

Planning Application No. PL14/024726 - 200-204 Foote Street, Templestowe - Construction of a part three, part four storey apartment building comprising 40 dwellings

Responsible Director: Director Planning & Environment

File No. PL14/024726

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

Land: 200-204 Foote Street, Templestowe
Zone General Residential Zone Schedule 2
Design and Development Overlay Schedule 8
Applicant: Urban Planning Mediation
Ward: Heide
Melway Reference: 33F5
Time to consider: 3 April 2015

SUMMARY

It is proposed to develop three residential allotments on land known as 200, 202 and 204 Foote Street, Templestowe with a part three/ part four storey residential apartment building with associated basement car parking. The site comprises three adjoining allotments, and the total land area is 2569 square metres.

The proposal also includes altering access to Foote Street (removing the existing three crossovers and creation of a new crossover).

The apartment building proposes a yield of 40 dwellings consisting of a mix of one, two, three and four bedroom apartments. The total car parking provision is to be 73 spaces (only 60 spaces are required: 52 resident and 8 visitor).

The application was advertised and attracted ten objections and one multi signature objection. The grounds of objection include: overshadowing, overlooking, out of character, overdevelopment, and traffic concerns.

It is considered that the application is an example of the contemporary architecture contemplated by the Manningham Planning Scheme for this site. The proposal will have a positive impact on the Foote Street streetscape without having unreasonable amenity impacts on surrounding residents, it is proposed to support the application subject to a series of planning permit conditions.

1 BACKGROUND

- 1.1 The site is situated on the southern side of Foote Street, approximately 100 metres from its intersection with Williamsons Road, Templestowe.
- 1.2 The site comprises a total of three generally rectangular shaped lots known as 200-204 Foote Street which have a combined width of 54.7m, a maximum depth of 46.6 metres and a total land area of 2569 square metres.
- 1.3 The site presently accommodated three single, detached dwellings with various outbuildings, as follows:

- 1.3.1 200 Foote Street is occupied by a single storey rendered brick dwelling with a pitched roof, setback 5.9 metres from Foote Street. A gravel driveway leads to a garage and carport attached to the side of the dwelling. The front garden contains a number of large trees with no front fence. Secluded private open space is to the rear and contains an expanse of lawn and perimeter tree planting.
- 1.3.2 202 Foote Street is occupied by a single storey white rendered brick dwelling with pitched roof, setback 5.8 metres from Foote Street. A garage is located to the rear and attached to the dwelling. The front garden is mainly paved, with a number of palm trees and is screened from Foote Street by a 1.8m high rendered brick front fence. The secluded private open space is to the rear and contains an expanse of lawn.
- 1.3.3 204 Foote Street is occupied by a single storey brick dwelling with a flat roof, setback more than 9 metres from Foote Street. Shade cloth has been erected to provide a sheltered car space in the front of the site, while a single brick garage is located to the rear. The front garden consists of mainly lawn and is enclosed by a wrought iron picket fence. The secluded private open space is to the rear and contains an expanse of lawn, with retaining walls to the west and east.
- 1.4 The site slopes from the south west down to the north east, with a fall of approximately 6 metres across the width of the combined sites.
- 1.5 The site is not burdened by any easements.
- 1.6 Boundary fencing of the site is timber paling style of varying heights and conditions.
- 1.7 The site has abuttals with five (5) properties. Surrounding development is described as follows:

Direction	Address	Description
South	15-17 June Crescent	This lot contains an existing seven (7) dwelling development, located to the rear of the subject site. Two of the seven dwellings adjoin the subject site and contain single storey brick units with pitched tiled roof, attached in the middle via a shared party wall to their associated double garages. North facing secluded private open space is located in the space between the dwellings and the common boundary fence.
East	206 Foote Street	This lot is to the side of the subject site and contains an existing dual occupancy development comprising two dwellings of different architectural styles. The dwelling fronting Foote Street presents as a single storey white

Direction	Address	Description
		weatherboard building with gable steel roof, setback 5.4 metres from the front boundary. The rear dwelling is a double storey brick residence, and is setback 1.5 metres from the common boundary. The interface is characterised by service areas, with the main area of private open space located to the rear of the site.
West	198 Foote Street	This lot is to the side of the subject site and contains a single storey brick dwelling with tiled gable roof. The garage is forward of the front wall of the dwelling, and the front garden is fenced by a brick retaining wall.

- 1.8 The character of the area is in transition. While several nearby properties along Foote Street and within Williamsons Road and surrounding streets retain 1970s single detached brick dwellings there is evidence of medium and higher density commencing from the same era. Many of the lots have been developed with medium to high density housing, including the three storey apartment building at 2-6 Anderson Street, 10 townhouse development currently being marketed at 185-187 Foote Street, 2 units at 196 Foote Street, a 10 dwelling townhouse development at 224-226 Foote Street, adjacent mirror image townhouse style developments at 188 and 190 Foote Street.
- 1.9 The character of the area is also defined by its position on Foote Street. Foote Street is a major arterial road with 2 lanes in each direction and a central median strip. It is responsible for providing crucial links to the east and west and therefore carries a large volume of traffic. It is under the jurisdiction of VicRoads and is also a busy arterial for public transport, with several bus routes operating along its length.
- 1.10 The site is well located to a range of services, with Templestowe Village Shopping Centre located 350 metres north-west of the site. There are several schools within 1.5 kilometres of the site, including St Kevins Primary School, Templestowe Park Primary School, Templestowe College, and Templestowe Heights. In terms of recreational facilities, Templestowe Leisure Centre is 300m from the site, Templestowe Reserve is 950m, and Templestowe Bowling Club is 1 kilometre from the site.

Planning History

- 1.11 There is no prior permit history for the subject site.
- 1.12 The proposal was presented to a Sustainable Design Taskforce meeting on 24th July 2014 where advice was given to, among other things, make modifications to the built form and enhance internal amenity,

2 PROPOSAL

- 2.1 It is proposed to demolish the three (3) existing dwellings and all other buildings on the sites, and remove all but one tree in the north-west corner (lemon scented gum), to construct a part three, part four storey apartment building comprising forty (40) apartments with two levels of associated basement car parking.
- 2.2 The dominant design feature of the proposal is its 'U' shaped built form with a large void to Foote Street providing for pedestrian accessway to a central atrium that provides a secluded area for residents of the building to congregate and opportunities for north facing apartment and balconies on the south side of the building.
- 2.3 The north-west corner of the building is recessed to conserve the large lemon scented gum tree that is to be retained in this corner of the site.
- 2.4 The proposed building will be constructed with a range of building materials including natural precast concrete, charcoal concrete panels, timber panels, vertical timber screens, feature metal panels with pressed square in gold and sliding patterned aluminium sun screens with leaf motif. Windows will be aluminium framed and generally of large proportions.
- 2.5 The proposed development has a maximum building height of 10.8 metres.
- 2.6 The overall apartment yield is proposed as follows:
 - 2.6.1 Six (6), one bedroom apartments;
 - 2.6.2 Twenty-two (22), two bedroom apartments;
 - 2.6.3 Ten (10), three bedroom apartments; and
 - 2.6.4 Two (2), four bedroom apartments.
- 2.7 The apartments vary in floor area between 56 and 183 square metres.
- 2.8 The proposed building has a site coverage of 59% and proposes a density of one dwelling per 64.2 square metres. The previous site coverage is 26%.
- 2.9 The pedestrian entry to the building is proposed at a central point along the Foote Street frontage via an at grade central paved path, leading under a glazed void above to the central atrium. Access to the lift and stairwell is immediately on the left as a person enters the building. A second lift and stair access is located in the rear (south) side of the building.
- 2.10 Vehicle access is proposed via a new crossover to Foote Street. The width of the crossover is proposed to be 6.1 metres. An intercom is proposed to the eastern side of the accessway for car park entry by visitors.
- 2.11 It is proposed to close all existing vehicular access to Foote Street by the removal of the three crossovers currently allowing vehicle access to 200, 202, and 204 Foote Street.
- 2.12 The details of each building level is described as follows:
 - 2.12.1 Basement Lower Level – This level comprises a total of 39 car spaces. A series of transitions are provided throughout the basement to achieve the lowest relative level being 62.59RL. Four storage rooms and one building services area are provided at this level, together with an underground water tank.

