the height control is not a mandatory control in the Main Road Sub-precinct which applies to the site and discretion can be used in considering designs that exceed the preferred height.
- 8.43 A condition has been included to require the slope of the roof of the fourth level to be reversed to reduce height towards the boundary, in lieu of shifting this height towards the centre of the building (**Condition 1.1**).
- 8.44 The proposed articulation, stepping of the upper levels, selection of building materials and proposed setbacks are considered to be site responsive in their design and provide an acceptable interface to adjoining properties.

#### Overlooking and loss of privacy

- 8.45 Overlooking was assessed in Section 8 of this report.
- 8.46 The dwelling at 1A Rosebank Terrace and the development approved at 193 Manningham Road have all their habitable room windows that face the site designed to limit overlooking in accordance with Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme. As such no overlooking into these windows would be possible from the proposed development.
- 8.47 **Condition 1.3** has been included requiring the secluded private open space areas of these properties to be protected by limiting overlooking from habitable room window and balconies from within the development in accordance with Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme.

#### Overshadowing

- 8.48 This objection was received from the property owner at 8 Rosebank Terrace and relates to the overshadowing caused by the development onto the Rosebank Terrace roadway.
- 8.49 Whilst Rosebank Terrace will receive some overshadowing at 3pm, there are no requirements in the Manningham Planning Scheme to control or limit this impact. Moreover, officers are required to consider overshadowing during the September 22<sup>nd</sup> equinox between 9am and 3pm on existing excluded private open space areas.

#### Inadequate landscaping

- 8.50 The planning application was accompanied with a Landscaping Plan that provided indicative plantings for consideration. Canopy trees have been shown in all elevations, along with well populated landscaping treatments in beds adjoining the site's boundaries. This level of landscaping is supported under the DDO8 and Clause 55.03-8 (Landscaping) of the Manningham Planning Scheme and is generally considered acceptable.

- 8.51 A condition has been included requiring a Landscaping plan be submitted for approval (**Condition 19**), along with the payment of a \$10,000 Landscaping Bond to ensure it is maintained for a 13 week period after completion (**Condition 20**).

#### Noise

- 8.52 This objection comes from the property owner at 193 Manningham Road. There are two issues of concern. The first relates to noise generated from the occupation of the west facing balconies which face the landowner's property. Ordinary noises emanating from adjoining residential properties must be expected in a residential setting. However, when noise types or levels are excessive, they impact amenity. This concern is a civil matter and is not a consideration that can be contemplated in the planning application assessment process.
- 8.53 The second concern relates to noise generated by vehicles leaving the site. This is not expected to be excessive based upon the entrance design, the numbers of vehicles exiting the site per day, estimated in the Traffic Report that accompanied the planning application to be 137 vehicles, and due to the noise already generated along Manningham Road which carries approximately 29,000 vehicles per day.

#### Loss of vegetation and garden beds

- 8.54 This objection relates to the loss of vegetation proposed under this application. The clearing of vegetation on the site does not require planning permit approval under the Manningham Planning Scheme. Vegetation loss is to be expected, especially on sites that are supported for a substantial level of change under the MPS, as the site is. The planning application was accompanied with a Landscaping Plan to demonstrate that adequate landscaping can be provided surrounding the building and within the street frontages. A condition has been included requiring a landscaping plan be submitted for approval (**Condition 19**) and for the payment of a \$10,000 Landscaping Bond to ensure it is satisfactorily maintained over a 13 week period following the completion of the development (**Condition 20**). With the inclusion of these conditions, a satisfactory level of landscaping can be provided for the site.

#### Waste collection

- 8.55 This objection relates the difficulties that will be generated by additional garbage bins being placed in the street for collection. The basement includes a common refuse area for occupants. Waste collection will occur onsite by a private contractor in accordance with an approved Waste Management Plan (**Condition 6**). The condition includes a requirement that no bins are to be left outside the development boundary or left unattended at any time on any street frontage for any reasons. Accordingly, no bins will be placed on the street should the proposal be approved.

#### Location of the sub-station and EMR transmissions

- 8.56 This objection relates to the impacts of EMR transmissions generated from the sub-station identified in the basement. It is common for larger developments to require a sub-station to provide electricity to the development. These are required to be installed and commissioned in accordance with their design requirements. For the purposes of the planning application assessment process, Council is only

required to ensure that sufficient space has been provided for this facility, which has been provided. The EMR emissions generated from the operation of these facilities is not a planning consideration.

Construction impacts due to the proximity of basement excavation to boundaries

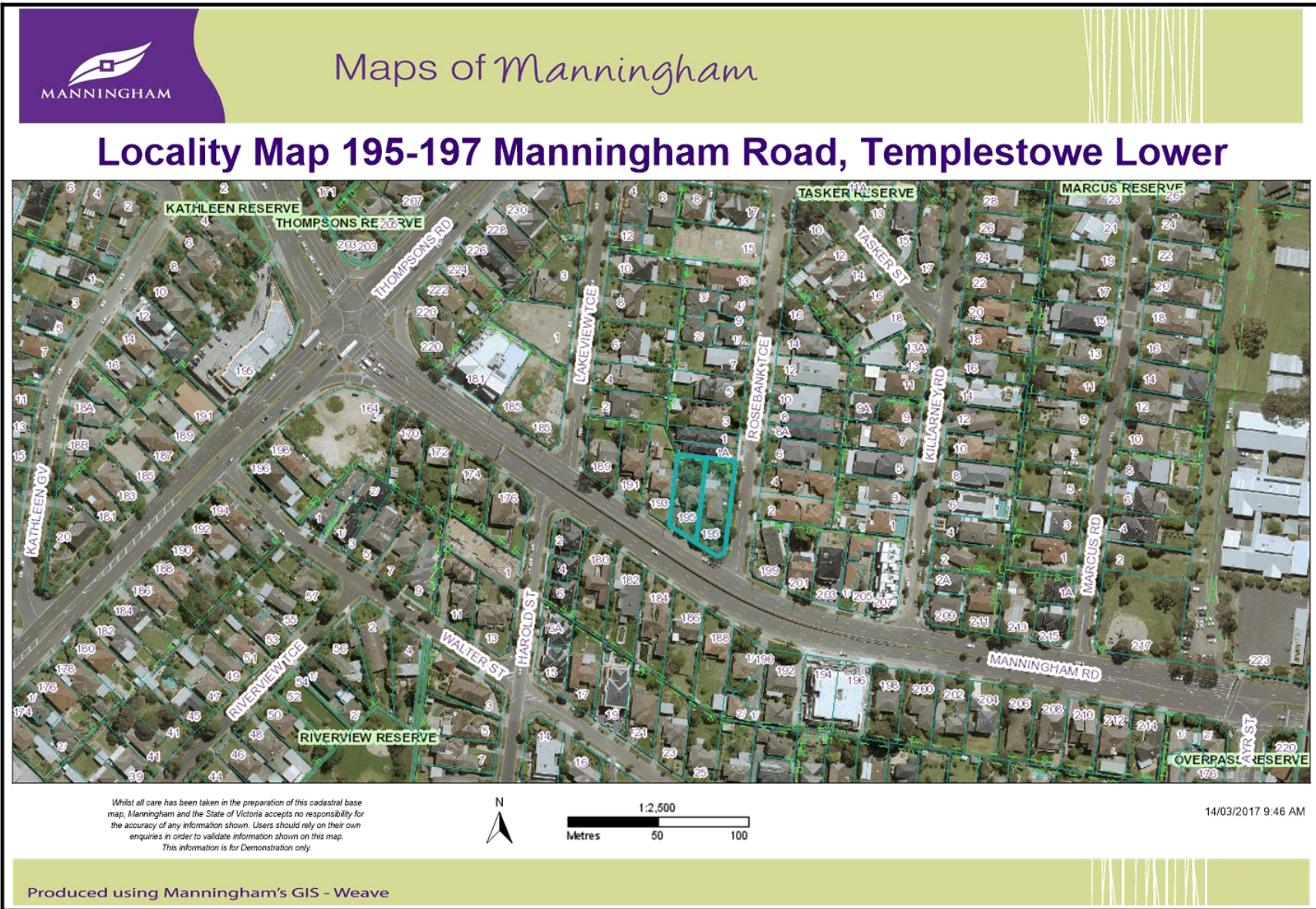
- 8.57 This objection also comes from the property owner at 193 Manningham Road. The proposed 1.5 metre between the basement and the western boundary is not considered to be unreasonable and not dissimilar to setbacks provided by other similar style developments.
- 8.58 Potential damage to the adjoining property from construction is a civil matter that needs to be addressed by the building surveyor responsible for the development.

**9. CONCLUSION**

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

**10. DECLARATION OF CONFLICT OF INTEREST**

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





SHEET LIST		
No.	Sheet Name	Current Revision
A001	FRONT COVER	C
A002	EXISTING SITE LAYOUT/DEMOLITION PLAN	B
A003	NEIGHBOURHOOD & CHARACTER STUDY	B
A004	NEIGHBOURHOOD DESIGN RESPONSE	B
A100	SITE LAYOUT PLAN	B
A200	GROUND FLOOR PLAN	C
A201	FIRST FLOOR PLAN	C
A202	SECOND FLOOR PLAN	B
A203	THIRD FLOOR PLAN	B
A204	FOURTH FLOOR PLAN	B
A210	ROOF PLAN	B
A301	PROPOSED SECTIONS	C
A302	PROPOSED SECTIONS	C
A310	PROPOSED ELEVATIONS	C
A311	PROPOSED ELEVATIONS	C
A401	SPRING EQUINOX 9 AM	B
A402	SPRING EQUINOX 10 AM	B
A403	SPRING EQUINOX 11 AM	B
A404	SPRING EQUINOX 12 PM	B
A405	SPRING EQUINOX 3 PM	B
A500	3D VIEW	B
A501	3D VIEW	B
A502	3D VIEW	B
A503	3D VIEW	B
A504	3D VIEW	B
A600	EXTERNAL FINISHES	A

**PROPOSED RESIDENTIAL DEVELOPMENT  
195 MANNINGHAM ROAD, TEMPLESTOWE LOWER, VIC 3107**

**The ELLIS Group Architects**  
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ISSUE	DESCRIPTION	DATE
1	ISSUED FOR TOWN PLANNING	9/6/16
2	REVISED FOR TOWN PLANNING - AM REVISED	7/26/16
3	REVISED FOR TOWN PLANNING - AM REVISED	4/13/16

**ISSUED FOR  
TOWN PLANNING  
PURPOSES ONLY**

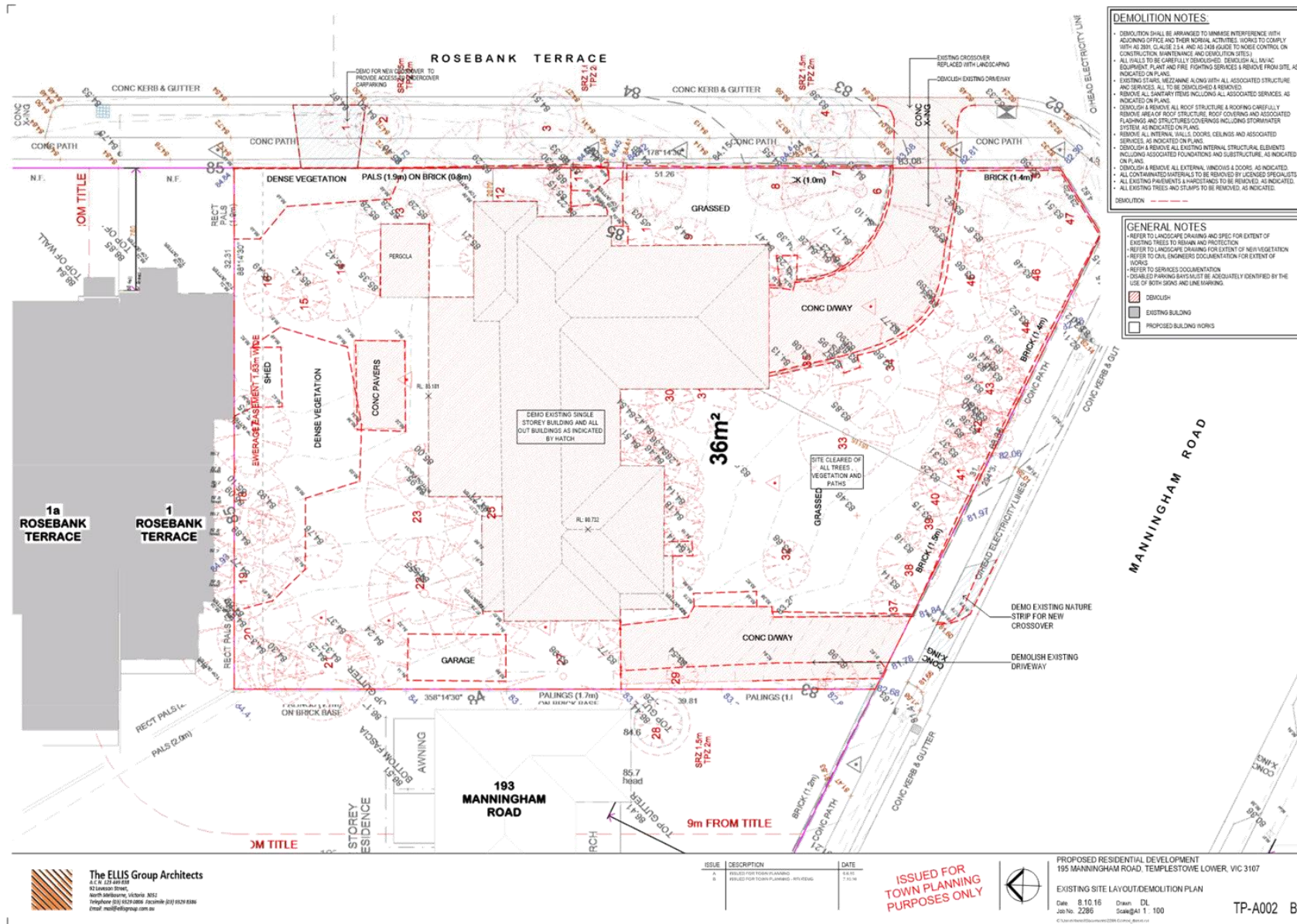
PROPOSED RESIDENTIAL DEVELOPMENT  
195 MANNINGHAM ROAD, TEMPLESTOWE LOWER, VIC 3107

FRONT COVER

Date: 8/10/16 Drawn: DL  
Job No: 2296 Scale: A1

TP-A001 C

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**DEMOLITION NOTES**

- DEMOLITION SHALL BE ARRANGED TO MINIMISE INTERFERENCE WITH ADJACENT OFFICES AND THEIR NORMAL ACTIVITIES. WORKS TO COMPLY WITH AS 2891, CLAUSE 2.4 AND AS 1408 GUIDE TO NOISE CONTROL ON CONSTRUCTION, MAINTENANCE AND DEMOLITION (2013)
- ALL WALLS TO BE CAREFULLY DEMOLISHED. DEMOLISH ALL HVAC EQUIPMENT PLANT AND FIRE FIGHTING SERVICES & REMOVE FROM SITE, AS INDICATED ON PLANS.
- EXISTING STAIRS, MEZZANINE AND ALL ASSOCIATED STRUCTURE AND SERVICES, ALL TO BE DEMOLISHED & REMOVED.
- REMOVE ALL SANITARY ITEMS INCLUDING ALL ASSOCIATED SERVICES, AS INDICATED ON PLANS.
- DEMOLISH & REMOVE ALL ROOF STRUCTURE & ROOFING CAREFULLY REMOVING AREA OF ROOF STRUCTURE, ROOF COVERING AND ASSOCIATED FLASHINGS AND STRUCTURES COVERINGS INCLUDING STORMWATER DITCHES INDICATED ON PLANS.
- REMOVE ALL INTERNAL WALLS, DOORS, CEILING AND ASSOCIATED SERVICES, AS INDICATED ON PLANS.
- DEMOLISH & REMOVE ALL EXISTING INTERNAL STRUCTURAL ELEMENTS INCLUDING ASSOCIATED FOUNDATIONS AND SUBSTRUCTURE, AS INDICATED ON PLANS.
- DEMOLISH & REMOVE ALL EXTERNAL WINDOWS & DOORS, AS INDICATED ON PLANS.
- ALL CONTAMINATED MATERIALS TO BE REMOVED BY LICENSED SPECIALISTS.
- ALL EXISTING PAVERMENTS & HARDBESTS TO BE REMOVED, AS INDICATED.
- ALL EXISTING TREES AND STUMPS TO BE REMOVED, AS INDICATED.

**GENERAL NOTES**

- REFER TO LANDSCAPE DRAWING AND SPEC FOR EXTENT OF EXISTING TREES TO REMAIN AND PROTECTION.
- REFER TO LANDSCAPE DRAWING FOR EXTENT OF NEW VEGETATION.
- REFER TO CIVIL ENGINEERS DOCUMENTATION FOR EXTENT OF WORKS.
- REFER TO SERVICES DOCUMENTATION.
- DISABLED PARKING BAYS MUST BE ADEQUATELY IDENTIFIED BY THE USE OF BOTH SIGNS AND LINE MARKING.

DEMOLISH  
 EXISTING BUILDING  
 PROPOSED BUILDING WORKS

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ISSUE	DESCRIPTION	DATE
1	PREPARED FOR TOWN PLANNING	19.10.16
2	REVISED FOR TOWN PLANNING - 4TH REVISION	7.10.17

**ISSUED FOR TOWN PLANNING PURPOSES ONLY**



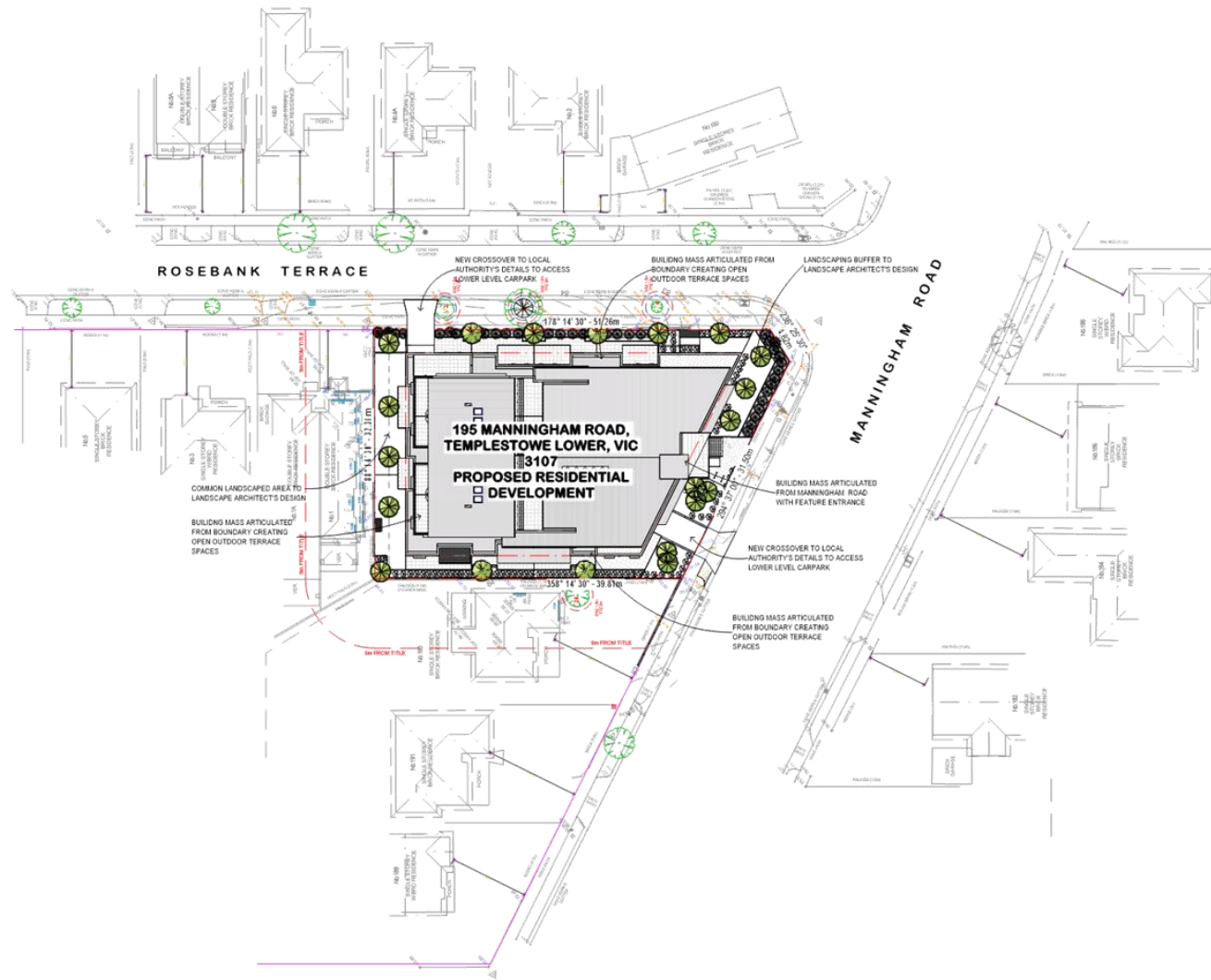
PROPOSED RESIDENTIAL DEVELOPMENT  
 193 MANNINGHAM ROAD, TEMPLESTOWE LOWER, VIC 3107

EXISTING SITE LAYOUT/DEMOLITION PLAN

Date: 8.10.16 Drawn: DL  
 Job No: 2296 Scale: 1:100  
 TP-A002 B







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ISSUE	DESCRIPTION	DATE
1	PRELIMINARY TOWN PLANNING RESPONSE FOR TOWN PLANNING PURPOSES ONLY	9.6.16
2	REVISED FOR TOWN PLANNING PURPOSES ONLY	7.10.16

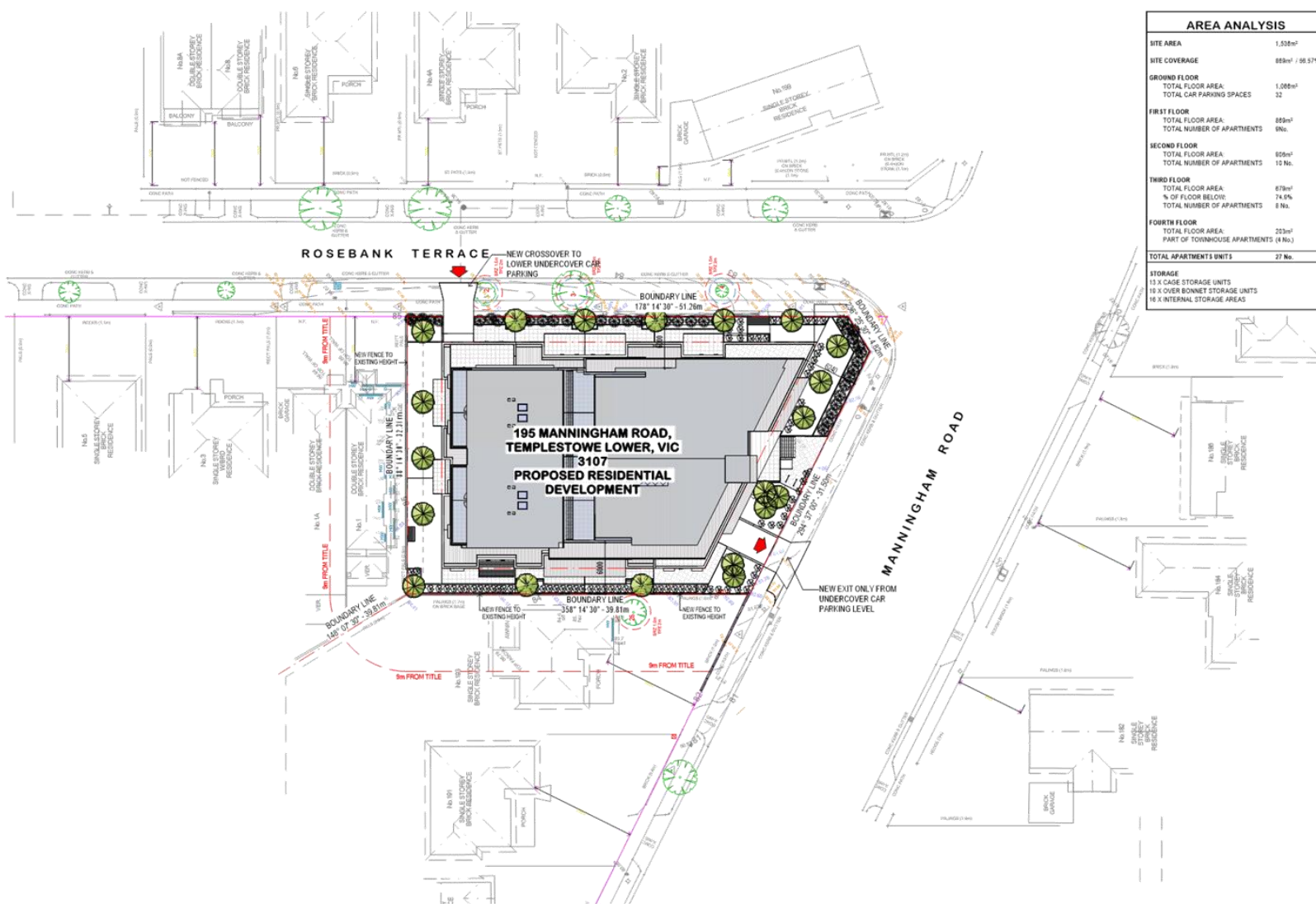
**ISSUED FOR TOWN PLANNING PURPOSES ONLY**



PROPOSED RESIDENTIAL DEVELOPMENT  
 195 MANNINGHAM ROAD, TEMPLESTOWE LOWER, VIC 3107

NEIGHBOURHOOD DESIGN RESPONSE  
 Date: 8.10.16 Drawn: DL  
 Job No: 2296 Scale: A1: 250

TP-A004 B



AREA ANALYSIS	
SITE AREA	1,538m <sup>2</sup>
SITE COVERAGE	889m <sup>2</sup> / 58.57%
GROUND FLOOR	TOTAL FLOOR AREA: 1,088m <sup>2</sup> TOTAL CAR PARKING SPACES: 32
FIRST FLOOR	TOTAL FLOOR AREA: 889m <sup>2</sup> TOTAL NUMBER OF APARTMENTS: 8 No.
SECOND FLOOR	TOTAL FLOOR AREA: 889m <sup>2</sup> TOTAL NUMBER OF APARTMENTS: 10 No.
THIRD FLOOR	TOTAL FLOOR AREA: 879m <sup>2</sup> % OF FLOOR BELOW: 74.9%
FOURTH FLOOR	TOTAL FLOOR AREA: 223m <sup>2</sup> PART OF TOWNHOUSE APARTMENTS (4 No.)
TOTAL APARTMENTS UNITS	27 No.
STORAGE	13 X CAGE STORAGE UNITS 10 X OVER BONNET STORAGE UNITS 16 X INTERNAL STORAGE AREAS

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ISSUE	DESCRIPTION	DATE
1	PRELIMINARY TOWN PLANNING	9.4.16
2	REVISED FOR TOWN PLANNING - REVISED	7.10.16

**ISSUED FOR TOWN PLANNING PURPOSES ONLY**

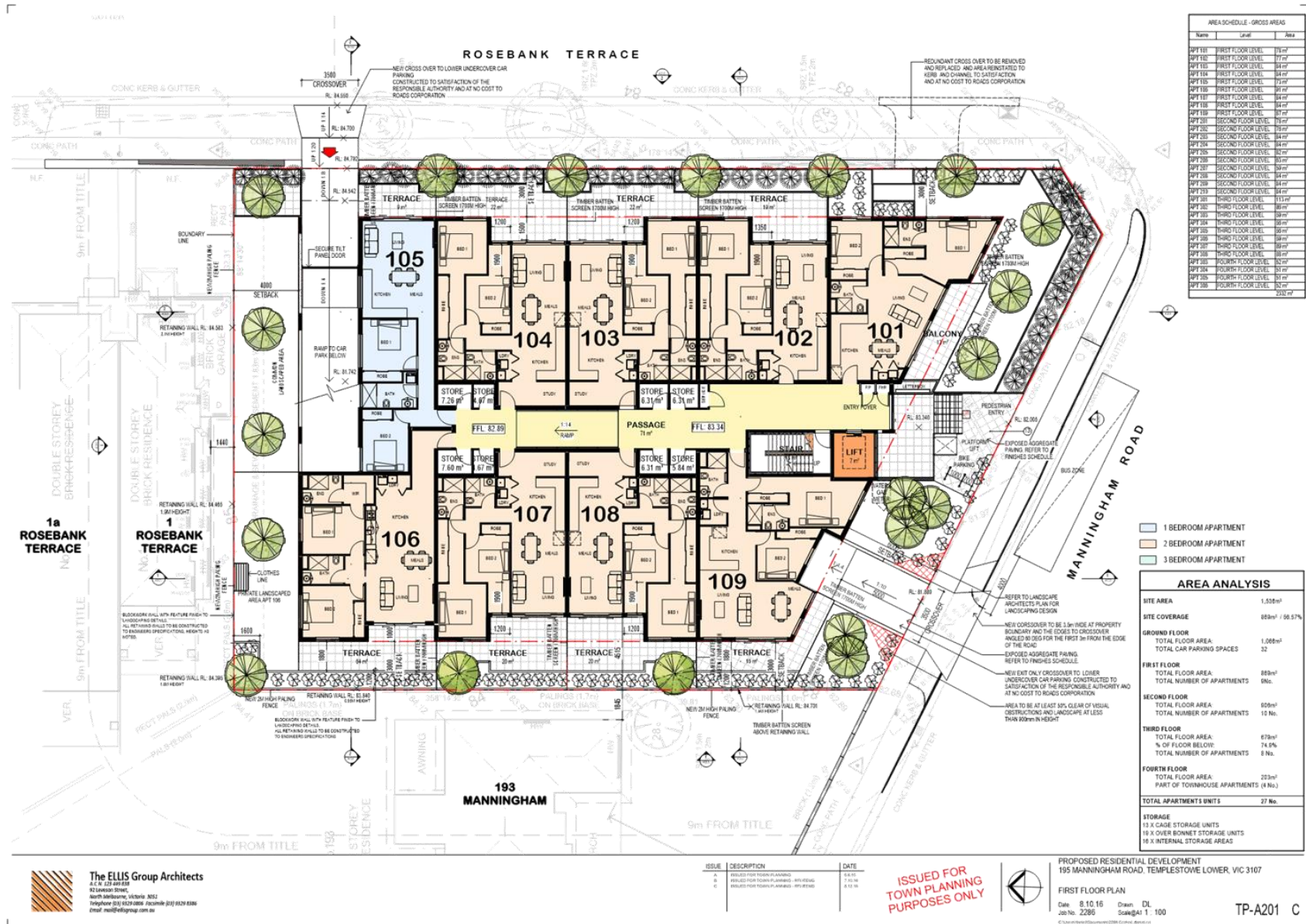
PROPOSED RESIDENTIAL DEVELOPMENT  
 195 MANNINGHAM ROAD, TEMPLESTOWE LOWER, VIC 3107

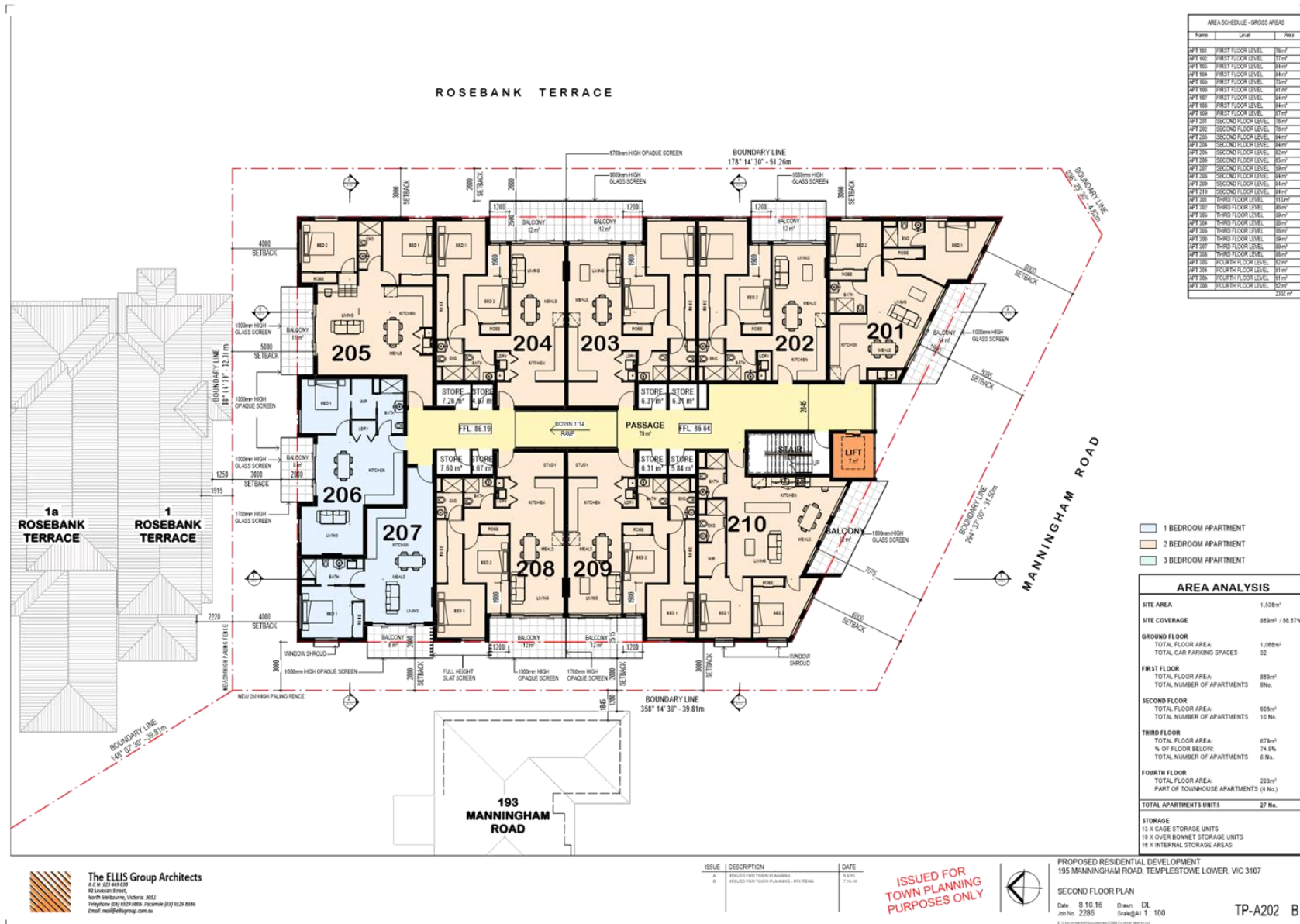
**SITE LAYOUT PLAN**

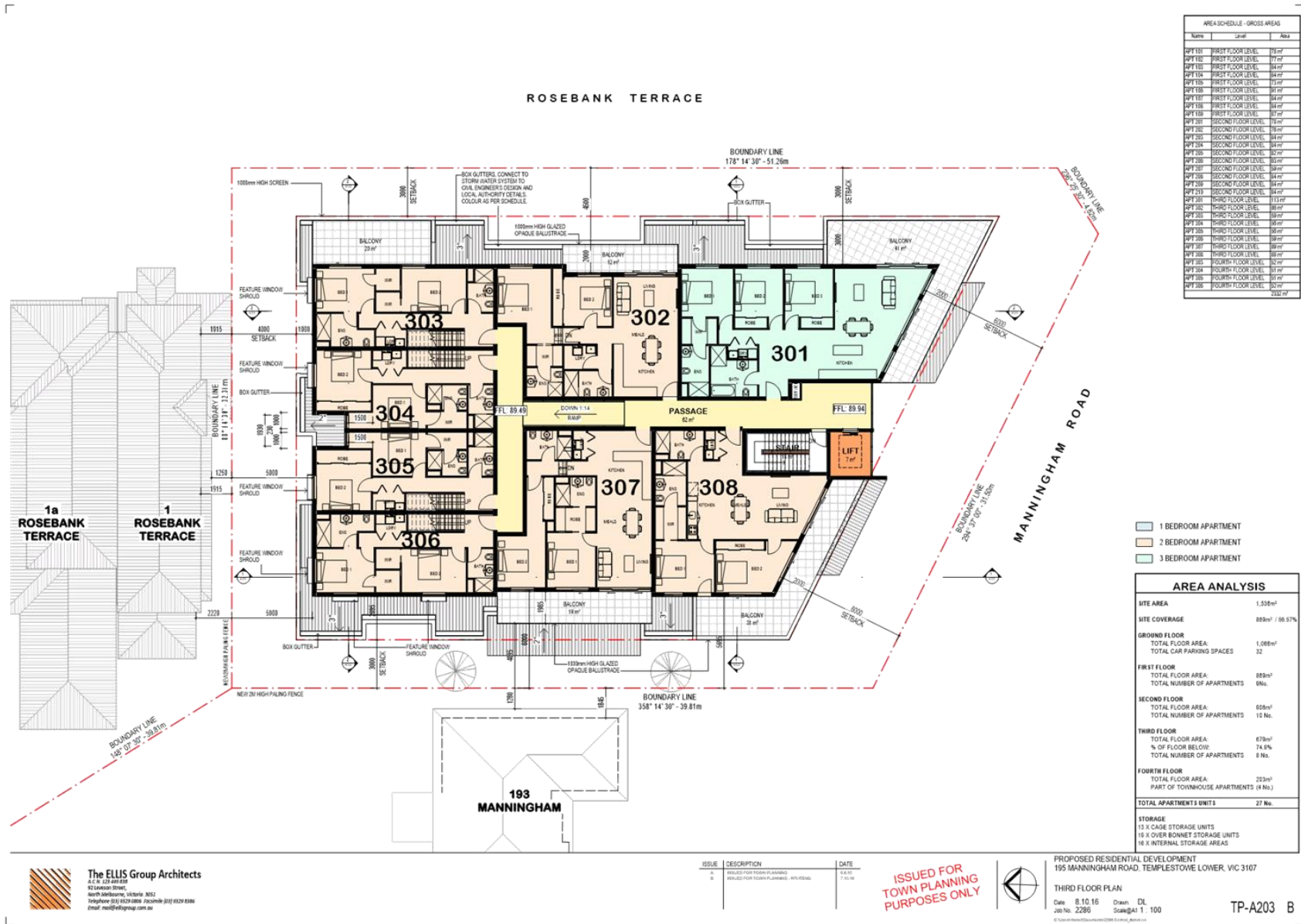
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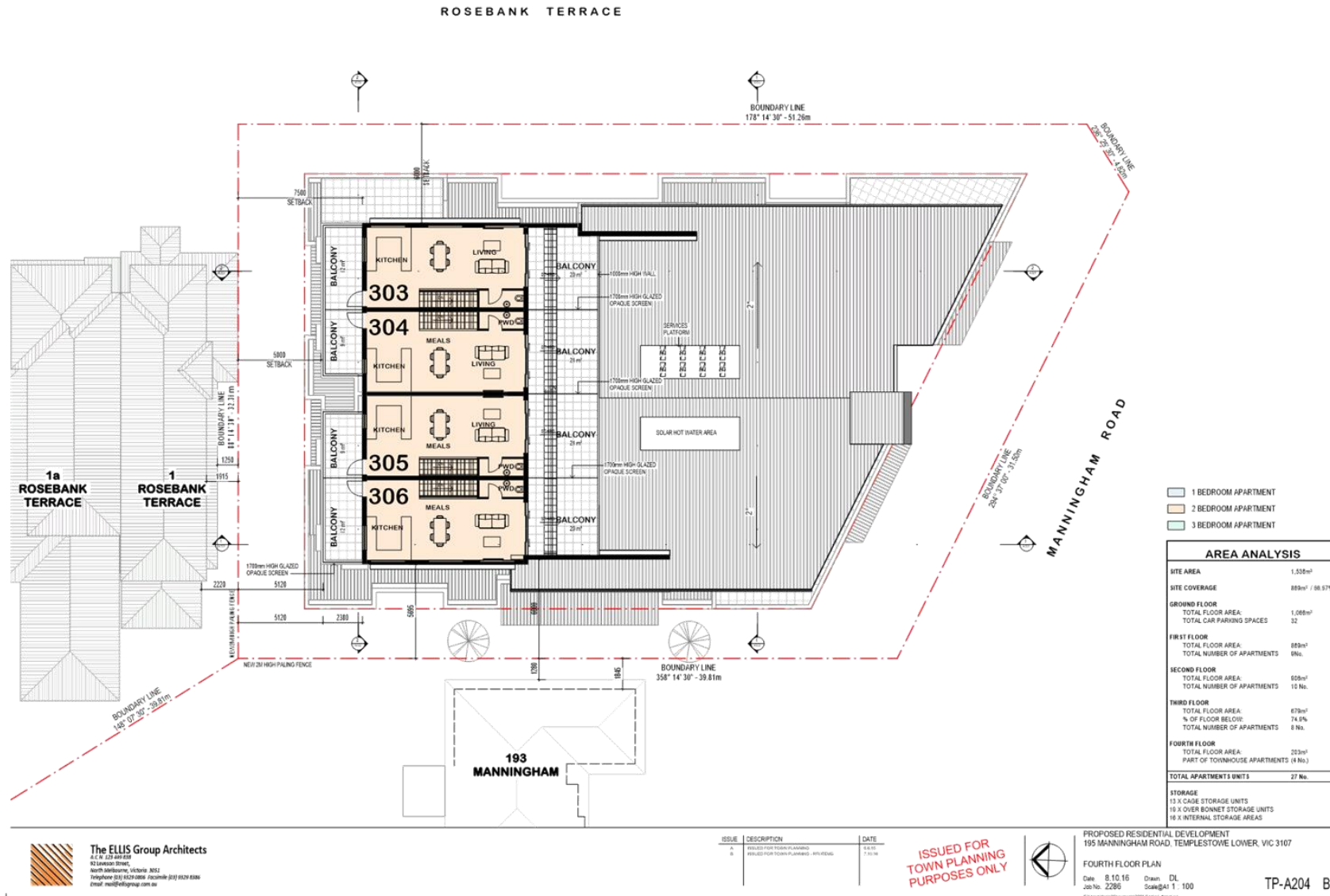
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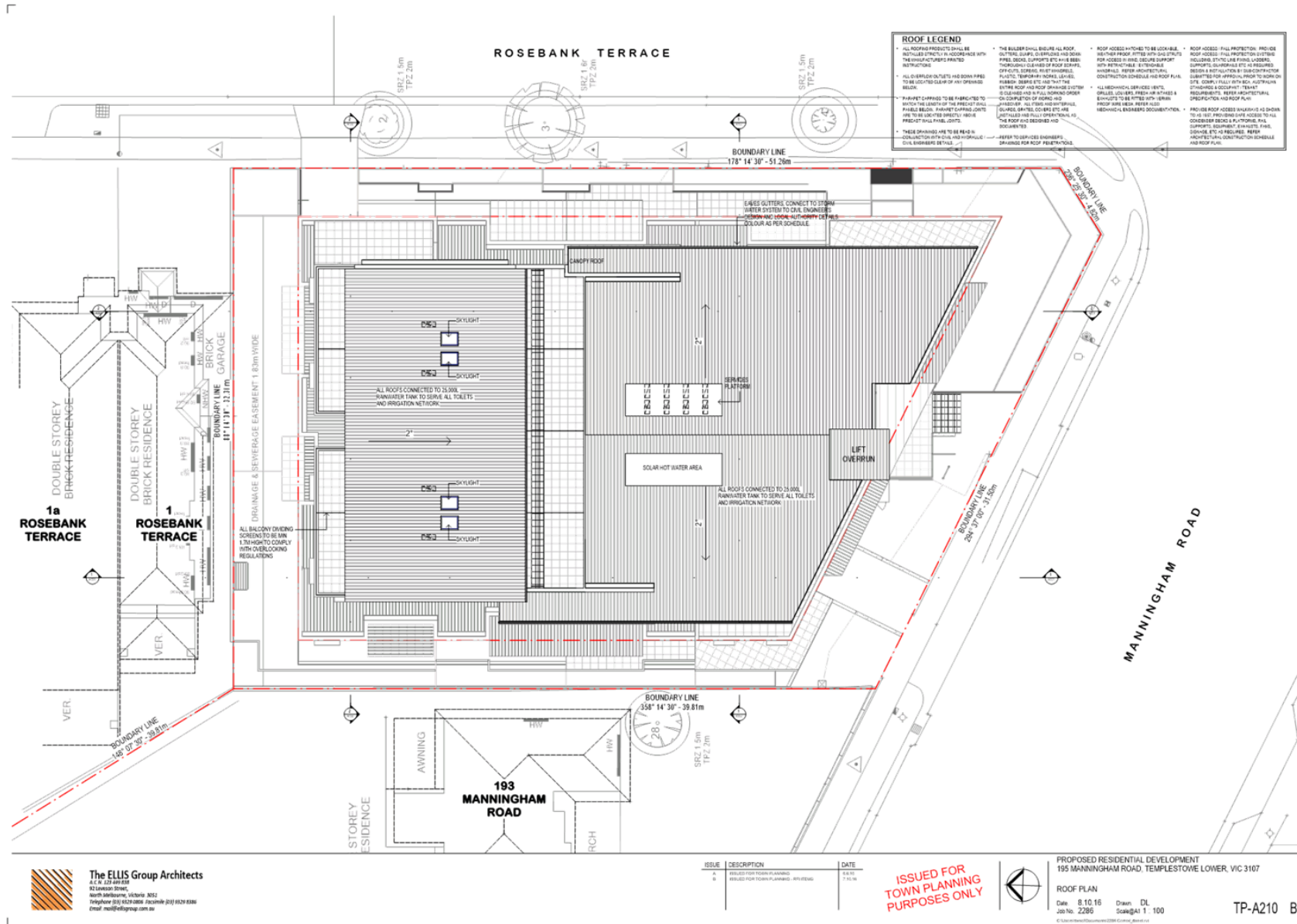




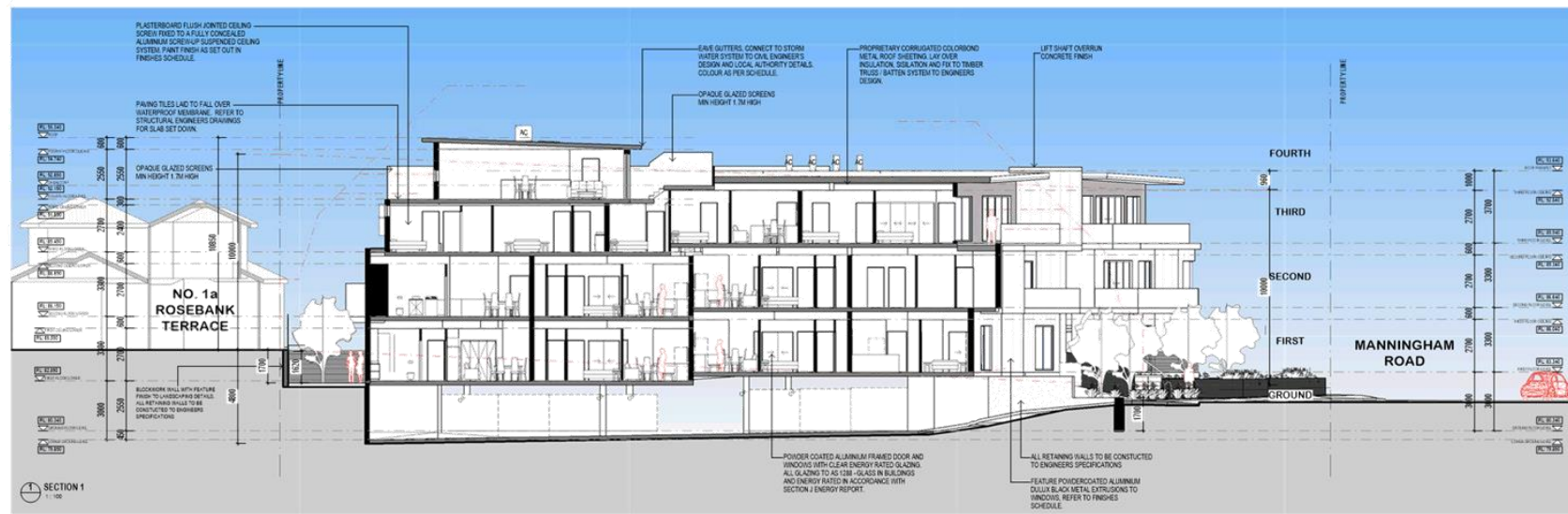
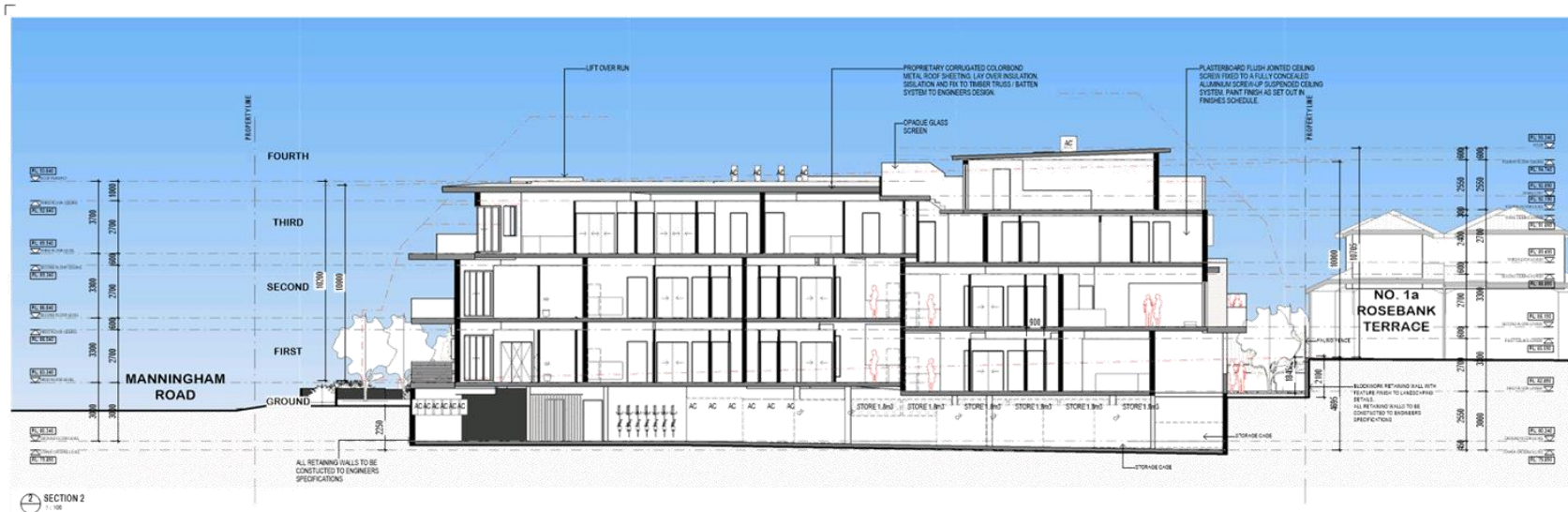












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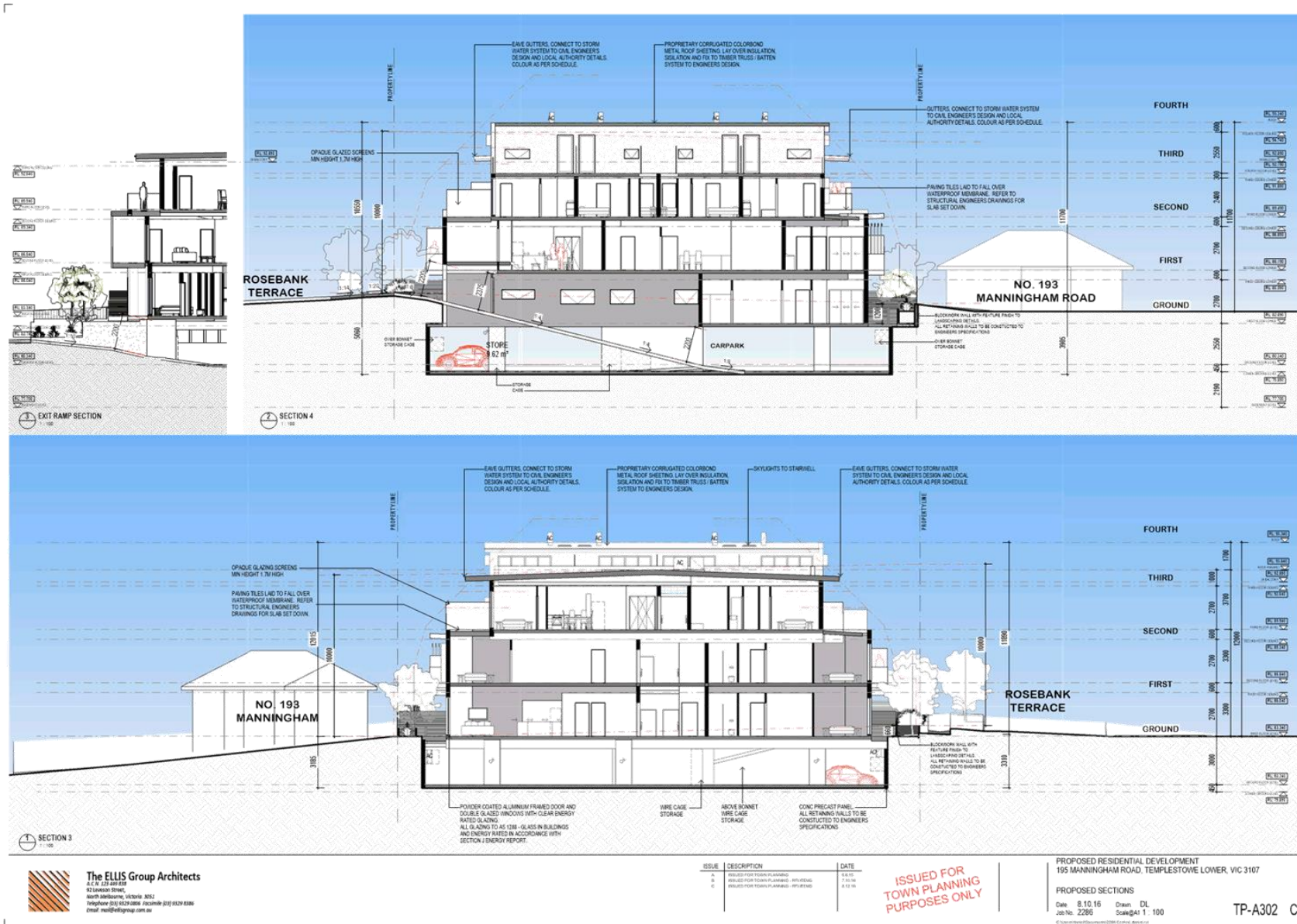
ISSUE	DESCRIPTION	DATE
1	ISSUED FOR TOWN PLANNING	15.03.17
2	REVISED FOR TOWN PLANNING - MIN HEIGHT	17.03.17
3	REVISED FOR TOWN PLANNING - APP SETBACK	17.03.17

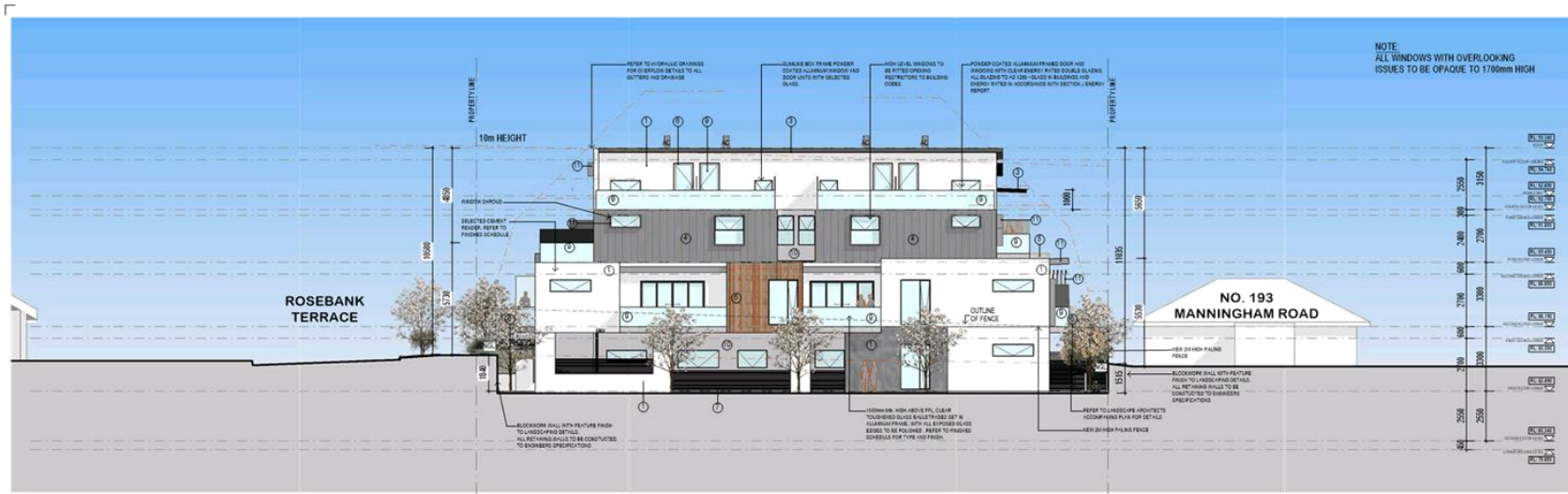
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PROPOSED RESIDENTIAL DEVELOPMENT  
 195 MANNINGHAM ROAD, TEMPLESTOWE LOWER, VIC 3107

PROPOSED SECTIONS  
 Date: 8.10.16 Drawn: DL  
 Job No: 2296 Scale: 1:100  
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TP-A301 C





1 NORTH ELEVATION  
1:100

**FINISHES SCHEDULE**

1	RENDER FINISH DULUX 'MATE'
2	POWDERCOATED MATT BLACK ALUMINIUM FACIAS
3	STANDING SEAM ZINC CLADDING - MONUMENT
4	TIMBER FEATURE CLADDING
5	POWDERCOATED MATT BLACK DOOR AND WINDOW FRAMES
6	TIMBER SLAT SCREENING
7	INVIKARD GREY PG48
8	CLEAR GLAZING
9	RENDER FINISH DULUX 'FLAUNOUR'
10	POWDERCOATED MATT BLACK ALUMINIUM TRIM AND PROFILES
11	OPAQUE GLAZING
12	EXPOSED AGGREGATE PAVING



2 SOUTH ELEVATION  
1:100

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3	REVISED FOR TOWN PLANNING - ARCHITECT	6/10/16

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PROPOSED RESIDENTIAL DEVELOPMENT  
195 MANNINGHAM ROAD, TEMPLESTOWE LOWER, VIC 3107

PROPOSED ELEVATIONS  
Date: 8/10/16 Drawn: DL  
Job No: 2296 Scale: 1:100

TP-A310 C



1 WEST ELEVATION  
1:100

**FINISHES SCHEDULE**

1	RENDER FINISH DULUX 'WHITE'
2	POWDERCOATED MATT BLACK ALUMINIUM FACIAGES
3	STANDING SEAM ZINC GLAZING-MONUMENT
4	TIMBER FEATURE CLADDING
5	POWDERCOATED MATT BLACK DOOR AND WINDOW FRAMES
6	WAYWARD GREY PG168
7	TIMBER SLAT SCREENING
8	CLEAR GLAZING
9	RENDER FINISH DULUX 'FLAUNCEUR'
10	POWDERCOATED MATT BLACK ALUMINIUM FRIMS AND PROFILES
11	OPAQUE GLAZING
12	EXPOSED AGGREGATE PAVING

MANNINGHAM ROAD

2 EAST ELEVATION  
1:100

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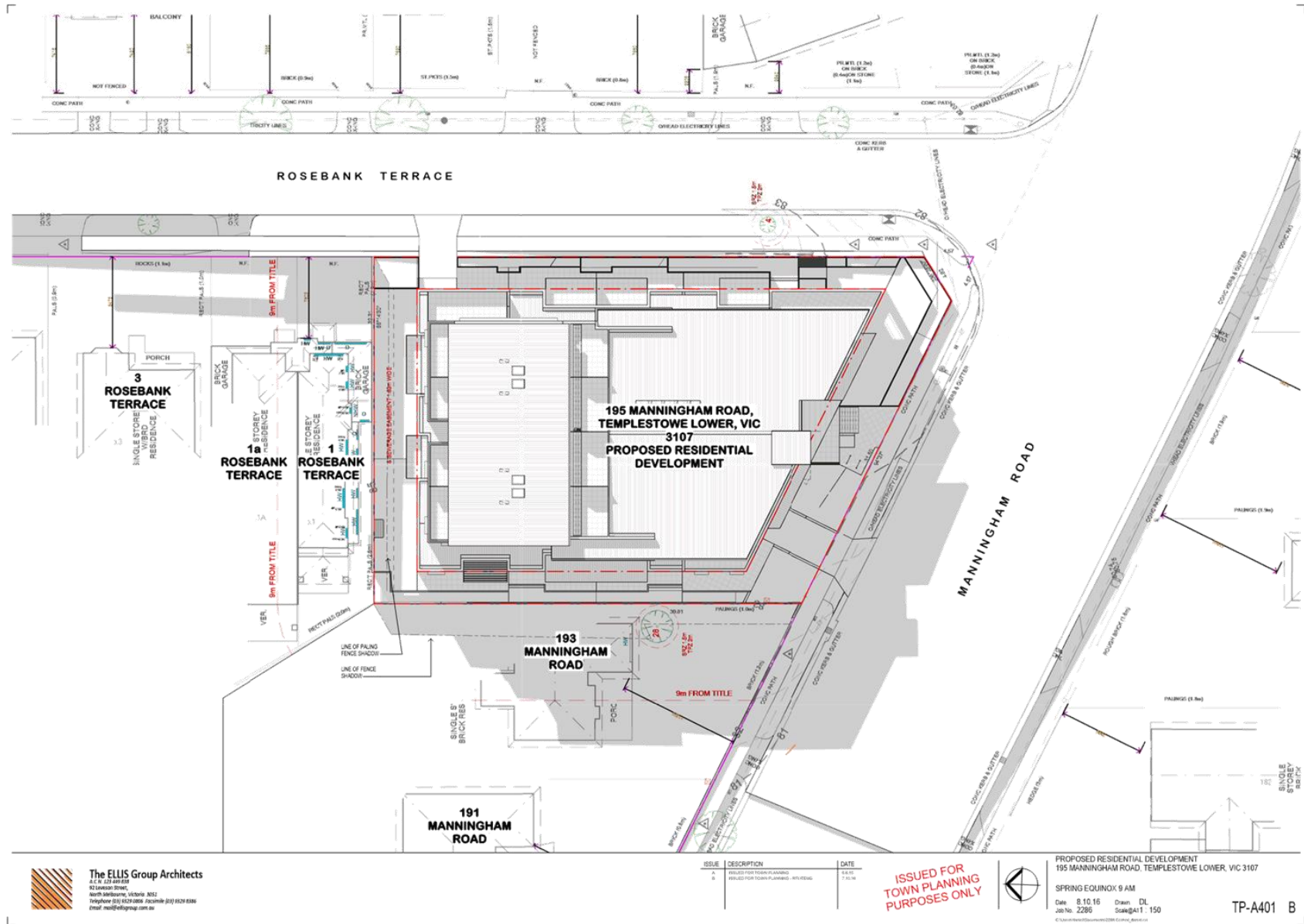
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2	REVISED FOR TOWN PLANNING - SEE DETAILS	17/03/17
3	REVISED FOR TOWN PLANNING - SEE DETAILS	17/03/17

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PROPOSED RESIDENTIAL DEVELOPMENT  
195 MANNINGHAM ROAD, TEMPLESTOWE LOWER, VIC 3107

PROPOSED ELEVATIONS  
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TP-A311 C



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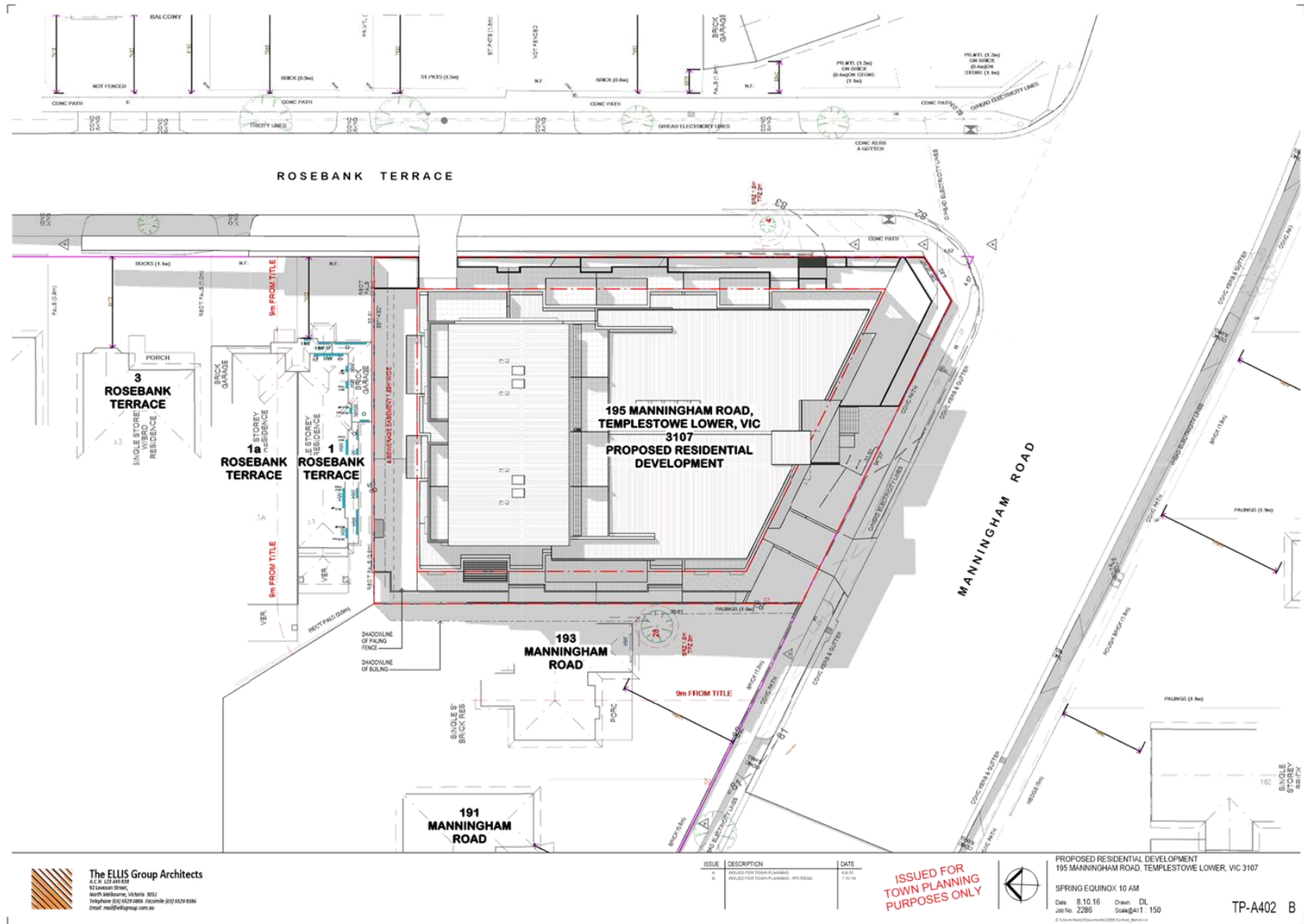
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PROPOSED RESIDENTIAL DEVELOPMENT  
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 SPRING EQUINOX 9 AM  
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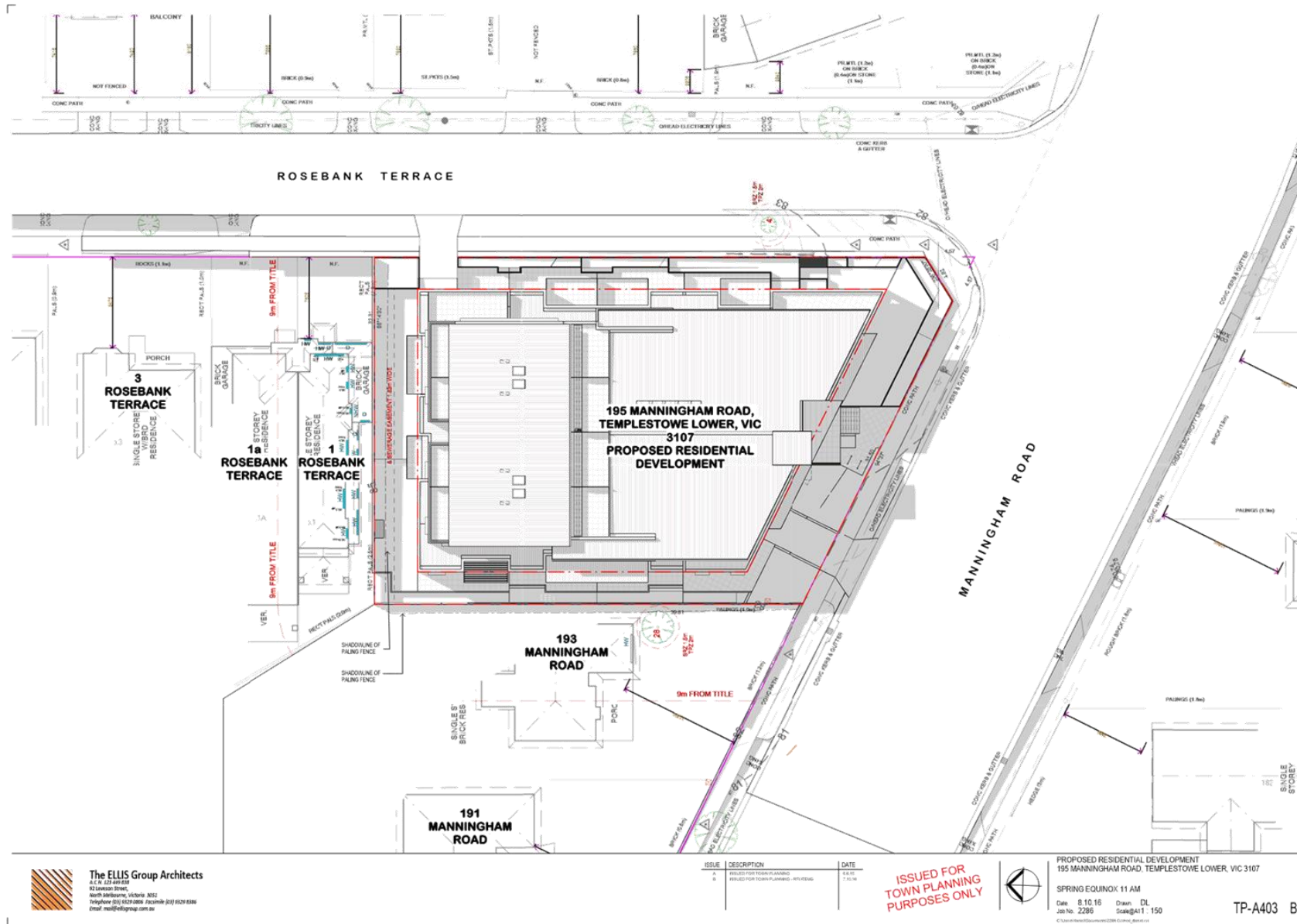
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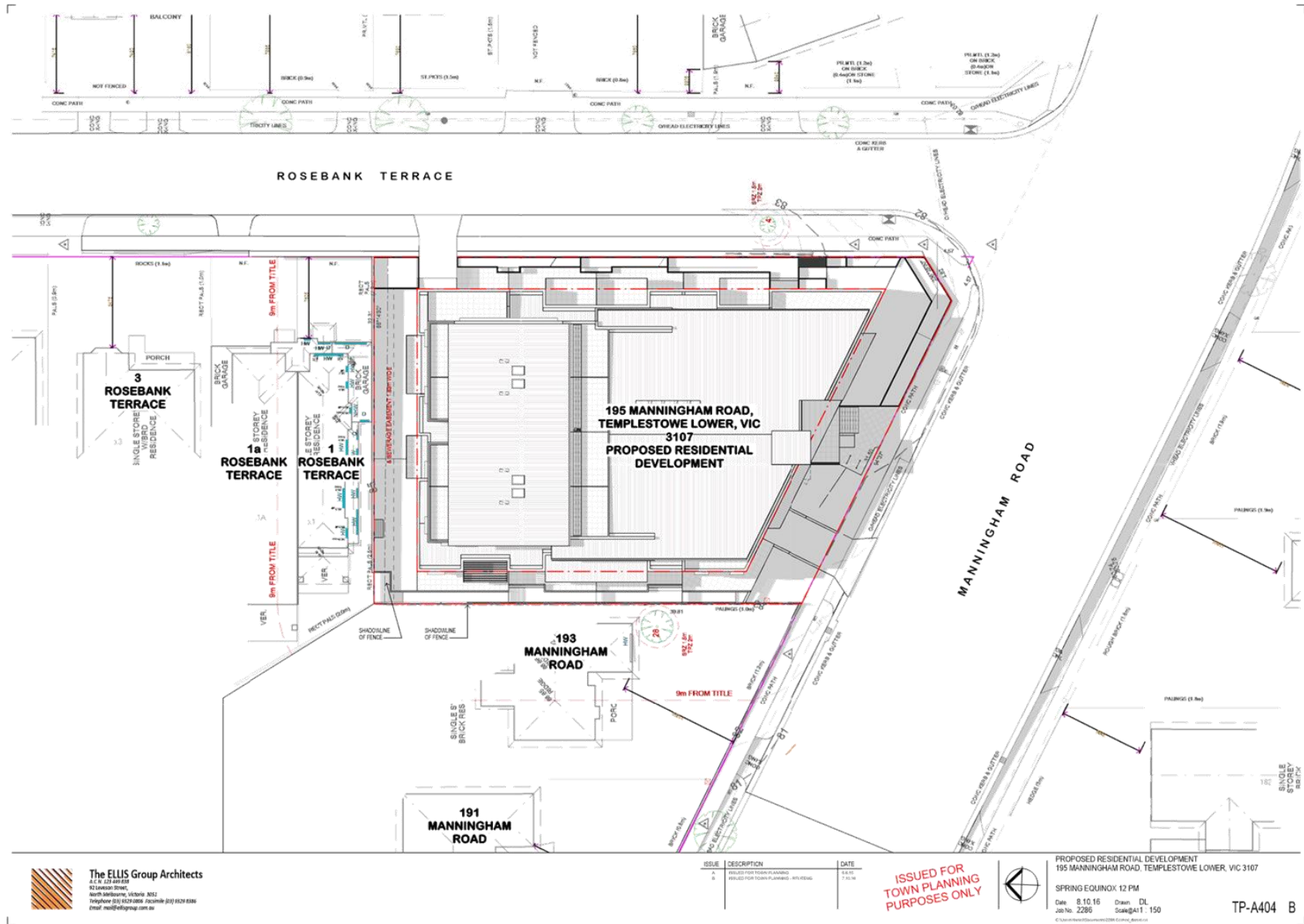
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 SPRING EQUINOX 11 AM  
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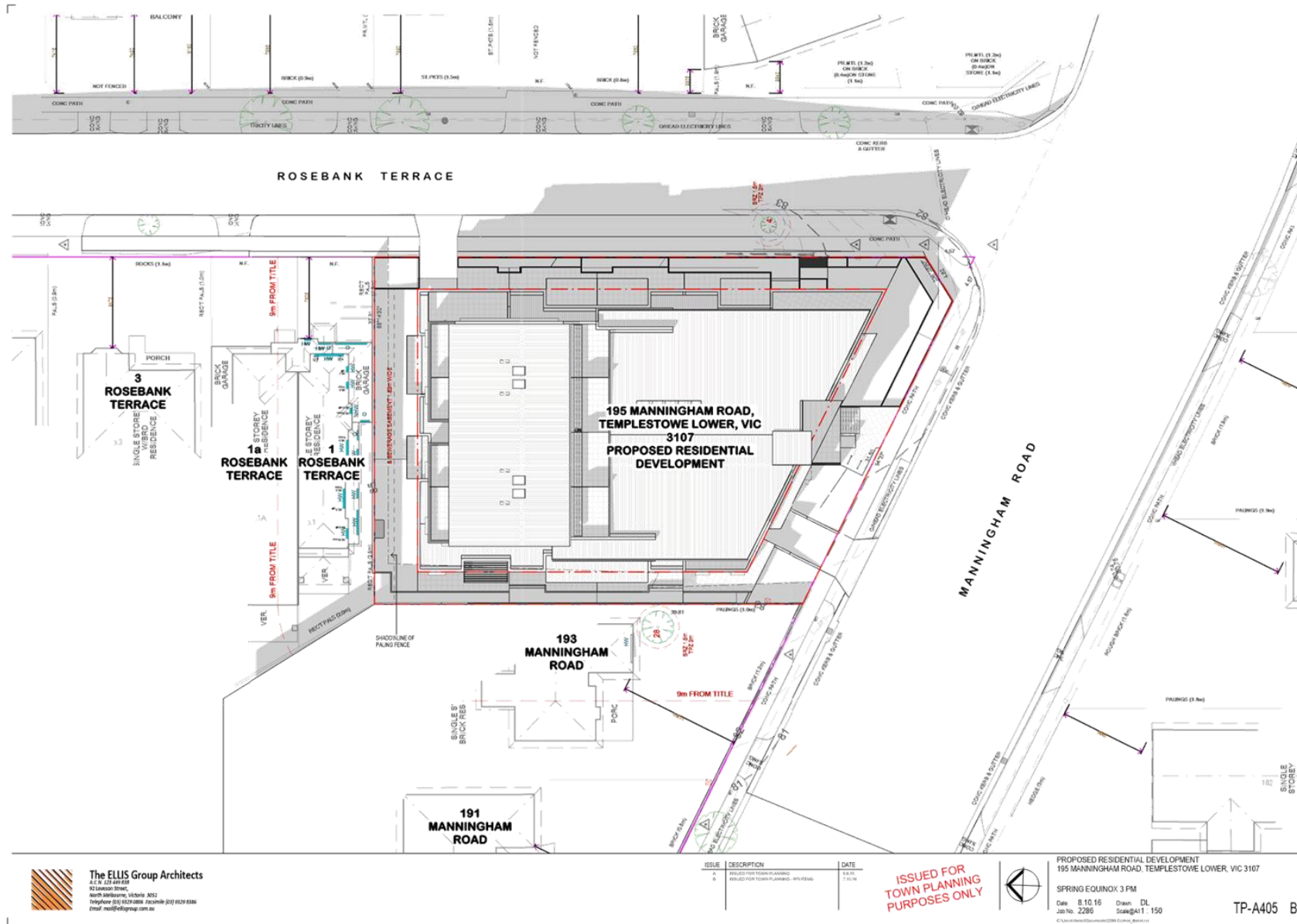
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PROPOSED RESIDENTIAL DEVELOPMENT  
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SPRING EQUINOX 3 PM  
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PROPOSED RESIDENTIAL DEVELOPMENT  
 195 MANNINGHAM ROAD, TEMPLESTOWE LOWER, VIC 3107

3D VIEW

Date: 8.10.16  
 Job No: 2296

Drawn: DL  
 Scale: A1

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3D VIEW  
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1 RENDER FINISH DULUX 'WHITE'



5 TIMBER FEATURE CLADDING



8 IRVYNRD GREY P5101



11 POWDERCOATED MATT BLACK ALUMINIUM TRIMS AND PROFILES



3 POWDERCOATED MATT BLACK ALUMINIUM FASCIAS



6 POWDERCOATED MATT BLACK DOOR AND WINDOW FRAMES



9 CLEAR GLAZING



12 OPAQUE GLAZING



4 STANDING SEAM ZINC CLADDING - MONAJENT



7 TIMBER SLAT SCREENING



10 RENDER FINISH DULUX 'FLAVOURED'



13 EXPOSED AGGREGATE PAVING



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EXTERNAL FINISHES  
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## 5. LEGISLATIVE REQUIREMENTS

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

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

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

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

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

### 5.2 MANNINGHAM PLANNING SCHEME

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

- State Planning Policy Framework
- Local Planning Policy Framework
- Clause 32.07 Residential Growth Zone, Schedule 2
- Clause 43.02 Design and Development Overlay, Schedule 8
- Clause 52.06 Car Parking
- Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road
- Clause 55 Two or more dwellings on a lot and Residential Buildings
- Clause 65 Decision Guidelines

#### Zone

##### Clause 32.07 Residential Growth Zone, Schedule 2

The purpose of the Residential Growth Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide housing at increased densities in buildings up to and including four storey buildings.*
- *To encourage a diversity of housing types in locations offering good access to services and transport including activities areas.*
- *To encourage a scale of development that provides a transition between areas of more intensive use and development and areas of restricted housing growth.*
- *To allow educational, recreational, religious, community and a limited range of other non residential uses to serve local community needs in appropriate locations.*

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



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

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

#### Overlay(s)

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

The design objectives are as follows:

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

##### Permit Requirement

- *A permit is required to construct or extend a front fence within 3 metres of a street, if the fence is associated with 2 or more dwellings on a lot or a residential building.*
- *A permit is not required to construct or extend one dwelling on a lot more than 500 square metres.*

##### Building Height & Setbacks

- Any building or works must comply with the requirements set out in Table 1 and 2 of this Schedule.
- A permit cannot be granted to vary the condition regarding the minimum land size and configuration specified in Table 2 to this Schedule.

