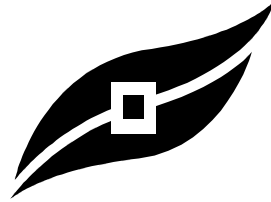


# MINUTES



**MANNINGHAM**  
BALANCE OF CITY AND COUNTRY

## Ordinary Meeting of the Council

**MEETING DETAILS:**

MEETING NO: 3  
MEETING DATE: 29 March 2016  
TIME: 7:00 PM  
LOCATION: Council Chamber  
699 Doncaster Road, Doncaster

# MINUTES

## **PLEASE NOTE**

This is the abridged version of the Council Minutes. The images / attachments have been removed in order to reduce the size of the document for ease of access purposes.

The full Council Minutes are also available on the Council's website. It is also available for inspection at the Municipal Offices, Bulleen Branch Library, Doncaster Branch Library, The Pines Branch Library, Warrandyte Library and Park Orchards Community House.

It should be noted that as a consequence of the removal of the attachments the page numbering in this abridged version has been affected.

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**Index**

<b>1.</b>	<b>OPENING PRAYER &amp; STATEMENTS OF ACKNOWLEDGMENT</b>	<b>342</b>
<b>2.</b>	<b>APOLOGIES</b>	<b>342</b>
<b>3.</b>	<b>PRIOR NOTIFICATION OF CONFLICTS OF INTEREST</b>	<b>342</b>
<b>4.</b>	<b>CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 1 MARCH 2016</b>	<b>343</b>
<b>5.</b>	<b>VERBAL QUESTIONS FROM THE PUBLIC</b>	<b>343</b>
<b>6.</b>	<b>PRESENTATIONS</b>	<b>343</b>
<b>7.</b>	<b>PETITIONS</b>	<b>343</b>
<b>8.</b>	<b>ADMISSION OF URGENT BUSINESS</b>	<b>343</b>
<b>9.</b>	<b>PLANNING PERMIT APPLICATIONS</b>	<b>344</b>
9.1	Planning Application PL15/025029 at 51-53 Beverley Street, Doncaster East for twelve, three-storey dwellings	344
9.2	Planning Application PL15/025261 148-150 Mitcham Road, Donvale - Construction of 21 dwellings within a three storey apartment building	412
9.3	Planning Application PL15/025566 - 180-182 Manningham Road Bulleen - Construction of a three-storey apartment building comprising 25 dwellings and the creation and alteration of access to a road in a Road Zone, Category 1	499
9.4	Planning Application PL14/024406 for 600 Doncaster Road, Doncaster - Use and development of the land for a twelve (12) storey mixed use building comprising office and residential (174 apartments)	558
<b>10.</b>	<b>PLANNING &amp; ENVIRONMENT</b>	<b>612</b>
10.1	Managing Residential Development Advisory Committee - Council Submission	612
<b>11.</b>	<b>ASSETS &amp; ENGINEERING</b>	<b>638</b>
11.1	Municipal Emergency Management Plan Audit 2016	638
11.2	Doncaster Hill Behaviour Change Plan - SRP Action 3.1 (Council Plan)	699
<b>12.</b>	<b>COMMUNITY PROGRAMS</b>	<b>771</b>

<b>13.</b>	<b>CORPORATE SERVICES</b>	<b>772</b>
13.1	Election Period Policy	772
13.2	Record of Assembly of Councillors - March 2016	802
13.3	Documents for Sealing - 29 March 2016	818
13.4	Strategic Risk Register Report to Council - six month period ending 31 December 2015	819
13.5	MAV State Council Motions - May 2016	824
<b>14.</b>	<b>CHIEF EXECUTIVE OFFICER</b>	<b>830</b>
<b>15.</b>	<b>URGENT BUSINESS REPORTS</b>	<b>830</b>
<b>16.</b>	<b>QUESTIONS FROM THE PUBLIC</b>	<b>831</b>
16.1	Tatterson Reserve, Templestowe by Ms A Hinds, Templestowe	831
16.2	Tatterson Reserve, Templestowe by Mr V Cordi, Templestowe	831
16.3	Tatterson Reserve, Templestowe by Ms G Tham, Templestowe	831
16.4	Tatterson Reserve, Templestowe by Mr P Jenkins, Templestowe	832
<b>17.</b>	<b>QUESTIONS WITHOUT NOTICE</b>	<b>832</b>
<b>18.</b>	<b>CONFIDENTIAL REPORTS</b>	<b>833</b>
18.1	Manningham Centre Association - Letter Agreement of new arrangements between Council and MCA	833
18.2	Audit Committee Transition Arrangements 2016 (Committee)	833

**MANNINGHAM CITY COUNCIL**  
**MINUTES OF THE ORDINARY COUNCIL MEETING**  
**HELD AT COUNCIL CHAMBER**  
**ON**  
**29 MARCH 2016**

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The meeting commenced at 7:00 PM.

Present: Councillor Jennifer Yang (Mayor)  
Councillor Dot Haynes (Deputy Mayor)  
Councillor Meg Downie  
Councillor Sophy Galbally  
Councillor Geoff Gough  
Councillor Jim Grivokostopoulos  
Councillor Michelle Kleinert  
Councillor Stephen O'Brien (arrived at 7.40pm)

Officers Present: Acting Chief Executive Officer, Ms Teresa Dominik  
Director Shared Services, Mr Philip Lee  
Acting Director Assets & Engineering, Mr Dario Bolzonello  
Acting Director Community Programs, Mr Malcolm Foard  
Acting Director Planning & Environment, Mr Jeff Gower  
Acting Manager Strategic Governance – Ms Jill Colson

**1. OPENING PRAYER & STATEMENTS OF ACKNOWLEDGEMENT**

The Mayor read the Opening Prayer & Statements of Acknowledgement.

**2. APOLOGIES**

Apologies have been received from Cr P McLeish and Cr S O'Brien.

**3. PRIOR NOTIFICATION OF CONFLICTS OF INTEREST**

The Acting Chief Executive Officer advised Council that she has received two written disclosures of a conflict of interest from:-

- Cr J Grivokostopoulos for Item 9.3 Concerning Planning Application P115/025566 - 180-182 Manningham Road, Bulleen, the interest being an indirect interest because of residential amenity; and
- Cr G Gough for Item 9.3 Concerning Planning Application P115/025566 - 180-182 Manningham Road, Bulleen, the interest being an indirect interest because of residential amenity.

**4. CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 1 MARCH 2016**

**MOVED: DOWNIE**  
**SECONDED: GRIVOKOSTOPOULOS**

That the Minutes of the Ordinary Meeting of Council held on 1 March 2016 be confirmed.

**CARRIED**

**5. VERBAL QUESTIONS FROM THE PUBLIC**

Six people asked questions of Council.

**6. PRESENTATIONS**

There were no Presentations.

**7. PETITIONS**

There were no Petitions.

**8. ADMISSION OF URGENT BUSINESS**

There were no items of Urgent Business

\* \* \* \* \*

## 9. PLANNING PERMIT APPLICATIONS

### 9.1 Planning Application PL15/025029 at 51-53 Beverley Street, Doncaster East for twelve, three-storey dwellings

Responsible Director: Director Planning & Environment

File No. PL15/025029

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

<b>Land:</b>	51-53 Beverley Street, Doncaster East
<b>Zone</b>	General Residential Zone Schedule 2, Design and Development Overlay Schedule 8
<b>Applicant:</b>	Anne Wang c/-Jiakun Li (designer)
<b>Ward:</b>	Koonung
<b>Melway Reference:</b>	Map 48B2
<b>Time to consider:</b>	19 December 2015

#### SUMMARY

*It is proposed to redevelop a 1527m<sup>2</sup> lot (containing a large dwelling) with twelve, three-storey dwellings in two attached rows. Resident parking in the form of double garages with a central access aisle is to be located at ground level, with some stepping up the site and site cutting. Two visitor parking spaces are also proposed.*

*A central, two-way driveway will connect to a planned roundabout at the "T" intersection of Beverley Street and Milan Street.*

*All secluded private open space is to be provided by enclosed balconies and roof-top terraces, with the uppermost roof-top areas being limited to the eastern building row. The proposed site coverage is 65.63% (maximum of 60% recommended).*

*The application was advertised and 52 objections were received. The main grounds of objection relate to lack of compatibility with the neighbourhood character, inappropriate building form/bulk, excessive density, likely on-street car parking and traffic impacts in local streets.*

*It is considered that the proposal does not respond sufficiently to the local planning policy aim of achieving two-storey townhouse developments on lots of less than 1800m<sup>2</sup> within Sub-Precinct A (Design and Development Overlay Schedule 8-2).*

*The proposed architectural design is considered to have various shortcomings and the overall form of the building will be excessively bulky, with insufficient stepping and a dominating upper floor. Vehicular manoeuvring space under the building is tight both for resident parking and rubbish truck access.*

*The proposed landscaping design for the frontage is also unsatisfactory, while there are inadequate planting opportunities, particularly to the rear of the building. In addition, insufficient care has been taken to ameliorate construction impacts on a neighbour's trees to the north.*

*It is proposed to not support the application.*

## 1 BACKGROUND

### Site Description

- 1.1 The site (1527m<sup>2</sup>) is located on the northern side of Beverley Street, directly opposite the “T” intersection with Milan Street. The lot is generally rectangular and has a frontage of 33.53m and a maximum depth of 45.8m on the eastern side. The rear (northern) boundary has a length of 33.56m, with a slight “dog leg” at the mid-point. The property contains a very large, two-storey, brick dwelling (rendered) with a tiled, roof over the main section.
- 1.2 The dwelling extends across the site and presents an upper level gable and a gabled porte-cochere to the street. A flat roofed garage (integrated) extends to the western boundary and a screen wall (with door access) extends to the eastern boundary. To the rear, a single storey element extends over the western part of the lot and returns to the east, so as to form a central paved courtyard.
- 1.3 The site rises to the rear, with the slope being more pronounced over the southern half. There is a diagonal level difference of 3.8m from the south-eastern corner to the north-western corner of the lot. While the frontage falls to the east, the rear boundary is relatively level. A loop driveway connects with crossovers at the eastern and western ends of the frontage. Both crossovers combine with the neighbouring crossover.
- 1.4 The frontage is defined by a rendered brick fence, with steel picket sections between piers. This fence retains a higher garden area forward of the roofed entry. Solid brick fences (1.9m high) extend along the side boundaries of the front setback. Otherwise, side and rear boundaries are defined by timber fences of not less than 1.65m in height. The fencing along the rear boundary is in poor/fair condition.
- 1.5 In terms of vegetation, the front yard contains a limited spread of exotic shrubs and a conifer. Dense shrub planting is also located on the nature strip, directly in front of the fence. The rear yard is devoid of trees and shrubs, being largely paved or used for vegetable and ornamental plant cultivation.
- 1.6 Any higher building on the site has potential to offer good views to the south, especially along the length of Milan Street and over housing. Conversely, any such building will be quite visible from Milan Street which slopes up to the Beverley Street intersection.
- 1.7 With hipped roofed, two-storey dwellings on either side of the site, the existing dwelling on the site is reasonably well screened when approaching from either direction along Beverley Street. This screening is, however, assisted by the fact that the large existing dwelling on the site is setback a greater distance from the street.
- 1.8 There is a concrete footpath in front of the site and medium sized tree within the nature strip (located centrally).



### Neighbourhood Description

1.9 The following residential properties adjoin or are opposite the site:

Direction	Address	Description
North	54 Franklin Road, Doncaster East	This property adjoins the western half of the rear boundary of the site and contains a single storey, weatherboard dwelling (tiled/hipped roof) with a rear garage on the western side. The dwelling is positioned approximately 20.0m from the common boundary. The rear yard is open, apart from some established trees along the rear and western boundary. In particular, two large Cypress trees provide dense screening from the site.
	56 Franklin Road, Doncaster East	This property adjoins the eastern half of the rear boundary of the site and contains a two-storey rendered/part weatherboard dwelling (gable/tiled roof) which is setback approximately 25.0m from the common boundary. There are various outbuildings (including an elevated cubby house) along the western side of the rear yard and some tree planting along the southern and eastern sides. There are four Cypress trees and some smaller trees within 3.0m of the common boundary, with a level of screening provided.
South	56 Beverley Street, Doncaster East	This property is on the western side of the Milan Street intersection and contains a two-storey brick and weatherboard dwelling with a front carport and a low brick fence to the street.
	58 Beverley Street, Doncaster East	This property is on the eastern side of the Milan Street intersection and contains a row of single storey, flat roofed units with peripheral tree planting. Several carports present to Beverley Street. The frontage is unfenced.
East	55/55a Beverley Street, Doncaster East	This property is developed with two, two-storey brick dwellings with tiled/hipped roofs (positioned one behind the other). The front dwelling (No. 55) is setback 6.25m from the frontage. The rear dwelling is accessed by a driveway which separates the front dwelling from the site. Several upper level habitable rooms which face directly to the site are obscure

Direction	Address	Description
		glazed. However, several bedroom windows (facing along the property) would have diagonal views.  Frontage fencing is in brick and steel picket.
West	49/49A Beverley Street, Doncaster East	This property is also developed with two, two-storey brick dwellings with tiled/hipped roofs (positioned one behind the other). The front dwelling (No. 49) is setback 5.0m from the street frontage.  The rear dwelling is accessed by a driveway which separates the front dwelling from the site. There are no upper level habitable room windows with direct views of the site. However, several bedroom windows (facing along the property) would have diagonal views.  Frontage fencing is in brick and steel picket.

- 1.10 Beverley Street is a wide local street (pavement width of 10.0m), with a straight alignment. This section of Beverley Street connects Blackburn Road (to the east) with Devon Drive (to the west). In front of the site, there is a mild slope down to the east. Sight lines are good in either direction.
- 1.11 There is a broken centre line, as well as painted bicycle lanes along both sides of the street. Parking is allowed in the bicycle lanes and occurs intermittently. There are no parking restrictions adjacent to or in the vicinity of the site and on-street parking is most likely linked to housing. A speed limit of 50kph applies in the street. Traffic flows are light throughout the day, but increase during school pick up/drop-off times.
- 1.12 A roundabout is scheduled for construction by Council at the Beverley Street/Milan Street "T" intersection. Design work has been completed for this project.
- 1.13 By road, the site is 330m from shops located within Devon Plaza activity centre on Doncaster Road. This neighbourhood activity centre is anchored by a supermarket and contains a range of shops and food premises. A bus stop associated with various Doncaster Road services is located in front of this centre. The site is also 620m from Doncaster Reserve which includes an oval, indoor basketball facilities and a small playground.
- 1.14 St. Peter's and St. Paul's Primary School is located 440m to the east at 2-16 Beverley Street.
- 1.15 A significant number of original residential properties in Beverley Street have undergone redevelopment for multi-units and new single dwellings over the past thirty years. Original houses that remain are generally single storey with tiled/hipped roofs. The majority of multi-unit developments are typified by two-storey built form with brick and render finishes and hipped/tiled roofs (often with no eaves). Front entry elements, often with faux balconies and

window mouldings are common architectural features. There are often dual crossovers provided, with the front dwelling presenting a double garage to the street. Front setbacks vary.

- 1.16 Apart from some pine trees generally opposite the site and a spread of larger street trees in this section, most of the local planting is characterised by smaller exotic varieties. Built form is clearly dominant over landscape.

### **Planning History**

- 1.17 Planning Application No. PL 12/022987 for the construction of a three-storey apartment building (22 dwellings with a basement car park) was lodged with Council on 20 July 2012. The building was to be split-levelled and was to step up the slope of the land. Basement access was via a driveway at the eastern end of the frontage, being the lowest point.
- 1.18 The application attracted 95 objections. Council made no decision in respect of this application, as the applicant decided to withdraw the application in July 2013.
- 1.19 Planning Application No. PL14/024481 for a similar development to that under consideration was lodged in July 2014. The plans were prepared by S.K.Y on behalf of a different applicant. The application was advertised and attracted 68 objections. No decision was made in respect of the application, as it was withdrawn in January 2015.
- 1.20 The current application was lodged on 2 March 2015 and has been amended to remove stairwell projections from above the roof line and also to make adjustments to the front access levels (allowing for the proposed roundabout). The original design company (S.K.Y) is no longer working on the project.

## **2 PROPOSAL**

### **Background**

- 2.1 The following documentation was lodged in support of this planning application:
- Plans and coloured street perspectives;
  - A Town Planning report;
  - An Arborist's report; and
  - A Traffic Consultant's letter and swept path diagrams for a "Mini-loader" truck (showing how a truck can exit the site in a forward direction) and demonstrating the car turning circles for the garage access.
- 2.2 The advertised plans and documentation have the following shortcomings which were identified at the report preparation stage-
- Plan sheets are "not to scale";
  - The building area and site coverage figures are incorrect;
  - The Ground Floor plan of Dwelling 10 contains reference to "Unit 11 GF";

- A bedroom window is missing from the floor plan of the Ground floor “master bedroom” of Dwelling 12 (shown on Eastern elevation);
  - There are various drafting errors in respect of en-suites, with some not being provided with vanities and others with doors swinging through vanities.
- 2.3 The applicant’s current designer (Mr Jiakun Li of AD Design) was queried about the floor area calculations and provided revised figures on 2 March 2016. He indicated that the previous designer had made the errors and that he had not picked them up.
- 2.4 The latest set of figures indicate that the area of land covered by the building is now estimated at 1002.2m<sup>2</sup> which equates to a site coverage figure of 65.63% (this figure includes balcony projections on the western side).
- 2.5 The following is a comparison between the Floor Areas shown on the advertised plans and the most recent calculations by the applicant-

Ground floor	777m <sup>2</sup>	742m <sup>2</sup>
First floor	934.6m <sup>2</sup>	909.3m <sup>2</sup>
Second floor	895.5m <sup>2</sup>	684.3m <sup>2</sup>
Third floor	122.8m <sup>2</sup>	145.2m <sup>2</sup>

- 2.6 The proposed building is of comparative size and scale to an existing three-storey building (containing 12 dwellings) at 282-284 Manningham Road, Lower Templestowe (being generally opposite the “Aldi” supermarket) and also shares some common design elements. This existing building exhibits spatial efficiency and a high standard of finish throughout, but retains a fairly stark, almost “commercial” presentation to the street.
- 2.7 Its position on a main arterial road, adjacent to a medical centre and generally opposite a “boxey” supermarket building contribute to its suitability in this location.

#### Description

- 2.8 It is proposed to clear the site of all buildings and vegetation to allow the construction of a large, three-storey, contemporarily styled building containing a total of 12 dwellings, each with three bedrooms.
- 2.9 The building will be finished mainly in rendered materials, but with some sections of fibre cement cladding and selected concrete blockwork (Ground floor). The primary colour scheme will be dark and light greys, with white contrast sections. The decked roofs will be in metal sheet and will be concealed behind raised wall parapets. Maximum building height is shown at 9.768m (eastern side of Dwelling 11, towards the rear). This height is taken to the top of the external wall parapet.
- 2.10 Proposed site coverage has been eventually calculated at 65.63% (considered to be the correct figure). Available permeable surface area is 31.5% (shown as 32% on plan).
- 2.11 Existing crossovers will be removed and a central access driveway constructed at a width of 5.8m and a grade of 1:9.7. Cutting is required to achieve this grade and there will be retaining walls on either side of the

driveway. The driveway is to connect into the western side of the roundabout proposed for the Beverley Street/Milan Street "T" intersection (clear of the proposed stopping line). This involves the removal of a small street tree which would in any event, need to be removed as part of the proposed roundabout construction.

- 2.12 Parking will be provided at adjusted grades below the First floor of the proposed dwellings. Three water storage tanks (total capacity of 15,000 litres) are shown below the garage access driveway.
- 2.13 The dwellings will be arranged in two rows of six along the site, with separation provided at the ground level by the central traffic aisle and by open roof at the Second Floor. The dwelling rows will be attached at the First Floor. All internal access will be provided via stairs.
- 2.14 Dwellings 1-6 are to be located in the western row, with Dwellings 7-12 in the eastern row. The building is designed so that the same floor levels are achieved between the two rows of dwellings, but with stepping up the site.
- 2.15 Some cutting (approx. depth of 1.0m) is required along the western side and centre of the site, with some reduced cutting extending across part of the rear of the building. There will also be excavation across the front of the site to allow the central driveway to connect with Beverley Street with an appropriate grade.
- 2.16 On this basis, the Ground floor of the proposed building will sit lower than the Ground floor of the existing house on the land.
- 2.17 The southernmost dwelling within each row (Dwellings 1 and 7) will have a front entry porch extending from the front wall. The western porch will be cut slightly into the ground, while the eastern porch will be elevated, with a requirement for stairs. These dwellings will also have a fenced front yard within the street setback. Brick pier and timber slat fences to 1.2m in height will enclose these spaces, with a street setback of 600mm.
- 2.18 The western yard will absorb most of the frontage setback for Dwelling 1, while the eastern yard will utilise approximately half of the setback area in front of Dwelling 7. The area between the driveway and the eastern yard will be raised, thus necessitating a retaining wall treatment to a height of 800mm. Front entry paths to the front porches will link directly with Beverley Street.
- 2.19 The remaining dwellings will be accessed via 1.0m wide, communal pathways along either side of the building. The paths will be set in from the side boundaries, so as to provide planting strips along the fencelines. On the Ground floor plan, the eastern path is shown graded, with no apparent steps. However, based on the steeper slope shown on the Eastern elevation near the frontage, there is likely to be a need for some stairs in this location.
- 2.20 The western path will have a series of small stairways to deal with level changes. Oddly, the path level will rise from the street, then fall in front of Dwellings 1 and 2 and then rise again, thus creating a sunken section.
- 2.21 Ten dwelling entries will present to these side paths. Of these, six will not be provided with any porch covering.
- 2.22 There will be remote controlled, security door at the entry to the under-building parking facilities. The access aisle serving the garages will be

roofed by the upper floor, but will be open to the rear, thus allowing for good ventilation and reasonable light penetration.

- 2.23 The access aisle will be 5.8m wide, with garages being arranged directly opposite each other. An over-bonnet storage shelf (suspended) is proposed within each garage, along with storage under stairways where practical. The suspended storage shelves have a capacity for 3.25m<sup>3</sup> of storage, rather than the 6.0m<sup>3</sup> of storage capacity shown on the floor plans.
- 2.24 Two visitor parking spaces are provided at the northern end of each garage row, along with a rear path connection to the side paths. A rubbish bin storage area is shown against the northern wall of Dwelling 12.
- 2.25 It is anticipated that a private rubbish contractor will serve the development with a "Mini-Loader" truck which will drive through to the bin area and turn around, using both of the visitor spaces (which will need to be kept clear on collection day).
- 2.26 Due to the path and an associated retaining wall, planting opportunities across the rear boundary are limited to a narrow strip of varying width. Wall construction and associated cutting is quite close to several conifers located within 54 Franklin Road. An Arborist's report provided with the application comments on likely impacts.
- 2.27 There will be varied design between the two rows of dwellings. The western row will be described first.

#### Dwellings 1-6

- 2.28 The **Ground floor** of Dwellings 1-6 will contain a bedroom and en-suite with and internal door access to a secure double garage. Dwelling 6 at the rear will have a larger bedroom which will project to the north. As previously described, Dwelling 1 will have use of a front yard.
- 2.29 The **First floor** of Dwellings 1-6 will contain open plan living space, a kitchen, a laundry recess, a WC and an "inboard" bedroom, with light and ventilation being from a small light court (maximum dimension of 1.7m). The light courts are to contain clotheslines and will have door access. The bedroom of the dwellings at either end of the row will also benefit from external windows, rather than just relying on the light court.
- 2.30 The living space of Dwellings 1-5 will open to 8.0m<sup>2</sup> balconies (unroofed) which will be fully enclosed by obscure glass balustrading with slatted sight screens (30% transparency) above and to a height of 1.7m (hence no views). Half of the balcony area will project from the western building wall. The living space of Dwelling 6 will have access to an 8.0m<sup>2</sup> roof-top terrace (above the lower bedroom) on the northern side. This space will also be fully screened and is unroofed.
- 2.31 The **Second floor** of each dwelling in this row will contain another large bedroom (with en-suite), a separate bathroom and a small "lounge" in front of the stair access. Each lounge will have a large west facing window with a "Juliette balcony" in front. Plans do not indicate the purpose or materials of the associated balustrade.
- 2.32 The bathroom on this upper floor will serve the bedroom on the lower floor which only has immediate access to a WC. The provision of a 3.6m wide

gap to the eastern row allows for bedroom windows along the eastern wall. These will be obscure glazed, as will opposite windows.

#### Dwellings 7-12

- 2.33 The **Ground floor** of Dwellings 7-12 will contain a bedroom and en-suite with and internal door access to a secure double garage. Dwelling 12 at the rear will have a larger bedroom which will project to the north. As previously described, Dwelling 7 will have use of a small front yard.
- 2.34 The **First floor** layouts of Dwellings 7-12 consist of two bedrooms with a large, shared bathroom. Oddly, the larger (master) bedroom is “inboard”, with use again being made of small light courts for light, ventilation and clothes drying. The two dwellings at either end of the row will also benefit from external windows to the bedrooms that abut the light courts.
- 2.35 Only Dwelling 12 at the northern end is provided with an external area, being an 8.0m<sup>2</sup> roof-top terrace on the northern side (above the lower bedroom). This space is to be fully screened in the same manner as the other side.
- 2.36 The **Second floor** of Dwellings 7-12 will consist of open plan living space with kitchens at the western end, a small laundry and a WC. The living space will open to elongated 8.0m<sup>2</sup> balconies/roof-top terraces on the eastern side. These spaces will be fully enclosed by a combination of solid or obscure glass balustrading, with a sight screens above.
- 2.37 Additional open space opportunities are provided through roof-top terraces above each dwelling. These spaces of approximately 25.0m<sup>2</sup> will be accessed via stairs and a glazed hatch set at a low angle to the roof-top. The hatch is pushed up when a person arrives at the top of the stairs. .
- 2.38 The roof-top terraces are to be set in 1.8m from the eastern edge of the roof and 1.1m from the southern and northern edges.
- 2.39 These spaces will be fully enclosed by 1.7m high obscure glazed balustrading and sight screens (as per the majority of balconies). On this basis, there would be no views offered from these areas (not even to the front). An area for services (most likely air-conditioning units) and narrow, peripheral “planter” boxes are shown. Based on the specified levels to the top of the screens, it is estimated that height to NGL is less than 10.0m, except for part of Dwelling 11’s terrace which has a screen height of approximately 10.4m.
- 2.40 No other plant (such as solar panels for hot water) is shown on the roof. Internal hot water units are shown in various locations within the habitable Ground floor areas (including wardrobes).
- 2.41 Recognising that some balconies project past the outer wall, the following minimum wall setbacks are provided:
- 2.42 Southern side (front)
- Ground Floor - 5.98m (4.35m setback for the two front porches)
  - First Floor - 6.085m
  - Second Floor - 6.115m
- 2.43 Western Side
- Ground Floor - 3.0m

- First Floor - 3.085m
  - Second Floor - 5.62m (with projecting framing elements extending into this setback by approximately 800mm)
- 2.44 Eastern Side
- Ground Floor - 3.0m
  - First Floor - 3.115m
  - Second Floor - 5.28m
- 2.45 Northern side (rear)
- Ground Floor - 2.09m (Western end), otherwise 3.1m;
  - First Floor - 4.7m
  - Second Floor - 4.69m
- 2.46 Specific ceiling heights are not provided, however, allowing for 300mm between floors (as is the norm), the following ceiling heights are estimated:
- Ground Floor - 2.4m
  - First Floor - 2.65m
  - Second Floor - 2.4m
- 2.47 By way of observation, the Second Floor ceiling height is considered low by industry standards and would not usually be provided in respect of living rooms.

### **3 PRIORITY/TIMING**

- 3.1 The statutory time for considering a planning application is 60 days. Allowing for the time taken to advertise the application, the statutory time lapsed on 19 December 2015.

### **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 burdened by any covenant.

## 5 MANNINGHAM PLANNING SCHEME

### Zoning

5.1 The site is included in the General Residential Zone, Schedule 2 (GRZ2) pursuant to the Manningham Planning Scheme. Land to the north, east, west and south is also within the General Residential Zone, Schedule 2.

5.2 A planning permit is required to construct two or more dwellings on a lot in the GRZ2 under Clause 32.08-4.

5.3 The purpose of the General Residential Zone seeks to:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To encourage development that respects the neighbourhood character of the area
- To implement neighbourhood character policy and adopted neighbourhood character guidelines.
- To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

5.4 Assessment is required under the provisions of Clause 55 of the Manningham Planning Scheme.

5.5 The purpose of Clause 55 is generally to provide well designed and lifestyle choice for occupants, while at the same time, maintaining the amenity and character of the locality, with particular emphasis on the amenity of adjoining residents.

### Overlays

5.6 The site and all adjoining and opposite lots are included in the Design and Development Overlay Schedule 8 (DDO8) under the provisions of the Manningham Planning Scheme.

5.7 The Design Objectives of the DD08 are:

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

- *To encourage development that is contemporary in design that includes an articulated built form and incorporates a range of visually interesting building materials and façade treatments.*
  - *To support three storey, 'apartment style', developments within the Main Road sub-precinct and in sub-precinct A, where the minimum land size can be achieved.*
  - *To support two storey townhouse style dwellings with a higher yield within sub-precinct B and sub-precinct A, where the minimum land size cannot be achieved.*
  - *To ensure new development is well articulated and upper storey elements are not unduly bulky or visually intrusive, taking into account the preferred neighbourhood character.*
  - *To encourage spacing between developments to minimise a continuous building line when viewed from a street.*
  - *To ensure the design and siting of dwellings have regard to the future development opportunities and future amenity of adjoining properties.*
  - *To ensure developments of two or more storeys are sufficiently stepped down at the perimeter of the Main Road sub-precinct to provide an appropriate and attractive interface to sub-precinct A or B, or other adjoining zone.*
  - *Higher developments on the perimeter of sub-precinct A must be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct B or other adjoining zone.*
  - *To ensure overlooking into adjoining properties is minimised.*
  - *To ensure the design of carports and garages complement the design of the building.*
  - *To ensure the design of basement and undercroft car parks complement the design of the building, eliminates unsightly projections of basement walls above natural ground level and are sited to allow for effective screen planting.*
  - *To create a boulevard effect along Doncaster Road and Manningham Road by planting trees within the front setback that are consistent with the street trees.*
  - *To encourage landscaping around buildings to enhance separation between buildings and soften built form.*
- 5.8 There is a range of policy requirements outlined in this control under the headings of building height and setbacks, form, car parking and access, landscaping and fencing.
- 5.9 Planning permission is required for buildings and works which must comply with the requirements set out in either Table 1 or Table 2 of the Schedule.
- 5.10 The subject site and adjoining lots are located within **DDO8-2 Sub-Precinct A**, where the maximum allowable building height for land more than 1800m<sup>2</sup>

in size is 11.0 metres. For lots of lesser area, the maximum height (also mandatory) is either 9.0m or 10m depending on the slope of the land.

### **State Planning Policy Framework (SPPF)**

- 5.11 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.*
- 5.12 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.
- 5.13 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.*
- 5.14 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.
- 5.15 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.*
- 5.16 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.*
- 5.17 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.*
- 5.18 Clause 16.01-5 (Housing affordability) seeks to deliver more affordable housing closer to jobs, transport and services.

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

- 5.19 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 aging 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.

- 5.20 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.
- 5.21 Clause 21.05 (Residential) outlines the division of Manningham into four Residential Character Precincts. The precincts seek to channel increased housing densities around activity centres and main roads where facilities and services are available. In areas which are removed from these facilities a lower intensity of development is encouraged. A low residential density is also encouraged in areas that have identified environmental or landscape features.
- 5.22 The site and all adjoining properties are within “Precinct 2 –Residential Areas Surrounding Activity Centres and Along Main Roads”.
- 5.23 This area is aimed at providing a focus for higher density development and a substantial level of change is anticipated. Future development in this precinct is encouraged to:
- *Provide for contemporary architecture*
  - *Achieve high design standards*
  - *Provide visual interest and make a positive contribution to the streetscape.*
  - *Provide a graduated building line from side and rear boundaries.*
  - *Minimise adverse amenity impacts on adjoining properties.*
  - *Use varied and durable building materials.*
  - *Incorporate a landscape treatment that enhances the overall appearance of the development*
  - *Integrate car parking requirements into the design of buildings and landform.*
- 5.24 Within this precinct, there are three sub-precincts which each stipulate different height, scale and built form outcomes to provide a transition between each sub-precinct and adjoining properties, primarily those in Precinct 1 – Residential Areas Removed from Activity Centres and Main Roads. The three sub-precincts within Precinct 2 consist of:
- Sub-precinct – Main Road (DDO8-1)** is an area where three storey (11 metres) ‘apartment style’ developments are encouraged on land with a minimum area of 1,800m<sup>2</sup>. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side same sub-precinct. All development in the Main Road sub-precinct should have a maximum site coverage of 60 percent.
- Higher developments on the perimeter of the Main Road sub-precinct should be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct A or B, or other adjoining zone.

**Sub-precinct A (DDO8-2)** is an area where two-storey units (9 metres) and three-storey (11 metres) 'apartment style' developments are encouraged.

Three-storey, contemporary developments should only occur on land with a minimum area of 1800m<sup>2</sup>. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage. The area of 1800m<sup>2</sup> must all be in the same sub-precinct. In this sub precinct, if a lot has an area less than 1800m<sup>2</sup>, a townhouse style development proposal only will be considered, but development should be a maximum of two storeys. All development in Sub-precinct A should have a maximum site coverage of 60 percent.

Higher developments on the perimeter of Sub-precinct A should be designed, so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of Sub-precinct B, or other adjoining zone.

**Sub-precinct B (DDO8-3)** is an area where single storey and two-storey dwellings only will be considered and development should have a maximum site coverage of 60 percent. There is no minimum land area for such developments.

- 5.25 The site and adjoining lots are within **Sub-precinct A (DDO8-2)**. Opposite land on the southern side of Beverley Street is within Sub-precinct A (DDO8-3).
- 5.26 Clause 21.05-2 Housing contains the following objectives:
- *To accommodate Manningham's projected population growth through urban consolidation, infill developments and Key Redevelopment Sites.*
  - *To ensure that housing choice, quality and diversity will be increased to better meet the needs of the local community and reflect demographic changes.*
  - *To ensure that higher density housing is located close to activity centres and along main roads in accordance with relevant strategies.*
  - *To promote affordable and accessible housing to enable residents with changing needs to stay within their local neighbourhood or the municipality.*
  - *To encourage development of key Redevelopment Sites to support a diverse residential community that offers a range of dwelling densities and lifestyle opportunities.*
  - *To encourage high quality and integrated environmentally sustainable development.*
- 5.27 The strategies to achieve these objectives include:
- *Ensure that the provision of housing stock responds to the needs of the municipality's population.*

- *Promote the consolidation of lots to provide for a diversity of housing types and design options.*
  - *Ensure higher density residential development occurs around the prescribed activity centres and along main roads identified as Precinct 2 on the Residential Framework Plan 1 and Map 1 to this clause.*
  - *Encourage development to be designed to respond to the needs of people with limited mobility, which may for example, incorporate lifts into three storey developments.*
- 5.28 Clause 21.05-4 (Built form and neighbourhood character) seeks to ensure that residential development enhances the existing or preferred neighbourhood character of the residential character precincts as shown on Map 1 to this Clause.
- 5.29 The strategies to achieve this objective include:
- *Require residential development to be designed and landscaped to make a positive contribution to the streetscape and the character of the local area.*
  - *Ensure that where development is constructed on steeply sloping sites that any development is encouraged to adopt suitable architectural techniques that minimise earthworks and building bulk.*
  - *Ensure that development is designed to provide a high level of internal amenity for residents.*
  - *Require residential development to include stepped heights, articulation and sufficient setbacks to avoid detrimental impacts to the area's character and amenity.*
- 5.30 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**

- 5.31 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. Building design should provide safe access for pedestrians, with appropriate levels of "natural surveillance".

- 5.32 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**

- 5.33 Clause 52.06 (Car Parking) is relevant to this application. Pursuant to Clause 52.06-5, car parking is required to be provided at the following rate:
- *1 space for 1 and 2 bedroom dwellings*
  - *2 spaces for 3 or more bedroom dwellings*
  - *1 visitor space to every 5 dwellings for developments of 5 or more dwellings.*
- 5.34 Clause 52.06-8 outlines various design standards for parking areas that should be achieved.
- 5.35 Clause 55 (Two or More Dwellings on a Lot) applies to all applications for two or more dwellings on a lot. Consideration of this clause is outlined in the Assessment section of this report.
- 5.36 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 ASSESSMENT**

- 6.1 Council has, through its policy statements within the Planning Scheme, and in particular by its adoption of Schedule 8 to the Design and Development Overlay over the subject site and part of this neighbourhood, created a planning mechanism that has started to noticeably alter the long established neighbourhood character. Particular change is evidenced along Doncaster Road and within the immediately abutting streets.
- 6.2 As articulated by the DD08, Council's planning preference is for higher density, multi-unit developments which can include apartment style developments on larger lots. Higher density housing is thereby envisaged as the "preferred neighbourhood character" guided by the design elements contained within the Schedule 8 to the Design and Development Overlay, in conjunction with an assessment against Clause 21.05 and Clause 55 (Rescode). In DD08 areas, a substantial level of change is generally anticipated from the existing character of primarily single dwellings and dual occupancies.
- 6.3 As a consequence, the resultant built form is contemplated to comprise a more intense and less "suburban" outcome.
- 6.4 Notwithstanding the opportunity to increase residential densities in areas well located in relation to public transport and Activity Centres, any design



response must have careful and considered regard to its potential impacts to local amenity.

- 6.5 Given the 1527m<sup>2</sup> site area and the slope of the land, any multi-unit development on the subject land must be limited to a maximum height of 10.0m, with “two-storey townhouses” being the desired form of multi-unit development under the local planning policy. There is no mandatory site coverage limit, but 60% is seen as a desirable maximum.
- 6.6 The applicant is seeking to develop the site with a total of twelve (12) attached townhouses, over three levels. The primary design approach appears to have been to maximise dwelling yield and provide relatively large dwellings. By not “sinking” the building into the ground through the use of a basement car park, the applicant would be able to achieve a more cost effective building. However, at three-storeys, there is a basic “tension” with Council’s preferred building type.
- 6.7 As an overview, the size of and shape of the subject lot provide an excellent starting point for a higher density, multi-unit development. With no easements and a relatively even slope, the site has no real physical constraints, apart from a retained level change across part of the frontage and the need to provide safe access in relation to the proposed roundabout to the south. The proximity of neighbour’s trees to the rear boundary is, however, an “external” constraint.
- 6.8 Side driveways associated the rear dwellings of the adjacent properties are located adjacent to the common boundaries, thus providing a generous spacing between the side boundaries. Furthermore, although the property to the east is slightly lower than the site, the front dwelling is set above the footpath level and with a sub-floor, thus maintaining a relatively high built form in relation to the site.
- 6.9 Beverley Street is also heavily developed with townhouses, many of which are two-storey in height. With two such developments on the lots to the east and west of the site and a very large, two-storey dwelling currently on the land, there can be little debate that the site is a “prime candidate” for a multi-unit proposal.
- 6.10 A corollary of the extensive level of nearby multi-unit development is that there simply aren’t that many original house lots left in Beverley Street and there will be far less housing redevelopment than say along Doncaster Road, due to the higher capital value of the properties that already contain villa units and townhouses.
- 6.11 On this basis, there is unlikely to be any significant transformation of the primary “fabric” of this street, as a result of the on-going surge in higher density housing.
- 6.12 A detailed assessment of the proposal will now be made against the following planning controls:
  - Clauses 21.05, 21.10, 22.08 & 22.09
  - Schedule 8 to the Design and Development Overlay (DD08)
  - Clause 52.06 Car Parking
  - Clause 55 Two or More Dwellings on a Lot

- Clause 65 Decision Guidelines

### **Local Planning Policy Assessment**

#### **Clause 21.05 Residential**

- 6.13 The development site is situated within Precinct 2 – Residential Areas Surrounding Activity Centres and Along Main Roads, Sub-Precinct A (DD08-2) where high density housing redevelopment is encouraged. Taking into account the slope of the land, a maximum building height of 10.0m is allowed.
- 6.14 The applicant is of the opinion that the three-storey proposal provides a satisfactory design response in this neighbourhood, particularly as the building is below the mandatory 10.0m height limit. This approach is contrary to Council's "vision" for the local streets (within Sub-Precinct A (DDO8-2) which are further way from major arterial roads such as Doncaster Road. In such locations, two-storey multi-unit development is encouraged on lots less than 1800m<sup>2</sup> in area.
- 6.15 The applicant's planning consultant (Melbourne Planning Outcomes) has provided comments regarding this aspect of the planning provisions. These are attached to the officer report as "Appendix A".
- 6.16 The building offers a contemporary form of architecture, but this is not considered to provide a particularly high design standard or a positive contribution to the streetscape. Side graduation is not a strong feature of the design and there is an overall "squareness" resonating through the design, with a particularly unattractive front elevation and other dominating aspects.
- 6.17 Choice of colours, the use of various above-roof screens and the envisaged landscaping approach are also questionable elements in terms of an appropriate design response to the streetscape and the neighbouring properties.

#### **Clause 21.10 Ecologically Sustainable Development**

- 6.18 Council's MSS outlines ESD requirements to be incorporated into larger developments within the municipality. The proposal incorporates rainwater collection tanks which are most likely to be used for toilet flushing.
- 6.19 While other details are vague, Council would have the option of including a condition requiring the submission of Sustainability Management Plan, in the event of an approval being supported.

#### **Clause 22.08 Safety through Urban design**

- 6.20 Council's Local Planning Policy at Clause 22.08 applies to all land in the municipality and therefore has a broad range of objectives and policy requirements in relation to the design of buildings, street layout/access, lighting and car parks.
- 6.21 A number of the requirements in relation to building design are relevant, including *"Buildings be orientated to maximise surveillance of entrances and exits from streets"* and *"The location of building entrances and windows maximise opportunities for passive surveillance of streets and other public spaces"*.

It is considered that the proposal will offer quite good opportunities for internal surveillance in respect of the various access paths.

**Clause 22.09 Access for Disabled People**

- 6.22 The Access for Disabled People Policy is based on the Disability Discrimination Act and requires that persons with a disability have the same level of access to buildings, services and facilities as any other person.
- 6.23 A range of dwellings have front entries which are accessible by persons with limited mobility. The provisions of Clause 55.05-1 of the Manningham Planning Scheme also address this issue.

**Schedule 8 to the Design and Development Overlay (DD08)**

- 6.24 An assessment now follows against the design requirements of the DD08:

Design Element	Level of Compliance
<p><b>DDO8-1 (Sub-Precinct A)</b></p> <ul style="list-style-type: none"> <li>11 metres provided the condition regarding minimum land size is met. If the condition is not met, the maximum height is 9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the site of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.</li> </ul>	<p><b>Not Met</b></p> <ul style="list-style-type: none"> <li>Due to the slope of the land, ten metres is the mandatory height limit on this site.</li> <li>The submitted plans depict building height between natural ground level and the top of wall parapets. The upper screens located around the roof-top terraces have not been included as part of the overall height dimensions.</li> <li>A provision of Schedule 8 to the Design and Development Overlay lists the type of roof-top elements that are exempted from the building height calculation. While “screening devices” are in this category, there is a clear nexus to “roof-mounted equipment” (say air-conditioning plant or hot water systems).</li> <li>As the exemption does not include screening for roof-top terraces, it is considered that such screens need to be included in the overall height calculation.</li> <li>Based on Survey Plan levels for the land directly below the screened areas and the plan height datum, Dwelling 11’s roof-top screen is estimated to be 10.39m high.</li> </ul>
<ul style="list-style-type: none"> <li>Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser.</li> </ul>	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>The required setback under Clause 55.03-1 is 5.8m, therefore this is the minimum requirement. Porches of a height less than 3.6m may encroach up to 2.5m into this setback.</li> <li>Although the eastern front porch is approximately 4.0m high from finished</li> </ul>

	<p>ground level, when measurement is made to NLG, compliance is achieved. The porches have a width of 1.6m.</p> <ul style="list-style-type: none"> <li>As the plan provides a minimum front wall setback of 5.98m, compliance is achieved.</li> </ul>
<p><b>Form</b></p> <ul style="list-style-type: none"> <li>Ensure that the site area covered by buildings does not exceed 60%.</li> </ul>	<p><b>Not Met</b></p> <ul style="list-style-type: none"> <li>Based on the corrected building area figure provided by the applicant (1002.2m<sup>2</sup>), the proposed site coverage is 65.63%. This high site coverage figure is considered to be an indicator of overdevelopment and represents an unsatisfactory response on this property.</li> </ul>
<ul style="list-style-type: none"> <li>Provide visual interest through articulation, glazing and variation in materials and textures.</li> </ul>	<p><b>Not Met</b></p> <ul style="list-style-type: none"> <li>The proposed building finishes are varied and will offer some different textural elements.</li> <li>Articulation is provided in varying ways, but the overall result is considered to be unsatisfactory, resulting in a building which will be visually dominating and quite bulky from various aspects, especially in comparison to the form of multi-unit developments that are typical of this street.</li> <li>For a three-storey building to have any chance of gleaning officer support on this land, it is considered that the upper level would need to be far more recessive and hence, far smaller in area. A central break in the linear side presentation and a more sensitive balcony treatment on the eastern side would also offer visual benefit.</li> <li>In particular, the front elevation is considered to represent a poor level of architectural presentation. One peculiarity of this building design is that the front wall is straight for approximately 27.0m, with no variation in the setback to the street, other than that provided by the two front porches.</li> <li>Building design is discussed in detail within the Clause 55 assessment.</li> </ul>
<ul style="list-style-type: none"> <li>Minimise buildings on boundaries to create spacing between developments.</li> </ul>	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>There are no walls proposed to side or rear boundaries.</li> </ul>

<ul style="list-style-type: none"> <li>Where appropriate ensure that buildings are stepped down at the rear of sites to provide a transition to the scale of the adjoining residential area.</li> </ul>	<p><b>Not Met</b></p> <ul style="list-style-type: none"> <li>The rear elevation of the building will be quite high. While there is some stepping provided by the Ground floor bedroom projections at either end, the effect of this will largely be lost to the rear due to screening from the boundary fence and cutting in.</li> <li>As proposed, the dark coloured upper floor walls would combine with the First floor walls to present a sheer, dominating presentation to the rear (where not screened by existing trees on neighbouring land).</li> </ul>
<ul style="list-style-type: none"> <li>Where appropriate, ensure that buildings are designed to step with the slope of the land.</li> </ul>	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>The building steps up the slope of the land to the rear. The impact of this slope has been reduced through the proposed site excavation.</li> </ul>
<ul style="list-style-type: none"> <li>Avoid reliance on below ground light courts for any habitable rooms.</li> </ul>	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>There are no “below ground” light courts proposed.</li> </ul>
<ul style="list-style-type: none"> <li>Ensure the upper level of a two storey building provides adequate articulation to reduce the appearance of visual bulk and minimise continuous sheer wall presentation.</li> </ul>	<p><b>Not applicable</b></p> <ul style="list-style-type: none"> <li>The building is at three storeys.</li> </ul>
<ul style="list-style-type: none"> <li>Ensure that the upper level of a three storey building does not exceed 75% of the lower levels, unless it can be demonstrated that there is sufficient architectural interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation.</li> </ul>	<p><b>Not Met</b></p> <ul style="list-style-type: none"> <li>Based on the latest figures, the Second (uppermost) floor will cover 75.25% of the floor below, with much of the uncovered area being in the form of the elongated rectangular space between the dwelling rows.</li> <li>Even if Council policy supported a three-storey building on this land, officer support would not be forthcoming.</li> <li>Main issues of concern with the upper floor relate to the lack of front and rear “stepping in” and the proximity of screened balconies (with an almost continuous length) to the eastern edge of the building.</li> <li>The wall presentation is also quite plain and “box-like”.</li> <li>A much more sympathetic design in</li> </ul>

	<p>this particular streetscape could have utilised the allowable building height to achieve a raked roof line with deep eave elements, for instance. Potentially, this would have reduced contrast caused by the “flat top” appearance of the proposed building.</p>
<ul style="list-style-type: none"> <li>Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos.</li> </ul>	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>The front porches of the building are at an appropriate scale and will not be visually imposing.</li> </ul>
<ul style="list-style-type: none"> <li>Be designed and sited to address slope constraints, including minimising views of basement projections and/or minimising the height of finished floor levels and providing appropriate retaining wall presentation.</li> </ul>	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>Site works are proposed to “sink” the building into the slope as much as practical. The extent/depth of retaining wall construction is relatively mild and poses no unreasonable visual impacts.</li> </ul>
<ul style="list-style-type: none"> <li>Be designed to minimise overlooking and avoid the excessive application of screen devices.</li> </ul>	<p><b>Met in part</b></p> <ul style="list-style-type: none"> <li>The proposed design provides full screening to all balconies and roof-top terraces. It is fair to say that there is a lot of screening and it could be concluded that the designer has opted for this approach rather than seeking alternative architectural solutions.</li> <li>The extent of habitable room window screening is at a level which is typical for this form of building.</li> </ul>
<ul style="list-style-type: none"> <li>Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all mobilities.</li> </ul>	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>This design element is aimed more at apartment buildings where there is a main pedestrian foyer into the building.</li> <li>While not offering access standards to individual dwelling entries that would be suitable for persons using a wheelchair, persons with less severe mobility constraints could reasonably gain access along the side paths.</li> </ul>
<ul style="list-style-type: none"> <li>Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties.</li> </ul>	<p><b>Not Applicable.</b></p> <ul style="list-style-type: none"> <li>There is no basement car parking.</li> </ul>
<ul style="list-style-type: none"> <li>Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the</li> </ul>	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>The proposed garages will not be visible from the street due to</li> </ul>

<p>site.</p>	<p>screening provided by the central door.</p>
<ul style="list-style-type: none"> <li>Integrate car parking requirements into the design of buildings and landform by encouraging the use of undercroft or basement parking and minimise the use of open car park and half basement parking.</li> </ul>	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>The proposed use of underbuilding garages would satisfy this design element.</li> </ul>
<ul style="list-style-type: none"> <li>Ensure the setback of the basement or undercroft car park is consistent with the front building setback and is setback a minimum of 4.0m from the rear boundary to enable effective landscaping to be established.</li> </ul>	<p><b>Met in part</b></p> <ul style="list-style-type: none"> <li>The garage parking is contained within the main footprint of the building.</li> <li>The visitor parking is not “undercroft”, as it is fully open.</li> <li>Despite this, landscaping opportunities within 4.0m of the rear boundary are, constrained by the extent of paving that is proposed (partially associated with the visitor parking).</li> </ul>
<ul style="list-style-type: none"> <li>Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces.</li> </ul>	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>Ground floor building walls are setback sufficient distances from site boundaries to allow for the growth of screen planting and some canopy trees.</li> <li>Constraints are however, imposed at the rear of the building by paving and retaining wall construction.</li> </ul>
<ul style="list-style-type: none"> <li>Ensure that service equipment, building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces.</li> </ul>	<p><b>Not Met (due to inadequate detailing)</b></p> <ul style="list-style-type: none"> <li>Details regarding service equipment and roof-mounted equipment are limited.</li> <li>There is scope to provide electrical and fire service cabinets to the side of the two access paths, but care would be required in order to ensure that the visual result was appropriate in terms of scale and enclosure.</li> <li>The Third floor plan indicates that some unspecified services will be located in conjunction with the roof-top terraces.</li> <li>The Roof plan does not detail any other services or plant.</li> </ul>
<p><b><u>Car Parking and Access</u></b></p> <ul style="list-style-type: none"> <li>Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where</li> </ul>	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>A single crossover is provided.</li> <li>Although construction of the crossover will entail the removal of a street tree, this tree will be removed in any event as a result of works associated with a</li> </ul>

<p>possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback.</p>	<p>future roundabout.</p>
<ul style="list-style-type: none"> <li>Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open space or is appropriately screened, as is necessary.</li> </ul>	<p><b>Not Applicable</b></p> <ul style="list-style-type: none"> <li>The underbuilding car park is not a “basement car park”.</li> <li>In any event, there is no projection forward of the upper walls.</li> </ul>
<ul style="list-style-type: none"> <li>Ensure that where garages are located in the street elevation, they are set back a minimum of 1.0m from the front setback of the dwelling.</li> </ul>	<p><b>Not Applicable</b></p> <ul style="list-style-type: none"> <li>This design requirement relates to single garages and should not be applied to this proposal.</li> <li>The central security door to the underbuilding parking will ensure that the garage rows are not visible from the street.</li> </ul>
<ul style="list-style-type: none"> <li>Ensure that access gradients of basement carparks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements.</li> </ul>	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>The underbuilding car park is not a “basement car park”.</li> <li>Nonetheless, the indicated driveway levels should provide safe access in compliance with the design standards of Clause 52.06 Car parking (subject to final scrutiny by Council's traffic engineer – see referral comments).</li> </ul>
<p><b><u>Landscaping</u></b></p> <ul style="list-style-type: none"> <li>On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at maturity.</li> <li>On sites where one or two storey development is proposed include at least 1 canopy tree within the front setback, which has a spreading crown, and is capable of growing to a height of 8.0m or more at maturity.</li> </ul>	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>There is scope to plant three canopy trees within the front setback.</li> <li>Planting strips are provided along the side boundaries and there is scope to plant establish rows of screen shrubs, with intermittent medium sized tree planting.</li> <li>General landscaping provision across the site is discussed in more detail within the Clause 55 assessment.</li> </ul>
<ul style="list-style-type: none"> <li>Provide opportunities for planting alongside boundaries in areas that</li> </ul>	<p><b>Met in part</b></p> <ul style="list-style-type: none"> <li>Planting strips are provided along the</li> </ul>



<p>assist in breaking up the length of continuous built form and/or soften the appearance of the built form.</p>	<p>side boundaries and there is scope to plant establish rows of screen shrubs, with intermittent medium sized tree planting.</p> <ul style="list-style-type: none"> <li>Planting opportunities at the rear of the building are limited due to the extent of paving and retaining wall construction.</li> </ul>
<p><b><u>Fencing</u></b></p> <ul style="list-style-type: none"> <li>A front fence must be at least 50 per cent transparent.</li> <li>On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn and Mitcham Roads, a fence must:             <ul style="list-style-type: none"> <li>not exceed a maximum height of 1.8m</li> <li>be setback a minimum of 1.0m from the front title boundary and a continuous landscaping treatment within the 1.0m setback must be provided.</li> </ul> </li> </ul>	<p><b>Not Met</b></p> <ul style="list-style-type: none"> <li>The proposed fence design does not provide for 50% transparency.</li> <li>This is not necessarily a design concern, given the limited height of the proposed fence.</li> <li>The issue of front fence design is discussed in more detail, as part of the Clause 55 assessment.</li> </ul>

6.25 Having regard to the above assessment against the requirements of Schedule 8 to the Design and Development Overlay, it is considered that, on balance, the proposed design fails to provide a suitable design response within the subject streetscape.

6.26 Being a relatively prominent, in-fill site at the head of a “T” intersection, the site demands a high standard of architecture. It is considered that this has not been provided and if constructed in the proposed form, the building would present as incongruous and excessively large.

6.27 It is considered that for a building of this type to “work” successfully on this land, the dwelling yield would need to be reduced. A third storey may be acceptable, but any building footprint on this level would need to be far more recessive from the outer walls of the lower floor and offer more than “plain box” design elements. Upper, roof-top terraces would also need to be removed or designed to present less dominant screening elements.

**Clause 52.06 Car Parking**

6.28 Prior to a new use commencing or a new building being occupied, Clause 52.06-2 requires that the number of car parking spaces outlined at Clause 52.06-6 to be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the Responsible Authority.

6.29 This clause requires resident car parking at a rate of one space for each dwelling with one or two bedrooms and two spaces for each dwelling with three or more bedrooms.

