

Planning Application PL15/025261 148-150 Mitcham Road, Donvale - Construction of 21 dwellings within a three storey apartment building

Responsible Director: Director Planning & Environment

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

Land: 148-150 Mitcham Road Donvale
Zone Residential Growth Zone Schedule 2 and DD08-1
Applicant: Sohil Ronagh Canopous Group Pty
Ward: Mullum Mullum
Melway Reference: 48G4
Time to consider: 1 January 2016

SUMMARY

It is proposed to develop land at 148-150 Mitcham Road in Donvale (the subject site) for the construction of a 3-storey apartment building with 21 dwellings basement car parking. The proposal includes alteration to access to Mitcham Road which is a road in a Road Zone Category 1 (RDZ1).

The originally submitted application was advertised in August 2015 and Council received six (6) objections. Discussions continued between the Applicant and Council Officers and amended plans (lodged pursuant to section 57A of the Planning & Environment Act 1987) were submitted to Council on 9 October 2015 in an attempt to address issues raised by Council Officers at the preliminary stages of the application process. The amended plans (the decision plans) make minor changes to the building design. The plans were re-advertised in November 2015 and two (2) of the original objectors submitted further objections.

Objections raise concern about the design and scale of the building being out of character with the area, the impacts on surrounding streets (traffic and congestion) as a result of inadequate car parking provided on site, and unreasonable off-site amenity impacts including overlooking / loss of privacy, overshadowing and loss of sunlight, loss of outlook / view, and residential noise resulting from 21 dwellings (as opposed to single dwellings).

Council, through planning policy, has created a planning mechanism that will over time alter the present neighbourhood character along main roads including Mitcham Road. Council's 'preference' is for higher density, multi-unit developments which may include apartment-style buildings, especially on larger lots, and the resultant built form will have a more intense and less 'suburban' character. This theme represents the 'preferred neighbourhood character' and guidance as to the ultimate form of development is provided through the Design Elements contained within the Design and Development Overlay (DDO8) provisions.

The proposal is for a contemporary style building which incorporates an appropriate range of design elements. Materials and external finishes have been selected to complement the overall built form. The street presentation will be of a high standard

and once landscaping is established, it will assist in softening the building from the street. Overall, the building is consistent with what Council considers to be the preferred neighbourhood character.

That said, there is room for some improvement to the design detailing of the building and specifically the southern interface where the building abuts land in a difference residential zone and three (3) existing dwellings. This will be dealt with by way of permit conditions (requiring changes to building setback and relocating some of the first and second floor south-facing balconies and changes to the site boundary to allow more screen planting). Subject to these design changes, a more appropriate relationship between the development and its southern interface will be achieved.

It is therefore proposed to support the application, subject to conditions.

1 BACKGROUND

Site

- 1.1 Number 148 to 150 Mitcham Road, Donvale (the subject site) is located on the southern side of Mitcham Road, on the western side of William Street.
- 1.2 The subject site is two (2) consolidated lots and is irregular in shape, with a frontage to Mitcham Road of 37.18m, depths of 36m (western site boundary) and approximately 30m (eastern site boundary) and an overall total area of approximately 1,334sqm.
- 1.3 The subject site has a steep rise with a maximum fall of 3.2m from the south-western corner to the south-eastern corner and a fall of approximately 2.3m, from the south-western corner to the north-eastern corner.
- 1.4 The subject site is developed with a single-storey dwelling on each lot both orientated to Mitcham Road. The dwellings are setback from the front (northern) site boundary by 11.5m (for the dwelling at 148 Mitcham Road) and by 10.2m (for the dwelling at 150 Mitcham Road) with grassed private open space areas provided within the front setbacks. Number 148 Mitcham Road has a porch at the rear of the dwelling and outbuildings located between the dwelling and rear (southern) site boundary. Secluded private open space areas are provided within the rear setbacks and the side setbacks for both dwellings provide grassed areas with trees around the site perimeters, none of which are considered to "significant".
- 1.5 Each dwelling has a carport on the northern side (front) each accessed via a crossover and concrete driveway extending in a north-south direction from Mitcham Road, along the western side of the respective dwelling.
- 1.6 There is no fencing along the street frontage. Side boundary fencing includes 1.6m high paling fencing along the eastern and western (side) site boundaries and 1.6m high fencing along the southern (rear) site boundary.
- 1.7 An easement is located along the subject site's southern boundary and provides sewerage piping for the subject site (both lots) only. The easement does not extend further west, moreover it extends along the full length of the subject site's southern boundary and terminates at the western site boundary.

Surrounds

- 1.8 The subject site abuts six (6) properties, and surrounding development is described as follows:

Address	Description
North	<p>Immediately to the north of the subject site is Mitcham Road (an arterial road). The section of Mitcham Road immediately abutting the subject site is characterized by two (2) lanes of traffic flowing in an east-west direction. An additional lane (allowing westerly travelling vehicles to turn right from Mitcham Road to Ruby Street) is located immediately to the north of the subject site.</p> <p>There are parking restrictions along Mitcham Road adjacent to the subject site.</p> <p>Further north, beyond Mitcham Road, is the intersection with Ruby Street (a residential street with a north-south direction). Dwellings located on the northern side of Mitcham Road are orientated to the street.</p>
South	<p>The southern site boundary abuts three (3) lots, which are located in the General Residential Zone Schedule 1 (GRZ1) and not covered by any overlays:</p> <p>Number 10 Kevin Court is developed with a single-storey dwelling orientated to Kevin Court. The dwelling is setback in excess of 9m from its northern site boundary (being the boundary common with the subject site) with one (1) habitable room window facing the subject site. Outbuildings (a shed and garage) and secluded private open space are located on the northern side of the dwelling, immediately abutting the subject site. The shed is constructed above an easement which runs in an east-west direction along the site's northern site boundary.</p> <p>Number 11 Kevin Court is developed with a single-storey dwelling orientated to Kevin Court. The dwelling has a minimum setback of 8.33m from its northern site boundary (being the boundary common with the subject site) with three (3) non-habitable room windows facing the subject site. A door, facing the subject site, provides access into a covered area. Secluded private open space is located on the northern side of the dwelling and outbuildings (shed and garage) are located in the north-eastern portion of the site, immediately abutting the subject site. The shed is constructed above the easement which runs</p>

Address		Description
		<p>in an east-west direction along the site's northern site boundary.</p> <p>Number 12 Kevin Court is developed with a single-storey dwelling orientated to Kevin Court. The dwelling has a minimum setback of 5.37m from its northern site boundary (being the boundary common with the subject site) with one (1) habitable room window facing the subject site. Secluded private open space is located on the northern and eastern sides of the dwelling and a large portion of the area within the site's eastern setback is a covered car port. A shed is located in the north-western portion of the site, immediately abutting the subject site, constructed, in part, above the easement which runs in an east-west direction along the site's northern site boundary.</p>
East	Land at 152 Mitcham Road	<p>The east adjoining lot is located on the corner of Mitcham Road and William Street and is located within the Residential Growth Zone Schedule 2 (RGZ2) and covered by the Design and Development Overlay Schedule 1 which is the same zoning and overlay controls as the subject site.</p> <p>The lot is developed with a single-storey brick dwelling orientated to Mitcham Road with a front (street) setback of 7.7m. The dwelling is located in the south-western portion of the site with a minimum setback of 1.85m from its western site boundary (being the boundary common with the subject site). Several windows face the subject site, including one (1) habitable room window setback 1.85m and one (1) habitable room window setback 2.5m from the common boundary. The dwelling has a secluded private open space area on its southern side (south-west portion of the site).</p>
West	Land at 144-146 Mitcham Road	<p>The west adjoining lot is a large lot located in the Residential Growth Zone Schedule 2 (RGZ2) and covered by the Design and Development Overlay Schedule 1 which is the same zoning and overlay controls as the subject site.</p> <p>The lot is developed with five (5) single storey dwellings located around a centralized common vehicle accessway. Two (2) dwellings</p>

Address	Description
	are located in the eastern portion of the site and are both setback 3.54m from their eastern site boundary (being the boundary common with the subject site) with habitable room windows facing the subject site. Secluded private open space areas for both dwellings are located on the eastern side, immediately abutting the common boundary. The dwellings were approved under planning permit 2689 issued in 1985.

- 1.9 Streets in the locality are laid out in curvilinear pattern. Housing is generally single and double-storey in height and dates from the 1970s.
- 1.10 Residential development along Mitcham Road west of the subject site has evidence of the area changing in the form of more high-density residential development within the RGZ2 and DDO8-1 area with townhouse style and apartment style built form.
- 1.11 Land in the immediate area generally falls from south to north.
- 1.12 The landscape character of the neighbourhood is mostly street trees, screen planting at the side and front of dwellings and trees located in rear areas of secluded private open space.
- 1.13 The subject site is serviced by public transport with bus routes 271 and 907 operating along Mitcham Road. The closest bus stop is located approximately 10m west of the site on Mitcham Road. Open space areas include Kevin Reserve located 200m to the south-west of the subject site and Ronald E Gray Reserve located 800m to the south-west. Mitcham Shopping Centre is located 1.8km to the south-east of the subject site. In terms of education facilities a primary school (Heatherwood), secondary college (Blackburn High School) and University (Deakin, Burwood Campus) are located approximately 0.5km, 3km and 8km distance from the subject site respectively.

Planning History

- 1.14 There is no planning history for the subject site.
- 1.15 Pre-application advice was provided to the Applicant in October 2014 and March 2015 and the proposal was presented to the Sustainable Design Taskforce on 23 April 2015. The proposal was formally lodged to Council on 29 May 2015.
- 1.16 On 22 June 2015 Council Officers raised some concerns on the submitted proposal in a request for further information (including the overall design response and appearance of the built form, and the design of the southern portion of the building and its impact on the south adjoining dwellings in terms of the limited setbacks of the building and height transitions). The application was advertised in August 2015 and six (6) objections were received including one (1) multi-signatory objection.

- 1.17 On 9 October 2015, the Applicant lodged amended plans pursuant to section 57A of the *Planning & Environment Act (1987)* superseding all previously submitted plans. The changes made to the advertised plans were an attempt by the Applicant to address concerns raised by Officers, internal referrals (Council's Environment Sustainable Design Adviser, Council's Traffic Engineering Unit and Council's Urban Design Adviser) and objectors. The plan changes were relatively minor and include:
- the re-arrangement of roof-mounted solar panels;
 - deletion of clothes lines from balconies;
 - reduced height of side fins (design features) for the balconies on the far ends of the northern side of the building;
 - provision of minor framing (design elements) to windows in the south elevation of the building;
 - minor first floor setback changes to the building on the southern and western sides (Dwelling 11); and
 - increased second floor setback for the balcony of Dwelling 18 on the southern side of the building.
- 1.18 The amended plans were subsequently re-advertised in November 2015 and two (2) of the original objectors submitted further objections.
- 1.19 The amended plans were also re-referred to internal and external referral authorities, including VicRoads. These plans are the 'decision plans' on which the assessment is based.

2 PROPOSAL

- 2.1 The proposal is for the full demolition of buildings / structures and vegetation on the subject site (no planning permit required) and the construction of a 3-storey apartment style building providing 21 dwellings. On-site car parking for residents of the building and visitors will be provided at basement level, accessed from Mitcham Road.
- 2.2 Alteration to access to a road in a Road Zone Category 1 (RDZ1) is sought as part of the application. The proposal includes the removal of the existing crossover to 148 Mitcham Road and the widening of the existing crossover to 150 Mitcham Road.
- 2.3 The proposal can be summarized as follows:
- Demolition*
- 2.4 Demolition of all buildings / structures, fences and trees on site (no planning permit required) with some excavation required for the basement level.
- Buildings and works*
- 2.5 Construction of a 3-storey apartment style building orientated to Mitcham Road.
- 2.6 The building will be setback from Mitcham Road by 5.5m and 6.05m at basement level, 6.5m at ground level, 6.53m at first floor (with balcony setbacks encroaching) and between 6.5m and 7.6m at second floor.

- 2.7 The building will be setback from the southern site boundary by 3.47m, 4m and 5.24m at basement level, between 4m and 5.17m at ground level, between 4m and 5.18m at first floor (noting that the balcony setback for Dwelling 14 is setback 3.04m), and between 5.2m and 6.65m at second floor (noting that the balcony setback for Dwelling 20 is setback 3.5m).
- 2.8 The building will be setback from the eastern site boundary by 1.5m at basement level, between 1.93m and 2.55m at ground and first floor levels, and between 4.03m and 6.21m at the second floor.
- 2.9 The building will be setback from the western site boundary by a minimum of 1.5m at basement level, between 1.94m and 4.5m at ground and first floors, and between 3.23m and 6.73m at the second floor.
- 2.10 Total of 21 dwellings (3x1 bedroom, 3x1 bedroom with study nook, 9x2 bedroom, 4x2 bedroom with study nook, and 3x3 bedroom with study). Eight (8) dwellings are provided at ground floor, eight (8) dwellings at first floor, and five (5) dwellings are provided at second floor.
- 2.11 Private open space provided in the form of gardens for all ground level dwellings, and balconies for all first and second floor dwellings (minimum balcony size of 8sqm). All are either north or south-facing.
- 2.12 Pedestrian access provided from the street is via separate stepped and ramped pathways.
- 2.13 Maximum building heights of 10.16m (eastern side of the building), 10.15m (south-eastern portion of the building), 9.45m (north) and 8.95m (west).
- 2.14 Constructed of zinc cladding (dark charcoal), cedar timber cladding, textured concrete, concrete panels, and light coloured render. All windows and door frames will be black anodized aluminium. Flat roof form with sheet metal.
- 2.15 The proposed site coverage is approximately 59.8%
- 2.16 Permeability is approximately 27.7%

Basement level, car parking and vehicle access

- 2.17 At basement level there will be a total of 29 car parking spaces (24 car parking spaces will be provided for residents and 5 car parking spaces will be provided for visitors).
- 2.18 Of the 24 resident car parking spaces, 18 car parking spaces will be provided within 2 mechanical car parking stackers. Six (6) single resident car parking spaces and 5 single visitor car parking spaces will be provided.
- 2.19 Each dwelling will have a storage cage (minimum size of 6m³) within the basement, in two (2) separate rooms.
- 2.20 Car parking spaces located either side of a centralized aisle (minimum width of 6.6m).
- 2.21 Car parking spaces will measure 4.9m (length) by 2.8m (width) and 5.5m (length) for the stackers. The stackers will provide a height clearance of 2m (bottom space) and 2.5m (top space).
- 2.22 Visitor car parking spaces provided on-site, opposite the base of the vehicle entrance ramp.

