

0.0 Planning Application PL17/027220 at 136-140 Andersons Creek Road, Doncaster East - Construction of twenty two, three-storey dwellings

File Number:	IN18/87
Responsible Director:	Director City Planning
Applicant:	Manki Holding Investment Pty Ltd
Planning Controls:	General Residential Zone 3 (GRZ3), Design & Development Overlay Schedule 9 (DD09),
Ward:	Mullum Mullum
Attachments:	<ol style="list-style-type: none">1 Advertised Plans to accompany Council Report PL17/027220 136-140 Andersons Creek Road Doncaster East2 Legislative Requirements PL17/027220 136-140 Andersons Creek Road Doncaster East

EXECUTIVE SUMMARY**Purpose**

1. This report provides Council with an assessment of a planning permit application submitted for land at 136-140 Andersons Creek Road, Doncaster East. This report recommends approval of the submitted proposal subject to permit conditions. The application is being reported to Council given that it is a Major Application (more than 15 dwellings).

Proposal

2. The proposal is for the development of twenty-two, three-storey dwellings (townhouses) on a site of 2966 square metres. Dwellings are each provided with a garage and either two, three or four bedrooms together with internal living spaces, amenities and balconies. The proposal is proposed to have a site coverage of 56.5%, garden area percentage of 35.05% and permeable area calculation of 25.92%.

Key issues in considering the application

3. The key issues for Council in considering the proposal relate to:
 - (a) Policy (consistency with state and local planning policy);
 - (b) Compliance with built form and design considerations (GRZ3 and DD09);
 - (c) Compliance with Clause 55 (Rescode).

Objector concerns

4. Objections have been received from the three (3) adjoining properties to the east in response to the advertised application. The main grounds of objection are summarised as:
 - Overdevelopment, building height, density and out of character
 - Increased traffic/Adequacy of car parking provision
 - Overlooking and loss of privacy

- Overshadowing
- Location of on-site amenities, including appearance of waste bins
- Loss of existing landscape buffer
- Noise
- Impact on property values

Assessment

5. Having regard to the planning policies and controls which govern the development, the proposal has been assessed to comfortably comply with the relevant planning considerations.
6. The proposal is considered to comply with the relevant planning policies in the Manningham Planning Scheme, in particular Clause 21.05 Residential. Furthermore it satisfies the mandatory requirements of the General Residential Zone 3 (GRZ3) and the design elements outlined in the Schedule 9 to the Design and Development Overlay (DDO9). The proposal also achieves a high level of compliance against the objectives set out at Clause 55 (ResCode).
7. Collectively, these planning controls recognise there will be a substantial level of change in respect of dwelling height, style and intensity of built form on the site, which is located within The Pines Major Activity Centre.
8. The three storey built form across the site is acceptable acknowledging that the proposal offers generous setbacks to all property boundaries in which landscaping can occur to filter views of the built form from external points around the site.
9. Car parking provision satisfies Clause 52.06 Car Parking of the Manningham Planning Scheme.
10. The proposed development offers an acceptable level of internal amenity and is assessed to present no unreasonable off-site amenity impacts.
11. In addition to achieving a high level of compliance with the planning policy context, the proposal responds positively to its physical site context.

Conclusion

12. It is recommended that the proposal be supported subject to a series of planning permit conditions

RECOMMENDATION

That Council:

Having considered all objections a NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application PL17/027220 for the construction of twenty-two (22) three-storey dwellings on land at 136-140 Andersons Creek

Road, Doncaster East subject to the following conditions:

- 1 Before the development starts, amended plans drawn to scale and dimensioned, must be submitted via email 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 decision plans (prepared by Jesse Ant Architects, Revision A, dated 16 October 2017), but modified to show:
 - 1.1 An accurate depiction of the canopy spread of the Council street tree situated on the road reservation forward of the site and the siting of the front fence outside of this canopy spread to the satisfaction of the Responsible Authority.
 - 1.2 A plan notation that the Council street tree will be provided with tree protection fencing in accordance with Condition 14 of this permit.
 - 1.3 A plan notation that the intercom system will provide 24 hour access to visitor car parking spaces.
 - 1.4 The height of all balcony screens to be a minimum of 1.7 metres above finished floor level in accordance with Standard B22 of Clause 55.04-6 of the Manningham Planning Scheme.
 - 1.5 The provision of internal barriers between adjoining balconies to a minimum height of 1.7 metres above finished floor level.
 - 1.6 A plan notation that all habitable room windows directly facing Reynolds Road and Andersons Creek Road will be acoustically treated to protect residents from external traffic noises on these main roads to the satisfaction of the Responsible Authority.
 - 1.7 The location of any building services at the frontage, including fire boosters, to be designed to complement the overall development to the satisfaction of the Responsible Authority.
 - 1.8 Details within the legend of final driveway, car parking and all other paving details to the satisfaction of the Responsible Authority.
 - 1.9 Any modifications or recommendations of the approved Sustainability Management Plan to be reflected on relevant drawings to the satisfaction of the Responsible Authority. This must include additional detail on the plans to indicate rainwater tank connection to all toilets, provision of external clotheslines to all dwellings and each dwelling's private open space area provided with an external tap and floor waste.
 - 1.10 Plan adjustments to meet the requirements of VicRoads as outlined at Conditions 36 & 37.
 - 1.11 A plan notation that "No U-Turn" signage will be installed to prevent illegal U-turns across Andersons Creek Road. The location of signage will be to the satisfaction of the Responsible Authority.
- 2 The layout of the site and the size of buildings and works shown on the approved plans must not be modified for any reason, without the written consent of the Responsible Authority.
- 3 Before the development starts, the permit holder must organise the removal of the easements in accordance with the permissions granted by PL16/025994 and PL16/026179 to the satisfaction of the Responsible Authority.
- 4 Before the endorsement of Condition 1 plans, an amended Sustainability Management Plan (SMP), prepared by a suitably qualified environmental engineer or equivalent must be submitted via email and approved by the

Responsible Authority. The plan must demonstrate best practice in environmentally sustainable development from the design stage through to construction and operation using industry assessment tools. The plan must generally accord with the submitted SMP prepared by LID Consulting, dated 14 September 2017 but modified by the following:

4.1 Update the BESS categories in order to meet the overall minimum score of 50%.

4.2 Update the BESS categories in order to meet the following minimum requirements:

- **Energy (50%)**
- **Water (50%)**
- **IEQ (50%)**
- **Stormwater (50%)**

4.3 The thermal performance rating (Energy 1.1) to achieve at least a 10% improvement on National Construction Code (NCC) minimum requirements.

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.

5 Before the development starts, a landscaping plan prepared by a landscape architect or person of approved competence must be submitted via email to the Responsible Authority for approval. Such plan must be generally in accordance with the development plan and be generally in accordance with the John Patrick Landscape Plan that was advertised as part of the application must amended to update the planting schedule to specify the quantity of shrubs, ground covers, grasses and climbers and detail the location of these plantings on the landscape plan to the satisfaction of the Responsible Authority.

