

Planning Application PL15/025340 - 118-120 Manningham Road, Bulleen - Construction of a four-storey Apartment Building with 32 Apartments

Responsible Director: Director Planning & Environment

File No. T16/183

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

Land: 118-120 Manningham Road, Bulleen
Zone Residential Growth Zone Schedule 2
Applicant: Roland Zhang
Ward: Heide
Melway Reference: 32G7
Time to consider: 11 September 2016

SUMMARY

The proposal is for the development of two (2) side-by-side residential lots (with a total area of approximately 1,391 square metres) with a four-storey apartment building and basement car parking on land known as 118 and 120 Manningham Road, Bulleen. The apartment building proposes a yield of 32 dwellings consisting of 3 one bedroom apartments, 25 two bedroom apartments and 4 three bedroom apartments. A total of 40 car parking spaces are provided on-site.

The application was advertised and 19 objections were received, including one multi-signatory objection with 5 signatures from owners and occupiers of surrounding land. Grounds of objection relate to the design response and neighbourhood character, the built form and building height, site coverage, on- car parking provision, traffic, and off-site amenity impacts including overlooking, overshadowing and the visual impact of the building.

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

Officers have however, given particular consideration to the building's height and scale, as it proposes to take full advantage of the site opportunities including a four-storey built form with a maximum height of 11.7 metres above natural ground level. This height exceeds the preferred maximum height and policy intent outlined in the Design and Development Overlay Schedule 8, which encourages a maximum height of 9 metres and built form outcomes up to three-storeys in height, on the subject site.

Subject to conditions on any permit issued, requiring increased setbacks from the rear site boundary (to 1 Nirvana Crescent) at the first and third floor levels, and change to some of the stronger design elements to the rear building façade at the second floor level, in order to improve off-site amenity impacts and improve height

transition to the south, the height and mass of the building form is considered acceptable on this main road location. The design response includes reasonable setbacks from the remaining site boundaries to allow for perimeter landscaping. This will assist in softening and screening the building from adjoining residents and limiting any unreasonable visual bulk and off-site amenity impacts.

The design proposes a site coverage of 65% according to the submitted plans. This exceeds the preferred 60% maximum site coverage prescribed under the DDO8. However, a further analysis of this has revealed that the ground level building footprint has a site coverage of only 55% and it is the overhanging balconies and construction over the driveway that are responsible for the inflated figure. The proposal provides ground level setbacks consistent with 60% maximum site coverage and the development is suitably softened by generous amounts of landscaping.

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

1 BACKGROUND

Site

- 1.1 118 -120 Manningham Road, Bulleen (the subject site) comprises two (2) residential lots that have a total site area of approximately 1,391 square metres. The subject site is irregular in shape with a street frontage to Manningham Road (northern boundary) of 41.15 metres, a frontage to Nirvana Crescent (eastern boundary) of 35.74 metres and a 2.91 metre corner splay at the intersection (north-eastern corner).
- 1.2 The lot at 118 Manningham Road is developed with a single-storey brick dwelling with a flat roof. The dwelling is setback approximately 7.5 metres from Manningham Road and the frontage is fenced by a low height brick fence.
- 1.3 The lot at 120 Manningham Road is developed with a single-storey brick dwelling with a tiled hipped roof. The dwelling is setback approximately 8.5 metres from Manningham Road and 3.0 metres from Nirvana Crescent. Both the Manningham Road and Nirvana Crescent frontages are unfenced. Vehicle access is provided via a crossover from Nirvana Crescent.
- 1.4 To the east of the subject site, there is a rise up from the road surface across the nature strip such that the subject site sits between approximately 1.5 and 1.7 metres higher than the footpath level, and between 1.8 and 2.0 metres higher than the road surface level. The battered portion of the nature strip (located between the footpath and the title boundary) is planted out with ground covers and shrubs and while it is Council land, it presents as part of the subject site.
- 1.5 The subject site itself is relatively flat, with a slight fall to the northeast corner.
- 1.6 Both lots have a 1.83 metre wide drainage and sewerage easement running along the southern boundary. There are no covenants or Section 173 Agreements registered against either title, however each title has a caveat registered. The proposed development will not breach any restrictions registered to title.

Surrounds

- 1.7 The subject site is a corner lot with frontages to two (2) streets and has direct abuttal with two (2) properties. These properties and other surrounding development are described as follows:

Direction	Address	Description
North	Manningham Road	To the front of the subject site is Manningham Road, which is a 6 lane main road with a central median strip.
South	1 Nirvana Crescent	This site is an irregular shaped lot with an area of approximately 736 square metres. The site is developed with a single dwelling orientated to Nirvana Crescent. The dwelling is a single-storey brick dwelling with a shallow pitched hipped roof and wide eaves. The dwelling is set back between 2.63 metres and 6.0 metres from the shared boundary with the subject site with habitable from windows a distance of 6.0m from the shared boundary. A carport is constructed on the shared boundary and a shed is located immediately to the rear of this. An area of secluded private open space is located at the rear (western side) of the dwelling. The shared boundary comprises a 2.0 metre high paling fence. This property is zones General Residential 1 (GRZ1).
East		To the east of the subject site is Nirvana Crescent, a local street with on-street parking provided. On the opposite side of Nirvana Crescent are 2A and 2B Nirvana Crescent, which are developed with 2 single-storey dwellings constructed of rendered walls with tiled hipped roofs. Both dwellings share a vehicle access off Nirvana Crescent. This site is also in a Residential Growth Zone (GRZ).
West	114 and 116 Manningham Road	This site was previously occupied by a single dwelling, but currently an 8 dwelling development approved under planning permit PL14/024313 is under construction. The completed development will result in 8, 3-storey dwellings setback 6.0 metres from Manningham Road and 2.5 metres

Direction	Address	Description
		(2.0 metres when measure to balconies) from the shared boundary with the subject site.

- 1.8 Further west, number 112 Manningham Road is developed with a single-storey, brick dwelling set back 7.7 metres from the street frontage. Vehicle access is via a crossover on the eastern end of the frontage, leading to a driveway that provides access to a carport attached to the east of the dwelling and a garage at the south-east corner of the property. The secluded private open space is located to the south of the dwelling and is mostly grassed with some small trees. A brick fence approximately 1.2 metres in height is located on the frontage.
- 1.9 Number 3A Nirvana Crescent abuts the western corner of the southern boundary of the subject site and is currently being developed with a two-storey dwelling set back 3.8 metres from the common boundary. Facing the subject site, the dwelling has four (4) habitable room windows at ground level (the closest being 6.55 metres from the shared boundary) and one (1) habitable room window at the upper level.
- 1.10 Manningham Road is a major arterial road and has three (3) lanes of traffic travelling in east and westerly directions, and a raised median strip. Bus services are available along Manningham Road.
- 1.11 Bulleen Plaza Shopping Centre is located approximately 200 metres to the west of the subject site. St. Clements Primary School is located 300 metres to the west and Pinnacle Reserve is located 220 metres to the east of the subject site.
- 1.12 Nearby housing is generally single-dwellings on a lot with a mix of single and double-storey built forms. Housing stock is generally constructed in brick with evidence of both flat and hipped roof forms. Garages are generally built at the side of dwellings or incorporated into the design of the dwellings with single driveway access. Some nearby lots have also been developed with multiple dwellings.

2 PROPOSAL

- 2.1 It is proposed to demolish the existing buildings (no planning permit required), carry out excavation for two (2) levels of basement car parking and construct a four-storey apartment building with a roof terrace for each of the four (4), 3-bedroom dwellings on Level 3.
- 2.2 The building will provide 32 dwellings, including 3 one-bedroom apartments, 25 two-bedroom apartments, and 4 three bedroom apartments. The apartments vary in floor area between 49 and 97 square metres.
- 2.3 The submitted plans show a building site coverage of approximately 65.72%. An analysis of the plans shows that the ground level building footprint has a site coverage of 55% and it is the overhanging balconies and construction of the driveway that are responsible for the inflated figure.
- 2.4 The proposal provides a density of one dwelling per 43.4 square metres.

- 2.5 The pervious site coverage is 33.4%.
- 2.6 The building has a maximum height of 11.7 metres above the existing ground level (located at the parapet wall of the southwest corner of the roof terrace). At other points, the roof terrace has a height of between 11.4 and 11.5 metres above existing ground level.
- 2.7 The proposed building has a stylish modern architectural design, which includes a flat roof form and curved façade presentation at the upper most level and corners atop a more linear structured lower level. The building façades consist of a mix of rendered walls, zinc composite cladding, metal screens, and glazed surfaces. The colour palette is a mix of grey, white silver and black.
- 2.8 The pedestrian entry to the building will be via a pathway from Nirvana Crescent. It leads to a central foyer that provides a lift and a stairwell for internal access to all levels of the building except for the roof level.
- 2.9 Vehicle access is provided via a new 6.365 metre wide crossover near the southern end of the eastern Nirvana Crescent frontage. It leads to a driveway with a maximum grade of 1:4 that slopes down towards the basement. The existing crossover to 120 Manningham Road will be removed and the footpath and nature strip replaced.
- 2.10 No existing trees on site are proposed to be retained. The areas around the building will be landscaped and the concept landscape plan shows canopy tree and other planting within the setbacks.
- 2.11 Along the south and west site boundaries, paling fences will be provided (2.0 metres in height to the southern boundary and 1.6 metres in height with lattice atop to 2.0 metres to the western site boundary).
- 2.12 No front fence is shown on plans.
- 2.13 The development will require a retaining wall to the western boundary, and along the north frontage (setback from the boundary), and the east frontage (setback from the boundary). The maximum depth of cut for the retaining wall will be in the order of 1.25 metres to the west boundary, whilst the maximum height of the wall itself will be in the order of 1.7 metres, with approximately 450mm of wall protruding above natural ground level.
- 2.14 Details for each building level is described as follows:
 - 2.14.1 The ground level consists of nine, two-bedroom apartments, all of which are provided with ground level terraces or courtyards. The courtyards range in size from 23.37 square metres to 88.25 square metres. This level also includes the main building entry from Nirvana Crescent, a central foyer with lift and stairwell area.
 - 2.14.2 Level 1 consists of seven, two-bedroom apartments and three one-bedroom apartments, each provided with balconies that range in size between 8.1 to 27.7 square metres.
 - 2.14.3 Level 2 consists of eight two-bedroom apartments, each provided with balconies or terraces that range in size from 9.29 to 28.85 square metres.
 - 2.14.4 Level 3 consists of four, three-bedroom apartments and one two-bedroom apartment, each provided with balconies or terraces

that range from 22.47 to 72.47 square metres. The 3 bedroom apartments each have an uncovered roof terrace of between 59.03 to 97.96 square metres in size.

- 2.14.5 Basement Level 1 provides 20 car parking spaces, including five visitor car parking spaces. It also includes a waste storage room, 9 secure bicycle spaces, two rain water tanks, 4 secure apartment storage spaces, and a lift and stairwell area. Access is restricted by an automatic roller door.
- 2.14.6 Basement Level 2 provides 20 car parking spaces. It also includes a water tank (located under ramp), 28 secure apartment storage spaces provided in two separate rooms and a lift and stairwell area.
- 2.15 The building has the following minimum setbacks to site boundaries:
- 2.15.1 Manningham Road (north) boundary:
Ground level – 6.0 metres to façade, 4.2m to balcony columns
Level 1 – 6.0 metres to façade, 4m to balcony edge
Level 2 – 6.0 metres to façade, 4m to balcony edge
Level 3 – 8.05 metres to façade, 3.95 metres to balcony edge
- 2.15.2 Nirvana Crescent Lane (east) boundary:
Ground level – 4.0 metres to façade, 2.0 metres to balcony columns
Level 1 – 4.0 metres to façade, 2.0 metres to balcony edge
Level 2 – 4.0 metres to façade, 2.0 metres to balcony edge
Level 3 – 6.0 metres to façade, 2.0 metres to balcony edge
- 2.15.3 Western boundary:
Ground level – 2.0 metres
Level 1 – 1.8 metres
Level 2 – 4.0 metres to façade, 1.8 metres to balcony edge
Level 3 – 7.0 metres to façade, 4.0 metres to balcony edge
- 2.15.4 Southern boundary:
Ground level – 4.0 metres to façade, 2.6m to balcony columns
Level 1 – 3.6 metres to façade, 2.6m to balcony edge
Level 2 – 6.0 metres to façade, 4.9 metres to balcony edge
Level 3 – 8.7 metres to façade, 7.5 metres to stairwell edge
- 2.16 Documentation submitted with the application includes an arboricultural report, sustainability management plan, traffic and car parking analysis, noise assessment, waste management plan and landscaping plans. Information from these documents is referenced where necessary in this report.

