

**0.0 Planning Application PLN20/0540 at 420 Thompsons Road, Templestowe Lower, for the use and development of the land for a child care centre, construction of 42 dwellings comprising a three-storey apartment building with 36 apartments, four, three-storey dwellings and two, two-storey dwellings, and alteration of access to a road in a Road Zone, Category 1**

File Number:	IN21/424
Responsible Director:	Director City Planning and Community
Applicant:	The trustee for DCF 420 Thompsons Road Unit Trust and the Trustee for H & P Equity Trust c/ Urbis Pty Ltd
Planning Controls:	General Residential Zone Schedule 1
Ward:	Ruffey Ward
Attachments:	1 Decision Plans 2 Legislative Requirements 3 Map of Objectors (confidential)

## **EXECUTIVE SUMMARY**

### **Purpose**

1. This report provides Council with an assessment of the planning permit application submitted for 420 Thompsons Road, Templestowe Lower and recommends approval of the proposal, subject to conditions. The application is being reported to Council as it is a Major Application (land outside the demarcated Activity Centre Zone where more than 20 dwellings are proposed and/or the cost of works is greater than \$10 million).

### **Proposal**

2. It is proposed to demolish the existing restaurants to construct a three-storey apartment building comprising 36 dwellings, six townhouses comprising of four, three storey and two, two storey dwellings, and a single-storey child care centre for 116 children on a lot with an area of approximately 5,925 square metres.
3. The apartments, townhouses and child care centre are provided within separate buildings. The residential buildings are aligned along the Foote Street frontage and the eastern site boundary. The child care centre is central to the site with outdoor play areas to its west and east.
4. Car parking for the apartments and townhouses are provided within the basement level of the apartment building, accessed via a modified existing crossover on Foote Street. The car park provides 50 car parking spaces of which 36 of them are within mechanical parking (car stacker) systems. Visitor parking is not required to be provided as the site is within the Principal Public Transport Network.
5. Car parking for the child care centre is provided via a separate at-grade car park on the western part of the site, accessed via the existing crossover on Thompsons Road. 25 car spaces are provided which comply with the requirements of the Manningham Planning Scheme.

6. Although the development consists of separate buildings, it uses a consistent design approach in terms of door/window proportions, materials, colour scheme and design features to present as a cohesive overall development.
7. The buildings have a site coverage of 55.8% and a site permeability of 35.2%. At least 44.9% of the entire site area and 40.7% of the residential component is provided as garden area, which exceeds the mandatory garden area requirement of the General Residential Zone, Schedule 1 (GRZ1).
8. The three-storey townhouses and apartment building have a maximum height of 10 metres, which complies with the provisions of the GRZ1. The height of the townhouses are graduated down to a minimum height of 6.7 metres towards the corner of Foote Street and Thompsons Road.

#### **Notification**

9. Notice of the application was given for a two week period which concluded on 9 June 2021.
10. Three objections have been received to-date. The objections include concerns primarily relating to overall building height, off-site amenity impacts (overshadowing, access to daylight and privacy), on-site amenity (limited play area for child care centre), traffic impacts and access arrangements.
11. The location of objectors are shown on a map in Confidential Attachment 3.

#### **Key issues in considering the application**

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

#### **Assessment**

13. The use and development of the land for the construction of 42 dwellings (comprising of 6 townhouses and 36 apartments) and a child care centre for 116 children is considered appropriate having regard to relevant policies and requirements of the Manningham Planning Scheme (the Scheme). Policy emphasises the creation of mixed use neighbourhoods offering greater housing choice, job creation and delivering better access to services and facilities.
14. A development of this form, scale and intensity is not anticipated in this residential precinct through the provisions of Clause 21.05 (Residential). However, it is considered the site is capable of supporting a higher density development for a number of reasons, including its size (5,925 square metres), location at the intersection of two major roads, easy access to public transport and its close proximity to open space and community services. The site is located amidst a neighbourhood that is changing character as a result of numerous multi-unit developments and is considered to respond well to the existing context, whilst minimising unreasonable off-site amenity impacts to the neighbouring properties.

15. The overall siting and facades of each building and their facade treatment utilise design measures to respond to the respective boundary interfaces, including variations in boundary setbacks and materials, articulation through balcony projections and window fenestrations. The development also cut into the slope of the land to the south and east to minimise the extent of built form above natural ground level and visual bulk to the adjoining residential properties.
16. It is considered that the proposal constitutes a well-conceived development which is acceptable to the site/neighbourhood context and landscape setting, and with the level of compliance with the policy framework and Clause 55 of the Scheme, will result in an acceptable design and built form outcome for the site.

### **Conclusion**

17. This report concludes that the proposal complies with relevant planning policy in the Scheme and should be supported.
18. It is recommended that the application be approved subject to conditions.

### **RECOMMENDATION**

#### **That Council:**

- A. Having considered all objections issue a NOTICE OF DECISION TO GRANT A PERMIT in relation to Planning Application PLN20/0540 at 420 Thompsons Road, Templestowe for the use and development of the land for a child care centre, construction of 42 dwellings comprising a three-storey apartment building with 36 apartments, four, three-storey dwellings and two, two-storey dwellings and the alteration of 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 be endorsed and will then form part of the permit. The plans must be generally in accordance with the decision plans (prepared by Mezz Architecture, Job No. 20006, dated April 2021), but modified to show:**

#### **Built form**

- 1.1 Consistent building heights of the townhouses and apartment building clearly shown on all sections and elevations;**
- 1.2 The east and west facing balconies of the apartment building provided with screening devices on top of the balustrades, to limit internal views into the ground level secluded private open spaces to comply with the standard in Clause 55.04-7 (Internal Views) of the Scheme to the satisfaction of the Responsible Authority;**
- 1.3 The south facing habitable room windows of Apartments 207 and 208 screened or provided with fixed obscure glazed in accordance with Standard B22 of Clause 55.04-6 (Overlooking) of the Scheme;**

- 1.4 The west facing bedroom windows of Apartments 110 and 208 screened or provided with fixed obscure glazed in accordance with Standard B22 of Clause 55.04-6 (Overlooking) of the Scheme;
- 1.5 The roof above the communal pathway reduced in length so it does not extend beyond the rear entry to Dwelling 1's southern private open space area ensuring clear visibility to the child care centre entrance;
- 1.6 The southern fence of the rear (southern) private open spaces of the townhouse dwellings have a maximum height of 1.5 metres and at least 50% transparent;

#### **Access arrangement, Car Parking and Bicycle spaces**

- 1.7 Any plan changes as per Transport for Victoria's requirements in accordance with Conditions contained in this permit;
- 1.8 Separation between the proposed crossover along Foote Street and the existing crossover of the east adjoining property;
- 1.9 A notation detailing that all redundant vehicle crossovers be removed and the footpath, nature strip, kerb and channel be reinstated;
- 1.10 Allocation of car parking spaces for each apartment and townhouse dwellings within the basement car park;
- 1.11 The numbering of all bicycle spaces, demonstrating the allocation of spaces for residents, visitors and child care centre;
- 1.12 Consistent details of dimensions and allocation of external storage areas for each dwelling on sheets TP340 and TP500 whilst ensuring provision of at least 6 cubic metres of storage for each townhouse in accordance with Standard 30 of Clause 55.05-6 (Storage) of the Scheme;
- 1.13 A plan notation to indicate a backup power source to ensure that operation of the mechanical parking system is maintained in a power outage;

#### **Child Care Centre**

- 1.14 A mix of surface materials and textures within the outdoor play areas;
- 1.15 Shaded areas within the outdoor play areas ensuring adequate solar protection;
- 1.16 An external storage area within the western outdoor play area;

#### **Landscaping and Tree protection**

- 1.17 The landscape bed between the pedestrian pathway and vehicle accessway to the apartment building widened to a minimum of 1

metre;

- 1.18 The pedestrian path from the northern entrance of the apartment building directed to the Foote Street frontage, with the east-west portion of the path within the street setback replaced with landscaping;
- 1.19 The location of tree protection fencing and details of tree protection measures required to be implemented for all existing vegetation within adjoining properties in accordance with Tree Protection Management Plan, as per a further Condition of this permit;

#### Sustainability Management Plan

- 1.20 A notation to indicate that the development must be constructed in accordance with the approved Sustainability Management Plan, as per a further Condition of this permit;
- 1.21 All plan notations and details as required by the approved Sustainability Management Plan as per a further Condition of this permit, including but not limited to a schedule listing all sustainability features / commitments applicable to the approved development;

#### Waste Management Plan

- 1.22 Any plan changes required in accordance with the amended Waste Management Plan as per a further Condition of this permit to the satisfaction of the Responsible Authority;
- 1.23 A plan notation to indicate that the development must be constructed in accordance with the approved Waste Management Plan as per a further Condition of this permit;

#### Acoustic requirements

- 1.24 All plan notations and acoustic fencing details as per the Acoustic Report approved under a further Condition of this permit;
- 1.25 The north and west-facing habitable room windows of the townhouses provided with noise attenuation glazing or other measures to limit noise levels in accordance with Standard B24 of Clause 55.04-8 (Noise impacts) of the Scheme;

#### Materials

- 1.26 A schedule of materials, colours and finish including all external walls, roofs, fascias, window frames, acoustic fencing, external storage areas, details of any paved surfaces, pergolas above communal pathways, surface finishes within the outdoor play areas and driveway surfacing;

#### Other

- 1.27 Location of communal lighting along all communal pathways within

the development;

- 1.28 Details of material and maximum height of retaining walls along the southern and eastern site boundaries;
- 1.29 Individual letter boxes provided to each townhouse along Foote Street frontage, to be appropriately integrated into the front fence design;
- 1.30 The location of letter boxes to the apartment building;
- 1.31 The door to the south of the apartment building at the first floor level replaced with a window consistent with the elevations.

#### Endorsed Plans

2. The layout of the site and the size of buildings and works shown on the approved plans must not be modified for any reason, without the written consent of the Responsible Authority.

#### Construction Management Plan

3. Not less than 3 months before the development starts, a Construction Management Plan (CMP) must be submitted via email and approved by the Responsible Authority. When approved the plan will form part of the permit. The Construction Management Plan is to be prepared in accordance with the template within Council's Construction Management Plan Guidelines. The CMP must address:
  - 3.1. Element A1: Public Safety, Amenity and Site Security;
  - 3.2. Element A2: Operating Hours, Noise and Vibration Controls;
  - 3.3. Element A3: Air Quality and Dust Management;
  - 3.4. Element A4: Stormwater and Sediment Control and Tree Protection (also as per the specific requirements of this permit);
  - 3.5. Element A5: Waste Minimisation and Litter Prevention; and
  - 3.6. Element A6: Traffic and Parking Management.

#### Tree Protection and Management

4. In conjunction with the submission of plans to be endorsed under Condition 1, a Tree Protection and Management Plan (TPMP) prepared by a suitably qualified Arborist, setting out how the trees to be retained will be protected during construction, and which generally follows the layout of Section 5 of AS4970 'Protection of trees on development sites', must be submitted to the Responsible Authority. When approved the TPMP will be endorsed and form part of the permit. The TPMP must include:
  - 4.1. A plan showing the TPZ and SRZ for all trees to be retained along with the location of protective fencing and/or areas where ground protection systems will be used.

- 4.2. Details of proposed work within TPZ and Arborist supervision when this is proposed.
- 4.3. A statement advising any removal or pruning of Council owned trees must be undertaken by Council approved contractor.
- 4.4. A statement that Council will be notified within 24 hours of any breach of the TPMP or where damage has occurred to the tree.
5. The owner must ensure that contractors/tradespersons who install services or work near the vegetation to be retained are made aware of the need to preserve the vegetation and to minimise impacts through appropriate work practices.

#### **Sustainability Management Plan**

6. Before the development starts or the issue of a building permit for the development, whichever is the sooner, an amended Sustainability Management Plan (SMP) must be submitted via email and approved by the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the submitted SMP prepared by Living Building Solutions, Reference number LBS\_4495, dated 2 March 2021), but modified to show:
  - 6.1. Management 2.3-4 Thermal Performance Modelling - Non-Residential: Provision of a preliminary National Construction Code (NCC) Section J Energy Efficiency Assessment, JV3 assessment, Green Star or NABERS modelling to claim these credits;
  - 6.2. Energy Heating & Cooling Systems: A commitment to specifying heating and cooling systems to meet a 5-star minimum or equivalent as referred in BESS assessment;
  - 6.3. Energy 3.2 Hot Water: Plans to indicate the location of solar hot water panels on roof plan as proposed in the report;
  - 6.4. Stormwater: Provide clarification and further details as to how the 750 square metres of impermeable surfaces will evenly flow into the three various sized raingarden locations;
  - 6.5. IEQ 3.2 Thermal Comfort - External Shading: Plans to demonstrate appropriate external shading to east, west and north facing living areas and bedroom windows to claim the credits;
  - 6.6. Daylight Modelling Report: Provision of a Daylight modelling report as referred in the report, to the satisfaction of the Responsible Authority;
  - 6.7. Transport 1.1 Bicycle parking – residential: Plans to show the layout and number of secure bicycle parking spaces and bike facilities mentioned in report, noting that BESS credit is not available for mounted bicycle parking above car bonnets and spaces that are exposed to the weather due to access difficulties;

**6.8. Urban Ecology 2.4 Private Open Space - Balcony / Courtyard Ecology:** Plans to show that each dwelling's private open space area will be provided with an external tap, preferably connected to the rainwater tank;

**6.9. BESS Assessment:** The assessment updated as necessary demonstrating that the project meets the BESS minimums.

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.