6 Before the development starts, a Construction Management Plan (CMP) must be submitted via email and approved by the Responsible Authority. When approved the plan will form part of the permit. The Construction Management Plan is to be prepared in accordance with the template within Council's Construction Management Plan Guidelines. The CMP must address:

6.1 Element A1: Public Safety, Amenity and Site Security;

6.2 Element A2: Operating Hours, Noise and Vibration Controls;

6.3 Element A3: Air Quality and Dust Management;

6.4 Element A4: Stormwater and Sediment Control and Tree Protection (also as per the specific requirements of this permit);

6.5 Element A5: Waste Minimisation and Litter Prevention; and

6.6 Element A6: Traffic and Parking Management.

6.7 Council's Works Code of Practice (June 2016) and Construction Management Plan Guideline (June 2016) are available on Council's website.

7 The Waste Management Plan, as prepared by Leigh Design, dated 17 October 2017, 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.

- 8 The Management Plans approved under Condition Nos. 4 and 6 of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.
- 9 Prior to the occupation of each building, written confirmation from the author of the approved Sustainability Management Plan, or a similarly qualified person or company, must be submitted to the Responsible Authority. The report must confirm that the sustainable design features/initiatives specified in the Sustainability Management Plan have been satisfactorily implemented in accordance with the approved plans.
- 10 Before the review of development plans under Condition 1 of this permit, 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.
- 11 Before the occupation of the approved dwellings, landscaped areas must be fully planted and mulched or grassed generally in accordance with the approved plan and to the satisfaction of the Responsible Authority.
- 12 Privacy screens and obscure glazing as required in accordance with the approved plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority. The use of obscure film or spray fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.
- 13 Driveway gradients and transitions as shown on the plan approved under Condition 1 of this permit must be generally achieved through the driveway construction process to the satisfaction of the Responsible Authority.
- 14 Before the commencement of the development approved by this permit, tree protection fencing must be constructed around the Council street tree situated adjacent to the vehicle entry into the development. The tree protection fencing must be fenced off with star pickets and a barrier 1.5 metre high provided to protect the tree during construction. No excavation, trenching or soil removal may be carried out around this tree and the tree protection fencing must be maintained during the construction period to the satisfaction of the Responsible Authority.
- 15 The developer must ensure that contractors/tradespersons who install services or work near any tree to be retained are to be made aware of the need to preserve the tree and to minimise impacts through appropriate work practices.
- 16 The owner must provide on-site storm water detention storage or other suitable system (which may include but is not limited to the re-use of stormwater using rainwater tanks), to limit the Permissible Site Discharge (PSD) to that applicable to the site coverage of 35 percent of hard surface or the pre-existing hard surface if it is greater than 35 percent. The PSD must meet the following requirements:
 - 16.1 Be designed for a 1 in 5 year storm; and

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

- 17 Before the development starts, a construction plan for the system required by Condition 16 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.**
- 18 Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor. A connection to Council maintained assets must not be constructed unless a Miscellaneous Works Permit is first obtained from the Responsible Authority.**
- 19 The whole of the land, including landscaped and paved areas must be graded and drained to the satisfaction of the Responsible Authority, to prevent ponding and to minimise overland flows onto adjoining properties.**
- 20 Visitor parking spaces must not be used for any other purpose to the satisfaction of the Responsible Authority.**
- 21 Automatic garage door opening systems must be installed and maintained, so as to facilitate secure access to the allocated parking areas by residents, visitors and a rubbish collection contractor, to the satisfaction of the Responsible Authority.**
- 22 All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.**
- 23 All service pipes must be concealed and screened respectively to the satisfaction of the Responsible Authority.**
- 24 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.**
- 25 A centralised TV antenna system must be installed to each dwellings and connections made to each dwelling to the satisfaction of the Responsible Authority. No individual dish antennas may be installed on balconies, terraces, roofs or walls to the satisfaction of the Responsible Authority.**
- 26 Any reverse cycle air-conditioning unit, hot water boosters or other service plant erected on the walls of the approved building must be appropriately designed and finished with screening if necessary to minimise general visual impacts from off the site to the satisfaction of the Responsible Authority.**
- 27 All roof-top plant and services (including any hot water systems, but excluding solar panels) must be installed in appropriately screened areas, unless otherwise agreed in writing with the Responsible Authority.**
- 28 Unless sufficiently screened by roof parapets, all solar panels and any associated safety railings must be located away from the outer edges of the roof section upon which they are installed, so as to minimise general visual impacts from off the site to the satisfaction of the Responsible Authority**
- 29 Any air-conditioning unit installed on a balcony or terrace must stand at floor level and be positioned to minimise general visual impacts from off the site, and unless otherwise agreed in writing with the Responsible**

Authority, no air-conditioning unit may be erected on an external wall to the satisfaction of the Responsible Authority.

- 30 Any clothes-drying rack or line system located on a balcony or terrace must be lower than the balustrade of the balcony or terrace to minimise general visual impact from off the site to the satisfaction of the Responsible Authority.
- 31 All building services and metering located in the front setback, including fire services, gas, water and electricity, must be installed in accordance with the approved plans and must be positioned in a discrete manner and be screened using cabinets, etc, that integrates with the overall building design to the satisfaction of the Responsible Authority.
- 32 Prior to the occupation of the approved dwellings, all fencing (whether new or retained) must be erected in good condition and be fit for screening purpose in accordance with the plans endorsed under Condition 1 of this permit to the satisfaction of the Responsible Authority.
- 33 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.
- 34 The owner must use appropriate site management practices to prevent the transfer of mud, dust, sand or slurry from the site into drains or onto nearby roads. In the event that a road or drain is affected, the owner must upon direction of the Responsible Authority take the necessary steps to clean the affected portion of road or drain to the satisfaction of the Responsible Authority.
- 35 Buildings, paved areas, fencing, external lighting, sight screens, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.

VICROADS CONDITIONS (Condition 36 & 37)

- 36 Prior to the commencement of works:
 - 36.1 A Functional Layout Plan (FLP) showing access arrangement must be submitted to and approved by the Roads Corporation. The plans must be drawn to scale with dimensions and must be generally in accordance with the advertised plans, but modified to show:
 - 8.8m service vehicles can enter and exit the site safely and efficiently with the use of turning templates.
 - The layout ensures left-in left-out traffic movement (splitter island also needs to be modified).
 - High angle exit.
 - Redundant footpath removed.
 - Appropriate signage and markings.
 - 36.2 Amended site plans must be submitted to and approved by VicRoads. Once approved by VicRoads the plans may then be endorsed by Council and will form part of the permit. The plans must be generally in accordance with the advertised plans and amended in accordance with the approved FLP.
- 37 Prior to the commencement of the use all works required by VicRoads under this permit must be completed to the satisfaction of the Responsible

Authority and at no cost to VicRoads.

38 This permit will expire if one of the following circumstances applies:

38.1 The development is not started within four (4) years of the date of the issue of this permit; and

38.2 The development is not completed within eight (8) years of the date of this permit.

The Responsible Authority may extend these times 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.

