

ratio

Town Planning Report
5-7 Curlew Court, Doncaster
Construction of a Multi-Dwelling Development

March 2011

Prepared by
Ratio Consultants Pty Ltd

Prepared for
Penbury Lodge Pty Ltd
March 2011

Our Reference: 10412R001

©Copyright, Ratio Consultants Pty Ltd, March 2011

This work is copyright. Apart from any use as permitted under Copyright Act 1963, no part may be reproduced without written permission of Ratio Consultants Pty Ltd.

Disclaimer:

Neither Ratio Consultants Pty. Ltd. nor any member or employee of Ratio Consultants Pty. Ltd. takes responsibility in any way whatsoever to any person or organization (other than that for which this report has been prepared) in respect of the information set out in this report, including any errors or omissions therein. Ratio Consultants is not liable for errors in plans, specifications, documentation or other advice not prepared or designed by Ratio Consultants.

TABLE OF CONTENTS

Chapter / Section	Page No.
1 INTRODUCTION / OVERVIEW	3
1.1 Instructions.....	3
1.2 Investigations and Research.....	3
1.3 Summary Opinon.....	3
2 EXISTING CONDITIONS	4
2.1 Locality.....	4
2.2 Subject Site.....	7
2.3 Adjoining Properties	8
2.4 Neighbourhood Character.....	8
3 THE PROPOSAL	9
3.1 General Site Layout.....	9
3.2 Floor Plans	9
3.3 Building Height, Style & Materials	9
3.4 Fencing	9
3.5 Landscaping	9
3.6 Car Parking, Access & Storage.....	9
4 RELEVANT PLANNING CONTROLS	11
4.1 Zoning Controls	11
4.2 Overlay Controls	12
4.3 State Planning Policy Framework (SPPF).....	13
4.4 Local Planning Policy Framework (LPPF).....	14
4.5 Particular and General Provisions.....	19
5 DESIGN RESPONSE	21
6 PLANNING CONSIDERATIONS	23
6.1 Introduction / Overview.....	23
6.2 Is There Strategic Support for the Proposal?	23
6.3 Is the Proposed Design and Built Form Appropriate to its Context?.....	24
6.4 Will the Proposal Facilitate Acceptable Amenity Outcomes?	35
7 CONCLUSION	39

1 INTRODUCTION / OVERVIEW

1.1 INSTRUCTIONS

Ratio Consultants Pty Ltd has been requested by Penbury Lodge Pty Ltd, the permit applicant, to prepare a planning report with respect to an application for construction of a residential building comprising 30 apartments at No.'s 5-7 Curlew Court, Doncaster.

1.2 INVESTIGATIONS AND RESEARCH

In the course of preparing this report we have carried out relevant planning investigations, including inspections of the subject site and surrounding land. We have also assessed the proposal according to the Manningham Planning Scheme.

1.3 SUMMARY OPINION

In short, we believe the proposed development should be supported because:

- It is consistent with the strategic directions contained in the State and Local Planning Policy Frameworks of the Manningham Planning Scheme as they relate to urban consolidation in appropriate locations, the more efficient use of infrastructure, the provision of housing diversity etc;
- It will facilitate the objectives and desired future character sought by the Design and Development Overlay, Schedule 8;
- It has been designed to respond to the site analysis and achieves an appropriate degree of "fit" with its urban context;
- It will not unreasonably impact upon the amenity of neighbouring properties;
- It will provide an appropriate level of amenity for future occupants; and
- It provides satisfactory car parking and access arrangements.

2 EXISTING CONDITIONS

2.1 LOCALITY

The subject site is located on the north side of Curlew Court, Doncaster. **Figure 1, Figure 2** and **Figure 3** below show the location of the subject land and its broader context.

The subject site is an excellent location with respect to its proximity to a range of commercial and community facilities, public parks and public transport services, including:

- Westfield Doncaster Shoppingtown;
- Schramms Reserve and Ruffey Lake Park;
- Walking distance to various shops, services and restaurants located on Doncaster Road;
- Doncaster Primary School, Doncaster Secondary College, and Doncaster Gardens Primary School;
- Bus routes No.'s 151, 157, 160, 207, 295, 307 and 365, which all travel along Doncaster Road and provide linkages throughout key areas of metropolitan Melbourne.

FIGURE 1: SHOWING SUBJECT SITE AND THE LOCALITY

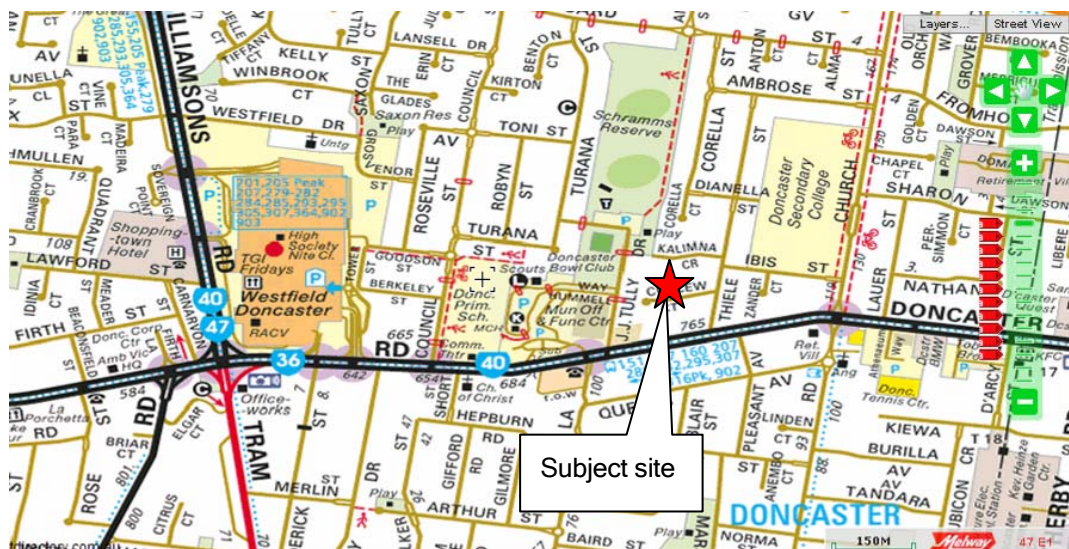


FIGURE 2: CADASTRAL MAP OF SUBJECT SITE AND ITS BROADER CONTEXT

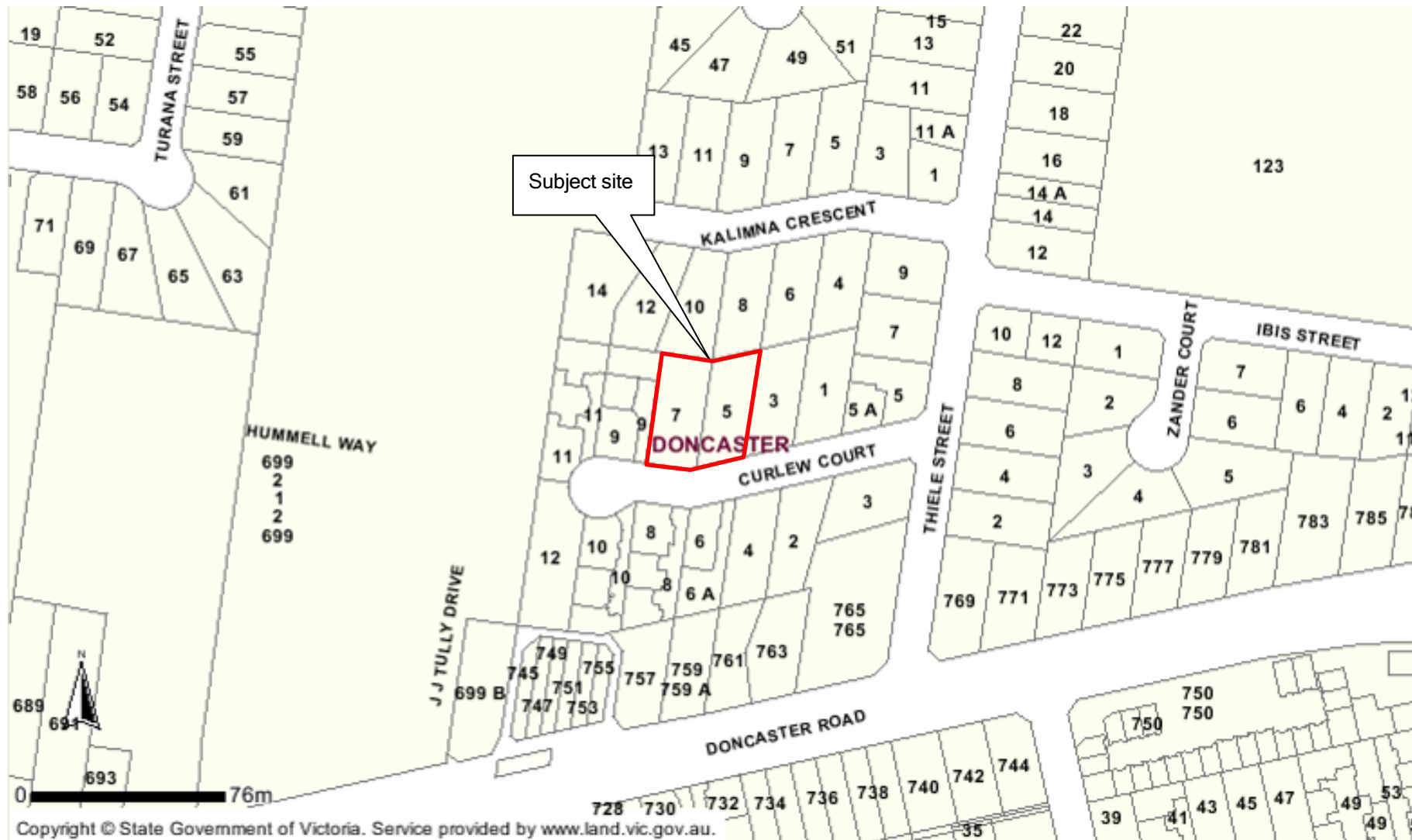
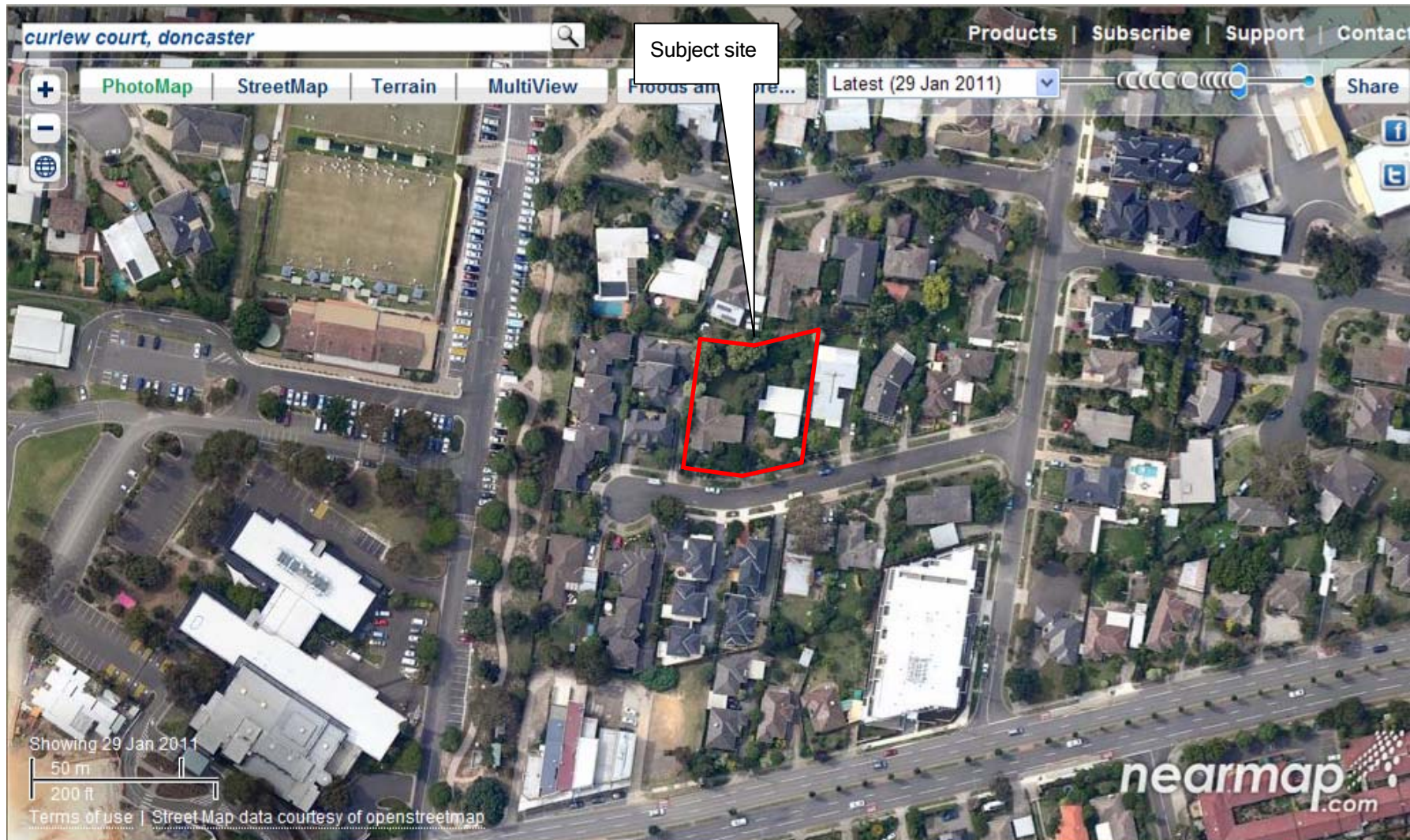


