

0.0 Planning Permit Application No. PL16/026928 - 19, 21 and 23 Bayley Grove, Doncaster - Construction of a four-storey apartment building comprising twenty-nine (29) dwellings with associated basement car parking and reduction of two (2) visitor car parking spaces pursuant to Clause 52.06 Car Parking of the Manningham Planning Scheme

File Number:	IN17/578
Responsible Director:	Director Planning and Environment
Applicant:	Bellfield Planning Consultants Pty Ltd
Planning Controls:	General Residential Zone, Schedule 2 and Design and Development Overlay, Schedule 8
Ward:	Koonung
Attachments:	1 Advertised/Decision Plans 2 Legislative Requirements

EXECUTIVE SUMMARY

Purpose

1. This report provides Council with an assessment of Planning Permit application submitted for land at 19, 21 and 25 Bayley Grove, Doncaster. The application is being reported to Council given that it is a Major Application (more than 15 dwellings).

Proposal

2. The application seeks approval for the construction of a four (4) storey apartment building, inclusive of one level that is partially excavated into the site. A reduction of two (2) visitor car parking spaces (of the required 5), pursuant to Clause 52.06 Car Parking of the Manningham Planning Scheme.

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), particularly the building height and appropriateness of the fourth storey in the context of the Design and Development Overlay (DDO8-2), which allows three-storey development;
 - (b) Compliance with built form and urban design policies;
 - (c) Parking, access and traffic parking;
 - (d) Appropriateness of reducing the visitor carparking requirement from five spaces to three (reduction of two spaces);
 - (e) Compliance with Clause 55 (Rescode) including the amenity impacts of the development on the adjoining and nearby properties; and
 - (f) Objector concerns (as detailed below).

Objector concerns

4. Fourteen (14) objections have been received for the application, raising the following relevant planning issues:

- (a) Neighbourhood character (apartment, bulk and density not suitable for the quiet neighbourhood);
- (b) Overdevelopment (apartments should be only be on the main roads);
- (c) Off-site amenity impacts (overall height, building bulk, setbacks, front setback, overlooking, overshadowing, site coverage and garden area);
- (d) Car Parking, Traffic, Car Stackers and Flooding of Basement;
- (e) Reduction of the Visitor Car Parking (will impact carparking availability and traffic);
- (f) Rubbish Removal (traffic and noise); and
- (g) Noise Pollution (air conditioners, car stackers and use of communal rooms/areas).

Assessment

5. The merits of this proposal must be considered against State Planning Policy, Council's policy for residential areas at Clause 21.05 Residential, Schedule 8 to the Design and Development Overlay (DDO8-2), Clause 55 (ResCode) and Clause 52.06 (Car parking).
6. These provisions recognise that there will be a substantial level of change in dwelling yields and built form outcomes in the area, and provides guidance in relation to how this can occur in a controlled, planned and consistent approach across the municipality and in manner that minimises off-site amenity impacts.
7. The proposal is generally consistent with the provisions of the Manningham Planning Scheme, in particular with the exception of policy relating to the number of storeys that the proposal deviates from.
8. The proposal is of a large scale than other developments that have been constructed or approved within this section of Bayley Grove. However, the site is a consolidation of 3 residential lots and above 1800sqm in area.
9. The location of the site with a northern abuttal to Lawford Reserve and within close proximity to Doncaster Road, Westfield Shopping Centre and within Sub-precinct A of the DDO8, along with the slope away from the sensitive southern and western boundaries, enables the development to provide recessive built form that generally modulated to reduce perceptions of visual bulk.
10. This proposal is considered to be suitably responsive to the preferred character of the area and the built form outcomes sought under the Design and Development Overlay, Schedule 8 – Sub-precinct A, subject to conditions.
11. In relation to the proposed visitor carparking waiver, the location of the site within the dead-end street is considered to create a higher amenity and sensitivity to this location and neighbourhood. This sensitivity together with the limited and reduced availability of carparking within proximity of the site, by virtue of the streets end (rather than a through road or additional nearby roads) are all considered to warrant full compliance with the visitor car parking requirement.
12. The development is considered to be a high quality architectural design response, is attractive in appearance and appropriately designed to respond to the slope. The proposal generally provides a lower and graduated form to the sensitive sides (particularly to the west and south) and suitable boundary setbacks allow for landscaping to mature to screen and soften the built form and will help to reduce visual and amenity impacts. Subject to conditions, 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

13. The report concludes that the proposal subject to conditions, generally complies with the state and local planning policy, including design objectives of the DDO8-2 and the relevant objectives of Clause 55 (Two or More Dwellings on a Lot and Residential Buildings), of the Manningham Planning Scheme.
14. Subject to conditions relating to increased setbacks and reduced heights at the upper level, the proposal is considered to achieve acceptable amenity outcomes for surrounding and nearby properties, good outcomes for the internal amenity of future occupants and a contemporary and visually interesting architectural contribution and design detail.
15. Given the sensitivity of the location of the site, together with the limited and reduced availability of carparking within its proximity, the proposed waiver of two visitor car spaces is not considered to be justified and will not be supported in this instance.
16. It is recommended that a Notice of Decision to Grant a Planning Permit be issued.

1. RECOMMENDATION

That Council:

- A. **Having considered all objections a NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application PL16/026928 at 19-23 Bayley Grove, Doncaster for the construction of a four-storey apartment building comprising twenty-nine (29) dwellings with associated basement car parking, pursuant to Clause 52.06 Car Parking of the Manningham Planning Scheme, subject to the following conditions:**

Amended Plans

1. **Before the development starts, two copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will then form part of the permit. The plans must be generally in accordance with the decision plans prepared by Point Architects, Revision B dated 10 May 2016 (received 26 July 2017), but modified to show:**

Visitor Car Parking

- 1.1 **A minimum of 5 car spaces allocated for visitors as required by Clause 52.06 of the Manningham Planning Scheme, without reducing resident car parking. Visitor car parking is not to be provided in vehicle stackers.**

Height

- 1.2 **Sufficient plan notations and dimensions to the satisfaction of**

the Responsible Authority to demonstrate that all habitable floor to ceiling space within the building is located with the 11 metres building height above natural ground level.

Setbacks

- 1.3 Sufficient plan notations and dimensions to the satisfaction of the Responsible Authority to demonstrate that the setbacks / wall heights accord with Standard B17 of the Manningham Planning Scheme.

Screening

- 1.4 The location and height of all balcony screening indicated on the plans (as shown and specified on the elevations);

Design Detail

- 1.5 The green rendered edge of the roof top garden (north-western corner) modified to blend with the other colours and materials of the proposal, such as timber vertical cladding;
- 1.6 The location of the plant equipment on the roof to be away from the sides of the building and where necessary, be screened to minimise any visual and amenity impacts on the street and adjoining properties, to the satisfaction of the Responsible Authority;

Stormwater

- 1.7 An indicative location of the stormwater detention system or systems which must be located away from canopy trees and landscaped areas;

Tree retention

- 1.8 Retention of Tree 1, 23 and 25 of the Arboricultural Report (prepared by Kylie May for John Patrick Pty Ltd and dated June 2017) and the details of the specific investigation, protection and construction recommendations, methods and measures for each of these trees noted on the plans;
- 1.9 Retention of Tree 21 of the Arboricultural Report (prepared by Kylie May for John Patrick Pty Ltd and dated June 2017) and the details of the specific investigation, protection and construction recommendations, methods and measures for this tree noted on the plans, including a notation that subsequent to the outcome of the root investigation, where necessary the development northern setbacks may need to be modified to retain this tree; and
- 1.10 All trees to be removed or retained numbered as per the Arboricultural Report (prepared by Kylie May for John Patrick Pty Ltd and dated June 2017);

- 1.11 Any other changes as required by conditions of this permit, including the Sustainability Management Plan.**

Pedestrian Footpath

- 1.12 The extension of the existing pedestrian footpath across the sites full frontage and connecting with the recently constructed sealed path in Lawford Reserve to the satisfaction of the Responsible Authority.**

Site Services

- 1.13 Details of how site service will be screened/finished, so as to reasonably integrate into the overall development, including the design of cabinets where necessary.**

Endorsed Plans

- 2. The development as shown on the approved plans must not be altered without the written consent of the Responsible Authority.**

Construction Management Plan

- 3. Before the development starts, two copies of a Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority. When approved the plan will form part of the permit. The Construction Management Plan is to be prepared in accordance with the template within Council's Construction Management Plan Guidelines. The CMP must address:**

- 3.1 Element A1: Public Safety, Amenity and Site Security;**
- 3.2 Element A2: Operating Hours, Noise and Vibration Controls;**
- 3.3 Element A3: Air Quality and Dust Management;**
- 3.4 Element A4: Stormwater and Sediment Control and Tree Protection (also as per the specific requirements of this permit);**
- 3.5 Element A5: Waste Minimisation and Litter Prevention; and**
- 3.6 Element A6: Traffic and Parking Management.**

Council's Works Code of Practice (June 2016) and Construction Management Plan Guideline (June 2016) are available on Council's website or by contracting the Statutory Planning Unit on 9840 9470.