2. BACKGROUND

- 2.1 The planning permit application was lodged on 29 March 2017.
- 2.2 A further information request was sought on 21 April 2017.
- 2.3 The design response has been substantially amended and improved from the original application lodged with Council. This includes redesigning the built form to appear as two apartment buildings on the site (noting dwellings are townhouses, not apartments) and revising the proposal to meet the garden area requirements of the Manningham Planning Scheme.
- 2.4 The application was advertised across December 2017 and received objections from three (3) adjoining residential properties at 3, 4 and 5 Wiggins Place Doncaster East. This land is located in a General Residential Zone – Schedule 3 (GRZ3).

3. THE SITE AND SURROUNDS

- 3.1 The site is situated on the south-eastern corner of Andersons Creek Road and Reynolds Road, Doncaster East.
- 3.2 The site has a curved frontage to two roads with spans a total length of 91.17 metres. The site has a 43.7 m long southern boundary and a 55.16 metre long eastern boundary. It has a site area of 2966.6 square metres.
- 3.3 The natural contours of the land fall from the south-western end to the north-eastern end. In some locations, the natural topography has been altered by the development that has occurred on the land, particularly associated with the existing concrete driveway which has resulted in excavation across the western part of the site.
- 3.4 The current levels of the site fall from 93.2 AHD at the south-western corner to 86.6 AHD at the north-eastern corner.
- 3.5 A two storey, commercial building currently occupies the site. It presently accommodates the Genesis Fitness Club – an indoor recreation facility. Parking for the facility is provided “at grade” along the western side of the building, to the north of the building and in an undercroft car park beneath the northern end of the building.

- 3.6 Vehicle access to the site is via the Andersons Creek Road service road.
- 3.7 The site has minimal vegetation cover.
- 3.8 A 2.44 metre wide drainage and sewerage easement is positioned adjacent to the eastern property boundary. A 2.44 metre wide drainage and sewerage easement also extends across part of the northern boundary. Sewer manholes and stormwater pits are located within these easements. Additional stormwater pits are situated across the site outside of these easement.
- 3.9 The site has an abuttal with four (4) residential properties being:
- Number 134 Andersons Creek, Road Doncaster East (to the south)
 - Number 3, 4 and 5 Wiggins Place, Doncaster East (to the east).
- 3.10 In terms of the general area, the site is situated within The Pines Major Activity Centre where there is presently a number of significant construction projects underway. There are also a number of recently completed developments, including the apartment building at the diagonally opposite corner of the Andersons Creek Road and Reynolds Road intersection (7 Red Hill Terrace). As such, the character of The Pines Activity Centre is certainly one that is undergoing substantial change.
- 3.11 Both Reynolds Road and Andersons Creek Road are major arterial roads under the jurisdiction of VicRoads, with raised central medians. Bus services operate along both roads.
- 3.12 The site is well located to a range of services, with The Pines Shopping Centre located 350 metres to the west and Milgate Primary School located 1.1km to the south by road. Anderson Park is located opposite the site on the south-west corner of the Andersons Creek and Reynolds Road intersection.

4. THE PROPOSAL

- 4.1 It is proposed to construct a total of twenty-two (22), three-storey dwellings.
- 4.2 The proposal relies on the existing access arrangement from Andersons Creek Road.

Submitted plans and documents

- 4.3 The proposal is outlined on plans prepared by Jess Ant Architects, dated 16 October 2017. A landscape plan prepared by John Patrick (dated October 2017) is also provided. These plans are provided at Attachment 1.
- 4.4 The following reports were also submitted in support of the application:
- A planning report prepared by Ratio Consultants, dated October 2017;
 - A traffic report prepared by Ratio Consultants, dated 17 October 2017;
 - A waste management plan prepared by Leigh Design, dated 17 October 2017;

- A sustainability management plan prepared by LID Consulting, dated 14 September 2017;

Design Layout

- 4.5 At ground level, the dwellings are laid out in four (4) rows in an east-west alignment across the site. By virtue of attachment at the upper levels, the four (4) rows of dwellings present as two (2) modules. This is best depicted across the western elevation.
- 4.6 Dwellings 1 to 6 are sited at the northern end of the site, will present to Reynolds Road and will share a common accessway with Dwellings 7 to 12. At the southern end of the site, Dwelling 18 to 22 are positioned along the southern end of the site and will have an interface with No. 134 Andersons Creek Road. These dwellings will share a common accessway with Dwellings 13 to 17.
- 4.7 Dwelling entries to Dwellings 1 to 6 are provided by a brick paved pedestrian pathway that wraps across the northern frontage of the site
- 4.8 Centrally across the land, in between the two individual rows, a common area facilitating open space and a decorative internal pathway facilitates pedestrian access to the dwelling entries of the two central rows of dwellings (Dwellings 7 to 17).
- 4.9 The entries into Dwellings 18 to 22 is provided along the southern boundary of the site. A pedestrian pathway links the dwellings to the Andersons Creek Road service road footpath.
- 4.10 Minimum building setbacks at ground level are generally:
- 3.5 metres to the southern boundary
 - 3.6 metres to the eastern boundary
 - 3.45 metres to the northern boundary
 - 8.95 metres to the western boundary
 - Dwelling 1 encroaches into the above setbacks with a setback of 2.85 -7.45 metres at the north-western corner of the site
- 4.11 Setbacks at the first and second level are stepped in from the level below, except the stairwells across the southern elevation are proposed as three storey, vertical elements.

Access and Car parking

- 4.12 The existing crossover is utilised to facilitate access to the internal accessway. The existing crossover is 8 metres wide and will provide comfortable two-way access into and from the site.
- 4.13 The internal accessway spans from a width of 11.4 metres to 6.4 metres to enable vehicular entry to the garages of Dwellings 13 to 22. A 3.5 metre wide accessway increases to 6.4 metres to service the vehicles associated with Dwellings 1 to 12.

- 4.14 Permeable garage doors are sited across the two internal accessways thus enclosing these areas.
- 4.15 Of the twenty two (22) dwellings, nineteen (19) dwellings are provided with a double car garage. Dwellings 2, 8 and 12 are to have a single car garage. The garages allow internal access to the respective dwellings via a staircase.
- 4.16 Storage provision (6 cubic metres) is made beneath the stairwells or elsewhere within the garages of all dwellings.
- 4.17 A total of four (4) visitor car parking spaces are provided.
- 4.18 A 24,000 litre and 20,000 litre rainwater tanks are provided below the ground surface of the internal accessway.
- 4.19 Two (2) communal bin areas are provided to the east of Dwellings 6 and 17. Both shared bin areas are connected by an internal pathway providing convenient access to/from all dwellings.
- 4.20 Visitor bicycle parking is provided at the site's vehicle entry, adjacent to Dwelling 18.

Design detail

- 4.21 The proposed dwellings have a modern architectural design, which includes a flat roof form and articulated façade presentations across all elevations.
- 4.22 A detailed material schedule is illustrated on the elevation plans comprising a combined use of black face brickwork, light and dark grey render, dark grey metal cladding, wood grain feature panels together with glazing treatments and other finer grain design details.
- 4.23 A stepped, part solid/part transparent steel picket fence (generally up to 1.5 metres in height) is proposed to wrap around the road frontages extending from the west - Andersons Creek Road frontage - across and along the northern boundary of the site (Reynolds Road).

