

*Planning and Environment Act 1987*

**Panel Report**

**Manningham Planning Scheme Amendment C122**

**Planning Scheme Corrections**

**24 July 2018**

*Planning and Environment Act 1987*

Panel Report pursuant to section 25 of the Act

Manningham Planning Scheme Amendment C122

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A handwritten signature in black ink, appearing to read 'Chris Harty', with a stylized flourish at the end.

Chris Harty, Chair

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## List of Abbreviations

ACZ	Activity Centre Zone
DDO	Design and Development Overlay
GRZ	General Residential Zone
HO48	Heritage Overlay Schedule 48 – City of Manningham Municipal Offices 699 Doncaster Road, Doncaster
LPPF	Local Planning Policy Framework
MUZ	Mixed Use Zone
NRZ	Neighbourhood Residential Zone
PAO	Public Acquisition Overlay
PCRZ	Public Conservation and Resource Zone
PPRZ	Public Park and Recreation Zone
PUZ	Public Use Zone
RDZ1	Road Zone Category 1
RGZ	Residential Growth Zone
SLO	Significant Landscape Overlay
SPPF	State Planning Policy Framework
UFZ	Urban Floodway Zone

## Overview

### Amendment summary

<b>The Amendment</b>	Manningham Planning Scheme Amendment C122
<b>Common name</b>	Planning Scheme Corrections
<b>Brief description</b>	The Amendment proposes to amend various provisions to correct a number of items by making map and ordinance changes
<b>Subject land</b>	Various sites in Doncaster, Doncaster East, Templestowe, Templestowe Lower, Bulleen, Warrandyte and Park Orchards
<b>Planning Authority</b>	Manningham City Council
<b>Authorisation</b>	Ministerial Authorisation dated 14 December 2017
<b>Exhibition</b>	8 February to 12 March 2018
<b>Submissions</b>	Number of submissions: 6, with two opposed, one requesting changes. Refer to Appendix A for list of submitters

### Panel process

<b>The Panel</b>	Chris Harty
<b>Directions Hearing</b>	Manningham City Council offices, Doncaster, 31 May 2018
<b>Panel Hearing</b>	Manningham City Council offices, Doncaster, 28 June 2018
<b>Site inspections</b>	Unaccompanied, 31 May 2018
<b>Appearances</b>	Mr Matthew Lynch, Strategic Planner and Ms Susan Ross, Senior Strategic Planner from Manningham City Council, who called the following expert witness: - Kate Gray, Heritage Consultant and Historian from Lovell Chen Mr Robbie McKenzie, Town Planner from Ratio Consultants Pty Ltd on behalf of Taylor Bridge Pty Ltd
<b>Citation</b>	Manningham C122 [2018] PPV
<b>Date of this Report</b>	24 July 2018

## Executive summary

Manningham Planning Scheme Amendment C122 (the Amendment) seeks to correct a number of errors and anomalies that have been identified for various sites within the municipality associated with the zones and overlays currently applying to the land. Several of these errors have arisen from relatively recent amendments to the planning scheme where land has inadvertently been included in an incorrect zone, whilst other corrections relate to land in private ownership which appears to have been incorrectly incorporated within a public land use zone when the new format Manningham Planning Scheme was approved in June 2000.

The Amendment also proposes to remove the Public Acquisition Overlay from a number of properties that have been acquired by Council or by Melbourne Water over a number of years and which are now redundant. The Amendment is also required to remove the Heritage Overlay (HO48) from the Council Municipal Offices following a review of the Statement of Significance. Finally, a minor change is also proposed to Schedules 4 and 5 of the Design and Development Overlay to remove the duplication of one of the objectives.

A small number of submissions were received to the Amendment relating to a number of specific properties.

The Panel has considered these submissions and tested the evidence of Council in relation to the removal of the Heritage Overlay.

The Panel concludes the changes proposed in the Amendment are appropriate and strategically justified. They reflect either an update of planning controls over land that has fundamentally changed in character or to address anomalies created by what appears to be inadvertent changes to the Planning Scheme from other amendment processes.

### **(i) Recommendation**

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

- 1. Manningham Planning Scheme Amendment C122 be adopted as exhibited.**

# 1 Introduction

## 1.1 The Amendment

Manningham Planning Scheme Amendment C122 (the Amendment), proposes to amend the Manningham Planning Scheme (the Planning Scheme) to correct a number of mapping inconsistencies and some minor ordinance changes that have been identified by Council. The corrections are a result of anomalies that have occurred from earlier Ministerial and local amendments to the Planning Scheme.

The Amendment proposes to remove the Public Acquisition Overlay (PAO) from several parcels of land that have now been acquired for community uses, correct mapping anomalies to zone and overlay controls, remove the Heritage Overlay HO48 that applies to Council's Municipal Offices at 699 Doncaster Road, Doncaster, and remove an objective from Schedules 4 and 5 of the Design and Development Overlay (DDO) that is duplicated within each schedule.

Specifically, the Amendment proposes to:

- amend Map 7PAO to remove the PAO7 from 1/49 Walker Street, Doncaster
- amend Map 7PAO to remove PAO7 from 2 Briar Court, Doncaster
- amend Map 7PAO to remove PAO1 from 9 Koolkuna Avenue, Doncaster
- amend Map 2PAO to remove PAO1 from 10A, 6A and 2A St Georges Avenue, and 211A Williamsons Road, Templestowe Lower
- amend Map 2PAO to remove PAO1 from 42A and 42 James Street, Templestowe
- amend Map 3 to rezone land at 136-140 Andersons Creek Road, Doncaster East from General Residential Zone Schedule 3 (GRZ3) to Residential Growth Zone schedule 2 (RGZ2)
- amend Map 8 to rezone land at 10A and 12-16 Montgomery Street, Doncaster East from a GRZ2 to RGZ3
- amend Map 6 to rezone part of the land at 169-173 Bulleen Road, Bulleen from Public Park and Recreation Zone (PPRZ) to Urban Floodway Zone (UFZ)
- amend Map 8 to rezone land at 17 and 19 Aminga Avenue, Doncaster East<sup>1</sup> from Neighbourhood Residential Zone Schedule 1 (NRZ1) to GRZ1
- amend Map 8 to rezone part of the land at 144 Manningham Road, Bulleen from Road Zone Category 1 (RDZ1) to RGZ2). In addition, amend Map 8DDO to apply DDO8-1 to the entire site
- amend Map 7 to rezone part of the laneway adjoining land at 757 Doncaster Road, Doncaster from GRZ2 to the Mixed Use Zone (MUZ)
- amend Map 7DDO to apply DDO1 to the land at 757 Doncaster Road, Doncaster
- amend Map 7 to rezone part of the road reserve at the intersection of Doncaster Road and Heritage Boulevard, Doncaster from RGZ1 to RDZ1, and in addition, amend Map 7DDO to apply DDO1 to that section of land to be rezoned RDZ1

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<sup>1</sup> The Panel acknowledges the request from Council to correct the address of this site from Donvale to Doncaster East.

