

0.0 Planning Application PL16/026408 at 195-197 Manningham Road, Templestowe Lower for the construction of a part 3-storey and part 4-storey apartment building containing 27 dwellings over one basement level of car parking, the creation of access to a road in a Road Zone, Category 1 and a reduction in the provision of onsite car parking (1 visitor space)

File Number: IN17/117
Responsible Director: Director Planning and Environment
Applicant: The ELLIS Group of Architects
Planning Controls: Residential Growth Zone Schedule 2 (RGZ2), Design and Development Overlay Schedule 8-1 (DDO8-1), Adjustments to a road in a Road Zone, Category 1 (RDZ1)
Ward: Heide
Attachments: 1 Locality Map
2 Advertised Plans
3 Planning Scheme Provisions

EXECUTIVE SUMMARY

Purpose

1. This report provides Council with an assessment of the planning permit application submitted for land at 195-197 Manningham Road, Templestowe Lower. This report recommends approval of the submitted proposal subject to amendments that will be addressed by way of permit conditions. The application is being reported to Council given that it is a Major Application (more than 15 dwellings and a development cost of more than \$5 million).

Proposal

2. The proposal is for the development of a part 3-storey and part 4-storey apartment building containing 27 dwellings on two (2) adjacent lots with a combined site area of 1,536 square metres. The development proposes a site coverage of 56.6%, a site permeability of 26.3% and a maximum building height of 11.89 metres. The development provides a total of 32 car parking spaces in one basement level.

Key issues in considering the application

3. The key issues for Council in considering the proposal relate to:
 - (a) Policy (consistency with state and local planning policy);
 - (b) Compliance with built form and urban design policies;
 - (c) Parking, access, traffic and bicycle parking;
 - (d) Compliance with Clause 55 (Rescode); and
 - (e) Objector concerns.

Objector concerns

4. Ten (10) objections have been received for the application, summarised as follows:

- (a) Neighbourhood character and overdevelopment;
- (b) Traffic congestion and inadequate car parking;
- (c) Access from Rosebank Terrace;
- (d) Building height and the interface with adjoining properties;
- (e) Overlooking and loss of privacy;
- (f) Overshadowing;
- (g) Inadequate landscaping;
- (h) Noise;
- (i) Loss of vegetation and garden beds;
- (j) Waste collection;
- (k) Location of the sub-station and EMR transmissions; and
- (l) Construction impacts due to the proximity of basement excavation to boundaries.

Assessment

5. The proposal is generally consistent with the provisions of the Manningham Planning Scheme, in particular Clause 21.05 Residential, the Design and Development Overlay – Schedule 8, and Clause 55 (ResCode). These controls recognise that there will be a substantial level of change in dwelling yields and built form on the site.
6. The proposed development sits comfortably within the changing Manningham Road streetscape, as it is similar in scale and design to other higher density ‘apartment’ style developments that have been developed along Manningham Road. Whilst the building has a maximum height of 11.89 metres, the section above the 10 metre preferred height is restricted to a modest 4-storey section of the building (29.9% of the level below) which is located on the northern side of the building. This design generally reflects the preferred character of the area and the built form outcome sought along main roads under DDO8 Main Road Sub-precinct.
7. The building is attractively presented and appropriately designed, generally graduating in height towards the centre of the building. Generous boundary setbacks allow for landscaping and protect adjoining residents from unreasonable visual and amenity impacts. It also achieves an acceptable balance in the consideration of the amenity of nearby properties and its attention to the internal amenity of future occupants.

Conclusion

8. The report concludes that the proposal is considered to comply with the relevant planning policy and should therefore be supported, subject to some design changes to the building and the inclusion of suitable management plan conditions. The proposal makes efficient use of the site and is an appropriate residential development within this part of Manningham, with good access to services, facilities and public transport.
9. It is recommended that the application be supported subject to conditions.

1. RECOMMENDATION

That Council:

A. Having considered all objections a NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application PL16/026408 at 195-197 Manningham Road, Templestowe Lower for the construction of a part 3 and part 4 storey apartment building containing 27 dwellings over one basement level of car parking, the creation of access to a road in a Road Zone Category 1, and a reduction in the provision of onsite car parking (1 visitor space) –

- 1. Before the development starts, two copies of amended plans (scale 1:100) and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will then form part of the permit. The plans must be generally in accordance with the decision plans prepared by The ELLIS Group Architects (Job No. 2286, Issue C, dated 8 December 2016 (received 15 December 2016)), but modified to show the following:**

Built form

- 1.1. The pitch of the roof above Apartments 303 – 306 reversed, so that it has an upward slope towards the centre of the building, whilst maintaining the angle of pitch;**
- 1.2. Deletion of the north-facing upper floor balconies of Apartments 303 - 306;**
- 1.3. Retaining walls in the Manningham Road and Rosebank Terrace frontages detailed, with maximum heights, materials and colours provided;**
- 1.4. Overlooking limited in accordance with Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme from:**
 - 1.4.1. All windows and balconies in the western elevation, and the upper floor north-facing windows of Apartment 306, into the secluded private open space areas of the dwellings approved under Planning Permit PL15/025893 at 193 Manningham Road and the dwelling at 1A Rosebank Terrace;**
 - 1.4.2. All highlight designed windows with a 1700mm annotated dimension between the finished floor level and the under sill;**
- 1.5. Externally accessible storage provided in accordance with Clause 55.05-6 (Storage) of the Manningham Planning Scheme by:**
 - 1.5.1. Each apartment allocated a minimum of 6 cubic metres of storage;**
 - 1.5.2. Storage areas in the basement level designed to not obstruct the parking and circulation of vehicles, or other services provided within the basement to the satisfaction of the Responsible Authority;**
 - 1.5.3. Details of the type and material of enclosure for each**

storage area within the basement and ground floor levels;

- 1.6. Details of screening for roof mounted equipment, if visible from adjoining residential properties or the public domain;
- 1.7. Notation prior to the construction commencing on site, the owner must arrange with Council's Parks Unit for the removal of the street trees located in front of the subject land and its replacement. All costs associated with this must be paid to the satisfaction of the Responsible Authority. The removal and replacement of street trees shall only be undertaken by Council contractors to ensure quality and safety of work.
- 1.8. Provision of one additional bicycle hoop adjacent to the front entrance of the building in lieu of the mailboxes (making the total number of bicycle parking spaces on site as 10 spaces);
- 1.9. An indicative location of the onsite stormwater detention system clear of the easement and proposed canopy trees;
- 1.10. Internal amenity improved in accordance with Clause 55.03-5 (Energy efficiency), Clause 55.04-8 (Noise impacts) and Clause 55.05-3 (Daylight to new windows) of the Manningham Planning Scheme by providing:
 - 1.10.1. Notation that acoustically rated glazing is to be used for all south facing windows and sliding door, if not for the entire building;
 - 1.10.2. A highlight window in the battle axe shaft of the common wall of the Bedroom and the Living areas of Apartments 102, 103, 104, 107, 108, 202, 203, 204, 208 and 209, to provide a supplementary light source;
 - 1.10.3. The east-facing Living Room & Bedroom 2 walls of Apartments 102, 103, 104, 202, 203 and 204 with a setback of 4.0 metres to the eastern boundary, to allow in additional daylight;
 - 1.10.4. The west-facing Living Room & Bedroom 2 walls of Apartments 107, 108, 208 and 209 with a setback of 4.0 metres to the western boundary, to allow in additional daylight;
 - 1.10.5. The window of Bedroom 1 in Apartments 304 and 305 widened to 1.2 metres, to allow in additional daylight;
 - 1.10.6. Bathrooms of Apartments 106, 205, 207, 303 and 306 provided with a window, for light and ventilation;
 - 1.10.7. Operable, external shading devices on the west-facing Bedroom 2 window of Apartment 106, Bedroom 1 window of Apartment 107 & 108, and Living Room of Apartment 109, Bedroom 1 of Apartment 207, 208 & 209,

and Bedrooms 1 and 2 of Apartment 210, for solar protection;

1.10.8. Fixed, external shading devices on the north-facing Bedroom 2 window of Apartment 205, Bedroom 1 and the living room of Apartment 206, and Bedroom 1 of Apartment 207;

1.11. Notation of the type of Hot Water System proposed on the roof. This must be consistent with the revised Sustainability Management Plan required under Condition 5 of this permit.

1.12. A schedule of materials and finishes with colour samples of all external walls, roofs, fascias, window frames, paving (including terraces, balconies, roof terraces, stairs), fencing, privacy screens, roof top plant screens, retaining walls and the building identification sign.

The Basement and Accessways

1.13. Any amendments required by VicRoads Conditions 37- 43 of this permit;

1.14. Plan notation that any redundant vehicle crossover must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority;

1.15. Location of intercom systems adjacent to each basement security door;

1.16. Longitudinal Section Drawing (scale 1:100) drawn demonstrating compliance with Design Standard 3: Gradients of Clause 52.06 (Car parking) of the Manningham Planning Scheme. The drawing must show the length of each driveway segment, spot levels at each change of gradient, and a gradient calculated as 1:X for each segment from:

1.16.1. The centre of Rosebank Terrace to the base the basement. The drawing must not alter the gradient of the footpath and must include an accessway gradient of 1:10 for the first 2 metres into the site;

1.16.2. Along the southern edge of the accessway ramp between the basement and Manningham Road;

1.17. Notation of the use of the water tank, to correspond with the identified use in the revised Sustainability Management Plan and STORM Report;

Site services

1.18. The letterbox relocated to face Manningham Road adjacent to the pedestrian path and integrated into the landscaping, unless written agreement to the location of the letterboxes adjacent to the front entrance is provided by Australia Post, to the

satisfaction of the Responsible Authority;

- 1.19. The location of any fire services and details of how they will be designed so as to minimise visual impacts from either street frontage;
- 1.20. The design details of the building's front entry, including an elevation drawing of the letterboxes, platform lift and screening to the services cabinets;
- 1.21. The location of retractable clotheslines to all ground level open spaces and balconies, designed so they are not visible from the street or adjoining properties;
- 1.22. Details of basement ventilation, including the location of any mechanical intake or outlet;
- 1.23. A schedule listing the minimum sustainability features applicable to the development, as described in the approved Sustainability Management Plan;

Endorsed Plans

2. The development as shown on the approved plans must not be altered without the prior written consent of the Responsible Authority.
3. The existing bus stop and associated infrastructure on Manningham Road must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria at the cost of the permit holder.

