

**Planning Application PLN23/0496 at 449, 451, 453-455, 457, 459 & 461
Doncaster Road, Doncaster for the construction of 25 dwellings - 19 three-
storey dwellings and 6 two-storey dwellings, construction of a front fence
and alteration of access to a road in a Transport Zone 2.**

File Number: IN25/98
Responsible Director: Director City Planning and Liveability
Applicant: Human Habitats
Planning Controls: Residential Growth Zone – Schedule 2 (RGZ2), Design and
Development Overlay – Schedule 8-1 (DDO8-1)
Ward: Tullamore Ward
Attachments: 1 Plans
2 Legislative Requirements

PURPOSE OF REPORT

This report provides Council with an assessment of the above planning permit application. This report recommends approval of the submitted proposal, subject to changes by way of permit conditions.

The application is being reported to Council for consideration in accordance with the Instrument of Delegation to Members of Council Staff – *any land outside the demarcated Activity Centre Zone (ACZ) pursuant to the provisions of the Manningham Planning Scheme where more than 20 dwellings are proposed.*

EXECUTIVE SUMMARY

Proposal

- 1.1 The application seeks approval for the construction of 19 three-storey dwellings and six two-storey dwellings, construction of a front fence and alteration of access to a road in a Transport Zone 2.



Dwellings 1-4 – Doncaster Road Frontage



Dwellings 9-15 – Doncaster Road Frontage

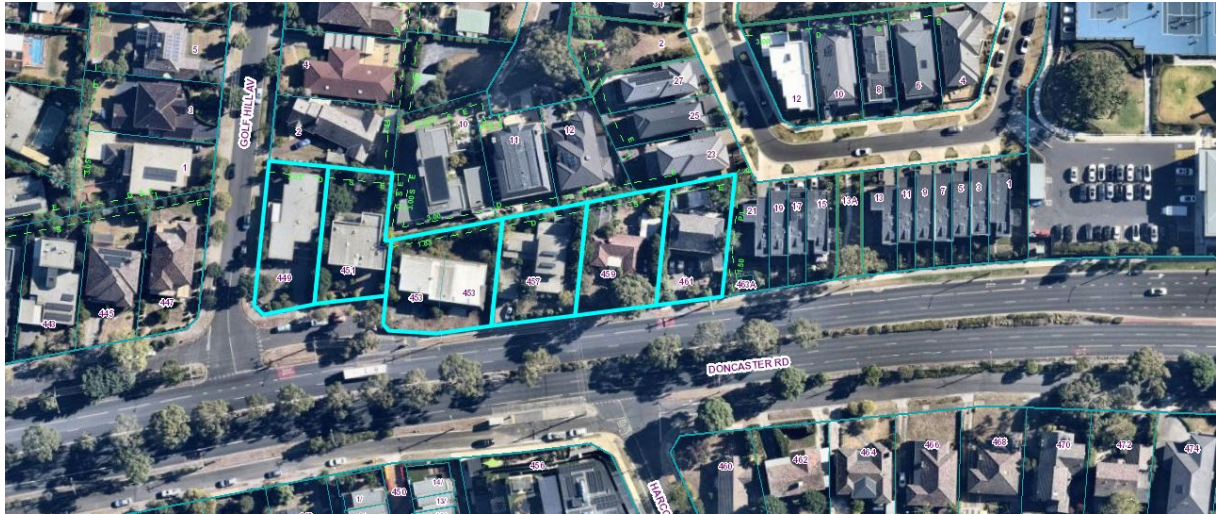


Dwellings 20-25 – Doncaster Road Frontage



Dwellings 1 and 5 - Golf Hill Avenue Frontage

- 1.2 The proposal spans across 6 lots and comprises 6 separate buildings. The total site area is 4313 sqm with a site frontage of approximately 127.53 metres and a maximum depth of 42.8 metres.



- 1.3 The development proposes two separate accessways. One accessway is located on Golf Hill Avenue to service Dwellings 1 to 15. The other, on Doncaster Road servicing Dwellings 16 to 25.
- 1.4 The proposal includes the provision of one visitor space.
- 1.5 Each dwelling is provided with 2 car spaces in the form of garages, pursuant to Clause 52.06-5 of the Manningham Planning Scheme.
- 1.6 Private waste collection from within the site is proposed.
- 1.7 One large tree (within the front setback of 459 Doncaster Road) is proposed to be retained on the site. No street trees are required to be removed.

Notification

- 1.8 Notice of the application was given over a two week period, which concluded on 18 December 2024.
- 1.9 To date, 5 objections have been received to the proposal. The objection concerns primarily relate to environmental impacts, overshadowing, overlooking, loss of energy efficiency, neighbourhood character / overdevelopment, visual bulk / excessive height, traffic issues and lack of visitor parking, loss of vegetation, strain on existing infrastructure, safety issues as a result of the proposed accessway on Doncaster Road, amenity impacts as a result of the bin storage area along the eastern boundary, potential damage to existing boundary fencing and residential noise, loss of affordable housing options.

Key issues in considering the application

- 1.10 The key issues for Council in considering the proposal relate to:
- Planning Policy Framework.
 - Design and Built form.

- Car parking and traffic.
- Objector concerns.

Assessment summary

- 1.11 The development of the land for the construction of 19, three-storey dwellings and six, two-storey dwellings is consistent with the Planning Policy Frameworks, Zone, Overlay and relevant Particular Provisions of the Manningham Planning Scheme.
- 1.12 Subject to the recommended conditions, the proposal generally complies with the objectives of Clause 55 (Two or more dwellings on a lot and residential buildings - ResCode), the design requirements of Schedule 8 to the Design and Development Overlay (DDO8), the purpose and decision guidelines of the Residential Growth Zone, and is an appropriate response to its physical site context as well as its strategic policy context.
- 1.13 The proposed car parking arrangement is consistent with the requirements of Clause 52.06 (Car parking) of the Scheme.

Conclusion

- 1.14 The proposal is considered satisfactory and positively responds to the objectives of the Manningham Planning Scheme and compliance with the Clause 55 requirements. Minor changes are recommended through permit conditions which will further improve the development.
- 1.15 It is recommended that the application be supported subject to conditions.

RECOMMENDATION**That Council:**

A. Having considered all objections, issue a Notice of Decision to Grant a Permit in relation to Planning Application PLN23/0496 at 449, 451, 453-455, 457, 459 and 461 Doncaster Road Doncaster for the:

Construction of 19, three-storey dwellings and six, two-storey dwellings, construction of a front fence and alteration of access to a road in a Transport Zone 2

A permit is required under the following clauses of the planning scheme:

- **Clause 32.07-6 (Residential Growth Zone): Construct two or more dwellings on a lot**
- **Clause 32.07-6 (Residential Growth Zone): Construct or extend a front fence within 3 metres of a street**
- **Clause 43.02 (Design and Development Overlay): Construct a building or construct or carry out works**

- **Clause 43.02 (Design and Development Overlay): Construct or extend a front fence within 3 metres of a street**
- **Clause 52.29-2 (Land Adjacent to the Principal Road Network): Create or alter access to a road in a Transport Zone 2**

subject to the following conditions:

Amended Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the decision plans (prepared by Jesse Ant Architects, revision D, dated 26 November 2024), but modified to show:

Levels

Dwelling 5

- a. The finished floor level of the ground floor, first floor and second floor lowered by at least 320mm to the satisfaction of the Responsible Authority.

Dwelling 6

- b. The finished floor level of the ground floor lowered by at least 690mm to the satisfaction of the Responsible Authority.
- c. The finished floor level of the first floor and second floor lowered by at least 320mm to the satisfaction of the Responsible Authority.
- d. A raked ceiling to the second floor northern wall, to the satisfaction of the Responsible Authority.

Dwelling 7

- e. The finished floor level of the ground floor lowered by at least 690mm to the satisfaction of the Responsible Authority.
- f. The finished floor level of the first floor and second floor lowered by at least 320mm to the satisfaction of the Responsible Authority.
- g. A raked ceiling to the second floor northern wall, to the satisfaction of the Responsible Authority.

Dwelling 8

- h. The finished floor level of the ground floor lowered by at least 690mm to the satisfaction of the Responsible Authority.
- i. The finished floor level of the first floor lowered by at least 320mm to the satisfaction of the Responsible Authority.
- j. A raked ceiling to the first floor northern wall, to the satisfaction of the Responsible Authority.

Access

- k. The difference between the finished floor level of adjacent garages do not exceed 150mm unless an alternative access arrangement is provided to the

satisfaction of the Responsible Authority.

Overlooking

- l. The first floor east facing windows of Dwellings 19 and 25 have a sill height of at least 1.7m above the finished floor level.
- m. The north facing first floor balcony of Dwelling 7 screened in accordance with Standard B22 of Clause 55.04-6 (Overlooking) of the Scheme.
- n. The ground floor decks of Dwellings 5 to 8 screened in accordance with Standard B22 of Clause 55.04-6 (Overlooking) of the Scheme.
- o. A free standing trellis screen adjacent to the northern boundary fence, located along the driveway opposite Dwellings 9 to 15 to demonstrate compliance with Standard B22 of Clause 55.04-6 (Overlooking) of the Scheme.

Vegetation

- p. The deletion of the deck south of Dwelling 22 and 23's living rooms.
- q. Dwelling 22's entry and associated path/stairs relocated to the western side of the dwelling, to the satisfaction of the Responsible Authority.