- 2.12.2 Basement Upper Level – This level comprises a total of 34 car spaces. A series of transitions are provided through the basement, together with a ramp with a gradient of 1:5 down to the lower basement level. Two separate bin storage rooms are provided, together with three storage rooms, a services room. A separate bike storage room containing Ned Kelly style wall mounted bike racks to house eleven (11) bikes for residents is also included adjacent to the northern lift bank and stairwell.
- 2.12.3 Ground Floor – Eight (8) apartments are positioned around the central atrium at this level. Six (6) apartments at this level comprise 2 bedrooms, and two (2) apartments comprise 3 bedrooms. At this level, private open spaces constitute ground level open spaces with a deck/terrace for all apartments. In the western portion of this level, forty-five (45) storage rooms have been provided within a dedicated area, together with a communal gym (area of 116 square metres). This area is to be subterranean due to the fall of the land west to east. Four (4) visitor bicycle parking spaces are provided to the east of the pedestrian entry path from Foote Street.
- 2.12.4 Level 1 – Thirteen (13) apartments are located at this level. Two (2) apartments at this level comprise one bedroom only, six (6) apartments comprise two bedrooms, and five (5) apartments comprise three bedrooms. At this level, private open spaces constitute balconies for Apartments 1.01 to 1.09 inclusive on the north, east and south sides of the building. All balconies face north or east due to the atrium design and have at least 11 square metres of space with minimum dimensions of 1.9 metres to the balcony edge. Apartments 1.07, 1.08, and 1.09 also have a small south facing balcony from bedrooms with a minimum dimension of 1.0 metre. Ground level open spaces with paved areas are provided along the western side of the building due to the fall of the land for Apartments 1.10 to 1.13 inclusive.
- 2.12.5 Level 2 –Thirteen (13) apartments are situated at this level. Four (4) apartments at this level comprise one bedroom only, six (6) apartments comprise two bedrooms, and three (3) apartments comprise three bedrooms. At this level, private open spaces constitute balconies for all apartments. All balconies have at least 11 square metres of space with minimum dimensions of 1.7 metres to the balcony edge. No apartments rely on south facing balconies. Light wells provide light to second bedrooms in three apartments on the western side of the building (Apartments 2.11 to 2.13 inclusive).
- 2.12.6 Level 3 –This level is limited to the western and southern portion of the site and for most of its area appears only as a third storey due to the fall of the land across the site. Six (6) apartments are situated at this level. Four (4) apartments at this level comprise two bedrooms, and two (2) apartments comprise four bedrooms. At this level, private open spaces constitute balconies for Apartments 3.01 to 3.06 inclusive. All balconies have at least 11 square metres of space with minimum dimensions of 1.8 metres to the internal balcony edge. A void provides light to the second bedroom of three

apartments (Apartments 3.02 to 3.04 inclusive). A communal sun deck/ barbeque area is provided in the north-eastern corner of the building.

- 2.13 Acknowledging balconies encroach within some setbacks, the building has the following minimum wall setbacks to site boundaries:
- 2.13.1 Foote Street (north) boundary:
- a) Basement L1- 5.9 metres
 - b) Basement L2 – 5.9 metres
 - c) Ground Level – 6.0 metres
 - d) Level 1 – 6.1 metres
 - e) Level 2 – 6.1 metres
 - f) Level 3 – 6.0 metres
- 2.13.2 Eastern (side) boundary:
- a) Basement L1 – 7.0 metres
 - b) Basement L2 – 1.5 metres (increasing to 7.0 metres once 20 metres into the site)
 - c) Ground Level – 4.0 metres (inclusive of a 1.5-1.8 metre landscape strip)
 - d) Level 1 – 3.9 metres
 - e) Level 2 – 6.2 metres
 - f) Level 3 – 16.2 metres
- 2.13.3 Western (side) boundary:
- a) Basement L1 – 5.5 metres
 - b) Basement L2 – 5.5 metres
 - c) Ground level – 2.7 metres (underground due to the fall of the land)
 - d) Level 1 – 3.5 metres (inclusive of a 1.5 metre landscape strip)
 - e) Level 2 – 5.3 metres
 - f) Level 3 – 5.3 metres
- 2.13.4 Southern (rear) boundary:
- a) Basement L1 – 4.8 metres (excluding a stairwell at 2.5 metres)
 - b) Basement L2 – 4.8 metres (excluding a stairwell at 2.5 metres)
 - c) Ground level – 3.6 – 5.0 metres (excluding a stairwell at 2.5 metres, and inclusive of a 1.8 metre wide landscape strip)
 - d) Level 1 – 4.0 metres (excluding a stairwell at 2.5 metres)
 - e) Level 2 – 4.0 metres (excluding a stairwell at 2.5 metres)
 - f) Level 3 – 5.3 metres (excluding a stairwell at 2.5 metres)

- 2.14 Finished floor levels are proposed as follows:
- 2.14.1 Lower Level Basement RL64.3, RL63.4, RL62.59
 - 2.14.2 Upper Level Basement RL67.0, RL66.15, RL65.3
 - 2.14.3 Ground Floor RL69.8
 - 2.14.4 Level 1 RL72.8
 - 2.14.5 Level 2 RL75.8
 - 2.14.6 Level 3 RL78.8
- 2.15 Each above ground dwelling is provided with a minimum of eight (8) square metres of secluded private open space in the form of a balcony. Courtyard style open spaces of varying sizes are provided to apartments at ground level.
- 2.16 In support of the planning application, the following documentation was submitted with the proposal:
- 2.16.1 Architectural drawings
 - 2.16.2 Planning Report, including ResCode Assessment
 - 2.16.3 Traffic Report
 - 2.16.4 Sustainability Management Plan
 - 2.16.5 Waste Management plan
 - 2.16.6 Arborist Report
 - 2.16.7 Urban Design comments
 - 2.16.8 Concept Landscape Plan

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 3 April 2015.
- 3.2 It is noted VicRoads only provided comment on the application on 24 August 2015 allowing this report to be prepared, having been referred the application in January 2015.

4 RELEVANT LEGISLATION

- 4.1 The Planning and Environment Act 1987 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 the relevant planning scheme; and
- The objectives of planning in Victoria; and
 - All objections and other submissions which it has received and which have not been withdrawn;
 - Any decision and comments of a referral authority which it has received; and

- 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.

5 MANNINGHAM PLANNING SCHEME

- 5.1 The site and adjacent land is included in the General Residential Zone, Schedule 2 under the provisions of the Manningham Planning Scheme.
- 5.2 A planning permit is required to construct two or more dwellings on a lot in the General Residential Zone under Clause .
- 5.3 The purpose of the General Residential Zone relates primarily to providing housing at increased densities, encouraging 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.
- 5.4 Assessment is required under the provisions of Clause 55 of the Manningham Planning Scheme (ResCode).
- 5.5 The purpose of Clause 55 is to provide well designed 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.
- 5.6 The site is also included in the Design and Development Overlay Schedule 8 (DDO8) under the provisions of the Manningham Planning Scheme. The site, together with other properties on Foote Street, is in DDO8-2 (Sub-Precinct A). Land to the rear in June Crescent is in DDO8-3 (Sub-Precinct B).
- 5.7 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 subprecinct 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 subprecinct 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*

5.8 Planning permission is required for buildings and works which must comply with the requirements set out in Table 1 and 2 of the Schedule. Being located within DDO8-2 Sub-Precinct A, the maximum allowable building height for land more than 1800 square metres in size is 11 metres.

5.9 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.

State Planning Policy Framework

5.10 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.*
- 5.11 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.
- 5.12 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.*
- 5.13 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.
- 5.14 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.*
- 5.15 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.*

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

Municipal Strategic Statement (Clause 21)

5.17 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.

5.18 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.

5.19 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.

5.20 The site is within "Precinct 2 – Residential Areas Surrounding Activity Centres and Along Main Roads".

5.21 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*

5.22 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.

5.23 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.

5.24 The site is located within **Sub-Precinct – A (DDO8-2)**.

5.25 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*
- 5.26 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*
- 5.27 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.
- 5.28 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*
- 5.29 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

- 5.30 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.
- 5.31 Clause 22.09 (Access for disabled people) is relevant to this application 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

- 5.32 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
- 5.33 Clause 52.06-7 outlines various design standards for parking areas that should be achieved.
- 5.34 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.
- 5.35 Clause 55 Two or More Dwellings on a Lot 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.
- 5.36 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 Council has, through its policy statements in the Planning Scheme, and in particular by its adoption of the Design and Development Overlay Schedule 8 over this neighbourhood, created a planning mechanism that will (in time), alter the existing character along Foote Street, and in the surrounding area.
- 6.2 Council's planning preference is for higher density, multi-unit developments which can include apartment style developments on larger lots. This higher density housing thereby provides for the "preferred neighbourhood character" which is guided by the design elements contained within the Schedule 8 to the Design and Development Overlay, in conjunction with an assessment against Clause 21.05 and Clause 55 – ResCode. The resultant built form is expected to have a more intense and less suburban form.

