

**Planning Application No. PL15/024973 for 13-15 May Street, Doncaster East - Construction of fifteen (15) dwellings comprising eleven (11) three storey dwellings and four (4) two storey dwellings with associated car parking at 13-15 May Street, Doncaster East**

Responsible Director: Director Planning & Environment

File No. PL15/024973

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

**Land:** 13 May Street, Doncaster East  
15 May Street, Doncaster East

**Zone** General Residential Zone Schedule 2 (GRZ2)  
Design & Development Overlay Schedule 8 (DD08)

**Applicant:** Sky Hao Architects

**Ward:** Koonung

**Melway Reference:** 34B11, 34C11, 34B11, 34B12

**Time to consider:** 26 October 2015

## **SUMMARY**

*It is proposed to develop two residential lots known as 13 and 15 May Street, Doncaster East with a total of fifteen (15) dwellings.*

*More specifically, the proposal consists of eleven (11) three-storey dwellings and four (4) two-storey dwellings with associated car parking.*

*Given the combined lot area of 2000 square metres, the Schedule 8 to the Design and Development Overlay (DD08) provides for development of the land up to a mandatory height of eleven (11) metres. The proposed dwellings range in overall maximum building height from 5.7 metres to 10.4 metres.*

*The application was advertised and attracted two (2) objections. The grounds of objection include: overshadowing, impact to existing boundary fencing, insufficient on-site car parking, traffic implications, demolition and construction management concerns.*

*The proposal is an example of the higher density, contemporary architecture contemplated by the Manningham Planning Scheme for this site as expressed in the Schedule 8 to the Design and Development Overlay (DD08). The proposal minimises off-site amenity impacts by meeting the car parking requirements of Clause 52.06 Car Parking (including three (3) visitor car parking spaces), providing good buildings setbacks at all levels and creating opportunities for meaningful perimeter landscaping. Some minor concerns of officers with regard to internal amenity are resolvable by permit condition.*

*It is therefore Council officers' recommendation to support the application, subject to conditions.*

## 1 BACKGROUND

- 1.1 The subject site comprises two lots known as 13 and 15 May Street, Doncaster East. The lots are legally described as: Lot 19 on LP 23320, Volume 7940 Folio 189 and Lot 20 on LP 23320 Volume 7803 Folio 085.
- 1.2 The site has a western, front boundary and a rear, eastern boundary of 36.6 metres. The length of side boundaries, north and south, are 54.64 metres and 54.43 metres, respectively. The total site area is 2000 square metres.
- 1.3 The site rises from its front, southern corner to its rear, northern corner by 3.7 metres.
- 1.4 No easements or covenants affect the site.
- 1.5 Each lot currently accommodates one single storey brick dwelling with pitched, tiled roofing. Both dwellings are positioned centrally on each allotment. Both lots have two outbuildings to their rear and vehicle access for both is via crossovers and driveways positioned adjacent to their respective northern boundaries.
- 1.6 Minimal paved areas exist in either open space with open expansive lawn areas characterising both rear yards. A small number of scattered trees are located in the rear yard of both dwellings. The lot at No 13 May Street has a large English Oak tree adjacent to its rear boundary.
- 1.7 There is no fencing across either frontage. Overgrown trees and shrubs are scattered across the front setback, particularly of No. 15 May Street, screening views of existing buildings from the streetscape.
- 1.8 The height of boundary fencing varies across the site. Two (2) metre high timber palings line the rear boundary, while side boundaries having fencing ranging in height from 1.5 metres to 1.65 metres.
- 1.9 An established Paperbark tree and an immature Pear tree are located within the nature strip forward of the site. A Council parking restriction pole and sign is also positioned here.
- 1.10 The site has boundaries common with four (4) properties, as follows:

| Direction | Address           | Description   |
|-----------|-------------------|---|
| South     | No. 11 May Street | <ul style="list-style-type: none"> <li>The lot is 991 sqm (approx).</li> <li>It accommodates a double fronted, single storey, weatherboard dwelling with tiled pitched roofing. The dwelling has a 17 metre setback to the front of the site.</li> <li>An attached carport and brick garage is situated to the south-east of the dwelling adjacent to its southern boundary.</li> <li>Across its northern side, the dwelling is stepped so that it has multiple setbacks to the boundary common with the subject site. At its minimum,</li> </ul> |

| Direction    | Address               | Description  |
|--------------|-----------------------|--|
|              |                       | <p>the dwelling is set back by 3 metres increasing to a maximum 6.5 metres.</p> <ul style="list-style-type: none"> <li>The dwelling has a total of four (4) windows across its northern side which face towards the subject site. Two of these windows are to habitable rooms, and two of these are to non-habitable rooms.</li> <li>Similar to the subject site, this lot has a large open lawn area characterising its secluded private open space.</li> <li>An established Golden Elm tree is situated in the front setback no more than 4 metres from the front title boundary.</li> </ul>   |
| <b>North</b> | No. 17 May Street     | <ul style="list-style-type: none"> <li>The lot is 298 sqm (approx).</li> <li>It accommodates one compact double storey townhouse constructed of brick with tiled pitched roofing. An upper level verandah provides an outlook onto May Street. An attached double car garage is accessed via a crossover and driveway situated at the southern end of the lot's frontage.</li> <li>Habitable room windows are situated across the southern side of this dwelling at both ground and upper levels.</li> <li>The lot's secluded private open space is situated to its north-east.</li> <li>The front setback is characterised by paving softened by a small strip of lawn and small manicured low level planting.</li> </ul> |
|              | No. 2-4 George Street | <ul style="list-style-type: none"> <li>The lot is 1471 sqm (approx).</li> <li>A large homestead style, single storey brick dwelling with tiled, hipped roofing stretches the width of the allotment.</li> <li>The dwelling is used as a medical centre providing a range of health services, including medical imaging.</li> <li>A large setback of 20 metres is</li> </ul>  |

| Direction   | Address                               | Description  |
|-------------|---------------------------------------|--|
|             |                                       | <p>provided to George Street in which a large open air car park is located. Some small garden beds with low to medium level planting are positioned along the front title boundary.</p> <ul style="list-style-type: none"> <li>• A minimum setback of 1.65 metres is provided to the boundary common with the site, excluding a verandah. The verandah itself is positioned adjacent to the shared boundary.</li> <li>• A number of air conditioning units are positioned on the rooftop of the medical centre set back by only a few metres from the common boundary with the site.</li> </ul>  |
| <b>East</b> | No. 233<br>Blackburn Road<br>(2 lots) | <ul style="list-style-type: none"> <li>• The combined total of the lots is 1776 sqm (approx).</li> <li>• Both lots form part of the open air concrete car park associated with the Taipan Restaurant.</li> <li>• Vegetation of various maturities is located adjacent to the boundary common with the site, including a Pin Oak tree that is positioned about 3.5 metres from the western boundary.</li> <li>• The site is currently the subject of a separate planning application which is being managed by the same permit applicant and progresses the construction of a four storey apartment building and a series of three storey townhouse style dwellings with associated basement car parking. Plans have been advertised. That application has not been determined to this time.</li> </ul> |

- 1.11 The subject site is located within a diverse streetscape which comprises a mix of older, more traditional suburban housing, unit development from the 1990s and early 2000s and an emergence of more modern development, such as the small apartment building on the south-west corner of the May and George Street intersection.
- 1.12 Due to the absence of solid, high level fencing, the eastern side of May Street has a more open feel than the west side in the vicinity of the subject site.

- 1.13 The landscape character of the surrounding area is similarly diverse. A number of established exotic trees, such as various species of Oaks, are scattered across the neighbourhood.
- 1.14 May Street is a local street with a width between kerbs of approximately 8 metres. Parking is permitted on both sides. While the west side of May Street is unrestricted, there are 1 hour parking restrictions applicable 8am – 6pm Mon - Sunday (resident permit exceptions) on the east side of May Street.
- 1.15 May Street connects to George Street to the north and Blackburn Road to the south-east. George Street is a collector road in the local road network which, in the vicinity of the site, provides a single traffic lane in each direction.
- 1.16 The site is exceptionally well located to the Donburn Neighbourhood Activity Centre at a distance of between 220-250 metres. An extensive range of bus services are available along George Street and Blackburn Road. Bus stops along these main roads are all within 250-300 metres. The site provides access to the Melbourne Central Activity District, Westfield Doncaster, train stations at Heidelberg, Mitcham and Box Hill and to a large range of local schools and inner city schools.
- 1.17 Doncaster East Secondary College is positioned within 200 metres from the site. Dryden Reserve, a neighbourhood park with playground equipment and Zerbes Reserve, a larger open space with sporting grounds, are situated within 700 metres of the site.

#### **Planning History/Application History**

- 1.18 There is no relevant planning permit history for the subject site.
- 1.19 The proposal was presented to a Sustainable Design Taskforce meeting on 9 April 2015 where the application was generally well received. The main area of feedback related to improving internal amenity.

## **2 PROPOSAL**

- 2.1 It is proposed to demolish the existing dwellings and all other buildings on the site, and remove all vegetation in order to construct a total of fifteen (15) dwellings with associated car parking.

#### **Dwelling Breakdown**

- 2.2 The proposal for fifteen dwellings consists of eleven (11) three-storey dwellings and four (4) two-storey dwellings.
- 2.3 The development is proposed to be configured in two rows of attached built form along the length of the site. In this regard, Dwellings (labelled) 1, 2, 5-10 are to be situated along the northern side of the site, while Dwellings 3, 4 and 11-15 are to be positioned along the southern side of the site. The two rows are physically separated by the one, centrally located vehicular crossover and accessway. This accessway will service all dwellings, their respective garages and the three (3) visitor spaces at the rear of the site.
- 2.4 The proposed two storey dwellings are Dwellings 3, 7, 11 and 14. These are to be situated within the two rows of attached built form thereby offering visual breaks when viewing the development from neighbouring properties located on either side of the site. All other dwellings are proposed as three-storey.

2.5 A summary of the dwelling breakdown is provided in the table below:

| Dwelling No. | No. of Storeys | No. of Bedrooms | No. of Car Parking Spaces |
|--------------|----------------|-----------------|---------------------------|
| 1.           | Three          | 3               | 2                         |
| 2.           | Three          | 3               | 2                         |
| 3.           | Two            | 3               | 2                         |
| 4.           | Three          | 3               | 2                         |
| 5.           | Three          | 3               | 2                         |
| 6.           | Three          | 3               | 2                         |
| 7.           | Two            | 3               | 2                         |
| 8.           | Three          | 3               | 2                         |
| 9.           | Three          | 2               | 1                         |
| 10.          | Three          | 2               | 1                         |
| 11.          | Two            | 3               | 2                         |
| 12.          | Three          | 3               | 2                         |
| 13.          | Three          | 3               | 2                         |
| 14.          | Two            | 3               | 2                         |
| 15.          | Three          | 2               | 2                         |

### **Street Setbacks**

#### Western Boundary

2.6 Dwellings 1 and 2 will have a streetscape presentation to May Street. Both dwellings are proposed to have a minimum street setback of 6 metres at ground level, increasing to 6.6 metres at the first level and 8.2 metres at the second level. Balconies to both dwellings would encroach into this setback at the first level.