#### **Waste Management Plan**

**7. Not less than 3 months before the development starts, an amended Waste Management Plan (WMP) must be submitted via email and approved by the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the submitted WMP prepared by Traffix Group, Reference number G28942R-02B, dated November 2020, but modified by the following:**

**7.1. All waste collection on site to be undertaken a private contractor within the site;**

**7.2. No private waste contractor bins left outside the development boundary at any time on any street;**

**7.3. Swept path diagrams for the waste vehicles within the car parks and their entry and exit movements at each crossover;**

**7.4. Separate collection of glass and food waste within the bin storage areas;**

**7.5. Appropriate waste collection systems including additional services for glass and food waste collections, frequency of pickup, waste collection methodologies and access requirements.**

#### **Acoustic Report**

**8. The development must be constructed in accordance with the Acoustic Report approved and forming part of this permit (Cogent Acoustics, Project number 21009, dated 01 March 2021).**

#### **Management Plan Compliance**

**9. The Management Plans and reports approved under Conditions of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.**

**10. Prior to the occupation of each building, written confirmation from the author of the approved Sustainability Management Plan, or a similarly qualified person or company, must be submitted to the Responsible Authority. The report must confirm that the sustainable design**



features/initiatives specified in the Sustainability Management Plan have been satisfactorily implemented in accordance with the approved plans.

#### Landscape Plan

11. Before the development starts, a landscaping plan prepared by a landscape architect or person of approved competence must be submitted via email to the Responsible Authority for approval. Such plan must be generally in accordance with the plan approved under Condition 1 of this permit, and must show:
  - 11.1. Species, locations, approximate height and spread of proposed planting and the retention of existing trees and shrubs, where appropriate or as directed by any other condition of this Permit;
  - 11.2. Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;
  - 11.3. Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;
  - 11.4. A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;
  - 11.5. At least three (3) canopy trees capable of reaching a mature height 15 metres planted within the site;
  - 11.6. A minimum of one (1) canopy tree, capable of reaching a minimum mature height of 8 metres, within the front setback of each townhouse;
  - 11.7. A canopy tree within each of the ground floor east facing secluded private open space areas of the apartment building to be capable of reaching a minimum mature height of 6 metres;
  - 11.8. Screen planting along the western edges of the ground floor secluded private open spaces of the apartment building to be capable of reaching a minimum mature height of 3 metres;
  - 11.9. Screen planting along the east and south site boundaries, to be a minimum height of 0.5 metres at the time of planting;
  - 11.10. All canopy trees must be of advanced stock (minimum 45L pot size and 2m tall at time of planting) and no one tree species should exceed 40% of the total number of trees to be planted;
  - 11.11. Planting within 2 metres along the frontage from the edge of the driveways and 2.5 metres along the driveways from the frontage to be no greater than 0.9 metres in height at maturity.

The use of synthetic grass as a substitute for open lawn area within secluded private open space or a front setback will not be supported. Synthetic turf may be used in place of approved paving decking and/or other hardstand surfaces.

#### Landscape Bond

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

**Completion**

13. 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.
14. 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.
15. 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.

**Maintenance**

16. 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.

**Street Tree**

17. Except with the prior written consent of the Responsible Authority, the existing street tree(s) must not be removed or lopped.

**Stormwater – On-site detention**

18. Before the development starts, an engineering plan for an on-site stormwater detention (OSD) system to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must depict an 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) that is designed in accordance with Council's *On-Site Stormwater Detention Guidelines (March 2021)* to the satisfaction of the Responsible Authority.
19. Before the dwellings are occupied, the OSD system must be installed and then maintained in accordance with the engineering plan endorsed under this permit to the satisfaction of the Responsible Authority.

**Drainage**

20. 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.

21. 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.

#### **Driveway and Car Parking Areas**

22. Before the occupation of any of the approved dwellings, all associated basement parking spaces must be line-marked, numbered and signposted to provide allocation to each dwelling to the satisfaction of the Responsible Authority.
23. Automatic basement door opening systems must be installed and maintained, so as to facilitate secure access to the allocated parking areas by residents, visitors and a rubbish collection contractor, to the satisfaction of the Responsible Authority.
24. The mechanical car stackers shown on the endorsed plans must be serviced and maintained to ensure satisfactory access to all car spaces and to prevent any adverse impact on adjoining land through the emission of noise, all to the satisfaction of the Responsible Authority.
25. The mechanical parking systems must be made available for the parking of vehicles to the satisfaction of the Responsible Authority.
26. A backup source of power must be provided to ensure that mechanical parking is operable in the event of a power outage.
27. All car parking spaces, bicycle parking spaces, access lanes and driveways shown on the endorsed plans must be kept available for these purposes at all times to the satisfaction of the Responsible Authority.
28. The operator of the approved childcare centre must ensure that staff vehicles are parked in the designated staff car spaces to the satisfaction of the Responsible Authority.

#### **Vehicle Crossings and Accessways**

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

#### **Child Care Centre**

31. Except with the prior written consent of the Responsible Authority, the number of children who may attend the centre at any one time must not

exceed 116.

32. Except with the prior written consent of the Responsible Authority, the child care centre must only operate between the hours of 6:30am and 6:30pm on weekdays only.
33. Except with the prior written consent of the Responsible Authority, the designated outdoor play areas may only be open to children between the hours of 7:00am to 6:30pm, during days of operation.
34. The operator of the centre must through proper management and supervision techniques, ensure that excessive noise is not generated by external play activities, to the satisfaction of the Responsible Authority.
35. All children's play equipment must be maintained and kept in a safe condition to the satisfaction of the Responsible Authority.
36. The external play areas must be kept in a neat and tidy condition to the satisfaction of the Responsible Authority.

#### Amenity

37. Before the uses commence, all fencing including acoustic fencing and any other measures must be erected in accordance with the approved plan to the satisfaction of the Responsible Authority.
38. The use and development must be managed so that the amenity of the area is not detrimentally affected, to the satisfaction of the Responsible Authority, through the:
  - 38.1. Transport of materials, goods or commodities to or from the land;
  - 38.2. Storage of goods and waste;
  - 38.3. Appearance of any building, works or materials;
  - 38.4. Emission of noise, light, vibration, odour and dust.
39. 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.
40. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
41. Garbage and recycling storage areas must be maintained in a neat and tidy condition to the satisfaction of the Responsible Authority.
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 to limit loss of amenity of residents of adjoining properties to the satisfaction of the Responsible Authority.

**General Services**

44. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
45. All service pipes must be concealed and screened respectively to the satisfaction of the Responsible Authority.
46. 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.
47. A centralised TV antenna system must be installed to the apartment building 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.
48. Any reverse cycle air-conditioning unit, hot water boosters or other service plant erected on the walls of the approved building must be appropriately designed and finished with screening if necessary to minimise general visual impacts from off the site to the satisfaction of the Responsible Authority.

**Rooftop Plant**

49. All roof-top plant and services (including any hot water systems, but excluding solar panels) must be installed in appropriately screened areas, unless otherwise agreed in writing with the Responsible Authority.
50. Unless sufficiently screened by roof parapets, all solar panels and any associated safety railings must be located away from the outer edges of the roof section upon which they are installed, so as to minimise general visual impacts from off the site to the satisfaction of the Responsible Authority.

**Services on Balconies of the Apartment building**

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.

**Metering and Service Cabinets**

53. All building services and metering located in the front setback, including fire services, gas, water and electricity, must be installed in accordance with the approved plans and must be positioned in discrete manner and be

screened using cabinets etc. that integrated with the overall building design to the satisfaction of the Responsible Authority.

#### **Fencing**

54. 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.

#### **Brickwork / Retaining Walls**

55. 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**

56. 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.

#### **Transport for Victoria**

57. Prior to commencement of works, amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans date stamped 04.02.2021 and annotated Ground Floor Site Plan TP102, Revision A but modified to show:

##### **Foote Street Access**

- 57.1. Kerb and Channel across the access maintained (modified to kerb ramps as required);
- 57.2. The edges of the crossover at entry at Foote Street angled at 60 degrees to the road reserve boundary, at least for the first 3 metres from the edge of the road with 3 metres radial turnouts;
- 57.3. Allowance for pedestrian access through the proposed island in line with the existing footpath, that needs to be maintained.

##### **Thompsons Road Access**

- 57.4. Appearance of any building, works or materials;
- 57.5. Emission of noise, light, vibration, odour and dust. The edges of the crossover angled at 60 degrees to the road reserve boundary, at least for the first 3 metres from the edge of the road with 3 metres radial turnouts;
- 57.6. Allow for concurrent movement of a B99 and a B85 vehicle at the entrance;
- 57.7. Signage and markings associated with both access points.

58. The level of the footpath must not be lowered or altered in any way to facilitate access to the site.
59. Prior to occupation of the development, the crossover and driveway are to be constructed to the satisfaction of the Head, Transport for Victoria and at no cost to the Head, Transport for Victoria.
60. Vehicles must enter and exit the land in a forward direction at all times.

#### Expiry

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

- 61.1. The development is not started within four (4) years of the date of the issue of this permit;
- 61.2. The development is not completed within eight (8) years of the date of this permit;
- 61.3. The use is not commenced within two (2) years of the development being completed.

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

## 2. BACKGROUND

- 2.1 The current application was submitted to Council on 9 December 2020.
- 2.2 Presentation was made to the Sustainable Design Taskforce on 28 January 2021.
- 2.3 A request for further information was sent on 8 January 2021 which also raised a number of concerns with the proposal.
- 2.4 The application was amended under Section 50 of the *Planning and Environment Act 1987* on 24 March 2021 to address concerns raised by Planning Officers, which included:
- Additional materials to the south and east facades of the apartment building for improved articulation;
  - Revised design to pedestrian entry for the apartment building;
  - Tiered landscaping within the private open spaces of the ground floor apartment dwellings along the south and eastern boundaries modified to single tier landscaping for improved functionality of the open space;
  - Northern private open space of apartment G02 reduced to allow for improved landscaping within the front setback;
  - Plans revised to provide 7.9% of deep soil area with a minimum dimension of 6 metres and 20.3% deep soil area in total;
  - Provision of a 1.8 metres high fence along the pedestrian access to Lobby 2 for improved privacy to private open space of apartment G12 and G01;
  - Provision of additional windows to the east and west elevations of the townhouse dwellings;

- Provision of patterned roof sheeting to the child care centre;
  - Provision of an additional shelter and canopy trees within the outdoor play area for improved solar protection;
  - Provision of landscaping separation between the car park and outdoor play area of the child care centre.
- 2.5 All requested further information was received on 5 May 2021.
- 2.6 Notice of the application has been given for a two week period which concluded on 9 June 2021.
- 2.7 The statutory time for considering a planning application is 60 days, which fell on 8 August 2021.
- 2.8 The land titles are not affected by any covenants or restrictions.
- 2.9 Planning Permit PL17/027486 was issued on 30 April 2018, for the use and development of the land for a food and drink premises, medical centre, child care centre and restricted recreation facility (gym) and alteration of access to a road in a Road Zone, Category 1.
- 2.10 The permit was amended under PLA18/0063 on 31 July 2018 to delete a condition that limited the number of staff who may work at the child care centre to a maximum of 23. The permit has been extended, with a required development commencement date of 30 April 2022.

### 3. THE SITE AND SURROUNDS

#### The Site

- 3.1 The subject site is located at 420 Thompsons Road, Templestowe Lower, on the south-eastern corner of Thompsons Road and Foote Street. The property has previously been used for commercial purposes (restaurants) and contains two brick buildings that are currently vacant.
- 3.2 The site is generally rectangular in shape with an irregular curve at the north-western corner attributed to a slip lane at the intersection of Thompsons Road and Foote Street. The site has an eastern boundary length of 68.39 metres and a southern boundary length of 95.86 metres, with an overall area of approximately 5,925 square metres.
- 3.3 An easement of varying width (approximately 13-29 metres wide) affects the western portion of the site.



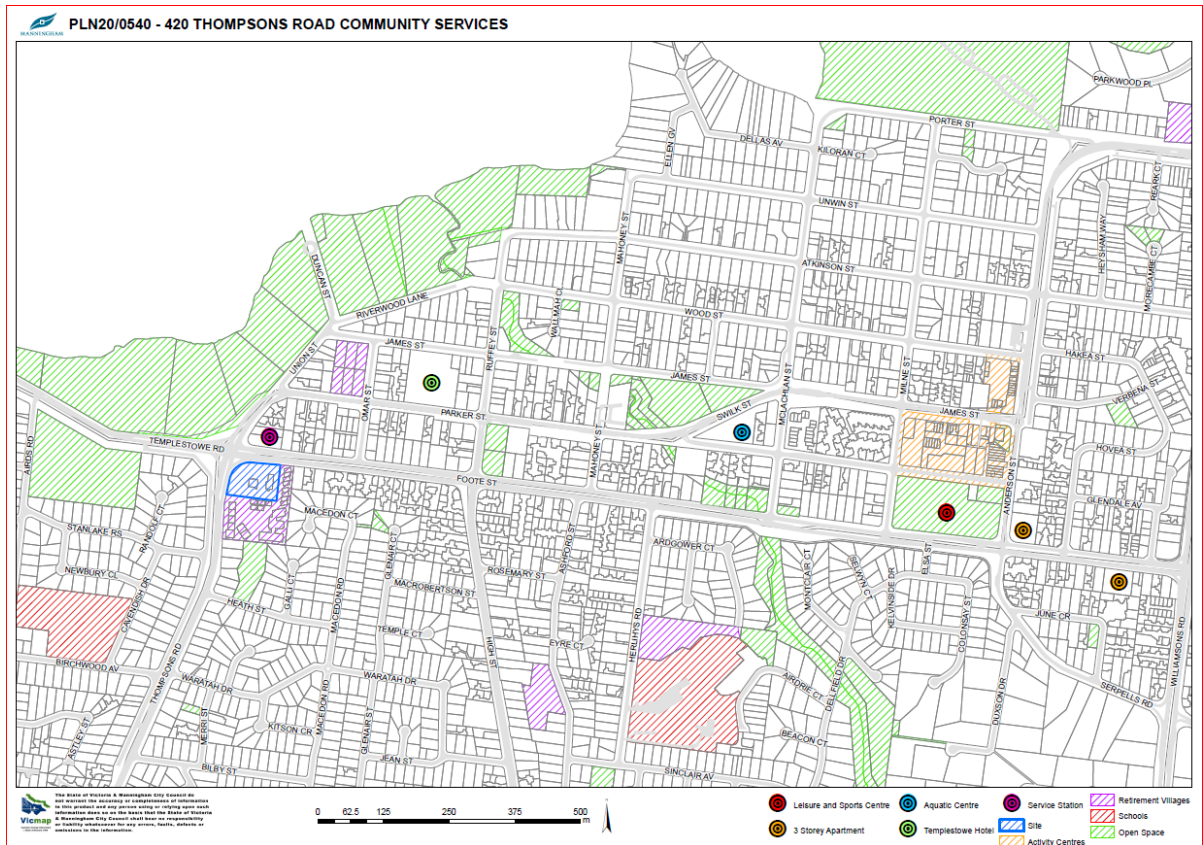


- 3.4 The site has a cross-fall of approximately 5.7 metres from the south-east corner to the north-west corner.
- 3.5 Vehicle access to the site is provided by a crossover at the north-east corner from Foote Street, and at the south-west corner from Thompsons Road. Both crossovers provide access to an existing at-grade car park.
- 3.6 There are several established trees distributed along the eastern and southern boundaries of the site.

