

9.1 Planning Application PLN18/0562 at 2-4 Old Warrandyte Road, Donvale, for the construction of a five-storey apartment building comprising 35 dwellings, two levels of associated basement car parking and alteration of access to a road in a Road Zone, Category 1

File Number:	IN19/4
Responsible Director:	Director City Planning and Community
Applicant:	Ratio Consultants
Planning Controls:	Residential Growth Zone (RGZ2); General Residential Zone, Schedule 1 (GRZ1); Design and Development Overlay, Schedule 8 (DDO8-1).
Ward:	Mullum Mullum
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 land at 2-4 Old Warrandyte Road, Donvale 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 as it is a Major Application (with more than 15 dwellings and a development cost of more than \$5 million).

Proposal

2. The proposal is for buildings and works associated with the construction of a five-storey apartment building comprising 35 dwellings, with two levels of associated basement car parking. The proposal also involves the removal of a redundant vehicle crossover from Mitcham Road.
3. The land has a total area of 2,546m². The building has an overall site coverage of 59% and a site permeability of 30.8%. The building has a maximum height of 13.8m. A total of 70 car spaces and 14 bicycle spaces are provided.

Advertising

4. Notice of the application was given over a three week period which concluded on 19 December 2018.
5. To date, 11 objections have been received, including one multi-signatory objection containing 65 signatories. The objections include issues relating to overdevelopment, density and neighbourhood character, design and built form, traffic, congestion, pedestrian safety, lack of off-street and on-street car parking, off-site amenity impacts, loss of property value and construction impacts.

Key issues in considering the application

6. The key issues for Council in considering the proposal relate to:
 - Planning Policy Frameworks;

- Design and built form;
- Apartment developments;
- Car parking, access, traffic, Land Adjacent to a Road Zone Category 1 and bicycle facilities; and
- Objector concerns.

Assessment

7. The development of the land for a higher density residential apartment building is consistent with the relevant objectives of State and local planning policies of the Manningham Planning Scheme (the Scheme), including the requirements of the Residential Growth Zone, Schedule 2 (RGZ2). The proposal also has proper regard for the General Residential Zone, Schedule 1 (GRZ1), as it applies to the eastern portion of the site.
8. The proposed development features a contemporary design, which utilises the prevailing materials from the area and meets the maximum building heights prescribed by the zones, including the mandatory 10m height within the eastern part of the land affected by the GRZ1 and the 14.5m height within the western part of the land affected by the RGZ2. Whilst the proposal exceeds the preferred building height for the western part of site affected by Design and Development Overlay, Schedule 8 (DDO8-1), it is considered that the proposal presents a scale and form that responds to the preferred neighbourhood character and provides an adequate transition and stepping down to the scale and form of the adjoining properties within the GRZ1.

Conclusion

9. The proposed development complies with all mandatory requirements of the RGZ2 and the GRZ1. It positively responds to the objectives of DDO8 and Clause 22.15 as they relate to siting, form, car parking and access, landscaping and fencing and transitions appropriately to surrounding development. The eastern portion of the development also steps down in built form to respond to the preferred residential character within the GRZ1 to the east. This report concludes that the proposal complies with the relevant planning policy in the Scheme and should be supported, subject to conditions requiring modest design changes to the building and the submission of management plans for approval prior to the commencement of works.
10. 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 PLN/0562 at 2-4 Old Warrandyte Road, Donvale for the construction of a five-storey apartment building, associated basement car parking and alteration of access to a road in a Road Zone, Category 1, subject to the following conditions –**

1. **Before the use and 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 Ascui & Co. Architects, Job No. 1553, Revision B dated 23 November 2018), but modified to show the following:

- 1.1 A functional layout plan showing a traffic island within the proposed crossover that prevents right turn movements into and out of the site to the satisfaction of Council's Infrastructure Services unit;
- 1.2 Conversion of the existing grated side-entry pit within the proposed crossover location, to suit the crossover profile;
- 1.3 Details of the proposed material/s on the façade above the pedestrian entry in the material selection schedule;
- 1.4 Internal views have been satisfactorily limited between balconies of the apartments;
- 1.5 Provide a minimum 6m³ of storage to each dwelling;
- 1.6 A plan notation indicating indoor clothes drying rails within laundries;
- 1.7 A plan notation indicating that each dwelling's private open space area be provided with an external tap and floor waste;
- 1.8 A car parking allocation schedule incorporating each residential car parking space, rationalised based on the location of external storage areas, where possible and the location of visitor spaces which must be clearly delineated;
- 1.9 Any relevant changes as a result of the endorsed Sustainability Management Plan prepared under Condition 4 of this permit;
- 1.10 A schedule listing all sustainability features / commitments applicable to the approved development, as described in the approved Sustainability Management Plan, and including the provision of third pipe; and
- 1.11 All recommendations and design changes as required by VicRoads, the Sustainability Management Plan, the Waste Management Plan, Disability Access, acoustic and any other report approved under conditions of this permit.

Endorsed Plans

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

Construction Management Plan

3. Not less than two months before the development starts, a Construction Management Plan (CMP) must be submitted via email and approved by the Responsible Authority. When approved the plan

will form part of the permit. The Construction Management Plan is to be prepared in accordance with the template within Council's CMP Guidelines. The CMP must address:

- 3.1 Element A1: Public Safety, Amenity and Site Security;
- 3.2 Element A2: Operating Hours, Noise and Vibration Controls;
- 3.3 Element A3: Air Quality and Dust Management;
- 3.4 Element A4: Stormwater and Sediment Control and Tree Protection (also as per the specific requirements of this permit);
- 3.5 Element A5: Waste Minimisation and Litter Prevention; and
- 3.6 Element A6: Traffic and Parking Management to ensure that the traffic conditions and amenity of the area will not be adversely affected, including (but not limited to) the parking of trade persons' vehicles.

Council's Works Code of Practice and Construction Management Plan Guideline are available on Council's website.

Sustainability Management Plan

4. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an amended Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. When approved the Plan will form part of the permit. The recommendations of the Plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the occupation of any dwelling. The plan must be generally in accordance with the report prepared by Low Impact Development Consulting dated 7 January 2019, but be modified to reflect any changes shown on plans endorsed under this permit or other conditions of this permit.

Green Travel Plan

5. The development must be constructed in accordance with the Green Travel Plan approved and forming part of this permit (prepared by Low Impact Development Consulting, dated 22 November 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

6. Not less than two months before the development starts, an amended Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the submitted Waste Management Plan prepared by Low Impact Consulting dated 22 November 2018. The developer must ensure that the private waste contractor can access the development and the

private waste contractor bins. No private waste contractor bins can be left outside the development boundary at any time on any street frontage for any reason.

Acoustic Report

7. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an Acoustic Report must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the acoustic report prepared by Acoustical Design dated 23 November 2018 submitted with the application but be modified to reflect any changes shown on plans endorsed under this permit or other conditions of this permit.

Disability Access

8. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, a Disability Access Plan that implements the recommendations of a Disability Access Audit, prepared by a suitably qualified person that demonstrates compliance with the relevant Australian Standards for access, including AS1428 Part 2, must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must include but is not limited to:
 - 8.1 Vehicular and pedestrian access into the building;
 - 8.2 Access to the lifts;
 - 8.3 The provision of tactile indicators;
 - 8.4 The provision of braille indicators for the lifts;
 - 8.5 The use of contrasting paving materials to assist the vision impaired;
 - 8.6 All emergency exits; and
 - 8.7 Car parking areas.

Management Plan Compliance

9. The Management Plans approved under Conditions 3, 4, 5, 6, 7 and 8 of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.
10. Before the occupancy of the development, a report from the author of the Sustainability Management Plan approved pursuant to this permit, or similar qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures / commitments in the Sustainability Management Plan approved under Condition 4 of this permit, and the third pipe requirements, have been

implemented in accordance with the approved plans and the planning permit.

Landscape Plan

- 11. Before the development starts, an amended landscaping plan must be submitted to the Responsible Authority for approval. The plan must be generally in accordance with the approved site layout plan and the landscape concept plan prepared by memLa, Project No. LC 2209, Revision B dated 21 November 2018, but modified to show:**
 - 11.1 Species, locations, quantities, approximate height and spread of proposed planting;**
 - 11.2 Details of soil preparation and mulch depth for garden beds;**
 - 11.3 Sectional details of shrub planting method;**
 - 11.4 A sectional detail of the planting method for the central planter box, which includes the method of drainage;**
 - 11.5 The extent of irrigation to communal garden beds that are controlled by sensors;**
 - 11.6 All canopy trees and screen planting to be at least 1.5 metres in height at the time of planting.**

Landscape Bond

- 12. Before the release of the approved plan for the development, 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.**

Completion and Maintenance

- 13. Before the occupation of any approved dwelling the following works must be completed generally in accordance with the approved plans and to the satisfaction of the Responsible Authority:**
 - 13.1 All privacy screens and obscured glazing must be installed, noting that the use of obscure film fixed to transparent windows is not considered to be 'obscured glazing';**
 - 13.2 All driveways, bicycle and car parking areas fully constructed, with appropriate grades and transitions, line marked and/or signed and available for use; and**
 - 13.3 All landscape areas must be fully planted and mulched or grassed.**
- 14. Once the permitted development has commenced it must be continued and completed to the satisfaction of the Responsible**

Authority.

