

Planning Application PL16/026081 at 52-54 Manningham Road for sixteen three-storey and four-storey dwellings and alteration of access to a road in a Road Zone, Category 1

Responsible Director: Director Planning & Environment

File No. PL16/026081

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

Land: 52-54 Manningham Road BULLEEN
Zone Residential Growth Zone, Schedule 2
Applicant: Premier Projects
Ward: Heide
Melway Reference: 32F7
Time to consider: 13 October 2016

SUMMARY

The proposal is for the development of approximately 2090 square metres with 3 and 4-storey attached dwellings on land known as 52 and 54 Manningham Road, Bulleen. The development proposes 16 dwellings consisting of 4 four bedroom dwellings, 4 two bedroom dwellings and 8 three bedroom dwellings. The dwellings will essentially be two blocks of eight dwellings each. A total of 30 car parking spaces are provided on-site in the form of garages for each dwelling.

The application was advertised and 3 objections were received. Grounds of objection relate to the design response and neighbourhood character, the built form and scale of buildings, traffic concerns, and off-site amenity impacts including overlooking, overshadowing and the visual impact of the buildings.

This report concludes that the proposal generally complies with the Manningham Planning Scheme, including Clause 55 (Rescode) and the requirements of Schedule 8 to the Design and Development Overlay (Residential Areas adjacent to Activity Centres and along Main Roads). These planning controls recognise that there will be a substantial level of change in dwelling yields and built form at the subject site.

Officers have given particular consideration to the form, height and scale of the dwellings as the proposal includes a maximum four-storey built form with a maximum height of 12.368 metres above natural ground level. This height exceeds the preferred maximum height and policy intent outlined in the Design and Development Overlay Schedule 8, which encourages a maximum height of 11 metres and built form outcomes up to three-storeys in height on the subject site. The assessment has successfully demonstrated that the height is appropriate in the site context and due to the 4 storey height being limited to the front part of the site, with the height transitioning down to a three a storey form to the south at the rear. It is also considered the height and mass of the built form is acceptable on this main road location. The design response includes reasonable setbacks from the remaining site boundaries to allow for perimeter landscaping. This will assist in softening and screening the building from adjoining residents and limiting any unreasonable visual bulk and off-site amenity impacts.

The design proposes a site coverage of 59.85% and pervious site coverage of 22%. The proposal provides ground level setbacks consistent with 60% maximum site coverage and the development is suitably softened by adequate amounts of landscaping. The proposal provides a density of one dwelling per 130.6 square metres.

Overall, this is a compliant development and approval (subject to conditions on any permit issued) is recommended.

1 BACKGROUND

- 1.1 The site comprises two (2) residential lots that have a total site area of approximately 2090 square metres. The subject site is irregular in shape with a street frontage to Manningham Road (northern boundary) of 30.48 metres, an eastern boundary of 65.5 metres, a western boundary of 65.97 metres and a southern boundary of 33.9 metres.
- 1.2 The lot at 52 Manningham Road is developed with a single-storey brick dwelling with a pitched tiled roof. The dwelling is setback approximately 7.8 metres from Manningham Road, save that a carport encroaches into this and is setback approximately 5.9 metres from the frontage. The frontage is fenced by a low height brick fence. Vehicle access is provided via a crossover and driveway adjacent the east boundary.
- 1.3 The lot at 54 Manningham Road is developed with a single-storey rendered brick dwelling with a flat roof. The dwelling is setback approximately 28 metres from Manningham Road. The Manningham Road frontage is fenced with a brick fence of approximately 1.5m height. Vehicle access is provided via a crossover and driveway adjacent the west boundary.
- 1.4 The subject site has a moderate slope down from east to west of up to 2.44 metres at a gradient of approximately 1 in 12 to 1 in 15.
- 1.5 Both lots have a 1.83 metre wide drainage and sewerage easement running along the southern rear boundary. There are no covenants or Section 173 Agreements registered against either title. The proposed development will not breach any restrictions registered to title.

Surrounds

- 1.6 The subject site has direct abuttal with 3 properties. These properties and other surrounding development are described as follows:

Direction	Address	Description
North (front)	Manningham Road	To the front of the subject site is Manningham Road, which is a 6 lane main road with a central median strip.
South (rear)	31 Summit Drive	31 Summit Drive is developed with a single dwelling. The dwelling is a multi storey rendered dwelling with a tiled, hipped roof. The dwelling is setback approximately 18 metres from the shared

Direction	Address	Description
		boundary with the subject site, except that there is a shed/pergola located near the rear boundary. An area of secluded private open space is located at the rear of the dwelling
East	56 Manningham Road	To the east of the subject site the land at 50 Manningham Road is developed with a single dwelling. The dwelling is a single storey brick dwelling with a tiled hipped roof. The dwelling is setback approximately 6.4 metres from the frontage and has a garage approximately 0.5 metres from the boundary with the subject site. The frontage is fenced with a solid brick fence approximately 1.5m high. Vehicle access is via a crossover and driveway adjacent the shared boundary with the subject site.
West	48-50 Manningham Road	This site is occupied by 5 dwellings, all on their own titles, with a common property driveway area. The dwellings are all double storey brick dwellings with tiled hip and gable roofs. The shared driveway abuts the shared boundary with the subject site. The frontage is fenced with a timber picket and solid brick fence of approximately 1.8m height.

- 1.7 Land to the southwest of the subject site is occupied by a grassed reserve known as the Yarraleen Walkway.
- 1.8 Manningham Road is a major arterial road and has three (3) lanes of traffic travelling in east and westerly directions, and a raised median strip. Bus services are available along Manningham Road.
- 1.9 Bulleen Plaza Shopping Centre is located approximately 260 metres to the east of the subject site. St. Clements Primary School is located approximately 220 metres to the southeast and Morris Williams Reserve is located approximately 480 metres to the southeast of the subject site.

- 1.10 Nearby housing is generally single-dwellings on a lot with a mix of single and double-storey built forms. Housing stock is generally constructed in brick with evidence of both flat and hipped roof forms. Garages are generally built at the side of dwellings or incorporated into the design of the dwellings with single driveway access. Some nearby lots have also been developed with multiple dwellings. There are some newer apartment building type forms along Manningham Road that are similar to the proposed development, such as 181-183 Manningham Road and 194-196 Manningham.

2 PROPOSAL

- 2.1 It is proposed to demolish the existing buildings (no planning permit required), and construct 16 new dwellings. The dwellings will be 'joined up' over a central ground level driveway and will present as an 'apartment style' façade to the street.
- 2.2 The dwellings will be a mix of 3 and 4 storey forms.
- 2.3 The development will provide 16 dwellings, including 6 two-bedroom dwellings, and 10 dwellings with 3 or more bedrooms. The dwellings vary in floor area between 155 and 215 square metres.
- 2.4 The submitted plans show a building site coverage of 1,251 square metres (59.85%).
- 2.5 The proposal provides a density of one dwelling per 130.6 square metres.
- 2.6 The pervious site coverage is 454 square metres (22%).
- 2.7 The buildings have a maximum height of 12.368 metres above natural ground level.
- 2.8 The dwellings will essentially be 2 blocks of eight dwellings. Each block will have four dwellings on the eastern side and four dwellings on the western side, and when viewed from the street, be joined to each other in the middle of the site with an open driveway in the central section of the ground level.
- 2.9 A central void will be provided within each building. This void will provide a light and air court for some rooms that face internal to the site and that would not otherwise have an external window. In the front building, the void will serve dwellings 3, 4, 5 and 6. In the rear building the void will service dwellings 11, 12, 13 and 14.
- 2.10 The buildings will utilise a mix of rendered columns and beams to provide articulation and modulation to the facades, and will include timber screening devices and battens and frosted glass to screen windows. The building palette will be a mixture of light and dark greys, whites and off-whites, black powder coated window surrounds and stained timber battens. The roof will be a flat roof form.
- 2.11 The pedestrian entry to the buildings will be via pathways on the east and west. The east pathway will provide access to Dwellings 1, 3, 5, 7, 9, 11, 13, and 15. The western pathway will provide access to Dwellings 2, 4, 6, 8, 10, 12, 14 and 16.
- 2.12 Vehicle access is provided via a new 7.0 metre wide crossover located centrally within the frontage. A double width (7.0m) wide driveway runs along the centre of the site providing access to all garages. In the centre of the site,

- 2 visitor car parking spaces are provided, along with a bin storage area. A further 2 visitor parking spaces are provide at the rear of the site.
- 2.13 No existing trees on site are proposed to be retained. The areas around the building will be landscaped and the concept landscape plan shows canopy tree and other planting within the setbacks.
- 2.14 New 1.8 metre high paling fences will be provided along all side and rear boundaries.
- 2.15 No front fence is shown on plans.
- 2.16 The development will require a site cut and a retaining wall offset approximately 1 metre from the eastern boundary. The cut and wall will have a height of approximately 2 metres. The maximum depth of cut for the retaining wall will be in the order of approximately 2 metres
- 2.17 The buildings have the following minimum setbacks to site boundaries:
- 2.17.1 Manningham Road (north) boundary:
Ground level – 6.0 metres to façade,
Level 1 – 6.0 metres to façade,
Level 2 – 6.0 metres to façade,
Level 3 – 7.7 metres to façade, 6.0 metres to terrace edge
- 2.17.2 East boundary:
Ground level – Between 1 and 3.5 metres to façade,
Level 1 – 2.52 metres to façade,
Level 2 – 4.0 metres to façade,
Level 3 – 7.0 metres to façade
- 2.17.3 Western boundary:
Ground level – Between 1 and 3.5 metres to façade
Level 1 – 2.52 metres,
Level 2 – 4.0 metres to façade,
Level 3 – 7.0 metres to façade,
- 2.17.4 Southern boundary:
Ground level – 3.43 metres to façade,
Level 1 – 3.59 metres to façade,
Level 2 – 5.2 metres to façade,
Level 3 – Not present on rear building
- 2.18 Documentation submitted with the application includes an arboricultural report, sustainability management plan, traffic and car parking analysis,

noise assessment and waste management plan. Information from these documents is referenced where necessary in this report.