Construction Management Plan

4. Before the development starts, two copies of a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved, the Plan will form part of the planning permit. The Plan must address, but not be limited to the following:
 - 4.1. A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - 4.2. Hours of construction;
 - 4.3. Delivery and unloading points and expected frequency;
 - 4.4. On-site facilities for vehicle washing;
 - 4.5. Asset protection procedures for any public footpaths;
 - 4.6. The location of parking and site facilities for construction workers;
 - 4.7. Measures to minimise the impact of construction vehicles

arriving at and departing from the land;

- 4.8. Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;
- 4.9. The measures for prevention of the unintended movement of building waste and other hazardous materials and pollutants on or off the site, whether by air, water or other means;
- 4.10. An outline of requests to occupy the front nature strip and any anticipated disruptions to local services;
- 4.11. Measures to minimise the amount of waste construction materials;
- 4.12. Measures to minimise noise and other amenity impacts from mechanical equipment/construction activities, especially outside of daytime hours;
- 4.13. Adequate environmental awareness training for all on-site contractors and sub-contractors.

Sustainability Management Plan

5. Before the development starts or the issue of a building permit for the development, whichever is the sooner, two copies of a revised Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The revised plan must be prepared in accordance with the current version of the Green Star – Design & As Built tool, or the Built Environment Sustainability Scorecard. When approved the Plan will form part of the permit. The recommendations of the revised plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the occupation of any dwelling. The revised plan must be generally in accordance with the plan prepared by prepared by Frater Consulting Services (Version 0, dated 26 May 2016) but modified to account for all design changes required by Condition 1 of this permit, and show the following:

Indoor Environment Quality

- 5.1. All apartments have an adequate light;
- 5.2. All bathrooms on an external wall on the building have a windows for light and ventilation;
- 5.3. Exposed glazing has sufficient shading/overhangs to avoid overheating and glare;
- 5.4. Provide adjustable external blinds/shutters on west facade to control glare and summer solar gains;
- 5.5. Ensure north glazing has adequate overhangs to control summer glare while allowing winter solar gains.

Energy Efficiency – Clotheslines

5.6. Fixed or retractable clotheslines for each dwelling in a courtyard, hidden on a balcony or within a bathroom or laundry with adequate ventilation to prevent condensation and mould growth;

5.7. Reflect the provision for clotheslines in the STEPS report;

Energy

5.8. Thermal performance (page 5) – preliminary energy ratings must be undertaken for a sample number of apartments to demonstrate that a 10% improvement on the National Construction code can be achieved;

5.9. Efficient HWS (page 5) – the type of proposed HWS.

Waste Management Plan

6. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an amended Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The Plan must generally be in accordance with the plan prepared by Frater Consulting Services (Version 0, dated 6 December 2016), but modified to provide:

6.1. The exact location of waste collection vehicles will stop and undertake waste collection from within the basement and ensure that a minimum 2.4 metre high overhead height clearance is provided at this point to ensure an orderly collection of waste;

6.2. No private waste contractor bins can be left outside the development boundary or left unattended at any time on any street frontage for any reason.

Management Plan Compliance

7. The Management Plans approved under Conditions 4, 5 and 6 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.

8. Before the approved use starts, a report from the author of the Sustainability Management Plan, approved pursuant to his permit, or similar qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures in the Sustainability Management Plan approved under Condition 4 of this permit have been implemented in accordance with the approved plans.

Completion

9. Before the occupation of the approved dwellings, landscaped areas

must be fully planted and mulched or grassed generally in accordance with the approved plan and to the satisfaction of the Responsible Authority.

10. Before the occupation of the dwellings approved under this planning permit, privacy screens and/or obscure glazing as required in accordance with the approved plans must be installed 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.
11. Before the occupation of the dwellings approved under this planning permit, driveway gradients and transitions as shown on the plan approved under Condition 1 of this permit must be generally achieved through the driveway construction process to the satisfaction of the Responsible Authority.
12. Before the occupation of the dwellings approved under this planning permit, any new or modified vehicular crossover must be constructed in accordance with the plans endorsed under Condition 1 of this permit to the satisfaction of the Responsible Authority.
13. Before the occupation of the dwellings approved under this planning permit, any redundant vehicle crossover must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.
14. Before the occupation of the dwellings approved under this planning permit, all fencing must be erected in accordance with the plans endorsed under Condition 1 of this permit to the satisfaction of the Responsible Authority.
15. Before the occupation of the dwellings approved under this planning permit, 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.
16. Before the occupation of the dwellings approved under this planning permit, intercom and an automatic basement door opening system for both basement doors (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.
17. Before the occupation of the approved dwellings, all associated 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.
18. Visitor car parking spaces must be clearly marked and must not be used for any other purpose to the satisfaction of the Responsible Authority.

Landscaping Plan

19. Before the development starts, two copies of an amended Landscaping Plans (scale 1:100) and dimensioned, must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the approved site layout plan and the decision plan prepared by Frater Consulting Services (Job No. 16-104, June 2016), but modified to show:

19.1. Any amendments required under Condition 1 of the planning permit;

19.2. Notation prior to the construction commencing on site, the owner must arrange with Council's Parks Unit for the removal of the street trees located in front of the subject land and its replacement. All costs associated with this must be paid to the satisfaction of the Responsible Authority. The removal and replacement of street trees shall only be undertaken by Council contractors to ensure quality and safety of work.

19.3. Species, locations, approximate height and spread of proposed planting;

19.4. All canopy trees and screen planting along the side and rear boundaries are at least 1.5 metres in height at the time of planting.

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

Landscaping Bond

20. Before the release of the approved plan for the development, 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.

Stormwater – On-site detention

21. The owner must provide on-site storm water detention storage or other suitable system (which may include but is not limited to the re-use of stormwater using rainwater tanks), 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:

21.1 Be designed for a 1 in 5 year storm; and

21.2 Storage must be designed for 1 in 10 year storm.

Construction Plan

22. Before the development starts, a construction plan for the system

required by Condition 21 of this permit must be submitted to and approved by the Responsible Authority. The system must be maintained by the Owner thereafter in accordance with the approved construction plan to the satisfaction of the Responsible Authority.

Drainage

23. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor. A connection to Council maintained assets must not be constructed unless a Miscellaneous Works Permit is first obtained from the Responsible Authority.
24. The whole of the land, including landscaped and paved areas must be graded and drained to the satisfaction of the Responsible Authority, to prevent ponding and to minimise overland flows onto adjoining properties.

Site Services

25. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
26. Maintenance of the common area landscaping must be managed by the body corporate.
27. All upper level service pipes (excluding stormwater downpipes) and any wall mounted spa-bath pump must be concealed and screened respectively to the satisfaction of the Responsible Authority.
28. Any reverse cycle air-conditioning unit erected on the walls, roofs or balconies of the approved dwellings must be located, to not adversely affect the amenity of the area by way of appearance/visual prominence to the satisfaction of the Responsible Authority. Where the Responsible Authority identifies a concern about visual appearance, appropriately designed/finished screening must be installed and maintained to the satisfaction of the Responsible Authority.
29. Unless depicted on a Roof Plan approved under Condition 1 of this permit, no roof plant (includes air conditioning units, basement exhaust ducts, solar panels or hot water systems) which is visible to immediate neighbours or from the street may be placed on the roof of the approved building, without details in the form of an amending plan being submitted to and approved by the Responsible Authority.
30. A centralised TV antenna must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.
31. No individual dish antennae may be installed on the overall building to the satisfaction of the Responsible Authority.

32. Any wall-mounted, instantaneous gas hot water system located on a balcony wall or on a general external wall of the building, so as to be visible from off the site must be provided with a neatly designed, durable screen (in perforated metal sheeting, for instance) to the satisfaction of the Responsible Authority or be of the recessed type with a cover plate.
33. If allowed by the relevant fire authority, external fire services must be enclosed in a neatly constructed, durable cabinet finished to complement the overall development, or in the event that enclosure is not allowed, associated installations must be located, finished and landscaped to minimise visual impacts from the public footpath in front of the site to the satisfaction of the Responsible Authority.
34. Any security door/grille to the basement opening must maintain sufficient clearance when fully open to enable the convenient passage of waste 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 waste collection vehicle is required to travel to the satisfaction of the Responsible Authority.

Maintenance

35. Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.

Earthworks

36. The extent and depth of cut and fill must not exceed that shown on the plans endorsed under Condition 1 of this permit without the written consent of the Responsible Authority.

VicRoads Conditions (Conditions 37 – 43)

37. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the occupation of the building hereby approved.
38. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the works hereby approved.
39. The new crossover on Manningham Road should be 3.5 metres wide at the property boundary and the edges to the crossover angled at 60 degrees for the first 3.0 metres from the edge of the road.
40. The accessways should have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road.
41. Prior to the occupation of the building hereby approved, the access

lanes, driveways, crossovers and associated works must be provided and available for use and be:

- 41.1 Formed to such levels and drained so that they can be used in accordance with the plan;
- 41.2 Treated with an all-weather seal or some other durable surface.

42. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).

43. Vehicles must enter and exit the land in a forward direction at all times.

Permit Expiry

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

44.1. The development is not started within two (2) years of the date of this permit; and

44.2. 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*.

2. BACKGROUND

- 2.1 A pre-application advice request was submitted on 9 December 2015.
- 2.2 A proposal for the site was presented to the Sustainable Design Taskforce meeting on 28 January 2016, at which issues were raised regarding the appropriateness of the fourth storey, the built form at the northern end, whether appropriate stepping is provided to adjoining properties, streetscape presentation, the presence of below ground light courts, the limited opportunities for landscaping, and the appropriateness of the proposed vehicle crossing adjacent to the bus stop in Manningham Road.
- 2.3 The application was received on 24 June 2016.
- 2.4 A request for further information was sent on 19 July 2016. This included identifying preliminary concerns relating to the proposal being an overdevelopment of the site, compliance with the Design and Development Overlay – Schedule 8, the design of the basement, internal amenity, landscaping and built form.
- 2.5 All required further information was received on 15 December 2016.