Miscellaneous

- r. The front fence does not exceed 1.8 metres at any point.
- s. Solar protection measures above all north facing habitable room windows of all dwellings, to the satisfaction of the Responsible Authority.
- t. Bollard lighting or the like to the common driveways.
- u. Sensor lights provided to the entries of all dwellings.
- v. All ground level habitable room windows within one metre of the common driveway has a sill height of at least 1.4 metres above the finished surface level of the common driveway.
- w. An arbour or similar design treatment to the pedestrian path east of Dwelling 25.
- x. A notation to indicate the visitor space is to be appropriately line marked and signposted.
- y. The storage sheds for Dwellings 5 and 6 relocated away from site boundaries to the satisfaction of the Responsible Authority.
- z. All relevant plan notations and any changes required by the Sustainable Management Plan approved as part of this permit.

Endorsed Plans

- 2. The approved development must always accord with the endorsed plans unless modified with the prior written consent of the Responsible Authority.

Landscape Plan

- 3. Concurrent with the submission of development plans for endorsement under condition 1 of this permit, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be generally in accordance with the submitted landscape plan (prepared by John Patrick Landscape Architects, revision A, dated 15/10/2024), but modified to show:

- a. Consistency with any relevant changes to the development layout as shown on the development plans endorsed under Condition 1 of this permit.
- b. Sectional details of all balcony planter boxes, including the soil volumes and depths and methods of planting and drainage.
- c. Details of the irrigation systems for all communal garden beds and lightweight planter boxes, to be controlled by sensors.
- d. All Australian Native species such as the *Corymbia citriodora* or *Corymbia eximia* to be substituted for species indigenous to Manningham.

Management Plan

4. Concurrent with the submission of development plans for endorsement under condition 1 of this permit, a Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. When approved, the SMP will be endorsed and will then form part of the permit.
5. Concurrent with the submission of development plans for endorsement under condition 1 of this permit, an amended Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The WMP must be generally in accordance with the waste management plan submitted with the application (prepared by Frater Consulting Services Revision 2 dated 22/07/24), but modified to show:
 - a. Consistency with any relevant changes to the development as shown on the development plans submitted for endorsement under this permit;
6. Concurrent with the review of plans to be endorsed under Condition 1, a Tree Protection and Management Plan (TPMP) prepared by a suitable qualified Arborist, setting out how the trees to be retained will be protected during construction and which generally follows the layout of Section 5 of AS4970 'Protection of trees on development sites', must be submitted to the Responsible Authority. When approved the TPMP will be endorsed and form part of the permit. The TPMP must include:
 - a. A map of the ground floor development plan showing the TPZ and SRZ for all trees to be retained along with the location of protective fencing and/or areas where ground protection systems will be used.
 - b. Details of any proposed work within a TPZ and construction controls required to reduce the impacts to retained trees.
 - c. A statement advising any removal or pruning of Council owned trees must be undertaken by Council approved contractor.
 - d. An inspection timeframe (minimum frequency of every 3 months), with a compliance check list to be signed and dated by the developer's project arborist and project manager/foreperson.
7. Before the development starts, including demolition, a Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority using Manningham's CMP template. When approved the CMP will be endorsed and will then form part of the permit.
8. The development and any measures to be implemented must always accord and comply with the management plans and reports endorsed under this permit, unless

modified with the prior written consent of the Responsible Authority.

Vegetation

9. Except for vegetation shown on the endorsed plans to be removed, no vegetation may be removed, destroyed or lopped, unless with the written consent of the Responsible Authority.
10. All tree protection fencing must be maintained in good condition until the completion of the construction works on the subject land to the satisfaction of the Responsible Authority.
11. All contractors/tradespersons (including demolition workers) who install services or work near trees to be retained must be made aware of any tree protection measures required under this permit.

Reticulated Gas Service Mandatory Condition

12. Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.

Completion

13. The approved dwellings must not be occupied unless the development and all landscaping is completed generally in accordance with the endorsed plans to the satisfaction of the Responsible Authority.
14. The approved dwellings must not be occupied unless all screening measures are constructed, installed and maintained permanently in accordance with the endorsed plans and to the satisfaction of the Responsible Authority. Any non-permanent screening measures (such as obscure film or spray) must not be used in lieu of any required fixed and permanent screening measures.
15. All roof-top plant and services (including any hot water systems, but excluding solar panels) must be installed and maintained in appropriately screened areas, unless otherwise agreed in writing with the Responsible Authority.
16. Unless with the written consent of the Responsible Authority, any air-conditioning unit installed on a balcony or terrace must always stand at floor level and be positioned to minimise off-site visual impacts to the satisfaction of the Responsible Authority.
17. Unless with the written consent of the Responsible Authority, no air-conditioning unit may be erected on an external wall of the building at any time.

On-Site Stormwater Detention System

18. Before the development starts, an engineering plan for an on-site stormwater detention (OSD) system to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must depict an on-site storm water detention storage or other suitable system (which may include but is not limited to the re-use of stormwater using rainwater tanks) that is designed in

accordance with Council's [On-Site Stormwater Detention Guidelines \(March 2021\)](#) to the satisfaction of the Responsible Authority.

19. The approved dwelling/s must not be occupied unless the OSD system is installed and maintained in accordance with the engineering plan endorsed under this permit to the satisfaction of the Responsible Authority.

Drainage

20. Stormwater must not be discharged from the subject land other than to the legal point of discharge or other approved means to the satisfaction of the Responsible Authority. Before any connection is made to a Council maintained asset, a Connection to Council Drain Permit must be approved by the Responsible Authority.

21. The whole of the subject land, including landscaped and paved areas must be graded and drained to prevent ponding and to minimise overland flows onto adjoining properties to the satisfaction of the Responsible Authority.

Services

22. All services associated with the approved development, including water, electricity, gas, sewerage and telephone, must be installed underground, unless with the written consent of the Responsible Authority.

23. All pipes must be concealed, with the exception of roofing downpipes and external pipes associated with water tanks, which (where exposed) must be finished in a colour complementing the wall surface to the satisfaction of the Responsible Authority.

24. All common areas must be lit to the satisfaction of the Responsible Authority and all lighting must be located, directed, shielded and be of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the subject land, to the satisfaction of the Responsible Authority.

Maintenance

25. All buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.

Car Parking and Access

26. Before the occupation of the approved development, all new vehicular crossing must be constructed as depicted on the endorsed plans and any redundant existing vehicular crossings must be removed and the kerb, channel, footpath and nature strip (as relevant) must be reinstated at the full cost of the owner and to the satisfaction of the Responsible Authority.

27. Before the occupation of the approved development, the visitor parking space must be line-marked and signposted to the satisfaction of the Responsible Authority.

28. All visitor car parking spaces, bicycle parking spaces, access lanes and driveways shown on the endorsed plans must be kept available for these purposes at all times to the satisfaction of the Responsible Authority.

Department of Transport and Planning Conditions

29. Prior to the commencement of use, all disused or redundant vehicle crossings must be removed, and the area reinstated kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.
30. Prior to the commencement of use, the sealed crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria. The crossover must be a minimum of 6m wide and include traffic signage at the exit from the driveway to restrict right turn movements.
31. Vehicles must always enter and exit the site in a forward direction.

Permit Expiry

32. This permit will expire if one of the following circumstances applies:
- a. The development is not started within two (2) years of the date of this permit; or
 - b. The development is not completed within four (4) years of the date of this permit.

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

2. BACKGROUND

- 2.1 An application for a planning permit (PLN23/0496) was lodged with Council on 15 December 2023.
- 2.2 Further information was requested by Council on 12 January 2024. The letter raised concerns with a number of aspects with the proposal, including the layout, built form, internal amenity, design detail, landscaping, car parking and access, services and trees.
- 2.3 An application to amend the proposal under Section 50 of the *Planning and Environment Act 1987* was submitted on 12 August 2024. The application was amended pursuant to Section 50 of the Planning and Environment Act to reduce the number of dwellings from 29 to 25 and to seek approval for alteration of access to a road in a Transport Zone 2.
- 2.4 Following the Section 50 amendment, a second request for further information was sent on 9 September 2024. The letter raised similar concerns to the original letter, with the addition of concerns relating to the horizontal framing features to the streetscape and setback of built form to the eastern boundary.
- 2.5 A second Section 50 Amendment was submitted on 27 November 2024. It included a number of design changes including, but not limited to the reduction in the depth of the framing features to the southern and western façade of the dwellings and the lowering of finished floor levels of Dwellings 5 to 8.
- 2.6 Notice was given over a two-week period concluding on 18 December 2024.

- 2.7 A consultation meeting was held on 17 February 2025, attended by Councillors, Council Officers, the applicant, owners and objectors.
- 2.8 The statutory time for considering a planning application is 60 days, which fell on 13 February 2025.
- 2.9 The land title is not affected by any covenants or Section 173 Agreements.

3. THE SITE AND SURROUNDS

The site

- 3.1 The site comprises of six lots which are situated on the northern side of Doncaster Road and on the north-east corner of Golf Hill Avenue. The site is approximately 425 metres from the intersection of Doncaster Road and High Street and approximately 200m to the intersection of Doncaster Road and Heritage Boulevard, the main entrance into the Tullamore Estate.
- 3.2 A summary of the site features is included in the table below.

