

0.0 Planning Application PLN18/0304 at 15 Glendale Avenue, Templestowe for the construction of eight, two-storey dwellings

File Number:	IN19/253
Responsible Director:	Director City Planning and Community
Applicant:	Advanced Choice Property Group
Planning Controls:	General Residential Zone, Schedule 2; Design and Development Overlay Schedule 8-3 (Sub-precinct B)
Ward:	Heide
Attachments:	1 Decision Plans 2 Legislative Requirements

EXECUTIVE SUMMARY**Purpose**

1. This report provides Council with an assessment of the planning permit application submitted for the land at 15 Glendale Avenue, Templestowe and recommends approval of the submitted proposal, subject to amendments that will be addressed by way of permit conditions. The application is being reported to Council due to the extent of interest from the community in response to the application being advertised.

Proposal

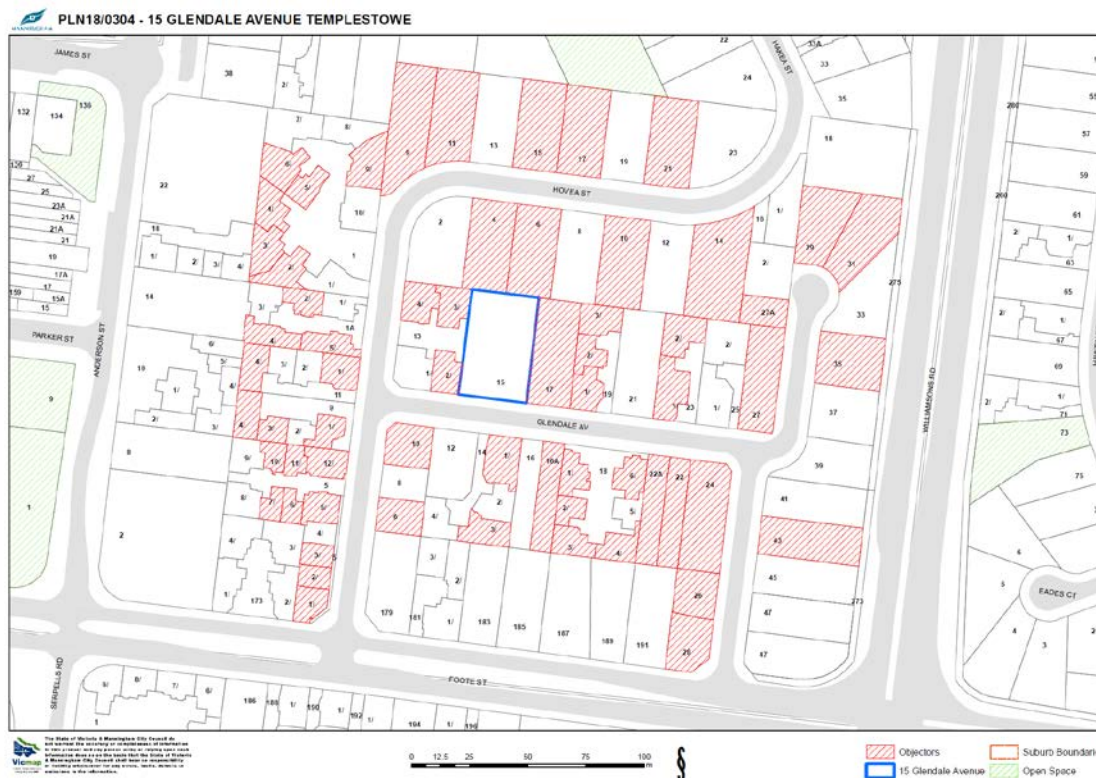
2. The proposal involves the demolition of the existing single dwelling and the construction of eight, two-storey dwellings, each with single, at-grade garages.
3. The eight dwellings are arranged in two rows of four, along the eastern and western boundaries of the site. A central common driveway runs between the dwellings, with an uncovered visitor car parking space provided at the end of the driveway.
4. The land has a total area of 1,323 square metres. The development has an overall site coverage of 46.7%, site permeability of 30.2% and achieves a garden area of 35.6%. The maximum height of the development is 8.335 metres (north elevation). A total of 17 on-site car spaces are provided; a single garage providing two car spaces within via the use of a mechanical parking system (car stacker), and one visitor space.

Advertising

5. Notice of the application was originally given over a two week period which concluded on 7 November 2018.
6. Following an amendment to the application pursuant to Section 57A of the *Planning and Environment Act 1987*, the application was readvertised. This second two week notification period concluded on 13 February 2019.
7. To date, 75 objections have been received over the two notification periods. They include issues relating to car parking (use of car stackers), traffic, neighbourhood character, overshadowing, loss of views, safety, overlooking, visual bulk, on-site amenity, landscaping, impacts during construction, overdevelopment (including

setting a precedent), energy efficiency, loss of property values, and boundary fencing.

8. The location of most objectors are shown by the indicators on the map below, with one additional objection being received from a property that is not within proximity of the site.



Key issues in considering the application

9. The key issues for Council in considering the proposal relate to:
 - Planning Policy Frameworks;
 - Design and built form;
 - Two or more dwellings on a lot and residential buildings;
 - Car parking and traffic; and
 - Objector Concerns.

Assessment

10. The development of the land for eight, two-storey dwellings is consistent with the Planning Policy Frameworks, Zone, Overlay and relevant Particular Provisions of the Manningham Planning Scheme (the Scheme).
11. Subject to the recommended conditions, the proposal complies with the objectives of Clause 55 (two or more dwellings on a lot and residential buildings), the design requirements of Schedule 8 to the Design and Development Overlay, and provides an appropriate response to both its physical site context and strategic policy context.
12. The proposed car parking arrangement is consistent with the requirements of Clause 52.06 (Car parking) of the Scheme, and has been determined by Council’s Infrastructure Services Unit to be satisfactory subject to conditions.

Conclusion

13. It is recommended that the application be supported, subject to conditions.

1. RECOMMENDATION**That Council:**

- A. Having considered all objections issue a Notice of Decision to Grant A Permit in relation to Planning Application PLN18/0304 at 15 Glendale Avenue, Templestowe for the construction of eight, two-storey dwellings, 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 (*prepared by Tom Motta Building Designer, dated 15 January 2019*), but modified to show:**

Dwelling 1

- 1.1 A new highlight west-facing window to Bedroom 4, with a minimum sill height of 1.7 metres above finished floor level;**
- 1.2 A new highlight east-facing window to Bedroom 1 with a minimum sill height of 1.7 metres above finished floor level;**

Dwellings 2 and 3

- 1.3 A minimum one metre separation at ground floor between Dwellings 2 and 3 without encroaching any other setbacks;**
- 1.4 A minimum 2 metre separation at first floor between Dwellings 2 and 3 without encroaching any other setbacks;**
- 1.5 Bedroom 3 of both Dwellings 2 and 3 set back at least a further 500mm from the western boundary;**
- 1.6 The Bedroom 3 window of Dwelling 2 notated as fixed obscure glazed on the west elevation so it is consistent with the upper floor plan;**
- 1.7 The roof form modified to follow the alignment of the walls on the west elevation;**

Dwellings 4 and 8

- 1.8 The Dwelling 4 upper level bathroom set back at least a further 500mm from the western boundary;**
- 1.9 The Dwelling 4 garage relocated one metre towards the western**

boundary;

1.10 The Dwelling 8 garage relocated one metre towards the eastern boundary;

1.11 A north-facing highlight window to the living room for both Dwellings 4 and 8, with a minimum sill height of 1.7 metres above finished floor level;

1.12 The first floor north facing Bedroom 2 walls set back at least 3.425 metres or lowered in height to comply with Standard B17 of Clause 55.04-1 of the Scheme;

1.13 The north facing kitchen window of both Dwellings 4 and 8 are fixed obscure glazed;

Dwelling 5

1.14 A new highlight east-facing window to Bedroom 4, with a minimum sill height of 1.7 metres above finished floor level;

1.15 A new highlight west-facing window to Bedroom 1 with a minimum sill height of 1.7 metres above finished floor level;

Dwellings 6 and 7

1.16 A minimum one metre separation at ground floor between Dwellings 6 and 7 without encroaching any other setbacks;

1.17 A minimum 2 metre separation at first floor between Dwellings 6 and 7 without encroaching any other setbacks;

1.18 The upper level bathroom and ensuite for Dwellings 6 and 7 set back at least a further one metre from the eastern boundary;

1.19 Bedroom 3 set back at least a further 500mm from the eastern boundary;

1.20 The roof form modified to follow the alignment of the walls on the east elevation;

Dwellings 7 and 8

1.21 A minimum 2 metre separation at first floor between Dwellings 7 and 8 without encroaching any other setbacks;

1.22 The Dwelling 8 upper level bathroom set back at least a further one metre from the eastern boundary;

Built form and fencing

1.23 The internal west elevation of the development;

1.24 All windows clearly shown on the first floor site plan;

1.25 Boundary fencing along the eastern and western boundaries to

be 1.7 metres above the finished floor level of all habitable room windows;

- 1.26 Solar / weather protection measures above all sliding doors accessing the ground level decks and all north and west-facing habitable room windows, except for the north-facing ground floor kitchen window of Dwellings 4 and 8;

