

## 9.1 Amendment C50 - Consideration of Submissions & Request for Panel Hearing. Item 3.2.2. (Council Plan)

1. Hidden heading 1  
Responsible Director: Director Environmental Amenity

File No. AM C50

The ultimate destination for this report is: COUNCIL

### SUMMARY

*This report provides a summary of the submissions received during the exhibition period and responds to the issues raised by submitters.*

*Amendment C50 proposes to introduce the Manningham Residential Character Guidelines (March 2005) into the Manningham Planning Scheme through the use of various planning tools.*

*Amendment C50 was on public exhibition from 28 April 2005 to 24 June 2005. In response a total of 63 submissions were received. A full set of the submissions will be tabled at the Council meeting.*

*The exhibition period has now closed and Council is required to consider all submissions received during this period and determine the future direction of the Amendment.*

*Where a submission requests a change to the amendment, the responsible authority must either change the amendment as requested, or refer the submission to be considered by an independent panel appointed by the Minister. Council may also abandon the amendment or that part of it affected by the submission.*

*It is recommended that all submissions be referred to an Independent Panel for consideration. Attachment 1 contains the exhibition documentation of Amendment C50.*

*Attachment 2 contains a summary of submissions and Council's detailed response.*

*Attachment 3 identifies the recommended changes to Amendment C50, which is proposed to be presented at the forthcoming Panel Hearing.*

### 1. BACKGROUND

- 1.1. The Manningham Residential Character Guidelines were prepared by Manningham City Council in conjunction with MGS Architects Pty Ltd.
- 1.2. On 22 March 2005, Council resolved to adopt the Manningham Residential Character Guidelines (March 2005) and prepare and exhibit an amendment to introduce the Guidelines into the Manningham Planning Scheme.
- 1.3. Council officers proceeded with the preparation of Amendment C50, which was placed on exhibition for an eight (8) week period between 28 April and 24 June 2005.
- 1.4. The exhibited version of Amendment C50 proposed the following changes to the Manningham Planning Scheme:

- make changes to the Municipal Strategic Statement at Clause 21.02 Municipal Profile, Clause 21.05 Urban Design, Clause 21.12 Established Urban Areas and Clause 21.13 Areas of Low Density Development and Areas of Landscape or Environmental Significance;
  - update Clause 21.23 Key References by adding “MGS Architects Pty Ltd & Manningham City Council (2005) Manningham Residential Character Guidelines, Manningham City Council, Doncaster”;
  - introduce a new Local Planning Policy (Clause 22.14 Residential Areas Removed from Activity Centres and Main Roads Policy);
  - introduce Clause 32.06 (Residential 3 Zone) to apply to land in the precinct titled, ‘Residential Areas Removed from Activity Centres and Main Roads’ and introduce the Schedule to the Clause;
  - delete Clause 32.01 (Residential 1 Zone) from applying to the areas proposed to be affected by Clause 32.06 (Residential 3 Zone);
  - make changes to Schedule 4 (Templestowe Environmental Residential Area), and Schedule 5 (Donvale/Doncaster East Environmental Residential Area), of the Design and Development Overlay; and
  - introduce Schedule 8 (Residential Areas Surrounding Activity Centres), Schedule 9 (Areas along Main Roads) and Schedule 10 (Hillcrest Area, Donvale) of the Design and Development Overlay and introduce new Planning Scheme Maps, accordingly.
- 1.5. The exhibition documentation for Amendment C50 is included as Attachment 1.
- 1.6. During the exhibition period, 63 submissions were received, including one from Council’s Building Department. Fifty-five (55) submissions were received from landowners and other interested parties, with eight (8) non-objections received from referral authorities and neighbouring Councils. It is noted that comments were received from Council’s Statutory Planning Department, which have not been treated as a submission, as they address technical aspects of the Amendment as distinct from objecting to the policy directions of the Amendment and a submission from Council’s Building Department. No submissions were received in relation to Wembley Gardens, in Donvale.
- 1.7. The following Table summarises the number of submissions against the various precincts.

Precinct	No. of Submissions
General comments relating to all precincts	5
Areas Surrounding Activity Centres A	3
Areas Surrounding Activity Centres B	1
Areas Along Main Roads	2
Areas removed from Activity Centres & Main Roads	37

Areas with Predominant Landscape Features	6
Recent Housing	1
SUB-TOTAL	55
Non-objections from referral authorities and neighbouring Councils	8
<b>TOTAL</b>	<b>63</b>