15. Buildings, including screening, engineering works, fences and landscaped areas must be maintained to the satisfaction of the Responsible Authority.
16. The landscaping as shown on the approved landscaping plan must be maintained by replacing any dead, diseased, dying or damaged plants as soon as practicable and not using the areas set aside for landscaping for any other purpose, to the satisfaction of the Responsible Authority.

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 Miscellaneous Works 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.

On-site car parking and bicycle parking

21. The areas set aside for the parking of vehicles, together with the aisles and access lanes as delineated on the endorsed plans must:

21.1 Be completed and line-marked to the satisfaction of the Responsible Authority prior to the commencement of the

development hereby permitted;

21.2 Be used for no other purpose and maintained at all times to the satisfaction of the Responsible Authority; and

21.3 Be drained and sealed with an all-weather seal coat where appropriate.

22. Surplus car parking spaces must be made available for residential visitor vehicle parking free of charge at all times and must not be used for any other purpose to the satisfaction of the Responsible Authority.

23. All bicycle parking must be maintained and not be used for any other purpose, to the satisfaction of the Responsible Authority.

Lighting

24. External lighting must be designed so as to minimise loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority.

25. The development must be provided with external lighting capable of illuminating access to each car parking space, storage, rubbish bin, recycling bin, pedestrian walkways, stairwells, lift, dwelling entrances and entry foyer. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.

General

26. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.

27. A centralised TV antenna must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.

28. No individual dish antennae may be installed on the overall building to the satisfaction of the Responsible Authority.

29. If allowed by the relevant fire authority, external fire services must be enclosed in a neatly constructed, durable cabinet finished to complement the overall development, or in the event that enclosure is not allowed, associated installations must be located, finished and landscaped to minimise visual impacts from the public footpath in front of the site to the satisfaction of the Responsible Authority.

30. Once the permitted development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.

31. Buildings, engineering works, fences and landscaped areas must be maintained to the satisfaction of the Responsible Authority.

32. Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter.
33. Any external clothes drying facilities must be appropriately designed and must not be visible from the street.

VicRoads:

34. Prior to the commencement of the use or occupation of the development, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority (RA) and at no cost to VicRoads or the RA.

Permit Expiry

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

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

35.2 The development is not completed within eight (8) 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 Planning Permit PL04/015604 was granted on 8 August 2005, at the direction of VCAT, which allowed the use and development of a licensed restaurant, signage, alteration of access to land within a Road Zone Category 1 and vegetation removal.
- 2.2 Planning Permit PL10/020962 was granted on 12 April 2011, at the direction of VCAT, which allowed the use and development of a restricted recreation facility (indoor swim school) with access to land within a Road Zone Category 1 and vegetation removal.
- 2.3 The previous planning permits were not acted upon and have since expired.
- 2.4 The current application was submitted to Council on 22 August 2018.
- 2.5 A request for further information was sent on 12 September 2018. The letter raised concerns relating to the requirement to provide garden area on the eastern lot, building bulk, setbacks, and off-site amenity impacts.
- 2.6 The proposal was presented to the Sustainable Design Taskforce meeting on 25 October 2018. Issues raised included the pedestrian entry lacking presence, the corner of the building that faces Mitcham Road could be made more prominent,

inadequate transition in building height and form between the zones and the need to provide a left in, left out vehicle access arrangement.

- 2.7 All requested further information was received by Council on 26 November 2018.
- 2.8 Notice of the application was given over a three-week period which concluded on 19 December 2018.
- 2.9 The statutory time for considering a planning application is 60 days, which lapsed on 25 January 2019.
- 2.10 The land titles are not affected by any covenants or Section 173 Agreements.

3. THE SITE AND SURROUNDS

The Site

- 3.1 The site is situated at the corner of Mitcham Road and Old Warrandyte Road. It comprises two lots; the western lot is located within the Residential Growth Zone, Schedule 2 with frontages to both roads and the eastern lot is located within the General Residential Zone, Schedule 1 with a frontage to Old Warrandyte Road.
- 3.2 The site has dimensions of 21.34m along the linear section of the Old Warrandyte Road frontage, 47.74m along the curvilinear Old Warrandyte and Mitcham Road corner, 29.43m along the linear section of the Mitcham Road frontage, 53.43m along the south-eastern boundary and 41m along the north-eastern boundary. The total site area is 2,546m².
- 3.3 Both lots are presently vacant and devoid of vegetation. The site has an approximate 1.8m fall from north-east to south-west.
- 3.4 There are three existing vehicle crossovers; one to each lot on Old Warrandyte Road and one on Mitcham Road.
- 3.5 Two drainage and sewerage easements affect the site, a 1.83m wide easement along the entire north-eastern boundary and a 2.44m wide easement along a 22.5m long section of the south-western boundary, extending from the southern corner of the site.
- 3.6 The road frontages are unfenced. A 1m (approx.) high retaining wall is located along the linear section of the Old Warrandyte Road frontage. 2.1m high and 2.2m high capped paling fences delineate the south-eastern and north-eastern boundaries, respectively.

The Surrounds

- 3.7 The site directly abuts one residential property and two common property driveways. More generally, the site is adjacent to a total of seven dwellings. The surrounding development is described as follows:

Direction	Address	Description
North-east	1/6 Old Warrandyte Road	A two-storey rendered brick dwelling with a gable roof, setback 7.1m from Old Warrandyte Road, and 6.3m from the common boundary separated by a common driveway and landscape area. A first floor habitable room window

		is setback approximately 9.3m.
	2/6 Old Warrandyte Road	A two-storey rendered brick dwelling with a gable roof, with a ground floor habitable room window setback 7.7m from the common boundary separated by a common driveway and landscape area. First floor windows are setback a minimum 9.6m.
	3/6 Old Warrandyte Road	A two-storey rendered brick dwelling with a gable roof, setback 9.7m from the common boundary separated by a common driveway and landscape area.
	4/6 Old Warrandyte Road	A two-storey rendered brick dwelling with a gable roof, setback 17.3m from the common boundary separated by 3/6 Old Warrandyte Road and a common driveway and landscape area.
The properties at 6 Old Warrandyte are subject to the General Residential Zone that has a maximum overall height of 9 metres and three stories unless it meets specific land gradient criteria which enables a new building to be constructed to a maximum of 10 metres. No overlays affect this land.		
South-east	3/5 Mitcham Road	A single-storey brick dwelling with a hipped roof offset 0.4m from the common boundary. The dwelling contains an abutting area of secluded private open space to the north-east
	2/5 Mitcham Road	A single-storey brick dwelling with a hipped roof setback 11.7m from the common boundary separated by a common driveway and landscaping.
	1/5 Mitcham Road	A single-storey brick dwelling with a hipped roof setback 7m from Mitcham Road, and 5.9m from the common boundary separated by a common driveway and landscaping.
The properties located to the rear at 5 Mitcham Road are subject to the same planning controls as part of the subject site (2 Old Warrandyte Road)		

- 3.8 The character of the broader area is mixed, with a high proportion of single and two-storey unit developments on the northern side of Mitcham Road. This character rapidly changes further north and to the north-east, as zoning changes to Neighbourhood Residential and Low Density Residential Zones. The prevailing character on the southern side of Mitcham Road is of single detached dwellings, with some examples of two-dwelling developments emerging.
- 3.9 To the south-west is Mitcham Road, a declared main road with three lanes in both directions, separated by a narrow median strip. The outer lanes are designated part-time bus lanes (operating from 7:00am to 9:00am and from 4:00pm to 7:00pm weekdays), with bicycle use permitted within the bus lanes during these periods. Parking on both sides of the road is prohibited through clearways during bus operating times. Outside of these times, no stopping restrictions apply.
- 3.10 To the north is Old Warrandyte Road, a Council-managed major road with one lane in each direction. A painted traffic island divides the lanes opposite the site.
- 3.11 The intersection of Mitcham Road and Old Warrandyte Road is a signalised T-intersection. On the north-east approach to the intersection, Old Warrandyte Road provides two dedicated right turn lanes and a left turn slip lane onto Mitcham Road. On Mitcham Road, a dedicated right turn lane is provided on the south-east approach and a left turn slip lane is provided on the north-west approach.