- 4. The owner must use appropriate site management practices to prevent the transfer of mud, dust, sand or slurry from the site into drains or onto nearby roads. In the event that a road or drain is affected, the owner must upon direction of the Responsible Authority take the necessary steps to clean the affected portion of road or drain to the satisfaction of the Responsible Authority.**
- 5. 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.

Sustainability Management Plan

- 6. Before the development starts, two copies of an amended Sustainability Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Point Architects and dated 16 June 2017, and must show:**
 - 6.1 A Built Environment Sustainability Scorecard (BESS) report to replace the STEPS report provided. The BESS Report must meet the minimum 50% overall BESS score and achieve/surpass the score minimums in Energy, Water, IEQ (50%) and Stormwater (100%) categories in BESS;**
 - 6.2 The Energy Thermal Performance Rating – Residential, to commit to achieving at least a 10% improvement on NCC minimum requirements (e.g. 6.6-stars average);**
 - 6.3 Further information that Energy Internal Lighting maximum power density (w/m²) will be 20% more efficient than minimum standards. The use of fluorescent lamps is discouraged as they contain toxic mercury, which complicates their disposal;**
 - 6.4 Battle axe windows should be at least 1.2m wide and no deeper than 1.5m from the window to the leading corner as per the Better Apartments Design Standards. If/where the layout cannot be changed, provide daylight modelling that proves all the battle-axe bedrooms meet SDAPP Daylight requirements;**
 - 6.5 Revised STORM calculations to meet a minimum 100% score. Include notes on the plans to indicate correct size and location of rainwater tanks and connection to toilets as proposed.**

Waste Management Plan

- 7. Before the development starts, a 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 be generally in accordance with the submitted draft Waste Management Plans (WMP) prepared by Leigh Design (dated 15 June 2017). The developer must ensure that the private waste contractor can access the development and the private waste contractor bins. No private waste contractor bins can be left outside the development boundary at any time on any street.**

Management Plan Compliance

- 8. Management Plans approved under conditions of this permit must be implemented and complied with at all times, to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.**

Landscape Plan

9. Before the development starts, two copies of a landscaping plan prepared by a landscape architect or person of approved competence must be submitted to the Responsible Authority for approval. The plan must be generally in accordance with the plan approved under Condition 1 of this Permit and the Landscape Plan prepared by Memla and dated 25 October 2016, and must show:
- 9.1 Species, locations, approximate height and spread of proposed planting and the retention of existing trees and shrubs, where appropriate or as directed by any other condition of this Permit;
 - 9.2 Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;
 - 9.3 Fixed edge strips for separation between planting and permeable surface treatment areas;
 - 9.4 A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;
 - 9.5 Planting within 2 metres along the frontage from the edge of the driveway(s) and 2.5 metres along the driveway(s) from the frontage to be no greater than 0.9 metres in height at maturity.

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

Landscape Bond

10. Before consideration of the Condition 1 Plans, 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.

Street Tree Removal / Replacement

11. Existing tree within the proposed crossover is to be removed and replaced with another tree at the owners cost by Council. Applicant is to contact Council's Park's Department on 9846 0515.

Stormwater – On-site detention (OSD)

12. 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:

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

12.2 Storage must be designed for a 1 in 10 year storm.

Construction Plan (OSD / Footpath)

- 13. Before the development starts, a construction plan for the pedestrian footpath extension shown on the approved plan and the OSD system required by Condition 12 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

- 14. 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.**
- 15. 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.**

Car Parking

- 16. Before the occupation of the approved dwellings, the visitor car spaces must be signposted to the satisfaction of the Responsible Authority.**
- 17. The visitor car parking space must be clearly marked and must not be used for any other purpose to the satisfaction of the Responsible Authority.**

Vehicle Crossovers

- 18. Prior to the construction of the vehicle crossover, the applicant is to obtain a 'Vehicle Crossing Permit'. Please contact Council's Engineering and Technical Services Department on 9846 0533.**
- 19. Before the occupation of the dwellings approved under this planning permit, all redundant vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.**

Fencing

- 20. Prior to the occupation of the approved dwellings, all fencing must be erected in good condition in accordance with the plans endorsed under Condition 1 of this permit to the satisfaction of the Responsible Authority.**

Retaining Walls

21. 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.

Completion

22. 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.
23. Privacy screens and obscure glazing as required in accordance with the approved plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.
24. 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.
25. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located, to the satisfaction of the Responsible Authority.
26. All upper level service pipes must be concealed and screened respectively, to the satisfaction of the Responsible Authority.
27. Any clothes-drying rack or line system located on a balcony or terrace must be lower than the balustrade of the balcony or terrace and must not be visible from off the site, to the satisfaction of the Responsible Authority.
28. Letterboxes must be designed and located to satisfy the requirements of Australia Post, to the satisfaction of the Responsible Authority.
29. Any reverse cycle air-conditioning unit erected on the walls, roofs or balconies of the approved dwellings must be located, so as not to adversely affect the amenity of the area by way of appearance/visual prominence, to the satisfaction of the Responsible Authority.
30. 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.
31. A centralised TV antenna must be installed and connections made to each dwelling, to the satisfaction of the Responsible Authority. No

individual dish antennae may be installed on the overall building, to the satisfaction of the Responsible Authority.

32. All external services and metering, including fire services, gas, water and electricity services, must be located in discrete manner and where possible screened and/or integrated in the overall design to compliment the building to the satisfaction of the Responsible Authority.

Maintenance

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

Permit Expiry

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

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

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

The Responsible Authority may extend 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.

1. BACKGROUND

- 1.1 Following pre-application provided in June 2016, the application was received on 5 December 2016.
- 1.2 The application was discussed at the Sustainable Design Taskforce Meeting on 19 January 2017.
- 1.3 Following the submission of further information, the application was advertised in September 2017.
- 1.4 The statutory time for considering a planning application is 60 days, which lapsed on 28 October 2017.
- 1.5 The land titles for the three lots are not affected by any covenants or restrictions.

2. THE SITE AND SURROUNDS

- 2.1 The site is located on the western side of Bayley Grove, approximately 200 metres north of its intersection with Doncaster Road.
- 2.2 The site has a frontage width of 63 metres, a depth of 39.6 metres, a rear width of 48.25 metres and an irregularly angled frontage to Lawford Reserve of 42.28 metres. The total area of the site is 2203 square metres.

- 2.3 The site presently consists of three lots and accommodates three single-storey brick dwellings, each with a single width vehicle crossing to Bayley Grove. These dwellings will be demolished.
- 2.4 The topography falls from the south-east corner (front) to the north-west corner (rear) by approximately 6.0 metres over the distance of approximately 60m.
- 2.5 There are no easements affecting the site.

Site Abuttals

- 2.6 The site directly abuts four residential properties to the west and south and Lawson Reserve to the north. The surrounding development is described as follows:

Direction	Address	Description
North	Lawford Reserve	Lawford Reserve is an open space reserve with entries from local residential streets at Lawford Street, to the east of the site, Angus Grove to the west of the site and the Tullamore residential subdivision currently under construction further west of the site.
South	2/1 Angus Grove	A single storey brick unit/dwelling with a tiled hipped roof form and vehicle access along the common northern boundary with the subject site. The dwelling is setback 3.18 metres from the common boundary. Two medium canopy trees are located within proximity of the site, located within the north-eastern and north-western corners of the property.
	2/3 Angus Grove	A single storey brick unit, which is the rear unit, facing Angus Grove, with a tiled hipped roof form. The dwelling is setback 3.95 metres at the closest point from the common boundary. There is no significant vegetation within proximity of the site.
West	16 Arnold Grove	A single storey brick dwelling with an undercroft garage, which responds to the slope of the site, with a pitched roof form. The dwelling is setback 13 metres at the closest point from the common boundary. There is no significant vegetation within proximity of the site.
	3/18 Arnold Grove	The two-storey dwelling at the rear of a three-dwelling development. The dwelling is setback 3.1 metres from the common boundary, with secluded private open space provided within this setback.

- 2.7 The character of the broader area is in transition. While single detached brick dwellings are still common on many properties, a number of lots within Bayley Grove and surrounds have been developed with multiple dwellings over the past decades.
- 2.8 There are town house and unit developments in Bayley Grove, Angus Grove, Arnold Grove and Firth Street. There are also higher density attached townhouse developments in Bayley Grove and approved in Arnold Grove (13 Arnold Grove). Apartment style developments are increasing along nearby Doncaster Road (200 metres south of the site).