Planning History

- 2.19 Council Officers provided the Applicant with pre-application advice following a meeting in December 2015.
- 2.20 The application for planning permit was lodged to Council on 15 March 2016. A request for further information was sent to the applicant on 11 April 2016. The further information request included preliminary concerns, which largely related to the mass and scale of the building form as set out in the pre-application stage. The application was presented to the Sustainable Design Taskforce on 28 April 2016, prior to the further information being received. The full complement of further information was submitted to Council on 12 August 2016.
- 2.21 The further information included marked changes to the design of the proposal, including a reduction in building height from 4 storeys down to 3 storeys to the rear of the site and the addition of a break in the building form in the middle of the site.
- 2.22 The *Planning and Environment Act (1987)* requires that applications for planning permits are put to public notice (advertising). The application was advertised on 2 September 2016 as "Construction of 16 three storey dwellings and alteration of access to a road in a road zone category 1". Due to an error in this description, the application was re-advertised on 18 October 2016 as "Construction of 16 three storey and four storey dwellings and alteration of access to a road in a road zone category 1".

3 PRIORITY/TIMING

- 3.1 The statutory time for considering a planning application is 60 days. Allowing for the time taken to advertise the application, the statutory time lapsed on 13 October 2016

4 POLICY IMPLICATIONS

- 4.1 The *Planning and Environment Act 1987* (the Act) is the relevant legislation governing planning in Victoria. The Act identifies subordinate legislation in the form of Planning Schemes to guide future land use and development.
- 4.2 Section 60 of the Act outlines what matters a Responsible Authority must consider in the determination of an application. The Responsible Authority is required to consider:
 - 4.2.1 the relevant planning scheme; and
 - 4.2.2 the objectives of planning in Victoria; and
 - 4.2.3 all objections and other submissions which it has received and which have not been withdrawn; and
 - 4.2.4 any decision and comments of a referral authority which it has received; and
 - 4.2.5 any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.

- 4.3 Section 61(4) of the Act makes specific reference to covenants. This is not relevant to this application as the lots are not burdened by a covenant.

5 MANNINGHAM PLANNING SCHEME

- 5.1 The subject site is located in the Residential Growth Zone Schedule 2 (RGZ2) under the provisions of the Manningham Planning Scheme (the Scheme). Adjacent land fronting Manningham Road is also included in the Residential Growth Zone Schedule 2.
- 5.2 Land to the south is located within the General Residential Zone Schedule 1 (GRZ1).
- 5.3 A planning permit is required to construct two or more dwellings on a lot in the Residential Growth Zone under Clause 32.07-4 of the Scheme.
- 5.4 The purpose of the Residential Growth Zone relates primarily to providing housing at increased densities, encourage a diversity of housing types and encouraging a scale of development that provides a transition between areas of more intensive use and development and areas of restricted housing growth.
- 5.5 Assessment is required under the provisions of Clause 55 (Res Code) of the Scheme.
- 5.6 The purpose of Clause 55 is generally to provide well designed and sustainable medium-density housing which offers a good living environment and life-style choice for occupants, while at the same time, maintaining the amenity and character of the locality, with particular emphasis on the amenity of adjoining residents.
- 5.7 The subject site is also included in the Design and Development Overlay Schedule 8 (DDO8) under the provisions of the Scheme.
- 5.8 The Design Objectives of the DDO8 are:
- To increase residential densities and provide a range of housing types around activity centres and along main roads.
 - To encourage development that is contemporary in design that includes an articulated built form and incorporates a range of visually interesting building materials and façade treatments.
 - To support three storey, 'apartment style', developments within the Main Road sub precinct and in sub-precinct A, where the minimum land size can be achieved.
 - To support two storey townhouse style dwellings with a higher yield within sub precinct B and sub-precinct A, where the minimum land size cannot be achieved.
 - To ensure new development is well articulated and upper storey elements are not unduly bulky or visually intrusive, taking into account the preferred neighbourhood character.
 - To encourage spacing between developments to minimise a continuous building line when viewed from a street.

- To ensure the design and siting of dwellings have regard to the future development opportunities and future amenity of adjoining properties.
 - To ensure developments of two or more storeys are sufficiently stepped down at the perimeter of the Main Road sub-precinct to provide an appropriate and attractive interface to sub-precinct A or B, or other adjoining zone.
 - Higher developments on the perimeter of sub-precinct A must be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct B or other adjoining zone.
 - To ensure overlooking into adjoining properties is minimised.
 - To ensure the design of carports and garages complement the design of the building.
 - To ensure the design of basement and undercroft car parks complement the design of the building, eliminates unsightly projections of basement walls above natural ground level and are sited to allow for effective screen planting.
 - To create a boulevard effect along Doncaster Road and Manningham Road by planting trees within the front setback that are consistent with the street trees.
 - To encourage landscaping around buildings to enhance separation between buildings and soften built form.
- 5.9 Planning permission is required for buildings and works which must comply with the requirements set out in Table 1 and 2 of the Schedule. A planning permit cannot be granted to vary certain requirements of Table 2 (land size and height).
- 5.10 There is a range of policy requirements outlined in this control under the headings of building height and setbacks, form, car parking and access, landscaping and fencing.
- 5.11 The subject site is located within **Sub-Precinct Main Road DDO8-1**. In this precinct Table 1 applies.
- 5.12 Pursuant to Table 1 the maximum allowable building height for land less than 1,800 square metres in size is 9 metres or 11 metres for land of greater than 1,800 square metres. The height is not mandatory, and a permit can be granted to allowing a higher building.

State Planning Policy Framework

- 5.13 Clause 15.01-1 (Urban Design) seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. Strategies towards achieving this are identified as follows:
- Promote good urban design to make the environment more liveable and attractive.
 - Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and

- choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.
- Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.
 - Ensure transport corridors integrate land use planning, urban design and transport planning and are developed and managed with particular attention to urban design aspects.
 - Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.
- 5.14 Clause 15.01-4 (Design for Safety) seeks to improve community safety and encourage neighbourhood design that makes people feel safe. The strategy identified to achieve this objective is to ensure the design of buildings, public spaces and the mix of activities contribute to safety and perceptions of safety.
- 5.15 Clause 15.01-5 (Cultural Identity and Neighbourhood Character) seeks to recognise and protect cultural identity, neighbourhood character and sense of place. The clause emphasises the importance of neighbourhood character and the identity of neighbourhoods and their sense of place. Strategies towards achieving this are identified as follows:
- Ensure development responds and contributes to existing sense of place and cultural identity.
 - Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.
 - Ensure development responds to its context and reinforces special characteristics of local environment and place.
- 5.16 Clause 15.02-1 (Energy and Resource Efficiency) seeks to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.
- 5.17 Clause 16.01-1 (Integrated Housing) seeks to promote a housing market that meets community needs. Strategies towards achieving this are identified as follows:
- Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations.
 - *Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.*
- 5.18 Clause 16.01-2 (Location of Residential Development) seeks to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. Strategies towards achieving this are identified as follows:
- Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic

sites, and reduce the share of new dwellings in greenfield and dispersed development areas.

- In Metropolitan Melbourne, locate more intense housing development in and around Activity centres, in areas close to train stations and on large redevelopment sites.
- Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.
- Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.

5.19 Clause 16.01-4 (Housing Diversity) seeks to provide for a range of housing types to meet increasingly diverse needs. Strategies towards achieving this are identified as follows:

- Ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.
- Encourage the development of well-designed medium-density housing which:
 - Respects the neighbourhood character.
 - Improves housing choice.
 - Makes better use of existing infrastructure.
 - Improves energy efficiency of housing.
- Support opportunities for a wide range of income groups to choose housing in well serviced locations.

5.20 Clause 16.01-5 (Housing affordability) seeks to deliver more affordable housing closer to jobs, transport and services.

Municipal Strategic Statement (Clause 21)

5.21 Clause 21.03 (Key Influences) identifies that future housing need and residential amenity are critical land-use issues. The MSS acknowledges that there is a general trend towards smaller household size as a result of an aging population and smaller family structure which will lead to an imbalance between the housing needs of the population and the actual housing stock that is available.

5.22 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.

5.23 Clause 21.05 (Residential) outlines the division of Manningham into four Residential Character Precincts. The precincts seek to channel increased housing densities around activity centres and main roads where facilities and services are available. In areas which are removed from these facilities a lower intensity of development is encouraged. A low residential density is

also encouraged in areas that have identified environmental or landscape features.

- 5.24 The site is within "Precinct 2 –Residential Areas Surrounding Activity Centres and Along Main Roads".
- 5.25 This area is aimed at providing a focus for higher density development and a substantial level of change is anticipated. Future development in this precinct is encouraged to:
- Provide for contemporary architecture and achieve high design standards
 - Provide visual interest and make a positive contribution to the streetscape
 - Provide a graduated building line from side and rear boundaries
 - Minimise adverse amenity impacts on adjoining properties
 - Use varied and durable building materials
 - Incorporate a landscape treatment that enhances the overall appearance of the development.
- 5.26 Within this precinct, there are three sub-precincts which each stipulate different height, scale and built form outcomes to provide a transition between each sub-precinct and adjoining properties, primarily those in Precinct 1 – Residential Areas Removed from Activity Centres and Main Roads.
- 5.27 The three sub-precincts within Precinct 2 consist of:
- **Sub-precinct – Main Road (DDO8-1)** is an area where three storey (11 metres) 'apartment style' developments are encouraged on land with a minimum area of 1,800m². Where the land comprises more than one lot, the lots must be consecutive lots which are side by side same sub-precinct. All development in the Main Road sub-precinct should have a maximum site coverage of 60 percent.

Higher developments on the perimeter of the Main Road sub-precinct should be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct A or B, or other adjoining zone.
 - **Sub-precinct A (DDO8-2)** is an area where two storey units (9 metres) and three storey (11 metres) 'apartment style' developments are encouraged.