- 6.30 Visitor car parking is required at a rate of one car parking space for every 5 dwellings.
- 6.31 In terms of provision, the proposal complies with the number of resident and visitor car parking spaces required by the Planning Scheme.
- 6.32 The following table provides an assessment of the proposal against the seven (7) design standards at Clause 52.06-8:

Design Standard	Met/Not Met
1 - Accessways	<p><b>Met.</b></p> <p>The driveway access is of an appropriate width and a suitable visibility splay for egressing vehicles can be achieved.</p> <p>Sufficient headroom is provided for underbuilding vehicular circulation.</p>
2 – Car Parking Spaces	<p><b>Not Met.</b></p> <p>The internal dimensions of the garages and the size of the visitor parking spaces are satisfactory.</p> <p>The reversing distance between opposite garage openings is 5.8m which is 600mm less than the standard requirement of 6.4m. This reduced distance is considered to be quite restrictive and likely to result in inconvenience for persons using garages, especially if there are two cars parked inside and larger vehicles are utilised.</p> <p>With this reduced distance, it is inevitable that cars will occasionally be reversed into the opposite garage door or column sections.</p> <p>Turning circles and comments provided by the applicant’s Traffic Consultant indicate that vehicular access will be constrained but “workable” in a forward direction, but it would be easier to reverse into the garages.</p> <p>Overall, it is considered that a 5.8m separation between opposite garage doors is insufficient to allow ease of movement for larger vehicles, especially cars which may have a wider turning circle.</p> <p>Furthermore, it is considered that the garage of Dwelling 1 will be difficult to use due to the sharp turn required from the front entry and obstruction caused by the central intercom installation. It is considered that there should be a greater level of separation between the main opening and the door of this garage and perhaps an alternative intercom arrangement.</p>
3 - Gradients	<p><b>Met (subject to confirmation of final level detailing)</b></p> <p>Council officers supplied the applicant with construction plan details for the proposed roundabout, in order for a</p>

	<p>crossover/driveway connection to be designed. With a sloping section of nature strip in this location and a step up to the front of the site due to the higher front yard, it was vital for correct levels to be properly established.</p> <p>Several versions of finished levels were supplied to Council prior to plans being advertised. At one point, plan levels translated to an untrafficable crossover slope of 1:3 between the footpath and the frontage.</p> <p>The applicant’s current designer had to match two different sets of height datum through a process of calculation. Council engineers have not verified whether these calculations are correct and have indicated that further plan detailing would be required at the approval stage.</p> <p>On face value, access grades and transitions appear to be generally satisfactory (based on the levels provided). Some degree of caution, is however warranted by the prevalence of plan errors.</p> <p>Further details would also be required in relation to the transitioning to garage openings.</p>
<p>4 – Mechanical Parking</p>	<p><b>Not applicable.</b></p>
<p>5 – Urban Design</p>	<p><b>Not Met</b></p> <p>The front wall of the building will screen the parking area from the street and there is potential for landscaping in front of the two wall sections.</p> <p>It is considered that the central opening to the underbuilding garages is potentially a dominating visual element due to its “focal point” position and the fact that it is slightly higher than the front footpath level. The approach driveway is also wide, straight and edged by retaining walls, thus further emphasising the door.</p> <p>It is, however, recognised that the row design of this proposal does not allow for the options that would occur with say a basement car park, whereby the opening would generally be at the lower end of the frontage and sunken partially below footpath level.</p> <p>In this case, it is considered that a better streetscape result could be achieved if the door had been recessed back under the building to achieve some “shadow depth” to the opening. This would, however, have impacts on garage layout and hence, the dwellings above.</p> <p>The actual garages will not be visually obvious from the</p>

	street and the southern walls of the southernmost garages are provided with windows which match with upper windows.
6 – Safety	<p><b>Met</b></p> <p>There will be little pedestrian movement within the garage access aisle, with most activity being limited to residents walking to and from the rubbish storage area. Visitors who enter the area will have easy access to the side paths.</p> <p>There is no likelihood of pedestrian/vehicular conflicts.</p> <p>The area will be lit at night and will receive varying degrees of natural light during the day.</p>
7 – Landscaping	<p><b>Not Applicable</b></p> <p>This design standard relates mainly to open car parks where there is a need for landscaping and water sensitive urban design.</p> <p>Some issues regarding the treatment of levels and fencing within the front setback are raised in other sections.</p>

- 6.33 It follows from the above assessment that the proposal has some shortcomings relating to the parking layout. It could be concluded that convenient parking access (at a wider dimension) may have been “sacrificed” to achieve ground level bedrooms.
- 6.34 Had these rooms been limited to smaller studies, with options for some “built-in” storage (rather than inconvenient overhead storage shelves in the garages), it would have been possible to provide the normally adopted reversing distance between the opposite garages and more “pedestrian friendly” garages (no obstructions).

**Clause 55 Two or More Dwellings on a Lot**

- 6.35 This clause sets out a range of objectives which must be met. Each objective is supported by standards which should be met. If an alternative design solution to the relevant standard meets the objective, the alternative may be considered.
- 6.36 The following table sets out the level of compliance with the objectives of this clause:

OBJECTIVE	OBJECTIVE MET/NOT MET
<p><b>55.02-1 – Neighbourhood Character</b></p> <p>To ensure that the design respects the existing neighbourhood character or contributes to a preferred</p>	<p><b>Not Met</b></p> <p>As outlined in the assessment of the proposal against the policy requirements of the Schedule 8 to the Design and Development Overlay (DD08), it is considered that the proposed development on balance, fails to contribute to the preferred neighbourhood character and does not adequately</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>neighbourhood character.</p> <p>To ensure that development responds to the features of the site and the surrounding area.</p>	<p>respect the surrounds, particularly the Beverley Street streetscape.</p>
<p><b>55.02-2 – Residential Policy</b></p> <p>To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</p> <p>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p>	<p><b>Not Met</b></p> <p>The application was accompanied by a written statement that explained how, in the view of the permit applicant, the development accords with State, Local and Council policy.</p> <p>Council’s assessment has concluded that whilst a preferred neighbourhood character contemplates higher densities with this substantial level of change area, the proposal has not satisfactorily accommodated a number of the local planning policy requirements with respect to addressing external amenity impacts.</p>
<p><b>55.02-3 – Dwelling Diversity</b></p> <p>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p><b>Not Met</b></p> <p>This Objective applies to the proposal, as more than ten dwellings are proposed.</p> <p>There is some limited variation in dwelling size, but all dwellings are to contain three bedrooms and will be at three levels.</p> <p>There are, however, internal set out and open space variations between the dwellings in either row.</p>
<p><b>55.02-4 – Infrastructure</b></p> <p>To ensure development is provided with appropriate utility services and infrastructure.</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p>	<p><b>Met</b></p> <p>The site has access to all services.</p> <p>In the event of an approval, the applicant will be required to provide an on-site stormwater detention system to alleviate pressure on the drainage system.</p> <p>There is no evidence of service capacity issues in this location.</p>
<p><b>55.02-5 – Integration With Street</b></p>	<p><b>Met</b></p> <p>The proposed development provides appropriate</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
To integrate the layout of development with the street.	<p>pedestrian and vehicular links with the frontage/street.</p> <p>The fact that two dwelling entries will face the street is a positive design feature.</p>
<p><b>55.03-1 – Street Setback</b></p> <p>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	<p><b>Met</b></p> <p>As there is no setback distance within the schedule to this zone, the required minimum setback under Standard B6 of Clause 55.03-1 is 5.8m (an average of the front setbacks of adjacent dwellings).</p> <p>Other newer developments assessed under the DDO8 provisions would generally be set back 6.0m.</p> <p>The proposed minimum setback of 5.98m is therefore satisfactory. The wide front wall of the building will, however, have no stepping, so this setback will be maintained.</p>
<p><b>55.03-2 – Building Height</b></p> <p>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p>	<p><b>Not Met</b></p> <p>Standard B7 requires that the maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.</p> <p>In this case, it is the overlay that is relevant, with a maximum height of 10.0m being specified (having regard to the site's slope).</p> <p>While the overall building height (measured to NGL) is less than the 10.0m, It is apparent that the three-storey built form conflicts with the preferred two-storey form for townhouses, expressed in the overlay provisions. The proposal does not therefore respond appropriately to either the existing or proposed neighbourhood character, both of which were considered as part of Amendment C96.</p>
<p><b>55.03-3 – Site Coverage</b></p> <p>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of</p>	<p><b>Not Met</b></p> <p>There is no maximum site coverage specified in the schedule to the General Residential Zone, so on this basis, Standard B8 recommends a maximum site coverage of 60%. This figure is in line with the maximum site coverage recommended by a design</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>the site.</p>	<p>standard of the Overlay.</p> <p>As an overview, all multi-unit housing in the immediate neighbourhood would have a site coverage which is lower than this figure. This is by way of the fact that dwelling density is much lower (on a comparative site area basis) and there are typically, driveways extending to rear of properties, as well as ground level secluded private open space.</p> <p>With an indicated site coverage of 65.63%, the proposal clearly exceeds the recommended maximum, with much of the area not covered by building being characterised by hard standing (paths, visitor parking/vehicular access).</p> <p>This figure is considered to be excessive in this “local street” location, especially given the fact that the existing housing fabric of the street is unlikely to change significantly (to higher density development) in the future.</p> <p>The proposed building also exhibits a bulky and dominating architectural character and there are limited landscaping opportunities especially along the rear of the site.</p> <p>On this basis, the Objective is not met.</p>
<p><b>55.03-4 – Permeability</b></p> <p>To reduce the impact of increased stormwater run-off on the drainage system.</p> <p>To facilitate on-site stormwater infiltration.</p>	<p><b>Met (with condition)</b></p> <p>In the event of an approval, a condition would require the installation of an on-site stormwater condition to reduce the impact of increased stormwater run-off.</p> <p>The proposal has 32% of site area as a pervious surface which is greater than the 20% minimum amount recommended by the relevant Standard.</p> <p>All of the pedestrian paths and the visitor parking spaces are shown as “permeable paving”, so these areas have not been deemed by the applicant to be impervious.</p>
<p><b>55.03-5 – Energy Efficiency</b></p> <p>To achieve and protect energy efficient dwellings.</p> <p>To ensure the orientation and layout of development reduce</p>	<p><b>Met in part</b></p> <p>The proposed dwellings will be required to comply with State Government required energy ratings at the Building Permit stage.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>fossil fuel energy use and make appropriate use of daylight and solar energy.</p>	<p>It is considered that the building will be relatively efficient from a thermal mass perspective, however, there are likely to be poor outcomes in respect of cross-ventilation to those bedrooms on the Ground floor, especially as they will rely on awning windows.</p> <p>In addition, cross ventilation will be lacking in respect of the First floor “back” bedrooms which rely on ventilation from doors and small windows in the light courts.</p> <p>Persons using these bedrooms may also be reluctant to leave sliding doors open to the light court due to the proximity of a similar opposite bedroom door of the neighbouring dwelling (the only separation being a timber paling fence between the adjacent courts).</p> <p>The flat roof design would provide opportunities for solar water heating and/or energy generation, but plans do not indicate any such provision and proposed roof-top terraces on the eastern module will largely prevent such installations.</p>
<p><b>55.03-6 – Open Space</b> To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</p>	<p><b>Not applicable</b> There is no communal open space provided and no public open space adjacent to the site.</p>
<p><b>55.03-7 – Safety</b> To ensure the layout of development provides for the safety and security of residents and property.</p>	<p><b>Met subject to a condition on any planning approval</b> Access to the underbuilding parking area and the side pedestrian paths will be controlled by way of a security door and gates. The side security gates would need to be linked to an intercom system to each dwelling, otherwise anyone could walk along the side paths and enter the underbuilding area from the rear.</p> <p>Each front entry door is provided with side glazing panels to allow observation of the front landing.</p>
<p><b>55.03-8 – Landscaping</b> To encourage development</p>	<p><b>Not Met</b> It is considered that only the first and third Objectives relate to this site and development</p>



OBJECTIVE	OBJECTIVE MET/NOT MET
<p>that respects the landscape character of the neighbourhood.</p> <p>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</p> <p>To provide appropriate landscaping.</p> <p>To encourage the retention of mature vegetation on the site.</p>	<p>proposal.</p> <p>It is recognised that a development of this nature will require the clearing of the whole site to achieve the necessary level adjustments and to provide construction access during the building process. This is not an issue, as there is no significant vegetation.</p> <p>Such work may impact on trees within neighbouring yards to the north and because of this, the applicant was required to provide an Arborist's Report.</p> <p>In terms of landscaping opportunities, it is considered that with some adjustment to finished levels and fencing within the front setback, there is adequate space to provide a basic landscaping outcome, including the installation of some canopy trees.</p> <p>The potential to achieve a high quality overall presentation will, however, be lessened by the wide central driveway which will bisect the areas of planting. The proposed "fencing off" of private yard areas within the front setback will also reduce the opportunity for a dense planting treatment across the front of the building.</p> <p>As the proposed landscape treatment shown on the AD Design Plan (provided with the application) incorporates a substantial area of grass within the frontage area, it is considered that this design would not provide a suitable or effective landscape result in front of such a prominent, wide building.</p> <p>Another factor to take into consideration is the placement of the stormwater detention system, as a location within the front setback (other than under the driveway) would further limit planting opportunities.</p> <p>The linear side areas provided for landscaping are of uniform width. The proposed landscaping plan proposes some small shrubs along the paths with a wide spacing of deciduous trees (Ornamental Pears). However, the stairs and porches required to access the eastern side entries reduce the available space for landscaping along the building interface.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>This approach will offer very limited side screening to immediate neighbours and the use of larger screen shrubs and a greater density of trees would be appropriate. Had the building been provided with a central “indentation” on either side, much more effective screen planting could have been incorporated within the wider sections.</p> <p>The landscaping along the sides of the building would be strengthened through conditions, if the application was to be approved.</p> <p>Proposed planting across the rear of the site is essentially a row of common Lilly Pillies. The indicated variety has the potential to grow to a height of 15.0m, with a wide spread, if not cut back. However, the species responds to pruning and can be used as a high hedge (with obvious maintenance implications).</p> <p>It is considered that these trees will not grow particularly well within the shadow and root zone of the neighbouring conifers at 54 Franklin Road and there is insufficient space available for such trees where the peripheral planting strip narrows substantially over the western half of the rear boundary.</p> <p>It is agreed that the installation of a vigorous screen trees across the rear boundary is advisable, but such trees should be allowed to develop without impacting on the boundary fence or requiring constant trimming to maintain path access to the bin area. On this basis, it is considered that insufficient width is provided for planting development across the rear boundary.</p> <p>The Arborist’s report indicates that the proposal needs to be modified so as to greatly reduce the impact of the development on the conifers located at the rear of 54 Franklin Road. As the advertised plan shows quite deep cutting and wall/path and stair construction within the critical root zones of these trees, it is apparent that the advice provided by the applicant’s own consultant has not been followed.</p> <p>These issues strengthen the conclusion that the building is too large and in particular, too close to</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	the rear boundary (allowing for the pedestrian access requirements and bin enclosure across the rear of the building).
<p><b>55.03-9 – Access</b></p> <p>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</p>	<p><b>Met subject to conditions on any planning approval</b></p> <p>The position of the proposed crossover/driveway is considered to be satisfactory from a traffic engineering perspective and will allow two-way traffic movement (see referral comments in Section 8.2).</p> <p>Two redundant crossovers would be removed and the nature strip reinstated.</p>
<p><b>55.03-10 – Parking Location</b></p> <p>To provide convenient parking for resident and visitor vehicles.</p> <p>To avoid parking and traffic difficulties in the development and the neighbourhood.</p> <p>To protect residents from vehicular noise within developments.</p>	<p><b>Not Met (Second Objective)</b></p> <p>On the basis that a more appropriate aisle width was achievable, the proposal would provide convenient parking for residents, especially as there is direct access into each dwelling from the garage. As proposed, there would be parking difficulties resulting from the inadequate separation distance between the garage rows.</p> <p>Visitor parking is easily accessible. Although the two visitor spaces are not readily visible from the approach, signposting would overcome this issue. Most visitors would also be advised where to park by residents.</p> <p>Vehicular noise transfer from the parking level to the Ground floor is not anticipated to be an issue of concern.</p>
<p><b>55.04-1 – Side And Rear Setbacks</b></p> <p>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p><b>Met in part</b></p> <p>As there is no minimum distance specified in the schedule to the zone, Standard B17 provides a method of determining the minimum wall setbacks from the rear or side boundaries. Such setbacks are not particularly generous and do not in all circumstances provide sufficient separation distance to ensure that existing amenity is not adversely affected. Increasingly, however, the distances specified by the Standard have become the “norm” for designers to follow.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>In this case there is comfortable compliance with the wall height/setback standard on the western side of the building. Wall heights (to NGL) are also reduced due to cutting and because there is no sub-floor element at the southern end.</p> <p>The upper floor walls are also setback 5.62m as compared to 5.28m on the eastern side.</p> <p>It is considered, however, that the extent of balcony projection on this side is excessive. The result is five fully screened, First floor balconies located between 1.618m-1.625m from the western boundary.</p> <p>This is considered to provide an inadequate setback from a general amenity perspective, as the projecting built form will tend to “crowd” the adjacent property.</p> <p>On the eastern side of the building, the external walls are higher than on the western side, especially when the “back” walls of the roof-top stairways are factored in. Although the wall heights comply (and slightly exceed) the minimum requirements, it is considered that the combination of wall height and high balcony screens set to the outer edge will have an imposing and unresponsive impact in this streetscape and when viewed from the adjoining property.</p> <p>The rear setbacks clearly exceed the minimum requirements at each level.</p>
<p><b>55.04-2 – Walls On Boundaries</b></p> <p>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p><b>Not applicable</b></p> <p>There are no building walls built to boundaries.</p>
<p><b>55.04-3 – Daylight To Existing Windows</b></p> <p>To allow adequate daylight into existing habitable room</p>	<p><b>Met</b></p> <p>Standard B19 sets out certain minimum requirements for daylighting. These are easily met,</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
windows.	as there are no existing habitable room windows within close proximity to the site boundaries.
<p><b>55.04-4 – North Facing Windows</b></p> <p>To allow adequate solar access to existing north-facing habitable room windows.</p>	<p><b>Met</b></p> <p>There are no existing north-facing habitable room windows near the site and hence, there can be no adverse solar access impacts.</p>
<p><b>55.04-5 – Overshadowing Open Space</b></p> <p>To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p><b>Met</b></p> <p>As demonstrated by the submitted shadow diagrams, at the control period (September Equinox), there will not be any unreasonable overshadowing of adjoining properties to the east and west.</p> <p>Because of the north/south orientation of the site, off-site shadow impacts will be largely limited to early morning and late afternoon periods, with shadow predominantly covering driveway areas and not impacting on secluded private open space.</p> <p>On this basis, both Standard B21 and the Objective are met.</p>
<p><b>55.04-6 – Overlooking</b></p> <p>To limit views into existing secluded private open space and habitable room windows.</p>	<p><b>Met subject to a condition on any planning approval</b></p> <p>The applicant's planning report indicates the use of a <i>"fixed shelf detail to prevent downward views"</i> from upper level balconies (with a purpose to allow more distant views without screen enclosure). This statement is incorrect.</p> <p>On the plans, every balcony or roof-top terrace is provided with external screening to a height of 1.7m. Habitable room windows with the potential for overlooking are provided with fixed obscure glass up to a height of 1.7m.</p> <p>The design of the aluminium privacy screens to be mounted above the obscure glazed balustrades has not been detailed, other than to indicate a transparency level of 30%.</p> <p>Such screens tend to be constructed with either horizontal slats (spaced) or angled louvres which prevent downward views. The extent of "transparency" can therefore vary depending on the</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>adopted design.</p> <p>While Standard B22 recommends a maximum transparency of 25% in respect of <i>“perforated panels or trellis”</i>, this figure would not relate to a louvre system, but could be reasonably applied to a horizontal slat system.</p> <p>In the event of an approval, a condition outlining suitable performance requirements could be included. The lesser transparency rate of 25% would be appropriate for a slat system.</p> <p>North-facing habitable room windows are to be screened to a height of 1.7m above floor level (fixed glazing), as are the various First floor habitable room windows on the western side of the building.</p> <p>Second floor habitable room windows on the western side of the building do not appear to be screened (vague detailing of “Juliet balcony”). There are considered to be no significant overlooking issues associated with these six windows, as they are set back from a parapet and only serve a minor lounge space.</p>
<p><b>55.04-7 – Internal Views</b></p> <p>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</p>	<p><b>Met</b></p> <p>Appropriate levels of internal privacy are provided in respect of secluded private open space within the proposed development.</p> <p>However, the placement of Ground floor bedroom windows along the side walls and quite close to the communal access pathways is not ideal, as occupants would most likely feel inclined to keep the windows screened and closed for security reasons. The provision of planting between the path and the windows may assist to some extent.</p>
<p><b>55.04-8 – Noise Impacts</b></p> <p>To contain noise sources in developments that may affect existing dwellings.</p> <p>To protect residents from external noise.</p>	<p><b>Met</b></p> <p>Noise associated with vehicular movements to and from the garages and associated door use is not likely to generate any unreasonable noise impacts.</p> <p>The only source of mechanical noise is likely to be from domestic air conditioners, if they are installed. Such units would need to comply with relevant Australian Standards in terms of noise output. Plan details showing the location of plant can be required as a condition of any planning approval.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>The use of the balconies and roof-top terraces for normal recreational purposes is unlikely to be the source of unreasonable noise disturbance to neighbours, provided normal behavioural protocols are followed.</p> <p>Any abnormal noise would also affect persons residing within the subject building and would be a matter for the Owners' Corporation to address.</p>
<p><b>55.05-1 – Accessibility</b></p> <p>To encourage the consideration of the needs of people with limited mobility in the design of developments.</p>	<p><b>Met</b></p> <p>The related standard clarifies that to meet this objective-</p> <p><i>“The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.”</i></p> <p>Notwithstanding the mild language of the objective <i>“to encourage consideration”</i>, it is evident that when read together with Standard B25, this clause of the planning scheme requires designers to consider how a dwelling can be or may be, made accessible for those of limited mobility. It does not require disabled access which is in the realm of the building code. Nor does it specifically require the dwellings to be made accessible at the time of first development, only that access to the ground floor may be easily made accessible.</p> <p>The majority of dwellings have front access doors that are either accessible or could be made accessible for persons with limited mobility.</p> <p>The nature of the townhouses (with multiple internal stairways) would of course make them unsuitable for occupation by a person of limited mobility, unless electric stair-chairs were installed.</p>
<p><b>55.05-2 – Dwelling entry</b></p> <p>To provide each dwelling or residential building with its own sense of identity.</p>	<p><b>Not Met.</b></p> <p>The entries to the two front dwellings are easily identifiable. Visually, the path approach to Dwelling 7's porch could be improved by raising the yard level and thus having less steps at the porch.</p> <p>The use of side access paths to dwelling entries located along the side walls of townhouse</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>developments such as this is common. A well lit path and suitable landscaping are, however, prerequisites to “comfortable” pedestrian access. These can be provided.</p> <p>A sense of personal address and the provision of shelter are also relevant design issues. With side entry doors being “flush” to the external wall and a total of six entries having no weather protection, it is considered that the overall result is poor. In addition, there is no privacy separation between the adjacent porches on the eastern side of the building.</p> <p>On this basis, the Objective has not been met.</p>
<p><b>55.05-3 – Daylight to new windows</b></p> <p>To allow adequate daylight into new habitable room windows.</p>	<p><b>Not Met</b></p> <p>Each external habitable room window within the proposed dwellings will receive an adequate level of daylight.</p> <p>There are, however, eight bedrooms that rely entirely on daylight from central lightcourts. Standard B27 requires a lightcourt of not less than 3.0m<sup>2</sup>. Although each court for the individual dwellings is less than 3.0m<sup>2</sup> in area, the combined area of the two abutting courts will exceed this requirement. Nonetheless, the combined areas of adjacent light courts is considered to be still quite limited. For instance a similar townhouse development at 282-284 Manningham Road provides individual lightcourts of 6.23m<sup>2</sup> (to kitchens).</p> <p>Given the affected bedrooms within Dwellings 8-11 will function as the “main” bedroom, the reliance on only a small lightcourt for daylight is a poor design response.</p>
<p><b>55.05-4 – Private open space</b></p> <p>To provide adequate private open space for the reasonable recreation and service needs of residents.</p>	<p><b>Not Met</b></p> <p>Standard B28 provides a range of open space options for multi-unit development. These include ground level private open space, balconies or a roof-top terrace. Attached townhouse developments can be designed with ground level open space at the side of each dwelling, but this design approach usually requires any under-building parking level to be in the form of a basement (so as to allow direct connection to the</p>



OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>external areas from the Ground floor).</p> <p>As the applicant has opted not to sink the parking level into the ground (to any significant degree) this option is not available, hence any secluded private open space must be elevated.</p> <p>In respect of Dwellings 1-6 on the western side, each has an 8.0m<sup>2</sup> balcony which is the minimum size under the Standard (each is accessible from a living space).</p> <p>The proportions of these balconies are satisfactory, but the overall amenity is reduced due to the full enclosure of the spaces and in the case of four balconies by the full attachment to another balcony.</p> <p>In the case of Dwelling 2 and 4, access to the balcony is via a sliding door located at the top of a stair to the lower floor. This is not an ideal arrangement in terms of safety.</p> <p>In respect of Dwellings 7 to 12 on the eastern side, the main area of secluded open space is provided by a roof-top terrace which is accessed from the lower living room via stairs and a hatch. This arrangement is not as convenient as walking out to a balcony.</p> <p>Narrow “planters” shown around the perimeter of the roof-top terraces are to be placed in front of glass balustrading which is a peculiar design approach.</p> <p>The row of Second floor balconies on the western side are accessible from living space, but are fully screened with only minimal (1.0m) separation provided in two locations.</p>
<p><b>55.05-5 – Solar access to open space</b></p> <p>To allow solar access into the secluded private open space of new dwellings and residential buildings.</p>	<p><b>Met</b></p> <p>It is considered that acceptable levels of solar access would be achieved to the various balcony and roof-top open space areas. Being on the southern side of the building, the two front yards which are proposed would not receive much sunlight throughout the year, however, this is not seen as a concern due to the fact that these spaces are not private/secluded and are unlikely to attract much use by occupants.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p><b>55.05-6 – Storage</b></p> <p>To provide adequate storage facilities for each dwelling.</p>	<p><b>Not Met</b></p> <p>The “above-bonnet” storage facilities do not provide for the recommended minimum volume of 6.0m<sup>3</sup> and are considered to represent a poor storage option for these large dwellings.</p> <p>The lengths of the storage racks are such that they would obstruct pedestrian access to and from the internal doorway when two cars are parked in the garage (drivers would have to walk to the rear of cars and then move along a side and front wall to access to the door).</p> <p>Another issue is that cars would have to be reversed and parked partially in the access aisle, so as to gain access to stored items.</p> <p>The Applicant’s traffic consultant has also indicated that it would be easier for residents to reverse into some garages, but the lockers would prevent some cars (with a back door) from fitting underneath.</p> <p>A better option would have been to provide a recessed area at ground level adjacent to the parking area.</p>
<p><b>55.06-1 – Design Detail</b></p> <p>To encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p><b>Not Met</b></p> <p>The following Decision Guidelines are required to be considered by Council-</p> <ul style="list-style-type: none"> <li>• Any relevant neighbourhood character objective, policy or statement set out in this scheme.</li> <li>• The design response.</li> <li>• The effect on the visual bulk of the building and whether this is acceptable in the neighbourhood setting.</li> <li>• Whether the design is innovative and of a high architectural standard.</li> </ul> <p>The proposed design is predicated on two modules with a distinct “break” between at the upper level. The side walls are long and basically “unbroken”.</p> <p>Being of a contemporary design and with no roof projection, the design will clearly contrast with the typical built form of this street and nearby streets.</p> <p>However, contrast is not necessarily a bad thing in terms of multi-unit presentation, provided the</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>design is executed in such a manner as to achieve a high standard of architecture and with appropriate response elements incorporated.</p> <p>The visual prominence of the existing house on the site and its significant visual exposure from along Milan Street demonstrate the impact a large, high building can have in this location.</p> <p>For a contemporary building design to “work” on this prominent site, it should be of such an architectural standard, as to make it a benchmark of good design.</p> <p>It is considered that the proposal does not come close to “making the grade” and presents as a building which is aimed more at maximising dwelling yield/floor size, rather than one which has been crafted to a high architectural standard.</p> <p>With a Council policy statement encouraging the use of two-storey built form and with a predominance of local buildings at this scale, the fact that the applicant has opted to pursue a three-storey built form immediately creates some “tension”. The applicant’s design philosophy seems to have been, if the overall height is in compliance, then the number of storeys should not be an issue.</p> <p>In this case, the incorporation of a third storey is certainly a planning issue and in the context of assessing “visual bulk” in the “neighbourhood setting” is of considerable relevance.</p> <p>The visual impact of the third storey is particularly noticeable across the front of the building. As can be seen from the front wall setback figures of the three floors, there is virtually no variation between the floors (refer to Paragraph 2.42). The result will be sheer three-storey presentation over the two module sections.</p> <p>Ground Floor articulation is provided mainly by two porch elements which project into the front setback and some quite shallow framing features which extend to the second floor.</p> <p>The upper floor walls are plain and “boxey”.</p> <p>The result will not be a good one in this local street. With the local planning policy aim of two-storey built form, it is unacceptable that no attempt was made to at least make the upper floor more</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>recessive/attractive and hence, less visually dominating from the street.</p> <p>A much more sympathetic design in this particular streetscape could have utilised the allowable building height to achieve a raked roof line with deep eave elements, for instance. Potentially, this would have reduced contrast caused by the “flat top” appearance of the proposed building.</p> <p>Another observation in respect of the front elevation is the fact that there has been no attempt to “lighten” its form and increase visual interest through the incorporation of recessed First floor balconies. Clearly, a design opportunity presented itself here, but was not taken up due to the impact on internal space. Such an approach would have also opened up views to the south for future residents and created more synergy with the street.</p> <p>The side elevations depict quite long, straight walls with some stepping up to the rear. This stepping helps to create a level design interest, but the overall form is very “solid” and linear. The presentation would have benefited from some deep recessing/stepping and a spatial break at any third level, but the rigid adherence to similar floor plans has prevented this.</p> <p>The western elevation is considered to be “superior” to the eastern elevation, as it provides a greater degree of articulation through the use of balconies. Although, these balconies are partially recessed into the floor space of the respective dwellings, they nonetheless, project quite close to the side boundary. With side boundary setbacks of between 1.618m and 1.63m and with full screening to a height of 1.7m , it is considered that these elements have too much projection beyond the main wall and will be quite obtrusive to the neighbours on this side.</p> <p>On the eastern side, there will be little articulation on the Ground Floor apart from shallow “framing” elements which provide minimal projection (8.5mm) to dwelling entries. At the Second Floor, the extent of stepping is limited to 415mm over three sections. This is considered to be inconsequential and of little design benefit over a wall length of 33.5m.</p> <p>At the upper floor, three elongated pairs of balconies extend over almost the full length of this wall, with only 1.0m spacings provided between.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>With screening provided to a height of 1.7m to the sides and outer edges and with only marginal stepping back from the lower floor, these design elements will be quite bulky and visually dominating.</p> <p>In terms of the rear elevation, it is considered that this presentation to the secluded private open space of neighbouring homes will be quite dominating and is not a good design response.</p> <p>The First floor wall is quite long and lacks articulation or material variation, while the use of dark colour to the upper wall and the lack of stepping back will create a very “heavy” design presence which will tend to “crowd” the adjoining back yards. As with other elevations, the height and proximity of the high screening to the roof-top space will be highly visible from the rear.</p> <p>It is also noted that not one of the habitable room windows within this northern elevation is provided with any form of solar protection from impacts of the Summer sun.</p> <p>Overall window design and proportions are considered to be appropriate.</p> <p>In terms of the general finishes, although a dark grey colour scheme with white contrast is a relatively popular choice for multi-unit housing at present, it is considered that this scheme will not “sit well” in this streetscape. The dark colour is not responsive to the more earthy tones depicted by the predominantly face brick finishes of nearby townhouses and will tend to emphasise the excessive bulk and height of the building.</p> <p>The proposed use of slatted sight screens above glass balustrading is considered to be a peculiar design feature which will not present all that well. The use of the more solid and darker element at the upper part will also draw attention to the roof-top screens and further emphasise the height of this building.</p> <p>Several front perspectives of the building show the extent of which the Southernmost balustrade/screening system will be visible from the street and this is considered to demonstrate just how inappropriate these elements would be.</p> <p>Internally, there are considered to be some odd design features. What could be described as the</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>“best” bedrooms in Dwellings 7-12 (in terms of size and storage) are “inboard” and rely on light and ventilation from constrained light courts (with clotheslines erected within). These bedrooms do not have exclusive use of a bathroom and would share their facilities with the other bedroom on this floor. With a sliding door to bathrooms adjacent to the Bedroom 1 door, a certain degree of coordination would be required.</p> <p>In addition, the single First floor bedrooms within Dwellings 1-6 have access to a shared toilet, but no shower/bath facilities on this floor.</p> <p>The front porches of Dwellings 1 and 7 each have a semi-enclosed “dead” space at one end which may attract general storage. This outcome would not be attractive from the side communal paths.</p> <p>Comment has been made in the Clause 52.06 Car parking assessment regarding the central door opening to the parking area. As stated, it would be beneficial to step this door back from the front wall, so as to reduce its visual dominance from the street.</p>
<p><b>55.06-2 – Front Fences</b></p> <p>To encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p><b>Not Met</b></p> <p>The front of the site is to be defined by a brick pier/timber slat fence and what is assumed to be a rendered masonry retaining wall. The slat sections will extend to the ground.</p> <p>The proposed design could be made more responsive to the streetscape by utilising a solid wall section as a base element and by incorporating vertical metal slats or rails, rather than horizontal timber slats.</p> <p>Improvement could also be made by reducing the yard size of Dwelling 1 to that of Dwelling 7 and removing the frontage and driveway fencing to what would best be communal garden space, forward of Dwelling 1’s garage.</p> <p>The use of a wall section (with a retaining function) to the frontage of Dwelling 7’s front yard would also enable this space to be raised to reduce the abruptness of the elevated front porch and the associated set of stairs, while also reducing the grade difference in relation to the retained garden area to the west.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p><b>55.06-3 – Common Property</b></p> <p>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</p> <p>To avoid future management difficulties in areas of common ownership.</p>	<p><b>Met subject to a condition on any planning approval</b></p> <p>The only “communal open space” will be several areas dedicated to lawn or garden planting. These areas will be maintained by a future Owners’ Corporation.</p> <p>The parking aisle, pathways and the rubbish store will also be maintained by the Owners’ Corporation.</p> <p>The only foreseeable difficulty could come from any poor management of the waste storage area which is positioned below and forward of Dwelling 12’s rear balcony.</p> <p>In the event of an approval, a maintenance condition could be applied in relation to this area.</p>
<p><b>55.06-4 – Site Services</b></p> <p>To ensure that site services can be installed and easily maintained.</p> <p>To ensure that site facilities are accessible, adequate and attractive.</p>	<p><b>Met subject to a condition on any planning approval</b></p> <p>The side setbacks will enable convenient installation of services to the individual dwellings.</p> <p>A stormwater detention system will be required and this will be maintained by any future Owners’ Corporation. Allowing for the slope of the land, such a system is likely to be within the lower part of the site. Allowing for the need to achieve a high quality landscaping result across the front of the building, such a system should not be located within the front setback.</p> <p>Details regarding electrical service cabinets and fire services are vague. There is likely to be a requirement for duplication of services for either building row and cabinets would best be positioned, so as not to visually dominate the adjacent paths. The slope/required stairs of the eastern path would also be a design constraint in respect of cabinet installation.</p> <p>The plans show internal hot water units (some fully enclosed and some in wardrobes) which suggest the use of electric units. The Planning Consultant’s report indicates that “solar panels” for electricity and hot water will be provided, but plans do not show such panels. No explanation was provided about the nature of the internal units.</p> <p>The only shared facilities would be letterboxes.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	These are shown facing onto the side paths. Such an arrangement is unlikely to be acceptable to Australia Post (direct "postie" access from the street footpath is the preference).

## 7 CONSULTATION

- 7.1 The application was advertised in October 2015 and 52 objections were received. Details are as follows:

<b>Affected Property</b>
3/15 Beverley Street, Doncaster East
1/27 Beverley Street, Doncaster East
2/27 Beverley Street, Doncaster East
35 Beverley Street, Doncaster East
40 Beverley Street, Doncaster East
41 Beverley Street, Doncaster East (2 objections from this address)
41A Beverley Street, Doncaster East
43 Beverley Street, Doncaster East (6 objections from this address)
2/47 Beverley Street, Doncaster East
47 Beverley Street, Doncaster East
2/48 Beverley Street, Doncaster East
49 Beverley Street, Doncaster East
49A Beverley Street, Doncaster East (2 objections from this address)
1/54 Beverley Street, Doncaster East (2 objections from this address)
1/55 Beverley Street, Doncaster East (2 objections)
55A Beverley Street, Doncaster East
56 Beverley Street, Doncaster East (6 objections from this address)
2/59 Beverley Street, Doncaster East
1/60 Beverley Street, Doncaster East
2/60 Beverley Street, Doncaster East
1/62 Beverley Street, Doncaster East
68 Beverley Street, Doncaster East
70 Beverley Street, Doncaster East
15A Devon Drive, Doncaster East
2/48 Franklin Road, Doncaster East
56 Franklin Road, Doncaster East
57 Franklin Street, Doncaster East
1/59 Franklin Road, Doncaster East (2 objections from this address)
42 Frederick Street, Doncaster (NB. owner has no property interest in



Affected Property
the vicinity of the site)
26 Hamilton Crescent, Doncaster East
104 Leeds Street, Doncaster East
2 Mantell Street, Doncaster East
1/6 Mantell Street, Doncaster East
2/6 Mantell Street, Doncaster East (3 objections from this address)
1/2 Milan Street Doncaster East
43 Morna Road, Doncaster East
5 Robertswood Close, Doncaster East

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

#### **Planning Controls**

- Local planning policy encourages only two-storey development on a site of this size (being less than 1800m<sup>2</sup>);
- The planning scheme wording relating to the desired built form in Sub-precinct A (DDO8-2) should be altered, so as to be more specific regarding what may be constructed (in terms of height/number of storeys) especially in relation sites of less than 1800m<sup>2</sup>;
- The proposed site coverage exceeds 60% and may have been understated;

#### **Response**

- It is recognised that mandatory height limits in this location are not directly linked to a particular number of storeys and there can be differing views expressed regarding what may be a suitable built form (several conflicting VCAT decisions have highlighted this issue);
- Building site coverage does exceed 60% and is considered to be excessive.

#### **“Sense of fit”**

- A three-storey building of this size is out of character with the local housing type and is too high;
- Local buildings have pitched roofs and the proposed flat roof is not compatible;
- Presents more like an apartment building, rather than townhouses;
- The majority of lots in Beverley Street have already been developed for multi-units and this development will be contrary to the prevailing form of multi-units;
- More suited to a location like Doncaster Road where road width helps to negate impact of building height;
- Overdevelopment of the land;

- Fewer dwellings are required to achieve an appropriate design and a suitable landscaping provision;
- Equivalent to 6 dwellings on each lot, when the norm is for less in this locality;
- Building is too bulky when viewed from neighbouring yards and lacks sufficient articulation;

#### Response

- The proposal is considered to be an overdevelopment and there are officer concerns about various design aspects of the building;
- The form of the building is bulky and it is understandable that comparison is made to an apartment building;
- Inadequate wall articulation is a recurring theme in the officer's analysis;
- The use of a "flat" roof type has enabled the designer to achieve a third storey within the mandatory height limit of 10.0m;
- A reduction in dwelling density is most likely called for to achieve a suitable design response.

#### **Traffic/on-street parking**

- Driveway gradients are non-compliant;
- Visitors will park in Beverley Street and add to congestion;
- Will increase traffic flows in Beverley Street and adjacent streets to the detriment of local road safety;
- Increased traffic into an intersection;
- No right turn is allowed from Beverley Street into Blackburn Road;
- Increased on-street parking could make it difficult for emergency and Council service vehicles to access the street;
- On street parking demand will extend into other nearby streets;
- Safety concerns relating to school children and elderly who pass the site;
- Beverley Street is already congested with school traffic at certain times;
- Vehicular access to a future roundabout is inappropriate and will generate issues for service vehicles;
- Contactors will park in the street during construction;
- Rubbish collection truck may block roundabout and general traffic flow.

#### Response

- The proposal complies with the statutory parking requirement;
- Despite the on-site visitor parking, there is likely to be occasional on-street parking generated by the residents of the development, however, such parking is lawful and of no concern in this wide street;

- The traffic generated by the proposal would easily be absorbed into the existing traffic flows, without detriment;
- There are no safety concerns relating to passing pedestrians;
- Council's Traffic Engineer is satisfied with the position and general design of the proposed driveway access;
- Council's Traffic Engineer has not identified any concerns regarding additional traffic flow in local streets or any adverse impacts due to current intersection design;
- Rubbish collection will occur on the site and provided "Mini Loader" trucks exit the site in a forward direction, there would be no adverse impacts on the operation of the proposed roundabout;

#### **Amenity Impacts**

- Increased noise and dust from building activity;
- Domestic noise impacts from multiple air conditioning units which will most likely be on side balconies;
- Possible noise disturbance from persons using side balconies;
- Will have an adverse impact on an adjoining property due to shadowing;
- Will generate unreasonable overlooking of an adjoining property from windows, balconies and roof-top terraces;
- Will be visually dominating to adjoining properties which are at a lesser scale;
- Rubbish collection will cause noise and odour impacts;
- Twenty-four rubbish bins on the nature strip may extend to adjoining frontages;
- Extent of screening to habitable room windows does not satisfy the 25% transparency requirement;
- Loss of views.

#### **Response**

- It is recognised that construction activity can cause disturbance to immediate neighbours and associated complaints are dealt with under the appropriate legislation;
- In the event of an approval, a Construction Management Plan could be required by way of condition;
- Domestic noise associated with the proposed dwellings is not a matter for planning consideration;
- In the event of an approval, any plant equipment would have to be located in accordance with appropriate permit conditions;
- There should be no adverse shadowing impacts (assessment made under Clause 55 provisions);
- The potential for overlooking is minimal (assessment made under Clause 55 assessment);

- Rubbish storage is likely to be via large, four wheeled bins (with lids) and there are unlikely to be any amenity impacts to neighbours;
- Screening details would normally be specified as part of any permit conditions, but it is agreed that 25% transparency would be insufficient for slats;
- There is no “right to a view” in suburban locations such as this and planning arguments based on this issue inevitably fail at VCAT.

**General Issues**

- Driveway gradients and access to car parking spaces do not comply with planning requirements;
- No apparent provision for persons with limited mobility;
- Dwellings have excessive internal stairs resulting in limitations on who may reside in the dwellings;
- Limited dwelling variety;
- Three-storey dwellings are hard to sell due to access constraints;
- Reduction of local property values;
- Existing brick wall to the side boundary should be maintained in order to minimise potential damage to adjoining planting;
- Possible drainage impacts;
- Too many “flats” in an area can cause social issues.

**Response**

- There are considered to be design shortcomings in respect of garage access, but access from the street but working from the levels that have been provided, the access appears to be satisfactory;
- The range of dwelling size is limited, but different floor plans are proposed;
- Stair access over three levels is reasonable and has been supported by Council in respect of other developments. It is up to individuals to decide if this arrangement suits them;
- “Loss of property value” is not a valid planning concern. Of more relevance are the amenity factors that may contribute to the perception;
- The proposed removal of a brick wall on the side boundary is reasonable, as it is to be replaced with new paling fencing;
- Stormwater run-off would largely be directed to an on-site detention system and no off-site drainage impacts have been identified;
- Council policy encourages higher density multi-unit development in this location.

## 8 REFERRALS

- 8.1 There were no external referrals authorities for the application.
- 8.2 The application was referred to a number of Service units within Council and the following table summarises the responses:

Service Unit	Comments
Engineering & Technical Services Unit (Drainage)	<ul style="list-style-type: none"> <li>• Outfall drainage is available.</li> <li>• An on-site stormwater detention system is required.</li> </ul>
Engineering & Technical Services Unit (Vehicle Crossing)	<ul style="list-style-type: none"> <li>• A future roundabout at the intersection of Beverley Street and Milan Street is proposed under the Council's Capital Works Program.</li> <li>• As part of any approved plan for the development, the applicant must refer to Council's finalised construction plans for the roundabout at the intersection of Beverley Street and Milan Street.</li> <li>• Reduced levels (AHD) in these plans require to be referred to amend the subject site's plan including proposed crossover levels and footpath level. Any changes to the footpath in front of the subject site require to be approved by Council's Asset Maintenance division.</li> <li>• The east side of the crossover has a narrow width compared to the west side. Accessway grade to be reviewed in accordance with the crossover levels and foot path levels due to the proposed roundabout at the intersection of Beverley Street and the Milan Street (a detailed longitudinal section at an appropriate scale must be provided).</li> <li>• The proposed accessway serves 26 car spaces. The proposed crossover markings have been revised so that the stopping line for the west - east bound traffic along Beverley Street is not impacted.</li> <li>• Two existing crossovers must be removed at the applicant's expense.</li> <li>• Sight lines at the entry/crossover will be satisfactory.</li> <li>• A replacement street tree should be provided on the nature strip in front of the site.</li> </ul>

Service Unit	Comments
Engineering & Technical Services Unit (Access and Driveway)	<ul style="list-style-type: none"> <li>• Current plans are not drawn to scale.</li> <li>• Two-way access is defined by locating the intercom system in the middle of the accessway within 5.0m from the street frontage.</li> <li>• Vehicle manoeuvres of Unit 1 and Unit 7 car spaces are obstructed by the reduced accessway width due to the location and frame of the main entrance door of the development. This aspect needs to be reviewed.</li> <li>• It is recommended the applicant widen the underbuilding accessway width to 6.4m providing more straight forward entering/exiting vehicle manoeuvres.</li> <li>• Adjacent garage level differences of 200mm are proposed along the accessway. Any approved plans must demonstrate how to achieve and manage these garage level differences at the boundary of each garage.</li> <li>• Visitor parking requires signposting.</li> </ul>
Engineering & Technical Services Unit (Parking Provision and Traffic Impacts)	<ul style="list-style-type: none"> <li>• Garage and visitor space dimensions are satisfactory.</li> <li>• Parking provision is satisfactory.</li> <li>• There are no traffic issues having considered the proposal in the context of the local traffic conditions and the surrounding street network.</li> </ul>
Engineering & Technical Services Unit (Construction Management)	<ul style="list-style-type: none"> <li>• A Construction Management Plan is required.</li> </ul>
Engineering & Technical Services Unit (Waste Management)	<ul style="list-style-type: none"> <li>• Private waste collection is required based on a Waste Management Plan which provides safe and convenient turning for rubbish trucks at the northern end of the access aisle.</li> <li>• Swept path analysis dated 08<sup>th</sup> April 2015 proposed by TTM Traffic for the waste truck appears to be too tight and is considered to be unsafe.</li> <li>• As the Applicant proposes to accommodate waste truck turning over the visitor parking spaces on waste collection days, parking restrictions would need to be applied to the spaces on waste</li> </ul>

Service Unit	Comments
	collection days (sign to be displayed at the entrance).
Engineering & Technical Services (Easements)	<ul style="list-style-type: none"> <li>• Build over easement approval is not required.</li> </ul>
Economic and Environmental Planning (Urban Design)	<ul style="list-style-type: none"> <li>• The development, particularly the upper levels, is excessively bulky and would benefit from (a combination of) physical breaks between units at first and second floor levels, and from the stepping (in and out) of unit footprints from the east and west boundaries of the site to provide visual relief increased physical separation; both internally, and from neighbouring properties to the east and west.</li> <li>• Elevations and plans provided show the upper levels of the two rows of townhouses extending over and covering the communal driveway. This physical join will screen the vehicle way from view, but I am concerned that building over the driveway creates a very long and monotonous building façade when viewed from the street. This approach also removes the opportunity to get appropriate levels of natural daylight and ventilation into the residential level above.</li> <li>• The small lightcourts are likely to result in poor internal amenity to the reliant rooms.</li> <li>• The site coverage is excessive, with no opportunity provided for secluded private open space at ground level, and very constrained opportunity for boundary landscaping and shade trees.</li> <li>• Dwelling entries on the eastern and western facades of the development have a poor sense of address.</li> <li>• The development proposes the use of black, white and grey concrete blockwork and rendered walls, and silver aluminium cladding. These materials are suitable for use in more urban locations, but are</li> </ul>

Service Unit	Comments
	<p>not responsive to the existing neighbourhood character in this location.</p> <ul style="list-style-type: none"> <li>If approved, this development should be required to incorporate brickwork, timber and render finishes with a “warm” colour palette.</li> </ul>

## 9 CONCLUSION

- 9.1 It is considered appropriate to refuse the application. The building design appears to have been predicated on a desire to maximise dwelling yield and floor area.
- 9.2 The overall architectural presentation is not suited to a local street such as this and the building will be bulky and quite dominating in this well established streetscape, especially due to the impacts from the sheer front walls and its lack of linear articulation.
- 9.3 The inclusion of a third floor has not provided any notable architectural contribution, but instead detracts from the streetscape and the amenity of neighbouring properties (increased building bulk), while roof-top screening will be a discordant visual element above the main roof line.
- 9.4 Internal amenity for future residents could most likely be improved by a more thoughtful design approach.
- 9.5 Parking access arrangements are constrained and there are insufficient landscaping opportunities across the rear and sides of the site. The proposed landscape/fencing treatment of the frontage is also unsatisfactory.
- 9.6 Objector concerns that the building will not “fit in” to this streetscape are supported.

## RECOMMENDATION

That having considered all objections, a REFUSAL TO GRANT A PERMIT be issued in relation to Planning Application No. PL 15/025029 for the development of Nos. 51-53 Beverley Street, Doncaster East for the construction of twelve, three-storey dwellings on the following grounds-

- The maximum height of Dwelling 11’s roof-top terrace screen is greater than the mandatory 10.0m height limit imposed by the provisions of the Design and Development Overlay Schedule 8-1.
- The three-storey built form of the proposed building provides an inappropriate design response to the immediate neighbourhood and is considered to be excessively bulky and visually dominant, taking into account the limited or inconsequential “stepping in” of parts of the “boxey” upper floor, the prominence of screening to upper level, roof-top terraces, the visual severity/limited articulation of the front elevation, the visual dominance of balconies and the linear form along the sides (non-compliance with the objective of Clause 55.06-1 Detailed design and various architectural design



- objectives of Schedule 8 to the Design and Development Overlay of the Manningham Planning Scheme).
3. Having regard to the visual bulk of the proposed building and what is considered to be an inappropriate design response for this site, the proposed site coverage is excessive, being a result of a repetitive dwelling setout/design approach aimed at achieving large dwellings (non-compliance with the objective of Clause 55.03-3 Site coverage and the maximum site coverage recommendation of the relevant design objective of Schedule 8 to the Design and Development Overlay Manningham Planning Scheme).
  4. The specified colour scheme of the proposed building is not suitably responsive to the streetscape character of Beverley Street and would emphasise the bulk of the building (non-compliance with the objective of Clause 55.06-1 Detailed design of the Manningham Planning Scheme).
  5. The proposal offers no secluded private open space at Ground level and is totally reliant on fully screened balconies and roof-top terraces (with only hatch access) which offer no external outlook and hence, relatively poor amenity for future residents of the proposed three-storey dwellings.
  6. The proposal is vague in respect of proposed energy efficiency features, especially any associated plant that may be required in roof-top locations and offers no solar protection from summer sun to north-facing habitable room windows (non-compliance with the objectives of Clause 55.03-5 Energy efficiency of the Manningham Planning Scheme)
  7. The proposed placement of the First Floor main bedrooms in an “in board” arrangement with sole reliance by eight dwellings on compact and potentially unattractive light courts for daylight and ventilation is a poor design response which would lower the amenity of future residents through poor outlook, poor cross-ventilation and possible noise impacts from opposite door openings.
  8. The majority of dwelling entries have a poor sense of private address and lack weather protection (non-compliance with the objective of Clause 55.05-2 Dwelling entry).
  9. The proposed landscaping layout and fencing within the front setback are unsatisfactory and do not provide a suitable design response in respect of the limited space which is available (non-compliance with the objective of Clause 55.03-8 Landscaping and Clause 55.06-2 Front fences of the Manningham Planning Scheme).
  10. The proposed landscaping layout within the rear setback is insufficient to provide a suitable planting regime, taking into account the proximity of proposed planting to paths, retaining walls and boundary fencing (non-compliance with Clause 55.03-8 Landscaping of the Manningham Planning Scheme and the “landscaping around buildings” design objective of Schedule 8 to the Design and Development Overlay of the Manningham Planning Scheme).
  11. The proposed site cutting and retaining wall/path construction close to the rear boundary is likely to have an adverse impact on the health of existing conifer trees located adjacent to the boundary within 54 Franklin Road, Doncaster East.

12. Side path design is linear and monotonous and insufficient garden width is available centrally to create a suitably landscaped “break” in respect of the side presentation of the building.
13. The proposed Ground floor layout provides inadequate vehicular manoeuvring space in respect of garage access and would result in inconvenience from multiple vehicular movements to future residents and damage to opposite garage doors (non-compliance with Clause 52.06-8 Design standard 2 – Car parking spaces of the Manningham Planning Scheme).
14. The proposed Ground floor layout provides inadequate manoeuvring space in respect of the “Mini rear loader” rubbish trucks that would be required to service the proposed dwellings, with expected difficulties in turning the trucks, so as to egress the site in a forward direction.
15. The proposed “above bonnet” storage shelves within garages will reduce pedestrian accessibility within the garages and do not provide sufficient storage opportunities in order to meet Standard B30 (non-compliance with the Objective of Clause 55.05-6 Storage of the Manningham Planning Scheme).

“Refer Attachments”

#### **ALTERNATIVE OFFICER RECOMMENDATION**

**That having considered all objections, a REFUSAL TO GRANT A PERMIT be issued in relation to Planning Application No. PL 15/025029 for the development of Nos. 51-53 Beverley Street, Doncaster East for the construction of twelve, three-storey dwellings on the following grounds -**

1. **The maximum height of Dwelling 11’s roof-top terrace screen is greater than the mandatory 10.0m height limit imposed by the provisions of the Design and Development Overlay Schedule 8-1.**
2. **The three-storey built form of the proposed building provides an inappropriate design response to the immediate neighbourhood, including in the context that the site is below 1800sqm in area and the form is considered to be excessively bulky and visually dominant, taking into account the limited or inconsequential “stepping in” of parts of the “boxey” upper floor, the prominence of screening to upper level, rooftop terraces, the visual severity/limited articulation of the front elevation, the visual dominance of balconies and the linear form along the sides (non-compliance with the objective of Clause 55.06-1 Detailed design, various architectural design objectives of Schedule 8 to the Design and Development Overlay and the preferred site area requirements for three-storey form outlined in Clause 21.05 of the Manningham Planning Scheme).**
3. **Having regard to the visual bulk of the proposed building and what is considered to be an inappropriate design response for this site, the proposed site coverage is excessive, being a result of a repetitive dwelling setout/design approach aimed at achieving large dwellings (non-compliance with the objective of Clause 55.03-3 Site coverage and the maximum site coverage recommendation of the relevant design**

objective of Schedule 8 to the Design and Development Overlay Manningham Planning Scheme).

