

0.0 Planning Application PL17/027709 at 6, 7 and 8 Yolande Court Templestowe for the construction of nineteen, two storey dwellings, associated subdivision, removal and replacment of easements.

File Number: IN18/163
Responsible Director: Director City Planning
Applicant: Yolande Homes Pty Ltd and Campi Homes Pty Ltd
Planning Controls: General Residential 3 Zone
Ward: Heidi
Attachments: 1 Locality Map
2 Objector Map
3 Decision Plans
4 Legislative Requirements
5 Clause 55 Assessment
6 Clause 52.06 Assessment

EXECUTIVE SUMMARY

Purpose

1. This report provides Council with an assessment of the planning permit application submitted for land at 6, 7 and 8 Yolande Court, Templestowe and recommends that Council refuses the application. The application is being reported to Council given that it is a Major Application (with a development cost of more than \$5 million).

Proposal

2. The proposal is for the development of land at 6, 7 and 8 Yolande Court, Templestowe (7,935sq.m) for a staged development and subdivision comprising:
 - The subdivision of 6 Yolande Court into 6 lots as shown on Plan of Subdivision PS816427N and the construction of a dwelling on each lot having an area under 500sq.m;
 - The construction of 13 dwellings on 7 and 8 Yolande Court with the subdivision of the land into two lots, (one containing Units 1 to 12 inclusive) and the other containing Unit 13, as shown on Plan of Subdivision PS816428L; and
 - The removal and creation of drainage easements as shown on Plan of Variation of Easement dated 6 September 2017.

Advertising

3. Notice of the application was given over a five week period which concluded on 28 February 2018.
4. To-date, 148 objections have been received.
5. The objector concerns are summarised as follows:
 - The removal of the majority of vegetation from the site;

- The design and built form of the dwelling are out of character with the residential neighbourhood, and the interface location with low density residential land to the rear;
- Off-site amenity including overlooking;
- Poor internal amenity; and
- The traffic generated on local streets including Mandella Street and the impact on parking associated with the nearby Templestowe Park Primary School.

Key issues in considering the application

6. The key issues for Council in considering the proposal relate to:
 - Whether the removal of significant canopy trees from the land (apart from the retention of two mature native trees within the Yolande Court streetscape) and the impact on neighbourhood character and amenity is reasonable;
 - Whether built form, including spacing between dwellings/units and neighbouring properties, respects neighbourhood character and provides reasonable amenity protection, landscaping and retention of vegetation;
 - Whether the wide driveway entry for 6 Yolande Court unreasonably pushes development to the eastern and southern boundaries;
 - Whether the private open space and building footprint for Unit 1, proposed driveway treatments and proposed drainage place unreasonable pressures on the ability to retain the two trees within the Yolande Court streetscape;
 - Whether the extent of excavation is site responsive to the undulating topography of the site and respects neighbourhood character and internal amenity; and
 - Whether consistency with state and local planning policy is achieved, in particular balancing urban consolidation objectives at Clause 16 with objectives for incremental change anticipated in Clauses 21.05 of the Manningham Planning Scheme.

Conclusion

7. The Development of this large infill site with detached and semi-detached dwellings is broadly consistent with the relevant objectives of state and local planning policies of the Manningham Planning Scheme (the Scheme) to achieve urban consolidation. Further, there is compliance with numerous tangible requirements of the General Residential Zone Schedule 1 (GRZ1), Clause 55 (Recode) and Clause 52.06 (Car Parking).
8. If the development had not included such significant vegetation removal and earthworks, pushing the development to the periphery of the site, the proposal would be consistent with the objectives seeking incremental change anticipated in Clause 21.05 of the Manningham Planning Scheme.
9. Officers have considered applying conditions to improve the development particularly in relation to vegetation retention and improved residential interfaces. However, this would result in a significant transformation of the application, beyond what can reasonably be undertaken in recommending that the application be approved. Having regard to this and the deficiencies with the proposal, it is recommended that the application not be supported.

1. RECOMMENDATION

That Council resolve the following:

Had an Application for Review against Council's Failure to make a decision not been lodged it would have resolved to Issue a Notice of Refusal for the development of the land at 6, 7 and 8 Yolande Court Templestowe for the construction of nineteen two storey dwellings, associated subdivision, removal and creation of easements subject to the following grounds:

1. The proposal does not adequately respect the established neighbourhood character due to the removal of significant amounts of vegetation on the land, both native and exotic species, with limited opportunities to landscape the site.
2. Earthworks, associated with relocating the drain and for dwellings and open space areas, removes vegetation from around the periphery of the site which is important in providing reasonable transition, softening of built form and amenity to surrounding properties.
3. The generous width of the access spine associated with the development on 6 Yolande Court, unreasonably pushes dwellings to the eastern and southern extremities of the land, resulting in loss of vegetation and significant earthworks.
4. Earthworks and retaining walls through the limited opportunities for landscaping, create maintenance issues (primarily for spaces above walls), limits service space and generate unreasonable amenity impact for future residents including poor outlook.
5. The design of Unit 1, including the location of its secluded private open space, and the proposed outfall drainage works required for the subdivision, places unreasonable pressures on the viable retention of the two canopy trees to be retained within the front setback.
6. The upper floor level windows on the development adjoining the southern and eastern boundaries requires additional screening measures to comply with Standard B21 of Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme.
7. The driveway gradients between garages for Dwellings 11 and 12 and between the island at garage for Dwelling 4 and Dwelling 8 are too steep and do not comply with Clause 52.06-9 of the Manningham Planning Scheme.
8. The additional traffic associated with the development may adversely impact the operation of the already congested intersection of Hawtin Street / Porter Street, Templestowe.

2. BACKGROUND

- 2.1 The application was submitted to Council on 19 September 2017 following a request for pre-application advice.
- 2.2 A request for further information was sent on 3 October 2017 and raised preliminary concerns relating to drainage, extensive areas of paving for Common Property, improved landscaping and setback distances for dwellings from the eastern side boundary and southern rear boundary, depth of excavation and need to terrace private open space areas and overlooking issues.
- 2.3 All requested further information was received by Council on 15 December 2017.
- 2.4 Notice of the application was given over a five-week period which concluded on 28 February 2018.
- 2.5 The statutory time for considering a planning application is 60 days, which lapsed on 23 March 2018.
- 2.6 An Application for Review against failure to determine the application (within the prescribed period) has been lodged by the applicant on 10 April 2018 in the Major Cases List.
- 2.7 A Practice Day hearing was held on 18 May 2018. A Compulsory Conference (Mediation) is listed for 2 July 2018. A four day Hearing has been listed for 27 August 2018.
- 2.8 The land title is not affected by any covenants or restrictions.

3. THE SITE AND SURROUNDS

The Site

- 3.1 The site comprises three separate allotments and is situated on the southern side of Yolande Court, which is accessed via Mandella Street from Foote Street, near its intersection with Williamsons Road.
- 3.2 Yolande Court provides access to eight residential allotments, including five traditional sized residential lots (5 Yolande Court being 660sqm and the smallest). There are then three large lots on the southern side of the court which are subject to this application and have a total land area of 7935sqm:
 - 6 Yolande Court (2869sq.m);
 - 7 Yolande Court (2001sq.m); and
 - 8 Yolande Court (3065sq.m).
- 3.3 These lots have an interface with traditional sized residential lots to their east (Jacobena Place) and west (Mandella Street), and an interface with low density lots (Waites Court) to the rear southern boundary.
- 3.4 The land has frontage to Yolande Court of 57m, a depth varying between 50m and 110m, and a rear interface with the low density land of 165m. The land falls approximately 6-7m from the rear down to Yolande Court, but there is also some cross fall evident, particularly on No. 6. Yolande Court has an elevation of around 52AHD. The rear of the site has an elevation around 58AHD.

- 3.5 Each lot contains a single storey dwelling, pool and landscaped garden. The dwellings are located towards the rear of each lot on the highest portion on the land. No.6 also contains a tennis court.
- 3.6 No. 6 and No. 7 Yolande Court have significant tree cover, predominantly native species along the side and rear boundaries and within the front setback. No. 8 is the most sparsely treed.
- 3.7 An arborist report prepared by Galbraith and Associates, dated 27 March 2017, accompanies this application and identifies 190 trees on or in proximity to the site. In summary:
- The ages of the trees vary considerably, with the oldest trees being sizeable eucalypts (several species) of approximately 45 years;
 - There are four trees which are native to the local area, each of which has been planted including two Manna Gums over 20 metres high and located near the eastern boundary;
 - Trees 86 and 102 are being retained on No. 7 and include a large Victorian Blue Gum which has substantial prominence in the streetscape.
 - No trees are to be retained on lot 6; and
 - Of the larger neighbouring trees, the encroachment from any works such as retaining wall construction is less than 10% of the TPZ area, hence readily acceptable. The trees for which works are proposed near are numbers 130, 192 and 194.
- 3.8 The site is affected by drainage and sewerage easements of varying widths (2.44m to 3.05m). There are easements along the southern and eastern boundaries which are unused according to Council records. A third easement diagonally cuts through the subject land from the rear south-east corner down to the north-western side boundary, between the dwellings on No. 6 and No. 7 Yolande Court. This easement contains a large drain and a section of sewer pipe in 8 Yolande Court.