FIGURE 3: AERIAL PHOTO OF SUBJECT SITE AND ITS SURROUNDING CONTEXT



2.2 SUBJECT SITE

The subject site comprises two separate allotments, commonly known as No.'s 5 and 7 Curlew Court, Doncaster. This is illustrated in **Figure 4** below.

FIGURE 4: CADASTRAL MAP OF SUBJECT SITE

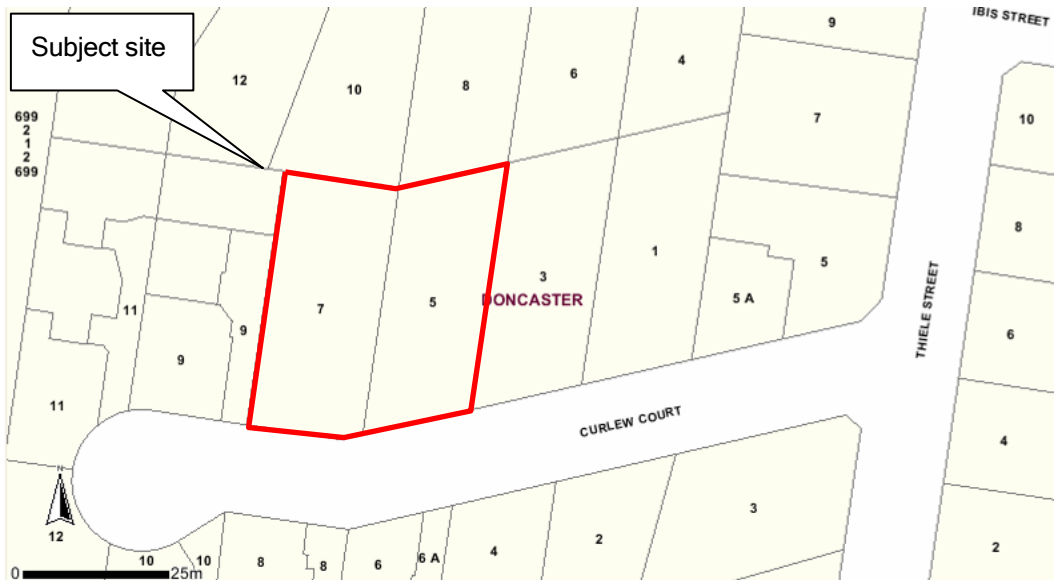
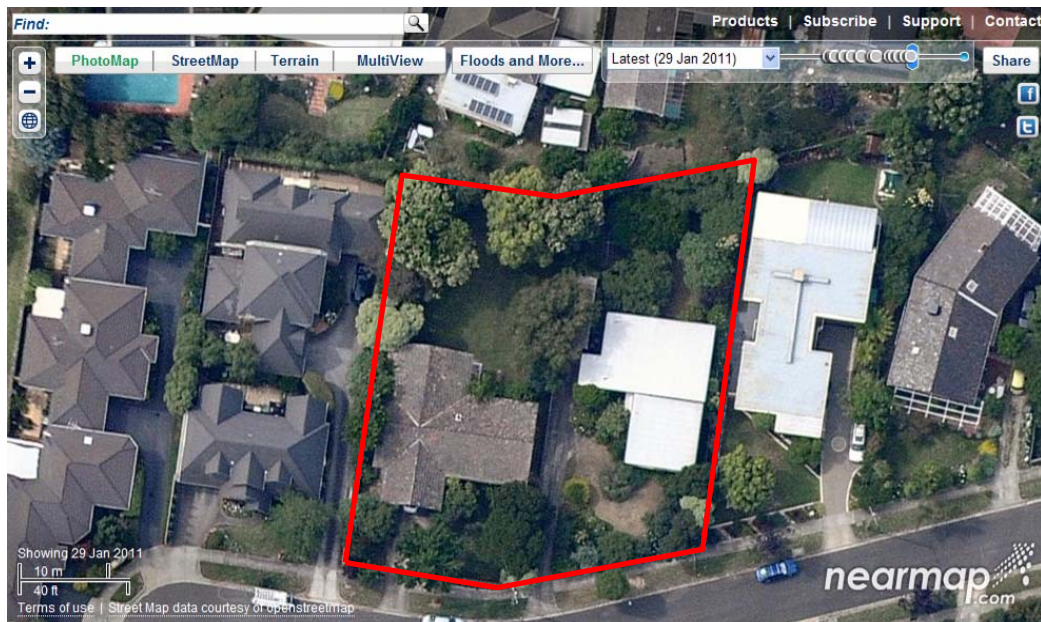


FIGURE 5 AERIAL PHOTOGRAPH OF SUBJECT SITE



The site is an irregular shape, and includes a frontage of 39.6 metres to Curlew Court and a maximum depth of 43.51 metres.

The land slopes from the southwest corner down to the northeast corner by approx. 5.72 metres.

The site currently contains two single-storey detached dwellings, with one located on each lot. The dwellings are all constructed of brick veneer and include either pitched, tiled roof or corrugated iron.

Existing access to the site is via two separate crossovers, located to the west of each individual lot.

There is a 2.4 metre drainage and sewerage easement that extends along the northern boundaries of the allotments.

The subject land is not affected by any covenants or restrictions registered on title. A full and recent copy of title for each allotment is included at Appendix A.

2.3 ADJOINING PROPERTIES

Details of adjoining properties are outlined as follows:

- **North:** To the immediate north, No. 8 and no. 10 Kalimna Crescent back onto the subject site. The site's each contain single storey brick veneer dwellings.
Further north is residential development.
- **East:** No. 3 Curlew Court abuts the site's immediate eastern boundary. The contains a double storey brick dwelling.
- **South:** Directly to the south is Curlew Court, and on the opposite side is residential development which is generally up to two-storeys in height.
- **West:** To the west, the subject site shares its common boundary with three units, which contain a common driveway along the boundary with the subject site.

2.4 NEIGHBOURHOOD CHARACTER

By and large the predominant land use in the neighbourhood is residential, and this is reflective of the residential zoning. Based on observations from inspecting the site, we describe the neighbourhood character as:

- a mixture of both single and double storey dwellings, with the emergence of three storey developments;
- predominant building materials comprise brick or render;
- pitched or flat rooves;
- building materials mainly include brick with tiled rooves;
- buildings are generally detached from at least one side boundary; and
- building setbacks enable front garden areas, with some canopy trees located in front and rear yards.

3 THE PROPOSAL

It is proposed to redevelop the site by demolishing the existing dwellings and outbuildings (permit not required), and construction of a three-storey building comprising a total of 30 residential apartments.

3.1 GENERAL SITE LAYOUT

The building has a singular floor plate, with an identifiable entry from Curlew Court.

Vehicular entry to the site will be from a double width crossover to Curlew Court into a common basement garage.

3.2 FLOOR PLANS

The dwellings are a mixture of one and two bedroom dwellings, some of which contain studies (noting that many of the studies have an open nature and could not conceivably be used as bedrooms given their size).

The dwellings will each have access to secluded private open space from the living areas to provide for ample connectivity between the areas.

3.3 BUILDING HEIGHT, STYLE & MATERIALS

The maximum building height will be 10 metres above natural ground level.

The proposed building style will be contemporary, and includes a vast mix of external materials and finishes including acrylic texture render finish, stone wall cladding, metal screens, glazed balustrades, and large window proportions.

3.4 FENCING

The proposal will have 1.0 metre high fencing that is offset from the boundary and will provide for some privacy to the ground floor terrace areas of the dwellings facing Curlew Court.

3.5 LANDSCAPING

Opportunities for the establishment of a new generation of landscaping will be provided around the perimeter of the building.

A landscape plan prepared by John Patrick Landscape Architects has been submitted as part of the application documentation.

3.6 CAR PARKING, ACCESS & STORAGE

A total of 35 car spaces are provided within the basement that will be accessed via a new double crossover to Curlew Court. Parking is provided as follows:

- One car space per one and two bedroom apartment (i.e. 30 x 1 =30); and
- Five visitor spaces.

