

Amended Planning Application PL12/022747.01 for 659-669 Doncaster Road, 4-6 Tower Street and 1A-5 Council Street, Doncaster – Construction of three multi-storey buildings comprising 258 apartments, retail premises, trade supplies and restricted retail premises (Bunnings) and associated basement car parking

Responsible Director: Director Planning & Environment

File No. T16/135

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

Land:	Lot 1, TP213306, Lot 8 Lot 9 and Lot 10 LP5384, Lot 8 and Lot 9 LP7349, and PC370480
Zone	Activity Centre Zone Schedule 1 (ACZ1) Development Contributions Plan Overlay (DCPO)
Applicant:	SJB Planning on behalf of Bunnings Properties Pty Ltd
Ward:	Koonung
Melway Reference:	47E1
Time to consider:	Monday 1 August 2016

SUMMARY

At its meeting on 28 May 2013, Council resolved to issue a Notice of Decision to Grant a Planning Permit in respect of PL12/022747. Following the matter being reviewed at the Victorian Civil and Administrative Tribunal (VCAT), Planning Permit PL12/022747 was issued on 31 October 2013 allowing:

- The use of the land for a trade supplies and restricted retail premises (a Bunnings store), and retail premises*
- The construction of three multi-storey buildings (in three stages) comprising apartments and the above uses with associated basement car parking*
- Alterations to a Road Zone 1 including new access*
- Display of business identification signage.*

On 24 June 2015, an amended planning application pursuant to Section 72 of the Planning & Environment Act 1987 was received by Council's Statutory Planning Unit. The Amendment seeks to undertake some substantial changes to the layout and built form associated with the approved land uses. In particular, it is proposed to relocate the Bunnings development from a central position on the subject site to its proposed location at the western end of the site (corner with Tower Street) and in closer proximity to Westfield Doncaster. Consequently, the two residential towers are now proposed at the eastern end of the site thereby presenting to Council Street. Significant changes to access arrangements are also proposed.

The amended application was advertised during January/February 2016 and five (5) objections were received.

Grounds of objection mainly relate to amenity impacts, traffic and car parking issues.

External referral advice has been received from both VicRoads and Public Transport Victoria (PTV), neither of whom have an objection to the amended proposal subject to conditions being imposed.

Following the receipt and consideration of engineering and urban design referral comments, the application was amended pursuant to Section 57A of the Planning & Environment Act 1987 on 1 June 2016 superseding all originally submitted development plans and making mainly urban design related adjustments to address internal referral feedback.

An officer assessment of the amended application now concludes that the amended proposal is generally consistent with the relevant objectives of state and local planning policies and generally complies with the Manningham Planning Scheme (the Scheme), including the requirements of the Activity Centre Zone 1 (ACZ1) and supporting policy relating to the Doncaster Hill Principal Activity Centre.

The amended proposal is considered to be an acceptable design response for the site, and as such, it is recommended that Council supports the amended planning permit (with revised conditions) as contained at the end of this report.

1 BACKGROUND

1.1 The site and surrounds has been described in the officer report considered by Council at its meeting on 28 May 2013 (see Attachment 1).

1.2 It should be noted that the residential development at 7-11 Berkeley Street, Doncaster has now been finalised and is occupied (whereas in mid-2013 it was under construction).

Planning History

1.3 On 28 May 2013, Council resolved to issue a Notice of Decision to Grant a Planning Permit in respect of planning application PL12/022747.

1.4 Following an appeal to the Victorian Civil and Administrative Tribunal (VCAT), a planning permit was issued on 31 October 2013, that allows:

- *The use of the land for a trade supplies and restricted retail premises, and retail premises*
- *The construction of three multi-storey buildings (in three stages) comprising apartments and the above uses with associated basement car parking*
- *Alterations to a Road Zone 1 including new access*
- *Display of business identification signage.*

1.5 The Permit is currently valid (pursuant to Condition 62 and an extension to both the commencement and completion dates provided in July 2015)

1.6 Development plans (namely Condition 1 plans) as well as other conditional requirements of the planning permit are yet to be satisfied.

1.7 On 26 March 2015, the permit applicant presented a revised proposal to a Sustainable Design Taskforce meeting. It was explained at this meeting that the amended proposal arises as a consequence of Bunnings' unsuccessful attempts to find a joint venture partner to carry out the project, as approved. A further complication has been Bunnings' inability to mutually extinguish

itself from its lease arrangement with the current occupant of the site (7-Eleven). As such, in order to deliver a Bunnings redevelopment within a shorter timeframe, it was determined necessary to amend the development plans in a manner that could realise construction through an alternative staging arrangement.

- 1.8 The amended permit application (Section 72 Application) was lodged in June 2015, advertised to the public across a four week period spanning January/February 2016 and formally amended pursuant to Section 57A of the Planning & Environment Act on 1 June 2016. Given the nature of the changes made as part of the Section 57A Application are considered to be improvements, the adjusted proposal has not been further advertised.

2 PROPOSAL

- 2.1 The original proposal (PL12/022747) was described in detail in the officer report considered by Council at its meeting on 28 May 2013 (see Attachment 1).

- 2.2 However, as a summary, it included:

2.2.1 **Stage 1 (Central Tower)** incorporating:

- a) A 10,500sqm Bunnings store (trade supplies and restricted retail premises).
- b) 124 one and two bedroom dwellings in a six level tower above the Bunnings.
- c) Three levels of basement car parking services the development, including 2 levels solely dedicated to Bunnings customers (401 spaces in total) and 1 level where barriers separate the Bunnings car parking from a residential component (137 spaces including visitor parking).

2.2.2 **Stage 2 (West Tower)** incorporating:

- a) A retail premises of 1,266 sqm facing Tower Street (and a small part of Doncaster Road) that is at street level at Doncaster Road and partly above street level in the northern half of the site.
- b) 127 one, two and three bedroom dwellings in a seven level tower above the retail premises.
- c) Four levels of basement car parking (190 spaces in total), including 1 level for the retail premises (43 spaces) and three levels for the residential component (146 spaces including visitor parking). Ingress and egress of the parking area is via the service road on Tower Street.

2.2.3 **Stage 3 (East Tower)** incorporating:

- a) A retail premises of 332sqm at street level at the north-west corner of Doncaster Road and Council Street
- b) 134 one and two bedroom dwellings in eight levels.
- c) Four levels of basement car parking (159 spaces in total), which is dedicated to the residential component of the stage.

- 2.3 The amended permit application (PL12/022747.01), as received on 1 June 2016, seeks to alter building layouts, building envelopes, floorspace areas, number of apartments and car parking numbers. It is proposed to undertake the development in three stages described as Stage 1, Stage 2A and Stage 2B. An overview now follows:
- 2.3.1 Stage 1 is proposed to consist of a Bunnings store, with a residential apartment tower atop and three levels of basement car parking.
- 2.3.2 Stage 2 is to be undertaken in two parts: Stage 2A and Stage 2B. The timing of Stage 2 is likely to only occur after 7-Eleven's vacation from the site (i.e. upon its lease expiration, post 2022). Stage 2A consists of a residential building proposed at the north-east corner of the site. Stage 2B is to consist of a ground level retail premises with residential above.
- 2.4 More specifically, the key attributes of the stages are described as follows:
- 2.5 **Stage 1 (Central/Western Tower)** incorporating:
- 2.5.1 A 11,119 square metre Bunnings store (trade supplies and restricted retail premises) at essentially ground and first floor level.
- 2.5.2 99 residential dwellings in a four level tower (L-shaped configuration) above the Bunnings from Level 3-6, inclusive.
- 2.5.3 Three levels of basement car parking servicing the development, including 2 levels (Basement 1 & 2) solely dedicated to Bunnings customers and 1 level (Basement 3) for the residential component.
- 2.6 **Stage 2A (North-Eastern Tower)** incorporating:
- 2.6.1 86 residential dwellings across nine residential levels.
- 2.7 **Stage 2B (South- Eastern Tower)** incorporating:
- 2.7.1 A 620 square metre retail premises at street level at the south-east corner of the site (corner of Doncaster Road and Council Street).
- 2.7.2 73 residential dwellings across eight residential levels.
- 2.8 The notable differences between the "approved" development and the "proposed" development are:
- 2.8.1 A 619 square metre floorspace increase associated with the Bunnings store;
- 2.8.2 127 fewer residential apartments (previously 385, now 258 apartments);
- 2.8.3 A 980 square metre decrease in retail floorspace;
- 2.8.4 A retail component no longer forms part of Stage 1, only restricted retail and trade supplies (in other words, Bunnings).
- 2.9 While the overall proposal appears to maintain a maximum building height of 29 metres, a series of adjustments have also been made to the building envelopes, including an increase in the height of the podium to Doncaster

Road from 10 metres to a maximum 14.2 metres as part of Stage 1. Other key Stage 1 changes include:

- 2.9.1 The building footprint moves to extend to the western (Tower) street boundary resulting in a substantially reduced setback to the side boundary.
 - 2.9.2 A shallower excavation due to the reduced number of car parking spaces and basement levels.
 - 2.9.3 Bunnings floorspace is now all at or above Doncaster Road (whereas the previous scheme provided for the Bunnings store located below ground level).
 - 2.9.4 A wider profile spans the northern and southern elevations for both Bunnings and the residential development component.
 - 2.9.5 Along the northern elevation (the interface to residential properties in Berkeley Street) the basement projection above natural ground level increases.
 - 2.9.6 Setbacks along the northern boundary generally increase (to offset the increased building wall heights).
 - 2.9.7 Larger car parking bays and separation between Bunnings customer parking and residential parking is now provided.
- 2.10 In terms of Stage 2, the most notable differences to the built form are:
- 2.10.1 The Stage 2A building is also wider along its northern elevation.
 - 2.10.2 The Stage 2A tower has a greater setback to the northern boundary.
 - 2.10.3 The eastern elevation to Council Street is provided with a physical separation in the order of 9 metres between Stage 2A and Stage 2B (whereas previously it was one tower across this elevation and thereby only large continuous built form).
 - 2.10.4 Stage 2B is situated closer to Stage 1 and offers less separation in the built form, as would be viewed from Doncaster Road. It provides for greater setbacks to the south-eastern and north-eastern corners of the site.
- 2.11 Internal rearrangements consequently flow from the layout changes associated with all revised building footprints. For example, within Stage 2, the location of residential amenities such as the gymnasium, multi-purpose rooms and courtyard spaces are all altered.
- 2.12 The amended proposal seeks an increase in the number and size of signage associated with the Bunnings use, including a more substantially sized, above verandah, business identification panel sign (12 x 9 metre) to be façade mounted above the premises' entrance. Other signage includes two Bunnings hammer logos which are 6 metres in diameter proposed across the south-west and south-east corners of the Bunnings premises.
- 2.13 The proposed maintains access arrangements from Doncaster Road, Tower Street and Council Street, however due to the reconfigurations of buildings and a temporary ingress and egress solution to Doncaster Road (see below) the volumes of traffic through each access is varied.

- 2.14 To illustrate access and internal circulation a detailed circulation plan forms part of the development plan set.
- 2.15 Despite the reduced number of apartments and reduced overall commercial floor area, the permit applicant proposes to ultimately undertake the same roadworks as required by the existing permit. This includes roadworks as part of Stage 1 comprising the widening of the east side of Council Street with an additional exit lane at Doncaster Road.
- 2.16 However, due to the continued operation of 7-Eleven at the site (until its lease expiry in 2022), road works originally earmarked for Stage 1 across Doncaster Road (to create a deceleration lane and turning lane into Council Street) will now be deferred. The applicant seeks to defer these works until the occupation of Stage 2B.
- 2.17 To further enable 7-Eleven to continue to trade from the site during the construction of Stage 1, a series of plans have been prepared with the submission which represent the construction of a large retaining wall that will be necessary to ensure the integrity of the Stage 2 land is not compromised during Stage 1 construction.
- 2.18 Interim landscape treatments are proposed to Stage 2 as illustrated on a Landscape Concept Plan, prepared by Tract Consultants. This is proposed to the north of 7-Eleven.
- 2.19 Draft amended permit conditions have been prepared by the permit applicant and advertised with the application to demonstrate, among other things, how the amended proposal seeks to manage interim access arrangements (Stage 1). In this regard, a number of road works related conditions are retained in modified form. Also, a number of Condition 1 requirements have been proposed to be modified or deleted. This mainly arises due to the altered design response, however, as will be discussed in the Assessment section of the report, some of these conditions will need to remain. To track the type and extent of changes, a copy of the issued Permit has been attached at Attachment 2.
- 2.20 Conditional requirements relating to the provision of Management Plans remain, detailed design drawings and ongoing requirements relating to managing on-site and off-site amenity impacts will also be retained.
- 2.21 In support of the amended planning application, the following documentation has been submitted:
- 2.21.1 Architectural and colour perspective drawings, as prepared by Thomson Adsett, dated June 2015 (as amended on 30 May 2016).
 - 2.21.2 A Traffic Impact Assessment, as prepared by TraffixGroup, dated 19 June 2015 (and a Supplementary written response dated 1 June 2016).
 - 2.21.3 A Planning Report, as prepared by SJB Planning, dated 22 June 2015 (and a Supplementary written response dated 1 June 2016).
 - 2.21.4 An Urban Context Report and Design Response, prepared by Thomson Adsett, dated June 2015.
 - 2.21.5 An amended Waste Management Plan (WMP), as prepared by Leigh Design, dated 24 May 2016.

- 2.21.6 Sustainability Management Plan, as prepared by Sustainable Design Consultants, June 2015.

3 PRIORITY/TIMING

- 3.1 The statutory time for considering a planning application is 60 days. Having regard to the amended application pursuant to Section 57A, the statutory time is not due to lapse until 1 August 2016.