Site Summary	
Use	Residential (Dwellings)
Total Lot Size	4313sqm.
Topography	The site generally slopes down from east to west with approximately 8 metres of fall across the site.
Fencing	Front fencing varies between each lot. The front fences of each respective lot generally consist of high solid brick/timber fencing.
Vegetation	One large canopy tree is located within the front setback of 459 Doncaster Road. Otherwise, the site is generally void of significant vegetation.
Easements	<p>The site is encumbered by a 3.05 metre wide easement, situated along the northern boundary of 449 and 451 Doncaster Road.</p> <p>The site is encumbered by a 1.83 metre wide easement, situated along the northern boundary of 453, 457, 459 and 461 Doncaster Road.</p>
Footpath assets / access	<p>There is a footpath adjacent to the western boundary (Golf Hill Avenue) and a footpath adjacent to the southern boundary (Doncaster Road).</p> <p>Two street trees are located on Golf Hill Avenue and three street trees on Doncaster Road.</p>

	<p>There is one crossover to Golf Hill Avenue, three crossovers to the Doncaster Road Service Road and three crossovers to Doncaster Road.</p> <p>A bus stop is located on Doncaster Road adjacent to 453-455 Doncaster Road.</p>
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The Surrounds

3.3 The site is within close proximity to a range of activity centres, including the Doncaster Hill Activity Centre, primary and secondary schools, open space and freeway connections. Bus services are provided on Doncaster Road and High Street which include routes 207, 284, 285, 907 and 908.

3.4 The site has direct abutments with the following properties:

Direction	Address	Description
North	2 Golf Hill Avenue	This lot comprises a single storey white brick dwelling with an open carport and a pitched tiled roof. The dwelling is setback 3.92 metres from Golf Hill Avenue and 2.53 metres from the common boundary (southern boundary). The driveway and carport are positioned along the southern boundary of the lot with the primary secluded primary open space being located towards the rear of the dwelling.
	10 Iskandar Place	This lot comprises a double storey dwelling with render and cladding finishes and a flat roof. The dwelling is setback is 2.4 metres from the western boundary and 3.08 metres from the southern boundary. There is a 2.5 metre high hedge along the southern and western boundaries.
	11 Iskandar Place	This lot comprises a double storey dwelling setback 4.99 metres from the southern boundary. The secluded private open space is located to the rear of the dwelling. There is no significant vegetation located on the site.
	12 Iskandar Place	This lot comprises a large double storey rendered dwelling with a pitched tiled roof. The dwelling is setback 5 metres from the southern boundary. The secluded private open space is located to the rear of the dwelling.
	23 Silver Leaf Circuit	This lot comprises a double storey rendered dwelling with a pitched tiled roof. The dwelling is setback 2 metres from the southern boundary. The secluded private open space is located to the

		rear of the dwelling. The dwelling is part of the Tullamore Estate.
East	21 Silver Leaf Circuit	This lot comprises a double storey dwelling. It utilises brick, render and cladding and flat roof. The dwelling is setback 1.9 metres from the western boundary and approximately 9 metres from the southern boundary. The secluded private open space is located to the western side of the dwelling. The dwelling is part of the Tullamore Estate.

3.8 The zoning of the immediate area comprises of Residential Growth Zone for all lots abutting Doncaster Road and within the Tullamore Estate. The site also abuts the General Residential Zone - Schedule 1, to the north as demonstrated in the image below.



Figure: Zoning Map

- 3.9 The Tullamore Estate adjoins the subject site to the east and comprises three apartment buildings, a café, a recreation facility and a variety of single, double and three storey dwellings.
- 3.10 Immediately adjoining the subject site to the east are a number of double storey attached townhouses which front Doncaster Road. These dwellings are contemporary in design and have a flat roof form that utilises various materials such as brick, render and metal cladding. These dwellings are part of the Tullamore Estate.
- 3.11 The broader area generally comprises both single and double storey dwellings of various architectural styles. There are also three storey residential and non-residential buildings directly opposite to the south of the site.

4. THE PROPOSAL

- 4.1 The proposal is outlined on the following plans (prepared by Jesse Ant Architects, revision D, dated 26 November 2024) Attachment 1. These plans form the decision plans to be relied upon in this assessment.
- 4.2 The following supporting documents were submitted with the proposal:
- Waste Management Plan prepared by Frater Consulting Services, dated 30/10/2024;
 - Arborist Report prepared by John Patrick Landscape Architecture dated 05/12/2023;
 - Swept Paths prepared by Traverse Transport dated 15/10/2024;
 - Landscape Plan prepared by John Patrick Landscape Architecture dated 15/10/2024;
 - Sustainable Design Assessment prepared by Frater Consulting Services dated 30/10/2024;
 - Planning Report prepared by Human habitats dated 13 December 2023;
 - Traffic Report prepared by Traverse Transport dated 2 August 2024.

PROPOSAL SUMMARY	
Building details	Site area: 4313m ² Site coverage: 49.4% Permeability: 32.8%
Proposed uses	Dwellings (Accommodation, no permit required for the use)
Storeys	19 three – storey dwellings and 6 two-storey dwellings.
Maximum building height	11.2 metres.
Minimum front setback	Minor portion of Dwelling 4 is setback 4.85+ metres to the southern boundary (Doncaster Road).
Minimum side setbacks	3.33 metres to Golf Hill Avenue. 1.54 metres to the eastern boundary.
Minimum rear setback (North)	3 metres.
Bedrooms	13, three-bedroom dwellings 12, four-bedroom dwellings.

PROPOSAL SUMMARY	
Car parking	2 car spaces for each dwelling and 1 visitor space. 51 car spaces in total.
Bicycle parking	One bicycle space per dwelling.
Proposed access	A new crossover on Golf Hill Avenue to service Dwellings 1 to 15. A new crossover on Doncaster Road to service Dwellings 16 to 25. There are six redundant crossovers that will be reinstated.
Building materials	Brick is utilised for the ground floor of each dwelling. A combination of render and metal cladding is applied to the first and floors.
Easements	The easement along the northern boundary is not proposed to be removed.
Trees and any removal	No significant trees are proposed to be removed. The large tree (Tree 25 and the street trees west of 453 Doncaster Road (Trees 13 and 14) are all proposed to be retained.

5. LEGISLATIVE REQUIREMENTS

- 5.1 Refer to Attachment 2 (Planning & Environment Act 1987, Manningham Planning Scheme, other relevant legislation policy).
- 5.2 A permit is required under the following Clauses of the Manningham Planning Scheme:
- Clause 32.07-6 (Residential Growth Zone): Construct two or more dwellings on a lot
 - Clause 32.07-6 (Residential Growth Zone): Construct or extend a front fence within 3 metres of a street
 - Clause 43.02 (Design and Development Overlay): Construct a building or construct or carry out works
 - Clause 43.02 (Design and Development Overlay): Construct or extend a front fence within 3 metres of a street
 - Clause 52.29-2 (Land Adjacent to the Principal Road Network): Create or alter access to a road in a Transport Zone 2
- 5.3 Planning Scheme Amendment VC267 was approved on 6 March 2025, introducing the Townhouse and Low-Rise Code and making various changes to Clause 55 of the Scheme.

- 5.4 As per the transitional provision under Clause 32.07-6 of the Scheme, this application is still being assessed under Clause 55 (ResCode) as applicable before the approval of Planning Scheme Amendment VC267 as it was received prior to 6 March 2025 and has not been amended.

6. REFERRALS

External

Department of Transport

- 6.1 Pursuant to Clause 52.29 and 66.03 of the Manningham Planning Scheme, the Department of Transport and Planning is a *determining* referral authority as the application seeks to create and alter access to a road in a Transport Zone 2 (Doncaster Road).
- 6.2 Transport for Victoria provided a response on 8 January 2024 and 24 February 2025. Transport for Victoria have stated that they have no objection to the proposal subject to conditions being included on the permit. The conditions requested by Transport for Victoria do not require any design changes to the proposal and primarily relates to the requirements for the construction of the new crossovers and the removal of redundant crossovers, as well as requiring vehicles to enter and exit the site in a forward manner. These will be included as permit conditions.

Internal

Infrastructure and Sustainable Operations Unit

- 6.3 Engineering advice was received on 24 March 2025. Their requirements will be included via permit conditions and footnotes as relevant.
- 6.4 Council's engineers have raised concerns with the level difference between adjacent garages which may result in safety concerns for future residents. Accordingly, a condition on the permit will require level changes to the garages of some dwellings to ensure that the difference between adjacent garages does not exceed 150mm.
- 6.5 The above mentioned change can be achieved though reducing the finished floor level of the garages of a number of dwellings. Given the finished floor levels are to be lowered, this would not result in a detrimental impact to adjoining properties or the streetscape.

Statutory Planning Arborist

- 6.6 Arboricultural advice was received on 13 March 2025. The requirements will be included via permit conditions and footnotes as relevant.
- 6.7 The proposed design will result in an encroachment of approximately 20% of Tree 25's Tree Protection Zone, likely resulting in the loss of this tree given the lack of sufficient space, soil volume and root mass.
- 6.8 To reduce the impacts on Tree 25 to an acceptable level, the portico / raised deck opposite the living rooms of Dwellings 22 and 23 will be deleted and the

entry path and front door to Dwelling 22 relocated to the western side of the building. This will be included as a permit condition.

- 6.9 These changes can be achieved without any significant design changes or internal amenity impacts to future residents. The deletion of the small decks to the living spaces in favour of retaining the large tree within the front setback of the site is a favourable outcome and ensures that the development complies with the landscape objectives of Clause 15.01-5-01L and Clause 55.03-8 of the Scheme.
- 6.10 The remaining trees within the subject site have low arboricultural value and there is no objection to their removal.