Planning History

- 2.17 Council Officers provided the Applicant with pre-application advice in May 2015 and the application was presented to the Sustainable Design Taskforce on 25 June 2015.
- 2.18 The application for planning permit was lodged to Council on 30 June 2015 (Revision A plans).
- 2.19 Throughout the application process, Officers have continually expressed concern in relation to the height of the building in the submitted built form and the presentation and transition to the southern interface. Concern has also been expressed in relation to the treatment of the nature strip embankments and site coverage exceeding the 60% supported by policy.
- 2.20 Following notification (advertising) of the submitted application (Revision A plans) and the receipt of 19 objections, a Consultation Meeting was held on 28 January 2016. This meeting was facilitated by Officers and Councillors were present at the meeting, to discuss the concerns raised by objectors in their objection letters.
- 2.21 In response to queries raised at the Consultation Meeting the Applicant provided additional information in the form of sightlines (plan TP19 Rev B), a shadow analysis (plan TP20 Rev B) and an addendum to the submitted traffic report (dated 3 February 2016). Copies of each were posted to all of the objectors. The objectors were advised that the information provided was based on the submitted (advertised) design of the building and intended to provide Council Officers and objectors with additional information / clarification following discussions at the Consultation Meeting. The Applicant had re-visited the site since the Consultation Meeting and confirmed that the height of the southern boundary fence (when measured from the subject site) was already accurately shown on the plans (2.0 metres) and for this reason, no amendments had been made to the submitted plans or submitted shadow diagrams. Objectors were advised that there was no need to respond to Council in light of the additional information, however if they wanted to withdraw their objection or submit a further objection / addendum to their submitted objection in light of the additional information, they could do so.
- 2.22 One objector lodged a further objection in light of the information sent to them.
- 2.23 Throughout the application process, and particularly since the Consultation Meeting, Officers have been in discussions with the Applicant to discuss possible changes that could be made to the design response to improve the design of the southern building façade and limit off-site amenity impacts.
- 2.24 On 19 May 2016 an amended application was lodged pursuant to Section 57A of the Planning and Environment Act (1987). Further information was required by Officers and on 11 July 2016 the applicant submitted Revision E plans to satisfy Officers request for further information.
- 2.25 The Revision E plans are the plans that will be assessed in this report and are the 'decision plans'.
- 2.26 The Revision E plans were not re-advertised. The plans are generally consistent with the advertised plans (Revision A) and show minor design changes including:
- 2.26.1 Basement setback to southern site boundary increased by 0.4 metres from 3.6 metres to 4.0 metres.

- 2.26.2 Paved area in front of Apartments 1, 2 and 3 altered to lawn.
 - 2.26.3 Removal of internal atrium.
 - 2.26.4 Apartments 11, 12 and 13 – size of balconies reduced through the introduction of planter boxes.
 - 2.26.5 Apartment 11 and 18 - minor alteration to layout, including the introduction of a study.
 - 2.26.6 Apartments 26 and 23 - minor alteration to layout, including the introduction of a study.
 - 2.26.7 Apartment 20 - minor alteration to layout.
 - 2.26.8 Apartment 29 - removal of south-facing balcony.
 - 2.26.9 Apartment 28 - indented south side of balcony in lieu of overhanging balcony, setback increased by 0.3 metres from 0.6 metre to 0.9 metre, and associated minor alteration to layout.
 - 2.26.10 Apartments 29 and 30 – reduced size of roof terrace.
- 2.27 While these changes are considered to be an improvement on the advertised plans, Officers always considered that more substantial changes would ultimately be required to be made to the Revision E plans in order for the proposal to be fully supported by Council.

3 PRIORITY/TIMING

- 3.1 The statutory time for considering a planning application is 60 days. Allowing for the time taken to advertise the application, and based on the amended application lodged pursuant to Section 57A of the *Planning and Environment Act 1987*, the statutory time lapses on 11 September 2016.

4 POLICY IMPLICATIONS

- 4.1 The *Planning and Environment Act 1987* (the Act) is the relevant legislation governing planning in Victoria. The Act identifies subordinate legislation in the form of Planning Schemes to guide future land use and development.
- 4.2 Section 60 of the Act outlines what matters a Responsible Authority must consider in the determination of an application. The Responsible Authority is required to consider:
- 4.2.1 the relevant planning scheme; and
 - 4.2.2 the objectives of planning in Victoria; and
 - 4.2.3 all objections and other submissions which it has received and which have not been withdrawn; and
 - 4.2.4 any decision and comments of a referral authority which it has received; and
 - 4.2.5 any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.
- 4.3 Section 61(4) of the Act makes specific reference to covenants. This is not relevant to this application as the lots are not burdened by a covenant.

5 MANNINGHAM PLANNING SCHEME

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

appropriate and attractive interface to sub-precinct A or B, or other adjoining zone.

- Higher developments on the perimeter of sub-precinct A must be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct B or other adjoining zone.
- To ensure overlooking into adjoining properties is minimised.
- To ensure the design of carports and garages complement the design of the building.
- To ensure the design of basement and undercroft car parks complement the design of the building, eliminates unsightly projections of basement walls above natural ground level and are sited to allow for effective screen planting.
- To create a boulevard effect along Doncaster Road and Manningham Road by planting trees within the front setback that are consistent with the street trees.
- To encourage landscaping around buildings to enhance separation between buildings and soften built form.

5.9 Planning permission is required for buildings and works which must comply with the requirements set out in Table 1 and 2 of the Schedule. A planning permit cannot be granted to vary certain requirements of Table 2 (land size and height).

5.10 There is a range of policy requirements outlined in this control under the headings of building height and setbacks, form, car parking and access, landscaping and fencing.

5.11 The subject site is located within **Sub-Precinct Main Road DDO8-1**. In this precinct Table 1 applies.

5.12 Pursuant to Table 1 the maximum allowable building height for land less than 1,800 square metres in size is 9 metres or 11 metres for land of greater than 1,800 square metres. The height is not mandatory, and a permit can be granted to allowing a higher building.

State Planning Policy Framework

5.13 Clause 15.01-1 (Urban Design) seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. Strategies towards achieving this are identified as follows:

- Promote good urban design to make the environment more liveable and attractive.
- Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.
- Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.

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

- Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.
 - Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.
- 5.19 Clause 16.01-4 (Housing Diversity) seeks to provide for a range of housing types to meet increasingly diverse needs. Strategies towards achieving this are identified as follows:
- Ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.
 - Encourage the development of well-designed medium-density housing which:
 - Respects the neighbourhood character.
 - Improves housing choice.
 - Makes better use of existing infrastructure.
 - Improves energy efficiency of housing.
 - Support opportunities for a wide range of income groups to choose housing in well serviced locations.
- 5.20 Clause 16.01-5 (Housing affordability) seeks to deliver more affordable housing closer to jobs, transport and services.

Municipal Strategic Statement (Clause 21)

- 5.21 Clause 21.03 (Key Influences) identifies that future housing need and residential amenity are critical land-use issues. The MSS acknowledges that there is a general trend towards smaller household size as a result of an aging population and smaller family structure which will lead to an imbalance between the housing needs of the population and the actual housing stock that is available.
- 5.22 This increasing pressure for re-development raises issues about how these changes affect the character and amenity of our local neighbourhoods. In meeting future housing needs, the challenge is to provide for residential redevelopment in appropriate locations, to reduce pressure for development in more sensitive areas, and in a manner that respects the residential character and amenity valued by existing residents.
- 5.23 Clause 21.05 (Residential) outlines the division of Manningham into four Residential Character Precincts. The precincts seek to channel increased housing densities around activity centres and main roads where facilities and services are available. In areas which are removed from these facilities a lower intensity of development is encouraged. A low residential density is also encouraged in areas that have identified environmental or landscape features.
- 5.24 The site is within "Precinct 2 –Residential Areas Surrounding Activity Centres and Along Main Roads".

- 5.25 This area is aimed at providing a focus for higher density development and a substantial level of change is anticipated. Future development in this precinct is encouraged to:
- Provide for contemporary architecture and achieve high design standards
 - Provide visual interest and make a positive contribution to the streetscape
 - Provide a graduated building line from side and rear boundaries
 - Minimise adverse amenity impacts on adjoining properties
 - Use varied and durable building materials
 - Incorporate a landscape treatment that enhances the overall appearance of the development.
- 5.26 Within this precinct, there are three sub-precincts which each stipulate different height, scale and built form outcomes to provide a transition between each sub-precinct and adjoining properties, primarily those in Precinct 1 – Residential Areas Removed from Activity Centres and Main Roads.
- 5.27 The three sub-precincts within Precinct 2 consist of:
- Sub-precinct – Main Road (DDO8-1)*** is an area where three storey (11 metres) ‘apartment style’ developments are encouraged on land with a minimum area of 1,800m². Where the land comprises more than one lot, the lots must be consecutive lots which are side by side same sub-precinct. All development in the Main Road sub-precinct should have a maximum site coverage of 60 percent.
- Higher developments on the perimeter of the Main Road sub-precinct should be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct A or B, or other adjoining zone.*
- Sub-precinct A (DDO8-2)*** is an area where two storey units (9 metres) and three storey (11 metres) ‘apartment style’ developments are encouraged.
- Three-storey, contemporary developments should only occur on land with a minimum area of 1800m². Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage. The area of 1800m² must all be in the same sub-precinct. In this sub-precinct, if a lot has an area less than 1800m², a townhouse style development proposal only will be considered, but development should be a maximum of two storeys. All development in Sub-precinct A should have a maximum site coverage of 60 percent.*
- Higher developments on the perimeter of sub-precinct A should be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct B, or other adjoining zone.*
- Sub-precinct B (DDO8-3)*** is an area where single storey and two storey dwellings only will be considered and development should have a maximum site coverage of 60 percent. There is no minimum land area for such developments.
- 5.28 The subject site is located within **Sub-Precinct – Main Road (DDO8-1)**.

- 5.29 Clause 21.05-2 Housing contains the following objectives:
- To accommodate Manningham's projected population growth through urban consolidation, infill developments and Key Redevelopment Sites.
 - To ensure that housing choice, quality and diversity will be increased to better meet the needs of the local community and reflect demographic changes.
 - To ensure that higher density housing is located close to activity centres and along main roads in accordance with relevant strategies.
 - To promote affordable and accessible housing to enable residents with changing needs to stay within their local neighbourhood or the municipality.
 - To encourage development of key Redevelopment Sites to support a diverse residential community that offers a range of dwelling densities and lifestyle opportunities.
 - To encourage high quality and integrated environmentally sustainable development.
- 5.30 The strategies to achieve these objectives include:
- Ensure that the provision of housing stock responds to the needs of the municipality's population.
 - Promote the consolidation of lots to provide for a diversity of housing types and design options.
 - Ensure higher density residential development occurs around the prescribed activity centres and along main roads identified as Precinct 2 on the Residential Framework Plan 1 and Map 1 to this clause.
 - Encourage development to be designed to respond to the needs of people with limited mobility, which may for example, incorporate lifts into three storey developments.
- 5.31 Clause 21.05-4 (Built form and neighbourhood character) seeks to ensure that residential development enhances the existing or preferred neighbourhood character of the residential character precincts as shown on Map 1 to this Clause.
- 5.32 The strategies to achieve this objective include:
- Require residential development to be designed and landscaped to make a positive contribution to the streetscape and the character of the local area.
 - Ensure that where development is constructed on steeply sloping sites that any development is encouraged to adopt suitable architectural techniques that minimise earthworks and building bulk.
 - Ensure that development is designed to provide a high level of internal amenity for residents.
 - Require residential development to include stepped heights, articulation and sufficient setbacks to avoid detrimental impacts to the area's character and amenity.

- 5.33 Clause 21.10 (Ecologically Sustainable Development) highlights Council's commitment to ESD and outlines a number of ESD principles to which regard must be given. These are:
- Building energy management
 - Water sensitive design
 - External environmental amenity
 - Waste management
 - Quality of public and private realm
 - Transport

Local Planning Policy

- 5.34 Clause 22.08 (Safety through urban design) is relevant to this application and seeks to provide and maintain a safer physical environment for those who live in, work in or visit the City of Manningham. The policy seeks attractive, vibrant and walkable public spaces where crime, graffiti and vandalism is minimised.
- 5.35 Clause 22.09 (Access for disabled people) is relevant to this applicant and seeks to ensure that people with a disability have the same level of access to buildings, services and facilities as any other person.

Particular Provisions

- 5.36 Clause 52.06 (Car Parking) is relevant to this application. Pursuant to Clause 52.06-5, car parking is required to be provided at the following rate:
- 1 space for 1 and 2 bedroom dwellings
 - 2 spaces for 3 or more bedroom dwellings
 - 1 visitor space to every 5 dwellings for developments of 5 or more dwellings (rounded down)
- 5.37 Clause 52.06-7 outlines several design standards for parking areas that should be achieved unless with the approval of the Responsible Authority..
- 5.38 Clause 52.29 (Land Adjacent to a Road Zone Category 1) seeks to ensure appropriate access to identified roads. A permit is required to create or alter access to a road in a Road Zone, Category 1. All applications must be referred to VicRoads for comment.
- 5.39 Clause 55 (Res Code) applies to all applications for two or more dwellings on a lot. Consideration of this clause is outlined in the Assessment section of this report.
- 5.40 Clause 65 (Decision Guidelines) outlines that before deciding on an application, the responsible authority must consider, as appropriate:
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
 - The purpose of the zone, overlay or other provision.

- The orderly planning of the area.
- The effect on the amenity of the area.

