

0.0 Planning Application PLN18/0615 at 124 to 128 Manningham Road, Bulleen for the use and development of a four-storey building comprising childcare and medical centre uses, plus 16 dwellings and associated basement and sub-basement car parking, and altered access to a road in a Road Zone, Category 1

File Number:	IN19/388
Responsible Director:	Director City Planning and Community
Applicant:	ANH Development Pty. Ltd. C/- Apex Town Planning
Planning Controls:	Residential Growth Zone Schedule 2 and Design and Development Overlay, Schedule 8-1
Ward:	Koonung
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 124-128 Manningham Road, Bulleen and recommends its approval, subject to amendments to 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).

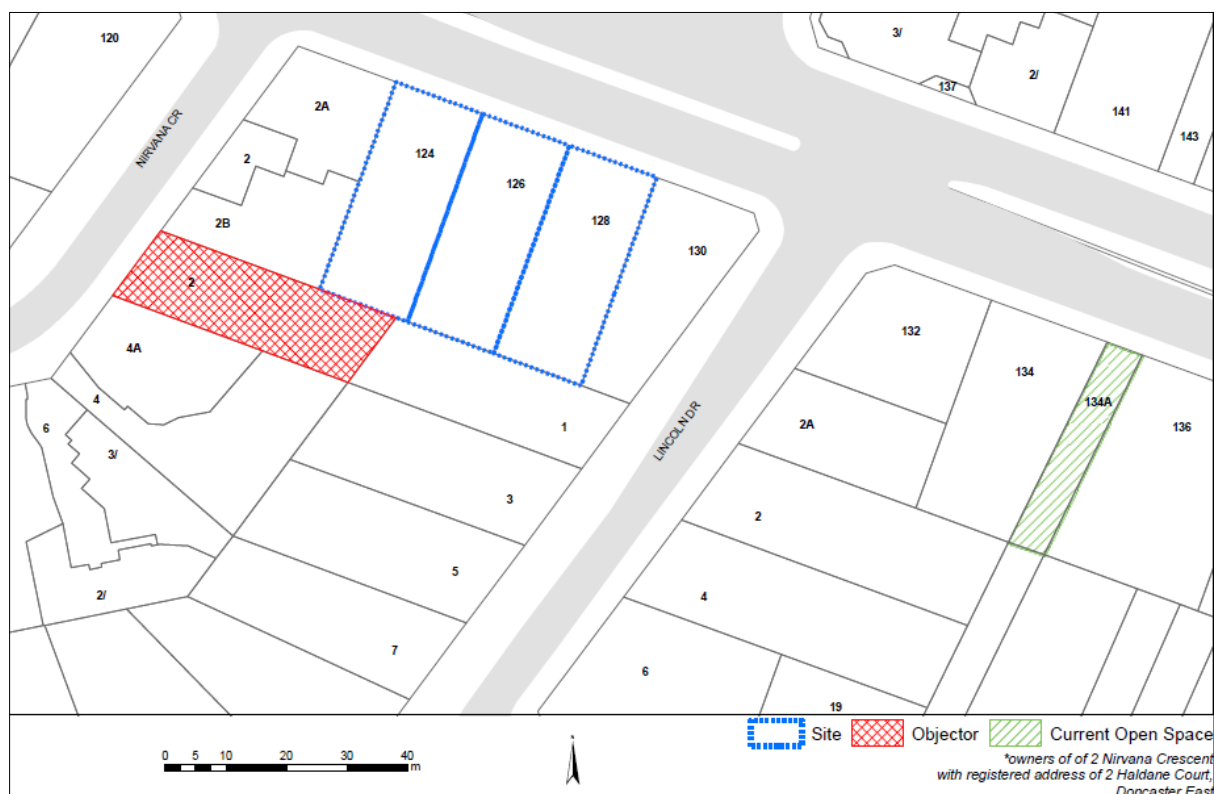
Proposal

2. The proposal is for the development of the land for a three to four storey mixed-use building for the purpose of 16 apartments, as well as a childcare centre and medical centre use. The medical centre is to be at ground level and the childcare centre is to be at the second floor level with an associated roof-top play area directly above. The dwellings are largely concentrated at the first level, but also dispersed across the ground and second levels. The residential component is separated from the non-residential uses by way of independent building entry, lift core and corridor access.
3. The childcare centre proposes a capacity for 92 children (16 to 18 staff) and operating hours between 6.30am to 6.30pm Monday to Friday. The medical centre is proposed to operate between 9.00am to 6.00pm Monday to Friday, and 9.00am to 5.00pm Saturdays. Three health service providers are proposed within the medical centre.
4. Parking is provided across two basement levels and includes a total of 49 car spaces, which exceeds the statutory rates by 2 spaces. The required parking allocation for each use is achieved, being 18 car spaces for residents, 20 car spaces for the childcare and 9 car spaces for the medical centre. The 2 excess car spaces will be unallocated to enable shared use in response to peak user demands (between resident visitors and staff).
5. The site comprises three residential allotments with a total area of 1760sqm. Building site coverage is 60% and permeability is 27%. The building is largely three storeys in form, though four-storey elements result due to land slope. The

maximum building height is 11.8 metres which includes a lift overrun associated with the roof-top play area access.

Advertising

6. Notice of the application was given for a three week period which concluded on 22 May 2019.
7. One objection has been received to-date. The objection received from the owner of 2 Nirvana Crescent expresses concerns relating to the increased traffic and parking pressures associated with the use upon Nirvana Crescent, visual bulk and general amenity impacts, loss of vegetation and property devaluation.



Key issues in considering the application

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

Assessment

9. The development of the land for a higher density mixed use building is consistent with the overarching principles for urban consolidation in designated areas that are well serviced by existing infrastructure. Overall, the proposal meets the policy objectives of the Manningham Planning Scheme (the Scheme), including the requirements of the Residential Growth Zone, Schedule 1 (RGZ1), Design

and Development Overlay, Schedule 8 (DDO8) and supporting policy relating to *non-residential uses within residential areas* (Clause 22.05).

10. Clause 22.05 specifically encourages the integration of non-residential uses as part of higher density development within the growth zone, to avoid the underutilisation of land. This has been achieved, with the inclusion of the childcare and medical centre uses in addition to the 16 dwellings. This offers the local community greater access to health and community based facilities, and even a “live-work” opportunity for the residents of the building itself. By virtue of the site’s main road frontage and its proximity to the Bulleen Plaza Shopping Centre and St. Clements Primary School, the criteria for locating such facilities is specifically achieved. The “clustering” of the two non-residential uses in this accessible location further fosters walkable access and multi-purpose vehicular trips.
11. The built form is attractively designed to retain a residential appearance in respect of its suburban setting, and cleverly employs a flexible floor plan which could quite easily be adapted to suit other uses, should commercial viability not be sustained. Residential amenity, both internally and externally is given due consideration, with particularly large setbacks provided toward the more sensitive residential interface to the rear. Limitations to the operational management will also further protect amenity.
12. Car parking is provided in excess of statutory rates, and offers the ability to “share” spaces in response to user demands. The parking associated with the non-residential uses also benefits the residential component, allowing their visitors unrestricted use of these car spaces outside of the controlled operating hours, which is when peak visiting hours are generally expected.
13. The overall design is considered to be of high architectural merit and is consistent with the desired built form outcomes for this particular main roads precinct, requiring only minor modifications by way of condition.

Conclusion

14. This report concludes that the proposal complies with the relevant planning policy in the Scheme and particularly with Local Policy at Clause 22.05 – *Non-residential uses in residential areas*, meeting the essential locational criteria and offering uses that provide a beneficial community service role. The proposal has been assessed against the merits of policy and planning scheme requirements and is supported for the reasons outlined in the detailed assessment, subject to conditions requiring modest design changes and the implementation of operational management plans.
15. 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 PLN18/0615 at 124-128 Manningham Road, Bulleen for the use and development of a four-storey building comprising childcare and medical centre uses, plus 16 dwellings and associated basement and sub-basement car parking, and to create or alter access to a road in a Road**

Zone, Category 1, 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 Peddle Thorp Architects, Project No. 36-0234, dated June 2019, but modified to show the following:

Childcare centre

- 1.1. Greater detailing of the room layout (including permanent cots/beds, bag locker areas, storage areas, change areas, door swings etc.) with an accurate calculation of the unencumbered floor space provided per room;
- 1.2. The location of any glazed elements required to facilitate supervision within the rooms and rooftop play area;
- 1.3. The western boundary setback of the third level bathrooms/stairwell servicing the rooftop play area to demonstrate compliance with Clause 55.04-1 (Side and rear setbacks) of the Manningham Planning Scheme;

Medical centre

- 1.4. Internal connection between in the corridor/lift access and reception area;

Dwellings

- 1.5. The boxed elements to the side or rear facing balconies to provide sufficient openings to accord with Clause 55.05-3 (Daylight to new windows) of the Manningham Planning Scheme. This could be achieved by way of materiality changes or providing openings into the side or top of the boxed elements, to the satisfaction of the Responsible Authority;
- 1.6. The balconies of Apartment 207 and 208 reduced by a minimum 250mm in width to increase daylight access to the windows directly beneath;
- 1.7. The window of the inset bedrooms in Apartments 202, 208 and 208 maximised in width, and a highlight window added to the internally east/west facing bedroom walls of Apartments 103, 104, 207 and 208;
- 1.8. The apartments layouts to achieve compliance with Clause 55.07-7 (Accessibility) and Clause 55.07-12 (Functional Layout) of the Manningham Planning Scheme, to the satisfaction of the Responsible Authority. Minimum circulation areas are to be excluded from the updated living room area calculations;

General

- 1.9. Inclusion of a raised planter to separate the paved building entry area from the pedestrian ramp and adjacent courtyard;
- 1.10. Detailing as to whether boundary fencing is existing or proposed. Any replacement fencing should be to a height no lesser than what exists;
- 1.11. A review of the ability to provide natural light to corridors through inclusion of skylight etc...
- 1.12. Longitudinal sections of the basement ramps (as taken from the centre for the roadway) with full detailing of ramp gradients;
- 1.13. The location and general sizing of lighting bollards to highlight the pedestrian ramp and entry doors;

Materials and site services

- 1.14. A separate sheet with a full schedule of materials and finishes with colour samples of all external walls, roofs, fascias, window frames, paving (including

terraces, balconies, roof terraces, stairs), fencing, privacy screens, roof top plant screens and retaining walls, and including the following:

- 1.14.1. A warmer tint added to the grey material palette, to be generally as reflective of the colour scheme shown in TP204;
- 1.14.2. Hard standing within the front setback area to be of a feature material/paver (not plain concrete);
- 1.14.3. Timber materials further detailed. If a reconstituted product is proposed, specifications of the make, style and colouring must be submitted to demonstrate a high quality appearance, to the satisfaction of the Responsible Authority;
- 1.14.4. The pedestrian ramp balustrade to demonstrate suitable transparency;

Other Conditions

- 1.15. A schedule listing all sustainability features and commitments, including any plan changes as per the Sustainability Management Plan required by Condition 4;
- 1.16. A list of all construction methods required to be implemented in accordance with the Acoustic report required at Condition 6; and
- 1.17. Any plan changes as per the reports required by Conditions 5, 6 and 9.

Endorsed Plans

2. The use and development 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 28 days before the development starts, two copies of a Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority. The Construction Management Plan must be prepared using Council's CMP Template to address the following elements referenced in Council's Construction Management Plan Guidelines:
 - 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;
 - 3.5. Element A5: Waste Minimisation and Litter Prevention;
 - 3.6. Element A6: Traffic and Parking Management.