7. CONSULTATION / NOTIFICATION

- 7.1 Notice of the application was given by Council which concluded on 18 December 2024, by sending letters to the owners and occupiers of adjacent and nearby properties and by displaying 7 signs on the site frontages for a 2 week period.
- 7.2 To date, 5 objections have been received. Issues raised primarily related to:
- Environmental impacts as a result of urban heat island effect and lack of permeable land.
 - Overshadowing.
 - Overlooking.
 - Loss of energy efficiency.
 - Neighbourhood Character / Overdevelopment.
 - Visual bulk / excessive height.
 - Traffic issues and lack of visitor parking.
 - Loss of vegetation.
 - Strain on existing infrastructure.
 - Safety issues as a result of the proposed accessway on Doncaster Road.
 - Amenity impacts as a result of the bin storage area along the eastern boundary.
 - Potential damage to existing boundary fencing.
 - Residential Noise.
 - Loss of affordable housing options. The objector has urged the Council or State Government to consider a 'community buy back scheme', which would provide affordable housing options through a structured payment plan.
- 7.3 A consultation meeting was held on 17 February 2025, attended by Councillors, Council Officers, the applicant, the owners and objectors. The applicant agreed to

make some changes to the plans following the consultation meeting however officers advised that these changes should not be formalised through an amended Section 57 process due to the recently gazetted Amendment VC267 which introduced the new Townhouse and Low-Rise Code.

- 7.4 A set of discussion plans were informally sent through by the applicant which included a number of changes. These changes have informed our permit conditions, specifically in relation to the finished floor levels of the dwellings and the bin enclosure location.
- 7.5 The grounds of objection are considered within the assessment section and further responded to in Section 8 of this report.

8. ASSESSMENT

- 8.1 The site is located within the Residential Growth Zone – Schedule 2 and is subject to the Design and Development Overlay – Schedule 8-1.
- 8.2 The proposal has been assessed against the relevant state and local planning policies, the zone and overlay, and the relevant particular provisions and general provisions of the Manningham Planning Scheme.
- 8.3 The assessment is made under the following headings:
- Planning Policy Frameworks;
 - Design and Built Form;
 - Two or more dwellings on a lot and residential buildings (ResCode);
 - Car parking, access and traffic;
 - Objector concerns.

Planning Policy Frameworks

- 8.4 At both the state and local levels, relevant planning policy identifies the need for a greater mix of housing in Manningham, including medium and higher density residential developments. Policy also seeks to ensure that these developments are well designed, and focuses on locating higher density housing in close proximity to activity centres and along main roads and public transport routes.
- 8.5 Clause 16.01-1S (Housing supply), encourages higher density housing development on sites that are well located in relation to jobs, services and public transport.
- 8.6 Clause 16.01-R includes a number of strategies that encourage high density housing development on sites that are well located in relation to jobs, services and public transport as well as seeking to supply housing in areas for residential growth.
- 8.7 Clause 15.01-5L-02 of the Manningham Planning Scheme separates Manningham's residential land into four residential character precincts.
- 8.8 The subject site is located within Precinct 2: Residential Areas surrounding activity centres and Main Roads.

- 8.9 The objective of this precinct is “to promote substantial change that is high quality, contemporary and designed to provide a transition between sub-precincts in Precinct 2”.
- 8.10 A substantial level of change is anticipated in Precinct 2. This is distinct from the other residential character Precincts 1, 3 and 4 which anticipate either incremental or minimal change only.
- 8.11 The strategies of Precinct 2 are as follows:
- Provide for contemporary architecture.
 - Encourage use of varied and durable building materials in building facades that provide visual interest.
 - Provide a graduated building scale and form from side and rear boundaries.
 - Incorporate a landscape treatment that enhances the overall appearance of the development and any adjacent main road.
 - Integrate car parking into the design of buildings and landform.
 - Encourage the built form fronting Doncaster Road at the former Eastern Golf Course (Tullamore) to be of a scale that provides an appropriate transition to Doncaster Hill Major Activity Centre.
- 8.12 Precinct 2 areas are also covered by the Design and Development Overlay, Schedule 8 (DDO8), which outlines specific built form, car parking, landscape and fencing outcomes. These outcomes are intended to regulate the design of new developments in Precinct 2, to define what constitutes substantial change in the Manningham context and to achieve a preferred neighbourhood character.
- 8.13 Precinct 2 areas are further delineated into three sub-precincts. These sub-precincts dictate a tiered approach to the strategic policy intentions for substantial change, to ensure that the highest intensity development is appropriately located, and that appropriate transitions to incremental/minimal change areas are achieved by the larger built form.
- 8.14 The subject site is within the DDO8-1 Sub-precinct (Main Road). This sub-precinct supports apartment style development along main roads and on larger consolidated lots.
- 8.15 In addition to being affected by planning policy that encourages a substantial level of change, the site’s location demonstrates that it is appropriate for a higher form of density than what currently exists, provided that an appropriate design outcome is achieved. This site is located within close proximity to the Doncaster Hill Activity Centre and adjoins a main arterial road which is serviced by bus routes and provides direct access to the Eastern Freeway.
- 8.16 The development of the land with an increased residential density is therefore appropriate when considering the strategic context of the site, in accordance with the Planning Policy Frameworks. The proposed density of one dwelling per 172m² is considered to achieve the substantial level of change that is intended by the policies, and the maximum site coverage and recommended number of storeys is not exceeded.

- 8.17 Despite meeting the high level strategic policies, the proposal must still meet the specific design objectives of the DDO8 and other relevant provisions of the Scheme. These provisions have all been assessed and detailed in the following paragraphs.

Design and Built Form

- 8.18 The proposal is consistent with the mandatory height requirement (13.5 metres) of the Residential Growth Zone.
- 8.19 The DDO8 outlines specific built form, car parking, landscape and fencing outcomes that should be achieved by a proposal, to meet its overall design objectives.
- 8.20 The following assessment is made against the specific built form, car parking, landscape and fencing requirements of the DDO8:

Design Element	Compliance
Building Height and Setbacks (Sub-Precinct Main Road DDO8-1)	
<ul style="list-style-type: none"> Discretionary height of 11 metres as the minimum land size condition has been met (1800sqm) 	<p>Considered Satisfied</p> <p>The development has a maximum overall building height of 11.2 metres. The DDO8-1 has a discretionary building height of 11m. The proposal exceeds the discretionary height control by 200mm. This minor variation is considered appropriate as it will be visually negligible.</p>
<ul style="list-style-type: none"> Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser. 	<p>Considered Satisfied</p> <p>The following dwellings encroach within the required 6 metre front setback to Doncaster Road.</p> <p>Dwelling 1 – 5.23m Dwelling 4 – 4.85m Dwelling 10 – 5.81m Dwelling 12 – 5.50m Dwelling 21 – 5.51m</p> <p>Given the angled frontage and irregular shape of the site, the above encroachments are limited to a small section of the dwellings and are considered acceptable.</p> <p>Although Dwellings 1 and 4 will encroach into the required setback, their location fronting the service road will not result unreasonable visual impacts to the overall Doncaster Road streetscape.</p> <p>A number of dwellings fronting Doncaster Road are setback in excess of 6 metres, which provides varied setbacks to avoid a continuous building line and provide visual interest to the streetscape.</p> <p>Sufficient space remains within the street</p>

	<p>setback for landscaping.</p> <p>The porches of the dwellings fronting Doncaster Road extend slightly forward of the respective front walls, which remains compliant with the DDO8 setback provision of the Scheme (which allows a maximum 2 metre encroachment).</p>
Form	
<ul style="list-style-type: none"> Ensure that the site area covered by buildings does not exceed 60 percent. 	<p>Satisfied</p> <p>The development has a site coverage of 49.4%.</p>
<ul style="list-style-type: none"> Provide visual interest through articulation, glazing and variation in materials and textures. 	<p>Satisfied</p> <p>The development incorporates a variety of colours and materials to provide visual interest.</p> <p>Materials include grey brick, grey tile, concrete look cladding, white and light grey render, dark grey metal cladding. These materials and colours provide different tones and textures for visual interest, whilst also complementing one another and the existing streetscape.</p>
<ul style="list-style-type: none"> Minimise buildings on boundaries to create spacing between developments. 	<p>Satisfied</p> <p>Buildings on boundaries have been completely avoided in order to provide spacing between developments.</p>
<ul style="list-style-type: none"> Where appropriate ensure that buildings are stepped down at the rear of sites to provide a transition to the scale of the adjoining residential area. 	<p>Satisfied</p> <p>The two and three-storey scale of the proposal in addition to the setbacks provide an appropriate transition to the adjoining dwellings.</p> <p>Conditions on the permit will require Dwellings 5, 6, 7 and 8 to be lowered by 300mm in order to improve the transition to the single storey built form of the adjoining property to the north.</p> <p>Although Dwellings 9 to 15 are 3 storeys high, they are adjacent two large double storey dwellings to the north. They also have a generous setback to the northern boundary to provide stepping and reduce the extent of visual bulk.</p> <p>Dwellings 16 to 19 are double storey in form and provide an appropriate transition to the adjoining double storey dwellings to the north.</p>
<ul style="list-style-type: none"> Where appropriate, ensure that buildings are designed to step with the slope of the land. 	<p>Satisfied</p> <p>The levels and heights of the proposed dwellings step down in accordance with the</p>