The Surrounds

- 3.9 The site has a direct abuttal with fourteen (14) properties, as follows:

Direction	Address	Description
West (Northwest)	Six residential properties comprising: 9 Yolande Court, Templestowe 44, 42, 40, 38, 36 Mandella Street Templestowe	Each property has an area between 721sq.m and 1241sq.m and is developed with either a single storey or double storey dwelling on each lot having hipped or gabled tile roofs. The dwellings are generally setback between 10-16.0m from the common boundary, with 9 Yolande Court (on the corner of Mandella Street) having a minimum setback of 3.0m. The dwellings are sited within landscaped gardens and lawn.

East	<p>Four residential properties comprising:</p> <p>14, 16 and 18 Jacobena Place Templestowe</p>	<p>Each property has an area between 779sq.m and 882sq.m and is developed with two-storey brick dwellings on each lot, with either a hipped or gable tile roof.</p> <p>The dwellings are setback between 8.5m and 10 metres from the common boundary, with the land between provided as private open space. Two of the properties have swimming pools. These properties are elevated above the subject land.</p> <p>The rear of these lots have some tree/shrub cover.</p>
South	<p>Four residential properties, primarily comprising 4 and 5 Waites Court Templestowe.</p> <p>However, 8 and 9 Pinewood Drive Templestowe also have short sections that intersect the boundary at the western end.</p>	<p>Each property has an area between 4378sqm and 5140sq.m, with detached dwellings on each. The dwellings in Waites Court are setback between 30.0m and 45.0m from the common boundary.</p> <p>The rear of the properties contain swimming pools and tennis courts with significant areas of lawn, gardens and scattered tree cover.</p> <p>These properties overlook the subject land.</p> <p>The land is zoned Low Density Residential.</p>
North	<p>5 Yolande Court Templestowe</p>	<p>The land has an area of 660.5sqm and developed with a single storey brick dwelling with carport, positioned in close proximity to the common boundary of No. 6 Yolande Court.</p>

4. THE PROPOSAL

4.1 The proposal is for the use and development of the land at 6, 7 and 8 Yolande Court Templestowe for the staged development and subdivision of the land comprising:

- The subdivision of 6 Yolande Court into 6 lots as shown on Plan of Subdivision PS816427N, and the construction of a dwelling on each lot having an area under 500sq.m.
- The construction of 13 dwellings on 7 and 8 Yolande Court with the subdivision of the land into two lots, (one containing Units 1 to 12 inclusive) and the other containing Unit 13, as shown on Plan of Subdivision PS816428L.
- The removal and creation of drainage easements.

- 4.2 It has been advised by the applicant that the separation of the approval in different staged components provides necessary flexibility for the two developers who currently own the land.
- 4.3 The proposal is outlined on the following plans and reports:
- Architectural plans prepared by Paul Shaw Architects dated 13 December 2017;
 - Drainage Plan prepared by Lanco Group dated 10 May 2017;
 - Arborist Report and subsequent Letter from Galbraith and Associates, dated 22 November 2017;
 - A Sustainable Management Plan prepared by Efficient Energy Choices dated 5 December 2017;
 - Revised Traffic Impact Assessment Report prepared by Quantum Traffic dated 14 December 2017; and
 - Green Travel Plan prepared by Quantum Traffic dated 14 December 2017;
 - Landscape Plan prepared by Hansen Partnership dated 15 December 2015.

Removal and Creation of Drainage Easements

- 4.4 It is proposed to remove the drainage and sewerage easements which run diagonally across the site, along the eastern boundary of 6 Yolande Court and along the southern boundary of 7 and 8 Yolande Court.
- 4.5 The easement along the southern boundary of 6 Yolande Court is to be retained, with a new easement created along the western boundary of 6 and extending into and across the frontage of 7 and 8 Yolande Court, to connect to the easement in 9 Yolande Court. This will free up the site for development and relocate easements towards lot boundaries.
- 4.6 The ability to successfully retain a mature native tree (Victorian Blue Gum with a Tree Protection Zone of 8.5m) within the frontage of 7 and 8 Yolande Court may be compromised by proposed outfall drainage works unless the drain is bored as recommended by the arborist.

