

9.1 Planning Application PL15/025924 at 330-334 Manningham Road, Doncaster for the construction of a four-storey apartment building (comprising 38 dwellings) with basement car parking and the creation and alteration of access to a road in a Road Zone Category 1.

File Number:	IN17/176
Responsible Director:	Director Planning and Environment
Applicant:	Petridis Architects
Planning Controls:	Residential Growth Zone Schedule 2 (RGZ2), Design and Development Overlay Schedule 8-1 (DDO8-1), Land adjacent to a Road Zone, Category 1
Ward:	Koonung Ward
Attachments:	1 Development Plans 2 Legislative Requirements

EXECUTIVE SUMMARY

Purpose

1. This report provides Council with an assessment of the planning permit application submitted for land at 330-334 Manningham Road, Doncaster and recommends approval of the submitted proposal, subject to amendments that will be addressed by way of permit conditions. The application is being reported to Council given that it is a Major Application (more than 15 dwellings and a development cost of more than \$5 million).

Proposal

2. The proposal is for the development of a four-storey apartment building containing 38 dwellings on three adjacent lots with a combined site area of 1,962 square metres at 330, 332 and 334 Manningham Road, Doncaster. The development proposes a site coverage of 50%, a site permeability of 21.5% and a maximum building height of 11 metres. The development provides a total of 59 car parking spaces over two basement levels.

Key issues in considering the application

3. The key issues for Council in considering the proposal relate to:
 - (a) Policy (consistency with state and local planning policy);
 - (b) Compliance with built form and urban design policies;
 - (c) Parking, access, traffic and bicycle parking;
 - (d) Compliance with Clause 55 (Rescode); and
 - (e) Objector concerns.

Objector concerns

4. Four objections have been received for the application, which are summarised as follows:
 - (a) Not in keeping with neighbourhood character and is an overdevelopment;
 - (b) Traffic and car parking;

- (c) Design and built form (building height and visual bulk, setbacks and opportunity for landscaping, four-storey form, site coverage and permeability, private open space, bicycle parking and storage);
- (d) Off-site amenity impacts (overshadowing, overlooking and privacy, noise, loss of views and construction impacts).

Assessment

5. The proposal is generally consistent with the provisions of the Manningham Planning Scheme, in particular Clause 21.05 Residential, Schedule 8 to the Design and Development Overlay, and Clause 55 (ResCode). These provisions recognise that there will be a substantial level of change in dwelling yields and built form on the site.
6. The proposed development sits comfortably within the changing Manningham Road streetscape, as it is similar in scale and design to other higher density apartment style developments that have been constructed along Manningham Road. Whilst the building has a maximum height of 11 metres, the section of the uppermost floor is centrally located and limited to 2 apartments, resulting in a recessive built form that is suitably modulated to reduce any perceptions of undue visual bulk. This design generally reflects the preferred character of the area and the built form outcome sought along main roads under DDO8 Main Road Sub-precinct.
7. The building is attractively presented and appropriately designed, generally graduating in height towards the centre of the building. Suitable boundary setbacks allow for landscaping and protect adjoining residents from unreasonable visual and amenity impacts. It also achieves an acceptable balance in the consideration of the amenity of nearby properties and its attention to the internal amenity of future occupants.

Conclusion

8. The report concludes that the proposal is considered to comply with the relevant planning policy and should therefore be supported, subject to some design changes to the building and the inclusion of suitable management plan conditions. The proposal makes efficient use of the site and is an appropriate residential development within this part of Manningham, with good access to services, facilities and public transport.
9. It is recommended that the application be supported subject to conditions.

1. RECOMMENDATION

That Council:

- A. **Having considered all objections a NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application PL15/025924 at 330-334 Manningham Road, Doncaster for the construction of a four-storey apartment building (comprising 38 dwellings) with basement car parking and the creation and alteration of access to a road in a Road Zone Category 1 –**

1. Before the development starts, two copies of amended plans (scale 1:100) and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will then form part of the permit. The plans must be generally in accordance with the decision plans prepared by Petridis Architects (Job No. 14-128, dated 7 February 2017 and 5 April 2017), but modified to show the following:

Built form

- 1.1. A reduction of the upper floor area by deletion of Apartments 3.02, 3.03, 3.05 and 3.06 as per the plan received in April 2017;
- 1.2. A reduction in the upper floor such that the upper floor (excluding balcony areas) is setback a minimum of 8.5 metres from the south boundary, 12 metres from the north boundary, 18 metres from the east boundary and 16.5 metres from the west boundary;

Overlooking

- 1.3. Overlooking limited in accordance with Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme from:
 - 1.3.1. Alterations to the screening devices to the southern edge of all south facing balconies, the western edge of the west facing balconies of Apartments 1.03, 2.03 the eastern edge of east facing balconies to Apartments 1.09, 2.08 and 2.09 such that the screening devices extend to 1.7 metres above floor level and are no more than 25% transparent;
 - 1.3.2. The following windows screened or obscured to a height of 1.7m above finished floor level:
 - 1.3.2.1. kitchen window to Apartment 1.03;
 - 1.3.2.2. west facing window of bedroom 1 of Apartment 1.02;
 - 1.3.2.3. bedroom 2 window of Apartment 1.04;
 - 1.3.2.4. bedroom 2 window of Apartment 1.05;
 - 1.3.2.5. bedroom 2 window of Apartment 1.06;
 - 1.3.2.6. bedroom 2 window of Apartment 1.07;
 - 1.3.2.7. bedroom 2 window of Apartment 2.04;
 - 1.3.2.8. bedroom 2 window of Apartment 2.05;
 - 1.3.2.9. bedroom 2 window of Apartment 2.06;
 - 1.3.2.10. bedroom 2 window of Apartment 2.07;

1.3.2.11. kitchen window of Apartment 2.03;

1.3.2.12. bed 1 of Apartment 2.03 to the west;

1.4. All highlight windows with a 1.7 metre annotated dimension between the finished floor level and the under sill;

Storage

1.5. Accessible storage provided in accordance with Clause 55.05-6 (Storage) of the Manningham Planning Scheme by:

1.5.1. Each storage area having an area of at least 6 cubic metres and each storage area to be allocated to a numbered apartment;

1.5.2. All storage spaces within the hallway areas to be provided with sliding doors.

1.5.3. Storage areas in the basement level designed to not obstruct the parking and circulation of vehicles, or other services provided within the basement to the satisfaction of the responsible authority;

General

1.6. A plan notation that the lift is designed to allow for entry to both entry halls on either side;

1.7. A full schedule of colours and materials, which must include details of walls abutting all battle axe bedroom windows finished in a light colour, with a reflectance of at least 0.70;

1.8. Retractable clotheslines within all ground level open spaces with a notation to ensure that they are not visible from the street or adjoining properties;

1.9. A plan notation that acoustically rated glazing is to be used for all habitable room windows and doors directly facing Manningham Road;

1.10. Details and plan notations showing the proposed 5kW PV system location and size;

1.11. Details and plan notations showing the area (in square metres) of roof to be directed the rainwater tanks, which must have a minimum size of 21 kl, with the use of these tanks to correspond with the Sustainability Management Plan and STORM report prepared by Lid Consulting Services dated 22/12/2015;

1.12. A minimum of eight resident bicycle spaces shown within the basement area, either in a dedicated lockable compound or within eight separate bicycle lockers, the deletion of the resident bicycle spaces adjacent the central lift, and a

minimum of four bicycle spaces adjacent to the front entry ramp on the ground floor plan designated for visitors.

Endorsed Plans

2. The development as shown on the approved plans must not be altered without the prior written consent of the Responsible Authority.

