

0.0 Planning Application PL17/027190 20-23 Airdrie Court, Templestowe Lower for the construction of sixteen, two-storey dwellings.

File Number:	IN17/598
Responsible Director:	Director Planning and Environment
Applicant:	Airdrie Blossom Pty Ltd C/- Taouk Architects
Planning Controls:	General Residential Zone Schedule 1
Ward:	Heide
Attachments:	1 Advertised / Decision Plans 2 Legislative Requirements

1. EXECUTIVE SUMMARY**Purpose**

1. This report provides Council with an assessment of the planning permit application submitted for the land at 20-23 Airdrie Court, Templestowe and recommends approval of the submitted proposal. The application is being reported to Council given that it is a Major Application (more than 15 dwellings).

Proposal

- 1.1 The application seeks approval for the construction of sixteen, two-storey dwellings on the land. The land is approximately 3,885 square metres in area. The proposed dwellings have a maximum height of 7.99 metres, a site coverage of 46%, permeable area of 34.3%, and garden area of 35.3%.

Key issues in considering the application

2. The key issues for Council in considering the proposal relate to:
 - a) Consistency with state and local planning policy, in particular balancing urban consolidation objectives at Clause 16 with objectives for incremental change anticipated in Clauses 21.05 and 22.15 of the Manningham Planning Scheme;
 - b) The protection of the Yellow Gum tree;
 - c) Whether appropriate spacing is provided between dwellings to respect neighbourhood character and provide landscaping and;
 - d) Servicing issues such as waste and vehicle turning movements;
 - e) Issues with waste collection; and
 - f) Parking provision within the development.

Objector concerns

3. Thirteen (13) objections have been received in relation to the application, raising the following pertinent planning issues which are summarised as follows:
 - a) The yield and built form outcome represents an overdevelopment of the site;
 - b) Traffic, lack of on-street and off-street car parking, and pedestrian safety within Airdrie Court;

- c) Design and built form (setbacks between each dwelling, opportunities for landscaping, lack of outdoor space);
- d) The loss of existing vegetation on site;
- e) The lack of housing diversity provided in the mix of bedrooms to each dwelling;
- f) Noise and air pollution from vehicles entering and exiting the site;
- g) The narrowness of the existing Airdrie Court road reserve which results in issues regarding waste collection and on-street parking; and
- h) Flooding and run off issues arising from construction on the site.

Assessment

4. Development of this large infill site with detached and semi-detached dwellings is broadly consistent with the relevant objectives of state and local planning policies of the Manningham Planning Scheme (the Scheme), including the requirements of the General Residential Zone Schedule 1 (GRZ1), Clause 55 (Rescode) and Clause 52.06 (Car Parking).

Conclusion

5. The report concludes that while the proposal in its current form is a slight overdevelopment of the site, however the proposal could be modified via conditions to ensure planning policy and controls are met. Subject to conditions including requiring the deletion of Dwellings 6 and 16 and associated garage and fencing to facilitate the development, and the submission of various plans for Council approval.
6. It is recommended that the application be supported, subject to conditions.

RECOMMENDATION

That Council:

Having considered all objections, issues a NOTICE OF DECISION TO GRANT A PERMIT in relation to Planning Application PL17/027190 at 20-23 Airdrie Court, Templestowe for the construction of fourteen, two-storey dwellings, subject to the following conditions:

1. **Before the development starts, two copies of amended plans (scale 1:100) and dimensioned, must be submitted to and approved by the Responsible Authority. When approved, the plans will then form part of the permit. The plans must be generally in accordance with the decision plans prepared by Taouk Architects TPA02-TPA04B Rev. B (received 27 October 2017), but modified to show the following:**
 - 1.1. **The deletion of Dwelling 6. This is to facilitate a reconfiguration of Dwellings 7 to 13 to introduce building separation along the continuous row, increase first floor separation and increase landscaping opportunity throughout this portion of the site to the satisfaction of the Responsible Authority. As a minimum, a 2m gap is to be introduced between Dwelling 9 and 10 and dedicated to landscaping, a 1m gap is to be introduced between Dwelling 12 and Dwelling 13, and Dwelling 13 is to be relocated 1m southwest. An additional 1m is also to be provided between Dwelling 2 and 3 and**

dedicated to landscaping through the reconfiguration of Dwelling 5. The intention of this condition is not that the dwelling become larger.

- 1.2. The deletion of Dwelling 16, unless it can be demonstrated that it can be redesigned to provide a reasonable portion of open space that is unencumbered by the retention of the Yellow Box tree to the satisfaction of the Responsible Authority, and that the visitor parking can be constructed with no excavation or impact to the tree.

Should it be retained, the minimum setback of the building footprint from the tree must be increase by 2m, and the dwelling must be provided a principal open space area that is integrated into the design of the dwelling layout such as a deck that is also unencumbered by the retention of the Yellow Box. The meaning of unencumbered includes no impact on the tree's protection zones or impact from the trees canopy spread.

It may be necessary to modify the design of Dwelling 15 also to achieve this condition.

- 1.3. The relocation of the pedestrian path, seating and bicycle storage away from the protection zone and canopy spread of the Yellow Box tree (Tree 1 in the Arboricultural Report prepared by Carney & Stone dated October 2017).
- 1.4. Dwelling 1 redesigned so that the pedestrian entry and porch is reoriented to be visible to Airdrie Court, the first floor is setback a minimum 1m from the ground level on the southeast façade, and provision for larger windows is made to this elevation.
- 1.5. Dwellings 15 and 16 redesigned to show at least 2 metre separation between the garages, with highlight windows on the back wall; and larger windows to living rooms oriented to the public open space area adjoining the land.
- 1.6. The retaining wall proposed along Airdrie Court within the secluded private open space of Dwelling's 2, 3 and 4 setback a minimum of 1m from the property boundary to retain existing vegetation in Airdrie Court on the development side of the existing guard rail.
- 1.7. The retention of Tree 13 (as outlined in the Arboricultural Report prepared by Carney & Stone dated October 2017) from the boundary of the application site and Airdrie Court (a semi mature Yellow Box tree).
- 1.8. The relocation of storage and washing line facilities in Dwelling 15

and Dwelling 16 (should it be retained) so that unsightly service areas are not visible from Ruffey Creek Linear Path.

- 1.9. Levels of the finished surface levels of each secluded private open space area, and the location of external stairs required to navigate the decks within the secluded private open space areas where relevant.
- 1.10. Any design changes required and a schedule listing the minimum sustainability features, as described in an amended Sustainability Management Plan required by Condition 8;
- 1.11. A Garden Area plan showing 'Garden Area' as defined in Clause 72 of the Manningham Planning Scheme, demonstrating compliance with Clause 32.08-4 of the General Residential Zone, to the satisfaction of the Responsible Authority.

Access, Parking and Service

- 1.12. The width of the passing bay increased to 6.1 metres wide, within 7 metres of the front boundary.
- 1.13. Details regarding the construction of the visitor car parking in a manner that will not be detrimental to the retention to the Yellow Box tree (Tree 1). Preferably, 1 visitor car parking space is to be relocated to the end of the driveway within the general area of Dwelling's 6 garage (removed through Condition 1.1).
- 1.14. The location of bin storage for each dwellings, as well as the provision of a temporary bin storage area as a collection point for collection days (if required under the approved waste management plan).
- 1.15. Details of how communal meters and bin storage areas will be screened/finished, so as to reasonably integrate into the overall development scheme. These fixtures must be located outside of the Tree Protection Zone of the Yellow Box tree (Tree 1).
- 1.16. Communal lighting within common areas of the site including the driveway and communal open space area. Lighting within the communal open space area must be located outside of the Tree Protection Zone of the Yellow Box tree (Tree 1).

Materials

- 1.17. A separate sheet with a full schedule of materials and finishes with colour samples of all external walls, roofs, fascias, window frames, paving, fencing, privacy screens and retaining walls. This is to include retaining walls constructed of a durable material such as stone or blockwork, and finished in a colour which complements the overall colour scheme.
- 1.18. The schedule must utilise softer, warmer colour finishes to each dwelling (i.e. browns, warm greys, dark-stained timber finishes) to

the satisfaction of the Responsible Authority.