- A permit cannot be granted to vary the Maximum Building Height specified in Table 2 to this Schedule. This does not apply to:
  - The rebuilding of a lawful building or works which have been damaged or destroyed.
  - A building which exceeds the specified building height for which a valid building permit was in effect prior of the introduction of this provision.
- For the purposes of this Schedule, the Maximum Building Height does not include building services, lift over-runs and roof mounted equipment, including screening devices.
- For the purposes of this Schedule, balconies, terraces, and verandahs may encroach within the Street Setback by a maximum of 2.0m, but must not extend along the width of the building.

Table 1

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

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

**State Planning Policy Framework**

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

Clause 15.01-1 Urban design

The objective of this policy is:

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

Clause 15.01-2 Urban design principles

The objective of this policy is:

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

Clause 15.01-4 Design for safety

The objective of this policy is:

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

## Policy guidelines

Planning must consider as relevant:

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

Clause 15.01-5 Cultural identity and neighbourhood character

The objective of this policy is:

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

Clause 15.02-1 Energy and resource efficiency

The objective of this policy is:

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

Clause 16.01-1 Integrated housing

The objective of this policy is:

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

Clause 16.01-2 Location of residential development

The objective of this policy is:

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

Clause 16.01-4 Housing diversity

The objective of this policy is:

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

Clause 16.01-5 Housing affordability

The objective of this policy is:

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

**Local Planning Policy Framework (LPPF)****Municipal Strategic Statement**Clause 21.03 Key Influences

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

This increasing pressure for re-development raises issues about how these changes affect the character and amenity of our local neighbourhoods. In meeting future housing needs,

the challenge is to provide for residential re-development in appropriate locations, to reduce pressure for development in more sensitive areas, and in a manner that respects the residential character and amenity valued by existing residents.

Clause 21.05 Residential

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

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

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

The three sub-precincts within Precinct 2 consist of:

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

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

Sub-precinct A (DDO8-2) is an area where two storey units (9 metres) and three storey (11 metres) ‘apartment style’ developments are encouraged. Three storey, contemporary developments should only occur on land with a minimum area of 1800m<sup>2</sup>. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage. The area of 1800m<sup>2</sup> must all be in the same sub-precinct. In this sub-precinct, if a lot has an area less than 1800m<sup>2</sup>, a townhouse style development proposal only will be considered, but development should be a maximum of two storeys. All development in Sub-precinct A should have a maximum site coverage of 60 percent.

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

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

The site is located within **Sub-Precinct – Main Road**.

Development in Precinct 2 should:

- *Provide for contemporary architecture*
- *Achieve high design standards*

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

#### Clause 21.05-2 Housing

The relevant objectives of this policy are:

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

The strategies to achieve these objectives include:

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

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

The objective of this policy is:

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

The strategies to achieve this objective include:

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

#### **Local Planning Policy**

##### Clause 22.08 Safety through urban design

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

Clause 22.09 Access for disabled people

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

**Particular Provisions**

Clause 52.06 Car Parking

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

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

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

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

The purpose of this clause is:

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

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

Clause 52.34 Bicycle Facilities

No bicycle spaces are required to be provided as the development is less than 4 storeys.

Clause 55 Two more dwellings on a lot and residential buildings

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

**General Provisions**

Clause 65 Decision Guidelines

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




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

**5.3 OTHER RELEVANT LEGISLATION AND POLICY**

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

- (a) Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004).

**9.2 Planning Application PL16/026260 at 799 - 801 Doncaster Road and 1 Lauer Street, Doncaster for the construction of a 3-storey apartment building containing 37 dwellings over two levels of basement car parking, and the alteration of access to a road in a Road Zone Category 1 (removal of two crossovers in Doncaster Road)**

File Number: IN17/118  
Responsible Director: Director Planning and Environment  
Applicant: Lilia Doncaster Pty Ltd  
Planning Controls: Residential Growth Zone – Schedule 2 (RGZ2), Design and Development Overlay Schedule 8 (DDO8), Adjustments to a road in a Road Zone, Category 1 (RDZ1)  
Ward: Koonung  
Attachments: 1 Locality Map [↓](#)   
2 Advertised Plans [↓](#)   
3 Planning Scheme Provisions [↓](#) 

## EXECUTIVE SUMMARY

### Purpose

1. This report provides Council with an assessment of the planning permit application submitted for land at 799 - 801 Doncaster Road and 1 Lauer Street, Doncaster. This 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 given that it is a Major Application (more than 15 dwellings and a development cost of more than \$5 million).

### Proposal

2. The proposal is for the development of a 3-storey 'apartment' style building containing 37 dwellings on three (3) adjacent lots with a combined site area of 1,968 square metres. The development proposes a site coverage of 59.8%, a site permeability of 36.0% and a maximum building height of 11.38 metres. The development provides 46 car parking spaces in two basement levels.

### Key issues in considering the application

3. The key issues for Council in considering the proposal relate to:
  - (a) Policy (consistency with state and local planning policy);
  - (b) Compliance with built form and urban design policies;
  - (c) Parking, access, traffic and bicycle parking;
  - (d) Compliance with Clause 55 (Rescode); and
  - (e) Objector concerns.

### Objector concerns

4. One (1) objection was received for the application, raising one issue as follows:
  - (a) The application should be amended to include a mix of businesses on the site.



### Assessment

5. The proposal is generally consistent with the provisions of the Manningham Planning Scheme, in particular Clause 21.05 Residential, the Design and Development Overlay – Schedule 8, and Clause 55 (ResCode). These controls recognise that there will be a substantial level of change in dwelling yields and built form on the site.
6. The proposed development sits comfortably within the changing Doncaster Road streetscape, as it is similar in scale and design to other higher density 'apartment' style developments that have been developed along Doncaster Road. The maximum height of 11.38 metres has been generated from the finished floor levels having to be raised to allow for site inundation during a 1 in 100 year flooding event. This design generally reflects the preferred character of the area and the built form outcome sought along main roads under DDO8 Main Road Sub-precinct.
7. The building is attractively presented and appropriately designed. Generous boundary setbacks allow for landscaping and protect adjoining properties from unreasonable visual and amenity impacts. It also achieves an acceptable balance in the consideration of the amenity of nearby properties and its attention to the internal amenity of future occupants.

### Conclusion

8. The report concludes that the proposal is considered to comply with the applicable planning policies and should therefore be supported, subject to some design changes to the building and the inclusion of suitable management plan conditions. The proposal makes efficient use of the site and is an appropriate residential development within this part of Manningham, with good access to services, facilities and public transport.
9. It is recommended that the application be supported subject to conditions.

### RECOMMENDATION

#### That Council:

- A. Having considered all objections a NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application PL16/026260 at 799, 801 Doncaster Road and 1 Lauer Street, Doncaster for the construction of a 3-storey apartment building containing 37 dwellings over two levels of basement car parking, and the alteration of access to a road in a Road Zone Category 1 (removal of two crossovers in Doncaster Road) –**

1. **Before the development starts, two copies of amended plans (scale 1:100) and dimensioned, must be submitted to the satisfaction of the Responsible Authority 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 Jesse Ant Architects (Project No. 15037, dated 7 December 2016 (received 9 December 2016)), but modified to show the following:**

#### **Built form**

- 1.1. A solid impermeable brick or concrete wall constructed along the southern side of the access ramp with the height of 99.75m AHD, to direct overland flows into Lauer Street.
- 1.2. Ground level private open space for Apartments 8, 9, 10, & 11 graded to allow a flow path through this area, in accordance with the Flood Investigation Report prepared by Energy Water Management (dated 22 November 2016).
- 1.3. Internal fences between Apartments 7, 8, 9 & 10, and Apartments 11, 12 & 13 and the front fence along Doncaster Road to be permeable, to allow the passage of flood waters, whilst maintaining privacy between the secluded private open space areas in accordance with Clause 55.05-4 (Private open space) of the Manningham Planning Scheme.
- 1.4. North-facing bedroom windows of Apartments 102, 103, 202 & 204 designed to limit overlooking in accordance with the policy objective at Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme.
- 1.5. Details of screening for roof mounted equipment (materials and dimensions), if visible from adjoining residential properties or the public domain.
- 1.6. An indicative location of the onsite stormwater detention system (to be located clear of the easement and proposed canopy trees).
- 1.7. Elevation drawings of each internal wall of each light court, with details of window type, to demonstrate that internal views are limited in accordance with Clause 55.04-7 (Internal views) of the Manningham Planning Scheme.
- 1.8. Internal amenity improved in accordance with Clause 55.03-5 (Energy efficiency), Clause 55.04-8 (Noise impacts), and Clause 55.05-3 (Daylight to new windows) of the Manningham Planning Scheme by providing:
  - 1.8.1. Plan notations to confirm that internal walls in the light courts will be painted in a high reflective (70%) paint finish;
  - 1.8.2. Face brickwork walls abutting the battle axe bedroom windows of Apartments 2, 3, 4, 8, 11, 12, 102, 103, 105, 106, 109, 110, 112 and 113 to have a colour reflectance of 60% to promote better daylight access;
  - 1.8.3. Fixed, external shading devices on the north-facing habitable room windows of Apartment 202 & 204, providing for solar protection;
  - 1.8.4. Operable, external shading devices on the west-facing windows at the end of the internal hallways for each level, the southern bedroom windows of Apartments 1,

- 101, 201, and the bedroom window in Apartment 210, for solar protection;
- 1.8.5. The four (4) light courts central to the building uncovered, to allow ventilation;
  - 1.8.6. Windows in the light court operable above 1700mm above the finished floor level of the apartments, to allow ventilation;
  - 1.8.7. Operable windows at the end of all hallways at each level of the building, to allow ventilation;
  - 1.8.8. Plan notations to confirm that acoustically rated glazing will be used for all windows and sliding doors facing Doncaster Road (minimum), if not for the entire building.
- 1.9. A schedule of materials and finishes with colour samples of all external walls, roofs, fascias, window frames, paving (including terraces, balconies, roof terraces, stairs), fencing, privacy screens, roof top plant screens and retaining walls.
- 1.10. The letterboxes relocated to face Doncaster Road adjacent to the eastern side of the pedestrian path and integrated into the landscaping, unless written agreement to the location of the letterboxes in the Atrium is provided by Australia Post, to the satisfaction of the Responsible Authority.
- 1.11. The location of any fire services, meter boxes and boosters and details of how they will be designed so as to minimise visual impacts from either street frontage. This may include one or more of the building cladding materials proposed in the building;
- 1.12. The design details of the building's front entry, including an elevation drawing of any fire services, meter boxes and boosters and screening to the services cabinets.
- 1.13. Details of the type and material of enclosure for each storage area within the basement and ground floor levels.
- 1.14. The location of retractable clotheslines to all ground level open spaces and balconies, designed so they are not visible from the street or adjoining properties.
- 1.15. A schedule listing the minimum sustainability features applicable to the development, as described in the approved Sustainability Management Plan.

#### **The Basement and Accessways**

- 1.16. Visibility splays drawn in accordance with Design Standard 1: Accessways of Clause 52.06 (Car parking) of the Manningham Planning Scheme.

- 1.17. The entry to the basement car park constructed with a crest at the frontage to a height of 99.5m AHD. This must be shown on both the Ground Floor and Section drawings.
- 1.18. Plan notation to confirm that any redundant vehicle crossover must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.
- 1.19. Location of an intercom system adjacent to the basement security door.
- 1.20. Location of the 26,000 litre water tank(s), their size, capacity and area of impervious area draining them and their proposed use, ensuring the notations correspond with the SMP and STORM Report approved under Condition 4 of this permit.
- 1.21. Details of basement ventilation, including the location of any mechanical intake or outlet.

#### Endorsed Plans

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

#### Construction Management Plan

3. Before the development starts, two copies of a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved, the Plan will form part of the planning permit. The Plan must address, but not be limited to the following:
  - 3.1. A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - 3.2. Hours of construction;
  - 3.3. Delivery and unloading points and expected frequency;
  - 3.4. On-site facilities for vehicle washing;
  - 3.5. Asset protection procedures for any public footpaths;
  - 3.6. The location of parking and site facilities for construction workers;
  - 3.7. Measures to minimise the impact of construction vehicles arriving at and departing from the land;
  - 3.8. Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;
  - 3.9. The measures for prevention of the unintended movement of building waste and other hazardous materials and pollutants on

or off the site, whether by air, water or other means;

- 3.10. An outline of requests to occupy the front nature strip and any anticipated disruptions to local services;
- 3.11. Measures to minimise the amount of waste construction materials;
- 3.12. Measures to minimise noise and other amenity impacts from mechanical equipment/construction activities, especially outside of daytime hours;
- 3.13. Adequate environmental awareness training for all on-site contractors and sub-contractors.

#### **Sustainability Management Plan**

- 4. Before the development starts or the issue of a building permit for the development, whichever is the sooner, two copies of a revised Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. When approved the SMP will form part of the permit. The Plan must generally be in accordance with the plan prepared by LID Consulting (dated 27 April 2016), but modified to provide:

##### **Indoor Environment Quality**

- 4.1. Any amendments required by Condition 1 of this permit;
- 4.2. Light court walls with a high reflectance (70%) paint finish;
- 4.3. Adjoining face brick works walls to battle axe apartments with a minimum reflectance (60%) paint finish;
- 4.4. Ensure north glazing has adequate overhangs to control summer glare while allowing winter solar gains.
- 4.5. Provide adjustable external blinds/shutters on west facade to control glare and summer solar gains;

##### **Energy Efficiency – Clotheslines**

- 4.6. Fixed or retractable clotheslines for each dwelling in a courtyard, hidden on a balcony or within a bathroom or laundry with adequate ventilation to prevent condensation and mould growth;
- 4.7. Reflect the provision for clotheslines in the STEPS report;

##### **Water conservation**

- 4.8. Location of water tanks with a 26,000 litre capacity, their size, capacity, and area of impervious area draining to them and their proposed uses. Notations are to correspond in the SMP and STORM Reports.

**Waste Management Plan**

5. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an amended Waste Management Plan, must be submitted to and approved by the Responsible Authority. When approved, the plan will form part of the permit. The Plan must generally be in accordance with the plan prepared by Leigh Design (dated 6 December 2016), but modified to provide for:
  - 5.1. A minimum 2.5 metre overhead height clearance provided at the waste collection vehicle stopping point in the upper basement, to ensure an orderly collection of waste;
  - 5.2. No private waste contractor bins are left outside the development boundary or left unattended at any time on any street frontage for any reason.

**Management Plan Compliance**

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

**Completion**

8. 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.
9. Before the occupation of the dwellings approved under this planning permit, privacy screens and/or obscure glazing as required in accordance with the approved plans must be installed to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.
10. Before the occupation of the dwellings approved under this planning permit, 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.

11. Before the occupation of the dwellings approved under this planning permit, 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.
12. Before the occupation of the dwellings approved under this planning permit, any redundant vehicle crossover must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.
13. Before the occupation of the dwellings approved under this planning permit, all fencing must be erected in accordance with the plans endorsed under Condition 1 of this permit to the satisfaction of the Responsible Authority.
14. Before the occupation of the dwellings approved under this planning permit, all retaining walls must be constructed and finished in a professional manner to ensure a neat presentation and longevity to the satisfaction of the Responsible Authority.
15. Before the occupation of the dwellings approved under this planning permit, intercom and an automatic basement door opening system for both basement doors (connected to each dwelling) 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.
16. Before the occupation of the approved dwellings, all associated basement parking spaces must be line-marked, numbered and signposted to provide allocation to each dwelling and visitors to the satisfaction of the Responsible Authority.
17. Visitor car parking spaces must be clearly marked and must not be used for any other purpose to the satisfaction of the Responsible Authority.

#### Landscaping Plan

18. Before the development starts, two copies of an amended Landscaping Plans (scale 1:100) must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the approved site layout plan and the decision plan prepared by John Patrick Landscape Architects Pty Ltd (Job No. 15-809, December 2016), but modified to show:
  - 18.1. Any amendments required under Condition 1 of the planning permit;
  - 18.2. All canopy trees and screen planting along the side and rear boundaries are at least 1.5 metres in height at the time of planting; and
  - 18.3. 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.

#### Landscaping Bond

19. Before the release of the approved plan for the development, a \$10,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.

#### Stormwater – On-site detention

20. 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:
  - Be designed for a 1 in 5 year storm; and
  - Storage must be designed for 1 in 10 year storm.

#### Construction Plan

21. Before the development starts, a construction plan for the system required by Condition 20 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

22. 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.
23. 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

24. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
25. Maintenance of the common area landscaping must be managed by



the body corporate.

26. All upper level service pipes (excluding stormwater downpipes) and any wall mounted spa-bath pump must be concealed and screened respectively to the satisfaction of the Responsible Authority.
27. Any reverse cycle air-conditioning unit erected on the walls, roofs or balconies of the approved dwellings must be located, to not adversely affect the amenity of the area by way of appearance/visual prominence to the satisfaction of the Responsible Authority. Where the Responsible Authority identifies a concern about visual appearance, appropriately designed/finished screening must be installed and maintained to the satisfaction of the Responsible Authority.
28. Unless depicted on a Roof Plan approved under Condition 1 of this permit, no roof plant (includes air conditioning units, basement exhaust ducts, solar panels or hot water systems) which is visible to immediate neighbours or from the street may be placed on the roof of the approved building, without details in the form of an amending plan being submitted to and approved by the Responsible Authority.
29. A centralised TV antenna must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.
30. No individual dish antennae may be installed on the overall building to the satisfaction of the Responsible Authority.
31. Any wall-mounted, instantaneous gas hot water system located on a balcony wall or on a general external wall of the building, so as to be visible from off the site must be provided with a neatly designed, durable screen (in perforated metal sheeting, for instance) to the satisfaction of the Responsible Authority or be of the recessed type with a cover plate.
32. 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.
33. Any security door/grille to the basement opening must maintain sufficient clearance when fully open to enable the convenient passage of waste collection vehicles which are required to enter the basement and such clearance must also be maintained in respect of sub-floor service installations throughout areas in which the waste collection vehicle is required to travel to the satisfaction of the Responsible Authority.

#### **Maintenance**

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

**Earthworks**

35. The extent and depth of cut and fill must not exceed that shown on the plans endorsed under Condition 1 of this permit without the written consent of the Responsible Authority.

**VicRoads Conditions (Conditions 36 - 37)**

36. The proposed crossover along Lauer Street is to be constructed to the satisfaction of the responsible Authority and at no cost to The VicRoads, prior to the occupation of the use hereby approved.
37. The two redundant vehicle crossings on Doncaster Road should be removed and reinstated with footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority and at no cost to the VicRoads.

**Permit Expiry**

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

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

**1. BACKGROUND**

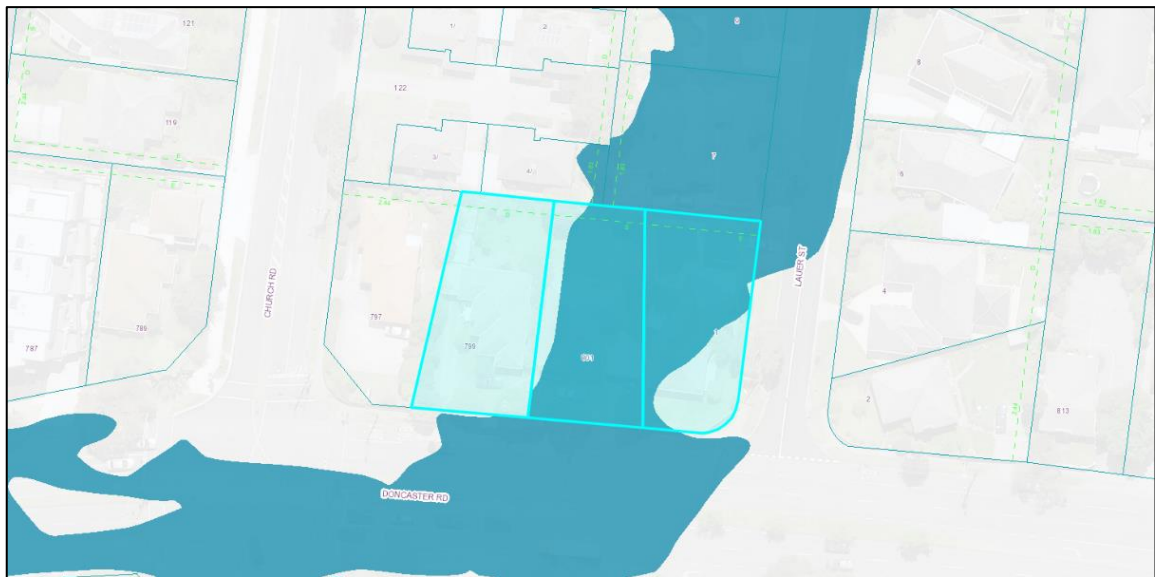
- 1.1 A proposal for the site was presented to the Sustainable Design Taskforce meeting on 3 December 2015, which raised issues regarding the appropriateness of the fourth storey, the reliance on internal light courts, excessive site coverage, the encroachment of balconies into the front setback, minimal basement setbacks, reliance on the front setback for courtyards, limited landscaping opportunities, the size of the third storey, minimal stepping of the building to the rear, architectural and visual interest, internal privacy and accessibility to some storage areas.
- 1.2 The planning application was received on 10 May 2016.
- 1.3 A request for further information was sent on 7 June 2016. This included identifying preliminary concerns relating to the proposal being an overdevelopment of the site, site inundation, compliance with the Design and Development Overlay – Schedule 8, the design of the basement, internal amenity, landscaping and built form.
- 1.4 All required further information was received on 9 December 2016.
- 1.5 The statutory time for considering a planning application is 60 days, which lapsed on 7 February 2017.

- 1.6 Planning Application PL13/023679 sought approval to construct 16 two-storey 'townhouse' style dwellings over the same 3 lots being sought to be developed under this planning application. This was refused at a Council meeting on July 29 2014.
- 1.7 Planning Permit PL13/023919 granted approval to remove 3 Covenants, one registered to the Title of each of the lots this planning application relates to. These Covenants restricted development to the construction of a private dwelling of brick and outbuildings. The Titles are now not encumbered by any Covenants.

## 2. THE SITE AND SURROUNDS

### The Site

- 2.1 The site is situated on the north-western corner of the Doncaster Road and Lauer Street intersection, approximately 25 metres east of the Doncaster Road and Church Road intersection.
- 2.2 The site comprises three irregularly shaped lots with a combined area of 1,968 square metres. The Doncaster Road frontage is 49.39 metres, the Lauer Street frontage is 30.56 metres, the northern boundary is 51.51 metres, and the western boundary is 37.71 metres long. A 6.31 metre long curved splay is opposite the intersection.
- 2.3 Each lot within the site is currently developed with a single-storey brick dwelling with a tiled, hipped roof. The dwellings at 799, 801 Doncaster Road gain access from crossovers and driveways in Doncaster Road, and the dwelling at 1 Lauer Street from the crossover and driveway adjacent to the northern boundary in Lauer Street. The secluded private open space area are all located on the northern side of the dwellings.
- 2.4 The land slopes down from south-western corner (on Doncaster Road) towards the north-eastern corner (on Lauer Street), with a level difference of 2.69 metres. Along the Lauer Street frontage, the level difference is 2.28 metres.
- 2.5 A 2.44 metre wide drainage and sewerage easements abuts the length of the northern boundary within the site. Council's records indicate that there are drainage and sewerage pipes within the easement.
- 2.6 Front fencing ranges in height between 0.77 metres and 1.6 metres and is constructed in brick and timber.
- 2.7 The site is partly affected by the proposed Special Building Overlay – Schedule 3 that is currently being considered by Council under Planning Scheme Amendment C109, as follows:



**The Surrounds**

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

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

West	797 Doncaster Road, Doncaster	This property adjoins the entire length of the western boundary. It is developed with a single-storey building that is used as a Medical Centre. The building is setback 14.6 metres to Doncaster Road and 4.0 metres to the common boundary. Access is gained from Church Road to the car park located within the Doncaster Road frontage. Being a Medical Centre, there are no habitable room windows that face the site.
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- 2.9 The character of the broader neighbourhood is in transition. Single, detached brick dwellings are common to many properties, however many of these lots are being redeveloped with two or more townhouse style dwellings or apartments on consolidated lots. The nearest apartment style development is at 765 & 767 Doncaster Road located approximately 260 metres west the site.
- 2.10 Doncaster Road adjoins the southern boundary of the site. This major arterial road has three lanes of traffic in each directions (inclusive of a bus lane), with a central dividing median. Doncaster Road is under the jurisdiction of VicRoads and is served by several bus routes, including the Smart Bus services.
- 2.11 On the northern side of the site, land is zoned General Residential Zone, Schedule 2 where less intensive town house style developments are supported under Clause 21.05 (Residential) and Clause 43.02 (Design and Development Overlay – Schedule 8 (DDO8-3)) under the Manningham Planning Scheme.
- 2.12 The site is well located to a range of services and facilities, with the Doncaster Secondary College located 150 metres to the north-west, the Municipal Offices located 500 metres to the west, and the Doncaster Shoppingtown located 1 kilometre to the west.
- 2.13 In front of the site in Doncaster Road is a bus stop.

### 3. THE PROPOSAL

- 3.1 It is proposed to demolish the existing buildings and clear all vegetation for the construction of a 3-storey apartment building comprising 37 dwellings above two levels of basement car parking, and alter the access to a road in a Road Zone, Schedule 1 (removal of two crossovers in Doncaster Road).

#### Submitted plans and documents

- 3.2 The proposal is depicted on plans prepared by Jesse Ant Architects (dated 7 December 2016, and received 9 December 2016), and a Landscaping Plan prepared by John Patrick Landscape Architects (dated December 2016, and received 9 December 2016). Refer to Attachment 1.
- 3.3 The following reports were submitted in support of the application:
- Town Planning Report – SJB Planning, December 2016;
  - Traffic Report – Cardno Victoria, 7 December 2016;
  - Waste Management Plan – Leigh Design, 6 December 2016;

- Sustainability Management Plan – LID Consulting, 27 April 2016;
- Flood Investigation Report – Energy Water Management, 22 November 2016;
- Arboricultural Report – Galbraith & Associates, 26 July 2016.

### Development summary

- A summary of the development is provided as follows:

Site area:	1,968sqm.	Maximum Building Height:	11.38m.
Site Coverage:	59.8%.	Setback to Doncaster Road (south)	Lower Basement – 6.04m – 6.59m. Upper Basement – 9.06m – 9.44m Ground floor – 6.0m. First floor – 7.65m. Second floor – 9.01m.
Permeability:	36.0%.	Setback to Lauer Street (east)	Lower Basement – 9.1m – 9.8m. Upper Basement – 9.1m – 9.63m Ground floor – 3.0m. First floor – 3.25m. Second floor – 5.9m.
Number of Dwellings:	37.	Setback to northern boundary	Lower Basement – 4.0m. Upper Basement – 4.0m. Ground floor – 4.0m. First floor – 3.5m (balcony blade walls, otherwise 5.7m). Second floor – 5.6m (balcony blade walls, otherwise 7.04m).
• 1 bedroom:	4.	Setback to western boundary	Lower Basement – 2.45m – 4.68m. Upper Basement – 2.45m – 4.68m. Ground floor – 2.39m. First floor – 2.5m. Second floor – 5.43m.
• 2 bedrooms:	32.	Car parking spaces:	46.
• 3 bedrooms:	1.	Resident spaces:	39.
Density:	One per 53.2sqm.	Visitor spaces:	7.

**Design layout**

- 3.4 The ground level consists of 2 x 1-bedroom apartments, 10 x 2-bedroom apartments, plus 1 x 3 bedroom apartment, each provided with a ground level courtyard that ranges between 29.2 and 113.5 square metres in area.
- 3.5 The first floor consists of 2 x 1-bedroom apartments, plus 12 x 2 bedroom apartments, each provided with a balcony that ranges between 8 and 12.9 square metres in area.
- 3.6 The second floor consists of 10 x 2-storey dwellings, each provided with a balcony that ranges between 8.2 and 28.8 square metres in area.
- 3.7 Four light courts penetrate the building to the ground floor level and provide light to 19 inboard bedrooms and services rooms. These courts are all dimensioned 3.0 metres x 3.6 metres, and contain landscaping and are accessible from the ground level.

**Pedestrian and vehicle access and layout**

- 3.8 The pedestrian path from Doncaster Road leads into the entry and foyer of the building. The internal lift and stairs services all levels.
- 3.9 One crossover and driveway provides vehicular access. This is 5.7 metres wide and is adjacent to the northern boundary in Lauer Street. A remote controlled security gate is provided at the base of the ramp.
- 4.10 Access to the dwellings from the basement level is from a communal staircase and lift.
- 3.10 The basement levels incorporate a waste storage room (upper level), 27 bicycle parking spaces (upper level) and storage lockers for each apartment (on both levels).

**Landscaping**

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

**Design detail**

- 3.12 The proposed building is designed in contemporary architectural forms, which incorporates a flat roof and articulated façade presentations on all sides. The façades consist of a mix of render, timber, face brickwork and cladding with framing elements projecting from the building, together with various façade treatments.

**4. LEGISLATIVE REQUIREMENTS**

- 4.1 Refer to Attachment 2.

**5. REFERRALS****External**

- 5.1 Given the proposal involves the removal of accessways onto Doncaster Road, it is a statutory requirement to refer the application to VicRoads as a determining referral authority.
- 5.2 VicRoads have not objected to the proposal, but have required 2 conditions to be included into a permit – letter dated 1 March 2017 (**Conditions 36-37**).

#### Internal

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

Service Unit	Comments
Engineering & Technical Services Unit – Drainage	<ul style="list-style-type: none"> <li>• There is adequate point of discharge for the site. All runoff is to be directed to the point of discharge (<b>Condition 22</b>).</li> <li>• Provide an on-site stormwater detention system (<b>Condition 20</b>).</li> </ul>
Engineering & Technical Services Unit – Vehicle Crossing	<ul style="list-style-type: none"> <li>• The existing disused vehicle crossover is required to be removed and the nature strip, kerb and channel and footpath reinstated (<b>Condition 12</b>).</li> <li>• A “Vehicle Crossing Permit” is required.</li> </ul>
Engineering & Technical Services Unit – Access and Driveway	<ul style="list-style-type: none"> <li>• Visibility splays are to be shown on the plans (<b>Condition 1.16</b>).</li> <li>• The width and internal radius of the driveway allow sufficient turning areas for all vehicles to exit the site in a forward direction.</li> <li>• There is at least 2.1 metres headroom beneath overhead obstructions.</li> <li>• An adequate passing bay has been provided at the frontage.</li> <li>• The accessway gradients comply with Design Standard 1: Accessways of Clause 52.06 (Car parking).</li> </ul>
Engineering & Technical Services Unit – Traffic and Car Parking	<ul style="list-style-type: none"> <li>• The dimensions of the car parking spaces comply.</li> <li>• There are no traffic congestion issues in the context the surrounding street network.</li> <li>• Car parking has been provided at the prescribed rate under Clause 52.06 (Car parking)</li> </ul>
Engineering & Technical Services Unit – Car Parking Layout	<ul style="list-style-type: none"> <li>• The car parking layout is satisfactory.</li> </ul>
Engineering & Technical Services Unit – Construction Management	<ul style="list-style-type: none"> <li>• A Construction Management Plan is required (<b>Condition 3</b>).</li> </ul>
Engineering & Technical Services Unit –	<ul style="list-style-type: none"> <li>• The Flood Report that accompanied the planning application has been reviewed. The proposal is supported with the inclusion of the recommendations in the report, as conditions</li> </ul>



Service Unit	Comments
Flooding	<p>in the permit as follows:</p> <ul style="list-style-type: none"> <li>○ Requires a crest to be constructed at the frontage, to prevent internal flooding <b>(Condition 1.17)</b>.</li> <li>○ Requires an impermeable wall on the southern side of the ramp to direct overland flows onto Lauer Street <b>(Condition 1.1)</b>.</li> <li>○ Requires grading of open space areas of Apartments 8-11 to form a flow path <b>(Condition 1.2)</b>.</li> <li>○ Requires front internal and front fence along Doncaster Road to be permeable <b>(Condition 1.3)</b>.</li> </ul>
Engineering & Technical Services Unit – Waste	<ul style="list-style-type: none"> <li>● Private waste collection is required onsite.</li> <li>● Amendments are required to the submitted Waste Management Plan before approval to ensure a minimum 2.5 metre overhead clearance is provided at the waste collection vehicle stopping point to ensure orderly collection, and that no private waste collection bins are to be left on either street frontage for any reason.</li> <li>● A final Waste Management Plan needs to be approved as part of the permit <b>(Condition 5)</b>.</li> </ul>
Engineering & Technical Services Unit – Easements	<ul style="list-style-type: none"> <li>● Build over easement approval is not required.</li> </ul>
Strategic Projects Unit – Sustainability	<ul style="list-style-type: none"> <li>● The following amendments to the submitted Sustainability Management Plan (SMP) are required before approval <b>(Conditions 4)</b>.</li> </ul> <p><u>Indoor Environment Quality</u></p> <ul style="list-style-type: none"> <li>● Light courts are well sized for the height of the building and should provide adequate daylight to the bedroom windows in the court. To ensure maximum daylight distribution, plan notations are to be made for a high reflectance (70%) paint finish to be applied to all light court walls <b>(Condition 4.2)</b>.</li> <li>● To promote better daylight (via reflections), ensure that the proposed face brickwork walls abutting the battle axe bedroom windows of Apartments 2, 3, 4, 8, 11, 12, 102, 103, 105, 106, 109, 110, 112 and 113 are to have a colour reflectance of at least 60% <b>(Condition 4.3)</b>.</li> <li>● To shade unshaded windows in the north elevation, ensure that the habitable room windows in Apartments 202 &amp; 204 have adequate fixed overhangs to control summer glare while allowing winter solar gains <b>(Condition 4.4)</b>.</li> <li>● To shade unshaded windows in the west elevation, ensure that the window at the end of the hallway (all levels), the southern bedroom windows in Apartments 1, 101, 201, and the bedroom window in Apartment 210 have operable external shading to control summer glare while allowing winter solar gains <b>(Condition 4.5)</b>.</li> </ul> <p><u>Water conservation</u></p> <ul style="list-style-type: none"> <li>● No water tank is shown on the plans, whereas the SMP</li> </ul>

Service Unit	Comments
	<p>identifies a 26,000 litre tank.</p> <ul style="list-style-type: none"> <li>Plans are required to be amended to show the location of the tank(s), their size, capacity and area of impervious area draining to them and their proposed use, and ensure that the notations align with the information contained in the SMP &amp; STORM Report <b>(Condition 1.20)</b>.</li> </ul>
Economic and Environmental Planning Unit – Urban Design	<ul style="list-style-type: none"> <li>The apartment building presents long facades to the north and south, but building recesses and stepping successfully breaks down the mass.</li> <li>The use of face brick and timber cladding on elevations is desirable.</li> <li>Opportunity for some solar screens or awnings to be provided for north-facing balconies <b>(Condition 1.8)</b>. These will assist with providing visual interest and articulation.</li> <li>Light courts provide natural light to inboard bedrooms.</li> <li>Light courts should all be uncovered to provide ventilation <b>(Condition 1.8)</b>. Although the Roof Plan indicates light courts are covered, the applicant has confirmed light courts are uncovered (email 6 March 2017).</li> <li>Windows lining the light courts should be openable. The applicant has confirmed light courts can have openable windows above 1.7 metres above finished floor level, and that operable windows can be provided at the end of hallways <b>(Conditions 1.8)</b> - (email 6 March 2017).</li> <li>Meter boxes and boosters are near the main entrance, and they should be appropriately screened with one or more of the building cladding materials proposed on the building <b>(Condition 1.11)</b>.</li> <li>Should Australia Post require the mail box to be located near the property boundary (instead of in the Atrium), that this be incorporated into the design of landscaping <b>(Condition 1.10)</b>.</li> </ul>

## 6. CONSULTATION / NOTIFICATION

- 6.1 Notification of the application was given for a three-week period which concluded on 2 February 2017, by sending letters to nearby properties and displaying four signs in the street frontages.
- 6.2 One (1) objection was received from the following property:
- 58 Lawanna Drive, Templestowe.
- 6.3 The objection sought that the application be amended to include a mix of businesses to be developed on the site.
- 6.4 A response to the objection is included at the end of Section 8 Assessment of this report.

## 7. ASSESSMENT

- 7.1 The proposal has been assessed against the relevant state and local planning policies, the zone, overlay and the relevant particular provisions and general provisions of the Manningham Planning Scheme.
- 7.2 The assessment is made under the following headings:
- State and Local Planning Policy Frameworks (SPPF and LPPF);
  - Site inundation (Planning Scheme Amendment C109);
  - Design and built form;
  - Car parking, access, traffic and bicycle facilities;
  - Clause 55 (Rescode);
  - Objector concerns; and
  - Other matters.

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

- 7.3 Key objectives of the SPPF and LPPF seek to intensify activity centres as a focus for high-quality development and encourage increased activity and density as a way to achieve broader urban consolidation objectives.
- 7.4 At both the SPPF and LPPF levels, policy encourages higher density development in established activity centres or on strategic redevelopment sites, particularly for housing. Whilst the site is not specifically identified as a strategic redevelopment site within the MSS, it substantially meets key criteria as a strategic redevelopment site primarily through its location and proximity to a Principle Activity Centre and a Neighbourhood Activity Centre with good access to public transport and existing services, and the ability of the site to accommodate more than ten dwellings.
- 7.5 The use of the site for the purpose of dwellings is appropriate within the zoning of the land and the strategic context of the site. There is policy support for an increase in residential density within and close to activity centres and the activation of street frontages to increase the vibrancy of the area.
- 7.6 The proposed development exceeds the 11 metre preferred building height requirement outlined in the DDO8 for lots with an area more than 1,800 square metres. The consolidation of three lots with a combined area of 1,968 square metres is considered appropriate to accommodate the development in the height proposed as the development provides increased setbacks to compensate for its larger scale in comparison to traditional medium density housing. This is consistent with the preferred future character outlined in the DDO8. The site is located in an area which is undergoing change and revitalisation due to the demand for increased density within the municipality.
- 7.7 While there is a strategic imperative for Council to encourage urban consolidation where an opportunity exists, this is not in isolation and other relevant policies (requiring new design to be appropriate for the physical and social context) are still relevant. The proposed development and its response to the streetscape (including supporting high quality urban design, on and off-site amenity of future

occupants and neighbours, energy efficiency and a positive contribution to neighbourhood character) will be assessed in the following sections of this report.

- 7.8 Council has, through its policy statements in the Manningham Planning Scheme, and in particular by its adoption of the DDO8 over part of this neighbourhood, created a planning mechanism that will in time alter the existing neighbourhood character along Manningham Road and in some adjoining side streets.
- 7.9 Council's planning preference is for higher density, multi-unit developments which can include apartment style developments on larger lots. This higher density housing thereby provides for the "preferred neighbourhood character" which is guided by the design elements contained within the DDO8, in conjunction with an assessment against Clause 21.05 and Clause 55 – Rescode. The resultant built form is contemplated to have a more intense and less suburban outcome.
- 7.10 An apartment development across this site is generally consistent with the broad objectives of Council's planning policy outlined at Clause 21.05 of the Manningham Planning Scheme. The policy encourages urban consolidation (and apartment buildings) in this specific location due to its capacity to support change given the site's main road location and proximity to services, such as public transport. The policy anticipates a substantial level of change from the existing character of primarily single dwellings and dual occupancies which have occurred in the past.

#### **Site inundation (Planning Scheme Amendment C109)**

- 7.11 In July 2005, the Victorian Auditor General recommended that Council's provide a higher level of flood protection, carry out reliable mapping and include the results in their planning schemes. As a consequence, Council is currently undertaking Planning Scheme Amendment C109, to provide properties with a greater level of protection against potential storm events.
- 7.12 The amendment applies to land in five local catchments in the City of Manningham which have been identified by Melbourne Water and Council as being liable to flooding in a 1 in 100 year storm event.
- 7.13 Amendment C109 proposes to change the Manningham Planning Scheme (MPS) by amending the Municipal Strategic Statement (MSS) at Clause 21.12 Infrastructure and Clause 21.16 Key References, to include reference to:
- The '*Flood Management Plan for Manningham Council and Melbourne Water June 2011*' which provides the strategic framework for establishing the appropriate Planning Scheme overlays to reflect the results of the flood mapping project and;
  - The '*Development of the Special Building Overlay – Technical Report for Manningham City Council (Cardno) September 2015*', which provides an overview of the methodology used in the flood mapping of the five local catchments.
- 7.14 The amendment commenced exhibition on the 12 November 2015 and the closing date for submissions was the 24 December 2015. Should the amendment become gazetted a planning permit would be required to construct a build or to construct or carry out works.

7.15 At its meeting of 21 February 2017, Council considered 6 recommendations in respect to Planning Scheme Amendment C109, under Item 10.3 of the Business Paper. Council resolved:

- *That this matter be deferred for three months to enable consultation with Councillors.*

7.16 Site flooding was a matter of concern raised to the applicant in Council's letter requiring Further Information (7 June 2016). In response, the applicant commissioned a Floor Investigation Report (Energy Water Management) for the consideration of Council officers.

7.17 The report concluded:

- *The proposed development would be constructed with a floor level set at 100.85 metres AHD, 300mm above the developed conditions peak 1% AEP flood level. The entry from Lauer Street would need to be constructed with a crest at a height of 99.5 metres AHD. This is 300mm above the flood level on Lauer Street at the entry point which is 99.2 metres AHD;*
- *A solid impermeable brick or concrete wall should also be constructed along the southern side of the ramp into the basement car park with a height of 99.75 metres AHD. This will direct overland flows back onto Lauer Street and away from the basement ramp; and*
- *The part of the property that makes up the private open space for Apartments G8, G9, G10 and G11 will need to be graded so that a flow path is formed through this area. It is also important that fences between these private open spaces are not impermeable (i.e. not brick walls). The plan attached shows the ground levels that need to be achieved through these private open spaces.*

7.18 Council's Engineering and Technical Services Unit have concurred with the findings of this report and required they be included as permit conditions **(Conditions 1.1, 1.2, 1.3 and 1.17)**.

**Design and built form**

7.19 An assessment against the requirements of the DDO8 is provided below:

Design Element	Met/Not Met
<p><b>DDO8-1 (Main Road Sub-Precinct)</b></p> <ul style="list-style-type: none"> <li>• The minimum lot size is 1800 square metres, which must be all the same sub-precinct. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage</li> <li>• 11 metres provided the condition regarding minimum land size is met.</li> </ul> <p>If the condition is not met, the</p>	<p><b>Objective Considered Met</b></p> <p>The site is greater than 1,800 square metres in area and is entirely located within the Main Road Sub-Precinct.</p> <p>The building has a maximum height of 11.38 metres, which exceeds the preferred height by 0.38 metres.</p> <p>The purpose of providing discretion in building height on the Main Road Sub-Precinct is to allow flexibility to achieve design excellence. This might be through providing a 'pop-up' level to provide visual interest to an otherwise flat roof form, or a</p>

Design Element	Met/Not Met
<p>maximum height is 9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the site of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.</p>	<p>design feature at a 'gateway' site. The discretion is only provided to this sub-precinct because main road streetscapes are typically less fragmented environments compared to local streets and therefore can absorb some additional height.</p> <p>The finished floor level of the building has been raised 0.3m above the 1 in 100 year flood level that affects the site. In protecting the ground floor levels from inundation, this has raised the building to exceed the preferred height of 11 metres, by 0.38 of a metre.</p> <p>This is not considered excessive, and possibly indiscernible. The generous setbacks of the building to Doncaster Road and the articulation in building form and use of materials to give the appearance of articulation is an appropriate design response to limit the appearance of height in the building.</p> <p>At every level in the Doncaster Road elevation the building has increased setbacks to the frontage with the upper floor level being setback between 9.0 metres and 9.7 metres.</p> <p>On balance, it is considered that the height of the building is acceptable and will not have unreasonable impacts on the streetscape or adjoining properties.</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>Met</b></p> <p>The ground floor walls of the building are setback between 6.0 and 6.6 metres to Doncaster Road.</p> <p>The DDO8 allows balconies and terraces to encroach within the street setback by a maximum of 2 metres, which have been provided for all apartments in the Manningham Road frontage.</p>
<p><b>Form</b></p> <ul style="list-style-type: none"> <li>Ensure that the site area covered by buildings does not exceed 60 percent.</li> </ul>	<p><b>Met</b></p> <p>The building has a site coverage of 59.8%.</p>
<ul style="list-style-type: none"> <li>Provide visual interest through articulation, glazing and variation in materials and textures.</li> </ul>	<p><b>Met</b></p> <p>The building incorporates a mixture of colours and materials to provide visual interest.</p>

Design Element	Met/Not Met
	Articulation is also provided by the stepping of walls, the use of balconies, glazing, fascias and framing elements.
<ul style="list-style-type: none"> <li>Minimise buildings on boundaries to create spacing between developments.</li> </ul>	<p><b>Met</b></p> <p>No part of the building is constructed on a boundary. Building setbacks range between 2.45 metres and 4.68 metres to the western boundary and 4.0 metres to the northern boundary providing space between the building and the adjoining properties. This spacing can accommodate substantial landscaping and courtyards. This is considered to be an appropriate outcome for adjoining properties and the streetscape.</p>
<ul style="list-style-type: none"> <li>Where appropriate ensure that buildings are stepped down at the rear of sites to provide a transition to the scale of the adjoining residential area.</li> </ul>	<p><b>Met</b></p> <p>The site is on a corner and has its frontage to Doncaster Road. Therefore the rear of the site is considered to be the northern boundary.</p> <p>The building is stepped down at the rear through staggered setbacks, and the incorporation of balconies and varied building materials.</p> <p>The upper levels of the building are graduated to provide increased setbacks to the rear boundary, which allows the building to be stepped down and provide a transition to the single-storey scale of the adjoining northern properties.</p>
<ul style="list-style-type: none"> <li>Where appropriate, ensure that buildings are designed to step with the slope of the land.</li> </ul>	<p><b>Met</b></p> <p>Excavation is proposed throughout and this reduces the height of the building above the natural ground level and the associated visual impact. The level differences across the site are not excessive given the area of the site. No stepping in floor levels has been provided and are not considered necessary for this design.</p>
<ul style="list-style-type: none"> <li>Avoid reliance on below ground light courts for any habitable rooms.</li> </ul>	<p><b>Met</b></p> <p>The building does not rely on below ground light courts for any habitable rooms.</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>Not applicable</b></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,</li> </ul>	<p><b>Met</b></p> <p>The upper floor level of the building covers 68.4% of the second floor level below.</p>

Design Element	Met/Not Met
<p>unless it can be demonstrated that there is sufficient architectural interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation.</p>	<p>Overall, the building is well articulated and provides visual interest.</p>
<ul style="list-style-type: none"> <li>Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos.</li> </ul>	<p><b>Met</b> There are no porticos or imposing design elements proposed. Design features are considered to be well integrated into the overall design of the building.</p>
<ul style="list-style-type: none"> <li>Be designed and sited to address slope constraints, including minimising views of basement projections and/or minimising the height of finished floor levels and providing appropriate retaining wall presentation.</li> </ul>	<p><b>Met</b> The depth of excavation has addressed site slope, minimised basement projections, and the overall height of the building.</p> <p>Some basement projections are visible in the northern elevation (maximum height 1.8 metres) and in the Lauer Street elevation adjacent to the entrance (maximum height 1.3 metre). The later will be mostly be obscured by the deck area of Apartment 6.</p> <p>The floor levels resulting in the projections are necessary to address the site inundation constraints of the site.</p>
<ul style="list-style-type: none"> <li>Be designed to minimise overlooking and avoid the excessive application of screen devices.</li> </ul>	<p><b>Met subject to condition</b> Overlooking need only be considered towards the northern adjoining properties from the habitable room windows and balconies with in the development.</p> <p>Whilst most windows and balconies have been designed to appropriately limit overlooking, the north-facing bedroom windows of Apartments 102, 103, 202 &amp; 204 are opposite secluded private open space areas or habitable room windows and require treatment.</p> <p>A condition has been included requiring these be designed to limit overlooking in accordance with Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme (<b>Condition 1.4</b>).</p> <p>No screening devices are proposed.</p>
<ul style="list-style-type: none"> <li>Ensure design solutions respect the principle of equitable access at the main entry of any building</li> </ul>	<p><b>Met</b> The pedestrian path into the building entry contains no steps, allowing equitable access by people with all mobilities.</p>



Design Element	Met/Not Met
for people of all mobilities.	The lift provides access to the basement car park and entries to all dwellings.
<ul style="list-style-type: none"> <li>Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties.</li> </ul>	<p><b>Met</b></p> <p>The basement projections in the northern elevation will not be visible from the adjoining residential properties.</p>
<ul style="list-style-type: none"> <li>Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site.</li> </ul>	<p><b>Met</b></p> <p>The basement is not visible in either street frontage as it is below 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>Met</b></p> <p>All car parking is provided within the basement car park.</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>Met subject to condition</b></p> <p>The basement is consistent with the ground level building setback of 6 metres.</p> <p>The rear building setback is between 4.68 metres and 2.45 metres, and only partially complies with the preferred 4.0 metres setback.</p> <p>The application was accompanied with a Landscaping Plan that indicates that a substantial landscaping treatment can be provided in the rear setback, including the planting of canopy trees.</p> <p>On this basis, the proposed setbacks are considered reasonable.</p> <p>A condition has been included requiring a Landscaping Plan to be submitted for approval <b>(Condition 18)</b>.</p>
<ul style="list-style-type: none"> <li>Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces.</li> </ul>	<p><b>Met subject to condition</b></p> <p>The development provides appropriate wall setbacks to all boundaries to allow for screen planting that soften the appearance of the built form.</p> <p>A condition has been included requiring a Landscaping Plan be submitted for approval <b>(Condition 18)</b>.</p>
<ul style="list-style-type: none"> <li>Ensure that service equipment, building services, lift over-runs</li> </ul>	<p><b>Met subject to condition</b></p> <p>Roof mounted equipment is located centrally</p>

Design Element	Met/Not Met
<p>and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces.</p>	<p>on the roof. A condition (<b>Condition 1.7</b>) has been included requiring these services be screened to minimise any visual and amenity impacts from the street or adjoining properties (if required).</p>
<p><b><u>Car Parking and Access</u></b></p> <ul style="list-style-type: none"> <li>• Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback.</li> </ul>	<p><b>Met</b></p> <p>One crossover and accessway is proposed, in Lauer Street. This is a modified entrance to that currently in existence for the dwelling at 1 Lauer Street. No street trees will be impacted.</p> <p>This proposed access is considered appropriate for the development.</p>
<ul style="list-style-type: none"> <li>• Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open space or is appropriately screened, as is necessary.</li> </ul>	<p><b>Met</b></p> <p>The basement does not extend beyond the built form of the ground level in either the front or rear setback.</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>Not applicable</b></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>Met</b></p> <p>Council's Engineering and Technical Services Unit have determined that the accessway gradients comply with Design Standard 3: Gradients of Clause 52.06 (Car parking) of the Manningham Planning Scheme. On this basis, safe and convenient access for vehicles and servicing requirements are provided.</p>
<p><b><u>Landscaping</u></b></p> <ul style="list-style-type: none"> <li>• On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or</li> </ul>	<p><b>Met subject to condition</b></p> <p>Eleven canopy trees are shown on the Landscaping Plan within the Doncaster Road and Lauer Street frontages. A condition will require that a Landscaping Plan be submitted for approval (<b>Condition 18</b>).</p>

Design Element	Met/Not Met
<p>more at maturity.</p> <ul style="list-style-type: none"> <li>On sites where one or two storey development is proposed include at least 1 canopy tree within the front setback, which has a spreading crown, and is capable of growing to a height of 8.0m or more at maturity.</li> </ul>	
<ul style="list-style-type: none"> <li>Provide opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form.</li> </ul>	<p><b>Met</b> The site plan shows the site will allow the planting of numerous canopy trees within the side and rear setbacks, which assist to soften the appearance of the built form.</p>
<p><b>Fencing</b></p> <ul style="list-style-type: none"> <li>A front fence must be at least 50 per cent transparent.</li> <li>On sites that front 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>Met</b> A 1.8 metre high brick pier with metal infill fence is proposed 1 metre setback along the Doncaster Road frontage. The fence is 50% transparent and continuous is provided in front of the fence.</p> <p>Council's Engineering and Technical Services Department have required the fence be permeable to allow the passage of flood waters (<b>Condition 1.3</b>).</p>

### Car parking, access, traffic and bicycle facilities

#### Car parking, Access and Traffic

- 7.20 Prior to a new use commencing or a new building being occupied, Clause 52.06-2 of the Scheme requires that the number of car parking spaces outlined at Clause 52.06-6 to be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the Responsible Authority.
- 7.21 This clause requires resident car parking to be provided at a rate of 1 space for each dwelling with one or two bedrooms, plus 2 spaces for each dwelling with three or more bedrooms.
- 7.22 Visitor car parking is required at a rate of 1 car parking space for every five dwellings.
- 7.23 The proposal requires the provision of 39 car parking spaces for residents and 7 car parking spaces for visitors. The proposed parking provision complies with the prescribed resident and visitor requirements and are satisfactory. It is noted that

Apartment 203 has been allocated 2 spaces, whereas only 1 space is required as the apartment has 2 bedrooms.

- 7.24 An assessment against the car parking design standards in Clause 52.06-8 is provided in the table below:

Design Standard	Met/Not Met
1 – Accessways	<p><b>Met</b> The accessways servicing the basement car park meets the minimum width and height clearance requirements, and has been designed to allow all vehicles to enter and exit the site in a forward direction onto Lauer Street.</p> <p>The Standard requires a passing bay with dimensions of 5 metres x 7 metres for 2-way passing traffic at the frontage which has been provided.</p>
2 – Car Parking Spaces	<p><b>Met</b> Car parking space dimensions and aisle widths are provided in accordance with the requirements.</p>
3 – Gradients	<p><b>Met</b> Council's Engineering and Technical Service Department have determined the accessway gradients comply.</p>
4 – Mechanical Parking	<p><b>Not applicable</b> No mechanical parking proposed.</p>
5 – Urban Design	<p><b>Met</b> The vehicle crossover and accessway are not dominate features in the streetscape.</p>
6 – Safety	<p><b>Met subject to condition</b> The basement car park is provided with an automatic door. A condition will require intercom systems be provided for both accessways (<b>Condition 1.19</b>).</p>
7 – Landscaping	<p><b>Met subject to condition</b> No ground level car parking is proposed. Landscaping is provided to soften the appearance of the accessway. A condition has been included requiring a Landscaping Plan be submitted for approval (<b>Condition 18</b>).</p>

- 7.25 The Traffic Report confirms that the proposed development is expected to generate 26 residential vehicle movements per peak hour and a total of 260 vehicle trip ends per day. The majority of vehicle movements would be in the morning peak period when residents commute to work/business or other activities. In the afternoon, residential vehicle trips back to the site would be spread out over wider time frame. The report concludes that the expected volume of traffic that likely to be generated by the development will be assimilated into the surrounding road network and to not have a detrimental impact on the operation of Doncaster Road.
- 7.26 Council's Engineering Services Department raise no concern in relation to the expected traffic generated by the proposed development. The proximity of the site to public transport will encourage a greater variety of transportation methods as opposed to sole reliance on a vehicle.

- 7.27 Overall, the traffic generated as a result of the proposed development (while acknowledging existing traffic congestion and problems in the surrounding street network) is considered to be generally compliant with the broader policy objectives of encouraging sustainable transport modes and ensuring there is a satisfactory level of parking provision as outlined in the SPPF and LPPF.

#### Land Adjacent to a Road Zone Category 1

- 7.28 A permit is required under Clause 52.29 of the Manningham Planning Scheme as the proposal involves the removal of two crossover in Manningham Road, as it is zoned Road Zone, Category 1.
- 7.29 The decision guidelines of this clause include the views of the relevant road authority.
- 7.30 VicRoads have not objected to the proposal, but have required 2 conditions be included in the permit **(Conditions 36 and 37)**.

#### Bicycle Facilities

- 7.31 In developments of four or more storeys, one bicycle space is required for every five dwellings (for residents) and one bicycle space is required for every ten dwellings (for visitors).
- 7.32 The proposal requires the provision of 7 bicycle spaces for residents and 4 bicycle spaces for visitors (total 11). 27 resident bicycle spaces (rails) are provided within the upper basement, which exceeds the prescribed requirements. The provision of visitor bicycle parking in the basement instead of at the building entrance is considered acceptable, as occupants can allow access into the basement level for visitors.

#### **Clause 55 (Rescode)**

- 7.33 An assessment against the objectives of Clause 55 is provided in the table below:

Objective	Objective Met/Not Met
<p><b>55.02-1 – Neighbourhood Character</b></p> <ul style="list-style-type: none"> <li>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</li> <li>To ensure that development responds to the features of the site and the surrounding area.</li> </ul>	<p><b>Objectives Considered Met</b></p> <p>As outlined in the assessment of the proposal against the policy requirements of the Design and Development Overlay – Schedule 8 (DDO8), the proposed apartment development responds positively to the preferred neighbourhood character and respects the natural features of the site, and its surrounds.</p>
<p><b>55.02-2 – Residential Policy</b></p> <ul style="list-style-type: none"> <li>To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning</li> </ul>	<p><b>Met</b></p> <p>The application was accompanied by a written statement that has demonstrated how the development is consistent with State, Local and Council policy.</p> <p>Clauses 21.05 (Residential) and 43.02 (Design and Design and Development Overlay – Schedule 8), are applicable to the</p>

Objective	Objective Met/Not Met
<p>policies.</p> <ul style="list-style-type: none"> <li>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</li> </ul>	<p>site and support medium density developments. The development can take advantage of public transport and community infrastructure and services.</p>
<p><b>55.02-3 – Dwelling Diversity</b></p> <ul style="list-style-type: none"> <li>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</li> </ul>	<p><b>Met</b></p> <p>The proposal includes a mix of one, two and three bedroom dwellings with a range of floor areas to provide diversity.</p>
<p><b>55.02-4 – Infrastructure</b></p> <ul style="list-style-type: none"> <li>To ensure development is provided with appropriate utility services and infrastructure.</li> <li>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</li> </ul>	<p><b>Met subject to condition</b></p> <p>The site has access to all services. The landowner is required to provide an on-site stormwater detention system to alleviate pressure on the drainage system (<b>Condition 20</b>).</p>
<p><b>55.02-5 – Integration With Street</b></p> <ul style="list-style-type: none"> <li>To integrate the layout of development with the street.</li> </ul>	<p><b>Met</b></p> <p>The front entry of the development is orientated towards Doncaster Road and integrates well with the the street.</p>
<p><b>55.03-1 – Street Setback</b></p> <ul style="list-style-type: none"> <li>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</li> </ul>	<p><b>Met</b></p> <p>The building is setback at least 6 metres to Doncaster Road which complies with DDO8.</p>
<p><b>55.03-2 – Building Height</b></p> <ul style="list-style-type: none"> <li>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</li> </ul>	<p><b>Objectives Considered Met</b></p> <p>The building has a maximum height of 11.38 metres, which is 0.38 metres above the 11 metre preferred height requirement under the DDO8.</p> <p>For the reasons discussed in Section 7.19 of this report, the maximum building height is considered appropriate.</p>
<p><b>55.03-3 – Site Coverage</b></p> <p>2. To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</p>	<p><b>Met</b></p> <p>The proposed site coverage is 59.8%, which is below the 60% requirement in the standard.</p>
<p><b>55.03-4 – Permeability</b></p> <ul style="list-style-type: none"> <li>To reduce the impact of increased stormwater run-off on the drainage system.</li> <li>To facilitate on-site stormwater infiltration.</li> </ul>	<p><b>Met</b></p> <p>The proposal has 36.0% of site area as pervious surface, which complies with the standard requirement.</p>
<p><b>55.03-5 – Energy Efficiency</b></p> <ul style="list-style-type: none"> <li>To achieve and protect energy</li> </ul>	<p><b>Met subject to condition</b></p> <p>As discussed in Section 6.3 Internal Referrals</p>

Objective	Objective Met/Not Met
<p>efficient dwellings.</p> <ul style="list-style-type: none"> <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>of this report, a condition has been included requiring a revised SMP to be prepared. The condition includes a number of sustainability measures to be incorporated into the building's design (<b>Condition 4</b>).</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> No communal open space is proposed and the development is not adjacent to any public open space.</p>
<p><b>55.03-7 – Safety</b></p> <ul style="list-style-type: none"> <li>To ensure the layout of development provides for the safety and security of residents and property.</li> </ul>	<p><b>Met</b> The pedestrian path is visible from Doncaster Road and access into the building is restricted. Access into basement is restricted by intercom controlled automatic doors.</p>
<p><b>55.03-8 – Landscaping</b></p> <ul style="list-style-type: none"> <li>To encourage development that respects the landscape character of the neighbourhood.</li> <li>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</li> <li>To provide appropriate landscaping.</li> <li>To encourage the retention of mature vegetation on the site.</li> </ul>	<p><b>Met subject to condition</b> Generous landscaping will be accommodated within the setbacks to all site boundaries. The development is not expected to have any impact on vegetation within adjoining properties due to the building setbacks.</p> <p>A Landscaping Plan has been provided, but will be required to be amended by a permit condition (<b>Condition 18</b>) to reflect all plan changes under Condition 1.</p> <p>The submitted Landscaping Plan provides four canopy trees within the Manningham Road frontage and a combination of trees and landscaping adjacent to the other boundaries.</p> <p>A permit condition will require an indicative location of the stormwater detention system on the site plan to be located outside of easements and canopy tree landscape areas (<b>Condition 1.6</b>).</p> <p>A Landscaping maintenance bond of \$10,000 will be required by a permit condition (<b>Condition 19</b>).</p>
<p><b>55.03-9 – Access</b></p> <ul style="list-style-type: none"> <li>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</li> </ul>	<p><b>Met</b> Consideration of access was made in the DDO8 assessment in Section 7 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> </ul>	<p><b>Met</b> The lift provides equitable access for residents and visitors from all car parking spaces within the basement levels.</p>
<p><b>55.04-1 – Side And Rear Setbacks</b></p>	<p><b>Met</b></p>

Objective	Objective Met/Not Met
<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>	The setbacks to the northern and western boundaries comply with the prescribed requirements at all levels.
<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>Not applicable</b></p> <p>There are no walls proposed on a boundary.</p>
<p><b>55.04-3 – Daylight To Existing Windows</b></p> <ul style="list-style-type: none"> <li>To allow adequate daylight into existing habitable room windows.</li> </ul>	<p><b>Met</b></p> <p>All existing habitable room windows are provided with sufficient light court areas that comply with the standard.</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></p> <p>There are no north facing windows within 3 metres of the site.</p>
<p><b>55.04-5 – Overshadowing Open Space</b></p> <ul style="list-style-type: none"> <li>To ensure buildings do not significantly overshadow existing secluded private open space.</li> </ul>	<p><b>Met</b></p> <p>No residential properties will be overshadowed by the proposed development.</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>Met subject to condition</b></p> <p>Whilst most windows and balconies have been designed to appropriately limit overlooking, the north-facing bedroom windows of Apartments 102, 103, 202 &amp; 204 are opposite secluded private open space areas or habitable room windows and require treatment.</p> <p>A condition has been included requiring these be designed to limit overlooking in accordance with the prescribed requirements of Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme (<b>Condition 1.4</b>).</p>
<p><b>55.04-7 – Internal Views</b></p> <ul style="list-style-type: none"> <li>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</li> </ul>	<p><b>Met</b></p> <p>The proposed design layout will generally limit internal views into the secluded private open space and habitable room windows of dwellings within the development.</p> <p>Many bedroom windows face each other across the light courts, and without treatment, would allow internal views. Obscure glazing to 1.7 metres is notated on the floor plans,</p>



Objective	Objective Met/Not Met
	<p>however an internal elevation of the light courts have not been provided and the window design is unknown. A condition has been included requiring an elevation plan of each side wall of each light court be prepared to provide window details, to ensure internal views are appropriately limited <b>(Condition 1.7)</b>.</p>
<p><b>55.04-8 – Noise Impacts</b></p> <ul style="list-style-type: none"> <li>To contain noise sources in developments that may affect existing dwellings.</li> <li>To protect residents from external noise.</li> </ul>	<p><b>Met subject to conditions</b></p> <p>There are no unusual noise sources that may affect existing dwellings.</p> <p>A permit condition will require acoustically treated glazing to be provided to the habitable room windows directly facing Doncaster Road, to protect occupants from external traffic noise <b>(Condition 1.8)</b>.</p> <p>Plant on the roof is centrally located and may not require screening. Building services, including electrical substations and air inlets for the mechanical basement ventilation are required to be shown on the plans <b>(Condition 1.21)</b>.</p>
<p><b>55.05-1 – Accessibility</b></p> <ul style="list-style-type: none"> <li>To encourage the consideration of the needs of people with limited mobility in the design of developments.</li> </ul>	<p><b>Met</b></p> <p>The internal lift provides access to the basement car park levels and entries of all dwellings.</p>
<p><b>55.05-2 – Dwelling Entry</b></p> <ul style="list-style-type: none"> <li>To provide each dwelling or residential building with its own sense of identity.</li> </ul>	<p><b>Met</b></p> <p>The apartments all derive pedestrian access from the central pedestrian path and foyer at the frontage. The building entry is well identified and sheltered by a canopy.</p>
<p><b>55.05-3 – Daylight To New Windows</b></p> <ul style="list-style-type: none"> <li>To allow adequate daylight into new habitable room windows.</li> </ul>	<p><b>Met</b></p> <p>The proposal includes 4 light courts. These are located towards the centre of the building's footprint, for the penetration of light into bedrooms and service rooms that adjoin the light courts at each level.</p> <p>The light courts have dimensions of 3.0 metres x 3.6 metres which are considered sufficiently large to allow light to the ground level, and thereby into the rooms that are reliant upon this light.</p> <p>To maximise the effectiveness of the design of the light courts a condition has been included requiring the walls be painted in a high reflective (70%) paint finish <b>(Condition</b></p>

Objective	Objective Met/Not Met
	<p><b>1.8).</b></p> <p>All other habitable room windows within the development will receive adequate daylight.</p>
<p><b>55.05-4 – Private Open Space</b></p> <ul style="list-style-type: none"> <li>To provide adequate private open space for the reasonable recreation and service needs of residents.</li> </ul>	<p><b>Met</b></p> <p>All ground floor dwellings are provided with secluded private open space areas that have paved courtyards and landscaped gardens. These range in size between 29.2sqm and 113.5sqm and comply. Council's Engineering and Technical Services Unit have required fencing within the front setback be permeable to allow the flow of flood waters. This will generate a loss of privacy between adjacent secluded private open space areas if a fencing types cannot be designed to provide for both. A condition has been included requiring a detailed design of the internal fences within the Doncaster Road frontage be provided that demonstrates the free flow of flood waters and privacy between adjacent secluded private open space areas <b>(Condition 1.3)</b>.</p> <p>The remaining dwellings are provided with secluded private open space in the form of balconies that range from 8sqm to 28.8sqm. Each balcony complies with the standard.</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>Objective Met</b></p> <p>An apartment building design typology, does not always allow all private open space areas to be provided with a northern aspect.</p> <p>The south-facing courtyards of Apartments 7-13 have a minimum depth of 5 metres which will allow for a satisfactory level of solar access into them.</p> <p>In the development 12 balconies face south, however 4 of these are on a corner of the building which will allow additional solar access from the side.</p> <p>On balance, for a proposal with 37 apartments, the vast majority of open space areas will receive adequate solar access due to their orientation.</p>
<p><b>55.05-6 – Storage</b></p> <ul style="list-style-type: none"> <li>To provide adequate storage facilities for each dwelling.</li> </ul>	<p><b>Met</b></p> <p>A minimum of 6 cubic metres of externally accessible storage is provided for each dwelling in both basement levels.</p>

Objective	Objective Met/Not Met
<p><b>55.06-1 – Design Detail</b></p> <ul style="list-style-type: none"> <li>To encourage design detail that respects the existing or preferred neighbourhood character.</li> </ul>	<p><b>Met subject to condition</b></p> <p>The apartment building is well articulated and incorporates various materials and finishes to reduce the sense of visual bulk.</p> <p>A permit condition will require a full schedule of materials and finishes with colour samples <b>(Condition 1.9)</b>.</p>
<p><b>55.06-2 – Front Fence</b></p> <ul style="list-style-type: none"> <li>To encourage front fence design that respects the existing or preferred neighbourhood character.</li> </ul>	<p><b>Met</b></p> <p>Consideration of the front fence was made in the DDO8 Section 7.19 of this report.</p>
<p><b>55.06-3 – Common Property</b></p> <ul style="list-style-type: none"> <li>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</li> <li>To avoid future management difficulties in areas of common ownership.</li> </ul>	<p><b>Met</b></p> <p>The communal basement, pathway and shared landscaping areas are practically designed. There are no apparent difficulties associated with the future management of these areas.</p>
<p><b>55.06-4 – Site Services</b></p> <ul style="list-style-type: none"> <li>To ensure that site services can be installed and easily maintained.</li> <li>To ensure that site facilities are accessible, adequate and attractive.</li> </ul>	<p><b>Met subject to condition</b></p> <p>Site services are generally appropriately provided. The proposed letterbox is located in the Atrium and may not be acceptable to Australia Post. Should they require this to be located to the front of the site in Doncaster Road, space is available adjacent to the eastern side of the pedestrian path. A condition has been included requiring this be relocated, unless Australia Post agrees to its proposed location <b>(Condition 1.10)</b>.</p> <p>A permit condition will require the location of any fire services at the frontage to be shown and designed to complement the overall development <b>(Condition 1.11)</b>.</p> <p>To bring together the landscaping and screening requirements adjacent to service cabinets, a permit condition will require details of the building's front entry and an elevation of the letterboxes and screening to service cabinets <b>(Condition 1.12)</b>.</p> <p>To ensure the appearance of the building does not detract from any elevation, a permit condition will require retractable clotheslines to be installed within all ground level open spaces and balconies to ensure that they are not visible from the street or adjoining</p>

Objective	Objective Met/Not Met
	properties ( <b>Condition 1.14</b> ).