	slope of the land.														
<ul style="list-style-type: none"> Avoid reliance on below ground light courts for any habitable rooms. 	<p>Satisfied No below ground light courts are proposed or required.</p>														
<ul style="list-style-type: none"> Ensure the upper level of a two storey building provides adequate articulation to reduce the appearance of visual bulk and minimise continuous sheer wall presentation. 	<p>Satisfied Continuous sheer walls have generally been avoided for the two-storey dwellings.</p> <p>Material variation and fenestration are utilised to provide articulation between levels, especially where the first floor is minimally recessed from the ground floor below. The upper level is also adequately set back from external boundaries to reduce the appearance of visual bulk.</p>														
<ul style="list-style-type: none"> Ensure that the upper level of a three storey building does not exceed 75% of the lower levels, unless it can be demonstrated that there is sufficient architectural interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation. 	<p>Considered satisfied An assessment against the percentage of the upper levels of all three storey dwellings has been included in the table below.</p> <table border="1"> <tbody> <tr> <td>Dwelling 1 – 69.7%</td><td>Dwelling 9 – 60.6%</td></tr> <tr> <td>Dwelling 2 – 88.1%</td><td>Dwelling 10 – 81.5%</td></tr> <tr> <td>Dwelling 3 – 84.3%</td><td>Dwelling 11 – 81.5%</td></tr> <tr> <td>Dwelling 4 – 70.8%</td><td>Dwelling 12 – 83.8%</td></tr> <tr> <td>Dwelling 5 – 73.9%</td><td>Dwelling 13 – 83.8%</td></tr> <tr> <td>Dwelling 6 – 82.5%</td><td>Dwelling 14 – 81.5%</td></tr> <tr> <td>Dwelling 7 – 82.6%</td><td>Dwelling 15 – 58.4%</td></tr> </tbody> </table> <p>As outlined above, the second floor of a number of dwellings exceed 75% of the first floor, however, it is considered that the development has a high level of architectural interest in order to reduce visual bulk and provide visual interest to the streetscape and surrounding properties through material variation and design features such as framing features and cantilevering. Further to that, the upper levels are generously setback from site boundaries to reduce the appearance of visual bulk.</p> <p>The second floor of Dwellings 20-24 are around 108%-115% of the first floor, however these Dwellings present as two storey to Doncaster Road and the adjoining property to the east. The dwellings only present as three storey internally due to the slope of the land and protrusion of the garage above the existing natural ground level.</p>	Dwelling 1 – 69.7%	Dwelling 9 – 60.6%	Dwelling 2 – 88.1%	Dwelling 10 – 81.5%	Dwelling 3 – 84.3%	Dwelling 11 – 81.5%	Dwelling 4 – 70.8%	Dwelling 12 – 83.8%	Dwelling 5 – 73.9%	Dwelling 13 – 83.8%	Dwelling 6 – 82.5%	Dwelling 14 – 81.5%	Dwelling 7 – 82.6%	Dwelling 15 – 58.4%
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<ul style="list-style-type: none"> Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos. 	<p>Satisfied The porticos and the framing features are appropriately integrated with the overall design of the development. Although a number of dwellings appear to have a two storey portico, they double as a balcony to the first floor above. The porticos are framed</p>														

	by either vertical or horizontal framing features which provide visual interest.
<ul style="list-style-type: none"> Be designed and sited to address slope constraints, including minimising views of basement projections and/or minimising the height of finished floor levels and providing appropriate retaining wall presentation. 	Satisfied subject to conditions The levels and heights of the dwellings are suitably stepped in accordance with the slope of the land. As previously discussed, Conditions on the permit will require the finished floor levels of Dwellings 5, 6, 7 and 8 to be lowered in order to further ensure that the development responds to the slope of the land and result in the lowering of the overall building heights.
<ul style="list-style-type: none"> Be designed to minimise overlooking and avoid the excessive application of screen devices. 	Satisfied subject to conditions Subject to conditions discussed in the assessment of Clause 55.04-6 (Overlooking) of the Scheme, overlooking impacts will be suitably minimised without excessive screening.
<ul style="list-style-type: none"> Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all mobilities. 	Satisfied The dwelling entries can mostly be accessed via minimal steps.
<ul style="list-style-type: none"> Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties. 	Not applicable No basement is proposed.
<ul style="list-style-type: none"> Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site. 	Satisfied Parking is provided at ground level. Garage openings do not face the street to dominate the streetscape presentation.
<ul style="list-style-type: none"> Integrate car parking requirements into the design of buildings and landform by encouraging the use of undercroft or basement parking and minimise the use of open car park and half basement parking. 	Satisfied Car parking has been appropriately integrated into the design of the buildings. Fenestration has been included to the garage doors and landscape treatments are proposed to provide further visual interest.
<ul style="list-style-type: none"> Ensure the setback of the basement or undercroft car park is consistent with the front building setback and is setback a minimum of 4.0m from the rear boundary to enable effective landscaping to be established. 	Satisfied Parking is provided at ground level. Nonetheless, there are sufficient opportunities for landscaping within the rear setback for effective landscaping.
<ul style="list-style-type: none"> Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces. 	Satisfied Sufficient setbacks for screen planting and provision of canopy trees are provided. Council's Statutory Planning Arborist is satisfied that sufficient space remains in the front of each dwelling fronting Doncaster road

	<p>for the planting and establishment of a canopy tree.</p> <p>A condition on the permit will require an updated landscape plan to be submitted to include canopy trees.</p>
<ul style="list-style-type: none"> Ensure that service equipment, building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces. 	<p>Not applicable</p> <p>No lifts or roof-mounted services are proposed.</p>
Car Parking and Access	
<ul style="list-style-type: none"> Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback. 	<p>Satisfied</p> <p>A new crossover is proposed on each of Golf Hill Avenue and Doncaster Road. There are six redundant crossovers that will be removed and reinstated, three of which are located on the service road. Accordingly, the proposal improves the availability of on street parking, particularly in front of 449 and 451 Doncaster Road. A condition on the permit will require a notation to state that the existing crossover to 453 Doncaster Road is to be removed and reinstated.</p> <p>No street trees are required to be removed.</p> <p>The subject site is located within the Principal Public Transport Network (PPTN) area and therefore there is <u>no requirement</u> in the Manningham Planning Scheme for the provision of visitor car parking spaces. One visitor car space has however been provided adjacent to Dwellings 17/18.</p>
<ul style="list-style-type: none"> Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open space or is appropriately screened, as is necessary. 	<p>Not applicable</p>
<ul style="list-style-type: none"> Ensure that where garages are located in the street elevation, they are set back a minimum of 1.0m from the front setback of the dwelling. 	<p>Not applicable</p> <p>There are no garages located within the street elevation.</p>

<ul style="list-style-type: none"> Ensure that access gradients of basement car parks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements. 	<p>Not applicable Car parking is provided at ground level.</p> <p>Nonetheless, gradients are required to be assessed in accordance with Clause 52.06-9 (Car parking) of the Scheme.</p>
Landscaping	
<ul style="list-style-type: none"> On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at maturity. 	<p>Satisfied 19 canopy trees are proposed within the Doncaster Road frontage. These trees have a spreading crown and are capable of growing to at least 8 metres at maturity.</p>
<ul style="list-style-type: none"> Provide opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form. 	<p>Satisfied subject to conditions Standard conditions will require screen planting to be at least 0.5 metres in height at the time of planting, and capable of reaching at least 3 metres at maturity.</p> <p>To further improve screen planting outcomes further, conditions will require the rearrangement of services (storage) to maximise available space along the side and rear boundary fences.</p>
Fencing	
<ul style="list-style-type: none"> A front fence must be at least 50 per cent transparent. On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn and Mitcham Roads, a fence must: <ul style="list-style-type: none"> not exceed a maximum height of 1.8m be setback a minimum of 1.0m from the front title boundary <p>and a continuous landscaping treatment within the 1.0m setback must be provided.</p>	<p>Satisfied subject to conditions The front fence is generally 1.8 metres in height, however there are small sections of brick that are approximately 2 metres in height. A condition on the permit will require the fence to be reduced in height so as to not exceed 1.8 metres at any point.</p> <p>For the most part the fence is at least 50% transparent, however there are solid sections of the fence. This is considered acceptable, as the solid brick sections are generally limited to the mailboxes/area.</p> <p>The fence is setback 1 metre from the title boundary along Doncaster Road to enable a continuous landscape treatment in front of the proposed fence.</p>

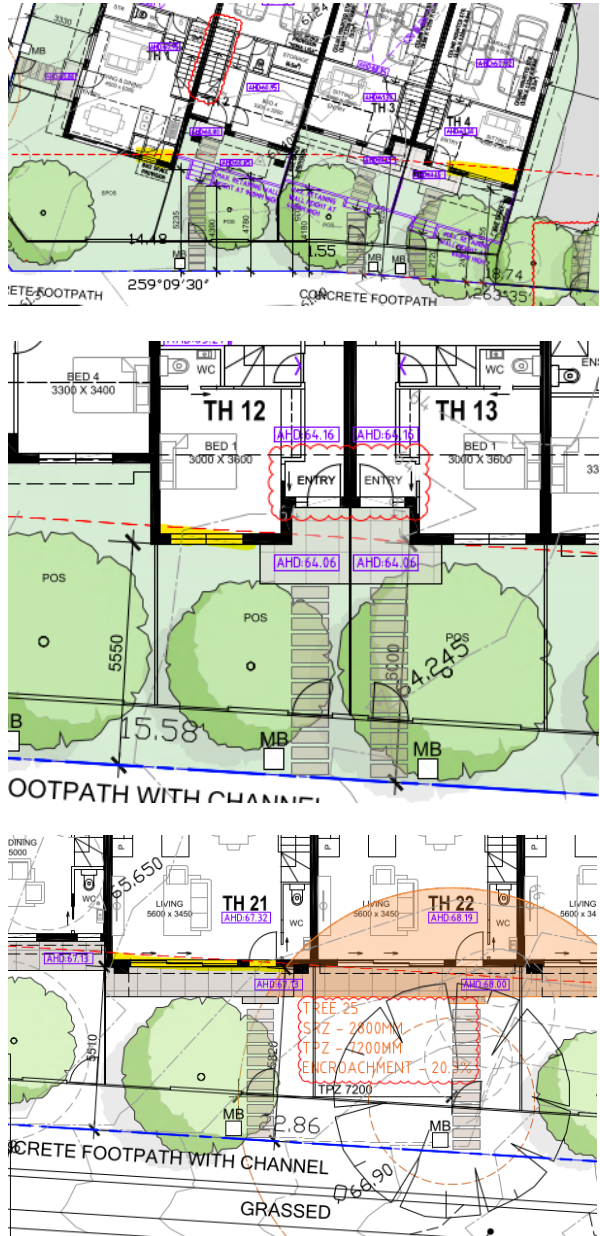
Two or more dwellings on a lot and residential buildings