6 ASSESSMENT

- 6.1 The proposed apartment building on the subject site is consistent with the broad objectives of Council’s planning policy outlined at Clause 21.05 of the Scheme. The policy encourages urban consolidation (and apartment buildings) in this specific location due to its capacity to support change given that the subject site is located on a main road. The policy anticipates a substantial level of change from the existing single dwelling and dual occupancy pattern of development that is evident in the area and has occurred in the past.
- 6.2 The consolidation of lots with a combined area of approximately 1,391 square metres allows for increased development potential, as the larger area allows increased setbacks to compensate for its larger scale in comparison to traditional medium density housing. Whilst the site does not reach the 1,800 square metre desired land size under the provisions of the DDO8 control to support an 11 metre high building, the subject site benefits from being on a corner location with two (2) street frontages, with only two (2) direct abutments with residential properties. Policy allows discretion to be applied in granting a higher building.
- 6.3 An assessment of the proposal will be made based on the following planning controls:
- Design and Development Overlay, Schedule 8
 - Clause 52.06 Car Parking
 - Clause 55 Res Code (Two or more dwellings on a lot and residential buildings)
 - General Matters
- 6.4 In the tables below, Officers have used the term ‘Met’ where an objective and performance standard or policy requirement is achieved, ‘Considered met’ where the objective is met, but the performance standard or policy requirement is not achieved, and ‘Met subject to conditions’ where either the objective or the performance standard or policy requirement has not been met and modifications are required.
- Design and Development Overlay**
- 6.5 Clause 43.02 (Design and Development Overlay Schedule 8) of the Scheme has the following decision guidelines against which a general assessment is provided:

Design Element	Level of Compliance
<p><u>Building Height and Setbacks</u> DDO8-1 (Main Road Sub-precinct):</p> <ul style="list-style-type: none"> • The minimum lot size is 1800 square metres, which must be all the same sub-precinct. Where the land comprises more than one lot, the lots must be consecutive lots which are 	<p>Considered Met - subject to Conditions 1.1 and 1.6 The subject site has an area of 1,391 square metres that is entirely within the Main Road Sub-Precinct. Table 1 sets out that a 9 metre maximum building height is applicable.</p>

<p>side by side and have a shared frontage</p> <ul style="list-style-type: none"> • The building has a maximum height of 11 metres provided the condition regarding minimum lot size is met. If the condition is not met, the maximum height is 9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres. 	<p>The building has a maximum height of 11.7 metres, shown on the plans, which exceeds the 9 metre maximum height by 2.7 metres.</p> <p>The height is not mandatory however a policy states that a permit can be granted to allowing a higher building.</p> <p>The purpose of providing discretion in building height on the Main Road Sub-Precinct is to allow flexibility to achieve design excellence. This might be through providing a ‘pop-up’ level to provide visual interest to an otherwise uninspiring roof form, or a design feature on a ‘gateway’ site. The discretion is only provided to the sub-precinct because main road streetscapes typically contain a greater mix of building forms with more robust building forms (for example higher solid fencing, larger commercial buildings) compared to local streets and therefore can absorb some additional height.</p> <p>In this instance, the additional built form constructed above the 9 metre maximum building height, is the uppermost floor and roof terrace. These are setback from the lower floors of the building and the design has used various design techniques to try and reduce the building mass of these elements. The uppermost floor is of a lighter colour than the floors below and utilizes organically shaped curved walls rather than angular or sharply defined corners. This allows various light different penetrations and a softer appearance of the upper floor, when viewed from the street. Sightline diagrams demonstrate that the upper floor will not generally be seen from the footpath on the southern side of Manningham Road, and only a small portion of the upper floor building form will be visible from the western side of Nirvana Crescent.</p> <p>The fact that the site sits approximately 1.5-2.0 metres above the footpath and road level with an embankment between footpath and title boundaries also allows for some greater building height. This embankment form provides an effective lower level vegetation screen and screens some of the</p>
--	--

	<p>lower level, especially when combined with the approximately 800mm to 1 metre drop proposed to the ground floor level.</p> <p>That said, to the rear (south), Officers have some concern that the setback of the upper floor of the building does not go far enough to provide an appropriate transition to the lower level residential properties in Nirvana Crescent. This residential interface is the most sensitive residential interface abutting the Main Roads Sub-Precinct, as land to the south is included in an incremental change area (General Residential Zone Schedule 1). This location has no transition controls like some other areas where Sub-Precinct A or B provides a gradual reduction in scale to the incremental change area. Further, there is no 'buffer' in the form of a road.</p> <p>This concern can be rectified through permit conditions requiring the upper floor to be setback a minimum of 12.5 metres from the rear site boundary, in line with the southern wall of the stairwell and the submitted cross-section demonstrates that this design change will provide a more suitable recess of the upper floor so that it is not generally visible from 1 Nirvana Crescent. Further, the view of the upper floor will be screened by design elements (eaves) of the lower floor.</p> <p>Subject to this design change by way of a permit condition, the additional 2.7 metre building height proposed is because:</p> <ul style="list-style-type: none">• it is limited to the uppermost floor and roof terrace, and these have been designed with colours and forms to reduce their visibility;• the perimeter embankment allows a raised ground level presentation of landscaping which combined with the site cuts proposed will limit the appearance of the building to generally a 3 and a half storey form; and• permit conditions will require an increased southern setback of the upper floor so that it will generally not be visible past the eaves of the lower floor when from the south adjoining property at 1 Nirvana Crescent.
--	---

	<p>Connected to the issue of building height is an acknowledgement that the proposed building is four storeys in height. The DDO8 and Clause 21.05 of the Scheme specifically encourage '3-storey' developments.</p> <p>However the planning control does not mandate that buildings can be <u>only</u> three storeys, and the DDO8 and policy does not prohibit buildings having more than 3 storeys. It is just generally assumed that 3 storeys can fit within a 9 metre height limit.</p> <p>In this instance, the raised embankment to the east and northern corner, the site cuts proposed, and the setbacks and variation of colours/materials on the upper floor will result in an effective 3 and a half storey form presentation to much of the north and east.</p> <p>For the south, the increased setbacks will make the building appear more as 3-storey.</p>
<ul style="list-style-type: none"> • Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser. 	<p>Considered Met</p> <p>The building has a street setback to Manningham Road of 6 metres for the building façade, and balconies protruding to a 4 metre setback.</p> <p>This is considered acceptable as the non compliance is limited to the balconies which include visually permeable balustrade and not solid walls. The setback to balconies still allows for a good amount of landscaping in front of the building and the concept landscape plan demonstrates that trees can be planted within the landscape area.</p>
<ul style="list-style-type: none"> • Minimum side street setback is the distance specified in Clause 55.03-1. 	<p>Considered Met</p> <p>The standard recommends a 3 metre setback to buildings. The building has a minimum side street setback to Nirvana Crescent of 4 metres to the façade and 2 metres to the edge of balconies. The balconies use visually permeable balustrade and not solid walls, and there is also a strong landscape presence within the Nirvana Crescent frontage. Additionally the curved form to the northeast corner provides visual interest and a marker feature to that corner and a smooth transition of building form around the corner.</p>

<p>Form</p> <ul style="list-style-type: none"> • Ensure that the site area covered by buildings does not exceed 60 percent. 	<p>Considered Met</p> <p>The submitted plans show that the building has a site coverage of 65.72% which is 5.72% greater than the 60% sought by the DDO8. That said, under the definition of what constitutes 'site coverage' in the Scheme, the ground level building footprint has a site coverage of only 55% and it is the overhanging balconies at level 1 and level 2 over the ground level open space areas and construction of the driveway ramp which descends into the basement (which are not otherwise included in the calculation) that are responsible for the inflated figure.</p> <p>The inclusion of projecting balconies assists with providing articulation and visual interest to the building. The balconies are generally 2.0 metres wide and whilst there is an opportunity to scale them back to 1.6 metres (which is the minimum balcony width in the Scheme) to reduce site coverage to closer to 60%, this is not considered to be a good outcome as it would impact on the balcony sizes and on-site amenity of future residents within the building.</p> <p>Likewise there is an opportunity for Apartment 10 (which is constructed above the driveway) to be modified and reduced to nearer 60% but this would be a poor design outcome as it would expose the vehicle entrance and also reduce passive surveillance to Nirvana Crescent.</p> <p>The ground floor building footprint (approximately 763.9 square metres) equates to a site coverage of 58% which is below 60%. It demonstrates that there is appropriate space around the building to accommodate the required landscaping.</p> <p>The site coverage can be justified, for the following reasons:</p> <ul style="list-style-type: none"> • The corner location of the site gives an advantage over a mid block site, as there are only two (2) direct residential abuttals, rather than 3 or more abuttals as is generally found in mid block sites. • An appropriate balance between landscaping and built form has been
---	--

	<p>achieved.</p> <ul style="list-style-type: none"> • The wide verge on the site perimeter gives the appearance of forming part of the subject site and the proposal has taken full advantage of this unique site context. In the event that the Council land is acquired by the Applicant (refer to Condition 6) this area would add approximately 150 square metres to the subject site area, resulting in the proposed development falling even further below the prescribed 60% site coverage. • The ground floor setbacks for the building comply with the setbacks prescribed under the DDO8. The front 6 metre set back and the rear 4.0 metre setback is met. A 4.0 metre side street setback is achieved and the 1.5 metre setback to the western site boundary is consistent with the general setbacks of buildings, and gaps between buildings, along a main road, and allows for appropriate in-ground planting to provide a screening 'buffer' between buildings.
<ul style="list-style-type: none"> • Provide visual interest through articulation, glazing and variation in materials and textures. 	<p>Met – subject to Conditions 1.4, 1.5 and 1.6</p> <p>The building is designed with a mix of colours and materials, and has made use of varied setbacks and modulated forms. The use of a mix of curved and straight walls and recesses at various points along the façade provide balconies / terraces, successfully breaks up the mass of the building and reduces perceptions of any visual bulk. The result is a building that has visual interest, whilst presenting a legible and coherent form.</p> <p>Where Officers have concerns is the rear (southern) interface and there could be some improvements to the rear (southern façade) of the building. At first floor, the balconies to apartments 11, 12 and 13 protrude over the open space of the ground floor apartments (1, 2 and 3) below, and the outer edges of balconies are designed with solid walls (containing planter boxes). This results in a strong horizontal band across much of the rear of the building which presents as an unnecessary bulky element</p>

	<p>to the south at first floor level.</p> <p>There is an opportunity to setback the outer edge of these balconies to 3.6m (so that they are in line with the southern wall of the bedroom and bathroom of Apartment 10), and retain the planter box design (although with a different colour to the planter box wall to reduce the bulk to this element) or require a screen. This will reduce the visual bulk to this portion of the building and it would allow an improved level of solar access to the ground level south-facing dwellings below.</p> <p>At second floor, to the southwest corner, the balcony to Apartment 21 also provides a ‘bulky’ element to the rear yard of the south adjoining dwelling. This could be alleviated by a condition requiring the southern edge of the balcony to be setback to 7.8m in line with the southern wall of the kitchen of that apartment. A condition will also require the then exposed kitchen window of Apartment 21 to be screened in accordance with the objective at standard B22 of Res Code to limit views within a 9 metre radius of the window.</p> <p>Combined, these design changes, will significantly improve the design of the rear façade and reduce the visual bulk to the south adjoining dwelling.</p>
<ul style="list-style-type: none"> Minimise buildings on boundaries to create spacing between developments. 	<p>Met</p> <p>There are no building elements on boundaries. Setbacks are at least 1.8 metres along the side boundary to provide spacing between the building and the adjoining property. To the south, the setbacks are at least 2.6 metres to the edge of balconies and this spacing can accommodate landscaping and allow light into adjacent rooms.</p>
<ul style="list-style-type: none"> Where appropriate ensure that buildings are stepped down at the rear of sites to provide a transition to the scale of the adjoining residential area. 	<p>Met - subject to Conditions 1.1 and 1.6</p> <p>As discussed above, the third floor will be required to be setback further from the southern boundary to allow for a more appropriate transition to the adjacent residential properties to the south which are located in the General Residential Zone, Schedule 1.</p>

	<p>Conditions will be included requiring the setback of the top level be increased from 9 metres to 12.5 metres providing a more appropriate transition and greater articulation. This figure is taken from a sightline drawn on the submitted cross-section which shows that this setback is required in order for the third floor and terraces to have limited visibility from the south.</p>
<ul style="list-style-type: none"> Where appropriate, ensure that buildings are designed to step with the slope of the land. 	<p>Considered Met with Condition 1.1 Subject to the conditional increased setback to the south boundary described above, the overall built form will step appropriately down to the southern rear boundary.</p>
<ul style="list-style-type: none"> Avoid reliance on below ground light courts for any habitable rooms. 	<p>Met There is a site cut proposed and retaining walls to the west and north, and the ground floor apartments have floor levels that are generally 800mm-1 metre below the ground level at the boundary. The plans show the RL to top of retaining wall at RL70 to the northwest corner, RL70.45 along the west boundary and RL70 along the north and east frontages in front of courtyards. The courtyard areas to Apartments 6, 7, 8 and 9 all have finished surface levels of RL68.75. The courtyard areas to Apartment 5 all have finished surface levels of RL68.75. Whilst the north and east facing apartments (6, 7, 8, 9 and 4) should all receive good sunlight, there is potential impact to west facing windows of Apartment 5 and the south facing windows to Apartments 1, 2 and 3. As described above, conditional amendments to the plans will improve the solar access to Apartments 1, 2 and 3. For Apartment 5, it is accepted that as an energy efficiency outcome, as the windows affected are west facing, it is acceptable to allow for a lower level of light.</p>
<ul style="list-style-type: none"> Ensure the upper level of a two storey building provides adequate articulation to reduce the appearance of visual bulk and minimise continuous sheer wall presentation. 	<p>Not applicable</p>
<ul style="list-style-type: none"> Ensure that the upper level of a three storey building does not exceed 75% 	<p>Considered Met This is a four storey building.</p>