- 2.23 A change to the RDZ1 access is sought in the form of alteration to the Mitcham Road vehicle access by removing the existing crossover to 148 Mitcham Road and widening the existing crossover to 150 Mitcham Road.
- 2.24 Vehicle access provided from Mitcham Road via a 6m wide access ramp (ramp gradients of 1:10 for 5m, 1:5 for 2m, 1:4 for 5.4m, and 1:8 for 2m).
- 2.25 Secure bicycle parking (8 hoops) in the north-eastern portion of the car parking area. Five (5) bicycle racks external to the building, at the front of the building (wall-mounted).
- 2.26 Lift and stair access from basement level to ground floor (and upwards).
- 2.27 Visibility splays provided either side of the vehicle driveway.
- 2.28 Lighting (LED lights) provided along the walls of the vehicle accessway.
- 2.29 Basement head clearance of 2.4m (minimum).

Landscaping and fencing

- 2.30 Site cut for the basement level.
- 2.31 Retaining walls along the southern (2m in height) and western site boundaries to keep back fill.
- 2.32 Fencing (2m high paling fence) above retaining wall along the site's western boundary and fencing (1.7m high) along the eastern site boundary.
- 2.33 Internal fencing (2m high) between gardens.
- 2.34 No fencing along the street frontage.
- 2.35 Services (fire and water) located in the north-east corner of the subject site, fronting the street.
- 2.36 Three (3) canopy trees and soft landscaping in front setback.
- 2.37 Screen planting along side and rear (southern) site boundaries.
- 2.38 Stormwater drainage network to be connected to the legal point of discharge.

3 PRIORITY/TIMING

- 3.1 The proposal was presented to a Sustainable Design Taskforce meeting on 23 April 2015.
- 3.2 The statutory time for considering a planning application is 60 days. An application to amend the originally submitted application pursuant to section 57A of the *Planning & Environment Act 1987* was received by Council on 9 October 2015. Allowing for the time taken to re-advertise and re-refer the amended application (which occurred in November 2015) the statutory time lapsed on 1 January 2016.

4 POLICY IMPLICATIONS

- 4.1 The *Planning and Environment Act 1987* (the Act) is the relevant legislation governing planning in Victoria. The Act identifies subordinate legislation in the form of Schemes to guide future land use and development.

- 4.2 Section 60 of the Act outlines what matters a Responsible Authority must consider in the determination of an application. The Responsible Authority is required to consider:
- the relevant planning scheme;
 - the objectives of planning in Victoria;
 - all objections and other submissions which it has received and which have not been withdrawn;
 - any decision and comments of a referral authority which it has received; and
 - any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.
- 4.3 Section 61(4) of the Act makes specific reference to covenants. The subject site is not burdened by any covenant.
- 4.4 The subject land is also not encumbered by any Section 173 Agreements.
- 4.5 An easement is located along the subject site's southern boundary and provides sewerage piping for the subject site (both lots).

5 MANNINGHAM PLANNING SCHEME

- 5.1 The site is included in the Residential Growth Zone Schedule 2 (RGZ2) under the provisions of the Manningham Planning Scheme (the Scheme).
- 5.2 The purpose of the zone includes:
- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
 - To provide housing at increased densities in buildings up to and including four storey buildings.
 - To encourage a diversity of housing types in locations offering good access to services and transport including activities areas.
 - To encourage a scale of development that provides a transition between areas of more intensive use and development and areas of restricted housing growth.
 - To allow educational, recreational, religious, community and a limited range of other non residential uses to serve local community needs in appropriate locations.
- 5.3 A dwelling is a section 1 use (no permit required) under the RGZ.
- 5.4 A planning permit is required to construct two or more dwellings on a lot in the RGZ.
- 5.5 An assessment for buildings and works for two or more dwellings is required under the provisions of Clause 55 of the Scheme.

- 5.6 The purpose of Clause 55 is generally to provide well designed dwellings with considered regard to internal amenity, while at the same time, maintaining the amenity and character of the locality, with particular emphasis on the amenity of adjoining residents.
- 5.7 Schedule 2 to the RGZ (Residential areas along main roads) does not prescribe a maximum building height.
- 5.8 The subject site is covered by the Design and Development Overlay (DDO) and is affected by Schedule 8 to the DDO (DDO8).
- 5.9 The purpose of the DDO is:
- To identify areas which are affected by specific requirements relating to the design and built form of new development and to implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- 5.10 The DDO8 (Residential areas surrounding activity centres and along main roads) directs the Responsible Authority to consider relevant Design Objectives.
- 5.11 The Design Objectives of the DD08 are:
- To increase residential densities and provide a range of housing types around activity centres and along main roads.
 - To encourage development that is contemporary in design that includes an articulated built form and incorporates a range of visually interesting building materials and façade treatments.
 - To support three storey, 'apartment style', developments within the Main Road sub-precinct and in sub-precinct A, where the minimum land size can be achieved.
 - To support two storey townhouse style dwellings with a higher yield within sub-precinct B and sub-precinct A, where the minimum land size cannot be achieved.
 - To ensure new development is well articulated and upper storey elements are not unduly bulky or visually intrusive, taking into account the preferred neighbourhood character.
 - To encourage spacing between developments to minimise a continuous building line when viewed from a street.
 - To ensure the design and siting of dwellings have regard to the future development opportunities and future amenity of adjoining properties.
 - To ensure developments of two or more storeys are sufficiently stepped down at the perimeter of the Main Road sub-precinct to provide an appropriate and attractive interface to sub-precinct A or B, or other adjoining zone.
 - Higher developments on the perimeter of sub-precinct A must be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct B or other adjoining zone.

- To ensure overlooking into adjoining properties is minimised.
 - To ensure the design of carports and garages complement the design of the building.
 - To ensure the design of basement and undercroft car parks complement the design of the building, eliminates unsightly projections of basement walls above natural ground level and are sited to allow for effective screen planting.
 - To create a boulevard effect along Doncaster Road and Manningham Road by planting trees within the front setback that are consistent with the street trees.
 - To encourage landscaping around buildings to enhance separation between buildings and soften built form.
- 5.12 A Planning Permit is required for buildings and works which must comply with the requirements set out in either Table 1 or Table 2 of the Schedule.
- 5.13 For sub-precinct DDO8-1 (Main Road sub precinct) Table 1 specifies a maximum building height of 11 metres provided the minimum land size is met (1,800sqm must be in the same sub-precinct) and where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage. If the condition is not met, the maximum height is 9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the site of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres. For setbacks, the minimum front street setback and minimum side street setbacks are specified in Clause 55 of the Scheme.
- 5.14 There is a range of policy requirements outlined in this control under the headings of building height and setbacks, form, car parking and access, landscaping and fencing.

State Planning Policy Framework

- 5.15 Clause 15.01-1 (Urban Design) seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. Strategies towards achieving this are identified as follows:
- Promote good urban design to make the environment more liveable and attractive.
 - Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability
 - Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.
 - Ensure transport corridors integrate land use planning, urban design and transport planning and are developed and managed with particular attention to urban design aspects

- Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.
- 5.16 Clause 15.01-4 (Design for Safety) seeks to improve community safety and encourage neighbourhood design that makes people feel safe. The strategy identified to achieve this objective is to ensure the design of buildings, public spaces and the mix of activities contribute to safety and perceptions of safety.
- 5.17 Clause 15.01-5 (Cultural Identity and Neighbourhood Character) seeks to recognise and protect cultural identity, neighbourhood character and sense of place. The clause emphasises the importance of neighbourhood character and the identity of neighbourhoods and their sense of place. Strategies towards achieving this are identified as follows:
- Ensure development responds and contributes to existing sense of place and cultural identity.
 - Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.
 - Ensure development responds to its context and reinforces special characteristics of local environment and place.
- 5.18 Clause 15.02-1 (Energy and Resource Efficiency) seeks to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.
- 5.19 Clause 16.01-1 (Integrated Housing) seeks to promote a housing market that meets community needs. Strategies towards achieving this are identified as follows:
- Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations.
 - Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.
- 5.20 Clause 16.01-2 (Location of Residential Development) seeks to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. Strategies towards achieving this are identified as follows:
- Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.
 - In Metropolitan Melbourne, locate more intense housing development in and around Activity centres, in areas close to train stations and on large redevelopment sites.
 - Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.

- Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.
- 5.21 Clause 16.01-4 (Housing Diversity) seeks to provide for a range of housing types to meet increasingly diverse needs. Strategies towards achieving this are identified as follows:
- Ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.
 - Encourage the development of well-designed medium-density housing which respects the neighbourhood character.
 - Improves housing choice.
 - Makes better use of existing infrastructure.
 - Improves energy efficiency of housing.
 - Support opportunities for a wide range of income groups to choose housing in well serviced locations.
- 5.22 Clause 16.01-5 (Housing affordability) seeks to deliver more affordable housing closer to jobs, transport and services.

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement

- 5.23 Clause 21.03 (Key Influences) identifies that future housing need and residential amenity are critical land-use issues. The MSS acknowledges that there is a general trend towards smaller household size as a result of an aging population and smaller family structure which will lead to an imbalance between the housing needs of the population and the actual housing stock that is available.
- 5.24 This increasing pressure for re-development raises issues about how these changes affect the character and amenity of our local neighbourhoods. In meeting future housing needs, the challenge is to provide for residential redevelopment in appropriate locations, to reduce pressure for development in more sensitive areas, and in a manner that respects the residential character and amenity valued by existing residents.
- 5.25 Clause 21.05 (Residential) outlines the division of Manningham into four Residential Character Precincts. The precincts seek to channel increased housing densities around activity centres and main roads where facilities and services are available. In areas which are removed from these facilities a lower intensity of development is encouraged. A low residential density is also encouraged in areas that have identified environmental or landscape features.
- 5.26 The site is within "Precinct 2 –Residential Areas Surrounding Activity Centres and Along Main Roads".
- 5.27 This area is aimed at providing a focus for higher density development and a substantial level of change is anticipated. Future development in this precinct is encouraged to:

- Provide for contemporary architecture and achieve high design standards
- Provide visual interest and make a positive contribution to the streetscape
- Provide a graduated building line from side and rear boundaries
- Minimise adverse amenity impacts on adjoining properties
- Use varied and durable building materials
- Incorporate a landscape treatment that enhances the overall

5.28 Within this precinct, there are three sub-precincts which each stipulate different height, scale and built form outcomes to provide a transition between each sub-precinct and adjoining properties, primarily those in Precinct 1 – Residential Areas Removed from Activity Centres and Main Roads.

5.29 The three sub-precincts within Precinct 2 consist of:

Sub-precinct – Main Road (DDO8-1) is an area where three storey (11 metres) ‘apartment style’ developments are encouraged on land with a minimum area of 1,800m². Where the land comprises more than one lot, the lots must be consecutive lots which are side by side same sub-precinct. All development in the Main Road sub-precinct should have a maximum site coverage of 60 percent.

Higher developments on the perimeter of the Main Road sub-precinct should be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct A or B, or other adjoining zone.

Sub-precinct A (DDO8-2) is an area where two storey units (9 metres) and 3-storey (11 metres) ‘apartment style’ developments are encouraged. Three storey, contemporary developments should only occur on land with a minimum area of 1800m². Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage. The area of 1800m² must all be in the same sub-precinct. In this sub-precinct, if a lot has an area less than 1800m², a townhouse style development proposal only will be considered, but development should be a maximum of two storeys. All development in Sub-precinct A should have a maximum site coverage of 60 percent.

Higher developments on the perimeter of sub-precinct A should be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct B, or other adjoining zone.

Sub-precinct B (DDO8-3) is an area where single storey and two storey dwellings only will be considered and development should have a maximum site coverage of 60 percent. There is no minimum land area for such developments.

5.30 The site is located within Sub-Precinct – Main Road (DDO8-1).

5.31 Clause 21.05-2 Housing contains the following objectives:

- To accommodate Manningham's projected population growth through urban consolidation, infill developments and Key Redevelopment Sites.
- To ensure that housing choice, quality and diversity will be increased to better meet the needs of the local community and reflect demographic changes.
- To ensure that higher density housing is located close to activity centres and along main roads in accordance with relevant strategies.
- To promote affordable and accessible housing to enable residents with changing needs to stay within their local neighbourhood or the municipality.
- To encourage development of key Redevelopment Sites to support a diverse residential community that offers a range of dwelling densities and lifestyle opportunities.
- To encourage high quality and integrated environmentally sustainable development.

5.32 The strategies to achieve these objectives include:

- Ensure that the provision of housing stock responds to the needs of the municipality's population.
- Promote the consolidation of lots to provide for a diversity of housing types and design options.
- Ensure higher density residential development occurs around the prescribed activity centres and along main roads identified as Precinct 2 on the Residential Framework Plan 1 and Map 1 to this clause.
- Encourage development to be designed to respond to the needs of people with limited mobility, which may for example, incorporate lifts into three storey developments

5.33 Clause 21.05-4 (Built form and neighbourhood character) seeks to ensure that residential development enhances the existing or preferred neighbourhood character of the residential character precincts as shown on Map 1 to this Clause.

