

**Planning Application PL14/024686: 185 – 187 Manningham Road, Templestowe Lower - Construction of a three-storey apartment building comprising 17 apartments above basement level car parking**

Responsible Director: Director Planning & Environment

File No. T15/247

Neither the responsible Director, Manager or Planning Officer authoring this report has a conflict of interest in this matter.

**Land:** Lot 1 TP213345P Vol 09310 Fol 552  
Lot 2 TP213345P Vol 09310 Fol 552

**Zone** Residential Growth Zone - Schedule 2  
Design Development Overlay - Schedule 8  
(Sub-precinct Main Roads)

**Applicant:** Sam Salerno  
C/- Paul Shaw and Associates

**Ward:** Heide

**Melway Reference:** 32J8

**Time to consider:** 8 December 2015

**SUMMARY**

*Planning Application PL14/024686 proposes to develop two adjoining residential lots (total area 1352sqm) with a three-storey apartment building above basement level car parking on land known as 185 and 187 Manningham Road, Templestowe Lower (the site). The site is located on the intersection of Manningham Road and Lakeview Terrace. The apartment building proposes a yield of 17, one and two bedroom apartments plus 20 car parking spaces, of which 3 are dedicated for visitor parking. Vehicular access to the basement is from Lakeview Terrace. Pedestrian access to a common area foyer is also from Lakeview Terrace. The site coverage of buildings is 59.0%, the maximum building height is 11.0 metres and the proposed permeable surface is 26.9%.*

*The application was advertised and one (1) objection was received. The grounds of objection mainly relate to neighbourhood character, loss of views from excessive building height and bulk, noise generated from future occupants, traffic congestion and inadequate on-street car parking, loss of daylight, the safety of residents in the street, and loss of property values.*

*The development is broadly consistent with Council's planning policy that recognises there will be a 'substantial level of change' in dwelling yield and built form at this main road location. Particular consideration of visual impacts has been given to this application, noting that an apartment building comprising 22 apartments is almost finished at 181 and 183 Manningham Road, which abuts the western boundary of the Site.*

*The report concludes that the proposal complies with the Manningham Planning Scheme, including the requirements of the Design and Development Overlay – Schedule 8 and Clause 55. The building incorporates a range of design features, such as protruding and recessive elements that break up the building’s mass whilst achieving a high level of architectural coherence. The building has been excavated into the ground to account for the fall of the land with no part of the building being more than three storeys above the natural ground level. The varied materials, colours and finishes, and design detail add to the visual interest of the building.*

*On this basis, it is considered the proposal is not an overdevelopment of the site and it is recommended that a Notice of Decision to Grant a Planning Permit be issued.*

## **1 BACKGROUND**

- 1.1 The irregular shaped site (total area 1352sqm) consists of two adjoining residential allotments that are located on the north-western corner of the Manningham Road and Lakeview Terrace intersection.
- 1.2 These allotments are effectively consolidated by the single-storey dwelling being constructed across both lots - the site is in one Title. The dwelling is constructed in face brickwork with a hipped, tiled roof and is considered to be in a poor or dilapidated condition. The site previously contained a mixture of native and exotic vegetation but these have now mostly been removed.
- 1.3 Along the Manningham Road frontage is a 2.1 metre high brick retaining wall. A matching 1.8 metre high brick wall was located in the Lakeview Terrace frontage but this has now been removed. A 1.7 metre high paling fence is located along the northern boundary which is considered to be in a fair to good condition. A new 1.8m high timber paling fence is proposed along the western boundary in response to the apartment building that is currently under construction at 181 and 183 Manningham Road.
- 1.4 The dimensions of the site are:
  - Manningham Road frontage - 38.56 metres;
  - Lakeview Terrace frontage - 41.71 metres;
  - Western boundary - 41.46 metres;
  - Northern boundary - 22.58 metres; and
  - A 4.82 metre long splay is opposite the intersection.
- 1.5 The land slopes towards the south west with a level difference of approximately 2.7 metres between the north-eastern corner and the south-western corner.
- 1.6 A 1.83 metre wide unclassified easement abuts the northern boundary which appears to contain a drainage pipe.
- 1.7 Registered Restrictive Covenant 1587628 is registered to the Title (i.e. it applies to both lots). In part, the covenant says:

*“ ... will not at any time hereafter excavate carry away or remove or permit to be excavated carried away or removed from the said land hereby transferred any marl earth clay stone gravel or sand except for the purpose of excavating for the foundations of any building to be erected thereon or use or permit or allow the said land to be used for the manufacture or winning of bricks tiles or pottery ware and it is intended*

*that this covenant shall run with the land hereby transferred and shall be set out as an encumbrance on any Certificate of Title to issue for the said land or any part thereof.”*

- 1.8 The site has abutments with two properties. The surrounding development is described as follows:

Direction	Property Address	Description
North	1 Lakeview Terrace	<p>This lot is currently developed with a single-storey face brickwork dwelling with a tiled, hipped roof. The southern corner of the dwelling is setback approximately 1.8 metres to the common boundary.</p> <p>The same planning controls as the subject site affect this parcel.</p> <p>Application for planning permit PL14/024444 for land at 1 Lakeview Terrace is currently under review with a 1-day VCAT hearing set down for 12 January 2016. The review is against Council's failure to determine the application within the prescribed timeframe (60 days). Officers are generally supportive of a modified development and plans to be formally substituted to VCAT comprising the construction of seven (7) townhouses in a 3-storey apartment style built form (a proposal for nine dwellings was originally submitted). In relation to the interface with the site, the proposed development at 1 Lakeview Terrace includes two (2) townhouses (Dwelling 1 orientated towards the street, and Dwelling 3 orientated towards the site). The town houses have variable setbacks to the site, with a minimum setback of 1.53 metres at ground level. The first and second floor levels are setback between 1.54 metres and 4.50 metres from the site. Two (2) visitor car parking spaces will immediately abut the common boundary as will a pedestrian pathway and landscaping bed.</p>
West	181-183 Manningham Road	<p>An apartment building comprising 22 apartments and basement car parking with access gained from Manningham Road is nearing completion (Planning Permit PL12/023165). Ten of the</p>

Direction	Property Address	Description
		apartments have an eastern orientation, i.e. they face towards the site; 4 each are at the ground and first floor level, and 2 are at the second floor level. At ground level, the building is setback between 1.75 metres and 2.00 metres, with terraces setback 1.00 metre to the common boundary. At first floor level, the building is also setback between 1.75 metres and 2.00 metres (including two terraces with a setback of 1.75 metres). At the upper floor level, the building is setback between 4.40 metres and 5.15 metres.

- 1.9 The properties opposite the site and on the eastern side of Lakeview Terrace are single or two-storeys in height and are elevated above the site. These properties are located within the General Residential Zone – Schedule 1. There are no overlay controls that apply to these properties.
- 1.10 The properties opposite the site and on the southern side of Manningham Road are located within the Main Roads Sub-precinct of the Design and Development Overlay - Schedule 8. The property at 195 Thompsons Road contains a three-storey mixed use building for a medical centre and apartments. Planning Permit PL11/022557 was granted for the construction of two, four-storey buildings, comprising a total of 61 apartments and two levels of basement car parking at 164-166 & 170 Manningham Road (corner of Thompsons Road).
- 1.11 Manningham Road is a major arterial road within the jurisdiction of VicRoads. Manningham Road is also designated as a Bus Priority Route within VicRoads road use hierarchy. Manningham Road contains six lanes of traffic (three lanes in either direction) with a speed limit of 70km/h. A raised barrier divides the lanes, with the east-bound lanes set above the west-bound lanes. Manningham Road intersects with Thompsons Road to the west which provides access to the Eastern Freeway from Thompsons Road. Manningham Road has a Clearway Zone which prohibits on-street parking between 6:30am – 9:30am and 4pm – 6:30pm on Monday to Friday.
- 1.12 The character of the area is primarily residential which is reflective of the current planning controls. Dwellings display a range of styles with various front setbacks and materials, where brick with hipped, tiled roofs is the dominant material of construction, noting that there are examples of dwellings with weatherboard cladding.
- 1.13 There are now several lots in the vicinity of the site that are being redeveloped with developments of a significantly higher density than the housing stock it replaces. This is the outcome encouraged by the various provisions of the Design and Development Overlay – Schedule 8 that applies along Manningham Road and to some lots nearby.

- 1.14 Landscaping, both within residential lots and along Manningham Road is generally unremarkable, however established street trees will mature to provide improved landscaping values.
- 1.15 The site is located near the following facilities and amenities - approximate distances are provided:
- 100m from Thompsons Reserve;
  - 400m from Manningham Park Primary School;
  - 800m to Bulleen Plaza;
  - Public transport is available in Manningham Road, in front of the site.

### Planning History

- 1.16 The planning application was presented to a Sustainable Design Taskforce at an early pre application stage on 27 February 2014.
- 1.17 An amendment was submitted on 8 October 2015 under Section 57A of the *Planning and Environment Act 1987* to address several concerns raised by Council officers. The amendments applied for are:
- The ground and first floor element (and balcony) near the south-western corner of the site abutting the property at 181 – 183 Manningham Road has been redesigned by removing the protruding 'box' structure, which softens and 'opens up' this corner of the building;
  - An additional retaining wall and planter box has been provided in front of the basement projection (i.e. in the south-west corner of the building) to provide further planting opportunities around the perimeter of the building;
  - Altered ramp gradients and increased headroom clearance into the basement;
  - Apartment 7 has been reduced in size (bedroom 1) increasing the setback from the northern and Lakeview Terrace boundaries; and
  - Apartment 9 has been redesigned now offering an open study instead of a second bedroom to improve diversity.