- amend Map 9 to rezone part of a disused road forming part of 2-12 Brackenbury Street, Warrandyte from NRZ1 to Public Use Schedule 5 (PUZ5). In addition, amend map 9DDO to remove DDO3 from applying to the disused road
- amend Map 8 to rezone part of the land at 23 McIntyres Road, Park Orchards from Rural Conservation Zone Schedule 3 (RCZ3) to Public Conservation and Resource Zone (PCRZ)
- amend Map 8PAO to remove PAO1 from the north part of 23 McIntyres Road, Park Orchards
- amend Map 7HO to remove the Heritage Overlay (HO48) from 699 Doncaster Road, Doncaster. It also amends the schedule to Clause 43.01 Heritage Overlay to delete reference to heritage place HO48
- amend Schedules 4 and 5 to Clause 43.02 DDO to remove the following objective that is duplicated in each Schedule:

*To ensure that development does not protrude above the prevailing height of the tree canopy.*

Council generally considers the Amendment policy neutral seeking to correct a number of administrative mapping anomalies associated with the application of zones and overlays on various sites with the municipality.

A number of these corrections relate to the removal of the PAO from land where the site has been acquired by a statutory authority and the control is now no longer required.

For other sites, past amendments that have altered both the application and make up of residential zones have created inconsistencies, particularly with respect to building heights sought under various overlays.

Monitoring and review of the planning scheme have identified these inconsistencies. Council identified that the application of the HO48 to the Municipal Office and Function Centre and the original justification for the introduction of the control was based on incorrect information and claims for architectural significance. Removal was also supported by the fact that trees and artworks referenced in the Schedule to the Heritage Overlay are located outside of the mapped area.

Hence, the Amendment seeks to correct these anomalies, errors and inconsistencies.

## **1.2 Issues dealt with in this Report**

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. The Panel has also had the benefit of the submission and evidence from Council at the Hearing which detailed the nature and reasons for the proposed changes.

The Panel has reviewed the material. All submissions, materials and evidence have been considered and tested by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.



The majority of matters proposed to be changed under the Amendment attracted little if any submissions during public exhibition. A total of six (6) submissions were received to the Amendment which focused on the following matters:

- The removal of the HO48 from Council's Municipal Office and Function Centre located 699 Doncaster Road, Doncaster (Submitter 2).
- The rezoning of land at 136-140 Andersons Creek Road, Doncaster East from GRZ3 to RGZ2 with submissions supporting (Submitter 6), and against, rezoning (Submitter 4).
- The rezoning of land at 17 and 19 Aminga Avenue from NRZ1 to GRZ1 and request for additional land to be rezoned (Submitter 3).
- A general submission (Submitter 1) that did not refer to any specific property affected by the Amendment, but generally made reference to changes to Design and Development Overlay Schedule 8 (DDO8), which is not affected by the Amendment. The submission does not relate to any matter in the Amendment. It provides a set of concerns that have arisen from a recently approved development proposal that abuts the common boundary with the submitter's land that is in an area identified for substantial change under the Manningham Planning Scheme.<sup>2</sup> Accordingly, this submission is not considered further as it does not relate to the matters affected by the Amendment.
- A submission from VicRoads (Submitter 5) offering no objection to the Amendment.

Accordingly, this Report deals with those property specific issues that were the focus of submissions referred to the Panel and considered under the following headings:

- Planning context
- Council Offices at 699 Doncaster Road, Doncaster and removal of the Heritage Overlay
- 136-140 Andersons Creek Road, Doncaster East
- 17 and 19 Aminga Avenue, Doncaster East.

All other proposed changes under Amendment C122 not addressed later in this Report are considered by the Panel to be satisfactory. These changes appropriately represent corrections to anomalies within the Planning Scheme.

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<sup>2</sup> Refer to Clause 21.05 (Residential).

## 2 Planning context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report.

The Panel has reviewed Council's response and the policy context of the Amendment, and has made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

### 2.1 Policy framework

#### (i) State Planning Policy Framework

Council submitted that the Amendment is supported by the following clauses in the State Planning Policy Framework (SPPF):

- Clause 10.01 (Integrated Decision Making)
- Clause 11 (Settlement)
- Clause 15 (Built Environment and Heritage)
- Clause 15.01-1 (Urban Design)
- Clause 16 (Housing)
- Clause 16.01-2 (Location of Residential Development).

Council considers the Amendment supports the objectives and strategies contained within the above clauses. The Amendment ensures that the provisions which apply to land within the Planning Scheme are accurate and consistent with relevant State policy.

#### (ii) Local Planning Policy Framework

Council submitted that the Amendment supports the following local planning objectives:

- Clause 21.05-2 (Housing)
- Clause 21.09-3 (Major Activity Centre (The Pines, Doncaster East)).

The Amendment responds to these policies by:

- removing several PAO controls that have become redundant following the acquisition of land for community purposes
- applying the correct zones to parcels of land covered by *The Pines Activity Centre Structure Plan, 2011* and the *Doncaster East Village Structure Plan, 2011*, that enable the strategic directions and outcomes of these plans to be achieved
- applying the appropriate zone and overlay controls to land incorrectly zoned or affected or not affected by appropriate overlay controls
- correcting inconsistencies in policy that have arisen from previous planning scheme amendments
- removing the Heritage Overlay HO48 that applies to Manningham City Council's Municipal Offices due to the out of date and inaccurate citation for heritage listing
- removing an objective from Schedules 3 and 4 of the DDO that are duplicated in each of these schedules.

The Amendment ensures that the provisions which apply to land within the Planning Scheme are accurate and consistent with relevant local policy.

### **(iii) Other planning strategies or policies used in formulating the Amendment**

The Amendment is consistent with strategic planning that has been undertaken for The Pines Activity Centre area (*The Pines Activity Centre Structure Plan, 2011*) and the Doncaster East Village, (the updated *Doncaster East Village Structure Plan, 2012*).