- 6.3 In broad terms, an apartment building constructed across three adjoining sites is consistent with the objectives of Council's planning policy outlined at Clause 21.05 of the Manningham Planning Scheme. The policy encourages urban consolidation (inclusive of apartment buildings) in this specific location due to its capacity to support change given the site's main road location and proximity to services, such as public transport. The policy anticipates a substantial level of change from the existing character of primarily single dwellings interspaced with medium density developments.
- 6.4 The consolidation of three lots with a combined area of 2569 square metres also provides opportunities for increased development as the larger area allows increased setbacks to compensate for its larger scale in comparison to traditional medium density housing. Given the site area, the proposal is permitted an 11 metre maximum building height under DDO8.
- 6.5 The building is four-storeys in height following the technical definitions in the Manningham Planning Scheme (where a level that is more than 1.2m above natural ground is required to be 'counted' as a storey). The fourth storey occurs due to the slope of the land across the site where the top floor overlaps the ground floor before the ground floor becomes subterranean. It only occurs in the front, northern elevation to Foote Street. The building is three-storeys in height when viewed from the eastern side, southern rear and western side boundaries.
- 6.6 The extent of the fourth storey is the living area of Apartment 3.01. It is approximately 6m in length, or 12% of the frontage. This amount is considered immaterial given the building presents to a major road with a strong architectural presentation. Overall, the building is consistent with the policy direction in Clause 22.05 that promotes 'three-storey' apartment development.
- 6.7 An assessment of the proposal will be made based on the following planning controls:
- Design and Development Overlay Schedule 8 (DDO8)
 - Clause 52.06 Car Parking
 - Clause 52.29 Land Adjacent to a Road Zone Category 1
 - Clause 52.34 Bicycle Facilities
 - Clause 55 Two or More Dwellings on a Lot

Design and Development Overlay Schedule 8

- 6.8 An assessment follows against the requirements of the DDO8:

Design Element	Level of Compliance
<u>Building Height and Setbacks</u> DDO8-2 Sub-precinct A: <ul style="list-style-type: none"> • Minimum lot size is 1800 square metres or greater. • 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; 	Met <ul style="list-style-type: none"> • The land is above the minimum lot size of 1800 square metres. The development has a maximum height of 10.8 metres.

<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. • Minimum side street setback (if relevant) is the distance specified in Clause 55.03-1. 	<p>Met</p> <ul style="list-style-type: none"> • The proposed front setback to Foote Street is 6.0m, stepping to 7.0m to facilitate the retention of the lemon scented gum on the western side of the frontage.
<p><u>Form</u></p> <ul style="list-style-type: none"> • Ensure that the site area covered by buildings does not exceed 60 percent. 	<p>Met</p> <ul style="list-style-type: none"> • Building site coverage is 59% of the site area, which does not exceed 60%.
<ul style="list-style-type: none"> • Provide visual interest through articulation, glazing and variation in materials and textures. 	<p>Met</p> <ul style="list-style-type: none"> • Various materials, colours and finishes are proposed, which provides for an attractive and coherent presentation to all elevations. • Articulation in the front facade is achieved by a wide void at the pedestrian entry, balcony projections, framing elements and a limited and recessed top level that steps lower with the fall of the land. • The materials and colour palette contains variety to create a high level of visual interest. The combined use of precast concrete panels with a natural and charcoal finish, pressed gold metal panels, sliding aluminium patterned sunscreens (with a leaf motif on them), timber panels and screens and patterned glass all combine to provide for rich and varied textures and tones.
<ul style="list-style-type: none"> • Minimise buildings on boundaries to create spacing between developments. 	<p>Met</p> <ul style="list-style-type: none"> • The building is generally setback between 3.5-4.0 metres from the boundary at ground level which provides for a good level of spacing and opportunities for landscaping to establish and flourish.
<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 with Conditions</p> <ul style="list-style-type: none"> • The building steps lower to all residential interfaces. • The step at the rear of the building is more modest than the step associated with the side boundaries (the top floor is setback less than 2m greater than the ground floor). This

	<p>elevation will benefit from some subtle modifications, which shouldn't alter the overall apartment or bedroom yield significantly:</p> <ul style="list-style-type: none"> • A condition will require a portion of the ground floor setback 3.6m from the rear boundary (Apartment G.06) to be increased to 4m. (Condition 1.2). This increases the minimum setback from the boundary to 4m (except where there is a stairwell within this distance). • A condition will require the southern wall of Apartment 2.07 to have its setback increased by 1.5m to provide a more recessive response in the south eastern corner (Condition 1.3). • The south facing portion of balcony for Apartment 3.05 removed to provide a more recessive response in the south western corner (Condition 1.4) • These changes will ensure appropriate transitions in height are provided to the single storey unit development at the rear (15-17 June Crescent), noting they are also within the DDO8 area (although in Sub Precinct B).
<ul style="list-style-type: none"> • Where appropriate, ensure that buildings are designed to step with the slope of the land. 	<p>Met</p> <ul style="list-style-type: none"> • The building steps a whole floor lower for east to west consistent with the fall of the land. There is a slight overlap of floors in the front Fotte Street elevation that generates a fourth storey element. • The development maintains a three storey form adjacent to neighbouring properties.
<ul style="list-style-type: none"> • Avoid reliance on below ground light courts for any habitable rooms. 	<p>Considered met with conditions</p> <ul style="list-style-type: none"> • Due to the slope of the land from east to west there is a point where the ground level is substantially cut into the ground. The applicant has managed this by locating a gym and storage area where windows cannot be provided to this level on the western side of the site. • Apartment G.01, G.02, G.07 and G.08 having portions of their

	<p>secluded private open space below natural ground level. That said apartment G.07 and G.08 at the rear of the building have been cleverly designed to include north-facing open space areas facing the atrium. The rear open space, which is below ground, is secondary open space. The 2.6 metre high retaining wall along the western edge of the secondary private open space to apartment G.08 is not ideal, and from an amenity perspective will be a poor outcome for future residents. In addition, a retaining wall will be required along the southern elevation to a height of 2.6 metres. A condition (Condition 1.5) will ensure where retaining walls greater than 1.5m are required they are tiered to provide a softer appearance to future residents with 1m wide landscape beds between each tier.</p> <ul style="list-style-type: none"> The primary area of secluded private open space to apartments G.01 and G.02 are north-facing. The subterranean design is acceptable given the amount of direct sunlight that they will receive, and the relief from noise on Foote Street that will result from their design.
<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. 	<ul style="list-style-type: none"> 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>Met</p> <ul style="list-style-type: none"> The percentage of the upper floor is not measurable as the building steps lower one whole floor with the fall of the land. The upper level is 59.4% of Level 2 directly below (excluding balconies), but this is not a true indication of what is sought by the control. Overall, the building has been designed to avoid three storey sheer walls facing the neighbours which the requirement is trying to avoid. The building steps in from the side and

	<p>rear boundaries, and whilst there is some three storey form facing Foote Street, it is appropriately softened via transitions to the side boundaries, the step in overall height mid-site and various architectural treatments.</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</p> <ul style="list-style-type: none"> There are no imposing design elements and all design expressions are considered to be well integrated into the overall architecture of the building.
<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>Considered Met</p> <ul style="list-style-type: none"> Due to the sloping topography, the building has been unable to completely avoid the projection of the basement above natural ground level along the eastern (side) elevation, which is the lowest portion of the site. In the north-eastern corner, the basement projects 1.7 metres out of the ground, however this scales back to natural ground level as the building approaches the south-east corner. It is considered that the projection has been appropriately managed through its setback from the boundary behind landscaping (Ornamental Pears and Weeping Lily Pilly screen) and through the use of a range of materials in the facade.
<ul style="list-style-type: none"> Be designed to minimise overlooking and avoid the excessive application of screen devices. 	<p>Met</p> <ul style="list-style-type: none"> The building has been designed to minimise overlooking of adjacent properties. As a first step, the applicant will replace all boundary fences with new 2.1 metre high timber paling fencing. This will prevent overlooking from the apartments at ground floor. Patterned privacy glass is proposed to be used in balustrading to the east, south, and west at Level 1, 2, and 3 in combination with vertical timber screens. These devices will prevent overlooking into secluded areas of adjacent properties.
<ul style="list-style-type: none"> Ensure design solutions respect the principle of equitable access at the main entry of any building for people 	<p>Met</p> <ul style="list-style-type: none"> The pedestrian entrance from Foote Street will be at grade, and therefore