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

Sustainability Management Plan

4. Prior to the commencement of the development, 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 Waterman Group, dated 30 May 2018, though updated to reflect any conditional changes and the following:

- 4.1. Management 4.1 Building Users Guide: Commitment to producing a Building User's Guide in BESS assessment to be reflected in report;
- 4.2. Water 1.1 Water Efficient Fixtures: Report to clarify developer commitment to providing dishwashers and washing machines as part of the building fit-out if included within the BESS assessment beyond default;
- 4.3. Water Rainwater Reuse: Report states that no rainwater tanks proposed in the Water Section but in Stormwater section and plans show tanks. Clarify in report and confirm connection to toilets and irrigation;
- 4.4. Water 4.1 Building Systems Water Use Reduction: Provide further information on the proposed strategy to reduce potable water usage to claim this credit;
- 4.5. Energy 1.1 Thermal Performance Rating (Non-Residential): The manner in which BESS assessment achieves a 100% reduction in energy used for heating and cooling to be detailed in report. Commitment to achieving at least a 10% improvement on National Construction Code minimum energy efficiency requirements is expected;
- 4.6. Energy 3.7 Internal Lighting (Non-Residential): Clear commitment to a maximum illumination power density (W/m²) in at least 90% of the relevant building class at least 20% lower than required by Table J6.2a of the NCC 2016 BCA Volume 1 Section J (Class 2 to 9) required to claim credit;
- 4.7. Energy 4.2 Renewable energy systems – Solar: The 24.6kWp solar photovoltaic system shown on plan to be accounted for in BESS assessment and report;
- 4.8. IEQ 1.4 Daylight access – Non-residential: Calculations (modelling or hand calculations) to be included in report to demonstrate how the spaces are predicted to perform in relation to daylight benchmarks outlined in BESS (<https://bess.net.au/tool-notes/>);
- 4.9. Transport 1.4 Bicycle Parking - Non-Residential: Provide notations on drawings to demonstrate that this commitment is being delivered;
- 4.10. Transport 1.5 Bicycle Parking - Non-Residential Visitor; Provide notations on drawings to demonstrate that this commitment is being delivered;
- 4.11. Transport 2.3 Motorbikes / Mopeds: Indicate on plans the layout of motorbike spaces;
- 4.12. BESS Assessment: Formally published and updated to ensure minimum scores are achieved

Waste Management Plan

5. Not less than 3 months before the development starts, a Waste Management Plan must be submitted to 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 (WMP) prepared by Frater, dated 12 December 2018, but updated to include any changes required by Condition 1, as relevant.

Acoustic Report and Noise Management Plan

6. Prior to the commencement of the development, an amended Acoustic Report must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the acoustic report prepared by Cogent Acoustics Pty Ltd, dated 16 February 2018 but be modified to reflect any changes or conditions required by this permit, and include an assessment of the balcony areas adjacent to the child care rooms, with any requirements or recommendations to reduce associated noise levels, as relevant.
7. Prior to the commencement of the approved childcare use, a Noise Management

Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will then form part of the permit and all measures must be implemented to the satisfaction of the Responsible Authority. Such plan must detail the management and supervision techniques to ensure that excessive noise is not generated by external play activities, incorporating the recommendations of the approved Acoustic report under this permit.

Car Parking Management Plan

8. Prior to the commencement of the approved uses, a Car Parking Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will then form part of the permit and all measures implemented to the satisfaction of the Responsible Authority. The plan must be generally in accordance with the plans and described use, and include the following:
 - 8.1. The details of the childcare and medical centre operators, including general staffing arrangements;
 - 8.2. Measures to avoid staff arrivals and childcare drop-off/patient peak demands coinciding;
 - 8.3. The allocation of excess car spaces to childcare staff during operating hours;
 - 8.4. The allocation of all childcare and medical centre parking to resident visitors outside of their respective operating hours;
 - 8.5. Measures to maximise the supply of car spaces available for both childcare drop-off and patients within the upper level basement during operating hours (ie. whether a shared use or marked allocation of designated parking areas is best);
 - 8.6. Any required signposting to accord with the recommendations above; and
 - 8.7. Measures to prevent staff and regular users of the facility from parking in nearby residential streets.

Unless otherwise agreed with the consent of the Responsible Authority, an updated plan must be submitted for review and approval within 6 months of the approved uses commencing, or where the nominated operational arrangements change. Such plan must implement any changes deemed necessary by the use operators or Responsible Authority to ensure on-site parking is adequately managed.

Tree Protection Management Plan

9. Prior to the commencement of the development, an updated Arboricultural Assessment and Tree Protection Plan (generally in accordance with the report prepared by All Trees Consulting Services Pty Ltd, dated 7 November 2018) must be submitted to review the potential to retain Trees 9, 11 and 13 on site. A tree protection site plan must also be submitted that details the location of all fencing required to be erected around any retained trees, and a schedule of all protection measures to be implemented during construction, to the satisfaction of the Responsible Authority. When approved, the plan will then form part of the permit.

Management Plan Compliance

10. The Management Plans approved under Conditions 4, 5, 7, 8 and 9 of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.
11. 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

12. 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 decision plan prepared by Urbis, Project No. ND1883, dated April 2019, but modified to show:
 - 12.1. Any changes as required by Condition 1 or any other condition;
 - 12.2. Species, locations, quantities, approximate height and spread of proposed planting;
 - 12.3. Details of soil preparation and mulch depth for garden beds;
 - 12.4. Sectional details of shrub planting method and the canopy tree planting method which includes support staking and the use of durable ties;
 - 12.5. Detailing of any proposed roof planting and the general layout of play area spaces;
 - 12.6. Low maintenance and drought-resistant street perimeter planting within common property areas;
 - 12.7. Any planting within the easement to be of shallow-rooted, non-invasive species; and
 - 12.8. Planting within 2 metres along the frontage from the edge of the driveway and 2.5 metres along the driveway from the frontage to be no greater than 0.9 metres in height at maturity.

Landscape Bond

13. 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.

Childcare Centre use

14. Except with the prior written consent of the Responsible Authority, the childcare centre use may only operate between the hours of 6.30am to 6.30pm Monday to Friday.
15. Except with the prior written consent of the Responsible Authority, the number of children who may be cared for at centre at any one time must not exceed the amount permissible by the unencumbered space per room, or 92, whichever is the lesser.
16. Except with the prior written consent of the Responsible Authority, not more than 2 staff members in excess of the minimum staffing required for the number of children being cared for at the centre may be present at any one time.
17. All children's' play equipment must be maintained and kept in a safe condition to the

satisfaction of the Responsible Authority.

18. The external play areas must be kept in a neat and tidy condition to the satisfaction of the Responsible Authority.

Medical centre use

19. Except with the prior written consent of the Responsible Authority and except in the case of an emergency, the medical centre may only operate between the hours of 9.00am to 6.00pm Monday to Friday and 9.00am to 5.00pm Saturdays.
20. Except with the prior written consent of the Responsible Authority, not more than 3 persons providing health services may work at the medical centre at any one time, and in the event of a roster system being applied, such roster must ensure that no overlap of consultation periods occurs.
21. Except with the prior written consent of the Responsible Authority, not more than 2 support/administrative staff may work at the medical centre at any one time, in conjunction with the 3 persons providing health services.
22. Patient consultations must be scheduled via appointments to avoid overlapping consultation periods (per person providing health services), to the satisfaction of the Responsible Authority, and must not include any ancillary pathology services within the medical centre.
23. Any infectious or potentially infectious wastes (as defined by the EPA) must be disposed of in accordance with Environmental Protection Authority (EPA) requirements, to the satisfaction of the Responsible Authority.

Completion and Maintenance

24. 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.
25. 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.
26. Driveway gradients and transitions as shown on the plan approved under Condition 1 of this permit must be generally achieved through the driveway construction process to the satisfaction of the Responsible Authority.
27. Buildings, paved areas, fencing, external lighting, sight screens, drainage and landscaping (including planting within integrated balcony planters) must be maintained to the satisfaction of the Responsible Authority.
28. An in-ground drip-feed watering system must be installed in the main landscaped areas to the satisfaction of the Responsible Authority.

Stormwater – On-site detention (OSD)

29. 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:

- 29.1. Be designed for a 1 in 5 year storm; and
- 29.2. Storage must be designed for 1 in 10 year storm.

Construction Plan (OSD)

30. Before the development starts, a construction plan for the system required by Condition 29 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

31. 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.
32. 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.
33. Before the development is completed, the owner must construct outfall drainage works between the site and the nominated pit in Lincoln Drive in accordance with a certified engineering construction plan (designed for a 1 in 5 year storm) approved by the Responsible Authority. Before the works start:
 - 33.1. A supervision fee equal to 2.5% of the cost of construction of the drainage works must be paid to the Responsible Authority;
 - 33.2. A plan-checking fee equal to 0.75% of the cost of construction of the drainage works must be paid to the Responsible Authority;
 - 33.3. A maintenance deposit equal to 5% of the cost of construction of the drainage works must be lodged with the Responsible Authority and retained thereafter for a minimum of three months; and
 - 33.4. A schedule of costs for the construction of drainage works must be submitted to the Responsible Authority.

Driveway and Car Parking Areas

34. Not less than 49 car spaces must be available on site at all times, with parking allocations to accord with the endorsed plan or approved car parking management plan, to the satisfaction of the Responsible Authority.
35. Directional signage at the basement entry must be provided to advise of the location of medical centre patient and childcare centre drop-off parking within the basement, to the satisfaction of the Responsible Authority. Such signage should be visible to the roadway but not exceed 0.3 square metres in area.
36. Any shared/unallocated car parking spaces must be maintained in future Common

Property, to the satisfaction of the Responsible Authority.

37. The upper level basement must remain open and accessible during childcare centre and medical centre operating hours, to the satisfaction of the Responsible Authority. The automatic basement door opening systems must facilitate secure access to the allocated parking areas for residents, visitors and rubbish collection contractors outside of these times.
38. Parking within the lower basement level must be restricted to residents and nominated staff by way of security doors or signage, to the satisfaction of the Responsible Authority.
39. Before the approved use or occupation of the approved development commences, the area set aside for the parking of vehicles and access lanes as shown on the approved plan must be:
 - 39.1. Constructed and formed to approved levels;
 - 39.2. surfaced with an all-weather-seal coat;
 - 39.3. drained;
 - 39.4. line marked to indicate each car space;
 - 39.5. marked to show the direction of traffic along access lanes and driveways;
 - 39.6. marked to show a car space for a person with a disability designed to the relevant Australian Standard; and
 - 39.7. Signposted as relevant, to the satisfaction of the Responsible Authority.
40. The loading and unloading of goods from vehicles must only be carried out on the land.
41. Prior to occupation of the approved dwellings or commencement of approved uses, the proposed vehicular crossover must be constructed in accordance with the plans endorsed under Condition 1 of this permit to the satisfaction of the Responsible Authority.

Amenity

42. All security alarms or similar devices installed on the land must be of a silent type to the satisfaction of the Responsible Authority.
43. External lighting must be designed so as to limit loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority.
44. All noise emanating from any mechanical plant (air conditioners, refrigeration plant, etc.) must comply with the State Environment Protection Policy N-1 and in the event of the Responsible Authority receiving justifiable complaints regarding noise from such sources, the onus will be on the owner of the development site to prove compliance with the relevant policy to the satisfaction of the responsible authority.

General Services

45. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
46. All service pipes must be concealed and screened respectively to the satisfaction of the Responsible Authority.

