

0.0 Planning Application PLN25/0134 at 35-41 Taunton Street, Doncaster East for the construction of 30, two-storey dwellings

File Number:	IN25/824
Responsible Director:	Director City Planning and Liveability
Applicant:	Taunton St (AZ & CXW) Pty Ltd
Planning Controls:	General Residential Zone 3
Ward:	Waldau
Attachments:	1 Legislative Requirements PLN25 0134 2 Confidential Objector Map PLN25 0134 3 Decision Plans PLN25 0134 4 Decision Landscape Plan PLN25 0134 5 Decision 3D Render Views PLN25 0134

PURPOSE OF REPORT

1. This report provides Council with an assessment of planning permit application PLN25/0134 at 35-41 Taunton Street, Doncaster East for the construction of 30, two-storey dwellings. The report recommends approval of the proposal, subject to changes by permit conditions.
2. The application is being reported to Council for determination as it is a Major Application (land outside the Activity Centre Zone with more than 20 dwellings and with a cost of works greater than \$10 million).

EXECUTIVE SUMMARY**Proposal**

3. The application seeks the development of 30 dwellings in a two-storey townhouse arrangement up to 7.9 metres high. A total of 60 resident car spaces are provided within garages and on internal streets in accordance with parking requirements.
4. The land has a total area of 7,268 square metres, orientated to the sole frontage to Taunton Street which is a cul-de-sac that terminates in front of the site. The existing buildings and car park will be removed, including the former double storey community centre/place of assembly, the Salvation Army Church, and single storey caretaker dwelling. The existing planted trees, including medium and large specimens, will be removed except for two native trees in the north-east corner.

Figures: Submitted renders viewed from Taunton Street and looking from above from the west



Notification

5. Notice of the application was undertaken by Council for a period of 14 days which concluded 24 September 2025.
6. 20 objections have been received.

Key issues in considering the application

7. The key issues for Council in considering the proposal relate to:
 - Car Parking, Access and Traffic

- Landscaping and trees
- Built form and siting
- Overall compliance with deemed to comply standards of Clause 55
- Objector concerns

Assessment summary

8. This is the first application that Council will determine since Clause 55 (Two or more dwellings on a lot and residential buildings - ResCode) was replaced by the Townhouse and Low-Rise Code (the Code). The Code came into effect on 31 March 2025.
9. Council's planning considerations are substantially limited in this instance where the proposal is assessed solely under Clause 55 and meets deemed to comply standards, which in turn switches off local policy on character, design, tree retention, and ESD, amongst other policies. This is the case in this application as the proposal meets all of the deemed to comply standards, with one exception.
10. If the proposal complies with specific "applicable" standards of the Code, objectors are exempted from third party appeal rights, irrespective of whether they comply with the other remaining standards. This is **not** the case in this application as the proposal fails to fully comply with Clause 55.02-6 Access.
11. The proposal has merit and is recommended to be supported subject to minor conditions, given the following:
 - Any variations to the Code (Clause 55) are minor matters and full compliance can be achieved by the recommended conditions.
 - Two storeys and 7.9 metres maximum heights proposed, less than the three storey and 11 metre maximum specified in the zone.
 - Garden Area is compliant, providing the minimum mandatory 35%.
 - Car parking of two resident spaces per dwelling is fully compliant with car parking requirements.
 - Number of crossovers has been minimised. Most dwellings share a single entry point which maximises on street spaces.

The proposal goes beyond the minimum requirements of the Code including:

- Site coverage of 44%, below the maximum 65%.
- Responds to the topography by cutting dwellings into the land to minimise their impacts (not required by the Code).
- Generous side and rear setbacks, typically 4 - 5 metres. Only one garage wall is proposed on a boundary.

- Landscaping is provided to more than 20% of the site. An additional 3% of trees are provided by also landscaping internal streets. More than 100, 6 metre high canopy trees and 6, 8 metre high canopy trees are proposed within a total 1,763 square metres of canopy area.
- Good first floor separation between dwellings facing neighbours and broad separation between rows of dwellings (not required by the Code).
- Overlooking addressed, even where not required to the abutting retirement village. A technical discussion is provided later in this report.
- Overshadowing is compliant, noting it is not required to comply to the abutting retirement village. Nevertheless, overshadowing has been minimised to a small amount at 9am and 10am, affecting two properties.
- Private open space is typically between 27-50 square metres, more than the minimum requirement of 25 square metres.
- Internal living room and bedrooms space are greater than the minimum functional standards.
- Street setbacks between 4 - 6.6 metres are shallow, however comply with the Code.
- Overall design appears boxy and not greatly articulated, however exhibits some architectural merit by the predominantly brick presentation and application of other quality materials. Articulation is provided by variations in materials, large picture windows, integrated garages, and appropriate streetscape detailing. These design aspects are also not considered by the Code.

Conclusion

12. The proposal is considered satisfactory and positively responds to the objectives of the Manningham Planning Scheme with a high degree of compliance with Clause 55, full compliance with car parking and traffic requirements and height. Minor changes are recommended through permit conditions which will result in a fully compliant outcome.
13. As all the 'applicable' standards of Clauses 55.02, 55.04-1, 55.04-2, 55.04-3, 55.04-4 and 55.05-2 have **not** been met, **specifically Clause 55.02-6 Access**, the application is **not** exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act (objector appeals).
14. It is recommended that the application be supported and that Council issue a Notice of Decision to Grant a Permit, subject to the recommended conditions.

1. RECOMMENDATION

That Council:

A. Having considered all objections, issue a Notice of Decision to Grant a Permit in relation to Planning Application PLN25/0134 at 35-41 Taunton Street, Doncaster East for the construction of 30, two-storey dwellings 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 prepared by NTF Architects, Revision E, dated 20 August 2025), but modified to show:
 - a) Internal front fences and front dividing fences nominated/shown to have 1.5 metre high semi-transparent fencing, including dwellings TH01 to TH05.
 - b) The accessway up to the garages of TH22 and TH28 designated as a common turning bay and apply the same paving treatment as the accessway.
 - c) The garages of TH15 and TH23 setback an additional 500mm north and south respectively, to expand the adjacent common turning bay, and apply the same paving treatment as the accessway to the expanded turning bay.
 - d) All turning bays at the end of each accessway aisle identified as common land, including the areas specified within conditions 1b and 1 c).
 - e) Storage shelves within any garaged car space nominated as having a headroom clearance of 2.1 metres.
 - f) A schedule of materials, finishes and colours to include garaging, site services screening, and accessway paving treatments.
 - g) Details of all lighting to all internal accessways and paths, suitably located and baffled to minimise any light spill to adjoining properties.
 - h) Single crossovers dimensioned as 3 metres wide and double crossovers 6 metres wide, unless to the satisfaction of the Responsible Authority.
 - i) Title lengths shown on ground floor plan.
 - j) Ground floor boundary setbacks dimensioned.
 - k) The removed street tree shown on the ground floor plan.
 - l) A notation to indicate that the tree protection fencing and measures are undertaken in accordance with the Tree Protection and Management Plan approved as part of this permit.
 - m) All water tanks, sheds, and services located outside the notional root zone of any tree to be retained.
 - n) All first floor north facing windows to comply with Standard B5-4 – Solar Protection to new north facing windows.

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 CDA Design Group, version B-P1, dated 20 August 2025), 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) A planting schedule that includes details of a variety of new canopy trees and other proposed vegetation, quantity, species names, approximate height and spread at maturity, canopy cover of each tree and size at time of planting.
- c) The location of each canopy tree and other proposed vegetation clearly marked.
- d) Plant species within each visibility splay have a height of no greater than 0.9 metres at maturity.
- e) A notation that synthetic grass will not be used as a substitute for any open lawn area within the subject land.

Tree Protection and Management Plan

4. 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

Stormwater Management Report

5. The Stormwater Management Report (Water Sensitive Urban Design Report prepared by GIW Environmental Solutions dated 26/08/2025) must be approved to form part of this permit, unless with the further written approval of the Responsible Authority.

Waste Management Plan

6. The Waste Management Plan (prepared by One Mile Grid dated 14 May 2025) must be approved to form part of this permit, unless with the further written approval of the Responsible Authority.

Construction Management Plan

7. Before the development starts, including before 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.

Implementation of management plans and reports

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 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.
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.

On-Site Stormwater Detention System

13. 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.
14. 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

15. Stormwater must not be discharged from the site other than by means of drainage to the point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor and must be implanted prior to the occupation of the approved development. A connection to Council maintained assets must not be made unless a Connection to Council Drain Permit is first obtained from the Responsible Authority.

16. 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.

17. All rainwater tanks must be connected to the on-site stormwater detention system for any overflow 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 accessways 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

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

Car Parking and Access

21. Before the occupation of the approved development, all new vehicular crossings 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.

22. Before the occupation of the approved development, all external parking spaces must be line-marked, numbered, signposted and allocated to each dwelling (as relevant) in accordance with Clause 52.06 Car parking requirements and maintained to the satisfaction of the Responsible Authority.

23. All car parking spaces, footpaths, 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.

Completion

24. 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.

25. 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.

Permit Expiry

26. This permit will expire if one of the following circumstances applies:

- a) The development is not started within three (3) years of the date of this permit.
- b) The development is not completed within five (5) 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*.

1. BACKGROUND

Application history

- 1.1 Relevant planning history includes application PLN23/0153 for 29, two and three storey townhouses, which lapsed in April 2024. The proposal was not supported by Planning Officers due to fundamental concerns with overdevelopment, character, massing, response to topography, setbacks, road and pedestrian design, internal amenity, loss of trees, inadequate landscaping.
- 1.2 It is important to acknowledge that the former application was considered under the previous Clause 55 and which allowed full consideration of the Manningham Planning Scheme, and fundamentally allowed consideration of local character, landscape, and ESD policies amongst other detailed policies and objectives.
- 1.3 Notably, the current application proposes a lower scale and increased dwelling detachment than the previous proposal. The current application also incorporated a redesigned car parking layout and internal accessways, addressing other previous significant concerns.
- 1.4 This application is the first that Council will consider under the newly gazetted Clause 55, introducing the Townhouse and Low-Rise Code which came into effect on 31 March 2025. This changed the residential zones and overhauled Clause 55 (Two or more dwellings on a lot and residential buildings), removing and modifying standards to allow for more intensive housing. As relevant to this planning application, this included the following changes:
 - All consideration of residential and local policies do not apply where an application meets the new standards of Clause 55.
 - Removal of the 'qualitative' consideration of neighbourhood character, neighbourhood response, design, topography, landscaping, and tree retention.
 - All standards now on a measurable deemed to comply method, usually on a numerical basis.
 - Existing standards were relaxed to achieve more intensive housing, increased site coverage, reduction to street setbacks, relaxed overlooking requirements.

- Where proposals comply with all 13 of the “applicable” standards of the Code, objectors are exempted from third party appeal rights irrespective of whether they comply with all the other remaining standards.