<p>of the lower levels, unless it can be demonstrated that there is sufficient architectural interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation.</p>	<p>The upper floor of apartments has a floor area of 490.79 square metres, which is approximately 71% of the floor area of the floor below (691.02 square metres). The floor area of the upper floor and roof terrace will be reduced through the design changes required by conditions.</p>
<ul style="list-style-type: none"> Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos. 	<p>Met There are no porticos proposed. The main building entry is recessed from the eastern boundary (Nirvana Crescent frontage).</p>
<ul style="list-style-type: none"> Be designed and sited to address slope constraints, including minimising views of basement projections and/or minimising the height of finished floor levels and providing appropriate retaining wall presentation. 	<p>Met The site is relatively flat, save the fact that there are embankments from the title boundaries down to the edges of footpaths. The building has been designed with basements that are generally below the natural ground level, without projections.</p>
<ul style="list-style-type: none"> Be designed to minimise overlooking and avoid the excessive application of screen devices. 	<p>Met Screens are provided where upper level balconies may allow direct views into the habitable room windows or secluded private open spaces of the adjoining properties. There is no excessive application of screen devices. Overlooking impacts will be further discussed in the assessment against Standard B22 at Clause 55.04-6 of the Scheme.</p>
<ul style="list-style-type: none"> Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all mobilities. 	<p>Met The main entry will be able to be navigated by people of all mobilities as it is accessed via a ramped footpath from Nirvana Crescent. A lift within the building provides access to all internal levels.</p>
<ul style="list-style-type: none"> Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties. 	<p>Met The basement will not be significantly projected above natural ground level and will not result in visual impacts to neighbouring properties.</p>
<ul style="list-style-type: none"> Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site. 	<p>Met The basement car park will not be visually obtrusive when viewed from Manningham Road or from Nirvana Crescent.</p>
<ul style="list-style-type: none"> Integrate car parking requirements into the design of buildings and 	<p>Met All car parking spaces are incorporated into</p>

<p>landform by encouraging the use of undercroft or basement parking and minimise the use of open car park and half basement parking.</p>	<p>the basement levels.</p>
<ul style="list-style-type: none"> Ensure the setback of the basement or undercroft car park is consistent with the front building setback and is setback a minimum of 4.0m from the rear boundary to enable effective landscaping to be established. 	<p>Considered Met</p> <p>The 2 level basement car park is setback 6.0 metres from the Manningham Road frontage, 4.0 metres from the Nirvana Crescent frontage, 1.6 metres from the west boundary and 4.0 metres from the south boundary. These setbacks provide sufficient room for in ground planting to the perimeter of the site.</p> <p>The basement is set down such that it does not protrude above existing ground level. This is considered to be acceptable as the basement will not be visible above natural ground level.</p>
<ul style="list-style-type: none"> Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces. 	<p>Met</p> <p>The building is set back sufficiently from the northern, eastern and southern boundaries to allow for canopy trees and effective screen planting. Whilst the setback to the west is only 1.8 metres at first floor level, the concept landscape plan shows some planting along the side of Apartments 5 and 6 and to the north and south corners. The endorsed approved landscape plan for the west adjoining development includes a row of trees along the length of the shared boundary which would also provide screening.</p>
<ul style="list-style-type: none"> Ensure that service equipment, building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces. 	<p>Met</p> <p>The plant equipment on the roof is located away from the sides of the building and is screened. This will appropriately limit any visual and amenity impacts on the street and adjoining properties.</p>
<p><u>Car Parking and Access</u></p> <ul style="list-style-type: none"> Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the 	<p>Met</p> <p>There will be one crossover on the Nirvana Crescent frontage, located toward the southern end. The crossover will have a width of 6.365 metres leading to a 5 metre wide driveway.</p>

removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback.	
<ul style="list-style-type: none"> Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open space or is appropriately screened, as is necessary. 	<p>Met There is no visible extension of the basement above natural ground level.</p>
<ul style="list-style-type: none"> Ensure that where garages are located in the street elevation, they are set back a minimum of 1.0m from the front setback of the dwelling. 	<p>Not applicable There are no garages in the street elevation.</p>
<ul style="list-style-type: none"> Ensure that access gradients of basement car parks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements. 	<p>Met Access gradients to the basement have been designed to generally achieve the relevant design standard in Clause 52.06-8. Council's Engineers have raised concern regarding compliance with design standard 3 however and to address this, conditions will require a longer access ramp and changes to the embankment adjacent the vehicle entry and suitable gradients to be achieved.</p>
<p>Landscaping</p> <ul style="list-style-type: none"> On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at maturity. On sites where one or two storey development is proposed include at least 1 canopy tree within the front setback, which has a spreading crown, and is capable of growing to a height of 8.0m or more at maturity. 	<p>Met – Subject to Condition 15 The concept landscape plan shows the site will allow the planting of numerous canopy trees within the north, east and south setbacks. This will be reinforced by a permit condition for a full landscaping plan to be submitted.</p>
<ul style="list-style-type: none"> Provide opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form. 	<p>Met The site plan shows a variety of planting along site boundaries to soften the appearance of the built form.</p>
<p>Fencing</p> <ul style="list-style-type: none"> A front fence must be at least 50 per cent transparent. On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, 	<p>Met No front fence is shown, which is supported by the DDO8. There is an embankment up from the footpath to the title boundary, and there is a</p>

<p>Blackburn and Mitcham Roads, a fence must:</p> <ul style="list-style-type: none"> • not exceed a maximum height of 1.8m • be setback a minimum of 1.0m from the front title boundary and a continuous landscaping treatment within the 1.0m setback must be provided. 	<p>site cut at ground level to provide a retaining wall to the west, north and east of the building. The top of the retaining wall has a height of generally 1.25 metres above the finished surface levels of the courtyards. The area in front of the wall on the street frontages contains low level landscaping, and this may require occasional maintenance.</p>
--	--

- 6.6 Having regard to the above assessment against the requirements of Schedule 8 to the Design and Development Overlay, it is considered that subject to conditions requiring some design changes (mostly to the southern building façade), the proposed design respects the preferred neighbourhood character and responds to the features of the site.

Clause 52.06 Car Parking

- 6.7 Clause 52.06 of the Scheme requires resident car parking at a rate of one space for each dwelling with one or two bedrooms and two spaces for each dwelling with three or more bedrooms.
- 6.8 Visitor car parking is required at a rate of one car parking space for every 5 dwellings.
- 6.9 For 32 apartments, the proposal requires the provision of 36 resident car parking spaces and 6 visitor spaces under the requirements of Clause 52.06.
- 6.10 A total of 35 resident car parking spaces and 5 visitor spaces have been provided. This is a shortfall of the requirement by one (1) visitor car parking space and one (1) resident car parking space.
- 6.11 The proposal has always been designed with this shortfall however the Applicant has not sought to reduce / waiver the car parking requirement of the Scheme. Since lodgement, Officers have considered that with some modification to the basement layouts, the proposal could achieve the required number of on-site car parking spaces for residents and visitors, in accordance with the requirements of Clause 52.06 of the Scheme. For example, one car parking space could be provided at basement 2 adjacent to car space 17.
- 6.12 Further, Officers were aware that the design of the building itself would need to be revised to improve the transitioning down to the southern interface which would inevitably reduce floor area and most likely the number of apartments within the building. The design changes (required by way of permit condition) to the upper floor will inevitably affect Apartments 28, 29 and 30 (which are 2 bedroom and 3 bedroom apartments).
- 6.13 Regardless, a permit condition will require the number of dwellings within the building to meet the car parking requirement under Clause 52.06 of the Scheme.
- 6.14 The following table provides an assessment against the design standards at Clause 52.06-8 of the Scheme:

Design Standard	Met / Not Met
-----------------	---------------

1 – Accessways	Met – Subject to Conditions 17 and 18 The accessway and basement car park is supported by Council's Traffic Engineers who confirm that it meets the requirements for vehicle manoeuvrability and the minimum width and height clearance requirements. The car park has also been designed so all vehicles can exit the site in a forward direction, including vehicles parked in the last space of a dead-end accessway.
2 – Car Parking Spaces	Met Car parking spaces are sufficient in size. The spaces are generally 2.6 metres wide, 4.9 metres in length and accessed from an aisle width of 6.4 metres. Whilst there are some instances where the aisle width is 6.35 metres, Council's Traffic Engineers confirm that spaces are of sufficient size and are accessible. Clearance is provided adjacent to car parking spaces in line with the requirements of the standard.
3 – Gradients	Met – subject to Condition 18 The accessway ramp will have various grades with generally a 1 in 20 gradient, but with some areas as steep as 1 in 4. Council's Engineers raise concerns that the 1 in 5 gradient of the ramp starts within 10 metres of the site frontage. This will be addressed by conditions.
4 – Mechanical Parking	Not Applicable No car stacker systems are proposed.
5 – Urban Design	Met The vehicle crossing and accessway will not dominate the public domain. The security door into the basement car park will not dominate the streetscape as it is recessed from the frontage and beneath the ground level of the building and therefore hidden as far as practicable from public view.
6 – Safety	Met The basement car park will be secure and well lit.
7 – Landscaping	Met No ground level car parking is proposed. Landscaping is provided to soften the appearance of the accessway.

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

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

OBJECTIVE	OBJECTIVE MET / NOT MET
55.02-1 – Neighbourhood Character	Met – Subject to Condition 1.1