3.12 The site is serviced by a range of bus routes operating within 900m of the site, with the two closest routes within 80m walking distance, at the corner of Mitcham Road and Old Warrandyte Road. Route 907 connects the site with Melbourne’s Central Activity District. The site is within 150m of Tunstall Square, a Neighbourhood Activity Centre, which incorporates a large range of retail shops. The site is also serviced by Donvale Reserve within 550m walking distance, and other community and local facilities, including several childcare and kindergartens, Donvale Primary School, Beverley Hills Primary School and Donburn Primary School.

4. THE PROPOSAL

4.1 The proposal is outlined on the plans prepared by Ascui & Co. Architects, Job No. 1553, Revision B dated 23 November 2018, together with a landscape concept plan prepared by memLa, Project No. LC 2209, Revision B dated 21 November 2018. Refer to Attachment 1.

4.2 The following reports were provided in support of the application:

- Town Planning report and Clause 58 Assessment prepared by Ratio Consultants dated November 2018;
- Waste Management Plan prepared by Low Impact Consulting dated 22 November 2018;
- Traffic report prepared by Ratio Consultants dated November 2018;
- Sustainable Management Plan prepared by Low Impact Development Consulting dated 7 January 2019;
- Green Travel Plan prepared by Low Impact Development Consulting dated 22 November 2018;
- Daylight Modelling report prepared by Low Impact Development Consulting dated 23 October 2018;
- Arboricultural report and Dilapidation report prepared by Greenwood Consulting dated 8 November 2018; and
- Acoustic Report prepared by Acoustical Design dated 23 November 2018.

4.3 A summary of the development is provided as follows:

Land Size:	2,546m ²	Minimum wall setback to Mitcham Road (south-west)	Basement: 4.65m Ground: 7.5m Level 1: 7.64m Level 2: 7.64m Level 3: 7.64m Level 4: 10.15m
Site Coverage:	59%		
Permeability:	30.8%		
Proposed maximum building height (RGZ2):	The building in the RGZ2 should not exceed:	Minimum wall setback to Old Warrandyte Road (north-west)	Basement: 2.68m Ground: 7.236m Level 1: 7.06m Level 2: 7.06m Level 3: 7.06m Level 4: 13.15m
• 13.8m	• 14.5m		
Proposed maximum building height (GRZ1):	The building in the GRZ1 must not exceed:		
• 10m	• 10m		

Number of Dwellings: • 2 Beds: • 3 Beds: Dwelling Density:	35 • 8 • 27 One per 72.7m ²	Minimum wall setback to north-eastern boundary	Basement: 3.65m Ground: 3.65m Level 1: 4.38m Level 2: 4.38m Level 3: 5.68m Level 4: 25.36m
Car parking: • Total • 2 Beds: • 3 Beds: • Surplus:	Provided: • 70 spaces • 54 • 8 • 8	Minimum wall setback to south-eastern boundary	Basement: 2.5m Ground: 2.5m Level 1: 2.5m Level 2: 2.5m Level 3: 5.7m Level 4: 12.23m

Design layout

- 4.4 The ground floor comprises three dwellings with direct pedestrian access to Mitcham Road. Four visitor bicycle spaces are provided adjacent to the common pedestrian path to Mitcham Road. The remainder of this level is dedicated to a basement.
- 4.5 Levels 1 and 2 consist of 11 dwellings on each floor, Level 3 consists of 8 dwellings and Level 4 consists of 2 dwellings located towards the western corner of the building. The dwellings incorporate a range of layouts with two or three bedrooms. Dwelling sizes vary from 76m² to 155m². A central light well provides a ground floor garden that is open to the sky.

Pedestrian and vehicle access and layout

- 4.6 The pedestrian entry to the building is provided at ground floor level via Mitcham Road. The entry leads to a modest lobby with a single lift and stairwell.
- 4.7 Vehicle access is provided by a crossover at the north-eastern end of the Old Warrandyte Road frontage. It leads to a 6.4m wide passing area and basement entry providing access to the two levels of basement car parking. A total of 70 car parking spaces are provided.
- 4.8 The ground floor basement incorporates 24 car parking spaces, 10 communal bicycle spaces, external storage enclosures allocated to 8 dwellings and a common bin room. The lower level basement incorporates a further 46 car parking spaces, external storage enclosures allocated to 27 dwellings, fire and pump equipment storage and a 20,000 litre rainwater tank.

Landscaping

- 4.9 Canopy trees are proposed within the frontages to Mitcham and Old Warrandyte Roads. There is ample opportunity for screen planting along the north-eastern and south-eastern boundaries. The central light well incorporates a vertical picket screen designed to limit overlooking between inward facing bedrooms and hallways, while providing an amenable outlook.

Design detail

- 4.10 The proposed development features a contemporary architectural design, incorporating brickwork, render, vertical aluminium battens to provide accents. Horizontal features primarily incorporating alternate use of rendered and metal infill balustrades visually break up the built form. The building entry, while benched into the site, is emphasised through the use of a slate canopy. Fencing to the site frontages is designed to complement balustrade materials.

5. LEGISLATIVE REQUIREMENTS

- 5.1 Refer to Attachment 2.
- 5.2 A permit is required under the following Clauses of the Manningham Planning Scheme:
- Clause 32.07-5 (Residential Growth Zone – RGZ), to construct two or more dwellings on a lot.
 - Clause 32.08-6 (General Residential Zone – GRZ), to construct two or more dwellings on a lot.
 - Clause 43.02-2 (Design and Development Overlay, Schedule 8 – DDO8), to construct a building or construct or carry out works.
 - Clause 52.29 (Land Adjacent to a Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road), to create or alter access to a road in a Road Zone, Category 1.

6. REFERRALS

External

- 6.1 Given the proposal involves the alteration of access to Mitcham Road, it is a statutory requirement to refer the application to VicRoads as a determining referral authority.
- 6.2 VicRoads have no objection subject to conditions being included on any permit issued requiring the removal of the redundant crossover and reinstatement of the area.

Internal

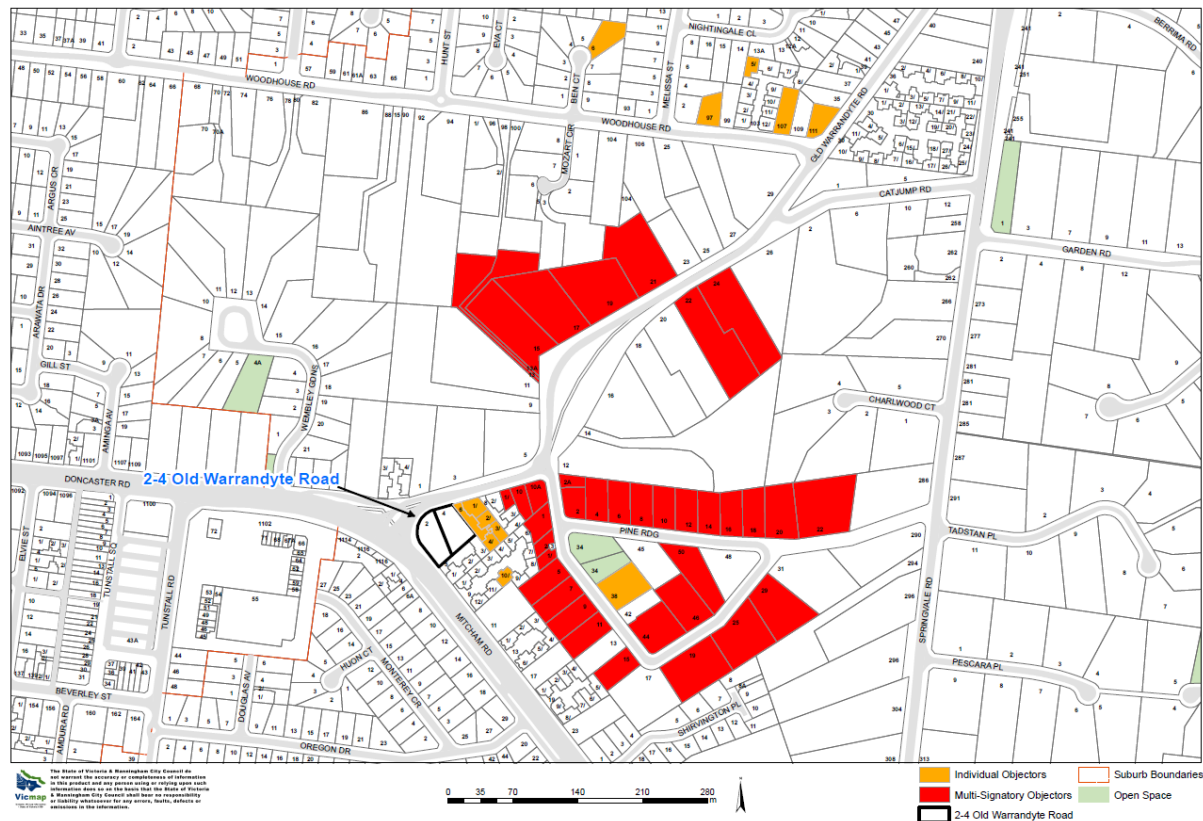
- 6.3 The application was referred to a number of Service Units within Council. The following table summarises the responses:

Service Unit	Comments
Infrastructure Services Unit – Drainage	<ul style="list-style-type: none"> • No objection subject to conditions for the provision of onsite storm water detention.
Infrastructure Services Unit – Vehicle Crossing	<ul style="list-style-type: none"> • No objection subject to conditions requiring the removal of redundant crossovers and the conversion of the grated side-entry pit within the proposed crossover to suit the crossover profile.
Infrastructure Services Unit –	<ul style="list-style-type: none"> • No objection.

Service Unit	Comments
Access and Driveway	
Infrastructure Services Unit – Traffic and Car Parking	<ul style="list-style-type: none"> • No objection subject to conditions requiring a functional layout plan showing a traffic island at the tee that prevents right turn movements into and out of the site. • The applicant's suggestion to use regulatory signage instead of a traffic island is not supported by Engineering Services as this is not self-regulatory and there will be occurrences of non-compliance from drivers.
Infrastructure Services Unit – Car Parking Layout	<ul style="list-style-type: none"> • No objection subject to conditions requiring the allocation of car parking spaces to specific dwellings.
Infrastructure Services Unit – Construction Management	<ul style="list-style-type: none"> • No objection subject to a requirement for the provision of a construction management plan.
Infrastructure Services Unit – Waste	<ul style="list-style-type: none"> • No objection subject to a requirement for the approval of the waste management plan.
Infrastructure Services Unit – Easements	<ul style="list-style-type: none"> • No objection subject to build over easement approval being granted.
Infrastructure Services Unit – Flooding	<ul style="list-style-type: none"> • The site is not subject to inundation.
Integrated Planning Unit – Sustainability	<ul style="list-style-type: none"> • No objection subject to plan notations indicating indoor clothes drying rails within laundries, and for each dwelling's private open space area to be provided with an external tap and floor waste.

7. CONSULTATION / NOTIFICATION

- 7.1 Notice of the application was given over a three-week period which concluded on 19 December 2018, by sending letters to nearby properties and displaying a sign to each lot frontage.
- 7.2 The addresses of the 11 objectors and the 65 signatories in the multi-signatory objection are shown by the indicators on the map below.



7.3 The main grounds of objection can be summarised into the following categories:

- Overdevelopment, density and neighbourhood character;
- Design and built form (building height, number of storeys, site coverage and visual bulk);
- Traffic and car parking (congestion, lack of off-street and on-street car parking, vehicle access and pedestrian safety);
- Off-site amenity impacts (overshadowing, daylight to existing windows, privacy and overlooking, noise and interruption to communication services);
- Loss of property value; and
- Construction impacts.

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 following assessment is made under the following headings:

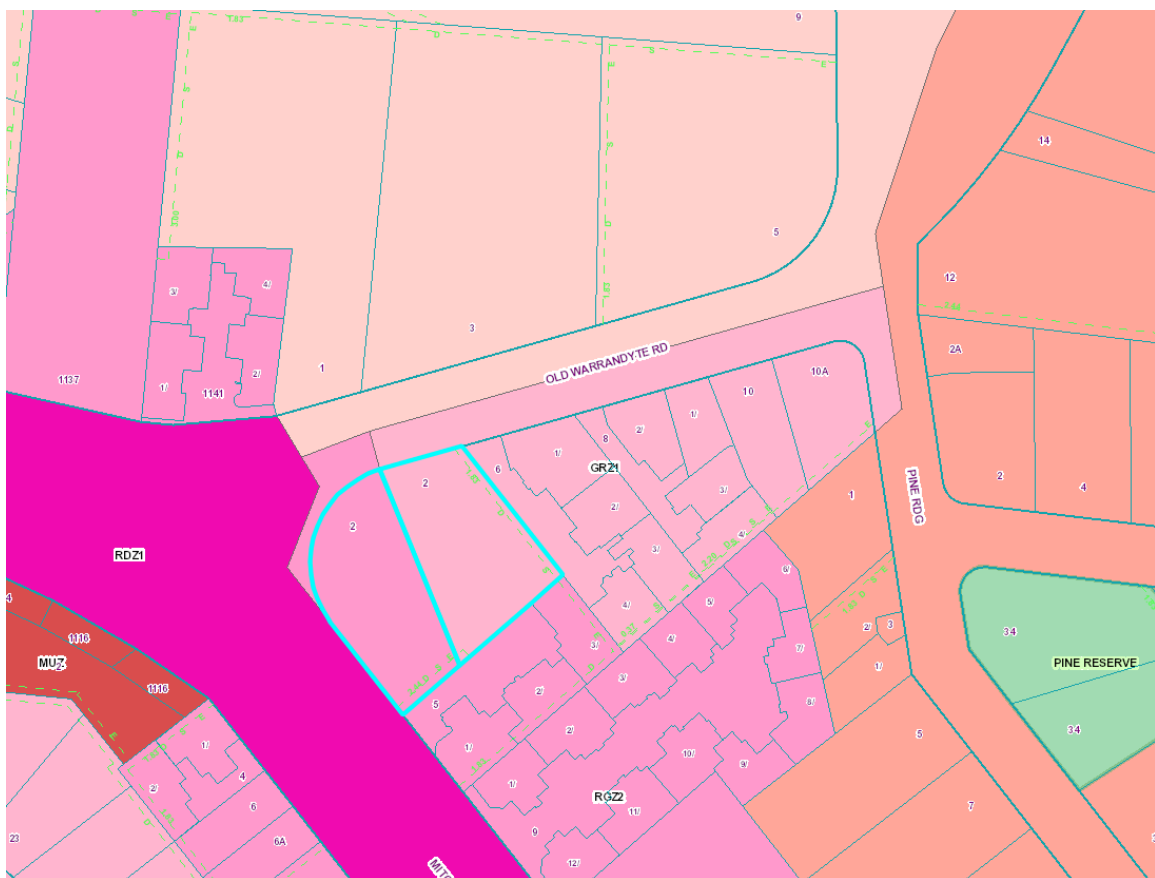
- Planning Policy Frameworks;
- Design and built form;
- Apartment developments;
- Car parking, access, traffic, Land Adjacent to a Road Zone Category 1 and bicycle facilities; and

- Objector concerns.

Planning Policy Frameworks

- 8.3 At both the SPPF and LPPF levels, policy emphasises the need for a mix of developments that are well designed with a focus on high density residential development in established activity centres, along main roads and on strategic redevelopment sites. Whilst the subject site is not specifically identified as a strategic redevelopment site within the MSS, it substantially meets key criteria as a strategic redevelopment site primarily through its location and proximity to a Neighbourhood Activity Centre with good access to public transport and existing services.
- 8.4 The site falls within two different zones, the RGZ2 on the western lot and GRZ1 on the eastern lot.
- 8.5 Clause 21.05 (Residential) identifies that the western lot that fronts Mitcham Road is within Precinct 2 – areas adjoining main roads and activity centres, where a substantial level of change is anticipated. The key direction for this precinct is to encourage higher density accommodation in close proximity to activity centres and along major roads and transport routes.
- 8.6 The DDO8 further differentiates land within Precinct 2 into three sub-precincts. This lot is identified within the Main Road sub-precinct, which encourages three-storey apartment style developments on land with a minimum area of 1,800m². 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.
- 8.7 The development of the western lot with apartments is appropriate within the zoning of the land and the strategic context of the site. There is policy support for an increase in residential density along main roads and to activate street frontages to increase the vibrancy of the area.
- 8.8 Policy states that these higher developments on the perimeter of the Main Road sub-precinct should be designed so that the height and form are sufficiently stepped down in scale and form to complement the interface of the other adjoining zone.
- 8.9 The purpose of the RGZ includes the provision of housing at increased densities in buildings up to an including four storey buildings, to encourage a diversity of housing types and a scale of development that provides a transition between areas of more intensive use and development and other residential areas.
- 8.10 Clause 21.05 identifies that the eastern lot that fronts Old Warrandyte Road is within Precinct 1 – areas removed from activity centres and main roads, where an incremental level of change is anticipated. Development is encouraged to reinforce existing front and rear setbacks and site coverage to provide opportunities for landscaping and retain areas of open space.
- 8.11 To achieve the preferred character of Precinct 1, Clause 22.15 (Dwellings in the General Residential Zone, Schedule 1) provides design objectives, which direct outcomes including siting, form, car parking and access, landscaping and fencing.