5.34 The strategies to achieve this objective include:

- Require residential development to be designed and landscaped to make a positive contribution to the streetscape and the character of the local area.
- Ensure that where development is constructed on steeply sloping sites that any development is encouraged to adopt suitable architectural techniques that minimise earthworks and building bulk.
- Ensure that development is designed to provide a high level of internal amenity for residents.

- Require residential development to include stepped heights, articulation and sufficient setbacks to avoid detrimental impacts to the area's character and amenity.
- 5.35 Clause 21.10 (Ecologically Sustainable Development) highlights Council's commitment to ESD and outlines a number of ESD principles to which regard must be given. These are:
- Building energy management
 - Water sensitive design
 - External environmental amenity
 - Waste management
 - Quality of public and private realm
 - Transport

Local Planning Policy

- 5.36 Clause 22.08 (Safety through urban design) applies to all land in Manningham. It endeavours to provide and maintain a safer physical environment for those who live in, work in or visit the City of Manningham. The policy seeks attractive, vibrant and walkable public spaces where crime, graffiti and vandalism is minimised.
- 5.37 Clause 22.09 (Access for disabled people) also applies to all land in Manningham. It seeks to ensure that people with a disability have the same level of access to buildings, services and facilities as any other person. The policy requires the needs of people with a disability to be taken into account in the design of all proposed developments.

Particular Provisions

- 5.38 Clause 52.06 (Car Parking) is relevant to this application. Pursuant to Clause 52.06-5, car parking is required to be provided at the following rate:
- 1 space for 1 and 2 bedroom dwellings
 - 2 spaces for 3 or more bedroom dwellings
 - 1 visitor space to every 5 dwellings for developments of 5 or more dwellings
- 5.39 Clause 52.06-8 outlines various design standards for parking areas that should be achieved.
- 5.40 Clause 52.29 (Land Adjacent to a Road Zone Category 1) seeks to ensure appropriate access to identified roads. A permit is required to create or alter access to a road in a Road Zone, Category 1. All applications must be referred to Vic Roads for comment.
- 5.41 Clause 52.34 (Bicycle Facilities) seeks to encourage cycling as a mode of transport and provide secure, accessible and convenient bicycle parking spaces. It is not applicable to this proposal as the proposed building height is less than 4-storeys.
- 5.42 Clause 55 (Two or More Dwellings on a Lot) applies to all applications for two or more dwellings on a lot. Consideration of this clause is outlined in the Assessment section of this report.

General Provisions

- 5.43 Clause 65 (Decision Guidelines) outlines that before deciding on an application, the responsible authority must consider, as appropriate:
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
 - The purpose of the zone, overlay or other provision.
 - The orderly planning of the area.
 - The effect on the amenity of the area.

6 ASSESSMENT

- 6.1 Council has, through its policy statements throughout the Scheme, and in particular by its adoption of Schedule 8 to the Design and Development Overlay over part of this neighbourhood, created a planning mechanism that has, and will in time, alter the existing neighbourhood character along Mitcham Road and in some adjoining side streets.
- 6.2 Council's planning preference is for higher density, multi-unit developments which can include apartment style developments on larger lots. This higher density housing thereby provides for the "preferred neighbourhood character" which is guided by the design elements contained within the Schedule 8 to the Design and Development Overlay, in conjunction with an assessment against Clause 21.05 and Clause 55 (Res Code) of the Scheme. The resultant built form is contemplated to have a more intense and less suburban outcome.
- 6.3 An apartment development across the subject site is generally consistent with the broad objectives of Council's planning policy outlined at Clause 21.05 of the Scheme. The policy encourages urban consolidation (and apartment style buildings) in this specific location due to its capacity to support change given the site's main road location and proximity to services, such as public transport. The policy anticipates a substantial level of change from the existing character of primarily single dwellings and dual occupancies which has occurred in the past.
- 6.4 The subject site comprises two (2), side-by-side consolidated lots with a total size of approximately 1,354sqm. The total area is less than 1,800sqm and therefore is below the threshold for which the DDO8-1 supports a maximum building height 11m. For the subject site the height control under the DDO8-1 is 10m (due to the slope of the land). This is not a mandatory control for this precinct. The size of the subject site provides an opportunity for increased development and the submitted design includes setbacks to compensate for its larger scale in comparison to traditional medium density housing.
- 6.5 Following is an assessment of the proposal against:
- Local Planning Policy Framework
 - Schedule 8 to the Design and Development Overlay (DDO8)
 - Clause 52.06 Car Parking
 - Clause 52.29 Land Adjacent to a Road Zone Category 1

- Clause 55 Two or More Dwellings on a Lot (Res Code)
- Clause 65 Decision Guidelines

Local Planning Policy Framework

- 6.6 The subject site is located within Precinct 2 – Residential Areas Surrounding Activity Centres and Along Main Roads, where high density is encouraged by policy. A maximum building height of 10 metres is applicable and a maximum site coverage of 60% is also sought by policy. The height and site coverage of the development will be discussed later in this report in the assessment against the DDO8.
- 6.7 The proposal provides generous setbacks to all boundaries, providing spacing and good separation from/to adjoining properties. Consequently, there are opportunities for landscaping around the perimeters of the site, in particular adjacent to sensitive interfaces including the southern (rear) site boundary.
- 6.8 That said, there is an opportunity to improve height transitions on the southern side of the building and conditions on any permit issued will require the relocation of three (3) of the south-facing balconies located at the first and second floors of the building, and some increased setbacks, to provide more suitable transitions to the properties at the rear of the site which are located in an area of incremental change.
- 6.9 Overall, the design response across all elevations of the building is considered to be of a high standard. Visual interest is provided across all elevations by the incorporation of a variety of building materials, finishes and colours. Articulation is provided through a combination of articulation, graduation and the incorporation of balconies, fascias and framing elements.
- 6.10 Overall, the design response is considered to be generally consistent with Council's policy expectations at Clause 21.05 (Residential) of the Scheme.

Clause 21.10 Ecologically Sustainable Development

- 6.11 Council's MSS outlines Ecologically Sustainable Design (ESD) requirements to be incorporated into larger developments within the municipality. A Sustainability Management Plan was submitted with the application and minimal issues have arisen as a result of its assessment by Council's Strategic Sustainability Planner.

Clause 22.08 Safety through Urban design

- 6.12 Council's Local Planning Policy at Clause 22.08 of the Scheme applies to all land in the municipality and therefore has a broad range of objectives and policy requirements in relation to the design of buildings, street layout/access, lighting and car parks.
- 6.13 While a number of items are not relevant to this application, a number of the requirements in relation to building design are *"Buildings be orientated to maximise surveillance of entrances and exits from streets"* and *"The location of building entrances and windows maximise opportunities for passive surveillance of streets and other public spaces"*.
- 6.14 The design response is consistent with the requirements of this clause with a concerted effort made to ensure the public and private realms interact.

Clause 22.09 Access for Disabled People

- 6.15 The Access for Disable People Policy is based on the *Disability Discrimination Act* and requires that persons with a disability have the same level of access to buildings, services and facilities as any other person. It requires that the design of new building account for the needs of persons of limited mobility.
- 6.16 The development provides ramped and stepped access from Mitcham Road to the front entry of the building. A lift provides internal access to all levels of the building and the entries to all dwellings. This is considered to be a satisfactory design response for persons of limited mobility.

Schedule 8 to the Design and Development Overlay

- 6.17 In terms of specific design objectives, policy at Clause 21.05 of the Scheme supports a 3-storey 'apartment style' development within this sub-precinct in principle. It supports it where a lot size of 1,800sqm is achieved however the policy is silent on what development type is supported on smaller lots. In terms of the overall design response, the principle of a 3-storey built form is consistent with the preferred neighbourhood character of the DDO8 and despite the subject site being smaller than 1,800sqm in size, the design of the building generally meets all relevant DDO8 requirements in terms of site coverage, basement side and rear setbacks etc. This will be further assessed in the Res Code section of this report.
- 6.18 In terms of the existing character of the area, this consists of older stock dwellings (single and 2-storey) and new developments generally 2 and 3-storey townhouse-style developments. West of the subject site, at 136 Mitcham Road, are the recently constructed three (3) 2-storey townhouses following the issue of planning permit PL13/024032 on 21 October 2014.
- 6.19 Also of relevance, is 3-storey apartment style built form in the area. There is a current application for planning permit (reference PL15/025478) on the west adjoining lot at 142 Mitcham Road proposing the construction of a 3-storey apartment style building with basement car parking and vehicle access from Mitcham Road. At 117-119 Mitcham Road planning permit PL14/024255 approved 3-storey townhouses however the development will present as 3-storey across the street frontage. This development is currently being marketed. At 122 Mitcham Road planning permit PL13/023482 approved a 3-storey apartment style building and this is also currently being marketed.
- 6.20 The proposal is therefore of a built form that is supported by policy and in terms of site context, the proposed building will not appear at odds within the existing and the emerging streetscape.
- 6.21 The DDO8-1 supports a maximum building height of 11m (at Table 1 of Clause 2) where the minimum lot size of 1,800sqm is met. However as in this instance where the minimum lot size is not met (the subject site measures 1,3540 square metres), the maximum building height supported is 10m.
- 6.22 The DDO8-1 height control is a preferred height and is "discretionary" by virtue of the fact that Council can approve a variation to this height unlike in the DDO8-2 and DDO8-3 where heights are "mandatory".
- 6.23 The proposed development will be 0.16m above the preferred building height.

- 6.24 Clause 43.02 of the Scheme (Schedule 8 to the Design and Development Overlay) provides a list of Design Objectives and a series of guidelines against which the appropriateness of buildings and works can be assessed in order to determine whether the design objectives have been met.
- 6.25 The development site is situated in Precinct 2 – Residential Areas Surrounding Activity Centres and Along Main Roads, where high density is encouraged. Given the site is located on a main road and has an area of 1800 square metres, a maximum building height of 11 metres is applicable. A maximum site coverage of 60% is also sought by this policy. The height and site coverage of the development will be discussed later in this report in the assessment against DD08.
- 6.26 Following is an assessment of the proposal against the DDO8 guidelines:

Design Element	Level of Compliance
<p><u>Building Height and Setbacks</u></p> <ul style="list-style-type: none"> • The minimum lot size is 1,800sqm, which must be all the same sub-precinct. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage • The building has a maximum height of 11m provided the condition regarding minimum lot size is met. If the condition is not met, the maximum height is 9m, unless the slope of the natural ground level at any cross section wider than eight metres of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10m. 	<p>Considered Met</p> <p>The subject site comprises two (2), side-by-side consolidated lots with a size of 1,354sqm both located within the Main Road sub-precinct. It is less than 1,800sqm and therefore below the threshold for which the DDO8-1 supports a maximum building height of 11m. The height control is 10m due to the slope of the land.</p> <p>The proposed building has a maximum height of 10.16m for the buildings parapet. The building wraps around to the south and is 10.15m in the south-eastern portion of the building which faces land at 12 Kevin Court located in the GRZ.</p> <p>The height difference between what the DDO8-1 sets out as a preferred height and what is being proposed is up to 160mm.</p> <p>The balance of the building is under 10m in height. The building is 9.45m as it presents to Mitcham Road and 8.95m as it presents to 144-146 Mitcham Road.</p> <p>The purpose of providing discretion in building height on the Main Road Sub-Precinct is to allow flexibility to achieve design excellence. This might be through providing a ‘pop-up’ level to provide visual interest to an otherwise flat roof form, or a design feature at a ‘gateway’ site. The discretion is only</p>

	<p>provided to the sub-precinct because main road streetscapes are typically less intermit environments compared to local streets and therefore can absorb some additional height.</p> <p>Overall, it is considered that the height of the building is acceptable and will not have unreasonable impacts on the streetscape or amenity impacts on adjoining properties due to the cross-fall over the site.</p>
<ul style="list-style-type: none"> Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser. 	<p>Considered Met The ground and upper levels of the building has a street setback of 6m.</p> <p>A small section of the basement projects into the 6m street setback to provide storage areas. This acceptable as the non-compliance is below ground and will not prevent proper landscaping of the front setback.</p>
<p>Form</p> <ul style="list-style-type: none"> Ensure that the site area covered by buildings does not exceed 60%. 	<p>Met The building has a site coverage of 59.8%.</p>
<ul style="list-style-type: none"> Provide visual interest through articulation, glazing and variation in materials and textures. 	<p>Met The building incorporates a mixture of colours and materials to provide visual interest. Articulation is also provided by the stepping of walls, the use of balconies, balcony screening, glazing, fascias and framing elements.</p>
<ul style="list-style-type: none"> Minimise buildings on boundaries to create spacing between developments. 	<p>Considered Met There are no building sections constructed on boundaries. Building setbacks are at least 1.5 m along the side boundaries to provide spacing between the building and adjoining properties. This spacing accommodates landscaping, courtyards and light into the new dwellings. This is also a good outcome for adjoining properties and the streetscape.</p>
<ul style="list-style-type: none"> Where appropriate ensure that buildings are stepped down at the rear of sites to provide a transition to the scale of the adjoining residential area. 	<p>Met subject to conditions The southern portion of the building has an abuttal to three (3) existing dwellings in the GRZ and therefore the degree of stepping down to provide transition is extremely important. The building does step down to the</p>