OBJECTIVE	OBJECTIVE MET / NOT MET
<ul style="list-style-type: none"> To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. To ensure that development responds to the features of the site and the surrounding area. 	<p>Council, through its policy statements and the adoption of the Design and Development Overlay Schedule 8 (DDO8) over this neighbourhood, has created a planning mechanism that will over time alter the present neighbourhood character.</p> <p>Council’s planning preference is for higher density, multi-unit developments which may include apartment-style buildings, especially on larger lots.</p> <p>The resultant built form will have a more intense and less suburban character. This higher density housing theme therefore represents the “preferred neighbourhood character”.</p> <p>Broadly, the development responds well to the preferred neighbourhood character outlined in the DDO8 control and supported by policy at Clause 21.05-2. It offers a high quality and contemporary architectural response, which incorporates articulation, graduation of the upper levels and visual interest to reduce visual bulk.</p> <p>Subject to some modification to the rear, the appearance of the building when viewed from adjacent properties is also considered to be appropriate for this type of development.</p> <p>Having regard to the assessment against the requirements of the DDO8, it is considered that the proposed design generally respects the preferred neighbourhood character. Refer to Condition 1.1.</p>
<p>55.02-2 – Residential Policy</p> <ul style="list-style-type: none"> To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. To support medium densities in areas where development can take advantage of public transport and community infrastructure and services. 	<p>Met</p> <p>The application was accompanied by a written statement that has demonstrated how the development is consistent with state and Local policies.</p>
<p>55.02-3 – Dwelling Diversity</p>	<p>Met</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
<ul style="list-style-type: none"> To encourage a range of dwelling sizes and types in developments of ten or more dwellings. At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level. 	<p>The design provides a mix of one, two and three bedroom apartments. There is also variety in the overall apartment size, orientation and balconies / open space sizes. All dwellings are single level dwellings accessible to people of limited mobility.</p>
<p>55.02-4 – Infrastructure</p> <ul style="list-style-type: none"> To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure. 	<p>Met – Subject to Condition19</p> <p>The site has access to all services. The applicant will be required to provide an on-site stormwater detention system to alleviate pressure on the drainage system.</p>
<p>55.02-5 – Integration With Street</p> <ul style="list-style-type: none"> To integrate the layout of development with the street. 	<p>Met</p> <p>The development is orientated towards Nirvana Crescent and provided with adequate vehicle and pedestrian entries.</p> <p>Although direct access to the development is not provided from Manningham Road, it is considered the frontage is sufficiently activated with balconies and windows with a direct view to the street.</p>
<p>55.03-1 – Street Setback</p> <ul style="list-style-type: none"> To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. 	<p>Met</p> <p>The façade of the building is setback 6 metres to Manningham Road, which meets the requirements of the Design and Development Overlay (Schedule 8). Whilst the balcony forms protrude forward of this to a 4 metre setback, the policy allows for this encroachments and the balconies are framed and well modulated with visually permeable balustrade along the front, and there are also deep recesses between balcony forms.</p> <p>The building has a side street setback to Nirvana Crescent of 4 metres which exceeds the 3 metre requirement. Whilst the balcony forms protrude forward of this to a 4 metre setback, the balconies are framed and well modulated with visually permeable balustrade along the front, and there are also deep recesses between balcony forms</p>
<p>55.03-2 – Building Height</p> <ul style="list-style-type: none"> To ensure that the height of buildings respects the existing or preferred neighbourhood character. 	<p>Considered Met</p> <p>The building has a maximum height of 11.7 metres, which is 2.7 metre higher than the 9 metre maximum height recommended under DDO8.</p> <p>As discussed under the DDO8 assessment for</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	maximum building height, the 2.7 metre encroachment to 11.7 metres in height in the submitted design (and combined with design modifications that will be required through permit conditions), is considered acceptable in this instance.
<p>55.03-3 – Site Coverage</p> <ul style="list-style-type: none"> To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. 	<p>Met</p> <p>The proposed site coverage is 65.72%, which is less than 80% recommended by the Clause 55 standard, but greater than the 60% set out in the DDO8.</p> <p>A full assessment of this is provided in the DDO8 assessment and the outcome is considered to be acceptable. In summary, the site is in the Residential Growth Zone on a main road and on a corner. The site benefits from locational attributes and there is a landscaping embankment located between the footpath and site boundary that gives the impression of the curtilage of the site being larger than it is on title. Further, the building form is articulated and modulated and subject to conditions relating to the re-design of the upper floors, will be appropriately setback from site boundaries. Appropriate landscaping will be provided to soften the building form.</p>
<p>55.03-4 – Permeability</p> <ul style="list-style-type: none"> To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration. 	<p>Met</p> <p>The proposal has 27.25% of site area as a pervious surface, which exceeds the required minimum provision of 20% by 7.25%.</p>
<p>55.03-5 – Energy Efficiency</p> <ul style="list-style-type: none"> To achieve and protect energy efficient dwellings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. 	<p>Met – Subject to Condition 8</p> <p>The design and the likely form of construction will assist in providing an energy-efficient building. In particular, the multi-storey construction will offer consolidated thermal mass with good insulation properties between floors.</p> <p>The submitted Sustainability Management Plan (SMP) outlining ESD methods that will be utilised through construction to achieve a sustainable building is supported by Council's Sustainability Officer subject to some changes that will be required through a permit condition.</p>
<p>55.03-6 – Open Space</p> <ul style="list-style-type: none"> To integrate the layout of development with any public and communal open 	<p>Not Applicable</p> <p>The design includes communal entry, car parking and lift/stairwell spaces, but no</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
space provided in or adjacent to the development.	communal open space or recreation facilities are provided. The design meets the standard with regard to the communal service areas.
<p>55.03-7 – Safety</p> <ul style="list-style-type: none"> To ensure the layout of development provides for the safety and security of residents and property. 	<p>Met</p> <p>The main pedestrian entrance to the building is from Nirvana Crescent. The entry is visible and identifiable with a footpath leading to it, a feature portico, and a recess in the building between apartment balconies differentiating the entry from the residences either side.</p> <p>Appropriate levels of passive surveillance are provided for Manningham Road and Nirvana crescent. Lighting is provided along the side walls of the basement driveway.</p>
<p>55.03-8 – Landscaping</p> <ul style="list-style-type: none"> To encourage development that respects the landscape character of the neighbourhood. To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. To provide appropriate landscaping. To encourage the retention of mature vegetation on the site. 	<p>Met – Subject to Condition 15</p> <p>The trees within the site have been assessed in the submitted arboricultural report and cannot practically be retained or integrated into the design response given their location and the need for excavation on site. While this is unfortunate it is not unreasonable given the zoning of the land and fact that no tree controls apply to the site and therefore the trees can be removed without a planning permit at any time.</p> <p>The provision of landscaping has been considered under the DDO8 controls. A full landscaping plan will be required by a permit condition prior to the start of the development. Canopy trees will be required within courtyards and street setbacks. Refer Condition 15.</p> <p>The development is not expected to have any impact on vegetation near the application site due to the proposed setbacks of the building at basement level and ground level. That said, a condition will be included on any permit issued requiring the tree protection zones (TPZ) and protection methods to be shown on the landscaping plans for during the construction phase.</p>
<p>55.03-9 – Access</p> <ul style="list-style-type: none"> To ensure the number and design of vehicle crossovers respects the neighbourhood character. 	<p>Met</p> <p>Vehicle access to the development is acceptable and is supported by Council's Traffic Engineering Unit and VicRoads. The vehicle crossover is an appropriate design response and will be located away from the Manningham Road and Nirvana Crescent intersection to minimise any traffic impacts.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
<p>55.03-10 – Parking Location</p> <ul style="list-style-type: none"> To provide convenient parking for resident and visitor vehicles. To avoid parking and traffic difficulties in the development and the neighbourhood. To protect residents from vehicular noise within developments. 	<p>Met</p> <p>A lift and separate staircase will provide internal access from the basement levels to the ground floor main entrance and to all levels of the building except for the roof terraces. This provides convenience for all residents and visitors who park on-site.</p> <p>As is the usual case with apartment style developments, access to the basement for visitors will be reliant on an intercom system and an automated garage door which inevitably affects the security of the car park for residents.</p> <p>Any noise transfer from the basement levels would unlikely be a disturbance to neighbours. Mechanical car stackers are not proposed.</p>
<p>55.04-1 – Side And Rear Setbacks</p> <ul style="list-style-type: none"> To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>Met</p> <p>Submitted plans show an accurate cross-section and 'B17 profile line' demonstrating the setbacks of the building and compliance with the B17 setback requirements to the western and southern side boundaries.</p> <p>Conditions on permit will require the setback of the upper floors from the southern site boundary to go over and above the setbacks prescribed under Res Code in order to improve the transition to the south adjoining lot in accordance with the requirements of the DDO8. If the DDO8 did not apply to the subject site, the setbacks shown on plans would meet the setback requirements of ResCode. Refer Condition 1.1.</p>
<p>55.04-2 – Walls On Boundaries</p> <ul style="list-style-type: none"> To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>Not Applicable</p> <p>No walls on boundaries are proposed.</p>
<p>55.04-3 – Daylight To Existing Windows</p> <ul style="list-style-type: none"> To allow adequate daylight into existing habitable room windows. 	<p>Met</p> <p>The west adjoining site is currently under construction with townhouses and a review of the endorsed plans for that development show that all habitable windows facing east will be setback at least 2.5 metres from the shared boundary. As the proposed building is setback at least 1.8 metres from the shared boundary,</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	<p>sufficient light courts and setbacks will be provided to meet the requirements of the standard and ensure the required level of solar access.</p> <p>The existing habitable room windows within the south adjoining properties are located 6 metres distance from the shared boundary (therefore in excess of the 3 metres stated at standard B19) and so technically the standard requirements do not apply. That said, given the design changes required by way of permit conditions to address the DDO8 concerns, daylight to existing windows of the south adjoining dwellings will be improved beyond what Res Code contemplates.</p>
<p>55.04-4 – North Facing Windows</p> <ul style="list-style-type: none"> To allow adequate solar access to existing north-facing habitable room windows. 	<p>Not Applicable</p> <p>The existing habitable room windows within the south adjoining properties are located 6 metres distance or more from the shared boundary and there are therefore no north-facing windows within 3 metres of the site. Technically the requirements of the standard do not apply. Again, the design changes required by way of permit conditions to address the DDO8 concerns, will ultimately improve light to existing north-facing windows in the south adjoining dwellings beyond what Res Code contemplates.</p>
<p>55.04-5 – Overshadowing Open Space</p> <ul style="list-style-type: none"> To ensure buildings do not significantly overshadow existing secluded private open space. 	<p>Met</p> <p>Shadow diagrams demonstrate that shadows cast by the building will cover a portion of the secluded private open spaces within the adjoining properties. These shadows will not exceed the requirements prescribed under the standard.</p> <p>The decision guidelines require the responsible authority to consider the design response, the impact on the amenity of existing dwellings, existing sunlight penetration to the secluded private open space, the time of day that sunlight will be available to the secluded private open space and the effect that the reduction in sunlight will have on the use of the open space.</p> <p>Submitted shadow diagrams demonstrate that at 9am the proposed building will cast shadows over 6 metres in length across the two (2) south adjoining secluded private open space areas at 1 and 3A Nirvana Crescent. For 1 Nirvana Crescent this is 3 metres beyond existing</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	<p>shadows cast by boundary fencing and partly affects secluded private open space. For 3 Nirvana Crescent this exceeds shadows cast by existing boundary fencing and the affected area is confined to the north-east corner of the property.</p> <p>From 10am to 12 noon shadows will shift to affect only 1 Nirvana Crescent with shadows generally limited to along the fence line and over the car port, shed and areas within the front setback.</p> <p>At 3pm, the development will cast shadows over ground level open space areas and balconies of south and east-facing apartments within the development, and Nirvana Crescent (footpath and street).</p> <p>Importantly, plans demonstrate that the difference between existing shadows cast by fencing and shadows cast by the proposed development is relatively minor. Shadows affecting the south adjoining dwellings open space areas are greatest between 9am and 10am and for the most part, additional shadows will be limited to rear portions of open space areas and along fence lines.</p> <p>The standard requires adjoining open space areas to receive a minimum of 5 hours of sunlight between 9am and 3pm. Shadows cast to the south adjoining dwellings meets the standard.</p> <p>While the standard looks at impact on the amenity of existing dwellings it is acknowledged that there are several open space areas within the development that will be affected by overshadowing throughout the day. Overshadowing within the development will however be improved (reduced) beyond ResCode compliance through the design changes required under the conditions of permit.</p>
<p>55.04-6 – Overlooking</p> <ul style="list-style-type: none"> To limit views into existing secluded private open space and habitable room windows. 	<p>Met – Subject to Conditions 1.4, 1.5 and 1.6</p> <p>Overlooking (limiting views within a 9m radius from habitable rooms, secluded private open space areas and balconies) has been generally addressed in the design of the development.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	<p><u>South</u> On the ground level, there is no unreasonable overlooking as courtyards are located at ground level and views will be limited by boundary fencing and landscaping.</p> <p>On levels 1, 2, and 3, balconies and windows have been screened or obscured to comply with the standard. Further detail will be required (1 1:50 scale drawing) for the screening treatment to the second floor windows to ensure that the proposed slats allow only horizontal views and not views downward to adjoining open space and habitable room windows.</p> <p><u>West</u> On the ground level, overlooking is limited as courtyards are located at ground level and views will be restricted by boundary fencing.</p> <p>On levels 1, 2, and 3, to both the west and south, balconies and windows have been screened or obscured to comply with the standard.</p> <p>Conditions will require changes to some design details and setbacks to the south elevation and as such conditions will also be included to ensure that any additional screening or obscure glazing will be provided in order for the revised built form to meet the requirements of standard B22.</p>
<p>55.04-7 – Internal Views</p> <ul style="list-style-type: none"> To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development. 	<p>Met</p> <p>Fences and screens are provided between courtyards, balconies and terraces to limit direct views.</p>
<p>55.04-8 – Noise Impacts</p> <ul style="list-style-type: none"> To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise. 	<p>Met – Subject to Condition 1.12</p> <p>Potential noise sources from a residential development (excluding domestic noise) is ordinarily limited to plant and equipment (such as air conditioning units, mechanical ventilation and automated roller doors to car parks.</p> <p>No details (relating to noise levels) have been submitted with the application, however ordinarily all residential noise for a development of this type would be subject to standard EPA requirements controlled through local laws.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	<p>The placement of air-conditioning units will be regulated to ensure appropriate positioning (mainly for aesthetic reasons). A condition will ensure they are located where they are not visible, such as on balconies behind solid balustrades. Plant on the roof of the building will be screened. Refer Condition 1.12.</p> <p>Overall, it is considered that there are no external noise sources that may unreasonably impact unreasonably on existing or future residents.</p>
<p>55.05-1 – Accessibility</p> <ul style="list-style-type: none"> To encourage the consideration of the needs of people with limited mobility in the design of developments. 	<p>Met</p> <p>The pedestrian entrance is ramped and accessible to people of limited mobility. All apartments are single level and accessible to residents and visitors. There is a lift directly accessible from the entry and from the resident and visitor car parking spaces which provides step free access to all apartments.</p>
<p>55.05-2 – Dwelling Entry</p> <ul style="list-style-type: none"> To provide each dwelling or residential building with its own sense of identity. 	<p>Met</p> <p>The dwellings all derive pedestrian access from the central entry path and hall on the eastern frontage of the building, which leads to a foyer.</p>
<p>55.05-3 – Daylight To New Windows</p> <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. 	<p>Met</p> <p>While ground level windows may have a slightly reduced level of daylight afforded to them as a result of boundary fencing, screen planting and canopy trees, all dwellings will have a reasonable level of daylight overall.</p> <p>The solid outer wall and planter boxes to the south-facing balconies of Apartments 11, 12 and 13 add an unnecessary degree of visual bulk to the south elevation and so a condition will require design changes and further setbacks for the three balconies, in order to comply with the DDO8 objectives. Given that these overhangs also add shading to the lower floor apartments (1, 2 and 3) the increased setbacks will ultimately improve solar penetration and benefit the on-site amenity for these lower level apartments.</p>
<p>55.05-4 – Private Open Space</p> <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents. 	<p>Met</p> <p>Schedule 2 to the RGZ does not prescribe a minimum private open space area size.</p> <p>Each dwelling will be provided with an area of private open space.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	<p>Each of the ground floor dwellings is provided with secluded private open space which consists of paved courtyards and landscaped gardens. The total amount of secluded private open space afforded to each dwelling at ground level ranges from 23.37 square metres to 88.25 square metres.</p> <p>Level 1 consists of seven two-bedroom apartments and three one-bedroom apartments, each provided with balconies that range from 8.1 to 27.7 square metres. Level 2 consists of eight two-bedroom apartments, each provided with balconies or terraces that range from 9.29 to 28.85 square metres. Level 3 consists of four three-bedroom apartments and one two-bedroom apartment, each provided with balconies or terraces that range from 22.47 to 72.47 square metres.</p> <p>The 3 bedroom apartments each have roof terraces of 59.03 to 97.96 square metres.</p> <p>The open space provided to each dwelling meets the Clause 55 standard.</p>
<p>55.05-5 – Solar Access To Open Space</p> <ul style="list-style-type: none"> To allow solar access into the secluded private open space of new dwellings and residential buildings. 	<p>Considered Met</p> <p>Apartments 1, 2, 3, 11, 12, 13 and 28 all have south-facing courtyards or balconies that receive limited sunlight. As discussed above, conditions will require design features to improve the appearance of the building to the south which will also improve solar penetration to open space of the other apartments. This is considered to be an acceptable design response given the orientation of the lot.</p>
<p>55.05-6 – Storage</p> <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling. 	<p>Met - Subject to Condition 1.19</p> <p>Plans show storage cages provided in separate rooms within the basement car park. In these locations they are easily accessed by residents and are secure. The provision of separate storage cages and dedicated rooms (in other words, not above-bonnet storage) is not generally provided for a development of this type and is therefore fully supported.</p> <p>A number of storage cages are less than the required 6 cubic metre size prescribed under the standard. There is ample room to provide</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	<p>the required storage size (including possibly externally within some of the yards spaces of Apartments 1, 2 ,3) and as such there is no reason for any storage cage to be undersized. A condition will require all storage spaces to be 6 cubic metres at a minimum as per the standard.</p> <p>Despite there being no Scheme requirement to provide on-site bicycle parking (for residents or visitors) the basement provides 9 secure racks within the storage cages room and visitor spaces are located within the Nirvana Crescent setback, integrated into the landscaped area. This is fully supported as it would mean that storage cages will not need to double-up as bicycle storage.</p>
<p>55.06-1 – Design Detail</p> <ul style="list-style-type: none"> To encourage design detail that respects the existing or preferred neighbourhood character. 	<p>Met</p> <p>The proposed architectural design is of a high standard and offers a contemporary statement that responds positively to the preferred neighbourhood character. The design includes varied colours and materials whilst providing a coherent style or theme. The building is modulated with framing elements to balconies and deep recesses that allow for different depth and shadow perceptions across the building. The building form uses curved surfaces to the corner and upper floors which add visual interest.</p> <p>In relation to the design detailing of the southern wall, a condition will require changes to be made in the way of relocated balconies, changes to façade treatment and more setbacks as discussed in the DDO8 assessment.</p>
<p>55.06-2 – Front Fence</p> <ul style="list-style-type: none"> To encourage front fence design that respects the existing or preferred neighbourhood character. 	<p>Met</p> <p>The proposal does not include a front fence, which is supported by the DDO8.</p>
<p>55.06-3 – Common Property</p> <ul style="list-style-type: none"> To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership. 	<p>Met</p> <p>Assuming the dwellings are sold individually, communal areas such as the basement and the perimeter gardens will be maintained by an Owners' Corporation. There are no perceived difficulties associated with future management of these areas.</p>
<p>55.06-4 – Site Services</p> <ul style="list-style-type: none"> To ensure that site services can be 	<p>Met – Subject to Conditions 13, and 33 to 42</p> <p>Mailboxes are located outside the foyer of the</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
<p>installed and easily maintained.</p> <ul style="list-style-type: none"> To ensure that site facilities are accessible, adequate and attractive. 	<p>building. There is an Australia Post requirement for mailboxes to be parallel to the footpath and as such note on permit will require mailboxes as per the Australia Post requirements.</p> <p>Permit conditions will require retractable clotheslines to be installed within all courtyards, balconies and terraces that they are not visible from the street or adjoining properties.</p> <p>Bin storage in the car park is easily accessible by all residents and not visible from the public domain.</p> <p>The submitted Waste Management Plan (WMP) confirms that all waste collection will be made by a private collector is supported by Council's traffic engineering unit (waste services). The WMP is supported subject to modifications which will be required by way of condition.</p>