- 2.9 A Planning Permit (PL16/026178) has been issued in April 2017 for 'Construction of six dwellings (one, three-storey and five, two-storey dwelling)' at 24 Bayley Grove, opposite the site. A Planning Application (PL17/027589) is currently being considered for 'Construction of five dwellings (four, three-storey dwellings and one, two-storey dwelling) with associated semi-basement car parking' also opposite the site, at 24 Bayley Grove.
- 2.10 Bayley Grove is a local street with parking restriction that allow resident parking on the east side and two-hour parking on the west side. Doncaster Road is less than 200 metres to the south.
- 2.11 The site is well located to a range of services, with Westfield Doncaster Activity Centre including bus interchange located within a 500 metre walk to the east, Lawford Reserve adjacent to the site and the Tullamore Residential Development with parks and walking tracks, less than 100m to the west of the site.

3. THE PROPOSAL

- 3.1 It is proposed to demolish the existing dwellings and remove most vegetation on the site (no planning permit required) and construct a four-storey building providing twenty-nine dwellings and sub-basement car parking.

Submitted Plans and Documents

- 3.2 The proposal is outlined on the plans prepared by Point Architects, Revision B dated 10 May 2016 (received by Council on 26 July 2017). Refer to attachment 1.
- 3.3 The following reports and plans were submitted with the application:
- Town Planning Report (prepared by Kim Belfield Planning Consultants and dated 17 November 2016);
 - Updated response to RFI and issues raised within RFI (prepared by Kim Belfield Planning Consultants and dated August 2017);
 - Traffic Impact Assessment (prepared by TTM and dated 10 July 2017);
 - Waste Management Plan (prepared by Leigh Design and dated 15 June 2017);
 - Sustainable Management Plan (prepared by Point Architects and dated 16 June 2017);
 - Arboricultural Report (prepared by Kylie May for John Patrick Pty Ltd and dated June 2017);
 - Landscape Plan (prepared by Memla and dated 25 October 2016).

- 3.4 A summary of the development is provided as follows:

Land Size:	2,203m ²	Maximum Building Height:	11 metres indicated however appears to be 12.35m at the highest point
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Site Coverage:	59.7%	Minimum setback to southern boundary	Lower Ground – N/A Ground Level – 3.5m First Floor – 3.5m Second floor – 3.5m
Permeability:	37.5%	Minimum setback to northern boundary	Lower Ground – 5.4m Ground Level – 5.4m First Floor – 5.4m Second floor – 5.4m
Number of Dwellings:	29	Minimum setback to western boundary	Lower Ground – 3.7m Ground Level – 3.7m First Floor – 3.7m Second floor – 7.25m
• 2 bedroom apartments:	25	Minimum setback to eastern (front) boundary	Lower Ground – 4.5m Ground Level – 4.5m First Floor – 4.5m Second floor – 4.5m
• 3 bedroom apartments:	4	Resident spaces:	33
• Storage cages:	32	Visitor spaces:	3 (2 short of required)
Density:	One dwelling per 75.9m ²	Bike spaces:	13

- 3.5 The proposed building has four levels comprising a ground floor and two levels above, and a lower ground floor on the northern side of the site adjacent to Lawford Reserve where the land falls away.
- 3.6 The ground floor level contains the building's entry for pedestrians and vehicles, four (4) dwellings (Apartment 5 to 8) and car parking. The dwellings are located on the northern side of the building with windows and balconies capturing views over Lawford Reserve.
- 3.7 The car parking is partially excavated in the south-east corner of the land and is accessed via a new vehicle crossing and driveway located centrally along the Bayley Grove frontage. The car park includes thirty-three (33) car parking spaces within multi vehicle stackers and three (3) at-grade visitor car spaces. This level also includes storage for each apartment and bicycle storage, as well as a waste room.
- 3.8 The lower ground level incorporates four (4) dwellings (Apartment 1 to 4). These are located on the northern side of the building and each dwelling has at-grade open space with access to Lawford Reserve.
- 3.9 The first floor level provides for eleven (11) dwellings (Apartment 9 to 19). These are located on either side of a central courtyard, and have balconies facing north (to Lawford Reserve), east (the Bayley Grove) or west.
- 3.10 The second floor level offers a similar layout to the first floor, but with ten (10) dwellings (Apartment 20 to 29).
- 3.11 A lift provides access to each floor.
- 3.12 The proposed building features a modern architectural design detail, incorporating a flat roof, some curvilinear balconies and parapets and modified

façade treatments and setbacks. The facades utilise a range of contemporary building materials, finishes and colours, making use of different cladding finishes and screening materials.

- 3.13 Obscure glass windows, highlight windows and visual screens using obscure glass, glass bricks and vertical timber are proposed to satisfy screening requirements.
- 3.14 Roof top gardens are also proposed to the south-west corner at the first floor and the north-west at the second floor. These include providing planter with vegetation that will cascade over the building's façade.
- 3.15 A number of existing trees are proposed to be retained within the site. These are to be supplemented by additional planting within the setbacks.
- 3.16 The Arboricultural Report (prepared by Kylie May for John Patrick Pty Ltd and dated June 2017, identified two trees of high retention value (Tree 1 and Tree 23), two trees of medium retention value (Tree 3 and Tree 25) and the rest of low retention value.
- 3.17 Of the high significance trees the proposal includes retention of Tree 1 but, not Tree 23 and of the medium significance trees the proposal includes retention of Tree 25, but not Tree 3.
- 3.18 The Arboricultural Report also identifies the impact of the proposal on Tree 21 outside the site in Lawford Reserve (24% of TPZ) and Tree 8 (street tree significantly affected by the crossover).
- 3.19 The Arboricultural Report identifies that Tree 1, 23, 25, 3 and 21 could all be retained with specified investigation, protection and construction methods and measures.

4. LEGISLATIVE REQUIREMENTS

- 4.1 Refer to Attachment 1 (Planning & Environment Act 1987, Manningham Planning Scheme, other relevant legislation policy).
- 4.2 A permit is required under the following clauses of the Manningham Planning Scheme:
 - Clause 32.08-6 (**General Residential Zone**), a permit is required to construct two or more dwellings on a lot.
 - Clause 43.02-2 (**Design and Development Overlay**), a permit is required to construct or carry out works.
 - Clause 52.06 (**Car Parking**), a permit is required to reduce the required visitor carparking requirement.

5. REFERRALS

External

- 5.1 There are no external determining or recommending referral authorities.

Internal

5.2 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 – Accessways	<ul style="list-style-type: none"> • The driveway(s) is at least 3m wide and complies with Design Standard 1: Accessways of Clause 52.06-9 and are satisfactory. • The internal radius of the driveway at the change of direction allows sufficient room for vehicles to turn and exit the site in a forward direction and complies with Design Standard 1: Accessways of Clause 52.06-9 and is satisfactory. • A minimum 2.1m of headroom clearance beneath overhead obstructions is provided which complies with Design Standard 1: Accessways of Clause 52.06-9 and is satisfactory. • Mechanical car parking is satisfactorily designed in accordance with Design Standard 4 of Clause 52.06-9. • Accessway sightlines at the site's frontage comply with Design Standard 1 of Clause 52.06-9 and are satisfactory. • Driveway gradients comply with Design Standard 3: Gradients of Clause 52.06-9 and are satisfactory.
Engineering & Technical Services Unit – Footpath and Crossovers	<ul style="list-style-type: none"> • The vehicle crossover(s) are satisfactorily located. • Redundant crossovers are to be removed and the nature strip, kerb and footpath in front of the site reinstated (Condition 18 and 19). • Existing tree within the proposed crossover is to be removed and replaced with another tree at the owners cost by Council. Applicant is to contact Council's Park's Department on 9846 0515 (Condition 11).
Engineering & Technical Services Unit – Construction Management	<ul style="list-style-type: none"> • A Construction Management Plan is required (Condition 3).
Engineering & Technical Services Unit – Drainage	<ul style="list-style-type: none"> • A point of discharge is available for the site. • An on-site storm water detention system is required. (Condition 12).
Engineering & Technical Services Unit – Parking Provisions and Traffic Impacts	<p>Objection to proposal:</p> <ul style="list-style-type: none"> • The number of car parking spaces is not provided in accordance with Clause 52.06-5. A reduction in the number of on-site car parking spaces required under the planning scheme is not appropriate in the context of the development and the surrounding street network. The findings of the Traffic Report prepared by TTM Consulting Pty Ltd is not supported. (Condition 1.1). • Parking has been an issue in Bayley Grove and the surrounding streets, due to customers of the commercial properties in Firth Street and residents using the reserve parking in Bayley Grove. • Additional pressure for the on-street parking at the location, by having visitors for the proposed development parking in the street is not considered acceptable.