### **Rear/Side Setbacks**

#### Eastern Boundary

2.7 Minimum wall setbacks to the eastern boundary, otherwise known as the boundary common with the Taipan Site at No. 233 Blackburn Road, are as follows:

2.7.1 Ground Level – 3.86 metres (Dwelling 10);

2.7.2 Second Level – 3.34 metres, with a 2.88 balcony setback (Dwelling 10);

2.7.3 Third Level – 3.94 metres (Dwelling 10).

#### Northern Boundary

- 2.8 Minimum setbacks to the northern boundary, otherwise known as the boundary common with 17 May Street and 2-4 George Street, are as follows:
- 2.8.1 Ground Level – 3.56 metres (Dwelling 10);
  - 2.8.2 Second Level – 4.64 metres (Dwelling 10); and
  - 2.8.3 Third Level – 4.64 metres (Dwelling 10).

#### Southern Boundary

- 2.9 Minimum setbacks to the southern boundary, otherwise known as the boundary common with 11 May Street, are as follows:
- 2.9.1 Ground Level – 3.9 metres (Dwelling 2);
  - 2.9.2 Second Level – 2.5 metres (Dwelling 4); and
  - 2.9.3 Third Level – 5 metres (Dwelling 12).

#### **Materials/Colours/Finishes**

- 2.10 The proposed dwellings will be constructed with a range of building materials and finishes with a range of textures and colours. It is proposed to draw on a combination of face brickwork (dark brown), rendered brickwork (dark grey and white), cladding (timber, bronze and *Colorbond* – dark grey), glazing and solid balustrading. Detailed finishes such as to garage openings and patterned concrete treatments are also proposed.

#### **Building Heights**

- 2.11 Due to the combination of two and three storey developments across the two rows of attached built form, the development steps up and down across both northern and southern elevations.
- 2.12 The proposed development has a maximum building height of 10.4 metres above natural ground level. This occurs at Dwelling 2's south-west corner (see the western, streetscape elevation of the advertised plans). Dwelling 1, also across the May Street streetscape, has a maximum building height of 9.95 metres above natural ground level.
- 2.13 Across the northern row of dwellings, building heights vary from the front of the site (Dwelling 1), being 9.1 metres, to 5.9 metres to 8.62 metres to 5.7 metres, rising up to 8.9-9 metres (Dwelling 10).
- 2.14 Across the southern row of dwellings, building heights vary from the front of the site (Dwelling 2), being 10.4 metres, to 9.6 metres to 7.5 metres to 9.6 metres to 7.3 metres and rising up to 9.5 metres (Dwelling 15).
- 2.15 New 1.8 metre high boundary fencing is proposed along the full length of the southern and northern boundaries. The rear, eastern boundary is to be unfenced. A plan notation explains that it is intended that the development on the adjoining land (Taipan site) will be spatially connected to the subject site, rather than fenced off.

#### **Vehicle Access**

- 2.16 Access to all dwellings is proposed via the one, centrally located crossover and accessway.

- 2.17 The crossover is proposed to be 5.5 metre wide and will require alteration to one of the two existing crossovers to the site. The other is proposed to be removed.
- 2.18 The accessway will be 5.5 metres wide for the first 3.75 metres and will then reduce in width to 3 metres for a short distance, before increasing to 6.4 metres.
- 2.19 The accessway is proposed to service a total of thirty (30) vehicles, including twelve double car garages, three single car garages and three visitor car spaces. The finished surface level of the accessway, garages and visitor car parking spaces varies but ramps upwards with the rise in the land.
- 2.20 A patterned concrete treatment is to be applied to the common accessway and to visitor car parking spaces. The materials schedule indicates that three different patterned treatments are to be applied, although it is not clear from the plans as to which will apply where. **Condition required.**

#### **Pedestrian Access**

- 2.21 Each dwelling would have its own pedestrian access from one of the two pedestrian accessways provided. Both pedestrian paths link up to the May Street footpath.
- 2.22 A 1.2 metre wide pedestrian path is proposed adjacent to the northern boundary, on the northern side of the northern row of dwellings. A 1.2 metre wide pedestrian path is proposed adjacent to the southern boundary, on the southern side of the southern row of dwellings.
- 2.23 Landscaping is proposed on either side of the pedestrian pathways, with sizeable landscape strips adjacent to site boundary and opportunities for lower level landscaping adjacent to front entries. Each dwelling is also proposed to have a 1.2 metre high concrete blockwork front fence to demarcate "future" private title.

#### **Earthworks**

- 2.24 In order to facilitate the proposal, some earthworks will be required. A cut of up to one (1) metre is necessary at the rear of the site. To this end, a retaining wall is proposed along the length of the boundary with 233 Blackburn Road.
- 2.25 Along the northern boundary, a site cut of up to 1.4 metres will also be required. Retaining walls to manage this cut are shown on the proposed site plan. They extend along the full length of this boundary. Retaining walls are to be set back a distance of at least 1.1 metres from the side boundary to allow for landscaping to be planted at natural ground level (i.e. on top of the retaining wall).

#### **Site Coverage/Impervious Surface Calculations**

- 2.26 The site coverage for the overall proposal is indicated to be 48%.
- 2.27 The impervious site area is shown to be 32%.
- 2.28 In support of the planning application, the following documentation was submitted:
- 2.28.1 Architectural and colour perspective drawings, as prepared by Sky Hao Architects, dated 30 June 2015.



- 2.28.2 Planning Report, including Rescode Assessment, prepared by Melbourne Planning Solutions, dated 10 June 2015.
- 2.28.3 A Concept Landscape Plan, as prepared by Thai Tongue, dated 1 July 2015.
- 2.28.4 An Arborist Report, prepared by BlueGum, dated 28 December 2014.
- 2.28.5 A Traffic Impact Assessment, as prepared by TTM, dated 20 July 2015.
- 2.28.6 Waste Management Plan (WMP), Leigh Design, 3 June 2015.
- 2.28.7 An Infrastructure and Spatial Report, dated 29 April 2015.
- 2.28.8 A Feature Survey Plan, prepared by Victorian Survey Group, dated 12 November 2014.

### **PRIORITY/TIMING**

- 2.29 The statutory time for considering a planning application is 60 days. Allowing for the time taken to advertise the application, the statutory time lapses on 26 October 2015.

### **3 RELEVANT LEGISLATION**

- 3.1 The *Planning and Environment Act 1987 (the Act)* is the relevant legislation governing planning in Victoria. The Act identifies subordinate legislation in the form of Planning Schemes to guide future land use and development.
- 3.2 Section 60 of the Act outlines what matters a Responsible Authority must consider in the determination of an application. Before deciding on an application, the Responsible Authority must consider:
  - the relevant planning scheme, in this case being the Manningham 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; and
  - 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; and
  - any significant social effects and economic effects which the responsible authority considers the use or development may have.
- 3.3 Section 61(4) of the Act makes specific reference to covenants. The subject site is not affected by any covenant.

### **4 MANNINGHAM PLANNING SCHEME**

#### **Zoning**

- 4.1 The site is included in the General Residential Zone, Schedule 2 (GRZ2) pursuant to the Manningham Planning Scheme.
  - 4.2 Adjoining land to the north and south and land to west is also contained within the General Residential Zone, Schedule 2.
  - 4.3 Adjoining land to the east, i.e. land at 233 Blackburn Road, is zoned Residential Growth Zone Schedule 2.
  - 4.4 A planning permit is required to construct two or more dwellings on a lot in the GRZ2 under Clause 32.08-4.
  - 4.5 The purpose of the General Residential Zone is:
    - To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
    - To encourage development that respects the neighbourhood character of the area
    - To implement neighbourhood character policy and adopted neighbourhood character guidelines.
    - To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.
    - To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.
  - 4.6 Assessment is required under the provisions of Clause 55 of the Manningham Planning Scheme.
  - 4.7 The purpose of Clause 55 is generally to provide well designed and lifestyle 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.
- Overlays**
- 4.8 The site is also included in the Design and Development Overlay Schedule 8 (DDO8) under the provisions of the Manningham Planning Scheme.
  - 4.9 The subject site is located within DDO8-2 Sub-Precinct A, where the maximum allowable building height for land more than 1800 square metres in size is 11 metres. The 11 metre height limit is a mandatory requirement, and a permit cannot be granted to allow a higher building.
  - 4.10 Surrounding land is similarly affected by the DD08, although land fronting Blackburn Road is situated within the Main Roads Precinct (DD08-1), as opposed to land to the north, south and west which is contained within Sub Precinct A (DD08-2) – the same as the subject site.
  - 4.11 The Design Objectives of the DD08 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.*
- 4.12 Planning permission is required for buildings and works, which must comply with the requirements set out in either Table 1 or Table 2 of the Schedule.
- 4.13 There is a range of requirements outlined in Schedule 8 to the DDO under the headings of building height and setbacks, form, car parking and access, landscaping and fencing.

**State Planning Policy Framework (SPPF)**

- 4.14 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.*
- 4.15 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.
- 4.16 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.*
- 4.17 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.
- 4.18 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.*

- 4.19 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.*
- 4.20 Clause 16.01-4 (Housing Diversity) seeks to provide for a range of housing types to meet increasingly diverse needs. Strategies towards achieving this are identified as follows:
- *Ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.*
  - *Encourage the development of well-designed medium-density housing which respects the neighbourhood character.*
  - *Improves housing choice.*
  - *Makes better use of existing infrastructure.*
  - *Improves energy efficiency of housing.*
  - *Support opportunities for a wide range of income groups to choose housing in well serviced locations.*
- 4.21 Clause 16.01-5 (Housing affordability) seeks to deliver more affordable housing closer to jobs, transport and services.
- Local Planning Policy Framework (LPPF)  
Municipal Strategic Statement (Clause 21)**
- 4.22 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 ageing 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.
- 4.23 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.

- 4.24 Clause 21.05 (Residential) outlines the division of Manningham into four Residential Character Precincts. The precincts seek to channel increased housing densities to 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.
- 4.25 The site is within “Precinct 2 – Residential Areas Surrounding Activity Centres and Along Main Roads”.
- 4.26 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*
  - *Achieve high design standards*
  - *Provide visual interest and make a positive contribution to the streetscape.*
  - *Provide a graduated building line from side and rear boundaries.*
  - *Minimise adverse amenity impacts on adjoining properties.*
  - *Use varied and durable building materials.*
  - *Incorporate a landscape treatment that enhances the overall appearance of the development*
  - *Integrate car parking requirements into the design of buildings and landform.*
- 4.27 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.
- 4.28 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 1,800m<sup>2</sup>. 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 1800m<sup>2</sup>. 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 1800m<sup>2</sup> must all be in the same sub-precinct. In this sub precinct, if a lot has an area less than 1800m<sup>2</sup>, 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.