1.8. Attachment 2 summarises the submissions and provides a response to the issues raised.

1.9. In summary, the main issues raised by the submitters are:

#### General

- Support for Council's direction in protecting residential areas from overdevelopment and identifying areas where an increased density is encouraged.
- Inconsistent with State Government's *Melbourne 2030*, where Government is seeking to increase residential densities in the suburbs.
- Over-emphasis on 'apartment-style' development. There is a greater need for single storey dwellings.
- Increased car parking and traffic.
- Amenity issues resulting from increased densities ie. overlooking, overshadowing.
- Inadequate infrastructure to accommodate additional residential development.
- Dislike for only encouraging increased densities along Main Roads and around Activity Centres.
- Proposed controls are overly restrictive.
- Do not support 'apartment-style' development.
- Devaluation of properties.
- Negative impact on existing restrictive covenants.
- Concern over the delineation of precinct boundaries.
- Need to improve public transport in order to attract increased residential densities.
- Need to retain family homes with large areas of open space to ensure that families are attracted to Manningham.
- Accessibility
- Affordability

Detailed responses to these issues are addressed in Attachment 2.

## 2. PROPOSAL/ISSUE

- 2.1. The following section discusses the issues raised by submitters and Council Officers during the exhibition period, and provides a recommendation as to whether or not the Amendment should be modified.

### PRECINCT: AREAS REMOVED FROM ACTIVITY CENTRES AND MAIN ROADS

**Issue No 1:** Density requirement (Clause 21.12 - Overview)  
**Concern:** *Density of 2 dwellings on <1200m<sup>2</sup> is too restrictive and may not result in housing diversity.*

**Response:** *It is submitted that the proposed density requirement may not necessarily achieve good design outcomes. The concern is that this requirement may result in two large dwellings on lots less than 1200m<sup>2</sup>, which is not necessarily desirable. It is considered that elements, for example, site coverage and setbacks, are more appropriate means of achieving housing diversity and responsive house design.*

**Recommendation:** **Delete the sentence stating: 'In cases where lots are greater than 1200m<sup>2</sup> in size, a development of more than two units would be considered.'**

**Issue No 2:** Residential Areas removed from Activity Centres and Main Roads Policy (Clause 22.14)

**Concern:** Objectives of local policy 22.14 are similar. In particular bullet point nos. 1 & 4, which relate to the retention or planting of canopy trees.

**Response:** This issue is accepted.

**Recommendation:** **Delete the first bullet point which states: 'To provide an environment where established canopy trees will continue to thrive and new canopy trees can be established.' Reposition bullet point 4 to make it bullet point 1, so that the first objective states: 'To reinforce the existing garden character of the area by incorporating substantial areas of open space allowing for the retention and / or planting of canopy trees.'**

**Issue No 3:** Minimum street setback (Schedule to Clause 32.06 Residential 3 Zone)

**Concern:** Proposed front setback of 8.0m setback is too restrictive

**Response:** Council's Manager Building Services advises that the majority of housing in Manningham was constructed when the minimum required front setback was 7.6m(25ft). Currently part 4 of the Building Regulations requires the setback to be the average of the two adjoining properties, or 9m whichever is the lesser. Requiring an 8m front setback is inconsistent with all previous setback requirements.

The front setbacks in Manningham are varied. Some developments which were approved under Vic Code have front setbacks of around 5m, which is not considered appropriate in the streetscape context, and should not be adopted with future developments. It is also acknowledged that some dwellings in Manningham are setback a greater distance, even 10 metres or more. Given that Amendment C50

is seeking to manage future development, particularly unit development, it is considered appropriate to have a setback of 7.6m, to provide reasonable front and rear setbacks, to provide opportunities for landscaping or to allow existing trees to be retained. The concern about requiring the minimum setback from the front street to be the average distance of the setbacks of the front walls of the existing buildings on the abutting allotments, is that it may unnecessarily site the development towards the rear of the block which may not be appropriate.

**Recommendation:** **Change the schedule relating to minimum street setback from 8 metres to 7.6 metres.**

**Issue No 4:** Minimum street setback - (Schedule to Clause 32.06 Residential 3 Zone)

Concern: The setbacks for corner sites are not addressed.

Response: It is proposed to include wording in Schedule 3 relating to minimum street setback.

**Recommendation:** **After 7.6 metres, include the words: 'Side street setbacks as specified in the Tables to Standard A3 and Standard B6 continue to apply.'**

**Issue No 5:** Site Coverage - (Schedule to Schedule to Clause 32.06 Residential 3 Zone)

Concern: The site coverage figure of 40% and 45% is too restrictive and limits development opportunities. Particular concern has been raised that 45% does not provide sufficient incentive to construct single storey dwellings.

Response: A fundamental principle of AM C50 is to channel development around the existing activity centres and along Main Roads, whilst the 'Areas removed from Activity Centres and Main Roads' precinct can experience an incremental, or moderate level of change. Development is anticipated in the suburbs removed from activity centres, yet with a greater emphasis on retaining generous front, side and rear setbacks to enable greater opportunities for existing trees to be retained and for additional landscaping to be planted. It is acknowledged that some of the smaller lots will find redevelopment difficult under the proposed provisions.