47. 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.
48. A centralised TV antenna system must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority. No individual dish antennas may be installed on balconies, terraces, roofs or walls to the satisfaction of the Responsible Authority.
49. Any reverse cycle air-conditioning unit, hot water boosters or other service plant or equipment erected on the walls of the approved building must be appropriately designed and finished with screening if necessary to minimise general visual impacts from off the site to the satisfaction of the Responsible Authority.
50. All roof-top plant and services (including any hot water systems, but excluding solar panels) must be installed in appropriately screened areas (away from the outer edges of the roof section upon which they are installed) unless otherwise agreed in writing with the Responsible Authority.

Services on Balconies and Terraces

51. Any air-conditioning unit installed on a balcony or terrace must stand at floor level and be positioned to minimise general visual impacts from off the site, and unless otherwise agreed in writing with the Responsible Authority, no air-conditioning unit may be erected on an external wall to the satisfaction of the Responsible Authority.
52. Any clothes-drying rack or line system located on a balcony or terrace must be lower than the balustrade of the balcony or terrace to minimise general visual impact from off the site to the satisfaction of the Responsible Authority.

Fencing and Retaining Walls

53. Prior to the occupation of the approved dwellings, all fencing (whether new or retained) must be erected in good condition and be fit for screening purpose in accordance with the plans endorsed under Condition 1 of this permit to the satisfaction of the Responsible Authority. Any proposed fencing is to be constructed at the cost of the developer.
54. 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.

Construction Management

55. 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.

VicRoads Condition

56. Prior to the commencement of the use of the development hereby approved, all disused or redundant vehicle crossings must be removed, and the area reinstated to

the satisfaction of the Responsible Authority and at no cost to VicRoads.

Expiry

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

- 57.1. The development is not started within two (2) years of the date of this permit; and
- 57.2. The development is not completed within four (4) years of the date of this permit; and
- 57.3. The uses are not commenced within two (2) years of the completion of the development.

The Responsible Authority may extend these times if a request is made in writing by the owner or occupier either before the permit expires or in accordance with Section 69 of the Planning and Environment Act 1987.

1. BACKGROUND

- 1.1 Two pre-application requests were made prior to the lodgement of this application. The first was for a multi-level childcare centre and the second for a mixed use development generally reflective of this proposal. This application was presented to Sustainable Design Taskforce in June 2018, and was well received, though with suggested improvements relating to built-form and highlighting the need consider the car parking layout with respect to the three uses.
- 1.2 The application was submitted to Council on 21 September 2018 and a request for further information was sent on 18 October 2018. A Section 50 amendment was lodged with the submission of further information on 18 April 2019, generally providing for architectural improvements and increased setbacks in response to concerns raised by officers.
- 1.3 Notice of the application was given over a three-week period which concluded on 22 May 2018. On 12 June 2019, a Section 57A was lodged to correct and modify the allocation of car spaces as shown on the plans (noticed at the assessment stage) and improve access arrangements. Given this did not result in any change to the car parking numbers overall, the re-advertising of this plan substitution was not warranted.
- 1.4 The statutory time for considering a planning application is 60 days, which falls on 11 August 2019.

2. THE SITE AND SURROUNDS

The Site

- 2.1 The site comprises three relatively standard residential allotments (all 557.42sqm in area) which are each developed with one to two-storey homes of typical 1960's construction, and set amongst light to moderately vegetated gardens.
- 2.2 In total, the three allotments provide a combined frontage width of 45.72 metres, a depth of 45.72 metres and an overall site area of 1,672.25sqm.

- 2.3 The land has a 3 metre cross-fall to the east, with the same degree of slope from front to rear. In total, there is a notable 6 metre fall from the north-west to south-east corners of the site. A 1.83 metre wide drainage and sewerage easement is adjacent to the rear boundary.

The Surrounds

- 2.4 The site and the adjoining properties to the east and west and directly opposite are subject to the same planning controls (GRZ2 and DDO8-1). Those to the rear are within the General Residential Zone, Schedule 1.
- 2.5 The site has direct abutments with the following properties:

Direction	Address	Description
East (RGZ2)	130 Manningham Road	<p>This property is located on the south-west corner of Manningham Road and Lincoln Drive. The lot is occupied by a two level brick dwelling (single storey with under-croft garage) which occupies a high proportion of the lot. The dwelling runs along the length of the shared boundary at a setback of 1.2 metres. The setback area between the dwelling and shared boundary provides a service yard, with the 7.5 metre front setback area utilised as private open space behind a high solid front fence.</p> <p>Planning Permit PL16/026739 was issued in May 2017 for the construction of three 2-3 storey townhouses. Plans have been endorsed and a successive subdivisional permit issued, however construction is yet to commence. The approved townhouses are sited relatively close to the shared boundary (1-2m) with a landscape buffer along the common boundary. Approved upper level habitable room windows facing toward the subject site are to be screened, as are the roof-top terraces above two of the townhouses.</p>
West (RGZ2)	2A and 2B Nirvana Crescent	<p>These properties contain two single storey dwellings which are a product of an older multi-unit development. No. 2A fronts Manningham Road with a 5 metre setback, and adjoins the northern half of the site's western boundary. To the shared boundary, the dwelling is setback approximately 1.8 metres and has four windows along its eastern elevation. A small courtyard is located to the south of the dwelling, however the front setback area to the north of the dwelling is secluded behind a high front fence and used as the primary open space.</p> <p>No. 2B is to the rear of this dwelling and adjoins the southern half of the site's western boundary. The dwelling is setback between 2.4 metres and 5.5 metres from the common boundary. The intervening area is used as private open space and incorporates a covered patio to the north-west of the dwelling.</p>
South (GRZ1)	1 Lincoln Drive	<p>This property shares its northern (side) boundary with the majority of the site's rear boundary. It is developed with a two level brick dwelling with an under-croft garage fronting Lincoln Drive. The side of the dwelling is setback 1.2 metres from the shared boundary. There is an even amount of habitable and non-habitable room windows upon the northern elevation. A covered patio to the north-west of the dwelling leads out to further open space areas to the rear and south of</p>

	2 Nirvana Crescent	<p>the dwelling.</p> <p>This property shares approximately one-third of its northern (side) boundary with the site's rear boundary. The shared boundary length is approximately 13 metres and the area adjoining is the rear private open space associated with the single dwelling located further to the west, fronting Nirvana Crescent. There are three mature trees in proximity to the site which are identified as a Hawthorn tree, Japanese Maple and Crab Apple.</p>
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- 2.6 The character of the broader neighbourhood is in transition. This particular section of Manningham Road still retains a number of single homes, however this character is anticipated to change as land gradually redevelops in accordance with the desired future character of the DDO8. The recently constructed apartment style development at No. 116 Manningham Road is an example of the emerging character. A recent approval has also been issued for No. 118-120 Manningham Road (on the western corner of Nirvana Crescent) for a four-storey apartment building.
- 2.7 Land to the rear of the site (fronting either Nirvana Crescent or Lincoln Drive) falls within a General Residential zoning (GRZ1). Whilst predominantly characterised by single homes, there has been a steady transition toward increased housing densities in the form of two to three units or townhouses, particularly within Nirvana Crescent. This form of development is expected to increase in accordance with the incremental level of change anticipated.
- 2.8 Manningham Road is a VicRoads declared arterial road running in an east-west alignment with three lanes of traffic in each direction. A central median is provided, with openings opposite Pleasant Road and Lincoln Drive to the west and east of the site respectively. Parking is restricted on both sides of the road by "clearways" operational between 6:30am-9:30am and 4:00pm – 6:00pm. Outside of clearway periods, it is uncommon for vehicles to utilise kerb-side parking given the main road nature and 70km/h speed limit.
- 2.9 The site is serviced by numerous bus routes (including a Smart bus) operating along Manningham Road, connecting activity centres and residential areas within the municipality to Melbourne's Central Activity District. Bulleen Plaza Activity Centre is within a 290 metre walking distance and provides a supermarket and other specialty shops and food outlets. Other facilities include St. Clements and Bulleen Heights Primary Schools and the Morris William Reserve within a 550 metre radius.

3. THE PROPOSAL

- 3.1 The proposal is outlined on the plans prepared by Peddle Thorp Architects, Project No. 36-0234, dated June 2019 and a landscape plan prepared by Urbis, Project No. ND1883, dated April 2019. Refer to Attachment 1.
- 3.2 The following reports were provided in support of the application:
- Town Planning report prepared by Apex Town Planning, dated September 2019 (amended April 2019);
 - Traffic Impact Assessment prepared by Traffix Group, Job No. G22026R-03A Revision 03, dated 15 April 2019;
 - Acoustic report prepared by Renzo Tonin, dated 9 November 2018;
 - Waste Management Plan prepared by Frater dated 12 December 2018;

- Sustainable Management Plan prepared by SBE, dated 28 November 2018; and
- Arboricultural Impact Assessment and Tree Protection Management Plan prepared by All Trees Consulting Services Pty Ltd, dated 7 November 2018.

Development summary

3.3 A summary of the development is provided as follows:

Land Size: 1,672m ² Site Coverage: 60% Permeability: 27%	Maximum Building Height: 11.8m including lift overrun (10 metres on average)		
Dwellings 16 total 1 bedroom: 2 2 bedroom: 12 3 bedroom: 2 Dwelling Density: One per 111.5m ²	Minimum wall setback to: Manningham Road (Balconies encroach 2m into setback at ground to second levels)	Floor Level: Basements: 3.6m Ground: 7.33m First: 7.33m Second: 7.33m Third: 14.9m Rooftop play area: 7.33m	Distance: Basements: 3.85m Ground: 6.1m First: 6.1m Second: 7.12m Third: 13.6m Rooftop play area: 7.2m
Medical Centre Floor area: 266sqm Health Service Providers: 3	Southern boundary (Balconies encroach 2.55m into ground setback, between 1.5-2.55m into first level setback and 2m into second level setback)	Basements: 3.85m Ground: 6.1m First: 6.1m Second: 7.12m Third: 13.6m Rooftop play area: 7.2m	Basements: 1.12m Ground: 1.73m First: 3.0 m Second: 6.37m Third: 20.0m Rooftop play area: 7.5m
Childcare No. of children: 92 children Room 1 (56m ²) 16 Room 2 (57 m ²) 16 Room 3 (57m ²) 16 Room 4 (72 m ²) 22 Room 5 (72 m ²) 22 Staff required: 16 (1:4 ratio for 48 children between 0-3 years and 1:11 for 44 children between 3-5 years)	Eastern boundary (Balconies encroach 1.2m into ground setback and 2.6m into second level setback)	Basements: 1.12m Ground: 1.73m First: 3.0 m Second: 6.37m Third: 20.0m Rooftop play area: 7.5m	Basement: 1.05m Ground: 4.35m First: 2.65m Second: 3.75m Third: 4.42m Rooftop play area: 3.95m
Car parking Dwellings: <ul style="list-style-type: none"> • 2 x 1 bedroom: • 12 x 2 bedroom: • 2 x 3 bedroom: • Resident visitors: Total resident parking: Childcare: <ul style="list-style-type: none"> • 0.22 per 92 children Medical Centre: <ul style="list-style-type: none"> • 3.5 per 100smqm LFA (266-or 	No. of car spaces required: <ul style="list-style-type: none"> • 2 • 12 • 4 • 0 (PPTN) 18 spaces <ul style="list-style-type: none"> • 20 spaces • 9 	No. of car spaces provided on-site: <ul style="list-style-type: none"> • 2 • 12 • 4 • **shared provision 18 spaces <ul style="list-style-type: none"> • 20 spaces • 9 spaces 	

257.99sqm) Unallocated • 2 spaces		** 2 excess spaces for shared use by childcare staff during operating hours and visitors at other times. Visitors will also have use of all other childcare and medical spaces outside of use hours.
Total car parking:	47 spaces required	49 spaces provided

Use

Childcare

- 3.4 The childcare centre use proposes operating hours of 6.30am to 6.30pm Monday to Friday. There are five rooms which can accommodate a maximum of 92 children, with 16 staff required to service the centre at full capacity. The planning report indicates that a maximum of 17-18 staff may be expected at peak times (accounting for any additional administrative staff etc).