- 4.29 **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.
- 4.30 The site is located within **Sub-Precinct A (DDO8-2)**.
- 4.31 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.*
- 4.32 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.*
- 4.33 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.
- 4.34 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.*
- 4.35 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 relate to:
- *Building energy management*
  - *Water sensitive design*
  - *External environmental amenity*
  - *Waste management*
  - *Quality of public and private realm*
  - *Transport.*

#### **Local Planning Policy**

- 4.36 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.
- 4.37 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**

- 4.38 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.*
- 4.39 Clause 52.06-8 outlines various design standards for parking areas that should be achieved.
- 4.40 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.
- 4.41 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.*

## **5 ASSESSMENT**

- 5.1 Council has, through its policy statements throughout the Manningham Planning Scheme, and in particular by its application of Schedule 8 to the Design and Development Overlay over the subject site and part of this neighbourhood, created a planning mechanism that has, and will in time further alter the existing neighbourhood character in this part of Doncaster East.
- 5.2 As articulated by the DD08, Council's planning preference is for higher density, multi-unit developments which can include apartment style developments on larger lots. Higher density housing is thereby envisaged as the "preferred neighbourhood character" 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). In DD08 areas, a substantial level of change is anticipated from the existing character of primarily single dwellings and dual occupancies. As a consequence, the resultant built form is contemplated to comprise a more intense and less suburban outcome.
- 5.3 Notwithstanding the opportunity to increase residential densities in areas well located to public transport, and in this case the Donburn Neighbourhood Activity Centre, any design response must have careful and considered regard to its potential impacts on local amenity.
- 5.4 Given the 2000sqm site area, a maximum building height limit of 11 metres is applicable. On this basis, there is policy support for a 3 storey apartment style development on the site.
- 5.5 Rather than propose an apartment building on the subject site, the applicant has sought to develop the site with a total of fifteen (15) townhouse style dwellings. It is understood this was a conscious decision by the applicant to provide a development that would be more respectful to the May Street streetscape.

- 5.6 An assessment of the proposal will now be made against the following planning controls:
- Clause 21.05, 21.10, 22.08 & 22.09
  - Schedule 8 to the Design and Development Overlay (DD08)
  - Clause 52.06 Car Parking
  - Clause 55 Two or More Dwellings on a Lot
  - Clause 65 Decision Guidelines

### **Local Planning Policy Assessment**

#### **Clause 21.05 Residential**

- 5.7 The development site is situated within Precinct 2 – Residential Areas Surrounding Activity Centres and Along Main Roads, Sub Precinct A (DD08-2) where high density is encouraged. Given the site exceeds 1800sqm in area, and is located within Sub Precinct A (DD08-2), a maximum building height of 11 meters is applicable.
- 5.8 Notwithstanding this opportunity, there are expectations in regards to the standard of development and what constitutes a reasonable level of development.
- 5.9 While the development proposes a higher density outcome, the proposal comfortably comes within the maximum building heights possible within this Sub Precinct and has a proposed site coverage well beneath the permissible 60%.
- 5.10 The proposal provides generous setbacks to all boundaries, thereby providing spacing and good separation from/to adjoining properties. Consequently, opportunities for landscaping can be realised along the perimeter of the site, in particular adjacent to sensitive interfaces to the north and south.
- 5.11 In addition to good setbacks, the design response across all elevations is considered to be of a high standard. Visual interest is provided across all elevations by the incorporation of a variety of building materials comprising a neutral colour palette. Articulation is offered via a combination of cantilevering of the first level over ground level and by recessing the uppermost level of three storey dwellings.
- 5.12 Garages have been integrated into the built form and decorative concrete treatments are to be applied throughout the development to heighten visual interest.
- 5.13 Overall, the design response is considered to be consistent with Council's policy expectations at Clause 21.05 Residential.

#### **Clause 21.10 Ecologically Sustainable Development**

- 5.14 Council's MSS outlines ESD requirements to be incorporated into larger developments within the municipality.
- 5.15 A Sustainability Management Plan, which will be a requirement of permit condition, will ensure that the proposal offers a number of positive ESD measures, such as the incorporation of rainwater tanks and solar hot water

systems into the design response which would satisfy this Clause. **Condition 3.**

### **Clause 22.08 Safety through Urban Design**

- 5.16 Council's Local Planning Policy at Clause 22.08 applies to all land in the municipality and therefore has a broad range of objectives and policy requirements in relation to the design of buildings, street layout/access, lighting and car parks.
- 5.17 While a number of items are not relevant to this application, a number of the requirements in relation to building design are, including *"Buildings be orientated to maximise surveillance of entrances and exits from streets"* and *"The location of building entrances and windows maximise opportunities for passive surveillance of streets and other public spaces"*.
- 5.18 By the very layout of the development it wouldn't be possible to have all dwellings face the street, but the proposal manages to orientate the front two dwellings (Dwelling 1 and 2) to integrate successfully with the May Street streetscape. By the provision of two (2) sizeable pedestrian paths with windows and balconies looking over/down it, it is considered the design response provides a high level of surveillance over these common areas.

### **Clause 22.09 Access for Disabled People**

- 5.19 The Access for Disabled People Policy is based on the *Disability Discrimination Act* and requires that persons with a disability have the same level of access to buildings, services and facilities as any other person.
- 5.20 Based on the lack of stair or minimal stair access to the ground level, a number of the dwellings throughout the development present good examples of dwellings which would be suitable for access by persons of limited mobility. Examples include Dwellings 1-3.

### **Schedule 8 to the Design and Development Overlay (DD08)**

- 5.21 An assessment follows against the design requirements of the DD08:

| Requirement  | Level of Compliance   |
|--|---|
| <p><b>DDO8-1 (Sub-Precinct A)</b></p> <ul style="list-style-type: none"> <li>11 metres provided the condition regarding minimum land size is met.</li> </ul> <p>If the condition is not met, the maximum height is 9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the site of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.</p> | <p><b>Met</b></p> <ul style="list-style-type: none"> <li>As the land area of the subject site is 2000 square metres, the site is permitted to have a maximum building height of eleven (11) metres. This is a mandatory requirement and the development is not permitted to exceed this height limit.</li> <li>Advertised elevation plans show that the proposal comfortably comes within this height requirement. The maximum building above natural ground level is 10.4 metres which applies to Dwelling 2 at its south-west corner.</li> <li>A key characteristic of the</li> </ul> |

| Requirement  | Level of Compliance   |
|--|---|
|  | development is the diversity offered in the design response in respect to overall building heights. To this end, building heights range from 5.7 metres to 10.4 metres, with a number of the dwellings at around the 9 metre height mark.   |
| <ul style="list-style-type: none"> <li>Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser.</li> <li>Minimum side street setback is the distance specified in Clause 55.03-1.</li> </ul> | <p><b>Met</b></p> <ul style="list-style-type: none"> <li>A 6 metre, ground floor level street setback is provided to both Dwellings 1 and 2 along the May Street frontage.</li> <li>Setbacks at upper levels are over 6 metres.</li> <li>Not-applicable.</li> </ul>   |
| <p><b>Form</b></p> <ul style="list-style-type: none"> <li>Ensure that the site area covered by buildings does not exceed 60 percent.</li> </ul>  | <p><b>Met (with condition)</b></p> <ul style="list-style-type: none"> <li>While advertised plans suggest that the building site coverage is 48% of the site area, it is unclear from the development summary table whether this does or does not include balconies at the upper levels. A condition of permit will require this to be clarified, however, this is to ensure an accurate calculation only. Even including the area of the site covered by these balconies it is not considered that the proposal would fail to come within the 60%. <b>Condition 1.29.</b></li> </ul>  |
| <ul style="list-style-type: none"> <li>Provide visual interest through articulation, glazing and variation in materials and textures.</li> </ul>   | <p><b>Met</b></p> <ul style="list-style-type: none"> <li>Various materials, colours and finishes are proposed across all elevations to provide for a visually stimulating presentation across all elevations.</li> <li>A neutral colour palette, comprising of greys, browns and white, is proposed to be used in a manner that creates a high level of visual interest. The combined use of face brickwork, two tones of render, three varieties of cladding (bronze, timber and <i>Colorbond</i> in a dark grey) will provide an appropriate level of variation and texture. An appropriate level of glazing is also proposed to mitigate visual</li> </ul> |

| Requirement  | Level of Compliance  |
|--|--|
|  | <p>bulk.</p> <ul style="list-style-type: none"> <li>• Additional paving treatments, such as the three varieties of coloured concrete further heighten the visual interest proposed by the development.</li> <li>• A high level of articulation is provided across all elevations, with a combination of stepping and cantilevering utilised.</li> <li>• Balconies are spaced to avoid their appearance across side elevations as one long continuous form, which is a positive outcome. Along the southern elevation, balconies are located at different levels. This has been carefully considered and further assists to articulate the built form.</li> <li>• The proposal has provided a combination of two and three storey dwellings and, in doing so, provided opportunities for visual breaks across side elevations to offer visual relief to adjoining properties. The careful placement of two storey dwellings has also maximised access to natural light and sunlight to aid internal amenity. For example, Dwellings 4 and 13 and their north facing balconies along the southern row of dwellings benefit from the gap provided between Dwellings 1 and 5 and between Dwellings 6 and 8, respectively.</li> </ul> |
| <ul style="list-style-type: none"> <li>• Minimise buildings on boundaries to create spacing between developments.</li> </ul> | <p><b>Met</b></p> <ul style="list-style-type: none"> <li>• The absence of any boundary wall is a highlight of the proposal.</li> <li>• The retaining wall along the eastern boundary is considered to be appropriate having regard to the adjoining property to the east being the subject of a current development application that is being managed by the same applicant.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Where appropriate ensure that buildings are stepped down at the</li> </ul>          | <p><b>Met</b></p> <ul style="list-style-type: none"> <li>• The design response does not step</li> </ul>  |

| Requirement   | Level of Compliance   |
|---|---|
| <p>rear of sites to provide a transition to the scale of the adjoining residential area.</p>  | <p>down to the rear of the site as is sought by the design element. However, this is considered appropriate in this instance for a few reasons. Firstly, the physical context and the fact that the adjoining land presently is a restaurant car park, rather than a sensitive residential interface. Secondly, the adjoining land to the rear is affected by the same DD08 planning control and indeed is affected by the RGZ2, a zone that aspires a higher density outcome. Thirdly, the adjoining lot to the east is currently the subject of a planning application that is being managed by the same applicant where it is also proposed to have three storey townhouse style developments of a similar to higher scale to the heights proposed by Dwellings 10 and 15.</p> |
| <ul style="list-style-type: none"> <li>Where appropriate, ensure that buildings are designed to step with the slope of the land.</li> </ul>   | <p><b>Met</b></p> <ul style="list-style-type: none"> <li>The design response steps subtly with the rise in the land and this is considered appropriate.</li> </ul>  |
| <ul style="list-style-type: none"> <li>Avoid reliance on below ground light courts for any habitable rooms.</li> </ul>  | <p><b>Met</b></p> <ul style="list-style-type: none"> <li>The proposal does not rely on below ground habitable rooms as part of the design response.</li> </ul>  |
| <ul style="list-style-type: none"> <li>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.</li> </ul> | <p><b>Met</b></p> <ul style="list-style-type: none"> <li>Four of the fifteen dwellings are proposed to be two storey dwellings. These dwellings are Dwellings 3, 7, 11 and 14.</li> <li>All of these dwellings have upper levels with balconies which cantilever over the ground level below. This is considered to provide an articulated built form outcome without causing any adverse amenity impacts to adjoining properties.</li> </ul>   |
| <ul style="list-style-type: none"> <li>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</li> </ul>    | <p><b>Met</b></p> <ul style="list-style-type: none"> <li>The remaining eleven (11) dwellings (being Dwellings 1-2, 4-6, 8-10, 12-13, 15) will have a three storey built form.</li> </ul>  |