Three-storey, contemporary developments should only occur on land with a minimum area of 1800m². Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage. The area of 1800m² must all be in the same sub-precinct. In this sub-precinct, if a lot has an area less than 1800m², a townhouse style development proposal only will be considered, but development should be a maximum of two storeys. All

development in Sub-precinct A should have a maximum site coverage of 60 percent.

Higher developments on the perimeter of sub-precinct A should be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct B, or other adjoining zone.

- **Sub-precinct B (DDO8-3)** is an area where single storey and two storey dwellings only will be considered and development should have a maximum site coverage of 60 percent. There is no minimum land area for such developments.

5.28 The subject site and the adjacent properties facing Manningham Road are located within **Sub-Precinct – Main Road (DDO8-1)**.

5.29 Clause 21.05-2 Housing contains the following objectives:

- To accommodate Manningham's projected population growth through urban consolidation, infill developments and Key Redevelopment Sites.
- To ensure that housing choice, quality and diversity will be increased to better meet the needs of the local community and reflect demographic changes.
- To ensure that higher density housing is located close to activity centres and along main roads in accordance with relevant strategies.
- To promote affordable and accessible housing to enable residents with changing needs to stay within their local neighbourhood or the municipality.
- To encourage development of key Redevelopment Sites to support a diverse residential community that offers a range of dwelling densities and lifestyle opportunities.
- To encourage high quality and integrated environmentally sustainable development.

5.30 The strategies to achieve these objectives include:

- Ensure that the provision of housing stock responds to the needs of the municipality's population.
- Promote the consolidation of lots to provide for a diversity of housing types and design options.
- Ensure higher density residential development occurs around the prescribed activity centres and along main roads identified as Precinct 2 on the Residential Framework Plan 1 and Map 1 to this clause.
- Encourage development to be designed to respond to the needs of people with limited mobility, which may for example, incorporate lifts into three storey developments.

5.31 Clause 21.05-4 (Built form and neighbourhood character) seeks to ensure that residential development enhances the existing or preferred

neighbourhood character of the residential character precincts as shown on Map 1 to this Clause.

5.32 The strategies to achieve this objective include:

- Require residential development to be designed and landscaped to make a positive contribution to the streetscape and the character of the local area.
- Ensure that where development is constructed on steeply sloping sites that any development is encouraged to adopt suitable architectural techniques that minimise earthworks and building bulk.
- Ensure that development is designed to provide a high level of internal amenity for residents.
- Require residential development to include stepped heights, articulation and sufficient setbacks to avoid detrimental impacts to the area's character and amenity.

5.33 Clause 21.10 (Ecologically Sustainable Development) highlights Council's commitment to ESD and outlines a number of ESD principles to which regard must be given. These are:

- Building energy management
- Water sensitive design
- External environmental amenity
- Waste management
- Quality of public and private realm
- Transport

Local Planning Policy

5.34 Clause 22.08 (Safety through urban design) is relevant to this application and seeks to provide and maintain a safer physical environment for those who live in, work in or visit the City of Manningham. The policy seeks attractive, vibrant and walkable public spaces where crime, graffiti and vandalism is minimised.

5.35 Clause 22.09 (Access for disabled people) is relevant to this applicant and seeks to ensure that people with a disability have the same level of access to buildings, services and facilities as any other person.

Particular Provisions

5.36 Clause 52.06 (Car Parking) is relevant to this application. Pursuant to Clause 52.06-5, car parking is required to be provided at the following rate:

- 1 space for 1 and 2 bedroom dwellings
- 2 spaces for 3 or more bedroom dwellings
- 1 visitor space to every 5 dwellings for developments of 5 or more dwellings (rounded down)

5.37 Clause 52.06-7 outlines several design standards for parking areas that should be achieved unless with the approval of the Responsible Authority.

- 5.38 Clause 52.29 (Land Adjacent to a Road Zone Category 1) seeks to ensure appropriate access to identified roads. A permit is required to create or alter access to a road in a Road Zone, Category 1. All applications must be referred to VicRoads for comment.
- 5.39 Clause 55 (Res Code) applies to all applications for two or more dwellings on a lot. Consideration of this clause is outlined in the Assessment section of this report.
- 5.40 Clause 65 (Decision Guidelines) outlines that before deciding on an application, the responsible authority must consider, as appropriate:
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
 - The purpose of the zone, overlay or other provision.
 - The orderly planning of the area.
 - The effect on the amenity of the area.

6 ASSESSMENT

- 6.1 The proposed development of the subject site with 16 dwellings is consistent with the broad objectives of Council's planning policy outlined at Clause 21.05 of the Scheme. The policy encourages urban consolidation in this specific location due to its capacity to support change given that the subject site is located on a main road and located near the Bulleen Plaza Activity Centre. The policy anticipates a substantial level of change from the existing single dwelling and dual occupancy pattern of development that is evident in the area and has occurred in the past.
- 6.2 The consolidation of lots with a combined area of approximately 2,090 square metres allows for increased development potential, as the larger area allows increased setbacks to compensate for its larger scale in comparison to traditional medium density housing. The site is greater in area than the 1,800 square metre desired land size under the provisions of the DDO8 control to support an 11 metre high building, and the control and policy allows discretion to be applied in granting a higher building.
- 6.3 An assessment of the proposal will be made based on the following planning controls:
- Design and Development Overlay, Schedule 8
 - Clause 52.06 Car Parking and Clause 52.29 Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 road
 - Clause 55 Res Code (Two of more dwellings on a lot and residential buildings)
 - General Matters
- 6.4 In the tables below, Officers have used the term 'Met' where an objective and performance standard or policy requirement is achieved, 'Considered met' where the objective is met, but the performance standard or policy requirement is not achieved, and 'Met subject to conditions' where either the

objective or the performance standard or policy requirement has not been met and modifications are required.

Design and Development Overlay

- 6.5 Clause 43.02 (Design and Development Overlay Schedule 8) of the Scheme has the following decision guidelines against which a general assessment is provided:

Design Element	Level of Compliance
<p><u>Building Height and Setbacks</u> DDO8-1 (Main Road Sub-precinct):</p> <ul style="list-style-type: none"> The minimum lot size is 1800 square metres, which must be all the same sub-precinct. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage The building has a maximum height of 11 metres provided the condition regarding minimum lot size is met. If the condition is not met, the maximum height is 9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres. 	<p>Considered Met</p> <p>The subject site has an area of 2,090 square metres that is entirely within the Main Road Sub-Precinct. Table 1 sets out that an 11 metre maximum building height is applicable.</p> <p>The 11m height is not mandatory however and policy states that a permit can be granted to allowing a higher building.</p> <p>The proposed development has a maximum height of 12.368 metres, shown on the plans, which exceeds the 11 metre maximum height by 1.368 metres.</p> <p>The purpose of providing discretion in building height on the Main Road Sub-Precinct is to allow flexibility to achieve design excellence. This might be through providing a 'pop-up' level to provide visual interest to an otherwise uninspiring roof form, or a design feature on a 'gateway' site. The discretion is only provided to the sub-precinct because main road streetscapes typically contain a greater mix and more robust building forms (for example higher solid fencing, larger commercial buildings) compared to local streets and therefore can absorb some additional height.</p> <p>In this instance, the additional built form constructed above the 11 metre maximum building height, is the uppermost floor of the dwellings in the north-western section (Dwellings 2, 4, 6, 8). This floor is setback from side boundaries at least 7.0 metres, and the front boundary at least 7.7 metres to the building façade. The built form is recessed from the floors below and reduces back in toward the centre of the site.</p>

	<p>The site itself has a fall down from east to west, and the eastern side of the building has a height of less than 11 metres, as it has been cut down into the land. The additional height to the western side of the built form is largely due to the slope of the land down toward the west, and is to some extent difficult to avoid when a fourth floor is proposed.</p> <p>In this case, the limited amount of upper floor, the relatively deep setback of that floor to the neighbours, the presence of common property driveway to the neighbouring interface, the slope of the land, and the limited extent to which the building rises above the 11m height standard make it reasonable to allow for the additional 1.368 metres of height to Dwellings 2, 4, 6 and 8 to the western side of the site. This additional height will not provide a dominating or excessive height and is acceptable when viewed from the west and from the north (street).</p>
<ul style="list-style-type: none"> Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser. 	<p>Met</p> <p>The dwellings have a street setback to Manningham Road of 6 metres which meets the standard. The setback allows for a reasonable amount of landscaping to be provided in front of Dwellings 1 and 2.</p>
<p>Form</p> <ul style="list-style-type: none"> Ensure that the site area covered by buildings does not exceed 60 percent. 	<p>Met</p> <p>The submitted plans show that the building has a site coverage of 59.85% which is less than the 60% allowed by the DDO8.</p> <p>The site coverage allows for an adequate amount of landscaping to be provided to the perimeter of the land, and there is also room for landscaping adjacent the visitor parking spaces between Dwellings 7 and 9 and adjacent the bin storage area between Dwellings 8 and 10.</p>
<ul style="list-style-type: none"> Provide visual interest through articulation, glazing and variation in materials and textures. 	<p>Met</p> <p>The buildings are appropriately designed to provide visual interest. Each building includes a mix of materials and colours, and each building form is well articulated and modulated. Both vertical and horizontal framing members are 'picked out' in white</p>