*The Pines Activity Centre Structure Plan* includes within its sphere of influence, the land at 136-140 Andersons Creek Road, Doncaster East. The Structure Plan identifies the site within *Precinct 4 – Eastern Gateway*. This area is identified for substantial change with a building height of 11 metres. Although the precinct is included in the RGZ2, the site is not, and is in the GRZ3, which reflects the surrounding residential areas to the east and south of this site. Accordingly, the proposed rezoning from GRZ3 to RGZ2 better reflects the land use and development intent for the site, as part of The Pines Activity Centre.

The *Doncaster East Village Structure Plan* includes land at 10A and 12-16 Montgomery Street, Doncaster East. The Plan identifies the site as appropriate for substantial change associated with multi-level residential apartment and townhouses with potential to incorporate public parking with building heights up to 13.5 metres. The GRZ2 zoning of the site fails to reflect the strategic intent for future development of the site and the current zoning of abutting land to the west and east which is RGZ3 and consistent with the intent of the DDO13. The Amendment proposes to correct this anomaly and better reflect the purpose of the Structure Plan and to apply the RGZ3.

## **2.2 Planning scheme provisions**

The Amendment seeks to update, correct and delete anomalies, inconsistencies and obsolete provisions of the planning scheme. Planning policy is updated and corrected, and where necessary aligned with changes to zoning and overlay coverage. Changes are also proposed to the application of zones, rezoning and overlays and to the drafting of schedules where relevant.

All of these changes have appropriately used the relevant zones and overlays currently applied under the Manningham Planning Scheme.

## **2.3 Ministerial Directions and Practice Notes**

### **Ministerial Directions**

Council submitted that the Amendment meets the relevant requirements of:

- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

### **Planning Practice Notes**

Council submitted that the Amendment is consistent with:

- Planning Practice Note 1 (PPN1) Applying the Heritage Overlay, January 2018
- Planning Practice Note 46 (PPN46) Strategic Assessment Guidelines, June 2015.

## **2.4 Conclusion**

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

### 3 Council Offices at 699 Doncaster Road, Doncaster and removal of the Heritage Overlay

#### 3.1 Background context and the issue

The Council Municipal Offices and surrounds located at 699 Doncaster Road, Doncaster (the site) are currently included in the Heritage Overlay (Clause 43.01) under HO48 in both mapped form (refer to Figure 1) and in the Schedule to the Heritage Overlay (refer to Figure 2). The Amendment proposes to remove the Heritage Overlay (HO48) from the Council offices and surrounds at 699 Doncaster Road, Doncaster (refer to Figure 1).

Figure 1 699 Doncaster Road, Doncaster and the current HO48 proposed to be deleted.

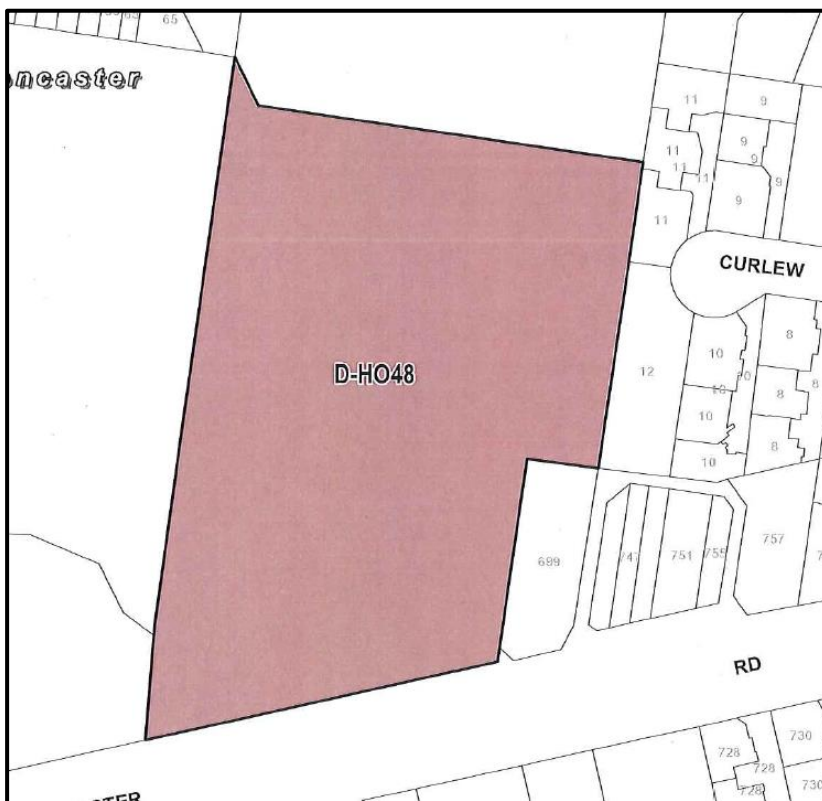


Figure 2 Extract from the Schedule to the Heritage Overlay showing the HO48 designation.

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO48	City of Manningham Municipal Offices - 699 Doncaster Road, Doncaster	No	No	Yes	Yes - artworks, fountain	No	No	-	No

The site serves as the Council administration and function centre. It is currently in the Activity Centre Zone Schedule 1 (ACZ1) and forms the Civic and Education Precinct (Precinct 1) located on the eastern fringe of the broader Doncaster Hill Principal Activity Centre.

Built in the mid-1960s the Municipal Offices has been renovated and added to several times. A review of the heritage statement of significance for the site identified a number of historical inaccuracies in the original assessment. As a result of these historical inaccuracies, Council determined that the building does not have sufficient State or local significance to warrant retention of the Heritage Overlay.

The issue is whether removal of the Heritage Overlay (HO48) from the Council offices is strategically demonstrated and appropriate.

### **3.2 Evidence and submissions**

Council submitted that the Amendment has included the proposal to remove the HO48 from the Council offices because the original justification for applying the Heritage Overlay was based upon incorrect information and claims of architectural significance. In addition, Council submitted that trees and a fountain, which are also referenced in the Schedule to the Heritage Overlay, have since been removed under planning permission<sup>3</sup>, and along with artworks referenced in the citation are located outside of the mapped area of HO48.

The Warrandyte Historical Society (Submitter 2) expressed concern over the proposed removal of HO48 from the Council Municipal Offices. They were originally identified in the *City of Doncaster and Templestowe Heritage Study, 1991* (1991 Heritage Study) as having State significance for its architectural style, as one of the most complex and arguably the finest expression of a Miesian pavilion in the State. The Warrandyte Historical Society consider that removing the Heritage Overlay may undermine the soundness of the 1991 assessment, particularly as they consider it was a study that was the result of a long and detailed process with no previous disagreement with its outcomes.