Current application

- 1.5 Council’s planning considerations are substantially limited in this instance as the application is assessed solely by the Code and has no other overlays. Any former considerations with local policy and objectives on character, design, tree retention, ESD and others detailed policy can no longer be considered if an application meets the related new deemed to comply standards. This is **not** the case in this application as Clause 55.02-6 Access has not been met.
- 1.6 Minor non-compliances with Clause 55 were raised to the applicant as part of a further information request on 11 June 2025. Most of these minor non-compliances have since been addressed.
- 1.7 The current proposal was presented to Councillors at a Major Application Briefing meeting on 4 September 2025.
- 1.8 The application was advertised and 20 objections were received.
- 1.9 A consultation meeting for this application was held on 22 October 2025. Councillors, planning officers, the applicant and objectors attended the meeting.
- 1.10 The following issues were discussed:
 - Parking, traffic
 - Noise from future residents, use
 - Vegetation loss
 - Construction type
 - Overlooking, if screening can be provided
 - Daylight
 - Overshadowing
 - Character, overdevelopment
 - Pools, if they can be deleted
 - Acoustic fencing, if it can be provided
 - Visitor parking, if any can be provided.
- 1.11 No resolutions were reached at the meeting.
- 1.12 The statutory clock that applies to planning applications is 60 days. For the subject application, this time passed on 27 October 2025.

2. THE SITE AND SURROUNDS

The Site



Figure: Aerial view of subject site (March 2025).

SITE SUMMARY	
Built form	Double storey former Salvation Army Church, single storey caretaker dwelling, with at-grade parking.
Use	Vacant. Previously used as a place of assembly/community hall.
Lot Size (m²)	7,268 square metres
Topography	Land has a gentle slope and crossfall of up to 4 metres generally from south-east to north-west
Fencing	Unfenced to the street
Vegetation	26 medium and large trees
Easements	The following easements apply: 3.05 metre wide electrical easement along the eastern boundary.

Restrictions on title	There are no restrictive covenants or section 173 agreements on the submitted title.
Footpath assets / access	Two single crossovers and one double crossover 6 street trees Fire hydrant Electrical services/transformer in south-east corner of site

Surrounds

- 2.1 The street is a cul-de-sac as Taunton Road terminates in front of the site.
- 2.2 Surrounding the site are single and two-storey dwellings. Character on the abuttals varies markedly from the single-storey retirement village to the west and north, the Roseville Retirement Village, to a broader grain, more substantive two-storey dwellings and 1990s garden area style subdivision to the east.
- 2.3 The surrounding land is in Schedule 3 to the General Residential Zone.



Figure: Zoning Map

- 2.4 The immediate surrounding land is described as:
- To the north and west is the Aveo Roseville Retirement Living Estate (110 King Street). There are approximately 16 single-storey units, generally

setback 4 to 6 metres from the shared boundary where rear private open space and existing vegetation is located.

- To the east, is the sides of 9 Peppermint Court and 15 Nedlands Court. Each of these properties contains a large single dwelling, with their primary or secondary open space adjoining the boundary shared with the site.
- To the south, opposite the site is Zerbes Reserve, an active open space with a football club, scouts and playground and on-site car parking. Zerbes Reserve is well vegetated by tall trees in the immediate interface to Taunton Street.

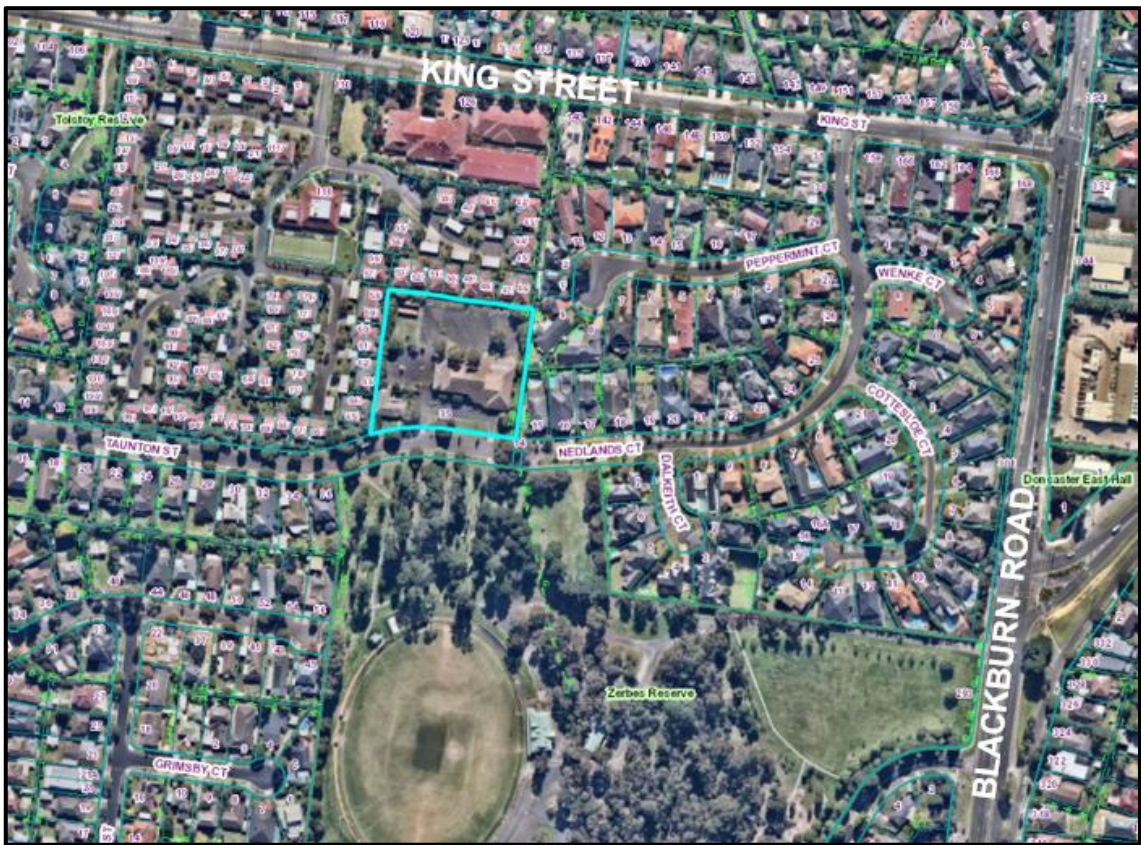


Figure: Aerial view of the surrounding neighbourhood (March 2025).

3. THE PROPOSAL

- 3.1 The proposal is outlined on amended plans prepared by NTF Architects, Revision E, dated 20 August 2025. These plans, as advertised, form the decision plans to be relied upon in this assessment.
- 3.2 The following supporting documents were submitted with the initial proposal:
- | | | |
|-------------------------------|-------------|------------------|
| • Town Planning Report | prepared by | Human Habitats |
| • Plan Set | prepared by | NTF Architecture |
| • Design Report | prepared by | NTF Architecture |
| • Landscape Plan | prepared by | CDA Design Group |
| • Transport Impact Assessment | prepared by | One Mile Grid |

- Waste Management Plan prepared by One Mile Grid
- Arboricultural Impact Assessment prepared by Tree Department

PROPOSAL SUMMARY	
Building Details	• Site coverage: 44.7% • Permeability: 32.4% • Garden Area: 35.1% Compliance – Yes, minimum 35% in the Zone
Dwellings	• Total number: 30 • 3 bedrooms: 7 • 4 bedrooms: 23
Height	• Maximum height: 7.9 metres Compliance – Yes, 11 metres maximum in the Zone • Number of storeys: 2 Compliance – Yes, 3 storey maximum in the Zone
Car parking (Residents)	• Requirement: 60 • Provided: 60 within garages or on internal streets Compliance: Yes
Car parking (Visitors)	• Requirement: 0 (PPTN Area) • Provided: 0
Proposed access	• 4 single and 1 double crossover to Taunton Street • Reinstatement of 3 existing crossovers
Building materials	• Predominantly brick, render, lined boards, batten fencing
Front setback	• 4 – 6.6 metres
Side setbacks	• 2.4 – 5.4 metres
Rear setback (North)	• 4.2 – 5.7 metres

Tree removal	• ~25 trees on site removed, 2 trees retained in the north-east corner • 6 street trees retained, 1 removed
Landscaping	• Deep soil area of 1,517 square metres / 20.9% of the site plus an additional 246 square metres / 3.4 % of structural soil (under accessways/paths) • Approximately 116 x 6m high small trees and 6 x 8m high medium canopy trees to be planted. • 2 x 8m high native trees retained in the north-east corner
Open space	• Secluded private open space, typically 27-50 square metres, or greater • No defined communal open space
Affordable Housing	The proposal does not provide any Affordable Housing per its definition under the Section 3AA of the Planning & Environment Act 1987.

4. LEGISLATIVE REQUIREMENTS

- 4.1 Refer to Attachment 1 (Planning & Environment Act 1987, Manningham Planning Scheme, and other relevant legislation policy).
- 4.2 The following permit requirement applies pursuant to this provision of the Manningham Planning Scheme:
- Clause 32.08-7 General Residential Zone, to construct two or more dwellings on a lot.

5. REFERRALS

External

- 5.1 None.

Internal

- 5.2 The application was referred to the following internal departments, with their responses summarised below:

Service Unit	Comments
City Infrastructure	No objection to the proposal subject to conditions and the following comments: • Traffic generation, impacts and access points are considered acceptable. • Stormwater impacts have been demonstrated as adequate. • The Waste Management Plan is considered satisfactory. • A Construction Management Plan would be required by permit condition. • Traffic conditions to further improve car parking and access, including enlarging the turning bays at the end of two accessways by minor changes to

	setback adjacent garages and the designation of driveways. These comments are expanded on within this report.
Statutory Planning Arborist	No objection to the proposal subject to conditions and the following comments: • Supports the retention of 2 trees on site to the rear north-east corner. • Standard B2-7 has been met in terms of the required site area for canopy and deep soil area to plant a sufficient number of Type A and Type B trees. The proposed tree species selection is satisfactory. • Supports the removal of the one small street tree 58 as proposed. • Does not meet Standard B2-6 Access as the accessways and vehicle crossovers encroach the tree protection zone of existing Melaleuca street trees 60 & 62 by 13% and 25.7% respectively, which is more than the maximum 10% encroachment allowed by the Standard. Although major encroachment will occur to these street trees, the impact is acceptable and will not result in loss or major impacts to these Melaleuca species. These comments are expanded on within this report. • Tree protection would be required during construction for the retained trees.

6. CONSULTATION / NOTIFICATION

- 6.1 Notice of the initial application and notice of the application have been undertaken by Council of over a two-week period.
- 6.2 This resulted in 20 objections. The location of objector properties is demonstrated on the map included in Confidential Attachment 2.
- 6.3 A consultation meeting was held on 22 October 2025 with 10 objectors present.

7. ASSESSMENT

Zone

- 7.1 The subject site is located within the General Residential Zone 3 with the purpose being, as relevant:

To encourage development that is responsive to the neighbourhood character of the area.

To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

- 7.2 There are no variations to the zone in Schedule 3.
- 7.3 A proposal for two or more dwellings on a lot must meet the requirements of Clause 55.

Height

- 7.4 The proposed 7.9 metre overall height and two-storey scale achieves full compliance with the requirements of the Zone that has a maximum mandatory building height of 11 metres and must contain no more than 3 storeys at any point.

Density

- 7.5 The chief component of measuring density is the mandatory Garden Area, for which the proposal achieves by provision of 35.1% Garden Area, exceeding the minimum requirement of 35%.
- 7.6 The standard for tree canopy areas is another indicator and which can establish a maximum density. The minimum discretionary 20% site area for tree canopy is met as discussed below.
- 7.7 The other main control for density is site coverage. The discretionary target of a maximum 65% is met by the proposed site coverage of 44%.
- 7.8 The proposal achieves an appropriate density based on the metrics available to assess the application.