	to stand out from the bulk of the façade and give the building forms a modulated presentation. The buildings have varied setbacks at all levels, allowing for shadows to fall across different visual planes and accentuate and highlight recesses in building form.
<ul style="list-style-type: none"> Minimise buildings on boundaries to create spacing between developments. 	<p>Met</p> <p>There are no building elements on boundaries. Setbacks are at least 1.0 metres along the side boundary to provide spacing between the buildings and the adjoining properties. There is a 'gap' between the first group of dwellings and the second group of dwellings, allowing for some landscaping in the middle of the site.</p>
<ul style="list-style-type: none"> Where appropriate ensure that buildings are stepped down at the rear of sites to provide a transition to the scale of the adjoining residential area. 	<p>Met</p> <p>In response to the preliminary concerns raised within the request for further information, the design was altered from its originally submitted form to provide for a reduced height at the rear of the site. The rear dwellings have a height of approximately 9.3 metres at the southwest corner. The uppermost floor of the rear building is setback between 5 and 7.8 metres from the rear boundary and the building height is acceptable.</p>
<ul style="list-style-type: none"> Where appropriate, ensure that buildings are designed to step with the slope of the land. 	<p>Met</p> <p>As discussed above, the land has a fall from east to west. A retaining wall has been provided offset approximately 1 metre from the east boundary, and the building forms have been set down to accord with the height required for the finished surface level of the central driveway. This is an appropriate response. The built form steps back in from the west and south boundaries at upper floors to ensure the height of the building is not excessive on the lower parts of the land.</p>
<ul style="list-style-type: none"> Avoid reliance on below ground light courts for any habitable rooms. 	<p>Met</p> <p>There is a site cut proposed and retaining walls to the east, but habitable rooms do not rely on below ground light courts. The sitting rooms for dwellings 15 and 16 have some limited access to light, but this is acceptable as these are secondary rooms</p>

	not intended to be used as bedrooms or main living rooms.
<ul style="list-style-type: none"> Ensure the upper level of a two storey building provides adequate articulation to reduce the appearance of visual bulk and minimise continuous sheer wall presentation. 	Not applicable
<ul style="list-style-type: none"> Ensure that the upper level of a three storey building does not exceed 75% of the lower levels, unless it can be demonstrated that there is sufficient architectural interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation. 	<p>Considered Met The development proposes 4 storeys to the street (front) and three storeys to the rear. (residential interface).</p> <p>The 4th level of the front building has an area of approximately 300 square metres, whilst the floor below has an area of approximately 464 square metres. The upper floor is approximately 64% of the floor below.</p> <p>To the rear the 3rd (uppermost) level of the building has an area of approximately 372 square metres, whilst the floor below has an area of approximately 450 square metres. The upper floor is approximately 82% of the floor below. Whilst this slightly exceeds the desired 75%, it is considered the design and arrangement of the built form is acceptable to achieve the outcome sought by the control as the building form is highly articulated and modulated with deep recesses present to the east and west facades, and to the southeast and southwest corners of the building.</p>
<ul style="list-style-type: none"> Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos. 	<p>Met There are no porticos proposed. The overall design of the building is modulated with single height building forms present to each level.</p>
<ul style="list-style-type: none"> Be designed and sited to address slope constraints, including minimising views of basement projections and/or minimising the height of finished floor levels and providing appropriate retaining wall presentation. 	<p>Met As discussed above, there is a site cut near the east boundary and the building forms have been set down in line with the site cut.</p>
<ul style="list-style-type: none"> Be designed to minimise overlooking and avoid the excessive application of screen devices. 	<p>Met Screens are provided where upper level balconies may allow direct views into the habitable room windows or secluded</p>

	private open spaces of the adjoining properties. There is no excessive application of screen devices. Overlooking impacts will be further discussed in the assessment against Standard B22 at Clause 55.04-6 of the Scheme.
<ul style="list-style-type: none"> Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all mobilities. 	<p>Considered Met subject to condition</p> <p>The main entries of dwellings can generally be navigated by people of all mobilities. Whilst there are six steps to the eastern pedestrian pathway, the western pedestrian path and the central vehicle accessway are shown as at grade. The use of 6 steps to the eastern path, whilst not ideal is considered acceptable, subject to the security gate and any intercom system being located north of the steps to ensure that people of limited mobility can access the intercom and alert residents to their presence (Condition 1.1).</p>
<ul style="list-style-type: none"> Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties. 	<p>Not applicable</p> <p>The car parking is at ground level.</p>
<ul style="list-style-type: none"> Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site. 	<p>Met subject to condition</p> <p>The garages and visitor spaces will not be visually obtrusive when viewed from Manningham Road. The entry to the central driveway is framed by the building form around and above and is appropriate in this streetscape.</p> <p>It is considered that a partly transparent mesh type security grille at the entrance to the covered driveway will further improve the streetscape presentation of the building as it provides screening to the driveway. This will be required by a permit condition (Condition 1.2).</p>
<ul style="list-style-type: none"> Integrate car parking requirements into the design of buildings and landform by encouraging the use of undercroft or basement parking and minimise the use of open car park and half basement parking. 	<p>Met</p> <p>All car parking spaces are located behind the line of the front wall of the buildings and are all incorporated into the building forms.</p>
<ul style="list-style-type: none"> Ensure the setback of the basement or undercroft car park is consistent with the front building setback and is 	<p>Met</p> <p>The garages and visitor parking spaces are all accessed off the central vehicle</p>

<p>setback a minimum of 4.0m from the rear boundary to enable effective landscaping to be established.</p>	<p>accessway. There is appropriate provision for landscaping within the front setback in front of dwellings 1 and 2 to soften the built form. Within the site, there is room for landscaping adjacent both areas of visitor parking.</p> <p>The garages of Dwellings 15 and 16 are set back at least 4 metres from the rear (southern) boundary.</p>
<ul style="list-style-type: none"> Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces. 	<p>Met subject to condition</p> <p>The building is set back sufficiently from the northern, eastern and southern boundaries to allow for canopy trees and effective screen planting. Whilst the setback to the east and west is generally only one metre to the edge of the pedestrian pathways, these 1m wide landscape strips will still allow sufficient room for some narrow shrubs that will grow up above the height of the fence to give some screening effect to the building forms. Additionally, there are relatively large areas in the frontage, in the middle 'gap' and at the rear of the site where canopy trees can be planted. A full landscape plan will be required as a condition of any approval (Condition 8).</p>
<ul style="list-style-type: none"> Ensure that service equipment, building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces. 	<p>Considered Met subject to condition</p> <p>The roof plan shows that the plant equipment (air conditioning, solar hot water) on the roof to each building is located generally centrally away from the sides of the building and is screened. This will appropriately limit any visual and amenity impacts on the street and adjoining properties. A standard condition requiring the location and screening of plant and equipment be to the satisfaction of the responsible authority will be included to ensure no unauthorised changes or additions are made to the plant and equipment shown (Condition 28).</p>
<p><u>Car Parking and Access</u></p> <ul style="list-style-type: none"> Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the 	<p>Met</p> <p>One 7.0 metre wide crossover is proposed in the centre of the frontage. VicRoads support this and raise no objection to this arrangement.</p>

<p>removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback.</p>	
<ul style="list-style-type: none"> • Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open space or is appropriately screened, as is necessary. 	<p>Not applicable There is no basement.</p>
<ul style="list-style-type: none"> • Ensure that where garages are located in the street elevation, they are set back a minimum of 1.0m from the front setback of the dwelling. 	<p>Not applicable There are no garages in the street elevation.</p>
<ul style="list-style-type: none"> • Ensure that access gradients of basement car parks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements. 	<p>Met Access gradients to the central driveway have been designed to generally achieve the relevant design standard in Clause 52.06-8.</p>
<p><u>Landscaping</u></p> <ul style="list-style-type: none"> • On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at maturity. • On sites where one or two storey development is proposed include at least 1 canopy tree within the front setback, which has a spreading crown, and is capable of growing to a height of 8.0m or more at maturity. 	<p>Met subject to condition The plans show the site will allow the planting of numerous canopy trees within the north and south setbacks, and within the east and west setbacks at the central 'gap' between the building forms. This will be reinforced by a permit condition for a full landscaping plan to be submitted (Condition 8).</p>
<ul style="list-style-type: none"> • Provide opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form. 	<p>Met subject to condition The plans show the site will allow the planting of numerous canopy trees within the north and south setbacks, and within the east and west setbacks at the central 'gap' between the building forms.</p> <p>Landscaping strips are provided between the footpaths and the western and eastern boundaries to allow for sufficient screen planting that will assist in softening the appearance of the built form.</p> <p>This will be reinforced by a permit condition for a full landscaping plan to be submitted (Condition 8).</p>

<p>Fencing</p> <ul style="list-style-type: none"> • A front fence must be at least 50 per cent transparent. • On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn and Mitcham Roads, a fence must: <ul style="list-style-type: none"> • not exceed a maximum height of 1.8m • be setback a minimum of 1.0m from the front title boundary and a continuous landscaping treatment within the 1.0m setback must be provided. 	<p>Not applicable No front fence is proposed.</p>
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- 6.6 Having regard to the above assessment against the requirements of Schedule 8 to the Design and Development Overlay, it is considered that the proposed design generally respects the preferred neighbourhood character and responds to the features of the site.

Clause 52.06 Car Parking

- 6.7 Clause 52.06 of the Scheme requires resident car parking at a rate of one space for each dwelling with one or two bedrooms and two spaces for each dwelling with three or more bedrooms.
- 6.8 Visitor car parking is required at a rate of one car parking space for every 5 dwellings.
- 6.9 For 6 two bedroom dwellings and 10 dwellings with 3 or more bedrooms, the proposal requires the provision of 26 resident car parking spaces and 3 visitor spaces under the requirements of Clause 52.06.
- 6.10 A total of 26 resident car parking spaces and 4 visitor spaces have been provided. This is an excess of the requirement by one (1) visitor car parking space.
- 6.11 The following table provides an assessment against the design standards at Clause 52.06-8 of the Scheme:

Design Standard	Met / Not Met
1 – Accessways	<p>Met</p> <p>The accessway is supported by Council's Traffic Engineers who confirm that it meets the requirements for vehicle manoeuvrability and the minimum width and height clearance requirements.</p>
2 – Car Parking Spaces	<p>Met</p> <p>Car parking spaces are sufficient in size to meet the standard.</p> <p>Whilst there are some instances where the aisle width is 6.35 metres, Council's Traffic Engineers confirm that spaces are of sufficient size and are accessible.</p> <p>Clearance is provided adjacent to car parking spaces in line</p>

	with the requirements of the standard.
3 – Gradients	Met The accessway ramp will generally achieve a 1 in 15 gradient, which meets the requirement.
4 – Mechanical Parking	Not applicable No car stacker systems are proposed.
5 – Urban Design	Met The vehicle crossing and accessway will not dominate the public domain. The central accessway is surrounded by the built form and has landscaping either side of the entry point.
6 – Safety	Met Access to the covered section of the central accessway will be restricted by a security grille as required by a permit condition (Condition 1.1).
7 – Landscaping	Met Ground level car parking is proposed. Landscaping is provided to either side of the entrance to soften the appearance of the accessway, and adjacent to visitor spaces within the site to screen views of car parking areas.