Existing crossovers that are not being utilised can be reinstated as nature strip and kerb and channel.

Storage for each dwelling is provided in the basement.

Bicycle spaces are contained within the basement.

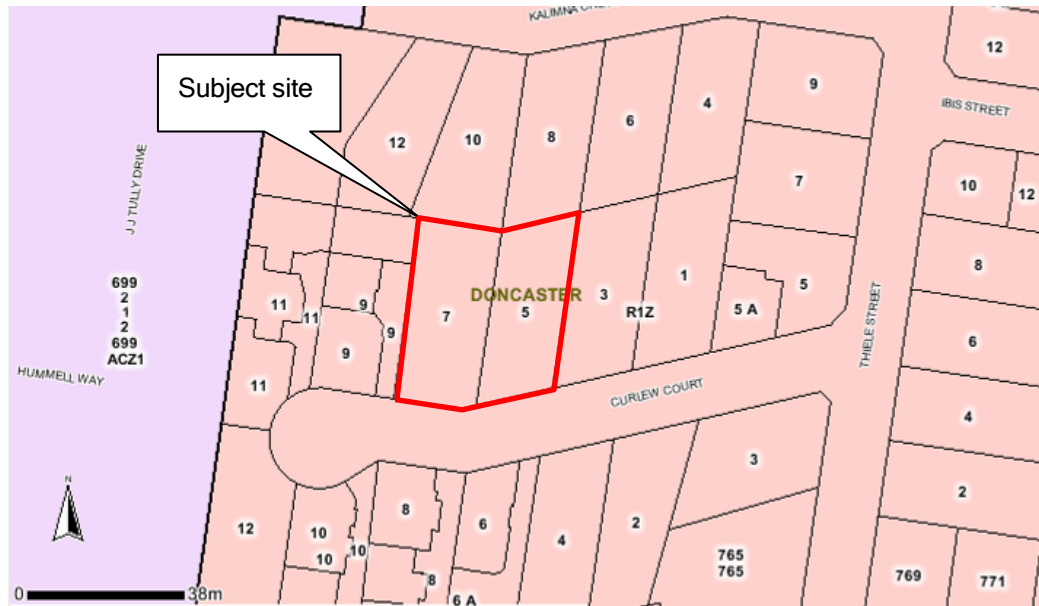
Bin storage is also provided in separate storage areas.

4 RELEVANT PLANNING CONTROLS

4.1 ZONING CONTROLS

The subject site is included within a Residential 1 Zone under the Manningham Planning Scheme at Clause 32.01.

FIGURE 6: ZONING MAP, SHOWING R1Z AFFECTING SUBJECT SITE



Source: www.dse.vic.gov.au

The purposes of the Residential 1 Zone include (as relevant):

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.*
- *To encourage residential development that respects the neighbourhood character.*

The use of the land for the purpose of a dwelling does not require a planning permit under Clause 32.01-1.

Pursuant to Clause 32.01-4, a planning permit is required to construct two or more dwellings on a lot.

The provisions of Clause 55 apply to a development of three storeys (excluding a basement), as is the case for this application.

Before deciding on an application, in addition to **Clause 65** of the Scheme, the Responsible Authority must consider (as appropriate):

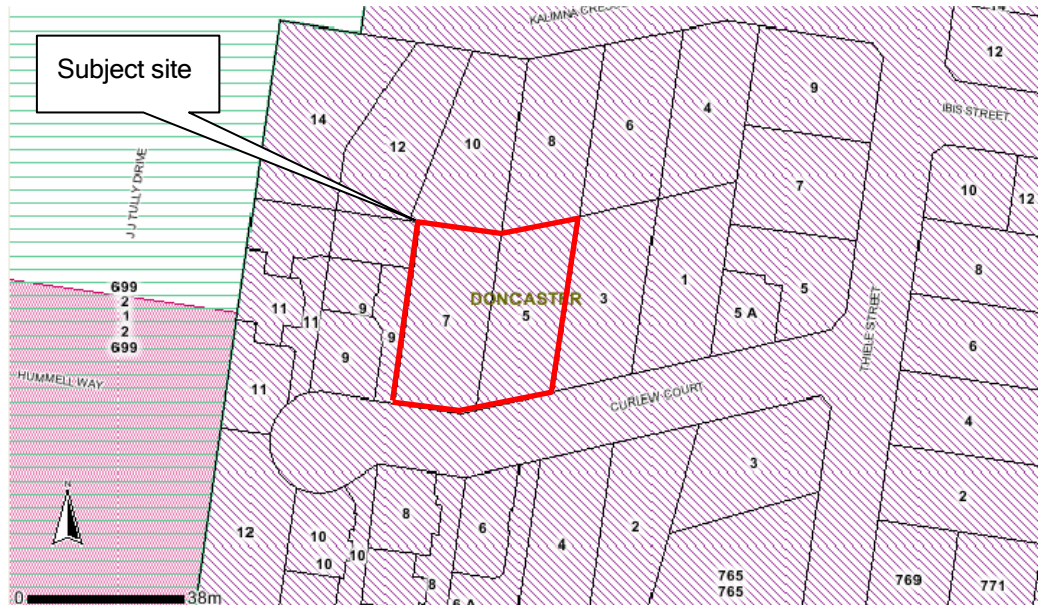
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

- *The objectives, standards and decision guidelines of Clause 55.*

4.2 OVERLAY CONTROLS

The subject site is affected by a Design and Development Overlay, Schedule 8 (DDO8).

FIGURE 7: OVERLAY MAP, SHOWING DDO8 AFFECTING SUBJECT SITE



Source: www.dse.vic.gov.au

The DDO8 relates to “Residential Areas Surrounding Activity Centres and Along Main Roads”. The design objectives to be achieved include:

To increase residential densities and provide a range of housing types around activity centres and along main roads.

To encourage development that is contemporary in design that includes an articulated built form and incorporates a range of visually interesting building materials and façade treatments.

To encourage three storey, including ‘apartment style’, developments on larger lots.

To ensure new development is well articulated and upper storey elements are not unduly bulky or visually intrusive.

To ensure the scale, height and form of three storey developments are sufficiently stepped down at the perimeter of sub-precinct A to provide an appropriate and attractive interface to sub-precinct B, or other adjoining precinct, as identified on Map 1 to this Schedule.

To encourage spacing between developments to minimise a continuous building line when viewed from a street.

To ensure the design and siting of dwellings have regard to the future development opportunities and future amenity of adjoining properties.

To ensure overlooking into adjoining properties is minimised.

To ensure the design carports and garages complement the design of the building.

To ensure the design of basement car parks complement the design of the building and sited to allow for effective screen planting.

To create a boulevard effect along Doncaster Road and Manningham Road by planting trees within the front setback that are consistent with the street trees.

A full assessment of this proposal against the DDO8 provisions will be examined in detail later in the report.

4.3 STATE PLANNING POLICY FRAMEWORK (SPPF)

The provisions that are of most relevance to this proposal include:

- Clause 11.02 Urban Growth.
- Clause 15.01-1 Urban Design.
- Clause 15.01-2 Urban Design Principles.
- Clause 15.02 Sustainable Development.
- Clause 16.01-2 Location of Residential Development.
- Clause 16.01-4 Housing Diversity.
- Clause 16.01-5 Housing Affordability.
- Clause 18.02-1 Sustainable Personal Transport.
- Clause 18.02-5 Car Parking.

The various SPPF provisions that relate to the proposed development state the need:

- To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses;
- To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity;
- To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties;
- To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions;
- To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport;
- To promote for a range of housing types to meet increasingly diverse needs;
- To deliver more affordable housing closer to jobs, transport and services;
- To promote the use of sustainable personal transport; and
- To ensure an adequate supply of car parking that is appropriately designed and located.

4.4 LOCAL PLANNING POLICY FRAMEWORK (LPPF)

4.4.1 Clause 21.02 Housing

This Clause identifies that most housing stock in Manningham is less than 25 years old, and varies from weatherboard dwellings in the older suburbs through to larger modern brick homes. It also acknowledges that higher density housing is generally located near to Activity Centres, such as in this case.

4.4.2 Clause 21.03 Key Influences

This Clause examines various matters, including the future housing needs of the municipality. In this regard it recognises that an ageing population coupled with the trend toward smaller family structures dominates Manningham's population and dwelling forecasts, and will lead to an imbalance between the housing needs of the population and the actual housing stock available. It anticipates that this will result in increased demand for (inter alia) medium density housing.

Under the heading 'residential amenity' the clause identifies that increasing pressure for redevelopment, consolidation and medium density housing will raise issues about how these changes affect the character and amenity of local neighbourhoods. It states that in meeting future housing needs, the challenge will be to:

- Provide for residential redevelopment in appropriate locations;
- Reduce pressure for development in more sensitive areas, and
- Ensure development is constructed in a manner that respects the residential character and amenity valued by existing residents.

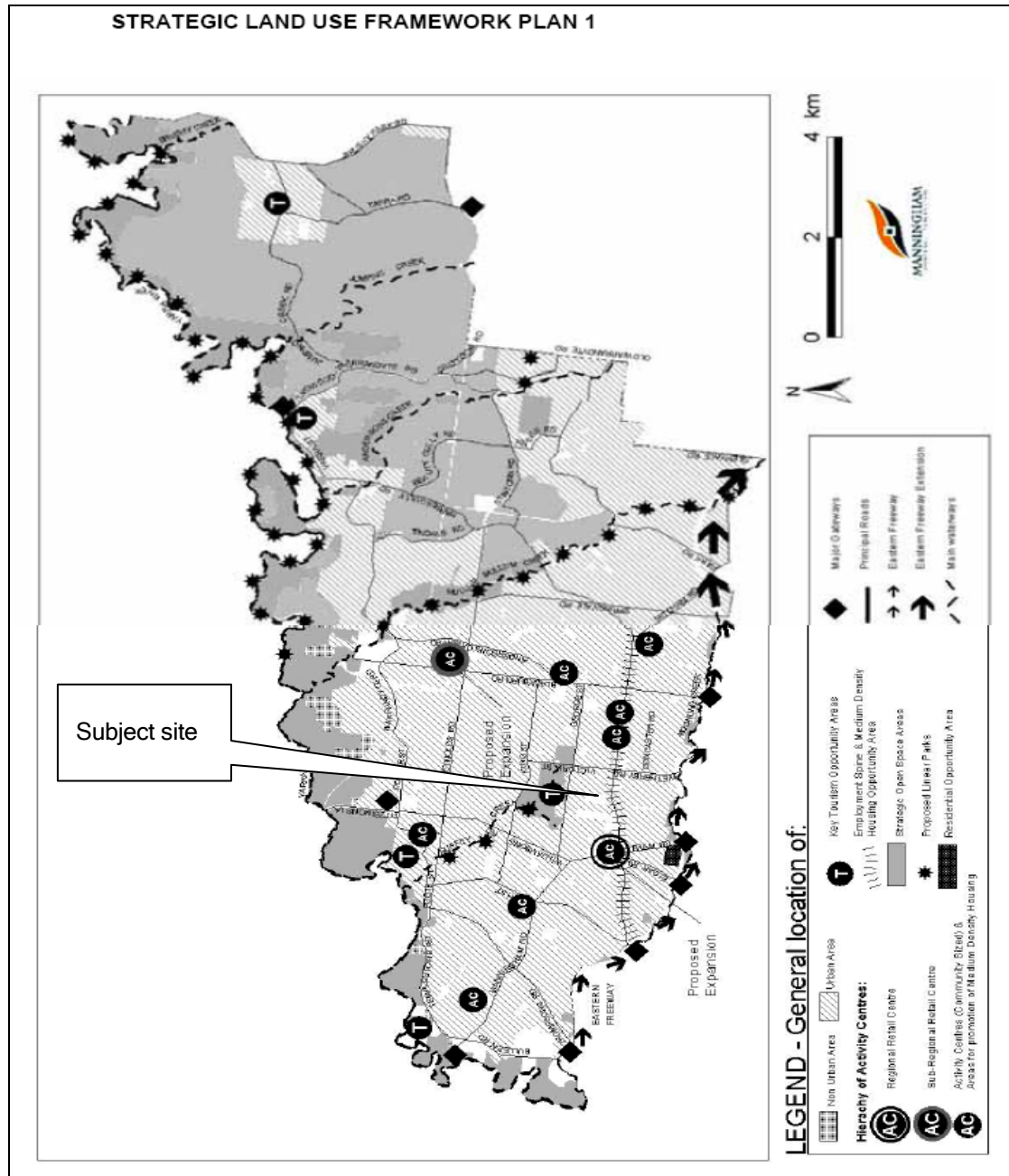
Leading on from this the clause specifically addresses 'Future Housing needs', and states