Roseville retirement village and Clause 55 implications

- 7.9 Land to the north and west is the Aveo Roseville retirement village at 110 King Street. As the land is a retirement village, it is recognised differently and assessed differently by the Manningham Planning Scheme, as compared to a dwelling which is nested separately in Clause 73.04. Further, the definition of private open space in Clause 55 specifically relates to a 'dwelling'.
- 7.10 The retirement village does not benefit from the same protection from some off-site amenity impacts that are specifically designed protect a 'dwelling'. This affects the assessment of Clause 55 where Standards B4-3 (Overshadowing secluded private open space) and B4-4 (Overlooking) as they do not strictly apply to the retirement village.

Built Form and siting

- 7.11 Council's considerations on built form siting are limited to the clauses named under the heading 'Neighbourhood Character' within Clause 55. The proposal meets all of the deemed to comply standards, with one exception as noted:
- Clause 55.02-1 - Standard B2-1 Street setback
 - Clause 55.02-2 - Standard B2-2 Building height
 - Clause 55.02-3 - Standard B2-3 Side and rear setbacks
 - Clause 55.02-4 - Standard B2-4 Walls on boundaries
 - Clause 55.02-5 - Standard B2-5 Site Coverage
 - Clause 55.02-6 - Standard B2-6 Access – **Not met**
 - Clause 55.02-7 - Standard B2-7 Tree Canopy
 - Clause 55.02-8 - Standard B2-8 Front fences
- 7.12 The proposal achieves appropriate built form and building setback outcomes. Taunton Street setbacks are proposed between 4 metres and 6.6 metres, which are shallow with respect to the surrounding streetscape however comply with the Code minimum requirement of 4 metres. This requirement applies as there are no abutting dwellings that face the same street.

- 7.13 Generous side and rear setbacks exceed the minimum requirements. The development also features only one wall on boundary, well within the maximum allowances.
- 7.14 Whilst a formal assessment of character is no longer required, the proposal does exhibit features which respond to the prevailing character and local policy expectations for incremental change which supports up to three-storey townhouses or apartments. Responsive features include a two-storey scale, benched levels that avoids extensive fill, and a semi-detached siting with a rhythm and spacing to the streetscape and good first floor separation facing neighbours. The proposal will also be within a landscaped setting and high number of new canopy trees to assist with softening built form.
- 7.15 Although design is no longer an assessable metric, it is considered that the proposal exhibits some architectural merit by a predominantly brick presentation and application of other quality materials, articulation by variations in materials, large picture windows, integrated garages, and appropriate streetscape detailing.

External amenity

- 7.16 Visual bulk is addressed based on the available metrics. Site coverage is well below the maximum requirement. Side and rear setbacks meet and exceed the minimum numerical requirements.
- 7.17 Although not measurable, the proposal will offer a sense of visual relief due to the detachment and spacing of all first floors when viewed from neighbouring properties.
- 7.18 Overlooking has been limited where required from ground floor living rooms and decks by new raised boundary fencing, including limiting views to the abutting retirement village which is beyond the technical requirements under Clause 55. Overlooking from bedrooms is no longer required to be limited.
- 7.19 Overshadowing is compliant to all aspects, again noting it is not required to comply to the abutting retirement village. This has nevertheless been minimised to a small amount at 9am and 10am to two impacted properties, maintaining adequate solar access from 11am onwards.

Landscaping and trees

- 7.20 Approximately 25 medium to large trees will be removed from the site, mainly native species. Removal of the larger native trees was discouraged, however the applicant only sought retention of two trees. These trees are 8 metre high Australian natives located in the north-eastern corner and are supported. All large street trees are retained in the frontage. One immature tree is proposed to be removed for the double crossover, which is supported, however was not shown across all plans. A permit condition for plan correction will require the removed street tree to be shown on the ground floor plan.
- 7.21 The proposed tree removal is accepted as no tree controls apply to the site. Tree retention is optional under Clause 55. All trees on site are identified by Council officers as planted species given this area was previously cleared. Protection by Clause 52.17 (Native vegetation) therefore does not apply. The new Canopy Trees provision at Clause 52.37 policy does not apply to this application as it was

introduced into the Scheme on 15 September 2025, after this application was submitted.

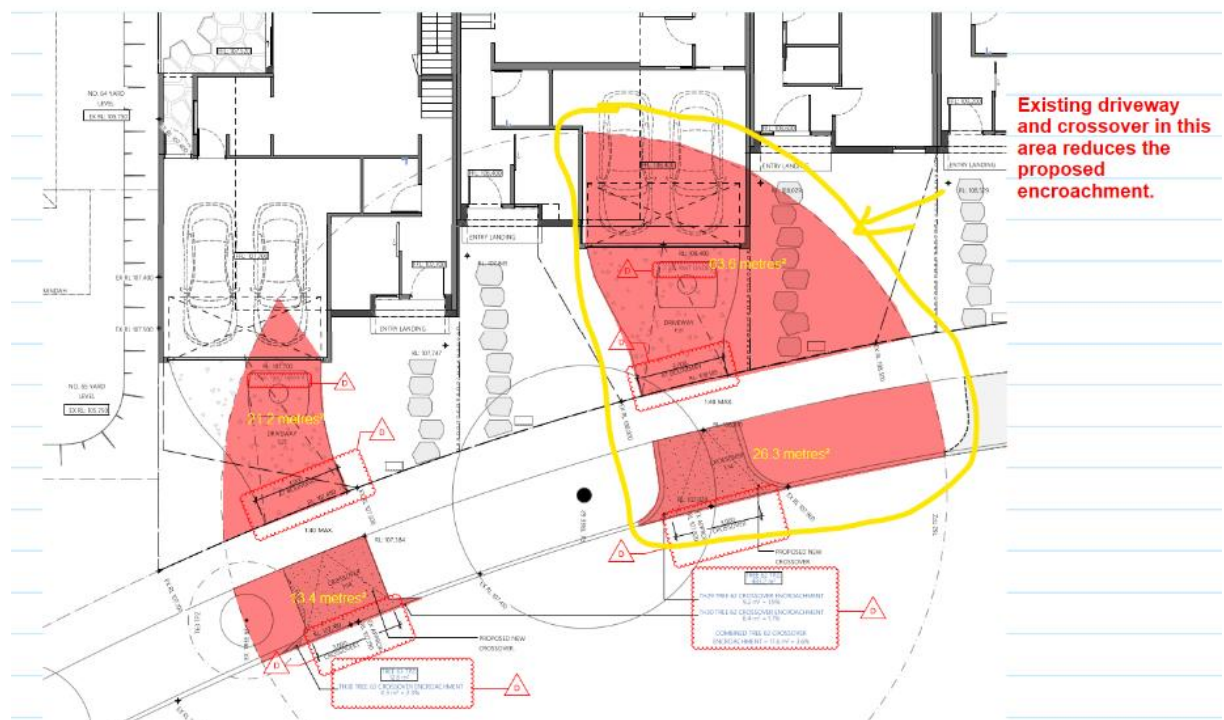
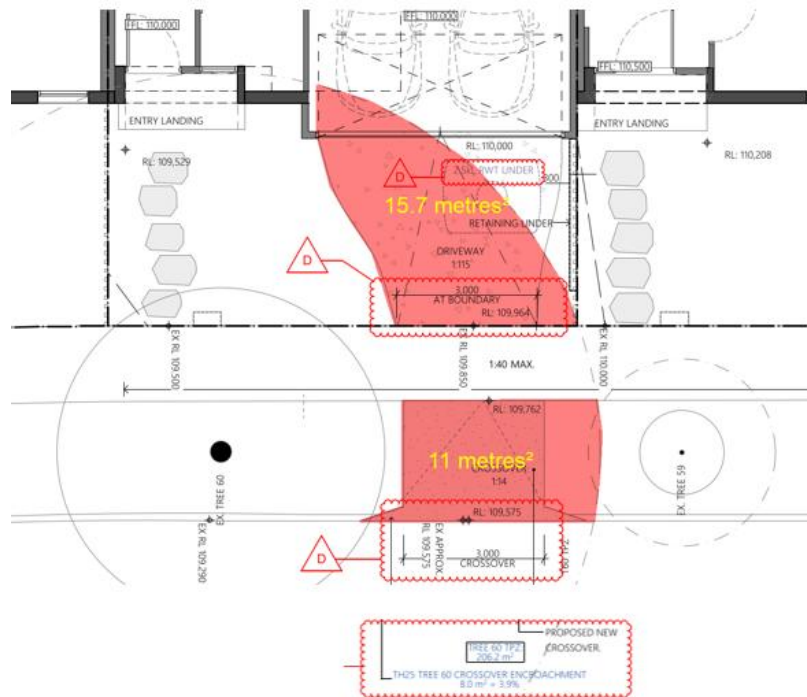
- 7.22 The proposal provides an adequate landscape setting around the dwellings. The overall tree canopy provides the required minimum 20% of the site and goes beyond to landscape internal streets using structural soil under the accessways. Approximately 116, 6 metre high canopy trees (Type A) and 6, 8 metre high canopy trees (Type B) are proposed in total, which is acceptable.



Figure: Landscape plan extract

- 7.23 Standard B2-6 (Access) is **not met**. The accessways and vehicle crossovers encroach the tree protection zone of existing *Melaleuca* street trees 60 & 62 by 13% and 25.7% respectively, which is more than the maximum 10% encroachment allowed by the Standard. This encroachment is calculated by including both crossovers and accessways (driveways) within the site within the TPZ, and including the lost area within the TPZ beyond the excavated

crossovers/driveways which cut all root zones beyond. This is expanded on in the Clause 55 assessment, with the encroachment correctly shown in the annotated diagrams below:



Figures: annotations by Council's Planning Arborist on External Works Plan extract

- 7.24 Although major encroachment will occur to these street trees 60 and 62, the impact is acceptable and will not result in loss or major impacts due to these *Melaleuca* species having stout trunks and generally thick bark with compact root zones, and noting the extent of existing hard surfaces on site within the TPZ.

Car parking and accessProvision of car parking spaces

- 7.25 The number of car parking spaces required is set out in Table 1 in Clause 52.05-6 of the Manningham Planning Scheme. Resident car parking is provided within garages or partly on internal streets, providing two resident spaces per dwelling, which is compliant. External car spaces are allocated to a specific dwelling in accordance with the provisions, and a standard permit condition requires that they be line-marked and signposted. All external spaces are conveniently located immediately behind or in front of their respective dwelling, albeit one space for TH7 which is 25 metres away from the dwelling entry. This is considered a reasonable distance from the dwelling.
- 7.26 The site is within the Principal Public Transport Network Area as shown on the *Principal Public Transport Network Area Maps* (State Government of Victoria, August 2018).
- 7.27 No visitor spaces are required to be provided regardless of the number of dwellings proposed. The site has access to six bus routes within a walkable distance.