Construction Management Plan

3. Before the development starts, two copies of a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved, the Plan will form part of the planning permit. The Plan must address, but not be limited to the following:
 - 3.1. A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - 3.2. Hours of construction;
 - 3.3. Delivery and unloading points and expected frequency;
 - 3.4. On-site facilities for vehicle washing;
 - 3.5. Asset protection procedures for any public footpaths;
 - 3.6. The location of parking and site facilities for construction workers;
 - 3.7. Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;
 - 3.8. The measures for prevention of the unintended movement of building waste and other hazardous materials and pollutants on or off the site, whether by air, water or other means;
 - 3.9. An outline of requests to occupy the front nature strip and any anticipated disruptions to local services;
 - 3.10. Measures to minimise the amount of waste construction materials;
 - 3.11. Measures to minimise noise and other amenity impacts from mechanical equipment/construction activities, especially outside of daytime hours;
 - 3.12. Adequate environmental awareness training for all on-site contractors and sub-contractors.

Sustainability Management Plan

4. Before the development starts or the issue of a building permit for the development, whichever is the sooner, two copies of a revised

Sustainability Management Plan must be submitted to and approved by the Responsible Authority. When approved the Plan will form part of the permit. The recommendations of the Plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the occupation of any dwelling. The revised plan must be generally in accordance with the plan prepared by prepared by Lid Consulting Services dated 22/12/2015, but modified to show the following:

Energy Efficiency – Energy Ratings

- 4.1. Demonstrate that a 10% improvement on NCC is committed to and achievable.**

Waste Management Plan

- 5. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an amended Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The Plan must generally be in accordance with the plan prepared by Lid Consulting Services dated 22 September 2016, but modified to provide:**

- 5.1. Amended waste calculation rates as per the amended plans submitted in April 2017 showing a lesser number of dwellings;**

Management Plan Compliance

- 6. The Management Plans approved under Conditions 3, 4 and 5 of 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.**
- 7. Before the occupation of the dwellings approved under this planning permit, a report from the author of the Sustainability Management Plan, approved pursuant to his permit, or similar qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures in the Sustainability Management Plan approved under Condition 4 of this permit have been implemented in accordance with the approved plans.**

Completion

- 8. Before the occupation of the dwellings approved under this planning permit must be fully planted and mulched or grassed generally in accordance with the approved plan and to the satisfaction of the Responsible Authority.**
- 9. Before the occupation of the dwellings approved under this planning permit, privacy screens and/or obscure glazing as required in accordance with the approved plans must be installed 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.

10. Before the occupation of the dwellings approved under this planning permit, driveway gradients and transitions as shown on the plan approved under Condition 1 of this permit must be generally achieved through the driveway construction process to the satisfaction of the Responsible Authority.
11. Before the occupation of the dwellings approved under this planning permit, any new or modified vehicular crossover must be constructed in accordance with the plans endorsed under Condition 1 of this permit to the satisfaction of the Responsible Authority.
12. Before the occupation of the dwellings approved under this planning permit, any redundant vehicle crossover must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.
13. Before the occupation of the dwellings approved under this planning permit, all fencing must be erected in accordance with the plans endorsed under Condition 1 of this permit to the satisfaction of the Responsible Authority.
14. Before the occupation of the dwellings approved under this planning permit, 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.
15. Before the occupation of the dwellings approved under this planning permit, an automatic basement door opening system for the basement roller door must be installed, so as to facilitate convenient 24-hour access to the basement car park by visitors, to the satisfaction of the Responsible Authority. The system must allow that any vehicle travelling down the ramp may enter the basement to be able to perform a turn and exit in a forwards direction and not have to reverse up the entry ramp.
16. Before the occupation of the approved dwellings, all associated basement parking spaces must be line-marked, numbered and signposted to provide allocation to each dwelling and visitors to the satisfaction of the Responsible Authority.
17. Visitor car parking spaces must be clearly marked and must not be used for any other purpose.

Landscape Plan

18. Before the development starts, two copies of an amended Landscaping Plans (scale 1:100) and dimensioned, must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the approved site layout plan

and the decision plan prepared by Keystone Alliance Job No L4973 dated 18/12/15, but modified to show:

- 18.1. Any amendments required under Condition 1 of the planning permit;
- 18.2. Species, locations, approximate height and spread of proposed planting;
- 18.3. All canopy trees and screen planting along the side and rear boundaries are at least 1.5 metres in height at the time of planting.

The use of synthetic grass as a substitute for open lawn area within secluded private open space or a front setback will not be supported. Synthetic turf may be used in place of approved paving decking and/or other hardstand surfaces.

Landscaping Bond

19. Before the release of the approved plan for the development, 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.

Stormwater – On-site detention

20. The owner must provide on-site storm water detention storage or other suitable system (which may include but is not limited to the re-use of stormwater using rainwater tanks), 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 meet the following requirements:
 - 20.1. Be designed for a 1 in 5 year storm; and
 - 20.2. Storage must be designed for 1 in 10 year storm.

Construction Plan

21. Before the development starts, a construction plan for the system required by Condition 20 of 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.

Drainage

22. 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.

23. The whole of the 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.

Site Services

24. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
25. Maintenance of the common area landscaping must be managed by the owners' corporation.
26. All upper level service pipes (excluding stormwater downpipes) and any wall mounted spa-bath pump must be concealed and screened respectively to the satisfaction of the Responsible Authority.
27. Any reverse cycle air-conditioning unit erected on the walls, roofs or balconies of the approved dwellings must be located, to not adversely affect the amenity of the area by way of appearance/visual prominence to the satisfaction of the Responsible Authority. Where the Responsible Authority identifies a concern about visual appearance, appropriately designed/finished screening must be installed and maintained to the satisfaction of the Responsible Authority.
28. Unless depicted on a Roof Plan approved under Condition 1 of this permit, no roof plant (includes air conditioning units, basement exhaust ducts, solar panels or hot water systems) which is visible to immediate neighbours or from the street may be placed on the roof of the approved building, without details in the form of an amending plan being submitted to and approved by the Responsible Authority.
29. A centralised TV antenna must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.
30. No individual dish antennae may be installed on the overall building to the satisfaction of the Responsible
31. Any wall-mounted, instantaneous gas hot water system located on a balcony wall or on a general external wall of the building, so as to be visible from off the site must be provided with a neatly designed, durable screen (in perforated metal sheeting, for instance) to the satisfaction of the Responsible Authority or be of the recessed type with a cover plate.

32. If allowed by the relevant fire authority, external fire services must be enclosed in a neatly constructed, durable cabinet finished to complement the overall development, or in the event that enclosure is not allowed, associated installations must be located, finished and landscaped to minimise visual impacts from the public footpath in front of the site to the satisfaction of the Responsible Authority.
33. Any security door/grille to the basement opening must maintain sufficient clearance when fully open to enable the convenient passage of waste 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 waste collection vehicle is required to travel to the satisfaction of the Responsible Authority.

Maintenance

34. Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.

Earthworks

35. The extent and depth of cut and fill must not exceed that shown on the plans endorsed under Condition 1 of this permit without the written consent of the Responsible Authority.

Permit Expiry

36. This permit will expire if one of the following circumstances applies:
- 36.1. The development is not started within two (2) years of the date of this permit; and
- 36.2. The development is not completed within four (4) years of the date of this permit.

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

2. BACKGROUND

- 2.1 The application for planning permit was received on 24 December 2015.
- 2.2 A proposal for the site was presented to the Sustainable Design Taskforce meeting on 25 February 2016, which raised issues regarding the appropriateness of the fourth storey, the overall height of the building (which was 13.2m at that time), the limited setbacks to side boundaries, amount of graduation of upper levels, transition to the property to the south, car park layout issues, lack of three bedroom dwellings, the number of paths within the front setback, and potential issues with access for disabled persons.