Clause 52.29 Land Adjacent to a Road Zone (Category 1) or a Public Acquisition Overlay for a Category 1 Road

- 6.12 The proposed development utilises one new 7.0 metre wide crossover to Manningham Road. The plans were reviewed by VicRoads and by Council's traffic engineers. Both VicRoads and Council's traffic engineers are satisfied that the proposed crossover and access/egress to Manningham Road is acceptable and does not pose any undue traffic safety concerns.

Clause 55 (Res Code) – Two or more dwellings on a lot and residential buildings

- 6.13 Clause 55 of the Scheme sets out a range of objectives which must be met. Each objective is supported by standards which should be met. If an alternative design solution to the relevant standard meets the objective, the alternative may be considered.
- 6.14 The following table sets out the level of compliance with the objectives of this clause:

OBJECTIVE	OBJECTIVE MET / NOT MET
55.02-1 – Neighbourhood Character <ul style="list-style-type: none"> To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. 	Met Council, through its policy statements and the adoption of the Design and Development Overlay Schedule 8 (DDO8) over this neighbourhood, has created a planning mechanism that will over time alter the present

OBJECTIVE	OBJECTIVE MET / NOT MET
<ul style="list-style-type: none"> To ensure that development responds to the features of the site and the surrounding area. 	<p>neighbourhood character. Council's planning preference is for higher density, multi-unit developments, especially on larger lots.</p> <p>The resultant built form will have a more intense and less suburban character. This higher density housing theme therefore represents the "preferred neighbourhood character".</p> <p>Broadly, the development responds well to the preferred neighbourhood character outlined in the DDO8 control and supported by policy at Clause 21.05-2. It offers a high quality and contemporary architectural response, which incorporates articulation, graduation of the upper levels and visual interest to reduce visual bulk.</p>
<p>55.02-2 – Residential Policy</p> <ul style="list-style-type: none"> To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. To support medium densities in areas where development can take advantage of public transport and community infrastructure and services. 	<p>Met</p> <p>The application was accompanied by a written statement that has demonstrated how the development is consistent with state and Local policies.</p> <p>The site is located on a main road and in proximity to the Bulleen Plaza Activity Centre. The site has access to public transport along Manningham Road.</p>
<p>55.02-3 – Dwelling Diversity</p> <ul style="list-style-type: none"> To encourage a range of dwelling sizes and types in developments of ten or more dwellings. At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level. 	<p>Considered Met</p> <p>The design provides a mix of two, three and four bedroom dwellings. There is also variety in the overall apartment size, orientation and balconies / open space sizes. Whilst no dwellings have a kitchen, toilet and bathing facilities at ground level, it is recognized that the use of a central accessway and garages either side limits the ability of the design to provide other large amounts of useable floor space at ground floor level. It is considered this is acceptable in this instance.</p>
<p>55.02-4 – Infrastructure</p> <ul style="list-style-type: none"> To ensure development is provided with appropriate utility services and infrastructure. 	<p>Met subject to condition</p> <p>The site has access to all services. The applicant will be required to provide an on-site stormwater detention system to alleviate</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
<ul style="list-style-type: none"> To ensure development does not unreasonably overload the capacity of utility services and infrastructure. 	pressure on the drainage system (Condition 11).
<p>55.02-5 – Integration With Street</p> <ul style="list-style-type: none"> To integrate the layout of development with the street. 	<p>Met subject to condition</p> <p>The development is orientated towards Manningham Road and provided with adequate vehicle and pedestrian entries.</p> <p>The entries to dwellings are all located to the east or west of the buildings, however the frontage is sufficiently activated with balconies and windows with a direct view to the street. A permit condition will require a pergola structure at the front section of each footpath to allow them to be clearly identified from the street (Condition 1.3).</p>
<p>55.03-1 – Street Setback</p> <ul style="list-style-type: none"> To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. 	<p>Met</p> <p>The façade of the building is setback 6 metres to Manningham Road, which meets the requirements of the Design and Development Overlay, Schedule 8.</p>
<p>55.03-2 – Building Height</p> <ul style="list-style-type: none"> To ensure that the height of buildings respects the existing or preferred neighbourhood character. 	<p>Considered Met</p> <p>The Residential Growth Zone has a maximum building height of 14.5 metres, however the Design and development Overlay (Schedule 8) has a maximum building height of 11 metres. The building has a maximum height of 12.368 metres, which is 1.368 metres higher than the 11 metre maximum height recommended under DDO8.</p> <p>As discussed under the DDO8 assessment for maximum building height, the 1.368 metre encroachment to 12.368 metres in height in the submitted design, is considered acceptable in this instance.</p>
<p>55.03-3 – Site Coverage</p> <ul style="list-style-type: none"> To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. 	<p>Met</p> <p>The proposed site coverage is 59.85%, which is less than 60% recommended by the Clause 55 standard, and less than the 60% set out in the DDO8.</p>
<p>55.03-4 – Permeability</p> <ul style="list-style-type: none"> To reduce the impact of increased stormwater run-off on the drainage system. 	<p>Met</p> <p>The proposal has 22% of site area as a pervious surface, which exceeds the required minimum provision of 20%.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
<ul style="list-style-type: none"> To facilitate on-site stormwater infiltration. 	
<p>55.03-5 – Energy Efficiency</p> <ul style="list-style-type: none"> To achieve and protect energy efficient dwellings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. 	<p>Met subject to condition</p> <p>The design and the likely form of construction will assist in providing an energy-efficient building. In particular, the multi-storey construction will offer consolidated thermal mass with good insulation properties between floors, and between adjacent dwellings.</p> <p>The submitted Sustainability Management Plan (SMP) outlining ESD methods that will be utilised through construction to achieve a sustainable building appears satisfactory to demonstrate the development will achieve a satisfactory response to energy efficiency. A condition will be included requiring the SMP is revised to ensure it accords with any changes to plans required by Condition 1 of the permit (Condition 4).</p>
<p>55.03-6 – Open Space</p> <ul style="list-style-type: none"> To integrate the layout of development with any public and communal open space provided in or adjacent to the development. 	<p>Not Applicable</p> <p>The design includes communal entry points visitor car parking and bin storage, but no communal open space or recreation facilities are provided. The design meets the standard with regard to the communal service areas.</p>
<p>55.03-7 – Safety</p> <ul style="list-style-type: none"> To ensure the layout of development provides for the safety and security of residents and property. 	<p>Met – subject to conditions</p> <p>There are pedestrian paths either side of the building form leading to doors facing either east or west. The pedestrian paths are protected by security gates. These will need to be well lit and defined to enable pedestrians to use them (Condition 1.4).</p> <p>Additionally, the sitting rooms of Dwellings 15 and 16 could be extended to the boundaries to allow for the windows to those rooms to have a direct line of sight along the whole of the pedestrian paths and potentially provide additional surveillance. This will be required via permit condition (Condition 1.5).</p> <p>The central driveway will require lighting and this will also be required by condition. (Condition 1.4).</p>
<p>55.03-8 – Landscaping</p> <ul style="list-style-type: none"> To encourage development that 	<p>Met subject to condition</p> <p>The trees within the site have been assessed in</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
<p>respects the landscape character of the neighbourhood.</p> <ul style="list-style-type: none"> To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. To provide appropriate landscaping. To encourage the retention of mature vegetation on the site. 	<p>the submitted arboricultural report and cannot practically be retained or integrated into the design response given their location. Whilst this is unfortunate it is not unreasonable given the zoning of the land and fact that no tree controls apply to the site and therefore the trees can be removed without a planning permit at any time.</p> <p>The provision of landscaping has been considered under the DDO8 controls. A full landscaping plan will be required by a permit condition prior to the start of the development (Condition 8). Canopy trees will be required within the rear setback, the 'gaps' between the building forms and within the street frontage.</p> <p>The development is not expected to have any impact on vegetation near the application site due to the proposed setbacks of the building at ground level</p>
<p>55.03-9 – Access</p> <ul style="list-style-type: none"> To ensure the number and design of vehicle crossovers respects the neighbourhood character. 	<p>Met</p> <p>Vehicle access to the development is acceptable and is supported by Council's Traffic Engineering Unit and VicRoads. The vehicle crossover is an appropriate design response.</p>
<p>55.03-10 – Parking Location</p> <ul style="list-style-type: none"> To provide convenient parking for resident and visitor vehicles. To avoid parking and traffic difficulties in the development and the neighbourhood. To protect residents from vehicular noise within developments. 	<p>Met subject to condition</p> <p>All dwellings have secure garages. Visitor parking is appropriately located, however signage should be provided within the site to ensure visitors can easily locate the spaces. (Condition 1.6)</p>
<p>55.04-1 – Side And Rear Setbacks</p> <ul style="list-style-type: none"> To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>Met</p> <p>Submitted plans show an accurate cross-section and 'B17 profile line' demonstrating the setbacks of the building and compliance with the B17 setback requirements to the eastern, western and southern boundaries.</p>
<p>55.04-2 – Walls On Boundaries</p> <ul style="list-style-type: none"> To ensure that the location, length and height of a wall on a 	<p>Met subject to condition</p> <p>No walls on boundaries are proposed, however as discussed above, conditions will require the walls of dwellings 15 and 16 to be extended to</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
<p>boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p>the boundaries to provide for better surveillance of pedestrian paths. These walls will be new elements to the neighbouring properties to the east and west. This is considered reasonable, as the length of walls will be limited to one room (approx. 3.5m) each, and the location of the walls should not unduly impact on neighbours amenity.</p> <p>To the west, the dwelling at 5/48-50 Manningham Road has a relatively large rear yard of approximately 15 metres depth, and the wall will be located approximately 9 metres south of the rear of the garage to that dwelling.</p> <p>To the east at 56 Manningham Road, there is a large rear yard of approximately 21 metres depth behind the dwelling, and the wall will be locate toward the rear of the yard, and views to it will be obscured from the main dwelling by the garage on that lot. The walls on boundaries should easily comply with the standard, but to ensure this is the case, the conditions will require that the height of the walls be limited to 3.2 metre maximum height to meet the standard (Condition 1.5).</p>
<p>55.04-3 – Daylight To Existing Windows</p> <ul style="list-style-type: none"> To allow adequate daylight into existing habitable room windows. 	<p>Met</p> <p>The proposed design complies with the standard and allows for adequate daylight to existing windows.</p>
<p>55.04-4 – North Facing Windows</p> <ul style="list-style-type: none"> To allow adequate solar access to existing north-facing habitable room windows. 	<p>Not Applicable</p> <p>The existing north facing habitable room windows within the neighbouring properties will all receive daylight to meet the standard.</p>
<p>55.04-5 – Overshadowing Open Space</p> <ul style="list-style-type: none"> To ensure buildings do not significantly overshadow existing secluded private open space. 	<p>Met</p> <p>Shadow diagrams demonstrate that shadows cast by the building will cover a portion of the secluded private open spaces within the adjoining properties. These shadows will not exceed the requirements prescribed under the standard.</p>
<p>55.04-6 – Overlooking</p> <ul style="list-style-type: none"> To limit views into existing secluded private open space and habitable room windows. 	<p>Met subject to condition</p> <p>Overlooking (limiting views within a 9 metre radius from habitable rooms, secluded private open space areas and balconies) has been generally addressed in the design of the</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	<p>development.</p> <p>It is noted that windows to ensuites and bathrooms are not specifically denoted as obscured or frosted on the plans, but this will be required by conditions (Condition 1.7).</p> <p>The screening devices shown are denoted as japed screening adjustable slats as per the BESS report. It is possible to have adjustable slats to screening devices and still meet the standard, however compliance with the standard should be achieved at all times and clearly denoted on the plans. A condition will be included requiring that any adjustable screening must at all times meet the requirements of standard B22 to be no more than 25% transparent to 1.7 metres above floor level (Condition 1.8).</p> <p><u>East front building. (Dwellings 1, 3, 5, 7)</u> At the uppermost floor, the east facing windows are all screened to a height of 1.7m above floor level, except that bedrooms 4 of Dwellings 3, 5 and 7 are shown with full height windows. These windows are all more than 9 metres from the neighbours windows, and look across the neighbours driveway. There is no need to screen these windows.</p> <p>At lower levels, windows are screened except that the balcony to Dwelling 5 has a balustrade of less than 1.7m in height, and is less than 9m from the boundary. Although this balcony has an outlook to the neighbour's driveway, there are possible views further into the rear open space, and it is considered reasonable to have the edge of the balcony screened to 1.7 m above floor level (Condition 1.9).</p> <p><u>East rear building. (Dwellings 9, 11, 13,15)</u> All windows are screened or obscured to comply with the standard.</p> <p><u>West front building. (Dwellings 2, 4, 6, 8)</u> At the uppermost floor, the west facing windows are all screened to a height of 1.7m above floor level, except that bedrooms 4 of Dwellings 4, 6 and 8 are shown with full height windows. These windows are all more than 9 metres from</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	<p>the neighbours' windows, and look across the common property driveway to the west. There is no need to screen these windows.</p> <p>At lower levels, windows are screened except that the balcony to Dwelling 6 has a balustrade of less than 1.7m in height, and is less than 9m from the boundary. This balcony has an outlook to the common property driveway to the west and there is no need to further screen this balcony.</p> <p><u>West rear building. (Dwellings 10, 12, 14, 16)</u> All windows are screened or obscured to comply with the standard.</p> <p><u>South. (Dwellings 15 and 16)</u> All windows are screened or obscured to comply with the standard</p>
<p>55.04-7 – Internal Views</p> <ul style="list-style-type: none"> To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development. 	<p>Met</p> <p>Fences and screens are provided between balconies and terraces to limit direct views.</p>
<p>55.04-8 – Noise Impacts</p> <ul style="list-style-type: none"> To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise. 	<p>Met</p> <p>Air-conditioning units and solar hot water units have been shown on the roof plan, located centrally and shown as being screened.</p> <p>No details (relating to noise levels of these devices) have been submitted with the application, however ordinarily all residential noise for a development of this type would be subject to standard EPA requirements controlled through local laws.</p> <p>Overall, it is considered that there are no external noise sources that may unreasonably impact unreasonably on existing or future residents.</p>
<p>55.05-1 – Accessibility</p> <ul style="list-style-type: none"> To encourage the consideration of the needs of people with limited mobility in the design of developments. 	<p>Met subject to condition</p> <p>The pedestrian entrance to the west is ramped and accessible to people of limited mobility. The central vehicle accessway is ramped and accessible to people of limited mobility.</p> <p>There are six steps provided to the eastern pedestrian path. This limits access to the</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	eastern dwellings. The path could be ramped but it is not likely to achieve a 1 in 14 gradient prior to the door to Dwelling 1. As a compromise, the intercom and security could be moved northward so that they are north of the steps. Whilst this does not allow access to the dwellings, it allows people of limited mobility to use the intercom to alert residents of those dwellings to their presence at the site frontage. A condition will require this (Condition 1.1).
55.05-2 – Dwelling Entry <ul style="list-style-type: none"> To provide each dwelling or residential building with its own sense of identity. 	Met Each dwelling entry is marked and legible along each pedestrian pathway.
55.05-3 – Daylight To New Windows <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. 	Met While ground level windows may have a slightly reduced level of daylight afforded to them as a result of boundary fencing, screen planting and canopy trees, all dwellings will have a reasonable level of daylight overall.
55.05-4 – Private Open Space <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents. 	Met Schedule 2 to the RGZ does not prescribe a minimum private open space area size. Each dwelling will be provided with an area of private open space through terraces/balconies, and each dwelling has a terrace/balcony with an area of at least 8 square metres and a minimum dimension of 1.6 metres to meet the standard.
55.05-5 – Solar Access To Open Space <ul style="list-style-type: none"> To allow solar access into the secluded private open space of new dwellings and residential buildings. 	Considered Met Dwellings 3, 5, 11 and 13, all have east-facing balconies that receive limited sunlight. Dwellings 4, 6, 12 and 14, all have east-facing balconies that receive limited sunlight. Whilst it is not ideal, in this case, there is limited scope for any design adjustments that would achieve greater sunlight penetration to the balconies. As described above, the building achieves some energy efficiencies through thermal mass of shared walls and balconies should retain some warmth during cooler months and will be well shaded during hotter months. This is considered to be an acceptable design response given the orientation of the lot.
55.05-6 – Storage	Met