Parking provision	Spaces required	Spaces provided	Compliance
Residents	2 spaces to each dwelling with three or more bedrooms (with studies or studios that are separate rooms counted as bedrooms)	2 per dwelling to a total of 60 spaces	Met
Visitors	0	0	Met

- 7.28 As discussed in Standard B2-6 (Access), the 5 crossovers proposed are compliant and maximise on street parking availability, noting they are substantially less in number than the maximum permitted crossovers.
- 7.29 On-street car parking spaces in this area have a higher occupancy during sporting events at Zerbes Reserve. There are no parking restrictions in place. Any change to on-street parking restrictions would be outside the scope of this planning application as the proposal meets all requirements.

Design standards

- 7.30 The design standards under Clause 52.09 are met, including passing areas, accessways, dimensions, swept path and turning areas, gradients, car parking spaces, garage dimensions, and clear visual splays.
- 7.31 Accessway dimensions follow the standard set out for a laneway design and allow two vehicles to pass each other at low speeds. All accessways exceed the minimum 3 metre width to provide suitable dimensions for emergency services and other vehicles.

- 7.32 Council's Traffic engineers raise issue with turning bays at the end of two accessways, that there is inadequate vehicle clearance and space to manoeuvre which will limit safe, easy and efficient use, contrary to Clause 52.06. This is of particular concern for the common turning bay near to TH15 and TH23, where turning vehicles may hit a parked car in the private driveways, as indicated on submitted swept paths below where vehicle clearances of turning vehicles intrude into future private driveways.
- 7.33 To address this, permit conditions are recommended for the garages of TH15 and TH23 to be setback an additional 500mm north and south, respectively to expand the adjacent common turning bay, and designated by paving and on plan as common land (see annotated plan below in pink highlight). This can be accommodated by a minor relocation of garages without any on or off site impacts and continued compliance with Garden Area. Permit conditions will also require the accessway up to the garages of TH22 and TH28 designated as a common turning bay. This will allow adequate area needed to make an adequate 3 point turn with 1 corrective movement.



Figures: Extract from submitted swept path diagram; Annotated ground floor plan with recommended increases (pink) to common driveway

- 7.34 Footpaths are provided within the main north-south road alignment.
- 7.35 Car storage is adequately screened. Ground level car parking, garage doors and accessways do not visually dominate public space, this achieved by integrated doors and a range of frontage variations and habitable spaces fronting each internal and external street.

- 7.36 The accessway and car parking areas allow natural surveillance and pedestrian visibility from adjacent buildings.

Traffic

- 7.37 All traffic will enter via Taunton Street and will exit west, dispersing via Lewarra Court and King Street. There will be no changes to the existing on-street cul-de-sac design, nor is any change required.
- 7.38 The applicant has provided detailed estimates within their Traffic Impact Assessment by OneMileGrid that projects the likely movements from the site during peak times.
- 7.39 They submit that the proposal will generate up to 180 vehicle movements per day, or a maximum of 18 movements per hour during peak periods. This equates to one vehicle movement per every 3 to 4 minutes 'which is considered to be very low in traffic engineering terms'. They further say this would likely be a decrease from the former church when operating at peak times.
- 7.40 The local road network can accommodate the proposed number of movements without significant impact on the amenity of the area. Council's Engineers have reviewed this and are satisfied with the traffic generation and that it will not pose a detrimental impact on the surrounding road network.

Clause 55 Two or more dwellings on a lot and residential buildings (Townhouse and Low-Rise Code)

- 7.41 A development must meet all of the applicable objectives contained in this clause.
- 7.42 If a development meets a standard:
- The corresponding objective is deemed to be met.
 - The responsible authority is not required to consider the corresponding decision guidelines.
- 7.43 If a development does not meet a standard, the responsible authority must consider the applicable decision guidelines in determining whether the corresponding objective is met.
- 7.44 If all the applicable standards under Clauses 55.02, 55.04-1, 55.04-2, 55.04-3, 55.04-4 and 55.05-2 are met, the application is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act (objector appeals). These standards are highlighted below in purple within the following assessment.

Clause 55.02 Neighbourhood character**Clause 55.02-1 Street setback****Standard B2-1**

This is one of the applicable standards where the application is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if all the applicable standards are met.

Walls of buildings are set back from streets:

- At least the distance specified in a schedule to the zone if the distance specified in the schedule is less than the distance specified in Table B2-1; or
- If no distance is specified in a schedule to the zone, the distance specified in Table B2-1.

Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

**STANDARD
MET**

Development context	Minimum setback from front street (metres)	Minimum setback from a side street (metres)
There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Transport Zone 2 and 4 metres for other streets.	Not Applicable

Officer Comment

The site is unusual in that there is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner. The buildings immediately to the west within the Roseville Retirement Village face inwards to that site and do not face Taunton Street. The dwelling immediately to the east faces Nedlands Court, this being a different street that is bisected from Taunton Street by the established tree lined terminus.

The proposed 4 metre minimum street setback (increasing to 6.6 metres in part) complies with the Standard which requires at least 4 metres.

Clause 55.02-2 Building height**Standard B2-2**

This is one of the applicable standards where the application is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if all the applicable standards are met.

The maximum building height does not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.

**STANDARD
MET**

If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height does not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building

height does not exceed 10 metres.

Officer Comment

Pursuant to Schedule 3 to the General Residential Zone, a building used as a dwelling must not exceed a height of 11 metres. The development has a maximum height of 7.9 metres, which complies with the standard.

Clause 55.02-3 Side and rear setbacks

Standard B2-3

This is one of the applicable standards where the application is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if all the applicable standards are met.

A new building not on or within 200mm of a boundary is set back from side or rear boundaries in accordance with either B2-3.1 or B2-3.2.

**STANDARD
MET**

Standard B2-3 is met if the building is setback in accordance with either B2-3.1 or B2-3.2. For B2-3.1:

The building is setback at least 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the side and rear setbacks.

**STANDARD
MET**

Landings that have an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the side and rear setbacks.

**STANDARD
MET**

Officer Comment

Standard B2-3.1 – All setbacks comply with the applicable Standard as demonstrated below for the closest minimum boundary setbacks, noting many setbacks exceed these minimums:

Location	Building height	Setback required	Setback provided	Compliance
North (rear) first floor	7.69	2.78	4.25	Met
East first floor	6.96	2.05	3.05	Met
West first floor	7.38	2.46	2.46	Met
West ground floor	3.76	1.048	1.8	Met

Clause 55.02-4 Walls on boundariesStandard B2-4

This is one of the applicable standards where the application is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if all the applicable standards are met.

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot does not abut the boundary for a length that exceeds the greater of the following distances:

- 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
- The length of existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot.

A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

**STANDARD
MET**

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary does not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

**STANDARD
MET**

Officer Comment

One wall on boundary is proposed. A 9.9 metre long wall, constructed 2.4 metres to 3.5 metres high with an average height of 3.2 metres on the western boundary. This complies with the Standard.

Clause 55.02-5 Site coverageStandard B2-5

This is one of the applicable standards (e.g. identified within this table by purple) where the application is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if all the applicable standards are met.

The site area covered by buildings does not exceed:

**STANDARD
MET**

- The maximum site coverage specified in a schedule to the zone; or
- If no maximum site coverage is specified in a schedule to the zone, the percentage specified in Table B2-5.

If the maximum site coverage is specified in a schedule to a zone, it must be greater than the percentage specified in Table B2-5.

Table B2-5 Site coverage

Zone	Area
General Residential Zone	65%

Officer Comment

The site coverage is 44.7%, which complies with the standard for a maximum of 65%.

The site coverage has been calculated to include a dwelling, garage, carport, verandah and any other roofed building. It also includes any projection of the upper storey over the ground floor. It does not include any building eaves or paving.

Clause 55.02-6 AccessStandard B2-6

This is one of the applicable standards where the application is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if all the applicable standards are met.

The width of accessways or car spaces (other than to a rear lane) does not exceed:

- 33 per cent of the street frontage, or
- 40 per cent of the street frontage if the width of the street frontage is less than 20 metres.

**STANDARD
MET**

The location of a vehicle crossover or accessway does not encroach the tree protection zone of an existing tree, that is proposed to be retained in a road by more than 10 per cent.

**STANDARD
NOT MET**

Officer Comment

The overall width of the accessways cover 4 x single and 1 x double crossovers = total of 18 metres or 19.9% of the 90.5 metre long street frontage. This complies with the standard which allows up to 33% or 29.8 metres.

A permit condition will require the single crossovers to be dimensioned 3 metres wide and double crossover 6 metres wide, or to the satisfaction of the Responsible Authority.

The immature street Tree 58 is supported for removal, as proposed.

This 'applicable' standard **is not met** as the accessways and vehicle crossovers encroach the tree protection zone of the existing *Melaleuca* street trees 60 and 62 by more than 10%. The applicant considered only the impact of the crossover on the street tree, failing to add the encroachment of the new accessways (driveways) within the site, (per its definition by the Department of Transport and Planning), nor was the area included beyond the new excavated crossovers/driveways. The TPZ area east of the crossover and north of the driveway within the garage are also considered lost (per the definitions of encroachment under Australian Standard AS4970-2025). Any roots in this area would also be lost from the excavation required to construct the crossover or driveway. Therefore, encroachment into the TPZ of Tree 60 will be 13% (26.7 of 206.2 square metres) and encroachment into the TPZ of Tree 62 will be 25.7% (124.5 of 483.2 square metres).

Although major encroachment will occur to street trees 60 and 62, the impact is acceptable and will not result in loss or major impacts due to these *Melaleuca* species having stout trunks and generally thick bark with compact root zones, and noting the extent of existing hard surfaces on site within the TPZ.

As such no further changes are required and the relevant policy objectives are met within Clause 15.01-5-01L (Landscaping Manningham):

- *Provide setbacks to enable the retention of canopy trees and landscape treatments along road frontages roadside boundaries and interfaces with adjoining sites to complement the boulevard theme and character of the area.*
- *Retain existing vegetation and canopy trees along road frontages.*

Clause 55.02-7 Tree canopyStandard B2-7

This is one of the applicable standards where the application is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if all the applicable standards are met.