Residential development that consolidates the role of established urban areas and reduces pressure for development in more sensitive locations will be encouraged. Higher density housing in close proximity to activity centres, major roads and transport routes, that address changing demographic needs will be encouraged.

4.4.3 Clause 21.04 Vision- Strategic Framework

The Strategic Land Use Framework Plan (refer **Figure 8** below) identifies the Council's key strategic directions for future land-use planning and development. The subject site is identified as being part of an "employment spine and medium density housing opportunity area".

FIGURE 8: CLAUSE 21.04 STRATEGIC LAND USE FRAMEWORK PLAN



4.4.4 Clause 21.05 Urban Design

This Clause is specifically relevant to this proposal. The 'overview' of this Clause states that the provision of housing in Manningham will be influenced by strategies that protect and enhance landscape character, neighbourhood character and environmental values whilst meeting projected future housing needs. It also states (inter alia):

- Residential development will be directed to areas with fewer constraints.
- Residential development that consolidates the role of established urban areas and reduces pressure for development in more sensitive locations will be encouraged.
- Higher density housing in close proximity to activity centres and transport routes will be encouraged.

- Housing development that reflects demographic changes that are occurring will be encouraged.
- Medium density developments are to be well designed, site responsive and not impact adversely on neighbours, the surrounding environment, streetscape and local neighbourhood character.
- Residential development should provide a 'sense of place', with each unique area maintaining a sense of identity within the City as a whole.

Precinct 2 - Residential Areas Surrounding Activity Centres and along Main Roads

The key strategic directions for future residential development are illustrated in the Residential Character Precincts Map, which identifies four precincts.

The subject site is identified as being within "*Precinct 2: Residential Areas Surrounding Activity Centres and along Main Roads*". In essence, the precincts seek to channel increased housing densities around activity centres and main roads, where facilities and services are available, as it states:

These areas are within close proximity to activity centres (local shopping centres) and community facilities. The Doncaster Hill Activity Centre is regarded as the prime location for redevelopment for residential, commercial and community uses and is identified as the only Principal Activity Centre in the municipality.

The main roads identified in this precinct are Doncaster, Tram and Elgar Roads, Manningham and part of Thompsons, Blackburn and Mitcham Roads. These areas are developed with a range of commercial and residential uses.

Whilst landscaping exists along the main roads, there are opportunities to introduce better landscaping standards to improve the appearance of the main roads in the municipality.

A substantial level of change is anticipated in Precinct 2. This area will be a focus for higher density developments. Three storey buildings, including 'apartment-style' developments, will be encouraged on larger lots.

- *Future development in this precinct is encouraged to:*
- *Provide for contemporary architecture*
- *Achieve high design standards*
- *Provide visual interest and make a positive contribution to the streetscape*
- *Provide a graduated building line from side and rear boundaries*
- *Minimise adverse amenity impacts on adjoining properties*
- *Use varied and durable building materials*
- *Incorporate a landscape treatment that enhances the overall appearance of the development.*

The subject site is then located within sub-precinct A, which states:

"Sub-precinct A is an area where two storey buildings and three storey buildings, including 'apartment style' developments are encouraged. Three storey, contemporary developments are encouraged on consolidated sites with a minimum area of 1,800m².

Higher developments on the perimeter of sub-precinct A should be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct B."

The clause also has various key issues, objectives, strategies and implementation measures for the established urban areas.

The various "key issues" include:

- *Accommodating population growth outlined in Melbourne 2030 Planning for Sustainable Growth (2002).*
- *Providing a diversity of appropriate housing to meet changing lifestyles and housing needs.*
- *The impact of medium density housing, including the redevelopment of ageing housing stock and impact on the character and quality of urban environments.*
- *The provision of housing to cater for all stages of the lifecycle and changing family structure.*
- *Dwindling residential land stock for extension of residential areas.*
- *Maintaining population levels sufficient to sustain adequate, high quality physical and community infrastructure.*
- *Site responsive subdivision and development.*
- *Improving residential design standards.*

Relevant "objectives" include:

- *To accommodate Manningham's projected population growth.*
- *To ensure that medium density developments are designed and landscaped to make a positive contribution to the local area.*
- *To ensure that housing choice, quality and diversity will be increased to better meet the needs of the local community and reflect demographic changes.*
- *To support appropriate developments, which do not compromise neighbourhood character and provide accessibility and affordability to enable residents to stay within their local neighbourhood or municipality.*
- *To recognise that opportunities for residential development are limited in the municipality.*
- *To encourage higher housing densities which achieve a more efficient use of urban infrastructure in locations close to activity centres and major public transport routes and which stabilises population levels in the municipality.*
- *To encourage subdivision and development which responds positively to site features, integrates well with the neighbourhood, provides a functional environment and achieves energy efficient and environmentally sensitive layouts.*
- *To encourage residential development that enhances the existing or preferred neighbourhood character of the residential character precincts as shown on Map 1 to this Clause.*

Relevant "strategies" include:

- *To encourage and guide higher density residential development close to activity centres and along main roads identified as Precinct 2 on the Residential Living Framework Plan 3 and Map 1 to this clause.*

- *Provide clear guidance about the desired future character for different areas of Manningham, including appropriate design techniques and suggestions.*
- *Encourage higher density residential development in locations close to activity centres and major public transport routes to promote access to services and job opportunities.*
- *Promote the consolidation of lots to increase design options.*
- *Ensure subdivision and building design is site responsive.*
- *Consolidate new housing in existing urban residential areas in locations that are well serviced by public transport, community and retail facilities.*
- *Encourage the establishment of higher density residential development in close proximity to activity centres, main public transport routes and the land identified on the Residential Living Framework Plan 3 and Map 1 to this Clause.*
- *Encourage the provision of housing stock which responds to the needs of the municipality's ageing population.*
- *Require residential development to include stepped heights, articulation, and sufficient setbacks to avoid detrimental impacts to the area's character and amenity.*

4.4.5 Clause 21.10 Ecologically Sustainable Development

The policy recognises Council's commitment to providing ecological sustainable development within the municipality and looks at issues such as water sensitive design, building energy management, waste management etc.

4.4.6 Clause 22.01 Design and Development Policy

This policy provides design guidance for all development with the exception of applications assessed under Clause 55 and within the Doncaster Hill Activity Centre, such as in this case.

The objectives include (as relevant):

- *To facilitate development which enhances the streetscape and neighbourhood character and reflects the distinctive qualities of Manningham.*
- *To encourage innovative contemporary built form.*
- *To ensure that the design, scale, location and appearance of any buildings harmonise with the streetscape and area.*
- *To achieve a 'boulevard' character and well-defined built edge along Doncaster Road.*
- *To discourage development that blocks prominent views from main roads.*
- *To ensure that the amenity of the locality is not adversely affected.*
- *To make provision for a high level of privacy and protection from overlooking and noise for abutting or nearby residents.*
- *To promote design which is functional, attractive and responsive to the site and surrounds.*
- *To discourage the over-development of land.*

- *To retain existing vegetation where possible and ensure that a high standard of landscaping is achieved.*
- *To facilitate the creation of functional and high quality urban spaces which encourage vibrant street-life and promenading.*
- *To promote appropriate development which enhances gateways.*
- *To encourage the efficient use of energy, solar orientation of buildings, and the use of energy from renewable energy sources.*
- *To promote land use and development which reduces the need to travel and that encourages multi-purpose trips.*
- *To ensure that land used for vehicle access and parking is properly designed, formed and drained to:*
 - *Minimise increases in stormwater runoff.*
 - *Protect environmental values.*
 - *Prevent stormwater damage to property.*
 - *Protect physical characteristics of watercourses from degradation by urban runoff.*
 - *Minimise the need for on-going maintenance of infrastructure.*
- *To ensure that subdivisions are designed in a site responsive manner that minimises the loss of vegetation, minimises earthworks and encourages energy efficient housing.*

The policy pulls into focus a number of the issues and objectives raised by the MSS provides direction:

- Neighbourhood and Streetscape Character
- Urban Design Principles
- Activity Centres
- Main Roads
- Gateways
- Energy Efficiency
- Residential Interface
- Car Park and Driveway Construction
- Subdivision

An assessment against this policy is provided below.

4.5 PARTICULAR AND GENERAL PROVISIONS

4.5.1 Clause 52.34 Bicycle Facilities

The purpose of this provision is to provide secure, accessible and convenient bicycle parking spaces and associated facilities for customers, staff and residents. A new use must not commence until the required bicycle facilities have been provided on the land. A permit can be granted to waive any requirement under this provision.

Table 1 to Clause 52.34-3 indicates the required bicycle spaces for a 'dwelling' use, and specifies that in developments of four or more storeys one resident space to each five dwellings plus one visitor space to each 10 dwellings are required.

4.5.2 Clause 55 Two or More Dwellings on a Lot

"*Two or more dwellings on a lot*" is required to be considered because the development does not exceed three-storeys above natural ground level.