4. The specified colour scheme of the proposed building is not suitably responsive to the streetscape character of Beverley Street and would emphasise the bulk of the building (non-compliance with the objective of Clause 55.06-1 Detailed design of the Manningham Planning Scheme).
5. The proposal offers no secluded private open space at Ground level and is totally reliant on fully screened balconies and roof-top terraces (with only hatch access) which offer no external outlook and hence, relatively poor amenity for future residents of the proposed three-storey dwellings.
6. The proposal is vague in respect of proposed energy efficiency features, especially any associated plant that may be required in roof-top locations and offers no solar protection from summer sun to north-facing habitable room windows (non-compliance with the objectives of Clause 55.03-5 Energy efficiency of the Manningham Planning Scheme)
7. The proposed placement of the First Floor main bedrooms in an “in board” arrangement with sole reliance by eight dwellings on compact and potentially unattractive light courts for daylight and ventilation is a poor design response which would lower the amenity of future residents through poor outlook, poor cross-ventilation and possible noise impacts from opposite door openings.
8. The majority of dwelling entries have a poor sense of private address and lack weather protection (non-compliance with the objective of Clause 55.05-2 Dwelling entry).
9. The proposed landscaping layout and fencing within the front setback are unsatisfactory and do not provide a suitable design response in respect of the limited space which is available (non-compliance with the objective of Clause 55.03-8 Landscaping and Clause 55.06-2 Front fences of the Manningham Planning Scheme).
10. The proposed landscaping layout within the rear setback is insufficient to provide a suitable planting regime, taking into account the proximity of proposed planting to paths, retaining walls and boundary fencing (non-compliance with Clause 55.03-8 Landscaping of the Manningham Planning Scheme and the “landscaping around buildings” design objective of Schedule 8 to the Design and Development Overlay of the Manningham Planning Scheme).
11. The proposed site cutting and retaining wall/path construction close to the rear boundary is likely to have an adverse impact on the health of existing conifer trees located adjacent to the boundary within 54 Franklin Road, Doncaster East.
12. Side path design is linear and monotonous and insufficient garden width is available centrally to create a suitably landscaped “break” in respect of the side presentation of the building.
13. The proposed Ground floor layout provides inadequate vehicular manoeuvring space in respect of garage access and would result in inconvenience from multiple vehicular movements to future residents and damage to opposite garage doors (non-compliance with Clause

**52.06-8 Design standard 2 – Car parking spaces of the Manningham Planning Scheme).**

- 14. The proposed Ground floor layout provides inadequate manoeuvring space in respect of the “Mini rear loader” rubbish trucks that would be required to service the proposed dwellings, with expected difficulties in turning the trucks, so as to egress the site in a forward direction.**
- 15. The proposed “above bonnet” storage shelves within garages will reduce pedestrian accessibility within the garages and do not provide sufficient storage opportunities in order to meet Standard B30 (non-compliance with the Objective of Clause 55.05-6 Storage of the Manningham Planning Scheme).**

**MOVED: HAYNES  
SECONDED: GALBALLY**

**That the Alternative Officer’s Recommendation be adopted.**

**CARRIED**

“Refer Attachments”

\* \* \* \* \*

## 9.2 Planning Application PL15/025261 148-150 Mitcham Road, Donvale - Construction of 21 dwellings within a three storey apartment building

Responsible Director: Director Planning & Environment

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

<b>Land:</b>	148-150 Mitcham Road Donvale
<b>Zone</b>	Residential Growth Zone Schedule 2 and DD08-1
<b>Applicant:</b>	Sohil Ronagh Canopous Group Pty
<b>Ward:</b>	Mullum Mullum
<b>Melway Reference:</b>	48G4
<b>Time to consider:</b>	1 January 2016

### SUMMARY

*It is proposed to develop land at 148-150 Mitcham Road in Donvale (the subject site) for the construction of a 3-storey apartment building with 21 dwellings basement car parking. The proposal includes alteration to access to Mitcham Road which is a road in a Road Zone Category 1 (RDZ1).*

*The originally submitted application was advertised in August 2015 and Council received six (6) objections. Discussions continued between the Applicant and Council Officers and amended plans (lodged pursuant to section 57A of the Planning & Environment Act 1987) were submitted to Council on 9 October 2015 in an attempt to address issues raised by Council Officers at the preliminary stages of the application process. The amended plans (the decision plans) make minor changes to the building design. The plans were re-advertised in November 2015 and two (2) of the original objectors submitted further objections.*

*Objections raise concern about the design and scale of the building being out of character with the area, the impacts on surrounding streets (traffic and congestion) as a result of inadequate car parking provided on site, and unreasonable off-site amenity impacts including overlooking / loss of privacy, overshadowing and loss of sunlight, loss of outlook / view, and residential noise resulting from 21 dwellings (as opposed to single dwellings).*

*Council, through planning policy, has created a planning mechanism that will over time alter the present neighbourhood character along main roads including Mitcham Road. Council's 'preference' is for higher density, multi-unit developments which may include apartment-style buildings, especially on larger lots, and the resultant built form will have a more intense and less 'suburban' character. This theme represents the 'preferred neighbourhood character' and guidance as to the ultimate form of development is provided through the Design Elements contained within the Design and Development Overlay (DDO8) provisions.*

*The proposal is for a contemporary style building which incorporates an appropriate range of design elements. Materials and external finishes have been selected to complement the overall built form. The street presentation will be of a high standard*

*and once landscaping is established, it will assist in softening the building from the street. Overall, the building is consistent with what Council considers to be the preferred neighbourhood character.*

*That said, there is room for some improvement to the design detailing of the building and specifically the southern interface where the building abuts land in a difference residential zone and three (3) existing dwellings. This will be dealt with by way of permit conditions (requiring changes to building setback and relocating some of the first and second floor south-facing balconies and changes to the site boundary to allow more screen planting). Subject to these design changes, a more appropriate relationship between the development and its southern interface will be achieved.*

*It is therefore proposed to support the application, subject to conditions.*

## **1 BACKGROUND**

### **Site**

- 1.1 Number 148 to 150 Mitcham Road, Donvale (the subject site) is located on the southern side of Mitcham Road, on the western side of William Street.
- 1.2 The subject site is two (2) consolidated lots and is irregular in shape, with a frontage to Mitcham Road of 37.18m, depths of 36m (western site boundary) and approximately 30m (eastern site boundary) and an overall total area of approximately 1,334sqm.
- 1.3 The subject site has a steep rise with a maximum fall of 3.2m from the south-western corner to the south-eastern corner and a fall of approximately 2.3m, from the south-western corner to the north-eastern corner.
- 1.4 The subject site is developed with a single-storey dwelling on each lot both orientated to Mitcham Road. The dwellings are setback from the front (northern) site boundary by 11.5m (for the dwelling at 148 Mitcham Road) and by 10.2m (for the dwelling at 150 Mitcham Road) with grassed private open space areas provided within the front setbacks. Number 148 Mitcham Road has a porch at the rear of the dwelling and outbuildings located between the dwelling and rear (southern) site boundary. Secluded private open space areas are provided within the rear setbacks and the side setbacks for both dwellings provide grassed areas with trees around the site perimeters, none of which are considered to "significant".
- 1.5 Each dwelling has a carport on the northern side (front) each accessed via a crossover and concrete driveway extending in a north-south direction from Mitcham Road, along the western side of the respective dwelling.
- 1.6 There is no fencing along the street frontage. Side boundary fencing includes 1.6m high paling fencing along the eastern and western (side) site boundaries and 1.6m high fencing along the southern (rear) site boundary.
- 1.7 An easement is located along the subject site's southern boundary and provides sewerage piping for the subject site (both lots) only. The easement does not extend further west, moreover it extends along the full length of the subject site's southern boundary and terminates at the western site boundary.

### **Surrounds**

- 1.8 The subject site abuts six (6) properties, and surrounding development is described as follows:

Address	Description
North	<p>Immediately to the north of the subject site is Mitcham Road (an arterial road). The section of Mitcham Road immediately abutting the subject site is characterized by two (2) lanes of traffic flowing in an east-west direction. An additional lane (allowing westerly travelling vehicles to turn right from Mitcham Road to Ruby Street) is located immediately to the north of the subject site.</p> <p>There are parking restrictions along Mitcham Road adjacent to the subject site.</p> <p>Further north, beyond Mitcham Road, is the intersection with Ruby Street (a residential street with a north-south direction). Dwellings located on the northern side of Mitcham Road are orientated to the street.</p>
South	<p>The southern site boundary abuts three (3) lots, which are located in the General Residential Zone Schedule 1 (GRZ1) and not covered by any overlays:</p> <p>Number 10 Kevin Court is developed with a single-storey dwelling orientated to Kevin Court. The dwelling is setback in excess of 9m from its northern site boundary (being the boundary common with the subject site) with one (1) habitable room window facing the subject site. Outbuildings (a shed and garage) and secluded private open space are located on the northern side of the dwelling, immediately abutting the subject site. The shed is constructed above an easement which runs in an east-west direction along the site's northern site boundary.</p> <p>Number 11 Kevin Court is developed with a single-storey dwelling orientated to Kevin Court. The dwelling has a minimum setback of 8.33m from its northern site boundary (being the boundary common with the subject site) with three (3) non-habitable room windows facing the subject site. A door, facing the subject site, provides access into a covered area. Secluded private open space is located on the northern side of the dwelling and outbuildings (shed and garage) are located in the north-eastern portion of the site, immediately abutting the subject site. The shed is constructed above the easement which runs</p>

Address		Description
		<p>in an east-west direction along the site's northern site boundary.</p> <p>Number 12 Kevin Court is developed with a single-storey dwelling orientated to Kevin Court. The dwelling has a minimum setback of 5.37m from its northern site boundary (being the boundary common with the subject site) with one (1) habitable room window facing the subject site. Secluded private open space is located on the northern and eastern sides of the dwelling and a large portion of the area within the site's eastern setback is a covered car port. A shed is located in the north-western portion of the site, immediately abutting the subject site, constructed, in part, above the easement which runs in an east-west direction along the site's northern site boundary.</p>
East	Land at 152 Mitcham Road	<p>The east adjoining lot is located on the corner of Mitcham Road and William Street and is located within the Residential Growth Zone Schedule 2 (RGZ2) and covered by the Design and Development Overlay Schedule 1 which is the same zoning and overlay controls as the subject site.</p> <p>The lot is developed with a single-storey brick dwelling orientated to Mitcham Road with a front (street) setback of 7.7m. The dwelling is located in the south-western portion of the site with a minimum setback of 1.85m from its western site boundary (being the boundary common with the subject site). Several windows face the subject site, including one (1) habitable room window setback 1.85m and one (1) habitable room window setback 2.5m from the common boundary. The dwelling has a secluded private open space area on its southern side (south-west portion of the site).</p>
West	Land at 144-146 Mitcham Road	<p>The west adjoining lot is a large lot located in the Residential Growth Zone Schedule 2 (RGZ2) and covered by the Design and Development Overlay Schedule 1 which is the same zoning and overlay controls as the subject site.</p> <p>The lot is developed with five (5) single storey dwellings located around a centralized common vehicle accessway. Two (2) dwellings</p>



Address	Description
	are located in the eastern portion of the site and are both setback 3.54m from their eastern site boundary (being the boundary common with the subject site) with habitable room windows facing the subject site. Secluded private open space areas for both dwellings are located on the eastern side, immediately abutting the common boundary. The dwellings were approved under planning permit 2689 issued in 1985.

- 1.9 Streets in the locality are laid out in curvilinear pattern. Housing is generally single and double-storey in height and dates from the 1970s.
- 1.10 Residential development along Mitcham Road west of the subject site has evidence of the area changing in the form of more high-density residential development within the RGZ2 and DDO8-1 area with townhouse style and apartment style built form.
- 1.11 Land in the immediate area generally falls from south to north.
- 1.12 The landscape character of the neighbourhood is mostly street trees, screen planting at the side and front of dwellings and trees located in rear areas of secluded private open space.
- 1.13 The subject site is serviced by public transport with bus routes 271 and 907 operating along Mitcham Road. The closest bus stop is located approximately 10m west of the site on Mitcham Road. Open space areas include Kevin Reserve located 200m to the south-west of the subject site and Ronald E Gray Reserve located 800m to the south-west. Mitcham Shopping Centre is located 1.8km to the south-east of the subject site. In terms of education facilities a primary school (Heatherwood), secondary college (Blackburn High School) and University (Deakin, Burwood Campus) are located approximately 0.5km, 3km and 8km distance from the subject site respectively.

### Planning History

- 1.14 There is no planning history for the subject site.
- 1.15 Pre-application advice was provided to the Applicant in October 2014 and March 2015 and the proposal was presented to the Sustainable Design Taskforce on 23 April 2015. The proposal was formally lodged to Council on 29 May 2015.
- 1.16 On 22 June 2015 Council Officers raised some concerns on the submitted proposal in a request for further information (including the overall design response and appearance of the built form, and the design of the southern portion of the building and its impact on the south adjoining dwellings in terms of the limited setbacks of the building and height transitions). The application was advertised in August 2015 and six (6) objections were received including one (1) multi-signatory objection.

- 1.17 On 9 October 2015, the Applicant lodged amended plans pursuant to section 57A of the *Planning & Environment Act (1987)* superseding all previously submitted plans. The changes made to the advertised plans were an attempt by the Applicant to address concerns raised by Officers, internal referrals (Council's Environment Sustainable Design Adviser, Council's Traffic Engineering Unit and Council's Urban Design Adviser) and objectors. The plan changes were relatively minor and include:
- the re-arrangement of roof-mounted solar panels;
  - deletion of clothes lines from balconies;
  - reduced height of side fins (design features) for the balconies on the far ends of the northern side of the building;
  - provision of minor framing (design elements) to windows in the south elevation of the building;
  - minor first floor setback changes to the building on the southern and western sides (Dwelling 11); and
  - increased second floor setback for the balcony of Dwelling 18 on the southern side of the building.
- 1.18 The amended plans were subsequently re-advertised in November 2015 and two (2) of the original objectors submitted further objections.
- 1.19 The amended plans were also re-referred to internal and external referral authorities, including VicRoads. These plans are the 'decision plans' on which the assessment is based.

## 2 PROPOSAL

- 2.1 The proposal is for the full demolition of buildings / structures and vegetation on the subject site (no planning permit required) and the construction of a 3-storey apartment style building providing 21 dwellings. On-site car parking for residents of the building and visitors will be provided at basement level, accessed from Mitcham Road.
- 2.2 Alteration to access to a road in a Road Zone Category 1 (RDZ1) is sought as part of the application. The proposal includes the removal of the existing crossover to 148 Mitcham Road and the widening of the existing crossover to 150 Mitcham Road.
- 2.3 The proposal can be summarized as follows:
- Demolition*
- 2.4 Demolition of all buildings / structures, fences and trees on site (no planning permit required) with some excavation required for the basement level.
- Buildings and works*
- 2.5 Construction of a 3-storey apartment style building orientated to Mitcham Road.
- 2.6 The building will be setback from Mitcham Road by 5.5m and 6.05m at basement level, 6.5m at ground level, 6.53m at first floor (with balcony setbacks encroaching) and between 6.5m and 7.6m at second floor.

- 2.7 The building will be setback from the southern site boundary by 3.47m, 4m and 5.24m at basement level, between 4m and 5.17m at ground level, between 4m and 5.18m at first floor (noting that the balcony setback for Dwelling 14 is setback 3.04m), and between 5.2m and 6.65m at second floor (noting that the balcony setback for Dwelling 20 is setback 3.5m).
- 2.8 The building will be setback from the eastern site boundary by 1.5m at basement level, between 1.93m and 2.55m at ground and first floor levels, and between 4.03m and 6.21m at the second floor.
- 2.9 The building will be setback from the western site boundary by a minimum of 1.5m at basement level, between 1.94m and 4.5m at ground and first floors, and between 3.23m and 6.73m at the second floor.
- 2.10 Total of 21 dwellings (3x1 bedroom, 3x1 bedroom with study nook, 9x2 bedroom, 4x2 bedroom with study nook, and 3x3 bedroom with study). Eight (8) dwellings are provided at ground floor, eight (8) dwellings at first floor, and five (5) dwellings are provided at second floor.
- 2.11 Private open space provided in the form of gardens for all ground level dwellings, and balconies for all first and second floor dwellings (minimum balcony size of 8sqm). All are either north or south-facing.
- 2.12 Pedestrian access provided from the street is via separate stepped and ramped pathways.
- 2.13 Maximum building heights of 10.16m (eastern side of the building), 10.15m (south-eastern portion of the building), 9.45m (north) and 8.95m (west).
- 2.14 Constructed of zinc cladding (dark charcoal), cedar timber cladding, textured concrete, concrete panels, and light coloured render. All windows and door frames will be black anodized aluminium. Flat roof form with sheet metal.
- 2.15 The proposed site coverage is approximately 59.8%
- 2.16 Permeability is approximately 27.7%

*Basement level, car parking and vehicle access*

- 2.17 At basement level there will be a total of 29 car parking spaces (24 car parking spaces will be provided for residents and 5 car parking spaces will be provided for visitors).
- 2.18 Of the 24 resident car parking spaces, 18 car parking spaces will be provided within 2 mechanical car parking stackers. Six (6) single resident car parking spaces and 5 single visitor car parking spaces will be provided.
- 2.19 Each dwelling will have a storage cage (minimum size of 6m<sup>3</sup>) within the basement, in two (2) separate rooms.
- 2.20 Car parking spaces located either side of a centralized aisle (minimum width of 6.6m).
- 2.21 Car parking spaces will measure 4.9m (length) by 2.8m (width) and 5.5m (length) for the stackers. The stackers will provide a height clearance of 2m (bottom space) and 2.5m (top space).
- 2.22 Visitor car parking spaces provided on-site, opposite the base of the vehicle entrance ramp.

- 2.23 A change to the RDZ1 access is sought in the form of alteration to the Mitcham Road vehicle access by removing the existing crossover to 148 Mitcham Road and widening the existing crossover to 150 Mitcham Road.
- 2.24 Vehicle access provided from Mitcham Road via a 6m wide access ramp (ramp gradients of 1:10 for 5m, 1:5 for 2m, 1:4 for 5.4m, and 1:8 for 2m).
- 2.25 Secure bicycle parking (8 hoops) in the north-eastern portion of the car parking area. Five (5) bicycle racks external to the building, at the front of the building (wall-mounted).
- 2.26 Lift and stair access from basement level to ground floor (and upwards).
- 2.27 Visibility splays provided either side of the vehicle driveway.
- 2.28 Lighting (LED lights) provided along the walls of the vehicle accessway.
- 2.29 Basement head clearance of 2.4m (minimum).

#### *Landscaping and fencing*

- 2.30 Site cut for the basement level.
- 2.31 Retaining walls along the southern (2m in height) and western site boundaries to keep back fill.
- 2.32 Fencing (2m high paling fence) above retaining wall along the site's western boundary and fencing (1.7m high) along the eastern site boundary.
- 2.33 Internal fencing (2m high) between gardens.
- 2.34 No fencing along the street frontage.
- 2.35 Services (fire and water) located in the north-east corner of the subject site, fronting the street.
- 2.36 Three (3) canopy trees and soft landscaping in front setback.
- 2.37 Screen planting along side and rear (southern) site boundaries.
- 2.38 Stormwater drainage network to be connected to the legal point of discharge.

### **3 PRIORITY/TIMING**

- 3.1 The proposal was presented to a Sustainable Design Taskforce meeting on 23 April 2015.
- 3.2 The statutory time for considering a planning application is 60 days. An application to amend the originally submitted application pursuant to section 57A of the *Planning & Environment Act 1987* was received by Council on 9 October 2015. Allowing for the time taken to re-advertise and re-refer the amended application (which occurred in November 2015) the statutory time lapsed on 1 January 2016.

### **4 POLICY IMPLICATIONS**

- 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 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. The Responsible Authority is required to consider:
- the relevant planning scheme;
  - the objectives of planning in Victoria;
  - all objections and other submissions which it has received and which have not been withdrawn;
  - 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.
- 4.3 Section 61(4) of the Act makes specific reference to covenants. The subject site is not burdened by any covenant.
- 4.4 The subject land is also not encumbered by any Section 173 Agreements.
- 4.5 An easement is located along the subject site's southern boundary and provides sewerage piping for the subject site (both lots).

## **5 MANNINGHAM PLANNING SCHEME**

- 5.1 The site is included in the Residential Growth Zone Schedule 2 (RGZ2) under the provisions of the Manningham Planning Scheme (the Scheme).
- 5.2 The purpose of the zone includes:
- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
  - To provide housing at increased densities in buildings up to and including four storey buildings.
  - To encourage a diversity of housing types in locations offering good access to services and transport including activities areas.
  - To encourage a scale of development that provides a transition between areas of more intensive use and development and areas of restricted housing growth.
  - To allow educational, recreational, religious, community and a limited range of other non residential uses to serve local community needs in appropriate locations.
- 5.3 A dwelling is a section 1 use (no permit required) under the RGZ.
- 5.4 A planning permit is required to construct two or more dwellings on a lot in the RGZ.
- 5.5 An assessment for buildings and works for two or more dwellings is required under the provisions of Clause 55 of the Scheme.

- 5.6 The purpose of Clause 55 is generally to provide well designed dwellings with considered regard to internal amenity, while at the same time, maintaining the amenity and character of the locality, with particular emphasis on the amenity of adjoining residents.
- 5.7 Schedule 2 to the RGZ (Residential areas along main roads) does not prescribe a maximum building height.
- 5.8 The subject site is covered by the Design and Development Overlay (DDO) and is affected by Schedule 8 to the DDO (DDO8).
- 5.9 The purpose of the DDO is:
- To identify areas which are affected by specific requirements relating to the design and built form of new development and to implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- 5.10 The DDO8 (Residential areas surrounding activity centres and along main roads) directs the Responsible Authority to consider relevant Design Objectives.
- 5.11 The Design Objectives of the DD08 are:
- To increase residential densities and provide a range of housing types around activity centres and along main roads.
  - To encourage development that is contemporary in design that includes an articulated built form and incorporates a range of visually interesting building materials and façade treatments.
  - To support three storey, 'apartment style', developments within the Main Road sub-precinct and in sub-precinct A, where the minimum land size can be achieved.
  - To support two storey townhouse style dwellings with a higher yield within sub-precinct B and sub-precinct A, where the minimum land size cannot be achieved.
  - To ensure new development is well articulated and upper storey elements are not unduly bulky or visually intrusive, taking into account the preferred neighbourhood character.
  - To encourage spacing between developments to minimise a continuous building line when viewed from a street.
  - To ensure the design and siting of dwellings have regard to the future development opportunities and future amenity of adjoining properties.
  - To ensure developments of two or more storeys are sufficiently stepped down at the perimeter of the Main Road sub-precinct to provide an appropriate and attractive interface to sub-precinct A or B, or other adjoining zone.
  - Higher developments on the perimeter of sub-precinct A must be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct B or other adjoining zone.

- To ensure overlooking into adjoining properties is minimised.
  - To ensure the design of carports and garages complement the design of the building.
  - To ensure the design of basement and undercroft car parks complement the design of the building, eliminates unsightly projections of basement walls above natural ground level and are sited to allow for effective screen planting.
  - To create a boulevard effect along Doncaster Road and Manningham Road by planting trees within the front setback that are consistent with the street trees.
  - To encourage landscaping around buildings to enhance separation between buildings and soften built form.
- 5.12 A Planning Permit is required for buildings and works which must comply with the requirements set out in either Table 1 or Table 2 of the Schedule.
- 5.13 For sub-precinct DDO8-1 (Main Road sub precinct) Table 1 specifies a maximum building height of 11 metres provided the minimum land size is met (1,800sqm must be in the same sub-precinct) and where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage. If the condition is not met, the maximum height is 9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the site of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres. For setbacks, the minimum front street setback and minimum side street setbacks are specified in Clause 55 of the Scheme.
- 5.14 There is a range of policy requirements outlined in this control under the headings of building height and setbacks, form, car parking and access, landscaping and fencing.

#### **State Planning Policy Framework**

- 5.15 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.
- 5.16 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.
- 5.17 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.
- 5.18 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.
- 5.19 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.
- 5.20 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.
- 5.21 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.
- 5.22 Clause 16.01-5 (Housing affordability) seeks to deliver more affordable housing closer to jobs, transport and services.

#### **Local Planning Policy Framework (LPPF)**

##### **Municipal Strategic Statement**

- 5.23 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 aging 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.
- 5.24 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.
- 5.25 Clause 21.05 (Residential) outlines the division of Manningham into four Residential Character Precincts. The precincts seek to channel increased housing densities around activity centres and main roads where facilities and services are available. In areas which are removed from these facilities a lower intensity of development is encouraged. A low residential density is also encouraged in areas that have identified environmental or landscape features.
- 5.26 The site is within "Precinct 2 –Residential Areas Surrounding Activity Centres and Along Main Roads".
- 5.27 This area is aimed at providing a focus for higher density development and a substantial level of change is anticipated. Future development in this precinct is encouraged to:

- Provide for contemporary architecture and achieve high design standards
- Provide visual interest and make a positive contribution to the streetscape
- Provide a graduated building line from side and rear boundaries
- Minimise adverse amenity impacts on adjoining properties
- Use varied and durable building materials
- Incorporate a landscape treatment that enhances the overall

5.28 Within this precinct, there are three sub-precincts which each stipulate different height, scale and built form outcomes to provide a transition between each sub-precinct and adjoining properties, primarily those in Precinct 1 – Residential Areas Removed from Activity Centres and Main Roads.

5.29 The three sub-precincts within Precinct 2 consist of:

**Sub-precinct – Main Road (DDO8-1)** is an area where three storey (11 metres) ‘apartment style’ developments are encouraged on land with a minimum area of 1,800m<sup>2</sup>. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side same sub-precinct. All development in the Main Road sub-precinct should have a maximum site coverage of 60 percent.

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

**Sub-precinct A (DDO8-2)** is an area where two storey units (9 metres) and 3-storey (11 metres) ‘apartment style’ developments are encouraged. Three storey, contemporary developments should only occur on land with a minimum area of 1800m<sup>2</sup>. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage. The area of 1800m<sup>2</sup> must all be in the same sub-precinct. In this sub-precinct, if a lot has an area less than 1800m<sup>2</sup>, a townhouse style development proposal only will be considered, but development should be a maximum of two storeys. All development in Sub-precinct A should have a maximum site coverage of 60 percent.

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

**Sub-precinct B (DDO8-3)** is an area where single storey and two storey dwellings only will be considered and development should have a maximum site coverage of 60 percent. There is no minimum land area for such developments.

5.30 The site is located within Sub-Precinct – Main Road (DDO8-1).

5.31 Clause 21.05-2 Housing contains the following objectives:

- To accommodate Manningham's projected population growth through urban consolidation, infill developments and Key Redevelopment Sites.
- To ensure that housing choice, quality and diversity will be increased to better meet the needs of the local community and reflect demographic changes.
- To ensure that higher density housing is located close to activity centres and along main roads in accordance with relevant strategies.
- To promote affordable and accessible housing to enable residents with changing needs to stay within their local neighbourhood or the municipality.
- To encourage development of key Redevelopment Sites to support a diverse residential community that offers a range of dwelling densities and lifestyle opportunities.
- To encourage high quality and integrated environmentally sustainable development.

5.32 The strategies to achieve these objectives include:

- Ensure that the provision of housing stock responds to the needs of the municipality's population.
- Promote the consolidation of lots to provide for a diversity of housing types and design options.
- Ensure higher density residential development occurs around the prescribed activity centres and along main roads identified as Precinct 2 on the Residential Framework Plan 1 and Map 1 to this clause.
- Encourage development to be designed to respond to the needs of people with limited mobility, which may for example, incorporate lifts into three storey developments

5.33 Clause 21.05-4 (Built form and neighbourhood character) seeks to ensure that residential development enhances the existing or preferred neighbourhood character of the residential character precincts as shown on Map 1 to this Clause.

5.34 The strategies to achieve this objective include:

- Require residential development to be designed and landscaped to make a positive contribution to the streetscape and the character of the local area.
- Ensure that where development is constructed on steeply sloping sites that any development is encouraged to adopt suitable architectural techniques that minimise earthworks and building bulk.
- Ensure that development is designed to provide a high level of internal amenity for residents.

- Require residential development to include stepped heights, articulation and sufficient setbacks to avoid detrimental impacts to the area's character and amenity.
- 5.35 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 are:
- Building energy management
  - Water sensitive design
  - External environmental amenity
  - Waste management
  - Quality of public and private realm
  - Transport

### **Local Planning Policy**

- 5.36 Clause 22.08 (Safety through urban design) applies to all land in Manningham. It endeavours 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.
- 5.37 Clause 22.09 (Access for disabled people) also applies to all land in Manningham. It seeks to ensure that people with a disability have the same level of access to buildings, services and facilities as any other person. The policy requires the needs of people with a disability to be taken into account in the design of all proposed developments.

### **Particular Provisions**

- 5.38 Clause 52.06 (Car Parking) is relevant to this application. Pursuant to Clause 52.06-5, car parking is required to be provided at the following rate:
- 1 space for 1 and 2 bedroom dwellings
  - 2 spaces for 3 or more bedroom dwellings
  - 1 visitor space to every 5 dwellings for developments of 5 or more dwellings
- 5.39 Clause 52.06-8 outlines various design standards for parking areas that should be achieved.
- 5.40 Clause 52.29 (Land Adjacent to a Road Zone Category 1) seeks to ensure appropriate access to identified roads. A permit is required to create or alter access to a road in a Road Zone, Category 1. All applications must be referred to Vic Roads for comment.
- 5.41 Clause 52.34 (Bicycle Facilities) seeks to encourage cycling as a mode of transport and provide secure, accessible and convenient bicycle parking spaces. It is not applicable to this proposal as the proposed building height is less than 4-storeys.
- 5.42 Clause 55 (Two or More Dwellings on a Lot) applies to all applications for two or more dwellings on a lot. Consideration of this clause is outlined in the Assessment section of this report.

**General Provisions**

- 5.43 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 ASSESSMENT**

- 6.1 Council has, through its policy statements throughout the Scheme, and in particular by its adoption of Schedule 8 to the Design and Development Overlay over part of this neighbourhood, created a planning mechanism that has, and will in time, alter the existing neighbourhood character along Mitcham Road and in some adjoining side streets.
- 6.2 Council's planning preference is for higher density, multi-unit developments which can include apartment style developments on larger lots. This higher density housing thereby provides for the "preferred neighbourhood character" which is guided by the design elements contained within the Schedule 8 to the Design and Development Overlay, in conjunction with an assessment against Clause 21.05 and Clause 55 (Res Code) of the Scheme. The resultant built form is contemplated to have a more intense and less suburban outcome.
- 6.3 An apartment development across the subject site is generally consistent with the broad objectives of Council's planning policy outlined at Clause 21.05 of the Scheme. The policy encourages urban consolidation (and apartment style buildings) in this specific location due to its capacity to support change given the site's main road location and proximity to services, such as public transport. The policy anticipates a substantial level of change from the existing character of primarily single dwellings and dual occupancies which has occurred in the past.
- 6.4 The subject site comprises two (2), side-by-side consolidated lots with a total size of approximately 1,354sqm. The total area is less than 1,800sqm and therefore is below the threshold for which the DDO8-1 supports a maximum building height 11m. For the subject site the height control under the DDO8-1 is 10m (due to the slope of the land). This is not a mandatory control for this precinct. The size of the subject site provides an opportunity for increased development and the submitted design includes setbacks to compensate for its larger scale in comparison to traditional medium density housing.
- 6.5 Following is an assessment of the proposal against:
- Local Planning Policy Framework
  - Schedule 8 to the Design and Development Overlay (DDO8)
  - Clause 52.06 Car Parking
  - Clause 52.29 Land Adjacent to a Road Zone Category 1

- Clause 55 Two or More Dwellings on a Lot (Res Code)
- Clause 65 Decision Guidelines

### **Local Planning Policy Framework**

- 6.6 The subject site is located within Precinct 2 – Residential Areas Surrounding Activity Centres and Along Main Roads, where high density is encouraged by policy. A maximum building height of 10 metres is applicable and a maximum site coverage of 60% is also sought by policy. The height and site coverage of the development will be discussed later in this report in the assessment against the DDO8.
- 6.7 The proposal provides generous setbacks to all boundaries, providing spacing and good separation from/to adjoining properties. Consequently, there are opportunities for landscaping around the perimeters of the site, in particular adjacent to sensitive interfaces including the southern (rear) site boundary.
- 6.8 That said, there is an opportunity to improve height transitions on the southern side of the building and conditions on any permit issued will require the relocation of three (3) of the south-facing balconies located at the first and second floors of the building, and some increased setbacks, to provide more suitable transitions to the properties at the rear of the site which are located in an area of incremental change.
- 6.9 Overall, the design response across all elevations of the building is considered to be of a high standard. Visual interest is provided across all elevations by the incorporation of a variety of building materials, finishes and colours. Articulation is provided through a combination of articulation, graduation and the incorporation of balconies, fascias and framing elements.
- 6.10 Overall, the design response is considered to be generally consistent with Council's policy expectations at Clause 21.05 (Residential) of the Scheme.

### **Clause 21.10 Ecologically Sustainable Development**

- 6.11 Council's MSS outlines Ecologically Sustainable Design (ESD) requirements to be incorporated into larger developments within the municipality. A Sustainability Management Plan was submitted with the application and minimal issues have arisen as a result of its assessment by Council's Strategic Sustainability Planner.

### **Clause 22.08 Safety through Urban design**

- 6.12 Council's Local Planning Policy at Clause 22.08 of the Scheme applies to all land in the municipality and therefore has a broad range of objectives and policy requirements in relation to the design of buildings, street layout/access, lighting and car parks.
- 6.13 While a number of items are not relevant to this application, a number of the requirements in relation to building design are *"Buildings be orientated to maximise surveillance of entrances and exits from streets"* and *"The location of building entrances and windows maximise opportunities for passive surveillance of streets and other public spaces"*.
- 6.14 The design response is consistent with the requirements of this clause with a concerted effort made to ensure the public and private realms interact.

### **Clause 22.09 Access for Disabled People**

- 6.15 The Access for Disable People Policy is based on the *Disability Discrimination Act* and requires that persons with a disability have the same level of access to buildings, services and facilities as any other person. It requires that the design of new building account for the needs of persons of limited mobility.
- 6.16 The development provides ramped and stepped access from Mitcham Road to the front entry of the building. A lift provides internal access to all levels of the building and the entries to all dwellings. This is considered to be a satisfactory design response for persons of limited mobility.

#### **Schedule 8 to the Design and Development Overlay**

- 6.17 In terms of specific design objectives, policy at Clause 21.05 of the Scheme supports a 3-storey 'apartment style' development within this sub-precinct in principle. It supports it where a lot size of 1,800sqm is achieved however the policy is silent on what development type is supported on smaller lots. In terms of the overall design response, the principle of a 3-storey built form is consistent with the preferred neighbourhood character of the DDO8 and despite the subject site being smaller than 1,800sqm in size, the design of the building generally meets all relevant DDO8 requirements in terms of site coverage, basement side and rear setbacks etc. This will be further assessed in the Res Code section of this report.
- 6.18 In terms of the existing character of the area, this consists of older stock dwellings (single and 2-storey) and new developments generally 2 and 3-storey townhouse-style developments. West of the subject site, at 136 Mitcham Road, are the recently constructed three (3) 2-storey townhouses following the issue of planning permit PL13/024032 on 21 October 2014.
- 6.19 Also of relevance, is 3-storey apartment style built form in the area. There is a current application for planning permit (reference PL15/025478) on the west adjoining lot at 142 Mitcham Road proposing the construction of a 3-storey apartment style building with basement car parking and vehicle access from Mitcham Road. At 117-119 Mitcham Road planning permit PL14/024255 approved 3-storey townhouses however the development will present as 3-storey across the street frontage. This development is currently being marketed. At 122 Mitcham Road planning permit PL13/023482 approved a 3-storey apartment style building and this is also currently being marketed.
- 6.20 The proposal is therefore of a built form that is supported by policy and in terms of site context, the proposed building will not appear at odds within the existing and the emerging streetscape.
- 6.21 The DDO8-1 supports a maximum building height of 11m (at Table 1 of Clause 2) where the minimum lot size of 1,800sqm is met. However as in this instance where the minimum lot size is not met (the subject site measures 1,3540 square metres), the maximum building height supported is 10m.
- 6.22 The DDO8-1 height control is a preferred height and is "discretionary" by virtue of the fact that Council can approve a variation to this height unlike in the DDO8-2 and DDO8-3 where heights are "mandatory".
- 6.23 The proposed development will be 0.16m above the preferred building height.

- 6.24 Clause 43.02 of the Scheme (Schedule 8 to the Design and Development Overlay) provides a list of Design Objectives and a series of guidelines against which the appropriateness of buildings and works can be assessed in order to determine whether the design objectives have been met.
- 6.25 The development site is situated in Precinct 2 – Residential Areas Surrounding Activity Centres and Along Main Roads, where high density is encouraged. Given the site is located on a main road and has an area of 1800 square metres, a maximum building height of 11 metres is applicable. A maximum site coverage of 60% is also sought by this policy. The height and site coverage of the development will be discussed later in this report in the assessment against DD08.
- 6.26 Following is an assessment of the proposal against the DDO8 guidelines:

Design Element	Level of Compliance
<p><b><u>Building Height and Setbacks</u></b></p> <ul style="list-style-type: none"> <li>The minimum lot size is 1,800sqm, which must be all the same sub-precinct. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage</li> <li>The building has a maximum height of 11m provided the condition regarding minimum lot size is met. If the condition is not met, the maximum height is 9m, unless the slope of the natural ground level at any cross section wider than eight metres of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10m.</li> </ul>	<p><b>Considered Met</b></p> <p>The subject site comprises two (2), side-by-side consolidated lots with a size of 1,354sqm both located within the Main Road sub-precinct. It is less than 1,800sqm and therefore below the threshold for which the DDO8-1 supports a maximum building height of 11m. The height control is 10m due to the slope of the land.</p> <p>The proposed building has a maximum height of 10.16m for the buildings parapet. The building wraps around to the south and is 10.15m in the south-eastern portion of the building which faces land at 12 Kevin Court located in the GRZ.</p> <p>The height difference between what the DDO8-1 sets out as a preferred height and what is being proposed is up to 160mm.</p> <p>The balance of the building is under 10m in height. The building is 9.45m as it presents to Mitcham Road and 8.95m as it presents to 144-146 Mitcham Road.</p> <p>The purpose of providing discretion in building height on the Main Road Sub-Precinct is to allow flexibility to achieve design excellence. This might be through providing a 'pop-up' level to provide visual interest to an otherwise flat roof form, or a design feature at a 'gateway' site. The discretion is only</p>



	<p>provided to the sub-precinct because main road streetscapes are typically less intermit environments compared to local streets and therefore can absorb some additional height.</p> <p>Overall, it is considered that the height of the building is acceptable and will not have unreasonable impacts on the streetscape or amenity impacts on adjoining properties due to the cross-fall over the site.</p>
<ul style="list-style-type: none"> <li>Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser.</li> </ul>	<p><b>Considered Met</b> The ground and upper levels of the building has a street setback of 6m.</p> <p>A small section of the basement projects into the 6m street setback to provide storage areas. This acceptable as the non-compliance is below ground and will not prevent proper landscaping of the front setback.</p>
<p><b>Form</b></p> <ul style="list-style-type: none"> <li>Ensure that the site area covered by buildings does not exceed 60%.</li> </ul>	<p><b>Met</b> The building has a site coverage of 59.8%.</p>
<ul style="list-style-type: none"> <li>Provide visual interest through articulation, glazing and variation in materials and textures.</li> </ul>	<p><b>Met</b> The building incorporates a mixture of colours and materials to provide visual interest. Articulation is also provided by the stepping of walls, the use of balconies, balcony screening, glazing, fascias and framing elements.</p>
<ul style="list-style-type: none"> <li>Minimise buildings on boundaries to create spacing between developments.</li> </ul>	<p><b>Considered Met</b> There are no building sections constructed on boundaries. Building setbacks are at least 1.5 m along the side boundaries to provide spacing between the building and adjoining properties. This spacing accommodates landscaping, courtyards and light into the new dwellings. This is also a good outcome for adjoining properties and the streetscape.</p>
<ul style="list-style-type: none"> <li>Where appropriate ensure that buildings are stepped down at the rear of sites to provide a transition to the scale of the adjoining residential area.</li> </ul>	<p><b>Met subject to conditions</b> The southern portion of the building has an abuttal to three (3) existing dwellings in the GRZ and therefore the degree of stepping down to provide transition is extremely important. The building does step down to the</p>

	<p>rear site boundary and a 4m setback at ground level is provided without any encroachment (as required under the DDO8). The top level of the building is recessed from ground and first floor, between 1.2m and 1.5m.</p> <p>To improve the transitioning across the site, the top floor will be required to have a greater setback (a minimum setback of 7 metres) from the rear site boundary and three (3) the south-facing balconies will be required to be relocated to the side of the building. The increased setback of the second floor southern wall (which will affect the sitting room of Dwelling 18, the bedrooms of Dwelling 19 and bedroom of Dwelling 20, in particular) will provide more stepping down of the building and a more appropriate height transition of the building to the southern interface.</p> <p>Refer Condition 1a and 1b.</p>
<ul style="list-style-type: none"> <li>Where appropriate, ensure that buildings are designed to step with the slope of the land.</li> </ul>	<p><b>Considered Met</b></p> <p>There is modest cross-fall over the site and this has been managed via a cut approximately 1m high along the western site boundary and a basement plinth exposed approximately 1m above ground on the eastern elevation. No stepping is proposed within the design of the building.</p>
<ul style="list-style-type: none"> <li>Avoid reliance on below ground light courts for any habitable rooms.</li> </ul>	<p><b>Met</b></p> <p>The building does not rely on below ground light courts for any habitable rooms.</p>
<ul style="list-style-type: none"> <li>Ensure that the upper level of a three storey building does not exceed 75% of the lower levels, unless it can be demonstrated that there is sufficient architectural interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation.</li> </ul>	<p><b>Met subject to condition</b></p> <p>The upper level of the building has an area that is 73% of the lower levels. Overall, the building is well articulated and provides visual interest.</p> <p>That said, conditions will require further setbacks and changes to be incorporated into the southern elevation in order to reduce visual bulk. Refer condition 1a and 1b.</p>
<ul style="list-style-type: none"> <li>Integrate porticos and other design features with the overall design of the</li> </ul>	<p><b>Met</b></p> <p>A formal ground level entrance to the building is provided and a paved</p>

<p>building and not include imposing design features such as double storey porticos.</p>	<p>pedestrian pathway and ramp are appropriately positioned to the overall building and streetscape.</p> <p>There are no porticos or imposing design elements proposed. Design features are considered to be well integrated into the overall design of the building.</p>
<ul style="list-style-type: none"> <li>• Be designed and sited to address slope constraints, including minimising views of basement projections and/or minimising the height of finished floor levels and providing appropriate retaining wall presentation.</li> </ul>	<p><b>Considered Met</b></p> <p>The building is stepped down from north to south to follow the slope of the land.</p> <p>The basement plinth will be exposed approximately 1m above ground on the eastern elevation and screened from views by landscaping and fences. The basement level will not be visible from the street.</p>
<ul style="list-style-type: none"> <li>• Be designed to minimise overlooking and avoid the excessive application of screen devices.</li> </ul>	<p><b>Met</b></p> <p>Balconies located on the north and south sides of the building are screened with 1.7m high green frosted glass. Habitable room windows are provided with fixed, frosted 'obscured' glass to a height of 1.7m operable above that height to allow ventilation. There is no excessive use of screening.</p> <p>Overlooking impacts will be further discussed in the assessment against Clause 55.04-6 of the Scheme.</p>
<ul style="list-style-type: none"> <li>• Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all motilities.</li> </ul>	<p><b>Met</b></p> <p>The main pedestrian entry to the building will be from Mitcham Road, via a pedestrian pathway and ramp. The pathway expands to a width of 2m outside the main entrance door and could accommodate and be navigated by people of all mobilities.</p> <p>Each dwelling will be over a single-level with no internal stairs. For some of the ground level dwellings, steps are provided from the dwelling to the external paved areas due to the difference in RLs.</p> <p>A lift provides access to the basement car park and entries of all dwellings.</p>

<ul style="list-style-type: none"> <li>Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties.</li> </ul>	<p><b>Met</b> The basement plinth will be exposed approximately 1m above ground on the eastern elevation. The basement level will not be visible from the street.</p>
<ul style="list-style-type: none"> <li>Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site.</li> </ul>	<p><b>Met</b> The vehicular entrance will be appropriately visible from the street. At 6m in width and centrally located to the street frontage, it will be prominent within the street frontage and public domain but not unreasonably visually dominant.</p> <p>Across the frontage of the site, the basement level is not visible as it is below ground level.</p>
<ul style="list-style-type: none"> <li>Integrate car parking requirements into the design of buildings and landform by encouraging the use of undercroft or basement parking and minimise the use of open car park and half basement parking.</li> </ul>	<p><b>Met</b> All car parking spaces are provided within the basement car park.</p>
<ul style="list-style-type: none"> <li>Ensure the setback of the basement or undercroft car park is consistent with the front building setback and is setback a minimum of 4.0m from the rear boundary to enable effective landscaping to be established.</li> </ul>	<p><b>Considered Met</b> At basement level, the building has a front setback of 5.5m and 6.05m, and a setback from the southern (rear) site boundary of between 4m and 5.52m with a pinch point of 3.47m in the portion of the basement where car parking space numbers 16 and 17, and 18 are located.</p> <p>While the prescribed 6m front setback is not fully achieved, the protrusion within the setback requirement is by 500mm for a length of approximately 9.7m. While the prescribed 4m rear setback is not fully achieved, the protrusion is limited to 600mm for a length of 4.8m.</p> <p>The areas of non-compliance are limited to two (2) small sections of the basement and should not prevent the type of planting supported by the policy.</p>

<ul style="list-style-type: none"> <li>• Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces.</li> </ul>	<p><b>Met</b> The basement will be set back from both side boundaries by a minimum of 1.5m.</p> <p>There will be perimeter planting and pebbles within ground secluded private open space areas. Five (5) canopy trees are shown along the southern site boundary with one (1) canopy tree per secluded private open space area (garden).</p> <p>Setbacks from side boundaries will allow suitable canopy vegetation and provision of effective screening between developments. Further, screen planting will also allow an appropriate level of daylight penetration to ground level dwellings within the building.</p> <p>The planting at the front of the site will be appropriate for a residential building fronting a main road.</p>
<ul style="list-style-type: none"> <li>• Ensure that service equipment, building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces.</li> </ul>	<p><b>Met subject to conditions</b> There will be a lift overrun, plant, solar panels and solar hot water boosters on the roof and bin storage in the basement.</p> <p>Elevations do not show roof top plant however cross-section B shows solar hot water boosters. To ensure accurate and consistent plans and the integration of all service equipment into the design of the development, a condition will require elevations to show all plant and equipment and ensure their limited visibility / screening from the street. Conditions 1e and 1f.</p> <p>Services are proposed adjacent to the Mitcham Road frontage. To ensure the integration of all service equipment into the design of the development, a condition will require plans appropriate screening and their limited visibility from the street.</p> <p>Ground level gardens are appropriately separated with 2m high fencing.</p>

<p><b><u>Car Parking and Access</u></b></p> <ul style="list-style-type: none"> <li>• Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback.</li> </ul>	<p><b>Met</b></p> <p>There will be one (1) vehicle crossover from the street. Council's traffic engineers raise no concern in relation to its location. VicRoads who have no objection subject to conditions to be included on any planning permit issued.</p>
<ul style="list-style-type: none"> <li>• Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open space or is appropriately screened, as is necessary.</li> </ul>	<p><b>Met</b></p> <p>Any basement protrusion to the east will be limited by screen planting and boundary fencing.</p>
<ul style="list-style-type: none"> <li>• Ensure that where garages are located in the street elevation, they are set back a minimum of 1.0m from the front setback of the dwelling.</li> </ul>	<p><b>Met</b></p> <p>The garage roller door is set back 5m from the front wall of the building, making it subservient within the streetscape.</p>
<ul style="list-style-type: none"> <li>• Ensure that access gradients of basement car parks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements.</li> </ul>	<p><b>Met</b></p> <p>The proposed vehicular access (5m wide by 7m in length) and access gradients to the basement car park achieves the requirements of Clause 52.06 (Car Parking) of the Scheme and allows for safe and convenient access for vehicles and safety of pedestrian utilising the footpath along Mitcham Road.</p>
<p><b><u>Landscaping</u></b></p> <ul style="list-style-type: none"> <li>• On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at</li> </ul>	<p><b>Met</b></p> <p>Grassed areas, perimeter screen planting (common areas) and three (3) canopy trees (one at either edge of the site frontage and one on the western side of the pedestrian entrance to the building) are within the front setback.</p>

<p>maturity.</p> <ul style="list-style-type: none"> <li>On sites where one or two storey development is proposed include at least 1 canopy tree within the front setback, which has a spreading crown, and is capable of growing to a height of 8.0m or more at maturity.</li> </ul>	
<ul style="list-style-type: none"> <li>Provide opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form.</li> </ul>	<p><b>Considered Met</b> The basement level is set back 1.5m from both side site boundaries. Pavers (pebbles) are provided within the setbacks to provide serviced areas for the ground level dwellings and there will be screen planting around the perimeters. Pebbles are appropriate on the southern side of the building in particular as grass would not grow.</p>
<p><b><u>Fencing</u></b></p> <ul style="list-style-type: none"> <li>A front fence must be at least 50 per cent transparent.</li> <li>On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn and Mitcham Roads, a fence must: <ul style="list-style-type: none"> <li>not exceed a maximum height of 1.8m</li> <li>be setback a minimum of 1.0m from the front title boundary and a continuous landscaping treatment within the 1.0m setback must be provided.</li> </ul> </li> </ul>	<p><b>Not Applicable</b> No front fencing is proposed.</p>

6.27 Having regard to the above assessment against the requirements of Schedule 8 to the Design and Development Overlay, it is considered that the proposed design respects the preferred neighbourhood character and responds to the features of the site.

6.28 A high level of compliance is achieved in respect of the layout, built form, design, car parking, front fencing and opportunities for landscaping as articulated in the DD08.

**Clause 52.06 Car Parking**

- 6.29 Prior to a new use commencing or a new building being occupied, Clause 52.06-2 requires that the number of car parking spaces outlined at Clause 52.06-6 to be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the Responsible Authority.
- 6.30 This clause requires resident car parking at a rate of one space for each dwelling with one or two bedrooms and two spaces for each dwelling with three or more bedrooms.
- 6.31 Visitor car parking is required at a rate of one car parking space for every 5 dwellings (rounded down).
- 6.32 For the proposed dwelling mix, the Scheme requires the following provision of on-site car parking:

	Rate	Number of car parking spaces
3x1 bedroom	1 space	3
3x 1 bedroom with study nook	1 space	3
9x2 bedroom	1 space	9
4x 2bedroom with study nook	1 space	4
3x3 bedroom with study	2 spaces	6
<b>TOTAL</b>		<b>25</b>

- 6.33 In addition to the Scheme requirement of 25 on-site car parking spaces for residents, 4 on-site visitor car parking spaces are required. This equates to a total of 29 on-site car parking spaces for the proposed development.
- 6.34 Within the basement 18 resident car parking spaces will be provided in the form of 2 mechanical car parking stackers and 6 single car parking spaces. 5 visitor car parking spaces will be provided. This equates to 24 car parking spaces for residents and 5 car parking spaces for visitors, and therefore a total of 29 car parking spaces on-site.
- 6.35 Unfortunately the figures referenced in the car parking allocation table are incorrect and inconsistent with the car parking layout and annotations shown on plans. Further, the allocation of the spaces between residents and visitors requires further work if the requirements of the Scheme are to be met. There is an over surplus (by 1) of visitor car parking spaces and an under surplus (of 1) for resident car parking spaces. There is an obvious opportunity for 1 of the visitor car parking spaces to be become a resident space while still providing the 4 on-site visitor spaces required by the Scheme. This will be easily rectified by way of a condition on any permit issued. Refer condition 1(g) and condition 6.
- 6.36 Following is an assessment against the Design Standards for car parking provided at Clause 52.06-8 of the Scheme. The design standards should be met unless the Responsible Authority agrees otherwise.

Design Standard	Met/Not Met
1 - Accessways	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>The width of the accessway is 5m which meets the minimum 3m required by the standard.</li> </ul>



	<ul style="list-style-type: none"> <li>• The internal radius of 5m (width) by 7m (length) for the vehicle access ramp meets the 4m minimum required for an internal radius and the passing area dimensions required for a proposal of 10 dwellings and connecting to a RDZ1.</li> <li>• The cross-section submitted shows a height clearance of 2.4m which meets the 2.1m minimum head clearance prescribed by the standard.</li> <li>• The accessway will allow vehicles to exit in a forward direction with one manoeuvre (required for an access way serving more than 4 cars).</li> <li>• Corner splays clear of visual obstructions providing a clear view of pedestrians on the footpath, are shown on plan, in accordance with the standard.</li> </ul>
2 – Car Parking Spaces	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>• The car parking spaces are on either side of aisle widths measuring 6.6m minimum.</li> <li>• Car parking space lengths are 4.9m (or 5.5m for the car stackers) and a minimum 2.8m in width. For car spaces located at 90 degrees this meets the car space dimensions prescribed for a 5.8m or 6.4m access way width.</li> <li>• Resident storage cages (each 6m<sup>3</sup>) and bin storage are secure and appropriately located along the northern side of the basement. All will be accessed easily by residents and located appropriately away from the base of the vehicle access ramp and aisles so not to impede vehicle movement.</li> </ul>
3 - Gradients	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>• A 5m wide vehicular access ramp will front the street.</li> <li>• All gradients are 1:4 (25%) or less for a 14.4m ramp length and comply with the standard for a ramp length less than 20m for a residential car park.</li> <li>• Council's traffic engineering unit raise no concern in relation to the entrance grades.</li> </ul>
4 – Mechanical Parking	<p><b>Met subject to condition</b></p> <ul style="list-style-type: none"> <li>• Within the basement are: <ul style="list-style-type: none"> <li>○ 18 car parking spaces provided in the form of 2 mechanical car parking (stackers) specifically "WOHR Comblift 542" car stacker systems;</li> <li>○ six (6) single car parking spaces for residents;</li> <li>○ five (5) visitor car parking spaces.</li> </ul> </li> <li>• This equates to 24 car parking spaces for residents and 5 car parking spaces for visitors (noting that the Scheme requires the provision of 4 visitor spaces). A total of 29 car parking spaces are proposed on site.</li> <li>• Council's traffic engineering unit raise no concern with the use of mechanical stackers.</li> </ul>
5 – Urban Design	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>• The basement entrance will be sufficiently set back from the site frontage and front wall of the building. With a 5m width and centrally located on a frontage of</li> </ul>

	<p>18.59m it will not appear unduly visually prominent when viewed from the public realm.</p> <ul style="list-style-type: none"> <li>Soft landscaping proposed within the front setback will assist in screening / obscuring oblique views of the vehicle entrance where appropriate, while still providing sight lines to allow for safe vehicle and pedestrian movement.</li> </ul>
6 – Safety	<p><b>Met subject to condition</b></p> <ul style="list-style-type: none"> <li>Internally, the car park has 6.6m, 6.9m and 7.6m aisle widths providing an appropriate level of visibility and safety for pedestrians utilizing the car parking spaces and the storage cage rooms, refuse store, staircase and lift.</li> <li>Provision and details of lighting (including sensor lighting internal to the basement, wall lights along both side of the driveway entrance, signage, line markings and convex mirrors) will be required by a permit condition on any permit issued, to ensure user safety.</li> </ul>
7 – Landscaping	<p><b>Not Applicable</b></p> <ul style="list-style-type: none"> <li>Given the basement location of the car park, internal landscaping (or provision of any water sensitive urban design treatment) is neither required nor appropriate. Refer conditions 6.7 and 20.</li> </ul>

**Clause 52.29 Land Adjacent to a Road Zone Category 1**

- 6.37 Pursuant to Clause 52.29 of the Scheme, Mitcham Road is specified as a Road Zone Category 1 and a permit is required to alter the existing vehicle access to a road in a Road Zone Category 1.
- 6.38 The decision guidelines of this Clause include the views of the relevant road authority.
- 6.39 VicRoads have no objection to the proposal subject to conditions on any planning permit issued. The access arrangement to Mitcham Road is therefore considered appropriate.

**Clause 55 Two or More Dwellings on a Lot**

- 6.40 This Clause sets out a range of objectives which must be met. Each objective is supported by standards which should be met. If an alternative design solution to the relevant standard meets the objective, the alternative may be considered.
- 6.41 The following table sets out the level of compliance with the objectives of this clause:

OBJECTIVE	OBJECTIVE MET / NOT MET
<p>55.02-1 Neighbourhood Character  To ensure that the design respects the</p>	<p><b>Met subject to conditions</b> As outlined in the assessment of the proposal against the policy requirements of the Schedule 8 to the Design and Development Overlay (DD08), it is considered that the proposed apartment style development responds positively to the preferred neighbourhood character, and respects the</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
<p>existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>To ensure that development responds to the features of the site and the surrounding area.</p>	<p>natural features of the site and its surrounds.</p> <p>There is a clear and consistent policy requirement under the zone, DD08 and Clause 21.05 of the Scheme for new development to appropriately transition down to land in another zone and have appropriately designed interfaces. The proposed building in its submitted form transitions down from the perimeter of the Main Road sub-precinct to complement the lower scale and built form within the south adjoining residential zone. The direct interface with the south adjoining existing dwellings and appropriate screen planting will be dealt with by way of conditions on any permit issued so that there will be no unreasonable visual bulk or off-site amenity.</p>
<p>55.02-2 Residential Policy</p> <p>To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</p> <p>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p>	<p><b>Met</b></p> <p>The application was accompanied by a written statement that has demonstrated how the development is consistent with State, Local and Council policy.</p>
<p>55.02-3 Dwelling Diversity</p> <p>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p><b>Met</b></p> <p>An appropriate mix is proposed as there is variety in the overall dwelling size, orientation and the sizes of balconies / ground level open space areas.</p> <p>The proposal includes a total of 21 dwellings (3x1 bedroom, 3x1 bedroom with study nook, 9x2 bedroom, 4x2 bedroom with study nook, and 3x3 bedroom with study). Eight (8) dwellings</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	are provided at ground level with access to external garden areas.
<p>55.02-4 Infrastructure</p> <p>To ensure development is provided with appropriate utility services and infrastructure.</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p>	<p><b>Met subject to condition</b></p> <p>Given the site is already developed for residential purposes the site has access to all services.</p> <p>A condition will require the provision of an on-site storm water detention system to alleviate pressure on the drainage system.</p> <p>Refer conditions 29 to 34.</p>
<p>55.02-5 Integration with the street</p> <p>To integrate the layout of development with the street.</p>	<p><b>Met</b></p> <p>The development is orientated to the street and provides separate vehicle and pedestrian access from the street.</p> <p>No front fencing is proposed and as such a high degree of transparency and openness to the development will be provided.</p> <p>A non-permeable roller door to the basement car park is proposed and is acceptable given the high degree of transparency from the dwelling windows and balconies fronting the street and the vehicle and pedestrian safety achieved through the design of the vehicle access.</p>
<p>55.03-1 Street setback</p> <p>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	<p><b>Met</b></p> <p>The ground level front setback will be 6.5m which is consistent with the standard requirements (an average of the east and west immediately abutting lots) and the 6m DDO8 requirement.</p>
<p>55.03-2 Building height</p>	<p><b>Considered Met</b></p> <p>As confirmed in the DDO8 assessment, the development</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
To ensure that the height of buildings respects the existing or preferred neighbourhood character.	height is appropriate for the site context.
55.03-3 Site coverage To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.	<b>Met</b> The proposed site coverage will be 59.8% of the site area. This meets the 60% maximum prescribed by the standard.
55.03-4 Permeability To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration.	<b>Met subject to condition</b> Soft landscaping will be provided within all setbacks where appropriate, equating to 27.7% which meets the 20% requirement.  The side and rear setbacks of the building will provide a mix of pebbled areas and concrete paving with perimeter landscaping. A condition of any permit issued will require the retaining walls to be setback 1m from the rear and west site boundaries and landscaping planted in-ground between the fence line and the retaining wall, atop the retaining wall and where possible, in-ground. Where not achievable, planting will be required in planter boxes. Refer condition 1c.
55.03-5 Energy Efficiency To achieve and protect energy efficient dwellings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.	<b>Met</b> The subject site has a north-south orientation. Each dwelling will have accommodation provided at each level and some dwellings will have dual aspects allowing for good solar access and cross-ventilation.  Dwellings 2, 3, 7 and 8 have some windows on the ground level (facing east and west) which may receive a slightly reduced level of daylight penetration due to side and rear setbacks, perimeter landscaping and boundary fencing.  Energy efficiency on adjoining lots will not be unreasonably compromised as a result of the development, given the siting and design of the proposed building.