Provide a minimum canopy cover as specified in Table B2-7.1.						STANDARD MET
Table B2-7.1 Canopy cover						
Site area				Canopy cover		
More than 1000 square metres				20% of site area		
Existing trees to be retained meet all of the following:						STANDARD MET
- Has a height of at least 5 metres, - Has a trunk circumference of 0.5 metres or greater at 1.4 metres above ground level, - Has a trunk that is located at least 4 metres from proposed buildings.						
The minimum canopy cover is met using any combination of trees specified in Table B2-7.2m or including existing trees.						
Table B2-7.2 Tree type, canopy cover, deep soil and planter requirements						
Tree type	Minimum canopy diameter at maturity	Minimum height at maturity	Minimum mature canopy cover	Tree in deep soil Area of deep soil	Tree in planter Volume of planter	Minimum depth of soil
A	4 metres	6 metres	12.6sqm	12sqm (min. plan dimension 2.5m)	12 cubic metres(min. plan dimension 2.5m)	0.8m
B	8 metres	8 metres	50.3sqm	49sqm (min. plan dimension 4.5m)	28 cubic metres (min. plan dimension 4.5)	1 metre
C	12 metres	12 metres	113.1sqm	121sqm (min. plan dimension 6.5m)	64 cubic metres (min. plan dimension 6.5)	1.5 metre
Provide at least one new or retained tree in the front setback and the rear setback.						STANDARD MET
Trees are located in either:						STANDARD MET
- An area of deep soil as specified in Table B2-7.2; or - A planter as specified in Table B2-7.2.						
Any tree required to be planted under this standard must be of species to the satisfaction of the responsible authority, having regard to the location and relevant geographic factors.						STANDARD MET

The application meets the standard by providing the following:

Canopy cover required	Canopy cover of the site area provided	Compliance
-----------------------	--	------------

20% of site area		1,517sqm 20.9% of site area Plus an additional 246 sqm / 3.4 % area (structural soil under accessways/paths) not technically considered			Met
Deep soil area required					
Proposed no.s of trees	Tree type	Canopy cover within site area	Deep soil area	Deep soil area minimum dimension	Compliance
116	A	12.6sqm	At least 12sqm	At least 2.5m	Met
6	B	50.3sqm	At least 49sqm	At least 4.5m	Met
Existing Tree	Height	Trunk circumference at 1.4m above ground	Trunk setback to proposed buildings	Compliance	
Tree 27 in north east corner Willow Myrtle, Australian Native	8m	DBH (cm): 48	4.4m	Not applicable	
Tree 28 in north east corner Willow Myrtle, Australian Native	12m	DBH (cm): 26 26 19 (multistem) DAB (cm): 50	4.4m	Met	

Officer Comment

Two trees are proposed for retention. Tree 27 is not relevant for retention under this standard as its DBH was 48cm, which is 2cm less than the minimum 50cm stipulated. This is nominal and likely within a margin of error when measuring circumference. Tree 28 is applicable for consideration. Both of these Australian native trees are supported for retention by Council's Arborist.

The tree canopy, deep soil requirements are considered to satisfy the above standards, per the submitted plans prepared by CDA Group.

Council's Arborist is satisfied with the proposed tree species specified on the submitted landscape plan as appropriate to the location and relevant geographic factors as required by the standard, identified by species included in Manningham's local plant guide Native Splendour and the online Which Plant Where guide referenced by the Department of Transport and Planning, as notated below:

PLANT SCHEDULE

DTP guide climate suitable for Doncaster location

SYMBOL	BOTANICAL NAME	COMMON NAME	MATURE HT x SPREAD (m)
	TYPE B TREES		
	Eg. Acer rubrum 'October Glory'	Red Maple	12 x 8
	Jacaranda mimosifolia	Jacaranda	9 x 8
	Ulmus parvifolia 'Burnley Select'	Chinese Elm	9 x 8
	Corymbia eximia	Bloodwood	10 x 8
	TYPE A TREES		
	Eg. Lagerstroemia indica x fauriei 'Natchez'	Crepe Myrtle	8 x 4
	Acacia implexa	Lightwood	10 x 4
	Hymenosporum flavum	Native Frangipani	10 x 4
	Eleocarpus reticulatus	Blueberry Ash	9 x 4
	Tristaniaopsis laurina 'Luscious'	Luscious Kanooka	8 x 6
	SMALL EVERGREEN TREES		
	Eg. Banksia marginata	Silver Banksia	5 x 2
	Callistemon sieberi	River Bottlebrush	3 x 1
	LOW-LEVEL PLANTING		
	Eg. Chryscephalum apiculatum	Yellow Buttons	0.3 x 0.5
	Dianella tasmanica	Native Flax	0.6 x 0.6
	Grevillea lanigera 'Mt. Tamboritha'	Mt Tamboritha Grevillea	0.3 x 1.0
	Lomandra confertifolia 'Seascape'	Seascape	0.6 x 0.6
	Lomandra longifolia 'Tanika'	Tanika	0.6 x 0.6
	Poa poliformis 'Kingsdale'	Tussock Grass	0.45 x 0.45
	Westringia fruticosa 'Low Horizon'	Low Horizon Rosemary	0.3 x 0.7
	Correa glabra 'Ivory Lantern'	Ivory Lantern Rock Correa	0.6 x 0.6
	Viola hederacea	Native Violet	prostrate x 0.3
	Goodenia ovata	Hop Goodenia	2.5 x 4.0 m
	Dichondra repens	Kidney Weed	prostrate x 0.3
	Poa morrisii	Soft Tussock Grass	0.45 x 0.45 m
	Hardenbergia violacea	Native Violet	1 x 1.5 m
	Xanthorrhoea minor ssp. lutea	Small Grass Tree	0.4 x 0.4 m
	CLIMBING PLANTING		
	Trachelospermum jasminoides	Chinese Star Jasmine	3-5 x 3-5 m
	Clematis aristata	Mountain Clematis	3-5 x 3-5 m
	EASEMENT PLANTING		
	Olearia lirata	Snow Daisy-Bush	3 x 1 m
	Leptospermum scoparium	Manuka	2-3 x 1 m
	Callistemon sieberi	River Bottlebrush	3 x 1 m
	Banksia integrifolia 'Sentinel'	Coastal Banksia 'Sentinel'	3 x 1 m

SPECIES SELECTION NOTES

SPECIES AS DEFINED IN NATIVE SPLENDOUR, A GARDENING GUIDE TO MANNINGHAM'S LOCAL PLANTS (THIRD EDITION), 2024.

Clause 55.02-8 Front fences

Standard B2-8

This is one of the applicable standards where the application is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if all the applicable standards are met.

A front fence within 3 metres of a street is:

STANDARD
MET

- The maximum height specified in a schedule to the zone, or
- If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B2-8.

Table B2-8 Maximum front fence height

Street context	Maximum front fence height
Other streets	1.5 metres

Officer Comment

The front fence (south eastern corner) within 3 metres of a street has a maximum height of 1.5 metres, which complies with the standard.

Clause 55.03 Liveability

<u>Clause 55.03-1 Dwelling diversity</u>	
<u>Standard B3-1</u>	
Developments include at least:	STANDARD NOT MET
- One dwelling that contains a kitchen, bath or shower, bedroom and a toilet and wash basin at ground floor level for every 10 dwellings. - One dwelling that includes no more and no less than 2 bedrooms for every 10 dwellings. - One dwelling that includes no more and no less than 3 bedrooms for every 10 dwellings.	

Officer Comment

This standard is partially not met, however the objective is satisfied.

The proposal provides for 7, 3 bedroom dwellings and 23, 4 bedrooms dwellings, but does not provide the required 3, 2 bedroom dwellings. The objective is met as the proposal provides for dwelling diversity within the varied typology and floor plates which will adequately meet the future resident needs in this area.

The proposal provides more than 10 dwellings that contain a kitchen, bath or shower, bedroom and a toilet and wash basin at ground floor level, exceeding the minimum 3 required by the standard.

<u>Clause 55.03-2 Parking location</u>	
<u>Standard B3-2</u>	
Habitable room windows with sill heights of less than 3 metres above ground level are setback from accessways and car parks by at least:	STANDARD MET
1.5 metres; or - If there is a solid fence with a height of at least 1.5 metres between the accessway or car park and the window, 1 metre; or 1 metre where window sills are at least 1.5 metres above ground level.	
This standard is met if an accessway or relevant car parking space is used exclusively by the resident of the building with the habitable room.	

Officer Comment

Habitable room windows with a sill height of at least 1.5 metres above ground are set back at least 1 metre from the accessway, which complies with the standard.

<u>Clause 55.03-3 Street integration</u>	
<u>Standard B3-3</u>	
Where a development fronts a street, a vehicle accessway or abuts public open space:	
Passive surveillance is provided by a direct view from a balcony or a habitable room window to each street, vehicle accessway and public open space.	STANDARD MET
The total cumulative width of all site services to be located within 3 metres of a street, do not take up more than 20 per cent of the width of the frontage and are screened from view from the street or located behind a fence. Screens or fences are to provide no more than 25 per cent transparency.	STANDARD MET
Lighting is provided to all external accessways and paths.	STANDARD NOT MET
Mailboxes are provided for each dwelling and can be communally located.	STANDARD MET

Officer Comment

Passive surveillance is provided by direct view from a range of ground floor studies and first floor bedrooms to each street and internal accessway.

For the most part, front fences are nominated as 1.5 metre high batten fences which allow good sightlines and promote surveillance. A permit condition will require all internal front fences and front dividing fences be nominated with 1.5 metre high semi-transparent fencing, including townhouses TH01-05.

Any site services within 3 metres of a street do not exceed 20% of the frontage width and are situated behind a perforated metal screen (colour unknown) with no more than 25% transparency (south-east corner of site).

Where the standard is not met it can be addressed by permit conditions:

A permit condition is required to provide a schedule of materials, finishes and colours, including screening to site services and paving treatments.

A permit condition is required to provide details of all lighting to all internal accessways and paths, suitably located and baffled to minimise any light spill to adjoining properties.

Mailboxes are provided for each dwelling, located outside of the visual splays.

Clause 55.03-4 EntryStandard B3-4

Dwellings (other than a dwelling in or forming part of an apartment development) and residential buildings

STANDARD MET

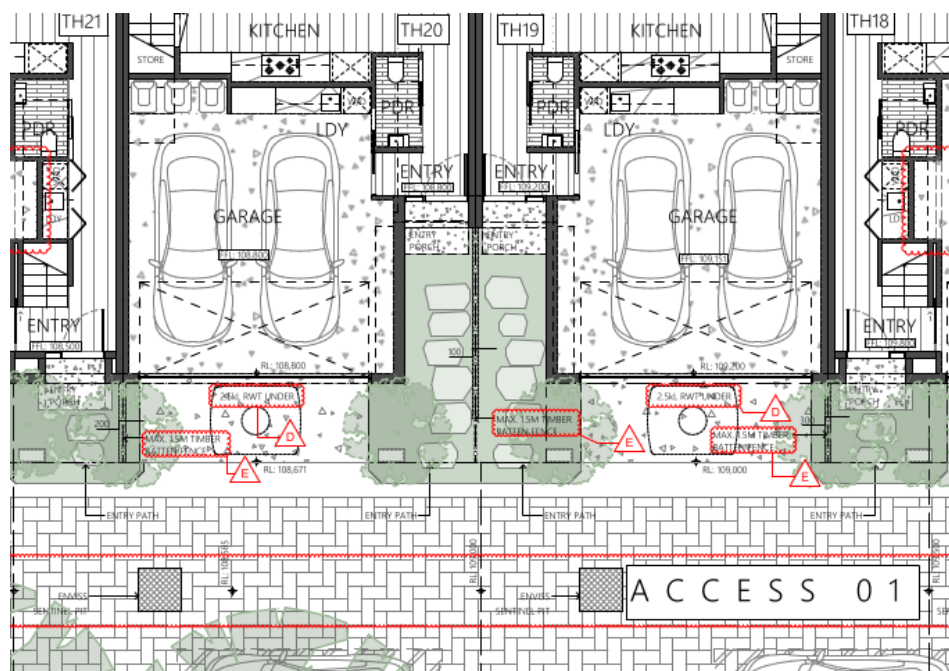
Each dwelling and each residential building has a ground level entry door that:

- Has a direct line of sight from a street, accessway or shared walkway.
- Is not accessed through a garage.
- Has an external covered area of at least 1.44 square metres with a minimum dimension of least 1.2 metres over the entry door.

Officer Comment

Each dwelling is provided with a ground level entry door with a direct line of sight from a street, accessway or shared walkway, providing suitable dwelling identification.