<p>of all motilities.</p>	<p>there will be no requirements for a ramp. A lift is provided immediately to the left of the main entry path which will service all floors and thereby ensure equitable access to all persons. A second lift is also provided in the rear (southern) section of the building.</p>
<ul style="list-style-type: none"> • Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties. 	<p>Met</p> <ul style="list-style-type: none"> • The slope of the land results in the basement projection being visible across the eastern elevation. This has, however, been sufficiently minimised in respect of overall height, with the projection being capped in the north-eastern corner at a maximum of 1.7 metres above natural ground. As discussed earlier, the projection will be well integrated into the built form through the varied use of materials and finishes, together with screening provided by landscaping. The building steps in and up along this boundary to ensure excessive building height is not viewed by neighbours.
<ul style="list-style-type: none"> • Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site. 	<p>Met</p> <ul style="list-style-type: none"> • The basement is not visually obtrusive, and will not be visible from Foote Street.
<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> <ul style="list-style-type: none"> • The basement arrangement provides for an integrated car parking layout which will result in car parking being concealed by a metal security gate underground.
<ul style="list-style-type: none"> • Ensure the setback of the basement or undercroft car park is consistent with the front building setback and is setback a minimum of 4.0m from the rear boundary to enable effective landscaping to be established. 	<p>Considered Met</p> <ul style="list-style-type: none"> • The basement setback is not identical to the front setback at ground level. However, the deviation of 100mm is considered to be acceptable. • In terms of the rear setback requirement, a minimum 4.8 metre setback is provided from the southern boundary (more than the building above). This setback will ensure that there is sufficient space in which to realise meaningful landscaping in

	<p>order soften the appearance of the building and provide an acceptable interface with residential properties within June Crescent.</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</p> <ul style="list-style-type: none"> • The building setbacks are generally 4.0 metres from the eastern side and southern rear boundaries, and 3.5 metres from the western side boundary. Whilst the setbacks contain some ground level open space terraces, landscape beds are typically 1.5m-2.0m in width. • The concept landscape plan indicates that the landscape treatment of a total of forty-three (43) Capital Ornamental Pear trees will be planted periodically in front of a dense Weeping Lilly Pilly screen around the perimeter. • It is considered the building provides appropriate setbacks to all boundaries which will enable meaningful landscaping to be realised on the site, including canopy tree planting. • The Foote Street frontage will contain the existing lemon scented gum in the north-west corner, which is to be retained. The concept landscape plan indicates that the balance of the front setback will contain two (2) <i>Eucalyptus scoparia</i>, and three (3) <i>Magnolia grandiflora</i> 'Little Gem' trees, together with lower level planting including <i>Liriope muscari</i>. This level of planting is considered reasonable for the front setback, in particular with the retention of the lemon scented gum.
<ul style="list-style-type: none"> • Ensure that service equipment, building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces. 	<p>Met with Condition</p> <ul style="list-style-type: none"> • Provision has been made at two points on the roof for plant and mechanical equipment. It will be necessary to ensure this equipment is appropriately concealed, a matter which can be addressed by a permit condition requiring a roof plan demonstrating appropriate screening detail (Condition 1.6). • The roof plan also designates two

	areas for solar panel installation.
<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 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>Met</p> <ul style="list-style-type: none"> • A 6.1 metre wide vehicular crossover is proposed. No street trees are to be affected.
<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>Met</p> <ul style="list-style-type: none"> • It is considered the basement projection is appropriately screened.
<ul style="list-style-type: none"> • Ensure that where garages are located in the street elevation, they are set back a minimum of 1.0m from the front setback of the dwelling. 	Not applicable.
<ul style="list-style-type: none"> • Ensure that access gradients of basement carparks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements. 	<p>Met</p> <ul style="list-style-type: none"> • An entry ramp transitions from 1:10 gradient, to 1:5.4 and then 1:8 is relatively moderate, compliant with Clause 52.06 and will present no traffic implications.
<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</p> <ul style="list-style-type: none"> • The Foote Street frontage will contain the existing lemon scented gum in the north-west corner, which is to be retained. The concept landscape plan indicates that the balance of the front setback will contain two (2) <i>Eucalyptus scoparia</i>, and three (3) <i>Magnolia grandiflora</i> 'Little Gem' trees, together with lower level planting including <i>Liriope muscari</i>. This level of planting is considered reasonable for the front setback, in particular with the retention of the lemon scented gum.
<ul style="list-style-type: none"> • Provide opportunities for planting 	Met

<p>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>	<ul style="list-style-type: none"> The site plan provides for landscape beds ranging from 1.5-2.0 metres in width. These will support the proposed Capital Ornamental Pear trees (maximum mature height of 11 metres) planted periodically in front of a Weeping Lilly Pilly screen (maximum mature height of 3 metres) around the perimeter.
<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 <p>and a continuous landscaping treatment within the 1.0m setback must be provided.</p>	<p>Not applicable. There will be no front fence included as part of the proposal.</p>

6.9 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 respects the preferred neighbourhood character and responds to the features of the site.

Clause 52.06 Car Parking

- 6.10 Prior to a new use commencing or a new building being occupied, Clause 52.06-2 requires that the number of car parking spaces outlined at Clause 52.06-6 to be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the Responsible Authority.
- 6.11 This clause requires resident 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.
- 6.12 Visitor car parking is required at a rate of one car space for every five (5) dwellings.
- 6.13 The proposal therefore requires 52 resident car parking spaces and 8 visitor spaces, or a total of 60 car parking spaces. It is proposed to provide 73 car parking spaces, and therefore the proposal exceeds the minimum requirements. The plans show the excess car parking will be allocated to residents.
- 6.14 The following table provides an assessment of the proposal against the six design standards:

Design Standard	Met/Not Met
1 - Accessways	<p>Met</p> <p>The 6.1metres wide vehicle ramp provides for the required passing area. Further, it is satisfactory to VicRoads.</p> <p>A corner splay has been notated on the plans to ensure sightlines to the footpath are maintained in accordance with the requirements of this control.</p>
2 – Car Parking Spaces	<p>Met</p> <p>Car parking spaces and aisles are provided in accordance with the dimensions of the control.</p> <p>A minimum head clearance of 2.3 metres is also provided, as demonstrated in the sectional drawings.</p> <p>Council's Engineering department has considered the layout and size of proposed car parking spaces and aisle widths and raised no concern.</p>
3 - Gradients	<p>Met (subject to Conditions)</p> <p>Council's Engineering department have considered the proposed vehicular access ramp and deemed its gradients acceptable.</p>
4 – Mechanical Parking	Not applicable – No mechanical parking proposed.
5 – Urban Design	<p>Met</p> <p>The basement, including its entry, does not visually dominate the Foote Street frontage and will be recessed behind the cantilevered Level 1 and 2 floors above. Appropriately placed landscaping treatments have been incorporated in the design response and enhance the building's presentation to Foote Street.</p>
6 – Safety	<p>Met</p> <p>The basement layout provides a safe arrangement and will be secured by an intercom (to enable visitor entry) and metal gate which will enclose the car park for the safety of the occupants and their vehicles.</p>
7 – Landscaping	<p>Met</p> <p>Landscaping is provided adjacent to the vehicular access ramp that will assist in softening this component of the development.</p>

- 6.15 From the above assessment it can be seen that the proposal complies with the seven design standards outlined at Clause 52.06 of the Manningham Planning Scheme.

Clause 52.29 Land Adjacent to a Road Zone Category 1

- 6.16 The proposal seeks to create a new access to Foote Street, and remove the existing crossovers currently servicing residents of 200, 202, and 204 Foote Street.
- 6.17 The decision guidelines of this Clause include the views of the relevant road authority.
- 6.18 It is noted that VicRoads has expressed no objection to the proposal (subject to the inclusion of conditions relating to construction of new crossover, removal of existing crossovers, and maintenance of driveways). It is therefore considered that the proposal is acceptable.

Clause 52.34 Bicycle Parking

- 6.19 The statutory bicycle parking requirements are that in developments of four or more storeys, 1 bicycle space must be provided to each 5 dwellings for residents, and 1 bicycle parking space for visitors is required for every 10 dwellings.
- 6.20 The proposal includes eleven (11) bicycle parking spaces in the upper level basement, together with four (4) bicycle parking spaces adjacent to the main pedestrian entrance for visitors. This provision exceeds the requirements.