Medical Centre

- 3.5 The Medical Centre is proposed to accommodate 3 health service providers between the hours of 9:00am to 6:00pm Monday to Friday and 9:00am to 5:00pm Saturdays. Additional administration staff will be employed as necessary.

Design layout

- 3.6 The ground floor level accommodates the medical centre component and four of the residential dwellings, in addition to the main street entrance to the building. The medical centre has a reception area adjacent to the main building entry, with three consulting rooms located to the west of this transitional area. The consulting rooms are essentially underground and are provided natural light access through highlight windows along the western elevation. The remaining floor area is occupied by the four dwellings and their associated terraces oriented to the north, east and south.
- 3.7 The first floor is purely residential and contains a further 10 apartments and their respective balconies which are spaced across each elevation.
- 3.8 The second floor level accommodates five childcare rooms, in addition to a reception area, office, kitchen and shared bathrooms. Two apartments sleeve the eastern side of this floor level. The apartments and each of the children's' rooms are provided with a balcony.
- 3.9 The majority of the second floor level roof space accommodates a rooftop play area for the children. Two small building cores provide for lift and stair connections to the rooftop and bathroom facilities. A pergola structure extends between these two building cores to provide a covered play area, however is otherwise open to the sky, with 1.7 metre high feature mesh balustrades securing the perimeter.

Pedestrian and vehicle access and layout

- 3.10 Two levels of basement car parking service the development, accessed via a new crossover at the eastern end of the frontage. The first basement provides 22 car spaces, 16 of which are allocated to childcare centre parking and 6 to the medical centre. The second basement level provides 27 spaces, including all 18 required resident spaces, 3 for medical staff and 4 to childcare centre staff. The 2 excess spaces are unallocated, though intended for use by childcare centre staff during operating hours, and for resident visitors outside of these hours.
- 3.11 The main entrance is serviced by stairs and ramp access from the frontage. There three individual uses are providing with independent entries, with an internal “splitting” of the corridors to separate the residential and non-residential uses and their individual lift cores. The medical centre and child uses share a lift connection between the basement and their respective floor levels, and the dwellings are separately serviced and secured from general access. This arrangement is repeated through each level.
- 3.12 A total of 19 bicycle spaces are provided across the two basement levels and within the frontage setback. A shared bin storage enclosure is at the first basement level, servicing all three use components.

Landscaping

- 3.13 All existing vegetation will be removed. The proposed garden areas will exhibit a layered landscape theme consisting of canopy trees along the perimeter of the site, in addition to understorey planting and ground covers. Five canopy trees capable of reaching more than 8 metres in height (Crepe Myrtles and Capital Pears) are proposed along the site frontage, in addition to other smaller trees and shrubs. A variety of trees is proposed along the rear boundary, and includes a hedge-like cluster of Lilly-Pillies in addition to feature native bottlebrushes, all providing evergreen foliage. A similar variety of planting is proposed along the side boundaries, positioned in response to any adjacent vegetation on neighbouring properties.

Design Detail

- 3.14 The non-residential uses are not accentuated in the overall architectural styling, but rather integrated to present a uniform and attractive “residential” appearance. The medical centre component is benched into the site frontage, with the boxed elements enclosing the residential balconies being the predominant feature of the main facade. The balconies and rooftop play spaces associated with the childcare centre are differentiated with the use of a feature mesh balustrades, though are positioned to integrate with, and appear as extensions of the residential balconies. Permanent shading structures are used upon the rooftop (in place of shade sails).
- 3.15 External walls are predominantly in a cement composite cladding which incorporates a patterned or tiled look in varying shades of grey. Accents include timber soffits within the boxed framing features, metal louvres and patterned mesh screen designs in lighter and darker colours shades. Whilst no front fence is proposed, the mesh screening (to match the childcare balustrades) is utilised for the pedestrian ramp rails and service cabinets.



4. LEGISLATIVE REQUIREMENTS

4.1 Refer to Attachment 2.

4.2 A permit is required under the following Clauses of the Manningham Planning Scheme:

Clause 32.07 Residential Growth Zone, Schedule 2:

- Clause 32.07-2 for use of the land for a childcare centre and a medical centre (where the Leasable Floor Area (LFA) exceeds 205sqm);
- Clause 32.07-5 to construct two or more dwellings on a lot;
- Clause 32.07-8 to construct a building or construct or carry out works for a use in Section 2;

Clause 43.02 Design and Development Overlay, Schedule 8:

- To construct a building or construct or carry out works, including a front fence.

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.

5. REFERRALS

External

5.1 As the proposal involves the creation of a new accessway (and removal of redundant crossovers), the application was referred to VicRoads as a determining referral authority.

5.2 VicRoads has not objected to the proposal, subject to the inclusion of one condition of approval.

Internal

5.3 The application was referred to a number of service teams 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 on-site storm water detention and outfall drainage construction between the site and pit in Lincoln Drive.
Infrastructure Services Unit – Vehicle Crossing	<ul style="list-style-type: none"> The new crossover – as per VicRoads requirements Condition to require redundant crossovers to be removed and nature-strip and kerbs reinstated.
Infrastructure Services Unit – Access and Driveway	<ul style="list-style-type: none"> No objection – Design Standards met. Conditions to require driveway gradient approval prior to the endorsement of plans and swept paths for B85 and waste vehicles on site plans.
Infrastructure Services Unit – Traffic and Car Parking	<ul style="list-style-type: none"> The number of car parking spaces is in accordance with Clause 52.06-5. Condition to require signage for resident parking and staff parking within the lower basement. The car spaces in the upper basement can be used by all patrons, visitors included.
Infrastructure Services Unit – Car Parking Layout	<ul style="list-style-type: none"> The car park layout is satisfactory.
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 conditions for on-site private waste collection based on an approved waste management plan.
Infrastructure Services Unit – Easements	<ul style="list-style-type: none"> No objection.
Infrastructure Services Unit – Flooding	<ul style="list-style-type: none"> The site is not subject to inundation from Council's drainage system.
Integrated Planning Unit – Sustainability	<ul style="list-style-type: none"> No objection subject to conditions requiring amendments to the assessment in order to meet Council's current expectations for Environmentally Sustainable Design (ESD) standards.
Children's' Services	<ul style="list-style-type: none"> Plan detailing required to demonstrate sufficient unencumbered space for the allocated number of children per room (accounting for door swings, bag lockers, storage, cots, nappy change, etc.). Supervision of rooftop area and consider visibility. (Conditions required)
Health	<ul style="list-style-type: none"> The proposed child care centre must apply and obtain a Food Act Registration with Council's Health Unit prior to any fit out and commencement of trade. (Permit Note required)

6. NOTIFICATION

- 6.1 Notice of the application was given over a three-week period which concluded on 22 May 2019, by sending letters to nearby property owners and occupiers and displaying a large sign upon the frontage.

- 6.2 One objection has been received to date from the following property:
- 2 Haldane Court, Doncaster East (owners of 2 Nirvana Crescent);
- 6.3 The main grounds of the objection can be summarised into the following categories:
- Traffic and car parking (traffic congestion and insufficient parking);
 - Off-site amenity impacts (lack of privacy, overshadowing, noise, loss of views);
 - Scale and bulk;
 - Loss of vegetation; and
 - Property devaluation.
- 6.4 A response to the grounds of objection is included in the assessment section of this report.

7. ASSESSMENT

Planning Policy Framework

- 7.1 Policy emphasises the need for a mix of well-designed developments, with higher densities particularly encouraged in and around activity centres and along main roads, being areas best serviced by transport and infrastructure. At a higher level, the site's main road location and proximity to a neighbourhood activity centre supports the concept of the "20 minute neighbourhood", as does the mixed use nature of the building.
- 7.2 Increasing housing densities in proximity to activity centres serves to provide the population with access to vital facilities, and in turn ensures that our local activity centres maintain long-term viability. This is further reinforced by the site's location within the Principal Public Transport Network Area and through Clause 18.02-2R which seeks to increase the diversity and density of development within the identified network areas.
- 7.3 In addition to providing for increased housing supply and diversity in choice, the incorporated childcare and medical centre uses provide two new community based facilities to service local area, as supported by the purpose of the zone. This is also consistent with Clause 21.09 *Activity Centres and Commercial Development*, which encourages complimentary community services in proximity to Neighbourhood Activity Centres, in this case being the Bulleen Plaza Activity Centre located less than 300 metres away. More specifically, the proposal meets the criteria of Clause 22.05 *Non-Residential Uses in a Residential Areas* for the reasons detailed in the latter assessment, and noting that the integration of non-residential into higher density developments is specifically encouraged.
- 7.4 Clause 21.05 *Residential* nominates the site within Precinct 2 which is an area nominated for a substantial level of change. In pursuit of the urban consolidation principles established by the State-wide visions mentioned above, 'apartment' style developments are specifically encouraged. The proposal achieves this through the consolidation of land to provide for a larger multi-storey building. In determining the appropriateness of the built form, the design objectives and policy requirements of the DDO8 provide guidance.
- 7.5 In summary, the proposal has successfully integrated the non-residential use components into the building design, thus achieving the overarching objectives and policy requirements of the DDO8. The built form is reflective of the overall height

and proportions expected on an allotment of this size, generous boundary setbacks will protect residential amenity and respond to the alternate zoning to the rear, car parking is well integrated into the design and sufficient deep soil areas will ensure canopy trees can successfully establish and grow to a commensurate height to the building.

- 7.6 For these reasons, it is submitted that there is strong strategic justification in support of the proposed development.

Use and location

Location

- 7.7 Whilst the residential component is a clearly encouraged land use within this location, the inclusion of medical centre and childcare centre uses requires assessment under the locational criteria of Clause 22.05 *Non-Residential Uses in Residential Areas*.
- 7.8 The proposal meets the first test, in being located within the RGZ, which is a preferred location for such uses. The specific locational criteria is also met as the proposal achieves the following:
- It is within a walkable distance to the Bulleen Plaza Activity Centre, along with other community based facilities within this general precinct such as a Municipal library, other medical centre facilities and a nearby primary school;
 - The site has direct access to Manningham Road, which is a Road Zone;
 - There are numerous bus routes servicing Manningham Road, including a smart bus, which provides connections to other Major Activity Centres and the CBD;
 - Pedestrian footpaths and signalised crossings facilitate walkable access; and
 - Whilst not utilising an existing building, the proposed building is not purpose built for just one use, but for multiple uses. The floor plan can also be adapted to other uses if so desired in the future (subject to planning approval).
- 7.9 The adaptability of the building is a particularly positive feature of the proposal. Whilst the balconies provided to the childcare rooms serve to improve ESD efficiency (though increased light and airflow), they also provide the ability to retrofit this space to further residential apartments, should demand for the facility decrease and no longer be economically viable. Similarly the medical centre component provides a relatively flexible floor plan which could accommodate other non-residential uses, or even communal facilities for residents.
- 7.10 Policy encourages non-residential uses to be located at ground level, with the residential uses above. Whilst the medical centre is at ground level, this approach is not adopted for the childcare centre, being located at the top level. The benefit of this layout is that it enables utilisation of a rooftop play area, in place of ground level outdoor play space. This in turn retains the ability to dedicate the site perimeter to landscaping, with the raised nature of the space also likely to reduce noise impacts upon adjoining properties.
- 7.11 Given there are no childcare centres in this particular section of Manningham Road, the facility would offer a beneficial service to the residents of the nearby community. The future residents of the building could also utilise the services offered by the two incorporated uses, and even seek employment.