Development at 6 Yolande Court

- 4.7 The key details of the proposed unit development of 6 Yolande Court are:
- The subdivision of 6 Yolande Court into 6 lots on either side of a Common Property central driveway, 3.0m in width with a hammerhead court, one indented visitor car parking space and a 6.0m wide crossover;
 - Construction of six, four-bedroom, double storey dwellings;
 - The ground floor levels are setback between 3.9m and 5.2m from the eastern side boundary and 3.2m from the southern rear boundary. Dwelling 1 is setback 8.0m from the Yolande Court frontage;
 - The first floor levels are setback between 6.3m and 8.2m from the eastern side boundary and 3.8m from the rear southern boundary;
 - The dwellings are excavated into the southern and south-eastern sections of the land. Retaining walls up to 1.9m in height are required along the

eastern side of the dwellings (terraced in part and setback 1.0 from the boundary) and up to 1.6m in height along the southern side of the dwellings, (setback 2.1m from the boundary) and outside the easement;

- The ground floor internal configuration of each dwelling includes an open plan kitchen, dining and living room, a bedroom with walk in robe and ensuite, laundry and outdoor alfresco area. Dwellings 5 and 6 also have a second living room. The first floor includes an additional living room, some with separate study nook, master bedroom with walk –in-robe/ensuite and two other bedrooms;
- Each dwelling is provided an attached double garage with internal access to the dwelling. The garage is provided access to the central driveway via a 5m wide driveway;
- The private open space for each Dwelling varies from 75sq.m (Dwelling 1) to 189sq.m (Dwelling 6); and
- A garden area of 38.2%.

Development at 7 and 8 Yolande Court

4.8 The key details of the proposed 13 unit development are as follows:

- Construction of 12 units around a Common Property driveway that is 3.0m in width and meanders and curves to access three levels of site cut for development. It includes 4 visitor car parking spaces;
- Unit 13 at the front of the site is provided independent access to Yolande Court and is excluded from the initial construction of townhouses and subdivision. The applicant intends to use this portion of the land for a site office, storage and parking during the construction phase. The dwelling will be the last dwelling constructed on site;
- Earthworks results in three tiers for development across the site. Tier 1, to the rear of Unit 13, for Units 1, 2, and 3 at between 54 -55AHD. Tier 2, to the rear of Tier 1 for Units 4, 5, 6 and 7 at around 56AHD, and Tier 3, to the rear of the site for Units 8, 9, 10, 11 and 12 at between 57 - 58AHD. Retaining walls along future lot boundaries are the principal means of providing this;
- Construction of four three-bedroom units (Units 2, 3, 4 and 12) and nine four-bedroom units (Units 1, 5, 6, 7, 8, 9, 10, 11 and 13);
- The ground floor levels are setback between 2.5m and 4.0m from the southern, rear boundary due to the angular shape of the site, and between 1.0m and 2.5m from the western side boundary. Unit 13 has a setback of 7.6m from the Yolande Court frontage, with a garage wall on the western boundary. The first floor levels are setback between 3.5m and 5.0m from the southern, rear boundary and between 2.4m and 3.7m from the western, side boundary;
- The units are excavated into the southern portion of the site with retaining walls up to 2.0m in height required across the rear of Units 8. 9. 10. 11 and 12. There is some terracing of the retaining walls, having a 1.0m setback

from the southern boundary, except in the vicinity of Units 9 and 10 where the retaining wall is setback 2.5m to address the Tree Protection Zone of a neighbouring tree;

- The ground floor internal configuration of each unit includes an open plan kitchen, living and dining room, 1 bedroom, a laundry an outdoor alfresco area. The first floor internal configuration includes the remainder of the bedrooms and some have retreats and studies;
- Each dwelling is provided an attached double garage with internal access to the dwelling;
- Secluded private open space at ground level ranges from 50sq m to 140sqm;
- Four visitor car parking spaces located between Unit 3 and 13 (2 spaces) and between Unit 7 and 12 (2 spaces); and
- A garden area of 37.9%.

Staging of the Development

4.9 The development will occur in stages:

- A minor boundary realignment has been approved (Planning Permit PL/027260) slightly increasing the area of No. 6 Yolande Court and reducing the area of No. 7 Yolande Court (to the areas shown in Section 3 of this report);
- Approval of the Plan and Variation and Removal of Easements;
- Subdivision of 6 Yolande Court into 6 lots. The permission sought provides for the construction of dwellings on these lots at any time after;
- Subdivision for 7 and 8 Yolande Court into 2 lots;
- The construction of 12 dwellings-on 7 and 8 Yolande Court. The 13 units can be constructed on the separate title after completion of the 12 units; and
- Subdivision of the 12 dwellings (not part of this application).

5. PRIORITY/TIMING

5.1 The statutory time for considering a planning application is 60 days. The statutory time lapsed on 23 March 2018.

5.2 A VCAT Application for Review against failure to determine an application (within the prescribed period) has been lodged by the applicant on 10 April 2018.

