

Planning Application PL17/027830 at 152 Andersons Creek Road, East Doncaster for the construction of 58 dwellings (townhouses)

File Number:	IN18/239
Responsible Director:	Director City Planning
Applicant:	Ratio Planning Consultants
Planning Controls:	Residential Growth Zone Schedule 2 (RGZ2), Design and Development Overlay Schedule 9 (DD09),
Ward:	Mullum Mullum
Attachments:	1 Application Plans 2 Legislative Requirements

EXECUTIVE SUMMARY**Purpose**

1. This report provides Council with an assessment of a planning permit application submitted for land at 152 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 58 two- and three-storey dwellings (townhouses) on a site of 1.267 hectares. Dwellings are each provided with a garage and either three or four bedrooms together with internal living spaces, amenities and balconies. The proposal has a site coverage of 42.2% and a permeable area calculation of 29.9%.
3. The proposal also includes alteration of access to a road in a Road Zone Category 1, the removal of one native tree under Clause 52.17, and variations to the easements on the Subject Land.

Key issues in considering the application

4. 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 (RGZ2 and DD09);
 - (c) Compliance with Clause 55 (Rescode).
 - (d) Appropriateness of the interface with adjoining residential properties.

Advertising and Objector concerns

5. Notice of the application was given over a three week period which concluded on 11 April 2018.
6. To date, objections have been received from ten properties in response to the advertised application. The main grounds of objection are summarised as:
 - Overdevelopment, height, visual bulk and out of character;

- Inadequate setbacks/interface between the proposal and adjoining low-scale residential properties;
- Loss of vegetation and inadequate replacement vegetation/green space on site;
- Loss of amenity and views;
- Privacy concerns;
- Loss of pedestrian access through to Schafter Reserve;
- Increased pedestrian and traffic movements, congestion and inadequate public transport; and
- Construction noise.

Assessment

7. Having regard to the relevant planning policies and controls which apply to the development, the proposal generally complies with the relevant planning considerations, namely the Residential Growth Zone Schedule 2 and the Schedule 9 to the Design and Development Overlay (DD09).
8. The proposal is generally consistent with the higher yield outcomes that are contemplated within the RGZ2 and within the Pines Activity Centre, while providing a reasonable level of internal amenity to future dwelling occupants. For the most part, the proposal provides an acceptable interface to adjoining properties alleviating any unreasonable overlooking or overshadowing impacts. By the inclusion of a number of conditional changes, it is anticipated that the proposal will provide a more sympathetic relationship to the residential dwellings to the east in Ridley Court.

Conclusion

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

RECOMMENDATION

That Council, having considered the proposal and all objections, issues a NOTICE OF DECISION TO GRANT A PERMIT in relation to Planning Application PL17/027830 at 152 Andersons Creek Road, Doncaster East for the *Construction of a multi-dwelling development (townhouses), altered access to a road in a Road Zone, Category 1 (RDZ1), easement variation (E-1 and E-3) and native vegetation removal (one tree pursuant to Clause 52.17) as shown on the advertised plans* subject to the following conditions:

Amended Plans

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 then form part of the permit. The plans must be generally in accordance with the decision plans (as drawn by RotheLowman, revision B dated 27 February 2018), but modified to show:

- a) Type C dwellings (Dwellings 43 to 46) located along the eastern boundary to be modified to provide for:
 - i) Graduated built form across the eastern elevation and no sheer wall presentation to Ridley Ct properties to provide a level of built form transition across the site in accordance with the DD09;
 - ii) Increased ground and upper level building setbacks from the eastern boundary to provide for appropriate spacing in which to plant at least one canopy tree capable of reaching a height at maturity of a minimum 8 metres. Canopy trees must be planted no closer than 2 metres to the eastern boundary to enable the canopy spread to be contained within the development site (rather than overhang/rely on adjoining land);
 - iii) Separation of no less than 2 metres at the upper level between all dwellings;
 - iv) Dwelling 46 with an improved level of surveillance over Schafer Reserve by at least the inclusion of additional fenestration across the northern façade of this dwelling and the deletion of the brick wall (in lieu of transparent fencing) to enclose the secluded private open space; and
 - v) Full compliance with Standard B17 of Clause 55.04-1 (Side and rear Setbacks) of the Manningham Planning Scheme.
- b) Type D dwelling (Dwelling 42) located at the south-east corner of the site to be replaced with a Type E dwelling (or an alternative design of dwelling) to provide for an increased building setback to the eastern boundary of no less than 5 metres and improved landscaping opportunities along the side of this dwelling, adjacent to the secluded private open spaces of 12 and 13 Ridley Ct, Doncaster East. The dwelling must comply with Standard B17 of Clause 55.04-1 (Side and Rear Setbacks) of the Manningham Planning Scheme;
- c) By no less than 1 metre, the following dwellings provided with an upper level that is “stepped in” relative to the levels below as they present along the internal accessway:
 - i. Dwelling 6 (Type G);
 - ii. Dwelling 16 & 17 (Type F); and
 - iii. Dwellings 31 & 42 (Type D).
- d) Front fencing presenting internal to the site to be no higher than 1 metre above finished surface level;
- e) The pedestrian pathway across the site to be designed to a minimum 1.5 metres width with the adoption of design techniques to assist with linking pedestrians to the Schafer Reserve;
- f) A carriageway easement in favour of Manningham City Council to align with the pedestrian pathway connecting Andersons Creek Road with Schafer Reserve;

- g) A Materials Schedule with coloured swatches of each material;**
- h) A painted centre line to the accessway;**
- i) A plan notation that a 1:10 accessway grade is provided for the first 5 metres in accordance with Design Standard 1 of Clause 52.06 Car parking of the Manningham Planning Scheme;**
- j) A dark coloured, patterned concrete or aggregate finish to the visitor car parking spaces;**
- k) Nomination of the location/s where the private waste collection vehicle will stop and undertake waste collection for all townhouses in accordance with the approved Waste Management Plan;**
- l) The location and type of street lighting across the development to provide for resident and visitor safety;**
- m) Location and design detail of all service cabinets, letterboxes and all other infrastructure which must be sited so as not to impede vehicles and integrated into the development to the satisfaction of the Responsible Authority;**
- n) Retention or removal of existing vegetation to be clearly labelled;**
- o) All retaining walls which must be setback by at least 1 metre from any proposed canopy tree and adopt a terracing option where retaining wall heights exceed 1.5 metres; and**
- p) An amended Sustainability Management Plan as required by Condition 3 of this permit, including any plans notations as recommended.**

Endorsed Plans

- 2. The development, including the location of buildings, services, engineering works, fences and landscaping as shown on the approved plans must not be altered without the written consent of the Responsible Authority.**

Sustainable Management Plan (SMP)

- 3. 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 Wood & Grieve Engineers, dated 26 October 2017 but modified to show the following:**
 - a) The number of dwellings updated to reflect the number approved as part of this permit;**
 - b) The status of the BESS report is finalised;**

- c) The project meets the minimum 50% overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS;
- d) The commitment to dishwashers and washing machines annotated on the developments plans. If no commitment can be made then the dishwashers and washing machines must be set to default/unrated in the BESS;
- e) Layouts of laundries to show that no space has been provided for dryers. If dryers are to be provided the BESS report must be amended accordingly;
- f) Details of the stormwater strategies proposed demonstrating how the 100% Stormwater score is achieved;
- g) Additional notes on the development plans that indicate the various stormwater treatments, including details of size, location and connections;
- h) The location of any bike parking racks for Type A and H dwellings. If no racks are to be provided to these dwellings then the number of bike racks must be updated in the BESS; and
- i) An annotation on the development plans that each dwelling's private open space, either a balcony or courtyard, will be provided with an external tap and floor waste.

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.