Service Unit	Comments
Engineering & Technical Services Unit – Waste Management	<ul style="list-style-type: none"> • Council agrees with the applicant's report that a private waste collection contractor will be required to undertake waste collection from the development, and from within the property basement. No private waste contractor bins can be left outside the property boundary for any reason. • This should be reinforced through a standard Waste Management Plan condition. (Condition 7).
City Strategy – Urban Design	<ul style="list-style-type: none"> • The building is articulated with recessed elements and stepping and the material palette proposed provides visual interest • The building visually presents as three levels or less to the most sensitive interfaces • The proposed crossover will require the removal of an existing street tree. This tree will need to be replaced (Condition 11) • The roof top garden on the north-western corner of the development will be highlighted with the chosen material finish. We would recommend that a darker and less visually dominant material be applied to this building element, such as vertical timber cladding (Condition 1.5) • The planned retention of existing trees on the site will assist in softening the appearance of the development • The sections of fencing along the Lawford Reserve interface are highly permeable and that direct access into the reserve is provided for some of the units. Both of these aspects of the development are positive and will assist with passive surveillance and activating this edge of the reserve. • The orientation of the building and private open space areas maximises opportunity for access to sunlight
City Strategy – Open Space	<ul style="list-style-type: none"> • The integration with the park is high quality. Paving and landscaping needs to end at the property boundary as shown on the plans.. • The TPZ of the large tree in the park requires protection (Condition 1.9). • A footpath is currently absent at north end of Bayley Grove (and the road surface is incomplete with no kerb and channel). The applicant should contribute to these works (Condition 1.12).

6. CONSULTATION / NOTIFICATION

- 6.1 Notice of the application was given on 16 August 2017, by sending letters to the owners and occupiers of nearby properties and displaying three (3) large sign on the frontage of the site in accordance with the Act.
- 6.2 To date, fourteen (14) objections were received, from residents of the following properties:
- 1/18, 3, 3/18, 19 Arnold Gove, Doncaster;

- 18, 20, 22 Bayley Grove, Doncaster;
- 1/1, 2, 1/3, 2/3, 4/4, 5 Angus Grove, Doncaster;
- An additional multi-signatory objections was received from 3/18 Arnold Grove, Doncaster.

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

- Neighbourhood character (the property is away from a main road in a street that displays a local and quiet character);
- The form of the building constitutes overdevelopment;
- Off-site amenity impacts resulting from height, building bulk, setbacks, front setback, site coverage and minimal garden area;
- Reduction of the Visitor Car Parking (inadequate visitor parking and existing on-street parking issues);
- Poor car parking arrangement with vehicle stackers in inadequate.
- Flooding of Basement;
- Rubbish Removal (traffic and noise);
- Noise Pollution (air conditioners and car stackers); and
- Use of communal rooms/areas.

6.4 A response to the grounds of objection are included in the assessment from sections 8.21 to 8.32 of this report.

7. ASSESSMENT

7.1 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.

7.2 The assessment is made under the following headings:

- State and Local Planning Policy Frameworks (SPPF and LPPF);
- Design and built form;
- Car parking, access and traffic;
- On-Site and Off-Site Amenity Impacts (Clause 55 – Rescode);
- Objector concerns / issues; and
- Other matters.

State and Local Planning Policy Frameworks (SPPF and LPPF)

- 7.3 Key objectives of the SPPF and LPPF seek to intensify activity centres and land around them as a focus for high-quality development and encourage increased activity and density as a way to achieve broader urban consolidation objectives.
- 7.4 The use of the subject land for the purpose of an apartment building comprising of twenty-nine (29) two and three bedroom dwellings, provides a range of dwelling sizes and is appropriate within the zoning of the land and the strategic context of the site. There is local policy support for an increase in residential density within and close to activity centres (through Clause 21.05 and DDO8) and the activation of street frontages to increase the vibrancy of the area.
- 7.5 A higher density apartment development on 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 in this specific location due to its capacity to support change given the site's main road location and proximity to services, such as public transport. The policy anticipates a substantial level of change from the existing character of primarily single dwellings and dual occupancies which has occurred in the past.
- 7.6 The proposed development indicates compliance with the maximum 11 metre building height requirement outlined in the DDO8-2 for lots over 1800sqm. While the development is in excess of the three storeys (the indicated number of storey preference in the DDO8), it is so due to the fall of the land with the additional level occurring excavated into the site and facing parkland. The site is considered to appropriately accommodate the proposed partially four storey development generally in the submitted form, due to a number of mitigating circumstances, as follows:
- The moderate slope of the land from the south-east corner down to the north-west corner allows the development to be designed to step with the slope, presenting as between two and three stories to the southern residential interface and three stories to the western residential interface.
 - The development proposes generous setbacks allowing canopy tree screening planting to the residential interfaces (south and west). This includes lower level setbacks of 4m to the west and 3.5m to the south;
 - The only portion of four storey built form presents to the north elevation of the site which is away from the sensitive residential properties. It faces Lawford Reserve and Bayley Grove where there is the retention of significant and prominent vegetation (two large Eucalypts in particular);
 - The location of the site at the end of a road with non-sensitive abutments to the north and east, being a park (Lawford Reserve) and the front streetscape;
 - The design detail and architectural detailing of the proposal is of a high standard, with a high level of articulation and visual interest, to reduce the experience of visual bulk. Further, landscaping should cascade over the façade from appropriately positioned roof top garden areas, which in themselves serve to reduce mass at key vantage points;
 - The location of the site within proximity of the Doncaster Hill Activity Centre Zone which is located 25 metres to the south-east of the site, and the

Tullamore Residential Subdivision is less than 100m to the west of the site (which is within the Residential Growth Zone); and

- That the site is not nearby or adjoining any areas of differing policy, such as where a lower density is anticipated.
- 7.7 The proposal therefore broadly reflects the preferred character of the area and the built form outcomes sought under Clause 21.05 and the Design and Development Overlay, Schedule 8 – Sub-precinct A.
- 7.8 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 and elements (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.

Design and Built Form

- 7.9 Council has, through its policy statements throughout the Planning Scheme, and in particular by its adoption of the DDO8 over part of this neighbourhood, created a planning mechanism that has, and will in time alter the existing neighbourhood character within these locations proximate to Activity Centres, along Main Roads within adjoining side streets.
- 7.10 Council’s planning preference is for higher density, three storey, apartment style development in this Sub-precinct (A). While the proposal is partially four storey, the maximum height limit of 11 metres is indicated to be met. 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.
- 7.11 The DDO8 provides a range of design objectives and specific form, car parking and access, landscaping and fencing policies that further refine the high level policies of the LPPF, establishing the preferred neighbourhood character outcomes for Residential Precinct 2 and providing specific guidance for the anticipated increases in density. An assessment against the requirements of the DDO8-2 (Sub-Precinct A) is provided below:

Design Element	Met/Not Met
<p>Maximum building height</p> <ul style="list-style-type: none"> • 11 metres provided the condition regarding minimum land size is met (1800sqm). 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>Met subject to conditions</p> <p>The slope of the land affords the development a maximum building height requirement of 11 metres.</p> <p>The proposal indicates that the 11 metres height limit is met, however on closer assessment of the plans, there are natural ground levels which suggest the building is slightly above 11m in height.</p> <p>A condition will require all floor to ceiling</p>

Design Element	Met/Not Met
	<p>heights in the building to be within the 11m height limit. This would allow encroachments above the height limit for structural components such as parapets, noting that where the 11m may be exceeded the wall height/setback ratios in the planning scheme are exceeded.</p> <p>(Condition 1.2).</p>
<p>Street setback</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>For the purposes of this Schedule, balconies, terraces, and verandahs may encroach within the Street Setback by a maximum of 2.0m, but must not extend along the width of the building.</p>	<p>Met</p> <p>The ground and upper floor walls of the building have a minimum street setback of 4.5m.</p> <p>The minimum allowable front setback is derived from the front setback of the only adjoining property facing Bayley Grove (2/1 Angus Drove) which has a front setback of 4.43m. Given this setback, the proposed 4.5m setback meets the Standard of Clause 55. 03-1.</p> <p>Balconies and other design features do not encroach into the proposed 4.5m setback and the frontage is afforded ample space and width for landscaping to meet the policy as no courtyards are proposed within the 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 59.7%.</p>
<ul style="list-style-type: none"> Provide visual interest through articulation, glazing and variation in materials and textures. 	<p>Met</p> <p>The building incorporates articulation, a design detail and a range of materials and colours and materials to provide visual interest.</p> <p>The curved design detail of the northern and western elevations provides a high level of visual interest and articulation.</p> <p>The provision of roof top gardens to the west at the first floor and the north-west at the second floor also provide visual interest, articulation and screening/softening of the development.</p> <p>The materials and colours are considered to offer a contemporary offering to compliment the modern design however, the use of rendered walls, timber features and glass is considered to also blend with the colours and</p>