### Objector concerns

7.34 A response to the grounds of objection is provided in the following paragraph:

#### Request to include a mix of businesses on the site

7.35 The site is zoned Residential Growth Zone, Schedule 2, which prohibits commercial uses as suggested would be an appropriate land use by the objector. It is noted that approximately 100 metres to the east, land is zoned Commercial 1 Zone where a mix of businesses is supported under the Manningham Planning Scheme.

## 8. CONCLUSION

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

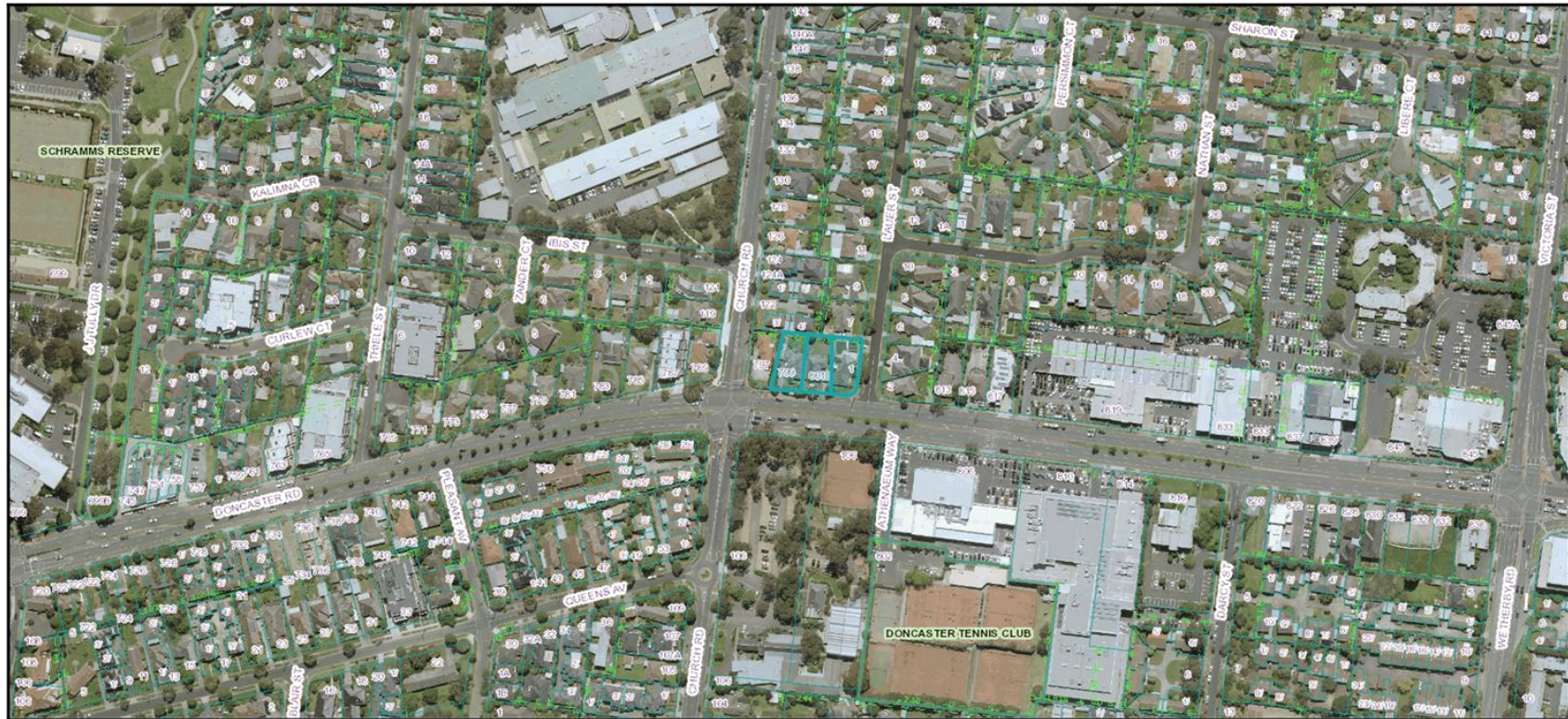
## 9. DECLARATION OF CONFLICT OF INTEREST

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

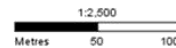


# Maps of Manningham

## Locality Map 799-801 Doncaster Road and 1 Lauer Street, Doncaster



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14/03/2017 10:42 AM

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**PROPOSAL FOR A 3 STOREY APARTMENT BUILDING WITH BASEMENT PARKING AT 799-803 Doncaster Road, Doncaster 3108**

LIST OF TOWN PLANNING DRAWINGS:

- TP00 - COVER SHEET
- TP01 - SITE LOCATION PLAN
- TP02 - NEIGHBORHOOD CHARACTER & SITE ANALYSIS
- TP03 - DESIGN RESPONSE
- TP04 - STREETSCAPES&DEMOLITION PLAN
- TP05 - PHOTOMONTAGE
- TP06 - LOWER BASEMENT
- TP07 - UPPER BASEMENT
- TP08 - GOUND FLOOR PLAN
- TP09 - FIRST FLOOR PLAN
- TP10 - SECOND FLOOR PLAN
- TP11 - ROOF PLAN
- TP12 - PROPOSED ELEVATIONS (1)
- TP13 - PROPOSED ELEVATIONS (2)
- TP14 - SECTIONS
- TP15 - FRONT FENCE ELEVATION
- TP16 - SHADOW DIAGRAMS
- TP17 - SHADOW DIAGRAMS
- TP18 - SHADOW DIAGRAMS
- TP19 - SHADOW DIAGRAMS

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**DEVELOPMENT SUMMARY**

SITE AREA	1867.7m <sup>2</sup>
SITE COVERAGE	1177.1m <sup>2</sup> 63.0%
IMPERVIOUS SITE COVERAGE	1268.7m <sup>2</sup> 68.0%
PERMEABLE AREA	709.0m <sup>2</sup> 38.0%

<b>LOWER BASEMENT</b>	
FLOOR AREA	1086.0m <sup>2</sup>
<b>UPPER BASEMENT</b>	
FLOOR AREA	1167.7m <sup>2</sup>
<b>GROUND FLOOR</b>	
FLOOR AREA	1091.4m <sup>2</sup>
<b>FIRST FLOOR</b>	
FLOOR AREA	1003.0m <sup>2</sup>
FIRST FLOOR AREA / GROUND FLOOR AREA	91.9%
<b>SECOND FLOOR</b>	
FLOOR AREA	748.6m <sup>2</sup>
SECOND FLOOR AREA / GROUND FLOOR AREA	68.4%

**GROUND FLOOR**

APT	FLOOR AREA	BAL / YARD	NO. OF BED	NO. OF CAR	CAR SPACE
G01	77.2m <sup>2</sup>	78.7m <sup>2</sup>	2	1	NO. 7
G02	72.5m <sup>2</sup>	29.2m <sup>2</sup>	2	1	NO. 8
G03	71.8m <sup>2</sup>	29.4m <sup>2</sup>	2	1	NO. 9
G04	81.8m <sup>2</sup>	34.6m <sup>2</sup>	2	1	NO. 10
G05	71.6m <sup>2</sup>	42.1m <sup>2</sup>	2	1	NO. 11
G06	84.0m <sup>2</sup>	30.4m <sup>2</sup>	2	2	NO. 12&13
G07	76.2m <sup>2</sup>	74.6m <sup>2</sup>	2	1	NO. 12
G08	71.8m <sup>2</sup>	36.1m <sup>2</sup>	2	1	NO. 13
G09	69.0m <sup>2</sup>	31.4m <sup>2</sup>	1	1	NO. 14
G010	66.2m <sup>2</sup>	33.4m <sup>2</sup>	1	1	NO. 15
G011	71.4m <sup>2</sup>	37.2m <sup>2</sup>	2	1	NO. 16
G012	71.8m <sup>2</sup>	37.5m <sup>2</sup>	2	1	NO. 17
G013	80.1m <sup>2</sup>	115.5m <sup>2</sup>	2	1	NO. 18

**FIRST FLOOR**

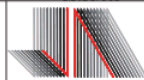
APT	FLOOR AREA	BAL / YARD	NO. OF BED	NO. OF CAR	CAR SPACE
F01	66.8m <sup>2</sup>	10.3m <sup>2</sup>	2	1	NO. 20
F02	63.0m <sup>2</sup>	8.0m <sup>2</sup>	2	1	NO. 21
F03	62.4m <sup>2</sup>	8.0m <sup>2</sup>	2	1	NO. 22
F04	64.1m <sup>2</sup>	8.8m <sup>2</sup>	1	1	NO. 25
F05	63.1m <sup>2</sup>	8.0m <sup>2</sup>	2	1	NO. 26
F06	63.1m <sup>2</sup>	8.0m <sup>2</sup>	2	1	NO. 27
F07	62.4m <sup>2</sup>	9.2m <sup>2</sup>	2	1	NO. 28
F08	62.3m <sup>2</sup>	10.4m <sup>2</sup>	2	1	NO. 29
F09	63.1m <sup>2</sup>	8.6m <sup>2</sup>	2	1	NO. 30
F10	70.3m <sup>2</sup>	11.7m <sup>2</sup>	2	1	NO. 31
F11	47.2m <sup>2</sup>	11.7m <sup>2</sup>	1	1	NO. 32
F12	62.4m <sup>2</sup>	8.4m <sup>2</sup>	2	1	NO. 33
F13	63.1m <sup>2</sup>	8.4m <sup>2</sup>	2	1	NO. 34
F14	73.8m <sup>2</sup>	12.9m <sup>2</sup>	2	1	NO. 35

**SECOND FLOOR**

APT	FLOOR AREA	BAL / YARD	NO. OF BED	NO. OF CAR	CAR SPACE
S01	61.3m <sup>2</sup>	11.6m <sup>2</sup>	2	1	NO. 36
S02	61.7m <sup>2</sup>	11.6m <sup>2</sup>	2	1	NO. 37
S03	77.6m <sup>2</sup>	28.8m <sup>2</sup>	2	2	NO. 46&48
S04	61.7m <sup>2</sup>	11.6m <sup>2</sup>	2	1	NO. 38
S05	60.1m <sup>2</sup>	11.7m <sup>2</sup>	2	1	NO. 39
S06	60.1m <sup>2</sup>	12.3m <sup>2</sup>	2	1	NO. 40
S07	66.1m <sup>2</sup>	8.2m <sup>2</sup>	2	1	NO. 41
S08	68.8m <sup>2</sup>	16.6m <sup>2</sup>	2	1	NO. 42
S09	61.2m <sup>2</sup>	8.2m <sup>2</sup>	2	1	NO. 43
S10	62.1m <sup>2</sup>	12.3m <sup>2</sup>	2	1	NO. 44

AMENDMENT ISSUE  
07.12.2016

**Notes**  
ANY TYPICAL, DIMENSIONS OR DIMENSIONS IN THE DRAWINGS, NOTATIONS OR REFERENCES SHALL BE REFERRED TO THE DRAWINGS, NOTATIONS OR REFERENCES OF THE ARCHITECT'S CLARIFICATION NOTES TO WORKS CONTRACTORS.  
DO NOT SCALE FROM DRAWINGS.  
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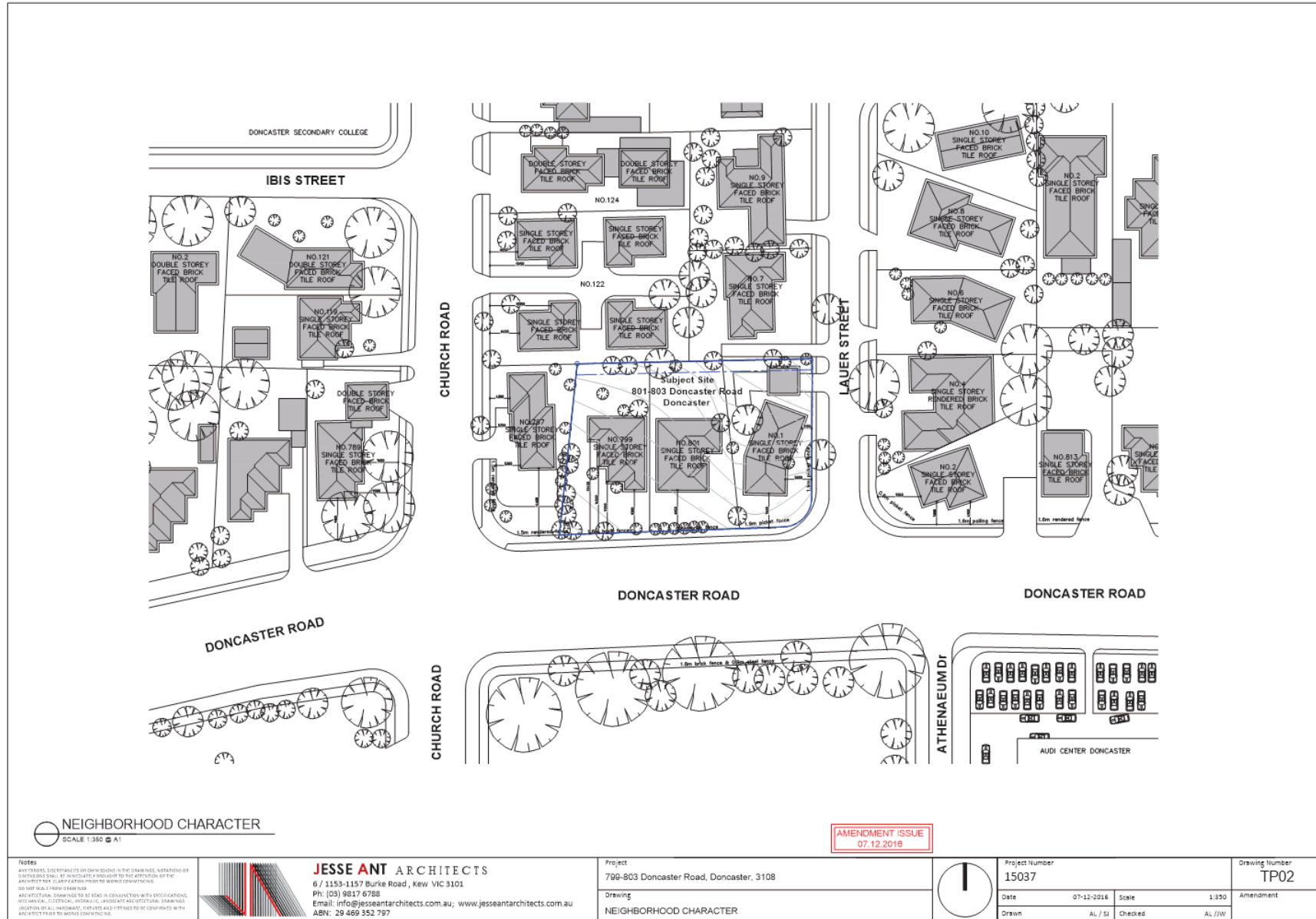
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799-803 Doncaster Road, Doncaster, 3108  
Drawing  
COVER SHEET



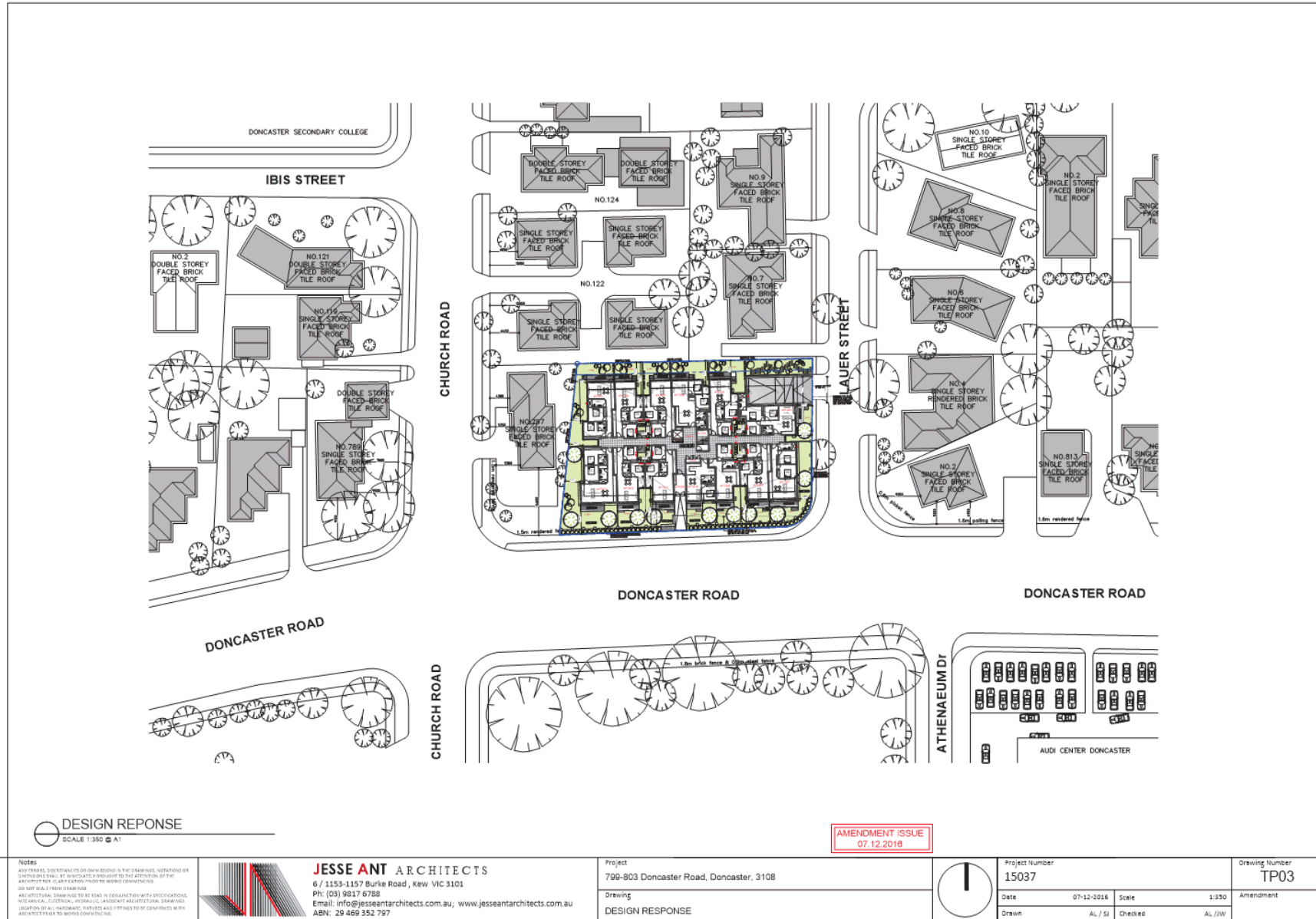
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Date 07-12-2016 Scale 1:100  
Drawn AL / SJ Checked AL / JW

Drawing Number  
TP00  
Amendment



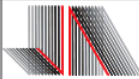






DESIGN REPONSE  
SCALE 1:350 @ A1

**Notes**  
 ANY TYPICAL DISCREPANCIES OR OMISSIONS IN THE DRAWINGS, NOTATIONS OR DIMENSIONS SHALL BE RECTIFIED BY THE ARCHITECT PRIOR TO THE ATTENTION OF THE ARCHITECT'S CLARIFICATION MEETING TO WORKS COMMENCEMENT.  
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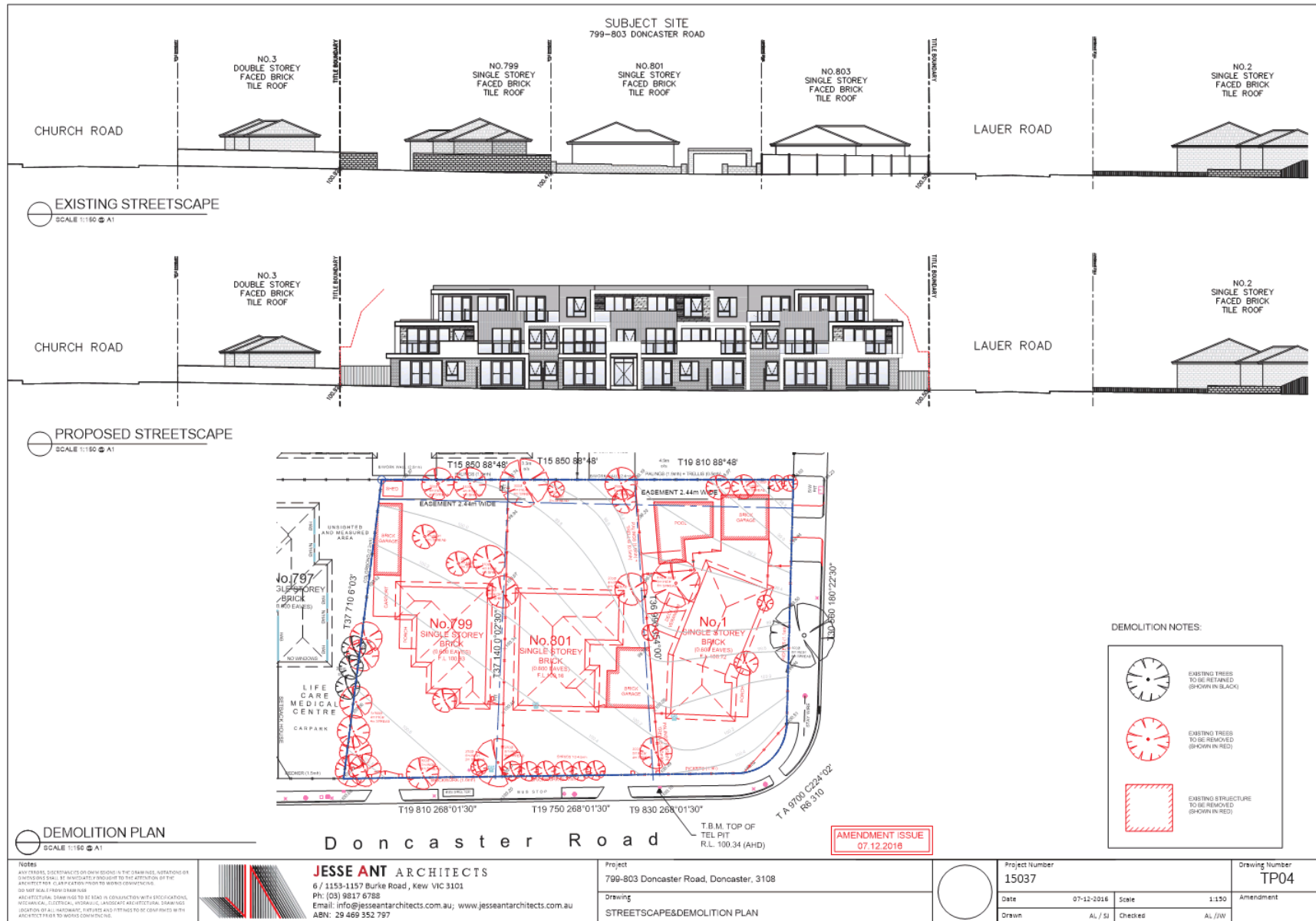
Project  
 799-803 Doncaster Road, Doncaster, 3108  
 Drawing  
 DESIGN RESPONSE

AMENDMENT ISSUE  
 07.12.2016



Project Number  
 15037  
 Date 07-12-2016 Scale 1:350  
 Drawn AL / SJ Checked AL / JW

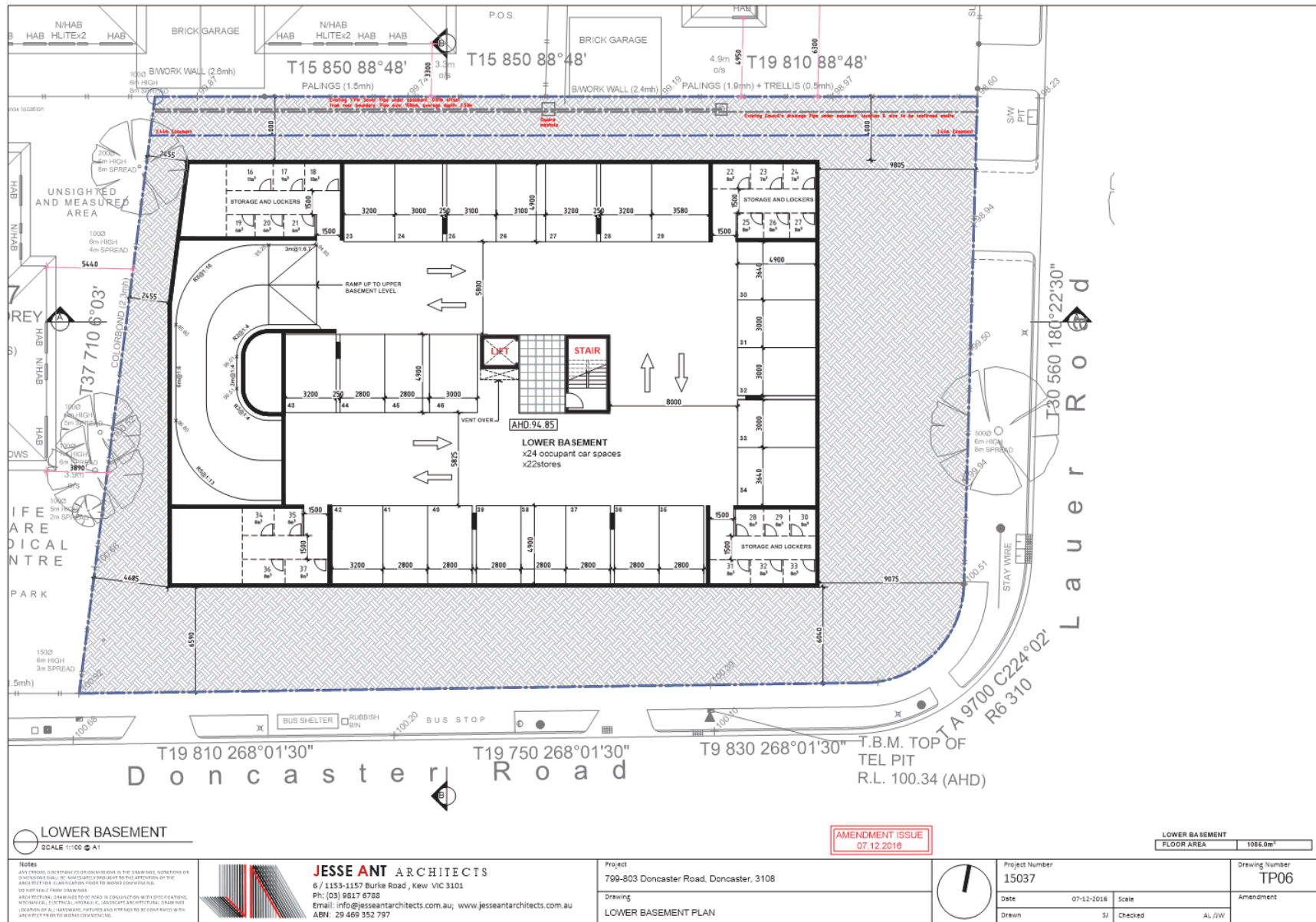
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 Amendment

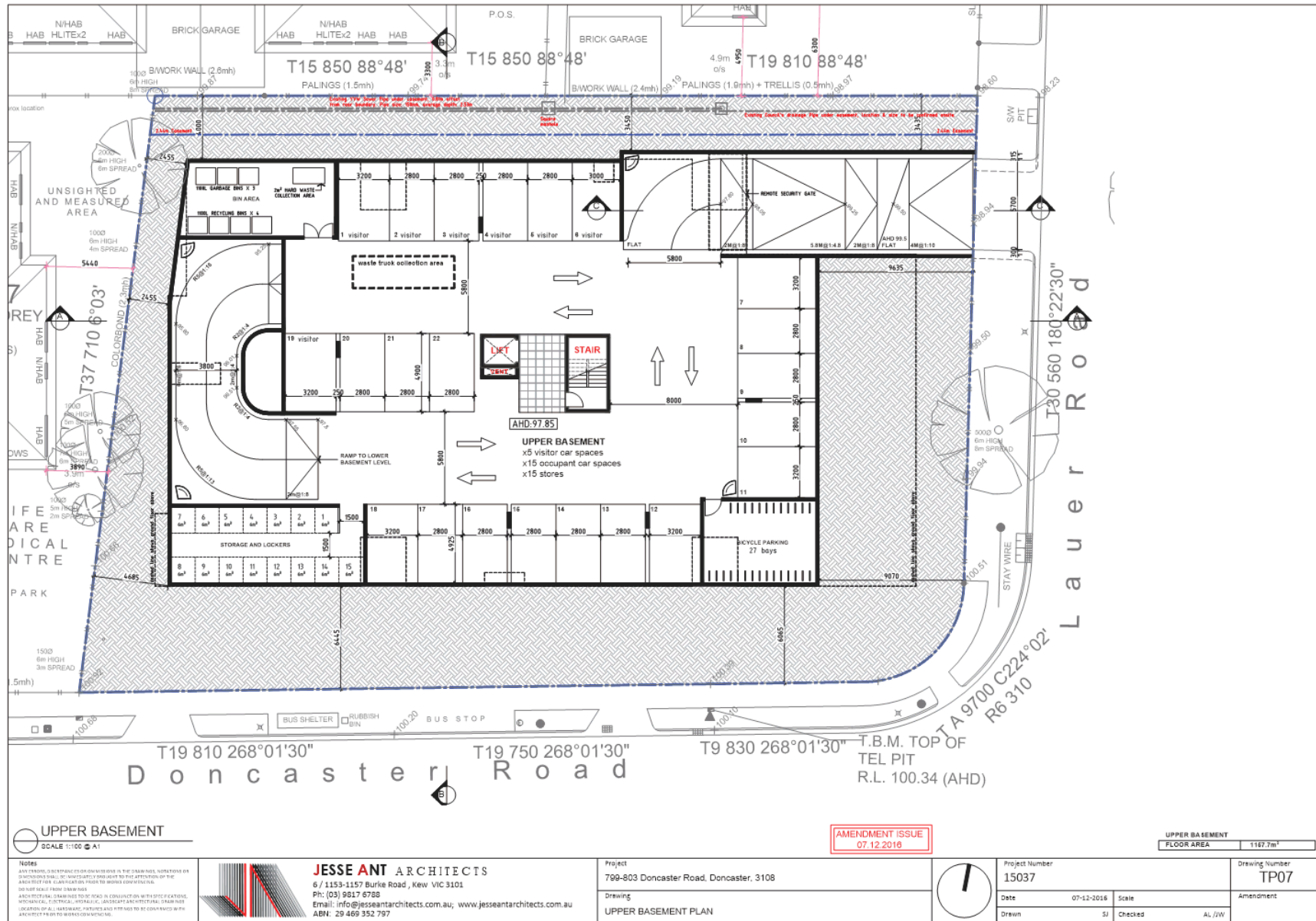


**PHOTOMONTAGE**

**AMENDMENT ISSUE**  
07.12.2016

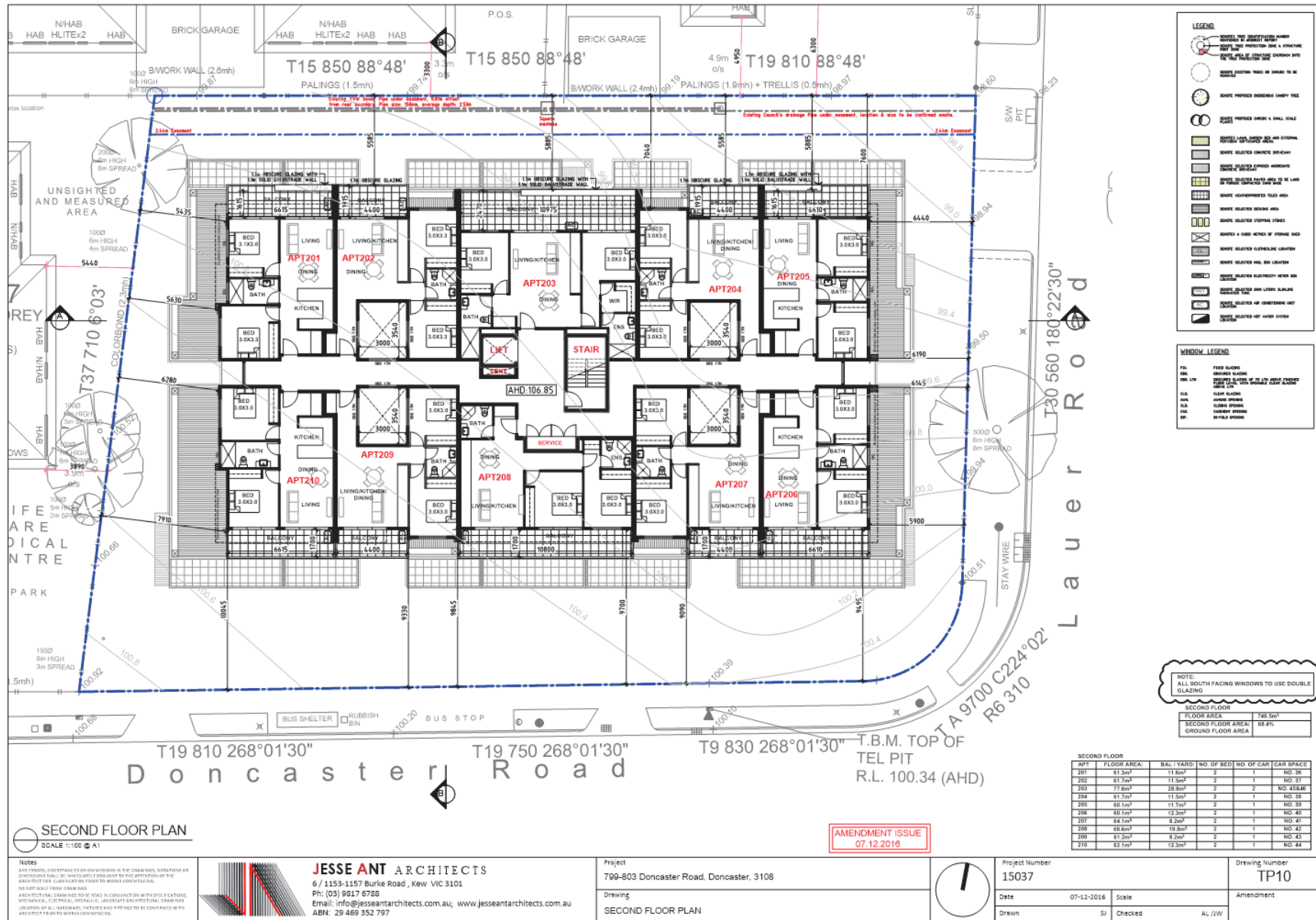
<p><b>Notes</b></p> <p>ANY DISCREPANCIES OR OMISSIONS IN THE DRAWING NOTATIONS OR DIMENSIONS SHALL BE RECTIFIED AND SUBJECT TO THE APPROVAL OF THE ARCHITECT BY CLARIFICATION FROM THE RELEVANT COMPETENT AUTHORITIES.</p> <p>DO NOT SCALE FROM DRAWINGS.</p> <p>ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH SPECIFICATIONS, MECHANICAL, ELECTRICAL, PLUMBING AND STRUCTURAL DRAWINGS. QUANTITIES OF ALL MATERIALS, FIXTURES AND FITTINGS TO BE OBTAINED WITH ARCHITECT PRIOR TO WORK COMMENCING.</p>	<p><b>JESSE ANT ARCHITECTS</b> 6 / 1153-1157 Burke Road, Kew VIC 3101 Ph: (03) 9817 6788 Email: info@jesseantarchitects.com.au; www.jesseantarchitects.com.au ABN: 29 469 352 797</p>	<p>Project 799-803 Doncaster Road, Doncaster, 3108</p>	<p>Project Number <b>15037</b></p>	<p>Drawing Number <b>TP05</b></p>
		<p>Drawing PHOTOMONTAGE</p>		<p>Date 07-12-2016 Scale 1:350 Drawn AL / SJ Checked AL / JW</p>



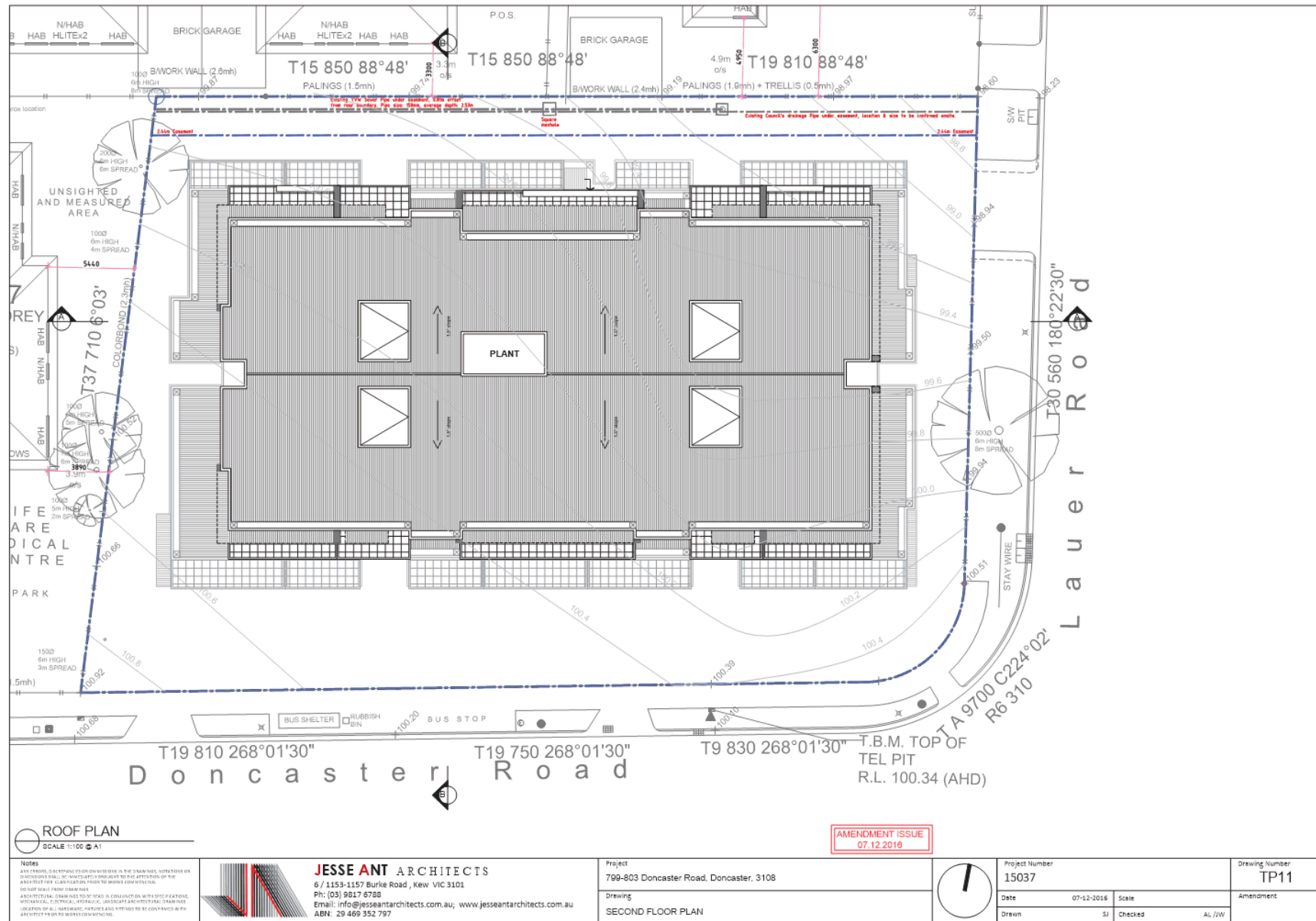






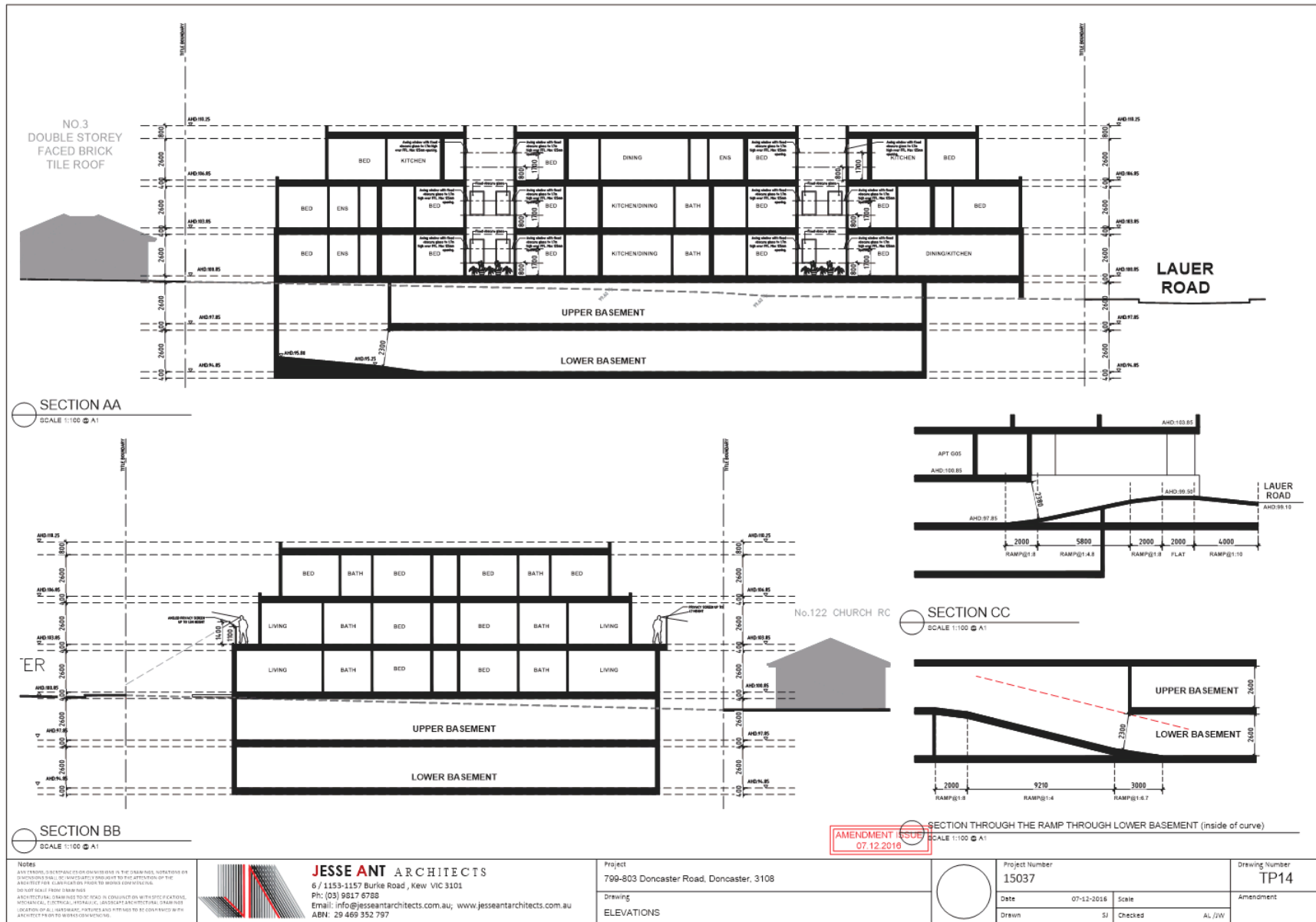


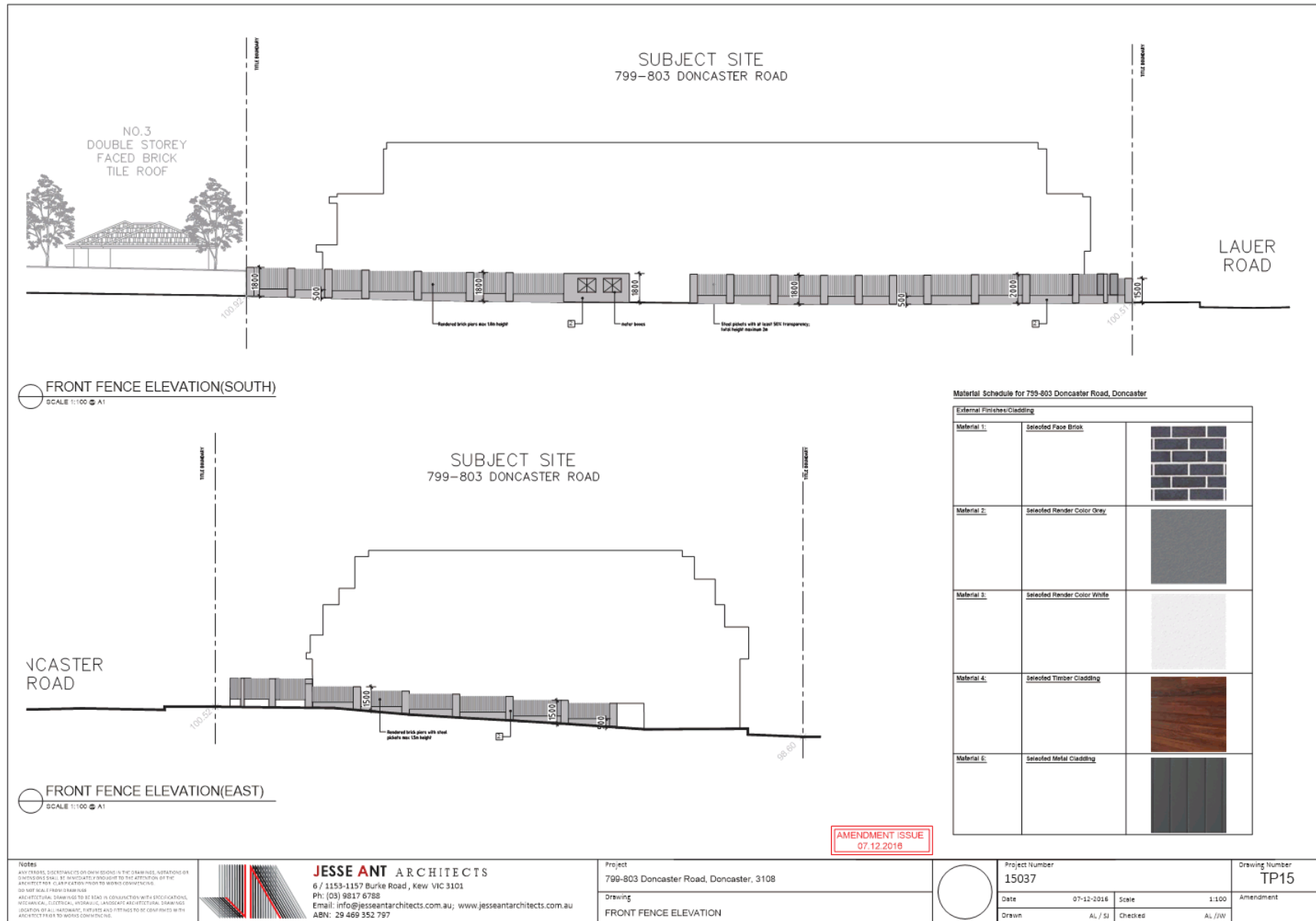


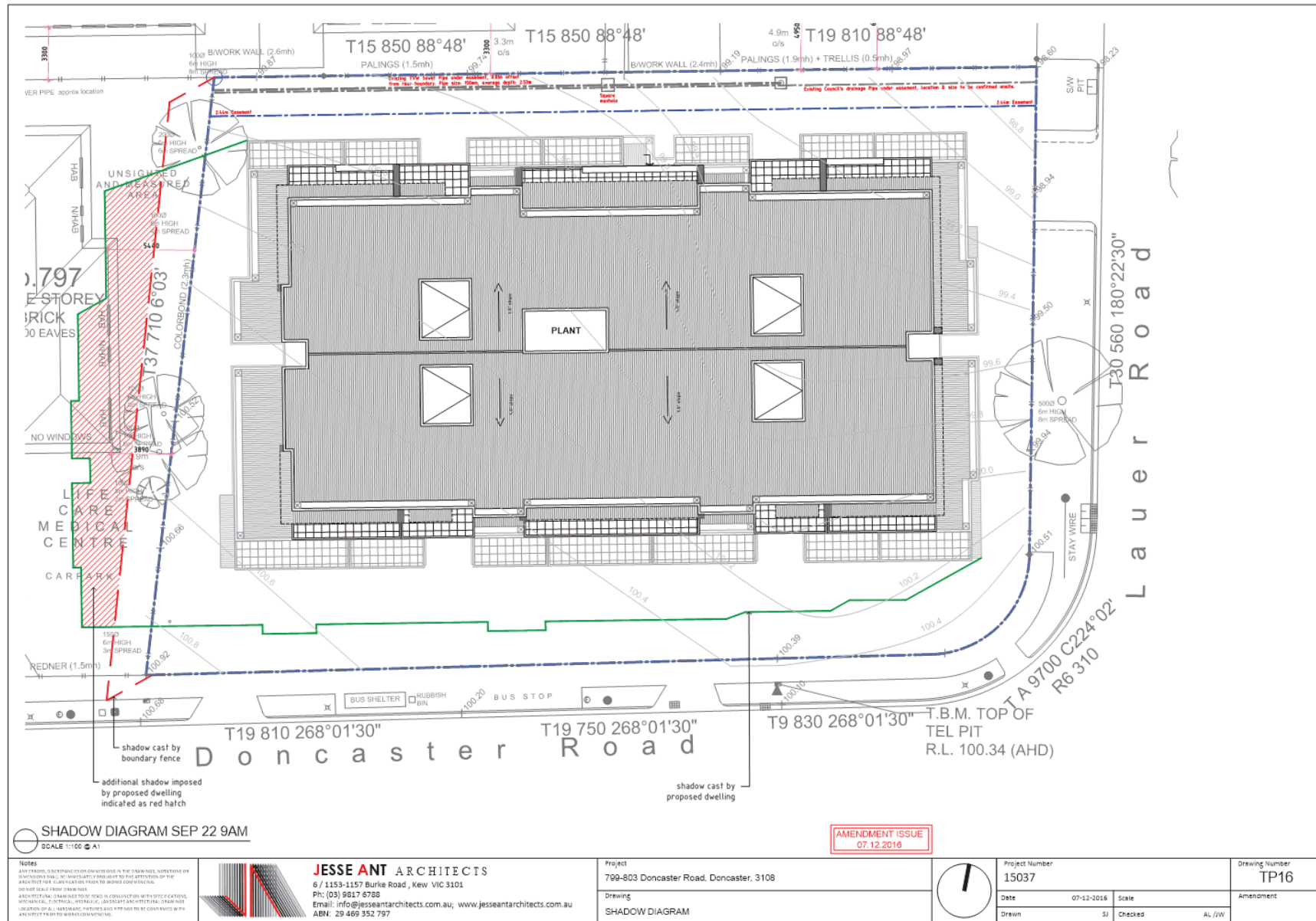


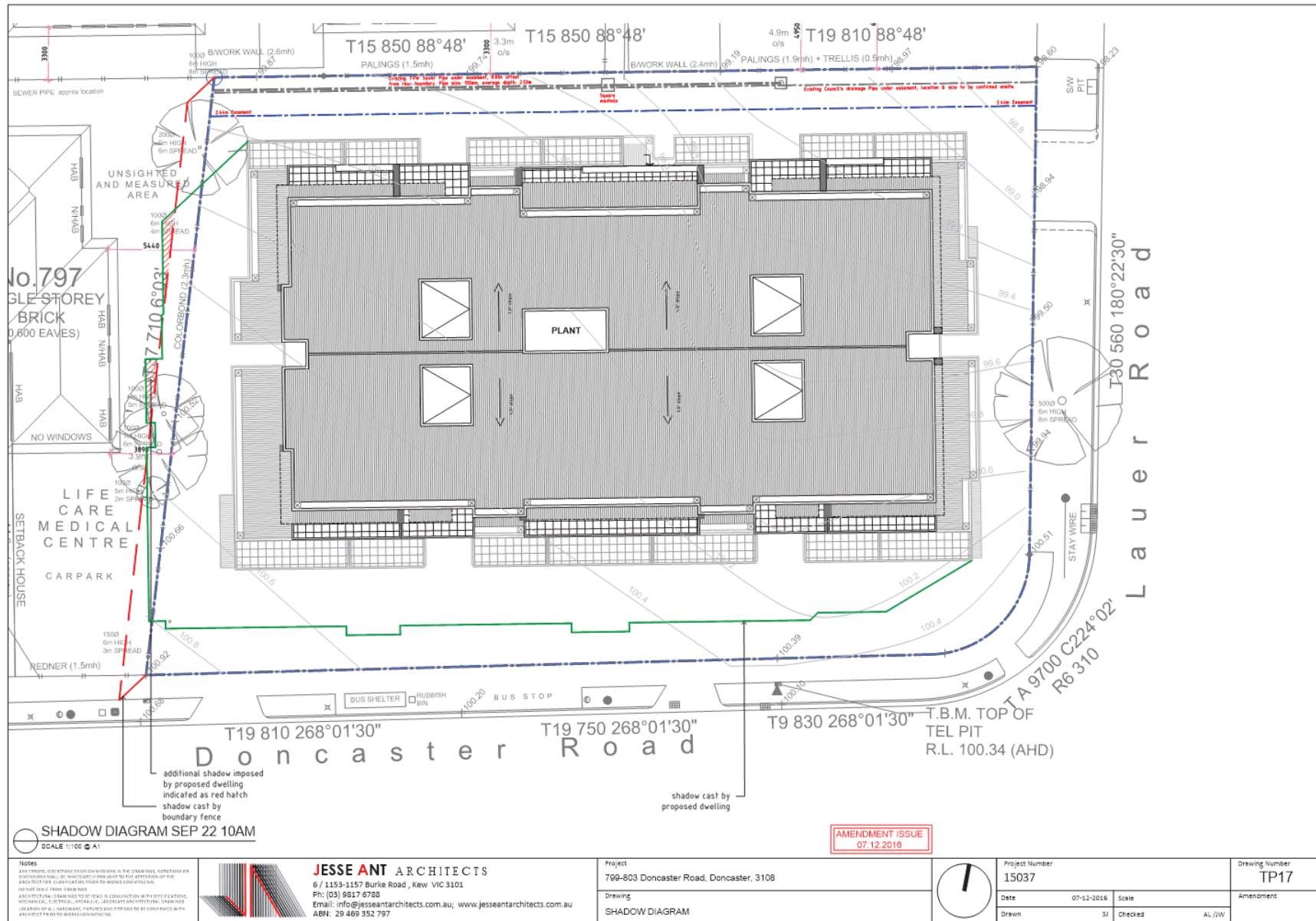


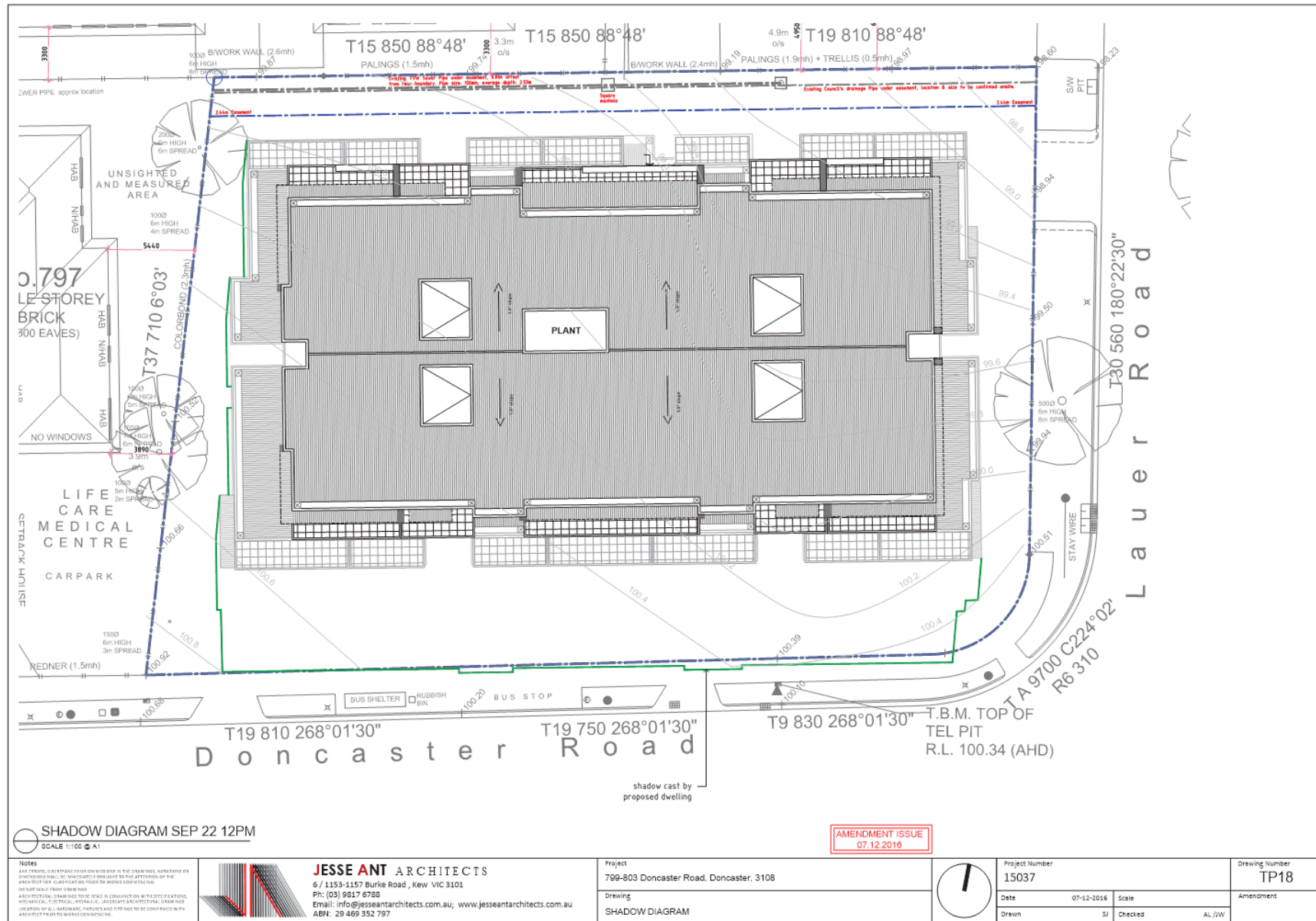




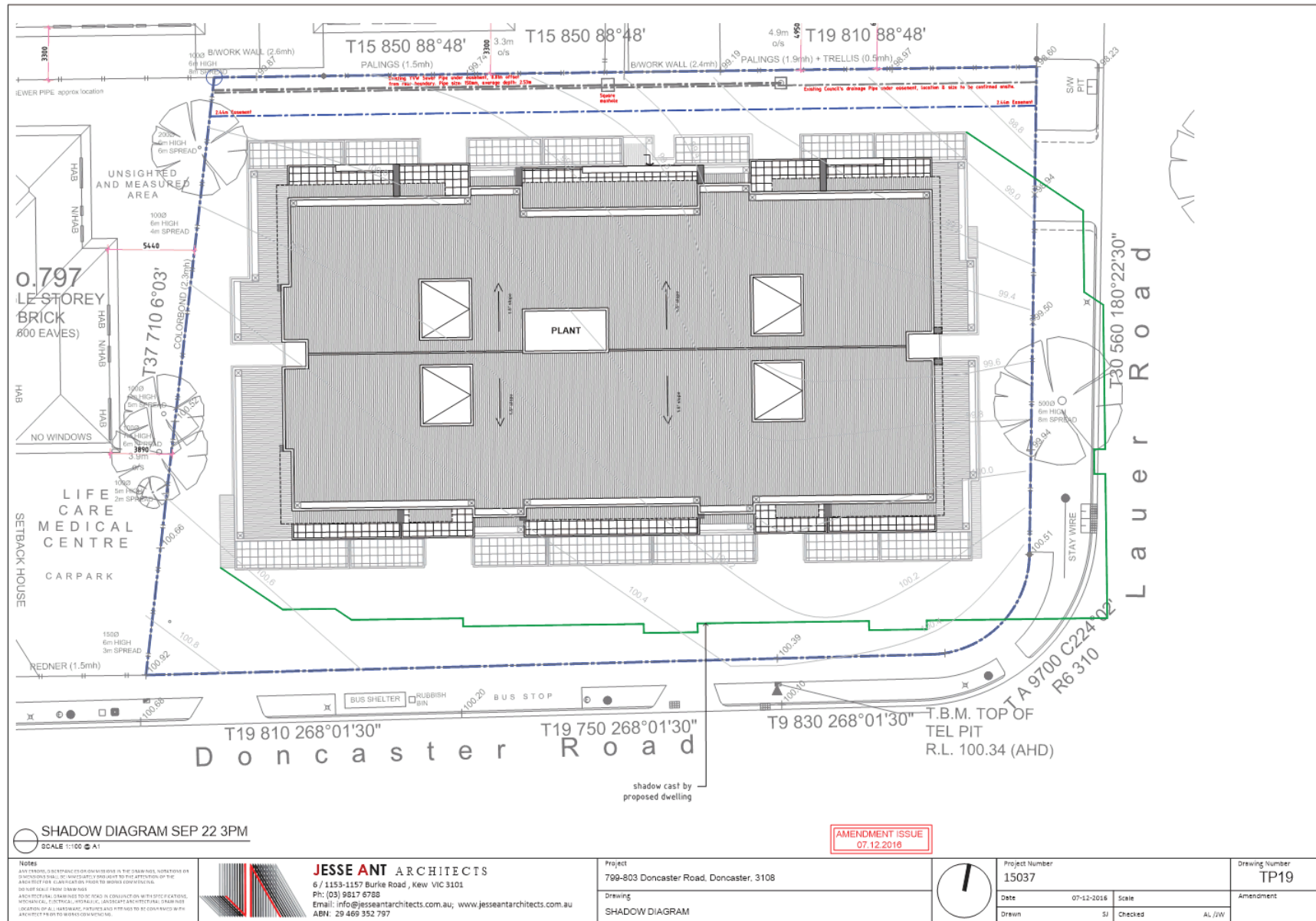












## 5. LEGISLATIVE REQUIREMENTS

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

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

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

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

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

### 5.2 MANNINGHAM PLANNING SCHEME

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

- State Planning Policy Framework
- Local Planning Policy Framework
- Clause 32.07 Residential Growth Zone, Schedule 2
- Clause 43.02 Design and Development Overlay, Schedule 8
- Clause 52.06 Car Parking
- Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road
- Clause 55 Two or more dwellings on a lot and Residential Buildings
- Clause 65 Decision Guidelines

#### Zone

##### Clause 32.07 Residential Growth Zone, Schedule 2

The purpose of the Residential Growth Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide housing at increased densities in buildings up to and including four storey buildings.*
- *To encourage a diversity of housing types in locations offering good access to services and transport including activities areas.*
- *To encourage a scale of development that provides a transition between areas of more intensive use and development and areas of restricted housing growth.*
- *To allow educational, recreational, religious, community and a limited range of other non residential uses to serve local community needs in appropriate locations.*

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

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

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

#### Overlay(s)

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

The design objectives are as follows:

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

#### Permit Requirement

- *A permit is required to construct or extend a front fence within 3 metres of a street, if the fence is associated with 2 or more dwellings on a lot or a residential building.*
- *A permit is not required to construct or extend one dwelling on a lot more than 500 square metres.*

#### Building Height & Setbacks

- Any building or works must comply with the requirements set out in Table 1 and 2 of this Schedule.
- A permit cannot be granted to vary the condition regarding the minimum land size and configuration specified in Table 2 to this Schedule.

- A permit cannot be granted to vary the Maximum Building Height specified in Table 2 to this Schedule. This does not apply to:
  - The rebuilding of a lawful building or works which have been damaged or destroyed.
  - A building which exceeds the specified building height for which a valid building permit was in effect prior of the introduction of this provision.
- For the purposes of this Schedule, the Maximum Building Height does not include building services, lift over-runs and roof mounted equipment, including screening devices.
- For the purposes of this Schedule, balconies, terraces, and verandahs may encroach within the Street Setback by a maximum of 2.0m, but must not extend along the width of the building.

Table 1

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

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

**State Planning Policy Framework**

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

Clause 15.01-1 Urban design

The objective of this policy is:

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

Clause 15.01-2 Urban design principles

The objective of this policy is:

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

Clause 15.01-4 Design for safety

The objective of this policy is:

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

## Policy guidelines

Planning must consider as relevant:

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

Clause 15.01-5 Cultural identity and neighbourhood character

The objective of this policy is:

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

Clause 15.02-1 Energy and resource efficiency

The objective of this policy is:

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

Clause 16.01-1 Integrated housing

The objective of this policy is:

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

Clause 16.01-2 Location of residential development

The objective of this policy is:

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

Clause 16.01-4 Housing diversity

The objective of this policy is:

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

Clause 16.01-5 Housing affordability

The objective of this policy is:

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

**Local Planning Policy Framework (LPPF)****Municipal Strategic Statement**Clause 21.03 Key Influences

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

This increasing pressure for re-development raises issues about how these changes affect the character and amenity of our local neighbourhoods. In meeting future housing needs,

the challenge is to provide for residential re-development in appropriate locations, to reduce pressure for development in more sensitive areas, and in a manner that respects the residential character and amenity valued by existing residents.

Clause 21.05 Residential

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

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

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

The three sub-precincts within Precinct 2 consist of:

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

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

Sub-precinct A (DDO8-2) is an area where two storey units (9 metres) and three storey (11 metres) ‘apartment style’ developments are encouraged. Three storey, contemporary developments should only occur on land with a minimum area of 1800m<sup>2</sup>. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage. The area of 1800m<sup>2</sup> must all be in the same sub-precinct. In this sub-precinct, if a lot has an area less than 1800m<sup>2</sup>, a townhouse style development proposal only will be considered, but development should be a maximum of two storeys. All development in Sub-precinct A should have a maximum site coverage of 60 percent.

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

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

The site is located within **Sub-Precinct – Main Road**.

Development in Precinct 2 should:

- *Provide for contemporary architecture*
- *Achieve high design standards*

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

#### Clause 21.05-2 Housing

The relevant objectives of this policy are:

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

The strategies to achieve these objectives include:

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

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

The objective of this policy is:

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

The strategies to achieve this objective include:

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

#### **Local Planning Policy**

##### Clause 22.08 Safety through urban design

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

Clause 22.09 Access for disabled people

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

**Particular Provisions**

Clause 52.06 Car Parking

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

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

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

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

The purpose of this clause is:

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

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

Clause 52.34 Bicycle Facilities

No bicycle spaces are required to be provided as the development is less than 4 storeys.

Clause 55 Two more dwellings on a lot and residential buildings

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

**General Provisions**

Clause 65 Decision Guidelines

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

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

**5.3 OTHER RELEVANT LEGISLATION AND POLICY**







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



- (a) Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004).