4 RELEVANT LEGISLATION

- 4.1 The *Planning and Environment Act 1987 (the Act)* is the relevant legislation governing planning in Victoria. The Act identifies subordinate legislation in the form of Planning Schemes to guide future land use and development.
- 4.2 Section 60 of the Act outlines what matters a Responsible Authority must consider in the determination of an application. Before deciding on an application, the Responsible Authority must consider:
- the relevant planning scheme, in this case being the Manningham Planning Scheme; and
 - the objectives of planning in Victoria; and
 - all objections and other submissions which it has received and which have not been withdrawn; and
 - any decision and comments of a referral authority which it has received; and
 - any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development; and
 - any significant social effects and economic effects which the responsible authority considers the use or development may have.
- 4.3 Section 61(4) of the Act makes specific reference to covenants. The subject site is not affected by any covenant.
- 4.4 Section 72 of the Act provides for an application to be made to the Responsible Authority for an amendment of a permit.
- 4.5 Section 73 of the Act outlines the procedure for an Application under Section 72 and requires the Responsible Authority in deciding to grant an amendment to a permit subject to conditions to do so where conditions relate to the amendment to the permit.

5 MANNINGHAM PLANNING SCHEME

Zoning

- 5.1 The site is located in the Activity Centre Zone – Schedule 1 (ACZ1).
- 5.2 In the ACZ1, a dwelling is a Section 1 use – No planning permit required. A retail premises, trade supplies and restricted retail premises (Bunnings) is a Section 2 use – Permit required. There are limitations to these Section 2 Uses, including that they occur in conjunction with one or more other uses and that

they occur at ground level. A planning permit is required for buildings and works under the ACZ1 (Clause 37.08-5).

5.3 The relevant purposes of the Activity Centre Zone are:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage a mixture of uses and the intensive development of the activity centre:*
 - *As a focus for business, shopping, working, housing, leisure, transport and community facilities.*
 - *To support sustainable urban outcomes that maximise the use of infrastructure and public transport.*
- *To deliver a diversity of housing at higher densities to make optimum use of the facilities and services.*
- *To create through good urban design an attractive, pleasant, walkable, safe and stimulating environment.*
- *To facilitate use and development of land in accordance with the Development Framework for the activity centre.*

5.4 Schedule 1, relevant to the Doncaster Hill Principal Activity Centre outlines the following objectives:

Land use and development objectives to be achieved

- *To advance Doncaster Hill as a sustainable and vibrant mixed-use activity centre with a strong sense of place and civic identity.*
- *To develop the centre as a focus for contemporary high density residential development incorporating a mix of complementary retail, social, commercial and entertainment uses.*
- *To ensure the activity centre enhances the social, environmental, economic and cultural elements of the municipality and region, advancing Doncaster Hill as a destination in Melbourne's East.*

Land use

- *To provide for a vibrant range of mixed uses that support the strategic role of the Doncaster Hill Principal Activity Centre.*
- *To provide for a high level of activity that attracts people, provides a focal point for the community, creates an attractive and safe urban environment, increasing opportunities for social interaction.*
- *To ensure mixed use development comprises flexible floor spaces for a range of uses.*
- *To substantially increase the provision, intensity and diversity of housing (especially affordable housing), that allows for all sectors of the community to live in the centre.*
- *To provide for high-density residential development on individual sites in conjunction with a diversity of other uses including a mix of retail, commercial, social, community and entertainment uses.*

- *To encourage commercial and small-scale retail uses at the lower level of buildings, with high-density apartment style residential development on upper levels.*

Built form

- *To create treed boulevards framed by podiums, consistent front setbacks and a high quality landscape along Doncaster, Williamsons and Tram Roads.*
- *To encourage innovative, contemporary architecture that provides a distinctive sense of identity for the Doncaster Hill Principal Activity Centre.*
- *To emphasise the existing dramatic landform of Doncaster Hill through built form that steps down the hill.*
- *To ensure an appropriate transition in height both within the activity centre and to surrounding neighbourhoods.*
- *To encourage built form that capitalises on key views and vistas including to the middle-ground and distant features including Dandenongs, the Kinglake Ranges and the central Melbourne skyline.*
- *To encourage the provision of urban art within built form or in adjacent public areas.*
- *To encourage the built form at gateway locations identified in the Framework Plan to be designed to act as markers with distinguishing architectural or urban design treatments.*

Environmental sustainability

- *To ensure Australian Best Practice environmentally sustainable design is met in relation to building energy management, water sensitive urban design, construction materials, indoor environment quality, waste management and transport.*

Public realm

- *To encourage active street frontages and pedestrian generating activities to be located along main roads.*
- *To ensure public spaces are minimally impacted by overshadowing, including preserving solar access in mid-winter to the key boulevards of Doncaster Road and Williamsons Road.*
- *To facilitate the enjoyment of public urban spaces/plazas, streetscapes, pedestrian and bicycle paths by ensuring that these areas are not excessively overshadowed or affected by wind tunnelling.*
- *To encourage artwork in suitable locations to contribute to creating a distinctive sense of identity.*

Open space and landscaping

- *To achieve development that provides accessible, safe, attractive and functional private and public open space opportunities, which are well connected and integrated within a permeable urban environment.*

- *To create a healthy and consistently landscaped environment that is dominated by native and indigenous planting.*
- *To maximise opportunities for landscaping in the public and private realm.*
- *To ensure each precinct has ready access to well designed public open space.*

Transport and access

- *To achieve development of circulation networks that focus on providing strong linkages within the Doncaster Hill Principal Activity Centre, and enhance public transport, pedestrian and bicycle users' amenity.*
- *To provide for well-defined vehicular, bicycle and pedestrian access both within and external to all precincts, with strong pedestrian crossing points to be established between the north and south sides of Doncaster Road.*
- *To encourage the integration of car parking areas into buildings and the unique sloping landform, including providing under-croft and basement as opposed to open-lot parking.*

5.5 Within the Doncaster Hill Principal Activity Centre there are various precincts delineated in accordance with their topographic orientation and aspect on Doncaster Hill, their relationship to main roads, and their present and future uses. The application site, together with land to its north is situated within Precinct 3.

5.6 Under the ACZ1, the subject site is located in **Precinct 3C**. The objectives for Precinct 3C (expressed at Clause 5.3-2) are as follows:

- To encourage a greater mix of uses including residential and commercial in the precinct.
- To encourage an enhanced pedestrian environment within the precinct.
- To ensure development steps down the hill to maximise the northerly aspect and commanding views to the northern ranges.
- To encourage the provision of a pedestrian and bicycle network to Westfield Doncaster and the civic and education precinct.

5.7 Clause 5.3-3 of the Scheme sets out the following precinct requirements:

Maximum height (excluding basement)	Design Element Height:	Setbacks
29m	5.8m above maximum height	5m to front podium edge from front boundary 15m to front tower edge from front boundary 4.5m from side boundaries 4.5m from rear boundary

5.8 Clause 5.3-4 provides precinct guidelines as follows:

- *Development should address rear lane-scapes providing alternate residential frontage to the north in addition to commercial and retail frontages along Doncaster Road.*
- *Development should maximise opportunities afforded by being positioned between Westfield Doncaster and the civic and education precinct.*

5.9 In addition to guidelines at clause 65 and clause 37.08.10 of the Scheme, Clause 8 of the ACZ1 (Decision guidelines) directs the responsible authority to consider the following:

Use

- *whether the proposal achieves an appropriate mix of uses within the site to complement and support the strategic role of Doncaster Hill Principal Activity Centre;*
- *whether the proposal provides for flexible non-residential floor spaces that can be adapted in the future to a variety of alternative non-residential uses;*
- *the contribution that the proposal made towards the achievement of residential population targets as set out in the Doncaster Hill Strategy (October 2002) and as envisaged by this scheme;*
- *whether the proposal will create a mix of active uses and pedestrian generating activities, particularly at street level, that contribute to a vibrant public realm;*
- *the contribution made towards the achievement of employment targets, including commercial and retail floor space forecasts as set out in the Doncaster Hill Strategy (October 2002, Revised 2004);*
- *whether the proposal provides for an appropriate scale of development in order to accommodate the mix and intensity of uses envisaged for each precinct.*

Design and built form

Whether the proposed development:

- *creates a strong visual interest by providing unique building types based on innovative, contemporary architecture, urban design and ecologically sustainable development;*
- *is site responsive and achieves an appropriate scale with a stepping down in built form that responds to Doncaster Hill's natural topography;*
- *incorporates side and rear setbacks to enhance pedestrian safety and amenity, and assists in the retention of view lines, penetration of sunlight and creation of landscape buffers;*
- *ensures that any environmental wind effects to the adjoining and surrounding neighbourhood is minimised to the satisfaction of the responsible authority;*

- *provides overhead weather protection features adjoining key pedestrian walkways and nodal points;*
- *ensures dwelling balconies have an open space area of at least 8 square metres, and a minimum dimension of 1.6 metres;*
- *complements, where relevant, the form, scale, materials, colour and lighting of a heritage place on the same or adjoining site;*
- *meets the objectives, standards and decision guidelines of Clause 55. This does not apply to a development of four or more storeys, excluding a basement.*

Signage

Whether the design and siting of any advertising sign/s satisfies the following design principles:

- *signs should be integrated into the design of the building façade, preferably within the first 3 levels of the podium;*
- *signs should be of a size and height that is complementary to the built form of the building and surrounding landscape treatments;*
- *signs should be limited in number and incorporate limited detail other than is necessary to identify the building name and key tenants;*
- *signs should be consolidated in mixed use and commercial developments to avoid the visual clutter of signage and displays (eg. vehicles, products, promotional material and free standing signs).*

Access

Whether the proposed development:

- *incorporates provisions for pedestrians, cyclists and people with a disability demonstrating how access needs are accommodated;*
- *integrates car parking requirements into the design of buildings and landform by encouraging the use of under-croft or basement parking and minimises the use of open lot/half basement/ground floor car parks at street frontage;*
- *provides vehicular access to buildings fronting key boulevards off side streets or via rear access;*
- *limits the number of vehicle crossings to each development.*

Overlays

Development Contributions Plan Overlay

5.10 Clause 45.06 Development Contributions Plan Overlay affects the subject land. The purpose of the overlay is:

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

- *To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.*

- 5.11 The Development Contribution Plan Overlay Schedule 1 (DCPO1) outlines development contributions for various infrastructure works within Doncaster Hill.
- 5.12 Pursuant to the DCPO1, a permit granted must include a condition that gives effect to the contribution and levies imposed by the schedule. A permit condition to this effect exists on the issued permit.

Parking Overlay

- 5.13 Clause 45.09 Parking Overlay applies to the land. The purpose of the overlay is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To facilitate an appropriate provision of car parking spaces in an area.*
- *To identify areas and uses where local car parking rates apply.*
- *To identify areas where financial contributions are to be made for the provision of shared car parking.*

- 5.14 Clause 45.09-1 sets out the operation of the clause explaining that the overlay operates in conjunction with Clause 52.06.
- 5.15 Schedule 1 to the Parking Overlay applies to land in the Doncaster Hill Principal Activity Centre. Clause 2 sets out the number of car parking spaces required relative to the land use, requiring the following:
- One or two bedroom dwelling – 1 car space per dwelling;
 - Three bedroom dwelling – 2 car spaces per dwelling;
 - Visitor (resident spaces) - 1 visitor parking space for ten dwellings;
 - Retail – 2.5 car spaces to each 100 sqm of net floor area.
 - Restricted Retail – 1.5 spaces per 100 sqm of floorspace.

- 5.16 Clause 3 of the control sets out the application requirements and decision guidelines for permit applications.

State Planning Policy Framework (SPPF)

- 5.17 Clause 11.01-1 (Activity Centres) includes the objective to build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres.
- 5.18 Clause 11.01-2 (Activity Centre Planning) includes the objective to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.

- 5.19 It is a requirement of this Clause, as well as other Clauses within the SPPF, to have regard to, as relevant, the following policy documents:
- Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004)
 - Activity Centre Design Guidelines (Department of Sustainability and Environment, 2005)
 - Safer Design Guidelines for Victoria (Crime Prevention Victoria and Department of Sustainability and Environment, 2005)
- 5.20 As relevant, an assessment against the abovementioned policy documents will be carried out at Section 8 of this report.
- 5.21 Clause 15.01-1 (Urban Design) seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. Strategies towards achieving this are identified as follows:
- *Promote good urban design to make the environment more liveable and attractive.*
 - *Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability*
 - *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*
 - *Ensure transport corridors integrate land use planning, urban design and transport planning and are developed and managed with particular attention to urban design aspects*
 - *Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.*
- 5.22 Clause 15.01-4 (Design for Safety) seeks to improve community safety and encourage neighbourhood design that makes people feel safe. The strategy identified to achieve this objective is to ensure the design of buildings, public spaces and the mix of activities contribute to safety and perceptions of safety.
- 5.23 Clause 15.01-5 (Cultural Identity and Neighbourhood Character) seeks to recognise and protect cultural identity, neighbourhood character and sense of place. The clause emphasises the importance of neighbourhood character and the identity of neighbourhoods and their sense of place. Strategies towards achieving this are identified as follows:
- *Ensure development responds and contributes to existing sense of place and cultural identity.*
 - *Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.*
 - *Ensure development responds to its context and reinforces special characteristics of local environment and place.*

- 5.24 Clause 15.02-1 (Energy and Resource Efficiency) seeks to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.
- 5.25 Clause 16.01-1 (Integrated Housing) seeks to promote a housing market that meets community needs. Strategies towards achieving this are identified as follows:
- *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations.*
 - *Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.*
- 5.26 Clause 16.01-2 (Location of Residential Development) seeks to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. Strategies towards achieving this are identified as follows:
- *Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.*
 - *In Metropolitan Melbourne, locate more intense housing development in and around Activity centres, in areas close to train stations and on large redevelopment sites.*
 - *Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.*
 - *Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.*
- 5.27 Clause 16.01-4 (Housing Diversity) seeks to provide for a range of housing types to meet increasingly diverse needs. Strategies towards achieving this are identified as follows:
- *Ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.*
 - *Encourage the development of well-designed medium-density housing which respects the neighbourhood character.*
 - *Improves housing choice.*
 - *Makes better use of existing infrastructure.*
 - *Improves energy efficiency of housing.*
 - *Support opportunities for a wide range of income groups to choose housing in well serviced locations.*
- 5.28 Clause 16.01-5 (Housing affordability) seeks to deliver more affordable housing closer to jobs, transport and services.