- 7.12 There are other medical centres in the general vicinity, however the proposed facility offers the ideal opportunity to house health service providers that could immediately service the childcare centre attendees and the residents. General economics would also expect that the type of health or medical service occupying the suites would likely fill any “gaps” within the services currently provided within the immediate surrounds, rather than compete.

Childcare Use

- 7.13 The proposed hours of operation between 6.30am and 6.30pm are reasonable in context of the residential setting. The commencement time is likely to see the arrival of staff, with peak child drop-offs generally occurring between 7:00am to 10:00am. Evening amenity is protected by the 6:30pm closure time.
- 7.14 The internal amenity of residents during the daytime operating hours can be mitigated through the implementation of the noise attenuation measures recommended in the submitted Acoustic Report. Some of these include double or thickened glass, specific slab construction, floor underlay and ceiling treatments, and an inter tenancy wall installed between the centre and two apartments on the same level. Conditions will require all above-said measures to be listed on plan and considered in the updated SMP.
- 7.15 The Acoustic Report also recommends a Noise Management Plan be provided to detail operational measures with respect to play areas (i.e. staging play times so that half children playing on rooftop any one time). This is not too regulatory or unreasonable to condition, given it is common practice for the 0-3 year old and 3-5 year old play times to be segregated for age appropriate play.
- 7.16 The plans lack some detail regarding the layout of the rooms, particularly in regard to the “unencumbered” space available when accounting for required facilities such as bag lockers, storage etc. A condition will require this be detailed on plan, and that the maximum 92 child places be reduced if deemed necessary by the resulting unencumbered floor space calculations.

Medical Centre Use

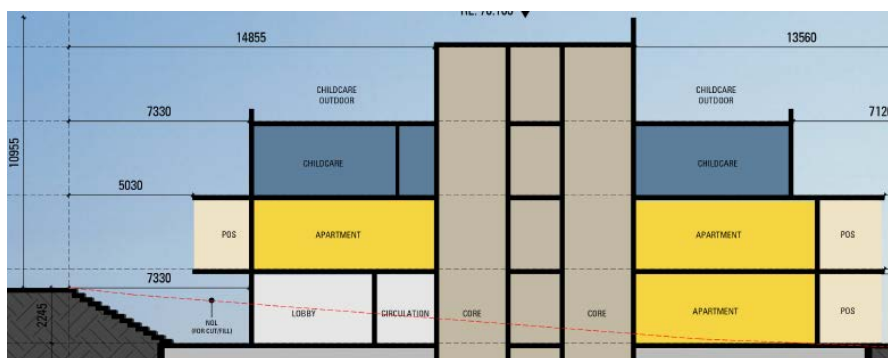
- 7.17 Three Health Service Providers are proposed for the medical centre, seek to operate between the hours of 9:00am to 6:00pm Monday to Friday, and 9:00am to 5:00pm Saturdays. The week-end operations are considered reasonable, particularly given the earlier closing time and that the childcare use would not be operational.
- 7.18 The ground floor location of the centre and general separation of the suites from the remaining uses achieve an appropriate layout. There is direct access from the frontage and shared use of the childcare centre lift from the basement level. The amended plans seem to have omitted the internal connection between the lift and medical centre, therefore a condition will require it be reinstated in a suitable internal location.
- 7.19 Whilst the type of medical centre use cannot be controlled, the intensity of use can be managed to have regard for its residential setting. Conditions will require not more than 2 support staff be permitted in addition to the three providers, and that they see patients on an “appointment based” operation to manage the number of patients present at any one time (to avoid a “walk-in” style bulk-bill clinic). This would also assist with the management of car parking generation and demands.

Design and built form

- 7.20 Clause 22.05 requires buildings complement the preferred built form with respect to building scale, siting, height, massing, setbacks etc. Clause 55 similarly requires the design or residential development respect the existing or preferred neighbourhood character and respond to the features of the site. The preferred neighbourhood character for this site is shaped by the policy requirements of the DDO8.
- 7.21 The proposal is considered to satisfy the requirements relating to:
- Clause 55.02 (Neighbourhood Character)
 - Clause 55.03 (Site Layout)
 - Clause 55.05 (Design Detail);
 - Clause 22.05 (Non-residential uses in residential areas)
- 7.22 As detailed in the table below, the built form policy requirements of the DDO8 have also been satisfied. Where design modifications or further justification is required, the following is offered:

Height

- 7.23 The site area of 1,672sqm is slightly less than minimum 1800sqm lot size generally expected to accommodate an 11 metre building height. The lesser site area would suggest that a 10 metre height be applied, however this is a discretionary requirement. The sectional diagrams indicate a maximum height of 11.8 metres, however, it must be acknowledged that this measurement is taken to the small, centrally located lift core and stairwell that services a largely “open-aired” rooftop play area. It also incorporates the lift overrun which would ordinarily be excluded from height measurements. When these small fourth storey “pop-ups” are omitted, the building height actually averages substantially less.



- 7.24 The rooftop building cores are setback over 13 metres from the more sensitive rear boundary and GRZ interface, and sit well beneath the 14.5 metre discretionary maximum height permitted under the RGZ which applies to the site.

Form

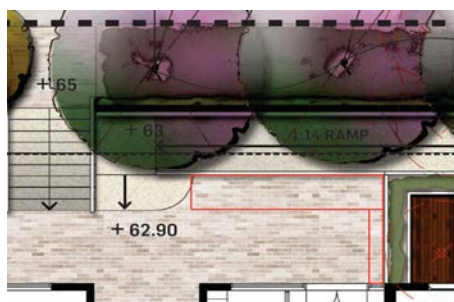
- 7.25 Overall, the architectural presentation is considered to be of a high quality. Whilst appearing to have a relatively simplistic form on plan, it is cleverly articulated through the careful placement of deep central intends into the front and rear facades, and through varying depths of balcony projections and material applications. Attention is immediately drawn to the feature boxed elements enclosing the balconies. These are elegantly finished with timber soffits and louvres against patterned cement clad walls.



- 7.26 The grey colour palette is lightened as height increases to appear less prominent or “heavy”. Whilst the timber soffits adds some warmth to the overall grey tones, there is benefit in requiring some warmer tints in the choice of colour shade. It is acknowledged that contemporary designs seem to preference cooler colour tones (as seen on the approved building at No. 316), however there is risk that the emerging streetscape will appear quite stark and monotone. A condition will therefore require the colour selection be more representative of the “warmer” tones shown on the 3d render on TP204, which would also better compliment the red brick and cream rendering of existing homes surrounding.
- 7.27 Both basement levels are setback 3.845 metres from the southern boundary. Basement levels are suggested by policy to be setback 4 metres to facilitate the establishment of landscaping along a rear boundary. This very minor shortfall is acceptable, as demonstrated by the landscape plan and its ability to establish a thorough planting theme (largely consisting of canopy trees) within this space.
- 7.28 The basement does project up to 2.15m above natural ground level toward the south-eastern side of the building footprint, however in consideration of the site’s sloping nature, this is essentially unavoidable. The way in which the projecting basement area is used to service three large terraces, with the wall of the levels above setback even further (6 metres or more) from the rear boundary is the positive design response applied, and precisely what policy expects in this situation. This in turn leaves a full 3.5 metres of unoccupied space for planting, which is quite substantial, noting that most developments seek to utilise a good portion of the rear setback area to provide ground level courtyards.

Landscaping

- 7.29 The basement extends forward of the main building front setback (located 3.6 metres from the frontage), however is completely concealed beneath the natural ground in this location, while the area above is utilised for terraces and hard stand areas, as generally expected in the vicinity of main building entries. Deep soil areas for canopy tree planting are retained along the alignment of the front boundary. There is opportunity to soften the hard standing area adjacent to the entries through a conditional requirement for planters where generally adjacent to the residential building entrance and courtyard of Apartment 101 (as generally indicated in red in below image).



7.30 The remaining built form considerations of the DDO8 have been satisfied as follows:

Design Element	Compliance
Building Height and Setbacks DDO8-1 (Main Roads)	
<ul style="list-style-type: none"> 11 metres provided the condition regarding minimum land size (1800sqm all in the same precinct) is met. 	<p>Satisfied Height is considered appropriate for reasons detailed at setion 7.23 of assessment.</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. For the purposes of this schedule, balconies, terraces and verandahs may encroach within the street setback by a maximum of 2 metres. 	<p>Satisfied The building is setback 7.3 metres from the frontage, which exceeds the 6 metres permitted. Balconies do not encroach more than 2 metres into this setback and incorporate “breaks” across the frontage. Exceeding the minimum setback requirement is considered responsive to the achievement of both the ramped access into the building, and sufficient space for the anticipated level of landscaping.</p>
Form	
<ul style="list-style-type: none"> Ensure that the site area covered by buildings does not exceed 60 percent. Provide visual interest through articulation, glazing and variation in materials and textures. Minimise buildings on boundaries to create spacing between developments. 	<p>Satisfied The site coverage meets the 60% requirement. No boundary construction is proposed and high quality interest is achieve with slight variation to colour recommended, as detailed in section 7.26 of assessment.</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. Where appropriate, ensure that buildings are designed to step with the slope of the land. 	<p>Satisfied Setbacks to the rear boundary are generous, being 6 metres for the ground and first floor and 7.1 metres at the second floor level. The building elements upon the rooftop are over 13 metres from the rear boundary. These rear setbacks satisfactorily offset the slope constraints.</p>
<ul style="list-style-type: none"> Avoid reliance on below ground light courts for any habitable rooms. 	<p>Satisfied The medical centre suites are essentially below ground level, though provided with 1900mm high windows to enable natural light source. This is an acceptable response for non-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 	<p>N/A</p>

Design Element	Compliance
presentation.	
<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>Satisfied</p> <p>The third storey footprint is approximately 73% of the floor levels below. The third level is also well articulated and visibly recessed from the levels below.</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</p> <p>The projecting "boxed" balcony elements positively enhance the overall architectural quality of the building and will not be imposing or dominating, particularly given they are setback 5.3m from the frontage.</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</p> <p>The design suitably manages slope constraints.</p>
<ul style="list-style-type: none"> Be designed to minimise overlooking and avoid the excessive application of screen devices. 	<p>Satisfied</p> <p>Overlooking has been treated through the application of louvred elements with restricted openings upon balconies facing a residential interface. This enables residents some outward view to preserve internal amenity, whilst protecting privacy.</p>
<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</p> <p>The pedestrian ramp into the building achieves a 1:14 gradient, in addition to lift access servicing each level.</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. Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site. 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>Satisfied</p> <p>Whilst the basement is substantially beneath the ground level, the projection in the south-west is somewhat unavoidable, with additional height associated with this element suitably offset by more generous boundary setbacks. In context of the neighbouring conditions and treatment proposed, this projection will not cause detriment. As viewed from Manningham Road, the basement is completely concealed.</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. 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</p> <p>Rear basement setback is considered appropriate.</p>
<ul style="list-style-type: none"> Ensure that service equipment, building services, lift over-runs and roof-mounted 	<p>Satisfied</p> <p>The metering and service cabinets are</p>

Design Element	Compliance
<p>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>	<p>provided in a condensed manner at the western end of the frontage. The use of mesh screening upon the metering cabinets provides an integrated design response which draws upon the screening material applied to the play area balconies and ramp balustrades.</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. • 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. • 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. • Ensure that access gradients of basement carparks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements. 	<p>Satisfied</p> <p>Vic Roads is the roads authority for the location of any new crossover. Vic Roads have no objection to the proposal.</p> <p>No street trees are affected by the development.</p> <p>Gradients into the basement car park are designed to ensure safe access and egress to and from the site. Basement projections have been suitably treated.</p>
<p>Landscaping</p>	
<ul style="list-style-type: none"> • On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at maturity • 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>Satisfied</p> <p>Three canopy trees capable of reaching at least 8 metres in height are accommodated within the front setback, in addition to supplementary trees and understory planting.</p> <p>Canopy trees and hedge-forming species are proposed along the side and rear boundaries to establish a dense screen of vegetation which will, in time, soften and reduce views of the built form from adjoining properties.</p>
<p>Fencing</p>	
<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 	<p>Satisfied</p> <p>No front fence is proposed per se, however the 3-D renders indicate that a handrail is proposed to support the pedestrian ramp leading into the building entrance. The balustrade is designed to match to mesh screening utilised upon the balcony balustrades, but given it within 3 metres of the frontage, a condition will require it</p>

Design Element	Compliance
<ul style="list-style-type: none"> be setback a minimum of 1.0m from the front title boundary. and a continuous landscaping treatment within the 1.0m setback must be provided. 	demonstrate a suitable level of transparency.