**Recommendation:** **Retain the site coverage figures of 40% and 45% requirement included in the Schedule to the Residential 3 Zone as exhibited.**

**Issue No 6:** Private Open Space – (Schedule to Schedule to Clause 32.06 Residential 3 Zone)

Concern: The private open space requirement, particularly the minimum area of 40 square metres, with a minimum dimension of 6 metres, is overly restrictive.

Response: The proposed open space requirement has been tested with a variety of lot sizes and it is achievable. It is acknowledged however, that some of the smaller lots will find redevelopment difficult under the proposed provisions. It is considered that the minimum open space dimension of 6 metres is necessary to achieve reasonable areas of

private open space, with opportunities for trees and associated shrubs to be retained or to be planted.

**Recommendation:** Retain the private open space requirement included in the Schedule to the Residential 3 Zone as exhibited.

**Issue No 7:** Front Fence Height - (Schedule to Clause 32.06 Residential 3 Zone)

**Concern:** Concern that this fence height requirement in the Schedule of 1.2 metres is too low.

**Response:** A particular characteristic of Manningham is its open streetscape character, this is particularly evident in the streets which have not experienced developmental change. It is submitted that this 'open streetscape character should be retained.

Whilst some people may feel that having a high fence provides a greater level of security, evidence suggests that having a low fence deters intruders, as they are more visible from the street.

**Recommendation:** Retain the front fence height requirement included in the Schedule to the Residential 3 Zone as exhibited.

#### **PRECINCT: AREAS WITH PREDOMINANT LANDSCAPE FEATURES**

**Issue No 8:** Delineation of the precinct boundary of the Templestowe Environmental Residential Area.

**Concern:** Submitters raised their concern regarding the reduction in area covered by the character precinct and requested that it be extended to align with the boundary exhibited in the Residential Character Guidelines (March 2004).

**Response:** Presently, the Templestowe Environmental Residential Area is affected by several overlays. They include:

- Design & Development Overlay - Templestowe Environmental Residential Area (DDO4);
- Environmental Significance Overlay – Yarra River Environments (ESO1);
- Significant Landscape Overlay - Environmental Residential Significant Landscape Areas (SLO3)

In summary, these overlays provide statutory protection to ensure the long-term protection of the existing environmental values. The statutory controls are quite detailed, but amongst other things a planning permit is required for buildings and works and vegetation removal. Furthermore, each lot must be at least 650 square metres.

The precinct boundary exhibited in the Residential Character Guidelines (March 2004) was influenced by several site inspections of the area. It is acknowledged that this area has a varied character. Some areas have a 'semi-rustic character', whilst other areas are relatively more 'urban', this is particularly evident in areas where recent development has occurred.

During the exhibition of the Draft Residential Character Guidelines (March 2004), it became evident that several of the properties included in the character precinct were not affected by any of the abovementioned overlays, and therefore did not have any statutory controls to ensure the protection of their existing environmental qualities and characteristics. Accordingly, the precinct boundary was redrafted prior to the exhibition of AM C50 to coincide with the boundaries of the existing Design and Development Overlay Schedule 4. It is noted that the Significant Landscape Overlay Schedule 3 and the Environmental Significant Overlay Schedule 1 incorporate the land within the precinct boundary, but also extends beyond the character precinct boundary.

It was highlighted during the exhibition of Am C50 that an error had occurred with the delineation of the precinct boundary, with 28 properties located on the north side of Wood Street being incorrectly mapped. The exhibited amendment documentation shows these properties within the character precinct, however they are not affected by the existing Design and Development Overlay 4. They therefore should not be included in the 'Areas with predominant landscape features', but included in the 'Areas removed from Activity Centres and Main Roads.'

The delineation of the precinct boundary as exhibited should be amended to be consistent with the delineation of the Design and Development Overlay – Schedule 4. Any extension to the precinct boundary within the Templestowe Environmental Area, so that it is consistent with the precinct boundary shown in the Manningham Residential Character Guidelines (2004), will require further investigation, and will be subject to a separate amendment.

All property owners, occupiers and other relevant parties would need to be notified of any proposed changes. Accordingly, it is beyond the scope of this amendment to extend the precinct boundaries to address the submitters concerns.

If this area is extended then it is likely that there will be a need to extend the relevant overlays to ensure the area's environmental protection.

**Recommendation: In Map No 2 extend the Residential 3 Zone to include properties 21 – 37, 47 – 77 Wood Street and 37, 39 & 40 Mahoney Street, Templestowe, so that the delineation of the 'Areas with predominant landscape features' precinct is consistent with the approved Map No 2DDO which shows the Design and Development Overlay – Schedule 4;**

**The request to extend the precinct boundary to accord with the draft Residential Character Guidelines (March 2004) will require further investigation and be subject to a separate planning scheme amendment.**

**Issue No 9:****Hillcrest Area:**

Several issues have been raised in relation to this character precinct. They include:

- the general requirements of Design and Development Overlay – Hillcrest Area, Donvale (DDO10)
- the specified minimum lot size of 800m<sup>2</sup>;
- the mandatory requirement that each lot can only be developed with one dwelling; and
- to review the boundary of the character precinct and the Vegetation Protection Overlay.