- 2.6 The statutory time for considering a planning application is 60 days, which lapsed on 13 February 2017.
- 2.7 Covenant 1474125 is registered to the Title and regulates the excavation of materials carried out to that solely for the purpose of foundations for a building. The covenant also prohibits the use of the site for the manufacturing or winning of bricks, tiles, or pottery ware. On this basis, Covenant 1474125 will not be breached should this planning proposal be approved.

3. THE SITE AND SURROUNDS

The Site

- 3.1 The site is situated on the north-western corner of the Manningham Road and Rosebank Terrace intersection, approximately 180 metres east of the Manningham Road and Thompsons Road intersection.
- 3.2 The site comprises two irregular shaped lots with a combined area of 1,536 square metres. The Manningham Road frontage is 31.5 metres, the Rosebank Terrace frontage is 51.26 metres, the northern boundary is 32.31 metres, and the western boundary is 39.81 metres long. A 4.82 metre long splay is opposite the intersection.
- 3.3 The site is currently developed with a large single-storey brick dwelling with a tiled, hipped roof. The dwelling is built across both lots and is serviced by two vehicle crossovers, the first adjacent to the western boundary on Manningham Road and the second in Rosebank Terrace adjacent to the intersection. The secluded private open space area is located on the northern side of the dwelling.
- 3.4 The land slopes upwards from Manningham Road towards the northern boundary, with a level difference of 1.73 metres along the western boundary and 2.62 metres between the splay and eastern boundary at Rosebank Terrace. Along the Manningham Road and Rosebank Terrace frontages are 1.5 metre high brick retaining walls.
- 3.5 A 2.44 metre wide drainage and sewerage easements abuts the length of the northern boundary within the site. Council's records suggest that there are no pipes located within the easement.
- 3.6 With the exception of the northern 16 metres of the Rosebank Terrace frontage which contains a 1.95 metres high timber paling fence, no fences present to either street. Timber paling fences between 1.7 metres and 1.9 metres in height are common to the western and northern boundaries respectively.

The Surrounds

- 3.7 The site directly abuts two properties, to the north and west. The surrounding development is described as follows:

Direction	Address	Description
North	1A Rosebank Terrace, Templestowe Lower	This property adjoins the northern boundary and forms part of a 2 dwelling development that was approved under Planning Permit PL11/022479 on 2 August 2012. Both dwellings are 2 storeys high. This side by side designed development results in

		<p>the dwelling at 1A Rosebank Terrace being the only dwelling to abut the common boundary.</p> <p>The contemporarily designed dwelling contains a variety of construction materials and a tiled, hipped roof. The dwelling is setback 7.6 metres to the street. The garage is setback 0.2 metres to the common boundary (southern), and the open-plan Living and Dining area is 1.4 metres to the common boundary. A crossover and driveway provides vehicular access to the garage. The secluded private open space area is on the western side (rear) and contains a deck to provide a transitional space between the living and open space areas. The dwelling is designed to limit overlooking from their habitable room windows towards the site.</p>
West	193 Manningham Road, Templestowe Lower	<p>This property adjoins the western side of the site and is currently developed with a single-storey dwelling setback 11.4 metres to Manningham Road and 1.8 metres to the common boundary.</p> <p>Planning Permit PL15/025893 granted approval to redevelop the site for 4 dwellings (2 X 2 storey and 2 X 3 storey dwellings, and alter the access to Manningham Road) on 8 December 2016. The building design is in a 'boxy' contemporary appearance with minimal eaves. This proposal is yet to commence.</p> <p>The ground floor secluded private open space areas for the southern 2 dwellings adjoins the common boundary.</p> <p>All dwellings are designed to limit overlooking from their habitable room windows towards the site.</p>

- 3.8 The character of the broader neighbourhood is in transition. Single, detached brick dwellings are common to many properties, however many of these lots are now being redeveloped with two or more townhouse style dwellings or apartments on consolidated lots. The nearest 'apartment' style developments are at 194 & 196 Manningham Road to the south-east and 181-183 Manningham Road to the west.
- 3.9 Manningham Road adjoins the southern boundary with the site. This major arterial road has three lanes of traffic in each directions (inclusive of a bus lane), with a central dividing median. Manningham Road is under the jurisdiction of VicRoads and served by several bus routes, including the Smart Bus services.
- 3.10 On the northern side of the site, land is zoned General Residential Zone, Schedule 1 where less intensive, incremental developments are supported under Clause 21.05 (Residential) and Clause 22.15 (Dwellings in the General Residential Zone, Schedule 1) under the Manningham Planning Scheme.

3.11 The site is well located to a range of services, with the Macedon Plaza Shopping Centre located 950 metres to the east and the Westfield Doncaster Shopping Centre approximately 2km to the east. The Manningham Park Primary School is located 250 metres to the east. The Riverview Reserve is the nearest public open space area and this is located 180 metres to the south.

3.12 Immediately in front of the site, on Manningham Road, is a bus stop.

4. THE PROPOSAL

4.1 It is proposed to demolish the existing buildings and clear all vegetation to enable the construction of a part 3-storey and part 4-storey apartment building comprising 27 dwellings over one level of basement car parking. The proposal also seeks to create access to a road in a Road Zone Category 1, and reduce the provision of onsite car parking (1 visitor space).

Submitted plans and documents

4.2 The proposal is depicted on plans prepared by the Ellis Group of Architects (issue C, dated 8 December 2016, and received 15 December 2016), and a Landscaping Plan prepared by Frater Consulting Services (dated June 2016, and received 15 December 2016). Refer to Attachment 1.

4.3 The following reports were submitted in support of the application:

- Town Planning Report – Apex Town Planning, November 2016;
- Traffic Impact Assessment Report – TTM Consulting, 14 December 2016;
- Waste Management Plan – Frater Consulting Services, 16 December 2016;
- Sustainability Management Plan - Frater Consulting Services, 26 May 2016;
- Arboricultural Report – McLeod Trees, 8 November 2016; and
- Acoustic Report – Noise Consulting, 17 October 2016.

Development summary

- A summary of the development is provided as follows:

Site area:	1,536sqm.	Maximum Building Height:	11.89m.
Site Coverage:	56.6%.	Setback to Manningham Road (south)	Basement – 2.5m (part). Ground floor – 6.0m. First floor – 6.0m. Second floor – 6.0m (lift). Third floor – >13m.
Permeability:	26.3%.	Setback to Rosebank Terrace	Basement – 2.0m. Ground floor – 3.0m.

	(east)	First floor – 3.0m. Second floor – 6.0m. Third floor – 6.0m.
Number of Dwellings: 27.	Setback to northern boundary	Basement – 4.0m. Ground floor – 4.0m. First floor – 4.0m. Second floor – 5.0m. Third floor – 5.0m.
• 1 bedroom: 4.	Setback to western boundary	Basement – 1.5m. Ground floor – 3.0m. First floor – 3.0m. Second floor – 5.69m. Third floor – 5.69m.
• 2 bedrooms: 22.	Car parking spaces:	32.
• 3 bedrooms: 1.	Resident spaces:	28.
Density: One per 56.9sqm.	Visitor spaces:	4 (5 required).

Design layout

- 4.4 The ground level consists of 9 x 2-bedroom apartments, each provided with a ground level courtyard, with the exception of Apartment 101 that has a balcony facing Manningham Road. The courtyards range in area between 9 square metres and 64 square metres (excluding landscaping).
- 4.5 The first floor consists of 2 x 1-bedroom apartments and 8 x 2-bedroom apartments, each provided with a balcony that ranges from 8 to 14 square metres in area.
- 4.6 The second floor consists of 2 x 1-bedroom apartments, 5 x 2-bedroom apartments, and 1x 3-bedroom apartment. Apartments 301, 302, 303, 307 and 308 are each provided with a balcony that ranges from 12 to 41 square metres in area. Apartments 303-306 are over 2 levels and internal stairs provide access to the third floor above.
- 4.7 The third floor contains the upper floor areas of Apartments 303-306. Balconies are provided on the northern and southern sides of each apartment and have a total combined area of between 30 square metres and 32 square metres.

Pedestrian and vehicle access and layout

- 4.8 The pedestrian path and associated platform lift provide pedestrian access from Manningham Road into the entry and foyer of the building. The internal lift and stairs services all levels except the third floor. This level is accessible from the lower level by the internal stairs of the respective apartment.
- 4.9 Two crossovers and driveways provide vehicular access. Adjacent to the northern boundary in Rosebank Terrace, a 3.5 metre wide crossover and accessway provides entry only access into the basement. Adjacent to the western boundary in Manningham Road, a 3.5 metre wide crossover and

accessway provides an exit only egress for all vehicles. Secure automatic tilt doors are provided for both accessways within the basement.

- 4.10 Access to the dwellings from the basement level is from communal stairs and a lift.
- 4.10 The basement also incorporates a waste storage room, a 25,000L capacity underground water tank, 7 bicycle parking spaces and storage spaces for each apartment. Additional storage has also been provided in the common hallways at the ground and first floor levels using a lockable cupboards.

Landscaping

- 4.11 All trees are to be cleared from within the site. Canopy trees are proposed adjacent to all site boundaries in addition to formalised plantings in landscaping beds adjacent to the site's boundaries.
- 4.12 Parallel aligned retaining walls are positioned east of the pedestrian path and return along the Rosebank Terrace frontage and provide a landscaping bed within.

Design detail

- 4.13 The proposed building is designed in contemporary architectural forms, which incorporates a flat roof and articulated façade presentations on all sides. The façades consist of a mix of render, timber and metal cladding with framing elements projecting from the building, together with various façade treatments.

5. LEGISLATIVE REQUIREMENTS

- 5.1 Refer to Attachment 2.