Construction Management Plan

- 4. Not less than 30 days prior to the commencement of work, 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:
 - a) Element A1: Public Safety, Amenity and Site Security;
 - b) Element A2: Operating Hours, Noise and Vibration Controls;
 - c) Element A3: Air Quality and Dust Management;
 - d) Element A4: Stormwater and Sediment Control and Tree Protection (also as per the specific requirements of this permit);
 - e) Element A5: Waste Minimisation and Litter Prevention;
 - f) Element A6: Traffic and Parking Management; and

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

Waste Management Plan

5. Before the development starts, a 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 be generally in accordance with the submitted draft Waste Management Plans (WMP) prepared by Ratio (dated 25 October 2017). The developer must ensure that the private waste contractor can access the development and the private waste contractor bins. No private waste contractor bins can be left outside the development boundary at any time on any street frontage for any reason.

Management Plans

6. The Management Plans approved under Condition Nos. 3, 4 and 5 of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.

Landscape Plan

7. 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 Landscape Masterplan, as prepared by Hansen, dated 1 March 2018 approved under Condition 1 of this permit, and must show:
- a) A detailed proposed planting schedule which must consist of at least 75% of species indigenous to Manningham, including a range of large canopy trees including Red Box and Yellow Box species;
 - b) Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;
 - c) Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;
 - d) A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;
 - e) A minimum of one canopy tree, capable of reaching a minimum mature height of 8 metres, within the front setback of the each dwelling. The trees must be a minimum height of 1.5 metres at the time of planting and be positioned outside of the fenced, private open space area of the dwelling;
 - f) A minimum of one canopy tree, capable of reaching a minimum mature height of 8 metres within the private open space of each dwelling to be a minimum height of 1.5 metres at the time of planting. Trees must be positioned so that the canopy spread is contained within the

development site;

- g) Dense, screen type planting along the northern boundary generally opposite the dwellings to be a minimum height of 1.5 metres at the time of planting and capable of reaching a height at maturity of 5 metres;
- h) Planting to compliment the internal street network, including dense, layered shrub style planting capable of reaching a height of at least 4 metres at maturity adjacent to the dwellings to soften their presentation at finished road level; and
- i) Planting within 2 metres along the frontage from the edge of the driveway(s) and 2.5 metres along the driveway(s) from the frontage to be no greater than 0.9 metres in height at maturity.

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.

Vegetation Off-Set

- 8. Before the development commences, the applicant must provide evidence of having secured offsets of 0.02 GBEU's with a minimum strategic biodiversity value of 0.08, as identified in the supplied Biodiversity Assessment Report (DELWP28/08/2017) to the satisfaction of the Responsible Authority. The offsets must be located in the Manningham Council area or within Port Phillip and Westernport Catchment.

Conditions relating to the creation/relocation of easements

- 9. Before the development starts, evidence of approval for the relocation of the drainage and sewerage easements must be obtained from the relevant authorities to the satisfaction of the Responsible Authority.
- 10. Before the development starts, the permit holder must relocate the existing drainage and sewerage easements to the satisfaction of the responsible authority.
- 11. Before the development starts, the engineering construction plans for the proposed relocation of easement and relevant computations must be submitted to and be approved by the responsible authority.
- 12. Before the development starts, the permit holder must construct outfall drainage works at no cost to the Responsible Authority, or otherwise agreed by the responsible authority, in accordance with an engineering construction plan approved by the responsible authority. Before the works start:
 - a) a supervision fee equal to 2.5% of the cost of construction of the drainage works must be paid to the Responsible Authority;
 - b) a plan checking fee equal to 0.75% of the cost of construction of the drainage works must be paid to the Responsible Authority;

- c) a maintenance deposit equal to 5% of the cost of construction of the drainage works must be lodged with the Responsible Authority and retained thereafter for a minimum of three months; and
- d) a schedule of costs for the construction of drainage works must be submitted to the responsible authority.

13. Before the development starts, a plan of the creation/variation of the easements must be submitted for Certification by the Responsible Authority. The certified plan must be lodged with the Land Titles Office for registration.

14. Unless the plan for variation of easement approved by this permit is certified within 2 years of the date of this permit, then the permit will lapse.

Completion

15. 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.

16. 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.

17. 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.

18. 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.

Landscape Bond

19. Before the review of development plans under Condition 1 of this permit, a \$20,000 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.

Tree Protection Measures

20. Before the commencement of the development, a Tree Protection Plan must be submitted for approval by Council's Parks and Recreation Unit. This must be developed on the basis of the approved plans and be in accordance with

Australian Standard 4970-2009 Protection of trees on development sites. The Plan must be prepared by a certified project arborist (minimum Australian Qualification Framework Level 5 and/or equivalent experience). The Plan must detail appropriate measures to protect the trees within the Andersons Creek Road reservation, including the necessary tree protecting fencing measures to be applied for the duration of the development of the land. Once approved, the Tree Protection Plan forms part of this planning permit and must be adhered to at all times to the satisfaction of the Responsible Authority.

21. The owner must ensure that contractors/tradespersons who install services or work near the vegetation to be retained are made aware of the need to preserve the vegetation and to minimise impacts through appropriate work practices.
22. Except with the prior consent of the Responsible Authority, the existing trees on Andersons Creek Road forward of the site must not be removed or lopped.
23. No vegetation, apart from that shown on the approved plan as vegetation to be removed may be felled, destroyed or lopped without the written consent of the Responsible Authority. (If applicable)

Stormwater – On-site detention (OSD)

24. 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:
 - a) Be designed for a 1 in 5 year storm; and
 - b) Storage must be designed for 1 in 10 year storm.

Construction Plan (OSD)

25. Before the development starts, a construction plan for the system required by Condition 24 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

26. 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 relevant engineering approval is first obtained from the Responsible Authority.
27. The whole of the land, including landscaped and paved areas must be

graded and drained to the satisfaction of the Responsible Authority, to prevent ponding and to minimise overland flows onto adjoining properties.

Site Services

28. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
29. All external services including pipes must be concealed and screened respectively to the satisfaction of the Responsible Authority.
30. 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.
31. Any reverse cycle air-conditioning unit, hot water boosters or other service plant erected on the walls of the approved dwellings 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. (If applicable)
32. 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.
33. 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.
34. 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.
35. 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.

Car Parking

36. The visitor car parking spaces must be clearly marked and must not be used for any other purpose to the satisfaction of the Responsible Authority.

Fencing/Retaining walls

37. Prior to the occupation of the approved dwellings, all fencing must be erected in good condition in accordance with the plans endorsed under Condition 1 of this permit to the satisfaction of the Responsible Authority.
38. 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.

Yarra Valley Water Conditions

- 39. The owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water services**
- 40. The owner of the land must enter into an agreement with Yarra Valley Water for the provision of sewerage services.**
- 41. The easement must be in favour of Yarra Valley Water for sewerage purposes and must cover the proposed sewer realignment.**

VicRoads Conditions

- 42. Prior to the commencement of use of the development hereby approved, the crossover (upgraded with driveable end-walls as per VicRoads Standard Drawing No. 1991- Driveable Culvert Endwalls) and associated works must be constructed to the satisfaction the Responsible Authority (RA) and at no cost to VicRoads.**

Permit Expiry

- 43. This permit will expire if one of the following circumstances applies:**
 - a) The development is not started within two years of the date of this permit; and**
 - b) The development is not completed within four years of the date of this permit.**

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

2. BACKGROUND

- 2.1 A pre-application meeting was held on 27 March 2017 to discuss the general development potential of the site. A second pre-application meeting was held on 25 July 2017 to discuss specific plans prepared by the applicants.
- 2.2 A Sustainable Design Taskforce meeting was held on 24 August 2017.
- 2.3 The planning permit application was lodged on 2 November 2017.
- 2.4 A further information request was sought on 30 November 2017.
- 2.5 A series of additional responses were provided in response to the initial request, subsequent requests for outstanding information, and discussions between the applicant and planning officer. Arising from this, the number of dwellings was reduced from 60 to 58.

- 2.6 A Section 50 amendment was received on 6 March 2018. The amendment sought to acknowledge additional permit triggers being the removal/variation of an easement burdening the land and the proposed works in respect of the roadside vegetation protected by Environmental Significance Overlay (Schedule 3).
- 2.7 The statutory time for consideration of a planning application is 60 days, which lapsed on 6 May 2018.