5.29 Clause 18.01-1 integrated Transport: Land use and transport planning

5.30 The policy objective is:

- *To create a safe and sustainable transport system by integrating land-use and transport.*

5.31 Clause 18.02-1 Movement networks: Sustainable personal transport

5.32 The policy objective is:

- *To promote the use of sustainable personal transport.*

5.33 Clause 18.02-2 Cycling

5.34 The policy objective is:

- *To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.*

5.35 The clause includes several strategies to achieve this objective including to:

- *Require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, shopping and community facilities and other major attractions when issuing planning approvals.*

5.36 Clause 18.02-4 Management of the road system

5.37 The policy objective is:

- *To manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.*

5.38 Clause 18.02-5 Car parking

5.39 The policy objective is:

- *To ensure an adequate supply of car parking that is appropriately designed and located.*

**Local Planning Policy Framework (LPPF)
Municipal Strategic Statement (Clause 21)**

5.40 Clause 21.03 (Key Influences) identifies that future housing need and residential amenity are critical land-use issues. The MSS acknowledges that there is a general trend towards smaller household size as a result of an ageing population and smaller family structure which will lead to an imbalance between the housing needs of the population and the actual housing stock that is available.

5.41 This increasing pressure for re-development raises issues about how these changes affect the character and amenity of our local neighbourhoods. In meeting future housing needs, the challenge is to provide for residential redevelopment in appropriate locations, to reduce pressure for development in more sensitive areas, and in a manner that respects the residential character and amenity valued by existing residents.

5.42 Clause 21.09 (Activity Centre and Commercial Areas) outlines that *principal, major and identified neighbourhood activity centres will be the focus of*

increased residential growth and development. In particular, Doncaster Hill Principal Activity Centre will:

- *Challenges mainstream community planning and building design to achieve desired environmental outcomes.*
- *Provides more local jobs to reduce journey to work trips.*
- *Provides housing where residents may walk to facilities and services.*
- *Encourages reduced levels of car ownership and increased public transport usage.*

5.43 The vision for Doncaster Hill Principal Activity Centre is outlined in Council's *Doncaster Hill Strategy (2002)* and includes:

- *To implement the objectives of Melbourne 2030 in respect of Principal Activity Centres as a focus for retail, social, commercial, entertainment, civic and residential uses.*
- *To integrate ecologically sustainable development principles and techniques into every facet of the design, construction and operation/occupancy stages of new development to raise the aspirations of all users, appropriate for a city looking towards a long-term, responsible and sustainable future.*
- *To ensure that built form outcomes demonstrate the use of contemporary architecture combined with innovative urban design and building techniques that incorporate ecologically sustainable design principles.*
- *To emphasise the existing dramatic landform of Doncaster Hill through built form that steps down the hill.*
- *To encourage high density, high rise residential development.*
- *To provide a greater diversity of dwelling types.*
- *To alleviate pressure for more intense residential development in established urban areas.*
- *To reduce travel demand and change travel behaviour.*
- *To promote the development of sustainable transport options.*
- *To meet the future infrastructure requirements of Doncaster Hill in a comprehensive, timely and equitable way.*
- *To develop an integrated mixed-use precinct for Doncaster Hill Activity Centre which provides for an appropriate mix of uses and functions on a location specific level, including the provision of:*
 - *mixed uses within buildings, particularly along boulevard locations*
 - *small scale retail opportunities at ground floor level in conjunction with other mixed use developments*
 - *additional commercial/office floor space*

- *flexible floor spaces within buildings to ensure life cycle adaptability.*
- 5.44 As previously noted, the subject site is located in Sub-Precinct 3C.
- 5.45 Clause 21.10 (Ecologically Sustainable Development) highlights Council's commitment to ESD and outlines a number of ESD principles to which regard must be given. These relate to:
- *Building energy management*
 - *Water sensitive design*
 - *External environmental amenity*
 - *Waste management*
 - *Quality of public and private realm*
 - *Transport.*

Local Planning Policy

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

Particular Provisions

- 5.48 Schedule Clause 52.01 (Public Open Space Contribution and Subdivision) applies to all land in the Doncaster Hill Activity Centre. At the time of land subdivision, a 5% public open space contribution is required to Council for the purpose of funding public open space.
- 5.49 Clause 52.05 (Advertising Signs) is relevant to the signage component of this application. The Clause provides decision criteria which seek to retain quality visual amenity and limit signage clutter.
- 5.50 Clause 52.06 (Car Parking) is relevant to this application and must be read in conjunction with Schedule 1 to Clause 45.09 Parking Overlay – Doncaster Hill Principal Activity Centre. The design standards for car parking provided at Clause 52.06-8 of the Scheme are required to be met unless the Responsible Authority agrees otherwise
- 5.51 Clause 52.07 (Loading and Unloading of Vehicles) seeks to set aside land for loading and unloading of commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.
- 5.52 Clause 52.29 (Land adjacent to a Road Zone Category 1) is relevant as the subject site sits adjacent to Doncaster Road - a road under the jurisdiction of the Roads Authority (VicRoads).
- 5.53 Clause 52.34 (Bicycle Facilities) is applicable to this application. The statutory bicycle parking requirements are that in developments of four or more storeys, 1 bicycle space must be provided to each 5 dwellings (for residents) and 1 bicycle parking space for visitors is required for every 10

dwellings. The commercial component generates a requirement of 1 bicycle space per 300 sqm of floor area (for employees) and 1 bicycle space per 500 sqm (for visitors). Shower and change facilities are also required For Bunnings pursuant to this Clause.

- 5.54 Clause 52.35 (Urban Context Report and Design Response for Residential Development of Four or More Storeys) requires a development of four or more storeys to be accompanied by an urban context report and a design response. As outlined above, this was submitted with the amended permit application.
- 5.55 Clause 52.36 (Integrated Public Transport Planning) is also relevant to this amended application. The Clause provides Public Transport Victoria (PTV) a statutory opportunity to condition or reject major development applications based on their impacts on the operation of public transport.

General Provisions

- 5.56 Clause 65 (Decision Guidelines) outlines that before deciding on an application, the Responsible Authority must consider, as appropriate:
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - *The purpose of the zone, overlay or other provision.*
 - *The orderly planning of the area.*
 - *The effect on the amenity of the area.*

6 REFERRALS

- 6.1 VicRoads is a statutory referral authority under the Manningham Planning Scheme.
- 6.2 On 29 February 2016, VicRoads advised Council that they have assessed the proposed amended planning permit application and have no objection to the proposed amendment to the planning permit in accordance with the submitted plans.
- 6.3 On 24 June 2016, VicRoads advised Council that they reviewed the proposed amended planning permit and accept that conditions should be changed to reflect the current plans. To that end, VicRoads requires Council to apply a total of nine (9) conditions on any amended planning permit/notice of decision to grant a planning permit that is issued. The conditions sought by VicRoads are generally consistent with the proposed amended planning permit but reflect the altered staging arrangement.
- 6.4 Public Transport Victoria (PTV) is also a statutory referral authority pursuant to the Manningham Planning Scheme.
- 6.5 PTV have also provided a referral response (dated 10 June 2016) agreeing to the amended proposal adjusting the original conditions to reflect the amended proposal.
- 6.6 A number of conditions typically required by internal referral authorities, such as those relating to an OSD system and Management Plans, are already included on the existing permit (and will remain on the amended permit). As

such, these requirements do not feature in the summary response from internal Service Units below.

- 6.7 The application was referred to a number of Service Units within Council and the following table summarises their responses:

Service Unit	Comments
Engineering and Technical- Vehicle Crossings	<ul style="list-style-type: none"> • All infrastructure to be clearly shown in proximity to crossovers. • Adequate clearances and relocation of services are required to facilitate crossovers. • The southern crossover to Tower Street is steep and re-grading of footpath is required. Part of the column lies within the accessway. This needs to be addressed.
Engineering and Technical – Staging	<ul style="list-style-type: none"> • Stage 1 and Stage 2 requires to be separately shown on plans with relevant notes. • The applicant requires providing more information regards to the car spaces below the accessway ramp from Doncaster Road at Stage 1. More information of the method of construction is required.
Engineering and Technical – School Consultation	<ul style="list-style-type: none"> • School consultation is required with regards to the crossover and Stage 2 lane widening. Location of school crossing and angle parking is required to be shown.
Engineering and Technical - Car Parking Layout/Access	<ul style="list-style-type: none"> • Truck swept paths are within the columns shown on the Ground floor Plan. • Car spaces proposed must not be affected by the waste truck swept path analyses. • Need to include wheel stops to tandem car spaces.
Engineering and Technical- Waste Services	<ul style="list-style-type: none"> • Waste Truck Access needs to be reviewed.
Economic and Environmental Planning - Urban Design	<ul style="list-style-type: none"> • The height and treatment of the podium on the Doncaster Road frontage of the site satisfies the requirements of the Scheme. • The southern face of the Stage 1 residential tower is suitably articulated, however, there is a lack of clarity and detail about the materials proposed for use on the southern facade of the

Service Unit	Comments
	<p>Stage 1 residential tower and it is recommended that greater detail and material swatches be provided.</p> <ul style="list-style-type: none"> • The glazing and vertical elements proposed for the western face of the Stage 1 lift well is an appropriate design response and will allow for natural light access in the stairwell. The triple-height glazing above the Tower Street residential entry is an appropriate design response. • The splay on the south-western corner of the building at ground level will provide a generous width for the pedestrian path to wrap around this corner. Suggests that the boulevard treatment extends up to the facade of the building on this corner in the same way that it does on the Doncaster Road frontage of the building to provide wide physical access around this corner. • The treatment to the northern side of the proposed Bunnings is appropriate. Effort has been made to break up the massing of the large exposed basement wall on the northern face of Stage 1. • The construction of the proposed Council Street ingress/ egress presents some concerns in respect of vehicular noise to neighbouring Berkeley Street properties. Consideration should be given to enclosing the ramp. • Regarding the main residential entry for Stage 1, recommends the ground plan be used as a way of distinguishing the residential entrance from the commercial store. • Greater amount of detail is required in the future regarding boulevard treatment. • Recommends a reduction in the no. of bicycle loops along the Doncaster Road frontage of Stage 1. • Notes there is a slight encroachment of the residential tower Stage 1A into the prescribed side setback from the western boundary. The road reserve is very large for the portion of this frontage which separates the building from Tower Street, and given this will not be a busy

Service Unit	Comments
	<p>pedestrian-way. No concern is expressed regarding this.</p> <ul style="list-style-type: none"> • In relation to the Stage 2A building, recommends that additional building stepping be incorporated to provide a more gentle transition of scale towards the northern boundary and to reduce the visual mass of the tower when viewed from the north. This is particularly important on the north-eastern corner of the building. To achieve this will require, as a minimum, the deletion of the corner-most apartments on levels 4 and 5, the single apartment to the immediate south of this on both levels 4 and 5, and the two-bedroom apartment to the immediate west of the corner apartment, on levels 4 and 5. (Total of 6 deleted apartments). • Notes there is a slight encroachment of the residential tower of Stage 2B into the prescribed 15 metre setback but expresses no concern regarding this. • Only a small proportion of apartment bedrooms in Stages 1, 2 and 3 will rely on borrowed light, which is positive. • No balconies within the development are less than 8 square metres and the vast majority of balconies are 9 square metres or greater, which is positive.

7 CONSULTATION

- 7.1 The original permit application was advertised by the sending of notices to adjoining and nearby properties together with the placement of three (3) large notification signs across each frontage for a four (4) week period across January/February 2016.
- 7.2 The application has attracted five (5) objections from the following properties:
- No. 5 Berkeley Street, Doncaster
 - No. 21 Council Street, Doncaster
 - PO. Box 431, North Balwyn
 - 14 Maude Avenue, Doncaster East
 - 1/90 Willow Bend, Bulleen.

7.3 Initially, an objection was also received from Scentre Group (Scentre Management Limited), the owner and operator of Westfield Doncaster. This objection has since been withdrawn.

7.4 The grounds of objection are summarised as follows:

Grounds:

- Increased emphasis on Bunnings (retail) in the amended plans, rather than residential development
- Adverse Impacts to the Public Realm
 - Visual Intrusion of Southern Elevation
 - Inappropriateness of increased Bunnings Signage to Doncaster Road
- Adverse Amenity impacts to Adjoining Properties
 - Odour from Bunnings' Garden Centre (5 Berkeley Street)
 - Noise
 - Other Amenity Impacts relating to the use (e.g. Storage/Placement of Gas Bottles)
 - Visual Bulk to the rear (5 Berkeley Street)
 - Insufficient setback for Entry/Exit Accessway along Northern Boundary (5 Berkeley Street)
 - Overshadowing Implications
- Traffic & Car Parking Issues
 - Increased Truck Movements/Light Vehicles Utes/Vehicles with Trailers (50% increase in timber trade)
 - Use of car parking spaces for alternative means (storage, hire trailers, gas bottles)
 - Roadworks to Doncaster Road to be approved by VicRoads
- Extent of Public Notification (Not notifying original objectors to the original application)
- Issues with representations made in the Planning Consultant's Report
- Insufficient Permeability on the site
- Staged Permit will create further disruption (5 Berkeley Street)
- Requested Conditions (5 Berkeley Street)

7.5 A response to those grounds of objection now follows under the below headings:

Increased emphasis on Bunnings (retail) in the amended plans, rather than residential development

7.6 It is acknowledged that the amended proposal does increase the floor area of Bunnings by 620 square metres. It is also acknowledged that the proposal

reduces the number of apartments substantially, and decreased retail floor space as well.