## 2 PROPOSAL

- 2.1 The proposal is described from the formally amended plans submitted under Section 57A of the *Planning and Environment Act 1987*.
- 2.2 It is proposed to demolish the existing dwelling and construct a three-storey apartment building comprising 17 apartments with basement level car parking providing 20 car parking spaces.
- 2.3 The building features 1 one-bedroom apartment (Apartment 9), and 16 two-bedroom apartments. Apartment 9 has a floor area of 71sqm. The two bedroom apartments have floor areas between 79sqm and 112sqm. All apartments have balconies and these range in area between 8.4sqm and 35sqm. Apartment 12 has two balconies, each with an area of 13sqm. The balconies generally have an irregular shape and a typically dimension of

- approximately 2.4m for some part of the balcony. In addition, Apartments 1 (56sqm), 2 (20sqm) and 6 (22sqm) have an open space area at ground level.
- 2.4 All apartments are allocated one car parking space each, leaving 3 spaces available for visitors.
- 2.5 The basement is accessed from a 5.50 metre wide crossover that widens to a 6.20 metre wide ramp adjacent to the crossover - this is intended to enable vehicles to pass each other. The ramp then narrows into a single-width lane as it turns left and down into the basement. The maximum gradient of the ramp is 1:4. A convex mirror is provided on the wall above the curve to enable the full view of the ramp to be made for drivers accessing the ramp in either direction. The minimum headroom clearance is 2.30 metres above the ramp. An intercom island is located in the middle of the widened ramp section. An electronically controlled basement door is located at the entrance to the ramp.
- 2.6 The void beneath the ramp has been utilised as a storage area for Apartments 1-6. The storage areas for the remaining units are positioned at the end of their car parking spaces. A communal bin storage room and bike storage room containing 5 "Ned Kelly" style racks are located in the south western corner of the basement. A pedestrian access to Manningham Road is adjacent to these rooms. Occupants can access the levels above from the path adjacent to the dwarf wall adjacent to the visitor car parking spaces and car parking space 17 to the lift and stairs.
- 2.7 The building will be excavated into the ground to a maximum depth of approximately 2.40 metres at the northern end of the site and 2.50 metres in the south-eastern corner. The building will have a maximum overall height of 11.0 metres.
- 2.8 The building has the following setbacks:
- Manningham Road (southern boundary):
- Basement – 6.00 metres;
  - Ground Floor – 4.80 metres (balconies of Apartments 4 & 5), building 6.00 metres;
  - First Floor – 5.00 metres (balconies of Apartments 11 & 12), building 6.00 metres;
  - Second Floor – 6.00 metres (balcony of Apartment 16), building 7.50 metres.
- Lakeview Terrace (eastern boundary):
- Basement – 0.30 metres – 2.10 metres;
  - Ground Floor – 2.10 metres (Apartment 6);
  - First Floor – 2.10 metres (Apartment 13);
  - Second Floor – 1.70 metres (balcony Apartment 17).
- Side setback (western boundary) – the building's front elevation where the pedestrian and vehicle entry presents:
- Basement – 2.30 metres;
  - Ground Floor – 2.30 metres (balconies of Apartments 1 & 2), building 3.00 metres;

- First Floor – 2.50 metres (balcony of Apartment 10), building 3.00 metres;
- Second Floor – 4.80 metres (balcony of Apartment 15).

Side setback (northern boundary):

- Basement – 4.00 metres;
- Ground Floor – 3.80 metres (Basement ramp);
- First Floor – 3.00 metres (balconies of Apartments 7 & 8), building 3.20 metres;
- Second Floor – 5.20 metres (balcony of Apartment 14), building 7.00 metres.

- 2.9 The building has a contemporary design, including a flat roof and a range of materials and finishes, such as painted rendered finish in muted colours and lightweight cladding. Two architectural ‘framed’ elements feature, one in each street frontage.
- 2.10 Horizontal aluminium screens are provided in the western elevation on the second floor. Aluminium screens are also provided in the north elevation at ground level to provide basement ventilation.
- 2.11 Roof mounted solar panels for solar hot water systems and roof mounted hot water systems are enclosed with a 1.60 metre high screen and are located over the northern half of the roof.
- 2.12 The proposed building has a site coverage of 59.0% and a density of 1 apartment per 79.5sqm of site area.
- 2.13 The retaining wall within the Manningham Road frontage is to be modified. Two sections of the wall are proposed to be set back into the property and constructed with two recessing steps to create ‘openings’ within the frontage.
- 2.14 An accessible ramp surfaced in non-slip tiles will be provided from Lakeview Terrace to the pedestrian entry.
- 2.15 A light well is proposed to provide a supplementary internal light source to Apartments 1, 2, 9 and 15. This will also be visible from common areas within the building at each level. Landscaping is proposed at ground level. Feature timber screens are proposed on the well at all levels to provide privacy to the rooms depending upon light from this source.

### **3 RELEVANT LEGISLATION**

- 3.1 The *Planning and Environment Act* 1987 (the Act) is the relevant legislation governing planning in Victoria. The Act identifies subordinate legislation in the form of Planning Schemes to guide future land use and development.
- 3.2 Section 60 of the Act outlines what matters a Responsible Authority must consider in the determination of an application. The Responsible Authority is required to consider:
- The relevant planning scheme;
  - The objectives of planning in Victoria;
  - All objectives and other submissions which it has received and which have not been withdrawn;

- Any decision and comments of a referral authority which it has received; and
  - Any significant effects which the Responsible Authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.
- 3.3 Section 61(4) of the Act requires that if the grant of a planning permit would authorise anything that would result in a breach of a registered restrictive covenant, the Responsible Authority must refuse to grant a permit, unless a permit has been issued, or a decision made to grant a permit, to allow the removal or variation of the covenant.
- 3.4 This proposed development will not contravene Covenant 1587628 that is registered to the Title, which prohibits excavations or removal of marl, earth, clay stone gravel, except for the purpose of a foundation associated with a building.

#### **4 PRIORITY/TIMING**

- 4.1 The statutory time for considering a planning application is 60 days. Allowing for the time taken to advertise the planning application, the statutory time period lapses on 8 December 2015.

#### **5 MANNINGHAM PLANNING SCHEME**

- 5.1 The site is located in the Residential Growth Zone – Schedule 2 (RGZ2) and is covered by the Design and Development Overlay – Schedule 8 (DDO8-1).
- 5.2 A planning permit is required to construct two or more dwellings on a lot under the zone (Clause 32.07-4). The relevant purpose of the zone is:
- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
  - *To provide housing at increased densities in buildings up to and including four storey buildings;*
  - *To encourage a diversity of housing types in locations offering good access to services and transport including activities areas.*
  - *To encourage a scale of development that provides a transition between areas of more intensive use and development and areas of restricted housing growth.*
- 5.3 Manningham Road is zoned Road Zone – Category 1. Given that vehicular access to Manningham Road is not proposed, no further reference to the Road Zone – Category 1 will be made in this report.
- 5.4 A planning permit is also required to construct a building or to construct or carry out works under DDO8-1 (Clause 43.02-2). The relevant design objectives contained in Schedule 8 of the DDO are:
- *To increase residential densities and provide a range of housing types around activity centres and along main roads;*



- *To encourage development that is contemporary in design that includes an articulated built form and incorporates a range of visually interesting building materials and façade treatments.*
  - *To support three storey, 'apartment style', developments within the Main Road sub-precinct and in sub-precinct A, where the minimum land size can be achieved.*
  - *To ensure new development is well articulated and upper storey elements are not unduly bulky or visually intrusive, taking into account the preferred neighbourhood character.*
  - *To encourage spacing between developments to minimise a continuous building line when viewed from a street.*
  - *To ensure the design and siting of dwellings have regard to the future development opportunities and future amenity of adjoining properties.*
  - *To ensure developments of two or more storeys are sufficiently stepped down at the perimeter of the Main Road sub-precinct to provide an appropriate and attractive interface to sub-precinct A or B, or other adjoining zone.*
  - *To ensure overlooking into adjoining properties is minimised.*
  - *To ensure the design of basement and undercroft car parks complement the design of the building, eliminates unsightly projections of basement walls above natural ground level and are sited to allow for effective screen planting.*
  - *To create a boulevard effect along Doncaster Road and Manningham Road by planting trees within the front setback that are consistent with the street trees.*
  - *To encourage landscaping around buildings to enhance separation between buildings and soften built form.*
- 5.5 The DDO8 lists a series of specific requirements under the headings "Height and Setback", "Form", "Car parking and Access", "Landscaping" and "Fencing". These requirements are outlined and considered in the Assessment section of this report (Refer to Section 6).

### **State Planning Policy Framework**

- 5.6 The State Planning Policy Framework contains a statement of general principles for land use and development in Victoria as follows:
- 5.7 Clause 11 (Settlement) provides that planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.
- 5.8 Clause 15 (Built Environment and heritage) provides that land use and development planning must support the development and maintenance of communities with adequate and safe physical and social environments for their residents, through the appropriate location of uses and development and quality of urban design.

- 5.9 Clause 15.01-1 (Urban design) has as its objective to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. Strategies towards achieving this are identified as follows:
- *Promote good urban design to make the environment more liveable and attractive.*
  - *Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.*
  - *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*
  - *Require development to include a site analysis and descriptive statement explaining how the proposed development responds to its site and context.*
  - *Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.*
- 5.10 Clause 15.01-2 (Urban design principles) has as its key objective *to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*
- 5.11 Clause 15.01-4 (Design for safety) has as its key objective *to improve community safety and encourage neighbourhood design that makes people feel safe achieved by ensuring the design of buildings, public spaces and the mix of activities contribute to safety and perceptions of safety.*
- 5.12 Clause 15.01-5 (Cultural identity and neighbourhood character) has as its key objective *to recognise and protect cultural identity, neighbourhood character and sense of place.* The strategies to achieve this objective seek to:
- *Ensure development responds and contributes to existing sense of place and cultural identity.*
  - *Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.*
  - *Ensure development responds to its context and reinforces special characteristics of local environment and place by emphasising:*
    - *The underlying natural landscape character.*
    - *The heritage values and built form that reflect community identity.*
    - *The values, needs and aspirations of the community.*
- 5.13 Clause 15.02-1 (Energy and resource efficiency) encourages land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions by:
- *Ensuring that buildings and subdivision design improves efficiency in energy use.*

- *Promote consolidation of urban development and integration of land use and transport.*
  - *Improve efficiency in energy use through greater use of renewable energy.*
  - *Support low energy forms of transport such as walking and cycling.*
- 5.14 Clause 16.01-1 (Integrated housing) seeks to promote a housing market that meets community needs. Strategies towards achieving this are detailed as follows:
- *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.*
  - *Ensure that the planning system supports the appropriate quantity, quality and type of housing, including the provision of aged care facilities.*
  - *Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.*
  - *Encourage housing that is both water efficient and energy efficient.*
  - *Facilitate the delivery of high quality social housing to meet the needs of Victorians.*
- 5.15 Clause 16.01-2 (Location of residential development) seeks to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. Strategies towards achieving this are identified as follows:
- *Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.*
  - *Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.*
  - *Ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development.*
  - *Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.*
- 5.16 Clause 16.01-4 (Housing diversity) seeks to provide for a range of housing types to meet increasingly diverse needs. Strategies towards achieving this are identified as follows:
- *Ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.*
  - *Encourage the development of well-designed medium-density housing which:*

- *Respects the neighbourhood character.*
- *Improves housing choice.*
- *Makes better use of existing infrastructure.*
- *Improves energy efficiency of housing.*
- *Support opportunities for a wide range of income groups to choose housing in well serviced locations.*
- *Ensure planning for growth areas provides for a mix of housing types and higher housing densities in and around activity centres.*

### **Municipal Strategic Statement (MSS)**

- 5.17 Clause 21.03 (Key influences) identifies that future housing need and residential amenity are critical land use issues. The MSS acknowledges that there is a general trend towards smaller household size as a result of an ageing population and smaller family structure which will lead to an imbalance between the housing needs of the population and the actual housing stock that is available.
- 5.18 This increasing pressure for re-development raises issues about how these changes affect the character and amenity of our local neighbourhoods. In meeting future housing needs, the challenge is to provide for residential re-development in appropriate locations, to reduce pressure for development in more sensitive areas, and in a manner that respects the residential character and amenity valued by existing residents.
- 5.19 Clause 21.05 (Residential) applies to residential development within the Municipality. This policy outlines the division of Manningham into four Residential Character Precincts. The site is within "Precinct 2 – Residential Areas Surrounding Activity Centres and Along Main Roads".
- 5.20 A substantial level of change is anticipated in Precinct 2. Whilst this area will be a focus for higher density developments, there are three sub-precincts which each stipulate different height, scale and built form outcomes to provide a transition between each sub-precinct and adjoining properties, primarily in Precinct 1 – Residential Areas Removed from Activity Centres and Main Roads.
- 5.21 The three sub-precincts of Precinct 2 are:
- Sub-precinct Main Road (DDO8-1) is an area where three storey (11 metres) 'apartment style' developments are encouraged on land with a minimum area of 1800sqm. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage. The area of 1800sqm must all be in the same sub-precinct. All development in the Main Road sub-precinct should have a maximum site coverage of 60%.