4.5.3 Clause 65 Decision Guidelines

Under Clause 65, before deciding on an application the responsible authority must consider, as appropriate:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*

5 DESIGN RESPONSE

The application responds to the existing urban context whilst also contributing towards the preferred future character of the area, with appropriate regard to the 'opportunities' and 'constraints' presented by the site analysis. To this end, we observe the following key features of the proposed design response:

General

- Although the proposed development represents a significant departure from the existing neighbourhood character, the intent of this application is to contribute towards the preferred neighbourhood character. The preferred neighbourhood character is established by the DDO8 provisions.
- By consolidating two existing allotments, the proposal maximises the development opportunities for the land, and in turn will make a greater contribution to the urban consolidation imperatives of the SPPF and LPPF. Further, the consolidation of two existing parcels of land enables this development proposal to align with the design objectives of the DDO8 (i.e. three storey building height etc). This also leaves the opportunity for No. 1-3 Curlew Court to be consolidated and developed in the future.
- A mix of household sizes and types are proposed which will contribute towards enhancing dwelling diversity, particularly in light of the repetitive housing stock available in the locality. As such, the apartment style living provided by this development offers a very different 'urban experience' to the community.

Built form

- The development boasts a strong level of compliance with the design parameters of the DDO8 with respect to building heights and setbacks, form, car parking and access, landscaping and fencing (examined in details later in the report).
- The development provides a contemporary design with outstanding architectural quality and will present as an attractive addition to the built environment.
- A commonsense approach has been taken by ensuring the massing of the proposed building steps with the slope of the land.
- The breadth of the building retains a three storey presentation, achieved by:
 - Containing a large portion of the basement car park below natural ground level; and
 - Providing a substantial set back to the uppermost floor level from the northern and eastern boundaries.
- The footprint of the building offers setbacks from the side and rear boundaries which provide a sense of 'breathing space' around the perimeter of the development, and also enables provision of effective new screen planting and tall trees to grow.
- The extent of walls proposed on boundaries is extremely limited.
- Lift over-runs will be largely concealed due to their location in the centre of the site.

Parking and access

- The number of vehicle access points to the site has been minimised.
- All required car parking (to serve both residents and visitors alike) is provided on-site within the basement, where it is predominantly concealed from external views.

Landscaping

- The building has been sited to avoid impacts on existing trees on adjoining properties to the north and west, and will also retain all existing street trees.
- The building footprint has been confined to enable provision of several new canopy trees to be planted in both street frontages and around the side and rear setback areas.

Amenity (internal and external)

- All apartments are provided with secluded open space, secure car parking and lockable storage.
- The development will result in no significant overshadowing.

6 PLANNING CONSIDERATIONS

6.1 INTRODUCTION / OVERVIEW

Clause 11 of the SPPF promotes the “balancing” of sometimes conflicting policies in favour of *net community benefit and sustainable development*.

In this case we say the “balancing act” needs to assess matters such as the value of providing a multi-dwelling development in this location, against other matters such as character, amenity and traffic.

In particular, we say the proposal prompts the following questions:

- Is there strategic support for the proposal?
- Is the proposed design and built form appropriate to its context?
- Will the proposal facilitate acceptable amenity outcomes?

6.2 IS THERE STRATEGIC SUPPORT FOR THE PROPOSAL?

6.2.1 State Planning Policy Framework (SPPF)

A primary objective of State planning policy is to encourage urban consolidation and housing diversity in appropriate locations. The subject site comprises a number of locational attributes which include the site’s proximity to the Doncaster ‘Principal Activity Centre’.

The State planning policy framework also seeks to ensure a sufficient supply of land is available for residential uses (**Clause 11.02**), locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport (**Clause 16.01-2**), provide for a range of housing types to meet increasingly diverse needs (**Clause 16.01-4**) and to deliver more affordable housing closer to jobs, transport and services (**Clause 16.01-5**). The proposed 3-storey development seeks to implement each of these strategic directives.

In addition, the Local planning policy framework of the Manningham Planning Scheme also supports the development of a 3-storey residential building on-site. As noted previously the site is located on **Residential 1 Zoned** land, on the periphery of the Doncaster ‘Principal Activity Centre’, in a location that has been identified by Council as being suitable for higher density housing, and where high scale development may be supported (i.e. - as specifically noted on Council’s ‘Strategic Framework Plan’.

The above principles clearly also apply to the subject site, and confirm the strong SPPF support for a 3-storey apartment-style development on the subject site.

6.2.2 Local Planning Policy Framework (LPPF)

The LPPF section of the Manningham Planning Scheme expressly identifies the site as being in a precinct where:

“...a substantial level of change is anticipated. This area will be a focus for higher density developments. Three storey buildings, including ‘apartment-style’ developments, will be encouraged on larger lots.”

On any assessment, this application facilitates the above strategic objective relating to locations surrounding main roads, such as Doncaster Road in this case.

Before responding to the LPPF, we note that our assessment against the provisions of the DDO8 that is provided later in the report covers the thrust of Clause 21.05 “Urban Design” under the LPPF. To avoid repetition, the below points respond specifically to other pertinent objectives contained in the LPPF.

Therefore, in our view the proposal gains strong strategic support from the LPPF as it:

- Will provide variation in housing stock as it provides for a low-maintenance lifestyle for residents, noting this is responsive to the emerging local market demand as distinguished under the LPPF which identifies the ageing demographic and smaller family structures within Manningham;
- Will provide diversity and affordability in housing by providing for 30 modest-sized households;
- Creates an opportunity for the local community to enjoy high quality residential accommodation in this prime location;
- Provides for a high standard of architectural design that will make a positive contribution to the respective streetscapes;
- Is a site responsive and innovative design solution which maximises the development potential for the site whilst having sufficient regard to the features and constraints of adjoining land;
- Does not propose to remove any significant trees; and
- Will not result in any unreasonable offsite amenity impacts (as will be demonstrated later in the report).

Having regard to the above it is submitted that the proposal enjoys strong support under the provisions of the LPPF under the current Manningham Planning Scheme.

Having regard to the above, it follows that there is strong strategic support for higher density residential development in this area and on this site, and this should weigh heavily in favour of the proposal.

6.3 IS THE PROPOSED DESIGN AND BUILT FORM APPROPRIATE TO ITS CONTEXT?

In determining the appropriateness of the built form, we say the key tests in which the proposal needs to be assessed against Clause 43.02 Design and Development Overlay, Schedule 8.

In our opinion, the proposal achieves strong support from the above planning scheme provisions/documents when tested against the key design objectives contained therein. This is demonstrated in our assessment below.

Character and the Implications of Urban Consolidation Policy

Prior to discussing the specific nature of the proposal, we wish to firstly highlight a matter of 'first principle' that we believe is a key to assessing this proposal.

Whilst urban consolidation needs to be balanced against other considerations such as neighbourhood character and amenity, given the household and population increases envisaged by State and Local policy, clearly different areas will experience varying degrees of "change".

Indeed, the Manningham Planning Scheme recognises that this is an area that will undergo a "substantial level of change", and hence the site represents an excellent candidate for an apartment style development such as that proposed. In our view, an assessment of the proposed built form must be underpinned by the fact that the planning scheme objective for this location is to depart from the existing neighbourhood character, and in turn create a new, more desirable character that facilitates urban consolidation objectives at Clause 11.

This notion has previously been recognised by the Tribunal. For example, in Wilkinson Development PL v Kingston CC [2005] VCAT 348 (28 February 2005) the Tribunal said at paragraph 33:

"We [note] that the various clauses and policies in the scheme to which we have referred also require that development needs to be designed to be respectful of and responsive to neighbourhood character. However, the notion of "respectful" development must be considered in light of the strategic outcome envisaged by these policies and strategies; that is, increased density. It is inevitable that a more intense built form, in terms of height and bulk, will be required in locations where increased density is encouraged if the strategic outcome envisaged by the council's own local policies, including a different or "evolving" character for the area, is to be realised."

Contemporary Architecture

We note the Council's policies specifically encourage innovative contemporary development. Whilst there are some examples of contemporary development in the general area, they are quite sparse and the predominant characteristic of the area is one and two storey detached dwellings with traditional forms of architecture mainly from the 1950-1970's era.

Therefore, given the strong encouragement of contemporary architecture, any new development of this nature will invariably be different to the predominant built form currently found within the precinct in the short term. However over the longer term, contemporary architecture will become the 'norm' and the proposed development will be entirely consistent with this (noting pioneering developments such as that proposed will be the catalyst for urban renewal and improvement along this corridor).

6.3.2 Design and Development Overlay, Schedule 8

The development has been principally designed to adhere to the controls of the DDO8 to achieve a development outcome for the site which is in keeping with the strategic objectives of "*Residential Areas Surrounding Activity Centres and Along Main Roads*".

Under the DDO8, the subject site is located within sub-precinct A, as illustrated in **Figure 9** below.

FIGURE 9 SHOWING LOCATION OF SUBJECT SITE ON MAP 1 (PART 3 OF 4)- RESIDENTIAL CHARACTER PRECINCT UNDER DDO8



Within “sub-precinct A” it is forecast that a substantial level of change will occur including development in the order of three-storeys in height.

The height of the proposed development, whilst unashamedly higher than some immediately surrounding residential development, makes a major contribution towards the preferred neighbourhood character. This is entirely in keeping with what Council is encouraging in main road locations such as this, as it facilitates a larger scale residential development on a large site.

Notably, the subject site is also entirely bounded by land located within “sub-precinct A”, and accordingly it can be reasonably expected that in the longer-term these adjoining properties will also undergo a substantial level of change that will align them with the design outcomes envisaged by the DDO8.

With regard to some of the matters stipulated in DDO8 that, on face value, the proposal does not satisfy, we observe that the various provisions are discretionary and ultimately performance based. It follows that if there were no circumstances under which the provisions of DDO8 could be varied, the DDO would have specified mandatory requirements. It is abundantly clear from the Panel Report for Amendment C50 that the provisions were not to be mandatory, and therefore should not be applied or interpreted as such. Ultimately, it is the overriding “design objectives” of the DDO and good design / planning outcomes that should be met / achieved.

The following assessment responds to the design objectives and requirements of the DDO8.