Materials

- 1.27 The north, east and west external upper floor walls of Dwellings 2, 3, 4, 6, 7 and 8 provided with varying materials, colours, and/or architectural features to correspond with the architectural style and details of the south (street) elevation to the satisfaction of the Responsible Authority;
- 1.28 A schedule including colour samples of the materials, colours and finishes of all external walls, roofs, fascias, architectural features/accents, fencing, window frames, and paving (including driveway surfacing);

Access and car parking

- 1.29 The crossover width reduced to align with the driveway;
- 1.30 The visitor car parking space increased in width by one metre, by reducing the length of both Dwellings 4 and 8 by 500mm without encroaching any other setbacks;
- 1.31 The width of the landscaping strips adjacent to the kitchen windows of Dwellings 2, 3, 6 and 7 at least 1.5 metres in width;
- 1.32 Headroom clearance of all garage openings shown on the internal elevations;
- 1.33 A notation to indicate where signage will be provided to identify the visitor car space;
- 1.34 Landscaping strips around the visitor car parking space;

Mechanical parking

- 1.35 The model number and specifications of the mechanical parking system provided within the garages, which must incorporate pits that allow direct vehicle access from the driveway to either level;
- 1.36 The location and dimensions of the mechanical parking system within the garages, including the location and dimensions of the pits and shafts;
- 1.37 A cross section diagram to show the depth of the pit and required height clearance for the mechanical parking system within the garages;
- 1.38 Details of the mechanical parking system to demonstrate at least 25% of the spaces can accommodate a vehicle height of at least

1.8 metres, as per Design Standard 4 in Clause 52.06-9 of the Scheme;

- 1.39 The under stairwell internal storage doors within the garages of Dwellings 2 and 6 removed or replaced with sliding doors;
- 1.40 The driveway gradients leading into the garages specified to ensure that gradients are not steeper than the relevant specifications required for the mechanical parking systems to the satisfaction of the Responsible Authority;
- 1.41 Any acoustic measures required in accordance with the Acoustic Assessment as per Condition 5 of this permit;

Open Space

- 1.42 The paved areas within the front setback of Dwellings 1 and 5 around the porch and the associated path to the side gate deleted in lieu of landscaping, with retaining walls relocated as necessary to the satisfaction of the Responsible Authority;
- 1.43 Retaining walls set back at least 500mm from the western and eastern site boundaries where practicable, to the satisfaction of the Responsible Authority;
- 1.44 Services/equipment including storage sheds, clotheslines and water tanks relocated away from site boundaries where practicable to the satisfaction of the Responsible Authority;
- 1.45 Location of bin storage for each dwelling, which must not be within the garages;
- 1.46 Details of tree protection measures to be implemented for all existing vegetation within adjoining properties, as per Conditions 14 and 15 of this permit;
- 1.47 A new 2 metre high paling fence on the northern, eastern and western site boundaries;
- 1.48 An elevation showing the height and design of the mail and electrical meter boxes, which must not be greater than 900mm in height if located within the visibility splay areas;
- 1.49 The location of any utilities and service equipment on the frontage, with design details of any screening measures to complement the overall development where practicable to the satisfaction of the Responsible Authority;
- 1.50 A plan notation to indicate that the front fence will be at least 50% transparent and a detailed elevation provided;
- 1.51 Sensor lights provided above porch entries and garage openings;

Sustainable Design Assessment

1.52 A notation to indicate that the development must be constructed in accordance with the Sustainable Design Assessment required by Condition 3 of this permit;

1.53 All plan notations required by the Sustainable Design Assessment required by Condition 3 of this permit;

Waste Management

1.54 A notation to indicate that the development must be managed in accordance with the Waste Management Plan required by Condition 4 of this permit;

Garden Area

1.55 An updated Garden Area percentage as a result of any changes to the proposal required by the above conditions to demonstrate compliance with the Manningham Planning Scheme.

Endorsed Plans

2. The development as shown on the approved plans must not be altered without the written consent of the Responsible Authority.

Sustainable Design Assessment

3. The development must be constructed in accordance with the Sustainable Design Assessment approved and forming part of this permit (prepared by Northern Environmental Design, dated 6 August 2018), and all of its requirements 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.

Waste Management Plan

4. Before the review of plans under Condition 1 of this permit, a Waste Management Plan must be prepared and submitted to the Responsible Authority. The plan must demonstrate how waste and recycling is to be managed and collected by a private contractor within the site. This includes details on how the waste collection vehicle can enter and exit the site in a forward direction. When approved, the Waste Management Plan will form part of the permit and all of its requirements 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.

Mechanical Parking

5. Before development starts, an Acoustic Assessment of the development must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the mechanical parking system to ensure that:

5.1 Noise emissions from the operation of the mechanical parking

system and roller doors do not impact adversely on the amenity of dwellings within the development and neighbouring residential properties.

5.2 Details of any controls to the operation of the mechanical parking systems required to minimise noise impacts off site.

- 6. The development must be constructed and maintained in accordance with the requirements / recommendations of the approved Acoustic Assessment to the satisfaction of the Responsible Authority.**
- 7. Upon request of the Responsible Authority, an acoustic review to verify ongoing compliance with Condition 5 must be undertaken at the land owner's cost to the satisfaction of the Responsible Authority. In the event that the nominated decibel levels are not being met, the acoustic expert must recommend further noise attenuation measures, which must be implemented on site, to ensure compliance with the condition to the satisfaction of the Responsible Authority.**
- 8. The mechanical parking systems must be maintained in a good working order and be permanently available for the parking of vehicles in accordance with their purpose to the satisfaction of the Responsible Authority.**

Completion

- 9. 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.**
- 10. 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.**

Landscape Plan

- 11. 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 plan approved under Condition 1 of this permit, and must show:**
 - 11.1 Any changes to the development layout required under Condition 1 of this permit as relevant;**
 - 11.2 Species, locations, approximate height and spread of proposed planting and the retention of existing trees and shrubs, where appropriate or as directed by any other condition of this Permit;**
 - 11.3 Details of soil preparation and mulch depth for garden beds and**

surface preparation for grassed areas;

- 11.4 Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;
- 11.5 A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;
- 11.6 A minimum of one (1) canopy tree, capable of reaching a minimum mature height of 8 metres, within each of the front setbacks of Dwelling 1 and 5. The trees must be a minimum height of 1.5 metres at the time of planting;
- 11.7 A minimum of one (1) canopy tree, within the private open space of each dwelling, capable of reaching a minimum mature height of 4 metres. The trees must be a minimum height of 1.5 metres at the time of planting;
- 11.8 Screen planting along the north, east and west boundaries, capable of reaching a minimum mature height of 3 metres and to be a minimum height of 0.5 metres at the time of planting;
- 11.9 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.

Landscape Bond

12. Before the review of development plans under Condition 1 of this permit, a \$10,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.

Vegetation

13. 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.
14. All existing trees shown on the approved plan as being retained (including those within adjoining properties in close proximity to site boundaries), must be provided with a protective barrier erected a minimum of 1 metre from the trunk to assist in the preservation of such vegetation. Such barriers must be constructed before the works start on site and be maintained to the satisfaction of the Responsible Authority during construction.

15. The following actions must not be undertaken in any vegetation protection zone to the satisfaction of the Responsible Authority:

15.1 The storage of materials or equipment;

15.2 The disposal of any contaminated waste water;

15.3 The use of a tree for temporary attachment of wiring or such like;

15.4 Open cut trenching, or excavation works (whether or not for the laying of services);

15.5 Changes to the soil grade level.

16. 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.

Stormwater – On-site detention (OSD)

17. 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:

17.1 Be designed for a 1 in 5 year storm; and

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

Construction Plan (OSD)

18. Before the development starts, a construction plan for the system required by Condition 17 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

19. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor. A connection to Council maintained assets must not be constructed unless a Connection to Council Drain Permit is first obtained from the Responsible Authority.

20. 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

21. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
22. All external services including pipes must be concealed and screened respectively to the satisfaction of the Responsible Authority.
23. 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.
24. 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.

Vehicle Crossings and Accessways

25. Prior to occupation of the approved dwellings, any new or modified vehicular crossover must be constructed in accordance with the plans endorsed under Condition 1 of this permit to the satisfaction of the Responsible Authority.
26. Redundant vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.

Car Parking

27. The visitor car parking space must be clearly signed and must not be used for any other purpose to the satisfaction of the Responsible Authority.

Fencing

28. 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 at the cost of the permit holder, to the satisfaction of the Responsible Authority.

Retaining Walls

29. 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.

Maintenance

30. Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.

Construction Management

31. The owner must use appropriate site management practices to prevent the transfer of mud, dust, sand or slurry from the site into drains or onto nearby roads. In the event that a road or drain is affected, the owner must upon direction of the Responsible Authority take the necessary steps to clean the affected portion of road or drain to the satisfaction of the Responsible Authority.
32. The extent and depth of cut and fill must not exceed that shown on the approved plan without the written consent of the Responsible Authority.