6. REFERRALS

External

- 6.1 Given the proposal includes creating and altering access to Manningham Road, it is a statutory requirement to refer the application to VicRoads as a Determining Referral Authority.
- 6.2 VicRoads have not objected to the proposal, but have required 7 conditions to be included into a permit, generally relating to the removal of redundant crossovers, crossover design, standard of works, ongoing maintenance and the direction of vehicle movements into and from the site (**Conditions 37 - 43**).
- 6.3 The application was also referred to Public Transport Victoria as the proposed accessway onto Manningham Road was adjacent to the rear of the bus stop in front of the site. This referral is not a statutory referral as the bus stop is not proposed to be altered and the development comprises less than 60 dwellings.
- 6.4 Public Transport Victoria have suggested that a condition be considered for inclusion by the Responsible Authority into any planning permit issued, that does not allow the bus stop to be altered without their approval, and that any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria. This request is

considered appropriate and has been included as a permit condition (**Condition 3**).

Internal

6.5 The application was referred to a number of Service Units within Council. The following table summarises the responses:

Service Unit	Comments
Engineering & Technical Services Unit – Drainage	<ul style="list-style-type: none"> • There is adequate point of discharge for the site. All runoff is to be directed to the point of discharge (Condition 23). • Provide an on-site stormwater detention system (Condition 21).
Engineering & Technical Services Unit – Vehicle Crossing	<ul style="list-style-type: none"> • The existing disused vehicle crossover is required to be removed and the nature strip, kerb and channel and footpath reinstated (Condition 13). • A “Vehicle Crossing Permit” is required.
Engineering & Technical Services Unit – Access and Driveway	<ul style="list-style-type: none"> • Adequate sight lines are available from the exit lane. • The width and internal radius of the driveway allow sufficient turning areas for all vehicles to exit the site in a forward direction. • There is at least 2.1 metres headroom beneath overhead obstructions. • The accessway from Rosebank Terrace does not comply with Design Standard 1: Accessways of Clause 52.06 (Car parking). A redesign of the gradients is required (Condition 1.16). • The accessway gradient to Manningham Road needs clarification to demonstrate compliance with Design Standard 1: Accessways of Clause 52.06 (Car parking) (Condition 1.16).
Engineering & Technical Services Unit – Traffic and Car Parking	<ul style="list-style-type: none"> • The dimensions of the car parking spaces comply. • There are no traffic issues in the context of the surrounding street network. • The reduction in the provision of onsite car parking is acceptable.
Engineering & Technical Services Unit – Car Parking Layout	<ul style="list-style-type: none"> • The car parking layout is satisfactory.
Engineering & Technical Services Unit – Construction Management	<ul style="list-style-type: none"> • A Construction Management Plan is required (Condition 4).
Engineering & Technical Services Unit – Waste	<ul style="list-style-type: none"> • Private waste collection is required onsite. • Amendments required to the submitted Waste Management Plan before approval to identify the exact location of where the waste

Service Unit	Comments
	<p>collection vehicle will stop and to ensure that a minimum 2.4 metre overhead clearance is provided at this point to ensure orderly waste collection, and that no private waste collection bins are to be left on either street frontage for any reason.</p> <ul style="list-style-type: none"> • A final Waste Management Plan needs to be approved as part of the permit (Condition 6).
Engineering & Technical Services Unit – Easements	<ul style="list-style-type: none"> • Build over easement approval is required.
Strategic Projects Unit – Sustainability	<ul style="list-style-type: none"> • The following amendments to the submitted Sustainability Management Plan (SMP) are required before approval (Conditions 1.10 and 5). <p><u>Submission of a Revised SMP</u></p> <ul style="list-style-type: none"> • The submitted SMP revised to the current version of Green Star – Design & As Built Tool, or the Built Environment Sustainability Scorecard. <p><u>Indoor Environment Quality</u></p> <ul style="list-style-type: none"> • Apartments 102, 103, 104, 107 & 108 (and the corresponding apartments on the level above) have inadequate daylight in their Bedroom 2. A condition has been included to provide a highlight window in the wall with the Living Room in the light handle to supplement external window light (Condition 1.10). • Apartments 102, 103, 104, 107 & 108 (and the corresponding apartments on the level above) have inadequate daylight in the Living rooms due to their depth. A condition has been included requiring the external walls of the Living Rooms and Bedroom 2 of these apartments be setback 4.0 metres to their opposing facing boundaries (Condition 1.10). • Bedroom 1 windows in Apartment 304 & 305 to have a minimum window width of 1.2 metres (Condition 1.10). • Bathrooms to Apartments 106, 205, 207, 303 and 306 to have a window for light and ventilation (Condition 1.10). • Provide adjustable external blinds/shutters in the west facade to control glare and summer solar gains in habitable room windows (Condition 1.10). • Ensure northern glazing has adequate fixed overhangs to control summer glare while allowing winter solar gains for habitable rooms (Condition 1.10).

Service Unit	Comments
	<p><u>Stormwater Management – Rainwater tank</u></p> <ul style="list-style-type: none"> • Notation required on the Basement Plan to state the intended use of the water tank and to correspond with the SMP & STORM report (Condition 1.17). <p><u>Energy</u></p> <ul style="list-style-type: none"> • Preliminary energy ratings must be undertaken for sample of apartments to demonstrate that 10% improvement on the National construction Code (NCC) can be achieved. • The plans and SMP must be updated to reflect the type of solar hot water system is being proposed.
City Strategy Unit – Urban Design	<ul style="list-style-type: none"> • The basement level is sufficiently setback from property boundaries which will facilitate deep root boundary planting. • Concerned about the level of light penetration to the living spaces and saddleback bedrooms in apartments 102, 103, 104, 107, and 108 and would suggest that the depth of the terrace recesses be reduced (Condition 1.10). • It is requested that the selection of lift product and the landscape and building treatments surrounding it be designed to make it read as part of the building (Condition 1.20). • Landscaping Plan should include the provision of new street trees. • This site is on a topographical highpoint and will be highly visible. As such, particular attention needs to be paid to the positioning of roof plant, in this case, air-conditioning units, to ensure that they are not visible (Condition 1.6). • The building identification signage is shown on rendered images provided. It is requested that this be seamlessly integrated into the construction of the façade of the building to achieve a quality outcome. Low-budget off-the-shelf applied lettering and numbers would cheapen the development (Condition 1.12). • Building material selection appears to be suitably varied and the building is appropriately articulated.

7. CONSULTATION / NOTIFICATION

- 7.1 Notification of the application was given for a three-week period which concluded on 2 February 2017, by sending letters to nearby properties and displaying three signs on site in the street frontages.

- 7.2 Ten (10) objections have been received from the following properties:
- 193 Manningham Road (adjoining the site to the west);
 - 1A Rosebank Terrace (adjoining the site to the north); and
 - 1, 3, 8, 8A, 1/9, 10, 12 and 14 Rosebank Terrace. These properties are located along Rosebank Terrace north of the site, but do not abut the site.
- 7.3 The following is a summary of the grounds upon which the above properties have objected to the proposal:
- Neighbourhood character and overdevelopment;
 - Traffic congestion and inadequate car parking;
 - Access from Rosebank Terrace;
 - Building height and the interface with adjoining properties;
 - Overlooking and loss of privacy; and
 - Overshadowing;
 - Inadequate landscaping;
 - Noise;
 - Construction impacts due to the proximity of basement excavation to boundaries.
- 7.4 A response to the grounds of objection are included in the assessment from paragraphs 8.33 to 8.55 of this report.

8. ASSESSMENT

- 8.1 The proposal has been assessed against the relevant state and local planning policies, the zone, overlay and the relevant particular provisions and general provisions of the Manningham Planning Scheme.
- 8.2 The assessment is made under the following headings:
- State and Local Planning Policy Frameworks (SPPF and LPPF);
 - Design and built form;
 - Car parking, access, traffic and bicycle facilities;
 - Clause 55 (Rescode);
 - Objector concerns; and
 - Other matters.

State and Local Planning Policy Frameworks (SPPF and LPPF)

- 8.3 Key objectives of the SPPF and LPPF seek to intensify activity centres as a focus for high-quality development and encourage increased activity and density as a way to achieve broader urban consolidation objectives.
- 8.4 At both the SPPF and LPPF levels, policy encourages higher density development in established activity centres or on strategic redevelopment sites, particularly for housing. Whilst the site is not specifically identified as a strategic redevelopment site within the MSS, it substantially meets key criteria as a strategic redevelopment site primarily through its location and proximity to a Principle Activity Centre and a Neighbourhood Activity Centre with good access to public transport and existing services, and the ability of the site to accommodate more than ten dwellings.
- 8.5 The use of the site for the purpose of dwellings is appropriate within the zoning of the land and the strategic context of the site. There is policy support for an increase in residential density within and close to activity centres and the activation of street frontages to increase the vibrancy of the area.
- 8.6 The proposed development exceeds the 10 metre building preferred height requirement outlined in the DDO8 for lots with an area less than 1,800 square metres that have a slope of 2.5 degrees or more. The consolidation of two lots with a combined area of 1,536 square metres is considered appropriate to accommodate the development in the height proposed as the development provides increased setbacks to compensate for its larger scale in comparison to traditional medium density housing. This is consistent with the preferred future character outlined in the DDO8. The site is located in an area which is undergoing change and revitalisation due to the demand for increased density within the municipality.
- 8.7 While there is a strategic imperative for Council to encourage urban consolidation where an opportunity exists, this is not in isolation and other relevant policies (requiring new design to be appropriate for the physical and social context) are still relevant. The proposed development and its response to the streetscape (including supporting high quality urban design, on and off-site amenity of future occupants and neighbours, energy efficiency and a positive contribution to neighbourhood character) will be assessed in the following sections of this report.
- 8.8 Council has, through its policy statements in the Manningham Planning Scheme, and in particular by its adoption of the DDO8 over part of this neighbourhood, created a planning mechanism that will in time alter the existing neighbourhood character along Manningham Road and in some adjoining side streets.
- 8.9 Council's planning preference is for higher density, multi-unit developments which can include apartment style developments on larger lots. This higher density housing thereby provides for the "preferred neighbourhood" character which is guided by the design elements contained within the DDO8, in conjunction with an assessment against Clause 21.05 and Clause 55 – Rescode. The resultant built form is contemplated to have a more intense and less suburban outcome.
- 8.10 An apartment development across this site is generally consistent with the broad objectives of Council's planning policy outlined at Clause 21.05 of the Manningham Planning Scheme. The policy encourages urban consolidation (and 'apartment style' buildings) in specific location due to its capacity to support change given the site's main road location and proximity to services, such as public transport. The policy anticipates a substantial level of change from the

existing character of primarily single dwellings and dual occupancies which have occurred in the past.