- 2.3 A request for further information was sent on 20 January 2016. This included identifying preliminary concerns relating to many of the matters which were subsequently identified in the Sustainable Design Taskforce meeting.
- 2.4 All required further information was received on 23 September 2016.
- 2.5 The application was advertised on 13 October 2016.
- 2.6 Following the notice period, an application to amend the application under Section 57A was lodged on 9 January 2017. Additional plans of the uppermost level were then submitted in February 2017 and the top level was further altered in April 2017. The application to amend the application consisted of plans being revised to reduce the upper floor area, increase setbacks to side and rear boundaries and decrease the number of dwellings from 42 to 38. The applicant advised that the amended plans were as a result of an attempt to address Council and objector concerns. The amended plans were not put to further public notice, as the amendments were not considered to cause any additional detriment and were an improvement to the previously advertised plans.
- 2.7 The statutory time for considering a planning application is 60 days, which lapsed on 10 March 2017.

3. THE SITE AND SURROUNDS

The site

- 3.1 The site comprises three allotments located on the south-western side of Manningham Road, approximately 260 metres south-east of its intersection with High Street. Manningham Road is a major arterial road and has three lanes of traffic in each direction (inclusive of a bus lane), with a central dividing median. Manningham Road is under the jurisdiction of VicRoads and is serviced by several bus routes, including the Smart Bus services.
- 3.2 The site has frontage to the Manningham Road service road. The frontage is in the order of 50.29 metres. The site has a maximum depth of 39.01 metres and a total area in the order of 1,962.1 square metres.
- 3.3 The site is currently occupied by three dwellings (one dwelling on each lot). All three dwellings are to be demolished. The dwelling at 330 Manningham Road is a double storey brick dwelling with a tiled hipped roof. It is setback approximately 8.20 metres from the frontage. Private open space is provided to the rear.
- 3.4 The dwelling at 332 Manningham Road is a double storey brick dwelling with a tiled hipped roof. It is setback approximately 6.85 metres from the frontage. Private open space is provided to the rear.
- 3.5 The dwelling at 334 Manningham Road is a double storey brick dwelling with a tiled hipped roof. It is setback approximately 7.5 metres from the frontage. Private open space is provided to the rear.
- 3.6 There is a 2.44 metre wide drainage and sewerage easement running across the length of the rear boundary of all three properties. Council records indicate there are drainage and sewerage pipes within the easement.

- 3.7 The land is relatively flat, albeit with some minor undulations throughout and a slight slope down towards the south, particularly the south-east corner.

The surrounds

- 3.8 The site directly abuts three properties. Land to the west at 328 Manningham Road is developed with a single dwelling. The dwelling is a double storey dwelling constructed of brick with a tiled hipped roof.
- 3.9 Land to the east at 336 Manningham Road is occupied by a single dwelling. The dwelling is a double storey dwelling constructed of brick with a tiled hipped roof. There has also recently been approval of a 4 storey apartment building containing 25 dwellings on this lot (Planning Permit PL16/026362).
- 3.10 Land to the south at 6-7 Howard Court is two allotments, developed with one single dwelling that sits across both lots. The dwelling is single storey and constructed of brick with a tiled hipped roof.
- 3.11 The character of the broader neighbourhood is in transition. Single, detached brick dwellings are common to many properties, however many of these lots are now being redeveloped with two or more townhouse style dwellings or apartments on consolidated lots. The closest example of a higher density, apartment style development is at 316 Manningham Road.
- 3.12 On the southern side of the site, land is zoned General Residential Zone, Schedule 1 where less intensive, incremental developments are supported under Clause 21.05 (Residential) and Clause 22.15 (Dwellings in the General Residential Zone, Schedule 1) under the Manningham Planning Scheme.

4. THE PROPOSAL

- 4.1 It is proposed to demolish the existing buildings and clear all vegetation to enable the construction of a four storey apartment building comprising 38 dwellings over two levels of basement car parking. The proposal also seeks to alter and create access to a road in a Road Zone Category 1.

Submitted plans and documents

- 4.2 The proposal is depicted on plans prepared by the Petridis Architects (Job No14-128, TPA01 - TPA12, revision dated February 2017 and April 2017, and a Landscaping Plan prepared by Keystone Alliance (Job No. L4973, Revision B dated 18 December 2015). Refer to Attachment 1.
- 4.3 The following reports were submitted in support of the application:
- Town Planning Report – Petridis Architects;
 - Traffic Impact Assessment Report – TTM Consulting, June 2016;
 - Waste Management Plan – Lid Consulting, 22 September 2016;
 - ESD Report – Lid Consulting, 22 September 2016; and
 - Arboricultural Report – PSY Inv Pty Ltd, 14 March 2016.

Development summary

4.4 A summary of the development is provided as follows:

Site area:	1,962.1sqm.	Maximum Building Height:	11m.
Maximum number of storeys:	Four	Setback to Manningham Road (north)	Basement – 6.0m (part). Ground floor – 6.0m. First floor – 6.2m (balcony). Second floor – 6.2m (balcony). Third floor – Approximately 8 m.
Site Coverage:	50.0%.	Setback to eastern boundary	Basement – 1.6m. Ground floor – 1.4m. First floor – 2.0m (balcony). Second floor – 2.0 (balcony). Third floor – Approximately 18.0m.
Permeability:	28.5%.	Setback to southern boundary	Basement – 4.0m. Ground floor – 4.0m. First floor – 4.0m. Second floor – 4.0m. (part) Third floor – 6.91 (balcony).
Number of Dwellings:	38.	Setback to western boundary	Basement – 0.0m. Ground floor – 1.4m. First floor – 2.0m. Second floor – 2.0m (balcony). Third floor – Approximately 16.5m.
• 2 bedrooms	32.	Car parking spaces:	59
• 3 bedrooms:	6.	Resident spaces:	51 provided (44 required)
Density	One dwelling per 51.63sqm.	Visitor spaces:	8 provided (7 required).

Design layout

4.5 The lower basement level contains 20 car spaces and 10 storage spaces. The upper basement level contains a further 39 car spaces, 5 storage spaces, a

waste management room for bin storage, a plant and equipment room and a 15,000 litre capacity underground rainwater tank. Both levels include a central elevator and stairwell which carries up through the building.

- 4.6 The ground level consists of 12 apartments, 10 of which are 2 bedroom apartments, and 2 of which are 3 bedroom apartments. Each apartment is provided with a ground level courtyard. The courtyards range in area between 9 square metres (Apartment G.09) and 66.5 square metres (Apartment G.10).
- 4.7 The first floor consists of 12 apartments, 10 of which are 2 bedroom apartments, and 2 of which are 3 bedroom apartments. Each apartment is provided with a balcony. The balconies range in area between 8 square metres (Apartment 1.08) and 15.8 square metres (Apartment 1.10).
- 4.8 The second floor consists of 12 apartments, 11 of which are 2 bedroom apartments, and 1 of which is a 3 bedroom apartment. Each apartment is provided with a balcony. The balconies range in area between 8.8 square metres (Apartment 2.07) and 29.4 square metres (Apartment 2.03).
- 4.9 The third floor consists of 2 apartments, being a 2 bedroom apartment and a 3 bedroom apartment. Each apartment is provided with a balcony. The balconies range in area between 11.4 square metres (Apartment 3.04) and 23 square metres (Apartment 3.01).

Pedestrian and vehicle access and layout

- 4.10 The ground floor units fronting Manningham Road each have a pedestrian path providing access directly from the footpath. Additionally, a footpath provides pedestrian access to the main lobby entry located centrally, and a curved disabled access ramp pathway across the frontage to the east.
- 4.11 Vehicle access is via a 5 metre wide crossover adjacent the west boundary. The crossover accesses a ramp with a gradient down of 1 in 10 for the first 5 metres, before it transitions to a 1 in 5 for the next 2 metres and a 1 in 4 gradient for the next 13.8 metres. A roller shutter grill is located at the bottom of the ramp.