The Warrandyte Historical Society was concerned over what information has led to the identification of historical inaccuracies and the proposal to remove heritage protection.

Expert evidence was provided by Ms Kate Gray, Heritage Consultant and Historian from Lovell Chen, who was engaged by Council to undertake a first principles review of the statement of significance for the Council Municipal Offices. She advised that the historical context and statement of significance for the Council Municipal Offices and surrounds was derived from the 1991 Heritage Study<sup>4</sup> which stated:

#### *History*

*A Miesian pavilion cantilevers suspended between two grey/green masonry, semi-cylindrical, stair blocks. A wing steps away at ground level, as the site slopes at left. It is clad with black finished steel plate clad, with exposed Universal Section mullions, with large panel dark glass windows.*

*The left-hand wing is Municipal Chambers. They have a 45 degree clear glass entrance canopy. The level below this (in effect, the basement) using the*

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<sup>3</sup> Planning Permit No. PL09/020476 granted on 30 July 2010.

<sup>4</sup> The City of Doncaster and Templestowe Heritage Study, 1991 is a reference document under Clause 21.16 of the Manningham Planning Scheme.

*sloping site, fronts a courtyard. The west elevations have elaborate metal sun louvres on a tubular steel frame. There is an Anthony Prior 1986 sculpture 'I am a man like you'.*

*Designed by Gert [sic.] & Renate Block architects in c 1970. Gert Block was shortly after appointed Professor of Architecture at Christchurch University, New Zealand.*

*This building can be compared to Crown Hall MIT & National Gallery Berlin by Mies van der Rohe; South Yarra Public Library, Yuncken Freeman; Siemens, Church Street Richmond and Germany Embassy Canberra by Gert & Renate Block.*

*Statement of significance*

*Of State significance as the most complex and arguably the finest expression of a Miesian pavilion in the state.*

Ms Gray's evidence was that the original assessment of significance and justification for protection under the Heritage Overlay was based on incorrect information and claims for architectural significance:

- *The attribution of the design to Gerd and Renata Block is incorrect.*
- *The claim that the building is the most complex and arguably the finest expression of a Miesian pavilion in the State is unfounded.*

Ms Gray's evidence provided detailed background and historical information on the various construction and renovation works that have occurred with the Municipal Offices since the first office was constructed in the 1950s. The Council Municipal Office complex has undergone a series of re-construction activity in 1964, 1977, 1978-84 and the most recent in 1999 which significantly altered the front entry facade of the building (refer to Figure 3). Much of this work has over-built previous building facades and design elements culminating in what Ms Gray now describes as a building complex that presents as an amalgam of various architectural interventions:

*While these are broadly consistent stylistically, the building does not present as a well-resolved or coherent whole.*

The reference to 'Miesian pavilion' relates to the architectural style of (Ludwig) Mies van der Rohe, a German architect of the 1930s to 1950s whose design became synonymous with box or pavilion style architecture which related to simple structures comprised of steel and glass with finishing details that exhibited a 'less is more' approach. His work was carried on by other architects, notably Gerd and Renata Block, who were noted in winning a design competition for the design of the former City of Nunawading (now Whitehorse City Council) Municipal Offices in 1965, around the same time as the first alterations to the Council Municipal Offices in 1964.

The connection between the Blocks and Council's office design is mistaken. According to Ms Gray, Council records show that the design architects for the 1964 additions were AK Lines, MacFarlane & Marshall, who followed a more modernist architectural design approach with many examples of public authority buildings that exhibited a design philosophy more closely

resembling 'brutalism'<sup>5</sup>, such as some of the former Melbourne and Metropolitan Board of Works regional office complexes and many local government municipal offices.

**Figure 3** Development history of the Council offices with the dashed line representing the original Council office constructed in 1956.



Ms Gray considers that in terms of the built form of the Council Municipal Offices, neither the original rear addition as it existed in 1964 nor the complex as assessed in 1991 could reasonably be described as a Miesian pavilion. The 1964 addition is more clearly an example of mainstream 'International Style' of the 1960s and which has been altered since. The 1970s and 1980s additions draw on some of the characteristics of earlier Miesian styled buildings in Victoria through its use of glass and applied steel universal columns, and massing, but lacks the sophistication and purity of form typical of the style. The circular

<sup>5</sup> Brutalism is an architectural style of the 1950s and 1960s characterised by simple, block-like forms and raw concrete construction.



concrete stairwells, used to unify the various 1970s and 1980s building programs, have roots in the 'Brutalism' of the 1960s.

She added that the incorporation of, somewhat-awkwardly-designed, sun louvres (refer to Figure 4) into the design of the building further undermines its success as an example of Mies-inspired design. Mies' pavilions were refined to produce structures of extraordinary simplicity. One of Mies' key achievements in this regard was the reduction of the roof to a simple hovering plane. The introduction of sun louvres was plainly a practical requirement of the 1977 works. However the visual effect of busy horizontal elements at the roof line both diminished the role of the vertical elements of the composition while introducing a complex roof-like element to the elevation. This straightforward and practical gesture impacts on the aesthetic outcome and its fidelity to Miesian design principles.

**Figure 4** View of the rear (north elevation) of the Council offices showing remnants of the 1964 addition to the left and the 1977 additions to the right and the use of louvres.



Ms Gray surmised that:

*The complex has also undergone significant physical change since it was first assessed 1991.*

*Accordingly, it is appropriate to undertake review of significance and the question of whether the [Heritage Overlay] is warranted.*

*Having undertaken a review of significance and assessment against the criteria in the [Victoria Planning Provisions] Practice Note Applying the Heritage Overlay (January 2018), it is my opinion that:*

- *The building complex is an amalgam of a series of phases of works. While these are broadly consistent stylistically, the building does not present as a well-resolved or coherent whole.*
- *In particular, the 1999 works have had a transformative effect in terms of re-presenting the complex to Doncaster Road.*

- *In its current evolved form it is not a key example of the work of AK Lines, MacFarlane and Marshall and many examples of the firm's work survive, nor is it considered a notable example of a post-war municipal offices complex.*

*On this basis, it is considered that the inclusion of the place in the HO Schedule is not warranted.*

### **3.3 Discussion**

The basis for applying the Heritage Overlay to the Council Municipal Offices and surrounds is primarily the architectural design expression of Miesian pavilion design and links to architects known for applying Miesian architectural design philosophy. Council has undertaken a first principles review of the statement of significance that supports the application of the Heritage Overlay. The 1991 Heritage Study was an assessment of the Council offices at a time when the building most likely displayed many Miesian pavilion features.