Permit Expiry

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

33.1 The development is not started within two (2) years of the date of this permit; and

33.2 The development is not completed within four (4) years of the date of this permit.

The Responsible Authority may extend 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 No planning permits have been previously granted for the site.
- 2.2 The application was submitted to Council on 11 May 2018, for the construction of 12, three-storey dwellings.
- 2.3 A request for further information was sent on 7 June 2018. The letter also raised a number of concerns with the proposal relating to the three-storey scale, neighbourhood character, off-site amenity impacts (including visual bulk), on-site amenity impacts, limited landscaping and driveway design.
- 2.4 All requested further information was received by Council on 17 October 2018. The proposal was amended at this time to ten dwellings (eight, three-storey and two, two-storey dwellings) under Section 50 of the *Planning and Environment Act 1987*.
- 2.5 Notice was given over a 2 week period, which concluded on 7 November 2018.
- 2.6 An application to amend the proposal under Section 57A of the *Planning and Environment Act 1987* was submitted on 4 December 2018.
- 2.7 A request for further information was sent on 20 December 2018, and the amended plans were subsequently submitted on 21 January 2019 showing the following changes:
- Reduction to the number of dwellings from 10 to 8;

- Reduction in building height and the number of storeys from 3 to 2;
 - Variation to building setbacks, building footprints, dwelling layouts and incorporation of building separation at first floor;
 - Revised architectural presentation and design detailing; and
 - Provision of a single garage incorporating a car stacker to accommodate two vehicles for each dwelling.
- 2.8 Notice of the amended proposal was given over a 2 week period, which concluded on 13 February 2019.
- 2.9 The statutory time for considering a planning application is 60 days, which lapsed on 6 April 2019.
- 2.10 A consultation meeting was held on 2 May 2019, attended by both the applicant and objectors.
- 2.11 The land title is not affected by any covenants or 173 Agreements.

3. THE SITE AND SURROUNDS

The Site

- 3.1 The site is situated on the northern side of Glendale Avenue, approximately 28 metres from the intersection with Hovea Street to the west, and approximately 105 metres north of Foote Street.
- 3.2 The site is rectangular in shape, with a frontage and rear dimensions of 28.95 metres, side boundary dimensions of 45.72 metres, and an area of 1,323 square metres. The site has an approximate fall of 4 metres from south (front) to north (rear).
- 3.3 The site contains a single storey rendered brick dwelling located in the southern half of the property. The dwelling has a tiled gable roof, with a detached metal double garage. The garage is accessed via a concrete driveway and crossover adjacent to the eastern boundary. A second concrete driveway and crossover is located adjacent to the western boundary.
- 3.4 The vegetation on the site is relatively sparse, with some medium sized trees located adjacent to the eastern and western boundaries and in the front setback. The remainder of the land consists predominately of open lawn with some smaller shrubs dispersed throughout.
- 3.5 A 1.83 metre wide drainage easement runs along the northern boundary of the site.
- 3.6 There is no existing front fence along the Glendale Avenue frontage. Side and rear fencing consists of 1.6 metre high chain wire mesh along the eastern boundary, and 1.6 metre high palings along the north and west boundaries. A street tree is located near the centre of the frontage, and an electricity pole and Telstra pit are located immediately west of the eastern most crossover.

The Surrounds

- 3.7 The site has direct abutments with the following properties:

Direction	Address	Description
North	4 Hovea Street	This lot comprises a single storey red brick dwelling with an under croft garage and a tiled pitched roof. The dwelling is setback 14.165 metres from the common boundary along with secluded private open space.
	6 Hovea Street	This lot comprises a single storey red brick dwelling with an under croft garage and a tiled pitched roof. The dwelling is setback is 13.62 metres from the common boundary along with secluded private open space.
East	17 Glendale Avenue	This lot comprises a single storey brick dwelling with a flat galvanised iron roof and under croft garage. The minimum building setback to the common boundary is 1.7 metres. One window faces the subject site.
West	13 Glendale Avenue	<p>This property has been developed with four dwellings.</p> <p>Unit 2 abuts the southern part of the western boundary and is developed with a double storey brick dwelling with a pitched tiled roof and a brick garage on the common boundary. The private open space is located to the south of the dwelling adjacent to Glendale Avenue.</p> <p>Unit 3 abuts the northern part of the western boundary and is developed with a double storey brick dwelling with a pitched tiled roof and a brick garage on the common boundary. The private open space is located to the north of the dwelling.</p> <p>The common driveway that serves the four dwellings abuts the central section of the western boundary.</p>

- 3.8 The character of the broader area is mixed. To the north and east there are a number of single and two-storey unit developments, as well as a number of older single storey dwellings with under croft garages due to the sloping topography. The predominant external finishes include a range of brick and render, with mostly tiled pitched roofs with some examples of other roofing styles and materials.
- 3.9 To the south and west the character transitions to a more intensive built form generally in accordance with the variance in planning policy. In this nearby area, the prevalence of semi-attached dwellings increases, along with apartment building typology.

- 3.10 The site is in close proximity to two main arterial roads, being Foote Street and Williamsons Road.
- 3.11 There are no on-street parking restrictions along this section of Glendale Avenue, although there are several painted line markings along the south side of the street indicating 'no-standing' areas. Nearby parking restrictions include timed 'no-standing' signs within Glendale Avenue near the Foote Street intersection, and several other 'no-standing' signs further north along Hovea Street where it curves towards the east.
- 3.12 A number of bus stops are located within walking distance of the subject site with routes that cover a large variety of destinations across Melbourne. The routes include buses stopping at the corner of Anderson and Parker Streets (279 Box Hill – Doncaster), at the corner of Foote Street and Williamsons' Road (901 Melbourne Airport - Frankston) and multiple routes running through stops in Templestowe Village to the west – including the 905 to the City. There are also multiple public open space areas generally within 300 metres of the site including Verberna Reserve, Kelly's Corner and Hawtin Reserve, and the Manningham Templestowe Leisure Centre is also within a similar proximity.

4. THE PROPOSAL

- 4.1 The proposal is outlined in plans prepared by Tom Motta Building Designer, project number 001, dated 15 January 2019. Refer to Attachment 1.
- 4.2 The following reports were submitted in support of the application:
- Planning Report (prepared by Tom Motta, dated 21 January 2019);
 - Sustainability Management Plan (prepared by Northern Environmental Design, dated 6 August 2018);
 - Waste Management Plan (prepared by Northern Environmental Design, dated 6 August 2018);
 - Green Travel Plan (prepared by Northern Environmental Design, dated 6 August 2018).
- 4.3 A summary of the development is provided as follows:

Land Size:	1,323.6m ²	Minimum wall setback to South:	Ground: 6.04m Level 1: 6.115m
Site Coverage:	46.7%	Front setback	
Permeability:	30.2%		
Proposed maximum building height:	8.335m	Minimum wall setback to North:	Ground: 2.41m Level 1: 2.49m
Number of Dwellings:	8	Minimum wall setback to East:	Ground: 3m Level 1: 3m
• 3 Beds:	• 6		
• 4 Beds:	• 2		
Dwelling Density:	One per 165.825m ²		

Car parking:	Provided: 2 spaces per dwelling	Minimum wall setback to West:	Ground: 3m Level 1: 3.075m
• Total	• 17 spaces		
• 3 Beds:	• 12		
• 4 Beds:	• 4		
• Visitor:	• 1		

Design Layout

- 4.4 The 8 dwellings are arranged in two rows of four running north-south along the property, with a central common driveway. Both the ground and first floors of the dwellings are attached, except for a 1.4 – 2.2 metre wide gap in the centre of the upper level of each row (between Dwellings 2 and 3, and Dwellings 6 and 7).
- 4.5 The ground floor of each dwelling contains the main living area, kitchen, outdoor private open space and deck, a toilet, laundry and single garage incorporating a car stacker. Dwellings 1 and 5, which both address Glendale Avenue, also incorporate a bedroom at ground level.
- 4.6 The first floor of each dwelling each has three bedrooms and bathrooms, with Dwellings 2, 3, 6 and 7 also incorporating a balcony. The balconies all front the central common driveway and are screened to 1.7 metres above finished floor level.

Pedestrian and vehicle access

- 4.7 Pedestrian access to the front entries of Dwellings 1 and 5 is provided directly via a path from the frontage. The remaining dwellings are accessed from the central common driveway.
- 4.8 Vehicle access is provided by an approximately 5 metre wide central crossover leading to an approximately 5 metre wide driveway that narrows to 3 metres.

Landscaping

- 4.9 Landscaping opportunities are provided at ground level throughout the development.

Design detail

- 4.10 The proposed development features a contemporary architectural design, incorporating brickwork, render, timber-look 'Eco cladding', as well as some contrasting vertical battens at the first floor to provide accents to the street.
- 4.11 A mix of skillion and flat roof form is proposed, with porch entries emphasised by rendered canopies. Fencing to the site frontage will have a maximum height of 900mm, comprising rendered posts with vertical batten infills to match the accent features on the front façade of Dwellings 1 and 5.

5. LEGISLATIVE REQUIREMENTS

- 5.1 Refer to Attachment 2.
- 5.2 A permit is required under the following Clauses of the Manningham Planning Scheme:

- Clause 32.08-6 (General Residential Zone – GRZ2), to construct two or more dwellings on a lot.
- Clause 43.02-2 (Design and Development Overlay, Schedule 8 – DDO8-3), to construct a building or construct or carry out works.