	<p>rear site boundary and a 4m setback at ground level is provided without any encroachment (as required under the DDO8). The top level of the building is recessed from ground and first floor, between 1.2m and 1.5m.</p> <p>To improve the transitioning across the site, the top floor will be required to have a greater setback (a minimum setback of 7 metres) from the rear site boundary and three (3) the south-facing balconies will be required to be relocated to the side of the building. The increased setback of the second floor southern wall (which will affect the sitting room of Dwelling 18, the bedrooms of Dwelling 19 and bedroom of Dwelling 20, in particular) will provide more stepping down of the building and a more appropriate height transition of the building to the southern interface.</p> <p>Refer Condition 1a and 1b.</p>
<ul style="list-style-type: none"> Where appropriate, ensure that buildings are designed to step with the slope of the land. 	<p>Considered Met</p> <p>There is modest cross-fall over the site and this has been managed via a cut approximately 1m high along the western site boundary and a basement plinth exposed approximately 1m above ground on the eastern elevation. No stepping is proposed within the design of the building.</p>
<ul style="list-style-type: none"> Avoid reliance on below ground light courts for any habitable rooms. 	<p>Met</p> <p>The building does not rely on below ground light courts for any habitable rooms.</p>
<ul style="list-style-type: none"> Ensure that the upper level of a three storey building does not exceed 75% of the lower levels, unless it can be demonstrated that there is sufficient architectural interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation. 	<p>Met subject to condition</p> <p>The upper level of the building has an area that is 73% of the lower levels. Overall, the building is well articulated and provides visual interest.</p> <p>That said, conditions will require further setbacks and changes to be incorporated into the southern elevation in order to reduce visual bulk. Refer condition 1a and 1b.</p>
<ul style="list-style-type: none"> Integrate porticos and other design features with the overall design of the 	<p>Met</p> <p>A formal ground level entrance to the building is provided and a paved</p>

<p>building and not include imposing design features such as double storey porticos.</p>	<p>pedestrian pathway and ramp are appropriately positioned to the overall building and streetscape.</p> <p>There are no porticos or imposing design elements proposed. Design features are considered to be well integrated into the overall design of the building.</p>
<ul style="list-style-type: none"> • Be designed and sited to address slope constraints, including minimising views of basement projections and/or minimising the height of finished floor levels and providing appropriate retaining wall presentation. 	<p>Considered Met</p> <p>The building is stepped down from north to south to follow the slope of the land.</p> <p>The basement plinth will be exposed approximately 1m above ground on the eastern elevation and screened from views by landscaping and fences. The basement level will not be visible from the street.</p>
<ul style="list-style-type: none"> • Be designed to minimise overlooking and avoid the excessive application of screen devices. 	<p>Met</p> <p>Balconies located on the north and south sides of the building are screened with 1.7m high green frosted glass. Habitable room windows are provided with fixed, frosted 'obscured' glass to a height of 1.7m operable above that height to allow ventilation. There is no excessive use of screening.</p> <p>Overlooking impacts will be further discussed in the assessment against Clause 55.04-6 of the Scheme.</p>
<ul style="list-style-type: none"> • Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all motilities. 	<p>Met</p> <p>The main pedestrian entry to the building will be from Mitcham Road, via a pedestrian pathway and ramp. The pathway expands to a width of 2m outside the main entrance door and could accommodate and be navigated by people of all mobilities.</p> <p>Each dwelling will be over a single-level with no internal stairs. For some of the ground level dwellings, steps are provided from the dwelling to the external paved areas due to the difference in RLs.</p> <p>A lift provides access to the basement car park and entries of all dwellings.</p>

<ul style="list-style-type: none"> Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties. 	<p>Met The basement plinth will be exposed approximately 1m above ground on the eastern elevation. The basement level will not be visible from the street.</p>
<ul style="list-style-type: none"> Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site. 	<p>Met The vehicular entrance will be appropriately visible from the street. At 6m in width and centrally located to the street frontage, it will be prominent within the street frontage and public domain but not unreasonably visually dominant.</p> <p>Across the frontage of the site, the basement level is not visible as it is below ground level.</p>
<ul style="list-style-type: none"> Integrate car parking requirements into the design of buildings and landform by encouraging the use of undercroft or basement parking and minimise the use of open car park and half basement parking. 	<p>Met All car parking spaces are provided within the basement car park.</p>
<ul style="list-style-type: none"> Ensure the setback of the basement or undercroft car park is consistent with the front building setback and is setback a minimum of 4.0m from the rear boundary to enable effective landscaping to be established. 	<p>Considered Met At basement level, the building has a front setback of 5.5m and 6.05m, and a setback from the southern (rear) site boundary of between 4m and 5.52m with a pinch point of 3.47m in the portion of the basement where car parking space numbers 16 and 17, and 18 are located.</p> <p>While the prescribed 6m front setback is not fully achieved, the protrusion within the setback requirement is by 500mm for a length of approximately 9.7m. While the prescribed 4m rear setback is not fully achieved, the protrusion is limited to 600mm for a length of 4.8m.</p> <p>The areas of non-compliance are limited to two (2) small sections of the basement and should not prevent the type of planting supported by the policy.</p>

<ul style="list-style-type: none"> Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces. 	<p>Met The basement will be set back from both side boundaries by a minimum of 1.5m.</p> <p>There will be perimeter planting and pebbles within ground secluded private open space areas. Five (5) canopy trees are shown along the southern site boundary with one (1) canopy tree per secluded private open space area (garden).</p> <p>Setbacks from side boundaries will allow suitable canopy vegetation and provision of effective screening between developments. Further, screen planting will also allow an appropriate level of daylight penetration to ground level dwellings within the building.</p> <p>The planting at the front of the site will be appropriate for a residential building fronting a main road.</p>
<ul style="list-style-type: none"> Ensure that service equipment, building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces. 	<p>Met subject to conditions There will be a lift overrun, plant, solar panels and solar hot water boosters on the roof and bin storage in the basement.</p> <p>Elevations do not show roof top plant however cross-section B shows solar hot water boosters. To ensure accurate and consistent plans and the integration of all service equipment into the design of the development, a condition will require elevations to show all plant and equipment and ensure their limited visibility / screening from the street. Conditions 1e and 1f.</p> <p>Services are proposed adjacent to the Mitcham Road frontage. To ensure the integration of all service equipment into the design of the development, a condition will require plans appropriate screening and their limited visibility from the street.</p> <p>Ground level gardens are appropriately separated with 2m high fencing.</p>

<p><u>Car Parking and Access</u></p> <ul style="list-style-type: none"> • Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback. 	<p>Met</p> <p>There will be one (1) vehicle crossover from the street. Council's traffic engineers raise no concern in relation to its location. VicRoads who have no objection subject to conditions to be included on any planning permit issued.</p>
<ul style="list-style-type: none"> • Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open space or is appropriately screened, as is necessary. 	<p>Met</p> <p>Any basement protrusion to the east will be limited by screen planting and boundary fencing.</p>
<ul style="list-style-type: none"> • Ensure that where garages are located in the street elevation, they are set back a minimum of 1.0m from the front setback of the dwelling. 	<p>Met</p> <p>The garage roller door is set back 5m from the front wall of the building, making it subservient within the streetscape.</p>
<ul style="list-style-type: none"> • Ensure that access gradients of basement car parks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements. 	<p>Met</p> <p>The proposed vehicular access (5m wide by 7m in length) and access gradients to the basement car park achieves the requirements of Clause 52.06 (Car Parking) of the Scheme and allows for safe and convenient access for vehicles and safety of pedestrian utilising the footpath along Mitcham Road.</p>
<p><u>Landscaping</u></p> <ul style="list-style-type: none"> • On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at 	<p>Met</p> <p>Grassed areas, perimeter screen planting (common areas) and three (3) canopy trees (one at either edge of the site frontage and one on the western side of the pedestrian entrance to the building) are within the front setback.</p>

<p>maturity.</p> <ul style="list-style-type: none"> On sites where one or two storey development is proposed include at least 1 canopy tree within the front setback, which has a spreading crown, and is capable of growing to a height of 8.0m or more at maturity. 	
<ul style="list-style-type: none"> Provide opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form. 	<p>Considered Met The basement level is set back 1.5m from both side site boundaries. Pavers (pebbles) are provided within the setbacks to provide serviced areas for the ground level dwellings and there will be screen planting around the perimeters. Pebbles are appropriate on the southern side of the building in particular as grass would not grow.</p>
<p><u>Fencing</u></p> <ul style="list-style-type: none"> A front fence must be at least 50 per cent transparent. On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn and Mitcham Roads, a fence must: <ul style="list-style-type: none"> not exceed a maximum height of 1.8m be setback a minimum of 1.0m from the front title boundary and a continuous landscaping treatment within the 1.0m setback must be provided. 	<p>Not Applicable No front fencing is proposed.</p>

6.27 Having regard to the above assessment against the requirements of Schedule 8 to the Design and Development Overlay, it is considered that the proposed design respects the preferred neighbourhood character and responds to the features of the site.

6.28 A high level of compliance is achieved in respect of the layout, built form, design, car parking, front fencing and opportunities for landscaping as articulated in the DD08.

Clause 52.06 Car Parking

- 6.29 Prior to a new use commencing or a new building being occupied, Clause 52.06-2 requires that the number of car parking spaces outlined at Clause 52.06-6 to be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the Responsible Authority.
- 6.30 This clause requires resident car parking at a rate of one space for each dwelling with one or two bedrooms and two spaces for each dwelling with three or more bedrooms.
- 6.31 Visitor car parking is required at a rate of one car parking space for every 5 dwellings (rounded down).
- 6.32 For the proposed dwelling mix, the Scheme requires the following provision of on-site car parking:

	Rate	Number of car parking spaces
3x1 bedroom	1 space	3
3x 1 bedroom with study nook	1 space	3
9x2 bedroom	1 space	9
4x 2bedroom with study nook	1 space	4
3x3 bedroom with study	2 spaces	6
TOTAL		25

- 6.33 In addition to the Scheme requirement of 25 on-site car parking spaces for residents, 4 on-site visitor car parking spaces are required. This equates to a total of 29 on-site car parking spaces for the proposed development.
- 6.34 Within the basement 18 resident car parking spaces will be provided in the form of 2 mechanical car parking stackers and 6 single car parking spaces. 5 visitor car parking spaces will be provided. This equates to 24 car parking spaces for residents and 5 car parking spaces for visitors, and therefore a total of 29 car parking spaces on-site.
- 6.35 Unfortunately the figures referenced in the car parking allocation table are incorrect and inconsistent with the car parking layout and annotations shown on plans. Further, the allocation of the spaces between residents and visitors requires further work if the requirements of the Scheme are to be met. There is an over surplus (by 1) of visitor car parking spaces and an under surplus (of 1) for resident car parking spaces. There is an obvious opportunity for 1 of the visitor car parking spaces to be become a resident space while still providing the 4 on-site visitor spaces required by the Scheme. This will be easily rectified by way of a condition on any permit issued. Refer condition 1(g) and condition 6.
- 6.36 Following is an assessment against the Design Standards for car parking provided at Clause 52.06-8 of the Scheme. The design standards should be met unless the Responsible Authority agrees otherwise.

Design Standard	Met/Not Met
1 - Accessways	<p>Met</p> <ul style="list-style-type: none"> The width of the accessway is 5m which meets the minimum 3m required by the standard.

	<ul style="list-style-type: none"> • The internal radius of 5m (width) by 7m (length) for the vehicle access ramp meets the 4m minimum required for an internal radius and the passing area dimensions required for a proposal of 10 dwellings and connecting to a RDZ1. • The cross-section submitted shows a height clearance of 2.4m which meets the 2.1m minimum head clearance prescribed by the standard. • The accessway will allow vehicles to exit in a forward direction with one manoeuvre (required for an access way serving more than 4 cars). • Corner splays clear of visual obstructions providing a clear view of pedestrians on the footpath, are shown on plan, in accordance with the standard.
2 – Car Parking Spaces	<p>Met</p> <ul style="list-style-type: none"> • The car parking spaces are on either side of aisle widths measuring 6.6m minimum. • Car parking space lengths are 4.9m (or 5.5m for the car stackers) and a minimum 2.8m in width. For car spaces located at 90 degrees this meets the car space dimensions prescribed for a 5.8m or 6.4m access way width. • Resident storage cages (each 6m³) and bin storage are secure and appropriately located along the northern side of the basement. All will be accessed easily by residents and located appropriately away from the base of the vehicle access ramp and aisles so not to impede vehicle movement.
3 - Gradients	<p>Met</p> <ul style="list-style-type: none"> • A 5m wide vehicular access ramp will front the street. • All gradients are 1:4 (25%) or less for a 14.4m ramp length and comply with the standard for a ramp length less than 20m for a residential car park. • Council's traffic engineering unit raise no concern in relation to the entrance grades.
4 – Mechanical Parking	<p>Met subject to condition</p> <ul style="list-style-type: none"> • Within the basement are: <ul style="list-style-type: none"> ○ 18 car parking spaces provided in the form of 2 mechanical car parking (stackers) specifically "WOHR Comblift 542" car stacker systems; ○ six (6) single car parking spaces for residents; ○ five (5) visitor car parking spaces. • This equates to 24 car parking spaces for residents and 5 car parking spaces for visitors (noting that the Scheme requires the provision of 4 visitor spaces). A total of 29 car parking spaces are proposed on site. • Council's traffic engineering unit raise no concern with the use of mechanical stackers.
5 – Urban Design	<p>Met</p> <ul style="list-style-type: none"> • The basement entrance will be sufficiently set back from the site frontage and front wall of the building. With a 5m width and centrally located on a frontage of

	<p>18.59m it will not appear unduly visually prominent when viewed from the public realm.</p> <ul style="list-style-type: none"> Soft landscaping proposed within the front setback will assist in screening / obscuring oblique views of the vehicle entrance where appropriate, while still providing sight lines to allow for safe vehicle and pedestrian movement.
6 – Safety	<p>Met subject to condition</p> <ul style="list-style-type: none"> Internally, the car park has 6.6m, 6.9m and 7.6m aisle widths providing an appropriate level of visibility and safety for pedestrians utilizing the car parking spaces and the storage cage rooms, refuse store, staircase and lift. Provision and details of lighting (including sensor lighting internal to the basement, wall lights along both side of the driveway entrance, signage, line markings and convex mirrors) will be required by a permit condition on any permit issued, to ensure user safety.
7 – Landscaping	<p>Not Applicable</p> <ul style="list-style-type: none"> Given the basement location of the car park, internal landscaping (or provision of any water sensitive urban design treatment) is neither required nor appropriate. Refer conditions 6.7 and 20.