However, it is clear to the Panel that, the combined effects of additions and alterations that have occurred over time, since the original additions of 1964, have overtaken many of the elements that linked the built form design to the Miesian pavilion design philosophy.

Adding to the diminution of significance is the fact that the Blocks, the architects with most affinity to Miesian pavilion design, were not the architects commissioned to oversee the 1964 additions. AK Lines, MacFarlane & Marshall were the architects of these additions and the design was one that, although containing many elements of Miesian pavilion philosophy, also featured elements of a Modernist and Brutalism philosophy.

The Panel considers the later additions and alterations in 1999 have further over-built the original form resulting in the loss of significant architectural connection with Miesian pavilion design.

The Panel notes that the 1991 Heritage Study's statement of significance includes strong references to State significance. A later heritage study in 2006<sup>6</sup> continued this level of significance without much analysis. The Panel notes the reference in Ms Gray's evidence to a post-World War II heritage study across Victoria where Part 2 of that Study<sup>7</sup> prepared by Built Heritage in 2010 identified errors with the basis of the statement of significance for the Municipal Offices. These included the effects of the later additions and alterations to the building that have diminished its reflection of Miesian pavilion style. The Panel notes that the 2010 Study continued to incorrectly reference the architects. Despite, these findings, the Panel notes the 2010 Study's conclusion that the Heritage Overlay was still warranted, but on a local significance level.

The Panel considers the various additions and alterations to the Council Municipal Offices, has, over time, resulted in changes to the building that no longer strongly reflects the Miesian pavilion design philosophy. The links to the Blocks is not correct hence the

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<sup>6</sup> Manningham Heritage Study Review.

<sup>7</sup> Built Heritage, Survey of Post War Built Heritage, 2010.

association to architects who practised in the Miesian tradition does not support heritage protection.

Finally, the Panel's views are affirmed by the inaccuracy of references in the Schedule to the Heritage Overlay under HO48 to trees, artworks and a fountain. These features are either not mapped within HO48 or have since been removed as a result of past authorised development. These changes and conditions do not support retention of the HO48 over the site.

### **3.4 Conclusions**

The Panel concludes:

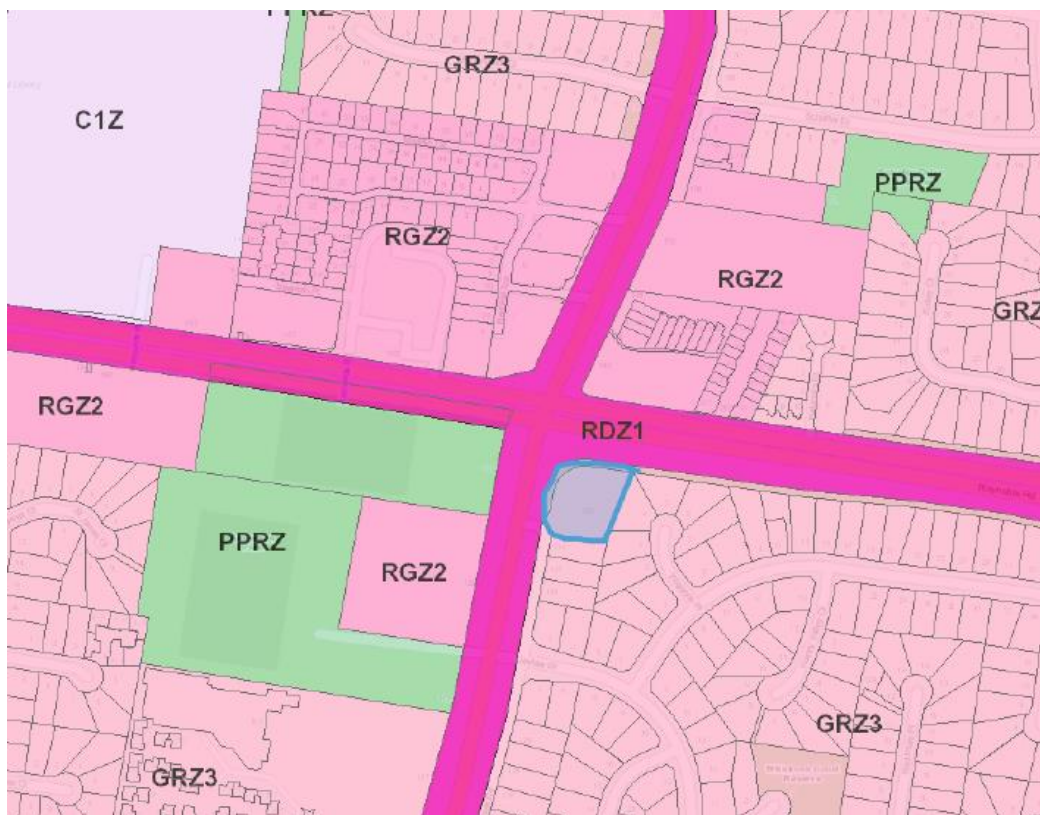
- The heritage significance of the Manningham City Council Municipal Offices has been diminished over time as a result of past additions and alterations that have reduced or removed architectural elements that could be considered to reflect a Miesian pavilion typology.
- The heritage significance of the Miesian pavilion design of the Council Municipal Offices is also further reduced by the incorrect connection designated to the architects, Gerd and Renata Block.
- The removal of the Heritage Overlay (HO48) from the Council Municipal Offices and surrounds at 699 Doncaster Road, Doncaster is strategically justified and appropriate.

## 4 136-140 Andersons Creek Road, Doncaster East

### 4.1 Background context and the issue

The site at 136-140 Andersons Creek Road, Doncaster East (the site) is located on the southeast corner of Andersons Creek Road and Reynolds Road. The site is located within The Pines Activity Centre and included in *The Pines Activity Centre Structure Plan, 2011*. Figure 5 shows the site is currently zoned GRZ3 (Post 1975 Residential Areas) and its relationship with the zoning of surrounding land. The site is also included in the DDO9 (Residential Areas within The Pines Activity Centre). Relevant policies affecting the site include Clause 21.05 (Residential) and Clause 21.09 (Activity Centres and Commercial Areas).

