

**MANNINGHAM PLANNING SCHEME
AMENDMENT C33
DONCASTER HILL ACTIVITY CENTRE**

PANEL REPORT

SEPTEMBER 2003

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HELEN GIBSON, Chair

A handwritten signature in black ink, appearing to be 'Margaret Pitt', written in a cursive style.

MARGARET PITT, Member

A handwritten signature in black ink, appearing to be 'Esther Kay', written in a cursive style.

ESTHER KAY, Member

SEPTEMBER 2003

TABLE OF CONTENTS

1. OVERVIEW	4
2. THE PANEL PROCESS	6
2.1 THE PANEL	6
2.2 HEARINGS AND INSPECTIONS.....	6
2.3 SUBMISSIONS.....	7
3. WHAT IS PROPOSED?	9
3.1 THE SUBJECT SITE AND SURROUNDS	9
3.2 EXISTING STATUTORY CONTROLS	11
3.3 NATURE OF THE AMENDMENT	13
3.4 DONCASTER HILL STRATEGY FRAMEWORK	16
3.5 ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD) REQUIREMENTS.....	22
3.6 COUNCIL RECOMMENDED CHANGES	25
4. STRATEGIC BASIS FOR AMENDMENT	26
4.1 EXISTING MSS	26
4.2 WORK BY THE COUNCIL	27
4.3 MANNINGHAM RESIDENTIAL STRATEGY	28
4.4 METROPOLITAN STRATEGY – <i>MELBOURNE 2030</i>	30
4.5 STRATEGIC JUSTIFICATION	31
5. ISSUES	32
5.1 NATURE OF SUBMISSIONS.....	32
5.2 PRECINCT 2G.....	34
5.3 BOUNDARIES AND TRANSITION AREAS.....	35
5.4 COVENANTS	36
5.5 TRANSPORT, TRAFFIC AND CIRCULATION	37
6. STATUTORY CONTROLS	42
6.1 NATURE OF SUBMISSIONS.....	42
6.2 CHOICE OF VPP TOOLS – PURPOSE OF CONTROLS	44
6.3 ROLE OF THE DONCASTER HILL STRATEGY DOCUMENT	45
6.4 EXISTING USE AND DEVELOPMENT	49
6.5 CHANGES TO THE MSS	51
6.6 USE OF LOCAL PLANNING POLICY.....	54
6.7 DESIGN AND DEVELOPMENT OVERLAY	56
6.8 ZONES	57
6.9 DRAFTING.....	60
7. URBAN DESIGN	62

7.1	URBAN DESIGN FRAMEWORK.....	62
7.2	OVERALL URBAN DESIGN VISION	62
7.3	DONCASTER HILL ACTIVITY CENTRE POLICY	63
7.4	DESIGN AND DEVELOPMENT OVERLAY 6	64
7.5	SITE-SPECIFIC SUBMISSIONS.....	68
7.6	CHANGES TO DESIGN AND DEVELOPMENT OVERLAY 6.....	71
7.7	PUBLIC SPACES.....	73
7.8	UNRESOLVED ISSUES FOR COUNCIL	78
7.9	THE VALUE OF DIFFERENCE	82
8.	SUSTAINABILITY REQUIREMENTS	83
8.1	NATURE OF ISSUES	83
8.2	SUSTAINABLE DESIGN VISION	85
8.3	CLAUSE 22.13 – DONCASTER HILL ACTIVITY CENTRE POLICY.....	86
8.4	ECOLOGICALLY SUSTAINABLE DEVELOPMENT OBJECTIVES.....	87
8.5	SUSTAINABILITY MANAGEMENT PLAN.....	89
8.6	RECOMMENDED PLANNING FRAMEWORK FOR ESD	90
8.7	SUSTAINABILITY PERFORMANCE STANDARDS.....	92
8.8	INDIVIDUAL COMPONENTS OF A SUSTAINABILITY MANAGEMENT PLAN	93
8.9	ROLE OF THE SUSTAINABLE DESIGN TASKFORCE	99
8.10	COUNCIL PLANNING, DESIGN AND DEVELOPMENT	100
8.11	ADDITIONAL STATUTORY MATTERS	100
8.12	MATTERS FOR FUTURE CONSIDERATION	103
8.13	DRAFTING.....	105
9.	STRATEGIC ASSESSMENT GUIDELINES	107
10.	CONCLUSIONS & RECOMMENDATIONS	110

APPENDICES

A.	LIST OF WRITTEN SUBMISSIONS	116
B.	COUNCIL SCHEDULE OF RECOMMENDED CHANGES	120
C.	ANALYSIS OF VICTORIA PLANNING PROVISIONS FOR DONCASTER HILL	129
D.	STRATEGIC ASSESSMENT GUIDELINES	137
E.	ALTERNATIVE APPROACH TO MSS & LOCAL PLANNING POLICY	142
F.	REVISED VERSION OF DDO6	152
G.	PLAN OF EXTENSION OF PRECINCT 3B	167

LIST OF FIGURES

- 1. Doncaster Hill Building Height Diagram**
- 2. Doncaster Hill Current Zones**
- 3. Clause 22.13 Doncaster Hill Activity Centre Policy – Map 1**
- 4. Doncaster Hill Strategy (October 2002) Framework Plan**
- 5. Doncaster Hill Strategy Access and Circulation**
- 6. Doncaster Hill Strategy Pedestrian and Cycle Network**

1. OVERVIEW

Amendment C33 to the Manningham Planning Scheme comprises the first part of a package of amendments that will put in place the statutory framework to give effect to the strategic intent expressed in the Doncaster Hill Strategy (October 2002). In turn, the Doncaster Hill Strategy is an implementation in part of the Manningham Residential Strategy.

The Doncaster Hill Strategy represents the culmination of many years of strategic work by Manningham City Council. It develops and implements important aspects of the Manningham Municipal Strategic Statement, the State Planning Policy Framework and the Metropolitan Strategy, *Melbourne 2030*, as they relate to the Doncaster Hill Activity Centre.

The vision expressed for Doncaster Hill in the Doncaster Hill Strategy is that it will develop as an integrated, high density residential and mixed use precinct with new development showcasing ESD (Ecologically Sustainable Development) principles and best practice. Doncaster Hill is intended to be a 'Sustainable Urban Village' that will be home for some 8,300 residents and will provide 10,000 employment opportunities by 2020. With 4,080 new residences and an additional 20,000m² of commercial/office floor space and 10,000m² retail floor space (excluding Westfield Shoppingtown expansion), Doncaster Hill will become a key destination in Melbourne's east.

There are two key themes within Amendment C33. The first relates to its urban form and represents an important aspect of the Manningham Residential Strategy. Development at Doncaster Hill will be high density and the built form will provide a range of building heights from a maximum of 40m stepping with and emphasizing the existing dramatic land form of Doncaster Hill. By focussing high-density residential development at Doncaster Hill, the Doncaster Hill Strategy will diversify housing opportunities within Manningham and reduce pressure for development in more sensitive, low-density and non-urban areas of the municipality.

The second key theme relates to ecological sustainable development. There is a strong commitment to sustainability in the Manningham Planning Scheme and Corporate Plan. The concept is embodied in Amendment C33 through the requirement that all new use and development in the Doncaster Hill Activity Centre must embody ESD principles in design, construction and operation, and that the vehicle for this shall be the preparation of a Sustainability Management Plan.

Submissions to Amendment C33 did not take issue with the fundamental principles of the Doncaster Hill Strategy. Rather concerns tended to focus on the statutory form and means of expression. These concerns were shared in part by the Panel.

The Panel has concluded that the principles of the Doncaster Hill Strategy as expressed in Amendment C33 have a sound strategic basis and should be supported. However, it recommends changes to the structure and wording of the amendment to strengthen and better reflect these strategic principles. In particular, the Panel recommends changes to the local planning policy dealing with Sustainability Management Plans. It advocates removing the many so-called 'performance measures' and adopting a new structure and form for the Sustainability Management Plan that:

- Identifies statutory obligations and documented sustainability performance standards.
- Identifies the 'beyond compliance' level of sustainable performance adopted by the applicant.
- Demonstrates the means by which the agreed level of performance will be achieved.
- Identifies responsibilities and the schedule for implementation and monitoring.
- Demonstrates that the design elements, technologies and operational practices that comprise the Sustainability Management Plan can be maintained over time.

The Panel believes this will deliver better ESD outcomes for use and development that will remain relevant over time and be capable of incorporating advances in best practice, technology, standards and legislation.

The Panel agrees with the Council's view that the onus should be placed on developers to design with sustainability in mind from the outset rather than regarding sustainability as an 'add-on' that can be achieved by retrofitting a conventional design or achieved through the imposition of conditions. However, it is equally important to ensure that buildings are not just a catalogue of the latest ESD techniques but they actually produce a better outcome that is more environmentally sustainable and that justifies any additional cost.

The Panel and the Council acknowledge that Amendment C33 is only the beginning of the package of measures to implement the Doncaster Hill Strategy and that additional work will be required as time progresses in order to fully implement it. However, with a 20-year strategy it is not reasonable to expect that all the details will be fully worked out in advance. The Panel is satisfied that the key elements of the Doncaster Hill Strategy have been sufficiently resolved to be put in place. Thus Amendment C33 will lay the foundation for these further measures through establishing the policy basis and setting in place the urban design framework and sustainability requirements for the Doncaster Hill Activity Centre of the future.

The Panel believes that Manningham City Council should be congratulated for the vision it has shown. Amendment C33 should be endorsed with the changes recommended by the Panel.

2. THE PANEL PROCESS

2.1 THE PANEL

The Panel was appointed under delegation on the 3 June 2003 pursuant to Sections 153 and 155 of the *Planning and Environment Act 1987* to consider and hear submissions in respect of Amendment C33 to the Manningham Planning Scheme. Amendment C33 introduces the Doncaster Hill Strategy (October 2002) into the Manningham Planning Scheme and implements it through the introduction of a new Design and Development Overlay, a new Doncaster Hill Activity Centre Policy, changes to the MSS and changes to the Schedule to the Business 2 Zone. The planning authority is the Manningham City Council.

The Panel consisted of:

- Helen Gibson, Chairperson
- Margaret Pitt
- Esther Kay

2.2 HEARINGS AND INSPECTIONS

A Directions Hearing was held on 9 July 2003 and a number of directions were made, which related primarily to the exchange of witness material and the provision of further material to the Panel.

The Panel Hearings were held on 5, 7, 11, 12, 14, 18 and 19 August 2003 at the Manningham Council Offices, 699 Doncaster Road, Doncaster.

The final day of Hearings included a workshop session, which was also attended by officers from DSE (Shane Pianta, Jim Pappa and Tracey Kidd), where the statutory framework of Amendment C33 was discussed in an informal, interactive way. The Council and Westfield submitted alternative versions of the exhibited controls for consideration by the Panel.

Panel members inspected the site and surrounding areas at the outset of the Panel Hearings on 5 August 2003, when a bus tour of the Doncaster Hill area was organized by Manningham City Council. The Panel was accompanied by Council officers and some submitters' representatives. Panel members made a number of subsequent independent inspections.

2.3 SUBMISSIONS

A list of all written submissions to Amendment C33 is included in Appendix A.

The following people were heard at the Panel Hearings.

Submitter	Represented By
Manningham City Council	<p>Mr. Terry Montebello, Solicitor, and Ms. Jenny Moles, Principal Planning Consultant, both of Maddocks; Mr Paul Molan, Director, Environmental Amenity, Ms. Lydia Winstanley, Doncaster Hill Strategic Planner and Cr. John Bruce, Mayor, of Manningham City Council. The following people gave evidence on behalf of the Council:</p> <ul style="list-style-type: none"> – Theresa Dominik, Doncaster Hill Project Manager, Manningham City Council. – Kanella Smithwick, Statutory Planning Co-ordinator, Manningham City Council. – Catherine Elizabeth (Cate) Collins, Environmental Engineer and ESD Co-ordinator Doncaster Hill Project, Manningham City Council. – Gary Bateman, Landscape Architect and Urban Designer, Urban Design Co-ordinator, Manningham City Council. – Brian Haratsis, Economist and Planner, MacroPlan Australia Pty. Ltd. – Robert Panozzo, Community Infrastructure Planner, ASR Research Pty. Ltd. – Graeme Dickson, Planning and Development Manager, Vitalis Corporation Pty. Ltd. – John McDonald, Architect, Design Inc; Member Manningham City Council Sustainability Design Taskforce. – Christian Griffiths, Traffic Engineer, GTA Consultants.
Westfield Limited	<p>Ms. Michelle Quigley SC instructed by Mr. Chris Lovell Solicitor of Holding Redlich. The following witnesses gave evidence on behalf of Westfield Limited:</p> <ul style="list-style-type: none"> – Andrew Biacsi, Town Planner, Contour Consultants Australia Pty. Ltd. – Frank David Alvarez, Architect and General Manager Design, Westfield Limited. – Andrew Clarke, Town Planner and Director, Matrix Planning Australia Pty. Ltd.

R & K Sheedy, B Sepsakos and Residents	Mr. Ray Sheedy and Mr. Basile Sepsakos.
Robert Puggioni	Mr. Robert Puggioni
Kenneth Cleverdon, Gordon and Juneve Andrews	Mr. Kenneth Cleverdon.
Brian Pierson	Mr. Brian Pierson.
Edgarden Pty. Ltd.	Ms. Amanda Ring, Town Planner, SJB Planning Pty. Ltd, and Mr. Adrian O' Sullivan, Edgarden Pty. Ltd.
Yarra Valley Water	Mr. Simon Pearce Higgins, Service Enhancement Water; Mr. Nigel Pugh, Service Enhancement Sewerage; and Mr. Paul Curtis, Manager Developer Services, all of Yarra Valley Water.
Victor Kamal	Mr. Tony Hooper of Counsel, instructed by Mr. Simon Nixon, Solicitor; and Mr. Matt Ryan, Consultant.
Sue Nominees Pty. Ltd.	Mr. David Hansen, Town Planning Consultant, Hansen Planning Services.

The Panel has considered all written and oral submissions and all material presented to it in connection with this matter.

3. WHAT IS PROPOSED?

3.1 THE SUBJECT SITE AND SURROUNDS

Amendment C33 to the Manningham Planning Scheme concerns the Doncaster Hill Activity Centre. The extent of the Doncaster Hill Activity Centre is shown on the plan in Figure 1. The Doncaster Hill Activity Centre has an area of 58ha and is located in Doncaster at the crossroads of Williamsons Road/Tram Road and Doncaster Road. It is located approximately 12 kms from the Melbourne Central Business District and is one of the highest points in Melbourne, commanding 360 degree panoramic views of the Dandenongs, Kinglake Ranges and Melbourne City Skyline.

Major uses within the Doncaster Hill Activity Centre include:

- Westfield Doncaster Shoppingtown, which is a major regional shopping centre with significant frontages to both Williamsons Road and Doncaster Road. It includes 60,000 m² of existing retail floor space, a major bus interchange, regional library, Westfield Tower offices and cinemas.
- Manningham Municipal Offices, including the Manningham Function Centre and Gallery.
- Doncaster PlayHouse
- Doncaster Primary School
- Maternal and Child Health Care, Childcare and Preschool facility
- Recreational facilities including Doncaster Bowling Club, Schramms Reserve and badminton court
- Shoppingtown Hotel
- Many community organisations, services, clubs and churches
- Offices, showrooms, factories, restaurants and retail premises
- Sovereign Point and The Crest Apartments (existing high rise residential tower developments in Williamsons Road)
- Some detached housing and medium density residential development

The area surrounding Doncaster Hill is predominantly detached housing of 1 and 2 storeys with well-landscaped gardens.

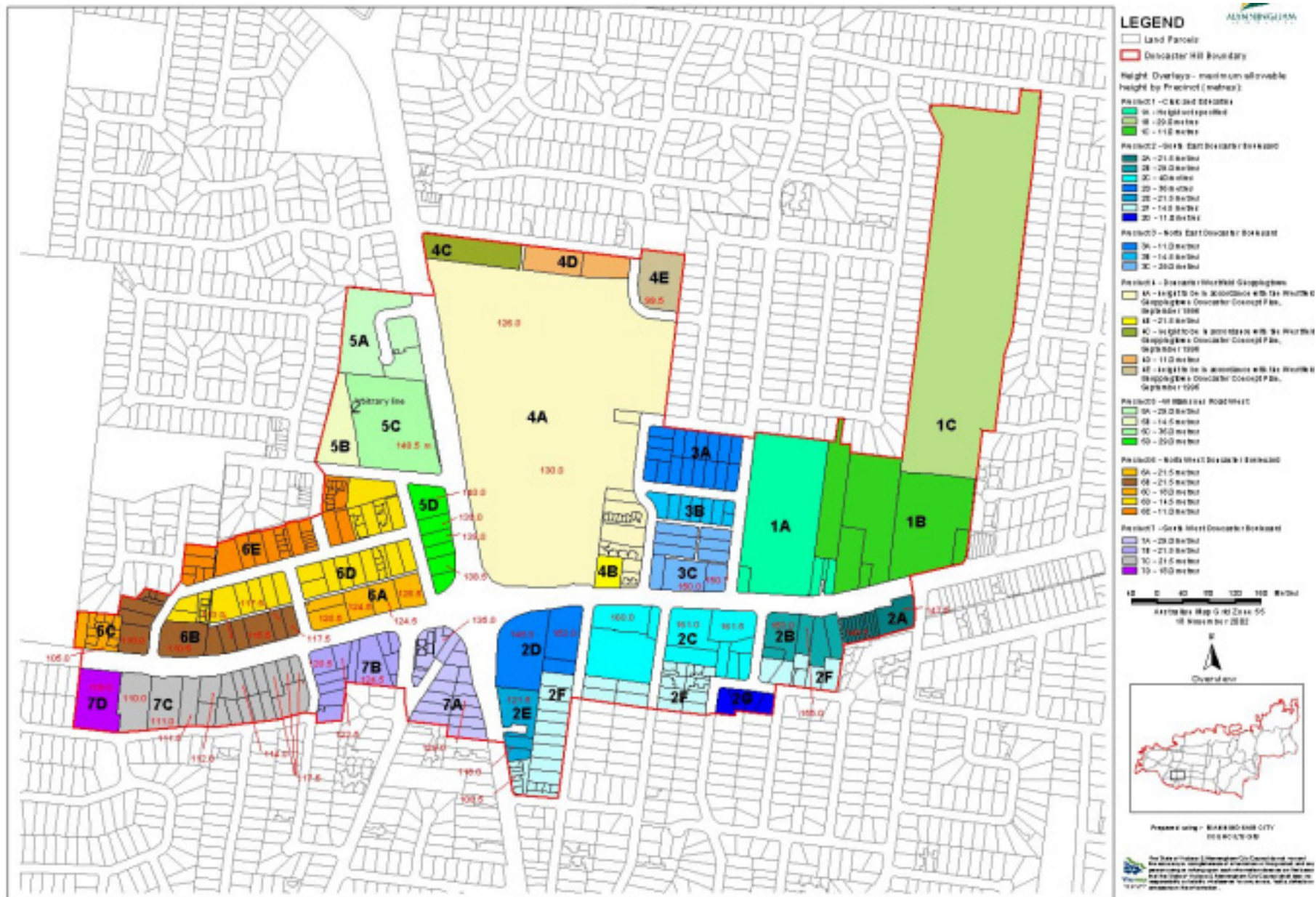


Figure 1 - Doncaster Hill Building Height Diagram

3.2 EXISTING STATUTORY CONTROLS

The current zoning of Doncaster Hill is shown in Figure 2. It can be seen from Figure 2 that there is a wide cross section of zones having a variety of purposes covering the Doncaster Hill Activity Centre. Westfield Doncaster Shoppingtown is included in a Business 1 Zone as is the small group of shops opposite the Municipal Offices. There is a considerable amount of land in the Business 2 Zone along Doncaster Road and Williamsons Road and a significant Industrial 1 Zone on Doncaster Road also. Two properties have floor areas specified in the Schedule to Business 2 Zone. For all other properties, there is no specified floor area for office and a zero floor area specified for shop. The remaining zones include Public Use Zones for Local Government and Education, the Public Park and Recreation Zone and Residential 1 Zone.

An Incorporated Plan Overlay (IPO1) applies to Westfield Doncaster Shoppingtown. The Incorporated Plan in question is the Westfield Shoppingtown Doncaster Concept Plan September 1996, which basically shows a series of building envelopes with heights and setbacks for the Shoppingtown site.

The Heritage Overlay applies to the Municipal Offices, Doncaster Primary School and several other properties within Doncaster Hill.

Design and Development Overlay 2 (Manningham Centre Structure Plan) applies to the area included in Precinct 3 in Figure 1. DDO2 is a development control, which provides that:

- In the area between Doncaster Road and Berkeley Street, Doncaster
 - Development must not occur on land with an area of less than 2500m²
 - An office (including a medical centre) must have a floor area of at least 1500m²
- In the area between Berkeley Street and Goodson Street, Doncaster
 - Development must not appear on land with an area of less than 2000m²

These provisions are intended to implement the Manningham Centre Structure Plan, December 1996.

Design and Development Overlay 1 (Doncaster Road Strategy Area) applies to the whole of the Westfield Doncaster Shoppingtown site and the corridor of land along both sides of Doncaster Road. It applies not just in the Doncaster Hill Activity Centre, but extends along the lengths of Doncaster Road from the western boundary of the municipality to Mitcham Road in the east. A key design objective is to improve the attractiveness of Doncaster Road and ensure that new development enhances the visual amenity and role of Doncaster Road as a viewing corridor. New development must be set back 5m from the Doncaster Road frontage to create a consistent built edge and incorporate tree planting and landscaping to achieve a boulevard character.

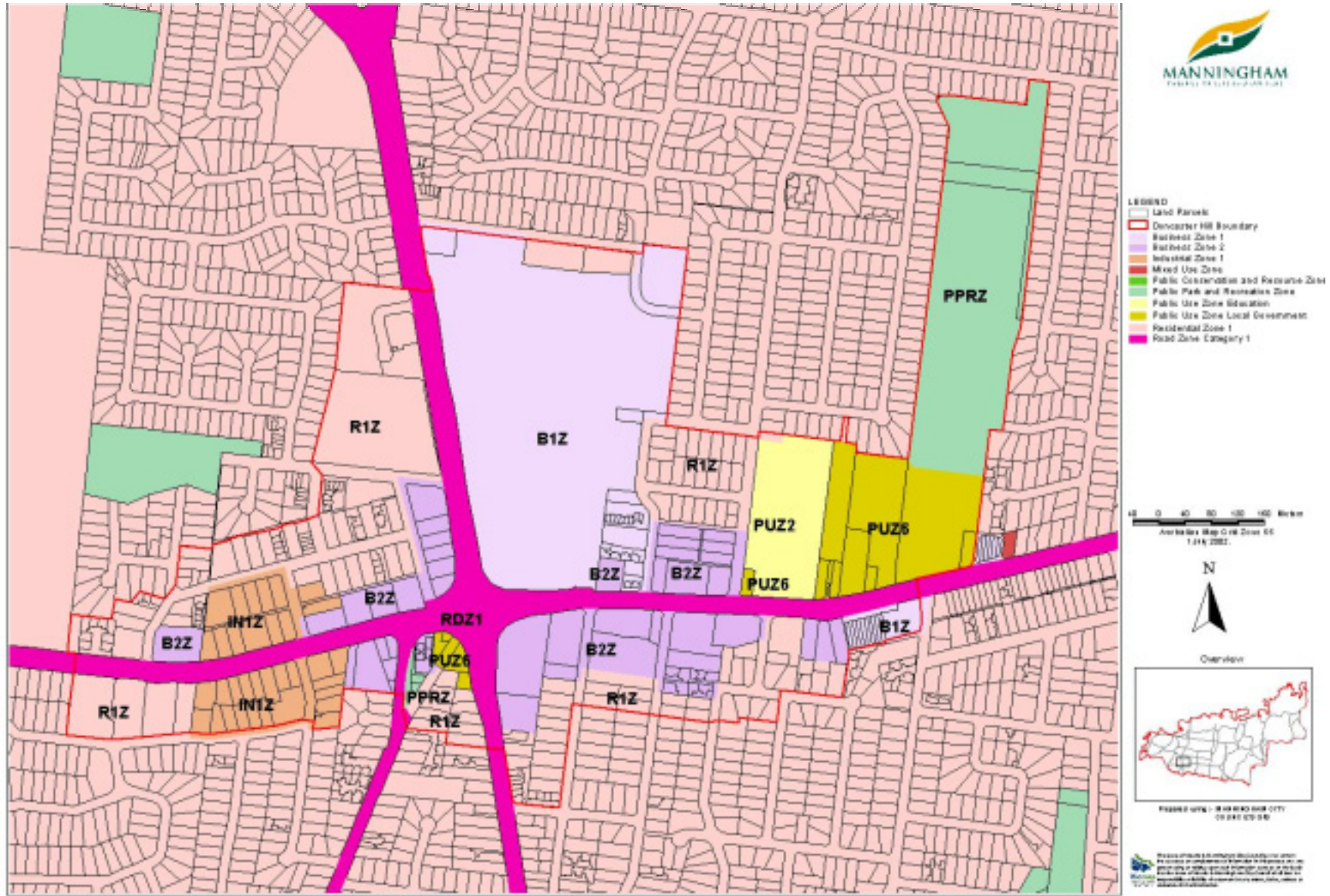


Figure 2 - Doncaster Hill Current Zones

3.3 NATURE OF THE AMENDMENT

Amendment C33 to the Manningham Planning Scheme comprises the first part of a package of amendments that will put in place the statutory framework to give effect to the strategic intent expressed in the Doncaster Hill Strategy (October 2002). The package of amendments that will be forthcoming over the next few months includes:

- Amendment C30, which is now on exhibition and includes:
 - Incorporation of a Development Contribution Plan and its implementation through the Development Contribution Plan Overlay
 - Application of Public Acquisition Overlays to certain land within and adjacent to the Doncaster Hill Activity Centre
 - Variation of the Schedule to Clause 52.01 to specify an Open Space Contribution
- Incorporation of a Parking Precinct Plan

The Doncaster Hill Strategy was adopted in its final version by the Council in October 2002 and represents the culmination of planning for this area since the mid-1980's. The strategic context for the Amendment and its strategic bases are discussed further in Section 4. In brief terms, the future vision for Doncaster Hill is that it will develop as an integrated, high density residential and mixed use precinct with new development showcasing ESD (Ecologically Sustainable Development) principles and best practice. The Doncaster Hill Strategy identifies Doncaster Hill as a 'Sustainable Urban Village' and describes the vision for the Activity Centre as follows:

The Doncaster Hill Strategy aims to create a 'state of the art', contemporary, sustainable, high density mixed use village that enhances the social, environmental, economic and cultural elements of the region. Based on a triple bottom line approach, Doncaster Hill aims to promote positive, economic, environmental and social performance over the long term. Doncaster Hill will be a 21st century urban village for 8,300 residents and provide 10,000 employment opportunities by 2020. With 4,080 new residences and an additional 20,000m² of commercial/office floor space and 10,000m² retail floor space (excluding Westfield Shoppingtown expansion), Doncaster Hill will become a key destination in Melbourne's east.

The planned contemporary redevelopment of the area is aimed at providing new high-density housing choices for residents in eastern metropolitan Melbourne with access to top class public transport, entertainment, retail, commercial, community and cultural facilities. A major focus of Doncaster Hill is the provision of housing choice including apartment living for the people of Manningham. Apartment living in Doncaster Hill aims to appeal to retirees, empty nesters, young professionals, families, single persons of all ages and others wishing to enjoy the benefits of an urban village lifestyle. Importantly, a key direction of the Strategy is to ensure high standards of accessibility to create enabling and supportive environments so that no user is excluded by unnecessary barriers (including housing, buildings, streets, outdoor environments and transport services). The design/development approach in Doncaster Hill will benefit the whole community, through the application of standards, which will facilitate non-handicapping environments.

The co-location of residents with work, requires a sustainable transport future that includes changing people's travel behaviour by encouraging increased public transport use and reduced levels of car dependency. Doncaster Hill aims to be pedestrian in

nature with tree lined streets alive with restaurants, cafes, shops, public art and open spaces. Doncaster Road will be upgraded to become one of Melbourne's most prominent boulevards.

The development of the self contained Doncaster Hill urban village will be based on high quality environment and urban design principles. Integrated land use and transport planning for Doncaster Hill will showcase Council's sustainability policies and be the municipality's major contributor towards a sustainable future .¹

Amendment C33 does not propose to introduce any new zones or to change the existing zoning or overlay controls. It proposes to introduce an additional Design and Development Overlay (DDO6) and a new local planning policy (Clause 22.13) as well as make some other changes to the local planning policy framework.

Specifically, Amendment C33 proposes the following changes.

MSS Clause 21.05 Urban Design

Clause 21.05 of the Manningham MSS deals with Urban Design. Amendment C33 amends Key Issue 5, which deals with design of built form in the Doncaster Hill Activity Centre. Additional objectives, strategies and means of implementation are introduced to reflect the vision for Doncaster Hill Activity Centre in the Doncaster Hill Strategy and to flag the use of a new local planning policy at Clause 22.13 and the proposed Parking Precinct Plan.

A new Key Issue 6 has also been inserted, which deals with infrastructure requirements in the Doncaster Hill Activity Centre and flags the proposed Development Contributions Plan.

Clause 22.13 Doncaster Hill Activity Centre Policy

Clause 22.13 is a new local planning policy giving emphasis to certain aspirations as outlined in the Doncaster Hill Strategy. The new policy:

- Specifies general objectives for the Doncaster Hill Activity Centre and general policy for the area.
- Provides precinct based policies to guide the use or development of land in the various precincts shown in Map 1 to the Policy. Map 1 is included as Figure 3.
- Provides an Ecologically Sustainable Design Policy that:
 - Requires the preparation of a Sustainability Management Plan to accompany all permits for use or development.
 - Sets out 8 performance measures against which proposals are assessed.
- Specifies information to be submitted with a planning application. In addition to normal plans and the Sustainability Management Plan, other information required includes:
 - Urban design response.
 - Traffic and Carparking Assessment.