| Requirement   | Level of Compliance   |
|---|---|
| <p>interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation.</p>  | <ul style="list-style-type: none"> <li>The third level footprints of these dwellings are relatively modest and generally all recessed from the level below. In particular, across streetscape and sensitive residential interfaces, the third level is stepped in from the level directly below. This mitigates any visual bulk concerns and provides for an acceptable presentation across all elevations.</li> </ul>  |
| <ul style="list-style-type: none"> <li>Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos.</li> </ul>   | <p><b>Met</b></p> <ul style="list-style-type: none"> <li>It is considered that there are no imposing design elements and all design expressions are considered to be well integrated into the overall design of the building.</li> </ul>  |
| <ul style="list-style-type: none"> <li>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.</li> </ul> | <p><b>Met (with condition)</b></p> <ul style="list-style-type: none"> <li>The design has considered the crossfall and proposed appropriate finished floor and surface levels.</li> <li>The construction of townhouses, rather than a large apartment building, is considered to be a more site responsive outcome. This conclusion is based on the ability for dwellings to be designed in a more site responsive manner than an apartment, which typically relies on basement construction that is not so readily able to be stepped with the natural contours of the land.</li> <li>While the site requires some excavation to facilitate appropriate driveway levels, this is considered reasonable, with maximum site cuts not exceeding 1.4 metres, and typically being less than 1 metre. Along the south side of the building, the development will be generally constructed at grade.</li> <li>Driveway levels have been considered by Council's Engineers and deemed appropriate.</li> <li>Details for retaining wall materials and overall presentation, including a</li> </ul> |

| Requirement   | Level of Compliance   |
|---|---|
|   | <p>requirement for the encroaching retaining wall across the pedestrian pathway along the rear boundary be deleted, is the subject of planning permit conditions. <b>Conditions 1.28, 30.</b></p>   |
| <ul style="list-style-type: none"> <li>Be designed to minimise overlooking and avoid the excessive application of screen devices.</li> </ul>  | <p><b>Met</b></p> <ul style="list-style-type: none"> <li>The finished floor levels of the dwellings result in no overlooking issues at ground level. New boundary fencing will be provided at 1.8 metres which will ensure privacy is maintained to adjoining properties.</li> <li>At upper levels, some screening is inevitable but it is considered that the design response has sought to minimise the application of unnecessary screening, whilst preserving the privacy of adjoining properties in accordance with Clause 55.04-6 of the Manningham Planning Scheme. This will be further discussed in response to this Clause later in this report.</li> </ul> |
| <ul style="list-style-type: none"> <li>Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all mobilities.</li> </ul>                           | <p><b>Met</b></p> <ul style="list-style-type: none"> <li>Pedestrian entries to the ground level of some dwellings, including Dwellings 1, 2 and 3, are at grade, which is a good outcome. Dwellings 1 and 2 have both bedrooms and sitting areas at ground level which can be easily accessed by persons with limited mobility.</li> <li>While not all dwellings would be suitable for persons of limited mobility, it is considered that the proposal provides for some level of diversity in housing layout and type which could allow some of the dwellings to be suitable to persons of limited mobilities.</li> </ul>  |
| <ul style="list-style-type: none"> <li>Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties.</li> </ul> | <p><b>Not applicable</b></p>  |



| Requirement  | Level of Compliance   |
|--|---|
| <ul style="list-style-type: none"> <li>Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site.</li> </ul>   | <p><b>Met</b></p> <ul style="list-style-type: none"> <li>Car parking associated with the development is sufficiently integrated with the overall built form and will not be visually obtrusive across the streetscape elevation due to the provision of an operable metal gate fronting the street. A condition of permit will require the design detail of the opening to be provided to ensure it does not compromise vehicle ingress/egress. <b>Condition 1.14.</b></li> </ul>   |
| <ul style="list-style-type: none"> <li>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.</li> </ul>             | <p><b>Met</b></p> <ul style="list-style-type: none"> <li>As above, the garages associated with the dwellings are appropriately integrated with the overall development.</li> </ul>  |
| <ul style="list-style-type: none"> <li>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.</li> </ul> | <p><b>Not applicable</b></p>  |
| <ul style="list-style-type: none"> <li>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.</li> </ul>               | <p><b>Met (with condition)</b></p> <ul style="list-style-type: none"> <li>Along the rear boundary (at the northern end), a minimum 3.9 metre setback is provided from Dwelling 10 to the eastern boundary in which a communal open space area is proposed. This area can be complemented by appropriate landscaping, including canopy trees.</li> <li>The setback to the rear boundary at the southern end (to Dwelling 15) is up to 6.6 metres. As with the area between Dwelling 10, there is some communal open space proposed which can be further complemented by landscaping.</li> <li>A consistent 950mm to 1 metre landscaping strip is proposed along the length of the eastern boundary which could offer some green relief.</li> </ul> |

| Requirement  | Level of Compliance  |
|--|--|
|  | <p>However, Council's Engineers recommend that this be removed to provide an increased paved area to improve egress for vehicles using the rear of the site. As a dedicated area will also need to be provided for waste collection (with the present proposal adjacent to garage openings not supported by Council Engineers), it is considered appropriate to require the landscaping strip to be substituted for permeable paving. <b>Condition 1.15.</b></p> |
| <ul style="list-style-type: none"> <li>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.</li> </ul>   | <p><b>Met</b></p> <ul style="list-style-type: none"> <li>With the exception of solar hot water system/solar panels, there is no proposal to install any equipment atop any of the roofs.</li> <li>These services are proposed to be screened by the use of aluminium louver style screens, which is considered appropriate.</li> </ul>   |
| <p><b><u>Car Parking and Access</u></b></p> <ul style="list-style-type: none"> <li>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 set back a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback.</li> </ul> | <p><b>Met (with condition)</b></p> <ul style="list-style-type: none"> <li>It is proposed to alter (by widening) the existing crossover to 5.5 metres.</li> <li>The proposal has minimised the number and size of this crossover.</li> <li>The crossover will not affect any street tree but will require the relocation of a Council parking restriction sign. <b>Condition 1.21.</b></li> </ul>   |
| <ul style="list-style-type: none"> <li>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.</li> </ul>  | <p><b>Not applicable</b></p>   |
| <ul style="list-style-type: none"> <li>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</li> </ul>   | <p><b>Not applicable</b></p>   |

| Requirement   | Level of Compliance  |
|---|--|
| dwelling.   |  |
| <ul style="list-style-type: none"> <li>Ensure that access gradients of basement carpark are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements.</li> </ul>  | <p><b>Met</b></p> <ul style="list-style-type: none"> <li>The driveway gradient to the common accessway rises with the upward slope of the land but does not present any gradient challenges. Council's Engineers raise no concern in this regard.</li> </ul>   |
| <p><b>Landscaping</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul> | <p><b>Met (with condition)</b></p> <ul style="list-style-type: none"> <li>Given the 6 metre setback to May Street, there is ample room in which to locate at least three canopy trees within the front setback of the site. Indeed a total of five canopy trees are earmarked on the concept landscape plan advertised with the proposal and it is considered a total of six can be provided in this front space. The full species details of these canopy trees will be required to be provided on a final landscape plan. <b>Condition 8.5.</b></li> </ul>   |
| <ul style="list-style-type: none"> <li>Provide opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form.</li> </ul>   | <p><b>Met (with condition)</b></p> <ul style="list-style-type: none"> <li>Given the sizeable areas along the southern boundary and at the rear (adjacent to communal spaces), there is an exciting opportunity to provide some appropriately sized canopy trees in these spaces. An avenue of Ornamental Pears, for example, would be an aesthetically pleasing outcome along this southern boundary, providing a quality entry to the southern group of dwellings, while softening the built form to the adjoining property to the south. Deciduous, ornamental trees could also be utilised to the north of both communal areas to provide some valuable shade to these spaces. <b>Condition 8.6.</b></li> <li>Along the northern boundary, given the narrower space between the edge of the retaining wall and the boundary,</li> </ul> |

| Requirement  | Level of Compliance   |
|--|---|
|  | a combination of canopy, shrub planting and smaller plants could be provided to constitute a layered landscape effect. <b>Condition 8.7.</b>  |
| <p><b><u>Fencing</u></b></p> <ul style="list-style-type: none"> <li>• A front fence must be at least 50 per cent transparent.</li> <br/> <li>• On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn and Mitcham Roads, a fence must: <ul style="list-style-type: none"> <li>• not exceed a maximum height of 1.8m</li> <li>• be setback a minimum of 1.0m from the front title boundary</li> </ul> </li> </ul> <p>and a continuous landscaping treatment within the 1.0m setback must be provided.</p> | <p><b>Met</b></p> <ul style="list-style-type: none"> <li>• While front fencing within the May Street frontage is solid concrete blockwork (and thereby not transparent), the fencing is no greater than 1.2 metres above natural ground level and is set in from the front title boundary by a minimum of 3 metres. The layout of fencing is angled and does not extend along the length of the site, rather serves to delineate some “private” open space to Dwellings 1 and 2. It is considered a reasonable design response and can be complemented by the landscaping which is to be provided within the front setback.</li> </ul> <p><b>Not applicable</b></p> |

5.22 Having regard to the above assessment against the requirements of Schedule 8 to the Design and Development Overlay, it is considered that the proposed development provides a high level of compliance.

5.23 The role of the DD08 is to facilitate increased densities in well-located areas without compromising internal or external amenity. It is considered that the proposal achieves this.

**Clause 52.06 Car Parking**

5.24 Prior to a new use commencing or a new building being occupied, Clause 52.06-2 requires the number of car parking spaces outlined at Clause 52.06-5 to be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the Responsible Authority.