Clause 52.29 Land Adjacent to a Road Zone Category 1

- 6.37 Pursuant to Clause 52.29 of the Scheme, Mitcham Road is specified as a Road Zone Category 1 and a permit is required to alter the existing vehicle access to a road in a Road Zone Category 1.
- 6.38 The decision guidelines of this Clause include the views of the relevant road authority.
- 6.39 VicRoads have no objection to the proposal subject to conditions on any planning permit issued. The access arrangement to Mitcham Road is therefore considered appropriate.

Clause 55 Two or More Dwellings on a Lot

- 6.40 This Clause sets out a range of objectives which must be met. Each objective is supported by standards which should be met. If an alternative design solution to the relevant standard meets the objective, the alternative may be considered.
- 6.41 The following table sets out the level of compliance with the objectives of this clause:

OBJECTIVE	OBJECTIVE MET / NOT MET
<p>55.02-1 Neighbourhood Character</p> <p>To ensure that the design respects the</p>	<p>Met subject to conditions</p> <p>As outlined in the assessment of the proposal against the policy requirements of the Schedule 8 to the Design and Development Overlay (DD08), it is considered that the proposed apartment style development responds positively to the preferred neighbourhood character, and respects the</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
<p>existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>To ensure that development responds to the features of the site and the surrounding area.</p>	<p>natural features of the site and its surrounds.</p> <p>There is a clear and consistent policy requirement under the zone, DD08 and Clause 21.05 of the Scheme for new development to appropriately transition down to land in another zone and have appropriately designed interfaces. The proposed building in its submitted form transitions down from the perimeter of the Main Road sub-precinct to complement the lower scale and built form within the south adjoining residential zone. The direct interface with the south adjoining existing dwellings and appropriate screen planting will be dealt with by way of conditions on any permit issued so that there will be no unreasonable visual bulk or off-site amenity.</p>
<p>55.02-2 Residential Policy</p> <p>To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</p> <p>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p>	<p>Met</p> <p>The application was accompanied by a written statement that has demonstrated how the development is consistent with State, Local and Council policy.</p>
<p>55.02-3 Dwelling Diversity</p> <p>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p>Met</p> <p>An appropriate mix is proposed as there is variety in the overall dwelling size, orientation and the sizes of balconies / ground level open space areas.</p> <p>The proposal includes a total of 21 dwellings (3x1 bedroom, 3x1 bedroom with study nook, 9x2 bedroom, 4x2 bedroom with study nook, and 3x3 bedroom with study). Eight (8) dwellings</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	are provided at ground level with access to external garden areas.
<p>55.02-4 Infrastructure</p> <p>To ensure development is provided with appropriate utility services and infrastructure.</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p>	<p>Met subject to condition</p> <p>Given the site is already developed for residential purposes the site has access to all services.</p> <p>A condition will require the provision of an on-site storm water detention system to alleviate pressure on the drainage system.</p> <p>Refer conditions 29 to 34.</p>
<p>55.02-5 Integration with the street</p> <p>To integrate the layout of development with the street.</p>	<p>Met</p> <p>The development is orientated to the street and provides separate vehicle and pedestrian access from the street.</p> <p>No front fencing is proposed and as such a high degree of transparency and openness to the development will be provided.</p> <p>A non-permeable roller door to the basement car park is proposed and is acceptable given the high degree of transparency from the dwelling windows and balconies fronting the street and the vehicle and pedestrian safety achieved through the design of the vehicle access.</p>
<p>55.03-1 Street setback</p> <p>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	<p>Met</p> <p>The ground level front setback will be 6.5m which is consistent with the standard requirements (an average of the east and west immediately abutting lots) and the 6m DDO8 requirement.</p>
<p>55.03-2 Building height</p>	<p>Considered Met</p> <p>As confirmed in the DDO8 assessment, the development</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
To ensure that the height of buildings respects the existing or preferred neighbourhood character.	height is appropriate for the site context.
55.03-3 Site coverage To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.	Met The proposed site coverage will be 59.8% of the site area. This meets the 60% maximum prescribed by the standard.
55.03-4 Permeability To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration.	Met subject to condition Soft landscaping will be provided within all setbacks where appropriate, equating to 27.7% which meets the 20% requirement. The side and rear setbacks of the building will provide a mix of pebbled areas and concrete paving with perimeter landscaping. A condition of any permit issued will require the retaining walls to be setback 1m from the rear and west site boundaries and landscaping planted in-ground between the fence line and the retaining wall, atop the retaining wall and where possible, in-ground. Where not achievable, planting will be required in planter boxes. Refer condition 1c.
55.03-5 Energy Efficiency To achieve and protect energy efficient dwellings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.	Met The subject site has a north-south orientation. Each dwelling will have accommodation provided at each level and some dwellings will have dual aspects allowing for good solar access and cross-ventilation. Dwellings 2, 3, 7 and 8 have some windows on the ground level (facing east and west) which may receive a slightly reduced level of daylight penetration due to side and rear setbacks, perimeter landscaping and boundary fencing. Energy efficiency on adjoining lots will not be unreasonably compromised as a result of the development, given the siting and design of the proposed building.

