

**Planning Application PL14/024694 - Construction of three (3) residential buildings comprising sixty-nine (69) apartments with associated basement car parking at 175-179 Blackburn Road & 37 Churchill Street, Doncaster East, removal of access from a Road Zone Category 1 (RDZ1) and removal of the easement along the western boundary of 175 Blackburn Road, Doncaster East**

Responsible Director: Director Planning & Environment

File No. PL14/024694

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

**Land:** 175-179 Blackburn Road & 37 Churchill Street,  
Doncaster East

**Zone** Residential Growth Zone 2 (RGZ2)  
General Residential Zone Schedule 2 (GRZ2)  
Schedule 8 to the Design & Development Overlay (DD08)

**Applicant:** Metropol Planning Solutions Pty Ltd

**Ward:** Koonung

**Melway Reference:** 48B1 & 48C1

**Time to consider:** 26 September 2015

## **SUMMARY**

*The subject site consists of five (5) residential lots, being:*

- *175 Blackburn Road, Doncaster East (2 lots)*
- *177 Blackburn Road, Doncaster East*
- *179 Blackburn Road, Doncaster East*
- *37 Churchill Street, Doncaster East.*

*The total site area is 3975 square metres.*

*It is proposed to develop the site with three (3) residential apartment buildings comprising sixty-nine (69) apartments. The car parking provision is 99 car spaces, which complies with the Manningham Planning Scheme.*

*The proposal also consists of altering access to Blackburn Road (removing the existing two crossovers) and removing the easement burdening the western boundary of 175 Blackburn Road.*

*The application was advertised and attracted twenty-one (21) objections.*

*The application was amended pursuant to Section 57A of the Planning and Environment Act 1987 to address officer concerns. The re-notification of the amended application attracted a further three (3) objections.*

*Grounds of objection include: traffic concerns, insufficient car parking provision, out of character, overdevelopment/density, overshadowing, overlooking/loss of privacy.*

*It is considered that the application is an example of the innovative and high quality architecture contemplated by the Manningham Planning Scheme for this site. On the basis that the proposal will have a positive impact on the Blackburn Road, Churchill Street and Leura Street streetscapes, without having any unreasonable amenity impacts on surrounding residents, it is proposed to support the application subject to a series of planning permit conditions as contained in the proposed Notice of Decision to Grant a Planning Permit.*

## **1 BACKGROUND**

- 1.1 The subject site is 175-179 Blackburn Road and 37 Churchill Street, Doncaster East.
- 1.2 The lots are legally described, as follows:
  - 1.2.1 175 Blackburn Road, Doncaster East (Lot 1, Lot 2 on TP 443265C)
  - 1.2.2 177 Blackburn Road, Doncaster East (Lot 63 on LP51794)
  - 1.2.3 179 Blackburn Road, Doncaster East (Lot 62 on LP51794)
  - 1.2.4 37 Churchill Street, Doncaster East (Lots 1-6 on RP651).
- 1.3 The site is configured in a reverse L-shape. Four of the above five lots front Blackburn Road comprising a total boundary length of 70 metres. The site extends along Leura Street, to the north, for a distance of 33.5 metres. Along Churchill Street, the site has a southern boundary of 61.3 metres. The north-east and south-east corners of the site are splayed.
- 1.4 A deeper road reservation adjoins lots 177-179 Blackburn Road, in comparison to 175 Blackburn Road.
- 1.5 With the highest part of the site at its south-west corner, the contours of the site fall in a north-easterly direction by up to 4.5 metres. The lowest part of the site is adjacent to the north-east corner – across the Leura Street frontage.
- 1.6 The site is constrained by a number of easements:
  - 1.6.1 A 2.44 metre drainage and sewerage easement extends along the western boundary of 177 & 179 Blackburn Road
  - 1.6.2 A 1.83 metre wide drainage and sewerage easement runs along the western boundary of 175 Blackburn Road
  - 1.6.3 A 1.83 metre wide drainage and sewerage easement runs along the northern boundary of 175 Blackburn Road and 37 Churchill Street.
- 1.7 All lots comprising the site are presently used for residential purposes. Lots fronting Blackburn Road comprise singular, single storey brick dwellings positioned centrally on their respective lots. Some notable characteristics include:
  - 1.7.1 The dwelling at No. 175 Blackburn Road sprawls centrally across two allotments and is surrounded by a number of outbuildings and other structures, such as shade sails. Vehicular access is obtained from the access across the corner splay at the south-

west corner of the lot. A large Elm tree is visually prominent along the Churchill Street and Blackburn Road frontages. Much of the built form is concealed from street view by 2 metre high, timber paling fencing which extends across both Churchill and Blackburn Road streetscapes.

- 1.7.2 177 Blackburn Road has vehicular access to Blackburn Road. The dwelling is screened by the established Paperbark tree sitting forward within the road reserve and a solid brick fence which sits within the frontage of the site forward of the dwelling. Secluded open space is to the side and rear. A Peppermint Gum tree is located within a couple of metres of the boundary common with 2 Leura Street.
- 1.7.3 179 Blackburn Road achieves vehicular access from a crossover along Leura Street at the north-west corner of the site. Across its Blackburn Road frontage, the dwelling is screened by a series of medium to large sized canopy trees, including a Liquid Amber. The lot presents more openly to Leura Street from where it is apparent there is a lengthy, rectangular shaped dwelling with attached garage, where it adjoins its western boundary. The dwelling and garage are raised by about 1 metre from the footpath level.. A low level retaining wall lines the front property boundary. Adjacent to its western boundary, the level difference is managed by a landscape, rock retaining wall.
- 1.8 The lot at 37 Churchill Street features three, attached, single storey brick, residential units with a common vehicular accessway. Access is via a crossover along the eastern side of the frontage. A low level picket fence lines the front boundary of this lot. The lot size is 846 square metres.
- 1.9 There are also a range of utilities in the nature strip forward of the site, including electricity/light poles along all frontages.
- 1.10 A number of street trees of various specimens, heights, maturities and condition are located along the various frontages.
- 1.11 A bus stop is positioned forward of the site outside of 175 Blackburn Road, Doncaster East.
- 1.12 The site has boundaries common with three (3) private properties, as follows:

| Direction | Address            | Description  |
|-----------|--------------------|--|
| West      | No. 2 Leura Street | <ul style="list-style-type: none"> <li>The lot is 738 sqm (approx).</li> <li>The eastern and southern boundaries of the lot abut the site.</li> <li>The lot accommodates one single storey, brick dwelling with a gable roof. The dwelling is setback by 9.8 metres from Leura Street.</li> <li>An attached garage is positioned to the east of the</li> </ul> |

| Direction | Address | Description  |
|-----------|---------|--|
|           |         | <p>dwelling. The garage extends along the common boundary with the site. Vehicular access is via a crossover at the eastern end of the frontage.</p> <ul style="list-style-type: none"> <li>• A low level brick retaining wall lines the front boundary. An open lawn area characterises the front setback. Low level planting is positioned adjacent to the boundary common with the site, abutting the retaining wall and adjacent to the dwelling.</li> <li>• A large established street tree is positioned forward of the site.</li> <li>• Secluded private open space is situated along both sides of the dwelling, both to its east and west, as well as to the south of the dwelling.</li> <li>• A site inspection of this lot has confirmed that a raised deck adjoins the eastern side of the dwelling providing direct access from the living and kitchen area. The deck is covered by an open structure which is shown on proposed plans.</li> <li>• Open space situated on the western side of the dwelling is primarily used as a service yard area.</li> <li>• South of the dwelling comprises an open lawn area with small trees. A large vegetable patch is situated along the southern boundary.</li> <li>• 1.6 metre high boundary fencing in reasonable condition is situated along the boundaries common with the site.</li> </ul> |

| Direction  | Address             | Description   |
|------------|---------------------|---|
| North-west | No. 4 Leura Street  | <ul style="list-style-type: none"> <li>• The lot is 754 sqm (approx).</li> <li>• It adjoins the boundary common with the site for a length of no more than 6 metres (where it abuts 37 Churchill Street).</li> <li>• The lot accommodates one single storey, brick dwelling with a hipped tiled roof.</li> <li>• An attached garage is situated to the west of the dwelling. Vehicle access is obtained by a crossover at the western end of the frontage.</li> <li>• The secluded private open space of the lot adjoins the site comprising an open lawn area.</li> <li>• The front setback to this lot consists of a 1 metre high retaining wall which retains a raised, lawn front yard. A number of small to medium sized canopy trees, including a larger Liquid Amber are located forward of the dwelling.</li> <li>• An immature Council Street tree is positioned in the nature strip forward of the site.</li> </ul> |
| West       | 35 Churchill Street | <ul style="list-style-type: none"> <li>• The dwelling at Unit 2 and the common property associated with Unit 2 &amp; 3 comprise the abuttal to the west of 37 Churchill Street.</li> <li>• Unit 2 consists of a lot parcel approximately 182 sqm (approx)</li> <li>• The common property area equates to 172sqm (approx) and comprises a driveway servicing Units 2 and 3, complemented by landscaping.</li> </ul>  |

| Direction | Address | Description   |
|-----------|---------|---|
|           |         | <ul style="list-style-type: none"> <li>• The dwelling at Unit 2/35 Churchill Street consists of a double storey brick dwelling with a hipped tiled roof.</li> <li>• At ground level, the dwelling is setback by 1.2 metres. As the dwelling is cut into natural ground level, the ground level, east facing windows, have no direct outlook to the site. Rather their outlook is 2 metre boundary fencing that extends along the eastern boundary (the boundary common with the site). In the area opposite the dwelling, an additional 400mm lattice screen sits atop existing high level fencing.</li> <li>• At its upper level, the Unit is setback by a minimum of 2 metres at its northern end. This increases to 2.5 metres (centrally) and by up to 3.18 metres at its southern end.</li> <li>• A number of windows are positioned across the eastern elevation of this dwelling at both ground and upper level none of which have an outlook to the site.</li> <li>• Secluded private open space is positioned to the north and comprises a paved courtyard.</li> </ul> |

1.13 The pattern of development around the subject site features rectangular shaped lots which are typically 700+ square metres. While the majority of lots along Leura and Churchill Streets remain developed with single dwellings, there is an emerging level of multi-unit applications being made to Council in the immediate vicinity of the site. Some approvals have been granted, some are currently under construction (5 Leura Street) and some have been constructed. The abutting lot to the west, 35 Churchill Street, is an example of this.

1.14 The existing landscape character of the surrounding area is characterised by open front gardens. Vegetation coverage varies but most lots have scattered canopy trees of either local or foreign provenance. Due to the undulating topography, particularly across Leura Street, retaining measures such as walls or rocks are used to manage the natural topography. Along Leura

Street, particularly along the south side, low level retaining walls are a feature and often act as front fencing defining front title boundaries.

- 1.15 Blackburn Road is an arterial road and a Road Zone Category 1 Road under the jurisdiction of the Roads Authority (VicRoads). In the vicinity of the site, Blackburn Road operates as a single carriageway providing for two lanes of traffic in a north-south direction. Parking along Blackburn Road is generally unrestricted but constrained due to the location of the bus stop adjacent to 175 Blackburn Road. The speed limit in the section adjacent to the site is 70 km/h.
- 1.16 A concrete footpath is positioned within the road reservation between Blackburn Road and the site. Adjacent to 175 Blackburn Road, there is a strip of land about 1.3 metres wide between the footpath and the property boundary. Adjacent to 177-179 Blackburn Road, the property boundary directly abuts the existing concrete footpath.
- 1.17 Leura and Churchill Streets are both local streets with footpaths directly abutting the property boundaries of the site.
- 1.18 Leura Street bounds the site to the north and provides an east-west connection between Blackburn Road and Dryden Street to the west. There are presently no parking restrictions along either side of Leura Street.
- 1.19 Churchill Street bounds the site to the south and extends west from Blackburn Road, looping around in a southerly direction to connect to Doncaster Road. One (1) hour parking limits restrict extended parking for non-permit holders.
- 1.20 The site is exceptionally well located to a number of Neighbourhood Activity Centres, including:
  - 1.20.1 Doncaster East Village/Donburn to the south – within 200 metres.
  - 1.20.2 Donburn to the north - 500 metres.
  - 1.20.3 Tunstall Square to the south-east – within 750 metres.
- 1.21 An extensive range of bus services are available along Blackburn Road and nearby Doncaster Road providing a range of services, including to:
  - 1.21.1 the Melbourne Central Activity District,
  - 1.21.2 train stations at Mitcham and Box Hill;
  - 1.21.3 local schools and
  - 1.21.4 inner city private schools(in some instances via Westfield Doncaster).
- 1.22 A number of community facilities are also within easy walking distance. These include:
  - 1.22.1 East Doncaster Secondary College – to the north
  - 1.22.2 Donburn Primary School – to the east
  - 1.22.3 Montgomery Precinct, including Montgomery Reserve – to the south
  - 1.22.4 Dryden Reserve to the north.

### **Planning History/Application History**

- 1.23 There is no relevant planning permit history for the subject site.
- 1.24 The proposal was presented to a Sustainable Design Taskforce meeting on 22 May 2014. Advice given at this meeting was to, among other things, achieve a greater level of compliance with the Manningham Planning Scheme. In particular, Clause 21.05 Residential, the Schedule 8 to the Design and Development Overlay 8 (DD08) and Clause 52.06 Car Parking.
- 1.25 Following the public notification of the application in January 2015, it was reiterated to the permit applicant that numerous concerns remained with the proposal. Outstanding concerns were highlighted by several of the twenty-one objectors to the initial application.
- 1.26 Referral advice received from internal departments within Council, including Urban Design and Engineering, also raised issues.
- 1.27 Since April 2015, the applicant and their project team have engaged in discussions with Council's Statutory Planning department in an effort to address areas of concern.
- 1.28 On 15 June 2015, the application was amended pursuant to Section 57A of the *Planning and Environment Act 1987*. Section 57A provides for Amendments to applications after notice of an application is given. A formal amendment of this nature consists of an amendment to the proposed development plans and other supporting documents forming part of or accompanying the application. In effect, a Section 57A amendment supersedes the original proposal for a revised one.
- 1.29 Key modifications made to the proposal now before Council, include:
  - 1.29.1 A reduction in the number of apartments from 70 to 69 apartments;
  - 1.29.2 Visitor car parking provided within revised basement configurations in line with the requirements of Clause 52.06 Car Parking
  - 1.29.3 A reduction to the building site coverage (from 69% to 60.3%)
  - 1.29.4 An increased ground level, front setback to Churchill Street (Building B)
  - 1.29.5 Increased separation between Buildings B and C across the Churchill Street, southern elevation
  - 1.29.6 Reduced side setbacks of Building C to land at 35 Churchill Street
  - 1.29.7 Revised pedestrian entry locations to all Buildings, including relocating pedestrian entries to Buildings A and B from Blackburn Road rather than the respective side streets
  - 1.29.8 Changes to apartment layouts in all buildings, including balconies.
- 1.30 A description of the proposal now follows based on plans amended pursuant to Section 57A of the *Planning and Environment Act 1987*.