Clause 55 Two or More Dwellings on a Lot

- 6.21 This clause 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.
- 6.22 The following table sets out the level of compliance with the objectives of this clause:

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>55.02-1 - To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>To ensure that development responds to the features of the site and the surrounding area.</p>	<p>Met</p> <p>As outlined in the assessment of the proposal against the policy requirements of the Schedule 8 to the Design and Development Overlay (DD08), it is considered that the proposed apartment building responds positively to the preferred neighbourhood character, and respects the natural features of the site, and its surrounds as contemplated by this planning control.</p>
<p>55.02-2 - 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</p>	<p>Met</p> <p>The application was accompanied by a written statement that has demonstrated how the development is consistent with State, Local and Council policy.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>planning policies.</p> <p>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p>	
<p>55.02-3 - To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p>Met</p> <p>The development proposes a range of one, two, three and four bedroom apartments. Some apartments offer ground level open space, while others have balconies. The diversity of dwelling sizes and types is appropriate.</p>
<p>55.02-4 - To ensure development is provided with appropriate utility services and infrastructure.</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p>	<p>Met</p> <p>The site has access to all services. The applicant will be required to provide an on-site stormwater detention system to alleviate pressure on the drainage system.</p>
<p>55.02-5 - To integrate the layout of development with the street.</p>	<p>Met</p> <p>A good level of integration is offered in the design response to Foote Street including a clear entry path through a void and into the building's atrium, windows, balconies and terraces face Foote Street.</p>
<p>55.03-1 - 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>	<p>Met</p> <p>As discussed earlier in this report, the front setback of the apartment building to Foote Street is acceptable. It accords with the requirement in the Design and Development Overlay Schedule 8 control.</p>
<p>55.03-2 - To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p>	<p>Met</p> <p>The maximum building height, not exceeding 11 metres, is compliant with the preferred neighbourhood character for the area and an acceptable design response in this instance.</p>
<p>55.03-3 - To ensure that the site coverage respects the existing or preferred</p>	<p>Met</p> <p>The site coverage is marginally below 60%.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
neighbourhood character and responds to the features of the site.	
<p>55.03-4 - To reduce the impact of increased stormwater run-off on the drainage system.</p> <p>To facilitate on-site stormwater infiltration.</p>	<p>Met</p> <p>With 26% of the site being pervious, the proposal is compliant with the standard.</p>
<p>55.03-5 - To achieve and protect energy efficient dwellings.</p> <p>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p>	<p>Met with Condition</p> <p>One of the unique design features within the proposal is the large central atrium. This open area in the centre of the building allows natural light penetration to apartments on the eastern and western edges, together with northern sunlight to apartments located along the southern edge of the building.</p> <p>The inclusion of this design feature ensures apartments will gain the greatest solar exposure.</p> <p>A condition (Condition 3) requires a Sustainability Management Plan to be approved before construction commences.</p>
<p>55.03-6 – To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</p>	<p>Met</p> <p>The central atrium will be provided as communal open space. It is easily accessible for residents and consists of a paved area with planter beds and seating around.</p>
<p>55.03-7 - To ensure the layout of development provides for the safety and security of residents and property.</p>	<p>Met</p> <p>An enclosed basement arrangement will provide for safe vehicle security for future occupants and their visitors. Passive surveillance is provided over the building's pedestrian entrance and central atrium.</p>
<p>55.03-8 - To encourage development that respects the landscape character of the neighbourhood.</p> <p>To encourage development that maintains and enhances habitat for plants and animals</p>	<p>Met with condition</p> <p>A concept landscape plan was submitted with the proposal. This plan showed the retention of the lemon scented gum in the front setback together with canopy tree planting comprising <i>Eucalyptus scoparia</i>, and <i>Magnolia grandiflora</i> 'Little Gem'. Boundaries will be planted with Weeping Lilly Pilly,</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>in locations of habitat importance.</p> <p>To provide appropriate landscaping.</p> <p>To encourage the retention of mature vegetation on the site.</p>	<p>together with spaced <i>Pyrus Calleryna</i> 'Capital'.</p> <p>The interior courtyard will also be landscaped, which will soften the expanse of open space. It will include a <i>Ficus microcarpa</i> tree, surrounded by <i>Clivia miniata</i>, and <i>Azalea shiraz</i>.</p> <p>A second landscape bed will be provided adjacent to the pedestrian entry, and will include a <i>Magnolia grandiflora</i> 'Little Gem' tree, together with <i>Liriope muscari</i> and <i>Azalea shiraz</i> surrounding a small reflection pond.</p> <p>In order to give privacy to Apartments G.07 and G.08, that both have a north facing deck adjacent to the interior courtyard, a planter containing <i>Acmena smithii</i> will be established in front of the privacy screen along the deck edge.</p> <p>Within the light voids to Apartments 1.11, 1.12, and 1.13, as well as 2.11, 2.12, and 2.13 and 3.02, 3.03 and 3.04 directly above, the voids will be planted with Himalayan Weeping Bamboo.</p> <p>A fully detailed landscape plan will be a conditional requirement to further develop the concept landscape plan for the site (Condition 7).</p>
<p>55.03-9 - To ensure vehicle access to and from a development is safe, manageable and convenient</p> <p>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</p>	<p>Met</p> <p>Only one access point is provided to vehicles entry the basement from Foote Street.</p> <p>The access point has been positioned to avoid any issues.</p> <p>The proposal will result in the net reduction of two access points to Foote Street</p>
<p>55.03-10 - To provide convenient parking for resident and visitor vehicles.</p> <p>To avoid parking and traffic difficulties in the development and the neighbourhood.</p> <p>To protect residents from vehicular noise within developments.</p>	<p>Met</p> <p>Proposed car spaces within a basement will provide for convenient parking for future occupants and their visitors. Lift and stair access will be available from the basement to all residential levels.</p> <p>Any noise transfer from the use of the basement would be minimal and unlikely to be a disturbance to nearby properties.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>55.04-1 - 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>	<p>Met (with Condition)</p> <p>The building exceeds the required setback to height ratio under the control except for the stairwell at the rear of the building.</p> <p>The stairwell is 8.0 metres in height, which requires a setback of 3.1 metres. The stairwell is only setback 2.5 metres. This part of the building, including lift, lobby and waste chute could be redesigned to accord with the requirement without reducing apartments significantly. A permit condition will recommend this (Condition 1.1).</p>
<p>55.04-2 - To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p>Not applicable – No walls on boundary are proposed as part of the development.</p>
<p>55.04-3 - To allow adequate daylight into existing habitable room windows.</p>	<p>Met</p> <p>Given the building setbacks from the eastern, southern and western boundaries (which are all 3.5 metres or more), the proposal will not adversely affect existing habitable room windows of neighbouring properties at 198 Foote Street, 2/15-17 and 3/15-17 June Crescent, 1/206 and 2/206 Foote Street, Templestowe.</p>
<p>55.04-4 - To allow adequate solar access to existing north-facing habitable room windows.</p>	<p>Not applicable – There are no north-facing habitable room windows within 3m of the common boundary.</p>
<p>55.04-5 - To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>Met</p> <p>The shadow diagrams indicate that there will be no significant overshadowing of the secluded private open spaces of adjoining dwellings at No. 198 Foote Street, 2/15-17 and 3/15-17 June Crescent, 1/206 and 2/206 Foote Street, Templestowe during the control period - between 9am and 3pm on the day of the equinox.</p> <p>Additional shadows will be cast over the open space areas of 2/15-17 and 3/15-17 June Crescent. However, it is marginal (less than 1m), and both</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>instances, there remains more than 40 square metres of open space unencumbered by shadow.</p> <p>Impacts over the properties to the east and west only occur in the first or last hour of the control period which is acceptable.</p> <p>The shadowing impacts are significant less than what is permissible pursuant to the Standard.</p>
<p>55.04-6 - To limit views into existing secluded private open space and habitable room windows.</p>	<p>Met with conditions</p> <p>There are no requirements to screen windows or balconies across the northern elevation (Foote Street) in this instance, or at ground level due to the erection of new 2.1m high boundary fencing.</p> <p>To limit views to adjoining residential properties on the upper levels, a combination of 1.7 metre high glazed privacy screen patterned with a leaf motif, or vertical timber privacy screen, will be erected on balconies.</p> <p>A series of sectional drawings have been prepared to demonstrate that the range of privacy screening employed will ensure that views into secluded private open spaces and habitable room windows will be sufficiently limited.</p> <p>However, there are some windows that do not have screens and that require screening. These include the south facing master bedroom windows of apartments 2.10 and 3.05, and the west facing master bedroom windows of apartments 2.11 and 3.04. These windows are within 9 metres of the neighbouring sites and should be screened in accordance with Standard B22 (Condition 1.7).</p> <p>There are also a number of balconies on the western elevation with no screening. The balconies to apartments 2.12 and 3.03 may allow views into the habitable room window of the adjoining dwelling at 198 Foote Street. As these balconies are within 9 metres of a habitable room window on an adjoining allotment, then they should be screened in accordance with Standard B22 (Condition 1.7).</p>
<p>55.04-7 - To limit views into the secluded private open space and habitable room</p>	<p>Met</p> <p>There are no unreasonable internal views within the proposed building. Ground level open spaces</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
windows of dwellings and residential buildings within a development.	are privatised by the use of internal boundary fencing, while 1.7 m high screens are proposed between balconies, where required. A combination of glazed screens, vertical timber screens and the roof of levels below will also assist with ensuring upper level balconies do not have downward views to open spaces below.
<p>55.04-8 - To contain noise sources in developments that may affect existing dwellings.</p> <p>To protect residents from external noise.</p>	<p>Met with conditions</p> <p>The noise sources that can be considered under this control relate to the building services. Council can not consider normal domestic noise such as from people and private mechanical equipment.</p> <p>The placement of air-conditioning units should be regulated to ensure appropriate positioning (mainly for aesthetic reasons). The applicant has indicatively shown air conditioning compressors to be located at 2 sites on the roof.</p> <p>Plant on the roof of the building can be visually screened, together with building services including electrical substations and air inlets for the mechanical basement ventilation. Mechanical ventilation detail will also need to be provided, by condition (Condition 1.6).</p> <p>Overall, it is considered that there are no external noise sources that may impact unreasonably on existing or future residents.</p> <p>Noise from mechanical plant will be required to comply with State legislation.</p>
55.05-1 - To encourage the consideration of the needs of people with limited mobility in the design of developments.	<p>Met</p> <p>The proposed access arrangements will be suitable to all users and will enable a barrier-free approach to the front entry of the building. The main entrance path is provided at grade, and the building is to be serviced by two lifts which ensure step free access to all apartments and the basement car park.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
55.05-2 - To provide each dwelling or residential building with its own sense of identity.	<p>Met</p> <p>The dwellings all derive pedestrian access from Foote Street via a central entry path which leads to the central atrium within the building. The northern lift and stairwell is immediately on the left as you enter the complex.</p>
55.05-3 - To allow adequate daylight into new habitable room windows.	<p>Met</p> <p>All living areas are located to face an outdoor space that is clear to the sky ensuring direct access to daylight. The central atrium is large enough to provide direct sun into ground floor apartments.</p> <p>None of the bedrooms rely on borrowed light, as all have access to the exterior of the building or a light well. There are 9 bedrooms that receive light from a light well which is reasonable given this is only accounts for 10% of bedrooms in the development. The light wells are sufficient in area.</p>
55.05-4 - To provide adequate private open space for the reasonable recreation and service needs of residents.	<p>Met</p> <p>All apartments have been provided with private open space in the form of a balcony or ground level open space.</p> <p>It is a requirement for apartments to have a minimum of 8sqm private open space, with a 1.6m width and access from a habitable room. However, the standard also encourages diversity in size and orientation, as well as larger spaces, particularly at ground level.</p> <p>In this instance there are a total of twelve apartments with ground level open space. As required, all exceed 8sqm. They range in size between 13sqm and 49sqm. There are several apartments that are provided more open space than typically provided for townhouses (40sqm), which is a strong indication that diversity is being provided for and site coverage is reasonable.</p> <p>The other apartments in the building rely on balconies for the open space. All balconies meet or exceed the minimum requirement of 8 square metres in size (having areas that range in size from 8sqm to 92sqm), have a minimum width of 1.6m (to the inside of the balcony) and have direct access from the living/dining space. Smaller balconies, with a dimension of 1.0m are provided to the south, but they are secondary open space areas.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>55.05-5 - To allow solar access into the secluded private open space of new dwellings and residential buildings.</p>	<p>Met</p> <p>Due to the nature of the proposal as a multi-level apartment building and the orientation of the subject site which has a long north-south axis, it is not possible to provide northern solar access to all private open space areas.</p> <p>However, owing to the unique design feature of the central atrium, all apartments are able to avoid a purely south facing open space.</p> <p>Apartments G.07, G.08, 1.08, 1.09, 2.08, and 2.09 on the south side of the building all have north facing balconies that are 17sqm in area with outlook over the internal atrium. This design feature makes it possible to have direct northern light into the habitable areas of these apartments. These apartments also have south facing balconies, however these are not necessary for the apartments to achieve the required secluded open space and are purely for ventilation, light and an improved outlook.</p>
<p>55.05-6 - To provide adequate storage facilities for each dwelling.</p>	<p>Met</p> <p>All apartments are provided with a storage room of a minimum 6 cubic metres.</p>
<p>55.06-1 - To encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p>Met</p> <p>The proposed architectural design is of a high standard and offers a contemporary statement that responds positively to the preferred neighbourhood character.</p> <p>The use of a mix of materials, colours and finishes will serve to further highlight the high level of articulation that is provided by the varying setbacks, levels of recessing, sections of cantilevering and the stepping of the building across the site.</p> <p>For the most part, the design adopts a combination of vertical and horizontal elements in terms of facade massing and fenestration design to provide for a high level of visual interest across all elevations. The use of solid and transparent balustrading, together with vertical timber screens will further add to this high level of interest.</p>
<p>55.06-2 - To encourage front</p>	<p>Not applicable – no front fence proposed.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
fence design that respects the existing or preferred neighbourhood character.	
<p>55.06-3 - To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</p> <p>To avoid future management difficulties in areas of common ownership.</p>	<p>Met</p> <p>The basement and common areas throughout the building will be maintained by an Owners' Corporation. There are no apparent difficulties associated with future management of these areas.</p>
<p>55.06-4 - To ensure that site services can be installed and easily maintained.</p> <p>To ensure that site facilities are accessible, adequate and attractive.</p>	<p>Met with condition</p> <p>Mailboxes are proposed on the northern facade of the building, to the left of the main pedestrian entry. No steps inhibit access to these mailboxes.</p> <p>Waste is to be collected from the basement, where a waste room is provided.</p>