- 7.7 The ACZ1 does not prescribe minimum or maximum floor spaces associated with uses, rather it requires uses to be carried out in conjunction with one another. A 5-10% increase in the floor area of Bunnings as part of the amended proposal is not considered to be a significant issue having regard to relevant planning considerations. Car parking is clearly satisfied and the potential for a slightly greater patronage and attendance on the site by larger vehicles associated with loading/unloading are appropriately catered for. Road mitigation measures required by the original approval remain on the amended permit notwithstanding a significant reduction to apartment dwelling numbers.

Adverse Impacts to the Public Realm

- 7.8 It is acknowledged that the amended proposal makes some substantial changes to the presentation of the development to Doncaster Road. Nevertheless, the presentation to Doncaster Road has been assessed on its merits against the relevant provisions of the Manningham Planning Scheme, in particular the objectives and policy requirements of the ACZ1 and deemed to be satisfactory. Furthermore, Council's Urban Designer has considered the proposal and provided advice which has resulted in some improvements to the façade, particularly at the south-western end of the site, in order to improve the articulation and visual interest of the development to enhance its contribution to the Doncaster Road streetscape and the wider public realm.
- 7.9 In respect of the revised advertising signage, Council officers consider the proposed signage package to be successfully integrated into the built form in a manner specifically sought by the Planning Scheme. Officers do not consider the two hammer logos to be visually intrusive, to the contrary, they are symbols associated with the business use which are tastefully incorporated into the architecture of the façade at the south-east and south-west corners of the Bunnings store. The more substantial Bunnings business identification sign is clearly a more prominent example of signage than was evidenced on the original approval. However, as a consequence of the amended proposal, the scale of the Bunnings building has been increased with the built form now extending approximately 2/3rds of the width of the Doncaster road elevation and the height of the podium increasing also. Consequently, it is considered reasonable for the size of the signage to increase. Given the increased surface area of the Stage 1 podium and the sign's level of integration with the podium, the increased signage is considered appropriate.

Adverse Amenity impacts to Adjoining Properties

- 7.10 A number of the external amenity related objections to the amended proposal, for example those relating to odours and noise associated with the land use as a Bunnings are considered matters which were considered at the time of the original proposal's assessment and are thereby outside the scope of this amendment (*NB: It is not considered that the relatively minor increase in the floor area attributed to Bunnings warrants a reconsideration of these matters*).

- 7.11 However, a number of the amenity based objections are relevant to the amended proposal as setbacks and the visual massing and appearance of the northern elevation has changed.
- 7.12 In respect of building setbacks, Stage 1 and Stage 2 buildings generally achieve the 4.5 metre setback to the northern rear boundary, as recommended in the ACZ1. While the basement of the Stage 1 of the building is raised (relative to the original proposal), this is offset by its more generous setback to the northern boundary at the tower level of both Stages 1 and 2 to residential properties in Berkeley Street, including the apartment development at 7-11 Berkeley Street.
- 7.13 In respect of visual bulk concerns, Council's Urban Designer has made a number of specific recommendations to the project architect to enhance the visual amenity for residents with a direct interface with the northern elevation. This has included alterations to materials at the Bunnings levels and a more sympathetic treatment to the facade of the basement wall in an endeavour to reduce its scale and improve the visual interest of this elevation. Having regard to the Section 57A amended plans, Council's Urban Designer is now satisfied with the manner in which the large exposed basement wall on the northern face of Stage 1 of the development has been treated.
- 7.14 With the exception of the objector at 5 Berkeley Street, it is noted that visual bulk related objections have not been received from any other abutting property who would be directly affected by the northern elevation. Rather they have been submitted by objectors living elsewhere who have raised this as a ground for Council officer consideration.
- 7.15 In regards to the objector at 5 Berkeley Street, it is considered that the amended proposal provides for substantially increased building setbacks and balcony setbacks which are offset by a minimum of 9 metres from the common boundary.
- 7.16 It is acknowledged however that adjacent to the common boundary with 5 Berkeley Street (and to Berkeley Street properties from Number 5 Berkeley to the eastern boundary of the site) that the width of the area capable of accommodating a landscape buffer has been reduced. Furthermore, the enclosure of the accessway parallel to the northern boundary to the crossover has also been removed as part of the revised proposal. Neither of these adjustments are satisfactory and are significant departures from the approved scheme. As such, a permit condition will require the reinstatement of the 4.5 metre setback in which to achieve landscaping together with the enclosure of the Council street accessway. It is acknowledged that this will potentially require modification to the Stage 2A building. This will also need to be carefully detailed by permit condition. (Condition 1.26).
- 7.17 Lastly, as the objecting property at 5 Berkeley Street finds themselves located on the north side of the development site, it will not be overshadowed by the development.

Traffic & Car Parking Issues

- 7.18 As noted above, a permit condition will require a fully enclosed accessway (as per the original approval) to mitigate any potential amenity impacts to adjoining neighbouring properties.

- 7.19 Notwithstanding any potential increase in the number of truck Movements/Light Vehicles Utes/Vehicles with Trailers, etc, permit conditions on the issued permit seek to control and manage access onto the site. See Conditions 36 to 38.
- 7.20 The use of car parking for this purpose only (rather than for storage or other purposes) can be managed and enforced by existing Condition 20.
- 7.21 Permit conditions, including those required by VicRoads, relating to road works to improve vehicle movements around and into the site will remain and have been added to ensure they are the Road Authority's and Council's satisfaction (as specified in the relevant condition).
- 7.22 VicRoads has expressed no objection to the amended application. They have acknowledged the need to amend existing permit conditions and have provided Council with the nine (9) conditions they require to be included on any amended planning permit to issue.

Extent of Public Notification

- 7.23 As an original objector, one of the objectors has expressed concern at not being notified of the amended proposal.
- 7.24 The Planning & Environment Act 1987 does not require the Responsible Authority to specifically notify original objectors of amended planning permit applications.
- 7.25 As occurred with the original proposal, in order to advertise the amended application to the wider public, Council has provided notice by the use of three large notification signs on each frontage of the subject site for a time period exceeding the requirements of the Planning and Environment Act 1987.

Issues with representations made in the Planning Consultant's Report

- 7.26 Some objectors have concern with representations made in the Planning Report submitted with the amended permit application.
- 7.27 While Council officers are informed by any documentation submitted by permit applicants on any planning application, Council officers undertake our own assessments and make our own enquiries to ascertain the accuracy of the information provided in forming planning decisions.

Insufficient Permeability on the site

- 7.28 It was acknowledged in the original officer's assessment that the initial proposal was a departure from the "highly permeable urban fabric" anticipated for the site at Clause 21.09 of the Manningham Planning Scheme.

Staged Permit will create further disruption

- 7.29 The amendment does not introduce a staged development. The original proposal, as evidenced in the permit preamble and throughout the issued permit, already permitted this approach. While the location of works across the site is proposed to change as a consequence of the amended application, the amendment does not change the number of stages in which the development is anticipated to occur.

Requested Conditions

- 7.30 The objectors at 5 Berkeley Street has outlined a number of matters which are specific to their property and which they seek the permit applicant to address, for example the weekly cleaning of windows which adjoin the subject site. Council officers consider that through measures applied to the existing permit, such as the requirement for a Construction Management Plan, that sufficient and reasonable measures have been applied to the permit to enforce any unreasonable amenity considerations.

8 ASSESSMENT

- 8.1 Section 5 of this report has outlined the purposes and objectives of the ACZ1, including the specific visions for Precinct 3 of the Doncaster Hill Principal Activity Centre in which the site is located. However, the ACZ1 is much more prescriptive than simply listing policy ambitions. The ACZ1 sets a number of mandatory and preferred maximums/minimums for buildings within the Activity Centre. These mainly relate to the scale of the development, such as height and setback distances. The requirements establish a three dimensional building envelope for each site.
- 8.2 The following assessment identifies and considers these mandatory and preferred requirements from the ACZ1, as outlined at Clause 4.4 Design and Development, before moving onto other issues:

Clause 4.4 Design and Development

Building Height – Met, subject to conditions

- 8.3 The maximum building height, as outlined earlier in this report, is a mandatory maximum requirement. The maximum building height permitted for this site by the ACZ1 is 29m. There is a further height allowance of 5.8m attributed to a design element providing a number of criteria can be satisfied.
- 8.4 With the exception of permitted lift overruns and plant equipment (and related screening), the amended proposal appears to comply with the maximum building height permitted by the ACZ1. The northern elevation does not illustrate the 29 metre height envelope, which is anomalous, as all other elevation do. As such, a permit condition (Condition 1.25) will require the northern elevation to demonstrate full compliance with the maximum height limit of 29 metres and for the 29 metre height envelope to be depicted on this elevation.
- 8.5 As with the original proposal, there is no request to consider a design element as part of the amended development.

Buildings Setbacks

Front Setback - Met

- 8.6 A permit cannot be granted to vary the front setbacks, including the front podium and front tower setbacks. As such, the requirement to achieve a 5 metre setback at the podium level and a 15 metre setback to the front tower edge are both mandatory requirements. There is scope for:

Minor buildings and works such as verandas, architectural features, balconies, sunshades, screens, artworks and street furniture may be constructed within the setback areas specified in the precinct provisions at Clause 5 of this Schedule

- 8.7 At all podium levels, the proposed front setback to Doncaster Road is compliant with the mandatory setback pursuant to the ACZ1. Indeed, at ground level, due in part to the uneven alignment of the site boundary, the front setback to the existing property boundary ranges between 7-9 metres (The retail component associated with Stage 2 proposes a minimum 7m setback, whereas the Bunnings development is at a minimum 8.5m).
- 8.8 Recalling that the road works forming part of the original approval will result in a modified (reduced) property boundary to Doncaster Road (Stage 2), a 5 metre setback is also achieved for the “new” property boundary. Proposed development plans show the proposed podium level to achieve a 5 metre setback to the new front (southern) property boundary.
- 8.9 Inclusive of balconies, podium levels (i.e. ground level to level 3) all maintain setbacks in excess of 5 metres.
- 8.10 Inclusive of balconies, the tower level (Level 4 onwards) are also compliant with Scheme’s requirements of a minimum 15 metre setback requirement.
- 8.11 Consistent with the aspirations of the Doncaster Hill Strategy and the ACZ1, the appropriate setbacks to Doncaster Road will comfortably facilitate the achievement of a boulevard treatment as part of the revised proposal.

Side and Rear Building Setbacks - Met, subject to conditions

- 8.12 There are preferred minimum requirements relating to side and rear setbacks (i.e. they can be varied by a permit). The minimum setback from a side (or rear) boundary is 4.5m. As for the front setback, there is provision for elements such as balconies, sunshades and screens to be constructed within the specified setback *“provided they are designed and located to the satisfaction of the responsible authority”*.
- 8.13 To the existing side boundary to Council Street (to the east) the proposal achieves a compliant minimum 4.5 metre building setback at all levels. Courtyards and balconies at the north-east corner of the Stage 2A building encroach into this 4.5 metre setback. This is considered acceptable with balconies offering articulation to the built form and increase internal amenity for future occupants by the provision of more generous open spaces.
- 8.14 Recalling that the road works forming part of the original approval will result in a modified (reduced) property boundary to Council Street (as well as Doncaster Road), it is noted that the proposed side boundary to Council Street will experience a 500mm encroachment into the side setback by the south-eastern most apartment in Stage 2B. Given setbacks to Council Street are greater than the original approval, this minor encroachment into a “proposed” boundary is not considered to be an issue.
- 8.15 It is proposed to construct to the title boundary to the western property boundary. This is a departure from the original approval which provided a 4.5 metre setback from ground level onwards (basements were approved to the title boundary under the original scheme).
- 8.16 This is a substantial change in the amended proposal and arises from the reconfigured layout, namely that the Bunnings Stage 1 development is now situated adjacent to Tower Street (rather than a residential mixed use development). The permit applicant sees no benefit in a 4.5 metre setback to its interface with the collector road adjoining Westfield Doncaster. Council officers agree. By virtue of the change in land use to a Bunnings at this

location (the lower levels of the Stage 1 building), the Tower Street interface now becomes a more commercial one. Given the proposed character of this interface, it is agreed that the requirement for a 4.5 metre setback is not a critical one. It is considered reasonable to allow the reduced setback to the western property boundary, as proposed.

- 8.17 To the rear, northern elevation, building setbacks associated with both Stages 1 and Stage 2A appear to be 4.5 metres or very close to. In some areas, dimensions are not clearly provided although appear to scale to 4.5 metres. In any event, a permit condition will ensure building setbacks are no less than 4.5 metres (Condition 1.26 and 1.27).
- 8.18 However, a critical change is the proposal to reduce the landscape buffer and remove the wall enclosing the Council Street vehicle accessway. From an amenity perspective, this is not a good planning outcome. Given the necessity of the wall to address noise and other amenity considerations, a permit condition will require the wall to the accessway reintroduced and to be setback 4.5 metre setback from the property boundary in adherence to the requirements of the Zone and to accord with the original approval. In addition, the northern elevation will need to be corrected to accurately depict the levels associated with the accessway along this boundary. In the section between Number 5 Berkeley Street and the eastern property boundary, there is presently ambiguity with the plans (Condition 1.26).

Overshadowing - Met, subject to conditions

- 8.19 Clause 4.4 of the ACZ1 provides that development within the Zone should not overshadow adjacent properties outside of the activity centre between the hours of 11am and 2pm on the 22 September. The development causes no such shadow during these times.
- 8.20 The ACZ1 (at this Clause) also provides that development on the north side of Doncaster Road must not overshadow more than 1.2m beyond the back of kerb on the southern side of Doncaster Road between 11.30am and 1.30pm on 22 June.
- 8.21 As amended shadow diagrams were not submitted as part of the Section 57A Application, these will be required to be submitted as part of Condition 1 to accurately demonstrate shadow implications to the south. From shadow diagrams provided as part of the advertised application, it is evident that during the winter solstice, most of the shadow cast by the development will fall on Doncaster Road. However, to the extent that areas south of the back of the kerb, and a small section of the footpath on the south side of the road are affected, the existing Condition 1 (Condition 1.11) requirement relating to the adherence to the requirements of the ACZ1 will be retained on the permit and modified accordingly to meet the requirements of the Zone, i.e. that the amended development must not cast a shadow further than 1.2m south of the back of kerb on the south side of Doncaster Road between 11:30am and 1:30pm on 22 June (Condition 1.9).