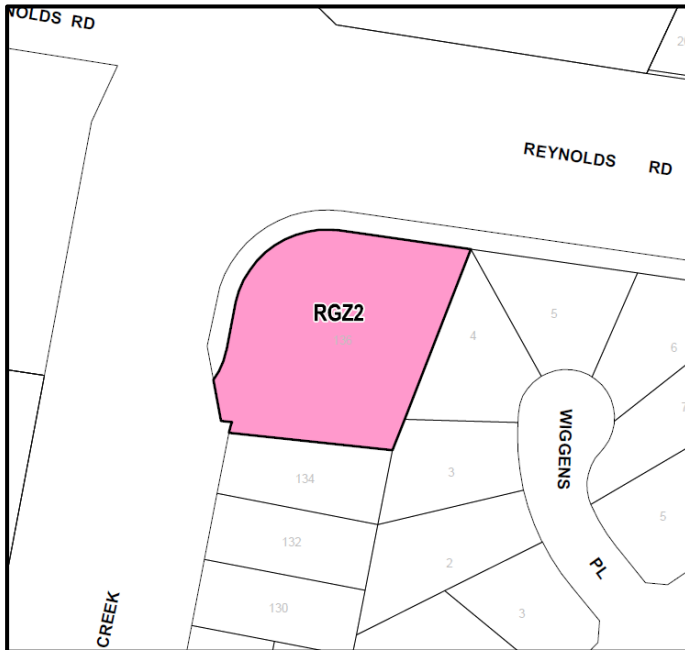
**Figure 5** Current zoning of 136-140 Andersons Creek Road, Doncaster East and surrounding area.



The site is included within the Structure Plan for The Pines Activity Centre because it forms part of the surrounding residential area that has a strong functional inter-relationship with The Pines Shopping Centre and offers opportunity for substantial change for residential purposes.

The Amendment proposes to rezone the site from GRZ3 to RGZ2 (refer to Figure 6). The rezoning is considered a correction to better align development outcomes with strategic direction under zoning and policy for the area.

The issue is whether the rezoning is appropriate.

**Figure 6 Proposed rezoning of 136-140 Andersons Creek Road, Doncaster East.**

## 4.2 Submissions

Council submitted that the rezoning is considered necessary because the objectives of the existing GRZ3 are inconsistent with the intent of *The Pines Activity Centre Structure Plan* and the DDO9. Council considered that a rezoning to RGZ2 would allow for development that is consistent with the location and intended outcomes of the structure plan and the overlay.

The written submission from Apex Town Planning on behalf of Mr A Esmaili (Submitter 4) expressed concern that the rezoning would create the opportunity for an increased intensification of development of the site and result in the loss of privacy and the inability to provide screen planting affecting the submitter's land. There would also be potential for increased building heights afforded to development proposals under the RGZ, and the removal of garden area requirements.<sup>8</sup>

Council considered Submitter 4 failed to refer to *The Pines Activity Centre Structure Plan* and the fact the site falls within the Activity Centre area. Council submitted that, under the Structure Plan, the site is located within *Precinct 4 – Eastern Gateway*, which contains commercial and residential uses. The framework of the Structure Plan is achieved by implementing policy at Clause 21.05 and DDO9. Clause 21.05 identifies the site within Residential Character *Precinct 2 – Residential Areas Surrounding Activity Centres and Along Main Roads*. Areas within this Precinct, including the site, are identified for higher density developments where a substantial level of change is anticipated. Reflecting this, the policy identifies DDO9 as applying to the Precinct and including the site.

DDO9 includes building heights of 11 metres, which reflects that identified in the Structure Plan.

<sup>8</sup> The RGZ does not require Garden Area to be provided.

Under the GRZ3, building heights are also 11 metres, however, the purposes of the GRZ are not consistent with the strategic direction of the Structure Plan, Clause 21.05 or DDO9. Hence, Council submitted that the RGZ2 was more appropriate and consistent with the zoning that has been applied within The Pines Activity Centre.

In contrast, the land abutting the site to the south and east are identified within *Precinct 4 – Post 1975 Residential Areas* under Clause 21.05, and have no association with land identified in the Structure Plan, including the site.

The GRZ3 has been applied to these areas including, inadvertently the site and reflects the policy intent for these residential areas to remain an area for incremental change. Council submitted such a zoning is inconsistent with the strategic and policy directions of the Planning Scheme for the site. This is reinforced under Clause 21.09-3 (Major Activity Centre (The Pines, Doncaster East)), where it specifically calls for the application of the RGZ to land identified within The Pines Activity Centre and for encouraging a mix of uses and activities and a diversity of housing at higher densities to make optimum use of facilities and services.

The RGZ2 is considered by Council an appropriate zone to apply to the site and although it allows for building heights up to 13.5 metres, this is tempered by the DDO9.

Mr Robbie McKenzie, Town Planner from Ratio Consultants Pty Ltd (Submitter 6) submitted on behalf of Taylor Bridge Pty Ltd, that the Amendment should be supported. Mr McKenzie submitted the Amendment is a correction of a zoning oversight that occurred under Amendment C105, which was gazetted on 19 June 2014 as part of a Ministerial Amendment to translate new residential zones. Essentially, this amendment was expected to rezone the balance of the residential land in The Pines Activity Centre from the former Residential 1 Zone to the RGZ. Unfortunately the rezoning missed the site, which forms part of the residential areas within The Pines Activity Centre.

Mr McKenzie's submission generally supported Council. He acknowledged the mis-match in building heights between the RGZ and the DDO9, but considered the latter would temper the former until such time as Council determines to review the controls to achieve better alignment between them.

### **4.3 Discussion**

The Panel considers the rezoning appropriate. It accepts the submissions from Council and Mr McKenzie regarding the benefit of rezoning the site from GRZ3 to RGZ2.

The Panel considers there is sufficient strategic justification for the Amendment as it relates to the site. The Amendment is essentially designed to bring the zoning of the site into alignment with the mapping shown in Clause 21.05, DDO9 and *The Pines Activity Centre Structure Plan* and will both complement and facilitate the strategic directions of the Planning Scheme for the site.

The Panel's views are supported by the following:

- The balance of the residential land in The Pines Activity Centre is in a RGZ2. The site is the only land parcel within the activity centre boundary that is affected by the GRZ.

- The boundaries of The Pines Activity Centre encapsulate the site demonstrated by the extent of the DDO9 mapping and is the only site where the DDO9 applies in conjunction with the GRZ.
- Rezoning of the site will support objectives for substantial change and increased residential densities around The Pines Activity Centre, which is a Major Activity Centre where application of the RGZ is appropriate.

The Panel considers the concerns of Submitter 4 are more related to planning permit processes and the decision making procedures associated with future development proposals. Any concerns regarding visual amenity and the like are matters that can be appropriately addressed within these processes.