Section 1

First and foremost, we submit the proposal in consistent with the design objectives listed under Section 1 of the Schedule as:

Design Objective under DDO8	Design Response
<i>To increase residential densities and provide a range of housing types around activity centres and along main roads.</i>	The development facilitates an increased residential density and offers a different housing type. Curlew Court is identified as being an area where such development should be focused.
<i>To encourage development that is contemporary in design that includes an articulated built form and incorporates a range of visually interesting building materials and façade treatments.</i>	The proposed development is of an outstanding contemporary design, comprising a range of building materials and finishes to add visual interest to the appearance of the building and provide for an outstanding degree of wall surface articulation.
<i>To encourage three storey, including 'apartment style', developments on larger lots.</i>	<p>Essentially, the breadth of the building is three storeys in height, and will 'read' accordingly, particularly when viewing from Curlew Court. It is important that this be recognised.</p> <p>The subject land constitutes a 'larger lot', as it comprises two regular sized allotments that are to be consolidated.</p> <p>Although the height will be clearly differentiated from the immediately adjoining properties, the proposal has provided appropriate setbacks to create a transition in height, and moreover it facilitates Council's preferred scale of developments on allotments of this size.</p> <p>Based on the above, in this circumstance the proposed 'apartment style' development on the subject land is entirely appropriate.</p>
<i>To ensure new development is well articulated and upper storey elements are not unduly bulky or visually intrusive.</i>	<p>The proposal represents a high quality of architecture and will be visually appealing when viewed from both the public and private realms.</p> <p>The upper storeys have been recessed to graduate the height of the building with adjoining buildings. Owing to the variation of materials and setbacks, along with the recessing of the</p>

	<p>uppermost floor level, the building presents a high degree of articulation and will not result in undesirable visual bulk to adjoining residential properties or either streetscape.</p>
<p><i>To ensure the scale, height and form of three storey developments are sufficiently stepped down at the perimeter of sub-precinct A to provide an appropriate and attractive interface to sub-precinct B, or other adjoining precinct, as identified on Map 1 to this Schedule.</i></p>	<p>The subject site has no interface with land covered by sub-precinct B. Therefore, this objective is not relevant in this circumstance as the subject site is surrounded entirely by land that is also located within 'sub-precinct A'.</p>
<p><i>To encourage spacing between developments to minimise a continuous building line when viewed from a street.</i></p>	<p>The building footprint has been offset from the northern boundary by a minimum 4 metres, and this setback increases further at the upper floor levels. As such, this will enable an appreciable break in the built.</p> <p>The siting of the ground floor (Unit 8) to abut the western boundary is only a discrete element, and is located directly opposite an existing driveway on the adjoining property to the west. Notwithstanding this, for the most part the building footprint is offset between 1.6 to 4 metres from the western boundary. The upper levels have been recessed further back from this boundary to provide a graduation in building height.</p> <p>Given the site's location on the bend of Curlew Court, the massing of the building as it presents to the street has been designed to provide three separate elements, each providing a degree of separation in the built form.</p>
<p><i>To ensure the design and siting of dwellings have regard to the future development opportunities and future amenity of adjoining properties.</i></p>	<p>The building has been sited and designed in a sympathetic manner to ensure it will not unreasonably compromise development potential of adjoining properties in future. This proposition is supported by:</p> <ul style="list-style-type: none"> ▪ the minimal extent of walls located on boundaries; and ▪ the setbacks from the northern, eastern and western boundaries, where adjacent to existing

	<p>dwelling, are generally consistent with the ResCode standards.</p> <p>The above design features are indicative of the site responsive nature of the proposal.</p>
<i>To ensure overlooking into adjoining properties is minimised.</i>	<p>Overlooking will be managed by using various design techniques, including screening and carefully locating and orienting new windows and balconies. We note that the proposal complies with the ordinary overlooking requirements of ResCode.</p>
<i>To ensure the design carports and garages complement the design of the building.</i>	<p>No individual garages or carports are proposed, thus this provision is not applicable.</p>
<i>To ensure the design of basement car parks complement the design of the building and sited to allow for effective screen planting.</i>	<p>A key attribute of the design response is that the basement car park will have limited visibility external to the site.</p> <p>The basement access has been carefully designed to mitigate its visibility along the Curlew Court elevation as it represents a very minor and discrete component of the façade, and this is assisted by the position of the main building entry.</p>
<i>To create a boulevard effect along Doncaster Road and Manningham Road by planting trees within the front setback that are consistent with the street trees.</i>	<p>The 4 metre setback of the building from Curlew Court will enable a sizeable unencumbered space in this frontage which will predominantly be devoted to canopy tree planting and open space.</p>

Section 2

The proposed design response has been largely derived from Section 2 of the Schedule, which sets out a series of requirements relating to building height and setbacks, form, car parking and access, landscaping, and front fencing.

We respond to each of these matters in turn:

Building height and setbacks:

<i>DDO8 Requirement</i>	Design Response
<p><i>11 metres provided the condition regarding minimum lot size is met. If the condition is not met, the maximum height is 9 metres.</i></p>	<p>The total area of the subject site is in the order of 1630sqm, hence the maximum building height specified is 9 metres.</p> <p>However, ResCode allows buildings that are located with a 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 to have a height of 10 metres. The proposal will not exceed this maximum.</p>
<p><i>For two or more dwellings on a lot or a residential building:</i></p> <ul style="list-style-type: none"> <i>• Minimum front street setback is the distance specified in Clause 55.03-1 or 6* metres, whichever is the lesser.</i> <i>• Minimum side street setback is the distance specified in Clause 55.03-1.</i> <p><i>* Balconies, terraces, and verandahs may encroach within this setback by a maximum of 2.0m, but must not extend along the width of the building.</i></p>	<p>The required front street setback is 6 metres, as this is a lesser distance than the neighbouring building to the east and west. The proposal will comply with this requirement, with terraces and balconies encroaching no more than 2 metres into this setback.</p>

Form:

<i>DDO8 Requirement</i>	Design Response
<p><i>Provide visual interest through articulation, glazing and variation in materials and textures;</i></p>	<p>A number of design techniques have been used by the architect to provide visual interest, including:</p> <ul style="list-style-type: none"> ▪ Recessing upper floor levels; ▪ Modulating the building to provide a series of vertical and horizontal design element; ▪ Varying setbacks across each façade (including balconies) to provide a sense of light and shade to the wall surfaces; ▪ Using a range of contemporary materials,

	<p>finishes and colours; and</p> <ul style="list-style-type: none"> ▪ Using a high level of transparency including a number floor to ceiling windows.
<p><i>Minimise buildings on boundaries to create spacing between developments.</i></p>	<p>Excepting only for a small element on the western boundary, the building provides setbacks from all boundaries. This is respectful of the detached nature of housing in the neighbourhood, and is in line with the preferred design objective under the DDO8.</p> <p>In effect, the spacing around the perimeter of the building will provide a sense of 'breathing space' between developments, and this can be used for landscaping and canopy trees.</p> <p>This matter is also addressed against the design objectives of the DDO8 above.</p>
<p><i>Ensure that buildings are stepped down at the rear of sites to provide a gradual transition to the scale of the adjoining residential area;</i></p>	<p>The building height has been limited by stepping the floor levels and height of the building to respond to the natural slope of the land.</p>
<p><i>Ensure that the floor area of any second, or third storey element of a dwelling (including balconies) does not exceed 75% of the ground floor area (excluding verandahs and balconies);</i></p>	<p>Arguably the requirement that the floor area of any second or third storey element of a building not exceed 75% of the ground floor area is too simplistic to argue that this "wedding cake" design response is the only way to achieve the relevant "design objective" which is "to ensure new development is well articulated and upper storey elements are not unduly bulky or visually intrusive". As mentioned previously, the proposed contemporary design will incorporate various forms of articulation to break down the perception of bulk including varied setbacks, materials, finishes, colours, fenestration and projections. Ironically modern contemporary architecture often incorporates cantilevering elements to add visual interest and provide articulation. When combined with the proposed landscaping, the proposed development will make a positive contribution to the character of the area and will not comprise a bulky, obtrusive, jarring or discordant element in the streetscape.</p>

<i>Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos.</i>	The entrances along each street frontage have been integrated within the design solution, whilst also acting as focal points across each façade.
<i>Be designed and sited to minimise the need for earthworks by either siting the building on the flattest part of the site or by designing the building to step with the land.</i>	The subject land has a significant fall from south to north by approx. 5.72 metres. To respond to this constraint, the basement access has been located at the highest part of the site (at the southern end) to enable the car parking to be contained within the basement level.
<i>Be designed to minimise overlooking and avoid the excessive application of screen devices.</i>	<p>Where necessary, screening devices have been included on the west and north elevations of the building, including 1.7 metre high metal screens. This will minimise overlooking to existing dwellings on adjoining properties.</p> <p>The degree of screening is appropriate with respect to protecting the amenity and privacy of adjoining dwellings.</p>

Car parking and access:

DDO8 Requirement	Design Response
<i>Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to minimise the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback.</i>	<p>The proposal incorporates just one vehicular access point, including a double crossover to Curlew Court to serve ingress and egress from the basement. This will maximise the retention of on-street parking spaces, and limit potential conflict with pedestrians.</p> <p>It is noted that the existing vehicle crossover to the site (which are not required by the development) could be reinstated, and in turn the proposal will account for a net increase in the number of on-street parking spaces.</p>
<i>Integrate car parking requirements into the design of buildings and landform by encouraging the use of undercroft or basement parking and minimise the use of open car park /half basement/ground storey car parks at street</i>	The proposal incorporates a basement level to accommodate all car parking on the site. Given the slope of the land, the basement has for the most part been contained below natural ground level, thereby reducing its visibility external to the site.

<i>frontage.</i>	
<i>Ensure the setback of the basement car park is consistent with the front building setback and is setback a minimum of 4.0m from the rear boundary to enable effective landscaping to be established.</i>	<p>The alignment of the basement has been confined within the main façade of the building, which will ensure it maintains a subservient profile.</p> <p>The setbacks areas provided from the side and rear boundaries appear to be sufficient to enable new plantings to grow.</p>
<i>Ensure that where garages are located in the street elevation, they are set back a minimum of 1.0m from the front setback of the dwelling</i>	<p>No garages are proposed, thus this provision if not applicable.</p>
<i>Ensure basement car parks are not visually obtrusive when viewed from the front of the site.</i>	<p>A key feature of the design response is that it has sought to limit the visibility of the basement car park from outside of the site.</p> <p>The basement access has been carefully designed to mitigate its visibility by:</p> <ul style="list-style-type: none"> ▪ Limiting the total width of crossovers to approx 5.5 metres; ▪ Ensuring the basement access door is only a very minor design element in the facade, particularly when reading the total breadth of the building along Curlew Court (refer elevation plans);
<i>Ensure basement car parks are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees.</i>	<p>The building setback areas appear to provide satisfactory unencumbered space for screening vegetation and canopy trees.</p> <p>It is noted that planter boxes (or the like) can be reasonably used in areas where the basement is setback lesser distances from the west boundary.</p>

Landscaping:

<i>DDO8 Requirement</i>	Design Response
<i>On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at maturity.</i>	<p>The street setbacks enable provision of five new canopy sized trees to be positioned in the street frontage.</p> <p>A landscape plan has been provided to reflect the above.</p>

Fencing:

<i>DDO8 Requirement</i>	Design Response
<i>A front fence must be at least 50 per cent transparent.</i>	The proposed front fence will have a height of 1.0 metres and will allow ample visibility from the street.
<p><i>On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn and Mitcham Roads, a fence must:</i></p> <p><i>- not exceed a maximum height of 1.8m</i></p> <p><i>- be setback a minimum of 1.0m from the front title boundary and a continuous landscaping treatment within the 1.0m setback must be provided.</i></p>	N/A.

6.3.3 ResCode (Clause 55)

In assessing the appropriateness of the built form it is also important to have regard to the 'ResCode'. A full assessment against the various elements identified in this document is provided at Error! Reference source not found..