3. THE SITE AND SURROUNDS

- 3.1 The site is situated on the eastern side of Andersons Creek Road, approximately 100m north of its intersection with Reynolds Road.
- 3.2 The site is largely rectangular in shape, however the front boundary is angled in alignment with Andersons Creek Road.
- 3.3 The site has a street frontage of 77.66m, an average depth of 170.99m and an overall area of 1.267ha.
- 3.4 The site is characterised by its topography containing significant falls, sloping down from the south to the north as well as from the west to the east. The natural ground level at the south-western corner is 82.1, while at the north-eastern corner it is 66.42.
- 3.5 The site is currently occupied by 3 buildings associated with a former church use, including the main chapel, children's break out room and a dwelling associated with the church. There are also 2 separate car parking areas provided on site.
- 3.6 Vehicular access is provided via a crossover off Andersons Creek Road.
- 3.7 The site contains vegetation, including canopy trees comprising mainly Red and Yellow Box species, as evidenced by the regular spacing, similar age and size, and general configuration.
- 3.8 A drainage and sewerage easement runs through the site, from approximately the middle of the southern boundary to the north-eastern corner of the site and along the length of the eastern boundary. The easement through the middle of the site corresponds to the overland flow path and is part of the most depressed section of the site.
- 3.9 A 20m wide nature strip is located to the west of the subject site. It consists of a grassed reserve with vegetation that is covered by the ESO3, as well as a shared pedestrian and bike path.
- 3.10 On the opposite side of Andersons Creek Road is a large area undergoing various stages of development. This consists of stand-alone houses, dual-occupancies, townhouses and multi-storey apartment buildings. Many of the dwellings are currently occupied though there is still substantial, on-going construction.
- 3.11 To the north the site abuts a Childcare Centre located at 158 Andersons Creek Road. The driveway and car parking area are located along the common boundary with the main building located centrally within the site. The playground is located at the rear of the site and extends up to the common boundary.

- 3.12 To the rear of 158 Andersons Creek Road, still directly to the north of the subject site, is Schafter Reserve, a recently upgraded, neighbourhood park including a half-court basketball court/ring and children's play equipment. The subject site is currently used to provide informal access to the park for local residents and the interface between the two sites is unfenced.
- 3.13 To the east and south the subject site directly abuts 17 residential properties:
- Nos. 12, 13, 14, 15 and 16 Ridley Court (to the east). Each property contains a double-storey dwelling with the secluded private open space located between the dwellings and the subject site. Large screen planting adjacent the rear boundary is common for most of the properties, providing some screening of the subject site. The properties generally sit higher than the subject site, with at least one built up notably higher evidenced by retaining walls along the common boundary with the subject site. Several of the properties have gates providing direct access between their property and the site.
 - 148 Andersons Creek Road (to the south). This property contains 11, 2- and 3-storey dwellings in a townhouse form, 8 of which have a direct outlook to the subject site. The driveway is located between the dwellings and the subject site.
 - 207 Reynolds Road (to the south). This property contains 18 double-storey dwellings. Units 9 and 10 directly abut the subject site with their secluded private open space areas adjacent the common boundary.
 - Nos. 5 and 6 Katandra Place (to the south). Both properties consist of double-storey dwellings with their secluded private open space areas adjacent the common boundary.
- 3.14 Given the natural and altered topography of the area, the properties to the south typically sit notably higher than the subject site.
- 3.15 The properties to the east and south all currently have an outlook across the site, not just directly opposite their property, but in most cases across much of the width of the site.
- 3.16 Andersons Creek Road is a major arterial road under the jurisdiction of VicRoads. It is a two-way, single lane carriageway adjacent to the site with a central turning bay enabling access by a right hand turn (northbound) into the subject site.
- 3.17 In terms of the general area, the site is situated within The Pines Major Activity Centre. A number of significant developments generating higher yield outcomes have either been approved, are undergoing construction or have completed construction. As such, the character of the surrounding area is experiencing a substantial level of change.
- 3.18 Due to its location within the Major Activity centre, the site is well located to a number of services namely The Pines (Stockland) Shopping Centre, which is located 300m to the west and is serviced by 10 bus routes. There are also two (2) bus routes that run directly along the front of the site. In addition to Schafter Reserve immediately to the north, Anderson Park is also located in close proximity to the site, approximately 200m south-west. Both Milgate Primary

School and Our Lady of the Pines Primary School are located just over 1km away to the south.

4. THE PROPOSAL

4.1 It is proposed to construct a total of 58 dwellings, alter access from a Road Zone Category 1, vary/remove an easement, and remove native vegetation (one tree pursuant to Clause 52.17).

Submitted plans and documents

4.2 The proposal is outlined on plans prepared by Rothe Lowman, Revision B, dated 27 February 2018. The easement variation is shown on the Plan of Variation of Easement prepared by Bosco Jonson, Dated 19 February 2018. A Landscape Masterplan prepared by Hansen Partnership (Revision C, dated 1 March 2018) is also provided. These plans are provided at Attachment 1.

4.3 The following reports were also submitted in support of the application:

- An Architectural Town Planning Submission (encompassing 3D perspectives) prepared by Rothe Lowman, dated February 2018;
- A Town Planning Report prepared by Ratio Consultants, dated October 2017;
- A Waste Management Plan (WMP) prepared by Ratio Consultants, dated 15 October 2017;
- A Traffic Report prepared by Ratio Consultants, dated 24 January 2018;
- A Sustainability Management Plan (SMP) prepared by Wood & Grieve Engineers, dated 26 October 2017;
- A series of Arboricultural assessments, as prepared by Galbraith and Associates, dated 20 July 2017 (addendum 16 January 2018);
- A Biodiversity Assessment prepared by Ecology and Heritage Partners, dated September 2017; and
- A Stormwater Hydraulic Report prepared by Robert Bird Group, dated 21 December 2017.

4.4 A summary of the development is provided as follows:

Land Size:	12,669m ²	Maximum Building Height:	10.4m (floor to ceiling) 13.5m inclusive of earthworks above natural ground level
Site Coverage:	42.2%	Minimum street setback to Andersons Creek Road (west)	Ground floor – 9.2m First floor – 9.7m

Permeability:	29.9%	Minimum setback to northern boundary	Ground floor – 2m First floor – 2m (Townhouse 46) Second floor – 2.5m (Townhouse 1, 21 and 22)
Garden Area	Not Applicable to Residential Growth Zone	Minimum setback to southern boundary	Ground floor – 1.7m First floor – 1.7m Second floor – 1.7m (Townhouse 11,12 and 30)
Number of Dwellings:	58	Minimum setback to eastern boundary	Ground floor – 3m First floor – 3m Second floor – 3m (Townhouse 42)
• 3 bedrooms:	34	Resident car parking spaces:	116
• 4 bedrooms:	24	Visitor car parking spaces:	11
• 1, 2 or bedrooms:	0	Density:	One dwelling per 218 m ²

Dwelling Layout

- 4.5 There are 58 dwellings are provided in one of eight townhouse typologies, represented as A through H on the plans. Types A and C are two-storey in scale, with 4 bedrooms each, and are generally located to the rear (east) of the site. The remaining typologies are all three-storey dwellings with a combination of 3 and 4 bedrooms.
- 4.6 The layout of the dwellings consists of nine 'blocks' separated from one another by internal vehicular and pedestrian accessways. To the east and west the layout essentially presents as two rows with an internal road dividing them in the middle. To the north, five blocks are evident, and to the south, four blocks.
- 4.7 Dwellings 1-11 (Type G) are situated at the western end of the site and will present to Andersons Creek Road. Their main pedestrian entries are provided off the street, behind 1.4m high fencing which encloses the front yards. Despite being three-storey in scale, the fall of the land will result in the dwellings presenting as two-storeys to the street, with the ground floor tandem garages at the rear of the dwellings not evident from the street.
- 4.8 Behind them are Dwellings 12-21 (Type F) and behind that Dwellings 22-30 (Type B), all three storey. A common area is provided between these two rows that facilitates pedestrian access to the dwelling entries.
- 4.9 The rear of the site is occupied by 3 blocks. Dwellings 31-42 (Types D and E) run parallel to the southern boundary. Whilst they are three-storey in scale they present as two-storey to adjoining properties.
- 4.10 Dwellings 43-46 (Type C) are two-storey in scale, attached at ground and upper levels, and run parallel to the eastern boundary.