¹ Doncaster Hill Strategy, Manningham City Council (October 2002), page 9

- Smart Building Response that details the technical measures to incorporate high tech communication networks.
- Access Audit Statement that evaluates how the design conforms to Australian Standards for accessibility including AS1428 part of P2.
- Landscape Plan.
- Wind Tunnel Assessment.
- Noise attenuation details.

Schedule to the Business 2 Zone

The Schedule to the Business 2 Zone is amended by adding floor space limits for shop in respect of 2 properties at 642-654 Doncaster Road and 682 Doncaster Road, which are developments for which planning permits have been granted including small retail components.

Design and Development Overlay Schedule 6 – Doncaster Hill Activity Centre

Schedule 6 to the Design and Development Overlay is introduced and applies to the whole of the Doncaster Hill Activity Centre. It sets out detailed Design Objectives for Doncaster Hill and contains height, setback, overshadowing, design, boulevard, landscaping and advertising sign requirements. The building height and setback requirements are related to the building height diagram shown in Figure 1.

MAP 1

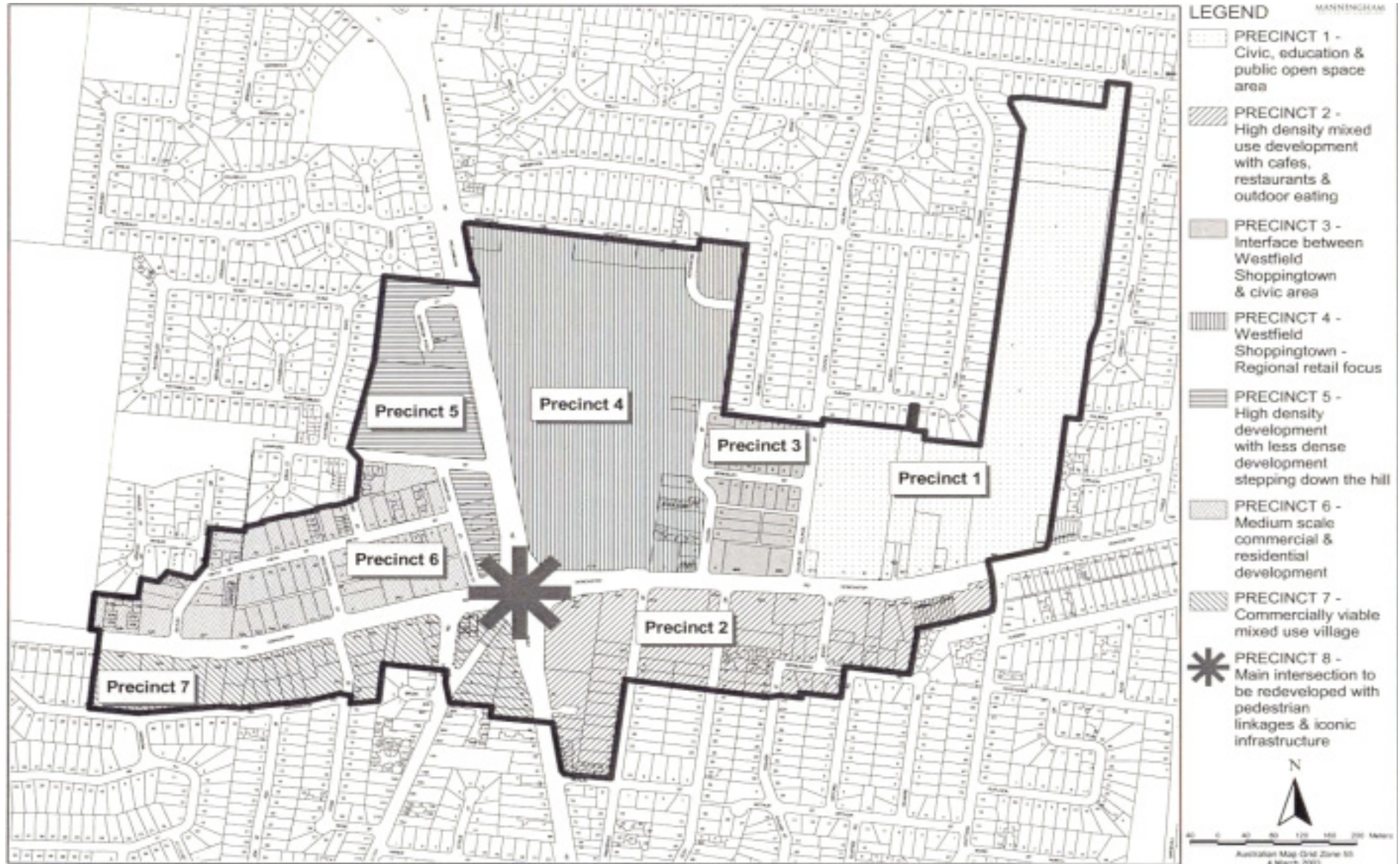


Figure 3 - Clause 22.13 Doncaster Hill Activity Centre Policy – Map 1

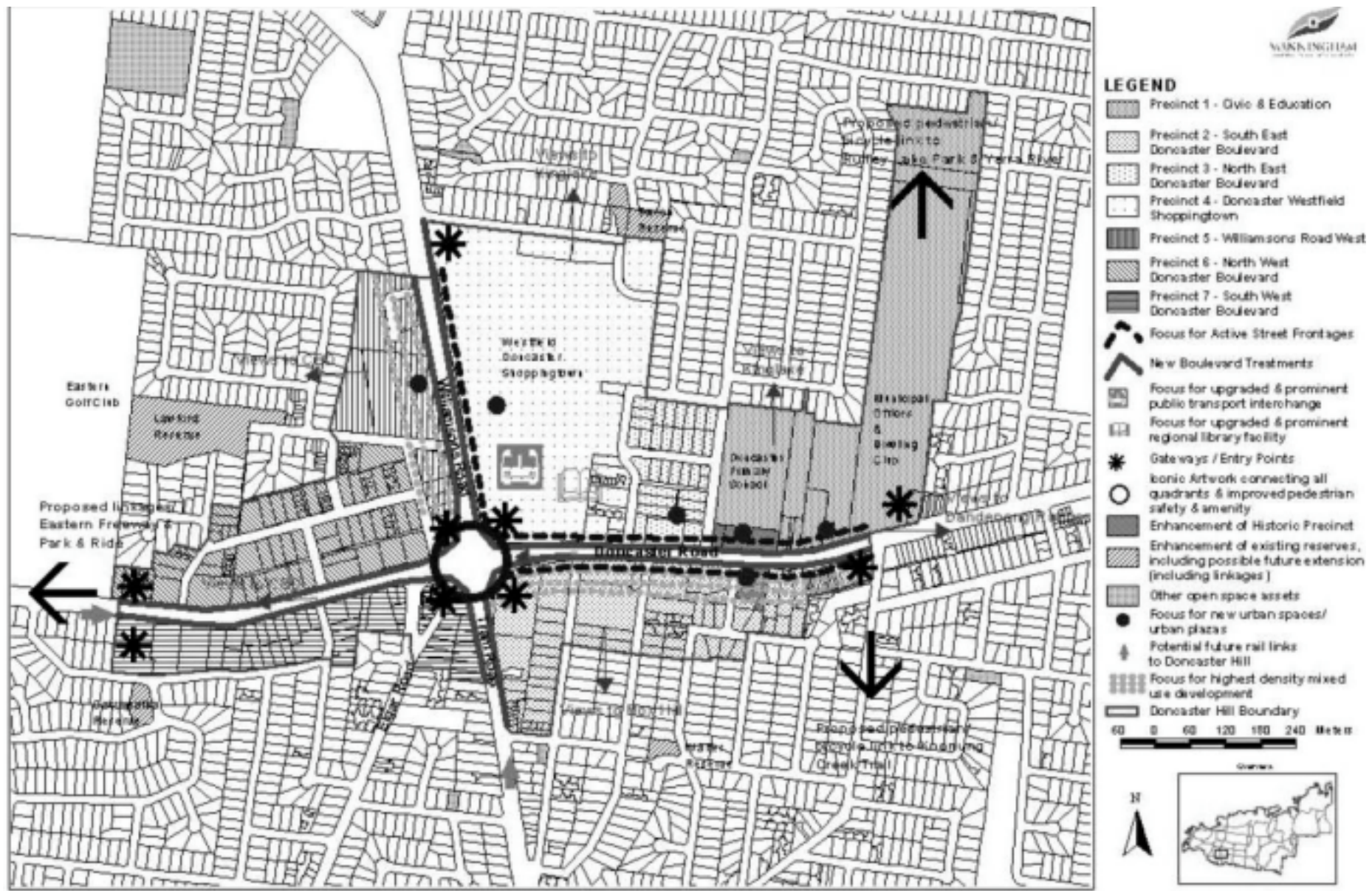


Figure 4 - Doncaster Hill Strategy (October 2002) Framework Plan

3.4 DONCASTER HILL STRATEGY FRAMEWORK

Figure 4² shows the Doncaster Hill Strategy Framework Plan which is a map included in the Doncaster Hill Activity Centre Policy at Clause 22.13. This Plan is taken directly from the Doncaster Hill Strategy and provides the basis for the detailed objectives, policies and controls embodied in the provisions of Amendment C33.

Topographically, Doncaster Hill has 2 ridgelines extending along Williamsons Road and along Doncaster Road to a high point on the south side of Doncaster Road within Precinct 2. The Doncaster Hill Strategy Framework has been designed to take advantage of the topography of Doncaster Hill by locating the highest buildings and highest density development along the west side of Williamsons Road and the south side of Doncaster Road east of Tram Road. 'Celebrating the Hill - Built form' is a key element within the Doncaster Hill Strategy and underpins the various requirements relating to height, setbacks, etc. identified in the Strategy and contained in Schedule 6 to the Design and Development Overlay. 'Celebrating the Hill - Built form' is described in the Doncaster Hill Strategy in the following terms:

The built form will provide a range of building heights stepping with and emphasizing the existing dramatic land form of Doncaster Hill. Significant view corridors from both the public and private realm will be protected and enshrined as built form responds to the natural attributes of the site. By stepping down away from the Hill, buildings will be required to achieve an appropriate range of scale to moderate the impact on the streetscape and adjacent built form to minimize overlooking and overshadowing impacts both within and beyond Doncaster Hill. Buildings will provide a level of visual diversity and contribute to the public realm through the use of varied, high quality, durable and environmentally appropriate materials. Built form in Doncaster Hill will reinforce the precinct's role as a focal point and regional Activity Centre in Melbourne's East.

Maximum allowable building heights vary from precinct to precinct and are subject to height overlay requirements, overshadowing and other proximity guidelines. Height overlay requirements mean that maximum heights nominated for any particular precinct are not necessarily achievable on every site or location within that precinct.³

The Doncaster Hill Strategy divides the Activity Centre into precincts. The following summary of the Design Vision for Doncaster Hill and the individual precincts is taken from the Urban Design evidence presented by Mr. Gary Bateman on behalf of Manningham City Council at the Panel Hearing.

Design Vision

The over-riding urban design vision for Doncaster Hill is the creation of an integrated, sustainable mixed-use urban village of contemporary medium to high density housing and a vibrant public realm.

The Doncaster Hill Strategic Framework Plan outlines the key elements which provide the design vision embodied in the urban design requirements for Doncaster Hill, including:

- Delineation of individual precincts

² The Plan showed in Figure 4 is in colour for ease of reference. The Plan in Amendment C33 is in black and white.

³ Doncaster Hill Strategy, Manningham City Council (October 2002), page 27

- Focus for active street frontages
- Focus for highest density mixed use development
- Location for new boulevard treatment
- Gateways / Entry Points
- Iconic artwork
- Historic Sub-Precinct
- Open Space considerations
- Views
- Potential rail links
- Public Transport Interchange & regional library

Precincts

Eight distinctive development precincts have been identified and delineated within the Doncaster Hill Strategy area. The precincts were delineated in accordance with their topographic orientation and aspect on Doncaster Hill, their relationship to main roads, and their present and future uses.

The precincts not only provide guidance to the expected outcomes in each area but also act as a framework for the assessment of appropriate mixes of functions, building scale and character.

The breaking up of the Doncaster Hill area into precincts allows more specific guidelines and where necessary requirements to be tailored to the unique opportunities afforded by each of the defined areas. Some of these opportunities include:

- aspect and orientation;
- context;
- reduced traffic flow;
- site adjacencies; and
- the ability of each precinct to contribute to the overall vision of an integrated sustainable urban village.

A summary of precinct descriptions, visions and proposed building heights now follows.

Precinct 1

This precinct contains existing Civic, Education and Art infrastructure for Doncaster Hill, including the defining historic buildings and most of the existing open space. It also features commanding views, particularly to the northern ranges and Dandenong ranges.

Vision

A consolidated civic centre & community focus, with gateway presence. Expanded community & education facilities, and major meeting space for Doncaster Hill residents and the wider Manningham community. Strong pedestrian links to other areas of Doncaster Hill; enhanced historic / arts sub-precinct.

Building Heights

The building height is set at 29.0 metres to allow for a future mixed-use development on this significant gateway entry site into Doncaster Hill.

Precinct 2

This precinct is a north-facing strip on the south side of Doncaster Road, commanding 360 degree panoramic views and already containing a significant component of the commercial development for Doncaster Hill.

Vision

The focus for high-density development and cafes, restaurants & outdoor eating. Strong pedestrian links established between both sides of Doncaster Road. Heritage building retained to reinforce heritage/arts character near summit of Doncaster Road.

Building Heights

Generally Precinct 2 has the greatest potential for high-density development along the Doncaster Road ridgeline, where it will complement the proposed activated street frontage in the lower levels. A consistent podium frontage is encouraged along Doncaster Road.

Building height limits are set to a scale appropriate to the location and elevation on Doncaster Hill. Buildings located closer to the top of the Hill will generally be permitted greater building heights (to a maximum 40.0 metres) than those further down the Hill. Building form will be required to step in a southerly direction down Tram Road.

Precinct 3

This precinct is the interface zone between the Civic and Education Precinct 1 to the east and Doncaster Shoppingtown (Precinct 4) to the west. It falls away dramatically to the north. The Precinct presently comprises mainly low-density housing, with several rear lanes, and commercial development abutting Doncaster Road.

Vision

In light of its strategic location between Precincts 1 & 4, it is envisaged that the future fabric in Precinct 3 will be highly permeable, including well-defined public spaces with linking pathways. It will be well-connected to high-density mixed-use development along Doncaster Road.

Building Heights

The building height is set to 29.0 metres abutting Doncaster Road to avoid overshadowing of the activated frontages on the south side.

The allowable height then steps down the Hill to maximise solar access and views, and transition to the low-density residential scale north of Goodson Street.

Precinct 4,

Westfield Shoppingtown, is a major regional shopping centre centrally located within the defined Strategy plan area. The site has significant frontages to the main roads and occupies the dominant corner of the main intersection. It commands panoramic views to the north and west.

Vision

It is envisaged that Shoppingtown is better integrated into Doncaster Hill & the surrounding community with activated street frontages & external spaces, pedestrian accessibility, a public transport interchange, and improved engagement with the main intersection.

Building Heights

Height to be in accordance with the Westfield Shoppingtown Doncaster Concept Plan, Sept 1996.

Precinct 5

This precinct extends along the Williamsons Road ridgeline – it contains the only existing high-density housing development on the Hill. The precinct features panoramic city skyline views to the west.

Vision

High-density development continuing along the Williamsons Road ridgeline, with strong links to Lawford Reserve, Shoppingtown & public transport interchange. Strategic view corridors are to be created from the west side of Williamsons Road (in the vicinity of the Shoppingtown Hotel site) towards the CAD skyline, including from public open space abutting Williamsons Road.

Building Heights

High density development will continue to be built along the Williamsons Road ridgeline in Precinct 5, with less dense development progressively stepping down the Hill toward the adjoining low density residential area, allowable building heights range from 36.0m on the ridgeline to 14.5m at the interface with Doncaster Hill.

Precinct 6

This precinct comprises the north-west area of Doncaster Boulevard and Doncaster Hill. The precinct presently has a strong commercial / light industrial character, and older residential stock along Firth Street. It commands city views from the higher reaches at the east end.

Vision

It is envisaged to continue the mixed-use village character on a smaller scale to that proposed for precincts further east, and create strong pedestrian links to Lawford Reserve and the south side of Doncaster Road.

Together with Precinct 7 forms major gateway entry to Doncaster Hill along Doncaster Road – consistent built edge and tree-planting. With gateway building at west entry point.

Commercial / mixed-use along Doncaster Road, with medium-density at rear.

Building Heights

It is envisaged that the built form in the building heights for Precinct 6 is of a smaller scale that is proposed for precincts located at higher elevations further east with maximum allowable height being 21.5m at the east end. The building form will decrease in height with the fall of the land both westwards along Doncaster Road and northwards to the Doncaster Hill interface.

Precinct 7

This precinct comprises the south-west area of Doncaster Boulevard and Doncaster Hill, and is presently characterised by light industrial and commercial uses, including a number of restaurants at the west end. It commands city views from the higher reaches at the east end.

Vision

Together with Precinct 6 forms major gateway entry to Doncaster Hill – consistent, tapering built edge and tree-planting with gateway building at west entry point.

Commercial/mixed-use along Doncaster Road.

Building Heights

Similar to Precinct 6, it is envisaged that the building form in Precinct 7 is of a smaller scale than is proposed for precincts located further east in Doncaster Hill.

It will decrease in height with the fall of the land both westwards along Doncaster Road and southwards towards the Doncaster Hill interface.

Precinct 8

This precinct comprises the major Doncaster Road/Williamsons Road intersection, which presently forms a significant physical barrier and impediment to pedestrianisation in the central location of the Doncaster Hill Strategy area.

Vision

It is envisaged that a landmark feature will be created which facilitates pedestrian safety and amenity by connecting all precincts abutting the intersection.

3.5 ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD) REQUIREMENTS

3.5.1 Sustainability Management Plan

ESD requirements are an integral component of the Doncaster Hill Strategy. The 'Strategy Objective' that underpins the key element of sustainable development is:

To ensure that development and land use in Doncaster Hill is both sustainable in terms of its environmental impact and in the ability to be flexible and adapt to future changes in use. This includes the necessary requirement that construction, built form and life cycle of buildings will address a range of sustainability issues including:

- *energy conservation and the use of renewable energy sources;*
- *water conservation and re-use;*
- *input and output materials selected;*
- *interior materials selected;*
- *waste avoidance and minimization;*
- *quality of the public and private realm;*
- *protecting human health;*
- *integrated transport/traffic and land use planning;*

- *protecting and enhancing the built, natural and cultural environments.*⁴

The specific ESD requirements in the Doncaster Hill Strategy and as embodied in Amendment C33 are centred around the preparation of a Sustainability Management Plan wherever a permit is required for the use or development of land. The policy set out in Clause 22.13-5 is to:

Require the preparation of a Sustainability Management Plan, which identifies and assesses how the proposal has made use of innovative urban design and building techniques that incorporate ecologically sustainable design principles. The Sustainability Management Plan must demonstrate:

- *current best practice principles;*
- *emerging technology;*
- *a commitment to 'beyond compliance'*

throughout the construction of the building. In particular, the Sustainability Management Plan must show how the development demonstrates excellence in design while achieving the following objectives:

Energy Efficiency

- *Energy conservation and increased use of renewable energy resources.*

Water Conservation and Re-use

- *Water sensitive urban design, water conservation and re-use.*

External Building Materials

- *Reduction in the environmental impacts of external building-input materials and demolition/waste output materials.*

Building Interiors

- *Healthy and low allergenic internal building environments through the design and selection of features, appliances and fittings.*

Waste Minimization and Avoidance

- *A reduction in waste generated by building occupants that is collected, hauled to and disposed of in landfills.*

Quality of Public and Private Realm

- *Design excellence in the built, natural and cultural environments, providing accessibility for people of varying mobility.*

Integrated Traffic and Transport

- *Reduced environmental impacts due to transportation of people, materials, equipment, systems and carparking facilities.*

Construction and Demolition

- *Minimize environmental impacts associated with site construction and demolition practices.*

Clause 22.13-6 then sets out an extensive series of 'performance measures', which it is policy that proposals are assessed against. They relate to each of the areas listed

⁴ Doncaster Hill Strategy, Manningham City Council (October 2002), page 26

in Clause 22.13-5 (see above). The so-called performance measures largely, but not entirely, reflect the ESD Guidelines set out in the Doncaster Hill Strategy. The translation from the Doncaster Hill Strategy to Clause 22.13 in Amendment C33 is discussed further in Section 8.

3.5.2 Sustainable Design Taskforce

Manningham City Council has adopted an Integrated Design Team approach as part of its assessment process for dealing with applications in the Doncaster Hill Activity Centre. The assessment process is described in the Doncaster Hill Strategy although this is not an aspect of the Strategy that has been translated into Amendment C33.

The Integrated Design Team approach is intended to encourage ongoing consultation between design/development teams and Council officers from the earliest pre-application and conceptual design stage. As stated in the Doncaster Hill Strategy:

The Integrated Design Team approach encourages all team members – owners, architects, ESD specialists, interior designers, engineers, site planners, landscape architects, contractors, utilities, etc. to communicate, collaborate, share decision making and problem solve. This approach ensures ESD is not an add-on to project design or scope and is seen to be as fundamental to the development as the roof and walls of the building are. Sustainability is the ultimate goal of an Integrated Design Team approach.⁵

The Council has committed substantial resources to implementing the Integrated Design Team approach through the employment of officers with specific planning, urban design and ESD skills and committing them to the Doncaster Hill Activity Centre. It has also established a Sustainable Design Taskforce whose terms of reference include the following:

- To provide guidance to prospective developers and design teams about what can be done with a site in which they are interested.
- To advise on the consideration of development proposals through the statutory planning process.
- To advise on and ensure the implementation of ecologically sustainable building design and construction practices.
- To provide expert views on urban design, sustainability, accessibility and other related issues.

Members of the Sustainable Design Taskforce are appointed by the Council and comprise Council representatives and external, independent advisers with expertise in architecture, urban design and ESD. The Taskforce is an advisory body which makes recommendations to the Council. It meets regularly to consider development proposals. Developers present concept plans to the Taskforce regarding design responses to statutory planning requirements, ESD Guidelines and Urban Design Guidelines. The Taskforce provides feedback to developers and the Council. The number of meetings required depends on the complexity of issues and scale of project.

⁵ Doncaster Hill Strategy, Manningham City Council (October 2002), page 34

The whole assessment process using the Integrated Design Team approach is intended to be interactive and commence from the outset of the design process. The intent is to ensure that ESD principles and best practice are embodied in the design from its conceptual stage and this will result in fewer changes or conditions during the planning permit application process.

3.6 COUNCIL RECOMMENDED CHANGES

At the commencement of the Panel Hearing the Council advised that it supported a number of minor changes being made to Amendment C33. They are detailed in Appendix B as presented by Mr. Montebello on behalf of the Council.

4. STRATEGIC BASIS FOR AMENDMENT

4.1 EXISTING MSS

Part of the strategic basis for Amendment C33 is already to be found within the Manningham Planning Scheme. Without detailing all of the provisions in the MSS, there is a strong strategic basis already within the Planning Scheme that supports intensive, high quality development in and around Doncaster Hill Activity Centre and promotes concepts of sustainability.

Westfield Doncaster Shoppingtown is identified as a Regional Activity Centre in the Manningham Planning Scheme. Clause 21.14 of the MSS deals with 'Commercial and Industrial', in particular the role of existing Activity Centres. One of the strategies to achieve the objective in Clause 21.14-2, which is to ensure the long-term viability of existing Activity Centres, is:

Promote the Doncaster Activity Centre as the focus for regional retail, corporate office, entertainment, shopping, civic, cultural and business support services.

Clause 21.05 of the MSS deals with 'Urban Design'. Key Issue 5 in Clause 21.05-2 deals with design of built form in the Doncaster Activity Centre and Key Issue 7 deals with design of Doncaster Shoppingtown. Common objectives relate to achieving a high quality of built form.

There is a strong commitment to sustainability in the MSS and in the Manningham Corporate Plan. Clause 21.01-1 states that: '*The City of Manningham is committed to moving towards a sustainable future*'. The Introduction to Clause 21.01 states:

There are two features in particular, which distinguish a sustainable, or more importantly, an ecologically sustainable approach to development, and these are:

- *A need to consider, in an integrated way, wider economic, social and environmental implications of decisions and actions for Australia, the international community and the biosphere.*
- *A need to take a long term, rather than a short term, view when making these decisions and taking these actions.*

Clause 21.01-2 discusses Manningham's proactive approach towards sustainability and promotes use of the Natural Step model in its decision-making. Although it is possible that this model has not been used as originally intended, there are many other references to sustainability in the MSS and Clause 21.07 is specifically devoted to 'Energy Efficiency'.

4.2 WORK BY THE COUNCIL

Planning for the Doncaster Hill Activity Centre dates back to the 1980's. There are three documents incorporated into the Manningham Planning Scheme which provide the current policy basis for Doncaster Hill:

- Doncaster Activity Centre Development Strategy, October 1990
- Manningham Centre Structure Plan, December 1996
- Doncaster Activity Centre Town Centre Project, April 1994

These documents, in addition to the Doncaster Activity Centre, Town Centre Design and Siting Guidelines (April 1994) provide the basis for the two existing Design and Development Overlays affecting the Doncaster Hill Activity Centre, namely:

- DDO1 – Doncaster Road Strategy Area
- DDO2 – Manningham Centre Structure Plan

Evidence was given on behalf of the Council by its planning officers and Mr. Brian Haratsis of MacroPlan about the research, reports, strategic context and planning climate that surrounded development of the Doncaster Hill Strategy. These include:

- Demand and Supply Analysis, MacroPlan (May 2001)
- Doncaster Hill Triple Bottom Line – Benefit Cost Assessment, MacroPlan (June 2001)
- Draft Doncaster Hill Public Art Opportunities, Brecknock (June 2001)
- Draft Environmental Sustainability Guidelines, Manningham City Council (August 2001)
- Draft Doncaster Hill Design Guidelines, Manningham City Council & Cox Sanderson Mess (2001)
- Doncaster Hill Population Forecasts, i.d (March 2002)
- Doncaster Hill Traffic Modeling and Analysis Paramics Simulation, GTA Consultants (September 2002)
- Doncaster Hill Preliminary Assessment of Social, Recreational and Open Space Infrastructure Requirements, ASR Research (October 2002)
- Doncaster Hill Public Art Masterplan, Brecknock Consulting (January 2003)
- Doncaster Hill Urban Masterplan, Manningham City Council (February 2003)
- Doncaster Hill Parking Precinct Plan, GTA Consultants (April 2003)
- Doncaster Hill Pedestrian and Cycling Plan, Manningham City Council (June 2003)

Work by Council follows directions set within Manningham's Municipal Strategic Statement (MSS) and the Council's Corporate Plan. The directions cover both the further development of the Doncaster Hill Activity Centre and sustainability principles.

In both these respects, the work by the Council also reflects those provisions of the State Planning Policy Framework (SPPF) which deal with metropolitan development

and activity centres (Clause 14), the environment (Clause 15) economic development and activity centres (Clause 17), and infrastructure, particularly water, stormwater and drainage (Clause 18.09). Urban design for Doncaster Hill has been based upon the principles set out in Clause 19.03 of the SPPF relating to design and built form.

4.3 MANNINGHAM RESIDENTIAL STRATEGY

Possibly one of the most important pieces of work undertaken by the Council, and one which provides a fundamental reason for the nature of the Doncaster Hill Strategy, is the Manningham Residential Strategy (February 2002). The preparation of a Residential Strategy was a key action in Council's Corporate Plan. Its preparation was strongly influenced by the findings and recommendations of the Panel considering the new format Manningham Planning Scheme. The key housing issues that the Panel for the new format planning scheme identified included:

- The lack of diversity in housing stock
- Catering for the current and future housing needs of residents
- The provision of residential development in appropriate locations
- Reducing pressure for development in sensitive areas
- The protection and enhancement of residential character and amenity

During the late 1990's and early 2000 three key data sets were prepared by MacroPlan Consultants which formed the basis of the Council's Residential Strategy. These were:

- A residential property market analysis
- Demographic analysis and forecasts
- A residential survey of 502 Manningham residents

The Manningham Residential Strategy addresses a range of issues but two are of particular significance in appreciating the Doncaster Hill Strategy and the implications it will have for future planning within Manningham. They are:

- Diverse housing opportunities
- Neighbourhood character and amenity

The work undertaken in connection with the Residential Strategy identified a need to meet changing demographic trends and achieve residential targets by providing a greater diversity of dwelling types.

Whilst single detached housing will remain the predominant housing type in the municipality, the changing household and demographic trends show that over the next decade, there will be a greater need for medium and high density housing, retirement villages, special accommodation houses and associated forms of housing.⁶

⁶ Manningham Residential Strategy, Manningham City Council (February 2002) page 25

In order to address the issue of diverse housing opportunities, the Residential Strategy states that high and medium density housing densities will be encouraged within identified Activity Centre areas. The Doncaster Hill Activity Centre is identified as a focus for high density/high rise residential development. The remaining Activity Centres of Bulleen Village, Templestowe Village, Massidon Square/Plaza, Doncaster East Village, Jackson Court, Tunstall Square, Doncaster East and the Pines are identified as areas where medium density development is encouraged, to be guided by future strategic work.

