

**Planning Application PL14/024793 for 1026-1030 Doncaster Road, Doncaster - Development of the land for the construction of a part 3, part 6-storey apartment building with car parking over 3 basement levels, providing 121 dwellings**

Responsible Director: Director Planning & Environment

File No. PL14/024793

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

<b>Land:</b>	1026-1030 Doncaster Road, Doncaster East
<b>Zone</b>	Residential Growth Zone - Schedule 2 (RGZ2) and General Residential Zone - Schedule 2 (GRZ)
<b>Overlays:</b>	Design and Development Overlay – DD08-1 (Main Road sub precinct) and Design and Development Overlay – DD08-2 (Sub Precinct A)
<b>Applicant:</b>	JD Manningham Pty Ltd C/ - Ratio Consultants Pty Ltd
<b>Ward:</b>	Koonung
<b>Melway Reference:</b>	48 C1
<b>Time to consider:</b>	4 September 2015

## **SUMMARY**

*The proposal is for the demolition of all buildings and structures on the site (no planning permit required) and the construction of a part 3-storey, part 6-storey apartment style residential building providing a total of 121 dwellings above 3 levels of basement car parking and alteration of access to a road in a Road Zone Category 1.*

*The application was submitted to Council on 20 November 2014 and amended in June 2015 prior to it being advertised, in an attempt to address some of the preliminary concerns raised by officers. At the pre-application stage and throughout the process of the submitted application, officers have raised fundamental concerns on the submitted design of the proposed building. The building fails to comply with the front and rear setbacks and height controls identified in the Design and Development Overlay Schedule 8 that apply across the subject site as well as the height and built form identified in the Doncaster East Village Structure Plan.*

*The application was advertised in August 2015 and 28 objections have been received to the application, including a multi-signatory objection letter. The grounds of objection include:*

- *height, design and built form;*
- *off-site amenity concerns including visual bulk, overlooking and overshadowing, loss of view, loss of sunlight and residential noise;*
- *on-site amenity concerns including the limited open space provision for the new dwellings and a lack of existing public open space in the area to accommodate*

*the number of dwellings proposed (being contrary to Council's Open Space Strategy);*

- *traffic concerns, including inadequate on-site car parking spaces provided and the impact that this would have on existing car parking provision on-street, traffic congestion and the impact that this will have on existing services and public transport; and*
- *the proposal being an overdevelopment of the site and high density, which will ultimately create safety concerns due to the resulting increase in population.*

*Following a review of the objection letters and referral comments and a full officer assessment of the application, this report concludes that the proposed development fails to meet all relevant objectives of state and local planning policies in the Manningham Planning Scheme (the Scheme). The proposed development does not fully comply with the purpose of the zoning of the land and the policy objectives of the overlays that apply to the land. While the relevant planning controls support a higher density residential development on the subject site, the height of the proposed development greatly exceeds the maximum building height controls that apply to the land.*

*On this basis, the proposed development is not considered to be appropriate for its site context and it is recommended that Council does not support the submitted proposal.*

## 1 BACKGROUND

### Subject Site

- 1.1 The subject site is located on the south-east corner of Doncaster Road and Blackburn Road in Doncaster.



- 1.2 The subject site is located at the intersection of two (2) major roads with street frontages to Doncaster Road (north) and Blackburn Road (west). It is irregular in shape, with a frontage of approximately 53.65 metres to Doncaster Road, a splayed north-west corner, a frontage to Blackburn Road of approximately 67.73 metres and an overall site area of approximately 4,250 square metres.
- 1.3 The subject site comprises six (6) lots on separate titles and is more formally known as Lots 1, 2, 3 on TP 84051 and Lot 1 on TP 84045, 84047 and 108753.
- 1.4 The subject site is currently developed with a single-storey (split-level) concrete church building (the Doncaster Christian Fellowship), associated structures (sheds) and at-grade bitumen car parking. Existing buildings are generally located within the north-west portion of the subject site, with car

parking provided on the eastern side of the existing building fronting Doncaster Road (abutting the boundary common with number 1032 Doncaster Road) and to the south of the church building (abutting the boundaries common with numbers 2 and 4 Rupert Street and 148 Blackburn Road). Doncaster East Pre-School Centre also operates from the subject site.

- 1.5 The subject site is provided with a single-width crossover to Doncaster Road located in the north-east corner of the site. There are three (3) single-width crossovers spaced at regular intervals along the Blackburn Road frontage. Pedestrian access to the subject site is provided from Doncaster Road and Blackburn Road.
- 1.6 Landscaping is currently provided on-site along the Blackburn Road frontage, within the existing car parking areas and along site boundaries.
- 1.7 The subject site's frontage to Blackburn Road has no fencing. The site's Doncaster Road frontage has limited fencing and is partially bounded by a concrete brick front fence/wall. Fencing along the subject site's eastern and southern boundary comprises 1.6m high paling fencing, save for the fencing along the boundary common with number 4 Rupert Street, which is 2.1m high paling.
- 1.8 The topography of the subject site includes a fall from east to west of between 2.2 metres and 2.4 metres, and north to south of between 950mm and 1.6 metres.
- 1.9 There is a 1.83 metre wide easement along the site's internal northern boundary and along the eastern site boundary (namely the abuttal with land at numbers 2 and 4 Rupert Street).

#### Surrounds

- 1.10 The subject site has abuttal to four (4) lots with surrounding development described as follows:

Direction	Address	Description
North	Doncaster Road	To the site's immediate north is Doncaster Road, which is a Road Zone Category 1 (RDZ1) road. Beyond this, on the northern side of Doncaster Road (north-east corner of Doncaster Road and Blackburn Road) and opposite the subject site is a single-storey building used by the <i>Doncaster Veterinary Hospital</i> .
	1039 Doncaster Road	Land on the northern side of Doncaster Road, opposite the subject site, is located within the Residential Growth Zone Schedule 2. At number 1039 Doncaster Road the land is developed with a single-storey, multi-unit residential development.  On the north-west corner of Doncaster Road and Blackburn Road is a <i>McDonald's</i> restaurant.

Direction	Address	Description
South	148 Blackburn Road	<p>Land to the south of the subject site is located within the General Residential Zone – Schedule 2.</p> <p>Number 148 Blackburn Road is developed with a single-storey weatherboard dwelling (which is in a poor state of repair) orientated to the street, with a secluded private open space area at the rear (east side) and a driveway provided along the common boundary. Planning Permit PL12/022906 was approved for that site on 21 December 2012 <i>development of three (3) dwellings, involving alterations to the existing dwelling and the construction of two (2) two-storey dwellings, and alteration of access to a road in a Road Zone Category 1</i> but has yet to be acted on.</p> <p>Beyond this, further south, is a mix of single dwellings and multi-unit development ranging between one and two storeys in height.</p>
East	1032 and 1034 Doncaster Road 2 and 4 Rupert Street	<p>Land to the east of the subject site is located within the Residential Growth Zone – Schedule 2 (numbers 1032 and 1034 Doncaster Road are located within this zone) and the General Residential Zone – Schedule 2 (numbers 2 and 4 Rupert Street are located within this zone).</p> <p>The site abuts three (3) lots to the east, namely:</p> <ul style="list-style-type: none"> <li>land at number 1032 Doncaster Road, which is developed with a single-storey brick building occupied by a dental surgery. Beyond this, further east at number 1034 Doncaster Road is a single-storey brick building occupied by a Podiatry, Audiology and Osteopathy Clinic;</li> <li>land at number 2 Rupert Street, which is developed with a single-storey brick dwelling orientated to Rupert Street with a secluded private open space area at the rear (west side) immediately abutting the subject; and</li> <li>land at number 4 Rupert Street, which is developed with double-storey dwellings (the rear most dwelling has secluded</li> </ul>

Direction	Address	Description
		private open space area at the rear (west side) immediately abutting the subject site.
West	145 Blackburn Road 147 Blackburn Road	<p>To the site's immediate west is Blackburn Road, a Road Zone Category 1 road. A bus stop is located on Blackburn Road immediately adjacent to the subject site. Beyond this, on the western side of Blackburn Road (on the south-west corner of Blackburn Road and Doncaster Road) is a multi-level (3-storey equivalent, approximately) commercial building.</p> <p>Land at number 147 Blackburn Road, is developed with a double-storey, multi-unit development.</p> <p>Land at number 145 Blackburn Road is developed with a single-storey dwelling occupied by <i>Active Health Solutions - Physiotherapy</i>.</p> <p>Land on the western side of Blackburn Road, opposite the subject site, is located within the Commercial 1 Zone and the General Residential Zone – Schedule 2.</p>

- 1.11 Development along Doncaster Road in the vicinity of the subject site includes a mix of land uses, with commercial/retail uses to the site's west, and a mix of non-residential uses (medical practitioners, dentist etc) and residential development to the site's east. Development along this section of Blackburn Road includes a mix of commercial and non-residential uses (including a veterinary clinic) on the northern side of Doncaster Road and residential development on the southern side. Building heights in the area generally range between one and three storeys for commercial and residential development.
- 1.12 The subject site is within close proximity to a range of services including the following:
- Bus Route Nos. 151, 157, 160, 207, 286, 304, 306, 307, 901 and 906, all running along either Doncaster Road or Blackburn Road (noting a bus stop is located adjacent to the subject site along Blackburn Road);
  - Eastern Freeway, approximately 1.2km to the site's south;
  - Doncaster Principal Activity Centre, located approximately 3km to the site's west;

- Devon Plaza Neighbourhood Activity Centre and Tunstall Square Neighbourhood Activity Centre, located within 600 metres of the subject site;
- East Doncaster Secondary College, St. Peter and Paul's Primary School, Beverley Hills Primary School, Donburn Primary School, Doncaster Gardens Primary School, and Donvale Primary School/Heatherwood School, all within a 2km radius of the subject site; and
- Donvale Reserve and sports oval, Doncaster Reserve, St. Clems Reserve, Bulleen Street Reserve, Boronia Grove Reserve, all within a 1.2km radius of the subject site.

### Planning History

- 1.13 There is no planning history for the subject site relevant to this application.
- 1.14 Prior to advertising, the originally submitted proposal was amended pursuant to section 50A of the *Planning & Environment Act 1987* (the Act) by providing a third basement level of car parking (2 levels were shown on the originally submitted plans) and increasing the on-site car parking provision, providing a ground level communal garden (in lieu of a roof-top communal terrace above the 3-storey element of the building shown on the originally submitted plans), as well as some external design changes and internal reconfiguration. The proposed development was however not redesigned to take into account officer's fundamental concerns on the lack of compliance with height controls and built form prescribed in the Manningham Planning Scheme and identified in the Doncaster East Village Structure Plan.

## 2 PROPOSAL

- 2.1 The proposal includes demolition of the existing buildings and structures on the site and all trees and vegetation (no planning permit required) and the construction of an apartment style residential building (part 3-storey, part 6-storeys in height), above three (3) levels of basement car parking and alteration of access to a road in a Road Zone Category 1.
- 2.2 Details of the proposal are as follows:
- 2.3 A total of 121 dwellings including a mix of 1, 2, 3 and 4 bedroom dwellings, specifically 16 x 1 bedroom dwellings, 1 x 1 bedroom dwelling with study, 36 x 2 bedroom dwellings, 43 x 2 bedroom dwellings with study, 13 x 3 bedroom dwellings, 2 x 4 bedroom dwellings and 10 duplex dwellings fronting Doncaster Road).
- 2.4 Maximum building height of 21.64 metres.
- 2.5 Building site coverage of 52.78% (of the total site area).
- 2.6 At Basement Level 3 – 74 x car parking spaces, 60 x storage spaces for residents, central lifts to levels above, two stair access points, ramps to levels above, and 3 x underground water tanks (65,000L capacity in total).
- 2.7 At Basement Level 2 – 87 x car parking spaces, 77 x storage spaces for residents, 31 x bicycle parking spaces, central lifts to level below and levels above, two stair access points, and ramps to levels below and above.