OBJECTIVE	OBJECTIVE MET / NOT MET
<p>55.03-6 Open space</p> <p>To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</p>	<p><b>Met</b></p> <p>No communal open space is shown on plan and no public open space is provided within or adjacent to the development. Any open space within the front setback of the development will be for landscaping purposes or recreation for 3 of the new ground level dwellings.</p>
<p>55.03-7 Safety</p> <p>To ensure the layout of development provides for the safety and security of residents and property.</p>	<p><b>Met</b></p> <p>The pedestrian entrance to the building is highly visible from the street with direct pedestrian access to all dwellings from the street. Dwellings 2 and 8 (front-most dwellings, at corner locations) will also have direct access provided to their gardens via a side gate.</p> <p>Good levels of resident security will be provided given that the main pedestrian entry consists of 2 glass doors, fronts the street and is not visually obscured or isolated.</p>
<p>55.03-8 Landscaping</p> <p>To encourage development that respects the landscape character of the neighbourhood.</p> <p>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</p> <p>To provide appropriate landscaping.</p> <p>To encourage the retention of mature vegetation on the site.</p>	<p><b>Met subject to condition</b></p> <p>Soft landscaping will be provided within all setbacks save where the main pedestrian entrance and vehicle access is located.</p> <p>To ensure that planting within the setbacks will allow for an appropriate level of continuous, mature screen planting, a condition will require retaining walls shown as being on-boundary to be relocated 1m into the site, and clotheslines and shed for dwelling 3 repositioned in lieu of in-ground planting. Subject to these conditions, the level of planting will be site responsive and similar to other comparable medium density developments. Refer Conditions 1c, 1d, and 14.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
<p>55.03-9 Access</p> <p>To ensure vehicle access to and from a development is safe, manageable and convenient.</p> <p>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</p>	<p><b>Met</b></p> <p>The width of the vehicle access way does not exceed a third of the 18.59m street frontage.</p> <p>An existing crossover for the basement car parking will be utilised and as such will not result in the loss of any on-street car parking spaces.</p> <p>One crossover is proposed for 21 dwellings which is reasonable and appropriate for the width of the site frontage and the zoning.</p> <p>The width of the access way will be sufficient to accommodate access for emergency service vehicles.</p>
<p>55.03-10 Parking</p> <p>To provide convenient parking for resident and visitor vehicles.</p> <p>To avoid parking and traffic difficulties in the development and the neighbourhood.</p> <p>To protect residents from vehicular noise within developments.</p>	<p><b>Met</b></p> <p>The proposed basement car park includes stair and lift accesses providing direct access from the basement to each floor of the building.</p> <p>Given the provision of a garage door at basement level (with restricted access) the car parking will be secure.</p> <p>It is assumed that no mechanical ventilation is required however a condition will require further details to be submitted, if relevant so that the design of any flue is integrated into the building design.</p> <p>Sited centrally to the site frontage the vehicle entrance is located well away from windows in existing dwellings to the east and west of the subject site, and the building has been designed so that at ground level only one balcony (dwelling 8) is in close proximity to the accessway.</p> <p>Visitor car parking spaces will be provided on-site. Plans indicate line markings (which also distinguish the visitor spaces from the resident spaces), and the spaces will be stand-alone and prominently located at the foot of the basement access ramp.</p> <p>Details have not been submitted in relation to how the visitor spaces will be managed however it is assumed that it will be managed effectively through the residents or body corporate.</p>
<p>55.04-1 Amenity</p> <p>To ensure that the height and setback of a building from a</p>	<p><b>Met subject to condition</b></p> <p><u>South (rear)</u></p> <p>For Dwellings 3 and 11 a setback of 5.1m for a wall height of 4.6m meets the 1.3m setback required.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
<p>boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p>For Dwellings 4 and 12 a setback of 4m for a wall height of 5.2m meets the 1.48m setback required.</p> <p>For Dwellings 5, 6, 12 and 13 a setback of 4m for a wall height of 6.4m meets the 1.84m setback required.</p> <p>For Dwelling 7 a setback of 4m for a wall height of 7m meets the 2.09m setback required.</p> <p>For Dwelling 18 a setback of 5.2m for a wall height of 8.4m meets the 3.49m setback required.</p> <p>For Dwelling 19 a setback of 5.6m for a wall height of 8.8m meets the 3.89m setback required.</p> <p>For Dwelling 20 a setback of 4.8m for a wall height of 10.15m fails to meet the minimum 5.24m setback required by 440mm. The area of non-compliance is minor and confined to the south-eastern corner of the bedroom and it is acknowledged that the remainder of the wall is setback 5.2m which meets the setback required. That said, conditions will be requiring the relocation of the balcony of Dwelling 20 to the side of the building, and in doing so, the required setback will be exceeded. This design change, which relates to the requirements of the DDO8, will ensure that the required Res Code setback for Dwelling 20 is fully met.</p> <p>For the east and west sides of the building, plans show the side setbacks prescribed under the standard in hatched lines. The setbacks of the building are within them.</p> <p>The building will be setback from the eastern site boundary by between 1.93m and 2.55m at ground and first floor levels, and between 4.03m and 6.21m at the second floor.</p>
<p>55.04-2 Walls on boundaries</p> <p>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p><b>Not Applicable</b></p> <p>No walls on-boundary are proposed.</p>



OBJECTIVE	OBJECTIVE MET / NOT MET
<p>55.04-3 Daylight to existing windows</p> <p>To allow adequate daylight into existing habitable room windows.</p>	<p><b>Met</b></p> <p>North-facing windows in the south adjoining dwelling (dwelling at 12 Kevin Court) are setback in excess of 5.37m from the common boundary and will achieve a minimum area of 3sqm.</p> <p>East-facing windows in the two dwellings at 144-146 Mitcham Road are located 3.54m distance from the common boundary and will receive the required minimum area of 3sqm.</p> <p>West-facing windows at 152 Mitcham Road are setback 1.85m and 2.5m from the common boundary and will receive the required minimum area of 3sqm.</p> <p>Therefore, in line with the standard requirements, the proposed development will allow for a minimum area of 3sqm and a minimum dimension of 1m clear to the sky to adjoining windows and will have no unreasonable daylight impacts, in accordance with the standard.</p>
<p>55.04-4 North-facing windows</p> <p>To allow adequate solar access to existing north-facing habitable room windows.</p>	<p><b>Not Applicable</b></p> <p>The north-facing windows in the south adjoining dwelling are setback in excess of 5.37m and as such the standard does not apply.</p>
<p>55.04-5 Overshadowing</p> <p>To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p><b>Met subject to conditions</b></p> <p>The decision guidelines require the responsible authority to consider the design response, the impact on the amenity of existing dwellings, existing sunlight penetration to the secluded private open space, the time of day that sunlight will be available to the secluded private open space and the effect that the reduction in sunlight will have on the use of the open space.</p> <p>Submitted shadow diagrams demonstrate that at 9am the development will cast shadows up to 5m in length across all three (3) south adjoining secluded private open space areas at 10, 11 and 12 Kevin Court. This is up to 2.5m beyond existing shadows cast by boundary fencing. The affected areas are largely confined to areas immediately abutting the fence line with shadows affecting the rear most portions of the secluded open space areas where outbuildings are sited.</p> <p>At 12 noon shadows will be cast for a length of up to approximately 3m in length across all three (3) south adjoining secluded private open space areas. This is up to 2m beyond</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	<p>existing shadows cast by boundary fencing. The most affected area will along the fence line in the rear most portion of the garden at number 12 Kevin Court. Shadows will also be cast along a strip of private open space at the east adjoining dwelling at 152 Mitcham Street, again immediately next to the fence line.</p> <p>At 3pm the development will cast shadows approximately 1m in length affecting an area of approximately 5sqm of open space at 12 Kevin Court, immediately abutting the fence line. Shadows will also be cast over the east adjoining dwelling at 152 Mitcham Road affecting the western side setback, west-facing windows and an area measuring approximately 16sqm of the private open space area. Said shadows will be cast up to a length of 4m beyond existing shadows cast by boundary fencing.</p> <p>Importantly, plans demonstrate that the difference between existing shadows cast by fencing and shadows cast by the proposed development is relatively minor. For the most part, additional shadows will be limited to portions of the rear open space areas located along fence lines.</p> <p>The standard requires adjoining open space areas to receive a minimum of 5 hours of sunlight between 9am and 3pm. Shadows cast to the south adjoining dwellings meet the standard. Shadows to the east adjoining dwelling will only affect the secluded private open space area in the late afternoon and therefore shadows cast meet the standard. The impact throughout the day caused by the development will not be unreasonable for the site context, and it meets the policy objective at clause 55.04-5 of the Scheme.</p> <p>In relation to the new dwellings within the proposed building, a large proportion of their open space areas will be entirely overshadowed throughout the day as a result of the design response, boundary fencing, orientation and the slope of the land.</p> <p>In summary, 7 of the 8 ground level dwellings (garden areas and habitable room windows) will be in shadow either by the building itself or boundary fencing at 9am. At 12 noon, 6 of the same 8 dwellings will be affected by shadows with 5 of the dwelling's garden areas almost entirely in shadow. At 3pm, 3 of the 8 dwelling's garden areas will be entirely in shadow as a result of the building or boundary fencing. Similarly, at the upper levels of the building, all south-facing balconies (7 balconies for 7 dwellings) will be shadowed entirely up to 12 noon after which time (from 3pm onwards) only 2 of the 7 balconies will not be affected by shadow.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	<p>While the standard looks at impact on the amenity of existing dwellings it is acknowledged that the majority of the open space areas for the 21 dwellings proposed will be affected by overshadowing. Overshadowing within the development could be improved (reduced) by making some of the south-facing balconies east and west facing. A condition will require this. This design change will also improve the southern interface of the development and assist in transitioning. Refer to conditions 1a and 1b.</p>
<p>55.04-6 Overlooking</p> <p>To limit views into existing secluded private open space and habitable room windows.</p>	<p><b>Met subject to condition</b></p> <p>Overall, the screen designs and provision of obscure glass is consistent with a development of this type.</p> <p>Overlooking (limiting views within a 9m radius from habitable rooms, secluded private open space areas and balconies) has been addressed in the design of the development through the provision of obscure glass to full height windows. The use of high-level windows is limited which allows for a good level of sunlight penetration.</p> <p>In relation to balconies, several are located within 9m of dwellings on south adjoining lots (and within the new development) and the 1.7m high green frosted glass screening will need to demonstrate full compliance with the standard, including being fixed and 25% transparent. This will be easily addressed by way of a condition on any permit. Refer to condition 1h.</p>
<p>55.04-7 Internal views</p> <p>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</p>	<p><b>Met subject to condition</b></p> <p>Internal overlooking between ground level areas will be limited by 2m high timber fencing. Views between habitable room windows will be limited through the provision of obscure glass to full height windows.</p> <p>To ensure internal views between balconies are limited, a condition will require details of the balcony screens to demonstrate compliance with the policy objective. Refer to condition 1h.</p>
<p>55.04-8 Noise impacts</p> <p>To contain noise sources in developments that</p>	<p><b>Met</b></p> <p>Potential noise sources from a residential development (excluding domestic noise) is ordinarily limited to plant and equipment (such as air conditioning units, mechanical ventilation and automated roller doors to car parks.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
<p>may affect existing dwellings.</p> <p>To protect residents from external noise.</p>	<p>No details (relating to noise levels) have been submitted with the application, however ordinarily all residential noise for a development of this type would be subject to standard EPA requirements controlled through local laws.</p>
<p>55.05-1 Accessibility</p> <p>To encourage the consideration of the needs of people with limited mobility in the design of developments.</p>	<p><b>Met</b></p> <p>The common driveway and ground floor dwellings will be directly accessible to people with limited mobility by the ramped access at the front of the building. All dwellings will provide living space across a single level and as such stairs are not required internal to the dwellings. A lift provides internal access between all levels of the building and all corridor widths are 2m which is a relatively generous dimension. Four (4) of the ground level dwellings may not be suitable for the mobile impaired due to the fact they rely on external stairs to access the rear gardens.</p>
<p>55.05-2 Dwelling entry</p> <p>To provide each dwelling or residential building with its own sense of identity.</p>	<p><b>Met</b></p> <p>The main pedestrian entrance to the building is separate from the vehicle accessway and easily identifiable and all dwelling entries are internal to the development and are easily identifiable along corridors.</p> <p>The entry to the common driveway is also easily identifiable from the street.</p>
<p>55.05-3 Daylight to new windows</p> <p>To allow adequate daylight into new habitable room windows.</p>	<p><b>Met</b></p> <p>While ground level windows may have a slightly reduced level of daylight afforded to them as a result of boundary fencing, screen planting and canopy trees, all dwellings will have a reasonable level of daylight overall.</p>
<p>55.05-4 Private open space</p> <p>To provide adequate private open space for the reasonable recreation and service needs of residents.</p>	<p><b>Met</b></p> <p>Schedule 2 to the RGZ does not prescribe a minimum private open space area size.</p> <p>Each dwelling will be provided with an area of private open space.</p> <p>All ground level dwellings (save Dwelling 1) will be provided with a garden at least 27sqm in size. Dwellings 1, 2, 8 on the ground floor and all dwellings on the upper floors will be provided with balconies (all of which are at least 8sqm in size) accessed from the main living area and with a minimum dimension of 1.6m.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	Overall, open space areas are generous in size and each open space areas will provide for the reasonable recreational needs of the new occupiers and are typical for a development of this type.
<p>55.05-5 Solar access to open space</p> <p>To allow solar access into the secluded private open space of new dwellings and residential buildings.</p>	<p><b>Met subject to condition</b></p> <p>Ground level private open spaces are provided on each side of the building. The area within the front setback and north-facing balconies for 9 of the 21 dwellings will receive ample solar access. The balance of dwellings will be provided with either ground level gardens (orientated east, west or south) or balconies (south-facing).</p> <p>The south-facing gardens and balconies will be in constant shade and the useability of the spaces will clearly be affected. While this would occur regardless of any setback of the building's southern wall from the southern site boundary there is an opportunity to improve this by relocating the balconies of Dwellings 11, 14 and 20 to the east or west side of the building, similar to the balcony shape for Dwelling 18. A condition will reflect this. Subject to this condition, solar access to the balconies of three (3) dwellings will be greatly improved. Refer condition 1a and 1b.</p>
<p>55.05-6 Storage</p> <p>To provide adequate storage facilities for each dwelling.</p>	<p><b>Met</b></p> <p>Plans show storage cages (6m<sup>3</sup>) provided in 2 separate rooms within the basement car park. In these locations they are easily accessed by residents and are secure. The provision of separate storage cages and dedicated rooms (in other words, not above-bonnet storage) is not generally provided for a development of this type and is therefore fully supported.</p> <p>Only one shed is provided (within the garden area for Dwelling 3) which is supported given that this dwelling has a large grassed area and the storage of garden tools and machinery is likely. While Dwellings 4, 5, 6 and 7 could accommodate a shed, conditions will require increased screen planting and increased size for planter beds instead of requiring additional sheds. There is ample storage within the basement.</p> <p>Despite there being no Scheme requirement to provide on-site bicycle parking (for residents or visitors) the basement provides 8 secure racks within the storage cages room and 5 wall-mounted racks are provide external to the building, integrated into the landscaped area within the front setback. This is fully supported as it would mean that storage cages will not need to double-up as bicycle storage.</p>
<p>55.06-1 Design</p>	<p><b>Met subject to condition</b></p> <p>The proposed architectural design is of a high standard and</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
<p>detail</p> <p>To encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p>offers a contemporary statement that responds positively to the preferred neighbourhood character.</p> <p>The window and door proportions enhance visual interest and provides for a good mixture of horizontal and vertical elements. This in turn provides a good level of articulation.</p> <p>Visual interest is provided by the stepping of walls, graduation of the upper levels and the use of balconies, balcony screening, fascias and framing elements.</p> <p>The incorporation of different materials and finishes provide further visual interest to the building.</p> <p>In relation to the design detailing of the southern wall, a condition will require changes to be made in the way of relocated balconies from Dwellings 11, 14 and 20 and more setbacks at the top floor of the building. Refer conditions 1a and 1b.</p>
<p>55.06-2 Front fence</p> <p>To encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p><b>Not Applicable</b></p> <p>The proposal does not include a front fence, which is supported by the DDO8.</p>
<p>55.06-3 Common property</p> <p>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</p> <p>To avoid future management difficulties in areas of common ownership.</p>	<p><b>Met</b></p> <p>A gymnasium will be located at ground level and communal areas will be provided at the front of the buildings. While these are not clearly delineated on plans, assuming the dwellings are sold individually, all communal areas (also including the car park) would be maintained by an Owners' Corporation. There are no perceived difficulties associated with future management of these areas.</p>
<p>55.06-4 Site services</p> <p>To ensure that site services can be</p>	<p><b>Met subject to condition</b></p> <p>Mailboxes are located in the foyer of the building however there is an Australia Post requirement for mailboxes to be externally located parallel to the footpath on Mitcham Road. A</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
<p>installed and easily maintained.</p> <p>To ensure that site facilities are accessible, adequate and attractive.</p>	<p>condition will require mailboxes at the street frontage, as per the Australia Post requirements, acknowledging that any mailboxes cannot be higher than 900mm if located within the visibility sightlines prescribed at Clause 52.06 of the Scheme. Refer condition 1j and 37.</p> <p>Clotheslines are shown within the gardens for Dwellings 2 to 7 and for the balance of the dwellings will be required to be shown on plan by way of condition on any permit issued. Refer condition 1c and 42.</p> <p>Bin storage in the car park is easily accessible by all residents and not visible from the public domain.</p> <p>The submitted Waste Management Plan (WMP) confirms that all waste collection will be made by a private collector is supported by Council's traffic engineering unit (waste services). The WMP is supported subject to modifications which will be required by way of condition. Refer condition 23.</p>

## 7 REFERRALS

### External

- 7.1 The originally submitted (advertised) application was referred to Vic Roads. The following table provides their response:

Authority	Comment
Vic Roads	<p>VicRoads generally require a 7.0m x 5.0m passing area to be located entirely within the site.</p> <p>No objection on the proposal, subject to the following conditions to be included:</p> <ol style="list-style-type: none"> <li>1) The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority.</li> <li>2) Prior to the commencement of the use hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be: <ul style="list-style-type: none"> <li>• Formed to such levels and drained so that they can be used in accordance with the plan;</li> <li>• Treated with an all-weather seal or some other durable surface.</li> </ul> </li> <li>3) Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg by spilling gravel onto the roadway).</li> <li>4) Prior to the commencement of the use hereby approved all disused or redundant vehicle crossings must be removed and the area reinstated to match with adjacent road environment to</li> </ol>

	<p>the satisfaction of the Responsible Authority.</p> <p>5) The proposed development requires reinstatement of disused crossovers to kerb and channel &amp; construction of new crossovers. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any work.</p>
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7.2 VicRoads conditions will be included as conditions on any permit issued.

7.3 The amended application (the decision plans) was referred to VicRoads however no comments have been received to date. The plans do not however make any changes to the vehicle access or change to the originally proposed alteration to Mitcham Road.

#### Internal

7.4 The application was referred to a number of Service Units. Where appropriate, the originally submitted (advertised) application and the amended application (decision plans) were referred back to a number of the Service Units.

7.5 The following table provides their responses:

Service Unit	Comments
Engineering & Technical Services (Drainage)	Requires the provision of an on-site storm water detention system.
Strategic Projects (ESD)	Submitted SMP (dated 23/9/2015) supported subject to the following changes: <ul style="list-style-type: none"> <li>• p14 paragraph 3.3.1(Fittings &amp; Fixtures) amended to refer to taps and basins – minimum 5 Star WELS rated;</li> <li>• p21 to reflect WELS ratings in STEPS report; and</li> <li>• switch with toilets WELS 4 star.</li> </ul>
Engineering & Technical Services (Traffic)	There are no traffic issues having considered the proposal in the context of the traffic and the surrounding street network.
Engineering & Technical Services (Engineering)	Satisfactory. Support, subject to conditions requiring the following: <ul style="list-style-type: none"> <li>• All runoff must be directed to the point of discharge.</li> <li>• The developer must provide on-site storm water detention storage.</li> <li>• New vehicle crossing constructed subject to standard conditions and a footnote requiring a "Vehicle Crossing Permit"</li> <li>• Existing crossover removed and the naturestrip / kerb and channel / footpath reinstated.</li> <li>• The mechanical car stackers must be maintained in good working order and be permanently available for the parking of vehicles in accordance with their purpose, to the satisfaction of responsible authority.</li> </ul>



	<ul style="list-style-type: none"> <li>• A Construction Management Plan.</li> </ul>
Engineering & Technical Services (Easements)	<ul style="list-style-type: none"> <li>• Build over Easement approval is not required.</li> <li>• Minor works including grass cover and pebble landscaping over the easement along the southern boundary is supported.</li> </ul>
Engineering Operations (Waste Management)	<ul style="list-style-type: none"> <li>• The WMP prepared by Low Impact Development Consulting dated 7 October 2015 and the Traffic Impact Assessment prepared by TTM Consulting dated 7 October 2015 is satisfactory. The WMP confirms that a private waste collection contractor will undertake waste collection from within the development basement.</li> <li>• No bins should be placed out (or left out) on any of the surrounding nature strips for any reason.</li> <li>• The developer must ensure adherence to the collection methodology stated in the WMP.</li> </ul>
Economic and Environmental Planning (Urban Design)	<p>Support, subject to the following recommendations:</p> <p><i>Materials</i></p> <ul style="list-style-type: none"> <li>• The materials palette is varied and of good quality giving the building a distinctive character. The green frosted glazing to the balustrades should match one of the colours used in the glass feature at the entrance to the building so that another element is not added.</li> </ul> <p><i>Entrances</i></p> <ul style="list-style-type: none"> <li>• The entrance to the building is adequate with some feature landscaping and need to ensure the access ramp is DDA compliant.</li> </ul> <p><i>Setbacks</i></p> <ul style="list-style-type: none"> <li>• The eastern setback meets the minimum requirement and because of a change in level provides restricted landscape areas. The two narrow planting beds should be combined into one, so taller shrubs of at least 3m can be grown to form a hedge.</li> <li>• On the east side of Apartment 7 it would be better to remove the narrow balcony so a wider planting area can be created.</li> <li>• The rear setback is adequate but the huge change in level must be taken into account when designing the outdoor</li> </ul>

	<p>spaces. There may be a need to create some terracing here allowing for at least one larger deciduous tree per outdoor space to screen the building from adjoining properties and create a more pleasant environment for the apartments.</p> <ul style="list-style-type: none"><li>• The western setback is adequate but it would be best to create wider garden beds by reducing the area of gravel paving so that a larger deciduous tree can be grown in each outdoor space.</li></ul> <p><i>Building bulk and articulation</i></p> <ul style="list-style-type: none"><li>• In the front elevation, the ‘framing’ elements help reduce the bulk of the building fitting in better with the adjoining properties.</li><li>• Recommend that the vertical fins at the each end of the building do not protrude above the height of the stepped part of the building, helping it blend in better with the adjoining properties.</li><li>• The rear facade is quite busy with a mix of materials but does not have good articulation like the front facade. Some ‘framing’ elements similar to the front could help reduce the bulk of this elevation and create more interesting shadow lines.</li></ul> <p><i>Landscaping</i></p> <ul style="list-style-type: none"><li>• The front area of landscaping is adequate for the planting of 3 big trees.</li><li>• Suggest the 2 Capital Pears could be changed to a small evergreen tree to tie in with the existing evergreen trees in the nature strip and in adjoining properties.</li><li>• Needs to be some screen planting on the street side around the services box.</li><li>• The garden beds on the west and east site boundaries need to be strengthened by widening and planting larger shrubs to form a thicker hedge.</li></ul>
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- 7.6 Recommendations will be addressed via permit conditions and footnotes where appropriate, on any permit issued.

## 8 NOTIFICATION

- 8.1 Notice of the originally submitted application was required to be given under Section 52 of the *Planning & Environment Act 1987*, by sending notices to adjoining and nearby landowners/occupiers and by displaying notices on the land for a 3 week period.
- 8.2 Council received six (6) objections including one (1) multi-signatory.
- 8.3 Details are as follows:

Address
152 Mitcham Road (with names of people living in William Street, Kevin Court, Astelot Drive, Mitcham Road, Kew Court
1/144-146 Mitcham Road, Donvale
154 Mitcham Road, Donvale
10 Kevin Court, Donvale
11 Kevin Court, Donvale
13 Kevin Court, Donvale

- 8.4 The grounds of objection can be summarised as follows:
- Lack of policy support in the Scheme under the zone and the overlay requirements.
  - Design – commercial style building, scale and design is out of character with the area (which includes single dwellings within Kevin Court and new 2-storey townhouse style developments), inadequate articulation of building when viewed from surrounding properties, and insufficient landscaping proposed.
  - Over-development of the site.
  - Off-site amenity – overlooking / loss of privacy, overshadowing and loss of sunlight, residential noise resulting from 21 dwellings (as opposed to single dwellings), loss of outlook / view.
  - Insufficient car parking spaces on-site which will result in vehicles parking on Williams Street, Kevin Court and Kew Court.
  - Traffic – location of vehicle access and safety impact on bus stop on Mitcham Road, traffic congestion on nearby streets, pedestrian safety on nearby streets as a result of increased traffic.
  - Other - impacts to adjoining dwellings during construction phase due to depth of excavation and machinery noise, detrimental impacts on adjacent property values, and submitted information (reports) cannot be relied on to assess the application.

- 8.5 Notice of the amended application (57A plans) was given under Section 52 of the *Planning & Environment Act 1987*, by sending notices to adjoining and nearby landowners/occupiers. No notice was displayed on the land.
- 8.6 The following two (2) original objectors submitted further letters of objection:

Address
10 Kevin Court, Donvale
11 Kevin Court, Donvale

- 8.7 Both objectors re-submitted copies of their original objection letters and both objectors confirmed that the amended plans do not resolve any of the issues originally raised.
- 8.8 A response to the above grounds is provided in the following paragraphs:

Lack of policy support in Scheme under the zone and overlay requirements

- 8.9 There is clear support for development of the land in the Scheme in terms of urban consolidation and a proposed increase in residential density. The proposed development supports the key vision objectives which encourage a higher density and innovative contemporary design by providing residential development within a building in a location that is highly accessible to the community. In that regard it is consistent with policy.
- 8.10 Notwithstanding that, it is not development at any cost and policy sets out design parameters including a maximum site coverage of 60 percent and a requirement that higher developments on the perimeter of the Main Road sub-precinct are designed so that the height and form are sufficiently stepped down, so that the scale and form complements the interface which in this case is the southern interface with dwellings within Kevin Court.
- 8.11 Subject to permit conditions on any permit issued, requiring design changes to the southern side of the development, the articulation, height transitioning and relationship with the south adjoining dwellings will provide a more appropriate interface.

Design – commercial style building, scale and design is out of character with the area (which includes single dwellings within Kevin Court and new 2-storey townhouse style developments), inadequate articulation of building when viewed from surrounding properties, insufficient landscaping proposed.

- 8.12 A full assessment of the building design, neighbourhood character and landscaping is provided in the DDO8 assessment and Res Code assessment in this report.
- 8.13 In short, the subject site is located within the RGZ and is located in the DDO8-1 “sub precinct Main Road”. Policy supports housing developments that will respect existing neighbourhood character and it is acknowledged that that the scale, form and age of existing housing in the area is predominately 1970s (single-storey) with a substantial amount of development dating between the late 1980s and 1990s (double and in some instances 3-storey) with minimal unit development. However, Council through its policy statements and the DDO8, has created a planning mechanism that will over time alter the present neighbourhood character along Mitcham Road. Through policy, Council’s ‘preference’ is for higher

density, multi-unit developments which may include apartment-style buildings, especially on larger lots, and the resultant built form will have a more intense and less 'suburban' character.

- 8.14 This higher density housing theme represents the 'preferred neighbourhood character' and guidance as to the ultimate form of development is provided through the Design Elements contained within the DDO8 provisions. To accommodate Manningham's projected population growth, policy objectives (at Clause 21.05-2 Housing) within the Scheme supports a higher density of housing along main roads and anticipates and supports an incremental level of change along main roads.

Over-development of the site

- 8.15 Officers acknowledge that the southern interface to land in the GRZ is a sensitive one.
- 8.16 In light of the policy direction and clear policy support in the Scheme for development of the subject site, and the high level of on-site amenity that will be provided to the new residents within the development (in the form of dwelling types and sizes, adequate on-site car parking spaces provided, size of open spaces etc) the proposal is not considered to be an over-development.
- 8.17 The proposal achieves the purpose of the zone and is of a scale supported by the zone and the level of change anticipated for land within the sub-precinct. Further, in relation to off-site amenity impacts and Res Code standards, the proposal complies. Conditions on any permit issued will require additional in-ground screening planting around the site's side and rear boundaries.
- 8.18 The building's presentation is residential rather than commercial due to balcony treatments and other design features that will break up and articulate the facades.

Off-site amenity – overlooking / loss of privacy, overshadowing and loss of sunlight, residential noise resulting from 21 dwellings (as opposed to single dwellings) and loss of outlook / view

- 8.19 Relevant concern is raised in relation to the impact of the proposed development on south adjoining properties, in particular due to the different residential zoning (the subject site is within the RGZ and the south adjoining dwellings are within the GRZ) and their residential amenity expectations given a 3-storey built form immediately to the north.
- 8.20 The design of the proposed building on the southern side is acceptable subject to some design changes that will be required by way of conditions (relocated of balconies for three of the dwellings, increased setback of the second floor southern walls and relocation of retaining walls with planting provided atop and between the retaining wall and fence line).
- 8.21 A full assessment against all Res Code standards and objectives and the DDO8 requirements which require appropriate height transitioning, is provided in this report. Subject to conditions attached to any permit issued the proposal will have present a reasonable level of off-site amenity impact to existing adjoining dwellings, including those located to the south and within the GRZ.

- 8.22 In relation to residential noise the consideration of this planning application is confined to the construction of the development. The residential use of the subject site does not require a planning permit under the zone and is therefore not a planning matter and cannot be considered in this assessment. Residential noise associated with a dwelling is considered normal and reasonable in an urban setting. Residential noise would be subject to standard EPA guidelines and any future amenity issues, should they arise, can only be pursued as a civil matter.

Insufficient car parking spaces on-site will result in vehicles parking on Williams Street, Kevin Court and Kew Court

- 8.23 The car parking requirements of the Scheme is at Clause 52.06-1 (Car parking) of the Scheme.
- 8.24 For the proposed development (21 dwellings), the Scheme requires the following:

	Rate	Number of car parking spaces required for the proposal
3x1 bedroom	1 space	3
3x 1 bedroom with study nook	1 space	3
9x2 bedroom	1 space	9
4x 2bedroom with study nook	1 space	4
3x3 bedroom with study	2 spaces	6
Visitor	1 space for each 5 dwellings (rounded down)	4
<b>TOTAL</b>		<b>29</b>

- 8.25 Within the basement, 18 resident car parking spaces will be provided in the form of 2 mechanical car parking stackers (all but 2 of the stackers will provide a double car parking space and none of the dwellings will share a stacker), 6 resident single car parking spaces and 5 single visitor car parking spaces will be provided. This equates to 24 car parking spaces for residents and 5 visitor car parking spaces for visitors, and therefore a total of 29 car parking spaces on site.

Traffic – including location of vehicle access and safety impact on bus stop on Mitcham Road, traffic congestion on nearby streets, pedestrian safety on nearby streets as a result of increased traffic

- 8.26 Council's traffic engineering unit and Vic Roads raise no concerns in relation to the impact of the development on the bus stop on Mitcham Raod or traffic and pedestrian safety on nearby streets. Council's traffic engineering unit and Vic Roads as the appropriate referral authority support the proposed development.
- 8.27 Existing on-street parking problems in the area cannot be addressed through the current application, nor should the burden of relieving these existing problems be imposed on the developer of the subject site.

Other - impacts to adjoining dwellings during construction phase due to depth of excavation and machinery noise, detrimental impacts on adjacent property values, and submitted information (reports) cannot be relied on to assess the application

- 8.28 Noise disturbance during construction works is a common objector concern. Some noise and other disturbance is inevitable when any construction occurs and the developer will be required to meet relevant Local Law and EPA regulations regarding construction practices to ensure these impacts are mitigated. However in addition to these requirements, a condition will require the submission of a Construction Management Plan (CMP) which will require the applicant to submit details of the construction, for approval.
- 8.29 In relation to the perceived impact on property values as a result of the proposed development, this is also a concern common raised by objectors and is not a planning consideration. The Victorian Civil and Administrative Tribunal (VCAT) and its predecessors have generally found subjective claims that a proposal will reduce property values are difficult, if not impossible to gauge and of no assistance to the determination of a planning permit application. It is considered the impacts of a proposal are best assessed through an assessment of the amenity implications rather than any impacts upon property values. This report provides a detailed assessment of the amenity impact of this proposal.
- 8.30 Any damage to adjoining properties from construction is a civil matter that should be dealt with by the relevant building surveyor.
- 8.31 In relation to the accuracy of the information lodged as part of the application, while there are some inconsistencies (for example, the car parking allocation shown on plans and on the tables provided), Officers have carried out a full and accurate assessment of the proposal at the planning stage. Council's traffic engineering unit and Vic Roads raise no concern in relation to the accuracy of the submitted traffic report and regardless, carry out their own independent investigation of the site and surrounds and development proposed.

## **9 CONCLUSION**

- 9.1 It is considered appropriate to support the application subject to some design changes to the building and the inclusion of suitable management plan conditions.
- 9.2 The proposed development, subject to some minor changes that will be required by way of permit conditions, is considered appropriate for the zone and the DDO8 provisions. The design is consistent with the preferred neighbourhood character, achieves a good level of internal amenity for future residents and will have a reasonable impact on the amenity of adjoining properties subject to minor changes to the southern interface that will be required by way of permit conditions.
- 9.3 The construction of a well designed and visually interesting apartment style building is consistent with the vision of the Scheme, in particular Clause 21.05 Residential, Schedule 8 to the Design and Development Overlay (DDO8) and Clause 55 (Res Code). It will allow an increase in housing density and diversity in a location that has good access to services.
- 9.4 The relevant referral authorities have been notified of this application for Planning Permit, and the conditions as required by the referral authority, and

agreed to by Manningham City Council, have been included on the Notice of Decision to Grant a Planning Permit.

#### RECOMMENDATION

That having considered all objections, A NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application No. PL15/025261 for the development for the construction of a 3-storey apartment building with 21 dwellings and basement car parking and alteration to access to a road in a Road Zone Category 1 (RDZ1) at 148-150 Mitcham Road DONVALE VIC 3111 in accordance with endorsed plans and subject to the following conditions:

1. Before the development starts, two (2) copies of amended plans, uncoloured, drawn to a scale of 1:100 and dimensioned must be submitted to the satisfaction of the Responsible Authority. When approved by the Responsible Authority, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the advertised plans received by Council on 9 October 2015 but modified to show the following:
  - a) Relocation of balconies for Dwellings 11 and 14 (first floor) and Dwelling 20 (second floor) from the southern side of the building to the east / west sides of the building.
  - b) Increased setback of the second floor southern wall by a minimum of 7 metres (affecting the sitting room of Dwelling 18, the bedrooms of Dwelling 19 and bedroom of Dwelling 20 in particular), to provide more stepping down of the building and a more appropriate height transition to the southern interface.
  - c) On-boundary retaining walls on the site's southern and western boundaries, set in 1m (minimum) from the site boundary and in-ground planting provided in between the fence line and retaining wall, atop the retaining wall, and within the garden areas (planter boxes in the gardens, where appropriate) to provide screen planting.
  - d) Relocation of clotheslines and shed, where necessary, to provide a continuous row of in-ground screen planting along the site's side (east and west) and rear (south) boundaries.
  - e) All roof plant and equipment, with appropriate screening so that it integrates into the building design and limit views of it from adjoining lots and the street.
  - f) Screening for the services box fronting the street, to limit views of it from the public domain.
  - g) Plan notations and an updated car parking allocation schedule to confirm no fewer than 25 resident car parking spaces and 4 visitor car parking spaces (with 1 of the spaces shown as a visitor space to be a resident space) in the basement.
  - h) The green frosted glass for the balcony screens to be shown as fixed and 25% transparent to comply with the objectives of clause 55.04-6 (Overlooking) and clause 55.04-7 (Internal views) of the Manningham Planning Scheme.
  - i) Details for any mechanical ventilation of the basement car park, with any external flues designed and integrated into the building design.
  - j) Mailboxes, as required by Australia Post, shown along the street frontage and designed to integrate into the building design and be no higher than 900mm if located within the visibility sightlines prescribed by Design Standard 1 at Clause 52.06-8 of the Manningham Planning Scheme.
  - k) Clear delineation for each dwelling and any communal open space at ground level.



- l) Clotheslines / external clothes drying facilities for each dwelling shown on plan.
- m) Details of signage, convex mirrors and line markings in the basement car park.
- n) Additional landscaping as required by the Landscaping Plan required by condition 14 on this permit.
- o) Any relevant changes as a result of the endorsed Waste Management Plan required by condition 22 on this permit.
- p) Any relevant changes as a result of the endorsed Sustainability Management Plan required by condition 24 on this permit.
- q) Any changes required by VicRoads (conditions 51 to 55 on this permit).

#### Endorsed Plans

- 2. The layout of the site and the size of buildings and works shown on the approved plans must not be modified for any reason, without the prior written consent of the Responsible Authority.
- 3. Floor levels shown on the endorsed plans must not be altered or modified. Any alterations must be approved in writing by the Responsible Authority.
- 4. Privacy screens to balconies as required in accordance with the endorsed plans must be installed prior to occupation of the dwellings to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter.
- 5. Obscure glazing must be installed prior to occupation of the building, to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.

#### Car Parking, Vehicle Crossover and Footpath

- 6. The development must provide no fewer than 25 residents car parking spaces and 4 visitor car parking spaces within the development and must be line-marked and used for no other purpose and maintained at all times to the satisfaction of the Responsible Authority.
- 7. Before the occupation of any of the approved dwellings, all associated basement parking spaces must be line-marked, numbered and signposted to provide allocation to each dwelling and visitors, and convex mirrors provided where necessary, to the satisfaction of the Responsible Authority.
- 8. The mechanical car stackers must be maintained in good working order and be permanently available for the parking of vehicles in accordance with their purpose, to the satisfaction of responsible authority.
- 9. Areas set aside for the parking of vehicles, together with the aisles and access lanes, must be properly formed to such levels that they can be utilised in accordance with the endorsed plans and must be drained and provided with an all weather seal coat to the satisfaction of the Responsible Authority.
- 10. Prior to the occupation of the development vehicular crossings must be constructed in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.

11. The driveway entrance must be kept clear of any obstructions for at least 2m measured laterally along the property boundary and 2.5m into the property, to provide safe and effective sight lines for pedestrians.
12. The costs of all of road infrastructure reinstatements and rectification works associated with utility service provision and building works must be borne by the developer.
13. Any damaged road(s) and footpath(s) adjacent to the development site as a result of the development must be reinstated to the satisfaction of the Responsible Authority. All costs associated with these works must be borne by the permit holder.

#### Landscaping

14. Before the commencement of works, a landscaping plan prepared by a suitably qualified landscape architect showing species, locations, approximate height and spread of proposed planting, must be submitted to the Responsible Authority for approval. The landscaping plan must show species, locations, approximate height and spread of proposed planting and the retention of existing trees and shrubs, and be consistent with the landscaping plan submitted with the application, but include (but not be limited to):
  - a) in-ground planting provided in between the fence line and relocated retaining walls and atop retaining walls, where achievable, to provide screen planting;
  - b) additional screening planted along the rear (south) and side (east and west) site boundaries and where sheds and clothes lines have been relocated, providing an appropriate level of in-ground, continuous, mature screen planting and increased size / number of planter boxes where appropriate;
  - c) a minimum of one (1) canopy tree within the private open space of each ground level dwelling to be a minimum height of 1.5 metres at the time of planting and capable of growing to a height of 8m at maturity;
  - d) tree protection measures for trees on adjoining lots during the construction phase.
15. Before the release of the approved plan under Condition 1 on this permit a \$10,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.
16. Landscaping must be carried out in accordance with the endorsed Landscape Plan and maintained to the satisfaction of the Responsible Authority.
17. The site must be landscaped prior to the occupation of any dwelling allowed by this permit.

#### Tree Protection

18. All trees approved as being retained on the endorsed plans must be protected by Tree Protection Fencing (TPF) to form an appropriate and effective Tree Protection Zone (TPZ) or Vegetation Protection Zone (VPZ), to the satisfaction of the Responsible Authority.

#### Street Tree

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

#### Lighting

20. Prior to the occupation of the dwellings, lighting capable of illuminating access to each car parking space, store, rubbish bin, recycling bin, pedestrian walkways, stairwells, lift, dwelling entrances and entry foyer must be provided. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.
21. 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.

#### Waste Management

22. The WMP prepared by Low Impact Development Consulting dated 7 October 2015 and the Traffic Impact Assessment prepared by TTM Consulting dated 7 October 2015 submitted with the application will be endorsed and will form part of this permit. The WMP confirms that a private waste collection contractor will undertake waste collection from within the development basement.
23. The collection of all waste must be in accordance with the endorsed WMP. Rubbish, including bottles and packaging material, must at all times be stored within the development and screened from external view and be managed to the satisfaction of the Responsible Authority in accordance with the approved WMP. No bins must be placed out (or left out) on any of the surrounding nature strips for any reason.

#### Environment Sustainable Design (ESD) and Sustainability Management Plan (SMP)

24. Before the approval of the approved plans under Condition 1 on this permit an SMP must be submitted and approved to the satisfaction of the Responsible Authority. The endorsed SMP will then form part of this permit. The SMP must be generally in accordance with the SMP lodged with the application (dated 23/9/2015) but modified to show the following changes:
- (a) p14 paragraph 3.3.1(Fittings & Fixtures) amended to refer to taps and basins – minimum 5 Star WELS rated;
  - (b) p21 to reflect WELS ratings in STEPS report; and
  - (c) switch with toilets WELS 4 star.

#### Construction

25. Before any development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval. The plan must provide for or include the following:

- a) a pre-conditions survey (dilapidation report) of the subject site and all adjacent Council roads frontages and nearby road infrastructure;
  - b) protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
  - c) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
  - d) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site, on site facilities for vehicle washing;
  - e) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - f) site security;
  - g) management of any environmental hazards that the activities on-site pose including but not limited to: contaminated soil, materials and waste, dust, stormwater contamination from run-off and wash-waters, sediment from the site on roads, washing of concrete trucks and other vehicles and machinery, spillage from refuelling cranes and other vehicles and machinery;
  - h) (construction program ;
  - i) preferred arrangements for trucks delivering to the site including delivery and unloading points and expected frequency;
  - j) parking facilities for construction workers;
  - k) measures to ensure that sub-contractors/tradespersons operate in accordance with the Construction Management Plan;
  - l) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - m) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
  - n) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads; and
  - o) a noise and vibration management plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008, to the satisfaction of the Responsible Authority. In this regard, consideration (amongst other matters) may be given to:
    - (i) using lower noise work practice and equipment
    - (ii) the suitability of the site for the use of an electric crane
    - (iii) silencing all mechanical plant by the best practical means using current technology;
    - (iv) fitting all pneumatic tools operated near a residential area with an effective silencer on their air exhaust port.
26. In the event of excavation causing damage to an existing boundary fence, the permit holder must repair or replace the affected fencing to the satisfaction of the Responsible Authority with all costs borne by the permit holder.
27. The endorsed Construction Management Plan 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
28. During construction, the following must occur:

- (a) any stormwater discharged into the stormwater drainage system to comply with EPA guidelines;
- (b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
- (c) vehicle borne material must not accumulate on the roads abutting the site;
- (d) the cleaning of machinery and equipment must take place on site and not on adjacent footpaths or roads;
- (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
- (f) all site operations must comply with the EPA Publication TG302/92.

#### Stormwater – On-site detention system

29. 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 be approved by the Responsible Authority prior to the commencement of works and must meet the following requirements:
- (a) Be designed for a 1 in 5 year storm.
  - (b) Storage must be designed for 1 in 10 year storm.
  - (c) Be maintained by the owner in accordance with construction plans approved by the Responsible Authority.
30. Before the commencement of works, the construction plan for the system required by 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.

#### Stormwater and Drainage

31. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor. A connection to Council maintained assets must not be constructed unless a Miscellaneous Works Permit is first obtained from the Responsible Authority.
32. The whole of the subject land, including landscaped and paved areas, must be graded and drained to the satisfaction of the Responsible Authority, to prevent ponding and to minimise overland flows onto adjoining properties.
33. The permit holder must at the subdivision stage enter into a legal agreement (pursuant to section 173 of the *Planning & Environment Act 1987*) requiring all future owners of the dwellings to maintain the proposed on-site stormwater detention system and the primary drainage lines associated with the on-site stormwater detention system.
34. No works are to take place within the easement and all excavation work must be managed and supervised, so as to ensure that the area within the easement is not adversely impacted upon, to the satisfaction of the Responsible Authority.

#### Management Plan Compliance

35. The Management Plans approved under 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.

#### Noise

36. Any noise emanating from the development including plant and other equipment, must comply with the State Environment Protection Policy or any other standard recommended by the Environment Protection Authority (EPA), to the satisfaction of the Responsible Authority.

#### Site Services

37. Letterboxes must be designed and located to satisfy the requirements of Australia Post to the satisfaction of the Responsible Authority.
38. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
39. All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively to the satisfaction of the Responsible Authority
40. 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.
41. Any air-conditioning unit installed on a balcony or terrace must stand at floor level and be positioned to minimise general visual impacts from off the site, and unless otherwise agreed in writing with the Responsible Authority, no air-conditioning unit may be erected on an external wall to the satisfaction of the Responsible Authority.
42. 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.
43. An Automatic basement door opening systems must be installed and maintained, so as to facilitate secure access to the allocated parking areas by residents, visitors and a rubbish collection contractor, to the satisfaction of the Responsible Authority.
44. Any security door/grille to the basement opening must maintain sufficient clearance when fully open to enable the convenient passage of rubbish collection vehicles which are required to enter the basement and such clearance must also be maintained in respect of sub-floor service installations throughout areas in which the rubbish truck is required to travel to the satisfaction of the Responsible Authority.
45. 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.
46. Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.
47. Garbage and recycling storage areas must be maintained in a neat and tidy condition to the satisfaction of the Responsible Authority.

48. Prior to the occupation of the development all fencing must be in a good condition to the satisfaction of the Responsible Authority.
49. In the event of damage to an existing boundary fence (as a result of construction activity), the owner of the development site must at their cost, promptly repair or replace the affected fencing to the satisfaction of the Responsible Authority.
50. All retaining walls must be constructed and finished in a professional manner to ensure a neat presentation and longevity to the satisfaction of the Responsible Authority.

VicRoads conditions (conditions 51 to 55)

51. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority.
52. Prior to the commencement of the use hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:
  - (d) Formed to such levels and drained so that they can be used in accordance with the plan;
  - (e) Treated with an all-weather seal or some other durable surface.
53. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).
54. Prior to the commencement of the use hereby approved all disused or redundant vehicle crossings must be removed and the area reinstated to match with adjacent road environment to the satisfaction of the Responsible Authority.
55. The proposed development requires reinstatement of disused crossovers to kerb and channel & construction of new crossovers. Separate approval under the Road Management Act for this activity may be required from Vic Roads (the Roads Corporation). Please contact Vic Roads prior to commencing any work.

Time Limit

56. This permit will expire if the development is not commenced within two (2) years from the date of this permit and the development is not completed within four (4) years from the date of this permit. The Responsible Authority may approve extensions to these time limits if requests are made before the permit expires or within 6 months afterwards.

NOTES

No filling/excavation works to occur over the easement. Consent in the form of a written "Build Over Easement" consent/permit from the relevant service authority must be obtained before any works occur over an easement which is located on the subject land. For any queries in relation to these plans please contact Engineering and Technical Services Unit on 9846 0542.

The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.

It is the developer's responsibility to coordinate and manage the service authorities and their works associated with underground utility provision and connections to the subject development. Trenches or areas of excavation made as result of laying underground services to the development will require the full width reinstatement of footpath, road pavement and the replacement of damaged kerb and channel to the satisfaction of Council's Engineering Services unit.

Under Section 69 of the *Planning and Environment Act 1987* the owner or occupier of the land may apply to extend a permit either:

- before it expires; or
- within 6 months of the expiry if the permit has not been acted on; or
- within 12 months of the expiry of the permit if the development was started lawfully before the permit expired.

The Responsible Authority (Statutory Planning Unit) must be advised when all construction and works (including nature strip restoration and on-site landscaping) are fully completed to enable the site to be inspected for compliance with the approved permit and plans.

Before the construction or modification of any vehicular crossing, a Miscellaneous Works Permit must be obtained from the Responsible Authority. Approved vehicular crossings must be constructed under the Responsible Authority's supervision, for which 24 hours notice is required.

Plans submitted for approval for the on-site storm water detention system should be forwarded to Council's Engineering and Technical Services Unit. For any queries in relation to these plans please contact Engineering and Technical Services on 9846 0563.

The location and design of mail boxes must accord with Australia Post guidelines found at [www.auspost.com.au/media/documents/Appendix\\_02\\_Aug13.pdf](http://www.auspost.com.au/media/documents/Appendix_02_Aug13.pdf). Developers seeking additional information regarding this should call Australia Post Customer Service on 13 13 18. Manningham City Council is the Responsible authority for the allocation of all new property addressing. For information or advice regarding the allocation of new addresses please contact Council's Property Services team on 9840 9242.

#### **ALTERNATIVE OFFICER RECOMMENDATION**

**That having considered all objections, A NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application No. PL15/025261 for the development for the construction of a 3-storey apartment building with 21 dwellings and basement car parking and alteration to access to a road in a Road Zone Category 1 (RDZ1) at 148-150 Mitcham Road DONVALE VIC 3111 in accordance with endorsed plans and subject to the following conditions:**

- 1. Before the development starts, two (2) copies of amended plans, uncoloured, drawn to a scale of 1:100 and dimensioned must be submitted to the satisfaction of the Responsible Authority. When approved by the Responsible Authority, the plans will be endorsed and will then form part of the permit. The plans must be**



generally in accordance with the advertised plans received by Council on 9 October 2015 but modified to show the following:

- a) Relocation of balconies for Dwellings 11 and 14 (first floor) and Dwelling 20 (second floor) from the southern side of the building to the east / west sides of the building.
- b) Increased setback of the second floor southern wall from the southern site boundary by a minimum of 7 metres (affecting the sitting room of Dwelling 18, the bedrooms of Dwelling 19 and bedroom of Dwelling 20 in particular), to provide more stepping down of the building and a more appropriate height transition to the southern interface.
- c) On-boundary retaining walls on the site's southern and western boundaries, set in 1m (minimum) from the site boundary and in-ground planting provided in between the fence line and retaining wall, atop the retaining wall, and within the garden areas (planter boxes in the gardens, where appropriate) to provide screen planting.
- d) Relocation of clotheslines and shed, where necessary, to provide a continuous row of in-ground screen planting along the site's side (east and west) and rear (south) boundaries.
- e) All roof plant and equipment, with appropriate screening so that it integrates into the building design and limit views of it from adjoining lots and the street.
- f) Screening for the services box fronting the street, to limit views of it from the public domain.
- g) Plan notations and an updated car parking allocation schedule to confirm no fewer than 25 resident car parking spaces and 4 visitor car parking spaces (with 1 of the spaces shown as a visitor space to be a resident space) in the basement.
- h) The green frosted glass for the balcony screens to be shown as fixed and 25% transparent to comply with the objectives of clause 55.04-6 (Overlooking) and clause 55.04-7 (Internal views) of the Manningham Planning Scheme.
- i) Details for any mechanical ventilation of the basement car park, with any external flues designed and integrated into the building design.
- j) Mailboxes, as required by Australia Post, shown along the street frontage and designed to integrate into the building design and be no higher than 900mm if located within the visibility sightlines prescribed by Design Standard 1 at Clause 52.06-8 of the Manningham Planning Scheme.
- k) Clear delineation for each dwelling and any communal open space at ground level.
- l) Clotheslines / external clothes drying facilities for each dwelling shown on plan.
- m) Details of signage, convex mirrors and line markings in the basement car park.
- n) Additional landscaping as required by the Landscaping Plan required by condition 14 on this permit.
- o) Any relevant changes as a result of the endorsed Waste Management Plan required by condition 22 on this permit.
- p) Any relevant changes as a result of the endorsed Sustainability Management Plan required by condition 24 on this permit.
- q) Any changes required by VicRoads (conditions 51 to 55 on this permit).

### Endorsed Plans

2. The layout of the site and the size of buildings and works shown on the approved plans must not be modified for any reason, without the prior written consent of the Responsible Authority.
3. Floor levels shown on the endorsed plans must not be altered or modified. Any alterations must be approved in writing by the Responsible Authority.
4. Privacy screens to balconies as required in accordance with the endorsed plans must be installed prior to occupation of the dwellings to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter.
5. Obscure glazing must be installed prior to occupation of the building, to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.

#### **Car Parking, Vehicle Crossover and Footpath**

6. The development must provide no fewer than 25 residents car parking spaces and 4 visitor car parking spaces within the development and must be line-marked and used for no other purpose and maintained at all times to the satisfaction of the Responsible Authority.
7. Before the occupation of any of the approved dwellings, all associated basement parking spaces must be line-marked, numbered and signposted to provide allocation to each dwelling and visitors, and convex mirrors provided where necessary, to the satisfaction of the Responsible Authority.
8. The mechanical car stackers must be maintained in good working order and be permanently available for the parking of vehicles in accordance with their purpose, to the satisfaction of responsible authority.
9. Areas set aside for the parking of vehicles, together with the aisles and access lanes, must be properly formed to such levels that they can be utilised in accordance with the endorsed plans and must be drained and provided with an all weather seal coat to the satisfaction of the Responsible Authority.
10. Prior to the occupation of the development vehicular crossings must be constructed in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.
11. The driveway entrance must be kept clear of any obstructions for at least 2m measured laterally along the property boundary and 2.5m into the property, to provide safe and effective sight lines for pedestrians.
12. The costs of all of road infrastructure reinstatements and rectification works associated with utility service provision and building works must be borne by the developer.
13. Any damaged road(s) and footpath(s) adjacent to the development site as a result of the development must be reinstated to the satisfaction of the

**Responsible Authority. All costs associated with these works must be borne by the permit holder.**

### **Landscaping**

14. **Before the commencement of works, a landscaping plan prepared by a suitably qualified landscape architect showing species, locations, approximate height and spread of proposed planting, must be submitted to the Responsible Authority for approval. The landscaping plan must show species, locations, approximate height and spread of proposed planting and the retention of existing trees and shrubs, and be consistent with the landscaping plan submitted with the application, but include (but not be limited to):**
  - a) **in-ground planting provided in between the fence line and relocated retaining walls and atop retaining walls, where achievable, to provide screen planting;**
  - b) **additional screening planted along the rear (south) and side (east and west) site boundaries and where sheds and clothes lines have been relocated, providing an appropriate level of in-ground, continuous, mature screen planting and increased size / number of planter boxes where appropriate;**
  - c) **a minimum of one (1) canopy tree within the private open space of each ground level dwelling to be a minimum height of 1.5 metres at the time of planting and capable of growing to a height of 8m at maturity;**
  - d) **tree protection measures for trees on adjoining lots during the construction phase;**
  - e) **screen planting to be at a height of 1.5m at the time of planting; and**
  - f) **the inclusion of deciduous trees along the southern site boundary (so that overshadowing to the south adjoining dwellings is minimised).**
15. **Before the release of the approved plan under Condition 1 on this permit a \$10,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.**
16. **Landscaping must be carried out in accordance with the endorsed Landscape Plan and maintained to the satisfaction of the Responsible Authority.**
17. **The site must be landscaped prior to the occupation of any dwelling allowed by this permit.**

### **Tree Protection**

18. **All trees approved as being retained on the endorsed plans must be protected by Tree Protection Fencing (TPF) to form an appropriate and effective Tree Protection Zone (TPZ) or Vegetation Protection Zone (VPZ), to the satisfaction of the Responsible Authority.**

### **Street Tree**

19. **Prior to construction commencing on site, the owner must arrange with Council's Parks and Recreation Unit for the removal of the street tree located in front of the subject site and its replacement. All costs associated with this must**

be paid to the satisfaction of the Responsible Authority. The removal and replacement of the street tree must only be undertaken by Council contractors to ensure quality and safety of work.