- 8.12 The development of the eastern lot with apartments is not anticipated by policy. However, it is not a prohibited use or development typology, provided all mandatory requirements of the GRZ are met. The purpose of the GRZ is to encourage development that respects the neighbourhood character of the area and encourages a diversity of housing types and housing growth.
- 8.13 Through the adoption of the GRZ1 along this section of Old Warrandyte Road, extending north-east to the intersection with Pine Ridge, Council has created a planning mechanism that has established a preferred neighbourhood character. The eastern lot within the subject site remains the only undeveloped property in this pocket of the GRZ1. It is necessary to assess the application to determine if it adequately responds to the policy framework that seeks only an incremental level of change, and with the benefit of the preferred character having been established along this section of Old Warrandyte Road, determine whether it achieves acceptable off-site amenity impacts.



Design and built form

- 8.14 For the western lot, the RGZ at Clause 32.07-9 specifies that the maximum building height should not exceed 13.5m. This requirement may be exceeded by up to 1m if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8m, is greater than 2.5 degrees. These are not mandatory requirements and can be varied with a planning permit. There is no limit on the number of storeys. Schedule 2 to the RGZ does not specify any further or varied requirements.
- 8.15 The submitted plans demonstrate that the site has a slope greater than 2.5 degrees, which establishes that the maximum allowable building height is 14.5m.

The development has a maximum building height of 13.8m, which complies with the RGZ requirements.

- 8.16 At Clause 32.07-10, the RGZ specifies that buildings constructed on a lot that abuts land which is in a GRZ must meet the requirements of Clauses 55.03-5, 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary. This provision is not applicable in this case as the adjoining land in the GRZ is in fact in the same ownership, with the eastern lot forming part of the subject site.
- 8.17 The RGZ at Clause 32.07-5 and the GRZ at Clause 32.08-6 stipulate that an apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58. This assessment will follow the complete assessment of the DDO8 and the GRZ.
- 8.18 The following assessment is made as related to the western lot against the requirements of the DDO8:

Design Element	Met/Not Met
DDO8-1 (Main Road Sub-Precinct)	
<ul style="list-style-type: none"> • The minimum lot size is 1800 square metres, which must be all the same sub-precinct. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage 	<p>Considered Met The western lot has an area of less than 1,800m² within the Main Road sub-precinct. While the total area of both lots is greater than 1,800m², the minimum lot size must be calculated for lots within the same zone and sub-precinct. This requirement is not met. However, a permit may be granted to vary the minimum land size requirement.</p> <p>Given that the depth of lots within the RGZ2 on properties to the south-east of the site is equal to or greater than the combined depth of 2-4 Old Warrandyte Road, a larger development on this site will correspond with the pattern of future development within the area, which is considered an acceptable outcome.</p>
<ul style="list-style-type: none"> • 11 metres provided the condition regarding minimum land size is met. <p>If the condition is not met, the maximum height is 9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the site of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.</p>	<p>Considered Met It has been established that the minimum land size condition has not been met.</p> <p>The plans establish that the site does have a slope of at least 2.5 degrees at a cross section wider than 8m within the building footprint. The site therefore has a maximum building height requirement of 10m. This requirement is not met. However, a permit may be granted to vary the preferred maximum building height requirement.</p> <p>The building has a maximum height of 13.8m, which exceeds the specified height by 3.8m. It has been established that the development does meet the requirements of the RGZ2,</p>

Design Element	Met/Not Met
	<p>being less than 14.5m.</p> <p>The purpose of providing discretion in building height within the Main Road sub-precinct is to allow flexibility to achieve design excellence. This might be through providing a ‘pop-up’ level to provide visual interest to an otherwise flat roof form, or a design feature at a ‘gateway’ site. The discretion is only provided to this sub-precinct because main road streetscapes are typically less fragmented environments compared to local streets and therefore can absorb some additional height.</p> <p>The portion of built form above a height of 10 metres is limited to the Level 4 component and part of Level 3. Level 4 is skewed towards the intersection of Mitcham and Old Warrandyte Roads, and is intended to present to these streets with greater presence, given the site is on a prominent corner. Level 4 occupies 338m², or 31% of the Level 3 footprint (excluding balconies). Level 4 is setback 12.23m from the south-eastern boundary to minimise its impacts to the adjoining property.</p> <p>Level 3 does exceed 10m in height, with the south-eastern wall reaching 10.38m in height towards the front of the site, with setbacks between 5.7m and 6.55m from the south-eastern boundary.</p> <p>Overall, it is considered that the height of the building is acceptable and will not have unreasonable impacts on the streetscape or adjoining properties.</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>Met</p> <p>The ground and upper floor walls of the building all exceed the minimum street setback of 6m.</p> <p>The DDO8 allows balconies and terraces to encroach within the street setback by a maximum of 2m, but they must not extend along the width of the building.</p> <p>The majority of the balconies comply with the 6m setback, with the exception of a portion of Level 2, Apartment 208 balcony. This is a negligible encroachment, which meets the maximum 2m encroachment allowance.</p>

Design Element	Met/Not Met
Form	
<ul style="list-style-type: none"> Ensure that the site area covered by buildings does not exceed 60 percent. 	<p>Met The building has a site coverage of 59%.</p>
<ul style="list-style-type: none"> Provide visual interest through articulation, glazing and variation in materials and textures. 	<p>Met The building incorporates a mixture of colours and materials to provide visual interest. Articulation is also provided by the stepping of walls, the depth and varied materials of balconies, glazing, fascias and the curvilinear form of the building.</p>
<ul style="list-style-type: none"> Minimise buildings on boundaries to create spacing between developments. 	<p>Met No part of the building is constructed on any of the boundaries. The minimum side or rear building setback is 2.5 metres from the south-eastern boundary. The provision of spacing can accommodate appropriate landscaping and courtyards. This is considered to be a good outcome for adjoining properties and the streetscape.</p>
<ul style="list-style-type: none"> Where appropriate ensure that buildings are stepped down at the rear of sites to provide a transition to the scale of the adjoining residential area. 	<p>Met The building is stepped down at the rear of the site to the north-east through the implementation of staggered setbacks from Level 2 to Level 3, the Level 2 parapet, incorporation of balconies, framing elements and varied building materials.</p> <p>Minimum Level 2 wall setbacks along the north-eastern elevation are 4.38m and 5.4m, which increase at Level 3 to 5.68m and 8.17m, respectively.</p> <p>Level 4 is setback a minimum 25.36m from the north-eastern boundary.</p> <p>The upper levels of the building are demonstrated to provide graduated setbacks to the rear boundary, which allows the building to be stepped down and provide a transition to the two-storey scale of the adjoining properties to the rear.</p>
<ul style="list-style-type: none"> Where appropriate, ensure that buildings are designed to step with the slope of the land. 	<p>Met Some excavation is proposed towards the Mitcham Road frontage with the ground floor level benched to keep the overall height of the building as low as possible. This reduces the elevation of the building above the natural ground level and the associated visual impact, providing a suitable transition to the adjoining residential properties within the incremental change area to the rear.</p>

Design Element	Met/Not Met
<ul style="list-style-type: none"> Avoid reliance on below ground light courts for any habitable rooms. 	<p>Met The building does not rely on below ground light courts for any habitable rooms.</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>Not applicable</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>Considered Met Level 4 covers 31% of Level 3. Level 3 covers 88% of Level 2, which does not meet the 75% requirement.</p> <p>Level 3 is well graduated from the lower levels to reduce its prominence and visual bulk. This includes increased setbacks to Level 2, which in addition to the minimum setbacks previously stated, include minimum Level 2 setbacks along the south-eastern elevation of between 2.5m and 4.76m, which increase at Level 3 to 5.7m and 7.55m, respectively.</p> <p>Architectural interest is achieved by incorporating curvilinear balconies and the use of varied materials.</p> <p>Overall, the building is well articulated and provides appropriate visual interest.</p>
<ul style="list-style-type: none"> Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos. 	<p>Met 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>Met The development incorporates excavation to the ground floor level to the Mitcham Road frontage.</p> <p>The projection of the basement above natural ground level is limited to part of the south-eastern interface to the RGZ2 at 5 Mitcham Road.</p> <p>Critically, the projection of any basement area is avoided along the north-eastern interface to the adjoining GRZ1 at 6 Old Warrandyte Road.</p>
<ul style="list-style-type: none"> Be designed to minimise overlooking and avoid the excessive application of screen 	<p>Met The combination of ample building/balcony setbacks, their placement and the separation</p>