- 5.25 This clause requires resident car parking at a rate of one space for each dwelling with one or two bedrooms and two spaces for each dwelling with three or more bedrooms.
- 5.26 Visitor car parking is required at a rate of one car parking space for every 5 dwellings.
- 5.27 In terms of provision, the proposal complies with the number of resident and visitor car parking spaces required by the Planning Scheme. Each three bedroom dwelling is provided with a double car garage, while the three two bedroom dwellings each have a single car garage. A total of three (3) visitor car parking spaces are provided uncovered at the rear of the site.
- 5.28 The following tables provides an assessment of the proposal against the seven (7) design standards at Clause 52.06-8:

| Design Standard        | Met/Not Met  |
|------------------------|--|
| 1 - Accessways         | <p><b>Met with condition</b></p> <p>The access has been proposed to enable vehicles to exit the site in a forward direction.</p> <p>Passing areas have not been provided in accordance with this design standard, but this can be addressed by permit condition. <b>Condition required.</b></p> <p>There are no encroachments within corner splays adjacent to the crossover to adversely affect sightlines.</p>                       |
| 2 – Car Parking Spaces | <p><b>Not Met</b></p> <p>Council’s Engineering department has considered the layout and size of proposed car parking spaces and aisle widths and considered them to be appropriate.</p> <p>However, access for the waste collection vehicle has been assessed to be tight. Further detail and potential adjustments will be required to demonstrate waste collection can safely occur from within the site. <b>Condition 1.12.</b></p> |
| 3 - Gradients          | <p><b>Met</b></p> <p>Council’s Engineering department have raised no concern with the proposed grade of the accessway and garage access.</p>   |
| 4 – Mechanical Parking | Not applicable – No mechanical parking proposed.   |
| 5 – Urban Design       | <p><b>Met</b></p> <p>The presentation of the accessway, as viewed from the public realm, is deemed to be appropriate.</p>  |
| 6 – Safety             | <p><b>Met with condition</b></p> <p>Lighting bollards are shown at ground level adjacent to garage openings although this has been raised by Council’s Engineers as an issue. As such, lighting will be required atop</p>  |

|                    |  |
|--------------------|--|
|                    | garage openings, rather than at ground level.<br><b>Condition 1.24.</b>  |
| 7 –<br>Landscaping | <b>Met</b><br>Landscaping is proposed adjacent to the accessway, and although this will be reduced to achieve compliance with Design Standard 1, the resulting amount of landscaping provided is acceptable. |

- 5.29 It follows from the above assessment that the proposal is generally compliant with the applicable design standards at Clause 52.06-8 of the Manningham Planning Scheme. Areas of minor concern can be resolved by permit condition.

**Clause 55 Two or More Dwellings on a Lot**

- 5.30 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.
- 5.31 The following table sets out the level of compliance with the objectives of this clause:

| <b>OBJECTIVE</b>   | <b>OBJECTIVE MET/NOT MET</b>  |
|--|---|
| 55.02-1 - To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.<br><br>To ensure that development responds to the features of the site and the surrounding area.  | <b>Met</b><br><br>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 development will provide a positive contribution to the preferred neighbourhood character and can respect the natural features of the site, and its surrounds as contemplated by this planning control.                                  |
| 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 planning policies.<br><br>To support medium densities in areas where development can take advantage of public transport and community | <b>Met</b><br><br>The application was accompanied by a written statement that explained how, in the view of the permit applicant, the development accords with State, Local and Council policy.<br><br>Council's assessment concludes that the proposal is a respectful example of a higher density, built form outcome in an area nominated for a substantial level of change and where a preferred neighbourhood area has been envisaged. |

| OBJECTIVE   | OBJECTIVE MET/NOT MET   |
|---|---|
| infrastructure and services.  |   |
| 55.02-3 - To encourage a range of dwelling sizes and types in developments of ten or more dwellings.  | <p><b>Met</b></p> <p>The development proposes a mix of two and three bedroom dwellings across two and three storeys.</p> <p>Some dwellings offer sitting/living areas at ground level and many provide at least one bedroom at the ground level. The front two dwellings will have some ground level open space, albeit within the front setback. Balconies vary in size and layout. The diversity offered by the design response is considered satisfactory.</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><b>Met (with condition)</b></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. <b>Conditions 11, 12.</b></p>   |
| 55.02-5 - To integrate the layout of development with the street.   | <p><b>Met</b></p> <p>A good level of integration is offered in the design response to the May Street elevation. Dwellings 1 and 2 have a number of openings, including their front doors and balconies, presenting to the streetscape which will provide a high level of surveillance and engagement with the neighbourhood.</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><b>Met</b></p> <p>As discussed earlier in this report, the front setback of the development complies with the 6 metre requirement set by the DD08, thereby meeting the preferred neighbourhood character.</p>  |
| 55.03-2 - To ensure that the height of buildings respects the existing or preferred neighbourhood character.  | <p><b>Met</b></p> <p>The maximum building height (Dwelling 2) is beneath the permissible 11 metres. The maximum building heights of most dwellings are within the 9-10 metre range, and double storey dwellings are typically less than 6.5 metres in overall building height above natural ground level. It is considered the proposal is respectful of the preferred</p>  |

| OBJECTIVE   | OBJECTIVE MET/NOT MET  |
|---|--|
|   | neighbourhood character and its implications to the amenity of existing dwellings.   |
| <p>55.03-3 - To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</p>  | <p><b>Met (with condition)</b></p> <p>The site coverage, while not exceeding 60%, may not be accurate on the basis of it appearing to exclude overhanging balconies and cantilevering elements of the proposal. This will be clarified by permit condition, although it is considered that the objective will be met as the site coverage will come well within the 60% requirement. <b>Condition 1.29.</b></p>  |
| <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><b>Met</b></p> <p>The impervious surface calculation for the overall development at 32% is considered will provide a sufficient area in which to absorb run-off.</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><b>Met</b></p> <p>The majority of dwellings have living areas and open space positioned to the north (or east or west, where north is not an option) to gain greatest solar exposure.</p> <p>It is considered that the permit applicant has sought to maximise the northerly aspect to the extent possible with balconies to the northern row of dwellings all orientated to the northern side of these dwellings.</p> <p>In regard to the southern row of dwellings, placing balconies on the north side of these dwellings at the second level would have had no practical benefit due to internal overshadowing (and the consequence of reducing internal separation between dwellings which would be undesirable from an internal and external visual amenity perspective).</p> <p>Some dwellings at the third level within the southern row of dwellings have balconies facing north (for example Dwelling 4 and 13). Dwellings 2 and 15 have been provided with westerly and easterly solar exposure, respectively. These are all good outcomes for these dwellings across this southern row.</p> |



| OBJECTIVE   | OBJECTIVE MET/NOT MET  |
|---|--|
| <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><b>Met</b></p> <p>Given the rectangular layout of the site, and the provision of the common accessway through the central core of the site, there is limited opportunity to locate the communal open space in a central location. Therefore, its positioning at the eastern end of the site is considered to be a reasonable outcome. It will have good amenity due to solar exposure (easterly and northerly sun) and be situated within a landscaped setting.</p> <p>Both the northern and southern communal spaces are readily accessible by pedestrians via the two pedestrian walkways and there will also be awareness as to these recreational areas based on the proximate location of visitor car parking spaces. To ensure these spaces are safe it is considered appropriate to require, by permit condition, safety measures. This will include wheel stops to visitor car spaces and a physical barrier (fencing) between car parking and communal areas.</p> <p><b>Conditions 1.18, 1.19.</b></p> |
| <p>55.03-7 - To ensure the layout of development provides for the safety and security of residents and property.</p>  | <p><b>Met</b></p> <p>The proposal offers a level of passive surveillance within the development by the extent of openings over common areas and the placement of balconies over both pedestrian accessways. Both pedestrian pathways are well considered with lighting and appropriate landscaping to be provided.</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 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><b>Met (with condition)</b></p> <p>There are several positives of the landscape design response across the overall development.</p> <p>Firstly, the front setback provides ample room in which to locate a significant number of canopy trees which can, over time, make a positive contribution to the May Street streetscape. The concept plan submitted with the development indicates five to be provided in this space. It is considered up to six could be located given the canopy spread of the Prickly Paperbark street tree is shown rather generously (and this tree has indeed been severely lopped to avoid impact to overhead powerlines). It is appropriate to condition this accordingly. <b>Condition 8.5.</b></p>   |

| OBJECTIVE   | OBJECTIVE MET/NOT MET  |
|---|--|
|   | <p>Secondly, the rear of the site provides another great opportunity to achieve a well considered landscape outcome, particularly with regards to the proposed communal spaces. The concept landscape plan offers some suggested treatments, including inbuilt outdoor furniture with the potential for a BBQ surrounded by permeable paving. A final landscape plan should further consider and confirm final treatments for both communal spaces as well as plan the location of trees carefully to offer shade to these spaces. <b>Condition 8.6.</b></p> <p>Thirdly, the northern boundary offers an opportunity to plant continuously along the length of this boundary atop a 1 metre+ high retaining wall. Suitable species of plants should be placed atop these spaces and this too can be finalised by permit condition. <b>Condition 8.7.</b></p> <p>Fourthly, there is an exciting opportunity to create an avenue of canopy trees down the length of the southern boundary with ample room to also include low level planting around canopy trees. It is considered appropriate to condition this outcome accordingly. <b>Conditions 8.6, 8.8.</b></p> <p>A good density of low level planting will also be required adjacent to dwellings. <b>Condition 8.9.</b></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><b>Met (with condition)</b></p> <p>The proposal seeks to utilise the one 5.5 metre crossover resulting in a net decrease in one crossover. While the new crossover will be wider, there will be a gain in on-street parking at the northern end of the site by the decommissioning of No. 15 May Street's existing crossover.</p> <p>Council's Engineers have considered the proposed vehicle access and deemed it to be suitable, subject to a condition requiring a passing area to be provided in accordance with Design Standard 1 of Clause 52.06-8.</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</p>  | <p><b>Met (with condition)</b></p> <p>The proposed visitor and residential car parking will be convenient located and conveniently accessible for residents and visitors, subject to some permit changes. These include minor adjustments to the</p>   |

| OBJECTIVE  | OBJECTIVE MET/NOT MET  |
|--|--|
| <p>and the neighbourhood.</p> <p>To protect residents from vehicular noise within developments.</p>  | <p>location of landscaping, the addition of an intercom and design detail to demonstrate the security gate will provide for a safe opening. <b>Conditions 1.12, 1.13, 1.14.</b></p>  |
| <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><b>Met</b></p> <p>In terms of wall setbacks to the northern, eastern and southern boundaries, there are no non-compliances with the Standard in respect of any dwelling at any level.</p> <p>A key characteristic of the overall development is the good level of spacing offered to side and rear boundaries with ground level setbacks all over 3 metres, first level setbacks no less than 2.5 metres and second level setbacks no less than 3.9 metres.</p> <p>In many instances, at the uppermost level, dwellings have over 4.5 metre setbacks to side boundaries (northern boundary) and over 5 metre setbacks to the southern boundary.</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><b>Not applicable</b></p> <p>No are no building walls on boundary are proposed as part of the development.</p> <p>(There is a retaining wall proposed along the length of the eastern boundary).</p>  |
| <p>55.04-3 - To allow adequate daylight into existing habitable room windows.</p>  | <p><b>Met</b></p> <p>Due to the generous setbacks from boundaries, as mentioned above, the proposal will not compromise the ability for any existing habitable room window to achieve daylight access.</p>   |
| <p>55.04-4 - To allow adequate solar access to existing north-facing habitable room windows.</p>   | <p><b>Met</b></p> <p>As above, the generous spacing provided from the southern row of dwellings to the two habitable room windows on 11 May Street will ensure that the solar access to these windows will not be compromised. Except for the introduction of higher boundary fencing, the property to the south at 11 May Street will have no overshadowing implications as a consequence of the development.</p>   |
| <p>55.04-5 - To ensure buildings</p>   | <p><b>Met</b></p>  |