Landscaping

- 4.12 All trees are to be cleared from the site. Canopy trees are proposed adjacent to the north and south site boundaries and lower height species in the narrower spaces adjacent the east and west boundaries.
- 4.13 A landscape maintenance schedule has been set out on the landscape plan provided by Keystone Alliance to demonstrate landscaping will be monitored for a period of at least 2 years.

Design detail

- 4.14 The proposed building is designed with contemporary features which incorporates a skillion roof and articulated façade presentations on all sides. The façades consist of a mix of rendered and glazed surfaces with painted weatherboard sections. The colour palette is a mix of greys, whites and off-whites.

5. LEGISLATIVE REQUIREMENTS

- 5.1 Refer to Attachment 2 (Planning & Environment Act 1987, Manningham Planning Scheme, other relevant legislation policy).

6. REFERRALS

External

- 6.1 Given the proposal includes creating and altering access to Manningham Road, it is a statutory requirement to refer the application to VicRoads as a Determining Referral Authority.
- 6.2 VicRoads have not objected to the proposal, and have advised they do not require any permit conditions to be included.
- 6.3 The application was not required to be referred to any other external authorities.

Internal

- 6.4 The application was referred to a number of Service Units within Council. The following table summarises the responses:

Service Unit	Comments
Engineering & Technical Services Unit – Drainage	<ul style="list-style-type: none"> • There is adequate point of discharge for the site. All runoff is to be directed to the point of discharge (Condition 22). • Provide an on-site stormwater detention system (Condition 20).
Engineering & Technical Services Unit – Vehicle Crossing	<ul style="list-style-type: none"> • The existing disused vehicle crossover is required to be removed and the nature strip, kerb and channel and footpath reinstated (Condition 12). • A “Vehicle Crossing Permit” is required.
Engineering & Technical Services Unit – Access and Driveway	<ul style="list-style-type: none"> • The width and internal radius of the driveway allow sufficient turning areas for all vehicles to exit the site in a forward direction. • There is at least 2.1 metres headroom beneath overhead obstructions. • The accessway gradients are satisfactory. • Visibility splays must be provided adjacent to the accessway at the site’s frontage in accordance with Design Standard 1: Accessways of Clause 52.06-8 Car Parking of the Manningham Planning Scheme. • <i>It is noted these have been shown on the plans submitted in February and April 2017.</i>
Engineering & Technical Services Unit – Traffic and Car Parking	<ul style="list-style-type: none"> • The dimensions of the car parking spaces comply except for, spaces on Basement Level B1 on Petridis Plan 3 of 16 shows Bay 15 in southern corner with dimensions 4900 x 2900 but on the traffic report by TTM this bay is offset by 1300mm from eastern wall.

Service Unit	Comments
	<ul style="list-style-type: none"> • On Petridis plan have bays 46 -50 but on TTM these are shown as 44 – 47. • There are no traffic issues in the context of the surrounding street network.
Engineering & Technical Services Unit – Car Parking Layout	<ul style="list-style-type: none"> • The car parking layout is satisfactory.
Engineering & Technical Services Unit – Construction Management	<ul style="list-style-type: none"> • A Construction Management Plan is required (Condition 3).
Engineering & Technical Services Unit – Waste	<ul style="list-style-type: none"> • Private waste collection is required onsite. • Developer must adhere to the draft Waste Management Plan (prepared by Lid Consulting) dated 22 September 2016. No private waste contractor bins can be left outside the development boundary or left unattended at any time on any street frontage for any reason. • Prior to the endorsement of the Plan, a final Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved the Waste Management Plan will form part of the permit (Condition 5).
Strategic Projects Unit – Sustainability	<ul style="list-style-type: none"> • The following amendments to the submitted Sustainability Management Plan (SMP) are required before approval (Conditions 1.10, 1.11 and 4): <p><u>SMP – Energy Efficiency – Energy Ratings</u></p> <ul style="list-style-type: none"> • The SMP includes commitment to an average NatHERS rating of 6 stars. This is the minimum requirement under the NCC. A best practice standard of 10% improvement on NCC minimum requirements must be committed to. • Amend the SMP and ratings to demonstrate that a 10% improvement on NCC is committed to and achievable. <p><u>SMP – Energy Efficiency – Alternative energy source Solar PV panels</u></p> <ul style="list-style-type: none"> • The SMP states that a 5kW PV system will be installed in the project however a review of the plans does not show the proposed system. • Provide details on plans showing and notating the proposed system location and size. <p><u>SMP – Water Conservation – Rainwater collection & use</u></p>

Service Unit	Comments
	<ul style="list-style-type: none"> • The Basement 1 plan shows a 15kl rainwater tank (without any notation on use), whereas the SMP & STORM report state that a minimum tank size of 21 kl will be installed. • Provide details on plans notating the area of roof that is being directed to the tanks and what the proposed use is to correspond with the SMP & STORM report. <p><u>Indoor Environment Quality</u></p> <ul style="list-style-type: none"> • There are a number of battle axe configured bedrooms. Generally, the width to depth ratio of the 'axe handles' to these bedrooms are acceptable (i.e. maximum 1 Width: 2 Depth ratio is met). However, generic apartments 1.11 & 2.11 have built form abutting either side of the windows and this will significantly impact daylight amenity within the affected bedrooms. • Provide details on a materials and colours schedule to promote better daylight (via reflections) by ensuring that all built form abutting all battle axe bedroom windows are of a light colour (0.70 or above).

6.5 Internal referral comments and requirements will be addressed via permit conditions.

7. CONSULTATION / NOTIFICATION

7.1 Notification of the application was given for a three-week period which concluded on 8 November 2016, by sending letters to nearby properties and displaying three signs on site in the street frontages (one on each lot frontage).

7.2 Four objections have been received from the following properties:

- 328 Manningham Road (adjoining the site to the west);
- 38 Marianne Way (owner of 5 Howard Court);
- 6-7 Howard Court (adjoining the site to the rear); and
- 340 Manningham Road (three properties removed, to the east).

7.3 The following is a summary of the grounds upon which the above properties have objected to the proposal:

- Not in keeping with neighbourhood character and is an overdevelopment;
- Traffic and car parking;

- Design and built form (building height and visual bulk, setbacks and opportunity for landscaping, four-storey form, site coverage and permeability, private open space, bicycle parking and storage);
 - Off-site amenity impacts (overshadowing, overlooking and privacy, noise, loss of views and construction impacts).
- 7.4 A response to the grounds of objection is included in the assessment from paragraphs 8.26 to 8.49 of this report.

8. ASSESSMENT

- 8.1 The proposal has been assessed against the relevant state and local planning policies, the zone, overlay and the relevant particular provisions and general provisions of the Manningham Planning Scheme.
- 8.2 The assessment is made under the following headings:
- State and Local Planning Policy Frameworks (SPPF and LPPF);
 - Design and built form;
 - Car parking, access, traffic and bicycle facilities;
 - Clause 55 (Rescode);
 - Objector concerns; and
 - Other matters.

State and Local Planning Policy Frameworks (SPPF and LPPF)

- 8.3 Key objectives of the SPPF and LPPF seek to intensify activity centres as a focus for high-quality development and encourage increased activity and density as a way to achieve broader urban consolidation objectives.
- 8.4 At both the SPPF and LPPF levels, policy encourages higher density development in established activity centres or on strategic redevelopment sites, particularly for housing. Whilst the site is not identified as a strategic redevelopment site within the MSS, it substantially meets key criteria as a strategic redevelopment site primarily through its location and proximity to a Principal Activity Centre and a Neighbourhood Activity Centre with good access to public transport and existing services, and the ability of the site to accommodate more than ten dwellings.
- 8.5 The use of the site for the purpose of dwellings is appropriate within the zoning of the land and the strategic context of the site. There is policy support for an increase in residential density within and close to activity centres and the activation of street frontages to increase the vibrancy of the area.
- 8.6 The proposed development is at the 11 metre preferred building height requirement outlined in the DDO8 for lots with an area of 1,800 square metres or greater. This is acceptable provided the upper floor is suitably designed with a form and setbacks to ensure that the building does not display any unreasonable mass or bulk at this upper level.