Design Element	Met/Not Met
devices.	provided to adjoining dwellings by virtue of common property driveways located adjacent to the common boundaries ensures that no measures are required to limit overlooking.
<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>Met</p> <p>The grade difference between the footpath and the building entry limits the ability to provide direct access to the building entry with a ramp. A switchback ramp is therefore utilised parallel to the frontage, adjacent to the main stepped access point.</p> <p>A lift provides access between the basement car park and entry to each apartment.</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>Met</p> <p>The basement projects above natural ground level on the south-eastern elevation. The projection is not considered to be excessive and will not result in unreasonable visual impacts.</p> <p>While this does result in the building height exceeding 10m in height at this location, the setback required for the 7.3m high wall associated with Level 2 is 2.39m. The provided 2.5m setback exceeds this requirement. Level 3 is then setback to a minimum 5.7m, which provides a high level of graduation in the building height.</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>Met</p> <p>The development has been designed to provide dwellings along the south-western curtilage of the ground floor car park level to Mitcham Road.</p> <p>The ground level car park level is partly visible along the north-western façade to Old Warrandyte Road. It has been concealed through the use of high quality materials to complement the main building façade, and will be further obscured by landscaping across substantial setbacks, increasing from 6m to 10m.</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>Met</p> <p>All car parking spaces are provided within the two car park levels. The integration of the upper level car park has been described above.</p>
<ul style="list-style-type: none"> Ensure the setback of the basement or undercroft car park 	<p>Met</p> <p>The basement is consistent with the front building setback of 6m and is set back a</p>

Design Element	Met/Not Met
<p>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>	<p>minimum of 3.65m from the rear boundary. While less than 4m, this setback is ample as it relates only to the eastern corner of the basement, as measured from the outside edge of concrete piles, and is located below hardstand terrace areas. It therefore provides adequate room for effective landscaping to be established.</p>
<ul style="list-style-type: none"> • Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces. 	<p>Met The development provides appropriate wall setbacks to side and rear boundaries to allow for screen planting that soften the appearance of the built form.</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>Met subject to conditions A permit condition will require the location of plant equipment on the roof away from the sides of the building and be screened to minimise any visual and amenity impacts on the street and adjoining properties. A permit condition will also 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 movement. Where possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback. 	<p>Not applicable No vehicular crossover is proposed along the Mitcham Road frontage.</p>
<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. 	<p>Not applicable</p>
<ul style="list-style-type: none"> • Ensure that where garages are located in the street elevation, they are set back a minimum of 1.0m from the front setback of the 	<p>Not applicable</p>

Design Element	Met/Not Met
dwelling.	
<ul style="list-style-type: none"> Ensure that access gradients of basement carparks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements. 	<p>Met</p> <p>A 1:10 driveway grade is provided for the first 5m of the double-width driveway from the site frontage. A central traffic island is provided within the driveway to separate oncoming vehicles.</p>
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. 	<p>Met</p> <p>The site frontages can each easily accommodate at least 3 canopy trees.</p>
<ul style="list-style-type: none"> Provide opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form. 	<p>Met</p> <p>The site will allow the planting of significant vegetation, including appropriate tree species within the side and rear setbacks, which assist to soften the appearance of the built form.</p>
Fencing	
<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>Met</p> <p>A front fence is proposed within the Mitcham Road site frontage. The fence setback varies across the frontage; being on the boundary for the first 6m from the south-eastern boundary, and setback up to 2m from the frontage.</p> <p>The fence is to be constructed of various materials to complement the development, including brick, render and metal pickets with adequate spacing.</p> <p>The varied setbacks provide ample opportunity to provide a connection between the development and a continuous landscaping treatment.</p>

8.19 For the eastern lot, Schedule 1 to the GRZ specifies that the maximum building height must not exceed 9 metres. This requirement may be exceeded by up to 1m if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8m, is greater than 2.5 degrees. The GRZ at Clause 32.08-10 also specifies that the building must contain no more than 3 storeys at any point (excluding a basement). These requirements are mandatory and cannot be varied with a planning permit.

8.20 The submitted plans demonstrate that the site has a slope greater than 2.5 degrees, which establishes that the maximum allowable building height is 10m.

The building has a maximum building height of 10m comprising three storeys on the eastern lot, which complies with the GRZ requirements.

- 8.21 At Clause 32.08-4, the eastern lot is also required to meet a minimum mandatory garden area requirement of 35%. The proposal demonstrates compliance with this requirement for the eastern lot, with the provision of 35% garden area.

Clause 22.15 Dwellings in the General Residential Zone, Schedule 1 assessment

Requirement	Met/Not Met
Siting	
<ul style="list-style-type: none"> Ensure that the rear setback is of a sufficient width to allow for the retention or planting of canopy trees and to allow for recreational opportunities. 	<p>Met Rear setbacks are minimum dimensions of between 4.38m and 5.4m. Deeper setbacks are provided through the middle of the north-eastern elevation, providing a suitable balance of recreational and landscaping opportunities.</p>
<ul style="list-style-type: none"> Minimise buildings on boundaries to create spacing between dwellings to reinforce the pattern of the street. If any adjoining property has no existing boundary walls, the total length of walls should be limited to that generally required for the provision of a garage. 	<p>Met There are no buildings on boundaries.</p>
Form	
<ul style="list-style-type: none"> Encourage upper levels to be stepped in from the ground floor to avoid sheer walls and achieve articulation and visual interest. Preferably, upper levels should not exceed 75% of the ground floor area (excluding verandahs and balconies). 	<p>Considered Met Levels 1 and 2 provide no setback variation to external walls, and instead use other elements to create articulation. This includes the projection of curvilinear balconies at Level 2 and through the use of banding to the upper part of Level 1 and Level 2 walls in the northern corner of the site. In addition, a deep recess is provided with a strong glazed element. These features create a high level of articulation and visual interest.</p>
<ul style="list-style-type: none"> Promote building materials that reflect the prevailing materials of the surrounding residential area. 	<p>Met The development utilises prevailing materials from the surrounding area, predominantly brickwork and render. Render is used to the majority of the balcony balustrades and also to the Level 4 façade.</p>
<ul style="list-style-type: none"> Ensure porticos and other design features integrate with the overall design of the building and not include imposing design features such as double storey porticos. 	<p>Met There are no porticos or imposing design elements proposed. Design features are well-integrated into the overall design of the building.</p>
Car Parking and Access	
<ul style="list-style-type: none"> Ensure garages are set back a greater distance than the front wall of the building. 	<p>Not applicable</p>

Requirement	Met/Not Met
<ul style="list-style-type: none"> Design developments with a maximum of two vehicle crossovers. Where possible retain existing vehicle crossovers to minimise the removal of street tree(s). Driveways should be generally setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback. 	<p>Met One vehicular crossover is proposed along the Old Warrandyte Road frontage, which will require an existing crossover to be modified.</p> <p>The crossover is located outside the 3.3m tree protection zone radius of the nearest street tree, on the western side. In addition, a minimum 1m offset has been provided from a light pole on the eastern side of the crossover.</p>
<ul style="list-style-type: none"> Incorporate a landscape strip on either side of a driveway capable of supporting a variety of shrubs and small trees, with preferably a minimum width of 0.5 metres adjacent to the fence-line and a one metre width adjacent to the dwelling. 	<p>Met Landscaping will be provided on both sides of the driveway.</p>
Landscaping	
<ul style="list-style-type: none"> Ensure the provision of pervious surfaces in the front and rear setbacks to enable the provision or retention of canopy trees. 	<p>Met There is suitable opportunity for tree planting within front and rear setbacks.</p>
<ul style="list-style-type: none"> Require the private open space area and the front setback of dwellings to have a minimum of one canopy tree with a spreading crown, capable of growing to a height of 8.0m or more at maturity. 	<p>Met Adequate setbacks and open space areas have been provided within the development to ensure that canopy trees can be planted throughout the development.</p>
Front Fence	
<ul style="list-style-type: none"> Ensure that the front fence is at least 50 per cent transparent. 	<p>Not applicable No front fencing is proposed to the Old Warrandyte Road frontage.</p>
<ul style="list-style-type: none"> Encourage fences that adjoin public open spaces to be no higher than 1.8 metres and are at least 50 per cent transparent, where appropriate. 	<p>Not applicable</p>

Apartment Developments

8.22 Pursuant to Clause 58 (Apartment Developments), a development must meet all of the objectives of this clause and should meet all of the standards.