| OBJECTIVE  | OBJECTIVE MET/NOT MET   |
|--|---|
| do not significantly overshadow existing secluded private open space.                          | <p>Except for the introduction of higher boundary fencing, the property to the south at 11 May Street Doncaster (situated to the south of the site) will have no overshadowing implications as a consequence of the development.</p> <p>As demonstrated by the submitted shadow diagrams, there will not be any other overshadowing consequence to 11 May Street.</p> <p>Only at 3pm at the September equinox is there a small shadow implication to the adjoining lot to the rear at 233 Blackburn Road. In addition to this being a very minor level of shadow for a small period of the day, it is also noted that this site is not a sensitive abuttal, rather it is presently used as a restaurant car park.</p>   |
| 55.04-6 - To limit views into existing secluded private open space and habitable room windows. | <p><b>Met (with condition)</b></p> <p>Given their streetscape outlook, there is no requirement to screen windows or balconies across the western elevation (Dwellings 1 and 2).</p> <p>Similarly, across the eastern elevation (Dwellings 10 and 15), the outlook towards the Taipan Restaurant car park is not one that is required to be protected by this Clause. However, having regard to the potential development on the adjoining lot to the east, the designer has proposed obscured windows to the uppermost level of these dwellings.</p> <p>Across the southern, external elevation, first and second level habitable room windows and balconies are all screened and fully comply with Standard B22. This is to address unreasonable overlooking to the secluded private open space and habitable room windows of No. 11 May Street. There are no concerns with ground level windows overlooking secluded private open space or habitable rooms windows, particularly given the introduction of higher (1.8 metre) boundary fencing.</p> <p>Across the northern, external elevation, the outlook for the majority of these dwellings is towards the George Street Medical Centre, rather than secluded private open space or habitable room windows of a residential dwelling. On this basis, the Clause offers no protection to this building. As such, the permit applicant has sought to capitalise on this by proposing a number of habitable room</p> |

| OBJECTIVE  | OBJECTIVE MET/NOT MET   |
|--|---|
|  | <p>windows and unscreened balconies to this northern row of dwellings. In this circumstance, this is considered to be acceptable.</p> <p>The exception is to the north facing openings applicable to Dwellings 1 and 3 which are within 9 metres of the habitable room windows of No. 17 May Street. Upper levels windows and balconies to these dwellings will need to be screened in accordance with Standard B22. <b>Condition 1.1.</b></p> <p>Furthermore, a detailed section will be required to demonstrate that balcony screening is compliant with Standard B22. <b>Condition 1.10.</b></p>   |
| <p>55.04-7 - To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</p> | <p><b>Met (with condition)</b></p> <p>Given the configuration and internal layout of the development, a very close assessment to ensure there are no unreasonable internal views is critical to this application.</p> <p>Across the northern, external elevation and southern external elevation, Dwellings 1 and 2, respectively are proposed to have identical sitting room and bedroom arrangements which have window openings looking onto their corresponding pedestrian walkways. All openings are within 1 metre of the pedestrian path. Given this pathway is intended to service either 7 or 8 dwellings, it is considered appropriate for these openings to have raised sill heights. A condition of approval will require these changes to assist the internal amenity (privacy) of Dwellings 1 and 2. <b>Conditions 1.2, 1.3, 1.4.</b></p> <p>All other dwellings further down the eastern end are provided with some habitable space, usually a bedroom at the ground level adjacent to the walkway, however these have a slightly larger setback to the pedestrian walkway (up to 1.3 metres along the southern row) and/or have a low level front fence and an entry gate as a barrier between the window and the pathway. On this basis, it is considered that there will be no formal measure employed to require an adjustment to these windows.</p> <p>In respect of the internal, southern elevation, first and second level (where applicable) balconies and openings to habitable room windows are proposed to be unscreened to capitalise on their northerly</p> |

| OBJECTIVE  | OBJECTIVE MET/NOT MET   |
|--|---|
|  | <p>exposure. Importantly, habitable room windows (there are no balconies) facing south (and therefore directly at these openings) across the internal northern elevation are all proposed to have obscured or highlight windows. This is shown consistently on both the relevant floor plan and the internal elevations.</p> <p>Between balconies along the first level of the northern row of dwellings, and between balconies 11 &amp; 12, and 14 and 15 in the southern row, it is appropriate to consistently require internal screening to a minimum height of 1.7 metres above finished balcony level. (Some notations have been provided to this effect, but not for all dwellings).</p> <p><b>Condition 1.5.</b></p> <p>Given their small area, it is not considered necessary to extend the requirement to the second level balconies.</p> |
| <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><b>Met</b></p> <p>In terms of existing residents, the location of air conditioning units has been shown on proposed plans and they are to be located on the rooftop where they are to be appropriately screened and at a sufficient distance away from neighbouring properties.</p> <p>As Council's Urban Designer has noted, the minimum separation distance between the northern and southern row of dwellings is, at its minimum, 5.3 metres. While at first glance this could present some acoustic challenges, having regard to the fact that all rooms along this central stretch of the development are bedrooms, rather than living areas or balconies, it is considered that there will be no unreasonable noise consequence to future residents.</p>   |
| <p>55.05-1 - To encourage the consideration of the needs of people with limited mobility in the design of developments.</p>                    | <p><b>Met</b></p> <p>While all dwellings do not provide accessible entries, there are examples within the overall development which offer habitable room spaces at ground level. Examples include Dwellings 1, 2 and 3.</p>   |

| OBJECTIVE   | OBJECTIVE MET/NOT MET  |
|---|--|
| <p>55.05-2 - To provide each dwelling or residential building with its own sense of identity.</p>                       | <p><b>Met (with condition)</b><br/> All dwellings are accessible via a pedestrian walkway which has been well thought-out, by virtue of an appropriate attractive pavement treatment, lighting and complimentary landscaping. The width of the pathway and spacing on either side is appropriate.</p> <p>Each dwelling has a fenced area demarcating the entry and providing a sense of personal address and transitional space. Balconies and cantilevering elements of the first floor level offer some shelter protection to the ground level.</p> <p>A further sense of entrance can be provided by the numbering of dwelling entries “1, 2, 3, 4 or 5”, as applicable. <b>Condition 1.8.</b></p>          |
| <p>55.05-3 - To allow adequate daylight into new habitable room windows.</p>  | <p><b>Met</b><br/> All habitable room windows proposed throughout the 15 dwellings are located to face an outdoor space clear to the sky ensuring direct access to daylight.</p>   |
| <p>55.05-4 - To provide adequate private open space for the reasonable recreation and service needs of residents.</p>   | <p><b>Met</b><br/> All dwellings have at least one balcony with at least an area of 8 sqm, with a minimum 1.6m width and access from a habitable room, usually a living area. Dwellings 1 and 2 also have ground level open space.</p>   |
| <p>55.05-5 - To allow solar access into the secluded private open space of new dwellings and residential buildings.</p> | <p><b>Met</b><br/> Most dwellings will achieve northerly orientated private open space which is a good outcome. This occurs even for some dwellings along the southern row where the third level is used to site the balcony.</p> <p>Inevitably, it is not possible to achieve northerly exposure to all townhouses. However, it is considered where this has not occurred, that the designer has utilised either a westerly or easterly location (Dwellings 1, 2, 10 and 15 are examples of this).</p> <p>The only purely south facing open spaces are thereby to Dwellings 11, 12 and 14 being 3 of the 15 dwellings (at 20% of the overall development). This is considered to be an acceptable outcome</p> |

| OBJECTIVE   | OBJECTIVE MET/NOT MET   |
|---|---|
|   | given the orientation of the allotment.   |
| 55.05-6 - To provide adequate storage facilities for each dwelling.                                   | <p><b>Met</b></p> <p>All dwellings are to be provided with storage provision of approximately 6 cubic metres within their respective garages.</p>   |
| 55.06-1 - To encourage design detail that respects the existing or preferred neighbourhood character. | <p><b>Met (with condition)</b></p> <p>The proposal offers a high level of detailed design work to demonstrate that it will be an appropriate addition to the May Street streetscape as part of its transition towards a preferred neighbourhood character for this neighbourhood. The proposal also provides interesting treatments to side and rear elevations to ensure that it will present both interestingly and respectfully to the private realm.</p> <p>The use of an interesting and varied mix of materials, colours and finishes accentuates the level of articulation across all elevations. The combined use of render colours and dark brown face brickwork together with three varieties of cladding will provide a high level of visual interest. Indeed Council's Urban Designer recognises the significance of maintaining the proposed external materials palette, which she considers to be a <i>"key element of the architectural language of the building"</i>. She calls for any building material substitutions to be <i>"carefully assessed"</i>.</p> <p>It is Council's Urban Designer's view that the development proposes a <i>"well-articulated design through the modulation of form and surface treatments, including varying facades, fenestration (arrangement of windows) and rooflines, to create strong visual interest and reduce the overall massing of the building form"</i>.</p> <p>In particular, the use of bronze cladding that wraps around the south-west corner of Dwelling 2 and the north-east corner of Dwelling 1 is especially a bold architectural statement employed in the design response. The necessity for it to project up to 7 metres above natural ground level (Dwelling 2) along the southern elevations and by about 6 metres (Dwelling 1) along the northern elevation is queried. Indeed, it is considered that it need not extend beyond the height of the balustrading to the first level balconies to both dwellings. A condition to</p> |



| OBJECTIVE   | OBJECTIVE MET/NOT MET   |
|---|---|
|   | <p>this effect will be included. <b>Condition 1.6.</b></p> <p>A lightweight canopy (detached from the balustrading) can be introduced over these west facing balconies to provide solar relief. <b>Condition 1.7.</b></p> <p>A combination of cantilevering and recessing of upper levels relative to levels below has been employed in the overall design response to achieve a good level of articulation. Critically, across the streetscape elevation, the level of separation between the two rows of dwellings has been maximised. Similarly, an appropriate level of separation is to be provided between Dwellings 10 and 15 at the rear of the site.</p> <p>Dedicated pedestrian walkways have been well planned and will be finished with an interesting concrete treatment. The common accessway will also employ a decorative concrete treatment while a further treatment will be utilised to highlight visitor car parking spaces. The materials schedule and plans will need to clarify what type of concrete treatment is to be provided where. <b>Condition 1.9.</b></p> <p>Finer grain detail has also been carefully considered in respect of materials and finishes to fencing, security gates, screening and garage door treatments.</p> <p>A bicycle rack and letterbox structures are shown, although a condition will require a rack to be provided adjacent to each of the pedestrian walkways, where it is considered to more practically located. <b>Condition 1.26.</b></p> <p>Lastly, garages do not present as visual intrusions on the streetscape. This is a further positive of the overall development. The accessway being for vehicles only is a good outcome for internal amenity.</p> |
| <p>55.06-2 - To encourage front fence design that respects the existing or preferred neighbourhood character.</p> | <p><b>Met</b></p> <p>The design and height of proposed fencing to May Street is considered to be appropriate for the reasons discussed earlier in the report.</p>   |
| <p>55.06-3 - To ensure that communal open space, car parking, access areas and site facilities are practical,</p> | <p><b>Met</b></p> <p>The common areas, including the accessways and their associated landscaping will be maintained by</p>  |

| OBJECTIVE  | OBJECTIVE MET/NOT MET  |
|--|--|
| <p>attractive and easily maintained.</p> <p>To avoid future management difficulties in areas of common ownership.</p>  | <p>an Owners' Corporation. There are no apparent difficulties associated with future management of these areas, particularly as landscaping is considered to be easily accessible.</p> <p>Given a communal open space area is proposed, it is appropriate to require plans to include the details of the furniture and facilities to be provided in these spaces. <b>Condition 1.31.</b></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><b>Met (with conditions)</b></p> <p>Two communal mailbox structures are proposed adjacent to both the northern and southern pedestrian walkways although both will need to be relocated adjacent to the front title boundary to meet Australia Post guidelines. <b>Condition 1.27.</b></p> <p>Solar hot water systems are proposed as an energy measure and these are to be situated atop the roof of each dwelling with rooftop screening to be applied.</p> <p>Rainwater tanks have not been shown but are likely to be required by a Sustainability Management Plan and/or to fulfil OSD requirements. A permit condition will require this detail having regard to the conclusions drawn from the OSD and SMP assessments. <b>Condition 1.30, 3, 11, 12.</b></p> <p>A permit condition will require retractable clotheslines to be installed to all balconies to ensure they do not present as visual eyesores to neighbouring properties. <b>Condition 1.11.</b></p> <p>Waste collection is proposed to be collected privately and from within the site, although the precise location and manner in which this will occur will need to be demonstrated by permit condition. <b>Conditions 1.16, 1.17.</b></p> |