Internal Amenity

- 4.24 At ground level, dwellings generally consist of garage and entry only. Dwellings 2 to 6 also are provided with a bedroom or sitting room at the entry level.
- 4.25 At first floor level, dwellings comprise of open planned living, dining, kitchen and sitting areas. Dwellings 1, 6 13 and 18 also accommodate a bedroom at this level. Some diversity is provided in terms of bathroom and laundry provision. All dwellings at this level are provided with a balcony adjoining a living or dining space (Dwelling 1 is provided with two balconies). Balconies have a minimum of ten square metres with a minimum dimension of 1.8 metres.
- 4.26 At the second floor level, dwellings comprise either two or three bedrooms with a separate bathroom. Some bedrooms are provided with a walk-in-robe or built-in-robe. Some master bedrooms are proposed with ensuites. Most dwellings are provided with a retreat at this uppermost level.

Landscaping

- 4.27 A sophisticated landscape response is proposed across the entire site. Canopy trees are proposed along the streetscapes to consist of Sweeper Weeping Lillypillys, Pin Oaks and Sensation Box Elders. Other species, such as Native Frangipanis and Callery Pear trees, are proposed within the site.
- 4.28 Shrubs and groundcovers are also proposed throughout the site to further compliment the generous provision of canopy tree planting.
- 4.29 The proposal is proposed to have a site coverage of 56.5%, garden area percentage of 35.05% and permeable area calculation of 25.92%.

5. LEGISLATIVE REQUIREMENTS

- 5.1 Refer to Attachment 2.
- 5.2 A permit is required under the following Clauses of the Manningham Planning Scheme:
- Clause 32.08-6 (General Residential Zone), a Permit is required to construct two or more dwellings on a lot.
 - Clause 43.02-2 (Design and Development Overlay), a permit is required to construct a building or construct or carry out works.
 - Clause 52.29 Land Adjacent to a Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road, a permit is required to create or alter access to a road in a Road Zone, Category 1.

6. REFERRALS

External

- 6.1 The proposal was referred to VicRoads as a determining referral authority.
- 6.2 VicRoads has no objection, however, require the site access to be improved to allow safe and efficient access to Council's waste management vehicle and delivery vehicles during and post construction. Accordingly, they require the inclusion of conditions to facilitate this on any planning permit to issue.

Internal

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

Service Unit	Comments
Engineering & Technical Services Unit – Drainage	An on-site storm water detention system is required. The whole of the land, including landscaped and paved areas must be graded and drained to the satisfaction of the responsible authority, to prevent ponding and to minimise overland flows onto adjoining properties.
Engineering & Technical Services Unit – Vehicle	The proposal will utilise the existing crossover.

Service Unit	Comments
Crossing	
Engineering & Technical Services Unit – Access and Driveway	The internal radius of the driveway at the change of direction allows sufficient room for vehicles to turn and exit the site in a forward direction and complies with Design Standard 1: Accessways of Clause 52.06-9 and is satisfactory.
Engineering & Technical Services Unit – Traffic and Car Parking	No traffic or car parking concerns. However, do suggest a condition of permit could require “No U-Turn” signage to prevent illegal U-turns across Andersons Creek Road with the location of signage to be to the satisfaction of the Responsible Authority.
Engineering & Technical Services Unit – Car Parking Layout	No objection.
Engineering & Technical Services Unit – Construction Management	Require the submission of a Construction Management Plan as a condition of approval.
Engineering & Technical Services Unit – Waste	No objection, subject to bin collection occurring from within the title boundaries of the site.
Engineering & Technical Services Unit – Easements	<p>No objection is raised to the construction of the proposed driveway, car parking space and paving works over the 3 metre wide easement located along the eastern property boundary.</p> <p>In respect to other easements affecting the land, the owner is to arrange for the removal of these easements in accordance with earlier permits granted or apply to build over these easements by way of formal application.</p>
City Strategy – Urban Design	No objection
Strategic Projects Unit – Sustainability	<p>Require an amended Sustainability Management Plan to be lodged which updates the BESS Assessment to achieve an overall minimum score of 50% and minimum Energy (50%), Water (50%), IEQ (50%) and Stormwater (50%).</p> <p>Requires the thermal performance rating (Energy 1.1) to achieve at least a 10% improvement on National Construction Code (NCC) minimum requirements.</p> <p>Requires plan updates to reflect ESD commitments.</p>

7. CONSULTATION / NOTIFICATION

- 7.1 Notice of the application was given for a four-week period which concluded on 22 December 2017, by sending letters to nearby properties and displaying two (2) signs on each street frontage.
- 7.2 Objections have been received from the following properties:
- 3 Wiggens Place, Doncaster East
 - 4 Wiggens Place, Doncaster East
 - 5 Wiggens Place, Doncaster East.
- 7.3 A response to the grounds of objections are included in the Assessment section of this report (see Section 8).

8. ASSESSMENT

State and Local planning policy

- 8.1 Key objectives of the SPPF and LPPF seek to intensify Activity Centres as a focus for a higher density style of development and encourage increased activity as a way to achieve broader urban consolidation objectives.
- 8.2 The site is located within The Pines Activity Centre and covered by an adopted structure plan (The Pines Activity Centre, Structure Plan, September 2011) that designates residential dwellings as the preferred land use. It will also return residential land to its intended function of providing housing and contribute to the profile of this activity centre.
- 8.3 The design response achieves a high level of compliance with The Pines Activity Centre, Structure Plan, September 2011. Building heights accord with the preferred 11 metres set by the Plan, high-quality residential development is proposed and roadside vegetation (protected by an ES03) is undisturbed by the proposal.
- 8.4 Policy also encourages urban consolidation and medium to higher density development in this specific location due to the area's capacity to support change given the site's excellent access to shopping, sporting and other community facilities and bus services. The policy anticipates a substantial level of change from the previous character which constituted primarily single dwellings.
- 8.5 The size of the subject site (almost 3000 square metres) is considered entirely appropriate on which to accommodate a development in the height and form proposed. The height of the development is consistent with the preferred future character and the scale of built form corresponds with other nearby developments that have been constructed within the activity centre. Building setbacks, for the reasons that are discussed below, are appropriate and the future built form will be appropriately softened with the generous provision of landscaping that has been illustrated on the advertised landscape plan.
- 8.6 In addition to the planning context, the physical context of the site represents a suitable opportunity on which to facilitate a medium density development in the manner proposed here.