7 REFERRALS

- 7.1 VicRoads are a statutory referral agency due to the new crossover required on Foote Street. Upon consideration of the proposal, VicRoads have expressed no objection to the proposal subject to standard conditions relating to construction of the proposed crossover, removal of disused crossovers and maintenance of the driveway to be added to any decision to issue (Conditions 32 to 36).
- 7.2 The application was referred to a number of Service Units within Council, and the following table summarises their responses:

Service Unit	Comments
Engineering & Technical Services Unit (Drainage/Easements)	<ul style="list-style-type: none"> Point of discharge is available for the site. Requires the provision of an on-site stormwater detention system.
Engineering & Technical Services Unit (Traffic)	<ul style="list-style-type: none"> No objection
Engineering & Technical Services Unit (Engineering)	<ul style="list-style-type: none"> Prior to the construction of the vehicle crossing, the developer is to obtain a Vehicle Crossing Permit and crossing be constructed to the satisfaction of the

Service Unit	Comments
	<p>Responsible Authority and VicRoads.</p> <ul style="list-style-type: none"> Redundant vehicles crossings to be removed and footpath, nature strip and kerbing to be reinstated.
Engineering & Technical Services Unit (Waste Management)	<ul style="list-style-type: none"> Agrees that waste is to be collected by a private contractor from within the basement in accordance with the draft waste management plan. Requires details of the chutes for waste and recycling – the plans show a diverter chute and the report outlines separate waste and recycling chutes. Requires the basement clearance be consistent with the waste management plan
Economic & Environmental Planning Unit (Urban Design)	<ul style="list-style-type: none"> Responds positively to the preferred neighbourhood character. Proposes a high quality and varied material and colour palette. Adopts a combination of vertical and horizontal architectural elements across all elevations, including solid and transparent balustrades and vertical timber screens. The front setback of the apartment building to Foote Street is acceptable. None of the bedrooms rely on borrowed light. The large central atrium allows natural light penetration to apartments and provides an easily accessible communal area for residents. Requires the southern boundary setbacks of apartments G.06 and 2.07 be increased to provide greater separation from boundary and opportunity for buffer landscaping. Requires that retaining walls exceeding 1.5mtres be tiered and landscaped. Requires privacy screening be added to south-facing bedrooms and west-facing balconies.

Service Unit	Comments
	<ul style="list-style-type: none"> Requires appropriate architectural screening to be provided for air-conditioning units, roof plant and electrical substations.
Strategic Projects Unit (Sustainability)	<ul style="list-style-type: none"> Modifications to the submitted Sustainability Management Plan are necessary. Amendments are required to the energy, hot water, rainwater harvesting and water demands sections of the report.