## **2 PROPOSAL**

- 2.1 It is proposed to demolish all existing buildings on the site and remove all vegetation to construct three (3) residential apartment buildings with associated basement car parking.



- 2.2 In support of the planning application, the following documentation was submitted with the proposal:
- 2.2.1 Architectural drawings, as prepared by Orbit Solutions.
  - 2.2.2 Three dimensional colour perspective drawings, as prepared by Orbit Solutions.
  - 2.2.3 Arboricultural Report, as prepared by All Tree Consulting Services, dated March 2014.
  - 2.2.4 Landscape Plan, as prepared by John Patrick Pty Ltd, dated October 2014, as amended 10 June 2015.
  - 2.2.5 Planning Report, including Rescode Assessment, as prepared by Metropol Planning Solutions, dated June 2015.
  - 2.2.6 Traffic Engineering Assessment, as prepared by TraffixGroup, dated June 2015.
  - 2.2.7 Sustainability Management Plan, as prepared by Sustainable Development Consultants, dated 11 June 2015.
  - 2.2.8 Waste Management Plan, as prepared by Sustainable Development Consultants, dated 11 June 2015.

### Apartment Building Overview

- 2.3 In total, the proposal consists of sixty-nine (69) apartments. The majority of the apartments will be provided in Buildings A and B. A mix of one, two and three bedroom apartments will be provided across the development, with a preference for two bedroom apartments, as outlined below:

|                                | 1 Bedroom | 2 Bedrooms | 3 Bedrooms | Total No. of Apartments |
|--------------------------------|-----------|------------|------------|-------------------------|
| <b>Building A</b>              | 1         | 17         | 9          | 27                      |
| <b>Building B</b>              | 3         | 27         | 3          | 33                      |
| <b>Building C</b>              | 0         | 5          | 4          | 9                       |
|                                |           |            |            |                         |
| <b>Total No. of Apartments</b> | 4         | 49         | 16         | <b>69</b>               |

- 2.4 In terms of their **Location** across the site:
- 2.4.1 Building A – Northern end of the site to face Blackburn Road and Leura Street;
  - 2.4.2 Building B – South-eastern end of the site to face Blackburn Road and Churchill Street;
  - 2.4.3 Building C – South-western end of the site to face Churchill Street.

- 2.5 In terms of **Storeys and Heights**:
- 2.5.1 Building A – Four Storeys & Maximum Building Height of 13.6 metres occurring across the Blackburn Road (eastern) elevation;
  - 2.5.2 Building B – Four Storeys & Maximum Building Height of 13.9 metres occurring across the Blackburn Road (eastern) elevation;
  - 2.5.3 Building C - Three Storeys & Maximum Building Height of 9.2 metres occurring at the north-western corner of the site. Across the Churchill Streetscape the building height is 8.3 metres.

- 2.6 In terms of their **Site Coverage** breakdown:

- 2.6.1 Building A – 907 square metres;
- 2.6.2 Building B – 1066 square metres;
- 2.6.3 Building C – 424 square metres;

resulting in a total site coverage of 2397 square metres. This equates to 60.3% of the total site area of 3975 square metres.

- 2.7 The Pervious Site Area is shown to be 24%.

### **Car Parking, Vehicular Access & Services**

- 2.8 A total of ninety-nine (99) on-site car parking spaces are proposed across the development.

#### **Building A**

- 2.8.1 Building A is provided with its own basement to be accessed from Leura Street, via a crossover situated at the western end of the site frontage.
- 2.8.2 A total of forty-two (42) car parking spaces are provided in Building A across two levels.
- 2.8.3 Both levels consist of twenty-one (21) spaces.
- 2.8.4 Five (5) visitor car spaces are shown at the southern end of this basement.
- 2.8.5 One “future accessible car space” is included at Basement 1.
- 2.8.6 A 17,000 litre rainwater tank is provided at Basement 1.
- 2.8.7 The finished floor level of Basement 2 is 109.5 AHD and the finished floor level of Basement 1 is 112.5 AHD.

#### **Building B and C**

- 2.8.8 Building B and C will share a basement which is to be accessed from Churchill Street, via a crossover located at the western end of the site frontage.
- 2.8.9 A total of fifty-seven (57) car parking spaces are provided within one, larger basement level.
- 2.8.10 Six (6) visitor car spaces are shown at the northern end of this basement.
- 2.8.11 Six (6) parallel car parking spaces are provided at the southern end of the basement.

2.8.12 One “future accessible car space” is included.

2.8.13 The finished floor level of the basement is 115 AHD ramping down to 114.1AHD.

2.9 Bicycle and waste storage rooms, as well as service equipment areas, are provided in both basements.

2.10 It is proposed to close all vehicular access to Blackburn Road by removing existing crossovers to 175 and 177 Blackburn Road.

### **Easement Removal**

2.11 To facilitate the construction, the existing 1.83 metre wide drainage and sewerage easement that runs along the western boundary of 175 Blackburn Road is proposed to be removed. There are understood to be no services within this easement.

### **Building Features**

#### **Materials, Colours and Finishes**

2.12 The proposed development is showcased in a series of impressive photomontages and three dimensional colour perspectives. The proposal will draw on brick, stone, concrete, timber and metal cladding across the apartment complex in their natural tones to embrace a neutral, earthy colour palette.

#### **Building Entries**

2.13 The three (3) individual buildings will have three (3) independent main points of pedestrian access.

2.14 Building A’s primary access is via Blackburn Road with a secondary, staired access point from Leura Street. The Blackburn Road entry relies on a section of road reservation about 1.7 metres wide and 2.3 metres long. Pavers are proposed in this section between the property boundary and the existing footpath along Blackburn Road.

2.15 Building B’s primary access is also from Blackburn Road to be located to the south of the existing bus stop. This access also relies on a section of Council Road reservation about 1.2 metres wide and 2.3 metres long. The area between the property boundary and the existing footpath along Blackburn Road is proposed to be paved.

2.16 Building B has further access points from Churchill Street the rest of which rely on stair access – directly to Apartments 1-01, 1-09 and 1-10 and a common entry adjacent to Building C.

2.17 Building C’s main entry is via Churchill Street adjacent to a garden lobby which separates it from Building B and its secondary entry.

2.18 No disability ramps are indicated to meet the Blackburn Road footpath.

### **Building Setbacks**

#### **Building A**

2.19 The building has the following minimum wall setbacks to site boundaries:

2.19.1 **Northern boundary** to Leura Street:

a) Basement 2 – 5 metres

- b) Basement 1 – 5 metres
- c) Ground Level – 6 metres
- d) Level 1 – 6 metres
- e) Level 2 – 6 metres
- f) Level 3 – 9.6 metres.

2.19.2 **Eastern Boundary** to Blackburn Road:

- a) Basement 2 – 3 metres
- b) Basement 1 – 3 metres
- c) Ground Level – 2.5 metres
- d) Level 1 – 2.3 metres
- e) Level 2 – 2.4 metres
- f) Level 3 – 4.2 metres.

2.19.3 **Western boundary** to 2 Leura Street:

- a) Basement 2 – 4.1 metres
- b) Basement 1 – 4.1 metres
- c) Ground Level – 4.2 metres
- d) Level 1 – 3.9 metres
- e) Level 2 – 7.6 metres
- f) Level 3 – 10.9 metres.

**Building B**

2.20 The building has the following minimum setbacks to site boundaries:

2.20.1 **Southern boundary** to Churchill Street

- a) Basement – 4.1 metres
- b) Ground Level – 6 metres
- c) Level 1 – 6 metres
- d) Level 2 – 6 metres
- e) Level 3 – 8.9 metres.

2.20.2 **Eastern Boundary** to Blackburn Road:

- a) Basement – 2.5 metres
- b) Ground Level – 5 metres
- c) Level 1 – 5 metres
- d) Level 2 – 5 metres
- e) Level 3 – 9.1 metres.

**Building C**

2.21 The building has the following minimum setbacks to site boundaries:

2.21.1 **Southern boundary** to Churchill Street

- a) Basement – 4 metres
- b) Ground Level – 6 metres
- c) Level 1 – 6 metres
- d) Level 2 – 8 metres

2.21.2 **Western Boundary** to 35 Churchill Street:

- a) Basement – 2.5 metres
- b) Ground Level – 3 metres
- c) Level 1 – 3 metres
- d) Level 2 – 5.8 metres.

**Private Open Space**

- 2.22 Courtyard style open spaces of varying sizes are provided to apartments at ground level. While most apartments are provided with a minimum of eight (8) square metres of secluded private open space in the form of a balcony, there are some exceptions. Apartment 2-02 in Building B, for example, is proposed to have 6 square metres of open space with a minimum dimension of 1.3 metres.

**Communal Open Space**

- 2.23 An internal common area is proposed to the north of Buildings B and C featuring a raingarden, a variety of layered landscaping treatments and passive recreational areas, including in-built outdoor furniture.

**Landscaping**

- 2.24 The site is proposed to be re-landscaped in accordance with the landscape plan of John Patrick, as amended on 10 June 2015.
- 2.25 The landscape plan showcases a variety of native and non-native species, including large canopy trees, across the site. Of note:
- 2.25.1 The use of Red Box species, which can reach upwards of 15 metres at maturity, within the front setback of Building A and at corner locations to the west of Building C.
  - 2.25.2 Lightwood and Weeping Lilly Pillys in the section between Building A and the western boundary (abuttal with No. 2 Leura Street).
  - 2.25.3 Lightwood and Blackwood species marking either side of the entry to Building B complemented by the use of Crepe Myrtles.
  - 2.25.4 Native Frangipanis across the Churchill streetscape immediately forward of Building B.
  - 2.25.5 The use of Flame trees, projected to reach 6 metres at maturity, in the section between Building C and the western boundary (abuttal with No. 35 Churchill Street).
  - 2.25.6 Weeping Lilly Pillys in the section between Building C and the northern boundary (abuttal with No. 2 Leura Street).
  - 2.25.7 Either side of the pedestrian walkway within the internal common area is to be landscaped. A combination of low level plants atop planter boxes will be used. Feature ornamental canopy tree

planting, including the use of Flame trees and Weeping Lilly Pillys are also proposed.

### 3 PRIORITY/TIMING

- 3.1 The statutory time for considering a planning application is 60 days.
- 3.2 Amending the application pursuant to Section 57A of the *Planning and Environment Act 1987* has “restarted” the statutory clock.
- 3.3 Therefore, allowing for the time taken to advertise the application, the statutory time lapses on 26 September 2015.

### 4 RELEVANT LEGISLATION

- 4.1 The *Planning and Environment Act 1987 (the Act)* is the relevant legislation governing planning in Victoria. The Act identifies subordinate legislation in the form of Planning Schemes to guide future land use and development.
- 4.2 Section 60 of the Act outlines what matters a Responsible Authority must consider in the determination of an application. Before deciding on an application, the Responsible Authority must consider:
  - the relevant planning scheme, in this case being the Manningham Planning Scheme; and
  - the objectives of planning in Victoria; and
  - all objections and other submissions which it has received and which have not been withdrawn; and
  - 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; and
  - any significant social effects and economic effects which the responsible authority considers the use or development may have.
- 4.3 Section 61(4) of the Act makes specific reference to covenants. The subject site is not burdened by any covenant.
- 4.4 It is further noted that the subject land is also not encumbered by any Section 173 Agreements.

### 5 MANNINGHAM PLANNING SCHEME

#### Zoning

- 5.1 Recalling that five individual legal titles constitute the site, the zoning of the site is affected by two (2) different residential land use zones. Those being:
  - 5.1.1 Residential Growth Zone, Schedule 2 (RGZ2) – 175-179 Blackburn Road, Doncaster East;
  - 5.1.2 General Residential Zone, Schedule 2 (GRZ2) – 37 Churchill Street, Doncaster East.

- 5.2 Land with a Blackburn Road frontage, i.e. to the north, south and east of the site is zoned RGZ2.
- 5.3 Land to the west along both Churchill and Leura Streets is contained within the GRZ2.
- 5.4 A planning permit is required to construct two or more dwellings on a lot in both of the two aforementioned residential zones.
- 5.5 The purpose of the Residential Growth Zone relates primarily to providing housing at increased densities, encouraging a diversity of housing types and encouraging a scale of development that provides a transition between areas of more intensive use and development and areas of restricted housing growth.
- 5.6 The RGZ provides for, at Clause 32.07-7 of the Scheme, a maximum building height of 13.5 metres unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building should not exceed 14.5 metres.
- 5.7 The purpose of the General Residential Zone is more moderate than the RGZ. It seeks to:
- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
  - To encourage development that respects the neighbourhood character of the area
  - To implement neighbourhood character policy and adopted neighbourhood character guidelines.
  - To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.
  - To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.
- 5.8 An assessment for buildings and works for two or more dwellings is required under the provisions of Clause 55 of the Manningham Planning Scheme.
- 5.9 The purpose of Clause 55 is generally to provide well designed dwellings with considered regard to internal amenity, while at the same time, maintaining the amenity and character of the locality, with particular emphasis on the amenity of adjoining residents.