- 2.8 At Basement Level 1 – main vehicle access from Blackburn Road, 89 x car parking spaces, 37 x bicycle parking spaces, services, refuse storage, 88 x storage spaces for residents, central lifts to levels above and below, two stair access points, and ramps to levels above and below.
- 2.9 Ground level – 4 x 1 bedroom units, 14 x 2 bedroom units, and lower level of 10 x duplex-style apartments, each provided with courtyard/terraces ranging between 20.4sqm and 74.9qm in size, main pedestrian entrance and lobby via Blackburn Road, centralised lifts and stairs to levels below and above, refuse chute, vehicle access ramp to basement level car park, 4 x visitor bicycle parking spaces, mail boxes and substation.
- 2.10 Level 1 – 2 x 1 bedroom units, 13 x 2 bedroom units, 2 x 3 bedroom units, and upper level of 10 x duplex style apartments, each provided with balconies/terraces ranging between 8.1sqm and 21.5sqm in size, refuse chute, common lobby and lifts and stairs to levels below and above.
- 2.11 Level 2 – 2 x 1 bedroom units, 19 x 2 bedroom units, and 3 x 3 bedroom units, each provided with balconies/terraces ranging between 8.1sqm and 16.7sqm in size, refuse chute, common lobby and lifts and stairs to levels below and above.
- 2.12 Level 3 – 2 x 1 bedroom units, 9 x 2 bedroom units, 1 x 3 bedroom unit, and 2 x 4-bedroom units, each provided with balconies/terraces ranging between 8.6sqm and 414.4sqm, refuse chute, common lobby and lifts and stairs to levels below and above.
- 2.13 Level 4 – 3 x 1 bedroom units, 11 x 2 bedroom units, and 1 x 3 bedroom unit, each provided with balconies/terraces ranging between 8.1sq.m and 79.4sq.m, refuse chute, common lobby and lifts and stairs to levels below and above.
- 2.14 Level 5 – 4 x 1 bedroom units, 10 x 2 bedroom units, and 1 x 3 bedroom unit, each provided with balconies/terraces ranging between 8.1sq.m and 35.8sq.m, refuse chute, common lobby and lifts and stairs to levels below and above.
- 2.15 Level 6 – 3 x 2 bedroom units, and 5 x 3 bedroom units, each provided with balconies/terraces ranging between 16.2sq.m and 124.5sq.m, refuse chute, common lobby and lifts and stairs to levels below;
- 2.16 Roof – plant equipment and north-facing solar panels.
- 2.17 A communal area is proposed to be provided at ground level, on the south and eastern sides of the development providing a landscaped garden with seating.
- 2.18 The main pedestrian entry is proposed via Blackburn Road, with a ground level lobby, three central lifts and stairs.
- 2.19 Vehicle access is proposed via the existing crossover at the south-west corner of the site, off Blackburn Road. All other existing crossovers are to be reinstated.
- 2.20 A total of 250 on-site car parking spaces provided at basement levels for residents and visitors.

- 2.21 A total of 69 on-site bicycle parking provided over the ground and basement levels. Of these, there would be 56 on-site resident bicycle parking spaces and 13 visitor bicycle parking spaces.
- 2.22 The building would be of modern contemporary construction, comprising a range of building materials including select concrete finish, tile cladding, timber cladding, metal finish, applied finish and glazing. The development would have a flat roof form.
- 2.23 Fencing would be provided along the Doncaster Road and Blackburn Road frontages in the form of semi-transparent fencing and solid planters up to 2.24 metres in height (maximum).

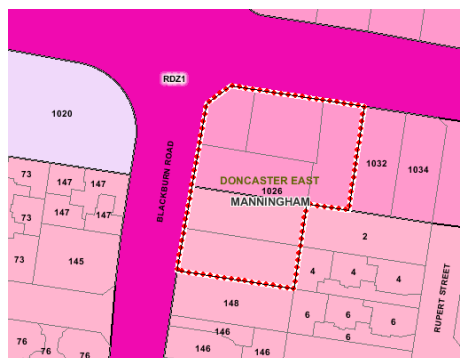
### Relevant Legislation

- 2.24 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.
- 2.25 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;*
  - *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.*

### Manningham Planning Scheme (the Scheme)

#### Zoning

- 2.26 The subject site is located in the General Residential Zone and the Residential Growth Zone (see map below):





### General Residential Zone

2.27 The **southern** portion of the subject site (which equates to approximately 1,598sqm) is located in the General Residential Zone. The purpose of the General Residential Zone (clause 32.08) is:

- *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.*

2.28 A dwelling is a section 1 use (no permit required) under the zone.

2.29 Pursuant to clause 32.08-4 of the Scheme, a planning permit is required to construct two or more dwellings on a lot in this zone. The requirements of Clause 55 (Two or more buildings on a lot and residential buildings) of the Scheme do not apply as the development is over five storeys in height.

2.30 Pursuant to clause 32.08-7 of the Scheme (Maximum building height requirement for a dwelling or residential building) the maximum height of a residential building must not exceed the building height specified in a schedule to the zone (where no building height is specified, the requirement set out in the relevant standard of Clause 54 and Clause 55 of the Scheme applies).

2.31 Schedule 2 to the General Residential Zone (Residential areas surrounding activity centres and along main roads sub precincts A and B) applies. There is no maximum building height requirement specified for a residential building in that schedule and there are no decision guidelines specified. As such, the following decision guidelines at clause 32.08-10 of the Scheme apply to the proposal:

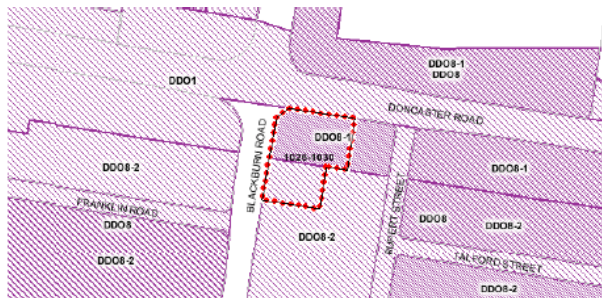
- *Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of this zone.*
- *Any other decision guidelines specified in a schedule to this zone.*
- *For a development of five or more storeys, excluding a basement, the Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment 2004).*

### Residential Growth Zone

- 2.32 The **northern** portion of the subject site (which equates to approximately 2,646sqm) is located in the Residential Growth Zone. The purpose of the Residential Growth Zone (clause 32.07 of the Scheme) is:
- *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.*
- 2.33 A dwelling is a section 1 use (no permit required) under the zone.
- 2.34 Pursuant to clause 32.07-7 of the Scheme, a planning permit is required to construct two or more dwellings on a lot in this zone. The requirements of clause 55 of the Scheme do not apply to a development if is over five storeys in height.
- 2.35 Pursuant to clause 32.07-7 of the Scheme (Maximum building height requirement for a dwelling or residential building) the maximum height of a residential building must not exceed the building height specified in a schedule to the zone and if no building height is specified, the maximum building height should not exceed 13.5 metres unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building should not exceed 14.5 metres.
- 2.36 Schedule 2 to the Residential Growth Zone applies to the northern portion of the subject site (Residential areas along main roads) and there is no maximum building height requirement specified in that schedule for a residential building and no decision guidelines are specified. The decision guidelines at clause 32.07-11 of the Scheme for development in the GRZ therefore apply, noting that these are essentially the same as the decision guidelines for development within the RGZ.
- 2.37 Pursuant to clause 32.07-8 (Buildings on lots that abut another residential zone) of the Scheme, a building or works constructed abutting land in a General Residential Zone, Neighbourhood Residential Zone or Township Zone must meet the requirements of Clauses 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 of the Scheme along that boundary. While pursuant to clause 32.07-7 of the Scheme, the requirements of clause 55 of the Scheme do not apply to a development if is over five storeys in height, pursuant to clause 32.07-8 of the Scheme, the requirements of these specific ResCode clauses apply to the portion of the proposed building which abuts number 2 Rupert Street.

## Overlays

- 2.38 The subject site is covered by the Design and Development Overlay (DDO) and is affected by Schedule 8 to the DDO (DDO8). 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.



- 2.39 Pursuant to the DDO and (relevant) decision guidelines at clause 42.03-5 of the Scheme, the Responsible Authority must consider, as appropriate, the following:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The design objectives of the relevant schedule to this overlay.*
- *The provisions of any relevant policies and urban design guidelines.*
- *Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- *Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- *The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking.*

- 2.40 The DDO8 (Residential areas surrounding activity centres and along main roads) directs the Responsible Authority to consider the following (relevant) design objectives:

- *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.*
- 2.41 Pursuant to clause 2 (Building height and setbacks) of the DDO8, building or works must comply with the requirements set out in the tables to the Schedule. A permit cannot be granted to vary the minimum land size or the configuration specified in the table and a permit cannot be granted to vary the Maximum Building Height specified in the table.
- 2.42 For sub-precinct DDO8-1 (Main Road sub precinct) and for sub-precinct DDO8-2 (Sub precinct A) the table 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.

2.43 The DDO8 directs that development must meet the following:

Form

- *Ensure that the site area covered by buildings does not exceed 60 percent.*
- *Provide visual interest through articulation, glazing and variation in materials and textures.*
- *Minimise buildings on boundaries to create spacing between developments.*
- *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.*
- *Where appropriate, ensure that buildings are designed to step with the slope of the land.*
- *Avoid reliance on below ground light courts for any habitable rooms.*
- *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.*
- *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.*
- *Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos.*
- *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. Be designed to minimise overlooking and avoid the excessive application of screen devices.*
- *Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all mobilities.*
- *Ensure the projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties.*
- *Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site.*
- *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.*

- *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.*
- *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.*
- *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.*

#### Car parking and Access

- *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.*
- *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.*
- *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*
- *Ensure that access gradients of basements car parks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements.*

#### Landscaping

##### *Development must:*

- *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; or*
- *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; and*
- *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.*

#### Fencing

- *A front fence must be at least 50 per cent transparent.*
- *On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn and Mitcham Roads, a fence must:*

- *not exceed a maximum height of 1.8m;*
  - *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.*
- 2.44 Acknowledging the different zoning and DDO8 controls across the subject site, the following policy summary is provided:
- 2.45 The northern portion of the subject site is located in the **RGZ** and is covered by the **DDO8-1 (Main Road sub precinct)**. In terms of specific design objectives, policy at clause 21.05 of the Scheme supports a three-storey 'apartment style' development within this sub-precinct. In terms of height, the RGZ supports a height of 13.5 metres, however Schedule 2 to the RGZ specifies no maximum building height for a residential building. The height control is at the DDO8-1 which supports a maximum building height of 11 metres due to the slope of the land. The DDO8-1 height control is discretionary whereby Council can consider a variation to this height. In terms of building setbacks, the DDO8-1 prescribes a minimum front (street) setback from Doncaster Road of 6 metres, noting that the site has a secondary frontage to Blackburn Road. The DDO8 prescribes a 4 metre setback for the basement from the rear site boundaries, landscaping provision in the side and rear setbacks and fence heights of 1.8 metre maximum, with a 1 metre setback for any fence fronting Doncaster Road and Blackburn Road.
- 2.46 Pursuant to clause 32.07-8 (Buildings on lots that abut another residential zone) of the Scheme, a building or works constructed abutting land in a General Residential Zone must meet the requirements of Clause 55.04-1 (Side and rear setbacks), Clause 55.04-2 (walls on boundaries), Clause 55.04-3 (Daylight to existing windows), Clause 55.04-5 (Overshadowing open spaces) and Clause 55.04-6 (Overlooking) of the Scheme along that boundary. The requirements of these ResCode clauses therefore apply to the portion of the proposed building which has a boundary common with number 2 Rupert Street.
- 2.47 The southern portion of the subject site is located in the GRZ and is covered by the **DDO8-2 (Residential areas surrounding activity centres and along main roads)**. In terms of specific design objectives, policy supports a three-storey 'apartment style' development. In terms of height, the GRZ does not specify a height requirement. The DDO8-2 supports a maximum building height of 10 metres and this height control is mandatory whereby Council cannot consider or approve a planning permit to vary this height. In terms of building setbacks, the DDO8-2 prescribes a minimum front (street) setback of 6 metres and a 4 metre setback for the basement from the rear site boundary, landscaping provision in the side and rear setbacks of the building, and maximum fence heights of 1.8m with a 1 metre setback for any fence fronting Blackburn Road.