Earthworks

- 1.19. A Geotechnical Engineers Report, prepared by a suitably qualified professional providing additional details regarding the proposed filling of the site, with recommendations to ensure that the filling in place will support the proposed dwellings and roads in accordance with the recommendation of the Geotechnical Engineer's Report.**

Endorsed Plans

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

Completion

- 3. 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.**
- 4. 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.**

Landscape Plan

- 5. Before the development starts, a landscaping plan prepared by a landscape architect or person of approved competence must be submitted to the Responsible Authority for approval. Such plan must be generally in accordance with the plan approved under Condition 1 of this permit, and must show:**
 - 5.1. 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;**
 - 5.2. Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;**
 - 5.3. Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;**
 - 5.4. A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;**
 - 5.5. A minimum of one (1) canopy tree, capable of reaching a minimum mature height of 8 metres, within the front setback of the site. The tree must be a minimum height of 1.5 metres at the time of planting;**
 - 5.6. A minimum of one (1) canopy tree, within the private open space of each dwelling, to be a minimum height of 1.5 metres at the time of planting;**
 - 5.7. Screen planting along the north eastern, south western and north western boundaries, to be a minimum height of 0.5 metres at the**

time of planting;

- 5.8. Screen planting along the street side of the brush fencing and associated retaining walls to the rear of Dwellings 2-5, to be a minimum height of 1 m at the time of planting, capable of growing to a height of at least 2 metres at maturity;
- 5.9. Planting within 2 metres along the frontage from the edge of the driveway and 2.5 metres along the driveway from the frontage to be no greater than 0.9 metres in height at maturity.
- 5.10. Planting within the Communal Garden area and along the existing cyclone fencing adjacent to the public open space area (Ruffey Creek Linear Park) should not exceed a height of 1.2 metres 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

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

Construction Management Plan

7. 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 CMP will form part of the permit. The Construction Management Plan must be prepared using Council's CMP Template to address the following elements referenced in Council's Construction Management Plan Guidelines:

- 7.1. Element A1: Public Safety, Amenity and Site Security;
- 7.2. Element A2: Operating Hours, Noise and Vibration Controls;
- 7.3. Element A3: Air Quality and Dust Management;
- 7.4. Stormwater and Sediment Control and Tree Protection;
- 7.5. Element A5: Waste Minimisation and Litter Prevention; and
- 7.6. Element A6: Traffic and Parking Management.

Council's CMP Template forms part of the Guidelines. When approved the plan will form part of the permit.

Sustainability Management Plan

8. Prior to the endorsement of plans under Condition 1 of this Permit, of a Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The Plan must include the initiatives in the BESS assessment submitted with the application (received February 2017) and account for any design changes required

by Condition 1 of this permit, and address the following:

- 8.1. **Energy 1.2:** A commitment to achieving a 10% improvement on Section J requirements of the National Construction Code (NCC). (e.g. 6.6-stars average for dwellings). A Preliminary NatHERS assessment of sample units is required (FirstRate, Accurate or BERS Pro) or provide information on how energy efficiency requirements for the whole development will be achieved;
- 8.2. **External Shading:** The design proposes many exposed NE and NW facing glazing. Operable external shading should be provided to them. This could be in the form of external operable louvers, sliding shutters, Venetian or roller blinds;
- 8.3. **Stormwater:** An amended stormwater strategy that does not rely on the use of a proprietary product (i.e. a generic infiltration pit or raingarden to be maintained in perpetuity, regardless of the availability of product types);
- 8.4. **Water 1.1:** A commitment to providing dishwashers and washing machines as part of the base building if they are to be included within the BESS assessment. If this is not the case, then BESS needs to be amended to default/unrated.
- 8.5. **Demonstration that development meets minimum 50% overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS to demonstrate best practice. In areas falling short of the aforementioned targets adjustments will need to be made to demonstrate that the project meets the BESS minimums.**

Waste Management Plan

9. **Before the development starts, an amended Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the submitted draft Waste Management Plans (WMP) prepared by Leigh Design (dated 3 May 2017)The Waste Management Plan must include the following information:**

- 9.1. **The Waste Management Plan amended to reflect the total number of dwelling and the provision of waste bins and waste storage areas.**
- 9.2. **Swept path diagrams demonstrating how the waste collection vehicle is able to enter and exit the site in a forward direction to undertake waste collection entirely within the development.**
- 9.3. **Amended plans to show the bin collection points for all the units.**
- 9.4. **No private waste contractor bins may be left outside the development boundary or left unattended at any time on any street frontage for any reason.**

Management Plan Compliance

10. **Management Plans approved under Conditions 8, 9 and 10 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.**

11. Prior to the occupation of the dwellings, written confirmation from a qualified person or company, must be submitted to the Responsible Authority to confirm that the sustainable design features/initiatives specified in the Sustainability Management Plan approved under Condition 8 of this permit have been implemented in accordance with the approved plans.

Tree Protection

12. The owner must ensure that contractors/tradespersons who install services or work near the vegetation to be retained on the land and adjoining properties are made aware of the need to preserve the vegetation and to minimise impacts through appropriate work practice.
13. Before the development (including demolition) starts, a tree protection fence must be erected around the existing Yellow Box tree (Tree 1 in the Arboricultural Report prepared by Carney and Stone dated October 2017) at a radius of 8.28 metres from the base of the trunk to define a "tree protection zone". The fence must be constructed of (chain mesh or similar) to the satisfaction of the responsible authority. The tree protection fence must remain in place until construction is completed. In addition the following conditions apply:
 - 13.1. The ground surface of the tree protection zone must be covered by a 100mm deep layer of mulch before the development starts and be watered regularly to the satisfaction of the responsible authority.
 - 13.2. No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone without the written consent of the responsible authority.
 - 13.3. No storage or dumping of tools, equipment or waste is to occur within the tree protection zone.
 - 13.4. Any pruning that is required to be done to the canopy or root system of any tree to be retained (including Trees 1 & 13) is to be done by a qualified arborist to Australian Standard - Pruning of Amenity Trees AS4373-1996.

Drainage

14. Before the development is completed, the owner must construct outfall drainage works between the site and the existing pits to the north east within Ruffey Creek Linear Park in accordance with an engineering construction plan approved by the Responsible Authority. Before the works start:
 - 14.1. A supervision fee equal to 2.5% of the cost of construction of the drainage works must be paid to the Responsible Authority;
 - 14.2. A plan-checking fee equal to 0.75% of the cost of construction of the drainage works must be paid to the Responsible Authority;
 - 14.3. A maintenance deposit equal to 5% of the cost of construction of the drainage works must be lodged with the Responsible

Authority and retained thereafter for a minimum of three months; and

14.4. A schedule of costs for the construction of drainage works must be submitted to the Responsible Authority. (if applicable)

15. The owner must provide on-site stormwater detention storage or other suitable system (which may include but is not limited to the re-use of stormwater using rainwater tanks), to limit the Permissible Site Discharge (PSD) to that applicable to the site coverage of 35 percent of hard surface or the pre-existing hard surface if it is greater than 35 percent. The PSD must meet the following requirements:

15.1. Be designed for a 1 in 5 year storm; and

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

16. Before the development starts, a construction plan for the system required by Condition 15 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.

17. The 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.

18. The whole of the land, including landscaped and paved areas, must be graded and drained to the satisfaction of the Responsible Authority, to prevent ponding and to minimise overland flows onto adjoining properties.

Site Services

19. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.

20. All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively, to the satisfaction of the Responsible Authority.

21. Any PVC pipes serving rainwater tanks which are positioned against building walls must be painted to match the colour of roofline guttering, to the satisfaction of the Responsible Authority.

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

23. Letterboxes must be designed and located to satisfy the requirements of Australia Post, to the satisfaction of the Responsible Authority.

Driveway and Car parking

24. The visitor car parking space must be clearly marked, kept available at all times and maintained, to the satisfaction of the Responsible

Authority.

25. Visitor parking spaces must not be used for any other purpose, to the satisfaction of the Responsible Authority.

Fencing/retaining walls

26. In the event of damage to an existing boundary fence (as a result of construction activity), the owner of the development site must promptly repair or replace the affected fencing to the satisfaction of the Responsible Authority. New fencing must be erected in accordance with the approved plans.
27. 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.

Site Management

28. The owner must use appropriate site management practices to prevent the transfer of mud, dust, sand, slurry, litter, concrete or other construction waste 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.

Communal Lighting

29. Driveway/entry path lighting must be provided and connected to reticulated mains electricity and be operated by a time switch or a daylight sensor, to the satisfaction of the Responsible Authority.

Maintenance

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

Permit Expiry

31. This permit will expire if one of the following circumstances applies:
- 31.1. The development is not started within two (2) years of the date of this permit; and
 - 31.2. The development is not completed within four (4) years of the date of this permit.

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

2. BACKGROUND

- 2.1 The subject land (20-23 Airdrie Court) is a large lot created through the subdivision of part of St Kevin's Primary School on Herlihys Road, Templestowe. The land was subdivided into twelve (12) lots upon approval (Planning Permit PL09/020125) on 20 January 2010. This resulted in the extension of Airdrie Court to service nine (9) new residential lots, and two large lots capable of further development. Six dwelling are currently under construction on the other large lot at the end of the Court.
- 2.2 An Application for a Planning Permit for the construction of seventeen, two-storey dwellings and waiver of associated car parking space requirement was received by Council on 17 March 2017.
- 2.3 The proposal was presented to the Sustainable Design Taskforce meeting on 27 April 2017.
- 2.4 The application was advertised in July 2017 which received objections, resulting in a Consultation Meeting which occurred on 20 September 2017.
- 2.5 Upon consideration of the issues discussed in the Consultation Meeting, the permit applicant sought to amend the application under Section 57A of the *Planning and Environment Act 1987*, submitted on 27 October 2017. The amendments included the removal of one dwelling (Dwelling 17) which faced Airdrie Court, and in its place retention of the existing Yellow Gum tree, provision of three (3) visitor car parking spaces and a communal garden. A number of other changes have been made to the design of dwellings, including removing the pedestrian access for Dwellings 2-4 direct from Airdrie Court, and reorienting these dwellings to face the internal driveway with backyards facing the street.
- 2.6 The amended plans were re-advertised to objectors and adjoining land in private ownership in October 2017, no new objections have been made.
- 2.7 The Certificate of Title is not affected by a restrictive covenant, however, includes a Section 173 Agreement (AJ042380B) with the following restrictions pertinent to the subject land (Lot 2):
 - a) Any fencing structure within the front setback area must be either a solid fence with a maximum height of 1.2 m or be at least 50% transparent with a maximum height of 1.5 metres;
 - b) There must be no buildings and works within the Tree Protection Zones of trees to be retained;
 - c) Landscaping strips, a minimum of one metre wide, must be provided along driveways.
- 2.8 The proposed development would comply with two of these requirements by retaining the existing Yellow Box tree in the north east corner of the site, and provision of at least 1 metre wide landscape strips along the driveways within the site.
- 2.9 Proposed brush fencing along Airdrie Court to screen the backyards of Dwellings 2-4 is 1.7 m high, and therefore consent is sought to vary this restriction of the Section 173 Agreement.