#### **Overlays**

- 5.10 The site is affected by the Design and Development Overlay Schedule 8 (DDO8) of the Manningham Planning Scheme
- 5.11 The Design Objectives of the DD08 are:
- *To increase residential densities and provide a range of housing types around activity centres and along main roads.*

- *To encourage development that is contemporary in design that includes an articulated built form and incorporates a range of visually interesting building materials and façade treatments.*
  - *To support three storey, 'apartment style', developments within the Main Road subprecinct 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 subprecinct B and sub-precinct A, where the minimum land size cannot be achieved.*
  - *To ensure new development is well articulated and upper storey elements are not unduly bulky or visually intrusive, taking into account the preferred neighbourhood character.*
  - *To encourage spacing between developments to minimise a continuous building line when viewed from a street.*
  - *To ensure the design and siting of dwellings have regard to the future development opportunities and future amenity of adjoining properties.*
  - *To ensure developments of two or more storeys are sufficiently stepped down at the perimeter of the Main Road sub-precinct to provide an appropriate and attractive interface to sub-precinct A or B, or other adjoining zone.*
  - *Higher developments on the perimeter of sub-precinct A must be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct B or other adjoining zone.*
  - *To ensure overlooking into adjoining properties is minimised.*
  - *To ensure the design of carports and garages complement the design of the building.*
  - *To ensure the design of basement and undercroft car parks complement the design of the building, eliminates unsightly projections of basement walls above natural ground level and are sited to allow for effective screen planting.*
  - *To create a boulevard effect along Doncaster Road and Manningham Road by planting trees within the front setback that are consistent with the street trees.*
  - *To encourage landscaping around buildings to enhance separation between buildings and soften built form.*
- 5.12 Planning permission is required for buildings and works which must comply with the requirements set out in either Table 1 or Table 2 of the Schedule.
- 5.13 There is a range of policy requirements outlined in this control under the headings of building height and setbacks, form, car parking and access,
- 5.14 It is noted that:
- 5.14.1 Lots known as 175-179 Blackburn Road are contained within the Main Roads Sub-Precinct;



5.14.2 No. 37 Churchill Street is located within DDO8-3 Sub-Precinct B.

### **State Planning Policy Framework (SPPF)**

- 5.15 Clause 15.01-1 (Urban Design) seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. Strategies towards achieving this are identified as follows:
- *Promote good urban design to make the environment more liveable and attractive.*
  - *Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability*
  - *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*
  - *Ensure transport corridors integrate land use planning, urban design and transport planning and are developed and managed with particular attention to urban design aspects*
  - *Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.*
- 5.16 Clause 15.01-4 (Design for Safety) seeks to improve community safety and encourage neighbourhood design that makes people feel safe. The strategy identified to achieve this objective is to ensure the design of buildings, public spaces and the mix of activities contribute to safety and perceptions of safety.
- 5.17 Clause 15.01-5 (Cultural Identity and Neighbourhood Character) seeks to recognise and protect cultural identity, neighbourhood character and sense of place. The clause emphasises the importance of neighbourhood character and the identity of neighbourhoods and their sense of place. Strategies towards achieving this are identified as follows:
- Ensure development responds and contributes to existing sense of place and cultural identity.
  - Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.
  - Ensure development responds to its context and reinforces special characteristics of local environment and place.
- 5.18 Clause 15.02-1 (Energy and Resource Efficiency) seeks to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.
- 5.19 Clause 16.01-1 (Integrated Housing) seeks to promote a housing market that meets community needs. Strategies towards achieving this are identified as follows:

- *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations.*
  - *Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.*
- 5.20 Clause 16.01-2 (Location of Residential Development) seeks to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. Strategies towards achieving this are identified as follows:
- *Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.*
  - *In Metropolitan Melbourne, locate more intense housing development in and around Activity centres, in areas close to train stations and on large redevelopment sites.*
  - *Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.*
  - *Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.*
- 5.21 Clause 16.01-4 (Housing Diversity) seeks to provide for a range of housing types to meet increasingly diverse needs. Strategies towards achieving this are identified as follows:
- *Ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.*
  - *Encourage the development of well-designed medium-density housing which respects the neighbourhood character.*
  - *Improves housing choice.*
  - *Makes better use of existing infrastructure.*
  - *Improves energy efficiency of housing.*
  - *Support opportunities for a wide range of income groups to choose housing in well serviced locations.*
- 5.22 Clause 16.01-5 (Housing affordability) seeks to deliver more affordable housing closer to jobs, transport and services.
- 5.23 The proposal is considered to be consistent with the objectives of the State Planning Policy Framework.

**Local Planning Policy Framework (LPPF)**

**Municipal Strategic Statement (Clause 21)**

- 5.24 Clause 21.03 (Key Influences) identifies that future housing need and residential amenity are critical land-use issues. The MSS acknowledges that there is a general trend towards smaller household size as a result of an aging population and smaller family structure which will lead to an imbalance between the housing needs of the population and the actual housing stock that is available.
- 5.25 This increasing pressure for re-development raises issues about how these changes affect the character and amenity of our local neighbourhoods. In meeting future housing needs, the challenge is to provide for residential redevelopment in appropriate locations, to reduce pressure for development in more sensitive areas, and in a manner that respects the residential character and amenity valued by existing residents.
- 5.26 Clause 21.05 (Residential) outlines the division of Manningham into four Residential Character Precincts. The precincts seek to channel increased housing densities around activity centres and main roads where facilities and services are available. In areas which are removed from these facilities a lower intensity of development is encouraged. A low residential density is also encouraged in areas that have identified environmental or landscape features.
- 5.27 The site is within “Precinct 2 –Residential Areas Surrounding Activity Centres and Along Main Roads”.
- 5.28 This area is aimed at providing a focus for higher density development and a substantial level of change is anticipated. Future development in this precinct is encouraged to:
- *Provide for contemporary architecture and achieve high design standards*
  - *Provide visual interest and make a positive contribution to the streetscape*
  - *Provide a graduated building line from side and rear boundaries*
  - *Minimise adverse amenity impacts on adjoining properties*
  - *Use varied and durable building materials*
  - *Incorporate a landscape treatment that enhances the overall*
- 5.29 Within this precinct, there are three sub-precincts which each stipulate different height, scale and built form outcomes to provide a transition between each sub-precinct and adjoining properties, primarily those in Precinct 1 – Residential Areas Removed from Activity Centres and Main Roads.
- 5.30 The three sub-precincts within Precinct 2 consist of:
- Sub-precinct – Main Road (DDO8-1)*** is an area where three storey (11 metres) ‘apartment style’ developments are encouraged on land with a minimum area of 1,800m<sup>2</sup>. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side same sub-precinct. All development in the Main Road sub-precinct should have a maximum site coverage of 60 percent.

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

**Sub-precinct A (DDO8-2)** is an area where two storey units (9 metres) and three storey (11 metres) 'apartment style' developments are encouraged. Three storey, contemporary developments should only occur on land with a minimum area of 1800m<sup>2</sup>. 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 1800m<sup>2</sup> must all be in the same sub-precinct. In this subprecinct, if a lot has an area less than 1800m<sup>2</sup>, a townhouse style development proposal only will be considered, but development should be a maximum of two storeys. All development in Sub-precinct A should have a maximum site coverage of 60 percent.

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

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

5.31 While the majority of the site is located within **Sub-Precinct – Main Road (DDO8-1)**, No. 37 Churchill Street is contained within **Sub-Precinct B (DDO8-3)**.

5.32 Clause 21.05-2 Housing contains the following objectives:

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

5.33 The strategies to achieve these objectives include:

- *Ensure that the provision of housing stock responds to the needs of the municipality's population.*
  - *Promote the consolidation of lots to provide for a diversity of housing types and design options.*
  - *Ensure higher density residential development occurs around the prescribed activity centres and along main roads identified as Precinct 2 on the Residential Framework Plan 1 and Map 1 to this clause.*
  - *Encourage development to be designed to respond to the needs of people with limited mobility, which may for example, incorporate lifts into three storey developments*
- 5.34 Clause 21.05-4 (Built form and neighbourhood character) seeks to ensure that residential development enhances the existing or preferred neighbourhood character of the residential character precincts as shown on Map 1 to this Clause.
- 5.35 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.*
- 5.36 Clause 21.10 (Ecologically Sustainable Development) highlights Council's commitment to ESD and outlines a number of ESD principles to which regard must be given. These are:
- Building energy management
  - Water sensitive design
  - External environmental amenity
  - Waste management
  - Quality of public and private realm
  - Transport

#### **Local Planning Policy**

- 5.37 Clause 22.08 (Safety through urban design) applies to all land in Manningham. It endeavours to provide and maintain a safer physical environment for those who live in, work in or visit the City of Manningham. The policy seeks attractive, vibrant and walkable public spaces where crime, graffiti and vandalism is minimised.

- 5.38 Clause 22.09 (Access for disabled people) also applies to all land in Manningham. It seeks to ensure that people with a disability have the same level of access to buildings, services and facilities as any other person. The policy requires the needs of people with a disability to be taken into account in the design of all proposed developments.

#### **Particular Provisions**

- 5.39 Clause 52.02 (Easements, Restrictions and Reserves) is relevant to this application. A planning permit is required before a person proceeds under Section 23 of the *Subdivision Act 1988* to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant.
- 5.40 Before deciding on an application made pursuant to this Clause, Council must consider the interests of affected people.
- 5.41 Clause 52.06 (Car Parking) is relevant to this application. Pursuant to Clause 52.06-5, car parking is required to be provided at the following rate:
- 1 space for 1 and 2 bedroom dwellings
  - 2 spaces for 3 or more bedroom dwellings
  - 1 visitor space to every 5 dwellings for developments of 5 or more dwellings
- 5.42 Clause 52.06-7 outlines various design standards for parking areas that should be achieved.
- 5.43 Clause 52.29 (Land Adjacent to a Road Zone Category 1) seeks to ensure appropriate access to identified roads. A permit is required to create or alter access to a road in a Road Zone, Category 1. All applications must be referred to VicRoads for comment.
- 5.44 Clause 52.34 (Bicycle Facilities) seeks to encourage cycling as a mode of transport and provide secure, accessible and convenient bicycle parking spaces.
- 5.45 Clause 55 (Two or More Dwellings on a Lot) applies to all applications for two or more dwellings on a lot. Consideration of this clause is outlined in the Assessment section of this report.
- 5.46 Clause 65 (Decision Guidelines) outlines that before deciding on an application, the responsible authority must consider, as appropriate:
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
  - The purpose of the zone, overlay or other provision.
  - The orderly planning of the area.
  - The effect on the amenity of the area.

## **6 ASSESSMENT**

- 6.1 Council has, through its policy statements throughout the Planning Scheme, and in particular by its adoption of Schedule 8 to the Design and Development Overlay over part of this neighbourhood, created a planning

mechanism that has, and will in time, alter the existing neighbourhood character along Blackburn Road and its adjoining side streets.

- 6.2 Council's planning preference is for higher density, multi-unit developments which can include apartment style developments on larger lots. This higher density housing thereby provides for the "preferred neighbourhood character" which is guided by the design elements contained within the Schedule 8 to the Design and Development Overlay, in conjunction with an assessment against Clause 21.05 and Clause 55 – Rescode. The resultant built form is contemplated to have a more intense and less suburban outcome.
- 6.3 An apartment development across this site is generally consistent with the broad objectives of Council's planning policy outlined at Clause 21.05 of the Manningham Planning Scheme. The policy encourages urban consolidation (and apartment buildings) in this specific location due to its capacity to support change given the site's main road location and proximity to services, such as public transport. The policy anticipates a substantial level of change from the existing character of primarily single dwellings and dual occupancies which has occurred in the past.
- 6.4 The consolidation of five allotments with a combined area of 3975 square metres provides unprecedented development potential. The larger land area allows increased setbacks to compensate for a larger scale of built form in comparison to traditional medium density housing. The design response, as will soon be discussed, breaks up the built form by proposing a total of three buildings across the L-shaped site whilst maintaining good setbacks to sensitive interfaces and to street frontages.
- 6.5 Turning to the assessment of the proposal, this will now be made against the following Clauses:
- Clause 21.05, 21.10, 22.08 & 22.09
  - Schedule 8 to the Design and Development Overlay (DD08)
  - Clause 52.02 Easements, Restrictions and Reserves;
  - Clause 52.06 Car Parking;
  - Clause 52.29 Land Adjacent to a Road Zone Category 1;
  - Clause 52.34 Bicycle Facilities
  - Clause 55 Two or More Dwellings on a Lot.
  - Clause 65 Decision Guidelines

### **Local Planning Policy Assessment**

#### **Clause 21.05 Residential**

- 6.6 The development site is situated within Precinct 2 – Residential Areas Surrounding Activity Centres and Along Main Roads, where high density is encouraged. Given the site is almost an acre there is no question that the site is capable of accommodating a higher scale development.
- 6.7 Notwithstanding this opportunity, there are expectations in regards to the standard of development and what indeed constitutes a reasonable level of development.

- 6.8 The expectation of the planning policy framework is for a development to capitalise on the opportunity for a higher density built form outcome, but to do so with respect to its existing neighbourhood. Respect is evidenced by situating the built form centrally, and siting higher elements towards less sensitive interfaces, whilst providing good spacing and permeable areas along site perimeters to mitigate building bulk impacts and providing good areas in which to realise meaningful landscaping.
- 6.9 Given the large footprint of the site, the design approach has been to propose three individual built forms. This design response plays a critical role in the site offering a level of spaciousness, not only to site boundaries, but between buildings within the site. So, while a more solid building mass could have eventuated across three levels throughout the site, a different, more site responsive outcome has been proposed. That design response comprises Buildings A and B proposing a fourth level.
- 6.10 While the height limit of 11 metres is not a mandatory consideration, in a DD08 context, any fourth level to any building needs to be considered carefully given Clause 21.05's focus on three storey built form outcomes. Factors influencing a proposal exceeding the guidance provided at DD08 must account for amenity impacts, streetscape considerations and the overall architectural merit of the proposal.
- 6.11 A key element of this design response has been the siting of the fourth storey element to both Building A and B significantly away from abutting residential properties. To this end, the presence of Building C is of great assistance, while a setback of almost 11 metres is provided by Building A's top level to 2 Leura Street to the west.
- 6.12 In addition, the fourth storey element is recessed from any streetscape frontage, including Blackburn Road, an improvement made to Building A as a consequence of the Section 57A application. The result is the fourth levels of Buildings A and B do not overwhelm any adjoining property, any streetscape elevation, or even from a distance away, such as when one looks back to the site from either the north-east or south-east.
- 6.13 There is also no question the proposal provides a highly stimulating, yet cohesively designed, apartment complex with a good degree of articulation provided by a variety of treatments, including architectural framing, the use of balcony recesses and extrusions to create depth and shadow.
- 6.14 On this basis, it is considered appropriate to permit the fourth levels.
- 6.15 While the total site area permits land within the Mains Road precinct to exceed 11 metres and encourages an apartment typology, this freedom is not flexed at Clause 21.05 in respect of land within Sub Precinct B.
- 6.16 No. 37 Churchill, unlike all other allotments comprising the site, is on a strict reading of the policy supposed to be:  
*where single storey and two storey dwellings only will be considered.*
- 6.17 Building C is clearly not a two storey townhouse style development.
- 6.18 While it is possible to require the deletion of 37 Churchill Street from the development based on this policy, it is not considered necessary to do so in this instance. Building C has intentionally been designed to be of a smaller scale relative to the other Buildings. Across the streetscape elevation, this



- provides for a building that transitions comfortably to adjoining land to the west.
- 6.19 The immediately adjoining property to the west has recently completed construction – a relevant consideration when acknowledging the inability the site would have for any consolidation opportunities.
- 6.20 From an amenity impact perspective, it is also worth recognising the relatively modest footprint of Building C is realised by a shared basement arrangement with Building B. Site coverage of this building relative to the lot is less than 50% while the uppermost footprint is 61% of the level directly below. Also, the proposal avoids any reliance on boundary wall development and has no above ground setback less than 3 metres. The above is an outcome that would be highly unlikely to eventuate on a typical townhouse style development in DD08's Sub Precinct 2.
- 6.21 While there are some concerns with Building C's presentation across the western elevation, this is a matter that can be overcome by permit conditions.
- 6.22 When recognising the shared efficiencies gained by the common basement arrangement and the level of attention evidenced in the external design and internal layout of Building C, including a high level of attention to detail to its interaction with Building B, it is considered appropriate to support a three storey apartment style building, on the lot. While the proposal marginally exceeds the 9 metre mandatory height limit imposed by the DD08, this is a matter that can be addressed by permit condition.
- 6.23 In summary, subject to some minor changes, it is considered the design response is consistent with the policy aspirations for Precinct 2 Main Roads and Areas Around Activity Centres and the strategies outlined at Clause 21.05-4 by virtue of its:
- 6.23.1 High level of visual interest across all streetscape elevations;
- 6.23.2 A varied use of materials in a neutral colour palette across all elevations;
- 6.23.3 Integration of car parking requirements into the design of the buildings;
- 6.23.4 Responsiveness to the site cross fall and providing appropriate transitioning to adjoining properties;
- 6.23.5 Provision of a high level of internal amenity for residents by maximising solar access, providing larger apartment footprints, and in most cases, well configured balconies and ground level open spaces;
- 6.23.6 Provision of good setbacks which will ensure adequate permeable areas to soften the visual impact of the built form with appropriate landscaping across all elevations.
- 6.24 It is Council officers' assessment that the proposal positively addresses the policy requirements as contained within Clause 21.05 of the Manningham Planning Scheme.