Because these issues are all related, they shall be dealt with together.

**Concern:**

Submitters specifically raised concern about the introduction of a minimum lot size of 800m<sup>2</sup>, which cannot be varied with a planning permit. This is a significant variation to the existing controls where there is no specified minimum lot size.

**Response:**

It is acknowledged that the minimum lot size of 800m<sup>2</sup>, is a significant variation to the existing planning controls. Presently, the Hillcrest area is affected by a Vegetation Protection Overlay – Hillcrest Area, Mitcham (VPO4). The overlay identifies that this area contains a mixture of remnant woodlands which have been reinforced by an ongoing program of replanting with indigenous species. The overlay states in part: *'The remnant woodlands combined with the more recent plantings create a unique suburban environment in which the remnant communities are of a local and, in some cases, high local botanical significance'*.

The vegetation objectives of this overlay outlines the need to not only conserve and protect the existing pattern of vegetation but also to revegetate and rehabilitate degraded areas, to ensure that trees, shrubs and vegetation communities are maintained as a landscape feature of the area.

It is considered that a minimum lot size of 800m<sup>2</sup> and the mandatory requirement that each lot must not be developed with more than one dwelling will ensure the long-term protection and enhancement of the vegetation communities in the area.

It is considered very difficult to site multiple dwellings on a lot which has reasonable sized building envelopes, together with driveways and paved areas, etc, whilst also allowing existing vegetation to be retained and / or providing opportunities for additional vegetation to be planted.

The minimum lot size of 800m<sup>2</sup> was determined by an analysis of all of the existing lot sizes in the precinct boundary. The average lot size is 814m<sup>2</sup>. The median lot size is 734m<sup>2</sup>.

In December 2004, Council endorsed the information presented in the 'Manningham Biosites-Sites of (Biological) Significance Review', (November 2004) and noted that the document is a technical resource



available to Council staff as well as to the public and will be used for a variety of purposes. This Review provides more detailed information relating to vegetation across the municipality, including the subject area. It is anticipated a planning scheme amendment will be prepared in 2006 to implement the findings in this Review.

Given the range of concerns raised by submitters, it is considered that DDO10 as it relates to the Hillcrest Area, Donvale, be removed from this Amendment. It is submitted that further work is required, including a review of the boundary alignment of the existing Vegetation Protection Overlay - Schedule 4 (VPO4) having regard to the maps and information contained in the 'Manningham Biosites-Sites of (Biological) Significance Review' (November 2004).

**Recommendation:** Remove Schedule 10 to the Design and Development Overlay, relating to the Hillcrest Area in Donvale, together with Planning Scheme maps 8DDO and 11DDO, so that the Hillcrest Area is removed from Amendment C50.

**Recommendation:** Conduct further work into the Hillcrest Area, in Donvale, to address the boundary alignment of the existing Vegetation Protection Overlay – Schedule 4 (VPO4), as shown on Map No 8 VPO and Map No 11 VPO, having regard to the maps and information contained in the 'Manningham Biosites – Sites of (Biological) Significance Review' (November 2004). Once the boundary has been determined, review the provisions outlined in Schedule 10 to the Design and Development Overlay, which has been exhibited as part of Amendment C50.

## **PRECINCT: AREAS SURROUNDING ACTIVITY CENTRES A**

**Issue No 10:** Minimum lot size of 2,000m<sup>2</sup>  
**Concern:** This issue has been identified by Council officers. Due to the number of lots having an area of less than 667m<sup>2</sup>, there would be a need, in some cases, to consolidate up to four (4) lots. This could be considered onerous.

**Response:** Reduce the minimum lot size to 1,800m<sup>2</sup>.

**Recommendation:** Amend Schedule 8 to the Design and Development Overlay – Residential Areas Surrounding Activity Centres (DDO8). In Table 1 under sub-precinct 1 change the minimum lot size from 2,000m<sup>2</sup> to 1,800m<sup>2</sup>.

## **PRECINCT: AREAS ALONG MAIN ROADS**

**Issue No 12:** Minimum lot size of 2,000m<sup>2</sup>  
**Concern:** This issue has been identified by Council officers. Due to the number of lots having an area of less than 667m<sup>2</sup>, there would be a need, in some cases, to consolidate up to four (4) lots. This could be considered onerous.