OBJECTIVE	OBJECTIVE MET / NOT MET
<p>55.03-6 Open space</p> <p>To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</p>	<p>Met</p> <p>No communal open space is shown on plan and no public open space is provided within or adjacent to the development. Any open space within the front setback of the development will be for landscaping purposes or recreation for 3 of the new ground level dwellings.</p>
<p>55.03-7 Safety</p> <p>To ensure the layout of development provides for the safety and security of residents and property.</p>	<p>Met</p> <p>The pedestrian entrance to the building is highly visible from the street with direct pedestrian access to all dwellings from the street. Dwellings 2 and 8 (front-most dwellings, at corner locations) will also have direct access provided to their gardens via a side gate.</p> <p>Good levels of resident security will be provided given that the main pedestrian entry consists of 2 glass doors, fronts the street and is not visually obscured or isolated.</p>
<p>55.03-8 Landscaping</p> <p>To encourage development that respects the landscape character of the neighbourhood.</p> <p>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</p> <p>To provide appropriate landscaping.</p> <p>To encourage the retention of mature vegetation on the site.</p>	<p>Met subject to condition</p> <p>Soft landscaping will be provided within all setbacks save where the main pedestrian entrance and vehicle access is located.</p> <p>To ensure that planting within the setbacks will allow for an appropriate level of continuous, mature screen planting, a condition will require retaining walls shown as being on-boundary to be relocated 1m into the site, and clotheslines and shed for dwelling 3 repositioned in lieu of in-ground planting. Subject to these conditions, the level of planting will be site responsive and similar to other comparable medium density developments. Refer Conditions 1c, 1d, and 14.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
<p>55.03-9 Access</p> <p>To ensure vehicle access to and from a development is safe, manageable and convenient.</p> <p>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</p>	<p>Met</p> <p>The width of the vehicle access way does not exceed a third of the 18.59m street frontage.</p> <p>An existing crossover for the basement car parking will be utilised and as such will not result in the loss of any on-street car parking spaces.</p> <p>One crossover is proposed for 21 dwellings which is reasonable and appropriate for the width of the site frontage and the zoning.</p> <p>The width of the access way will be sufficient to accommodate access for emergency service vehicles.</p>
<p>55.03-10 Parking</p> <p>To provide convenient parking for resident and visitor vehicles.</p> <p>To avoid parking and traffic difficulties in the development and the neighbourhood.</p> <p>To protect residents from vehicular noise within developments.</p>	<p>Met</p> <p>The proposed basement car park includes stair and lift accesses providing direct access from the basement to each floor of the building.</p> <p>Given the provision of a garage door at basement level (with restricted access) the car parking will be secure.</p> <p>It is assumed that no mechanical ventilation is required however a condition will require further details to be submitted, if relevant so that the design of any flue is integrated into the building design.</p> <p>Sited centrally to the site frontage the vehicle entrance is located well away from windows in existing dwellings to the east and west of the subject site, and the building has been designed so that at ground level only one balcony (dwelling 8) is in close proximity to the accessway.</p> <p>Visitor car parking spaces will be provided on-site. Plans indicate line markings (which also distinguish the visitor spaces from the resident spaces), and the spaces will be stand-alone and prominently located at the foot of the basement access ramp.</p> <p>Details have not been submitted in relation to how the visitor spaces will be managed however it is assumed that it will be managed effectively through the residents or body corporate.</p>
<p>55.04-1 Amenity</p> <p>To ensure that the height and setback of a building from a</p>	<p>Met subject to condition</p> <p><u>South (rear)</u> For Dwellings 3 and 11 a setback of 5.1m for a wall height of 4.6m meets the 1.3m setback required.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
<p>boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p>For Dwellings 4 and 12 a setback of 4m for a wall height of 5.2m meets the 1.48m setback required.</p> <p>For Dwellings 5, 6, 12 and 13 a setback of 4m for a wall height of 6.4m meets the 1.84m setback required.</p> <p>For Dwelling 7 a setback of 4m for a wall height of 7m meets the 2.09m setback required.</p> <p>For Dwelling 18 a setback of 5.2m for a wall height of 8.4m meets the 3.49m setback required.</p> <p>For Dwelling 19 a setback of 5.6m for a wall height of 8.8m meets the 3.89m setback required.</p> <p>For Dwelling 20 a setback of 4.8m for a wall height of 10.15m fails to meet the minimum 5.24m setback required by 440mm. The area of non-compliance is minor and confined to the south-eastern corner of the bedroom and it is acknowledged that the remainder of the wall is setback 5.2m which meets the setback required. That said, conditions will be requiring the relocation of the balcony of Dwelling 20 to the side of the building, and in doing so, the required setback will be exceeded. This design change, which relates to the requirements of the DDO8, will ensure that the required Res Code setback for Dwelling 20 is fully met.</p> <p>For the east and west sides of the building, plans show the side setbacks prescribed under the standard in hatched lines. The setbacks of the building are within them.</p> <p>The building will be setback from the eastern site boundary by between 1.93m and 2.55m at ground and first floor levels, and between 4.03m and 6.21m at the second floor.</p>
<p>55.04-2 Walls on boundaries</p> <p>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p>Not Applicable</p> <p>No walls on-boundary are proposed.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
<p>55.04-3 Daylight to existing windows</p> <p>To allow adequate daylight into existing habitable room windows.</p>	<p>Met</p> <p>North-facing windows in the south adjoining dwelling (dwelling at 12 Kevin Court) are setback in excess of 5.37m from the common boundary and will achieve a minimum area of 3sqm.</p> <p>East-facing windows in the two dwellings at 144-146 Mitcham Road are located 3.54m distance from the common boundary and will receive the required minimum area of 3sqm.</p> <p>West-facing windows at 152 Mitcham Road are setback 1.85m and 2.5m from the common boundary and will receive the required minimum area of 3sqm.</p> <p>Therefore, in line with the standard requirements, the proposed development will allow for a minimum area of 3sqm and a minimum dimension of 1m clear to the sky to adjoining windows and will have no unreasonable daylight impacts, in accordance with the standard.</p>
<p>55.04-4 North-facing windows</p> <p>To allow adequate solar access to existing north-facing habitable room windows.</p>	<p>Not Applicable</p> <p>The north-facing windows in the south adjoining dwelling are setback in excess of 5.37m and as such the standard does not apply.</p>
<p>55.04-5 Overshadowing</p> <p>To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>Met subject to conditions</p> <p>The decision guidelines require the responsible authority to consider the design response, the impact on the amenity of existing dwellings, existing sunlight penetration to the secluded private open space, the time of day that sunlight will be available to the secluded private open space and the effect that the reduction in sunlight will have on the use of the open space.</p> <p>Submitted shadow diagrams demonstrate that at 9am the development will cast shadows up to 5m in length across all three (3) south adjoining secluded private open space areas at 10, 11 and 12 Kevin Court. This is up to 2.5m beyond existing shadows cast by boundary fencing. The affected areas are largely confined to areas immediately abutting the fence line with shadows affecting the rear most portions of the secluded open space areas where outbuildings are sited.</p> <p>At 12 noon shadows will be cast for a length of up to approximately 3m in length across all three (3) south adjoining secluded private open space areas. This is up to 2m beyond</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	<p>existing shadows cast by boundary fencing. The most affected area will along the fence line in the rear most portion of the garden at number 12 Kevin Court. Shadows will also be cast along a strip of private open space at the east adjoining dwelling at 152 Mitcham Street, again immediately next to the fence line.</p> <p>At 3pm the development will cast shadows approximately 1m in length affecting an area of approximately 5sqm of open space at 12 Kevin Court, immediately abutting the fence line. Shadows will also be cast over the east adjoining dwelling at 152 Mitcham Road affecting the western side setback, west-facing windows and an area measuring approximately 16sqm of the private open space area. Said shadows will be cast up to a length of 4m beyond existing shadows cast by boundary fencing.</p> <p>Importantly, plans demonstrate that the difference between existing shadows cast by fencing and shadows cast by the proposed development is relatively minor. For the most part, additional shadows will be limited to portions of the rear open space areas located along fence lines.</p> <p>The standard requires adjoining open space areas to receive a minimum of 5 hours of sunlight between 9am and 3pm. Shadows cast to the south adjoining dwellings meet the standard. Shadows to the east adjoining dwelling will only affect the secluded private open space area in the late afternoon and therefore shadows cast meet the standard. The impact throughout the day caused by the development will not be unreasonable for the site context, and it meets the policy objective at clause 55.04-5 of the Scheme.</p> <p>In relation to the new dwellings within the proposed building, a large proportion of their open space areas will be entirely overshadowed throughout the day as a result of the design response, boundary fencing, orientation and the slope of the land.</p> <p>In summary, 7 of the 8 ground level dwellings (garden areas and habitable room windows) will be in shadow either by the building itself or boundary fencing at 9am. At 12 noon, 6 of the same 8 dwellings will be affected by shadows with 5 of the dwelling's garden areas almost entirely in shadow. At 3pm, 3 of the 8 dwelling's garden areas will be entirely in shadow as a result of the building or boundary fencing. Similarly, at the upper levels of the building, all south-facing balconies (7 balconies for 7 dwellings) will be shadowed entirely up to 12 noon after which time (from 3pm onwards) only 2 of the 7 balconies will not be affected by shadow.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	<p>While the standard looks at impact on the amenity of existing dwellings it is acknowledged that the majority of the open space areas for the 21 dwellings proposed will be affected by overshadowing. Overshadowing within the development could be improved (reduced) by making some of the south-facing balconies east and west facing. A condition will require this. This design change will also improve the southern interface of the development and assist in transitioning. Refer to conditions 1a and 1b.</p>
<p>55.04-6 Overlooking</p> <p>To limit views into existing secluded private open space and habitable room windows.</p>	<p>Met subject to condition</p> <p>Overall, the screen designs and provision of obscure glass is consistent with a development of this type.</p> <p>Overlooking (limiting views within a 9m radius from habitable rooms, secluded private open space areas and balconies) has been addressed in the design of the development through the provision of obscure glass to full height windows. The use of high-level windows is limited which allows for a good level of sunlight penetration.</p> <p>In relation to balconies, several are located within 9m of dwellings on south adjoining lots (and within the new development) and the 1.7m high green frosted glass screening will need to demonstrate full compliance with the standard, including being fixed and 25% transparent. This will be easily addressed by way of a condition on any permit. Refer to condition 1h.</p>
<p>55.04-7 Internal views</p> <p>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</p>	<p>Met subject to condition</p> <p>Internal overlooking between ground level areas will be limited by 2m high timber fencing. Views between habitable room windows will be limited through the provision of obscure glass to full height windows.</p> <p>To ensure internal views between balconies are limited, a condition will require details of the balcony screens to demonstrate compliance with the policy objective. Refer to condition 1h.</p>
<p>55.04-8 Noise impacts</p> <p>To contain noise sources in developments that</p>	<p>Met</p> <p>Potential noise sources from a residential development (excluding domestic noise) is ordinarily limited to plant and equipment (such as air conditioning units, mechanical ventilation and automated roller doors to car parks).</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
<p>may affect existing dwellings.</p> <p>To protect residents from external noise.</p>	<p>No details (relating to noise levels) have been submitted with the application, however ordinarily all residential noise for a development of this type would be subject to standard EPA requirements controlled through local laws.</p>
<p>55.05-1 Accessibility</p> <p>To encourage the consideration of the needs of people with limited mobility in the design of developments.</p>	<p>Met</p> <p>The common driveway and ground floor dwellings will be directly accessible to people with limited mobility by the ramped access at the front of the building. All dwellings will provide living space across a single level and as such stairs are not required internal to the dwellings. A lift provides internal access between all levels of the building and all corridor widths are 2m which is a relatively generous dimension. Four (4) of the ground level dwellings may not be suitable for the mobile impaired due to the fact they rely on external stairs to access the rear gardens.</p>
<p>55.05-2 Dwelling entry</p> <p>To provide each dwelling or residential building with its own sense of identity.</p>	<p>Met</p> <p>The main pedestrian entrance to the building is separate from the vehicle accessway and easily identifiable and all dwelling entries are internal to the development and are easily identifiable along corridors.</p> <p>The entry to the common driveway is also easily identifiable from the street.</p>
<p>55.05-3 Daylight to new windows</p> <p>To allow adequate daylight into new habitable room windows.</p>	<p>Met</p> <p>While ground level windows may have a slightly reduced level of daylight afforded to them as a result of boundary fencing, screen planting and canopy trees, all dwellings will have a reasonable level of daylight overall.</p>
<p>55.05-4 Private open space</p> <p>To provide adequate private open space for the reasonable recreation and service needs of residents.</p>	<p>Met</p> <p>Schedule 2 to the RGZ does not prescribe a minimum private open space area size.</p> <p>Each dwelling will be provided with an area of private open space.</p> <p>All ground level dwellings (save Dwelling 1) will be provided with a garden at least 27sqm in size. Dwellings 1, 2, 8 on the ground floor and all dwellings on the upper floors will be provided with balconies (all of which are at least 8sqm in size) accessed from the main living area and with a minimum dimension of 1.6m.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	Overall, open space areas are generous in size and each open space areas will provide for the reasonable recreational needs of the new occupiers and are typical for a development of this type.
<p>55.05-5 Solar access to open space</p> <p>To allow solar access into the secluded private open space of new dwellings and residential buildings.</p>	<p>Met subject to condition</p> <p>Ground level private open spaces are provided on each side of the building. The area within the front setback and north-facing balconies for 9 of the 21 dwellings will receive ample solar access. The balance of dwellings will be provided with either ground level gardens (orientated east, west or south) or balconies (south-facing).</p> <p>The south-facing gardens and balconies will be in constant shade and the useability of the spaces will clearly be affected. While this would occur regardless of any setback of the building's southern wall from the southern site boundary there is an opportunity to improve this by relocating the balconies of Dwellings 11, 14 and 20 to the east or west side of the building, similar to the balcony shape for Dwelling 18. A condition will reflect this. Subject to this condition, solar access to the balconies of three (3) dwellings will be greatly improved. Refer condition 1a and 1b.</p>
<p>55.05-6 Storage</p> <p>To provide adequate storage facilities for each dwelling.</p>	<p>Met</p> <p>Plans show storage cages (6m³) provided in 2 separate rooms within the basement car park. In these locations they are easily accessed by residents and are secure. The provision of separate storage cages and dedicated rooms (in other words, not above-bonnet storage) is not generally provided for a development of this type and is therefore fully supported.</p> <p>Only one shed is provided (within the garden area for Dwelling 3) which is supported given that this dwelling has a large grassed area and the storage of garden tools and machinery is likely. While Dwellings 4, 5, 6 and 7 could accommodate a shed, conditions will require increased screen planting and increased size for planter beds instead of requiring additional sheds. There is ample storage within the basement.</p> <p>Despite there being no Scheme requirement to provide on-site bicycle parking (for residents or visitors) the basement provides 8 secure racks within the storage cages room and 5 wall-mounted racks are provide external to the building, integrated into the landscaped area within the front setback. This is fully supported as it would mean that storage cages will not need to double-up as bicycle storage.</p>
<p>55.06-1 Design</p>	<p>Met subject to condition</p> <p>The proposed architectural design is of a high standard and</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
<p>detail</p> <p>To encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p>offers a contemporary statement that responds positively to the preferred neighbourhood character.</p> <p>The window and door proportions enhance visual interest and provides for a good mixture of horizontal and vertical elements. This in turn provides a good level of articulation.</p> <p>Visual interest is provided by the stepping of walls, graduation of the upper levels and the use of balconies, balcony screening, fascias and framing elements.</p> <p>The incorporation of different materials and finishes provide further visual interest to the building.</p> <p>In relation to the design detailing of the southern wall, a condition will require changes to be made in the way of relocated balconies from Dwellings 11, 14 and 20 and more setbacks at the top floor of the building. Refer conditions 1a and 1b.</p>
<p>55.06-2 Front fence</p> <p>To encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p>Not Applicable</p> <p>The proposal does not include a front fence, which is supported by the DDO8.</p>
<p>55.06-3 Common property</p> <p>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</p> <p>To avoid future management difficulties in areas of common ownership.</p>	<p>Met</p> <p>A gymnasium will be located at ground level and communal areas will be provided at the front of the buildings. While these are not clearly delineated on plans, assuming the dwellings are sold individually, all communal areas (also including the car park) would be maintained by an Owners' Corporation. There are no perceived difficulties associated with future management of these areas.</p>
<p>55.06-4 Site services</p> <p>To ensure that site services can be</p>	<p>Met subject to condition</p> <p>Mailboxes are located in the foyer of the building however there is an Australia Post requirement for mailboxes to be externally located parallel to the footpath on Mitcham Road. A</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
<p>installed and easily maintained.</p> <p>To ensure that site facilities are accessible, adequate and attractive.</p>	<p>condition will require mailboxes at the street frontage, as per the Australia Post requirements, acknowledging that any mailboxes cannot be higher than 900mm if located within the visibility sightlines prescribed at Clause 52.06 of the Scheme. Refer condition 1j and 37.</p> <p>Clotheslines are shown within the gardens for Dwellings 2 to 7 and for the balance of the dwellings will be required to be shown on plan by way of condition on any permit issued. Refer condition 1c and 42.</p> <p>Bin storage in the car park is easily accessible by all residents and not visible from the public domain.</p> <p>The submitted Waste Management Plan (WMP) confirms that all waste collection will be made by a private collector is supported by Council's traffic engineering unit (waste services). The WMP is supported subject to modifications which will be required by way of condition. Refer condition 23.</p>

7 REFERRALS

External

- 7.1 The originally submitted (advertised) application was referred to Vic Roads. The following table provides their response:

Authority	Comment
Vic Roads	<p>VicRoads generally require a 7.0m x 5.0m passing area to be located entirely within the site.</p> <p>No objection on the proposal, subject to the following conditions to be included:</p> <ol style="list-style-type: none"> 1) The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority. 2) Prior to the commencement of the use hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be: <ul style="list-style-type: none"> • Formed to such levels and drained so that they can be used in accordance with the plan; • Treated with an all-weather seal or some other durable surface. 3) Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg by spilling gravel onto the roadway). 4) Prior to the commencement of the use hereby approved all disused or redundant vehicle crossings must be removed and the area reinstated to match with adjacent road environment to

	<p>the satisfaction of the Responsible Authority.</p> <p>5) The proposed development requires reinstatement of disused crossovers to kerb and channel & construction of new crossovers. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any work.</p>
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7.2 VicRoads conditions will be included as conditions on any permit issued.

7.3 The amended application (the decision plans) was referred to VicRoads however no comments have been received to date. The plans do not however make any changes to the vehicle access or change to the originally proposed alteration to Mitcham Road.

Internal

7.4 The application was referred to a number of Service Units. Where appropriate, the originally submitted (advertised) application and the amended application (decision plans) were referred back to a number of the Service Units.

7.5 The following table provides their responses:

Service Unit	Comments
Engineering & Technical Services (Drainage)	Requires the provision of an on-site storm water detention system.
Strategic Projects (ESD)	Submitted SMP (dated 23/9/2015) supported subject to the following changes: <ul style="list-style-type: none"> • p14 paragraph 3.3.1(Fittings & Fixtures) amended to refer to taps and basins – minimum 5 Star WELS rated; • p21 to reflect WELS ratings in STEPS report; and • switch with toilets WELS 4 star.
Engineering & Technical Services (Traffic)	There are no traffic issues having considered the proposal in the context of the traffic and the surrounding street network.
Engineering & Technical Services (Engineering)	Satisfactory. Support, subject to conditions requiring the following: <ul style="list-style-type: none"> • All runoff must be directed to the point of discharge. • The developer must provide on-site storm water detention storage. • New vehicle crossing constructed subject to standard conditions and a footnote requiring a "Vehicle Crossing Permit" • Existing crossover removed and the naturestrip / kerb and channel / footpath reinstated. • The mechanical car stackers must be maintained in good working order and be permanently available for the parking of vehicles in accordance with their purpose, to the satisfaction of responsible authority.

	<ul style="list-style-type: none"> • A Construction Management Plan.
Engineering & Technical Services (Easements)	<ul style="list-style-type: none"> • Build over Easement approval is not required. • Minor works including grass cover and pebble landscaping over the easement along the southern boundary is supported.
Engineering Operations (Waste Management)	<ul style="list-style-type: none"> • The WMP prepared by Low Impact Development Consulting dated 7 October 2015 and the Traffic Impact Assessment prepared by TTM Consulting dated 7 October 2015 is satisfactory. The WMP confirms that a private waste collection contractor will undertake waste collection from within the development basement. • No bins should be placed out (or left out) on any of the surrounding nature strips for any reason. • The developer must ensure adherence to the collection methodology stated in the WMP.
Economic and Environmental Planning (Urban Design)	<p>Support, subject to the following recommendations:</p> <p><i>Materials</i></p> <ul style="list-style-type: none"> • The materials palette is varied and of good quality giving the building a distinctive character. The green frosted glazing to the balustrades should match one of the colours used in the glass feature at the entrance to the building so that another element is not added. <p><i>Entrances</i></p> <ul style="list-style-type: none"> • The entrance to the building is adequate with some feature landscaping and need to ensure the access ramp is DDA compliant. <p><i>Setbacks</i></p> <ul style="list-style-type: none"> • The eastern setback meets the minimum requirement and because of a change in level provides restricted landscape areas. The two narrow planting beds should be combined into one, so taller shrubs of at least 3m can be grown to form a hedge. • On the east side of Apartment 7 it would be better to remove the narrow balcony so a wider planting area can be created. • The rear setback is adequate but the huge change in level must be taken into account when designing the outdoor spaces. There may be a need to create some terracing here allowing for at least one larger deciduous tree per outdoor space to screen the building from adjoining properties and create a more pleasant environment for the apartments. • The western setback is adequate but it would be best to create wider garden beds by reducing the area of gravel paving so that a larger deciduous

	<p>tree can be grown in each outdoor space.</p> <p><i>Building bulk and articulation</i></p> <ul style="list-style-type: none"> • In the front elevation, the 'framing' elements help reduce the bulk of the building fitting in better with the adjoining properties. • Recommend that the vertical fins at the each end of the building do not protrude above the height of the stepped part of the building, helping it blend in better with the adjoining properties. • The rear facade is quite busy with a mix of materials but does not have good articulation like the front facade. Some 'framing' elements similar to the front could help reduce the bulk of this elevation and create more interesting shadow lines. <p><i>Landscaping</i></p> <ul style="list-style-type: none"> • The front area of landscaping is adequate for the planting of 3 big trees. • Suggest the 2 Capital Pears could be changed to a small evergreen tree to tie in with the existing evergreen trees in the nature strip and in adjoining properties. • Needs to be some screen planting on the street side around the services box. • The garden beds on the west and east site boundaries need to be strengthened by widening and planting larger shrubs to form a thicker hedge.
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- 7.6 Recommendations will be addressed via permit conditions and footnotes where appropriate, on any permit issued.