In making its recommendations to amend the Manningham Planning Scheme to focus high-density residential development in the Doncaster Hill Activity Centre, the Residential Strategy adopted the estimates of MacroPlan for a market demand within a 20 year time frame for over 8,000 residents. This was based on the Demand and Supply Analysis undertaken by MacroPlan in May 2001. This Analysis established the likely future demand for high density mixed use development in Doncaster Hill including an indication of the likely requirements for commercial/office floor space required to support the estimated population. The Analysis looked at the following development scenarios:

- Scenario 1 – ‘no strategy’ approach based on maintaining the status quo;
- Scenario 2 – ‘medium density strategy’ that focused on Council supporting limited medium and high density developments (buildings ranging between 4 and 5 storeys);
- Scenario 3 – ‘high density strategy’ that supports high density mixed use developments

It was concluded that Scenario 3 would deliver the critical mass that is required to support the viable development of a wide range of services and facilities providing a total of 4080 households and a population of 8,300 over a 20 year time frame. The report highlighted that the increase in population would generate critical mass and induce regional demand for retail and commercial development that is an integral component of a sustainable urban village (9,800m² retail floor space and 20,000m² commercial/office floor space over a 20-year time frame).

Market research by MacroPlan also recognised that Doncaster Hill would play a sub-regional housing role in addition to its regional shopping role because there are few, if any other nearby locations, with similar attributes which could provide high quality, sustainable, medium and high density residential lifestyle opportunities, particularly on the eastern side of Melbourne and in a middle ring location.

The other issue addressed in the Manningham Residential Strategy of relevance to Amendment C33 relates to neighbourhood character and amenity. The Residential Strategy makes it clear that the proposal to establish a high rise residential precinct with associated community facilities at Doncaster Hill is *“an attempt to alleviate some of the community concern the impact of medium density development has on established residential areas”*.

The Doncaster Hill Strategy repeats these aspects of the Manningham Residential Strategy where it states:

The [Residential] Strategy establishes a hierarchy for residential development and highlights that the Doncaster Hill Regional Activity Centre will be the focus for high density mixed use development, providing an opportunity to increase the population of the municipality. The Strategy outlines that medium density housing will be encouraged around other local Activity Centres and that residential development outside of these Activity Centres will be the focus for detached housing development at a lower density.

The Residential Strategy outlines that the Doncaster Hill Strategy is Council's response to the community's desire to see less unit development across the municipality and to provide high density residential accommodation in an area well serviced by community facilities and services, with good public transport access and land form suited to high density development.

This Strategy outlines the need to reduce pressure for development in more sensitive areas, a key focus includes the protection and retention of the non-urban area and low density residential areas that will continue to be protected from further sub-division and more intensive urban development.⁷

4.4 METROPOLITAN STRATEGY – MELBOURNE 2030

The Metropolitan Strategy, *Melbourne 2030*, was released in October 2002. Direction 1 – A more compact city – of the Metropolitan Strategy and the policies relating to this Direction are of particular relevance in planning for the Doncaster Hill Activity Centre, namely:

Build up activity centres as a focus for high quality development, activity and living for the whole community.

Broaden the base of activity in centres that are currently dominated by shopping to include a wider range of services over longer hours, and restrict out-of-centre development.

Locate a substantial proportion of new housing in or close to activity centres and other strategic redevelopment sites that offer good access to services and transport.

Westfield Doncaster Shoppingtown is identified as a Principal Activity Centre in *Melbourne 2030*. Principal Activity Centres are seen as having an especially important role to play as a focus for community activity, services and investment, as well as high density residential development.

The Doncaster Hill Strategy is clearly supportive of this Direction in *Melbourne 2030*. The other Directions in *Melbourne 2030* that the Doncaster Hill Strategy is particularly supportive of include:

- A great place to be
- A fairer city
- A greener city
- Better transport links

⁷ Doncaster Hill Strategy, Manningham City Council (October 2002) page 19

4.5 STRATEGIC JUSTIFICATION

The Panel is satisfied that the Doncaster Hill Strategy is underpinned by a considerable level of strategic investigation and analysis that justifies its acceptance as an appropriate vision for the future of Doncaster Hill in both a local and metropolitan context.

At the metropolitan level, the Doncaster Hill Strategy supports a wide range of policy objectives within the Metropolitan Strategy, *Melbourne 2030*, especially with respect to the role of Activity Centres. In a local context, it is an evolution of existing directions within the MSS and an integral part of the Residential Strategy for Manningham. It is also an important means of shaping the future character of the municipality and protecting existing character, notably by:

- Providing an opportunity to reduce bulk and density in other areas of the municipality
- Reducing the effect of development on residents in many locations by redirecting growth
- Responding to pressures for the provision of residential development in appropriate locations
- Providing a sub-regional housing role
- Addressing the pressure for urban consolidation and protecting neighbourhood character
- Being attractive for more dense development
- Complementing work being done in relation to the protection and appropriate development of non-urban areas

The Panel is satisfied that the Doncaster Hill Strategy is an appropriate planning intent for the Doncaster Hill Activity Centre and that the overall principles and objectives of the Strategy are sound and in accordance with broad strategic directions at local and metropolitan levels.

5. ISSUES

5.1 NATURE OF SUBMISSIONS

Submissions to Amendment C33 do not challenge the fundamental concept of the Doncaster Hill Strategy. For example, there are no suggestions that a medium density rather than a high density scenario should have been selected or that there are any fundamental flaws associated with the high density scenario.

The main issues associated with Amendment C33, which are of concern to the Panel and are raised in submissions, are not matters of substance that relate to strategic intent. Rather, they relate to matters of detail and measures concerning implementation of the Strategy. They can be grouped into the following categories:

- Statutory controls
- Urban design
- Sustainability requirements

These issues are dealt with in the following Sections of this Report. A range of other individual issues, which were raised by submitters, are addressed below.

It is relevant to note that there were no submissions opposed outright to the Doncaster Hill Strategy or Amendment C33, although the submission presented by Mr Ray Sheedy on behalf of approximately 100 residents living in the area adjoining Precinct 2 raised some questions about certain aspects of the Strategy. Some of the assumptions on which the Strategy is based are challenged, for example:

The motivation for the Doncaster Hill Strategy is said to be derived from “the community’s need for more appropriate housing for an aging population, an increase in demand for medium or high rise multi-unit development and the community’s desire to see less unit development across the municipality”. Where is the evidence for this claim? Where also is the evidence to support the claim that “residents have been requesting that Council plan and restrict high density residential development to suitable precincts serviced by main roads, aged care infrastructure..... transport” etc.? Council refers to “research” but we have no idea of the nature and extent of that research, or whether it is accurate and sustainable.

The Panel is satisfied that there is sufficient evidence to support the assumptions upon which the Doncaster Hill Strategy is based. This evidence derives from the strategic context and work undertaken by the Council which is discussed in Section 4. Mr. Sheedy claimed that there has been inadequate consultation with residents and that not all residents’ concerns regarding matters such as traffic and parking, the visual and environmental impact of high rise buildings, removal of covenants or compulsory acquisition of properties have been adequately resolved. He suggested that the amount and detail of further strategic work to be done by Council leads to a belief that adoption of Amendment C33 is premature.

As noted previously, planning in respect of Doncaster Hill has been ongoing for well over a decade. Throughout this time Doncaster Hill has been recognised as an Activity Centre that would be a focus for retail, commercial, civic and recreation opportunities. It has also always had potential for high density residential development, which has been evidenced by planning permits for high rise developments in Williamsons Road and construction of the Sovereign and the Point Apartments during the 1990's. Perhaps the most important shift in emphasis represented by the Doncaster Hill Strategy and Amendment C33 is the focus on the residential nature of Doncaster Hill (in addition to the retail focus provided by Westfield Doncaster Shoppingtown). Additional retail and commercial floor space is seen as supporting the future residential character of the Doncaster Hill Activity Centre, thus allowing it to function as a fully integrated mixed use Activity Centre or 'Urban Village'.

From the evidence presented to the Panel, the Council appears to have engaged in an extensive public consultative process with all aspects of its planning work. It may well be that residents have not taken particular interest in the specifics of this consultative process or may be suffering from 'consultation fatigue'. Alternatively, it may be that until there is a specific proposal on the table, such as Amendment C33, it is difficult for residents to fully appreciate the implications for them of some of the planning work being undertaken. Whatever the reason, the Panel is satisfied that there has been adequate consultation by the Council and that there is no reasonable basis for suggesting that Amendment C33 should be delayed until after further consultation takes place.

The Panel and the Council acknowledge that Amendment C33 is only the beginning of the package of measures to implement the Doncaster Hill Strategy and that additional work will be required as time progresses in order to fully implement it. However, with a 20-year strategy it is not reasonable to expect that all the details will be fully worked out in advance. The Panel is satisfied that the key elements of the Doncaster Hill Strategy have been sufficiently resolved to be put in place. Thus Amendment C33 will lay the foundation for these further measures through establishing the policy basis and setting in place the urban design framework and sustainability requirements. Amendment C30 (now on exhibition) will further implement the strategy through the implementation of a Development Contribution Plan and the application of Public Acquisition Overlays to certain land, and a further amendment will incorporate a Parking Precinct Plan into the Planning Scheme. The details associated with these matters will be addressed at the time these amendments are considered. At this stage however, the Panel is satisfied that sufficient is known about the way in which the Doncaster Hill Strategy will function and the implications it will have for the surrounding areas to make a judgment about whether or not the Strategy as a whole is well conceived and should be endorsed.

The Panel is satisfied that, by and large, the Doncaster Hill Strategy has been developed taking appropriate account of the impact it will have on surrounding areas and seeking to address these impacts by a variety of appropriate means. For example, the stepping down of building heights away from the main road frontages to the surrounding residential areas is designed to protect these areas from adverse effects associated with excessive over-shadowing or overlooking. Future management of traffic has been addressed and will be reflected in the access and circulation plans for Doncaster Hill (see further Section 5.5).

It is unrealistic to expect that there will be no impact on surrounding residential areas as the Doncaster Hill Strategy is implemented. Nevertheless, the Panel is satisfied that the Council's planning seeks to minimize adverse effects. It must also be recognised that these areas will benefit by their proximity to the Doncaster Hill Activity Centre and the upgraded facilities it will offer. For these reasons the Panel does not consider that the concerns expressed by Mr. Sheedy on behalf of residents in the area adjoining Precinct 2, and other individual submitters who also expressed some reservations about the effects of the Strategy, justify either delay or fundamental change to it.

5.2 PRECINCT 2G

Precinct 2G lies on the south side of Hepburn Road and includes 4 properties, Nos. 9, 11, 13 and 15 Hepburn Road. As exhibited, Precinct 2G would have a maximum height limit of 11.0m. Precinct 2G is opposite Precinct 2C, which has a maximum height limit of 40m stepping down with the land form, and Precinct 2F, which has a maximum building height of 14.5m.

The residents' submission, for which Mr. Ray Sheedy and Mr. Basile Sepsakos were spokesmen, and a number of other individual submissions raised concerns about the extension of the Doncaster Hill Activity Centre into the single dwelling, residential subdivision on the south side of Hepburn Road. They requested removal of Precinct 2G from the Doncaster Hill Activity Centre and requested that the boundary of the Activity Centre should be drawn at the rear of the properties abutting the north side of Hepburn Road.

The Council has agreed to delete Precinct 2G from the Doncaster Hill Activity Centre and now proposes that the 4 properties in question will be acquired for open space. The urban design implications of these submissions and this proposal are discussed further in Section 7.5.3. The Panel has concluded that from an urban design perspective, the deletion of Precinct 2G has not been satisfactorily justified at this stage.

In addition, the Panel notes that a submission to remove Precinct 2G from the Doncaster Hill Activity Centre was received from only one of the properties within the precinct (submission 3 from Magdi Khalill, 9 Hepburn Road). There is no evidence of support by the other affected property owners for removal of the precinct from the Doncaster Hill Activity Centre, or evidence that they were notified of Council's intentions in this respect. This is relevant in terms that the removal of Precinct 2G from the Doncaster Hill Activity Centre is likely to affect the development potential of these properties and may affect their values. Particularly in light of the Council's intention to acquire these properties for open space, the Panel believes it is important to ensure that the owners are aware of the Council's intentions and understand the implications of the alternative courses of action if Precinct 2G is removed from the Doncaster Hill Activity Centre. For example, the lack of submission by the owners of properties at 11, 13 and 15 Hepburn Road may imply that they support the Amendment as exhibited and do not wish to be removed from the Activity Centre.

The Panel's overall conclusions with respect to Precinct 2G are that at this stage it should be retained within the Doncaster Hill Activity Centre area as exhibited in Amendment C33. A more comprehensive review of the area should be undertaken and there should be further consultation with the residents to better explain the practical implications of development within this sub-precinct. If, after such review and consultation, Council wishes to proceed with its acquisition of these areas for public open space, this can be done in the context of Amendment C30. Apparently the properties in Precinct 2G have been included in a Public Acquisition Overlay in Amendment C30 and are part of the Development Contributions Plan, which will be incorporated in the proposed Development Contributions Plan Overlay.

The Panel also notes that in the event that the properties in Precinct 2G are to become public open space, this should be noted in the addendum to the Doncaster Hill Strategy document (see Section 6.3.5) and on the Doncaster Hill Strategy Framework Plan.

Recommendations

- *Retain Precinct 2G as part of the Doncaster Hill Activity Centre as exhibited.*
- *Consider the future of Precinct 2G further in connection with Amendment C30.*

5.3 BOUNDARIES AND TRANSITION AREAS

There were several submissions relating to boundaries, particularly affecting Precinct 2. The Panel was not persuaded that any changes should be made. It is always difficult to draw boundaries, but as the Panel notes in Section 7, considerable attention has been paid to urban form and various alternatives have been modelled to assess their potential impacts during the process of settling the preferred urban design framework for the Doncaster Hill Strategy. The Panel has concluded that the boundaries are logical and should be supported.

However, the nature of the submissions raise the issue of where the transition area should lie between the high rise development envisaged along Doncaster Road, Williamsons Road and Tram Road, and the low-rise residential areas surrounding the Doncaster Hill Activity Centre.

The Panel believes there are two components to the issue of transition areas:

- Transition in built form and height
- Transition in style of residential development, i.e. medium density development within the ambit of height limits generally affecting the Residential 1 Zone.

The Council's view is that it has provided for transition areas within the boundaries of the Doncaster Hill Activity Centre by the requirements that building height will be stepped down from the main roads and there will be less dense development stepping down the Hill away from the ridegelines. However, this only addresses built form and does not address the issue of pressure for other, less dense, medium density development within the areas surrounding the perimeter of the Activity

Centre. These areas are still within close proximity of the Activity Centre and all the facilities it will offer. In the absence of specific policy direction at the local level, they would appear to be appropriate locations for medium density development having regard to Direction 1.3 of the Metropolitan Strategy, namely:

Locate a substantial proportion of new housing in or close to Activity Centres and other strategic redevelopment sites that offer good access to services and transport.

The Panel also notes the following comments in the Manningham Residential Strategy in the context of increased housing densities around existing activity centres (other than Doncaster Hill):

Medium density development in these centres will be guided by future strategic work. Parameters need to be set identifying the extent to which increased housing densities could occur around existing activity centres. To achieve this, core and secondary areas need to be identified. It is envisaged that the core area would provide a higher density compared to the secondary area. The secondary area would be at a density that would serve as a transitional interface between the higher density in the core area and the lower density in traditional lower density residential areas.⁸

The Panel believes that similar issues need to be resolved in respect of the Doncaster Hill Activity Centre. For example, does the Council see the Doncaster Hill Activity Centre as representing a core area and intend there will be a secondary area around this core area or does it consider there are already core and secondary areas within the Doncaster Hill Activity Centre boundary?

The Panel considers there is just as much justification for a secondary area around the Doncaster Hill Activity Centre as other Activity Centres. It is already evident there will be strong pressure for medium density development within close proximity to Doncaster Hill. The Panel believes that if the Council is to avoid ongoing contention about this issue, it should develop some clear guidelines about what it regards as an appropriate level of intensity for new residential development in the areas surrounding the Doncaster Hill Activity Centre.

5.4 COVENANTS

A number of areas within the Doncaster Hill Activity Centre are affected by various covenants, some of which would frustrate or inhibit achievement of the objectives of the Doncaster Hill Strategy. There are also covenants affecting some of the residential areas surrounding the Activity Centre. The Council is currently investigating the issue of removal of the covenants within the activity centre, either by supporting individual applications for removal or by use of a planning scheme amendment, however it has not yet determined how it will address this issue.

Submissions were received from a number of residents, particularly in the area south of Precinct 2, who were concerned about the flow-on effects of a removal of covenants within the boundary of the Doncaster Hill Activity Centre.

⁸ Manningham Residential Strategy. Manningham City Council (February 2002), page 29

The Panel does not consider that the issue of covenant removal is one that need concern submitters or residents at this stage. Council has indicated that it would only support removal of covenants within the actual area of the Doncaster Hill Activity Centre. Whatever process is adopted to remove covenants, all people who are beneficiaries of the covenants will need to be notified and they will have an opportunity to raise concerns at that time. If covenants within the Doncaster Hill Activity Centre are ultimately removed by means of a planning scheme amendment, one means of assuring residents there will be no automatic flow-on effect beyond the boundaries of the Activity Centre would be to indicate this in the Explanatory Report for the Amendment.

No specific recommendations are required in respect of the issue of covenants.

5.5 TRANSPORT, TRAFFIC AND CIRCULATION

Traffic and carparking are major issues arising from implementation of the Doncaster Hill Strategy and are a significant concern for residents. GTA Consultants (GTA) has been engaged by Manningham City Council and Westfield to refine transport assessments and develop a simulation model that tests the technical feasibility of the Doncaster Hill Strategy from a transport and traffic perspective. The Doncaster Hill Strategy Traffic Modeling and Analysis Paramics Simulation Report (September 2002) by GTA (GTA September 2002 Report) was one of the documents prepared in support of Amendment C33.

Ongoing work has been undertaken by GTA to develop the Parking Precinct Plan and the Development Contributions Plan (Amendment C30). This work has refined some of the recommendations in the GTA September 2002 Report, particularly with respect to parking stations. Details of the traffic and transport aspects of the implementation of the Doncaster Hill Strategy will be examined in the context of future amendments. However, the main findings of the GTA September 2002 Report, which justify the acceptance and embodiment of the Doncaster Hill Strategy into the local planning policy framework of the Manningham Planning Scheme, are as follows:

The modelling and analysis undertaken for the years 2001, 2011 and 2021 indicates that the Hill can technically accommodate the travel demands of future residents, workers and visitors if an integrated approach to transport and traffic planning is adopted based on altered travel patterns. This approach includes the integration of transport and land use, integration between different modes of transport to provide genuine travel choice and integration of a package of infrastructure items with supporting regulatory and policy frameworks at State Government and Council level.

The clearest statement about how to achieve the broad aims of the Strategy is to change people's travel behaviour by encouraging increased public transport use and reduced levels of car dependency. Council policies and guidelines will form a key element of this task, along with Council acting as an advocate of change in travel behaviour.

The report shows that the Strategy and its growth forecast are technically able to be accommodated in a transport demand sense under Scenarios C and D. However, Scenario D is a technically superior option that reduces impacts on local streets.

The package of works to achieve all of these aims is set out in Section 9 – Recommendations along with estimates of infrastructure works, staging in Figure 11.1 and costs. The preferred scenario includes a conceptual network of access roads and supporting infrastructure as indicated in Figure 10.4.⁹

An updated version of Figure 10.4 from the GTA September 2002 Report referred to above was presented by Mr. Christian Griffiths of GTA, who gave traffic and transport evidence on behalf of the Council at the Panel Hearing. The proposed access and circulation, and pedestrian and cycle networks are shown in Figure 5 and Figure 6 respectively.

It is important to appreciate that development of the Doncaster Hill Strategy has been made possible as a result of the extension of the Eastern Freeway from Doncaster Road to Springvale Road in 1998 and the further extension of the Freeway to Ringwood (currently under construction). The Freeway extension has reduced traffic volumes, especially on Doncaster Road, to such an extent that its spare capacity is able to accommodate the growth in traffic demand that will be generated by development at Doncaster Hill. The GTA September 2002 Report examines the VicRoads' traffic volumes along Doncaster Road, before and after the extension of the Eastern Freeway, plus the modelled volumes in existing and future years. With respect to the comparison of these traffic volumes, the GTA September 2002 Report states:

The results show that Doncaster Road traffic volumes dropped in the order of 50-60% after the Freeway was extended. The model results show that these post-Freeway extension volumes are not expected to increase significantly due to the effect of the Freeway. The full build out of traffic volumes on Doncaster Road in the year 2021 are similar to the 2001 flows which in turn are similar to the after extension surveys in 1998. This agrees with the VicRoads network modelling results showing no net increase along Doncaster Road during the 20-year time frame of this study. However, both the VicRoads model and the Paramics model show increases along Tram Road and Williamsons Road reflecting the altered Freeway access routes now being used in the area.

In other words the full build out at Doncaster Hill is not expected to return traffic volumes on Doncaster Road to anywhere near the levels that existed prior to the extension of the Freeway.¹⁰

The results of the traffic volume comparison referred to are summarised in Table 10.12 of the GTA September 2002 Report. They show that Doncaster Road reduced from a week day average traffic flow of approximately 50,000 vpd prior to the Freeway extension to 17,000 vpd following it east of High Street. The equivalent figures for a point east of JJ Tully Drive are 51,500 vpd and 24,700 vpd respectively. The traffic volumes have now stabilized at these lower levels which represent a reduction in traffic of approximately 65% at High Street or 52% at JJ Tully Drive.

In his evidence, Mr. Griffiths noted that this reduction provides the opportunity to allow off-peak parking along Doncaster Road in support of the boulevard vision within the Doncaster Hill Strategy without undue impacts on vehicle delays and queues.

9 Doncaster Hill Traffic Modeling and Analysis Paramics Simulation Report, GTA Consultants (September 2002), Page 1

10 Doncaster Hill Strategy Traffic Modeling and Analysis Paramics Simulation Report, GTA Consultants (September 2002), page 49-50

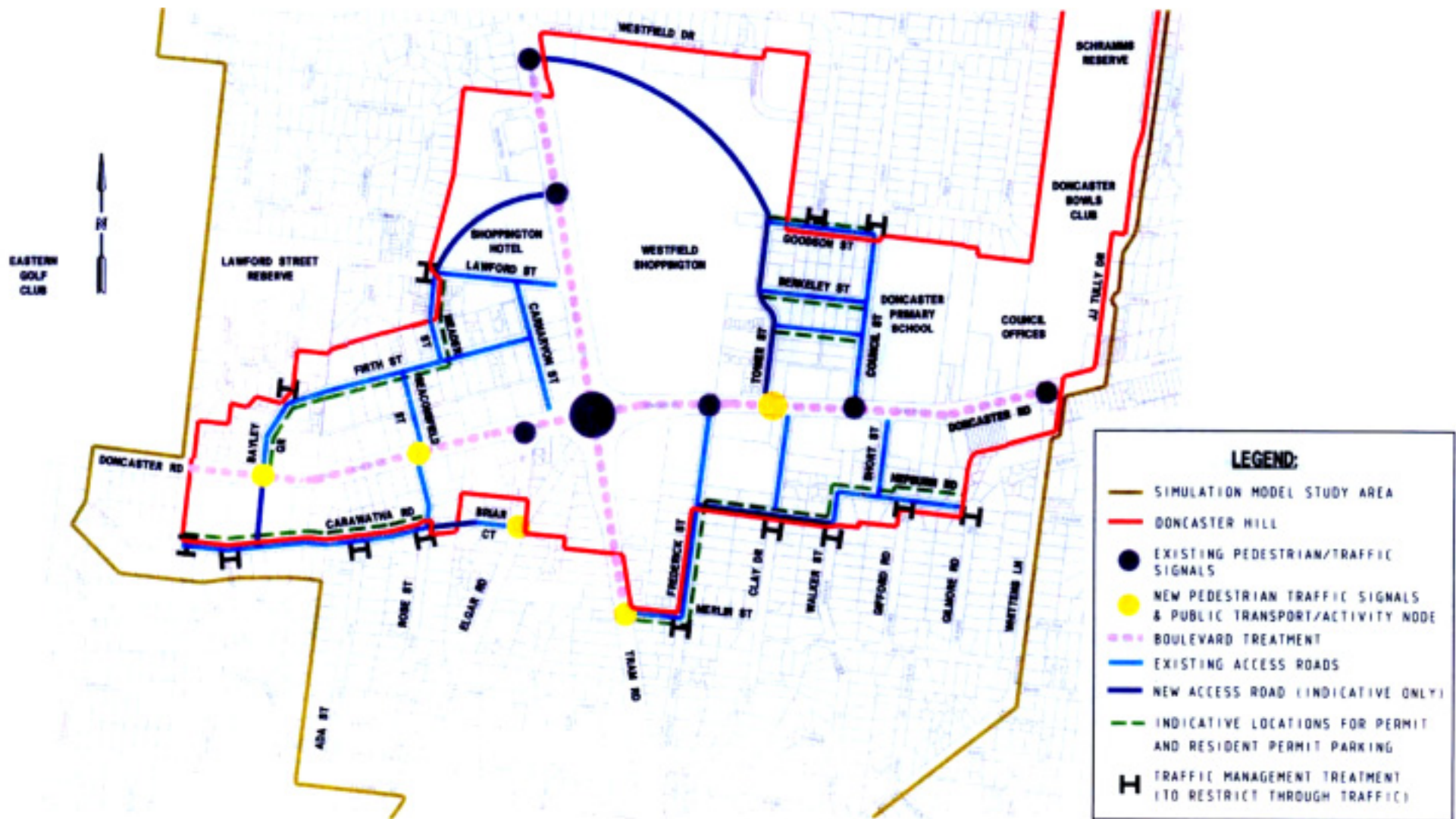


Figure 5 - Doncaster Hill Strategy Access and Circulation

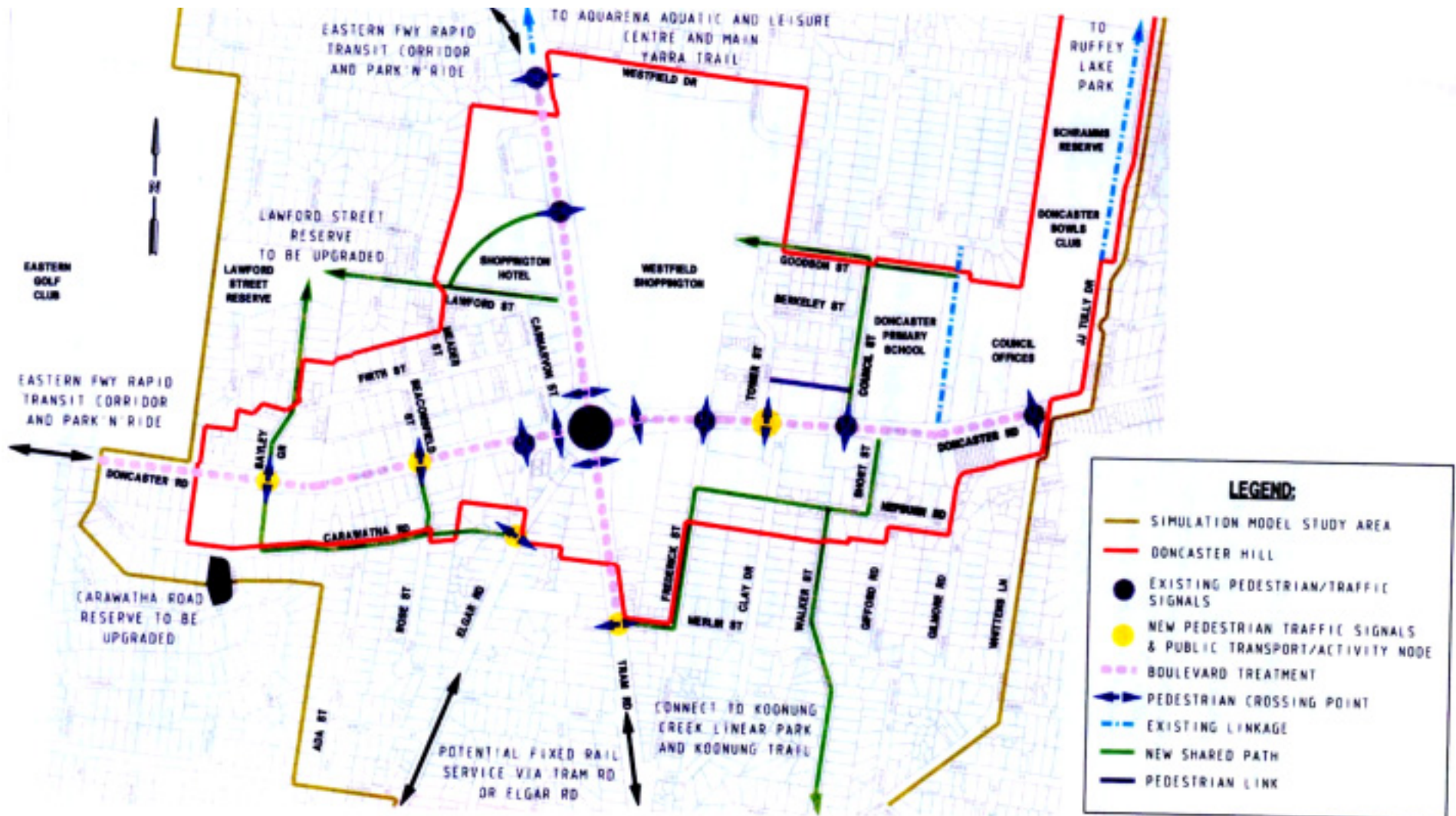


Figure 6 - Doncaster Hill Strategy Pedestrian and Cycle Network

The main reason why the traffic volumes on Doncaster Road will be no greater in 2021 than in 2001 is because by then the Eastern Freeway will be open between Springvale Road and Ringwood. When this occurs, traffic on Doncaster Road will drop but will be replaced by traffic growth associated with development at the Doncaster Hill Activity Centre. The traffic along Tram Road and Williamsons Road will increase however due to the location of interchanges and this growth will need to be managed.

Some submissions raised concerns about what might happen if the alteration in travel patterns and reduced levels of car dependency are not achieved. Mr. Griffiths addressed these matters in his evidence and the outcomes are not greatly different. They are certainly not sufficient to justify not proceeding with implementation of the Doncaster Hill Strategy.