#### **Clause 21.10 Ecologically Sustainable Development**

- 6.25 Council's MSS outlines ESD requirements to be incorporated into larger developments within the municipality. It is considered that by the preparation of an SMP, and minimal issues which have arisen as a result of its assessment by Council's ESD Engineer, that the proposal offers a number of positive ESD measures.

**Clause 22.08 Safety through Urban design**

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

**Clause 22.09 Access for Disabled People**

- 6.29 The Access for Disabled People Policy is based on the Disability Discrimination Act and requires that persons with a disability have the same level of access to buildings, services and facilities as any other person. It requires that the design of new building account for the needs of persons of limited mobility.
- 6.30 The design response proposes to offer at grade access via Blackburn Road to Building A and B, albeit reliant on a small section of road reservation to achieve direct, level access from the existing footpath along Blackburn Road. It appears this has been proposed to cater to the needs of persons with limited mobility based on the ramp style access proposed, although not notated as such to the Blackburn Road footpath. This is considered to be a good outcome for persons of limited mobility and disabled persons providing this can occur.
- 6.31 Via the provision of lifts, access from the basement is possible to all levels, and therefore all apartments. It is further noted that the project architects have proposed future disabled persons car space within each basement – a total of two car spaces. Appropriately, these spaces are situated adjacent to the lift foyer providing optimal access.

**Schedule 8 to the Design and Development Overlay**

- 6.32 An assessment now follows against the design requirements of the DD08:

| Design Element  | Level of Compliance  |
|---|--|
| <p><b>DDO8-1 (Main Road Sub-Precinct)</b></p> <ul style="list-style-type: none"> <li>11 metres provided the condition regarding minimum land size is met.</li> </ul> <p>If the condition is not met, the maximum height is 9 metres, unless</p> | <p><b>Considered Met</b></p> <ul style="list-style-type: none"> <li>The site exceeds double the minimum lot size contemplated by the DD08 – that being 1800 square metres in which to realise higher density apartment style development. The</li> </ul> |

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| <p>the slope of the natural ground level at any cross section wider than eight metres of the site of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.</p> | <p>site therefore presents an outstanding opportunity to accommodate a substantial built form outcome.</p> <ul style="list-style-type: none"> <li>• The five lots comprising the site are consecutive and are situated side by side. However, four of the five share a frontage to Blackburn Road, with 37 Churchill Street having no direct interface to the main road.</li> <li>• Blackburn Road lots are within the Main Road Sub-Precinct, the Churchill Street lot is within Sub-Precinct B.</li> <li>• There is discretion relating to maximum building heights in the Main Road precinct. While the DD08 anticipates an 11 metre height requirement, it is considered that a design response which achieves a high quality built form outcome can exceed this height. Such discretion does not exist for land within Sub Precinct B which is mandated to 9 metres.</li> <li>• By virtue of their fourth level, Buildings A and B clearly exceed the 11 metre height referenced in the DD08. These buildings are proposed to reach a height of 13.6 and 13.9 metres, respectively.</li> <li>• Due to the site's cross fall, these maximum heights satisfy the requirements of the RGZ2 which permits up to 14.5 metres.</li> <li>• Based on the design response that has been proposed, with recessive fourth storeys across streetscape elevations and good setbacks at this fourth level to sensitive residential interfaces, it is considered the design response is an appropriate one to justify the increased height. Considering the size of the site, the total internal floor area taken up by the fourth levels is considered modest (68% and 61%, respectively).</li> </ul> |
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| <p><b>DDO8-2 (Sub-Precinct B)</b></p> <ul style="list-style-type: none"> <li>The maximum height is 9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the site of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.</li> </ul> | <p><b>Met By Condition</b></p> <ul style="list-style-type: none"> <li>Building C proposed over land at 37 Churchill can achieve full compliance with this element by a permit condition bringing the maximum height of the building down from 9.2 metres to 9 metres (<b>Condition 4.4</b>). The 9.2 metres occurs for a small point at its north-west corner. Across the streetscape elevation, the building follows the slope in the land and scales down to 8.3 metres.</li> </ul>   |
| <ul style="list-style-type: none"> <li>Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, 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></p> <ul style="list-style-type: none"> <li>The design response has provided minimum six (6) metre, ground level street setbacks to both Leura and Churchill Streets in line with the requirements of the DD08. It is noted the setback to Churchill was increased from 5m to 6m by the Section 57A amendment.</li> <li>Upper level, wall setbacks do not encroach into the 6 metres.</li> <li>While basement setbacks are as little as 4 metres, these are contained below natural ground level and will not be visible across streetscape elevations. They will not impact on landscaping as the area affected by the encroachment is to be paved for ground level open spaces situated in the front setback directly above. It is considered there is sufficient space in which to realise the planting of canopy trees within the front setback of the site and the encroachment by the basement into this setback will not inhibit this.</li> <li>By proposing 6 metre setbacks to the side streets, the setback to Blackburn Road to achieve full compliance with Clause 55.03-1 would be 3 metres.</li> <li>Building B comfortably achieves a ground level setback by up to 5 metres. However, Building A proposes ground, first and second level apartments with a 2.5 metre</li> </ul> |

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|  | <p>setback to the eastern boundary. Noting there is a wide road verge which will provide for a good buffer distance to Blackburn Road, the shortfall of half a metre is not considered to be critical. Notably, this encroachment occurs only at the north-eastern end of the site for a length of 8.5 metres (as it affects Apartments 0-04 and 0-05 and those directly above), and a further 3.5 metres (relating to Apartment 0-06 and those directly above). As it does not occur for the full length of the boundary, this minor encroachment into the street setback is considered appropriate.</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 percent.</li> </ul>  | <p><b>Considered Met</b></p> <ul style="list-style-type: none"> <li>• Building site coverage is 60.3% of the site area. The site coverage creeping ever so slightly over 60% is considered to be negligible.</li> </ul>   |
| <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></p> <ul style="list-style-type: none"> <li>• A simple, yet distinctive, neutral materials palette is to be utilised across all elevations of the proposed buildings to provide an articulated, yet sympathetic, built form response. Council's Urban Designer highlights the material palette as being one that is a crucial element to the architectural language of the building. Notably, the proposal does not rely on the use of any render.</li> <li>• Drawing on the natural tones of the proposed materials will distinguish the building in a positive way. It is acknowledged, however, that the visual interest of the development may not be as stimulating without the variation in materials the proposal relies so heavily on. Council's Urban Designer has expressly called for <i>"any building material substitutes be carefully assessed"</i>.</li> <li>• While a comprehensive package of colour perspectives and 3D images have been provided in support of the</li> </ul> |

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|   | <p>application, it is considered appropriate to require a colour schedule of materials and finishes be added to elevation plans (to provided further detail to the existing schedule) as a permit condition of any approval that should issue. This will ensure clarity in respect of colour tones and textures. <b>(Condition 4.21)</b>.</p>  |
| <ul style="list-style-type: none"> <li>Minimise buildings on boundaries to create spacing between developments.</li> </ul>  | <p><b>Met</b></p> <ul style="list-style-type: none"> <li>The proposal does not seek permission to utilise any boundary to facilitate the development. This is considered to be a good outcome for adjoining properties and for the streetscape providing good spacing and opportunities for landscaping to establish and flourish.</li> <li>In addition, the three buildings within the site strike an appropriate balance of achieving a level of separation between one another without “pushing” the built form unreasonably close to any side or rear boundary. Increased internal spacing between Buildings B and C is an outcome of the Section 57A Amendment.</li> </ul>  |
| <ul style="list-style-type: none"> <li>Where appropriate ensure that buildings are stepped down at the rear of sites to provide a transition to the scale of the adjoining residential area.</li> </ul> | <p><b>Met</b></p> <ul style="list-style-type: none"> <li>Realising the breadth of the site, the design response has sought to minimise any unreasonable amenity impacts by proposing three individual buildings across the site.</li> <li>By virtue of the higher terrain at the southern end of the site, Building B sits higher in the context of the overall development. The proposal then steps down across the Blackburn Road (north) and Churchill Street (west) streetscapes providing a scaled transition.</li> <li>This design response is considered appropriate providing for the building mass to be concentrated at the eastern and central parts of the site. An appropriate level of stepping is provided to the western boundary</li> </ul> |

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|  | <p>where the sensitive, abutting residential interfaces occur with No. 2 Leura Street and No. 35 Churchill Street. The built form relationship between Building B and No. 2 Leura Street is also considered appropriate.</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></p> <ul style="list-style-type: none"> <li>As above, designing three individual buildings has provided for a site responsive design that is sympathetic to the cross fall of the land.</li> </ul>   |
| <ul style="list-style-type: none"> <li>Avoid reliance on below ground light courts for any habitable rooms.</li> </ul>   | <p><b>Met</b></p> <ul style="list-style-type: none"> <li>Bedrooms do not rely on borrowed light or light wells. This is a significant positive of the overall development achieved by a clever design response that utilises separate detached buildings, rather than one large building mass.</li> </ul>   |
| <ul style="list-style-type: none"> <li>Ensure the upper level of a two storey building provides adequate articulation to reduce the appearance of visual bulk and minimise continuous sheer wall presentation.</li> </ul>  | <p>Not applicable.</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></p> <ul style="list-style-type: none"> <li>It is considered that the fourth levels of Buildings A and B, exhibit a high level of architectural interest which justifies the proposed fourth storey footprint. Importantly, the presence of these upper levels serves to articulate Buildings A and B, rather than result in visual bulk. This has been demonstrated across the northern, eastern and southern elevations forming part of the architectural drawings, together with the extensive and sophisticated set of photomontages and 3d imaging that has been carried out.</li> <li>The size and layout of the upper levels of these buildings have been appropriately sited towards Blackburn Road to avoid unreasonable amenity impacts to adjoining properties to the west. It is considered the articulated setbacks to the sensitive residential</li> </ul> |

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|  | <p>interface to the west in the order of 7.6 metres at the third level and almost 11 metres at the fourth level are sufficient to mitigate any perception of visual bulk.</p> <ul style="list-style-type: none"><li>• In percentages, the uppermost level of Building A is 68% of the floor below. The uppermost levels of Building B and C are both a modest 61%.</li><li>• In terms of Building C's third level, there are some concerns observed across the western elevation, including the 2 and a half storey, stone sheer wall which continues as balustrading to the level three apartments (3-01 and 3-02). This is a 23.5 metre long wall which will presents highly prominently to the driveway of the three, recently finished townhouses at 35 Churchill Street.</li><li>• While the sensitivity of 35 Churchill's common driveway is not the same as if it adjoined secluded private open space, the spacing provided by the driveway adjacent to the common boundary exposes this elevation of the building. As the solid presentation of this built form presents visual amenity impacts to adjoining land and nearby properties (for example for those viewing the property from the west of the site along Churchill – for example if one was standing outside 26 Churchill Street), it is considered necessary to require some modifications by permit condition.</li><li>• It is observed that a row of Flame trees will be planted in the 3 metre space between ground level and the western boundary. In time, this will no doubt assist to soften the visual impact of the built form. However, this in of itself is not the answer.</li><li>• A permit condition will require the balustrading to utilise an alternative</li></ul> |
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|   | <p>material to stone (lightweight style) to address the visual bulk concerns across the Building's western elevation. A further condition will require that the balustrading to be recessed in by a minimum of 1.2 metres, except opposite the living room windows and doors of Apartment 3-01 and 3-02. <b>(Condition 4.5).</b></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></p> <ul style="list-style-type: none"> <li>There are no imposing design elements and all design expressions are considered to be well integrated into the overall architecture of the building.</li> </ul>  |
| <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></p> <ul style="list-style-type: none"> <li>A review of the elevation and sectional drawings reveals no unsightly projection of any basement wall.</li> <li>A series of planter boxes and retaining measures are sited within the front and side setbacks to provide for appropriate measures to manage earthworks to a high standard. Clearly, a lot of care and effort has been invested to consider the manner in which potential future occupants would use the spaces immediately around and forward of the built form. The recognition of the need, the understanding of the height and location of retaining walls and planter boxes clearly illustrates the design response is of a high standard and will provide for a high level of amenity for future occupants, whilst ensuring appropriate levels of presentation and landscaping are achieved across the public realm.</li> </ul> |
| <ul style="list-style-type: none"> <li>Be designed to minimise overlooking and avoid the excessive application of screen devices.</li> </ul>  | <p><b>Met</b></p> <ul style="list-style-type: none"> <li>The site's corner location enables it to avoid screening of habitable spaces for the majority of apartments. This is a great outcome from an internal amenity perspective. Where screening is applied to protect the privacy of residents it is done so in</li> </ul>  |

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|  | <p>good taste.</p> <ul style="list-style-type: none"> <li>It is noted that a detailed assessment as to the appropriateness of screening applied will be discussed in response to Clause 55.04-6 of the Manningham Planning Scheme.</li> </ul>  |
| <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 motilities.</li> </ul>  | <p><b>Met</b></p> <ul style="list-style-type: none"> <li>All buildings are to be serviced by a lift which ensures “step free” access to all apartments and the basement car parking.</li> <li>The proposed access arrangements from Blackburn Road appear to be suitable to all users and appear to enable a barrier-free approach to the front entry of Buildings A and B. This will be confirmed by permit condition <b>(Condition 4.25)</b>.</li> </ul> |
| <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></p> <ul style="list-style-type: none"> <li>Basement levels are sufficiently submerged below natural ground level so as not to present as imposing elements to the private realm.</li> </ul>  |
| <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></p> <ul style="list-style-type: none"> <li>Basement levels are sufficiently submerged below natural ground level so as not to present as imposing elements to the public realm.</li> </ul>   |
| <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 parking.</li> </ul>             | <p><b>Met</b></p> <ul style="list-style-type: none"> <li>The basement arrangements provide for an integrated car parking layout which will result in car parking being concealed by an automatic security door, as has been indicated on advertised plans.</li> </ul>  |
| <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>Met with Condition</b></p> <ul style="list-style-type: none"> <li>Given the site is in the unique position of having three frontages, it does not have a classic rear boundary. The only non-street frontage being the western boundary could be considered to be the rear boundary. Basement level setbacks are proposed to be 4.1 metres to Leura Street and 2.5 metres to Churchill Street.</li> </ul>  |