3. THE SITE AND SURROUNDS

The Site

- 3.1 The subject land is situated on the western side of Airdrie Court in Templestowe, known as Lot 2 on PS640387B Vol. 11273 Fol. 844, is vacant. The land is approximately 3885 square metres in area and irregular in shape with a general north-east to south-west orientation.
- 3.2 The site contains one mature Yellow Box Tree (*Eucalyptus melliodora*) approximately 14 metres high in the north eastern corner of the land, and existing vegetation (including young and semi-mature Yellow Box trees) at the top of the embankment adjacent to the south eastern boundary, and also within the Council's road reserve.
- 3.3 The site is generally level except for embankments located on the eastern and southern title boundaries, rising up at least 3.8 metres to Airdrie Court, and to the tennis courts associated with St Kevin's Primary School.
- 3.4 The footpath on the northern/western side of Airdrie Court ceases at the existing double width vehicle crossover to the subject land. Beyond this is a safety barrier and vegetation beside the road.
- 3.5 The site is bound by 2 m high timber paling fencing on the north western and south western boundaries, with black cyclone fencing on the north eastern boundary.

The Surrounds

- 3.6 Land to the north comprises of public open space (Ruffey Creek Linear Park) including a bio retention basin adjacent to the subject land. The basin forms part of the water sensitive urban design measures required for the subdivision of St Kevin's Primary School grounds, which created the subject land and the extension of Airdrie Court. Three single storey dwellings are located further north of the reserve (25-28 Airdrie Court).
- 3.7 Land to the west comprises of the football oval and school grounds of St Kevin's Primary School (26-44 Herlihys Road), and the Templestowe Pioneers aged care home (16-24 Herlihys Road).
- 3.8 Land to the east, and the opposite side of Airdrie Court, comprises of detached single and double storey dwellings (5-13 Airdrie Court). The dwellings are of contemporary architectural styles, finished in a variety of materials (face brick, render, timber cladding and stone) with hipped and flat roof forms.
- 3.9 Land to the south comprises of tennis courts associated with St Kevin's Tennis Club.

4. THE PROPOSAL

- 4.1 The proposal is for the development of the land for the construction of sixteen, two-storey dwellings in a semi-detached or detached arrangement either side of a common driveway through the centre of the site, with a landscaped centre and secluded private open space around the perimeter of the site.

- 4.2 The development would comprise of twelve, four bedroom dwellings and four, three bedroom dwellings each with a double garage (accessed from an internal driveway).
- 4.3 The development is self-contained, the only modification to Airdrie Court being the existing vehicle crossover widened to 5 metres and relocated 2 metres to the north.
- 4.4 Dwellings 2, 3, 4, 5 & 6 would be partially constructed into the embankment, with fill to be located adjacent to the boundary to Airdrie Court raising the level of the land to the upper floor level. Consequently, these dwellings will either appear as single storey in scale when viewed from Airdrie Court.
- 4.5 These dwellings have a reverse living arrangement with secluded private open space provided adjacent to Airdrie Court and screened by 1.7 m high brush fencing.
- 4.6 Three visitor car parking spaces, and four bicycle racks would be provided within a communal garden in the north east corner of the land at the entry to the development. The Yellow Box Tree is being retained in this area as well.
- 4.7 The proposed dwellings have a maximum height of 7.99 metres, a site coverage of 46%, permeable area of 34.3%, and garden area of 35.3%.
- 4.8 A private contractor would provide waste collection services, and waste would be collected within the development.

Submitted Plans and Documents

- 4.9 The proposed development is outlined on plans prepared by Taouk Architects, dated October 2017, TPA02- TPA07 Rev. B.
- 4.10 In addition, the following reports were submitted to support the application:
 - Planning Report prepared by *Taouk Architects*, dated March 2017;
 - Arboricultural Report prepared by *Carney & Stone Arboricultural Consultants* dated October 2017;
 - Waste Management Plan prepared by *Leigh Design*, dated 3 May 2017;
 - Traffic Impact Assessment Report prepared by *TTM Consulting (Vic) Pty Ltd*, dated 2 June 2017;
 - Sustainability Management Report prepared by *Frater Consulting Services*, dated 30 May 2017; and
 - An approved Cultural Heritage Management Plan prepared by Jaclyn Ward of *Australian Cultural Heritage Management* (approved on 30 December 2008 when the subdivision first took place).

5. LEGISLATIVE REQUIREMENTS

- 5.1 Refer to Attachment 2 (Planning & Environment Act 1987, Manningham Planning Scheme).

- 5.2 A permit is required pursuant to Clause 32.08-6 of the Manningham Planning Scheme, to construct two or more dwellings on a lot in the **General Residential Zone**.
- 5.3 The application was amended in October 2017, and therefore the Mandatory Garden Area requirements introduced into the Manningham Planning Scheme in Amendment VC110 (on 27 March 2017) at Clause 32.08-4 of the General Residential Zone apply. This requires development to provide for at least 35% (for lots over 650 m²) of 'Garden Area' at ground level as defined in Clause 72 of the Scheme (i.e. excluding driveways, car parking, roofed areas and spaces less than 1m wide). The plans indicate that the requirement is met, this will be confirmed through a permit condition (**Condition 1.11**).
- 5.4 The subject land is within an Area of Aboriginal Cultural Heritage Sensitivity and therefore Council must consider whether a Cultural Heritage Management Plan (CHMP) is required under the *Aboriginal Heritage Act 2006*. In this instance, the site has been subject to *significant ground disturbance* having been a former quarry. It was then filled in part for a sports oval for the school, and more recently as part of the subdivision works. The presence of the embankment is an indication of this history. A CHMP is not required where significant ground disturbance has occurred.
- 5.5 It is noted a CHMP was prepared for the original subdivision as the subdivision included land that had not been quarried. The CHMP (prepared by Jaclyn Ward of *Australian Cultural Heritage Management*) anticipates 'high density' development on the site and outlined "...no Aboriginal archaeological sites were present and that areas of potential archaeological sensitivity had suffered significant prior ground disturbance. Intensive farming, gold mining, the construction of a primary school and quarrying have all severely impacted the activity area. It is therefore highly unlikely that any Aboriginal archaeological material has survived in situ within the activity area..."

6. REFERRALS

External

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

Internal

- 6.2 The application was referred to a number of service units within Council. The following table summarises the responses:

Service Unit	Comments
Engineering and Technical Services Unit (Accessways, Parking, Drainage) (memorandum updated 8 November 2017)	<ul style="list-style-type: none"> • The Engineering and Technical Services Unit provided updated comments on 8 November 2017 as follows: <ul style="list-style-type: none"> <u>Accessways and Parking</u> <ul style="list-style-type: none"> ○ The driveway width, driveway gradients, headroom clearances, resident and visitor car parking provision, pedestrian sightlines and dimension of car spaces, comply with the Design

Service Unit	Comments
	<p>Standards of Clause 52.06-9 of the Manningham Planning Scheme and are satisfactory (except Dwelling 6);</p> <ul style="list-style-type: none"> ○ The width of the passing bay provided within the development would be 5 metres x 7 metres. A condition is required to increase the width of the passing bay to at least 6.1 metres in order to comply with Design Standard 1 (Accessways) of Clause 52.06-9. (Condition 1.12). ○ Vehicle swept path diagrams for a Standard B85 vehicle must be depicted on the Site/Ground Floor Plan to demonstrate that vehicles from all car parking spaces can manoeuvre and exit the site in a forward direction. Dwelling 6's garage space needs to show that the vehicles can exit in only three manoeuvres to comply with Design Standard 1: Accessways of Clause 52.06-9 Car Parking of the Manningham Planning Scheme. The current manoeuvres are too tight for garage 6. ○ The proposed vehicle crossover is satisfactorily located. ○ A 'Vehicle Crossing Permit' is required prior to the construction of the vehicle crossover. <p><u>Flooding</u></p> <ul style="list-style-type: none"> ○ The site was located within flood prone land identified by Council's localised flooding maps (slated for inclusion in Planning Scheme Amendment C109 as Special Building Overlay Schedule 2 – since abandoned). However, the site has been filled and thus the flooding requirements have been met (as per email from Stormy Water Solutions dated 17 March 2017). <p><u>Drainage</u></p> <ul style="list-style-type: none"> ○ There is no point of discharge available for the site. An outfall drainage system is required. (Condition 14). ○ An on-site storm water detention system is required. (Condition 15) <p><u>Other</u></p> <ul style="list-style-type: none"> ○ Site Management measures need to be

