

Planning Application PLN22/0537 at 2 Brendan Avenue, Doncaster for the construction of four, three-storey dwellings and construction of a front fence.

File Number: IN25/475
Responsible Director: Director City Planning and Liveability
Applicant: Chinh Mai
Planning Controls: Residential Growth Zone – Schedule 2 (RGZ2), Design and Development Overlay – Schedule 8-1 (DDO8-1)
Ward: Tullamore Ward
Attachments: 1 Decision Plans
2 Legislative Requirements
3 Objector Map (confidential)

PURPOSE OF REPORT

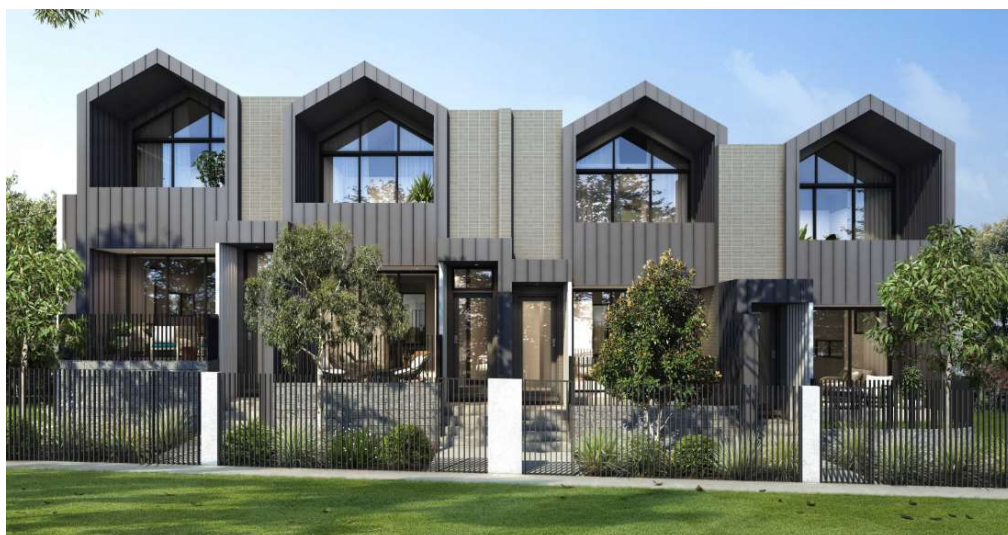
This report provides Council with an assessment of the above planning permit application. This report recommends approval of the submitted proposal, subject to changes by way of permit conditions.

The application is being reported to Council for consideration in accordance with the Instrument of Delegation to Members of Council Staff – *due to significant community interest*.

EXECUTIVE SUMMARY

Proposal

- 1.1 The application seeks approval for the construction of four, three storey dwellings and construction of a front fence.



Manningham Road Frontage



Rear presentation – Viewed from Brendan Avenue



Rear presentation – Viewed from south west

- 1.2 The proposal is located on the corner of Manningham Road and Brendan Avenue. The total site area is 756 sqm with a site frontage of approximately 25.91 metres and a maximum depth of 30.16 metres.



- 1.3 The development proposes to modify the existing crossover on Brendan Avenue with a common driveway located along the southern boundary.
- 1.4 Each dwelling is provided with 2 car spaces in the form of garages, pursuant to Clause 52.06-5 of the Manningham Planning Scheme.
- 1.5 Visitor car parking is not required to be provided. The subject site is located within the Principal Public Transport Network (PPTN) area and therefore there is no requirement in the Manningham Planning Scheme for the provision of visitor car parking spaces. The PPTN was introduced by the State Government in July 2018 and essentially reduces car parking requirements for land that is within 400 metres of public transport on the Principal Public Transport Network.
- 1.6 Council waste collection from the kerb is proposed.
- 1.7 One large tree (tree 10 – River Red Gum) within the front setback of the site is proposed to be retained and three large trees along the eastern boundary are proposed to be removed. No street trees are required to be removed.

Notification

- 1.8 Notice of the application was initially given over a two week period, which concluded on 10 July 2024.
- 1.9 The application was amended pursuant to Section 57A of the *Planning and Environment Act 1987* on 28 February 2025. Notice of the amended application was given over a two week period, which concluded on 19 March 2025.
- 1.10 To date, 6 objections have been received to the proposal, including one petition with 28 signatories. Several objectors also lodged additional submissions to the proposal. These grounds have been included in the objection summary.
- 1.11 The objection concerns primarily relate to the loss of privacy and overlooking, structural impacts to neighbouring properties (brick walls and fences), construction noise and impacts, potential flooding issues, traffic issues and lack

of visitor parking, safety issues as a result of the accessway on Brendan Avenue, impact to the amenity of the immediate area, neighbourhood character / overdevelopment, strain on existing infrastructure, inaccuracies with the plans and site features, environmental impacts as a result of loss of vegetation, loss of property values and overshadowing and impact to rooftop solar infrastructure.

Key issues in considering the application

1.12 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

1.13 The development of the land for the construction of four, three-storey dwellings is consistent with the Planning Policy Frameworks, Zone, Overlay and relevant Particular Provisions of the Manningham Planning Scheme.

1.14 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.