Design and built form

- 8.7 The proposal is consistent with the objectives and decision guidelines of Clause 32.08 General Residential Zone of the Scheme.
- 8.8 The proposal complies with the mandatory building height set out at Clause 32.08-9 General Residential Zone of the Scheme which provides that the building height must not exceed 11 metres and the building must contain no more than 3 storeys at any point. The proposal also complies with the mandatory garden area requirement providing at least 35% garden area to accord with Clause 32.08-4 of the Scheme.
- 8.9 In addition, the proposal satisfies the relevant design objectives of Clause 43.02 Design and Development Overlay - Schedule 9 (DD09) Residential Areas within The Pines Activity Centre and meets the 11 metre preferred building height specified with the DD09 at Clause 2.
- 8.10 An assessment against the relevant requirements of DDO9 is provided in the table below:

Design Element	Level of Compliance
<p><u>Building Height</u></p> <ul style="list-style-type: none"> • Sub-Precinct A: Preferred height of Buildings is 11 metres 	<p>Met</p> <p>The maximum building height of 11 metres is not exceeded.</p> <p>Across the northern elevation, Dwelling 6 is shown to have a maximum building height of 10.9 metres above natural ground level.</p>
<p><u>Form</u></p> <ul style="list-style-type: none"> • Provide visual interest through articulation, glazing and variation in materials and textures. 	<p>Met</p> <p>Visual interest to the development is provided by a variation of materials and finishes, articulation, use of glazing and the combination of horizontal and vertical elements utilised across the built form response which results, collectively, in a high level of articulation across all elevations.</p>
<ul style="list-style-type: none"> • Minimise buildings on boundaries to create spacing between developments. 	<p>Met</p> <p>There is no development on or adjacent to the title boundaries which is a positive outcome.</p>
<ul style="list-style-type: none"> • Where appropriate ensure that buildings are stepped down at the rear of sites to provide a transition to the scale of the adjoining residential area. 	<p>Met</p> <p>Building heights are concentrated across the streetscape elevations to the north and west.</p> <p>Given the land falls substantially towards the north (Reynolds Road), the rear module of dwellings do sit higher across the western and eastern elevations by virtue of the existing topography.</p> <p>That said, the southern most row of dwellings provides good stepping across the southern elevation to offer a transition to the property to the south at Number 134 Andersons Creek Road</p> <p>The proposed development across the eastern elevation also exhibits stepping from the uppermost level from the levels below to offer good setbacks and transition to properties within</p>

	<p>Wiggens Place.</p> <p>Acknowledging the challenging terrain of the site, it is considered that the proposal satisfies the design element.</p>
<ul style="list-style-type: none"> Ensure that upper levels of a building provide adequate articulation to reduce the appearance of visual bulk and minimise continuous sheer wall presentation. 	<p>Met</p> <p>The upper levels of the dwellings are well articulated in respect of building setbacks and balcony placement/design and the sense of visual bulk will be further reduced by the use of different materials and finishes.</p> <p>Brick finish is to be utilised at both ground and upper level in sections to offset the use of light and dark grey render at the upper level. The selective use of woodgrain feature panels and metal cladding provides further visual interest across key elevations and vantage points.</p>
<ul style="list-style-type: none"> Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos. 	<p>Met</p> <p>No imposing design features are proposed.</p>
<ul style="list-style-type: none"> Be designed and sited to address slope constraints, including minimising views of basement projections and/or minimising the height of finished floor levels and providing appropriate retaining wall presentation. 	<p>Met</p> <p>The dwellings are situated on various finished floor levels to step the development to respond to the slope of the land.</p>
<ul style="list-style-type: none"> Be designed to minimise overlooking and avoid the excessive application of screen devices. 	<p>Met</p> <p>Screens are provided to minimise overlooking into the adjoining properties. The screens are incorporated into the design of the building and are not considered excessive. A varied use of materials is utilised to ensure that the repetitive use of identical screen treatments does not create visual bulk issues (as would be viewed from adjoining properties).</p>
<ul style="list-style-type: none"> Seek design solutions which respect the principle of equitable access at the main entry of any building for people of all mobilities. 	<p>Met</p> <p>While the front entries of the dwellings can be accessed by people with limited mobility, it is acknowledged that the triple storey townhouse is unlikely to be an attractive form of dwelling type for a person of limited mobility.</p>
<ul style="list-style-type: none"> Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces. 	<p>Met</p> <p>The proposal provides space around the site's perimeter in which to facilitate meaningful landscaping, including canopy trees and screen plants. The availability of space in which to landscape and the opportunities for some meaningful planting outcomes are clearly illustrated on the John Patrick landscape plan.</p>
Car Parking and Access	Met

<ul style="list-style-type: none"> • Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback. 	<p>The existing vehicular crossover is to be utilised and no street trees will be affected.</p>
<ul style="list-style-type: none"> • Ensure that where garages are located in the street elevation, they are set back a minimum of 1.0m from the front setback of the dwelling. 	<p>Met The row of garages themselves are not sited across either streetscape elevation. The openings to the row of garages are positioned across the western elevation but will be adequately concealed by the use of permeable garage doors.</p>
<ul style="list-style-type: none"> • Ensure that access gradients of basement carparks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements. 	<p>Met Gradients of the internal accessway has been assessed to comply with Design Standard 3 in Clause 52.06-8 of the Manningham Planning Scheme.</p>
<p><u>Landscaping</u></p> <ul style="list-style-type: none"> • On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at maturity. 	<p>Met The submitted landscape plan illustrates the use of an impressive number of canopy trees within the street setbacks to both Andersons Creek Road and Reynolds Road. The schedule provided on the landscape plan also shows these trees to be planted as advanced species (minimum supply size of 2 metres is noted).</p>
<ul style="list-style-type: none"> • Provide opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form. 	<p>Met The submitted landscape plan shows ample opportunities and carefully considered planting outcomes along the site boundaries to enhance on-site amenity and to assist in softening the appearance of the built form externally.</p>
<p><u>Fencing</u></p> <ul style="list-style-type: none"> • A front fence must be at least 50 per cent transparent. • On sites that front Blackburn Road, Andersons Creek Road and Reynolds Road, a fence must: <ul style="list-style-type: none"> • not exceed a maximum height of 1.8m • be setback a minimum of 1.0m from the front title boundary and a continuous landscaping treatment within the 1.0m setback must be provided. 	<p>Met with condition The front fences do not exceed 1.8 metres in height and are part solid/part transparent.</p> <p>While a permit condition could require the fencing to be sited 1 metre off the front title boundary to accord with this design element, in this instance this is not considered important given the sizeable road reservation that is situated between the title boundaries of the site and the footpath network along both Andersons Creek and Reynolds Roads. (The road reservation to Reynolds road is at least five metres wide extending up to 23 metres at the north-western corner. Along Andersons Creek Road, the reservation varies between 2 to 15 metres).</p>

	<p>It is noted that the westernmost end of the fence would encroach into the tree protection zone of the Council street tree which is positioned adjacent to the property boundary at the vehicle entry point. To avoid any detriment to this tree, it is considered appropriate to require the fence to be located outside the general canopy spread of this tree. It is further observed that the architectural drawings do not accurately depict the extent of the canopy spread of this tree, so this too, will need to be addressed by permit condition.</p> <p>A further condition will require tree protection fencing be installed prior to the commencement of the development and maintained during the course of construction.</p>
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Car parking, access, traffic and bicycle parking