- 4.11 Dwellings 47-58 (Types A and H) make up the last block, are a combination of two- and three-storeys and are surrounded by internal roads on all sides.
- 4.12 Minimum building setbacks at the ground level are generally:
- 1.6m to the southern boundary;
 - 2.6m to the eastern boundary;
 - 2m to the northern boundary; and
 - 9.2m to the western front boundary.
- 4.13 The first and second floor setbacks to the north and south generally match the setbacks of the ground floor. While there is some stepping in, this response is also proposed along the eastern elevation.

Access and Car Parking

- 4.14 The existing crossover is proposed to be retained but increased to a width of 6.1m to allow for comfortable two-way vehicle movement at the site's entry.
- 4.15 The internal accessway typically spans a width of 5.5m to facilitate two-way vehicle movements whilst reducing at points to a width of 3.5m to enable additional landscaping opportunities.
- 4.16 A 1.5m wide pedestrian path runs along the northern side of the central accessway and along the western side of the accessway separating the Type A and C dwellings. This path provides a pedestrian connection between Andersons Creek Road and Schafter Reserve.
- 4.17 There are 8 dwellings provided with double garages with a minimum width of 5.5m. The remaining 40 dwellings have tandem garages with a minimum length of 11.3m. All garages allow internal access to their respective dwelling.
- 4.18 A minimum of 6 cubic metres storage is provided within the garage of each dwelling.
- 4.19 A communal bin area is provided adjacent to the accessway toward the front of the site for Dwellings 1-21. Remaining dwellings are provided with individual bins, to be stored within their garages.
- 4.20 Rainwater tanks (2000 litres) are provided either within the garage or the front/rear yard of each dwelling.
- 4.21 A total of 11 visitor spaces are provided on site. Two are located at the entry into the site while the remaining nine are provided at a central location.
- 4.22 A total of 4 visitor bicycle parking racks are provided on site, adjacent to visitor space No. 5.

Design Detail

- 4.23 The proposed dwellings have a modern architectural design, which includes a flat roof form and modern materials.

- 4.24 Coloured elevations have been provided demonstrating the application of the various materials. The materials schedule lists a combination of dark render, dark and light brickwork, light panel cladding and timber cladding. The colour palette is a typically modern palette, relying on blacks, greys and browns. (A permit condition can require a Materials Schedule on a separate page with coloured swatches of each material).
- 4.25 In light of the natural land slope, the design does require a substantial number of retaining walls throughout the site. A number of these are quite prominent both in terms of their height and their visibility.

Internal Amenity

- 4.26 The three-storey dwellings (Types B, D – H) have widths of 5m-7.45m. Consequently, these dwellings typically have their garage at the ground floor with little else in terms of habitable rooms. Living areas and bedrooms are typically located on the first and second floors, respectively.
- 4.27 However, given the slope of the land, many of the dwellings (Types D, E and G) have private open space at or near natural grade. That is, they are technically located on the first floor but are provided as front or rear yards, as opposed to balconies or terraces. The sloping topography essentially blurs the line between the different floors and the overall scale of buildings, depending on which direction you approach a dwelling from.
- 4.28 Most of the dwellings (Types A, B, and E – H) are provided with first or second floor terraces/balconies. With the exception of Dwelling Type B these are in addition to reasonably well-sized ground floor open space – either front or rear yards.
- 4.29 The layout of the dwellings and their attached nature within individual blocks means windows are generally confined to the front and rear of the dwellings. There are a few bedrooms with “snorkel” windows.
- 4.30 The layout of the dwellings and the internal roads result in considerable spacing between the blocks. The spacing generally does not increase with the height of the buildings but is provided at a generous distance for all floors.
- 4.31 This does result in a number of sheer walls at the end of each block. This is best demonstrated at the front of the site – when moving through the site from the street frontage along either the internal road or the pedestrian pathway there are three-storey sheer walls belonging to Dwelling 6, 7, 16, 17, 26 and 27. Though in some instances, they are broken up by the slope, different materials, retaining walls, or the bin enclosure.

Landscaping

- 4.32 A Landscape MasterPlan submitted with the application illustrates the proposed use of a range of canopy trees, shrubs, grasses, groundcovers and climbers to provide a new landscaping treatment across the site. The Masterplan favours an exotic selection of trees and plants, rather than planting species indigenous to Manningham.
- 4.33 Across the site’s frontage, a total of 11 canopy trees are indicated (although no species nominated). A number of trees are shown within the site/adjacent to the

internal accessway, such as around the visitor car parking spaces. Larger canopy trees appear to be earmarked adjacent to the Shafter Reserve.

- 4.34 Less substantial planting appears to be proposed along the perimeters of the site, such as along the eastern boundary and along the lengths of the northern and southern boundaries.

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 32.07-2 (Residential Growth Zone), a permit is required to construct a building or construct or carry out works.
- Clause 43.02-2 (Design and Development Overlay), a permit is required to construct a building or construct or carry out works.
- Clause 52.02 (Easement, Restrictions and Reserves), a permit is required to vary or remove an easement.
- Clause 52.17 (Native Vegetation), a permit is required to remove, destroy or lop native vegetation, including dead vegetation.
- 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 to the proposal subject to a condition requiring the crossover and associated works be constructed to the satisfaction of the Responsible Authority and at no cost to VicRoads prior to the commencement of the use of the development.

6.3 The proposal was also referred to Melbourne Water in relation to the variation of easement who have no objection to the proposal.

6.4 The proposal was referred to Yarra Valley Water in relation to the variation of easements who have no objection to the proposal, subject to the conditions that the owner of the land enters into an agreement with Yarra Valley Water for the provision of water and sewerage services, and that the easement is in favour of Yarra Valley Water for sewerage purposes and covers the proposed sewer realignment.

Internal

Service Unit	Comments
Engineering & Technical Services Unit – Drainage	<ul style="list-style-type: none"> No objection subject to conditions that have been included in the recommendation including the provision of onsite storm water detention.
Engineering & Technical Services Unit – Flooding	<ul style="list-style-type: none"> No objection as suitable overland flow protection measures have been incorporated into the proposal.
Engineering & Technical Services Unit – Vehicle Crossing	<ul style="list-style-type: none"> No objection subject to conditions that have been included in the recommendation.
Engineering & Technical Services Unit – Access and Driveway	<ul style="list-style-type: none"> No objection subject to conditions that have been included in the recommendation and as discussed in Section 8.14 of this report.
Engineering & Technical Services Unit – Traffic and Car Parking	<ul style="list-style-type: none"> No objection.
Engineering & Technical Services Unit – Construction Management	<ul style="list-style-type: none"> No objection subject to a requirement for the provision of a construction management plan.
Engineering & Technical Services Unit – Waste	<ul style="list-style-type: none"> No objection subject to conditions that have been included in the recommendation including the requirement for private waste collection.
Engineering & Technical Services Unit – Easements	<ul style="list-style-type: none"> No objection.
Parks and Recreation Unit – Tree Management	<ul style="list-style-type: none"> No objection subject to additional information being provided regarding vegetation removal and tree protection zones. A detailed Tree Protection Plan (TPP) must be submitted for the protection and retention of all trees managed or located on Council land.
City Strategy Unit – Sustainability	<ul style="list-style-type: none"> No objection subject to additional information being provided regarding information within the submitted BESS assessment report.
City Strategy Unit	<ul style="list-style-type: none"> No objection.

Service Unit	Comments
– Urban Design	
City Strategy Unit – Environment	<ul style="list-style-type: none"> • No objection subject to a condition requiring Clause 52.17 Native Vegetation Offsets.
City Strategy Unit – Open Space	<ul style="list-style-type: none"> • No objection.