Design Element	Met/Not Met
	materials found in the area. I
<ul style="list-style-type: none"> Minimise buildings on boundaries to create spacing between developments. 	<p>Met No part of the building is constructed on the boundaries. The building is set back 4.0m from the rear (western) boundary, 3.5m from the southern boundary and 2.0m (at the closest point) from the northern boundary (to Lawford Reserve).</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 This is not a site that backs onto a residential area where incremental change is proposed. All surround land is within a substantial change precinct.</p> <p>That said, the building is stepped down at the rear of the site through staggered setbacks from ground to first floors, where a general 4.0 metre setback is provided at the ground floor and the first floor is proposed over staggered setbacks from 3.7m to 5.8m, 7.4m and 13m (north to south). The second floor then has increased setbacks of 7.2m to 13m (and it is noted that the 13m setbacks are provided to the northern and southern ends of this level).</p> <p>This stepping, along with the curved design detail to the balconies and the provision of two roof top gardens to the rear interface, provides a transition and visual interest to the adjoining residential properties to the rear. It is however noted that the top level west and north facing roof forms could be reduced to provide an increased transition to the upper level and meet height and setback Objectives (as discussed within other areas of this assessment).</p>
<ul style="list-style-type: none"> Where appropriate, ensure that buildings are designed to step with the slope of the land. 	<p>Met The building responds to the slope of the land through stepping and split levelling of all levels to respond to the steep slope.</p> <p>This stepping reduces the elevation of the building above the natural ground level and the associated visual impact, providing a suitable transition to the adjoining residential properties.</p>
<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. It is noted</p>

Design Element	Met/Not Met
	<p>that Apartment 4's main habitable room and courtyard/terrace area is approximately 75mm below the natural ground level in this location. The north and east facing solar access to this apartment is suitable.</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>Met</p> <p>The two and three storey form of the southern elevation, provides a 4.0m at ground level and a staggered 3.5-4.1m setback at first floor and second floor (top level).</p> <p>The lower wall heights at the eastern end of the 16.3m long southern elevation, have 3.5m setbacks and the higher three level wall heights at the western end of the southern elevation have 4.1m setbacks.</p> <p>This elevation is provided with visual interest and articulation through a high level of differing fenestration, feature timber cladding to external walls and vertical parapets to each level of roof form in a concrete finish, which breaks up the height and verticality of the built form. At either end of the 16.3m long building, feature screening in timber vertical screenings and glass bricks adds visual interest. It is however noted that the top levels will be required to be further stepped in to meet Standard B17 side setback requirements (as discussed within the Rescode area of this Assessment), which will further increase the articulation to this façade.</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</p> <p>The top level of the building covers is approximately 72.2% of the ground floor level.</p> <p>It is noted that the lower level is only located at the northern end of the building, introduced to take advantage of the slope.</p> <p>Visually the first and second level (top level) are graduated and stepped back from the surrounding properties (particularly the sensitive residential interface to the west) and provides visual interest and architectural details to reduce visual bulk.</p> <p>The frontage only presents as a two level building to Bayley Grove at the southern end and the separated portion of the building at the northern end proposes a three level sheer feature wall, as a prominent design feature to the foyer and pedestrian building entry.</p>

Design Element	Met/Not Met
	Overall, the building is well articulated and provides visual interest.
<ul style="list-style-type: none"> Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos. 	<p>Met</p> <p>There are no porticos proposed. The three level sheer feature wall proposed as a prominent design feature to the north-east of the foyer and pedestrian building entry is not considered to be imposing as it is cleverly designed and located building feature, its height is broken by its curved nature, the top level parapet roof form which continues around, the fountain feature in front and the inclusion of the building name signage.</p> <p>Design detail and 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</p> <p>The development has been designed to address slope constraints by proposing the stepped and split levels across the site. The slope of the site from the front down to the back west and north-west corner does not enable the car parking level to be below ground. The car parking level subsequently protrudes above natural ground level.</p> <p>The projection of this level is effectively screened to the frontage by the prominence of the two levels of apartments with balcony's above and the generous landscaping proposed within the 4.5m front setback, which includes 4 canopy trees and high level shrub plantings at differing heights.</p> <p>The projection of this level is also effectively screened to the west and south, by 3.5-4.0m setbacks, which enables generous spacing for retention of a large mature and significant canopy tree in the south-west corner and the provision of medium canopy trees to be planted and have space to mature, to screen and soften the building.</p> <p>It is also noted that the roof top garden to the south-west corner of the ground level also softens the projection to these interfaces, by providing a second level of elevated visible screening planting.</p>
<ul style="list-style-type: none"> Be designed to minimise overlooking and avoid the 	<p>Met</p> <p>Where necessary, the proposal includes</p>

Design Element	Met/Not Met
excessive application of screen devices.	differing screening methods including highlight windows, obscure glass, timber vertical visual screens, obscure glazed screens, glass brick screens and partial planter box with lower visual screens, which provides a range of outlooks, increases the visual interest of the built form and improves internal amenity to future occupants.
<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</p> <p>The footpath to the building entry is appropriately graded to allow for equitable access by people of all mobilities.</p>
<ul style="list-style-type: none"> Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties. 	<p>Met</p> <p>The development does not incorporate 'basement car parking' as it is located at ground level. It is noted that the car parking level is suitably screened as discussed in assessments above.</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</p> <p>The development does not incorporate basement car parking, but parking at grade on the ground level. The car parking is appropriately screened and hidden as there are no garages facing the street and it is suitably screened by landscaping.</p>
<ul style="list-style-type: none"> Integrate car parking requirements into the design of buildings and landform by encouraging the use of undercroft or basement parking and minimise the use of open car park and half basement parking. 	<p>Met</p> <p>Car parking is integrated into the design of the ground floor level and suitably screened, as discussed in assessments above.</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</p> <p>The ground floor rear setback is predominantly 4.0m and modifies from 3.7-5.8m at the north-west corner, allowing spacing for effective landscaping of medium to large canopy trees to be retained and established as shown on the proposed landscape plans.</p>
<ul style="list-style-type: none"> Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces. 	<p>Met</p> <p>The development provides appropriate wall setbacks to side and rear boundaries to allow for generous canopy and screen planting that soften the appearance of the built form, as proposed on the landscape plans.</p> <p>The setbacks to the residential interfaces are 3.5m to the south and 4m to the west.</p>
<ul style="list-style-type: none"> Ensure that service equipment, 	<p>Met</p>

Design Element	Met/Not Met
<p>building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces.</p>	<p>The lift overrun is located centrally to the site, is setback over 15m from the closest western boundary and will therefore not be visible.</p> <p>The solar panels are also located centrally, over 10m from the closest western boundary and appear to be flat to the roof form.</p> <p>Standard conditions (Condition 1.6) will require the location of the plant equipment on the roof to be away from the sides of the building and where necessary, be screened to minimise any visual and amenity impacts on the street and adjoining properties.</p>
<p>Car Parking and Access</p> <ul style="list-style-type: none"> • Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback. 	<p>Met</p> <p>The three existing 3.0m wide crossovers will be removed and one 5.5m wide crossover is proposed to the eastern frontage.</p> <p>One street tree is proposed to be removed, the removal cannot be easily avoided given the electricity pole to the south and the slope of the site, a redesign to retain the tree would significantly impact the design. The street tree is not of particular significance and can be removed and replaced (Conditions11).</p>
<ul style="list-style-type: none"> • Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open space or is appropriately screened, as is necessary. 	<p>Not applicable</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</p> <p>Council's Traffic Engineering have advised that the proposed accessway and gradients are acceptable.</p>
<p>Landscaping</p> <ul style="list-style-type: none"> • On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a 	<p>Met</p> <p>The Landscape Plan provides for 6 canopy trees within the Bayley Grove frontage.</p>

Design Element	Met/Not Met
spreading crown and are capable of growing to a height of 8.0m or more at maturity.	
<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</p> <p>The Landscape Plan proposes retention and canopy tree plantings along boundaries to assist in softening and screening built form from adjoining and nearby properties.</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>Met</p> <p>There is no front fence to Bayley Grove however it is noted the fencing fronting Lawford Reserve responds to the policy. The fencing is to secure and provide some separation to the ground floor courtyards, is setback by 2.2m from the boundary, will be 1.2m above natural ground level and is a feature picket fence, in timber and with some transparency.</p> <p>It is also noted that this fence continues around the south-eastern corner of the building but is setback more than 3.0m from the Bayley Road frontage.</p> <p>The fencing, while not front fencing, is also therefore considered to respect the policy and preferred character of the area.</p>

- 8.1 Whilst some subtle modifications are required via condition, there are no significant outstanding issues associated with the build form outcome being proposed when considered in light of Council's preferred neighbourhood character under Clause 52.05 of DDO8-1 that seek substantial change from the existing character of the area.