## 10 PLANNING & ENVIRONMENT

### 10.1 Amendment C114 to the Manningham Planning Scheme: 42 Walker Street Doncaster- Removal of Restrictive Covenant

File Number:	IN17/141
Responsible Director:	Director Planning and Environment
Attachments:	<ol style="list-style-type: none"><li>1 Subject site <a href="#">↓</a> </li><li>2 Zoning and overlay maps <a href="#">↓</a> </li><li>3 Map showing beneficiaries to covenants <a href="#">↓</a> </li><li>4 Explanatory report <a href="#">↓</a> </li><li>5 Clause 52.01 <a href="#">↓</a> </li><li>6 Residential Framework Map 1 <a href="#">↓</a> </li></ol>

#### EXECUTIVE SUMMARY

*The purpose of this report is to consider a request by Project Planning and Development Pty Ltd on behalf of the owner of the property at 42 Walker Street, Doncaster, for Council to seek Ministerial authorisation to prepare an amendment to the Schedule to Clause 52.02 of the Manningham Planning Scheme. This would seek to remove the restrictive covenants that encumber this site.*

*The restrictive covenants that currently apply to the abovementioned property allow for only one dwelling to be constructed on the lot and require the dwelling to be constructed of specified materials.*

*The subject property is located within the General Residential Zone Schedule 2 (GRZ2) under the provisions of the Manningham Planning Scheme, as well as being affected by the Design and Development Overlay Schedule 8 (DDO8-2), sub precinct A, which contains objectives which support higher density residential development.*

*The proponent states that the removal of the restrictive covenants would allow for the future development of the land in a manner which is consistent with the current planning controls that apply to the property, the State and Local Planning Policy Frameworks, and the Manningham Residential Strategy 2012.*

*All beneficiaries of the restrictive covenants (approximately 95 properties) would be notified of the exhibition of any amendment proposing the removal of the covenants.*

*It is recommended that Council seek authorisation from the Minister for Planning under section 8A of the Planning and Environment Act 1987 to prepare a planning scheme amendment to the Manningham Planning Scheme to remove the restrictive covenants as they apply to 42 Walker Street, Doncaster.*

#### 1. RECOMMENDATION

**That Council:**

- A. Seeks authorisation from the Minister for Planning under section 8A of the *Planning and Environment Act 1987* to prepare an amendment to the Manningham Planning Scheme to change the schedule to Clause 52.02 to remove the restrictive covenants that apply to the land at 42 Walker Street, Doncaster, generally in accordance with Attachments 4 and 5.**

- B. Subject to authorisation being granted by the Minister for Planning, resolves to place Amendment C114 on public exhibition for a period of four weeks.**

## 2. BACKGROUND

### Site and surrounds

- 2.1 The Amendment applies to land commonly known as 42 Walker Street Doncaster. The land is described as Lot 2 on LP 068562; Certificate of Title Volume 08586 Folio 869.
- 2.2 The site is located on the eastern side of Walker Street, Doncaster, approximately 240 metres south of Doncaster Road (via Short Street). The land has a total site area of approximately 1,201m<sup>2</sup>. Refer to **Attachment 1**.
- 2.3 The site is currently occupied by a single storey building which comprises two attached dwellings. The original dwelling was constructed in 1960 and comprised 3 bedrooms and a side driveway. In 1965 a new attached dwelling was constructed which has been described as a single bedroom flat.
- 2.4 The land is situated within the General Residential Zone Schedule 2 (GRZ2). The land is also affected by Design and Development Overlay Schedule (DDO8-2). Refer to **Attachment 2**.
- 2.5 The northern boundary of the site immediately adjoins land within the Activity Centre Zone - Schedule 1 (ACZ1), being part of the Doncaster Hill Principal Activity Centre. The property immediately adjoining the subject site to the north is affected by a Public Acquisition Overlay Schedule 1 (PAO1) for the purpose of an open space acquisition by Council.
- 2.6 Adjoining properties to the south, east and west are also included within the General Residential Zone - Schedule 2 – refer **Attachment 2**.
- 2.7 The properties immediately adjoining the subject site consist of single detached dwellings, being a mixture of single and double storeys. The adjoining properties have well landscaped front setback areas.

### Restrictive Covenants

#### *General Principles*

- 2.8 A restrictive covenant is defined as a restriction within the meaning of the *Subdivisions Act 1988*. It is a private agreement between landowners to restrict the use or development of land for the benefit of other land. The land where the restriction applies is referred to as the burdened land and the land with the benefits of the restrictions is referred to as the benefited land. A registered restrictive covenant is recorded on the certificate of title for the burdened land and the full details are contained in a separate document known as the Instrument of Transfer.
- 2.9 Covenants or restrictions can limit the use and development of the land so as to protect the neighbourhood character or guide the long term development of the area. A common type of covenant is one that limits the use and development of

a lot to a single house. Other common types of covenants are those which restrict the type of building materials for new buildings.

- 2.10 Many residential lots in the City of Manningham have titles which contain restrictive covenants.
- 2.11 A covenant is not extinguished with the sale of land – it runs with the land so that when the land with the restrictive covenant is sold the new owners will be bound by the covenant.
- 2.12 Whilst planning schemes provide more comprehensive and transparent planning controls that guide use and development throughout a municipality, covenants can still apply in conjunction with the planning restrictions for the site.

*Existing covenants applying to the subject land*

- 2.13 The subject land at 42 Walker Street, Doncaster is affected by two restrictive covenants:

- Covenant as to part B416105:

This covenant was created on 9 May 1962 when the land was transferred from the previous owners to Evandale Estate Limited. The covenant stipulated that the transferees “*will not erect or permit to be erected on the said lot any building other than one dwelling house together with the usual outbuildings and that such dwelling house shall have external walls of brick and roof of slate or tile.*”

- Covenant as to part B771605

This covenant was registered on 11 October 1963. This covenant states that the transferees “*will not erect or allow or permit to be erected on the said lot any building other than one dwelling house together with usual outbuildings and that such dwelling house shall have external walls of brick and roof of slate or tile.*”

*Beneficiaries of the Covenant*

- 2.14 Owners of land within the same subdivision are not all necessarily beneficiaries of a covenant shown on the title for a particular lot. The extent of nearby land owners having the benefit of the covenant is dependent upon the wording of the covenant and the date that each lot was transferred from the parent title.
- 2.15 The proponent has provided documents prepared by Feigl & Newell Pty Ltd (Professional Title searchers) who have investigated the covenants. The map at **Attachment 3** shows the subject site at 42 Walker Street, Doncaster outlined in bold and highlights the beneficiaries of the two relevant covenants:
- yellow and yellow hatched depicts the beneficiaries of the covenant relating to the land highlighted orange (Lot 69 on Plan of Subdivision 56685)
  - yellow hatched depicts the beneficiaries of the covenant relating to the land highlighted green (Lot 68 on Plan of Subdivision 56685).
- 2.16 The searches completed by Feigl & Newell Pty Ltd identified that there are 95 beneficiaries, including the Council (local streets), Vic Roads (alignment/widening

of Doncaster Road), a commercial property on the corner of Doncaster Road and Short Street and residential properties.

*Removal of a restrictive covenant*

2.17 There are three main ways to remove or vary a restrictive covenant on the title:

- An application to the Supreme Court for an order under section 84 of the *Property Law Act 1958*;
- An application for a planning permit under Part 4 of the *Planning and Environment Act 1987*; or
- An amendment to the Planning Scheme under Part 3 of the *Planning and Environment Act 1987*.

2.18 With regard to the Planning Scheme amendment mechanism, section 6 (2) (g) of the *Planning and Environment Act 1987* provides that a planning scheme may regulate or provide for the removal or variation of a restrictive covenant.

2.19 Recent Panels have used the following criteria to assess proposals for removal of restrictive covenant proposals via amendments to planning schemes including:

- The purpose of the restrictive covenant;
- The benefit of the covenant;
- Changes which have occurred in the character of the neighbourhood and circumstances which impact on the relevance of the covenant;
- The detrimental impact on the amenity of the neighbouring properties;
- Consistency with planning policies; and
- Creation of an undesirable precedent.

2.20 The Panel Report for Amendment C50 came to the following conclusions regarding the relevance of restrictive covenants:

*“As a general planning principle the Panel does not accept that covenants should override the strategic planning for an area. The broader state and local policies to direct development toward activity centres should be the primary concern of planning provisions. Should private arrangements exist that prevent the implementation of these strategic direction then this is a separate matter that can be addressed in other forums.”*

*Potential partial breach of the existing covenant*

2.21 Building Permit No. 1139 was issued on 30 August 1960 which allowed the construction of a single storey attached dwelling consisting of a lounge area, three bedrooms, kitchen, laundry, bathroom and toilet.

2.22 As noted in paragraph 2.13 of this report, the property is affected by two covenants that came into effect on 9 May 1962; and 11 October 1963 respectively.

- 2.23 A building permit for a one bedroom flat was issued on 19 January 1965 (Building Permit No. 8624). The building consisted of a living room, meals, bedroom, kitchen, laundry and toilet. This dwelling and the windows of the existing residence are separated by a distance of 7 feet. There is no further evidence to confirm whether the construction of this second building was in breach of part of the single dwelling covenant. Nevertheless, the covenant could potentially have been in breach for in excess of 50 years with no reports from beneficiaries.
- 2.24 The second aspect of the covenant relates to the building materials. The covenant specifies that the permitted dwelling shall have external walls of brick and roof of slate or tile. The dwelling constructed in 1965 was consistent with this aspect of the covenant.

*Previous Planning Permit Application*

- 2.25 On 1 September 2016 Manningham City Council refused an application (reference PL15/025679) to remove the restrictive covenant contained in Transfer B416105 and B771605 affecting Lot 2 PS 068562 V8586 Folio 869 known as 42 Walker Street, Doncaster. The application was refused as objections were received from twelve (12) properties raising a variety of concerns.
- 2.26 Under section 60(5) of the *Planning and Environment Act 1987*, Council cannot grant a permit which allows for the removal or variation of a restriction unless it is satisfied that:
- The owner of any land benefited by the restriction will be unlikely to suffer any detriment of any kind (including perceived detriment) as a consequence of the removal or variation of the restriction; and
  - If that owner objected to the granting of the permit, the objection was not vexatious or not made in good faith.
- 2.27 Council refused the application as it was not satisfied that the removal of the restriction would not cause detriment but that the objections were made in good faith.

*Test in Considering the Removal of a Restrictive Covenant*

- 2.28 It is relevant to highlight that the test applicable to removing a restrictive covenant by a planning permit process (as above) is different to that applicable in a planning scheme amendment.
- 2.29 The Mornington Peninsula Panel Report for Amendment C46 is said to set out the relevant principles to be applied by a Panel in considering whether a restrictive covenant should be removed by a planning scheme amendment. In that report it was noted that the Panel should:
- Be satisfied that the Amendment would further the objectives of planning in Victoria.
  - Consider the interests of affected parties, including the beneficiaries of the covenant.
  - Consider whether the removal or variation of the covenant would enable a use or development that complies with the planning scheme.

- Balance conflicting policy objectives in favour of net community benefit and sustainable development. If the Panel concludes that there will be a net community benefit and sustainable development it should recommend the variation or removal of the covenant.

### 3. DISCUSSION / ISSUE

- 3.1 Amendment C114 to the Manningham Planning Scheme seeks to facilitate the removal of the restrictive covenants as they apply to 42 Walker Street, Doncaster, by modifying the Schedule to Clause 52.02 of the Manningham Planning Scheme.
- 3.2 The proposed amendment documentation is found at **Attachment 4** and **Attachment 5**.
- 3.3 Should the Amendment be approved, it will be possible for the owner of the land affected by this Amendment to lodge a plan for certification under section 23 of the *Subdivision Act 1988* showing the restrictive covenants as removed. Upon that plan of subdivision being lodged and registered at the Titles Office, the restrictive covenants affecting the subject land will be removed.
- 3.4 Before consulting with the community, Council is required to seek authorisation from the Minister for Planning to prepare and exhibit the proposed planning scheme amendment. The Amendment would be exhibited for four weeks. Consultation is proposed to include direct notification to the owners and occupiers of the properties identified as benefiting from the restrictive covenant.
- 3.5 Following the exhibition period, Council would consider any submissions received and decide whether to adopt the Amendment with or without changes, to refer the submissions to an Independent Panel appointed by the Minister for Planning, or to abandon the Amendment. If Council refers the submissions to a Panel, that Panel would consider the submissions and make recommendations to Council in relation to the submissions.
- 3.6 It is considered that the proposed Amendment has a sound strategic basis and is supported by the SPPF and LPPF, the *Manningham Residential Strategy (2012)* and the objectives of the zone and overlays that apply to the subject sites, all of which encourage higher density housing in this location.
- 3.7 The removal of the restrictive covenants will allow for a greater density and diversity of housing opportunities for the site as envisaged by the LPPF.

### 4. COUNCIL PLAN / STRATEGY

- 4.1 In the Council Plan 2013-2017 under the theme of *Planning for Where We Live* Council recognises “*the need to continue to respond to the challenges of population growth. Council endeavours to take a considered approach to development, respecting the natural environment. Council will work collaboratively with the community to ensure effective planning is in place and local infrastructure meets the needs of future populations.*”

- 4.2 Relevant goals under that theme include:
- *A considered and sustainable approach to residential and commercial development, balancing the needs of our diverse population and our natural surroundings; and*
  - *A diverse range of affordable, accessible housing options are available to accommodate the changing needs of our community.*
- 4.3 The *Manningham Residential Strategy 2012* provides the strategic framework for Manningham's residential zones and the focussing of increased residential densities around the municipality's activity centres and key public transport routes.

## 5. IMPACTS AND IMPLICATIONS

### State Planning Policy Framework (SPPF)

- 5.1 The SPPF identifies principles of land use and development planning relevant to the proposed amendment. The amendment would be consistent with the following:
- Clause 11.02-1 Supply of Urban Land: Planning for urban growth should consider opportunities for the consolidation, redevelopment and intensification of existing urban areas.
  - Clause 11.04-2 Housing Choice and Affordability: To reduce the cost of living by increasing housing supply near services and public transport.
  - Clause 16.01-1 Integrated Housing: Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.
  - Clause 16.01-2 Location of Residential Development: Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport. Planning should also identify opportunities for increased residential densities to help consolidate urban areas.

### Local Planning Policy Framework (LPPF)

- 5.2 The proposal would also be responsive to the applicable provisions set out within the Municipal Strategic Statement, namely Clause 21.05, which identifies the subject site as being located within Sub precinct A (DDO8-2) and thus suitable for a *'substantial level of change....with these areas being a focus for higher density developments.'*
- 5.3 This is further reinforced by the Manningham Residential Strategy (2012), identified as a reference document under Clause 21.05, which identifies the need to locate increased residential development densities close to public transport networks and employment opportunities. The Strategic Overview Framework map found at **Attachment 6** identifies locations where these specific land use outcomes will be supported and promoted.



## Zoning

- 5.4 The subject land is included within the General Residential Zone Schedule 2 pursuant to the provisions of the Manningham Planning Scheme. The purpose of the General Residential Zone is:
- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
  - *To encourage development that respects the neighbourhood character of the area.*
  - *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
  - *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*
  - *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*
- 5.5 The site affected by the amendment is located within a zone that encourages higher density residential development due to its proximity to an activity centre (Doncaster Hill) and main road (Doncaster Road).

## Design and Development Overlay Schedule 8

- 5.6 The subject site is also affected by the Design and Development Overlay Schedule 8, Area 1 (DDO8 – 2) pursuant to the provisions of the Manningham Planning Scheme.
- 5.7 The zone in conjunction with DDO8-2 encourages two storey units (9 metres) on smaller lots and three storey apartment development on larger lots.

## 6. IMPLEMENTATION

### Finance / Resource Implications

- 6.1 Planning Scheme Amendments are prepared and administered by the City Strategy Unit. The proponent of the Amendment will meet the costs of the amendment process in accordance with the *Planning and Environment (Fees) Regulations 2000*, including any fees associated with a panel hearing.

### Communication and Engagement

- 6.2 The broader community, in particular the beneficiaries to the restrictive covenant will have the opportunity to comment on the proposed removal of the covenants and make submissions during the exhibition of the amendment. In addition, any subsequent planning application for development of the subject site would also be advertised.

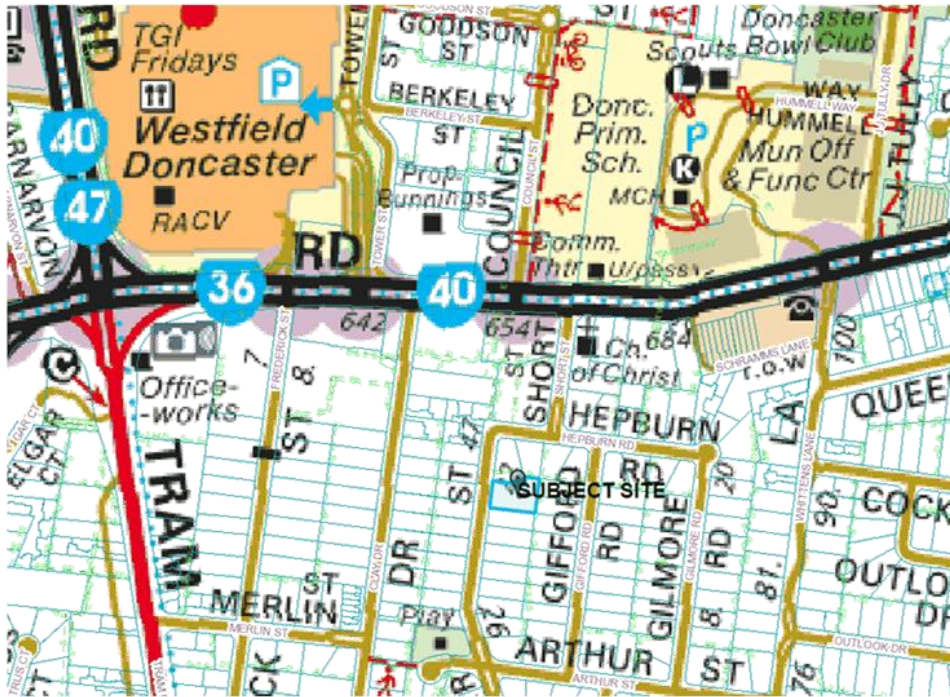
**Timelines**

- 6.3 Subject to Council's endorsement, authorisation will be sought from the Minister for Planning to prepare and exhibit the planning scheme amendment, which will be undertaken in accordance with the timeframes as detailed in Ministerial Direction 15.

**7. DECLARATIONS OF CONFLICT OF INTEREST**

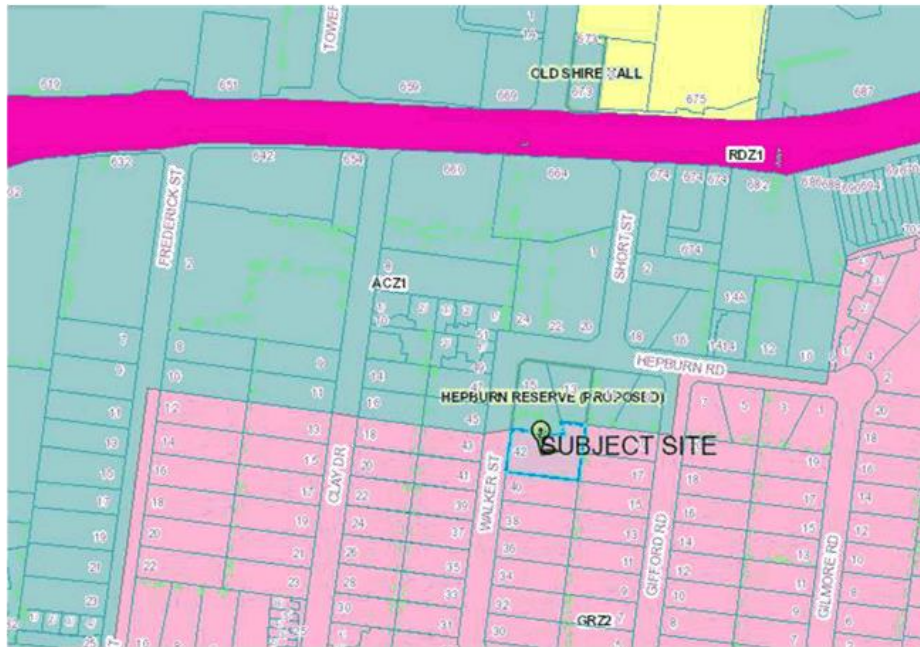
No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

SUBJECT SITE: 42 WALKER STREET DONCASTER

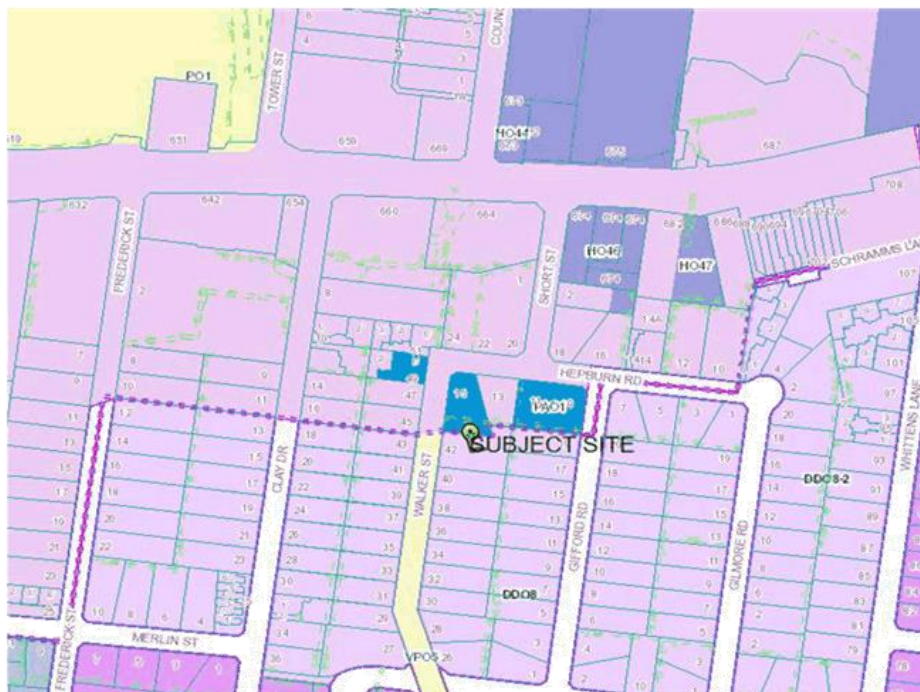


**SITE: 42 WALKER STREET DONCASTER**

**PLANNING CONTROLS**



**ZONING MAP**

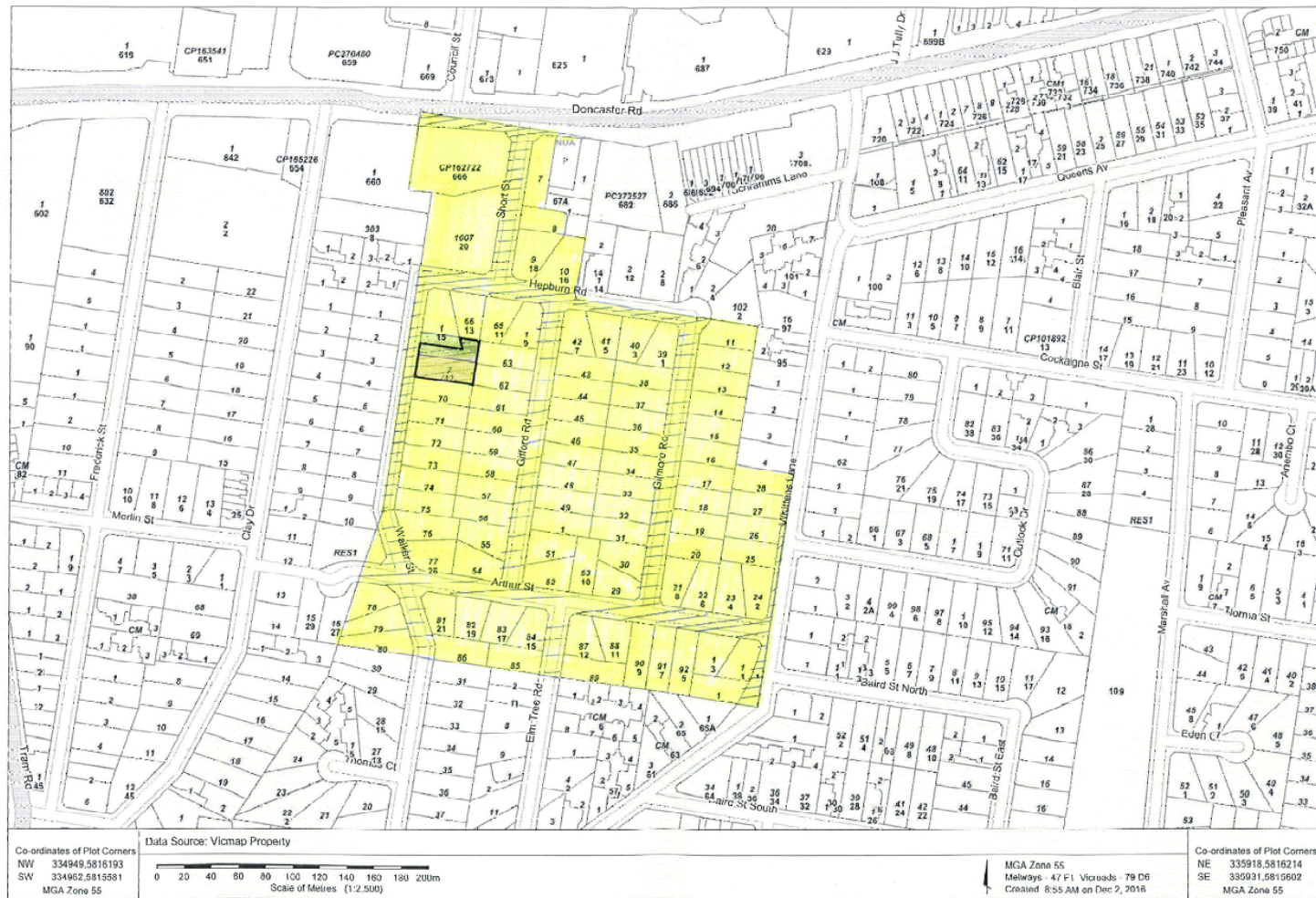


**Planning Overlays- 1 of 2 Maps**



Planning Overlays- 2 of 2 Maps

CI16/40727



*Planning and Environment Act 1987*

## MANNINGHAM PLANNING SCHEME

### AMENDMENT C114

#### EXPLANATORY REPORT

##### **Who is the planning authority?**

This amendment has been prepared by the Manningham City Council as the planning authority for this amendment.

The Amendment has been made at the request of Project Planning and Development Pty Ltd, on behalf of the owner of 42 Walker Street, Doncaster.

##### **Land affected by the Amendment**

The Amendment applies to the following property, being the land described as:

- 42 Walker Street, Doncaster (Lot 2 on Plan of Subdivision 068562 Certificate of Title Volume 085586 Folio 869).

##### **What the amendment does**

The lot to which this amendment applies is affected by two restrictive covenants which allow only one dwelling house and garage on each lot and requires the dwellings to be constructed of only specified materials (Instrument of Transfer B416105 and B771605).

The Amendment seeks to facilitate the removal of the restrictive covenants from the subject land to which the Amendment applies, by modifying the Schedule to Clause 52.02 of the Manningham Planning Scheme. Consequently, it will be possible for the owner of the subject land affected by this amendment to lodge a plan of removal of restriction for certification under section 23 of the *Subdivision Act 1988* showing the restrictive covenants as removed.

Upon that plan of subdivision being lodged and registered at the Titles Office, the restrictive covenants affecting the site will be removed.

##### **Strategic assessment of the Amendment**

###### **Why is the Amendment required?**

Amendment C114 is required to remove the restrictive covenants from 42 Walker Street, Doncaster to enable the subject property to be developed in accordance with the planning scheme controls that apply to the property and to facilitate development consistent with the vision of the *Manningham Residential Strategy (March 2012)* which is a reference document in the Manningham Planning Scheme.

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

Amendment C114 is consistent with the objectives of planning in the *Planning and Environment Act 1987*. The Amendment seeks to facilitate the removal of the restrictive covenant from the subject property to enable development in accordance with the Planning Scheme provisions that apply to the subject land, in particular the General Residential Zone and Design and Development Overlay Schedule 8.

Section 4(1) of the *Planning and Environment Act 1987* outlines the objectives of planning in Victoria. The relevant objectives are:

- (a) 'to provide for the fair, orderly, economic and sustainable use, and development of land;'
- (g) 'to balance the present and future needs of all Victorians;'

Section 4(2) outlines the objectives of the planning framework established by the Act. The relevant objectives are:

- (a) 'to ensure sound, strategic planning and co-ordinated action at State, regional and municipal levels;..'
- (e) 'to facilitate development which achieves the objectives of planning in Victoria and planning objectives set up in planning schemes.'
- (g) 'to encourage the achievement of planning objectives through positive actions by responsible authorities and planning authorities.'

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

The Amendment will have positive social and economic effects by allowing for the removal of existing restrictive covenants which currently limits, among other things, the subject property to accommodating only one dwelling on a lot and restricts the dwelling's building materials.

The Amendment facilitates development opportunities to fulfil the objectives of the *Manningham Residential Strategy (March 2012)* and the planning provisions that apply to the subject properties.

The Amendment is not anticipated to have any negative environmental effects.

**Does the Amendment address relevant bushfire risk?**

The amendment applies to land in an established urban area and bushfire risk is not relevant in this instance.

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

The amendment is affected by Ministerial Directions No. 9 *Metropolitan Strategy* and Direction No.11 *Strategic Assessment of Amendments*. This amendment meets the requirements of both these Directions.

Ministerial Direction No. 9 *Metropolitan Strategy* relates to *Plan Melbourne – Metropolitan Planning Strategy*.

Specifically, *Plan Melbourne* identifies that Melbourne has grown rapidly over the past decade and that by 2061, the city's population could be 7.7 million, requiring approximately 1.6 million additional dwellings. Within the eastern sub-region, including the City of Manningham, an estimated 80,000 to 110,000 additional dwellings are anticipated to be required by 2031.

A key aspect of that strategy is that the provision of medium and high density development is to be directed closer to services and jobs. Furthermore, *Plan Melbourne* seeks to make 'better use of existing assets' which includes redeveloping underutilised and well-located urban areas to house more people and create opportunities for new investment in businesses and services.



This amendment will provide the opportunity for multiple dwellings on the subject site. This is considered to be appropriate as the site is located within a General Residential Zone schedule 2 (GRZ2) which intends to provide diversity of housing types.

The property is also affected by the Design and Development Overlay Schedule 8, Precinct 2 (Sub Precinct A). The precinct contains objectives which:

- support three storey, 'apartment style', developments within the Main Road subprecinct and in sub-precinct A, where a minimum land size can be achieved; and
- support two storey townhouse style dwellings with a higher yield within sub precinct B and sub-precinct A, where the minimum land size cannot be achieved.

The removal of the restrictive covenants will allow for the objectives of these Planning Scheme provisions to be realised by permitting opportunities for two storey townhouse style dwellings on this site as well as providing a range of housing options within close proximity to the Doncaster Hill Activity Centre, as identified in *Plan Melbourne*.

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

The State Planning Policy Framework (SPPF) identifies principles of land use and development planning relevant to the current amendment. The Amendment is consistent with the following objectives and strategies:

- Clause 11 Settlement: Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.
- Clause 11.02-1 Supply of Urban Land: Planning for urban growth should consider opportunities for the consolidation, redevelopment and intensification of existing urban areas.
- Clause 11.04-2 Housing Choice and Affordability: To provide a diversity of housing in defined locations that cater for different households and are close to jobs and services.
- The strategies identified include:
  - To understand and plan for expected housing needs
  - To reduce the cost of living by increasing housing supply near services and public transport.
- Clause 16.01-1 Integrated Housing: Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.
- Clause 16.01-2 Location of Residential Development: Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport and identify opportunities for increased residential densities to help consolidate urban areas.

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

The Municipal Strategic Statement (MSS) identifies that in residential areas there is need for a greater mix of housing in the form of medium and higher density residential higher density housing will encourage in close proximity activity centres and along major roads and transport routes.

The MSS at Clause 21.05-2 *Housing directions* notes the need to accommodate Manningham's projected population growth through urban consolidation, in infill developments and key redevelopment sites. The objectives are as follows:

- 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.

A number of strategies are identified in the MSS including:

- Ensure that the provision of housing stock responds to the needs of the municipality's population.
- 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.

The Amendment is also consistent with the objectives and strategies outlined in the Local Planning Policy Framework (LPPF) of the Manningham Planning Scheme, in particular:

- Clause 21.03 *Key Influences*: encourages higher density housing in close proximity to activity centres, major roads and transport routes that address changing demographic needs.
- Clause 21.04 *Vision – Strategic Framework*: depicts the subject sites as being within a preferred location for medium and higher density housing.
- Clause 21.05-2 *Housing*: identifies that a substantial level of change is anticipated in Precinct 2, which applies to the subject sites, with these areas being a focus for higher density development.

The removal of the restrictive covenants will allow for a greater density and diversity of housing opportunities for the sites, as envisaged by the LPPF.

Manningham City Council's *Residential Strategy* (2012) is identified as a reference document under Clause 21.05 of the Manningham Planning Scheme. The Strategy notes that "*given that Manningham has an ageing population and the household size is becoming smaller (with a significant increase in smaller households, including lone person, mature family, retirees, one parent and couples without children) an ideal opportunity exists to significantly increase the residential density around existing activity centres...*"

The Strategy further highlights that redeveloping residential areas, with single detached, or medium density housing, requires a balance to be achieved between meeting the needs of the developer, or prospective homeowner and respecting the neighbourhood character of an area and the residential amenity of adjoining property owners.

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

Amendment C114 makes proper use of the Victoria Planning Provisions.

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

The exhibition of the Amendment will provide the opportunity for relevant agencies to comment on the Amendment. The Amendment does not propose to create any new referral authority or referral requirements. Additionally, all interested parties will have the opportunity to comment and make submissions through the statutory exhibition process.

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

The Amendment will not have a significant impact on or undermine the functionality of the existing transport system.

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

The amendment will not have a noticeable impact on the resource and administrative costs of the responsible authority.

**Where you may inspect this Amendment**

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

- during office hours, at the office of the planning authority, Manningham City Council, 699 Doncaster Road, Doncaster
- at the Manningham website at [www.yoursaymanningham.com.au](http://www.yoursaymanningham.com.au)
- Manningham Libraries

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).

**Submissions**

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by **[insert submissions due date]**.

A submission must be sent to:

Manager City Strategy  
Manningham City Council  
PO Box 1  
DONCASTER VIC 3108

or submitted online at [www.yoursaymanningham.com.au](http://www.yoursaymanningham.com.au).

**Panel hearing dates**

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

- directions hearing: [insert directions hearing date]
- panel hearing: [insert panel hearing date ]

DRAFT

## MANNINGHAM PLANNING SCHEME

18/12/2008  
C72

## SCHEDULE TO CLAUSE 52.02

## 1.0

18/12/2008  
C72  
[Proposed](#)  
[C114](#)

## Under Section 23 of the Subdivision Act 1988

Land	Easement or restriction	Requirement
9 Murndal Drive, Donvale being Lot 1 LP 115808 and being the land described in Certificate of Title Volume 9176 Folio 633 and 11-13 Murndall Drive, Donvale being Lot 2 LP 115808 and being the land described in Certificate of Title Volume 9193 Folio 088	The restriction contained in instrument of transfer Number E885405 dated 20 June 1973	Vary by deleting "other than a single dwelling house with outbuildings and" and deleting "single" before the word "dwelling"
9 Tidcombe Crescent, Doncaster East being Lot 42 LP 145759 and being the land described in Certificate of Title Volume 9610 Folio 334	The restrictions contained in instrument of transfer Number L912396H registered on 30 September 1985	Vary by deleting paragraph 1
16 Hepburn Road, Doncaster being Lot 10 PS 056685 and further being the land described in Certificate of Title Volume 08458 Folio 832	The restriction contained in instrument of transfer Number B729113	The whole of the restriction is authorised for removal
18 Hepburn Road, Doncaster being Lot 9 PS 056685 and further being the land described in Certificate of Title Volume 08420 Folio 975	The restriction contained in instrument of transfer Number B416060	The whole of the restriction is authorised for removal
20 Hepburn Road, Doncaster being Lot 4 PS 056685 and further being the land described in Certificate of Title Volume 08420 Folio 970	The restriction contained in instrument of transfer Number B416119	The whole of the restriction is authorised for removal
22 Hepburn Road, Doncaster being Lot 5 PS 056685 and further being the land described in Certificate of Title Volume 08420 Folio 971	The restriction contained in instrument of transfer Number B416077	The whole of the restriction is authorised for removal

MANNINGHAM PLANNING SCHEME

Land	Easement or restriction	Requirement
24 Hepburn Road, Doncaster being Lot 6 PS 056685 and further being the land described in Certificate of Title Volume 08420 Folio 972	The restriction contained in instrument of transfer Number C687853	The whole of the restriction is authorised for removal
1 Short Street, Doncaster being Lot 3 PS 056685 and further being the land described in Certificate of Title Volume 08420 Folio 969	The restriction contained in instrument of transfer Number B531223	The whole of the restriction is authorised for removal
<a href="#">42 Walker Street, Doncaster being Lot 2 PS 088562 and further being the land described in Certificate of Title Volume 085586 Folio 869</a>	<a href="#">The restriction contained in instrument of transfer Number B416105 and B771605.</a>	<a href="#">The whole of the restriction is authorised for removal</a>

**2.0**  
18/12/2008  
C72

**Under Section 24A of the Subdivision Act 1988**

Land	Person	Action
None specified		

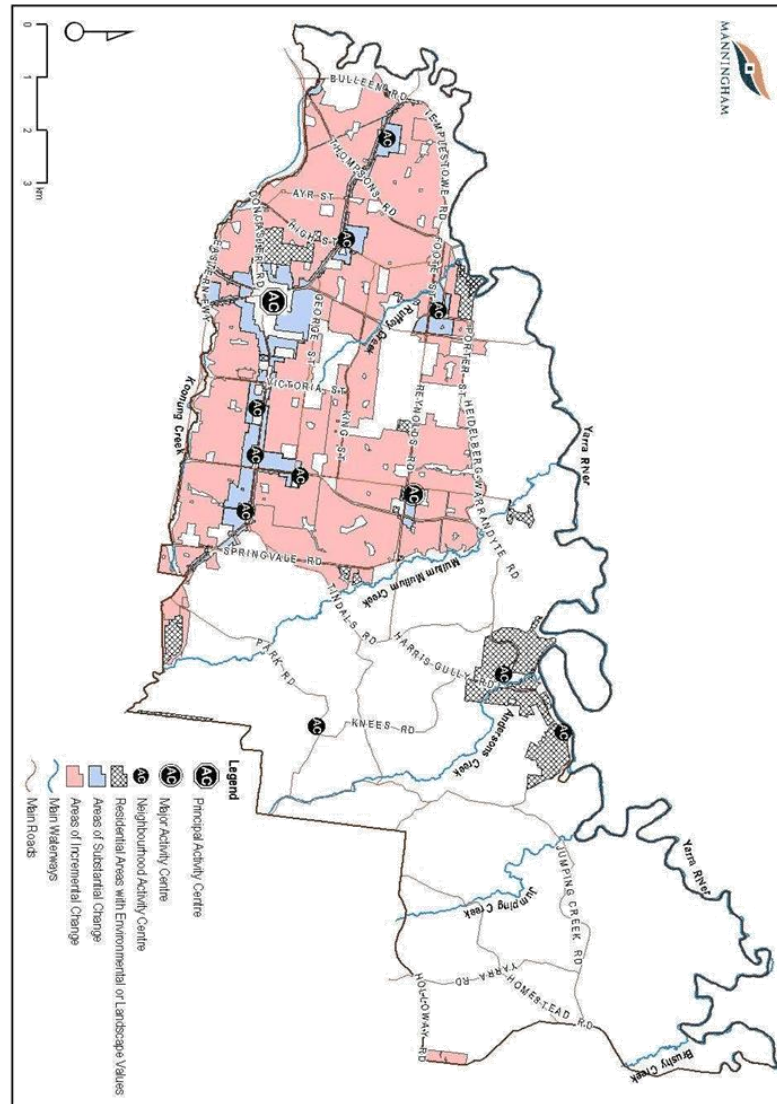
**3.0**  
18/12/2008  
C72

**Under Section 36 of the Subdivision Act 1988**



Land	Easement or right of way	Requirement
None specified		

MANNINGHAM PLANNING SCHEME

Residential Framework Plan 1



## 10.2 State Government Review of Bushfire Management Overlay

File Number:	IN17/140
Responsible Director:	Director Planning and Environment
Attachments:	<ol style="list-style-type: none"><li>1 Bushfire Management Overlay Review - Submission from City of Manningham March 2017 <a href="#">↓</a> </li><li>2 Map of Proposed State Government Changes to the Bushfire Management Overlay <a href="#">↓</a> </li></ol>

### EXECUTIVE SUMMARY

*The purpose of this report is to outline key changes proposed to be introduced by the State Government in relation to the Bushfire Management Overlay (BMO) in the Manningham Planning Scheme and to recommend a response to the Department of Environment, Land, Water and Planning (DELWP) and a strategy to communicate the changes to the affected property owners in particular.*

*The State Government has announced its intention to update the Bushfire Management Overlay provisions, including changes to the State Planning Policy Framework (SPPF), revised mapping to expand the application of the BMO to areas of extreme fire risk across Victoria, and the introduction of new schedules to the BMO in some municipal areas to help streamline the permit process. This initiative is being undertaken in response to recommendations made in the 2009 Victorian Bushfires Royal Commission. It is anticipated that the updated provisions will be introduced into the relevant planning schemes by the State Government in late April 2017.*

*Across Manningham there will be 3171 properties added to the Overlay and 38 to be removed, making a total of 5652 properties included in the Overlay.*

*The BMO triggers a requirement for a planning permit for most specified buildings and works. At this stage two schedules will also apply to the BMO in Manningham when the changes are introduced, including BMO1 (186 properties in parts of Warrandyte and Wonga Park) and BMO2 (496 properties in other parts of Warrandyte and Wonga Park). In those schedules, where a single dwelling on a lot is proposed and specific bushfire protections measures are met, a simpler application process (which will not require referral to the relevant fire authority) will apply.*

*DELWP is not proposing to directly notify affected property owners of the proposed changes to affected property owners, rather the onus for notification is on individual Councils. However DELWP has agreed to work with Councils in that process in sending out jointly branded notification and related information and to provide funding to support that process.*

*As part of communication in relation to this matter it is also proposed to include information about the proposed changes in the Warrandyte Diary and on Council's website utilising the tools provided by DELWP.*

*As mapping showing the existing extent of the BMO together with new areas proposed to be included in the BMO, BMO1 and BMO2 may not be very easy for the community to understand, Council officers have also been liaising with neighbouring Councils, with a view to developing a joint communications strategy and seeking funding from DELWP to prepare a better mapping tool to assist the community to better understand whether and how they might be affected.*



*It is proposed that Council respond to DELWP in relation to the proposed schedules, the notification of affected property owners and transitional arrangements (refer to Attachment 1).*

## 1. RECOMMENDATION

**That Council:**

- A. Endorses the *Submission to the 2017 Review of the Bushfire Management Overlay* to the Department Environment, Land Water and Planning (DELWP) which is included as Attachment 1 to this report.**
- B. Notes that the updated BMO mapping and schedules are expected to be approved by the Minister for Planning in the form of an amendment to the Manningham Planning Scheme in late April 2017.**
- C. Notes that the communication strategy in relation to the proposed changes to the BMO will include direct notification to those affected as well as information about the proposed changes in Manningham Matters, the Warrandyte Diary and on Council's website utilising the tools provided by DELWP.**

## 2. BACKGROUND

### Proposed changes

- 2.1 The Bushfire Management Overlay (BMO) in the Manningham Planning Scheme identifies areas that have the potential for extreme bushfire behaviour. It is a planning control that requires new developments to assess bushfire risk, and to implement bushfire safety measures to protect life and property. These measures include installing a water tank for firefighting purposes, providing safe access for fire trucks and the removal and maintenance of vegetation to reduce fuel loads around the property.
- 2.2 Not all areas with the potential to be subject to extreme bushfire behaviour are currently included within the Bushfire Management Overlay in the Manningham Planning Scheme, meaning that development occurring in such areas may be proceeding without fully assessing and managing bushfire risk.
- 2.3 The State Government has announced its intention to update the Bushfire Management Overlay provisions. This includes changes to the State Planning Policy Framework (SPPF) to include reference to the Bushfire Prone Area map, updated BMO mapping to ensure that all areas considered to be of extreme bushfire hazard in Victoria are included in the BMO and the introduction of new schedules intended to streamline the planning permit application process by specifying requirements for particular locations.
- 2.4 This initiative is being undertaken in response to recommendations made in the 2009 Victorian Bushfires Royal Commission.
- 2.5 The extension of the BMO is designed to ensure that future development in areas subject to extreme bushfire behaviour adequately considers bushfire risk.

- 2.6 Across Manningham 3171 properties are proposed to be added to the Overlay, while 38 are proposed be removed, making a total of 5652 properties included in the Overlay, which is an increase of some 128% over the current extent of the BMO. (Attachment 2)
- 2.7 The BMO triggers a requirements for a planning permit for most specified buildings and works. Two schedules will apply when the changes are made, including BMO1 (186 properties in parts of Warrandyte and Wonga Park) and BMO2 (496 properties in other parts of Warrandyte and Wonga Park). For properties located within BMO1 or BMO2 where a single dwelling on a lot is proposed and specific bushfire protections measures are met in relation to minimum construction standards (a specified Bushfire Attack Level (BAL) rating, adequate defendable space, a water tank for firefighting purposes and access for fire trucks and equipment), a simpler application process (which will not require referral to the relevant fire authority).
- 2.8 It is noted however that 66% of the total number of properties to be covered by the BMO are already covered by an Environmental Significance Overlay (ESO) which would already trigger the need for a planning permit for buildings and works.

#### **Consultation to date**

- 2.9 In July 2016, the Minister for Planning wrote to Council notifying it of the proposed changes to the BMO provisions and seeking comments on the proposed mapping changes. A similar process had been on the brink of implementation in 2013 but did not proceed.
- 2.10 Initial comments from Council officers about the proposed changes to the SPPF and the proposed BMO mapping for Manningham were forwarded to the State Government in September 2016. Although supporting some aspects of the proposed changes to the BMO provisions, including removal of a number of areas from the BMO and expansion of the BMO to other areas, officers raised concerns regarding the proposed expansion of the BMO over several areas of the municipality, including western Park Orchards and parts of Park Orchards and Donvale, south and east of the existing BMO – having regard to the residential nature of these areas and Victorian Fire Risk Register – Bushfire (VFFR-B) mapping for the municipality which does not identify these areas as being of very high or extreme fire risk.
- 2.11 That submission also raised concerns regarding the lack of leadership by the State Government in communicating the proposed changes to affected landowners prior to the proposed introduction of the controls.
- 2.12 In December 2016, DELWP provided Council with updated mapping and schedules. It is noted that only minor changes have been made to the mapping in response to officers' comments made in September 2016 reducing the total number of properties affected by the BMO from 5670 to 5652. It is noted however, that no further comment is being sought on the mapping and that Council has only been invited to comment on the proposed schedules.
- 2.13 The matter was also included on the agenda of the February meeting of the Manningham Municipal Fire Management Planning Committee which is chaired by the CFA and includes a Councillor, Council officers and representatives from the CFA, MFB and Parks Victoria.

### 3. DISCUSSION / ISSUE

3.1 There are a number of issues associated with the proposed changes to the BMO.

#### Schedules to BMO

3.2 DELWP has sought specific comments in relation to the proposed schedules to the BMO. The two proposed schedules to the BMO are included as Attachment 2. The only difference between the proposed BMO1 and BMO2 is that the BMO2 requires a higher BAL rating than BMO1. Little justification has been given for why some areas of Manningham are to be located in the BMO, and others are to be located in a BMO1 or a BMO2. The methodology behind the application of the BMO, BMO1 and BMO2 is vital to assisting Council officers to explain these changes to Manningham's residents.

3.3 Given that the majority of the properties affected are not proposed to be subject to the two schedules which have been developed to date and their associated 'fast track' process for consideration of applications, it is important that schedules be developed for other parts of the BMO affecting Manningham as soon as possible.

#### Notification of proposed changes

3.4 It is noted that when the proposed extension of the BMO was first mooted in September 2013, a comprehensive consultation plan was proposed which included direct notification to affected property owners and the opportunity to make submissions which would be considered by an Advisory Committee.

3.5 By contrast, the current State Government proposal is to introduce the updated bushfire mapping without any public consultation and for individual Councils to develop a communications strategy to inform their residents about the proposed changes. However, it is noted that a draft Communications Strategy has been developed by DEWLP and the Country Fire Authority (CFA) to assist Councils in this regard. That communications strategy includes key messages, FAQs and a communications and engagement approach, including communication collateral.

3.6 The proposed changes will affect a further 3171 properties in Manningham, an increase of some 128% over the current extent of the BMO.

3.7 Whilst it is noted that Councils may consider giving notice to affected owners in various ways, potentially calling on funding available through the *Bushfire Planning Initiatives Fund*, it is considered that similar to the previous proposal, the State Government should have been taking the lead with consultation in association with this issue, given its wide application across the State.

3.8 However, given that is not going to occur and the Department has now agreed to work more closely with Councils in joint notification (with associated funding) of affected property owners, it is proposed to notify all property owners affected by the proposed amendment (BMO being applied for the first time, BMO being removed or schedules being applied to existing BMO).

3.9 Council officers are also currently investigating the opportunity to apply for the funding available to work with our adjoining Councils to develop a mapping tool which will assist to explain the changes to our community.

### Transitional provisions

- 3.10 DELWP is seeking feedback from Local Government on whether transitional arrangements should be provided.
- 3.11 Transitional arrangements would allow already approved development that may not conform to bushfire planning regulations to proceed.
- 3.12 The submission to DELWP is included in Attachment 1.

## 4. COUNCIL PLAN / STRATEGY

- 4.1 Objective 4 of the Council Plan 2013-2017 is relevant to this proposal: 'Planning for where we live' identifies the need to take a considered and sustainable approach to development, respecting the natural environment and to work with the community to ensure effective planning is in place to meet the needs of future populations.'
- 4.2 An objective of the State Planning Policy Framework (SPPF) is '*To assist to strengthen community resilience to bushfire*' and related strategies include:
- Prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire.
  - Apply the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.
  - Identify in planning schemes areas where the bushfire hazard requires that
    - Consideration needs to be given to the location, design and construction of new development and the implementation of bushfire protection measures.
    - Development should not proceed unless the risk to life and property from bushfire can be reduced to an acceptable level.
  - Specify in planning schemes the requirements and standards for assessing whether the risk to a proposed development from bushfire is acceptable and the conditions under which new development may be permitted.
  - Ensure that planning schemes, in particular the Municipal Strategic Statement, Local Planning Policies and zones applying to land, provide for use and development of land in a manner compatible with the risk from bushfire.
  - Ensure that planning schemes support bushfire management and prevention and emergency services actions and activities.

## 5. IMPACTS AND IMPLICATIONS

### Community

- 5.1 Bushfires are a part of life in Victoria. Fire plays a major role in the abundance and distribution of flora and fauna, and this along with our changing climate, means that our bushfire threat is constantly increasing.

- 5.2 The Bushfires Royal Commission and the Victorian Government have endorsed the policy position that the protection of human life from bushfire is of the highest priority.
- 5.3 While bushfires will always be a threat, the proposed changes seek to help protect lives by requiring new homes to be constructed to higher standards and to help people to shelter in place if necessary while the fire front passes, in addition to other precautions, such as managing vegetation to reduce fire fuel loads, provide water tanks for firefighting purposes and creating enough space for fire trucks to access properties.
- 5.4 Whilst it is anticipated that there may be increased costs arising from the requirement to build to a higher construction standard, all new properties proposed to be included in the BMO are already affected by the Bushfire Prone Area which relates to the Building Regulations and is already required to meet higher construction standards under those Regulations.
- 5.5 Whilst it is acknowledged that the introduction of schedules BMO1 and BMO2 may speed up the consideration of applications for planning permits, the majority of affected properties in Manningham (some 4958 properties out of 5652 affected properties) are to be covered by the BMO parent provision, which does not offer the 'fast track' provisions of BMO1 and BMO2.
- 5.6 The increased requirement for permits is also likely to introduce further delays into the planning system, given that there are already delays in receiving referral comments from the Country Fire Authority (CFA) and increasing incidences of requests for further information in relation to applications, due to the lack of knowledge in relation to bushfire requirements, BAL ratings etc. and the need to rely on limited expert advice.

### **Environment**

- 5.7 Bushfire is an acknowledged environmental risk in parts of Manningham.
- 5.8 Whilst the Bushfire Management Overlay is designed to protect life and property from the threat of bushfire, Manningham's Planning Scheme also reflects Council's commitment to protecting and enhancing the environmental and landscape values in areas of high fire intensity.
- 5.9 The retention of vegetation and preservation of the recognised environmental and landscape significance of the municipality while also promoting development that is safe from the risk of bushfire is addressed in Manningham's Planning Scheme.

## **6. IMPLEMENTATION**

### **Finance / Resource Implications**

- 6.1 It is anticipated that there will be both financial and resourcing implications as a consequence of introduction of the updated BMO provisions. Whilst DEWLP will introduce the provisions into the Planning Scheme as part of a State-wide amendment, Council will be responsible for developing and implementing a communications strategy to inform affected landowners of the changes.

- 6.2 DELWP has advised that funding is available through the *Bushfire Planning Initiatives Fund* and Council officers will be seeking funding for the joint notification of property owners and communicating the changes.
- 6.3 While it is acknowledged that many properties would likely trigger the need for a planning permit for development under other existing planning overlays anyway, it is anticipated the changes will lead to an increase in the number of planning applications which Council will need to consider.

#### **Communication and Engagement**

- 6.4 It is proposed that, jointly with DELWP, Council notify the additional properties in Manningham affected by the changes to the BMO provisions.
- 6.5 It is also proposed to include information about the proposed changes in Manningham Matters, the Warrandyte Diary and on Council's website utilising the DELWP tools.
- 6.6 In addition, as mapping showing the existing extent of the BMO together with new areas proposed to be included in the BMO, BMO1 and BMO2 will not be very easy for the community to understand, Council officers have also been liaising with neighbouring Councils, with a view to developing a joint communications strategy and seeking funding from DELWP to prepare a better mapping tool to assist the community to better understand whether and how they might be affected.

#### **Timelines**

- 6.7 The updated BMO controls are proposed to be introduced into the Victoria Planning Provisions and local planning schemes (as applicable) as part of a State wide amendment in late April 2017.
- 6.8 Council officers understand that a State Government VC amendment (to update the SPPF) and GC amendment (to update mapping and introduce schedules to local planning schemes) are in the process of being finalised for approval by the Minister for Planning.
- 6.9 The timing of the amendment is intended to allow DEWLP to work with each of the affected councils to prepare an effective implementation strategy to meet the needs of the local community. It is also intended to allow opportunity for Council officers to attend implementation workshops prior to the introduction of the mapping.

### **7. DECLARATIONS OF CONFLICT OF INTEREST**

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

## 2017 REVIEW OF BUSHFIRE MANAGEMENT OVERLAY SUBMISSION ON BEHALF OF MANNINGHAM CITY COUNCIL

This further submission supplements Manningham City Council's previous submission on this matter sent to the *Department of Environment, Land, Water & Planning* (DELWP) in September 2016.

This submission is in response to the further refinement of the mapping and schedules sent to Council for comment by DELWP in December 2016.

These further changes have also been considered by the Manningham Municipal Fire Management Planning Committee which is chaired by the CFA and includes a Councillor, Council officers and representatives from the CFA, MFB and Parks Victoria.

Councillors were provided with a paper briefing of the changes proposed in January 2017 and endorsed this submission on 28 March 2017.

Manningham City Council's response is as follows:

### 1. Mapping

Despite this round of consultation not seeking further comment on the extensive mapping changes to affect Manningham, Council officers wish to strongly reiterate that while all of the areas proposed to be added to the BMO are located within the existing BPA, the majority have not been identified as very high or extreme in the Victorian Fire Risk Register mapping for the municipality.

In addition, and further to our comments in September 2016, officers wish to restate that Council does not support the proposed extension of the BMO, particularly in western Park Orchards. This area is included in a Low Density Residential Zone and is relatively urbanised. It is also located to the southwest of potential fire sources, making the fire spread unlikely compared to areas located south and east of potential fire sources. This area has also not been identified as very high or extreme in the VFRR mapping for the municipality.

### 2. Proposed Schedules 1 and 2 to the BMO

The detail provided to date is limited and has not been drafted as controls that would directly translate in to the Manningham Planning Scheme. The only difference between the proposed BMO1 and BMO2 is that the BMO2 requires a higher BAL rating than BMO1. No justification has been provided for why some areas of Manningham are to be located in the BMO, others are to be located in a BMO1 and others still located in a BMO2. The reasoning behind this is very important as it will assist officers in providing residents with an explanation.

Manningham City Council would be keen to discuss when further properties covered by the BMO could also be included in a BMO1 or BMO2 and thus be eligible for the 'fast track' option.

Council Officers have also been in contact with some of our neighbouring Councils and have some concern that not all BMOs are the same. Whitehorse City Council for example is to have a small area of BMO1 which will have a BAL of 29, not 12.5 such as is proposed for Manningham BMO1 properties.

Justification for why areas are to be located in the BMO, BMO1 or BMO2 is vital in assisting Council to explain these changes to our residents.

### 3. Notification/consultation of proposed changes

It is noted that when the same (for Manningham at least) proposed extension of the BMO was first mooted in September 2013 (and then inexplicably abandoned until now), a comprehensive consultation plan was proposed which included direct notification to affected property owners and the opportunity to make submissions which would be considered by an Advisory Committee.

By contrast, the current intent is to introduce the updated bushfire mapping without broad scale public consultation.

These proposed changes are to affect a further 3171 properties in Manningham, an increase of some 128% over the current extent of the BMO, which is a substantial number of additional properties.

Whilst it is noted that Councils may consider giving notice to affected owners in various ways, potentially calling on funding available through the *Bushfire Planning Initiatives Fund*, it is considered that similar to the previous proposal, the State Government should be taking the lead with consultation in association with this issue, given its wide application across the State.

Council does not have the resources, nor technical ability to be able to adequately explain to 5000+ residents what these changes mean.

That said, if DELWP is to continue to progress introduction of the changes in the manner currently proposed, Manningham City Council seeks to:

- Notify all affected property owners of the proposed changes in conjunction with DELWP and with the support of DELWP funding; and
- Seek funding with our adjoining Councils to assist in developing mapping (such as through the use of a Harvest Digital type mapping tool) to help us explain these changes to our community. Council officers have spoken to officers at Nillumbik, Whitehorse, Maroondah and Yarra Ranges and would be keen for a joint approach for our region.

#### 4. Resourcing

Whilst it is acknowledged that the introduction of schedules BMO1 and BMO2 may speed up the issuing of planning permits, the majority of affected properties in Manningham (some 4958 properties out of 5652 affected properties) are to be covered by the BMO parent provision, which does not offer the 'fast track' provisions of BMO1 and BMO2.

The increased requirement for permits is also likely to introduce further delays into the planning system, given that there are already delays in receiving referral comments from the Country Fire Authority (CFA) and increasing incidences of requests for further information in relation to applications, due to the lack of knowledge in relation to bushfire requirements, BAL ratings etc. and the need to rely on limited expert advice.

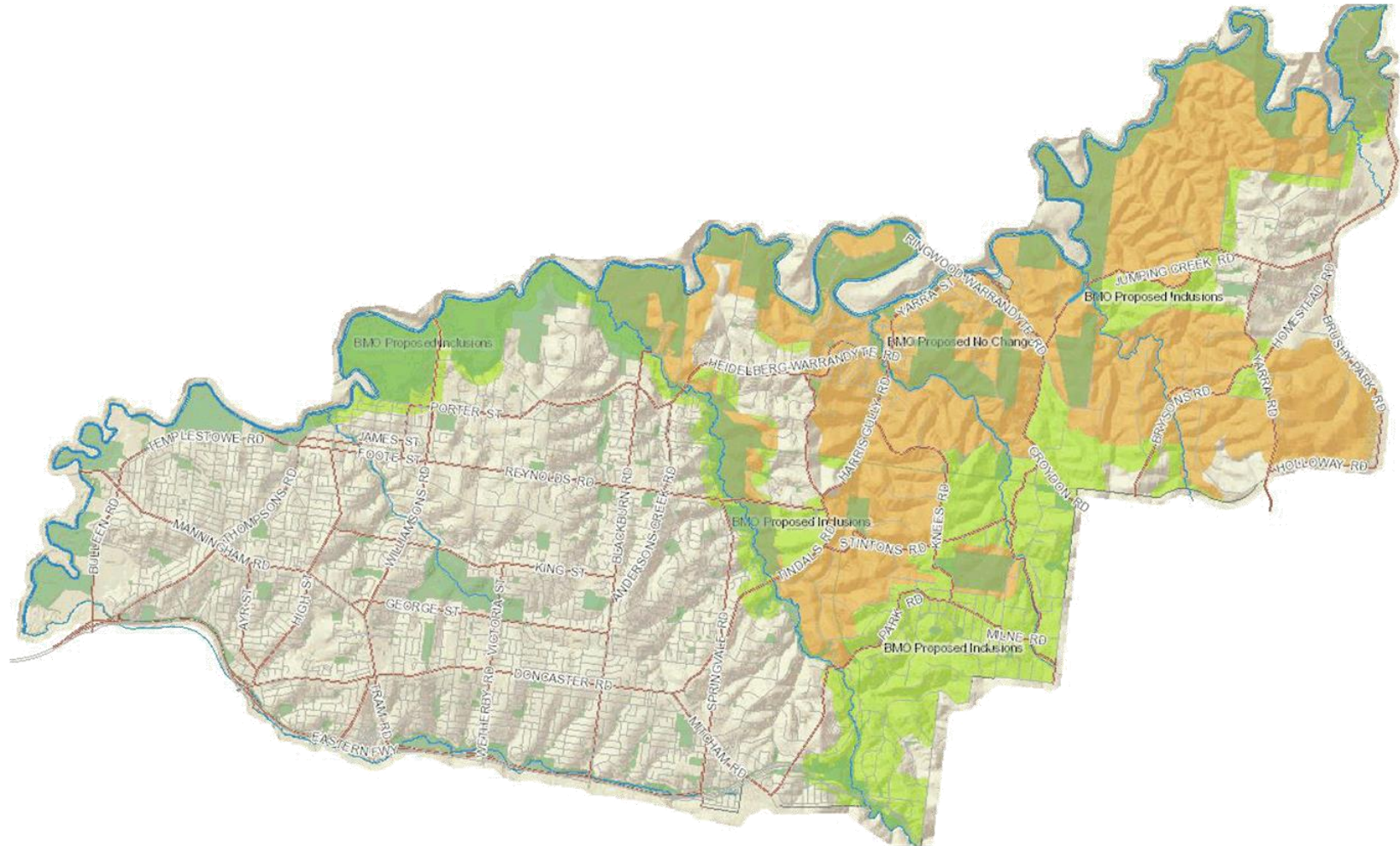
#### 5. Transitional provisions

Clarity is sought in relation to the transitional arrangements which will be in place in relation to the new provisions.


Transitional arrangements would allow already approved development that may not conform to bushfire planning regulations to proceed.



**PROPOSED STATE GOVERNMENT CHANGES TO THE BUSHFIRE MANAGEMENT OVERLAY**



### 10.3 Open Space and Streetscape Advisory Committee - Review of Terms of Reference

File Number: IN17/142  
Responsible Director: Director Planning and Environment  
Attachments: 1 Open Space and Streetscape Advisory Committee - Terms of Reference [↓](#) 

#### EXECUTIVE SUMMARY

*The purpose of this report is to seek Council approval for revised Terms of Reference for Council's Open Space and Streetscape Advisory Committee (OSSAC) and to advertise for resident representatives to serve the next three year term of that Committee.*

*OSSAC includes eight community representatives and the Committee's purpose is to provide Council with advice in relation to Manningham's public open spaces and streetscapes.*

*The key changes proposed to the Terms of Reference include:*

- *Simplifying the format of the role of the Advisory Committee;*
- *Removing the requirement that one community representative to be a professional person with suitable qualifications in relation to open space planning;*
- *Deleting specific reference to implementation of Ruffey Lake Park Management Plan and advice on development proposals in Ruffey Lake Park;*
- *Reducing the number of community representatives that are required to have a demonstrated knowledge of Ruffey Lake Park from two to one;*
- *Providing for minutes to be provided on the Council's website.*

#### 1. RECOMMENDATION

**That Council:**

- A. Endorses the revised Terms of Reference for the Open Space and Streetscape Advisory Committee (Attachment 1).**
- B. Notes that an advertisement for nominations for the eight community representative positions will appear in Manningham Matters, Manningham Leader and the Council website.**
- C. Notes that the current community representatives will be thanked for their contribution to OSSAC and will be informed of the advertisement for nominations.**

**2. BACKGROUND**

- 2.1 The purpose of the OSSAC is to capitalise on the knowledge, experience and skill available in the community to provide Council with advice in relation to Manningham's public open spaces and streetscapes.
- 2.2 OSSAC provides advice to Council in relation to the review of key Council open space, recreation, urban design and streetscape strategies. OSSAC also provides a forum for community representatives, Councillors and Council officers to exchange ideas regarding the ongoing management and enhancement of Manningham's open spaces and streetscapes.
- 2.3 OSSAC meetings are held on a quarterly basis.
- 2.4 The Committee consists of three Councillors, (one from each Ward), eight community representatives.
- 2.5 At least one community representative is required to have a demonstrated knowledge of Ruffey Lake Park.

**3. DISCUSSION / ISSUE**

- 3.1 The current OSSAC Terms of Reference were adopted in April 2016 to include a minor amendment that increased the number of community representatives to eight.
- 3.2 In February 2017 the three year term for existing community representatives ended.
- 3.3 The OSSAC Terms of Reference have been updated to provide consistency with the Terms of Reference for other Council Advisory Committees. The main changes proposed to the current Terms of Reference include:
  - Simplifying the format of the role of the Advisory Committee;
  - Removing the requirement that one community representative be a professional person with suitable qualifications in relation to open space planning;
  - Deleting specific reference to implementation of the Ruffey Lake Park Management Plan and advice on development proposals in Ruffey Lake Park;
  - Reducing the number of community representatives that are required to have a demonstrated knowledge of Ruffey Lake Park, from two to one;
  - Providing for minutes to be provided on the Council's website.

**4. COUNCIL PLAN / STRATEGY**

- 4.1 Under the theme of *“Enjoy and protect our natural spaces - We value Manningham’s natural environment and endeavour to maintain and protect it as a valuable community resource”*, the Council Plan 2013-2017 includes a specific goal of *“our open spaces, bushlands, creeks and rivers are valued and preserved”*
- 4.2 OSSAC provides advice to Council in relation to the review of key Council strategies including the *Open Space Strategy 2014* and the *Streetscape Character Strategy 2009*, as well as specific open space, recreation, urban design and streetscape development projects.

**5. IMPACTS AND IMPLICATIONS**

- 5.1 It is proposed to seek nominations for all eight community representatives.

**6. IMPLEMENTATION****Communication and Engagement**

- 6.1 Nominations for appointment to the Committee will be called by public notice in the local media, Manningham Matters, the Council website and other Council social media communication.
- 6.2 Nominees will be required to nominate on the appropriate form within the advertised period.
- 6.3 Appointments to the Committee will be made by Council based on the membership criteria in the revised Terms of Reference.
- 6.4 Members can re-nominate after their term ends in accordance with the nomination process.
- 6.5 Current community representatives will be thanked for their contribution to OSSAC and will be informed of the advertisement for nominations.

**7. DECLARATIONS OF CONFLICT OF INTEREST**

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



DRAFT

## Terms of Reference

### Open Space and Streetscape Design Advisory Committee (OSSAC)

<b>1. Purpose</b>	Capitalising on the knowledge, experience and skill available in the community to provide Council with advice in relation to Manningham's public open spaces and streetscapes.
<b>2. Roles and tasks</b>	<ul style="list-style-type: none"> <li>• To provide advice to Council in relation to the development and review of key Council strategies.</li> <li>• To provide advice to Council on the implementation of the Public Open Space Strategy (2014), the Streetscape Character Study (2009), and the Urban &amp; Park Design Guidelines (2010).</li> <li>• To provide a forum through which community representatives, Councillors and staff can exchange ideas to assist with the ongoing management and enhancement of public open spaces and streetscapes in Manningham.</li> </ul>
<b>3. Chairperson</b>	Meetings will be chaired by a Manningham Councillor, nominated by Council on an annual basis.
<b>4. Meetings</b>	<p>Meetings will be held on a quarterly basis with four meetings being held each year.</p> <p>Specific additional meetings may be required on an as-needs basis, such as during the development or review of a major strategy. Additional meetings will be subject to approval by both the Chairperson and the Director of Planning and Environment.</p>
<b>5. Membership</b>	<p>The Committee will comprise</p> <ul style="list-style-type: none"> <li>• Three Councillors (one from each Ward) as appointed by Council</li> <li>• 8 community representatives appointed by Council</li> <li>• A quorum for an Advisory Committee meeting is 50% plus one including at least:             <ul style="list-style-type: none"> <li>- One Councillor</li> <li>- Four community representatives</li> </ul> </li> </ul> <p>Officers in attendance:</p> <ul style="list-style-type: none"> <li>• Director Planning and Environment or representative</li> <li>• Manager of Parks and Recreation or representative</li> <li>• Council officers. These officers will vary depending on the issues planned for discussion.</li> </ul>
<b>6. Membership Criteria</b>	The following membership criteria will be used in making community appointments to the committee:



	<ul style="list-style-type: none"> <li>• Diversity of interests and knowledge in relation to open space and streetscapes</li> <li>• Live within the municipality</li> <li>• At least one community representative shall have a demonstrated knowledge of Ruffey Lake Park</li> <li>• Relevant experience in committees / or demonstrated ability to participate in, and constructively contribute to a group, committee, or organisation</li> <li>• Ability to regularly attend and participate in meetings as scheduled</li> <li>• A mix of skills and attributes to compliment other members of the committee</li> </ul>
<p><b>7. Nomination Process</b></p>	<p>Nominations for appointment to the Committee will be called by public notice in the local media and Council website.</p> <p>Nominees shall nominate on the appropriate form to Council within the advertised period.</p> <p>Appointments will be made by Council and selected based on the criteria above.</p> <p>Membership will be for a three year period to ensure that the representation is continuously refreshed and that opportunity is provided for new community members to participate.</p> <p>Members can re-nominate after their term ends in accordance with the nomination process.</p>
<p><b>8. Resignation</b></p>	<p>A member of the Committee may resign at any time. Notice of resignation is to be provided in writing to the Chair of the Committee.</p> <p>Membership on the Committee will be deemed to have been resigned if a member fails to attend three consecutive meetings without prior notice.</p> <p>Any member who resigns or whose membership is terminated may be replaced by the Council following a public nomination process as noted above.</p>
<p><b>9. Conflict of interest</b></p>	<p>In the event of a conflict of interest arising for any member of the Committee, the member will disclose the interest and clearly state the nature of the interest at the meeting before the matter is considered. Any member who discloses a conflict of interest in a matter must leave the room while the matter is being discussed.</p>
<p><b>10. Support</b></p>	<p>The Council will provide the necessary support to assist the committee to function effectively including:</p> <ul style="list-style-type: none"> <li>• Maintaining contact details of members</li> </ul>



	<ul style="list-style-type: none"> <li>• Preparing and distributing agendas and prior reading material</li> <li>• Preparing and distributing meeting minutes</li> <li>• Circulating other material to committee members as necessary</li> <li>• Preparation of an assembly of Councillors record as required under the Local Government Act 1989.</li> </ul>
<b>11. Media</b>	Committee members are not to represent the committee to the media without the prior approval of the Director of Planning and Environment.
<b>12. Review</b>	<p>A review of the terms of reference and the role, function, membership, and productivity of the committee will be conducted at least once every four years to ensure currency and effectiveness.</p> <p>These terms of reference may be revoked at any time by Council.</p>
<b>13. Reporting</b>	Publishing minutes on Councillor Hub and Manningham Council website.

## 11 ASSETS & ENGINEERING

### 11.1 Proposed Lease of Park Reserve Pavilion, 17 Park Avenue, Doncaster

File Number: IN17/145

Responsible Director: Director Assets and Engineering

Attachments: 1 Park Avenue Public Notice 9 January 2017 [↓](#) 

#### EXECUTIVE SUMMARY

*At its meeting on 13 December 2016, Council resolved amongst other things to give public notice of its intention to grant a lease in respect of the land and building (pavilion) situated at 17 Park Avenue, Doncaster, to the Manningham Juventus Old Boys Social Club Inc.*

*Public notice of Council's intention was published in the Manningham Leader newspaper on 9 January 2017. No submissions were received at the close of submissions on 6 February 2017.*

*In the absence of any submissions, the Council can now resolve whether or not to grant the lease to Manningham Juventus Old Boys Social Club Inc.*

#### 1. RECOMMENDATION

That Council:

A. having given public notice of its intention pursuant to sections 190 and 223 of the *Local Government Act 1989* and in the absence of any submissions to the proposal, hereby resolves to grant a lease of part of the land and building (pavilion) at 17 Park Avenue, Doncaster, to the Manningham Juventus Old Boys Social Club Inc.;

B. resolves that the Common Seal be affixed to the lease between Council and Manningham Juventus Old Boys Social Club Inc. which will contain the following general terms and conditions:

- 1 permitted use – the provision, management and administration of soccer and recreation activities and ancillary purposes as agreed by Council in writing from time to time;
- 2 term – 3 years commencing 1 April 2017;
- 3 further term – two further terms of 3 years each;
- 4 commencing rent - \$8,008.20 (including GST) per annum to be reviewed annually throughout the term and the further terms in accordance with Council's Seasonal Sports Pricing Policy;
- 5 payment of outgoings; and
- 6 other terms and conditions, including maintenance and repair obligations; and

C. resolves that the Committee established to hear submissions in



accordance with section 223 of the *Local Government Act 1989* be disbanded.

## 2. BACKGROUND

- 2.1 Manningham Juventus Old Boys Social Club Inc. ('Club') uses the pavilion and ground for its activities under a seasonal allocation grant from Council.
- 2.2 Discussions have been undertaken between the Club and Council's Parks and Recreation Officers in relation to the Club entering into a lease in respect of the Park Avenue pavilion.
- 2.3 The separate change rooms and amenities at the Park Avenue Reserve were established in 2012 and the ground will continue to be available to clubs/groups to make application for seasonal allocation through Council's Sports and Recreation unit.
- 2.4 As noted in the report to Council on 13 December 2016, the Club has an increasing membership base and has committed funds to facilitate the extension of the pavilion's social space. The improvements effected under Council's supervision will remain at the end of the lease without the Club being entitled to any compensation for such retention.
- 2.5 Even with exclusive occupancy of the pavilion under a lease, the Club will still be required to apply and enter into a separate seasonal ground allocation in respect of the abutting ground.