6. LEGISLATIVE REQUIREMENTS

- 6.1 Refer to Attachment 4 (Planning and Environment Act 1987, Manningham Planning Scheme).
- 6.2 A permit is required under the following clauses of the Manningham Planning Scheme:
- Clause 32.08-3 (General Residential Zone Schedule 3) a planning permit is required for subdivision;
 - Clause 32.08-5 (General Residential Zone, Schedule 3) a planning permit is required to construct a dwelling on a lot between 300sqm and 500sqm in area;
 - Clause 32.08-6 (General Residential Zone, Schedule 3) a planning permit is required to construct two or more dwellings on a lot; and
 - Clause 52.02 (Easements, restrictions and reserves) a permit is required for the creation and removal of easements.
- 6.3 The application was lodged September 2017, and therefore the Mandatory Garden Area requirements introduced into the Manningham Planning Scheme in Amendment VC110 (on 27 March 2017) in Clause 32.08-4 of the General Residential Zone apply. This requires development to provide for at least 35% (for lots over 650sq.m) of 'Garden Area' at ground level as defined in Clause 72 of the Scheme (i.e. excluding driveways, car parking, roofed areas and spaces less than 1m wide). The plans indicate that the requirement is met.

7. REFERRALS

External referrals

- 7.1 Referral comments from the servicing authorities associated with the subdivision component of the application are yet to be received.

Internal referrals

- 7.2 The application was referred to the following service units within Council and the table summarises their responses:

Service Unit	Comments
Engineering & Technical Services Unit – Drainage	<p>Point of discharge, outfall drainage is required to relocate the drain within the site.</p> <p>There is an existing overland flow path that runs through the development across the tennis court on 6 Yolande Court towards the driveway of 7 Yolande Court. This will require a flood flow analysis to address development within the flow path.</p> <p>No objection subject to conditions.</p>
Engineering & Technical Services Unit – Traffic, Access and Car Parking	<p>No objection was identified with internal access and the number of car spaces being provided.</p> <p>However concern was identified with the impact of the development on the intersection of Hawtin Street and Porter Street resulting from the</p>

Service Unit	Comments
	additional traffic generated. It was also identified that the driveway gradients between garages of Dwellings 11 and 12 are too steep and the driveway gradient change between the island at Dwelling 4 and Dwelling 8 is too steep.
Engineering & Technical Services Unit – Construction Management	No objection to the proposal subject to the submission of a Construction Management Plan.
Engineering & Technical Services Unit – Waste	No objection subject to waste from all the dwellings being collected by a private waste collector.
Engineering & Technical Services Unit – Easements	No objection was given. However, it is identified that formal consent to “Vary the Easement” and the submission of construction plans will need to be prepared and submitted.
City Strategy (ESD)	No objection to the proposal.
City Strategy (Environment)	The proposal does not trigger a permit or offsetting under the State’s Clause 52.17 as all of the vegetation is planted (exempt under Clause 52.17-7).

8. CONSULTATION / NOTIFICATION

- 8.1 Notice of the application was given over a five-week period which included three weeks for the major project advertising. The advertising concluded on 28 February 2018.
- 8.2 The advertising consisted of sending letters to adjoining and nearby properties and displaying one large sign on each of the lot frontages.
- 8.3 One hundred and forty eight objections have been received from the following properties:

Yolande Court	1-2, 3, 4, 5, 9
Jacobena Place	1, 2, 5, 7, 8, 9, 10, 13, 14, 15,16, 17, 22, 26
Waites Court	4, 5
Mandella Street	4, 6, 9, 10, 11,12, 13, 22, 35, 39, 40, 41, 42, 43, 50, 50A
Pinewood Court	9

Stradmore Avenue	4, 5, 7, 15, 23, 24, 25, 29, 30, 31, 33, 41
Hawtin Street	15, 40, 43, 44 45, 51, 59, 60, 2/63, 64, 1/71, 74
Beale Crt	1, 6, 7, 9, 13, 15
Rutland Drive	4, 5, 10
Other properties in Manningham	269, 397 and 399 Church Rd Templestowe 6 Aloha Gardens Templestowe 4 Tuscany Rise Templestowe 28 and 30 Mahoney St Templestowe 1/281 Williamsons Rd Templestowe 1 Libra Crt, Templestowe 13 County Tce Templestowe 64 Glenair St Lower Templestowe 2B Hazel Dve Templestowe 44 Shakespeare Dve Templestowe 29 Ironbark Drive Templestowe 6 Lankester St Templestowe 8 Verdi Crt Templestowe 4 Duxson Dve Templestowe 166 Ayr St Templestowe 7 Bembooka Crt Templestowe 10a Lynne St Donvale 10 Glen Crt Templestowe 7 Rutland Ave, Templestowe 1/26 and 2/192 Foote St, Templestowe 6 Fulview Crt Templestowe 36 Matisse Dve Templestowe 93 Wood St Templestowe 3 Durkin Crt Templestowe 30 Jocelyn Crt Doncaster east 30 Rosco Dve Templestowe 30 Porter St Templestowe 10 Octanis St Doncaster East 73a Devon Drive Doncaster East 30 Jocelyn Crt Doncaster East 11 Louisa Place Templestowe
Outside Municipality	Montmorency, Rosanna, Mooroolbark