### Clause 65 Decision Guidelines

- 5.32 Clause 65 states because a planning permit can be granted, does not imply that a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause. Before deciding on an application, the Responsible Authority is required to consider up to twelve items which include *“the matters set out in Section 60 of the Planning and Environment Act 1987”*, *“the orderly planning of the area”* and *“the effect on the amenity of the area”*.

- 5.33 Having regards to the decision guidelines of this clause, it is considered that the proposed development constitutes orderly planning and will not have an unreasonable effect on the amenity of the neighbourhood for reasons discussed throughout this report.

## 6 REFERRALS

- 6.1 There were no external referral authorities for the application.
- 6.2 The application was referred to a number of Service Units within Council. The following table summarises their responses:

| Service Unit  | Comments   |
|---|--|
| Engineering & Technical Services Unit (Drainage)          | <ul style="list-style-type: none"> <li>• Point of discharge is available for the site. All runoff is to be directed to the point of discharge subject to standard conditions.</li> <li>• Requires the provision of an on-site stormwater detention system.</li> </ul>  |
| Engineering & Technical Services Unit (Vehicle Crossings) | <ul style="list-style-type: none"> <li>• Existing crossover (which is not to be utilised as part of the development) needs to be removed and the nature strip, kerb and channel and footpath reinstated.</li> </ul>  |
| Engineering & Technical Services Unit (Access & Driveway) | <ul style="list-style-type: none"> <li>• Proposed accessway serves more than 10 car spaces and the accessway is more than 50m long. Applicant must keep a 5m wide and 7m long passing area at the entrance in accordance with Design Standard 1 of Clause 52.06-8.</li> <li>• Proposed landscaped strip at the end of the accessway requires to be removed and the accessway to be extended by 1m as Visitor 02 and visitor 03 car spaces are at blind aisles.</li> <li>• The proposed landscaped buffer at each side of BR 01 of Unit 1 and Unit 2 affects the vehicle manoeuvres of Unit 1 and Unit 2 western car spaces.</li> <li>• Waste truck swept paths appear to be too tight and requires more than 3 manoeuvres. Waste truck vehicle manoeuvres obstruct the three visitor car spaces and overhang the proposed garden bed.</li> <li>• Proposed small buffers between two garages requires to be removed and wall mounted lighting arrangement is</li> </ul> |

| Service Unit  | Comments  |
|---|---|
|   | <p>proposed instead the bollards.</p> <ul style="list-style-type: none"> <li>• Visitor car parking space needs to be signed and directed.</li> </ul>  |
| Engineering & Technical Services Unit (Parking & Traffic)       | <ul style="list-style-type: none"> <li>• The development is compliant in respect of resident and visitor car parking provision.</li> </ul>  |
| Engineering & Technical Services Unit (Waste Management)        | <ul style="list-style-type: none"> <li>• Advises private waste collection is required.</li> <li>• Requires an on-site location for the waste bins to be collected by the waste truck to be specified which is not along the 6.4m width accessway where it would obstruct the vehicle manoeuvres of the residential garages.</li> <li>• The developer is required to demonstrate (swept path diagrams) that a private waste collection vehicle can collect waste from within the development, have the ability to perform a 3 point turn within the site as well as enter/exit in a forward direction.</li> <li>• The developer must show there is sufficient room surrounding visitor parking bay 1/2 &amp; 3 to undertake a 3 point turn by a waste collection vehicle.</li> </ul> |
| Engineering & Technical Services Unit (Construction Management) | <ul style="list-style-type: none"> <li>• Requires a Construction Management Plan to be lodged as any condition of approval.</li> </ul>  |
| Economic & Environmental Planning (Urban Design)                | <ul style="list-style-type: none"> <li>• Suggests the development is a well-articulated design through its modulation of form and surface treatments, including varying facades, fenestration (arrangement of windows) and rooflines, to create strong visual interest and reduce the overall massing of the building form.</li> <li>• Considers the material palette to be of a high quality and a key element of the architectural language of the building. Suggests that any building material substitutions be carefully assessed by Council.</li> <li>• Recognises that the first floor levels of</li> </ul>  |

| Service Unit | Comments   |
|--------------|--|
|              | <p>units are stepped in and out along the alignment of the central driveway; with a minimum (window to window) dwelling separation distance of 5.3m between Dwellings 3 &amp; 4, 6 &amp; 12, and 8 &amp; 14. Notes if space was afforded, then suggests that this separation be increased to provide a more generous acoustic buffer. However, in this case, considers an increase of the width of the driveway – even with the deletion of a unit - would create a number of much more serious amenity issues both for these future residents, and for the neighbouring properties to the north and south. With that in mind, and understanding also that the driveway will have little to no pedestrian movement along it, thinks that widening it is not required in this circumstance.</p> <ul style="list-style-type: none"> <li>• Identifies building entries to be well-designed with integrated letterboxes and the provision of bicycle racks.</li> <li>• Notes path lighting is to be provided but considers is should be integrated into the landscape, be vandal-proof, and that it be designed to minimise light spill into neighbouring properties.</li> <li>• Hard landscaping materials and design are adequate. The proposal seeks to maximise the opportunity for feature canopy trees on the boundaries of the site.</li> </ul> |

- 6.3 It is considered the above matters arising from the referral of the application to internal council departments can be, as necessary, applied as permit conditions to any decision to issue.

## 7 CONSULTATION

- 7.1 The planning application was placed on public notice for a three (3) week period which concluded on 3 September 2015. The public were notified by the sending of letters to adjoining and nearby properties and by the display of two (2) signs across the frontage of each lot comprising the site.
- 7.2 Council has received two (2) objections from the following properties:

### Address

11 May Street, Doncaster East  
(abutting property to the south of the site)

**Address**

2-4 George Street, Doncaster East  
(abutting property to the north of the site)

7.3 The following is a summary of the grounds upon which the above properties have objected to the proposal:

7.3.1 Overshadowing,

7.3.2 Impact to existing boundary fencing

7.3.3 Insufficient on-site car parking

7.3.4 Traffic implications

7.3.5 Demolition & construction management issues.

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

**Overshadowing**

7.5 The property owner to the south of the site, at 11 May Street, has objected on overshadowing grounds.

7.6 Having assessed the shadow diagrams submitted with the application, there are no shadow implications at any time of the day as a consequence of the proposed development to the objector's property. There will only be a very minor increase in shadow to this property caused by a higher boundary fence that is proposed across the common boundary.

**Impact to existing boundary fencing**

7.7 The objecting property owner at 11 May Street has also raised concern with regard to impact to existing boundary fencing during the construction phase of the development. In particular, the objector is concerned for her privacy during the construction process. This is a valid concern and one that can be managed (and enforced if need be) by permit condition. **Condition 28.**

**Insufficient on-site car parking**

7.8 Both objectors have expressed concern with the car parking provision for the development.

7.9 As discussed under the response to the assessment of the proposal against Clause 52.06 of the Manningham Planning Scheme, the development is providing the commensurate number of car parking spaces relative to bedroom numbers. Also, the proposal is providing three (3) on-site visitor car spaces at the rear of the site which is similarly compliant with the requirements of the Planning Scheme.

7.10 While it is noted that both objectors have raised the current pressure on on-street car parking within May Street, this is not a matter that can be considered as part of this planning application noting that the applicant is providing the required number of on-site car parking spaces. Opportunities to alleviate pressure on on-street car parking and consideration of any other measures along May Street is a matter that can be looked into by Council's Engineering department. As such, it has been forwarded to this department for further investigation.

**Traffic implications**

- 7.11 In relation to this application, it is not considered that the traffic challenges of May Street and those surrounding the site should prevent its redevelopment. While it is acknowledged that objectors consider this proposal would exacerbate the existing situation, the applicant is providing the required number of on-site car parking spaces and submitted a traffic report which, in the expert opinion of its author, concludes that the level of traffic to be generated by the proposal *“is well within the capacity of May Street and will have a minimal impact on traffic operations on the surrounding road network”*. This view is not challenged by Council’s Engineering department.

#### **Demolition & construction management issues**

- 7.12 The property owner to the south of the site at 11 May Street has expressed concerns about the impact of the demolition of the existing buildings on the subject site and the impacts to her amenity during the construction phase of the development.
- 7.13 With the exception of heritage properties, the planning process does not regulate the demolition of buildings. As such, the demolition process cannot be controlled by any planning permit to issue.
- 7.14 In terms of construction management, it is appropriate to require a Construction Management Plan as a condition of any approval. A Construction Management Plan will require, among other things, details as to where workers attending the site will park legally to ensure no adverse amenity impacts to the objector and other properties within May Street.

## **8 CONCLUSION**

- 8.1 The proposal presents a number of positive elements, including an opportunity to introduce an increased level of density in a well located site proximate to public transport along Blackburn Road and George Street and within comfortable walking distance to the Donburn Neighbourhood Activity Centre and East Doncaster Secondary College.
- 8.2 The proposal presents no unreasonable external amenity impacts while some minor issues with the development are rectifiable with permit condition.
- 8.3 It is therefore considered appropriate to support the planning application, subject to conditions.