Car parking

- 8.11 Prior to a new use commencing or a new building being occupied, Clause 52.06-2 of the Manningham Planning Scheme requires that the number of car parking spaces outlined at Clause 52.06-6 be provided on the land or as approved under Clause 52.06-3, to the satisfaction of the Responsible Authority.
- 8.12 Clause 52.06 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. Visitor car parking is required at a rate of one car parking space for every five dwellings.
- 8.13 For the proposal, Clause 52.06 requires the total provision of 41 car parking spaces for residents and 4 visitor car parking spaces. The proposed car parking provision meets this requirement with all three bedroom dwellings provided with a double car garage, two bedroom dwellings provided with a single car garage and the provision of four visitor spaces situated so that two spaces are provided per module of dwellings. The statutory requirement for resident and visitor car parking is therefore satisfied.
- 8.14 An assessment against the relevant car parking design standards at Clause 52.06-8 of the Manningham Planning Scheme is provided in the table below:

Design Standard	Met/Not Met
1 – Accessways	<p>Met All car parking spaces have been designed to allow vehicles to enter and exit the site in a forward direction. Appropriate headroom clearances are provided and visibility splay areas adjacent to the driveway at the frontage are shown.</p>
2 – Car Parking Spaces	<p>Met All garages have dimensions which comply with the Design standard.</p>
3 – Gradients	<p>Met The maximum driveway gradients and transitions between gradients comply with the design standard.</p>

5 – Urban Design	Met The accessways into and within the development will not be visually dominating on the streetscape.
6 – Safety	Met Access to the garages will be restricted by a security door which is reasonable, however, access to the visitor spaces and waste bin areas is needed. The Traffic Report refers to an intercom being provided within 4 metres of the property boundary. This is also reflected on the town planning drawings although a permit condition should confirm the intercom will enable 24-hour access for visitors.
7 – Landscaping	Met Opportunities to landscape around the main internal accessway (north-south alignment) will be provided and canopy trees opportunities are shown at the entry to the internal accessways (which service all garages) which will soften views to garaging from the road.

Bicycle parking

- 8.15 There is no requirement under the Manningham Planning Scheme to provide bicycle spaces as the built form is three storeys in height (the requirement applies for developments of four or more storeys). However, the permit applicant has elected to include two bicycle spaces adjacent to the vehicular entry of the development which will enable safe bicycle parking for visitors.

Traffic

- 8.16 The submitted traffic impact assessment states that the proposed development will generate traffic at a daily rate of five vehicle movements per dwelling per day allocated one car space and seven vehicle movements per dwelling per day allocated two car spaces. Application of these rates to the proposed dwellings results in a daily traffic volume of 148 vehicle movements per day, including approximately 15 vehicle movements (10%) per hour during periods of peak activity (one movement every four minutes on average).
- 8.17 The additional traffic generated by the proposed development will flow directly onto Andersons Creek Road. It is the advice of the Traffic Engineering report that the surrounding road network has the ability to accommodate the expected increase in traffic volume associated with the proposed development. The site access is limited to left in/left out movements only from Andersons Creek Road which will provide for safe entry and exiting of the site, including in peak times.
- 8.18 Council's Engineering Services Unit raise no concern in relation to the expected traffic generated by the proposed development.

Clause 55 Two or More Dwellings on a Lot (Rescode Assessment)

- 8.19 An assessment against the objectives of Clause 55 of the Manningham Planning Scheme is provided in the table below:

OBJECTIVE	OBJECTIVE MET / NOT MET
55.02-1 – Neighbourhood Character • To ensure that the design respects the	Met The proposal contributes to the preferred

OBJECTIVE	OBJECTIVE MET / NOT MET
<p>existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <ul style="list-style-type: none"> To ensure that development responds to the features of the site and the surrounding area. 	<p>character of more intense development and the substantial change envisaged for The Pines Activity Centre, as discussed in the assessment against the state and local planning policy frameworks.</p>
<p>55.02-2 – Residential Policy</p> <ul style="list-style-type: none"> To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. To support medium densities in areas where development can take advantage of public transport and community infrastructure and services. 	<p>Met</p> <p>The application was accompanied by a very detailed and well considered written planning report that has demonstrated how the development is consistent with State, Local and Council planning policy.</p>
<p>55.02-3 – Dwelling Diversity</p> <ul style="list-style-type: none"> To encourage a range of dwelling sizes and types in developments of ten or more dwellings. 	<p>Met</p> <p>The proposal includes a mix of dwellings with either two, three or four bedrooms which offers a good level of diversity across the 22 dwellings.</p> <p>Dwellings are reliant on balconies as their primary open space.</p> <p>Some variation is provided across the various floor plans.</p>
<p>55.02-4 – Infrastructure</p> <ul style="list-style-type: none"> To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure. 	<p>Met subject to condition</p> <p>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 – Integration With Street</p> <ul style="list-style-type: none"> To integrate the layout of development with the street. 	<p>Met</p> <p>Front entries of dwellings are oriented to face the site frontages (where possible) to integrate the development with the street. This is particularly so across the Reynolds Road frontage.</p> <p>Front fences are not excessive in height and are partly transparent.</p> <p>Good integration is also provided at the upper levels by virtue of balcony placement.</p>
<p>55.03-1 – Street Setback</p> <ul style="list-style-type: none"> To ensure that the setbacks of buildings from a street respect the existing or 	<p>Objective Met</p> <p>The proposal seeks a variation to the 9 metre Rescode requirement.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
<p>preferred neighbourhood character and make efficient use of the site.</p>	<p>In terms of its setback to Andersons Creek Road, the proposal offers a varied setback which ranges between 8.65 metres to 10.4 metres. An exception to this range is a 2.45 metre setback concerning Dwelling 1 which occurs at the north-western corner of the land.</p> <p>Having regard to the sizeable road reservation that is present across both frontages, the minimal encroachment into the 9 metre setback across the majority of the western setback, it is considered appropriate to support a minor reduction to the street setback.</p> <p>The development achieves a 3.45-3.5 metre setback to the Reynolds Road frontage which satisfies the “side” setback requirement on a corner allotment.</p>
<p>55.03-2 – Building Height</p> <ul style="list-style-type: none"> To ensure that the height of buildings respects the existing or preferred neighbourhood character. 	<p>Met</p> <p>The maximum building height of 10.9 metres satisfies the requirements of the Zone.</p>
<p>55.03-3 – Site Coverage</p> <ul style="list-style-type: none"> To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. 	<p>Met</p> <p>The proposed site coverage is 56.5%, which is below the 60% requirement in the standard.</p>
<p>55.03-4 – Permeability</p> <ul style="list-style-type: none"> To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration. 	<p>Met</p> <p>The proposal has 25.92% of site area as pervious surface, which complies with the standard.</p>
<p>55.03-5 – Energy Efficiency</p> <ul style="list-style-type: none"> To achieve and protect energy efficient dwellings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. 	<p>Met</p> <p>Living spaces are located on the northern end of the respective dwellings to maximise solar access, where possible.</p> <p>Balconies have been located on the north, east or west of the dwellings, where possible.</p> <p>Corner townhouses will also achieve cross ventilation.</p> <p>Due to the orientation of the lot, and the design response, there will be a number of dwellings which are limited to a southerly orientation for both internal and external living spaces. This equates to eight of the 22 dwellings (being less than one third of</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	the total).
55.03-6 – Open Space <ul style="list-style-type: none"> To integrate the layout of development with any public and communal open space provided in or adjacent to the development. 	Met No formal communal open space is proposed although it is considered the entry pathway and landscape areas will provide an informal space which may be enjoyed by future occupants of the development.
55.03-7 – Safety <ul style="list-style-type: none"> To ensure the layout of development provides for the safety and security of residents and property. 	Met Noting the enclosed garage spaces and wide, pedestrian paths facilitating direct pedestrian entry to each of the dwellings, a high level of amenity, safety and security for future occupants will be provided by the development.
55.03-8 – Landscaping <ul style="list-style-type: none"> To encourage development that respects the landscape character of the neighbourhood. To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. To provide appropriate landscaping. To encourage the retention of mature vegetation on the site. 	Met with condition The submitted landscape plan is illustrative of the fact that the proposed buildings will be appropriately complimented and softened with the varied use of plant species ranging from ground covers to large canopy trees (e.g. Pin Oaks) to provide for a pleasant future environment. A condition of permit will require adherence to the landscape plan subject to some additional information to be included in the Plant Schedule.
55.03-9 – Access <ul style="list-style-type: none"> To ensure the number and design of vehicle crossovers respects the neighbourhood character. 	Met There is only one vehicle crossover proposed for the development. It is an existing crossover which will comfortably service entry and egress from the site for future occupants.
55.03-10 – Parking Location <ul style="list-style-type: none"> To provide convenient parking for resident and visitor vehicles. 	Met Garages for all dwellings are conveniently located and will provide, via an internal stairwell, safe internal access into the living spaces of the dwellings.
55.04-1 – Side And Rear Setbacks <ul style="list-style-type: none"> To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	Met The development offers setbacks which generally exceed Standard B17 to both the eastern and southern boundaries. It is noted that the external walls adjacent to the stairwells associated with the southern row of dwellings (Dwellings 18 to 22) achieve B17 compliance with a 3.5 metre setback and 8.4 metres maximum building height.
55.04-2 – Walls On Boundaries <ul style="list-style-type: none"> To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood 	Met There are no walls to be constructed on any boundary of the site. This is a positive outcome.