8.4 A location map of the objectors is provided in Attachment 2.

8.5 The grounds of objection are summarised as follows:

Built Form and Neighbourhood Character

- Loss of vegetation, impact on landscape and wildlife;
- Does not respect low density interface;
- Limited landscaping opportunities, especially along boundaries;

- Lower pitch of rooves to reduce overall building height;
- Site coverage excessive (over 60%) and garden area calculations include easements;
- Scale inappropriate especially in a General Residential 3 Zone;
- Inappropriate location not close to public transport or shopping centres/Activity Centres; and
- Does not meet ESD score of 25%.

Privacy/Overlooking

- Screening measures inadequate;
- Non-compliant with Rescode B17 and B22;
- Height of fencing is inadequate to prevent overlooking and privacy issues; and
- Any new fencing to be at developers cost.

Traffic and parking on local streets.

- Especially during school times creating safety issues;
- Congestion on local street network;
- Insufficient parking provided for each dwelling and visitors;
- Inadequate access for Waste collection; and
- Construction and delivery vehicles will congest streets.

8.6 A response to the grounds of objection is included in the assessment sections of this report.

9. ASSESSMENT

9.1 The proposal has been assessed against the relevant state and local planning policies, the zone, and the relevant particular provisions and general provisions of the Manningham Planning Scheme.

9.2 The assessment is made under the following headings:

- State and Local Planning Policy Frameworks (SPPF and LPPF);
- Vegetation removal and landscaping;
- Built form and On-site and Off-Site Amenity Impacts (Clause 55 assessment);
- Car parking, access and traffic (Clause 52.06 assessment); and
- Objector concerns.

State and Local Planning Policy Frameworks (SPPF and LPPF)

9.3 Key objectives of the SPPF and LPPF seek to increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land. This is encouraged in Clause 16 (Housing) and Clause 21.05-2 (Residential) policies within the Manningham Planning Scheme. The latter policy includes an objective to accommodate Manningham's projected population growth through urban consolidation, in infill developments and Key Redevelopment Sites.

9.4 The subject land is within Precinct 4 of Clause 21.05, which pertains to Post 1975 residential areas.

This precinct includes areas that have been predominately developed since 1975 with a substantial amount of development occurring between late 1980s and the 1990s. Although some of the housing built in the 1970s is single storey, housing built in the 1980s and 1990s is predominantly double storey and in some instances three storeys. In this precinct there is minimal unit development. An incremental level of change is anticipated in this precinct.

- 9.5 It is noted that the density of the proposed development is generally appropriate being; the 6 dwellings on Lot 6 at a density of 1 dwelling per 480sqm and the 13 dwellings on Lots 7 and 8 is at a density of 1 dwelling per 390sqm. The garden area for the development is also appropriate, approaching 40%.
- 9.6 While there is a strategic imperative for Council to encourage infill development where an opportunity exists, this is not in isolation to other relevant policies requiring new design to be appropriate for the physical and planning context. The proposed development must respond to neighbourhood character, the streetscape, provide high quality urban design and amenity, be energy efficient and protect off-site amenity for neighbours.
- 9.7 Through the assessment of the planning scheme and the consideration of the objections received, it becomes clear that there are some aspects of the development that are unreasonable in the current design. Particularly, insufficient regard has been given to the retention of canopy vegetation on the peripheries of the land (as well internally), the management of earthworks and the position of dwellings, which overall will ensure they unreasonably dominate views from surrounding properties. The development does not appropriately respect Neighbourhood Character in this regard.
- 9.8 In Clause 21.05 of the Scheme, a key challenge for Council is to achieve a balance between protecting environmental and landscape characteristics and accommodating changing housing needs. The provision of new housing is directed by strategies that protect and enhance landscape character, neighbourhood character and environmental values.
- 9.9 Within vegetated residential areas, maintenance of native tree cover (and particularly the locally indigenous species) is also important for facilitating wildlife movements, noting that some objectors have mentioned the presence of both native fauna and birds in their back yards.
- 9.10 This site with a combined area of 7,935sqm within the GRZ3 does provide an opportunity for a more intense level of residential development than its present use, being three dwellings with associated pools and tennis courts. However the planning and policy framework, its interface with a Low Density Zone to the south, and the GRZ 3 to the north, east and west indicates a more sensitive and moderate form of development is envisaged.
- 9.11 Although the proposed development may generally comply with many of the Clause 55 assessments in relation to maximum allowable height and setbacks, the development is not responsive to neighbourhood character and in terms of neighbouring amenity. It fails the first Standard in Clause 55, being Standard B1 Neighbourhood Character objectives. It is also considered to fail Standard B3 relating to Landscaping and the objective *to encourage the retention of mature vegetation on the site.*