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|   | <ul style="list-style-type: none"> <li>While the basement setback is not identical to the ground level across either Leura or Churchill Streets or less than 4 metres to 35 Churchill Street, it has been demonstrated by the submission of a well-considered, detailed landscape plan that a variety of landscaping treatments, including deep rooted planting, can be achieved in these setback areas.</li> </ul> |
| <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</b></p> <ul style="list-style-type: none"> <li>There is no question that the site provides appropriate wall setbacks to realise a landscape design response which will be highly complementary and serve to soften the appearance of the built form.</li> </ul>   |
| <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 with Condition</b></p> <ul style="list-style-type: none"> <li>Provision has been made within both basements for some services. Given the size of the development it is foreseeable that more spaces might be required. If this is so, this should be carefully sited and concealed at rooftop level. <b>(Condition 4.37).</b></li> </ul>  |
| <p><b><u>Car Parking and Access</u></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 larger tree requires an increased setback.</li> </ul> | <p><b>Met</b></p> <ul style="list-style-type: none"> <li>Each side street is proposed to have one crossover to cater to the two way vehicle ingress and egress. This is entirely appropriate. While a street tree will require removal, it can be replaced at the permit holder's expense <b>(Condition 4.34).</b></li> </ul>   |
| <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>   | Not applicable.   |
| <ul style="list-style-type: none"> <li>Ensure that where garages are</li> </ul>   | Not applicable.   |

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| <p>located in the street elevation, they are set back a minimum of 1.0m from the front setback of the dwelling.</p>  |   |
| <ul style="list-style-type: none"> <li>• Ensure that access gradients of basement carparks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements.</li> </ul>  | <p><b>Met with Condition</b></p> <ul style="list-style-type: none"> <li>• Driveway gradients will need to be modified to accord with Council's Engineers requirements. This applies to Building A (<b>Condition 4.12</b>).</li> </ul>   |
| <p><b><u>Landscaping</u></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</b></p> <ul style="list-style-type: none"> <li>• As outlined in the proposal section, a generous provision of landscaping is evidenced in the John Patrick Landscaping Plan easily meeting the requirement.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Provide opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form.</li> </ul>  | <p><b>Met</b></p> <ul style="list-style-type: none"> <li>• The site plan and landscape plan evidence the consideration given to this design element.</li> <li>• Landscaping proposed by the John Patrick Landscape Plan will serve to enhance and enrich the apartment development across all elevations.</li> </ul>  |
| <p><b><u>Fencing</u></b></p> <ul style="list-style-type: none"> <li>• A front fence must be at least 50 per cent 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> </li> </ul> <p>and a continuous landscaping treatment within the 1.0m setback must be provided.</p>           | <p><b>Met with Condition</b></p> <ul style="list-style-type: none"> <li>• Front fencing/walls are not continuous, rather used sparingly to enclose ground level secluded private open spaces. While solid fencing is to be utilised, given the extensive breaks across all streetscape frontages, this is considered to be appropriate.</li> <li>• The heights of proposed front fencing, when taken from natural ground level, do not appear to exceed 1.8 metres. Exact heights will be required to be notated as a permit condition (<b>Condition 4.29</b>) to ensure no front fencing greater than 1.8 metres. Retaining walls/planter boxes across all frontages and within private</li> </ul> |

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|  | <p>spaces will also need to be carefully detailed (<b>Condition 4.30</b>).</p> <ul style="list-style-type: none"> <li>Proposed front fencing is not located on the property boundary line thereby enabling landscaping to be placed at the foot of fencing in areas between the road reservation or footpath.</li> </ul> |
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6.33 Having regard to the above assessment against the requirements of Schedule 8 to the Design and Development Overlay, it is considered that the proposed design respects the preferred neighbourhood character and responds to the features of the site.

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

**Clause 52.02 Easements, Restrictions and Reserves**

6.35 Pursuant to Clause 52.02, a permit is required before a person proceeds under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant.

6.36 The drainage and sewerage easement burdening the western boundary of 175 Blackburn Road is proposed to be removed. A Plan to this effect has been prepared by Orbit Solutions. It is understood there is no infrastructure within this easement.

6.37 Before deciding on an application made pursuant to this Clause, Council must consider the interests of affected people.

6.38 Following no objection from either Yarra Valley Water or Council's Engineering department on this aspect, it is considered appropriate to support its removal.

**Clause 52.06 Car Parking**

6.39 Prior to a new use commencing or a new building being occupied, Clause 52.06-2 requires that the number of car parking spaces outlined at Clause 52.06-6 to be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the Responsible Authority.

6.40 This clause requires resident car parking at a rate of one space for each dwelling with one or two bedrooms and two spaces for each dwelling with three or more bedrooms.

6.41 Visitor car parking is required at a rate of one car parking space for every 5 dwellings.

6.42 The proposal requires 98 resident car parking spaces including at least thirteen (13) visitor spaces. As a total of ninety-nine (99) are now proposed, the car parking provision is compliant. While the numerical number of car parking spaces has been provided in accordance with Clause 52.06, an inadequate number of visitor car spaces have been nominated. Each basement will need to have a commensurate number of visitor spaces based on the number of apartments in each of the buildings. While Building A is

shown to have five (5) spaces which is satisfactory, Building B needs to be allocated eight (8) visitor spaces. **Condition 4.7** will address this.

- 6.43 The following tables provides an assessment of the proposal against the seven (7) design standards

| Design Standard        | Met/Not Met   |
|------------------------|---|
| 1- Accessways          | Met - Accessways are deemed to satisfy the standard with appropriate sightlines to be achieved for both basements.  |
| 2 – Car Parking Spaces | Met with condition – Council’s Engineering department has considered the layout and size of proposed car parking spaces and aisle widths and raised some concerns. See Referral section of this report.<br><br>These can be addressed by permit condition. See <b>Conditions 4.11, 4.13 and 4.14.</b> |
| 3 - Gradients          | Council’s Engineering department have considered the proposed vehicular access ramps to both basements and deemed the ramp for Building A requires modification. See Referral section of this report.<br><br>This can be addressed by permit condition ( <b>Condition 4.12</b> ).                     |
| 4 – Mechanical Parking | Not applicable – No mechanical parking proposed.  |
| 5 – Urban Design       | Met – The design of neither basement results in any adverse impact to either the streetscape of Leura or Churchill Streets.   |
| 6 – Safety             | Met – The basement layout provides a safe arrangement appropriately secured by an automatic door and intercom provision.  |
| 7 – Landscaping        | Met – As articulated throughout this report, a high quality landscape treatment is proposed across the site, including adjacent to basement entry points.   |

- 6.44 It follows from the above assessment that the proposal, subject to conditions, can comply with the seven (7) design standards outlined at Clause 52.06 of the Manningham Planning Scheme.

**Clause 52.29 Land Adjacent to a Road Zone Category 1**

- 6.45 The proposal seeks to alter access to Blackburn Road by removing the existing crossovers currently servicing properties at 175 and 177 Blackburn Road.
- 6.46 The decision guidelines of this Clause include the views of the relevant road authority.

- 6.47 Noting that VicRoads has expressed no objection to the proposal, and there is no other reason for which closing access to Blackburn Road should not be supported, it is considered appropriate to support this alteration.

**Clause 52.34 Bicycle Facilities**

- 6.48 In developments of four or more storeys, 1 bicycle space is required to each 5 dwellings (resident) and 1 bicycle space is required to each 10 dwellings (visitor).
- 6.49 The proposal provides in excess of the required number of bicycle spaces at various locations throughout the apartment complex, including within both basements and adjacent to building entries.

**Clause 55 Two or More Dwellings on a Lot**

- 6.50 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.
- 6.51 The following table sets out the level of compliance with the objectives of this clause:

**Clause 55 Assessment – Two or more dwellings on a lot**

| OBJECTIVE  | OBJECTIVE MET/NOT MET   |
|--|---|
| <p>55.02-1 - To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>To ensure that development responds to the features of the site and the surrounding area.</p>   | <p><b>Met</b> - As outlined in the assessment of the proposal against the policy requirements of the Schedule 8 to the Design and Development Overlay (DD08), it is considered that the proposed apartment development responds positively to the preferred neighbourhood character, and respects the natural features of the site, and its surrounds as contemplated by this planning control.</p> |
| <p>55.02-2 - To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</p> <p>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p> | <p><b>Met</b> – The application was accompanied by a written statement that has demonstrated how the development is consistent with State, Local and Council policy.</p>  |

| OBJECTIVE   | OBJECTIVE MET/NOT MET  |
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| <p>55.02-3 - To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>   | <p><b>Met</b> – The development proposes a range of one, two and three bedroom apartments across the different buildings.</p> <p>Some apartments offer ground level open space, while others have balconies. The diversity of dwelling sizes and types is a highlight of the proposal.</p>   |
| <p>55.02-4 - To ensure development is provided with appropriate utility services and infrastructure.</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p> | <p><b>Met</b> – The site has access to all services. The applicant will be required to provide an on-site stormwater detention system to alleviate pressure on the drainage system.</p>  |
| <p>55.02-5 - To integrate the layout of development with the street.</p>  | <p><b>Met</b> – The development has capitalised on an outstanding opportunity to achieve integration across each of its three streetscapes.</p> <p>Careful planning and thought has been provided in respect of pedestrian entries and accessways which are framed by a range of treatments, including the selective placement of planter boxes and water features.</p> <p>A pergola treatment proposed as the entry marker for Buildings B and C across Churchill Street further showcases the design responses' efforts in this regard.</p> <p>Several apartments in terms of their windows and open spaces are carefully positioned to maximise their extent of surveillance and integration with the three street frontages.</p> |
| <p>55.03-1 - To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>   | <p><b>Considered Met</b> - As discussed earlier in this report, the proposed setbacks of the apartment development to Blackburn Road, Leura and Churchill Streets are appropriate.</p>   |
| <p>55.03-2 - To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p>   | <p><b>Considered Met</b> – For the reasons discussed earlier in the report, the maximum building heights of Buildings A and B are within the parameters of the preferred neighbourhood character for the area.</p>   |



| OBJECTIVE  | OBJECTIVE MET/NOT MET   |
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|  | <b>Met with condition</b> - Building C will be required to be reduced to a maximum building height of 9 metres ( <b>Condition 4.4</b> ).  |
| 55.03-3 - To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.  | <b>Considered Met</b> – The site coverage, marginally above 60% at 60.3%, is acceptable.  |
| 55.03-4 - To reduce the impact of increased stormwater run-off on the drainage system.<br><br>To facilitate on-site stormwater infiltration.   | <b>Met</b> – With 24% of the site being pervious, the proposal is compliant with the standard.  |
| 55.03-5 - To achieve and protect energy efficient dwellings.<br><br>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. | <b>Met</b> – The majority of apartments have positioned living areas and open spaces to the north (or east or west, where north is not an option) to gain greatest solar exposure.<br><br>Inevitably this is not always achievable - having regard to directly south facing apartments. However, it is considered that the south facing apartments within the development have sufficiently maximised any opportunity to orientate living or balcony spaces to achieve optimal solar exposure to a sufficient degree. |
| 55.03-6 – To integrate the layout of development with any public and communal open space provided in or adjacent to the development.   | <b>Met</b> - A pleasing feature of the proposal is its well-designed, internal pedestrian access way. It will provide a valuable communal area for future occupants. The design of this space is functional and aesthetic.  |
| 55.03-7 - To ensure the layout of development provides for the safety and security of residents and property.  | <b>Met</b> – An enclosed basement arrangement will provide for safe vehicle security for future occupants and their visitors. It is also considered the treatments employed across all street frontages to highlight pedestrian entry points into the various buildings are effective.  |

| OBJECTIVE   | OBJECTIVE MET/NOT MET   |
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| <p>55.03-8 - To encourage development that respects the landscape character of the neighbourhood.</p> <p>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</p> <p>To provide appropriate landscaping.</p> <p>To encourage the retention of mature vegetation on the site.</p> | <p><b>Met with condition</b> - Good spacing is provided along all perimeters of the site in which to achieve a variety of landscaping outcomes.</p> <p>Basement setbacks, whilst not as generous as ground level setbacks, still provide ample space in which to achieve deep rooted planting.</p> <p>The proposed landscape plan of John Patrick is considered to be illustrative of a landscape outcome that is contemplated for the site by this Clause, as well as other sections of the Planning Scheme.</p> <p>It would be appropriate to approve this Landscape plan subject to its identification of smaller level species, ground covers, and some other minor changes, etc (<b>Condition 10</b>).</p> |
| <p>55.03-9 - To ensure vehicle access to and from a development is safe, manageable and convenient</p> <p>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</p>   | <p><b>Met</b> – The proposal will have two vehicular access points to service three buildings.</p> <p>Their location and design are considered to be appropriate, subject to the relocation of a street tree.</p> <p>The proposal has resulted in the reduction of two vehicle access points to Blackburn Road.</p>   |
| <p>55.03-10 - To provide convenient parking for resident and visitor vehicles.</p> <p>To avoid parking and traffic difficulties in the development and the neighbourhood.</p> <p>To protect residents from vehicular noise within developments.</p>   | <p><b>Met</b> – Proposed parking within a basement will provide for convenient parking for future occupants and their visitors. Lift and stair access will be available from the basement to all residential levels.</p> <p>There is unlikely to be any noise transfer from the use of the basement to the extent it would be a disturbance to nearby properties.</p>   |
| <p>55.04-1 - To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>   | <p><b>Met with condition</b> - There are no non-compliances with respect to the wall setbacks along either the western boundaries or in terms of the northern boundary of 37 Churchill Street.</p> <p>It is noted that Building C's two and half storey, solid, sheer wall is, at its maximum point, a 7 metre high wall with a 3 metre setback. While this is compliant with the Standard, for reasons discussed</p>   |

| OBJECTIVE   | OBJECTIVE MET/NOT MET   |
|---|---|
|   | elsewhere in this report, this wall exhibits visual bulk concerns and conditions will be applied to address it ( <b>Condition 4.5</b> ).  |
| 55.04-2 - 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. | Not applicable – No walls on boundary are proposed as part of the development.  |
| 55.04-3 - To allow adequate daylight into existing habitable room windows.  | <b>Met</b> – The development does not affect the ability of any existing habitable room window to access daylight.  |
| 55.04-4 - To allow adequate solar access to existing north-facing habitable room windows.   | Not applicable as there are no north facing windows to be affected.   |
| 55.04-5 - To ensure buildings do not significantly overshadow existing secluded private open space.   | <p><b>Met</b> - As demonstrated by the submitted shadow diagrams, there will not be any unreasonable overshadowing of adjoining secluded private open spaces at No. 2 Leura Street and Unit 2/35 Churchill Street, Doncaster East. The overshadowing impacts are significantly less than what is permissible pursuant to the Standard.</p> <p>Beyond the existing boundary fence shadow, there will be no significant further shadow implication to Unit 2/35 Churchill Street, Doncaster.</p> <p>No. 2 Leura Street will have some impact at 9am to its eastern section of private open space which adjoins the boundary with the site. However, by 10am, this shadow has moved and this area is not affected.</p> |
| 55.04-6 - To limit views into existing secluded private open space and habitable room windows.  | <p><b>Met with condition</b> - Due to the site's corner location, the development is able to maximise unscreened windows and balconies to a large number of apartments across the eastern, southern and northern elevations.</p> <p>To this end, consideration of any external</p>  |