### Lighting

20. Prior to the occupation of the dwellings, lighting capable of illuminating access to each car parking space, store, rubbish bin, recycling bin, pedestrian walkways, stairwells, lift, dwelling entrances and entry foyer must be provided. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.
21. 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.

### Waste Management

22. The WMP prepared by Low Impact Development Consulting dated 7 October 2015 and the Traffic Impact Assessment prepared by TTM Consulting dated 7 October 2015 submitted with the application will be endorsed and will form part of this permit. The WMP confirms that a private waste collection contractor will undertake waste collection from within the development basement.
23. The collection of all waste must be in accordance with the endorsed WMP. Rubbish, including bottles and packaging material, must at all times be stored within the development and screened from external view and be managed to the satisfaction of the Responsible Authority in accordance with the approved WMP. No bins must be placed out (or left out) on any of the surrounding nature strips for any reason.

### Environment Sustainable Design (ESD) and Sustainability Management Plan (SMP)

24. Before the approval of the approved plans under Condition 1 on this permit an SMP must be submitted and approved to the satisfaction of the Responsible Authority. The endorsed SMP will then form part of this permit. The SMP must be generally in accordance with the SMP lodged with the application (dated 23/9/2015) but modified to show the following changes:
  - a) p14 paragraph 3.3.1(Fittings & Fixtures) amended to refer to taps and basins – minimum 5 Star WELS rated;
  - b) p21 to reflect WELS ratings in STEPS report; and
  - c) switch with toilets WELS 4 star.

### Construction

25. Before any development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval. The plan must provide for or include the following:
  - a) a pre-conditions survey (dilapidation report) of the subject site and all adjacent Council roads frontages and nearby road infrastructure;

- 
- b) protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
  - c) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
  - d) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site, on site facilities for vehicle washing;
  - e) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - f) site security;
  - g) management of any environmental hazards that the activities on-site pose including but not limited to: contaminated soil, materials and waste, dust, stormwater contamination from run-off and wash-waters, sediment from the site on roads, washing of concrete trucks and other vehicles and machinery, spillage from refuelling cranes and other vehicles and machinery;
  - h) (construction program ;
  - i) preferred arrangements for trucks delivering to the site including delivery and unloading points and expected frequency;
  - j) parking facilities for construction workers;
  - k) measures to ensure that sub-contractors/tradespersons operate in accordance with the Construction Management Plan;
  - l) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - m) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
  - n) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads; and
  - o) a noise and vibration management plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008, to the satisfaction of the Responsible Authority. In this regard, consideration (amongst other matters) may be given to:
    - (i) using lower noise work practice and equipment
    - (ii) the suitability of the site for the use of an electric crane
    - (iii) silencing all mechanical plant by the best practical means using current technology;
    - (iv) fitting all pneumatic tools operated near a residential area with an effective silencer on their air exhaust port.
26. In the event of excavation causing damage to an existing boundary fence, the permit holder must repair or replace the affected fencing to the satisfaction of the Responsible Authority with all costs borne by the permit holder.
27. The endorsed Construction Management Plan 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
28. During construction, the following must occur:
- (a) any stormwater discharged into the stormwater drainage system to comply

- with EPA guidelines;
- (b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
- (c) vehicle borne material must not accumulate on the roads abutting the site;
- (d) the cleaning of machinery and equipment must take place on site and not on adjacent footpaths or roads;
- (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
- (f) all site operations must comply with the EPA Publication TG302/92.

#### **Stormwater – On-site detention system**

29. 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 be approved by the Responsible Authority prior to the commencement of works and must meet the following requirements:
- (a) Be designed for a 1 in 5 year storm.
  - (b) Storage must be designed for 1 in 10 year storm.
  - (c) Be maintained by the owner in accordance with construction plans approved by the Responsible Authority.
30. Before the commencement of works, the construction plan for the system required by 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.

#### **Stormwater and Drainage**

31. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor. A connection to Council maintained assets must not be constructed unless a Miscellaneous Works Permit is first obtained from the Responsible Authority.
32. The whole of the subject land, including landscaped and paved areas, must be graded and drained to the satisfaction of the Responsible Authority, to prevent ponding and to minimise overland flows onto adjoining properties.
33. The permit holder must at the subdivision stage enter into a legal agreement (pursuant to section 173 of the *Planning & Environment Act 1987*) requiring all future owners of the dwellings to maintain the proposed on-site stormwater detention system and the primary drainage lines associated with the on-site stormwater detention system.
34. No works are to take place within the easement and all excavation work must be managed and supervised, so as to ensure that the area within the easement is not adversely impacted upon, to the satisfaction of the Responsible Authority.

#### **Management Plan Compliance**

35. The Management Plans approved under 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.

### Noise

36. Any noise emanating from the development including the mechanical car stackers, plant and other equipment, must comply with the State Environment Protection Policy or any other standard recommended by the Environment Protection Authority (EPA), to the satisfaction of the Responsible Authority.
37. Prior to the commencement of the development, an acoustic report prepared by a suitably qualified person, must be submitted to and approved by the Responsible Authority. The acoustic report must include (but not be limited to) the following:
- a) Details of the mechanical car stackers including type, specification and noise data for the full operating range of the mechanical car stackers.
  - b) Noise levels emanating from the car stackers and basement car park (including any mechanical ventilation) and consideration of differing background noise levels throughout the day.
  - c) Sectional diagrams to show acoustic treatment between the mechanical car stackers and dwellings above and between the mechanical car stackers and adjoining dwellings, to demonstrate mitigating measures on the impact of residential amenity.
38. The mechanical car stackers must be constructed and operated in accordance with the recommendations of the approved acoustic report and thereafter maintained so as to meet the agreed noise limits, to the satisfaction of the Responsible Authority.

### Site Services

39. Letterboxes must be designed and located to satisfy the requirements of Australia Post to the satisfaction of the Responsible Authority.
40. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
41. All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively to the satisfaction of the Responsible Authority.
42. 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.
43. Any air-conditioning unit installed on a balcony or terrace must stand at floor level and be positioned to minimise general visual impacts from off the site, and unless otherwise agreed in writing with the Responsible Authority, no air-conditioning unit may be erected on an external wall to the satisfaction of the Responsible Authority.

44. 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.
45. An Automatic basement door opening systems must be installed and maintained, so as to facilitate secure access to the allocated parking areas by residents, visitors and a rubbish collection contractor, to the satisfaction of the Responsible Authority.
46. Any security door/grille to the basement opening must maintain sufficient clearance when fully open to enable the convenient passage of rubbish collection vehicles which are required to enter the basement and such clearance must also be maintained in respect of sub-floor service installations throughout areas in which the rubbish truck is required to travel to the satisfaction of the Responsible Authority.
47. 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.
48. Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.
49. Garbage and recycling storage areas must be maintained in a neat and tidy condition to the satisfaction of the Responsible Authority.
50. Prior to the occupation of the development all fencing must be in a good condition to the satisfaction of the Responsible Authority.
51. In the event of damage to an existing boundary fence (as a result of construction activity), the owner of the development site must at their cost, promptly repair or replace the affected fencing to the satisfaction of the Responsible Authority.
52. All retaining walls must be constructed and finished in a professional manner to ensure a neat presentation and longevity to the satisfaction of the Responsible Authority.

**VicRoads conditions (conditions 53 to 57)**

53. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority.
54. Prior to the commencement of the use hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:
  - a) Formed to such levels and drained so that they can be used in accordance with the plan;
  - b) Treated with an all-weather seal or some other durable surface.
55. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).



56. Prior to the commencement of the use hereby approved all disused or redundant vehicle crossings must be removed and the area reinstated to match with adjacent road environment to the satisfaction of the Responsible Authority.
57. The proposed development requires reinstatement of disused crossovers to kerb and channel & construction of new crossovers. Separate approval under the Road Management Act for this activity may be required from Vic Roads (the Roads Corporation). Please contact Vic Roads prior to commencing any work.

#### Time Limit

58. This permit will expire if the development is not commenced within two (2) years from the date of this permit and the development is not completed within four (4) years from the date of this permit. The Responsible Authority may approve extensions to these time limits if requests are made before the permit expires or within 6 months afterwards.

#### NOTES

No filling/excavation works to occur over the easement. Consent in the form of a written "Build Over Easement" consent/permit from the relevant service authority must be obtained before any works occur over an easement which is located on the subject land. For any queries in relation to these plans please contact Engineering and Technical Services Unit on 9846 0542.

The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.

It is the developer's responsibility to coordinate and manage the service authorities and their works associated with underground utility provision and connections to the subject development. Trenches or areas of excavation made as result of laying underground services to the development will require the full width reinstatement of footpath, road pavement and the replacement of damaged kerb and channel to the satisfaction of Council's Engineering Services unit.

Under Section 69 of the *Planning and Environment Act 1987* the owner or occupier of the land may apply to extend a permit either:

- before it expires; or
- within 6 months of the expiry if the permit has not been acted on; or
- within 12 months of the expiry of the permit if the development was started lawfully before the permit expired.

The Responsible Authority (Statutory Planning Unit) must be advised when all construction and works (including nature strip restoration and on-site landscaping) are fully completed to enable the site to be inspected for compliance with the approved permit and plans.

Before the construction or modification of any vehicular crossing, a Miscellaneous Works Permit must be obtained from the Responsible Authority. Approved vehicular

crossings must be constructed under the Responsible Authority's supervision, for which 24 hours notice is required.

Plans submitted for approval for the on-site storm water detention system should be forwarded to Council's Engineering and Technical Services Unit. For any queries in relation to these plans please contact Engineering and Technical Services on 9846 0563.

The location and design of mail boxes must accord with Australia Post guidelines found at [www.auspost.com.au/media/documents/Appendix\\_02\\_Aug13.pdf](http://www.auspost.com.au/media/documents/Appendix_02_Aug13.pdf). Developers seeking additional information regarding this should call Australia Post Customer Service on 13 13 18. Manningham City Council is the Responsible authority for the allocation of all new property addressing. For information or advice regarding the allocation of new addresses please contact Council's Property Services team on 9840 9242.

**MOVED: HAYNES**  
**SECONDED: GRIVOKOSTOPOULOS**

**That the Alternative Recommendation be adopted.**

*(Cr S O'Brien arrived at 7.40pm)*

Procedural Motion

**MOVED: O'BRIEN**  
**SECONDED: HAYNES**

That Councillor Gough be granted an extension of speaking time.

CARRIED

**The SUBSTANTIVE MOTION was then PUT and CARRIED**

"Refer Attachments"

\* \* \* \* \*

### **9.3 Planning Application PL15/025566 - 180-182 Manningham Road Bulleen - Construction of a three-storey apartment building comprising 25 dwellings and the creation and alteration of access to a road in a Road Zone, Category 1**

Responsible Director: Director Planning & Environment

File No. PL15/025566

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

**Land:** 180-182 Manningham Road, Bulleen  
**Zone** Residential Growth Zone, Schedule 2  
Design and Development Overlay, Schedule 8-1 (DDO8-1)  
**Applicant:** Archestral Designs  
**Ward:** Koonung  
**Melway Reference:** 32J8  
**Time to consider:** 28 February 2016

#### **SUMMARY**

*It is proposed to develop two residential lots known as 180 and 182 Manningham Road, Bulleen (total area of 1800 square metres) with a three-storey, apartment building comprising twenty-five (25) dwellings with associated basement car parking.*

*The proposal also includes the creation and alteration of access to Manningham Road, by widening one crossover to provide access and removing a second crossover.*

*The application was advertised and one (1) objection was received. Grounds mainly relate to overshadowing, proximity of the basement to the site boundary, increased on-street car parking and the number of high rise buildings in the area.*

*This report concludes that the proposal generally complies with the Manningham Planning Scheme, including Clause 55 and the requirements of Schedule 8 to the Design and Development Overlay (Residential Areas adjacent to Activity Centres and along Main Roads). These controls recognise that there will be a substantial level of change in dwelling yields and built form at the site.*

*The proposed development sits comfortably within the changing Manningham Road streetscape, as it is not dissimilar in scale and design to other higher density apartment-style developments that have been developed along this section of the road. This reflects the preferred character of the area and the built form outcome sought along main roads under DDO8 – Main Road sub-precinct.*

*The building is attractive in appearance and appropriately designed to graduate from the side and rear boundaries as building height increases. The building also incorporates generous boundary setbacks to allow for landscaping and protect surrounding residents from unreasonable visual and amenity impacts.*

*Whilst the overall building has a maximum height of 12.5 metres, the section above the 11 metre preferred height is limited to rooftop structures associated with a communal roof terrace that is centrally located and screened from view.*

*It is recommended that the application be supported subject to a number of conditions.*

## 1 BACKGROUND

### The Site

- 1.1 The site is situated on the southern side of Manningham Road, approximately 20 metres to the east of its intersection with Harold Street.
- 1.2 The site comprises two irregularly shaped lots known as 180 and 182 Manningham Road. They have a combined width of 39 metres, a depth of 51.37 metres and a total area of 1800 square metres.
- 1.3 The site presently accommodates two single-storey, detached dwellings. Two vehicle crossings in the central part of the frontage provide access. Private open spaces are located to the south of the respective dwellings and a swimming pool is located at the south-east corner, to the rear of the dwelling at 182 Manningham Road.
- 1.4 The most significant feature of the site is its topography that drops from the north-east (front) to the south-west (rear) by approximately 4.4 metres. A 1.83 metre wide easement runs adjacent to the southern (rear) boundary.
- 1.5 No fence is located on the frontage. Paling fences up to 2.1 metres in height are located on the western and eastern boundaries. A 1.6 metre high paling fence is located on the southern (rear) boundary.
- 1.6 The land titles are not constrained by covenants or Section 173 Agreements.

### The Surrounds

- 1.7 The site has abuttals with six (6) properties, which can be described as follows:

Direction	Address	Description
East	184 Manningham Road	<ul style="list-style-type: none"> <li>• This property is developed with a two-storey, brick dwelling set back 11.8 metres from the frontage and 1.8 metres from the common boundary. Two vehicle crossings provide access to a large paved area within the front setback and the garage incorporated into the north-western corner of the dwelling. The secluded private open space is located to the south of the dwelling and includes a swimming pool at the</li> </ul>

Direction	Address	Description
		south-west corner.
West	2, 4, 6 Harold Street	<ul style="list-style-type: none"> <li>These properties were part of a three-unit development and consist of three attached, two-storey dwellings. The dwellings are oriented away from the site and set back at least 3.1 metres from the common boundary. The secluded private open spaces are located to the east of the respective dwellings and adjacent to the site.</li> </ul>
South	17, 19 Walter Street	<ul style="list-style-type: none"> <li>These properties are located to the rear of the site, set back at least 5.3 metres from the common boundary. The secluded private open spaces are located to the north of the respective dwellings and adjacent to the site. A swimming pool is located at the north-west corner of 19 Walter Street. These properties are within the General Residential Zone, Schedule 1 and an incremental change area.</li> </ul>

- 1.8 The character of the broader area is in transition. While single detached brick dwellings are still common on many properties, an increasing number of lots are being developed with two or more townhouse style dwellings and apartments are becoming increasing apparent along Manningham Road itself. There are examples of higher density, apartment style developments at 181-183 and 194-196 Manningham Road.
- 1.9 Manningham Road is a major arterial road with three lanes in each direction and a central median strip. It is under the jurisdiction of VicRoads and served by several bus routes,, including the Smart Bus orbital route.
- 1.10 The site is well located to a range of services, with Macedon Plaza Shopping Centre located 1km to the east and Bulleen Plaza Shopping Centre located 1km to the west. St. Clements Primary School and Bulleen Heights School are within 1km of the site. Riverview Reserve is the closest public open space and is located 200 metres away by road.

## 2 PROPOSAL

- 2.1 It is proposed to remove the existing buildings and construct a three-storey apartment building with an associated basement car park.
- 2.2 The building contains 25 dwellings, including one, one-bedroom apartment and 24 two-bedroom apartments. The apartments vary in floor area between 57.7 and 91.5 square metres.
- 2.3 The ground level consists of nine, two-bedroom apartments and one, one-bedroom apartment. With the exception of Apartment 9, all of them are provided with ground level courtyards or access to ground level private open space areas. Dwelling 9 is provided with a north-facing balcony that orients towards the front of the site.
- 2.4 The first floor level consists of nine two-bedroom apartments, each provided with one or two balconies that range from 8.1 square metres to a total of 26.8 square metres.
- 2.5 The second floor level consists of six two-bedroom apartments, each provided with a balcony that range from 8.9 to 19.6 square metres.
- 2.6 A communal roof terrace with an area of 63.9 square metres is provided at the top level, with access provided by a staircase and lift. It also provides access to a screened area for roof plant and building services.
- 2.7 The building has a site coverage of 60% and provides a density of one dwelling per 72 square metres. The pervious site coverage is 31.5%.
- 2.8 An important feature of the building is that it steps down from north to south in three split level sections to follow the slope of the land. The northern section is situated 1.2 metres higher than the central section and a further 0.35 metre higher than the southern section. This ensures the ground level is not cut in or elevated more than 1.2 metres above / below natural ground level, except a small portion mid way along the west elevation where there is a significant dip in the topography.
- 2.9 The building is highest when viewed on the west elevation due to the fall of the land. The roof of the second floor over the three portions of building that step with the fall of the land is 10.9 metres, 11 metres and 10.15 metres in height respectively. This compares to heights of 9.5 metres, 10.2 metres and 9.7 metres along the eastern boundary.
- 2.10 However, the maximum height of the building is 12.5 metres above natural ground level, measured at the rooftop structure. All habitable floor space of the apartments is within the maximum height of 11 metres.
- 2.11 The building has the following minimum setbacks to site boundaries:
  - Manningham Road (north) boundary:
    - Basement – 4 metres
    - Ground level – 6 metres
    - First floor – 6 metres
    - Second floor – 6.85 metres
    - Roof terrace – 17.5 metres
  - Eastern boundary:

- Basement – 3 metres
  - Ground level – 3 metres
  - First floor – 3 metres
  - Second floor – 5.1 metres
  - Roof terrace – 15.6 metres
  - Western boundary
    - Basement – 3 metres
    - Ground level – 3 metres
    - First floor – 4.5 metres
    - Second floor – 9.1 metres
    - Roof terrace – 9.1 metres
  - Southern boundary
    - Basement – 4 metres
    - Ground level – 4 metres
    - First floor – 5.85 metres
    - Second floor – 8.9 metres
    - Roof terrace – 11.3 metres
- 2.12 The proposed building has a stylish modern architectural design, which includes a flat roof and articulated façade presentations on all sides. The façades consist of a mix of face brick, timber and render cladding with various express joints and treatments.
- 2.13 The pedestrian entry to the building is provided via a footpath in the central section of the frontage. It leads to the entry foyer and the upper and lower lift lobbies on the ground level of the building.
- 2.14 A lift with openings on opposite sides allows access between the split levels of the building. The lift and a staircase provide internal access to all levels and allow barrier-free access to the front entries of all apartments. Six apartments have two interior steps to facilitate the third step down in height.
- 2.15 Vehicle access is provided via a new 7.95 metre wide crossover on the western end of the frontage, which incorporates part of the existing vehicle crossover for 180 Manningham Road. It leads to a driveway ramp that provides access to the basement car park.
- 2.16 The basement consists of 30 car parking spaces, including 5 visitor car parking spaces. It also consists of a waste storage room, a water tank and a storage space for each apartment. Vehicle access is restricted by a automated security grill. A separate pedestrian ramp to the west of the driveway also provides external access.
- 2.17 No existing trees are retained within the site. Canopy trees are proposed adjacent to the site boundaries.

- 2.18 A 1.8 metre high front fence is provided within the front setback, set back 1.3 metres from the frontage and includes metal infill sections with 50 per cent transparency.
- 2.19 Documentation supporting the application included a sustainability management plan, car parking and traffic report, and waste management plan. Information from these documents is referenced where necessary in the report.

### **3 PRIORITY/TIMING**

- 3.1 The proposal was presented to a Sustainable Design Taskforce meeting on 14 July 2015.
- 3.2 The statutory time for considering a planning application is 60 days. Allowing for the time taken to advertise the application, the statutory time lapsed on 28 February 2015.

### **4 POLICY IMPLICATIONS**

- 4.1 The Planning and Environment Act 1987 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. The Responsible Authority is required to consider:
- the relevant 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.
- 4.3 Section 61(4) of the Act makes specific reference to covenants. The subject site is not burdened by any covenant.
- 4.4 It is further noted that the subject land is also not encumbered by any Section 173 Agreements.

### **5 MANNINGHAM PLANNING SCHEME**

- 5.1 The site is included in the Residential Growth Zone, Schedule 2 under the provisions of the Manningham Planning Scheme.
- 5.2 A planning permit is required to construct two or more dwellings on a lot in the Residential Growth Zone.
- 5.3 The purpose of the Residential Growth Zone relates primarily to providing housing at increased densities, encouraging a diversity of housing types and encouraging a scale of development that provides a transition between areas



of more intensive use and development and areas of restricted housing growth.

- 5.4 An assessment for buildings and works for two or more dwellings is required under the provisions of Clause 55 of the Manningham Planning Scheme.
- 5.5 The purpose of Clause 55 is generally to provide well designed dwellings with considered regard to internal amenity, while at the same time, maintaining the amenity and character of the locality, with particular emphasis on the amenity of adjoining residents.
- 5.6 The site is affected by the Design and Development Overlay Schedule 8 (DDO8) of the Manningham Planning Scheme
- 5.7 The Design Objectives of the DD08 are:
- *To increase residential densities and provide a range of housing types around activity centres and along main roads.*
  - *To encourage development that is contemporary in design that includes an articulated built form and incorporates a range of visually interesting building materials and façade treatments.*
  - *To support three storey, 'apartment style', developments within the Main Road subprecinct and in sub-precinct A, where the minimum land size can be achieved.*
  - *To support two storey townhouse style dwellings with a higher yield within subprecinct B and sub-precinct A, where the minimum land size cannot be achieved.*
  - *To ensure new development is well articulated and upper storey elements are not unduly bulky or visually intrusive, taking into account the preferred neighbourhood character.*
  - *To encourage spacing between developments to minimise a continuous building line when viewed from a street.*
  - *To ensure the design and siting of dwellings have regard to the future development opportunities and future amenity of adjoining properties.*
  - *To ensure developments of two or more storeys are sufficiently stepped down at the perimeter of the Main Road sub-precinct to provide an appropriate and attractive interface to subprecinct A or B, or other adjoining zone.*
  - *Higher developments on the perimeter of sub-precinct A must be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct B or other adjoining zone.*
  - *To ensure overlooking into adjoining properties is minimised.*
  - *To ensure the design of carports and garages complement the design of the building.*
  - *To ensure the design of basement and undercroft car parks complement the design of the building, eliminates unsightly*

*projections of basement walls above natural ground level and are sited to allow for effective screen planting.*

- *To create a boulevard effect along Doncaster Road and Manningham Road by planting trees within the front setback that are consistent with the street trees.*
- *To encourage landscaping around buildings to enhance separation between buildings and soften built form.*

- 5.8 Planning permission is required for buildings and works which must comply with the requirements set out in either Table 1 or Table 2 of the Schedule.
- 5.9 Being located within the Main Road Sub-Precinct (DDO8-1), the maximum allowable height for land more than 1800 square metres in area is 11 metres. A permit can be granted to allow higher buildings.
- 5.10 There is a range of policy requirements outlined in this control under the headings of building height and setbacks, form, car parking and access, landscaping and fencing.

#### **State Planning Policy Framework**

- 5.11 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.*
- 5.12 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.
- 5.13 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.
- 5.14 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.
- 5.15 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.*
- 5.16 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.*
- 5.17 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.*

5.18 Clause 16.01-5 (Housing affordability) seeks to deliver more affordable housing closer to jobs, transport and services.

### **Local Planning Policy Framework (LPPF)**

#### **Municipal Strategic Statement**

- 5.19 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 aging 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.
- 5.20 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.
- 5.21 Clause 21.05 (Residential) outlines the division of Manningham into four Residential Character Precincts. The precincts seek to channel increased housing densities around activity centres and main roads where facilities and services are available. In areas which are removed from these facilities a lower intensity of development is encouraged. A low residential density is also encouraged in areas that have identified environmental or landscape features.
- 5.22 The site is within "Precinct 2 –Residential Areas Surrounding Activity Centres and Along Main Roads".
- 5.23 This area is aimed at providing a focus for higher density development and a substantial level of change is anticipated. Future development in this precinct is encouraged to:
- *Provide for contemporary architecture and achieve high design standards*
  - *Provide visual interest and make a positive contribution to the streetscape*
  - *Provide a graduated building line from side and rear boundaries*
  - *Minimise adverse amenity impacts on adjoining properties*
  - *Use varied and durable building materials*
  - *Incorporate a landscape treatment that enhances the overall*
- 5.24 Within this precinct, there are three sub-precincts which each stipulate different height, scale and built form outcomes to provide a transition between each sub-precinct and adjoining properties, primarily those in

Precinct 1 – Residential Areas Removed from Activity Centres and Main Roads.

5.25 The three sub-precincts within Precinct 2 consist of:

**Sub-precinct – Main Road (DDO8-1)** is an area where three storey (11 metres) ‘apartment style’ developments are encouraged on land with a minimum area of 1,800m<sup>2</sup>. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side same sub-precinct. All development in the Main Road sub-precinct should have a maximum site coverage of 60 percent.

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

**Sub-precinct A (DDO8-2)** is an area where two storey units (9 metres) and three storey (11 metres) ‘apartment style’ developments are encouraged. Three storey, contemporary developments should only occur on land with a minimum area of 1800m<sup>2</sup>. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage. The area of 1800m<sup>2</sup> must all be in the same sub-precinct. In this sub-precinct, if a lot has an area less than 1800m<sup>2</sup>, a townhouse style development proposal only will be considered, but development should be a maximum of two storeys. All development in Sub-precinct A should have a maximum site coverage of 60 percent.

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

**Sub-precinct B (DDO8-3)** is an area where single storey and two storey dwellings only will be considered and development should have a maximum site coverage of 60 percent. There is no minimum land area for such developments.

5.26 The site is located within Sub-Precinct – Main Road (DDO8-1).

5.27 Clause 21.05-2 Housing contains the following objectives:

- *To accommodate Manningham’s projected population growth through urban consolidation, infill developments and Key Redevelopment Sites.*
- *To ensure that housing choice, quality and diversity will be increased to better meet the needs of the local community and reflect demographic changes.*
- *To ensure that higher density housing is located close to activity centres and along main roads in accordance with relevant strategies.*
- *To promote affordable and accessible housing to enable residents with changing needs to stay within their local neighbourhood or the municipality.*

- *To encourage development of key Redevelopment Sites to support a diverse residential community that offers a range of dwelling densities and lifestyle opportunities.*
- *To encourage high quality and integrated environmentally sustainable development.*

5.28 The strategies to achieve these objectives include:

- *Ensure that the provision of housing stock responds to the needs of the municipality's population.*
- *Promote the consolidation of lots to provide for a diversity of housing types and design options.*
- *Ensure higher density residential development occurs around the prescribed activity centres and along main roads identified as Precinct 2 on the Residential Framework Plan 1 and Map 1 to this clause.*
- *Encourage development to be designed to respond to the needs of people with limited mobility, which may for example, incorporate lifts into three storey developments*

5.29 Clause 21.05-4 (Built form and neighbourhood character) seeks to ensure that residential development enhances the existing or preferred neighbourhood character of the residential character precincts as shown on Map 1 to this Clause.

5.30 The strategies to achieve this objective include:

- *Require residential development to be designed and landscaped to make a positive contribution to the streetscape and the character of the local area.*
- *Ensure that where development is constructed on steeply sloping sites that any development is encouraged to adopt suitable architectural techniques that minimise earthworks and building bulk.*
- *Ensure that development is designed to provide a high level of internal amenity for residents.*
- *Require residential development to include stepped heights, articulation and sufficient setbacks to avoid detrimental impacts to the area's character and amenity.*

5.31 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 are:

- Building energy management
- Water sensitive design
- External environmental amenity
- Waste management
- Quality of public and private realm
- Transport

**Local Planning Policy**

- 5.32 Clause 22.08 (Safety through urban design) applies to all land in Manningham. It endeavours 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.
- 5.33 Clause 22.09 (Access for disabled people) also applies to all land in Manningham. It seeks to ensure that people with a disability have the same level of access to buildings, services and facilities as any other person. The policy requires the needs of people with a disability to be taken into account in the design of all proposed developments.

**Particular Provisions**

- 5.34 Clause 52.06 (Car Parking) is relevant to this application. Pursuant to Clause 52.06-5, car parking is required to be provided at the following rate:
- 1 space for 1 and 2 bedroom dwellings
  - 2 spaces for 3 or more bedroom dwellings
  - 1 visitor space to every 5 dwellings for developments of 5 or more dwellings
- 5.35 Clause 52.06-8 outlines various design standards for parking areas that should be achieved.
- 5.36 Clause 52.29 (Land Adjacent to a Road Zone Category 1) seeks to ensure appropriate access to identified roads. A permit is required to create or alter access to a road in a Road Zone, Category 1. All applications must be referred to VicRoads for comment.
- 5.37 Clause 52.34 (Bicycle Facilities) seeks to encourage cycling as a mode of transport and provide secure, accessible and convenient bicycle parking spaces.
- 5.38 Clause 55 (Two or More Dwellings on a Lot) applies to all applications for two or more dwellings on a lot. Consideration of this clause is outlined in the Assessment section of this report.

**General Provisions**

- 5.39 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 ASSESSMENT**

- 6.1 Council has, through its policy statements throughout the Planning Scheme, and in particular by its adoption of Schedule 8 to the Design and Development Overlay over part of this neighbourhood, created a planning

mechanism that has, and will in time, alter the existing neighbourhood character along Manningham Road and in some adjoining side streets.

- 6.2 Council's planning preference is for higher density, multi-unit developments which can include apartment style developments on larger lots. This higher density housing thereby provides for the "preferred neighbourhood character" which is guided by the design elements contained within the Schedule 8 to the Design and Development Overlay, in conjunction with an assessment against Clause 21.05 and Clause 55 – Rescode. The resultant built form is contemplated to have a more intense and less suburban outcome.
- 6.3 An apartment development across this site is generally consistent with the broad objectives of Council's planning policy outlined at Clause 21.05 of the Manningham Planning Scheme. The policy encourages urban consolidation (and apartment buildings) in this specific location due to its capacity to support change given the site's main road location and proximity to services, such as public transport. The policy anticipates a substantial level of change from the existing character of primarily single dwellings and dual occupancies which has occurred in the past.
- 6.4 The consolidation of two lots with a combined area of 1800 square metres also provides opportunities for increased development as the larger area allows increased setbacks to compensate for its larger scale in comparison to traditional medium density housing. Given the site area, the proposal is permitted an 11 metre preferred building height under DDO8.
- 6.5 An assessment of the proposal will be made based on the following clauses:
- Local Planning Policy Framework
  - Schedule 8 to the Design and Development Overlay (DDO8)
  - Clause 52.06 Car Parking
  - Clause 52.29 Land Adjacent to a Road Zone Category 1
  - Clause 52.34 Bicycle Facilities
  - Clause 55 Two or More Dwellings on a Lot
  - Clause 65 Decision Guidelines

### **Local Planning Policy Assessment**

#### **Clause 21.05 Residential**

- 6.6 The development site is situated within Precinct 2 – Residential Areas Surrounding Activity Centres and Along Main Roads, where high density is encouraged. Given the site is located on a main road and has an area of 1800 square metres, a maximum building height of 11 metres is applicable. A maximum site coverage of 60% is also sought by this policy. The height and site coverage of the development will be discussed later in this report in the assessment against DDO8.
- 6.7 The proposal provides generous setbacks to all boundaries, thereby providing spacing and good separation from/to adjoining properties. Consequently, opportunities for landscaping can be realised along the perimeter of the site, in particular adjacent to sensitive interfaces to the side and rear.



- 6.8 There are a number of subtle design aspects in setbacks and massing that can be highlighted, including the third portion of the building that steps down at the rear of the site via two steps within six apartments to ensure minimal overlooking and suitable transitions to the properties at the rear of the site in the incremental change area.
- 6.9 Further, the side setback along the western boundary, where the building is viewed highest is particularly generous at 3 metres at ground level, 4.5 metres at first floor level and 9.1 metres at second floor level.
- 6.10 In addition to good setbacks, the design response across all elevations is considered to be of a high standard. Visual interest is provided across all elevations by the incorporation of a variety of building materials and finishes. Articulation is offered via a combination of articulation, graduation and the incorporation of balconies, fascias and framing elements.
- 6.11 Overall, the design response is considered to be consistent with Council's policy expectations at Clause 21.05 Residential.

**Clause 21.10 Ecologically Sustainable Development**

- 6.12 Council's MSS outlines ESD requirements to be incorporated into larger developments within the municipality. It is considered that by the preparation of a Sustainability Management Plan, and minimal issues which have arisen as a result of its assessment by Council's Strategic Sustainability Planner, that the proposal offers a number of positive ESD measures.

**Clause 22.08 Safety through Urban design**

- 6.13 Council's Local Planning Policy at Clause 22.08 applies to all land in the municipality and therefore has a broad range of objectives and policy requirements in relation to the design of buildings, street layout/access, lighting and car parks.
- 6.14 While a number of items are not relevant to this application, a number of the requirements in relation to building design are, including *"Buildings be orientated to maximise surveillance of entrances and exits from streets"* and *"The location of building entrances and windows maximise opportunities for passive surveillance of streets and other public spaces"*.
- 6.15 It is considered the design response is consistent with the requirements of this clause with a concerted effort made to ensure the public and private realms interact.

**Clause 22.09 Access for Disabled People**

- 6.16 The Access for Disable People Policy is based on the Disability Discrimination Act and requires that persons with a disability have the same level of access to buildings, services and facilities as any other person. It requires that the design of new building account for the needs of persons of limited mobility.
- 6.17 The development provides at grade access from Manningham Road to the front entry of the building. A lift provides internal access to all levels of the building and the entries to all apartments. This is considered to be a satisfactory design response for persons of limited mobility.
- 6.18 In the tables below, Officers have used the term 'Met' where an objective and performance standard or policy requirement is achieved, 'Considered met'

where the objective is met, but the performance standard or policy requirement is not achieved, and 'Met subject to condition' where either the objective or the performance standard or policy requirement has not been met and modifications are required.

### Schedule 8 to the Design and Development Overlay

6.19 The assessment follows against the design requirements of the DDO8:

Design Element	Level of Compliance
<p><b>DDO8-1 (Main Road Sub-Precinct)</b></p> <ul style="list-style-type: none"> <li>The minimum lot size is 1800 square metres, which must be all the same sub-precinct. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage</li> <li>11 metres provided the condition regarding minimum land size is met.</li> </ul> <p>If the condition is not met, the maximum height is 9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the site of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.</p>	<p><b>Considered Met</b></p> <p>The site has an area of 1800 square metres that is entirely within the Main Road Sub-Precinct. The site therefore has a maximum building height requirement of 11 metres.</p> <p>The building has a maximum height of 12.5 metres, which exceeds the preferred height requirement by 1.5 metres.</p> <p>The purpose of providing discretion in building height on the Main Road Sub-Precinct is to allow flexibility to achieve design excellence. This might be through providing a 'pop-up' level to provide visual interest to an otherwise flat roof form, or a design feature at a 'gateway' site. The discretion is only provided to the sub-precinct because main road streetscapes are typically less intermit environments compared to local streets and therefore can absorb some additional height.</p> <p>The portion of built form above a height of 11 metres is limited to the rooftop structure that provides for communal access to the roof terrace area. It is centrally located within the site and covers a small area of 42.3 square metres. It is also set back more than 15 metres from all site boundaries and would only be visible when the site is viewed from a distance.</p> <p>All habitable floor space (including the three levels of the apartment building) is within the maximum height limit of 11 metres.</p> <p>The maximum height of the rooftop structure at 12.5 metres above natural ground level is limited to the south-west corner due to the slope of the land. The</p>

	<p>north-east corner of the structure has a height of 11.2 metres.</p> <p>In providing discretion to the building height, a communal rooftop terrace area can be provided for the enjoyment of residents and improve on-site amenity.</p> <p>Overall, it is considered that the height of the building is acceptable and will not have unreasonable impacts on the streetscape or adjoining properties.</p>
<ul style="list-style-type: none"> <li>Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser.</li> </ul>	<p><b>Considered Met</b> The ground and upper levels of the building has a street setback of 6 metres.</p> <p>A small section of the basement projects into the 6 metre street setback to provide a car parking space and some storage areas. This is considered to be acceptable as the non compliance is below ground and will not prevent proper landscaping of the front setback.</p>
<p><b>Form</b></p> <ul style="list-style-type: none"> <li>Ensure that the site area covered by buildings does not exceed 60 percent.</li> </ul>	<p><b>Met</b> The building has a site coverage of 60%.</p>
<ul style="list-style-type: none"> <li>Provide visual interest through articulation, glazing and variation in materials and textures.</li> </ul>	<p><b>Met</b> The building incorporates a mixture of colours and materials to provide visual interest. Articulation is also provided by the stepping of walls, the use of balconies, glazing, fascias and framing elements.</p>
<ul style="list-style-type: none"> <li>Minimise buildings on boundaries to create spacing between developments.</li> </ul>	<p><b>Met</b> There are no building sections constructed on the boundaries. Building setbacks are at least 3 metres along the side and rear boundaries to provide spacing between the building and the adjoining properties. This spacing can accommodate landscaping, courtyards and light into adjacent rooms. This is considered to be a good outcome for adjoining properties and the streetscape.</p>
<ul style="list-style-type: none"> <li>Where appropriate ensure that buildings are stepped down at the rear of sites to provide a transition to the scale of the adjoining residential area.</li> </ul>	<p><b>Met</b> The building is stepped down from north to south in three split level sections to follow the slope of the land. The northern section is situated 1.2 metres higher than the central section and a further 0.35 metre higher than the southern section.</p>

	The upper levels of the building are graduated to provide increased setbacks to the rear boundary, which allows the building to be stepped down and provide a transition to the scale of the adjoining properties to the rear.
<ul style="list-style-type: none"> <li>Where appropriate, ensure that buildings are designed to step with the slope of the land.</li> </ul>	<p><b>Met</b> As above, the building is designed with steps of 1.2 metres and 0.35 metre to respond to the slope of the land. This reduces the elevation of the building above the natural ground level and the associated visual impact, providing a suitable transition to the adjoining residential properties within the incremental change area.</p>
<ul style="list-style-type: none"> <li>Avoid reliance on below ground light courts for any habitable rooms.</li> </ul>	<p><b>Met</b> The building does not rely on below ground light courts for any habitable rooms.</p>
<ul style="list-style-type: none"> <li>Ensure the upper level of a two storey building provides adequate articulation to reduce the appearance of visual bulk and minimise continuous sheer wall presentation.</li> </ul>	<p><b>Not applicable</b></p>
<ul style="list-style-type: none"> <li>Ensure that the upper level of a three storey building does not exceed 75% of the lower levels, unless it can be demonstrated that there is sufficient architectural interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation.</li> </ul>	<p><b>Met</b> The second floor level of the building covers 67.3% of the first floor level, which is considerably smaller than the 75% requirement. The second floor is also graduated from the lower levels to reduce its prominence and visual bulk.</p> <p>Overall, the building is well articulated and provides visual interest.</p>
<ul style="list-style-type: none"> <li>Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos.</li> </ul>	<p><b>Met</b> There are no porticos or imposing design elements proposed. Design features are considered to be well integrated into the overall design of the building.</p>
<ul style="list-style-type: none"> <li>Be designed and sited to address slope constraints, including minimising views of basement projections and/or minimising the height of finished floor levels and providing appropriate retaining wall presentation.</li> </ul>	<p><b>Met</b> The building is stepped down from north to south in three split level sections to follow the slope of the land.</p> <p>The projection of the basement above natural ground level is limited to the west elevation and the western part of the south elevation. It is limited to 1.2 metres and will be screened from the adjoining</p>

	properties by boundary fences.
<ul style="list-style-type: none"> <li>Be designed to minimise overlooking and avoid the excessive application of screen devices.</li> </ul>	<p><b>Met</b> Screens are provided to upper level balconies to prevent direct views into the habitable room windows or secluded private open spaces of the adjoining properties. There is no excessive application of screen devices partly due to the proposed planter boxes at the edge of the balconies that will prevent downward views. Overlooking impacts will be further discussed in the assessment against Clause 55.04-6 of the Manningham Planning Scheme.</p>
<ul style="list-style-type: none"> <li>Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all mobilities.</li> </ul>	<p><b>Met</b> The footpath to the building entry is appropriately graded to allow for equitable access by people of all mobilities.</p> <p>A lift provides access to the basement car park and entries of all dwellings.</p>
<ul style="list-style-type: none"> <li>Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties.</li> </ul>	<p><b>Met</b> The basement projects above natural ground level on the west elevation and western part of the south elevation. The projection is not considered to be excessive and will not result in unreasonable visual impacts. The upper levels of the building are also graduated and the overall height on the western and southern elevations does not exceed 11 metres in height. As indicated previously, the building setbacks on the western boundary are particularly generous to take into account wall heights that are approximately 1.2 metres higher than if the basement projection did not occur.</p>
<ul style="list-style-type: none"> <li>Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site.</li> </ul>	<p><b>Met</b> Across the frontage of the site, the basement is not visible as it is below ground level.</p>
<ul style="list-style-type: none"> <li>Integrate car parking requirements into the design of buildings and landform by encouraging the use of undercroft or basement parking and minimise the use of open car park and half basement parking.</li> </ul>	<p><b>Met</b> All car parking spaces are provided within the basement car park.</p>
<ul style="list-style-type: none"> <li>Ensure the setback of the basement or undercroft car park is consistent with the front</li> </ul>	<p><b>Met</b> The basement is generally consistent with the front building setback of 6 metres,</p>

<p>building setback and is setback a minimum of 4.0m from the rear boundary to enable effective landscaping to be established.</p>	<p>except for a section with a length of 5 metres that is set back 4 metres from the frontage. The minor encroachment into the front setback is utilised as paving and will not result in reduced landscaping opportunities.</p> <p>The basement is set back at least 4 metres from the rear boundary, which provides adequate room for effective landscaping to be established.</p>
<ul style="list-style-type: none"> <li>• Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces.</li> </ul>	<p><b>Met</b></p> <p>The development provides appropriate wall setbacks to side and rear boundaries to allow for screen planting that soften the appearance of the built form.</p>
<ul style="list-style-type: none"> <li>• Ensure that service equipment, building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces.</li> </ul>	<p><b>Met subject to conditions</b></p> <p>The plant equipment on the roof is located away from the sides of the building and is screened to minimise any visual and amenity impacts on the street and adjoining properties. Permit conditions will also require any service equipment to be screened to avoid unreasonable amenity impacts (<b>Conditions 21-23</b>).</p>
<p><b><u>Car Parking and Access</u></b></p> <ul style="list-style-type: none"> <li>• Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback.</li> </ul>	<p><b>Met subject to conditions</b></p> <p>There is only one vehicular crossover proposed. While a street tree will need to be removed, it is juvenile and can be replaced at the permit holder's expense (<b>Condition 12</b>).</p>
<ul style="list-style-type: none"> <li>• Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open space or is appropriately screened, as is necessary.</li> </ul>	<p><b>Met</b></p> <p>Small sections of the basement extend beyond the ground level of the building in the front, side and rear setbacks. These areas have been appropriately utilised as paved open space (courtyards) or the footpath leading to the main building entry.</p>

<ul style="list-style-type: none"> <li>Ensure that where garages are located in the street elevation, they are set back a minimum of 1.0m from the front setback of the dwelling.</li> </ul>	<p><b>Not applicable</b></p>
<ul style="list-style-type: none"> <li>Ensure that access gradients of basement car parks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements.</li> </ul>	<p><b>Met subject to condition</b> Council's Engineers require the driveway gradients to comply with Design Standard 3 in Clause 52.06-8 of the Manningham Planning Scheme. The driveway gradients will be required to be modified by a permit condition (<b>Condition 1.17</b>).</p>
<p><b><u>Landscaping</u></b></p> <ul style="list-style-type: none"> <li>On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at maturity.</li> <li>On sites where one or two storey development is proposed include at least 1 canopy tree within the front setback, which has a spreading crown, and is capable of growing to a height of 8.0m or more at maturity.</li> </ul>	<p><b>Met subject to condition</b> The site plan shows the front setback has adequate space for the planting of three canopy trees. This will be reinforced by the permit condition requiring a landscaping plan (<b>Condition 8.6</b>).</p>
<ul style="list-style-type: none"> <li>Provide opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form.</li> </ul>	<p><b>Met</b> The site plan shows the site will allow the planting of numerous canopy trees within the side and rear setbacks, which assist to soften the appearance of the built form.</p>
<p><b><u>Fencing</u></b></p> <ul style="list-style-type: none"> <li>A front fence must be at least 50 per cent transparent.</li> <li>On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn and Mitcham Roads, a fence must: <ul style="list-style-type: none"> <li>not exceed a maximum height of 1.8m</li> <li>be setback a minimum of 1.0m from the front title boundary</li> </ul> </li> </ul> <p>and a continuous landscaping treatment within the 1.0m setback must be provided.</p>	<p><b>Met subject to condition</b> The fence incorporates sections with open style metal infill panels that achieve 50 per cent transparency. This will help integrate the development with the street and generate connection between the development and landscaping along the site frontage.</p> <p>The front fence has a maximum height of 1.8 metres.</p> <p>The front fence is set back 1.29 metres from the Manningham Road frontage.</p> <p>A continuous landscaping treatment</p>

	between the frontage and the fence will be required by a permit condition ( <b>Condition 8.9</b> ).
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6.20 Having regard to the above assessment against the requirements of Schedule 8 to the Design and Development Overlay, it is considered that the proposed design respects the preferred neighbourhood character and responds to the features of the site.

6.21 A high level of compliance is achieved in respect of the layout, built form, design, car parking, front fencing and opportunities for landscaping as articulated in the DD08.

#### **Clause 52.06 Car Parking**

6.22 Prior to a new use commencing or a new building being occupied, Clause 52.06-2 requires that the number of car parking spaces outlined at Clause 52.06-6 to be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the Responsible Authority.

6.23 This clause requires resident car parking at a rate of one space for each dwelling with one or two bedrooms and two spaces for each dwelling with three or more bedrooms.

6.24 Visitor car parking is required at a rate of one car parking space for every 5 dwellings.

6.25 The proposal requires 25 resident car parking spaces and 5 visitor car parking spaces. The proposed parking provision complies with the requirement.

6.26 The following table provides an assessment of the proposal against the seven (7) design standards of Clause 52.06-8:

<b>Design Standard</b>	<b>Met/Not Met</b>
1 – Accessways	<p><b>Met with condition</b></p> <p>The accessway to the basement car park meets the minimum width and height clearance requirements. The car park has also been designed so all vehicles can exit the site in a forward direction, including vehicles parked in the last space of a dead-end accessway. The driveway also allows two way traffic so no passing bay needs to be provided.</p> <p>A permit condition will require a visibility splay area on the western edge of the driveway at the frontage, with obstructions not exceeding 900mm in height (<b>Condition 1.16</b>).</p>
2 – Car Parking Spaces	<p><b>Met</b></p> <p>Car parking spaces are provided in accordance with the requirements, with dimensions of 2.6 metres wide, a length of 4.9 metres and accessed from an aisle width of at least 6.4 metres. Clearance is provided adjacent to car parking spaces as per the standard.</p>
3 – Gradients	<p><b>Met subject to condition</b></p> <p>The driveway ramp includes a transition section of less than 2 metres, which does not comply with the</p>



	standard. The driveway has been assessed by Council's Engineering and Technical Services Unit, which requires the driveway to be modified to comply with the standard. This will be required by a permit condition ( <b>Condition 1.17</b> ).
4 – Mechanical Parking	<b>Not applicable</b> No mechanical parking proposed.
5 – Urban Design	<b>Met subject to condition</b> The vehicle crossing and accessway is located to the western side of the site and will not dominate the landscape.  The entry into the basement car park will not dominate the streetscape as it is recessed from the frontage, located beneath the ground level of the building and below natural ground level.  A permit condition will require the pedestrian ramp adjacent to the driveway to be changed to stairs to reduce the extent of retaining walls required within the front setback and improve the streetscape presentation by allowing more landscaping opportunities ( <b>Condition 1.19</b> ).
6 – Safety	<b>Met</b> The basement car park is appropriately secured by an automatic door.
7 – Landscaping	<b>Met</b> No ground level car parking is proposed. Landscaping is provided to soften the appearance of the accessway.

#### **Clause 52.29 Land Adjacent to a Road Zone Category 1**

- 6.27 The proposal seeks to alter access to Manningham Road by removing the existing crossover for 182 Manningham Road and widening the crossover for 180 Manningham Road to provide access.
- 6.28 The decision guidelines of this Clause include the views of the relevant road authority.
- 6.29 As VicRoads have no objection to the proposal, the access arrangement to Manningham Road is considered appropriate.

#### **Clause 52.34 Bicycle Facilities**

- 6.30 In developments of four or more storeys, 1 bicycle space is required to each 5 dwellings (resident) and 1 bicycle space is required to each 10 dwellings (visitor).
- 6.31 No bicycle spaces are required to be provided as the building is three storeys. In any case, the proposal provides a bicycle space at the rear of the car parking space for each dwelling, three spaces at the south-western corner of the basement and two spaces adjacent to the building entry on the ground level.