1.15 The proposed car parking arrangement is consistent with the requirements of Clause 52.06 (Car parking) of the Scheme.

Conclusion

1.16 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.

1.17 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 PLN22/0537 at 2 Brendan Avenue for the:

Construction of four, three-storey dwellings and a front fence

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 Planning & Design, revision F, dated 15 October 2024), but modified to show:

- a) The second floor eastern wall of Dwelling 1 finished in a light render or an agreed alternative to the satisfaction of the Responsible Authority.
- b) The parapet height of Dwelling 3's second floor northern wall of the ensuite reduced, so it is lower than the adjacent parapet of Dwelling 2 to the satisfaction of the Responsible Authority.
- c) The framing feature 'PC' on the eastern wall of Dwelling 1's second floor façade deleted.
- d) Dwelling 4's west facing meals and kitchen windows screened to comply with Standard B22 of Clause 55.04-6 of the Manningham Planning Scheme;
- e) A screen detail to a scale of 1:50 detailing the design of the external screens in accordance with Standard B22;
- f) Sectional diagrams to demonstrate that the second floor south-facing windows are in compliance with Standard B22 of Clause 55.04-6 of the Manningham Planning Scheme.
- g) G1 note removed from the first floor western elevation;
- h) The southern boundary fence is at least 1.8 metres above the finished surface level of the driveway.
- i) Solar protection measures to all north facing habitable room windows.
- j) Sensor lights above the garage openings and front entries.
- k) Safety bollards at the western end of the driveway to the satisfaction of the Responsible Authority.
- l) The notation '0.78m stone retaining wall' within the easement adjacent to the western boundary deleted.
- m) Correct locations of Tree 4 and the existing brick fence on the ground floor plan.
- n) Tree 4 retained.
- o) Dwelling 1's terrace converted to a deck with a root sensitive footing system where the deck of encroaches within the Tree Protection Zone (TPZ) of Tree 4 to the satisfaction of the Responsible Authority. Details including a cross section showing the locations of screw piles/piers and the beam above natural ground level is required.
- p) A notation to indicate tree protection must be undertaken in accordance with the Tree Protection and Management Plan approved as part of this permit and to the satisfaction of the Responsible Authority.
- q) All water tanks, shed, and services located outside the TPZ of any tree to be retained, unless otherwise agreed to by the Responsible Authority.

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 Planning & Design dated 21/04/2023), 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. Existing trees to be retained and/or removed as shown on the development plans endorsed under Condition 1 of this permit.
- c. The location and extent of retaining walls and fencing as shown on the development plans endorsed under Condition 1 of this permit.
- d. A minimum of three (3) screening trees planted along the northern boundary within the front setback of Dwelling 2, 3 and 4. The screening trees are capable of reaching 6m tall at maturity and be of fastigate/upright form.
- e. A minimum of one (1) canopy tree capable of reaching a minimum mature height of 12.0m must be planted within the front setback of Dwellings 2 and 3.
- f. A minimum of one (1) small tree capable of reaching a minimum mature height of 5.0m must be planted within the front setback of Dwellings 1 and 4.
- g. Screening plants planted along the southern and western boundaries that are capable of growing to a minimum of 3m at maturity.

Management Plans

4. The Sustainable Design Assessment / Stormwater Management Report (Prepared by Planning & Design, dated 5 February 2024) must be approved to form part of this permit, unless with the further written approval of the Responsible Authority.
5. 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.
6. 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.

The Construction Management Plan must address the following:

- Elements referenced in Council's Construction Management Plan template guidelines:
- Element A1: Public Safety, Amenity and Site Security;
- Element A2: Operating Hours, Noise and Vibration Controls;
- Element A3: Air Quality and Dust Management;

- Element A4: Stormwater and Sediment Control and Tree Protection;
 - Element A5: Waste Minimisation and Litter Prevention;
 - Element A6: Traffic and Parking Management and
- Consideration of the impact of other construction sites in the vicinity of the site, seeking to ensure the combined traffic impact on the surrounding road network can be adequately managed.
 - Limitation on site delivery hours during school drop off and pick up to the satisfaction of Responsible Authority.
 - Limitation on worker parking in Brendan Avenue, encouraging worker parking on site if/where practicable.
7. 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

8. 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.
9. All tree and/or vegetation 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.
10. 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

11. 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

12. 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.
13. 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.

On-Site Stormwater Detention System

14. 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.

15. 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

16. 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.
17. 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

18. 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.
19. 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.
20. The 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 by any person within or beyond the subject land, so the satisfaction of the Responsible Authority.

Maintenance

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

Car Parking and Access

22. Before the occupation of the approved development, all new vehicular crossing(s) must be constructed as depicted on the endorsed plans and any redundant existing vehicular crossing(s) 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.

Permit Expiry

23. 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.