#### State Planning Policy Framework

- 2.48 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.*

- 2.49 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.*
- 2.50 It is a requirement of this clause, as well as other clauses within the SPPF, to have regard to the following policy documents where relevant:
- *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)*
- 2.51 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.*
- 2.52 Clause 15.01-2 (Urban Design Principle) policy objective is:
- *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*
- 2.53 The strategy to achieve this is to apply the listed strategies to development proposals for non-residential development or residential development not covered by Clause 54, Clause 55 or Clause 56.
- 2.54 Under this Clause, Responsible Authorities are also required to have regard to the Department of Sustainability and Environment's (DSE) *Design Guidelines for Higher Density Housing*, which is referenced at Clause 15.01 of the Scheme.



- 2.55 The strategies include the application of design principles to the proposed development relating to context, public realm, safety, pedestrian spaces, energy and resource efficiency, architectural quality and landscape quality.
- 2.56 Clause 15.01-4 (Design for Safety) policy objective is:
- *To improve community safety and encourage neighbourhood design that makes people feel safe.*
- 2.57 The policy 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.
- 2.58 Clause 15.01-5 (Cultural Identity and Neighbourhood Character) policy objective is:
- *To recognise and protect cultural identity, neighbourhood character and sense of place.*
- 2.59 The clause includes several strategies to achieve this objective, including to:
- *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 by emphasising:*
    - *The underlying natural landscape character.*
    - *The heritage values and built form that reflect community identity.*
    - *The values, needs and aspirations of the community.*
- 2.60 Clause 15.02-1 Sustainable development: Energy and resource efficiency has the policy objective:
- *To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*
- 2.61 The clause has the following strategies:
- *Ensure that buildings and subdivision design improves efficiency in energy use.*
  - *Promote consolidation of urban development and integration of land use and transport.*
  - *Improve efficiency in energy use through greater use of renewable energy.*
  - *Support low energy forms of transport such as walking and cycling.*
- 2.62 Clause 16.01-1 Residential development: Integrated housing policy objective is:
- *To promote a housing market that meets community needs.*

- 2.63 The clause has the following strategies:
- *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.*
  - *Ensure that the planning system supports the appropriate quantity, quality and type of housing, including the provision of aged care facilities.*
  - *Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.*
  - *Encourage housing that is both water efficient and energy efficient.*
- 2.64 Clause 16.01-2 Residential development: Location of residential development policy objective is:
- *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.*
- 2.65 The clause includes several strategies to achieve this objective, they include:
- *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.*
  - *Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.*
  - *Ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development.*
  - *Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.*
  - *Identify opportunities for increased residential densities to help consolidate urban areas.*
- 2.66 Clause 16.01-3 Strategic redevelopment sites policy objective is:
- *To identify strategic redevelopment sites for large residential development in Metropolitan Melbourne.*
- 2.67 Specific reference is made at clause 16.01-3 to “strategic redevelopment sites” which are described as:
- *in and around Central Activity Centres;*
  - *in or within easy walking distance of Principal or Major Activity Centres;*

- *in or beside Neighbourhood Activity Centres that are well served by public transport;*
  - *on or abutting tram, train, light rail and bus routes that are part of the Principal Public Transport Network and close to employment corridors, Central Activities Districts, Principal or Major Activity Centres;*
  - *in or near major modal public transport interchanges that are not in Principal or Major Activity Centres;*
  - *able to provide ten or more dwellings, close to activity centres and well served by public transport.*
- 2.68 Clause 16.01-4 Housing diversity policy objective is:
- *To provide for a range of housing types to meet increasingly diverse needs.*
- 2.69 Clause 16.01-5 seeks to deliver more affordable housing closer to jobs, transport and services.
- 2.70 Clause 18.01-1 Integrated Transport: Land use and transport planning policy objective is:
- *To create a safe and sustainable transport system by integrating land-use and transport.*
- 2.71 Clause 18.01-2 seeks to encourage higher land use densities and mixed use developments near railway stations, major bus terminals, transport interchanges, tramways and principal bus routes.
- 2.72 Clause 18.02-1 Movement networks: Sustainable personal transport policy objective is:
- *To promote the use of sustainable personal transport.*
- 2.73 Clause 18.02-2 Cycling policy objective is:
- *To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.*
- 2.74 The clause includes several strategies to achieve this objective including the following:
- *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.*
- 2.75 Clause 18.02-4 – Management of the road system 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.*
- 2.76 Clause 18.02-5 Car parking policy objective is:
- *To ensure an adequate supply of car parking that is appropriately designed and located.*

- 2.77 The policy is relevant to the proposal because the application meets the minimum car parking requirements however there is a lot of objector concern relating to on-site car parking provision. The policy objective is to ensure an adequate supply of car parking that is appropriately designed and located. It is also required to allocate or require land to be set aside for car parking subject to the existing and potential modes of access, including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking. Proposals are also encouraged to facilitate the use of public transport.

#### Local Planning Policy Framework

##### Municipal Strategic Statement (MSS)

- 2.78 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 would lead to an imbalance between the housing needs of the population and the actual housing stock that is available.
- 2.79 The 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.
- 2.80 Clause 21.05 (Residential) of the Scheme applies to the subject site in light of the subject site being zoned General Residential and Residential Growth.
- 2.81 Clause 21.05 of the Scheme recognises that infill residential development and redevelopment of key strategic sites that consolidate the role of established urban areas and reduce developmental pressure in the areas with environmental values will be encouraged. The key emerging trend is the smaller household type and there is a need identified for a greater mix of housing in the form of medium and higher density residential developments with the latter encouraged by policy to be in close proximity to activity centres and along major roads and transport routes. Key Redevelopment sites offer urban consolidation opportunities in well serviced areas and localities. The subject site is not identified in the Scheme as a Key Redevelopment Site in Manningham.
- 2.82 Clause 21.05 of the Scheme includes key strategic directions for future residential development and of the four Residential Character Precincts at this clause, the subject site is identified as being within '*Precinct 2 - Residential Areas Surrounding Activity Centres and along Main Roads*'. The precincts seek to channel increased housing densities around activity centres and main roads where facilities and services are available.
- 2.83 Precinct 2 (*Residential Areas Surrounding Activity Centres and along Main Roads*) applies to the areas surrounding activity centres (Bulleen Plaza, Tunstall Square, Macedon Square, Jackson Court, Donburn, Devon Plaza, Templestowe Village, The Pines and Doncaster Hill) and the areas along Main Roads. The Doncaster Hill Activity Centre is regarded as the prime location for redevelopment for residential, commercial and community uses in the municipality. The main roads identified in this precinct include

Doncaster Road and Blackburn Road. These areas are developed with a range of commercial and residential uses. Whilst landscaping exists along the main roads, there are opportunities to introduce better landscaping and improve the appearance of the main roads. A substantial level of change is anticipated in Precinct 2 with these areas being a focus for higher density developments.

- 2.84 That said, policy at clause 21.05 of the Scheme also sets out the main DDO8 requirements (development style, minimum lot size and maximum site coverage) and for the Main Road and sub-precinct A the policy explicitly requires higher developments to 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.
- 2.85 Development in Precinct 2 should:
- *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.*
- 2.86 The MSS therefore recognises that while there is a need to consolidate, accommodate housing growth and provide a diversity of appropriate housing, there is also a need to assess the potential impact of new development on the surrounding area and achieve an appropriate scale and form of residential development and appropriately consider its impact on neighbourhood character. Strategies also seek to ensure that development is designed to provide a high level of internal amenity for residents.
- 2.87 Clause 21.05 of the Scheme identifies the subject site as being an area of *substantial change*.
- 2.88 Clause 21.09 (Activity Centre and Commercial Areas) of the Scheme outlines that *principal, major and identified neighbourhood activity centres will be the focus of increased residential growth and development*. The subject site is located outside the Doncaster Hill Principal Activity Centre where Council has actively delineated various precincts in accordance with their topographic orientation and aspect on Doncaster Hill, their relationship to main roads, and their present and future uses. Further, it is located just outside the Doncaster East Neighbourhood Activity Centre.
- 2.89 Clause 21.10 (Ecologically Sustainable Development) of the Scheme highlights Council's commitment to environmental sustainable design (ESD) and outlines a number of ESD principles to which regard must be given. These include building energy management, water sensitive design, external

environmental amenity, waste management, quality of public and private realm and transport.

#### Local Planning Policy

- 2.90 Clause 22.08 (Safety through urban design) of the Scheme seeks to provide and maintain a safer physical environment for those who live in, work in or visit Manningham. The policy seeks attractive, vibrant and walkable public spaces where crime, graffiti and vandalism is minimised.
- 2.91 Clause 22.09 (Access for disabled people) of the Scheme 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

- 2.92 Clause 52.06 (Car Parking) of the Scheme requires that before a new use commences or the floor area or site area of an existing use is increased, that the number of car parking spaces required by the Scheme are provided.
- 2.93 For a dwelling, clause 52.06-5 of the Scheme requires the following number of car parking spaces to be provided for residents:
- 1 space to each one or 2 bedroom dwelling; and
  - 2 spaces to each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedroom); and
  - for visitors, 1 space to every five dwellings for development of 5 or more dwellings.
- 2.94 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.
- 2.95 Pursuant to clause 52.29 (Land adjacent to a Road Zone Category 1) of the Scheme, a planning permit is required to alter access to a road in a Road Zone Category 1. The proposal includes alteration to the Doncaster Road vehicle access by virtue of reinstating a crossover and a realigned access to Blackburn Road and use of this as the main vehicle access for the 121 dwellings. As such, a planning permit is required under this clause and a referral is required to Vic Roads under this provision.
- 2.96 Clause 52.34 (Bicycle facilities) of the Scheme encourages cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces. Clause 52.34-1 of the Scheme states that a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.
- 2.97 Pursuant to clause 52.34-3 of the Scheme, in developments of four or more levels, 1 resident bicycle parking space should be provided for every 5 dwellings and 1 visitor space for every 10 dwellings.
- 2.98 The decision guidelines at clause 52.34 set out the following:

- *Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:*
  - *Whether the proposed number, location and design of bicycle facilities meets the purpose of this clause.*
  - *The location of the proposed land use and the distance a cyclist would need to travel to reach the land.*
  - *The users of the land and their opportunities for bicycle travel.*
  - *Whether showers and change rooms provided on the land for users other than cyclists are available to cyclists.*
  - *The opportunities for sharing of bicycle facilities by multiple uses, either because of variation of bicycle parking demand over time or because of efficiencies gained from the consolidation of shared bicycle facilities.*
  - *Australian Standard AS 2890.3 1993 parking facilities Part 3: Bicycle parking facilities.*
  - *Any relevant bicycle parking strategy or equivalent.*
- 2.99 Clause 52.35 (Urban Context Report and Design Response for Residential Development of Four or More Storeys) of the Scheme states that, pursuant to clause 52.35-01 of the Scheme, a development of four or more storeys must be accompanied by an urban context report and a design response. These were satisfactorily provided.
- 2.100 Clause 52.36 (Integrated Public Transport Planning) of the Scheme and specifically clause 52.36-1 of the Scheme states that an application for more than 60 dwellings must be referred in accordance with section 55 of the Act to the Director of Public Transport. The application has been referred to the Director of Public Transport (Public Transport Victoria) and their referral comments are detailed later in this report.