In many respects, concerns about increases in public transport usage, changed travel patterns and reduced car dependency and the extent to which these things will occur is a bit of a 'chicken and egg' argument. The integration of the proposed mix of land uses at Doncaster Hill will both depend upon the provision of increased public transport and reduced car dependency as well as provide the stimulation for these changes. Without the increased concentration of residents and travel destinations at Doncaster Hill, improved public transport is less likely to eventuate. Likewise, reducing car dependency will involve a shift in culture as well as a higher concentration of residents able to walk to and within the Activity Centre.

The better integration of transport and land use as espoused in the Directions contained in *Melbourne 2030* is exemplified by the Doncaster Hill Strategy. The Panel considers that as the Strategy is implemented and development occurs in line with the Strategy, so too will improvements in public transport and shifts in travel patterns occur provided the Council and State Government continue to support their policy context.

The Panel does not consider there are any specific recommendations relating to transport, traffic or circulation required at this stage. However, it notes that there is virtually no reference in the Doncaster Hill Strategy to traffic and transport. The Strategy document focuses largely on urban design issues and ESD requirements. If, as the Council submits, Amendment C33 will establish the strategic and policy basis for further planning scheme amendments to implement the Doncaster Hill Strategy such as the Parking Precinct Plan and the Development Contribution Plan, there should be some specific reference to the integration of transport and land use planning as it is reflected in the Strategy and in *Melbourne 2030*, the SPPF and LPPF.

6. STATUTORY CONTROLS

6.1 NATURE OF SUBMISSIONS

The nature of the statutory controls in Amendment C33 is described in Section 1.1. In brief terms, the Amendment consists of:

- Changes to Clause 21.05 of the MSS - Urban Design
- Introduction of a new local planning policy at Clause 22.13 Doncaster Hill Activity Centre Policy
- Introduction of Schedule 6 Doncaster Hill Activity Centre to the Design and Development Overlay
- Changes to the Schedule to the Business 2 Zone in respect of two specific properties

The Council's statutory planning evidence, given by Ms. Kanella Smithwick, describes the evolution of Amendment C33 and the reason for selection of the specific Victoria Planning Provision (VPP) tools. Appendix C contains the Analysis prepared by the Council of the suitability of the Victoria Planning Provisions for Doncaster Hill.

Council's preferred option was to seek an Activity Centre Zone. DSE is currently examining this option in connection with implementation of *Melbourne 2030*. However, the Department advised that it is not an appropriate option at this stage. Nor would DSE support the use of the Comprehensive Development Zone, Special Use Zone or a customized version of the Docklands Zone.

The Council also considered incorporating the Doncaster Hill Strategy into the Planning Scheme as an incorporated document. However, discussions with officers from the Department determined that the Doncaster Hill Strategy could not be incorporated in this manner. Advice at this point was directed toward including key elements from the strategy into a variety of planning tools and including the Strategy only as a reference document. This is the course that has been adopted: Council has chosen to implement the Doncaster Hill Strategy rather than incorporate it.

The main criticisms of the Amendment from submitters related to the choice of statutory tools and their drafting. The main submissions and planning evidence presented on this point came from Westfield, but were echoed by Mr. David Hansen on behalf of Sue Nominees Pty. Ltd. and Ms Amanda Ring on behalf of Edgarden Pty. Ltd. The concerns are summarised in the evidence of Mr. Andrew Biacsi on behalf of Westfield who said:

In general terms, I consider that the Amendment is poorly conceived because:

- *It appears to have been prepared with little consideration for the content of the existing controls and policies of the planning scheme. This is evident in the*

drafting of the proposed MSS changes, the formulation of the proposed overlay provisions and local policy.

- *It is repetitious and unnecessarily complex. For example, the Westfield Shoppingtown Doncaster site will have an additional DDO over and above the existing DDO and IPO over the land. An additional policy that primarily deals with urban design outcomes is proposed notwithstanding the fact that there is already an existing design and development policy in the planning scheme. In relation to Shoppingtown, design objectives are generally repeated across each of the three overlays and in the policies at Clauses 22.01 and proposed Clause 22.13, not to mention variously in the MSS at Clause 21.05.*
- *It does not maintain the rights presently afforded to the Westfield Shoppingtown Doncaster site and any change proposed has not been argued or adequately justified. For example, DDO6 seeks to limit the building height on Westfield Shoppingtown Doncaster to the provisions of the DDO whereas building heights and setbacks are expressly dealt with in IPO1 that relates only to Shoppingtown. The height limits of the proposed DDO6 are absolute, whereas the IPO allows these to be varied by permit. DDO6 introduces built form requirements which are presently not provided for by the IPO but have a major bearing upon the Westfield Shoppingtown Doncaster land.*
- *It offers a poor model for the future planning and development of the Doncaster Hill Activity Centre. The amendment has been developed without regard to the existing framework of controls or policies of the planning scheme. It may espouse the broad strategic policy sentiments of Melbourne 2030, but could hardly be said to be representative of a planning model geared to supporting the growth, investment and major change particularly at Westfield Shoppingtown Doncaster.*
- *It fails to adequately consider the influence and importance of the primary activity generator within the Activity Centre, Westfield Shoppingtown Doncaster, nor provides an appropriate strategic basis to guide its future planning and development. For example, the confusion over the various controls and policies affecting the Shoppingtown site engenders little confidence in the strategic framework. The lack of consideration to Shoppingtown in the context of the amendment and the current controls is also of concern.*
- *It lacks clarity and purpose in terms of its direction.*

Other submissions were critical that no consistent zoning has been applied within the Doncaster Hill Activity Centre and considered that the existing zones may be contrary to or frustrate the objectives of the Strategy.

A number of submissions were critical of the way in which the ESD requirements were handled within the statutory framework (ESD requirements are dealt with separately in Section 8).

6.2 CHOICE OF VPP TOOLS – PURPOSE OF CONTROLS

The Panel has concluded that it agrees with some of the concerns expressed about the form and structure of the Amendment in terms of its poor construction and lack of clarity in its purpose. However, it does not agree with Westfield's witnesses, Mr. Andrew Biacsi or Mr. Andrew Clarke, that the amendment should be abandoned. It considers that Amendment C33 as exhibited can be modified to better express the objectives and outcomes envisaged by the Doncaster Hill Strategy and to take account of the legitimate concerns of submitters.

In this report, the Panel does not intend to analyse in detail the exhibited wording of the amendment in order to point out its shortcomings. Rather, it considers it will be more fruitful to identify how the Doncaster Hill Strategy can best be incorporated into the Manningham Planning Scheme so that its purpose is clear, straightforward and without unnecessary repetition.

Various ideas about how this might be achieved were discussed at the workshop session held on the last day of the Panel Hearings. The Panel found this session most useful in testing a number of propositions. In particular, it was useful in exploring the relationship of the ESD requirements and the sustainability management plan in association with applications for use, as distinct from development.

The Panel acknowledges that the VPP tools available are not ideal. However, a key issue in assessing Amendment C33 is whether the tools selected are the most appropriate of those on offer. To determine this, it is necessary to consider what the purpose is of the controls and other planning scheme provisions.

First and foremost, the Panel considers that the amendment must establish the strategic foundation for all the other policies, zones, overlays and incorporated plans affecting the Doncaster Hill Activity Centre within the Manningham Planning Scheme. This includes the controls introduced by Amendment C33, such as Design and Development Overlay 6, and future amendments such as the Development Contributions Plan, the Parking Precinct Plan and any future rezonings.

In laying this strategic foundation, it is important to articulate the fact that the Doncaster Hill Strategy is not just an urban design framework but an integral part of the Council's Residential Strategy and Activity Centre Strategy, and acknowledge that it will have implications for planning in other parts of the municipality, in particular the protection of neighbourhood character. It is important that the amendment establishes exactly what the nature of the strategic framework for Doncaster Hill Activity Centre will be. The Doncaster Hill Strategy Framework Plan is more than just an urban design framework: it will also guide the location of use, development within the public realm and transport improvements. Visions for each of the precincts, which are an integral aspect of the Strategic Framework Plan, need to be established, which can be expanded as appropriate elsewhere. A sound strategic basis for the ESD requirements also needs to be established.

Having established the strategic foundation for Doncaster Hill, the LPPF should then provide guidance about:

- The appropriate location of various uses
- The built form of new development
- ESD requirements that new use or development will be required to meet

Later amendments will introduce other requirements such as the Developments Contributions Plan and Parking Precinct Plan. However, they will only be intelligible by reference to the strategic framework introduced by Amendment C33 and the controls over use and development flowing from this.

The following sections of the report deal with the way in which the purposes described above can best be implemented in the Planning Scheme. It is first necessary though to address the status of the Doncaster Hill Strategy (October 2002) document and to distinguish it from the 'Doncaster Hill Strategy' concept which is embodied in the Planning Scheme. It is also important to address the issue of the existing use and development at Doncaster Hill.

6.3 ROLE OF THE DONCASTER HILL STRATEGY DOCUMENT

The Panel endorses the approach taken by the Manningham City Council to implement the Doncaster Hill Strategy rather than incorporate it. The Panel believes this decision reflects the guidelines in the VPP Practice Note on incorporated and reference documents. The future role of the Doncaster Hill Strategy (October 2002) document will be as a reference document, which provides background information to assist in understanding the context within which particular aspects of the local planning policy framework and provisions have been framed.

There are some specific aspects of the Doncaster Hill Strategy document that are incorporated directly into the Planning Scheme, for example the height limits and building setbacks in Schedule 6 to the Design and Development Overlay. The overall objectives of the Strategy and the vision for individual precincts will be included in the MSS (see Section 6.5). However, there are other aspects of the Doncaster Hill Strategy (October 2002) document that are not intended to be included in the Planning Scheme, but are often likely to be referred to in the exercise of discretion by the Council. These include:

- The requirements relating to ESD and the Sustainability Management Plan
- Landscape Guidelines
- Doncaster Hill Signage and Display Guidelines
- Precinct Specific Guidelines

The Panel considers that these should be dealt with in the following way.

6.3.1 ESD Requirements

ESD objectives should be included in the MSS and the requirement for a Sustainability Management Plan should be addressed by means of a local planning policy. This matter is discussed further in Section 8.

6.3.2 Landscape Guidelines

There is quite detailed information in the Doncaster Hill Strategy (October 2002) document under the heading of 'Landscape Guidelines' and 'Boulevard Landscape Treatment'. The level of detail included in the Strategy document is not fully captured in Amendment C33. Nevertheless, it is clear from the evidence presented by Council that the relevant sections of the Strategy document will be specifically applied by Council in its decision making. In such circumstances, these parts of the Strategy document meet the test set out in the VPP Practice Note on incorporated and reference documents for incorporation into the Planning Scheme as an incorporated document. The Panel notes that the VPP Practice Note contemplates that in some circumstances parts of a large document may need to be extracted, and possibly re-written in an appropriate form, and included as an incorporated document. Separate publication of part of a document and incorporation applies especially if the document includes plans or guidelines that are lengthy, or contains illustrations.

Because landscape treatment within Doncaster Hill and the boulevard landscape treatment are intended to be consistent over time, the landscape guidelines contained in the Strategy document are unlikely to change. The Panel therefore considers that it is appropriate for a separate set of landscape guidelines, including boulevard landscape treatment, to be published and that this document should be included as an incorporated document in the Manningham Planning Scheme.

In Section 7.7.4, the Panel notes that there are some differences between the provisions contained in the Design and Development Overlay in Amendment C33 and the Doncaster Hill Strategy document. The separately published document should reflect the Council's current intentions with respect to landscape design.

Recommendations

- *Publish a separate document, Doncaster Hill Landscape Guidelines, which includes information extracted from the Doncaster Hill Strategy (October 2002) about landscape and boulevard landscape treatment, and include as an incorporated document in the planning scheme.*

6.3.3 Doncaster Hill Signage and Display Guidelines

Information in the Doncaster Hill Strategy (October 2002) document under the heading of 'Doncaster Hill Signage and Display Guidelines' falls into the same category as the Landscape Guidelines. There is detailed information in this section of the Strategy document, which it is clear that the Council intends to rely upon when exercising its discretion under the Planning Scheme.

The provision included in paragraph 3.0 of Schedule 6 to the Design and Development Overlay relating to advertising signs captures only limited aspects of the material in the Strategy document and then only in a very generalized form. Most of the provisions in this part of DDO6 add little to what is already included in the decision guidelines of Clause 52.05-2 of the Planning Scheme. The specific provisions of paragraph 3.0, for example relating to integration within the first three levels of the podium or not being located within the 5m setback from the street frontage along Doncaster Road, etc. do not exactly reflect the provisions within the

Strategy document. Because of this, there is an inherent contradiction between these two specific provisions within the Design and Development Overlay, which does not occur in the guidelines within the Strategy document itself.

The Panel considers that in similar fashion to the Landscape Guidelines, the section of the Strategy document that includes the Doncaster Hill Signage and Display Guidelines should be extracted and published as a separate document and incorporated as an incorporated document into the Planning Scheme.

Recommendations

- ***Publish a separate document, Doncaster Hill Signage and Display Guidelines, which includes information extracted from the Doncaster Hill Strategy (October 2002) about signage and display, and include as an incorporated document in the planning scheme.***

6.3.4 Precinct Specific Guidelines

The Precinct Specific Guidelines for each of the 8 precincts within the Doncaster Hill Activity Centre occupy a substantial proportion of the Doncaster Hill Strategy (October 2002) document. For each precinct there is a brief snapshot of its area, potential number of dwellings and existing conditions. Each contains a vision statement and then a series of detailed objectives and accompanying Design Guidelines addressing various matters of relevance to the particular precinct, including built form, boulevard character, activated street frontage, heritage, pedestrian links, vistas, access and carparking, open space, landscape and safety. Included also are diagrams illustrating the relationship of the building heights in various sub-precincts and the relationship these have with shadowing of surrounding areas.

The Panel is satisfied that it is possible and appropriate to include the most important aspects of the Precinct Specific Guidelines within the Planning Scheme and these means are discussed further in Sections 6.5, 6.6 and 6.7. As the Panel has noted, the information and guidelines need to be better organized and arranged. Provided this is done in a cascading manner, which originates from the MSS, it should not be necessary to refer to the Strategy document for additional guidance about the exercise of discretion. Accordingly, the Strategy document itself will simply fulfil the role of a reference document, namely a document that provides background information to assist in understanding the context within which the Planning Scheme provisions have been framed.

6.3.5 Changes to the Doncaster Hill Strategy – Addendum

In its submission, Westfield raised objection to some aspects of the wording of the Doncaster Hill Strategy (October 2002) document. In particular, these objections related to aspects of the wording of the Precinct Specific Guidelines for Precinct 4 – Doncaster Westfield Shoppingtown. They include concerns about:

- References in the objective relating to built form about encouraging innovative, contemporary architecture in "*in which the retail component is externalized*". Westfield maintains that it is inappropriate to ignore the nature of the internalized

mall, which comprises the major built form element of Shoppingtown, and potentially seek to externalize its retail component. Westfield has no objection to the concept of activated street frontages so long as they are not specified to be retail.

- The mandatory nature of the guidelines in Precinct 4. Westfield submitted that the Strategy failed to acknowledge the constraints associated with the existing built form of Shoppingtown. Whilst the guidelines may 'encourage' certain outcomes, they should not seek to make them mandatory.

Westfield submitted an alternative version of the Precinct Specific Guidelines for Precinct 4, which modified the wording it had concerns about. The Panel supports the concerns expressed by Westfield, but considers that it is inappropriate to change the wording in the Doncaster Hill Strategy (October 2002) document itself. This is an historic document and any changes to the wording should be reflected in either a new version of the Strategy or an addendum.

Given the future role of the Strategy document, as simply a reference document in the Planning Scheme, and the way in which the Panel has recommended that information and provisions from it should be incorporated into the Planning Scheme, the Panel does not consider it is necessary to prepare a new version of the Strategy. The Panel favours production of an addendum which would set out any changes to the Strategy adopted by the Council either as a result of the Panel's recommendations or as circumstances change in the future. In it, a statement should be made that references to 'active street frontages' may include but are not limited to, retail uses.

With respect to Westfield's other concerns about the wording of Precinct 4, it would be sufficient to state in the addendum that the specific guidelines for Precinct 4 must be read so as to recognise the existing built form and to encourage response to the objectives and guidelines where practicable, but without making compliance compulsory.

A similar response is suggested in respect of concerns expressed by Westfield about Precinct 8. The Panel too has some concerns about this precinct, which are addressed further in Section 7.7.1.

Recommendations

- ***Prepare an Addendum to the Doncaster Hill Strategy (October 2002) document to reflect any changes to the details of the Strategy adopted by Council over time.***

6.4 EXISTING USE AND DEVELOPMENT

6.4.1 Westfield

Whilst commending Council for its farsighted vision for Doncaster Hill, Westfield was nevertheless critical of the Doncaster Hill Strategy in terms that it failed to adequately acknowledge the role and function of Westfield Doncaster Shoppingtown in the Activity Centre and the specific constraints of the Shoppingtown site, such as:

- The substantial existing built form on the site and the investment that it represents.
- The operating constraints of a regional shopping centre and its tenants.
- The existing footprint of the built form, which is predominantly built to the Doncaster Road/ Williamsons Road corner and its relationship to the existing residential areas to the north and east.

It was submitted by Ms Quigley on behalf of Westfield that:

It is unrealistic to expect that the expansion of Westfield Doncaster Shoppingtown will mean that the existing built form and operations will disappear and a totally new shopping centre, built from the ground up will arise in its place. Recognition of the considerable contribution that the WBS makes to the desirability of building up this locality must be acknowledged in any changes to the planning scheme, which seeks to implement the intent of the Doncaster Hill Strategy. The vision must address the reality.

Westfield has an existing planning permit application before Council for expansion of Shoppingtown. This application is on hold at present and Westfield presented alternative plans at the Panel Hearing, which are discussed further in Section 7.5.1. It is fair to say that the new plans positively addressed many of the Doncaster Hill Strategy objectives and were received favourably by both Council officers and the Panel, although it is acknowledged that the plans are only conceptual and will need to go through the proper appraisal and approval process.

The significant point is that Westfield Doncaster Shoppingtown is the major activity generator in the Doncaster Activity Centre. Shoppingtown is the reason why Doncaster has been identified as a Principle Activity Centre in *Melbourne 2030*. It is a regional shopping centre that offers a range of retail, entertainment, professional and community activities. The Panel agrees with Mr. Biacsi when he says that:

By any measure, Westfield Shoppingtown Doncaster is the most significant reason for there being a Doncaster Hill activity centre. Whether it is assessed against criteria such as site area, floor area, capital improved value, employment generation, traffic generating capacity (both in private and public transport terms) or the extent of services provided, the centre stands out as the single most important contributor to the identify and activity of the Doncaster Hill activity centre.

Mr. Biacsi described the evolution of the current controls over Westfield Doncaster Shoppingtown. They have resulted in the site being included in a Business 1 Zone and subject to an Incorporated Plan Overlay. The Schedule to the Business 1 Zone includes 90,000m² of shop floor space and the Incorporated Plan Overlay provides

the ability to achieve up to a 135,000m² of leasable floor area on the land. Schedule 1 to the Incorporated Plan Overlay also contains a range of other provisions, including that a permit may be granted which is not generally in accordance with the Incorporated Plan, and these reflect the evolution of planning for the Shoppingtown site over many years.

As noted in Section 6.1, Westfield is concerned that Amendment C33 does not maintain the rights presently afforded to the Westfield Doncaster Shoppingtown site, but removes certain discretions available under the Incorporated Plan Overlay. These are seen as having been hard fought for and as giving certain development rights over the Shoppingtown land. Westfield argues that Amendment C33 ignores the design objectives and strategic policies of the Incorporated Plan Overlay and instead proposes a new framework of initiatives which will have a direct bearing upon the outcomes provided for by the Incorporated Plan Overlay. These provisions are not intended to replace or update existing provisions, but add to and supplement existing controls and policies with separate and often overlapping provisions. At the very least, Westfield submitted that Precinct 4 should be removed from Schedule 6 of the Design and Development Overlay, *"as it is unnecessary duplication and layering of policy and controls, creates an additional requirement for permit for the WDS, and creates a recipe for conflict with the Council in terms of its expectations and Westfield's ability to deliver."*

As will be seen from subsequent sections of this report, the Panel does not endorse this submission to remove Precinct 4 from the Design and Development Overlay. Nevertheless, it supports Westfield's concern that all controls within the Doncaster Hill Activity Centre should be co-ordinated with any conflict eliminated and any overlapping reduced to a minimum.

In the case of Westfield Doncaster Shoppingtown, the Panel considers that the provisions of the Incorporated Plan Overlay should take precedence and no 'rights' conferred by the Incorporated Plan Overlay should be removed or compromised, intentionally or otherwise, by Schedule 6 to the Design and Development Overlay.

The Panel also agrees with Westfield that there is an inadequate acknowledgment of the role that Westfield Doncaster Shoppingtown plays in the Doncaster Hill Activity Centre reflected in the policy framework of the Planning Scheme and that this should be addressed in the MSS. However, the Panel does not consider that Westfield established any fundamental flaws with the Doncaster Hill Strategy Framework Plan shown in Figure 4. Nor does it consider that the vision for Precinct 4 or the relationship of Precinct 4 with other precincts are inappropriate or contradictory to the role and function of Westfield Doncaster Shoppingtown as presently reflected in the Manningham Planning Scheme.

As the Panel notes in Section 7.5.1, Westfield should not expect that urban design solutions found acceptable several decades ago will continue to be appropriate or that Shoppingtown should be immune from the improvements planned for Doncaster Hill. In fact, it is because Shoppingtown is so important to the future and function of Doncaster Hill Activity Centre that it should be expected to take account of the vision and objectives of the Doncaster Hill Strategy in future planning and development of the Shoppingtown site. The Panel believes this can be done whilst still working with

the form and constraints of the existing development, as was demonstrated in the plans presented to the Panel at the hearing.

6.4.2 Other existing uses

In Section 6.8.2, the Panel discusses the issue of existing industrial uses in the Doncaster Hill Activity Centre. In Sections 7 and 8, it touches upon some of the issues that will be faced in applying the Doncaster Hill vision to sites that aren't large development sites or to existing use and development. Whilst no recommendations are required, the Panel observes that the value which existing uses, especially business uses, contribute to the functioning of the Activity Centre in terms of services, facilities and employment, should not be overlooked. Their capacity to fully meet the requirements expected of major new development will also need to be considered.

6.5 CHANGES TO THE MSS

6.5.1 General Objectives

The MSS is the section of the planning scheme that identifies long term directions about land use and development in the municipality and provides the rationale for zone and overlay requirements and particular provisions in the scheme. The MSS in the Manningham Planning Scheme is where the directions and strategies for the Doncaster Hill Activity Centre should be articulated. The Panel considers that Doncaster Hill is such an important aspect of planning for Manningham that it requires a separate section within the MSS where the broad objectives for the Activity Centre can be articulated.

The Doncaster Hill Strategy is much more than an urban design framework. The Panel therefore considers it is inappropriate for all the higher order objectives for the Doncaster Hill Activity Centre to be located in that part of the MSS dealing with urban design, namely Clause 21.05, which is the section of the MSS that Amendment C33 proposes to amend.

The Panel is conscious that the Council intends to change the format and structure of the existing MSS as part of its 3-year review of the Manningham Planning Scheme. The Panel understands that this is one of the reasons why the existing format of the MSS was chosen as the vehicle for incorporating aspects of the Doncaster Hill Strategy. However, the Panel considers that stylistic niceties should not take precedence over the need to ensure that broad based objectives and strategies for Doncaster Hill, which will support the proposed controls in both Amendment C33 and subsequent amendments, are clearly and unambiguously articulated.

The Panel therefore recommends that a new section should be included in Clause 21 of the Planning Scheme dealing with Doncaster Hill Activity Centre. Whether Council chooses to use the same structure for this section of the MSS as the existing MSS or to adopt a new structure is a matter for the Council to decide. The Panel addresses some general principles about drafting in Section 6.9.

The most important aspect of a new section of the MSS is that it should set out all the higher order objectives relevant to the Doncaster Hill Activity Centre and should include the Doncaster Hill Strategy Framework Plan (Figure 4). The sort of higher order objectives which appear relevant to Doncaster Activity Centre as a whole include:

- To implement the objectives of *Melbourne 2030* in respect of principle activity centres as a focus for retail, commercial, entertainment, civic and residential uses.
- To encourage high density, high rise residential development.
- To provide a greater diversity of dwelling types.
- To alleviate pressure from more intense residential development in established urban areas.
- To develop an integrated mixed-use precinct.
- To reduce travel demand.
- To integrate ESD principles and techniques into every facet of the design, construction and operation/occupancy stages of new development.
- To emphasise the existing dramatic landform of Doncaster Hill through built form that steps down the hill.
- To meet the future infrastructure requirements of Doncaster Hill in a comprehensive, timely and equitable way.

The MSS should then set forth strategies for achieving these objectives. It must be apparent from this section of the MSS that the overall strategy for Doncaster Hill is part of the residential strategy for Manningham as a whole and that development here will have implications for development elsewhere in the municipality.

It is also appropriate that the MSS should set out the type of uses to be encouraged and provide any broad spatial locational directions relating to use. For example, with respect to the objective to develop an integrated mixed use precinct, strategies might include:

- Encourage development of Westfield Doncaster Shoppingtown as the principal retail and entertainment focus of the Doncaster Hill Activity Centre.
- Provide up to 9,800m² of additional retail floor space outside Westfield Doncaster Shoppingtown.
- Promote small scale retail opportunities at ground floor level in conjunction with other mixed use developments.
- Provide up to 20,000m² of additional commercial/office floor space.

The planning and built form outcomes for Doncaster Hill have been predicated on the 'high density strategy' formulated by MacroPlan, which will provide a total of 4,080 households for the population of 8,300 over a 20 year time frame. It is appropriate to recognise in the MSS that this population level has been judged to deliver the critical mass that is required to support the viable development of a wide range of services and facilities and will induce regional demand for 9,800m² of retail floor space and 20,000m² of commercial/office floor space. These features of the strategic planning

for Doncaster Hill Activity Centre are key influences that should be identified in the MSS. Likewise, there are aspects of the Residential Strategy and demographic trends that are also key influences in the Doncaster Hill Strategy and deserve to be identified as providing the strategic rationale for the objectives and strategies.

The Panel recommends that Key Issues 5, 6 and 8 of the exhibited version of Amendment C33 should be deleted from Clause 21.05 and included in a new section of the MSS that deals specifically with all aspects of the Doncaster Hill Activity Centre. This should include not only urban design, precinct and ESD objectives, but should also address access and circulation and infrastructure requirements. (Infrastructure requirements and the proposed Development Contributions Plan are currently referred to in Key Issue 6 in Clause 21.05 of Amendment C33.)

There is also not justification for continuing to have a separate Key Issue in Clause 21.05 that deals with the Design of Doncaster Shoppingtown. Shoppingtown is part of the Doncaster Hill Activity Centre and occupies a separate precinct – Precinct 4. It should be dealt with as an integrated part of the Activity Centre.

6.5.2 Precinct Objectives

It is also appropriate that this section of the MSS set out the vision and objectives for the precincts shown in the Doncaster Hill Strategy Framework Plan. They should provide a brief description of each precinct; the vision for each precinct; and the proposed built form. These statements would provide a basis for exercising discretion about use applications under the zones and the basis for design objectives and other requirements set out in Schedule 6 to the Design and Development Overlay.

An adaptation of the summary given in evidence by Mr. Gary Bateman on behalf of the Council and from the Doncaster Hill Strategy (October 2002) document would represent the sort of matters that the Panel envisages. (See Section 1.1 and Appendix E.)

6.5.3 ESD Objectives

ESD objectives are comprehensively discussed in Section 8, in particular Section 8.4.

Recommendations

- *Delete key issues 5, 6 and 8 from the exhibited version of Clause 21.05 of the Planning Scheme.*
- *Include a new section in Clause 21 of the Planning Scheme dealing with Doncaster Hill Activity Centre.*

6.6 USE OF LOCAL PLANNING POLICY

6.6.1 Clause 22.13

Local planning policy should be used to provide guidance in exercising discretion under the other provisions of the planning scheme. It is used for day to day decision-making in relation to specific discretion in a zone or overlay. It is not a substitute for the MSS but is an aid to decision making in order to implement the MSS. Thus local planning policy should not be used as a source of higher order policy direction – this is the role of the MSS. The MSS is just as applicable in guiding decision making as local planning policies, if not more so.

The proposed new local planning policy at Clause 22.13 in Amendment C33 suffers from confusion regarding its purposes. It is a mix of higher order policy, which should be included in the MSS, specific guidance about the way in which individual precincts should be developed and requirements for Sustainability Management Plans. The precinct policies at Clause 22.13-4 do little more than expand in a different and more convoluted format the vision statements for each precinct set out in the Doncaster Hill Strategy. As the Panel has recommended in Section 6.5 that these vision statements for each precinct should be included in the MSS, there is no reason for them to be restated in a local planning policy.

To the extent that proposed Clause 22.13 may be used to guide decisions on permits for *development* there is enough detailed guidance about urban design for individual precincts to be found in Schedule 6 to the Design and Development Overlay. A separate policy is not required.

To the extent that proposed Clause 22.13 may be used to guide decisions about permits about *use*, the Panel considers that there is sufficient guidance contained within the recommended changes to the MSS without the need for a specific local planning policy.

The Panel notes that the built form outcome promoted by the Doncaster Hill Strategy is intended to cater for some 4,030 households, 9,800m² of floor space and 20,000m² of commercial/office floor space over a 20-year time frame. There are broad directions within the Strategy as to where these uses should be located, which will now be included in the MSS if the Panel's recommendations are adopted. Mr. Brian Haratsis, who gave evidence on behalf of the Council, took the view that more specific direction about where specific uses and floor space areas should be located was not advisable. In his view, the Strategy should create a broad framework of encouragement and let the market create and take up opportunities as they present. Being too locationally specific can deter development and growth and leave some areas languishing because they are not attractive or available to the market.