Landscape Design - Met, subject to conditions

- 8.22 A landscape design response has been proposed to soften the impact of the built form to its northern interface, to contribute positively to the Doncaster Hill boulevard and to provide enhanced internal amenity for future apartment occupants.

- 8.23 In addition, the updated Concept Landscape Plan prepared by Tract Consultants evidences the project's commitment towards a temporary landscape solution for the land comprising Stage 2.
- 8.24 The proposal seeks to maintain a landscape buffer directly abutting the boundary common with Berkeley Street properties. Notwithstanding there is some encroachments into these setback areas as a consequence of the amended proposal (particularly where there is a reduced width in the landscape buffer opposite the boundary with Number 5 Berkeley), officers consider that there is still adequate spacing between the internal service road and the property boundary in which to achieve an appropriate and dense, landscape buffer.
- 8.25 An existing permit condition, Condition 11, provides for a more detailed landscape plan to be provided prior to the commencement of Stage 1. Among other things, this requires further detail in regards to interim landscaping treatments and Doncaster Hill trademark boulevard tree planting. These conditions will be retained on the amended planning permit.

Boulevard Character - Met, subject to conditions

- 8.26 The ACZ1 sets a boulevard character requirement for development along Doncaster, Williamsons and Tram Roads.
- 8.27 Along Doncaster Road, the development provides for a generous setback from the building's frontage in which to facilitate the boulevard tree planting sought by the Scheme. Indicative boulevard tree planting has been notated on both development and landscape plans to demonstrate the achievability and commitment towards this strategic streetscape outcome. The Condition 1.3 requirement relating to the depiction of the Boulevard treatment to be provided in accordance with Part D of Council's Doncaster Hill Strategy will be retained on the amended planning permit. Council's Urban Designer has specifically sought greater detail to be provided at a later stage. It is considered existing permit conditions (both at Condition 1 and that attached to the Landscape Plan condition) will ensure an appropriate level of detail will be provided prior to the commencement of the development.

Access and Mobility - Met, subject to conditions

- 8.28 As relevant to this application, Clause 4.4 of the ACZ1 requires new development to provide a high level of accessibility at the principal front entry for any residential development and to comply with the Australian Standard AS1428 Part 2 provisions for access and mobility.
- 8.29 While the southern elevation appears to illustrate "at grade" access into the Stage 1 development, finished floor and surface levels seem to suggest that this may not be the case. A permit condition will require a 1:20 grade access into the Bunnings development with relevant modifications to be made to the built form, if required. Finished surface and floor levels will need to be clearly notated demonstrating such access (Condition 1.29).
- 8.30 Access to Stage 1 from the western side of the building is the secondary access point. Although existing surface levels are not shown, the residential lobby area (with a RL of 118) is proposed to be approximately 2 metres lower than the ground level at the property boundary. This is not a good outcome. While it is not the primary access point, it will be necessary to lower the levels in the road reservation immediately abutting the site to provide for a gradual,

more sympathetic entry into the building and to avoid an extensive flight of stairs from footpath level (Condition 1.30).

- 8.31 In terms of Stage 2, further detail is required at both the entry to the retail premises and at the entry point to the residential development along Council Street to demonstrate accessibility. A disability access ramp is shown forming part of the design to the Stage 2 development. The ramp should comply with a grade no steeper than a 1:20.
- 8.32 Subject to the achievement of the above requirements, it is considered that the proposal can provide an appropriate level of accessibility.

Clause 8 Decision Guidelines

- 8.33 Clause 8 of the ACZ1 sets out a series of Decision guidelines, requiring the Responsible Authority to consider a series of guidelines under the headings of use, design and built form, access and subdivision.
- 8.34 Clearly, subdivision is not applicable in this application.
- 8.35 Also, given the amended planning permit application does not alter the proposed land uses, it is not considered relevant to assess the proposal against the use related decision guidelines.
- 8.36 As such, consideration of the amended proposal against the “design and built form” and “access” guidelines, now follows:

Design and Built Form – Considered Met, subject to conditions

- 8.37 The series of mixed-use buildings scaling up to eight/nine levels above natural ground level will provide a bold statement to Doncaster Road.
- 8.38 Stage 1 encompassing the Bunnings restricted retail and trade supply uses, together with residential above, will see the realisation of a dynamic and robust built form across the Doncaster Road streetscape and a more commercially devised façade across the western elevation.
- 8.39 In sympathy with the land fall along Council Street, the Stage 2 retail and residential towers have generally been designed to step down with the natural fall in the topography. The redesigned towers have been designed to integrate with the Council Street streetscape both in the context of proposed residential and retail.
- 8.40 While generally respecting the residential interface to its northern neighbours, the amended Stage 2 design also respects its interface with properties on the east side of Council Street namely the heritage protected Old Shire Hall and the Doncaster Primary School.
- 8.41 In terms of each elevation, the amended southern elevation provides a higher podium, relative to the original approval, resulting in a building height above the Doncaster Road footpath level of 14.2 metres (Stage 1). The increased height of the podium is consistent with the ACZ1 and podium setbacks are in accordance with the original approval (and the ACZ1).
- 8.42 At ground level, the breadth of the Bunnings building extends wider across the site. Rather than three distinct built forms with individual entry points, the revised proposal now addresses Doncaster Road with one prominent building façade (taking up approximately 2/3rds of the frontage), to be complimented in

- time by a second, more narrower building (to constitute approximately the remaining 1/3 of the frontage) at the Doncaster Road/Council Street corner.
- 8.43 Notwithstanding this dramatic alteration to the approved Doncaster Road streetscape, the proposal meets the requirements of the ACZ1 in respect of heights and setbacks. In addition, through design techniques employed across the front facade, it also maintains an appropriate distinction between the podium and tower levels at both Stages 1 and 2B towers.
- 8.44 As in the original proposal, it is considered that the design of Stage 1's podium is appropriately distinct, yet complementary to the Stage 1 tower.
- 8.45 The use of glazing remains quite prominent across the entire streetscape elevation which is consistent with the original approval (and for internal amenity reasons considered important given the southerly orientation). The podium level of Stage 1 retains the use of vertically aligned, grey coloured aluminium fins to ground and define the Bunnings component of the development. This is now complimented by the integrated use of two red hammer logos at either end of the Stage 1 podium which assist with the business' brand identification, whilst for urban design purposes, provides a pop of colour to provide a welcome and noteworthy contrast to the more subdued, grey colour palette. It is considered that the signs are appropriately located and are consistent with the signage expectations as expressed in the ACZ1, namely they are sized to complement the scale of the building, integrated with the podium, limited in number and avoid visual clutter.
- 8.46 The tower (consisting of the residential component) is not only recessed by 15 metres from the property boundary (in compliance with ACZ1 setback requirements) but is characterised by a completely different architectural expression. This demonstrates an appropriate design response having regard to the desire of the Planning Scheme to distinguish between podium and tower components. Aluminium fins have dropped off at the residential tower level of Stage 1.
- 8.47 Activation of the Doncaster Road public realm will be maintained by the amended proposal. At Stage 1's ground level, the transparency of the façade associated with the Bunnings store is retained with the use of low-emissivity glass – being clear, energy-efficient glass designed to prevent heat escape. Permit conditions remain on the permit which ensure the glazing of the store will remain transparent to ensure an activate frontage will be maintained
- 8.48 The design of the ground level, retail premises associated with Stage 2 similarly uses low-emissivity glass to offer connectivity with the public realm. The layout of the retail ground floor space also provides a street setback which could be attractive to a potential food and drink premises use. This further activates the Doncaster Road streetscape in accordance with Activity Centre aspirations.
- 8.49 The Stage 2B building retains the use of feature brickwork at the podium level but exhibits a very different architectural expression at both podium and tower levels.
- 8.50 A discernible change is that Stage 2B's podium, at 11 metres, will be lower than that proposed for the Stage 1 tower by more than 3 metres (i.e. a storey). This will be viewed as providing a transition across Doncaster Road from west to east (i.e. from the commerciality of the Westfield complex, to the Stage 1 hybrid commercial/ residential development of Bunnings to a mixed use, to the

“residential feel” of the Stage 2 development). The splayed design at the south-east corner of the Stage 2B building is articulated by the provision of a canopy treatment which extends over the paved area and offers a design response that “opens up” this corner and invites the pedestrian to continue around the corner towards the Council Street residential apartment entry forecourt. Some detailed design work has been prepared as part of the development plan set to demonstrate the design of the entry forecourt with the Council Street footpath evidencing a good level of connectivity and integration. That said, a Condition 1 requirement will require a series of finished levels to be provided along Council Street to demonstrate level differences and address any level issues that may arise with an appropriate treatment, for e.g. landscaping.

- 8.51 The eastern elevation is, in many respects, considered to be a significant improvement to the original approval as it provides a greater setback to the Doncaster Road/Council street intersection, improves sight lines to the heritage building (on the east side of Council Street) and provides a 9 metres separation between Stage 2A and 2B towers (where previously it was only large continuous built form). It retains the general principle adopted in the approved scheme of *“stepping down with the natural landform to the north”* but due to its more residential feel and substantial physical separation, offers a more sympathetic building at street level and when viewed at a distance from a south-easterly or direct easterly position on Council Street (and from land further east).
- 8.52 Articulation is offered in both Stage 2A and 2B buildings with the redesigned proposal drawing on a similar range of materials, colours and finishes as per the original approval. Most notably, the eastern elevation continues to rely on the use of aluminium louvers and coloured balustrades to provide visual interest. As viewed from the south-east, Stage 2A recedes from Council Street with a gradual increased setback stepping back from approximately 6 metres to 8 metres. This is considered to be a positive and sympathetic design response.
- 8.53 However, the northern end of the Stage 2A tower (as would be viewed from an easterly position on Council Street) presents as a vertical, linear form from “Level 3” right up to “Level 8”. In other words, six levels of purely residential will sit elevated above the Council Street vehicle entry without any stepping or recessing of levels from the northern boundary. To better accord with the precinct objectives regarding stepping of the built form down the hill, it is considered appropriate to require, by permit condition, the stepping of the northern elevation of Tower 2A away from the northern boundary by the deletion of a number of apartments at Levels 5 and 6. This condition is supported by Council’s Urban Designer who encouraged this response in her initial feedback to the permit applicant and has further confirmed its necessity in final referral advice. Notwithstanding a 9 metre setback is provided to the northern boundary, and a similar response was approved as part of the original approval, it is considered that the modified design response in the current amended scheme warrants a more sympathetic, stepped outcome to the residential land to the north. As such, a permit condition will require this modification (Condition 1.32).
- 8.54 The northern and eastern elevations will also need to be amended to accurately depict the balconies at the north-east corner of the Stage 2A building, which indeed protrude beyond the wall (Condition 1.33).

- 8.55 The northern elevation proposes setbacks to its residential interface with Berkeley Street properties which are greater than approved under the original permit.
- 8.56 While the original approval had consistent 4.5 metre wall setbacks to all buildings – Bunnings and the two residential towers, Stage 1 setbacks to the northern boundary increase from 4.5 metres at the podium level to between 9-10 metres at the tower level. Residential towers associated with the original approval also had a series of balconies encroaching into the 4.5 metre setback with a typical 3.7-3.8 metre setback to the northern boundary.
- 8.57 Stage 2 setbacks to the northern boundary are even more generous ranging from 9 metres to 16 metres. Significantly, no balcony is situated closer than 9 metres to the northern boundary.
- 8.58 Notwithstanding the more generous setbacks under the proposed scheme, admittedly, the building sits higher out of the ground at the rear of the site. In recognition of this, some substantial design detail changes have been negotiated to improve the visual amenity for Berkeley Street apartment dwellers and other property owners/occupants residing in Berkeley Street. These measures include the use of exposed brickwork (rather than textured concrete) to treat the Bunnings basement wall and the use of horizontal louvered panels and green coloured perforated powder-coated metal panels (rather than polycarbonate sheeting) to the retail space above. Council officers consider the outlook back to the site is an improved one as a result of these treatments.
- 8.59 The western elevation has been transformed from a chiefly residential façade to one that exhibits a commercial development with elements of residential. As such, this elevation is dramatically different to the one which forms part of the original approval. Furthermore, this elevation now sits closer to Tower Street than the original approval, and this coupled with its altered design detail, has resulted in Council's Urban Designer providing some specific feedback to improve articulation and visual interest. The advice has generally been adopted in the Section 57A plans so as to improve the treatment of this façade as it would be viewed from Westfield and further west (as well as south-west from Doncaster Road). In particular, the design of the lift core has been substantially reworked to "lighten" its feel. The introduction of glazing to the lift core improves the elevation while also offering internal amenity benefits. A three-storey vertical detail has also been introduced and is deemed appropriate.
- 8.60 Horizontal detailing in the form of aluminium fins atop the Bunnings store wraps around the southern façade to its culmination atop the apartment building's side pedestrian entry. Elements of colour are now also introduced to this elevation by the use of perforated aluminium panels in green at the northern-western end.
- 8.61 A variety of materials, colours and finishes are indicated for use across the relevant elevation plans and encompassed in a relatively detailed materials schedule to evidence the commitment to some interesting finishes, which in combination, will articulate the built form. In respect of the southern facade of Stage 1, there is somewhat of a lack of clarity and detail about the materials proposed for use. Given the importance of the combination and mix of materials, colours and finishes, a permit condition will seek greater clarity to

ensure intended finishes to all elevations are clearly represented on elevation plans and are satisfactory to articulate the built form (Condition 1.1).