## **RECOMMENDATION**

**That having considered all objections A NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application No. PL15/024973 for the construction of fifteen (15) dwellings with associated car parking in accordance with the endorsed plans 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 Sky Hao Architects, dated 30 June 2015 and as received by Council on 3 July 2015) but modified to show:**

**Dwellings**

- 1.1. Dwelling 1 and 3's balconies and habitable room windows screened in accordance with Standard B22 of Clause 55.04-6 of the Manningham Planning Scheme;
- 1.2. Dwelling 1 and 2's, Bedroom 2 with a operable highlight window;
- 1.3. Dwelling 1's, north facing Sitting Room with a operable highlight window/s;
- 1.4. Dwelling 2's, south facing Sitting Room with a operable highlight window/s;
- 1.5. Barriers between balconies at the first level to be non-transparent and a minimum of 1.7 metres high above finished floor level to ensure internal privacy for future occupants. This to be notated on the first floor plan and the relevant elevations;
- 1.6. The bronze cladding treatment to Dwelling 1 and 2 to extend no higher than the first level, balustrading;
- 1.7. The provision of solar protection to all west and north facing windows and the use of a lightweight canopy to the upper level west facing balconies of Dwellings 1 and 2;
- 1.8. A sense of personal address adjacent to the entry of all dwellings by numbering the entry "1, 2, 3, 4, etc, as applicable";
- 1.9. An updated colour schedule (to correspond to elevations, as applicable) to include details of all materials and colours, including paving, fencing, screening, retaining walls and all building and facade treatments, including specification as to where the various concrete treatments are to be applied across the site;
- 1.10. The design detail of proposed external balcony screening at a scale of 1:20 or 1:50 to achieve full compliance with Standard B22 of Clause 55.04-6 of the Manningham Planning Scheme;
- 1.11. Retractable clotheslines to all balconies to limit their visibility to public and private realms;

**Vehicle Accessway/Car Parking**

- 1.12. Deletion of the landscaping within the passing area at the entrance of the development (i.e. within the first 7 metres) to accord with Design Standard 1 of Clause 52.06-8 of the Manningham Planning Scheme;
- 1.13. An intercom (connected to each dwelling) to facilitate convenient 24 hour access to the visitor car parking spaces and to enable access to the site for waste collection purposes;
- 1.14. The design detail of the security gate across the accessway demonstrating it will not impede entering and exiting vehicles;
- 1.15. A permeable paving treatment along the eastern boundary in the section adjacent to visitor car parking spaces;
- 1.16. A designated location at the rear of the site where a private waste contractor will collect all waste. This may encompass the permeable paved area referred to in Condition 1.15 but may need to



be larger to cater to the surface area required for bin storage. This must be determined in accordance with the Waste Management Plan required by Condition 6 of this permit;

- 1.17. A swept path diagram/s to illustrate the ability for a waste collection vehicle to conveniently enter and exit the rear of the site in order to undertake waste collection in accordance with the Waste Management Plan required by Condition 6 of this permit;
- 1.18. A physical barrier, such as timber slat fencing, to separate visitor car parking spaces from communal areas;
- 1.19. A wheel stop to all visitor car parking spaces;
- 1.20. The provision of a visitor spaces sign visible from the site frontage to direct visitors to car parking at the rear of the site. The sign must be integrated with the built form;
- 1.21. A plan notation that the Council parking restriction sign within the nature strip is to be relocated to facilitate the widened crossover;
- 1.22. A plan notation that the redundant crossover is to be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority;
- 1.23. A plan notation that on-street car parking is to be modified in light of the development's crossover location;
- 1.24. Lighting along the vehicle accessway to be situated atop garage openings, rather than at ground (surface) level;

#### Pedestrian Accessway

- 1.25. Lighting adjacent to pedestrian accessways to be integrated with the landscaping treatments required by Condition 8 of this permit;
- 1.26. The bicycle racks relocated adjacent to each of the pedestrian accessways;
- 1.27. The relocation of both sets of letterboxes to the front title boundary;
- 1.28. The encroachment of the retaining wall within the pedestrian accessway along the rear boundary deleted;

#### General

- 1.29. A site coverage calculation that includes overhanging balconies and cantilevering elements;
- 1.30. Any further modifications required as a result of the Plans required by Conditions 3, 6 and 12, including the nomination and location of rainwater tank/s (if applicable);
- 1.31. Details of the furniture and facilities to be provided in the communal open space areas.

#### **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 a Sustainability Management Plan (SMP), prepared by a suitably qualified environmental engineer or equivalent must be submitted to and approved by the Responsible Authority. When approved the plan will form part of the permit. The recommendations of the plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the occupation of any dwelling. The Plan must include, but not be limited to the following:**
  - 3.1. **Identify how the development will achieve the sustainability objectives of the Manningham Planning Scheme contained in Clause 21.10;**
  - 3.2. **Identify the responsibilities and timing for achieving the above objectives;**
  - 3.3. **Identify the key performance indicators which give effect to the relevant policy and statutory obligations;**
  - 3.4. **Encourage initiatives which range from current best practice, emerging technology to continuous innovation;**
  - 3.5. **Demonstrate that the design elements, technologies and operational practices that comprise the SMP can be maintained over time;**
  - 3.6. **The individual components of the Sustainability Management Plan should address:**
    - 3.6.1. **Building Energy Management**
    - 3.6.2. **Water Sensitive Design**
    - 3.6.3. **External Environmental Amenity**
    - 3.6.4. **Waste Management**
    - 3.6.5. **Quality of Public and Private Realm**
    - 3.6.6. **Transport.**
4. **Prior to the occupation of any building approved under this permit, a report from the author of the SMP report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.**

#### **Construction Management Plan**

5. **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:**
  - 5.1. **A liaison officer for contact by residents and the responsible authority in the event of relevant queries or problems experienced;**
  - 5.2. **Hours of construction in accordance with the Manningham Local Law;**

- 5.3. Delivery and unloading points and expected frequency;
- 5.4. On-site facilities for vehicle washing;
- 5.5. Parking facilities/locations for construction workers to be illustrated in map form and to be informed by existing parking restrictions in the immediate area;
- 5.6. Other measures to minimise the impact of construction vehicles arriving at and departing from the land;
- 5.7. Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;
- 5.8. 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;
- 5.9. An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services;
- 5.10. The measures to minimise the amount of waste construction materials;
- 5.11. Measures to minimise impact to existing boundary and front fencing on adjoining properties;
- 5.12. The measures to minimise noise and other amenity impacts from mechanical equipment/construction activities, especially outside of daytime hours; and
- 5.13. Adequate environmental awareness training for all on-site contractors and sub-contractors.

#### **Waste Management Plan**

6. 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, as prepared on 3 June 2015, but modified to provide for:
  - 6.1. A layout plan consistent with the Condition 1 plans;
  - 6.2. Future occupants of the site to place their bins at a dedicated location at the rear of the site, rather than along the vehicle accessway, in accordance with the Condition 1 development plan. The size of this area must be informed by the size required for relevant bin storage;
  - 6.3. The waste collection contractor to collect waste bins from the rear of the site, rather than along the vehicle accessway;
  - 6.4. The nomination of a waste collection vehicle that can safely and conveniently enter and exit the site to the satisfaction of the Responsible Authority. This is to be informed by the provision of 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;

- 6.5. The nomination of a waste collection vehicle that can achieve the requirements of Condition 6.3 and 6.4;
  - 6.6. The hours and frequency of pick up for general waste and recyclables to the satisfaction of the Responsible Authority.
  - 6.7. A statement that no bins are to be left on the nature strip or elsewhere on the site in common areas, other than the dedicated on-site waste collection area.
7. The Management Plans approved under Conditions 6, 8 and 9 of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.

#### **Landscape Plan**

8. Before the development starts, a landscaping plan prepared by a landscape architect or person of approved competence must be submitted to the Responsible Authority for approval. Such plan must be generally in accordance with the approved plan, and must show species, locations, approximate height and spread of proposed planting and the retention of existing trees and shrubs, where appropriate or as directed by any other condition of this Permit. Such plan must show:
  - 8.1. Any details as relevant or directed by any other condition of this Permit;
  - 8.2. A layout consistent with the plans approved under Condition 1, including the location of all retaining walls;
  - 8.3. A planting schedule detailing the species, numbers of plants, approximate height, spread of proposed planting and planting/pot size for all trees, shrubs and all other plants;
  - 8.4. Surface treatments;
  - 8.5. A minimum of six (6) canopy trees within the front setback of the site, four (4) of which must be capable of reaching a height of eight (8) metres at maturity. The trees must be a minimum height of 1.5 metres at the time of planting;
  - 8.6. A row of deciduous ornamental trees, such as Ornamental Pears, along the full length of the southern boundary and to provide shade within the communal open spaces at the rear;
  - 8.7. Layered landscaping (low to medium level) along the full length of the northern property boundary atop the retaining wall;
  - 8.8. Low to medium level landscaping along the full length of the southern boundary;
  - 8.9. Low level landscaping adjacent to dwelling entries.

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**

9. Before the release of the approved plans under Condition 1, a \$15,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.
10. 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.

#### **Stormwater — On–Site Detention System**

11. 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:
  - 11.1. Be designed for a 1 in 5 year storm; and
  - 11.2. Storage must be designed for 1 in 10 year storm.
12. Before the development starts, a construction plan for the system required by Condition No. 11 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**

13. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor.

#### **Vehicle Accessways**

14. Prior to occupation of the approved dwellings, any modified vehicular crossover must be constructed in accordance with the approved plans of this permit to the satisfaction of the Responsible Authority.
15. Before the occupation of the approved dwellings, all visitor car parking spaces must be line–marked and signposted to the satisfaction of the Responsible Authority.
16. Visitor parking spaces must not be used for any other purpose to the satisfaction of the Responsible Authority.
17. Any redundant vehicle crossover must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.

#### **Site Services**

18. Unless depicted on a roof plan approved by this permit, no roof plant (includes air conditioning units, basement exhaust ducts, solar panels or hot water systems) which is visible to immediate neighbours or from the

street may be placed on the roof of the approved building, without details in the form of an amending plan being submitted to and approved by the Responsible Authority.

19. If in the opinion of the Responsible Authority, roof plant proposed under the permit is acceptable subject to the erection of sight screens, such sight screen details must be included within any amending plan and must provide for a colour co-ordinated, low maintenance screen system with suitable service access to the satisfaction of the Responsible Authority.
20. If allowed by the relevant fire authority, external fire services must be enclosed in a neatly constructed, durable cabinet finished to complement the overall development, or in the event that enclosure is not allowed, associated installations must be located, finished and landscaped to minimise visual impacts from the public footpath in front of the site to the satisfaction of the Responsible Authority.
21. All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively to the satisfaction of the Responsible Authority.
22. No air-conditioning units may be installed on the building so as to be visible from public or private realm, including on balconies, to the satisfaction of the Responsible Authority.
23. 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.
24. An intercom and an automatic door opening system (connected to each dwelling) must be installed, so as to facilitate convenient 24 hour access to the visitor car parking spaces to the satisfaction of the Responsible Authority.
25. A centralised TV antenna system must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.
26. No individual dish antennas may be installed on balconies or walls.
27. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.

#### **Maintenance/Nuisance**

28. In the event of excavation causing damage to an existing boundary fence, the owner of the development site must at their own cost repair or replace the affected fencing to the satisfaction of the Responsible Authority.
29. 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 or an appropriate response to screen overlooking.

30. All retaining walls must be constructed and finished in a professional manner to ensure a neat presentation and longevity to the satisfaction of the Responsible Authority.
31. Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.
32. 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.
33. 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 buildings and adjacent properties to the satisfaction of the Responsible Authority.

**Time Limit**

34. This permit will expire if one of the following circumstances apply:
  - 34.1. The development and use are not started within two (2) years of the date of the issue of this permit; and
  - 34.2. 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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