#### **4.4 Conclusions**

The Panel concludes:

- Rezoning of the site at 136-140 Andersons Creek Road, Doncaster East is strategically justified and appropriate.

## 5 17 and 19 Aminga Avenue, Doncaster East

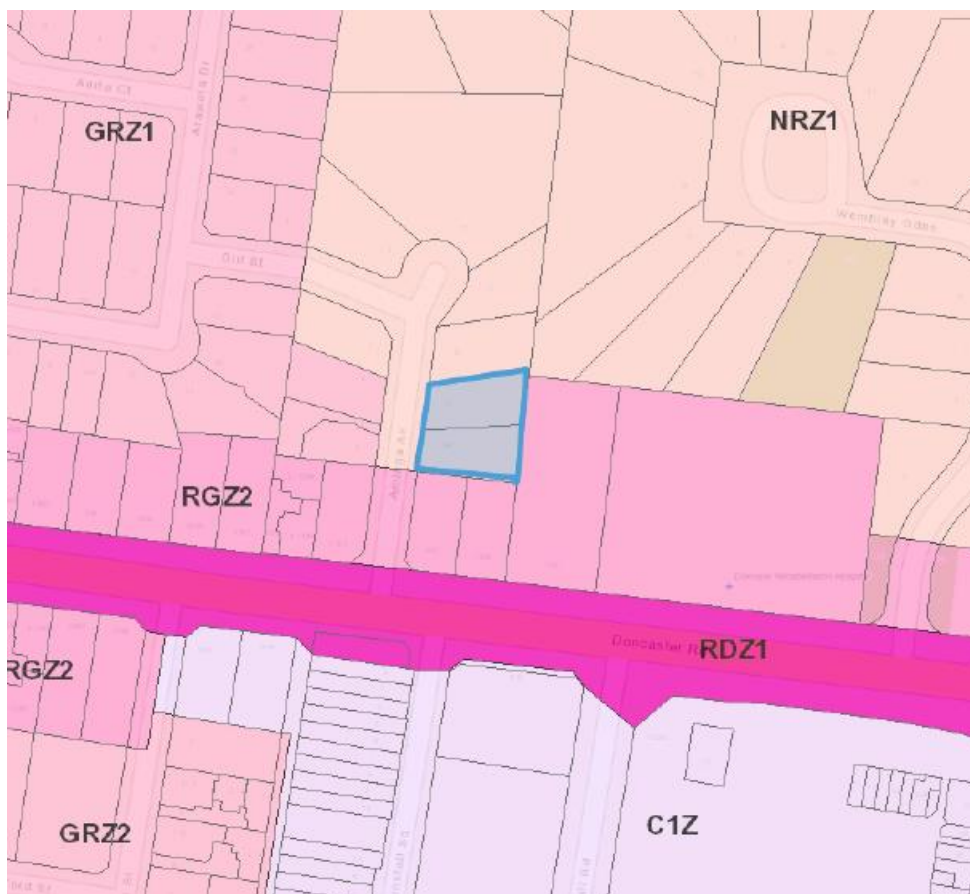
### 5.1 Background context and the issue

The land at 17 and 19 Aminga Avenue, Doncaster East (the site) is located on the east side of the road one block north from Doncaster Road. The site abuts land to the south (1107 and 1109 Doncaster Road) and to the east (1111 Doncaster Road) that is zoned RGZ2 (Residential Areas along Main Roads) with DDO8-1 (Main Road Sub-Precinct). Land abutting to the north (15 Aminga Avenue and beyond) is in the NRZ1 (Residential Areas with Predominant Landscape Features or Lower Housing Densities) with DDO5 (Donvale/Doncaster East Pine Tree Theme Area) and the Significant Landscape Overlay Schedule 7 (SLO7) relating to the Donvale/Doncaster East, Ruffey Lake Park and Zerbes Reserve Pine and Cypress Tree Areas. Land opposite the site (3 and 5 Aminga Avenue) is in the GRZ1 with no overlays.

The site is currently zoned NRZ1 with no overlays and are the only lots in the NRZ1 in the area without DDO5 and SLO7 applying to the land. Current zoning of the site and surrounds are shown in Figure 7.

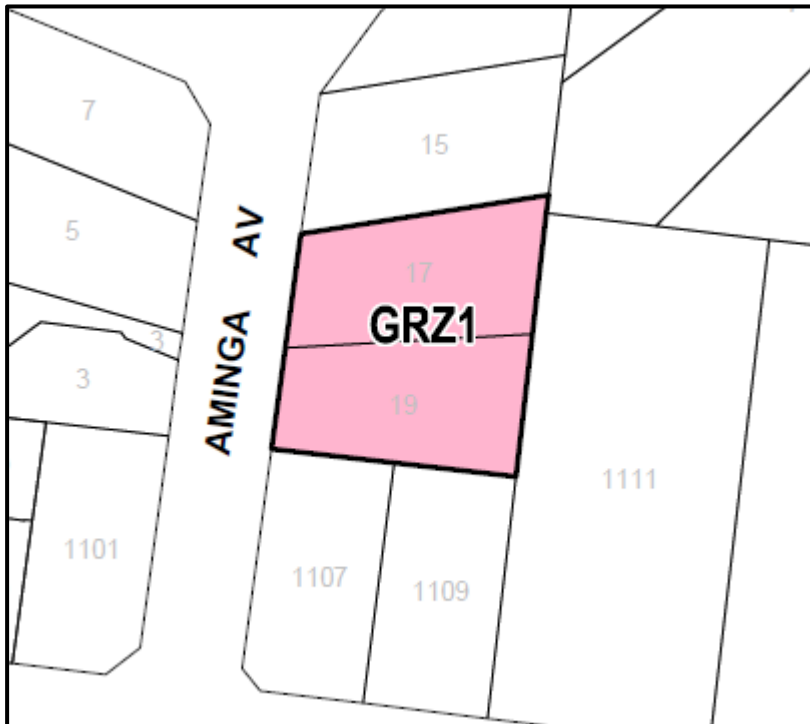
The Amendment proposes to rezone the site from NRZ1 to GRZ1 (refer to Figure 8).

**Figure 7** Current zoning of 17 and 19 Aminga Avenue, Doncaster East and surrounding area.





**Figure 8** Proposed rezoning of 17 and 19 Aminga Avenue, Doncaster East.



The purpose of the rezoning is to better align the application of the GRZ1 and the absence of overlays with those properties on the opposite side of the road to act as a transitional area between land in the RGZ2 fronting Doncaster Road to the south and land in the residential hinterland to the north that is in the NRZ1.