- 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 (PLN22/0537) was lodged with Council on 1 December 2022.
- 2.2 Further information was requested by Council on 23 December 2022. 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 2 May 2023. The application was amended 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 31 May 2023. The letter raised similar concerns to the original letter.
- 2.5 A second Section 50 Amendment was submitted on 10 November 2023. It included a number of design changes including, but not limited to the alteration to the access and driveway arrangements.
- 2.6 Following the Section 50 amendment, a third request for further information was sent on 20 November 2023. The letter continued to raise similar concerns as the revised plans had not satisfactorily addressed the previous issues.
- 2.7 A third Section 50 Amendment was submitted on 13 February 2024. It included a number of design changes including, but not limited to deletion of sheer walls and reduction to building heights.
- 2.8 Following the Section 50 amendment, a fourth request for further information was sent on 6 March 2024.
- 2.9 Notice of the application was given over a two week period, which concluded on 10 July 2024.
- 2.10 The application was further amended pursuant to Section 57A of the Act in an attempt to address objectors concerns, modifying the proposal to retain Tree 10 and the access arrangements.
- 2.11 Notice of the amended application was given over a two week period, which concluded on 19 March 2025.
- 2.12 A consultation meeting was held on 26 May 2025, attended by Councillors, Council Officers, the applicant and objectors.

- 2.13 The statutory time for considering a planning application is 60 days, which fell on 13 February 2025.
- 2.14 The land title is not affected by any covenants or Section 173 Agreements.

3. THE SITE AND SURROUNDS

The site

- 3.1 The site is situated on the southern side of Manningham Road and western side of Brendan Avenue. The site is approximately 220 metres from the intersection of Manningham Road and Williamsons Road and approximately 730 metres to the intersection of Manningham Road and High Street.
- 3.2 A summary of the site features is included in the table below.

Site Summary	
Use	Residential (Dwelling)
Total Lot Size	756sqm.
Topography	The site generally slopes down from north-east to south-west with approximately 4.75 metres of fall across the site.
Fencing	The site has a high solid brick fence.
Vegetation	One large canopy tree is located within the front setback of the site along the Manningham Road frontage and 3 large trees are located along the eastern boundary on Brendan Avenue. Mature vegetation is located along the southern boundary.
Easements	The site is encumbered by a 1.83 metre wide easement, situated along the western boundary. A 2.44 metre wide easement is situated along the southern boundary.
Footpath assets / access	<p>There is a footpath adjacent to the eastern boundary (Brendan Avenue) and northern boundary (Manningham Road).</p> <p>One street tree is located on Brendan Avenue and two street trees on Manningham Road.</p> <p>There is one crossover to Brendan Avenue.</p>

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 and open space areas. Bus services are provided on Manningham Road which include routes 281, 305 and 903.

3.4 The site has direct abutments with the following properties:

Direction	Address	Description
South	4 Brendan Avenue	This lot comprises a double storey brown brick dwelling with a tiled pitched roof. The dwelling is setback 9.5 metres from Brendan Avenue and 2.6 metres from the common boundary (northern boundary). The primary secluded private open space is located towards the rear (west) of the dwelling.
West	374 Manningham Road	This lot comprises a single storey white rendered dwelling with a flat roof. The dwelling is setback 7.2 metres from Manningham Road and 3 metres from the common boundary (eastern boundary). The primary secluded primary open space is located west of the dwelling.

3.8 The zoning of the immediate area comprises of Residential Growth Zone for all lots abutting Manningham Road. The site also abuts the General Residential Zone - Schedule 1, to the south as demonstrated in the image below.

Figure: Zoning Map



3.5 The property to the east, 378 & 380 Manningham Road, comprises a single and double storey dwelling. A recent VCAT decision granted approval for the construction of nine, two-storey dwellings over the two lots.

- 3.9 The broader area generally comprises both single and double storey dwellings of various architectural styles. There are also three and four storey residential buildings further east of the site.
- 3.6 St Gregory the Great Primary School is located south east of the subject site. Access to the Primary school is provided along Manningham Road.

4. THE PROPOSAL

- 4.1 The proposal is outlined on the following plans (prepared by Planning & Design, revision F, dated 15 October 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:
- Arborist Report prepared by Bluegum Consultancy, dated 6/11/2024;
 - Swept Paths prepared by TTM Consulting dated 1/10/2024;
 - Landscape Plan prepared by Planning & Design dated 21/04/2023;
 - Sustainable Design Assessment by Planning & Design dated 5/02/2024;
 - Planning Report prepared by Planning & Design dated 1/05/2023;
 - Traffic Report prepared by TTM Consulting dated 1/10/2024;

PROPOSAL SUMMARY	
Building details	Site area: 756m ² Site coverage: 45.3% Permeability: 35.8%
Proposed use	Dwellings (no permit required for the use)
Storeys	Four, 3 storey dwellings
Maximum building height	9.1 metres
Minimum front setback	6 metres to Manningham Road (not including balconies)
Minimum side setbacks	Min 2.6 metres+ to the western boundary and 2 metres+ to Brendan Avenue
Minimum rear	4.27 metres+

PROPOSAL SUMMARY	
setback (South)	
Bedrooms	Two 3 bedroom dwellings One 4 bedroom dwelling One 5 bedroom dwelling
Car parking	2 car spaces for each dwelling 8 car spaces in total
Proposed access	The existing crossover on Brendan Avenue modified to service all dwellings
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 second floors.
Easements	The easements along the southern and western boundaries are retained
Trees and any removal	Three significant trees are proposed to be removed along the eastern boundary of the property. The large tree located in the north-western corner of the site (Tree 10) and all street trees 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
- 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 assessed under Clause 55 (ResCode) as applicable before the approval of Planning Scheme Amendment VC267, as the application was received prior to 6 March 2025 and has not been amended.