- 8.62 As mentioned earlier, a splayed corner introduced at ground level will assist with pedestrian sightlines and the connections between the Doncaster Road boulevard and footpath connections northwards along Tower Street. Council's Urban Designer recommends the continuation of the boulevard treatment to this edge – a matter that can be addressed by permit condition (Condition 11.3).
- 8.63 It is concluded from the above consideration of the design and built form response that the amended proposal:
- 8.63.1 Makes a positive architectural contribution to the Doncaster Road streetscape;
 - 8.63.2 Provides a respectful interface across Council Street (subject to condition 1.32 requiring the stepping back of the upper levels of Stage 2A from the northern boundary);
 - 8.63.3 Recognises its more proximate relationship to Westfield Doncaster, and as such, provides an appropriate design response to this commercial interface; and
 - 8.63.4 Notwithstanding the constraints of a Bunnings "back of house", maximises the extent of visual interest so as to mitigate visual bulk concerns to apartment dwellers and other residential occupants sharing the common boundary to the north.

Access

Car Parking

- 8.64 Schedule 1 to Clause 45.09 of the Manningham Planning Scheme requires the proposed mixed-use building to provide a total of 462 spaces in accordance with the car parking rates outlined at the Table to Clause 2 of this provision. The development supplies a total of 683 car parking spaces across three levels of basement car parking which greatly exceeds the statutory requirement. Furthermore, sufficient parking is provided for each stage of the development.
- 8.65 Within Stage 1, car parking is located at Basement Level 3 for the residential apartments and at Basement Levels 1 & 2 for the Bunnings development. Given the levels for the different uses are sufficiently separated, it is not considered necessary to allocate them other than visitor car parking spaces should be identified. It is noted that there are no three bedroom apartments so as to warrant the convenient allocation of spaces in this regard.
- 8.66 Within Stage 2, the retail use will warrant an allocation relative to residential dwellers and visitors. This is a matter that can also be addressed by permit condition (Condition 1.37 and 1.38).
- 8.67 Clause 52.06 provides guidance in terms of car parking design and sets out a number of design standards that a permit application should meet. The proposal has been considered against these requirements by Council's Engineers and the proposal is considered compliant, subject to a series of conditions including meeting sight lines required by Design Standard 1.
- 8.68 Council's Engineers have reviewed the design and layout of car parking having regard to the placement of columns, aisle widths, car parking dimensions, driveway grades, etc. They have identified no issues internal to either proposed basement.

In addition to allocation on the relevant basement floor plan, a permit condition will require the Development Summary Table to be updated to reflect apartment and retail floor space allocation.

Vehicle Access & Traffic

- 8.69 All conditions on the original permit relating to vehicle access arrangements and road mitigation works are proposed to remain, including those imposed by the statutory referral authority VicRoads (albeit in amended form). Given the slightly reduced intensity of the overall development (removal of approximately 100 apartments), this is considered an improved outcome with respect to any perceived or actual off-site amenity impacts.
- 8.70 To this end, road works will need to occur in Council Street and Doncaster Road. The proposal includes a series of interim measures, including left in and left out onto Doncaster Road until 2022 when 7-Eleven's lease expires, and longer lanes for outbound connections to Doncaster Road. After the lease expires and the portion of site occupied by 7-Eleven is vacated, the ultimate roadworks can occur including a new left hand turn lane on Doncaster Road at Council Street and the widening of the west side of Council Street to facilitate an additional turning lane.
- 8.71 The inclusion of interim works is far from ideal given it leads to a short period (up to 5 years) of compromised traffic arrangements including a busy two-way vehicle crossing over Council's pedestrian boulevard, some additional queuing in Council Street and limited bus lanes in front of the site. However, the site's timely development is important to help link several Doncaster Hill precincts and fill a substantial void in construction along Doncaster Road. Further, VicRoads have considered the amended proposal and have expressed no objection to the proposed amendment including the interim arrangements.
- 8.72 Council officers have carefully constructed permit conditions (Condition 22) that provide the highest level of certainty that the proposed ultimate works will be constructed as soon as possible following the cessation of 7-Eleven's lease.
- 8.73 The loading and unloading facilities forming part of the amended proposal are considered acceptable. There is no proposal as part of the amended permit to adjust or remove any operative unloading/loading conditions. Therefore, original Conditions 36, 37 and 38 relating to the size of loading vehicles, time restrictions and the physical location from which unloading or loading activities occurs within the land, respectively will be retained on any amended planning permit that may issue. Critically, from a direct amenity perspective, the return to an enclosed vehicle accessway will provide for an appropriate level of protection for Berkeley Street residents.
- 8.74 In short, traffic generated by the development will be accommodated in the surrounding road network in a safe and efficient manner with several conditions on the existing permit seeking to ensure this outcome.

Pedestrian Access

- 8.75 Pedestrian access is chiefly facilitated by the provision of a boulevard treatment consistent with the aspirations of the Doncaster Hill Strategy, as translated in the ACZ1. The amended approval makes no modifications to the integrity of the Doncaster Hill boulevard treatment adjacent to the site and

continues to facilitate an important link between Westfield and the Civic Precinct as sought by the decision guidelines of the ACZ1.

- 8.76 Measures have been employed in the design response to enhance pedestrian connections along Council Street to the east and retain access to Tower Street to the west. The provision of splayed corners at both the south-west and south-east corners of the buildings enable sightlines to ensure optimum permeability and visibility for pedestrians.
- 8.77 Notwithstanding the commercial interface the western side of Bunnings has with Westfield, and to that end the likelihood of a lower utilisation of this pathway, it nevertheless services an entry point into the apartments atop Bunnings. It is therefore important for it to be user friendly and safe to the greatest extent possible. To this end, the splaying of the Bunnings building at ground level (a modification made in the Section 57A plans) is considered to be an improvement in the overall design response and a positive for pedestrian access and circulation around the development. At the entry point along the western side of the building, permit conditions will require detail as to how the access to the west side of the Stage 1 building will function given that a substantial level difference is apparent (Condition 1.30).
- 8.78 To ensure optimal pedestrian access into the Stage 1 building from Doncaster Road, the finished floor and surface levels will also need to be clearly shown to demonstrate accessibility, as previously discussed.
- 8.79 By virtue of a common entry for buildings comprising Stage 2, and design detail provided at a greater scale to demonstrate entry forecourt and surrounds, the provision for pedestrians in the redesigned proposal along Council Street is generally considered to be appropriate.

Bicycle Provision & Access

- 8.80 In accordance with sustainability initiatives and in excess of the requirements of Clause 52.27 Bicycle Facilities, the amended proposal offers residents, visitors, staff and shoppers with access to bicycle parking both within the basement and at all street frontages.
- 8.81 The assessment above indicates that the “design and built form” and “access” is generally consistent with the expectations of development outlined in the ACZ1.

Signage

- 8.82 As in the original proposal, it is acknowledged that the restricted retail and retail aspects of the development warrant a level of signage. It is critical for signage to integrate with the built form.
- 8.83 Given the increased scale of the Bunnings building, the overall number and size of signs is considered to be reasonable. A permit condition will require specific design detail of all proposed signs, with dimensions to be provided.

Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004)

Amenity Impacts

- 8.84 The *Design Guidelines for Higher Density Residential Development* (Department of Sustainability and Environment, 2004) provide design criteria

for assessing amenity impacts. The most critical issues are protecting neighbours from overlooking, overshadowing and visual bulk.

- 8.85 The Guidelines seek 'equitable access' in relation to outlook and daylight (objective 2.6) and suggest new development be designed to achieve Clause 55 requirements in relation to overlooking and overshadowing secluded private open space. The notion of 'equitable' is particularly important in relation to the adjacent properties as they are also within Doncaster Hill and therefore provided opportunities for higher density development.

External Amenity

Outlook

- 8.86 It is considered that the amended proposal will not cause any unreasonable impact to the outlook of adjoining residents.
- 8.87 Notwithstanding that the amended proposal has increased height across its northern elevation, it has countered this increased height by providing a more generous level of separation between the Bunnings "back of house" and the common property boundary. Setbacks to the Stage 2A building and Berkeley Street properties is also greatly increased and sufficient design techniques have been employed to respond to outlook considerations.

Daylight

- 8.88 By virtue of sizeable setbacks to the north, in particular exceeding the 4.5 metre discretionary setback requirement of the ACZ1, the proposal will not cause any unreasonable impact on the ability of adjoining properties to achieve an acceptable level of access to daylight. As previously mentioned, setbacks are typically greater than 4.5 metres with residential apartments being positioned no closer than 9 metres to the northern property boundary.

Overshadowing

- 8.89 Given its location on the north side of Doncaster Road, the proposal will have no shadow affect whatsoever on its Berkeley Street neighbours. The site has no abutting properties to either its east or west.

Overlooking

- 8.90 In relation to overlooking, the guidelines (Objective 2.9) require Council to consider 'direct overlooking' within a 9m radius of habitable room windows and balconies (the same as Clause 55).
- 8.91 On this development site, the only possible overlooking impacts for consideration relate to the northern interface. It is noted that these properties are also situated within Doncaster Hill, affected by the ACZ1 and, more specifically, are situated within Precinct 3.
- 8.92 As part of the redesigned development, all residential apartments have habitable room windows and balconies in excess of 9 metres from the northern property boundary. Unlike the approved scheme which required screening measures to apartments within 9 metres, Stage 1 and Stage 2 are both sufficiently setback from the northern boundary so as to not warrant screening measures. This is considered to be a positive outcome, particularly for the internal amenity of future residents of the development.

Visual Bulk

- 8.93 For the reasons discussed in the assessment against the ACZ1, the increased height of the buildings to the north is countered by the increased setbacks offered by the amended proposal. Furthermore, the design detail adjustments that have been negotiated into the northern elevation, particularly to the Bunnings “back of house” area are considered sufficient measures to mitigate unreasonable visual bulk concerns.
- 8.94 In respect of Stage 2 works, a further measure to address visual bulk to the northern interface is proposed by the removal of six apartments from Stage 2A at Levels 5 and 6. This conditional requirement not only provides a stepping of the built form across Council Street to address streetscape considerations, but will ameliorate any perceived or actual bulk from directly adjoining properties.
- 8.95 The return of the wall to the vehicle accessway is needed to address amenity concerns. It would, however, be inappropriate to condition this wall to be no less than 4.5 metres from the northern boundary having regard to, among other things, visual bulk considerations. As such, a permit condition will require the wall to be setback by 4.5 metres from the northern boundary and the consequential adjustments to the vehicle accessway and Stage 2A building.

Noise/ Acoustic

- 8.96 While an acoustic report has been prepared by Acoustic Lodge in support of the application, the report does not address the most updated version of the plans, which among other things, have altered the use of the Stage 1 basement wall to the northern interface with brick, rather than concrete. Furthermore, other changes to be required by permit condition, such as the return of the wall enclosing the vehicle accessway and the manner in which this occurs will need to be factored into a revised assessment. As such, existing permit conditions on the permit will be retained to reflect the need for an amended acoustic assessment to occur having regard to the proposed Condition 1 Plans (Condition 1.22).

Internal Amenity*Dwelling Diversity*

- 8.97 In terms of dwelling diversity, the proposal continues to offer some level of variation across the spectrum of apartment levels.
- 8.98 Improvements from the original proposal consist of larger apartments with larger balconies. There are now apartments no smaller than 50 square metres (previously some one bedroom apartments were closer to 40 square metres). All apartments have balconies now which are a minimum of 8 square metres with a minimum dimension of 1.6 metres.
- 8.99 The location of smaller apartments are scattered across the development in both Stage 1 and Stage 2 and offer various orientations. This is also considered to be a positive outcome enabling some more affordable housing opportunities for those entering the apartment market, while offering other lone household dwellers with options for larger balconies or a range of locations throughout various levels across the development.

- 8.100 Across the buildings, corner apartments will achieve cross ventilation while a high proportion of apartments have been designed to avoid any reliance on borrowed light.

Internal Overlooking

- 8.101 While there are no external overlooking issues, given the number of buildings and the placement of balconies, habitable rooms and courtyard spaces, apartments at each level need to be carefully planned for with respect to sill heights, window types and balcony measures to avoid direct internal overlooking and any unreasonable noise related concerns.
- 8.102 Communal open space associated with Stage 1 will provide a high level of amenity particularly made attractive by its northerly aspect.
- 8.103 Several lifts are provided to ensure lengthy distances are not required. Both buildings have waste chutes connecting to waste rooms at the basement level.

Staging

- 8.104 The permit applicant's Planning report explains that "market conditions, financing and construction issues" have resulted in the need to submit an amended planning permit application allowing for construction to occur in different stages.
- 8.105 It also suggests that the staging plan is "*more practical, simpler and more economical allowing two thirds of the site to be constructed in at the outset, with subsequent stages on Council Street.*"
- 8.106 Interim arrangements are proposed to assist in the maintenance and management of the site during the time lapse between Stage 1 and Stage 2. This includes landscaping of Stage 2 as per the Tract Concept Landscape Plan. It is also recognised that staging of the development will assist in reducing the external amenity impact to neighbouring properties during construction. For example, vehicles will be able to utilise the Stage 2A land (to the north of the 7-Eleven) during construction.

Dwelling Numbers

- 8.107 While the original officer report calculated that the application site "*should be providing well over half of the anticipated number of residential apartments*" to meet the Doncaster Hill future population and household projections, and the amended proposal's substantial decrease in the number of apartments will affect these projections, this is not considered to be fatal to the application. While the projected dwelling numbers within Precinct 3 may be reduced as a consequence of the amendment, it is noted that dwelling projections elsewhere in the Doncaster Hill Activity Centre are higher than initial forecasts. As such, these gains achieved elsewhere in the Activity Centre will offset some of the reductions to apartment numbers achieved by this development site as a consequence of this amended permit application. Furthermore, there are notable improvements that have been negotiated through the amended planning permit process to enhance internal amenity as part of this development which will provide the future Doncaster Hill population with an enhanced level of amenity.
- 8.108 As was also noted in the original officer report, the extent of commercial floorspace is greater for the Precinct than was originally contemplated and this arises directly from the proposed Bunnings use. The impact of this

amendment on commercial floorspace is not substantial, but there is a small reduction in overall commercial floor space. (The 620 square metres increase to Bunnings is offset by the 980 square metres reduction in retail floorspace).