#### **Clause 55 Two or More Dwellings on a Lot**

- 6.32 This Clause sets out a range of objectives which must be met. Each objective is supported by standards which should be met. If an alternative design solution to the relevant standard meets the objective, the alternative may be considered.
- 6.33 The following table sets out the level of compliance with the objectives of this clause:

**Clause 55 Assessment – Two or more dwellings on a lot**

OBJECTIVE	OBJECTIVE MET/NOT MET
<p><b>55.02-1 Neighbourhood Character</b> To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>To ensure that development responds to the features of the site and the surrounding area.</p>	<p><b>Met</b> As outlined in the assessment of the proposal against the policy requirements of the Schedule 8 to the Design and Development Overlay (DD08), it is considered that the proposed apartment development responds positively to the preferred neighbourhood character, and respects the natural features of the site and its surrounds.</p>
<p><b>55.02-2 Residential Policy</b> To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</p> <p>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p>	<p><b>Met</b> The application was accompanied by a written statement that has demonstrated how the development is consistent with State, Local and Council policy.</p>
<p><b>55.02-3 Dwelling Diversity</b> To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p><b>Met</b> The proposed building predominantly provides two bedroom apartments, complemented by a single one bedroom apartment. There is variety in the overall apartment size, orientation and the sizes of balconies / ground level open space areas.</p>
<p><b>55.02-4 Infrastructure</b> To ensure development is provided with appropriate utility services and infrastructure.</p> <p>To ensure development does not unreasonably overload the capacity</p>	<p><b>Met subject to condition</b> The site has access to all services. The applicant will be required to provide an on-site stormwater detention system to alleviate pressure on the drainage system (<b>Condition 13</b>).</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
of utility services and infrastructure.	
<p><b>55.02-5 Integration with street</b> To integrate the layout of development with the street.</p>	<p><b>Met</b> The development is oriented towards the site frontage. The pedestrian entry is flanked by planter boxes on both sides to achieve the integration with the street. The front fence is also partly transparent to improve the integration with the street and allow for passive surveillance opportunities.</p>
<p><b>55.03-1 Street Setback</b> To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	<p><b>Met</b> The ground and upper levels of the building are set back at least 6 metres from the site frontage, which complies with the DDO8 requirement.</p>
<p><b>55.03-2 Building Height</b> To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p>	<p><b>Considered Met</b> The building has a maximum height of 12.5 metres, which is 1.5 metre higher than the 11 metre preferred height requirement under DDO8.</p> <p>For the reasons discussed earlier in the report (section 6.19) under the DDO8 assessment, the maximum building height is considered appropriate.</p>
<p><b>55.03-3 Site Coverage</b> To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</p>	<p><b>Met</b> The site coverage of 60% complies with the standard.</p>
<p><b>55.03-4 Permeability</b> To reduce the impact of increased stormwater run-off on the drainage system.</p> <p>To facilitate on-site stormwater infiltration.</p>	<p><b>Met</b> With 31.5% of the site being pervious, the proposal is compliant with the standard.</p>
<p><b>55.03-5 Energy Efficiency</b> To achieve and protect energy efficient dwellings.</p> <p>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p>	<p><b>Met</b> Living rooms are predominantly oriented to the north, east or west to maximise exposure to sunlight. There is only one apartment (Dwelling 5) that can be considered south-facing.</p> <p>The applicant has submitted a Sustainability Management Plan (SMP) outlining ESD methods that will be utilised through construction to achieve a sustainable</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	building. The report has been considered to be satisfactory by Council's Sustainability Officer subject to some changes that will be required as permit conditions ( <b>Condition 3</b> ).
<p><b>55.03-6 Open Space</b> To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</p>	<p><b>Met</b> A communal roof terrace provides additional open space for residents.</p> <p>There is no public open space within or adjacent to the site.</p>
<p><b>55.03-7 Safety</b> To ensure the layout of development provides for the safety and security of residents and property.</p>	<p><b>Met subject to condition</b> An enclosed basement arrangement will provide for safe vehicle security for future occupants and their visitors.</p> <p>The front entry of the building is clearly visible from the street and allows passive surveillance.</p> <p>A permit condition will require lighting to be provided along the driveway and pathway to the front entry (<b>Condition 1.6</b>).</p>
<p><b>55.03-8 Landscaping</b> To encourage development that respects the landscape character of the neighbourhood.</p> <p>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</p> <p>To provide appropriate landscaping.</p> <p>To encourage the retention of mature vegetation on the site.</p>	<p><b>Met subject to condition</b> Generous landscaping can be accommodated within the setbacks to all site boundaries.</p> <p>A landscaping plan will be required by a permit condition (<b>Condition 8</b>).</p> <p>The development is not expected to have any impact on vegetation near the application site due to the building setbacks.</p> <p>A landscape maintenance bond of \$10,000 will be required by a permit condition (<b>Condition 9</b>).</p>
<p><b>55.03-9 Access</b> To ensure vehicle access to and from a development is safe, manageable and convenient</p> <p>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</p>	<p><b>Met subject to condition</b> The vehicle access arrangement to the site has been assessed by VicRoads and Council's Engineering and Technical Services Unit to be satisfactory subject to conditions (<b>Conditions 1.15, 1.16, 1.17, 1.20, 40, 42</b>).</p> <p>The provision of a single crossover is an appropriate design response.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p><b>55.03-10 Parking Location</b> To provide convenient parking for resident and visitor vehicles.</p> <p>To avoid parking and traffic difficulties in the development and the neighbourhood.</p> <p>To protect residents from vehicular noise within developments.</p>	<p><b>Met subject to condition</b> The provision of basement car parking with lift and stair access to all apartments provides convenience for all residents and visitors who park on site.</p> <p>A permit condition will require the provision of an intercom system to allow visitor access to the basement (<b>Condition 32</b>).</p> <p>There is unlikely to be any noise transfer from the use of the basement to the extent it would be a disturbance to nearby properties.</p>
<p><b>55.04-1 Side and Rear Setbacks</b> To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p><b>Met</b> The building exceeds the required setback to the side and rear boundaries as follows:</p> <p><u>Western boundary</u> The ground level is set back 3 metres (1.5 metres required). The first floor level is set back 4.5 metres (3 metres required). The second floor level is set back 9.1 metres (6.1 metres required).</p> <p><u>Eastern boundary</u> The ground level is set back 3 metres (1 metre required). The first floor level is set back 3 metres (2 metres required). The second floor level is set back 5.1 metres (5.3 metres required).</p> <p><u>Southern boundary</u> The ground level is set back 4 metres (1.5 metres required). The first floor level is set back 5.85 metres (4.1 metres required). The second floor level is set back 8.9 metres (6.1 metres required).</p>
<p><b>55.04-2 Walls on Boundaries</b> To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p><b>Not applicable</b> No walls on boundaries are proposed.</p>
<p><b>55.04-3 Daylight to Existing Windows</b></p>	<p><b>Met</b> The existing habitable room windows within</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
To allow adequate daylight into existing habitable room windows.	the adjoining properties to the south are located away from the common boundary and will not be unreasonably affected.
<b>55.04-4 North Facing Windows</b> To allow adequate solar access to existing north-facing habitable room windows.	<b>Met</b> There are no north-facing windows within 3 metres of the site's southern boundary.
<b>55.04-5 Overshadowing Open Space</b> To ensure buildings do not significantly overshadow existing secluded private open space.	<b>Met</b> As demonstrated by the submitted shadow diagrams, shadows cast by the building into the adjoining properties to the south and west do not extend beyond shadows cast by the boundary fences.  Although shadows cast by the building will cover the secluded private open space of the adjoining property to the east, the portion of open space affected is less than what is permissible pursuant to the standard. Overshadowing impacts will also be limited to the afternoon and will not have unreasonable off-site amenity impacts.
<b>55.04-6 Overlooking</b> To limit views into existing secluded private open space and habitable room windows.	<b>Met subject to condition</b> <u>East</u> On the ground level, there is no unreasonable overlooking as courtyards are slightly below ground level and views will be restricted by the new boundary fence (2.1 metres high with 450mm high lattice) and landscaping.  On the upper levels, windows and balconies with views to the habitable room windows and the secluded private open space are generally screened to limit overlooking.  Windows and balconies that overlook the front setback of the adjoining property to the east have not been screened, as they do not have views into a secluded private open space or habitable room windows.  A permit condition will require any views from the balcony of Dwelling 16 to the secluded private open space of the adjoining property to the east to be screened in accordance with the standard ( <b>Condition 1.1.1</b> ).  <u>South</u>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>Views from the ground level windows and private open space of Dwelling 5 are restricted by boundary fence.</p> <p>Further, conditions will require significant screen planting along this interface (<b>Condition 8.7</b>).</p> <p>The south-facing bedroom and kitchen windows of Dwelling 6 are elevated above natural ground level and allow views into the adjoining secluded private open space. A permit condition will therefore require them to be screened in accordance with the standard (<b>Condition 1.1.3</b>).</p> <p>A permit condition will require the Dwelling 6 balcony on the elevation plans to be shown at FL77.70 so it is consistent with the ground floor plan (<b>Condition 1.11</b>).</p> <p>The south-facing windows of the upper level are appropriately obscure glazed to comply with the standard.</p> <p>As the first floor balconies (of Dwellings 16 and 17) are within 5.3 metres of the southern boundary, the plan needs to demonstrate that the planter boxes do achieve the level of screening required. A permit condition will require any views into the adjoining secluded private open spaces be screened in accordance with the standard (<b>Conditions 1.1.1, 1.1.2</b>).</p> <p>The balconies on the second floor are set back at least 7.2 metres from the southern boundary and their views to the adjoining secluded private open spaces will be limited by planter boxes and the boundary fence. No further screening will therefore be required.</p> <p><u>West</u> Although the ground level balconies are elevated above natural ground level, there will not be unreasonable overlooking into adjoining secluded private open spaces and habitable room windows given they are situated on a lower level than the site and screened by the boundary fence.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>The generous 3 metre setback to the western boundary also allows for sufficient landscaping opportunities to provide screening.</p> <p>A permit condition will require screen planting adjacent to the western boundary and opposite the balconies to further reduce any overlooking impacts (<b>Condition 8.8</b>). A permit condition will also require the clotheslines adjacent to the western boundary fence to be relocated to accommodate the screen planting (<b>Condition 1.13</b>).</p> <p>The upper level windows and balconies are appropriately screened and will not result in unreasonable overlooking into the adjoining properties to the west.</p>
<p><b>55.04-7 Internal Views</b> To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</p>	<p><b>Met</b> Fences and screens are provided between adjacent courtyards and balconies to prevent direct internal views.</p> <p>Upper level windows and balconies are appropriately screened to limit views into lower level secluded private open spaces.</p>
<p><b>55.04-8 Noise Impacts</b> To contain noise sources in developments that may affect existing dwellings.</p> <p>To protect residents from external noise.</p>	<p><b>Met subject to condition</b> The noise sources that can be considered under this control relate to the building services. Council cannot consider normal domestic noise such as from people and private mechanical equipment.</p> <p>The placement of air-conditioning units should be regulated to ensure appropriate positioning (mainly for aesthetic reasons) (<b>Condition 21</b>).</p> <p>Plant on the roof of the building will be visually screened, together with building services including electrical substations and air inlets for the mechanical basement ventilation.</p> <p>Overall, it is considered that there are no external noise sources that may impact unreasonably on existing or future residents.</p>



OBJECTIVE	OBJECTIVE MET/NOT MET
<p><b>55.05-1 Accessibility</b> To encourage the consideration of the needs of people with limited mobility in the design of developments.</p>	<p><b>Met</b> The proposed development allows barrier-free access for people with limited mobility to the front entry of the building.</p> <p>The lift provides access to the basement car park, roof terrace and entries of all dwellings.</p>
<p><b>55.05-2 Dwelling Entry</b> To provide each dwelling or residential building with its own sense of identity.</p>	<p><b>Met</b> The apartments all derive pedestrian access from the central entry path and foyer on the frontage. The building entry is well identified and sheltered by a canopy.</p>
<p><b>55.05-3 Daylight to New Windows</b> To allow adequate daylight into new habitable room windows.</p>	<p><b>Met</b> All habitable rooms will have external windows to ensure they have adequate solar access. The windows have adequate light court areas. There are no habitable rooms that rely on borrowed light, open to a light well or rely on below ground light courts.</p>
<p><b>55.05-4 Private Open Space</b> To provide adequate private open space for the reasonable recreation and service needs of residents.</p>	<p><b>Met</b> Nine out of ten ground floor dwellings are provided with secluded private open space which consists of paved courtyards and landscaped gardens. The total amount of secluded private open space afforded to each dwelling at ground level ranges from 38 square metres to 135.4 square metres. It is considered that the spaces are sufficient in area for the recreation and service needs of residents and the provision of landscaping.</p> <p>The remaining dwellings are provided with secluded private open space in the form of a balcony that range from 8.1 square metres to 26.8 square metres. They comply with the standard.</p> <p>The residents also have access to the communal roof terrace, which also provides for the recreation needs of residents.</p>
<p><b>55.05-5 Solar Access to Open Space</b> To allow solar access into the secluded private open space of new dwellings and residential buildings.</p>	<p><b>Met</b> Due to the nature of the proposal as an apartment building, it is not possible to provide all private open space areas with a northern aspect.</p> <p>However, south-facing courtyards have been minimised, and where proposed include a</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	west or east orientation to provide some solar access.
<p><b>55.05-6 Storage</b> To provide adequate storage facilities for each dwelling.</p>	<p><b>Met</b> Storage spaces have been provided within the basement car park for all dwellings. Although they are less than 6 cubic metres, the volume provided is considered adequate for the storage needs of residents living in two-bedroom apartments.</p>
<p><b>55.06-1 Design Detail</b> To encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p><b>Met subject to condition</b> The proposed architectural design is of a high standard and offers a contemporary statement that responds positively to the preferred neighbourhood character.</p> <p>The window and door proportions enhance visual interest and provides for a good mixture of horizontal and vertical elements. This in turn provides a good level of articulation.</p> <p>Visual interest is provided by the stepping of walls, graduation of the upper levels and the use of balconies, fascias and framing elements.</p> <p>The incorporation of different materials and finishes provide further visual interest to the building. A permit condition will require a schedule of materials and finishes with colour samples to be provided (<b>Condition 1.2</b>).</p>
<p><b>55.06-2 Front Fence</b> To encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p><b>Met</b> As discussed, the proposed front fence complies with the DDO8 requirements. The fence therefore respects the preferred character of the area.</p>
<p><b>55.06-3 Common Property</b> To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</p> <p>To avoid future management difficulties in areas of common ownership.</p>	<p><b>Met</b> The basement and common areas throughout the building will be maintained by an Owners' Corporation. There are no apparent difficulties associated with future management of these areas.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p><b>55.06-4 Site Services</b> To ensure that site services can be installed and easily maintained.</p> <p>To ensure that site facilities are accessible, adequate and attractive.</p>	<p><b>Met subject to conditions</b> To ensure the appearance of the building does not detract from any elevation, a permit condition will require retractable clotheslines to be installed within all ground level open spaces and balconies to ensure that they are not visible from the street or adjoining properties (<b>Condition 1.12</b>).</p> <p>Permit conditions will require the clotheslines for Dwellings 6 and 9 to be relocated as they are currently inaccessible by the residents (<b>Condition 1.13</b>).</p> <p>Mailboxes will be required to be conveniently located at the frontage to comply with Australia Post requirements (<b>Condition 1.4</b>).</p> <p>The design details of the building's front entry, including an elevation drawing of the letterboxes and screening of service cabinets will be required by a permit condition (<b>Condition 1.5</b>).</p>

## 7 REFERRALS

- 7.1 Given the proposal to alter access to Manningham Road from 180 and 182 Manningham Road, it is a statutory requirement to refer the application to VicRoads as a determining referral authority.
- 7.2 VicRoads have no objection to the proposal subject to the inclusion of three (3) permit conditions (**Conditions 40-42**).
- 7.3 The application was referred to a number of Service Units within Council the following table summarises their responses:

Service Unit	Comments
Engineering & Technical Services Unit (Drainage)	<ul style="list-style-type: none"> <li>• There is adequate point of discharge for the site. All runoff is to be directed to the point of discharge (<b>Condition 15</b>).</li> <li>• Provide an on-site stormwater detention system (<b>Condition 13</b>).</li> </ul>
Engineering & Technical Services Unit (Vehicle Crossing)	<ul style="list-style-type: none"> <li>• The existing tree within the location of the proposed vehicle crossover relocated to the satisfaction of Council's Parks and Recreation Unit (<b>Condition 12</b>).</li> <li>• The edges of the vehicle crossover need to be on a 60 degree angle to the road from the property boundary (<b>Condition 1.15</b>).</li> <li>• The width of the driveway (wall to wall)</li> </ul>

Service Unit	Comments
	<p>increased to no less than 6.5 metres within the first 10 metres of the property and the crossover width widened as per the requirements of VicRoads (<b>Condition 40.2</b>).</p> <ul style="list-style-type: none"> <li>• A "Vehicle Crossing Permit" is required.</li> </ul>
Engineering & Technical Services Unit (Access and Driveway)	<ul style="list-style-type: none"> <li>• The proposed retaining walls, water and gas meter enclosures should not obstruct the visibility sight triangles (<b>Condition 1.16</b>).</li> <li>• The transition grade of 1 in 5.7 on the driveway for a length of one metre does not comply with Design Standard 3 in Clause 52.06-8 of the Manningham Planning Scheme and needs to be at least 2 metres in length (<b>Condition 1.17</b>).</li> </ul>
Engineering & Technical Services Unit (Traffic and Car Parking)	<ul style="list-style-type: none"> <li>• The dimensions of the car parking spaces comply.</li> <li>• There are no traffic issues in the context of the traffic and the surrounding street network.</li> <li>• The number of car parking spaces provided accord with the requirements.</li> </ul>
Engineering & Technical Services Unit (Car Parking Layout)	<ul style="list-style-type: none"> <li>• Sliding doors need to be provided to Stores 3, 6-10 and 12 to avoid opening into car parking spaces.</li> <li>• A sliding door provided to the staff WC door to avoid opening into a reversing bay.</li> <li>• A pedestrian warning sign and bollard need to be provided to the north of the car parking space for Dwelling 5 to improve pedestrian safety to the storage area.</li> </ul>
Engineering & Technical Services Unit (Construction Management)	<ul style="list-style-type: none"> <li>• A construction management plan is required (<b>Condition 4</b>).</li> </ul>
Engineering & Technical Services Unit (Waste)	<ul style="list-style-type: none"> <li>• A private waste collection will be required.</li> <li>• The submitted Waste Management Plan needs to be approved as part of the permit (<b>Condition 5</b>).</li> </ul>
Engineering & Technical Services Unit (Bicycle Parking)	<ul style="list-style-type: none"> <li>• Bicycle parking provision is satisfactory.</li> </ul>
Strategic Projects Unit (Sustainability)	<ul style="list-style-type: none"> <li>• Amendments to the submitted Sustainability Management Plan are required before approval (<b>Condition 1.8, 1.9, 3</b>).</li> </ul> <p><u>Energy Efficiency – Lighting</u></p> <ul style="list-style-type: none"> <li>• LED fittings throughout due to cost parity to fluorescents (including T5s) which are becoming obsolete from higher OMR costs, reduced performance in low external</li> </ul>

Service Unit	Comments
	<p>temperatures and contain mercury.</p> <p><u>Energy Efficiency – Renewable Energy System</u></p> <ul style="list-style-type: none"> <li>• Reflect on latest roof plan, location and roof area (m<sup>2</sup>) of solar 5kW PV (20 x 250W panels).</li> </ul> <p><u>Energy Efficiency – Clotheslines</u></p> <ul style="list-style-type: none"> <li>• All apartments to have accessible permanent clothesline facilities to ensure occupants avoid electric dryers;</li> <li>• Reflect on plans fixed or retractable clothes lines in: <ul style="list-style-type: none"> <li>○ courtyard or;</li> <li>○ hidden on balcony or;</li> <li>○ bathroom/laundry with adequate ventilation to prevent condensation/mould growth.</li> </ul> </li> <li>• Reflect in Appendix 4, Green star pre-assessment p.25.</li> </ul> <p><u>Stormwater Management</u></p> <ul style="list-style-type: none"> <li>• Reflect on latest plans roof area (m<sup>2</sup>) harvested for 25,000L rainwater storage and connected to ground and first floor toilets;</li> <li>• Terraces and balconies are not recommended for collection due to claims from existing developments of discolouration &amp; sediment in toilet water even with filtration;</li> <li>• Include overflow to detention via gravity flow.</li> </ul> <p><u>Windows and Glazing</u></p> <ul style="list-style-type: none"> <li>• Specify low e double glazing with uPVC framing; <ul style="list-style-type: none"> <li>○ Improved thermal performance and air tightness;</li> <li>○ Reduced thermal bridging (aluminium is natural conductor of heat/cold);</li> <li>○ Reduced condensation on glazing and framing;</li> <li>○ Improved noise attenuation;</li> <li>○ Lower embodied energy compared to aluminium framing.</li> </ul> </li> </ul>
Economic and Environmental Planning Unit (Urban Design)	<ul style="list-style-type: none"> <li>• The car park entry is below natural ground level, which effectively hides it from view and is a positive.</li> <li>• A small portion of the basement car park extends to within 4 metres of the front boundary. There is still sufficient remaining opportunity to establish deep root planting,</li> </ul>

Service Unit	Comments
	<p>and this encroachment is of no concern.</p> <ul style="list-style-type: none"> <li>• The development exceeds the maximum height requirement, however this is limited to a portion of a roof terrace structure and will not significantly add to the visual bulk of the building.</li> <li>• The development incorporates a suitably varied and interesting material and colour palette, including rendered finishes, timber-look metal screening, and brickwork.</li> <li>• The building is well articulated and employs glazing, framing elements, recesses and extrusions.</li> <li>• The building has split-levels which enables it to step down the site topography.</li> <li>• A portion of the basement extends above natural ground level. This is of little concern.</li> <li>• The front fence is a mix of solid wall and permeable fence and will provide ample opportunity for landscape elements to soften the presentation of the ground floor level of the development.</li> <li>• The building entry tapers from the front door of the development to a narrow point, before opening into a lift lobby. It is an unusual configuration, but I don't think causes any concern with regard to functionality.</li> <li>• The split level can be negotiated via the double-sided lift.</li> <li>• Appropriate low-level pedestrian lighting should be provided for the pedestrian ramp servicing the basement car park (<b>Condition 1.6</b>).</li> <li>• I note that a large electrical substation is proposed to be located within the landscaped frontage of the development and would ask that consideration be given to locating it in a more discrete location, or for its incorporation into the design of the apartment building or masonry wall along part of the frontage (<b>Condition 1.7</b>).</li> </ul>

7.4 As appropriate, the requirements of internal departments and external authorities will be added in the form of planning permit conditions or notes.

## 8 CONSULTATION

8.1 The planning application was placed on public notice for a three (3) week period which concluded on 20 January 2016. The public was notified by the

sending of letters to nearby properties and by the display of two (2) signs at the site frontage to Manningham Road.

- 8.2 Council has received one (1) objection from the following property:

Address
4 Harold Street, Bulleen (abutting property to the west)

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

- Increased number of high rise buildings in the area
- Overshadowing due to building height
- Increased on-street car parking on Harold Street
- Potential damage to property due to the proximity of the basement excavation to the site boundary

- 8.4 A response to the above grounds is provided in the below paragraphs:

**Increased number of high rise buildings in the area**

- 8.5 Neighbourhood character has been discussed in the assessment against DDO8 and Clause 55.02-1 of the Manningham Planning Scheme.

- 8.6 The site is located within Precinct 2: Residential Areas Surrounding Activity Centres and along Main Roads, in which Council's development preference is for a substantial change and higher density developments. The proposed apartment building therefore corresponds with the planning policies and considered appropriate.

- 8.7 The increasing number of apartment style developments along Manningham Road is reflective of the preferred character sought by planning policy.

**Overshadowing due to building height**

- 8.8 The shadow diagrams submitted by the applicant indicate that shadows cast by the building into the adjoining properties to the west will not extend beyond shadows cast by the boundary fence.

- 8.9 The extent of shadows cast into the adjoining properties to the west is not considered unreasonable and will be reduced by the setback of the building from the western boundary, the articulation in built form and graduation of the upper levels.

**Increased on-street car parking on Harold Street**

- 8.10 The development provides a sufficient number of car parking spaces within the basement as required by Clause 52.06 of the Manningham Planning Scheme.

- 8.11 Any existing parking problems on the Harold Street cannot be addressed through the current planning application, nor should the burden of relieving these existing problems be imposed on the developer of the subject land when the required number of car parking spaces have been provided.

**Potential damage to property due to the proximity of basement excavation to the site boundary**

- 8.12 The setback of 3 metres between the basement and the western boundary is not considered to be unreasonable and not dissimilar to setbacks provided by other similar style developments.
- 8.13 Potential damage to the adjoining property from construction is a civil matter that needs to be addressed by the building surveyor responsible for the development.
- 8.14 New boundary fencing is proposed along the side and rear boundaries.

## 9 CONCLUSION

- 9.1 It is considered appropriate to support the application, subject to some design changes to the building and the inclusion of suitable management plan conditions.
- 9.2 The construction of a well designed and visually interesting apartment building is consistent with the vision of the Manningham Planning Scheme, in particular Clause 21.05 Residential, Schedule 8 to the Design and Development Overlay (DDO8) and Clause 55 (ResCode). It will allow an increase in housing density and diversity in a location that has good access to services.
- 9.3 The proposal has also achieved an acceptable balance between considering the amenity of nearby properties and its attention to the internal amenity of future occupants.
- 9.4 It is therefore considered appropriate to support the planning application, subject to changes to be required by conditions.

## RECOMMENDATION

**That having considered all objections A NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application No. PL15/025566 for the development of No. 180-182 Manningham Road (Lot 6 and Lot 7 on PS 041476) for the purpose of the construction of a three-storey apartment building with associated basement car parking and the creation and alteration of access to a road in a Road Zone, Category 1 and for no other purpose in accordance with the endorsed plan and subject to the following conditions-**

- 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 plans submitted with the application (prepared by Arcestral Design, Revision B, dated 23 November 2015) but modified to show:**

### **Built form**

- 1.1. **Section diagrams to demonstrate the following windows and balconies screened in accordance with Standard B22 of Clause 55.04-6 of the Manningham Planning Scheme:**

- 1.1.1. **The balcony of Dwelling 16;**
- 1.1.2. **The balcony of Dwelling 17;**



**1.1.3. The south-facing bedroom and kitchen windows of Dwelling 6.**

- 1.2. A schedule of materials and finishes with colour samples of all external walls, roofs, fascias, window frames, paving (including terraces, balconies, roof terraces, stairs), fencing, privacy screens, roof top plant screens, retaining walls and driveway surfacing (must not be plain concrete).**

**Site services**

- 1.3. A notation to indicate the rainwater tank has a capacity of at least 25,000 Litres as per the Sustainable Management Plan required by Condition 3 of this permit;**
- 1.4. The mailboxes relocated to the site frontage to comply with Australia Post requirements;**
- 1.5. The design details of the building's front entry, including an elevation drawing of the letterboxes and screening of service cabinets;**
- 1.6. Location and details of external lighting along the footpath leading to the front entry and the driveway ramp to provide for the safety of the residents and visitors;**
- 1.7. The electrical substation relocated to a the north-eastern corner, appropriately treated and screened to reduce its visual presence in the streetscape to the satisfaction of the Responsible Authority;**
- 1.8. The location and roof area (m<sup>2</sup>) of the solar panels on the roof plan, as per the Sustainable Management Plan required by Condition 3 of this permit;**
- 1.9. A notation to indicate the roof area (m<sup>2</sup>) harvested for the 25,000L rainwater storage and the water is connected to ground and first floor toilets;**
- 1.10. An indicative location of the stormwater detention system or systems which must be located outside of easements and screen landscaped areas;**

**Open space**

- 1.11. The balcony of Dwelling 6 have a floor level on the elevation plans consistent with the ground floor plan (at 77.70);**
- 1.12. The location of retractable clotheslines to all ground level open spaces and balconies, designed so they are not visible from the street or adjoining properties;**
- 1.13. Clotheslines relocated away from the western boundary fence to accommodate screen planting;**
- 1.14. The clotheslines for Dwellings 6 and 9 relocated so they are accessible by residents;**

**Access and car parking**

- 1.15. Both sides of the vehicle crossover is on a 60 degree angle to the road carriageway;**

- 1.16. A visibility splay areas on the western side of the driveway at the frontage to comply with Design Standard 1 in Clause 52.06-8 of the Manningham Planning Scheme and all obstructions within these areas do not exceed a height of 900mm;
- 1.17. The gradient of the driveway modified to comply with Design Standard 3 in Clause 52.06-8 of the Manningham Planning Scheme;
- 1.18. A notation to indicate all storage spaces within the basement car park are enclosed by cyclone wire;
- 1.19. The pedestrian ramp to the west of the driveway replaced by stairs to reduce the extent of retaining walls and allow more landscaping opportunities within the front setback;
- 1.20. The requirements of VicRoads as per Condition 44 of this permit.

#### **Endorsed Plans**

2. The development as shown 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 starts or the issue of a building permit for the development, whichever is the sooner, two copies of an amended Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. When approved the Plan will form part of the permit. The recommendations of the Plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the occupation of any dwelling. The Plan must be generally in accordance with the plan prepared by Sustainable Development Consultants, dated October 2015 but modified to show the following:
  - 3.1. Energy Efficiency – Lighting
    - 3.1.1. LED fittings throughout
  - 3.2. Energy Efficiency – Clotheslines
    - 3.2.1. All apartments have accessible permanent clothesline facilities to ensure occupants avoid electric dryers. This also needs to be reflected in the Green star pre-assessment in Appendix 4;
  - 3.3. Stormwater Management
    - 3.3.1. Terraces and balconies are not recommended for collection due to claims from existing developments of discolouration & sediment in toilet water even with filtration;
    - 3.3.2. Include overflow to detention via gravity flow;
  - 3.4. Windows and Glazing
    - 3.4.1. Specify low e double glazing with uPVC framing;
      - Improved thermal performance and air tightness;
      - Reduced thermal bridging (aluminium is natural conductor of heat/cold);

- Reduced condensation on glazing and framing;
- Improved noise attenuation;
- Lower embodied energy compared to aluminium framing.

#### **Construction Management Plan**

- 4. Before the development starts, two copies of a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved the plan will form part of the permit. The plan must address, but not be limited to, the following:**
  - 4.1. A liaison officer for contact by residents and the responsible authority in the event of relevant queries or problems experienced;**
  - 4.2. Hours of construction;**
  - 4.3. Delivery and unloading points and expected frequency;**
  - 4.4. On-site facilities for vehicle washing;**
  - 4.5. Parking facilities/locations for construction workers;**
  - 4.6. Other measures to minimise the impact of construction vehicles arriving at and departing from the land;**
  - 4.7. Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;**
  - 4.8. The measures for prevention of the unintended movement of building waste and other hazardous materials and pollutants on or off the site, whether by air, water or other means;**
  - 4.9. An outline of requests to occupy public footpaths, road reserves, verges, or roads, and anticipated disruptions to local services;**
  - 4.10. The measures to minimise the amount of waste construction materials;**
  - 4.11. Measures to minimise impact to existing boundary and front fencing on adjoining properties;**
  - 4.12. The measures to minimise noise and other amenity impacts from mechanical equipment/construction activities, especially outside of daytime hours; and**
  - 4.13. Adequate environmental awareness training for all on-site contractors and sub-contractors.**

#### **Waste Management Plan**

- 5. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an amended Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The Plan must generally be in accordance with the plan prepared by LID Consulting, dated 26 October 2015 but modified to provide for:**
  - 5.1. A private waste contractor to undertake waste collection from within the basement of the development;**

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

#### **Management Plan Compliance**

6. **The Management Plans approved under Conditions 3, 4 and 5 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.**
7. **Prior to the occupation of each building, written confirmation from the author of the approved Sustainability Management Plan, or a similarly qualified person or company, must be submitted to the Responsible Authority. The report must confirm that the sustainable design features/initiatives specified in the Sustainability Management Plan have been satisfactorily implemented in accordance with the approved plans.**

#### **Landscaping**

8. **Before the development starts, a detailed Landscape Plan must be prepared by a landscape architect showing species, locations, approximate height and spread of proposed planting, and must be submitted to the Responsible Authority for approval. Such plan must be generally in accordance with the approved plan, and must show:**
  - 8.1. **Any details as relevant or directed by any other condition of this Permit;**
  - 8.2. **A planting schedule detailing species, numbers of plants, approximate height, spread of proposed planting and planting/pot size;**
  - 8.3. **Location, species and number of proposed plantings;**
  - 8.4. **Surface treatments;**
  - 8.5. **Details of site and soil preparation, mulching and maintenance;**
  - 8.6. **A minimum of three (3) canopy trees, capable of reaching a minimum mature height of 8.0 metres, within the front setback of the site. The trees must be a minimum height of 1.5 metres at the time of planting;**
  - 8.7. **Screen planting adjacent to the southern boundary, capable of reaching a mature height of 3.0 metres. The trees must be a minimum height of 1.5 metres at the time of planting;**
  - 8.8. **Screen planting adjacent to the western boundary, capable of reaching a mature height of 3.0 metres. The trees must be a minimum height of 1.5 metres at the time of planting;**
  - 8.9. **A continuous landscaping treatment between the front fence and site frontage.**

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

9. Before the release of the approved plans under Condition 1, a \$10,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.
10. Before the occupation of the dwellings, landscaping works 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.

#### Street Tree

11. Except with the prior consent of the Responsible Authority, the existing street trees must not be removed or lopped.
12. Before the development starts, the owner must arrange with Council's Parks and Recreation Unit for the removal of the street tree located within the proposed vehicle crossover and its replacement. All costs associated with this must be paid by the owner to the satisfaction of the Responsible Authority. The removal and replacement of the street tree shall only be undertaken by Council contractors to ensure quality and safety of work.

#### Stormwater — On-Site Detention System

13. The owner must provide onsite storm water detention storage or other suitable system (which may include but is not limited to the re-use of stormwater using rainwater tanks), to limit the Permissible Site Discharge (PSD) to that applicable to the site coverage of 35 percent of hard surface or the pre existing hard surface if it is greater than 35 percent. The PSD must meet the following requirements:
  - 13.1. Be designed for a 1 in 5 year storm; and
  - 13.2. Storage must be designed for 1 in 10 year storm.
14. Before the development starts, a construction plan for the system required by Condition No. 13 of this permit must be submitted to and approved by the Responsible Authority. The system must be maintained by the Owner thereafter in accordance with the approved construction plan to the satisfaction of the Responsible Authority.

#### Drainage

15. 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.
16. The whole of the land, including landscaped and paved areas must be graded and drained to the satisfaction of the Responsible Authority, to prevent ponding and to minimise overland flows onto adjoining properties.

#### Site Services

17. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
18. All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively to the satisfaction of the Responsible Authority.
19. 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.
20. In the event of gas being supplied to the approved dwellings, the owner must liaise with the relevant service authority to determine an appropriately discrete location for the placement of gas meters to the satisfaction of the Responsible Authority. Where no such placement is possible, meters must be “banked” and provided with a neatly designed, durable screen surround (in stained timber, or dark coloured, perforated metal sheeting, for instance) to the satisfaction of the Responsible Authority.
21. Any air-conditioning unit erected on the walls, roofs or balconies of the approved dwellings must be so located, as to not adversely affect the amenity of the area by way of appearance/visual prominence to the satisfaction of the Responsible Authority. Where the Responsible Authority identifies a concern about visual appearance, appropriately designed/finished screening must be installed and maintained to the satisfaction of the Responsible Authority.
22. 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.
23. Unless depicted on a Roof Plan approved under Condition 1 of this permit, no roof plant (includes air conditioning units, basement exhaust ducts, solar panels or hot water systems) which is visible to immediate neighbours or from the street may be placed on the roof of the approved building, without details in the form of an amending plan being submitted to and approved by the Responsible Authority.
24. A centralised TV antenna must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.
25. No individual dish antennae may be installed on the overall building to the satisfaction of the Responsible Authority.
26. 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.
27. Letterboxes must be designed and located to satisfy the requirements of Australia Post to the satisfaction of the Responsible Authority.

#### **Access**

28. Prior to occupation of the approved dwellings, any new or modified vehicular crossover must be constructed in accordance with the plans

endorsed under Condition 1 of this permit to the satisfaction of the Responsible Authority.

29. Driveway gradients and transitions as shown on the plan approved under Condition 1 of this permit must be generally achieved through the driveway construction process to the satisfaction of the Responsible Authority.
30. Redundant crossovers must be removed and the footpath and kerb and channel reinstated to the satisfaction of the Responsible Authority.
31. Any security door/grille to the basement opening must maintain sufficient clearance when fully open to enable the convenient passage of rubbish collection vehicles which are required to enter the basement and such clearance must also be maintained in respect of sub-floor service installations throughout areas in which the rubbish truck is required to travel 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.

#### **Car Parking**

33. Before the occupation of the approved dwellings, all basement parking spaces must be line-marked, numbered and signposted to provide allocation to each dwelling and visitors to the satisfaction of the Responsible Authority.
34. Visitor parking spaces must not be used for any other purpose to the satisfaction of the Responsible Authority.

#### **Earthworks**

35. The extent and depth of cut and fill must not exceed that shown on the plans endorsed under Condition 1 of this permit without the written consent of the Responsible Authority.
36. All retaining walls must be constructed and finished in a professional manner to ensure a neat presentation and longevity to the satisfaction of the Responsible Authority.

#### **Fencing**

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

#### **Maintenance**

38. Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.
39. Privacy screens, obscure glazing, replacement boundary fencing as shown on the approved plans must be installed prior to occupation of the dwellings to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority. The use of the obscure film fixed to transparent windows is not considered to be obscured glazing of an appropriate response to screen overlooking.

**VicRoads Conditions**

40. Prior to the commencement of the development, amended plans must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the submitted plans and amended to show:
- 40.1. A visibility splay along the northern edge of the internal driveway, in accordance with Design Standard 1 – Accessways pursuant to Clause 52.06-8 of the Manningham Planning Scheme; and
- 40.2. The width of the driveway (wall-to-wall) increased to no less than 6.5 metres for the first 10 metres within the property boundary and the crossover width widened accordingly.
41. Prior to the occupation of the dwellings, all redundant and unused crossovers must be wholly reinstated with kerb and channel to the satisfaction of the Responsible Authority, and at no cost to VicRoads.
42. Vehicles must enter and exit the land in a forward direction at all times.

**Time Limit**

43. This permit will expire if one of the following circumstances apply:
- 43.1. The development and use are not started within two (2) years of the date of the issue of this permit; and
- 43.2. The development is not completed within four (4) years of the date of this permit.

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

Conflicts of Interest

*Cr J Grivokostopoulos advised Councillors, that as he had disclosed that a conflict of interest in this item being an indirect interest of residential amenity he will be leaving the meeting room for the duration of the item.*

*Cr G Gough advised Councillors, that as he had disclosed that a conflict of interest in this item being an indirect interest of residential amenity he will be leaving the meeting room for the duration of the item.*

*Councillors Grivokostopoulos and Gough left the meeting room at 8.51pm.*

**MOVED: HAYNES**  
**SECONDED: DOWNIE**

**That the Recommendation be adopted.**

**CARRIED**

*Councillors Grivokostopoulos and Gough returned to the meeting room at 8.54pm.*

“Refer Attachments”

\* \* \* \* \*



## 9.4 Planning Application PL14/024406 for 600 Doncaster Road, Doncaster - Use and development of the land for a twelve (12) storey mixed use building comprising office and residential (174 apartments)

Responsible Director: Director Planning & Environment

File No. PL14/024406

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

<b>Land:</b>	600 Doncaster Road, Doncaster (Lot 1 PS 608338X Vol 11184 Fol 052)
<b>Zone</b>	Activity Centre Zone 1 (ACZ1) Development Contribution Plan Overlay 1 (DCPO1) Parking Overlay 1 (PAO1)
<b>Applicant:</b>	Hansen Planning Services
<b>Ward:</b>	Koonung
<b>Melway Reference:</b>	47D1
<b>Time to consider:</b>	Wednesday 9 March 2016

### SUMMARY

*It is proposed to develop land known as 600 Doncaster Road, Doncaster with a twelve (12) level, mixed use apartment building. At ground level, the proposal consists of 701 square metres of office floor area. A total of 174 residential apartments span from ground level to Level 12 with three (3) levels of basement car parking. The proposal also requires permission in respect of its position relative to a road in a Road Zone Category 1 (RDZ1).*

*The application was received by Council's Statutory Planning department on 16 June 2014. Following a number of meetings and correspondence expressing concerns with the proposal, the development nevertheless proceeded to public notification and the formal referral process in January 2015. This process attracted objection from one (1) local resident and VicRoads. Council's internal Urban Design and Engineering referral advice also expressed a number of issues with the original proposal echoing the preliminary assessment of Council's Planning department.*

*Following a series of negotiations and meetings spanning 2015, the permit applicant amended their proposal under section 57A of the Planning & Environment Act 1987 (the Act) superseding all originally submitted development plans and making some significant adjustments to address referral authority and Council officer concerns.*

*The application was advertised pursuant to Section 57B of the Act and received no further objections.*

*A review of all referral comments to the Section 57A application and an officer assessment of the application now concludes that the proposal is 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 relevant planning controls within the Manningham Planning scheme actively encourage an intensive, mixed use development on this site. A possible building height of 39m (inclusive of a 32.5m maximum building height and a 6.5m high design element) is stipulated in the controls facilitating the achievement of a high density outcome. For the reasons that will be discussed in this report, the proposed offers a contemporarily designed, high-density, mixed-use building in Doncaster Hill complying with the various requirements of the ACZ1 as they relate to siting, height and built form presentation. Complementing the mixed-use building under construction to the site's east at 101-105 Tram Road, Doncaster, it is concluded that the proposal contributes positively towards the creation of a robust development within Precinct 7A at the intersection of Doncaster and Elgar Roads – a key site within the Doncaster Hill Activity Centre.*

*It follows from the above that the proposal is considered to be an appropriate design response for the site, and as such, it is recommended that Council supports the proposal subject to a series of conditions.*

## **1 BACKGROUND**

### **The Site**

- 1.1 The subject site is 600 Doncaster Road legally described as Lot 1 PS 608338X, Vol 11184 Fol 052.
- 1.2 Located at the corner of Doncaster and Elgar Roads, Doncaster, the site is an irregular shaped allotment with a total area of 3231 square metres.
- 1.3 Two adjoining single storey office buildings currently exist on the site together with a temporary sales building associated with the neighbouring Panorama apartment development. An “at grade” car park is situated in between the fixed and temporary buildings. The car park is accessible via Elgar Court, an accessway which exists through the site linking Elgar Road to Tram Road. The site is presently used for the parking of construction vehicles associated with the development of the two adjoining building sites.
- 1.4 Generally, the site falls gently from north to south by approximately two (2) metres. At the site's north-western end, the land drops by about half a metre towards the Elgar Road footpath.
- 1.5 The site is burdened by the following:
  - 1.5.1 A 7.05 metre wide carriageway easement is located at the south-eastern corner of the site. The carriageway easement facilitates future connection between Elgar Road and Tram Road via a shortened Elgar Court and a driveway over both the application site and the neighbouring site to the east (101-105 Tram Road). The carriageway easement is three dimensional with a height of 4.5m above ground (i.e. a clearance height that can be constructed over with the necessary town planning approvals).
  - 1.5.2 A Section 173 Agreement, as registered by Instrument of Transfer AH47028G. The Agreement imposes specific obligations on the property owner in relation to the payment of a public open space contribution.

### The Surrounds

- 1.6 The site has abuttals with two (2) properties, as follows:

Direction	Address	Description
East	101-105 Tram Road, Doncaster	The lot is presently under construction for a 13-storey mixed use apartment building comprising residential apartments (201 dwellings) and ground level retail tenancies (Panorama Apartments).
South	4, 5 & 812 Elgar Court, Doncaster	The lot is also currently under construction for an 11-storey apartment building comprising residential apartments (132 dwellings). (Gardenhill Apartments)

- 1.7 The subject site is located within the Doncaster Hill Principal Activity Centre – the municipality’s premier activity centre precinct. The 52 hectare area spans the Doncaster Road corridor from the boundary with the former Eastern Golf Course site at its most western point to the Manningham City Council Municipal Council offices to the east. The Activity Centre also includes land along the Tram, Elgar and Williamsons Road corridors.
- 1.8 The character of the Centre presently includes completed residential and mixed use buildings, a regional shopping complex (Westfield Doncaster), larger scale office buildings (generally along the Doncaster Road corridor), established car dealerships (at the western end of the precinct) and smaller scale shops (at the eastern end of the precinct). Land south of the subject site falls away and is typically developed with a combination of single and multi-unit dwellings. While surrounding land, including immediately to the south of the subject site is located within the Activity Centre Zone, land beyond to both the south-east and south-west of the subject site along the Elgar Road corridor is located in the Residential Growth Zone Schedule 2 (RGZ2). Land further afield is zoned General Residential Zone Schedule 2 (GRZ2).
- 1.9 In terms of public transport, the subject site is well service by bus routes operating along Doncaster Road, connecting activity centres and residential areas within the municipality to Melbourne’s Central Activity District. A major bus interchange is situated within the Westfield Doncaster complex at a distance of 300 metres from the site.
- 1.10 In addition to local neighbourhood park opportunities at Carawatha Reserve to the west (550 metres away), Schramms Reserve is located 1km away (approx) at the north-eastern corner of the Activity Centre.

### Planning History/Application History

- 1.11 The site has been the subject of a Planning Scheme Amendment – Amendment C76 to the Manningham Planning Scheme. Gazetted on 23 October 2008, Amendment C76 rezoned and consolidated a number of land parcels (some of which were Council-owned) to facilitate a private land rationalisation and consolidation opportunity to seek the fulfilment of the

objectives of the Doncaster Hill Strategy, October 2002 for the gateway Doncaster Hill site.

- 1.12 Prior to the lodgement of this planning permit application, there is no relevant planning permit history for the subject site.
- 1.13 Submitted on 22 October 2014, Planning Application PL14/024734 approved the removal of a redundant sewerage easement (E-5 for sewerage on Lot 1 PS 608338X, Vol 11184 Fol 052) on 24 December 2014. The easement removal was issued following the removal of sewer assets associated with and to facilitate the adjoining development at 101-105 Tram Road, Doncaster. The easement removal application was lodged after the submission of the subject application. As such, the application the subject of this assessment no longer needs to consider the easement's removal.
- 1.14 The proposal was presented to a Sustainable Design Taskforce meeting on 12 December 2013. Feedback provided at the Taskforce covered a range of matters including: the presentation of the built form (including the need for articulation and visual interest across the western elevation), the lack of podium definition, the architectural expression of the "design element" and need for physical connectivity with the public realm at ground level, including the Doncaster Hill boulevard treatment.
- 1.15 Following the lodgement of the permit application on 16 June 2014, a number of discussion/meetings occurred and written correspondence was exchanged between Council's Statutory Planning department and the permit applicant (and their project team). Notwithstanding the range of concerns raised, the development nevertheless proceeded to public notification and the formal referral process in January 2015. Public notification resulted in the receipt of objections from one (1) local property owner/resident and VicRoads. Council's internal Urban Design and Engineering referral advice also expressed a number of issues with the original proposal echoing preliminary concerns raised by Council's Planning department.
- 1.16 Following a series of negotiations and meetings spanning 2015, the permit applicant amended their proposal under section 57A of Act superseding all originally submitted development plans and making some adjustments to address referral authority and Council officer concerns.
- 1.17 On 18 December 2015, the application was amended pursuant to Section 57A of the Act. Overall, the Section 57A plans do a number of things including:
  - 1.17.1 Providing for an increased site coverage and modified built form across the western, northern and southern elevations which serves to strengthen the sense of the front podium to Elgar Road.
  - 1.17.2 A redesign of the "Design Element" to provide it with an architectural "point of difference" and a minor reduction to its overall footprint.
  - 1.17.3 Undertaking consequential modifications to the number and layout of residential apartments and the ground level office floor space. This consists of increases in apartment numbers from 173 to 174 apartments and office floor area from 609 to 700.8 square metres.

- 1.17.4 Modifying vehicle access to the site to respond to VicRoads' referral advice.
- 1.17.5 Adjust aspects of the basement car parking, including increasing the number of car parking spaces from 220 to 229 car spaces.
- 1.18 Across January-February 2016, the application was advertised pursuant to Section 57B of the Act and received no further objections.
- 1.19 Following the receipt of updated referral comments from relevant internal and external departments, it is now appropriate for a planning decision to be made on the Section 57A plans.

## 2 PROPOSAL

- 2.1 An overview of the Section 57A/decision plans now follows:

### **Residential Use**

- 2.2 A total of one hundred and seventy four (174) apartments are proposed across 12 levels (Ground to Level 11). The dwelling mix encompasses:
  - 2.2.1 84 x 1 bedroom apartments; and
  - 2.2.2 83 x 2 bedroom apartments; and
  - 2.2.3 7 x 3 bedroom apartments.

### **Office Use**

- 2.3 Seven hundred and one (701) square metres of office floor area is proposed at the northern end of the ground level.

### **Development**

- 2.4 A twelve (12) storey, mixed use apartment development (providing dwellings at each level and a ground level office floorspace) fronting (and accessed from) Elgar Road. The development proposes a site coverage of 61%.

### **Basement Levels**

- 2.5 The building is proposed to have three (3) basement levels. Vehicle access is provided via Elgar Court via a proposed double-width crossover. Access between the basement levels are available via internal double-width ramps.
- 2.6 Basement levels tend to be constructed to title boundaries with minimal setbacks provided to the northern, southern and western boundaries. Car parking spaces are provided across the levels in single and tandem arrangements. A mix of above-bonnet and stand-alone storage cages for each dwelling at each basement levels is provided.
- 2.7 A breakdown on the basement levels now follows:

#### **Basement 1**

- 2.7.1 A total of fifty-four (54) car spaces, including seventeen (17) visitor car spaces and one accessible car space (located opposite the lifts);
- 2.7.2 Seventeen (17) bicycle racks;
- 2.7.3 A 64.8 square metre waste room;
- 2.7.4 A 7.6m x 3.6m loading bay to the west side of the car park entry;

- 2.7.5 Twenty-three (23) storage cages (3 cubic metres each);
- 2.7.6 A secured gated access;
- 2.7.7 Integrated substation to the east side of the car park entry;
- 2.7.8 Emergency exit to the west of the loading bay.

**Basement 2**

- 2.7.9 A total of ninety-four (94) car spaces, including twenty-six in a tandem arrangement associated with residential apartments;
- 2.7.10 Eighty-two (82) storage cages (3 cubic metres);
- 2.7.11 Thirty-six (36) bicycle racks;
- 2.7.12 A 30,000 litre rainwater tank.

**Basement 3**

- 2.7.13 A total of eighty-one (81) car spaces, including twenty-six in a tandem arrangement associated with residential apartments;
- 2.7.14 Seventy-two (72) storage cages (3 cubic metres).

**Residential Levels****Ground Level**

- 2.8 As previously noted, the office floor area is proposed at the northern end of the ground level and is open-planned. Amenities are provided at the southern end of the space. Proposed entries to the office tenancy are provided to both Doncaster and Elgar Roads.
- 2.9 Four (4), two-bedroom residential apartments are provided at the south-western end of the ground level. All apartments have direct access onto the external common area that comprises the western, front setback of the development site.
- 2.10 A 174.38 square metre internal communal area comprising a “residential club lounge” sits between office to the north and residential to the south. The internal space includes amenities (kitchen and WC) and is connected to external common areas on both the east and west sides of the building. Along the east, a 38.7 square metre deck adjoins the club lounge and is one of the features of the 5.45 metre wide landscaped space which consists of a combination of permeable and non-permeable finished surfaces.
- 2.11 Pedestrian entry to the apartment development is situated across the western side of the building framed by a large forecourt and orchard-inspired landscaped front area. A sizeable lobby leads directly to two adjoining residential lifts. The stairwell adjoins to the south. A communal mailbox area is provided to the south-east of the ground level lobby.
- 2.12 Minimum ground level setbacks are as follows:
  - 2.12.1 Western boundary – 4 metres (5 metres required by ACZ1);
  - 2.12.2 Northern boundary – 1.6 metres;
  - 2.12.3 Southern boundary – 5 metres;
  - 2.12.4 Eastern boundary – 5.5 metres.

**Levels 1-3 (Podium)**

- 2.13 Nineteen (19) apartments, a combination of one and two bedroom apartments, make up each of Levels 1, 2 and 3.
- 2.14 Apartment sizes range from 51.8 square metres to 103.6 square metres. Balconies range in size from 8.96 square metres along the eastern side of the building (setback 4.3 metres to the eastern boundary) up to 55.28 square metres (at the north-western corner).
- 2.15 Minimum building setbacks are as follows:
  - 2.15.1 Western boundary – 7 metres (5 metres required by ACZ1);
  - 2.15.2 Northern boundary – 2.7 metres;
  - 2.15.3 Southern boundary – 4.9 metres;
  - 2.15.4 Eastern boundary – 5.3 metres.
- 2.16 Adjacent to the lobby at each level is an external, landscaped balcony area for common use.
- 2.17 A waste chute is provided at all levels.

**Levels 4-9 (Tower)**

- 2.18 A total of eighteen (18) apartments are situated at Levels 4-9, inclusive. A combination of one and two bedroom apartment make up each of Levels 6-9, while one (1) three bedroom apartment is located at each of Levels 4 and 5. Balconies range in size from 8.96 square metres along the eastern side of the building (setback 4.3 metres to the eastern boundary) up to 82 square metres at Level 6's south-western corner (setback 7.99 metres to the western boundary).
- 2.19 Apartment sizes range from 51.8 square metres to 112.6 square metres.
- 2.20 Minimum setbacks are as follows:
  - 2.20.1 Western boundary – 10.5 metres (9 metres required by ACZ1);
  - 2.20.2 Northern boundary – 2.6 metres;
  - 2.20.3 Southern boundary – 6.2 metres;
  - 2.20.4 Eastern boundary – 5.65 metres.
- 2.21 Adjacent to the lobby at each level is an external, landscaped balcony area for common use.
- 2.22 A waste chute is provided at all levels.

**Levels 10-11 (Design Element)**

- 2.23 Situated within the "Design Element" Area, five (5), duplex style residential apartments comprise Levels 10 and 11. Common lift access stops at Level 10 with each individual apartment to have its own private lift access to Level 11.
- 2.24 Level 10 of all apartments consists of an open planned living area, including a kitchen, spilling out onto private balconies. Northerly or western orientations are maximised. Access to the common landscaped area (which at Level 10 includes a decked area) is possible adjacent to the lobby area.

- 2.25 Level 11 of all apartments comprises three (3) bedrooms, the master bedroom containing an ensuite and walk-in-robe.

**Building Heights**

- 2.26 The proposed building height is 31.3 metres (excluding the design element). Including the design element, the building reaches an overall maximum building height of 37.9 metres.

**Materials & Finishes**

- 2.27 The building proposes to draw on precast concrete (in natural and charcoal/textured finishes), high performance clear and platinum glazing, and rendered finishes (charcoal).

**Landscape Response**

- 2.28 A key feature of the overall design response is a feature orchard landscape treatment across the western side of the site. The orchard feature is proposed at both ground level and extends up through the centre of the western facade resulting in a "Vertical Garden" anchored by canopy trees. The vertical space is to be a common area accessed by all future residents from Levels 1-10, inclusive. A third landscape area is provided along the eastern side of the building adjacent to the office floorspace and the residential club lounge.
- 2.29 Indicative boulevard type tree planting is shown along Doncaster Road while an extension of the on-site, orchard themed tree planting occurs into the public realm along Elgar Road.
- 2.30 In support of the planning application, the following documentation was submitted:
- 2.30.1 Architectural and colour perspective drawings, as prepared by BKK Architects, dated 18 December 2015.
  - 2.30.2 A Traffic Impact Assessment, as prepared by Ratio, dated December 2015.
  - 2.30.3 A Concept Landscape Plan, as prepared by BKK Architects & Oculus, dated 18 December 2015.
  - 2.30.4 Oculus Landscape Design report, 4 June 2014.
  - 2.30.5 Waste Management Plan (WMP), Leigh Design, 29 April 2014.
  - 2.30.6 Sustainability Management Plan, Urban Digestor, 30 May 2014.
  - 2.30.7 Town Planning Assessment Report, Hansen Planning, May 2014.
  - 2.30.8 BKK Architects Design Response Statement, April 2014.
  - 2.30.9 Windtech Pedestrian Wind Statement, 30 May 2014.

**3 PRIORITY/TIMING**

- 3.1 The statutory time for considering a planning application is 60 days. Allowing for the time taken to advertise the application, the statutory time lapsed on 9 March 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 a restrictive covenant.

#### 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. Office is a section 2 use – permit required, and must be in conjunction with one or more other Section 1 or 2 uses. 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 all land on the south side of Doncaster Road west of the application site is within Precinct 7.
- 5.6 Under the ACZ1, the subject site is located in **Precinct 7A**. The objectives for Precinct 7A (Clause 5.7-2) are as follows:
- To encourage an appropriate mix of residential and commercial uses in the precinct.
  - To create a vibrant and commercially viable mix of uses, generally on smaller allotments than is proposed for precincts located further east in Doncaster Hill.
  - To ensure the precinct has ready access to well design public open space.
  - To improve pedestrian access through this precinct to Doncaster Road from the residential land to the south.
  - To create a landmark gateway building at the eastern and western ends of the precinct.
- 5.7 Table 5.7-3 of the Scheme sets out the following precinct requirements:

Maximum height (excluding basement)	Design Element Height:	Setbacks
32.5m	6.5m above maximum height	5m to front podium edge from front boundary 9m to front tower edge from front boundary 4.5m from side boundaries 4.5m from rear boundary

- 5.8 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**

5.9 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.

5.10 The Development Contribution Plan Overlay Schedule 1 (DCPO1) outlines development contributions for various infrastructure works within Doncaster Hill.

5.11 Pursuant to the DCPO1, a permit granted must include a condition that gives effect to the contribution and levies imposed by the schedule (Condition 19).

#### **Parking Overlay**

5.12 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.
- 5.13 Clause 45.09-1 sets out the operation of the clause explaining that the overlay operates in conjunction with Clause 52.06.
- 5.14 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;
  - Office – 2.5 car spaces to each 100sqm of net floor area.
- 5.15 Clause 3 sets out the application requirements and decision guidelines for permit applications.
- State Planning Policy Framework (SPPF)**
- 5.16 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.
- 5.17 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.
- 5.18 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)
- 5.19 As relevant, an assessment against the abovementioned policy documents will be carried out at Section 6 of this report.
- 5.20 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.*

- 5.21 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.
- 5.22 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.*
- 5.23 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.
- 5.24 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.*
- 5.25 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.*

5.26 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.*

5.27 Clause 16.01-5 (Housing affordability) seeks to deliver more affordable housing closer to jobs, transport and services.

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

5.29 The policy objective is:

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

5.30 Clause 18.02-1 Movement networks: Sustainable personal transport

5.31 The policy objective is:

- To promote the use of sustainable personal transport.

5.32 Clause 18.02-2 Cycling

5.33 The policy objective is:

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

5.34 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.

5.35 Clause 18.02-4 Management of the road system

5.36 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.

5.37 Clause 18.02-5 Car parking

5.38 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)**

5.39 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.

5.40 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.

5.41 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.

5.42 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.

5.43 As previously noted, the subject site is located in sub-precinct 7A.

5.44 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**

5.45 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.

- 5.46 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**

- 5.47 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.
- 5.48 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
- 5.49 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.
- 5.50 Clause 52.29 (Land adjacent to a Road Zone Category 1) is relevant as the subject site sits adjacent to both Doncaster and Elgar Roads – both being roads under the jurisdiction of the Roads Authority (VicRoads).
- 5.51 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.
- 5.52 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.

**General Provisions**

- 5.53 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 ASSESSMENT**

- 6.1 Section 5 of this report has outlined the purposes and objectives of the ACZ1, including the specific visions for Precinct 7 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.

- 6.2 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**

- 6.3 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 32.5m. There is a further height allowance of 6.5m attributed to a design element providing a number of criteria can be satisfied.
- 6.4 Without the design element, the proposed building reaches a height of 31.3 metres which comes within the maximum building height permissible.
- 6.5 With the design element, a maximum building height of 37.9 metres is reached. This is also within the parameters of the maximum permitted by the ACZ1. As such, the proposal is fully compliant with prescribed building heights.
- 6.6 Furthermore, sectional drawings demonstrate that there is no encroachment above the design element permissible height for lift overruns or any plant equipment.

**Design Element – considered met with conditions**

- 6.7 Notwithstanding the design element's compliance with height, it should also (in accordance with Clause 4.4 of the ACZ1):
- *Substantially contribute to the overall built form and appearance by forming part of a distinctive architectural or ecologically sustainable design feature;*
  - *Be based on contemporary architectural and innovative urban design techniques that incorporate ecologically sustainable design principles;*
  - *Be located where built form will have the greatest impact and be able to make an architectural statement, including the highest areas on ridgelines, the area surrounding the intersection of Doncaster and Williamsons Road, and the entry points/gateways into Doncaster Hill Principal Activity Centre;*
  - *Not occupy greater than 15% of the overall roof area of the building.*
  - *Not substantially increase the visual mass of the building; and*
  - *Not cast additional overshadowing upon adjacent and nearby properties and public spaces at 12 noon on 22 June.*
- 6.8 The design element has undergone a significant redesign from the original planning submission. Indeed, as part of the Section 57A application, one of the most significant changes (and improvements) to the proposal has been the shift in architectural language of the design element.

6.9 Assessing the Design Element against the abovementioned criteria reveals the following:

- The architectural language and prominence of the design element is now considered to make a substantial contribution to the overall built form expression. The element will be a distinctive feature of the overall development providing a high level of visual interest by virtue of its resemblance to a “jewel” like feature piece on top of the building. Council officers are satisfied that the differentiation in building materials by the predominant reliance on high performance glazing for the external skin of the design element will provide it with a high level of architectural prominence. As the Sustainability Management Plan submitted with the application has not been amended to discuss the revised design now incorporating the revised design element, it will be appropriate to ensure this is addressed by requiring a revised SMP as a permit condition to understand the feature’s ability to meet the ecologically sustainable design aspirations of the Scheme (Condition 1.13).
- As the land slopes in a southerly direction, the northern end of the site is the highest part of the site. The positioning of the design element at the northern end of the building is consistent with the desire for the design element to be located where it will have the greatest built form presence.
- The use of glazing for the facade treatment and the alternative architectural language (when compared to the design of the tower) are both critical to the arrival of the view that the redesign of Levels 10 and 11 will not substantially increase the visual mass of the building. A key issue for officers in the original submission was the opinion that the design element was a mere replica or extension of the tower component which failed to provide a lack of distinctiveness. The use of a “lighter” material has successfully addressed the issue of visual bulk which was ingrained in the original submission. The design element is also appropriately recessed from the roof edge below to avoid visual massing concerns.
- The design element will not produce additional shadows to adjacent and nearby properties and public spaces at 12 noon on 22 June.
- While the provision of habitable space within the design element is not expressly discussed in the provision, the association of a percentage of floorspace does not rule it out. So while in some Doncaster Hill developments, such as the Madison Apartments at 91-93 Tram Road, the expression has been the application of a design feature extending above the roofline across the facade there are multiple examples of developments, including the neighbouring mixed use building at 101-105 Tram Road, where residential levels have been approved as and within the design element.
- The design element is proposed to account for 19% of the total roof area of the building, a 4% increase above the 15% outlined by the ACZ1. It is, however, not the only example in Doncaster Hill which exceeds 15%. Indeed the development at 101-105 Tram Road, has a design element occupying almost 20% of the roof area.