OBJECTIVE	OBJECTIVE MET / NOT MET
character and limits the impact on the amenity of existing dwellings.	
<p>55.04-3 – Daylight To Existing Windows</p> <ul style="list-style-type: none"> To allow adequate daylight into existing habitable room windows. 	<p>Met</p> <p>The dwelling at 134 Andersons Creek Road has one habitable room window facing the site.</p> <p>The setback of the built form will not compromise the ability for this window to achieve daylight access.</p> <p>Regarding the Wiggins Place properties, dwellings and their respective habitable room windows have setbacks from the common boundary that are well in excess of five metres and the development poses no issues with these windows achieving good daylight access.</p>
<p>55.04-4 – North Facing Windows</p> <ul style="list-style-type: none"> To allow adequate solar access to existing north-facing habitable room windows. 	<p>Met</p> <p>The dwelling at 134 Andersons Creek Road has one north-facing window situated within 3 metres to the south of the site.</p> <p>Having regard to the location of this window relative to the setback of the built form on the subject site immediately opposite, the proposal is compliant with the requirements of the Standard.</p>
<p>55.04-5 – Overshadowing Open Space</p> <ul style="list-style-type: none"> To ensure buildings do not significantly overshadow existing secluded private open space. 	<p>Met</p> <p>The shadows cast by the development have no impact on adjoining properties at either 9am or 12pm.</p> <p>At 3pm, properties at 4 and 5 Wiggins Place experience some shadowing of their secluded private open spaces.</p> <p>Notwithstanding this shadow, the size of the secluded private open spaces are large enough in which to accept that the shadow implications to these adjoining properties are compliant with the requirements of the standard.</p>
<p>55.04-6 – Overlooking</p> <ul style="list-style-type: none"> To limit views into existing secluded private open space and habitable room windows. 	<p>Met subject to condition</p> <p>Boundary fencing and privacy screens are proposed to provide limitations on overlooking into the adjoining property's open spaces and habitable room windows.</p> <p>It is observed that some screens situated across balconies are proposed to a height of 1.5m above FFL, rather than 1.7m above</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	<p>FFL.</p> <p>It is considered appropriate to require, by permit condition, that balcony screens be a minimum 1.7m above FFL</p> <p>It is observed that the design of some balcony screens propose the use of timber looking louvre, 45 degree downward screens up to a height of 1.1m above FFL, with a 600mm section of the screen to constitute obscured glazing. This is considered to be an acceptable outcome acknowledging that the ability for light to permeate through the louvre screens will enhance the amenity of the balcony spaces (and internally also) for future occupants.</p>
<p>55.04-7 – Internal Views</p> <ul style="list-style-type: none"> To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development. 	<p>Met subject to condition</p> <p>Internal barriers should be provide between balconies where balconies are situated adjacent to one another.</p> <p>The two modules of dwellings are separated by a minimum distance between upper level windows of 9.65 metres and hence no additional internal screening measures are warranted.</p>
<p>55.04-8 – Noise Impacts</p> <ul style="list-style-type: none"> To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise. 	<p>Met subject to condition</p> <p>There are no unusual noise sources that may affect existing dwellings.</p> <p>The planning report makes reference to habitable room windows facing the two main roads being acoustically treated. This will be confirmed as a permit condition will require the habitable room windows directly facing Reynolds Road and Andersons Creek Road to be acoustically treated to protect residents from external traffic noises on these main roads.</p>
<p>55.05-1 – Accessibility</p> <ul style="list-style-type: none"> To encourage the consideration of the needs of people with limited mobility in the design of developments. 	<p>Met</p> <p>It is acknowledged that the dwelling type is unlikely to be suited to persons of limited mobility.</p>
<p>55.05-2 – Dwelling Entry</p> <ul style="list-style-type: none"> To provide each dwelling or residential building with its own sense of identity. 	<p>Met</p> <p>The front entries of the dwellings can be easily identified by the design of the built form and the surrounding pedestrian paths and landscape areas.</p>
<p>55.05-3 – Daylight To New Windows</p> <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. 	<p>Met</p> <p>New windows are provided with sufficient light court areas to allow adequate solar</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	access.
<p>55.05-4 – Private Open Space</p> <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents. 	<p>Met</p> <p>All dwellings are provided with balconies consisting of a minimum of 8 square metres with a minimum dimension of 1.6 metres. Indeed, the balcony sizes as part of the development exceed these minimum requirements which is a good outcome.</p> <p>Future residents will also have access to the communal pathway and adjoining open space areas.</p> <p>Further, Anderson Park is also located directly to the west of the site and will offer more substantial recreational opportunities.</p>
<p>55.05-5 – Solar Access To Open Space</p> <ul style="list-style-type: none"> To allow solar access into the secluded private open space of new dwellings and residential buildings. 	<p>Met</p> <p>Provision of north-facing open space has been maximised acknowledging the difficulties with achieving north facing orientation to all dwellings.</p>
<p>55.05-6 – Storage</p> <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling. 	<p>Met</p> <p>Adequate storage spaces for each dwelling is provided within their respective garages.</p>
<p>55.06-1 – Design Detail</p> <ul style="list-style-type: none"> To encourage design detail that respects the existing or preferred neighbourhood character. 	<p>Met</p> <p>The dwellings present as a robust, series of buildings (two modules) across the western elevation, while a solid, yet articulated building mass, is proposed across the northern (Reynolds road) frontage (one module).</p> <p>For the reasons discussed earlier in this report, the design response is of a high level and one which respects the preferred neighbourhood character for The Pines Major Activity Centre.</p>
<p>55.06-2 – Front Fence</p> <ul style="list-style-type: none"> To encourage front fence design that respects the existing or preferred neighbourhood character. 	<p>Met subject to condition</p> <p>The front fence design is acceptable for the reasons discussed earlier in this report (noting the need for it to be situated outside the canopy spread of the Council street tree).</p>
<p>55.06-3 – Common Property</p> <ul style="list-style-type: none"> To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership. 	<p>Met</p> <p>It is not envisaged that there will be difficulties associated with managing the future common property areas which will constitute the communal accessways, pedestrian pathways, bin store areas and perimeter and internal landscaping.</p>
<p>55.06-4 – Site Services</p> <ul style="list-style-type: none"> To ensure that site services can be installed 	<p>Met subject to condition</p> <p>Appropriate site services, such as</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
<p>and easily maintained.</p> <ul style="list-style-type: none"> To ensure that site facilities are accessible, adequate and attractive. 	<p>mailboxes, are provided.</p> <p>A condition of approval will require the location of any building services at the frontage, including fire boosters, to be shown and designed to complement the overall development.</p> <p>The legend on proposed plans will also need to provide greater detail in relation to paving treatments, including pedestrian paving.</p>