OBJECTIVE	OBJECTIVE MET / NOT MET
<ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling. 	Plans show storage under stairs within each dwelling of 6 cubic metres at a minimum as per the standard.
<p>55.06-1 – Design Detail</p> <ul style="list-style-type: none"> To encourage design detail that respects the existing or preferred neighbourhood character. 	<p>Met</p> <p>The proposed architectural design is of a suitable standard that provides an appropriate level of design detailing and visual interest to the street and to neighbouring properties. The design includes varied colours and materials whilst providing a coherent style or theme. The building forms are reasonably articulated and modulated and include deep recesses that allow for different depth and shadow perceptions across the buildings.</p>
<p>55.06-2 – Front Fence</p> <ul style="list-style-type: none"> To encourage front fence design that respects the existing or preferred neighbourhood character. 	<p>Not applicable</p> <p>No front fence is proposed.</p>
<p>55.06-3 – Common Property</p> <ul style="list-style-type: none"> To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership. 	<p>Met</p> <p>Assuming the dwellings are sold individually, communal areas such as the central driveway, visitor car parks, bin storage areas and the perimeter gardens will be maintained by an Owners' Corporation. There are no perceived difficulties associated with future management of these areas.</p>
<p>55.06-4 – Site Services</p> <ul style="list-style-type: none"> To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive. 	<p>Met subject to condition</p> <p>Mailboxes are located within structures adjacent to each pedestrian pathway, which also house services. These are considered acceptable.</p> <p>The plans show clotheslines on balconies. Permit conditions will require retractable clotheslines to be installed within all balconies and terraces and require that they are not visible from the street or adjoining properties (Conditions 1.10, 30).</p> <p>Bin storage in the car park area is easily accessible by all residents and not visible from the public domain.</p> <p>The submitted Waste Management Plan (WMP) confirms that all waste collection will be made by a private collector and is supported by Council's traffic engineering unit (waste services).</p>

General Matters

- 6.15 In addition to the assessment above, the following general matters have been considered.

Waste Management

- 6.16 Council's Waste Management Unit advises that a private collection will be required with collection to occur on-site.
- 6.17 The submitted Waste Management Plan prepared by The Urban Leaf recommends a private waste collection and demonstrates that a sufficient number of bins can be provided on site. The plan details that a 6.4 metre long 2.08 metre high wastewise mini mover collection vehicle can be utilised to collect waste. The development plans show that a 6.4 metre long vehicle can turn around within the site. The development plans show a 2.4m floor to ceiling height for the driveway, and this will accommodate the proposed vehicle.