Service Unit	Comments
	<p>undertaken. (Condition 28)</p> <ul style="list-style-type: none"> ○ A Construction Management Plan is required. (Condition 7) ○ Geotechnical Engineers Report to ensure that the filling in place will support the proposed dwellings and roads in accordance with the recommendation of the Geotechnical Engineer's Report. (Condition 1.19)
<p>Engineering and Technical Services Unit (Waste Management) (memorandum updated 8 November 2017)</p>	<ul style="list-style-type: none"> ● A review was undertaken of the draft Plans (prepared by Taouk Architects), TPA-02, Rev B, dated October 2017, the draft Traffic Management Report (prepared by TTM Consulting Pty Ltd), drawing number 943801-7, dated 30 May 2017, as well as the draft Waste Management Plans (prepared by Leigh Design), dated 3 May 2017 for the proposed 16 unit development. <ul style="list-style-type: none"> ○ A private waste collection contractor will be required to undertake waste collection from the development and that collections will need to occur from within the property boundary. ○ The draft Waste Management Plan does not match the draft Plans. The Waste Management Plan refers to development of 17 units however the draft Plans only show 16 units. ○ The draft Traffic Management Report does not show swept path diagrams for a waste collection truck. ○ The developer must show that a waste collection vehicle is able to enter and exit the development in a forward direction. ○ The draft Plans show the garage of unit 5 & 6 aligned however the draft Traffic Management report shows unit 5 as set back. ○ Recommended permit conditions relating to Waste Management requirements are as follows: <ol style="list-style-type: none"> 1. The developer is required to amend the engineering plans to show the bin collection points for all the units (Condition 9.3). 2. The developer is required to update the Waste Management Plan to reflect the total number of

Service Unit	Comments
	<p>units and the provision of waste bins (Condition 9.1).</p> <p>3. The developer is required to provide swept path diagrams showing a waste collection vehicle is able to enter and exit the site in a forward direction to undertake waste collection within the development (Condition 9.2).</p> <p>4. 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 3 May 2017). The developer must ensure that the private waste contractor can access the private waste bins and no private waste contractor bins can be left outside the development boundary or left unattended at any time on any street frontage for any reason (Condition 9.4).</p>
<p>City Strategy – Sustainability (memorandum dated 30 July 2017)</p>	<ul style="list-style-type: none"> • The application responds appropriately to Council's current expectations for Environmentally Sustainable Design (ESD) outline in the new policy at Clause 22.12 of the Manningham Planning Scheme. Some alterations to the SMP and application drawings need to be undertaken before the application can be deemed to meet Council's ESD standards. Items to be addressed are outlined below under issues arising. <p><u>Water 1.1 Water Efficient Fixtures</u></p> <ul style="list-style-type: none"> ○ The developer needs to commit to providing dishwashers and washing machines as part of the base building if they are to be included within the BESS assessment. If this is not the case then amend them to default/unrated in BESS. (Condition 8.4). <p><u>Energy 1.2 Thermal Performance Rating - Residential</u></p> <ul style="list-style-type: none"> ○ The SMP includes commitment to an average NatHERS rating of 6 stars average. This is the minimum requirement under the National Construction Code (NCC). For a development of this size we expect the dwellings to achieve at least a 10% improvement on NCC minimum requirements (e.g. 6.6-stars average). Provide a preliminary NatHERS assessment of sample

Service Unit	Comments
	<p>units (including Firstrate, Accurate and BERS Pro) or provide information on how energy efficiency requirements will be achieved. (Condition 8.1).</p> <p><u>Stormwater</u></p> <ul style="list-style-type: none"> ○ The strategy includes the installation of Envisi Sentinel pits for stormwater treatment. The use of a proprietary product is problematic as it would require product specific maintenance, whereas a generic infiltration pit or raingarden could be maintained in perpetuity, regardless of the availability of product types. Furthermore, information provided does not contain sufficient independent verification in relation to the stormwater quality outcomes from the use of these pits. Therefore it is not possible to conclude that the pits would result in the stormwater quality objectives required. Amend stormwater strategy to comply. (Condition 8.3). <p><u>External Shading</u></p> <ul style="list-style-type: none"> ○ The design proposes many exposed NE and NW facing glazing. Operable external shading should be provided to them. This could be in the form of external operable louvers, sliding shutters, Venetian or roller blinds. (Condition 8.2). ○ Given a number of the BESS categories need to be updated it is important to note that the project still needs to meet the minimum 50% overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS. In areas falling short of the aforementioned targets adjustments will need to be made to demonstrate that the project meets the BESS minimums. (Condition 8.5).
<p>Urban Design (memorandum 14 November 2017)</p>	<ul style="list-style-type: none"> ● Council's urban designer provided the following comments/recommendations: <ul style="list-style-type: none"> ○ The path, bicycle storage area, fencing and private open space shown on the frontage of Unit 16 will jeopardise the health of the large (existing) tree at the eastern end of the development site. These site elements need to be reconfigured to allow more space for the tree (Condition 1.3).

Service Unit	Comments
	<ul style="list-style-type: none"> ○ A physical break in the east-west row of townhouses should be incorporated to provide some visual relief along this long elevation and additional opportunity for landscaping and softening of the development, and (c) a possible additional pedestrian connection into the development from Airdrie Court. (Condition 1.1) ○ Deletion of Unit 6, which has been ‘squeezed’ into the development. Constructing this dwelling will require extensive earthworks and large retaining walls. The deletion of Unit 6 will provide more generous spacing around this development, and will allow for a visual link from the internal driveway to the neighbouring property and tree canopy to the west (Condition 1.1). ○ The materials and finished schedule incorporates a significant amount of black and white render and aluminium cladding. The finishes in this location should utilise softer, warmer colours (browns, warm greys, dark-stained timber finishes). (Condition 1.18)
<p>Open Space (memorandum 14 November 2017)</p>	<ul style="list-style-type: none"> ● Council’s Open Space Planner provided the following comments/recommendations: <ul style="list-style-type: none"> ○ The configuration of the proposed private open space for unit 16, the public open space adjacent, visitor parking and permeable paving areas impose unnecessarily impose on the root zone of the tree, and potentially also its canopy, jeopardising its long term viability. Deletion or redesign of unit 16 should be considered to ensure its private open space is not entirely overshadowed by existing tree (Condition 1.2). ○ Communal open space and visitor parking spaces should be reconfigured, and landscaping should enable view between the street and adjacent pedestrian path. Planting to 1.2m maximum height will improve surveillance and perceptions of safety (Condition 5.9). ○ Retention of the transparent cyclone wire boundary treatment is welcomed, however landscaping (not shown) will need to ensure transparency is not screened out by planting. Clean trunked canopy trees and low shrubs are appropriate (Condition 5.9).

Service Unit	Comments
	<ul style="list-style-type: none"> ○ Garages (to Dwellings 15 & 16) would be better located internally rather than offering blank walls to the reserve. The design should provide living spaces with windows overlooking reserves (Condition 1.5).

7. CONSULTATION / NOTIFICATION

- 7.1 Notice of the application was given on 3 July 2017, by sending letters to the owners and occupiers of surrounding properties within Airdrie Court and displaying one (1) sign on the site in accordance with the Act.
- 7.2 Thirteen (13) objections were received from the following properties:
- 3, 4, 5, 8, 10, 12, 13, 25, 27, 28 Airdrie Court, Templestowe Lower.
 - 24 Colonsay Street, Templestowe Lower (x 3).
- 7.3 The grounds of objection (not listed in any particular order) are summarised as:
- a) The yield and built form outcome represents an overdevelopment of the site;
 - b) Traffic, lack of on-street and off-street car parking, and pedestrian safety within Airdrie Court;
 - c) Design and built form (setbacks between each dwelling, opportunities for landscaping, lack of outdoor space);
 - d) The loss of existing vegetation on site;
 - e) The lack of housing diversity provided in the mix of bedrooms to each dwelling;
 - f) Noise and air pollution from vehicles entering and exiting the site;
 - g) The narrowness of the existing Airdrie Court road reserve which results in issues regarding waste collection and on-street parking;
 - h) Flooding and run off issues arising from construction on the site;
- 7.4 The amended application was re-advertised on 20 October 2017, by sending letters to the owners and occupiers of surrounding properties within Airdrie Court and to objectors, and displaying one (1) sign on the site in accordance with the Act.
- 7.5 To date, no additional objections have been made, and no objections have been withdrawn.
- 7.6 A response to the grounds of objection are included in the assessment from sections 8.65 to 8.73 of this report.

8. ASSESSMENT

8.1 The proposal has been assessed against the relevant state and local planning policies, the zone, and the relevant particular provisions and general provisions of the Manningham Planning Scheme.

8.2 The assessment is made under the following headings:

- State and Local Planning Policy Frameworks (SPPF and LPPF);
- Design and built form (Clause 52.15 – Dwellings in a General Residential Zone, Schedule 1);
- Car parking, access and traffic (Clause 52.06 assessment);
- On-site and Off-Site Amenity Impacts (Clause 55 assessment)
- Objector concerns; and
- Other matters.