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

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

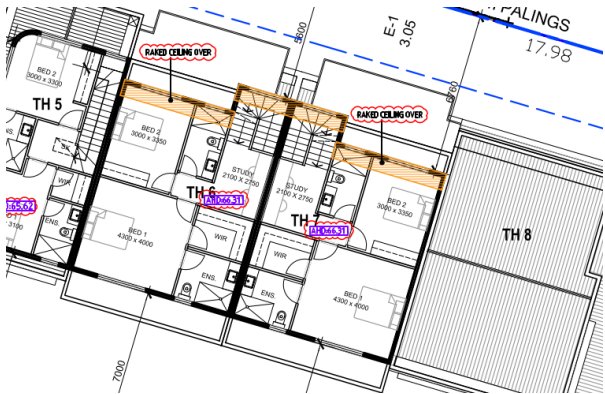
Objective	Compliance
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<p>55.02-1 – Neighbourhood Character</p> <ul style="list-style-type: none"> • To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. • To ensure that development responds to the features of the surrounding area. 	<p>Standard Met</p> <ul style="list-style-type: none"> • As identified by the relevant planning policy, a substantial level of change is anticipated for this site. The preferred neighbourhood character as set out by the DDO8 is for highly articulated contemporary forms, with a range of visually interesting materials and facades. • The proposed design is considered to respond positively to the preferred neighbourhood character. • The development offers an appropriate design response to the street and surrounding properties. • There is sufficient space for landscaping along the side and rear boundaries and within the front setback. • The use of a mix of building materials including brickwork, render and cladding will ensure the development is complementary to the character of the area. • The flat roof is reflective of the roof form of recently constructed dwellings in the immediate area.
<p>55.02-2 Residential policy</p> <ul style="list-style-type: none"> • To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. • To support medium densities in areas where development can take advantage of public transport and community infrastructure and services. 	<p>Standard Met</p> <ul style="list-style-type: none"> • The proposal responds to the relevant local planning policy including the preferred outcomes for Precinct 2 and the Sub-Precinct Main Road as discussed in an earlier section of this assessment.
<p>55.02-3 Dwelling Diversity</p> <ul style="list-style-type: none"> • To encourage a range of dwelling sizes and types in developments of ten or more dwellings. 	<p>Standard Met</p> <ul style="list-style-type: none"> • A range of dwelling types and sizes have been provided. 13, three-bedroom dwellings and 12, four-bedroom dwellings are proposed. . 12 dwellings will have a bedroom and bathroom at ground floor.
<p>55.02-4 Infrastructure</p> <ul style="list-style-type: none"> • To ensure development is provided with appropriate utility services and infrastructure. • To ensure development does not unreasonably overload the capacity of utility services and infrastructure. 	<p>Standard Met subject to conditions</p> <ul style="list-style-type: none"> • No concerns have been raised by Council's Infrastructure and Sustainable Operations Unit relating to the capacity of the existing infrastructure to support the proposed development. • The development has access to all reticulated services, including sewerage, drainage, electricity and gas. • The development will not unreasonably exceed

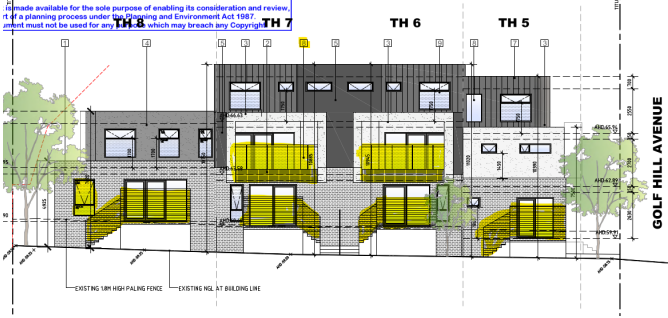
	<p>the capacity of utility services and infrastructure.</p> <ul style="list-style-type: none"> A permit condition will require the provision of an on-site storm water detention system to limit permissible discharge and alleviate capacity concerns for existing drainage.
<p>55.02-5 Integration with street</p> <ul style="list-style-type: none"> To integrate the layout of development with the street. 	<p>Standard Met</p> <ul style="list-style-type: none"> All dwellings provide adequate pedestrian and vehicle links to Doncaster Road.
<p>55.03-1 Street setback</p> <ul style="list-style-type: none"> To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. 	<p>Considered Met</p> <ul style="list-style-type: none"> As discussed in the DDO8 assessment, the encroachment of some of the dwellings into the front setback is considered acceptable given the angular alignment of the proposal and as the encroachments are minimal due to the irregular shape of the front boundary. 

55.03-2 Building Height <ul style="list-style-type: none"> To ensure that the height of buildings respects the existing or preferred neighbourhood character. 	Standard Met <ul style="list-style-type: none"> The proposed maximum building height of 11.2m metres does not exceed the allowable maximum building height of 13.5m as required by the Residential Growth Zone. The DDO8-1 has a discretionary building height of 11 metres. The proposal exceeds the discretionary height control by 200mm. This minor variation is considered to be appropriate as it will be visually negligible.
55.03-3 Site coverage <ul style="list-style-type: none"> To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. 	Standard Met <ul style="list-style-type: none"> The site coverage of 49.4% is well below the 60% maximum.
55.03-4 Permeability and stormwater management <ul style="list-style-type: none"> To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration. To encourage stormwater management that maximises the retention and reuse of stormwater. 	Standard Met <ul style="list-style-type: none"> The proposed site permeability of 32.8% exceeds the 20% minimum amount required. As outlined above, an on-site detention system will be required via conditions. The proposal achieves a 100% STORM score through the provision of 2x 20,000L water tanks underneath the driveway.
55.03-5 Energy efficiency <ul style="list-style-type: none"> To achieve and protect energy efficient dwellings and residential buildings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. 	Satisfied subject to conditions <ul style="list-style-type: none"> Due to the orientation of the site, not all dwellings can be oriented to have north facing living rooms and secluded private open space areas. There does not appear to be any solar protection devices to the ground floor, first floor and second floor north facing windows to all dwellings. Accordingly, a condition on the permit will require solar protection measures to be provided above the north facing windows of all dwellings. A standard condition will require all relevant notations to be added to plans in accordance with the submitted sustainable design assessment.
55.03-6 Open space <ul style="list-style-type: none"> To integrate the layout of development with any public and communal open space provided in or adjacent to the development. 	Not applicable <ul style="list-style-type: none"> No communal open space areas are provided for this development.
55.03-7 Safety <ul style="list-style-type: none"> To ensure the layout of development provides for the 	Standard Met subject to conditions <ul style="list-style-type: none"> There are no apparent safety or security issues with the proposed development. Passive

<p>safety and security of residents and property</p>	<p>surveillance to the shared driveway is provided by the dwellings.</p> <ul style="list-style-type: none"> Dwelling entries are not obscured from the common driveway or street, and secure parking is provided by enclosed garages with roller doors. A condition on the permit will require bollard lighting or the like to the common driveway areas. Sensor lights are provided above the garage entries. A condition will require that sensor lights be provided above all porch entries to provide additional illumination.
<p>55.03-8 Landscaping</p> <ul style="list-style-type: none"> To encourage development that respects the landscape character of the neighbourhood. To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. To provide appropriate landscaping. To encourage the retention of mature vegetation on the site. 	<p>Standard Met</p> <ul style="list-style-type: none"> There are adequate setbacks and soil volumes for the provision of meaningful landscaping including screen planting and canopy trees. Opportunities will be improved by previously discussed conditions for the relocation of sheds where possible. A condition will require the submission of a revised landscape plan. Additionally, standard tree protection measures will be required to be implemented for existing trees on adjoining properties to minimise construction impacts.
<p>55.03-9 Access</p> <ul style="list-style-type: none"> To ensure the number and design of vehicle crossovers respects the neighbourhood character. 	<p>Standard Met</p> <ul style="list-style-type: none"> The width of the Doncaster Road frontage exceeds 20m and therefore the accessways must not exceed 33% of the street frontage. The proposed width of the accessway is 6.15m (4% of the street frontage) and therefore complies with the standard. The width of the Golf Hill Avenue frontage exceeds 20m and therefore the accessways must not exceed 33% of the street frontage. The proposed width of the accessway is 6.16m (15% of the street frontage) and therefore complies with the standard.
<p>55.03-10 Parking location</p> <ul style="list-style-type: none"> To provide convenient parking for resident and visitor vehicles. To protect residents from vehicular noise within developments. 	<p>Satisfied subject to conditions</p> <ul style="list-style-type: none"> Each dwelling is provided with 2 car spaces. Dwellings 1 to 19 are provided with parking at ground level and Dwellings 20 to 25 are provided with semi basement garages. Access from the garages to the ground floor of Dwellings 20 to 25 are provided through stairs within the garages. There are a number of ground level habitable room windows that are within 1.5 metres of the common driveway. The sill height of these windows have not been depicted on the plans. Accordingly, a condition on the permit will require all ground level habitable room windows within 1 metre of the common