The Panel agrees that the vagaries and uncertainties of the economic climate over a 20-year time frame mean that the Council would be wiser to continue to give broad locational direction about use (both horizontally and vertically) but not be too locationally specific. This can best be achieved via the MSS.

The Panel has therefore concluded that the sections of the proposed Doncaster Hill Activity Centre Policy in Clause 22.13 relating to everything other than the ecologically sustainable design policy are unnecessary. The specific matters addressed in these parts of the policy are adequately addressed elsewhere in the local planning policy framework and do not need to be repeated in a separate local policy.

The provisions that the Council wishes to introduce regarding ecologically sustainable design are appropriate to be included in a local planning policy, although the higher order objectives, which provide their strategic justification, should be included in the MSS. The Panel has concerns about the nature of the provisions in Clauses 22.13-5 and 21.13-5, which are discussed in more detail in Section 8. Specific recommendations about an ESD policy are dealt with in that section.

The information to be submitted with a planning application set out in Clause 22.13-7 relate either to development, which could be included in the Design and Development Overlay, or to sustainability, which should be included in the new Clause 21.13 dealing with Ecologically Sustainable Development recommended in Section 8.8.

6.6.2 Relationship to other policies

Clause 22.01 is an existing local planning policy dealing with design and development. It applies to the design of all development in Manningham excluding proposals assessed under Clause 55 (ResCode). Many of the matters addressed in Clause 22.01 are now addressed more explicitly in the various aspects of Amendment C33. The Panel believes it can be confusing for there to be multiple policies or planning provisions applying to the same area which purport to deal with the same matters. Not only are the provisions largely repetitive, but potential exists for there to be aspects of contradiction, particularly with respect to neighbourhood character. The whole purpose of Amendment C33 is to change the future neighbourhood character of Doncaster Hill. Therefore it is irrelevant to refer to existing neighbourhood character and require buildings to be sympathetic to existing built form when dealing with proposals in Doncaster Hill.

The Panel considers that where new provisions are introduced, which are intended to guide development in a specific area, the specific area should be excluded from the ambit of other policies that are intended to apply generally to a similar subject matter. This avoids potential confusion, contradiction and unnecessary work during the assessment process of referring to two sets of policies rather than one. For this reason, the Panel recommends that Doncaster Hill Activity Centre should be deleted from the operation of Clause 22.01.

It should be noted that of the matters addressed in Clause 22.01 which may not be specifically referenced in Amendment C33, all are matters of good design and good planning. Proper consideration of them will be picked up through consideration of the matters set out in Clause 65.

Recommendation

- *Delete Clause 22.13 as exhibited.*
- *Amend Clause 22.01 to exclude Doncaster Hill Activity Centre from the area to which this policy applies.*

6.7 DESIGN AND DEVELOPMENT OVERLAY

6.7.1 Schedule 6

Schedule 6 to the Design and Development Overlay is considered in detail in Section 7. At the conclusion of the hearing, the Council submitted a revised version of DDO6 that takes into account some of the specific points raised on behalf of Westfield and made generally during the course of the hearing. A copy of this is included in Appendix F.

The Panel considers the structure of the revised Schedule and its wording is an improvement. Subject to the specific modifications recommended elsewhere in this report, the Panel considers this revised Schedule should be the version adopted by Council as part of Amendment C33.

6.7.2 Relationship to Incorporated Plan Overlay

The Panel addresses the relationship of the Incorporated Plan Overlay and DDO6 in Sections 6.4.1, 7.5.1 and 7.6. The changes reflected in the revised version of DDO6 represent the outcome of the Panel's conclusions expressed in these Sections.

6.7.3 Other overlays

As noted in Section 1.1, there are two other Design and Development Overlays applicable to land within the Doncaster Hill Activity Centre.

- Design and Development Overlay 1 (Doncaster Road Strategy Area) applies to the whole of the Westfield Doncaster Shoppingtown site and the corridor of land along both sides of Doncaster Road from the western boundary of the municipality to Mitcham Road. DDO1 provides that new development must be set back 5m from the Doncaster Road frontage to create a consistent built edge and incorporate tree planting and landscaping to achieve a boulevard character.
- Design and Development Overlay 2 (Manningham Centre Structure Plan) applies to the area included in Precinct 3. DDO2 is a development control, which provides that certain development must only occur on land of a certain size or have a minimum floor area. These provisions are intended to implement the Manningham Centre Structure Plan, December 1996.

In the Panel's view, the boulevard provisions of DDO6 have subsumed the intent and operative provisions of DDO1 within the Doncaster Hill Activity Centre. There is no

need to retain both Design and Development Overlays. The Panel therefore recommends that DDO1 should be deleted from the DDO6 area.

The Manningham Centre Structure Plan, December 1996, has now been overtaken by the Doncaster Hill Strategy and the Panel considers it is anomalous to leave reference to it in the Planning Scheme. It considers there should be a single Design and Development Overlay addressing all aspects of built form within the Doncaster Hill Activity Centre rather than a series of controls.

As it stands, it is difficult to see a connection between the design objectives of DDO2 and the minimum development site sizes it provides for. The DDO2 design objectives are now all either encapsulated in DDO6 or the MSS. If the Council considers it is appropriate to retain the minimum size of sites for new development now included in DDO2, the Panel considers they should be included in DDO6 together with the design objective they are intended to achieve.

Recommendations

- *Use the revised version of the Schedule to Design and Development Overlay 6 included in Appendix F together with the other specific changes recommended in this report.*
- *Delete Design and Development Overlay 1 from the area covered by Design and Development Overlay 6.*
- *If appropriate, include any minimum floor area or site areas for new development within Design and Development Overlay 6 together with an appropriate design objective.*
- *Delete Design and Development Overlay 2.*

6.8 ZONES

6.8.1 Inadequacy of existing zones

Figure 2 shows the current zones in Doncaster Hill. There are no zoning changes proposed by Amendment C33. As noted in Section 6.1, Council's preferred outcome is to include the Doncaster Hill Activity in an Activity Centre Zone. However, until an Activity Centre Zone is developed and included in the VPP, this is not an option. At present, planning permit applications for use and development will need to be considered in accordance with the zone and overlay provisions as they currently stand.

The Panel is satisfied that ***development*** aspects of the Doncaster Hill Strategy are adequately addressed by Amendment C33 (with the changes recommended by the Panel). However, the Panel is not satisfied that the ***use*** aspects of the Doncaster Hill Strategy will be satisfactorily accommodated by the current zoning regime. For example, the purpose of the Business 2 Zone, which is the predominant zone along Doncaster Road, is to encourage the development of offices and associated commercial uses. This is not the purpose in the Doncaster Hill Strategy envisaged

for this area which will be contained in the MSS. The MSS aims for a mixed use character with a strong residential component at upper levels. Small-scale retail premises at ground level will be encouraged, but they cannot be permitted in the Business 2 Zone unless there is an accompanying amendment to the Planning Scheme to specify a floor area for shop in the schedule. This is a most cumbersome mechanism and can hardly be said to *'encourage'* or *'promote'* this type of use.

There is a substantial Industrial 1 Zone on both sides of Doncaster Road in Precincts 6 and 7. The purpose of the Industrial 1 Zone is to provide for manufacturing industry, storage and distribution of goods and associated use. Industry is a Section 1 use. However an office of more than 500m², shop and accommodation are prohibited uses in the Industrial 1 Zone. This is completely contrary to the vision for Precincts 6 and 7 and the Doncaster Hill Strategy as a whole.

Apart from Westfield Doncaster Shoppingtown, which is in a Business 1 Zone, the other predominant zone in the Doncaster Hill Activity Centre is the Residential 1 Zone. Whilst this zone will accommodate residential use, office and shop are prohibited uses. The higher density residential use proposed for these areas is also arguably more in accordance with the purpose of the Residential 2 Zone than the Residential 1 Zone.

Whilst the Panel accepts that it may be possible to consider most planning permit applications within the provisions of the existing zones, they are far from perfect and the zones and their purposes do not reflect the objectives and strategic outcomes for the majority of the Doncaster Hill Activity Centre. Zoning is one of the most important planning controls affecting land and is a primary means of implementing strategies within the planning scheme. The Panel considers it is therefore very important for land within the Doncaster Hill Activity Centre to be rezoned sooner rather than later, so that the zones appropriately reflect the strategic intent of the MSS.

6.8.2 Mixed Use Zone

The Panel considers that, in the absence of a specific Activity Centre Zone, the most appropriate zone is the Mixed Use Zone. Its purpose fits the strategic intent for Doncaster Hill, namely to provide for a range of residential, commercial, industrial and other uses which complement the mixed use function of the locality. Accommodation, office and shop are all Section 2 uses. If it is thought appropriate to control the amount of retail or office floor space within the Mixed Zone, this can be done through the Schedule. The Panel sees no reason why such areas specified in the Schedule could not be precinct based or zone based, rather than property based, if the Council considered it was necessary to control floor space limits in this way.¹¹

The Council advised that one reason why it did not favour the Mixed Use Zone was because it provides for industrial uses, which are not complimentary to the Doncaster Hill Strategy. The Panel finds this unconvincing, especially when it is prepared to allow the Industrial 1 Zone to remain in place. The future of industrial uses in Doncaster Hill can be guided through statements in the MSS. The Doncaster Hill Strategy states that:

¹¹ However, see Section 6.6 where it is noted that according to Mr Brian Haratsis, it may not be desirable to attempt to control floor space limits too closely.

Current light industrial uses within Doncaster Hill will be able to be maintained where such uses are not detrimental to the amenity of predominantly residential areas¹²

The MSS might state this but that new industrial uses will not be encouraged. Industry is a Section 2 use in the Mixed Use Zone and requires a permit. If the Council was faced with a permit for a new industrial use in the Doncaster Hill Activity Centre, the Panel considers there would be adequate guidance within the MSS to indicate that this was not appropriate.

On the other hand, application of the Mixed Use Zone would mean that existing industrial uses would not become non-conforming uses. The Panel considers it is important to consider the rights of existing businesses that have legitimately established in a zone catering for industrial use. As time progresses and the character of the Doncaster Hill Activity Centre changes, the Panel expects that many of the existing industrial uses will relocate. However, this should be allowed to occur naturally through attrition without placing pressure on these uses by rendering them non-conforming.

It is also relevant to appreciate that such uses provide sources of employment and offer services to the Activity Centre and surrounding areas, thus contributing to its integrated mixed use nature. Looking at things more holistically, it may not be appropriate to discourage industrial uses so long as they are not detrimental to the surrounding amenity. Amenity is something that is explicitly addressed by Clause 32.04-2 of the Mixed Use Zone.

The Panel considers that the reasons advanced by Council for not supporting the Mixed Use Zone are not supportable. They evince a view about industry that is outdated and relate to the concept of industry as a noisy, polluting activity. This view may reflect the practices of some existing industrial uses within the Doncaster Hill Activity Centre, but does not necessarily reflect all modern industrial activity. The fundamental concept of an urban village is that it will contain a mix of residential, retail, entertainment and commercial functions, including businesses which provide services to residents and other businesses, some of which may be classified as industry. The Mixed Use Zone enables all these uses to be accommodated provided they do not adversely affect the amenity of the neighbourhood.

6.8.3 Business 1 Zone

The Panel does not consider that the existing Business 1 Zone over the Westfield Doncaster Shoppingtown Site should be changed. The Business 1 Zone is the most appropriate zone for this use.

6.8.4 Public Land Zones

Likewise the Public Use Zones and the Public Conservation and Resource Zone in Precinct 1 should also remain.

The Public Use 6 Zone and the Public Park and Recreation Zone in Precinct 7A between Elgar Road and Tram Road are in a different category. This land was the

¹² Doncaster Hill Strategy, Manningham City Council (October 2002) page 28.

subject of a submission by Sue Nominees Pty. Ltd. (Submission No. 36), which owns the properties at 600 Doncaster Road and 3 Elgar Court. One of these parcels is in a Business 2 Zone, whilst the other parcel is in a Residential 1 Zone. The submitter is seeking to assemble a consolidated development site in this location in order to undertake a major 'gateway development'. It is currently negotiating with Council to purchase other Council owned land within Precinct 7A to fulfil this objective. On behalf of Sue Nominees, Mr. David Hansen submitted that:

The Amendment should not proceed without co-ordinated zoning amendments to create the identified gateway sites and to provide long term certainty to landowners and developers. Strategy, planning policy and zoning should be co-ordinated and the former two can only be implemented with the latter.

The Panel agrees with these sentiments. From a commercial perspective, particularly financing development proposals, it is important for consolidated sites to have a consistent and appropriate zoning that reflects the commercial outcomes of the development proposal. The Panel considers that if Council wants to ensure the commercial success of the Doncaster Hill Activity Centre, it must be attuned to the commercial imperatives that may influence its success. A consistent and appropriate zoning regime for the Doncaster Hill Activity Centre is one of these imperatives.

6.8.5 Conclusions about zones

Whilst it is not possible to rezone land in the Doncaster Hill Activity Centre as part of Amendment C33, the Panel recommends that a new amendment should be prepared as soon as possible to rezone the land in the Doncaster Hill Activity Centre so that it reflects the strategic intent set out in the MSS. The Panel considers that in the absence of a specific Activity Centre Zone, the Mixed Use Zone is the most appropriate VPP tool to use.

Recommendations

- *Prepare a new amendment that includes all the land within the Doncaster Hill Activity Centre, except the land in Precinct 1 and Westfield Doncaster Shoppingtown, in a Mixed Use Zone.*

6.9 DRAFTING

Many of the submissions made about Amendment C33 were critical of its drafting more so than its content. During the course of the hearing the Council submitted revised versions of some provisions in an attempt to respond positively to comments about the drafting. In Section 6.7, the Panel has recommended that the revised version of DDO6 should be used as the basis of the Design and Development Overlay 6 that is adopted. However, the changes recommended to the MSS and Clause 22.13 mean that these provisions will need to be completely redrafted. The Panel has set out in Appendix E some suggestions about how the changes to the MSS and the local planning policy on ESD might be tackled.

The Panel wishes to emphasise that it has not attempted to draft the MSS in its entirety. It has simply made a start on setting out its understanding of the key provisions of the Doncaster Hill Strategy that form the strategic basis for the other provisions of Amendment C33 and the amendments to come, which will deal with traffic, development contributions, carparking etc. No attempt has been made to draft specific objectives, strategies or means of implementation. It may be that the way in which the Doncaster Hill Strategy is set out in Appendix E could suffice as objectives for the Doncaster Hill Activity Centre for the purposes of the MSS. However, the Panel does not wish to pre-empt this and consequently makes no recommendations about Appendix E, which is offered simply in the form of ideas.

The Panel also wishes to emphasise that the draft MSS included in Appendix E does not necessarily include everything that the Panel has mentioned in this report. The description of the precincts and the vision for them could be further improved for example.

Similar comments apply to the draft local planning policy.

The Panel believes that it would be useful for the Council to employ an editor or someone skilled in the writing of statutory policy to assist in the final drafting of Amendment C33. The team of Council officers who have worked on Amendment C33 have clearly invested an enormous effort in preparing the Amendment that was exhibited. The Panel recognises it can be difficult in such circumstances to step away from the form and the words used and to approach the content from a different perspective. Some outside assistance with the drafting may help the Council team in refining what is a very important strategic amendment for Manningham.

7. URBAN DESIGN

7.1 URBAN DESIGN FRAMEWORK

Section 1.1 of this report outlined the guiding urban design vision for Doncaster Hill as a whole and for each of the eight precincts. This part of the report discusses how the vision was developed and how it has been translated into planning scheme policies and controls.

7.2 OVERALL URBAN DESIGN VISION

Manningham Council has placed very high emphasis on developing an appropriate urban design framework for Doncaster Hill, and has devoted considerable resources to this element of the Doncaster Hill Strategy. In a sense, Council has had the advantage of starting with an almost clean slate, given the lack of coherence in the existing built form and the number of vacant and underdeveloped sites.

Prior to the hearing, the Panel was shown a 'virtual reality tour' of Doncaster Hill using a three dimensional, interactive program developed at RMIT. The model provided a visual presentation of the whole hill, viewed from all elevations and angles, including street-level views representing the proposed boulevards with their associated active uses and tree planting. Council had used this model to test various building envelope options for the area, including alternative heights, setbacks and landscape treatments of Doncaster, Williamsons and Tram Roads.

The overall form chosen is one that reflects, and indeed exaggerates, the natural topography of Doncaster Hill – that is, the highest buildings are located along the highest ridges, with building heights reducing as they move down the slopes of the hill towards the existing residential areas. The form also reinforces the role of the two major intersecting roads (Doncaster Road and Williamsons/Tram Road), visually marks the 'entry points' to the Doncaster Hill area, and establishes tree-lined 'boulevards' hosting active uses in a pedestrian-friendly environment.

The overall urban form has clarity and logic as the guiding philosophy underpinning the more detailed urban design framework, and is expressed clearly in the Doncaster Hill Strategy under the heading 'Celebrating the Hill – Built form' (see Section 1.1).

However, this urban design vision is not explained in either the MSS or the local planning policy, nor is it set out in the Design and Development Overlay as the rationale for the detailed height and setback controls for each precinct. Without reference to the Doncaster Hill Strategy document the urban form has to be deduced from a reading of the policies and detailed controls for each individual precinct within the Doncaster Hill area. This shortcoming needs to be addressed by the changes to the MSS recommended by the Panel in Section 6.5.

7.3 DONCASTER HILL ACTIVITY CENTRE POLICY

As described earlier, Doncaster Hill is divided into eight precincts. Clause 22.13-4 ('Precinct policies') provides guidance as to the preferred built form for each precinct. The built form is based on the overall urban design 'vision' outlined in the previous section. However, without articulation of the overall form in the MSS, the built form of individual precincts lacks a strategic basis. Inclusion of the 'vision' in the MSS (as recommended) would provide the appropriate strategic context.

The individual 'Precinct policies' in Clause 22.13-4 cover aspects of built form, orientation, views, site layout, linkages to adjoining precincts and the relationship to main road frontages. The policies are derived directly from the 'Vision' section for each precinct set out in the Doncaster Hill Strategy, often using the same wording. For example, the Doncaster Hill Strategy sets out the design requirements for Precinct 3 (North East Doncaster Boulevard) as follows:

Precinct 3 is strategically located on Doncaster Hill between Shoppingtown and the Civic and Education precinct, it is envisaged that it will have a high degree of permeability, with development addressing rear lane-scapes and including internal atriums and well-designed public plaza(s). Development will step down the hill, and should fully exploit the northerly aspect and commanding views to the northern ranges.

In Clause 22.13-4 this vision is expressed as the following policy:

Where a permit is required for the use or development of land in Precinct 3...it is policy to:

- *Support the creation of a highly permeable precinct, with development addressing rear lane-scapes and including internal atriums and well designed public plazas that create linkages between Westfield Shoppingtown and the Civic and Education Precinct;*
- *Encourage development to step down with the landform and exploit the northerly aspect and commanding views to the northern ranges; and*
- *Encourage a consistent built edge and enhanced landscape/tree-lined boulevard character along the length of Doncaster Road.*

The last point picks up the 'boulevard' policy applying to the major roads in all precincts.

The matters set out in the precinct policies provide an appropriate basis for the detailed controls in Design and Development Overlay 6, whether they are located in a local planning policy or in the MSS, as proposed in Section 6.5 of this report.

However, the Panel has some concern about the level of detail included in some of the policies. For example, in the policy for Precinct 3 quoted above, an internal atrium may be an appropriate design solution in some cases, but not necessarily in every case. Similarly, a policy requiring all development to 'address rear lane-scapes' may not always lead to the best design outcome on an individual site. While it may be appropriate to identify these features as potential solutions in the Doncaster Hill

Strategy document, it is perhaps overly prescriptive to make them requirements within the planning scheme.

The suggested wording of the precinct strategies in the MSS Clause for Doncaster Hill addresses this concern (see Section 6.9).

7.4 DESIGN AND DEVELOPMENT OVERLAY 6

7.4.1 Overlay provisions

The urban form policies find their expression in Design and Development Overlay 6, which further divides the eight precincts into thirty sub-precincts. The sub-precincts are shown on Map 1 in the Design and Development Overlay (see Figure 1). Specific controls are provided for each sub-precinct. The building envelopes applied to each sub-precinct are framed to achieve the 'stepping down' effect from the ridges and provide a transition to the surrounding area.

The DDO schedule sets out the following for each sub-precinct:

- Maximum building height
- Design element height
- Front, side and rear setbacks
- Outcomes to be achieved.

Some elements in the schedule are mandatory. These include building heights in all precincts, tower and podium setbacks along the boulevards (with the exception of the Westfield site) and the height of 'design elements' (this concept is discussed in the next section).

Other elements, including side and rear setbacks and front setbacks for sites without a frontage to a boulevard, may be varied by a permit.

The DDO states that verandahs, architectural feature, sunshades, screens, artworks and street furniture may be constructed within the front, side and rear setbacks to the satisfaction of the responsible authority.

In all precincts there is an additional height allowance of 3.6m for plant rooms, lift overruns and solar collectors, which are limited to a maximum of 50% of the roof top area.

7.4.2 Are mandatory controls appropriate?

At the hearing the question of whether mandatory controls are appropriate was discussed. Council submitted that the mandatory elements of the Overlay have been carefully crafted to ensure the following outcomes:

- Consistency with the overall urban form

- No overshadowing of adjoining or nearby properties or public open spaces between 11.30am and 1.30 pm on 22 March or 22 September
- No overshadowing of the south side of Doncaster Road between 11.30am and 1.30pm on 22 June
- Protection of the vista of the city skyline visible along Doncaster Road west
- Protection of the same vista from specific viewpoints along Williamsons Road.

The winter solstice is used for the south side of Doncaster Road to ensure that the proposed active frontages (including pedestrian areas, shops and sidewalk cafes) have full solar access over the luncheon period all year round.

It was suggested by some submitters that the mandatory nature of the controls (especially height) was unduly restrictive, and that individual proposals which are otherwise consistent with the Doncaster Hill Strategy should be judged on their merits.

It is recognised that the Victorian Planning Provisions were designed as a broadly performance-based planning system with a minimum of mandatory controls. However, it is also a strategically-based system in which the controls must be justified by a sound and clearly expressed planning strategy. Within this system, it is reasonable to suggest that the sounder the strategy, the greater the justification for mandatory controls.

In this case, the controls are based not just on a comprehensive planning strategy, but also on a detailed analysis of alternative urban forms. The analysis examined both visual and amenity impacts, leading to development of building envelopes designed to maximise achievement of the strategy's objectives.

The Panel considers that the thoroughness of the strategic and analytical work in this case justifies the use of mandatory controls for the key elements of building height, interface with the boulevards and the height of design elements.

This question of mandatory controls was also addressed by the Panel assessing Amendment C20 to the Melbourne Planning Scheme. That Panel reached a similar conclusion in its report:

The Panel considers the basic principle should be that the provisions of the Design and Development Overlay in Clause 43.02 contemplate a discretion and this discretion should be retained unless there are very good reasons for removing it. This is in line with the principle of planning reform that the planning permit should be the primary means of development approval (as distinct from site specific planning scheme amendments). It was also the approach espoused by the Port Phillip, Queenscliffe, Hobsons Bay and Bayside Panels. As the Bayside Panel said:

- *Height controls must be seen in the context of built form outcomes and objectives rather than as just being a prescriptive tool.*
- *While mandatory height controls are contemplated, they are the exception and must achieve a clear built form objective.*

- *Discretionary height controls are the preferred way to deliver a performance based outcome.*¹³

... In the Panel's view, a mandatory control will be appropriate where it can be established that, in the vast majority of cases, an application not in accordance with the building requirements would be contrary to the design objectives set out in the schedule....

The Panel considers that a mandatory control is appropriate in circumstances where:

- *A strategic assessment or study has identified that in the vast majority of cases buildings not in accordance with the building height or other requirements would detract from the essential character of the area or other built form outcome the design objectives are seeking to achieve; and*
- *In the vast majority of cases such buildings would not be supported by Council after application of its design objectives and any relevant guidelines.*

*In such circumstances the Panel considers that to allow discretion for all applications, merely to accommodate the opportunity of granting a permit in 'exceptional' circumstances, serves no useful purpose, particularly where the demand for development exceeding the building requirements is great. In this situation, if there really is an exceptional circumstance that would justify a departure from the specified building requirement, it is appropriate that it be considered by means of a site specific amendment.*¹⁴

At Doncaster Hill, the controls that may be varied by permit include front setbacks for properties not abutting the boulevards, and side and rear setbacks. Side and rear setbacks are generally specified between 4m and 5m. However, Council agreed that on smaller sites these setbacks may be neither practicable nor economically feasible, and that applications on such sites would take these constraints into account when discretion to vary the setbacks by permit is exercised.

The Panel's overall conclusion is that the mandatory and discretionary aspects of controls in DDO6 are appropriate.

7.4.3 Design elements

The DDO also includes a specific allowance of 20% above the mandatory height limit for 'design elements' applying to a number of sub-precincts directly abutting the designated boulevards. 'Design elements' are defined as 'unique architectural and/or ESD features which substantially contribute to the overall building form and appearance'.

The relevant criteria are described in the Doncaster Hill Strategy as follows:

Design elements will only be considered in locations where built form will have the greatest impact and be most able to make an architectural statement including the highest areas on the ridgelines, the area surrounding the main intersection, and the entry points/gateways into Doncaster Hill.

The Doncaster Hill Strategy states that design elements '*will only be considered in special cases where the building design is deemed to be outstanding by Council*'. Design elements must also meet the following additional criteria:

¹³ Bayside Planning Scheme Amendment C2 Panel Report (August 2001), p.72

¹⁴ Melbourne Planning Scheme Amendment C20 Panel Report (December 2001), pages 30-31

- *substantially contribute to the overall building form and appearance;*
- *form part of a unique architectural or ESD feature;*
- *extend above parapet level no high than 20% of the maximum allowable building height;*
- *be of a form which does not unduly increase the visual mass of the building;*
- *have no additional overshadowing effect on neighbouring properties at 12 noon on 22 June; and*
- *not occupy greater than 15% of the overall roof area if the design elements are habitable.¹⁵*

These provisions have been translated into DDO6 paragraph 2.0, which provides that a design element can only be provided on buildings located within the Design Element areas defined on Map 1 in the Schedule and all of the above requirements are met.

Council acknowledged at the Hearing that Map 1 did not show the Design Element areas and that a new map should be included in the Schedule which did show them.

With respect to the last criterion listed above, this implies that a design element may incorporate 'habitable' uses such as a restaurant or penthouse apartment, and that 'non-habitable' design elements may occupy greater than 15% of the overall roof area, although a maximum is not specified.

In this context the Panel queries if it matters whether the design element is functional, habitable or decorative. The Panel agrees that if the design element is habitable some limit should be imposed to prevent this provision from being exploited so as to effectively add another storey to a building, but questions what justification there is for imposing a maximum area coverage for one type of element as opposed to another.

Council has introduced the 'design element' concept as part of its strategy for attracting high quality and more 'noticeable' architecture in key locations with high visibility. The Panel has no particular concerns with the concept or the way it has been articulated in Design and Development Overlay 6. However, it may be desirable to include a maximum roof area coverage for non-habitable design elements to provide clearer parameters for the requirement that the design element 'be of a form which does not unduly increase the visual mass of the building'.

Recommendation

- ***Include a new map in the Schedule to Design and Development Overlay 6 which shows Design Element area.***
- ***Consider establishing a maximum roof area coverage for non-habitable design elements.***

¹⁵ Doncaster Hill Strategy (October 2002) pages 66-67

7.5 SITE-SPECIFIC SUBMISSIONS

7.5.1 Westfield Shoppingtown

As discussed in Section 6.4.1, Westfield submitted that the amendment should reflect and not prejudice or add to the existing controls applying to the Shoppingtown site (Precinct 4) in the Incorporated Plan Overlay. Westfield submitted that:

Design and Development Overlay 6 introduces built form requirements which are presently not provided for by the IPO but have a major bearing upon the Westfield Shoppingtown Doncaster land.

It also submitted that Precinct 4 should be removed from Schedule 6 of the Design and Development Overlay on the grounds that it introduces:

...unnecessary duplication and layering of policy and controls, creates an additional requirement for permit for the WDS, and creates a recipe for conflict with the Council in terms of its expectations and Westfield's ability to deliver.

In considering these submissions, the Panel reached the conclusion in Section 6.4.1 that the provisions of the Incorporated Plan Overlay should take precedence and no 'rights' conferred by the Incorporated Plan Overlay should be removed or compromised, intentionally or otherwise, by Schedule 6 to the Design and Development Overlay.

Nevertheless, it must also be acknowledged that the existing Incorporated Plan Overlay was approved a decade ago when neither the Victorian Planning Provisions nor the Doncaster Hill Strategy had been introduced. In an urban design sense, the controls are effectively frozen in time and do not take account of the evolution of a very different urban design context for the site. While it is understandable that Westfield wishes to retain a set of controls it has fought hard for, it should not simply close its eyes to what is occurring around its centre.

Shoppingtown occupies the north-east corner of Doncaster and Williamsons Roads, the largest and most prominent site on Doncaster Hill. Since the centre was built in the 1960s, its office tower has been a landmark visible for many miles around. For many years, planning controls required nearby buildings to nestle below the ridgeline to ensure that the tower maintained its landmark status. In recent years, this requirement has been reversed in response to policies for the intensification of the area as an activity centre, and in the last decade a number of relatively tall buildings have been constructed on the hill. If the Doncaster Hill Strategy is fully implemented and the Incorporated Plan Overlay is adhered to, Shoppingtown will not only lose its visual prominence but will almost disappear from the skyline.