General Matters

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

Waste Management

- 6.18 The submitted Waste Management Plan prepared by Frater Energy Assessor estimates the generation of 2,720 litres of general waste per week and 3,840 litres of co-mingled recyclables per week. Whilst the Waste Management Plan showed that there was sufficient space for storage of waste bins, the plan contemplated collection from street frontages.
- 6.19 Council's Traffic Engineers (waste services) does not support private waste collection on-street and recommends that private collection occurs within the title boundaries of the subject land.
- 6.20 The referral advice was provided to the Applicant and a revised Waste Management Plan was lodged with a traffic engineering report on the ability of the waste vehicle to collect waste from within the site. The proposed waste collection vehicle a "Wastewise Mini rear loader" is able to collect and empty bins up to 660 litres within a 2.08 metre height. The traffic engineering report highlighted that to collect waste, a minimum 2.2 metre headroom, clear of overhead obstructions must be provided for the entire basement 1 access aisle, and a minimum 2.35 metre headroom must be provided in the vicinity of the lower ramp transition. Whilst the traffic engineering report suggested this vehicle could undertake on-site collection, possible conflicts are noted in relation to building regulations if sprinkler systems, lighting and/or emergency signage are required along the basement 1 access aisle. However this could be potentially resolved by a wider floor to ceiling height. If this is required, then a deeper excavation will be required, rather than raise the building height any further. This will all be addressed by way of permit conditions.

- 6.21 The revised waste management plan is based on 1100 litre bins, which the Wastewise documentation shows cannot be collected by the Wastewise mini rear loader within a 2.1 metre height. If 660 litre bins are used, it does not appear that there will be sufficient room within the bin storage room and it is likely bins will need to be collected twice weekly. This will be required by condition of permit.

Noise impacts to apartments from Manningham Road traffic and other sources.

- 6.22 The submitted Noise Assessment report identifies likely noise impacts to the apartments, recommending that improved glazing would be necessary for some apartments to ensure that they do not suffer an unacceptable amenity noise impact from traffic on Manningham Road. Appendices to the report includes the use of improved glazing to the apartments identified. Condition 45 requires that any noise protection measures to apartments must be undertaken as per the requirements of the Noise Assessment report.

Sustainability

- 6.23 The submitted Sustainability Management plan includes a STEPS (Sustainable Tools for Environmental Performance Strategy) assessment and a STORM (Stormwater Treatment Objective- Relative Measure) assessment. STEPS is an energy assessment tool developed by City of Moreland to determine the energy efficiency and environmental sustainability of developments. STORM is a stormwater treatment assessment tool developed by Melbourne Water to determine the stormwater treatment impacts and requirements of developments.
- 6.24 The submitted STEPS assessment indicates the development achieves an acceptable sustainability score to meet the requirements of the tool (achieved project score benchmark within the measured categories). The STORM report indicates the development achieved an acceptable stormwater score to meet the requirements of the tool (45% reduction in the typical annual load of total nitrogen and achieved best practice objectives). This is supported by Council's ESD adviser.

Works outside title boundary

- 6.25 To the north, the back of the footpath touches the title boundary, and there is a rise from the level of the footpath to the ground level of the yard. To the east, this is even more pronounced, with the embankment running along Nirvana Crescent having a height of approximately 1.5-1.8 metres above the footpath height.
- 6.26 The 'shoulders' of the embankment near the vehicle accessway would potentially impede clear sightlines, and the embankment would need to be re-shaped near the vehicle and pedestrian accessways to allow for clear sightlines.
- 6.27 Further, the landscape plan shows landscaping within the embankment area.
- 6.28 The applicant has investigated purchasing from Council the embankment area from the back of footpath to title boundary to allow for the above-mentioned works to be undertaken. Whilst this is not an ideal model for all development, it is acknowledged that this instance is an unusual case, where currently and for some period of time, the embankment area presents as

generally being part of the curtilage of the subject site and is not readily trafficable by the public.

- 6.29 A review of the submitted design and the surrounds identifies that this is an integral part of the design as it stands, and it is recommended that if a permit were to be issued, a condition requires the Applicant to investigate further the acquirement of part or all of the embankment area from Council to allow for the works and landscaping to occur, or amend the vehicle accessway, footpath width and landscaping plans to occur only within the title boundaries.

7 REFERRALS

External

- 7.1 VicRoads are a statutory referral authority given it is proposed to remove an existing access point to Manningham Road. The originally submitted (advertised) application was referred to VicRoads who support the proposal subject to one condition that the redundant crossover must be re-instated to nature strip and made good.
- 7.2 The VicRoads condition will be included as a condition on any permit issued.
- 7.3 The amended application (the decision plans) were not referred to VicRoads given that the plans make no changes to the vehicle access or change to the originally proposed alteration to Manningham Road.

Internal

- 7.4 The application was referred to a number of Service Units. Where appropriate, the amended application (decision plans) and information were referred back to Service Units.
- 7.5 The following table summarises their responses:

Service Unit	Comments
Engineering & Technical Services Unit (Drainage)	<ul style="list-style-type: none"> Point of discharge (drainage) is available for the site. Provide an on-site stormwater detention system. All areas are to be drained to the point of discharge.
Engineering & Technical Services Unit (Traffic)	<ul style="list-style-type: none"> The proposed development includes 32 apartments. A visitor parking space is required for every 5 dwellings in accordance with table 1 of Clause 52.06 of the Manningham Planning Scheme. Accordingly 6 visitor parking spaces are required. However, the applicant proposes 5 on site visitor car spaces within the Basement One car park (TP04 Plan). It is recommended the applicant to provide another visitor car space within the development. Another car space is required to meet the parking demand for residential apartments. It is unclear which apartment requires a waiver of car parking. Nominate the car spaces to each apartment. It is recommended to provide the onsite car parking provision in accordance with Table 1 of clause 52.06-8 of Manningham Planning Scheme. Alternatively applicant can reduce the size of the development meeting the statutory car parking requirement within the development or install mechanical

Service Unit	Comments
Engineering & Technical Services Unit (Engineering)	<p>parking devices such as car stackers to meet the parking demand.</p> <ul style="list-style-type: none"> • Crossover requires to be reviewed and accordingly the accessway to be redesigned. • Accessway serves more than 4 dwellings. Accessway grades must not be steeper than 1:10 within 5m of the frontage in accordance with Design Standard 3. The proposed grade 1:5 within 5m from street frontage does not comply with this requirement. • Convex mirrors to be provided at right angular changes of accessway direction as per the recommendations of the ML Traffic Engineers' traffic assessment report dated 11th September. • The applicant will require submitting swept path analyses for a waste truck. Demonstrate that a private waste collection vehicle can enter the Basement One car park to collect waste within the development and exit the car park in a forward direction with not more than three vehicle manoeuvres. • Accessway aisle width in front of car spaces 8 to 17 at Basement One car park must be 6400mm. • Accessway aisle width in front of car spaces 8 to 16 at Basement Two car park must be 6400mm. • Pedestrian access link is proposed to the existing footpath of Nirvana Crescent over the Council's land. The Applicant will require reducing the width of this footpath connection to maximum 1.4m. The proposed 3.4m width is not allowed within the Council's land. This footpath needs to be constructed in accordance with Council's Standard drawing for footpaths • The applicant proposes 9 bicycle parking spaces within the basement One Car Park for residents and 4 visitor bicycle parking spaces at the main pedestrian entrance from Nirvana Crescent for visitors. Proposed bicycle parking provision is within the development is satisfactory.
Engineering & Technical Services Unit (Waste Management)	<ul style="list-style-type: none"> • Modifications to the submitted waste management plan are necessary. • A private waste contractor to undertake waste collection from within the property boundary. • Refer to the comments dated 18th November 2015, prepared by Acting Waste Management & Resource Recovery Coordinator.
Strategic Projects Unit (Sustainability)	<ul style="list-style-type: none"> • Modifications to the submitted sustainability management plan are necessary prior to endorsement.

7.6 Recommendations will be addressed via permit conditions and footnotes where appropriate, on any permit issued.

- 7.7 The following is provided in response to recommendations that will not be reflected via permit conditions and footnotes, or where further clarification is required:

Engineering – ‘The crossover is not at right angles to the road edge’

- 7.8 Whilst this is not ideal, as long as there are reasonable sightlines, it is not considered necessary to require an alteration to the crossover to achieve a right angle entry. In this case, there are some constraints to sightlines due to the embankments between back of footpath and edge of title boundary. These embankments will need to be slightly re-graded to allow for adequate sightlines. As discussed previously in this report, this will be required as a condition of permit.