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

Sub-precinct A (DDO8-2) is an area where two storey units (9 metres) and three storey (11 metres) 'apartment style' developments are encouraged. Three storey, contemporary developments should only occur on land with

a minimum area of 1800sqm. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage. The area of 1800sqm must all be in the same sub-precinct. In this sub-precinct, if a lot has an area less than 1800sqm, a townhouse style development proposal only will be considered, but development should be a maximum of two storeys. All development in Sub-precinct A should have a maximum site coverage of 60%.

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

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

5.22 The site is located within Sub-precinct Main Road (DDO8-1). The design objectives, where applicable, to be achieved are:

- *To increase residential densities and provide a range of housing types around activity centres and along main roads.*
- *To encourage development that is contemporary in design that includes an articulated built form and incorporates a range of visually interesting building materials and façade treatments.*
- *To support three storey, 'apartment style', developments within the Main Road sub-precinct and in sub-precinct A, where the minimum land size can be achieved.*
- *To support two storey townhouse style dwellings with a higher yield within sub-precinct B and sub-precinct A, where the minimum land size cannot be achieved.*
- *To ensure new development is well articulated and upper storey elements are not unduly bulky or visually intrusive, taking into account the preferred neighbourhood character.*
- *To encourage spacing between developments to minimise a continuous building line when viewed from a street.*
- *To ensure the design and siting of dwellings have regard to the future development opportunities and future amenity of adjoining properties.*
- *To ensure developments of two or more storeys are sufficiently stepped down at the perimeter of the Main Road sub-precinct to provide an appropriate and attractive interface to sub-precinct A or B, or other adjoining zone.*
- *Higher developments on the perimeter of sub-precinct A must be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct B or other adjoining zone.*
- *To ensure overlooking into adjoining properties is minimised.*

- *To ensure the design of carports and garages complement the design of the building.*
- *To ensure the design of basement and undercroft car parks complement the design of the building, eliminates unsightly projections of basement walls above natural ground level and are sited to allow for effective screen planting.*
- *To create a boulevard effect along Doncaster Road and Manningham Road by planting trees within the front setback that are consistent with the street trees.*
- *To encourage landscaping around buildings to enhance separation between buildings and soften built form.*

5.23 Clause 21.05-2 (Housing) contains the following relevant policy objectives:

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

5.24 The relevant strategies to achieve these objectives include:

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

- 5.25 Clause 21.05-4 (Built form and neighbourhood character) contains the following policy objective:
- *To encourage residential development that enhances the existing or preferred neighbourhood character of the residential character precincts as shown on Map 1 to this Clause.*
- 5.26 The strategies to achieve this objective include:
- *Require residential development to be designed and landscaped to make a positive contribution to the streetscape and the character of the local area.*
  - *Ensure that where development is constructed on steeply sloping sites that any development is encouraged to adopt suitable architectural techniques that minimise earthworks and building bulk.*
  - *Ensure that development is designed to provide a high level of internal amenity for residents.*
  - *Require residential development to include stepped heights, articulation and sufficient setbacks to avoid detrimental impacts to the area's character and amenity.*
- 5.27 Clause 21.10 (Ecologically sustainable development) highlights Council's commitment to ESD and outlines a number of ESD principles to which regard must be given. These are:
- Building energy management;
  - Water sensitive design;
  - External environmental amenity;
  - Waste management;
  - Quality of public and private realm;
  - Transport.

### **Local Planning Policy Framework**

- 5.28 Clause 22.08 (Safety through urban design policy) includes the following objective:
- *To provide and maintain a safer physical environment for those who live in, work in or visit the City of Manningham.*
- 5.29 Clause 22.09 (Access for disabled people policy) includes the following objectives:
- *To facilitate the integration of people with a disability into the community.*
  - *To ensure that people with a disability have the same level of access to buildings, services and facilities as any other person.*

**Particular Provisions**

- 5.30 Clause 52.06 (Car parking) outlines a car parking rate that must be met by specific developments including dwellings. This clause also outlines design standards for parking areas and accessways that should be achieved. The purpose of Clause 52.06 is:
- *To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.*
  - *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
  - *To support sustainable transport alternatives to the motor car.*
  - *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
  - *To ensure that car parking does not adversely affect the amenity of the locality.*
  - *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*
- 5.31 Clause 55 (Two or More Dwellings on a Lot and Residential Buildings) applies to all applications for two or more dwellings on a lot.
- 5.32 Clause 65 (Decision guidelines) outlines that before deciding on an application, the Responsible Authority must consider, as appropriate:
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;
  - The purpose of the zone, overlays or other provisions;
  - The orderly planning of the area;
  - The effect of the amenity on the area.

**6 ASSESSMENT**

- 6.1 Council's preference for development at this site is clearly articulated in Clause 21.05 and the DDO8 objectives. The policy encourages urban consolidation in this specific location due to its capacity to support change, being located on a main road. The policy anticipates a substantial level of change from the existing single dwelling and dual occupancy pattern of development that has occurred in the past and that is evident around the site.
- 6.2 The DDO8 specifically encourages increased density through apartment style developments with generous side and rear boundary setbacks that supports landscaping to emphasis separation between developments.
- 6.3 In response, the proposed development mirrors landscape and building setbacks of the neighbouring apartment along the western boundary and provides greater setbacks along the northern than the proposed apartment / town house being considered.



- 6.4 The requirement for a planning permit is triggered by buildings and works in this instance and therefore Council, as the Responsible Authority, needs to be assured that the development is appropriate in a more specific context, including, but not limited to:
- Is the built form appropriate in the public realm when viewed from either Manningham Road or Lakeview Terrace and from adjoining properties, including its scale and setbacks?
  - Are there any unreasonable amenity impacts on neighbouring residents?
  - Is there adequate area set aside for landscaping and does the proposed landscaping work appropriately?
  - Are open space areas provided adequate to meet the recreational and service needs of future occupiers?
  - Does the development provide reasonable internal amenity for future occupiers, sufficient diversity, natural light and ESD measures?
- 6.5 The main planning controls that require assessment under are:
- Clause 43.02 Design and Development Overlay – Schedule 8-1 (Main Road Sub-precinct);
  - Clause 52.06 Car Parking; and
  - Clause 55 Two or More Dwellings on a Lot and Residential Buildings.
- 6.6 In the table below, officers have used the term ‘Met’ where an objective and performance standard or policy requirement is achieved. ‘Considered met’ where the objective is met, but the performance standard or policy requires flexibility in its assessment, and ‘Not met’ when it is considered neither the objective nor the performance standard or policy requirement has not been met.

### Clause 43.02 Design and Development Overlay – Schedule 8

- 6.7 These provisions implement the objectives for Residential Areas Surrounding Activity Centres and Along Main Roads which seeks to ensure that residential development contributes to a preferred neighbourhood character.
- 6.8 An assessment of the design elements in Clause 43.02 Design and Development Overlay – Schedule 8 is as follows:

Design Element	Level of Compliance
<p><b><u>Building Height and Setbacks</u></b> DDO8-1 (Main Road Sub-precinct):</p> <ul style="list-style-type: none"> <li>• The minimum lot size is 1800sqm, 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.</li> <li>• The building has a maximum height of 11m provided the condition regarding minimum lot size is met. If the condition is not met, the maximum height is 9m,</li> </ul>	<p>The area of the site is 1352sqm.</p> <p><b>Considered met.</b> The site is subject to modest slope and due to a reasonably balanced cut and fill technique the building height varies approximately plus or minus 1 metre above or below the required 10</p>

<p>unless the slope of the natural ground level at any cross section wider than eight metres of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10m.</p>	<p>metre maximum building height.</p> <p>Above Apartment 16 or the southern side of the site where the land falls away, the maximum height is 11.00 metres. Above Apartment 14 on the northern side of the site, where the building is cut into the slope, the maximum building height of 9.00 metres.</p> <p>Within the Manningham Road frontage, the heights range between 10.30 metres and 11.00 metres. This relates to the upper level which is setback between 7.50 metres and 7.80 metres to the Manningham Road frontage. Manningham Road is not considered a sensitive abuttal and the height of the building when viewed from this public domain is considered acceptable.</p> <p>Within Lakeview Terrace, the building heights range between 9.10 metres and 10.30 metres. The 10.30 metre section is associated with a framed architectural feature which is designed to provide visual interest. On this basis, this too is considered acceptable.</p> <p>Within the northern elevation, the building heights range between 9.10 metres and 10.20 metres. The 10.20 metre section is setback 7.00 metres to the boundary and will not generate any unreasonable impacts on development proposed under Planning Application PL14/024444.</p> <p>Within the western elevation the building heights range between 10.30 metres and 10.90 metres. This upper floor level is setback between 7.60 metres and 9.29 metres to the boundary and will not have any detrimental impacts on the amenity of future occupants of the apartment building being constructed under Planning Permit PL12/023165.</p> <p>In addition, it is noted that the apartment building approved under Planning Permit PL12/023165 was approved with a maximum height of 11.25 metres. Like this site, the adjoining proposal did not meet the minimum area requirement under the DDO8 to allow maximum building heights of 11.00 metres.</p> <p>The 10.00 metre height requirement is not a mandatory height provision and can be varied. The proposed height of the building is considered appropriate having regard for the slope of the land and the higher sections addressing street frontages.</p>
<ul style="list-style-type: none"> <li>• Minimum front street setback is the distance specified in Clause 55.03-1 or 6m, whichever is the lesser.</li> <li>• Minimum side street setback is the distance specified in Clause 55.03-1.</li> </ul>	<p><b>Considered met.</b> The building has been setback 6.00 metres from Manningham Road, although this elevation is not being used for vehicle or pedestrian entry. This continues the 'consistent' setback of buildings along the main road.</p>