Car parking and traffic

- 8.2 Prior to a new use commencing or a new building being occupied, Clause 52.06-2 of the Scheme requires that the number of car parking spaces outlined at Clause 52.06-5 be provided on the land or as approved under Clause 52.06-3, to the satisfaction of the Responsible Authority.
- 8.3 This clause requires resident car parking at a rate of one space for each dwelling with one or two bedrooms and two spaces for each dwelling with three or more bedrooms. Visitor car parking is required at a rate of one car parking space for every five dwellings.
- 8.4 The proposal requires the provision of 33 car parking spaces for residents and 5 car parking space for visitors. The proposal complies with this minimum requirement for resident's car spaces. These are provided in vehicle stackers which are designed to accommodate medium to large sized cars and be entirely independent of other cars within the stackers. The minimum number of visitor car spaces is not met, as only 3 spaces are proposed:

- 8.5 An assessment against the car parking design standards at Clause 52.06-9 of the Scheme is provided in conjunction with the assessment provided by Council's Engineering and Technical Services Traffic Engineers in the table below:

Design Standard	Met/Not Met
1 – Accessways	<p>Met</p> <p>The 5.5 metre width crossover and driveway meet the minimum width and headroom clearance requirements.</p> <p>All car parking spaces have been designed for all vehicles to exit the site in a forward direction.</p> <p>Adequate visibility splays are provided at the frontage.</p>
2 – Car Parking Spaces	<p>Met</p> <p>All car parking spaces meet the minimum dimensions and requirements.</p>
3 – Gradients	<p>Met</p> <p>The driveway has a maximum grade of 1:4, which complies with the standard. The driveway gradients have been assessed as compliant with the standard.</p>
4 – Mechanical Parking	<p>Met</p> <p>The proposed car parking arrangement is to rely entirely on car stackers for all resident's car spaces. This is considered appropriate given the proposed stackers allow full independence from each other and would provide access to a high proportion of car sizes, being able to accommodate medium to large sized cars.</p> <p>The mechanical parking proposed meets requirements.</p>
5 – Urban Design	<p>Met</p> <p>The driveway entry will not dominate the streetscape as landscape areas are provided on both sides.</p>
6 – Safety	<p>Met</p> <p>There are no apparent safety issues with the driveway or separate pedestrian entry. Internal access is provided from the secured car parking level to the foyer and apartment entries.</p>
7 – Landscaping	<p>Met</p> <p>Landscaping is suitably provided to soften the appearance of the accessway.</p>

Visitor Car Parking

- 8.6 The submitted Traffic Management Plan prepared by TTM Consulting (10 July 2017) purports to justify the proposed waiver/reduction of the two additional visitor car spaces sought.
- 8.7 Along with the advice provided by Councils Traffic Engineers (Engineering and Technical Services Unit) Council Planning Officers also conclude that the location of the site within the dead-end street is considered to create a higher amenity and sensitivity to this location and neighbourhood. This sensitivity together with the limited and reduced availability of carparking within proximity of the site, by virtue of the streets end (rather than a through road or additional nearby roads) are all considered to warrant full compliance with the visitor car parking requirement.

The proposed waiver of two visitor car spaces is not considered to be justified and will not be supported.

- 8.8 A condition (**Condition 1.1**) will require the basement design be modified to provide 5 visitor car parking spaces. This should be achievable in the current design through efficiencies generated through modifying the waste room and surrounding space in the south-western corner of the basement (although ultimately it is up to the applicant to determine the amount of change).
- 8.9 Council’s Engineering and Technical Services Unit raises no concern in relation to the expected traffic generated by the proposed development. The proximity of the subject site to public transport along Doncaster Road is expected to encourage a greater variety of transportation methods, as opposed to sole reliance on vehicles.
- 8.10 It is not anticipated that the volume of traffic that is likely to be generated by the development will have a material impact on the capacity and operation of Bayley Grove or the surrounding road network and intersections.

Clause 52.34 Bicycle Facilities

- 8.11 Clause 52.34 Bicycle Facilities applies to dwelling developments of four storeys or more. The policy requires a rate of 1 to 5 for residents and 1 to 10 for visitors. The proposal therefore attracts a requirement of 5 resident’s bike spaces and 2 visitor bike spaces (total of 7 bike spaces).
- 8.12 The development proposes thirteen (13) bicycle spaces within a secured bicycle storage room within the carparking level and adjacent to the foyer, significantly exceeding the requirement.

On-Site and Off-Site Amenity Impacts (Clause 55 - Rescode)

- 8.13 Clause 55 Two or More Dwellings on a Lot and Residential Buildings applies to an application to construct two or more dwellings on a lot, establishing the planning controls for on-site and off-site amenity through the application of objectives and standards.
- 8.14 Clause 55 specifies that a development must meet all of the objectives and should meet all of the standards of this clause. The standards contain *requirements to meet the objectives* and compliance with these requirements is widely accepted as satisfying the relevant objective
- 8.15 An assessment against the objectives and standards 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 	<p>Considered Met</p> <p>As outlined in the assessment of the proposal against the policy requirements of the Schedule 8 to the Design and Development Overlay (DDO8), it is considered that subject to some conditions, the proposed development generally responds to the preferred neighbourhood character, and respects the natural features of the site and its surrounds.</p>

Objective	Objective Met/Not Met
<p>responds to the features of the site and the surrounding area.</p>	
<p>55.02-2 – Residential Policy</p> <ul style="list-style-type: none"> • To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. • To support medium densities in areas where development can take advantage of public transport and community infrastructure and services. 	<p>Met</p> <p>The application was accompanied by a written statement that has demonstrated how the development is consistent with State, Local and Council policy.</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 comprises 29 dwellings and is considered to provide a suitable mix of apartment sizes, being 25 two bedroom apartments and 4 three bedroom apartments. It is also noted that the apartments differ in layout, size and particularly in private open spaces courtyards and balconies.</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 applicant will be required to provide an on-site stormwater detention system to alleviate pressure on the drainage system (Condition 12).</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 vehicle and pedestrian entry to the development are both clearly evident and indicated by the crossover for the vehicle entry and architectural design and features identifying the pedestrian entry and foyer to the site frontage to Bayley Grove.</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>Refer to the DDO8 assessment – The front setback requirement is met.</p>
<p>55.03-2 – Building Height</p>	<p>Met - by conditions</p>

Objective	Objective Met/Not Met
<ul style="list-style-type: none"> To ensure that the height of buildings respects the existing or preferred neighbourhood character. 	Refer to the DDO8 assessment. (Condition 1.2)
<p>55.03-3 – Site Coverage</p> <ul style="list-style-type: none"> To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. 	<p>Met</p> <p>The proposed site coverage is 59.7%, which does not exceed 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 37.5% of site area as pervious surface, which complies with the standard requirement of 20%.</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</p> <p>The living rooms and private open space areas are oriented to the north where practicable and otherwise to the east and west, to maximise exposure to sunlight.</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>Met</p> <p>The development has orientated many of the main living rooms, courtyards and balconies towards the reserve to the north. Lower level courtyards are also proposed to have low level fencing with a suitable level of transparency to the reserve.</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>All dwelling entrances are accessible from the internal foyer and the secured basement. The north facing apartments at lower level, which adjoin the park have gates and transparent fencing to secure their private open spaces/courtyards from the reserve.</p>
<p>55.03-8 – Landscaping</p> <ul style="list-style-type: none"> To encourage development that respects the landscape character of the neighbourhood. To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. To provide appropriate landscaping. 	<p>Met subject to conditions</p> <p>Generous landscaping of canopy trees and/or screening trees can be accommodated within the 3.5 and 4.0 metre setbacks to the adjoining residential properties to the south and west.</p> <p>The development has proposed to retain four trees on site, including two significant trees. One to the south-west corner and one in the north-west corner and adjoining the reserve.</p> <p>Of the high significance trees (identified by the Arboricultural Report prepared by Kylie May for</p>