- The footprint of the design element draws parallels with the adjacent building at 101-105 Tram Road, which in addition to resembling a similar size, is also comparable in respect to layout and its location at the northern end of the buildings. As was observed in the 101-105 Tram Road Council report, it is also agreed that in this case the Design Element serves to achieve the following vision statement of the Doncaster Hill Strategy 2002:
    - *To emphasise the existing dramatic landform of Doncaster Hill through built form that steps down the hill.*
  - On the basis that the minor encroachment over the 15% is the only criteria which the revised design element does not meet, and on the basis that the architectural presentation of the Design Element is now seen as making a key architectural contribution to the overall building, it is considered the footprint size of the element is acceptable.
- 6.10 It follows from the above assessment that the Design Element is considered to be a distinct and identifiable building element and should be supported subject to a permit condition which requires a detailed design of the Element to be submitted clarifying materials and finishes and spacing between fins (Condition 1.13).

#### **Buildings Setbacks – considered met with conditions**

##### **Front Setback**

- 6.11 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 9 metre setback to the tower are both mandatory requirements. However, 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*
- 6.12 Given the corner location of the site, the permit applicant can elect their front setback. This is important when assessing the development's compliance with the front building setback. In this instance, the development's frontage is to Elgar Road evidenced by the building's entry and feature landscaped frontage.
- 6.13 As the site has a twofold splayed boundary at its north-western end (the Doncaster Road and Elgar Road intersection), Council officers consider the reduced setback exhibited by the development at this location (similar to that occurring at the neighbouring development at 101-105 Tram Road) as forming part of the Doncaster Road setback. Indeed, the north-western corner will read and contribute more readily to the Doncaster Road streetscape, than Elgar Road, particularly when considering its angle is best exposed to the north-western side of Doncaster Road.
- 6.14 On this basis, the setbacks which are as little as one (1) metre to this twofold splayed corner are not considered contrary to the mandatory front setback requirement in the ACZ1.
- 6.15 However, in an endeavour to strengthen the design of the podium levels of the development's ground level, the Section 57A plans have encroached into the Elgar Road setback at the south-eastern corner resulting in a minimum setback of 4 metres associated with Apartment 002 (the south-easternmost

located apartment at the ground level). This apartment has an “angled” western exterior wall, so, while its south-western corner indeed achieves the 5 metre setback sought by the control, at its north-western corner it has a 4 metre setback to Elgar Road. Notwithstanding the articulation offered by this splayed design, the mandatory nature of the control presents no alternative other than to require a 5 metre setback to Elgar Road. As such, this will be required by permit condition and a redesigned apartment will need to result (Condition 1.11). At Levels 1-3, inclusive, the proposal comfortably complies with the 5 metre setback to Elgar Road.

- 6.16 Building setbacks at the tower level are compliant with the 9 metre setback requirement.
- 6.17 Without question, there are a number of balconies at all podium associated levels which encroach into the 5 metre setback. However, as outlined above, the ACZ1 provides for the encroachment of balconies into the setback *“provided they are designed and located to the satisfaction of the responsible authority”*.
- 6.18 To ensure a strengthened podium design, Council officers have encouraged the permit applicant to increase the footprint at the podium levels to provide the building a solid grounding to achieve a greater level of integration with the streetscape and to distinguish the tower component of the development (Levels 4-9). Given the negative consequences to internal amenity of extending the internal span of the building to the west, an opportunity to strengthen the podiums levels and increase the articulation of the western facade of the building has been achieved by redesigning the lower levels and increasing the size of balconies across this elevation. Balconies which admittedly encroach into the 5 metre front setback to Elgar Road accomplish this very objective and are, as such, considered to be designed and located to Council officers’ satisfaction.
- 6.19 Albeit it to a lesser extent, there is also balcony encroachment within the tower component of the building. At Level 4, Apartment 415’s balcony has a 7 metre setback to Elgar Road, Apartment 515 (directly above) a 7.5 metre setback, Apartment 615 (directly above again) a 8 metre setback and so the pattern continues.
- 6.20 The balconies constituting the cascading Vertical Garden similarly make a small encroachment into the western, front setback (at Levels 4–7 where the setbacks range from 7.54m (Level 4) to 8.7 metres (Level 7).
- 6.21 Again, the encroachment into this setback of this “green” communal balcony space is considered to be a key architectural and landscape feature of the overall development. Its minor encroachment into the 9 metre “tower” front setback at four levels is considered to be within the parameters of the ACZ1 providing a key point of articulation and visual interest across the western facade.

#### **Side and Rear Building Setbacks – considered met**

- 6.22 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”*.



- 6.23 To the side boundary to Doncaster Road, the proposal has taken guidance from the zero setback of the Panorama development at 101-105 Tram Road. The justification in the Council officer assessment of the neighbouring development at 101-105 Tram Road, Doncaster concluded that:

*Planning policy is particularly strong that a landmark building is required in this major gateway location being the centre of Doncaster Hill. This aspect of the development provides a strong and striking elevation to the intersection and activates it with a zero metre setback to the glazed commercial façade of the retail use at ground level. The intersection already experiences a zero setback (the curved wall of Westfield Doncaster). The reduction of the required setback, which is considered to be a preferred minimum setback, to zero at the Tram Road / Doncaster Road intersection is a feature of the proposal which should be supported.*

- 6.24 The proposal seeks to continue the built form presentation from around the Doncaster/Tram Road corner (that has been already established by the neighbouring apartment development) around to the Doncaster/Elgar Road intersection. Given the peninsula nature of the site, there is considered merit in the continuity of this design approach. As such, a reduced setback to the preferred 4.5 metres is considered to be acceptable.
- 6.25 In relation to the eastern and southern boundaries, the proposal achieves podium level building setbacks of 4.5 metres and is thereby compliant with the ACZ1.
- 6.26 Across the eastern boundary, balconies encroach at all levels of the podium and tower by 200mm resulting in a continuous setback line of 4.3 metres to the balcony edge. This level of encroachment is considered to be negligible noting minor encroachments generally in the vicinity of 600mm into the 4.5 metre setback have been permitted on the neighbouring development site's western elevation. Furthermore, balconies at the north-western corner of 101-105 Tram Road have been permitted with balconies setback by 2.44 metres from the common boundary. Where this occurs, however, it is noted that the 600 Doncaster Road development proposes its north-eastern most balcony with a 5.5 metre side setback. As such, a reasonably comfortable level of separation is provided for between adjacent apartment developments.

#### **Overshadowing - met**

- 6.27 Clause 4.4 of the ACZ1 provides that development within the ACZ1 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. The only property outside of the development to be affected by shadowing at any time of the day is the front yard of 813 Elgar Road, Doncaster which will have approximately half of its front setback in shade at 9am. By 10am, the property is however not affected.

#### **Landscape Design - met**

- 6.28 A sophisticated landscape response, as prepared by Oculus Landscape Architects, was submitted with the permit application demonstrating a commitment to the creation of three main landscape types: Elgar Road Orchard, The Elevated Orchard and The Eastern Garden.

- 6.29 The Elgar Road Orchard is an expansive orchard themed environment consisting of rows of two or three orchard type trees (situated in an east-west orientation) spaced in 3 metre intervals in the section between the building and the western property boundary. The orchard planting will be complemented by a series of paved pedestrian treatments and permeable spaces together with soft, lower level planting around furnishings including cycle racks and seating. The transformation of this setback space into an orchard is a key characteristic of the overall development and a vision of the property owners to the realisation of a particular landscape outcome.
- 6.30 An extension of the ground level orchard, is the proposal of a vertical or Elevated Orchard which ascends up the western facade of the building via a series of common balcony spaces. To be maintained by the Owners Corporation, the landscape design report explains the balconies will incorporate deep soil planting zones which will be sufficient to sustain small trees. The balcony outstands alternate their orientation at each level to enable a double floor to ceiling height for tree growth.
- 6.31 The Eastern Garden provides a private space for future occupants adjacent to the residential ground level lobby and office floor area. The space will be useable by future building occupants but will also provide a pleasant “green” outlook from within the building with advanced tree planting and climbing species to feature.
- 6.32 The landscape design response for the site, if it is executed as proposed, will be the most exciting and attractive landscape outcome in all of Doncaster Hill. To ensure the layout of landscape resembles the Section 57A plans and includes the appropriate species of trees, densities, soil depths, irrigation, ongoing maintenance, etc are provided, a detailed landscape plan requiring this information be required as a condition of permit.

**Wind Effects – met subject to condition**

- 6.33 Notwithstanding the impressiveness of the proposed landscape design response for the site, there is genuine officer concern for its execution. A key reason for this concern is the effects of strong south-westerly winds and western sun on the vertical and ground level orchard. Council officers have maintained from the outset that more detail is required to provide officers with the confidence that this scheme will work and will be able to be maintained for the life of the building.
- 6.34 The Wind Effect Statement submitted in support of the application does not address this issue. A request for an addendum to the Statement as part of Council’s further information furnished a response from the authors of the original report (Windtech, 9 December 2014) which stated:

*Windtech Consultants will be engaged to accurately determine the expected peak drag forces on the trees in proposed elevated locations on the western aspect of the proposed building. The aim of this study is to inform the landscape architect of the expected wind conditions and the structural engineer so that he can allow for sufficient soil depth as counterbalance and to properly account for the expected drag from the trees and weight of soil load on the supporting structure. Windtech Consultants have undertaken similar studies in the past such as for the trees on the podium of the Chatswood Civic Centre, in Sydney. We trust that this measure will allay councils concerns with regards to the elevated trees.*

- 6.35 Therefore, a permit condition will be required at Condition 1 for the submission of a Wind Effects report, as prepared by a suitably qualified person such as Windtech, investigating how and recommending on the specific measures required to ensure both the ground level and elevated/vertical landscaping can withstand foreseeable wind pressures (Condition 1.31).

**Boulevard Character – met subject to conditions**

- 6.36 The ACZ1 sets a boulevard character requirement for development along Doncaster, Williamsons and Tram Road, but no such requirement for Elgar Road.
- 6.37 Along Doncaster Road, the development provides for a 4.8m-5m wide 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 response is to the satisfaction of Council's Urban Designer/Landscape Architect.
- 6.38 While not required to by the Scheme, the Elgar Road frontage will see the extension of the orchard themed environment from within the development site into a row of trees to be planted along the Elgar Road streetscape. Council's Urban Designer/Landscape Architect is supportive of the integration of ornamental pears into the design of the building and forecourt which she considers will create a strong visual connection between the building and public realm. She notes that sufficient root depth and volume is provided to establish the ornamental pears. While commenting that the trees planted over the basement slab and on balcony projections will not achieve the same height and spread as the trees planted in less constrained conditions, automatic irrigation and careful management will ensure that they develop into an exciting landscape and architectural element. As such conditions to this effect must be included on any permit to issue (Condition 1.30 & Condition 6).
- 6.39 Further conditions will need to specify the species type and be mindful of VicRoads' requirement that public trees must be planted no less than 1.2 metres from the kerb (Condition 39).

**Access and Mobility – met subject to condition**

- 6.40 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.
- 6.41 As the proposal provides at grade access to its front entry across Elgar Road and to the office entry along Doncaster Road, the proposal would appear to achieve a high level of access for persons of limited mobility.
- 6.42 In terms of compliance with Australian Standard AS1428 Part 2 provisions for access and mobility, a permit condition can require the submission and approval of a Disability Access Plan (Condition 1.33).
- 6.43 It is also noted that the building entry achieves the requirements of Council's Local Planning Policy with respect to public safety and access for disabled people. The lobby provides passive surveillance to Elgar Road and the orchard environment before it.

**Clause 8 Decision Guidelines**

6.44 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, and access (Subdivision not being relevant to this application). Consideration of the proposal against these guidelines now follows:

**Use**

6.45 The land use objectives for Doncaster Hill in the ACZ1 seek a vibrant 'mixed use' centre. The office use, in conjunction with the provision of 174 residential apartments, is consistent with the following key objective of the ACZ1:

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

6.46 The provision of office at ground level with residential above will complement and support the strategic role of Doncaster Hill.

6.47 The number of residential dwellings will make a significant contribution towards the achievement of the residential population targets as set out by the Doncaster Hill Strategy, which envisaged the provision of over 4000 apartments within the Principal Activity Centre.

6.48 The open planned layout of the office floor space and the size of it also provides for flexibility to enable the space to be adaptable to any potential future occupants.

6.49 The use of land for office has car parking implications which are discussed further under the relevant heading. Car parking for the office use is to be provided within the basement car park of the building.

**Design and Built Form**

6.50 The twelve storey, mixed-use residential and office building will provide a dynamic and robust development along the Elgar Road and Doncaster Road streetscapes.

6.51 In terms of height and scale, the proposed building will fit in comfortably with the neighbouring development's presently under construction to both the east and to the south. In this regard, the building will make its contribution towards the emphasis of the dramatic landform of Doncaster Hill by it stepping down the Hill as well as with the natural fall along Elgar Road.

6.52 This proposal has been designed to establish a strong dialogue with the development at 101-105 Tram Road both in terms of its architecture (use of horizontal banding, graduating podium design) and siting (the reduced setback to Doncaster Road as it wraps around from the Tram/Doncaster Road intersection to the Elgar/Doncaster Road intersection). By virtue of this response, the two buildings will not only share, but complement one another, on this prominent peninsula site within the Doncaster Hill Activity Centre.

6.53 Following some significant adjustments from the original submission, the proposal now provides a legible distinction between the tower and podium levels in a manner greater resembling that contemplated by the ACZ1. The tapering setback of the tower in relation to the podium is considered appropriate with the contrast in colour/shade providing a subtle, but

distinguishable, difference between the two forms. This is an outcome evidenced across all public elevations.

- 6.54 The southern elevation is of reasonable architectural quality with the visual cascading of the levels to create a dynamic and strong sense of visual interest when viewed from a southern point on Elgar Road.
- 6.55 The eastern elevation is admittedly linear and repetitive in design but will not be visible from the public realm.
- 6.56 The key elevations, however, being the western and northern elevations will present striking examples of architecture. They will be characterised by bands of concrete that cascade upwards inspired, according to the applicant, by geomorphic language of rock forms and escarpments. The potential heaviness associated with the robustness of concrete is balanced out by the proposal's adoption of a high level of glazing. The use of this glazing is applied at all levels but most significantly employed at the uppermost levels as part of the distinctive and high quality Design Element.
- 6.57 It cannot be understated the extent to which the high quality architecture of the Design Element is critical to the ultimate decision to now be supportive of this planning application.
- 6.58 The execution of the three landscape types, but in particular, the Elevated/Vertical Orchard is also critical to the success of the overall development.
- 6.59 The Vertical Garden is achieved by the provision of the sequence of cascading balconies which extend from Level 1 to Level 10 of the building. For the purpose of the ground level entry, the balcony at Level 1 provides an entry canopy over and marking the main Elgar Road entrance to the building.
- 6.60 The landscape design response has been impressively integrated into the overall built form response that, its modification or removal from the proposal, would be a significant loss to the integrity of the overall development. It plays a significant role in the articulation of the western facade that it is considered essential that appropriate planning conditions be applied on any decision to issue to ensure the realisation of the elevated orchard.
- 6.61 From a pedestrian perspective, the ground level orchard area is important and appropriate landscaping conditions will need to be applied to ensure it comes to fruition in the manner represented by proposed plans. Along Doncaster Road, the transparency of the façade of the office floor space will offer a high degree of passive surveillance, visual interest and continuity given the similar design response to the retail premises at ground level associated with the 101-105 Tram Road development.
- 6.62 It is concluded from the above consideration of the design and built form response that the proposal can make a positive architectural contribution to the Elgar and Doncaster Road streetscapes and the wider Doncaster Hill Activity Centre.

**Access**  
**Car Parking**

- 6.63 Schedule 1 to Clause 45.09 of the Manningham Planning Scheme requires the proposed mixed-use building to provide a total of 215 spaces in accordance with the car parking rates outlined at the Table to Clause 2 of this

provision. The development supplies a total of 229 car parking spaces across three levels of basement car parking and thereby exceeds the statutory requirement.

- 6.64 However, eight (8) of the eighteen (18) spaces allocated for the offices use are to provided in a tandem arrangement and will be made available for visitors to the residential development outside of business office hours (between 7pm-6am Monday to Friday and all day Saturday and Sunday). This means that the allocation is considered collectively which prevents the office and residential components of the proposal from meeting their respective requirements individually. The spaces are proposed to be shared and marked 'visitor', rather than delineated for 'residential visitors' or 'office visitors'.
- 6.65 The permit applicant's Traffic and Car Parking Assessment considers the appropriateness of providing shared visitor car parking at a rate lower than if they were delineated for individual uses and suggests the outcome is better. Furthermore, they state that the proposal to share some (not all) office and visitor spaces during non-business hours is not uncommon and has been considered by the Victorian Civil and Administrative Tribunal (where on their advice, it appears to have been generally accepted).
- 6.66 The general support for this approach by the Tribunal appears to essentially be based on the notion that the demand for visitor car parking between office visitors and residential visitors will be at different times of the day and week. Council's Engineering department indicated they have no objection, subject to appropriate signage being installed to ensure users of these spaces are fully aware of the arrangement (Condition 1.10).
- 6.67 It is noted that the visitor parking is well located and easily accessible from the access driveway at the upper ground floor level. Pedestrian safe zones within the basements offer pedestrians waiting for lifts protection from vehicle movements. The one disabled visitor space is provided opposite the lift area. It too will need to be appropriate signed to ensure it is accessible to both residential and office visitors (Condition 1.10).
- 6.68 A further condition will be added to allocate the car spaces so that the tandem spaces are allocated to the largest apartments (including the 7 x three bedroom dwellings). (Condition 1.1)
- 6.69 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.

#### **Vehicle Access**

- 6.70 Elgar Court will be extended through to Tram Road along a shared carriageway easement with the adjoining development at 101-105 Tram Road. The applicant will also create a left turn tapering treatment from the north of Elgar Road into Elgar Court to improve the safety and operation of this movement. In addition, both developments will be restricted to left turn exit movements onto Elgar Road and Tram Road. VicRoads referral advice acknowledges the amended arrangement is to their satisfaction and requires only the addition of half a dozen conditions which relate to the completion of road works to VicRoads requirements, signage requirements for public safety

purposes and a particular setback distance for canopy tree planting from the edge of kerb (Elgar Road).

#### **Pedestrian Access**

- 6.71 Primary pedestrian access is provided via a centrally located footpath across the western setback to Elgar Road. This leads to the apartment building's entry and directly to the lobby area where basement car parking, all residential levels and the office use are all readily accessible. It is considered good pedestrian connections are provided to the public footpaths along Doncaster and Elgar Roads and in terms of internal circulation, including along the landscaped space to the east side of the building.
- 6.72 The assessment above indicates that the scale, mix of uses, design and built form and access is generally consistent with the expectations of development outlined in the ACZ1.

#### **What other matters can be considered?**

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

#### **Amenity Impacts**

- 6.73 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 and overshadowing.
- 6.74 The Guidelines seek 'equitable access' in relation to outlook and sunlight (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**

##### *Overshadowing*

- 6.75 The proposal will not cause any unreasonable overshadowing.
- 6.76 The shadow diagrams provided with the application indicate that there is no overshadowing of land outside of the activity centre after 10am on the 22 September.
- 6.77 Within the Activity Centre, some shade is to be cast over the development site to the south at 812 Elgar Road (from 12pm onwards) and to the east at 101-105 Tram Road (from 1pm onwards). Given their location within Precinct 7A (and thereby a building height opportunity of 32.5m plus design element of 6.5m) this would be unavoidable having regard to the identical height opportunities available to the neighbouring sites.

##### *Overlooking*

- 6.78 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).

- 6.79 Along the eastern boundary, windows and balconies are consistently setback 4.3m from the boundary with 101-105 Tram Road resulting in separation of almost 9m between buildings to prevent 'direct overlooking'. As stated earlier in the report, there are examples on the neighbouring development where 4.5 metres or thereabouts has not been achieved due to a small portion of balcony, usually a corner, protruding into this space. There is also the example of larger balconies at the northern end of the development. This proposal has been given some latitude to propose a continuous 4.3 metre setback, which is considered reasonable and 'equitable', having regard to the positioning of balconies and some encroachments into the 4.5 metre setback exhibited on the adjoining development site.
- 6.80 Given the site only abuts the neighbouring development site at 812 Elgar Road for 8 metres, the extent of overlooking potential is significantly less when compared to 101-105 Tram Road. Residential apartments directly opposite the common boundary with 812 Elgar Road are setback a distance of at least 4.9 metres from the balcony edge (Apartment 114 is one example). As such, this is considered entirely reasonable and equitable to the adjoining development noting that there are no apartments on this building directly opposite Apartment 114 and its vertical neighbours, i.e. Apartment 214, 314, and so on. (The Garden Hill development has its balconies encroaching into the 4.5 metre setback by as much as 1.7 metres so thereby the edge of balcony is setback 2.8 metres from the common boundary but this does not occur opposite proposed apartments at 600 Doncaster Road, Doncaster).

#### **Internal Amenity and Servicing**

- 6.81 In terms of dwelling diversity, the proposal offers some level of variation across the spectrum of apartment levels. The proposal includes a combination of mainly single and two bedroom apartments (84 and 83, respectively). Some of the two bedroom apartments are larger in size and also include study nooks.
- 6.82 The proposal provides only seven (7) three bedroom apartments across the overall development at a percentage of 4% of the overall yield. Given the architectural merit, well-conceived landscape response and the internal and external communal spaces provided within the development site, this seems somewhat surprising and perhaps a missed opportunity to target a family demographic who would be more likely attracted to an apartment with more bedrooms. However, there is no specific control or policy requirement stipulating a higher yield of three or more bedroom apartments. As such, the dwelling mix must be accepted. It should also be noted, amendments have been made to other Doncaster Hill developments, such as at 101-105 Tram Road (Panorama) and 5 Sovereign Point Court (The Imperial) during construction that have seen the consolidation of apartments to provide larger floor areas and additional 3 bedroom apartments.
- 6.83 One bedroom apartments tend to be located along the eastern core of the building where the internal condition of the apartments will be affected by the shadowing of the adjoining development at 101-105 Tram Road and which have balconies no greater than 9 square metres. While this could be perceived as being a poor outcome, it should hopefully provide for a more affordable housing opportunity for lone person or smaller households (such as a student or younger resident being able to purchase their first property and to enter the Manningham market in a prime location opposite and close to



premium retail, commercial, entertainment and public transport services). This in turn provides for a positive outcome to the overall likely future population which will inhabit the apartment building enabling them to and have access to internal facilities, such as the residential club lounge and communal garden spaces (including the Vertical Garden). All one bedroom apartments are at least 50 square metres in size.

- 6.84 It is noted that the proposal does incorporate some one bedroom apartments along the western core of the building, where improved access to sunlight and larger balconies are proposed.
- 6.85 The size and outlook of two bedroom apartments vary with their placement at northern, southern and western parts of the building and provision for a variety of internal and balcony layouts and sizes. Providing for a point of difference, the four (4) ground level apartments will have direct access to their respective entries via a staired entry from the common area rather than via the lobby area.
- 6.86 Of the seven (7), three bedroom apartments, five (5) are situated at Levels 10 and 11 as duplex style dwellings within the Design Element. These apartments will clearly be the premium, penthouse style product in the building. The amenity of these spaces will be incredibly high with the provision of the larger internal and external spaces balconies, highest access to city views and the northerly and/or westerly aspect. That said, the level of solar penetration and opportunity for solar protection given the northerly, westerly and north-westerly aspect will need to be carefully considered and an updated Sustainability Management Plan must take this matter into strong consideration (Conditions 1.13, 1.34, 4).
- 6.87 Across the building, corner apartments will achieve cross ventilation while all apartments have been designed to avoid any reliance on borrowed or artificial light.
- 6.88 Apartments at each level adjoining the Vertical Garden will need to be carefully planned for with respect to sill heights and types of windows to avoid direct internal overlooking of these spaces and any noise concerns (Conditions 1.15 & 1.16). Access to the Vertical Garden and design detail of a walkway and any seating will also need to be specified (Condition 1.22).
- 6.89 Otherwise, internal overlooking and some level of solar protection is generally avoided by the considered placement of windows and balconies. A permit condition will be required to relocate the internal dividing fence between apartments 116 & 117, 216 & 217 and 316 and 317 which will need to be located at a 45 degree angle between the apartment spaces (in the manner that has occurred at Level 4 upwards). (Condition 1.17).
- 6.90 Solar penetration to the lobby area at each level via the vertical garden opening along the western side of the building will provide for a good level of daylight to the internal corridor/walkway. Lifts are situated centrally and two are provided, together with an adjoining emergency stairwell, and a waste chute.
- 6.91 In relation to storage, the basement design provides the necessary number of storage facilities albeit at 3 square metre of storage space per apartment. The type of storage to be provided and a storage allocation schedule will be required by permit condition to ensure the appropriate allocation of these spaces relative to their location across basement levels (Condition 1.2).

- 6.92 Given the site's main road location, a condition will require an acoustic report to ensure habitable rooms in the apartments facing Elgar and Doncaster Roads are protected from vehicle noise (Condition 1.32).
- 6.93 Waste and recycling will be stored in a dedicated waste room in the basement car park at ground level. The Waste Management Plan (WMP) provided with the application indicates waste and recycling bins will be collected from the onsite loading bay (located adjacent to the vehicle entry) by a private contractor's rear-lift vehicle during off-peak traffic periods. The Report specifies that collection staff shall have access to the bin store and will be responsible to transfer bins back to the store post-collection.
- 6.94 A Sustainability Management Plan (SMP) has been provided that outlines how the building will achieve the sustainability objectives of the ACZ1 in the areas of Building Energy Management, Water Sensitive Urban Design, Indoor Environment Quality, Waste Management, Quality of Private and Public Realm, Transport, and Demolition and Construction.
- 6.95 As the building is within Yarra Valley Water's mandated third pipe recycled water scheme area it can minimise potable water demand through connecting to the scheme when it becomes available. The SMP will need to be amended to reflect this, as well as the Doncaster Hill District Energy Service. As already discussed, the amended SMP will need to have specific regard to the energy efficiencies of the redesigned Design Element (Condition 4.1).

#### Easements

- 6.96 With the condition required by Engineering to delete the wall to the east of the loading bay for sight line purposes (Condition 1.4), the proposal will also avoid any undesirable construction over the carriageway easement burdening the site. The construction over the 4.5 metres carriageway easement is appropriate.

## 7 REFERRALS

- 7.1 VicRoads is the statutory referral authority under the Manningham Planning Scheme.
- 7.2 On 10 March 2016, VicRoads advised Council that they have assessed the amendment of plans and consider that the proposal will not have any detrimental impact on the operational efficiency of Doncaster Road. They advise that should consider the application be considered favourably, that six (6) permit conditions be included on any permit to issue. These conditions relate to compliance with VicRoads "Standard Requirements – Developer Funded Projects" policy document, the completion of traffic works to facilitate a right turn ban from Elgar Court to Elgar Road, specific tree planting setbacks from Elgar Road and the inclusion of road signage to facilitate safe vehicle movements. Their conditions will be added to the ultimate decision to issue.
- 7.3 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-	<ul style="list-style-type: none"> <li>Point of discharge (drainage) is available for the site;</li> </ul>

Service Unit	Comments
Drainage	<ul style="list-style-type: none"> <li>Provide an on-site stormwater detention system (Condition 14).</li> <li>All areas are to be drained to the point of discharge.</li> </ul>
Engineering and Technical- Vehicle Crossing	<ul style="list-style-type: none"> <li>A "Vehicle Crossing Permit" is required and any redundant crossings are to be removed (Conditions 20 &amp; 21).</li> </ul>
Engineering and Technical – Access & Driveway	<ul style="list-style-type: none"> <li>The proposed ramp gradients are satisfactory.</li> <li>Modifications are required to provide adequate sight lines - as per Design Standard 1. This includes relocating or redesigning the loading bay and substation (Condition 1.4).</li> <li>Requires the inclusion of pedestrian signage on both sides of the proposed crossover to improve pedestrian safety for users of Elgar Court (Condition 1.10).</li> </ul>
Engineering and Technical – Traffic, Car & Bicycle Parking	<ul style="list-style-type: none"> <li>No traffic issues having considered the proposal in the context of the traffic and surrounds.</li> <li>Car parking spaces are appropriate having regard to Design Standard 2.</li> <li>The number and allocation of car parking spaces, including the proposed sharing arrangement between office and residential visitors is acceptable subject to adequate notification of the arrangement (Condition 1.10).</li> <li>Proposed bicycle parking is compliant with Clause 52.34 although needs to be allocated between residential or office use (Condition 1.3).</li> </ul>
Engineering and Technical - Car Parking Layout	<ul style="list-style-type: none"> <li>A number of minor recommendations are listed in the referral advice (dated 3 March 2016) relating to all three levels of basement (Several conditions).</li> </ul>
Engineering and Technical – Construction Management	<ul style="list-style-type: none"> <li>Requires the submission and approval of a Construction Management Plan as a condition of permit (Condition 10).</li> </ul>
Engineering and Technical- Waste Services	<ul style="list-style-type: none"> <li>Requires an amended Waste Management Plan to be submitted and approved to the satisfaction of the Responsible Authority (Condition 9).</li> <li>The amended plan must update the number of dwellings for the site and specify that no private waste contractor bins can be left outside the development boundary or left unattended at any time on any street frontage for any reason.</li> </ul>
Engineering and Technical-	<ul style="list-style-type: none"> <li>Requires the carriageway easement burdening the</li> </ul>

Service Unit	Comments
Easement	land to be clearly demarcated (Condition 1.14).
Economic and Environmental Planning - Doncaster Hill Unit	<ul style="list-style-type: none"> <li>The design and built form response is appropriate for the Doncaster Hill Activity Centre.</li> </ul>
Economic and Environmental Planning - Urban Design	<ul style="list-style-type: none"> <li>Considers the Design Element to be a visually interesting, distinct and identifiable building element. Requires a permit condition to ensure the detailed design of his Element is provided in regards to the detailed design to be to the satisfaction of Council officers (Condition 1.13).</li> <li>Views the tapering setback of the tower in relation to the podium to be appropriate. The colour/shade of the podium in relation to the tower also assists to differentiate the podium from the tower. Notes that at the north-easternmost point of the building, the 'zero' tower-to-podium setback mirrors the neighbouring mixed use tower at 101-105 Tram Road.</li> <li>Considers tree spaces shown and plan notes referencing the provision of the Doncaster Hill standard boulevard treatment to be satisfactory.</li> <li>Is supportive of the landscape design response for the site although requires the provision of a small and publically accessible play space to be substituted for landscape elements that provide opportunity for sitting, balancing, and clambering (Condition 1.20).</li> <li>Requires conditions to ensure appropriate irrigation to landscaped areas and material type to the very large plant pots proposed on the corner of Doncaster Road and Elgar Road (Condition 6).</li> <li>Requires permit condition to ensure lockability of bicycle spaces (Condition 1.19).</li> <li>Requires any building identification or similar signage to be integrated into the fabric of the building or landscape with any future application for building-mounted commercial signage to be referred to Council's Urban Designer (Condition 1.21).</li> </ul>
Economic and Environmental Planning – Strategic Sustainability Planner	<ul style="list-style-type: none"> <li>Has reviewed the Sustainability Management Plan (SMP) by Urban Digestor (dated 30 May 2014) and original development plans.</li> <li>Requires some minor adjustments to the report to consider the Doncaster Hill District Energy Service,</li> </ul>

Service Unit	Comments
	the provision of reverse cycle units energy rating to be within 1 star of best available and clarification regarding the water sensitive urban design treatment and landscape irrigation (Condition 4).

- 7.4 There are no significant issues that are raised in these responses that cannot be addressed via conditions.

## 8 CONSULTATION

- 8.1 The original permit application was advertised by the sending of notices to adjoining and nearby properties together with the placement of two (2) large notification signs across each frontage for a 3 week period in January 2015.
- 8.2 The original application attracted one (1) objection from 813 Elgar Road, Doncaster. The grounds being:

### Grounds:

- Proximity of Building to Objector's Property
- Construction Management concerns
- Traffic Impacts
- Overshadowing
- Loss of Privacy
- Adverse Impact to Property Value
- Strain on existing Infrastructure/Oversupply of High Density Development

- 8.3 A response to those grounds of objection now follow:

### Proximity of Building to Objector's Property

- 8.4 The objector claims the proposed development is within 3 metres of their land and this is of concern to them. However, this calculation is incorrect as the objector's property is situated on the opposite side of Elgar Road (four lanes of traffic) at an estimated distance of at least 27 metres from the boundaries of the subject site. The development is proposed to be constructed within title boundaries. There is no substance to this ground of objection.

### Construction Management concerns

- 8.5 The objector expresses concern at the impact on his property as a consequence of the construction of the proposed development siting amenity, noise, dust and foundation issues.

- 8.6 Council is able to include a Construction Management Plan as a conditional requirement of the planning permit in order to mitigate the impact of some amenity relates concerns (Condition 10). The physical nature of construction falls outside the planning jurisdiction and is a matter governed by the relevant building surveyor as part of any future building permit process.

### Traffic Impacts

- 8.7 The potential traffic impacts have been assessed by the permit applicant's traffic consultant, Ratio, and Council's engineering department who have both concluded that, on considering the proposal in the context of the traffic and the surrounding street network, the proposal can be readily accommodated on the adjacent road network without creating adverse traffic safety or capacity problems.

**Overshadowing**

- 8.8 The proposal will not "block out sunlight" as claimed by the objector as the proposal generates no overshadowing impact to the objector's property located on the opposite side of Elgar Road except for approximately half of the front yard of this property at 9am. By 10am, the property is not affected by any shadow caused by the proposed building.

**Loss of Privacy**

- 8.9 The proposal will not generate any unreasonable privacy issues on the objector's property, which is located on the opposite side of Elgar Road at a distance of over nearly 30 metres from the front property boundary and almost 50 metres from the proposed building.

**Adverse Impact to Property Value**

- 8.10 Any possible impact to the value of the objector's property is considered a subjective claim and not a ground which should be given any relevancy in the consideration of the planning permit application.

**Strain on Existing Infrastructure/ Oversupply of High Density Buildings**

- 8.11 The objector raises concerns that the additional population to be introduced by the mixed-use apartment building will place a greater burden on existing road, car parking and bus infrastructure and there is no need for further high density buildings around the area.
- 8.12 The Doncaster Hill Activity Centre Strategy, October 2002, the policy framework for the implementation of the Activity Centre Zone within the Manningham Planning Scheme would disagree. The extensive strategic work that was undertaken to underpin the Strategy plans for the provision of more than 5,000 new apartments over the next 20 years within the municipality's only Principal Activity Centre. As such, Council officers do not agree that the proposal presents an oversupply of apartments as there is a projected need for additional dwellings within the Activity Centre.
- 8.13 The pressure on existing infrastructure and the need for improvements and new infrastructure has been and will continue to be carefully considered in the strategic planning of Doncaster Hill.
- 8.14 Developers are required to contribute funding toward the provision of community infrastructure, such as the construction of new roads and social infrastructure (for example, the Council's community hub, MC<sup>2</sup>, which is used by existing and future residents of Manningham). As part of the planning for Doncaster Hill, a traffic study was commissioned by Council to assess road improvements necessary to best facilitate the associated development.
- 8.15 Further modelling of traffic conditions in Doncaster Hill undertaken as part of the Doncaster Hill Parking and Traffic Management Study 2011, forecast a significant increase in locally generated traffic for Doncaster Hill when the area is fully developed in the next 20 to 30 years. Locally generated traffic is

a major contributor to likely future road congestion within Doncaster Hill. The Study recommended the achievement of a 30% mode shift to sustainable transport modes (public transport, walking and cycling), to minimise future traffic congestion. The study also recognised that the existing bus lanes are not continuous through Doncaster Hill and terminate prior to the intersection of Williamsons Road and Doncaster Road, resulting in buses mixing with through traffic. Council understands that a solution to this issue must be found to maximise mode shift for Doncaster Hill to mitigate future congestion.

- 8.16 Accordingly, Council has developed the *Doncaster Hill Mode Shift Plan* and associated *Behaviour Change Plan*, to assist the Doncaster Hill community to reduce reliance on car travel. Key actions to be undertaken as part of the mode shift plan will include infrastructure improvements, advocacy to the State Government in relation to public transport improvements and the management of the arterial road space, identification of opportunities to improve integration of transport modes and work with the community to identify and minimise barriers to the adoption of sustainable transport modes.
- 8.17 Also, Council meets regularly with VicRoads to seek action in relation to reduction of speed limits along Doncaster Road, in keeping with increasing pedestrian traffic levels. Advocacy to the government for improved public transport has already resulted in improved DART and SmartBus services to the City. Patronage on the four DART services increased by 47% on weekdays, 212% on Saturdays and 146% on Sundays from 2012 to 2014. Council also continues to advocate for the provision of continuous bus lanes through the Hill and a heavy rail line to Doncaster, including a train station at Doncaster.
- 8.18 No further objections have been received following the re-notification of the Section 57A application to the adjoining properties and the abovementioned objecting property.

## 9 CONCLUSION

- 9.1 Arriving at the conclusion to support this application has been a journey spanning 21 months.
- 9.2 It is now considered appropriate to support the planning application, as amended pursuant to Section 57A of the Planning and Environment Act 1987, subject to changes. Changes will consist of amendments to the proposed development plans to address issues arising through the assessment, including the adherence to a 5 metre setback to Elgar Road at the podium level, a series of conditions to ensure the realisation of the proposed built form and landscape outcome and a range of conditions to ensure an appropriate internal arrangement, including at the basement level.
- 9.3 As a built form expression, the mixed-use building will be robust, but visually stimulating. It will sit comfortably within the surrounding (emerging) physical development context at its key position within Doncaster Hill. Council officers are buoyant of, the architectural quality associated with the building generally and particularly the Design Element which has the potential to be a striking piece of architecture on the Hill. Similarly, the Vertical Orchard has the potential to make this building a landmark.
- 9.4 The proposal meets the car parking requirements of the Scheme while proposing no unreasonable off-site amenity impacts. Within the site, the

mixed use building generally affords a good level of internal amenity through the siting of the office floorspace, design and layout of apartments, access to natural light and sunlight, and the provision of well considered internal and external common areas.

- 9.5 It follows from the assessment in this report that the 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 conditions.

## RECOMMENDATION

**That having considered all objections A NOTICE OF DECISION TO GRANT A PERMIT be issued for Planning Permit Application No. PL14/024406 relating to land at 600 Doncaster Road, Doncaster for the use and development of the land for a 12-storey mixed use apartment building (comprising office and residential) with three (3) levels of basement car parking and altered access to a road in a Road Zone Category 1 (RDZ1) in accordance with the endorsed plans and subject to the following conditions:**

1. **Before the use and development starts, two (2) 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 decision plans (*Drawn by BKK Architects, Job No BKK271, dated 18 December 2015 and as received by Council on 18 December 2015*) but modified to show:**

### **Basement levels**

- 1.1. **An allocation schedule for on-site car parking space provision (in a table and shown on plan) demonstrating the allocation of the basement car parking spaces between the dwellings and office uses and their operation (in relation to shared spaces between the different uses). Tandem car spaces must be allocated to the largest apartments to the satisfaction of the Responsible Authority;**
- 1.2. **An allocation schedule for storage to each dwelling (no less than 1 storage cage per dwelling) and details of storage types to be illustrated;**
- 1.3. **The allocation of bicycle parking spaces for residential or office use;**
- 1.4. **Sight lines to be provided in accordance with the Design Standard 1 of Clause 52.06-8 of the Manningham Planning Scheme by appropriate modifications to the design and/or location of the loading bay and substation;**
- 1.5. **Visitor car parking clearly labelled;**
- 1.6. **Doors providing access to the substation to open inwards or to slide to avoid obstructing pedestrians or vehicles to the satisfaction of the Responsible Authority;**
- 1.7. **A plan notation that explains how the proposed car parking area will be secured given the mix of residential, office and visitor car parking spaces;**



- 1.8. Details of basement ventilation, including the location and design treatment of any mechanical intake or outlet required;
- 1.9. A plan notation detailing how the rainwater tank will be accessed;
- 1.10. The location and details of signage to assist pedestrians/motorists in the following locations;
  - 1.10.1. on either side of the vehicle crossover to assist pedestrians to safe refuge along Elgar Court;
  - 1.10.2. loading bay;
  - 1.10.3. shared allocation of visitor parking to residential and office uses;
  - 1.10.4. shared use of the disabled car parking space between residential and office visitors at all times;
  - 1.10.5. bicycle parking space allocation;
  - 1.10.6. the location normal and emergency exits;
  - 1.10.7. the location of the lift and stairwell;
  - 1.10.8. directional signage within the basement levels;
  - 1.10.9. in accordance with the VicRoads Conditions 40 and 41 of this permit.

#### General

- 1.11. The external wall of the south-eastern most apartment (currently labelled Apartment 002) setback a minimum 5 metres from Elgar Road and a subsequent redesign of the apartment;
- 1.12. The provision of one Apartment 002, rather than two;
- 1.13. A detailed design of the Design Element (at a scale of 1:50) illustrating its composition in respect of all building elements including materials and finishes with the width and distances between fins to be dimensioned. Details of energy measures, as recommended by the Sustainability Management Plan required by this permit, must be incorporated and clearly labelled;
- 1.14. The carriageway easement clearly labelled on site plans and to be clear of any building encroachments;
- 1.15. Details of all internal barriers between apartment balconies, and adjacent to the Vertical/Elevated Garden;
- 1.16. Details of window and door openings to residential apartments adjacent to the Vertical/Elevated Garden to be designed to avoid any internal overlooking;
- 1.17. The relocation of the internal barriers between Apartments 116 and 117, Apartments 216 and 217, and Apartments 316 and 317 to a 45 degree angle in between the respective balcony spaces (as occurs for the apartments at Level 4 upwards);
- 1.18. The accurate labelling of Levels 7 and 8 floor plans;
- 1.19. All bicycle parking spaces at ground level to be secure;

- 1.20. The play space in the front setback substituted for landscape elements that provide opportunity for seating or passive activities (rather than active play);
- 1.21. A plan notation that any building identification of similar signage must be integrated into the fabric of the building or landscape to the satisfaction of the Responsible Authority;
- 1.22. Details of paving and surface finishes of all common areas at ground and elevated levels clearly labelled;
- 1.23. Location, material and height details of all retaining walls;
- 1.24. Demonstration of the integration of all infrastructure, including the fire booster cupboard, into the building to the satisfaction of the Responsible Authority;
- 1.25. Details of external lighting to be installed to provide for the safety of occupants and visitors of the building;
- 1.26. Retractable clotheslines to all ground level open spaces and balconies to limit their visibility to public and private realms;
- 1.27. A roof plan containing services (including air conditioning units, basement exhaust ducts, solar panels or hot water systems) which must be screened to the satisfaction of the Responsible Authority.
- 1.28. Any relevant changes as a result of changes required by VicRoads Conditions 36 to 39 of this permit.

#### Landscaping

- 1.29. The Doncaster Hill boulevard treatment along Doncaster Road in accordance with Part D of the Doncaster Hill Strategy (October 2002) to the satisfaction of the Responsible Authority;
- 1.30. A Landscape report and plan/s in accordance with Condition 6 of this permit;

#### Reports

- 1.31. A Wind Effects report, as prepared by a suitably qualified person, investigating how and recommending on the specific measures required to ensure both the ground level and elevated/vertical landscaping will withstand foreseeable wind pressures. The recommendations of the report must be included/reflected on relevant development and landscape plans to the satisfaction of the Responsible Authority.
- 1.32. An Acoustic report, as prepared by a suitably qualified person, investigating and recommending on the specific acoustic measures required for apartments adjacent to or facing Elgar Road or Doncaster Road to combat noise from traffic and anywhere elsewhere in the building (such as where the openings are positioned over or adjacent to a basement entry). The report is to use Australian Standards as benchmarks. The recommendations of the report must be included/reflected on relevant development plans to the satisfaction of the Responsible Authority.
- 1.33. A Disability Access Plan, as prepared by a suitably qualified person, investigating and recommending on the specific access

measures to be implemented throughout the building and within the development site. The recommendations of the report must be included/reflected on relevant development plans to the satisfaction of the Responsible Authority.

- 1.34. An amended Sustainability Management Plan in accordance with Condition 4 of this permit with any specification recommendations on the Design Element to be included on relevant development plans.
- 1.35. A plan notation that the removal of any drainage pipeline within the site is to be carried out to the satisfaction of the Responsible Authority.
2. All use and development must accord with the endorsed plans. Any alterations must be approved in writing by the Responsible Authority.
3. Floor levels shown on the endorsed plans must not be altered or modified. Any alterations must be approved in writing by the Responsible Authority.

#### **Sustainability Management Plan**

4. Prior to the approval of Condition 1 plans, two (2) copies of an amended Sustainability 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 be generally in accordance with the submitted Sustainability Management Plan (SMP) prepared by Urban Digester (dated 30 May 2014) but be amended to include the following:
  - 4.1. An analysis of the updated plans incorporating the revised Design Element (BKK Architects, 18 December 2015) and the sustainability of the Design Element, with any recommendations in relation to (but not limited to) solar access to be provided;
  - 4.2. The Doncaster Hill District Energy Service;
  - 4.3. Connection to the recycled water third pipe;
  - 4.4. Reverse cycle units to be within 1 star of the best available;
  - 4.5. Specific regard to the amended landscape report and plan, as prepared by Oculus Landscape and required by Condition 6 of this permit, to include a detailed discussion on the water sensitive urban design treatment and landscape irrigation of the entire development site.
5. 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.

#### **Landscaping**

6. Prior to the approval of Condition 1 plans, a landscaping report and landscape plan/s must be prepared by a suitably qualified landscape architect and must be submitted to and approved by the Responsible Authority. Once approved, the landscape report and plan/s will be

endorsed and will then form part of the permit. The report and plan/s must be consistent with the development plans and generally in accordance with the report and plans prepared by Oculus Landscape Architects, dated 4 June 2014 and 18 December 2015, but modified to show:

- 6.1. Any details as relevant or directed by any other condition of this Permit;
- 6.2. 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;
- 6.3. Details of soil depths for all orchard associated canopy trees to be clearly dimensioned in accordance with the Wind Effects Consultant's report required by Condition 1.31 of this permit;
- 6.4. The particular species type of trees to comprise both the ground and elevated orchard tree planting in accordance with the Wind Effects Consultant's report required by Condition 1.31 of this permit;
- 6.5. Details of paved and surface treatments;
- 6.6. Continuation of the general planting theme established in respect of Doncaster Road by the Doncaster Hill Strategy (October 2002), including the use of advanced 'Autumn Glory' Plane and 'Chanticleer Pear' trees (minimum height 3.5m at time of planting) along the Doncaster Road frontage to the satisfaction of the Responsible Authority;
- 6.7. Canopy trees to be planted adjacent to Elgar Road to be situated no less than 1.2 metres from the edge of kerb in accordance with Condition 39 of this permit;
- 6.8. Details of irrigation and the water sensitive urban design treatment for the site consistent with the Sustainability Management Plan required by Condition 4 of this permit;
- 6.9. The material type of any large pot plants proposed within either the Doncaster or Elgar Road frontages to be to the satisfaction of the Responsible Authority.
- 6.10. The use of landscaping to screen any water meters or similar infrastructure from unsightly view to the satisfaction of the Responsible Authority;
- 6.11. An ongoing maintenance regime for the entire landscaping of the site, with particular emphasis on the Vertical Orchard.

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

#### Acoustic Report

7. Prior to the approval of Condition 1 plans, an Acoustic report prepared by a suitably qualified expert must be submitted to and approved by the

**Responsible Authority.** Once approved, the acoustic report will be endorsed and will then form part of the permit. The report must include an assessment of how the requirements of State Environment Protection Policy N-1 and relevant Australian Standards will be met and must prescribe the form of acoustic treatment to the following (addressing on-site and off-site amenity impacts):

- 7.1. any proposed air conditioner units;
  - 7.2. commercial plant and equipment; and
  - 7.3. on-site residential amenity to protect against vehicular noise and all other foreseeable noise sources.
8. The recommendations and any works contained in the approved acoustic report must be implemented and completed and where they are recommendations of an ongoing nature must be maintained to the satisfaction of the Responsible Authority.

#### **Waste Management**

9. Before the development starts, an amended Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the submitted Waste Management Plan (WMP) prepared by Leigh Design (dated 29 April 2014) but be amended to include the following:
- 9.1. The updated number of units to be developed.
  - 9.2. The updated office floorspace.
  - 9.3. Calculations showing that all occupiers will be sufficiently catered for with the proposed number of garbage and recycling bins (estimated garbage & recycling generation rates).
  - 9.4. An express statement that no private waste contractors bins are to be left on any nature strip, public road or outside property boundaries to the satisfaction of the Responsible Authority.
  - 9.5. Information showing that units will be insulated from noise to comply with the residential amenity provisions if they are adjacent to or above:
    - 9.5.1. chutes or waste storage facilities, or
    - 9.5.2. chute discharge, or
    - 9.5.3. waste compaction equipment, or
    - 9.5.4. waste collection vehicle access points
  - 9.6. Frequency of waste collection;
  - 9.7. The off peak hours in which waste collection is to occur to be to the satisfaction of the Responsible Authority.

#### **Construction Management**

10. Before the development starts, two (2) 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:

- 10.1. Hours of demolition and construction to be to the satisfaction of the Responsible Authority;
  - 10.2. 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);
  - 10.3. Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;
  - 10.4. On site facilities for vehicle washing;
  - 10.5. Delivery and unloading points and expected frequency;
  - 10.6. A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - 10.7. 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;
  - 10.8. Measures to minimise the impact of construction vehicles arriving at and departing from the land;
  - 10.9. An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services;
  - 10.10. The processes to be adopted for the separation, re-use and recycling of demolition materials;
  - 10.11. 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);
  - 10.12. The measures to minimise noise and other amenity impacts from mechanical equipment and demolition/construction activities, especially outside of daytime hours;
  - 10.13. The provision of adequate environmental awareness training for all on-site contractors and sub contractors; and
  - 10.14. An agreed schedule of compliance inspections.
11. The Management Plans approved under Conditions 4-10 of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority

#### **Engineering Works & Drainage**

12. All engineering works relating to access, parking and drainage must be carried out in accordance with detailed construction plans approved by the Responsible Authority prior to the commencement of site works.
13. The owner must provide onsite storm water detention storage or other suitable system (which may include but is not limited to the re-use of

stormwater using rainwater tanks), to limit the Permissible Site Discharge (PSD) to that applicable to the site coverage of 35 percent of hard surface or the pre existing hard surface if it is greater than 35 percent. The PSD must meet the following requirements:

- 13.1. Be designed for a 1 in 5 year storm; and
- 13.2. Storage must be designed for 1 in 10 year storm.
14. Before the development starts, a construction plan for the system required by Condition No. 13 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.
15. 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.

#### Completion of Landscaping

16. Prior to the commencement of the uses allowed by this permit, or the occupation of the building hereby permitted, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained thereafter to the satisfaction of the Responsible Authority.
17. Prior to the commencement of the uses allowed by this permit, or the occupation of the building hereby permitted, an in-ground, automatic watering system must be installed to the main garden areas to the satisfaction of the Responsible Authority.

#### Landscape Bond

18. Prior to the release of the plans approved at Conditions 1, 4, 6 and 7 of this permit, 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 works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.

#### Development Contributions

19. Before the completion 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.

#### Vehicle Crossings

20. Prior to the construction of any vehicle crossing, the applicant must obtain a Vehicle Crossing Permit and construct the vehicle crossing to the satisfaction of the Responsible Authority.

21. All redundant crossovers must be removed and reinstated with kerb, channel, footpath and nature strip to the satisfaction of the Responsible Authority.

#### **On-site car parking and bicycle parking**

22. The areas set aside for the parking of vehicles, together with the aisles and access lanes as delineated on the endorsed plans must:
  - 22.1. be provided and completed to the satisfaction of the Responsible Authority prior to the commencement of the development hereby permitted;
  - 22.2. be line-marked, numbered and signposted and maintained as such at all times to the satisfaction of the Responsible Authority;
  - 22.3. be made available for such use at all times and not used for any other purpose;
  - 22.4. be properly formed to such levels that it can be used in accordance with the endorsed plan; and
  - 22.5. be drained and sealed with an all weather seal coat.

#### **Lighting**

23. External lighting must be designed so as to minimise loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority.
24. The development must be provided with lighting capable of illuminating access to each car parking space, storage, rubbish bin, recycling bin, pedestrian walkways, stairwells, lift, building entrance and entry foyer. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.

#### **Noise**

25. All noise emanating from any commercial premises must comply with the State Environment Protection Policy N-1 (Noise from commerce industry and trade) 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.

#### **Site Services**

26. No air-conditioning units may be installed on the building so as to be visible from public or private realm, including on balconies, to the satisfaction of the Responsible Authority.
27. 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.
28. Unless depicted on a roof plan approved by this permit, no roof plant (includes air conditioning units, basement exhaust ducts, solar panels or hot water systems) which is visible to immediate neighbours or from any street may be placed on the roof of the approved building, without



details in the form of an amending plan being submitted to and approved by the Responsible Authority.

29. All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively to the satisfaction of the Responsible Authority.
30. A centralised TV antenna system must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.
31. No individual dish antennas may be installed on balconies or walls.
32. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
33. In the event of gas being supplied to the approved dwellings, the owner must liaise with the relevant service authority to determine an appropriately discrete location for the placement of gas meters to the satisfaction of the Responsible Authority.

#### General

34. Once the permitted development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
35. Buildings, engineering works, privacy screens, obscure glazing, fencing and landscaped areas must be maintained to the satisfaction of the Responsible Authority.

#### VicRoads Conditions

36. The preparation of the detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current VicRoads' policy, procedures and standards and at no cost to VicRoads. In order to meet VicRoads' requirements for these tasks the applicant will be required to comply with the requirements documented as "Standard Requirements - Developer Funded Projects" and any other requirements considered necessary depending on the nature of the work.
37. Before the use of the permitted development, all works required by VicRoads under this permit, and the right turn ban from Elgar Court to Elgar Road, must be completed to the satisfaction of VicRoads and at no cost to VicRoads.
38. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.
39. Any street trees planted along Elgar Road must be at least 1.2m from the kerb.
40. Two (2) no right turn symbol signs need to be installed on the west exit to Elgar Road, one on the median island and one on the roadside on south. The no right turn sign on the south side can be mounted on the existing signage pole.
41. One (1) T-intersection warning needs to be installed on the roadside of Elgar Road. This sign could be mounted on the existing light pole.