	<p>boundary to have a sill height of at least 1.4 metres above the finished surface level of the common driveway.</p> <ul style="list-style-type: none"> The subject site is located within the Principal Public Transport Network (PPTN) area and therefore there is <u>no requirement</u> in the Manningham Planning Scheme for the provision of visitor car parking spaces. The proposal however has provided one onsite visitor car space adjacent to Dwellings 17 & 18.
<p>55.04-1 Side and rear setbacks</p> <ul style="list-style-type: none"> To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>Standard Met subject to conditions</p> <ul style="list-style-type: none"> Overall the development complies with all setbacks to side and rear boundaries with the exception to the following: Dwellings 6 & 7 are required to be modified in height to comply with the required setback from the northern boundary of the site. As a consequence, the finished floor levels will be further reduced by approximately 300mm and a raked ceiling will be incorporated into the design to ensure that the dwellings comply with the standard. The applicant has confirmed these changes are achievable. This will be conditioned accordingly. 
<p>55.04-2 Walls on boundaries</p> <ul style="list-style-type: none"> To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>Not applicable</p> <ul style="list-style-type: none"> There are no walls proposed on any boundaries.
<p>55.04-3 Daylight to existing windows</p> <ul style="list-style-type: none"> To allow adequate daylight into existing habitable room windows 	<p>Standard Met.</p> <ul style="list-style-type: none"> The development is well setback from all shared boundaries. All existing habitable room windows on adjoining lots are provided with a light court of a minimum dimension of 1 metre clear to the sky and a minimum area of 3 square metres to comply with the standard.

<p>55.04-4 North facing windows</p> <ul style="list-style-type: none"> To allow adequate solar access to existing north-facing habitable room windows. 	<p>Standard Met</p> <ul style="list-style-type: none"> There are no existing north facing habitable room windows on an adjoining property within 3 metres of the common boundary.
<p>55.04-5 Overshadowing open space</p> <ul style="list-style-type: none"> To ensure buildings do not significantly overshadow existing secluded private open space. 	<p>Standard Met</p> <ul style="list-style-type: none"> The shadow diagrams submitted indicate that there will be additional overshadowing to two adjoining properties by shadows cast beyond the boundary fence at 2pm and 3pm. However, these shadows only impact a small portion of the existing secluded private open space areas and the development complies with the requirements of the standard.
<p>55.04-6 Overlooking</p> <ul style="list-style-type: none"> To limit views into existing secluded private open space and habitable room windows. 	<p>Satisfied subject to conditions</p> <ul style="list-style-type: none"> For the most part, all first floor and second floor north facing habitable room windows that are within 9 metres of adjoining secluded private open space areas or habitable rooms have obscure glazing or have a sill height of 1.7m in accordance with the standard. The sectional diagram provided on TP31 demonstrates that the planter box appropriately limits overlooking from the balconies of bedroom 3 of Dwellings 10 to 14. The first floor east facing windows of Dwellings 19 and 25 are highlight windows but their sill heights are not dimensioned. Accordingly, a permit condition will require dimensions to demonstrate a minimum sill height of 1.7 metres. There appears to be overlooking from the north facing first floor balconies of Dwelling 6 & 7 into the secluded private open space and habitable rooms of 2 Golf Hill Avenue. A notation on the plans shows the balcony of Dwelling 7 as clear glazing. Accordingly, a condition on the permit will require the balconies to be screened in accordance with the standard. There also appears to be overlooking from the raised ground floor decks and stairs of Dwellings 5 to 8 and from the kitchen of Dwelling 8 into the secluded private open space and habitable rooms of 2 Golf Hill Avenue. Accordingly, a condition on the permit will also require these decks to be screened in accordance with the standard.

	<p>TH 8 TH 7 TH 6 TH 5</p>  <p>NORTH ELEVATION - 2</p> <ul style="list-style-type: none"> The 1.8 and 2 metre high boundary fence along the northern and eastern boundaries around Dwellings 5 to 8 appropriately limits overlooking from the open space areas into the habitable room windows and secluded private open space areas of neighbouring dwellings. The driveway servicing Dwellings 9 to 15 is raised above the natural ground level at the boundary. As such, the northern boundary fence does not provide appropriate screening from the driveway. A condition on the permit will require a free-standing trellis along the northern boundary, with a height of 1.7 metres above the finished surface level of the driveway for the length of the driveway opposite Dwellings 9 to 15.
<p>55.04-7 Internal views</p> <ul style="list-style-type: none"> To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development. 	<p>Standard Met</p> <ul style="list-style-type: none"> Internal elevations have been provided to demonstrate that views between dwellings within the development are limited in accordance with the standard.
<p>55.04-8 Noise impacts</p> <ul style="list-style-type: none"> To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise. 	<p>Standard Met</p> <ul style="list-style-type: none"> There are no unusual mechanical plant or noise sources proposed. Any heating & cooling and hot water systems installed for the proposed dwellings will be typical to residential areas and will not unreasonably impact the amenity of adjoining dwellings.
<p>55.05-1 Accessibility</p> <ul style="list-style-type: none"> To encourage the consideration of the needs of people with limited mobility in the design of developments. 	<p>Standard Met</p> <ul style="list-style-type: none"> The entries to the dwellings are at ground level and would generally provide convenient access to those with limited mobility.
<p>55.05-2 Dwelling entry</p> <ul style="list-style-type: none"> To provide each dwelling or residential building with its own sense of identity. 	<p>Standard Met</p> <ul style="list-style-type: none"> The primary entries of all dwellings facing Doncaster Road are visible and easily identifiable from the street. A defined pedestrian path along the east side of Dwelling 25 provides pedestrian access to Dwellings 16 to 19. A condition on the permit

	will require an arbour or similar design treatment to this pedestrian path the ensure that in presents as an entry for the dwellings that remain obscured from Doncaster Road and to improve the sense of address.
55.05-3 Daylight to new windows <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. 	Standard Met <ul style="list-style-type: none"> All new windows within the development will receive adequate access to daylight in accordance with the standard.
55.05-4 Private open space <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents. 	Standard Met <ul style="list-style-type: none"> Each dwelling provides the minimum required private open space of either an 8sqm balcony or a courtyard with convenient access from the respective living rooms.
55.05-5 Solar access to open space <ul style="list-style-type: none"> To allow solar access into the secluded private open space of new dwellings and residential buildings 	Considered Satisfied <ul style="list-style-type: none"> Given the layout and scale of the development, not all dwellings could be designed with a north-facing private open space. 8 of the 25 dwellings (Dwellings 1 to 4 and 10 to 14) have south facing private open space areas in the form of balconies. Whilst this is not ideal, it ensures that the development has an visually appealing presentation to the streetscape and reduces the extent of screening required to the balconies and living spaces. On balance, it is considered that an acceptable portion of dwellings will receive sufficient solar access to the private open space areas.
55.05-6 Storage <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling 	Standard Met <ul style="list-style-type: none"> Six cubic metres of externally accessible storage is provided to all dwellings, either as storage sheds within the open space areas, or cupboards adjacent to the garages.
55.06-1 Design detail <ul style="list-style-type: none"> To encourage design detail that respects the existing or preferred neighbourhood character 	Standard Met <ul style="list-style-type: none"> The use of bricks, render finish and selected cladding is reflective of current architectural trends. Appropriately sized windows will ensure the development has a well-articulated facade and presents appropriately to Doncaster Road and Golf Hill Avenue. The first and second floor of all dwellings are appropriately stepped to provide articulation to adjoining properties. The vertical and horizontal framing features complement the built form and provide for a visually appealing presentation.
55.06-2 Front fences <ul style="list-style-type: none"> To encourage front fence design that respects the existing or preferred 	Standard Met subject to conditions <ul style="list-style-type: none"> The front fence is generally 1.8 metres in height. However, there are small sections that are approximately 2 metres in height. A permit condition will require the fence to not exceed

neighbourhood character.	1.8 metres in height. <ul style="list-style-type: none"> For the most part the fence is at least 50% transparent, however there are solid sections of the fence. This is considered acceptable, as these sections are generally limited to areas around mailboxes and at least 50% of the frontage has partially transparent fencing. The fence is setback one metre from the Doncaster Road frontage to enable a continuous landscape treatment.
55.06-3 Common property <ul style="list-style-type: none"> To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership. 	Standard Met subject to conditions <ul style="list-style-type: none"> The common property is easily identifiable and will be practical to maintain and manage. A condition on the permit will require the visitor space to be appropriately signed. A condition on the permit will require bollard lighting or the like along the driveways.
55.06-4 Site services <ul style="list-style-type: none"> To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive 	Standard Met subject to conditions <ul style="list-style-type: none"> There is sufficient room for facilities and services to be installed and maintained efficiently and economically. Rainwater tanks are located underneath the driveways. A condition on the permit will require the storage sheds to be relocated so as to be along the internal boundary fencing. This will provide additional space for screen planting along the northern boundary.