- 8.7 The consolidation of three lots with a combined area of 1,962 square metres is considered appropriate to accommodate the development at the height proposed, as the building provides increased setbacks at upper level to the side boundaries to compensate for its larger scale in comparison to traditional medium density housing. This is consistent with the preferred future character outlined in the DDO8. The site is located in an area which is undergoing change and revitalisation due to the demand for increased density within the municipality.
- 8.8 While there is a strategic imperative for Council to encourage urban consolidation where an opportunity exists, this is not in isolation and other relevant policies (requiring new design to be appropriate for the physical and social context) are still relevant. The proposed development and its response to the streetscape (including supporting high quality urban design, on and off-site amenity of future occupants and neighbours, energy efficiency and a positive contribution to neighbourhood character) will be assessed in the following sections of this report.
- 8.9 Council has, through its policy statements in the Manningham Planning Scheme, and in particular by its adoption of the DDO8 over part of this neighbourhood, created a planning mechanism that will in time alter the existing neighbourhood character along Manningham Road and in some adjoining side streets.
- 8.10 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 DDO8, in conjunction with an assessment against Clause 21.05 and Clause 55 – Rescode. The resultant built form is contemplated to have a more intense and less suburban outcome.
- 8.11 An apartment development across this site is generally consistent with the broad objectives of Council’s planning policy outlined at Clause 21.05 of the Manningham Planning Scheme. The policy encourages urban consolidation (and ‘apartment style’ buildings) in 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 have occurred in the past.

Design and Built Form

8.12 An assessment against the requirements of the DDO8 is provided below:

Design Element	Met/Not Met
<p>DDO8-1 (Main Road Sub-Precinct)</p> <ul style="list-style-type: none"> • The minimum lot size is 1800 square metres, 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 • 11 metres provided the condition regarding minimum land size is met. 	<p>Objective Considered Met subject to condition</p> <p>The site has an area of more than 1,800 square metres that is entirely within the Main Road Sub-Precinct. The site therefore has a preferred maximum building height of 11 metres.</p> <p>The building has a maximum height of 11 metres and meets the preferred height, subject to the reduction in the upper floor area, as depicted on the amended plans</p>

Design Element	Met/Not Met
<p>If the condition is not met, the maximum height is 9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the site of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.</p>	<p>dated April 2017, to be formalised by Conditions 1.1 and 1.2.</p> <p>Overall, it is considered that the height of the building is acceptable and will not have unreasonable impacts on the streetscape or adjoining properties.</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>Met</p> <p>The ground and first floor walls of the building are setback 8 metres from the frontage to Manningham Road. At ground level, the courtyard areas have balustrades that are setback 5.5 metres from the frontage and at first floor, the balconies are setback at 6.2 metres to Manningham Road. The control allows that terraces and balconies may encroach to a minimum setback of 4 metres and the 5.5 metre and 6.2 metre setbacks adopted are considered acceptable in this context.</p>
<p>Form</p> <ul style="list-style-type: none"> Ensure that the site area covered by buildings does not exceed 60 percent. 	<p>Met</p> <p>The building has a site coverage of 50.0%.</p>
<ul style="list-style-type: none"> Provide visual interest through articulation, glazing and variation in materials and textures. 	<p>Met</p> <p>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, glazing, fascias and framing elements.</p>
<ul style="list-style-type: none"> Minimise buildings on boundaries to create spacing between developments. 	<p>Met</p> <p>The only part of the building constructed on a boundary is the lower level basement western wall for a length of approximately 6.5 metres. At ground floor and upper floor building setbacks are adequately setback to meet the Clause 55 standard and allow for landscaping.</p> <p>This is considered to be an appropriate 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</p> <p>The building includes some stepping toward the rear. Along the south boundary, there is a site cut of approximately 700mm depth for the eastern part of the building. The ground floor is setback between 4 and 8 metres, the first floor between 4 and 8 metres, the second floor between 4 and 8 metres and the third floor between 6.91 and 8.5 metres.</p>

Design Element	Met/Not Met
	The deepest setbacks are located toward the centre of the building opposite the closest part of the dwelling to the south. This elevation also includes reasonable articulation and modulation through the use of balcony forms and varied materials to provide additional visual interest.
<ul style="list-style-type: none"> Where appropriate, ensure that buildings are designed to step with the slope of the land. 	<p>Met</p> <p>The land has a slight slope down toward the south. Excavation is proposed throughout for the basement garage, and the design utilises a deeper cut to the northwest to achieve a lower basement level. This is appropriate as it allows the basement design to provide for two levels of parking without pushing the basement up out of the ground to any great extent. This reduces the height of the building above the natural ground level and the associated visual impact. Within the building there is a 'split level' on either side of the central lift, which assists in lowering the eastern part of the building. This is acceptable, provided that the lift provides access to all entry halls to all apartments. This appears to be the case as the lift is shown with doors on either side. A permit condition will be included to ensure that the lift is designed to allow for entry to both entry halls on either side. (Condition 1.6).</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. There are some courtyards where the finished surface level is up to 1.7 metres below the top of the retaining wall on the adjacent cut (Apartments G.09 and G.10), however window sills are above the height of the retaining wall and the windows will receive adequate access to light.</p>
<ul style="list-style-type: none"> Ensure the upper level of a two storey building provides adequate articulation to reduce the appearance of visual bulk and minimise continuous sheer wall presentation. 	<p>Not applicable</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 	<p>Met</p> <p>The uppermost floor level of the building covers less than 75% (approximately 20%) of the floor below.</p>

Design Element	Met/Not Met
the appearance of visual bulk and minimise continuous sheer wall presentation.	Overall, the building is well articulated and provides visual interest.
<ul style="list-style-type: none"> Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos. 	<p>Met</p> <p>There are no 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>Met</p> <p>The depth of excavation has addressed site slope, minimised basement projections, and the overall height of the building.</p>
<ul style="list-style-type: none"> Be designed to minimise overlooking and avoid the excessive application of screen devices. 	<p>Met subject to condition</p> <p>Conditions are included requiring the design to demonstrate that overlooking will be limited into sensitive areas in accordance with Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme (Condition 1.3).</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 mobilities. 	<p>Met</p> <p>The path to the building entry is designed to incorporate a disabled access ramp with a maximum gradient of 1 in 14. This allows equitable access by people of all mobilities.</p> <p>The internal lift provides access to the basement car park and entries to 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</p> <p>The basement carpark is designed to sit below ground level without projections that would raise the height of the building.</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</p> <p>The basement is not visible in the street frontage 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</p> <p>All car parking spaces are provided within the basement car park.</p>

Design Element	Met/Not Met
<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>Met</p> <p>The basement is setback 6 metres from the frontage and 4 metres from the rear, which provides adequate room for effective landscaping to be established.</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</p> <p>The development provides appropriate wall setbacks to all boundaries to allow for screen planting that soften the appearance of the built form.</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 condition</p> <p>Roof mounted equipment is located centrally within the roof. A condition (Condition 28) has been included requiring these services be screened to minimise any visual and amenity impacts from the street or adjoining properties.</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>Objective met</p> <p>One 5 metre width crossover is proposed and there is no tree removal of street trees proposed.</p>
<ul style="list-style-type: none"> Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open space or is appropriately screened, as is necessary. 	<p>Not applicable</p>
<ul style="list-style-type: none"> Ensure that where garages are located in the street elevation, they are set back a minimum of 1.0m from the front setback of the dwelling. 	<p>Not applicable</p>

Design Element	Met/Not Met
<ul style="list-style-type: none"> Ensure that access gradients of basement carparks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements. 	<p>Met The accessway gradients have been checked by Council's engineer and are satisfactory.</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 maturity. 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. 	<p>Met subject to condition Canopy trees are shown on the Landscaping Plan within the Manningham Road frontage and to the rear. A condition will require that a full Landscaping Plan be submitted for approval (Condition 18).</p>
<ul style="list-style-type: none"> Provide opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form. 	<p>Met The site plan shows the site will allow the planting of numerous canopy trees within the side and rear setbacks, which assist to soften the appearance of the built form.</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 <p>and a continuous landscaping treatment within the 1.0m setback must be provided.</p>	<p>Not applicable No fencing is proposed.</p>

Car parking, access, traffic and bicycle facilities

- 8.13 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.