Some dwelling entries are rebated in as shown below, however maintain adequate direct sight lines and are further assisted by low 1.5m picket dividing fence between entries and pathways. Low fencing has been appropriately applied across the development, improving interaction at street level:



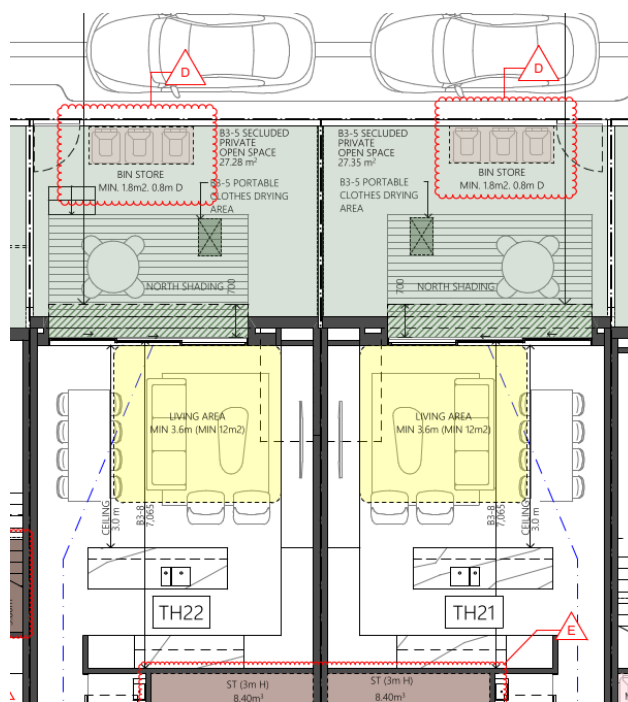
All dwelling entries are provided with an external covered area of at least 1.44 square metres with a minimum dimension of at least 1.2 metres over the entry door, which complies with the standard.

<u>Clause 55.03-5 Private open space</u>	
<u>Standard B3-5</u>	
A dwelling or residential building has private open space of an area and dimensions specified in a schedule to the zone. If no area or dimension is specified in a schedule to the zone, a dwelling or residential building has private open space with direct access from a living area, dining area or kitchen consisting of: • An area of 25 square metres of secluded private open space, with a minimum dimension of 3 metres width; or • A balcony with at least the area and dimensions specified in Table B3-5; or • An area on a podium or similar of at least 15 square metres, with a minimum dimension of 3 metres width; or • An area on a roof of at least 10 square metres, with a minimum dimension of 2 metres width. If the area and dimensions of the private open space or secluded private open space is specified in a schedule to the zone: • The area and dimensions specified in the schedule must be 25 square metres or less; and • The area and dimensions specified for a podium, balcony or an area on a roof must be less than the area and dimensions specified in this standard.	STANDARD MET
If a cooling or heating unit is located in the secluded private open space or private open space the required area is increased by 1.5 square metres.	STANDARD MET
Where ground level private open space is provided an area for clothes drying is provided.	STANDARD MET

Officer Comment

Secluded private open space is provided at the rear of each dwelling, typically between 27-50 square metres with a minimum 4 metre dimension, meeting the minimum 25 square metre requirement and 3 metre dimension. There are no balconies. This is adequate space to account for the additional heating and cooling units, should they be provided in secluded private open space.

Areas for clothing drying facilities are also shown.



Clause 55.03-6 Solar access to open space

Standard B3-6

The southern boundary of secluded private open space is set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.

**NOT
APPLICABLE**

Officer Comment

There are no south facing secluded private open space areas.

Clause 55.03-7 Functional layout**Standard B3-7**

Bedrooms:

**STANDARD
MET**

- Meet the minimum internal room dimensions specified in Table B3-7.1; and
- Provide an additional area of at least 0.8 square metres to accommodate a wardrobe.

Table B3-7.1 Bedroom dimensions

Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres

Living areas (excluding dining and kitchen areas) meet the minimum internal room dimensions specified in Table B3-7.2.

**STANDARD
MET**

Table B3-7.2 Living area dimensions

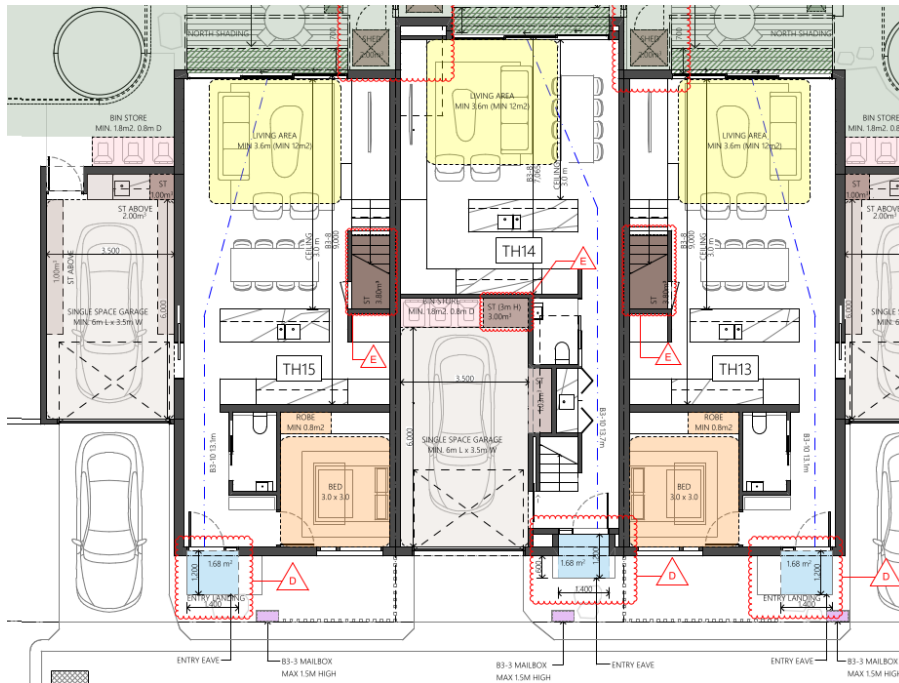
Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 square metres
2 or more bedroom dwelling	3.6 metres	12 square metres

Officer Comment

All bedrooms meet or exceed the minimum requirements.

All living rooms (excluding dining and kitchen areas) are generously sized and exceed the minimum requirements.

Wardrobe storage is suitable and in addition to the minimum bedroom dimensions as required.



Clause 55.03-8 Room depthStandard B3-8

The depth of a single aspect habitable room does not exceed 2.5 times the ceiling height measured from the external surface of the habitable room window to the rear wall of the room.

**STANDARD
MET**

The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:

- The room combines the living area, dining area and kitchen; and
- The kitchen is located furthest from the window; and
- The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level, this excludes where services are provided above the kitchen; and
- An overhang extends no more than 2m beyond the window of the single aspect habitable room.

In Clause 55.03-8 a single aspect habitable room is a habitable room with windows on only one wall.

Officer Comment

The minimum floor to ceiling height is 2.7 metres.

The depths of single aspect habitable rooms (room with windows on only one wall) do not exceed 2.5 times the ceiling height and therefore comply with the standard.

Clause 55.03-9 Daylight to new windowsStandard B3-9

Dwelling (other than a dwelling in or forming part of an apartment development)

**STANDARD
MET**

A window in an external wall of the building is provided to all habitable rooms.

Habitable rooms in a dwelling have a window that faces:

- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot; or
- A verandah provided it is open for at least one third of its perimeter; or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter.

Officer Comment

All habitable rooms are provided with a window to an external wall with sufficient light court areas and dimensions to comply with the standard.

Clause 55.03-10 Natural ventilationStandard B3-10

Dwelling (other than a dwelling in or forming part of an apartment development)

**STANDARD
MET**

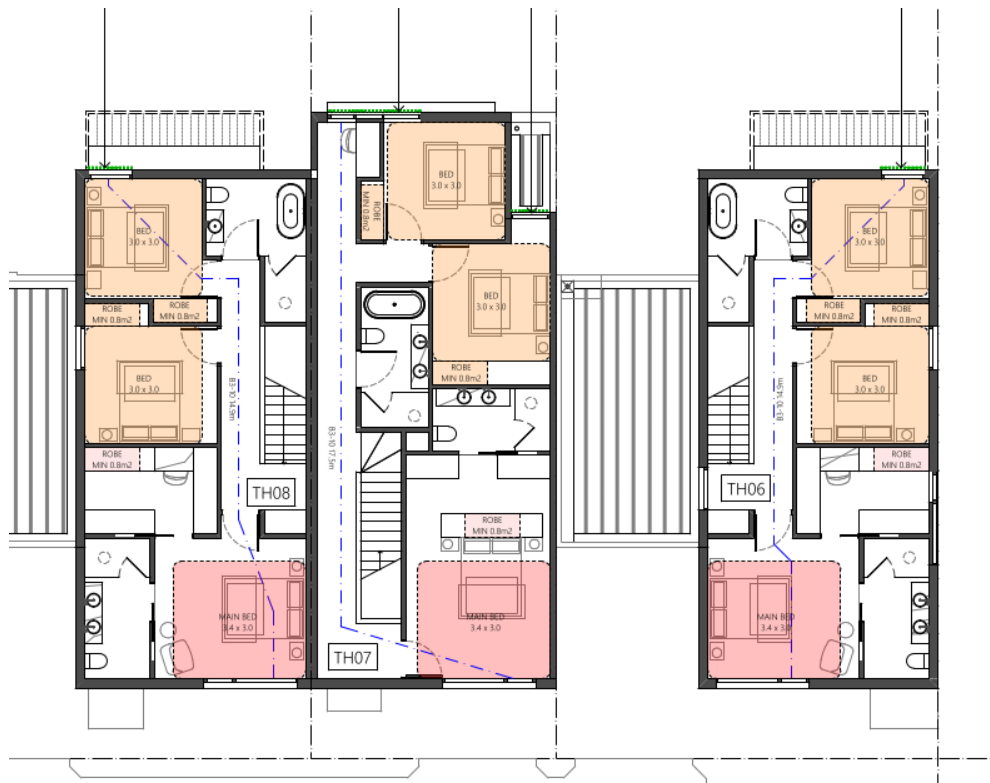
Dwellings have openable windows, doors or other ventilation devices in external walls of the building that provide:

- A maximum breeze path through the dwelling of 18 metres.
- A minimum breeze path through the dwelling of 5 metres.
- Ventilation openings with approximately the same size.

The breeze path is measured between the ventilation openings on different orientations of the dwelling.

Officer Comment

Breeze paths are provided within dwellings to comply with the standard.