6. REFERRALS

External

Department of Transport

- 6.1 The application initially sought approval to create and alter access to a road in a Transport Zone 2 (Manningham Road). Accordingly, pursuant to Clause 52.29 and 66.03 of the Manningham Planning Scheme, the Department of Transport and Planning was a *determining* referral authority.
- 6.2 As discussed above, the application was amended pursuant to Section 57A of the *Planning and Environment Act 1987* by deleting the proposed access to Manningham Road. The application is no longer required to be referred to the Department of Transport and Planning and they are no longer a referral authority.

Internal

Infrastructure and Sustainable Operations Unit

- 6.3 Engineering advice was received on 23 December 2022, 29 July 2024 and 12 February 2025. Requirements will be included via permit conditions and footnotes as relevant.

Statutory Planning Arborist

- 6.4 Arboricultural advice was received on 7 December 2022, 7 June 2023, 2 August 2024, 4 February 2025 and 26 June 2025. The requirements will be included via permit conditions and footnotes as relevant.
- 6.5 Tree 10 is proposed to be retained as part of the development. This tree is a mature indigenous *Eucalyptus camaldulensis* (River Red Gum) of moderate arboricultural value. The retention of this tree is considered a positive response to the landscape objectives of Clause 15.01-5-01L and Clause 55.03-8.
- 6.6 Trees 4 and 5 are mature Australian native species of moderate arboricultural value on the eastern boundary.
- 6.7 Given the location of Tree 4 on the north-east corner of the site, it is considered that this tree can easily be retained with a reduction of the encroachment of Dwelling 1 into its Tree Protection Zone. A **condition of the permit** will require the terrace of this dwelling to be replaced with a deck, to limit the impact to soil volume and space for its root mass. This can be achieved without any significant design changes or internal amenity impacts to future residents and result in a favourable landscape outcome for the site.
- 6.8 The remaining trees within the site are of low arboricultural value.

7. CONSULTATION / NOTIFICATION

- 7.1 Notice of the application was initially given over a two-week period, which concluded on 10 July 2024. The application was amended pursuant to Section 57A of the Act and further notice of the amended application was given over a two-week period, which concluded on 19 March 2025.
- 7.2 Notification was carried out by sending letters to the owners and occupiers of adjacent and nearby properties and by displaying 2 signs on the site frontages for a 2-week period.
- 7.3 To date, 6 objections including one petition with 28 signatories have been received. The location of submitter/objector properties is demonstrated on the map included in Confidential Attachment 3.
- 7.4 Several objectors also lodged additional submissions to the proposal. These grounds have been included in the objection summary below. Issues raised primarily related to:
- Environmental impacts as a result of loss of vegetation
 - Overlooking and loss of privacy
 - Structural impacts to neighbouring properties (brick walls and fences)
 - Traffic issues and lack of visitor parking
 - Neighbourhood character / overdevelopment
 - Strain on existing infrastructure
 - Construction impacts
 - Loss of property values
 - Potential flooding issues
 - Inaccuracies with the plans and site features
 - Inaccurate costings, request for evidence of sufficient funds to complete development and request for a timeline for construction.
 - Impacts to the existing easement along the western boundary
 - Residential noise
- 7.5 A consultation meeting was held on 26 May 2025, attended by Councillors, Council Officers, the applicant and objectors.
- 7.6 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 focus 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.
- 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 189m² 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 maximum height requirement of 13.5 metres in 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 if the minimum land size condition is met (1800sqm). If the condition is not met, the maximum height is 9 metres unless the slope of the natural ground level at any cross section wider than eight metres of the site of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres 	<p>Satisfied The DDO8-1 has a discretionary building height of 10m for a site less than 1800sqm. The development has a maximum overall building height of 9.1 metres, which complies with the requirement.</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>Satisfied A 6m front setback is achieved.</p> <p>Sufficient space remains within the street setback for landscaping, despite the encroachment of the terraces within the front setback.</p> <p>The terraces and balconies encroach within the required street setback by a maximum of 2 metres, which remains compliant with the DDO8 setback requirements.</p>
Form	
<ul style="list-style-type: none"> Ensure that the site area covered by buildings does not exceed 60 percent. 	<p>Satisfied The development has a site coverage of 45.3%.</p>
<ul style="list-style-type: none"> Provide visual interest through articulation, glazing and variation in materials and textures. 	<p>Satisfied subject to conditions The development incorporates a variety of colours and materials to provide visual interest.</p> <p>Materials include grey brick, white and light grey render and 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> <p>A condition on the permit will require changes to the colours and materials of the second floor eastern wall of Dwelling 1 so as to provide variation to the first floor below.</p>
<ul style="list-style-type: none"> Minimise buildings on boundaries to create spacing between developments. 	<p>Satisfied Building on boundaries has been completely avoided in order to provide spacing between adjoining properties.</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 Both adjoining properties to the west and south are located within the same zone and overlay. The proposal provides adequate</p>