7. CONSULTATION / NOTIFICATION

7.1 Notice of the application was given for a three-week period which concluded on 11 April 2018, by sending letters to nearby properties and displaying one large sign on the street frontage.

7.2 At the time of writing, 10 objections have been received from the following properties:

- 5/148 Andersons Creek Road, Doncaster East;
- 6, 8, 10, 12, 13, 14, 16, and 23 Ridley Court, Doncaster East; and
- 14 Harman Close, Doncaster East/

7.3 A response to the grounds of objections are included in the Assessment section of this report (see Section 9).

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. The proposal will 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 general level of compliance with the Structure Plan. A high-quality residential development is proposed and roadside vegetation (protected by an ES03) will not be adversely affected by the proposal (a conditional requirement for a Tree Protection Plan will be required to ensure this ongoing protection).

8.4 While the Structure Plan does encourage apartment style housing for this particular site, a more site responsive design will result by the proposed townhouse style of development. Also, while the proposal deviates from the preferred 11m building height and suggested housing typology, the higher overall maximum building heights are generally confined to central, internal areas of the

site where there will be no impact on adjoining or nearby properties or the general presentation to Andersons Creek Road.

- 8.5 State and Local Policy also encourages urban consolidation and medium to higher density development in this specific location due to the 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 of single dwellings.
- 8.6 Given the size of the subject site (1.267ha), its planning and policy contexts, it is considered appropriate to accommodate a development which is proposed to the height, density and built form proposed. The scale of built form corresponds with other nearby developments that have been constructed within the activity centre, although as will be discussed in due course, there are aspects of the development where some improvement is warranted to assist with internal and external amenity considerations.

Design and Built Form

- 8.7 The proposal is consistent with the objectives and decision guidelines of Clause 32.07 Residential Growth Zone of the Scheme.
- 8.8 The proposal complies with the mandatory building height set out at Clause 32.07-8 which provides that the building height must not exceed 13.5 metres.
- 8.9 In addition, the proposal generally satisfies the relevant design objectives of Clause 43.02 Design and Development Overlay - Schedule 9 (DD09) Residential Areas within The Pines Activity Centre 9(although the preferred maximum building height is exceeded).
- 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>Variation considered acceptable</p> <p>The floor to ceiling height of the townhouses do not exceed 11m.</p> <p>However, due to filling occurring on parts of the land, and under the technical definition, some dwelling exceed this preferred maximum. This is largely due to the location of these dwellings proposed over the most depressed point of the site (in what is the current drainage and sewerage easement). Importantly, this overall building height only occurs at a very central, internal part of the site (such as the rear of the southern-most row of Type H dwellings, which is shown at 13.35m).</p> <p>Notably, it is the Council officer’s assessment that the heights of buildings as read above the finished ground level and natural ground level along the boundaries do not exceed 11m. To that end, the maximum height along any external boundary accords with the preferred 11m height which is</p>

	important.
<p>Form</p> <ul style="list-style-type: none"> • Provide visual interest through articulation, glazing and variation in materials and textures. 	<p>Met with condition</p> <p>The proposal relies heavily on its use of varied building materials and finishes to provide articulation and visual interest. While some articulation is also offered by balconies and windows, a common design aspect of the overall development is a reliance on two-to-three storey vertical walls.</p> <p>For the most part, and particularly internal to the site, this design response in this instance is considered to be acceptable. However along external elevations and even within the site along key internal accesspoints it is considered stepping of the uppermost level is needed to mitigate visual bulk concerns and/or provide additional separation and spacing.</p> <p>As such, a permit condition will require the following dwellings to be “stepped” in at the uppermost level:</p> <ul style="list-style-type: none"> • All Type C dwellings along the eastern boundary to be redesigned to avoid any two storey sheer walls. • Type G dwellings (Lot 6) • Type F dwellings (Lot 16 & 17) • Type D dwelling (Lot 31 & 42).
<ul style="list-style-type: none"> • Minimise buildings on boundaries to create spacing between developments. 	<p>Met</p> <p>There is no development proposed upon 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 with condition</p> <p>Given the planning context (interface of RGZ2 with GRZ3) careful consideration as to what constitutes an appropriate setback and built form presentation across the eastern elevation is warranted.</p> <p>By proposing four, two storey Type C dwellings, the permit applicant is suggesting that two rather than three storeys is providing for an appropriate transition.</p> <p>A fifth townhouse, Type D dwelling (Lot 42) also abuts the rear boundary (12 and 13 Ridley Court) is three-storeys in scale however, it is cut into the land with a maximum building height of approximately 8m above the natural ground line along the eastern boundary. It will essentially present as a two and a half storey dwelling to the adjoining properties to the east.</p>

	<p><u>Type C dwellings</u></p> <p>While it is agreed that a two storey scale is appropriate, the setback of the built form coupled with the sheer wall presentation across parts of each of the four dwellings, coupled with the lack of separation at the upper level in the manner proposed is not considered to be sympathetic to the amenity of the adjoining Ridley Court properties.</p> <p>As such, and as previously noted, the dwellings will need to be redesigned and will be required to have graduated upper levels to mitigate visual bulk concerns to the GRZ3 land to the east with some upper level separation to be provided. These properties have their secluded private open spaces all abutting the subject land and currently enjoy a high level of amenity and visual outlook. It is therefore critical for the built form on the abutting land to step down in the manner envisaged by the design element.</p> <p>In addition to the increased upper level setback, it is considered that a larger ground level setback is also warranted. This is discussed in due course.</p> <p>The same analysis arises when assessing the visual impact of Type D - Lot 42. For the same reasons as above, this dwelling should also be modified (potentially replaced with a Type E model, for example), to improve the setback at all levels and enable a more appropriate transition to the SPOSs of 12 & 13 Ridley Court.</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 with condition</p> <p>As mentioned above, some dwellings will need to have a reduced upper level footprint that is stepped in from the level below to ensure an acceptable level of articulation is provided to avoid sheer wall presentations at sensitive interfaces both internal and external to the site.</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 with condition</p> <p>Recognising the topography is a notable feature of this site, the design response is considered highly responsive of the natural fall in the topography across the land.</p> <p>The configuration of the dwellings into a series of</p>

	<p>separate blocks across the site has allowed the finished floor levels of the buildings to step with the slope of the land.</p> <p>Retaining walls are required throughout the site, including some rather prominent ones in terms of their overall height and visibility. The plans indicate that they are to be composed as gabion walls with stone finish. All retaining walls will need to be carefully shown on a final retaining wall plan, and a terracing option adopted where retaining walls exceed a height of 1.5 metres.</p>
<ul style="list-style-type: none"> • Be designed to minimise overlooking and avoid the excessive application of screen devices. 	<p>Met</p> <p>Screening is generally confined to the upper levels of the dwellings along the eastern boundary and the eastern end of the southern boundary which has a direct interface with adjoining SPOS. The upper floor windows of these dwellings are screened with obscured glazing to 1.7m above the finished floor level.</p> <p>Internally, the dwelling blocks are generally well setback from one another, mitigating any unreasonable overlooking opportunities.</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 generally be accessed by people with limited mobility, it is acknowledged that the triple storey form is unlikely to be an attractive housing option for a person of limited mobility.</p> <p>Some housing types, such as Type D dwellings, offer a bedroom with WC at the ground level.</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 with condition</p> <p>Across the site, there are several dwellings which are situated in close proximity to side and rear boundaries.</p> <p>By the setbacks themselves and the indicative sizes of canopy trees shown on the Landscape Masterplan, it appears that there are minimal opportunities along the southern and eastern boundaries opposite sensitive interfaces with the secluded private open spaces of adjoining residential properties in which to achieve effective screen planting, particularly canopy tree planting.</p> <p>In recognition of the importance of providing spacing to achieve meaningful landscaping across these critical edges to soften the impact of the proposed dwelling form and density, it is considered appropriate to require improved</p>