### The Surrounds

- 3.7 The site directly abuts only one property, 410-418 Thompsons Road to the east and south. This property is developed with a retirement village and an aged care facility known as Templestowe Manor. The property is accessed via a crossover along Foote Street and Thompsons Road, each providing driveways adjacent to the common boundaries. The most sensitive abuttal to the subject site is the secluded private open space areas of Units 8, 9 and 10 of the Retirement Village, which abut the southern site boundary.
- 3.8 Thompsons Road and Foote Street are major arterial roads that provide multiple lanes of traffic separated by central median strips.
- 3.9 The site is serviced by bus routes operating along Thompsons Road and Foote Street, connecting the site with the CBD, neighbourhood activity centres and residential areas within the municipality. The site is located within the Principal Public Transport Network (PPTN) area.
- 3.10 The character of the broader area is mixed, with largely single dwellings on each lot west of Thompsons Road and examples of townhouse style medium density developments to the east of the site. The closest apartment building is approximately 1.5 km east of the site at 2-6 Anderson Street, Templestowe and at 200 Foote Street, Templestowe.
- 3.11 The site is well serviced by other community and local facilities and parks, including Finns Reserve to the north-west corner of Thompsons Road and Foote Street. The site is approximately 1.4 km from the Templestowe Village Activity

Centre, 800 metres to Templestowe Valley Primary School 1.1 km to St Kevins School on Herlihys Road and 1.2 km to Templestowe Leisure Centre. A service station is also opposite the site at the north-east corner of Thompsons Road and Foote Street. The map below shows the location of community services and facilities within close proximity to the site.



**4. THE PROPOSAL**

4.1 The proposal is outlined on the plans prepared by Mezz Architecture, Job No. 20006, dated April 2021 and a landscape plan prepared by Enlocus, Reference No. 2025, dated 30 April 2021. Refer to Attachment 1.

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

- Town Planning report prepared by Urbis, dated May 2021;
- Acoustic report prepared by Cogent Acoustics, Project number 21009, dated 01 March 2021;
- Traffic Engineering Assessment, Prepared by Traffix Group, Reference number G28942R-021, dated November 2020 and Memorandum (response to DoT referral) dated 12 March 2021;
- Traffic Engineering Review (of the proposal and Traffic report prepared by Traffix Group), prepared by Onemilegrid Traffic Engineering, dated 15 March 2021;
- Waste Management Plan prepared by Traffix Group, Reference number G28942R-02B, dated November 2020;
- Green Travel Plan prepared by Living Building Solutions, Reference number LBS\_4495, dated 29 October 2020;

- Sustainable Management Plan prepared by Living Building Solutions, Reference number LBS\_4495, dated 2 March 2021;
- Water Sensitivity Urban Design Report prepared by Living Building Solutions, Reference number LBS\_4495, dated 30 October 2020;
- Arboricultural Impact Assessment prepared by Landscape Dept, dated July 2017.

### **Design layout**

- 4.3 The proposal consists of a three storey apartment building comprising of 36 apartments, four, three-storey and two, two-storey townhouses and a single storey child care centre with a capacity for 116 children.
- 4.4 The buildings, car park and outdoor play area of the child care centre have been sited to avoid construction over the easement that is located within the western portion of the site.
- 4.5 The buildings will have a total site coverage of 55.8% and a site permeability of 35.2%. At least 44.9% of the entire site area and 40.7% of the residential component of the site is provided as garden area.
- 4.6 The townhouses are located within the northern portion of the site, oriented to Foote Street. Each dwelling incorporates separate access to the northern frontage from their respective secluded private open spaces. A secondary access to these dwellings is provided from a communal pedestrian path on the southern side of the dwellings.
- 4.7 The apartment building is located on the eastern portion of the site with a north-south alignment. Its main entry is oriented to Foote Street, with a secondary entry accessed via the communal pedestrian path on the western side. The secluded private open spaces of the ground floor apartments are located on the eastern, western and southern sides of the building.
- 4.8 The single storey child care centre is located central to the site, oriented and setback approximately 40 metres from Thompsons Road. Outdoor play areas are provided to the west and east of the building, which are enclosed by acoustic fencing (except along the southern side).
- 4.9 Pedestrian access to the child care centre is provided by a path from the north-western corner of the site.

### **Vehicle access and layout**

- 4.10 The development provides a total of 75 on-site car spaces. An at-grade car park with 25 spaces is provided for the child care centre within the western portion of the site. Access to the car park is provided via a two-way crossover from Thompsons Road at the south-western corner of the site.
- 4.11 Car parking for the apartments and townhouses is combined within the basement of the apartment building. Access is provided via a modified existing crossover to Foote Street at the north-eastern corner of the site. A total of 50 spaces are provided, including 36 spaces within mechanical parking (car stacker) systems and 12 tandem spaces.
- 4.12 No visitor parking spaces are provided.

- 4.13 A total of 52 bicycle spaces are proposed in locations throughout the site as follows:
- 14 spaces within the basement car park;
  - 17 spaces within a secure room on ground level adjacent to Lobby 2;
  - 13 spaces adjacent to western pedestrian access of the apartment;
  - 6 visitor spaces adjacent to the pedestrian pathway;
  - 2 spaces adjacent to the child care centre car park.
- 4.14 The Waste Management Plan submitted with the application proposes private waste collection, twice a week, for the apartment building and child care centre. It recommends Council waste collection for the townhouses. The waste collection area for the apartment building is provided within the basement car park and a screened bin store area for the child care centre is proposed adjacent to the south west corner of the outdoor play area.
- 4.15 Since no loading/unloading bays are provided, the waste collection vehicles will temporarily park within the vehicle accessway of the basement car park and within the car parking spaces of the child care centre. The waste collection times are proposed to be outside peak hours and will be determined following the confirmation of a specific private waste collection contractor by the property manager.
- 4.16 Residential storage enclosures are provided within the basement car park.

### **Landscaping**

- 4.17 All existing vegetation will be removed from the site. Screen planting is proposed along the side and rear boundaries. Landscaping within the front setback of the townhouses, apartment and child care centre vary from trees capable of reaching a height of 15 metres, to shrubs and ground cover. The submitted Landscape plan shows planting of 57 canopy trees across the development.
- 4.18 Based on the submitted Arboricultural Report, the trees to be removed within the site are considered planted trees and are therefore exempt under Clause 52.17 (Native Vegetation) of the Scheme.

### **Design detail**

- 4.19 The proposed development features a contemporary architectural design displaying symmetrical building proportions, repetition of visual elements such as box framing to windows, and consistent use of materials that binds the overall presentation. The contemporary form incorporates a combination of off-white and dark grey tone render and cladding with timber-look lightweight cladding. Matte black powder coated metal battens form the side walls and roofs of the street facing balconies and timber picket fencing is utilised to blend with the character of the area.
- 4.20 The townhouse dwellings feature a cantilevered first floor level to both north and south elevations and the box framings elements at this level will be finished in light render and vertical timber cladding. The second floor level of the three-storey townhouses is centralised and finished in dark grey cladding.
- 4.21 The apartment building will exhibit the use of similar material application to that of the townhouses to its northern and southern elevation. Along the east and west elevations, alternate light and dark render and cladding has been utilised, with

the unroofed balconies featuring glass and timber balustrades. The three-storey townhouses and apartment building will have a maximum height of 10 metres towards the street frontage that graduates down to a height of 6.7 metres towards the corner of Foote Street and Thompsons Road.

- 4.22 The apartment building is partly benched into the site. It presents as three-storeys to the street frontage and towards the northern part of the east elevation. To the south and southern part of the eastern elevation, the apartment will present largely as two storeys.
- 4.23 The single storey child care centre while subservient to the other built forms on site, is provided with a distinctive sense of identity due to its physical separation from the apartment and townhouse buildings and by its curvilinear roof form towards its north-west corner.
- 4.24 Despite being separate buildings, the three components of the development utilise a consistent design approach in terms of door/window proportions, use of materials, colour scheme, design features that provides a high level of cohesion.

**Child care centre use**

- 4.25 The Child Care Centre will have a maximum capacity of 116 children managed by a total of 15 staff. The centre will operate from 6:30am to 6:30pm from Monday to Friday.

**Development summary**

- 4.26 A summary of the development is provided as follows:

- |                     |                                                                                                                                                                                                                                              |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Building<br>Details | <ul style="list-style-type: none"> <li>• Site area: 5,925m<sup>2</sup></li> <li>• Site coverage: 55.8%</li> <li>• Permeability: 35.2%</li> <li>• Garden area: 40.7% (based on residential development area of 3,134m<sup>2</sup>)</li> </ul> |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

	Apartments	Townhouses
Dwellings	<ul style="list-style-type: none"> <li>• Total number: 36</li> <li>• 1 bedroom: 10</li> <li>• 2 bedroom: 24</li> <li>• 3 bedroom: 2</li> </ul>	<ul style="list-style-type: none"> <li>• Total number: 6</li> <li>• 3 bedroom: 2</li> <li>• 4 bedroom: 4</li> </ul>

- |        |                                                                                                                                                |
|--------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Height | <ul style="list-style-type: none"> <li>• Maximum height: 10m for Townhouses and Apartment building.</li> <li>• Number of storeys: 3</li> </ul> |
|--------|------------------------------------------------------------------------------------------------------------------------------------------------|

Basement	<ul style="list-style-type: none"> <li>Number of levels: 1</li> </ul>						
Child Care Centre	<ul style="list-style-type: none"> <li>Number of Children: 116</li> <li>Operating hours: 6:30am – 6:30pm Monday to Friday</li> <li>Building Area: 665.6m<sup>2</sup></li> <li>Building Height: 3.5m</li> <li>Outdoor Play Area: 814.9m<sup>2</sup></li> </ul>						
Car parking (Residents)	<table border="0"> <tr> <td>Apartment</td> <td>Townhouses</td> <td>Child Care Centre</td> </tr> <tr> <td> <ul style="list-style-type: none"> <li>Required: 38</li> <li>Provided: 38 of which 36 are within mechanical parking (car stacker) systems.</li> <li>Compliance: Yes</li> </ul> </td> <td> <ul style="list-style-type: none"> <li>Required: 12</li> <li>Provided: 12</li> <li>Compliance: Yes</li> </ul> </td> <td> <ul style="list-style-type: none"> <li>Required: 25</li> <li>Provided: 25</li> <li>Compliance: Yes</li> </ul> </td> </tr> </table>	Apartment	Townhouses	Child Care Centre	<ul style="list-style-type: none"> <li>Required: 38</li> <li>Provided: 38 of which 36 are within mechanical parking (car stacker) systems.</li> <li>Compliance: Yes</li> </ul>	<ul style="list-style-type: none"> <li>Required: 12</li> <li>Provided: 12</li> <li>Compliance: Yes</li> </ul>	<ul style="list-style-type: none"> <li>Required: 25</li> <li>Provided: 25</li> <li>Compliance: Yes</li> </ul>
Apartment	Townhouses	Child Care Centre					
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Car parking (Visitors)	<ul style="list-style-type: none"> <li>None required (Principal Public Transport Network Area)</li> </ul>						
Front setback	<ul style="list-style-type: none"> <li>Apartment: 5.91m - 6.4m (at Ground and First floor Level)</li> <li>Townhouse: 5.84m – 7.75m (at First Floor level); and 6.7m - 9.9m (at Ground floor level)</li> </ul>						
Side setback (East Boundary)	<ul style="list-style-type: none"> <li>4.7m – 5.4m (at all levels)</li> <li>2.5m – 3.25m (to the balconies at all levels)</li> </ul>						
Rear setback (South Boundary)	<ul style="list-style-type: none"> <li>5.91m (at all levels)</li> </ul>						

**5. LEGISLATIVE REQUIREMENTS**

5.1 Refer to Attachment 2.

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



- Clause 32.08-6 (General Residential Zone, Schedule 1 – GRZ1), to construct two or more dwellings on a lot;
- Clause 32.08-6 (General Residential Zone, Schedule 1 – GRZ1), to use and develop the land for a child care centre (Section 2 use);
- Clause 32.08-6 (General Residential Zone, Schedule 1 – GRZ1), to construct a fence exceeding 2m in height;
- Clause 52.29 (Land adjacent to a Road Zone, Category 1), to create or alter access to a road in a Road Zone, Category 1.