State and Local Planning Policy Frameworks (SPPF and LPPF)

8.3 Key objectives of the SPPF and LPPF seek to increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land. This is encouraged in Clause 16 (Housing) and Clause 21.05-2 (Residential) policies within the Manningham Planning Scheme. The latter policy includes an objective to accommodate Manningham's projected population growth through urban consolidation, in infill developments and Key Redevelopment Sites.

8.4 The following characteristics of the site are beneficial in relation to the development of the site for urban consolidation:

- The site is serviced by existing infrastructure subject to construction of new outfall drainage.
- The land is located approximately 18.5 kilometres from Melbourne's Central Business District.
- The site is just over 500 metres walking distance from the Templestowe Neighbourhood Activity Centre, which provides a full range of services to the community including shopping and bus transport.
- The site is adjacent to public open space (Ruffey Creek Linear Park), and a Primary School (St Kevin's), and within proximity to Templestowe College and an aged care home (Templestowe Pioneers).

8.5 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 planning context are still relevant. The proposed development must respond to neighbourhood character, the streetscape, provide high quality urban design and amenity, be energy efficient and protect off-site amenity for neighbours.

- 8.6 The subject land is within Precinct 1 of Clause 21.05, which pertains to Residential Areas Removed from Activity Centres and Main Roads. One of the objectives for this area is to promote *an incremental level of change, where future development reinforces existing front and rear setbacks and site coverage to provide opportunities for landscaping and retain areas of open space. Accordingly, this precinct will encourage a less intense urban form.*
- 8.7 The construction of dwellings surrounded by open space, and accessed via a landscaped internal driveway could broadly achieve this. However, detail is in the design, and Council must consider Local Policy at Clause 22.15 (Dwellings in the General Residential Zone Schedule 1) and Clause 55 Objectives in determining whether this development is appropriate.
- 8.8 Through the assessment it becomes clear that there are areas of concern where built form is considered to dominate, and insufficient regard has been given to landscaping. The built form outcome is one that sits uneasily in the local policy context to encourage a less intense urban form.
- 8.9 Dwelling No. 6 illustrates poor design, being squeezed at the end of the internal driveway, but it also prevents appropriate spacing between dwellings throughout the main east-west axis through the site. The second area of concern is the relationship between Dwelling 16 and the Yellow Box tree being retained in the communal open space area. The tree remains compromised under the present design.
- 8.10 The layout of the proposed development could achieve both goals of a) urban consolidation and b) an incremental level of change, subject to conditions to ensure that the increase in housing density does not appear as an *intense urban form* the dominates the broad landscaped appeal of residing in Manningham and the local area.

Concern with Dwelling 6

- 8.11 Dwelling 6 displays a poor sense of address and provides poor amenity for future occupants. The dwelling is squeezed behind Dwelling 7 with only the front door and bedroom window visible on the approach at end of long driveway. The dwelling does not have an attached garage that is easily convenient for occupants, and significant open space areas incorporate the embankment which will not support landscaping or be easily maintained. Vehicles will have difficulties exiting the garage, as the space behind the garage is less than 5.7m.
- 8.12 Further, noise and lights from the entry porch and vehicles reversing (from the dwelling's garage) will negatively impact a bedroom window in Dwelling 7. This window is only separated from the above activates by a 550mm wide landscape strip in front of the window.
- 8.13 A much wider implication of the inclusion of this dwelling is crowding of built form. This will be viewed in the immediate context of the dwelling where there is little opportunity for landscaping at the end of the driveway and adjacent to Dwelling 5, Dwelling 6, Dwelling 7 and Dwelling 8. This leaves the driveway environs dominated by harsh hardstand areas.
- 8.14 Further, adjacent dwellings are crowded together. Dwelling's 6 to 13 (eight dwelling in total) are attached at ground level, thus providing no opportunities for landscaping to break up and soften this row of housing (80m in length along the

driveway). Minimal separation is provided at first floor. The row is shielded from views in part from public realm by Dwelling's 1 to 5, although these dwellings are also provided minimal separation, with the only gaps at ground level comprising service areas that will not accommodate landscaping.

- 8.15 To truly respect the local character and achieve consistency with policy that requires landscaped outcomes on development sites, a spine of landscaping should be provided perpendicular to the driveway mid-way along the driveways length, separating the row into two. This will provide significant improvement in views to the site from Airdrie Court and the primary school to the rear. **(Condition 1.1)**.
- 8.16 A further indication that the built form and dwelling yield is slightly excessive is evident at the northeast end of the row where Dwelling 13 has its entry porch immediately onto the driveway and opposite reversing movements from Dwelling 16. An additional meter of setback and landscaping within this area will significantly improve safety and the visual appearance of the wider development on entry from Airdrie Court.
- 8.17 A condition will require the removal of Dwelling 6, enabling Dwelling 7 to 13 to be shuffled along the driveway with spacing introduced between various dwellings at key vantage points to provide for a better landscaping response. Condition will also require landscaping be introduced between Dwellings 2 and 3 on the opposite side of the driveway. **(Condition 1.1)**
- 8.18 The condition should allow increased landscaping be provided along the length of the driveway to soften the environs and improve internal amenity, and potentially provide a visitor parking away from the Yellow Box tree.

Concern with Dwelling 16 and Communal Open Space

- 8.19 The siting of Dwelling 16 poses a number of issues as the dwelling is not oriented to the street, has minimal separation from proposed dwellings and title boundaries, and would encroach within the Tree Protection Zone and tree canopy of an existing Yellow Box Tree (Tree 1) to be retained, with resulting poor internal amenity by constant shading of the secluded private open space area and adjoining living area (if the tree is not lopped).
- 8.20 The accompanying Arboricultural Report states that incursion into the Tree Protection Zone would not exceed 10 percent, and requires no excavation of natural ground except for 5.56 m² of the north east corner of the dwelling. It also recommends all underground services be located outside of the TPZ, with hand digging where required. Fence posts must avoid roots as much as possible with roots cut by hand. Paving within the TPZ of Tree 1 must be laid on existing ground level using porous compounds (no excavation). The Arboricultural Report does not provide advice on the extent of tree pruning during construction, and post construction.
- 8.21 The retention of the Yellow Box tree (Tree 1) is significant from a local policy standpoint, and given that this tree was specified for retention in the Section 173 Agreement registered on the Certificate of Title. The placement of a double storey dwelling, backyard and paved surfaces within the canopy dripline of the tree is unacceptable given that extensive lopping and incursions into the TPZ and canopy would be required, which does not acknowledge the contribution of the

tree in the streetscape, and as a feature that will integrate the development into the surrounding landscape.

- 8.22 Much like Dwelling 6, Dwelling 16 also demonstrates the intensity of built form, which in this case would be visible from the street and public open space due to the minimal separation from Dwellings 13 & 15. There are also safety implications arising from the limited separation due to the limited width of the accessway servicing three dwellings, with porches directly adjacent to vehicle turning movements with no separation between vehicles and pedestrians.
- 8.23 Finally, the siting of the dwelling would result in a poor presentation to Ruffey Creek Linear Park, with minimal setbacks and service yards oriented to the park with no opportunities for landscaping within the setback. This could be addressed by permit conditions to redesign Dwellings 15 & 16 **(Conditions 1.5 and 5.9)**.
- 8.24 Issues with the Common Area relate to the impact to the Yellow Box tree (Tree 1), which is compromised by encroachments into the Tree Protection Zone (TPZ) of this tree with walkways, visitor parking, seating and bicycle storage. The paving and facilities need to be relocated from the TPZ as much as practicable in order to provide the tree with as many opportunities to survive and thrive in the long term. There is little justification for the placement of paths, bicycle storage and furniture within the TPZ given the ample space provided in the Communal Garden.
- 8.25 A condition will require the plans to show a bin collection point, however this must be located outside of the Tree Protection Zone of the Yellow Box tree (Tree 1). **(Condition 1.15)**
- 8.26 A condition will require the removal of Dwelling 16, unless it can be demonstrated that it can be redesigned to provide a reasonable portion of open space that is unencumbered by the retention of the Yellow Box tree to the satisfaction of the Responsible Authority, and that the visitor parking can be constructed with no excavation or impact to the tree. Should it be retained, the minimum setback of the building footprint from the tree must be increase by 2m, and the dwelling must be provided a principal open space area that is integrated into the design of the dwelling layout such as a deck that is also unencumbered by the retention of the Yellow Box. The meaning of unencumbered includes no impact on the tree's protection zones or impact from the trees canopy spread. It may be necessary to modify the design of Dwelling 15 also to achieve this condition. **(Conditions 1.2 & 1.3)**.
- 8.27 The permit conditions would assist in offsetting the increase in housing density overall by increasing spacing and landscaping opportunities, integrating the development into the landscape, instead of appearing as an intense urban form.