More importantly, given its size and location, the site should be a critical element of the urban design framework for the hill. It was clear to the Panel at the 'virtual reality' presentation that the site not only failed to contribute to the overall urban form, but was revealed as a prominent gap crying out for a tall structure towards the intersection to act as an anchor for the whole urban form. There is a real possibility for the Westfield site not only to contribute positively to the overall urban vision for the hill, but also to retain its role as the predominant structure in the area. Adherence

simply to the existing Incorporated Plan Overlay will realise neither of these possibilities.

The Panel also notes that the current buildings present an unattractive, closed frontage to the main intersection. An opportunity exists to significantly reconfigure this frontage and the way it interacts with the street.

Westfield has an existing planning permit application before Council for expansion of Shoppingtown that would involve almost a doubling of the leasable floor area. It is clear that an expansion of this magnitude provides perhaps the only major opportunity in the foreseeable future to achieve some of the Doncaster Hill Strategy's urban design objectives.

Westfield's permit application is on hold at present, and at the hearing alternative plans were presented. These plans, although only conceptual at this stage, had been developed by Westfield to explore the opportunities presented by the Doncaster Hill Strategy. Some of the proposed new elements that are consistent with the Strategy's urban design objectives are:

- A new prominent structure at the intersection of Doncaster and Williamsons Roads, housing restaurants, cafes and food court, taking advantage of city skyline views and adjacent to a new, expanded theatre complex
- Introduction of active uses along the main street frontages, including relocation of the library to Doncaster Road and a small number of leasable areas abutting Williamsons Road
- Introduction of a bus parking area to service the new theatre complex and associated restaurants
- New externalised active uses between the eastern façade of the main structure and the parking and bus interchange areas.

In the Panel's view, the new plans positively address many of the Strategy's objectives. This view was clearly shared by Council officers at the hearing. It must be acknowledged that the plans are conceptual and will need to go through the usual negotiation, appraisal and approval process. However, the Panel encourages Westfield and Council to continue the positive process begun at the hearing with the alternative plans.

7.5.2 Tower Street

A submission was made by Matt Ryan of Urban Planning Mediation on behalf of Victor Kamal, owner of 18-20 Tower Street Doncaster. The site is on the corner of Goodson Street, diagonally opposite the rear vehicle entrance to Shoppingtown. It lies in sub-Precinct 3A on the northern slope of Doncaster hill between Shoppingtown (Precinct 4) to the west and the Civic and Education Precinct (Precinct 1) to the east. Sub-precinct 3B lies to the south and a residential area to the north.

There are two current planning applications for multi-unit development on the site. The first application significantly exceeds the 11.0m height control exhibited for Precinct 3A in Design and Development Overlay 6, and was before VCAT at the time

of the hearing. The second application is closer to the maximum height of 12.5m for the precinct now proposed by Council.

At the hearing, Mr Tony Hooper appeared on behalf of Mr Kamal and submitted that Precinct 3B (maximum height 14.5m) should be extended southwards to incorporate those properties in 3A facing Tower Street, including the subject site. Mr Hooper suggested that because these properties are directly opposite the Shoppingtown carpark, they relate more closely to the commercial precinct than to the residential precinct at their rear. It was also submitted that a maximum height increase of 2m would not have a detrimental impact on the adjoining residential properties to the east.

The Panel supports this submission. Although the change is not significant in terms of the overall strategy, it does provide for a level of appropriate intensification in a location directly adjoining a major activity centre (consistent with *Melbourne 2030*) without any significant impact on the amenity of neighbouring properties. The Panel has been advised that Council has agreed to a proposed extension of Precinct 3B.

Mr Ryan submitted a plan, which is included in Appendix G, and stated in a letter to the Panel dated 1 September 2003 that this represented the extension agreed to by Council representatives. This shows five lots to be included in the extension of Precinct 3B. However, there appears to be doubt about this because in a letter to the Panel dated 2 September 2003, the Council refers to only four lots – being ‘16 Berkeley Street, 16 Tower Street and two of the lots that comprise 18-20 Tower Street.’

The Panel considers that the boundary shown in the plan in Appendix G represents a logical and appropriate precinct boundary. Any concerns the Council may have about stepping development down at the interface between Precincts 3B and 3A can be resolved at the time of detailed design and the issue of a planning permit.

Recommendations

- ***Extend Precinct 3B to include the five lots at the western end of Precinct 3A bounded by Goodson, Tower and Berkeley Streets as shown in the plan in Appendix G.***

7.5.3 Hepburn Street – Precinct 2G

A submission from Mr Magdi Khalil objected to the inclusion of Precinct 2G in the Doncaster Hill Strategy area and echoed other submissions made by some residents, in particular those represented by Mr Ray Sheedy and Mr Basile Sepsakos.

Precinct 2G is described in Section 5.2 and is a small area on the southern slope of Doncaster hill comprising four lots at 9-15 Hepburn Street Doncaster. It is separated from other parts of the Doncaster Hill Activity Centre by Hepburn Road. The lots are affected by single dwelling covenants. The area was included in the Strategy to provide a transition between Precinct 2C (which has a maximum height of 40m along Doncaster Road) and the adjoining residential area to the south.

Mr Khalil, the owner/occupier of 9 Hepburn Road, stated that he has a young family and relies on the location *'for ease of access to schools, shops and transport'*. Mr Khalil also objected to Precinct 2 generally on the grounds of adverse amenity impact.

Council advised the Panel at the hearing that it now proposes to delete Precinct 2G from the Doncaster Hill Activity Centre area, and to acquire the lots for public open space. Council stated that *'this part of the submission highlights a difficulty in drawing boundaries for this type of exercise. Inevitably, interface issues arise'*. The reasons given for the proposed change were to provide an area of open space to serve Precinct 2 and the adjoining residential area, and to avoid overshadowing of residential lots from development in Precinct 2C.

The Panel does not believe it is appropriate to amend such a carefully crafted urban framework 'on the run' in this way. The Doncaster Hill Strategy is a forward-looking plan with a 20-year horizon, and there is no need for haste in the resolution of individual boundary issues. It would be preferable for Council to undertake a more comprehensive review of this area, in consultation with affected residents, before deciding on an outcome for Precinct 2G that best meets the objectives of the Doncaster Hill Strategy. As noted in Section 5.2, the Panel is not sure that all the affected owners agree with the proposed changes or appreciate their implications.

The Panel also has reservations about the land's potential to provide good quality open space. The area is small, sloping and south-facing, and will experience some overshadowing in the winter months from development in Precinct 2C, which has a maximum height of 40m and which the Panel sees no justification for reducing. There are a number of similar 'pocket' parks already in the area which appear to serve a very limited function. It is not clear how the acquisition and maintenance costs for another such park would be justified. Nor is the Panel certain that development within Precinct 2G would necessarily overshadow or otherwise affect the amenity of dwellings to the south.

The Panel's recommendations for Precinct 2G are to be found in Section 5.2.

7.6 CHANGES TO DESIGN AND DEVELOPMENT OVERLAY 6

7.6.1 Changes proposed by Council

In response to submissions by Westfield, Council proposes to amend Design and Development Overlay 6 to be consistent with the provisions of the Incorporated Plan for the Westfield Shoppingtown site. This would be achieved simply by amending the schedule for the relevant sub-precincts (4A, 4C and 4E) to substitute the words 'none specified' under the column headings 'Maximum building height', 'Design element height' and 'setbacks to front side and rear walls of buildings'. The Panel supports this change as it removes any ambiguity between the Incorporated Plan and Design and Development Overlay 6.

Council also proposes to increase the maximum building height in three sub-precincts (3A, 7A and 7B) as an outcome of re-assessment of these of these precincts in the course of negotiations with applicants for developments on these sites. The increased heights are broadly consistent with the overall built form Strategy and are supported by the Panel.

A further change proposed is to allow for front setbacks of up to 10m in sub-precincts 7D and 7C. These precincts have frontages to the south side of Doncaster Road where it curves slightly towards the north. The purpose of providing for increased front setbacks in this location is to preserve the view of the city skyline along Doncaster Road. The change is consistent with the Strategy and is supported by the Panel.

The revised version of Design and Development Overlay 6 submitted by Council after the hearing has been discussed in Section 6.7. The revised version incorporates the above changes, some minor drafting corrections and a number of structural and wording changes in response to comments and suggestions made at the hearing. Apart from the changes discussed and endorsed above, the revised version of Design and Development Overlay 6 submitted by Council does not impact on the intent or substance of the controls in the overlay and is supported by the Panel.

7.6.2 Information to be submitted with application

Clause 22.13-7 currently contains a list of information and material that must be submitted with a planning permit application. With the exception of the Sustainability Management Plan, all these plans and reports relate to development. It would be more appropriate to include them in the Schedule to DDO6.

The Panel considers that they should be included in the Decision Guidelines. That is, one of the matters that the responsible authority must consider before deciding upon an application is whether the application is accompanied by the plans and reports set out. The Panel considers this provides the Council with more flexibility not to require everything when the application is for only a minor use or development, alterations or additions, or the like. As the Panel notes elsewhere, the Council should tailor its requirements to the scale and potential impact or significance of the development in question and not overburden applicants with unnecessary costs or unduly onerous requirements out of proportion to the proposal.

Recommendations

- *With the exception of the Sustainability Management Plan, include the list of information to be submitted with a planning permit application in Clause 22.13-7 in the decision guidelines of the Schedule to Design and Development Overlay 6 so that before deciding on an application, the responsible authority must consider whether the information set out has been submitted.*

7.7 PUBLIC SPACES

7.7.1 Precinct 1

In some precincts the Doncaster Hill Strategy encourages the provision of public or public/private open space and linkages to other precincts as part of development. Clause 22.13 sets these out under the heading 'Precinct policies'. However, what is included in Clause 22.13 does not always reflect the detail in the Doncaster Hill Strategy or the latest work undertaken by the Council. This is illustrated with respect to the following policy for Precinct 1, which is taken from Clause 22.13-4 of the exhibited amendment.

Precinct 1 – Civic and education

- *Encourage development to provide well defined links to Westfield Shoppingtown and other parts of the Doncaster Hill Activity Centre.*

This policy is silent on the question of public open space. This contrasts with the vision for Precinct 1 expressed in the Doncaster Hill Strategy, which refers to a major meeting space for Doncaster Hill residents and the wider Manningham community (see Section 1.1. At the hearing, Council showed the Panel a well-developed plan for a large public open space incorporating an open amphitheatre located between Council's offices and a proposed new multi-purpose community facility adjacent to the school. The carparking currently in this area would be relocated to the edges of the site. The plan has been prepared as part of the Doncaster Hill Urban Master Plan Part A: Urban Plazas and Parks. The Panel was provided with a copy of the Master Plan as presented to Council in June 2003.

This is a significant omission and any references to Precinct 1 in the Planning Scheme should include reference to Council's plans for a major civic open space.

Other examples of discrepancies with the Doncaster Hill Urban Master Plan relating to Precincts 3, 4 and 5 occur in the revised version of Clause 22.13-2 circulated by the Council on the final day of hearings.

The Panel's recommendations now see all these precinct policies removed and a simplified vision for each precinct included in the MSS. The Panel believes there should be a specific reference in the MSS to the major civic open space for Precinct 1 referred to above. Details of other public spaces may be included in other precincts if the Council considers this is appropriate or necessary.

Recommendation

- ***Include reference to the planned civic open space in the vision for Precinct 1 in the MSS.***

7.7.2 Precinct 8

Precinct 8 is the intersection of Doncaster and Williamsons/Tram Roads. Unlike the other 7 precincts, it is not identified as a precinct in the Strategic Framework Plan in the Doncaster Hill Strategy, although a description is included in Part D of the Doncaster Hill Strategy (October 2002) document. Neither does Precinct 8 appear as a precinct in Map 1 that forms part of Clause 22.13 Doncaster Hill Activity Centre Policy, although the text of the policy states that the policy applies to Precinct 8 'as identified in Map 1 to this policy'. The maps identify the intersection with a circle or asterisk, described in the legend as follows:

Iconic artwork connecting all quadrants and improved pedestrian safety and amenity.

The Doncaster Hill Strategy states:

This precinct provides an opportunity for the development of an iconic sculpture above the current roadway level of Doncaster and Tram Roads linking pedestrian zones developed in each of the individual precincts as well as providing potential links to landmark buildings abutting the intersection.

Clarification of what is meant exactly by these descriptions can only be found in the draft Doncaster Hill Public Art Master Plan dated January 2003. This plan sets out 3 options for the intersection. Option 1 – Pedestrian Overpass is the only option that meets the above description. Option 1 is described as follows:

Council's draft Urban Master Plan suggests that this key intersection have a strong pedestrian function. A pedestrian overpass is proposed as a means of connecting and unifying this busy node.

An overpass must be outstanding in terms of its design as this is the high point of the hill and therefore is key in setting the tone for the Hill. An overpass will be visually prominent from all directions and should have a strong visual form by day and night and so incorporate lighting of the structure itself.

There are two illustrations accompanying this text suggesting that a possible form would be a doughnut-shaped transparent structure exposing a light steel framework, connecting all four corners of the intersection.

This option was discussed at the hearing. The Panel suggested that removing pedestrians from street level is not a good urban design solution, and is contrary to the Strategy's objective of creating 'vibrant' street frontages. Such a structure would also block the vista of the city skyline along Doncaster Road, which the Strategy is otherwise at some pains to protect. While it is acknowledged that the intersection is somewhat daunting to pedestrians in its current form, implementation of the 'boulevard' treatments could greatly enhance the intersection's safety and amenity. Furthermore, it is questionable whether pedestrians would be willing to negotiate the relatively complex means of access and stairs associated with such a structure.

The other options in the Public Art Masterplan involve 'sculptural lighting treatments' of buildings, possibly associated with sculptural forms, on two or four corners at the intersection. These options would have the advantages of preserving the street-level focus, would not be visually intrusive or block views, and would meet Council's objective of providing a focal point for Doncaster Hill by day and night.

In the Panel's view, the focus for Precinct 8 should remain at ground level where the activity is. There are a range of measures for improving pedestrian safety and amenity that could be explored as elements of the 'boulevard treatment' in consultation with VicRoads without needing to remove pedestrians from the public realm by means of an elevated pedestrian bridge.

In response to the Panel's comments, the revised Clause 22.13 forwarded by Council after the hearing amends the policy for Precinct 8 to read as follows:

...it is policy to:

- *Facilitate pedestrian movement between all precincts abutting the Doncaster Road/Williamsons Road/Tram Road intersection;*
- *Encourage the provision of a functional iconic work of art.*

Although this revision separates the roles of pedestrian movement and artwork, it is not clear what is meant by 'functional'.

The Panel believes that the crossroads of Doncaster Road and Williamsons Road/Tram Road needs more careful consideration from an urban design perspective. It is, after all, the centre of the Doncaster Hill Activity Centre and needs definition rather than disguise. It may be more effective to counter the expanse of negative, car-dominated space within the intersection by marking each of the four corners by a significantly taller element. In the past, this has been a common means of defining important corners: for example the Melbourne Town Hall and Manchester Unity Building at the intersection of Swanston and Collins Streets; the Post Office on the corner of Bourke and Elizabeth Streets. (To some extent Council has recognised this by designating each of the four corners as design element areas.) Whilst VicRoads may not agree and traffic functions may preclude it, another option would be to locate a tall element, such as a clock tower, flagpole or artwork, on an island in the centre of the intersection to provide a focal point for the vistas along the roads leading to it.

These are the sort of matters that should be considered further together with the options for sculptural lighting etc. However, the Panel questions whether Precinct 8 needs to be designated as a separate precinct. Given that the objectives for Precinct 8 are limited to improving pedestrian safety and providing artworks; that it has no precise boundaries; that it does not include any privately owned land for which permits would be required; and that it is not included in Design and Development Overlay 6, it is not clear why this intersection should be given the status of a separate precinct.

The Panel believes that unless a clearer vision for Precinct 8 is devised that justifies its retention, Precinct 8 should be deleted from the Strategy. The issues related to pedestrian safety and amenity will be the subject for negotiation between Council and VicRoads and do not need to be specifically addressed in the Planning Scheme. The provision of public artwork is already addressed in Design and Development Overlay 6, and could be more clearly specified for this intersection if required. The proposed sculptural lighting treatment of buildings at the intersection or incorporation of taller corner elements could be included in the relevant precinct policies if this is what Council decides it wants.

Recommendations

- *Give further consideration to the urban design for the intersection of Doncaster Road, Williamsons Road and Tram Road that:*
 - *focuses pedestrian movement at ground level*
 - *defines its significance as the major crossroads and physical centre of the Doncaster Hill Activity Centre*
 - *emphasises the corners of the intersection*
- *Delete Precinct 8 from all parts of the Amendment.*
- *Include reference to the significance of the intersection of Doncaster Road/Williamsons Road/Tram Road in the MSS and refer to sculptural and lighting treatments and other urban design treatments in the design objectives of DDO6.*

7.7.3 **Boulevards**

Due to successive road widening over the years, the footpaths along the main roads in Doncaster Hill are generally narrow and very close to the roadway, creating an uncomfortable environment for pedestrians. A key element of the Doncaster Hill Strategy is to improve the amenity of Doncaster, Williamsons and Tram Roads ('the boulevards') by:

- Requiring new development to be set back 5m from the front boundary
- Requiring 2m of the setback to be ceded to council ownership
- Requiring landscape treatment in accordance with that specified in the Strategy to be carried out by the developer

The landscape treatment includes construction of a 3.6m wide paved promenade and two staggered avenues of deciduous trees planted at 12m spacings. The Strategy includes a detailed plan showing pavement details and tree species. Council has constructed a section of this treatment near its offices as a demonstration.

The Panel fully supports the boulevard concept as necessary and integral to achievement of the Doncaster Hill Strategy. In Section 6.3.2, the Panel has recommended that the Landscape Guidelines should be extracted from the Doncaster Hill Strategy and included as a separate incorporated document in the Planning Scheme.

The main difficulty that the Panel foresees with the boulevard concept will be a lack of continuity in implementation. The upgrades will only occur as new developments proceed, and only across their own area of frontage. This will lead to a piecemeal situation where some sections of the promenade are constructed and others remain as they are now. Until the boulevard is substantially completed, perhaps not for 20 years, the variation in pavement widths, surfaces and alignments will be visually confusing and present as a problem to some pedestrians.

Council acknowledged this difficulty at the hearing. It was also acknowledged that there is no simple solution. It is not feasible for Council to undertake the construction and recover costs from future developments as it will not have access to the 2m width

of ceded land that is necessary for the promenades. It may become necessary to defer construction of individual sections until a reasonable length of promenade can be constructed as a single stage. This something that Council will need to review as part of its assessment of each new application.

While the appearance and pedestrian amenity of the boulevards is an important issue, their role as major traffic routes is also important. The submissions from VicRoads highlight its responsibility to ensure the safe and efficient functioning of the Declared Road network. Council and VicRoads have discussed the need to provide auxiliary lanes for access to sites fronting the boulevards where access from side streets or rear access roads is not feasible. Clearly the boulevard concept would be compromised if auxiliary lanes were required.

The Panel notes the evidence of GTA Consultants that traffic volumes along Doncaster Road have halved since the opening of the Eastern Freeway. However, some of VicRoads' requirements, including the provision of auxiliary lanes, appear to predate the Freeway and may not have been subject to critical review in response to the changed traffic environment. Such a review would provide a sound basis for discussions between VicRoads and Council about access arrangements, as well as providing an opportunity to explore options for improving pedestrian safety and amenity at the major intersection.

Recommendations

- ***Reach agreement with VicRoads if possible about a consistent approach to the provision of access to properties along the boulevards within Doncaster Hill that will not compromise their proposed landscape treatment.***

7.7.4 Landscaping

Design and Development Overlay 6 sets out the following requirements for landscape design of individual sites:

- *Incorporate screen planting and landscape buffers of 1.5m minimum width as an interface to adjoining sites;*
- *Provide canopy trees and indigenous and native plantings;*
- *Provide landscape treatments to the tops of podiums to provide visual interest to soften the urban built form environment;*
- *Create private and public open space areas that are accessible, safe, attractive and functional for all users.*

The Panel notes that the following additional requirement in the Doncaster Hill Strategy has not been carried over into the Design and Development Overlay:

The minimum width of screen planting shall be increased to 3 metres along the boundary separating Doncaster Hill from adjoining residential areas, and should contain sufficient evergreen canopy trees and large shrubs to create an effective visual screen.

The Strategy also promotes the use of native and indigenous planting wherever possible to 'encourage native fauna and reduce maintenance and water

requirements'. This is consistent with the sustainability principles embodied in the amendment and is supported by the Panel.

In Section 6.3.2, the Panel has recommended that a separate document, Doncaster Hill Landscape Guidelines, should be published and included as an incorporated document in the Planning Scheme, which would set out the details of landscape treatment that will be required for the boulevards and individual sites. If this is done, there is no need to include the level of detail now proposed in DDO6. It will be sufficient to simply require that landscape treatment of the boulevards and landscape design for individual sites should be in accordance with the Doncaster Hill Landscape Guidelines to the satisfaction of the responsible authority.

7.8 UNRESOLVED ISSUES FOR COUNCIL

A range of issues that are not addressed (or not adequately addressed) in the Doncaster Hill Strategy were raised at the hearing by Council, submitters and the Panel. These are not issues that can be solved immediately, but ones to which the Council will need to develop an approach if the Doncaster Hill Strategy is to be successfully implemented over time. This section discusses each of these issues briefly.

7.8.1 Applications inconsistent with the Doncaster Hill Strategy

This issue was very well illustrated in the submission from Ms Amanda Ring of SJB Planning on behalf of Edgarden Pty Ltd. The submission mainly concerned the site of the proposed 'Ultra' development on the western corner of Doncaster and Elgar Roads in Precinct 7A.

A planning permit has been issued for a substantial mixed use development on the site, including a 'prestige' car dealership and service centre, 70 apartments, office space of 3000m², a food and drink premises, and associated car parking and landscaping. However, the Panel was advised that *'pre-sales were reasonable, but not sufficiently strong to deliver the assurance required for the development to proceed at an acceptable level of risk'*. Thus, while the proposed development is consistent with the Doncaster Hill Strategy, the proponent does not want to proceed with it at this stage but wishes to utilise the site for the car dealership and service centre components only.

A similar situation could arise with other major development proposals on Doncaster Hill that are currently 'on hold'. There is a prospect that these key sites could remain vacant, or that applications could be lodged for uses that are inconsistent with the Doncaster Hill Strategy, such as an office tower or low-density uses like the car dealership.

The Edgarden submission posed the dilemma in these terms:

There is no consideration of interim uses and, as such, if proposals for these were to transpire Council might reject them as underdevelopment.

Council acknowledges that it is largely reliant on the private sector to deliver the Doncaster Hill Strategy. It also needs to acknowledge that landowners' aspirations may differ from Council's, and arrive at a consistent approach that delivers a degree of certainty as to how such applications will be considered by Council. The 'vision' embodied in the Strategy will in practice need to be approached with a degree of pragmatism, recognising that an accrual of vacant sites would be a negative outcome and may well deter new investors. Any long-term strategy will be implemented over a number of development cycles. In some cases an interim use for a good quality development could be preferable to a vacant site, until such time as conditions favour the type of development envisaged in the Strategy. Similarly, a use such as an office tower may have the advantages of meeting urban design and 'activity' objectives, and would provide employment opportunities even though it may not include the hoped-for residential component.

These issues are another aspect of the warning given by Mr Brian Haratsis (see Section 6.6) that Council should be wary about being too specific about where particular uses and floor space areas should be located. Economic circumstances and market preferences can alter significantly over the life of a 20-year strategy. For this reason it may be unwise to be too rigid in how the Strategy will be implemented in case opportunities, which are not foreseen at this point of time, are deterred.

The Panel has not made any recommendation about applications that are inconsistent with the Strategy because it considers this is a matter the Council should resolve. Council may choose to formulate a specific approach or may resolve simply to consider any such applications individually and on their merits. In either case, Council's approach needs to be clear to the development community.

7.8.2 Site consolidation

The submission from Mr David Hansen on behalf of Sue Nominees Pty Ltd highlighted the need for the Planning Scheme to support, and Council to facilitate, consolidation of sites in order to achieve implementation of the Doncaster Hill Strategy.

The submitter is currently investigating the redevelopment of its land and adjoining land in a single 'gateway' development on a prominent site in sub-precinct 7A with frontages to Tram, Doncaster and Elgar Roads. The adjoining land is in Council ownership, and consolidation of several titles is required to achieve the development. The site is currently in three zones: a Business 2 Zone (Sue Nominees site), a Public Use 6 Zone (Council's child-care centre) and a Public Park and Recreation Zone (a Council reserve). Mr Hansen submitted that more active support by Council, especially through appropriate rezoning, would help provide the certainty required for financing and planning of the project.

The Panel also addresses this submission in the context of zoning for the Doncaster Hill Activity Centre (see Section 6.8.4). Given that the question of an appropriate zoning for the Doncaster Hill area has been deferred, there are likely to be other instances where site consolidation needs to be facilitated through rezoning and other proactive measures.

The exhibited local planning policy includes the following under Clause 22.13-3 General Policy:

Encourage consolidation of land that facilitates the creation of viable development sites capable of achieving the outcomes promoted by the Scheme for the land.

Such a policy needs to be matched by a real commitment from Council to actively pursue and support such opportunities. The Panel has recommended the application of a consistent zoning within the Doncaster Hill Activity Centre as one means to achieve this (see Section 6.8.5). The Council should give consideration to what other measures may be needed.

7.8.3 Subdivision

On the other hand, there are a number of large sites within the Doncaster Hill Activity Centre that could be the subject of subdivision applications not associated with a development proposal. Council's submission conceded that it is *'likely to resist subdivision of lots into smaller land parcels, but there is nothing in the amendment that addresses this'*.

Achievement of the scale of development desired by the Doncaster Hill Strategy requires large sites, and subdivision could prejudice achievement of Council's objectives. It would be preferable for the amendment to state clearly Council's attitude to subdivision as part of its implementation strategy.

The Panel notes that Clause 42.03-2 of the Design and Development Overlay sets out provisions relating to subdivision. It would therefore be appropriate to include a design objective in the Schedule to DDO6 relating to the size of sites, and a paragraph that discourages subdivision not associated with a development proposal which will result in the fragmentation of development sites. These are issues that are related to the type of matters currently addressed in DDO2 (see Section 6.7.3).

Recommendations

- *Include design objectives in the Schedule to Design and Development Overlay 6 to the following effect:*
 - *To encourage consolidation of land that facilitates the creation of viable development sites capable of achieving the outcomes promoted by the Scheme for the land.*
 - *To discourage the fragmentation of sites other than in association with a development proposal.*
- *Include a section in the Schedule to Design and Development Overlay 6 relating to subdivision and a provision to the effect that Council will not support applications for subdivision of existing sites that are not associated with a development proposal which supports the objectives of the Doncaster Hill Activity Centre.*

7.8.4 Small sites

Council also needs to address the question of its approach to small sites where consolidation is not a realistic possibility. Such sites do not have the capacity to achieve the intensity of development envisaged in the Doncaster Hill Strategy, and are unlikely to contribute to the overall urban design framework.

Under Design and Development Overlay 6 a permit may be issued to vary side and rear setbacks. Council indicated at the hearing that this discretion is likely to be exercised in the case of small sites where compliance with the setbacks would prohibit economically viable development. However, the discretion is anything but explicit, as demonstrated by a number of submissions on this point. It was acknowledged that the lack of clarity is partly due to the structure of the DDO.

On one hand, Council may not want to hedge its Strategy with a qualification that appears to undermine its main thrust. On the other hand, it is unlikely to want to see a situation in which some sites are subject to deterioration or under-investment because their owners do not understand how to read the provisions of the DDO.

On balance, the Panel believes that it would be preferable for the Planning Scheme to acknowledge that small single sites may not have the capacity to meet the overall objectives for the area, and that this will be taken into account in assessing whether the side and rear setback provisions should be varied.

Recommendations

- *Include a decision guideline to the following effect in the Schedule to Design and Development Overlay 6:*
 - *The capacity of small sites to meet overall objectives for the Doncaster Hill Activity Centre unless side or rear setbacks are varied.*

7.8.5 Micro-design in public spaces

Much of the publicity material for the Doncaster Hill Strategy featured a perspective showing a boulevard streetscape complete with landscaping, pedestrians and an outdoor café seating area adjacent to the footpath. This image was no doubt chosen as it epitomises Council's vision for activated frontages, especially along the south side of Doncaster Road.

In the drawing, the floor level of the café is about 1m higher than the adjacent footpath, with some of its outdoor seating at footpath level within the front setback. While the drawing may not have been intended to represent a preferred outcome, its presence on so much of the publicity implies that it is an acceptable design.

At the hearing the Panel made the point that such changes in level can act as a physical and psychological barrier to the sort of interaction between the street and adjacent uses that Council is trying to promote. It can also limit access, limit efficient operation of the café, and provide a space where wind-blown litter can accumulate.

This relatively small example illustrates the need to consider micro-design issues as well as the broad picture. It applies not just to sidewalk cafes in Doncaster Road, but

to all locations where the public and private realms interact, including all street frontages and public areas identified in the Strategy such as plazas, pedestrian links, laneways and open spaces.

Council has been very successful in designing a well-considered urban framework for Doncaster Hill. Once the framework is incorporated in the Planning Scheme, Council's urban designers should turn their attention to micro-design issues to ensure that the Strategy is not prejudiced by poorly-designed interfaces between the public and the private realms. This is an area of urban design requiring a different set of skills, including a specialised understanding of how spaces work. It would be in Council's interest to engage an expert in this field to provide advice and help develop appropriate guidelines that can be used by both applicants and Council officers.

Recommendation

- ***Seek expert advice to develop detailed design guidelines for the interface between the public and private realms.***

7.9 THE VALUE OF DIFFERENCE

It is important to recognise that Doncaster Hill is unlikely to develop uniformly in accordance with the Doncaster Hill Strategy. Doncaster Hill is not Brazilia or Canberra. Many parts of the existing fabric will remain because owners wish to remain in their homes or continue their existing businesses, regardless of any grand scheme.