A submission (Submitter 3) relating to land at 7 Aminga Avenue (opposite the site to the northwest) was received to the Amendment seeking to be included in the rezoning from NRZ1 to GRZ1. The land at 7 Aminga Avenue was subject to a separate Amendment C120 to the Manningham Planning Scheme, which sought to rezone the land from NRZ1 to GRZ1 to allow two dwellings to be built. Both the NRZ1 and DDO5 limit the number of dwellings on a lot to one. Despite officer support, Council resolved not to proceed with the amendment.

The issue is whether the rezoning of the site is appropriate and whether the land at 7 Aminga Avenue should be included in any rezoning.

## 5.2 Submissions

Council submitted amended residential zones were introduced across the municipality under Amendment C105. Prior to gazettal, the site and the properties at 3 and 5 Aminga Avenue were zoned Residential 3. Under that Amendment the site was inadvertently zoned NRZ1 instead of to the GRZ1. The Amendment is required to correct the omission of the site being rezoned in the GRZ1 and to correspond with the GRZ1 that has been correctly applied to the properties opposite at 3 and 5 Aminga Avenue.

A written submission from Morteza Farmand (Submitter 3) requested land opposite the site to the northwest at 7 Aminga Avenue should also be rezoned from NRZ1 to GRZ1. The submission argued the rezoning is appropriate because:

- It is consistent with the SPPF, by creating housing diversity in an area that is well serviced by retail shops, community services, employment opportunities and public transport.
- The current zone and overlays (NRZ1, DDO5 and SLO7) are set out for large blocks over 2000 square metres that have large pine trees. DDO5 limits the minimum subdivision area to 2000 square metres with a maximum 25 per cent site coverage that is really applicable to large blocks of land in the pine tree and low density area of Donvale/Doncaster East.
- The property at 7 Aminga Avenue is of a similar size as the site at approximately 660 square metres.
- The property at 7 Aminga Avenue currently sits in isolation with all the adjoining properties which are in the GRZ1 and would not be consistent with the character of development in the area.
- Inclusion in rezoning from NRZ1 to GRZ1 would be a logical and sensible change for this property, and it is typical of Council to have zone transitions across street boundaries.

Council considers the rezoning request from Submitter 3 is beyond the scope of the Amendment, which is focused on corrections to the planning scheme. The request for rezoning requires strategic justification. Council submitted it would be more appropriate to consider any rezoning request as part of a separate amendment process, which may include the consideration of other properties.

Council submitted that in the future, there may be a further opportunity to consider the rezoning of the land, but this should be considered more broadly to identify whether other properties would also be suitable for rezoning.

### **5.3 Discussion**

The Panel agrees with Council and considers the site at 17 and 19 Aminga Avenue, Doncaster East should be rezoned from NRZ1 to GRZ1 as part of this Amendment. The rezoning would better align with the zoning of land opposite the site to the west and be consistent with the absence of overlays on the site and other land within the GRZ1.

With respect to the land at 7 Aminga Avenue, Doncaster East, the Panel acknowledges that there would appear to be strategic merit in rezoning this land from NRZ1 to GRZ1. However, the Panel also acknowledges that this request for rezoning does not form part of Amendment C122. Accordingly, the Panel considers the request for rezoning of 7 Aminga Avenue outside the scope of the Amendment. Consideration of the future zoning of this land should be subject to a separate amendment process where other lands, as suggested by Council, could be considered as part of a more integrated planning review of this area of Doncaster East.

## 5.4 Conclusions

The Panel concludes:

- The rezoning of site at 17 and 19 Aminga Avenue, Doncaster East is appropriate. Rezoning is justified as a correction to marry up land opposite the site that is currently zoned GRZ1 and has no overlays applied over it.
- Inclusion of land at 7 Aminga Avenue, Doncaster East as part of this Amendment is outside the scope of the Amendment. The future zoning of the land should be part of a broader review of zones and overlays for this part of Doncaster East as a separate process.

## Appendix A Submitters to the Amendment

No.	Submitter
1	Keiron Whibley
2	Warrandyte Historical Society
3	Morteza Farmand
4	Apex Town Planning on behalf of A Esmaili
5	VicRoads
6	Ratio Consultants Pty Ltd on behalf of Taylor Bridge Pty Ltd

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## Appendix B Document list

No.	Date	Description	Provided by
1	28/06/2018	Council submission	Mr Matthew Lynch
2	"	Council submission Map Book	"
3	"	Heritage Expert Witness Appendices	Ms Kate Gray
4	"	1984 Aerial Photo	"
5	"	1991 Heritage Study	Mr Lynch
6	"	Heritage Places Extract from Doncaster and Templestowe Planning Scheme	"
7	"	English Oak tree extract from Council Heritage Database	"
8	"	Copy of Planning Permit No. PL09/20476 for additions to the Council Offices dated 30 July 2010	"
9	"	VCAT decision <i>Alphington Grammar School v Yarra CC</i> [2008] VCAT 995	"
10	"	<i>The Pines Activity Centre Structure Plan, 2011</i>	"
11	"	Clause 21.05 of Manningham Planning Scheme	"
12	"	Clause 21.09 of Manningham Planning Scheme	"
13	"	Clause 43.02, DDO and Schedule 9 of Manningham Planning Scheme	"
14	"	Clause 32.08, GRZ and Schedule 3 of Manningham Planning Scheme	"
15	"	Clause 32.07, RGZ and Schedule 2 of Manningham Planning Scheme	"
16	"	Submission from Ratio Consultants on behalf of Taylor Bridge Pty Ltd	Mr Robbie McKenzie
17	"	Manningham C105 Explanatory Report	"
18	"	Copy of zoning map	"
19	"	Copy of cadastre with zoning map	"
20	"	Copy of cadastre with overlays map	"
21	"	Schedule 3 to the Design and Development Overlay	Mr Lynch
22	"	Schedule 1 to the Activity Centre Zone	"
23	"	Schedule 13 to the Design and Development Overlay	"
24	"	<i>Doncaster East Village Structure Plan, 2012</i>	"
25	"	Clause 32.07, RGZ and Schedule 3 of the Manningham Planning Scheme	"

No.	Date	Description	Provided by
26	“	Schedule 8 to the Design and Development Overlay	“
27	“	Schedule 1 to the Design and Development Overlay	“
28	“	Victorian Government Gazette dated 1 March 2018 relating to road declarations	“

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