Design, Built Form and Landscaping

8.28 The consideration of these issues at a micro level are driven through consideration of policy at Clause 22.15 – Dwellings in a General Residential Zone, Schedule 1 is as follows:

Design Element	Level of Compliance
<p><u>Siting</u></p> <ul style="list-style-type: none"> • The rear setback should be of sufficient 	<p>Complies – subject to conditions</p> <ul style="list-style-type: none"> • The site does not have a traditional rear

<p>width to allow for the retention or planting of canopy trees and to allow for recreational opportunities.</p> <ul style="list-style-type: none"> Minimise buildings on boundaries to create spacing between dwellings to reinforce the pattern of the street. If any adjoining property has no existing boundary walls, the total length of walls should be limited to that generally required for the provision for a garage. 	<p>setback. Broadly though, the arrangement of dwellings on the site with back yards facing the perimeter of the site provides scope for boundary setbacks and landscaping opportunities.</p> <p>There are some instances where opportunities are limited, such as along the embankment and the interface with Ruffey Creek Linear Path, however these can be improved with conditions, most noticeably the removal of Dwelling 6, the preservation of existing planting along Airdrie Court and through removing unsightly sheds and service areas in the dwelling setbacks form the adjacent walking track (Conditions 1.1, 1.5 and 1.8).</p> <ul style="list-style-type: none"> No walls on boundaries are proposed. The built form of Dwellings 2-5 fronting Airdrie Court would not appear particularly bulky given the single storey scale presenting to the street, behind 1.7 m high brush fencing. The upper level of these dwellings would be separated in the order of 2.6 m to 5.98 m, which exceeds the ground floor separation between dwellings on the other side of Airdrie Court (approximately 1 m to 1.5 m). A condition will seek to strengthen landscaping opportunities between these dwelling through the removal of Dwelling 6 (Condition 1.1). <p>The majority of the development would be located behind these dwellings and would not be obtrusive in the streetscape. The orientation and layout of Dwellings 13-16, would be clearly separated from adjoining dwellings within view of the street, taking advantage of the internal driveway.</p>
<p>Form</p> <ul style="list-style-type: none"> Encourage upper levels to be stepped in from the ground floor to avoid sheer walls and achieve articulation and visual interest. Preferably, upper levels should not exceed 75% of the ground floor area (excluding verandahs and balconies). Promote building materials that reflect the prevailing materials of the surrounding residential area. Discourage imposing design features such as double storey porticos. Porticos and other design features need to integrate with the overall design of the building. 	<p>Complies – subject to conditions.</p> <ul style="list-style-type: none"> The upper level of each dwelling would not exceed 75% of the proportion of the ground floor area (excluding verandahs and balconies). That said, concern is expressed with Dwelling 1 as it presents sheer wall to Airdrie Court which is exacerbated by the limited street setback (4 m), and the lack of effective stepping of the first floor level back from the ground floor level (4 m to 4.34 m). Conditions are required to ensure that the upper level is setback an additional metre back from the south eastern boundary of the land. (Condition 1.4) Building materials would be generally consistent with the prevailing neighbourhood character given the contemporary

	<p>architectural styles of dwellings facing the site. Proposed building materials include: face brick (Austral Bricks in Graphite or similar, and recycled red bricks), concrete render and multiboard 'Exres' cladding (finished in Dulux 'White on White'), aluminum cladding (Alucobond 'Solid Black') and part timber cladding or Knotwood (Spotted Gum 'natural finish').</p> <ul style="list-style-type: none"> The development would include hipped & flat roof forms. Ground floor levels would be covered by flat metal roofs, and the first floor levels would have hipped roofs of dark concrete tiles in Horizon 'Sambuca'. This would be consistent with the prevailing mix of flat and hipped roof forms in the street. No double storey porticos are proposed.
<p><u>Car Parking and Access</u></p> <ul style="list-style-type: none"> Ensure that where garages are located in the street elevation, they are set back a greater distance than the front wall of the building. Design developments with a maximum of two vehicle crossovers. Where possible retain existing vehicle crossovers to minimise the removal of street tree(s). Driveways should be generally setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback. Incorporate a landscape strip on either side of a driveway capable of supporting a variety of shrubs and small trees, with preferably a minimum width of 0.5 metres adjacent to the fence-line and a one metre width adjacent to the dwelling. 	<p>Complies –</p> <ul style="list-style-type: none"> The garages to dwellings within view of Airdrie Court would be setback 1 m from the front wall of the dwelling (Dwellings 13-16). One crossover is proposed off Airdrie Court. The existing vehicle crossover would be modified, the width increased to 5 metres and relocated further to the north in the order of 2 metres. The proposed crossover would be setback at least 1.5 m from the existing street tree. A landscape strip of at least 1 m width would be provided either side of the driveway in accordance with this policy and the requirements of the Section 173 Agreement. That said, porches encroach within the landscape setback in some instances and where this occurs and is visible from the public realm, conditions will require change (Condition 1.1, 1.4).
<p><u>Landscaping</u></p> <ul style="list-style-type: none"> Ensure that the front and rear setbacks are characterised by pervious surfaces to enable the provision or retention of canopy trees. Require the private open space area and the front setback of dwellings to have a minimum of one canopy tree with a spreading crown, capable of growing to a height of 8.0 metres or more at maturity. 	<p>Complies – subject to conditions.</p> <ul style="list-style-type: none"> Comment has been made previously in relation to the rear of the site accommodating landscaping. Generally the design is appropriate in this regard. <p>The secluded private open space areas of each dwelling would include a canopy tree (except Dwelling 16, which would be adjacent to an existing Yellow Box tree).</p> <ul style="list-style-type: none"> The frontage of the site requires greater analysis. The removal of Dwelling 17 from the amended plans and its replacement with

	<p>communal garden area around the Yellow Box tree is a big improvement to the original concept and will improve the development's interface with Airdrie Court significantly.</p> <p>Conditions are required to ensure the retention of the Yellow Box tree in the long term, given its significance is recognised in the Section 173 Agreement. This would result in the removal of built form and open space (and associated fencing) of Dwelling 16, and relocation of bicycle racks, pedestrian paths, and any communal waste collection area outside of the Tree Protection Zone of the tree.</p> <p>The placement of a double storey dwelling, backyard and paved surfaces within the canopy dripline of the tree is unacceptable given that extensive lopping and incursions into the TPZ and canopy would be required. The construction of a dwelling within the TPZ of the tree also has adverse outcomes for the internal amenity of Dwelling 16, which would have secluded private open space and living areas being in constant shade, which is also not acceptable. (Conditions 1.2)</p> <ul style="list-style-type: none"> • The other major change in the amended plans is also positive with respect to the development's interface to Airdrie Court as it enables the existing safety barrier along the roadway and vegetation behind it to be retained. This includes a second semi mature Yellow Box tree (Tree 13) and some other native revegetation. This helps shield the development from public realm views. Conditions will ensure the view to vegetation is strengthened (Condition 1.7).
<p>Fencing</p> <ul style="list-style-type: none"> • Ensure that the front fence is at least 50% transparent. • Encourage fences that adjoin public open spaces to be no higher than 1.8 metres and to be at least 50% transparent, where appropriate. 	<p>Complies – subject to conditions.</p> <ul style="list-style-type: none"> • A front fence within the traditional understanding of a front fence is not proposed. However, Dwellings 2-5 require a 1.7 m high brush fence along the interface of Airdrie Court to provide seclusion of each dwelling's open space area. <p>The visual impact of this is considered minimal due to the retention of the safety barrier along the road and existing vegetation between the barrier and the property boundary. A condition will require a retaining wall on the far side of the fence be off-set 1m from the boundary to help protect this vegetation.</p> <p>A brush fence is a reasonable attractive addition that will blend in with the existing</p>

	<p>vegetation.</p> <p>There will be some removal of vegetation from the embankment when it is filled. A permit condition to provide additional understorey planting on the external side of the brush fencing would offset the loss of understorey plants to be removed. This would enhance the landscape buffer provided by existing street trees. (Condition 5.8)</p> <ul style="list-style-type: none"> The subject land adjoins public open space, existing 2 m high cyclone fencing would be retained on the shared boundary. This outcome is appropriate according to Council's Parks and Recreation Team.
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Car Parking and Traffic

8.29 Prior to a new use commencing or a new building being occupied, Clause 52.06-2 (Car Parking) requires that the number of car parking spaces outlined at Clause 52.06-6 to be provided on the land or as approved under Clause 52.06-5 to the satisfaction of the Responsible Authority.

8.30 This clause requires resident car parking to be provided at a rate of 1 space for each dwelling with one or two bedrooms, and 2 spaces for each dwelling with three or more bedrooms. Visitor car parking is also prescribed at a rate of 1 car parking space for every five dwellings.

8.31 The development would comprise of sixteen (16) dwellings (four, 3 bedroom dwellings; twelve, 4 bedroom dwellings). Therefore, the proposal requires the provision of thirty-two (32) car parking spaces for residents and three (3) car parking spaces for visitors. The proposed parking provision complies with the residential requirements and is satisfactory.