Sustainability

- 6.18 The submitted Sustainability Management plan includes information detailing that the dwellings will generally achieve a 6 star energy rating or above.
- 6.19 The documentation also includes a STORM assessment (*Stormwater Treatment Objective- Relative Measure*) assessment. STORM is a stormwater treatment assessment tool developed by Melbourne Water to determine the stormwater treatment impacts and requirements of developments.
- 6.20 The STORM report indicates the development achieved an acceptable stormwater score to meet the requirements of the tool.

Use of voids

- 6.21 Each building has a central void that serves to provide light and air to a number of dwelling rooms that would otherwise not have an external outlook from the dwelling. In the front building, the voids serve Dwellings 3, 4, 5 and 6. The kitchens of these dwellings look to the void. Kitchens are denoted as having obscure glass with restricted openable windows. The submitted sustainability documentation also denotes that kitchens will have exhaust fans. Whilst this is not ideal, it is allowable under the planning scheme and building regulations.
- 6.22 Living rooms also have secondary windows facing these spaces, and these windows are denoted as obscure glass restricted openable windows. This is acceptable as these are secondary windows and there are other main windows to living rooms. Each of these dwellings also has two bedrooms and a retreat area with windows facing these voids. Once again windows are denoted as obscure glass, restricted openable windows.
- 6.23 In all cases, only the retreat and one bedroom per dwelling relies on these windows facing the void as their main or only window, and this is considered acceptable, as the other bedroom in each case has an additional external facing window.
- 6.24 As mentioned above, whilst not best practice, the location of windows facing the voids technically meets the planning scheme requirements. Consideration has been given to making the windows non-openable to limit

potential noise and odours. However, on balance, it was considered better to leave the windows as restricted opening, as this gives future residents options, and if they choose to leave windows closed they may avoid those potential noise and odour issues. It is also noted the submitted sustainability documentation denotes double glazed windows, and this will assist with noise attenuation and on-site amenity.

- 6.25 The design is similar in the rear building with the voids serving Dwellings 11, 12, 13 and 14, however there are no living room or retreat windows facing the voids. The kitchen treatments are identical to the front building, and are acceptable. At upper floor, second bedrooms are similar to the front building, however they have the additional benefit of not having an upper floor above and will receive more light and air. These rooms are considered acceptable.

7 REFERRALS

External referrals

- 7.1 VicRoads are a statutory referral authority given it is proposed to remove an existing access point to Manningham Road. (A road identified as a Road Zone Category 1).
- 7.2 VicRoads have advised that they have no objection and do not require any conditions on any permit issued.

Internal referrals

- 7.3 The application was referred to a number of Service Units. The following table summarises their responses:

Service Unit	Comments
Engineering & Technical Services Unit (Drainage)	<ul style="list-style-type: none"> Point of discharge (drainage) is available for the site. Provide an on-site stormwater detention system. All areas are to be drained to the point of discharge.
Engineering & Technical Services Unit (Traffic)	<ul style="list-style-type: none"> Adequate sight lines are available from internal driveway. The gradient of vehicle access accords with Design Standard 3 in Cl.52.06. There is at least 2.1m headroom beneath overhead obstructions. Garage / carport / parking space dimensions are appropriate having considered Design Standard 2 in Cl.52.06. There are no traffic issues having considered the proposal in the context of the traffic and the surrounding street network. New vehicle crossing is proposed for the development. This is adequately located and is to be constructed subject to standard conditions and a footnote requiring a "Vehicle Crossing Permit". Vic Roads Consent must be obtained.
Engineering & Technical Services Unit (Waste Management)	<ul style="list-style-type: none"> A private waste contractor to undertake waste collection from within the property boundary. The Waste Management Plan must detail how the collection contractors will enter and exit the site, access each bin, as well as include plans showing sufficient turning facilities, swept path diagrams, turning circles and relevant height clearances.

Service Unit	Comments
	<ul style="list-style-type: none"> It should be noted that drawing No. MEL/MAN1 sheet No. A1-001 shows a turning diagram of a vehicle accessing the ground floor, but does not detail the size and type of vehicle the turning diagram relates too. The developer is required to demonstrate that a private waste collection vehicle can collect waste from within the development, have the ability to perform a 3 point turn within the site as well as enter/exit in a forward direction.

- 7.4 Recommendations will be addressed via permit conditions and footnotes where appropriate, on any permit issued (**Conditions 11-14, 16**).
- 7.5 The following is provided in response to recommendations that will not be reflected via permit conditions and footnotes, or where further clarification is required:
- 7.5.1 The submitted waste management plan details a “waste-wise mini mover” vehicle which has a length of 6.4m and a height of 2.08m. It is not considered necessary to require an altered waste management plan, as the development plans demonstrate that this vehicle can be accommodated to pick up refuse on site. As such, the submitted Waste Management Plan will be endorsed and form part of this planning permit.

8 NOTIFICATION

- 8.1 The application was advertised and 3 objections were received in total.
- 8.2 The application was advertised on 2 September 2016 as “Construction of 16 three storey dwellings and alteration of access to a road in a road zone category 1”. One objection was received from:

Address

31 Summit Drive, Bulleen

- 8.3 Due to an error in the description, the application was re-advertised on 18 October 2016 as “Construction of 16 three storey and four storey dwellings and alteration of access to a road in a road zone category 1”
- 8.4 The initial objector lodged an additional objection and 2 new objections were received from:

Address

56 Manningham Road, Bulleen
 32 Hotham Street, Williamstown, owner of
 2/50 Manningham Road, Bulleen.

Grounds: (Officer assessment below)

- 8.5 **Increase in cars on an already dangerous road. There have been accidents in this location previously.**

The application was referred to Council's Traffic engineers and VicRoads. Neither Council's Engineers nor VicRoads have any objection on traffic safety grounds. The proposal will likely generate an additional 64 to 128

vehicle movements per day, which is easily able to be accommodated on this main road.

8.6 Additional rubbish bins on or near the road will create dangerous situation when rubbish trucks need to stop.

The submitted Waste management Plan confirms that a private waste collection will be required with collection to occur from within the site. This Waste Management Plan will be endorsed and will form part of the permit.

8.7 Loss of light to neighbours garden and subsequent loss of quality of life.

The proposal has been assessed against the Clause 55 standards with regard to overshadowing and effect on sunlight penetration to neighbouring properties and is compliant with the Clause 55 requirements, as discussed in the assessment against Clause 55.04-5.

8.8 Loss of privacy from windows overlooking neighbours property.

Overlooking has been appropriately addressed by the use of screening devices, obscure glazing and placement of windows. The development has been assessed against Clause 55 standards with regard to overlooking and is compliant with the Clause 55 requirements. As such any overlooking is limited and in accordance with the Scheme.

8.9 Additional noise.

The proposal is for a residential development in a residential zone. No abnormal noise is expected. The proposed plant and equipment will be generally located centrally.

8.10 Overshadowing.

The proposal has been assessed against the Clause 55 standards with regard to overshadowing and effect on sunlight penetration to neighbouring properties and is compliant with the Clause 55 requirements. As such overshadowing is within the levels accepted under the Scheme.

8.11 Unacceptable density and overdevelopment.

The subject site is in an area designated for residential growth. The site is located within the Residential Growth Zone, the purposes of which include: *"To provide housing at increased densities in buildings up to and including four storey buildings"*. There is no prescribed residential density and there are other sites in the area that have been successfully developed with more dwellings on smaller areas of land. The proposal complies with the planning scheme requirements with regard to building site coverage and hard surface coverage and on-site and off-site amenity and is not considered an overdevelopment.

8.12 Visual impact of development is out of character with the area.

The proposal is considered to be a well designed response that incorporates well articulated and modulated building forms with design detailing that provides visual interest. The proposed development meets the preferred character for the area as the policy framework encourages well designed contemporary building forms that provide for an increase in residential density.

8.13 Building design bulk and materials are offensive to the neighbourhood.

The buildings do not present as 'bulky' as they have utilized varied setbacks, modulated forms, deep recesses, recessed and reduced upper floors and design detailing that de-emphasizes any potential mass or building bulk. The buildings utilize a mix of materials and colours similar to other newer developments within the area and are not out of place.

8.14 Development is out of scale and character with neighbourhood.

The scale and height of the buildings is considered acceptable in the context of this main road environment and Council's preferred policy. As described in the assessment section of this report, the minor extension of 1.368 metre over the 11 metre height recommended in the Design and development Overlay (Schedule 8) is justified in this instance due to the slope of the land, the nature of the design of the buildings, the setbacks of upper floors and the articulated and modulated nature of the design.

8.15 Loss of views.

Whilst it is recognised that views may form part of residential amenity, there is no specific controls within the Manningham Planning Scheme that protects residents' rights to a view. It is not considered that the extent of views lost or the significance of the view would warrant refusal or modification of the application.

8.16 The development is over the crest of a downhill and sweeping bend and will not be safe to traffic.

The application was referred to VicRoads and council's traffic engineers. Both support the proposal and neither have raised any concerns with regard to traffic safety.

9 CONCLUSION

- 9.1 It is considered appropriate to support the application.
- 9.2 The proposed development, subject to some minor changes that will be required by way of permit conditions, is considered appropriate for the zone and the DDO8 provisions. The design is consistent with the preferred neighbourhood character, achieves a good level of internal amenity for future residents and will have a reasonable impact on the amenity of adjoining properties subject to minor changes to the southern interface that will be required by way of permit conditions.
- 9.3 The construction of a well designed and visually interesting development is consistent with the vision of the Scheme, in particular Clause 21.05 Residential, Schedule 8 to the Design and Development Overlay (DDO8) and Clause 55 (Res Code). It will allow an increase in housing density and diversity in a location that has good access to services.
- 9.4 The relevant referral authorities have been notified of this application for Planning Permit, and the conditions as required by the referral authority, and agreed to by Manningham City Council, have been included on the Notice of Decision to Grant a Planning Permit.