	<p>building setbacks to the eastern boundary to enable the planting of spreading canopy trees. This is discussed further under the landscape section of the DD09 assessment.</p>
<p><u>Car Parking and Access</u></p> <ul style="list-style-type: none"> • Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback. 	<p>Met</p> <p>The existing vehicular crossover is to be utilised with minor modifications which have not generated any objection from either VicRoads or Council.</p> <p>The existing vegetation within the street reserve will not be impacted by the crossover (and in any case, a Tree Protection Plan has been proposed on any planning permit to issue).</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</p> <p>No garages are visible within the street frontage.</p>
<ul style="list-style-type: none"> • Ensure that access gradients of basement car parks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements. 	<p>Met</p> <p>Council’s Engineering and Technical Services Unit have considered the proposal and have not advised of any concerns regarding the proposed access arrangements across the development site.</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 with condition</p> <p>The Landscape Masteplan suggests that some large canopy trees can be planted in the front setback of the site. The Masterplan shows the planting of 11 trees although does not specify the particulars of the species type and projected height at maturity.</p> <p>It is considered this detail can be a condition of a final landscape plan.</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 by conditions</p> <p>Notwithstanding it is illustrated on the Landscape Masterplan that planting will be provided alongside boundaries, it is unclear whether these areas will be capable of accommodating canopy tree and dense shrub planting in which to soften the views of the higher development yield outcomes that are being pursued on the development site.</p> <p>Setbacks along the northern (side) boundary are 2.5 metres (with breaks) increasing to 9 metres opposite the Schafter Reserve and south-east corner of the childcare centre. (At the north-east</p>

	<p>corner of the subject site, a side setback of 2 metres is proposed).</p> <p>Across this interface, it is considered by the combination of breaks provided, minimum 2.5 metre setback adjacent to up to 10.8 metre high building heights and the openness maintained adjacent to the Schafter Reserve, it is considered that there is acceptable setbacks offered by built form in which to achieve a variety of planting opportunities (small to large) along this interface. It is also noted that there is existing vegetation on the abutting childcare centre site which will also assist to filter views from the public realm at the north-west of the site.</p> <p>Along the southern boundary, the setback of built form is only 1.5 metres. There is therefore insufficient spacing adjacent to the walls of the southernmost dwelling to achieve any substantial canopy tree planting. Therefore it will be critical to ensure that planting can occur in spaces either side of these three storey built form in order to soften the views from the land to the south, particularly from oblique views. The Landscape Masterplan indicates the space and opportunity to achieve landscaping along the southern boundary between Dwellings 11 and 12, and then more significant space afforded to large canopy tree planting in between Dwellings 12 and 30. For this reason, the three storey, vertical built form response is considered acceptable.</p> <p>At the south-eastern end of the site, a series of south facing secluded private open spaces are proposed which have a minimum 3.24 metre increasing to almost 6 metre setback to the southern boundary. To ensure appropriate filtering of the continuous three storey built form opposite these properties, and to assist in providing a treed outlook from the secluded private open spaces to the south, it will be critical to ensure space is available for canopy tree planting capable of reaching a height at maturity of 8 metres. It is considered appropriate for each SPOS to be provided with a tree capable of reaching this projected height at maturity.</p> <p>It is also considered appropriate along the interface with the GRZ3 properties to the east that large canopy trees capable of reaching a height at maturity of at least 8 metres are provided (to go some way to offset the loss of the currently highly vegetated, treed outlook of Red and Yellow Box species).</p>
--	---

	<p>To achieve the planting of such trees, it is critical to ensure that sufficient space is afforded to these trees to enable them to flourish and not be constrained by roof overhangs or “pushed” into the very edge of the eastern boundary. The trees should be positioned so that the canopy is generally contained to the development site. As such, a permit condition will require these trees to be situated no less than 2.0 metres from the eastern property boundary. This will consequently have an impact on dwelling setbacks (both at upper and ground levels) which will need to be increased to facilitate this important landscape outcome. It is noted that the Type C dwelling floorplan currently, as proposed, does not offer any reasonable opportunity in which to locate canopy trees capable of reaching these heights. This is a shortcoming of the proposal and will need to be rectified by permit condition.</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</p> <p>Front fencing is proposed across the Andersons Creek Road frontage for Dwellings 1 to 11.</p> <p>A number of dwellings within the development are also provided with internal fencing to delineate potentially future private land from that of common property.</p> <p>Fencing is indicated to be at least 1.4 metres above natural ground level, constructed of vertical steel slats with a 30-50% transparency. Fencing appears to have a 3 metre setback from the front title boundary with landscaping provided immediately forward. The proposal also shows a footpath forward of these fencing which will be softened with low level planting in the one metre strip immediately between the western (front) title boundary and the proposed internal footpath.</p> <p>Subject to managing the impact of any new works within the tree protection zones of ESO3 protected roadside vegetation, this is considered to be an appropriate design response.</p>

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 116 car parking spaces for residents and 11 visitor car parking spaces. The proposed car parking provision meets this requirement with all three and four bedroom dwellings provided with a double car garage and the provision of 11 visitor spaces on the site. 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</p> <p>The internal accessways are appropriately sized and all car parking spaces have been designed to allow vehicles to enter and exit the site in a forward direction. A passing area of 6.1 metres wide is provided for the first 7 metres of the accessway.</p> <p>Sightlines will be maintained to ensure appropriate visibility to oncoming motorists and pedestrians along Andersons Creek Road. No landscaping or other structures are proposed within the visibility splay areas adjacent to the frontage - water meters are proposed over three metres into the site and will not impede exiting vehicles.</p>
2 – Car Parking Spaces	<p>Met</p> <p>All garages have dimensions which comply with the Design standard. Dwellings are provided with 11.3 metre long tandem garages which are appropriate.</p>
3 – Gradients	<p>Met with condition</p> <p>Council's engineers have reviewed the internal gradients proposed as part of the internal road network and have not raised any concerns.</p> <p>A permit condition can require a plan notation on the site plan that a 1:10 accessway grade be provided for the first 5 metres. Condition required.</p>
5 – Urban Design	<p>Met</p> <p>The accessways into and within the development will not be visually dominating on the streetscape.</p> <p>The design of the dwellings fronting Andersons Creek Road have carefully placed the garages at the rear of their dwellings to ensure they do not dominate the public realm.</p>
6 – Safety	<p>Met with condition</p> <p>An internal footpath network is provided in the design response to assist with "way finding" within the new development.</p>

	<p>It is considered the design and placement of the visitor car parking area is appropriate and does not raise any safety concerns. Visitor bicycle parking is also provided in this general location.</p> <p>A permit condition will require the location of street lighting to be shown.</p>
7 – Landscaping	<p>Met</p> <p>The layout of the internal roadway is to be complimented by new landscaping which will offer enhanced internal amenity by way of shade and shelter and will soften the hardstand area that is required to service the new dwellings.</p>

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 4 bicycle spaces adjacent the visitor spaces in the centre of the development which will enable safe bicycle parking for visitors. This is in addition to individual bike racks which are provided within the garages of most dwellings.

Traffic

8.16 The submitted traffic impact assessment states that the proposed development will generate traffic at a daily rate of seven vehicle movements per dwelling per day. Application of these rates to the proposed dwellings results in a daily traffic volume of 406 vehicle movements per day, including approximately 42 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. The Traffic Engineering report advises that the surrounding road network has the ability to accommodate the expected increase in traffic volume associated with the proposed development.

8.18 Vehicle movements into and out of the site are largely expected to be right in and left out, respectively. The existing right turning bay on Andersons Creek Road is proposed to be maintained and will allow for convenient access to the site for vehicles entering the site.

8.19 Council’s Engineering Services Unit have raised no concerns in relation to the expected traffic generated by the proposed development.