| OBJECTIVE | OBJECTIVE MET/NOT MET   |
|-----------|---|
|           | <p>overlooking concerns is essentially limited to the design response across the western elevations of Buildings A and C and the northern elevations of Buildings B and C.</p> <p><u>Building A</u><br/>According to the ground level floor plan, the private open spaces of Apartments 0-01 and 0-02 appear to be set below natural ground level at the boundary. However, the western elevation indicates that the paved area associated with Apartment 0-02 is raised above natural ground level at the boundary by up to 800mm at the northernmost point. To mitigate overlooking, the applicant proposes a 500mm screen atop existing 1.6 metre high fencing. However, the level of screening to be applied does not sufficiently address overlooking concerns. A condition of approval will require the raised paved area to extend no further than the wall of the apartment's westernmost bedroom increasing its setback to the boundary with No 2 Leura Street and removing that elevated paved area. (Noting the basement setback, there should be no reason why this is extended beyond 4 metres at this elevated height). <b>Condition 4.1</b> and <b>4.2</b> will address this issue. (This won't preclude any low level paving if this is sought). In addition, higher replacement boundary fencing will be required to protect the privacy of No. 2 Leura Street along both boundaries common with the site (<b>Condition 4.23</b>).</p> <p>At Level 1 (Apartments 1-01, 1-02 and 1-03) and Level 2 (Apartments 2-01 and 2-02) all balconies are provided with 1.7m high privacy screens along their western edge. Variation in screen styles is provided to offer a level of visual interest.</p> <p>Apartments 1-03 and 2-03 are proposed to have fixed, obscured glazing to their west facing bedroom windows below a sill height of 1.7m. As these windows are within 9 metres of the adjoining land's secluded private open space, this is a level of screening which accords with Standard B22.</p> <p><u>Building B</u><br/>At the north-western end of Building B, the balconies of Apartments 2-04, 3-04 and 4-01 are situated within 9 metres of 2 Leura Street. These</p> |

| OBJECTIVE  | OBJECTIVE MET/NOT MET  |
|--|--|
|  | <p>balconies have not been screened and thereby do not appear to meet the requirements of Standard B22. <b>Condition 4.3</b> will require these to be screened unless it can be demonstrated that this is not necessary.</p> <p><u>Building C</u><br/>There are no overlooking issues to the west at ground level.</p> <p>To the north, the existing fencing at 1.6 metres is considered insufficient to protect the privacy of 2 Leura Street. As such, <b>Condition 4.23</b> will overcome this concern.</p> <p>Level 2 of this building has applied external screens to the section of window below 1.7m above FFL to ensure no overlooking occurs towards 35 Churchill Street or 2 Leura Street.</p> <p>At Level 3, the balconies of the two apartments are proposed at a setback of 3 metres to the common boundary to the west and at a setback of 7.3 metres to the north. No balcony screening is applied.</p> <p>While across the north it appears that the roofline of the level below would mitigate any unreasonable downward views towards adjoining land, it is appropriate to have this confirmed by permit condition (<b>Condition 4.6</b>).</p> <p>Across the west, the adjustments made to reduce the size of the balconies will need to be factored into a demonstration as to whether this is sufficient in respect of meeting Standard B22 or whether additional screening is required (<b>Condition 4.6</b>).</p> <p>All proposed screening will need to comply with Standard B22 (<b>Condition 4.26</b>).</p> |
| <p>55.04-7 - To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</p> | <p><b>Met</b> – There are no unreasonable internal views to any of the proposed buildings.</p> <p>Ground level open spaces are privatised by the use of internal boundary fencing, while 1.7 m high screens are proposed between balconies, where required.</p> <p>Downward views within and between buildings</p>   |

| OBJECTIVE  | OBJECTIVE MET/NOT MET   |
|--|---|
|  | <p>have been sufficiently avoided by the apartment layouts themselves and the strategic placement of open spaces.</p> <p>There is a minimum separation distance of 8.1 - 8.3 metres between the north facing balconies of Building B apartments and the south facing windows and balconies of Building A apartments. This is considered sufficient separation distance to limit internal views.</p>   |
| <p>55.04-8 - To contain noise sources in developments that may affect existing dwellings.</p> <p>To protect residents from external noise.</p> | <p><b>Met with condition</b> - The noise sources that can be considered under this control relate to the building services. Council cannot consider normal domestic noise such as from people and private mechanical equipment.</p> <p>The placement of air-conditioning units should be regulated to ensure appropriate positioning (mainly for aesthetic reasons). A condition will ensure they are located where they are not visible, such as on balconies behind solid balustrading or atop and appropriately concealed within the rooftop (<b>Condition 4.36</b>).</p> <p>Plant on the roof of the building can be visually screened (<b>Condition 4.37</b>), together with building services including electrical substations (<b>Condition 4.32</b>) and air inlets for the mechanical basement ventilation (<b>Condition 4.17</b>).</p> <p>Noise from mechanical plant will be required to comply with State legislation. Mechanical ventilation detail will also need to be provided, by condition (<b>Condition 37</b>).</p> <p>Overall, it is considered that there are no external noise sources that may impact unreasonably on existing or future residents.</p> |
| <p>55.05-1 - To encourage the consideration of the needs of people with limited mobility in the design of developments.</p>                    | <p><b>Met</b> - All buildings are to be serviced by a lift which ensures “step free” access to all apartments and the basement car parking.</p> <p>The proposed access arrangements from Blackburn Road appear to be suitable to all users and appear to enable a barrier-free approach to the front entry of Buildings A and B. Via the communal walkway, it is also apparent that “step free” access is possible to Building C. It is, however, noted there</p>   |

| OBJECTIVE   | OBJECTIVE MET/NOT MET   |
|---|---|
|   | <p>are no notations that confirm the pedestrian ramp grade is compliant with the Building Regulations as it adjoins the property boundary and local footpath network. A condition of approval will require this confirmation (<b>Condition 4.25</b>).</p>   |
| <p>55.05-2 - To provide each dwelling or residential building with its own sense of identity.</p>                     | <p><b>Met</b> – All apartments have pedestrian access from/to Blackburn Road and either Churchill Street or Leura Street.</p> <p>There are no concerns with the placement of the foyer, lift and stairwell within any of the proposed buildings.</p> <p>Over time, the three buildings will be able to distinguish themselves from one another, for example, by branding/signage techniques which is a commonly adopted practice towards providing each residential building with its own sense of identity.</p>  |
| <p>55.05-3 - To allow adequate daylight into new habitable room windows.</p>  | <p><b>Met</b> – There are no habitable rooms within any apartment that relies on borrowed light or light wells. This is a large positive of the development.</p>  |
| <p>55.05-4 - To provide adequate private open space for the reasonable recreation and service needs of residents.</p> | <p><b>Met with condition</b> – All apartments have been provided with private open space in the form of a balcony or ground level open space.</p> <p>A total of twenty (20) apartments have ground level open space, a number of which do not comply with the requirement of 40 square metres with a minimum 25 square metres with a minimum dimension of 3 metres.</p> <p>While these apartments fall short of the open space requirements of the standard, it is considered that the objective is met having regard to the nature of apartment living and in particular the apartments with smaller open spaces, being one bedroom apartments. By contrast it is noted that some of the larger, three bedroom apartments (an example is Apartment 0-01 in Building A) provides a generous allocation of 71 square metres of ground level open space.</p> <p>In other words, a sufficient diversity is offered in terms of open space provision to meet the reasonable recreational needs of the likely future</p> |

| OBJECTIVE   | OBJECTIVE MET/NOT MET   |
|---|---|
|   | <p>residents of the apartment complex.</p> <p>The other 49 apartments rely on balconies for open space provision. While most balconies are at least 8 square metres with a minimum width of 1.6m (to the inside of the balcony) and have direct access from the living/dining space, there are some exceptions. For e.g. Apartment 2-02 and 3-02 in Building B.</p> <p>It is considered appropriate to ensure that all balconies have the minimum area and dimension set by the Standard of this Clause (<b>Condition 4.22</b>). Balconies which are deficient in this regard are proposed across the public, rather than the private realm, On this basis, a further minor encroachment into the front setback to achieve this is not considered to be of great concern. There are no examples that have been identified where balconies abutting an adjoining property are deficient in this respect so as to encroach into these sensitive setbacks.</p> |
| <p>55.05-5 - To allow solar access into the secluded private open space of new dwellings and residential buildings.</p> | <p><b>Met</b> - Due to the nature of the proposal as a series of multi-level apartments, it is not possible to provide northern solar access to all private open space areas. And, inevitably, it is not possible to avoid purely south facing open spaces. Indeed, Building B in particular has a notable number of south facing open spaces.</p> <p>If not provided with northern solar access, endeavours have been made for those apartments to achieve eastern or western solar access for ground level open space or balconies.</p> <p>It is noted some apartments have a combination of orientations which demonstrates that consideration to this objective has been given, balanced with the need to limit external amenity impacts and encroach into setbacks unreasonably.</p>   |
| <p>55.05-6 - To provide adequate storage facilities for each dwelling.</p>  | <p><b>Met with condition</b> - Storage provision for apartments is indicated to be 3 cubic metres. This is not considered to be sufficient, particularly given the number of 2 and 3 bedroom apartments. A minimum of 6 cubic metres will need to be provided within their respective basements (<b>Condition 4.16</b>).</p>  |
| <p>55.06-1 - To encourage</p>   | <p><b>Met with condition</b> - The proposal is a very good</p>  |



| OBJECTIVE  | OBJECTIVE MET/NOT MET  |
|--|--|
| <p>design detail that respects the existing or preferred neighbourhood character.</p>  | <p>example of attention to design detail. The design response draws on natural materials to create a high quality apartment development.</p> <p>The election to construct three individual buildings with a shared basement arrangement (Buildings B and C) is respectful of the amenity of the neighbourhood, highly considerate of streetscape impacts and enhances internal amenity by ensuring that no habitable room is without daylight access.</p> <p>Combinations of window and door proportions are exhibited across the buildings that enhance visual interest and provides for a good mixture of horizontal and vertical elements. This in turn provides a good level of articulation.</p> <p>While there are sheer elements across several elevations, the careful use and selection of materials achieves appropriate articulation to the built form to make this approach an acceptable one in this instance.</p> <p>Various materials are used for balustrading, and as discussed earlier, changes will be required to Building C's western elevation to address visual bulk concerns (<b>Condition 4.5</b>).</p> <p>Overall, the proposal offers a high level of visual interest and will make a positive contribution to the evolving, higher density, Blackburn Road apartment building streetscape.</p> |
| <p>55.06-2 - To encourage front fence design that respects the existing or preferred neighbourhood character.</p>  | <p><b>Met</b> – Proposed fencing across frontages appears to be well integrated and sufficiently different. Further detail will be required by permit condition to ensure heights do not exceed 1.8 metres above natural ground level (<b>Condition 4.29</b>).</p>   |
| <p>55.06-3 - To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</p> <p>To avoid future management difficulties in areas of common ownership.</p> | <p><b>Met</b> – The basement and common areas throughout the building will be maintained by an Owners' Corporation. There are no apparent difficulties associated with future management of these areas.</p>   |

| OBJECTIVE  | OBJECTIVE MET/NOT MET   |
|--|---|
| <p>55.06-4 - To ensure that site services can be installed and easily maintained.</p> <p>To ensure that site facilities are accessible, adequate and attractive.</p> | <p><b>Met with condition</b> – Mailboxes are proposed within one (1) metre of the property boundary (Building A) and adjacent to the property boundary (Buildings B and C). No steps inhibit access to these mailboxes.</p> <p>To ensure the appearance of the building does not detract from any elevation, a permit condition will require retractable clotheslines to be installed within all ground level open spaces and balconies to ensure that they are not visible from the street or adjoining properties.</p> <p>Details of a rainwater tank for Buildings B and C will also need to be indicated (Building A is provided with a 17,000 litre rainwater tank). An assessment of the SMP and OSD Plans required by condition will further investigate the appropriateness of the capacity of Building A's proposed tank and inform the sizing requirements for Buildings B and C (<b>Condition 4.38</b>).</p> |

## 7 REFERRALS

- 7.1 Given the proposal to remove existing access to Blackburn Road from 175 and 177 Blackburn Road, it is a statutory requirement to refer the application to VicRoads. They are the relevant statutory authority. Upon consideration of the proposal, VicRoads have expressed no objection to the proposal and require some standard conditions to be applied to any decision to issue (see **Conditions 38 and 39**).
- 7.2 Yarra Valley Water were also referred the application. They have advised they have no objection to the proposal to remove the subject easement.
- 7.3 The application was referred to a number of Service Units within Council the following table summarises their responses:

| Service Unit  | Comments  |
|---|---|
| <p>Engineering &amp; Technical Services Unit (Drainage &amp; Easements)</p> | <ul style="list-style-type: none"> <li>• There is adequate point of discharge for the site. All runoff is to be directed to the point of discharge subject to standard conditions.</li> <li>• Requires the provision of an on-site stormwater detention system.</li> <li>• No objection to the removal of the easement burdening the western boundary of 175 Blackburn Road.</li> </ul> |
| <p>Engineering &amp;</p>  | <ul style="list-style-type: none"> <li>• No objection.</li> </ul>   |

| Service Unit  | Comments  |
|---|---|
| Technical Services Unit (Traffic)                   |   |
| Engineering & Technical Services Unit (Engineering) | <ul style="list-style-type: none"> <li>• Car parking and bicycle parking provision are satisfactory in respect of the requirements of the Manningham Planning Scheme.</li> <li>• Requires visitor car parking spaces to be signed accordingly.</li> <li>• Requires all infrastructure forward of the site to be shown on amended plans.</li> <li>• Redundant vehicles crossings to be removed and footpath, nature strip and kerbing to be reinstated, including the Churchill Street crossover which is indicated to be retained.</li> <li>• Prior to the construction of the vehicle crossing, the developer is to obtain a Vehicle Crossing Permit and crossing be constructed to the satisfaction of the Responsible Authority.</li> <li>• Three bedroom apartments to be allocated two car parking spaces which are situated adjacent to one another.</li> <li>• Requires the installation of signage to assist with pedestrian and driver safety within the basement.</li> <li>• Building A - Basement 1 Plan DA212 does not reflect the continuity of two columns between the car spaces 40 and 41 shown on Basement 2 Plan DA211 and this may be a structural issue with the building.</li> <li>• Building A – Some aisle widths are 6.1 metres, rather than 6.4 metres.</li> <li>• Building A - An additional 300mm must be provided to the dead end car spaces 09, 17 and 20 in accordance with Clause 2.4.2 of AS/ NZS 2890.1:2004.</li> <li>• Building A - Driveway gradients to be revised to provide sections at 1:20 and 1:8 in accordance with the comments.</li> <li>• Building B &amp; C – An additional 300mm</li> </ul> |