	<p>Balconies project into the setback, which is consistent with the DDO8 requirement and helps provide visual interest. The balconies of Apartments 3 (5.50 metres), 4 &amp; 5 (4.80 metres), 11 (5.0 metres) and 12 (4.80 metres) all have front setbacks less than 6.00 metres.</p> <p>The north-eastern corner of Apartment 6 (bedroom 2) is proposed to have a setback of 2.10 metres to Lakeview Terrace, whereas a minimum setback of 3.00 metres is required. This is not considered problematic as this is the only wall section on the side street below the setback requirement. All walls within this elevation have variable setbacks to Lakeview Terrace in response to the alignment of the property boundary and are generally well in excess of the 2 metre or 3 metre requirement. There are ample landscaping opportunities between the building and street frontage.</p>
<p><b>Form</b></p> <ul style="list-style-type: none"> <li>• Ensure that the site area covered by buildings does not exceed 60%.</li> </ul>	<p><b>Met.</b> The site coverage is 59.0%.</p>
<ul style="list-style-type: none"> <li>• Provide visual interest through articulation, glazing and variation in materials and textures.</li> </ul>	<p><b>Met.</b> The building predominately comprises a mix of rendered finish walls in light and dark grey colours. Feature lightweight cladding is provided on the first and second floor in a timber stain. The terraced retaining walls in the Manningham Road frontage are not shown in a particular finish, and a condition (Condition 1.12) has been included requiring this to be shown in a rendered finished, painted in a muted colour blending with the colour scheme of the building. Balcony balustrades will be in grey cladding. The framed architectural features in both street frontages are white.</p> <p>The varied materials, colours and finishes are considered appropriate, and the use of darker colours should enhance the presentation and provide depth and emphasis in contrast to the lighter colours. The development exhibits a high level of architectural coherence.</p>
<ul style="list-style-type: none"> <li>• Minimise buildings on boundaries to create spacing between developments.</li> </ul>	<p><b>Met.</b> There are no buildings proposed on a boundary.</p>
<ul style="list-style-type: none"> <li>• Where appropriate ensure that buildings are stepped down at the rear of sites to provide a gradual transition to the scale of the adjoining residential area.</li> </ul>	<p><b>Met.</b> Being located on a corner site, there is no true rear boundary, however the proposed development incorporates stepping in building form towards the adjoining properties. This, at ground level, is achieved by the location of the basement ramp that is adjacent to the boundary. The retaining wall of the ramp is setback 4.00 metres to the boundary. On the first floor above, the balconies of Apartments 7 and 8 are setback 3.00 metres to the boundary, with the walls being setback 3.20 metres (Apartment 7) and 4.00 metres (Apartment 8). On the second floor, the north-eastern corner of the balcony of Apartment 14</p>

	<p>is setback 5.10 metres to the boundary, with the wall of the building setback 7.00 metres.</p> <p>As mentioned, Planning Application PL14/024444 is currently being considered for this property which is applying to develop this land with 7 two-storey dwellings in a town house design.</p>
<ul style="list-style-type: none"> <li>Where appropriate, ensure that buildings are designed to step with the slope of the land.</li> </ul>	<p><b>Met.</b> The constraints presented by the sloping site have been addressed by excavation, providing the car parking in a basement level. The apartment building is not proposed to incorporate any internal stepping at any level. This design response is considered appropriate.</p>
<ul style="list-style-type: none"> <li>Avoid reliance on below ground light courts for any habitable rooms.</li> </ul>	<p><b>Met.</b> There are no below ground light courts proposed. The portion of the building cut into the site comprises the vehicles ramp to the basement.</p>
<ul style="list-style-type: none"> <li>Ensure that the upper level of a two storey building provides adequate articulation to reduce the appearance of visual bulk and minimise continuous sheer wall presentation.</li> </ul>	<p><b>Not applicable.</b> The apartment building is three-storeys in height.</p>
<ul style="list-style-type: none"> <li>Ensure that the upper level of a three storey building does not exceed 75% of the lower levels, unless it can be demonstrated that there is sufficient architectural interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation.</li> </ul>	<p><b>Met.</b> The second floor of the buildings represents 65.7% (excluding balconies) of the ground floor area.</p>
<ul style="list-style-type: none"> <li>Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos.</li> </ul>	<p><b>Met.</b> The shared entrance and feature design elements have been incorporated into the overall design of the building, and there are no imposing design features.</p>
<ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Met.</b> The proposed excavation provides an appropriate design response for the site's slope. Basement projections within the Manningham Road frontage have been minimised and limited to the extent that the retaining wall and planter beds are to be modified to hide this within Manningham Road frontage.</p>
<ul style="list-style-type: none"> <li>Be designed to minimise overlooking and avoid the excessive application of screening devices.</li> </ul>	<p><b>Considered met subject to conditions.</b> The proposed design provides a high level of privacy in respect of the adjoining properties. The following assessment within each elevation is as follows:</p> <p><u>Western elevation</u> Satisfactory screening has been provided for all apartments except for Apartment 3 and the kitchen window of Apartment 10, using a combination of methods consisting of obscure glazed balustrades, highlight windows, screening devices, and fixing 600mm high trellis on top of the boundary fence. A section drawing of the upper level demonstrates that</p>

	<p>screening is not required due to the views from the recessed upper level being restricted by the roof below.</p> <p>A condition (Condition 1.9) has been included requiring the applicant to demonstrate an appropriate level of screening from Apartment 3 and the kitchen window of Apartment 10.</p> <p><u>Northern elevation</u> The balconies of Apartments 7 and 8, and the bedroom 2 and kitchen of Apartment 14 are not screened towards the development being considered at 1 Lakeview Terrace under (Planning Application PL14/024444). The plans of this development indicate that there are no ground floor secluded private open space areas provided between the building and common boundary fence. There are some habitable room windows and the side of a balcony within the proposed development, however their location within the building will not enable these to be looked into from the site.</p> <p>The use of screening devices is not excessive, and aids in the architectural cohesiveness of the design.</p> <p>With the inclusion of Condition 1.9, overlooking has been considered to be appropriately minimised.</p>
<ul style="list-style-type: none"> <li>Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all mobilities.</li> </ul>	<p><b>Met subject to conditions.</b> Access to the apartment building is from a shared entrance from Lakeview Terrace. This incorporates a ramp, enabling equitable access for all people. There is no internal stepping within the building. The ramp is shown with a gradient of 1:4, however a maximum gradient of 1:14 should be provided and has been included as a condition (Condition 1.8). The notation provided appears to be a drafting error.</p>
<ul style="list-style-type: none"> <li>Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties.</li> </ul>	<p><b>Met.</b> The projection of the basement will only be visible within the Manningham Road frontage, in the south-western corner of the building. In this location, the retaining wall will be modified and new landscaping beds incorporated to hide the projection. This is what has occurred on the neighbouring apartment building.</p>
<ul style="list-style-type: none"> <li>Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site.</li> </ul>	<p><b>Met.</b> The basement is not visually obtrusive when viewed from the Lakeview Terrace. The appearance of the basement is softened by the retention of the existing retaining wall within the street frontage. With its modified design enabling landscaping, the wall is not visually obtrusive.</p>
<ul style="list-style-type: none"> <li>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</li> </ul>	<p><b>Met.</b> Basement level car parking has been designed into the overall form of the building.</p>

<p>parking.</p>	
<ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Considered met subject to conditions.</b> The basement is consistent with the Manningham Road setback of the building, being setback 6.00 metres, and is proposed to have a 4.00 metre setback to the northern boundary. Within these setbacks, effective landscaping can be established.</p> <p>Within Lakeview Terrace, the setback of the basement to the street is variable, with some sections of it having a setback less than that of the building setback. Despite this, only small sections of the basement have this inconsistent setback. Despite this, there remains ample opportunity for landscaping within this setback, including the planting of 6 canopy trees.</p> <p>It is recommended that a condition (Condition 8) be included requiring a landscaping plan be submitted for approved incorporating appropriate landscaping treatments.</p>
<ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Met subject to conditions.</b> The building walls are sited a sufficient distance to enable an appropriate landscaping treatment within the Lakeview Terrace and western boundary setbacks. It is recommended that a condition be included requiring a landscaping plan be submitted for approved incorporating appropriate landscaping treatments (Condition 8).</p>
<ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Met.</b> Roof mounted solar panels for the solar hot water systems are proposed in two rows on the northern section of the roof. These are not proposed to be screened as they will not be visible from adjoining properties. In addition, roof mounted Hot Water systems are proposed on the southern side of the solar panels which are to be screened by 1.60 metre high aluminium louvres. This is appropriate.</p> <p>The lift is located on the eastern side of the building and has an overrun protruding 650mm above the roof level. This is not considered an excessive protrusion. It has been finished in dark rendered finish and has been integrated in the architectural design of the building in respect of materials used. This effectively 'disguises' the overrun and it will not be a significant feature.</p>
<p><b>Car Parking and Access</b></p>	
<ul style="list-style-type: none"> <li>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</li> </ul>	<p><b>Met subject to conditions.</b> One vehicle crossover from Lakeview Terrace is proposed. The location of the crossover will necessitate the removal of a small street tree. This tree has a poor structure and has previously been lopped. There is no concern in the removal of this tree. A condition has been included requiring the replacement of the street tree within the Lakeview Drive frontage (Condition 1.5).</p>

larger tree requires an increased setback.	
<ul style="list-style-type: none"> <li>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.</li> </ul>	<b>Met.</b> Paved open space areas and landscaping are provided within the Lakeview Terrace frontage where the basement extends beyond the wall of the building. Similarly, balconies have been provided above the basement extension for Apartments 1 and 2 in the western elevation. These are all considered to be an appropriate treatment.
<ul style="list-style-type: none"> <li>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.</li> </ul>	<b>Not applicable.</b> No garages are proposed in the street elevation.
<ul style="list-style-type: none"> <li>Ensure that access gradients of basement car parks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements.</li> </ul>	<b>Met.</b> The access gradients are appropriately designed and provide for safe and convenient access for vehicles and service requirements. In addition, a convex mirror has been placed on the wall above the turn to enable vision for motorists utilising the ramp in either direction.
<p><b>Landscaping</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>	<p><b>Met subject to conditions.</b> Satisfactory landscaping can be included within both street frontages.</p> <p>A condition would require a landscaping plan to be submitted for approval, which would incorporate the required canopy tree provisions (Condition 8).</p>
<ul style="list-style-type: none"> <li>Provide opportunities for planting along side boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form.</li> </ul>	<p><b>Met subject to conditions.</b> The landscaping opportunities within the northern and western setbacks enable appropriate opportunities for landscaping along the boundaries.</p> <p>A condition (Condition 8) would require a landscaping plan to be submitted for approval, which would incorporate these landscaping provisions.</p>
<p><b>Fencing</b></p> <ul style="list-style-type: none"> <li>A front fence must be at least 50% transparent.</li> <li>On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn and Mitcham Roads, a fence must: <ul style="list-style-type: none"> <li>not exceed a maximum height of 1.8m;</li> <li>be setback a minimum of 1.0m from the front title boundary;</li> </ul> and a continuous landscaping treatment within the 1.0m setback must be provided.</li> </ul>	<b>Not applicable.</b> There is no fence proposed within either street frontage.