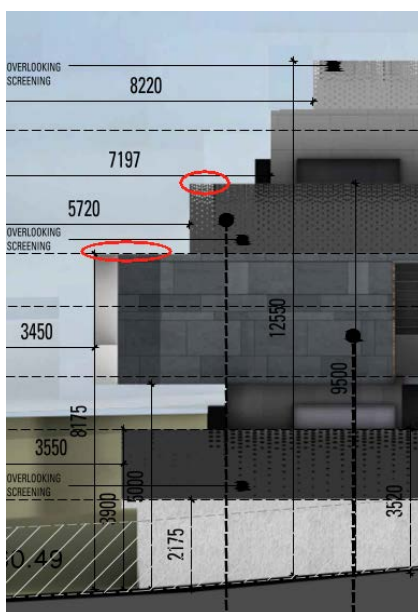
Two or more dwellings on a lot and residential buildings;

7.31 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. It is noted that Clauses 55.03-5, 55.03-6, 55.04-8, 55.05-1, 55.05-2 and 55.05-6 are not applicable to an application to construct an apartment development.

7.32 As detailed in the table below, the development **satisfies** all objectives of relevance to the application. Where design modifications or further justification is required, the following is offered:

Clause 55.04-1 Side and rear setbacks

7.33 The setbacks numerically required by Standard B17 of Clause 55.04-1 have been met in all instances, with exception of two minor wall/balcony elements upon the western elevation, circled in red in the image below.



7.34 These elements are located at the southern end of the eastern elevation, where slope is greatest. The eastern boundary setbacks proposed fall approximately 25cm short of the setback suggested by Standard B17. These shortfalls are located opposite a narrow service yard of No. 130 Manningham Road. The adjoining dwelling has no windows facing this particular section of the building. Neighbouring residents utilising the service yard would not see beyond the boundary fence, and therefore these small encroachments are unlikely to be perceivable.

7.35 Furthermore, there will be no impact upon the townhouses approved for construction on this neighbouring property, which are designed to include a garage on the boundary in this location, and no direct outlook toward the site with respect to

window designs and primary open space locations. For these reasons, the Objective is satisfied, as the impacts associated are minimal if any.

- 7.36 With respect to the third level bathroom element servicing the rooftop play area, it is unclear on elevation if the required western boundary setback is met. A condition will require compliance with the Standard be demonstrated in this instance. The wall is located opposite the more sensitive courtyards of the two adjoining units, which are unlikely to be redeveloped despite their growth zoning. The setback or wall treatment could also be readily modified without compromise to the design, if compliance is not currently achieved.

Noise impacts– Clause 55.07-6

- 7.37 The submitted Acoustic report suggests that no more than half of the children would utilise the rooftop play area at any one time. The predicted noise levels were measured by placing noise sensitive receivers within the residential lot boundaries surrounding and within the site; outside windows to habitable areas, or within grounds at a height of 1.5 metres. The assessment results suggests that the noise levels would range between 39-50dB, falling within the 55sB conformance guidelines.
- 7.38 The report concludes that the attenuation of noise with distance is expected to provide sufficient sound reduction for noise levels from outdoor play, to comply with AAAC guideline criteria. Additionally, a noise management plan is recommended for the centre and will be required to ensure appropriate practices are implemented with respect to the play area use and general operations.
- 7.39 It should also be noted that the balconies associated with the childcare rooms have been provided for ESD purposes to accommodate sizeable openings for improved access to daylight and ventilation. These windows would otherwise need to be highlight windows for safety reasons, which would for a poor level of internal amenity and poor architectural outcome. Whilst not intended to be used as play areas, a condition will require an updated assessment to review any acoustic measures or restrictions applicable.

Daylight to new windows – Clause 55.05-3

- 7.40 Four apartments have a single aspect to the south-west which is a limitation of the site's orientation. The two ground level apartment meet the daylight to new window requirements of Standard B27, however as highlighted in the SMP, the overall daylight factor percentage for the total living area of Apartment 103 is quite low (only 44% of total area living space receives good daylight access, as highlighted in green below).
- 7.41 The balcony overhangs associated with the dwellings directly above the living room window are a likely contributing factor to the reduced daylight, in addition to the need for high screening around the perimeter of the adjacent balcony. A condition will require that the balcony depth of Apartments 207 above be reduced by 250mm to in turn increase daylight and create a more "open" outlook and sky view. The same requirement will be applied to Apartment 208 to retain symmetry across the elevation, and similarly improve daylight access to Apartment 104 directly below. The affected balconies will still retain an overall area of at least 18sqm with this change.



7.42 A condition will also require the windows of the inset bedrooms windows to Apartments 208, 202, 203 be widened (to match the general width highlighted in yellow above) to improve daylight access. A highlight window (as generally shown in red above) will also be required upon the internally facing elevations of the corresponding bedrooms for Apartments 103, 104, 207 and 208 to ensure Standard B27 is met in all instances.

7.43 The boxed balcony elements applied to the side or rear facing balconies (excluding those facing the street with clear glazed balustrades) will require a conditional modification to provide for one third of the perimeter coverings to be open, as required by the Standard. This could be easily through the insertion of openings into the roof or side panels of the frames, or possibly through changes in balustrade materials.

Accessibility and Functional Layout Clauses - 55.07-7 and 55.07-12

7.44 Some of the apartments fall short of the required living room minimum dimensions and areas, particularly when accounting of circulation space. There are also a few instances where bedrooms are marginally below the minimum 3 metre dimensions required. Given many of these dwellings have two fully equipped bathrooms, there is ability to carry out internal modifications in preference for an improved layout for the more usable living room areas and bedrooms. This could be easily achieved in most cases through reductions to or removal of surplus bathrooms, however there is possibility that Apartment 301 and 302 may require the removal of a bedroom to achieve this, or be combined into one.

7.45 Similarly, the required 50% of apartments should be modified to be achieve the accessibility requirements for the corridor widths and bathroom layouts. A condition will require the apartment layouts be modified as necessary to achieve compliance with the minimum requirements.

7.46 The remaining considerations as relevant to Clause 55 are satisfied as follows:

OBJECTIVE	OBJECTIVE SATISFIED / NOT-SATISFIED
Clause 55.02 Neighbourhood Character and Infrastructure	

OBJECTIVE	OBJECTIVE SATISFIED / NOT-SATISFIED
<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 site and the surrounding area. 	<p>Satisfied</p> <p>The DDO8 determines the preferred neighbourhood character. The development is consistent with the desired future character as detailed in the assessments above.</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 Municipal Planning Strategy and the Planning Policy Framework. To support medium densities in areas where development can take advantage of public transport and community infrastructure and services. 	<p>Satisfied</p> <p>The application was accompanied by a written statement that demonstrated how the applicant considers the development to be consistent with State, Local and Council policy.</p>
<p>55.02-3 – Dwelling Diversity</p> <ul style="list-style-type: none"> To encourage a range of dwelling sizes and types in developments of 10+ dwellings. 	<p>Satisfied</p> <p>The proposed development provides for a mixture of one, two and three bedroom layouts to provide for diversity and choice.</p>
<p>55.02-4 – Infrastructure</p> <ul style="list-style-type: none"> To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure. 	<p>Satisfied</p> <p>The site has access to all services. The applicant will be required to provide an on-site stormwater detention system to alleviate pressure on the drainage system.</p> <p>There are no service supply issues in the subject neighbourhood.</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</p> <p>The main entry is oriented to face the main street frontage and provides for a stair connection, in addition to the more accessible options of ramped access and internal lift services.</p> <p>The proposed development provides adequate vehicle links via the basement.</p>
<p>Clause 55.03 Site Layout and Building Massing</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</p> <p>The building setbacks exceeds the 6 metres preferred by the 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 	<p>Satisfied</p> <p>The maximum building height and average heights overall heights are consistent DDO8</p>

OBJECTIVE	OBJECTIVE SATISFIED / NOT-SATISFIED
neighbourhood character.	requirements.
55.03-3 – Site Coverage <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. 	Satisfied Site coverage does not exceed 60%.
55.03-4 – Permeability and stormwater management <ul style="list-style-type: none"> To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration. 	Satisfied At least 20% of the site is comprised of pervious surfaces.
55.03-5 – Energy Efficiency <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. 	This clause does not apply to an apartment development.
55.03-6 – Open Space <ul style="list-style-type: none"> To integrate the layout of development with any public and communal open space provided in or adjacent to the development. 	This clause does not apply to an apartment development.
55.03-7 – Safety <ul style="list-style-type: none"> To ensure the layout of development provides for the safety and security of residents and property. 	Satisfied There are no obscured or isolated areas, with the main entries visible to the street and with surveillance also available from within the building.
55.03-8 – Landscaping <ul style="list-style-type: none"> To encourage development that respects the landscape character of the neighbourhood. To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. To provide appropriate landscaping. To encourage the retention of mature vegetation on the site. 	Satisfied The submitted landscape plan demonstrates a substantial mix of canopy trees, understory and ground covers within the boundary perimeters and is consistent with the landscaping requirements of the DDO8. Neighbouring vegetation is adequately protected. Conditional requirements to apply tree protection measures during construction will be required.
55.03-9 – Access <ul style="list-style-type: none"> To ensure the number and design of vehicle crossovers respects the neighbourhood character. 	Satisfied One point of access is proposed and the crossover is designed to accord with VicRoads requirements, without exceeding the permissible width of the site frontage.
55.03-10 – Parking Location <ul style="list-style-type: none"> To provide convenient parking for resident and visitor vehicles. 	Satisfied The basement provides a functional layout which provides a isabel arrangement which reduces conflict bewteen the three differiing