**Response:** Reduce the minimum lot size to 1,800m<sup>2</sup>.

**Recommendation: Amend Schedule 9 to the Design and Development Overlay – Areas Along Main Roads (DDO9). In Table 1 change the minimum lot size from 2,000m<sup>2</sup> to 1,800m<sup>2</sup>.**

## REQUEST TO CHANGE PRECINCT BOUNDARY OR PRECINCT CLASSIFICATION

- 2.2. The following section addresses specific requests by submitters to change the boundary alignment of a specific precinct, or to re-classify a precinct of a given property.

REQUEST	RESPONSE
Suggests an inconsistency exists with the plans shown in relation to the ownership and use of the land at 2 Kathleen Grove. It is suggested that the Road Reserve at 2 Kathleen should be retained as open space.	2 Kathleen Grove is owned by Vic Roads and is zoned Road Zone-Category 1, however Planning Scheme map No.6DDO identifies 2 Kathleen Grove in the 'Areas along Main Roads' precinct. <b>Recommendation: Rectify the mapping error by amending Planning Scheme map No. 6DDO by removing 2 Kathleen Grove, Bulleen, so that it is not in 'Areas along Main Roads' precinct.</b>
Object to the inclusion of the south/east side of Carawatha Road and showing Ada Street, Doncaster being included in 'Areas surrounding activity centres'. This land is much higher than homes in Caringal Ave and Attunga Crt, and three storey development will result in unacceptable overlooking. Overlooking is currently a problem with 2 storey dwellings.	This area has been reviewed and it is conceded that the land falls away significantly on the south side of Carawatha Road, with Ada Street also having a reasonable fall to the west. <b>Recommendation: That properties located on the south side of Carawatha Road, between Koolkuna Avenue and the west side of Ada Street, be re-classified from 'Areas surrounding Activity Centres A' to 'Areas surrounding Activity Centres B'. Furthermore, that properties located on the west side of Ada Street, extending down to Wilsons Road, be re-classified from 'Areas surrounding Activity Centres A' to 'Areas surrounding Activity Centres B'. This re-classification will encourage development with a maximum building height of 9 metres and a maximum site coverage of 60%. The 'Areas surrounding Activity Centres B' precinct will also provide a transition between 'Areas surrounding Activity Centres A' and 'Areas removed from Activity Centres and Main Roads,' These changes need to be reflected in Map 1 (Part 1) of Design and Development Overlay – Schedule 8.</b>
The boundary for Bordeaux street should be changed. It should be moved to the rear of properties fronting the south side of Bordeaux Street, leaving all properties fronting Bordeaux Street in the same classification.	This area has been reviewed, and the built form along Bordeaux Street is substantial. Presently, houses in Bordeaux Street in the vicinity of Para Court and Vine Street are three storeys. Given the proximity of Doncaster Shoppingtown and the Doncaster Hill Activity Centre, it is considered that a three storey development on a consolidated site could be appropriate. <b>Recommendation: Retain the existing precinct classification and boundary as exhibited.</b>
Consider extending precinct along Thompsons Road, down to Balwyn Road, to include the Thompsons Road shops. The current service	This request has been investigated. Whilst there is some merit in extending the precinct boundary, it raises further questions about whether the precinct boundary should be

REQUEST	RESPONSE
station at Balwyn Road is ripe for redevelopment.	extended further westwards, to the juncture with Bulleen Road. This would be a significant change to AM C50. <b>Recommendation: Retain the existing precinct boundary as exhibited.</b>
Review the inclusion of properties 98,100,104 & 106 Williamsons Road in 'Areas along Main Roads' due to car parking and access issues that would arise as a result of the presence of a service road and the location of a bus stop just south of Winston Drive and opposite 108 Williamsons Road. It should be classified as 'Areas surrounding Activity Centres A, or B'.	The issues raised by the submitter are noted. There is very little difference between the provisions relating to 'Areas along Main Roads' precinct and 'Areas surrounding Activity Centres A'. Given the subject properties are located on a Main Road, then the 'Areas along Main Roads' precinct is appropriate. The submitters concerns relating to access are noted. Detailed issues relating to access, particularly for 106 Williamsons Road would need to be addressed at the planning permit stage, when details of a proposal are examined in closer detail. <b>Recommendation: Retain the existing precinct classification and boundary as exhibited.</b>
Review three storey development along the boundaries of Schramms Reserve.	It is considered appropriate to encourage three storey development around an area of public open space. This principle applies to Schramms Reserve. <b>Recommendation: Retain the existing precinct classification and boundary as exhibited.</b>
Questions why the areas north of the intersection of Manningham and Williamsons Rd has been excluded from Main Road precinct.	Williamsons Road, north of the intersection of Manningham Road, has a tree reserve situated on the west side of the road. The road reserve has been purposefully designated to prevent driveway access onto this section of Manningham Road. <b>Recommendation: Retain the existing precinct boundary as exhibited.</b>
Request that Franklin Street be demarcated as "Areas surrounding Activity Centres B" not precinct A.	The subject site is across the road from Devon Plaza, therefore the location is ideal for promoting increased residential density. Presently, there are no height controls affecting this area. Am C50 proposes a maximum building height of 11m, and this can only occur on a consolidated lot. Whilst the exhibition documentation advertised a minimum area of 2,000m <sup>2</sup> . The Council report recommends reducing this size to 1,800m <sup>2</sup> . Refer to the Council report for more detailed discussion. <b>Recommendation: Retain the existing precinct classification and boundary as exhibited.</b>
The DDO9 relating to 'Areas Along Main Roads' proposed for Bulleen Road and Avon Street, Bulleen is inappropriate, given the proximity of the subject area to the Yarra River and the need to protect existing viewlines and retain existing neighbourhood character.	It is recognized that the subject area is in close proximity to the Yarra River. Properties along Bulleen Road and Avon Street are covered by a Significant Landscape Overlay 2, which relates to the Yarra Valley Backdrop. Landscape character objectives include protecting and enhancing the vistas from the river, its banks and nearby parkland. It is noted that a permit is