	setbacks for a transition to adjoining dwellings.				
<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 slope of the land.</p> <p>A condition on the permit will require the parapet height of Dwelling 3's second floor northern wall to the ensuite reduced to provide stepping in the built form as it presents to the streetscape.</p>				
<ul style="list-style-type: none">Avoid reliance on below ground light courts for any habitable rooms.	<p>Satisfied</p> <p>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</p> <p>Continuous sheer walls have generally been avoided for all dwellings.</p> <p>Material variation and fenestration are utilised to provide articulation between levels, especially where the second floor is minimally recessed from the first 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</p> <p>An assessment against the percentage of the upper levels of all three storey dwellings has been included in the table below.</p> <table><tr><td>Dwelling 1 – 78%</td></tr><tr><td>Dwelling 2 – 74%</td></tr><tr><td>Dwelling 3 – 74%</td></tr><tr><td>Dwelling 4 – 83%</td></tr></table> <p>As outlined above, the second floor of some of the dwellings exceed 75% of the respective first floors. 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 though material variation and design features. Further to that, the upper levels are adequately setback from site boundaries to reduce the appearance of visual bulk.</p> <p>The retention of two mature trees within the front setback will also soften the built form and reduce the visual dominance of the development.</p>	Dwelling 1 – 78%	Dwelling 2 – 74%	Dwelling 3 – 74%	Dwelling 4 – 83%
Dwelling 1 – 78%					
Dwelling 2 – 74%					
Dwelling 3 – 74%					
Dwelling 4 – 83%					

	A condition on the permit will require the deletion of the framing feature on the eastern wall of Dwelling 1's second floor in order to further reduced the sense of visual bulk to the Brendan Avenue facade.
<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. 	Satisfied subject to conditions The porticos are appropriately integrated with the overall design of the development. As discussed above, the framing feature on the eastern wall of Dwelling 1 is considered an imposing design feature that does not integrate with the overall design of the development. A condition on the permit will require the deletion of this framing feature.
<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 The levels and heights of the dwellings are suitably stepped in accordance with the slope of the land.
<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 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.
<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.
<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 	Satisfied Parking is provided at ground level. There are sufficient opportunities for landscaping within the rear setback for effective landscaping.

boundary to enable effective landscaping to be established.	
<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. 	<p>Satisfied Sufficient setbacks for screen planting and canopy trees are provided.</p> <p>Sufficient space remains in the front of each dwelling fronting Manningham Road for the planting and establishment of 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 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 Only the existing crossover will be used, which will ensure that there is no impact to the availability of street parking.</p> <p>No street trees are required to be removed.</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 There are no garages located in 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. 	Satisfied Two canopy trees that have a spreading crown and are capable of growing to at least 8 metres at maturity are proposed within the Manningham Road frontage. Two existing canopy trees in excess of 8 metres in height will also be retained within the front setback of the site.
<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. 	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 high at maturity.
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>	Satisfied The front fence has a maximum height of 1.5 metres. The front fence is a steel picket fence, which is at least 50% transparent, It is setback 1 metre from the title boundary along Manningham Road to enable a continuous landscape treatment in front of the proposed fence.

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:

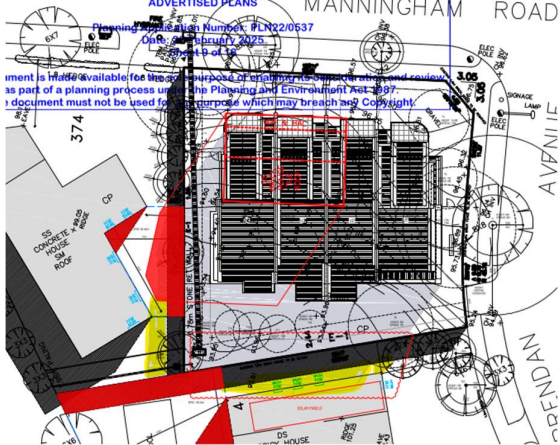
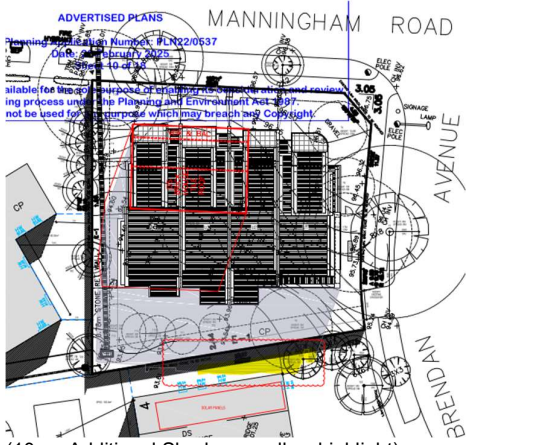
Objective	Compliance
55.02-1 – Neighbourhood Character <ul style="list-style-type: none"> To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. 	Standard Met <ul style="list-style-type: none"> As identified by the relevant planning 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.