Engineering – ‘Accessway serves more than 4 dwellings. Accessway grades must not be steeper than 1:10 within 5m of the frontage in accordance with Design Standard 3. The proposed grade 1:5 within 5m from street frontage does not comply with this requirement’

- 7.9 The crossover starts to ramp down from approximately 1 metre to the rear of the footpath at a grade of 1 in 10, and then increases to a 1 in 5 grade approximately 3.2 metres into the site from the current title boundary, which is approximately 8.2 metres from the back of the footpath.
- 7.10 As discussed previously, if the embankment area is purchased by the Applicant it would mean the ramp would only need to have a 1 in 10 gradient extended for a further 1.2 metres westward. There would also be room to lengthen the access ramp at the western end. A condition will require the crossover and ramp gradients to comply with the design standard.
- 7.11 Engineering – ‘Accessway aisle width in front of car spaces 8 to 17 at Basement One car park must be 6400mm. Accessway aisle width in front of car spaces 8 to 16 at Basement Two car park must be 6400mm’
- 7.12 The submitted traffic report includes turning diagrams showing that whilst the 6.4 metre width as set out in the standard was not met, the proposed 6.3 metre width shown was adequate for the spaces to be accessible. On this basis, it is not considered necessary to increase the width of the accessway by 100mm to meet the design standard.
- Engineering – ‘Pedestrian access link is proposed to the existing footpath of Nirvana Crescent over the Council’s land. The Applicant will require reducing the width of this footpath connection to maximum 1.4m. The proposed 3.4m width is not allowed within the Council’s land. This footpath needs to be constructed in accordance with Council’s Standard drawing for footpaths’*
- 7.13 The use of a 3.4 metre wide entry path from back of footpath to building entry would be an appropriate design technique to allow for good identification of the entry and good access for people of limited mobility.
- 7.14 The footpath area goes partly through the embankment on the nature strip. While the Applicant has been in discussions with Council in relation to purchasing this area of Council land, to date, no agreement has been reached.
- 7.15 As discussed above, whilst this is not ideal, it is considered in this case, this is acceptable. If this embankment area is purchased and included on title, the Council footpath standards would not apply and Council would not be

responsible for future maintenance of the entry path. However, in the event that it is not purchased, a condition will require the footpath width to be reduced to 1.4 metres and for the footpath design (longitudinal and cross-section) to be approved by Council prior to construction commencing.

8 NOTIFICATION

- 8.1 Notice of the originally submitted application was required to be given under Section 52 of the Planning & Environment Act 1987, by sending notices to adjoining and nearby landowners/occupiers and by displaying notices on the land for a 3 week period. Four (4) notices were displayed on site.
- 8.2 Council received 19 objections, including one multi-signatory objection with 5 signatures.
- 8.3 Details are as follows:

Address
1, 2, 2B, 3, 3A, 6A, 7, 8, 10, 12, 14, 16 Nirvana Crescent, Bulleen
112, 4/131 Manningham Road, Bulleen
1/60 Ayr Street, Doncaster

- 8.4 The grounds of objection can be summarised as follows:
- Lack of policy support in the Scheme under the zone and the overlay requirements for the height and site coverage
 - Design – scale and design is out of character with the area (which includes single dwellings)
 - Off-site amenity – overlooking / loss of privacy, visual bulk, overshadowing, residential noise resulting from the roof terrace
 - Traffic - driveway should be on Manningham Road, on-street parking and traffic will increase
 - Other - adverse impact on drainage system and construction noise
- 8.5 A response to the above grounds is provided in the following paragraphs:
Lack of policy support in Scheme under the zone and overlay requirements for the height and site coverage
- 8.6 There is clear support for development of the land in the Scheme in terms of urban consolidation and a proposed increase in residential density. The proposed development supports the key vision objectives which encourage a higher density and innovative contemporary design by providing residential development within a building in a location that is highly accessible to the community. In that regard it is consistent with policy.
- 8.7 Notwithstanding that, it is not development at any cost and policy sets out design parameters including a maximum site coverage of 60 percent and a requirement that higher developments on the perimeter of the Main Road sub-precinct are designed so that the height and form are sufficiently stepped down, so that the scale and form complements the interface which in this case is the southern interface with dwellings in Nirvana Crescent.

- 8.8 Subject to permit conditions on any permit issued, requiring design changes to the southern side of the development, the articulation, height transitioning and relationship to the south will provide a more acceptable interface which is envisaged under the DDO8.

Design – scale and design is out of character with the area (which includes single dwellings)

- 8.9 A full assessment of the building design, neighbourhood character and landscaping is provided in the DDO8 assessment and Res Code assessment in this report.

- 8.10 In summary, the subject site is located within the Residential Growth Zone is located in the DDO8-1 “sub precinct Main Road”. Policy supports housing developments that will respect existing neighbourhood character. It is acknowledged that the scale, form and age of existing housing in the area is predominately 1970s (single-storey) with a substantial amount of development dating between the late 1980s and 1990s (double and in some instances 3-storey) with minimal unit development. However, Council through its policy statements and the DDO8 has created a planning mechanism that will over time alter the present neighbourhood character along Mitcham Road. Through policy, Council’s ‘preference’ is for higher density, multi-unit developments which may include apartment-style buildings, especially on larger lots, and the resultant built form will have a more intense and less ‘suburban’ character.

- 8.11 This higher density housing theme represents the ‘preferred neighbourhood character’ and guidance as to the ultimate form of development is provided through the Design Elements contained within the DDO8 provisions. To accommodate Manningham’s projected population growth, policy objectives (at Clause 21.05-2 Housing) within the Scheme supports a higher density of housing along main roads, and anticipates and supports an incremental level of change along main roads.

- 8.12 As discussed earlier in the report, the building is reasonably well articulated and modulated and has been designed to limit perceptions of visual bulk. As discussed, design changes will be required by condition to alter some of the southern facade and subject to these changes, the bulk and mass of the building are considered acceptable within this area identified for increased residential development.

Off-site amenity – overlooking / loss of privacy, visual bulk, overshadowing, residential noise resulting from the roof terrace

- 8.13 Relevant concern is raised in relation to the impact of the proposed development on south adjoining properties, in particular due to the different residential zoning (the subject site is within the RGZ and the south adjoining dwellings are within the GRZ) and their residential amenity expectations given the proposal is for a 4-storey built form immediately to the north.

- 8.14 The design of the proposed building on the southern side is acceptable subject to design changes that will be required by way of conditions (relocated balconies, increased setbacks of southern walls).

- 8.15 A full assessment against all Res Code standards and objectives and the DDO8 requirements which require appropriate height transitioning, is provided in this report. Subject to conditions, the proposal will present a

- reasonable level of off-site amenity impact to existing adjoining dwellings, including those located to the south and within the GRZ.
- 8.16 In relation to residential noise the consideration of this planning application is confined to the construction of the development. The residential use of the subject site does not require a planning permit under the zone and is therefore not a planning matter and cannot be considered in this assessment. Residential noise associated with a dwelling is considered normal and reasonable in an urban setting. Residential noise would be subject to standard EPA guidelines and any future amenity issues, should they arise, can only be pursued as a civil matter.
- 8.17 Overlooking from windows and balconies has been discussed in the assessment against Clause 55.04-6 of the Scheme. Permit conditions will require some additional screening to balconies and habitable room windows that allow direct views within a 9 metre radius and require them to be designed to meet the policy objective.
- 8.18 Overshadowing has been assessed against Clause 55.04-5 of the Scheme. The shadows cast by the development will only cover a limited portion of the west and east secluded private open spaces and will not exceed the requirement in the standard and meets the policy objective which is to limit any unreasonable amenity impacts on adjoining properties.
- Traffic* - driveway should be on Manningham Road, on-street parking and traffic will increase
- 8.19 The car parking requirements of the Scheme is at Clause 52.06-1 (Car Parking) of the Scheme and a full assessment against the requirements of Clause 52.06 is provided in this report.
- 8.20 While the submitted proposal has a shortfall of two (2) on-site car parking spaces, the basements could be re-designed to provide for this shortfall. A re-design of the third floor and roof terrace in particular will be required to meet the setback changes envisaged under the DDO8 and improve the transitioning down to the southern interface so that the development does not present as 4-storeys from the south. This will inevitably reduce floor area and most likely reduce the number of apartments within the building and re-calculate the car parking requirement prescribed under Clause 52.06 of the Scheme. Regardless, a condition on permit will require amended plans to demonstrate that the number of visitor and residents spaces provided on-site meet the requirements of Clause 52.06 of the Scheme.
- 8.21 Existing on-street parking problems in the area cannot be addressed through the current application, nor should the burden of relieving these existing problems be imposed on the developer of the subject site.
- 8.22 In terms of traffic generation, it is a generally accepted principle in many Victorian municipalities that multi-dwelling developments generally create an average of 4-8 vehicle movements per day per dwelling, or less where there is good access to public transport. This is consistent with the "NSW RTA guide to Traffic Generating Developments 2002", which identifies a rate of 4-5 movements daily for 2 bedroom dwellings and 5-6 movements daily per 3 bedroom dwelling. The applicant has submitted a traffic report which references the NSW RTA document and highlights that based on the traffic generation rates usually expected for developments of this sort, the development is likely to generate 18 vehicle trips per hour in peak hours, with

14 outbound and 4 inbound trips during AM peak hour and 5 outbound and 13 inbound trips during PM peak hour.

- 8.23 Whilst it is acknowledged that there is some congestion in Nirvana Crescent during school drop off and pick up times, based on the likely traffic movements generated by the development, it is not considered there will be any unacceptable impacts to traffic flow in and out of Nirvana Crescent as a result of the development.
- 8.24 In relation to the suggestion that the vehicle driveway be on Manningham road, the subject site has access to a main road controlled by VicRoads and a side street. It is normal practice for sites with two accesses such as this to remove the access from the main road and provide access from the side street. This is generally the preference of VicRoads as it improves traffic safety by allowing less private property access to a main road and instead provides access to a main road from other public streets.
- 8.25 Council's traffic engineering unit and VicRoads as the appropriate referral authority support the proposed development.

Other - adverse impact on drainage system and construction noise

- 8.26 The site will have 33.4% of surfaces with permeable surfaces, which meets the standard at Clause 55.03-4 of the Scheme. Council's Traffic Engineers raised no concern subject to the installation of an on-site storm water detention system which will be required by way of permit condition.
- 8.27 Noise disturbance during construction works is a common objector concern. Some noise and other disturbance is inevitable when any construction occurs and the developer will be required to meet relevant Local Law and EPA regulations regarding construction practices to ensure these impacts are mitigated. In addition to these requirements, a condition will require the submission of a Construction Management Plan (CMP) which will require the applicant to submit details of the construction, for approval.

9 CONCLUSION

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

agreed to by Manningham City Council, have been included on the Notice of Decision to Grant a Planning Permit.

RECOMMENDATION

- (A) That having considered all objections, A NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application No. PL15/025340 in accordance with endorsed plans and subject to the following conditions:
1. Before the development starts, two (2) copies of amended plans, uncoloured, drawn to a scale of 1:100 and dimensioned must be submitted to the satisfaction of the Responsible Authority. When approved by the Responsible Authority, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the decision plans (prepared by Cornetta Partners, Revision E, dated July 2016), but modified to show the following:
 - 1.1. At third floor, the setback from the southern site boundary increased to 12.5 metres minimum, resulting in the internal reconfiguration of all third floor apartments and roof terraces, to provide more stepping down of the building and more appropriate height transition of the building to the southern interface.
 - 1.2. A car parking allocation schedule to demonstrate that the on-site car parking required under Clause 52.06 (resident and visitor spaces) of the Manningham Planning Scheme is met.
 - 1.3. At first floor, the setback of balconies (balcony edges) of Apartments 11, 12 and 13 increased to 3.6 metres so that they are in line with the southern wall of the bathroom and bedroom of Apartment 10, and any resulting internal configuration of these apartments. Balconies must remain at least 8 square metres or greater in size. Planter boxes should be retained but painted a contrasting colour to the southern walls of Apartments 10 and 13 (located on either side) in order to reduce their visual bulk, or another balcony screen type provided in lieu.
 - 1.4. Details of balcony screens and south-facing windows of Apartments 11, 12 and 13 to comply with the objective of Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme.
 - 1.5. Details (including a 1:50 elevation) of screen measures proposed to the south-facing window of Apartment 21 and balconies of Apartment 22 and Apartment 29 to comply with the objectives of Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme.
 - 1.6. At second floor, the setback of the southern edge of the balcony to Apartment 21 increased to 7.8m in line with the southern wall of the kitchen of that apartment, and screened to comply with the objective of clause 55.04-6 (Overlooking) of the Manningham Planning Scheme. The then exposed kitchen window to Apartment 21 must also screened to comply with the objective of Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme.
 - 1.7. Plan notations to confirm that:

- 1.7.1. a minimum of 2.2m headroom, clear of any overhead obstructions such as pipes, beams, signs and light fittings is provided for the entire basement 1 access aisle; and
 - 1.7.2. a minimum 2.35m headroom clear of any overhead obstructions will be maintained in the vicinity of the lower ramp transition.
- 1.8. In accordance with Design Standards for car parking at Clause 52.06-8 of the Manningham Planning Scheme, either:
 - 1.8.1. the reshaping of the embankment areas on the north and south sides of the vehicle accessway, to allow vehicle sight triangles of 2.0 metres by 2.5 metres with landscaping no higher than 900m, and modified grades for the vehicle accessway to comply with Design Standard 3 at Clause 52.06 (Car Parking) of the Manningham Planning Scheme, with details of the footpaths submitted (including a longitudinal section and cross-section); or
 - 1.8.2. in the event that nature strip is not acquired pursuant to Condition 6 of this permit, the proposal amended to show vehicle accessway grades, vehicle crossover and embankment design to Council's satisfaction, and the pedestrian footpath width reduced to 1.4 metres with details submitted (including but not limited to a longitudinal section and cross-section).
- 1.9. Clotheslines / external clothes drying facilities for each dwelling shown on plan, with clothes-drying racks or line systems located on balconies to be same height or lower than the balustrade of the balcony to limit visibility of clothes drying from the street and adjoining dwellings.
- 1.10. A separate palette sheet (colour schedule) depicting the range of finishes/textures, colours and materials to all externals of the buildings, including balcony and terrace balustrade/screens and roof-top plant screen, and paving finishes (including balconies and terraces, stairs and ramps).
- 1.11. Details for any mechanical ventilation of the basement car park, with any external flues designed and integrated into the building design.
- 1.12. Details for screening to:
 - 1.12.1. roof plant and equipment (appropriately screened so that it integrates into the building design and has limited views from adjoining lots and the street);
 - 1.12.2. all air conditioning units; and
 - 1.12.3. the services box fronting the street (appropriately screened so that it has limited limit views from the public domain).
- 1.13. Additional landscaping as required by the Landscaping Plan required by condition 15 on this permit.