Design and built form

8.11 An assessment against the requirements of the DDO8 is provided below:

Design Element	Met/Not Met
<p>DDO8-1 (Main Road Sub-Precinct)</p> <ul style="list-style-type: none"> The minimum lot size is 1800 square metres, which must be all the same sub-precinct. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage 11 metres provided the condition regarding minimum land size is met. <p>If the condition is not met, the maximum height is 9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the site of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.</p>	<p>Objective Considered Met subject to condition</p> <p>The site has an area of less than 1,800 square metres that is entirely within the Main Road Sub-Precinct. Given the slope of the land, the site therefore has a preferred maximum building height of 10 metres.</p> <p>The building has a maximum height of 11.89 metres, which exceeds the preferred height by 1.89 metres.</p> <p>The purpose of providing discretion in building height on the Main Road Sub-Precinct is to allow flexibility to achieve design excellence. This might be through providing a ‘pop-up’ level to provide visual interest to an otherwise flat roof form, or a design feature at a ‘gateway’ site. The discretion is only provided to this sub-precinct because main road streetscapes are typically less fragmented environments compared to local streets and therefore can absorb some additional height.</p> <p>The portion of the building above 10 metres in height is restricted to the upper level of Apartments 303-306. This level is located in the northern half of the building footprint, generally centred between the eastern and western boundaries. This level has a total floor area of 206 square metres and represents 29.9% of the floor area below.</p> <p>The third storey is setback 5.69 metres to the western boundary, 6.0 metres to the eastern boundary (Rosebank Terrace) and 7.5 metres to the northern boundary with the uncovered balconies setback 5.0 metres to the northern boundary. These upper floor components will therefore not be significantly visible when viewed from outside the site.</p> <p>The upper level is generally considered to have been designed to limit the appearance of height as far as practicable. The roof is a</p>

Design Element	Met/Not Met
	<p>gentle sloping gable design that slopes upwards towards the property at 1A Rosebank Terrace. To further reduce the height of the building in the northern elevation, a condition has been included requiring the slope of the roof above Apartments 303-306 be reversed so that it slopes up towards the centre of the building (Condition 1.1). This will have the added benefit of providing restricted solar access into the north facing living areas of the apartments in summer.</p> <p>Apartments 303-306 each have a balcony on their northern side and extend approximately 2.4 metres north of the northern wall. The eastern side of the balcony on Apartment 303 and the western side of the balcony on Apartment 306 have 1.7 metre high opaque glazing, to limit overlooking, and the northern sides each have 1.2 metres high opaque glazed balustrades. This creates visual bulk and contributes to the appearance of bulk ion the building when viewed from Rosebank Terrace and a condition has been included requiring these balconies be deleted (Condition 1.2).</p> <p>The ground, first floor and second floor levels of the apartment building are within the maximum height limit of 10 metres.</p> <p>Overall, it is considered that the height of the building is acceptable and will not have unreasonable impacts on the streetscape or adjoining properties.</p>
<ul style="list-style-type: none"> Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser. 	<p>Met</p> <p>The ground and first floor walls of the building are setback 6 metres to Manningham Road.</p> <p>The DDO8 allows balconies and terraces to encroach within the street setback by a maximum of 2 metres, which have been provided for all apartments in the Manningham Road frontage.</p>
<p>Form</p> <ul style="list-style-type: none"> Ensure that the site area covered by buildings does not exceed 60 percent. 	<p>Met</p> <p>The building has a site coverage of 56.6%.</p>
<ul style="list-style-type: none"> Provide visual interest through articulation, glazing and variation 	<p>Met</p> <p>The building incorporates a mixture of colours</p>

Design Element	Met/Not Met
in materials and textures.	and materials to provide visual interest. Articulation is also provided by the stepping of walls, the use of balconies, glazing, fascias and framing elements.
<ul style="list-style-type: none"> Minimise buildings on boundaries to create spacing between developments. 	<p>Met</p> <p>No part of the building is constructed on a boundary. Building setbacks are 1.5 metres to the western boundary at the basement level, 3.0 metres at ground floor level and 4.0 metres to the northern boundary providing space between the building and the adjoining properties. This spacing can accommodate substantial landscaping and courtyards. This is considered to be an appropriate outcome for adjoining properties and the streetscape.</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 condition</p> <p>The site is on a corner and has its frontage to Manningham Road. Therefore the rear of the site is considered to be the northern boundary.</p> <p>The building is stepped down at the rear through excavation, staggered setbacks, and the incorporation of balconies and varied building materials.</p> <p>The upper levels of the building contain some stepping towards the rear of the site, i.e. at 1A Rosebank Terrace. As mentioned, a condition has been included requiring the north-facing balconies of Apartments 303-306 be deleted as they contribute to the appearance of the height of the building. The deletion of these balconies will substantially improve the stepped building form, which is appropriate as the dwelling at 1A Rosebank Terrace is a two-storey dwelling (Condition 1.2).</p> <p>With the inclusion of this condition, the transition in building height towards the dwelling at 1A Rosebank Terrace is considered acceptable.</p>
<ul style="list-style-type: none"> Where appropriate, ensure that buildings are designed to step with the slope of the land. 	<p>Met</p> <p>Excavation is proposed throughout and increases in depth towards the northern boundary. This reduces the height of the building above the natural ground level and the associated visual impact. Within the building short ramp sections in the common areas (gradient 1:14) allow the height of the building to be stepped and contribute in its site responsive design to slope.</p>

Design Element	Met/Not Met
<ul style="list-style-type: none"> Avoid reliance on below ground light courts for any habitable rooms. 	<p>Met The building does not rely on below ground light courts for any habitable rooms.</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% of the lower levels, unless it can be demonstrated that there is sufficient architectural interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation. 	<p>Met The third floor level of the building covers 29.9% of the second floor level. The second floor level of the building covers 74.9% of the first floor level, meeting the 75% requirement. The second floor is also graduated from the lower levels to reduce its prominence and visual bulk.</p> <p>Overall, the building is well articulated and provides visual interest.</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 or imposing design elements proposed. Design features are considered to be well integrated into the overall design of the building.</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 subject to condition The depth of excavation has addressed site slope, minimised basement projections, and the overall height of the building.</p> <p>Details of the retaining walls in Manningham Road and Rosebank Terrace frontages have not been provided. A condition is included requiring their details be provided for approval, noting their estimated height of 1 metre is not excessive (Condition 1.3).</p>
<ul style="list-style-type: none"> Be designed to minimise overlooking and avoid the excessive application of screen devices. 	<p>Met subject to condition Although the dwelling at 1A Rosebank Terrace and the 4 dwellings approved at 193 Manningham Road have been designed to limit views towards the site from there habitable room windows, overlooking from various windows and balconied into their secluded private open space areas may be possible from the development. Conditions are included requiring the design to demonstrate that overlooking will be limited into these sensitive areas in accordance with Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme (Condition 1.4).</p>

Design Element	Met/Not Met
	No screening devices are proposed.
<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 path to the building entry contains steps and a platform lift, allowing equitable access by people of all mobilities.</p> <p>The internal lift provides access to the basement car park and entries to all dwellings.</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 does not project above natural ground level in any elevation, eliminating excessive building height.</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 is not visible in either street frontage as it is below ground level.</p>
<ul style="list-style-type: none"> Integrate car parking requirements into the design of buildings and landform by encouraging the use of undercroft or basement parking and minimise the use of open car park and half basement parking. 	<p>Met All car parking spaces are provided within the basement car park.</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>Met The basement is generally consistent with the front building setback of 6 metres, except for the corner of the fire pump / services room which is setback 2.5 metre. This is supported as the pedestrian entry to the building's foyer is located above, and thereby no landscaping is reduced in the sites frontage.</p> <p>The rear building setback is 4 metres, which provides adequate room for effective landscaping to be established.</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 The development provides appropriate wall setbacks to all boundaries to allow for screen planting that soften the appearance of the built form.</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 	<p>Met subject to condition Roof mounted equipment is located centrally within the roof. A condition (Condition 1.6) has been included requiring these services be screened to minimise any visual and amenity impacts from the street or adjoining properties.</p>

Design Element	Met/Not Met
streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces.	
<p><u>Car Parking and Access</u></p> <ul style="list-style-type: none"> • Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback. 	<p>Objective met</p> <p>Two crossovers and accessways are proposed, one in each street frontage. As mentioned, the accessway from Rosebank Terrace is an entry only access, and the accessway in Manningham Road is an exit only egress. Both are new and 3.5 metres wide. The existing crossover in Rosebank Terrace will be removed in lieu of the new crossover, and therefore no on street parking will be lost. In Manningham Road parking is already restricted by the bus stop.</p> <p>Two small street trees are required to be removed to facilitate the crossover in Rosebank Terrace. These are identified in the Arboricultural Report as being exotic species. A condition has been included requiring their replacement at the cost of the landowner to the satisfaction of the Responsible Authority (Conditions 1.7 and 19.2).</p>
<ul style="list-style-type: none"> • Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open space or is appropriately screened, as is necessary. 	<p>Met</p> <p>The fire pump / services room extends beyond the built form in the front setback. Above this is the pedestrian entry for the building which provides an acceptable use of the space above.</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</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 subject to condition</p> <p>A permit condition will require a modified accessway gradient to be provided for the Rosebank Terrace. A permit condition will also require clarification that the inside bend in the accessway to Manningham Road is appropriate (Condition 1.16).</p>
<p><u>Landscaping</u></p> <ul style="list-style-type: none"> • On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a 	<p>Met subject to condition</p> <p>Four canopy trees are shown on the Landscaping Plan within the Manningham Road frontage. A condition will require that a</p>

Design Element	Met/Not Met
<p>spreading crown and are capable of growing to a height of 8.0m or more at maturity.</p> <ul style="list-style-type: none"> 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>Landscaping Plan be submitted for approval (Condition 19).</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 the site will allow the planting of numerous canopy trees within the side and rear setbacks, which assist 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, Blackburn and Mitcham Roads, a fence must: <ul style="list-style-type: none"> not exceed a maximum height of 1.8m be setback a minimum of 1.0m from the front title boundary <p>and a continuous landscaping treatment within the 1.0m setback must be provided.</p>	<p>Not applicable No fencing is proposed.</p>

Car parking, access, traffic and bicycle facilities

Car parking, Access and Traffic

- 8.12 Prior to a new use commencing or a new building being occupied, Clause 52.06-2 requires that the number of car parking spaces outlined at Clause 52.06-6 to be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the Responsible Authority.
- 8.13 This clause requires resident car parking to be provided at a rate of 1 space for each dwelling with one or two bedrooms, and 2 spaces for each dwelling with three or more bedrooms.
- 8.14 Visitor car parking is also prescribed at a rate of 1 car parking space for every five dwellings.
- 8.15 The proposal requires the provision of 28 car parking spaces for residents and 5 car parking spaces for visitors. The proposed parking provision complies with the residential requirements and is satisfactory. The proposal is 1 space deficient for

the visitor space requirement of the Scheme, which has been applied for in the planning application.