6. REFERRALS

External

6.1 There are no applicable determining or recommending referral authorities.

Internal

6.2 The application was referred to a number of Service Units within Council. The following table summarises the responses:

Service Unit	Comments
Infrastructure Services Unit – Drainage	No objection subject to standard conditions for the provision of an on-site storm water detention system.
Infrastructure Services Unit – Vehicle crossing	No objection subject to a condition requiring the removal of the redundant crossovers and reinstatement of the road reserve.
Infrastructure Services Unit – Access and Driveway	No objection.
Infrastructure Services Unit – Traffic and Car Parking	No objection subject to conditions to widen the visitor car space, and to relocate the Dwelling 4 and 8 garages 1 metre further from the central driveway, which will enable more efficient manoeuvring around and into/from the visitor car space.
Infrastructure Services Unit – Car Parking Layout	No objection subject to conditions to ensure that the car stackers operate safely.
Infrastructure Services Unit – Construction management	No objection. Standard construction management conditions will be applied.
Infrastructure Services Unit - Waste	No objection subject to an amended Waste Management Plan provided to demonstrate private waste collection will occur inside the boundaries of the site.
Infrastructure Services Unit – Easements	No objection.
Infrastructure Services Unit - Flooding	No objection.

City Amenity Unit - Parks	No objection subject to two additional trees being installed approximately where the two redundant vehicle crossovers will be removed, all associated costs being borne by the developer/property owner, and all works being undertaken only by Council.
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7. CONSULTATION / NOTIFICATION

- 7.1 Notice of the application was undertaken twice in accordance with the requirements of the *Planning and Environment Act 1987*. The initial two week period concluded on 7 November 2018, and the second two week period concluded on 13 February 2019.
- 7.2 During both advertising periods, letters were sent to nearby properties and a sign was displayed on the site frontage.
- 7.3 The main grounds of objection can be summarised into the following categories:
- Traffic and car parking (congestion, insufficient at-grade off-street parking, vehicle access and pedestrian safety, hazard from bins, inaccessibility for emergency services);
 - Overdevelopment, density and neighbourhood character (including landscaping, dwelling diversity, streetscape impacts);
 - Design and built form (building height, number of storeys, site coverage and visual bulk);
 - Off-site amenity impacts (overshadowing, daylight to existing windows, privacy and overlooking, boundary fencing, loss of views, residential noise);
 - On-site amenity (insufficiently sized private open space areas, shadowed private open space areas, poor accessibility);
 - Services (pressure on existing utility services and infrastructure);
 - Loss of property values;
 - Construction impacts (congestion from vehicles including trucks); and
 - Setting of a precedent.
- 7.4 A response to the grounds of objection are included in the assessment section of this report.

8. ASSESSMENT

- 8.1 The proposal has been assessed against the relevant state and local planning policies, the zone and overlay and the relevant particular provisions and general provisions of the Scheme.
- 8.2 The assessment is made under the following headings:
- Planning Policy Frameworks;
 - Design and Built Form;
 - Two or more dwellings on a lot and residential buildings;
 - Car parking and traffic; and
 - Objector concerns.

Planning Policy Frameworks

- 8.3 At both the state and local levels, relevant planning policy identifies a need for a greater mix of housing in Manningham, including medium and higher density residential developments. Policy also seeks to ensure that these developments are well designed, and has a focus on locating higher density housing in close proximity to activity centres and along main roads and public transport routes. The site's proximity to Foote Street, Williamsons Road, associated bus routes and the Templestowe Village Neighbourhood Activity Centre, demonstrates it is appropriate for a higher form of density that currently exists, provided that an appropriate design outcome is achieved.
- 8.4 Clause 21.05 (Residential) separates Manningham's residential land into four residential character precincts that seek to channel increased housing densities around activity centres and main roads - where better access to facilities and services is available. A product of this intent is residential character Precinct 2, which applies to residential areas surrounding activity centres and along main roads. Within this precinct (which includes the subject site), a substantial level of development change is anticipated.
- 8.5 The DDO8 further differentiates land within Precinct 2 into three sub-precincts. The subject site is identified within Sub-precinct B (DDO8-3), in which *single storey and two storey dwellings only will be considered and development should have a maximum site coverage of 60 percent. There is no minimum land area for such developments.* To achieve the preferred character of Precinct 2, the DDO8 provides design objectives, which direct outcomes including form, car parking and access, landscaping and fencing.
- 8.6 The development of two-storey dwellings is therefore appropriate when considering the strategic context of the site. There is policy support for increased residential densities in the area and to improve design outcomes through *development that is contemporary in design that includes an articulated built form and incorporates a range of visually interesting building materials and façade treatments.*
- 8.7 The proposal will increase the residential density of the site in accordance with the substantial level of change anticipated by Clause 21.05 (Residential) of the Scheme. Additionally, subject to some conditions discussed later in this report – the proposal will provide a well-articulated and visually interesting contemporary built form that is appropriate within the existing streetscape, and transitions appropriately to neighbouring properties.
- 8.8 The proposed maximum building height of 8.335 metres is well below the maximum of 10 metres allowed for the site. The two-storey form is also in accordance with the preferred character for Sub-precinct B areas and provides an appropriate transition to the existing single and double storey form on the adjoining properties.
- 8.9 The proposal meets the mandatory minimum garden area requirement of the General Residential Zone, with 35.6% of the site dedicated to garden area in accordance with the definition at Clause 73.01 of the Scheme.
- 8.10 Subject to conditions recommended in response to Clause 55.06-1 (Design detail) of the Scheme, the development will provide appropriate visual interest and articulation, will achieve a high quality architectural outcome in accordance

with the preferred neighbourhood character and will minimise visual bulk impacts. The mixture of materials, including brick and render, and the skillion roof form also ensures that the design integrates with the existing neighbourhood character and prevents the development from appearing significantly out of place, despite the substantial development change achieved in accordance with the local policy.

8.11 The following assessment is made against the requirements of the DDO8:

Design Element	Compliance
Building Height and Setbacks DDO8-3 (Sub-Precinct B)	
<ul style="list-style-type: none"> 9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the site of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres. 	<p>Satisfied The slope of the site enables a maximum building height of 10m. The proposed maximum building height is 8.335m, which does not exceed this requirement.</p>
<ul style="list-style-type: none"> Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser. 	<p>Satisfied A 6.0m front setback is achieved to Glendale Avenue.</p>
Form	
<ul style="list-style-type: none"> Ensure that the site area covered by buildings does not exceed 60 percent. 	<p>Satisfied The development has a site coverage of 46.7%.</p>
<ul style="list-style-type: none"> Provide visual interest through articulation, glazing and variation in materials and textures. 	<p>Satisfied The development incorporates a mixture of colours and materials to provide visual interest.</p>
<ul style="list-style-type: none"> Minimise buildings on boundaries to create spacing between developments. 	<p>Satisfied No buildings are proposed on any of the boundaries.</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>Satisfied The built form is considered to be well articulated and stepped and provides an appropriate transition to adjoining properties.</p>
<ul style="list-style-type: none"> Where appropriate, ensure that buildings are designed to step with the slope of the land. 	<p>Satisfied The proposed dwellings step down towards the rear of the site in accordance with the fall of the land.</p>
<ul style="list-style-type: none"> Avoid reliance on below ground light courts for any habitable rooms. 	<p>Satisfied No below ground light courts are proposed.</p>
<ul style="list-style-type: none"> Ensure the upper level of a two storey building provides adequate articulation to reduce the appearance of visual bulk and minimise continuous sheer wall presentation. 	<p>Satisfied subject to conditions In addition to increased spacing required between the upper levels, a permit condition will also require a gap of at least one metre between the ground levels of Dwellings 2 and 3 and Dwellings 6 and 7 to provide a visual</p>

Design Element	Compliance
	<p>break in the continuous built form between the adjacent dwellings.</p> <p>The linear presentation and lack of graduation of the elevations of the upper levels also create a sense of visual bulk to the adjoining properties, particularly the east elevation given the sensitive interface with an existing secluded private open space area.</p> <p>Permit conditions will therefore require further modifications to the design of the upper levels to provide additional articulation and improved building breaks providing visual relief both from within the development itself an when viewed externally.</p> <p>This includes the increase in separation between the upper levels of Dwellings 2 and 3 as well as between Dwellings 6 and 7, a separation between the upper levels of Dwellings 7 and 8 and recess of upper level walls from site boundaries to provide articulation and graduation.</p>
<ul style="list-style-type: none"> Ensure that the upper level of a three storey building does not exceed 75% of the lower levels, unless it can be demonstrated that there is sufficient architectural interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation. 	<p>Not applicable The proposal is two storeys only.</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>Satisfied There are no porticos or imposing design elements proposed. Design features are well-integrated into the overall design of the building.</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>Satisfied The dwellings respond well to the fall of the land by stepping down the site minimising potential amenity impacts to adjacent properties.</p>
<ul style="list-style-type: none"> Be designed to minimise overlooking and avoid the excessive application of screen devices. 	<p>Satisfied subject to conditions Subject to conditions discussed in the assessment of Clause 55.04-6 of the Scheme, overlooking impacts will be suitably minimised without excessing screening requirements.</p>