Objector concerns

Overdevelopment, building height, density and out of character

- 8.20 Having regard to the planning policies and controls which govern the development, the proposal has been assessed to comfortably comply with the relevant planning considerations in relation to building site coverage, setbacks and heights. The three storey built form across the site is acceptable acknowledging that the proposal offers generous setbacks to all property boundaries in which landscaping can occur to filter views of the proposed built form from off the site. Overall, for the reasons previously outlined, the proposal satisfies the objectives and requirements of DDO9 and Clause 55 of the Manningham Planning Scheme.
- 8.21 As such, while it is acknowledged that some residents are unhappy about the level of density, the scale of built form and the extent of development, the proposal is consistent with the planning controls that dictate future planning character for the site.

Increased traffic/Car Parking Provision

- 8.22 Regarding the potential increase in traffic, Council's Engineering & Technical Services Unit raise no concerns regarding the impact of the proposal on the surrounding traffic network.
- 8.23 An assessment on the potential traffic impact is provided in the traffic report submitted with the application. The report concludes that the surrounding road network has the ability to accommodate the expected increase in traffic volume associated with the proposed development. The report acknowledges that site access is limited to left-in/left-out movements only from Andersons Creek Road, which will ensure vehicles exiting the site will be able to do so in a safe manner even during peak times.
- 8.24 In response to objector's concerns about potential U-turns for vehicles seeking to turn right upon entry into Andersons Creek Road, Council's engineers suggest the inclusion of signage to prevent such U-turns. The exact location of signage can be determined in conjunction with Council engineers at the plan endorsement stage.

- 8.25 In terms of car parking provision, the proposal meets the statutory requirement set out at Clause 52.06 Car Parking in relation to resident and visitor car parking.

Overlooking and loss of privacy

- 8.26 Potential overlooking to the adjoining properties to the north has been assessed against DDO9 and Clause 55.04-6 of the Manningham Planning Scheme. External screens with no more than 25% transparency are provided to limit views from the north-facing habitable room windows, which comply with the standard in Clause 55.04-6 (Overlooking).
- 8.27 An objector has raised the importance of windows facing onto her Wiggins Place property to have frosted windows to protect the privacy of her family. It is confirmed that all upper level habitable room windows across the eastern elevation are to be provided with either highlight windows, or windows which will have fixed, obscuring to 1.7m above FFL, which is compliant with the standard.
- 8.28 One of the objectors raises the need for a higher boundary fencing to address privacy concerns. Both the eastern and southern boundaries of the site are defined by a two (2) metre high timber paling fence which on the inspection carried out by the planning officer, appeared to be in a good condition. It is not considered necessary to require the permit applicant to increase the height of the boundary fencing as two metres is deemed sufficient to address ground level privacy concerns. It is noted that windows and balconies at upper levels will be screened within the development to meet the requirements of the Scheme.

Overshadowing

- 8.29 The proposal presents minimal shadow implications to neighbouring properties, and in respect of the shadow diagrams provided with the application, illustrate that the only shadow implication that occurs from the development is at 3pm at the September equinox.
- 8.30 Acknowledging that a small extent of shadow is caused to properties at Number 4 and Number 5 Wiggins Place at this time, it is still the case that this extent of shadow is compliant with the Rescode standard.

Location of On-site Amenities, including Waste bins

- 8.31 Concern has been raised in relation to the siting of amenities on the site, particularly in terms of waste bins, and that this will create off-site amenity issues to neighbouring properties.
- 8.32 Council officers do not agree with this assertion and consider that good setbacks are provided for the shared bin area in the order of 3 metres to the common boundary with the neighbouring properties

Loss of Existing Landscape Buffer

- 8.33 An objector has raised concern that the development is being proposed on land that was to constitute a landscape buffer between the current building and neighbouring properties as part of an earlier planning application (PL03/014742).
- 8.34 Notwithstanding this may have been the case as part of the earlier approval granted, a new proposal is entitled to be presented and considered on its merits.

- 8.35 The landscape buffer that has been enjoyed for several years from the historic planning permission granted does not forever encumber the land, such as, in the manner a restrictive covenant might.

Noise

- 8.36 It is noted that the permission being sought as part of this application relates to the construction of dwellings, rather than the use of the land for this purpose. On that basis, issues of noise to be generated by the future development are not relevant considerations to this planning application. Residential noise associated with a dwelling is considered normal and reasonable in an urban setting. Any future issues of amenity, if they arise should be pursued as a civil matter

Impact on Property Values

- 8.37 An assertion that the proposal will adversely affect neighbouring property values is a subjective claim. The Victorian Civil and Civil Administrative Tribunal and its predecessors have generally found such claims that a proposal will reduce property values difficult, if not impossible to gauge, and of no assistance to the determination of a planning permit application. As such, it is considered that the impacts of a proposal are best assessed through an assessment of the amenity implications rather than any impacts upon property values.

9. DECLARATION OF CONFLICT OF INTEREST

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