- 8.14 This clause requires resident car parking to be provided at a rate of 1 space for each dwelling with one or two bedrooms, and 2 spaces for each dwelling with three or more bedrooms.
- 8.15 Visitor car parking is also prescribed at a rate of 1 car parking space for every five dwellings.
- 8.16 The scheme requires that the development be supplied with 51 resident spaces and 7 visitor spaces. The development provides 59 car spaces, including 8 visitor spaces. This is an oversupply of 8 spaces in total, being 1 additional visitor space and 7 additional resident spaces over and above that required. This is a positive feature.
- 8.17 Overall, the traffic generated as a result of the proposed development (while acknowledging existing traffic congestion and problems in the surrounding street network) is considered to be generally compliant with the broader policy objectives of encouraging sustainable transport modes and ensuring there is a satisfactory level of parking provision as outlined in the SPPF and LPPF.

Land Adjacent to a Road Zone Category 1

- 8.18 A permit is required under Clause 52.29 of the Manningham Planning Scheme as the proposal involves the creation of a new crossover and the removal of an existing crossover in Manningham Road, as it is zoned Road Zone, Category 1.
- 8.19 The decision guidelines of this clause include the views of the relevant road authority.
- 8.20 VicRoads have not objected to the proposal, and have not required any conditions to be included in any permit.

Bicycle Facilities

- 8.21 In developments of four or more storeys, Clause 52.34 of the Manningham Planning Scheme requires that one bicycle space is provided for every five dwellings (for residents) and one bicycle space is provided for every ten dwellings (for visitors).
- 8.22 The proposal requires the provision of 8 bicycle spaces for residents and 4 bicycle spaces for visitors. The design includes a total of 9 resident spaces, and 4 visitor spaces. There are 5 resident bicycle spaces within the basement and 4 resident spaces and 4 visitor bicycle spaces adjacent to the disabled entry ramp at the ground floor entrance.
- 8.23 Whilst the number of spaces provided is more than required by the standard, the standard recommends that resident spaces be provided within a bicycle locker or at a rail within a lockable compound, which has not been provided. This can be rectified by a condition requiring at least 8 resident spaces be provided in a locker or in a lockable compound. The spaces located at the front of the building are highly visible from the street and entry, and it is not considered a suitable design response to enclose these spaces with fencing or solid walls, and therefore the compound will need to be located within the basement, and this will allow for all spaces at the entry point to be designated as visitor spaces (**Condition 1.12**).
- 8.24 Bicycle spaces meet the required dimensions specified in the clause.

Clause 55 (ResCode)

8.25 An assessment against the objectives of Clause 55 is provided in the table below:

Objective	Objective Met/Not Met
<p>55.02-1 – Neighbourhood Character</p> <ul style="list-style-type: none"> To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. To ensure that development responds to the features of the site and the surrounding area. 	<p>Met</p> <p>As outlined in the assessment of the proposal against the policy requirements of the Design and Development Overlay – Schedule 8 (DDO8), the proposed apartment development responds positively to the preferred neighbourhood character and respects the natural features of the site, and its surrounds.</p>
<p>55.02-2 – Residential Policy</p> <ul style="list-style-type: none"> To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. To support medium densities in areas where development can take advantage of public transport and community infrastructure and services. 	<p>Met</p> <p>The application was accompanied by a written statement that sought to demonstrate how the development was consistent with State, Local and Council policy. Subsequent changes to the design of the development, and in particular, a reduction in the upper floor area, have enabled the development to meet these provisions.</p> <p>Clauses 21.05 (Residential) and 43.02 (Design and Development Overlay – Schedule 8), are applicable to the site and support medium density developments. The development can take advantage of public transport and community infrastructure and services.</p>
<p>55.02-3 – Dwelling Diversity</p> <ul style="list-style-type: none"> To encourage a range of dwelling sizes and types in developments of ten or more dwellings. 	<p>Met</p> <p>The proposal includes a mix of two and three bedroom dwellings with a range of floor areas to provide diversity.</p>
<p>55.02-4 – Infrastructure</p> <ul style="list-style-type: none"> To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of 	<p>Met subject to condition</p> <p>The site has access to all services. The landowner is required to provide an on-site stormwater detention system to alleviate pressure on the drainage system (Condition 20).</p>

Objective	Objective Met/Not Met
utility services and infrastructure.	
55.02-5 – Integration With Street <ul style="list-style-type: none"> To integrate the layout of development with the street. 	Met The front entry of the development is orientated towards Manningham Road and integrates well with the street.
55.03-1 – Street Setback <ul style="list-style-type: none"> To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. 	Met The building is setback 6 metres to Manningham Road which complies with the DDO8 guidelines.
55.03-2 – Building Height <ul style="list-style-type: none"> To ensure that the height of buildings respects the existing or preferred neighbourhood character. 	Met The building has a maximum height of 11 metres and meets the preferred height requirement under the DDO8.
55.03-3 – Site Coverage <ul style="list-style-type: none"> To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. 	Met The proposed site coverage is 50.0%, which is below the 60% requirement in the standard.
55.03-4 – Permeability <ul style="list-style-type: none"> To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration. 	Met The proposal has 21.5% of site area as pervious surface, which complies with the standard requirement.
55.03-5 – Energy Efficiency <ul style="list-style-type: none"> 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 subject to condition Given the orientation of the site, it would not be realistically possible to design an apartment building where all apartments have a north outlook. It is considered the design has maximised available opportunities. The apartment building typology will deliver improved thermal mass energy efficiencies and the apartments will be required under the building regulations to achieve satisfactory energy ratings to comply with those regulations. As discussed in Section 6.5 Internal Referrals of this report, a condition has been included requiring a revised SMP to be submitted for approval. The condition includes a number of sustainability

Objective	Objective Met/Not Met
	measures to be incorporated into the building's design (Condition 4) .
55.03-6 – Open Space <ul style="list-style-type: none"> To integrate the layout of development with any public and communal open space provided in or adjacent to the development. 	Not applicable No communal open space is proposed and the development is not adjacent to any public open space.
55.03-7 – Safety <ul style="list-style-type: none"> To ensure the layout of development provides for the safety and security of residents and property. 	Met The pedestrian path is visible from Manningham Road and access into the building is able to be monitored. Access into basement is restricted by automatic roller door.
55.03-8 – Landscaping <ul style="list-style-type: none"> To encourage development that respects the landscape character of the neighbourhood. To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. To provide appropriate landscaping. To encourage the retention of mature vegetation on the site. 	Met subject to conditions Generous landscaping can be accommodated within the setbacks to both front and rear site boundaries. The landscape plan shows trees with mature heights of 9, 10 and 11 metres being able to be planted within the front and rear. To the side setbacks, the submitted landscape plan shows Narrow Brush Cherries with a height of 4 metres and a width of 1.5 metres can be accommodated to screen the views to the building from east and west. This is considered acceptable to provide some softening of the building to those properties. The development is not expected to have any impact on vegetation within adjoining properties due to the building setbacks. A Landscaping Plan has been provided, but will be required to be amended by a permit condition (Condition 18) to reflect all plan changes under Condition 1. A landscape maintenance bond of \$10,000 will be required by a permit condition (Condition 19) .
55.03-9 – Access <ul style="list-style-type: none"> To ensure the number and design of vehicle crossovers respects the neighbourhood character. 	Met Consideration of access was made in the DDO8 assessment in Section 8 of this report.
55.03-10 – Parking Location <ul style="list-style-type: none"> To provide convenient parking for resident and visitor vehicles. 	Met The internal lift provides equitable access for residents and visitors from all car parking spaces within the basement levels.
55.04-1 – Side And Rear Setbacks	Met The setbacks to the boundaries comply with the prescribes requirements at all levels.