## 3. DISCUSSION / ISSUE

- 3.1 The Club approached Council's Parks and Recreation Officers in early 2016 to discuss the possibility of extending the size of the social facilities on the site to assist with its increasing membership base.
- 3.2 In October 2016 the Club committed \$150,000 (excluding GST) towards the extension to be constructed under Council's supervision.
- 3.3 Discussions ensued between Council's Parks and Recreation Officers and the Club to secure the Club's tenure of the pavilion. The Club has been provided with a draft lease containing the standard terms and conditions applicable for a community service use. The commencing rent is the applicable rent for a level 1 pavilion, as determined under Council's Seasonal Sports Pricing Policy. Further, the improvements are to remain at the end of the lease without the Club being entitled to any compensation.
- 3.4 The Club's contribution towards the cost of improvements to the pavilion constitutes a building or improving lease and, as such, Council must prior to resolving whether to grant a lease, publish a notice of its intention to grant the lease under section 190 of the Local Government Act 1989 ('the Act') and consider any submissions received in accordance with section 223 of the Act.
- 3.5 No submissions were received in response to the public notice published in the Manningham Leader on 9 January 2017.

- 3.6 In the absence of any submission Council can now resolve whether or not to grant the lease.

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

- 4.1 The pavilion is classified as a level 1 pavilion under the Seasonal Sports Pricing Policy and this classification has determined the commencing annual rent.

#### **5. IMPACTS AND IMPLICATIONS**

- 5.1 An extension of the social area of the pavilion will assist the Club with its growing membership base.
- 5.2 The wider community will also benefit from the enhanced pavilion, given that proposed lease enables the Club to enter into a hire agreement with a third party to use the premises on the terms and conditions set in the lease and Council's Seasonal Allocation of Sporting Facilities Conditions of Use.
- 5.3 It is anticipated that the impending synthetic soccer pitch installation on the abutting ground will result in increased usage of the ground and possibly in requests to hire the facility as set out in part 5.2.

#### **6. IMPLEMENTATION**

- 6.1 Finance / Resource Implications

The commencing rent of \$8,008.20 (including GST) accords with the rent for a level 1 pavilion, as determined by Council's Seasonal Sports Pricing Policy.

The Club has committed funds for the enhancement of the social area of the pavilion and Council, other than supervising the works, is not required to fund any part of the improvements.

- 6.2 Communication and Engagement

Council's Parks and Recreation Officers have been in communication with the Club in relation to both improvements of the pavilion's social area and entering into a lease.

Council has given notice pursuant to sections 190 and 223 of the Act of its intention to grant a lease and inviting submissions on the proposed. No submissions were received.

- 6.3 Timelines

The Council can now resolve whether or not to grant the lease. If the Council resolves to grant the lease, the initial 3 year term will commence on 1 April 2017.

#### **7. DECLARATIONS OF CONFLICT OF INTEREST**

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

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**Community Notices**

**MANNINGHAM**  
**Notice of Intention to lease part of land and building at 17 Park Avenue, Doncaster**

Manningham City Council hereby gives notice pursuant to Section 190 of the Local Government Act 1989 (the Act) of its intention to grant a lease in respect of the land and building (pavilion) situated at 17 Park Avenue, Doncaster to the Manningham Juventus Old Boys Social Club Inc. (Club).

The Council proposes to undertake an extension of the pavilion, more specifically improvements of the building's social facilities with such works to be funded by the Manningham Juventus Old Boys Social Club Inc. (Club). The improvements are to remain at the end of the lease without the Club being entitled to any compensation for their retention.

The terms of the proposed lease include the following:

- the permitted use is the provision, management and administration of soccer and recreation activities and ancillary purposes as agreed by Council in writing from time to time
- an initial term of 3 years commencing 1 April 2017
- two further terms of 3 years each commencing annual rent of \$8,008.20 (including GST) to be reviewed annually throughout the term and the further terms in accordance with Council's Seasonal Sports Pricing Policy
- payment of outgoings
- other terms and conditions, including maintenance and repair obligations


Any person has a right to make a submission on the proposed lease which will be considered in accordance with Section 223 of the Act. Written submissions must be received by 5:00pm on 6 February 2017. Submissions should be addressed to the Manager Property Services, and can be hand delivered to the Council Offices at 699 Doncaster Road, Doncaster or posted to Manningham City Council, PO Box 1, Doncaster 3108.

Any person making a submission may request in their submission that he or she wishes to appear in person or be represented by a person specified in the submission to be heard in support of their submission before a Committee comprising the Mayor and the Koorung Ward Councillors.

After consideration of submissions, Council may decide to enter into the lease or to not enter into the lease.

Warwick Winn  
Chief Executive Officer

**11.2 Adoption of Manningham's Amended Road Management Plan - 2017**

File Number: IN17/144  
Responsible Director: Director Assets and Engineering  
Attachments: 1 Road Management Plan V5 [↓](#) 

**EXECUTIVE SUMMARY**

*Manningham's Road Management Plan (RMP) has been reviewed to ensure that its content and supporting processes and standards are appropriate and current for compliance with the Road Management Act 2004 (Act) and Road Management (General) Regulations 2016.*

*Pursuant to the requirements of the Act and Road Management Regulations each municipal council (Road Authority) must complete a review of their RMP every 4 years during the same period as it is preparing its Council Plan under the Local Government Act 1989. The next/current review is due by 30 June 2017.*

*In consultation with MAV Insurance and through benchmarking against other road authorities, some adjustments have been made to a few of the intervention levels, as detailed within the report.*

*As no submissions were received, it is recommended that the revised RMP be adopted, and that a copy of the report, summarising the outcomes and findings of the RMP review, be made available for inspection at the Civic Centre.*

*A copy of the revised RMP is attached, and a summary of the proposed changes are outlined in section 2.14 of the report.*

**1. RECOMMENDATION**

**That Council:**

- A. Adopt Manningham's revised Road Management Plan.**
- B. Make available a copy of the report summarising the outcomes and findings of the Road Management Plan review for inspection at the Civic Centre during normal business hours.**
- C. Publishes a formal notice in the Government Gazette and local newspaper advising that Council has undertaken a review of Manningham's RMP and has adopted amendments.**

**2. BACKGROUND**

- 2.1 Council resolved to give notice of its intention to review Manningham's Road Management Plan (RMP) on 13 December 2016, by placing a formal notice in the local newspaper and in the Government Gazette, in accordance with section 54 of the Road Management Act 2004 (Act) and Road Management (General) Regulations 2016.

- 2.2 In accordance with the provisions of the Act, a formal notice was published in the Manningham Leader on 23 January 2017 and Government Gazette on 25 January 2017, giving notice of Council's intention to review Manningham's RMP.
- 2.3 Copies of both the current RMP and the proposed RMP (with tracked changes) were also made available for inspection at the Civic Centre by any person who wished to make any comments or suggestions regarding the RMP review by 3 March 2017. The Act allows for a period of not less than 28 days after a notice has been published for a person to make a submission.
- 2.4 No written submissions were received from the general public in regard to the proposed review of the RMP.
- 2.5 Associated Council officers were also consulted, to inform and seek feedback as a part of the review process.
- 2.6 The RMP has also been reviewed in response a number of road management forums provided by MAV Insurance, to assist Victorian council scheme members with the review of their RMP's, in order to ensure that they are reasonable and achievable in relation to public liability exposures.
- 2.7 The forums also reported on the outcomes of a benchmarking survey undertaken by MAV Insurance of the footpath intervention levels and inspection frequencies documented in all councils' RMP's. The results found that in many cases the median intervention standards were lower and response times less frequent than those in listed in Manningham's RMP.
- 2.8 For example, the survey found that the median intervention level for a footpath tripping hazard is 25mm for all councils, whereas Manningham currently has 15mm. The median routine (proactive) inspection frequency for a high risk footpath is 2 times a year and every 2 years for a low risk footpath for all councils, whereas Manningham has 4 times a year for high risk and once a year for a low risk footpath.
- 2.9 The survey also found that the median response time for defect (reactive maintenance) inspections for a high risk footpath ranges from less than a week to a month, and 1 week to a month for a low risk footpath for all councils. Manningham currently has 5 days for a high risk footpath and 30 days for a low risk footpath, which is consistent with the industry standard.
- 2.10 MAV Insurance has indicated that the intervention levels and inspection frequencies should be based on what is considered reasonable and achievable, and not aspirational, and suggested that an intervention level of 25mm for a footpath tripping hazard is achievable and likely to satisfy the reasonable test based on past court decisions. Similarly, the routine inspection frequency of 2 year intervals for a low risk footpath and twice yearly for a high risk footpath is also considered reasonable.
- 2.11 MAV Insurance also advised that the RMP should be a tailored response to the Act, and should not make any references to asset management or engineering principles, which would normally be included in the Asset Management Plans and Asset Management Strategy. Greater emphasis should also be made of available resources and priorities and what assets are to be subject of the RMP as defined in the Act.

- 2.12 The RMP should reflect details of the maintenance targets and operational objectives, including available resources, to meet the relevant standards in relation to the discharge of duties and road management functions. The RMP only needs to specify the intervention levels and response times to inspect roads and road related infrastructure in order to secure the area and determine any appropriate action, rather than details of programmed maintenance activities, which are covered in the Road Asset Management Plan (RAMP).
- 2.13 Some internal benchmarking was also undertaken of neighbouring councils and VicRoads in regard to RMP intervention standard and response times. The results found some inconsistencies between Manningham's RMP and other councils, and that in some cases the standards and response times adopted by other councils for road and footpath infrastructure were lower and less frequent than Manningham's and generally aligned to the MAV Insurance survey.
- 2.14 The proposed amendment changes to the RMP are summarised below, following the review process, which includes administrative and demographic changes, update of road asset details, adjustments to intervention standards and response times, and references to current policies, strategies and other corporate documents:

Section of RMP	Proposed Amendment
<i>Executive Summary</i>	Demographic data and asset quantities updated.
<i>3.3 Codes of Practice</i>	Additional code of practice regarding the making of Road Management Plans added.
<i>6.2 Boundary Roads</i>	Update of boundary roads that are covered by 'Agreements and Memorandum of Understandings' with adjoining councils.
<i>8. Standards</i>	<p><b>Section 8.3 and 8.4 (Maintenance Standards)</b> has been condensed and merged together to clarify more succinctly the standards for road condition assessments.</p> <p><b>Section 8.4 (Inspection Standards)</b> has been added regarding details of the defect inspections and condition assessments that are undertaken to identify hazards and defects.</p> <p><b>Section 8.5 (Risk Management)</b> has been expanded to clarify circumstances when Council is unable to deliver on the specified service levels in the RMP.</p> <p><b>Section 8.7 (Community Expectations)</b> has been removed as details are included in Council's Road Asset Management Plan (RAMP).</p>

<p>9. <i>Management System</i></p>	<p><b>9.2 (Management System)</b> has been rewritten to clarify more succinctly the management system that Council uses for the management, tracking and traceability of defect inspections and rectification works in the discharge of its duties required under the Act.</p> <p><b>Section 9.3 (Asset Management System) and 9.5 (Asset Management Policies &amp; Strategies)</b> have been removed as details are included in Council's RAMP.</p> <p><b>Section 9.6 (Budget Allocations)</b> has been rewritten to clearly articulate details of available funding allocations to enable Council to discharge its duty to inspect, repair and maintain the local road network. This now becomes Section 9.5.</p>
<p>10. <i>Road Condition and Maintenance Programs</i></p>	<p><b>10.5 (Temporary Measures)</b> has been removed and partly merged with 10.4 Section has been rewritten to clarify current funding allocations</p>
<p>11. <i>Customer Requests/Action Process</i></p>	<p>Section has been removed as details are included in Council's RAMP. Details of the management system that Council uses for the management, tracking and traceability of defect inspections and rectification works is included in Section 9.2, which is considered sufficient for compliance with the Act.</p>
<p>11. <i>Supporting Documents</i></p>	<p>This now becomes Section 11 and replaces the previous section relating to <i>Customer Requests/Action Process</i>, which has been removed. Details of the management system that Council uses for the management, tracking and traceability of defect inspections and rectification works is included in Section 9.2, which is considered sufficient for compliance with the Act.</p> <p>A number of technical and Council documents have been removed from the supporting documents as they are no longer relevant.</p>

<p>12. <i>Attachments</i></p>	<p>This now becomes Section 12 having previously been Section 13.</p> <p><b>Attachment B - Roads and Footpaths Defect Inspections and Condition Inspections</b></p> <p>Routine hazard and condition inspection frequencies have been modified (decreased) for road, footpath and bridge inspection services of the local road network based on what is considered reasonable and achievable to meet available resources and alignment with industry standards and professional advice (Refer sections 2.8 - 2.13 in the report).</p> <p><b>Attachment C - Technical Levels of Service Roads and Footpaths</b></p> <p>Response times have been modified (decreased) for road service activities based on what is considered reasonable and achievable to meet available resources and alignment to industry standards. A few activities have also been removed as they are not specifically related to the road management functions and items of infrastructure covered under the RMP, as defined by the Act, and are included in the RAMP (Refer sections 2.9, 2.10 and 2.11).</p> <p>Intervention levels have also been reduced or modified for several road and footpath activities. In particular, the vertical displacement of footpaths has been reduced from 25mm to 15mm based on what is considered reasonable and achievable to meet available resources and alignment with industry standards and professional advice (Refer 2.8, 2.10 - 2.13).</p> <p>The proposed changes to the response times and intervention levels will ensure that Manningham's RMP will deliver a more balanced and defensible response against public liability exposures.</p>
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### 3. DISCUSSION / ISSUE

- 3.1 It is proposed that Manningham's amended RMP be adopted, and that a copy of the report summarising the outcomes and findings of the RMP review be made available for inspection at the Civic Centre.

### 4. COUNCIL PLAN / STRATEGY

- 4.1 All relevant policies and strategies have been assessed as a part of the review of Manningham's RMP, to ensure that Council's strategic objectives and priorities are appropriate in the overall management of Council's infrastructure assets and road management responsibilities.

### 5. IMPACTS AND IMPLICATIONS

- 5.1 The review of Manningham's RMP will ensure that the local road network functions and standards are appropriate and current, for compliance with the Road Management Act 2004 and supporting Road Management Regulations.
- 5.2 The measurement of success of this review process will be to ensure that the community continues to be satisfied with the provision and value of services, and that the asset functionality and asset maintenance targets are clearly defined and understood.



**6. IMPLEMENTATION**

## 6.1 Communication and Engagement

6.1.1 Once adopted, a copy of the report summarising the outcomes and findings of the RMP review will be made available for inspection at the Civic Centre, and a formal notice published in the Government Gazette and local newspaper advising that Council has undertaken a review of Manningham's RMP and has adopted amendments.

## 6.2 Timelines

6.2.1 The Road Management Act and Road Management (General) Regulations state that a municipal council must conduct a review of its RMP every 4 years during the same period as it is preparing its Council Plan under the Local Government Act 1989. The next review, which is the subject of this report, is due to be completed by 30 June 2017.

**7. DECLARATIONS OF CONFLICT OF INTEREST**

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

MANNINGHAM ROAD MANAGEMENT PLAN

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# MANNINGHAM ROAD MANAGEMENT PLAN

Road Management Plan V5.doc

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Page 1 of 25

MANNINGHAM ROAD MANAGEMENT PLAN

SCHEDULE OF CHANGES AND AMENDMENTS

<b>Version</b>	<b>Date</b>	<b>Changes/Amendments</b>
V1	2 August 2004	Draft prepared in conjunction with Asset/Service Managers and circulated for internal review
V2	28 September 2004	Final draft prepared taking into account internal staff feedback and comment and approved by Council for public exhibition
V3	30 November 2004	Plan adopted by Council
V3.1	2 June 2009	Plan reviewed and amendments adopted by Council
V4	28 August 2012	Plan reviewed and amendments adopted by Council
V5		Plan reviewed and amendments adopted by Council

## MANNINGHAM ROAD MANAGEMENT PLAN

## CONTENTS

<b>1. Executive Summary</b>	<b>4</b>
1.1 Availability of Road Management Plan	5
1.2 Queries and Comments	5
1.3 Plan Review and Performance Monitoring	5
<b>2. Introduction</b>	<b>5</b>
<b>3. Purpose</b>	<b>6</b>
3.1 Purpose of RMP	6
3.2 Legislative Basis for RMP	6
3.3 Codes of Practice	7
<b>4. Content of Plan</b>	<b>7</b>
<b>5. Road Usage</b>	<b>7</b>
5.1 Road User Obligations	7
5.2 Obstruction of Road Reserve	8
5.3 Vehicle/ Pipe Crossings	8
5.4 Road Works Permit	8
<b>6. Manningham's Register of Public Roads</b>	<b>8</b>
6.1 Legislative Provision	8
6.2 Boundary Roads	9
6.3 Assets Not Included in the RMP or Listed in the Roads Register	9
<b>7. Road Hierarchy</b>	<b>11</b>
7.1 Manningham's Road Hierarchy Classification	11
7.2 Footpath Hierarchy	12
7.3 Car Parks	12
7.4 Bridges and Major Culverts	13
<b>8. Standards</b>	<b>13</b>
8.1 Setting and Determining Standards	13
8.2 Design and Construction Standards	13
8.3 Maintenance Standards	14
8.4 Inspection Standards	14
8.5 Risk Management	14
8.6 Best Value/Consultation	14
8.7 Environmental Considerations	15
<b>9. Management Practices and Systems</b>	<b>15</b>
9.1 Legislative Provisions	15
9.2 Management Systems	15
9.3 Strategic Planning	15
9.4 Budget Allocations	15
<b>10. Road Condition and Maintenance Programs</b>	<b>16</b>
10.1 Proactive Defect Inspections	16
10.2 Reactive Inspections	16
10.3 Condition Inspections	16
10.4 Repair / Maintenance / Renewal Works	16
10.5 Emergency Works	16
10.6 Site Monitoring	17
<b>11. Supporting Documents</b>	<b>17</b>
11.1 Technical Guides	17
11.2 Council Documents	17
<b>12. Attachments</b>	<b>17</b>
<b>Appendix A</b> - Manningham's Key Stakeholders and Relationships	
<b>Appendix B</b> - Manningham's Roads and Footpaths Levels of Service	
<b>Appendix C</b> - Manningham's Intervention Levels	
<b>Appendix D</b> - Customer Request / Inspection Management Process	
<b>Appendix E</b> - Glossary of Terms	

MANNINGHAM ROAD MANAGEMENT PLAN

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**1. Executive Summary**

Manningham City Council is responsible for an extensive range of infrastructure assets, including roads, for which it has responsibility under the *Road Management Act 2004* (the "Act"). Council must ensure that these assets and the services that they deliver are managed in accordance with well-developed asset management programs and strategic plans to enable these assets to continue to meet the needs of the community and growth of the city.

Manningham covers an area of 114 sq km and has a population of approximately 120,000. The city has a range of retail and business precincts, educational facilities, and vibrant residential neighbourhoods. A large section of the eastern half of Manningham is designated as a green wedge area for the protection of Melbourne's significant and natural environment. The municipality is also serviced by a road based transport network that contributes to a safe and accessible transport system throughout the municipality.

Manningham's road network consists of some 598 km of local roads that include 774 km of pathways and 882 km of kerb and channel. This includes 72 km of Declared Arterial Roads and State Highways, which are the responsibility of, and managed by, VicRoads, but Council maintains the pathways and other local components.

The Act provides that Council, as a road authority under the Act, may adopt a Road Management Plan (RMP), to establish a management system for the road management functions of the Council, which is based on policy and operational objectives and available resources, and sets relevant standards in relation to the discharge of duties in the performance of those road management functions.

This RMP is closely aligned to Council's Road Asset Management Plan (RAMP) and Asset Management Strategy (AMS), which sets out the framework for managing the life cycle requirements of Council's road infrastructure assets that support the processes and systems outlined in the RMP to deliver an efficient and functional road network.

The RMP considers road user needs and expectations in meeting 'reasonable' maintenance targets by providing an inspection regime to assess asset condition and maintenance programs relative to the local road network function. In particular, this RMP sets out the times within which, and the standards to which, Council will inspect, repair and maintain the roads and road related infrastructure for which Council is responsible.

The RMP balances the needs of road users against available resources taking into account the many other services that Council is required to deliver.

Council uses the available resources to carry out inspections, repairs and maintenance under a number of inspection and repair programs in relation to roads and associated road infrastructure. These can be classified into the categories of defect (routine hazard) inspections and condition (maintenance) assessments.

Programmed or scheduled defect inspections and condition assessments are undertaken based on Council's hierarchy classification to clearly establish different levels of service in respect to Council's road related infrastructure.

Manningham's RMP will be subject to ongoing monitoring and continuous improvement based on Best Value principles under the Local Government Act, changing legislative requirements, economic, social and environmental impacts, and from community expectations relating to current and future levels of service delivery.

MANNINGHAM ROAD MANAGEMENT PLAN

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**1.1 Availability of Road Management Plan**

This Plan and Appendices are available for inspection during normal office hours - 8:00 am to 5:00 pm each working day at:

Council's Customer Service Centre  
Manningham City Council Offices  
699 Doncaster Road  
Doncaster Victoria

Phone 9840 9333 or email [manningham@manningham.vic.gov.au](mailto:manningham@manningham.vic.gov.au) to request a copy

This Plan is also available for download from the Council's website: [www.manningham.vic.gov.au](http://www.manningham.vic.gov.au).

**1.2 Queries and Comments**

Any queries or comments in relation to this Road Management Plan should be directed to:

Asset Coordinator  
Manningham City Council  
PO Box 1  
Doncaster 3108

**1.3 Plan Review and Performance Monitoring**

Council has implemented processes to ensure that condition assessments and maintenance inspections are conducted in accordance with the frequency, methodology and criteria specified in the RMP.

This RMP will be reviewed annually as part of an audit of RMP compliance to ensure that the operational requirements of the Plan, and the standards to which Council inspects, repairs and maintains the roads and road related infrastructure, are being met.

Council will also carry out a formal review of the RMP every four years, in accordance with the requirements of the *Road Management Act 2004* and the *Road Management (General) Regulations 2016* having regard to:

- Condition and performance of assets and delivery of maintenance programs;
- Levels of service achieved against the expectations of the community and road users;
- Council's Financial Strategy and other budget priorities;
- Performance and appropriateness of Council's asset management plans and other asset related documents; and
- Consideration of any other economic, social and environmental factors or recommendations that is likely to influence the contents and/or function of the Plan.

**2. Introduction**

In accordance with the *Road Management Act 2004* (the "Act"), Manningham City Council is the "Coordinating Road Authority" for municipal roads within Manningham, as set out in the Register of Public Roads ("Register") - refer Section 6 of this Plan.

The main aim of the Act is to improve the overall management of the road network by making road authorities accountable for the standards of roads in order to provide a safe and efficient road network, while at the same time ensuring that road authorities have in place mechanisms to clearly define the standards to which they will inspect, repair and maintain the roads and road related infrastructure.

MANNINGHAM ROAD MANAGEMENT PLAN

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The Act encourages road authorities to prepare a RMP that will mitigate risk and provide a policy defence in negligence claims against road authorities by establishing a management system for road functions that is based on policy and operational objectives.

Council will make every endeavour to meet all aspects of its RMP however, there may be situations or circumstances that affect Council's business activities to the extent that it cannot deliver on the service levels in its RMP. These include, but are not limited to, municipal emergencies such as fires, floods, droughts and the like, or a prolonged labour shortage, due to a need to commit or redeploy Council resources and/or equipment elsewhere. In the event that Council has considered the impact of such an event on available resources and other conflicting priorities, and determined that the RMP cannot be met, then Council reserves the right to suspend or modify some, or all compliance standards with its RMP in accordance with section 83 of the *Wrongs Act 1958*. If such an event occurs, the response times will be measured from the resumption of normal levels of demand on the relevant resources.

### 3. Purpose

#### 3.1 Purpose of RMP

In accordance with section 50 of the Act, the purpose of Manningham's RMP is to establish a management system for the road management functions of the Council which is based on policy and operational objectives and available resources, and to set the relevant standards in relation to the discharge of duties in the performance of those road management functions.

The RMP details the decisions Council has made in relation to how it manages the roads, pathways and road related infrastructure for which Council is responsible.

The key elements of this RMP include:

- The Asset Management System that Council has established to inspect, repair and maintain the roads and road related infrastructure; and
- Details of the maintenance targets and operational objectives to meet the relevant standards in relation to the discharge of Council's duties in the performance of its road management functions.

#### 3.2 Legislative Basis for RMP

This RMP is prepared in accordance with Division 5, Sections 49-55 of the Act.

The Plan also reflects the requirements of Council as specified under sections 3A and 3C of the *Local Government Act 1989*. Other legislation which relates to this Plan includes the *Road Safety Act 1986*, the *Transport Act 1983* and Manningham's *Community Local Law 2013*.

This plan is also consistent with other Council documents including: the *Council Plan*, *Financial Strategy*, *Asset Management Policy and Strategy*, and the *Road Asset Management Plan (RAMP)*.

There are a number of external stakeholders that must also be considered to effectively manage the local road network, and Council recognises the varying needs of external stakeholders depending on whether they are residents, the business community or visitors, or drivers, cyclists or pedestrians. The groups that have been identified as key stakeholders are included as **Appendix A - Key Stakeholders**.

Council's Assets and Engineering Directorate is primarily responsible for the care and maintenance of Council's road and associated road infrastructure, as set out in Manningham's Register of Public Roads. Manningham's RAMP sets out the framework for managing the long term strategic and life cycle requirements of Council's infrastructure assets that support the processes, systems and programs outlined in the RMP to deliver an efficient and functional road network.

MANNINGHAM ROAD MANAGEMENT PLAN

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### 3.3 Codes of Practice

The following Codes, which exist under the Act, will be met by Council to the extent that they are relevant to Council:

- *Operational Responsibility for Public Roads* - this Code provides guidance in determining the physical limits of operational responsibility between road authorities for the different parts or elements within the road reserve of public roads.
- *Management of Utility and Road Infrastructure in Road Reserves* - this Code provides guidance for road authorities and utilities in planning and managing their infrastructure in road reserves, e.g. gas, water, electricity, telecommunications, etc.
- *Worksite Safety - Traffic Management* - this Code provides guidance on how to conduct any works on a road in Victoria and supports the engagement of appropriately trained and qualified persons to carry out the works or direct traffic.
- *Road Management Plans* - this code provides practical guidance to road authorities in the making of road management plans.

### 4. Content of Plan

In accordance with section 52 of the Act, this RMP includes:

- The relevant standards determined by Council in relation to the discharge of Council's duties in the performance of its road management functions; and
- Details of the management system that Council has implemented and proposes to implement in the discharge of its duty to:
  - inspect,
  - repair; and
  - maintain.

Section 39 of the Act provides that by including provisions in this Plan relating to the performance of road management functions, Council is to be taken to have made a policy decision in respect of those road management functions.

### 5. Road Usage

#### 5.1 Road User Obligations

Road users have the following obligations and duties when travelling on the local road network (Public Highway), in accordance with the relevant provisions of the *Road Management Act 2004*, the *Road Safety Act 1986* and the *Transport Act 1983*:

- A person who drives a motor vehicle on a public highway must drive in a safe manner having regard to all the relevant factors including:
  - physical characteristics and standard of construction of the road;
  - prevailing weather conditions;
  - level of visibility;
  - condition of motor vehicle;
  - prevailing traffic conditions;
  - relevant road laws and advisory signs; and
  - physical and mental condition of driver.



## MANNINGHAM ROAD MANAGEMENT PLAN

- A road user other than a person driving a motor vehicle must use a public highway in a safe manner having regard to all the relevant factors.
- A road user must have regard to the rights of-
  - Other road users and take reasonable care to avoid any conduct that may endanger the safety or welfare of other road users; and
  - The community in relation to road infrastructure and non-road infrastructure on the road reserve and take reasonable care to avoid any conduct that may damage road infrastructure and non-road infrastructure, or harm the environment of the road reserve.

Heavy vehicle restrictions also apply to some roads and bridges within the municipality and road users are obligated to adhere to applicable restrictions. These include load limits on bridges and restrictions on heavy vehicles in residential areas without a written permit.

## 5.2 Obstruction of Road Reserve

In accordance with Manningham's *Community Local Law of 2013*, property owners have a responsibility to keep the road reserve free from any encroachment or obstruction, including the placement of moveable signs, goods, tables, chairs or street furniture on the road reserve without a written permit. This also extends to any vegetation growing on private property that overhangs or encroaches onto the road reserve that either obstructs or impedes the safe and convenient use of the road reserve.

## 5.3 Vehicle/ Pipe Crossings

Property owners are responsible for the construction and maintenance of vehicle crossings and pipe crossings (driveways) that provide ingress/egress to their properties. These responsibilities include the entire portion of the crossing located within the road reserve between the property line and edge of the road pavement, including the immediate surrounds, but excluding the section of crossing where a footpath has been constructed to Council's standards.

## 5.4 Road Works Permit

Without a permit, a person must not on a road under the control or management of Council:

- Commence or carry out any works;
- Place any building material;
- Use a mobile crane;
- Occupy or fence off part of a road;
- Erect hoarding or overhead protective awning;
- Place moveable signs, goods, tables, chairs or street furniture; and
- Remove, damage, destroy or interfere with any vegetation, material or other road infrastructure.

## 6. Manningham's Register of Public Roads

### 6.1 Legislative Provision

The Act places a mandatory requirement that a road authority maintains a register of public roads that are 'reasonably available for general public purpose'.

Council has compiled a Register of Public Roads ("Register") in accordance with Schedule 1 of the Act. The Register records the name, description and classification of road assets for which the Council is responsible, together with a summary of any additions, deletions or changes required under the Act. The classifications are used in this Plan to differentiate standards for:

- inspection frequencies,
- intervention levels; and
- response times.

## MANNINGHAM ROAD MANAGEMENT PLAN

The Register nominates the roads and ancillary areas for which Council is responsible, but excludes unformed access tracks on public land and un-constructed right of ways.

The Plan also applies to parts of State Highways and Arterial Roads, where Council is the responsible road authority for some ancillary areas and assets, and these are recorded in the Register.

Council's Director Assets and Engineering and Asset Coordinator are empowered under delegation to amend, update and maintain the Register, which will be updated annually, or more frequently if changes are necessary. A copy of the Register is available for inspection on Council's website.

## 6.2 Boundary Roads

The Register defines boundary roads maintained by adjoining municipalities on behalf of Council, and these are covered by 'Agreements and Memorandum of Understandings'. The affected roads include:

Boundary Roads	Adjoining Council
Lower Homestead Road (Homestead Road and Yarra River)	Shire of Yarra Ranges
Homestead Road (Brushy Park Road and Reserve Road)	Shire of Yarra Ranges
Glenvale Road (Court bowl and Oban Road)	City of Maroondah
Smedley Road (Oban Road and No 25 Smedley Road)	City of Maroondah
Holloway Road (Yarra Road and Lyons Road)	City of Maroondah
Tortice Drive (Warrandyte Road and Old Warrandyte Road)	City of Maroondah
Yarra Road ( Holloway Road and Gatters Road)	City of Maroondah
Delatite Court (Little John Road and No15 Delatite Court)	City of Maroondah
Glynne Road (Little John Road and No 11 Glynne Road)	City of Maroondah
Williams Road (Open table drain along southern side between Athelstane Drive and Berringa Road)	City of Maroondah
Quarry Road (Beckett Road Bridge to Huggins Road)	City Of Whitehorse

## 6.3 Assets Not Included in the RMP or Listed in the Roads Register

Not all areas or all assets within the road reserve are the responsibility of Council and do not require intervention by Council for the purposes of this RMP. Section 107 of the Act states that a road authority does not have a statutory duty or a common law duty to perform road management functions in respect of a public highway which is not a public road or to maintain, inspect or repair the roadside of any public highway (whether or not a public road). Road related assets that are not included for inspection and repair under this RMP are:

1. Declared Arterial Roads and State Highways (excluding some ancillary areas and assets where Council is the responsible road authority).
2. Shared boundary roads that are the responsibility of the adjoining municipality.
3. Bridges/major culverts/overpasses that are the responsibility of other road authorities, including Melbourne Water, VicRoads and VicTrack.

MANNINGHAM ROAD MANAGEMENT PLAN

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4. Service authority infrastructure including:
  - water supply pipes and fittings;
  - drainage pipes, sewerage pipes and manholes;
  - telecommunications cables, pits and structures;
  - electricity distribution wires, poles and structures; and
  - gas supply pipes and fittings.
5. Assets and land owned, managed and maintained by other road and service authorities including:
  - Service authority temporary reinstatements to the road and pathways and other road reserve assets, and/or permanent restatements prior to Council certification; and
  - Crown and service authority land/easements.
6. Non Council street infrastructure including:
  - VicRoads signage and signal hardware (except for those identified as Council's responsibility and shown on the Public Roads Register);
  - Department of Infrastructure bus shelters; and
  - Private direction and advertising signs.
7. Street lighting (standard) involving the maintenance of all utility timber and concrete power poles is the responsibility of power companies. However, Council is responsible for the cost of operating the street lighting service on local road reserves and contributes to the cost of lighting on Arterial Roads. Council is directly responsible for some decorative lighting located at a number of shopping centres and car parks, which is separately metered.
8. Vehicle crossovers and driveways for that portion of the vehicle crossing, other than the footpath, located between the carriageway and the property boundary is the responsibility of the adjoining property owner to maintain.
9. Nature strips and infill areas within urban areas which are those residual areas between the edge of the road or back of the kerb and the property boundary not occupied by the pathway and private road crossings. These are generally grassed nature strips with responsibility for maintenance of the grass and any depressions generally being left to the adjoining property owner. However, under common law, Council as the Responsible Road Authority has an overall responsibility to ensure a minimum level of public safety.
10. Single property stormwater drains that are constructed within the road reserve from the property boundary to a discharge outlet in the kerb or into the drain are the responsibility of the property owner.
11. Nature strip landscaping works within the road reserve that are not in accordance with any Council policy or have a potential of causing obstruction or injury/damage to pedestrians or traffic movement, private roads driveways, laneways and car parks (common property) associated with private ownership.
12. Street trees and landscaped garden beds located on the road reserve that are maintained by Council.
13. Car parks that are constructed or unconstructed areas and are generally used for car parking purpose that are not in the list of car parks on the Register of Public Roads.
14. Underground drainage pipes located within the road reserve.
15. Roads constructed by others or without Council approval, unformed access tracks for the purposes of local access or un-constructed right of ways that are not listed on the Register of Public Roads.

MANNINGHAM ROAD MANAGEMENT PLAN

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**7. Road Hierarchy**

The primary purpose of a road hierarchy is to assign a functional classification to each road and street in the municipality's local road network to enable better management of the road assets.

The road hierarchy establishes an equitable road classification system that will enable the community to readily identify the road system and have clear expectations as to the design and construction parameters and maintenance targets for the road system.

The major requirement of a road hierarchy is to establish targets that are equitable and sustainable having regard to the community needs and aspirations and Councils financial capacity.

**7.1 Manningham's Road Hierarchy Classification**

Manningham's road hierarchy classification is a key element of this RMP and provides the basis for setting maintenance targets, and assists in the development of road design and construction parameters and financial planning strategies.

In developing the road hierarchy classification system for Manningham, consideration has been given to the functionally and operational performance of the local road network that takes into account a number of parameters such as; traffic volumes and types, bus routes, access to abutting properties and linkages with other roads. The classifications are generally consistent with the Austroads National Functional Road Classification system and have been structured on a separate 3-tier functional hierarchy classification system based on the functions of **Link**, **Collector** and **Access**, which clearly defines the current use of a particular road within each classification.

**Link roads** provide the main avenue of traffic movements within the municipality to the wider road network.

**Collector roads** distribute traffic between and through residential, industrial and commercial areas to the Arterial and Council Link road network.

**Access roads** provide predominantly direct access for abutting properties.

Although the generic functional definitions adopted for the rural and urban roads are the same, Manningham's local road network has been assessed and classified for rural and urban roads separately, as sub-categories of Classes 4 and 8 of the Austroads National system to provide consistency with that system.

Freeways, Highways and Declared Arterial Roads or roads not adopted by Council as their assets to maintain, such as unformed access tracks on public land, unconstructed rights of way, or roads managed by other authorities and/or under private ownership, are not included as part of Manningham's road hierarchy.

Manningham's road hierarchy, which details the classification, functional definition and general performance requirements for the local road network, is outlined below.

## MANNINGHAM ROAD MANAGEMENT PLAN

ROAD CLASSIFICATION	FUNCTIONAL DEFINITION	GENERAL ROAD DESCRIPTION AND PERFORMANCE REQUIREMENTS.
<b>RURAL and URBAN ROADS</b>		
<b>Link</b> Austroads Classification 4A and 8A	Forms main avenue of traffic movements within municipality to the wider road network. <ul style="list-style-type: none"> <li>Links towns, places of significance and industries;</li> <li>High percentage of through traffic;</li> <li>Includes access to abutting residential, industrial and commercial properties; and</li> <li>Caters for higher traffic volumes, heavy vehicles and traffic speeds.</li> </ul>	<ul style="list-style-type: none"> <li>All weather sealed road, catering for 2-way traffic, 2-lane roads;</li> <li>Good quality surface, maintained to a high standard;</li> <li>Roads of high priority;</li> <li>Direct property access generally permitted; and</li> <li>Delineation provided by guideposts and often centreline marking on sealed roads.</li> </ul>
<b>Collector</b> Austroads Classification 4B and 8B	Collects and distributes traffic between and through residential, industrial and commercial areas to the Declared Arterial and Council Link Road Network. <ul style="list-style-type: none"> <li>Connects significant residential, industrial and commercial areas;</li> <li>High percentage of through traffic;</li> <li>Includes access to abutting residential, industrial and commercial properties; and</li> <li>Caters generally higher traffic volumes, heavy vehicles and traffic speeds.</li> </ul>	<ul style="list-style-type: none"> <li>All weather road, catering for 2-way traffic, predominantly sealed, 2-lane roads;</li> <li>Good quality surface, maintained to a high standard;</li> <li>Roads of high local priority;</li> <li>Direct property access generally permitted; and</li> <li>Delineation provided by guideposts or kerb and channel and often centreline marking on sealed roads.</li> </ul>
<b>Access</b> Austroads Classification 4C and 8C	Provides some minimal through traffic but predominantly direct access for abutting properties. <ul style="list-style-type: none"> <li>Caters for low traffic volumes and generally for low traffic speeds; and</li> <li>Minimal to no through traffic.</li> </ul>	<ul style="list-style-type: none"> <li>All weather road where required for property access, catering for 2-way traffic and may be sealed or unsealed and varying width in urban areas; and</li> <li>Low quality road surface maintained to moderate standard.</li> </ul>

## 7.2 Footpath Hierarchy

The footpath hierarchy takes into account the varying risk levels associated with pedestrian volumes and/or the nature of the footpath usage and is summarised as follows:

CLASSIFICATION	FUNCTIONAL DEFINITION
High Level Pedestrian Activity	Neighbourhood Activity Centres
Medium level Pedestrian Activity	Local Activity Centres and Schools
Low Level Pedestrian Activity	Residential Areas

Note: This footpath hierarchy is only used for programming and scheduling works.

## 7.3 Car Parks

Car parks included within the Road Register are those located on the road reserve that are available for general public use and Council is responsible for management and enforcement provisions. Council maintained car parks may also be ancillary areas to Arterial Roads. Generally, the hierarchy classification and level of service is consistent with that applicable to the access roads. Off-road car parks are not included in Council's Register of Public Roads and this RMP is not applicable to the way Council manages them.

MANNINGHAM ROAD MANAGEMENT PLAN

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**7.4 Bridges and Major Culverts**

Bridges and major culverts included within the Road Register are those located on the road reserve that are available for general public use and for which Council is responsible. Generally, the level of service for bridges is to provide and maintain a safe and practical bridge network and the hierarchy classification is consistent with that applicable to the corresponding road on which the structure is located.

**8. Standards****8.1 Setting and Determining Standards**

Section 41 of the Act provides that a Road Authority may determine the standard to which it will construct, inspect, maintain and repair the items of infrastructure which are the subject of this RMP, namely:

- roadways;
- pathways;
- road infrastructure; and
- road related infrastructure.

In accordance with section 3 of the Act, road-related infrastructure means infrastructure which is installed by the relevant Road Authority (Council) for road-related purposes to:

- (a) facilitate the operation or use of the roadway or pathway; or
- (b) support or protect the roadway or pathway;

**8.2 Design and Construction Standards**

The following design and construction factors have been considered in developing rural and urban road standards for Manningham:

- functional classification;
- traffic volume and type;
- percentage of trucks;
- bus routes;
- bicycle Lanes; and
- geometric design parameters to allow for the safe and functional movements of traffic.

Council also utilises the following standards and guidelines to ensure a formalised and consistent approach to asset management:

- Australian Standards;
- Vic Roads Standards and Codes of Practice;
- Manningham's Design Standards;
- Manningham's Road and Footpath Levels of Service;
- Manningham's Infrastructure Inspection Guidelines for Roads and Footpaths (Condition and Defect Assessment Methodology); and
- Manningham's Roadside Environmental Management Strategy.

Generally, unless there has been specific information otherwise or as identified within this RMP, it has been determined that all roads and road related infrastructure has been designed and constructed as far as practicable in accordance with the above standards and guidelines.

MANNINGHAM ROAD MANAGEMENT PLAN

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**8.3 Maintenance Standards**

The maintenance of infrastructure covered by this RMP will be carried out to a standard which substantially maintains or restores the asset to the same level of function or serviceability for which it was originally designed. Council allocates funds to roads on an annual basis as part of the annual budget process. Condition assessments are performed at the intervals specified in this RMP and the information is used to estimate the remaining useful life of the assets and to assist in the valuation of Council's infrastructure assets. The frequency of condition (maintenance) inspections that are conducted for the different classifications of assets are outlined in **Appendix C - Roads and Footpaths Intervention Levels**.

**8.4 Inspection Standards**

Programmed or scheduled defect inspections and condition assessments are undertaken based on Council's hierarchy classification to clearly establish differential levels of service in respect to Council's road related infrastructure.

**Appendix B - Roads and Footpaths Defect Inspections** provides details of the inspection services and condition assessments that are undertaken to identify the various hazards and defects that require treatment in accordance with the standards Council has adopted in its RMP.

**Appendix C - Roads and Footpaths Intervention Levels** provides details of the defect intervention levels and response times that apply to activities related to the repairing of roads, footpaths and other road related infrastructure.

**8.5 Risk Management**

Council has a responsibility to keep its road and associated road network in a safe condition. It is important, in order to minimise exposure to risk, that Council ensures that maintenance funding and performance is adequate to achieve the prescribed levels of service, including inspection regimes, intervention levels and response times.

There may be situations or circumstances that affect Council's business activities to the extent that it cannot deliver on the service levels in its RMP. In the event that Council has considered the impact of such an event on available resources and other conflicting priorities, and determined that the RMP cannot be met, then Council reserves the right to suspend or modify some, or all, compliance standards with its RMP in accordance with section 83 of the *Wrongs Act 1958*. If construction and maintenance work on local roads and pathways will be undertaken in accordance with Council's adopted standards, relevant occupational, health and safety requirements, codes of practice and other supporting guidelines and regulations. The principal strategy for the management of risk associated with infrastructure assets is that of applying the risk management model based on the Risk Management Standard AS/NZS ISO 31000:2009, and generally in accordance with the Council's *Risk Management Strategy*, which sets out the principles that operate within the organisation.

**8.6 Best Value/Consultation**

The community and road users have an expectation that the road network will be maintained to a safe, functional and desirable standard that meets their needs and expectations. Community expectations are determined by community consultation and customer requests in accordance with Best Value Principles.

Council has developed a program and approach to Best Value that supports Council's commitment to faithful representation of its community, excellence in service delivery and leadership in the local government sector, which will be taken into account when carrying out the functions of the Manningham's RMP. Council's Manningham Improvements (MI) Program will be the vehicle for delivery of Best Value and will provide a means by which continuous improvement in methods, procedures, standards, service delivery and efficiency will be achieved.

MANNINGHAM ROAD MANAGEMENT PLAN

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**8.7 Environmental Considerations**

Environmental issues and considerations are considered when dealing with potential threats to native vegetation on roadsides by promoting best working practice and proactive management to maintain and enhance native vegetation while maintaining road safety and protecting community assets.

**9. Management Practices and Systems****9.1 Legislative Provisions**

Section 52 of the Act provides that a Road Management Plan may include details of the management system that a road authority proposes to implement in the discharge of its duty to inspect, maintain and repair public roads for which the road authority is the coordinating road authority or the responsible road authority.

**9.2 Management Systems**

Council has established reliable and robust information technology based systems for the management, tracking and traceability of defect inspections and rectification works. This also extends to the receiving of customer requests and for programmed maintenance works in relation to roadways, pathways and other road related infrastructure.

These asset management systems form an integral part of this RMP and provide a management system for the road functions that defines the standards to which Council will inspect, maintain and repair the local road network.

The management system process is summarised in **Appendix D - Customer Request/Inspection Management Process**.

**9.3 Strategic Planning**

Long term strategic planning is well documented within the Council Plan and in various other Council strategic plans and documents, which have all involved community consultation to ensure that community needs and expectations have been addressed.

Council's mission is to work together to deliver excellence in everything we do to build a healthy and connected community now and into the future.

The Council Plan also identifies the key strategic priorities and corporate framework to enable Council to achieve its objectives, including those related to the road and footpath network.

**9.4 Budget Allocations**

Available funding allocations to enable the Council to discharge its duty to inspect, repair and maintain public roads for which it is responsible, are determined from Council's Financial Strategy, which is updated annually as a part of the annual budget process.

When allocating funding during the budget process, every endeavour will be made to allocate the necessary resources to enable Council to carry out the requirements and standards adopted under this RMP, having regard to other competing demands and other service delivery priorities.

Further details regarding the long term refurbishment and replacement of Council's road infrastructure assets is outlined in Manningham's RAMP.



MANNINGHAM ROAD MANAGEMENT PLAN

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**10. Road Condition and Maintenance Programs**

Council uses the available resources to carry out inspections, repairs and maintenance under a number of inspection and repair programs in relation to roads and associated road infrastructure. These can be classified into the categories of defect (routine hazard) inspections and condition (maintenance) assessments.

These inspection and repair programs are summarised as follows:

**10.1 Proactive Defect Inspections**

These inspections determine if the road complies with the levels of service in accordance with the intervention levels and response times allowed for in this RMP. Scheduled defect inspections are undertaken to identify significant defects that may be deemed as a hazard to the public and the inspections are recorded for all roads regardless of the identification of a defect or not.

**10.2 Reactive Inspections**

These inspections are undertaken in response to customer enquiries or notifications. Inspection of all reported defects or safety issues are undertaken following notification by members of the community, contractors or Council employees while undertaking their normal work duties.

**10.3 Condition Inspections**

Condition inspections are conducted to identify deficiencies in the structural integrity and overall presentation of the road surface, pavement and other road related infrastructure specified in this RMP. To facilitate the inspection process, sound recording and data transfer mechanisms are utilised to ensure that Council's Asset Management and Maintenance Management Systems are populated with data that reflects as far as practicable the true situation of the condition of the road and associated infrastructure arising from the inspections.

**10.4 Repair / Maintenance / Renewal Works**

Routine maintenance and repair works are generally programmed as part of Council's Maintenance Management System in accordance with the relevant standards set out in this RMP.

Road reconstruction and renewal programs are typically carried out under Council's Capital Works Programs. The condition of road pavements, kerb and channel, and footpaths are assessed on a periodic basis by way of condition inspection as set out in **Appendix B - Roads and Footpaths Defect Inspections**.

It should be noted that the definition of "repair" in the Act also includes any action to reduce risk and temporary repairs, such as safety barriers and warning signs will be used when required.

**10.5 Emergency Works**

Emergency works are works required to be undertaken outside routine works programs to ensure the safety of road users and the public as a result of emergency incidents. Emergency works include traffic incident management, responses to fires, floods, storms and spillages, and assistance under the Victorian State Emergency Response Plan and Manningham's *Municipal Emergency Management Plan*.

Council is not responsible for providing after hours or emergency response service for utility companies, their agents, or private contractors. However, where Council becomes aware of an emergency or dangerous situation on a road, it may take action to mitigate the risk to the community and then seek reimbursement of costs from the appropriate party.

MANNINGHAM ROAD MANAGEMENT PLAN

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**10.6 Site Monitoring**

Where external contractors are used for any repair or maintenance activity, these contractors are subject to a regular site visit by the Council's Works Supervisor.

**11. Supporting Documents****11.1 Technical Guides**

- International Infrastructure Management Manual 2011, IPWEA.
- Risk Management Standard AS/NZS ISO 31000:2009.
- Code of Practice for Road Management Plans.
- Code of Practice for Operational responsibility for Public Roads.
- Code of Practice for Managing Utility and Road Infrastructure in Road Reserves and Worksite Safety Traffic Management.
- Wrongs Act 1958.
- Road Management Act 2004.
- Road Management Act (general) Regulations 2005.
- Local Government Act 1989.

**11.2 Council Documents**

- Manningham's Roads and Footpaths Levels of Service.
- Manningham Council Plan.
- Manningham Financial Strategy.
- Manningham Roads Asset Management Plan.
- Manningham Asset Management Strategy.
- Manningham Asset Management Policy.
- Manningham – Community Local Law 2013.
- Manningham Adopted Budget.
- Manningham Infrastructure Inspection Guidelines (Roads and Footpaths).

**12. Attachments**

- **Appendix A** - Manningham's Key Stakeholders
- **Appendix B** - Roads and Footpaths Defect Inspection and Condition Assessments
- **Appendix C** - Roads and Footpaths Intervention Levels.
- **Appendix D** - Customer Request/Inspection Management Process
- **Appendix E** - Glossary of Terms

## MANNINGHAM ROAD MANAGEMENT PLAN

**Appendix A – Manningham’s Key Stakeholders**

The key stakeholders are internal custodians as well as external individuals, companies, service authorities, government authorities and community groups who have a vested interest in management of roads and associated road infrastructure assets. The groups that have been identified as key stakeholders are included in the following Table.

Stakeholder	Role
Councillors	Endorse the asset management policy, strategy and plans. Set high level direction through the development of asset management principles in the Community Plan.
Senior Management	Endorse the development of asset management plans and provide the resources required to complete this task. Set high level priorities for asset management development in Council and raise the awareness of this function among Council staff and contractors. Support the implementation of actions resulting from this plan and prepared to make changes to a better way of managing assets and delivering services. Support for an asset management driven budget and LTFP.
Assets and Engineering Directorate	Consolidate the asset register and ensure the asset valuations are accurate. Develop supporting policies such as capitalisation and depreciation. Prepare asset sustainability and financial reports incorporating asset depreciation in compliance with current Australian accounting standards, and provide asset management support and administration. Provide local knowledge level detail on all infrastructure assets. Verify the size, location and condition of assets and describe the maintenance standards deployed and Council's ability to meet technical and customer levels of service.
Community Users	Users of road network assets (roads, paths, bridges, etc.) including motorists and cyclists, and include tourists and visitors to the municipality.
Footpath Users	Those who have a need for access as pedestrians (including the very young), those with disabilities, and the elderly with somewhat limited mobility) and who have differing needs to motorists and cyclists.
Users of a range of miscellaneous small and lightweight vehicles	Includes users such as pedal cyclists, motorised buggies, wheel chairs, prams, etc. where consideration has to be given to access requirements (ramps, etc.)
Residents and businesses	Those who reside, work or have involvement with property adjoining the public road reserve.
Motorised Vehicle users	Those who use vehicles such as trucks, buses, commercial vehicles, cars and cycles.
Emergency services	Includes Police, Fire, Ambulance, SES for emergency access.
Vic Roads	Responsible road authority for State and Federal Roads. Must approve of Local Area Traffic Management treatments and intersection treatments on Local Roads. Also determine overall network principles and advise on State legislation and guidelines.
Utility agencies	Those utility service providers sharing use of the road reserve (water, sewerage, gas, electricity and telecommunications).
Suppliers of goods and services	Those who require access to the road reserve for the provision and delivery of goods and services.
State and Federal Government Departments	Periodically provide support funding to assist with management of the network.
Council's Insurer.	Insurance and risk management issues. Advice with respect to public liability.

## MANNINGHAM ROAD MANAGEMENT PLAN

**Appendix B - Roads and Footpaths Defect Inspections****Routine Inspections**

The following routine hazard inspections are undertaken to identify hazards and defects that require treatment in accordance with the standards Council has set down in its RMP.

Road Management Plan Inspection Services	Asset Type	Elements	Inspection Frequency	Performance Target
Hazard Inspection - Link Roads	Urban	<ul style="list-style-type: none"> <li>Wearing course and pavements</li> <li>Kerb and channel</li> <li>Drainage pits</li> </ul>	3 times per year	90%
	Rural		3 times per year	90%
Hazard Inspection - Collector Roads	Urban	<ul style="list-style-type: none"> <li>Guardrail</li> <li>Wire rope barriers</li> </ul>	2 times per year	90%
	Rural		2 times per year	90%
Hazard Inspection - Access Roads	Urban	<ul style="list-style-type: none"> <li>Unsealed shoulders</li> </ul>	Every 2 years	90%
	Rural		Every 2 years	90%
Hazard Inspection - Sealed Laneways	All	<ul style="list-style-type: none"> <li>Open drain functionality</li> <li>Signs and roadside furniture</li> <li>Line marking and delineation</li> </ul>	Once a year	90%
Hazard Inspection - Unsealed Roads	All	<ul style="list-style-type: none"> <li>Pavement</li> <li>Guardrail</li> <li>Open drain functionality</li> <li>Signs and roadside furniture</li> </ul>	2 times per year	90%
Hazard Inspection - Commercial Car Parks	All	<ul style="list-style-type: none"> <li>Footpaths</li> <li>Line marking</li> <li>Furniture and signs</li> </ul>	2 times per year	90%
Hazard Inspection - Footpaths	Concrete and Pavers	<ul style="list-style-type: none"> <li>Steps</li> <li>Cracking</li> <li>Tree Root displacement</li> </ul>	Every 2 years	90%
	Asphalt and Gravel	<ul style="list-style-type: none"> <li>Pavement</li> <li>Cracking</li> <li>Tree root displacement</li> </ul>	Every 2 years	90%
Hazard Inspection - Neighbourhood Activity Centres	All	<ul style="list-style-type: none"> <li>Footpaths</li> <li>Obstructions</li> <li>Furniture and Signs</li> <li>Line marking</li> </ul>	2 times per year	90%
Hazard Inspection - Local Activity Centres	All		2 times per year	90%
Traffic and Pedestrian Signals	All	<ul style="list-style-type: none"> <li>Operational maintenance</li> </ul>	3 times per year	90%
Bridges and Major Culverts - VicRoads Level 1 inspections	All	<ul style="list-style-type: none"> <li>Physical components</li> <li>Associated infrastructure</li> </ul>	Once a year	90%

## MANNINGHAM ROAD MANAGEMENT PLAN

**Condition Inspections**

The following condition inspections and assessments are undertaken to identify deficiencies in the structural integrity and overall presentation of the road and associated road infrastructure.

Condition Assessments and Other Inspections	Asset Type	Inspection Interval	Performance Target
Condition Assessment - Link Roads	Urban	Once in 4 years	90%
	Rural	Once in 4 years	90%
Condition Assessment - Collector Roads	Urban	Once in 4 years	90%
	Rural	Once in 4 years	90%
Condition Assessment - Access Roads	Urban	Once in 4 years	90%
	Rural	Once in 4 years	90%
Condition Assessment - Unsealed Roads	All	2 times per year	90%
Condition Assessment - Car Parks	Commercial	Once in 4 years	90%
Condition Assessment - Footpaths	Asphalt	Once in 4 years	90%
Condition Assessment - Bridges (VicRoads Level 2 Inspections)	Road and Pedestrian	Once in 3 years	90%

## MANNINGHAM ROAD MANAGEMENT PLAN

**Appendix C - Roads and Footpaths Intervention Levels.****Technical levels of Service - Intervention Levels (Roads)**

The technical Levels of Service, which are alternatively known as Operational Levels of Service, apply to activities related to repairing roads, footpaths and other associated infrastructure, so that they provide the intended life and service to the community.

Operational Activity	Intervention Level	Primary Response Time (Inspect and determine appropriate action within specified timeframe) Response times are indicated in business days				Performance Target
		Link and Collector Roads	Access Roads	Car Parks	Laneways	
Potholes (sealed road)	When pothole exceeds 100 mm in depth and/or 300 mm in diameter.	5 days	15 days	15 days	15 days	90%
Edge drop onto unsealed shoulder	When the drop from traffic lane to shoulder exceeds 100 mm over a 20 m length.	10 days	10 days	n/a	n/a	90%
Unsealed road	When rutting, potholing and corrugations exceed 100 mm in depth over 20% of the road.	n/a	10 days	10 days	n/a	90%
Kerb and Channel, culverts and open drains	Ponding or overflow of water >100mm deep that affects the operation or use of the roadway or pathway.	5 days	15 days	15 days	n/a	90%
Drainage pits	Damaged, missing pit lids, surrounds or grates in pedestrian areas or traffic lanes.	5 days	5 days	5 days	5 days	90%
Warning and Regulatory Signs	Missing, illegible, damaged, and misleading making them substantially ineffective.	5 days	5 days	5 days	5 days	90%
Guardrails, safety barriers and pedestrian fencing	Defective, damaged or missing guardrails, safety barriers or pedestrian fencing.	10 days	10 days	10 days	10 days	90%
Guide Posts	Damaged, worn, or missing at critical locations.	10 days	10 days	10 days	10 days	90%
Road Markings	Missing, illegible or misleading making them substantially ineffective.	10 days	15 days	20 days	20 days	90%
Council Managed Traffic and Pedestrian Signals	All faults and defects as defined by the Service Specification.	1 days	1 days	1 days	n/a	90%

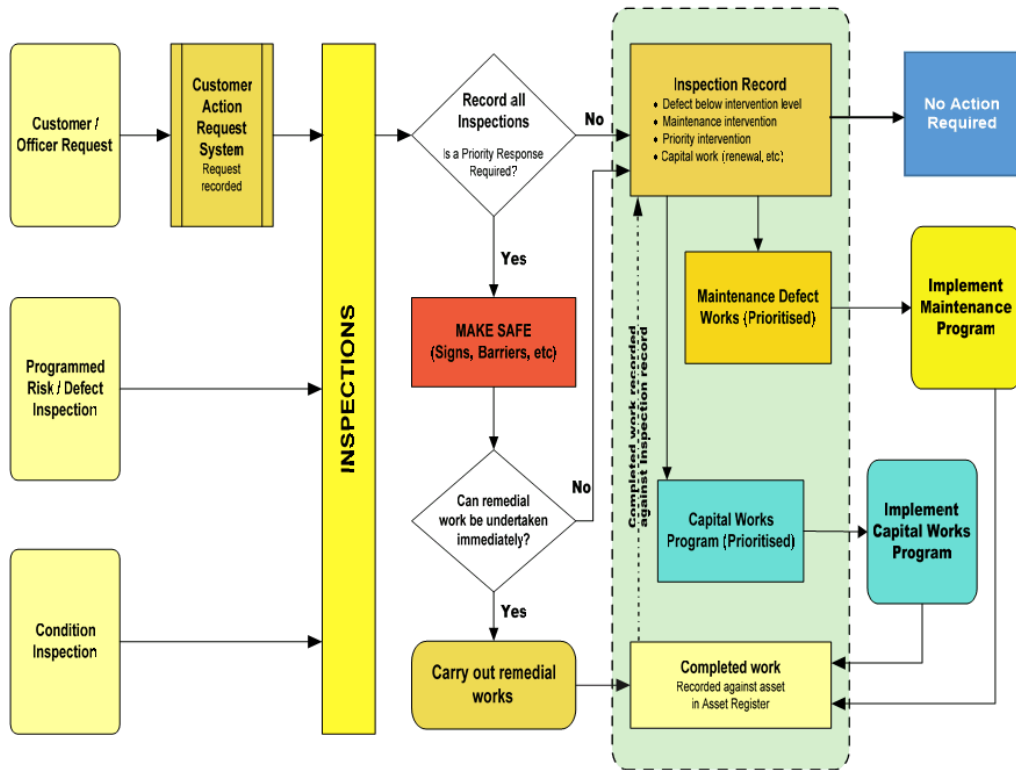
MANNINGHAM ROAD MANAGEMENT PLAN

**Technical levels of Service – Intervention Levels (Footpaths)**

Operational Activity	Intervention Level	Primary Response Time (Inspect and determine appropriate action within specified timeframe) Response times are indicated in business days			Performance Target
		High Activity	Medium Activity	Low Activity	
Concrete footpaths and bicycle/shared paths	Vertical displacement >= 25mm	5 days	15 days	30 days	90%
Asphalt footpaths and bicycle/shared paths	Vertical displacement ≥ 25mm	5 days	15 days	30 days	90%
Brick and paver footpaths	Vertical displacement ≥ 25mm	5 days	15 days	30 days	90%
	Missing pavers	5 days	15 days	30 days	90%
Crushed rock and gravel footpaths	When rutting, potholing and corrugations exceed 50mm depth over more than 50% of the path width.	5 days	15 days	30 days	90%

MANNINGHAM ROAD MANAGEMENT PLAN

Appendix D - Customer Request/Inspection Management Process





MANNINGHAM ROAD MANAGEMENT PLAN

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**Appendix E - Glossary of Terms**

**Condition Inspection.** An inspection specifically to identify deficiencies in the structural integrity of road infrastructure assets rather than immediate, visible defects. A condition inspection enables Council to calculate the remaining useful life of the asset. A road pavement, for example, may have no defects which require repair but at the same time have little remaining life. Condition inspections are used in the process of prioritising longer term maintenance / renewal work, not immediate repair of defects.

**Defect** means a localised failure or imperfection in an asset. Examples are a pothole in a road surface or a crack in the surface of a concrete pathway. Defects may be below the specified intervention level for the type of defect in the particular type of asset or may have reached the intervention level. Defect does not include the design of the asset or the construction of an asset in accordance with the design whether or not such design is of a type currently used or allowed by Council and whether or not such design could be said to be deficit compared to current designs.

**Defect Inspection.** An inspection undertaken in accordance with a formal inspection schedule (as set out in Appendix B - Roads and Footpaths Defect Inspections), to determine if an asset has reached an intervention level specified in this RMP.

**Defect Inspection, Reactive.** A reactive defect inspection is a defect inspection in response, for example, to a report by a member of the public or Council employee or contractor. It is conducted in order to ascertain whether the asset in question is the responsibility of Council, whether a defect exists and, if so, whether it has reached an intervention level specified in this Plan.

**Emergency Inspection** is a reactive defect inspection where the person reporting the defect indicates that the defect presents an immediate threat of personal injury or property damage to members of the public or the blocking of traffic on a road which is classified in the Register as a link or collector road.

**Emergency Works** means works required in respect of a defect that presents an immediate threat of personal injury or property damage to members of the public or the blocking of traffic on a link, collector or access road.

**Infrastructure manager** means either the responsible road authority under section 37 of the Act, or the person or body that is responsible for the provision, installation, maintenance or operation of the non-road infrastructure;

**Intervention Action** means any action to conduct a repair.

**Intervention Level** means the level at which the standards set out in this RMP require intervention action to be taken.

**Maintenance** is used in this RMP to refer to the process of renewal of an asset as distinct from repair of specific defects. Maintenance is generally carried out under cyclical longer term programs rather than within the shorter time frames allocated to defects.

**Pathway** means a footpath, bicycle path or other area constructed or developed by a responsible road authority for use by members of the public other than with a motor vehicle but does not include any path, which has not been constructed by a responsible road authority; or which connects to other land;  
*Examples:*

A footpath or bicycle path constructed on a road reserve by a responsible road authority for use by the general public would be a pathway.

A foot trodden track over roadside land or a path that connects from a roadway or footpath to privately owned land would not be a pathway.

## MANNINGHAM ROAD MANAGEMENT PLAN

**Repair** means the taking of any action to remove or reduce a risk arising from a defect in a roadway, pathway or road-related infrastructure, including:

- (a) reinstating a road to its former standard following works to install any infrastructure;
- (b) reinstating a road to its former standard following deterioration or damage; and
- (c) providing a warning to road users of a defect in a roadway, pathway or road-related infrastructure - but does not include the upgrading of a roadway, pathway or road-related infrastructure.

*Examples:*

Filling in a pothole in a roadway, resurfacing the roadway and erecting a warning sign would be actions to repair the road.

**Response Time** is the time in which the standards set out in this Plan require intervention action to be taken.

**Road Pavement** refers to that part of a road which is sealed and intended for the use of motor and other vehicles.

**Road-related infrastructure** means infrastructure which is installed by the relevant road authority (Council) for road-related purposes to:

- (a) facilitate the operation or use of the roadway or pathway; or
- (b) support or protect the roadway or pathway;

*Examples:*

A traffic control sign, traffic light, road drain or embankment would be road-related infrastructure.

A noise wall, gate, post or board installed on the road reserve by the relevant road authority for road-related purposes would be road-related infrastructure.

**Road Register** means the list of local roads and ancillary areas contained in Council's *Register of Public Roads* ("Register") to which this RMP applies.

**Road Reserve** means all of the area of land that is within the boundaries of a road.







**Roadside** is any land that is within the boundaries of a road (other than the shoulders of the road) which is not a roadway or a pathway and includes the land on which any vehicle crossing or pathway which connects from a roadway or pathway on a road to other land has been constructed.

**Roadway** means:

- (a) in the case of a public road, the area of the public road that is open to or used by members of the public and is developed by a road authority for the driving or riding of motor vehicles;
- (b) in the case of any other road, the area of the road within the meaning of "road" in section 3(1) of the Road Safety Act 1986, but does not include a driveway providing access to the public road or other road from adjoining land;

**Vehicle crossing** means the driveway and pathway which connects from a roadway or pathway on a road to other land.

### 11.3 King Street Stage 1 Special Charge Scheme - Declaration and Levy

File Number:	IN17/147
Responsible Director:	Director Assets and Engineering
Attachments:	<ol style="list-style-type: none"><li>1 Scheme Plan <a href="#">↓</a> </li><li>2 Apportionment <a href="#">↓</a> </li><li>3 Estimated Cost to be Recovered <a href="#">↓</a> </li><li>4 Total Estimated Cost <a href="#">↓</a> </li><li>5 Minutes of Submissions Hearing &amp; Summary of Submissions Received <a href="#">↓</a> </li><li>6 Written Submissions <a href="#">↓</a> </li></ol>

#### EXECUTIVE SUMMARY

*Council at its meeting of 30 August 2016 resolved in part, pursuant to Section 163 (1A) of the Local Government Act 1989 (Act), to give public notice of its intention to declare a special charge at the Council meeting scheduled for 31 January 2017, for the construction of various components of works associated with the reconstruction of King Street Stage 1.*

*The declaration of the Scheme was delayed due to the election period and the need to nominate councillors to the Special Committee of Council (Submissions Committee) to hear submissions in respect of Council's intention to declare a Charge for King Street Stage 1.*

*The Special Charge for King Street Stage 1 will provide a proper, safe and suitable road and property services, that will:*

- a. Improve vehicle access to and from the properties abutting on or accessing the road via the works;*
- b. Improve safety and amenity for residents, motorists, cyclists and pedestrians;*
- c. Reduce wear and tear on vehicles;*
- d. Reduce the need for future clearing of open table drains and associated maintenance of the road; and*
- e. Enhance the amenity and character of the land and the local area.*

*In accordance with the provisions of the Act, a Public Notice was placed in the Manningham Leader and individual notices were also forwarded to affected property owners on 28 November 2016, inviting submissions by 30 January 2017.*

*Three (3) submissions were received and referred to the King Street Stage 1 (Submissions) committee. The committee met on 1 March 2017 to receive and consider verbal submissions and objections. Of the three submissions only one (1) property owner made a verbal submission in support of their written submission.*

*Having considered all written submissions received and having heard verbal submissions, the Submission Committee resolved to adopt the scheme, with a minor modification of removing the parking bay and cost apportioned to the property owner of 166 King Street, which was the owner's only contribution to the works. The removal of*

*the parking bay and associated charge will not affect the apportionment of cost to all other property owners in the scheme.*

*Accordingly, it is recommended that Council proceed to declare a Special Charge under Section 163(1) of the Act, with the minor modification recommended by the King Street Stage 1 (Submissions) Committee for the construction of various components of works associated with the reconstruction of King Street Stage 1.*

## **1. RECOMMENDATION**

**That Council:**

- A. Taking account of the submissions received, the officer responses to the submissions received, the benefits and demonstrated need for the proposed scheme, and the King Street Stage 1 Special Committee recommendations, modifies the scheme to the extent of removing the cost of the parking bay apportioned to 166 King Street.**
- B. Having considered all submissions received and taken account of all objections lodged and complied with the requirements of sections 163A, 163B and 223 of the Local Government Act 1989 (Act), and otherwise according to law and having, so far as can be ascertained from available records and can reasonably be concluded, ascertained that the components of the road for which it is proposed the special charge will be declared has not previously been constructed by way of a special rate or special charge, hereby declares a special charge (Special Charge) under Section 163(1) of the Act for the purposes of defraying expenses incurred or to be incurred by Council in relation to the construction of King Street Stage 1 between Blackburn Road and Wyena Way in Templestowe for the provision of any ancillary works, including vehicle crossings that have not previously been constructed, recessed parking bays landscaping nature strips and street trees, in accordance with the following details:
  - I. The criteria which form the basis of the King Street Stage 1 Special Charge Scheme applies to the ownership of rateable land in the area of the scheme, and is based on the benefit units and property areas according to the scheme's criteria. This is calculated by ratio of area (25 percent) and benefit units (75 percent), where an area adjoins or benefits from access to the road, and in regard to the area of the lands and accessibility of the works to the lands.**
  - II. In declaring the Special Charge, Council is performing functions and exercising powers in relation to the peace, order and good government of the municipal district of the City of Manningham, in particular the provision of proper, safe and suitable roads and property services within the area for which the Special Charge is declared.**
  - III. The total cost of the performance of the function and the exercise of the power by Council (in relation to the provision of provision of proper, safe and suitable roads and property services within the area for which the Special Charge is declared) is \$2,258,479.01 being the estimated cost of the works to be undertaken.**
  - IV. The estimated amount to be levied under the Scheme as the Special****

**Charge is \$80,012.40.**

- V. The Special Charge will commence after 28 April 2017 subject to no appeals to VCAT and remain in force for a period of 10 years.**
- VI. The area for which the Special Charge is declared is all of the land shown on the plan set out in the attachment forming a part of this declaration (being Attachment 1).**
- VII. The land in relation to which the Special Charge is declared is all that rateable land described in the listing of rateable properties set out in the attachment forming a part of this declaration (being Attachment 2).**
- VIII. The Special Charge will be declared and assessed in accordance with the amounts set out alongside each property in the attachment forming part of this declaration (being Attachment 2), such amounts having respectively been assessed based on the area of properties in the scheme (as to 25%), the benefit units derived by each property within the scheme (as to 75%), the cost of individual vehicle crossings for properties that have not previously been constructed by individual property owners, recessed parking bays requested by a property owner nature strips and street trees.**
- IX. The Special Charge will be levied by sending a notice of levy in the prescribed form to the persons who are liable to pay the Special Charge.**
- X. Because the performance of the function and the exercise of the power in respect of which the Special Charge is declared and levied relates substantially to capital works, the Special Charge will be levied on the basis of an instalment plan being given to ratepayers whereby –**
- a. quarterly instalments are to be paid over a 10 year period; and**
  - b. quarterly instalments will include a component for reasonable interest costs, the total of which will not exceed the estimated borrowing cost of Council in respect of the construction of the various components of the road by more than 1%.**
- XI. Council will consider cases of financial and other hardship and may reconsider other payment options for the Special Charge**
- XII. No incentives will be given for payment of the Special Charge before the due date for payment.**
- XIII. Council considers that there will be a special benefit to the persons required to pay the Special Charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the Special Charge, and directly and indirectly as a result of the expenditure of the Special Charge the value and the use, occupation and enjoyment of the properties included in the Special Charge Scheme area will be maintained or enhanced through the provision of proper, safe and suitable roads and property services. Without limitation, Council considers that the works to be provided under the Special Charge**

**Scheme will:**

- a. Improve vehicle access to and from the properties abutting on or accessing the road via the works;
- b. Improve the safety and amenity for residents, motorists, cyclists and pedestrians;
- c. Reduce wear and tear on vehicles;
- d. Reduce the need for future clearing of open table drains and associated maintenance of the road; and
- e. Enhance the amenity and character of the land and the local area.

**XIV.** For the purposes of having determined the total amount of the Special Charge to be levied under the Scheme, Council further considers and formally determines for the purposes of sections 163(2)(a), (2A), and (2B) of the Act that the estimated proportion of the total benefits of the Scheme to which the performance of the function and the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to all persons who are liable to pay the Special Charge is in a ratio of 3.83%. This is on the basis that, in the opinion of Council;

- a. there are properties in the Scheme which will receive a special benefit but which are not included in the scheme being properties that have already contributed to the cost of works through a development approval process or a subdivision where it was a requirement of the permit to subdivide land to undertake works; and
- b. community benefits are considered to exist in circumstances where the works will provide tangible and direct benefits to people in the broader community.