Design Element	Compliance
<ul style="list-style-type: none"> Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all mobilities. 	<p>Satisfied The ground level entries of all dwellings respond to the topography of the land minimising steps within the development.</p>
<ul style="list-style-type: none"> Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties. 	<p>Not applicable No basement is proposed.</p>
<ul style="list-style-type: none"> Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site. 	<p>Not applicable Parking is provided at ground level.</p>
<ul style="list-style-type: none"> Integrate car parking requirements into the design of buildings and landform by encouraging the use of undercroft or basement parking and minimise the use of open car park and half basement parking. 	<p>Not applicable Parking is provided at ground level.</p>
<ul style="list-style-type: none"> Ensure the setback of the basement or undercroft car park is consistent with the front building setback and is setback a minimum of 4.0m from the rear boundary to enable effective landscaping to be established. 	<p>Not applicable Parking is provided at 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>Satisfied subject to conditions Sufficient setbacks for screen planting are provided throughout the development.</p>
<ul style="list-style-type: none"> Ensure that service equipment, building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces. 	<p>Satisfied subject to conditions A permit condition will require any service equipment to be screened to avoid unreasonable amenity impacts.</p>
<p>Car Parking and Access</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 	<p>Satisfied Only one crossover is proposed. Approval for the removal of the street tree has been given by Council's City Amenity Unit. Two new street trees will be required to be planted to</p>

Design Element	Compliance
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.	their satisfaction.
<ul style="list-style-type: none"> Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open space or is appropriately screened, as is necessary. 	Not applicable
<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. 	Not applicable
<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. 	Not applicable Car parking is provided at ground level. Gradients are in accordance with Clause 52.06 of the Scheme.
Landscaping	
<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. 	Not applicable
<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. 	Satisfied subject to conditions Screen planting opportunities are available along the rear and side boundaries, however the location of retaining walls immediately abutting the east and west boundaries in some locations prevents landscaping at natural ground level. As such, a condition will require that retaining walls be set back from the east and west boundaries by at least 500mm where practicable. A condition will also require that storage sheds, clotheslines, water tanks and any other equipment/services be located away from site boundaries where practicable to further improve screen planting opportunities.
Fencing	

Design Element	Compliance
<ul style="list-style-type: none"> • A front fence must be at least 50 per cent transparent. • On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn and Mitcham Roads, 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 <p>and a continuous landscaping treatment within the 1.0m setback must be provided.</p>	<p>Satisfied subject to conditions The front fence to Glendale Avenue appears to be 50% transparent – although a notation to confirm this will be required via a condition.</p>

8.12 Pursuant to Clause 55 (Two or more dwellings on a lot and residential buildings), a development must meet all of the objectives of this clause and should meet all of the standards.

8.13 An assessment against the objectives of Clause 55 is provided in the table below:

Objective	Compliance
<p>55.02-1 – Neighbourhood Character</p> <ul style="list-style-type: none"> • To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. • To ensure that development responds to the features of the and surrounding area, 	<p>Satisfied. As identified by the relevant planning policy, a substantial level of change is anticipated in the DD08-3 area. The proposed change from single to double storey form, the residential townhouse typology and materials are considered to respect the existing neighbourhood character, whilst the contemporary architectural style responds to the preferred neighbourhood character in accordance with the DDO8.</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>Satisfied. The proposal responds to the relevant local planning policy including the preferred outcomes for Sub-Precinct B, in particular given that the development does not exceed two storeys at any point, and as the site coverage is less than 60%.</p>
<p>55.02-3 – Dwelling Diversity</p> <ul style="list-style-type: none"> • To encourage a range of 	<p>Not applicable. This objective is not applicable given that the proposal is for less</p>

dwelling sizes and types in developments of ten or more dwellings.	than 10 dwellings.
<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>Satisfied subject to conditions. No concerns have been raised by Council's Infrastructure Services Unit relating to the capacity of the existing infrastructure to support the proposed development. A standard condition will require an on-site storm water detention system to be installed.</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>Satisfied subject to conditions. The proposed skillion roof form and separation in built form as a result of the central common driveway enables the development to reflect the existing pattern of development in the street. Additionally, as the land slopes away from the site frontage, the apparent height and associated visual impacts of the development are further reduced as the development responds to the fall of the land. There are opportunities for landscaping within the front setback to help soften the appearance of the built form, although this is limited by the extended paved area around the porches to Dwellings 1 and 5. A condition will therefore require these areas be deleted and reinstated with landscaping and retaining walls offset from boundaries as necessary. A condition will also require landscaping including canopy trees in the front setback.</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>Satisfied. The front setback of 6.04 metres complies with the minimum specified by DDO8.</p>
<p>55.03-2 – Building Height</p> <ul style="list-style-type: none"> To ensure that the height of buildings respects the existing or preferred neighbourhood character. 	<p>Satisfied. The maximum building height of 8.335m is below the 10m maximum specified for the site by the DDO8.</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>Satisfied. The site coverage of 46.7% is well below the 60% maximum requirement.</p>
<p>55.03-4 – Permeability and Stormwater Management</p> <ul style="list-style-type: none"> To reduce the impact of increased stormwater run-off on the drainage system. 	<p>Satisfied subject to conditions. The total permeable area of 30.2% exceeds the 20% minimum. Additionally, conditions discussed under Clause 55.02-5 (Integration with street) will also reduce the hard surfaced area within</p>

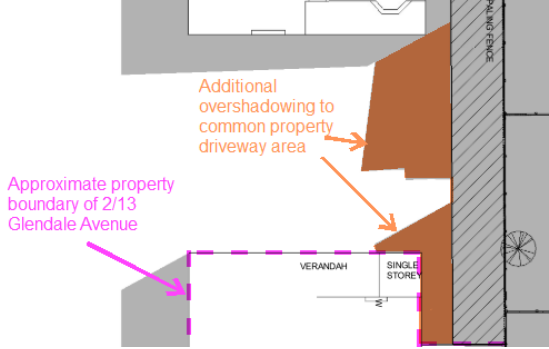
<ul style="list-style-type: none"> To facilitate on-site stormwater infiltration. 	<p>the front setback, which will subsequently increase the permeable site area. The submitted Sustainable Design Assessment also demonstrates that the development has a STORM rating of more than 100%.</p>
<p>55.03-5 – 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>Satisfied subject to conditions. The location of secluded private open space areas along the east and west boundaries, with no built form to the north, will enable adequate solar access into these areas.</p> <p>Dwellings 4 and 8 both have north facing walls, but it is considered the opportunities for north facing windows are not fully maximised. Some rooms of Dwellings 1 and 5 are also provided with south-facing windows and have limited solar access. As such, to improve solar access into all habitable rooms, conditions will require new highlight windows to be provided in various dwellings.</p> <p>Furthermore, all new highlight windows will have a minimum sill height of 1.7m to limit any overlooking impacts. A condition will also require solar/weather protection measures to be provided above the sliding doors accessing the ground floor decks of all dwellings, as well as above all north and west facing habitable room windows, except for the north facing kitchen splashback windows of Dwellings 4 and 8.</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>Not applicable. There is no public open or communal open space provided on the site or directly abutting any boundary.</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>Satisfied subject to conditions. There are no apparent safety or security issues with the development as proposed. Passive surveillance to the shared driveway is provided by the dwellings. Dwelling entries are unobscured from the common driveway or street, and secure parking is provided by enclosed garages with roller doors. Bollard lighting is provided within the landscape strips alongside the central driveway, and a condition will require that sensor lights be provided above all porch entries and garage openings to provide additional illumination.</p>
<p>55.03-8 – Landscaping</p>	<p>Satisfied subject to conditions. There is</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>adequate opportunities for appropriate landscaping across the site. A condition of permit will require the submission of a detailed landscape plan to be submitted to and approved by Council prior to the development commencing. Additionally, standard tree protection measures will be required to be implemented for existing trees on adjoining properties to minimise construction impacts.</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>Satisfied. The two existing crossovers will be removed and reinstated, with access to the site provided by one, double width crossover. This will not impact the neighbourhood character of the street, particularly given the large number of crossovers located directly opposite the subject site.</p>
<p>55.03-10 – Parking Location</p> <ul style="list-style-type: none"> • To provide convenient parking for resident and visitor vehicles. 	<p>Satisfied subject to conditions. Internal access to all garages is provided from the respective dwellings. Landscaping buffers are also provided to habitable room windows facing the common driveway. A condition will require the dimension of the landscaping strip width adjacent to the Dwelling 2, 3, 6 and 7 kitchen windows be shown, which must not be less than 1.5m. Mechanical parking conditions will also be applied to ensure the car stacker systems are safe and efficient for future residents.</p>
<p>55.04-1 – Side And Rear Setbacks</p> <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>Satisfied subject to conditions. The side and rear setbacks of the development mostly complies with Standard B17 as demonstrated by the table below.</p> <p>There are three locations where the minimum setbacks have not been met – Dwelling 2 first floor Bed 3 west facing wall, Dwelling 4 first floor north facing Bed 2 wall and Dwelling 8 first floor north facing Bed 2 wall. At the first location (Dwelling 2), a permit condition will require this wall to be set back at least a further 500mm from the western boundary to provide articulation and graduation, which would ensure the resultant setback complies with the standard.</p> <p>The first floor north facing walls of Dwellings 4 and 8, abut the secluded private open space areas of adjoining properties. The applicant has not provided any justification for these two encroachments, with the submitted Clause 55 assessment stating only</p>