REQUEST	RESPONSE
	<p>not required to construct a dwelling unless certain conditions are met, including; 'Any part of the building is more than 12 metres above the natural surface of the ground directly below that part.' The Design and Development Overlay – Schedule 9 proposes a maximum building height of 11 metres. This building height can only be considered on a consolidated lot with a minimum area of 1,800m<sup>2</sup>. Whilst the exhibition documentation proposed a minimum area of 2,000m<sup>2</sup>, it is proposed to reduce the area to 1,800m<sup>2</sup>. Refer to the Council report which details this proposed change. It is considered that the proposed provisions of the DDO9 are consistent with the SLO2. Furthermore, given the subject properties are situated on a Main Road, and are located near the Bulleen Gateway area, it is considered that the DDO9 is appropriate.</p> <p><b>Recommendation: Retain the existing precinct classification and boundary as exhibited.</b></p>
<p>Request that Glen Towers Estate be removed from the amendment, as it is affected by a single dwelling covenant.</p>	<p>Covenants are private law arrangements between landowners, which can be changed over time provided that there is consent of all beneficiaries. AM C50 does not seek to modify or remove the arrangements that exist as a consequence of a restrictive covenant.</p> <p>From a strategic planning perspective, given the proximity of the Glen Towers Estate to the Doncaster Hill Activity Centre, it is considered appropriate that if the covenants did not exist, then this area would be appropriate for medium density housing development.</p> <p><b>Recommendation: Retain the existing precinct boundary as exhibited.</b></p>
<p>Request that the west boundary of the Hillcrest area be redrawn at the rear or east boundary of 24,26,28 and 32 Park Road, Donvale, as these properties form part of the Park Road streetscape and not part of the Hillcrest precinct.</p>	<p>Issue No. 9 of this report recommended that DDO10 as it relates to the Hillcrest Area, Donvale, be removed from this Amendment. It is submitted that further work is required, including a review of the boundary alignment of the existing Vegetation Protection Overlay - Schedule 4 (VPO4) having regard to the maps and information contained in the 'Manningham Biosites-Sites of (Biological) Significance Review' (November 2004).</p> <p><b>Recommendation: Remove the Hillcrest Area, which includes 24, 26, 28 and 32 Park Road, Donvale, from AM C50.</b></p>
<p>Request that a small area of land in Newmans Rd and adjoining streets which is proposed to be included in a Residential 3 Zone be reclassified to the 'Recent Housing' precinct, similar to area to the west. Submits that high density development exists in the area and that development is post 1975.</p>	<p>Whilst it is conceded that a considerable portion of the area has been redeveloped recently, and is close to local shops, it is submitted that this area is semi-rustic in character, due to presence of tall trees and less-engineered roads. This character is different from the land east of the pipe-track which has a more urban character and which is included in the 'Recent Housing' precinct. It is noted that land on the north side of Newmans Road is in a Low Density Residential Zone The submitters who have requested a re-classification of their properties to the 'Recent Housing' precinct are situated at the intersection of Porter Street and Newmans</p>