## 6. REFERRALS

### External

#### Transport for Victoria

- 6.1 A permit is required under Clause 52.29 of the Manningham Planning Scheme as the proposal involves alteration of access to a road in a Road Zone, Category 1. It is a statutory requirement to refer the application to Transport for Victoria as a determining referral authority.
- 6.2 Transport for Victoria have no objection subject to conditions being included on any permit issued requiring minor crossover modification and for vehicles to enter and exit the site in a forward direction.

### Internal

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

Service Unit	Comments
Infrastructure Services Unit – Drainage	<ul style="list-style-type: none"> <li>• No objection subject to conditions for the provision of on-site storm water detention.</li> <li>• The submitted STORM report is acceptable.</li> </ul>
Infrastructure Services Unit – Vehicle Crossing	<ul style="list-style-type: none"> <li>• The proposed vehicle access arrangements from Foote Street and Thompsons Road are generally acceptable and will be subject to Transport for Victoria requirements and final approval.</li> </ul>
Infrastructure Services Unit – Access and Driveway/ Access	<ul style="list-style-type: none"> <li>• No objection subject to Transport for Victoria requirements and a permit condition requiring appropriate signage and line marking to reinforce the left out only restriction for the Foote Street access.</li> </ul>
Infrastructure Services Unit – Traffic and Car Parking	<ul style="list-style-type: none"> <li>• The number of car parking spaces is provided in accordance with Clause 52.06-5 and are satisfactory.</li> <li>• The submitted traffic impact assessment is satisfactory.</li> </ul>
Infrastructure Services Unit – Car Parking	<ul style="list-style-type: none"> <li>• The car park layout is satisfactory. The requirement relating to increasing the width of the pedestrian pathway along southern site boundary to 1.5 metres will not be included as</li> </ul>

Service Unit	Comments
Layout	there are no relevant planning scheme provisions to include this requirement. Additionally, the fire exit pathway must be designed in accordance with the relevant building code requirements.
Infrastructure Services Unit – Construction Management	<ul style="list-style-type: none"> <li>• No objection subject to a requirement for the provision of a construction management plan.</li> </ul>
Infrastructure Services Unit – Waste	<ul style="list-style-type: none"> <li>• No objection subject to condition requiring amended waste management plan.</li> </ul>
Infrastructure Services Unit – Easements	<ul style="list-style-type: none"> <li>• Buildings and works are supported subject to a Build Over Easement approval being obtained for the car park of the Child Care Centre.</li> <li>• The site is subject to MWC-REG154 Designated Works Area and requires the application to be referred to Melbourne Water Corporation to build over their asset - Templestowe West 4765.</li> <li>• While the subject site is affected by MWC-REG154 Designated Works Area, there are no relevant planning scheme provisions applicable to the site under which a statutory referral to Melbourne Water is required. The MWC-REG154 relates to Building Regulations 2006 and requires consent from Melbourne Water Authority at the building permit stage. This requirement will be included as a permit note.</li> </ul>
Infrastructure Services Unit – Flooding	<ul style="list-style-type: none"> <li>• The site is not subject to inundation from Council's drainage systems.</li> </ul>
Environmentally Sustainable Development (ESD)	<ul style="list-style-type: none"> <li>• No objection subject to conditions requiring revisions to the plans and the Sustainability Management Plan.</li> </ul>
Statutory Planning Arborist	<ul style="list-style-type: none"> <li>• No objection subject to conditions requiring a Tree Protection Management Plan and revisions to the submitted landscape plan.</li> </ul>
Community Programs Unit – Children's Services	<ul style="list-style-type: none"> <li>• No objection subject to conditions requiring revisions to the external play area of the child care centre.</li> </ul>

## 7. CONSULTATION / NOTIFICATION



- 7.1 Notice of the application was given over a two-week period which concluded on 9 June 2021, by sending letters to nearby properties and displaying a sign at each site frontage (2 signs in total).
- 7.2 Three objections have been received to date. The location of objectors are shown on a map in Confidential Attachment 3.
- 7.3 The main grounds of the objection can be summarised into the following categories:
- Overall building height;
  - Off-site amenity impacts relating to overshadowing, access to daylight and privacy;
  - On-site amenity in terms of limited play area for child care centre;
  - Inappropriate survey of existing traffic (survey was carried out during COVID-19 lockdown);
  - Traffic impacts;
  - Access arrangements (location of proposed crossovers).

## **8. ASSESSMENT**

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

### **Planning Policy Frameworks**

- 8.3 Key objectives of the planning policy frameworks identify that managing future housing need and residential amenity in a sensitive way is a key challenge facing Manningham. The policies acknowledge that there is a general trend towards smaller household size, as a result of an aging population and smaller family structure, leading to an imbalance between the housing needs of the population and the actual housing stock that is available.
- 8.4 This increasing pressure for re-development raises issues about how these changes affect the character and amenity of our local neighbourhoods. In meeting future housing needs, the challenge is to provide for residential redevelopment in appropriate locations, to reduce pressure for development in more sensitive areas, and in a manner that respects the residential character and amenity valued by existing residents.
- 8.5 Clause 21.05 (Residential Policy) separates Manningham's urban areas into four residential precincts with differing character and built form objectives that seek to achieve either minimal, incremental or substantial change, generally relative to the proximity to infrastructure and services. The subject site is categorised under

Precinct 1 of Clause 21.05 where an incremental level of change is anticipated. Local policy at Clause 22.15 (Dwellings in General Residential Zone Schedule 1) seeks to implement the objectives for Clause 21.05 within Precinct 1 by supporting a less intense urban form, which is site responsive, well-articulated, respectful of the existing neighbourhood character and provides adequate landscaping opportunities.

- 8.6 Council's Residential Strategy dated March 2012 also anticipates that while a significant proportion of future development should continue to be channelled around the Doncaster Hill Principal Activity centre, the Neighbourhood Activity Centres and the Pines Activity centre, there may be potential for increased residential development opportunities in other locations, such as along Thompsons Road.
- 8.7 Whilst the site is located within an incremental change area, it is considered capable of supporting a higher density of development given its size (5,925 square metres), location at the intersection of two major roads, easy access to public transport and its close proximity to open space and community services.
- 8.8 Subject to conditions recommended in this report, the form and scale of the development will contribute positively to the local context, enhancing the public realm whilst minimising detrimental amenity impacts on neighbouring properties, in accordance with policy under Clause 15.01 (Building Design) of the Scheme.
- 8.9 The planning policy frameworks emphasise creating mixed used neighbourhoods that offer greater housing choice, job creation and delivering better access to services and facilities. The policies encourage land uses with a community service role, such as the proposed child care centre, to be integrated in residential areas whilst ensuring that operation of non-residential uses do not detrimentally affect residential amenity. This is further supported in the purpose of the General Residential Zone.
- 8.10 The proposal will provide a child care centre that abuts a Road Zone, is readily and safely accessible by public transport, bicycle and pedestrian networks. The site's location in an area experiencing housing densification, places it in a position that enables it to serve the wider community in accordance with the objectives of local policy under Clause 22.05 (Non-residential uses in residential areas) of the Scheme. It is also noted that the site has up until recently has been used for non-residential uses (restaurants).
- 8.11 The general layout of the site has been designed in accordance with the principles of safe and inclusive design, particularly the policies outlined at Clause 22.08 (Safety Through Urban Design) and 22.09 (Access for Disabled People Policy) of the Scheme. In particular, the site is provided with numerous pedestrian and vehicular entrances and ensures good passive surveillance to both Foote Street and Thompsons Road. All pedestrian pathways across the site have a gradient of no more than 1:14, with appropriate landings for resting and ease of manoeuvrability, meeting the needs of needs of people with limited mobility.

### **Design and built form**

#### Garden Area

8.12 The site area of the residential component of the development is greater than 650 square metres and therefore needs to provide at least 35% as garden area. The proposal provides for a minimum garden area of 40.7% for the residential component of the development (excludes the area to be used by the child care centre), or 44.9% of the entire site, which in both cases is in excess of the mandatory minimum requirement of 35%.



Height

8.13 The maximum building height prescribed under the zone for residential buildings is 9 metres unless the slope of the land at any cross section greater than 8 metres is greater than 2.5 degrees, in which case the building height must not exceed 10 metres. The zone also requires any residential development to not exceed three storeys. The proposed three-storey residential development with a maximum height of 10 metres complies with these requirements.

8.14 The following assessment is made of the residential component of this proposal against the local policy of Clause 22.15:

Requirements	Compliance
<b>Siting</b>	
<ul style="list-style-type: none"> <li>Ensure that the rear setback is of a sufficient width to allow for the retention or planting of canopy trees and to allow for recreational opportunities.</li> </ul>	<p>Satisfied</p> <ul style="list-style-type: none"> <li>The proposal provides adequate setbacks from site boundaries to enable planting of additional canopy trees, including between 4.7-5.3 metres along the eastern boundary and 5.9 metres to the southern boundary, thereby respecting the existing garden character of the area.</li> <li>Whilst the proposal requires removal of all existing vegetation on site, the submitted landscape plan recommends planting of approximately 57 additional canopy trees across the site, including within the secluded private open space of the townhouses and ground floor apartments, thereby reinforcing the existing garden character of the area.</li> </ul>
<ul style="list-style-type: none"> <li>Minimise buildings on boundaries to create spacing between dwellings to reinforce the pattern of the street. If any adjoining property has no existing boundary walls, the total length of walls should be limited to that generally required for the provision of a garage.</li> </ul>	<p>Satisfied</p> <ul style="list-style-type: none"> <li>No buildings are proposed on any of the boundaries.</li> </ul>
<u>Form</u>	

<ul style="list-style-type: none"> <li>Encourage upper levels to be stepped in from the ground floor to avoid sheer walls and achieve articulation and visual interest. Preferably, upper levels should not exceed 75% of the ground floor area (excluding verandahs and balconies).</li> </ul>	<p>Satisfied</p> <ul style="list-style-type: none"> <li>The proposed three-storey built form with cantilivered first floor levels of the townhouses does not align with the objective of the policy. However, the proposed built form and articulation responds to the emerging character of the area, including a recent multi-dwelling development at 33-35 Foote Street.</li> <li>The proposal generally avoids sheer wall presentations and includes sufficient setback and material variation and design features to provide appropriate articulation to the built form. This will be further discussed in the assessment of Clause 55.02-1 (Neighbourhood Character) and Clause 55.06-1 (Design Detail).</li> </ul>
<ul style="list-style-type: none"> <li>Promote building materials that reflect the prevailing materials of the surrounding residential area.</li> </ul>	<p>Satisfied subject to condition</p> <ul style="list-style-type: none"> <li>The development incorporates a cohesive use of materials and a neutral palette of colours, including: <ul style="list-style-type: none"> <li>Off-white and grey render or cladding to the walls interspersed with timber-look cladding;</li> <li>Powdercoated matte black metal sheet and battens to the street facing balconies of both buildings;</li> <li>Black aluminium framed windows; and</li> <li>Timber picket fencing.</li> </ul> </li> <li>The use of light render and timber-look cladding to the canilevered first floor level assists in emphasising this level while the use of dark grey cladding and black metal framing at the second floor level of the townhouses and apartments (towards the street frontage) will assist in visually recessing the second floor level thereby reducing the perceived visual bulk to the street frontage.</li> <li>The materials incorporated are a common characteristic of the neighbourhood, particularly in emerging developments. However, the details of some of the external surfaces such as paved areas, acoustic fencing and external storage areas are not provided. This will be addressed via <b>permit condition</b>.</li> </ul>
<ul style="list-style-type: none"> <li>Ensure porticos and other design features integrate with the overall design of the building and not</li> </ul>	<p>Satisfied</p> <ul style="list-style-type: none"> <li>The development limits the use of dominant design features to the street, such as double-storey porticos.</li> <li>The single storey pedestrian entry of the</li> </ul>

<p>include imposing design features such as double storey porticos.</p>	<p>apartment building in black metal finish is well integrated into the overall built form.</p> <ul style="list-style-type: none"> <li>• Additionally, the street facing townhouse entries covered by the cantilevered first floor levels do not dominate the street presentation.</li> </ul>  <ul style="list-style-type: none"> <li>• The box framing elements at the first floor level and recession of the second floor level emphasises horizontal built form. The use of feature timber-look cladding further softens the appearance of these first floor elements.</li> </ul>  <ul style="list-style-type: none"> <li>• The articulation of the overall built form will be discussed further below in the assessment against Clause 55 of the Scheme.</li> </ul>
<p><u>Car Parking and Access</u></p>	
<ul style="list-style-type: none"> <li>• Ensure garages are set back a greater distance than the front wall of the building.</li> </ul>	<p>Satisfied</p> <ul style="list-style-type: none"> <li>• Car parking for each dwelling is proposed within the basement below the apartment building, thereby ensuring that the streetscape towards Foote Street is not dominated by driveways or car parking, which allows for increased landscaping opportunities.</li> </ul>
<ul style="list-style-type: none"> <li>• Design developments with a maximum of two vehicle crossovers. Where possible retain existing vehicle crossovers to minimise the removal of street tree(s). Driveways should be generally setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased</li> </ul>	<p>Satisfied</p> <ul style="list-style-type: none"> <li>• The development proposes to modify the existing crossover along Foote Street to provide access to the basement car park.</li> <li>• The crossover will not impact the existing street tree.</li> </ul>