Objective	Objective Met/Not Met
<ul style="list-style-type: none"> To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	
<p>55.04-2 – Walls On Boundaries</p> <ul style="list-style-type: none"> To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>Met</p> <p>There are no walls proposed on a boundary, except that a small (6.5m) length of basement wall will abut the west boundary.</p>
<p>55.04-3 – Daylight To Existing Windows</p> <ul style="list-style-type: none"> To allow adequate daylight into existing habitable room windows. 	<p>Met</p> <p>All existing and proposed habitable room windows are provided with sufficient light court areas that comply with the standard.</p>
<p>55.04-4 – North Facing Windows</p> <ul style="list-style-type: none"> To allow adequate solar access to existing north-facing habitable room windows. 	<p>Met</p> <p>The southern walls of the building are setback sufficiently to comply with the standard.</p>
<p>55.04-5 – Overshadowing Open Space</p> <ul style="list-style-type: none"> To ensure buildings do not significantly overshadow existing secluded private open space. 	<p>Met</p> <p>Overshadowing is required to be considered on the 22nd September equinox between 9am and 3pm.</p> <p>The submitted shadow diagrams indicate that some shade will fall on the adjoining properties, however, the extent of overshadowing is within the prescribed provisions described under Clause 55-04-5.</p>
<p>55.04-6 – Overlooking</p> <ul style="list-style-type: none"> To limit views into existing secluded private open space and habitable room windows. 	<p>Met subject to condition</p> <p>The development has generally been designed with an effort to limit overlooking in accordance with the prescribed requirements of Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme, however the detail provided for screening devices is insufficient to demonstrate compliance. Whilst the screening devices may limit overlooking, it is considered necessary to ensure that the screens are designed in accordance with the standard to ensure that the standard is met. As such, a condition will be included requiring alterations to the screening devices to the southern edge of all south facing balconies, the</p>

Objective	Objective Met/Not Met
	<p>western edge of the west facing balconies of Apartments 1.03, 2.03 the eastern edge of east facing balconies to Apartments 1.09, 2.08 and 2.09.</p> <p>Most windows achieve compliance with the standard, however additional screening will be required to the following:</p> <ul style="list-style-type: none"> • kitchen window to Apartment 1.03, • west facing window of bed 1 of Apartment 1.02, • bed 2 window of Apartment 1.04, • bed 2 window of Apartment 1.05, • bed 2 window of Apartment 1.06, • bed 2 window of Apartment 1.07, • bed 2 window of Apartment 2.04, • bed 2 window of Apartment 2.05, • bed 2 window of Apartment 2.06, • bed 2 window of Apartment 2.07, • kitchen window of Apartment 2.03, • bed 1 of Apartment 2.03 to west. <p>(Condition 1.3)</p>
<p>55.04-7 – Internal Views</p> <ul style="list-style-type: none"> • To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development. 	<p>Met</p> <p>The proposed design layout will limit internal views into the secluded private open space and habitable room windows of dwellings within the development.</p>
<p>55.04-8 – Noise Impacts</p> <ul style="list-style-type: none"> • To contain noise sources in developments that may affect existing dwellings. • To protect residents from external noise. 	<p>Met subject to condition</p> <p>A permit condition will require acoustically treated glazing to be provided to the habitable room windows directly facing Manningham Road, to protect occupants from external traffic noise (Condition 1.9).</p> <p>Plant on the roof is centrally located and may not require screening and should not cause any undue noise. No additional equipment or movement of equipment will be allowed unless with further consent (Condition 28).</p>
<p>55.05-1 – Accessibility</p> <ul style="list-style-type: none"> • To encourage the consideration of the needs of people with limited mobility in the design of developments. 	<p>Met</p> <p>A disabled access ramp allows access to the front entry for people of all mobilities.</p> <p>The internal lift provides access to the basement car park levels and entries of all dwellings.</p>
<p>55.05-2 – Dwelling Entry</p> <ul style="list-style-type: none"> • To provide each dwelling or residential building 	<p>Met</p> <p>The apartments all derive pedestrian access from the central pedestrian path and foyer at the frontage. The</p>

Objective	Objective Met/Not Met
with its own sense of identity.	building entry is well identified and sheltered by a canopy.
55.05-3 – Daylight To New Windows <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. 	Met All habitable room windows achieve compliance with the standard.
55.05-4 – Private Open Space <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents. 	Considered Met All dwellings have either courtyards or balconies or a combination of both with sufficient area to meet the standard, except that Apartment G.09 has a courtyard and the courtyard does not achieve the minimum area and dimensions of the standard. The courtyard to this apartment is 17.2 square metres in area, which whilst it is greater than the 8 square metres required for a balcony, by virtue of the area being a courtyard, does not comply with the standard. It is however considered that this is an acceptable outcome for this one apartment as it does have an eastern orientation and there is some greenery to the eastern boundary.
55.05-5 – Solar Access To Open Space <ul style="list-style-type: none"> To allow solar access into the secluded private open space of new dwellings and residential buildings. 	Met An apartment building design typology, does not always allow all private open space areas to be provided with a northern aspect. It is considered that the design has reasonably attempted to provide as many north facing balconies as possible and is acceptable.
55.05-6 – Storage <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling. 	Met subject to condition 6 cubic metres of externally accessible storage is prescribed for each dwelling under the clause. Storage has been provided in the basement in the form of 10 ‘cages’ of 6.0 square metres or greater and 4 cages of 4.0 to 4.5 square metres. A condition will be included requiring all storage areas to be at least 6 cubic metres (Condition 1.5). Elsewhere, 15 storage cupboards have been provided accessible off the shared pedestrian hallways on the ground, first and second floors, and there are also 17 storage areas located within apartments on those floors. All 17 internal storage areas comply with the 6 cubic metres requirement. Whilst the standard recommends ‘externally accessible’ storage, it is considered the provision of storage space within an apartment is an acceptable outcome where there is less likelihood of storage of items that may be classified as ‘outdoor items’ eg gardening equipment and the like. In this case, it is considered acceptable for the upper floor apartments to have the storage spaces contained within the apartment layout.

Objective	Objective Met/Not Met
	However, it is considered that the storage spaces within hallways may be problematic as this could cause difficulty when occupants make use of them and may block the normal functioning of the hallways. A condition will be included requiring the storage spaces within the hallway areas to be provide with sliding doors (Condition 1.5.2) .
55.06-1 – Design Detail <ul style="list-style-type: none"> To encourage design detail that respects the existing or preferred neighbourhood character. 	Met subject to condition The apartment building is well articulated and incorporates various materials and finishes to reduce the sense of visual bulk. A permit condition will also require a full schedule of materials and finishes with colour samples (Condition 1.7) .
55.06-2 – Front Fence <ul style="list-style-type: none"> To encourage front fence design that respects the existing or preferred neighbourhood character. 	Not applicable No fence is proposed.
55.06-3 – Common Property <ul style="list-style-type: none"> To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership. 	Met The communal basement, pathway and shared landscaping areas are practically designed. There are no apparent difficulties associated with the future management of these areas.
55.06-4 – Site Services <ul style="list-style-type: none"> To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive. 	Met subject to condition Site services are generally appropriately provided. To ensure the appearance of the building does not detract from any elevation, a permit condition will require retractable clotheslines to be installed within all ground level open spaces to ensure that they are not visible from the street or adjoining properties (Condition 1.8) .