**Permit Expiry**

**42. This permit will expire if:**

**42.1. the development does not start within two (2) years of the date of the issue of this permit;**

**42.2. the development is not completed within two (2) years of the date this development was started; and**

**42.3. the use is not commenced within two (2) years of the development being completed.**

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

**MOVED: O'BRIEN  
SECONDED: HAYNES**

**That the Recommendation be adopted.**

**CARRIED**

"Refer Attachments"

\* \* \* \* \*

## 10. PLANNING & ENVIRONMENT

### 10.1 Managing Residential Development Advisory Committee - Council Submission

Responsible Director: Director Planning & Environment

File No. T16/12

The ultimate destination for this report is: COUNCIL AGENDA

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

#### SUMMARY

*The purpose of this report is to provide a response to the State Government's 'Managing Residential Development Advisory Committee' that has been set up to consider the process by which the new residential zones were implemented and recommend improvements to the residential zones.*

*The Committee is seeking submissions by 14 March 2016. Due to the timing of Manningham's Council meetings, a Council resolution to support the Council officer response will not be achievable by the required timeframe however a draft Council officer response will be forwarded to the Department of Environment, Land, Water and Planning (DELWP) on 14 March 2016. Any changes to the Council officer response resulting from this Council meeting will be forwarded to DELWP following the Council meeting on 29 March 2016.*

*The Committee has been assisted by the Managing Residential Development Taskforce (the Taskforce), comprising staff from the Department of Environment, Land, Water and Planning (DELWP) which has prepared a 'Residential Zones State of Play' (State of Play) report for each of the five metropolitan subregions and one combined report for the four regional cities of Bendigo, Ballarat, Geelong and Latrobe.*

*Council officers have prepared a draft response to the MRDAC (see Attachment 2) in response to the Terms of Reference. In summary, Manningham has not experienced significant issues as a result of the new residential zones. Council's submission however suggests some changes to provide greater clarity to certain technical aspects of the residential zones and to ensure greater consistency with the application of the zones, particularly across metropolitan Melbourne.*

*The Taskforce has also prepared a List of Suggested Improvements to the Residential zones. The Suggested Improvements comprise two Tables, Table One seeks a response to 74 suggested changes to the Residential Growth Zone, General Residential Zone and the Neighbourhood Residential Zone, whereas Table Two lists eight changes that will form part of a VC amendment. As part of a VC amendment, the changes in Table 2 will be implemented in all planning schemes and as part of one planning scheme amendment by the Minister for Planning.*

*The report seeks endorsement of Attachments 2 and 3 as Manningham's submission to State Government's review of the application of the New Residential Zones. In summary, support is sought for changes to controls that provide greater*

*clarity, not for changes that would lead to greater uncertainty or compromise the integrity or direction of the local planning policy framework of the Manningham Planning Scheme.*

## **1 BACKGROUND**

- 1.1 The Residential Growth Zone (RGZ), General Residential Zone (GRZ) and the Neighbourhood Residential Zone (NRZ) were introduced in the Victoria Planning Provisions (VPP) by Amendment V8 on 1 July 2013.
- 1.2 The new residential zones were introduced to give greater clarity about the type of development that can be expected in residential areas across Melbourne and Victoria.
- 1.3 Each Council was given 12 months to prepare an amendment that justified the application of the new residential zones to its planning scheme. Where a Council did not finalise an amendment to implement the new residential zones by 1 July 2014, the General Residential Zone was applied to all residential zoned land. The new residential zones have been applied state-wide in differing ways, with a wide range of local variation.
- 1.4 The Minister for Planning appointed the Residential Zones Standing Advisory Committee on February 2014 to advise on the method of application of the reformed residential zones into local planning schemes. The Committee considered 25 proposals, heard over 1,600 parties and provided an issues report that suggested improvements to the residential zones.
- 1.5 Manningham's reformed residential zones were introduced on 19 June 2014 (Amendment C105) as part of a section 20(4) Ministerial amendment process where no public exhibition was required, as the transition to the new zones was largely policy neutral. Council is fortunate to have a well developed residential strategy, including a comprehensive planning framework comprising zones, overlays and local policies and was therefore well placed to spatially convert its policies and controls into the new residential zones. In addition, Council had undertaken a considerable amount of public consultation as part of the development and implementation of its residential planning framework, including the exhibition of Amendments C50 and C96 to implement the residential character precincts; Amendment C30, C33 and C37 relating to the implementation of the Doncaster Hill Strategy and Amendment C54 relating to environmental and landscape values.
- 1.6 In November 2015, the Managing Residential Development Advisory Committee (MRDAC) was appointed under section 151 of the *Planning and Environment Act 1987* to report on the application of zones that provide for residential development in metropolitan Melbourne and the four regional cities of Bendigo, Ballarat, Geelong and Latrobe, having regard to managing growth, proximity to transport and jobs, housing affordability and diversity. The Terms of Reference are shown in Attachment 1.
- 1.7 The Terms of Reference outline the purpose of the Committee, which is to:
  - Consider the process by which the new residential zones were implemented.
  - Review the current application of the zones that allow for residential development in the context of managing Melbourne

and Victoria's residential growth in a sustainable manner and improving housing affordability.

- Advise on the level of evidence and justification needed when preparing relevant planning scheme amendments.
- Recommend improvements to the residential zones.
- Provide councils, the community and the industry with an opportunity to be heard.

- 1.8 The Committee has been assisted by the Managing Residential Development Taskforce (the Taskforce), comprising staff from the Department of Environment, Land, Water and Planning (DELWP) which has prepared a *Residential Zones State of Play* (State of Play) report for each of the five metropolitan subregions and one combined report for the four regional cities of Bendigo, Ballarat, Geelong and Latrobe. The State of Play reports consider the residential zones and other zones that allow for residential development.
- 1.9 The Taskforce has also prepared a List of Suggested Improvements to the Residential zones. The Suggested Improvements comprise two tables. Table One seeks a response to 74 suggested changes to the Residential Growth Zone, General Residential Zone and the Neighbourhood Residential Zone, whereas Table Two lists eight changes that will form part of a VC amendment. Submissions are not being sought on the changes in Table Two, but are provided for information purposes only.
- 1.10 Interested parties have been invited to make a submission to the Committee and to consider the reports before making a submission.

## **2 PROPOSAL/ISSUE**

### **Terms of Reference**

- 2.1 Council officers have prepared a draft response to the MRDAC (see Attachment 2) in response to the Terms of Reference.
- 2.2 Following is a summary of the key issues outlined in Council's response.
- Manningham's reformed residential zones were introduced as part of section 20(4) Ministerial amendment process (Amendment C105) as the transition to the new zones was largely policy neutral given Council's comprehensive planning framework comprising zones, overlays and local policies.
  - The implementation of the zones was 'ad hoc' across the State with little consideration given to the cumulative effect of the new zones on the broader capacity of accommodating the State's projected population growth and future housing targets.
  - Modifications are recommended to achieve more affordable housing in any medium and large scale residential development. Whilst Clause 16 of the State Planning Policy Framework (SPPF) encourages affordable housing, there is no statutory control that requires a developer to provide any affordable housing.
  - It is recommended that there be a consistent Statewide approach to the future application of new residential zones.

**2.3 Specific changes recommended include:**

- Low Density Residential Zone – include an additional objective that recognises the transitional role of the LDRZ between suburban and non-urban areas, and include an additional objective that recognises the 'lifestyle' role of the LDRZ.
- SPPF – Provide definitions for 'affordable' and 'social' housing. VPP – Provide a specific control to require a medium – large scale residential to include a component of affordable housing. Importantly any planning tool needs to ensure that affordable housing is maintained as affordable housing on an ongoing basis.
- Consideration needs to be given to the administration and advertising process associated with a planning application for social and affordable housing to minimise protracted planning delays developer.
- In addition to the strategic assessment guidelines, any planning scheme amendment needs to justify the consistency any proposed zone would have with a Council's residential strategy or strategic housing statement, and how the proposal would contribute to achieving housing diversity and affordability.
- RGZ – Ensure consistency with the zone objectives and provisions. Currently there is inconsistency with the Zone objectives which makes specific reference to four storeys, however Clauses 32.07-4, 32.07-9 and 32.07-11 makes reference to development of five or more storeys. Clarity also needs to be provided regarding height limits that would generally be supported in a RGZ (ie residential context) compared to those in a Mixed Use Zone and an Activity Centre Zone.
- The State Government is best placed to monitor residential development at a regional level to ensure the consistency of reporting in relation to the effect of the residential zones on housing supply, housing prices and the availability of land for infill development.

**Suggested Improvements to the Residential Zones**

- 2.4 There are a total of 74 suggested changes to Residential Growth Zone, General Residential Zone and the Neighbourhood Residential Zone. Attachment 3 lists the proposed changes and Council's response to these. Whilst many of the proposed changes are appropriate, some of the suggestions are not supported, whilst other suggestions require more information to provide a detailed response. In summary, Council officers support changes to controls that achieve greater clarity, and do not support changes that would lead to greater uncertainty or compromise the integrity or direction of the local planning policy framework of the Manningham Planning Scheme.
- 2.5 It is recommended that Attachment 2 and 3 be endorsed as Council's response to the MRDAC.

**Eastern Subregion – Residential Zones State of Play report**

- 2.6 The Eastern subregion report includes the municipalities of Boroondara, Knox, Manningham, Maroondah, Monash, Whitehorse and Yarra Ranges. The report provides an overview at the subregional level on demographics, population growth, residential zoned land, dwelling supply and anticipated residential growth. This is followed by a chapter on each municipality including how the new residential zones were introduced, the amount of residential zoned land, dwelling supply and anticipated residential growth.
- 2.7 A consistent template is used to present information on each municipality of the Eastern subregion. The Manningham extract of the Eastern subregion report is included as Attachment 4. In relation to Manningham the following comments are made:
- The Residential Zones history needs to make reference to the Doncaster Hill Strategy (2002- revised 2004).
  - The map showing the distribution of the Manningham Zones on page 25 identifies each of the RGZ, GRZ and NRZ in a different colour, and groups the Commercial 1 Zone (C1Z), Activity Centre Zone (ACZ), Mixed Use Zone (MUZ) and Low Density Residential Zone (LDRZ), into one colour. Whilst this approach is consistent with the other municipalities in the Eastern subregion, it is considered that the ACZ needs to be delineated by a different colour because the ACZ relates to Doncaster Hill where high density residential development is encouraged. Likewise the LDRZ needs to be identified in a different colour given this Zone provides for fewer dwellings because of its environmental and landscape characteristics.
  - On page 27 reference is made to the number of new dwellings in the Activity Centre Zone in Doncaster Hill. The second last paragraph on pg 27 states: *'A small number of projects (five) yielded over 350 new dwellings within the Activity Centre Zone in Doncaster Hill. This resulted in high density housing.* This information is incorrect. Between 2010 – 2014 six projects yielded over 525 dwellings. These amended figures need to be reflected in the bar graph titled *'Manningham: Number of residential development projects by project size, 2010 – 2014'*.
  - The prescribed template of the State of Play report (Eastern region) does not clearly identify that Manningham:
    - Directs most of its residential growth around Doncaster Hill, the Residential Growth Zone and in the General Residential Zone – schedule 2 (GRZ2) that equates to 16.7% of residential properties.
    - Promotes incremental growth to the General Residential Zone – Schedules 1 and 3 (GRZ 1 and 3) that equates to 67.4% of residential properties.
    - Encourages limited change in the Neighbourhood Residential Zone, Low Density Residential Zone and Green Wedge areas that equates to 16.1% of residential properties.

**3 PRIORITY/TIMING**

- 3.1 Submissions to the MRDAC are due on 14 March 2016.
- 3.2 The Taskforce assisting the Committee publicly released its *Residential Zones State of Play* reports and list of improvements to the operation of the new residential zones on 29 January 2016.
- 3.3 Following the close of submissions, the Committee will conduct public hearings and provide advice to the Minister for Planning as soon practicable, but no later than 40 business days, from the completion of the last subregional hearing and / or meeting.
- 3.4 Given the schedule of Council meetings and the level of detail provided in the State of Play reports, Council will provide its response to DELWP following the Council meeting on 29 March 2016.

**4 CUSTOMER/COMMUNITY IMPACT**

- 4.1 The purpose of the MRDAC is to review the application of the zones across Victoria and provide advice on how the residential zones and residential policies could be modified to better achieve State policy objectives.
- 4.2 It is anticipated that this will provide greater consistency in the applications of new residential zones across Victoria.

**5 FINANCIAL RESOURCE IMPLICATIONS**

- 5.1 The submission to the MRDAC has been prepared using existing resources in the Economic and Environmental Planning Unit. It is anticipated that any further input into the State Government's review of the residential zones will be undertaken using existing staff resources.

**6 SUSTAINABILITY**

- 6.1 One of the purposes of the MRDAC is to review the current application of residential development in the context of managing Melbourne and Victoria's residential growth in a sustainable manner and improving housing affordability.

**7 CONSULTATION**

- 7.1 The Taskforce is seeking submissions on its Residential Zones State of Play reports and list of potential improvements. Consultation comprises:
  - Direct notice to relevant councils and industry bodies;
  - Direct notice to known community groups (in consultation with the relevant council).
  - A single, general notice in The Age and Herald Sun published on 12 December 2016.
- 7.2 The Committee must consider all relevant submissions. Notification of the MRDAC has been included under 'Latest News' on the Manningham website from 1 February 2016.
- 7.3 Submitters will be given an opportunity to present to the Committee at a public hearing following the end of the exhibition period.



## 8 CONCLUSION

- 8.1 The new residential zones have been in the Manningham Planning Scheme for approximately 18 months. The transition to the new zones was largely policy neutral given Council's comprehensive planning framework comprising zones, overlays and local policies. As a result, Manningham has not experienced significant issues in relation to the new residential zones.
- 8.2 Council's submission however suggests some changes to provide greater clarity to certain technical aspects of the residential zones and to ensure greater consistency with the application of the zones, particularly across metropolitan Melbourne.

### OFFICER'S RECOMMENDATION

That Council:

- (A) **Notes that the draft Council officer response to the Managing Residential Development Advisory Committee (Attachments 2 and 3) will be forwarded to the Department of Environment, Land, Water and Planning on 15 March 2016.**
- (B) **Endorses Attachments 2 and 3 as Manningham's submission to the Department of Environment, Land, Water and Planning.**
- (C) **Endorses that in the covering letter to the Managing Residential Development Advisory Committee that the following feedback be provided to the 'Eastern Subregion – Residential Zones State of Play' report:**
- The Residential Zones history needs to make reference to the Doncaster Hill Strategy (2002- revised 2004).
  - The map showing the distribution of the Manningham Zones on page 25 identifies RGZ, GRZ and NRZ needs to delineate the Activity Centre Zone around Doncaster Hill as well as the Low Density Residential Zone in different colours, rather than grouping both zones together with the Commercial 1 Zone, and Mixed Use Zone into one broad category titled 'other'.
  - On page 27 reference is made to the number of new dwellings in the Activity Centre Zone in Doncaster Hill. The second last paragraph on pg 27 states: 'A small number of projects (five) yielded over 350 new dwellings within the Activity Centre Zone in Doncaster Hill. This resulted in high density housing. This information is incorrect between 2010 – 2014 six projects yielded over 525 dwellings. These amended figures need to be reflected in the bar graph titled 'Manningham: Number of residential development projects by project size, 2010 – 2014'.
  - The prescribed template of the State of Play report (Eastern region) does not clearly identify that Manningham:
    - Directs most of its residential growth around Doncaster Hill, the Residential Growth Zone and in the General Residential Zone – schedule 2 (GRZ2) that equates to 16.7% of residential properties.
    - Promotes incremental growth to the General Residential Zone – Schedules 1 and 3 (GRZ 1 and 3) that equates to 67.4% of residential properties.

- Encourages limited change in the Neighbourhood Residential Zone, Low Density Residential Zone and Green Wedge areas that equates to 16.1% of residential properties.

**MOVED: GALBALLY**  
**SECONDED: GOUGH**

**That the Recommendation be adopted.**

**CARRIED**

Attachment 1 – Terms of Reference – Managing Residential Development Advisory Committee

Attachment 2 - Manningham's submission to the Managing Residential Development Advisory Committee

Attachment 3 – Council Officers' Response to the List of Suggested Improvements to the Residential Zones

Attachment 4 – Manningham extract of the Eastern subregion report

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## **11. ASSETS & ENGINEERING**

### **11.1 Municipal Emergency Management Plan Audit 2016**

Responsible Director: Director Assets and Engineering

File No. T16/42

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible director, manager nor the officer authoring this report has a conflict of interest in this matter.

#### **SUMMARY**

*As per the requirements of the Emergency Management Act 1986, the Municipal Emergency Management Plan (MEMP) is audited by the Victoria State Emergency Service (SES) every three years. Manningham City Council was last audited in 2013. The SES has scheduled the 2016 MEMP audit for Manningham to be undertaken in May. The MEMP has been maintained throughout the past three years, with all updates documented in the amendments record and endorsed by the Municipal Emergency Management Planning Committee (MEMPC). The current version of the MEMP has been endorsed regionally by Victoria Police and the Department of Health and Human Services (DHHS). The MEMP is now presented for Council endorsement in readiness for the SES audit in May.*

#### **1 BACKGROUND**

- 1.1 The MEMP passed audit in 2013.
- 1.2 The MEMP has been maintained throughout the past three years as to be aligned with changes to legislation, policy and planning at all levels of government.
- 1.3 The current MEMP has been endorsed by the MEMPC, Victoria Police and DHHS.
- 1.4 The MEMP requires formal endorsement of Council prior to being presented to the SES for audit in May.

#### **2 PROPOSAL/ISSUE**

- 2.1 Council endorsed the current version of the MEMP in readiness for SES audit in May.

#### **3 PRIORITY/TIMING**

- 3.1 Formal endorsement is required by 1 April 2016, so as to enable finalisation of preparatory works for the May audit date.

#### **4 POLICY/PRECEDENT IMPLICATIONS**

- 4.1 Endorsement of the MEMP will enable the plan to be eligible for SES audit.
- 4.2 Successful audit outcome will validate the MEMP for the next three years.

**5 BEST VALUE**

- 5.1 An approach of continuous improvement for services

**6 CUSTOMER/COMMUNITY IMPACT**

- 6.1 The MEMP is a plan developed in consultation with the MEMPC, which consists of agency, government and community representatives. This multi-stakeholder approach ensures that emergency planning for the Manningham community is undertaken and implemented in a relevant and considered manner.
- 6.2 The MEMP is available to the community via the Manningham website and available in hard copy upon request.

**7 COUNCIL PLAN/ MEASURE OF ACHIEVEMENT OF ACTION**

- 7.1 The MEMP aligns with the Council Plan: Objective 4 – Emergency Management Plan.

**8 REGIONAL/STRATEGIC IMPLICATIONS**

- 8.1 The MEMP is aligned with regional and State emergency management planning, policy and legislation.

**9 CONSULTATION**

- 9.1 Consultation has occurred with the MEMPC, Victoria Police, DHHS and SES.

**10 COMMUNICATIONS STRATEGY**

- 10.1 The public version of the MEMP will be updated to reflect the new version once audit is complete. The new public version will be uploaded on to the Manningham website (replacing the 2013 version). This will be communicated to the community via the standard Communications and Marketing procedures for the release of new plans.

**11 CONCLUSION**

- 11.1 The MEMP is legislatively subject to SES audit every three years.
- 11.2 The MEMP is scheduled for SES audit in May 2016.
- 11.3 Council endorsement is required prior to the plan being submitted for audit.

**OFFICER'S RECOMMENDATION**

**That Council formally endorse the current version of the MEMP for submission to the SES for audit in May 2016.**

**MOVED: DOWNIE**  
**SECONDED: KLEINERT**

**That the Recommendation be adopted.**

**CARRIED**

“Refer Attachments”

TRIM D13/11009

## 11.2 Doncaster Hill Behaviour Change Plan - SRP Action 3.1 (Council Plan)

Responsible Director: Director Assets and Engineering

File No. T16/19

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible director, manager nor the officer authoring this report has a conflict of interest in this matter.

### SUMMARY

*Council adopted the Doncaster Hill Mode Shift Plan in 2014. Actions identified in the Mode Shift Plan were broadly categorised as infrastructure, advocacy and behavioural initiatives. Preparation of the Behaviour Change Plan is a key action of the Doncaster Hill Mode Shift Plan, and its success is paramount in the achievement of mode shift in Doncaster Hill.*

*The aim of the Behaviour Change Plan is to encourage a change in travel behaviour for existing and future residents, employers and employees in Doncaster Hill. The aim is to increase the use of sustainable transport modes for local trips and decrease private vehicle use, to reduce road congestion and adverse environmental impacts, as well as improving community health and wellbeing. The Behaviour Change Plan is a 'fluid' and 'living' document. The Behaviour Change Plan will be adapted and modified over time as the community grows and demographics change. The Plan is not a fixed document and is intended to be responsive to the various and differing precincts within Doncaster Hill, as well as to changes in Council objectives and State Government direction over time.*

*Changes in travel behaviour take time and, while long term change is considered to be achievable, significant changes may not be seen in the short term.*

*It is recommended that officers undertake several behaviour change programs with the Doncaster Hill community over the next 5-10 years, by implementing the Doncaster Hill Behaviour Change Plan and following the How To Guide, to facilitate a shift to sustainable transport modes within Doncaster Hill. Monitoring of progress against the mode shift targets, assessment of the results and reporting is to be undertaken every five years at minimum.*

*It is further recommended that this report and attachments be noted, and that Action 3.1 (SRP 11) of the Strategic Resource Plan regarding the completion of the Doncaster Hill Behaviour Change Plan be deemed complete.*

### 1 BACKGROUND

- 1.1 The Doncaster Hill Strategy vision is for the development of a state of the art, contemporary, sustainable, high density, mixed use village that enhances the social, environmental, economic and cultural elements of the region.
- 1.2 Doncaster Hill aims to be pedestrian friendly with tree lined streets alive with restaurants, cafes, shops, public art and open spaces.
- 1.3 Central to this vision is the achievement of a sustainable transport future.

- 1.4 Microsimulation modelling of future traffic conditions within Doncaster Hill undertaken in 2011, forecast a significant increase in locally generated traffic for Doncaster Hill at full build out and traffic congestion similar to an inner city activity centre.
- 1.5 The traffic modelling indicated that to minimise future traffic congestion in Doncaster Hill, the achievement of a 30% mode shift to sustainable transport modes is required. The key period is the weekday afternoon peak period
- 1.6 The achievement of mode shift is a complex issue, requiring a coordinated long term approach across State and Local Government, developers and the current and future local communities of Doncaster Hill.
- 1.7 The accessibility, reliability, efficiency and integration of sustainable transport modes, such as walking, public transport, and actions to encourage mass behaviour change are all key factors if mode shift is to be achieved.
- 1.8 Council adopted the Doncaster Hill Mode Shift Plan in 2014. Actions identified in the Mode Shift Plan were broadly categorised as infrastructure, advocacy and behavioural initiatives.
- 1.9 Preparation of the Behaviour Change Plan is a key action of the Doncaster Hill Mode Shift Plan, and its success is paramount in the achievement of mode shift in Doncaster Hill.

#### **Resourcing**

- 1.10 The implementation of behaviour change initiatives will be resource intensive to engage with the community, identify and empower community champions, build and maintain momentum and activate a greater percentage of the community.
- 1.11 It is anticipated that, in order to facilitate mass behaviour change, ongoing engagement will be required with the residents / traders in each precinct, to progressively grow the numbers of people taking up sustainable transport options. As a result, the resources required to drive this program are expected to increase over time, and will be the subject of further consideration.

#### **Behaviour Change Plan**

- 1.12 A specialist consultant was engaged to assist Council officers in the development of the Doncaster Hill Behaviour Change Plan, with the project being undertaken in two parts:
  - 1.12.1 The development of a Behaviour Change Plan incorporating a step by step guide on how to implement future behaviour change programs within Doncaster Hill, and
  - 1.12.2 The commencement of a pilot project in Precinct 5 of Doncaster Hill to train Council staff in behaviour change project methodologies and refine the "How to Guide" as required.
- 1.13 The aim of the Behaviour Change Plan is to encourage a change in travel behaviour for existing and future residents, employers and employees in Doncaster Hill.
- 1.14 Increased use of sustainable transport modes for local trips and decreased private vehicle use will benefit the Doncaster Hill community, reducing road

congestion and adverse environmental impacts as well as improving community health and wellbeing.

- 1.15 The Behaviour Change Plan is designed to include a review of travel patterns for the community and recommend actions to encourage a shift to sustainable transport modes for local trips.
- 1.16 The Behaviour Change Plan is a 'fluid' and 'living' document, which will be adapted and modified over time as the community grows and demographics change. The Plan is not a fixed document and is intended to be responsive to the various and differing precincts within Doncaster Hill, as well as to changes in Council objectives and State Government direction over time.
- 1.17 Changes in travel behaviour take time and, while long term change is considered achievable, significant changes may not be seen in the short term. Incremental change is likely.
- 1.18 The Behaviour Change Plan complements actions identified in the Doncaster Hill Mode Shift Plan. The intent is to create a supportive environment for walking locally, while decreasing reliance, particularly on short private vehicle trips.
- 1.19 The Behaviour Change Plan is the overarching plan for behaviour change in Doncaster Hill, with individual travel plans to be developed for each precinct / development site and customised to meet community needs, as required.
- 1.20 The Plan includes travel behaviour change actions that are focussed on community building, and require ongoing engagement with the community to help develop social culture and social norms for travelling sustainably in Doncaster Hill.
  - 1.20.1 Actions include, but are not limited to: 'meet your neighbour' events, the preparation of maps for themed walks around Doncaster Hill, community public transport group travel, incentives and the development of a Smartphone application.
  - 1.20.2 Appendix A to the Behaviour Change Plan forms the master list of travel behaviour change actions, which will be used as the basis for the development of precinct and site specific behaviour change action plans. For each potential action in Appendix A, an indication is provided of the relative cost of delivery.
- 1.21 It is also noted that it may be necessary to create travel plans targeted to development sites that are located within the precinct, i.e. a travel plan could be developed for a workplace, a school, or an apartment complex. All of these site specific travel plans would sit within one overarching precinct plan. Diagram 1, on page 10 of the Behaviour Change Plan, shows the proposed plan hierarchy and inter relationships.
- 1.22 Cr Jennifer Yang and the Acting Chief Executive Officer Chris Potter, are also champions for this project. Both participate in active travel within Doncaster Hill and are ambassadors for the inclusion of public transport and walking into their daily routines.

#### **How To Guide**

- 1.23 The Behaviour Change Plan incorporates a 'step by step' guide on how to implement future behaviour change programs within Doncaster Hill.



- 1.24 The How To Guide is a “fluid and living” internal document, which will guide Council officers on how to implement behaviour change programs within Doncaster Hill. The “How To Guide” may also change over time, as community travel needs within Doncaster Hill change and as officers gather more information and community feedback about the relative effectiveness of various approaches.
- 1.25 It is critical that the Plan and actions be responsive to the actual development within Doncaster Hill, the target audience and any relevant opportunities and barriers.
- 1.26 Section 7 of the Behaviour Change Plan addresses evaluation, assessment and monitoring of progress of Plan actions and mode shift targets. Each recommended action includes an indicator to monitor action effectiveness. Section 7.4 identifies specific data which will be gathered. It is proposed to report back to Council when new data becomes available and at least every five years on the monitoring data results and status of actions delivered in partnership with the community. Census travel to work information will be the primary data source for monitoring activities. Incremental targets for mode shift by mode have been identified in Section 7.2 of the Plan.

## **2 PROPOSAL/ISSUE**

- 2.1 It is proposed that this report and the attached Behaviour Change Plan, associated Action Plan and “How to Guide” be noted.
- 2.2 It is proposed to undertake several behaviour change programs with the Doncaster Hill community over the next 5-10 years, by implementing the Doncaster Hill Behaviour Change Plan and following the “How To Guide” to facilitate an incremental shift to sustainable transport modes within Doncaster Hill over time.
- 2.3 Growth in the utilisation of sustainable modes of transport for travel to work within Doncaster Hill is to be monitored a minimum of every five years, and the results are to be reported to Council, together with details of the status of behaviour change plan actions and assessment of any changes required to enhance program effectiveness.
- 2.4 It is further proposed that Action 3.1 (SRP 11) of the Strategic Resource Plan, regarding the completion of the Doncaster Hill Behaviour Change Plan, be deemed complete.

## **3 PRIORITY/TIMING**

- 3.1 Selected actions recommended in the Doncaster Hill Behaviour Change Plan are to be implemented over the next 20 years, until ultimate development of Doncaster Hill is complete. In order to achieve the 30% mode shift target, a sustained behaviour change effort will be required.

## **4 CUSTOMER/COMMUNITY IMPACT**

- 4.1 The implementation of the behaviour change program has the potential to deliver significant benefits to the Doncaster Hill community. Key potential benefits include enhanced community connectedness, reduced road congestion, public transport service enhancements, improved health and fitness, reduced cost of living, environmental and other benefits.

- 4.2 Through engagement and a proactive approach, it is likely that community satisfaction with Council will also improve.

## **5 COUNCIL PLAN/ MEASURE OF ACHIEVEMENT OF ACTION**

- 5.1 Action 3.1 (SRP 11) of Council's Strategic Resource Plan 2015 relates to the implementation of the Doncaster Hill Mode Shift Plan. The action specifically states "implement the Doncaster Hill Mode Shift Plan as a high priority action of the Doncaster Hill Strategy".
- 5.2 The measure of achievement for Action 3.1 (SRP11) requires Council officers to "Commence micro-simulation modelling to test the feasibility of installing continuous bus lanes through Doncaster Hill by 31 March 2016. Adoption of the Doncaster Hill Mode Shift Behaviour Change Plan by 31 March."
- 5.3 Infrastructure improvements identified through the Westfield Masterplan traffic modelling will assist to improve traffic flow through Doncaster Hill. In addition, the State Government has allocated funds to improve the DART bus service. As a result it has been determined that microsimulation modelling of improvements to achieve continuous bus lanes through Doncaster Hill was a lower priority than the Doncaster Hill Development Contributions Plan transport infrastructure review which is currently in progress.
- 5.4 This report completes Action 3.1 (SRP 11) of Council's Strategic Resource Plan 2015 "Adoption of the Doncaster Hill Mode Shift Behaviour Change Plan by 31 March 2016".

## **6 FINANCIAL RESOURCE IMPLICATIONS**

- 6.1 In the initial stages of the Behaviour Change Plan implementation, the program delivery will initially be undertaken by existing Council staff. Funds will be required for materials and initiatives to advance the program, including community events, the development of a smart phone application, resident information packs and other items identified in the action plans. Funds can be made available through the Doncaster Hill operational budget to fund lower cost items. The higher cost items will depend on levels of community uptake and expenditure on associated actions. However, it is anticipated that the highest cost action will be the development of a smart phone application which is estimated to be in the order of \$20,000 and will be subject to a separate business case, if it is not possible to fund this item from existing operational budgets. All other items can be delivered within the existing Doncaster Hill operational budgets over the life of the project.

## **7 CONSULTATION**

- 7.1 The Doncaster Hill Behaviour Change Plan was developed in consultation with the local Doncaster Hill community. These sessions also assisted in identifying community champions and developing and testing potential actions.
- 7.2 Two workshops were held with Doncaster Hill community members with the aim of discovering what was important to the community about Doncaster Hill and what it is like to travel in the area. These sessions also assisted in identifying community champions.

- 7.3 The workshops were an essential opportunity to identify the values of importance to the community, which can assist in motivating change. They also provided an avenue to discuss factors which effectively create an enabling environment for travel behaviour change.
- 7.4 It was also important that the workshops highlighted to residents that any future vision of travel behaviour in Doncaster Hill was inclusive of the values shared by the group. This in turn ensures that the future of Doncaster Hill is one the community has a desire for, and are happy to invest in.
- 7.5 The workshops also assisted in understanding individual perspectives on behaviour change, how we change socially and begin to make group choices.
- 7.6 Additional workshops were held with residents of Precinct 5 – Sovereign Point Court to commence the Pilot Project for the Behaviour Change Plan implementation.
- 7.7 A similar consultation process was adopted for the Sovereign Point Court Pilot Project as was utilised for the workshops for the development of the overall Behaviour Change Plan.
- 7.8 The Pilot project will be further progressed during 2016.
- 7.9 Consultation and community engagement will be the foundations of every Behaviour Change Plan developed, to foster community ownership of the process and delivery.

## **8 COMMUNICATIONS STRATEGY**

- 8.1 A communications and community engagement plan will initially be developed for this project, to guide community engagement and communications initiatives.
- 8.2 As a part of the Pilot Project, it is proposed to prepare a profile story on one of the resident behaviour change champions from Precinct 5 for the local media and Manningham Matters community newsletter.
- 8.3 Ongoing articles in the local media and on the Doncaster Hill website will enable the key messages on travel behaviour and growing community support to be communicated to the Doncaster Hill community and build momentum for change.

### **OFFICER'S RECOMMENDATION**

**That Council:**

- (A) Note this report and the attached Behaviour Change Plan and associated Action Plan and "How To guide";**
- (B) Note that officers will deliver appropriate behaviour change plan actions developed in consultation with the community on a precinct by precinct basis, in partnership with the community and in tandem with the implementation of other mode shift plan actions;**
- (C) Note that growth in the utilisation of sustainable modes of transport for travel to work within Doncaster Hill will be monitored at a minimum of every five years and the results reported to Council, together with details of the status of**

**behaviour change plan actions and assessment of any changes required to enhance program effectiveness; and**

- (D) Endorse that Action 3.1 (SRP 11) of the Strategic Resource Plan, regarding the completion of the Doncaster Hill Behaviour Change Plan, be deemed complete.**

**MOVED: O'BRIEN  
SECONDED: HAYNES**

**That the Recommendation be adopted.**

**CARRIED**

"Refer Attachments"

\* \* \* \* \*

**12. COMMUNITY PROGRAMS**

There were no Community Programs reports.

## 13. CORPORATE SERVICES

### 13.1 Election Period Policy

Responsible Manager: Jill Colson

File No. EF14/31589

The ultimate destination for this report is: COUNCIL AGENDA

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

#### SUMMARY

*As a consequence of the Local Government Amendment (Improved Governance) Act 2015 being passed by the State Government in October 2015 Council is required to adopt an Election Period policy.*

*The new statutory provisions to be inserted into the Local Government Act 1989 (the Act) as a result of the Amendment Act are shown on Attachment 1.*

*The election policy must be transparent and accessible. This means it must be made public on the council's website and available in hardcopy for public inspection. A copy must be given to each councillor.*

*Local Government Victoria expects that these requirements achieve greater consistency and rigour in council procedures and reduce ambiguity and confusion surrounding caretaker arrangements in the 32 days leading up to the conduct of general elections. For this year's elections the election period commences on Wednesday 21 September and concludes at 6.00pm on Saturday 22 October.*

*Under the Act, the Election Period policy must be adopted by 31 March 2016. For subsequent general elections, the policy must be reviewed not later than twelve months from the commencement of the election period for the next election.*

*A draft policy (Attachment 3) is submitted for discussion and consideration prior to a final draft being submitted for adoption at the Council Meeting on 29 March, 2016.*

#### 1 BACKGROUND

- 1.1 The Election Period covers the 32 days immediately prior to the Election Day and for the 2016 elections commences on Wednesday 21 September and concludes at 6.00pm on Saturday 22 October.
- 1.2 The policy only covers the period of time as required by the Act but does not include any pre-election period as used by some councils to extend the restricted period back to 26 August (Entitlement Date) which is an additional 25 days or other date, as this is considered an unreasonable burden to impose on an elected council required to continue to perform its elected responsibilities.
- 1.3 Existing provisions under Section 93A of the Act prohibit councils from making 'major policy decisions' during the election period – including

decisions to award contracts beyond the threshold that requires a competitive tender process, decisions on certain entrepreneurial activities and decisions about the CEO's employment and remuneration.

- 1.4 Councils will also now be required to have an 'election period' policy to be in place to ensure that councils publicly explain to their communities how they will conduct their business immediately prior to an election. This is to ensure council elections are not compromised by inappropriate electioneering by existing councillors and to safeguard the authority of the incoming council.
- 1.5 The primary objectives of the policy are:-
  - 1.5.1 To not bind an incoming Council by making unnecessary decisions during the election period;
  - 1.5.2 To provide procedures intended to prevent Council from making inappropriate decisions or using resources inappropriately during the election period;
  - 1.5.3 To ensure that the conduct of Council elections and by-elections are conducted in an environment that is open and fair to all candidates by outlining the use of council resources, council publications, functions and events, requests for information, liaisons with the media and Councillor expenditure in the lead up to an election;
  - 1.5.4 To ensure the highest standard of good governance is achieved by the incumbent Council and Council staff;
  - 1.5.5 Limit public consultation and the scheduling of Council events during the election period;
  - 1.5.6 Provide procedures to ensure access to information held by Council is made equally available and accessible to candidates during the election period;
  - 1.5.7 To supplement the requirements of the Act with additional measures to ensure that best practice is achieved in transparency and independence.
- 1.6 The policy is not only required to meet Council's statutory obligation it is also to protect councillors and council's image by imposing good election governance practices to ensure that municipal decision making during the lead up to council elections is transparent and democratic.
- 1.7 The policy must cover the three prime matters as prescribed in the Act, but councils are able to include other items to include in the policy to suit individual circumstances. The three primary matters are:-
  - I. Preventing inappropriate decisions and misuse of resources.
  - II. Limiting public consultation and council events.
  - III. Equitable access to council information
- 1.7.1 Preventing inappropriate decisions and misuse of resources.**

Councils must provide details on procedures they will take to prevent 'inappropriate' decisions being taken during the election period. Inappropriate decisions are those that would affect voting at an election or decisions that may unreasonably bind an incoming council and could reasonably be deferred until after the election.

The Policy addresses what decisions can and cannot be made in the 32 days leading up to the general election, so that the authority of the incoming council is not unreasonably compromised.

The Office of Local Government has suggested that councils could determine that no council meetings will be held during the caretaker period, unless exceptional circumstances warrant. The Policy proposes curtailing but not eliminating Council meetings during the election period and this may lead to a rescheduling of meetings outside the election period to provide a better continuation of business.

The policy also outlines procedures to address how Council will avoid any misuse of council resources during the election period, specifically to prevent their use for electioneering by candidates. Council resources can include staff, property, equipment and stationery.

### **1.7.2 Limiting public consultation and council events**

Consultation is an integral part of Councils' policy development process and operations; however, there are concerns that consultation undertaken close to a general election may become an election issue in itself and influence voting. Issues raised through the consultation and decisions that follow may also unreasonably bind the incoming council.

The scheduling of council events in the lead up to elections also frequently raises concerns over their potential use by sitting councillors for electioneering purposes.

The election period policy outlines procedures Council and the CEO will undertake to limit public consultation and the scheduling of council events during this period.

### **1.7.3 Equitable access to council information**

There has been a perception across the sector that councillor candidates may have unfair access to council held documents to use in their campaigning and which are not freely available to other candidates. While this is not an issue at many councils, concerns have been raised in some instances that councillor candidates can ask for and obtain information not directly related to performing their role but for election purposes. The policy documents how applications for access to council information by all parties will be processed.

- 1.8 In addition to the above three mandatory matters, section 55D of the Act prevents Council from publishing or distributing material likely to influence voting at the election during the 'election period'. The Chief Executive Officer must certify documents produced by Council during the election period as not being electoral material. Because of industry wide confusion over the intent of this provision, which has created inconsistency in its application, the manner in which this will be performed at Manningham has been included in the Election Period policy.
- 1.9 The election period procedure does not restrict Councillors from making independent media comment or releases in their own name and using their own resources.



- 1.10 In stating that Council will endeavour not to make any significant decisions during the election period it also acknowledges that it has an ongoing responsibility to act in the best interests of the local community. Therefore, where a delay in making a “significant decision” would result in significant detriment to the local community, the Council may make an exception to this procedure. In making an exception the Council will deal with the matter impartially, having regard to the long term interests of the local community and as transparently as possible.

## **2 PROPOSAL/ISSUE**

- 2.1 The purpose of this Policy is to explain to the local community how Council will conduct its business over the election period to ensure that the following objectives are achieved:-
- 2.1.1 Council is able to continue to deliver normal works and services;
  - 2.1.2 Council to avoid making inappropriate decisions that may be interpreted as influencing voters at the election;
  - 2.1.3 The elections are not compromised by inappropriate electioneering by Councillors; and
  - 2.1.4 The authority of the incoming Council is safeguarded.
- 2.2 A summary of the intended restrictions that will apply during the election period are shown in attachment 2.

## **3 CONCLUSION**

- 3.1 The Policy has been developed in order to ensure that the general elections to be held in October 2016 are conducted in a manner that is fair and equitable to all candidates, and are publicly perceived as such.
- 3.2 The practices contained within this policy are considered necessary for the promotion of transparent and accountable local government during the election period and to enhance the public image of Council.
- 3.3 The Election Period policy needs to be adopted by 31 March 2016 to meet legislative requirements.

## **4 RECOMMENDATION**

**That:-**

- A. the Election Period Policy as attached be adopted; and**
- B. a copy of the Policy be forwarded to each Councillor; and**
- C. a copy of the Policy be published on Council’s website.**

**MOVED: GOUGH**  
**SECONDED: GRIVOKOSTOPOULOS**

**That the Recommendation be adopted.**

**CARRIED**

“Refer Attachments”

Attachment 1 = Local Government Act provisions

Attachment 2 = Summary of restrictions during election period

Attachment 3 = Election Period Policy

\* \* \* \* \*

**Attachment 1****LOCAL GOVERNMENT ACT 1989***93B council to adopt an election period policy*

- (1) *A council must prepare, adopt and maintain an election period policy in relation to procedures to be applied by council during the election period for a general election.*
- (2) *A council must prepare and adopt an election period policy as required by subsection (1)—*
  - (a) *by 31 March 2016; and*
  - (b) *following the general election on 22 October 2016, continue to maintain the election period policy by reviewing and, if required, amending the policy not later than 12 months before the commencement of each subsequent general election period.*
- (3) *An election period policy must include the following—*
  - (a) *procedures intended to prevent the council from making inappropriate decisions or using resources inappropriately during the election period before a general election;*
  - (b) *limits on public consultation and the scheduling of council events;*
  - (c) *procedures to ensure that access to information held by council is made equally available and accessible to candidates during the election.*
- (4) *A copy of the election period policy must—*
  - (a) *be given to each councillor as soon as practicable after it is adopted; and*
  - (b) *be available for inspection by the public at the council office and any district offices; and*
  - (c) *be published on the council's Internet website maintained under Section 82A.*
- (5) *In this Section— inappropriate decisions made by a council during an election period includes any of the following—*
  - (a) *decisions that would affect voting in an election;*
  - (b) *decisions that could reasonably be made after the election.*

**55D Prohibition on council**

- (1) *A council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill, pamphlet or notice during the election period unless the advertisement, handbill, pamphlet or notice has been certified, in writing, by the Chief Executive Officer.*
- (1A) *For the purposes of subsection (1), the publication of a document of a kind specified in that subsection does not include—*
  - (a) *publication of any document published before the commencement of the election period; and*
  - (b) *publication of any document required to be published in accordance with, or under, any Act or regulation.*

## 13.2 Record of Assembly of Councillors - March 2016

Responsible Manager: Acting Manager Strategic Governance Jill Colson

File No. T16/61

The ultimate destination for this report is: COUNCIL AGENDA

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

### SUMMARY

*Section 80A of the Local Government Act 1989 requires a record of each meeting that constitutes an Assembly of Councillors to be reported to the next ordinary meeting of Council and those records be incorporated into the minutes of the Council Meeting. The Assemblies to be reported to this Council Meeting took place between 25 January and 18 March 2016 (both dates inclusive). They are:-*

- *Access and Equity Advisory Committee on 1 February*
- *Council Meeting Briefing Session on 2 February and 1 March*
- *Municipal Emergency Management Planning Committee on 5 February*
- *Municipal Fire Management Planning Committee on 5 February*
- *Open Space and Streetscape Design Advisory Committee on 29 February*
- *Senior Citizens Reference Group Committee on 10 February and 9 March*
- *Strategic Briefing Sessions on 9, 16 & 23 February and 8 & 15 March*
- *Sustainable Design Task Force on 1 & 25 February*

## 1 BACKGROUND

1.1 An Assembly of Councillors is defined in the Local Government Act 1989 and means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be:-

1.1.1 the subject of a decision of the Council; or

1.1.2 subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation.

1.2 An advisory committee can be any committee or group appointed by Council and does not necessarily have to have the term 'advisory' or 'advisory committee' in its title.

1.3 Written records of Assemblies of Councillors must be kept and that record presented to the next practicable ordinary meeting of Council. The record is to include the names of all Councillors and members of Council staff attending, a list of the matters considered, any conflict of interest disclosures made by a Councillor attending and whether a Councillor who has disclosed

a conflict of interest leaves the assembly for the item in which he or she has an interest.

- 1.4 A Councillor who has a conflict of interest at an assembly of Councillors must disclose to the meeting that he or she has a conflict of interest, and leave the meeting while the matter is being discussed.
- 1.5 The details of each Assembly are shown in the Attachments to this report.

**OFFICER'S RECOMMENDATION**

**That the records of the Assemblies of Councillors as listed in the summary to this report and shown attached be noted and incorporated in the minutes of this Council Meeting.**

**MOVED: GALBALLY  
SECONDED: GRIVOKOSTOPOULOS**

**That the Recommendation be adopted.**

**CARRIED**

"Refer Attachments"

\* \* \* \* \*

### 13.3 Documents for Sealing - 29 March 2016

Responsible Director: Strategic Governance

File No. .

The ultimate destination for this report is: COUNCIL AGENDA

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

#### **SUMMARY**

*The following documents are submitted for signing and sealing by Council.*

#### **1 BACKGROUND**

- 1.1 The Council's common seal must only be used on the authority of the Council or the Chief Executive Officer under delegation from the Council. An authorising Council resolution is required in relation to the documents listed in the Recommendation section of this report.

#### **OFFICER'S RECOMMENDATION**

**That the following documents be signed and sealed:**

**Consent Agreement to Build Over an Easement  
Section 173 of the Planning and Environment Act 1987  
Council and Q Liang and L Zhong  
18 Boyd Street, Doncaster**

**Community Services Lease  
Council and Child and Family Care Network Inc  
Part 5-7 Derreck Avenue, Bulleen**

**Lease  
Council, Warrandyte and District Pre-School Association Inc and Department of  
Environment, Land, Water and Planning  
Crown Allotments 5, 6 and 7 Section 10 and part Crown Allotment 8, Section 10 Parish  
of Warrandyte (10 Taroona Avenue, Warrandyte)**

**MOVED: O'BRIEN  
SECONDED: HAYNES**

**That the Recommendation be adopted.**

**CARRIED**

\* \* \* \* \*

## 13.4 Strategic Risk Register Report to Council - six month period ending 31 December 2015

Responsible Director: Director Shared Services

File No. .

The ultimate destination for this report is: COUNCIL AGENDA

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

### SUMMARY

*This report provides Council with summary details of Manningham City Council's Strategic Risk Register for the six month period ending 31 December 2015. This is consistent with the Risk Management Policy reporting framework. Capture of the Strategic risks and their residual risk ratings is a dynamic process and is relative to a point in time. There are presently 13 Strategic risks. The report has been endorsed by the Audit Committee on 26 February 2016.*

#### 1 BACKGROUND

- 1.1 The Risk Register comprises 13 Strategic and 75 Operational risks. Directors and Service Unit Managers undertake quarterly reviews of existing key operational and emerging risks. Most of the Operational risks broadly sit under the umbrella of a Strategic risk and deliver the operational control processes and treatment plans that work to mitigate the Strategic risk.
- 1.2 The 13 Strategic risks are ultimately owned by the CEO and the Directors who are members of the Risk Management Committee. At a minimum, they are reviewed on a six month cycle.
- 1.3 The policy defines Strategic Risks as ***“significant enough to potentially impact the Council's service delivery and implementation of the Council Plan and its statutory responsibilities”***.

#### 2 PROPOSAL/ISSUE

- 2.1 The most recent strategic risk focus in the lead up to the end of 2015 was the imminent Rate Capping legislation (Fair Go Rates Bill 2015) and the unknown proposed Consumer Price Index (CPI) cap subject to the Minister's declaration. The Risk Management Committee had maintained an active watch on this emerging situation in the context of a potential new risk, which was added in November 2015.
- 2.2 Following the ascent of the legislation, release of the 2016-17 CPI rate cap rate and the substantial work undertaken in preparing the adjusted Long Term Financial Strategy, this strategic risk has been removed and is now captured under the broader risk number 5 listed below.

***“Change in government (Federal or State) policy resulting in the loss of major funding or significant increase in costs, to significantly impact the delivery of critical services”***

This will remain closely monitored by the Risk Management Committee and the Audit Committee.

- 2.3 The list of strategic risks presented on pages 4-6 illustrates any recent track changes in red font. Most of the amendments relate to the Risk Treatment column, which represent a summary of operational control systems currently in place or treatment plans in progress.
- 2.4 The following table articulates some of the additional topical strategic risks that have been recently discussed at the Risk Committee meetings, or have involved considerable operational treatment activity, all of which demonstrates a maturing application of the risk assessment process.

**Summary of key Strategic Risks under discussion include:**

Strategic Topic	Key Discussion
Fraud and Corruption	<p>Considerable attention has been directed to potential fraud and corruption risks with the full acknowledgement that this is a business risk for all industry sectors.</p> <p>The Audit Committee provides extensive oversight and advice to management on the effective control and monitoring of these risks. The Risk Management Committee, chaired by the CEO, monitors the delivery of the Fraud and Corruption Control Plan and risk assessment process and treatments applied to key operational risks.</p> <p>Internal and external audit are fundamental independent monitoring functions. Three of the 2015 internal audit utilised data analytics to interrogate large quantities of data and identify any anomalies for further investigation. However, in some instances internal audit recommendations need to be balanced with resourcing capacity and the identified level of risk exposure.</p> <p>Increasingly, external regulatory authorities, such as VAGO and IBAC are providing local government with constructive and targeted resources, for training and awareness for use with management and staff to raise awareness, strengthen controls and ultimately build risk management resilience.</p>
Procurement practices	<p>A compliant Procurement system, that provides efficient and cost effective processes has multiple areas of risk exposure to manage.</p> <p>The Risk Management Committee has applied significant attention to this, working closely with the Manager Procurement, Group Manager Finance and Director Shared Services.</p> <p>In response to recommendations for system changes from an Internal Audit, a substantial Purchase to Pay Review of the Assets and Engineering Directorate has been undertaken. Findings have been presented to the Risk Management Committee and Audit Committee in November 2015. The implementation plan will be presented to EMT by June 2016.</p> <p>In the meantime the Operational Risk Register and treatment plans are under regular supervision by the Risk Management Committee.</p>



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Business Continuity Management and IT Disaster Recovery planning	Monitoring progress of preparedness for a disruptive event to the delivery of Council's critical services. A BCM exercise was conducted with independent provider in June 2015. Observations were translated into recommended improvements to the crisis planning documentation and processes.  Greater alignment with Emergency Management Planning documents and processes is taking place to ensure preparedness in the case of simultaneous activation of both plans.
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### 3 CONCLUSION

The Strategic Risk Register now holds 13 risks which are regularly monitored by the Risk Management Committee and the independent Audit Committee.

#### OFFICER'S RECOMMENDATION

That Council note the Strategic Risk Register as at the 31 December 2015.

**MOVED: GOUGH**  
**SECONDED: GALBALLY**

That the Recommendation be adopted.

**CARRIED**

\* \* \* \* \*

## 13.5 MAV State Council Motions - May 2016

Responsible Director: Strategic Governance

File No. ...

The ultimate destination for this report is: COUNCIL AGENDA

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

### SUMMARY

*This report details the proposed advocacy motions to be submitted to our peak advocacy body, the Municipal Association of Victoria (MAV).*

*Each year local government is given the opportunity to submit advocacy motions to the MAV State Council (in May). The motions proposed are in response to key current issues that have potential to impact on our local community and broader population.*

*This report seeks endorsement of the proposed motions for inclusion in MAV advocacy plans*

### 1 BACKGROUND

- 1.1 The MAV is the state peak body for local government. Each year MAV provides local government with the opportunity to raise motions for adoption into their respective work plans and discussions with the State Government and key partners.
- 1.2 Motions are to be developed in response to relevant issues that either currently impact or have potential to impact our residents and that require Council consideration and endorsement.
- 1.3 A regional approach has again been taken in the preparation of the 2016 advocacy motions with the Eastern Metropolitan MAV Regional Group (consisting of Banyule, Knox, Manningham, Maroondah and Whitehorse Councils) to encourage collective support on the motions.
- 1.4 The motions are authored by one Council and sent to others in the group for high level consideration and endorsement. At this point in time Manningham has not received any other Councils motions.

### 2 PROPOSAL/ISSUE

- 2.1 The following motions have been nominated by Manningham officers and are proposed to present at State Council (see Attachment 1):
  - Metropolitan Planning Levy – review of Levy
  - Universal Access – continuation of funding
  - VCAT Planning Decisions – review of time penalty arrangements
  - Affordable Housing - provision of stimulus funding

**3 PRIORITY/TIMING**

- 3.1 The State Council meeting is on 13 May 2016. Motions must be received by the MAV by 7 April to be circulated in the motions for consideration.

**4 CONSULTATION**

- 4.1 Councillors and the Senior Management team were invited to submit motion topics.
- 4.2 Once the MAV have circulated the motions for consideration, Councillors will be invited to discuss any emerging issues or topics of interest at the Strategic Briefing Session on May 10, in order to inform the MAV Representative, Cr Paul McLeish.

**5 CONCLUSION**

- 5.1 This report seeks endorsement of four motions for inclusion in the MAV advocacy plan.

**OFFICER'S RECOMMENDATION**

**That Council endorse the advocacy motions.**

**MOVED: GALBALLY**  
**SECONDED: GRIVOKOSTOPOULOS**

**That the Recommendation be adopted.**

**CARRIED**

"Refer Attachment 1 – 2016 MAV Advocacy Motions"

\* \* \* \* \*

**14. CHIEF EXECUTIVE OFFICER**

There were no Chief Executive Officer reports.

**15. URGENT BUSINESS REPORTS**

There were no Urgent Business Reports.

**16. QUESTIONS FROM THE PUBLIC****16.1 Tatterson Reserve, Templestowe by Ms A Hinds, Templestowe**

Q1 Considering that the sale Tatterson Reserve will have a huge impact on surrounding neighbours and community, and personally a devastating impact on my family (being right next door to the reserve) and having just purchased this house, did Councilors consider such impact before making this decision and undertake a residential impact study?

*The Mayor advised that Council would certainly consider all submissions received from the public on the proposal sale of Tatterson Reserve.*

Q2 I understand that The Open Space Advisory Committee has been advising and assisting Council make decisions on important environmental and development matters for over 25 years, I also understand that the majority of members of this committee recommended not to sell Tatterson Reserve and offered alternative funding options, that may have actually netted the council a greater financial contribution, with less residential impact when asked to report back to council on their recommendations for funding of the Glenvill property. My question is were all Councilors aware of the Committee's recommendation and sufficiently briefed before voting on such an important decision for the residents of Tatterson Court and surrounding Hemmingway Estate area?

*The Acting Chief Executive Officer advised that the advice of the Open Space Advisory Committee was given in a confidential report to the Councillors before the matter was considered at the Council Meeting in February.*

**16.2 Tatterson Reserve, Templestowe by Mr V Cordi, Templestowe**

Q1 Has council purchased or agreed to purchase the land at Glenvill Court?

*The Acting Chief Executive Officer advised that she would take the question on notice but there is a Council resolution to purchase land at Glenville Court.*

Q2 If so, why was the land purchased prior to having the funds to acquire it, and how will council fund the purchase if the residents are successful in protecting Tatterson Reserve and keeping it's Reserve status?

*The Acting Chief Executive Officer advised that this matter will be dealt with in a further report to Council after the consideration of all public submissions.*

**16.3 Tatterson Reserve, Templestowe by Ms G Tham, Templestowe**

Q1 Published in the Manningham Leader dated 7 March 2016, was a letter written by Mr Graeme Wallace OAM. It was mentioned that a Councillor advised that the Council's Open Space and Streetscape Committee presented a diligent report which included alternate funding and advice not to sell Tatterson Reserve, to all the Councillors which one would expect would have read prior to making a decision at

the December 15 2015 Council meeting. Given a diligent report, was there any discussion at the meeting prior to the “seemingly unanimous” decision by all Councillors to sell the land as the minutes of the meeting did not document any discussion about the matter, nor the number of vote/s for, or against the sale, and if there were any abstention.

*The Acting Chief Executive Officer advised that consideration of the proposed sale of Tatterson Reserve was considered by Council in a confidential report.*

- Q2 The minutes of the meeting held on 15 December 2015 definitely noted, “Neither the responsible Director, Manager nor the Officer authoring this report has conflict of interest in this matter”. Why is there no notation that all Councillors were also free of conflict of interest when those mentioned above were so specifically singled out?

*The Acting Chief Executive Officer advised that if any Councillor had had a conflict of interest in this matter they needed to publicly declare that at the beginning of the meeting and if they did it would have been noted in the minutes of that meeting as is the usual procedure for Council Meetings.*

*The Mayor also advised that no Councillor had a conflict of interest in this matter or it would have been in the minutes of the Meeting.*

#### **16.4 Tatterson Reserve, Templestowe by Mr P Jenkins, Templestowe**

- Q1 In the Open Space strategy document it states that a park should ideally be 2,000 square metres. Surely diversity of size is important and the size should relate to the neighbourhood character and purpose for use? There is certainly sufficient space on Tatterson Reserve to include a few park benches for residents to enjoy. Why then is size so important in Open Space?

*The Acting Chief Executive Officer advised that the size of a park is only one criteria that is taken into consideration in line with many other elements.*

- Q2 If the resident members of the Open Space Committee suggested an alternate funding model other than selling Tatterson Reserve, how many alternatives were considered?, and what were they?

*The Acting Chief Executive Officer advised that alternative parks were considered in the confidential report.*

#### **17. QUESTIONS WITHOUT NOTICE**

There were no Questions without Notice from Councillors

**18. CONFIDENTIAL REPORTS**

**MOVED: GRIVOKOSTOPOULOS**  
**SECONDED: DOWNIE**

**That the Council consider the two confidential reports in a closed Council Meeting session as public disclosure may be prejudicial to the interests of the Council and/or other parties.**

**CARRIED**

The Meeting was closed to the public at 8.24pm to consider the following two reports.

**18.1 Manningham Centre Association - Letter Agreement of new arrangements between Council and MCA**

*This matter has been declared confidential by the Acting Chief Executive Officer pursuant to S77(2)(c) of the Local Government Act 1989. The relevant ground for making this declaration pursuant to S 89(2) of the Act is that the information contained in the report concerns contractual matters and disclosure of its contents may be prejudicial to the interests of the Council and/or other parties.*

**18.2 Audit Committee Transition Arrangements 2016 (Committee)**

*This matter has been declared confidential by the Acting Chief Executive Officer pursuant to S77(2)(c) of the Local Government Act 1989. The relevant ground for making this declaration pursuant to S 89(2) of the Act is that the information contained in the report would prejudice the Council or any person if made public.*

The Meeting was reopened to the public at 8.30pm.

The meeting concluded at 8:31pm

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Chairman  
CONFIRMED THIS 26 APRIL 2016

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