8.32 An assessment against the car parking design standards in Clause 52.06-9 of the Scheme is provided in the table below:

Design Standard	
1 – Accessways	<p>Met – subject to conditions</p> <p>The accessway servicing the development meets the minimum width requirements and has been designed to allow vehicles to exit in a forward direction onto Airdrie Court. The only garage where multiple movements are likely to be required is Dwelling 6, as all other garages have a clear 6m of reversing space behind them.</p> <p>The passing bay dimensions fall marginally short of the requirement for a 6.1 metre by 7 metre long area (noting that the requirement was changed the application was lodged through Amendment VC132 on 19 September 2017). Council's Engineering and Technical Service Unit requires a permit condition to widen the passing bay to at least 6.1 metres which is achievable. (Condition 1.12)</p>
2 – Car Parking Spaces	<p>Met – subject to conditions</p> <p>Car parking space dimensions and aisle widths are provided in</p>

	accordance with the requirements, noting the turning area behind the garage of Dwelling 6 is tight and requires multiple movements to exit in a forwards direction.
3 – Gradients	Met Gradients of the internal driveway achieve the required transitions and transition lengths.
4 – Mechanical Parking	Not applicable No mechanical parking proposed.
5 – Urban Design	Met The vehicle crossing and accessway are not dominant features in the streetscape, particularly in context of the width of the frontage and landscaping treatments. Garages to dwellings are not oriented to Airdrie Court, and therefore not visible from the street.
6 – Safety	Met - subject to conditions The internal driveways provide access to all of the dwellings. This is typical and shouldn't be a problem within a closed housing estate although consideration should be given to bollard style lighting (Condition 1.16)
7 – Landscaping	Met - subject to conditions Landscaping is provided to soften the appearance of the accessway in accordance with local policy at Clause 22.15, and in accordance with the Section 173 Agreement. A condition has been included requiring a Landscaping Plan be submitted for approval. (Condition 5).

8.33 The proposed waste management regime is problematic. The submitted report, prepared for the initial application indicates that waste collection shall be carried out by rear-lift vehicles (nom. 6.4 m long, 2.1 m high and 6.4 tonnes gross vehicle mass) from within the subject site. This is a good outcome as it limits impact on Airdrie Court and other residence. Further, the report suggests waste collection would occur in accordance with relevant local laws and noise regulation guidelines.

8.34 However, the report states that bin storage would be located within the double garage of each unit. This however would encroach within the required parking spaces (5.5 m wide by 6 m long) and is not practical or a desirable storage area. Parking spaces for residents should remain clear of bins for vehicles to occupy the space.

8.35 The amended plans indicate alternative bin storage areas via a note, including the rear open space areas of some dwellings, within service areas or adjacent to the shared driveway. The report indicates that the private waste collection would collect bins outside each dwelling's garage. The collection point in front of garages is not favoured as this space is reserved for vehicle movements associated with adjacent garages etc.

- 8.36 More detail is necessary in relation to bin storage and collection. Ideally, each dwelling should be provided with a screened area with good accessibility from the dwelling for storage, with secondary access through the garage to allow residents opportunities to move the bins to a collection point.
- 8.37 It is likely that the collection vehicle will need to turn where the driveway splits (just past Dwelling 1); and then collect waste from a temporary waste holding area whilst parked in the passing bay (the 6.1m wide crossover). This arrangement is typical and would be satisfactory. The waste collection vehicle would only occupy this space for a couple of minutes per week. However, the arrangement needs to be properly detailed and the temporary bin storage should be located away from the existing Yellow Box tree and appropriately screened.

On-site and Off-Site Amenity Impacts

- 8.38 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.
- 8.39 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.
- 8.40 An assessment against the objectives and standards of Clause 55 is provided in the table below:

OBJECTIVE	OBJECTIVE MET/NOT MET
55.02 Neighbourhood Character and Infrastructure	
<p>55.02-1 – Neighbourhood Character</p> <ul style="list-style-type: none"> • To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. • To ensure that development responds to the features of the site and the surrounding area. 	<p>Considered Met</p> <p>As outlined in the assessment of the proposal against the policy requirements of the Clause 22.15 – Dwellings in a General Residential Zone, Schedule 1, 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>
<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 – subject to conditions</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>	<p>Met</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<ul style="list-style-type: none"> To encourage a range of dwelling sizes and types in developments of ten or more dwellings. 	<p>The proposal comprises 16 dwellings with a mix of three and four bedrooms providing a suitable mix of dwelling sizes. It is also noted that the dwellings differ in layout and size.</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 conditions</p> <p>The site has access to gas, water and power services. The applicant will be required to construct an outfall drain and provide an on-site stormwater detention system to alleviate pressure on the drainage system. (Condition 14)</p> <p>There are no service supply issues in the subject neighbourhood.</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 – subject to conditions</p> <p>The proposed development comprises of dwellings that are oriented to internal driveways, with Dwellings 1-4 showing rear elevations to Airdrie Court. A variation is supported for Dwellings 2-4 which have secluded private open space facing the street, with 1.7 m high brush fencing, given the constraints of the road safety barrier on Airdrie Court, existing vegetation behind the barrier and the lack of footpaths in this area.</p> <p>The entry and porch of Dwelling 1 should be reoriented to face Airdrie Court given the proposed street setback (4 metres), and proximity to the entrance to the internal driveway. Permit conditions would require a porch entrance to be reoriented to the south eastern elevation, with highlight windows to be replaced with larger windows to address the street. (Condition 1.4)</p>
<p>55.03 Site Layout and Building Massing</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. <i>There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner: 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</i> 	<p>Met</p> <p>The required front setback of 4 metres is met.</p>
<p>55.03-2 – Building Height</p> <ul style="list-style-type: none"> To ensure that the height of buildings respects the existing or preferred neighbourhood character. According to Schedule 1 of the General Residential Zone a building used as a dwelling or residential building must not exceed a 	<p>Met</p> <p>The proposed maximum building height (at 8m) is less than the maximum building height of 9m.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>height of 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height must not exceed 10 metres.</p>	
<p>55.03-3 – Site Coverage</p> <ul style="list-style-type: none"> To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. 	<p>Met</p> <p>The proposed site coverage of buildings is 46%. The proposed site coverage would be compliant with the 60% maximum figure required by Standard B8.</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 proposed area of pervious surface is 34.3% which exceeds the 20% minimum figure required by Standard B9.</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 development will not have any adverse impacts on the energy efficiency of any adjoining dwelling, given that the site does not adjoin any residential lots.</p> <p>The secluded private open space areas and living areas would generally be oriented to the north of the dwellings. There are some exceptions such as Dwellings 2-4, although these dwellings are provided some north facing windows to supplement the main southern outlook.</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. Standard B11: If any public or communal open space is provided on site, it should: <ul style="list-style-type: none"> - Be substantially fronted by dwellings, where appropriate - Provide outlook for as many dwellings as practicable. - Be designed to protect any natural features on the site. - Be accessible and useable. 	<p>Met – subject to conditions</p> <p>The objective of this provision is to integrate the layout of development with any public and communal open space provided in or adjacent to the development. The development provides a poor outlook and interface to Ruffey Creek Linear Park. Dwellings 15 & 16 would back onto the park with service yards and sheds, with minimal setbacks of 1 metre to 1.7 metres from the shared boundary.</p> <p>The dwellings would provide poor address to the park, as most of the attached form at ground floor level would comprise of two double garages with blank walls, and no opportunities to provide landscaping along the boundary to transition from open space to built form. This could be addressed by permit conditions to redesign Dwellings 15 and 16. (Condition 1.5, 5.9)</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 	<p>Met – subject to conditions</p> <p>The porches to each unit are reasonably visible</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>property.</p>	<p>from the internal accessway, and the proposed layout would prevent use of the site as a public thoroughfare. However, there are safety issues in relation to the conflict with pedestrians and vehicles due to the width of the driveway and close proximity of porches to areas used by vehicles to reverse and manoeuvre within the site. These will be resolved through Conditions (Conditions 1.1, 1.4)</p> <p>There is a lack of communal lighting within the common areas which is of concern given that the accessways exceed 30 metres in length and include no pedestrian separation from vehicles. Conditions will require lighting bollards within the communal driveway and communal open space areas. (Condition 1.16)</p> <p>Safety issues are also of concern in relation to the proposed waste collection service (given the size of the vehicle, the narrow widths and tight turning circles provided within the site). This can be overcome through amending the Waste Management Plan (Condition 9).</p>
<p>55.03-8 – Landscaping</p> <ul style="list-style-type: none"> • To encourage development that respects the landscape character of the neighbourhood. • To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. • To provide appropriate landscaping. • To encourage the retention of mature vegetation on the site. 	<p>Met – subject to conditions</p> <p>A landscape plan will be required as a condition for approval to ensure the objective and standard of Clause 55.03-8 are met through the installation of fresh planting throughout, and retention of the mature Yellow Box Tree in the north east corner of the land (subject to conditions), and retention of existing vegetation upon the deletion of Dwellings 6. (Condition 5)</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 development would utilise one existing vehicle crossover (modified).</p> <p>The width of the accessway would be significantly less than the frontage.</p>
<p>55.03-10 – Parking Location</p> <ul style="list-style-type: none"> • To provide convenient parking for resident and visitor vehicles. • To protect residents from vehicular noise within developments. 	<p>Met – subject to conditions</p> <p>The proposed garages would be adjacent to each dwelling, with visitor parking toward the northern end of the lot adjacent to communal open space. This would comply with objectives to provide convenient parking for resident and visitor vehicles.</p> <p>Standard B15 requires an assessment of the proximity of habitable room windows to shared accessways in order to protect residents from vehicular noise within developments. Most of the</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>dwelling would have habitable room windows set back at least 1.5 m from the internal drive, with landscaping in front. This would comply with the Standard.</p> <p>It is noted that Dwelling 1's sitting room would be setback 1 m from the shared driveway. This is acceptable because the window has a sill heights of 1.4 m high and would comply with the requirements of Standard B15.</p> <p>Dwelling 15's kitchen would be setback 1.2 m from the shared driveway, but with a sill height approximately 1.2 m high. The adjoining accessway is shared with Dwelling 14 and therefore this window is appropriate.</p> <p>Concern have been expressed in relation to a bedroom window in Dwelling 7. The close relationship between the window and driveway (and adjacent porch) supports the condition to delete Dwelling 6. (Condition 1.1)</p>
55.04 Amenity Impacts	
<p>55.04-1 – Side And Rear Setbacks</p> <ul style="list-style-type: none"> To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>Met</p> <p>Compliance with this requirement is achieved as there in no residential interface.</p> <p>Irrespective, the proposed building setbacks achieve compliance with the requirements except the first floor level of Dwelling 14, which would be setback 1.6 metres from the north west boundary. The required setback is at least 1.89 metres for a wall 6.57 m high, and therefore a variation of 300 mm is sought. A variation is supported given the minor discrepancy, and as the upper level would be adjacent to St Kevin's Primary School oval and would not pose any amenity impacts as a result.</p>
<p>55.04-2 – Walls On Boundaries</p> <ul style="list-style-type: none"> To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>Not Applicable</p> <p>No walls on boundaries are proposed.</p>
<p>55.04-3 – Daylight To Existing Windows</p> <ul style="list-style-type: none"> To allow adequate daylight into existing habitable room windows. 	<p>Not Applicable</p> <p>The subject site abuts a school oval, tennis courts and a park, and therefore the nearest existing habitable room windows are over 9 metres distance from the site.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<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' habitable room windows within 3 metres of a shared boundary.</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>Not Applicable</p> <p>The site does not overshadow any secluded private open space of existing dwellings.</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. Standard B22 does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 800 mm above ground level at the boundary. 	<p>Not Applicable</p> <p>The subject site abuts a school oval, tennis courts and a park, and therefore the nearest existing habitable room windows are over 9 metres distance from the site.</p>
<p>55.04-7 – Internal Views</p> <ul style="list-style-type: none"> To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development. 	<p>Met</p> <p>Each secluded private open space area would be separated by a 1.8 m high timber paling fence.</p> <p>There would be no overlooking of habitable room windows and secluded private open space within the development, due to the distance between each habitable room window at first floor level.</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 the dwellings.</p>
<p>55.05 Onsite Amenity and Facilities</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>This objective is non-prescriptive and is interpreted as requiring general consideration of pedestrian access to dwellings in respect of persons who may otherwise not deal with steep slopes or excessive numbers of stairs without assistance.</p> <p>Standard B25 recommends that the ground floor dwelling entries be accessible or be capable of being made accessible to persons of limited mobility (the elderly would be the most common category of people who experience limited mobility). This is a highly subjective requirement as some persons with limited mobility may be</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>able to negotiate steps simply with the use of a handrail, while others are incapable of walking up more than a few steps.</p> <p>In this case, it is noted that front entries have been designed with one low step from the porch.</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>Each dwelling would be provided with a front porch which provides a transitional space to the entry door. The entries are well defined and visible from either the street or a driveway.</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 room windows of the proposed dwellings face onto an outdoor space (clear to the sky) with minimum area of 3 m² and a minimum dimension of 1.0m, in accordance with Standard B27.</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. Schedule 1 to the General Residential Zone indicates that the ground floor, private open space of new dwellings should have an area of 55 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling with a minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room. 	<p>Met</p> <p>Each garden would be at least 5 m wide and 40 m² in size at ground floor level, accessed from a living room.</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 – subject to conditions</p> <p>Dwellings 1 to 15 achieve the requirements for solar access to open space.</p> <p>Dwelling 16 would receive limited solar access to the secluded private open space area being on the south-eastern side of the dwelling (double storey) and compromised by the canopy of Yellow Box tree casting the area in shade. Permit conditions will require improvements to the setback of this dwelling from the tree including secluded private open space the is no longer compromised. (Conditions 1.2)</p>
<p>55.05-6 – Storage</p> <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling. 	<p>Met – subject to conditions</p> <p>Each dwelling would be provided with 6 m³ storage. The sheds to Dwellings 15 & 16 would be located along the shared boundary with Ruffey Creek Linear Park. This is not an</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	attractive interface, and therefore conditions will require 6 m ³ storage space to be incorporated in an alternative position. (Condition 1.8)
55.06 Detailed Design	
55.06-1 – Design Detail <ul style="list-style-type: none"> To encourage design detail that respects the existing or preferred neighbourhood character. 	Met The dwellings would be constructed of face brick with render, and part cladding at first floor level, and hipped and flat roof forms which would be generally consistent with the prevailing neighbourhood character. The design can be described as contemporary conservative.
55.06-2 – Front Fence	Met No front fence is proposed. Brush fencing (1.7 m high) would be constructed to the rear yards of Dwellings 2-5.
55.06-3 – Common Property <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. 	Met Common Property is proposed in the driveway and Communal Garden Area.
55.06-4 – Site Services <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. 	Met – subject to conditions Mail delivery facilities are easily accessible from pathways. Each dwelling would have individual gas meters, however limited details are provided with regard to the design and appearance of mailboxes and water and power meters. No communal bin store and bin wash area is provided, which is unacceptable for a development of this scale, reliant on private waste collection services. Conditions will be required to provide these details, and to ensure that site services (including any communal bin store and wash areas) are appropriately designed and screened to the satisfaction of the Responsible Authority. (Condition 10)