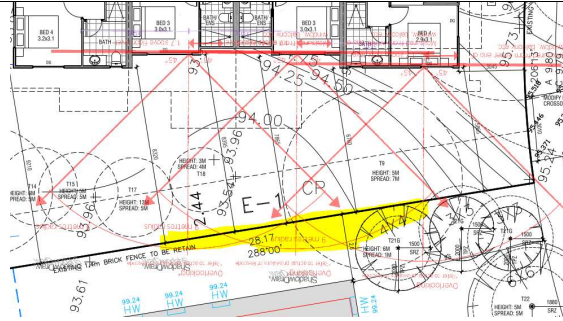
<ul style="list-style-type: none"> To ensure that development responds to the features of the surrounding area. 	<ul style="list-style-type: none"> The proposed design is considered to respond positively to the preferred neighbourhood character. The development offers an appropriate design response to 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 combination of both flat and pitched roofs are reflective of the roof form of both recently constructed dwellings and established dwellings in the immediate area.
55.02-2 Residential policy <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. 	Standard Met <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.
55.02-3 Dwelling Diversity <ul style="list-style-type: none"> To encourage a range of dwelling sizes and types in developments of ten or more dwellings. 	Not applicable
55.02-4 Infrastructure <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. 	Standard Met subject to conditions <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 and electricity. The development will not unreasonably exceed the capacity of utility services and infrastructure. 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.
55.02-5 Integration with street	Standard Met

<ul style="list-style-type: none"> To integrate the layout of development with the street. 	<ul style="list-style-type: none"> All dwellings provide adequate pedestrian and vehicle links to Manningham Road.
55.03-1 Street setback <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. 	Standard Met <ul style="list-style-type: none"> A 6m front setback is achieved in accordance with the Schedule 8 to the Design and Development Overlay. The terraces of each respective dwellings encroach within the required street setback by a maximum of 2 metres, which remains compliant with the DDO8 setback provision of the Scheme. Sufficient space remains within the street setback for landscaping, despite the encroachment of the terraces within the front setback.
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 9.1 metres does not exceed the maximum building height of 13.5m as required by the Residential Growth Zone. The proposal also does not exceed the DDO8-1 discretionary building height requirement of 10 metres.
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 45.3% is 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 35.8% 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 4 water tanks each with a volume of 3000L.
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"> All dwellings have been oriented to have north facing living rooms and 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.

	<ul style="list-style-type: none"> 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 safety and security of residents and property 	Standard Met subject to conditions <ul style="list-style-type: none"> There are no apparent safety or security issues with the proposed development. Dwelling entries are visible and easily identifiable from Manningham Road. Bollard lighting has been provided along the common driveway / southern boundary. A condition on the permit will require sensor lights to be provided above the garage openings and front entries.
55.03-8 Landscaping <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. 	Standard Met <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. A condition on the permit 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.
55.03-9 Access <ul style="list-style-type: none"> To ensure the number and design of vehicle crossovers respects the neighbourhood character. 	Standard Met <ul style="list-style-type: none"> The width of the Brendan Avenue frontage exceeds 20m and therefore the accessways must not exceed 33% of the street frontage. The proposed width of the accessway is 3m (14% of the street frontage) and therefore complies with the standard.
55.03-10 Parking location <ul style="list-style-type: none"> To provide convenient parking for resident and visitor vehicles. To protect residents from vehicular noise within developments. 	Satisfied subject to conditions <ul style="list-style-type: none"> Each dwelling is provided with 2 car spaces. The dwellings are provided with ground level garages with internal access to the respective dwellings. Pursuant to Clause 52.06-5, only developments of 5 or more dwellings may be required to provide visitor car parking spaces in accordance with the table. Only 4 dwellings are proposed therefore the requirements of the table to the clause are not applicable.

	<ul style="list-style-type: none"> In addition, the subject site is also located within the Principal Public Transport Network (PPTN) area. There is <u>no requirement</u> in the Manningham Planning Scheme for the provision of visitor car parking spaces irrespective of the number of dwellings provided for this site.
55.04-1 Side and rear setbacks <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. 	Standard Met Overall the development complies with all setbacks to side and rear boundaries.
55.04-2 Walls on boundaries <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. 	Not applicable <ul style="list-style-type: none"> There are no walls proposed on any boundaries.
55.04-3 Daylight to existing windows <ul style="list-style-type: none"> To allow adequate daylight into existing habitable room windows 	Standard Met. <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.
55.04-4 North facing windows <ul style="list-style-type: none"> To allow adequate solar access to existing north-facing habitable room windows. 	Standard Met <ul style="list-style-type: none"> The dwellings are sufficiently setback from the adjoining property to the south which has north facing windows within 3 metres of the common boundary.
55.04-5 Overshadowing open space <ul style="list-style-type: none"> To ensure buildings do not significantly overshadow existing secluded private open space. 	Standard Met <ul style="list-style-type: none"> The shadow diagrams submitted indicate that there will be additional overshadowing to the secluded private open space areas of two adjoining properties by shadows cast beyond the boundary fence at 9am and 10am.

	<p>MANNINGHAM PLANNING SCHEME</p> <p>ADVERTISED PLANS</p> <p>Planning Application Number: PLN22/0637</p> <p>Date: 16 February 2025</p> <p>Page 10 of 10</p> <p>ment is made available for inspection for the purpose of enabling the public to understand the proposed development as part of a planning process under the Planning and Environment Act 1997. This document must not be used for any purpose which may breach any Copyright.</p>  <p>(9am Additional Shadow – yellow highlight)</p>  <p>(10am Additional Shadow – yellow highlight)</p> <ul style="list-style-type: none"> • However, these shadows only impact a small portion of the existing secluded private open space areas and the development complies with 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"> • All first floor south facing habitable room windows that are within 9 metres of adjoining secluded private open space areas or habitable rooms have been provided with either fixed screens or a sill height of 1.7m in accordance with the standard. • The second floor south facing habitable room windows of all dwellings have not been screened. These windows are not within 9 metres of the habitable room windows of 4 Brendan Avenue as demonstrated in the image below.