Clause 55.03-11 Storage**Standard B3-11**

Dwelling (other than a dwelling in or forming part of an apartment development)

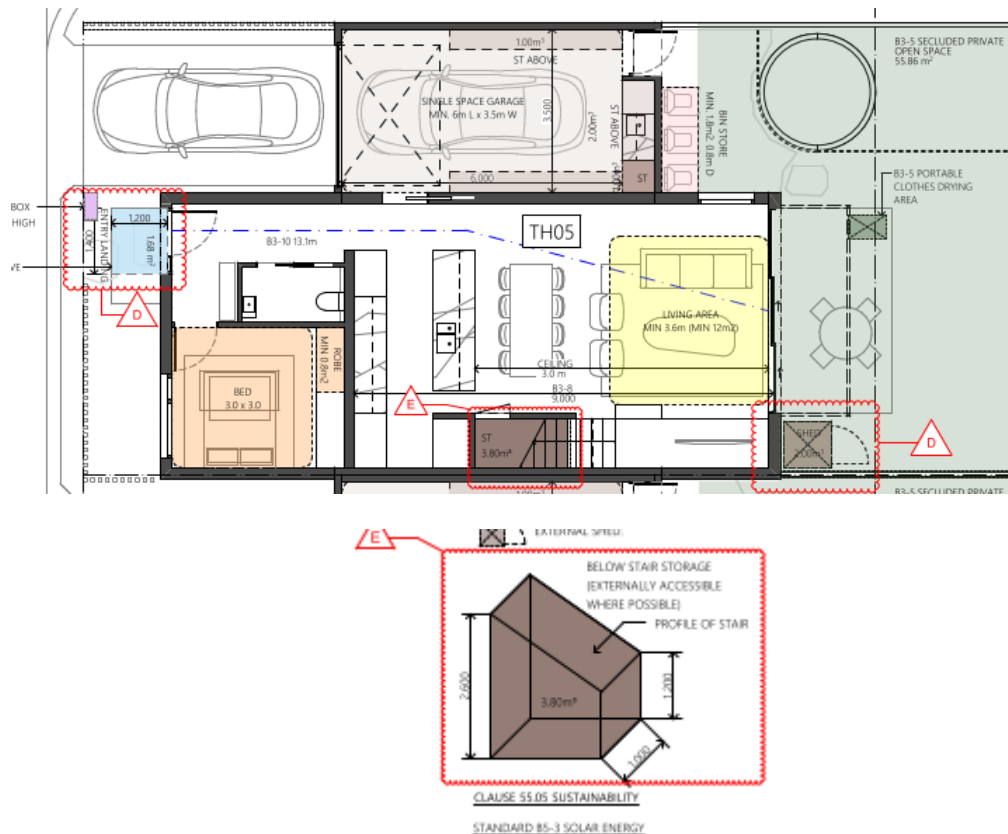
**STANDARD
MET**

Each dwelling has exclusive access to at least 6 cubic metres of externally accessible storage space.

Officer Comment

Each dwelling has exclusive access to 6 cubic metres of accessible storage space to comply with the standard which is made up in separate parts, in garage, in sheds and under stairs. In some dwellings, the storage is a combination of all of these areas, added up in total provide the minimum requirements. Some of this storage is internal to the dwelling but given all storage is accessible at ground level, large enough to provide for bulky storage, and a dedicated space, it is considered that the objective is met.

It is noted that we are not relying on the additional storage shelves shown in the garages as they are not at an accessible height nor are they a dedicated space. A permit condition will require these shelves within the garaged car space to be notated as 2.1 metres high headroom clearance to meet car parking design requirements under Clause 52.06-9.

**Clause 55.03-12 Accessibility for apartment developments****Standard B3-12**

At least 50 per cent of dwellings in or forming part of an apartment development have:

**NOT
APPLICABLE**

- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.

- A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table B3-12.

Officer Comment

This standard does not apply as the proposal is not an apartment development.

Clause 55.04 External amenity

Clause 55.04-1 Daylight to existing windows

Standard B4-1

This is one of the applicable standards where the application is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if all the applicable standards are met.

Buildings opposite an existing habitable room window provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

**STANDARD
MET**

Walls or carports more than 3 metres in height opposite an existing habitable room window are set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

**STANDARD
MET**

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

Officer Comment

Existing habitable room windows opposite the development are provided with sufficient light court areas and dimensions to comply with the standard.

Clause 55.04-2 Existing north-facing windowsStandard B4-2

This is one of the applicable standards where the application is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if all the applicable standards are met.

Where a north-facing habitable room window of a neighbouring dwelling or small second dwelling is within 3 metres of a boundary on an abutting lot:

- A new building is to be set back from the boundary by at least 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. This setback is to be provided for a distance of at least 3 metres from the edge of each side of the window.

**NOT
APPLICABLE**

- For new buildings that meet the Standard B2-3.2 setback, the building is setback at least 6 metres up to a height not exceeding 11 metres and at least 9 metres for a height over 11 metres between south 30 degrees west to south 30 degrees east. This setback is to be provided for a distance of at least 3 metres from the edge of each side of the window.

**NOT
APPLICABLE**

For this standard a north-facing window is a window with an axis perpendicular to its surface oriented from north 20 degrees west to north 30 degrees east.

Officer Comment

There are no north-facing windows within 3 metres to the south of the subject site.

Clause 55.04-3 Overshadowing secluded private open space**Standard B4-3**

This is one of the applicable standards where the application is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if all the applicable standards are met.

The area of secluded private open space that is not overshadowed by the new development is greater than:

**STANDARD
MET**

- 50 per cent, or
- 25 square metres with a minimum dimension of 3 metres, whichever is the lesser area, for a minimum of five hours between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling or small second dwelling is less than the requirements of this standard, the amount of sunlight will not be further reduced.

**STANDARD
MET**

Officer Comment

The proposal does not unreasonably overshadow existing secluded private open space due to the scale of the two-storey development and generous boundary setbacks, limiting the extent of shadowing to neighbouring secluded private open space. This is fully compliant to the east as required.

To the west, the Roseville Retirement Village does not enjoy the same protection of overshadowing as this is not deemed a dwelling under the Manningham Planning Scheme, thus Clause 55 does not require its consideration.

Nonetheless, it is noted that overshadowing to the west is very limited due to the proposed two storey scale, and by western side setbacks that exceed the minimum requirements. The only tangible overshadowing would be limited to Units 59 and 65 of 110 King Street within the Roseville Retirement Village, their private open space mostly or fully overshadowed at 9am, partially at 10am and negligible at 11am. Appreciably these areas would continue to receive reasonable sunlight from 11am onwards.

Clause 55.04-4 Overlooking**Standard B4-4**

This is one of the applicable standards where the application is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if all the applicable standards are met.

In Clause 55.04-4 a habitable room **does not** include a bedroom.

**STANDARD
MET**

A habitable room window, balcony, podium, terrace, deck or patio is located and designed to avoid direct views into the secluded private open space of an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views are measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio that is located with a direct view into a habitable room window of an existing dwelling or small second

dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio:

- Is offset a minimum of 1.5 metres from the edge of one window to the edge of the other; or
- Has sill heights of at least 1.7 metres above floor level; or
- Has fixed, obscure glazing in any part of the window below 1.7 metres above floor level; or
- Has permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent; or
- Has fixed elements that prevent the direct view, such as horizontal ledges or vertical fins.

Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view are:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

Officer Comment

Ground floor outlook from decks or living/kitchen rooms is screened to all neighbouring properties by adequate fencing heights which are proposed to be replaced to a higher level to limit views, 'to a minimum 1.8 metres above finished ground floor level or NGL, whichever is higher'.

It is noted that the applicant voluntarily addressed ground floor overlooking to the north and west adjoining properties within the Roseville Retirement Village, given they are not recognised dwellings under the Manningham Planning Scheme thus do not strictly require consideration in Clause 55.

There are no first floor habitable rooms, given bedrooms are excluded. Bedrooms are not screened as they do not require screening by the standard.

Clause 55.04-5 Internal views**Standard B4-5**

In Clause 55.04-5 a habitable room does not include a bedroom.

**STANDARD
MET**

Within the development, a habitable room window, balcony, terrace, deck or patio that is located with a direct view into the secluded private open space of another dwelling:

- Is offset a minimum of 1.5 metres from the edge of the secluded private open space; or
- Has a sill height of at least 1.7 metres above floor level; or
- Has a fixed, visually obscure balustrade to at least 1.7 metre above floor level; or
- Has permanently fixed external screens to at least 1.7 metres above floor level; or.
- Has fixed elements that prevent the direct view, such as horizontal ledges or vertical fins.

Direct views are measured at a height of 1.7 metres above floor level and within:

- A 45 degree horizontal angle from the edge of the new window or balcony.
- A 45 degree angle in the downward direction.

Screens provided for overlooking are no more than 25 per cent transparent. Screens may be openable provided that this does not allow direct views as specified in this standard.

Officer Comment

All internal fencing is noted as being 1.7 metres high which is adequate to limit internal views.

There are no first floor habitable rooms, given bedrooms are excluded.

Clause 55.05 Sustainability

<u>Clause 55.05-1 Permeability and stormwater management</u>	
<u>Standard B5-1</u>	
The site area covered by the pervious surfaces is at least 20 percent of the site.	STANDARD MET
The development includes a stormwater management system designed to: • Meet the best practice quantitative performance objectives for stormwater quality specified in the Urban stormwater management guidance (EPA Publication 1739.1, 2021) of: ◦ Suspended solids 80% reduction in mean annual load. ◦ Total phosphorus and Total Nitrogen 45% reduction in mean annual load. ◦ Litter 70% reduction of mean annual load. Note: A certificate generated from a stormwater assessment tool including Stormwater Treatment Objective - Relative Measure (STORM), Model for Urban Stormwater Improvement Conceptualisation (MUSIC) or an equivalent product accepted by the responsible authority may be used to demonstrate the performance objectives for stormwater quality are met.	STANDARD MET
• Direct flows of stormwater into treatment areas, garden areas, tree pits and permeable surfaces, with drainage of residual flows to the legal point of discharge.	STANDARD MET

Officer Comment

The percentage of the site covered by pervious surface is 32.4%, which exceeds the standard.

The Water Sensitive Urban Design Report prepared by GIW Environmental Solutions demonstrates with the STORM certificate submitted that the proposal achieves a score of 100%, therefore meets best practice quantitative performance objectives for stormwater quality.

The stormwater flows are supported by Council's Drainage Engineers and includes a standard condition for the development to prevent ponding and minimise overland flow onto adjoining properties. As per TP-601, the plan indicates stormwater flows into Enviss treatment areas, etc, and a standard condition will require drainage of residual flows to the legal point of discharge.

Clause 55.05-2 Overshadowing domestic solar energy systems

Standard B5-2

This is one of the applicable standards where the application is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if all the applicable standards are met.

Any part of a new building that will reduce the sunlight at any time between 9am and 4 pm on 22 September to an existing domestic solar energy system on the roof of a building on an adjoining lot be set back from the boundary to that lot by at least 1 metre at 3.6 metres above ground level, plus 0.3 metres for every metre of building height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

STANDARD MET

This standard applies to an existing building in a Township Zone, General Residential Zone or Neighbourhood Residential Zone.

In Clause 55.05-2 domestic solar energy system means a domestic solar energy system that existed at the date the application was lodged.

Officer Comment

There is an existing domestic solar energy system on the roof of 9 Peppermint Court (north east of site) at the date this application was lodged.

This standard is met as the proposed side and rear setbacks meet and exceed the above setback requirements (identical to Standard B2-3).

Clause 55.05-3 Rooftop solar energy generation area**Standard B5-3**

In Clause 55.05-3 rooftop solar energy area means an area provided on the roof of a dwelling to enable the future installation of a solar energy system.