- 8.16 The Traffic Report that accompanied the planning application supports the reduction of the 1 visitor space required under the Scheme. The report concluded that this is acceptable on the basis that the site's frontage in Rosebank Terrace can accommodate 6 parked vehicles and there is a low parking demand in the area.
- 8.17 The consideration of the request must be undertaken having regard for the application requirements and decision guidelines of Clause 52.06-6 (Car parking) of the Manningham Planning Scheme.
- 8.18 The applicable matters for consideration under the clause are:
- *The Car Parking Demand Assessment;*
 - *On street car parking in residential zones in the locality of the land intended for residential use;*
 - *The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas; and*
 - *Access to or provision of alternative transport modes to and from the land.*
- 8.19 The Traffic Report that accompanied the planning application provided an assessment on car parking demand in respect to the request for the reduction in the visitor space. It has identified that 6 on-street car parking spaces are available adjacent to the site in Rosebank Terrace. However, a solid white line is painted from the intersection along the centre of Rosebank Terrace for a distance of 30 metres and this prohibits on-street parking adjacent to the line. Therefore, the available on-street car parking is restricted to between the end of the line and the proposed new crossover, which is considered to be 3 spaces. Despite this, the 3 spaces are in excess of the car parking reduction (1 space) proposed.
- 8.20 The reduction of 1 car parking space is not considered to generate an unreasonable amenity impact for pedestrians or nearby residential properties. The site is located at the intersection and occupants or visitors whom arrive at the site would likely park in front of the site instead of further along Rosebank Terrace.
- 8.21 Finally, the bus stop in front of the site provides an immediately accessible alternative transport mode for visitors or occupants who don't own a vehicle. Several bus services operate along Manningham Road, including the Smart Bus services which typically operates at 15 minute intervals.
- 8.22 On this basis, the proposed reduction in the visitor space is supported and it is considered that the decision guidelines at clause 52.06-6 of the Scheme have been adequately considered.
- 8.23 An assessment against the car parking design standards in Clause 52.06-8 of the Scheme is provided in the table below:

Design Standard	Met/Not Met

Design Standard	Met/Not Met
1 – Accessways	<p>Met The accessways servicing the basement car park meets the minimum width and height clearance requirements, and has been designed to allow all vehicles to exit in a forward direction onto Manningham Road.</p> <p>The Standard requires a passing bay with dimensions of 5 metres x 7 metres for 2-way passing traffic at the frontage. Given that access into and egress from the site are from independent one-way accessways, this provision is not applicable.</p>
2 – Car Parking Spaces	<p>Met Car parking space dimensions and aisle widths are provided in accordance with the requirements.</p>
3 – Gradients	<p>Met subject to condition Council’s Engineering and Technical Service Department have determined the gradient of the Rosebank Terrace accesways is non-compliant at the frontage. A condition has been included requiring this be redesigned (Condition 1.16).</p> <p>They have also required clarification on the inside gradient of the accessway to Manningham Road (Condition 1.16).</p> <p>The accessway on to Manningham Road complies.</p>
4 – Mechanical Parking	<p>Not applicable No mechanical parking proposed.</p>
5 – Urban Design	<p>Met Both vehicle crossings and accessways are not dominate features in the streetscape.</p>
6 – Safety	<p>Met subject to condition The basement car park is provided with automatic doors. A condition will require intercom systems be provided for both accessways (Condition 1.15).</p>
7 – Landscaping	<p>Met subject to condition No ground level car parking is proposed. Landscaping is provided to soften the appearance of both accessways. A condition has been included requiring a Landscaping Plan be submitted for approval (Condition 19).</p>

8.24 The Traffic Report confirms that the proposed development is expected to generate 14 residential vehicle movements per peak hour and a total of 137 vehicle trip ends per day. The majority of vehicle movements would be in the morning peak period when residents commute to work/business or other activities. In the afternoon, residential vehicle trips back to the site would be spread out over wider time frame. The report concludes that the expected volume of traffic that likely to be generated by the development is small and will not have any material impact on the capacity and operation of Manningham Road, Rosebank Terrace and the surrounding road network and intersections.

8.25 Council’s Engineering and Technical Services Unit raise no concern in relation to the expected traffic generated by the proposed development. The proximity of the

subject site to public transport will encourage a greater variety of transportation methods as opposed to sole reliance on a vehicle.

- 8.26 Overall, the traffic generated as a result of the proposed development (while acknowledging existing traffic congestion and problems in the surrounding street network) is considered to be generally compliant with the broader policy objectives of encouraging sustainable transport modes and ensuring there is a satisfactory level of parking provision as outlined in the SPPF and LPPF.

Land Adjacent to a Road Zone Category 1

- 8.27 A permit is required under Clause 52.29 of the Manningham Planning Scheme as the proposal involves the creation of a new crossover and the removal of an existing crossover in Manningham Road, as it is zoned Road Zone, Category 1.
- 8.28 The decision guidelines of this clause include the views of the relevant road authority.
- 8.29 VicRoads have not objected to the proposal, but have required 7 conditions to be included in any permit issued **(Conditions 37 to 43)**.

Bicycle Facilities

- 8.30 In developments of four or more storeys, one bicycle space is required for every five dwellings (for residents) and one bicycle space is required for every ten dwellings (for visitors).
- 8.31 The proposal requires the provision of 5 bicycle spaces for residents and 3 bicycle spaces for visitors. 7 resident bicycle ‘Ned Kelly’ rails are provided within the basement, adjacent to the lift for residents, which exceeds the prescribed requirements. Two bicycle hoops are provided adjacent to the buildings entrance for visitors and there is therefore a shortfall of one bicycle hoop from the Scheme prescribed requirement. A condition has been included requiring 3 hoops be provided at the entrance to ensure compliance with the prescribed requirements of Clause 52.34 (Bicycle facilities) of the Manningham Planning Scheme. **(Condition 1.8)**.

Clause 55 (Rescode)

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

Objective	Objective Met/Not Met
<p>55.02-1 – Neighbourhood Character</p> <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 	<p>Met</p> <p>As outlined in the assessment of the proposal against the policy requirements of the Design and Development Overlay – Schedule 8 (DDO8), the proposed apartment development responds positively to the preferred neighbourhood character and respects the natural features of the site, and its surrounds.</p>

Objective	Objective Met/Not Met
area.	
<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, Local and Council policy.</p> <p>Clauses 21.05 (Residential) and 43.02 (Design and Design and Development Overlay – Schedule 8), are applicable to the site and support medium density developments. The development can take advantage of public transport and community infrastructure and services.</p>
<p>55.02-3 – Dwelling Diversity</p> <ul style="list-style-type: none"> To encourage a range of dwelling sizes and types in developments of ten or more dwellings. 	<p>Met</p> <p>The proposal includes a mix of one, two and three bedroom dwellings with a range of floor areas to provide diversity.</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 condition</p> <p>The site has access to all services. The landowner is required to provide an on-site stormwater detention system to alleviate pressure on the drainage system (Condition 21).</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 front entry of the development is orientated towards Rosebank Terrace and integrates well with the 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 building is setback 6 metres to Manningham Road which complies with DDO8.</p>

Objective	Objective Met/Not Met
<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>Objective Considered Met</p> <p>The building has a maximum height of 11.89 metres, which is 1.89 metres above the 10 metre preferred height requirement under the DDO8.</p> <p>For the reasons discussed in Section 8.11 of this report, the maximum building height is considered appropriate.</p>
<p>55.03-3 – Site Coverage</p> <ul style="list-style-type: none"> To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. 	<p>Met</p> <p>The proposed site coverage is 56.6%, which is below the 60% requirement in the standard.</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 26.3% of site area as pervious surface, which complies with the standard requirement.</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</p> <p>Given the orientation of the site, there are 6 apartments that are south-facing, two on each level. These apartments are all located on the corner of the building and various habitable rooms within them and the provision of balconies for some of them, maximise exposure to sunlight.</p> <p>As discussed in Section 6.5 Internal Referrals of this report, a condition has been included requiring a revised SMP to be submitted for approval. The condition includes a number of sustainability measures to be incorporated into the building's design (Condition 5).</p>
<p>55.03-6 – Open Space</p> <ul style="list-style-type: none"> To integrate the layout of development with any public and communal open space provided in or adjacent to the development. 	<p>Not applicable</p> <p>No communal open space is proposed and the development is not adjacent to any public open space.</p>
<p>55.03-7 – Safety</p> <ul style="list-style-type: none"> To ensure the layout of development provides for the safety and security of residents and property. 	<p>Met</p> <p>The pedestrian path is visible from Rosebank Terrace and access into the building is restricted. Access into basement is restricted by intercom controlled automatic doors.</p>
<p>55.03-8 – Landscaping</p> <ul style="list-style-type: none"> To encourage development that 	<p>Met subject to conditions</p> <p>Generous landscaping can be accommodated within the setbacks to all site boundaries. The development</p>