setback.	
<ul style="list-style-type: none"> <li>Incorporate a landscape strip on either side of a driveway capable of supporting a variety of shrubs and small trees, with preferably a minimum width of 0.5 metres adjacent to the fence-line and a one metre width adjacent to the dwelling.</li> </ul>	<p>Satisfied subject to condition</p> <ul style="list-style-type: none"> <li>The driveway to the basement car park is adjacent to a 5.6 metre wide landscaped garden to its east that is capable of supporting planting of canopy trees, shrubs and ground covers.</li> <li>On the western side, only a 0.6-0.7 metre wide landscape bed separates the driveway from the pedestrian pathway to the apartment building. The landscape plan suggests that this landscape bed will be planted with shrubs and ground covers capable of reaching a maximum height of only 0.3m–0.6m. A <b>permit condition</b> will require this landscape bed to be increased to a minimum width of 1 metre.</li> </ul>
<u>Landscaping</u>	
<ul style="list-style-type: none"> <li>Ensure the provision of pervious surfaces in the front and rear setbacks to enable the provision or retention of canopy trees.</li> </ul>	<p>Satisfied subject to condition</p> <ul style="list-style-type: none"> <li>As discussed above the proposed setbacks of the development provide for adequate permeable surfaces allowing for planting of additional canopy trees.</li> <li>The landscaping within the front setback of the apartment building could be increased by redirecting the pedestrian path from the northern entrance of the apartment building to the Foote Street frontage. A <b>permit condition</b> will require the east-west portion of the path that extends alongside the footpath within the road reserve to be replaced with landscaping.</li> </ul>
<ul style="list-style-type: none"> <li>Require the private open space area and the front setback of dwellings to have a minimum of one canopy tree with a spreading crown, capable of growing to a height of 8.0m or more at maturity.</li> </ul>	<p>Satisfied</p> <ul style="list-style-type: none"> <li>The landscape plan shows a canopy tree capable of reaching a height of 8 metres at maturity within the street facing private open space of each townhouse.</li> </ul>
<u>Front Fence</u>	
<ul style="list-style-type: none"> <li>Ensure that the front fence is at least 50 per cent transparent.</li> </ul>	<p>Satisfied</p> <ul style="list-style-type: none"> <li>The street facing secluded private open space of each townhouse will be enclosed by a 1.8m high timber picket fence. While the plans do not show the extent of transparency of this fence, it is reasonable if it is less than 50% transparent as the fencing is required to enclose the secluded private open space of these dwellings. It is noted that properties along Foote Street generally feature high solid front fences given their frontage to a</li> </ul>

	main road.
<ul style="list-style-type: none"> <li>Encourage fences that adjoin public open spaces to be no higher than 1.8 metres and are at least 50 per cent transparent, where appropriate.</li> </ul>	<p>Not Applicable</p> <ul style="list-style-type: none"> <li>The site does not adjoin any public open space.</li> </ul>

**Two or more dwellings on a lot and residential buildings**

8.15 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. However, 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 an apartment development and as such their assessment will be limited only to the townhouses. The Clause 55.07 objectives only apply to the apartment building.

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

OBJECTIVE OBJECTIVE SATISFIED/NOT SATISFIED	
<b>Clause 55.02 Neighbourhood Character and Infrastructure</b>	
<p><b>55.02-1 – Neighbourhood Character</b></p> <ul style="list-style-type: none"> <li>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</li> <li>To ensure that development responds to the features of the site and the surrounding area.</li> </ul>	<p><b>Satisfied</b></p> <p>The preferred character for the site is defined through Council’s policy statements under Clauses 21.05 and 22.15 of the Scheme, which support single or double storey built form that is not visually intrusive and respects existing neighbourhood character of the area.</p> <p>Whilst the existing neighbourhood character is generally defined by the combination of the public and private realms in the immediate surroundings, in the context of the subject site, it is not unreasonable to take a wider view of the neighbourhood character that includes developments along Thompsons Road and Foote Street.</p> <p>The built form along Thompsons Road is generally characterised by single and double storey dwellings, whereas development along Foote Street largely comprises medium density double storey developments and with two apartment buildings located approximately 1.4km from the site as shown in the images below:</p> <p style="text-align: center;">Townhouses at 3 Foote Street</p>

OBJECTIVE	OBJECTIVE SATISFIED/NOT SATISFIED
	 <p data-bbox="790 689 1246 723">Townhouses at 33-35 Foote Street</p>  <p data-bbox="810 1240 1225 1274">Townhouses at 28 Foote Street</p> 



**OBJECTIVE OBJECTIVE SATISFIED/NOT SATISFIED**



Apartment building at 2-4 Andersons Street



Apartment building at 200 Foote Street



Whilst it is recognised that the scale and form of the proposal is greater than what is anticipated as the preferred neighbourhood character under the policy, the site is located amidst a neighbourhood that is changing in character as a result of numerous multi-unit developments and therefore is considered to respond well to the existing context.

The site is also unique in its context given its location at a major intersection and land size, which has the ability to accommodate a more intense development without unreasonably affecting the character of the area.

The level of articulation and fenestration provided limits unreasonable off-site amenity impacts to neighbouring properties. The architectural presentation of the

OBJECTIVE	OBJECTIVE SATISFIED/NOT SATISFIED															
	<p>development, including the design features and proposed materials will be similar to other developments in the area.</p> <p>The proposal is therefore considered to meet the objective of Clause 55.02-1 of the Scheme.</p>															
<p><b>55.02-2 – Residential Policy</b></p> <ul style="list-style-type: none"> <li>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</li> <li>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</li> </ul>	<p><b>Satisfied</b></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>As discussed above, the development provides for higher density of dwellings, taking advantage of access to public transport and other community services offered by the site location.</p>															
<p><b>55.02-3 – Dwelling Diversity</b></p> <ul style="list-style-type: none"> <li>To encourage a range of dwelling sizes and types in developments of 10+ dwellings.</li> </ul>	<p><b>Satisfied</b></p> <p>The proposal provides for diverse housing choices in terms of typology and number of bedrooms. A summary of the types of dwellings provided is as follows:</p> <table border="1" data-bbox="721 1518 1270 1977"> <thead> <tr> <th>Housing typology</th> <th>Number of bedrooms</th> <th>No of dwellings</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Townhouses</td> <td>3</td> <td>2</td> </tr> <tr> <td>4</td> <td>4</td> </tr> <tr> <td rowspan="3">Apartment dwellings</td> <td>1</td> <td>10</td> </tr> <tr> <td>2</td> <td>24</td> </tr> <tr> <td>3</td> <td>2</td> </tr> </tbody> </table>	Housing typology	Number of bedrooms	No of dwellings	Townhouses	3	2	4	4	Apartment dwellings	1	10	2	24	3	2
Housing typology	Number of bedrooms	No of dwellings														
Townhouses	3	2														
	4	4														
Apartment dwellings	1	10														
	2	24														
	3	2														
<p><b>55.02-4 –</b></p>	<p><b>Satisfied subject to condition</b></p>															

OBJECTIVE	OBJECTIVE SATISFIED/NOT SATISFIED
<p><b>Infrastructure</b></p> <ul style="list-style-type: none"> <li>To ensure development is provided with appropriate utility services and infrastructure.</li> <li>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</li> </ul>	<p>The site has access to all services.</p> <p>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><b>55.02-5 – Integration With Street</b></p> <ul style="list-style-type: none"> <li>To integrate the layout of development with the street.</li> </ul>	<p><b>Satisfied</b></p> <p>The development provides adequate vehicle and pedestrian links that enhance local accessibility.</p> <p>The pedestrian entries of the apartment building and townhouses are both oriented towards Foote Street. The north facing habitable room windows and second floor balconies of the street facing apartment dwellings and townhouses will further assist in integrating the development with Foote Street.</p>
<p><b>Clause 55.03 Site Layout and Building Massing</b></p>	
<p><b>55.03-1 – Street Setback</b></p> <ul style="list-style-type: none"> <li>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</li> </ul>	<p><b>Satisfied</b></p> <p>Standard B6 provides that the front setback of a development on a corner lot should be the same as the front setback of the existing building on the abutting lot or 9 metres, whichever is lesser.</p> <p>To meet the Standard, the development needs to be setback at least 4.4 metres (the minimum setback of the east adjoining property) from the frontage to Foote Street.</p> <p>The minimum front setbacks to the apartment building and townhouses of 5.89 metres and 6.58 metres respectively exceed the standard requirement.</p> <p>The proposed front setback of the development is also generally consistent with the front setbacks of the multi-unit developments along Foote Street which varies between 5 to 6 metres.</p> <p>The placement of the buildings and their front setbacks are</p>

OBJECTIVE	OBJECTIVE SATISFIED/NOT SATISFIED
	considered to make efficient use of the site and respects the character of the area.
<p><b>55.03-2 – Building Height</b></p> <ul style="list-style-type: none"> <li>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</li> </ul>	<p><b>Satisfied subject to condition</b></p> <p>The maximum building height specified under the zone is 9 metres unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.</p> <p>There is some discrepancy in relation to the maximum height of the development on the submitted plans and report. Based on the elevations, the apartment building and townhouses are proposed with a maximum height of 9.9 metres and 10 metres respectively, whereas on the sections, the maximum height of these buildings is shown to be 9.3 metres and 9.6 metres. Additionally, the submitted planning report confirms the maximum height to be 10 metres.</p> <p>Whilst there is a discrepancy in relation to the height, it is noted that maximum height of 10 metres complies with the Standard B7.</p> <p>To address the above inconsistency, a <b>permit condition</b> will require the accurate and consistent representation of maximum building heights on sections and elevations.</p>
<p><b>55.03-3 – Site Coverage</b></p> <ul style="list-style-type: none"> <li>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</li> </ul>	<p><b>Satisfied</b></p> <p>The proposed site coverage of 55.8% of the entire site complies with Standard B8, which allows for a maximum site coverage of 60%.</p>
<p><b>55.03-4 – Permeability and stormwater management</b></p> <ul style="list-style-type: none"> <li>To reduce the impact of increased stormwater run-off on the drainage system.</li> </ul>	<p><b>Satisfied</b></p> <p>Standard B9 requires at least 20% of the site to comprise of pervious surfaces.</p> <p>The plans show that nearly 35.2% of the entire site will be permeable, which complies with the Standard.</p>

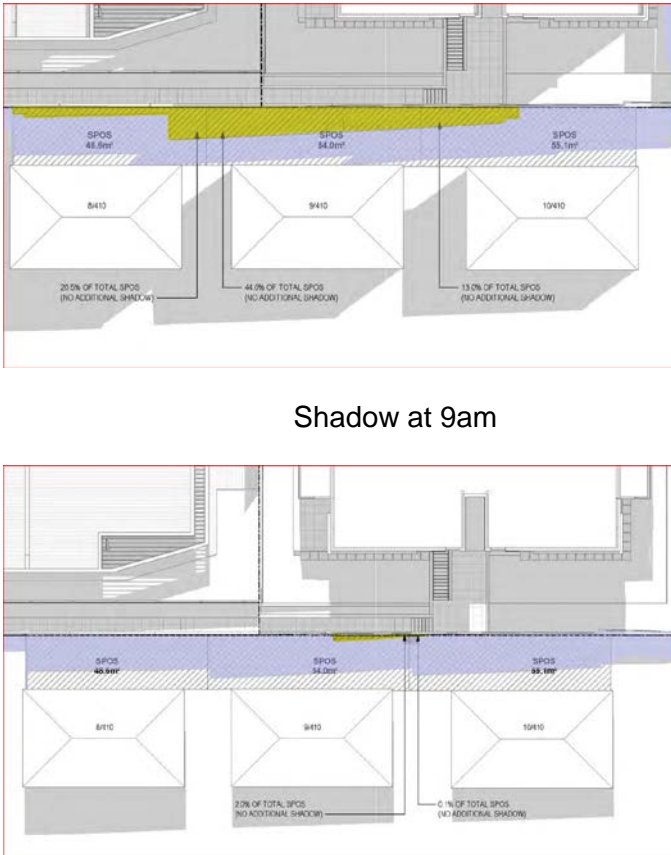
OBJECTIVE	OBJECTIVE SATISFIED/NOT SATISFIED
<ul style="list-style-type: none"> <li>To facilitate on-site stormwater infiltration.</li> </ul>	
<p><b>55.03-5 – Energy Efficiency</b></p> <ul style="list-style-type: none"> <li>To achieve and protect energy efficient dwellings.</li> <li>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</li> </ul>	<p><b>Satisfied</b></p> <p>Each townhouse is provided with a north facing private open space area and north-facing windows to the ground level living rooms to maximise solar access. North facing balconies are also provided for Townhouses 3 to 6</p> <p>This clause does not apply to an apartment development.</p>
<p><b>55.03-6 – Open Space</b></p> <ul style="list-style-type: none"> <li>To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</li> </ul>	<p><b>Not Applicable</b></p> <p>The development does not abut any public open space nor does it provide for any communal open space on site.</p> <p>This clause also does not apply to an apartment development.</p>
<p><b>55.03-7 – Safety</b></p> <ul style="list-style-type: none"> <li>To ensure the layout of development provides for the safety and security of residents and property.</li> </ul>	<p><b>Satisfied subject to condition</b></p> <p>The pedestrian entries to the apartment building and townhouses from Foote Street are not obscured or isolated from the street. The orientation of townhouses and north facing apartments will provide passive surveillance to Foote Street.</p> <p>A polycarbonate roofed communal pathway between the townhouses and child care centre connects the apartment building and the child care centre. This roofed communal pathway will be flanked by a 1.8 metre high picket fence associated with the townhouses to its north and a 2 metre high solid acoustic fence associated with the child care centre to its south.</p> <p>The south facing secondary entrances of the townhouses and their rear secluded private open spaces enclosed by 1.8 metres high fencing will be oriented towards this pathway. However in order to improve passive surveillance to this pathway, a <b>permit condition</b> will require the</p>