**STANDARD
MET**

An area on the roof is capable of siting a rooftop solar energy area for each dwelling which:

- Has a minimum dimension of 1.7 metres.
- Has a minimum area in accordance with Table B5-3.
- Is oriented to the north, west or east.
- Is positioned on the top two thirds of a pitched roof.
- Can be a contiguous area or multiple smaller areas.
- Is free of obstructions on the roof of the dwelling within twice the height of each obstruction (H), measured horizontally (D) from the centre point of the base of the obstruction to the nearest point of the rooftop solar energy area.

Obstructions located south of all points of the rooftop solar energy area are not subject to the horizontal distance requirements.

Table B5-3 Minimum rooftop solar energy generation area

Number of bedrooms	Minimum roof area
1 bedroom dwelling	15 square metres
2 or 3 bedroom dwelling	26 square metres
4 or more bedroom dwelling	34 square metres

This standard does not apply to apartments and residential buildings.

Officer Comment

A sufficient rooftop energy area is provided for each dwelling to comply with the standard.

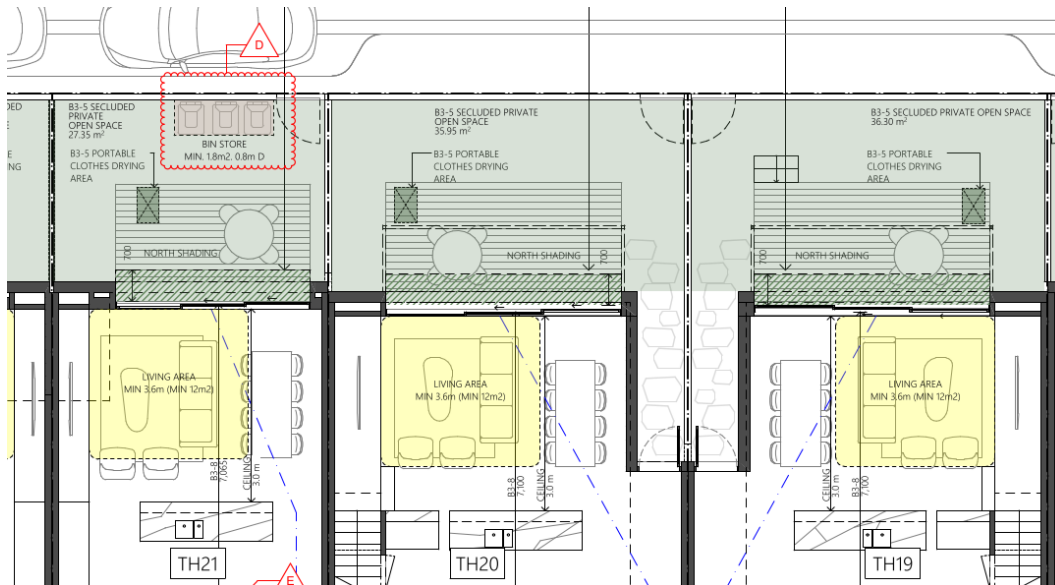
Clause 55.05-4 Solar protection to new north-facing windowsStandard B5-4

North facing windows are shaded by eaves, fixed horizontal shading devices or fixed awnings with a minimum horizontal depth of 0.25 times the window height.

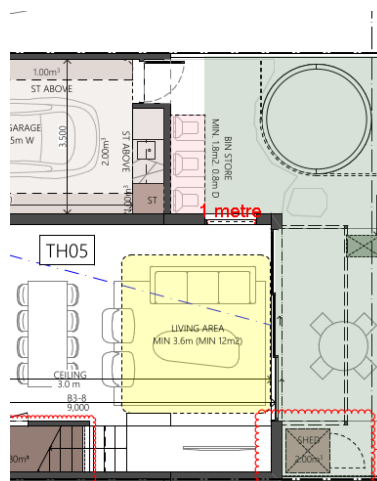
STANDARD NOT MET

Officer Comment

All of the broad ground floor living room north-facing windows are provided with fixed eaves or fixed horizontal eaves as part of pergolas to comply with the standard, as shown on the plan.



The standard is not met in part to the secondary north facing living room windows on dwellings TH01 to 05 which are not protected or shaded, see below. These windows are narrow 1 metre openings and the rooms are predominantly east facing.



The standard is not met for the first floor windows. Instead of providing the required fixed shading, north-facing bedroom windows have solar protection by operable external blinds. A condition will require all first floor north facing windows to comply with Standard B5-4.

Clause 55.05-5 Waste and recyclingStandard B5-5

Dwelling (other than a dwelling in or forming part of an apartment development)

**STANDARD
MET**

The development includes an individual bin storage area for each dwelling, or a shared bin storage area for use by each dwelling, of at least the applicable area, depth and height specified in Table B5-5.1.

Table B5-5.1 Bin storage

Type of bin storage area	Minimum area	Minimum depth	Minimum height
Individual bin storage area for a dwelling	1.8 square metres	0.8 metre	1.8 metres
Shared bin storage area for 3 dwellings or less	5.4 square metres	0.8 metre	1.8 metres
Shared bin storage area for 4 or more dwellings	1 square metre per dwelling plus 4 square metres	0.8 metre	1.8 metres

If the development includes a shared bin storage area:

**NOT
APPLICABLE**

- The shared bin storage area:
 - Is located within 40 metres of a kerbside collection point.
 - Includes a tap for bin washing.
- There is a continuous path of travel free of steps and obstructions from dwellings to the bin storage area.

Where access is provided for private bin collection on the land the design of access ways must allow the vehicle to enter and exit in a forward direction.

**STANDARD
MET**

Each dwelling includes an internal waste and recycling storage space of at least 0.07 cubic metres with a minimum depth of 250 millimetres.

**STANDARD
MET**

Officer Comment

Individual bin storage areas with sufficient dimensions are provided for each dwelling to comply with the standard and do not affect any car parking spaces. They are either contained in enlarged garages or within private open space areas with direct external access.

Private bin collection is proposed by the submitted Waste Management Plan, which contains vehicle dimensions and swept paths demonstrating how adequate collection can be achieved to enter and exit in a forward direction.

The submitted management plan is supported for endorsement without change by Council's engineers.

<u>Clause 55.05-6 Noise impacts</u>	
<u>Standard B5-6</u>	
Mechanical plant, including mechanical car storage and lift facilities are not located immediately adjacent to bedrooms of new or existing dwellings or small second dwellings, unless a solid barrier is in place to provide a line of sight barrier to transmission of noise and the location of all relevant bedrooms.	STANDARD MET

Officer Comment

There are no unreasonable noise sources located immediately adjacent to new or existing bedrooms.

<u>Clause 55.05-7 Energy efficiency for apartment developments</u>	
<u>Standard B5-7</u>	
Dwellings in or forming part of an apartment development located in a climate zone identified in Table B5-7 do not exceed the maximum NatHERS annual cooling load.	NOT APPLICABLE
Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).	

Officer Comment

This standard is not applicable as the proposal is not an apartment development.

Clause 53.03 Residential reticulated gas service connection

- 7.45 Pursuant to Clause 53.03-2 Building and works requirement, the following mandatory condition must be included for a dwelling:

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.

Clause 53.18 Stormwater management in urban development

- 7.46 The Water Sensitive Urban Design Report prepared by GIW Environmental Solutions demonstrates the STORM certificate submitted with the application indicates a score of 100%, therefore meets best practice quantitative performance objectives for stormwater quality.

- 7.47 A permit condition will require this report be endorsed.

Objections

7.48 A response to the grounds of the 20 objections is as follows:

Ground of objection	Response
- Neighbourhood character in respect to overdevelopment, intensity - Design - Length of street facing built form - Topography/levels - Removal of neighbouring trees	The proposal meets the deemed to comply standards within Clause 55 which in turn switches off considerations against Local Policy, in particular neighbourhood character, articulation, built form and materials. No neighbouring trees are proposed to be removed.
- Traffic and car parking - Visitor parking, resident parking - Internal road design and vehicle access, emergency services access - Increased traffic, congestion, pedestrian safety	The proposal meets the statutory car parking requirements of Clause 52.06 (Car Parking) for 60 spaces. There is no requirement for visitor parking as the site is located within the Principal Public Transport Network (PPTN) area. The local road network can accommodate the proposed number of movements without significant impact to the amenity of the area. Council's Engineers have reviewed the proposal and are satisfied that the traffic generation will not pose a detrimental impact on the surrounding road network. Vehicle movements are considered very low (one vehicle movement every 3 to 4 minutes at peak times) and potentially less than the previous community centre at peak times. The proposal is compliant with the required design standards. There are no safety concerns with the design and layout, including its accessway, services, sightlines for pedestrians, and vehicle generation. There is no basis to alter the road network as a result of this application.
- Overlooking from bedrooms - Overshadowing - Loss of daylight - Setbacks	These matters have been responded to within the Clause 55 detailed assessment and found to be fully compliant. As noted, the retirement village does not benefit from the same protection from some off-site amenity impacts where they specifically protect a 'dwelling'. This changes the assessment under Clause 55 where Standards B4-3 Overshadowing secluded private open space and B4-4 Overlooking do not strictly apply to the retirement village. Nevertheless it is noted that the proposal has limited overlooking from ground floors by new higher boundary fencing, and minimised overshadowing to the very early morning hours to two properties to the west, maintaining their sunlight from 11am onwards. All first floors do not contain any habitable rooms. The bedrooms are not screened as they do not require screening by the standard.
Inadequate landscaping / loss of trees on site	The tree removal on site is accepted as no tree controls apply in this instance. Tree retention is optional in Clause 55. All trees on site are identified by Council officers as planted species given this area was previously cleared, and therefore they are not protection by Clause 52.17 (Native vegetation). Clause 52.37 (Canopy Trees) does not apply to this

	application as it was introduced after this application was submitted. The proposal provides for an adequate landscaped setting around dwellings. The overall tree canopy provides the required minimum 20% of the site and further goes beyond to landscape internal streets by structural soil under accessways. Approximately 116, 6 metre high canopy trees (Type A) and 6, 8 metre high canopy trees (Type B) are proposed in total, which is acceptable.
- Stormwater mitigation - Drainage impacts to adjoining properties	Council's engineers support the proposed Stormwater Management Report and Water sensitive design. Stormwater can be managed on site and treated to avoid adverse impacts to the surrounding area, subject to standard conditions that include that the development must prevent ponding and minimise overland flow onto adjoining properties.
Construction vehicle parking	Conditions of permit will require a Construction Management Plan which stipulates traffic management and construction worker parking details to be submitted for approval to Council prior to commencement of the development.
- Impact to wildlife habitat - Future resident noise and movement - Pools - Land subsidence - Sewerage capacity - Property values - Construction times - Views	These objections are outside the scope of this application and the relevant considerations of the Manningham Planning Scheme and Planning & Environment Act 1987.

8. MISCELLANEOUS PERMIT CONDITIONS

8.1 The following additional clerical permit conditions are recommended:

- Title lengths shown on ground floor plan.
- Ground floor boundary setbacks dimensioned.

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 with Clause 55, full compliance with car parking and traffic requirements and height. Minor changes are recommended through permit conditions which will result in a fully compliant design.

- 9.2 As all the applicable 13 standards under Clauses 55.02, 55.04-1, 55.04-2, 55.04-3, 55.04-4 and 55.05-2 have **not** been met, **specifically Clause 55.02-6 Access**, the application is **not** exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act (objector appeals).
- 9.3 It is recommended that Council issue a Notice of Decision to Grant a Permit, subject to the recommended 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.