Car parking and traffic

- 8.23 Each dwelling is provided with 2 car spaces in the form of garages, pursuant to Clause 52.06-5 of the Manningham Planning Scheme.
- 8.24 The subject site is located within the Principal Public Transport Network area and therefore there is no requirement in the Manningham Planning Scheme for the provision of visitor car parking spaces. Notwithstanding that, one visitor space has been provided between Dwelling 17 and 18.
- 8.25 The removal of redundant crossovers within the Doncaster Road service road will improve the availability of on street parking, particularly in front of 449 and 451 Doncaster Road.
- 8.26 The carparking arrangement and designs complies with all Design Standards of Clause 52.06-9 of the Manningham Planning Scheme, except for Design Standard 3 (Gradients).
- 8.27 The proposal fails to comply with Design Standard 3 due to the level differences between adjacent garages. As discussed above, a condition on the permit will address this issue and ensure the development complies.

Objector issues / concerns

- 8.28 A response to the grounds of objection is provided below under the relevant category headings.

Environmental impacts as a result of urban heat island effect and lack of permeable land

- 8.29 The proposed site coverage of 49.4% is less than the maximum 60% requirement. Furthermore, the proposed site permeability of 32.8% exceeds the 20% minimum amount required. It is therefore not considered that there is excessive hard surfacing on the site. Sufficient space also remains across the site for planting which will aid in softening the extent of built form and hard surfacing.
- 8.30 Given the scale of the development and extent of land available for planting, it is not anticipated that there will be any impacts to adjoining properties as a result of the generation of heat.

Overlooking

- 8.31 Potential overlooking impacts as a result of the proposal have been assessed in detail. Permit conditions will also require compliance with the relevant standard.
- 8.32 The west facing windows and balconies of Dwellings 1 and 5 facing Golf Hill Avenue and are setback in excess of 9 metres to the existing dwellings to the west, separated by footpaths, nature strips and a road. These windows are therefore not required to be screened and comply with the relevant standard.

Construction impacts

- 8.33 A **permit condition** will require that a Construction Management Plan (CMP) to be prepared and submitted for assessment by Council prior to construction commencing on the site. The CMP will include a list of obligations that the construction process must adhere to, which can include the parking of trades vehicles and logistics for delivery trucks and machinery. Any breaches of the CMP during the construction process may result in enforcement action by Council.
- 8.34 The developer will be required to meet relevant Local Law and EPA practices to ensure that any impacts are mitigated, and compliance with Council's Works Code of Practice (June 2017) will also be required at all times.

Loss of energy efficiency

- 8.35 The extent of additional overshadowing to adjoining dwellings from the proposed development is limited and will not significantly affect the adjoining secluded private open space areas.
- 8.36 The submitted sustainability design assessment demonstrates that best practice sustainability and stormwater management standards can be achieved.
- 8.37 The provision of new dwellings that meet the current best practice standards for sustainability and stormwater management are considered to be an improved environmental outcome for the site.

Neighbourhood Character / Overdevelopment

- 8.38 As outlined in the assessments within this report, the proposal is considered to respond appropriately to the preferred neighbourhood character that anticipates a substantial level of change and for highly articulated contemporary form.
- 8.39 The increased residential density is in accordance with the substantial level of change anticipated by policy and the purpose of the Residential Growth Zone. The style and layout of the development is respectful of the existing development pattern and character of Doncaster Road. The development layout with detached buildings will blend in with the existing pattern of development further west of the site and avoids excessive width and massing to the street. The scale and design is also reflective of the townhouses as part of the Tullamore Estate immediately east of the site.
- 8.40 The two and three storey built form is consistent with surrounding properties and the maximum height complies with the relevant requirements.
- 8.41 Sufficient space is provided for the provision of meaningful landscaping including screen planting and canopy trees, which will respond to the character of the area.
- 8.42 The mix of building materials including brickwork, render and cladding will ensure the development is complementary to the character of the area and reflective of existing dwellings.

Visual bulk / excessive height

- 8.43 The proposal meets the relevant building height, setback, site coverage, and design detail provisions of the Scheme, as discussed in this report.
- 8.44 The dwellings are sited to respond to the slope of the land to avoid excessive building levels and overall heights. **Conditions on the permit** will require Dwellings 5 to 8 to be lowered by approximately 300mm and the northern walls to have a raked ceiling. This will further reduce the overall height and visual bulk of the dwellings.
- 8.45 Sufficient internal spacing is provided between the proposed buildings at all levels to minimise visual bulk and provide for landscaping to soften the appearance of the built form.

Traffic issues and lack of visitor parking

- 8.46 The proposal provides the required number of car parking spaces for residents in accordance with Clause 52.06 (Car Parking) of the Scheme.
- 8.47 One visitor space is provided within the site even though it is not a requirement under Clause 52.06, given the site is within the Principal Public Transport Network (PPTN) buffer area.
- 8.48 Council's Infrastructure and Sustainable Operations Unit does not have traffic concerns with the proposal.
- 8.49 The removal of redundant crossovers in the service road will improve the availability of on street parking.
- 8.50 Both driveways allow for two-way traffic, improving traffic flow by ensuring vehicles can enter and exit the subject site in a forward direction and avoiding the queuing of cars to access the subject site.

- 8.51 The provision of two crossover for the development will reduce the number of vehicle movements required for each access point and any potential traffic impacts.

Loss of vegetation

- 8.52 The land is zoned for residential purposes and there are no specific vegetation protection overlays applicable to the site. It is reasonable to assume some vegetation removal is required to enable the construction of the dwelling/s on the land. A **condition on the planning permit** will require a revised landscape plan to be submitted and endorsed as part of the planning permit.
- 8.53 No significant vegetation is required to be removed as part of the proposal. It is proposed to retain Tree 25, which is a large tree at the Doncaster Road frontage. The retention of this tree is considered a positive outcome.
- 8.54 The retention of this tree can be achieved through slight modifications to the development as discussed in this report.
- 8.55 Street trees 13 and 14 which are located at the eastern end of the Doncaster Road Service Road are also proposed to be retained.

Strain on existing infrastructure

- 8.56 Council's Infrastructure and Sustainable Operations Unit have raised no concerns relating to the capacity of existing services and utilities.
- 8.57 A **condition on the permit** will require an on-site detention system, which limits the rate of discharge from a site to the legal point of discharge. In limiting the discharge, it maintains the capacity in the existing Council drainage network to reduce flooding during extreme rainfall events.

Safety issues as a result of the proposed accessway on Doncaster Road

- 8.58 Council's Infrastructure and Sustainable Operations Unit have reviewed the proposed access arrangement and have raised no concerns relating to the crossover on Doncaster Road.
- 8.59 The application was also referred to the Department of Transport and Planning (DTP). DTP have provided their consent to the proposal subject to permit conditions.
- 8.60 The proposed crossover is sufficiently setback from the bus stop on Doncaster Road in front of the site.
- 8.61 The proposal will result in a reduction from three crossovers to only one crossover on Doncaster Road. This will leave ample space for any potential relocation of the bus stop in front of the site.

Amenity impacts as a result of the bin storage area along the eastern boundary

- 8.62 The communal bin storage area adjacent to the eastern boundary is setback 5.7 metres from the dwelling at 21 Silver Leaf Circuit. Given the large scale of the bin area and the close proximity to the neighbouring dwelling, this proposed location may result in amenity impacts.

- 8.63 Accordingly, a **condition on the permit** will require the bin storage area to be relocated between Dwellings 15 and 16. This can be achieved without any significant design changes.

Potential damage to existing boundary fencing

- 8.64 The development proposes to retain the 2 metre high eastern boundary fence.
- 8.65 The resident of 21 Silver Leaf Circuit is concerned that the removal of vegetation along the eastern boundary will result in impacts to the common boundary fence. Boundary fencing is ultimately a civil matter between adjoining property owners and is only a relevant consideration for this planning application insofar as it may be relied upon as a solution to limit potential overlooking.
- 8.66 A visual barrier of at least 1.8 metres in height is required on this boundary in order to appropriately limit overlooking from the proposed development. The boundary treatment notated on the plans meets this requirement.
- 8.67 Council will expect that the development (including fencing to the heights indicated on the plans) will be constructed in accordance with the endorsed plans.

Residential noise

- 8.68 Concerns have been raised regarding the potential noise generated from the dwellings after occupancy. The consideration of this planning application is confined only to the development of the dwellings, the residential use of the dwellings does not require a planning permit and is not a planning matter. Residential noise associated with a dwelling is considered normal and reasonable in an urban setting. Any future issues of amenity, if they arise should be pursued as a civil matter.

Loss of affordable housing options

- 8.69 An objection has raised concerns with the lack of affordable housing options in the area and urged the Council or State Government to consider a 'community buy back scheme' for providing affordable housing.
- 8.70 Council is committed to increasing the supply of affordable housing for members of our community on low to moderate incomes. Council adopted the Manningham Affordable Housing Policy in October 2023, which seeks a voluntary contribution of affordable housing for an application comprising 30 or more dwellings.
- 8.71 No voluntary contribution of affordable housing is sought under Council's policy given this development has less than 30 dwellings.
- 8.72 There is no planning requirement for affordable housing to be provided as part of this development.
- 8.73 Council does not offer any buyback scheme for the purchase of private properties to provide affordable housing.

9. CONCLUSION

- 9.1 The proposal is considered satisfactory and positively responds to the objectives of the Manningham Planning Scheme with a high degree of compliance particularly with respect to urban design, height, massing, car parking and traffic. Minor changes are recommended through permit conditions which will result in a fully compliant outcome.
- 9.2 For the reasons above, it is recommended the application be approved subject to conditions.

10. DECLARATION OF CONFLICT OF INTEREST

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