#### General Provisions

- 2.101 Clause 65 (Decision Guidelines) of the Scheme outlines that before deciding on an application, the responsible authority must consider, as appropriate (and relevant):
- *the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
  - *the purpose of the zone, overlay or other provision;*
  - *any matter required to be considered in the zone, overlay or other provision;*
  - *the orderly planning of the area;*
  - *the effect on the amenity of the area;*
  - *the proximity of the land to any public land;*
  - *whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*

### Other relevant document

2.102 The Doncaster East Village Structure Plan (dated November 2011 and updated in July 2012) includes the subject site in its study area and illustrates Council's vision to allow the consideration of a 13.5 metre height on the subject site. The Doncaster East Village Structure Plan (while not an adopted document in the Scheme) has built form strategies that must be appropriately considered to support a height of 13.5 metres. Such strategies include the need for developments to be well designed and site responsive and provide appropriate height transitioning and limit off-site amenity to adjoining residential zones.

## **3 PRIORITY/TIMING**

3.1 The statutory time for considering a planning application is 60 days. An application to amend the originally submitted application pursuant to section 50 of the *Planning & Environment Act 1987* was received by Council on 12 June 2015 (plans were later submitted on 10 July 2015). Allowing for the time taken to advertise the application (which occurred in August 2015), the statutory time lapsed on 11 September 2015.

## **4 ASSESSMENT**

4.1 The proposed development is an apartment style building with 3-storey and 6-storey components. For assessment purposes, the proposed development will be assessed in its entirety. In other words, while the proposed building has a 3-storey component (which technically triggers an assessment against clause 55 of the Scheme), the development will be assessed as a 6-storey development given that it spans across the subject site and has common basement levels. Further, the subject site is located on a corner and is irregular in shape (an L-shape) and what constitutes the site's rear and side, site boundaries is not clear by definition. For assessment purposes the sites street address to Doncaster Road is considered to be the front site boundary with its frontage to Blackburn Road being a secondary street frontage. The site's southern boundary (abutting 148 Blackburn Road) is defined as its rear site boundary and the eastern site boundaries (abutting 1032 Doncaster Road and 2 and 4 Rupert Street) are defined as side site boundaries.

4.2 Following is an assessment of the proposal against:

- Relevant policy
- Zoning and overlay requirements (including height, design and built form policy in the Scheme)
- Off-site amenity
- On-site amenity
- Traffic, car parking and bicycle parking.

Relevant policy

4.3 When assessing the proposal against both state and local policies, there is clear support for development of the land in terms of urban consolidation and a proposed increase in density. Specific reference is made at clause 16.01-3 of the Scheme as to what constitutes a strategic redevelopment site. While the subject site is not identified in the Scheme as a Key Redevelopment Site



in Manningham or a Strategic Redevelopment Site, it clearly has many of the attributes of a strategic redevelopment site identified at this clause.

- 4.4 State policy provides strategic support for consolidating urban areas which are well connected to facilities including public transport and services, especially areas which are close to an activity centre or considered by policy to be a strategic development site. The subject site is well serviced by infrastructure (including public transport) and community services. Development of the subject site would ensure efficient use of infrastructure and is consistent with state policy which directs higher density residential development to more strategic redevelopment sites.
- 4.5 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. That said, there are land use policy objectives in the Scheme that encourage commercial uses at the lower level of buildings which have high-density above. This is not achieved in the submitted design given that a residential only use is proposed on all levels of the development.

**Zoning and overlay requirements (including design, height and requirement of built form policy in the Scheme)**

- 4.6 Section 2 of this report outlines the purposes and objectives of the residential zones that apply to the subject site, including the specific visions for the sub precinct. However, the DDO8 controls are more prescriptive and set out a number of mandatory and preferred maximums/minimums for buildings within the DDO8 areas. These mainly relate to the scale of the development, such as height, and the requirements establishing a three-dimensional building envelope for each site. A planning permit may or may not be issued where a maximum or minimum is preferred and has not been met.
- 4.7 Clause 43.02 of the Scheme (Schedule 8 to the Design and Development Overlay) provides a list of design objectives at clause 1 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. Following, is an assessment of the proposal which brings into play the series of DDO8 guidelines.

Building Height

- 4.8 The **northern portion** of the subject site is located in the RGZ2 and is covered by the DDO8-1 (Main Road sub precinct). Based on the consolidated lot size for the northern portion of the site (which exceeds 1,800sqm) the DDO8 prescribes a maximum building height of 11 metres. The proposed development (a 6-storey component) has a maximum building height in excess of 20 metres in parts. This exceeds the maximum building height by approximately 9 metres (realistically equating to approximately 2-3 levels).
- 4.9 It is acknowledged that the height control for the northern portion of the site, covered by the DDO8-1, is a discretionary height control under the DDO8. Council therefore has the discretion to vary the height. It is further acknowledged that the Doncaster East Village Structure Plan illustrates Council's vision to allow the consideration of a 13.5 metre height on the subject site.

- 4.10 The lack of compliance with the relevant height controls across the subject site is a fundamental concern of officers. While there is policy support for a building height up to 13.5 metres and Council has the discretion to vary the height, the proposed height of the northern-most portion of the building exceeds even 13.5 metres, by approximately 7 metres. Further, the excess height is spread across almost the full extent of the northern portion of the subject site, rather than being confined to street frontages or limited to design elements or 'pop-up' features where excess height could have less of an impact.
- 4.11 The Doncaster East Village Structure Plan (while not an adopted document in the Scheme) has built form strategies that must be appropriately considered to support a height of 13.5 metres. Such strategies include the need for developments to be well designed and site responsive and provide appropriate height transitioning and limit off-site amenity to adjoining residential zones.
- 4.12 There is some height variation eastwards along Doncaster Road (which is generally acceptable for the zone and street frontage) and there is more abrupt transitioning between the 6-storey and 3-storey components of the building from north to south. Overall it is considered that height transitioning is limited and is not site responsive and the starting point of any transitioning in height should be from the maximum height allowable under policy (13.5 metres), not from the starting point of the proposed maximum height which is in excess of 20 metres.
- 4.13 The **southern portion** of the subject site is located in the GRZ and is covered by the DDO8-2 (Sub precinct A) and for the consolidated lot size of in excess of 1,800sqm the DDO8 prescribes a maximum building height of 10 metres. This height control is mandatory (in other words a planning permit cannot vary this height requirement). The building reaches a height of 10.94 metres (south and east walls), which exceeds the mandatory height control. This portion of the proposed development has sensitive interfaces to the south and east where levels of residential amenity are high and appropriate height and height transitioning must be afforded. This is not achieved in the submitted form.

#### Building Setbacks

- 4.14 The DDO8 prescribes a front setback of 6m (minimum) and a basement (rear) setback of 4m. These setbacks are preferred minimum requirements (in other words, a permit may be granted to vary the minimum side and rear setbacks specified in the precinct provisions) and minor buildings elements such as balconies, sunshades and screens can be constructed within the setbacks specified, provided they are designed and located to the satisfaction of the Responsible Authority.
- 4.15 For the northern portion, the building has setbacks of 3.9m at each basement level, 0.7m at ground floor, 5.69m (3.67m to balcony edge) at first floor, between 5m and 5.3m at level 2, between 5m and 5.6m at levels 3 to 5 and a setback of 8m at level 6. These setbacks do not meet the DDO8 requirements (the required setbacks are met at level 6 only).
- 4.16 For the southern portion of the building, from Blackburn Road, the building is setback between 2.9m and 3.3m at each basement level, 5m (minimum) at ground level and 4.13m (minimum) at each upper level. In terms of the 4m

rear basement setback requirement of the DDO8, the building is setback 4m (each basement level) from the boundary with 148 Blackburn Road (to the south). The building includes a 4.2m setback at each basement level to 2 Rupert Street (east).

- 4.17 The lack of compliance with the street setbacks prescribed under the DDO8 is a fundamental concern. This lack of compliance generates a scenario where considerable bulk and massing would be imposed on the street frontages. Further, it eliminates the ability to provide appropriate or meaningful soft landscaping in-ground along the street frontages.
- 4.18 In relation to side setbacks:
- For the northern portion of the building, from the eastern site boundary (1032 Doncaster Road) the proposal includes setbacks of 4.6m at each basement level, 2.5m at ground floor up to level 3, 6.5m at level 4, 8.5m at level 5 and 13.1m at level 6.
  - For the northern portion of the building, from its southern site boundary with 2 Rupert Street, the proposal includes setbacks of 4m at each basement level, 9.4m at ground floor (7.2m setback to terrace edge), 9.5m (minimum) at levels 1 to 3, 13.1m at level 4, and 15.2m at levels 5 and 6.
  - For the southern portion of the building, from its eastern site boundary (with 2 and 4 Rupert Street) the proposal includes setbacks of 4.24m at each basement level, 3m at ground floor (2m setback to balcony edges) and 9m setback at levels 1 and 2.
  - For the southern portion of the building, from its southern site boundary (with 148 Blackburn Road) the proposal includes setbacks of 5.27m (with terraces encroaching into this setback) at ground level, 5.17m (minimum) at level 1 and 2, and 9m and 34.4m at second floor.
- 4.19 Overall, the proposed setbacks are considered unreasonable for the site context and envisaged for the site under the DDO8. Neither appropriate space nor appropriate provision of screen planting along site boundaries and between buildings is achieved in the submitted form. The inability to plant in-ground screen planting above the basement levels also eliminates the ability to provide meaningful soft landscaping to appropriately screen the development.
- 4.20 In addition to the DD08 requirements, the northern portion of the site is in the GRZ and has an abuttal to 2 Rupert Street and must meet the requirements of Clause 55.04-1 (Side and rear setbacks) of the Scheme which has a policy objective to *limit the impact on the amenity of existing dwellings*. The impact on the south and the south-east adjoining dwellings is considered unreasonable for the site context.
- 4.21 The proposed development is not considered to be site responsive to the sensitive interfaces in terms of appropriate height, setbacks and transitioning or façade articulation.