It is our submission that the proposal, comprising an example of modern innovative architecture, will add towards the desired future character of this area.

It is relevant that the design parameters for the DDO8 are quite specific in terms of what the desired future character of the area should be. The proposal will be entirely consistent with this "vision". We note apartment buildings are slowly being developed in this corridor as sites are consolidated to a larger size as sought by the DDO8. Such developments continue to express their own period of construction and will increasingly become more prolific elements to the character of this area.

6.4 WILL THE PROPOSAL FACILITATE ACCEPTABLE AMENITY OUTCOMES?

The various SPPF, LPPF and zone provisions require that proper consideration be given to internal and external amenity matters for new development. Clause 55 'ResCode' being the appropriate 'yardstick' for assessment of amenity considerations for applications under 4 storeys in height.

Whilst the proposal may have some impact on neighbouring properties, owing to the site responsive nature of the design and the compliance with ResCode (and indeed exceeding of the measurable standards), such impacts will be within acceptable limits and, therefore, are considered reasonable.

The following provides a review of external and internal amenity considerations.

6.4.1 External Amenity

The potential for any amenity impact in relation to this application is very limited, particularly having regard to the specific nature of the design response which has been adopted.

We note that that residential properties that are within, or abut, areas that are earmarked for substantial change (including potentially three-storey development) should not expect the same levels of amenity as persons who live in more remote locations from such land, where amenity and character is more pristine.

In general we note that the potential amenity impacts associated with a development such as that proposed might include the following:

- Visual Bulk
- Overshadowing
- Overlooking
- Traffic activity
- Noise impacts

Each of these matters are addressed in turn.

Visual Bulk

The manner in which the development addresses its relationship to the abutting residential properties to the north and west has been a primary consideration in the design response.

Importantly, we note that in assessing potential amenity impacts to neighbouring land by way of 'bulk', this must be appropriately balanced against the desired built form outcomes sought for the area (i.e. design objectives of LPPF and DDO8) where the strategic intentions of Council is to achieve a substantial level of change around Doncaster Road. That said, we submit the design response has nevertheless paid sufficient regard to the sensitivities associated with the existing residential properties abutting the subject site.

In determining the sometimes intangible concept of visual bulk, an assessment cannot simply rely upon the potential 'visibility' of the development from nearby residential properties or the respective streetscapes. As the Tribunal observed in Rowcliffe Pty Ltd v Stonnington City Council and Ors (P1446/2003):

'If mere visibility becomes the test across metropolitan Melbourne, then it will be virtually impossible to construct buildings above the prevailing scale. This in turn would render it impossible to achieve the clearly stated urban consolidation objectives expressed in the planning scheme, objectives which clause 11 requires us 'to give effect to'. The Tribunal rejects the notion that, because some of the buildings would be visible above the existing build form they are therefore unacceptable. Rather, the test is whether the proposal is complementary to the surrounding area, and of the scale that can be assimilated without unreasonable disturbing the surrounding built environment'.

Whilst neighbouring properties may have enjoyed some outlook over the subject site, the Tribunal has previously held that borrowed amenity should be regarded as a "bonus" rather than being taken for granted over the longer term - see Diamond Seven Start Pty Ltd v Boroondara CC and Ors (P745/2004 - unreported).

Given the site's corner location, the only relevant interfaces with respect to potential visual bulk impacts is to the north and west. Each is addressed in turn below.

Northern interface (8 and 10 Kalimna Crescent)

We submit the proposed development limits the visual impact to the north, and will not result in unreasonable amenity impacts, based on the following observations:

- The building setbacks from the north generally increase as does the building height.
- No part of the development adjoins the northern boundary, and a minimum offset of 4.0 metres is provided. To limit any perceived bulk to the abutting secluded open space, the first floor level has been recessed further back to between 6.3m and 13.2m, and the uppermost storey which is set back as far as 17.4 metres from the north boundary. This will ensure the visible components of the development maintain a three-storey presentation at the northern interface.
- It is intended that the northern setback will be devoted to landscaping and new screen planting, and together with the existing vegetation on the adjoining property, this will assist in filtering views of the building and alleviate perceived bulk.
- The proposal offers a high degree of wall surface articulation, achieved by modulation of the envelopes, balconies which are indented on the north elevation, and a mix of contemporary materials and finishes, which together will ensure the building is visually appealing when viewed from neighbouring land.
- We submit the combination of the setbacks, landscaping, and design detail as outlined above provide a sympathetic relationship to the residence to the north.

Eastern interface (3 Curlew Court)

To the east, the location of the dwelling within 3 Curlew Court, as well as the articulation and setback proposed from the eastern boundary, will ensure the proposal does not have any unreasonable visual bulk impacts. We draw this conclusion from the following:

- The design response has ensured that the breadth of the building when viewed from the east will predominantly 'read' as three storeys in height. This has been achieved by:
 - Positioning the basement well below natural ground level (NGL).

- The uppermost storey has been substantially setback from the northern and eastern boundaries, being setback up to 17.7m from the eastern boundary.
- The setbacks provided both at ground level and the levels above are greater than those of the adjoining dwelling to the east.
- The combination of the setbacks, landscaping, and design detail as outlined above provide a sympathetic relationship to the residence to the east.

Western interface (9 Curlew Court)

To the west, the subject site shares its common boundary with three separate units. In assessing visual bulk to these properties, we observe:

- The common driveway associated with the units at No.9 Curlew Court is located along the common boundary.
- The only part of the development which adjoins the western boundary is a wall of 9 metres in length associated with Apartment 8 and will have a maximum height of 2.9 metres.
- The envelopes at each level of the building are staggered at various points, including provision of balconies within the western façade. We observe that particular emphasis has been placed on recessing the upper storey element.
- The proposal offers a high degree of wall surface articulation, achieved by modulation of the envelopes, balconies which are indented on the western elevation, and a mix of contemporary materials and finishes, which together will ensure the building is visually interesting and attractive when viewed from neighbouring land.

Overshadowing

Due to the orientation of the site, the shadow diagrams demonstrate there will be no significant shadowing to adjoining residential land.

The development will comfortably comply with the relevant standards and objectives of ResCode (Standards B19 and B20), given the separation distances provided to adjoining properties and associated windows.

Further, given the site's location, the proposal will not result in an increase in the shadows to any secluded private open space and would again easily meet the relevant requirements of ResCode (Standard B21).

Overlooking

The northern, eastern and western elevations, which have an interface to existing dwellings, are typically the only consideration with respect to the potential for overlooking from the development. The external treatment of these elevations include either 1.4 metre high screens that ensure compliance with the 9 metres arc required by ResCode or 1.7 metre high screening devices to limit overlooking to the secluded open spaces on neighbouring land.

Traffic activity

It is expected that Curlew Court could comfortably absorb the increased traffic activity caused by a residential development of this scale. A Traffic Impact Report has been prepared and submitted as part of this application.

Noise impacts

In assessing noise emissions resulting from this proposal, we observe that existing noise levels in this location are relatively high due to the high traffic volumes using Doncaster Road, which is a major arterial road.

That said, the residential nature of the development is not prone to high noise emissions, and will not be unreasonable in context of the residential zoning of the site and the neighbourhood.

6.4.2 Internal Amenity

The proposal will facilitate more than acceptable internal amenity for future residents of all dwellings, noting:

- All dwellings, including their balconies and living areas, have direct access to daylight in accordance with ResCode standards.
- Upper floor apartments are provided with balconies ranging between 6.5sqm and 22sqm in size, with direct access from internal living areas. These outdoor secluded open spaces are also akin to the apartment style of accommodation being offered by the proposal, and will satisfy the likely needs of future residents who prefer a different housing type.
- Ground floor dwellings are provided with private courtyards ranging between 14sqm and 61.5sqm in area.
- A mix of household sizes are proposed, including a mix of one and two bedrooms and some with additional studies.
- All dwellings have access to secure car parking and private storage.
- Bicycle spaces are accommodated within the basement level.
- All dwellings are provided with convenient lift access from basement to all levels.
- Where possible, the balconies and living areas have been oriented to the north to maximise solar access. While some dwellings will have solely south-facing windows and balconies, Curlew Court will provide a level of interaction with the public domain and improved vistas to the streetscape.
- The location and orientation of new habitable windows and balconies, along with provision of screening measures, will ensure that there are limited opportunities for internal overlooking.

7 CONCLUSION

The subject site represents an ideal candidate for furthering the urban consolidation objectives set out in both the State and Local sections of the Manningham Planning Scheme, and provides opportunity for increased housing diversity and the more efficient use of existing services, facilities and infrastructure.

The proposal has been specifically designed to adhere to the design objectives and parameters of the DDO8, and facilitates the strategic objectives of the SPPF and LPPF. To this end, the application will contribute towards the desired future character for larger sites located within close proximity to activity centres such as this case, whilst also having sufficient respect to the amenity of existing dwellings on neighbouring properties.

The proposal will deliver a high quality of urban design and contemporary architectural finish, and will represent an outstanding addition to the built environment.

Having regard to the above and to the various other supporting documents provided with this application we endorse this proposal for Council's approval.

Ratio Consultants Pty Ltd

Appendix A. Copy of Titles

Appendix B. Clause 55 Assessment

Clause 55 Assessment

Two or more dwellings on a lot and residential buildings

55.01 Neighbourhood and Site Description and Design Response

Does the Neighbourhood and Site Description satisfy the requirements of Clause 55.01-1?

Assessment The application for planning permit was accompanied by a detailed neighbourhood and site analysis prepared by the architect.

Compliance achieved? **Yes**

Does the Design Response meet the requirements of Clause 55.01-2 and contain correctly proportioned street elevations or photographs or can the responsible authority waive this requirement?

Assessment The design response prepared by the architect enables an understanding of how the proposed apartment building sits in the context of the adjoining properties and wider neighbourhood. A streetscape elevation and detailed sections are also provided to enable an understanding of how the building will sit.

Compliance achieved? **Yes**

55.02 Neighbourhood Character and Infrastructure

55.02-1 Neighbourhood Character

Ensure design respects the existing neighbourhood character or contributes to preferred neighbourhood character and ensure development responds to the features of the site and the surrounding area

Assessment Already addressed in body of report.

Compliance achieved? **Yes, with Standard and Objective**

55.02-2 Residential Policy

Ensure residential development is provided in accordance with SPPF and LPPF and support medium densities in areas where development can take advantage of public transport and community infrastructure and services.

Assessment Already addressed in body of report.

Compliance achieved? **Yes, with Standard and Objective**

55.02-3 Dwelling Diversity

To encourage a range of dwelling sizes and types in developments of ten or more dwellings

Assessment The site proposes a combination of one, two bedroom dwellings, thereby ensuring dwelling diversity within the site.

Compliance achieved? **Yes, with Standard and Objective**

55.02-4 Infrastructure

To ensure development is provided with appropriate utility services and infrastructure and does not unreasonably overload the capacity of utility services and infrastructure

Assessment There is no evidence to suggest that the existing infrastructure is at capacity.