Vegetation removal and Landscaping

- 9.12 The proposed development, through earthworks associated with relocating the drain through the property, general earthworks for dwellings and open space areas and the positioning of new dwellings, will result in the removal of significant amount of vegetation on the land, both native and exotic species, from the subject site.
- 9.13 The dwellings on the adjoining land, particularly in Jacobena Place and in Waites Court, are elevated above the subject land and there is a back drop of significant tree canopies for these properties. The dwellings in Waites Court are positioned a greater distance from the common boundaries and also overlook the land to the hills beyond, with several canopy trees within their boundaries and close to the common boundary.
- 9.14 Trees assessed in the arborist report prepared by Galbraith and Associates, dated 27 March 2017, as "Worthy of Retention" with a rating scale of 4-6 should be considered for retention and incorporated into a revised design for the development. This includes two Manna Gums (Tree Nos 35 and 39), Brittle Gum (Tree 56), Argyle Apple (Tree 52) and Apple Myrtle (Tree 123) and Swamp Mahogany (Tree 14). All of these trees with the exception of tree 14 are located adjacent to the eastern and southern boundaries of the land.
- 9.15 There is no specific requirement to relocate the drain to the rear boundary of No. 6 Yolande Court and require the removal of the vegetation along the rear boundary. Other options appear to exist to avoid conflict with established vegetation.
- 9.16 There is no specific requirement for extensive earthworks up to 2.0m in depth along the eastern boundary of No.6 Yolande Court which would result in the clearing of established vegetation from along this interface and providing landscaped areas above retaining walls that will be very difficult to maintain by future owners. It would appear some of the reasoning for the retaining walls and lack of sensitivity along the boundary, is due to the positioning of the dwellings and the placement of secluded open space with the interface, in order to retain generous driveway entry and proportions for the new dwellings.
- 9.17 The driveway access for development at No.6 Yolande Court is over 15.0m in width (between dwellings), where 7-9m is commonly provided within the development other developments, including the No. 7 and 8 Yolande Court proposal. Some of the front gardens of these dwelling are more generously proportioned compared with the rear open space, particularly as part of the rear open space is inaccessible. The generous entry proportions should be sacrificed to ensure an improved and usable interface to the rear of the dwellings.
- 9.18 Additional landscaping should be provided in the central driveway area through the reduced widths of driveways that make no attempt to narrow or transition from 4.8m wide at the garage entry to the 3.0m width driveway.
- 9.19 Along the rear boundary of the site, similar retaining walls are proposed, partly to protect the proposed drainage asset in the easement. The presence of the retaining walls within 2.1m of the boundary ensures all vegetation on the application site is lost.
- 9.20 At times, the setback of dwellings from retaining walls will generate a poor outlook and service yards which become quite difficult to use, creating dark and potentially damp areas. Access to clotheslines, bin storage, water tanks and to

the top of the retaining walls for maintenance purposes or planting, becomes difficult to achieve.

- 9.21 A more reasonable landscape protection and the terracing of retaining walls is included in the proposal for 7 and 8 Yolande Court. This includes rebates in retaining walls that seek to protect a vegetation protection zone for a tree on the neighbouring site to the rear in Waites Court, and the protection of an existing screen of Pittosporums along the north western boundary at the interface of properties in Mandella Street.
- 9.22 However the rebate of the retaining wall at the rear of Units 9 and 10 may not be sufficient to ensure the protection of Tree 130 as it represents approximately 11.5% encroachment of its TPZ area.

Built Form and Amenity Impacts

- 9.23 The assessment of the proposal under Clause 55 - Two or more dwellings on a lot in the Manningham Planning Scheme is attached as Attachment 5.
- 9.24 The proposal generally responds appropriately to the Clause 55 requirements, except 55.02-1 – Neighbourhood Character and 55.03-8 – Landscaping.
- 9.25 As there is the inability to plant good screening vegetation, overlooking issues from neighbours in Jacobena Place into habitable rooms and private open spaces unless the fence heights are increased from new 1.9m.

Car parking, access and traffic

- 9.26 An assessment against the relevant car parking design standards in Clause 52.06-9 of the Manningham Planning Scheme is provided in Attachment 6.

Car Parking

- 9.27 Prior to a new use commencing or a new building being occupied, Clause 52.06-2 (Car Parking) requires that the number of car parking spaces outlined at Clause 52.06-6 be provided on the land or as approved under Clause 52.06-5 to the satisfaction of the Responsible Authority.
- 9.28 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. Visitor car parking is also prescribed at a rate of 1 car parking space for every five dwellings.
- 9.29 In relation to resident parking, the required provision is made through double garages for each dwelling. The visitor parking requirement is exceeded, as five spaces in total are provided. There is further opportunity for visitor parking also in some driveways.
- 9.30 The proposed parking provision complies with the requirements of the Manningham Planning Scheme. Council's Engineering and Technical Services Unit has raised no issue with the design of residential or visitor car parking.