Form

- 4.22 The proposed site area covered by buildings would be approximately 53% which meets the DDO8 policy of buildings not exceeding 60%. However this figure is obviously low due to the vertical design of the proposed built form.
- 4.23 In terms of the overall design response, the proposed development meets the policy intent of clause 21.05 of the Scheme and the DDO8 which prescribe an 'apartment style' development. While officers are generally supportive of the overall style of development proposed, the built form submitted is not supported. The height, setbacks and limited height transitioning across the site does not acknowledge the different zoning and DDO8 controls that apply to the land and the development is not site responsive in terms of its impact on adjoining land.
- 4.24 In terms of fencing, the DDO8 requires a front fence to be at least 50% transparent and for the street frontages to Doncaster Road and Blackburn Road policy supports fence heights up to 1.8 metres with 1 metre setbacks providing for continuous landscaping. The proposed fencing along the Doncaster Road and Blackburn Road frontage includes retaining walls and planter boxes atop which does not meet these policy requirements.
- 4.25 While the proposed built form steps down in scale across the site, the transitioning is not appropriate for the building given that the maximum height exceeds that used as a starting point under the policy. There will be an unreasonable level of height transition to the sensitive interface with land in the GRZ. The scale of the proposed development is not consistent with the expectation of development outlined in the DDO8 nor is it respectful of the site's physical context.
- 4.26 Notwithstanding any policy support for the site's redevelopment, urban consolidation is not the only relevant planning consideration. The DDO8 requirement is to provide visual interest, create spacing between developments and provide a transition to the scale of the adjoining residential area. Good design, neighbourhood character and amenity considerations must also be considered (as outlined at clauses 15.01 of the Scheme) as well as supplementary guidance within the Guidelines for Higher Density Residential Development (the DSE Guidelines). All of the provisions and guidelines support development that responds to the existing or preferred neighbourhood character. Particular regard must be had to the acceptability of the design in terms of height and massing, street setbacks and relationship to adjoining buildings.
- 4.27 Consideration of the built form and design of the proposed development will therefore be assessed under each of the sub headings (urban design principles) at clause 15.01-2 of the Scheme, in the following sections:

*Context*

- 4.28 The subject site is located on the southern side of Doncaster Road which is characterised by a mix of development types. While an important component of the subject site's context is its interface to Doncaster Road and proximity to an activity centre, so too is the appropriateness of the proposed development and the built form character of the surrounding area. The DSE Guidelines require new development to be informed by a comprehensive understanding of the site context to ensure buildings respond creatively to their existing context and to agreed aspirations for the future development of the area.

- 4.29 Objective 2.1 of the DSE Guidelines and policy at clause 15.01-5 of the Scheme seek to recognise and protect neighbourhood character and sense of place by development that responds and contributes to the existing sense of place and identity. They also seek to ensure that development responds to its context and reinforces special characteristics of local environment and built form that reflect community identity. For the subject site, the 'identity' is predominantly low-rise residential built form to the south and east with larger scale commercial built form fronting Doncaster Road. Development of the subject site needs to have regard to proportion, scale and relationships that constitutes the adjoining residential character and overall it is considered that the changes shown on the plans in regard to the transitioning have not given appropriate regard for the residential built form adjoining the subject site. The design detailing would not go far enough to mitigate the scale and bulk of the proposed building when viewed from the south and south-east. The proposed development is not an appropriate response to the constraints of the subject site and does not respond to the site context or provide a reasonable level of amenity to future occupants and adjoining properties.

*Public realm and safety*

- 4.30 The proposed development would, in principle, create an urban environment that enhances personal safety and property security, where people feel safe to live, work and move in at any time. Clause 15.01-2 of the Scheme seeks to protect and enhance the public realm (which includes pedestrian spaces, streets, parks and walkways). The subject site has street frontages to Doncaster Road and Blackburn Road and the proposed development would provide some degree of 'active' street frontages at the ground level and passive surveillance of the public realm at the upper levels. However the front fencing type and lack of front setbacks would increase the visual bulk of the building to the street frontages.
- 4.31 The DDO8 seeks to include *only one crossover where possible with driveways set back a minimum of 1.5m from any street tree*, except in cases where a larger tree requires an increased setback. The proposed development includes one (1) vehicle crossover from Blackburn Road with a roller door appropriately set back from the street frontage. The accessway is located immediately south of a bus stop. Council's traffic engineers have raised concerns in relation to sightlines and pedestrian safety. At the time of writing this report, Vic Roads had not provided comments on the proposal.

*Landmarks, views and vistas*

- 4.32 The proposed development would not have a negative impact on any landmarks, views or vistas specified in the Scheme.

*Pedestrian spaces*

- 4.33 The proposed development would include a main pedestrian entrance from Blackburn Road and, for the duplexes, pedestrian entrances would be provided immediately from Doncaster Road. This would provide some level of activation and visual interest to the public realm.

*Consolidation of sites and empty sites*

- 4.34 Site consolidation has undoubtedly created a viable development proposal which in theory could provide an improved contribution to the optimal development of the site. While the proposed building would extend across all

lots it is considered to be an inappropriate response to the subject site and its physical context.

*Light and shade*

- 4.35 Due to the orientation of the subject site, the proposed development would not result in any overshadowing of Doncaster Road. While overshadowing would occur on Blackburn Road in the morning the site's location in an urban location would inevitably result in some degree of overshadowing to public realm when re-developed.
- 4.36 The proposed development would overshadow the southern and south-eastern adjoining lots in the afternoon, and these lots are developed with single dwellings and located in the GRZ. This will be fully assessed later in this report.

*Energy and resource efficiency*

- 4.37 Redevelopment of the site (in an existing built up area) would make efficient use of existing infrastructure and services, and the close proximity of the subject site to public transport would potentially reduce the need for future residents relying on private vehicles. The submitted design response and architectural quality are generally supported (albeit it not in the submitted form or the proposed setbacks, height or height transitioning).
- 4.38 The building setbacks and internal configuration has not fully considered daylight penetration or cross-ventilation to all of the new dwellings. Dwellings are single-aspect and the lower level dwellings in particular would have compromised levels of sunlight penetration, due to fencing and retaining walls and screening required to terraces.
- 4.39 The DDO8 in particular seeks to avoid reliance on below ground light courts for any habitable rooms. This is not achieved in the proposed development and the duplex dwellings fronting Doncaster Road include below-ground light courts. Due to the cross fall and lack of excavation across the site, the lower level dwellings would also have compromised levels of light afforded to them.

*Architectural quality*

- 4.40 The building has been well-designed in principle and each elevation is unique and would offer a legible and coherent presentation that is dynamic and visually stimulating. Colour perspectives lodged with the application demonstrate that overall the building incorporates materials and a colour palette with a variety of textures and tones to provide a reasonable level of visual interest and articulation consistent with similar multi-unit developments in the locality. The construction materials have been well considered. Views of the building would be afforded 'in the round' and from all approaches to the site.
- 4.41 The DDO8 specifies that *the upper level of a three storey building must 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*. The upper levels of the building are smaller than the ground floors, however the intent of the design guideline is to reduce visual bulk and minimise continuous sheer wall presentation. This is not fully achieved (particularly on the southern sides of the building).

- 4.42 While officers are generally supportive of the style of development, the starting points for any new development on the site (height, transitioning and setbacks) prescribed by policy have not been achieved. The articulation provided in the materials does not in this instance compensate for a built form that fails to meet other design element requirements (in other words building height and setbacks).
- 4.43 While there is policy support for a 'substantial change' for the precinct in terms of development, the level of change in the design response submitted, is not supported by policy.
- 4.44 While there is some in-principle agreement in relation to dwelling type, the resulting high yield and high density that would occur as a result of the non-compliance with the prescribed height controls and height transitioning, is not supported.
- 4.45 While the subject site fronts Doncaster Road and is on a prominent corner lot on the intersection with Blackburn Road, the site it is also located on the edge of an established residential area. The amenity of residents must be respected and protected and any infill development on a large consolidated lot must be duly mindful of the site context and sensitive interfaces. The limited setbacks and lack of appropriate height transitioning across the site do not go far enough to mitigate the scale of the building to its southern and south-eastern interfaces and when viewed from the low-rise adjoining built form.
- 4.46 The DDO8 seeks to 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*. A roof plan shows the location of plant and solar panels and the basement levels show bin storage. Services are proposed to be provided within the Blackburn Road frontage. To ensure the integration of all service equipment into the design of the development, if a planning permit were to be issued, a condition would require plans to show all plant and equipment and ensure their limited visibility / screening from the street.

#### *Landscape architecture*

- 4.47 On sites where a three storey development is proposed, the DDO8 requires *at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8m or more at maturity and 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*.
- 4.48 While there is no on-boundary construction proposed above ground, the setbacks of the basement levels would have a detrimental impact on the type of screen planting provided at ground level and a detrimental impact on the spacing created between buildings.
- 4.49 The limited eastern setbacks would not allow any perimeter (buffer) screening along the interface with number 1032 Doncaster Road, to the detriment of new residents in the lower level east-facing dwellings. While canopy trees would be planted along the balance of the internal common boundaries, this does not go far enough to mitigate the scale of the

submitted built form to its southern and south-eastern (sensitive) interfaces and low-rise adjoining dwellings.

- 4.50 Proposed planting along the street frontages is confined to planter boxes as a result of the limited building setbacks. In-ground planting of canopy trees is limited only to the north-west corner of the subject site. Given the scale of the proposed development, a meaningful level of landscape treatment is an essential element. This has not been achieved in the submitted form. Any development meeting the minimum setback requirements of the DDO8 provisions would in turn be able to provide for an appropriate level of in-ground landscaping and screen planting.

#### Off-site amenity

- 4.51 The policy framework for amenity considerations is contained within the DSE Guidelines. Clause 55 of the Scheme provides guidance on off-site amenity, however this is not applicable given that the height of the proposed development is over 4-storeys. That said, pursuant to clause 32.07-8 (Buildings on lots that abut another residential zone) of the Scheme, a building or works constructed abutting land in a General Residential Zone, Neighbourhood Residential Zone or Township Zone must meet the requirements of Clauses 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 of the Scheme along that boundary. This therefore applies to the northern portion of the proposed building which is located in the RGZ2 and has a boundary common with number 2 Rupert Street.
- 4.52 While land immediately to the east of the subject site is located within the same zone (RGZ), adjoining land to the south and south-east and beyond, is located in the GRZ. While recognising that there is a strategic need to develop the subject site, the subject site has sensitive interfaces to the south and south-east where residential amenity must be protected. The impact of the proposed development on existing adjoining dwellings is discussed in the following paragraphs.

#### *Visual bulk*

- 4.53 There is a sensitive interface to the south at number 2 Rupert Street which has an area of secluded private open space within a 9 metre radius of the subject site. In addition to the DDO8 provisions, the requirements of clause 32.07-8 (Buildings on lots that abut another residential zone) of the Scheme apply specifically to this interface and the proposed development must meet the requirements of Clause 55.04-1 (Side and rear setbacks) and Clause 55.04-6 (Overlooking) of the Scheme along that boundary.
- 4.54 This interface has balconies orientated to the south however these are set back in excess of 9 metres and overall it is considered that the massing and design of this portion of the building generally acknowledges this sensitive interface.
- 4.55 There are also sensitive interfaces to the south and south-east of the subject site which includes dwellings (habitable room windows and areas of secluded private open space) within a 9 metre radius of the subject site. The southern-most portion of the development is set back from the eastern site boundary (common with numbers 2 and 4 Rupert Street) by 4.24 metres at each basement level, 3 metres at ground floor (2 metre set back to balcony edges) and 9 metres at levels 1 and 2. The development is setback from the southern site boundary (common with numbers 148 Blackburn Road) by 5.27



metres (with terraces encroaching into this setback) at ground level, 5.17 metres (minimum) at level 1 and 2 and by 9 metres and 34.4 metres at the second floor (noting that the latter is essentially the setback for the 6-storey building component).

- 4.56 There are east-facing balconies and while they would be set back from the eastern site boundary by 9 metres, they are not easily distinguishable from the wall of the building and would present more as a continuous line with some variation in construction materials but limited setback variations. Visual bulk and off-site amenity impacts are considered to be unreasonable for the site context and the massing of this portion of the proposed building is not considered to go far enough to limit off-site amenity impacts on the east adjoining residential zone. The proposed development in its submitted form is not considered to be appropriately site responsive and does not adequately take into account the expectations of adjoining residential amenity.