- 6.9 It is evident from the above assessment 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 well setback from all boundaries, allowing for perimeter 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. The building steps up to a smaller second floor.

#### Clause 52.06 Car parking

- 6.10 The control requires resident parking to be provided at a rate of 1 car space for each 1 or 2 bedroom dwelling, plus 2 car spaces for dwellings containing 3 or more bedrooms. Apartment 9 is proposed to have one bedroom, and the remaining 16 apartments, 2 bedrooms each. Each apartment is proposed to have 1 car parking space. The provision of resident car parking is met.
- 6.11 Visitor parking is required at a rate of 1 space for every 5 dwellings where 5 or more dwellings are proposed, which equates to 3 spaces for this development. The provision of visitor car parking is met.
- 6.12 There are no planning grounds on which a higher rate of parking provisions can be required than that proposed for either the public or private spaces.
- 6.13 The following table considers the design standards in Clause 52.06-8:

Design Standard	Met / Not Met
1 – Accessways	<p><b>Met subject to conditions</b></p> <p>The access to the site is via a 5.50 metre wide crossover which is sized to accommodate passing at the entrance of the site in accordance with the design standard.</p> <p>The minimum headroom clearance of the basement ramp is 2.3 metres, which exceeds the minimum 2.1 metre clearance requirement.</p> <p>All vehicles can exit the basement in a forward direction.</p> <p>Visibility is able to be proved at the entrance in accordance with the standard requirements, however this has not been shown. A condition has been included requiring these be shown on the plans (Condition 1.4).</p>
2 – Car Parking Spaces	<p><b>Met subject to conditions</b></p> <p>All car parking spaces meet the minimum standard dimension requirements.</p> <p>The Traffic Impact Report that accompanied the planning application (Ratio, June 2014) provided vehicle sweep paths from each car parking space to demonstrate that sufficient area has been provided within the development for satisfactory vehicle</p>



	<p>manoeuvrability. A vehicle sweep path analysis was also provided for the mini collector garbage truck.</p> <p>Council's Engineering and Technical Services Department raised two concerns relating to vehicle movements within the basement. The first is for vehicle access to Car Parking spaces 1 and 2, with space 1 being the most constrained.</p> <p>The second concern relates to the ability of the Waste Collection vehicle to exit the site in a forward direction using not more than 3 movements. The only area available for this vehicle to manoeuvre is at the base of the ramp, opposite car parking spaces 1 and 2. A sweep path analysis for a mini collector vehicle indicates that the vehicle could exit the basement in a forward direction, but requiring 4 movements.</p> <p>In response to these concerns, it is recommended that a condition be included requiring the reallocation of car parking spaces 1 and 2 and the visitor car spaces (Condition 1.6). Car parking spaces 1 and 2 (currently allocate for occupants) would be better placed where Visitor spaces 2 and 3 are currently indicated, with these then spaces being re-allocated for visitor car parking.</p> <p>Occupant vehicles from these re-allocated spaces can exit using two movements, which is less restrictive and convenient which is considered a positive improvement. In addition, when waste is being collected it is more likely that these re-allocated visitor spaces will be unoccupied and thereby enable the waste vehicle to utilise these spaces to provide easier turning options.</p>
3 – Gradients	<p><b>Met</b> The basement ramp has been designed to comply with the gradient requirements.</p>
4 – Mechanical Parking	<p><b>Not Applicable</b> No car stacker systems are proposed.</p>
5 – Urban Design	<p><b>Met</b> This design standard requires that car parking within buildings (including visible portions of partially submerged basements) must be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks.</p> <p>The section of the basement that projects above natural ground level is proposed to be screened by landscaping within landscaping beds adjacent to those wall sections. This is considered an appropriate screening treatment.</p>
6 – Safety	<p><b>Met subject to conditions</b> The basement level car park will incorporate an appropriate level of lighting.</p> <p>Car parking spaces are clearly identified on the Basement Floor Plan. A condition has been included that requires car parking spaces to be line marked and maintained thereafter to the satisfaction of the Responsible Authority (Condition 14).</p>

	Pedestrian access to this level is from the lift or stairs that are accessible to all occupants from common areas. Occupants with bikes will likely use the lift to gain access to Lakeview Terrace which typically occurs in apartment buildings.
7 – Landscaping	<b>Met</b> Landscaping can be established adjacent to both sides of the ramp at the front of the site.

### Clause 55 Two or More Dwellings on a Lot and Residential Buildings

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

OBJECTIVE	HAVE THE OBJECTIVES BEEN MET?
<b>55.02 Neighbourhood Character and Infrastructure</b>	
<b>55.02-1 Neighbourhood character</b> <ul style="list-style-type: none"> <li>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</li> <li>To ensure that development responds to the features of the site and the surrounding area.</li> </ul>	<b>Met.</b> Officers have considered the development response to the preferred neighbourhood character under the DDO8 assessment.
<b>55.02-2 Residential policy</b> <ul style="list-style-type: none"> <li>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.</li> <li>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</li> </ul>	<b>Met.</b> The proposal is considered to be generally in accordance with relevant planning policy and provides a boost to “more affordable” housing stock in a location within close proximity to community infrastructure and services.  The site is well located to the following facilities: <ul style="list-style-type: none"> <li>100 metres to Thompsons Reserve;</li> <li>400 metres to the Manningham Park Primary School;</li> <li>800 metres to the Bulleen Plaza, which provides a wide range of commercial and retail services;</li> <li>In front of the site – public transport;</li> </ul>
<b>55.02-3 Dwelling diversity</b> <ul style="list-style-type: none"> <li>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</li> </ul>	<b>Met.</b> The standard requirement is for there to be a range in the number of bedrooms.  Apartment 9 is proposed with 1 bedroom, whilst the remaining Apartments are proposed with 2 bedrooms. The size of the apartments range between 79sqm and 112sqm in area.
<b>55.02-4 Infrastructure</b> <ul style="list-style-type: none"> <li>To ensure development is provided</li> </ul>	<b>Met.</b> The site has access to all services. If supported, the applicant would be required to provide an on-site

OBJECTIVE	HAVE THE OBJECTIVES BEEN MET?
<p>with appropriate utility services and infrastructure.</p> <ul style="list-style-type: none"> <li>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</li> </ul>	<p>stormwater detention system to alleviate pressure on the drainage system.</p> <p>Any assessment in relation to the need for an electricity transformer upgrade would be made at the Building Permit stage. There are no apparent utility servicing issues in this location.</p>
<p><b>55.02-5 Integration with the street</b></p> <ul style="list-style-type: none"> <li>To integrate the layout of development with the street.</li> </ul>	<p><b>Met.</b> The proposed pedestrian access arrangements are satisfactory. In particular, the pedestrian entry faces Lakeview Terrace and is well defined through design detail, a series of terraced retaining walls and landscaped beds.</p>
<p><b>55.03 Site Layout and Building Massing</b></p>	
<p><b>55.03-1 Street setback</b></p> <ul style="list-style-type: none"> <li>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</li> </ul>	<p><b>Considered met</b> – refer to assessment in DDO8, section 6.8 of this report.</p>
<p><b>55.03-2 Building height</b></p> <ul style="list-style-type: none"> <li>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</li> </ul>	<p><b>Considered met</b> – refer to assessment in DDO8, section 6.8 of this report.</p>
<p><b>55.03-3 Site coverage</b></p> <ul style="list-style-type: none"> <li>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</li> </ul>	<p><b>Met.</b> The coverage of the site with buildings is 59.0% of site area which is below the maximum allowable amount of 60%.</p>
<p><b>55.03-4 Permeability</b></p> <ul style="list-style-type: none"> <li>To reduce the impact of increased stormwater run-off on the drainage system.</li> <li>To facilitate on-site stormwater infiltration.</li> </ul>	<p><b>Met.</b> The plan provides for a hard surface area of 73.1% which means that 26.9% of the site is available for full water absorption. This latter figure exceeds the 20% minimum specified by the standard.</p>
<p><b>55.03-5 Energy efficiency</b></p> <ul style="list-style-type: none"> <li>To achieve and protect energy efficient dwellings.</li> <li>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</li> </ul>	<p><b>Met.</b> In the event a planning permit is granted for the proposal, energy efficiency and water reticulation will be considered at the building permit stage (in relation to current State building code provisions).</p> <p>The application was accompanied with a Sustainable Management Plan (prepared by Efficient Choices, 13 March 2015) that assessed the sustainability of the design.</p> <p>The report assessed energy efficiency, material fabrics, water efficiency, transport, construction &amp; building waste management and indoor environment quality.</p> <p>Features outlined in the report include:</p> <ul style="list-style-type: none"> <li>Average combined energy efficiency rating assessment to be a minimum 6.0 stars for apartments;</li> </ul>