**XV.** Notice be given to all owners of properties included in the Scheme and all persons who have lodged a submission and/or an objection in writing of the decision of Council to declare and levy the Special Charge commencing after 28 April 2017 subject to no appeals to VCAT, and the reasons for the decision.

**XVI.** For the purposes of paragraph Q, the reasons for the decision of Council to declare the Special Charge are that:

- a. There is minimal objection to the Scheme and it is otherwise considered that there is a broad level of support for the Special Charge from all property owners;
- b. Council considers that it is acting in accordance with the function and powers conferred on it under the Local Government Act 1989, having regard to its role, purposes and objectives under the Act, particularly in relation to the provision of proper, safe and suitable roads and property services for properties in the area for which the

**Special Charge is declared;**

- c. all persons who are liable or required to pay the Special Charge and the properties respectively owned by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or an enhancement or maintenance in the use, occupation and enjoyment of the properties;
- d. the basis of distribution of the Special Charge amongst those persons who are liable or required to pay the Special Charge is considered to be fair and reasonable;
- e. the works proposed by the Scheme are consistent with the policies and objectives set out in the Planning Scheme for the area; and
- f. the works proposed for the construction of the Road for properties in the area for which the Special Charge is declared are necessary, reasonable, not excessive, sufficient, suitable and not costly having regard to the locality or environment and to the probable use of the Road.

**XVII. Note that the final charges to the property owners cannot exceed the declared contributions by more than 10%. Any project cost overrun exceeding this amount is to be funded by Council.**

**XVIII. Note that following the completion of the scheme works, Council will be responsible for all costs associated with the regular maintenance of the proposed Road once completed.**

## **2. BACKGROUND**

- 2.1 Council at its meeting of 28 June 2016 resolved (in part) that Council authorise Council officers to prepare two special charge schemes for King Street as follows:
  - 2.1.1 *A special charge scheme be prepared for the provision of landscaping, street trees and vehicle crossings on the north side of King Street between Wyena Way and Blackburn Road.*
  - 2.1.2 *A second special charge scheme for the section of King Street between 110 King Street and Victoria Street, for the construction of a footpath on the south side of King Street and the provision of landscaping, street trees and vehicle crossings on the north and south sides of the street.*
- 2.2 Following the adoption of this resolution Council officers subsequently prepared a scheme for the provision of landscaping of nature strips, street trees and vehicle crossings on the north side of King Street, between Wyena Way and Blackburn Road, known as “*King Street – Stage 1 Works*”.
- 2.3 The scheme was subsequently presented to Council at its meeting of 30 August 2016 where Council resolved in part to:
  - 2.3.1 Pursuant to Section 163 (1A) of the Local Government Act 1989 (Act), give public notice of its intention to declare a special charge at the

Council meeting scheduled for 31 January 2017, generally in accordance with the process detailed in the recommendations of the report;

- 2.3.2 Give notice of its intention to declare a special charge for the purpose of defraying any expenses in relation to the construction of various components of works associated with the construction of King Street Stage 1 for properties with an abuttal to King Street; and
- 2.3.3 Appoint two Councillors to a Committee of Council under Section 223 (1)(b)(i) of the Act, to be known as the King Street Stage 1 Special Charge Scheme (Submissions) Committee, nominate the Chairperson of the Committee and nominate two councillors as substitute committee members, if required, at its November 2016 meeting.
- 2.4 In accordance with the provisions of the Act, a Public Notice was placed in the *Manningham Leader* and individual notices were also forwarded to affected property owners on 28 November 2016, inviting submissions by 30 January 2017.
- 2.5 A further report was considered by Council at its meeting of 13 December 2016, where it was resolved in part to appoint Councillor Gough and Councillor Haynes to a Committee of Council under Section 223 (1)(b)(i) of the Act, to be known as the King Street Stage 1 Special Charge Scheme (Submissions) Committee, nominate the Chairperson of the Committee as Councillor Gough, and nominate Councillor Piccinini and Councillor Chen as substitute committee members, if required.
- 2.6 The King Street Stage 1 Submissions Committee met on 1 March 2017 to consider written submissions and to hear any person that wanted to be heard in support of their written submissions received, on Council's intention to declare a Special Charge to recover the cost of construction of various components of works associated with the construction of King Street Stage 1.
- 2.7 The intention of this report, having considered and heard submissions to the scheme, is to seek Council's authorisation to declare a special charge for the provision of landscaping works, street trees, vehicle crossings and parking bay on the north side of King Street between Wyena Way and Blackburn Road, known as "*King Street Stage 1 Special Charge Scheme*".

### **Special Charge Scheme**

- 2.8 Where infrastructure works have not previously been constructed, Council has powers, under the provisions of Section 163 of the Local Government Act 1989, to construct such infrastructure at the cost of owners who will derive a "special benefit" from such works, by means of a special charge scheme.
- 2.9 Council's Contributory Projects – Special Rates & Charges Policy, details the basis of determining the amount which can be recovered from benefitting property owners for various infrastructure works. Relevant details of Council's current policy are set out in section 4 of this report.
- 2.10 The reconstruction works associated with King Street between Blackburn Road and Wyena Way involve the construction of kerbing, the provision of two 3.5 metre lanes in each direction, lane widening at select intersections, line marking,



a 3.0 metre wide shared path on the north side of King Street, underground drainage, vehicle crossings, parking bays at requested locations, street trees and landscaping of nature strips. The purpose of the works is to construct the road to modern day standards and improve the amenity of the area.

- 2.11 The costs associated with those vehicle crossings which have not been formally constructed, parking bays at select locations which have been requested by property owners, street trees and landscaping of nature strips, will be the subject of the special charge.

Property numbers 107, 113, 115, 117, 119-121, 123, 125-127, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 155, 157, 159, King Street, 1 Taparoo Road, 1 Wyena Way and the tree reserve at the corner of King Street and Blackburn Road are considered to derive a special benefit from the works that will be subject to a special charge, in that the works will improve the amenity of the area and improve accessibility to and from King Street.

### 3. DISCUSSION / ISSUE

#### Submissions for King Street Stage 1 Special Charge Scheme

- 3.1 The submission period for the King Street Stage 1 Special Charge Scheme closed on 30 January 2017 and 3 written submissions were received. Submissions were received from the property owners of Units 3 and 4/2 Wyena Way and from the owner of 166 King Street.
- 3.2 All submitters were invited to attend the Submission Committee that was held on the 1 March 2017, and the property owners of Unit 4/2 Wyena Way attended the meeting and gave a verbal submission in support of their written submission.
- 3.3 A summary of the submissions received, including the grounds of objection and the officers comments in respect of the objections received, are detailed in attachment 5 of this report.
- 3.4 The grounds of submission provided by Units 3 and 4/2 Wyena Way were not supported by the Committee, on the grounds that residents had not previously been charged by Council for works proposed to be apportioned to the owners nor had the owners paid indirectly for the existing works through the provisions of a subdivision or development approval process.
- 3.5 The grounds of submission from the owner of 166 King Street are recommended to be accepted and the parking bay and associated charge, which was solely to be funded by the owner, be deleted from the scheme.
- 3.6 Having considered all written submissions received and having heard verbal submissions, the Submission Committee recommends that the scheme be adopted, with a minor modification of removing the cost apportioned to the property owner of 166 King Street for the parking bay which was the owner's only contribution to the works. The removal of the parking bay will not affect the apportionment of cost to all other property owners in the scheme.

#### Description of Works

- 3.7 The special charge has been prepared in accordance with the provisions of Section 163 of the Local Government Act 1989 and Council's Policy for

'Contributory Projects – Special Rates & Charges', and provides for cost recovery for the construction of the following components of infrastructure works associated with the reconstruction of King Street Stage 1 (Attachment 3):

- 3.7.1 The topsoiling of nature strips, installation of garden beds at select locations along the street and planting of street trees.
- 3.7.2 The construction of unconstructed vehicle crossings in reinforced concrete that have not previously been constructed by individual property owners. Individual property owners will be charged a special charge for the construction of the vehicle crossing serving their property.
- 3.7.3 The construction of flexible pavement parking bays in accordance with Council's standards at select locations requested by individual property owners. Similarly individual property owners will be charged a special charge for construction of these parking bays.
- 3.7.4 Contingency Allowance & Professional / Administrative Fees
  - A contingency of 10% of the estimated cost of the works is allowed in the cost of the scheme.
  - Allowance of 10% of the scheme cost has been included for project management fees for the design, administration and supervision of the works.
- 3.8 The contribution of Council to the proposed reconstruction scheme works includes the construction costs associated with:
  - Pavement reconstruction works to provide a 3.5 metre wide traffic lane in each direction
  - Lane widening at selected intersections, including the provision of an exclusive right turn lane at the intersection of King Street and Tuckers Road.
  - Kerb and channel on both sides of the street.
  - A 3.0 metre wide shared path on the north side of the street, in accordance with the requirements of Council's Bicycle Strategy.
  - Underground drainage and house drainage connections.
  - Signage, line marking and service alterations.

### **Special Beneficiaries**

- 3.9 There are thirty two (32) properties considered to derive a special benefit from the scheme works. No other properties will receive special benefit from the proposed scheme works.
- 3.10 There is one non rateable property which has been included in the scheme, namely the tree reserve on the corner of Blackburn Road and King Street which is considered to receive a special benefit. The cost to be recovered for this property will be apportioned to Council.
- 3.11 All thirty two (32) properties will be required to pay the special charge.

Total number of properties in the scheme TSB (in) = 32.

Total number of properties out of the scheme TSB (out) = 164

### **Level of Special Benefit**

- 3.12 The thirty two (32) properties identified as receiving a special benefit are considered to receive differing levels of benefit, depending on their orientation to King Street or adjoining streets and property size.
- 3.13 Some properties will derive an additional benefit with the formalisation of their unconstructed vehicle crossing or the provision of a parking bay.

**Total Cost**

- 3.14 The total estimated cost (C) of the scheme works is \$2,258,479.01 (Attachment 4).

**Total Community Special Benefit**

- 3.15 It is considered that the scheme will result in a broader community benefit, taking account of vehicle access and amenity in terms of pedestrian and bicycle traffic and visual appearance. The total daily traffic volume for King Street is 8,400 vehicles per day and the estimated traffic generated from directly abutting properties has been assessed at 1,570 vehicles per day, representing 18.7% of the total traffic volume. Unconstructed vehicle crossings will benefit individual properties only. The Total Community Benefit (TCB) associated with the scheme works is estimated accordingly at 639 benefit units.

**Benefit Ratio (R)**

- 3.16 The Benefit Ratio (R) =  $\text{TSB (in)} / (\text{TSB (in)} + \text{TSB (out)} + \text{TCB})$

$$= 32 / (32+164+639) \times 100 = 3.83\%$$

Maximum Total Levy (s)

$R \times C = S$ , where C = the total cost

$$3.83/100 \times \$2,258,407.01 = \$86,499.75$$

- 3.17 The amount proposed to be recovered is \$80,012.40, which is less than the Maximum Total Levy and acceptable.

**Apportionment of Special Charge Costs**

- 3.18 Property owners share of costs are apportioned on the basis of benefit units and area of the property. Seventy five percent (75%) of the cost of the landscaping works of the nature strips and tree planting is to be recovered from the property owners based on benefit units, and twenty five percent (25%) of the cost of the landscaping works of the nature strips and tree planting are to be recovered from property owners based on the area of the property.
- 3.19 Special cases will apply to corner properties with a frontage to King Street or a frontage to a side street and a side boundary to King Street. Similarly, properties with a rearage to King Street and the Council tree reserve will also be considered as special cases.
- 3.20 Any property that has a frontage and has access from King Street will be apportioned 1.0 benefit unit for 75% of the cost of works associated with the landscaping and street trees, and the whole area of the property for 25% of the cost of works associated with the landscaping and street trees.

**Special Cases**

3.21 Corner properties with a frontage to King Street and a side boundary to an adjoining street will be charged half (0.5) a benefit unit for 75% of the cost of the works associated with the landscaping and street trees and two thirds (2/3) of the area of the property for 25% of the cost of the works associated with the landscaping and street trees.

3.22 Corner properties with a frontage to a side road and a side boundary to King Street will be charged half (0.5) a benefit unit for 75% of the cost of works associated with the landscaping and street trees and based on one third (1/3) of the area of the property for 25% of the cost of works associated with the landscaping and street trees.

This includes property numbers:

- 107 King Street;
- Unit 1/2 Wyena Way;
- Unit 2/2 Wyena Way;
- Unit 3/2 Wyena Way;
- Unit 4/2 Wyena Way.

3.23 Properties with a rear boundary to King Street and primary access from an adjoining street will be charged one third (1/3) of a benefit unit for 75% of the cost of works associated with the landscaping and street trees and based on one third (1/3) of the area of the property for 25% of the cost of works associated with the landscaping and street trees.

This includes property numbers:

- Unit 1/29 Taparoo Road;
- Unit 2/29 Taparoo Road;
- Unit 3/29 Taparoo Road;
- Unit 4/29 Taparoo Road;
- Unit 5/29 Taparoo Road;
- Unit 6/29 Taparoo Road.

3.25 Properties with a front boundary and primary access from King Street and secondary access from an adjoining street will be charged two thirds (2/3) of a benefit unit for 75% of the cost of works associated with the landscaping and street trees and two thirds (2/3) of the area of the property for 25% of the cost of works associated with the landscaping and street trees.

This includes property number:

- 145 King Street.

3.24 Council's tree reserve on the corner of King Street and Blackburn road will also be treated as a special case and will be apportioned half (0.5) a benefit unit for 75% of the cost of works associated with the landscaping and street trees and half (0.5) of the area of the property for 25% of the cost of works associated with the landscaping and street trees.

3.25 Vehicle crossings that have not previously been constructed will be apportioned to individual property owners at the estimated cost of the vehicle crossing to serve the property.

This includes property numbers:

- 117 King Street;
- 119-121 King Street;
- 123 King Street (two vehicle crossings);
- 133 King Street;
- 135 King Street;
- 155 King Street.

- 3.26 Property owners indicating that they require an indented parking bay will be apportioned the estimated cost of a parking bay.

This includes property number:

- 135 King Street.

- 3.27 The method of calculating the amount to be apportioned to individual property owners is as follows:

Apportionment	Benefit Units (Quantity)	Rate	Amount
75% of the cost of landscaping and street trees apportioned based on benefit units	21.5	\$2,139.484	\$45,998.91
25% of the cost of landscaping and street trees apportioned on area	17,128.32 m <sup>2</sup>	\$0.895/m <sup>2</sup>	\$15,332.97
Vehicle Crossings – 7			\$15,881.25
Parking Bays – 1			\$2,799.27
Total Scheme Costs to be Recovered from Owners			\$80,012.40

- 3.28 Attachment 2 provides a description of properties within the special charge scheme, and a breakdown of the apportioned Special Charge for each property based on the principles described previously and special cases.
- 3.29 The works have been deemed by Council officers as appropriate and necessary to complete the reconstruction of King Street.
- 3.30 None of the works are considered to be excessive, and the estimated cost of the works is considered to be reasonable, having regard to current contract rates and the cost of materials and services.
- 3.31 The proposed design and the construction standards adopted for the area are appropriate and will improve the amenity of the area.

#### **Final Cost**

- 3.32 On completion of the works, the actual amount to be recovered from owners of the properties will be calculated and the estimated costs will be adjusted by the same proportion for all properties included in the special charge scheme.
- 3.33 In no case shall the actual amount to be recovered exceed the estimated amount by more than 10 percent.

- 3.34 It is proposed that Council having received and heard written submissions on Council's intention to declare a Special Charge to recover the cost of construction of various components of works associated with the construction of King Street Stage 1, adopt the Submission Committee recommendation that the scheme be adopted with a minor modification to remove the parking bay proposed for 166 King Street.
- 3.35 It is proposed that Council declare a Special Charge under the provisions of Section 163 (1) of the Local Government Act 1989 for the purpose of repaying (with interest) any debt incurred by Council for the construction of the various components of works (provision of landscaping, street trees, vehicle crossings, and parking bays) associated with the construction of King Street – Stage 1, with modification, as modified.

#### 4. COUNCIL PLAN / STRATEGY

- 4.1 The Special Charge Scheme is consistent with Council's *"Contributory Projects, Special Charges Policy"* and Council's Strategy of recovering the cost of various elements of works that have not previously been constructed at the expense of individual property owners.
- 4.2 The following criteria applies to the various components of work within the road reservation:-
- 4.2.1 On Arterial Roads and Link Roads, owners are required to contribute the full cost of street trees, landscaping works and individual vehicle crossings (except where crossings have previously been constructed at the owner's expense). Council pays for the construction of all pavements, kerbing and drainage works.
- 4.2.2 Shared paths identified in the Council's Bicycle Strategy are constructed at full cost to Council. Similarly, footpaths identified as being part of the "Principal Pedestrian Network" (PPN) are constructed at Council cost.
- 4.3 The policy recognises the long history of works undertaken at the cost of property owners through past schemes by requiring those owners, deriving special benefit from new works, to contribute to the cost of the scheme works.
- 4.4 The recoverable project costs are required to be distributed between property owners based on the apportionment method adopted, taking into consideration special cases, in compliance with the requirements of Council policy. Council's cost apportionment policy provisions take account of established precedents of apportioning costs that are considered to be fair, reasonable and equitable having regard to the benefit to be derived and the size of the allotment.

#### 5. IMPACTS AND IMPLICATIONS

- 5.1 The construction of the shared path along King Street will provide significant access improvements for the community and improve bicycle safety for cyclists using King Street.
- 5.2 King Street forms part of the DART (Doncaster Area Rapid Transport) route, and the construction of a shared path along the street will provide significant

improvements for public transport patrons using King Street to access the bus stops along the street.

- 5.3 The formalization of the road to modern day standards will improve safety for motorists using the road. Construction of underground drainage will improve amenity for abutting properties and result in the removal of the existing open drains and vehicle crossing culverts, relieving property owners of their responsibility for maintaining their vehicle crossing culverts.
- 5.4 There will be some inconvenience to motorists, pedestrians and cyclists during construction, however, the appointed contractor will be required to implement appropriate traffic management measures to ensure the safety of the travelling public.

## 6. IMPLEMENTATION

### 6.1 Finance / Resource Implications

- 6.1.1 The total estimated cost of King Street stage 1 works is estimated to be \$2,258,479.01. Under the provisions of Council's Policy, Council's contribution to the project cost is estimated at \$2,178,466.61 (96.46% of the total project cost). The remaining amount of \$80,012.40 (3.54% of the total cost) is to be funded by property owners that derive a special benefit from the proposed works.
- 6.1.2 The proposed individual property contributions are set out in Attachment 2.
- 6.1.3 Should the scheme proceed, property owners be given the option of contributing by quarterly instalments over a period of ten years. Payments would be subject to the current rate at the time of scheme adoption plus 1%.
- 6.1.4 Council's contribution to the project cost can be funded from the funding allocations in Council's Capital Works "*Road Management Upgrades-Council Link Roads*" program for 2016/2017 where \$894,000 has been allocated and Council's draft indicative 10 Year Capital Works Program, where \$2.061Mil is proposed in 2017/18 for the upgrade of high priority Link Roads.

### 6.2 Communication and Engagement

- 6.2.1 An initial public meeting was held on 5 December 2013, with residents abutting King Street and some adjoining streets, to discuss the potential upgrade of King Street and to reform the community reference panel to provide input into the design development for the construction of King Street between Blackburn Road and Victoria Street.
- 6.2.2 Following the re-establishment of the reference panel, 5 meetings have been held to discuss issues associated with the conceptual proposal for the construction of King Street, the finalisation of the detailed design plans and the special charge apportionment methodology.
- 6.2.3 A questionnaire survey was conducted of residents likely to be included in the scheme in December 2014, to assess the level of support for the

construction of the road and secondly to assess the level of support for residents to make a contribution toward the construction of footpaths, landscaping and street tree works associated with the project.

6.2.4 The survey results were included in the report to the Council meeting on 28 June 2016.

6.2.5 Prior to the questionnaire survey, Council officers set up a 'Your Say Manningham' web page specifically for King Street, which provided the residents the opportunity to respond to the questionnaire on line. In addition, minutes of previous reference panel meetings, details of the proposed works and the progress of the reference panel discussions to date were included on the web page.

6.2.6 The web page also included 'Frequently Asked Questions' regarding the proposed special charge scheme.

6.2.7 Following Council's resolution on 28 June 2016, a letter was forwarded to all property owners on 1 August 2016 advising residents of Council's resolution to implement a special charge scheme and to also conduct a further survey of residents in respect of whether residents require indented parking bays. The initial response to parking bays was very poor and residents were given a second opportunity to indicate their preference in this regard.

6.2.8 Following the adoption of the resolution of Council on 30 August 2016 of its Notice of Intention to Declare a Special Charge, a Public Notice was placed in the Manningham Leader and individual notices were also forwarded to affected property owners on 28 November 2016, inviting submissions by 30 January 2017.

6.2.9 The submitters to the scheme were subsequently advised on 13 February 2017 that their submission had been received and that they could make a verbal presentation to the King Street Stage 1 Special Charge Scheme (Submissions) Committee, on 1 March 2017.

### 6.3 Timelines

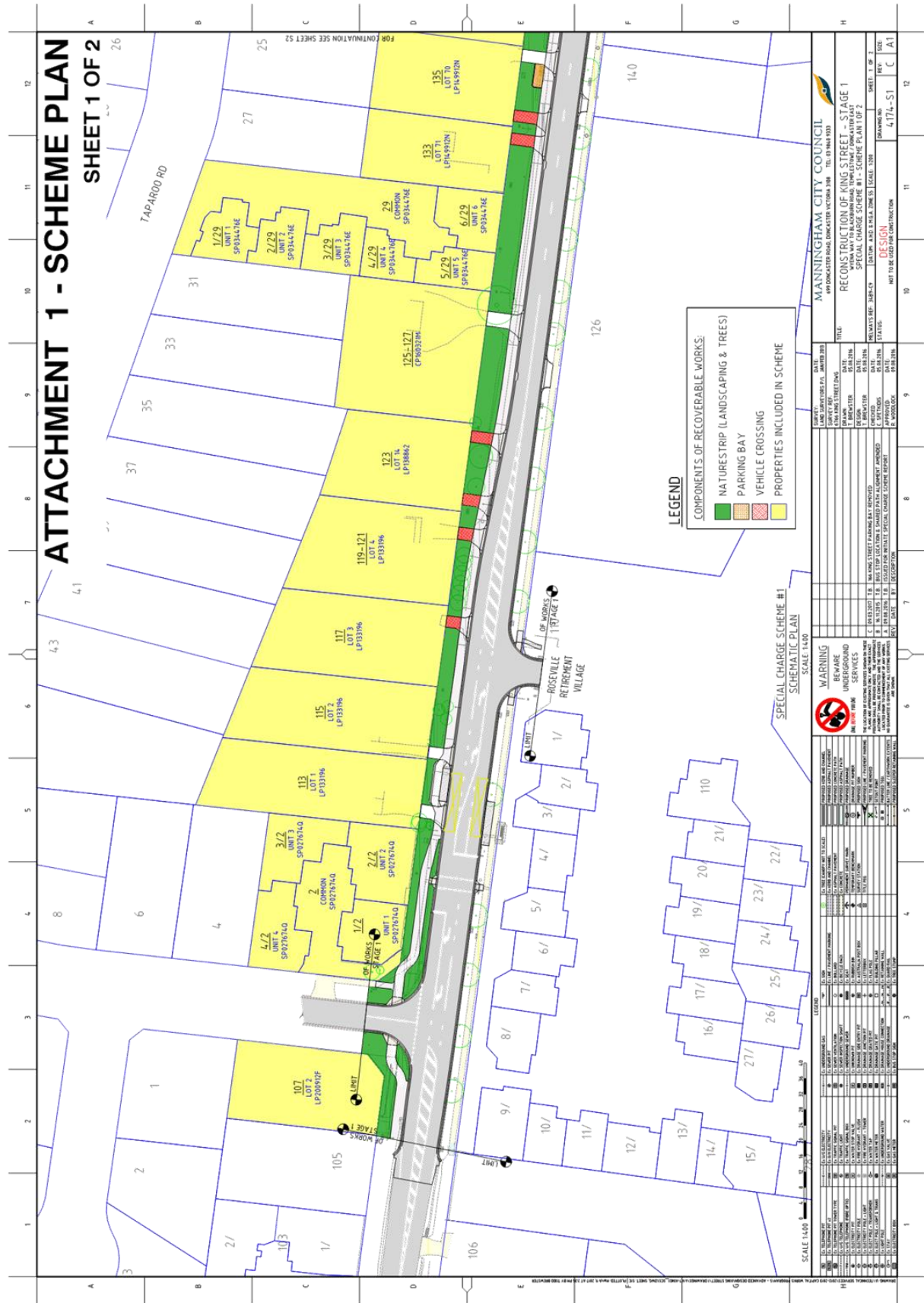
6.3.1 The anticipated program for the project, assuming that no submissions are lodged at VCAT, is as follows:

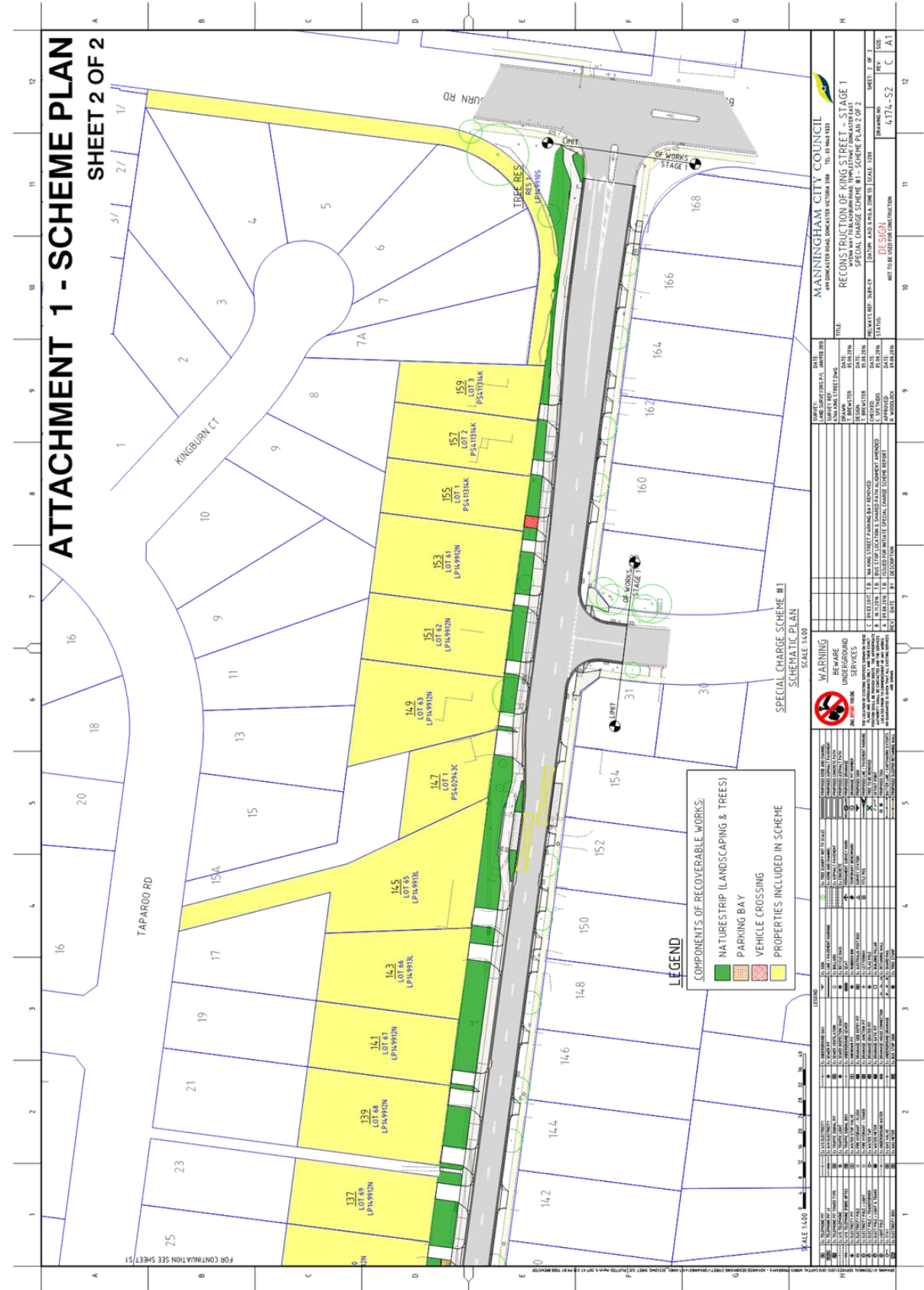
Date	Activity
14 March 2017	Commence Construction (Assuming no VCAT appeals)
28 March 2017	Council Meeting – Declaration and Levy of Special Charge
28 April 2017	Submissions Period to (VCAT) Closes
10 November 2017	Practical Completion of Works
1 May 2018	Final Cost Notices Distributed



**7. DECLARATIONS OF CONFLICT OF INTEREST**

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





ATTACHMENT 2 - APPORTIONMENT

MANNINGHAM CITY COUNCIL  
 SPECIAL RATES AND CHARGES - APPORTIONMENT - SCHEME 1 - 25% LANDSCAPE BY AREA & REMAINDER BY BENEFIT  
 KING STREET (Blackburn Road to Victoria Street) - (PRIVATE STREET PART CONSTRUCTION SCHEME)



App. No.	Description of Premises	Property No.	Lot No.	LP No.	Council Property No.	Frontage (m)	App. Frontage	Frontage Cost	Area (m <sup>2</sup> )	App. Area (m <sup>2</sup> )	Area Cost	Benefit Unit	Benefit Cost	Sub-Total	Vehicle X'ing	Veh X'ing Cost	Parking Bay	P Bay Cost	Total Cost
1	KING STREET 107 King Street TEMPLESTONE VIC 3106	107	2	200912F Vol 09517 Fol 116	285406	19.01	6.34	\$ -	784.59	261.53	\$ 234.12	0.5	\$ 1,069.74	\$ 1,903.86		\$ -		\$ -	\$ 1,903.86
2	113 King Street TEMPLESTONE VIC 3106	113	1	133196 Vol 09461 Fol 014	285503	18.01	18.01	\$ -	1001.58	1001.58	\$ 896.60	1	\$ 2,139.48	\$ 3,006.08		\$ -		\$ -	\$ 3,006.08
3	115 King Street TEMPLESTONE VIC 3106	115	2	133196 Vol 09461 Fol 015	285511	19.00	19.00	\$ -	966.17	966.17	\$ 864.90	1	\$ 2,139.48	\$ 3,004.38		\$ -		\$ -	\$ 3,004.38
4	105 Anna Court TEMPLESTONE VIC 3106	117	3	133196 Vol 09461 Fol 016	285529	21.00	21.00	\$ -	939.79	939.79	\$ 839.19	1	\$ 2,139.48	\$ 2,998.67	1	\$ 1,815.00		\$ -	\$ 4,813.67
5	119-121 King Street TEMPLESTONE VIC 3106	119,121	4	133196 Vol 09461 Fol 017	285537	24.50	24.50	\$ -	981.60	981.60	\$ 878.71	1	\$ 2,139.48	\$ 3,018.20	1	\$ 1,966.25		\$ -	\$ 4,984.45
6	133 King Street TEMPLESTONE VIC 3106	123	14	138662 Vol 0947 Fol 988	285545	22.75	22.75	\$ -	785.11	785.11	\$ 702.82	1	\$ 2,139.48	\$ 2,842.30	2	\$ 4,688.75		\$ -	\$ 7,531.05
7	2506-265 Exhibition Street MELBOURNE VIC 3000	125-127	-	CP 660321M Vol 09830 Fol 411	285553	34.44	34.44	\$ -	1241.69	1241.69	\$ 1,111.75	1	\$ 2,139.48	\$ 3,251.24		\$ -		\$ -	\$ 3,251.24
8	133 King Street TEMPLESTONE VIC 3106	133	71	149912N Vol 0969 Fol 180	285579	17.25	17.25	\$ -	662.10	662.10	\$ 592.70	1	\$ 2,139.48	\$ 2,732.18	1	\$ 2,873.75		\$ -	\$ 5,605.93
9	135 King Street TEMPLESTONE VIC 3106	135	70	149912N Vol 0969 Fol 179	285587	20.80	20.80	\$ -	785.20	785.20	\$ 702.90	1	\$ 2,139.48	\$ 2,842.38	1	\$ 2,873.75	1	\$ 2,799.27	\$ 8,515.41
10	137 King Street TEMPLESTONE VIC 3106	137	69	149912N Vol 0969 Fol 178	285595	17.25	17.25	\$ -	651.19	651.19	\$ 582.95	1	\$ 2,139.48	\$ 2,721.42		\$ -		\$ -	\$ 2,721.42
11	139 King Street TEMPLESTONE VIC 3106	139	68	149912N Vol 0969 Fol	285602	20.80	20.80	\$ -	785.20	785.20	\$ 702.90	1	\$ 2,139.48	\$ 2,842.38		\$ -		\$ -	\$ 2,842.38
12	141 King Street TEMPLESTONE VIC 3106	141	67	149912N Vol 09752 Fol	285610	17.25	17.25	\$ -	651.19	651.19	\$ 582.95	1	\$ 2,139.48	\$ 2,721.42		\$ -		\$ -	\$ 2,721.42
13	143 King Street TEMPLESTONE VIC 3106	143	66	149913L Vol 09752 Fol	285628	24.00	24.00	\$ -	785.42	785.42	\$ 703.09	1	\$ 2,139.48	\$ 2,842.58		\$ -		\$ -	\$ 2,842.58
14	145 King Street TEMPLESTONE VIC 3106	145	65	149913L Vol 09752 Fol 099	291194	34.05	22.70	\$ -	1198.02	796.68	\$ 714.96	0.667	\$ 1,426.52	\$ 2,141.29		\$ -		\$ -	\$ 2,141.29
15	147 King Street TEMPLESTONE VIC 3106	147	1	P840394C Vol 10007 Fol	462250	18.00	18.00	\$ -	450.20	450.20	\$ 403.01	1	\$ 2,139.48	\$ 2,542.50		\$ -		\$ -	\$ 2,542.50
16	149 King Street TEMPLESTONE VIC 3106	149	63	149912N Vol 0969 Fol 175	285656	13.50	13.50	\$ -	787.48	787.48	\$ 704.94	1	\$ 2,139.48	\$ 2,844.42		\$ -		\$ -	\$ 2,844.42
17	151 King Street TEMPLESTONE VIC 3106	151	62	149912N Vol 0969 Fol 174	285644	17.25	17.25	\$ -	651.19	651.19	\$ 582.95	1	\$ 2,139.48	\$ 2,722.42		\$ -		\$ -	\$ 2,722.42
18	153 King Street TEMPLESTONE VIC 3106	153	61	149912N Vol 0969 Fol 173	285652	20.80	20.80	\$ -	785.20	785.20	\$ 702.90	1	\$ 2,139.48	\$ 2,842.38		\$ -		\$ -	\$ 2,842.38
19	155 King Street TEMPLESTONE VIC 3106	155	1	P841134K Vol 10373 Fol	500931	14.50	14.50	\$ -	547.38	547.38	\$ 400.00	1	\$ 2,139.48	\$ 2,629.49	1	\$ 1,663.75		\$ -	\$ 4,293.24
20	157 King Street TEMPLESTONE VIC 3106	157	2	P841134K Vol 10373 Fol 358	500932	14.50	14.50	\$ -	547.38	547.38	\$ 400.00	1	\$ 2,139.48	\$ 2,629.49		\$ -		\$ -	\$ 2,629.49
21	159 King Street TEMPLESTONE VIC 3106	159	3	P841134K Vol 10373 Fol	500412	14.42	14.42	\$ -	475.49	475.49	\$ 425.65	1	\$ 2,139.48	\$ 2,565.13		\$ -		\$ -	\$ 2,565.13
22	114 Manda Street BENTLEIGH EAST VIC 3165	179	1	SP034170E Vol 09953 Fol	410665	25.29	1.41	\$ -	2026.24	112.57	\$ 100.77	0.056	\$ 118.86	\$ 219.63		\$ -		\$ -	\$ 219.63
23	76 Polara Drive DONCASTER EAST VIC 3109	229	2	SP034170E Vol 09953 Fol	410671	25.29	1.41	\$ -	2026.24	112.57	\$ 100.77	0.056	\$ 118.86	\$ 219.63		\$ -		\$ -	\$ 219.63
24	329 Tiponeo Road TEMPLESTONE VIC 3106	329	3	SP034170E Vol 09953 Fol	410689	25.29	1.41	\$ -	2026.24	112.57	\$ 100.77	0.056	\$ 118.86	\$ 219.63		\$ -		\$ -	\$ 219.63
25	127 Thun Grove	429	4	SP034170E Vol 10097 Fol	410697	25.29	1.41	\$ -	2026.24	112.57	\$ 100.77	0.056	\$ 118.86	\$ 219.63		\$ -		\$ -	\$ 219.63



MANNINGHAM CITY COUNCIL  
 SPECIAL RATES AND CHARGES - APPORTIONMENT - SCHEME 1 - 25% LANDSCAPE BY AREA & REMAINDER BY BENEFIT  
 KING STREET (Blackburn Road to Victoria Street) - (PRIVATE STREET PART CONSTRUCTION SCHEME)

App. No.	Description of Premises	Property No.	Lot No.	LP No.	Council Property No.	Frontage (m)	App. Frontage	Frontage Cost	Area (m <sup>2</sup> )	App. Area (m <sup>2</sup> )	Apportioned Estimated Cost					Total Cost		
											Area Cost	Benefit Unit	Benefit Cost	Sub-Total	Vehicle X'ing		Veh X'ing Cost	Parking Bay
							471.0867	\$ -	17128.32	\$ 15,332.97	21.5	\$ 45,998.91	\$ 61,331.88	7	\$ 15,981.25	1	\$ 2,799.27	\$ 80,012.40
26	143 Windburne Road MITCHAM, VIC 3102	5/29	5	SP034470E Vol 09937 Fol 231	410704	25.29	1.41	\$ -	2025.24	112.57	0.056	\$ 118.86	\$ 216.63		\$ -		\$ -	\$ 216.63
27	20 Silvana Court DONCASTER EAST, VIC 3109	6/29	6	SP034470E Vol 09937 Fol 231	410712	25.29	1.41	\$ -	2025.24	112.57	0.056	\$ 118.86	\$ 216.63		\$ -		\$ -	\$ 216.63
28	1/2 Wyena Way TEMPLESTOWE VIC 3106	1/2	1	SP027674Q Vol 09783 Fol 144	289878	38.76	3.23	\$ -	1543.74	128.65	0.125	\$ 267.44	\$ 382.60		\$ -		\$ -	\$ 382.60
29	120 Hill Road BALWYN NORTH VIC 3104	2/2	2	SP027674Q Vol 09783 Fol 144	289886	38.76	3.23	\$ -	1543.74	128.65	0.125	\$ 267.44	\$ 382.60		\$ -		\$ -	\$ 382.60
30	1/2 Wyena Way TEMPLESTOWE VIC 3106	3/2	3	SP027674Q Vol 09783 Fol 144	289884	38.76	3.23	\$ -	1543.74	128.65	0.125	\$ 267.44	\$ 382.60		\$ -		\$ -	\$ 382.60
31	1/2 Wyena Way TEMPLESTOWE VIC 3106	4/2	4	SP027674Q Vol 09783 Fol 144	289901	38.76	3.23	\$ -	1543.74	128.65	0.125	\$ 267.44	\$ 382.60		\$ -		\$ -	\$ 382.60
32	699 Deane Road MANNINGHAM CITY COUNCIL DONCASTER, VIC 3108	Tree Reserve	Reserve 1	1490108 Vol 06695 Fol 147	n/a	50.68	50.68	\$ -	754.65	377.32	0.5	\$ 1,069.74	\$ 1,407.51		\$ -		\$ -	\$ 1,407.51

ATTACHMENT 3 - ESTIMATED COST OF RECOVERY

MANNINGHAM CITY COUNCIL

ENGINEERS ESTIMATE No.2



<b>Works:</b>	Reconstruction of King Street (Blackburn Rd to Wyena Way) <b>Estimated Cost of Recoverable Works</b>
<b>Job No:</b>	
<b>File Ref:</b>	

<b>General Fund:</b>	
<b>Loan:</b>	
<b>VicRoads:</b>	
<b>Gov't Grant</b>	
<b>Other:</b>	

Item	Description of Works	Quantity	Unit	Rate	Amount
1	Street trees including 2 year establishment	25	no.	\$330.00	\$8,250.00
2	Street garden beds including establishment and maintenance	225	m <sup>2</sup>	\$70.00	\$15,750.00
3	nature strip, road reserve and all disturbed areas with 100mm depth topsoil and seeded.	2135	m <sup>2</sup>	\$12.50	\$26,687.50
4	Construct existing un-constructed driveways (gravel, crushed rock etc.) with 125mm compacted depth 25MPa concrete including 1 row of SL62 reinforcement mesh all on 50mm compacted depth CR (20mm max. size)	105	m <sup>2</sup>	\$125.00	\$13,125.00
5	Parking bay pavement (see below)	15	m <sup>2</sup>	\$106.23	\$1,593.45
6	Parking bay barrier kerb (S202)	9	m	\$80.00	\$720.00
	<b>CONSTRUCTION COST</b>				<b>\$66,125.95</b>
	<b>CONTINGENCIES (10%)</b>				<b>\$6,612.60</b>
	<b>FEES (10%)</b>				<b>\$7,273.85</b>
<b>Total Estimate</b>					<b>\$80,012.40</b>

ATTACHMENT 4 - TOTAL ESTIMATED COST

MANNINGHAM CITY COUNCIL  
ENGINEERS ESTIMATE No.1



<b>Works:</b>	Reconstruction of King Street (Wyena Way to Blackburn Rd) <b>Total Project Estimate</b>
<b>Job No:</b>	C23002.0000
<b>File Ref:</b>	

<b>General Fund:</b>	
<b>Loan:</b>	
<b>VicRoads:</b>	
<b>Gov't Grant</b>	
<b>Other:</b>	

Item	Description of Works	Quantity	Unit	Rate	Amount
<b>1</b>	<b>PRELIMINARIES</b>				
1.1	Site Establishment	1	Item	\$2,000.00	\$2,000.00
1.2	Insurance	1	Item	\$1,500.00	\$1,500.00
1.3	Supervision Costs	1	Item	\$20,000.00	\$20,000.00
1.4	Surveying	1	Item	\$2,500.00	\$2,500.00
1.5	Traffic Control (including provision of daily vehicles and pedestrians access), submission of Traffic Management Plans and liaison with affected abutting residents.	1	Item	\$35,000.00	\$35,000.00
1.6	Sedimentation and environmental control including submission of Environmental Management Plan	1	Item	\$2,000.00	\$2,000.00
1.7	QA System	1	Item	\$2,000.00	\$2,000.00
1.8	Liaison and co-ordination with service authorities	1	Item	\$2,000.00	\$2,000.00
<b>2</b>	<b>DEMOLITION AND SITE PREPARATION</b>				
2.1	Locate all existing services	1	Item	\$2,000.00	\$2,000.00
2.2	Sawcut existing pavement, kerb & channel, concrete driveways & path, asphalt driveway & path at limits of works.	220	Lm	\$10.00	\$2,200.00
2.3	Breakout, remove and dispose of existing kerb and channel, pram crossings, laybacks, concrete edging etc.	740	Lm	\$25.00	\$18,500.00
2.4	Breakout, remove and dispose of existing concrete footpath, bus stop hard stand areas, vehicle crossings, etc.	810	m <sup>2</sup>	\$25.00	\$20,250.00
2.5	Breakout, remove and dispose of existing asphalt vehicle crossings, footpaths etc.	217	m <sup>2</sup>	\$15.00	\$3,255.00
2.6	Breakout, remove and dispose of redundant drainage pits and structures.	7	Nos.	\$500.00	\$3,500.00
2.7	Breakout, remove and dispose of redundant drainage pipes.	12	Nos.	\$250.00	\$3,000.00
2.8	Breakout, remove and dispose of existing driveable culvert endwall structures.	4	Nos.	\$150.00	\$600.00
2.9	Breakout, remove and dispose of existing vehicle crossing pipe culverts.	16	Item	\$150.00	\$2,400.00
2.10	Dismantle, store and re-erect existing signage (including provision for in-ground sleeves on all posts).	1	Item	\$500.00	\$500.00
2.11	Grind off redundant line marking.	1	Item	\$1,000.00	\$1,000.00
2.12	Trees removal	1	Item	\$3,000.00	\$3,000.00
<b>3</b>	<b>EARTHWORKS</b>				
3.1	Cut material to fill (solid volume)	70	m <sup>3</sup>	\$40.00	\$2,800.00
3.2	Cut material to spoil including disposal (solid volume)	3321	m <sup>3</sup>	\$45.00	\$149,445.00

MANNINGHAM CITY COUNCIL  
**ENGINEERS ESTIMATE No.1**



<b>Works:</b>	Reconstruction of King Street (Wyena Way to Blackburn Rd) <b>Total Project Estimate</b>
<b>Job No:</b>	C23002.0000
<b>File Ref:</b>	

<b>General Fund:</b>	
<b>Loan:</b>	
<b>VicRoads:</b>	
<b>Gov't Grant</b>	
<b>Other:</b>	

Item	Description of Works	Quantity	Unit	Rate	Amount
3.3	Testing of earthworks	1	Item	\$3,000.00	\$3,000.00
<b>4</b>	<b>DRAINAGE WORKS</b>				
4.1	<b>Drainage pits / structures</b>				
	<b>Excavate and construct concrete drainage structures including all materials, plants, labour, all inclusive, construct to match surrounding &amp; finished road levels, breaking, connecting and tapping into existing drainage structures, where applicable.</b>				
4.1.1	Side Entry Pit (S113)	11	Nos.	\$1,750.00	\$19,250.00
4.1.2	Grated Side Entry Pit Type 2 (S115)	4	Nos.	\$2,500.00	\$10,000.00
4.1.3	Junction Pit (S111)	2	Nos.	\$1,750.00	\$3,500.00
4.1.4	Junction Pit (S112)	1	Nos.	\$1,250.00	\$1,250.00
4.1.5	Spoon Drainage Pit (S121)	2	Nos.	\$1,250.00	\$2,500.00
4.1.6	Double Grated Side Entry Pit (as detailed)	2	Nos.	\$7,500.00	\$15,000.00
4.1.7	Reconstruct Side Entry Pit	9	Nos.	\$750.00	\$6,750.00
4.1.8	Reconstruct Junction Pit	1	Nos.	\$750.00	\$750.00
4.1.9	Trench Grate (as detailed)	20	Lm	\$320.00	\$6,400.00
4.2	<b>Drainage pipes</b>				
	<b>Excavation for and laying, including supply of all materials, filter wrap geofabric, trenching, removal of spoil, bedding, haunching, jointing, backfilling and compaction to receive pavement reinstatement all as specified, noted, detailed and as necessary</b>				
4.2.1	100mm dia. 1000 AG drain, 20mm backfill	1176	Lm	\$20.00	\$23,520.00
4.2.2	225mm dia. RC, RRJ, Class 2, F.C.R. Backfill	15	Lm	\$180.00	\$2,700.00
4.2.3	300mm dia. RC, RRJ, Class 2, F.C.R. Backfill	178	Lm	\$200.00	\$35,600.00
4.2.4	375mm dia. RC, RRJ, Class 2, F.C.R. Backfill	103	Lm	\$250.00	\$25,750.00
4.2.5	450mm dia. RC, RRJ, Class 2, F.C.R. Backfill	42	Lm	\$300.00	\$12,600.00
4.2.6	600mm dia. RC, RRJ, Class 2, F.C.R. Backfill	39	Lm	\$400.00	\$15,600.00
<b>5</b>	<b>CONCRETE WORKS</b>				
	<b>Construction of the following items is to include provision of all necessary plant and materials, excavation, trimming, CR bedding to build up to required levels, forming, mixing, paving, jointing, making and finishing. Matching-in and kerb transitions where necessary</b>				
5.1	Driveway Layback (as detailed) on 20mm class 2 crushed rock to depth of subgrade	301	Lm	\$60.00	\$18,060.00
5.2	SM2 Semi-Mountable Kerb & Channel (S206) on 20mm class 2 crushed rock to depth of subgrade	752	Lm	\$60.00	\$45,120.00

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 Friday 29 January, 1999



MANNINGHAM CITY COUNCIL

ENGINEERS ESTIMATE No.1



<b>Works:</b>	Reconstruction of King Street (Wyena Way to Blackburn Rd) <b>Total Project Estimate</b>
<b>Job No:</b>	C23002.0000
<b>File Ref:</b>	

<b>General Fund:</b>	
<b>Loan:</b>	
<b>VicRoads:</b>	
<b>Gov't Grant</b>	
<b>Other:</b>	

Item	Description of Works	Quantity	Unit	Rate	Amount
5.3	B2 Barrier & Channel (S212) on 20mm class 2 crushed rock to depth of subgrade	69	Lm	\$80.00	\$5,520.00
5.4	Pram Crossing (S215)	6	Nos.	\$750.00	\$4,500.00
5.5	Concrete shared path consisting of 100mm compacted depth 25MPa concrete including 1 row of SL62 reinforcement mesh, all on 50mm compacted depth of CR (20mm max. size)	953	m <sup>2</sup>	\$115.00	\$109,595.00
5.6	Concrete footpath as per S227	76	m <sup>2</sup>	\$100.00	\$7,600.00
5.7	Concrete footpath/shared path at vehicle crossings at 125mm compacted depth 25MPa concrete including 1 row of SL62 reinforcement mesh, all on 50mm compacted depth CR (20mm max. size)	550	m <sup>2</sup>	\$125.00	\$68,750.00
5.8	Bus Stop Hardstand Area consisting of 100mm compacted depth 32MPa concrete coloured 4% (by weight) charcoal with 1 row of SL82 reinforcement mesh all on 50mm compacted depth CR (20mm max. size)	85	m <sup>2</sup>	\$135.00	\$11,475.00
5.9	Reconstruct existing constructed driveways (concrete, asphalt etc.) with 125mm compacted depth 25MPa concrete including 1 row of SL62 reinforcement mesh all on 50mm compacted depth CR (20mm max. size)	450	m <sup>2</sup>	\$125.00	\$56,250.00
5.10	Construct existing un-constructed driveways (gravel, crushed rock etc.) with 125mm compacted depth 25MPa concrete including 1 row of SL62 reinforcement mesh all on 50mm compacted depth CR (20mm max. size)	105	m <sup>2</sup>	\$125.00	\$13,125.00
5.11	Parking Bay - B2 Barrier & Channel (S212) on 20mm class 2 crushed rock to depth of subgrade	9	Lm	\$80.00	\$720.00
<b>6</b>	<b>PAVEMENT WORKS</b>				
6.1	<b>Roadway</b>				
6.1.1	45mm compacted depth size 14 type N asphalt (class 320)	5,064	m <sup>2</sup>	\$18.00	\$91,152.00
6.1.2	155mm compacted depth size 20 type SI asphalt in 2 layers	5,064	m <sup>2</sup>	\$60.00	\$303,840.00
6.1.3	150mm compacted depth 3% cement treated class 3 crushed rock in 2 layers	5,064	m <sup>2</sup>	\$20.00	\$101,280.00
6.2	<b>Parking Bay</b>				
6.2.1	20mm compacted depth size 7 type N asphalt	15	m <sup>2</sup>	\$18.20	\$273.00
6.2.2	35mm compacted depth size 14 type H asphalt	15	m <sup>2</sup>	\$30.00	\$449.76
6.2.3	Prime & seal	15	m <sup>2</sup>	\$10.00	\$150.00
6.2.4	170mm compacted depth class 2 crushed rock	15	m <sup>2</sup>	\$25.50	\$382.50
6.2.5	150mm compacted depth class 3 crushed rock	15	m <sup>2</sup>	\$22.50	\$337.50

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Friday 29 January, 1999

MANNINGHAM CITY COUNCIL  
ENGINEERS ESTIMATE No.1



<b>Works:</b>	Reconstruction of King Street (Wyena Way to Blackburn Rd) <b>Total Project Estimate</b>
<b>Job No:</b>	C23002.0000
<b>File Ref:</b>	

<b>General Fund:</b>	
<b>Loan:</b>	
<b>VicRoads:</b>	
<b>Gov't Grant</b>	
<b>Other:</b>	

Item	Description of Works	Quantity	Unit	Rate	Amount
6.3	Pavement joint as detailed	35	Lm	\$50.00	\$1,750.00
6.4	<b>Testing</b>				
6.4.1	Testing of pavement course compaction	1	Item	\$2,000.00	\$2,000.00
6.4.2	Testing of bitumen concrete	1	Item	\$2,000.00	\$2,000.00
6.4.3	Core sampling of finished pavement	1	Item	\$2,000.00	\$2,000.00
<b>7</b>	<b>MISCELLANEOUS WORKS</b>				
7.1	<b>Signs</b> complete with galvanised post & in-ground sleeves or green plastic totems as detailed on drawings:				
7.1.1	S2 - Shared Path	2	Nos.	\$250.00	\$500.00
7.1.2	S3 - End Shared Path	1	Nos.	\$250.00	\$250.00
7.1.3	S4 - Bus Zone Left	2	Nos.	\$150.00	\$300.00
7.1.4	S5 - Bus Zone Right	3	Nos.	\$150.00	\$450.00
7.1.5	S8 - Start Shared Path	1	Nos.	\$150.00	\$150.00
7.1.6	S9 - No Stopping (Left)	2	Nos.	\$150.00	\$300.00
7.1.7	S10 - No Stopping (Right)	1	Nos.	\$150.00	\$150.00
7.1.8	S11 - Bus Zone Left & No Stopping (Right)	1	Nos.	\$150.00	\$150.00
7.2	Road Line Marking	1	Item	\$30,000.00	\$30,000.00
7.3	<b>Tactile ground surface indicators (TGSIs)</b>				
7.3.1	Hazard	96	No.	\$95.00	\$9,120.00
7.3.1	Directional	64	No.	\$95.00	\$6,080.00
7.4	Adjust utility/service pit to match design levels to relevant authority requirements	12	Nos.	\$750.00	\$9,000.00
7.5	Relocate bus stop pedestals & associated electrical conduits/pits	2	Nos.	\$10,000.00	\$20,000.00
7.6	Relocate pedestrian signals & associated electrical conduits/pits	1	Item	\$20,000.00	\$20,000.00
7.7	Relocate Australia post box	1	Nos.	\$200.00	\$200.00
7.8	Retaining wall as detailed	55	m <sup>2</sup>	\$400.00	\$22,000.00
7.9	Pedestrian fence as detailed	42	Lm	\$200.00	\$8,400.00
<b>8</b>	<b>REINSTATEMENT WORKS</b>				
8.1	Backfill batter as required, reinstate nature strip, road reserve and all disturbed areas with 100mm depth topsoil and seeded.	3040	m <sup>2</sup>	\$12.50	\$38,000.00
8.2	Street trees including 2 year establishment	31	Nos.	\$330.00	\$10,230.00
8.3	Street garden beds including establishment and maintenance	225	m <sup>2</sup>	\$70.00	\$15,750.00
8.4	Demobilisation, removal of all temporary structures and final cleaning up.	1	Item	\$2,000.00	\$2,000.00
<b>9</b>	<b>PROVISIONS</b>				

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Friday 29 January, 1999

MANNINGHAM CITY COUNCIL  
**ENGINEERS ESTIMATE No.1**



<b>Works:</b>	Reconstruction of King Street (Wyena Way to Blackburn Rd) <b>Total Project Estimate</b>
<b>Job No:</b>	C23002.0000
<b>File Ref:</b>	

<b>General Fund:</b>	
<b>Loan:</b>	
<b>VicRoads:</b>	
<b>Gov't Grant</b>	
<b>Other:</b>	

Item	Description of Works	Quantity	Unit	Rate	Amount
9.1	Dayworks	1	Item	\$50,000.00	\$50,000.00
9.2	<b>Soft Spots</b>				
9.2.1	Remove & replace unsuitable subgrade material with Type B Fill	50	m <sup>3</sup>	\$60.00	\$3,000.00
9.2.2	Remove & replace unsuitable subgrade material with Class 3 crushed rock	50	m <sup>3</sup>	\$130.00	\$6,500.00
9.2.3	Remove & replace unsuitable subgrade material with Class 3, 3% cement treated crushed rock	50	m <sup>3</sup>	\$140.00	\$7,000.00
9.3	Reconnection of property services	90	Nos.	\$150.00	\$13,500.00
9.4	Connection of house drains to underground drainage system as per S103	13	Nos.	\$500.00	\$6,500.00
9.5	Tree Protection fencing	150	Lm	\$10.00	\$1,500.00
<b>10</b>	<b>SERVICE ALTERATIONS</b>				
10.1	Power Poles	1	Item	\$175,531.82	\$175,531.82
10.2	Water Main	1	Item	\$100,000.00	\$100,000.00
	<b>CONSTRUCTION COST</b>				<b>\$1,866,511.58</b>
	<b>CONTINGENCIES (10%)</b>				<b>\$186,651.16</b>
	<b>FEES (10%)</b>				<b>\$205,316.27</b>
<b>Total Estimate</b>					<b>\$2,258,479.01</b>

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 Friday 29 January, 1999

ATTACHMENT 5  
MINUTES OF SUBMISSIONS HEARING &  
SUMMARY OF SUBMISSIONS RECEIVED



# MINUTES

## Meeting of the King Street Stage 1 - Special Charge Scheme (Submissions) Committee

**Meeting Details**

Date of Meeting:

Wed 1 March 2017

Time: 6:30pm

Venue: Council Chamber

Civic Centre

699 Doncaster Road Doncaster

Chairperson: Cr Geoff Gough

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Tuesday, 2 April 2002

King Street Stage 1 – Special Charge Scheme (Submissions)  
Committee 1 March 2017

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**1. Attendees**

**Committee Members:**

Cr Gough	Chairperson
Cr Haynes	Member

**Officers:**

Roger Woodlock	Manager Engineering & Technical Services
Todd Brewster	Senior Roads Engineer
Natasya Kew	Roads Engineer

**Submitters:**

████████████████████ 4/2 Wyena Way

**2. Apologies**

**Officers:**

Chris Sfetkidis	Technical Services Engineer
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**Submitters:**

████████████████████ 3/2 Wyena Way  
166 King Street

**3. Purpose of Meeting**

Councillor Gough advised that the purpose of the meeting is for the Committee to receive verbal submissions, in support of written submissions, from property owners impacted by the proposed scheme.

**4. Declaration of Pecuniary Interests**

No conflicts of interest were declared.

**5. Committee Terms of Reference**

*The Council at its meeting of 30<sup>th</sup> of August 2016, resolved in part that the (Submissions) Committee be convened following the Council elections, to consider all submissions both written and verbal in relation to the Council resolution of 30<sup>th</sup> of August 2016, giving notice of intention to Declare a Special Charge to recover costs of street trees, landscaping works, individual vehicle crossings that have not been constructed by owners at their own expense and parking bays associated with the reconstruction of King Street Stage 1 (Between Blackburn Road and Wyena Way). The King Street Stage 1 Special*

King Street Stage 1 – Special Charge Scheme (Submissions)  
Committee 1 March 2017

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*Charge Scheme (Submissions) Committee shall make recommendations to Council at its meeting on 28 March 2017.*

**6. Consideration of Written Submissions**

A summary of the written owner submissions and the relevant officer comments in regards to the submissions are set out in **Appendix A** to the Minutes.

**7. Hearing of Verbal Submissions**

The King Street Stage 1 Special Charge Scheme (Submissions) Committee heard the verbal submissions in support of the written submissions received in accordance with Section 223 of the Local Government Act 1989.

The following statements were raised by William Smith in support of his written submission:

- There are existing kerb & channel on the southern boundary of the property abutting King Street;
- The existing nature strip is also established;
- These works were undertaken as part of the pedestrian activated signals by VicRoads;
- These conditions are similar to the properties located on the southern side of King Street and
- If properties on the southern side of King Street are excluded from the scheme, then properties 1 to 4 of 2 Wyena Way, Templestowe should also be excluded from the scheme.

The following comments were provided by Council officers in response to Mr Smith's statements:

- While the kerb & channel are existing, the owners of properties 1 to 4 of 2 Wyena Way, Templestowe have not contributed to the costs of constructing these assets;
- The construction cost for kerb & channel, underground drainage, nature strip and street trees on the southern side of King Street were 'paid' for by the developer and in turn through land sales by the respective property owners as part of their sub-divisions approval requirements;
- The existing kerb & channel will be subject to reconstruction to suit the road design level and layout;
- There are currently no existing street trees in this vicinity and as part of the Special Charge Scheme street trees will be planted to improve the streetscape of King Street;
- The parcel containing all the property units shares a boundary with two roads with a sideage to King Street and doesn't take its primary access from King Street and as such has a reduced cost apportionment charged against the land parcel; and
- The entitlement and liability table detailed on the land title distributes any charges levied against the Strata Subdivisions equally between all property owners of the parcel.

King Street Stage 1 – Special Charge Scheme (Submissions)  
Committee 1 March 2017

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**8. Reconvening of the King Street Stage 1 Special Charge Scheme (Submissions) Committee**

The King Street Stage 1 Special Charge Scheme (Submissions) Committee evaluated and considered the written and verbal submissions and officer comments as summarised in **Appendix A**.

**9. Submissions Committee Recommendations**

The committee having considered all submissions, officer responses and clarifications recommends that Council proceed with the declaration and levying of the King Street Stage 1 Special Charge Scheme, modified from the exhibited scheme set out in the issued Notice of Intention to Declare a Special Charge by removing the parking bay proposed for property no. 166 King Street. The removal of the parking bay from the scheme will not impact the remaining cost apportionment to other properties in the scheme.

**Reconstruction of King Street Stage 1 (between Blackburn Road and Wyena Way)**  
**1 March 2017**  
**Summary of Submissions and Officer Comments**  
**APEENDIX A**

No	Owner / Address	Apportioned Amount	Grounds for Submission / Objection	Officer Comments
1.1	██████████ 3/2 Wyena Way	\$382.60	Property does not have a frontage to King Street.	<p>The property is one of four units that make up a Strata Subdivision. The parcel containing all of the units is located on the corner of Wyena Way and King Street with a sideage to King Street and is considered to derive a benefit.</p> <p>For properties that share a boundary with two or more roads, (e.g. corner properties) the apportioned area is half (50 percent) of its respective land area and if the property has only a side or rear boundary to King Street, with the primary access from another road not included in the Scheme, then the property is apportioned one half (0.5) benefit unit.</p> <p>The Entitlement and Liability table detailed on the land title for this property distributes any charges levied against the Strata Subdivision equally between all owners of the property.</p>
1.2			Existing kerb along King Street abutting property.	<p>Existing kerb and channel was previously constructed by VicRoads as part of the installation of the pedestrian operated signals which about this property.</p> <p>The cost of the reconstruction of the kerb and channel abutting this property is fully funded by Council and does not form part of this scheme.</p>
1.3			There is an existing grassed nature strip in King Street abutting the submitters property as is the case on the southern side of King Street but the property owners on the southern side are not being charged.	<p>The special charge is to cover the cost of nature strip and street tree development as well as other assets. While the nature strip exists abutting the submitters property, the kerb and channel requires adjustment as part of the proposed works. There are established street trees on the southern side of King Street but none on the northern side of the road.</p> <p>Council has not previously charged the owner for nature strip construction abutting King Street, nor was the nature strip constructed as a condition of the development approval.</p>



**Reconstruction of King Street Stage 1 (between Blackburn Road and Wyena Way)**  
**1 March 2017**  
**Summary of Submissions and Officer Comments**

**APENDIX A**

No	Owner / Address	Apportioned Amount	Grounds for Submission / Objection	Officer Comments
2.1	..... [REDACTED] 4/2 Wyena Way	\$382.60	Existing kerb along King Street abutting property.	In contrast, the nature strip, footpath and kerb and channel on the south side of King Street was required to be constructed at owners' cost through the development approval process.  The apportionment of the cost of the nature strip and street landscaping elements of the scheme was evenly distributed between all properties who derive benefit from the landscape works.  As the owners were not previously required to fund the construction of the nature strip and taking account of the need to modify the nature strip and install street trees, it is recommended that amendment of the scheme as requested not be supported.
2.2			Would not benefit from a Parking Bay in King Street.	Existing kerb and channel was previously constructed by VicRoads as part of the installation of the pedestrian operated signals which abut this property.  The cost of the reconstruction of the kerb and channel abutting this property is fully funded by Council and does not form part of this scheme.  No parking bays are proposed abutting this property.  The apportioned contribution amount does not include the cost of a parking bay.
2.3			There is an existing grassed nature strip in King Street abutting the submitters property as is the case on the southern side of King Street but the property owners on the southern side are not being charged.	While the nature strip exists, the kerb and channels requires adjustment as part of the proposed works.  Council has not previously charged the owner for nature strip construction abutting King Street, nor was the nature strip constructed as a condition of the development approval.

**Reconstruction of King Street Stage 1 (between Blackburn Road and Wyena Way)**  
**1 March 2017**  
**Summary of Submissions and Officer Comments**

**APENDIX A**

No	Owner / Address	Apportioned Amount	Grounds for Submission / Objection	Officer Comments
				<p>In contrast, the nature strip, footpath and kerb and channel on the south side of King Street was required to be constructed at owners' cost through the development approval process.</p> <p>The exhibited apportionment of the cost of the nature strip and street landscaping elements of the scheme was evenly distributed between all properties who derive benefit from the landscape works.</p> <p>As the owners were not previously required to fund the construction of the nature strip and taking account of the need to modify the nature strip and install street trees, it is recommended that amendment of the scheme as requested not be supported.</p>
3.1	<p>██████████  <b>166 King Street</b></p>	\$1,802.71	<p>Cost of parking bay. The owner no longer wants the previously requested parking bay in front of her property.</p>	<p>The benefit of the parking bay is 100% associated with the abutting property.</p> <p>The exclusion of the parking bay from the scheme will not impact the remaining cost apportionment to any other property in the scheme.</p> <p>Removal of the parking bay from the scheme is recommended to be supported.</p>

D117/3567

## ATTACHMENT 6 - WRITTEN SUBMISSIONS

Unit 3 – 2Wyena Way  
TEMPLESTOWE VIC 3106

24<sup>th</sup> January 2017

The Director Assets and Engineering  
Manningham City Council  
PO Box 1  
Doncaster VIC 3108

MANNINGHAM  
30 JAN 2017  
CITY COUNCIL

Re: The Special Charge of \$382.60 levied against my property Unit 3 – 2Wyena Way Templestowe.

Dear Sir / Madam

I was made aware of this Special Charge by a letter that I received from Mr Roger Woodlock – Manager Engineering and Technical Services, dated 28<sup>th</sup> November 2016.

There are three reasons that I would give in requesting that I should be discharged from having to pay this Special Charge.

The first one I would make is that my property is unit three – 2 Wyena Way Templestowe and it is not a property that has a frontage bordering King Street.

The second reason I would give is that owners of properties on the Southern side of King Street have not had the Special Charge levied against them because that side of the street has Curbing already in place.

If this is a reason for not having to pay the Special Charge then the Council has no reason for me to to pay the Special Charge. There is Curbing and a Foot-path in place for the whole frontage of the property of which my unit is one of four. This is because there is a set of Pedestrian Traffic Lights in place on King Street.

The third reason that I would give is that Mr Woodlock states in his letter that the Special Charge would contribute to the payment of nature strips, street trees vehicle crossings and parking bays. I would remind the Council that we already have nature strips that our Body Corporate has arrangements in place to maintain. Because of the traffic lights it, would be most unlikely for a parking bay to be constructed at any time, now or in the future.

In closing, I feel that the reasons I have given more than justifies why that I as a Rate Payer should be discharged from paying the Special Charge.

Yours faithfully



117/641

[REDACTED]  
Unit 4 – 2 Wyena Way  
TEMPLESTOWE VIC 3106

5<sup>th</sup> January 2017

Mr. Rodger Woodlock  
Manager of Engineering & Technical Services  
Manningham City Council  
699 Doncaster Road  
DONCASTER VIC. 3108

**Re: Our request to have our property, Unit 4 - 2 Wyena Way Templestowe made exempt from "The Special Charge" levied by the Manningham Council for work associated with "Stage One" on the upgrade of King Street.**

Dear Sir

We refer to your letter dated 28<sup>th</sup> November 2016 indicating that we, the above residents would have a special charge applied to our property of \$382.60.

To quote from your letter, you indicate "The components of work that will be subject of the proposed special charge including the construction of Nature Strips, Street Trees, Vehicle Crossings and Parking Bays".

Having carefully inspected the plans at the Council Offices for the proposed work to be done, we see no reason as to why the Council would think of such a levy - \$382.60 be levied against our property or any of the other units in our complex for the following reasons.

1 – The Council's Notice in the local paper listed properties on the North side of King Street but no properties on the South Side.

We were told that the reason for this is that there is Curbing already in place on that, the South Side of the Street.

We fail to understand that Surveyors working on the plans, would not have seen that there is curbing already in place adjacent to our properties.

This is a result of the installation of Traffic Lights a few years ago and additional work done by Vic Roads following the completion of the "Crossing".

Cont. / Page 2

3117/641

Page 2

2 – Despite the fact that there is no room for a conventional Parking Bay, as residents, we would gain no benefit of having a Parking Bay in King Street as it probably would be occupied by some person who catches the 908 bus to the city for work.

We are often confronted with this in front of our property in Wyena Way.

3 – We have a large Nature Strip at present in two sections and we take the responsibility for mowing it.

While we note that the plans indicate the planting of trees, we would suggest that this be reconsidered.

One problem that we have is Parking. There is little parking available in Wyena Way or in King Street. This necessitates contractors such as those involved in the trimming of trees, Telstra staff, Maintenance of Power Lines and those servicing of the traffic lights, needing legal parking space

While we may be wrong, we feel that the planting of trees on our part of the nature strip would be a lost cause.

We do consider that we have a just cause to have our names deleted from those required to pay the “Special Charge”. We would also be more than happy to address the matter further before a Committee Appointed by Council.

Yours faithfully

[Redacted signature block]


**Natasya Kew**

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**From:** [REDACTED]  
**Sent:** Monday, 13 February 2017 5:03 PM  
**To:** Natasya Kew  
**Subject:** Parking Bay

Hi Natasya regarding the parking bay outside 166 King St Doncaster East after knowing the cost I would like to let you know I no longer request to have it done  
Kind Regards  
[REDACTED]

**11.4 383-395 Manningham Road, Doncaster - Sale of Land**

File Number: IN17/129  
Responsible Director: Director Assets and Engineering  
Attachments: 1 Plan of Subdivision (Proposed) [↓](#) 

**EXECUTIVE SUMMARY**

*The purpose of this report is to progress the sale of 383 – 395 Manningham Road, Doncaster. This includes commencement of the Notice of Intention to sell and advertise pursuant to sections 189 and 223 of the Local Government Act 1989, and endorsement of sale by way of an Expression of Interest campaign.*

*However, commencement of the sale process would only occur following approval by the Minister for Planning of Amendment C111 to the Manningham Planning Scheme.*

*Any contract of sale will be subject to conditions to be included in a section 173 agreement detailing specific requirements.*

**1. RECOMMENDATION**

**That Council:**

- A. Commences the Expression of Interest process following approval by the Minister for Planning of Amendment C111 to the Manningham Planning Scheme, including giving public notice of its intention to sell 383 - 395 Manningham Road, Doncaster, under sections 189 and 223 of the Local Government Act 1989 (the Act);**
- B. Notes that any Contract of Sale for the newly created Lot 2 is subject to conditions that require, at the same time as the execution of the contracts, the purchaser to sign: pre-drafted section 173 agreements that address the following:**
  - **Front and side setbacks**
  - **Viewing details for the main road**
  - **Ramp access from Melaleuca Lodge**
  - **Vehicle crossover standards**
  - **Affordable housing provision, in accordance with the Council resolution dated 23 June 2015.**
- C. Authorises Council's Chief Executive Officer, to carry out any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act;**
- D. Establishes a committee under section 223 comprising the Mayor and Heide Ward Councillors to hear submissions received in regard to the sale of 383 - 395 Manningham Road, Doncaster, in accordance with section 223**

of the Act;

**E. Resolves that the purpose of the Committee is to:**

- Provide the opportunity for persons to be heard in support of their submissions in accordance with section 223 of the Act; and
- Report to the Council on the verbal submissions made, including a summary of hearings.

**F. Further resolves that, should no submissions be received:**

- Having followed all the required statutory procedures pursuant to section 189 and 223 of the Act, it resolves to sell the land;
- That the Chief Executive Officer be authorized to sign any contract of sale for the land on behalf of Council;
- That Council's seal be affixed to any transfer of land and to any other documents to which Council's seal is required to be affixed in connection with the sale of the land; and
- That the Chief Executive Officer be authorised to set the reserve price, and to negotiate the sale subject to the conditions set out in recommendation B and further clarified within the body of the report.

## 2. BACKGROUND

2.1 At its meeting on 23 June 2015, Council resolved in part that:

*'Subject to a further report authorising the commencement of statutory proceedings under section 189 of the Local Government Act 1989, gives in principle support for the sale of part of Lot 2 on as generally shown in Attachment 1 for residential purposes, subject to an expression of interest process and the following principle for future development of the site:*

- *A preferred minimum 10% of the development to comprise affordable and for disability housing.'*

2.2 Prior to giving notice of its intention to sell, the process requires the proposed parcel of land to be subdivided off its parent title and for it to be rezoned to 'Residential Growth Zone', which requires a planning scheme amendment to be approved by both Council and the Minister for Planning.