Objective	Objective Met/Not Met
<p>respects the landscape character of the neighbourhood.</p> <ul style="list-style-type: none"> To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. To provide appropriate landscaping. To encourage the retention of mature vegetation on the site. 	<p>is not expected to have any impact on vegetation within adjoining properties due to the building setbacks.</p> <p>A Landscaping Plan has been provided, but will be required to be amended by a permit condition (Condition 19) to reflect all plan changes under Condition 1.</p> <p>The submitted Landscaping Plan provides four canopy trees within the Manningham Road frontage and a combination of trees and landscaping adjacent to the other boundaries.</p> <p>A permit condition will require an indicative location of the stormwater detention system on the site plan to be located outside of easements and canopy tree landscape areas (Condition 1.9).</p> <p>A landscape maintenance bond of \$10,000 will be required by a permit condition (Condition 20).</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>Consideration of access was made in the DDO8 assessment in Section 8 of this report.</p>
<p>55.03-10 – Parking Location</p> <ul style="list-style-type: none"> To provide convenient parking for resident and visitor vehicles. 	<p>Met The internal lift provides equitable access for residents and visitors from all car parking spaces within the basement levels.</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>The setbacks to the northern and western boundaries comply with the prescribes requirements at all levels.</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>There are no walls proposed on a boundary.</p>

Objective	Objective Met/Not Met
<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>All existing and proposed habitable room windows are provided with sufficient light court areas that comply with the standard.</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>There are no north facing windows within 3 metres of the site.</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>Overshadowing is required to be considered on the 22nd September equinox between 9am and 3pm..</p> <p>The only property to experience overshadowing from the proposed development is the dwelling at 193 Manningham Road that adjoins the western site boundary.</p> <p>The submitted shadow diagrams indicate that shade will be cast, beyond that generated by the common boundary fence, into this property between 9am and 11am. At 9am shade will impact a small area (approximately 5sqm) of the secluded private open space area on the northern side of the dwelling. Part of the dwelling and front yard will also shaded at this time. At 10am, none of the secluded private open space area will be impacted, noting that reduced shading will over the dwelling and front yard. At 11am no overshadowing will occur.</p> <p>The extent of overshadowing is well within the prescribed provisions described under Clause 55-04-5.</p> <p>That said, Planning Permit PL15/025893 has since been issued approving the construction of 4 dwellings on the lot at 193 Manningham Road. The approved design includes ground floor secluded private open space areas for the front 2 dwellings within the development (Dwellings 1 & 2). These open space areas are on the eastern side of the building and abut the common boundary with the site.</p> <p>Overshadowing from the proposed development would impact these open space areas, also between 9am and 11am.</p> <p>Clause 55.04-5 provides that <i>if existing sunlight to the secluded private open space area of an existing dwelling is less than the requirements of the standard,</i></p>

Objective	Objective Met/Not Met
	<p><i>the amount of sunlight should not be further reduced.</i></p> <p>The prescribed area is 40sqm with a minimum dimension of 3 metres. Both the open space areas of newly approved Dwellings 1 & 2 have an area of 25sqm and are below the prescribed area requirements of the clause.</p> <p>Had this development been constructed (or commenced construction), the overshadowing impacts on these open space areas would exceed the allowable requirements of the clause. Importantly, Clause 55.04-5 requires consideration to be given to existing developments only. Although a planning permit has been granted, the permit may not be acted on and the approved development may not be constructed.</p> <p>In the event that the permit is acted on and development commences, it must be noted that Dwellings 1 & 2 are designed with secondary areas of open space in the form of upper floor west-facing terraces that are directly accessible from living areas. These provide an additional open space area for each dwelling and the size of the terraces themselves exceeds the minimum requirements for open space under Clause 55.05-4 (Private open space) of the Manningham Planning Scheme. These terraces will not be overshadowed at all from the proposed development.</p> <p>On this basis, no unreasonable overshadowing of existing or approved private open space will occur at 193 Manningham Road from the proposed development.</p>
<p>55.04-6 – Overlooking</p> <ul style="list-style-type: none"> To limit views into existing secluded private open space and habitable room windows. 	<p>Met subject to condition</p> <p>The dwelling at 1A Rosebank Terrace and the dwellings approved at 193 Manningham Road all have their habitable room windows designed to limit overlooking towards the site in accordance with the prescribed requirements of Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme. Therefore no overlooking could occur into these windows from the proposed development.</p> <p>Consideration must also be given to the potential to overlook into the secluded private open space areas of these dwellings from the proposed development.</p> <p>The secluded private open space area at 193 Manningham Road is on the western side of the building. Any potential for overlooking would be from</p>

Objective	Objective Met/Not Met
	<p>Apartments 106, 207, and 306 which are all located in the north-western corner of the proposed building, which are adjacent to the secluded private open space area.</p> <p>At ground level, the common boundary fence appropriately limits overlooking from Apartment 106. Apartment 207 and 306 both have windows in the northern wall of their Bedroom 1. The elevation plans indicate that these are highlight windows, however no under sill dimension has been notated on the plans. To comply, the minimum under sill height is required to be 1700mm above the finished floor level. It is noted that throughout the building, none of the highlight windows are notated with the 1700mm minimum under sill height. A condition has been included requiring all highlight windows to be notated with a minimum 1700mm high sill height above the finished floor level, to ensure compliance with the requirements of Clause 55.04-6 (Condition 1.4).</p> <p>It is not possible to determine whether overlooking will be possible from the upper level balcony of Apartment 306 into the secluded private open space of the dwelling at 193 Manningham Road. As mentioned, a condition has been included requiring the north-facing balconies of apartments 303-306 to be deleted (Condition 1.2), which will thereby prevent overlooking from the balconies and an apparent plan inconsistency between the Floor Plan and Elevation Plan. Despite this, a condition has been included requiring the design to demonstrate that overlooking will be limited into this area in accordance with Clause 55.04-6 of the Manningham Planning Scheme (Condition 1.4).</p> <p>The secluded private open space areas of Dwelling 1-3 of the approved development at 193 Manningham Road are all located on the eastern side of the building and will be able to be overlooked from the habitable room windows and balconies of Apartments 207, 208, 209, 306, 307 and 308. A condition has been included requiring these be designed to limit overlooking in accordance with Clause 55.04-6 of the Manningham Planning Scheme (Condition 1.4).</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 	<p>Met</p> <p>The proposed design layout will limit internal views into the secluded private open space and habitable room windows of dwellings within the development.</p>

Objective	Objective Met/Not Met
development.	
<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</p> <p>There are no unusual noise sources that may affect existing dwellings.</p> <p>A permit condition will require acoustically treated glazing to be provided to the habitable room windows directly facing Manningham Road, to protect occupants from external traffic noise (Condition 1.10). Acoustic glazing for the entire, if proposed, would be supported.</p> <p>Plant on the roof is centrally located and may not require screening. Building services, including electrical substations and air inlets for the mechanical basement ventilation are required to be shown on the plans (Condition 1.22).</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>A platform lift adjacent to the main entrance allows access for people with limited mobility to the front entry of the building.</p> <p>The internal lift provides access to the basement car park levels and entries of all dwellings.</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 apartments all derive pedestrian access from the central pedestrian path and foyer at the frontage. The building entry is well identified and sheltered by a canopy.</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 subject to conditions</p> <p>Recommendations from Council’s Sustainability Adviser are summarised in Section 6.5 Internal Referrals of this report. These have been included as conditions to ensure compliance with Clause 55.05-3 of the Manningham Planning Scheme (Condition 1.10).</p> <p>Planning reforms in respect to ‘apartment’ style developments have been initiated by the State Government, and include design elements relating to room depth, window size and energy efficiency. The State Government have advised these are likely to be brought into effect in March 2017.</p> <p>The recommended conditions relating to daylight to new windows are consistent with the policy objective and are also consistent with the policy direction anticipated under the new reforms.</p>
<p>55.05-4 – Private Open Space</p> <ul style="list-style-type: none"> To provide adequate 	<p>Met</p> <p>Eight of the ground floor dwellings are provided with secluded private open space areas that have paved</p>

Objective	Objective Met/Not Met
private open space for the reasonable recreation and service needs of residents.	<p>courtyards and landscaped gardens.</p> <p>The total amount of private open space afforded to each dwelling ranges between 9 square metres and 64 square metres, excluding landscaping. The ninth dwelling, Apartment 109, has a 13 square metre balcony. It is considered that the spaces are sufficient in area for the recreation and service needs of residents and the provision of landscaping.</p> <p>The remaining dwellings are provided with secluded private open space in the form of balconies that range from 8 to 41sqm. Each balcony complies with the 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>Met</p> <p>An apartment building design typology, does not always allow all private open space areas to be provided with a northern aspect.</p> <p>However, south-facing courtyards have been minimised, and where proposed, they include a west or east orientation to provide adequate solar access.</p> <p>As mentioned a condition has been included requiring the upper floor north-facing balconies to be deleted from Apartments 303-306 (Condition 1.2). All these apartments have also been designed with south-facing balconies that are approximately 4.2 metres deep. Due to their depth, and roof top position, these are considered to receive adequate solar access.</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</p> <p>6 cubic metres of externally accessible storage is prescribed for each dwelling under the clause.</p> <p>Storage has been provided in the basement in over-bonnet cages at the end of the car parking spaces and in independent cages. Within the building at the ground and first floor level, storage has also been provided in lockable cupboards in the common hallways.</p> <p>Three of the cages in the basement and the lockable cupboards have not been allocated to the various dwellings.</p> <p>An assumption is made on the allocation of the cupboards based on their proximity to the entrances of the various dwellings.</p> <p>The following apartments have not been provided with the prescribed storage as follows:</p> <ul style="list-style-type: none"> o Apartment 101 – 4.1 cubic metres;

