

Planning Application PL15/025181 - Development of 1096 Doncaster Road DONCASTER EAST for a four storey mixed used building comprising retail, office and two levels of residential consisting of eight apartments with associated ground and basement parking.

Responsible Director: Director Planning & Environment

File No. PL15/025181

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

Land: 1096 Doncaster Road, Doncaster East (Lot 1 on TP257918T Vol 8162 Fol 521)
Zone Commercial 1 Zone (C1Z)
Design & Development Overlay 1 (DD01)
Applicant: Morteza & Sima Aminian
Ward: Koonung
Melway Reference: 48D1, 48D2
Time to consider: 14 June 2016

SUMMARY

It is proposed to develop the land for a four storey, mixed use building comprising retail at ground level, office at first level and residential at levels two and three with associated basement and ground level car parking at 1096 Doncaster Road, Doncaster East. The site area is 678 square metres.

A total of eight (8) apartments are proposed, 132.4 square metres of retail floor space and 333.5 square metres of office floor space.

The proposal also seeks a car parking reduction pursuant to Clause 52.06, a waiver of the loading/unloading requirements pursuant to 52.07 and permission to remove the existing vehicular access from Doncaster Road pursuant to Clause 52.29.

A maximum building height of 14.7 metres is proposed across the eastern elevation. The maximum building heights across the front and rear elevations are generally 14 metres.

The application was advertised in September/October 2015 and a total of eleven (11) objections were received. Grounds of objection mainly relate to the reliance on the Council laneway for site access and insufficient car parking.

Following advertising, the development's car parking provision was raised as an issue for reconsideration by the permit applicant. On 12 April 2016, the permit applicant amended their proposal under section 57A of the Planning & Environment Act 1987 (the Act) to reduce the extent of the car parking reduction sought from five (5) car spaces to two (2) car spaces. These plans are now the decision plans.

Following an assessment against the Manningham Planning Scheme, the proposal is considered to be consistent with the aspirations of the Scheme. The proposal has also been considered and assessed against the Tunstall Square Structure Plan,

March 2015, and deemed to be consistent with the objectives and strategies contained within.

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

1 BACKGROUND

- 1.1 The subject site is 1096 Doncaster Road, Doncaster East. It is legally described as Lot 1 on TP 257918T with Certificate of Title Volume 816 Folio 521
- 1.2 The site is situated on the south side of Doncaster Road, at its corner with a laneway servicing the rear of the Tunstall Square (West) Neighbourhood Activity Centre.
- 1.3 The site consists of one rectangular allotment with a frontage to Doncaster Road of 19.82 metres and a maximum depth of 34.57 metres. The site has a total land area of 678 square metres.
- 1.4 A single storey, brick building with tiled pitched roofing is currently situated on the site. A brick, flat roof carport is positioned adjacent to the eastern boundary. The site is presently used for office purposes by an insurance broker firm.
- 1.5 Access to the site is presently via both a crossover and driveway positioned along the western side of the property and the Council laneway.
- 1.6 Car parking is positioned both forward and to the rear of the building. With the exception of the driveway area, a solid brick fence encloses the site's frontage. Low level landscaping is provided in the section between the fence and title boundary. An electricity/light pole is situated in the nature strip forward of the site. A further light pole is located adjacent to the eastern boundary.
- 1.7 The site is burdened by a 2.44 metre drainage and sewerage easement which is situated along its southern, rear boundary. Some scattered trees are situated within the easement providing a natural screen to the property to the south.
- 1.8 The site has a gentle fall from front (northern boundary) to back (southern boundary). Along the eastern boundary this consists of a level difference of 1 metre, while along the western boundary this is closer to 600mm.
- 1.9 Boundary fencing of the site is of varying heights, materials and conditions.
- 1.10 The site is not burdened by any covenants or Section 173 Agreements.
- 1.11 The site has abutments with the following properties:

Direction	Address	Description
West	1094 Doncaster Road, Doncaster East	Comprises a two storey, sheer wall, office building with a curved facade presenting to the Elvie Street intersection. A series of dense shrubs planted forward of the building provides a dense screen of the first level of the building to Doncaster Road. This continues along the