8 NOTIFICATION

- 8.1 Notice of the originally submitted application was required to be given under Section 52 of the *Planning & Environment Act 1987*, by sending notices to adjoining and nearby landowners/occupiers and by displaying notices on the land for a 3 week period.
- 8.2 Council received six (6) objections including one (1) multi-signatory.
- 8.3 Details are as follows:

Address
152 Mitcham Road (with names of people living in William Street, Kevin Court, Astelot Drive, Mitcham Road, Kew Court
1/144-146 Mitcham Road, Donvale
154 Mitcham Road, Donvale
10 Kevin Court, Donvale
11 Kevin Court, Donvale
13 Kevin Court, Donvale

8.4 The grounds of objection can be summarised as follows:

- Lack of policy support in the Scheme under the zone and the overlay requirements.
- Design – commercial style building, scale and design is out of character with the area (which includes single dwellings within Kevin Court and new 2-storey townhouse style developments), inadequate articulation of building when viewed from surrounding properties, and insufficient landscaping proposed.
- Over-development of the site.
- Off-site amenity – overlooking / loss of privacy, overshadowing and loss of sunlight, residential noise resulting from 21 dwellings (as opposed to single dwellings), loss of outlook / view.
- Insufficient car parking spaces on-site which will result in vehicles parking on Williams Street, Kevin Court and Kew Court.
- Traffic – location of vehicle access and safety impact on bus stop on Mitcham Road, traffic congestion on nearby streets, pedestrian safety on nearby streets as a result of increased traffic.
- Other - impacts to adjoining dwellings during construction phase due to depth of excavation and machinery noise, detrimental impacts on adjacent property values, and submitted information (reports) cannot be relied on to assess the application.

8.5 Notice of the amended application (57A plans) was given under Section 52 of the *Planning & Environment Act 1987*, by sending notices to adjoining and nearby landowners/occupiers. No notice was displayed on the land.

8.6 The following two (2) original objectors submitted further letters of objection:

Address
10 Kevin Court, Donvale
11 Kevin Court, Donvale

8.7 Both objectors re-submitted copies of their original objection letters and both objectors confirmed that the amended plans do not resolve any of the issues originally raised.

8.8 A response to the above grounds is provided in the following paragraphs:

Lack of policy support in Scheme under the zone and overlay requirements

8.9 There is clear support for development of the land in the Scheme in terms of urban consolidation and a proposed increase in residential density. The proposed development supports the key vision objectives which encourage a higher density and innovative contemporary design by providing residential

development within a building in a location that is highly accessible to the community. In that regard it is consistent with policy.

- 8.10 Notwithstanding that, it is not development at any cost and policy sets out design parameters including a maximum site coverage of 60 percent and a requirement that higher developments on the perimeter of the Main Road sub-precinct are designed so that the height and form are sufficiently stepped down, so that the scale and form complements the interface which in this case is the southern interface with dwellings within Kevin Court.
- 8.11 Subject to permit conditions on any permit issued, requiring design changes to the southern side of the development, the articulation, height transitioning and relationship with the south adjoining dwellings will provide a more appropriate interface.

Design – commercial style building, scale and design is out of character with the area (which includes single dwellings within Kevin Court and new 2-storey townhouse style developments), inadequate articulation of building when viewed from surrounding properties, insufficient landscaping proposed.

- 8.12 A full assessment of the building design, neighbourhood character and landscaping is provided in the DDO8 assessment and Res Code assessment in this report.
- 8.13 In short, the subject site is located within the RGZ and is located in the DDO8-1 “sub precinct Main Road”. Policy supports housing developments that will respect existing neighbourhood character and it is acknowledged that that the scale, form and age of existing housing in the area is predominately 1970s (single-storey) with a substantial amount of development dating between the late 1980s and 1990s (double and in some instances 3-storey) with minimal unit development. However, Council through its policy statements and the DDO8, has created a planning mechanism that will over time alter the present neighbourhood character along Mitcham Road. Through policy, Council’s ‘preference’ is for higher density, multi-unit developments which may include apartment-style buildings, especially on larger lots, and the resultant built form will have a more intense and less ‘suburban’ character.
- 8.14 This higher density housing theme represents the ‘preferred neighbourhood character’ and guidance as to the ultimate form of development is provided through the Design Elements contained within the DDO8 provisions. To accommodate Manningham’s projected population growth, policy objectives (at Clause 21.05-2 Housing) within the Scheme supports a higher density of housing along main roads and anticipates and supports an incremental level of change along main roads.

Over-development of the site

- 8.15 Officers acknowledge that the southern interface to land in the GRZ is a sensitive one.
- 8.16 In light of the policy direction and clear policy support in the Scheme for development of the subject site, and the high level of on-site amenity that will be provided to the new residents within the development (in the form of dwelling types and sizes, adequate on-site car parking spaces provided, size of open spaces etc) the proposal is not considered to be an over-development.

- 8.17 The proposal achieves the purpose of the zone and is of a scale supported by the zone and the level of change anticipated for land within the sub-precinct. Further, in relation to off-site amenity impacts and Res Code standards, the proposal complies. Conditions on any permit issued will require additional in-ground screening planting around the site's side and rear boundaries.
- 8.18 The building's presentation is residential rather than commercial due to balcony treatments and other design features that will break up and articulate the facades.

Off-site amenity – overlooking / loss of privacy, overshadowing and loss of sunlight, residential noise resulting from 21 dwellings (as opposed to single dwellings) and loss of outlook / view

- 8.19 Relevant concern is raised in relation to the impact of the proposed development on south adjoining properties, in particular due to the different residential zoning (the subject site is within the RGZ and the south adjoining dwellings are within the GRZ) and their residential amenity expectations given a 3-storey built form immediately to the north.
- 8.20 The design of the proposed building on the southern side is acceptable subject to some design changes that will be required by way of conditions (relocated of balconies for three of the dwellings, increased setback of the second floor southern walls and relocation of retaining walls with planting provided atop and between the retaining wall and fence line).
- 8.21 A full assessment against all Res Code standards and objectives and the DDO8 requirements which require appropriate height transitioning, is provided in this report. Subject to conditions attached to any permit issued the proposal will have present a reasonable level of off-site amenity impact to existing adjoining dwellings, including those located to the south and within the GRZ.
- 8.22 In relation to residential noise the consideration of this planning application is confined to the construction of the development. The residential use of the subject site does not require a planning permit under the zone and is therefore not a planning matter and cannot be considered in this assessment. Residential noise associated with a dwelling is considered normal and reasonable in an urban setting. Residential noise would be subject to standard EPA guidelines and any future amenity issues, should they arise, can only be pursued as a civil matter.

Insufficient car parking spaces on-site will result in vehicles parking on Williams Street, Kevin Court and Kew Court

- 8.23 The car parking requirements of the Scheme is at Clause 52.06-1 (Car parking) of the Scheme.
- 8.24 For the proposed development (21 dwellings), the Scheme requires the following:

	Rate	Number of car parking spaces required for the proposal
3x1 bedroom	1 space	3
3x 1 bedroom with study nook	1 space	3
9x2 bedroom	1 space	9

4x 2bedroom with study nook	1 space	4
3x3 bedroom with study	2 spaces	6
Visitor	1 space for each 5 dwellings (rounded down)	4
TOTAL		29

- 8.25 Within the basement, 18 resident car parking spaces will be provided in the form of 2 mechanical car parking stackers (all but 2 of the stackers will provide a double car parking space and none of the dwellings will share a stacker), 6 resident single car parking spaces and 5 single visitor car parking spaces will be provided. This equates to 24 car parking spaces for residents and 5 visitor car parking spaces for visitors, and therefore a total of 29 car parking spaces on site.

Traffic – including location of vehicle access and safety impact on bus stop on Mitcham Road, traffic congestion on nearby streets, pedestrian safety on nearby streets as a result of increased traffic

- 8.26 Council's traffic engineering unit and Vic Roads raise no concerns in relation to the impact of the development on the bus stop on Mitcham Road or traffic and pedestrian safety on nearby streets. Council's traffic engineering unit and Vic Roads as the appropriate referral authority support the proposed development.
- 8.27 Existing on-street parking problems in the area cannot be addressed through the current application, nor should the burden of relieving these existing problems be imposed on the developer of the subject site.

Other - impacts to adjoining dwellings during construction phase due to depth of excavation and machinery noise, detrimental impacts on adjacent property values, and submitted information (reports) cannot be relied on to assess the application

- 8.28 Noise disturbance during construction works is a common objector concern. Some noise and other disturbance is inevitable when any construction occurs and the developer will be required to meet relevant Local Law and EPA regulations regarding construction practices to ensure these impacts are mitigated. However in addition to these requirements, a condition will require the submission of a Construction Management Plan (CMP) which will require the applicant to submit details of the construction, for approval.
- 8.29 In relation to the perceived impact on property values as a result of the proposed development, this is also a concern common raised by objectors and is not a planning consideration. The Victorian Civil and Administrative Tribunal (VCAT) and its predecessors have generally found subjective claims that a proposal will reduce property values are difficult, if not impossible to gauge and of no assistance to the determination of a planning permit application. It is considered the impacts of a proposal are best assessed through an assessment of the amenity implications rather than any impacts upon property values. This report provides a detailed assessment of the amenity impact of this proposal.

- 8.30 Any damage to adjoining properties from construction is a civil matter that should be dealt with by the relevant building surveyor.
- 8.31 In relation to the accuracy of the information lodged as part of the application, while there are some inconsistencies (for example, the car parking allocation shown on plans and on the tables provided), Officers have carried out a full and accurate assessment of the proposal at the planning stage. Council's traffic engineering unit and Vic Roads raise no concern in relation to the accuracy of the submitted traffic report and regardless, carry out their own independent investigation of the site and surrounds and development proposed.

9 CONCLUSION

- 9.1 It is considered appropriate to support the application subject to some design changes to the building and the inclusion of suitable management plan conditions.
- 9.2 The proposed development, subject to some minor changes that will be required by way of permit conditions, is considered appropriate for the zone and the DDO8 provisions. The design is consistent with the preferred neighbourhood character, achieves a good level of internal amenity for future residents and will have a reasonable impact on the amenity of adjoining properties subject to minor changes to the southern interface that will be required by way of permit conditions.
- 9.3 The construction of a well designed and visually interesting apartment style building is consistent with the vision of the Scheme, in particular Clause 21.05 Residential, Schedule 8 to the Design and Development Overlay (DDO8) and Clause 55 (Res Code). It will allow an increase in housing density and diversity in a location that has good access to services.
- 9.4 The relevant referral authorities have been notified of this application for Planning Permit, and the conditions as required by the referral authority, and agreed to by Manningham City Council, have been included on the Notice of Decision to Grant a Planning Permit.

RECOMMENDATION

That having considered all objections, A NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application No. PL15/025261 for the development for the construction of a 3-storey apartment building with 21 dwellings and basement car parking and alteration to access to a road in a Road Zone Category 1 (RDZ1) at 148-150 Mitcham Road DONVALE VIC 3111 in accordance with endorsed plans and subject to the following conditions:

- 1. Before the development starts, two (2) copies of amended plans, uncoloured, drawn to a scale of 1:100 and dimensioned must be submitted to the satisfaction of the Responsible Authority. When approved by the Responsible Authority, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the advertised plans received by Council on 9 October 2015 but modified to show the following:**

- a) Relocation of balconies for Dwellings 11 and 14 (first floor) and Dwelling 20 (second floor) from the southern side of the building to the east / west sides of the building.
- b) Increased setback of the second floor southern wall by a minimum of 7 metres (affecting the sitting room of Dwelling 18, the bedrooms of Dwelling 19 and bedroom of Dwelling 20 in particular), to provide more stepping down of the building and a more appropriate height transition to the southern interface.
- c) On-boundary retaining walls on the site's southern and western boundaries, set in 1m (minimum) from the site boundary and in-ground planting provided in between the fence line and retaining wall, atop the retaining wall, and within the garden areas (planter boxes in the gardens, where appropriate) to provide screen planting.
- d) Relocation of clotheslines and shed, where necessary, to provide a continuous row of in-ground screen planting along the site's side (east and west) and rear (south) boundaries.
- e) All roof plant and equipment, with appropriate screening so that it integrates into the building design and limit views of it from adjoining lots and the street.
- f) Screening for the services box fronting the street, to limit views of it from the public domain.
- g) Plan notations and an updated car parking allocation schedule to confirm no fewer than 25 resident car parking spaces and 4 visitor car parking spaces (with 1 of the spaces shown as a visitor space to be a resident space) in the basement.
- h) The green frosted glass for the balcony screens to be shown as fixed and 25% transparent to comply with the objectives of clause 55.04-6 (Overlooking) and clause 55.04-7 (Internal views) of the Manningham Planning Scheme.
- i) Details for any mechanical ventilation of the basement car park, with any external flues designed and integrated into the building design.
- j) Mailboxes, as required by Australia Post, shown along the street frontage and designed to integrate into the building design and be no higher than 900mm if located within the visibility sightlines prescribed by Design Standard 1 at Clause 52.06-8 of the Manningham Planning Scheme.
- k) Clear delineation for each dwelling and any communal open space at ground level.
- l) Clotheslines / external clothes drying facilities for each dwelling shown on plan.
- m) Details of signage, convex mirrors and line markings in the basement car park.
- n) Additional landscaping as required by the Landscaping Plan required by condition 14 on this permit.
- o) Any relevant changes as a result of the endorsed Waste Management Plan required by condition 22 on this permit.
- p) Any relevant changes as a result of the endorsed Sustainability Management Plan required by condition 24 on this permit.
- q) Any changes required by VicRoads (conditions 51 to 55 on this permit).