OBJECTIVE	OBJECTIVE SATISFIED/NOT SATISFIED
	<p>southern fencing to the rear private open spaces of the townhouse dwellings lowered to 1.5 metres and be at least 50% transparent.</p> <p>Additionally, the western portion of the path may reduce the visibility of the entry to the child care centre and obstruct its access. A <b>permit condition</b> will therefore require the roof above this communal pathway to be reduced in length so it does not extend beyond the rear entry to the Dwelling 1 southern private open space area.</p> <p>A 1 metre wide pedestrian pathway is also provided along the southern site boundary providing a fire exit from the basement car park to Thompsons Road. This pathway will be approximately 60 metres in length and will be flanked by a 1.8 metre high mesh fence to its north and the existing boundary fence to its south.</p> <p>In order to ensure safety and security along the internal pathways, a <b>permit condition</b> will require the location of communal lighting throughout the development.</p>
<p><b>55.03-8 – Landscaping</b></p> <ul style="list-style-type: none"> <li>• To encourage development that respects the landscape character of the neighbourhood.</li> <li>• To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</li> <li>• To provide appropriate landscaping.</li> <li>• To encourage the retention of mature vegetation on the site.</li> </ul>	<p><b>Satisfied subject to condition</b></p> <p>The proposal requires removal of all vegetation on site.</p> <p>The proposed landscaping across the development varies from trees capable of reaching a height of 15 metres to shrubs and ground covers. The submitted landscape plan shows planting of 57 canopy trees across the development to both soften the built form whilst providing screening between private and public realms. This includes one canopy tree within the north facing secluded private open space of each townhouse.</p> <p>The landscape plan proposes the planting of at least one canopy tree within the secluded private open space of the east facing ground floor apartment dwellings, capable of reaching a mature height of 4 to 8 metres. Given the height and length of the apartment building to the east, a <b>permit condition</b> will require the canopy trees along the eastern site boundary to be capable of growing to a mature height of at least 6 metres to assist in effectively softening the built form.</p> <p>Given the location of the pedestrian pathway adjacent to the southern boundary, no screen planting has been proposed along this boundary. However, considering that the child care centre is a single-storey building and will not be visible from the south adjoining property, the lack of screen planting along this boundary is considered reasonable.</p> <p>A <b>permit condition</b> will also require screen planting</p>

OBJECTIVE	OBJECTIVE SATISFIED/NOT SATISFIED																																								
	capable of reaching a mature height of at least 3 metres along the western side of the apartment building, within the ground floor secluded private open space areas.																																								
<p><b>55.03-9 – Access</b></p> <ul style="list-style-type: none"> <li>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</li> </ul>	<p><b>Satisfied</b></p> <p>The development proposes to modify the existing vehicle crossovers from Thompsons Road and Foote Street to provide access to the residential and child care uses. These crossovers do not exceed 33% of the respective street frontages, which complies with Standard B15.</p>																																								
<p><b>55.03-10 – Parking Location</b></p> <ul style="list-style-type: none"> <li>To provide convenient parking for resident and visitor vehicles.</li> <li>To protect residents from vehicular noise within developments.</li> </ul>	<p><b>Satisfied</b></p> <p>The car parking for the townhouses and apartments will be provided at the basement level of the apartment building.</p> <p>Movement between the townhouses and basement car park will be facilitated by a covered pedestrian pathway and a lift within the the apartment building.</p>																																								
<b>Clause 55.04 Amenity Impacts</b>																																									
<p><b>55.04-1 – Side and Rear Setbacks</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Satisfied</b></p> <p>Given that the townhouses are significantly set back from the eastern and southern site boundaries, the assessment against Standard B17 will be limited to the apartment building.</p> <table border="1" data-bbox="619 1489 1369 2027"> <thead> <tr> <th>Location</th> <th>Wall height (m)</th> <th>Setback required (m)</th> <th>Setback provided (m)</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td colspan="5">East Elevation</td> </tr> <tr> <td>Apt 1.03 First floor level</td> <td>5.8</td> <td>1.66</td> <td>4.75</td> <td>Yes</td> </tr> <tr> <td>Apt 2.02 Second Floor level</td> <td>8.5</td> <td>3.59</td> <td>4.75</td> <td>Yes</td> </tr> <tr> <td>Apt 2.03 Second Floor level</td> <td>8.0</td> <td>3.09</td> <td>4.75</td> <td>Yes</td> </tr> <tr> <td>Apt 2.07 Second Floor level</td> <td>6.2</td> <td>1.78</td> <td>5.4</td> <td>Yes</td> </tr> <tr> <td colspan="5">South Elevation</td> </tr> <tr> <td>Apt 2.08</td> <td>8.1</td> <td>3.19</td> <td>5.91</td> <td>Yes</td> </tr> </tbody> </table>	Location	Wall height (m)	Setback required (m)	Setback provided (m)	Compliance	East Elevation					Apt 1.03 First floor level	5.8	1.66	4.75	Yes	Apt 2.02 Second Floor level	8.5	3.59	4.75	Yes	Apt 2.03 Second Floor level	8.0	3.09	4.75	Yes	Apt 2.07 Second Floor level	6.2	1.78	5.4	Yes	South Elevation					Apt 2.08	8.1	3.19	5.91	Yes
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OBJECTIVE	OBJECTIVE SATISFIED/NOT SATISFIED
	<p>Second Floor level Apt 2.07            7.1            2.19            5.91            Yes Second Floor level</p> <p>The proposed development complies with the setback requirements of Clause 55.04-1 at all levels.</p>
<p><b>55.04-2 – Walls on Boundaries</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Not Applicable</b></p> <p>No walls on boundaries are proposed.</p>
<p><b>55.04-3 – Daylight to Existing Windows</b></p> <ul style="list-style-type: none"> <li>To allow adequate daylight into existing habitable room windows.</li> </ul>	<p><b>Satisfied</b></p> <p>Windows of the neighbouring dwellings are provided with sufficient light court areas that comply with the standard, especially as the apartment building is setback at least 10 metres from any existing habitable room windows.</p>
<p><b>55.04-4 – North Facing Windows</b></p> <ul style="list-style-type: none"> <li>To allow adequate solar access to existing north-facing habitable room windows.</li> </ul>	<p><b>Satisfied</b></p> <p>The habitable room windows of Unit 8, 9 and 10 of 410-418 Thompsons Road are setback more than 3 metres from the common site boundary. Therefore, Standard B20 does not apply to these windows.</p> <p>The apartment building is set back at least 10 metres from the existing north-facing windows to ensure they are provided with adequate solar access.</p>
<p><b>55.04-5 – Overshadowing Open Space</b></p> <ul style="list-style-type: none"> <li>To ensure buildings do not significantly overshadow existing secluded</li> </ul>	<p><b>Satisfied</b></p> <p>An assessment of the shadow diagrams submitted with the application show that the shadows of the proposed development within the secluded private open space of the south adjoining properties will not exceed the shadows of the existing south boundary fencing. Therefore, no additional overshadowing will occur into these private open</p>




OBJECTIVE	OBJECTIVE SATISFIED/NOT SATISFIED
<p>private open space.</p>	<p>spaces in accordance with Standard B21 of the Scheme.</p>  <p style="text-align: center;">Shadow at 9am</p> <p style="text-align: center;">Shadow at 11 am</p> <p>The shadows of the development during the afternoon hours will be limited to the shared driveway of the east adjoining property and will not affect any private open space areas.</p>
<p><b>55.04-6 – Overlooking</b></p> <ul style="list-style-type: none"> <li>To limit views into existing secluded private open space and habitable room windows.</li> </ul>	<p><b>Satisfied subject to condition</b></p> <p>East Elevation:</p> <p>The east facing habitable room windows and balconies of the apartment building are setback more than 9 metres (approximately 16 metres and 13 metres respectively) from the existing habitable room windows of the east adjoining properties and are therefore not required to be screened under Standard B22. It is also noted that these existing windows are oriented to a shared driveway and not a private open space area.</p> <p>The east facing balconies of Apartments 109 and 207 are setback more than 9 metres (approximately 9.5 metres) from the southern boundary. These balconies therefore are</p>

OBJECTIVE	OBJECTIVE SATISFIED/NOT SATISFIED
	<p>not required to be screened to limit overlooking to the south.</p> <p>South Elevation</p> <p>Due to the proposed excavation along the southern site boundary, views from the south facing windows of the ground and first floor Apartments G08, G09, 109 and 110 into the secluded private open spaces of the south adjoining property (Unit 8, 9, and 10 of 410-418 Thompsons Road) will be limited by the existing south boundary fencing.</p>  <p>However, the views within 9 metres of the second floor south facing windows extend into the secluded private open space of the south adjoining properties. Therefore, a <b>permit condition</b> will require screening to the south facing windows of apartments 207 and 208 as per the standard.</p> <p>West Elevation:</p> <p>The west facing balconies of apartment units 110 and 208 are setback more than 9 metres (approximately 9.5 metres) from the southern boundary and therefore are not required to be screened to limit overlooking in accordance with Standard B22.</p> <p>However, the views within 9 metres of the west facing bedroom windows of Apartments 110 and 208 appears to overlook into the secluded private open spaces of the south adjoining properties.</p> <p>Therefore, a <b>permit condition</b> will require the west facing bedroom windows of Apartments 110 and 208 adequately screened unless demonstrated via cross-sections that views within 9 metres of these windows into south adjoining property are limited by the south boundary fencing in accordance with Standard B22.</p>
<p><b>55.04-7 – Internal Views</b></p>	<p><b>Satisfied subject to condition</b></p> <p>Standard B23 requires windows and balconies to be</p>

OBJECTIVE	OBJECTIVE SATISFIED/NOT SATISFIED
<ul style="list-style-type: none"> <li>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</li> </ul>	<p>designed to limit overlooking to no more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.</p> <p>At the ground floor level of the apartment building the secluded private open space of the units are separated by 1.8 metre high fencing, which adequately limits internal views.</p> <p>However, the east, west and south facing balconies allow clear internal views into the ground floor secluded private open spaces. Therefore, a <b>permit condition</b> will require the first and second floor balconies be provided with a horizontal or upward angled ledge above the balustrades, , limiting downward views into the ground level secluded private open space areas to comply with the standard.</p>
<p><b>55.04-8 – Noise Impacts</b></p> <ul style="list-style-type: none"> <li>To contain noise sources in developments that may affect existing dwellings.</li> <li>To protect residents from external noise.</li> </ul>	<p><b>Satisfied</b></p> <p>The townhouses are setback significantly from the adjoining properties to the east and south and do not contain noise sources that may affect the existing dwellings.</p> <p>Given the site is located at an intersection of busy arterial roads, a <b>permit condition</b> will require the north and west-facing habitable room windows of the townhouses to be provided with noise attenuation glazing or other measures to limit noise levels as per the standard.</p> <p>This clause does not apply to an apartment development.</p>
<p><b>Clause 55.05 Onsite Amenity and Facilities</b></p>	
<p><b>55.05-1 – Accessibility</b></p> <ul style="list-style-type: none"> <li>To encourage the consideration of the needs of people with limited mobility in the design of developments.</li> </ul>	<p><b>Satisfied</b></p> <p>Given the slope of the site, access to the front and rear entries of the townhouse dwellings via some steps is considered reasonable.</p> <p>This clause does not apply to an apartment development.</p>
<p><b>55.05-2 – Dwelling Entry</b></p> <ul style="list-style-type: none"> <li>To provide each dwelling or residential building with its own sense</li> </ul>	<p><b>Satisfied</b></p> <p>Each townhouse is provided with a pedestrian entry from the Foote Street frontage. These entries will be covered by the cantilevered first floor levels providing an appropriate sense of transition and identity to the dwellings.</p> <p>This clause does not apply to an apartment development.</p>

OBJECTIVE	OBJECTIVE SATISFIED/NOT SATISFIED
of identity.	
<p><b>55.05-3 – Daylight to New Windows</b></p> <ul style="list-style-type: none"> <li>To allow adequate daylight into new habitable room windows.</li> </ul>	<p><b>Satisfied</b></p> <p>All habitable room windows of the proposed townhouse dwellings and apartment building face onto an outdoor space with a minimum area of 3 square metres with a minimum dimension of 1 metre, in accordance with Standard B27.</p>
<p><b>55.05-4 – Private Open Space</b></p> <ul style="list-style-type: none"> <li>To provide adequate private open space for the reasonable recreation and service needs of residents.</li> </ul>	<p><b>Satisfied</b></p> <p>Each townhouse is provided in excess of 55 square metres of private open space of which 40 square metres is secluded private open space with minimum 5 metres dimension, which meets the requirements of Standard B28.</p> <p>The ground floor dwellings of the apartment building are each provided with a secluded private open space of at least 40 square metres with minimum 5 metres dimension, except for apartment G03 which has a minimum dimension of 4.74 metres. The minor non-compliance of 0.25 metres is considered reasonable given that the dwelling is provided with a total of 77 square metres of secluded private open space.</p> <p>The upper level apartment dwellings are provided with adequate secluded private open space. This is further discussed under Clause 55.07-9 (Private open space above ground floor).</p>
<p><b>55.05-5 – Solar Access to Open Space</b></p> <ul style="list-style-type: none"> <li>To allow solar access into the secluded private open space of new dwellings and residential buildings.</li> </ul>	<p><b>Satisfied</b></p> <p>The ground floor private open spaces or upper balconies of all proposed dwellings on site have either a northern, eastern or western orientation and will receive a suitable amount of sunlight.</p>
<p><b>55.05-6 – Storage</b></p> <ul style="list-style-type: none"> <li>To provide adequate storage facilities for each dwelling.</li> </ul>	<p><b>Satisfied subject to condition</b></p> <p>The primary external storage areas for the townhouses are provided in the basement car park. The basement floor plan (Drawing TP340) shows that each townhouse will be provided with at least 7.17 to 8.25 cubic metres of storage. In addition, these dwellings are also provided with at least 1.12 cubic metres of under bench storage within the rear private open spaces. Provision of primary storage spaces within the basement level adjacent to the car parking spaces is considered practical and reasonable.</p>