OBJECTIVE	HAVE THE OBJECTIVES BEEN MET?
	<ul style="list-style-type: none"> <li>• Each apartment to have a shutdown switch near the main entry;</li> <li>• Solar gas boosted hot water system. Contribution of minimum 30% energy savings;</li> <li>• Energy efficient LED lighting and/or compact fluorescent lighting type for apartments and basement;</li> <li>• Double glazing throughout;</li> <li>• Glazing will be generally shaded by balconies and eaves;</li> <li>• Collection of rain water tank size minimum 16000 litres. Water to be used for irrigation and vehicle/paving washing. To be connected to apartments for flushing;</li> <li>• Required to allow minimum 5 secure bicycle storage spaces. To be noted on plans;</li> <li>• Use CO monitoring and VSD fans for basement car park; and</li> <li>• Minimise VOC materials on paints and adhesives.</li> </ul>
<p><b>55.03-6 Open space</b></p> <ul style="list-style-type: none"> <li>• To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</li> </ul>	<p><b>Met.</b> Communal open space areas consist of the basement car park and foyer areas on all levels. This has been appropriately integrated into the layout of the development enabling easy communal access for all occupants.</p>
<p><b>55.03-7 Safety</b></p> <ul style="list-style-type: none"> <li>• To ensure the layout of development provides for the safety and security of residents and property.</li> </ul>	<p><b>Met.</b> The layout of the development and associated security arrangements to the basement car park and entry are satisfactory.</p> <p>The design also provides for appropriate levels of passive surveillance of Manningham Road and Lakeview Terrace.</p>
<p><b>55.03-8 Landscaping</b></p> <ul style="list-style-type: none"> <li>• To encourage development that respects the landscape character of the neighbourhood.</li> <li>• To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</li> <li>• To provide appropriate landscaping.</li> <li>• To encourage the retention of mature vegetation on the site.</li> </ul>	<p><b>Met.</b> Concept Landscaping was shown on the Ground Floor Plan. This provides for generous tree planting within both street setbacks and around the perimeter of the development. The landscaping, when established, will complement the landscape character of the neighbourhood and will soften the built form of the development.</p> <p>A maintenance bond of \$10,000 would be appropriate for this development. This will be required as a condition. (Condition 9)</p>
<p><b>55.03-9 Access</b></p> <ul style="list-style-type: none"> <li>• To ensure the number and design of vehicle crossovers respects the neighbourhood character.</li> </ul>	<p><b>Met subject to conditions.</b> The position of the crossover is satisfactory to Council's Engineers. It will occupy 13.3% of the Lakeview Terrace frontage and is acceptable. As mentioned, a street tree requires removal and a condition has been included requiring this be satisfactorily replaced (Condition 1.5).</p>

OBJECTIVE	HAVE THE OBJECTIVES BEEN MET?
<p><b>55.03-10 Parking location</b></p> <ul style="list-style-type: none"> <li>To provide convenient parking for resident and visitor vehicles.</li> <li>To protect residents from vehicular noise within developments.</li> </ul>	<p><b>Met subject to conditions.</b> The provision of basement car parking with lift and stair access to the apartments is convenient for all residents and visitors who park on the site.</p> <p>As is usual in most apartment buildings, visitors may require access to an intercom system to be 'buzzed' in. As mentioned, Condition 1.2 requires the intercom island to be removed to enable improved vehicle movements at the entrance – see section 6.13. Should an intercom system be required, this can be attached to the side entrance wall of the driveway in front of the basement security door. Occupants will have individual remote electronic devices enabling access.</p> <p>In terms of on-site vehicular noise, concrete slab floor construction will provide appropriate noise attenuation to the ground level from any limited noise associated with the basement parking activity.</p>
<p><b>55.04 Amenity Impacts</b></p>	
<p><b>55.04-1 Side and rear setbacks</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Met.</b> This clause relates to setbacks to the northern and western boundaries. The maximum first floor wall height, minimum setback requirement and proposed setbacks for each building are:</p> <p><u>Northern elevation</u></p> <ul style="list-style-type: none"> <li>Wall height – 10.20m;</li> <li>Required setback – 5.30m;</li> <li>Proposed setback – 7.00m.</li> </ul> <p><u>Western elevation</u></p> <ul style="list-style-type: none"> <li>Wall height – 10.90m;</li> <li>Required setback – 6.00m;</li> <li>Proposed setback – 9.29m.</li> </ul> <p>All setbacks to the side and rear boundaries at the other levels comply.</p>
<p><b>55.04-2 Walls on boundaries</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Not applicable.</b> There are no walls proposed on a boundary.</p>
<p><b>55.04-3 Daylight to existing windows</b></p> <ul style="list-style-type: none"> <li>To allow adequate daylight into existing habitable room windows.</li> </ul>	<p><b>Met.</b> The apartment building at 181-185 Manningham Road is setback to the site between 1.75 metres and 2.00 metres at ground and first floor level, with the upper floor being setback between 4.00 metres and 5.15 metres.</p> <p>The existing dwelling at 1 Lakeview Terrace is setback a minimum 1.80 metres to the boundary with the site. All existing windows have a 3sqm light court.</p>

OBJECTIVE	HAVE THE OBJECTIVES BEEN MET?
<p><b>55.04-4 North facing windows</b></p> <ul style="list-style-type: none"> <li>To allow adequate solar access to existing north-facing habitable room windows.</li> </ul>	<p><b>Met.</b> There are no north-facing windows within 3m of the site.</p>
<p><b>55.04-5 Overshadowing open space</b></p> <ul style="list-style-type: none"> <li>To ensure buildings do not significantly overshadow existing secluded private open space.</li> </ul>	<p><b>Met.</b> The relevant standard requires a shadow assessment to be made for the September Equinox. Where shadow falls onto neighbouring secluded private open space, a percentage/minimum area of the yard needs to receive sunlight for at least 5 hours between 9am-3pm.</p> <p>Any overshadowing of the property to the west will cease by 10am.</p> <p>The amount of shadowing complies with the Standard.</p>
<p><b>55.04-6 Overlooking</b></p> <ul style="list-style-type: none"> <li>To limit views into existing secluded private open space and habitable room windows.</li> </ul>	<p><b>Met subject to conditions</b> – An assessment of the potential for overlooking has been undertaken in Section 6.8. As mentioned, Condition 1.9 has been included requiring the applicant to demonstrate that an appropriate level of screening is provided from Apartment 3 and the kitchen window of Apartment 10 towards the apartment building at 181-183 Manningham Road.</p> <p>With the inclusion of this condition, the standard requirement is met.</p>
<p><b>55.04-7 Internal views</b></p> <ul style="list-style-type: none"> <li>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</li> </ul>	<p><b>Met.</b> Fenestration and balcony design prevent viewing into private open space and habitable room windows of dwellings within the development.</p>
<p><b>55.04-8 Noise impacts</b></p> <ul style="list-style-type: none"> <li>To contain noise sources in developments that may affect existing dwellings.</li> <li>To protect residents from external noise.</li> </ul>	<p><b>Met subject to conditions.</b> Potential sources of noise from the development would be limited to mechanical ventilation. Mechanical ventilation and any other utility services will be located wholly within the building.</p> <p>The placement of air-conditioning units should be regulated to ensure appropriate positioning (mainly for aesthetic reasons). Should approval be granted for the development, a condition should be placed to ensure that air-conditioning units are located where they are not visible from the public realm (Condition 23).</p> <p>The use of double glazing through the building was considered in the Sustainable Management Plan that accompanied the planning application. This is considered an appropriate response given the development is located on a major arterial road to mitigate noise from this source.</p>

OBJECTIVE	HAVE THE OBJECTIVES BEEN MET?
<b>55.05 Onsite Amenity and Facilities</b>	
<b>55.05-1 Accessibility</b> <ul style="list-style-type: none"> <li>To encourage the consideration of the needs of people with limited mobility in the design of developments.</li> </ul>	<p><b>Met.</b> The proposed access arrangements will be suited to all users and will enable a barrier-free approach to the front entry of the building.</p> <p>The building is serviced by a lift which will ensure step free access to all apartments.</p>
<b>55.05-2 Dwelling entry</b> <ul style="list-style-type: none"> <li>To provide each dwelling or residential building with its own sense of identity.</li> </ul>	<p><b>Met.</b> The main pedestrian entry is provided with a prominent entry design cohesively designed within the form of the building. The entry is provided with appropriate design detail and visible and easily identifiable from Lakeview Terrace.</p>
<b>55.05-3 Daylight to new windows</b> <ul style="list-style-type: none"> <li>To allow adequate daylight into new habitable room windows.</li> </ul>	<p><b>Met.</b> A centrally located light well will provide an internal light source to Apartments 1 and 2 (bedroom 2), and Apartment 9 (bedroom 1). The light well is considered to be sufficiently large enough to enable adequate light penetration.</p> <p>All other habitable room windows gain external light from windows.</p>
<b>55.05-4 Private open space</b> <ul style="list-style-type: none"> <li>To provide adequate private open space for the reasonable recreation and service needs of residents.</li> </ul>	<p><b>Met.</b></p> <p>The open space requirement of the Standard is 8sqm of balcony or 40sqm if a traditional rear yard is provided. None of the apartments have a traditional rear yard, although the ground level apartments do incorporate the landscape buffer around the site that increases their open space area.</p> <p>All apartments are provided with a balcony or terrace that exceeds 8sqm and varies between 1.8 metres – 5.2 metres in width. They are predominately located immediately adjacent to the main living areas and provide the future residence convenient access to open space.</p>
<b>55.05-5 Solar access to open space</b> <ul style="list-style-type: none"> <li>To allow solar access into the secluded private open space of new dwellings and residential buildings.</li> </ul>	<p><b>Met.</b> The SPOS areas are mostly located on the eastern, northern and western sides of the building and these will receive direct solar access. Only Apartments 4, 5 and 11 have balconies that are on the southern side. Some south facing open space areas are inevitable for apartment buildings, particularly when they are located on the north side of a main road. Where possible, open space areas have been positioned to avoid a southern aspect.</p>
<b>55.05-6 Storage</b> <ul style="list-style-type: none"> <li>To provide adequate storage facilities for each dwelling.</li> </ul>	<p><b>Considered met.</b> Six cubic metres of storage sheds have been provided for Apartments 1-6 beneath the access ramp and all exceed 6 cubic metres.</p> <p>Storage areas for the remaining Apartments are located at the end of their respective car parking spaces. These</p>

OBJECTIVE	HAVE THE OBJECTIVES BEEN MET?
	range in volume between 5.2 – 5.8 cubic metres. Although below the recommended standard, the level on non-compliance is minor, and sufficient storage is considered to have been provided.
<b>55.06 Detailed Design</b>	
<p><b>55.06-1 Design Detail</b></p> <ul style="list-style-type: none"> <li>To encourage design detail that respects the existing or preferred neighbourhood character.</li> </ul>	<p><b>Met subject to conditions.</b> The proposed architectural presentation offers a contemporary statement that responds positively to the preferred neighbourhood character. The overall concept is well conceived in terms of its streetscape presentation, and incorporates a range of design elements, such as the framed elements within each street frontage, and the protruding balconies which break up the building's mass and achieving a high level of architectural coherence.</p> <p>The building is well articulated and the upper floor is adequately recessed from the ground floor to mitigate visual bulk.</p> <p>A series of terraced retaining walls located within the Manningham Road frontage should be rendered in a muted colour. A condition is proposed to this effect (Condition 1.12).</p> <p>The selection of building materials and finishes has been developed to complement the design elements and will work well in the local context. Window design is attractive and well proportioned, and balcony balustrading is also well designed.</p> <p>A Decision Guideline associated with this clause requires the Responsible Authority to determine whether the visual bulk of a building is acceptable in the neighbourhood setting. In this regard, the building will be appropriate, particularly given the area is identified for substantial change on a main road, including the provision of more apartments. The development offers a degree of transition to surrounding development.</p>
<p><b>55.06-2 Front fence</b></p> <ul style="list-style-type: none"> <li>To encourage front fence design that respects the existing or preferred neighbourhood character.</li> </ul>	<b>Not applicable</b> – no fence is proposed in either street frontage.
<p><b>55.06-3 Common property</b></p> <ul style="list-style-type: none"> <li>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</li> <li>To avoid future management difficulties in areas of common ownership.</li> </ul>	<b>Met.</b> The communal areas within the building will be maintained by an Owners' Corporation. The building is constructed using durable materials and the management of these areas should be minimal.