9 CONCLUSION

- 9.1 It follows from the assessment in this report that the amended proposal achieves an acceptable level of compliance against the relevant considerations, as expressed in the Manningham Planning Scheme. As such, it is Council officers' recommendation that the proposal be supported, subject to the below amended permit conditions.

RECOMMENDATION

That having considered all objections A NOTICE OF DECISION TO GRANT AN AMENDED PLANNING PERMIT be issued for Planning Application No. PL12/022747 for the use of land for a trade supplies and restricted retail premise, and retail premises, the construction of three multi-storey buildings (in three stages) comprising apartments and the above uses with associated basement car parking, alterations to a Road Zone 1 including new access and display of business identification signage in accordance with the endorsed plans at No. 659-669 Doncaster Road, 4-6 Tower Street and 1A-5 Council Street containing the following conditions:

Amended Plans

1. **Before the development starts, two copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the decisions plans (Drawn by Thomson Adsett, Revision 20, dated 25 May 2016 and as received by Council on 1 June – A3 copy and 6 June – A1 copy) but modified to show:**
 - 1.1. **An additional plan detailing the materials used in the façade of the buildings fronting Doncaster Road and the dimensions of all proposed business identification signs.**
 - 1.2. **Chain wire fencing (or similar) added to prevent unauthorized access to the landscape buffer area at the rear of the site.**
 - 1.3. **Demonstration that the boulevard treatment is to be provided in accordance with Part D of Council's Doncaster Hill Strategy (2002) in front of the site and adjacent to Doncaster Road, where possible.**
 - 1.4. **An additional plan showing the extent of proposed roadworks on Council Street and Doncaster Road in accordance with the recommendations outlined in the conclusions of the Traffic Group Traffic Engineering Assessment (dated 5 March 2013 and updated in June 2015) and VicRoads conditions of this permit.**
 - 1.5. **A plan notation that the existing speed hump and school pedestrian crossing in Council Street is to be relocated north of the application site at the developers cost prior to development commencing on site (to avoid conflicts with construction vehicles); and with no net loss in the availability of car parking to the primary school or other solution to the benefit of the primary school to the satisfaction of the responsible authority.**

- 1.6. A plan notation that a safety barrier is to be erected on the eastern side of Council Street in the vicinity of the existing pedestrian entry of the primary school to prevent inadvertent access onto Council Street following its widening.
- 1.7. Shower and change room facilities for the trade supplies and restricted retail premise staff as per the requirements of Clause 52.34 of the Manningham Planning Scheme.
- 1.8. The residential pedestrian entry to the apartments in Stage 1 redesigned to include a functional bicycle storage room.
- 1.9. The extent of shadow caused by the buildings to not exceed the Overshadowing requirement of Clause 4.4 of the Schedule 1 to the Activity Centre Zone (ACZ1).
- 1.10. The number of storage areas to cater to one per apartment. Should above bonnet cages be used specifications of size of the cages and the clearance above ground is to be shown.
- 1.11. Specifications of the typical storage cupboards in the basement including their internal capacity.
- 1.12. Details of basement ventilation, including the location and design treatment of any mechanical intake or outlet required.
- 1.13. A gate or barrier that allows the entry to the car parking area in Stage 1 from Doncaster Road to close.
- 1.14. A plan notation that a clear sight distance of pedestrians for exiting vehicles as per Clause 3.2.4 of AS 2890.1 will be provided at all exits.
- 1.15. A plan notation outlining interim measures as part of Stage 1 that protect adjacent residents to the north from the noise associated with vehicles accessing the development whilst sections of the internal driveway remain open. A 2.6m high solid paling fence along the sections of the internal driveway in Stage 2 would satisfy this requirement.
- 1.16. Fixtures such as seating and/or public artwork that is to be installed in front of the building.
- 1.17. A notation that is consistent with the VicRoads requirements indicating that the footpath and nature strip in front of the development is to be vested in the Roads Corporation.
- 1.18. Details of the bus shelter that will be erected at the relocated bus stop.
- 1.19. Minimum sustainability features applicable to the development from the approved Sustainability Management Plan including the location and capacity of rainwater tanks, the uses for captured rainwater, and the solar hot water systems on the roof plans including notes for the solar fraction of the system and boosting types.
- 1.20. A plan notation to indicate that all fire service and electrical cabinets (including substations) will be integrated into the

architectural design, so as not to present as visually dominating elements.

- 1.21. A plan notation that a communal notice board will be erected within or nearby the lobby for use by residents of the building.
- 1.22. A report from a qualified person investigating whether specific acoustic measures are required in apartments adjacent to Doncaster Road to combat noise from traffic and the apartments adjacent to the trade supplies and restricted retail premise nursery area. The report is to use Australian Standards as benchmarks. Any recommended measures are to be incorporated into the plans.
- 1.23. The eastern elevations of the trade supplies and restricted retail premises in Stage 1 amended to include temporary architectural treatments (such as the horizontal timber battens) to provide additional visual interest.
- 1.24. A plan notation that signage will be erected at the vehicle entry and exit of the internal driveway, and at the vehicle entry from Doncaster Road, that restricts pedestrian access to these areas.
- 1.25. The 29 metre building envelope line across the northern elevation demonstrating that the maximum building height of the development accords with Clause 4.4 of Schedule 1 to the Activity Centre Zone.
- 1.26. The enclosure of the vehicle accessway and provision of a 4.5 metre wide landscape buffer along the north boundary adjacent to 7 Council Street and 3 and 5 Berkeley Street in accordance with the approved development (Hayball development plans) with any consequential adjustment to the vehicle accessway and Stage 2A building to be to the satisfaction of the Responsible Authority;
- 1.27. Building setbacks to the northern boundary no less than 4.5 metres.
- 1.28. The northern elevation to accurately depict the levels associated with the accessway along this boundary.
- 1.29. Demonstration that entry into the Stage 1 and 2 buildings complies with Australian Standard AS1428 Part 2 per Clause 4.4 of Schedule 1 to the Activity Centre Zone. The provision of a 1:20 grade should be provided, unless it can be demonstrated by a suitably qualified professional that an alternative outcome is suitable.
- 1.30. Existing and finished surface levels adjacent to and around all building entries. The access on the western elevation for Stage 1 is well below existing ground level and therefore the footpath and nature strip needs to be modified extensively.
- 1.31. Existing and finished surface levels adjacent to and around all vehicle entry/exit points. All vehicle access must be designed in accordance with Clause 52.06 Car Parking of the Manningham Planning Scheme and the relevant Australian Standards.
- 1.32. The provision of stepping of the Stage 2A building, as viewed from the eastern elevation via increased setbacks at the two uppermost levels to the satisfaction of the Responsible Authority.

- 1.33. The accurate depiction of protruding balconies associated with the Stage 2A building along the northern and eastern elevations.
- 1.34. Retractable clotheslines to all ground level open spaces and balconies to limit their visibility to public and private realms.
- 1.35. Details of paving and surface finishes of all common areas at ground and elevated levels clearly labelled.
- 1.36. The reduction in bicycle parking spaces along the Doncaster Road frontage by half.
- 1.37. The allocation of car parking spaces for residential or retail use.
- 1.38. Visitor car parking clearly labelled.
- 1.39. The *TraffixDesign* Interim Roadworks Plan and Ultimate Roadworks Plan (dated June 2015) updated to remove the southernmost access on Council Street and to include the direction of traffic flow at each access point.
- 1.40. Any relevant changes as a result of changes required by VicRoads Conditions 48 to 56 of this permit.

Endorsed Plan

2. The layout of the site, the size of buildings and works, the staging and the description of the uses on the approved plans must not be modified for any reason without the written consent of the Responsible Authority.

Sustainability Management Plan

3. Before the development commences an amended SMP that outlines proposed sustainable design initiatives for the modified proposal must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the endorsed SMP to the satisfaction of the Responsible Authority. The amended SMP must be generally in accordance with the SMP prepared by Sustainable Development Consultants Pty Ltd dated June 2015 but modified to reflect the revised development (Section 57A Plans).
4. Prior to the occupation of any building approved under this permit, a report from the author of the SMP report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.

Construction Management Plan

5. Before each stage of the development starts, two copies of a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved the plan will form part of the permit. The plan must address, but not be limited to, the following:
 - 5.1. Hours of demolition and construction to be to the satisfaction of the Responsible Authority;

- 5.2. Adequate parking facilities for the anticipated number and type of construction workers to be detailed in plan form to the satisfaction of the Responsible Authority. The location of parking must be compliant with any applicable Council parking restrictions or with any relevant permissions granted by any private land owner (in the event of the use of private land);
 - 5.3. Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;
 - 5.4. On site facilities for vehicle washing;
 - 5.5. Delivery and unloading points and expected frequency;
 - 5.6. A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - 5.7. The movement of construction vehicles to and from the site must be regulated to ensure that no traffic hazards are created in and around the site;
 - 5.8. Measures to minimise the impact of construction vehicles arriving at and departing from the land;
 - 5.9. An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services;
 - 5.10. The processes to be adopted for the separation, re-use and recycling of demolition materials;
 - 5.11. The measures to minimise the amount of waste construction materials; the provision for the recycling of demolition and waste materials; and the return of waste materials to the supplier (where the supplier has a program of reuse or recycling);
 - 5.12. The measures to minimise noise and other amenity impacts from mechanical equipment and demolition/construction activities, especially outside of daytime hours;
 - 5.13. The provision of adequate environmental awareness training for all on-site contractors and sub contractors; and
 - 5.14. An agreed schedule of compliance inspections
 - 5.15. Land in Stage 2 used to minimise the construction impact of Stage 1 to adjoining and nearby properties.
6. All works including earthworks, demolition and construction activity associated with the approved development is to be limited to the following hours, unless with the prior written consent of the Responsible Authority:
 - 6.1. Monday to Friday: 7:00am to 7:00pm
 - 6.2. Saturday: 9:00am to 5:00pm
 - 6.3. Sunday and Public Holidays: No construction
 7. No trucks or heavy construction vehicles associated with earthworks, demolition or construction works are permitted to use Council Street north of the application site to the satisfaction of the Responsible Authority.

Waste Management Plan

8. Before the development starts, two copies of an amended Waste Management Plan (WMP) must be submitted and approved to the satisfaction of the Responsible Authority. When approved the plan will form part of the permit. The plan must detail how best practice standards are achieved based on the Manningham City Council – Waste Collection for Residential Developments in Manningham – Guidelines for Developers, and be consistent with the submitted plan but amended to detail:
 - 8.1. Specific waste management practices pertaining to each separate collection area in the development;
 - 8.2. Chutes, carousels, drop-off areas and compaction facilities;
 - 8.3. Access to bin rooms, chutes and drop-off areas;
 - 8.4. Hard waste collection;
 - 8.5. Collection locations and routines including times and frequency;
 - 8.6. The methods used to educate residents of waste collection system including the recycling component and hard waste; and,
 - 8.7. Swept path diagrams illustrating the collection vehicles to be used as well as height clearance requirements need to be addressed and submitted for approval by the Responsible Authority.

Management Plans

9. The Management Plans approved under Conditions 3, 5 and 8 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

Development Contributions

10. Before the completion of each stage of the development, a Development Contribution as agreed by the Responsibility Authority in accordance with Clause 45.06, Development Contributions Plan Overlay Schedule 1 – Doncaster Hill Development Contributions Plan must be paid to the Responsible Authority.

Landscaping

11. Before the development starts, a landscaping plan must be prepared by a suitably qualified landscape architect showing species, locations, approximate height and spread of proposed planting, and must be submitted to the Responsible Authority for approval. The plan must be generally in accordance with the concept landscape plan prepared by Tract Consultants dated May 2015, but expanded to show:
 - 11.1. Any details as relevant or directed by any other condition of this Permit;
 - 11.2. A detailed planting schedule of the species, numbers of plants, approximate height, spread of proposed planting and planting/pot size for all trees, shrubs and all other plants;
 - 11.3. The boulevard treatment and any permanent fixtures in front of the building on Doncaster Road (as per Part D Doncaster Hill Strategy

2002) with the continuation of the boulevard treatment around the corners of both Council and Tower Streets to the satisfaction of the Responsible Authority;

- 11.4. Details of interim landscaping and surface treatments over land in Stage 2 of the development.
- 11.5. An in-ground, automatic watering system linked to the rainwater tanks in the basement.
12. Before the release of the approved plans for the development, a \$20,000 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 landscaping works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.
13. Before the occupation of any building in each stage, landscaping works (including interim landscaping) as shown on the approved plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

Drainage

14. 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:
 - 14.1. Be designed for a 1 in 5 year storm; and
 - 14.2. Storage must be designed for 1 in 10 year storm.
15. Before the development starts, a construction plan for the system required by Condition No. 14 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.
16. 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.

Vehicle Crossovers

17. Any new crossover or modifications to an existing vehicle crossover must be constructed in accordance with Council's standard details. No such works are permitted to commence unless a 'Vehicle Crossing Permit' is first obtained from the Responsible Authority.
18. Before the completion of Stage 1, the developer must remove all disused or redundant vehicle crossovers in Doncaster Road and Council Street and re-instate kerb, channel and naturestrip in the affected areas to the satisfaction of the Responsible Authority.

Car Parking

19. Before the occupation of the buildings in each stage, all basement parking spaces must be properly formed, line-marked, numbered and signposted to provide allocation to the commercial uses and/or each dwelling and visitors to the satisfaction of the Responsible Authority.
20. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose and may only be used by occupants of or visitors to the buildings to the satisfaction of the Responsible Authority.
21. Access to the car parking area in Stage 1 outside of the operating hours of the trade supplies and restricted retail premises is to be limited to pass holders only from the internal driveway at the rear of the site. The gate at the Doncaster Road entry is to close.