- 1.14. Any relevant changes as a result of the endorsed Waste Management Plan required by condition 13 on this permit.
- 1.15. Any relevant changes as a result of the endorsed Sustainability Management Plan required by condition 8 on this permit and a schedule listing the minimum sustainability features applicable to the development, as described in the Sustainability Management Plan.
- 1.16. Plan notation to confirm that noise protection measures to all apartments will be undertaken as per the requirements of the Noise Assessment Report prepared by SLR dated 8 September 2015 submitted with the application.
- 1.17. Plan notation to confirm that the basement levels will be provided with convex mirrors and other requirements of the ML Traffic Engineering Report submitted with the application.
- 1.18. Any changes required by VicRoads (condition 46 on this permit).
- 1.19. All storage spaces to be 6 cubic metres (minimum), located internally or externally.

Endorsed Plans

2. The layout of the site and the size of buildings and works shown on the approved plans must not be modified for any reason, without the prior written consent of the Responsible Authority.
3. Floor levels shown on the endorsed plans must not be altered or modified. Any alterations must be approved in writing by the Responsible Authority.
4. Privacy screens to balconies as required in accordance with the endorsed plans must be installed prior to occupation of the dwellings to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter.
5. Obscure glazing must be installed prior to occupation of the building, to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.

Consolidation and Acquisition of Land

6. Prior to the endorsement of Condition 1 plans, the permit holder must either:
 - 6.1. acquire all or part of the nature strip adjacent the east boundary of 120 Manningham Road, between the title boundary and back of existing footpath to the satisfaction of Council, and make design changes generally in accordance with the requirements of condition 1.7 of this permit; or
 - 6.2. amend the design to show vehicle accessway grades, vehicle crossover and embankment design to comply with Design Standard 3 at Clause 52.06 (Car Parking) of the Manningham

Planning Scheme, and the pedestrian footpath width reduced to 1.4 metres with details submitted (including but not limited to a longitudinal section and cross-section) to the satisfaction of Council.

7. Prior to commencement of works, the land in certificate of title Volume 08461 Folio 567 and Volume 08461 Folio 146 must be consolidated into one title.

Sustainability Management Plan

8. Before the development starts or the issue of a building permit for the development, whichever is the sooner, two copies of an amended Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the submitted plan (prepared by Frater Energy Assessor), but modified to include the recommendations of Council's ESD adviser in their memo dated 18 November 2015, and include, but not limited to:
 - 8.1. Inclusion of page numbers and numbered sections.
 - 8.2. Amend the Artificial lighting section to delete reference to compact fluorescent.
 - 8.3. Include a section that clotheslines will be provided to avoid reliance on electric dryers.
 - 8.4. Include a Glazing section and specify details of glazing which must be low-e, and incorporate uPVC framing
 - 8.5. Specify roof area harvested for rainwater storage and connected to all toilets.

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.

Construction Management Plan

9. 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:
 - 9.1. A liaison officer for contact by residents and the responsible authority in the event of relevant queries or problems experienced;
 - 9.2. Hours of construction;
 - 9.3. Delivery and unloading points and expected frequency;
 - 9.4. On-site facilities for vehicle washing;
 - 9.5. Parking facilities/locations for construction workers;
 - 9.6. Other measures to minimise the impact of construction vehicles arriving at and departing from the land;

- 9.7. **Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;**
- 9.8. **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;**
- 9.9. **An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services;**
- 9.10. **The measures to minimise the amount of waste construction materials, including details how the commitment to reduce or reuse 50% of construction waste going to landfill outlined in the SMP is achieved;**
- 9.11. **The measures to minimise noise and other amenity impacts from mechanical equipment/construction activities, especially outside of daytime hours;**
- 9.12. **Details for footpath re-construction (including cross-sections and longitudinal section) and any works to Council assets and on Council land; and**
- 9.13. **Adequate environmental awareness training for all on-site contractors and sub-contractors.**
10. **In the event of damage to an existing boundary fence (as a result of construction activity), the owner of the development site must at their cost, promptly repair or replace the affected fencing to the satisfaction of the Responsible Authority.**
11. **The endorsed Construction Management Plan 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**
12. **During construction, the following must occur:**
 - 12.1. **any stormwater discharged into the stormwater drainage system to comply with EPA guidelines;**
 - 12.2. **stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;**
 - 12.3. **vehicle borne material must not accumulate on the roads abutting the site;**
 - 12.4. **the cleaning of machinery and equipment must take place on site and not on adjacent footpaths or roads;**
 - 12.5. **all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and**
 - 12.6. **all site operations must comply with the EPA Publication TG302/92.**

Waste Management Plan

13. **Before the development starts, two copies of a Waste Management Plan (WMP) 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 be generally in accordance with the plan submitted by Frater Energy assessor but modified to show:

- 13.1. Use of bins no greater than 660 litres (to accommodate on-site pick up by a Wastewise mini rear loader or similar vehicle) within basement car park areas.
- 13.2. Twice weekly collection for general waste.
- 13.3. Twice weekly collection for co-mingled recyclables.
- 13.4. The accessway to the basement car park, including the height clearance, is sufficient for the proposed waste collection vehicle;
- 13.5. Details on how best practice standards are achieved based on the Manningham City Council – Waste Collection for Residential Developments in Manningham – Guidelines for Developers.

Management Plans

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

Landscaping

15. Before the development starts, a landscaping plan must be prepared by a landscape architect showing species, locations, approximate height and spread of proposed planting, and must be submitted to the Responsible Authority for approval. The plan must be generally in accordance with the concept landscaping plan prepared by Hansen Partnership dated 7/9/15, including the balcony planter box design and specifications, but amended to show:
 - 15.1. Reshaping of the embankment areas north and south of the vehicle accessway to allow vehicle sight triangles of 2.0m by 2.5 metres with landscaping no higher than 900mm.
 - 15.2. Terrace and surface treatments areas that correspond to the development plans.
 - 15.3. Details of site and soil preparation, mulching and maintenance.
 - 15.4. Screen planting along the southern and western boundary to be a minimum height of 1.5 metres at the time of planting.
 - 15.5. Details of an automatic watering system built into the development for the vertical garden / green wall, to be managed by the owners corporation.
 - 15.6. A minimum of one (1) canopy tree within the private open space of each ground level dwelling to be a minimum height of 1.5 metres at the time of planting and capable of growing to a height of 8m at maturity.
 - 15.7. Tree protection measures for trees on adjoining lots during the construction phase.
 - 15.8. Provision of more screen planting along the length of the western site boundary, including setback of retaining wall along this

boundary and grass in lieu of pavers where appropriate, to provide more in-ground planting.

16. Before the release of the approved plan under Condition 1, a \$10,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.
17. Landscaping must be carried out in accordance with the endorsed Landscape Plan and maintained to the satisfaction of the Responsible Authority.
18. The site must be landscaped prior to the occupation of any dwelling allowed by this permit.

Drainage

19. The owner must provide on site stormwater detention storage or other suitable system (which may include but is not limited to the re-use of stormwater using rainwater tanks), to limit the Permissible Site Discharge (PSD) to that applicable to the site coverage of 35 percent of hard surface or the pre existing hard surface if it is greater than 35 percent. The PSD must meet the following requirements:
 - 19.1. Be designed for a 1 in 5 year storm; and
 - 19.2. Storage must be designed for 1 in 10 year storm.
 - 19.3. Be maintained by the owner in accordance with construction plans approved by the Responsible Authority.
20. Before the development starts, a construction plan for the system required by Condition No. 20 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.
21. 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.
22. The whole of the subject land, including landscaped and paved areas, must be graded and drained to the satisfaction of the Responsible Authority, to prevent ponding and to minimise overland flows onto adjoining properties.
23. The permit holder must at the subdivision stage enter into a legal agreement (pursuant to section 173 of the *Planning & Environment Act 1987*) requiring all future owners of the dwellings to maintain the proposed on-site stormwater detention system and the primary drainage lines associated with the on-site stormwater detention system.
24. No works are to take place within any easement and all excavation work must be managed and supervised, so as to ensure that the area within

any easement is not adversely impacted upon, to the satisfaction of the Responsible Authority.

Access and Car Parking

- 25. Before the occupation of the approved dwellings, the vehicular crossing must be constructed in accordance with the approved plans to the satisfaction of the Responsible Authority.**
- 26. Before the occupation of the approved dwellings, redundant vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.**
- 27. Before the occupation of the approved dwellings, all basement parking spaces must be line-marked, numbered and signposted to provide allocation to each dwelling and visitors to the satisfaction of the Responsible Authority.**
- 28. Visitor parking spaces must not be used for any other purpose to the satisfaction of the Responsible Authority.**
- 29. The costs of all of road infrastructure reinstatements and rectification works associated with utility service provision and building works must be borne by the developer.**
- 30. Any damaged road(s) and footpath(s) adjacent to the development site as a result of the development must be reinstated to the satisfaction of the Responsible Authority. All costs associated with these works must be borne by the permit holder.**
- 31. An intercom and an automatic basement door opening system (connected to each dwelling) must be installed, so as to facilitate convenient 24 hour access to the basement car park by visitors, to the satisfaction of the Responsible Authority.**
- 32. Any security door/grille to the basement opening must maintain sufficient clearance when fully open to enable the convenient passage of rubbish collection vehicles which are required to enter the basement and such clearance must also be maintained in respect of sub-floor service installations throughout areas in which the rubbish truck is required to travel to the satisfaction of the Responsible Authority.**

Site Services

- 33. Before the occupation of the approved dwellings, all fencing must be in a good condition to the satisfaction of the Responsible Authority.**
- 34. All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively to the satisfaction of the Responsible Authority.**
- 35. All plant and equipment that is not installed within the building must otherwise be installed in the area of plant and equipment on the roof of the building, unless otherwise agreed in writing with the Responsible Authority.**
- 36. No air-conditioning units are to be installed on any balcony or façade so that they are visible from outside the site.**

37. 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.
38. A centralised TV antenna system must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.
39. No individual dish antennas may be installed on balconies, terraces or walls to the satisfaction of the Responsible Authority.
40. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
41. Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.
42. 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

Lighting

43. 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.
44. Prior to the occupation of the dwellings, lighting capable of illuminating access to each car parking space, store, rubbish bin, recycling bin, pedestrian walkways, stairwells, lift, dwelling entrances and entry foyer must be provided. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.

Noise

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

VicRoads (condition 46)

46. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the buildings hereby approved.

Expiry

47. This permit will expire if one of the following circumstances apply:
 - 47.1. The development is not started within two (2) years of the date of the issue of this permit; and

47.2. The development is not completed within four (4) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing by the owner or occupier either before the permit expires or in accordance with Section 69 of the *Planning & Environment Act 1987*.

NOTES

The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.

It is the developer's responsibility to coordinate and manage the service authorities and their works associated with underground utility provision and connections to the subject development. Trenches or areas of excavation made as result of laying underground services to the development will require the full width reinstatement of footpath, road pavement and the replacement of damaged kerb and channel to the satisfaction of Council's Engineering Services unit.

Under Section 69 of the *Planning and Environment Act 1987* the owner or occupier of the land may apply to extend a permit either:

- before it expires; or
- within 6 months of the expiry if the permit has not been acted on; or
- within 12 months of the expiry of the permit if the development was started lawfully before the permit expired.

The Responsible Authority (Statutory Planning Unit) must be advised when all construction and works (including nature strip restoration and on-site landscaping) are fully completed to enable the site to be inspected for compliance with the approved permit and plans.

Before the construction or modification of any vehicular crossing, a Miscellaneous Works Permit must be obtained from the Responsible Authority. Approved vehicular crossings must be constructed under the Responsible Authority's supervision, for which 24 hours notice is required.

Plans submitted for approval for the on-site storm water detention system should be forwarded to Council's Engineering and Technical Services Unit. For any queries in relation to these plans please contact Engineering and Technical Services on 9846 0563.

The location and design of mail boxes must accord with Australia Post guidelines found at www.auspost.com.au/media/documents/Appendix_02_Aug13.pdf. Developers seeking additional information regarding this should call Australia Post Customer Service on 13 13 18. Manningham City Council is the Responsible authority for the allocation of all new property addressing. For information or advice regarding the allocation of new addresses please contact Council's Property Services team on 9840 9242.

No filling/excavation works to occur over the easement. Consent in the form of a written "Build Over Easement" consent/permit from the relevant service authority must be obtained before any works occur over an easement which is located on the

subject land. For any queries in relation to these plans please contact Engineering and Technical Services Unit on 9846 0542.

“Refer Attachments”

* * * * *