Objector concerns

8.26 A response to the grounds of objection is provided in the following paragraphs:

Not in keeping with neighbourhood character and is an overdevelopment

8.27 The proposal has been assessed against the preferred neighbourhood character anticipated by planning policy at Clause 21.05 of the Manningham Planning Scheme. The policy outlines a substantial level of change is anticipated and a departure from the existing neighbourhood character is therefore inevitable. This,

however, does not imply that impacts generated by the preferred neighbourhood character can unreasonably impact adjoining private properties or public spaces.

- 8.28 This site is capable of being developed for a range of dwelling typologies including that of an 'apartment' style development which is proposed. This typology generates different living standards to detached dwellings and may potentially impact neighbouring or nearby properties. Officers have considered the direct impacts of this development, and not as a comparison of what may occur if a different typology were proposed.
- 8.29 It is evident that the proposed development achieves a high level of compliance with respect to the existing DDO8 controls. The building is provided with articulated facades, varied materials and colours palette and an array of interesting architectural elements that adds visual interest. The building is sufficiently setback from boundaries, allowing for landscaping to be established and adequate physical articulation and modulation to break up and disguise the length of the building and mitigate visual bulk concerns.

Traffic and car parking

- 8.30 Council's Engineering & Technical Services Unit has assessed the application and has raised no concerns regarding the impact of the proposal on the surrounding traffic network. The increased traffic movement associated with the development can be readily accommodated in the surrounding street network.
- 8.31 The development provides 59 car spaces which is an excess number of 7 resident and 1 visitor car parking spaces within the basement over and above the 51 car spaces as required by Clause 52.06 (Car parking) of the Manningham Planning Scheme for resident (44 spaces) and visitor (7 spaces) car parking.

Building height and visual bulk

- 8.32 The proposed building is 11 metres in height, which meets the preferred building height set out in the DDO8 for sites greater than 1800 square metres. The height of the building is reduced to the east and west, with the latest plans limiting the top storey to the central part of the site.
- 8.33 Whilst the building contains 4 storeys and the DDO8 recommends 3 storey developments, importantly, the height control is not a mandatory control in the Main Road Sub-precinct which applies to the site and discretion can be used in considering designs that exceed the 3 storey preferred height.
- 8.34 The proposed articulation, stepping of the upper levels, selection of building materials and proposed setbacks are considered to be site responsive in their design and as described above in the Clause 55 assessment, provide an acceptable interface to adjoining properties.
- 8.35 It is considered the building is adequately designed to minimise perceptions of visual bulk. The building includes varied setbacks to all elevations with relatively deep recesses that will allow for shadows and depth perception to be present on all facades when viewed from neighbouring properties. The building includes varied materials and good amounts of glazed surfaces to 'lighten' its appearance. The building setbacks comply with Standard B17, and the upper floor is reduced in area.

Building setbacks and landscaping

- 8.36 The building is setback 4 metres from the rear to comply with the relevant DD08 requirement and the side and rear setbacks comply with the requirements of Standard B17 of Clause 55 of the Manningham planning Scheme. The applicant has submitted a landscape plan which shows planting to 11 metres can be accommodated within the front and rear setbacks and up to 4 metres height in the side setbacks. This is considered acceptable.
- 8.37 The planning application was accompanied with a Landscaping Plan that provides indicative plantings for consideration. Canopy trees have been shown in all elevations, along with well populated landscaping treatments in beds adjoining the site's boundaries. This level of landscaping is supported under the DD08 and Clause 55.03-8 (Landscaping) of the Manningham Planning Scheme and is generally considered acceptable.
- 8.38 A condition has been included requiring a Landscaping plan be submitted for approval (**Condition 18**), along with the payment of a \$10,000 Landscaping Bond to ensure it is maintained for a 13 week period after completion (**Condition 19**).

Site Coverage and Permeability

- 8.39 The development complies with the planning scheme requirements with regard to site coverage and permeability.

Private open space

- 8.40 As discussed in the Clause 55 assessment above, all dwellings apart from Apartment G.09 have private open space of sufficient area and dimensions to meet the standard. It is considered on balance the proposal is acceptable.

Bicycle parking

- 8.41 The proposal is provided with sufficient bicycle spaces of sufficient dimensions to achieve the Clause 52.34 standards.

Storage

- 8.42 As discussed in the Clause 55 assessment above, there is some deficiency in the design, but this can be rectified by conditions.

Overshadowing

- 8.43 Officers are required to consider overshadowing during the September 22nd equinox between 9am and 3pm on existing secluded private open space areas.
- 8.44 The application was accompanied by shadow diagrams prepared for the 22nd September. The shadow diagrams demonstrate compliance with the requirements of the standard and the objective is met.

Overlooking and privacy

- 8.45 Overlooking has been assessed in the Clause 55 assessment section of this report. As discussed, the proposal generally complies, however some changes are required to the screens proposed and some additional screening is required.

This can be achieved by permit conditions as specified in the Clause 55 assessment section.

Noise

- 8.46 Ordinary noises emanating from adjoining residential properties must be expected in a residential setting. However, when noise types or levels are excessive, they impact amenity. This concern is a civil matter and is not a consideration that can be contemplated in the planning application assessment process.
- 8.47 Any plant and equipment will be subject to any EPA noise attenuation requirements, which are not assessable at the planning stage.

Loss of views.

- 8.48 There is no legal right to a view and VCAT have consistently held that this is not an assessable matter in determining whether the appearance of a building is acceptable.

Construction impacts due to the proximity of basement excavation to boundaries

- 8.49 The development will require a building permit from a registered building surveyor who must ensure that any necessary protection works are undertaken. If in future, there is any potential damage to the adjoining properties from construction is a civil matter that needs to be addressed by the building surveyor responsible for the development.

9. ANY OTHER MATTERS

- 9.1 On 13 April 2017, Amendment VC136 introduced new provisions into the Planning Scheme, which in summary:
- Defines what an 'apartment' is;
 - Adds a new Clause 55.07 to the existing Clause 55, which specifically relates to apartments of 4 storeys or less, which continue to be controlled by Clause 55;
 - Exempts apartments of 4 storeys or less from a number of existing requirements of Clause 55, which overlap with the new requirements of Clause 55.07;
 - Adds a new Clause 58 for apartments of 5 storeys or more;
 - Moves the requirement for an Urban Context report into Clause 58.
- 9.2 Clause 55.07 implements objectives and standards relating to energy efficiency, communal open space, solar access to communal open space, deep soil areas and canopy trees, integrated stormwater management, accessibility, noise impacts, building entry and circulation, private open space above ground floor, storage, waste and recycling, functional layout, room depth, windows and natural ventilation.

- 9.3 The operation of this clause remains the same, in that an objective describes the desired outcome to be achieved in the completed development, and the standard contains the requirements to meet the objective. A standard should usually be met, however if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered. Developments must meet all of the objectives that apply to the application.
- 9.4 Transitional provisions apply to applications lodged before the gazetted date of this amendment. This application is subject to this exemption, and therefore an assessment has not been made against Clause 55.07, which would otherwise be applicable. Whilst it can be assumed that the objectives could be met, there is an absence of detailing to perform any measurable assessment against the relevant standards.

10. CONCLUSION

- 10.1 It is recommended that the application be supported subject to conditions.

11. DECLARATION OF CONFLICT OF INTEREST

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