Objective	Objective Met/Not Met
<ul style="list-style-type: none"> To encourage the retention of mature vegetation on the site. 	<p>John Patrick Pty Ltd and dated June 2017), the proposal includes retention two of the four most significant trees.</p> <p>Tree 1 and 25 are retained, conditions will require specified investigation, protection and construction methods and measures as specified by the Arboricultural Report, will be followed (Condition 1.8).</p> <p>Tree 3 is not considered suitable to attempt to retain within the limited frontage of the development and is only medium significance.</p> <p>Tree 23 however is of high significance and is a Eucalypt. Conditions will require it is retained, as per the specified investigation, protection and construction methods and measures as specified by the Arboricultural Report.</p> <p>Given the assessed impact on a significant Eucalypt (Tree 21) within Lawford Reserve, conditions will require that the specified investigation, protection and construction methods and measures as specified by the Arboricultural Report, will be followed and where necessary the proposed northern setbacks modified at ground level (Condition 1.9).</p> <p>New medium to large canopy trees are proposed within the front setback and the southern and western interfaces to provide screening and softening of the built form. Small canopy trees and shrubs are proposed to the northern elevation, adjoining Lawford Reserve</p> <p>The development is not expected to have any impact on any other vegetation within adjoining properties due to the building setbacks.</p> <p>The landscaping proposed on the Landscape Plan prepared by Memla and dated 25 October 2016, is considered to exceed the objectives and requirements of the DDO8 and responds to the landscape and neighbourhood character.</p> <p>A landscaping plan will be required by a permit condition (Condition 6) to provide three canopy trees within the front setback, at least three canopy trees within the rear setback and screen planting along the southern boundary.</p> <p>A permit condition will require an indicative location</p>

Objective	Objective Met/Not Met
	<p>of the stormwater detention system on the site plan to be located outside of easements and canopy tree landscape areas (Condition 1.7).</p> <p>A landscape maintenance bond of \$10,000 will be required by a permit condition (Condition 10).</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>The three existing 3.0m wide vehicle crossovers are proposed to be removed and one 5.5m wide crossover is provided to service the development. To enable the new crossover, one street tree is proposed to be removed. Conditions will require its replacement and maintenance (Condition 1.10).</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</p> <p>Parking is provided for all dwellings within the secured basement and has direct access internally to the foyer to access all apartments.</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 subject to conditions</p> <p>The proposal indicates that the height and setback ratios comply on the southern and western residential interfaces, however on closer assessment of the plans, there are natural ground levels which suggest the building height is slightly higher than outlined, and due to this Officers are not assured the requirements of the Standard are met.</p> <p>The non compliance would be associated with the top level only on the west and southern elevations, and in most instances is associated with the curvature of the building or balconies. These aspects could easily be rectified with subtle changes in design.</p> <p>A condition will require conformation of the building heights and setbacks, noting the condition to require all internal floor to ceiling heights within the 11m maximum building height. (Conditions 1.3).</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 to be constructed on boundaries.</p>
<p>55.04-3 – Daylight To</p>	<p>Met</p>

Objective	Objective Met/Not Met
<p>Existing Windows</p> <ul style="list-style-type: none"> To allow adequate daylight into existing habitable room windows. 	<p>Existing habitable room windows are provided with sufficient light court areas that exceeds the standard. The development is set back sufficiently from existing habitable room windows as required by 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 3m of the site boundary that require protection under this control.</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>To the west, the submitted shadow diagrams for the September equinox control period demonstrate that additional shade will only be cast beyond the existing fence shadow between 9am and shortly after in the morning (by 10am the shadow is well within the existing property), ensuring these properties are free of shade from the development for the 5hours over the control period. Further, one property has an interface with Lawford Reserve (3/18 Arnold Grove), and the other has a tradition large backyard which remains shade free (16 Arnold Grove).</p> <p>To the south, the submitted shadow diagrams for the September equinox control period demonstrate that additional shade will extend beyond the existing fence shade for the control period. It appears more prominent in the morning, than the afternoon. An assessment has to be made in relation to the impact of this shade on each neighbour.</p> <p>The property at 2/1 Angus Grove has a carport on its northern side and shading of this structure is not important. Secluded open space is located to the rear of the carport, along the rear western boundary and in the front setback where there is a high front fence along Bayley Grove. No shade is cast from the proposed building over the front setback, or the rear western setback and for this reason the additional shading that is cast over the area to the rear of the carport in not considered to be fatal to the application. The current boundary fence which includes a lattice section above the fence would shade most of this area anyway.</p> <p>The property at 2/3 Angus Grove has an area of open space between 4m and 5m. It is shaded in the morning by the proposed building, but the</p>

Objective	Objective Met/Not Met
	<p>shade reduces through the afternoon to virtually zero by 3pm.</p> <p>The shade diagrams do not take into account an existing garage wall on the boundary to the north of the site or a large deciduous tree to the west that has a canopy spread over yard. The applicant has also noted that <i>'the extensive landscaping required to be planted on the south side of the development will have a significant impact as well.'</i></p> <p>As per the decision guidelines of the control, the existing shadow cast to these areas is relevant and it is agreed that removal of the existing garage and higher fence adjacent to this space would reduce the existing shadows cast. Further, the location of these properties within the Sub-Precinct A of the DDO8 where higher densities are encouraged, the shadows are not considered to be unreasonable. The dwelling will retain areas of backyard that do receive sun through the day, all be it less area.</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 plans demonstrate that there will be no overlooking into residential properties on the western and southern elevations from any habitable room windows due to the provision of highlight windows or obscure glazing to 1.7 metres above finished floor level and fixed obscure screens (to 1.7 metres above finished floor level) to some balconies.</p> <p>The west roof top garden will obscure views to the west by an alternative screening arrangement which couples a planter box with a lower visual screen (1.5m high), to enable views out towards the west skyline, but not down to the adjoining properties. Roof Garden Balcony Detail on Point Architects Plan - Drawing 09 Revision B details this screening.</p> <p>There are no overlooking concerns to the east which is the Bayley Grove frontage, or to the north, which is the Lawford Reserve.</p> <p>Conditions will require that the plans note the height of the balcony screening on the west facing balconies and the roof top garden, to correspond with the proposed elevations (Condition 1.4).</p>
<p>55.04-7 – Internal Views</p> <ul style="list-style-type: none"> To limit views into the 	<p>Met</p> <p>The balconies of each dwelling have been</p>

Objective	Objective Met/Not Met
<p>secluded private open space and habitable room windows of dwellings and residential buildings within a development.</p>	<p>designed to prevent internal overlooking with 1.7m high privacy screen, which generally provide a reasonable degree of separation between dwellings.</p>
<p>55.04-8 – Noise Impacts</p> <ul style="list-style-type: none"> • To contain noise sources in developments that may affect existing dwellings. • To protect residents from external noise. 	<p>Met</p> <p>There are no unusual noise sources that may affect existing dwellings or future residents within the development.</p>
<p>55.05-1 – Accessibility</p> <ul style="list-style-type: none"> • To encourage the consideration of the needs of people with limited mobility in the design of developments. 	<p>Met</p> <p>The development allows barrier-free access for people with limited mobility to the front entry foyer of the building and lift access to all apartments, which are on one level. In addition, to enable access for people of limited mobility from the set of stairs/split level between the basement and ground floor foyer, a small lift is also provided here.</p>
<p>55.05-2 – Dwelling Entry</p> <ul style="list-style-type: none"> • To provide each dwelling or residential building with its own sense of identity. 	<p>Met</p> <p>The dwellings all derive pedestrian access from the main pedestrian entry and foyer into the path adjacent to the southern boundary of the site. The pedestrian entry is well identified by architectural design and features.</p>
<p>55.05-3 – Daylight To New Windows</p> <ul style="list-style-type: none"> • To allow adequate daylight into new habitable room windows. 	<p>Met</p> <p>All habitable rooms will have external windows to ensure they have adequate solar access. The windows have adequate light court areas. There are no habitable rooms that rely on borrowed light, open to a light well or rely on below ground light courts.</p>
<p>55.05-4 – Private Open Space</p> <ul style="list-style-type: none"> • To provide adequate private open space for the reasonable recreation and service needs of residents. 	<p>Met</p> <p>Each dwelling is provided with secluded private open space in the form of a ground level courtyard/terrace or a balcony. The areas of the spaces range from 14 to 45 square metres, with minimum dimensions also ranging from 1.07 to 5.0 metres.</p> <p>Each balcony exceeds the minimum area and dimension standards of 8 square metres with a minimum dimension of 1.6m and convenient access from a living room.</p> <p>In addition, a 130sqm communal roof top garden area is provided on the second floor with views orientated towards the reserve to the north. The roof top garden is partially covered and predominantly open to the sky and includes a barbeque area and sink and rooftop planting</p>