	<p>that 'on average' Standard B17 is met by the proposed side and rear setbacks. Given the sensitive adjoining interfaces, the permit will be conditioned to require compliance with Standard B17.</p>				
Location	Wall height (m)	Setback required (m)	Setback provided (m)	Compliance	
Dwelling 1 ground floor, west living room wall	3.815	1.065	3	Yes	
Dwelling 2 ground floor, west living room wall	3.665	1.020	3	Yes	
Dwelling 3 ground floor, west garage wall	3.65	1.015	3	Yes	
Dwelling 4 ground floor, west living room wall	4.1	1.15	3	Yes	
Dwelling 5 ground floor, east water closet wall	3.9 (scaled)	1.09	3	Yes	
Dwelling 6 ground floor, east living room wall	3.7 (scaled)	1.03	3	Yes	
Dwelling 7 ground floor, east garage wall	3.5 (scaled)	1	3	Yes	
Dwelling 8 ground floor, east living room wall	4.1 (scaled)	1.15	3	Yes	
Dwelling 4 ground floor, north	4.175	1.173	2.49	Yes	

	living/kitchen wall				
	Dwelling 8 ground floor, north living/kitchen wall	4.175	1.173	2.41	Yes
	Dwelling 1 first floor, west Bed 4 wall	6.95	2.04	3.075	Yes
	Dwelling 2 first floor, west Bed 3 wall (to skillion roof)	8	3.09	3.075	No (15mm)
	Dwelling 3 first floor, west Bed 3 wall (to skillion roof)	7.045	2.135	3.075	Yes
	Dwelling 4 first floor, west bathroom wall	6.8 (scaled)	1.96	3.075	Yes
	Dwelling 5 first floor, east Bed 4 wall	6.9 (scaled)	1.99	3	Yes
	Dwelling 6 first floor, east Bed 3 wall (to skillion roof)	7.91	3	3.075	Yes
	Dwelling 7 first floor, east Bed 3 wall (to skillion roof)	7.36	2.45	3.075	Yes
	Dwelling 8 first floor, east bathroom wall	6.4	1.84	3.075	Yes
	Dwelling 8 first floor, north Bed 3 wall	7.175	2.265	2.49	Yes

	<table border="1"> <tr> <td>Dwelling 8 first floor, north Bed 2 wall (to skillion roof)</td> <td>8.335</td> <td>3.425</td> <td>3.245</td> <td>No (180mm)</td> </tr> <tr> <td>Dwelling 4 first floor, north Bed 2 wall (to skillion roof)</td> <td>8.335</td> <td>3.425</td> <td>3.255</td> <td>No (170mm)</td> </tr> <tr> <td>Dwelling 4 first floor, north Bed 3 wall</td> <td>7.175</td> <td>2.265</td> <td>2.560</td> <td>Yes</td> </tr> </table>	Dwelling 8 first floor, north Bed 2 wall (to skillion roof)	8.335	3.425	3.245	No (180mm)	Dwelling 4 first floor, north Bed 2 wall (to skillion roof)	8.335	3.425	3.255	No (170mm)	Dwelling 4 first floor, north Bed 3 wall	7.175	2.265	2.560	Yes
Dwelling 8 first floor, north Bed 2 wall (to skillion roof)	8.335	3.425	3.245	No (180mm)												
Dwelling 4 first floor, north Bed 2 wall (to skillion roof)	8.335	3.425	3.255	No (170mm)												
Dwelling 4 first floor, north Bed 3 wall	7.175	2.265	2.560	Yes												
<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 existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>Not applicable. There are no walls proposed on boundaries.</p>															
<p>55.04-3 – Daylight To Existing Windows</p> <ul style="list-style-type: none"> To allow adequate daylight into existing habitable room windows. 	<p>Satisfied. Standard B19 is met by the proposal given that the built form is located away from site boundaries, leaving all existing habitable room windows on adjoining properties with adequate access to daylight in accordance with the dimensions specified by Standard B19.</p>															
<p>55.04-4 – North Facing Windows</p> <ul style="list-style-type: none"> To allow adequate solar access to existing north-facing habitable room windows. 	<p>Not applicable. There are no north facing windows within 3 metres of a boundary on any adjoining property.</p>															
<p>55.04-5 – Overshadowing Open Space</p> <ul style="list-style-type: none"> To ensure buildings do not significantly overshadow existing secluded private open space. 	<p>Satisfied. The proposal satisfies the requirements of Standard B20. Shadow diagrams demonstrate that additional overshadowing beyond the shadows cast by the boundary fence will occur at 9am, 10am and 3pm. At 9am, the additional shadows cast by the development will extend into the adjoining common driveway area (see below image) - which is considered acceptable given this is not secluded private open space.</p>															



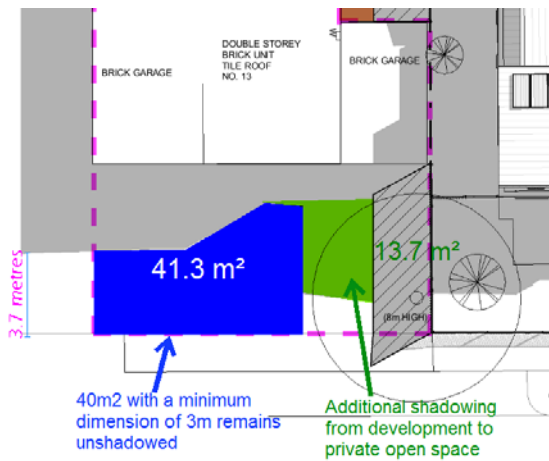
Approximate property boundary of 2/13 Glendale Avenue

Additional overshadowing to common property driveway area

VERANDAH

SINGLE STOREY

Additionally, at 9am there will also be some additional overshadowing to the secluded private open space of 2/13 Glendale Avenue. As demonstrated by the below sketch, the extent of additional overshadowing does not cause non-compliance with Standard B20 given that at least 40 square metres with a minimum dimension of 3 metres of the private open space area will remain unshaded at this time.



BRICK GARAGE

DOUBLE STOREY BRICK UNIT TILE ROOF NO. 13

BRICK GARAGE

3.7 metres

41.3 m²

13.7 m²

40m2 with a minimum dimension of 3m remains unshaded

Additional shadowing from development to private open space

8m HIGH

At 10am there is some minor additional overshadowing to the common driveway area on the west adjoining property, and the additional overshadowing to the private open space of 2/13 Glendale Avenue is less than 9am, and is therefore also compliant with Standard B20.

At 3pm there is a minor area of additional overshadowing to the private open space of 17 Glendale Avenue, which is the adjoining property to the east. As this property contains a single dwelling with a large rear private open space area, the property maintains an unshaded area in excess of the dimensions set by Standard B20 (see below image).

	<p>P.O.S</p> <p>*unshaded private open space area of 17 Glendale Avenue*</p> <p>Additional overshadowing to private open space of 17 Glendale Avenue</p> <p>22 m²</p>
<p>55.04-6 – Overlooking</p> <ul style="list-style-type: none"> To limit views into existing secluded private open space and habitable room windows. 	<p>Satisfied subject to conditions. All upper floor habitable room windows facing adjoining properties are screened to at least 1.7m above finished floor level. At ground floor, Standard B22 is not demonstrated as met from the north facing kitchen splashback windows of Dwellings 4 and 8. Given these windows face the secluded private open space of properties to the north, the windows are required to be shown on the plans as fixed obscure glazing. This can be conditioned accordingly.</p> <p>Although the west-facing upper level Bedroom 3 window of Dwelling 2 is notated as fixed obscure glazed on the upper floor plan, this has not been notated on the west elevation plan like the other obscured windows. A permit condition will therefore require this window to be notated as fixed obscure glazed.</p> <p>1.8 metre high fences are proposed on all side and rear boundaries to limit overlooking from ground level windows and deck areas. Whilst they technically comply with Standard B22, it is considered that the elevated decks and windows including Dwellings 4, 5, 6 and 8 will still allow potential views into the adjoining secluded private open space areas.</p> <p>Plans also demonstrate that while a new 1.8m high paling fence will be constructed along the east boundary, the north and west boundary fencing will comprise the existing 1.6m high paling fence '<i>reinstated and made good to 1.8m</i>'. It is unclear what is meant by this statement, and no further details beyond</p>