Furthermore, there is positive value in the mixture that will evolve over time. For example, there are real barriers to redevelopment of the small shops opposite the Council offices in Doncaster Road, which are all in separate ownership. However, these shops provide services to the local community that are different from those at Shoppingtown and from the type of retail and café uses that might develop further west in Doncaster Road as part of a major development. As such, they contribute positively to the overall commercial and social environment. The fact that they do not meet the Strategy's objectives is less relevant than the role they play, a role which is likely to evolve over time to meet new demands that emerge as a result of other developments on the hill.

There is also positive value in a mixed built form. The sense of difference created by smaller structures in an area of more substantial built forms adds to its attractiveness. Buildings such as the shops discussed above and those on small sites scattered throughout the area add complexity and vitality to the visual scene.

The value of difference is another factor that Council will need to appreciate in assessing not just individual applications, but as part of its periodic reviews of the overall success of the Doncaster Hill Strategy.

8. SUSTAINABILITY REQUIREMENTS

8.1 NATURE OF ISSUES

Manningham City Council has a strong commitment to sustainability, which is embodied in both its Corporate Plan and MSS. In Amendment C33, Manningham is taking that commitment further by planning for Doncaster Hill to be a 'sustainable urban village' and establishing mandatory requirements to incorporate ecologically sustainable design techniques into developments within Doncaster Hill.

The Doncaster Hill Strategy ensures that ESD is a fundamental component of mainstream development and should no longer be considered as a separate, add-on component.¹⁶

The Panel believes that Manningham City Council should be congratulated for the proactive approach it has taken towards implementing its commitment and ESD principles. The Council is taking a lead in seriously addressing this issue and has demonstrated a willingness to commit resources towards it in an ongoing way. It has clearly flagged to developers that it expects ESD principles will be fundamental in their design philosophy. Those who have accepted this challenge have not found the process onerous, as Graeme Dickson, Planning and Development Manager for Vitalis Corporation Pty Ltd, attested on behalf of Council. On the other hand, experience has demonstrated that where developers do not apply ESD principles 'from the ground up', but treat ESD as an add-on and the Council is forced to apply these principles by means of planning permit conditions, a much less happy outcome is the result.

The fact that not all developments in Doncaster Hill, which have followed the Council's approach to ESD and been approved, have not proceeded is not a reflection on the Council's requirements but has probably more to do with broader economic factors. The Council's commitment to implementing ESD principles should not be shaken by this. Its Doncaster Hill Strategy is a 20-year vision. It is clear from other Government action in the field of sustainability that the concept is not a short-term fad but something which everyone, including developers, will need to come to terms with and adopt. Manningham City Council is simply in the vanguard of this movement.

However, being in the vanguard presents challenges. This is especially so in terms of establishing robust mechanisms to deliver ESD outcomes for use and development that will remain relevant over time and be capable of incorporating advances in best practice, technology, standards and legislation.

Manningham City Council has chosen the Sustainability Management Plan as its vehicle to deliver ESD outcomes for Doncaster Hill. It has used a local planning

¹⁶ Doncaster Hill Strategy, Manningham City Council (October 2002), page 44

policy – Clause 22.13 – as the means of requiring preparation of a Sustainability Management Plan for all use and development requiring a planning permit.

There was a deal of criticism in submissions about Amendment C33 of the provisions of Clause 22.13 dealing with ESD on the grounds that they were vague, uncertain and confused. The Panel agrees with certain of these criticisms. For example, it considers there is a fundamental misunderstanding of terms and concepts in the Ecologically Sustainable Design Policy within the Doncaster Hill Activity Centre Policy, particularly with respect to the use of performance measures. The so-called performance measures represent a collection of targets, techniques and implementation measures all jumbled together. Unless it is understood what purpose they serve or why they are being used, it is difficult to assess proposals against them in a meaningful way.

Even the so-called objectives of the policy are not true objectives. For example, with respect to water conservation and re-use: *'Water sensitive urban design, water conservation and re-use'*, is not an objective. They may be strategies to achieve certain objectives, but in themselves they are not objectives. The real objectives in question may be, *'To reduce consumption of potable water'*, or *'To reduce pollution and minimise impact on water quality in receiving waters'*. These objectives might then be achieved through the strategies of water sensitive urban design, water conservation and water re-use, which in turn might be implemented through measures such as using water fittings and appliances that have a 3A-5A water conservation rating; or maximising opportunities for on-site collection, treatment and re-use of grey and black water, etc.

But even then, such measures should be part of an overall plan, and such a plan requires targets. For example, *'100% collection of rainwater and stormwater collected, treated and re-used on-site'*, is a target: it is a real performance measure that the use of various techniques can be assessed or measured against. Such a target enables the question to be asked whether implementation measures, such as maximising the use of permeable surfaces; landscape design that minimises water use; and podium/roof top gardens, etc, together achieve this target.

In the Panel's view, a Sustainability Management Plan should be identifying targets and outlining strategies for achieving those targets. It is the job of the Council as responsible authority, aided by input from the Sustainability Design Taskforce, to be satisfied that the targets can be met by the strategies contained in the Sustainability Management Plan and that the Sustainability Management Plan as a whole will achieve the objectives for ESD set out in the Planning Scheme.

The Panel does not consider that this will lead developers into adopting a 'minimal' approach as distinct from a 'beyond compliance approach'. The target adopted will be selected by the developer and thus becomes the developer's target rather than the Council's. It is then up to the Council though, if it considers that the target does not represent best practice, not to be satisfied with it and to require something more. The problem with the so-called performance measures as they are expressed in the Doncaster Hill Activity Centre Policy at present is that it is very difficult to judge how 'satisfaction' with them could be judged in the event of a dispute.

The Panel agrees that the onus should be placed on the developer to design with sustainability in mind from the outset rather than regarding sustainability as an 'add-on' that can be achieved by retrofitting a conventional design or achieved through the imposition of conditions. This concept should be included in the MSS as it is so important to the way in which ESD will be implemented in Doncaster Hill. The principles that development proposals should demonstrate use of current best practice, emerging technology and a commitment to 'beyond compliance' are sufficiently important to also warrant inclusion in the MSS.

In the following sections of this report the Panel outlines suggestions for improvements to Amendment C33 in order to establish an effective and robust statutory framework to implement the vision within the Doncaster Hill Strategy that all use and development within the Doncaster Hill Activity Centre will be based on ESD principles. Whilst the approach is somewhat different to that exhibited in the Amendment, this is not intended as a criticism of Council's efforts to date. Manningham City Council has embarked on a very ambitious program with very little guidance. By making a start, firstly with the Doncaster Hill Strategy and then its translation into Amendment C33, Council has facilitated debate about how its Ecologically Sustainable Design Policy and Sustainability Management Plans might work over time. The Panel believes this debate will enable a simpler but more rigorous system to be put in place, and one that may have application elsewhere. The version of the Sustainability Management Plan it recommends should be capable of accommodating changes to ESD standards, practices and technology over time. In this way, Manningham Planning Scheme will not run the risk of becoming outdated as ESD concepts evolve and become more mainstream.

8.2 SUSTAINABLE DESIGN VISION

Section 3.5 describes the Sustainability Management Plan and the Sustainable Design Taskforce, which Manningham identifies as the key means for achieving its Ecologically Sustainable Development (ESD) Requirements.

The origin of the Sustainability Management Plan is found in earlier Doncaster Hill documents and appears in Part C of the Doncaster Hill Strategy (October 2002). The Strategy emphasises that ESD should be a "*fundamental component of mainstream development and should no longer be considered as a separate, add on-component.*" To support this approach, the Sustainable Design Taskforce works with developers and their consultants through the application process, to provide feedback on urban design and ecologically sustainable development issues and to ensure adoption of sustainable design objectives and design approaches.

The applicant is asked to document the integrated urban design/ecologically sustainable design components of a proposal in a Sustainability Management Plan as part of a lodged planning application. The eight components of the Sustainability Management Plan are listed in the Strategy's ESD Guidelines. The eight headings are included in Clause 22.13-5 (quoted in Section 3.5) where they are renamed but intended to address the same components as the Guidelines.

Ms Cate Collins, Council's ESD Coordinator for the Doncaster Hill Project, provided the Panel with an explanation of how the Sustainable Design Taskforce has worked with developers through the design stage. She tabled examples of adopted ESD solutions and Sustainability Management Plans, some of which have been more successful from the Council's perspective than others.

8.3 CLAUSE 22.13 – DONCASTER HILL ACTIVITY CENTRE POLICY

Clauses 22.13-5 and 22.13-6 incorporate the Council's ESD requirements for use and development. The Doncaster Hill Strategy ESD Guidelines are the basis for these provisions.

Unfortunately, the Panel believes the ESD Guidelines have been translated in such a way that the purpose of the Sustainability Management Plan has been all but lost. Clause 22.13-5 contains a set of objectives that are not objectives at all; rather they are the headings that are to be used to prepare a Sustainability Management Plan. The 'performance measures' in Clause 22.13-6 are a listing of the requirements and design techniques from the ESD Guidelines, but they are not true performance measures. The clause simply reads as an ad hoc collection of design approaches and technologies that can be incorporated in development proposals, with no distinction made between what is to be achieved and how it is to be achieved.

There is no higher-order clause in the amended MSS to provide the strategic link between Council's ESD objectives for the Doncaster Hill Activity Centre and the requirements of the local planning policy. Amended Clause 21.05 deals with the urban design and built form aspects of Doncaster Hill, but it does not support requirements for use of current best practice, emerging technologies and 'beyond compliance' approaches in new development, nor the preparation of a Sustainability Management Plan.

The Panel believes that it is appropriate for the detailed requirements for a Sustainability Management Plan to be set out in a local planning policy but there must be a strategic basis for it within the MSS. The MSS should therefore contain the higher order objectives relating to sustainability within the context of Doncaster Hill and require, as a strategy to achieve those objectives, the preparation of a Sustainability Management Plan for new use and development within Doncaster Hill Activity Centre.

8.4 ECOLOGICALLY SUSTAINABLE DEVELOPMENT OBJECTIVES

In simple terms, the concept of ecologically sustainable development (or ESD for short) embodies the elements of environmental sustainability, economic sustainability and social sustainability. Increasingly, the term being used is 'sustainable development', which is used in the Corporate Plan for the Department of Sustainability to mean:

Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

The Department's Corporate Plan further states:

The convergence of the government's responsibility for the natural and built environments in one department reflects the government's view that environmental issues are not simply about the 'green' environment – they are about every aspect of where and how we live our daily lives.

The integration of the quality and efficiency of urban form, the sustainability of transport systems, urban water use, energy and greenhouse issues with the enhancement of biodiversity assets and the management of natural ecosystem functions and services is central to the government's agenda. Environmental sustainability is about the whole of Victoria, urban and rural.

This breadth of concept is clearly what Manningham City Council has in mind in its vision for Doncaster Hill as a 'sustainable urban village' (see Section 1.1):

The Doncaster Hill Strategy aims to create a 'state of the art', contemporary, sustainable, high density mixed use village that enhances the social, environmental, economic and cultural elements of the region. Based on a triple bottom line approach, Doncaster Hill aims to promote positive, economic, environmental and social performance over the long term....

The development of the self contained Doncaster Hill urban village will be based on high quality environment and urban design principles. Integrated land use and transport planning for Doncaster Hill will showcase Council's sustainability policies and be the municipality's major contributor towards a sustainable future.¹⁷

The Panel considers that objectives which reflect this vision should be incorporated into the MSS. However, there is a distinction between sustainability principles which underlie the broad planning, layout and urban design for Doncaster Hill Activity Centre as a whole, and sustainability principles which should be incorporated into the design and construction of individual buildings and the operation of uses within the Activity Centre. The Sustainability Management Plan is a legitimate vehicle for documenting and managing the latter: the overall provisions of the Planning Scheme must be relied upon to reflect the former.

The Doncaster Hill Strategy ESD Guidelines contain objectives that provide a clear expression of what specific proposals are intended to achieve. These are listed below:

- To achieve new benchmarks in energy conservation and increase use of renewable energy resources.

¹⁷ Doncaster Hill Strategy, Manningham City Council (October 2002), page 9

- To achieve best practice water sensitive urban design that offers an alternative to the traditional approach to water management.
- To minimise the environmental impacts of input and output materials as well as any material used in the external construction and development of buildings and works.
- To achieve healthy internal building environments.
- To achieve a reduction in waste generated by building occupants that is collected, hauled to and disposed of in landfills.
- To achieve design excellence in the built, natural and cultural environments.
- Minimise overall environmental impacts due to the movement and transportation of people, materials, equipment and systems.
- To minimise environmental impacts associated with site construction practices.

In translating the objectives from the ESD Guidelines to Clause 22.13-5, the objectives have been watered down. For example, contrast the robustness of the first objective from the ESD Guidelines (above) with the first objective from Clause 22.13-5 which now reads, *“Energy conservation and increased use of renewable energy resources.”* Or the second objective, which now reads: *“Water sensitive urban design, water conservation and re-use.”*

Two of the objectives, those relating to design excellence and transportation, are relevant to the higher-order planning objectives for Doncaster Hill, not just its ESD elements. The basis for including these in the ESD provisions appears to stem from the identification of the features that should be included in a sustainable building, recognising that the concept of sustainability has social and other components, and should integrate transport and land use. Although the Panel agrees that well designed spaces, disabled access and reducing the environmental impacts of traffic and car parking are important goals, they are probably better integrated with other planning provisions. Clause 22.13-7 sets out the information to be submitted with a planning application. This already includes an Urban Design Response and Traffic and Car Parking Assessment, which can be used to address these sustainability considerations.

For these reasons, the Panel considers that these two components relating to design excellence and transportation should be removed from the Sustainability Management Plan. They will be considered and addressed in other contexts and by other means, and their inclusion only creates unnecessary repetition and possible confusion. The Panel appreciates that they possibly represent an attempt to acknowledge the broader implications of the concept of sustainability. However, it believes that the place for acknowledging this concept is in the MSS among its higher order objectives. The Sustainability Management Plan should be focussed on the key components of energy, waste and water applicable to a specific use or development. It should not try to be ‘all things to all people’.

The remaining ESD objectives are not just objectives for the Sustainability Management Plan; these are the ESD objectives to guide future development of the Doncaster Hill Activity Centre. They need to be recognised as such. One way of

doing this is to include the objectives from the Doncaster Hill Strategy ESD Guidelines in the MSS.

If the requirement to prepare a Sustainability Management Plan for all new use and development is identified as a strategy in the MSS to achieve the sustainability objectives there set out, it is then possible to make the objectives in a local planning policy dealing with Sustainability Management Plans much simpler and more specific. The policy will not need to include broad objectives about the principles of sustainability, but should focus upon the specific purpose of the Sustainability Management Plan and what it should contain. These matters are discussed in the following Sections.

Recommendations

- *Include in the new section of Clause 21 dealing with Doncaster Hill Activity Centre, a separate provision for Sustainability which reflects:*
 - *The objectives from the Doncaster Hill Strategy (October 2002) ESD Guidelines, except for the objectives under Quality of Public and Private Realm and Integrated Traffic and Transport.*
 - *The principles that ESD should be a fundamental component of mainstream development and should no longer be considered as a separate, add on-component; and that development proposals should demonstrate use of current best practice, emerging technology and a commitment to 'beyond compliance'.*
- *Prepare a new local planning policy about Sustainability Management Plans for Doncaster Hill Activity Centre.*

8.5 SUSTAINABILITY MANAGEMENT PLAN

The Doncaster Hill Strategy ESD Guidelines identify specific design responses and technologies that the Council promotes for adoption in development proposals. While the Guidelines state that Sustainability Management Plans are not limited to these solutions, applicants are in fact required to address them or risk being seen as unresponsive to the Council's ESD objectives.

The Council says it wishes to avoid a prescriptive approach and instead promote innovative proposals and use of emerging technologies. However, the document is for the most part a snapshot of the Council's own research into ESD in built form. The solutions offered, which have been included in Clause 22.13-6 as 'performance measures', are in danger of not providing sufficient scope in the rapidly evolving field of ESD and sustainable design.

Even where specific design elements and technologies are used in project design, there is no method for evaluating how well these translate into the actual sustainable performance of new development. Although Manningham City Council has adopted a 'beyond compliance' policy, it is not clear that even minimum standards are being met

by development at Doncaster Hill. This is because the 'performance measures' are not linked to measurable resource savings or environmental mitigation.

Although the Council says that it does not want to apply a prescriptive approach, there is a risk that a proposal will be scored by ticking off the number of techniques used: *'Have light coloured internal finishes been used? Is there provision for individual light switching and climate control in rooms?'* rather than asking *'How well does the proposal through its Sustainability Management Plan deliver ecologically sustainable development compared to traditional approaches?'*

The Sustainability Management Plan requirements contained in Clause 22.13-6 have raised concern amongst some State Government authorities. They point to potential conflicts with, or duplication of, existing or future regulations. They also highlight the need to recognise where State standards are already in place. For example:

- Mandatory State requirements such as the 5 Star energy rating for new dwellings are not clearly differentiated from desired 'beyond compliance' standards.
- A 5 Star energy rating for residential buildings is expected to come into force through the Building Regulations. The 5 Star energy rating for these types of buildings is included in the amendment.
- There are EPA publications and guidelines for grey water treatment and reuse, construction site management and secure storage of materials (bundling guidelines).
- Minister's Direction No.1 addresses use of potentially contaminated land for sensitive uses.

8.6 RECOMMENDED PLANNING FRAMEWORK FOR ESD

A planning framework for ecologically sustainable development needs to do more than guide development proposals based on current knowledge. The planning framework should support the ongoing implementation of the Doncaster Hill Strategy and its ESD objectives. It will need to keep pace with advances made through research and experimentation, and with policy adjustments that respond to changing political and community expectations. The planning framework that successfully achieves this is likely to be based on the following principles:

- It should clearly communicate its purpose and the outcomes it seeks to achieve.
- It should contain sufficient rigour to stand up to challenge with respect to its technical and statutory basis.
- It should at minimum ensure statutory obligations are met and support the implementation of standards established by government, research institutions and the like.
- It should deliver equitable solutions across different land uses and development sites while allowing for flexibility in site and building design.
- It should be capable of comparing 'apples with oranges' so that the value of different solutions, including innovative practices and technologies, can be

evaluated for effectiveness in achieving broad ESD objectives and specific standards or performance targets.

- It should be capable of independent verification.
- It should be able to sustain the constructed or operational elements that justified the original approval of the proposal.
- It should identify responsibilities and the schedule for implementation of agreed outcomes.
- It should ensure that agreed outcomes occur.
- It should enable the Council to monitor the effectiveness of its planning framework over time.

The Council has made much of its desire to avoid setting sustainability performance standards as it believes this would encourage developers to design to these targets and ignore encouragement to go 'beyond compliance'. Ms Collins pointed to the Docklands ESD Guidelines and Port Phillip Sustainability Design Guidelines as examples of where quantitative assessment systems have delivered less than optimum outcomes in some cases. This confuses the differences between the role of sustainability performance standards and the assessment procedure, which may for a variety of reasons allow for a level of performance below the stated standard.

Instead of negotiating each development application at Doncaster Hill around a set of requirements and design solutions, the Panel believes that Manningham would benefit from a more vigorous planning framework that has greater potential to deliver the use of current best practice, emerging technologies and a commitment to 'beyond compliance'.

The need for robust ESD objectives for Doncaster Hill has already been discussed by the Panel in Section 8.4. These provide the strategic basis for requiring a Sustainability Management Plan for new use and development.

This leaves the Sustainability Management Plan itself. The Sustainability Management Plan is the means by which the Council will evaluate whether developments further the Council's ESD objectives. It is also the means by which proposals will demonstrate current best practice, emerging technologies and commitment to 'beyond compliance'. A Sustainability Management Plan which fulfils these requirements could be expected to:

- Identify statutory obligations and documented sustainability performance standards.
- Identify the 'beyond compliance' level of sustainable performance adopted by the applicant.
- Demonstrate the means by which the agreed level of performance will be achieved.
- Identify responsibilities and the schedule for implementation and monitoring.
- Demonstrate that the design elements, technologies and operational practices that comprise the Sustainability Management Plan can be maintained over time.

With this form of Sustainability Management Plan, the Council would still have the means to test how well an applicant has taken on board ESD considerations at the earliest design stages. The Sustainable Design Taskforce should be able to identify where the applicant nominates an unacceptably low level of sustainable performance and respond in the same way as it does now. For developers that embrace ESD, there is greater flexibility for new ideas and innovative solutions to emerge through the application process.

An example of how the Sustainability Management Plan could be structured is included at the end of Section 8.

8.7 SUSTAINABILITY PERFORMANCE STANDARDS

Sustainability performance standards for development can be found in:

- Government legislation, regulations, policy and guidelines
- Australian standards
- Research publications
- ESD Guidelines
- Demonstration and pilot projects for policy and built form

The Department of Sustainability and Environment, Sustainable Energy Authority of Victoria, Building Commission, Melbourne Water and Yarra Valley Water all encouraged adoption of a performance-based approach and referred to different forms of sustainability performance standards in their submissions. The Department of Sustainability and Environment told the Panel that performance standards are a useful reference point. Other submitters who raised ESD issues also supported the use of performance standards.

Targets or objectives for improvements in sustainable performance that have been identified by the Victorian Government include¹⁸:

- Reduce Victoria's greenhouse gas emissions by up to 8.3 million tons of carbon dioxide.
- Achieve the target of 20% of vehicle trips being by public transport by 2020.
- Increase the share of Victoria's electricity from renewable energy resources from 4% to 10% by 2010.
- Reduce Melbourne's water use by 15% by 2010.
- Achieve a 15% reduction in consumption per capita of potable water use by 2010.
- Achieve a 25% reduction in Non-Revenue Water by 2008 (Yarra Valley Water).
- Achieve a reduction in potable water use of at least 30% through use of water efficient appliances, use of recycled water and low water use landscapes (Melbourne Water).

¹⁸ These are State sustainability targets except where the source is indicated in which case the standard was identified for use specifically in the Doncaster Hill Activity Centre.

- Increase recycled water use in Melbourne by 20% by 2010.
- Treat stormwater runoff using water sensitive urban design principles to achieve a reduction in pollutant loads of at least 45% for phosphorus and nitrogen and 80% of suspended solids.
- Retard stormwater peaks¹⁹.

Yarra Valley Water illustrated the practical value to servicing authorities of adopting sustainability performance standards. The authority has identified that upgraded water supply and sewer services will be required as the residential, retail and commercial population of Doncaster Hill increases. It anticipates introducing a special developer charge for the Doncaster Hill Activity Centre. However, it is unable to accurately size the infrastructure that will be needed to service longer-term development until the Council provides more accurate predictions. Infrastructure requirements may then be able to be downsized at particular locations depending on what level of water conservation and reuse can ultimately be delivered.

8.8 INDIVIDUAL COMPONENTS OF A SUSTAINABILITY MANAGEMENT PLAN

The Panel agrees that the Sustainability Management Plan should spell out the matters to be considered from the earliest stages of design. Drawing on the Doncaster Hill Strategy ESD Requirements, the Sustainability Management Plan would continue to address the major components of the design, construction and operation of development. The Panel considers that the Sustainability Management Plan would be most effective if it addressed the following matters.

8.8.1 Building Energy Management

The energy management components of the Doncaster Hill Strategy are the most advanced, perhaps as the result of the Council's early focus on energy efficiency. Mr John McDonald, a practicing architect and member of the Sustainable Design Taskforce, gave a useful presentation to the Panel about building design. He emphasised that energy efficiency begins with attention to the thermal envelope of a building including the use of daylighting, natural ventilation and use of facade elements to provide site-responsive, and in some cases movable, screening for different orientations and local conditions. He also demonstrated how integration of these considerations into building design can bring a richness to the built form through use of unusual yet functional design elements.

Mr McDonald then turned to active systems which reduce demand on conventional sources of energy such as geothermal pumps, heat exchangers, solar photovoltaic cells and more common technologies such as double glazing and low energy lighting.

The design process should clearly document this thinking and distinguish between:

¹⁹ The best practice objective is 'Maintain discharges for the 1.5 ARI (Average Recurrent Interval of a storm event) at pre-development levels.'

- The design of the building for energy efficiency (thermal envelope)
- The use of energy saving technologies to further reduce demand
- The use of alternative energy sources, whether provided on-site or through the purchase of 'green energy'

8.8.2 Water Sensitive Urban Design

The Panel foreshadowed in its questions to Yarra Valley Water its interest in an integrated approach to water management. The authority indicated that integrated planning of hydraulic services at Doncaster Hill for potable water, wastewater and stormwater would be beneficial but that this would require the participation of the drainage providers, Melbourne Water and Council.

The use of an integrated water management plan is just as valid for individual sites as it is for the Doncaster Hill Activity Centre as a whole. Sustainability targets for reductions in water demand, wastewater and stormwater reuse and stormwater treatment will result in different 'best-fit' opportunities for each development.

Opportunities for 'best-fit' are illustrated by the Clay Street development. The Sustainability Management Plan for the site includes a detention tank of 5800 litres to reduce peak stormwater flows and a second tank of 20,000 litres to provide untreated stormwater for irrigation. The eight-story development proposal described to the Panel contains only limited landscaping on the southern side of the site and will use plants that minimise water use. Thus there is potentially a considerable mismatch between the volume of water to be retained for landscaping and the actual water requirements for landscape areas once they are established, especially during wetter months of the year. This water could have perhaps been better reused for toilet flushing where the high occupancy rate of the development would ensure a continual and predictable demand. This solution would likely achieve 100% recycling of all rainwater collected from the building roof and offer the added benefit of removing excess and polluted stormwater from the drainage system, an environmental impact not sufficiently acknowledged in the current form of the Sustainability Management Plan.

The integrated water management plan should identify 'best-fit' opportunities for use of water sensitive urban design to:

- Reduce demand for potable water through use of water conservation features and identify alternative sources of supply such as wastewater and stormwater.
- Reduce wastewater (through water conservation) and identify opportunities for reuse.
- Improve stormwater quality and reduce peak flows through appropriate treatment and stormwater reuse.

8.8.3 Construction Materials

The selection of materials is generally well covered in the Doncaster Hill Strategy but could be recast more logically as a plan to:

- Use building materials that minimise ecological or health impacts and greenhouse gases based on the type and volume of raw materials, water and energy consumed in their production.
- Use materials that can be expected to endure for the life of the development with minimal maintenance and/or be recycled at the end of their useful life.
- Reuse recycled materials or use materials with recycled components.
- Use materials produced in Victoria or Australia.
- Use pre-fabricated, pre-cut and standardised components to reduce waste.

8.8.4 Healthy Internal Environments

The development of healthy internal environments is generally well covered in the Doncaster Hill Strategy but again could be recast as a plan to:

- Provide airflow, cross-ventilation, daylight, appropriate levels of lighting, views and direct access to outdoor areas.
- Use materials with low levels of chemicals and minimal production of allergens and other irritants.
- Exclude external pollutants and safely dispose of internally-generated pollutants.
- Reduce reliance on mechanical heating, cooling and lighting systems.
- Use flexible internal controls for these systems.
- Minimise internal noise levels.

8.8.5 Waste Management

An integrated approach to waste management (as for water sensitive urban design) may encourage a more holistic and innovative plan. The integrated waste management plan should:

- Reduce the amount of waste delivered.
- Reduce the amount of waste to landfill.
- Maximise recycling and composting opportunities.
- Appropriately deal with hazardous materials.

Arrangements for Council or commercial waste collections are a normal requirement of development proposals and may in some cases be covered by another provision in the Planning Scheme. Alternatively, they could be addressed in the Traffic and Car Parking Plan. They do not need to be included in the Sustainability Management Plan.

8.8.6 Demolition and Construction

Although there is no control over demolition in the current or proposed Planning Scheme, management of demolition sites can be addressed where the applicant is prepared to include it in the Sustainability Management Plan.

The demolition and construction plan should be developed to:

- Protect vegetation and other features to be retained and public assets.
- Test for and develop a management plan for contaminated or potentially contaminated sites.
- Prevent unintended movement of building, waste and hazardous materials and other pollutants on or off the site, whether by air, water or other means.
- Minimise the amount of waste delivered; recycle demolition and waste materials; and return waste materials to the supplier (where the supplier has a program of reuse or recycling).
- Minimise noise and other amenity impacts from mechanical equipment and demolition/construction activities, especially outside of daytime hours.
- Minimise interference with normal circulation and parking arrangements and any continuing use of outdoor areas.
- Ensure worker and public safety.
- Communicate construction arrangements to occupants of affected properties.

8.8.7 Design and Technology Solutions

As the Panel has already indicated, the 'performance measures' in Clause 23.13-6 should be recognised as design and technology solutions that can be adopted in project design. While the Panel has concerns about relying exclusively on these, they do provide useful guidance, especially in these early days of implementing ecologically sustainable design.

The Panel appreciates that perhaps one of the reasons for including these techniques into the Planning Scheme is to educate developers about the sort of things that they might be expected to do in order to meet the Council's objectives. However, the Panel considers that this misunderstands the role of the Planning Scheme versus other documentation. The role of the Planning Scheme is to set out the planning objectives for an area or type of use or development, and the policies or controls by which those planning objectives will be met. Its role is not as an educative tool, although it might point to where that information is located by reference. In this sense, the Doncaster Hill Strategy (October 2002) is the logical reference document because it sets out a wide range of techniques which might be used.

The Strategy can be used as a reference document for guidance by both developers and the Council, but the matters listed in the Strategy must be read in context. Taken out of context, as the Panel believes they have been in the Doncaster Hill Activity Centre Policy, they are less useful and, as the Panel has previously mentioned, risk being wrongly interpreted as prescriptive measures.

The Panel's recommended changes to the structure and content of the Sustainability Management Plan, if adopted, will expand the scope of information and guidance needed beyond that contained in the Doncaster Hill Strategy. Other sources have already been identified through submissions from State Government departments and authorities. Others are referred to in State provisions of the Planning Scheme and in the material distributed by public organisations.