- It is considered that the southern boundary fence appropriately limits overlooking. A permit condition will require sectional diagrams to clearly demonstrate that the second floor south-facing windows are in compliance with Standard B22 of Clause 55.04-6 of the Manningham Planning Scheme.
- Furthermore, a condition on the permit will also require a boundary fence with a minimum of 1.8 metres on the southern boundary to provide appropriate screening from the driveway.
- The first floor west facing living, meals and kitchen windows of Dwelling 4 are within 9 metres of the secluded private open space area and habitable rooms of 374 Manningham Road. The living room window has a sill height of 1.7 metres however the kitchen and meals windows have not been screened in accordance with Standard B22 of the Manningham Planning Scheme. Accordingly, a **condition on the permit** will require these windows to be screened to comply with Standard B22 of Clause 55.04-6 of the Manningham Planning Scheme.
- The second floor west facing windows of Dwelling 4 have been provided with either fixed screens or a sill height of 1.7m in accordance with the standard.
- A condition of the permit will also require screen detail to a scale of 1:50 detailing the design of the external screens in accordance with Standard B22 and to ensure compliance with the standard.

55.04-7 Internal views

- To limit views into the secluded private open space and habitable room windows of dwellings and residential

Standard Met

- Internal views between dwellings within the development are limited in accordance with the standard.

buildings within a development.	
55.04-8 Noise impacts <ul style="list-style-type: none"> To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise. 	Standard Met <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.
55.05-1 Accessibility <ul style="list-style-type: none"> To encourage the consideration of the needs of people with limited mobility in the design of developments. 	Standard Met <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.
55.05-2 Dwelling entry <ul style="list-style-type: none"> To provide each dwelling or residential building with its own sense of identity. 	Standard Met <ul style="list-style-type: none"> The primary entries of all dwellings face Manningham Road and are visible and easily identifiable from the street.
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 is provided with a north facing terrace with convenient access from the respective living rooms. The terraces are 12-14sqm in size which exceed the 8sqm requirement for a balcony. The terraces are considered to be similar to a balcony, particular given they are enclosed by solid walls and partially raised above the natural ground level.
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 	Standard Met <ul style="list-style-type: none"> The development has been designed with north-facing private open space areas to all dwellings.
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"> 6 cubic metres of externally accessible storage is provided to all dwellings, either as cupboards adjacent to the garages or designated storage rooms.
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 Manningham Road.

	<ul style="list-style-type: none"> The first and second floor of all dwellings are appropriately stepped to provide articulation to adjoining properties. The framing feature along the eastern side of Dwelling 1's first floor results in excessive visual bulk, accordingly a condition on the permit will require the deletion of this framing feature.
55.06-2 Front fences <ul style="list-style-type: none"> To encourage front fence design that respects the existing or preferred neighbourhood character. 	Standard Met subject to conditions <ul style="list-style-type: none"> The front fence is generally 1.5 metres in height and will be at least 50% transparent. The fence is setback one metre from the Manningham 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 a bollard to the western end of the driveway to ensure the safety of residents at 374 Manningham Road.
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 and within service areas.

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 consists of only 4 dwellings. There is no requirement in the Manningham Planning Scheme for the provision of visitor car parking spaces.
- 8.25 The use of the existing crossover along Brendan Avenue will result in no loss to on-street car parking.
- 8.26 The car parking arrangement and designs comply with all Design Standards of Clause 52.06-9 of the Manningham Planning Scheme.

9. OBJECTOR ISSUES / CONCERNS

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

Neighbourhood character / overdevelopment

- 9.2 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.
- 9.3 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 Manningham Road and is generally reflective of built form that is emerging along the Manningham Road corridor on properties that are within the RGZ and DDO8.
- 9.4 The attached and centralised built form avoids excessive width and massing to the street and surrounding properties. The scale and design is also reflective of other townhouses in the immediate area.
- 9.5 The three storey built form is not dissimilar in scale with the surrounding properties and the maximum height complies with the relevant requirements.
- 9.6 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. In addition, the retention of Tree 4 will further contribute to the landscaping of the development.
- 9.7 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 a style that is emerging within the area.

Traffic, access and car parking

- 9.8 The proposal provides the required number of car parking spaces for residents in accordance with Clause 52.06 (Car Parking) of the Scheme.
- 9.9 Visitor spaces are not required under Clause 52.06 given the site is within the Principal Public Transport Network (PPTN) buffer area and only 4 dwellings are proposed.
- 9.10 Council's Infrastructure and Sustainable Operations Unit have not raised any concerns with increased traffic or impact to on-street car parking. The increased traffic movement associated with additional dwellings on the site can be readily accommodated in the surrounding street network.
- 9.11 Council's Infrastructure and Sustainable Operations Unit have reviewed the swept path diagrams and confirmed that they are acceptable. The access arrangement is considered acceptable as future residents will become familiar with any required corrective manoeuvres to access garages.
- 9.12 The use of the existing crossover for access will not impact on street parking. The layout of the development ensures vehicles will enter and exit the site in a forward direction to minimise any safety impacts.
- 9.13 Existing traffic and parking issues in the area cannot be addressed through the current application, nor should the burden of relieving these existing problems be imposed on the developer of the subject site.
- 9.14 Further, pursuant to the Manningham parking permit policy 2019, owners and occupiers of dwellings for this development will not be eligible to obtain

residential parking permits in restricted parking areas if or when this is applied in future.