Objective	Objective Met/Not Met
	<p>around the periphery.</p> <p>It is considered that the private open spaces offer a range of options and are sufficient in area for the recreation and service needs of residents.</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>All balconies and the ground floor courtyards have a northern aspect, where practicable or east and west orientation and provide a reasonable level of 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</p> <p>A large secured storage room is provided with access from the carparking level and the foyer with 28 cages. Another secured storage room is located with access from the lower level foyer with 4 storage cages. Therefore a total of 32 storage cages are proposed for the development of 29 dwellings. Each storage case is proposed to be 6 cubic metres.</p>
<p>55.06-1 – Design Detail</p> <ul style="list-style-type: none"> To encourage design detail that respects the existing or preferred neighbourhood character. 	<p>Met</p> <p>As discussed under the DDO8 Assessment, the dwellings are articulated and incorporate various materials and finishes to reduce the sense of visual bulk.</p>
<p>55.06-2 – Front Fence</p> <ul style="list-style-type: none"> To encourage front fence design that respects the existing or preferred neighbourhood character. 	<p>Met</p> <p>There is no front fencing proposed to Bayley Grove however fencing internal to the site has been discussed within the DDO8 assessment.</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 vehicle accessway, pedestrian entry way and surrounding common property landscape areas are practically and attractively designed.</p> <p>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 and easily maintained. To ensure that site facilities are accessible, adequate and attractive. 	<p>Met</p> <p>Appropriate site services are provided. The letterboxes are adjacent to the site frontage, and the pedestrian entry way, with a paved area to the footpath providing convenient access for Australia Post and residents.</p> <p>Fire boosters, metres and services appear to all be located within the eastern side of the basement/parking level. Standard conditions will</p>

Objective	Objective Met/Not Met
	require that all services are designed to be appropriately screened to compliment and blend with the built form and design detail to the satisfaction of the Responsible Authority (Condition 1.13) .

Objector issues / concerns

Neighbourhood character (not on a main road)

- 8.16 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 that 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.
- 8.17 The apartment development typology proposed generates different living standards to detached dwellings and may potentially impact the residential amenity of neighbouring or nearby properties.
- 8.18 It is evident that the proposed development achieves a high level of compliance with respect to the DDO8 controls. The building proposed has a high level of articulation, modified setbacks and facades, a varied materials palette and an array of interesting architectural features which add visual interest and soften the built form. Subject to conditions the building is sufficiently setback from boundaries, allowing for generous landscaping to be established and adequate physical articulation and modulation to soften the built form and mitigate visual bulk concerns.

Overdevelopment

- 8.19 Subject to some minor changes required by condition, the proposal meets the requirements of Clause 55 in respect to site coverage, setbacks, permeability, car parking, and open space provision and therefore the proposal is not considered to be an overdevelopment of the site. State Government Policy, as well as Council Policy, supports increased densities in areas with good access to public transport and other services.

Off-site amenity impacts – Design, overall height, building bulk, setbacks, front setback, site coverage and garden area

- 8.20 Whilst the building partially contains four storeys where the DDO8 supports three storey apartment style developments, importantly, the maximum height of the development will be conditioned to comply with the 11 metre maximum allowable height. The four levels are proposed to be visible predominantly to the north of the site, by virtue of the steep slope towards the north, which enables the lower/partially undercroft level to be provided to the northern end of the building, adjoining Lawford Reserve.
- 8.21 The building visually presents as three levels or less to the most sensitive interfaces, being the residential interfaces to the west and south. Conditions will further require the southern elevation and the upper floor roof structures to the

western and northern elevations, to be reduced in setback and/or height, to provide an improved transition and articulation of the built form and ensure compliance with setback objectives and requirements. The built form is therefore considered to be supported by policy

- 8.22 Along with conditional changes discussed in the Assessment Sections, the proposed articulation, stepped and split level design, selection of building materials and proposed setbacks, results in a particularly interesting built form and are generally considered to be sufficient to address visual bulk concerns.
- 8.23 As discussed in the Assessment Sections, generous and appropriate opportunities for landscaping to be provided around all boundaries, to assist in softening the appearance of the development. The Site Coverage and Garden Area requirements are also met.

Overlooking

- 8.24 As discussed in the Clause 55 assessment above, there will be no overlooking into residential properties on the western and southern elevations from any habitable room windows due to the provision of highlight windows or obscure glazing to 1.7 metres above finished floor level and fixed obscure screens (to 1.7 metres above finished floor level) to some balconies and roof top garden arrangements, which enable views out towards the west skyline, but not down to the adjoining properties (as per Roof Garden Balcony Detail on Point Architects Plan - Drawing 09 Revision B).
- 8.25 Conditions will require that the plans note the height of the balcony screening on the west facing balconies and the roof top garden, to correspond with the proposed elevations.

Overshadowing

- 8.26 The overshadowing is assessed in detail within the Rescode Assessment table.
- 8.27 The SPOS at 16 Arnold Grove is minimally impacted.
- 8.28 The SPOS of 3/18 Arnold Grove will not be experience any additional shadows from the development after approximately 10:30am. Given there is also SPOS to the north, the impacts to the SPOS are not considered to be significant. It is further noted that some reductions to the building height and western boundary setbacks at upper levels (as discussed within this Assessment), will further reduce these shadow impacts.
- 8.29 As per the decision guidelines of the Overshadowing Objective, the existing shadow cast to these two areas of SPOS to the south is relevant and it is agreed that removal of the existing garage and higher fence on the subject site and on the common southern boundary, adjacent to this space, would reduce the existing shadows cast beyond what the Shadow Diagrams depict. Given that the setbacks of the upper levels will be required to be further setback (as discussed previously within this Assessment), which will further reduce the shadows cast to these SPOS's, given the existing shadows cast to these spaces and given the location of these properties within the Sub-Precinct A of the DDO8, where higher densities are encouraged, the shadows are not considered to be unreasonable and the Objective is considered to be met.

Car Parking, Traffic, Car Stackers and Flooding of Basement

- 8.30 The development provides the minimum number of car parking spaces for the residents, as required by Clause 52.06 of the Manningham Planning Scheme.
- 8.31 Council's Engineering and 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.
- 8.32 The proposal for car stackers to provide all residential car parking has been assessed to be a suitable outcome given the entirely independent nature of the stackers and that the car stackers meet the specific Mechanical Parking Requirements of Design Standard 4 of Clause 52.06 (Car Parking).
- 8.33 Council's Engineering and Technical Services Unit have not raised any concerns for flooding to the lower levels and standard conditions would require appropriate drainage to be designed to meet Council Engineering and Drainage requirements.

Reduction of the Visitor Car Parking (inadequate visitor parking and existing on-street parking issues)

- 8.34 The proposed reduction of the visitor car parking requirement from the required five spaces, to three (reduction of two spaces) has been assessed and will not be supported. Conditions will require that the carparking level is modified to provide the required visitor car parking requirement as required by Clause 52.06 of the Manningham Planning Scheme, without reducing any other carparking for residents, without providing visitor spaces within car stackers and to the satisfaction of the Responsible Authority.

Rubbish Removal (traffic and noise)

- 8.35 Councils Waste unit within Council's Engineering and Technical Services Unit have assessed the proposal for waste to be removed by a private contractor completely within the basement. Given the private waste contractor truck will be required to collect and empty waste into the truck completely within the basement, the traffic and noise generated to be considered to be less than the existing arrangement for three dwellings to have their waste collected kerbside (impacting traffic and creating external noise).

Noise Pollution (air conditioners, car stackers and use of communal rooms/areas)

- 8.36 The car parking level is an enclosed room and the car stackers are not considered to generate an unacceptable level of noise within the residential setting.
- 8.37 The air conditioners are proposed to be located on the balconies and generally setback from the edge of the balcony. Given the air conditioners will be spread out on balconies the closest air conditioners will be to the western boundary and setbacks range from 7.5 to 12 metres. Air conditioning units are a standard residential service for all types of dwellings and are not considered to create excessive noise from this development proposal.
- 8.38 There is no longer a prayer room for this development proposal.

8.39 The roof top garden area will be used similarly to any entertaining space for differing types of residential developments.

Other matters

8.40 The following recent amendments to the Manningham Planning Scheme have been made to applicable planning provisions:

- On 27 March 2017, Amendment VC110 introduced a revised maximum building height of 11 metres with a maximum of three storeys as well as a new garden area requirement to the General Residential Zone at Clause 32.08. The application meets the transitional provisions of Clause 32.08-14; and
- On 25 May 2017, Amendment VC133 introduced administrative corrections, including the renumbering of the design standards for car parking from Clause 52.06-8 to Clause 52.06-9. These changes were policy neutral.

CONCLUSION

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

9. DECLARATION OF CONFLICT OF INTEREST

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