Objector Concerns

8.41 Overdevelopment

As outlined above, the proposed development will require modification by permit condition in order to be acceptable having regard to the policy objectives of the Manningham Planning Scheme. Inadequate setbacks, narrow internal separation

between dwellings and significant encroachment into the significant native tree lend themselves to arriving at this conclusion. For that reason, as explained earlier in this report, permit conditions will require the deletion of Dwellings 6 from the development site, and deletion or significant modification of Dwelling 16. The reduction in built form will increase the permeable area of the development that can be landscaped, decrease site coverage and improve setbacks to the north-eastern and southern boundaries. **(Condition 1)**

8.42 **Traffic, lack of on-street and off-street car parking, and pedestrian safety**

Subject to the modifications to be required by permit condition previously listed in this report and as identified by Council's Engineers, the proposal is considered acceptable having regard to traffic, car parking and pedestrian safety concerns. The proposal provides the necessary number of car parking spaces required to be provided on-site pursuant to Clause 52.06 Car Parking of the Manningham Planning Scheme. Consequently, impacts caused by a potential increase in demand for off-site car parking cannot be considered in assessment of this application.

8.43 **Design and built form (setbacks between each dwelling, opportunities for landscaping, lack of outdoor space), including loss of existing vegetation on site**

The design response has been assessed to be an acceptable one having regard to building heights, architectural style and open space provision to each dwelling, and provision of communal space to the north east of the site. As already noted, a series of permit conditions will require the reduction of built form through the deletion and modification of two dwellings in order to achieve greater separation between dwellings within the site. This significant modification will provide an improved built form response as well as enhance internal amenity for future users. The increased permeable areas will offer additional space in which better landscaping opportunities can occur and will ensure the Yellow Box tree protection zone will be respected.

8.44 **Lack of housing diversity**

Clause 55.02-3 calls for a range of dwelling sizes and types. The proposal currently seeks permission for 16 either 3 or 4 bedroom dwellings with double car garages. While in this regard there is a lack of diversity, it is noted that the proposal embodies dwellings which have some variation in terms of layout and ground floor habitable space provision. Three dwellings, for example, are proposed to have a reverse living arrangement with ground level bedrooms and upper level, open planned areas encompassing balcony. Several dwellings have ground floor amenities, including bathroom facilities, and some include at least one bedroom at the entry level. On balance, having regard to the site's physical location being removed from public transport and services, the more traditional family sized dwelling with the 3 or 4 bedrooms dwellings is considered acceptable. There is an opportunity to provide for two bedroom dwellings through modifications of Dwelling 1 and Dwelling 16 (should it be redesigned and not removed).

Off-site amenity impacts (including overlooking the school and tennis courts, noise and air pollution, safety, loss of property values, waste collection, flooding and run off issues)

8.45 Overlooking

Objectors have raised concerns with the potential for overlooking nearby communities facilities. As there is no planning protection offered to such facilities, it is not considered appropriate to make any modifications to screen or limit views which have an outlook to these spaces.

8.46 Noise and air pollution

As a planning permit is not required to use land for more than one dwelling, residential noise and air quality are not matters that can be considered.

8.47 Loss of Property Values

The impact on property prices is not a consideration of the planning permit application process. The Victorian Civil and Administrative Tribunal and its predecessors have generally found subjective claims that a proposal will reduce property values are difficult, if not impossible to gauge and of no assistance to the determination of a planning permit application. It is considered the impacts of a proposal are best assessed through an assessment of the amenity implications rather than any impacts upon property values, as provided under Section 8 of this report.

8.48 Waste Collection

It is noted that the development will be serviced by a private waste contractor. Council shares the objectors' concerns with regard to access by a private waste contractor to individuals' bins. Conditions will require a safer and more practical method of collection through requirements to provide communal bin storage **(Condition 9)**.

8.49 Flooding and Run Off Issues

Approval of the proposal is subject to the provision of an on-site stormwater detention system to manage issues of internal run-off and manage any potential flooding.

A Construction Management Plan will be required to manage construction phase issues. **(Condition 7)**.

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.