Overshadowing and loss of daylight

- 9.15 Potential overshadowing impacts as a result of the proposal have been assessed in detail in an earlier section of this report.
- 9.16 As discussed, there will be additional overshadowing to the secluded private open space areas of the adjoining properties to the south and west at 9am and 10am as a result of the development.
- 9.17 The development will not result in excessive overshadowing of the adjoining properties as the shadows only impact a small portion of the existing secluded private open space areas. Compliance with the relevant standard is achieved.

Overlooking and loss of privacy

- 9.18 Potential overlooking impacts as a result of the proposal have been assessed in detail in an earlier section of this report. As discussed, permit conditions will require compliance with the relevant standard.
- 9.19 A visual barrier of at least 1.8 metres in height is required along the southern boundary in order to appropriately limit overlooking from the proposed development, to be required by a **condition on the permit**.

Loss of vegetation and environmental impacts

- 9.20 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 dwellings 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.
- 9.21 The application was amended pursuant to Section 57A of the *Planning and Environment Act* 1987 to retain the large tree towards the north-western corner of the site. This is considered to be a positive design outcome.
- 9.22 It is considered that Tree 4 can also be retained through some variations to the design of the terrace as discussed earlier in this report. **Conditions on the permit** will be included accordingly to ensure that Tree 4 is retained.

Infrastructure and services

- 9.23 Council's Infrastructure and Sustainable Operations Unit have raised no concerns relating to the capacity of existing services and utilities.
- 9.24 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.
- 9.25 The development will be required to be connected to various utility services, subject to the requirements of the relevant authorities.

Potential flooding issues

- 9.26 Council's Infrastructure and Sustainable Operations Unit have not raised any concerns with drainage subject to runoff being directed to the legal point of discharge and the installation of an on-site storm water detention system. These will be required by a permit condition.
- 9.27 The subject site is not within any flooding overlays or identified to be subject to overland flows.

Potential soil contamination and asbestos

- 9.28 The subject site is not within an Environmental Audit Overlay or other registers that suggest the land may be contaminated.
- 9.29 The demolition of the existing building and asbestos removal is not a planning matter. It will be addressed by the relevant building surveyor as part of the demolition process.

Impacts and damage to neighbouring properties and fencing

- 9.30 The development proposes to retain the 1.4 metre high brick wall which is located adjacent to the southern boundary. Based on the survey plan submitted with the application, it appears this wall is located on the southern boundary and therefore forms part of the fence between properties.
- 9.31 Any potential damage to neighbouring properties from construction is not a planning matter that can be considered as part of this application. It is a matter that would need to be addressed by the relevant building surveyor through the building permit process.
- 9.32 Boundary fencing is also a civil matter that would need to be addressed by the property owners and is be considered as part of this application.
- 9.33 Council will expect that the development (including fencing to the heights indicated on the plans) will be constructed in accordance with the endorsed plans.

Impacts to the existing easement along the western boundary

- 9.34 The building is setback approximately 800mm from the easement along the western boundary. Council's Infrastructure and Sustainable Operations Unit have not raised any concerns with the building within proximity of the easement. Given the setback of the building to the easement, there will be no impact on this easement as a result of the development.
- 9.35 The driveway is proposed to be constructed over the easement adjacent to the southern boundary. The permit holder will need to apply for approval to build over the easement, which will be assessed by Council's Infrastructure and Sustainable Operations Unit. It is not unusual for driveways of developments to be constructed over or partly over an easement subject to approval from Council.

Construction impacts

- 9.36 A **permit condition** will require a Construction Management Plan (CMP) 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, including 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.

- 9.37 Some noise and other off-site impacts are inevitable when any construction occurs. The developer will be required to meet relevant Local Law and EPA regulations 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.

Residential noise

- 9.38 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.
- 9.39 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.

Inaccurate costings, insufficient funds to complete the development and lack of a timeline for construction and completion

- 9.40 The applicant is required to provide the estimated cost of the development as part of the application.
- 9.41 Otherwise, the cost and financing of a development is not a planning matter and cannot be considered as part of the assessment of this application.
- 9.42 **Conditions on the permit** will include an expiry date of the permit if the development is not commenced within 2 years or completed within 4 years of the issue date of the permit. There is no requirement on when the development must be undertaken as long as the permit remains valid.

Loss of property values

- 9.43 Subjective claims that a proposal will reduce property values is not a planning matter and cannot form part of the assessment of this application.

10. CONCLUSION

- 10.1 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.
- 10.2 For the reasons above, it is recommended the application be approved subject to conditions.

11. DECLARATION OF CONFLICT OF INTEREST

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