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

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

OBJECTIVE	OBJECTIVE MET / NOT MET
<p>55.02-1 – Neighbourhood Character</p> <ul style="list-style-type: none"> To ensure that the design respects the 	<p>Met</p> <p>The proposal contributes to the preferred</p>

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 and response to the DD09 policy.</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 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 three or four bedrooms.</p> <p>Eight different housing typologies are proposed, providing variety across the various floor plans, garage layout and open space provision.</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>The front row of dwellings are designed to face Andersons Creek Road with their dwellings entries facing the street.</p> <p>Front fences are not excessive in height and are partly transparent.</p> <p>The design also includes vehicular and pedestrian links between the site and the street.</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 preferred neighbourhood character and make efficient use of the site. 	<p>Met</p> <p>The front row of dwellings (Type G) are setback in excess of the required 9 metres.</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 	<p>Met</p> <p>The maximum building height is considered appropriate in the context of the DDO9</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
neighbourhood character.	<p>control.</p> <p>The height does not exceed the 14.5 metre height control outlined in the Zone, which applies to the land in recognition of the significant slope across the land.</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 42.2%, 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 29.9% 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>An SMP has been submitted with the application and has been reviewed and found to be generally acceptable. Some minor matters will be addressed by permit condition.</p>
<p>55.03-6 – Open Space</p> <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. 	<p>Met</p> <p>No formal communal open space is proposed.</p> <p>However, the development has been designed to integrate with the public open space to the north (Schafter Reserve). The boundary is unfenced and several dwellings have an outlook across this key parcel of public open space.</p>
<p>55.03-7 – Safety</p> <ul style="list-style-type: none"> To ensure the layout of development provides for the safety and security of residents and property. 	<p>Met with condition</p> <p>The dwellings entries are well located and easily identifiable.</p> <p>Whilst not all dwellings have ground floor habitable room windows that provide passive surveillance of the internal roads/spaces, they do at a minimum have first or second floor habitable room windows of balconies/terraces which offer this important surveillance. The side elevations of the front three rows of dwellings provide some surveillance although it can be increased through permit conditions, which are already earmarked to</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	<p>address the issue of their built form presentation to the internal accessway.</p> <p>No lighting has been shown along internal pathways, the internal road or the communal spaces.</p> <p>A permit condition will require the detail/location of street lighting to be provided.</p>
<p>55.03-8 – Landscaping</p> <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. 	<p>Met with condition</p> <p>As has been previously discussed, there is the need to provide additional spacing along the eastern boundary in which to achieve canopy tree planting capable of reaching heights at maturity of at least 8 metres. It is considered important for appropriate space to be provided at both ground and upper levels to enable canopies to thrive and not be adversely affected by internal on-ground amenities (such as paving) and roof overhangs. It is also considered important for the trees (together with their canopies) to be general contained within the development boundary. As previously discussed, this outcome will be a condition of the permission granted.</p>
<p>55.03-9 – Access</p> <ul style="list-style-type: none"> • To ensure the number and design of vehicle crossovers respects the neighbourhood character. 	<p>Met</p> <p>There is only one vehicle crossover proposed for the development. It is an existing crossover which will be slightly increased and should comfortably service entry and egress from the site for future occupants. It has been considered by both VicRoads and Council engineers and deemed appropriate.</p>
<p>55.03-10 – Parking Location</p> <ul style="list-style-type: none"> • To provide convenient parking for resident and visitor vehicles. 	<p>Met</p> <p>Garages for all dwellings are conveniently located and will provide, via an internal stairwell, safe internal access into the living spaces of the dwellings.</p> <p>There are 11 visitor car spaces provided on site, two at the front of the site, and nine toward the middle, providing an appropriate spread through the site.</p>
<p>55.04-1 – Side And Rear Setbacks</p>	<p>Met with condition</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
<ul style="list-style-type: none"> To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>The dwellings at either end of the front three rows (Dwellings 1, 11, 12, 21, 22 and 30) are non-compliant with Standard B17.</p> <p>To the south (Dwellings 11, 12 and 30) these non-compliances are mitigated by two factors. The level difference between the subject site and the land at 148 Andersons Creek Road to the south is quite significant. Consequently, the finished ground level of this property is much higher than the existing or proposed ground level of the subject site. Secondly, 148 Andersons Creek Road has been developed as townhouses with a sizeable landscaping strip and driveway between the dwellings and the boundary to the north. As a result, the dwellings are setback between 9-16m from the boundary. The slope and the existing generous setbacks combine to limit the impact of the non-compliance and it is therefore considered that the proposed setbacks of these dwellings satisfy the objection of Clause 55.04.</p> <p>To the north (Dwellings 1, 21 and 22), the 2.5 metre setback of the built form in which some dense, shrub type planting will be conditioned generally opposite these walls along the northern boundary and less sensitive abuttal being the driveway and car park associated with the existing child care centre use is considered to be relevant considerations in favour of permitting, in this instance, the proposed scale of built form.</p> <p>At the rear of the site, the eastern wall of Dwelling 42 and the northern wall of Dwelling 46 are non-compliant with the Standard. Given they abut land that is in a GRZ3 and PPRZ, and the sensitivities of the abutting land, both of these proposed dwellings will need to be redesigned to satisfy the Standard (acknowledging the other adjustments in any case to these dwellings in accordance with earlier assessment).</p>
<p>55.04-2 – Walls On Boundaries</p> <ul style="list-style-type: none"> To ensure that the location, length and height of a wall on a boundary respects the 	<p>Met</p> <p>There are no walls to be constructed on any boundary of the site. This is a positive</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.	outcome.
55.04-3 – Daylight To Existing Windows <ul style="list-style-type: none"> To allow adequate daylight into existing habitable room windows. 	Met The setback of the built form will not compromise the daylight access to any existing habitable room windows on adjoining properties.
55.04-4 – North Facing Windows <ul style="list-style-type: none"> To allow adequate solar access to existing north-facing habitable room windows. 	Met There are no north-facing windows within 3m of the site.
55.04-5 – Overshadowing Open Space <ul style="list-style-type: none"> To ensure buildings do not significantly overshadow existing secluded private open space. 	Met The overshadowing of adjoining secluded private open space attributable to the proposal will largely follow the shadow of the existing boundary fencelines. There will be some slight additional overshadowing caused by the development but it is within comfortable allowances provided by the Standard.
55.04-6 – Overlooking <ul style="list-style-type: none"> To limit views into existing secluded private open space and habitable room windows. 	Met Boundary fencing and obscured glazing to 1.7m high are proposed to provide limitations on overlooking into the adjoining property's open spaces and habitable room windows. It is noted that along the southern elevation the designers are proposing a two storey vertical window that is unscreened. This style of window is associated with a number of the dwelling types (e.g. Type D) and is to a stairwell.
55.04-7 – Internal Views <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. 	Met It is considered that appropriate screening and building separation has been provided to mitigate unreasonable internal views.
55.04-8 – Noise Impacts <ul style="list-style-type: none"> To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise. 	Met There are no known unusual noise sources that may affect existing dwellings. The habitable room windows at the front of the site facing Andersons Creek Road are well setback from the street.
55.05-1 – Accessibility <ul style="list-style-type: none"> To encourage the consideration of the 	Met It is acknowledged that the dwelling type is

OBJECTIVE	OBJECTIVE MET / NOT MET
needs of people with limited mobility in the design of developments.	unlikely to be suited to persons of limited mobility although some dwelling types have offered some level of consideration by the provision of ground level bedroom and WCs (Type D dwellings for example).
55.05-2 – Dwelling Entry <ul style="list-style-type: none"> To provide each dwelling or residential building with its own sense of identity. 	Met The front entries of the dwellings are easily identifiable. Some such as in Type D dwellings don't face the internal street, but private driveway, but this seems to be a deliberate feature of the design response, and reasonable as the entry is not obscured.
55.05-3 – Daylight To New Windows <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. 	Met New windows are provided with sufficient light court areas to allow adequate solar access.
55.05-4 – Private Open Space <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents. 	Met All dwellings are generally provided with private open space in accordance with the standard. The open space is provided through a mix of at-grade rear and front yards, terraces and balconies and made private through fencing, retaining walls or balustrading.
55.05-5 – Solar Access To Open Space <ul style="list-style-type: none"> To allow solar access into the secluded private open space of new dwellings and residential buildings. 	Met The majority of dwellings are offered north facing open space which will improve the amenity of the proposed dwellings. There are however some dwellings which have south facing open spaces at ground level (Type E and H), although have upper level balconies with a northern orientation to supplement this. There are six Type D dwellings which have purely south facing open space that is non-compliant with Standard B29. While this is not an ideal outcome, in a yield of 58 dwellings less than 10% of dwellings with south facing open space is considered to be an acceptable outcome.
55.05-6 – Storage <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling. 	Met Adequate storage spaces for each dwelling are provided within their respective