Driveways and Access

- 9.31 The design of the driveways and crossovers is generally satisfactory. It is noted Council's Engineers have raised issues with gradients in a couple of location which would ordinarily be corrected via conditions.

Traffic & Car Parking

- 9.32 The proposal provides the necessary number of car parking spaces required to be provided on-site pursuant to Clause 52.06 Car Parking of the Manningham Planning Scheme.
- 9.33 Council's Engineers and Technical Services Unit has raised no issues with regard to parking, visitor parking, internal access, traffic or pedestrian safety within immediate proximity to the site or within the site, except for a couple of occasions where garage access is too steep. This would ordinarily be resolved through conditions. No issues are raised specifically in relation to school safety.
- 9.34 Council's Engineers have raised some deficiencies with the applicant's Traffic Impact Assessment (traffic generation figures).
- 9.35 Council's Engineering and Technical Services Unit does not have concerns with off-site traffic and safety impacts in the immediate proximity of the site. However the broader residential area has limited access onto main roads, which is a concern
- 9.36 All traffic associated with the development must travel west along Mandella Street to Hawtin Street and then along Hawtin Street to exit at Porter Street. Hawtin Street currently experiences significant traffic queues during the morning peak periods as it provides the only exit to Porter Street for vehicles wishing to travel west as right turns are prohibited from Hawtin Street into Foote Street.

Objector issues / concerns

Over-development of the land /Neighbourhood Character

- 9.37 This has been discussed at length in the Assessment Section of this report. The proposed development is not sufficiently respectful of neighbourhood character.
- 9.38 The proposal does provide suitable spacing and opportunities for landscaping around the eastern and southern sides of the development, for the residential interfaces including the low density zoned land adjoining to the south.
- 9.39 The development does not provide suitable setbacks from the rear and side boundaries, to enable effective landscaping, to retain significant vegetation and to establish canopy trees or large screening species of vegetation to replace the treed outlook the adjoining residents currently enjoy and which is prevalent in the area.
- 9.40 The removal of all significant canopy trees on the land (apart from the retention of two mature native trees within the front setback) does not respect neighbourhood character and amenity. This is also likely to impact on wildlife corridors and habitat.
- 9.41 The built form, including appropriate spacing between dwellings/units and neighbouring property boundaries does not respect neighbourhood character, offsite amenity, the ability to retain additional trees and improve landscaping opportunities throughout the development;

- 9.42 The wide driveway entry treatments for the 6 Yolande Court development pushes development to the eastern and southern boundaries.
- 9.43 The private open space and building footprint for Unit-1, proposed driveway treatments and proposed drainage may place unreasonable pressures on the ability to retain the two trees within the front setback.
- 9.44 The extent of excavation is not considered site responsive to the undulating topography of the site and impacts neighbourhood character and internal amenity.

Off-site amenity impacts

- 9.45 The proposed development is excavated into the south and south-eastern portion of the land and the overall building heights and amenity impacts from this have been reduced.
- 9.46 Overall, the requirements to limit overlooking in accordance with Standard B21 of Clause 55 are achieved, noting some of the elevations do not show the screening measures that are referred to on the floor plans, and boundary fence could be replaced where under 1.8m in height or where it is in poor condition. These would ordinarily be addressed via conditions.
- 9.47 The development is fully compliant with 'overshadowing' and 'daylight to existing windows' by a significant extent. The development will not result in any overshadowing to adjoining residential properties beyond the shadow cast by a boundary fence except at 9am where the carport of No.9 Yolande Court will be subject to additional shade.
- 9.48 The proposal has been assessed and is considered to meet the required side setbacks of Standard B17 of Clause 55.04-1 (Side and Rear Setbacks).
- 9.49 As a planning permit is not required to use land for more than one dwelling, residential noise are not matters that can be considered.

Traffic and Car parking

- 9.50 A response to this issue is discussed in Sections 9.32 to 9.36 inclusive above.

Construction Impacts

- 9.51 A Construction Management Plan would be required as permit condition for the construction phase of the development.
- 9.52 The applicant has proposed that the lot set aside for Unit 13 will be used for construction management purposes for car parking and facilities during construction phase which is positive.

Loss of Property Values

- 9.53 The impact on property prices is not a consideration of the planning permit application process. The Victorian Civil and Administrative Tribunal 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. However it is acknowledged that these are concerns from local residents.

10. DECLARATION OF CONFLICT OF INTEREST

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