OBJECTIVE	OBJECTIVE SATISFIED / NOT-SATISFIED												
<ul style="list-style-type: none"> To protect residents from vehicular noise within developments. 	<p>uses. The lower basement level will be reserved for residents and staff, leaving the more temporary arrival and departures of vehicles associated with medical centre patients and childcare drop-offs restricted to the upper level basement.</p>												
<p>Clause 55.04 Amenity Impacts</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 All setbacks comply with Standard B17. See assessment for conditional changes to address top level western setback and justification with respect to the following:</p> <table border="1" data-bbox="833 739 1396 929"> <thead> <tr> <th>Location</th> <th>Wall height (m)</th> <th>Setback required (m)</th> <th>Setback provided (m)</th> </tr> </thead> <tbody> <tr> <td>Level 1 east elevation</td> <td>8.17</td> <td>3.26</td> <td>3</td> </tr> <tr> <td>Level 2 east balcony</td> <td>9.7</td> <td>4.79</td> <td>4.55</td> </tr> </tbody> </table>	Location	Wall height (m)	Setback required (m)	Setback provided (m)	Level 1 east elevation	8.17	3.26	3	Level 2 east balcony	9.7	4.79	4.55
Location	Wall height (m)	Setback required (m)	Setback provided (m)										
Level 1 east elevation	8.17	3.26	3										
Level 2 east balcony	9.7	4.79	4.55										
<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>N/A No walls on boundaries are proposed.</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 Windows in neighbouring dwellings are provided the necessary light court and setbacks from the development.</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>Satisfied The adjoining dwelling to the south at 1 Lincoln Drive has one habitable room window within 3 metres of the common property. Building setbacks either meet or exceed the specified requirements of Standard B20.</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 Shadowing affects the SPOS of the two dwellings to the south in the earlier hours of the day. Shadows are greatest at 9.00am and then completely removed by midday. Even when shadowing is at its most at 9.00am, only a marginal amount of the total open space areas of the adjoining properties are affected, falling well within the prescribed limits of Standard B21. It is also noted that the primary patio area of No 1 Lincoln Drive is covered and therefore not substantially affected.</p> <p>Shadows in the afternoon period will be cast toward No. 130 Manningham Road, however</p>												

OBJECTIVE	OBJECTIVE SATISFIED / NOT-SATISFIED
	falling upon a service area already in shadow and not affecting the main POS area. The approved townhouses have their SPOS areas oriented away from the common boundary so will be similarly unaffected.
<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</p> <p>All balconies are appropriately screened. The residential balconies are provided with a fixed louvered treatment where facing a residential abuttal. The mesh screening to the childcare element similarly offers privacy with not more than 25% transparency. All are to heights of at least 1.7m above the FFL as required to meet Standard B22. There are a limited number of unscreened windows within the central intent of the south elevations, though are located 9.6 metres from the site boundary and therefore do not require screening.</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</p> <p>Dividing walls or screens are appropriately applied to all balconies to prevent internal views.</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>This clause does not apply to an apartment development.</p>
<p>Clause 55.05 Onsite Amenity and Facilities</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>This clause does not apply to an apartment development.</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>This clause does not apply to an apartment development.</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 with condition</p> <p>See assessment for modifications required address areas of non-compliances.</p> <p>All other habitable room windows of the dwellings face onto an outdoor space with minimum area of 3m² and a minimum dimension of 1.0m, 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</p> <p>All dwellings meet or exceed the minimum 8sqm balcony areas required. Whilst Apartment 209 has only a 7sqm balcony to its west, it is provided with a supplementary balcony with an area of 13sqm to its south also, therefore</p>

OBJECTIVE	OBJECTIVE SATISFIED / NOT-SATISFIED
	totalling quite a substantial area.
<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</p> <p>Most balconies have either a northern, eastern or western orientation and will receive a suitable amount of sunlight.</p> <p>Apartments 103, 104, 207 and 208 however, will have south-west facing balconies. It is noted that these balconies are likely to receive some westerly sunlight. This is not ideal, though somewhat unavoidable in apartment developments.</p>
<p>55.05-6 – Storage</p> <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling. 	<p>This clause does not apply to an apartment development.</p>
<p>Clause 55.06 Detailed Design</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</p> <p>As discussed above, the objectives and design guidelines of Clause 43.02 (DDO8) envisage contemporary, articulated and integrated architectural expression taking into account the existing and preferred neighbourhood character. The proposal achieves this, providing a high quality architectural presentation with a high amount of articulation and interest.</p>
<p>55.06-2 – Front Fence</p> <ul style="list-style-type: none"> To encourage front fence design that respects the existing or preferred neighbourhood character. 	<p>Satisfied</p> <p>No front fencing is proposed.</p>
<p>55.06-3 – Common Property</p> <ul style="list-style-type: none"> To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership. 	<p>Satisfied</p> <p>The divisional treatment of the residential and non-residential uses is clear in the separation of the entries and corridors.</p> <p>The shared use of the excess spaces can be managed via a condition for these spaces to remain in common property.</p>
<p>55.06-4 – Site Services</p> <ul style="list-style-type: none"> To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive. 	<p>Satisfied</p> <p>Meters are provided in cabinets along the main frontage as required, though treated in a manner that will integrate into the overall design of the building.</p>
<p>Clause 55.07 Apartment Developments</p>	
<p>55.07-1 – 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 	<p>Satisfied with condition</p> <p>The submitted Sustainability Management Plan states that for the purpose of BESS assessment, energy scores are 73% which is above best practice.</p>

OBJECTIVE	OBJECTIVE SATISFIED / NOT-SATISFIED
<p>development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p> <ul style="list-style-type: none"> To ensure dwellings achieve adequate thermal efficiency. 	<p>With some modifications to the SMP, the proposal can meet Council's ESD expectations for a development of this scale.</p> <p>See report for discussion regarding suggested improvements to daylight access.</p>
<p>55.07-2 – 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>Satisfied</p> <p>No external communal open space is proposed per se, however the rooftop play area associated with the childcare has been designed to integrate with the overall appearance of the development. Were the childcare use ever converted to dwellings, this area could serve as a high quality communal open space.</p>
<p>55.07-3 – Solar Access to Communal Open Space</p> <ul style="list-style-type: none"> The communal outdoor open space should be located on the north side of a building, if appropriate. 	<p>Satisfied</p> <p>Whilst not relevant to the residential assessment, the rooftop play area has full sunlight exposure, with a portion covered for weather protection.</p>
<p>55.07-4 – Deep soil areas and canopy trees</p> <ul style="list-style-type: none"> To promote climate responsive landscape design and water management in developments to support thermal comfort and reduce the urban heat island effect. 	<p>Satisfied</p> <p>The proposed development would provide adequate opportunities (approximately 140 sqm within the front setback of and 182sqm to the rear) for deep soil planting and landscaping.</p> <p>The submitted landscape plan shows plantation of four canopy trees within this deep soil area meeting the requirement of the standard.</p>
<p>55.07-5 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 from the site. 	<p>Satisfied</p> <p>A 10,000L underground rainwater tank is proposed within the basement, according to the Sustainable Management Plan, and will be connected to toilets for flushing and landscape irrigation.</p> <p>Council's Engineers have required an on-site stormwater detention system to alleviate pressure on the drainage system.</p>
<p>55.07-6 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>Satisfied</p> <p>See assessment.</p>

OBJECTIVE	OBJECTIVE SATISFIED / NOT-SATISFIED
<p>55.07-7 Accessibility</p> <ul style="list-style-type: none"> To ensure the design of dwellings meets the needs of people with limited mobility. 	<p>Satisfied</p> <p>Less than half of the dwellings achieve the accessibility requirements of Standard B41, though can be readily achieved through some minor adaptations to bathrooms.</p>
<p>55.07-8 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 daylight and natural ventilation. 	<p>Satisfied</p> <p>The building entries are clearly defined and the residential and non-residential uses appropriately separated. The non-residential entry can be used to display useful information about the businesses (hours of operations etc.) and be secured outside of operating hours for the safety of residents.</p> <p>The courtyard of Apartment 101 does have the building entries in proximity, however the separation of the non-residential entry doors (which are likely to be more frequently used) toward the western side of the frontage provides a reasonable “buffer” to preserve the amenity of this apartment.</p> <p>A review of the ability to achieve natural light to corridors through provision of a skylight feature etc. will be encouraged.</p>
<p>55.07-9 Private Open Space Above Ground Floor</p> <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents. 	<p>Satisfied</p> <p>The dwellings are provided with appropriate private open space areas, with each dwelling having a minimum of 10sqm of terrace/balcony.</p> <p>Whilst Apartments 206 and 209 provide an area of 7sqm accessible from the living area and with a width of 2 metres, the 1sqm shortfall compensated for via the provision of a secondary balconies providing an additional 13sqm area.</p>
<p>55.07-10 Storage</p> <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling. 	<p>Satisfied</p> <p>There is a lack of detailing on plan, however the assessment submitted suggests non-compliances with the internal storage are as follows:</p> <p>Apartments 205 & 210 are 0.88m² non-compliant. Apt 201 & 204 are 1.0m² non-compliant. Apt 101 is 0.10m² non-compliant. Apt 302 is 0.2m² non-compliant. Apt 104 is 0.71m² non-compliant.</p> <p>Given the basement storage cages are larger than usual (10sqm), the objective is satisfied.</p>
<p>55.07-11 Waste and Recycling</p> <ul style="list-style-type: none"> To ensure dwellings are designed to 	<p>Satisfied</p> <p>The submitted waste management plan proposes a private waste collection provided</p>

OBJECTIVE	OBJECTIVE SATISFIED / NOT-SATISFIED
<p>encourage waste recycling.</p> <ul style="list-style-type: none"> 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. 	<p>within the basement. Separate bins will be provided for residential and childcare use within the development.</p>
<p>55.07-12 Functional Layout</p> <ul style="list-style-type: none"> To ensure dwellings provide functional areas that meet the needs of residents. 	<p>Satisfied</p> <p>Non-compliances have be observed on plan, however modifications will be require to address the following, as detailed in the assessment section:</p> <p>Ap. 201, 202, 204, 301 & 302– living area size and widths do not meet minimum requirements when accounting for circulation areas. Deletion/reduction to additional bathrooms could remediate this.</p> <p>Ap. 102, 103, 104, 202, 203, 207, 208 & 204 – a bedroom is slightly less than the minimum 3m width requirement. Deletion/reduction to second bathrooms and modification to first bedroom could remediate this.</p>
<p>55.07-13 Room Depth</p> <ul style="list-style-type: none"> To allow adequate daylight into single aspect habitable rooms. 	<p>Satisfied</p> <p>The depth of the living/dining/kitchen areas of the dwellings comply with this standard requirement as their maximum depth 9m in the worst case scenario, with kitchens located furthest and floor to ceiling heights at least 2.7m.</p>
<p>55.07-14 Windows</p> <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. 	<p>Satisfied</p> <p>No “snorkel” windows are proposed.</p>
<p>55.07-15 Natural Ventilation</p> <ul style="list-style-type: none"> To encourage natural ventilation of dwellings. To allow occupants to effectively manage natural ventilation of dwellings. 	<p>Satisfied</p> <p>The required breeze paths for 50% of the dwellings are achieved (being those located on the outer corners of the building) which exceeds the minimum 40% required.</p>

Car Parking and traffic

Car Parking

7.47 The statutory car parking rates specified by Clause 52.06 of the Scheme relevant to the proposal require the following:

- 1 x space to each one to two bedroom dwelling;

- 2 x spaces to each three bedroom dwelling;
- 0.22 spaces per child for the childcare centre;
- 3.5 spaces per 100smq of medical centre leasable floor area (PPTN rate);
- 0 visitor parking (PPTN rate).

- 7.48 The State Government introduced the reduced rates noted above for visitor parking and the medical centre through amendment VC148 in July 2018. The servicing of the site by Smart buses has automatically included the site within the Principal Public Transport Network area. Were this not applicable, the visitor parking requirement would be 3 spaces (in place of 0), and the medical centre would require 11 spaces (in place of the 9 required).
- 7.49 The statutory requirement for 47 on-site spaces has been exceeded, with 49 spaces provided on site.