2.3 Following the appropriate processes, the amendment has been considered by Council.

2.4 At the 13 December 2016 Council meeting, Council further resolved that it:

- (A) *notes the Panel Report for Amendment C111 to the Manningham Planning Scheme;*
- (B) *under section 29 of the Planning and Environment Act 1987, adopts Amendment C111 in the form set out in Attachment 2;*



- (C) *submits the adopted Amendment C111 to the Minister for Planning for approval in accordance with section 31 of the Planning and Environment Act 1987.*
- (D) *under section 96G of the Planning and Environment Act 1987 recommends to the Minister for Planning that a Planning Permit, PL15/025875 as shown in Attachment 4, be granted;*
- (E) *notifies all submitters of Council's decision;*
- (F) *notes that a further report regarding the details of the sale of land will be presented to a future Council meeting.*
- 2.5 In order to progress the sale of the subject land, Council must first resolve to give notice of its intention to sell and advertise pursuant to sections 189 and 223 of the Local Government Act 1989 (sale of land and public advertising). This process will provide the opportunity for interested persons to make a submission.
- 2.6 It is considered appropriate for Council to give notice of its intention to sell the land following the formal adoption of the Amendment, however not commence the sale process, in the form of an EOI process, until the Amendment is approved by the Minister for Planning. This will provide greater certainty for prospective purchasers regarding the rezoning and fundamental details of the land to be sold.

### 3. DISCUSSION / ISSUE

- 3.1 In order to facilitate the EOI process it is recommended that the Chief Executive Officer be authorised to both set the reserve price for the sale of the land and to execute any documents associated with the sale of the land, and that Council authorise the Common Seal of Council to be affixed to the Transfer of Land and any other documents required to affect the sale and transfer of land.

#### **Requirements for the Newly Created Lot 2**

- 3.2 The subject site has certain features that warrant several design and siting principles to be put in place. These include:

##### Front Setback

A setback from the front boundary that is generally compatible within the streetscape context.

##### Side Setback

An appropriate side setback from the eastern boundary to provide reasonable landscaping opportunities and spacing between the subject site and the abutting property to the east.

##### Viewing details for Manningham Road

The front fence should be designed to minimise its visual impact on the streetscape.

##### Ramp Access from Melaleuca Lodge

A pathway and continuous hand rail exists from Melaleuca Lodge (proposed Lot 1) up to the Manningham Road footpath. The plan of subdivision (PS719948Y) shows that access to Lot 2 would be obtained over a carriageway easement over the existing driveway located within proposed Lot 1, which would result in the interruption of the existing pathway and hand rail. Any future redevelopment of Lot 2 will be required to provide a suitable replacement pathway to allow appropriate pedestrian access from Lot 1.

Where the replacement pathway is located on Lot 2, a footway easement in favour of Council needs to be created on title at the owner's expense.

#### Vehicle Crossover Requirements

The construction of a concrete vehicle crossover between the Melaleuca Lodge access driveway and Lot 2 to be in accordance with Council cross-over standards.

#### **Contract of Sale Requirements**

- 3.3 Council has sought legal advice regarding the best way to ensure that any future developer complies with Council's design and siting requirements for Lot 2. The legal advice advised that any Contract of Sale should be subject to a condition that requires that at the same time as the execution of the contracts, or within a specified time (but before settlement), the purchaser is required to sign a pre-drafted section 173 agreement. Therefore, as the purchaser settles the contract and is registered as the owner of the land, the section 173 agreement should be recorded on the Certificate of Title to the land pursuant to the Act.
- 3.4 Council's development parameters and requirements regarding how the site could be developed would be detailed in any future Section 173 Agreement. The requirements would relate to:
- Front and side setbacks
  - Viewing details for Manningham Road
  - Ramp access from Melaleuca Lodge
  - Vehicle crossover requirements
  - The provision of affordable and/ or disability housing in accordance with Council resolution dated 23 June 2015.

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

**In accordance with the Manningham Residential Strategy (2012), the Municipal Strategic Statement (MSS) identifies that there is a need for housing diversity across the municipality in the form of medium and higher density residential developments. More specifically, the MSS also encourages increased residential densities around activity centres and along specified main roads where public transport, facilities, services and employment opportunities are available.**

The Manningham Residential Strategy also sets out a vision that includes "providing affordable living opportunities".

**5. IMPACTS AND IMPLICATIONS**

The proposed rezoning and sale of the land would allow for housing choice, particularly in an area that is well serviced by retail and community facilities, and public transport networks.

The community has had an opportunity to comment on the amendment and planning permit application, and make submissions during the exhibition process. Further opportunity for community input will occur as part of any subsequent planning application lodged to develop the newly created lot.

Consultation with key stakeholders who have a direct interest in the development of the precinct, was included in the planning amendment process and will also include affected stakeholders during future planning permit application processes.

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

The value of the land will be assessed by the City Valuer on the basis of it having been rezoned to a suitable residential zoning for medium density residential development and considering recent development site sales in the vicinity.

**6.2 Communication and Engagement**

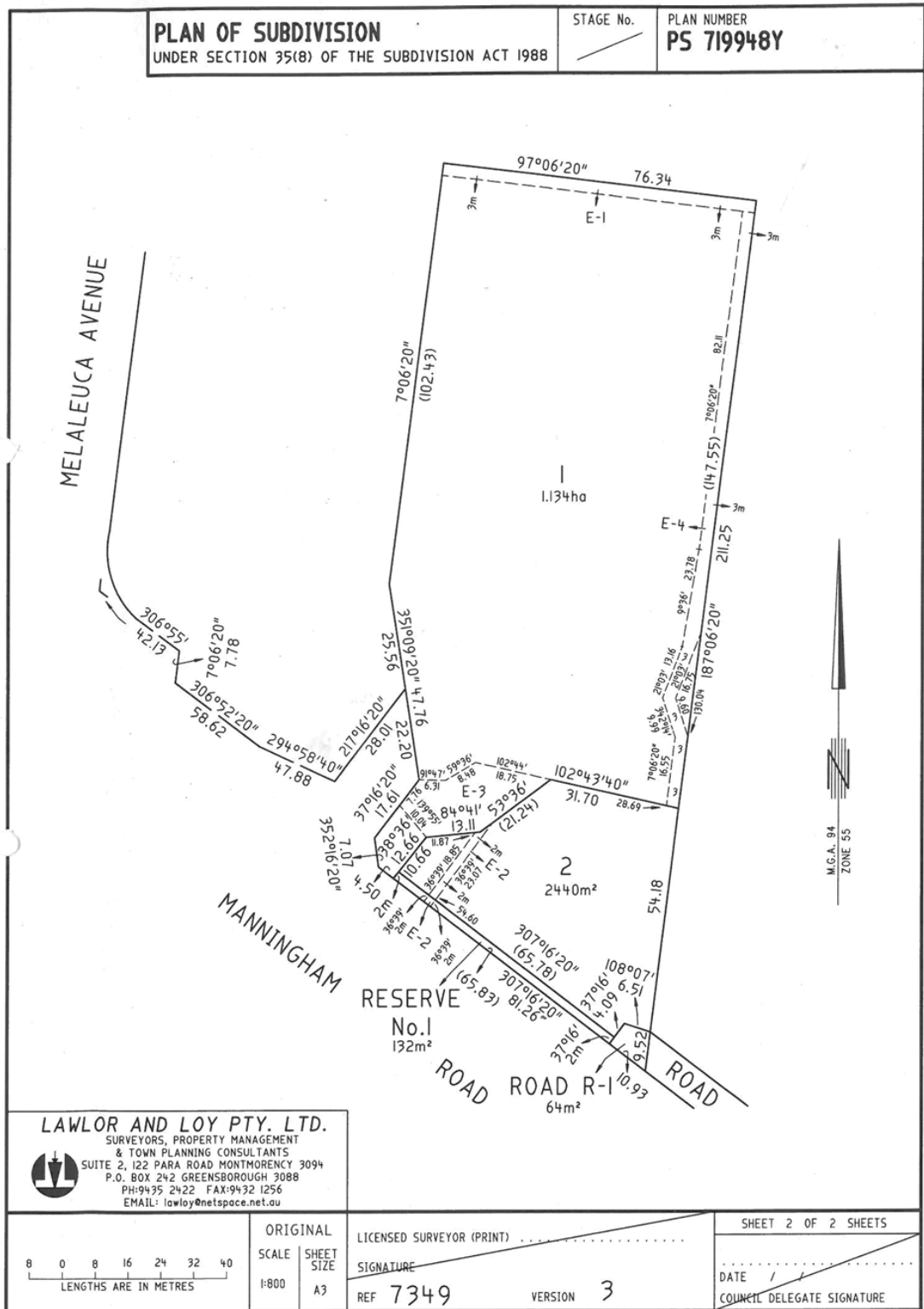
The Notice of Intention to sell includes advertising and consideration of any submissions pursuant to Sections 189 and 223 of the Local Government Act 1989.

**6.3 Timelines**

The EOI Process would not commence until Amendment C111 is approved by the Minister for Planning.

**7. DECLARATIONS OF CONFLICT OF INTEREST**

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





## 12 COMMUNITY PROGRAMS

### 12.1 Resilient Melbourne Strategy

File Number: IN17/143

Responsible Director: Director Community Programs

Attachments: 1 Resilient Melbourne Strategy Summary June 2016 [↓](#)   
2 Resilient Melbourne Strategy Action Update [↓](#) 

#### EXECUTIVE SUMMARY

The Resilient Melbourne Strategy (RMS) marks an important point in Melbourne's development. It presents the first of Melbourne's resilience strategies: a starting point that brings together individuals and organisations critical to the resilience of Melbourne and its diverse communities. It offers a new way to deal with the chronic stresses and acute shocks we are likely to experience, and to achieve our vision of a City that is viable, sustainable, liveable and prosperous, today and into the future.

The RMS has been developed with the active support and input from Melbourne's Metropolitan Councils, Victorian government departments, academics, the community and private sectors. In particular, local government CEOs informed the guiding principles for the strategy development, in that it must:

- build on existing structures;
- avoid duplication; and
- deliver tangible benefits for our communities today, with the long-term in mind.

This strategy (**Attachment 1**), a first for an Australian city, was formally adopted by the Melbourne City Council at its meeting held on 17 May 2016.

At the Councillors Briefing Session held on 14 June 2016, the Chief Resilience Officer, Toby Kent presented a progress report on the RMS. It was noted at this meeting that a RMS Delivery Office was being established and that a request for a financial contribution from the 32 Metropolitan Melbourne Councils would be forthcoming in 2016/17.

A summary of the progress made against each of the initiatives of the Resilient Melbourne Strategy is contained in **Attachment 2**.

This report provides Council with an update of the Resilient Melbourne Strategy and seeks consideration of a request from the Resilient Melbourne Delivery Office for Council to contribute \$15,000 per annum for the next three years (2019/10) towards the implementation of the Strategy.

#### 1. RECOMMENDATION

**That Council:**

**A. Note the progress of the Resilient Melbourne Strategy.**

- B. contributes \$15,000 per annum for the next 3 years (2019/20) towards the implementation of the Resilient Melbourne Strategy.**

## **2. BACKGROUND**

- 2.1 Melbourne applied for and was selected to join the 100 Resilient Cities Network (pioneered by the Rockefeller Foundation) in 2014. Resilient Melbourne marks an important point in Melbourne's development. It presents the first of our city's resilience strategies: a starting point that brings together individuals and organisations critical to the resilience of Melbourne and its diverse communities.
- 2.2 The RMS offers a new way to deal with the chronic stresses and acute shocks we are likely to experience, and to achieve our vision of a city that is viable, sustainable, liveable and prosperous, today and long into the future.
- 2.3 This vision is supported by four long term objectives and related action areas, which developed from a Preliminary Resilience Assessment, which had been informed and supported by metropolitan Council representatives in June 2015.
- 2.4 Actions presented in the strategy were selected upon recommendation from focus area working groups, each led by a CEO from inner, middle and outer metropolitan councils.
- 2.5 The RMS is the result of the work of more than 1000 individuals from 230 organisations, representatives of Melbourne's 32 councils, and many Victorian Government departments. The strategy has been widely reviewed, resulting in specific local government engagement projects.
- 2.6 To ensure the strategy built on existing efforts and to avoid the risk of duplication, a survey was circulated and responded to by 80% of metropolitan Melbourne councils documenting exemplary projects already building resilience.
- 2.7 In addition to endorsing the strategy, Melbourne City Council approved the development of the temporary Resilient Melbourne Delivery office, having received commitment from the Victorian Government to match funds over the next four years.
- 2.8 The Resilient Melbourne Delivery Office, a unit to be hosted at the Melbourne City Council, staffed by a cross section of Councils, and jointly funded by Melbourne City Council, State agencies and from the second year onwards, by participating metropolitan Councils.
- 2.9 This office will be guided by an expanded Steering Committee comprising representatives from Melbourne's five sub-regions and will:
- facilitate the projects and commitments in the strategy;
  - develop resilience capacities in metropolitan local government; and
  - embed resilience principles across metropolitan Melbourne and relevant institutions, as well as determining the appropriate institution to take forward this work over the long term.

- 2.10 Additionally, Melbourne City Council committed to the 100 Resilient Cities 10% pledge which will enable the Office and all our councils to \$5 million worth of in-kind services from 100RC Platform Partners.

### 3. DISCUSSION / ISSUE

- 3.1 The Resilient Melbourne Strategy was formally launched on 1 June 2016.
- 3.2 The Resilient Melbourne Strategy presents a number of benefits to participating Councils including:
- Leverage metropolitan collaboration to attract funding and greater investment for project implementation, notably through the 'Platform Partners' made available through participating in the 100RC network;
  - New opportunities to achieve efficiencies of scale;
  - Effective sharing of information and knowledge about what is working and what isn't and build on each other's experiences, both within Melbourne and by drawing from the international network of 100 Resilient Cities;
  - Participate in actions that correspond to and implement individual council plans; and
  - Acknowledge the issues that occur across municipal boundaries and work together to build long term effective solutions.
- 3.3 Following the establishment of the Resilient Melbourne Delivery Office, further project details have incrementally been provided to Councils, enabling them to make informed decisions about future involvement in relevant RMS initiatives.
- 3.4 To date Manningham Council officers have indicated our interest and currently have varying levels of involvement in a number of strategy areas including:
- **Integrated Water Management (IWM) Framework** which seeks to develop a framework that will provide localised decision making support for IWM approaches which seek to address water security, flood management, environmental impact and urban amenity. This initiative is being led by Council with the support of Cooperative Research Centre. The framework will build upon a number of existing initiatives including Council's involvement in CASBE, water sensitive urban design, and the recent investment in flood mapping to develop cost effective and realistic responses to the water challenges raised by climate change.
  - Through the MAV it is intended to consult with local government across the region to identify currently available tools and resources to assist Councils with water management, and to critically evaluate these to determine their potential to assist with building resilient approaches. Outputs of this, along with a broader needs analysis will be shared with the working group, to assist a focus on developing specific actions.
  - It will be desirable to see practical outcomes that aid in gaining a better understanding of the risks and challenges posed by the pressures of climate, population and increasingly constrained fiscal environments. A focus on stormwater infrastructure (as the major asset base managed by Council) would

be highly beneficial, and especially to identify where integrated approaches could cost effectively address multiple outcomes (e.g. water resource, flood protection, greening cities). Manningham has examples of the sorts of outcomes that are possible (e.g. Bolin Bolin Water harvesting project and Doncaster Hill).

- **The Neighbourhood Project** – through training and building capacity, this initiative will assist community groups transform underutilised land around Melbourne into a network of public spaces. Council was recently unsuccessful for funding under this stream, to be one of three metropolitan Councils interested in activating local places.
- **Emergency Management Resilience Framework** – development of a state-wide framework to ensure local communities in collaboration with Emergency services are better prepared to withstand shocks and disasters.
- Council has since developed its own Resilience Framework which was developed in alignment with the 100 RC Strategy, the EMV resilience models and the National Disaster Resilience Strategy, to enable the facilitation of building local community resilience capacities in collaboration with emergency services. An Action Plan is currently being developed (2017-2020) to support the implementation of the Council Framework for emergency management. The Action Plan (and Framework) are integrated within the draft Health City Strategy and Council Plan Action Plans. Progress reporting on the adopted actions will be undertaken by the Community Resilience sub-committee and provided to the Municipal Emergency Management Planning Committee.
- Currently an Action Plan is being developed (2017-2020) and progress on this will be reported to the Community Resilience sub-committee of the Municipal Emergency Management Plan Committee and is aligned to the Resilience Strategy, Emergency Management Victoria's Framework and the National Disaster Resilience Strategy.
- **Metropolitan Cycling Network** – coordination of a proposal for establishing a Metropolitan Bicycle path network.
- **Resilience Training** for local government professionals.
- **Community led Neighbourhood Renewal** - pilot projects which support citizens' participation in neighbourhood and local infrastructure planning.

#### 4. IMPLEMENTATION

##### Financial Implications

- 4.1 The implementation of the RMS is being led by a Resilient Melbourne Delivery Office, a unit hosted at the Melbourne City Council for five years, staffed by a cross section of Councils, and jointly funded by Melbourne City Council, State agencies (through Department of Premier and Cabinet) and from the second year onwards, by participating Councils.



- 4.2 Additionally, Melbourne City Council committed to the 100 Resilient Cities 10% pledge which will enable the Office and all our councils to \$5 million worth of in-kind services from 100RC Platform Partners.
- 4.3 The Integrated Water Management framework is being developed using in-house resources. Work completed to date has seen the development of a range of computer based tools to automate the analysis of a range of flood mapping data and spatial to understand to relative costs and opportunities of interventions at a local scale. These tools are currently being tested in partnership with Melbourne Water through their flood strategy.
- 4.4 This report seeks consideration of a request from the Resilient Melbourne Delivery Office for Council to contribute \$15,000 per annum for the next three years (2019/10) towards the implementation of the Resilient Melbourne Strategy.

### **Community Engagement**

- 4.5 This strategy is the result of the work of more than 1000 individuals from 230 organisations, representatives of Melbourne's 32 councils, and many Victorian Government departments. The strategy has been widely reviewed, resulting in specific local government engagement projects.
- 4.6 The RMS has been reviewed by and feedback provided by representatives of local government authorities, the Victorian Government, community and private organisations.
- 4.7 A draft of the RMS was circulated for community consultation culminating in 56 full document reviews, and over 1200 individual comments. Additionally the Chief Resilience Officer, Toby Kent, met with 30 of the 32 metropolitan Council CEOs during February and March 2016 to discuss the draft strategy.
- 4.8 To ensure the strategy built on existing efforts and to avoid the risk of duplication, a survey was circulated and responded to by 80% of metropolitan Melbourne councils documenting exemplary projects already building resilience.

## **5. DECLARATIONS OF CONFLICT OF INTEREST**

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



**VIABLE  
SUSTAINABLE  
LIVEABLE  
PROSPEROUS**

*Resilient Melbourne* acknowledges the Traditional Owners of the Land, and their strength, resilience and pride as the oldest continuous culture in the world.



We are pleased to present you with an overview of *Resilient Melbourne*. This is Melbourne's first resilience strategy and the first produced by an Australian city.

The strategy is a joint project of 32 metropolitan Melbourne councils, Melbourne's academic, business and community sectors, and the Victorian Government, all supported by 100 Resilient Cities – Pioneered by the Rockefeller Foundation (100RC).

*Resilient Melbourne* is the culmination of work by over 1,000 people, from 230 organisations across sectors, council boundaries and community groups coming together to consider a shared challenge: what can we do to protect and improve the lives of Melburnians, now and in the future?

We encourage you to read on, download the full strategy and find out more about what all this means in practice, and share with your networks. We hope you enjoy the overview and strategy, and we welcome your responses. You can contact the Resilient Melbourne team on [resilience@melbourne.com.au](mailto:resilience@melbourne.com.au)

**The full version of the strategy is available for download on the Resilient Melbourne website; see [resilientmelbourne.com.au](http://resilientmelbourne.com.au)**

PIONEERED BY THE  
ROCKEFELLER FOUNDATION

100



RESILIENT CITIES

100RC helps cities around the world prepare to meet the physical, social and economic challenges that are a growing part of the 21st century. Melbourne was selected from 372 applicant cities around the world to be among the first wave of 32 cities to join the 100RC network.

100RC offers each member city:

- funding for a Chief Resilience Officer, to coordinate resilience-building efforts
- expert support to develop a resilience strategy
- membership in a global network of peer cities to share ideas and solutions
- use of the 100RC Platform – a group of leading service providers who offer in-kind support to member cities.

**For more information about 100RC visit [100resilientcities.org](http://100resilientcities.org)**

# ABOUT RESILIENT MELBOURNE

People are at the heart of all cities. A resilient Melbourne will draw on the strengths of our diverse communities and geographies, to pursue our shared interests, embrace our differences and be stronger together. We will help communities prepare for change and whatever the future may hold. We will work today, tomorrow and together, towards a viable, sustainable, liveable and prosperous Melbourne.

*Resilient Melbourne* marks an important point in Melbourne's development. It presents the first of our city's resilience strategies: a starting point that brings together individuals and organisations critical to the resilience of Melbourne and its diverse communities. It offers a new way to deal with the chronic stresses and acute shocks we are likely to experience, and to achieve our vision of a city that is viable, sustainable, liveable and prosperous, today and long into the future.

In developing the strategy, we have followed three guiding principles, agreed at the outset of our work: build on Melbourne's existing structures and institutions; avoid duplication of effort and investment, and; deliver tangible benefits to our communities.

Although achieving our long-term objectives will require work over generations – thirty years or more – the actions in the strategy will bring real results starting today.

These actions are affordable, scalable, replicable and measurable. They will support our communities' efforts to adapt to the accelerating changes we face, to survive no matter what shocks occur, and to confidently thrive, building a Melbourne that offers a higher quality of life to all of its citizens, now and for future generations.

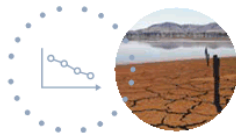


# MELBOURNE IN CONTEXT

Melbourne is a vibrant and proudly multicultural city of 4.3 million residents, originating from more than 180 different countries. A ‘city of cities’, Melbourne is made up of 32 local government authorities (councils) spread over 10,000 square kilometres around Port Phillip Bay, comprising hundreds of diverse local neighbourhoods, each with its own character, cultural mix and set of advantages and problems.

Today, the scale and pace of demographic change in Melbourne are unprecedented. Projections suggest that by 2051 Melbourne will be home to approximately 7.7 million people, and is likely to be Australia’s largest city. Globalisation continues to disrupt our economy and society, while climate change is increasing the risk of extreme events and undermining many of the assumptions used to plan and develop our city.

To cope with this increasing complexity and uncertainty, we need a new approach. This must be centred on our communities, supporting and enabling them to adapt to these accelerating changes and the associated stresses, to survive no matter what shocks occur, and to confidently thrive. This approach will link new resilience-building actions with existing efforts – this way we can build a Melbourne that is a better place for future generations to live in, and whose services and advantages can be enjoyed by all of its citizens.



## CHRONIC STRESSES

Challenges that weaken the fabric of a city on a day-to-day or cyclical basis. Examples include sea level rise, increasing pressures on healthcare services, unemployment, and deeper social inequality.

### EXAMPLES OF MELBOURNE’S CHRONIC STRESSES

- Rapid population growth
- Increasing social inequality
- Increasing pressures on our natural assets
- Unemployment, particularly among young people
- Climate change
- Increasing rates of alcoholism and family violence

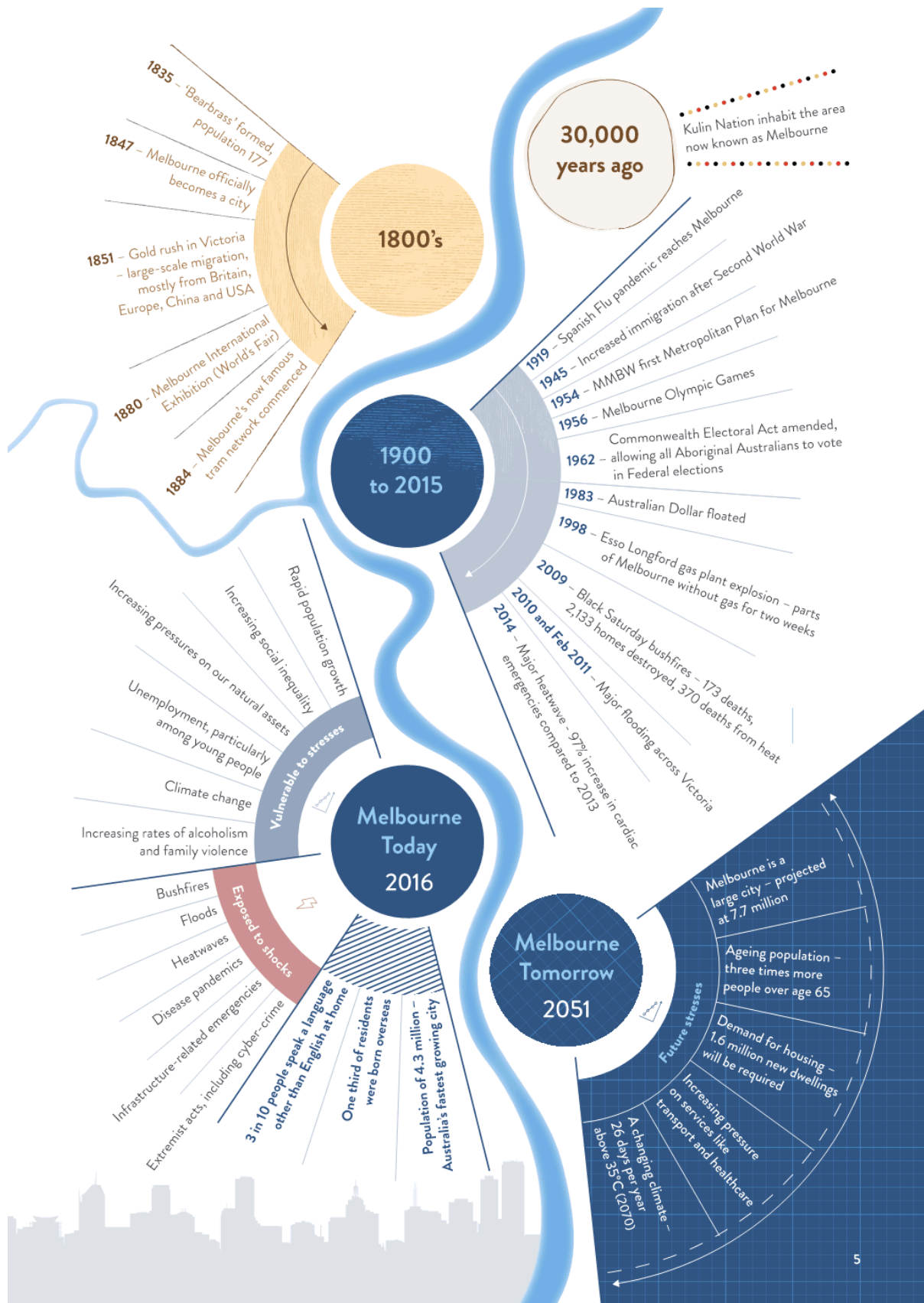


## ACUTE SHOCKS

Sudden events that threaten a city. In Melbourne, examples of acute shocks include heatwaves, bushfires, floods, influenza pandemics, and extremist acts, including cyber-crime.

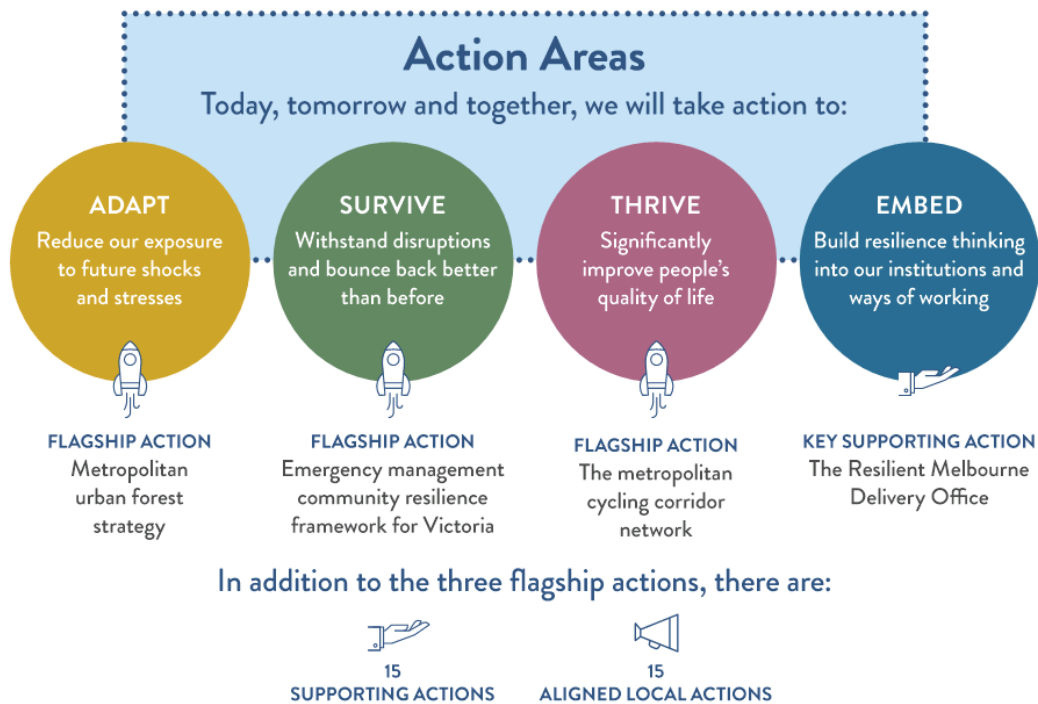
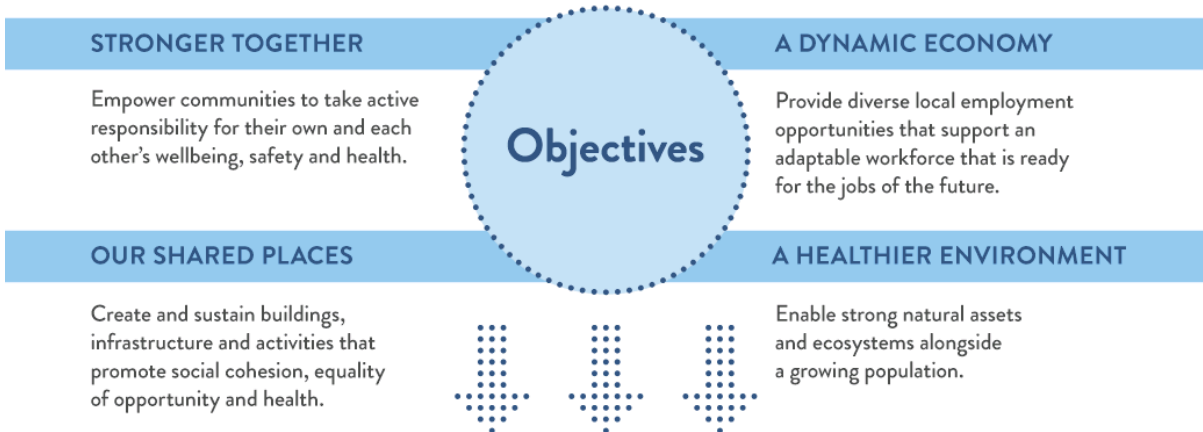
### EXAMPLES OF MELBOURNE’S ACUTE SHOCKS

- Bushfires
- Floods
- Heatwaves
- Disease pandemics
- Infrastructure-related emergencies
- Extremist acts, including cyber-crime



# STRATEGY AT A GLANCE

In a resilient Melbourne, our diverse communities are viable, sustainable, liveable and prosperous.



ACTIONS FOR A RESILIENT MELBOURNE		ACTION TYPE	RESILIENCE OBJECTIVES			
			Stronger together	Our shared places	A dynamic economy	A healthier environment
ADAPT	Metropolitan urban forest strategy					
	Integrated Water Management Framework					
	The Neighbourhood Project					
	New apartments trial for public housing residents					
	Local Government Renewables Group Purchasing					
	National Climate Resilience and Adaptation Strategy					
	Association of Bayside Municipalities Adaptation Planning					
	Working with Melbourne's tertiary and further education colleges and upper secondary schools to support STEM education					
Ask Izzy						
SURVIVE	An emergency management community resilience framework for Victoria					
	Understanding drivers of community resilience					
	Community-based resilience compendium					
	Innovative insurance					
	IBM Smarter Cities Challenge and Twitter Data					
	Flood Management Strategy – Port Phillip and Westernport					
	Multicultural water safety and settlement					
	'Refuge': the role of art and culture in preparedness					
Building preparedness through relationships in Koori and culturally and linguistically diverse communities						
THRIVE	The metropolitan cycling network					
	Community-led neighbourhood renewal and development pilot projects					
	Citymart Challenge – involving citizens in mobility and transport					
	Young and Resilient Living Labs					
	STEM Mentoring Melbourne					
	Innovative business models					
	VicHealth Mental Wellbeing Strategy					
	Melbourne Metro Rail Project					
	Preventing Violence Together					
30-year Infrastructure Strategy for Victoria						
EMBED	The Resilient Melbourne Delivery Office					
	City of Melbourne chair in resilient cities					
	Resilience Training for Local Government					
	Working to embed resilience and build social cohesion					

Flagship Action 
 Supporting Action 
 Local Aligned Action 
 Primary resilience goal 
 Related goal





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 [@resilientmelb](https://twitter.com/resilientmelb)

**RESILIENT MELBOURNE STRATEGY ACTION UPDATE**

Reporting Period Jan / Feb 2017

Project Overall Status	
Metropolitan urban forest strategy	<p><b>RMDO Scope</b> Coordinate with The Nature Conservancy, a 100RC Platform Partner, and other partners to develop a strategy and plan for implementing a metropolitan-wide urban forest</p> <p>Partner constraints Currently confirming platform partner imaging data capabilities and potential</p> <p><b>Summary of Accomplishments</b></p> <ul style="list-style-type: none"> <li>- Steering Committee endorsed governance model</li> <li>- Recruited members and held first technical advisory group meeting</li> <li>- Discussed challenges with data commissioning from platform partners (DigitalGlobe and Trimble) with 100RC and a resolution plan is being developed</li> </ul> <p><b>Summary of Planned Activities</b></p> <ul style="list-style-type: none"> <li>- Resolve data requirements and analysis challenges with platform partners and pursue alternative course of action as needed</li> </ul>
	<p><b>RMDO Scope</b> Work with DELWP and other agreed partners to identify tools to support development and roll-out of integrated water management solutions for local government</p> <p>On track / no delays RMDO aligning with DELWP IWM framework and tools to scope RMDO contributions</p> <p><b>Summary of Accomplishments</b></p> <ul style="list-style-type: none"> <li>- Confirmed alignment on scope with DELWP and Rob Skinner (playing oversight role)</li> <li>- Identified preliminary set of existing decision-making tools to inform support function</li> </ul> <p><b>Summary of Planned Activities</b></p> <ul style="list-style-type: none"> <li>- Align with Clearwater and MAV on purpose of existing tools</li> <li>- Agree governance structure for IWMS function</li> <li>- Recruit consultant (through DELWP) to conduct full landscape of existing decision-making tools</li> </ul>
	<p><b>RMDO Scope</b> Provide support, input and promotion for The Neighbourhood Project and its associated activities; integrate lessons learned into other strategy actions</p> <p>On track / no delays CoDesign Studio preparing forum to review TNP year 1 outcomes and prepare for Phase II</p> <p><b>Summary of Accomplishments</b></p> <ul style="list-style-type: none"> <li>- Met with CoDesign on structure for upcoming Neighbourhood Project Phase II forum (to be held in April)</li> </ul> <p><b>Summary of Planned Activities</b></p> <ul style="list-style-type: none"> <li>- Identify keynote speaker for upcoming forum and determine / provide additional support to promote the event</li> </ul>

**RESILIENT MELBOURNE STRATEGY ACTION UPDATE**

New apartments trial	<b>RMDO Scope</b>	Facilitate partnerships to assist the uptake of a new approach to providing pathways to home ownership and reduce waiting times in Commission housing
		Scoping project plan Preliminary pilot apartment block within City of Melbourne near completion
	<b>Summary of Accomplishments</b>	- Began assessment of existing financial literacy programs to complement future developments / investments
	<b>Summary of Planned Activities</b>	- Develop agreed approach to work with current project owner and additional local councils
Local Government Renewables Group Purchasing	<b>RMDO Scope</b>	Work with local government and other partners to scale the approach to renewable energy origination instigated by the Cities of Melbourne, Moreland, Port Phillip and Yarra to enable group
		On track / no delays RMDO facilitating discussions with potential partners to shape action roll-out
	<b>Summary of Accomplishments</b>	- Began scoping with City of Melbourne and state government representatives on large-scale purchasing of renewable energy
	<b>Summary of Planned Activities</b>	- Conduct next round of discussions with relevant council stakeholders and DELWP
EMV community resilience framework	<b>RMDO Scope</b>	Support and provide input into the framework developed by Emergency Management Victoria and play an ongoing role in supporting testing and refinement of the framework over time
		On track / no delays Draft framework developed and undergoing finalisation
	<b>Summary of Accomplishments</b>	- Invited by EMV to participate on the Steering Committee for this project - Provided feedback to EMV on draft framework
	<b>Summary of Planned Activities</b>	- EMV Community Resilience Framework will be published for distribution
Drivers of community resilience	<b>RMDO Scope</b>	Facilitate and promote research into drivers of community resilience that will inform policies and approaches applied within the Resilient Melbourne strategy and beyond
		Completed Future partners and research to be determined
	<b>Summary of Accomplishments</b>	- N/A
	<b>Summary of Planned Activities</b>	- N/A

**RESILIENT MELBOURNE STRATEGY ACTION UPDATE**

<b>Community-based resilience compendium</b>	<b>RMDO Scope</b>	Work with academic and other partners to develop a repository of information about community resilience
		On track / no delays    Reviewing best ways to enhance existing partnership
	<b>Summary of Accomplishments</b>	- Agreed longer-term opportunities for action with EMV, possibly Attorney General's Office and Australian Institute for Disaster Resilience
	<b>Summary of Planned Activities</b>	- TBC
<b>Innovative insurance</b>	<b>RMDO Scope</b>	Work with the key actors in the insurance sector to identify activities and offerings that can support community resilience, beginning with Essentials by AAI, which is designed to provide households
		On track / no delays    Planning EY workshop on social impact investing opportunities to support action
	<b>Summary of Accomplishments</b>	- Met with Whittlesea Council to seek support and identify approach for involvement in this action - Drafted project plan in collaboration with project sponsor
	<b>Summary of Planned Activities</b>	- Establish working group for innovative insurance for individuals and families - Conduct workshop with EY and relevant stakeholders on insurer engagement / innovative
<b>Metropolitan cycling network</b>	<b>RMDO Scope</b>	Facilitate councils and other partners to integrate cycle network investments and develop a metro-scale cycling strategy
		Developing                      RMDO recruiting a project manager governance
	<b>Summary of Accomplishments</b>	- Presented at Bicycle Futures, a Bicycle Victoria conference oriented towards local government, as well as cycle networks across Victoria
	<b>Summary of Planned Activities</b>	- TBC
<b>Community-led neighbourhood renewal projects</b>	<b>RMDO Scope</b>	Initiate pilot projects to test approaches and share evidence-based good practices regarding innovative, community-led models of development
		On track / no delays    Finalising EOI for developer engagement and identifying governance structure
	<b>Summary of Accomplishments</b>	- Conducted stakeholder engagement with universities, property developers and local governments to identify interest in the action
	<b>Summary of Planned Activities</b>	- Finalise project brief - Continue to develop tools to be used (e.g., EOI process) and funding opportunities to support

**RESILIENT MELBOURNE STRATEGY ACTION UPDATE**

<b>Citymart Challenge</b>	<b>RMDO Scope</b>	Work with Citymart, a 100RC Platform Partner, to deliver an innovation challenge to identify approaches to addressing transport congestion and social cohesion
		Launch delayed      Challenge expected to launch in March
	<b>Summary of Accomplishments</b>	- Met with Challenge Panel and integrated members' feedback into problem statement - Drafted Challenge launch materials for Resilient Melbourne website
	<b>Summary of Planned Activities</b>	- Launch Challenge and associated communications in partnership with Challenge Panel organisations
<b>Young and Resilient Living Labs</b>	<b>RMDO Scope</b>	Facilitate an approach with interested councils and external partners to develop and launch a living lab focused on youth mental well-being
		Scoping project plan      RMDO facilitated workshop with councils, leading to go-forward decision to continue scoping project
	<b>Summary of Accomplishments</b>	- Conducted workshop with Councils to establish appetite to further investigate how Living Labs might be implemented within existing Council actions
	<b>Summary of Planned Activities</b>	- Investigate how key youth organisations might support this action (e.g., FYA, YACVIC, etc.) - Determine if a pilot site can be established in 2017-18 financial year
<b>STEM Mentoring Melbourne</b>	<b>RMDO Scope</b>	Work with LifeJourney to make young people, especially those less priveleged, aware of careers and opportunities in STEM-based industries
		Scoping partner roles      RMDO continuing to facilitate conversations with project partners
	<b>Summary of Accomplishments</b>	- Established schedule for monthly meetings with LifeJourney
	<b>Summary of Planned Activities</b>	- Link LifeJourney with Deakin University's related programs - Plan for how Resilient Melbourne will feature in LifeJourney's 2017 programming
<b>Innovative business models</b>	<b>RMDO Scope</b>	As a first step, support B-corporation partners to provide mentorship and training to innovative businesses (to be scaled / evolved based on pilots)
		Scoping partner roles      RMDO continuing to facilitate conversations with project partners
	<b>Summary of Accomplishments</b>	- Completed project critical enquiry
	<b>Summary of Planned Activities</b>	- Work with partners to develop a detailed project plan

**RESILIENT MELBOURNE STRATEGY ACTION UPDATE**

<b>RMDO</b>	<b>RMDO Scope</b>	Manage all aspects of the Resilient Melbourne Delivery Office in line with agreements with the Victorian Government, City of Melbourne and other metropolitan Councils, and as guided by the
		On track / no delays Team developing project management capacity and tools
	<b>Summary of Accomplishments</b>	- Added Operations Coordinator to team - Conducted project planning workshop with 100RC
	<b>Summary of Planned Activities</b>	- Refine action project plan template and reporting structures
<b>Chair in Resilient Cities</b>	<b>RMDO Scope</b>	Support development of Chair's workplan and collaborate to develop individual projects and opportunities to engage in strategy actions
		On track / no delays Chair in Resilient Cities began at University of Melbourne week of 16 January
	<b>Summary of Accomplishments</b>	- Participated in Melbourne Network Exchange on Urban Biodiversity, including formal introduction at public event on 8 February
	<b>Summary of Planned Activities</b>	- Assist in development of workplan for year 1
<b>Resilience training for Local Government</b>	<b>RMDO Scope</b>	Develop and deliver resilience training for local government and other critical partners
		On track / no delays CRO speaking to MAV in February about embedding resilience into council plans
	<b>Summary of Accomplishments</b>	- Developed RMDO onboarding training materials as pilot
	<b>Summary of Planned Activities</b>	- Convene working group as endorsed by Steering Committee in December to develop content and next steps

**13 SHARED SERVICES**

There are no Shared Services reports.

## 14 CHIEF EXECUTIVE OFFICER

### 14.1 Strategic Risk Register Report to Council - six month period ending 31 December 2016

File Number: IN17/146

Responsible Director: Executive Manager People and Governance

Attachments: 1 Strategic Risk Register LGPRF reporting [↓](#) 

#### EXECUTIVE SUMMARY

*This report provides Council with summary details of Manningham City Council's (MCC) Strategic Risk Register for the six month period ending 31 December 2016, demonstrating compliance with the Local Government Planning and Reporting Framework. The reporting cycle is also embedded into Manningham City Council's Risk Management Policy framework.*

*Capture of the Strategic risks and their current and target risk ratings, is a dynamic process and is relative to a point in time. There are presently 12 Strategic risks.*

#### 1. RECOMMENDATION

**That Council note the Strategic Risk Register as at 31 December 2016.**

#### 2. BACKGROUND

- 2.1 The Strategic Risk Register comprises 12 Strategic risks with a target risk profile of one high risk and 11 medium risks. Directors and Service Unit Managers undertake quarterly reviews of existing key operational and emerging risks.
- 2.2 The risk management policy defines Strategic risks as, 'significant enough to potentially impact the Council's service delivery and implementation of the Council Plan and its statutory responsibilities'.
- 2.3 The 12 Strategic risks are ultimately owned by the CEO who delegates responsibility for each risk to the corresponding Director for respective treatment action and monitoring.
- 2.4 The report was endorsed by the Audit Committee on 3 March 2017

#### 3. DISCUSSION / ISSUE

- 3.1 Recent implementation of a risk assessment software system, Riskware has enabled a more comprehensive register and analysis of Council's identified risks. Whilst applying the existing risk management framework and matrix, the new system has been designed to document two stages of risk rating. The first captures the Current rating, based on existing control systems in place. The second assessment is the Target Rating, which allows for any additional treatment plans working to reduce the risk likelihood or consequence.



- 3.2 Recent review by the Risk Management Committee included validating the currency of the risks, their risk ratings, the adequacy and effectiveness of treatment plans and consideration of any emerging risks. As part of this review, one Strategic Risk description was amended to broaden out the nature and impact of the risk from;  
*'Adverse environmental impacts from climate change on assets impacting service delivery'*, to;  
*'Adverse environmental impact to Council and/or community assets'*
- 3.3 Despite there being no material change in the strategic risk profile, the imminent review of the Risk Management policy framework is likely to result in modification to some of the Consequence classification criteria. This may result in fluctuation to some of the present ratings.

#### **4. DECLARATIONS OF CONFLICT OF INTEREST**

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

Risk Summary Table - March 2017									
Risk No	Risk Description	Likelihood	Consequence	Current Risk Rating	Likelihood	Consequence	Target Risk Rating	Existing Control	Treatment Plan
7	Failure to adequately protect the health and safety of employees, contractors, volunteers or members of the public as a result of Council services	Likely	Major	High	Likely	Moderate	High	<p>Internal Audit Occupational Health and Safety Employees and Contractors 2016 measuring conformance with AS 4801. Additional adhoc independent regulatory audits.</p> <p>Insurance, inspections, comprehensive contract conditions and demonstration of compliance and monitoring of work practices.</p> <p>Major review and redevelopment of OHS Management Framework 2015-16. All Refreshed policies and procedures researched and referenced to applicable legislative and regulatory codes. All new and reviewed policies approved through OHS Committees.</p> <p>Professionally qualified advisory staff. Compulsory training for Health and Safety Representatives. Communication initiatives including staff and contractor training, intranet resources, E-learning, tool box talks and OHS notice boards.</p> <p>Quarterly OHS Incident and Injury Hazard Reporting &amp; Analysis to Risk Management Committee (Executive) and OHS Committees.</p>	Development of OHS Strategy and audit program as per 2016 OHS audit recommendations
9	Inadequate contract management practices	Possible	Major	High	Unlikely	Major	Medium	<p>Capital Works framework, delegations, authorisation processes and Cap works committee.</p> <p>Annual Internal Audit Program includes major contract audit cycle.</p> <p>Skilled staff, knowledge and expertise, detailed specifications and conflict of interest declarations. Contractor management training 2016</p> <p>Stringent Tender process, including comprehensive specifications for contracts (penalties, insurance, retentions), credit rating, bank guarantee and referee checking.</p> <p>Project Steering Committees</p> <p>Contractor Inspections and audits - Strategic Projects, Engineering Operations, Electrical Line Clearance, Parks and Works minor contracts.</p> <p>Performance monitoring &amp; Reporting</p>	Waste Management Contract Internal Audit 2018

Risk No	Risk Description	Likelihood	Consequence	Current Risk Rating	Likelihood	Consequence	Target Risk Rating	Existing Control	Treatment Plan
12	A major business interruption incident	Rare	Catastrophic	High	Rare	Major	Medium	Business Continuity Management Policy Framework including: Policy, Crisis Management Response & Recovery Plans, Directorate Sub Plans and Crisis Management Team Testing of the Crisis Management Plan and monitoring by the Risk Management Committee and independent Audit Committee IT Disaster Recovery Plan and annual testing exercise	Crisis Management Plan annual external testing exercise and action plan in accordance with Business Continuity Institute Guidelines Review Business Continuity Management policy
1	Failure of IT Systems (Infrastructure, I.T. & Services) impacting critical services	Unlikely	Moderate	Medium	Unlikely	Moderate	Medium	Offsite backup and data storage/BCP Firewalls, physical and IT access security Policy, Procedures, Specialists, Supplier agreements, training and integration with Crisis Management Plan PC & Technology Refresh Project and server upgrade 2016 Annual and long term budget to maintain and improve system capability IT DRP Plan	Ongoing annual Disaster Recovery Exercise to test technical capability in the event of a disaster Annual review of Disaster Recovery Plan after DR Exercise
2	Non compliance with statutory and regulatory requirements	Possible	Moderate	Medium	Unlikely	Moderate	Medium	Staff knowledge, delegations, policies, procedures, internal and external audit, external monitoring, risk management framework & incident reporting Regular policy review and training, internal audit program, refer operational risks. Culture of compliance (Code of Conduct training and Employee of Code of Conduct handbook training during induction. Legislative alerts, delegations, training	Internal audit plan 2016/17, Regular Audit Committee, LGPRI reporting


Risk No	Risk Description	Likelihood	Consequence	Current Risk Rating	Likelihood	Consequence	Target Risk Rating	Existing Control	Treatment Plan
3	Inadequate financial planning & management significantly impacting the delivery of critical services	Rare	Major	Medium	Rare	Major	Medium	Financial management system, policies & procedures, comprehensive Budget process & adoption by Council. Highly experienced and qualified staff 10 Year long term financial strategy and review incorporating Rate Capping formula. Annual external audit by VAGO including financial risk analysis rating. Audit Committee oversight of VAGO's Closing Report and annual Financial Report of accounts prior to adoption by Council Monthly reporting to Executive Management Team and Quarterly to Council and Audit Committee. Investment Policy including access to expert independent advice. Controls and Monitoring Access to short & long term funding Management monitoring, Strong sector communication with LG Superannuation company, enquiry by Audit Committee and development of contingency as required. Daily IT backup, IT DRP plan	Risk Retention
4	Inadequate stakeholder management or engagement impacting brand reputation	Possible	Moderate	Medium	Unlikely	Moderate	Medium	Corporate brand management by Community Relations and Marketing Manningham website and multiple social media platforms Consultation framework including policy, training, consultative culture, systems, monitor & review Communication plans for key policies Community engagement strategy and resourcing. Utilisation of demographic data in project and service delivery research and development Council Plan 1000 voices community consultation 2016 Democratic election of Councillors 2016	Development and launch of Citizen Connect to transform the delivery of services and information to the needs of the customer. Development and adoption of Council Plan 2017-2021

Risk No	Risk Description	Likelihood	Consequence	Current Risk Rating	Likelihood	Consequence	Target Risk Rating	Existing Control	Treatment Plan
5	Fraud or corruption incident	Unlikely	Moderate	Medium	Rare	Moderate	Medium	<p>Staff code of Conduct awareness and training</p> <p>IBAC CEO presentation to Executive and Service Unit Managers July 2016. Ongoing IBAC, VAGO and Ombudsman communications routinely circulated to Executive and Service Unit Managers.</p> <p>Councillor Code of Conduct reviewed and adopted June 2016 (as per changes to the Local Government Act Sect 76C)</p> <p>Fraud and Corruption Policy, Control Plan, Risk Assessments, Protected Disclosure Procedures and annual reporting to audit committee, Delegation register and statements</p> <p>External Audit (VAGO) audit 2015-2016</p> <p>Annual Internal Audit program by independent contractor and reported to Audit Committee</p> <p>Implementation of reviewed Procurement Policy and Procedures including upgrade to software systems enhancements to align with process change 2016</p> <p>Recruitment processes</p>	Review Fraud and Corruption Control Plan
6	Inappropriate access, use or significant loss of data/corporate records	Unlikely	Major	Medium	Rare	Major	Medium	<p>Firewall upgrade cycle, data backups/offsite data centre, security access controls</p> <p>Server upgrade 2016 Refresh of key policies 2016:</p> <ul style="list-style-type: none"> <li>-Acceptable use of IT</li> <li>-Information privacy &amp; security</li> <li>-IT hardware and software</li> <li>-Email use</li> </ul> <p>Policy and notebook staff training 2016 Staff Privacy Act awareness sessions</p> <p>TRIM upgrade 2016 - greater reliability and ease of use</p>	<p>IT System Security Internal Audit 2017</p> <p>Records Management Transformation Project - TRIM refresh</p>

Risk No	Risk Description	Likelihood	Consequence	Current Risk Rating	Likelihood	Consequence	Target Risk Rating	Existing Control	Treatment Plan
8	Change in government policy and/or funding resulting in significant impact on the delivery of critical services	Unlikely	Major	Medium	Unlikely	Major	Medium	<p>Commonwealth Government, State Government and MAV communication to Council and Councillors at key transaction stages</p> <p>Lobbying and advocacy for improved outcomes for LG sector, including advocacy through MAV</p> <p>Long term financial modelling (10 Year Financial Strategy) incorporating Rate Capping formula impact.</p> <p>Monitoring and reporting process. Comprehensive Budget process</p>	Risk Retention
10	Adverse environmental impact on Council and/or community assets	Possible	Moderate	Medium	Possible	Minor	Medium	<p>Updated flood mapping data (five catchments), flood management plan, Drainage Strategy (2004-2014) and ongoing drainage maintenance program</p> <p>Municipal Emergency Management Plan (externally audited) including strong focus on community and Council staff education.</p> <p>Associated sub plans. ie. Heatwave Plan and Flood Emergency Plan</p> <p>Electrical Line Clearance Management Plan 2016-2020</p> <p>Insurance Program</p> <p>Climate 2020 Action Plan - Strategic Plan</p> <p>Various community education and awareness initiatives, to foster and equip a climate aware community</p>	<p>Manningham Planning Scheme proposed Amendment C109 report to Council 21-02-17 - item deferred.</p> <p>Annual Municipal Emergency Management Plan exercise</p>

Risk No	Risk Description	Likelihood	Consequence	Current Risk Rating	Likelihood	Consequence	Target Risk Rating	Existing Control	Treatment Plan
11	Inappropriate procurement practices	Possible	Moderate	Medium	Unlikely	Moderate	Medium	Procurement Policy review by Audit Committee and adoption by Council 24-02-17 Upgrade and integration of software functionality to align with additional Procurement system controls Procurement Practices Review implementation program 2016-17 Tendering Procedures, delegation, Conflict of Interest declaration prior to tender, independent and centralised administration by Procurement Officers and provision for appointment of probity officer Annual Procurement/Contract management training. Regular communication of Procurement procedure changes, information sessions and training Staff Code of Conduct training Promotion of integrity culture IBAC investigation updates to Service Unit Managers Fraud and Corruption Policy Protected Disclosure Procedures	Internal Audit program Procurement

## 14.2 Municipal Association of Victoria (MAV) Advocacy Motions - State Council Meeting May 2017

File Number: IN17/148  
Responsible Director: Executive Manager People and Governance  
Attachments: 1 Attachment 1 - MAV State Council Motions - MCC - May 2017 [↓](#) 

### EXECUTIVE SUMMARY

*This report details the proposed advocacy motions to be submitted to our peak advocacy body, the Municipal Association of Victoria (MAV) Each year local government is given the opportunity to submit advocacy motions to the MAV State Council. The motions proposed are in response to key current issues that have potential to impact on our local community and broader population.*

This report seeks endorsement of the proposed motions for inclusion MAV advocacy plans.

### 1. RECOMMENDATION

**That Council:**

- A. Endorse the proposed motions for submission to the MAV State Council meeting on 12 May 2017.**

### 2. BACKGROUND

- 2.1 The MAV is the peak advocacy body for local government in Victoria. MAV provides local government with the opportunity to raise highlight issues for adoption into its work plans and discussions with the State and Federal Governments.
- 2.2 Motions are to be developed in response to relevant issues that either currently impact or have potential to impact our residents and that require Council consideration and endorsement.
- 2.3 Once submitted, motions are voted on by member Councils representatives at the State Council meetings. Councils current MAV Representative is Cr Paul McLeish.

### 3. DISCUSSION / ISSUE

- 3.1 Following consultation with Councillors and Officers, the following motions are proposed to present at the State Council meeting on 12 May 2017 (see Attachment 1):
- 3.1.1 Promotion of tourism and other economic opportunities in Green Wedge
- 3.1.2 Metro Access Program



3.1.3 School Focussed Youth Services

3.1.4 Universal Access (15 Hours Kindergarten) – please note the rationale for this motion has been updated following additional information coming to hand.

3.2 A number of the motions are ongoing issues and are included in the current MAV workplan. Seeking Council endorsement of these motions aims to strengthen and highlight Council support in these priority areas.

**4. IMPLEMENTATION**

4.1 Timelines

Motion for consideration at the 12 May 2017 State Council are due at MAV on 14 April 2017 for distributed to all MAV representatives.

**5. DECLARATIONS OF CONFLICT OF INTEREST**

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



# FORM

## MAV State Council Meeting – 12 May 2017

To submit a motion for consideration by State Council on 12 May 2017, please complete this form and email to [State Council](#), **no later than 14 April 2017**. Please note, motions received by **6 April** (early motions) will be distributed to all MAV representatives on **7 April**. Submitters may amend their own motions up to 5pm on **21 April 2017**.

### MOTION

#### PROMOTION OF TOURISM AND OTHER RELATED ECONOMIC OPPORTUNITIES IN MELBOURNE GREEN WEDGE

*Submitted by: Manningham City Council*

#### MOTION:

Advocate to the State Government to provide clear direction for addressing the current limitations that threaten the long term future and viability of ongoing or new opportunities in Metropolitan Green Wedge areas. This will require an approach that brings together planning, economic and environmental perspectives, and instruments that provide a coordinate approach to resolving current issues and support opportunities.

#### RATIONALE:

The current planning restrictions are not supportive of a proactive approach to unlocking opportunities, in many Metropolitan Green Wedge areas, leaving Councils to find local approaches. Furthermore, environmental objective are often at odds with economic imperatives and the type of support required by businesses is not readily available.

While changes to the RCZ in 2013 increased the scope and the flexibility of the zone to accommodate a wider range of uses, Clause 57 with its 'in conjunction' condition still applies to all land outside the Urban Growth Boundary (UGB). The existing RCZ provides limited autonomy for the operation of tourism and other related uses due to the overriding restrictions contained within Clause 57.

There is a need to review current constraints with the intent of providing changes to current controls that both assist supporting economic and tourism opportunities, and providing clear guidance to assess environmental and landscape impacts. For example, this could include providing the ability to work with current non-conforming uses (including agriculture and tourist based enterprises) to provide for their retention and ongoing enhancement. Addressing restrictions contained within Clause 57 in a manner that supports environmental and economic objectives in a balanced way would also greatly assist.

*\*Note: Motions must be submitted by **one** council but may be supported by other councils. The council submitting the motion will need to supply written confirmation from any council(s) listed as supporting the motion. All relevant background information in support of the motion should be included in the space provided for the rationale and not in attachments. **The motion and rationale should be no longer than one page.***



## FORM

## MAV State Council Meeting – 12 May 2017

To submit a motion for consideration by State Council on 12 May 2017, please complete this form and email to [State Council](#), **no later than 14 April 2017**. Please note, motions received by **6 April** (early motions) will be distributed to all MAV representatives on **7 April**. Submitters may amend their own motions up to 5pm on **21 April 2017**.

<b>MOTION</b>
<b>METRO ACCESS PROGRAM</b>
<i>Submitted by: Manningham City Council</i>
<p><b>MOTION:</b></p> <ul style="list-style-type: none"> <li>▪ That the MAV urgently seek to advocate to the State government for the current 3 year funding arrangements for the Metro Access Program to continue beyond 2016/17.</li> <li>▪ That clarification is provided regarding the alignment of the current Metro Access Program directions with the localised roll out of the National Disability Insurance Scheme.</li> </ul>
<p><b>RATIONALE:</b></p> <p>The Department of Health and Human Services (DHHS) has funded the Metro Access program in partnership with local councils across Victoria for over a decade through the Building Inclusive Communities Program. Strong local access and inclusion outcomes have been delivered through this partnership for people with a disability.</p> <p>DHHS funding for this Program is only secured until 30 June 2017. Urgent clarification is sought from the State Government on the financial support of this program to ensure that the support provided through this Program is not lost in the transition during the localised rollout of the NDIS.</p> <p>A loss of funding will diminish the capability of community groups and businesses to improve access for people with a disability, and fewer opportunities will be available for people with a disability to participate in community life</p>

*\*Note: Motions must be submitted by **one** council but may be supported by other councils. The council submitting the motion will need to supply written confirmation from any council(s) listed as supporting the motion. All relevant background information in support of the motion should be included in the space provided for the rationale and not in attachments. **The motion and rationale should be no longer than one page.***



# FORM

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<b>MOTION</b>
<b>SCHOOL FOCUSED YOUTH SERVICES</b>
<i>Submitted by: Manningham City Council</i>
<b>MOTION:</b> That the MAV write to the State Minister for Education advocating for further three year program funding to be provided which will enable the Statewide School Focused Youth Service program to continue to be implemented across schools and communities beyond December 2017.
<b>RATIONALE:</b> Since 1998 this program has provided responsive services in partnership with schools, assisting them to access support for their most vulnerable students in Victoria. The program is currently funded until December 2017.

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MOTION UNIVERSAL ACCESS (15 HRS KINDERGARTEN)
<i>Submitted by: Manningham City Council</i>
<p><b>MOTION:</b> That the MAV advocate to the State and Federal Governments to continue the funding of the Universal Access to Early Childhood Education Program (15 Hours of Kindergarten) beyond the life of the current national Partnership Agreement which is due to expire in December 2017.</p> <p>Following restoration of this agreement, make funding available to assist Councils to upgrade ageing infrastructure from which the Universal Access to Early Childhood Education Program is delivered.</p>
<p><b>RATIONALE:</b></p> <p>The continual short-term funding arrangements for Universal Access make it difficult for Victorian services and families to plan as they continue to face uncertainty about the cost and availability of kindergarten beyond 2017.</p> <p>Despite evidence linking kindergarten attendance to improved student results in numeracy, reading and spelling, the Federal Government still has not committed to funding 5 hours of kinder a week - around \$100 million for Victoria - after the current National Partnership Agreement ends in December 2017.</p> <p>As part of that agreement the State Government provides funding for another 10 hours, to meet the national target of providing access to 15 hours of kindergarten a week for four year-olds.</p> <p>An ongoing commitment is urgently required to ensure all children can access high quality, affordable kindergarten programs. Research clearly links kindergarten participation with better school performance, and improved job prospects and higher wages on entering the workforce.</p> <p>In addition Councils contribute significant funds to upgrade and build the facilities needed to deliver the programs. Securing ongoing funds for Local Government to continue to provide appropriate and well maintained infrastructure is required.</p> <p>Federal Government funding will ensure that Council is well placed to continue to be able to provide for the 15 hours of kindergarten to children in the year before school. If Council is not funded adequately to upgrade aging infrastructure this cost will be passed onto the community.</p> <p>15 hours of kindergarten makes an enormous difference to a child in the year before school. Ongoing secure Federal Government funding must be provided for the benefits of the 15 hours of kindergarten to continue beyond December 2017.</p>

*\*Note: Motions must be submitted by **one** council but may be supported by other councils. The council submitting the motion will need to supply written confirmation from any council(s) listed as supporting the motion. All relevant background information in support of the motion should be included in the space provided for the rationale and not in attachments. **The motion and rationale should be no longer than one page.***

**14.3 Delegations - Statutory Review and Bi-annual Update 2017**

File Number:	IN17/109
Responsible Director:	Executive Manager People and Governance
Attachments:	1 Instrument of Delegation Chief Executive Officer <a href="#">↓</a> 
	2 Instrument of Delgation Council to Staff <a href="#">↓</a> 

**EXECUTIVE SUMMARY**

Council is authorised by the Local Government Act 1989 (the Act) to delegate any power, duty or function of the Council under the Act or any other Act applying to Council in order to streamline and make more efficient the day-to-day decision making role of the Council and thereby reduce delays in the business operations of Council.

The delegations framework in use at Manningham consists of:-

- Instrument of Delegation (S5) from Council to the Chief Executive Officer;
- Instrument of Delegation (S6) from Council to Staff positions;
- Instrument of Sub-Delegations (S7) from the Chief Executive Officer to Staff positions;
- Instrument of Delegation (S12) by the Municipal Building Surveyor; and
- Instrument of Delegation by the Chief Executive Officer (S14) to Staff (VicSmart).

These delegations are controlled by a Council Policy which requires all delegations to be updated twice a year. Council is also required by the Act to undertake a review of all delegations made by Council within 12 months after the general elections of Council. The review only applies to the S5 and S6 Instruments of Delegation as these are the only two made directly by Council.

This report and attachments sets out the delegations currently in place and the additional one's proposed by new or changed legislation that have come into force since the last updates made to the Instruments. In considering this report and the delegations set out in the Instruments and those being proposed for addition or deletion, Council is undertaking the review as required by the Act.

The proposed new reviewed and updated Instrument of Delegation (S5) from Council to the Chief Executive Officer only contains one new addition which concerns the power to appoint an Acting Chief Executive Officer when the Chief Executive Officer takes leave.

The proposed new reviewed and updated Instrument of Delegation (S6) from Council to Staff positions includes 30 new powers which have been identified as necessary due to recent changes top State Government legislation and regulations made since the last update of the Instrument on 26 April 2016.

All new inclusions to the Instruments of Delegation have be made on the advice of Maddocks Lawyers.

**1. RECOMMENDATION**

**That Council in conducting a review of its delegations as required pursuant to sections 98(6) and 86(6) of the Local Government Act 1989 determines:**

- A. The Instrument of Delegation (S5) made to the Chief Executive Officer, as shown in Attachment 1, having been reviewed and updated be adopted;**
- B. The Instrument of Delegation (S6) made to Staff positions, as shown in Attachment 2, having been reviewed and updated be adopted;**
- C. Both Instruments of Delegation are to come into force immediately the common seal of Council is affixed to the Instruments;**
- D. On the coming into force of the Instruments all previous delegations to the Chief Executive Officer and Other Staff positions are revoked;**
- E. The duties and functions set out in the Instruments must be performed, and the powers set out in the Instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt; and**
- F. The Instrument of Delegation (S5) to the Chief Executive Officer includes a power of sub-delegation by the Chief Executive Officer to members of Council staff, in accordance with section 98(3) of the local Government Act 1989.**

## **2. BACKGROUND**

### **Delegation in Local Government in Victoria**

- 2.1 Councils within Victoria, as statutory authorities, are given extensive powers by numerous Acts and associated regulations. Council as a legal entity can only make decisions in one of two ways; by resolution or through others acting on its behalf with delegated authority.
- 2.2 The Act allows a Council to delegate to the Chief Executive Officer (CEO) or a member of its staff any power, duty or function of a Council under that Act or any other Act but with the following exclusions—
  - (a) this power of delegation;
  - (b) the power to declare a rate or charge;
  - (c) the power to borrow money;
  - (d) the power to approve expenditure not contained in a budget approved by Council;
  - (e) any power, duty or function of the Council under section 223; and
  - (f) any prescribed power.'
- 2.3 The delegation of powers to Council Officers is essential to enable day to day decisions to be made and the business of Council to continue without undue delays and costs. The system of delegations in use in Victoria allows the Council to be able to concentrate on setting policy and the strategic direction of the organisation without it getting bogged down in administrative detail and process.
- 2.4 A delegated decision, once made, is for all legal purposes a decision of Council but it should be noted that Council retains all powers that it delegates under the various instruments of delegation and has the ability to exercise those powers if it so chooses. It cannot, however, overrule a decision already taken by a delegate.
- 2.5 The Act also allows a Council to delegate to a Special Committee.

### **The Delegation Framework**

- 2.6 The delegation framework in use at Manningham Council consists of the following Instruments of Delegation.
- Instrument of Delegation from Council to the CEO (S5)
  - Instrument of Delegation from Council to Staff Positions (S6)
  - Instrument of Sub-Delegation from the CEO to Officers (S7)
  - Instrument of Delegation by the Municipal Building Surveyor (12)
  - Instrument of Delegation by the CEO to Staff (VicSmart) (S14).
- 2.7 These Instruments are kept up-to-date by subscription to a delegations service, provided by Maddocks, which provides information on changes in legislation and delegated powers. This service covers a broad range of Victorian Acts and Regulations under which Council has powers and responsibilities and provides updates on any legislative changes twice a year. The service is used by Council to ensure that it is properly delegating powers to members of Council staff (either directly or through delegation by the CEO) in order to avoid any issues arising regarding the legality of a decision or an action purportedly made or taken on behalf of the Council.
- 2.8 The S5 and S6 Instruments are also helped to be kept up-to-date by a requirement of the Act for Council to review its delegations after each general election.

### **Instrument of Delegation (S5) – Council to Chief Executive Officer**

- 2.9 Due to the complexity of contemporary modern local government and the fact that the number of powers extended to local government under legislation is so extensive, it is common practice for councils to 'delegate by exception' to their CEO. This means that they delegate all their powers to the CEO and then defray the delegation by specifying those powers which are not to be delegated but must be left for Council decision. This approach has two obvious benefits:
- 2.9.1 a clear distinction can be drawn between powers of a major strategic and policy setting nature, which should reside with Council and those powers of a more operational nature, which logically rest with other levels within the organisation. This is consistent with Section 94(1)(c) of the LGA, which requires that the CEO is responsible for the day to day management of the Council's operations in accordance with its council plan; and
- 2.9.2 from a practical perspective, this method of delegation avoids the alternative need to exhaustively list in the Instrument of Delegation to the CEO every provision of every Act that confers powers to local government, with the risk that some provisions may be inadvertently omitted.
- 2.10 This instrument has been designed by Maddocks and forms part of the bi-annual updating of all instruments of delegation undertaken by Council each year.
- 2.11 The last Instrument of Delegation made to the CEO was approved by Council on 26 April 2016. It details the conditions and limitations placed on the delegations to the CEO.



**Instrument of Delegation (S6) – Council to Staff Positions**

- 2.12 Section 98(1) of the Act provides that a Council may, by instrument of delegation; delegate to a member of its staff any power, duty of function of a Council under the Act or any other Act, other than certain specified powers. No delegations have been made direct from Council to other staff under the LGA as this is considered best left to the CEO to do and is adequately covered by the CEO's sub-delegation ability.
- 2.13 Other Acts such as the Planning and Environment Act 1987, Domestic Animals Act 1994, Food Act 1984 and the Road Management Act 2004 do not permit Council to delegate powers, etc to the CEO or for sub-delegation by the CEO to other staff so Council needs to perform this task itself and delegate its powers, duties or functions under these Acts direct to members of Council Staff.
- 2.14 The last Instrument of Delegation (S6) was approved by Council on 26 April 2016.

**Sub-delegations Chief Executive Officer to Staff – Instrument of Delegation (S7)**

- 2.15 Section 98(2) provides that the CEO may, by instrument of delegation, delegate to a member of the Council staff any power, duty or function of his/her office other than the power of delegation.
- 2.16 Through the instrument of delegation to the CEO, the CEO has the authority to delegate some of the powers, duties or functions of his office other than this power of delegation to other staff members. These delegations are generally of an administrative nature and enable decisions to be handled at the appropriate level within the organisation in line with the relevant member's level of responsibility.
- 2.17 These delegations by the CEO are not subject to this statutory review by Council. However, it is considered that the CEO should, once this review has been conducted, also internally review all sub-delegations to reflect any recent legislative changes and ensure that the delegation properly identifies the person to whom the powers and functions have been delegated. This action will help to minimise and manage risk to the Council caused through out-of-date delegations. This activity is supported by Maddocks providing guidance on any changes to delegated powers caused by legislative changes made since the last bi-annual update.
- 2.18 The last Instrument of Delegation (S6) was approved by Council on 1 April 2015.

**Instrument of Delegation (S12) by Council's Municipal Building Surveyor**

- 2.19 The Municipal Building Surveyor pursuant to S216B and 228(2) of the Building Act 1993 may and has delegated certain duties, functions or powers to members of his staff who are registered as a building surveyor. This Instrument of Delegation is not subject to the statutory review but is updated from time to time in accordance with advice from Maddocks.
- 2.20 The last Instrument of Delegation (S6) was approved by Council on 1 April 2015.

**Instrument of Delegation (S14) – Chief Executive Officer to Staff (VicSmart)**

- 2.21 The Planning and Environment (VicSmart Planning Assessment) Act 2012 amended the Planning and Environment Act 1987 to enable planning schemes to set out different procedures for different classes of application. The VicSmart process nominates the CEO of a council as the responsible authority for considering and deciding VicSmart applications. The CEO under section 98(2) of the Act and section 188 of the Planning and Environment Act 1987 is able to delegate the responsible authority powers, discretions and functions to an officer of the council.
- 2.22 This Instrument of Delegation is not subject to the statutory review but is updated from time to time in accordance with advice from Maddocks.
- 2.23 The last Instrument of Delegation (S6) was approved by Council on 1 April 2015.