OBJECTIVE	OBJECTIVE SATISFIED/NOT SATISFIED
	<p>However, it is noted that the dimensions and allocations of the storage cages on the basement level plans are inconsistent between Drawings TP340 and TP500. Therefore, a <b>permit condition</b> will require the allocation and dimensions of external storage cages for the townhouses to be consistent on all plans whilst ensuring a provision of at least 6 cubic metres of external storage areas to each townhouse.</p> <p>This clause does not apply to an apartment development.</p>
<p><b>Clause 55.06 Detailed Design</b></p>	
<p><b>55.06-1 – Design Detail</b></p> <ul style="list-style-type: none"> <li>To encourage design detail that respects the existing or preferred neighbourhood character.</li> </ul>	<p><b>Satisfied</b></p> <p>As discussed above under Clause 55.02-1 the proposal is considered to respect the existing and emerging neighbourhood character of the area.</p> <p>The proposed three-storey built form of the townhouses and apartment building is well articulated by material and setback variations. As discussed above, the use of light render and timber finish to the cantilevered first floor level and use of dark finish to the considerably recessed second storey of the townhouse dwellings and apartment units appropriately assists in reducing the perceived visual bulk to the Foote streetscape.</p> <p>The site generally sits lower than the east and south adjoining properties. Therefore, the part excavation for the apartment building will limit its scale and height, particularly when viewed from the south and east as shown on the elevations below:</p> <p style="text-align: center;">East Elevation:</p> <div data-bbox="603 1473 1390 1711" style="text-align: center;"> </div> <p style="text-align: center;">South Elevation:</p>

OBJECTIVE	OBJECTIVE SATISFIED/NOT SATISFIED
	 <p>The blue and yellow highlights on the images above indicate the cut below natural ground level along the site boundaries and the boundary fencing respectively.</p> <p>The sheer wall presentation of the apartment building to the east and west elevation is broken by wide recesses, projecting balconies and material variations. The alternate use of dark and light render or cladding to the east and west elevations assists in breaking the perceived visual bulk. The proposed uncovered balconies also assist in minimising additional bulk.</p>
<p><b>55.06-2 – Front Fence</b></p> <ul style="list-style-type: none"> <li>To encourage front fence design that respects the existing or preferred neighbourhood character.</li> </ul>	<p><b>Satisfied</b></p> <p>Table B3 to Standard B32 allows for a maximum fence height of 2 metres on properties that adjoins streets in a Road Zone Category 1.</p> <p>The proposed 1.8 metres high timber picket front fence to the townhouses complies with the Standard. It is noted that properties along Foote Street generally feature high solid fences given the frontage to a major road.</p>
<p><b>55.06-3 – Common Property</b></p> <ul style="list-style-type: none"> <li>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</li> <li>To avoid future management difficulties in areas of common ownership.</li> </ul>	<p><b>Satisfied</b></p> <p>Common Property is proposed within the basement, pedestrian pathways and entrance foyers. The shared areas between the child care centre, townhouse dwellings and the apartment building are practically designed and will not result in management difficulties.</p>
<p><b>55.06-4 – Site Services</b></p> <ul style="list-style-type: none"> <li>To ensure that site services can be</li> </ul>	<p><b>Satisfied subject to condition</b></p> <p>Meters for the apartment building is provided in cabinets by the main pedestrian entrance, parallel to Foote Street.</p>

OBJECTIVE	OBJECTIVE SATISFIED/NOT SATISFIED
<p>installed and easily maintained.</p> <ul style="list-style-type: none"> <li>To ensure that site facilities are accessible, adequate and attractive.</li> </ul>	<p>Bins are suitably located within the basement. As required by Council Engineers, a <b>permit condition</b> will require an amended waste management plan to demonstrate private waste collection for the entire development, this may result in deletion of individual bins to the townhouses and provision of a larger bin storage area at the basement level.</p> <p>Other services such as AC condensers and central hot water system for the apartment building are located on the roof top and will be acoustically and visually screened. A <b>permit condition</b> will require plans to show location of letter boxes for the apartment building and an individual letter box provided to each townhouse that is appropriately integrated into the front fencing along Foote Street frontage.</p>

8.17 An assessment against the objectives of Clause 55.07 relevant to the apartment building is provided in the table below:

OBJECTIVE	OBJECTIVE SATISFIED/NOT SATISFIED
<b>Clause 55.07 Apartment Developments</b>	
<p><b>55.07-1 – Energy efficiency</b></p> <ul style="list-style-type: none"> <li>To achieve and protect energy efficient dwellings and buildings.</li> <li>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</li> <li>To ensure dwellings achieve adequate thermal efficiency.</li> </ul>	<p><b>Satisfied</b></p> <p>Given the north-south alignment of the apartment building, Apartments G01, 101, 103, 201 and 202 will maximise northern solar access with the remaining dwellings having eastern and western solar access.</p> <p>There are no existing rooftop solar energy systems within the adjoining properties to the south or east.</p> <p>The submitted shadow diagrams confirm that the development will not unreasonably reduce the energy efficiency of the existing dwellings on adjoining lots.</p> <p>The NatHers Certificates submitted with the BESS assessment (Appendix C of the SMP report) confirms that the dwellings do not exceed the maximum cooling load of 30MJ/M<sup>2</sup>.</p>
<p><b>55.07-2 – Communal Open Space</b></p> <ul style="list-style-type: none"> <li>To ensure that communal open space is accessible,</li> </ul>	<p><b>Not Applicable</b></p> <p>This clause does not apply to a development with less than 40 apartments.</p>

<p>practical, attractive, easily maintained and integrated with the layout of the development.</p>	
<p><b>55.07-3 – Solar Access to Communal Open Space</b></p> <ul style="list-style-type: none"> <li>The communal outdoor open space should be located on the north side of a building, if appropriate.</li> </ul>	<p><b>Not Applicable</b></p> <p>No communal outdoor space is provided.</p>
<p><b>55.07-4 – Deep soil areas and canopy trees</b></p> <ul style="list-style-type: none"> <li>To promote climate responsive landscape design and water management in developments to support thermal comfort and reduce the urban heat island effect.</li> </ul>	<p><b>Satisfied</b></p> <p>Table B5 of Standard B38 requires that sites greater than 2,500 square metres should provide at least 15% of the site area (with minimum dimension of 6 metres) as deep soil area. This can be reduced to 7% if an existing tree on site is retained.</p> <p>Whilst the percentage of deep soil area with a minimum 6 metres dimension for the entire site does not meet the standard, at least 20.9% of the residential component of the site is provided as a deep soil area for planting. Additionally, the overall site is also provided with additional deep soil areas and 57 canopy trees are proposed to be planted. The proposal is therefore considered to meet the objective of this clause.</p>
<p><b>55.07-5 Integrated water and stormwater management</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Satisfied subject to condition</b></p> <p>According to the submitted Water Sensitive Urban Design Report, a 20,000L underground rainwater tank is proposed within the basement of the apartment building and will be connected to toilets for flushing and landscape irrigation.</p> <p>A 1.5 square metre rain garden has been proposed to each townhouse that will be collect water from 750 square metres of non-permeable surfaces. As required by Council’s Environmental Sustainability Officer, a <b>permit condition</b> will require an amended sustainability management plan demonstrating how the stormwater from the non-permeable surfaces will evenly divert into the proposed rain gardens.</p> <p>Council’s Engineers have required an on-site stormwater detention system to alleviate pressure on the drainage</p>



<ul style="list-style-type: none"> <li>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.</li> </ul>	<p>system. This will be addressed via <b>permit condition</b>.</p>
<p><b>55.07-6 Noise Impacts</b></p> <ul style="list-style-type: none"> <li>To contain noise sources in developments that may affect existing dwellings.</li> <li>To protect residents from external and internal noise sources.</li> </ul>	<p><b>Satisfied</b></p> <p>The submitted acoustic report provides measures to protect the adjoining residential properties from the noise levels generated by the proposed uses, traffic generated by the uses, waste collection vehicles and mechanical plant equipment.</p> <p>The recommendation of the acoustic report includes acoustic fencing along the northern, eastern and western edges of the outdoor play areas of the child care centre, acoustic treatment to the southern and western walls of Townhouses 1 and 2 and acoustic screening to the roof top mechanical services.</p> <p>A <b>permit condition</b> will require the plans to reflect all requirements and details of acoustic fencing as per the submitted acoustic report.</p> <p>The report also confirms that the existing southern boundary fencing is adequate to ensure acoustic privacy of the south adjoining properties from the child care centre.</p>
<p><b>55.07-7 Accessibility</b></p> <ul style="list-style-type: none"> <li>To ensure the design of dwellings meets the needs of people with limited mobility.</li> </ul>	<p><b>Satisfied</b></p> <p>More than 50% of the dwellings are provided with:</p> <ul style="list-style-type: none"> <li>A 920mm wide main entrance and an 850mm wide door to the main bedroom;</li> <li>A clear path with a minimum width of 1.2 metres connecting the dwelling entrance to the main bedroom;</li> <li>A main bedroom with access to an adaptable bathroom that meets Design option B of Table 7 of Standard B41.</li> </ul>
<p><b>55.07-8 Building Entry and Circulation</b></p> <ul style="list-style-type: none"> <li>To provide each dwelling and building with its</li> </ul>	<p><b>Satisfied subject to condition</b></p> <p>The entrances and vehicular access to the residential and child care uses within the development are clearly defined.</p> <p>The apartment entry has been designed to allow for clear identification and provides an appropriate transitional space</p>

<p>own sense of identity.</p> <ul style="list-style-type: none"> <li>• To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.</li> <li>• To ensure internal communal areas provide adequate access to daylight and natural ventilation.</li> </ul>	<p>and sense of identity to the building.</p> <p>The internal corridors provide for a safe, functional and convenient access to each apartment and will have access to natural daylight and ventilation through the north and south facing windows at the ends of the corridor.</p> <p>A <b>permit condition</b> will require the plans be corrected to show the door to the south of the apartment building at the upper levels replaced with a window so it is consistent with the south elevation.</p>
<p><b>55.07-9 Private Open Space Above Ground Floor</b></p> <ul style="list-style-type: none"> <li>• To provide adequate private open space for the reasonable recreation and service needs of residents.</li> </ul>	<p><b>Satisfied</b></p> <p>The secluded private open space areas for the ground floor apartments have been discussed under Clause 55.04-5 of the Scheme.</p> <p>Each of the one and two-bedroom apartments at the first and second floor level is provided with a minimum of 8 square metres of balcony and the three-bedroom apartments, i.e., Apartments 201 and 202 are provided with balconies that exceed 12 square metres in area.</p>
<p><b>55.07-10 Storage</b></p> <ul style="list-style-type: none"> <li>• To provide adequate storage facilities for each dwelling.</li> </ul>	<p><b>Satisfied subject to condition</b></p> <p>The storage space provided to each of the apartments exceeds the requirements of Standard B44.</p> <p>In addition to internal storage spaces within the apartments each of them is provided with at least 2.84 to 3.09 cubic metres of external storage within the basement level. As discussed above, a <b>permit condition</b> will require the allocation of these external storage cages and their dimensions to be consistent between all drawings, i.e. TP340 and TP500.</p>
<p><b>55.07-11 Waste and Recycling</b></p> <ul style="list-style-type: none"> <li>• To ensure dwellings are designed to encourage waste recycling.</li> <li>• To ensure that waste and recycling facilities are accessible,</li> </ul>	<p><b>Satisfied subject to condition</b></p> <p>A <b>permit condition</b> will require an amended Waste Management Plan to provide an on-site private waste collection for the entire development, including the townhouses.</p> <p>Separate bin storage areas have been provided for the residential and child care uses within the development.</p>

<p>adequate and attractive.</p> <ul style="list-style-type: none"> <li>To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.</li> </ul>	
<p><b>55.07-12 Functional Layout</b></p> <ul style="list-style-type: none"> <li>To ensure dwellings provide functional areas that meet the needs of residents.</li> </ul>	<p><b>Satisfied</b></p> <p>All of the bedrooms comply with the minimum dimensions required under Standard B46.</p> <p>Each one bedroom dwelling is provided with a living room with minimum dimension of 3.3 metres and two and three-bedroom dwellings are provided with living rooms with minimum dimension of 3.6 metres in accordance with the standard requirement.</p>
<p><b>55.07-13 Room Depth</b></p> <ul style="list-style-type: none"> <li>To allow adequate daylight into single aspect habitable rooms.</li> </ul>	<p><b>Satisfied</b></p> <p>The room depth of the single aspect habitable rooms does not exceed 6.75 metres (2.5 X 2.7 ceiling height) as required by Standard B47.</p> <p>The open plan living/dining/kitchen rooms have room depths of less than 9 metres, a ceiling height of 2.7 metres and the kitchens located furthest from the window to meet the Standard B47 requirements.</p>
<p><b>55.07-14 Windows</b></p> <ul style="list-style-type: none"> <li>To allow adequate daylight into new habitable room windows.</li> </ul>	<p><b>Satisfied subject to condition</b></p> <p>The secondary areas providing daylight to bedrooms comply with the width and depth requirements of Standard B48.</p> <p>The submitted statement on daylight modelling outlines that 100% of the living area and 82% of the apartment bedrooms exceed the minimum BESS Indoor Environmental Quality requirements of 80%, contributing to an overall BESS score of 56%. However, this statement was not supported with the daylight modelling report. Therefore a <b>permit condition</b> will require provision of the daylight modelling report demonstrating compliance with the indoor environment quality objectives of Clause 22.12-2 (Environmentally Sustainable Development) of the Scheme.</p>
<p><b>55.07-15 Natural</b></p>	<p><b>Satisfied</b></p>