*Overshadowing and loss of light to surrounding properties*

- 4.57 The DDO8 does not specifically consider overshadowing or loss of light to adjoining dwellings, however a design objective requires consideration of *ensuring the design and siting of dwellings to have regard to the future development opportunities and future amenity of adjoining properties*, and that *height and form of buildings of 2 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*.

The DSE Guidelines reference clause 55 of Rescode for consideration of the overshadowing impact (namely Standard B21) and it is noted that the requirements of the clause directly apply to the interface between the subject site and 2 Rupert Street. The DSE Guidelines require consideration of Clause 55.04-5 (Overshadowing open space objective) which is *to ensure buildings do not significantly overshadow existing secluded private open spaces* regardless of zoning. The standard at Clause 55.04-5 of the Scheme states that where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced. The decision guidelines at this clause require the Responsible Authority to consider the design response, impact on the amenity of existing dwellings, existing sunlight penetration and the time of day that sunlight would be available to the secluded private open space of the existing dwelling, and the effect that a reduction in sunlight on the existing use of the existing secluded private open space would have.

- 4.58 Submitted shadow diagrams demonstrate that existing boundary fencing and built form of the south adjoining dwelling cast shadows over its north-facing habitable room windows and private open space along its fence line throughout the day (between 9am and 3pm). Proposed shadows demonstrate that for the south adjoining dwelling, additional shadows would be limited generally to along the driveway and fence line, with marginal

increases in shadows to the rear secluded private open space area but again limited to along the fence line. Obviously, due to the fact that the subject site is undeveloped in the southern portion (an at-grade car parking area exists) existing shadows to the south-east adjoining dwellings (2 and 4 Rupert Street) are limited to boundary fencing. The proposed development would create additional shadows to these properties from 1pm when areas of open space along fence lines would be affected. While the secluded private open space area at the rear of number 2 Rupert Street would be limited to additional shadows cast along fence lines, it is the rear secluded private open space for the rear most dwelling at 4 Rupert Street that would be most adversely affected because of its orientation and relatively small area of private open space. Approximately half of its secluded private open space area would be overshadowed from 1pm, approximately three-quarters would be overshadowed at 2pm and from 3pm almost the entire area of secluded private open space would be in shadow.

- 4.59 Again, due to the limited development on site currently, existing shadows to the east adjoining dwelling at 1032 Doncaster Road are limited to boundary fences. Proposed shadow diagrams demonstrate that from 1pm onwards additional shadows would be cast along the western fence line of this east adjoining dwelling and within its side and rear setbacks. The building is being used for non-residential purposes however and as such technically the standard does not apply.
- 4.60 In terms of site context, the subject site and surrounds are located in an urban location and as such some degree of overshadowing to adjoining land is inevitable. That said, requiring the proposed development to be redesigned in this south-east corner at least in order to alleviate overshadowing to 4 Rupert Street and beyond to 2 Rupert Street is not considered unreasonable, especially given that the standard and objectives at clause 55.04-5 (Overshadowing open space) directly apply to this interface. If height transitioning and setbacks were provided along the southern wall of the 6-level component of the building and along the eastern wall of the 3-level component of the building, in line with the DDO8 requirements, overshadowing to adjoining dwellings would ultimately be reduced.

#### *Overlooking*

- 4.61 The requirements of Clause 55.04-6 (Overlooking) of the Scheme apply to the portion of the proposed building which has a boundary common with number 2 Rupert Street. Although ResCode does not apply to this application as a whole, the overlooking standard is an accepted planning principle to assess the impact of the proposal on adjoining properties.
- 4.62 Standard B22 of clause 55 of the Scheme applies to views within a horizontal distance of 9m and a 45 degree arc, and seeks to avoid direct views within this distance. This is further supported by the DSE Guidelines (objective 2.9). The DDO8 (design objective) requires buildings to *be designed to minimise overlooking and avoid the excessive application of screen devices*.
- 4.63 The proposed development includes balconies and windows that are oriented to the south, east, west and north. A significant number of the new dwellings would need to have screened windows and screened terraces in order to limit overlooking opportunities to existing dwellings within a 9 metre radius of the site. Details would ultimately be required to ensure that

overlooking to adjoining dwellings within a 9 metre radius of the site is limited while solar penetration to dwellings on-site is not unduly compromised acknowledging that east-facing dwellings within the 3-level component of the development are single-aspect. Further, visual bulk as a result of terrace screens requires more consideration, particularly on the south-eastern interface.

#### *Noise*

- 4.64 In regard to potential noise issues, future occupants would be aware of the subject site's proximity to potential noise sources including commercial uses along Doncaster Road and the site's location on an arterial road. In terms of residential noise and noise transfer to existing adjoining dwellings, the land is zoned residential and under the zoning the use of the site for residential purposes does not require a planning permit. That said, any potential noise conflict could be addressed by way of a permit condition requiring an acoustic report in the event that a planning permit were to be issued. This would seek to protect the residential amenity of future occupants through the building design and confirm that any noise emissions associated with the communal area and roof services comply with the State Environment Protection Policy or any other standard recommended by the Environment Protection Authority.

#### On-site (internal) amenity

- 4.65 The DSE Guidelines provide useful guidance with regard to on-site amenity. The following is provided in response to each element.

#### *Building layout and design*

- 4.66 An objective of the DSE's Guidelines is to ensure that a good standard of natural light and ventilation is provided to internal building spaces. The Guidelines encourage the provision of direct light and air to all rooms wherever possible and encourage direct natural light and ventilation to all habitable rooms in the form of operable windows. The 'borrowing' of light and air should be avoided, particularly in ventilating. It is recognised that this may not always be possible for bedrooms.
- 4.67 The proposed development includes a mix of dwelling sizes. The building layout allows upper level dwellings (level 2 upwards) reasonable access to natural daylight, however a high proportion of the dwellings would be single-aspect, with an east or westerly aspect. Some of the lower level dwellings would have a compromised level of sunlight penetration due to them being single-aspect, orientated east or west and long and narrow in size and layout. The lower level north-facing dwellings fronting Doncaster Road would also have a compromised level of sunlight penetration due to the front retaining walls. A substantial internal re-design and a loss of a number of dwellings would be required to alleviate this issue.
- 4.68 In relation to outdoor space, generally the recommended minimum area for a secluded private open space in a multi-unit development is 8 square metres. While all dwellings would be provided with a minimum terrace size of 8 square metres, their size, design and orientation are not ideal for a good amenity outcome.
- 4.69 A communal area is proposed to be provided at ground level. This area is not easily identified (it is located at the rear of the building) or designed (while

some seating and tables are provided, the balance is along fence lines and therefore the usability is questionable). In addition, access to it is convoluted (a small pedestrian door is provided in the building's southern wall and would require walking around the south and eastern perimeters of the building). While the site context does offer other benefits such as its proximity to services and facilities, and while the provision of communal open space in principle is supported, it has no real merit in its submitted form.

- 4.70 Other communal areas are generally well located and designed to be easily recognisable and accessible for all residents, which is a requirement of the DDO8 (which seeks to *ensure design solutions respect the principle of equitable access at the main entry of any building for people of all motilities*). The design response does not include a portico or any formal ground level entrance (in line with DDO8 requirements), moreover the main pedestrian entry to the building is via a paved pathway on the Blackburn Road frontage. The width and internal gradients of the entrance foyer are adequate to accommodate prams and wheelchairs, however it is relatively small in size and no formal lobby area is provided. Lift access to all levels is provided from the basement car parks and from the main entrance foyer. Most dwellings (save the duplex dwellings fronting Doncaster Road) have a single-floor layout and given that the building is serviced with lifts, all dwellings could be adequately accessed by people with limited mobility.
- 4.71 Not all dwellings are large enough to provide adequate storage internally. Storage areas for dwellings are provided at basement level (and are a minimum of 6 cubic metres) however the majority of storage cages are located above-bonnet, at the rear of each car parking space and some are impractically located within the corners of the basement and access to them would be impeded by parked vehicles. An allocation schedule has not been submitted. A reconfigured layout for the basement levels would be required to alleviate this issue.
- 4.72 In relation to internal views, screening between balconies is 1.7 metre or 1.8 metre in height or in the form of full height walls. Internal views have largely been designed-out although this creates in some instances tunnelled views and compromised solar access to dwellings.
- 4.73 Council is not in a position where it can directly control the number of dwellings in the development (as 'dwelling' is as-of-right use in the residential zones) or set smaller parameters in terms of built form than those outlined in the DDO8. That said, the dwellings are typical layouts (single aspect and battle axe) where there may be a compromised supply of natural light to habitable rooms for many of the dwellings and minimal size of private open space. While height transitioning needs to be addressed, this is unlikely to result in complete reconfiguration of dwellings. Notwithstanding the urban context, on balance, there is an unacceptable level of amenity for future residents within the proposed development.

#### *Circulation and services*

- 4.74 In relation to corridor widths, the DSE Guidelines recommend a width of 1.8 metres. All corridor widths are approximately 1.75 metres widening to 2 metres at the entrance foyer and 4 metres around the lift entrances. On the southern side of the development, at the end of the corridor at each level of the building, are operable windows which would provide some ventilation and

natural daylight at the end of each corridor, resulting in a good amenity outcome for some residents.

- 4.75 Vehicle access to the basement car parking is provided from Blackburn Road (realignment of an existing crossover in the south-west corner of the subject site). The proposed car parking and services provided (including bin storage) would be hidden from public view. Site services are located to allow for ease of service (a substation would front Blackburn Road and be located behind the bus stop) and maintenance by private contractors.

Traffic, car parking and bicycle parking

*Alteration of access to land adjacent to a Road Zone Category 1*

- 4.76 Pursuant to clause 52.29 of the Scheme, a planning permit is required to alter access to a road in a Road Zone Category 1. Vehicle access to basement car parking would be provided by a double-width (7 metres wide) crossover to Blackburn Road located in the south-west corner of the subject site and includes alteration to vehicle accesses on Doncaster Road.
- 4.77 The application was appropriately referred to Vic Roads who had not provided comments at the time of writing this report.

*On-site parking provision*

- 4.78 In total, the Scheme requires the provision of 179 on-site resident car parking spaces, in the following format:

<b>Proposed Development</b>	<b>Scheme requirements</b>
1 bedroom, 1 bedroom plus study, 2 bedroom dwellings and 2 bedroom duplexes (63)	Rate of 1 space per dwelling for 63 dwellings equates to 63 spaces
2 bedroom plus study, 3 bedroom and 4 bedroom dwellings (58)	Rate of 2 spaces per dwelling for 58 dwellings equates to 116 spaces
<b>TOTAL</b>	<b>179 on-site car parking spaces</b>

- 4.79 The applicant submits that the rate for a '2 bedroom plus study' dwelling is 1 space while officers have calculated this to be 2 spaces per dwelling based on the clarification provided at table 1 of clause 52.06 referencing "with studies or studios that are separate rooms counted as a bedroom". In other words, the applicant calculates the total number of resident car parking spaces to be 136 while officers calculate it to be 179 (a difference of 43 car parking spaces).
- 4.80 For visitors, the Scheme requires the provision of 24 on-site car parking spaces for the 121 dwellings based on a rate of 1 per 5 dwellings.
- 4.81 In total, the Scheme therefore requires 179 on-site car parking spaces for residents and 24 on-site car parking spaces for visitors, equating to a total of 203 car parking spaces.
- 4.82 The proposed development provides a total of 250 on-site car parking spaces across 3 basement levels (74 car parking spaces at basement 1, 87 car parking spaces at basement 2 and 89 at basement 3) of which 24 are visitor spaces. Regardless of the rate calculations, the Scheme requirements

are met. No formal allocation schedule has been submitted with the application.