8.23 An assessment against the objectives of Clause 58 is provided in the table below:

Objective	Objective Met/Not Met
<p>58.02-1 – Urban context</p> <ul style="list-style-type: none"> To ensure that the design 	<p>Met The proposed apartment development</p>

Objective	Objective Met/Not Met
<p>responds to the existing urban context or contributes to the preferred future development of the area.</p> <ul style="list-style-type: none"> To ensure that development responds to the features of the site and the surrounding area. 	<p>positively responds to the existing urban context or the preferred future development of the area. The development appropriately scales and transitions to the north-east.</p>
<p>58.02-2 – 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 Municipal Planning Strategy and the Planning Policy Framework. To support higher density residential development where development can take advantage of public and community infrastructure and services. 	<p>Met</p> <p>The application was accompanied by a written statement demonstrating how the development is in accordance with Municipal Planning Strategy and the Planning Policy Framework.</p> <p>The site can easily accommodate higher density residential development to take advantage of public and community infrastructure and services.</p>
<p>58.02-3 – Dwelling diversity</p> <ul style="list-style-type: none"> To encourage a range of dwelling sizes and types in developments of ten or more dwellings. 	<p>Met</p> <p>The proposal includes two and three bedroom dwellings with a range of floor areas to provide dwelling diversity.</p>
<p>58.02-4 – Infrastructure</p> <ul style="list-style-type: none"> To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure. 	<p>Met</p> <p>The site has access to all services.</p>
<p>58.02-5 – Integration with the street</p> <ul style="list-style-type: none"> To integrate the layout of development with the street. 	<p>Met</p> <p>The pedestrian entry is well-located on Mitcham Road as it is adjacent to existing pedestrian footpath infrastructure.</p>
<p>58.03-1 – Energy efficiency</p> <ul style="list-style-type: none"> To achieve and protect energy efficient dwellings and buildings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. To ensure dwellings achieve adequate thermal efficiency. 	<p>Met</p> <p>Given the orientation of the site, the proposal makes a reasonable attempt to limit the energy efficiency impacts to southern apartments.</p>
<p>58.03-2 – Communal open space</p> <ul style="list-style-type: none"> To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development. 	<p>Not applicable</p> <p>The development comprises less than 40 apartments.</p>

Objective	Objective Met/Not Met
<p>58.03-3 – Solar access to communal outdoor open space</p> <ul style="list-style-type: none"> To allow solar access into communal outdoor open space. 	<p>Not applicable As above.</p>
<p>58.03-4 – Safety</p> <ul style="list-style-type: none"> To ensure the layout of development provides for the safety and security of residents and property. 	<p>Met The pedestrian and car park entry point provides a safe and secure entrance to the building for future occupants.</p>
<p>58.03-5 – Landscaping</p> <ul style="list-style-type: none"> To encourage development that respects the landscape character of the neighbourhood. To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. To provide appropriate landscaping. To encourage the retention of mature vegetation on the site. To promote climate responsive landscape design and water management in developments that support thermal comfort and reduces the urban heat island effect. 	<p>Met Landscaping opportunities are varied across the site, due to the provision of generous setbacks and the siting of the front fence to Mitcham Road.</p> <p>Ample deep soil is provided for canopy tree and screen planting areas.</p>
<p>58.03-6 – Access</p> <ul style="list-style-type: none"> To ensure the number and design of vehicle crossovers respects the urban context. 	<p>Met One 6.4m wide vehicle crossover is proposed for the development to Old Warrandyte Road.</p>
<p>58.03-7 – Parking location</p> <ul style="list-style-type: none"> To provide convenient parking for resident and visitor vehicles. To protect residents from vehicle noise within developments. 	<p>Met The centrally located lift shaft provides equitable access for residents from all car parking spaces within the car parking levels. Residents are generally protected from vehicle noise within the development.</p>
<p>58.03-8 – Integrated water and stormwater management</p> <ul style="list-style-type: none"> To encourage the use of alternative water sources such as rainwater, stormwater and recycled water. To facilitate stormwater collection, utilisation and infiltration within the development. To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge 	<p>Met A 20,000 litre rainwater tank is located under the basement.</p> <p>The submitted Sustainability Management Plan demonstrates a STORM rating of 100%.</p> <p>The applicant is required to provide an on-site stormwater detention system to alleviate pressure on the drainage system.</p>

Objective	Objective Met/Not Met
from the site.	
<p>58.04-1 – Building setback</p> <ul style="list-style-type: none"> To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area. To allow adequate daylight into dwellings. To limit views into habitable room windows and private open space of new and existing dwellings. To provide a reasonable outlook from new dwellings. To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents. 	<p>Considered Met</p> <p>Side and rear setbacks appropriately respond to the existing urban context of the adjoining properties to the north-east and the preferred future development anticipated to the south-east.</p> <p>The setbacks are considered reasonable as they provide a suitable level of separation to the adjoining residential properties. This reduces off-site amenity impacts, despite the immediate interface being common property driveways, and provides ample opportunity for screen planting.</p> <p>The existing context of adjoining properties consisting of common property driveways adjacent to common boundaries requires few screening measures as there are no habitable room windows or private open space areas within 9m of proposed habitable room windows or balconies.</p>
<p>58.04-2 – Internal views</p> <ul style="list-style-type: none"> To limit views into the private open space and habitable room windows of dwellings within a development. 	<p>Met subject to condition</p> <p>It is unclear how internal views are limited between balconies. A condition will require the limiting of internal views to be demonstrated on the plan.</p>
<p>58.04-3 – 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 and internal noise sources. 	<p>Met</p> <p>There are no unusual noise sources within the development that may affect existing dwellings.</p> <p>The submitted acoustic report demonstrates that residents are protected from external noise sources, including traffic noise.</p>
<p>58.05-1 – Accessibility</p> <ul style="list-style-type: none"> To ensure the design of dwellings meets the needs of people with limited mobility. 	<p>Met</p> <p>More than 50% of the dwellings meet the accessibility requirements for door opening widths, entrance paths and access to an adaptable bathroom.</p>
<p>58.05-2 – Building entry and circulation</p> <ul style="list-style-type: none"> To provide each dwelling and building with its own sense of identity. To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents. To ensure internal communal areas provide adequate access to 	<p>Met</p> <p>The building entrance is well covered and easily identifiable.</p> <p>The lifts and stairwell are well located to provide equitable access.</p>

Objective	Objective Met/Not Met
daylight and natural ventilation.	
<p>58.05-3 – 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>Considered Met</p> <p>All balconies meet the minimum dimension and open space requirements.</p> <p>At ground level within the eastern lot, the modified requirements of Schedule 1 to the GRZ for larger private open space areas do not apply as Clause 55 is not the applicable assessment criteria. However, it is noted that four of the five ground floor apartments within this lot have at least 40m² of secluded private open space with minimum dimensions of 5m. Apartment 108 is the only exception, which has a minimum dimension of 4.38m with an area of approximately 35m². This is considered to be a highly usable area, which when combined with the separate balcony, provides adequate open space.</p>
<p>58.05-4 – Storage</p> <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling. 	<p>Met subject to condition</p> <p>Each apartment will be provided with a minimum 6m³ of storage within the basement, with the exception of Apartment 101, which has a storage area with a volume of 4.38m³. All other apartments are provided with at least 6.99m³. A condition will require that each apartment is provided with at least 6m³ of external storage.</p> <p>The storage areas are located within the basement levels and are allocated to specific apartments, however the car parking spaces are unallocated. Therefore, a condition will require the car parking spaces to be allocated, rationalised based on the location of allocated external storage areas, where possible.</p>
<p>58.06-1 – Common property</p> <ul style="list-style-type: none"> To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership. 	<p>Met</p> <p>The communal car parking areas, paths, landscape areas, internal lobby and corridors are practically designed. There are no apparent difficulties associated with the future management of these areas.</p>
<p>58.06-2 – Site Services</p> <ul style="list-style-type: none"> To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive. 	<p>Met</p> <p>Appropriate site services are provided and appropriately located.</p> <p>Utility cabinets are integrated to complement the design of the development, including height, design, materials and finishes.</p>

Objective	Objective Met/Not Met
58.06-3 – Waste and recycling <ul style="list-style-type: none"> To ensure dwellings are designed to encourage waste recycling. To ensure that waste and recycling facilities are accessible, adequate and attractive. To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm. 	Met The submitted waste management plan details that waste will be appropriately managed and collected on site.
58.07-1 – Functional layout <ul style="list-style-type: none"> To ensure dwellings provide functional areas that meet the needs of residents. 	Met All bedrooms and living areas meet the minimum dimensions and areas required.
58.07-2 – Room depth <ul style="list-style-type: none"> To allow adequate daylight into single aspect habitable rooms. 	Met All apartments meet the maximum room depth and provide appropriate floor to ceiling heights.
58.07-3 – Windows <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. 	Met All habitable room windows are provided with at least one window in an external wall of the building.
58.07-4 – Natural ventilation <ul style="list-style-type: none"> To encourage natural ventilation of dwellings. To allow occupants to effectively manage natural ventilation of dwellings. 	Met At least 40% of dwellings should provide effective cross ventilation.