OBJECTIVE	OBJECTIVE MET / NOT MET
	garages.
<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 across 9 blocks through the site. There is variation between the treatment of individual blocks, avoiding repetition and instead creating visual interest.</p> <p>For the reasons discussed earlier in this report, the design response is generally assessed to be consistent with the preferred design and neighbourhood character direction for new development in The Pines Major Activity Centre.</p> <p>Subject to some design adjustments required to particular dwellings to improve their design appearance, the proposal is considered to be of an acceptable standard.</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</p> <p>The front dwellings have front fences with a maximum height of 1.4m that are semi-transparent.</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 presumed that body corporate will be capable of appropriately 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 and easily maintained. To ensure that site facilities are accessible, adequate and attractive. 	<p>Met with condition</p> <p>Appropriate site services, such as mailboxes and a communal bin area, are provided. The communal bin area has been appropriately designed to screen the area and blend in with the overall design.</p> <p>A substation is also shown on proposed plans with sufficient space around it to be meet the authority's requirements.</p> <p>A permit condition will require any other services to be shown (and space provided for them on the site). There final presentation will also need to be appropriate.</p>

Objector ConcernsOverdevelopment, building height, visual bulk and out of character

- 8.21 It is anticipated that the site will undergo substantial change yielding higher residential densities in line with the planning policy framework. Having regard to the planning policies and controls which govern the development, the proposal has been assessed as generally being respectful in terms of its design response relative to building site coverage, setbacks and heights.
- 8.22 The dwellings have been configured into 9 blocks with meaningful spacing between each other. This arrangement also allows the development to respond to the slope of the land, stepping down with the slope and providing a staggered height.
- 8.23 While it is acknowledged that the proposal does not fully comply with the preferred maximum building height of the DDO9 or the numerical standard for side setbacks it is considered that some of these non-compliances are acceptable for the reasons previously outlined earlier in this report.
- 8.24 It has been submitted that the removal of vegetation and the intensity of the proposal does not reflect the broader character of the Mullum Mullum area. However, located within The Pines Activity Centre it is expected that the area, including the subject site, will undergo substantial change, subsequently changing the character. The development to the west of the site at Morello Circle is indicative of the substantial level of change already present within the Activity Centre.
- 8.25 The transition offered by the development at the interface of the subject site with the Ridley Court properties to the east (GRZ3 zoned land) is slightly too intensive. It is appropriate to require some modifications to the built form proposed along the length of the eastern boundary in the manner already discussed in this report. It is considered this should strike an appropriate balance between the higher density outcomes anticipated for the site with the expectations of planning policy to mitigate unreasonable visual bulk and external amenity impacts by improving building setbacks and achieving meaningful landscaped outcomes.

Inadequate setbacks/interface between the proposal and adjoining low-scale residential properties

- 8.26 The DDO9 directs the development to step down at the rear of site to provide a transition to the scale of the adjoining residential area, where appropriate. It also refers to landscaping being provided alongside boundaries to assist with breaking up the length of continuous built form and softening the appearance of new built form. While Dwellings 43-46 at the rear of the site are two-storey in scale (as opposed to three-storeys for the majority of dwellings), they are attached at ground and upper level and have setbacks as little as 2 metres to the eastern boundary.
- 8.27 Notwithstanding the two-storey scale of the dwellings is positive aspect of the design response, it is agreed with the Ridley Court residents that an insufficient presentation across the eastern elevation is provided with a minimal setback

offered by the current dwelling layout. This insignificant separation won't provide an appropriate level of space in which to achieve meaningful canopy tree planting. As such, a range of permit conditions are proposed to address this shortcoming of the design response.

Loss of vegetation and inadequate replacement vegetation/green space on site

- 8.28 It is understood objectors are concerned and unhappy about the loss of such a treed green space. Several objectors have suggested that the vegetation at the rear of the site should be retained as this will provide an appropriate transition/buffer area between the proposal and existing dwellings.
- 8.29 However, the land is zoned for residential purposes and there are no specific vegetation overlays applicable to the site. An Environmental Significance Overlay – Schedule 3 (ESO3) does apply but only to the vegetation within the Council street reserve at the front of the site. Accordingly these trees have been showed to be retained with appropriate protection measures.
- 8.30 It is noted that there is only one native tree that requires a permit for its removal under Clause 52.17. A permit condition will require that it is appropriately offset. For the remainder of the trees there is no policy that directs that the vegetation should or must be retained.

Loss of views

- 8.31 Many of the surrounding dwellings currently have an outlook across the subject site, which presently appears as a mostly vast, grassed area with canopy trees and minimal buildings or structures. Surrounding dwellings have benefited from the existing use and vegetation treatment, essentially borrowing the amenity from the site.
- 8.32 Whilst it is recognised that views may form part of residential amenity, there is no specific controls within the Manningham Planning Scheme that protects residents' rights to a view. It is not considered that the extent of views lost or the significance of the view would warrant refusal or modification of the application.
- 8.33 While the proposed development will undoubtedly result in a loss of the current level of amenity in terms of this outlook, it does not automatically mean that the external amenity will not be acceptable. The amenity must be assessed on its own merits, not against the existing levels or those experienced in a different residential context. The question is whether the proposal will result in unreasonable amenity levels for surrounding properties.
- 8.34 To answer this question one must assess how the design responds to the relevant policy controls, Clause 55 in particular. The requirements of Clause 55 which could be considered of relevance to off-site amenity – site coverage, height, side and rear setbacks, overshadowing, overlooking – have been discussed elsewhere in this report and have been deemed appropriate (and where they have not been, it is proposed to address some shortcomings by permit condition – one example being the Standard B17 non-compliance to Ridley Court properties).
- 8.35 Landscaping around the periphery of sites typically helps to provide screening of a development from an adjoining property, as well as soften the built form.

Privacy concerns

- 8.36 Given the configuration and orientation of the dwellings there are actually few overlooking opportunities caused by the proposed development. Overlooking of private open space and habitable room windows of adjoining properties is limited to Dwellings 31-46. The elevation and typology floor plans for these dwellings indicate that the relevant windows will have translucent glazing to 1.7m above the finished floor level.

Loss of pedestrian access through to Schafter Reserve

- 8.37 Pedestrian access from Andersons Creek Road to Schafter Reserve is currently provided informally through the site. There are currently no paths connecting the two nor any signage. The development can maintain this pedestrian access through the site (post development) and keeping the interface between the site and the Reserve unfenced. The inclusion of a carriageway easement would confirm the legalities of site access. Hence, a permit condition will require a carriageway easement to be provided in favour of Manningham City Council.

Increased pedestrian and traffic movements, congestion and inadequate public transport

- 8.38 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 in a satisfactory manner.
- 8.39 In terms of increased pedestrian movement, the development has incorporated features to address safe pedestrian through the site. The front setback includes a dedicated pedestrian pathway along the frontage which also connects to the dedicated pathway that runs through the site and connects to Schafter Reserve. The pathway has been provided as separate to the internal road, meaning that pedestrians will not be required to share the road with vehicles, creating a potential safety issue.
- 8.40 The site is considered well-located in terms of public transport access. Two bus routes run directly out the front of the site and there is a bus interchange at The Pines Shopping Centre, services by ten bus routes.

Construction noise

- 8.41 Some noise and other off site impacts are inevitable when any construction occurs. The developer will be required to meet relevant Local Law and EPA regulations regarding construction practices to ensure these impacts are mitigated. In addition to these requirements a Construction Management Plan will be required as a permit condition.

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.