RECOMMENDATION

That having considered all objections A NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application No.PL16/026081 for the construction of sixteen three-storey and four-storey dwellings and alteration of access to a road in a

Road Zone, Category 1 at 52-54 Manningham Road Bulleen, in accordance with the endorsed plan and subject to the following conditions-

1. Before the development starts, two (2) copies of amended plans, drawn to a scale of 1:100 and dimensioned must be submitted to the satisfaction of the Responsible Authority. When approved by the Responsible Authority, 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 Premier Projects dated 3 August 2016), but modified to show the following:
 - 1.1. The security gate and intercom system on the eastern pathway located north of the steps on that pathway.
 - 1.2. A partly transparent security grille at the entrance of the covered section of the driveway.
 - 1.3. An open sided pergola at the front section of each pedestrian pathway to allow these paths to be clearly identified from the street;
 - 1.4. Details of lighting to the shared driveway, visitor parking spaces and to the shared pedestrian paths to the satisfaction of the responsible authority.
 - 1.5. The living rooms of Dwellings 15 and 16 extended to the side boundary to allow for windows to view northward along the respective pedestrian paths. The height of the walls on boundaries must be a maximum of no more than 3.2 metres to comply with standard B18 of Clause 55.04-2 of the Manningham Planning Scheme.
 - 1.6. Plan notations that signage will be provided to identify the location of visitor parking.
 - 1.7. Upper level west, east or south-facing bathroom and ensuite windows obscure glazed at least up to 1.7 metres above the finished floor level.
 - 1.8. Plan notations to confirm that all adjustable japaned screen devices will be limited in adjustability so that they are no more than 25% transparent to 1.7m above the finished floor level to comply with standard B22.
 - 1.9. The eastern edge of the balcony to Dwelling 5 screened to a height of 1.7 metres above finished floor level with such screening to be fixed screening with no more than 25% transparency.
 - 1.10. Details of balustrade treatments and clotheslines to comply with Condition 30 of this permit.

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 prior written consent of the Responsible Authority.

Construction Management Plan

3. **Before the development starts, two copies of a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will form part of the permit. The plan must address, but not be limited to, the following:**
 - 3.1. **A liaison officer for contact by residents and the responsible authority in the event of relevant queries or problems experienced;**
 - 3.2. **Hours of construction;**
 - 3.3. **Delivery and unloading points and expected frequency;**
 - 3.4. **On-site facilities for vehicle washing;**
 - 3.5. **Parking facilities/locations for construction workers;**
 - 3.6. **Other measures to minimise the impact of construction vehicles arriving at and departing from the land;**
 - 3.7. **Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;**
 - 3.8. **The measures for prevention of the unintended movement of building waste and other hazardous materials and pollutants on or off the site, whether by air, water or other means;**
 - 3.9. **An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services;**
 - 3.10. **The measures to minimise the amount of waste construction materials;**
 - 3.11. **The measures to minimise noise and other amenity impacts from mechanical equipment/construction activities, especially outside of daytime hours;**
 - 3.12. **Details for footpath re-construction (including cross-sections and longitudinal section) and any works to Council assets and on Council land; and**
 - 3.13. **Adequate environmental awareness training for all on-site contractors and sub-contractors.**

Sustainability Management Plan

4. **Before the development starts or the issue of a building permit for the development, whichever is the sooner, two copies of a Sustainability Management Plan (SMP), must be submitted to and approved by the Responsible Authority. When approved the plan will form part of the permit. The plan must be generally in accordance with the Sustainability Management Plan (BESS report) prepared by the Urban Leaf (Revision A, dated 13 July 2016), but amended to address any changes as required Condition 1 of this 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

5. **Before the development starts or the issue of a building permit for the development, whichever is the sooner, two copies of a Waste Management Plan (WMP), must be submitted to 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 Waste Management Plan prepared by The Urban Leaf (Revision A, dated 14 July 2016). Waste Management on the subject land must be carried out in accordance with this plan.

Management Plans Compliance

- 6. The Management Plans approved under 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.**
- 7. 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.**

Landscaping

- 8. Before the development starts, a landscaping plan must be prepared by a landscape architect showing species, locations, approximate height and spread of proposed planting, and must be submitted to the Responsible Authority for approval. The plan must be generally in accordance with the concept landscaping plan prepared by Hansen Partnership (dated 7 September 2015), including the balcony planter box design and specifications, but amended to show:**
 - 8.1. A minimum of two (2) canopy trees within the front setback of Dwelling 1, a minimum of two (2) canopy within the front setback of Dwelling 2, a minimum of two (2) canopy within the west setback adjacent the bin storage area, a minimum of two (2) canopy within the east setback adjacent the visitor parking area, a minimum of five (5) canopy trees within the southern setback. All canopy trees are to be a minimum height of 1.5 metres at the time of planting and capable of growing to a height of 8m at maturity.**
 - 8.2. Screen planting along the eastern and western boundary to be a minimum height of 1.5 metres at the time of planting.**
 - 8.3. Terrace and surface treatments areas that correspond to the development plans.**
 - 8.4. Details of site and soil preparation, mulching and maintenance.**
 - 8.5. Details of an automatic watering system built into the development for the vertical garden / green wall, to be managed by the owners corporation.**
- 9. Before the release of the approved plan under Condition 1, 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.**

10. Landscaping must be carried out in accordance with the endorsed Landscape Plan and maintained to the satisfaction of the Responsible Authority.

Drainage

11. The owner must provide on site stormwater detention storage or other suitable system (which may include but is not limited to the re-use of stormwater using rainwater tanks), to limit the Permissible Site Discharge (PSD) to that applicable to the site coverage of 35 percent of hard surface or the pre existing hard surface if it is greater than 35 percent. The PSD must meet the following requirements:
 - 11.1. Be designed for a 1 in 5 year storm; and
 - 11.2. Storage must be designed for 1 in 10 year storm.
12. Before the development starts, a construction plan for the system required by Condition No. 17 of this permit must be submitted to and approved by the Responsible Authority. The system must be maintained by the Owner thereafter in accordance with the approved construction plan to the satisfaction of the Responsible Authority.
13. 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.
14. The whole of the subject 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.
15. No works are to take place within any easement and all excavation work must be managed and supervised, so as to ensure that the area within any easement is not adversely impacted upon, to the satisfaction of the Responsible Authority.

Access and Car Parking

16. Before the occupation of the approved dwellings, the vehicular crossing must be constructed in accordance with the approved plans to the satisfaction of the Responsible Authority.
17. Before the occupation of the approved dwellings, redundant vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.
18. Before the occupation of the approved dwellings, all visitor parking spaces must be line-marked, numbered and signposted to provide allocation to visitors to the satisfaction of the Responsible Authority.
19. Visitor parking spaces must be provided and visitor parking spaces must not be used for any other purpose to the satisfaction of the Responsible Authority.
20. The costs of all of road infrastructure reinstatements and rectification works associated with utility service provision and building works must be borne by the developer.

21. Any damaged road(s) and footpath(s) adjacent to the development site as a result of the development must be reinstated to the satisfaction of the Responsible Authority. All costs associated with these works must be borne by the permit holder.
22. A mesh-type security grille must be installed at the entry to the driveway, along with an intercom and an automatic opening system connected to each dwelling, so as to facilitate convenient access to the basement car park by visitors, to the satisfaction of the Responsible Authority.

Completion

23. 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.
24. 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 fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.

Fencing

25. In the event of damage to an existing boundary fence (as a result of construction activity), the owner of the development site must at their cost, promptly repair or replace the affected fencing to the satisfaction of the Responsible Authority.
26. Before the occupation of the approved dwellings, all fencing must be in a good condition to the satisfaction of the Responsible Authority.

Site Services

27. All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively to the satisfaction of the Responsible Authority.
28. All plant and equipment that is not installed within the buildings must otherwise be installed in the area of plant and equipment on the roof of the building, unless otherwise agreed in writing with the Responsible Authority.
29. No air-conditioning units are to be installed on any balcony or façade so that they are visible from outside the site to the satisfaction of the Responsible Authority.
30. The dwellings must have clothes lines or drying rack systems installed on balcony areas. Any clothes-drying rack or line system located on a balcony must be lower than the balustrade of the balcony and must not be visible from off the street to the satisfaction of the Responsible Authority.
31. No individual dish antennas may be installed on balconies, terraces or walls to the satisfaction of the Responsible Authority.
32. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.

33. Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.
34. Any security door/grille to the basement opening must maintain sufficient clearance when fully open to enable the convenient passage of rubbish collection vehicles which are required to enter the basement and such clearance must also be maintained in respect of sub-floor service installations throughout areas in which the rubbish truck is required to travel to the satisfaction of the Responsible Authority.
35. If allowed by the relevant fire authority, external fire services must be enclosed in a neatly constructed, durable cabinet finished to complement the overall development, or in the event that enclosure is not allowed, associated installations must be located, finished and landscaped to minimise visual impacts from the public footpath in front of the site to the satisfaction of the Responsible Authority.

Lighting

36. 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.
37. Prior to the occupation of the dwellings, lighting capable of illuminating access to each car parking space, store, rubbish bin, recycling bin, pedestrian walkways, stairwells, lift, dwelling entrances and entry foyer must be provided. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.

Noise

38. All noise emanating from any mechanical plant must comply with the relevant State noise control legislation and in particular, any basement exhaust duct/unit must be positioned, so as to minimise noise impacts on residents of the subject building and adjacent properties to the satisfaction of the Responsible Authority.

Brickwork / Retaining walls

39. All brickwork on or immediately adjacent to the boundaries of the site which is visible from the adjoining property must be cleaned and finished to the satisfaction of the Responsible Authority.
40. 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

Expiry

41. This permit will expire if one of the following circumstances apply:
 - 41.1. The development is not started within two (2) years of the date of the issue of this permit; and
 - 41.2. The development is not completed within four (4) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing by the owner or occupier either before the

permit expires or in accordance with Section 69 of the *Planning & Environment Act 1987*.

“Refer Attachments”

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