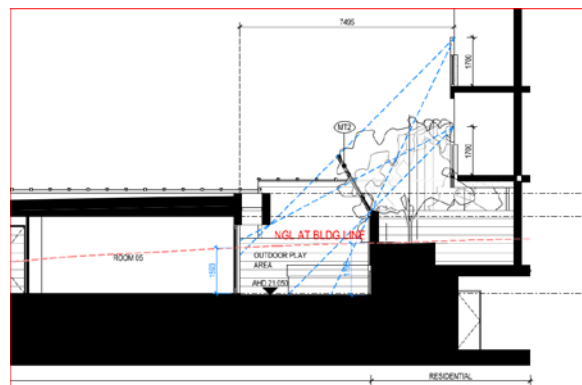
<p><b>Ventilation</b></p> <ul style="list-style-type: none"> <li>• To encourage natural ventilation of dwellings.</li> <li>• To allow occupants to effectively manage natural ventilation of dwellings.</li> </ul>	<p>At least 41% of the apartment dwellings are provided with effective cross ventilation in accordance with Standard B49.</p>
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### Child Care Centre

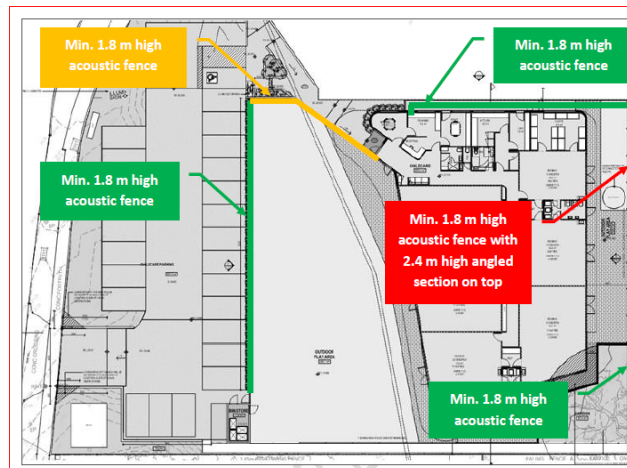
- 8.18 Clause 22.05 (Non-residential uses in residential areas) of the Scheme supports a range of non-residential uses within residential areas and encourages uses with a community role to be located in close proximity to activity centres.
- 8.19 Clause 22.05 further states that '*Non-residential uses should about a Road Zone, and where possible, with vehicular access from a service road to avoid the generation of additional through traffic on residential streets, particularly where such uses are likely to serve catchments beyond the local level.*'
- 8.20 The proposed use and development of the land for a childcare centre is considered appropriate given the location of the site at the intersection of two major roads and the close proximity of other commercial uses and neighbourhood activity centre.
- 8.21 The proposal clearly delineates the residential and non-residential components of the development. The child care centre will be accessed via a separate vehicle crossover on Thompsons Road to minimise the conflict of traffic amongst users within the development. Transport for Victoria and Council's Infrastructure Services Unit have not raised any issues in relation to the access arrangement or traffic generated as a result of the child care centre.
- 8.22 The proposed massing and scale of the single storey child care centre located central to the site will be subservient to the massing of the residential development and is not considered to have any detrimental visual impacts to adjoining properties given its location and scale.
- 8.23 The curvilinear roof form finished in timber cladding at the north-west corner of the child care centre is oriented to the pedestrian pathway thereby appropriately defining its entry. A **permit condition** will require a reduction to the length of the roofed pergola to the south of the townhouses to ensure that access and view to the child care centre entrance is clear of any obstructions, such as posts.
- 8.24 The building will be finished in similar materials to the residential component of the development for a unified presentation. The roof of the building will be finished in a mix of three colours: Colorbond Monument, Windspray and Surfsmist. These monochromatic tones will be similar to the apartment façade and will add subtle visual interest when viewed from the upper level apartment dwellings.
- 8.25 Interfaces of the child care centre within the development and with adjoining properties are also appropriately designed. The child care centre will be setback approximately 40 metres from Thompsons Road. This setback comprises an

outdoor play area and the car park associated with the child care centre. A 1.8 metre high acoustic fence and a 2 metre wide landscape buffer of screen planting species such as ghost bamboos and rose apple will separate the western outdoor play area from the car park. The views to this car park from Thompsons Road will also be softened by planting of canopy trees along the street frontage.

- 8.26 A 5.4 to 7 metre southern setback of the child care centre will largely comprise of a pathway connecting the east and west outdoor play area and a pedestrian pathway along southern boundary, providing a fire exit from basement car park to Thompsons Road. The child care centre and the pathway along the southern boundary will be separated by a 1.8 metre high mesh fence and 1 metre wide landscape bed comprising of similar screen planting as mentioned above. This will adequately screen the views from the pedestrian pathway into the outdoor play area.
- 8.27 A secondary outdoor play area is provided to the east of the child care centre. This outdoor area will be separated from the secluded private open space of the apartment building by an acoustically treated fence with a black metal finish, which is 1.8 metres high with a 2.4 metre high angled section above. This fence will also assist in limiting views from upper level apartment balconies into this outdoor play area as shown in the section below.



- 8.28 The acoustic measures recommended by the submitted acoustic report is reflected on the plans as shown below. The report confirms that the existing southern site boundary is sufficient to provide acoustic privacy to the south adjoining properties. Therefore, no acoustic fencing is required on the southern boundary of the child care centre. A **permit condition** will require plans to reflect all requirements and acoustic fencing details as per the submitted acoustic report.



8.29 The larger outdoor play area will receive adequate solar access throughout the day. The applicant's cover letter dated March 2021 advised that an additional shelter area and canopy trees within the outdoor play area will provide for adequate solar protection. This is reflected on the submitted landscape plan and not on the development plans. However, it is considered unreasonable to wait for the canopy trees to mature to provide solar protection. As such a **permit condition** will require adequate shade areas within this open space for solar protection.

8.30 The indoor and outdoor spaces provided to the centre appear to comply with regulation 107 and regulation 108 of the Education and Care Services National Regulations 2011 (National Regulations). Council's Children's Services Unit has reviewed the proposal and has not raised issues with its design, layout or space provisions, however has made the following recommendations which will be addressed via **permit conditions**:

- The plans should demonstrate a mix of surface materials and textures within the outdoor play area;
- Provision of external storage for the western outdoor play area.

8.31 An enclosed bin store area has been provided to the south west corner of the larger outdoor play area. This location is considered appropriate as convenient waste collection can occur from the car park area and the screen planting to its west will obscure it from Thompsons Road.

8.32 The proposed hours of operation of the childcare centre, from 6:30am- 6:30pm Monday to Friday is considered to be standard and will not result in unreasonable amenity impacts.

### **Car parking and traffic**

#### Car Parking

8.33 Pursuant to Clause 52.06 of the Scheme, each one and two-bedroom dwelling is required to provide one vehicle space per dwelling, each three-bedroom dwelling is required to be provided with two vehicle space per dwelling and 0.22 car spaces is required per child for the proposed child care centre.

8.34 Given that the site is located within the Principal Public Transport Network buffer area, no visitor car parking space is required.

8.35 The development generates a car parking requirement of 75 car parking spaces, including 50 for dwellings and 25 for the child care centre. The proposal provides for a total of 75 car parking spaces which meets this requirement. Of the 38 car parking spaces required for the apartments, 36 spaces will be provided within four mechanical shuffle car stacker systems.

8.36 An assessment against the car parking design standards at Clause 52.06-9 is provided in the table below:

Design Standard	Assessment
1 – Accessways	<ul style="list-style-type: none"> <li>• The accessway to the basement car park meets the minimum width and height clearance requirements.</li> <li>• A minimum 2.1 metre headroom has been provided beneath overhead obstructions.</li> <li>• A passing area with dimensions of 6.1 wide x 7 metres long is provided at each vehicle entrance to the site.</li> <li>• The internal radius of the driveway at the change of direction allows sufficient room for vehicles to turn and exit the site in a forward direction.</li> <li>• Adequate visibility splay areas are provided at the frontage.</li> </ul>
2 – Car Parking Spaces	<ul style="list-style-type: none"> <li>• Car parking spaces are provided in accordance with the dimensions and clearance areas required.</li> </ul>
3 – Gradients	<ul style="list-style-type: none"> <li>• Driveway gradients have been assessed as compliant with the standard.</li> </ul>
4 – Mechanical Parking	<ul style="list-style-type: none"> <li>• All car spaces within the car stacker system can accommodate 1.8 metre high cars.</li> <li>• No car spaces within the stacker system are allocated for visitor car parking.</li> <li>• Council’s Engineers requires the provision of a backup source of power to ensure that mechanical parking is maintained in a power outage. This will be addressed by a <b>permit condition</b>.</li> </ul>
5 – Urban Design	<ul style="list-style-type: none"> <li>• The double width crossover and driveway along each street frontage do not dominate the public realm.</li> <li>• The basement car park does not project above the natural ground level along the Foote Street frontage.</li> <li>• There is no on-street car parking along the section of Foote Street or Thompsons Road in front of the site, as such the proposed access arrangement will not reduce any on-street car parking opportunities.</li> </ul>
6 – Safety	<ul style="list-style-type: none"> <li>• Access to the residential car parking area is secured by a security gate.</li> <li>• Pedestrian access from the site frontages is clearly defined.</li> </ul>
7 – Landscaping	<ul style="list-style-type: none"> <li>• The proposed landscaping is considered to soften the appearance of the driveway and the basement car park.</li> <li>• Appropriate landscaping has been proposed along the Thompsons Road frontage to soften the</li> </ul>

Design Standard	Assessment
	appearance of the at grade car park of the child care centre.

### Traffic

- 8.37 The submitted traffic report identifies that the proposed development is expected to generate 111 vehicle movements per AM and PM peak hour. The residential component will generate a traffic volume of 184 vehicle trip ends per day and 18 vehicle trips during each peak hour. The child care is considered to generate a total traffic volume of total vehicle traffic of 544 vehicle trip ends per day and 93 vehicle trip ends in each of the commuter peak hour.
- 8.38 The report confirms that the traffic impacts from the proposed development will generally be limited to Thompsons Road, Foote Street and Templestowe Road. Other local streets in the nearby area may experience minor increases in traffic as a result of the development associated with local trips.
- 8.39 It concludes that the volume of traffic generated by the development are moderate and can be comfortably accommodated without having any adverse impacts on the operations of the road network.
- 8.40 The access arrangements and traffic impacts have been reviewed by Transport for Victoria and Council's Engineers. Both have not raised concerns in relation to the expected volume of traffic generated by the proposed development as the outlined in the traffic report.

### **Objector concerns**

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

#### Overall building height of the three-storey apartment building

- 8.42 As discussed in this report, the proposal meets the relevant provisions of the Scheme relating to building height, number of storeys, setbacks and visual bulk.
- 8.43 The height of the apartment building above natural ground level will be further reduced given the excavation into the slope of the land.
- 8.44 A range of measures have also been proposed to reduce the sense of visual bulk to the building, including setbacks to the site boundaries, use of materials and setback variations to break up the built form into distinct masses and the proposed articulation added by the balcony projections and window fenestration.,
- 8.45 The level of compliance with Clause 55, subject to conditions, will result in an acceptable design and built form outcome for the site that is suitable for approval.

#### Off-site amenity impacts relating to overshadowing and access to daylight

- 8.46 A detailed assessment of the off-site amenity impacts from the proposal has been undertaken in accordance with Clause 55 of the Scheme, as previously detailed by this report.
- 8.47 The proposal will not result in additional overshadowing to the private open space areas of any adjoining properties, as shadows cast by the development into the



adjoining properties will not extend beyond existing shadows cast by boundary fencing.

- 8.48 Daylight to existing windows is maintained in accordance with Clause 55.04-3 (Daylight to existing windows) of the Scheme. The setbacks of the proposed development from the side and rear boundaries avoids any encroachment into the dimensions required to be maintained with clear access to the sky around existing habitable room windows.

#### Off-site amenity impacts relating to privacy

- 8.49 The proposal will not result in any unreasonable overlooking impacts into the adjoining properties, in accordance with Standard B22 of Clause 55.04-6 (Overlooking) of the Scheme.
- 8.50 As discussed above, a number of **permit conditions** will be required to further limit any potential overlooking from the balconies of the apartment building.

#### On-site amenity in terms of limited play area for child care centre

- 8.51 No concerns have been raised by Council's Children Services Unit in relation to the provision of indoor and outdoor play spaces for the child care centre.
- 8.52 The amount of play space provided is not a requirement under the planning scheme. The child care centre will be required to provide sufficient play space in accordance with the relevant regulations.

#### Traffic impacts

- 8.53 The application was submitted with a traffic report that provides an assessment on the traffic generation rates from the proposed uses within the development and its distribution within the surrounding road network. The report advises that the traffic impacts from the proposed development will generally be limited to Thompsons Road, Foote Street and Templestowe Road with other local streets experiencing a minor increase in traffic.
- 8.54 The submitted traffic report has been peer reviewed by another traffic engineering consultant as well as by Transport for Victoria and Council's Infrastructure Services Unit. All reviews and referral advice have confirmed that the volume of traffic generated by the development will be moderate and can be comfortably accommodated without having any adverse impacts on the operation of the surrounding road network.

#### Inappropriate survey of existing traffic (survey was carried out during COVID-19 lockdown)

- 8.55 The traffic survey supplied with the submitted traffic report was carried out on Tuesday 9 February 2021 between 7:30am - 9:30am and 4:30pm - 6:30pm which was prior to the third COVID-19 lockdown in Victoria (which commenced on 12 February 2021).
- 8.56 The traffic report has also made a comparison to the total volume of traffic using the intersection, for dates prior to the COVID-19 pandemic, including in February 2020 and March 2019, in order to ensure an accurate level of traffic is represented.

8.57 The results from the traffic report has been reviewed by Council's Infrastructure Services Unit and Transport for Victoria and has been deemed satisfactory.

Access arrangements (location of proposed crossovers)

8.58 The development will utilise and modify existing crossovers at the north-east and south-west corner of the site.

8.59 Council's Infrastructure Services Unit and Department of Transport have not raised any objections with the access arrangements subject to conditions.

**9. CONCLUSION**

9.1 It is recommended that the application be approved subject to conditions.

**10. DECLARATION OF CONFLICT OF INTEREST**

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