### 3. DISCUSSION / ISSUE

#### Review of Delegations

- 3.1 Section 98(6) of the Act requires that Council must, within the period of 12 months after a general election, review all delegations which are in force and have been made by the Council to:
- Chief Executive Officer (CEO);
  - Council staff members; and
  - Special Committees of Council.
- 3.2 The review needs to be completed by October this year in order for Council to meet its statutory obligation. This report not only covers the bi-annual update but meets the review requirement.
- 3.3 This review included within this report is based on the use of Instruments of Delegation prepared by Maddocks and which have been used by Council for the past eight years.
- 3.4 In regard to the Instrument of Delegation (S5) to the CEO, there is only one proposed new additions to this Instrument of Delegation. This concerns the appointment of an Acting CEO when the CEO takes leave.
- 3.4.1 Council resolved in December 2015 that Council delegate to the CEO the authority to appoint (in consultation with the Mayor of the Day) an Acting CEO for any period of leave, not exceeding four weeks, to be taken by the CEO. To avoid confusion, and ensure that all limitations and conditions on the CEO delegations are specified in the one Instrument, Council's decision needs to be reworded as it imposed a condition on the exercise of the delegation and to be compliant with the 'delegation by exception' Instrument template.
- 3.4.2 It is recommended that the following be included in the Instrument of Delegation (S5).
- “The appointment of an Acting CEO:**
- i. **for a period exceeding 4 weeks; and**
  - ii. **for a period not exceeding 4 weeks and the CEO has not previously consulted with the Mayor of the Day in respect of that appointment.”**

- 3.5 The proposed new Instrument of Delegation being recommended for adoption is shown in Attachment 1.
- 3.6 In regard to the Instrument of Delegation (S6) to Staff positions there are 35 new delegations added to the S6 Instrument are shown as pink background shading in Attachment 2. These changes are summarised below:-
- Planning and Environment Act 1987 – 16 new delegations  
The new duties and powers inserted into this Act, mainly concerning infrastructure contribution plans which can be included in a planning scheme (ss46GF – 46GI, s46GL, s46GM and s46QD.)
  - Planning and Environment Regulations 2015 – 2 new delegations  
The Regulations 2016 replaced the Regulations dated 2005.
  - Planning and Environment (Fees) Regulations 2016 - 1 new delegation  
The Regulations 2016 replaced the Regulations dated 2015.
  - Road Management Act 2004 – 3 new delegations  
Minor amendments have been made in relation to bus stopping points and infrastructure and road naming.
  - The Road Management (General) Regulations 2016 – 11 new delegations  
These Regulations replaced those dated 2005, with minor amendments to council duties for road management plans.
  - Road Management (Works and Infrastructure) Regulations 2015 – 2 new delegations  
Updating with minor changes.
- 3.7 In undertaking both the update and the review of these Instruments all affected Service Unit Managers have been consulted prior to referral to Council to ensure the accuracy and appropriateness of the delegations.
- 3.8 The proposed new Instrument of Delegation being recommended for adoption is shown in Attachment 2.
- 3.9 As Manningham Council does not have any Special Committees, there is no Instrument of Delegation from Council to Special Committees and there is nothing to review in this regard.

#### **4. IMPLEMENTATION**

- 4.1 Both Instruments of Delegation are to come into force immediately the common seal of Council is affixed to the Instruments following the adoption of the Instruments by Council.
- 4.2 On the coming into force of the Instruments all previous delegations to the CEO and Other Staff positions are revoked.
- 4.3 The adopted Instruments will form part of the public Register of Delegations held pursuant to the Act and will be available for public inspection and will be published on Council's website.

**5. DECLARATIONS OF CONFLICT OF INTEREST**

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

**ATTACHMENT 1**

**Manningham City Council**

**Instrument of Delegation**

**to**

**The Chief Executive Officer**

**Trim# D17/7577**

Manningham City Council

S5. Instrument of Delegation to Chief Executive Officer

**Instrument of Delegation**

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989* (**the Act**) and all other powers enabling it, the Manningham City Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that:-

- 1. this Instrument of Delegation is authorised by a Resolution of Council passed on 28 March 2017;
- 2. the delegation
  - 2.1 comes into force immediately when the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 is subject to any conditions and limitations set out in the Schedule;
  - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.4 remains in force until Council resolves to vary or revoke it.
- 3 The member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98 (3) of the Act of any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her

THE COMMON SEAL of )  
MANNINGHAM CITY COUNCIL )  
was hereunto affixed in the presence of: )

..... . Mayor/Councillor

..... . Chief Executive Officer

Dated .....

## Manningham City Council

## S5. Instrument of Delegation to Chief Executive Officer

**SCHEDULE**

The power to

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

Without limiting the above, this includes the power:

- a. To negotiate the sale of Council properties;
- b. To affix the common seal to documents that are of a routine administrative nature, incidental to a decision taken by Council or a duly authorised Council delegate, applications for funding grants, consequential to the conditions applicable to a planning permit or as a consequence of a decision of a tribunal or similar body;
- c. To negotiate the sale of easements and laneways or of land identified under the Planning Scheme to be acquired by public authorities, upon the recommendation of the City Valuer as a Qualified Valuer and after all statutory requirements have been met; and
- d. To negotiate the purchase of land following an in principle decision by Council to purchase the property and in accordance with any conditions approved by Council including the price range.

**Conditions and Limitations**

The delegate must not determine the issue; take the action or do the act or thing

1. if the issue, action, act or thing is an issue, action, act or thing which involves
  - 1.1 any expenditure not contained in a budget approved by the Council;
  - 1.2 making a local law under Part 5 of the Act;
  - 1.3 approval of the Council Plan under s.125 of the Act;
  - 1.4 adoption of the Strategic Resource Plan under s.126 of the Act;
  - 1.5 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
  - 1.6 adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
  - 1.7 resort and recreation payments and "cash-in-lieu" of car parking payments where either of the matters will be inconsistent with Council Policy;
  - 1.8 liquor licensing or gaming licence applications contrary to Council policy;
  - 1.9 adoption of Council Policy other than policy relevant to the day to day administration of Council;
  - 1.10 major policy or strategic matters which will have an impact on the operation of Council;
  - 1.11 determining pursuant to s.37 of the Act that an extraordinary vacancy on Council not be filled;
  - 1.12 exempting a member of a special committee who is not a Councillor from submitting a return under s.81 of the Act;
  - 1.13 appointment of councillor or community delegates or representatives to external organisations;
  - 1.14 the return of the general valuation: or

## Manningham City Council

## S5. Instrument of Delegation to Chief Executive Officer

- 1.15 the appointment of an Acting CEO:
  - for a period exceeding 4 weeks; and
  - for a period not exceeding 4 weeks, and the CEO has not previously consulted with the Mayor of the Day in respect of that appointment.
2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution or which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
3. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a policy; or strategy adopted by Council; or
4. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
5. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff;
6. powers delegated under paragraphs (a), (b), (c) and (d) above are subject to reports in the Weekly Councillor's Hub;
7. in respect to the power delegated under paragraph (a) above, the Chief Executive Officer can negotiate the sale of a Council property below the reserve previously set by Council, where such reserve was not reached at public auction, subject to:
  - 7.1 The sale price not being more than 10 per cent below the reserve so set:  
and
  - 7.2 The Chief Executive Officer has consulted the Mayor and is acting upon the recommendation of a Qualified Valuer.  
\*\*\*\*\*



Manningham City Council  
Instrument of Delegation S6 – Council to Staff Positions

**ATTACHMENT 2****Instrument of Delegation (S6) – Council to Staff Positions  
Trim# D17/7562**

In exercise of the power conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. records that a reference in the Schedule to:

AA - Appeals Advisor  
AC - Assets Co-ordinator  
AE - Approvals Engineer  
CEH - Co-ordinator Environmental Health  
CLL - Co-ordinator Local Laws  
CP - Co-ordinator Planning  
CV - City Valuer  
DAE - Director Assets and Engineering  
DPE - Director Planning and Environment  
EHO - Environmental Health Officers  
EPA1 - Environmental Protection Act Team  
ESC - Engineering Services Co-ordinator  
GMFS - Group Manager Financial Services  
LLO - Local Laws Officer  
MCRM - Manager Community Relations and Marketing  
MEEP - Manager Economic and Environmental Planning  
MEO - Manager Engineering Operations  
METS - Manager Engineering and Technical Services  
MHLL - Manager Health & Local Laws  
MPR - Manager Parks and Recreation  
MSP1 - Manager Statutory Planning  
PIO – Planning Investigations Officer  
PP - Principal Planner  
SO - Subdivision Officer  
SPC - Strategic Planning Co-ordinator  
SPIO - Senior Planning Investigations Officer  
SPO - Strategic Planning Officer  
TP - Town Planner  
TSE - Technical Services Engineer

Manningham City Council

Instrument of Delegation S6 – Council to Council Staff

- 3. declares that:
  - 3.1. this Instrument of Delegation is authorised by a resolution of Council passed on 28 March 2017; and
  - 3.2. the delegation:
    - 3.2.1. comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
    - 3.2.2. remains in force until varied or revoked;
    - 3.2.3. is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
    - 3.2.4. must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 3.3. the delegate must not determine the issue, take the action or do the act or thing:
    - 3.3.1. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or
    - 3.3.2. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
      - (a) policy; or
      - (b) strategyadopted by Council; or
    - 3.3.3. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
    - 3.3.4. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

THE COMMON SEAL OF  
MANNINGHAM CITY COUNCIL  
Was hereunto affixed in the presence of:

..... Mayor

..... Chief Executive Officer

Dated: 28 March 2017

Manningham City Council  
Instrument of Delegation S6 – Council to Council Staff

## INDEX

Domestic Animals Act 1994 .....	4
Environment Protection Act 1970.....	4
Food Act 1984 .....	4
Heritage Act 1995 .....	6
Planning and Environment Act 1987 .....	6
Residential Tenancies Act 1997.....	21
Road Management Act 2004.....	22
Planning and Environment Regulations 2015 .....	27
Planning and Environment (Fees) Regulations 2016.....	28
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010 ..	29
Road Management (General) Regulations 2016 .....	30
Road Management (General) Regulations 2005 .....	30
Road Management (General) Regulations 2016 .....	30
Road Management (Works and Infrastructure) Regulations 2015.....	31

## Manningham City Council

## Instrument of Delegation S6 – Council to Council Staff

**S6 Instrument of Delegation - Members of Staff**

Domestic Animals Act 1994			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.41A(1)	power to declare a dog to be a menacing dog	MHLL, CLL	Council may delegate this power to an authorised officer
Environment Protection Act 1970			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.53M(3)	power to require further information	EHO, EPA1	
s.53M(4)	duty to advise applicant that application is not to be dealt with	EHO, EPA1	
s.53M(5)	duty to approve plans, issue permit or refuse permit	EHO, EPA1	refusal must be ratified by council or it is of no effect
s.53M(6)	power to refuse to issue septic tank permit	EHO, EPA1	refusal must be ratified by council or it is of no effect
s.53M(7)	duty to refuse to issue a permit in circumstances in (a)-(c)	EHO, EPA1	refusal must be ratified by council or it is of no effect
Food Act 1984			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.19(2)(a)	power to direct by written order that the food premises be put into a clean and sanitary condition	MHLL, CEH	If section 19(1) applies
s.19(2)(b)	power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	MHLL, CEH	If section 19(1) applies
s.19(4)(a)	power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	MHLL, CEH, EHO	If section 19(1) applies
s.19(6)(a)	duty to revoke any order under section 19 if satisfied that an order has been complied with	MHLL, CEH	If section 19(1) applies
s.19(6)(b)	duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	MHLL, CEH, EHO	If section 19(1) applies
s.19AA(2)	power to direct, by written order, that a person must take any of the actions described in (a)-(c).	MHLL, CEH, EHO	where council is the registration authority
s.19AA(4)(c)	power to direct, in an order made under s.19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	MHLL, CEH, EHO	Note: the power to direct the matters under s.19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution

## Manningham City Council

## Instrument of Delegation S6 – Council to Council Staff

Food Act 1984			
s.19AA(7)	duty to revoke order issued under s.19AA and give written notice of revocation, if satisfied that that order has been complied with	MHLL, CEH, EHO	where council is the registration authority
s.19CB(4)(b)	power to request copy of records	MHLL, CEH, EHO	where council is the registration authority
s.19E(1)(d)	power to request a copy of the food safety program	MHLL, CEH, EHO	where council is the registration authority
s.19GB	power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	MHLL, CEH, EHO	where council is the registration authority
s.19M(4)(a) & (5)	power to conduct a food safety audit and take actions where deficiencies are identified	MHLL, CEH, EHO	where council is the registration authority
s.19NA(1)	power to request food safety audit reports	MHLL, CEH, EHO	where council is the registration authority
s.19U(3)	power to waive and vary the costs of a food safety audit if there are special circumstances	MHLL, CEH, EHO	
s.19UA	power to charge fees for conducting a food safety assessment or inspection	MHLL, CEH, EHO	except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39.
s.19W	power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	MHLL, CEH, EHO	where council is the registration authority
s.19W(3)(a)	power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	MHLL, CEH, EHO	where council is the registration authority
s.19W(3)(b)	power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	MHLL, CEH, EHO	where council is the registration authority
	power to register, renew or transfer registration	MHLL, CEH, EHO	where council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see section 58A(2))
s.38AA(5)	power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	MHLL, CEH, EHO	where council is the registration authority
s.38AB(4)	power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1)	MHLL, CEH, EHO	where council is the registration authority
s.38A(4)	power to request a copy of a completed food safety program template	MHLL, CEH, EHO	where council is the registration authority
s.38B(1)(a)	duty to assess the application and determine which class of food premises under section 19C the food premises belongs	MHLL, CEH, EHO	where council is the registration authority
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	MHLL, CEH, EHO	where council is the registration authority
s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	MHLL, CEH, EHO	where council is the registration authority
s.38D(1)	duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39	MHLL, CEH, EHO	where council is the registration authority
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	MHLL, CEH, EHO	where council is the registration authority

Manningham City Council

Instrument of Delegation S6 – Council to Council Staff

Food Act 1984			
s.38D(3)	power to request copies of any audit reports	MHLL, CEH, EHO	where council is the registration authority
s.38E(2)	power to register the food premises on a conditional basis	MHLL, CEH, EHO	where council is the registration authority; not exceeding the prescribed time limit defined under subsection (5).
s.38E(4)	duty to register the food premises when conditions are satisfied	MHLL, CEH, EHO	where council is the registration authority
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	MHLL, CEH, EHO	where council is the registration authority
s.39A	power to register, renew or transfer food premises despite minor defects	MHLL, CEH, EHO	where council is the registration authority only if satisfied of matters in subsections (2)(a)-(c)
s.40(2)	power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	MHLL, CEH, EHO	
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	MHLL, CEH, EHO	where council is the registration authority
s.40D(1)	power to suspend or revoke the registration of food premises	MHLL, CEH, EHO	where council is the registration authority
s.43F(6)	duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	MHLL, CEH, EHO	where council is the registration authority
s.43F(7)	power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	MHLL, CEH, EHO	where council is the registration authority
s.46(5)	power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	MHLL, CEH, EHO	where council is the registration authority
Heritage Act 1995			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.84(2)	power to sub-delegate Executive Director's functions	DPE	must obtain Executive Director's written consent first.
Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.4B	power to prepare an amendment to the Victoria Planning Provisions	MEEP, DPE, SPO, SPC	if authorised by the Minister

## Manningham City Council

## Instrument of Delegation S6 – Council to Council Staff

Planning and Environment Act 1987			
s.4G	function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	MEEP, DPE, SPO, SPC	
s.4H	duty to make amendment to Victoria Planning Provisions available	MEEP, DPE, SPO, SPC	
s.4I	duty to keep Victoria Planning Provisions and other documents available	MEEP, DPE, SPO, SPC	
s.8A(2)	power to prepare amendment to the planning scheme where the Minister has given consent under s.8A	MEEP, DPE	
s.8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	MEEP, DPE	
s.8A(5)	function of receiving notice of the Minister's decision	MEEP, DPE	
s.8A(7)	power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	MEEP, DPE	
s.8B(2)	power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	MEEP, DPE, SPO, SPC	
s.12(3)	power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	MEEP, DPE, SPO, SPC	
s.12A(1)	duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under section 19 of the Planning and Environment (Planning Schemes) Act 1996)	MEEP, DPE, SPO, SPC	
s.12B(1)	duty to review planning scheme	MEEP, DPE, SPO, SPC	
s.12B(2)	duty to review planning scheme at direction of Minister	MEEP, DPE, SPO, SPC	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	MEEP, DPE, SPO, SPC	
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	MEEP, DPE, SPO, SPC	
s.17(1)	duty of giving copy amendment to the planning scheme	MEEP, DPE, SPO, SPC	
s.17(2)	duty of giving copy s.173 agreement	MEEP, MSP1, DPE, SPO, SPC	
s.17(3)	duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	MEEP, DPE, SPO	
s.18	duty to make amendment etc. available	MEEP, DPE, SPO, SPC	
s.19	power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under section 19 to a planning scheme	MEEP, DPE	
s.19	function of receiving notice of preparation of an amendment to a planning scheme	MEEP, DPE	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment

## Manningham City Council

## Instrument of Delegation S6 – Council to Council Staff

Planning and Environment Act 1987			
			will amend the planning scheme to designate Council as an acquiring authority.
s.20(1)	power to apply to Minister for exemption from the requirements of section 19	MEEP, DPE, SPO, SPC	
s.21(2)	duty to make submissions available	MEEP, DPE, SPO, SPC	
s.21A(4)	duty to publish notice in accordance with section	MEEP, DPE, SPO, SPC	
s.22	duty to consider all submissions	MEEP, DPE, SPO, SPC	
s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	MEEP, DPE, SPO, SPC	
s.23(2)	power to refer to a panel submissions which do not require a change to the amendment	MEEP, DPE, SPO, SPC	
s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in section 96D)	MEEP, DPE, SPO, SPC	
s.26(1)	power to make report available for inspection	MEEP, DPE, SPO, SPC	
s.26(2)	duty to keep report of panel available for inspection	MEEP, DPE, SPO, SPC	
s.27(2)	power to apply for exemption if panel's report not received	MEEP, DPE, SPO, SPC	
s.28	duty to notify the Minister if abandoning an amendment	DPE	Note: the power to make a decision to abandon an amendment cannot be delegated
s.30(4)(a)	duty to say if amendment has lapsed	MEEP, DPE, SPO, SPC	
s.30(4)(b)	duty to provide information in writing upon request	MEEP, DPE, SPO, SPC	
s.32(2)	duty to give more notice if required	MEEP, DPE, SPO, SPC	
s.33(1)	duty to give more notice of changes to an amendment	MEEP, DPE, SPO, SPC	
s.36(2)	duty to give notice of approval of amendment	MEEP, DPE, SPO, SPC	
s.38(5)	duty to give notice of revocation of an amendment	MEEP, DPE, SPO, SPC	
s.39	function of being a party to a proceeding commenced under section 39 and duty to comply with determination by VCAT	MEEP, DPE, SPO, SPC	
s.40(1)	function of lodging copy of approved amendment	MEEP, DPE, SPO, SPC	
s.41	duty to make approved amendment available	MEEP, DPE, SPO, SPC	
s.42	duty to make copy of planning scheme available	MEEP, DPE, SPO, SPC	



## Manningham City Council

## Instrument of Delegation S6 – Council to Council Staff

Planning and Environment Act 1987			
s.46AS(ac)	power to request the Growth Areas Authority to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria	MEEP, DPE	
s.46GF	duty to comply with directions issued by the Minister	MEEP, MSP1, DPE, CP, SPC	
s.46GG	duty to include a condition in a permit relating to matters set out in s.46GG(c) and (d)	MEEP, MSP1, DPE, CP, SPC	
s.46GH(1)	power to require the payment of an amount of infrastructure levy to be secured to Council's satisfaction	MEEP, MSP1, DPE, CP, SPC	where council is a collecting agency
s.46GH(2)	power to accept the provision of land, works, services or facilities in part or full satisfaction of the amount of infrastructure levy payable	MEEP, MSP1, DPE, CP, SPC	where council is a collecting agency
s.46GH(3)	duty to obtain the agreement of the relevant development agency or agencies specified in the approved infrastructure contributions plan before accepting the provision of land, works, services or facilities by the applicant	MEEP, MSP1, DPE, CP, SPC	where council is a collecting agency
s.46GI(1)	duty to keep proper accounts of any amount of infrastructure levy paid to it as a collecting agency or a development agency under part 2 of the Planning and Environment Act 1987	MEEP, MSP1, DPE, CP, SPC	must be done in accordance with Local Government Act 1989.
s.46GI(2)	duty to forward to a development agency any part of an infrastructure levy paid to council which is imposed for plan preparation costs incurred by development agency or for carrying out of works, services or facilities on behalf of the development agency	MEEP, MSP1, DPE, CP, SPC	
s.46GI(3)	duty to apply levy amount only in accordance with s.46GI(3) (a) and (b)	MEEP, MSP1, DPE, CP, SPC	
s.46GI(4)	power to refund any amount of infrastructure levy paid to it as a development agency under Part 2 of the Planning and Environment Act 1987 if satisfied that the development is not to proceed	MEEP, MSP1, DPE, CP, SPC	
s.46GI(5)	duty to take action described in s.46GI(5)(c) – (e) where s.46GI(5)(a) and (b) applies.	MEEP, MSP1, DPE, CP, SPC	
s.46GL	power to recover any amount of infrastructure levy as a debt due to Council	MEEP, MSP1, DPE, CP, SPC	where council is a collecting agency
s.46GM	duty to prepare report and give a report to the Minister	MEEP, MSP1, DPE, CP, SPC	where council is a collecting agency or development agency
s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	MEEP, MSP1, DPE, SPC	
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	MEEP, MSP1, DPE, SPC	

## Manningham City Council

## Instrument of Delegation S6 – Council to Council Staff

Planning and Environment Act 1987			
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	MEEP, MSP1, DPE, SPC	
s.46O(1)(a) & (2)(a)	power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	MEEP, MSP1, DPE, SPC	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	MEEP, MSP1, DPE, SPC	
s.46P(1)	power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	MEEP, MSP1, DPE, SPC	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	MEEP, MSP1, DPE, SPC	
s.46Q(1)	duty to keep proper accounts of levies paid	MEEP, MSP1, DPE, SPC	
s.46Q(1A)	duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency or plan preparation costs incurred by a development agency	MEEP, MSP1, DPE, SPC	
s.46Q(2)	duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	MEEP, MSP1, DPE, SPC	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	MEEP, MSP1, DPE, SPC	only applies when levy is paid to Council as a 'development agency'
s.46Q(4)(c)	duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the council or for the provision by the council of works, services or facilities in an area under s.46Q(4)(a)	MEEP	must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s.46Q(4)(d)	duty to submit to the Minister an amendment to the approved development contributions plan	MEEP, DPE	must be done in accordance with Part 3
s.46Q(4)(e)	duty to expend that amount on other works etc.	MEEP, DPE	with the consent of, and in the manner approved by, the Minister
s.46QC	power to recover any amount of levy payable under Part 3B	MEEP, DPE	
s.46QD	duty to prepare report and give a report to the Minister	MEEP, MSP1, DPE, CP, SPC	where council is a collecting agency or development agency
s.46V(3)	duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	Not delegated	

## Manningham City Council

## Instrument of Delegation S6 – Council to Council Staff

Planning and Environment Act 1987			
s.46Y	duty to carry out works in conformity with the approved strategy plan	Not delegated	
s.47	power to decide that an application for a planning permit does not comply with that Act	MSP1, DPE	
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	MSP1, DPE	
s.49(2)	duty to make register available for inspection	MSP1, DPE	
s.50(4)	duty to amend application	MSP1, SO, DPE, AA, CP, PP	
s.50(5)	power to refuse to amend application	MSP1, DPE	
s.50(6)	duty to make note of amendment to application in register	MSP1, DPE	
s.50A(1)	power to make amendment to application	MSP1, SO, DPE, AA, CP, PP	
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	MSP1, SO, DPE, AA, CP, PP	
s.50A(4)	duty to note amendment to application in register	MSP1, DPE	
s.51	duty to make copy of application available for inspection	MSP1, DPE	
s.52(1)(a)	duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	MSP1, SO, DPE, AA, CP, PP	
s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	MSP1, SO, DPE, AA, CP, PP	
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	MSP1, SO, DPE, AA, CP, PP	
s.52(1)(ca)	duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	MSP1, SO, DPE, AA, CP, PP	
s.52(1)(cb)	duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	MSP1, SO, DPE, AA, CP, PP	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	MSP1, SO, DPE, AA, CP, PP	
s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	MSP1, SO, DPE, AA, CP, PP	
s.52(3)	power to give any further notice of an application where appropriate	MSP1, SO, DPE, AA, CP, PP	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	MSP1, DPE, AA, CP, PP	
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	MSP1, DPE, AA, CP, PP	

## Manningham City Council

## Instrument of Delegation S6 – Council to Council Staff

Planning and Environment Act 1987			
s.54(1)	power to require the applicant to provide more information	MSP1, SO, DPE, AA, CP, PP	
s.54(1A)	duty to give notice in writing of information required under section 54(1)	MSP1, SO, DPE, AA, CP, PP	
s.54(1B)	duty to specify the lapse date for an application	MSP1, SO, DPE, AA, CP, PP	
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	MSP1, SO, DPE, AA, CP, PP	
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time und section 54A(3)	MSP1, SO, DPE, AA, CP, PP	
s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	MSP1, SO, DPE, AA, CP, PP	
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	MSP1, DPE	
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	MSP1, DPE, AA, CP, PP	
s.57(5)	duty to make available for inspection copy of all objections	MSP1, DPE	
s.57A(4)	duty to amend application in accordance with applicant's request, subject to section 57A(5)	MSP1, SO, DPE, AA, CP, PP	
s.57A(5)	power to refuse to amend application	MSP1, DPE	
s.57A(6)	duty to note amendments to application in register	MSP1, DPE	
s.57B(1)	duty to determine whether and to whom notice should be given	MSP1, SO, DPE, AA, CP, PP	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	MSP1, SO, DPE, AA, CP, PP	
s.57C(1)	duty to give copy of amended application to referral authority	MSP1, SO, DPE, AA, CP, PP	
s.58	duty to consider every application for a permit	MSP1, SO, DPE, AA, CP, PP	
s.58A	power to request advice from the Planning Application Committee	MSP1, DPE	
s.60	duty to consider certain matters	MSP1, SO, DPE, AA, CP, PP	
s60(1A)	power to consider certain matters before deciding on application	MSP1, SO, DPE, AA, CP, PP	

## Manningham City Council

## Instrument of Delegation S6 – Council to Council Staff

Planning and Environment Act 1987			
s.60(1B)	duty to consider number of objectors in considering whether use or development may have significant social effect	MEEP, MSP1, DPE, CP, SPC	
s.61(1)	power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	MSP1, DPE	the permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006
s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	MSP1, DPE	
s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	MSP1, DPE	
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	Not delegated	
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	Not delegated	
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	MSP1, DPE	
s.62(1)	duty to include certain conditions in deciding to grant a permit	MSP1, SO, DPE, AA, CP, PP	
s.62(2)	power to include other conditions	MSP1, SO, DPE, AA, CP, PP	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	MSP1, SO, DPE, AA, CP, PP	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	MSP1, SO, DPE, AA, CP, PP	
s.62(5)(b)	power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement	MSP1, SO, DPE, AA, CP, PP	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	MSP1, SO, DPE, AA, CP, PP	
s.62(6)(a)	duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with section 62(5) or section 46N	MSP1, SO, DPE, AA, CP, PP	
s.62(6)(b)	duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in section 62(1)(a)	MSP1, SO, DPE, AA, CP, PP	
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	MSP1, SO, DPE, AA, CP, PP	
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	MSP1, SO, DPE, AA, CP, PP	this provision applies also to a decision to grant an amendment to a permit - see section 75

## Manningham City Council

## Instrument of Delegation S6 – Council to Council Staff

Planning and Environment Act 1987			
s.64(3)	duty not to issue a permit until after the specified period	MSP1, SO, DPE, AA, CP, PP	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64(5)	duty to give each objector a copy of an exempt decision	MSP1, SO, DPE, AA, CP, PP	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64A	duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	MSP1, DPE	this provision applies also to a decision to grant an amendment to a permit - see section 75A
s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	MSP1, DPE	
s.66(1)	duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities	MSP1, SO, DPE, AA, CP, PP	
s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	MSP1, DPE, AA, CP, PP	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s.66(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	MSP1, DPE, AA, CP, PP	if the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s.66(6)	duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under section 64 or 65	MSP1, DPE, AA, CP, PP	if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s.69(1)	function of receiving application for extension of time of permit	MSP1, SO, DPE, AA, CP, PP	
s.69(1A)	function of receiving application for extension of time to complete development	MSP1, SO, DPE, AA, CP, PP	
s.69(2)	power to extend time	MSP1, SO, DPE, AA, CP, PP	

## Manningham City Council

## Instrument of Delegation S6 – Council to Council Staff

Planning and Environment Act 1987			
s.70	duty to make copy permit available for inspection	MSP1, DPE, AA, CP, PP	
s.71(1)	power to correct certain mistakes	MSP1, SO, DPE, AA, CP, PP	
s.71(2)	duty to note corrections in register	MSP1, SO, DPE, AA, CP, PP	
S.73	power to decide to grant amendment subject to conditions	MSP1, SO, DPE, AA, CP, PP	
S.74	duty to issue amended permit to applicant if no objectors	MSP1, SO, DPE, AA, CP, PP	
S.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	MSP1, DPE, AA, CP, PP	
s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	MSP1, SO, DPE, AA, CP, PP	
s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	MSP1, SO, DPE, AA, CP, PP	if the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	MSP1, SO, DPE, AA, CP, PP	if the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under section 64 or 76	MSP1, SO, DPE, AA, CP, PP	if the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s.76D	duty to comply with direction of Minister to issue amended permit	MSP1, DPE	
S.83	function of being respondent to an appeal	MSP1, DPE	
s.83B	duty to give or publish notice of application for review	MSP1, DPE, AA, CP, PP	

## Manningham City Council

## Instrument of Delegation S6 – Council to Council Staff

Planning and Environment Act 1987			
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	MSP1, DPE	
s.84(2)	duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	MSP1, DPE	
s.84(3)	duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	MSP1, DPE	
s.84(6)	duty to issue permit on receipt of advice within 3 working days	MSP1, SO, DPE, AA, CP, PP	
s.86	duty to issue a permit at order of Tribunal within 3 working days	MSP1, SO, DPE, AA, CP, PP	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	MSP1, DPE, SPIO, SPC	
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	MSP1, SO, DPE, AA, PP, TP, SPIO, PIO	
s.91(2)	duty to comply with the directions of VCAT	MSP1, SO, DPE, AA, PP, TP, SPIO, SPC, PIO	
s.91(2A)	duty to issue amended permit to owner if Tribunal so directs	MSP1, DPE	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	MSP1, DPE, AA, CP, PP	
s.93(2)	duty to give notice of VCAT order to stop development	MSP1, DPE, AA, CP, PP	
s.95(3)	function of referring certain applications to the Minister	MSP1, DPE	
s.95(4)	duty to comply with an order or direction	MSP1, DPE	
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	MSP1, DPE	
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	MEEP, MSP1, DPE	
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	MEEP, MSP1, DPE	
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	MEEP, MSP1, DPE	
s.96F	duty to consider the panel's report under section 96E	MEEP, MSP1, DPE	
s.96G(1)	power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under section 23 of the Planning and Environment (Planning Schemes) Act 1996)	MEEP, MSP1, DPE	
s.96H(3)	power to give notice in compliance with Minister's direction	MEEP, MSP1, DPE	
s.96J	power to issue permit as directed by the Minister	MSP1, DPE, DAE, METS	



## Manningham City Council

## Instrument of Delegation S6 – Council to Council Staff

Planning and Environment Act 1987			
s.96K	duty to comply with direction of the Minister to give notice of refusal	MSP1, DPE	
s. 96Z	duty to keep levy certificates given to it under ss. 47 or 96A for no less than 5 years from receipt of the certificate	MSP1, DPE	
s.97C	power to request Minister to decide the application	MSP1, DPE	
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	MSP1, DPE	
s.97G(3)	function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	MSP1, DPE	
s.97G(6)	duty to make a copy of permits issued under section 97F available for inspection	MSP1, DPE	
s.97L	duty to include Ministerial decisions in a register kept under section 49	MSP1, DPE	
s.97MH	duty to provide information or assistance to the Planning Application Committee	MSP1, DPE	
s.97MI	duty to contribute to the costs of the Planning Application Committee or subcommittee	MSP1, DPE	
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	MSP1, DPE	
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	MSP1, DPE	
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	MSP1, SO, DPE, AA, PP, TP, SPIO, SPC, PIO	
s.97Q(4)	duty to comply with directions of VCAT	MSP1, DPE	
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	MSP1, DPE	
s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	DPE	
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	DPE	
s.101	function of receiving claim for expenses in conjunction with claim	DPE	
s.103	power to reject a claim for compensation in certain circumstances	DPE	
s.107(1)	function of receiving claim for compensation	DPE	
s.107(3)	power to agree to extend time for making claim	DPE	
s.114(1)	power to apply to the VCAT for an enforcement order	MSP1, DPE, SPIO, SPC	
s.117(1)(a)	function of making a submission to the VCAT where objections are received	MSP1, DPE, AA, SPIO, SPC, PIO	
s.120(1)	power to apply for an interim enforcement order where section 114 application has been made	MSP1, DPE, SPIO, SPC	
s.123(1)	power to carry out work required by enforcement order and recover costs	SPIO	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	SPIO	except Crown Land

## Manningham City Council

## Instrument of Delegation S6 – Council to Council Staff

Planning and Environment Act 1987			
s.129	function of recovering penalties	SPIO	
s.130(5)	power to allow person served with an infringement notice further time	MSP1, DPE, AA, SPIO, PIO	
s.149A(1)	power to refer a matter to the VCAT for determination	MSP1, DPE	
s.149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	MSP1, DPE	
s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under subsection (2B) power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)	MSP1, DPE	where council is the relevant planning authority
s.171(2)(f)	power to carry out studies and commission reports	MEEP, MSP1, DPE, SPIO	
s.171(2)(g)	power to grant and reserve easements	MEEP, MSP1, DPE, SPIO	
s.173	power to enter into agreement covering matters set out in section 174	DPE, METS	
	power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	DPE	
	power to give consent on behalf of Council, where an agreement made under section 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	DPE	
s.177(2)	power to end a section 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	MEEP, MSP1, DPE, AA, CP, PP, TSE, SPC	
s.178	power to amend a s.173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	MEEP, MSP1, DPE, AA, PP, SPC	
s.178A(1)	function of receiving application to amend or end an agreement	MEEP, MSP1, DPE, AA, CP, PP, SPC	
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	MSP1, DPE, AA, PP, SPC	
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	MEEP, MSP1, DPE, AA, CP, PP, SPC	
s.178A(5)	power to propose to amend or end an agreement	MSP1, DPE	
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	MSP1, DPE	

## Manningham City Council

## Instrument of Delegation S6 – Council to Council Staff

Planning and Environment Act 1987			
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	MSP1, DPE	
s.178C(2)	duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	MSP1, DPE	
s.178C(4)	function of determining how to give notice under s.178C(2)	MSP1, DPE	
s.178E(1)	duty not to make decision until after 14 days after notice has been given	MSP1, DPE	
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	MSP1, DPE	If no objections are made under s.178D Must consider matters in s.178B
s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	MSP1, DPE	If no objections are made under s.178D Must consider matters in s.178B
s.178E(2)(c)	power to refuse to amend or end the agreement	MSP1, DPE	If no objections are made under s.178D Must consider matters in s.178B
s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	MSP1, DPE	After considering objections, submissions and matters in s.178B
s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	MSP1, DPE	After considering objections, submissions and matters in s.178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	MSP1, DPE	After considering objections, submissions and matters in s.178B
s.178E(3)(d)	power to refuse to amend or end the agreement	MSP1, DPE	After considering objections, submissions and matters in s.178B
s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	MSP1, DPE	
s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	MSP1, DPE	
s.178F(4)	duty not to proceed to amend or end an agreement under s.178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	MSP1, DPE	
s.178G	duty to sign amended agreement and give copy to each other party to the agreement	MSP1, DPE	
s.178H	power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	MSP1, DPE	
s.178I(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	MSP1, DPE	
s.179(2)	duty to make available for inspection copy agreement	MEEP, MSP1, DPE, TSE, SPC	

## Manningham City Council

## Instrument of Delegation S6 – Council to Council Staff

Planning and Environment Act 1987			
s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	MEEP, MSP1, DPE, AA, PP, TSE, SPC	
s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement	MEEP, MSP1, DPE, AA, PP, TSE, SPC	
s.181(1A)(b)	duty to apply to the Registrar of Titles, without delay, to record the agreement	MEEP, MSP1, DPE, AA, PP, TSE, SPC	
s.182	power to enforce an agreement	MEEP, MSP1, SO, DPE, AA, PP, TSE, SPC	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	MEEP, MSP1, DPE, AA, PP, TSE, SPC	
s.184F(1)	power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	MEEP, MSP1, DPE, AA, PP, TSE, SPC	
s.184F(2)	duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	MEEP, MSP1, DPE, AA, PP, TSE, SPC	
s.184F(3)	duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	MEEP, MSP1, DPE, AA, PP, TSE, SPC	
s.184F(5)	function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	MEEP, MSP1, DPE, AA, PP, TSE, SPC	
s.184G(2)	duty to comply with a direction of the Tribunal	MEEP, MSP1, DPE, AA, PP, TSE, SPC	
s.184G(3)	duty to give notice as directed by the Tribunal	MEEP, MSP1, DPE, AA, PP, TSE, SPC	
s.198(1)	function to receive application for planning certificate	MEEP, MSP1, SO, DPE, AA, PP, TSE, SPC	

## Manningham City Council

## Instrument of Delegation S6 – Council to Council Staff

Planning and Environment Act 1987			
s.199(1)	duty to give planning certificate to applicant	MSP1, DPE, SPIO, TSE, SPC	
s.201(1)	function of receiving application for declaration of underlying zoning	MEEP, MSP1, SO, DPE, AA, PP, SPC	
s.201(3)	duty to make declaration	MEEP, MSP1	
	power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	MEEP, MSP1, SO, DPE, AA, CP, PP	
	power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	MEEP, MSP1, DPE, AA, DAE, METS, CP, PP	
	power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	MEEP, MSP1, SO, DPE, AA, DAE, METS, PP, SPC	
	power to give written authorisation in accordance with a provision of a planning scheme	MEEP, MSP1, SO, DPE, AA, DAE, METS, PP, SPC	
s.201UAB(1)	function of providing the Growth Areas Authority with information relating to any land within municipal district	DPE	
s.201UAB(2)	duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible	DPE	
Residential Tenancies Act 1997			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.142D	function of receiving notice regarding an unregistered rooming house	EHO	
s.142G(1)	duty to enter required information in Rooming House Register for each rooming house in municipal district	CEH, EHO	
s.142G(2)	power to enter certain information in the Rooming House Register	CEH, EHO	
s.142I(2)	power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	CEH, EHO	
s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies	CV, GMFS	where council is the landlord
s.262(1)	power to give tenant a notice to vacate rented premises	CV, GMFS	where council is the landlord

## Manningham City Council

## Instrument of Delegation S6 – Council to Council Staff

Residential Tenancies Act 1997			
s.262(3)	power to publish its criteria for eligibility for the provision of housing by council	CV, GMFS	
s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	CEH, EHO	
s.522(1)	power to give a compliance notice to a person	MHLL, EHO	
s.525(2)	power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	MHLL, CEH, EHO	
s.525(4)	duty to issue identity card to authorised officers	MHLL	
s.526(5)	duty to keep record of entry by authorised officer under section 526	MHLL, EHO	
s.526A(3)	function of receiving report of inspection	CEH, EHO	
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	MHLL, CEH	
Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.11(1)	power to declare a road by publishing a notice in the Government Gazette	DAE	obtain consent in circumstances specified in section 11(2)
s.11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	METS	
s.11(9)(b)	duty to advise Registrar	METS	
s.11(10)	duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	DAE	clause subject to section 11(10A)
s.11(10A)	duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	DAE	where council is the coordinating road authority
s.12(2)	power to discontinue road or part of a road	METS	where council is the coordinating road authority
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	METS	power of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(5)	duty to consider written submissions received within 28 days of notice	METS	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(6)	function of hearing a person in support of their written submission	METS	function of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(7)	duty to fix day, time and place of meeting under subsection (6) and to give notice	METS	duty of coordinating road authority where it is the

## Manningham City Council

## Instrument of Delegation S6 – Council to Council Staff

Road Management Act 2004			
			discontinuing body unless subsection (11) applies
s.12(10)	duty to notify of decision made	METS	duty of coordinating road authority where it is the discontinuing body does not apply where an exemption is specified by the regulations or given by the Minister
s.13(1)	power to fix a boundary of a road by publishing notice in Government Gazette	DAE	power of coordinating road authority and obtain consent under section 13(3) and section 13(4) as appropriate
s.14(4)	function of receiving notice from VicRoads	METS	
s.14(7)	power to appeal against decision of VicRoads	DAE	
s.15(1)	power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	METS	
s.15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	METS	
s.15(2)	duty to include details of arrangement in public roads register	METS	
s.16(7)	power to enter into an arrangement under section 15	DAE	
s.16(8)	duty to enter details of determination in public roads register	AC	
s.17(2)	duty to register public road in public roads register	AC	where council is the coordinating road authority
s.17(3)	power to decide that a road is reasonably required for general public use	DAE, METS	where council is the coordinating road authority
s.17(3)	duty to register a road reasonably required for general public use in public roads register	AC	where council is the coordinating road authority
s.17(4)	power to decide that a road is no longer reasonably required for general public use	DAE	where council is the coordinating road authority
s.17(4)	duty to remove road no longer reasonably required for general public use from public roads register	AC	where council is the coordinating road authority
s.18(1)	power to designate ancillary area	DAE, METS	where council is the coordinating road authority, and obtain consent in circumstances specified in section 18(2)
s.18(3)	duty to record designation in public roads register	AC	where council is the coordinating road authority
s.19(1)	duty to keep register of public roads in respect of which it is the coordinating road authority	AC	
s.19(4)	duty to specify details of discontinuance in public roads register	AC	
s.19(5)	duty to ensure public roads register is available for public inspection	AC	

## Manningham City Council

## Instrument of Delegation S6 – Council to Council Staff

Road Management Act 2004			
s.21	function of replying to request for information or advice	METS	obtain consent in circumstances specified in section 11(2)
s.22(2)	function of commenting on proposed direction	DAE, METS	
s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	MCRM	
s.22(5)	duty to give effect to a direction under this section.	DAE, MEO, METS	
s.40(1)	duty to inspect, maintain and repair a public road.	MEO	
s.40(5)	power to inspect, maintain and repair a road which is not a public road	MEO, METS	
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	DAE, MEO, METS	
s.42(1)	power to declare a public road as a controlled access road	DAE	power of coordinating road authority and Schedule 2 also applies
s.42(2)	power to amend or revoke declaration by notice published in Government Gazette	DAE	power of coordinating road authority and Schedule 2 also applies
s.42A(3)	duty to consult with VicRoads before road is specified	DAE, MEO, METS	where council is the coordinating road authority if road is a municipal road or part thereof
s.42A(4)	power to approve Minister's decision to specify a road as a specified freight road	DAE	where council is the coordinating road authority if road is a municipal road or part thereof and where road is to be specified a freight road
s.48EA	duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	Not delegated	where council is the responsible road authority, infrastructure manager or works manager
s.48M(3)	function of consulting with the relevant authority for purposes of developing guidelines under section 48M	DAE	
s.48N	duty to notify the relevant authority of the location of the bus stopping point and the action taken by council	ESC, METS	
s.49	power to develop and publish a road management plan	DAE	
s.51	power to determine standards by incorporating the standards in a road management plan	DAE	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	DAE, MEO, METS	
s.54(2)	duty to give notice of proposal to make a road management plan	DAE	
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	DAE	
s.54(6)	power to amend road management plan	DAE	
s.54(7)	duty to incorporate the amendments into the road management plan	DAE	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	DAE, MEO, METS	



## Manningham City Council

## Instrument of Delegation S6 – Council to Council Staff

Road Management Act 2004			
s.63(1)	power to consent to conduct of works on road	METS	where council is the coordinating road authority
s.63(2)(e)	power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	MEO, METS, MPR	where council is the infrastructure manager
s.64(1)	duty to comply with clause 13 of Schedule 7	MEO, METS	where council is the infrastructure manager or works manager
s.66(1)	power to consent to structure etc	AE	where council is the coordinating road authority
s.67(2)	function of receiving the name & address of the person responsible for distributing the sign or bill	LLO, CLL	where council is the coordinating road authority
s.67(3)	power to request information	LLO, CLL	where council is the coordinating road authority
s.68(2)	power to request information	LLO, CLL	where council is the coordinating road authority
s.71(3)	power to appoint an authorised officer	Not delegated	
s.72	duty to issue an identity card to each authorised officer	MEO, METS	
s.85	function of receiving report from authorised officer	MEO, METS	
s.86	duty to keep register re section 85 matters	MEO, METS	
s.87(1)	function of receiving complaints	MEO, METS	
s.87(2)	duty to investigate complaint and provide report	MEO, METS	
s.112(2)	power to recover damages in court	MEO, METS	
s.116	power to cause or carry out inspection	MEO, METS	
s.119(2)	function of consulting with VicRoads	MEO	
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	MEO, METS, MPR	
s.120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	MEO, METS, MPR	
s.121(1)	power to enter into an agreement in respect of works	DAE, MEO, METS	
s.122(1)	power to charge and recover fees	METS	
s.123(1)	power to charge for any service	MEO, METS	
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	MEO, METS	
Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	MEO, METS	
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	MEO, METS	
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	MEO, METS	

## Manningham City Council

## Instrument of Delegation S6 – Council to Council Staff

Road Management Act 2004			
Schedule 2 Clause 5	duty to publish notice of declaration	MEO, METS	
Schedule 7, Clause 7(1)	duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	MEO, MPR	where council is the infrastructure manager or works manager
Schedule 7, Clause 8(1)	duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	MEO, METS	where council is the infrastructure manager or works manager
Schedule 7, Clause 9(1)	duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	METS	where council is the infrastructure manager or works manager responsible for non-road infrastructure
Schedule 7, Clause 9(2)	duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	METS	where council is the infrastructure manager or works manager
Schedule 7, Clause 10(2)	where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	MEO, METS	where council is the infrastructure manager or works manager
Schedule 7 Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	MEO	where council is the coordinating road authority
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	MEO	where council is the coordinating road authority
Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	MEO	where council is the coordinating road authority
Schedule 7 Clause 12(5)	power to recover costs	MEO	where council is the coordinating road authority
Schedule 7, Clause 13(1)	duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2)	MEO	where council is the works manager
Schedule 7 Clause 13(2)	power to vary notice period	MEO, METS	where council is the coordinating road authority
Schedule 7, Clause 13(3)	duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1)	METS	where council is the infrastructure manager
Schedule 7 Clause 16(1)	power to consent to proposed works	METS	where council is the coordinating road authority
Schedule 7 Clause 16(4)	duty to consult	MEO, METS	where council is the coordinating road authority, responsible authority or infrastructure manager

## Manningham City Council

## Instrument of Delegation S6 – Council to Council Staff

Road Management Act 2004			
Schedule 7 Clause 16(5)	power to consent to proposed works	DAE, MEO, METS	where council is the coordinating road authority
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	DAE, MEO, METS	where council is the coordinating road authority
Schedule 7 Clause 16(8)	power to include consents and conditions	DAE, MEO, METS	where council is the coordinating road authority
Schedule 7 Clause 17(2)	power to refuse to give consent and duty to give reasons for refusal	METS	where council is the coordinating road authority
Schedule 7 Clause 18(1)	power to enter into an agreement	METS	where council is the coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	MEO, METS	where council is the coordinating road authority
Schedule 7 Clause 19(2) & (3)	power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	DAE, MEO, METS	where council is the coordinating road authority
Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	MEO, METS	where council is the coordinating road authority
Schedule 7A Clause 2	power to cause street lights to be installed on roads	METS	power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
Schedule 7A Clause 3(1)(d)	duty to pay installation and operation costs of street lighting - where road is not an arterial road	METS	where council is the responsible road authority
Schedule 7A Clause 3(1)(e)	duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	METS	where council is the responsible road authority
Schedule 7A Clause (3)(1)(f),	duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with clauses 3(2) and 4	METS	duty of council as responsible road authority that installed the light (re: installation costs) and where council is relevant municipal council (re: operating costs)
Planning and Environment Regulations 2015			
Provision	Item Delegated	Delegate	Conditions and Limitations

Manningham City Council

Instrument of Delegation S6 – Council to Council Staff

Planning and Environment Regulations 2015			
r.6	duty of responsible authority to provide copy of matter considered under section 60(1A)(g) for inspection free of charge	MSP1, DPE, PP, SPC	
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	MEEP, DPE	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	MEEP, MSP1, DPE, PP, SPC	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	MEEP, DPE	where Council is the responsible authority
r.25(b))	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	MEEP, DPE	where Council is not the responsible authority but the relevant land is within Council's municipal district
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	MEEP, DPE, EHO	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.55	duty of responsible authority to tell Registrar of Titles under section 183 of the Act of the cancellation or amendment of an agreement	MEEP, MSP1, SO, DPE, PP, TSE, SPC	
Planning and Environment (Fees) Regulations 2016			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.20	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	MEEP, MSP1, DAE	
r.16	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	MEEP, MSP1, DPE	
r.19	power to waive or rebate a fee relating to an amendment of a planning scheme	MEEP, DPE	
r.21	duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.19 or 20	MEEP, MSP1, DPE, EHO	

## Manningham City Council

## Instrument of Delegation S6 – Council to Council Staff

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.7	function of entering into a written agreement with a caravan park owner	EHO, EPA1	
r.11	function of receiving application for registration	EHO, EPA1	
r.13(1)	duty to grant the registration if satisfied that the caravan park complies with these regulations	EHO, EPA1	
r.13(2)	duty to renew the registration if satisfied that the caravan park complies with these regulations	EHO, EPA1	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHO, EPA1	
r.13(4) & (5)	duty to issue certificate of registration	EHO, EPA1	
r.15(1)	function of receiving notice of transfer of ownership	EHO, EPA1	
r.15(3)	power to determine where notice of transfer is displayed	EHO, EPA1	
r.16(1)	duty to transfer registration to new caravan park owner	EHO, EPA1	
r.16(2)	duty to issue a certificate of transfer of registration	EHO, EPA1	
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	EPA1	
r.18	duty to keep register of caravan parks	EPA1	
r.19(4)	power to determine where the emergency contact person's details are displayed	EHO, EPA1	
r.19(6)	power to determine where certain information is displayed	EHO, EPA1	
r.22A(1)	duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	CEH, EHO	
r.22A(2)	duty to consult with relevant emergency services agencies	CEH, EHO	
r.23	power to determine places in which caravan park owner must display a copy of emergency procedures	EHO, EPA1	
r.24	power to determine places in which caravan park owner must display copy of public emergency warnings	EHO, EPA1	
r.25(3)	duty to consult with relevant floodplain management authority	EHO, EPA1	
r.26	duty to have regard to any report of the relevant fire authority	EHO, EPA1	
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	EHO, EPA1	
r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	EHO, EPA1	
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	EHO, EPA1	
r.40(4)	function of receiving installation certificate	EHO, EPA1	
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	EPA1	

## Manningham City Council

## Instrument of Delegation S6 – Council to Council Staff





Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	EHO, EPA1	
Road Management (General) Regulations 2016			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.8(1)	duty to conduct reviews of road management plan	AC	
r.9(2)	duty to give notice of review of road management plan	AC	
r.9(2)	duty to produce written report of review of road management plan and make report available	AC	
r.9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	AC	where council is the coordinating road authority
r.10	duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act	AC	
r.13(1)	Duty to publish notice of amendments to road management plan	AC	where council is the coordinating road authority
r.13(3)	duty to record on road management plan the substance and date of effect of amendment	AC	
r.16(3)	power to issue permit	METS	where council is the coordinating road authority
Road Management (General) Regulations 2005			
Note: these regulations are due to expire on 21 March 2016			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.501(4)	power to charge fee for issuing permit under regulation 501(1)	METS	where council is the coordinating road authority
Road Management (General) Regulations 2016			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.18(1)	power to give written consent re damage to road	MEO, METS	where council is the coordinating road authority
r.23(2)	power to make submission to Tribunal	MEO, METS	where council is the coordinating road authority
r.23(4)	power to charge a fee for application under section 66(1) Road Management Act	METS	where council is the coordinating road authority
r.25(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	MEO, MPR	where council is the responsible road authority

## Manningham City Council

## Instrument of Delegation S6 – Council to Council Staff

Road Management (General) Regulations 2016			
r.25(2)	power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	MEO	where council is the responsible road authority
r.25(5)	power to recover in the Magistrates' Court, expenses from person responsible	MEO	
Road Management (Works and Infrastructure) Regulations 2015			
Note: these regulations commenced on 20 June 2015, replacing the Roads Management (works & infrastructure) Regulations 2005, which expired on 21 June 2015.			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.10	power to exempt a person from requirement under clause 13(1) of Schedule 7 to the Act to give notice as to the completion of those works	METS	where council is the coordinating road authority and where consent given under section 63(1) of the Act
r.18(2)	power to waive whole or part of fee in certain circumstances	METS	where council is the coordinating road authority
r.15	power to exempt a person from requirement under clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works	MEO, METS	where council is the coordinating road authority and where consent given under section 63(1) of the Act
r.22(2)	power to waive whole or part of fee in certain circumstances	MEO, METS	where council is the coordinating road authority

#### 14.4 Appointment of Authorised Officer - Planning and Environment Act 1987 - March 2017

File Number: IN17/112  
Responsible Director: Executive Manager People and Governance  
Attachments: 1 Instrument of Authorisation Yogoparan    
2 Instrument of Authorisation Stevens  

#### EXECUTIVE SUMMARY

*In accordance with the Planning and Environment Act 1987(the Act), Council is required to authorise employees for the purpose of enforcing the provisions of the Act and it is proposed to appoint one newly appointed Statutory Planning staff member as an Authorised Officer pursuant to Section 147(4) of the Act.*

#### 1. RECOMMENDATION

**That 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:**

- A. Yoga Yogoparan, Town Planner, Statutory Planning Unit be appointed as an Authorised Officer pursuant to the Planning and Environment Act 1987 and authorised as set out in the Instrument of Appointment and Authorisation;**
- B. Timothy Stevens, Planning Enquiries Officer, Statutory Planning Unit be appointed as an Authorised Officer pursuant to the Planning and Environment Act 1987 and authorised as set out in the Instrument of Appointment and Authorisation;**
- C. The Instruments will come into force immediately the Common Seal of Council is affixed to the Instruments and will remain in force until Council determines to vary or revoke them or the employees leave their appointed position with Council; and**
- D. The Common Seal of the Council be affixed to the Instruments.**

#### 2. BACKGROUND

- 2.1 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 the appointments by formal resolution.
- 2.3 The Instrument of Appointment and Authorisation, shown as Attachment 1, is based on advice from Maddocks Lawyers and empowers the relevant staff member 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 signed by the Mayor and the Chief Executive Officer and will remain in force until varied or revoked by Council or the Officer ceases employment with Council in their appointed position 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 the Council. This broader Instrument of Appointment and Authorisation has already been carried out, in respect to the designated Officer, under the delegated authority of the Chief Executive Officer as the first part of a dual appointment process.
- 2.6 The appointment form will be recorded in the Authorised Officers Register that is required to be kept by Council and is available for public inspection.

### **3. DECLARATIONS OF CONFLICT OF INTEREST**

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

MANNINGHAM CITY COUNCIL

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

In this instrument "officer" means -

Yoga Yogaparan, Town Planner, Statutory Planning

**By this instrument of appointment and authorisation** Manningham City Council -

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

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

This instrument is authorised by a resolution of the Manningham City Council on 28 March 2017.

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

Mayor.....  
**Cr Michelle Klienert**

Chief Executive.....  
**Warwick Winn**

Date:        March 2017

S11A. Instrument of Appointment and Authorisation

MANNINGHAM CITY COUNCIL

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

In this instrument "officer" means -

Timothy Stevens, Planning Enquiries Officer, Statutory Planning

**By this instrument of appointment and authorisation** Manningham City Council -

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

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

This instrument is authorised by a resolution of the Manningham City Council on 28 March 2017.

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







Mayor.....  
**Cr Michelle Klienert**

Chief Executive.....  
**Warwick Winn**

Date:        March 2017

S11A. Instrument of Appointment and Authorisation

## 14.5 Record of Assembly of Councillors - March 2017

File Number:	IN17/105
Responsible Director:	Executive Manager People and Governance
Attachments:	<ol style="list-style-type: none"><li>1 Consultation Meeting 15 February 2017 <a href="#">↓</a> </li><li>2 Submitters Meeting 16 February 2017 <a href="#">↓</a> </li><li>3 Briefing Session 21 February 2017 <a href="#">↓</a> </li><li>4 Senior Citizens Reference Group 8 March 2017 <a href="#">↓</a> </li><li>5 Strategic Briefing Session 14 March 2017 <a href="#">↓</a> </li><li>6 Strategic Briefing Session 21 March 2107 <a href="#">↓</a> </li></ol>

### EXECUTIVE SUMMARY

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

#### 1. RECOMMENDATION

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

- **Consultation Meeting 53 Astley Street Templestowe Lower on 15 February 2017**
- **Submitters meeting 121-125 James Street, Templestowe on 16 February 2017**
- **Council Meeting Briefing on 21 February 2017**
- **Senior Citizens Reference Group Committee on 8 March 2017**
- **Strategic Briefing Session 14 March 2017**
- **Strategic Briefing Session 21 March 2017**

#### 2. BACKGROUND

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

2.1.1 The subject of a decision of the Council; or

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

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

### **3. DISCUSSION / ISSUE**

3.1 The Assembly records are submitted to Council, in accordance with the requirements of Section 80A of the Local Government Act 1989. The details of each of the following Assemblies are attached to this report.

- Consultation Meeting 53 Astley Street Templestowe Lower on 15 February 2017
- Submitters meeting 121-125 James Street, Templestowe on 16 February 2017
- Council Meeting Briefing on 21 February 2017
- Senior Citizens Reference Group Committee on 8 March 2017

### **4. DECLARATIONS OF CONFLICT OF INTEREST**

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

Record of an Assembly of Councillors

Manningham City Council

**CONSULTATION MEETING**

**Meeting Date:** Wednesday 15 February 2017  
**Venue:** Council Chamber  
**Starting Time:** 6pm

**Attendance & Apologies**

**Councillors in Attendance**

Cr Michelle Kleinert, Cr Paul McLeish, Cr Anna Chen, Cr Paula Piccinini, and Cr Dot Haynes

**Others in Attendance**

N/A

**Officers in Attendance**

Olivia Savona and Simone Terzini

**Apologies**

Cr Geoff Gough, Cr Andrew Conlon, Cr Mike Zafiroopoulos

**Disclosure of any Conflict of Interest**

None

**Items Considered:**

1. Planning Application – PL16/026607 – 53 Astley Street, Templestowe Lower

**Finishing Time:** 7:15pm

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**SUBMITTERS' MEETING**

**Meeting Date:** Thursday 16 February, 2017  
**Venue:** Heide Room, Civic Offices  
**Starting Time:** 6pm

**Attendance & Apologies**

**Councillors in Attendance**

Cr Geoff Gough (Chair) Cr Paul McLeish, Cr Anna Chen, Cr Paula Piccinini, Cr Mike Zafiroopoulos, Cr Andrew Conlon and Cr Dot Haynes

**Others in Attendance**

N/A

**Officers in Attendance**

Teresa Dominik and Lauren Shelton

**Apologies**

Cr Michelle Kleinert and, Cr Sophy Galbally

**Disclosure of any Conflict of Interest**

None

**Items Considered:**

1. Planning Application – PL16/026253 – 121-125 James Street, Templestowe

**Finishing Time:** 7:45pm

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Record of an Assembly of Councillors

Manningham City Council

## **Council Meeting Briefing Session**

**Meeting Date:** 21 February 2017  
**Venue:** Council Chamber, Civic Office, 699 Doncaster Rd, Doncaster  
**Starting Time:** 6.00pm

1. **Councillors Present:**

Councillor Michelle Kleinert (Mayor) – Heide Ward  
Councillor Mike Zafiroopoulos (Deputy Mayor) – Koonung Ward  
Councillor Anna Chen – Koonung Ward  
Councillor Andrew Conlon – Mullum Mullum Ward  
Councillor Sophy Galbally – Mullum Mullum Ward  
Councillor Geoff Gough – Heide Ward  
Councillor Dot Haynes – Koonung Ward  
Councillor Paul McLeish – Mullum Mullum Ward  
Councillor Paula Piccinini – Heide Ward

**Officers Present:**

Chief Executive Officer, Mr Warwick Winn  
Director Assets & Engineering, Mr Leigh Harrison  
Director Community Programs, Mr Chris Potter  
Director Planning & Environment, Ms Teresa Dominik  
Director Shared Services, Mr Philip Lee  
Executive Manager People & Governance – Ms Jill Colson

2. Notification Of Conflicts Of Interest – Nil
3. Planning Application PL16/026253 at 121-125 James Street Templestowe for the use and development of the land for a four-storey mixed use building comprising 39 dwellings, five retail premises, two food and drink premises and one convenience shop with associated basement car parking, alteration of access to a road in a Road Zone, Category 1 and the reduction of the requirements for the loading bay
4. Response to Manningham Road, Bulleen petition
5. Planning Scheme Amendment C113- Heritage Overlay Amendments including Warrandyte South Hall and other Heritage Overlay corrections: Consideration of submissions
6. Amendment C109 Manningham Planning Scheme - Land Subject to Inundation Overlay and Special Building Overlay - Consideration of Submissions and Request for a Panel Hearing
7. 2016-2017 Capital Works Program End of December Status Report
8. Minor Land Acquisition Policy
9. General Valuation of Rateable and Non-Rateable Leivable Land 2018
10. Draft Healthy City Strategy 2017 - 2021 Consultation and Establishment of Healthy City Advisory Group
11. 2016/17 Mid-year Budget Review
12. Procurement Policy 2017 Review
13. Manningham Quarterly Report. Quarter 2 (September - December) 2016/17
14. Appointment of Authorised Officer - Planning and Environment Act 1987 - February 2017  
803
15. Documents for Sealing - 21 February 2017
16. Notice of Motion by Cr Paul McLeish (NOM No. 1/2017)
17. Eastern Organics Procurement Process - Tender Evaluation Report

The meeting ended at 6:45pm

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Record of an Assembly of Councillors

Manningham City Council

## **Senior Citizens Reference Group Committee**

**Meeting Date: Wednesday 8 March 2017**

**Venue: Manningham City Council, Heide Room**

**Starting Time: 9.30am**

### **Apologies**

Pamela Rose – Greek Elderly Citizens Club of Manningham Inc

### **Councillors in Attendance**

Cr. Dot Haynes

### **Other Committee Members in Attendance**

Helen Jurcevic OAM– Women’s Friendship Group Inc.  
Ali Shaigan – Australian Iranian Senior Citizens Society of Victoria.  
Joan Good – Bulleen and Templestowe Senior Citizens Club Inc.  
John Kostoulas, Bulleen and Templestowe Pensions Association  
Malcolm Burgess – Doncaster Senior Citizens Club.  
Nahid Helmi – Warrandyte Senior Citizens Centre  
Yvette Manoli – The Australian Coptic Senior Citizens Club of Manningham  
Selina Leung – The Chinese Seniors Citizens Club of Manningham.  
Norreen Wright – National seniors Association, Doncaster branch.  
Anna Eminagov – Macedonian Senior Citizens of Manningham  
David Jenz – U3A Manningham  
Spiro Georgiou – St Haralambos Greek Elderly Group  
Barry Holding – Probus Reference Group

### **Officers in Attendance**

Keri Kennealy – Manningham City Council  
Catherine Walker – Manningham City Council

### **Disclosure of any Conflict of Interest**

Confirmation that there were no items on Agenda where conflict of interest was declared.

### **Items Considered:**

#### **Guest Speaker**

Helen Napier, Emergency Management Coordinator, Manningham City Council  
- Emergency management response process.  
Jane Marriot and Mandy Banks, Urban Design team, Manningham City Council  
- Macedon Square upgrade.

#### **Group Undertaking**

- Preparation for review of Terms of Reference

#### **Council Update**

- Warrandyte Festival.
- 50 year recognition of Manningham Council
- Pets in peril service

Record of an Assembly of Councillors

Manningham City Council

- Solar information session
- Dementia Awareness community session
- Our Welcoming Celebration

**Club updates**

- Updates provided by clubs

**Finishing Time: 11.15am**

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Record of an Assembly of Councillors

Manningham City Council

## **Strategic Briefing Session**

**Meeting Date:** 14 March 2017  
**Venue:** Council Chamber, Civic Office, 699 Doncaster Rd, Doncaster  
**Starting Time:** 6.30pm

### **1. Councillors Present:**

Councillor Michelle Kleinert (Mayor) – Heide Ward  
Councillor Mike Zafiropoulos (Deputy Mayor) – Koonung Ward  
Councillor Anna Chen – Koonung Ward  
Councillor Andrew Conlon – Mullum Mullum Ward  
Councillor Sophy Galbally – Mullum Mullum Ward  
Councillor Geoff Gough – Heide Ward  
Councillor Dot Haynes – Koonung Ward  
Councillor Paul McLeish – Mullum Mullum Ward  
Councillor Paula Piccinini – Heide Ward

### **Executive Officers Present:**

Warwick Winn, Chief Executive Officer;  
Leigh Harrison, Director Assets & Engineering;  
Chris Potter, Director Community Programs;  
Teresa Dominik, Director Planning & Environment;  
Jill Colson, Executive Manager People & Governance;

### **Other Officers in Attendance:**

Vivien Williamson, Manager Economic and Environmental Planning;  
Dario Bolzonello, Manager Strategic Projects;  
Graham Brewer, Manager Property Services;  
Julia Jenvey, Senior Recreation Planner;  
Paul Goodison, Coordinator Landscape and Leisure;  
Kevin Ayre, Group Manager Financial Services.

### **2. Conflict Of Interest – Disclosure**

There were no disclosures of conflict of interest

### **3. Communications & Media Report**

### **4. Forward Agenda**

### **5. Corporate Real Estate Strategic Review**

### **6. 383-395 Manningham Road, Doncaster**

### **7. National Disability Insurance Scheme (NDIS) - HACC Transition**

### **8. Domeney Reserve Management Plan Issues and Options**

### **9. Other Matters Not Listed**

#### **9.1. Capital Works Program**

The meeting ended at 10:35pm

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Record of an Assembly of Councillors

Manningham City Council

## **Strategic Briefing Session**

**Meeting Date:** 21 March 2017  
**Venue:** Council Chamber, Civic Office, 699 Doncaster Rd, Doncaster  
**Starting Time:** 6.30pm

**1. Councillors Present:**

Councillor Michelle Kleinert (Mayor) – Heide Ward  
Councillor Mike Zafiroopoulos (Deputy Mayor) – Koonung Ward  
Councillor Anna Chen – Koonung Ward  
Councillor Andrew Conlon – Mullum Mullum Ward  
Councillor Sophy Galbally – Mullum Mullum Ward  
Councillor Dot Haynes – Koonung Ward  
Councillor Paul McLeish – Mullum Mullum Ward  
Councillor Paula Piccinini – Heide Ward

**Apologies from Councillors:**

Councillor Geoff Gough – Heide Ward

**Executive Officers Present:**

Chief Executive Officer, Mr Warwick Winn  
Director Assets & Engineering, Mr Leigh Harrison  
Director Planning & Environment, Ms Teresa Dominik  
Executive Manager People & Governance – Ms Jill Colson

**Other Officers in Attendance:**

Jeff Young, Manager Parks & Recreation;  
Barbra Gaiotto, Co-ordinator Sports and Recreation;  
Vivien Williamson, Manager Economic and Environmental Planning;  
Malcolm Foard, Manager Social & Community Services;  
Jan Loughman Coordinator Social Planning and Community Development.

2. **Conflict Of Interest – Disclosure**  
There were no disclosures of conflict of interest
3. **Communications & Media Report**
4. **Forward Agenda**
5. **Adoption of Manningham's Amended Road Management Plan – 2017**
6. **Mullum Mullum Stadium Pricing Schedule - CONFIDENTIAL**
7. **State Government Review of Bushfire Management Overlay**
8. **Annual Evaluation of Community Partnerships- 2015/16- Financial Year Based Group**
9. **Resilient Melbourne Strategy**
10. **Proposed Lease of Park Reserve Pavilion, 17 Park Avenue, Doncaster**
11. **Sale of 27A Firth Street, Doncaster – Lawford Laneway**
12. **King Street Stage 1 Special Charge Scheme - Declaration and Levy**

Record of an Assembly of Councillors

Manningham City Council

- 13. Amendment C114 to the Manningham Planning Scheme: 42 Walker Street  
Doncaster- Removal of Restrictive Covenant**
- 14. Open Space and Streetscape Advisory Committee - Review of Terms of Reference**
- 15. Strategic Risk Register Report to Council - six month period ending 31 December  
2016**
- 16. Municipal Association of Victoria (MAV) Advocacy Motions - State Council  
Meeting May 2017**

The meeting ended at 8:25pm

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**14.6 Documents for Sealing - 28 March 2017**

File Number: IN17/136  
Responsible Director: Executive Manager People and Governance  
Attachments: Nil

**EXECUTIVE SUMMARY**

*The following documents are submitted for signing and sealing by Council.*

**1. RECOMMENDATION**

**That the following documents be signed and sealed:**

**Consent Agreement to Build Over an Easement  
Section 173 of the Planning and Environment Act 1987  
Council and S & L Ghorbanpour  
15 Tudor Road, Doncaster**

**Consent Agreement to Build Over an Easement  
Section 173 of the Planning and Environment Act 1987  
Council and First Comlaw Pty Ltd  
100 Foote Street, Lower Templestowe**

**Consent Agreement to Build Over an Easement  
Section 173 of the Planning and Environment Act 1987  
Council and T Pavelis & S Zouki  
3 Toronto Avenue, Doncaster**

**Consent Agreement to Build Over an Easement  
Section 173 of the Planning and Environment Act 1987  
Council and F Antonopoulos  
19 Yarraleen Place, Bulleen**

**Consent Agreement to Build Over an Easement  
Section 173 of the Planning and Environment Act 1987  
Council and A & K Zhen  
12 Minaki Avenue, Doncaster East**

**Consent Agreement to Build Over an Easement  
Section 173 of the Planning and Environment Act 1987  
Council and Bagas Homes Pty Ltd  
78 Tristania Street, Doncaster East**

**Consent Agreement to Build Over an Easement  
Section 173 of the Planning and Environment Act 1987  
Council and H Karanikas  
89 Ayr Street, Doncaster**

**Transfer of Lease**

**Council and MC88 Pty Ltd (Old Tenant) and Starsline Pty Ltd (New Tenant)  
Café, Part Manningham City Square, 687 Doncaster Rd, Doncaster**

**Lease**

**Council and Doncaster Athletic Club Inc.  
Part Rieschiecks Reserve, 125 -149 George Street, Doncaster East**

**Transfer of Land**

**The Uniting Church in Australia Property Trust (Victoria) to Council  
Road R1 Part Westfield Drive, Doncaster**

**2. BACKGROUND**

The Council's common seal must only be used on the authority of the Council or the Chief Executive Officer under delegation from the Council. An authorising Council resolution is required in relation to the documents listed in the Recommendation section of this report.

**3. DECLARATIONS OF CONFLICT OF INTEREST**

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

## 15 NOTICES OF MOTION

### 15.1 Notice of Motion by Cr Sophy Galbally (NOM No. 2/2017)

File Number: IN17/135

Attachments: Nil

That the resolution of Council on the 26 July 2016, Item 16.1, Notice of Motion by Cr Dot Haynes (Nom No. 5/2016) viz:

*“That Council, having regard to the former St John’s Church and Hall at 283 Springvale Rd Donvale:*

- (a) Immediately commences the process to amend the Manningham Planning Scheme to include the former St John’s Church and Hall at 283 Springvale Rd Donvale as a heritage place in the Schedule to clause 43.01 Heritage Overlay, and in addition apply controls to internal alterations;*
- (b) Negotiates with the building owners an agreement by which Council acquires and removes said buildings from the property and relocates them in or adjacent to the site known as Schramms Cottage for the care of and use by the Manningham Historical Society;*
- (c) Allocates sufficient Council funding in the current and future budgets to achieve (a) and (b); and*
- (d) Seeks funding from other parties to achieve (a) and (b) including State and Commonwealth Governments, Community and Church groups.*

*And thereby evidences to our Community the importance that Manningham City Council places upon our heritage for the benefit of current and future generations.”*

be set aside and not further acted upon.

I further give notice that if this motion is successful it is my intention to move the following:

*That Council:*

- a) notes that no tenders were received for the relocation of St John’s Church and Hall;*
- b) requests that officers prepare a feasibility report for Council that considers alternative options for a structure, in or adjacent to, the site known as Schramms Cottage.*

#### **MOTION**

**That the Notice of Motion No. 2/2017 by Cr Galbally be adopted.**



**16 URGENT BUSINESS**

**17 WRITTEN QUESTIONS FROM THE PUBLIC**

**18 COUNCILLORS' QUESTION TIME**

**19 CONFIDENTIAL REPORTS**