An important task for Council staff will be to remain abreast of change in the rapidly evolving ESD field. It is expecting too much to imagine that officers will be personally expert or familiar with new technology in all the areas that are potentially covered by a Sustainability Management Plan. However, they should be aware of where information about standards, guidelines, best practice, government policy and the like can be sourced and what they are.

Recommendations

- *Prepare a new Clause 22.13 dealing with Sustainability Management Plans for Doncaster Hill Activity Centre.*
- *Identify the Sustainability Management Plan as the principal means for implementing the MSS provisions for ecologically sustainable development at Doncaster Hill.*
- *The structure and form of the Sustainability Management Plan should:*
 - *Identify statutory obligations and documented sustainability performance standards.*
 - *Identify the 'beyond compliance' level of sustainable performance adopted by the applicant.*
 - *Demonstrate the means by which the agreed level of performance will be achieved.*
 - *Identify responsibilities and the schedule for implementation and monitoring.*
 - *Demonstrate that the design elements, technologies and operational practices that comprise the Sustainability Management Plan can be maintained over time.*
- *The individual components of the Sustainability Management Plan should address:*
 - *Building Energy Management*
 - *The design of the building for energy efficiency (thermal envelope).*
 - *The use of energy saving technologies to further reduce demand.*
 - *The use of alternative energy sources, whether provided on-site or through the purchase of 'green energy'.*

- *Water Sensitive Urban Design*
 - *An integrated water management plan that identifies 'best-fit' opportunities for:*
 - *A reduction in demand for potable water through use of water conservation features and alternative sources of supply such as wastewater and stormwater.*
 - *A reduction in the volume of wastewater through water conservation and reuse.*
 - *An improvement in stormwater quality runoff and a reduction in peak flows through appropriate treatment and stormwater reuse.*
- *Construction Materials*
 - *The use of building materials that minimise ecological or health impacts and greenhouse gases based on the type and volume of raw materials, water and energy consumed in their production.*
 - *The use of materials that can be expected to endure for the life of the development with minimal maintenance and can be recycled at the end of their useful life.*
 - *The reuse of recycled materials and the use of materials with recycled components.*
 - *The use of materials produced in Victoria or Australia.*
 - *The use of pre-fabricated, pre-cut and standardised components to reduce waste.*
- *Healthy Internal Environments*
 - *The provision of airflow, cross-ventilation, daylight, appropriate levels of lighting, views and direct access to outdoor areas.*
 - *The use of materials with low levels of chemicals and minimal production of allergens and other irritants.*
 - *The exclusion of external pollutants and the safe disposal of internally-generated pollutants.*
 - *The measures to reduce reliance on mechanical heating, cooling and lighting systems.*
 - *The use of flexible internal controls for these systems.*
 - *The measures to minimise internal noise levels.*
- *Waste Management*
 - *An integrated plan for:*
 - *A reduction in the amount of waste delivered.*
 - *A reduction in the amount of waste to landfill.*
 - *Maximising recycling and composting opportunities.*
 - *Appropriately dealing with hazardous materials.*

- *Demolition and Construction*
 - *The protection of vegetation and other features to be retained and public assets.*
 - *Testing for and development of a management plan for contaminated or potentially contaminated sites.*
 - *The prevention of the unintended movement of building, waste and hazardous materials and other pollutants on or off the site, whether by air, water or other means.*
 - *The measures to minimise the amount of waste delivered; the recycling of demolition and waste materials; and the return of waste materials to the supplier (where the supplier has a program of reuse or recycling).*
 - *The measures to minimise noise and other amenity impacts from mechanical equipment and demolition/construction activities, especially outside of daytime hours.*
 - *The measures to minimise interference with normal circulation and parking arrangements and any continuing use of outdoor areas.*
 - *The measures for ensuring worker and public safety.*
 - *A means for communicating construction arrangements to occupants of affected properties.*
- *Use the Doncaster Hill Strategy (October 2002) as a reference document and its ESD requirements, design solutions and techniques as an information resource for Council and applicants. This resource should be supplemented with information from other sources.*

8.9 ROLE OF THE SUSTAINABLE DESIGN TASKFORCE

The Sustainable Design Taskforce has played a critical role in bringing the Doncaster Hill Strategy ESD Guidelines to this point and testing their application in real development proposals. In recommending changes to the way the ESD Guidelines are implemented through the Planning Scheme, the Panel is foreshadowing tasks that the Sustainable Design Taskforce or the ESD Co-ordinator is likely to undertake. These include:

- Regularly updating sources of information about best practice and emerging technology.
- Assembling information about sustainability performance standards and 'beyond compliance' targets.
- Identifying guidelines, technical guides and other resources that can be used in the development of project design.

The Panel assumes that the Sustainable Design Taskforce will continue to assist applicants with development of project design and the Sustainability Management Plan and provide a valuable resource to the Council. As industry experience grows,

the Sustainable Design Taskforce may be able to take a less 'hands on' but equally important role, by showing willingness to resolve difficult design problems and support industry innovation.

8.10 COUNCIL PLANNING, DESIGN AND DEVELOPMENT

Council will be responsible for developing a number of elements of the public realm. These will include:

- Civic precinct
- Footpath re-design and boulevard treatments
- New roadway and pedestrian links
- Gateway treatments
- Public open space
- Public art

Most of these will be funded through a Development Contributions Plan for new development.

The quality of the public realm is to be enhanced through protection from excessive shadowing and wind tunnel effects; use of native or indigenous species with low water requirements; and creation of good linkages to encourage bicycle and pedestrian use. However, Manningham City Council is in a position to gain practical experience and demonstrate leadership by adopting the same approach to ecologically sustainable development at the project level as it expects from applicants. For example, the Sustainable Energy Authority of Victoria suggested that public lighting provided by developers should be guided by energy performance and lighting effectiveness criteria. Manningham City Council has adopted an Environmental Management System within the Council organisation. It may be that these types of plans are already a requirement of its EMS, but the Council should consider committing to preparation of Sustainability Management Plans for its own proposals in the Addendum to the Doncaster Hill Strategy (October 2002).

8.11 ADDITIONAL STATUTORY MATTERS

Additional statutory considerations have come to light through submissions and the Panel's own assessment. The Council should resolve them before adoption of the amendment.

8.11.1 Tradeoffs of ESD components

Unless a common form of sustainability performance standard is brought into the Planning Scheme, then the tradeoffs agreed to by the Council will be managed on a case-by-case basis. In some sense this will continue to occur under any local

provision because of the role of the MSS and local policy in the Planning Scheme and the practicalities of meeting all identified ecologically sustainable development standards on a single site. In the interests of transparency, consistency and fairness though, the Council should clarify if possible in the planning scheme the criteria it will use to agree to sustainability tradeoffs.

8.11.2 Early involvement of statutory authorities

Both Melbourne Water and Yarra Valley Water noted that formal referrals under Section 55 of the *Planning and Environment Act 1987* are limited to subdivision proposals. Applications for subdivision are usually received at some point after endorsement of the final project plan, at which point any assistance or requirements of these authorities in support of ecologically sustainable design is too late to be of use.

One remedy is to give notice under Section 52 of the Act for Doncaster Hill Activity Centre development proposals, or alternatively to reach agreement about the scale of development that the authorities would like to comment on. However, given the role of the Sustainable Design Taskforce, one would expect development proposals to be fairly well finalised by the time a formal application is lodged.

It may be more effective to invite representatives from Melbourne Water and Yarra Valley to join the Sustainable Design Taskforce during initial discussions with applicants and to then organise follow-up as necessary through telephone and email. This courtesy might also be extended to other authorities with a statutory interest in ecological sustainability or who will need to approve or license elements of the project design.

8.11.3 Responsibility for de-centralised water, wastewater and stormwater systems

Both Melbourne Water and Yarra Valley raised concerns about Manningham's promotion of the use of site-based systems for collection, treatment and reuse of grey, black and stormwater. While supportive in theory, the authorities are apprehensive about Manningham approving these technologies without fully resolving ownership responsibilities and maintenance regimes. In other words, if owners and occupiers see these systems as part of the reticulated urban system, then the authorities may be called upon to fix any future problems with their operation.

The Panel has attempted to address this problem by proposing a requirement in the Sustainability Management Plan that applicants demonstrate that *"the design elements, technologies and operational practices that comprise the Sustainability Management Plan can be maintained over time."* The Panel then goes on to suggest that the Plan deal with any maintenance or replacement considerations. Presumably if the Sustainability Management Plan deals with these issues, and a Section 173 Agreement commits the owner to implementation of the Plan, then there is some clarity about future responsibilities. However, the Council will need to consult with Melbourne Water and Yarra Valley Water to determine if this approach would fully address their concerns.

The Environment Protection Authority also raised this issue by way of highlighting EPA Publication 812 Reuse Options for Household Wastewater. Under the restructured Sustainability Management Plan proposed by the Panel, the applicant would be expected to identify these requirements at the early stages of project design (This approach should also bring to the fore the other EPA publications listed in the authority's submission).

8.11.4 Management of mixed use buildings and areas

The Environment Protection Authority has considerable experience responding to complaints about mechanical, vehicle and music noise, and other noise created by normal human activity and nuisance. Their submission highlights the need for good planning to avoid land use conflicts and to carefully review individual project proposals to minimise or control the likely sources of future complaint.

Some of the matters raised by the authority do not fit neatly in the urban design or ecologically sustainable design elements of the amendment. The Panel does however agree with EPA that its submission documents a number of potentially serious sources of conflict that the Council should recognise and resolve before finalising how it will assess and approve development applications in the Doncaster Hill Activity Centre.

8.11.5 Application of ESD provisions to extensions to existing development and changes of use

The ESD requirements have been developed primarily with major development in mind, whether this occurs by site redevelopment or extensions to major existing uses such as Westfield Shoppingtown.

The Panel agrees with the Council that significant development should be subject to the full range of ecologically sustainable development provisions. The provisions are not retrospective and would not, for example, require Westfield to retrofit its existing buildings at Shoppingtown. But there is no reason why major expansions should not be designed with the same considerations that other players would need to demonstrate. And there is nothing to stop buildings and infrastructure being voluntarily upgraded over time as opportunities arise, such as when renewing wet areas and lighting.

The Panel is more concerned about owners of smaller retail or commercial enterprises and of single dwellings and small multi-unit developments that are located off the major roads. None of these property owners made submissions about the ESD requirements, perhaps because they did not understand the implications of the provisions with respect to their own situation. The Panel considers that the ESD requirements could become onerous for owner-occupiers and small investors who have limited access to sustainability experts and generally cannot afford them. The Council should determine what expectations it will have when applications are lodged for changes of use, extensions and similar buildings and works, and the process it will adopt to ensure that requirements are manageable for these applicants.

Likewise, dwellings and tenanted commercial developments can be expected to experience some level of regular turnover. The Council will need an appropriate form of wording for its Section 173 agreements to ensure that any design elements affecting use (eg. maintenance of recycling collection areas) or other operational requirements are communicated to successive occupants and form part of sale and especially lease agreements.

Recommendations

- ***Resolve outstanding statutory matters before adopting Amendment C33, including:***
 - The criteria Council will use to agree to sustainability tradeoffs.
 - An effective means for involving Melbourne Water, Yarra Valley Water, and other relevant statutory authorities in the early stages of project design.
 - Clarification of responsibilities and maintenance requirements for decentralised water, wastewater and stormwater systems.
 - Management and approval of mixed use buildings and areas so as to avoid potentially serious conflicts over noise and nuisance (with the Environment Protection Authority).
 - A reasonable approach to the ESD requirements for smaller, existing developments when an application is made for a change of use, extensions and other buildings and works.
 - A means for ensuring that agreed ESD elements are maintained by successive owners and occupiers.

8.12 MATTERS FOR FUTURE CONSIDERATION

8.12.1 Sustainability performance standards for Doncaster Hill Activity Centre

The Panel asked Council whether it would be desirable or even possible to establish sustainability performance standards or targets for the Doncaster Hill Activity Centre itself. These could be established for the whole of the Activity Centre or at the precinct level. Once operational, they would need to be reviewed and updated every five years or so to reflect growing experience and expertise in the field of sustainable design.

Ms Collins indicated that at this point in time, Manningham's work on sustainability is not sufficiently advanced to confidently identify sustainability performance targets for development across the entire Doncaster Hill Activity Centre. The Panel is comfortable with this, recognising that substantial work could be needed to develop local targets. However, the Council may want to consider exploring this possibility.

Local sustainability performance standards or targets could legitimately be included in the Planning Scheme. They would allow individual Sustainability Management Plans to be monitored in terms of how well they perform in the context of Doncaster Hill. It

is expected that some Plans would under-perform in some areas and over-perform in others, but overall this approach would offer a level of certainty over the longer term.

By adopting local sustainability performance standards or targets, Manningham would be in a strong position to contribute to their achievement and at the same time alleviate some of the uncertainty that was expressed in submissions. For example: *'Will new lighting designs be powered by solar energy and made available to applicants?'* *'Will Manningham take responsibility for directing stormwater from precincts or parts of precincts to identified public open space?'* *'Can stormwater be stored, treated and used for irrigation at these locations?'* Identification of these and other opportunities would assist developers to select the most appropriate responses as they develop their project designs and individual components of their Sustainability Management Plans.

8.12.2 Continuous Improvement

The practice of ecologically sustainable design is an evolving field as evidenced by emerging State Government policy, changing building requirements and the number of local sustainability initiatives. At times it can be difficult for regulators to stay ahead of innovation in their fields. For example, the use of a third pipe to recycle greywater at the Aurora housing development in Epping is a driver for recent statements that third pipe systems could be required for all new housing estates. This is just one example of why the Council will need to stay abreast of continuous refinements and improvements in all aspects of ecologically sustainable design.

The concept of continuous improvement should ideally be integrated in the Sustainability Management Plan. Perhaps the current focus on designing-in sustainability could be expanded to support a longer term role for the Plan: for example, through regular reviews, updated performance agreements and re-commitment to ecologically sustainable design principles in all facets of site operation. Whether it is reasonable and feasible to expect small, individual residential or retail occupancies to commit to this concept needs further consideration, but larger sites in single ownership or those managed by a body corporate would be well-placed to manage a 'living' Sustainability Management Plan.

Any requirements for continuous improvement will need to be carefully considered to ensure they are transparent and meet principles of equity and certainty. The Council does not want to 'scare off' developers by requiring open-ended commitments on their part. Nevertheless, the concept is one that the Panel encourages the Council to explore.

8.12.3 Third Party Certification

As Manningham gains confidence in the development industry and its consultants, it may want to consider allowing for third party certification of some elements of the Sustainability Management Plan. For example, the Council may want to hold onto the opportunity to negotiate the level of sustainable performance a development must achieve, but once this is agreed, then evaluation of whether the project design does in fact comply could be independently reviewed and certified. A means for ensuring urban design requirements are also met would need to be co-ordinated with any process of external assessment.

8.13 DRAFTING

The Panel has discussed statutory drafting for ESD requirements in previous sections. The approach the Panel considers most appropriate is the use of the MSS and local planning policy.

The Panel's recommendations are to include in the MSS the higher-order ESD objectives for the Doncaster Hill Activity Centre along with the important principles of integrating ESD in the early stages of design and demonstrating use of current best practice, emerging technology and a commitment to 'beyond compliance'.

It is also recommended that the local planning policy be rewritten to address only the detailed requirements for the Sustainability Management Plan. The Panel did explore the possibility of including the requirement for a Sustainability Management Plan with the urban design and built form provisions in the Design and Development Overlay. However, the Panel considers the local planning policy the better choice because a policy can apply to aspects of both use and development whereas the Design and Development Overlay applies to development only.

Recommendations

- Consider adapting the following form as the format for Sustainability Management Plans required under the Planning Scheme

Possible revised form of the Sustainability Management Plan

Documented standard	Demonstrated achievement of the documented standard	or	Demonstrated achievement beyond the documented standard	Responsibility and schedule for implementation	Measures required to maintain design and use elements
Listing of ESD standards that are mandated, included in guidelines or policy, or proposed for adoption	<p>The means by which the documented standard will be met (with supporting drawings, plans and calculations).</p> <p>Explanation of where the documented standard will not be met.</p>	or	The means by which 'beyond compliance' will be achieved, including applicant's adopted level of sustainable performance (with supporting drawings, plans and calculations).	<p>Responsibility for implementation</p> <p>Timing for preparation of more detailed information</p> <p>Method of monitoring compliance during development</p>	Maintenance and replacement considerations

9. STRATEGIC ASSESSMENT GUIDELINES

As part of its assessment of Amendment C33 the Panel is required to assess the Amendment against the Strategic Assessment Guidelines contained in the General Practice Note on Strategic Assessment Guidelines for Planning Scheme Amendments. A copy of the General Practice Note is included in Appendix C. In addition, the Panel is required to consider the matters set out in Minister's Direction 9 regarding the Metropolitan Strategy.

The matters to be considered and the Panel's response are as follows:

Is an amendment required?

Yes. An amendment is required to give statutory effect to the Doncaster Hill Strategy and to introduce the strategic and policy basis for planning controls affecting the Doncaster Hill Activity Centre into the LPPF.

Strategic justification

The strategic basis for Amendment C33 is described in Section 4. The Panel is satisfied that the Doncaster Hill Strategy is underpinned by a considerable level of strategic investigation and analysis that justifies its acceptance as an appropriate vision for the future of Doncaster Hill in both a local and metropolitan context. It implements aspects of the existing MSS, and introduces the Doncaster Hill Strategy (October 2002) and key aspects of the Manningham Residential Strategy into the Manningham Planning Scheme.

Planning and Environment Act

Does the amendment adequately address environmental effects?

Yes. In particular, careful consideration is given to the overshadowing and other amenity impacts that development on Doncaster Hill of the scale and intensity proposed by Amendment C33 may have and ameliorating measures are incorporated into the relevant height limits in the Design and Development Overlay.

Does the amendment adequately address the relevant social and economic effects?

Yes.

Does the amendment comply with the requirements of the Ministerial Direction on the form and content of Planning Schemes?

Redrafting of certain aspects of the amendment has been recommended to ensure that it better complies with the Ministerial Direction on the form and content of Planning Schemes.

Do any other Minister's Directions apply to the Amendment? If so, have they been complied with? Is the Amendment accompanied by all the information required by a Direction?

Apart from Minister's Direction 9, no other Minister's Directions apply. All the information required by Minister's Direction 9 has been included.

State Planning Policy Framework and Local Planning Policy Framework

What aspects, if any, of the SPPF are relevant?

The key aspects of the SPPF that Amendment C33 seeks to implement are Clause 14 relating to Settlement and Clause 17.01 relating to Activity Centres. Clause 19.03 is also relevant in terms of the urban design framework for Doncaster Hill.

How does the Amendment seek to implement and or support the MSS?

The MSS currently acknowledges the significance of Doncaster Hill as an important Activity Centre within Manningham. The Amendment supports this aspect of the MSS and by changes to the MSS further elaborates on the future role and direction for Doncaster Hill. The MSS also places considerable emphasis on the importance of sustainability, which Amendment C33 also further implements through the requirement for a Sustainability Management Plan for all new use and development at Doncaster Hill. Changes to the MSS are consistent with other aspects of the LPPF. There has been extensive community consultation with respect to these changes to the MSS and the Doncaster Hill Strategy in general.

What local planning policies will the amendment affect or be affected by?

Amendment C33 proposes to introduce a new local planning policy, Clause 22.13. In various sections of this report, in particular Section 8, the Panel discusses the appropriateness of this policy and concludes that certain aspects should be included in the MSS whilst the remainder of the policy should be redrafted to deal only with ESD requirements.

Zones, overlays and schedules.

Does the Amendment use the most appropriate VPP tools?

The Panel discusses the most appropriate use of the VPP tools in Section 6. It recommends certain changes to the form of the amendment in this respect.

Referral authorities

Does the Amendment contain new formal or informal referral requirements?

No.

Outcome of the Amendment

What is the cumulative effect of this amendment on the strategic directions of the planning scheme?

Amendment C33 clearly identifies Council's vision and strategic directions for the Doncaster Hill Activity Centre. This strategic vision builds on Council's commitment to sustainability through its current MSS and Corporate plan.

Are the amendment and the desired outcomes clear?

With the changes to structure and format recommended by the Panel, the Amendment and the desired outcomes are quite clear.

Metropolitan Strategy

Minter's Direction 9 requires the explanatory report for an amendment to address the following matters:

- What aspects, if any, of the Metropolitan Strategy are relevant?
- How does the Metropolitan Strategy affect the amendment?
- Is the amendment consistent with any directions and policies in the Metropolitan Strategy?
- Does the amendment support, give effect to or assist the implementation of the Metropolitan Strategy or can it be reasonably modified to do so?
- Will the amendment compromise the implementation of the Metropolitan Strategy?

These matters are all adequately addressed in the explanatory report for Amendment C33. As the Panel concludes in Section 4.5, the Amendment supports a wide range of policy objectives within the Metropolitan Strategy, *Melbourne 2030*, especially with respect to the role of Activity Centres. It will not compromise the implementation of any aspect of the Metropolitan Strategy.

10. CONCLUSIONS & RECOMMENDATIONS

The Panel has considered all the submissions referred to it and all the material presented at the hearings. It has concluded that Amendment C33 should be endorsed but with changes to its form, structure and expression. Based on the reasons outlined in this report the Panel makes the following recommendations to Manningham City Council:

1. Amendment C33 should be adopted with the following changes:

- Delete key issues 5, 6 and 8 from the exhibited version of Clause 21.05 of the Planning Scheme.
- Include a new section in Clause 21 of the Planning Scheme that deals specifically with Doncaster Hill Activity Centre. This section should include the key elements of the Doncaster Hill Strategy and the vision for individual precincts.
- Include reference to the planned civic open space in the vision for Precinct 1.
- Include in the new section of Clause 21 dealing with Doncaster Hill Activity Centre, a separate provision for Sustainability which reflects:
 - The objectives from the Doncaster Hill Strategy (October 2002) ESD Guidelines, except for the objectives under Quality of Public and Private Realm and Integrated Traffic and Transport.
 - The principles that ESD should be a fundamental component of mainstream development and should not be considered as a separate, add on-component; and that development proposals should demonstrate use of current best practice, emerging technology and a commitment to 'beyond compliance'.
- Delete Clause 22.13 as exhibited.
- Prepare a new local planning policy about Sustainability Management Plans for Doncaster Hill Activity Centre.
- Identify the Sustainability Management Plan as the principal means for implementing the MSS provisions for ecologically sustainable development at Doncaster Hill. The structure and form of the Sustainability Management Plan should:
 - Identify statutory obligations and documented sustainability performance standards.
 - Identify the 'beyond compliance' level of sustainable performance adopted by the applicant.
 - Demonstrate the means by which the agreed level of performance will be achieved.

- Identify responsibilities and the schedule for implementation and monitoring.
- Demonstrate that the design elements, technologies and operational practices that comprise the Sustainability Management Plan can be maintained over time.

The individual components of the Sustainability Management Plan should address:

- Building Energy Management
 - The design of the building for energy efficiency (thermal envelope).
 - The use of energy saving technologies to further reduce demand.
 - The use of alternative energy sources, whether provided on-site or through the purchase of 'green energy'.
- Water Sensitive Urban Design
 - An integrated water management plan that identifies 'best-fit' opportunities for:
 - A reduction in demand for potable water through use of water conservation features and alternative sources of supply such as wastewater and stormwater.
 - A reduction in the volume of wastewater through water conservation and reuse.
 - An improvement in stormwater quality runoff and a reduction in peak flows through appropriate treatment and stormwater reuse.
- Construction Materials
 - The use of building materials that minimise ecological or health impacts and greenhouse gases based on the type and volume of raw materials, water and energy consumed in their production.
 - The use of materials that can be expected to endure for the life of the development with minimal maintenance and can be recycled at the end of their useful life.
 - The reuse of recycled materials and the use of materials with recycled components.
 - The use of materials produced in Victoria or Australia.
 - The use of pre-fabricated, pre-cut and standardised components to reduce waste.
- Healthy Internal Environments
 - The provision of airflow, cross-ventilation, daylight, appropriate levels of lighting, views and direct access to outdoor areas.
 - The use of materials with low levels of chemicals and minimal production of allergens and other irritants.
 - The exclusion of external pollutants and the safe disposal of internally-generated pollutants.

- The measures to reduce reliance on mechanical heating, cooling and lighting systems.
- The use of flexible internal controls for these systems.
- The measures to minimise internal noise levels.
- Waste Management
 - An integrated plan for:
 - A reduction in the amount of waste delivered.
 - A reduction in the amount of waste to landfill.
 - Maximising recycling and composting opportunities.
 - Appropriately dealing with hazardous materials.
- Demolition and Construction
 - The protection of vegetation and other features to be retained and public assets.
 - Testing for and development of a management plan for contaminated or potentially contaminated sites.
 - The prevention of the unintended movement of building, waste and hazardous materials and other pollutants on or off the site, whether by air, water or other means.
 - The measures to minimise the amount of waste delivered; the recycling of demolition and waste materials; and the return of waste materials to the supplier (where the supplier has a program of reuse or recycling).
 - The measures to minimise noise and other amenity impacts from mechanical equipment and demolition/construction activities, especially outside of daytime hours.
 - The measures to minimise interference with normal circulation and parking arrangements and any continuing use of outdoor areas.
 - The measures for ensuring worker and public safety.
 - A means for communicating construction arrangements to occupants of affected properties.
- Amend the Schedule to Design and Development Overlay 6 to reflect the version included in Appendix F together with the other specific changes recommended in this report.
- Include design objectives in the Schedule to Design and Development Overlay 6 to the following effect:
 - To encourage consolidation of land that facilitates the creation of viable development sites capable of achieving the outcomes promoted by the Scheme for the land.
 - To discourage the fragmentation of sites other than in association with a development proposal.

- Include a section in the Schedule to Design and Development Overlay 6 relating to subdivision and a provision to the effect that Council will not support applications for subdivision of existing sites that are not associated with a development proposal which supports the objectives of the Doncaster Hill Activity Centre.
- With the exception of the Sustainability Management Plan, include the list of information to be submitted with a planning permit application in Clause 22.13-7 in the decision guidelines of the Schedule to Design and Development Overlay 6 so that before deciding on an application, the responsible authority must consider whether the information set out has been submitted.
- Include a decision guideline to the following effect in the Schedule to Design and Development Overlay 6:
 - The capacity of small sites to meet overall objectives for the Doncaster Hill Activity Centre unless side or rear setbacks are varied.
- Include a new map in the Schedule to Design and Development Overlay 6 which shows Design Element area.
- Consider establishing a maximum roof area coverage for non-habitable design elements.
- Delete Design and Development Overlay 1 from the area covered by Design and Development Overlay 6.
- If appropriate, include any minimum floor area or site areas for new development within Design and Development Overlay 6 together with an appropriate design objective.
- Delete Design and Development Overlay 2.
- Give further consideration to the urban design for the intersection of Doncaster Road, Williamsons Road and Tram Road that:
 - focuses pedestrian movement at ground level
 - defines its significance as the major crossroads and physical centre of the Doncaster Hill Activity Centre
 - emphasises the corners of the intersection
- Delete Precinct 8 from all parts of the Amendment.
- Include reference to the significance of the intersection of Doncaster Road/Williamsons Road/Tram Road in the MSS and refer to sculptural and lighting treatments and other urban design treatments in the design objectives of DDO6.
- Extend Precinct 3B to include the five lots at the western end of Precinct 3A bounded by Goodson, Tower and Berkeley Streets as shown in the plan in Appendix G.
- Publish a separate document, Doncaster Hill Landscape Guidelines, which includes information extracted from the Doncaster Hill Strategy (October 2002) about landscape and boulevard landscape treatment, and include as an incorporated document in the planning scheme. Remove specific details about

landscape, including boulevard landscape treatment, from the Amendment and refer instead to the incorporated document.

- Publish a separate document, Doncaster Hill Signage and Display Guidelines, which includes information extracted from the Doncaster Hill Strategy (October 2002) about signage and display, and include as an incorporated document in the planning scheme. Remove specific details about advertising signs from the Amendment and refer instead to the incorporated document.
 - Amend Clause 22.01 to exclude Doncaster Hill Activity Centre from the area to which this policy applies.
2. **The following matters should be considered by Council prior to adopting Amendment C33 and included as required:**
 - The criteria Council will use to agree to sustainability tradeoffs.
 - An effective means for involving Melbourne Water, Yarra Valley Water, and other relevant statutory authorities in the early stages of project design.
 - Clarification of responsibilities and maintenance requirements for decentralised water, wastewater and stormwater systems.
 - Management and approval of mixed use buildings and areas so as to avoid potentially serious conflicts over noise and nuisance (with the Environment Protection Authority).
 - A reasonable approach to the ESD requirements for smaller, existing developments when an application is made for a change of use, extensions and other buildings and works.
 - A means for ensuring that agreed ESD elements are maintained by successive owners and occupiers.
 3. **Precinct 2G should be retained as part of the Doncaster Hill Activity Centre as exhibited. The future of Precinct 2G should be considered further in connection with Amendment C30.**
 4. **An Addendum to the Doncaster Hill Strategy (October 2002) document should be prepared to reflect any changes to the details of the Strategy adopted by the Council over time.**
 5. **A new amendment should be prepared that includes all the land within the Doncaster Hill Activity Centre, except the land in Precinct 1 and Westfield Doncaster Shoppingtown, in a Mixed Use Zone.**
 6. **The form in Section 8.13 should be considered for adaptation as the format for Sustainability Management Plans required under the Planning Scheme.**
 7. **The Doncaster Hill Strategy (October 2002) should be used as a reference document and its ESD requirements, design solutions and techniques as an information resource for Council and applicants. This resource should be supplemented with information from other sources.**

8. The Council should reach agreement with VicRoads if possible about a consistent approach to the provision of access to properties along the boulevards within Doncaster Hill that will not compromise their proposed landscape treatment.
9. Council should consider seeking additional expert advice to develop detailed design guidelines for the interface between the public and private realms.