*Provision of 3 basement levels of parking*

- 4.83 Following is an assessment against the design standards for car parking provided at clause 52.06-8 of the Scheme (which requires the design standards of clause 52.06-8 of the Scheme to be met unless the Responsible Authority agrees otherwise):

<b>Design Standard</b>	<b>Met/Not Met</b>
1 – Accessways	<p><b>Mostly Met</b></p> <p>The width and internal radius of the driveway allows sufficient turning areas for all vehicles to reverse and leave the site in a forward direction. The width of the vehicle access way is 7m which is in excess of the 3m required by the standard. The internal radius meets the 4m minimum requirement allowing cars to exit in a forward direction with one manoeuvre (required for an access way serving more than 4 cars) and the design of the passing area provides the 7m length required for a car park which provides more than 10 spaces.</p> <p>A 2.2m height clearance to the level 1 basement is provided which meets the minimum 2.1m headroom beneath overhead obstructions prescribed by the standard. However the headroom above the car space at level 105.99 is less than 2.1m which does not comply with Design Standard 1.</p> <p>A pedestrian visibility splay is shown on plan on the southern side of the vehicle ramp. Due to the location of the bus stop and other obstacles it is not clear whether the corner splay on the northern side is clear of visual obstructions to provide a clear view of pedestrians on the footpath, in accordance with the standard.</p>
2 – Car Parking Spaces	<p><b>Mostly Met</b></p> <p>Storage is a mix of above-bonnet storage and stand-alone cages, some of which are questioned in terms of access. While not ideal in terms of practicality this is generally acceptable practice for this type of development and access to storage could be dealt with by way of conditions on any permit issued.</p> <p>Council's traffic engineers raise concern in relation to the location of several car parking spaces within the development (next to blind aisles, lift entrances etc). An allocation schedule has not been submitted. Two adjacent car spaces to each 3 and 4 bedroom dwelling is recommended.</p>

Design Standard	Met/Not Met
	<p>Car spaces for people with disabilities must be provided in accordance with DDA requirements (recommended in Basement 1 so that visitors have access to the disabled car spaces) and in accordance with AS/NZS 2890.6:2009.</p> <p>Bin storage is provided at basement level 1 which is hidden from public view. The size and capacity of the storage area to accommodate the 121 dwellings is questionable.</p>
3 - Gradients	<p><b>Not Met</b></p> <p>The transition length for the 1:6 grade in Basement 1 Floor Plan - TP1.02 Rev C is less than 2m. The minimum transition length must be 2m to comply with Design Standard 2 of Clause 52.06-8.</p> <p>Basement 1 Floor plan - Car spaces 35 to 40 and 43 to 48 are accessible from a ramp of grade 1:16. The driveway grade must be parallel to the angle of parking. Floor levels and grades of these car spaces must be in comply with clause 2.4.6 of AS/NZS 2890.1:2004.</p> <p>Basement 2 Floor plan - Car spaces 74 to 79 and 80 to 87 are accessible from a ramp of grade 1:16. The driveway grade must be parallel to the angle of parking. Floor levels and grades of these car spaces must be in accordance with clause 2.4.6 of AS/NZS 2890.1:2004.</p> <p>Basement 3 Floor plan - Car spaces 74 to 79 and 80 to 87 are accessible from a ramp of grade 1:16. The driveway grade must be parallel to the angle of parking. Floor levels and grades of these car spaces must be in accordance with clause 2.4.6 of AS/NZS 2890.1:2004.</p>
4 – Mechanical Parking	<p><b>Not Applicable</b></p> <p>No mechanical car parking (stackers) is proposed.</p>
5 – Urban Design	<p><b>Mostly Met</b></p> <p>The entrance to the car park would not visually dominate the public realm and the access would be set back 10.6 metres from the Blackburn Road frontage.</p> <p>Vehicle access and the safety of pedestrians using the footpath is paramount and details of the sight lines (to ensure soft landscaping does not obscure oblique views of the entrance) are required to ensure safe vehicle and pedestrian movement.</p>

Design Standard	Met/Not Met
6 – Safety	<p><b>Not Met</b></p> <p>Internally, the car park has aisle widths of 6.4m and ramp widths of 6.2 metres that provide an appropriate level of visibility and safety for pedestrians. The practicality and safety of residents utilizing the car and bicycle parking spaces, storage cages and staircase is a concern of officers which would only be alleviated through a reconfigured basement design.</p> <p>Lighting is not shown on plans. This is a design detail that could be addressed by way of a condition if a permit were to be issued. Details of lighting, signage and line markings would be required to be submitted to ensure user safety.</p>
7 – Landscaping	<p><b>Not Applicable</b></p> <p>Given the basement location of the car parking, internal landscaping (or provision of any water sensitive urban design treatment) is neither required nor appropriate.</p>

- 4.84 Council's traffic engineers require amended plans to demonstrate that all vehicle turning movements in and out of bays are satisfactory, storage cages can be practically accessed etc.
- 4.85 Council's traffic engineers raise no traffic issues in relation to the context of the traffic and the surrounding street network. Vic Roads comments are required to assess the traffic generation and distribution along Doncaster Road and Blackburn Road.
- 4.86 All comments / recommendations (see referral comments section of this report) could be addressed by way of conditions and notes if a permit were to be issued. That said, reconfigured basement levels would be required to alleviate the concerns raised.

*Bicycle parking*

- 4.87 Pursuant to clause 52.34-3 of the Scheme, in developments of four or more levels, 1 resident bicycle parking space should be provided for every 5 dwellings and 1 visitor space for every 10 dwellings.
- 4.88 For the proposed development the Scheme therefore requires a total of 36 spaces (24 resident spaces and 12 visitor spaces) to be provided on-site.
- 4.89 The proposed development provides a total of 69 on-site bicycle parking spaces including 56 resident spaces and 13 visitor spaces of which four (4) spaces are provided external to the building at the Blackburn Road frontage. The balance of the bicycle parking spaces are located within basement levels (a non-enclosed, non-secure storage area is provided at basement 1 and an enclosed, secure storage area is provided at basement 2) in the form of wall-mounted fixed racks. The number of bicycle spaces provided on site exceeds the Scheme's requirements.



- 4.90 The Scheme requires the provision of one (1) change room or direct access to a communal change room to each shower to be provided within the proposed development. This is not provided on site, however for a residential development the non compliance of this is not considered to be critical or create any unreasonable on-site amenity impacts to future residents.
- 4.91 In terms of the design of the bicycle spaces (requirement at clause 52.34-4 of the Scheme) and access and practicality, residents could utilise the pedestrian access and pedestrian lift to gain access down to the basement levels and access the bicycle storage areas in the south-eastern corners of the car parks. Alternatively, residents would utilise the vehicle access ramp into the basement levels, which raises obvious safety concerns. The publicly located visitor bicycle parking spaces are accessible and, while non-secure, would benefit from active surveillance from the roads and footpaths. Overall, the bicycle parking provided is considered to be conveniently located without creating any undue hazards or having any unreasonable interference from obstacles within the building. Lighting and signage would be a consideration of the design detailed stage and appropriately conditioned on any permit issued.

## 5 CONSULTATION

### Advertising

- 5.1 The application was advertised in August 2015 for three (3) weeks and 28 objections were received, including a multi-signatory objection letter from 112 Serpells Road.
- 5.2 The grounds of objection include the following:
- Height, design and built form (and danger of height setting a precedent in the area if approved).
  - Off-site amenity concerns, including visual bulk, overlooking and overshadowing, loss of view, loss of sunlight and residential noise.
  - On-site amenity concerns, including the limited open space provision for the new dwellings and a lack of existing public open space in the area to accommodate the number of dwellings proposed (being contrary to Council's Open Space Strategy).
  - Traffic concerns, including inadequate on-site car parking spaces provided and the impact that this would have on existing car parking provision on-street, traffic congestion and the related impact that this would have on existing services and public transport, including to the Community Health services located at 1020 Doncaster Road where 67% of clients are over 65 years in age.
  - The proposal being an overdevelopment of the site and high density which would ultimately create safety concerns due to the resulting increase in population.
- 5.3 Objections were received from the following:

	<b>Address</b>
1	3/3 Rupert Street DONCASTER EAST
2	2/24 Pine Way DONCASTER EAST
3	16 Pine Way DONCASTER EAST
4	14 Pine Way DONCASTER EAST
5	25 Pine Way DONCASTER EAST
6	22 Pine Way DONCASTER EAST
7	9 Opala Court DONVALE
8	8 Woodhouse Road DONCASTER EAST
9	4A Pine Way DONCASTER EAST
10	4 Pine Way DONCASTER EAST
11	22 Westbank Terrace RICHMOND
12	2/3 Talford Street DONCASTER EAST
13	112 Serpells Rd TEMPLESTOWE
14	Manningham Community Health Services Limited Unit 1, 1020 Doncaster Road DONCASTER EAST
15	15 Pine Way DONCASTER EAST
16	1/4 Rupert Street DONCASTER EAST
17	5 Rupert Street DONCASTER EAST
18	1/3 Talford Street DONCASTER EAST
19	11 Pine Way DONCASTER EAST
20	14 Rupert Street DONCASTER EAST
21	1/6 Rupert Street DONCASTER EAST
22	6A Pine Way DONCASTER EAST
23	112 Serpells Rd TEMPLESTOWE
24	1/1 Talford Street DONCASTER EAST
25	12 Rupert Street DONCASTER EAST
26	15A Pine Way DONCASTER EAST
27	2/2 Pine Way DONCASTER EAST
28	2/144 Blackburn Road DONCASTER EAST

5.4 A response to each of the grounds raised is provided as follows:

*Height, design and built form (and danger of height setting a precedent in the area if approved).*

5.5 The concerns raised regarding the height of the proposed building are shared by Council officers. A full response explaining why the height and design in the submitted form is not appropriate for the site context is provided in the assessment section (section 4) of this report.

*Off-site amenity concerns including visual bulk, overlooking and overshadowing, loss of view, loss of sunlight and residential noise.*

5.6 A full assessment against the relevant guidelines is provided in the assessment section of this report. In terms of visual bulk and loss of sunlight, it is considered that the development in its submitted form does not provide appropriate height transitioning across the site or to adjoining residential land, thereby resulting in visual bulk to adjoining dwellings to the south and south east, which is unreasonable for the site context.

- 5.7 In terms of overlooking, this has been generally limited through the design response (in other words the setbacks of the building from site boundaries, the location and design of windows and screening provided to terraces).
- 5.8 The building is a minimum of 9 metres and sufficient distance from existing residential properties to the south-east and while set back approximately 5 metres from the southern site boundary, there are no south-facing windows. As such there would be no direct adverse impact on residential amenity in terms of overlooking. However any shortfalls could be dealt with through conditions requiring design details to be submitted.
- 5.9 While overlooking to adjoining dwellings and secluded private open spaces within a 9 metre distance of the subject site is paramount, consideration must also be given to the presentation of the building and the on-site amenity of future residents and their access to daylight.
- 5.10 In relation to overshadowing, this is fully assessed in this report. It must be said that some level of overshadowing within an urban context is expected, so too is overshadowing from any new development on a parcel of consolidated land fronting two main roads and currently under-utilised, with almost half of it being used for car parking associated with a church. While generally acceptable and in accordance with relevant policy requirements, the assessment concludes that with more appropriate height transitioning to the south-east portion of the building, overshadowing to adjoining land would ultimately be reduced.
- 5.11 In terms of 'views', this is not a planning consideration and the subject site and the Scheme does not identify the subject site as being in a 'view corridor'. Some loss of views must be expected in an urban context, especially where existing land could be considered as being underutilised and where consecutive lots have been purchased with the view to being consolidated. There is clear policy direction and support for building heights and change for the subject site and the specific precincts in which it is located. Even if a new development on the subject site met the relevant height controls and provided more appropriate setbacks and height transitioning across the site and to adjoining land, it would still result in the loss of views that nearby residents currently have across the subject site.
- 5.12 In terms of residential noise and noise transfer to adjoining dwellings, the land is zoned residential and under the zoning the use of the site for residential purposes does not require a planning permit.
- 5.13 That said, potential noise related to the design of the building (which would affect future residents within the building and noise emissions to adjoining dwellings) would be addressed by way of a permit condition (requiring an acoustic report) in the event that a planning permit were to be issued. The acoustic report could require any noise emissions associated with the building and communal area to comply with the State Environment Protection Policy or any other standard recommended by the Environment Protection Authority.