	<p>this notation are provided.</p> <p>It is therefore considered appropriate for all boundary fencing to be removed and reinstated with new 2m high paling fencing as part of the development by a permit condition, with all costs associated with the new fencing to be borne by the developer.</p>
<p>55.04-7 – Internal Views</p> <ul style="list-style-type: none"> To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development. 	<p>Satisfied. Views between dwellings within the development are limited in accordance with Standard B23 by obscure glazed windows as necessary, and by 1.7m high obscure glazed screens to internal facing balconies.</p>
<p>55.04-8 – Noise Impacts</p> <ul style="list-style-type: none"> To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise. 	<p>Satisfied. There is unlikely to be any unusual noise generated in association with the proposed dwellings that would be unreasonable in a residential setting, and there are no apparent external noise sources that may affect the dwellings. Vehicular noise to adjoining properties, whilst normal in residential setting, will be limited due to the location of the common driveway through the centre of the site, away from site boundaries.</p>
<p>55.05-1 – Accessibility</p> <ul style="list-style-type: none"> To encourage the consideration of the needs of people with limited mobility in the design of developments. 	<p>Satisfied. The development responds to the fall of the land minimising the number of ground level steps to dwelling entrances. Living areas and toilets are also provided at ground level with Dwellings 1 and 5 also providing a ground level bedroom.</p>
<p>55.05-2 – Dwelling Entry</p> <ul style="list-style-type: none"> To provide each dwelling or residential building with its own sense of identity. 	<p>Satisfied. All pedestrian entries are separated from one another to provide an individual sense of address for each dwelling. Entries are clearly visible from either the street or shared driveway area, and provide an identifiable transitional entry space via a rendered canopy in a contrasting colour to the ground floor walls.</p>
<p>55.05-3 – Daylight To New Windows</p> <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. 	<p>Satisfied. All new windows within the development will receive adequate access to daylight in accordance with Standard B27.</p>
<p>55.05-4 – Private Open Space</p> <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents. 	<p>Satisfied. All dwellings provide at least 25m² of secluded private open space on the ground level with a minimum dimension of 3 metres and convenient access from the respective living rooms.</p> <p>Dwellings 1 and 5 are provided with additional private open space areas within</p>

	<p>the front setback to satisfy the minimum overall private open space area requirement of 40 square metres.</p> <p>Dwellings 4 and 8 are provided with additional secluded private open space areas within the rear setbacks to satisfy the minimum overall private open space area requirement of 40 square metres.</p> <p>Dwellings 2, 3, 6 and 7 are provided with upper level balconies facing the driveway. Together with the ground level secluded private open space areas, they are each provided with an overall private open space area of at least 40 square metres to comply with the standard.</p>
<p>55.05-5 – Solar Access To Open Space</p> <ul style="list-style-type: none"> To allow solar access into the secluded private open space of new dwellings and residential buildings. 	<p>Satisfied. The ground level open space areas will receive direct solar access for a substantial portion of the day – the west facing dwellings in the afternoon and the east facing dwellings in the morning. The internal facing balconies of Dwellings 2, 3, 6 and 7 appear to only receive direct solar access around noon, however this is considered acceptable given that they will not be consistently overshadowed, and given these dwellings do not rely solely on these balconies for outdoor living.</p>
<p>55.05-6 – Storage</p> <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling. 	<p>Satisfied. Six cubic metres of externally accessible storage space is provided to all dwellings in a combination of storage sheds in the open space areas, and cupboards under the stairs accessible via the garages.</p>
<p>55.06-1 – Design Detail</p> <ul style="list-style-type: none"> To encourage design detail that respects the existing or preferred neighbourhood character. 	<p>Satisfied subject to conditions. It is considered that the south elevation and internal elevations of the development incorporate a suitable level of visual interest through the use of varied materials and architectural features including vertical battens and framing features, varied setbacks and balanced fenestration. However, the east, west and northern elevations do not provide sufficient visual interest given most of the external walls at this level are finished in the same colour and material (grey render). As such, conditions will require the north, east and western external upper floor walls of Dwellings 2, 3, 4, 6, 7 and 8 be provided with varying materials, colours, and/or architectural features to create visual interest and complement the</p>

	architectural style of the southern and internal elevations.
55.06-2 – Front Fence <ul style="list-style-type: none"> To encourage front fence design that respects the existing or preferred neighbourhood character. 	Satisfied subject to conditions. Plans demonstrate that the front fence will be generally 900mm high comprising of rendered posts with vertical batten infills. This complies with the height requirements of Standard B32, however a condition will require elevation details and a notation stating that the fencing will be at least 50% transparent in accordance with the requirements of the DDO8.
55.06-3 – Common Property <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. 	Satisfied. The common driveway is efficient and practically designed. There are no apparent managerial issues that would be likely to arise.
55.06-4 – Site Services <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. 	Satisfied subject to conditions. There is sufficient space for site services to be provided, and standard conditions including limiting visual impacts will be applied. Additionally, the location of bins will be required to be shown on plans via a condition, which must accord with the updated Waste Management Plan, which is also to be required by a condition.

Car parking and traffic

- 8.14 An enclosed single garage including an additional car space in a 'car-stacker' system is provided for all dwellings. One uncovered visitor car space is located at the end of the shared driveway.
- 8.15 The Scheme requires that each dwelling with three or more bedrooms be provided with two vehicle spaces. As the site is located within the Principal Public Transport Network buffer area, no visitor car parking spaces are required by the Scheme.
- 8.16 The development therefore generates a parking requirement of 16 car parking spaces. The proposal provides for a total of 17 spaces – two spaces for each dwelling and a visitor car space.
- 8.17 An assessment against the car parking design standard at Clause 52.06-9 is provided in the table below:

Design Standard	Assessment
1 – Accessways	Satisfied subject to conditions <ul style="list-style-type: none"> The shared driveway has a minimum width of 3m

	<ul style="list-style-type: none"> • A minimum width of 4.2m is provided where cars will turn into garage openings • A condition will the headroom clearance of all garages to be indicated on elevations. • Council's Infrastructure Services Unit is satisfied that vehicles will be able to conveniently manoeuvre to both enter and exit the site in a forwards direction – subject to some slight modifications to the location of the garages of Dwellings 4 and 8 to enable the visitor car to exit the site in a forwards direction. • Visibility splays are provided adjacent to the driveway at the frontage.
2 – Car Parking Spaces	<p>Satisfied subject to conditions</p> <ul style="list-style-type: none"> • The minimum car parking space dimensions are met for all single garages and the visitor car space. • A condition will require the width of the visitor car space be widened.
3 – Gradients	<p>Satisfied</p> <ul style="list-style-type: none"> • The common driveway has a gradient of 1:10 for the first 5 metres. • All gradients and transitions are in accordance with Design Standard 3.
4 – Mechanical Parking	<p>Satisfied subject to conditions</p> <ul style="list-style-type: none"> • A condition will require plans to demonstrate that at least 25% of the mechanical car spaces will accommodate a vehicle height of at least 1.8 metres. • Conditions will require matters relating to acoustic impacts, testing, construction and maintenance and other specifications to ensure that the mechanical parking is constructed and maintained to the satisfaction of Council.
5 – Urban Design	<p>Satisfied</p> <ul style="list-style-type: none"> • The single garages and their associated roller doors do not dominate the internal elevations of the development and do not face the street.
6 – Safety	<p>Satisfied subject to conditions</p> <ul style="list-style-type: none"> • Despite the visitor car space not being required under the Scheme, a condition will require the visitor space be clearly marked and maintained for visitors parking only. • Natural surveillance is provided from multiple dwellings in the development and there are views down the shared driveway from the street. • Pedestrian access is convenient and straightforward, and the width of the accessway provides space for pedestrian refuge from vehicles.
7 - Landscaping	<p>Satisfied subject to conditions.</p> <ul style="list-style-type: none"> • Conditions for a landscape plan detailing specific planting within the landscaping strips will ensure that appropriate landscaping is provided for the

	development. Landscaping will also be required around the visitor car parking space to improve its appearance.
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- 8.18 Council's Infrastructure Services Unit has not raised concern in relation to the expected volume of traffic likely to be generated by the proposed development.
- 8.19 At the consultation meeting, the applicant proposed a different mechanical parking system which includes a pit to allow direct access to vehicles on either level of the car stacker. This will remove the need to move vehicles in order to access a vehicle on the top level of the car stacker and improve the convenience for residents. A permit condition will require the details of the car stackers shown on the floor plan (including the location and dimensions of the pits and rear shafts) and a cross section diagram to show the pit and required height clearance. A permit condition will also require that no doors will open into the area of the car stacker, such as doors to storage areas for Dwellings 2 and 6. A permit condition will also require the driveway gradients leading into the garages meet the relevant specifications for the car stackers.
- 8.20 The mechanical parking system proposed meets the relevant design standard in Clause 52.06 of the Scheme, and Council's Infrastructure Services Unit has advised that the outcome is satisfactory subject to standard conditions for the car stackers to be used in a safe and efficient manner.

Objector concerns

- 8.21 A response to the grounds of objection is provided below under the relevant category headings:

Traffic and car parking (congestion, insufficient at-grade off-street parking, vehicle access and pedestrian safety, hazard from bins, inaccessibility for emergency services)

- 8.22 The proposal provides the required number of car parking spaces for residents in accordance with Clause 52.06 (Car parking) of the Scheme based on the number of bedrooms to each dwelling.
- 8.23 The provision of one on-site visitor car space is not required by Clause 52.06 (Car parking) of the Scheme given the site's proximity to public transport, and the proposal is therefore in excess of the parking requirements.
- 8.24 The use of car stackers is not prohibited by any part of the Scheme, and Design Standard 4 of Clause 52.06 (Car Parking) of the Scheme enables mechanical parking systems to be utilised to meet the on-site car parking requirements. The mechanical car parking system enables residents to manage their vehicle storage in the most convenient and efficient manner for them, and it is anticipated that a level of familiarity with the system will be gained by residents over time to further improve this efficiency. Car stackers are recognised as a legitimate way to facilitate car parking in restricted spaces and are used throughout metropolitan Melbourne.
- 8.25 Specific permit conditions will be required to ensure that all of the requirements of Design Standard 4 are met. Conditions will require that potential off-site amenity impacts from the proposed car stackers are minimised, that construction and maintenance is satisfactory, and that the systems are used in a safe and efficient manner.