Endorsed Plans

2. The layout of the site and the size of buildings and works shown on the approved plans must not be modified for any reason, without the prior written

consent of the Responsible Authority.

3. Floor levels shown on the endorsed plans must not be altered or modified. Any alterations must be approved in writing by the Responsible Authority.
4. Privacy screens to balconies as required in accordance with the endorsed plans must be installed prior to occupation of the dwellings to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter.
5. Obscure glazing must be installed prior to occupation of the building, to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.

Car Parking, Vehicle Crossover and Footpath

6. The development must provide no fewer than 25 residents car parking spaces and 4 visitor car parking spaces within the development and must be line-marked and used for no other purpose and maintained at all times to the satisfaction of the Responsible Authority.
7. Before the occupation of any of the approved dwellings, all associated basement parking spaces must be line-marked, numbered and signposted to provide allocation to each dwelling and visitors, and convex mirrors provided where necessary, to the satisfaction of the Responsible Authority.
8. The mechanical car stackers must be maintained in good working order and be permanently available for the parking of vehicles in accordance with their purpose, to the satisfaction of responsible authority.
9. Areas set aside for the parking of vehicles, together with the aisles and access lanes, must be properly formed to such levels that they can be utilised in accordance with the endorsed plans and must be drained and provided with an all weather seal coat to the satisfaction of the Responsible Authority.
10. Prior to the occupation of the development vehicular crossings must be constructed in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.
11. The driveway entrance must be kept clear of any obstructions for at least 2m measured laterally along the property boundary and 2.5m into the property, to provide safe and effective sight lines for pedestrians.
12. The costs of all of road infrastructure reinstatements and rectification works associated with utility service provision and building works must be borne by the developer.
13. Any damaged road(s) and footpath(s) adjacent to the development site as a result of the development must be reinstated to the satisfaction of the Responsible Authority. All costs associated with these works must be borne by the permit holder.

Landscaping

14. Before the commencement of works, a landscaping plan prepared by a suitably qualified landscape architect showing species, locations, approximate height and spread of proposed planting, must be submitted to the Responsible Authority for approval. The landscaping plan must show species, locations, approximate height and spread of proposed planting and the retention of existing trees and shrubs, and be consistent with the landscaping plan submitted with the application, but include (but not be limited to):
 - a) in-ground planting provided in between the fence line and relocated retaining walls and atop retaining walls, where achievable, to provide screen planting;
 - b) additional screening planted along the rear (south) and side (east and west) site boundaries and where sheds and clothes lines have been relocated, providing an appropriate level of in-ground, continuous, mature screen planting and increased size / number of planter boxes where appropriate;
 - c) a minimum of one (1) canopy tree within the private open space of each ground level dwelling to be a minimum height of 1.5 metres at the time of planting and capable of growing to a height of 8m at maturity;
 - d) tree protection measures for trees on adjoining lots during the construction phase.
15. Before the release of the approved plan under Condition 1 on this permit a \$10,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.
16. Landscaping must be carried out in accordance with the endorsed Landscape Plan and maintained to the satisfaction of the Responsible Authority.
17. The site must be landscaped prior to the occupation of any dwelling allowed by this permit.

Tree Protection

18. All trees approved as being retained on the endorsed plans must be protected by Tree Protection Fencing (TPF) to form an appropriate and effective Tree Protection Zone (TPZ) or Vegetation Protection Zone (VPZ), to the satisfaction of the Responsible Authority.

Street Tree

19. Prior to construction commencing on site, the owner must arrange with Council's Parks and Recreation Unit for the removal of the street tree located in front of the subject site and its replacement. All costs associated with this must be paid to the satisfaction of the Responsible Authority. The removal and replacement of the street tree must only be undertaken by Council contractors to ensure quality and safety of work.

Lighting

20. Prior to the occupation of the dwellings, lighting capable of illuminating access to each car parking space, store, rubbish bin, recycling bin, pedestrian walkways, stairwells, lift, dwelling entrances and entry foyer must be provided. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.
21. Communal lighting must be connected to reticulated mains electricity and be operated by a time switch, movement sensors or a daylight sensor to the satisfaction of the Responsible Authority.

Waste Management

22. The WMP prepared by Low Impact Development Consulting dated 7 October 2015 and the Traffic Impact Assessment prepared by TTM Consulting dated 7 October 2015 submitted with the application will be endorsed and will form part of this permit. The WMP confirms that a private waste collection contractor will undertake waste collection from within the development basement.
23. The collection of all waste must be in accordance with the endorsed WMP. Rubbish, including bottles and packaging material, must at all times be stored within the development and screened from external view and be managed to the satisfaction of the Responsible Authority in accordance with the approved WMP. No bins must be placed out (or left out) on any of the surrounding nature strips for any reason.

Environment Sustainable Design (ESD) and Sustainability Management Plan (SMP)

24. Before the approval of the approved plans under Condition 1 on this permit an SMP must be submitted and approved to the satisfaction of the Responsible Authority. The endorsed SMP will then form part of this permit. The SMP must be generally in accordance with the SMP lodged with the application (dated 23/9/2015) but modified to show the following changes:
 - (a) p14 paragraph 3.3.1(Fittings & Fixtures) amended to refer to taps and basins – minimum 5 Star WELS rated;
 - (b) p21 to reflect WELS ratings in STEPS report; and
 - (c) switch with toilets WELS 4 star.

Construction

25. Before any development commences, a Construction Management 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 as evidence of its approval. The plan must provide for or include the following:
 - a) a pre-conditions survey (dilapidation report) of the subject site and all adjacent Council roads frontages and nearby road infrastructure;
 - b) protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
 - c) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);

- d) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site, on site facilities for vehicle washing;
 - e) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - f) site security;
 - g) management of any environmental hazards that the activities on-site pose including but not limited to: contaminated soil, materials and waste, dust, stormwater contamination from run-off and wash-waters, sediment from the site on roads, washing of concrete trucks and other vehicles and machinery, spillage from refuelling cranes and other vehicles and machinery;
 - h) (construction program ;
 - i) preferred arrangements for trucks delivering to the site including delivery and unloading points and expected frequency;
 - j) parking facilities for construction workers;
 - k) measures to ensure that sub-contractors/tradespersons operate in accordance with the Construction Management Plan;
 - l) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - m) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
 - n) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads; and
 - o) a noise and vibration management plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008, to the satisfaction of the Responsible Authority. In this regard, consideration (amongst other matters) may be given to:
 - (i) using lower noise work practice and equipment
 - (ii) the suitability of the site for the use of an electric crane
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting all pneumatic tools operated near a residential area with an effective silencer on their air exhaust port.
26. In the event of excavation causing damage to an existing boundary fence, the permit holder must repair or replace the affected fencing to the satisfaction of the Responsible Authority with all costs borne by the permit holder.
27. The endorsed Construction Management Plan must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority
28. During construction, the following must occur:
- (a) any stormwater discharged into the stormwater drainage system to comply with EPA guidelines;
 - (b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;

- (c) vehicle borne material must not accumulate on the roads abutting the site;
- (d) the cleaning of machinery and equipment must take place on site and not on adjacent footpaths or roads;
- (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
- (f) all site operations must comply with the EPA Publication TG302/92.

Stormwater – On-site detention system

29. The owner must provide on-site stormwater detention storage or other suitable system (which may include but is not limited to the re-use of stormwater using rainwater tanks), to limit the Permissible Site Discharge (PSD) to that applicable to the site coverage of 35 percent of hard surface or the pre existing hard surface if it is greater than 35 percent. The PSD must be approved by the Responsible Authority prior to the commencement of works and must meet the following requirements:
- (a) Be designed for a 1 in 5 year storm.
 - (b) Storage must be designed for 1 in 10 year storm.
 - (c) Be maintained by the owner in accordance with construction plans approved by the Responsible Authority.
30. Before the commencement of works, the construction plan for the system required by this permit must be submitted to and approved by the Responsible Authority. The system must be maintained by the Owner thereafter in accordance with the approved construction plan to the satisfaction of the Responsible Authority.

Stormwater and Drainage

31. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor. A connection to Council maintained assets must not be constructed unless a Miscellaneous Works Permit is first obtained from the Responsible Authority.
32. The whole of the subject land, including landscaped and paved areas, must be graded and drained to the satisfaction of the Responsible Authority, to prevent ponding and to minimise overland flows onto adjoining properties.
33. The permit holder must at the subdivision stage enter into a legal agreement (pursuant to section 173 of the *Planning & Environment Act 1987*) requiring all future owners of the dwellings to maintain the proposed on-site stormwater detention system and the primary drainage lines associated with the on-site stormwater detention system.
34. No works are to take place within the easement and all excavation work must be managed and supervised, so as to ensure that the area within the easement is not adversely impacted upon, to the satisfaction of the Responsible Authority.

Management Plan Compliance

35. The Management Plans approved under this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.

Noise

36. Any noise emanating from the development including plant and other equipment, must comply with the State Environment Protection Policy or any other standard recommended by the Environment Protection Authority (EPA), to the satisfaction of the Responsible Authority.

Site Services

37. Letterboxes must be designed and located to satisfy the requirements of Australia Post to the satisfaction of the Responsible Authority.
38. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
39. All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively to the satisfaction of the Responsible Authority
40. All plant and equipment that is not installed within the building must otherwise be installed in the area of plant and equipment on the roof of the building, unless otherwise agreed in writing with the Responsible Authority.
41. Any air-conditioning unit installed on a balcony or terrace must stand at floor level and be positioned to minimise general visual impacts from off the site, and unless otherwise agreed in writing with the Responsible Authority, no air-conditioning unit may be erected on an external wall to the satisfaction of the Responsible Authority.
42. Any clothes-drying rack or line system located on a balcony must be lower than the balustrade of the balcony and must not be visible from off the site to the satisfaction of the Responsible Authority.
43. An Automatic basement door opening systems must be installed and maintained, so as to facilitate secure access to the allocated parking areas by residents, visitors and a rubbish collection contractor, to the satisfaction of the Responsible Authority.
44. Any security door/grille to the basement opening must maintain sufficient clearance when fully open to enable the convenient passage of rubbish collection vehicles which are required to enter the basement and such clearance must also be maintained in respect of sub-floor service installations throughout areas in which the rubbish truck is required to travel to the satisfaction of the Responsible Authority.
45. A centralised TV antenna system must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority. No individual dish antennas may be installed on balconies, terraces or walls, to the satisfaction of the Responsible Authority.
46. Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.
47. Garbage and recycling storage areas must be maintained in a neat and tidy condition to the satisfaction of the Responsible Authority.

48. Prior to the occupation of the development all fencing must be in a good condition to the satisfaction of the Responsible Authority.
49. In the event of damage to an existing boundary fence (as a result of construction activity), the owner of the development site must at their cost, promptly repair or replace the affected fencing to the satisfaction of the Responsible Authority.
50. All retaining walls must be constructed and finished in a professional manner to ensure a neat presentation and longevity to the satisfaction of the Responsible Authority.

VicRoads conditions (conditions 51 to 55)

51. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority.
52. Prior to the commencement of the use hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:
 - (d) Formed to such levels and drained so that they can be used in accordance with the plan;
 - (e) Treated with an all-weather seal or some other durable surface.
53. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).
54. Prior to the commencement of the use hereby approved all disused or redundant vehicle crossings must be removed and the area reinstated to match with adjacent road environment to the satisfaction of the Responsible Authority.
55. The proposed development requires reinstatement of disused crossovers to kerb and channel & construction of new crossovers. Separate approval under the Road Management Act for this activity may be required from Vic Roads (the Roads Corporation). Please contact Vic Roads prior to commencing any work.

Time Limit

56. This permit will expire if the development is not commenced within two (2) years from the date of this permit and the development is not completed within four (4) years from the date of this permit. The Responsible Authority may approve extensions to these time limits if requests are made before the permit expires or within 6 months afterwards.

NOTES

No filling/excavation works to occur over the easement. Consent in the form of a written "Build Over Easement" consent/permit from the relevant service authority must be obtained before any works occur over an easement which is located on the subject land. For any queries in relation to these plans please contact Engineering and Technical Services Unit on 9846 0542.

The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.

It is the developer's responsibility to coordinate and manage the service authorities and their works associated with underground utility provision and connections to the subject development. Trenches or areas of excavation made as result of laying underground services to the development will require the full width reinstatement of footpath, road pavement and the replacement of damaged kerb and channel to the satisfaction of Council's Engineering Services unit.

Under Section 69 of the *Planning and Environment Act 1987* the owner or occupier of the land may apply to extend a permit either:

- before it expires; or
- within 6 months of the expiry if the permit has not been acted on; or
- within 12 months of the expiry of the permit if the development was started lawfully before the permit expired.

The Responsible Authority (Statutory Planning Unit) must be advised when all construction and works (including nature strip restoration and on-site landscaping) are fully completed to enable the site to be inspected for compliance with the approved permit and plans.

Before the construction or modification of any vehicular crossing, a Miscellaneous Works Permit must be obtained from the Responsible Authority. Approved vehicular crossings must be constructed under the Responsible Authority's supervision, for which 24 hours notice is required.

Plans submitted for approval for the on-site storm water detention system should be forwarded to Council's Engineering and Technical Services Unit. For any queries in relation to these plans please contact Engineering and Technical Services on 9846 0563.

The location and design of mail boxes must accord with Australia Post guidelines found at www.auspost.com.au/media/documents/Appendix_02_Aug13.pdf. Developers seeking additional information regarding this should call Australia Post Customer Service on 13 13 18. Manningham City Council is the Responsible authority for the allocation of all new property addressing. For information or advice regarding the allocation of new addresses please contact Council's Property Services team on 9840 9242.

"Refer Attachments"

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