Roadworks

22. All road works in Council Street and Doncaster Road shown on the Interim Functional Layout Plan and Ultimate Functional Layout Plan must be completed to the satisfaction of the Responsible Authority, at the cost of the owner, and as follows:
 - 22.1. The works shown on the Interim Functional Layout Plan in Council Street and Doncaster Road must be completed prior to the occupation of Stage 1, generally in accordance with the plan and including the erection of security barriers where necessary.
 - 22.2. The works shown on the Ultimate Functional Layout Plan in Council Street and Doncaster Road must be completed generally in accordance with the plan:
 - 22.2.1. Before the occupation of Stage 2B;
 - 22.2.2. Within two years after the convenience store used by 7-Eleven ceases; or
 - 22.2.3. Before 30 June 2024,whichever is the earlier.

These works include the construction of a third departure lane within Council Street, the extension of the left turn lane on Doncaster Road from the crossover to be constructed as part of Stage 1 to Council Street, and the modification of the Doncaster Road crossover from a left-in/left-out arrangement to be left-in only arrangement.

If the land forming Stage 2B of the development is in separate ownership to the land accommodating the proposed Bunnings Store, these works must be undertaken at the cost of the owner of the land proposed to contain the Bunnings Store.
 - 22.3. Despite Condition 22.1 and 22.2, if the use of the convenience store by 7-Eleven ceases prior to the occupation of Stage 1, the works shown on the Interim Functional Layout Plan and as modified by the Ultimate Functional Layout Plan must be completed before the occupation of Stage 1.

For the purpose of this condition, the convenience store use will have ceased if it is no longer operated as a 7-Eleven store and is open to the public.

23. If the works shown in the Interim Functional Layout Plan and Ultimate Layout Plan are not completed in accordance with Condition 22 and Condition 49 of this permit, the use of the Bunnings land for trade supplies and/or restricted retail premises must cease immediately.
24. All new or replacement street fixtures including street lighting, bollards and bicycle racks are to be constructed using the approved themed infrastructure for Doncaster Hill to the satisfaction of the Responsible Authority.
25. Before any works on public land commence including roadworks or works to lower footpath levels adjacent to the site, detailed construction plans must be submitted to and approved by the Responsible Authority. When approved, the plans will then form part of the permit. All works constructed or carried out must be in accordance with the approved plans. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must include:
 - 25.1. fully sealed pavement with kerb and channel and vehicular crossings where appropriate;
 - 25.2. footpaths and/or pedestrian/bicycle paths;
 - 25.3. surface and underground drains;
 - 25.4. underground conduits for water, gas, electricity and telephone;
 - 25.5. appropriate intersection and traffic measures;
 - 25.6. appropriate street lighting and signage;
 - 25.7. high stability permanent survey marks;
 - 25.8. vehicle crossings;
26. Before any public works associated with the development commence, a plan-checking fee equal to 0.75% of the cost of construction of the development works, and a supervision fee equal to 2.5% of the cost of construction of the development works must be paid to the Responsible Authority.
27. Before the occupation of any building in Stage 1 of the development, a maintenance deposit equal to 5% of the cost of construction of the development roadworks must be lodged with the Responsible Authority and retained thereafter for a minimum of three months.

Completion

28. All privacy screens and obscure glazing as shown in accordance with the approved plans must be installed prior to occupation of each stage of the development to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority.
29. All plant and equipment that is not installed within the building must otherwise be installed in the area of plant and equipment on the roof of the building, unless otherwise agreed in writing with the Responsible Authority.

30. No air-conditioning units are to be installed on any balcony or façade so that they are visible from outside the site.
31. Any clothes-drying rack or line system located on a balcony must be lower than the balustrade of the balcony and must not be visible from off the site to the satisfaction of the Responsible Authority.
32. An intercom and an automatic basement door opening system (connected to each dwelling) must be installed, so as to facilitate convenient 24 hour access to the basement car park by visitors, to the satisfaction of the Responsible Authority.
33. A centralised TV antenna system must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority. No individual dish antennas may be installed on balconies, terraces or walls to the satisfaction of the Responsible Authority.
34. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
35. Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.
36. The shop front and glass facades of the retail tenancies on ground level facing Doncaster Road including the glazing through to the travelator and atrium of the trade supplies and restricted retail premises, are not to be covered by posters, film or signage that reduces the transparency of the interface to the satisfaction of the responsible authority.

Loading and Unloading Operations

37. All commercial deliveries to the site may only be carried out between the hours of 7:00am to 9:00pm and by using medium ridged vehicles (maximum size) to the satisfaction of the Responsible Authority.
38. Delivery access to the loading area of the Trade Supplies and Restricted Retail Premises is restricted during school pickup and collection times between 8.45am - 9.15am and 3.15pm - 3.45pm to the satisfaction of the Responsible Authority.
39. All unloading or loading activities (including by retail customers) must be carried out wholly within the land to the satisfaction of the Responsible Authority.

Amenity of Area

40. The use and development be managed so that the amenity of the area is not detrimentally affected, to the satisfaction of the Responsible Authority, through the:
 - 40.1. Transport of materials, goods or commodities to or from the land;
 - 40.2. Storage of goods and wastes;
 - 40.3. Appearance of any building, works or materials;
 - 40.4. Emission of noise, light, vibration, odour & dust.
41. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose to the satisfaction of the Responsible Authority.

42. All noise emanating from any mechanical plant (air conditioners, refrigeration plant, etc.) must comply with the State Environment Protection Policy N-1 and in the event of the Responsible Authority receiving justifiable complaints regarding noise from such sources, the onus will be on the owner of the development site to prove compliance with the relevant policy to the satisfaction of the Responsible Authority.
43. External lighting must be designed so to limit loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority. Any communal lighting must be connected to reticulated mains electricity and be operated by a time switch, movement sensors or a daylight sensor to the satisfaction of the Responsible Authority.
44. All security alarms or similar devices installed on the land must be of a silent type and be connected to a registered security service.

Business Identification Signs

45. The location, size, structure and details of the signs shown on the approved plans, must not be altered without the written consent of the Responsible Authority.
46. The approved signs must be constructed and maintained in good condition to the satisfaction of the Responsible Authority.
47. The approved signs must not contain flashing or intermittent light.
48. The permission under the permit relating to the display of signs expires fifteen years after its issue date.

VICROADS CONDITIONS

49. Prior to the submission of plans for endorsement, functional layout plans must be submitted to and approved by VicRoads (and the Responsible Authority in so far as the plans relate to works in Council Street). The plans must be generally in accordance with the Interim Works (Prepared by TraffixGroup, Drawing No G13420-03, Issue B, dated 1 September 2015) and the Ultimate Works (Prepared by Traffix Group, Drawing No G13420-04, Issue C, dated 21 March 2016).

The Interim Functional Layout Plan must include;

- 49.1. A lengthening of the right-turn lane of the eastern approach from Doncaster Road into Council Street to 170 metres, inclusive of taper,
- 49.2. Lengthening of the approach lanes on Council Street, and
- 49.3. Widening of Doncaster Road (to the north) of provide for a left-turn deceleration lane to the Doncaster Road access.

The Ultimate Functional Layout Plan must also include the following further works;

- 49.4. Extension of the left-turn deceleration lane on Doncaster Road from the Doncaster Road access to Council Street,
- 49.5. Widening of Council Street to facilitate the inclusion of a third departure lane,
- 49.6. Revised landscaping along the Doncaster Road reserve as shown on the VicRoads approved landscaping plan,

- 49.7. Relocated locations of street lighting poles and signal pedestals, and
- 49.8. Relocated location of the existing bus stop.
50. Prior to the submission of plans for endorsement, a revised landscape plan must be submitted to and approved by VicRoads (and the Responsible Authority in so far as the plans relate to Condition 11 of this Permit) . The landscape plans must show the following;
- 50.1. Any new tree along Doncaster Road will have adequate safety clearance to the edge of the through traffic lane and the edge of the left-turn deceleration lane,
- 50.2. Adequate approach sight distance shall be maintained between a driver's line of sight for vehicles within the deceleration lane and a pedestrian at the Bunnings' Doncaster Road driveway access, and
- 50.3. Planting in the vicinity of the intersection of Doncaster Road and Council Street will not obstruct driver and pedestrian sight lines.
51. Before the development starts, amended plans must be submitted to and approved by VicRoads (and the Responsible Authority in so far as the plans relate to works in Council Street). When approved by VicRoads (and the Responsible Authority), the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with Bunnings Ground Floor Plan (Sheet No A112, Project No 14.1053.17, Revision 30, dated 31 May 2016) and Basement B1 Carpark Floor Plan (Sheet No A111, Project No 14.1053.17, Revision 26, dated 31 May 2016), but modified to show;
- 51.1. All roadworks as shown on the approved Ultimate Functional Layout Plans, for the upgrade of the Doncaster Road and Council Street intersection,
- 51.2. Landscaping along Doncaster Road reserve as shown in the approved Landscape Plan,
- 51.3. The road reserve boundary revised such that the proposed kerblines is offset no less than 3 metres from the road reserve boundary, based on the approved Ultimate Functional Layout Plans, and
- 51.4. No part of the building (including basement levels) extending or projecting into the revised road reserve.
52. Provision must be made for a new controller and associated hardware for the intersection of Doncaster Road and Council Street, prior to the occupation of Stage 2B, to allow for the inclusion of bonus left turn movements to and from Council Street and potentially a bus priority signal phase (subject to Public Transport Victoria's approval), to the satisfaction of VicRoads. The Doncaster Road access must remain open during the operating hours of the trade supplies and restricted retail premises.
53. Where the proposed roadworks, including footpath and nature strip, lie within the subject land, a widening of the road reserve will be required. The developer must engage a licensed surveyor to prepare Plans of Subdivision, for Stage 1 and Stage 2, showing the affected land labelled "ROAD", which is to be vested in the Roads Corporation upon

certification of the Plan of Subdivision, without any encumbrances. Subsequent to the registration of the plan, the subdivider must ensure that the original Certificates of Title that issues in the name of the Roads Corporation, are posted to: VicRoads - Property Services Department, 60 Denmark Street KEW, 3101.

- 53.1. Prior to the start of any buildings and works for Stage 1, the land abutting Doncaster Road that will be required must be vested.
- 53.2. Prior to the start of any buildings and works for Stage 2, the land abutting Council Street that will be required must be vested.
54. Prior to the commencement of any works or prior to a statement of compliance being issued for the subdivision of any stage of the subdivision, where the proposed roadworks, including footpath and nature strip, lie within the subject land the applicant must enter into an agreement with the Responsible Authority and VicRoads, under Section 173 of the Planning and Environment Act 1987, to provide for the permit holder to reimburse all costs incurred by VicRoads and the Responsible Authority associated with the declaration of the land as arterial road pursuant to the provisions of the Road Management Act 2004 and the rezoning of the land to RDZ1 pursuant to the provisions of the Planning and Environment Act 1987.
55. Prior to the commencement of use and/or the occupation of the buildings in Stage 1, all roadworks shown on the approved Interim Functional Layout Plans must be completed to the satisfaction of and at no cost to VicRoads.
56. Prior to the commencement of use and/or the occupation of the buildings in Stage 2, all roadworks shown on the approved Ultimate Functional Layout Plans must be completed to the satisfaction of and at no cost to VicRoads.
57. No work must be commenced in, on or over the road reserve without having first obtaining all necessary approvals under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant Act or regulations created under those Acts.

PTV Conditions

58. Before the development starts, or other time agreed in writing with the Responsible Authority, amended plans for the interim and ultimate development to the satisfaction of the responsible authority and Public Transport Victoria must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans for the interim and ultimate development must be generally in accordance with the plans submitted with the application but modified to show:

Interim road and access layout (during the tenure of the 7-Eleven)

- 58.1. Details of the relocated temporary bus shelter (on the departure side of Council Street) on Doncaster Road including bus shelter, line marking and all associated infrastructure Disability Discrimination Act (DDA) compliant to the satisfaction of the Responsible Authority.

Ultimate road and access layout (after the tenure of the 7-Eleven)

- 58.2. Details of the relocated bus stop on Doncaster Road including bus shelter, line marking and all associated infrastructure Discrimination Act (DDA) compliant to the satisfaction of Public Transport Victoria.**
- 58.3. Access path and paved surfaces in line with the entrance and exit points of the bus with a minimum width of 1.2 metres; and**
- 58.4. Provision of a bus queue jump facility in the left turn slip lane including a “B” signal priority light at the intersection of Council Street with Doncaster Road.**
- 59. Before the occupation of Stage 1 of the development, the temporary bus stop and shelter relocation required during the interim road and access arrangements; and before occupation of Stage 2 of the development; the ultimate bus stop shelter relocation, bus queue jump and “B” light as shown on the endorsed plans, must be at a cost born by the permit holder to the satisfaction of Public Transport Victoria and deemed compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002.**
- 60. The permit holder must take all reasonable steps to ensure that disruption to bus operations along Doncaster Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.**

Expiry

- 61. This permit will expire if any one of the following circumstances apply:**
- 61.1. The development associated with Stage 1 is not started within two (2) years of the date of the issue of this permit;**
- 61.2. The development associated with Stage 1 is not completed within four (4) years of the date of this permit;**
- 61.3. The use associated with Stage 1 is not commenced within four (4) years of the date of this permit;**
- 61.4. The development associated with Stages 2 is not started within six (6) years of the date of the permit.**
- 61.5. The development associated with Stages 2 is not completed within eight (8) years of the date of the permit.**

The Responsible Authority may extend these times if a request is made in writing before the permit expires or within three months afterwards.

* * * * *

Attachments:

Attachment 1 – Council Report 28 May 2013

Attachment 2 – Planning Permit PL12/022747

Attachment 3 – Advertised Plans Bunnings Doncaster and Doncaster Hill Residential