- 7.3 As appropriate, their requirements will be added to any permit to issue in the form of planning permit conditions.

8 CONSULTATION

- 8.1 The planning application was placed on public notice for a three (3) week or twenty-one (21) day period given that it is classified as a Major Application. The planning application was advertised by way of the sending of letters to adjoining and nearby properties and by the display of three (3) signs on site (one on each property along Foote Street).
- 8.2 Council has received a total of Ten (10) objections and One (1) multi signature objection from the following properties:

Address
2/15-17, 3/15-17 June Crescent
3, 3/11 June Crescent
2/13 June Crescent
3/19 June Crescent
1/196 (multi signature) 2/196, 198, 1/206, 2/206 Foote Street

- 8.3 The following is a summary of the grounds upon which the above properties have objected to the proposal:
- Overdevelopment/ building height/ visual bulk
 - Loss of Neighbourhood Character/ Out of Character
 - Loss of outlook to the north
 - Overshadowing
 - Overlooking/ loss of privacy
 - Noise/ pollution during construction and after
 - Traffic implications
 - Vegetation loss

- Impact on solar panels at 198 Foote Street and 2/15-17 June Crescent
- Adverse Impact to Property Values

8.4 A response to the above grounds is provided in the below paragraphs:

Overdevelopment/ building height/ visual bulk

8.5 The site is located within Precinct 2: Residential Areas Surrounding Activity Centres and along Main Roads, in which Council's development preference is for substantial change and a higher density development. The proposed apartment building therefore corresponds with the planning policies and, as articulated earlier in the report, complies with the 11 metre height limit in the DDO8.

8.6 The proposed building complies with setback requirements, provides good levels of articulation via materials and finishes selection and the stepping of the building, and provides generous areas for landscaping around the perimeter of the site. On this basis it is not considered to be an overdevelopment of the site.

Loss of Neighbourhood Character/ Out of Character

8.7 Neighbourhood character has been assessed earlier in the report against the policy requirements of Clause 21.05, the Design and Development Overlay Schedule 8, and Clause 55.02-1 of the Manningham Planning Scheme.

8.8 Apartment buildings up to 11 metres in height forms part of Council's preferred neighbourhood character for sites in a Design and Development Overlay Schedule 8. Overall, the building has a modern architectural design that fits within the designated height limitations, and is considered to be a good example of what is contemplated as part of the preferred neighbourhood character for Foote Street.

Loss of Outlook to the North

8.9 The proposed building is to located to the north of existing residences in June Crescent. The removal of the trees from the three properties at 200, 202, and 204 Foote Street and the construction of the proposed apartment building will change the outlook from these residences.

8.10 The proposed building is consistent with planning policy, is set well back from the boundary steps back to its maximum height. Over time, trees will grow, frame, hide and soften the built form outcome.

8.11 In this instance, there is no planning mechanism that protects the outlook from the existing developments to the south of the site.

Overshadowing

8.12 As discussed under the response to Clause 55.04-5 of the Manningham Planning Scheme, there are no adjoining residences that will be substantially impacted as a consequence of the proposed building, and all adjoining properties will maintain a minimum of 40 square metres of open space unencumbered by shadow during the control period on the day of the equinox.

Overlooking/ Loss of Privacy

- 8.13 As discussed under the response to Clause 55.04-6 of the Manningham Planning Scheme, a condition will require additional screening to some south facing windows, and some west facing windows and balconies in the development.
- 8.14 Otherwise, the requirements of the planning scheme have been met.

Noise/pollution during and after construction

- 8.15 It is noted that a permit is not required to use land for more than one dwelling and accordingly noise considerations are limited to large plant and the like. Further, residential noise associated with an apartment is considered normal and reasonable in an urban setting.
- 8.16 In terms of noise from the basement, the basement is enclosed by concrete and experience would suggest vehicle noise will not resonate. Gates and roller-doors are usually fitted with rubber dampeners to reduce noise and modern day roller-doors operate almost silently. Air conditioning units are shown on the roof, however and basement exhaust fans are not specifically shown. A condition will require details of basement ventilation be shown.

Traffic Implications

- 8.17 It is noted that several objectors have raised the issue of traffic. However, neither VicRoads, nor Council's Engineering Technical Services Unit have expressed no concern with the proposal from a traffic perspective.

Vegetation Loss

- 8.18 It is noted that existing trees and shrubs will be removed to accommodate the building on the subject site, with the exception of the lemon scented gum in the north-eastern corner of the sites. In light of no vegetation protecting, planning controls applying to the land, and the nature of the site earmarked for higher density development, the prospect of vegetation loss is inevitable. Notwithstanding the removal of vegetation for the purpose of the new building, the generous setbacks provided to all boundaries will provide for ample spaces in which to achieve a variety of planting, and ultimately, a new landscaping treatment which can benefit the character of the area.

Impact on solar panels

- 8.19 The solar panels at 198 Foote Street, and 2/15-17 June Crescent will be unaffected by the proposed apartment building, as shadows cast will not extend over the roof of these properties.

Adverse Impact to Property Values

- 8.20 Adverse impacts to property values is a subjective claim and one which is not considered to be a relevant planning consideration.

9 CONCLUSION

- 9.1 It is considered appropriate to support the application, subject to some minor design changes.
- 9.2 As demonstrated in the assessment in this report, the proposal achieves a high level of compliance with the Manningham Planning Scheme, in particular Clause 21.05 Residential , Design and Development Overlay Schedule 8 (DDO8) and Clause 55 Two or more Dwellings on a Lot.

- 9.3 The proposal provides for a modern, contemporary residential apartment building to be introduced to the Foote Street streetscape. The retention of the large lemon scented gum will soften the presentation to the street. The proposal does not, in the opinion of officers, compromising the amenity of adjoining and nearby properties.
- 9.4 It is recognised that the building will present a substantial mass to properties to the south, but this impact is an acceptable consequence of local housing policy. Building design on this site provides good levels of articulation, protection from unreasonable overlooking and a mixture of materials and finishes.

RECOMMENDATION

That having considered all objections A NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application No. PL14/024726 for the construction of a part three, part four storey apartment building with associated basement car parking, alteration of access to a road in a Road Zone 1 and for no other purpose in accordance with the endorsed plan and subject to the following conditions-

- 1. Before the development starts, two copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application (prepared by Light Green Architecture, Revision 1, dated August 2013 and as received by Council on 29 December 2014) but modified to show:**
 - 1.1. The stairwall on the south side of the building modified to accord with the minimum setback requirements at Clause 55.04-1 of the Manningham Planning Scheme.**
 - 1.2. The ground floor associated with Apartment G.06 setback 4m from the rear southern boundary.**
 - 1.3. The southern boundary setback of Apartment 2.07 increased by a minimum of 1.5m.**
 - 1.4. The south facing portion of balcony for Apartment 3.05 removed. The south-facing windows of the apartments must be screened to accord with Standard B22 of Clause 55.04-6 of the Manningham Planning Scheme.**
 - 1.5. All retaining walls greater than 1.5m are to be tiered with a 1m wide landscape beds between each tier.**
 - 1.6. The location and design details (height, material) of a screen to conceal the roof top infrastructure from view.**
 - 1.7. The clearance (floor to ceiling height) in the basement. The clearance is to exceed the required clearance outlined in the Waste Management Plan.**
 - 1.8. Detail whether a diverter chute or separate waste and recycling chutes are provided. The detail is to be consistent with the Waste Management Plan.**

- 1.9. The provision of an accessible parking space consistent with AS/NZS 2890.6:2009.
- 1.10. The following windows and balconies screened in accordance with Standard B22 of Clause 55.04-6 of the Manningham Planning Scheme:
 - 1.10.1. Apartment 2.10's south facing master bedroom window
 - 1.10.2. Apartment 3.05's south facing master bedroom window
 - 1.10.3. Apartment 2.11's west facing master bedroom window
 - 1.10.4. Apartment 3.04's west facing master bedroom window
 - 1.10.5. Apartment 2.12's west facing balcony
 - 1.10.6. Apartment 3.03's west facing balcony
- 1.11. Details of basement ventilation, including the location of any exhaust intake or outlet required.
- 1.12. Capacity details of proposed rainwater tank in accordance with the Sustainable Management Plan required by Condition 3 of this permit.
- 1.13. Retractable clotheslines to all ground level open spaces and balconies to limit their visibility to the street or adjoining properties.
- 1.14. The doors to each study nook within the complex removed.
- 1.15. The elevations and materials and finishes schedule is to include details of all paving (including terraces, roof-top areas, stairs), fencing, screening, retaining walls, including roof-top plant screen and any other facade treatments proposed.
- 1.16. The design details of the building's front entry, including an elevation drawing of the letterboxes and screening of service cabinets.
- 1.17. Details of external lighting to be installed to provide for safety occupants of the building.
- 1.18. The solar hot water capacity, details of solar system to be utilised, including any solar panels, and other sustainability initiatives as per the Sustainability Management Plan required by Condition 3 of this permit.
- 1.19. An indicative location of the stormwater detention system or systems which must not be within any landscaped area.