Compliance achieved? **Yes, with Standard and Objective**

55.02-5 Integration with the street

To integrate the layout of development with the street

Assessment ground and first floor dwellings will be orientated to front the street, thereby providing a strong / legible sense of address.

Front fencing will be 1m in height, thereby avoiding high front fencing in front of dwellings.

Compliance achieved? **Yes, with Standard and Objective**

55.03 Site Layout and Building Massing

55.03-1 Street setback

To ensure setbacks of buildings from the street respect the existing or preferred neighbourhood character and make efficient use of the site

Assessment Addressed in body of report. The DDO8 requirements have been assessed as taking precedence in this matter due to the site specific nature of the controls.

Compliance achieved? **Yes, with Objective**

55.03-2 Building Height

To ensure that the height of buildings respects the existing or preferred neighbouring character

Assessment The maximum building height will be 10m, thereby satisfying the Standard of 10m for sites with a slope of >2.5 degrees.

Compliance achieved? **Yes, with Standard and Objective**

55.03-3 Site Coverage

Ensure site coverage respects the existing or preferred neighbourhood character and responds to the features of the site

Assessment The proposed site coverage will be 63%, which exceeds the Standard (60%). However, given the strategic imperative, this is a minor area of non-compliance. Further, the level of permeability will ensure adequate area for stormwater run-off and planting of canopy trees is provided.

Compliance achieved? **Yes, with Objective but not Standard**

55.03-4 Permeability

To reduce the impact of increased storm water run-off on the drainage system and to facilitate on-site storm water retention

Assessment The site will contain 24% of permeable surfaces, which satisfies the Standard (20%).

Compliance achieved? **Yes, with Standard and Objective**

55.03-5 Energy Efficiency

To achieve and protect energy efficient dwellings and residential buildings and to ensure orientation and layout of development reduces fossil fuel energy use and make appropriate use of daylight and solar energy

Assessment An Environmental Sustainability report has been prepared by F2 Design and submitted as part of this application that shows a minimum 5 star energy rating.

Compliance achieved? **Yes, with Standard and Objective**

55.03-6 Open Space

To integrate the layout of development with any public and communal open space provided in or adjacent to the development

Assessment There is no communal or public open space.

Compliance achieved? **N/A**

55.03-7 Safety

Ensure layout of development provides for the safety and security of residents and property

Assessment The proposal satisfies the relevant Standard because:

- The entrances to dwellings will not be obscured or isolated from the street and internal accessways.
- No planting are proposed which will create unsafe spaces along streets and accessways.

- There will be good lighting, visibility and surveillance of car parks and internal accessways.
- Private spaces will be suitably protected from inappropriate use as public thoroughfares.

Compliance achieved? **Yes, with Standard and Objective**

55.03-8 Landscaping

To encourage development that respects the landscape character of the neighbourhood and to provide appropriate landscaping, to encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance and to encourage the retention of mature vegetation on the site.

Assessment The site will be professionally landscaped in accordance with plans prepared by John Patrick Landscape Architects. In time the proposed landscaping, which includes the provision of canopy trees, will make a positive contribution to the character of the area.

Compliance achieved? **Yes, with Standard and Objective**

55.03-9 Access

To ensure vehicle access to and from a development is safe, manageable and convenient and to ensure the number and design of vehicle crossovers respects the neighbourhood character

Assessment The proposal satisfies the relevant Standard because:

- The proposed accessway will:
 - Be designed to allow convenient, safe and efficient vehicle movements and connections within the development and to the street network.
 - Be designed to ensure vehicles can exit a development in a forwards.
 - Be at least 5.5 metres wide.
 - Have an internal radius of at least 4 metres at changes of direction.
- The location of the crossover will maximise the retention of on-street car parking spaces.
- Suitable access will be available for service, emergency and delivery vehicles.

Compliance achieved? **Yes, with Standard and Objective**

55.03-10 Parking location

To provide convenient parking for resident and visitor vehicles, to avoid parking and traffic difficulties in the development and the neighbourhood and to protect residents from vehicular noise within developments

Assessment	<p>The proposal satisfies the relevant Standard:</p> <ul style="list-style-type: none"> ▪ The car parking facilities will: <ul style="list-style-type: none"> ○ Be reasonably close and convenient to dwellings. ○ Be secure. ○ Be designed to allow safe and efficient movements within the development. ○ Be well ventilated. ▪ Shared accessways or car parks of other dwellings and residential buildings will not be located within 1.5 metres from the windows of habitable rooms.
Compliance achieved?	Yes, with Standard and Objective

55.03.11 Parking provision

To ensure that car and bicycle parking for residents and visitors is appropriate to the needs of residents and to ensure that the design of parking and access areas is practical and attractive and that these areas can be easily maintained

Assessment	<p>Under the Standard, the proposal should provide 36 on-site car parking spaces (i.e. - 30 resident spaces and 6 visitor spaces). The proposal will provide for 35 car spaces, allocating 5 to visitors. It is anticipated that the 1 short term car parking space may be accommodated on street.</p> <p>Provision will also be made within the proposed garages for bicycle parking.</p> <p>Further, all car parking facilities will:</p> <ul style="list-style-type: none"> ▪ Be designed for efficient use and management. ▪ Generally minimise the area of hard surface. ▪ Be designed, surfaced and graded to reduce run-off and allow stormwater to drain into the site. ▪ Be lit.
Compliance achieved?	Yes, with Standard and Objective

55.04 Amenity

55.04-1 Side and rear setbacks

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

Assessment The proposal does not satisfy the numerical / formula requirements of the Standard

This has been assessed in the main body of the report.

Compliance achieved? **Yes, with Objective but not Standard**

55.04-2 Walls on boundaries

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

Assessment Under the Standard, up to 18m of walls maybe erected on boundaries (i.e. - $10m + 33.51 / 4 = 18m$). The proposal satisfies this Standard as only 9m of walls will be erected along the western boundary. Further, this wall will only have a maximum height of 2.9m

Compliance achieved? **Yes, with Standard and Objective**

55.04-3 Daylight to existing windows

To allow adequate daylight into existing habitable room windows

Assessment The proposal satisfies the relevant Standard because:

- The required light court (1m x 3m) will be provided to all existing habitable room windows.
- No walls or carports more than 3 metres in height are proposed opposite an existing habitable room window.
- Walls more than 3 metres in height opposite existing habitable room windows will be set back in accordance with the relevant Standard.

Compliance achieved? **Yes, with Standard and Objective**

55.04-4 North-facing windows

To allow adequate solar access to existing north-facing habitable room windows

Assessment There are no north facing habitable windows proximate to the proposed building.

Compliance achieved? **Yes, with Standard and Objective**

55.04-5 Overshadowing open space

To ensure buildings do not significantly overshadow existing secluded private open space

Assessment The shadow diagrams demonstrate that the proposal will satisfy the relevant Standard.

Compliance achieved? **Yes, with Standard and Objective**

55.04-6 Overlooking

To limit views into existing secluded private open space and habitable room windows

Assessment All upper level rooms / windows / balconies etc will be treated in accordance with the relevant Standard.

Compliance achieved? **Yes, with Standard and Objective**

55.04-7 Internal views

To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development

Assessment Measures are proposed to limit internal overlooking.

Compliance achieved? **Yes, with Standard and Objective**

55.04-8 Noise impacts

To contain noise sources in developments that may affect existing dwellings and to protect residents from external noise

Assessment There are unlikely to be any significant noise impacts either to or from the proposal.

Compliance achieved? **Yes, with Standard and Objective**

55.05 On-site amenity and facilities

55.05-1 Accessibility

To encourage the consideration of the needs of people with limited mobility in the design of developments

Assessment The building will be fully accessible to those with limited mobility at ground level.

Compliance achieved? **Yes, with Standard and Objective**

55.05-2 Dwelling entry

To provide each dwelling or residential building with its own sense of identity

Assessment Compliance with the relevant Standard will be achieved because the proposed entries to the dwellings will:

- Be visible and easily identifiable from streets and other public areas.
- Provide shelter, a sense of personal address and a transitional space around the entry.

Compliance achieved? **Yes, with Standard and Objective**

55.05-3 Daylight to new windows

To allow adequate daylight into new habitable room windows

Assessment All new windows will receive adequate daylight.

Compliance achieved? **Yes, with Standard and Objective**

55.05-4 Private open space

To provide adequate private open space for the reasonable recreation and service needs of residents

Assessment Each dwelling will have private open space areas at a size and dimension that satisfies the relevant Standard.

Compliance achieved? **Yes, with Standard and Objective**

55.05-5 Solar access to open space

To allow solar access into the secluded private open space of new dwellings and residential buildings

Assessment The orientation of the open space areas will ensure appropriate solar access to same.

Where possible, the balconies and living areas have been oriented to the north to maximise solar access. While some dwellings will have solely south-facing windows and balconies, Curlew Court will provide a level of interaction with the public domain and improved vistas to the streetscape.

Compliance achieved? **Yes, with Standard and Objective**

55.05-6 Storage

To provide adequate storage facilities for each dwelling

Assessment Each dwelling will have 3-6 cubic metres of storage space, which is commonly accepted as an appropriate outcome for dwellings of this nature.

Compliance achieved? **Yes, with Standard and Objective**

55.06 Detailed Design

55.06-2 Design Detail Objectives

To encourage design detail that respects the existing or preferred neighbourhood character

Assessment Addressed in the main report.

Compliance achieved? **Yes, with Standard and Objective**

55.06-2 Front Fences

To encourage front fence design that respects the existing or preferred neighbourhood character

Assessment The proposed front fence will comprise 1m.
The fence will respect the neighbourhood character of the area in terms of height, materials and visual permeability.

Compliance achieved? **Yes, with Standard and Objective**

55.06-3 Common Property

To ensure that communal open space, car parking access areas and site facilities are practical, attractive and easily maintained and to avoid future management difficulties in areas of common ownership.

Assessment The common property areas will be easily identified and maintained.

Compliance achieved? **Yes, with Standard and Objective**

55.06-4 Site Services

To ensure that site services can be installed and easily maintained and are accessible, adequate and attractive

Assessment Provision will be made for letterboxes at the entrance of the site, as well as bin and recycling enclosures in a location that is convenient for residents.

Compliance achieved? **Yes, with Standard and Objective**

Appendix C. Photographic Analysis

Photo 1: No. 5 Curlew Court as viewed from the street.



Photo 2: No. 7 Curlew Court as viewed from the Street.



Photo 3: The units at No. 9 Curlew Court as viewed from the Street.



Photo 4: No. 3 Curlew Court



Photo 5: The units at No. 8 Curlew Court as viewed from the street



Photo 6: The units at No. 6 Curlew Court as viewed from the street



Photo 7: Looking towards Doncaster Road from the subject site



Photos 8-9: 765-767 Doncaster Road and 1 Thiele Street as viewed from Thiele Street