Car parking, access and traffic

- 8.24 The 35 apartments comprise eight, two-bedroom dwellings and 27, three-bedroom dwellings. The Scheme requires that each two-bedroom dwelling is provided one vehicle space and that each three-bedroom dwelling is 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.
- 8.25 The development therefore generates a car parking requirement of 62 car parking spaces. The 70 car parking spaces proposed exceeds this requirement by eight car parking spaces.
- 8.26 An assessment against the car parking design standards at Clause 52.06-9 is provided in the table below:

Design Standard	Assessment
1 – Accessways	<ul style="list-style-type: none"> The accessway to the basement car park meets the minimum width and height clearance requirements. A minimum 6.1m by 7m passing area is provided

Design Standard	Assessment
	within the site frontage. <ul style="list-style-type: none"> • All vehicles are able to exit the site in a forwards direction. • An adequate visibility splay area is provided along the exit lane. • Within the car parking levels, a 4 metre internal radius is provided at changes of direction.
2 – Car Parking Spaces	<ul style="list-style-type: none"> • Car parking spaces are provided in accordance with the dimensions and clearance areas required.
3 – Gradients	<ul style="list-style-type: none"> • Driveway gradients have been assessed as compliant with the standard.
4 – Mechanical Parking	<ul style="list-style-type: none"> • No mechanical parking is proposed.
5 – Urban Design	<ul style="list-style-type: none"> • The entrance to the basement is offset from the eastern title boundary by 5.8m, which will enable the establishment of vegetation to soften the appearance of the 6.4m wide vehicle accessway to Old Warrandyte Road.
6 – Safety	<ul style="list-style-type: none"> • Access to the residential car parking areas is secured by a security gate. • Pedestrian access from the site frontage is clearly separated from the roadway as it is located on the Mitcham Road frontage.
7 – Landscaping	<ul style="list-style-type: none"> • Landscaping is well-placed along the driveway.

8.27 The submitted traffic impact assessment conservatively estimates that the proposed development could generate up to 245 vehicle trips per day, including approximately 25 vehicle movements per AM peak hour and 25 vehicle movements per PM peak hour. Approximately 80% of AM peak trips are anticipated to be vehicles leaving the site, while 60% of PM peak trips are anticipated to be vehicles returning to the site. It concludes that the volume of traffic generated by the development can be comfortably accommodated by the nearby road network.

8.28 Council's Infrastructure Services Unit has not raised concern in relation to the expected volume of traffic generated by the proposed development as assessed in the submitted traffic report, subject to the requirement for a traffic island that prevents right turn movements into and out of the site. The number of vehicle movements is not anticipated to have a discernible impact on the surrounding road network once distributed to the arterial road network, due to the number of routes available for drivers to use.

Land Adjacent to a Road Zone Category 1

8.29 A permit is required under Clause 52.29 of the Manningham Planning Scheme as the proposal involves the removal of the existing redundant crossover to Mitcham Road, which is zoned Road Zone Category 1.

8.30 VicRoads has provided conditional consent to the proposal, therefore the removal of the redundant crossover to Mitcham Road is considered appropriate.

Bicycle Facilities

8.31 This clause applies to developments for a residential building of four or more storeys. For this proposal, 7 resident bicycle spaces and 4 visitor spaces are required. The proposal provides 14 bicycle spaces, which exceeds the requirements of the Scheme. 10 spaces are conveniently located opposite the basement ramp within the ground level basement and 4 visitor spaces are provided adjacent to the pedestrian entry, within the Mitcham Road frontage. Dedicated showers or change room facilities are not required for a residential development.

Objector concerns

8.32 A response to the grounds of objection is provided in the paragraphs below:

Overdevelopment, density and neighbourhood character

8.33 The proposal satisfies the requirements of planning policy in respect to site coverage, setbacks, building height, form, scale, car parking, and open space provision and therefore the proposal is not considered to be an overdevelopment of the site. State Government Policy, as well as Council Policy supports increased densities in areas with good access to public transport and other services, which consolidates the role of established urban areas and reduces developmental pressure in the areas with environmental values will be encouraged.

8.34 The proposal has been assessed against the preferred neighbourhood character anticipated by planning policy at Clause 21.05 of the Manningham Planning Scheme. The policy outlines that a substantial level of change is anticipated for land affected by the RGZ and a departure from the existing neighbourhood character is therefore inevitable. This, however, does not imply that impacts generated by the preferred neighbourhood character can unreasonably impact adjoining private properties. This is particularly pertinent having regard to the site's concurrent GRZ1 zoning and the abutting properties also affected by the GRZ1.

8.35 Objectors have raised concerns that the apartment development proposed generates different living standards to detached dwellings and may potentially impact the residential amenity of neighbouring or nearby properties.

8.36 It is evident that the proposed development achieves a high level of compliance with respect to the DDO8 and Clause 22.15 provisions. The building is provided with articulated facades, varied materials and colours palette and an array of interesting architectural elements that add visual interest. The building is sufficiently setback from boundaries, allowing for landscaping to be established and adequate articulation and modulation to break up and mitigate visual bulk concerns.

Design and built form

8.37 The development meets the maximum building heights prescribed by the zones, including the mandatory 10m height within the eastern part of the land affected by the GRZ1 and the 14.5m height within the western part of the land affected by the RGZ2.

- 8.38 The proposal exceeds the preferred building height and the anticipated number of storeys for the western part of site affected by Design and Development Overlay, Schedule 8 (DDO8). The proposal meets the preferred maximum three storey requirement within the eastern part of the land. It is considered that the development presents a scale and form that responds to the preferred neighbourhood character and provides an adequate transition and stepping down to the scale and form of the adjoining properties within the GRZ1.
- 8.39 The level of articulation, stepped design of upper levels, selection of building materials and proposed setbacks are considered to be sufficient to address visual bulk concerns.

Traffic and car parking

- 8.40 The potential traffic impacts, including the location of the vehicle access point to Old Warrandyte Road, have been assessed by the permit applicant's traffic consultant and Council's Infrastructure Services Unit who both conclude that, on considering the proposal in the context of the traffic and the surrounding street network, the proposal can be accommodated on the adjacent road network without creating adverse traffic safety or capacity problems.
- 8.41 The number of car parking spaces provided is satisfactorily contained on site. The proposal provides residential parking that exceeds the statutory car parking requirements, with a surplus of 8 car parking spaces. These spaces are required to be set aside for residential car parking purposes only, and be available free of charge.

Off-site amenity impacts

- 8.42 The extent of shadows cast into the adjoining properties to the south-east is not considered unreasonable, with the shadows cast predominantly overshadowing the common property driveway. Overshadowing of secluded private open space is negligible. The separation between the development and adjoining dwellings is sufficient to enable adequate daylight into existing habitable room windows.
- 8.43 Potential overlooking to the adjoining properties to the north-east and south-east has been assessed. Given the separation between the development and adjoining dwellings, the development has adequately avoided direct views into habitable room windows and private open space areas of adjoining properties.
- 8.44 The consideration of noise can only relate to the construction of the development. The residential use of the dwellings does not require a planning permit and is not a planning matter. Residential noise associated with a development is considered normal and reasonable in an urban setting. Any future issues of amenity, if they arise, should be pursued as a civil matter.

Loss of property value

- 8.45 Any possible impact to the value of the objector's property is considered a subjective claim and is not a ground which can be considered in the planning assessment of this application.

Construction impacts

8.46 A detailed construction management plan is required as a condition of permit, which sets out matters relating to hours of construction, dust, dirt and mud control and the location of parking and site facilities for construction workers. The management plan would be enforced, where necessary, by Council's Planning Compliance team.

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.