Childcare parking

- 7.50 The 20 car spaces required under the Scheme have been allocated to the childcare centre use, with 16 at the upper basement level and 4 at the lower level to be allocated to staff. Where the 92 places are filled, there would be 16 staff required, with a further 2 additional staff (director/office manager and a chef) also anticipated.
- 7.51 The childcare centre staff present on site will change, depending on the number of booked places on any given day and time. Certain days and times may see places quite heavily booked and others less, and the number of staff required will fluctuate accordingly. A condition will restrict not more than 2 supplementary staff at any one time, in addition to the minimum staffing required for the number of children being cared. This should regulate the potential for excessive ancillary or support staff being on-site, and that the number of carers remains relative to the number of places booked.
- 7.52 Drop-off and pick up times for childcare centres are quite different to schools with “set” start and finish times, and tend to result in parent parking demands being spread across a more substantial time period. The submitted traffic report states that 50% of childcare centre traffic would arrive in the AM peaks (between 8.00am-9.00pm) and the same amount departs in the PM peaks (between 5pm and 6pm). This suggests that the remaining 50% would be spaced out at differing times. General observations indicate that pick up times can often coincide with school finishing hours between 3.30pm-4.00pm (with many parents often having children in both childcare and primary school).
- 7.53 Alternative modes of transport (such as walking or public transport) could be reasonably expected for some proportion of staff and parents. In this location, the childcare centre is most likely to attract local residents within the general vicinity, including those residing in the building.

Medical centre parking

- 7.54 The 9 required car spaces are provided on-site, with 6 located at the first basement level and 3 additional spaces at the lower basement level, which are to be reserved for staff (presumably the three health service providers). With the 9.00am opening time being at the end of the AM peak period, the demand for childcare parking is likely to have reduced substantially. The appointment based nature of medical centre uses also means that patient arrival and departure times are often quite

evenly spaced throughout the course of the day and regulated to minimise wait times and overlaps.

- 7.55 Whilst the type of health service provider cannot be stipulated, a **condition** will require that consultations for each provider be scheduled via appointment, and that no pathology use be established as an ancillary function. This should limit car parking pressures created through “walk-in” patients, and see no more than six patients on site at any given time with only short overlapping wait times.

Resident parking

- 7.56 The 18 required resident parking spaces are located at the lower basement. To provide a sense of security for residents, only staff parking associated with the non-residential uses will be permitted in this level. Accordingly, a **condition** will require limited access to this level, whether it be through signage or automated security grilles.

How should the car spaces be allocated?

- 7.57 Requiring parking provisions in excess of the Scheme’s requirements cannot be imposed, however where excess spaces are provided, the purpose of Clause 52.06 is referred to, which seeks *to ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- 7.58 Whilst the advertised plans sought to allocate the two excess car spaces to the residential component, the amended plans have now removed their allocation to allow a “shared use”, in response to officer recommendations.
- 7.59 The logic to this request was to maximise the on-site parking availability to respond to the realistic parking demands relevant to the uses. Peak resident visitor times are commonly known to occur within evening periods, and the likelihood of residents being home during the childcare operating hours is assumed to be relatively low, supposing that those working outside of regular business hours (such as shift workers) are unlikely to choose to reside in a mixed use building.
- 7.60 In light of this, the 2 excess spaces are considered best allocated to childcare staff during the 6.30am to 6.30pm operating hours (given up to 16-18 staff could be expected when at full capacity). Outside of these times, visitors should have access to these spaces, in addition to all other childcare and medical centre spaces outside of their respective operating hours. During the week, this would leave 29 spaces available after 6.30pm weekdays and Sundays, and 20 spaces available on Saturdays.
- 7.61 The allocation 3 spaces for medical staff and 6 spaces to the childcare staff within the lower level basement (amongst the resident parking) will assist in maximising the availability of unoccupied spaces within the upper basement level for short-term drop-offs and appointments. The centre operators may also be able to negotiate private arrangements with residents of the building to utilise unused resident parking during operating hours.
- 7.62 The medical and childcare space allocations as shown on the upper level basement plan is as expected to accord with the Scheme’s rates, however, it is questioned if there is actual benefit to restricting their use (i.e. 6 spaces allocated for use by medical centre patrons only and 16 to childcare patrons only). The nature of the two

uses might actually see benefit in a “user demand” approach which simply allocates this level to both uses during all, or some of the operating hours.

- 7.63 To further impose the most functional response to containing parking on-site, a **condition** will require a car parking management plan be submitted. It is considered appropriate to also require it be updated within 6 months of the uses being established (or where any operational changes are proposed) to enable a genuine assessment of the actual demands generated by each operator. This plan will also require detailing of staffing, the type of medical centre services, and the suggested management or allocation of spaces accordingly. The requirement for an updated plan will also provide opportunity to address any known issues identified by either the operator or the Responsible Authority with respect to on-site.

Traffic

- 7.64 The plans indicate the directional flow of traffic within the basement. Both levels are intended to direct traffic in a one-way, clockwise direction. The narrower aisle adjacent to the basement ramps facilitates exiting traffic.
- 7.65 For a childcare use, vehicle and pedestrian safety is of utmost importance. The proposal is well considered in this regard, as it allows parents and children within first basement level to safely access the lifts in a manner that is generally removed from resident traffic exiting the basement during the AM peak. Residents will also experience little delay from non-residential vehicles. The one-way operation of the aisles also increases the circulation space for both vehicles and pedestrians.

Designs Standards

- 7.66 The Design Standards of Clause 52.06 relating to accessways, car parking spaces, gradients, safety and landscaping have all been met. Mechanical parking is not applicable to this application. A **condition** will require that the security grill indicated upon the basement ramp entry remain open during the non-residential use operating times to facilitate parent and patient access.
- 7.67 Bicycle parking spaces are provided well in excess of the four spaces required, and waste collection facilities are suitably located and concealed within the basement.

Objector issues / concerns

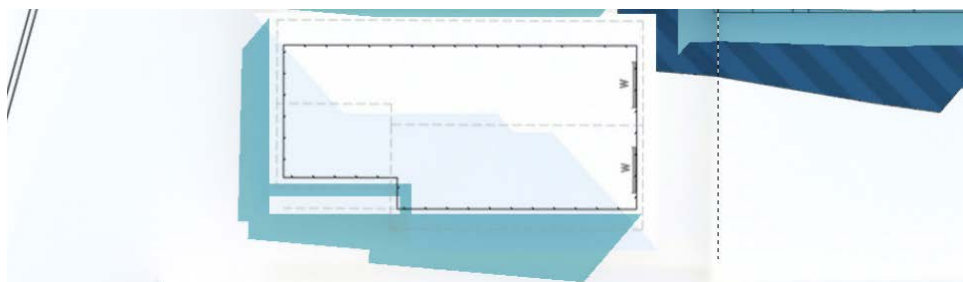
- 7.68 Concerns have been raised from the owners/landlords of No. 2 Nirvana Crescent which is located to the south-west of the site.

Off-site amenity impacts

- 7.69 With respect to concerns relating to **visual bulk**, it is acknowledged that the outlook from the objector’s property will be changed as a result of the proposal, however, this is somewhat inevitable in this contextual location. Planning policy directs that a substantial level of change occur on sites such as this, given the main road location and proximity to existing infrastructure. The DDO8 also specifically seeks ‘apartment style’ developments at the scale proposed, provided transitional measures and “stepped” building heights are employed to protect the amenity of properties within the general residential zoning, such as 2 Nirvana Crescent.
- 7.70 The proposal employs an appropriate transition to the rear, presenting not more than three-storeys in height where directly adjacent to the objector’s property. The

building is setback no less than 6 metres from the shared boundary and even more at the roof-top level (with a 13 metre setback from the small building cores). The neighbouring trees in the vicinity of the boundary, together with the maturity of supplementary planting proposed will in time will reduce the visibility of the development. These measures combined are considered to reasonably mitigate visual bulk impacts.

- 7.71 **Overlooking** toward No 2 Nirvana Crescent (and all residential abuttals) has been mitigated through application of screening devices upon balconies. The childcare windows and balconies are similarly screened. The screening mechanisms proposed (mesh screens, opaque glazing and louvres) all meet the requirements of Clause 22.05 and ResCode when expects that views be obscured or limited to not more than a 25% transparency where within a 9 meter viewing arc of neighbouring open spaces and windows.
- 7.72 **Overshadowing** will impact the objector's rear yard most substantially at 9.00am during the September equinox control period (see image below). However, even at this time, the extent of private open space affected is not extensive in context of the total open space area (affecting approx. 25%) and falls well with the limits of Standard B21 of ResCode. Compliance with the Standard indicates that the impacts are "reasonable", noting that some shadowing impacts are to be expected in context of the multi-storey built form encouraged along main roads. Given this area is vegetated, it is also likely to be already largely in shadow. Shadows are progressively reduced and completely removed by midday, leaving this property completely unaffected during the afternoon periods.



- 7.73 **Noise** will undoubtedly be generated by the childcare centre use (particularly when outdoor play occurs), however the acoustic report suggests that the expected limits fall within the permissible levels expected to maintain a reasonable level of residential amenity. The balustrades proposed and raised nature of the play area, reduces the ability for noise to travel "downwards" toward the adjoining dwellings. The restricted operating hours also protects residents from noise during evening periods and on weekends.

Traffic and car parking (traffic congestion and insufficient parking);

- 7.74 General traffic and car parking matters have largely been discussed in the assessment section above, however the specific concerns raised are with regard to the impacts of traffic and parking upon Nirvana Crescent.
- 7.75 The requirement for on-site parking is determined by the Planning Scheme, with the proposal meeting the required provisions for each use, whilst also providing 2 excess car spaces. It is acknowledged that it can be difficult to prevent persons from parking with local streets, however conditions have been recommended to limit the likelihood of this occurring through the implementation of a car parking management plan. This will require on-site parking allocation to best meet user

demands, and measures to deter staff and regular users of the facility from parking in nearby residential streets.

- 7.76 Alternative modes of transport (walking or public transport) area reasonably expected in favour of full car reliance. The design and layout of the basement itself also provides the convenience of a safe and direct lift access to the centre, making on-site parking a much more appealing and convenient option. Parents with young children in particular, would most likely look to avoid walking from Nirvana Crescent to the site entry (along an Arterial Road).
- 7.77 Vehicles utilising Nirvana Crescent to avoid Manningham Road might occur where shared trips are made from St Clements Primary, however the “left-turn only” restrictions applicable to the intersection would not provide a direct route to the site. Preference to travel in a westerly directly along Manningham Road (from Lincoln Drive) would be the more apparent choice to enable direct access into the basement.
- 7.78 Council’s Infrastructure Services Engineers have reviewed the proposal and raised no concerns with respect to existing or potential issues affecting Nirvana Crescent. Should existing parking issues exist, it is encouraged they be further elaborated to the Infrastructure Services Unit to enable investigations of the current conditions, and whether remedial measures (such as parking restrictions) are necessary.

Vegetation loss

- 7.79 The loss of vegetation of designated development sites is difficult to avoid. There are no planning controls restricting vegetation removal, however an Arborist report has undertaken an assessment of the trees on site. One tree was assessed as having a high retention value, with the remaining of medium to low value. There appears to be potential to retain Trees 8, 9 and 13 which are located in close proximity to the shared boundary. A condition will require this be explored, given they provide mature canopy coverage and screening benefits.

Loss of views and property devaluation

- 7.80 Whilst it is recognised that views may form part of residential amenity, there is no specific controls within the Manningham Planning Scheme that protects residents’ rights to a view. It is not considered that the extent of views lost or the significance of the view would warrant refusal or modification of the application
- 7.81 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 assessed through an assessment of the amenity implications rather than any impacts upon property values. This report provides a detailed assessment of the amenity impact of this proposal.

8. DECLARATION OF CONFLICT OF INTEREST

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