REQUEST	RESPONSE
	<p>Road, on elevated, and hence prominent sites in Newmans Road, therefore a transition needs be provided between the low density to the north and the recent development that has occurred south of Newmans Road, along Innisfallen Ave. For these reasons it is considered that the existing precinct boundary and precinct classification remain.</p> <p><b>Recommendation: Retain the existing precinct classification and boundary as exhibited.</b></p>
<p>Properties no.'s 2,4,6 &amp; 8 Old Warrandyte Rd be re-classified from 'Areas Removed from Activity Centres &amp; Main Roads' to 'Areas Surrounding Activity Centres'.</p>	<p>It should be noted that No.2 Old Warrandyte Road, situated near the south-east corner of Old Warrandyte Road and Mitcham Road is located in the 'Areas along Main Roads' precinct. In comparison, nos.4,6 &amp; 8 Old Warrandyte Rd are included in the Areas removed from Activity Centres and Main Roads.'</p> <p>Whilst the area is near the Tunstall Square Activity Centre, the subject site is separated by a six lane Main Road. Furthermore, properties 2, 4, 6 &amp; 8 Old Warrandyte Road were the subject of Amendment C20 which was approved on 3 December 2002. The amendment extended the adjoining Significant Landscape Overlay – Significant Landscape Areas (SLO1) over the abovementioned properties. The Panel report of AM C20 states that: <i>"The pine trees create a significant landmark and point of orientation for the major intersection and the area of transition from residential to low density residential properties together with those areas already include in the SLO1. It is these considerations which warrant assessment for protection for the landscape."</i> pg 26 C20 (Panel Report, September 2002).</p> <p>Based on the above discussion no change to the precinct boundary is warranted.</p> <p><b>Recommendation: Retain the existing precinct classification and boundary as exhibited.</b></p>

- 2.3. In addition to the recommendations previously outlined in this report, it is proposed that a number of minor changes will be made to address typographical errors, ensure consistency and improve the overall readability of the Amendment. These modifications do not the change the intent of the Amendment.
- 2.4. In particular, changes have been made to the exhibited Schedule 4 & 5 to the Design and Development Overlay, as it relates to the Templestowe Environmental Residential Area, and Donvale/Doncaster East Environmental Residential Area respectively, so that they are consistent with the provisions of other overlays that apply to the subject areas.
- 2.5. It is proposed that Council considers all submissions made to Amendment C50 and resolve to refer all submissions to an Independent Panel for consideration.

- 2.6. It is noted that Am C50 does not address gateway sites. Whilst the Framework Plan 2 of Clause 21.04 of the Manningham Planning Scheme identifies major gateways, the plan is only schematic. Further investigation is required at a later stage, to ensure high design standards are achieved at gateway sites in the municipality.

### 3. PRIORITY/TIMING

- 3.1. It is proposed that Council request that an Independent Panel be appointed as soon as possible.

### 4. COUNCIL PLAN

- 4.1. This amendment addresses/progresses Council Action Item No. 3.2.2, which states:

*“Finalise the amendment process for the incorporation of the Residential Character Guidelines in the Manningham Planning Scheme.”*

### 5. FINANCIAL RESOURCE IMPLICATIONS

- 5.1. To date, Council has incurred expense in the direct notification of approximately 30,000 households and other key stakeholders.
- 5.2. Subject to Council's resolution, further expenses will be incurred associated with the Panel Hearing process.

### 6. SUSTAINABILITY

- 6.1. Amendment C50 will have environmental and social benefits. The proposed planning controls seek to increase densities around existing local shopping centres/activity centres. The increased density will provide a greater diversity of housing types so that a greater range of people can live in close proximity to services and facilities. It will also reduce people's dependence on the car.

### 7. REGIONAL/STRATEGIC IMPLICATIONS

- 7.1. Amendment C50 is consistent with the Metropolitan Strategy - *Melbourne 2030*. The amendment supports the implementation of *Melbourne 2030* by advocating urban consolidation in metropolitan areas to make use of existing infrastructure and services, and to minimise the encroachment of urban development into the non-urban areas. The policy direction of *Melbourne 2030* is to concentrate major change in strategic redevelopment sites such as activity centres.
- 7.2. The amendment is also consistent with the broad objectives of the Eastern Regional Housing Group.

### 8. CONSULTATION

- 8.1. During the preparation of the amendment documentation Council officers liaised with representatives of the Department of Sustainability and Environment (DSE) to ensure that the selected planning tools were consistent with the State Government approach to addressing residential character issues.
- 8.2. As part of the exhibition period (28 April 2005 – 24 June 2005), approximately 30,000 people were directly notified of the amendment, which included all

affected property owners/occupiers. Notification was also forwarded to the prescribed Ministers, Statutory Authorities and other interested persons who have registered with Council to be kept informed of progress on the Residential Character Guidelines/Amendment C50.

- 8.3. A notice was placed in the Manningham Leader on 27 April 2005 and the Government Gazette on 28 April 2005.
- 8.4. In addition, two public information sessions were held on the 12 and 16 May 2005, which were attended by around 270 people. The information sessions provided background to the Residential Character Guidelines and outlined the details of the proposed amendment. During the exhibition period, it is estimated that Council officers answered over 300 enquiries either over the phone or at the counter.
- 8.5. Whilst some submitters have requested that they do not wish to be kept informed about the progress of this amendment, the remaining submitters will be notified of the different stages of this amendment.