*On-site amenity concerns including the limited open space provision for the new dwellings and a lack of existing public open space in the area to accommodate the number of dwellings proposed (being contrary to Council's Open Space Strategy).*

- 5.14 All dwellings would have access to an area of at least 8 square metres. A communal area would also be provided at ground level at the rear of the

building. In relation to outdoor space, 8 square metres is generally the recommended minimum area for a secluded private open space in a multi-unit development regardless of the proximity to existing open space areas. That said, while all dwellings would be provided with a minimum terrace size of 8 square metres, the size, design and orientation of said terraces overall would not provide for a good amenity outcome.

*Traffic*

- 5.15 In relation to concerns relating to inadequate on-site car parking spaces provided and the impact that this would have on the existing on-street car parking and local services (specifically to the Community Health services located at 1020 Doncaster Road), the number of car parking spaces that is proposed to be provided within the development exceeds the minimum number of car parking spaces required by the Scheme for a development of 121 dwellings.
- 5.16 In terms of the perceived traffic congestion and the impact that this would have on existing services and public transport, the application was appropriately referred to Vic Roads and Public Transport Victoria (PTV) for review and comment. At the time of writing this report, no comments had been received from Vic Roads.

*The proposal being an overdevelopment of the site, and high density which will ultimately create safety concerns due to the resulting increase in population.*

- 5.17 The concern raised in relation to the development being an overdevelopment of the site is a valid one. The proposed development is considered to be an overdevelopment of the subject site by virtue of it exceeding the building footprint and envelope prescribed under the DDO8 provisions.
- 5.18 While Council cannot directly control the number of dwellings within the development, given that a dwelling use does not require a planning permit under the zone, overdevelopment is considered in the configuration of the dwellings and their level of on-site amenity. While the dwellings are of acceptable sizes and configured in an arrangement not dissimilar to other high density residential developments within an urban environment, some of the dwellings at the lower levels would have a compromised level of on-site amenity in terms of access to natural light to habitable rooms. In addition, while terraces meet the minimum 8 square metre requirement, the design of them and light afforded to them is unreasonable.
- 5.19 In relation to safety concerns as a result of the resulting increase in population (121 dwellings), this is not a planning consideration per se. However, the building has been designed to promote active surveillance from the ground and upper levels. Front gardens are provided along the street frontages and windows and terraces front the street at the upper levels of the building which would provide an active and a perceived level of passive surveillance to the street. Appropriate lighting along street frontages to promote safety is a design detail that could be considered at any approval stage (by way of permit conditions).
- 5.20 In terms of pedestrian safety, the application has been referred to Council's traffic engineering unit and to Vic Roads and PTV. The submitted proposal does not demonstrate that appropriate sightlines are provided.

## Referrals

### *External*

- 5.21 The application was referred to Vic Roads. At the time of writing this report, comments from Vic Roads had not been received.
- 5.22 The application was referred to Public Transport Victoria (PTV) who does not object to the grant of a planning permit subject to the following conditions on any permit issued:
- *Any alteration to the existing bus stop and associated infrastructure on Blackburn Road to accommodate the re-aligned crossover must be to the satisfaction of Public Transport Victoria and at the cost of the permit holder.*
  - *The permit holder must take all reasonable steps to ensure that disruption to bus operation along Blackburn Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen (14) days prior.*

### *Internal*

- 5.23 The application was referred to several Council Service units and the following table summarises their responses:

<b>Services Unit</b>	<b>Comments</b>
Traffic Engineering	<p>Require the following to be shown on plans:</p> <ul style="list-style-type: none"> <li>• All runoff directed to the point of discharge.</li> <li>• Provision of 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 crossings removed and the nature strip / kerb and channel / footpath reinstated.</li> </ul> <p>The Responsible Authority for care and management of Doncaster Road and Blackburn Road is Vic Roads. The relocation of the existing bus stop must be to the satisfaction of PTV (relocation further north is not recommended given the proximity to the intersection of Blackburn Road and Doncaster Road).</p>
Waste Services	<p>Require prior to the issue of the permit:</p> <ul style="list-style-type: none"> <li>• the developer to demonstrate that a private waste collection vehicle has relevant height clearances (specifically at the basement garage door entrance) so when the garage door is open the door is not obstructing access to the basement.</li> </ul> <p>Require prior to the endorsement of plans:</p> <ul style="list-style-type: none"> <li>• the developer to engage a private waste contractor to undertake waste collection from within the development basement;</li> <li>• a Waste Management Plan submitted and</li> </ul>

Services Unit	Comments
	<p>approved to the satisfaction of the Responsible Authority (generally in accordance with Waste Management Plan prepared by Leigh Design dated 23 April 2015 and Traffic Engineering Assessment prepared by Traffix Group dated 10 June 2015).</p> <p>No private waste contractor bins must be left outside the development boundary or unattended at any time on any street frontage.</p>
Environment Sustainable Design	<p>Require the SMP prepared by Wood &amp; Grieve Engineers dated 14 November 2014 to be amended / clarify:</p> <p><u>Layout</u></p> <ul style="list-style-type: none"> <li>• Apartments G.06 &amp; G.07 are small and south facing with very limited daylight access;</li> <li>• Recommend to reconfigure to similar apartments as 1.07 &amp; 2.07 above.</li> </ul> <p><u>Report</u></p> <ul style="list-style-type: none"> <li>• Transport has not been covered as listed on p.2.</li> <li>• Only STEPS report indicates bicycle facilities required.</li> <li>• Reflect on latest plans bicycle facilities.</li> </ul> <p><u>2.1 Energy Efficiency – Hot water system p.4:</u></p> <ul style="list-style-type: none"> <li>• Reflect on latest plans central gas hot water system with minimum 5 Star rating.</li> </ul> <p><u>2.1 Energy Efficiency – Lighting p.4:</u></p> <ul style="list-style-type: none"> <li>• LED bulbs and linear fittings due to cost parity to CFLs and T5 fluorescents which are becoming obsolete and contain mercury.</li> </ul> <p><u>2.1 Energy – Solar PVs p.4:</u></p> <ul style="list-style-type: none"> <li>• Reflect on latest plans 8kW Solar PV connected to common areas.</li> </ul> <p><u>2.1 Energy – Clothes lines p.4:</u></p> <ul style="list-style-type: none"> <li>• Reflect on latest plans and STEPS p.3 of 11, fixed or retractable clothes lines in: <ul style="list-style-type: none"> <li>○ courtyard OR;</li> <li>○ hidden on balcony OR;</li> <li>○ wet area with adequate ventilation to prevent condensation/mould growth.</li> </ul> </li> </ul> <p><u>2.3 Water – Rainwater storage, p5:</u></p> <ul style="list-style-type: none"> <li>• Toilets to be connected to rainwater storage to ensure effective drain down of tanks (STORM report indicates toilets from 100 bedrooms are connected).</li> <li>• Include overflow to detention via gravity flow.</li> <li>• Reflect on latest plans roof area of 2,380m<sup>2</sup> harvested for minimum 65,000L rainwater storage and connection to toilet numbers from 100</li> </ul>

Services Unit	Comments
	bedrooms and irrigation (as per STORM report).

## 6 CONCLUSION

- 6.1 The proposed development is an overdevelopment of the subject site. Officers consider that there is no justification for the proposed built form outcome on the site that reaches a scale of 6-storeys and 20 metres in height above natural ground level.
- 6.2 The proposed development is not consistent with height controls or setbacks prescribed under the DDO8 provisions. The proposed development is not site responsive to the broad design elements set out by the DDO8 and its height and the lack of appropriate transitioning across the site from the street frontages to adjoining residential land fails to meet the DDO8 requirements, creating unreasonable off-site amenity impacts to adjoining dwellings (lower built form).
- 6.3 Limited setbacks from street frontages and adjoining lots would result in the limited provision of a landscaping buffer and appropriate and meaningful in-ground planting to screen the proposed development.
- 6.4 The proposed development would result in overshadowing to an existing dwelling located to the south-east of the subject site, which could be easily addressed through the provision of more appropriate height transitioning. The building has not been designed to take into account its different interfaces including its sensitive interface to the south-east.

## RECOMMENDATION

**That, having considered all objections, a NOTICE OF REFUSAL TO GRANT A PERMIT be issued for Planning Permit Application No. PL14/024793 for the development of the land for the construction of an apartment style residential building (part 3-storey, part 6-storeys in height) above three (3) levels of basement car parking and alteration to access to a Road Zone Category 1, based on the following grounds:**

- (A) **The proposed development exceeds the height controls required by Schedule 8 to the Design and Development Overlay.**
- (B) **The proposed development fails to fully achieve the purpose of the Residential Growth Zone and the General Residential Zone, is not site responsive and does not provide a scale of development that is justified or appropriately transitions from the street frontages to the south and south-eastern interfaces which are located in the General Residential Zone.**
- (C) **The proposed development fails to achieve all policy objectives of the Main Road sub precinct and Precinct 2 (Residential Areas Surrounding Activity Centres and Along Main Roads) and the proposed height, transitioning and setbacks exceed the level of change anticipated for these precincts.**

- (D) The proposed development fails to meet several design guidelines and Design and Development Overlay Schedule 8 (DDO8) overlay requirements, exceeding the preferred height requirement of the DDO8-1 and DDO8-2 and failing to provide appropriate height transitioning and height variation to adjoining residential lots.**
- (E) The proposed development fails to provide appropriate meaningful in-ground screen planting or canopy vegetation or landscaping along site boundaries and street setbacks in the manner supported by Schedule 8 to the Design and Development Overlay of the Manningham Planning Scheme.**
- (F) The proposed development provides poor internal amenity for future residents of the development through design and layout, including a compromised level of light penetration to lower level dwellings and the duplex dwellings fronting Doncaster Road, the design and screening for terraces, a small pedestrian entrance and lobby area for the building and an isolated and poorly considered communal open space area.**
- (G) The proposed development provides unreasonable off-site amenity to adjoining dwellings as a result of inappropriate height and height variation towards the rear of the site (south and south-east site boundaries) resulting in unreasonable visual bulk and overshadowing to adjoining dwellings in particular to the secluded private open space area of the south-east adjoining dwelling.**
- (H) The layout of the basement levels fail to fully achieve the purpose of clause 52.06 of the Manningham Planning Scheme (to ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use) and all relevant design standards for car parking including Design Standard 1 (Accessways) by virtue of the design of the passing area and corner splays at the Blackburn Road frontage.**
- (I) The proposed development constitutes an overdevelopment of the subject site and fails to appropriately mitigate the effect of the proposed development on the amenity of the neighbourhood and does not constitute orderly planning of the area, contrary to clause 65 of the Manningham Planning Scheme.**

“Refer Attachments”

\* \* \* \* \*