| Service Unit   | Comments  |
|--|---|
|  | <p>must be provided to the dead end car spaces 1,36,49 and 50 as per Clause 2.4.2 of AS/ NZS 2890.1:2004.</p> <ul style="list-style-type: none"> <li>• Building B &amp; C - Concern with the ability to access car space 52 and requires the submission of a swept path diagram to demonstrate access</li> <li>• Building B &amp; C – Car parking spaces nominated as 2.5 metres need to comply with Clause 52.06 or AS/ NZS 2890.1:2004.</li> <li>• Proposed overhead storages must be 2.1m above the car space. Requires cross sections showing ceiling heights, storage details above car space to be submitted.</li> <li>• Concerned with the shared space to the disabled car space 21 being in front of the lift entrance. The proposed shared space in front of the lift lobby obstructs the lift entrance. Applicant requires relocating the accessible space or lift entrance. Applicant can relocate the lift door to the west as shown in the other lift to the west of car space 43.</li> <li>• Council's Engineering &amp; Technical Services do not support the paving proposed over the road reservation in Blackburn Road.</li> <li>• Visitor parking spaces to be accessible via intercom system.</li> </ul> |
| Engineering & Technical Services Unit (Waste Management) | <ul style="list-style-type: none"> <li>• Modifications to the submitted Waste Management Plan are necessary</li> <li>• Applicant needs to show the parking location of the waste vehicle during waste collection period on the plan.</li> <li>• Revised Waste Management Plan is required to provide detailed swept path diagram, turning circles, driveway gradients and relevant height clearances to demonstrate ability for the private waste vehicle to undertake waste collection from within the basements.</li> </ul>   |

| Service Unit                                     | Comments  |
|--|---|
| Strategic Projects Unit (Sustainability)         | <ul style="list-style-type: none"> <li>• Modifications to the submitted Sustainability Management Plan are necessary.</li> <li>• Amendments are required to the energy and water efficiency sections of the report.</li> </ul>  |
| Economic & Environmental Planning (Urban Design) | <ul style="list-style-type: none"> <li>• High level of visual interest and articulation is provided by the built form.</li> <li>• Supportive of the materials palette. Emphasises any potential future adjustments to the materials schedule to be carefully considered.</li> <li>• Acknowledges the revised proposal now offers a better level of separation between Buildings B and C (a previous criticism).</li> <li>• Recognises that the revised Building C has now resulted in a large sheer, double-height building wall across the western elevation. This wall extends upwards to form the balustrade to the Level 3 apartments. Requires this to incorporate additional visual breaks and articulation and refers to the treatments applied to the western facade of Building A, namely framed elements, material colour changes and physical recesses. Suggests the third storey balustrade be visually separated from the wall below.</li> <li>• With the exception of the criticism of Building C, considers the apartment development will make a positive contribution to the streetscape and in respect of neighbourhood character.</li> </ul> |

- 7.4 As appropriate, the requirements of internal departments and external authorities will be added to any proposed permit to issue in the form of planning permit conditions or notes.

## 8 CONSULTATION

- 8.1 The planning application was placed on public notice for a four (4) week period in January 2015. The public were notified by the sending of letters to adjoining and nearby properties and by the display of seven (7) signs along the frontage of each site, as follows:

- 8.1.1 175 Blackburn Road – 3 signs  
 8.1.2 177 Blackburn Road - 1 sign  
 8.1.3 179 Blackburn road – 2 signs  
 8.1.4 37 Churchill Street – 1 sign.
- 8.2 Council received a total of twenty-one (21) objections from the following properties:

| Address   |
|---|
| 1A, 2, 3, 4, 6, 16*, 20, 26 Leura Street, Doncaster East      |
| 18, 18A, 20B, 3/25, 32, 3/33 Churchill Street, Doncaster East |
| 168, 1/169, 171, 174 Blackburn Road, Doncaster East           |
| 1 Rosamond Crescent, Doncaster East                           |

\*Multiple objections received from this property by different persons

- 8.3 Following the amendment of the application pursuant to Section 57A of the Planning and Environment Act 1987, all objecting properties and adjoining and nearby properties were re-notified of the proposal in July/August 2015.
- 8.4 The Section 57A Application attracted a further three (3) objections from properties at 2/35 Churchill Street and 1 & 2 Leura Streets.
- 8.5 Section 57A (7)(b) provides for:  
*all objections made in relation to the original application are to be taken to be objections to the amended application*
- 8.6 As 2 Leura Street had made an initial objection, the planning application is now taken to have attracted a total of twenty-three (23) objections.
- 8.7 The following is a summary of the grounds upon which all of the above properties have objected to the proposal:
- Overdevelopment/Density/Excessive height & Storeys/Visual Bulk/Excessive Site Coverage/Contrary to Policy
  - Loss of Neighbourhood Character (Built Form and Garden)
  - Overshadowing
  - Overlooking/loss of privacy
  - Traffic Implications/Existing situation is a traffic hazard/Safety/Emergency Vehicle Access
  - Insufficient car parking provision, including visitor car parking
  - Waste Collection & Management
  - Noise Impacts (Vehicular/Services)
  - Vegetation Loss/Impact to Fauna
  - Adverse Impact to Property Values/Crime
  - Construction Management Issues

- Future Body Corporate Management Issues
  - Increased pressure on bus service
- 8.8 A response to the above grounds is provided in the below paragraphs:
- Overdevelopment/Density/Excessive height & Storeys/Visual Bulk/Excessive Site Coverage/ Contrary to Policy**
- 8.9 It is understood that residents of the area are concerned by the density, height, number of storeys and general built form of the development. A couple noted the site coverage exceeding 60% (indeed the original advertised plans showed site coverage to be almost 69%).
- 8.10 Given Council has applied the DD08 instrument in an endeavour to increase residential densities in *“Residential Areas Surrounding Activity Centres and along Main Roads”*, the concerns of residents in respect of density is not shared by Council officers.
- 8.11 While Council officers agree that the original, advertised proposal exhibited indicators of overdevelopment, the proposal has since been modified to, among other things:
- 8.11.1 improve street setbacks to Leura and Churchill Street and increase permeable areas for landscaping across frontages;
  - 8.11.2 recede the uppermost (fourth) level of Building A from the Blackburn and Leura Street corner,
  - 8.11.3 provide a better level of separation between Buildings B and C across the southern elevation to Churchill Street,
  - 8.11.4 and modify and sink the basement further below natural ground level to subsequently reduce the site coverage to 60.3%.
- 8.12 Consequently, it is the opinion of Council officers that the streetscape elevations do not present visual bulk or massing concerns. It is also not agreed with objectors who consider that “there would be a massive step down from the main road to the more traditional dwellings” or who consider Building B’s height is exaggerated by the natural land form on which it sits.
- 8.13 While the height of Buildings A and B exceeds the 11 metres outlined by the DD08, it is recognised that the fourth storey and maximum building heights of the development are concentrated at the Blackburn Road end of the development. The buildings then step down to three storey across their respective residential side streetscapes, and in the case of Churchill Street, work with Building C to step from three to two storeys adjacent to the boundary with 35 Churchill Street.
- 8.14 Across Leura Street, a generous setback is provided between the third and fourth levels to the boundary common with 2 Leura Street. This stepping provides a suitable transition to the property at 2 Leura Street, as is evidenced across the Leura Street streetscape elevation. In addition to the built form transitioning appropriately to the sensitive residential interfaces to the west, the proposal avoids any unreasonable amenity impacts to adjoining properties.
- 8.15 While Building C will be conditioned to not exceed the maximum building height of 9 metres, the Churchill Street streetscape elevation illustrates the appropriateness of the proposed built form across this streetscape. For

reasons previously discussed, its incorporation into the development is considered appropriate in this instance.

#### **Loss of Neighbourhood Character (Built Form and Garden)**

- 8.16 Neighbourhood character has been assessed earlier in the report against the policy requirements of Clause 21.05, the DD08 and Clause 55.02-1 of the Manningham Planning Scheme. Based on Council's preference for a "*preferred neighbourhood character*" along main roads in the manner articulated in the Planning Scheme, the proposal is deemed to be an acceptable built form response. It is considered to be a good example of what is contemplated as part of the preferred neighbourhood character for Blackburn Road and in the area around Doncaster East Village.
- 8.17 In respect of its pursuit of a "preferred neighbourhood character", Council officers consider the proposal is generally respectful of its residential interfaces to the west and to the streetscapes of both Leura and Churchill Streets.
- 8.18 It is acknowledged that the lot at 37 Churchill has a different zoning and is contained within a different sub-precinct of the DD08 to the lots fronting Blackburn Road. Notwithstanding this distinction, the Planning Scheme still contemplates a more intense built form in all areas affected by the Schedule 8 to the Design and Development Overlay. In this respect, a preferred neighbourhood character is also specifically contemplated by the Planning Scheme for side roads, not only main roads. The only non-negotiable criterion specified in the Scheme is a mandatory height limit of 9 metres for developments within Sub-Precinct B of the DD08. As Building C (which is proposed over the 37 Churchill Street lot) can come within this mandatory height limit, it is considered to be acceptable to include this lot as part of the apartment development complex. Indeed, greater articulation, stepping across the site and internal amenity is achieved by this consolidated approach.
- 8.19 However, as identified in the assessment of the design of Building C, there is a need to provide a more sympathetic elevation to the adjoining properties at No. 35 Churchill Street – a matter than can be addressed by permit condition **(Condition 4.5)**
- 8.20 In terms of garden character, any new development has a substantial obligation to make a positive contribution in respect of "greening" of the site. The requirements for landscaping treatments are entrenched in the policy provisions and planning controls affecting the site. The proposal is considered to be truly capable of contributing to and enhancing the garden character of the area. Large areas of permeable space have been proposed across all perimeters of the site, specifically improved by the Section 57A amendment. The large setbacks to the public and private realms will provide ample room in which to establish a variety of landscaping, including large canopy trees. Again, additional setback areas have been achieved via the Section 57A Amendment.

#### **Overshadowing**

- 8.21 A handful of objectors, including the property owner to the west at No. 2 Leura Street have expressed concern at the proposal having unreasonable overshadowing implications.



- 8.22 As discussed under the response to Clause 55.04-5 of the Manningham Planning Scheme, there are no unreasonable overshadowing implications arising from the proposed development.

**Overlooking/loss of privacy**

- 8.23 Adjoining properties and properties on the south side of Churchill Street have raised issues of overlooking and privacy loss.
- 8.24 As expressed earlier in the report, the design response has not fully addressed the potential of the site to overlook adjoining properties. As such, it is considered conditions of any approval can address the need to apply additional screening measures to the identified upper level balconies of Buildings B and C. Some modifications will also be required to Building A's Apartment 0-02.

**Traffic Implications/Existing situation is a traffic hazard/Safety/  
Emergency Vehicle Access**

- 8.25 It is noted that several objectors have raised the issue of traffic. A number of residents have highlighted the challenges associated with undertaking a right hand turn from Leura Street into Blackburn Road and have submitted that this problem will be compounded by the proposal.
- 8.26 Additional pressure to Churchill Street has also been raised by residents of this street.
- 8.27 One objector has also queried why the proposed access arrangement cannot be serviced via Blackburn Road to avoid direct impact to the aforementioned side streets.
- 8.28 Council's Planning department is required to consider the application that is presented to it. That said, it should be noted that reliance on vehicular access via the two side streets is a position that is strongly preferred by the Road Authority (VicRoads), the logic being to maintain traffic flows on arterial roads.
- 8.29 The traffic challenges of the streets surrounding the subject site should not prevent redevelopment opportunities. While it is acknowledged that residents consider this proposal would exacerbate the existing situation, the applicant is now providing the required number of on-site resident and visitor car parking spaces. The Traffic Impact Assessment prepared in support of the proposed vehicular access arrangement draws the following conclusion:

*In consideration of the existing traffic volumes on Leura Street and Churchill Street, and the proposed access arrangements of the site, the projected development is expected to be readily assimilated by Leura Street and Churchill Street without adverse impact to their existing operation or performance.*

- 8.30 This view is not challenged by Council's Engineering department who have not objected to the proposal on traffic grounds.

**Insufficient car parking provision, including visitor car parking**

- 8.31 Several of the twenty-two objections have expressed significant concern with, in their view, the insufficient provision of on-site car parking.
- 8.32 It is recognised when the application was advertised in January 2015 the proposal was deficient in respect of eight (8) visitor car parking spaces. At

that time, it was agreed with objectors that the car parking deficiency was one of the issues with the proposal.

- 8.33 The Section 57A amended proposal has addressed this shortcoming.
- 8.34 In terms of the numerical number now contained within both basements, car parking for both residents and their visitors is now fully compliant with the requirements of Clause 52.06 Car Parking of the Manningham Planning Scheme. Furthermore, visitor car parking is clearly provided for in both basements (which was also previously not the case) but will need to be allocated accurately in Buildings B and C (**Condition 4.7**).

#### **Waste Collection & Management**

- 8.35 Private waste collection has been proposed within the draft Waste Management Plan which formed part of the advertised documentation for the proposal. Council waste collection will not be available for the site, and consequently, there will not be 138 bins placed on the nature strip (2 per apartment, per week).
- 8.36 The draft Waste Management Plan details that the private waste contractor will undertake the development's waste collection kerbside. As this is considered to be unacceptable to Council's Waste Engineer, a revised Waste Management Plan will be required to reflect private waste contractor collection from within the site and demonstration of the ability to achieve this (**Conditions 4.19, 4.20, 9**).

#### **Noise Impacts (Residential/Vehicular/Services)**

- 8.37 In terms of vehicular noise, it is considered that the enclosed nature of both proposed basements adequately conceals any noise associated with future vehicles accessing the site.
- 8.38 In terms of residential noise, a permit is not required to use land for more than one dwelling and accordingly noise considerations are limited to large plant and the like. Further, residential noise associated with an apartment is considered normal and reasonable in an urban setting. Gates and roller-doors are usually fitted with rubber dampeners to reduce noise and modern day roller-doors operate almost silently.
- 8.39 A permit condition can be included which endeavours to control noise from plant and equipment associated with the apartment building (**Condition 37**).

#### **Vegetation Loss/Impact to Fauna**

- 8.40 It is noted that existing trees and shrubs will be removed to accommodate the buildings on the subject site. It is acknowledged that neighbouring properties recognise the landscape and environmental value offered by existing trees on the site, including the Golden Elm tree positioned at the south-east corner of the site, and a Peppermint Gum tree located towards the north-western end of the site.
- 8.41 In light of no vegetation protection, planning controls applying to the land, and the nature of the site earmarked for higher density development, the prospect of vegetation loss is inevitable. Notwithstanding the removal of vegetation for the purpose of the new building, the good setbacks provided to all boundaries will provide for ample spaces in which to achieve a variety of planting, and ultimately, a new landscaping treatment which can benefit the character of the area. The landscape plan advertised with the application, as

prepared by John Patrick, evidences the capacity of the site to contribute positively to the valued garden character of the area.

- 8.42 Any fauna to be displaced by the tree removal on the site will not be unreasonably or adversely affected. There are plentiful relocation opportunities within the neighbourhood.

#### **Adverse Impact to Property Values/Crime**

- 8.43 There is no evidence to suggest the proposal will cause adverse impacts to property values or generate crime. In any case, neither are considered to be relevant planning considerations.