## 9. COMMUNICATIONS STRATEGY

- 9.1. A detailed Communication Strategy, focussing on the various stages of the amendment process was outlined in the Council report dated 22 March 2005.

## 10. CONCLUSION

- 10.1. The progression of Amendment C50 demonstrates Council's commitment to protecting the valued characteristics and features of Manningham's residential areas. It also seeks to encourage a range of housing types to meet the changing and varied needs of the community.

## OFFICER'S RECOMMENDATION

That Council

1. **Note all submissions received in response to Amendment C50.**
2. **Support Amendment C50 as exhibited, subject to the following changes:**
  - 2.1. **In Clause 21.12 –1, delete the sentence stating: 'In cases where lots are greater than 1200m<sup>2</sup> in size, a development of more than two units would be considered.';**
  - 2.2. **In Clause 22.14 – 2, delete the first bullet point which states: '*To provide an environment where established canopy trees will continue to thrive and new canopy trees can be established.*' Reposition bullet point 4 to make it bullet point 1, so that the first objective states: '*To reinforce the existing garden character of the area by incorporating substantial areas of open space allowing for the retention and / or planting of canopy trees.*';**
  - 2.3. **In the Schedule to Clause 32.06 of the Residential 3 Zone change the minimum street setback from 8 metres to 7.6 metres;**
  - 2.4. **In the Schedule to the Clause 32.06 of the Residential 3 Zone, under the minimum street setback, after 7.6 metres, include the words: '*Side street setbacks as specified in the Tables to Standard A3 and Standard B6 continue to apply.*';**

- 2.5. In Map No 2 extend the Residential 3 Zone to include properties 21 – 37, 47 – 77 Wood Street and 37, 39 and 40 Mahoney Street, Templestowe, so that the delineation of the 'Areas with predominant landscape features' precinct is consistent with the approved Map No 2DDO which shows the Design and Development Overlay – Schedule 4;
  - 2.6. Remove Schedule 10 to the Design and Development Overlay, relating to the Hillcrest area in Donvale, together with Planning Scheme maps 8DDO and 11DDO, so that Hillcrest is removed from Amendment C50;
  - 2.7. Amend Schedule 8 to the Design and Development Overlay – Residential Areas Surrounding Activity Centres (DDO8). In Table 1 under sub-precinct 1 change the minimum lot size from 2,000m<sup>2</sup> to 1,800m<sup>2</sup>;
  - 2.8. Amend Schedule 9 to the Design and Development Overlay – Areas Along Main Roads (DDO9). In Table 1 change the minimum lot size from 2,000m<sup>2</sup> to 1,800m<sup>2</sup>;
  - 2.9. Amend Map 1 (Part 1) entitled 'Residential Character Precinct - Residential Areas surrounding Activity Centres – Sub-Precincts A & B'. In particular, reclassify properties located on the south side of Carawatha Road, between Koolkuna Avenue and the west side of Ada Street, 'Areas surrounding Activity Centres A' to 'Areas surrounding Activity Centres B'. Furthermore, that properties located on the west side of Ada Street, extending down to Wilsons Road, be re-classified from 'Areas surrounding Activity Centres A' to 'Areas surrounding Activity Centres B';
  - 2.10. Remove 2 Kathleen Grove, Bulleen from map No. 6DDO, so that it is not in 'Areas along Main Roads' precinct; and
  - 2.11. Make minor changes, which will not change the intent of the Amendment, but address typographical errors, ensure consistency and improve the overall readability of the Amendment.
3. Request the Minister for Planning under Part 8 of the Planning & Environment Act 1987, to appoint an Independent Panel to consider all submissions to Amendment C50;
  4. Investigate extending the precinct boundary of the 'Areas with predominant landscape features' precinct, in Templestowe, to accord with the precinct boundary exhibited as part of the Manningham draft Residential Character Guidelines, in March 2004.
  5. Conduct further work into the Hillcrest Area, in Donvale, to address the boundary alignment of the existing Vegetation Protection Overlay – Schedule 4 (VPO4), as shown on Map No 8 VPO and Map No 11 VPO, having regard to the maps and information contained in the 'Manningham Biosites – Sites of (Biological) Significance Review' (November 2004). Once the boundary has been determined, review the provisions outlined in Schedule 10 to the Design and Development Overlay, which has been exhibited as part of Amendment C50.
  6. Further investigate gateway sites in the municipality, and determine appropriate design and siting requirements.



7. Thank submitters for their contribution and advise them of the Council resolution. As part of this letter, advise them that submissions will be referred to an Independent Panel who will further consider all submissions to the Amendment C50, and that they have an opportunity to verbally address the Panel, if they wish.

**MOVED: BEYNON**  
**SECONDED: GOUGH**

That the Recommendation be adopted with the inclusion of a clause 2.12 “to delete all references to the Doncaster Road ‘River of Life’ Strategy”.

**CARRIED**

“Refer Attachments”

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