OBJECTIVE	HAVE THE OBJECTIVES BEEN MET?
<p><b>55.06-4 Site services</b></p> <ul style="list-style-type: none"> <li>To ensure that site services can be installed and easily maintained.</li> <li>To ensure that site facilities are accessible, adequate and attractive.</li> </ul>	<p><b>Met.</b> There are no apparent service supply issues in this area.</p> <p>Satisfactory provision is made for mail delivery and bin storage within the basement.</p> <p>A preliminary Waste Management and Recycling Plan submitted with the planning application (RB Waste Consulting Service, 30 January 2015) indicates that a private rubbish collection service is to be used.</p>

## 7 REFERRALS

- 7.1 There are no statutory referrals required under the Manningham Planning Scheme. However, the application was referred to a number of Service units within Council. The following table summarises the responses:

Services Unit	Comments
Engineering and Technical Services (Drainage)	<ul style="list-style-type: none"> <li>Point of discharge is available to the site.</li> <li>Developer to provide on-site storm-water detention system.</li> <li>All areas are to be drained to the point of discharge.</li> </ul>
Engineering and Technical Services (Vehicle Crossing)	<ul style="list-style-type: none"> <li>Proposed crossover location is satisfactory.</li> <li>Vehicle crossing permit required.</li> <li>Width of crossover should be increased to 6.00 metres to accommodate two way traffic flows.</li> <li>Existing crossovers and nature strips are to be reinstated.</li> <li>Street tree to be replaced to the satisfaction of the Responsible Authority.</li> </ul>
Engineering and Technical Services (Access and Driveways)	<ul style="list-style-type: none"> <li>Adequate sightlines are available from the internal driveway.</li> <li>Gradients of vehicle access accord with Design Standard 3 (Clause 52.06 Car parking).</li> <li>Width and internal radius of the driveway allow sufficient turning areas for all vehicles to exit in a forward direction.</li> </ul>

Services Unit	Comments
	<ul style="list-style-type: none"> <li>• Headroom clearance is satisfactory.</li> <li>• Proposed intercom obstructs the passing area.</li> <li>• Each lane at the entrance must be 3.00 metres wide in accordance with Design Standard 1 (Clause 52.06 Car parking).</li> <li>• Applicant required to demonstrate how two vehicles can pass each other on the ramp due to limited width and steepness.</li> <li>• Applicant needs to review the impact that a vehicle at the base of the ramp waiting to exit the basement would have on vehicles trying to move in and out of car spaces at the base of the ramp.</li> <li>• Applicant needs to demonstrate that cars entering car spaces 1 and 2 can exit the basement in a forward direction with not more than 3 vehicle manoeuvres.</li> </ul>
Engineering and Technical Services (Parking Provision and Traffic Impacts)	<ul style="list-style-type: none"> <li>• Car parking spaces appropriately dimensioned.</li> <li>• No traffic concerns on the surrounding street network.</li> <li>• Car parking provided at the appropriate rate.</li> </ul>
Engineering and Technical Services (Car park layout)	<ul style="list-style-type: none"> <li>• Pedestrian signs to be provided identifying beneath ramp storage areas.</li> <li>• Sliding doors to be provided for storage spaces 7 to 17 to improve safety of parked vehicles.</li> <li>• Visitor parking spaces to be signed.</li> <li>• Bicycle spaces to be signed.</li> </ul>
Engineering and Technical Services (Construction Management)	<ul style="list-style-type: none"> <li>• Construction Management Plan to be provided.</li> </ul>
Engineering and Technical Services (Waste Management)	<ul style="list-style-type: none"> <li>• Waste collection to be undertaken by private contractor.</li> <li>• Waste Management Plan to be provided.</li> <li>• Waste vehicle to be able to perform a 3 point turn to exit the site in a forward direction.</li> <li>• Adequate height clearance for waste</li> </ul>

Services Unit	Comments
	collection vehicle to be demonstrated.
Engineering and Technical Services (Easements)	<ul style="list-style-type: none"> <li>No 'Build Over Easement' approval is required.</li> </ul>
Economic and Environmental Planning (Urban Design)	<ul style="list-style-type: none"> <li>Building is well articulated through modular design of form and surface treatments, including varying facades, fenestration (arrangement of window) and roofline lines, to create strong visual interest and reduces the overall massing of the building.</li> <li>South view is a blind facade, but has some benefits from the setbacks of the retaining wall, but does not communicate or interact with the street. There is a need for additional articulation or visual interest on the Manningham Road retaining wall; this could be provided by some additional recesses or architectural elements in the retaining wall.</li> <li>Screen required to be incorporated into the design for each clothes line.</li> </ul>
Economic and Environmental Planning (Sustainability)	<p>Amendments required to draft Sustainability Management Report as follows:</p> <p><u>Appliances</u></p> <ul style="list-style-type: none"> <li>Plans to show solar hot water system with minimum 30% energy savings.</li> <li>LED fittings required throughout.</li> </ul> <p><u>Energy Efficiency</u></p> <ul style="list-style-type: none"> <li>West elevation glazing to have retractable external blinds.</li> <li>All apartments to have permanent clothe lines.</li> </ul> <p><u>Stormwater Management</u></p> <ul style="list-style-type: none"> <li>Overflow to detention system to be gravity fed.</li> <li>Roof to be drained to water tanks. Water tanks to be connected to toilets, and used for irrigation and wash down.</li> </ul>

7.2 There are no issues that cannot be addressed as conditions.

## 8 CONSULTATION

- 8.1 The application was notified by erecting three (3) signs on the site. Letters were also sent to abutting and nearby property owners and occupiers. One (1) objection has been received.
- 8.2 The Section 57A amended plans that were received were not renotified. Council's delegate exercised discretionary authority to not notify in the circumstances as each of the amendments proposed would have a reduced material impact on adjoining and nearby landowners and occupants.
- 8.3 Details of the objection are as follows:

Affected Property Address
3 Lakeview Terrace, Templestowe Lower

### Grounds:

- o Not in keeping with the neighbourhood character;
- o Traffic congestion and lack of on-street car parking;
- o Overlooking and loss of privacy;
- o Noise generated from occupant activities;
- o Increased safety risks and security from occupants;
- o Loss of views from the excessive building height;
- o Loss of property values.

- 8.4 A response to the grounds of objection is as follows:

### **Not in keeping with the neighbourhood character**

- 8.5 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.
- 8.6 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.
- 8.7 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 well setback from all boundaries, allowing for perimeter 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 congestion and lack of on-street car parking**

- 8.8 The provision of on-site car parking is a common concern raised by objectors in areas which are already experiencing congestion and a lack of on-street car parking or high-turnover of on-street car parking. The site's location close to Manningham Road and the resulting flow of traffic and traffic movements along Lakeview Terrace is acknowledged. However in relation to the issue of congestion and loss of on-street car parking, Council's traffic engineering unit raise no concern regarding the impact of the proposal on the surrounding traffic network.
- 8.9 In addition, the application has been assessed against Clause 52.06 – Car parking of the Manningham Planning Scheme. The design incorporates 1 car space for each apartment, meeting the standard requirement. Three car parking spaces for visitors have also been provided which meets the standard requirement for developments containing 17 apartments. Council is unable to require a higher car parking rate for this development under the Manningham Planning Scheme.
- 8.10 The Traffic Impact Report that accompanied the planning application included an assessment of the available on-street car parking. It concluded that there are a minimum of 76 and a maximum of 82 publicly available parking spaces near the site. On this basis it is considered that people visiting the site who choose to not park in the basement car park can do so on the street without difficulty within the immediate vicinity of the site.
- 8.11 The proposal only proposes one crossover, thereby maximising the number of on-street car parking spaces available.

**Overlooking and loss of privacy**

- 8.12 The loss of established privacy generated by overlooking from new development proposals is an amenity impact that is required to be considered under the planning scheme, and, if the impact is excessive, be mitigated.
- 8.13 The proposal has been assessed against the provisions of Clause 55.04-6 Overlooking of the Manningham Planning Scheme. The objective of this clause is to limit views into existing secluded private open space and habitable room windows. The standard requirement under this clause provides that this is to be achieved by requiring a (new) habitable room window or balcony should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level).
- 8.14 Within this 9 metre distance, the properties at 181-183 Manningham Road and 1 Lakeview Terrace are the only two properties where potential overlooking impacts are required to be considered. It is concluded that overlooking has been appropriately mitigated by a range of measures including window design (obscure glazing or highlight windows) or screening.
- 8.15 In any event, the objector's property does not abut the site, as it is located on the northern side of the property at No. 1 Lakeview Terrace, a distance of approximately 27 metres. As mentioned, No. 1 Lakeview Terrace is currently being considered for redevelopment under Planning Application PL14/024444. The assessment of potential overlooking and any resultant

loss of privacy on the objector's property will be appropriately undertaken under this planning application.

#### **Noise generated from occupant activities**

- 8.16 This ground of objection relates to noise being generated from the site following occupation of the apartment building. The consideration of this planning application is confined only to the construction of the apartment building. The residential use of the building does not require a planning permit and is not a planning matter. Residential noise associated with a dwelling is considered normal and reasonable in an urban setting. Any future issues of amenity, if they arise should be pursued as a civil matter.

#### **Increased safety risks and security by future occupants**

- 8.17 This ground of objection relates to the increase in safety risk and security of the existing residents generated following occupation of the apartment building. As with noise generated by future occupants, the consideration of this planning application is confined only to the construction of the apartment building. Any willful activities undertaken by future occupants should be pursued as a civil matter.

#### **Loss of views**

- 8.18 Whilst it is recognised that views may form part of residential amenity, there is no specific controls within the Manningham Planning Scheme that protects residents' rights to a view. It is not considered that the extent of views lost or the significance of the view would warrant refusal or modification of the application.

#### **Loss of property values**

- 8.19 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. It is considered the impacts of a proposal are best assessed through an assessment of the amenity implications rather than any impacts upon property values. This report provides a detailed assessment of the amenity impact of this proposal.

## **9 CONCLUSION**

- 9.1 It is considered appropriate to support the planning application as it is of a type and design that is anticipated under planning policy where substantial change and well designed apartment buildings are encouraged.