Endorsed Plans

2. The development as shown on the approved plans must not be modified for any reason, without the written consent of the Responsible Authority.

Sustainability Management Plan

3. Before the development starts or the issue of a building permit for the development, whichever is the sooner, two copies of an amended Sustainability Management Plan (SMP), prepared by Rachael Stefanis, dated October 2014 is to be submitted to and approved by the

Responsible Authority. When approved the Plan will form part of the permit. The recommendations of the Plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the occupation of any dwelling. The Plan must be modified to show the following:

3.1. Energy Efficiency

- 3.1.1. Amend heating and cooling units to be consistent with Efficient HVAC system to be within one (1) star rating of best available;**

3.2. Water

- 3.2.1. Amend dishwasher detail to be consistent with water to be within one (1) star rating of best available;**

3.3. Rainwater Harvesting

- 3.3.1. Overflow to detention via gravity flow;**
- 3.3.2. Clarification if clean water from roof areas is to be collected in the same rainwater tanks as terraced areas;**
- 3.3.3. Clarification on page 4 of the STEPS report in relation to the roof and terrace areas;**
- 3.3.4. STORM water report and latest plans to reflect above changes.**

Construction Management Plan

- 4. 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:**
- 4.1. A liaison officer for contact by residents and the responsible authority in the event of relevant queries or problems experienced;**
- 4.2. Hours of construction to be in accordance with;**
- 4.3. Delivery and unloading points and expected frequency;**
- 4.4. On-site facilities for vehicle washing;**
- 4.5. Parking facilities/locations for construction workers;**
- 4.6. Other measures to minimise the impact of construction vehicles arriving at and departing from the land;**
- 4.7. Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;**
- 4.8. 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;**
- 4.9. An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services;**
- 4.10. The measures to minimise the amount of waste construction materials;**

- 4.11. Measures to minimise impact to existing boundary and front fencing on adjoining properties;
- 4.12. The measures to minimise noise and other amenity impacts from mechanical equipment/construction activities, especially outside of daytime hours; and
- 4.13. Adequate environmental awareness training for all on-site contractors and sub-contractors.

Waste Management Plan

5. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an amended Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved the plan will form part of the permit. The Plan must generally be in accordance with the plan prepared by Leigh Design, dated 12 October 2014 but modified to provide for:
 - 5.1. The correct number of apartments;
 - 5.2. The private waste contractor to undertake waste collection from within the site, rather than Foote Street;
 - 5.3. No bins to be left on nature strip;
 - 5.4. The hours and frequency of pick up for general waste and recyclables;
 - 5.5. Swept path diagrams and turning templates to demonstrate that a waste service vehicle can undertake a 3-point turn and manoeuvre within the basement in order to exit the site in a forward direction;
 - 5.6. Demonstration that an adequate height clearance is available within the basement to allow a waste service vehicle to enter and exit the site;
 - 5.7. Details of the waste collection vehicle that will enter and exit the site and access waste facilities;
 - 5.8. Details on how hard waste will be disposed;
 - 5.9. A description on how residents will access waste facilities.
6. The Management Plans approved under Conditions 9–11 of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.

Landscape Plan

7. Before the permitted development starts, the concept landscape plan prepared by Aspect Studios, drawing number M14032-LA-001, revision C4 and submitted with the application must be updated and submitted to the Responsible Authority for assessment. The landscape plan must show, as appropriate:
 - 7.1. Any details as relevant or directed by any other condition of this Permit;

- 7.2. A planting schedule detailing species, numbers of plants, approximate height, spread of proposed planting and planting/pot size;
- 7.3. Location, species and number of proposed plantings;
- 7.4. Surface treatments;
- 7.5. Details of site and soil preparation, mulching and maintenance; and
- 7.6. A layered planting treatment adjacent to the vehicular entry ramp which results in no planting greater than 900mm in height within the site lines for existing vehicles.

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

Landscape Bond

8. Before the release of the approved plans 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.
9. Before the occupation of the dwellings, landscaping works as shown on the approved plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

Tree Protection

10. All trees shown as retained on the endorsed Site Plan must be protected by Tree Protection Fencing (TPF) to form an appropriate and effective Tree Protection Zone (TPZ) or Vegetation Protection Zone (VPZ), to the satisfaction of the Responsible Authority.
11. The Tree Protection Zone on the subject land must be:
 - 11.1 Established and defined prior to the commencement of any construction works and associated fencing/signage must not be removed until works in the affected area have been fully completed to the satisfaction of the Responsible Authority;
 - 11.2 Constructed in accordance with Australian Standard (4970-2009) titled "Protection of trees on development sites", and clearly marked "no-go zone/vegetation protection zone".
12. The following actions must not be undertaken in any Vegetation Protection Zone as identified on the approved plan, to the satisfaction of the Responsible Authority:
 - 12.1. The storage of materials or equipment;
 - 12.2. The disposal of any contaminated waste water;
 - 12.3. The use of a tree for temporary attachment of wiring or such like;

- 12.4. Open cut trenching, or excavation works (whether or not for the laying of services);
- 12.5. Changes to the soil grade level.

Stormwater — On–Site Detention System

13. The owner must provide onsite storm water detention storage or other suitable system (which may include but is not limited to the re–use of stormwater using rainwater tanks), to limit the Permissible Site Discharge (PSD) to that applicable to the site coverage of 35 percent of hard surface or the pre existing hard surface if it is greater than 35 percent. The PSD must meet the following requirements:
 - 13.1. Be designed for a 1 in 5 year storm; and
 - 13.2. Storage must be designed for 1 in 10 year storm.
14. Before the development starts, a construction plan for the system required by Condition No. 10 of this permit must be submitted to and approved by the Responsible Authority. The system must be maintained by the Owner thereafter in accordance with the approved construction plan to the satisfaction of the Responsible Authority.

Drainage

15. 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.

Basement Car Parking

16. Before the occupation of the approved dwellings, all basement parking spaces must be line–marked, numbered and signposted to provide allocation to each dwelling and visitors to the satisfaction of the Responsible Authority.
17. Visitor parking spaces must not be used for any other purpose to the satisfaction of the Responsible Authority.
18. 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.

Site Services

19. All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively to the satisfaction of the Responsible Authority.
20. All plant and equipment that is not installed within the building 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.

21. No air-conditioning units may be installed on the building (including on balconies) so as to be visible from public or private realm to the satisfaction of the Responsible Authority.
22. 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 site to the satisfaction of the Responsible Authority.
23. An intercom and an automatic basement door opening system (connected to each dwelling) must be installed, so as to facilitate convenient 24 hour access to the basement car park by visitors, to the satisfaction of the Responsible Authority.
24. A centralised TV antenna system must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.
25. No individual dish antennas may be installed on balconies, terraces or walls to the satisfaction of the Responsible Authority.
26. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.

Maintenance

27. Privacy screens, obscure glazing, replacement boundary fencing as shown on the approved plans must be installed prior to occupation of the dwellings to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority. The use of the obscure film fixed to transparent windows is not considered to be obscured glazing of an appropriate response to screen overlooking.
28. Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.
29. Redundant crossovers must be removed and the footpath and kerb and channel reinstated to the satisfaction of the Responsible Authority.
30. 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.
31. 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.

VicRoads Conditions

32. Before the development approved under this permit may be used or occupied, the following must be completed to the satisfaction of the Responsible Authority:
 - 32.1. Crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation.
 - 32.2. The access lanes, driveways, crossovers and associated works must be provided and available for use and be:

- 32.2.1. Formed to such levels and drained so that they can be used in accordance with the plan.
- 32.2.2. Treated with an all-weather seal or some other durable surface.
- 32.3. All disused or redundant vehicle crossings must be removed and the area reinstated to match with adjacent road environment (eg. Kerb and channel).
- 33. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).
- 34. The level of the footpaths must not be lowered or altered in any way to facilitate access to the site.
- 35. The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.
- 36. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the occupation of the buildings hereby approved.

Time Limit

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

The Responsible Authority may extend these 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 and Environment Act 1987*.

“Refer Attachments”

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