#### **Construction Management**

- 8.44 The issue of construction management has been raised as a concern. Any condition of approval would require a Construction Management Plan to be submitted prior to the commencement of the approved development (**Condition 8**).

#### **Future Body Corporate Management Issues**

- 8.45 Clause 55.06-3 of the Manningham Planning Scheme requires consideration to be given to ensuring that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. Council's assessment has determined that there are no foreseeable future management difficulties in respect of areas within common ownership.

#### **Increased pressure on bus service**

- 8.46 Resulting in less reliance on private vehicle useage, the potential for additional useage of bus services by future occupants of the apartment buildings is considered to be a positive sustainable outcome.
- 8.47 Any experiences of congestion on existing bus services should be raised with the bus service provider in an endeavour to mobilise for additional bus services. This information has also been passed on to the relevant Council officer for follow up.

#### **Inadequate Open Space/Storage Provision**

- 8.48 Some objectors consider the proposal does not offer sufficient open space or storage provision for future occupants. As discussed in the assessment section of this report, the diversity offered in respect of open spaces sizes is considered to be appropriate given the apartment nature of the development. Having regard to the objective of Clause 55.05-4, which calls for consideration of the "*reasonable recreational and service needs of residents*", it is considered the proposal satisfies this requirement. A permit condition will be required to increase the size of balconies which are deficient against the minimum size and dimension requirements of the standard (**Conditions 4.22**).
- 8.49 In terms of storage, it is agreed that all apartments should have a minimum of 6 cubic metres of storage. A condition to this effect has been added to any permit to issue (**Conditions 4.16**).

## **9 CONCLUSION**

- 9.1 Arriving at the conclusion to support this application has been a journey spanning 16 months. While the architectural merit of the proposal has been

present from the initial concept, it has been necessary to amend the permit application to scale the proposal back in line with the expectations of the Manningham Planning Scheme.

- 9.2 It is now considered appropriate to support the planning application, as amended pursuant to Section 57A of the Planning and Environment Act 1987, subject to changes. Changes will consist of amendments to the proposed development plans to address issues arising through the assessment, including objector concerns. A number of conditions will also be proposed to ensure adequate preparatory work and management occurs during construction.
- 9.3 As demonstrated in this report, the proposal achieves a high level of compliance with the Manningham Planning Scheme, in particular Clause 21.05 Residential, Schedule 8 to the Design and Development Overlay 8 (DD08) and Clause 55 Two or More Dwellings on a Lot.
- 9.4 The design response is considered to be of a high quality adopting an interesting use of natural materials. It provides for the introduction of a proud, architecturally designed, contemporary residential apartment complex across four (4) lots along Blackburn Road - the very vision contemplated by the Schedule 8 to the Design and Development Overlay 8 (DD08).
- 9.5 The buildings extend into the residential streetscapes of Churchill and Leura Streets. In doing so, it is the opinion of officers that this is done respectfully and without comprising the amenity of adjoining and nearby properties (subject to conditions).
- 9.6 Critically, car parking requirements are now compliant (as a result of the Section 57A amendment) and the proposal also achieves an acceptable level of internal amenity for future occupants.
- 9.7 Notwithstanding the objections received to the proposal, it is considered appropriate to support the application. It is noted that a number of the grounds raised by objectors have been addressed by the Section 57A Amendment.

## RECOMMENDATION

**That having considered all objections A NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application No. PL14/024694 for the construction of three residential apartment buildings comprising 69 dwellings at 175-179 Blackburn Road and 37 Churchill Street with associated basement car parking, alteration (removal) of access to a road in a Road Zone 1 (RDZ1) and removal of the easement affecting the western boundary of 175 Blackburn Road and for no other purpose in accordance with the endorsed plans and subject to the following conditions-**

### Conditions relating to the removal of the easement

1. **Before the development starts, evidence of approval for the removal of the drainage and sewerage easement burdening the western boundary of 175 Blackburn Road must be obtained from the relevant authorities to the satisfaction of the Responsible Authority.**

2. Before the development starts, a plan of removal of the easement must be submitted for Certification by the Responsible Authority. The certified plan must be lodged with the Land Titles Office for registration.
3. Unless the plan for removal of easement approved by this permit is certified within 2 years of the date of this permit, then the permit will lapse.

**Conditions relating to the development**

4. Before the development starts, two copies of amended plans drawn to scale 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 Orbit Solutions, dated 9 June 2015 and as received by Council on 15 and 22 June 2015) but modified to show:

**Building A**

- 4.1. Apartment 0-02's raised paved area to extend no further than the apartment's westernmost wall;
- 4.2. The western elevation to reflect the change required by Condition 4.1 and the finished level/s at the toe of the raised paved area;

**Building B**

- 4.3. Apartment 2-04, 3-04 and 4-01's balconies screened in accordance with Standard B22 of Clause 55.04-6 of the Manningham Planning Scheme, unless it can be demonstrated in section form that this is not necessary. The use of horizontal screens which limit downward views and which can integrate with the overall design and balustrading material should be considered;

**Building C**

- 4.4. The maximum building height reduced to 9 metres;
- 4.5. The balustrading west of Apartment 3-01 and 3-02's balconies to:
  - 4.5.1. utilise an alternative material to stone to mitigate visual bulk concerns across the western elevation; and
  - 4.5.2. be recessed by a minimum of 1.2 metres from the level below, except where the balcony is directly opposite the living room doors and windows of both apartments.
- 4.6. Apartment 3-01 and 3-02's west facing balconies and Apartment 3-02's north facing balcony screened in accordance with Standard B22 of Clause 55.04-6 of the Manningham Planning Scheme, unless it can be demonstrated in section form that this is not necessary. The use of horizontal screens which limit downward views and which can integrate with the overall design and balustrading material should be considered.

**Basement/Car Parking**

- 4.7. The allocation of a minimum eight (8) visitor car spaces within Building B and C's basement in close proximity to the basement entry;

- 4.8. The allocation of two (2) car parking spaces to three bedroom apartments to be situated adjacent to one another;
- 4.9. The re-allocation of car spaces to provide all one and two bedrooms apartments with at least one (1) car space;
- 4.10. The location and details of signage to assist pedestrians and vehicles to safe refuge;
- 4.11. Aisle widths compliant with Clause 52.06 of the Manningham Planning Scheme or the Australian Standard 2890.1:2004;
- 4.12. The driveway gradients to Building A's accessway compliant with Clause 52.06 of the Manningham Planning Scheme or the Australian Standard AS NZS 2890.1:2004;
- 4.13. An additional 300mm to be provided to all dead end car spaces in accordance with Clause 2.4.2 of AS/ NZS 2890.1:2004;
- 4.14. The length and width of all car parking spaces to comply with Clause 52.06 of the Manningham Planning Scheme or the Australian Standard AS NZS 2890.1:2004;
- 4.15. A swept path diagram to illustrate the ability to conveniently enter and exit car parking space number 52 in the basement of Building B & C;
- 4.16. Six (6) cubic metres of storage to be provided to each apartment in accordance with Clause 55.05-6 of the Manningham Planning Scheme.
- 4.17. Details of basement ventilation, including the location of any exhaust intake or outlet required;
- 4.18. Corrections to all relevant plans to reflect the accurate number of apartments and car parking spaces, including an updated Development Summary Table;
- 4.19. Demonstration of the ability for a waste collection vehicle to achieve the necessary clearance to undertake waste collection from within the site in accordance with the Waste Management Plan required by Condition 9 of this permit;
- 4.20. The location within each basement where private waste collection will occur in accordance with the Waste Management Plan required by Condition 9 of this permit;

#### **General**

- 4.21. A colour schedule on all elevations to include details of all materials and colours, including paving, fencing, screening, retaining walls and all building and facade treatments;
- 4.22. All balconies with an area of at least eight square metres with a minimum dimension of 1.6 metres. Dimensions must be taken to the internal side of the balcony;
- 4.23. Along the western and northern boundaries common with 2 Leura Street, replacement boundary fencing of a minimum height of 2.2 metres above natural ground level;

- 4.24. A plan notation that any paving or works to occur in the Blackburn Road reservation are subject to approval from VicRoads in accordance with Condition 39 of this permit;
- 4.25. Demonstration that a maximum disability ramp grade of 1:14 can be achieved to the pedestrian entrance of all buildings from the Blackburn Road footpath;
- 4.26. The design detail of proposed external screening at a scale of 1:20 or 1:50 to achieve full compliance with Standard B22 of Clause 55.04-6 of the Manningham Planning Scheme;
- 4.27. The provision of solar protection to all west facing windows of apartments contained within Buildings A and C;
- 4.28. Acoustically rated glass to all window and door openings facing Blackburn Road and elsewhere in the buildings where the openings are positioned over or adjacent to a vehicular access ramp;
- 4.29. Location, material and height details of all front fencing to not exceed 1.8 metres above natural ground level;
- 4.30. Location, material and height details of all retaining walls, including within the ground level open spaces, to be setback from site boundaries to enable landscaping atop;
- 4.31. Details of external lighting to be installed to provide for the safety of occupants and visitors of the building;
- 4.32. A plan notation to indicate 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;
- 4.33. All infrastructure forward of the site to be shown, including drainage pits, telecommunication pits, fire hydrants, etc;
- 4.34. A plan notation that the removal and replacement of the street tree is to occur at the full cost of the permit holder;
- 4.35. Retractable clotheslines to all ground level open spaces and balconies to limit their visibility to public and private realms;
- 4.36. The location of all air-conditioning units to be screened from public and private realms and not be located on apartment balconies;
- 4.37. A roof plan containing services (including air conditioning units, basement exhaust ducts, solar panels or hot water systems) which must be screened to the satisfaction of the Responsible Authority.
- 4.38. Energy and water measures required in the Sustainability Management Plan, including but not limited to solar hot water, specific solar PV system, rainwater tank capacities and a reconsideration of the location of solar panels to optimise efficiency;
- 4.39. Any further modifications required as a result of the Management Plans required by Conditions 6, 8 and 9.

**Endorsed Plans**

5. 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**

6. 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 Sustainable Design Consultants, as amended in June 2015, but modified to include the following:
  - 6.1. Water
    - 6.1.1. Overflow to detention via gravity flow;
    - 6.1.2. Clarification in relation to the extent of toilets to be connected to rainwater storage;
    - 6.1.3. The capacity of rainwater tanks to be informed by the requirements of Conditions 13 and 14 of this permit;
    - 6.1.4. Provide standard details with filter media types, depth and planting schedule in compliance with FAWB guidelines;
    - 6.1.5. Raingarden design and planting schedule to be reflected and compliant with the latest drainage and landscape plans.
7. 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**

8. 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:
  - 8.1. A liaison officer for contact by residents and the responsible authority in the event of relevant queries or problems experienced;
  - 8.2. Hours of construction in accordance with the Manningham Local Law;
  - 8.3. Delivery and unloading points and expected frequency;
  - 8.4. On-site facilities for vehicle washing;
  - 8.5. Parking facilities/locations for construction workers to be illustrated in map form;



- 8.6. Other measures to minimise the impact of construction vehicles arriving at and departing from the land;
- 8.7. Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;
- 8.8. 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;
- 8.9. An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services;
- 8.10. The measures to minimise the amount of waste construction materials;
- 8.11. Measures to minimise impact to existing boundary and front fencing on adjoining properties;
- 8.12. The measures to minimise noise and other amenity impacts from mechanical equipment/construction activities, especially outside of daytime hours; and
- 8.13. Adequate environmental awareness training for all on-site contractors and sub-contractors.

#### **Waste Management Plan**

9. 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 Sustainable Design Consultants, as amended in June 2015, but modified to provide for:
  - 9.1. The correct number of apartments;
  - 9.2. The private waste contractor to undertake waste collection from within the basements comprising the development;
  - 9.3. No bins to be left on nature strip;
  - 9.4. The hours and frequency of pick up for general waste and recyclables;
  - 9.5. Swept path diagrams and turning templates to demonstrate that a waste service vehicle can undertake a 3-point turn and manoeuvre within the basement in order to exit the site in a forward direction;
  - 9.6. Demonstration that an adequate height clearance is available within the basement to allow a waste service vehicle to enter and exit the site;
  - 9.7. Details of the waste collection vehicle that will enter and exit the site and access waste facilities;
  - 9.8. Details on how hard waste will be disposed;
  - 9.9. A description on how residents will access waste facilities.
10. The Management Plans approved under Conditions 6, 8 and 9 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.

#### **Landscape Plan**

11. Before the permitted development starts, an amended Landscape 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 landscape plan prepared by John Patrick Pty Ltd, as amended on 10 June 2015, but modified to show:

11.1. Any details as relevant or directed by any other condition of this Permit;

11.2. A layout consistent with the plans approved under Condition 1, including the location of all retaining walls;

11.3. A planting schedule detailing the species, numbers of plants, approximate height, spread of proposed planting and planting/pot size for all trees, shrubs and all other plants;

11.4. Surface treatments.

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**

12. Before the release of the approved plans under Condition 4, a \$15,000 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.

13. 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**

14. 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:

14.1. Be designed for a 1 in 5 year storm; and

14.2. Storage must be designed for 1 in 10 year storm.

15. Before the development starts, a construction plan for the system required by Condition No. 14 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**

- 16. 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**

- 17. 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.**
- 18. Visitor parking spaces must not be used for any other purpose to the satisfaction of the Responsible Authority.**
- 19. 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.**
- 20. 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.**
- 21. Any redundant vehicle crossover must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.**

#### **Site Services**

- 22. Unless depicted on a roof plan approved by this permit, no roof plant (includes air conditioning units, basement exhaust ducts, solar panels or hot water systems) which is visible to immediate neighbours or from the street may be placed on the roof of the approved building, without details in the form of an amending plan being submitted to and approved by the Responsible Authority.**
- 23. 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.**
- 24. 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.**

25. All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively to the satisfaction of the Responsible Authority.
26. 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.
27. 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.
28. An intercom and an automatic basement door opening system (connected to each dwelling) must be installed, so as to facilitate convenient 24 hour access to the basement car park by visitors, to the satisfaction of the Responsible Authority.
29. A centralised TV antenna system must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.
30. No individual dish antennas may be installed on balconies, terraces or walls to the satisfaction of the Responsible Authority.
31. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.

#### **Maintenance/Nuisance**

32. 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.
33. 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.
34. 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.
35. Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.
36. Communal lighting must be connected to reticulated mains electricity and be operated by a time switch, movement sensors or a daylight sensor to the satisfaction of the Responsible Authority.
37. 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.

#### **VicRoads Conditions**

38. Prior to the commencement of the use of the development, all disused or redundant vehicle crossings (to 175 and 177 Blackburn Rd) must be removed and kerb and channel, nature strip and footpath reinstated to the satisfaction of and at no cost to VicRoads and the Responsible Authority.
39. No work may be commenced in, on, under or over the Blackburn Road reserve without having first obtaining all necessary approvals under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

**Time Limit**

40. This permit will expire if one of the following circumstances apply:
  - 40.1. The development and use are not started within two (2) years of the date of the issue of this permit; and
  - 40.2. 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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