- 8.26 There are currently no signed parking restrictions within this section of Glendale Avenue. However, should any parking permit restrictions be implemented in the future, residents of the proposed development would be ineligible to acquire a permit for on-street parking, pursuant to Council's recently adopted "*Manningham Parking Permit Policy 2019*".
- 8.27 Existing parking congestion issues in the area are not the responsibility of the developer to alleviate. The proposed on-site parking arrangement provides convenient and secure parking for future residents, and the provided visitor car space is in excess of the requirements of the Scheme.
- 8.28 Visibility splays in accordance with Design Standard 1 of Clause 52.06 (Car parking) of the Scheme have been provided, the open shared driveway is free of any obstructions to visibility of pedestrians, and separate pedestrian entries are provided that are clearly identifiable from garage openings.
- 8.29 Conditions will require an updated Waste Management Plan be provided to demonstrate how a private waste vehicle will collect bins from within the site. As the site will not be serviced by a Council rubbish collection, the bins must not be left within the road reserve at any time.
- 8.30 Council's Infrastructure Services Unit has not raised any concerns relating to the accessibility of the site and street, including by emergency services vehicles, upon construction of the development.

Overdevelopment, density and neighbourhood character (including landscaping, dwelling diversity, streetscape impacts, setting of a precedent)

- 8.31 The proposal satisfies planning policy when considering both the physical and policy context of the site, subject to permit conditions. The proposal provides a suitable transition in scale with the adjoining properties, and the density achieved is in accordance with the substantial level of change that is anticipated by the local policy.
- 8.32 It is not considered that the proposal constitutes an overdevelopment of the site. The development will meet the relevant provisions relating to site coverage, building height, number of storeys and private open space. Sufficient area is provided for car parking and vehicle access, subject to permit conditions.
- 8.33 Clause 55.02-1 (Neighbourhood character), Clause 55.02-5 (Integration with street), Clause 55.03-8 (Landscaping) and Clause 55.06-1 (Design detail) have been satisfied by the proposal, subject to permit conditions. Clause 55.02-3 (Dwelling diversity) does not apply to the development given the proposal is for less than 10 dwellings. The development will positively respond to the existing neighbourhood character through use of materials, building separation and roof form. The proposal will not detract from the streetscape or impact on the character of the surrounding area, and will be landscaped appropriately to mitigate perceived visual bulk impacts.
- 8.34 Any future planning proposals in the neighbourhood will be considered on their individual merits and specific site context. This ensures that all applications are fully considered with regard to their physical and policy context despite any 'precedent' that is perceived to be set by nearby developments.

Design and built form (building height, number of storeys, site coverage and visual bulk)

- 8.35 The proposal meets the relevant provisions of the Scheme relating to building height, number of storeys, site coverage and visual bulk. The outlook for neighbours to a two storey development is considered acceptable given the existing character of the neighbourhood. Visual bulk impacts at first floor will be minimised by permit conditions to improve visual interest and provide greater separation and reduce visual impacts to the adjoining properties.
- 8.36 There are some minor areas of non-compliance with Standard B17 of Clause 55.04-1 (Side and rear setbacks) of the Scheme, however these will be suitably addressed by permit conditions as discussed in the Clause 55 assessment section of this report.
- 8.37 The avoidance of any built form on side or rear boundaries, the layout of the dwellings in two separate rows with individual skillion roof forms, the separation provided at the first floor to break up the horizontal massing across the east and west elevations, the range of colours, materials and architectural features provided across the development, and the response to the slope of the site by stepping the dwellings down away from the frontage, all contribute to minimising the visual bulk impacts of the proposal. The design features of the proposal in conjunction with the level of compliance with both Clause 55 and the DDO8, subject to conditions, will result in an acceptable design and built form outcome for the site that is suitable for approval.

Off-site amenity impacts (overshadowing, daylight to existing windows, privacy and overlooking, boundary fencing, loss of views, residential noise)

- 8.38 A detailed assessment of the off-site amenity impacts likely to result from the proposal has been undertaken in accordance with Clause 55 of the Scheme, as previously detailed by this report.
- 8.39 The proposal will not cause any unreasonable additional overshadowing to the private open spaces of any adjoining properties. Additional overshadowing to adjoining private open spaces will only occur for the east and west adjoining properties due to the orientation of the site, and this additional overshadowing is not in excess of what is allowed by Standard B20 of Clause 55.04-5 (Overshadowing).
- 8.40 Further, the additional shadows beyond the fence line that have been identified are not excessive in area, and will only occur for portions of the day, thus these impacts will not unreasonably reduce the energy efficiency of any adjoining dwelling in accordance with Standard B10 of Clause 55.03-5 (Energy efficiency) of the Scheme. Additionally, the submitted shadow diagrams demonstrate that the solar energy facilities on the roof of the east adjoining property will not be impacted by the shadows from the proposal at any point during the day.
- 8.41 Daylight to existing windows is maintained in accordance with Clause 55.04-3 (Daylight to existing windows) of the Scheme. The setbacks of the dwellings from the side and rear boundaries avoids any encroachment into the dimensions required to be maintained with clear access to the sky around existing habitable room windows.

- 8.42 A number of permit conditions will be required to fully address Standard B22 of Clause 55.04-6 (Overlooking) of the Scheme. A new 2 metre high paling fence will be required along the east, west and north boundaries to limit views from ground floor internal and outdoor living areas to adjoining properties, and to ensure a quality, long-lasting privacy outcome. Additionally, two north facing ground floor windows (Dwelling 4 and 8 kitchen 'splashback' windows) will be amended to fixed obscure glazing. All upper level habitable room windows facing side or rear boundaries are screened to at least 1.7 metres above finished floor level, which also complies with Standard B22.
- 8.43 Whilst it is recognised that views may form part of residential amenity, there are no specific controls within the Manningham Planning Scheme that protect residents' rights to a view.
- 8.44 The consideration of this planning application is confined only to the construction of the dwellings, as the residential use of the dwellings does not require a planning permit and is not a planning matter. Residential noise associated with a dwelling is considered normal and reasonable in an urban setting. Any future issues of amenity, if they arise should be pursued as a civil matter. Noise associated with the mechanical car parking on the site will be measured, managed and monitored in accordance with an acoustic assessment prepared by a qualified engineer, which will be required by conditions of the permit.

On-site amenity (insufficiently sized private open space areas, shadowed private open space areas, poor accessibility)

- 8.45 The private open space areas meet the Objective and Standard of Clause 55.05-4 (Private open space) of the Scheme. A variety of open space types are provided across the dwellings, with some incorporating upper floor balconies and others larger secluded private open spaces areas at ground level – providing variety for future purchasers.
- 8.46 All provided open space areas are considered to afford an acceptable level of internal amenity for future residents when considering their location, level of solar access and usability. Balconies are not relied upon as the only open space for any of the dwellings, and all ground level open space areas have unencumbered access from the main indoor living areas.
- 8.47 The proposal has been assessed against Clause 55.05-1 (Accessibility) of the Scheme and was found to have a good level of compliance. All dwellings can be accessed without navigating any steps and there are sufficient services provided at the ground floor including kitchens, water closets and main living areas.

Services (pressure on existing utility services and infrastructure)

- 8.48 Council's infrastructure Services Unit have raised no concerns relating to the capacity of existing services and utilities by the development. Any infrastructure or services that are not owned by Council (such as telecommunications) are the responsibility of the relevant provider to ensure sufficient capacity. That being said, it is not anticipated that the proposed development would have any impact on services.
- 8.49 Permit conditions will ensure that services/equipment will be screened where necessary.

- 8.50 A permit condition will require waste to be collected by a private contractor within the site and no bins are placed within the nature strip, as per the Waste Management Plan.

Loss of property values

- 8.51 The Victorian Civil and Administrative Tribunal and its predecessors have generally found subjective claims that a proposal will reduce property values are difficult, if not impossible to gauge and of no assistance to the determination of a planning permit application. It is considered the impacts of a proposal are best addressed through an assessment of the amenity implications rather than any impacts upon property values. A detailed assessment of the amenity and other implications of the proposal has been provided in this report.

Construction impacts (congestion from vehicles including trucks)

- 8.52 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 practices to ensure these impacts are mitigated. Standard construction management conditions will be applied to the permit and enforced if necessary, to ensure impacts from construction practices are minimised. All on-street parking by workers during construction must be in accordance with Council's Local Law requirements.

9. CONCLUSION

- 9.1 It is recommended that the application be supported, subject to conditions.

10. DECLARATION OF CONFLICT OF INTEREST

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