### **RECOMMENDATION**

**That having considered the objection A NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application No. PL14/024686 for the development and use of No. 185-187 Manningham Road TEMPLESTOWE LOWER (Lots 1 & 2 TP TP213345P Vol 09310 Fol 552) for the purpose of the construction of a three-storey apartment building comprising 17 apartments above basement level car parking and for no other purpose in accordance with the endorsed plan and subject to the following conditions-**

- 1. Before the development starts, two copies of amended plans drawn to scale 1:100 and dimensioned must be submitted to and approved by the Responsible**

Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application (prepared by Paul Shaw and Associates, Job No. 14-010, Rev C, 6 October 2015) and as received by Council on 8 October 2015) but modified to show:

- 1.1 Crossover widened to 6.00 metres in width;
- 1.2 Deletion of the 'Intercom Island' within the driveway. Should an Intercom system be required, this can be attached to the wall of the building, to the satisfaction of the Responsible Authority;
- 1.3 Width of the driveway at entry shown as 6.00 metres and the edges of the driveway to align with the crossover;
- 1.4 Visibility triangles drawn in accordance with Design Standard 1: Accessways, of Clause 52.06 Car Parking, of the Manningham Planning Scheme;
- 1.5 A notation that the removal and replacement of the street tree is to occur at the full cost of the permit holder, to the satisfaction of the Responsible Authority;
- 1.6 Car parking space 1 and 2 classified as Visitor car parking spaces, and Visitor car parking spaces 2 and 3 classified as Car parking spaces 1 and 2, and the spaces renumbered, to the satisfaction of the Responsible Authority;
- 1.7 Details of basement ventilation, including the location of any exhaust intake or outlet required;
- 1.8 An amended notation on the Ground Floor Plan that the pedestrian ramp gradient is to be 'Maximum gradient 1:14';
- 1.9 West facing habitable room windows in Apartment 3, the kitchen window of Apartment 10, the north facing balconies of Apartments 7 and 8, and bedroom 2 and the kitchen window of Apartment 14 to be screened in accordance with Standard B22 of Clause 55.04-6 Overlooking of the Manningham Planning Scheme, to the satisfaction of the Responsible Authority;
- 1.10 A notation on the Elevation Plans that 'Double glazing is to be provided to all external window and door openings within the building';
- 1.11 A notation on the Roof Plan "Gas boosted solar hot water system with minimum 30% energy savings";
- 1.12 A coloured colour and materials schedule on all elevations to include details of all paving, fencing, screening, retaining walls and all building and facade treatments;
- 1.13 A notation that the location of all air-conditioning units to be screened from public and private realms and not be located on apartment balconies;
- 1.14 Details of external lighting to be installed to provide for the safety of occupants and visitors of the building;
- 1.15 Design details that show that all fire service and electrical cabinets (including substations) will be integrated into the architectural design, so as not to present as visually dominating elements across any streetscape;

#### Endorsed Plans

2. The development as shown on the approved plans must not be modified for any reason, without the written consent of the Responsible Authority.

**Sustainability Management Plan**

3. **Before the development starts or the issue of a building permit for the development, whichever is the sooner, two copies of an amended Sustainability Management Plan (SMP), prepared by a suitably qualified environmental engineer or equivalent 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 Plan must be generally in accordance with the plan prepared by Efficient Energy Choices (13 March 2015) but modified to include the following:**
  - 3.1 **Appliances**
    - 3.1.1 **Water Heater type - STEPS Report (p3) amended to provide 'Gas boosted solar hot water system with minimum 30% energy savings';**
    - 3.1.2 **Lighting type – Sustainability Management Plan (p7) amended to provide 'LED fittings throughout due to cost parity of CFL's and linear fluorescents which are becoming obsolete';**
    - 3.1.3 **Lighting type – STEP report (p3) amended to provide 'Warm white LED fittings throughout';**
  - 3.2 **Energy Efficiency**
    - 3.2.1 **Sustainability Management Plan amended to provide 'West elevation glazing to have retractable external blinds to control glare and reduce solar gains in summer';**
    - 3.2.2 **Sustainability Management Plan amended to provide 'All apartments to have accessible permanent clothes line facilities to ensure occupants avoid electric dryers';**
    - 3.2.3 **Water Efficiency - Sustainability Management Plan (p3 & p9) amended to provide 'Basins – minimum 5 Star WELS rating';**
    - 3.2.4 **Water Efficiency - STEP report (p3) amended to provide 'Basins – minimum 5 Star WELS rating';**
    - 3.2.5 **Stormwater Management – Sustainability Management Plan (9) amended to indicate 'Overflow to detention via gravity flow'.**
4. **Prior to the occupation of any building approved under this permit, a report from the author of the SMP report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.**



**Construction Management Plan**

5. 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 permit. The plan must address, but not be limited to, the following:
- 5.1 A liaison officer for contact by residents and the responsible authority in the event of relevant queries or problems experienced;
  - 5.2 Hours of construction in accordance with the Manningham Local Law;
  - 5.3 Delivery and unloading points and expected frequency;
  - 5.4 On-site facilities for vehicle washing;
  - 5.5 Parking facilities/locations for construction workers to be illustrated in map form;
  - 5.6 Other measures to minimise the impact of construction vehicles arriving at and departing from the land;
  - 5.7 Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;
  - 5.8 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;
  - 5.9 An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services;
  - 5.10 The measures to minimise the amount of waste construction materials;
  - 5.11 Measures to minimise impact to existing boundary and front fencing on adjoining properties;
  - 5.12 The measures to minimise noise and other amenity impacts from mechanical equipment/construction activities, especially outside of daytime hours; and
  - 5.13 Adequate environmental awareness training for all on-site contractors and sub-contractors.

**Waste Management Plan**

6. 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 RB Waste Consulting Service (30 January 2015), but modified to provide for:
- 6.1 The number of apartments;
  - 6.2 The private waste contractor to undertake waste collection from within the basements comprising the development;
  - 6.3 The hours and frequency of pick up for general waste and recyclables;
  - 6.4 Demonstration that an adequate height clearance is available within the basement to allow a waste service vehicle to enter and exit the site;
  - 6.5 Details of the waste collection vehicle that will enter and exit the site and access waste facilities;
  - 6.6 Details on how hard waste will be disposed;
  - 6.7 A description on how residents will access waste facilities.

7. **The Management Plans approved under Conditions 3, 5 and 6 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.**

#### **Landscaping Plan**

8. **Before the development starts, a landscaping plan prepared by a landscape architect or person of approved competence must be submitted to the Responsible Authority for approval. Such plan must be generally in accordance with the approved plan, and must show species, locations, approximate height and spread of proposed planting and the retention of existing trees and shrubs, where appropriate or as directed by any other condition of this Permit. In particular, the plan is to include:**
  - 8.1 **A layout consistent with the plans approved under Condition 1, including the location of all retaining walls;**
  - 8.2 **Any details as relevant or directed by any other condition of this Planning Permit;**
  - 8.3 **Screen planting at a height of 1.5 metres at the time of planting adjacent to the western boundary;**
  - 8.4 **A minimum of six canopy trees capable of reaching a mature height of 8.0 metres adjacent to the northern boundary;**
  - 8.5 **A minimum of eight canopy trees capable of reaching a mature height of 8.0 metres adjacent to the Manningham Road frontage;**
  - 8.6 **A minimum of five canopy trees capable of reaching a mature height of 8.0 metres adjacent to the Manningham Road frontage;**
  - 8.7 **The location of the replacement street tree.**

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.

#### **Landscape Bond**

9. **Before the release of the approved plans under Condition 8, 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.**
10. **Before the occupation of the dwellings, landscaping works as shown on the approved plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.**

#### **Stormwater — On-Site Detention System**

11. **The owner must provide onsite 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:

- 11.1 Be designed for a 1 in 5 year storm; and
- 11.2 Storage must be designed for 1 in 10 year storm.

- 12. Before the development starts, a construction plan for the system required by Condition No. 11 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

- 13. 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.

#### Basement Car Parking/Vehicle Accessways

- 14. Before the occupation of the approved dwellings, all 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.
- 15. Visitor parking spaces must not be used for any other purpose to the satisfaction of the Responsible Authority.
- 16. Prior to occupation of the approved dwellings, any new or modified vehicular crossover must be constructed in accordance with the approved plans of this permit to the satisfaction of the Responsible Authority.
- 17. Any security door/grille to the basement opening must maintain sufficient clearance when fully open to enable the convenient passage of rubbish collection vehicles which are required to enter the basement and such clearance must also be maintained in respect of sub-floor service installations throughout areas in which the rubbish truck is required to travel to the satisfaction of the Responsible Authority.
- 18. Any redundant vehicle crossover must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.

#### Site Services

- 19. Unless depicted on a roof plan approved by this planning 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.
- 20. If in the opinion of the Responsible Authority, roof plant proposed under the permit is acceptable subject to the erection of sight screens, such sight

screen details must be included within any amending plan and must provide for a colour co-ordinated, low maintenance screen system with suitable service access to the satisfaction of the Responsible Authority.

21. 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.
22. All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively to the satisfaction of the Responsible Authority.
23. No air-conditioning units may be installed on the building so as to be visible from public or private realm, including on balconies, to the satisfaction of the Responsible Authority.
24. Any clothes-drying rack or line system located on a balcony must be lower than the balustrade of the balcony and must not be visible from off the site to the satisfaction of the Responsible Authority.
25. A centralised TV antenna system must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.
26. No individual dish antennas may be installed on balconies, terraces or walls to the satisfaction of the Responsible Authority.
27. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.

#### Maintenance/Nuisance

28. In the event of excavation causing damage to an existing boundary fence, the owner of the development site must at their own cost repair or replace the affected fencing to the satisfaction of the Responsible Authority.
29. Privacy screens, obscure glazing, replacement boundary fencing as shown on the approved plans must be installed prior to occupation of the dwellings to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority. The use of the obscure film fixed to transparent windows is not considered to be obscured glazing or an appropriate response to screen overlooking.
30. 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.
31. Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.

32. All noise emanating from any mechanical plant must comply with the relevant State noise control legislation and in particular, any basement exhaust duct/unit must be positioned, so as to minimise noise impacts on residents of the buildings and adjacent properties to the satisfaction of the Responsible Authority.

**Time Limit**

33. This permit will expire if one of the following circumstances apply:
- 33.1 The development and use are not started within two (2) years of the date of the issue of this permit; and
  - 33.2 The development is not completed within four (4) years of the date of this permit.

The Responsible Authority may extend these periods referred to if a request is made in writing by the owner or occupier either before the permit expires or in accordance with Section 69 of the Planning and Environment Act 1987.

“Refer Attachments”

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