Objective	Objective Met/Not Met
	<ul style="list-style-type: none"> ○ Apartment 201 – 1.8 cubic metres; ○ Apartment 302 – 1.8 cubic metres; ○ Apartment 303 – 1.8 cubic metres; ○ Apartment 304 – 1.8 cubic metres; ○ Apartment 305 – 1.8 cubic metres; ○ Apartment 306 – 1.8 cubic metres; ○ Apartment 307 – 1.8 cubic metres; & ○ Apartment 308 – 1.8 cubic metres. <p>To address these deficiencies, a condition has been included requiring each apartment within the development to be provided with the prescribed storage requirements. The condition will include:</p> <ul style="list-style-type: none"> ○ Each apartment to be allocated a storage facility with a minimum capacity of 6 cubic metres; and ○ Storage spaces within the basement must not obstruct the parking and circulation of vehicles, or other services provided within the basement to the satisfaction of the Responsible Authority (Condition 1.5): <p>With the inclusion of this condition, all apartments will be provided with at least 6 cubic metres of 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 subject to condition</p> <p>The apartment building is well articulated and incorporates various materials and finishes to reduce the sense of visual bulk.</p> <p>A permit condition will also require a full schedule of materials and finishes with colour samples (Condition 1.12).</p>
<p>55.06-2 – Front Fence</p> <ul style="list-style-type: none"> • To encourage front fence design that respects the existing or preferred neighbourhood character. 	<p>Not applicable</p> <p>No fence is proposed.</p>
<p>55.06-3 – Common Property</p> <ul style="list-style-type: none"> • To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. • To avoid future management difficulties in areas of common ownership. 	<p>Met</p> <p>The communal basement, pathway and shared landscaping areas are practically designed. There are no apparent difficulties associated with the future management of these areas.</p>
<p>55.06-4 – Site Services</p> <ul style="list-style-type: none"> • To ensure that site services can be installed 	<p>Met subject to condition</p> <p>Site services are generally appropriately provided. The proposed letterbox is located immediately</p>

Objective	Objective Met/Not Met
<p>and easily maintained.</p> <ul style="list-style-type: none"> To ensure that site facilities are accessible, adequate and attractive. 	<p>adjacent to the foyer entrance, and this may not be acceptable to Australia Post. A condition has been included requiring this be located to address Manningham Road, in lieu of providing space for the third bicycle hoop, as discussed in Paragraph 8.31 of this report (Condition 1.18).</p> <p>A permit condition will require the location of any fire services at the frontage to be shown and designed to complement the overall development (Condition 1.19).</p> <p>To bring together the landscaping and screening requirements adjacent to service cabinets, a permit condition will require details of the building's front entry and an elevation of the letterboxes and screening to service cabinets (Condition 1.20).</p> <p>To ensure the appearance of the building does not detract from any elevation, a permit condition will require retractable clotheslines to be installed within all ground level open spaces and balconies to ensure that they are not visible from the street or adjoining properties (Condition 1.21).</p>

Objector concerns

8.33 A response to the grounds of objection is provided in the following paragraphs:

- (a) Neighbourhood character and overdevelopment;
- (b) Traffic congestion and inadequate car parking;
- (c) Access from Rosebank Terrace;
- (d) Building height and the interface with adjoining properties;
- (e) Overlooking and loss of privacy;
- (f) Overshadowing;
- (g) Inadequate landscaping;
- (h) Noise; and
- (i) Construction impacts due to the proximity of basement excavation to boundaries

Neighbourhood character and overdevelopment

8.34 The proposal has been assessed against the preferred neighbourhood character anticipated by planning policy at Clause 21.05 of the Manningham Planning Scheme. The policy outlines a substantial level of change is anticipated and a departure from the existing neighbourhood character is therefore inevitable. This, however, does not imply that impacts generated by the preferred neighbourhood character can unreasonably impact adjoining private properties or public spaces.

8.35 This site is capable of being developed for a range of dwelling typologies including that of an 'apartment' style development which is proposed. This typology generates different living standards to detached dwellings and may potentially impact neighbouring or nearby properties. Officers have considered

the direct impacts of this development, and not as a comparison of what may occur if a different typology were proposed.

- 8.36 It is evident that the proposed development achieves a high level of compliance with respect to the existing DDO8 controls. The building is provided with articulated facades, varied materials and colours palette and an array of interesting architectural elements that adds visual interest. The building is well setback from all boundaries, allowing for perimeter landscaping to be established and adequate physical articulation and modulation to break up and disguise the length of the building and mitigate visual bulk concerns.

Traffic congestion and inadequate car parking

- 8.37 Council's Engineering & Technical Services Unit has assessed the application and has raised no concerns regarding the impact of the proposal on the surrounding traffic network. The increased traffic movement associated with the development can be readily accommodated in the surrounding street network. The exit only egress onto Manningham Road will be beneficial in reducing traffic generation on Rosebank Terrace.
- 8.38 The development provides a sufficient number of car parking spaces within the basement as required by Clause 52.06 (Car parking) of the Manningham Planning Scheme for resident car parking.
- 8.39 The proposed reduction in the visitor car parking requirement, by 1 space, is considered acceptable given the availability of on street car parking in Rosebank Terrace, the site being at the intersection where people arriving at the site will tend to park adjacent to the site and not further along Rosebank Terrace, and because of the availability of public transport along Manningham Road.

Access from Rosebank Terrace

- 8.40 Council's Engineering & Technical Services Unit has assessed the application and have not raised any objection for vehicle access into the site being provided from Rosebank Terrace.
- 8.41 This is an entry only access, and will therefore halve traffic movements that would otherwise occur had the proposed been designed to allow two-way vehicle movements into the site.

Building height and the interface with adjoining properties

- 8.42 The proposed building exceeds the preferred 10 metre height requirement under DDO8 by 1.89 metres, and an area located on the fourth level. A full assessment is made of this in Section 8.11 of the report. The increased height is generally supported because the fourth level has a small area compared with the level below (29.9%), its generous setbacks to the boundaries, and its design that achieves minimising height. Importantly, the height control is not a mandatory control in the Main Road Sub-precinct which applies to the site and discretion can be used in considering designs that exceed the preferred height.
- 8.43 A condition has been included to require the slope of the roof of the fourth level to be reversed to reduce height towards the boundary, in lieu of shifting this height towards the centre of the building (**Condition 1.1**).

- 8.44 The proposed articulation, stepping of the upper levels, selection of building materials and proposed setbacks are considered to be site responsive in their design and provide an acceptable interface to adjoining properties.

Overlooking and loss of privacy

- 8.45 Overlooking was assessed in Section 8 of this report.
- 8.46 The dwelling at 1A Rosebank Terrace and the development approved at 193 Manningham Road have all their habitable room windows that face the site designed to limit overlooking in accordance with Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme. As such no overlooking into these windows would be possible from the proposed development.
- 8.47 **Condition 1.3** has been included requiring the secluded private open space areas of these properties to be protected by limiting overlooking from habitable room window and balconies from within the development in accordance with Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme.

Overshadowing

- 8.48 This objection was received from the property owner at 8 Rosebank Terrace and relates to the overshadowing caused by the development onto the Rosebank Terrace roadway.
- 8.49 Whilst Rosebank Terrace will receive some overshadowing at 3pm, there are no requirements in the Manningham Planning Scheme to control or limit this impact. Moreover, officers are required to consider overshadowing during the September 22nd equinox between 9am and 3pm on existing excluded private open space areas.

Inadequate landscaping

- 8.50 The planning application was accompanied with a Landscaping Plan that provided indicative plantings for consideration. Canopy trees have been shown in all elevations, along with well populated landscaping treatments in beds adjoining the site's boundaries. This level of landscaping is supported under the DDO8 and Clause 55.03-8 (Landscaping) of the Manningham Planning Scheme and is generally considered acceptable.
- 8.51 A condition has been included requiring a Landscaping plan be submitted for approval (**Condition 19**), along with the payment of a \$10,000 Landscaping Bond to ensure it is maintained for a 13 week period after completion (**Condition 20**).

Noise

- 8.52 This objection comes from the property owner at 193 Manningham Road. There are two issues of concern. The first relates to noise generated from the occupation of the west facing balconies which face the land landowner's property. Ordinary noises emanating from adjoining residential properties must be expected in a residential setting. However, when noise types or levels are excessive, they impact amenity. This concern is a civil matter and is not a consideration that can be contemplated in the planning application assessment process.

- 8.53 The second concern relates to noise generated by vehicles leaving the site. This is not expected to be excessive based upon the entrance design, the numbers of vehicles exiting the site per day, estimated in the Traffic Report that accompanied the planning application to be 137 vehicles, and due to the noise already generated along Manningham Road which carries approximately 29,000 vehicles per day.

Loss of vegetation and garden beds

- 8.54 This objection relates to the loss of vegetation proposed under this application. The clearing of vegetation on the site does not require planning permit approval under the Manningham Planning Scheme. Vegetation loss is to be expected, especially on sites that are supported for a substantial level of change under the MPS, as the site is. The planning application was accompanied with a Landscaping Plan to demonstrate that adequate landscaping can be provided surrounding the building and within the street frontages. A condition has been included requiring a landscaping plan be submitted for approval (**Condition 19**) and for the payment of a \$10,000 Landscaping Bond to ensure it is satisfactorily maintained over a 13 week period following the completion of the development (**Condition 20**). With the inclusion of these conditions, a satisfactory level of landscaping can be provided for the site.

Waste collection

- 8.55 This objection relates the difficulties that will be generated by additional garbage bins being placed in the street for collection. The basement includes a common refuse area for occupants. Waste collection will occur onsite by a private contractor in accordance with an approved Waste Management Plan (**Condition 6**). The condition includes a requirement that no bins are to be left outside the development boundary or left unattended at any time on any street frontage for any reasons. Accordingly, no bins will be placed on the street should the proposal be approved.

Location of the sub-station and EMR transmissions

- 8.56 This objection relates to the impacts of EMR transmissions generated from the sub-station identified in the basement. It is common for larger developments to require a sub-station to provide electricity to the development. These are required to be installed and commissioned in accordance with their design requirements. For the purposes of the planning application assessment process, Council is only required to ensure that sufficient space has been provided for this facility, which has been provided. The EMR emissions generated from the operation of these facilities is not a planning consideration.

Construction impacts due to the proximity of basement excavation to boundaries

- 8.57 This objection also comes from the property owner at 193 Manningham Road. The proposed 1.5 metre between the basement and the western boundary is not considered to be unreasonable and not dissimilar to setbacks provided by other similar style developments.
- 8.58 Potential damage to the adjoining property from construction is a civil matter that needs to be addressed by the building surveyor responsible for the development.

9. CONCLUSION

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

10. DECLARATION OF CONFLICT OF INTEREST

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