Direction	Address	Description
		Elvie Street frontage in which large canopy trees are featured. Undercroft style, car parking is provided at the rear of the building via a crossover along Elvie Street.
South	2 Elvie Street, Doncaster East	The single storey, brick dwelling on the lot is used for non-residential purposes presently accommodating a Physiotherapy and Pilates clinic. An open air car park is situated to the rear of the dwelling accessed via a crossover at the northern end of the frontage. The accessway abuts the northern boundary. Vegetation wraps around the perimeter of the car park area providing a visual screen to the subject site.
North	Doncaster Road Reservation	The land forming part of the Doncaster Road reservation under the jurisdiction of VicRoads.
East	Tunstall Square laneway	The Council owned laneway has a 6 metre width and facilitates two way vehicle movements. It provides rear of shop access to the western group of premises within the Tunstall Square Neighbourhood Activity Centre.

1.12 Adjoining lots comprise a variety of land use zones, as follows:

1.12.1 The adjoining lot to the west and land to the east are zoned Commercial 1 Zone (C1Z) and affected by the Schedule 1 to the Design and Development Overlay (DD01).

1.12.2 Land to the south is contained within a General Residential Zone 2 (GRZ2) and affected by the Schedule 8 to the Design and Development Overlay (DD08).

1.12.3 Land within the road reservation to the north is zoned Road Zone Category 1 (RDZ1).

1.13 The character of the surrounding area is in transition. While several nearby properties along Doncaster Road and surrounding streets remain post war brick or brick veneer, apartment developments have been approved in the immediate area and are emerging in the streetscape. The most notable examples in this neighbourhood include the four storey apartment development at 1040-1044 Doncaster Road, Doncaster East and the three storey residential development at 51-53 Talford Street, Doncaster East.

- 1.14 The site is also clearly influenced by its location within the Tunstall Square Neighbourhood Activity Centre. The site is identified as being within the Activity Centre for the purpose of the Tunstall Square Structure Plan.
- 1.15 The site is also highly affected by its position on Doncaster Road - a six lane, primary arterial road separated by a central median strip responsible for carrying a high volume of vehicular traffic. It presently has a 70km per hour speed limit along the frontage of the site. Under the jurisdiction of VicRoads, the road is a busy arterial for the public transport network.
- 1.16 A bus lane is provided immediately forward of the site within the southernmost lane along Doncaster Road. Peak hour bus lanes operate in both directions and bus services are available from the bus stop situated on Doncaster Road (on the east side of the Council laneway) within 10-15 metres. Bus services accessing this route include Routes 207, 280, 282 and 907.
- 1.17 On-street parking is not possible along Doncaster Road or along the adjoining laneway. There is some restricted parking situated within Elvie Street (to the west of the site) and short-term parking opportunities within the Tunstall Square car park.

Planning History

- 1.18 There is no prior permit history for the subject site.
- 1.19 As part of this permit application, the proposal was considered by the Sustainable Design Taskforce on 28 May 2015. A number of issues were raised with the permit applicant, including the issue of the extent of the car parking reduction sought, reliance on the Council laneway to service the development and a number of suggestions relating to improving internal operation and amenity.
- 1.20 On 12 April 2016, the application was amended pursuant to Section 57A of the Act. The only change made via the amendment has been to introduce mechanical car stackers into the building to increase the number of on-site car parking spaces from 21 to 24 spaces.
- 1.21 As a consequence of this change, the extent of the car parking reduction for which planning permission is sought has been decreased from a total of five (5) to two (2) car spaces.
- 1.22 The application was not re-advertised, pursuant to Section 57B of the Act, as the changes to the plans are an improvement with the proposal reducing its reliance on off-site car parking. It is noted that all original objections stand.

2 PROPOSAL

- 2.1 It is proposed to demolish the existing buildings on the site and remove all vegetation, to construct a four storey, mixed use building with associated basement car parking.
- 2.2 An overview of the Section 57A/decision plans now follows:
Retail Use
- 2.3 At ground level, two separate retail premises are proposed at the northern end of the development described on advertised plans as "Retail 1" and "Retail 2". Collectively, the total retail floor space is 132.4 square metres with "Retail 1" to be 86.9 square metres and "Retail 2" to be 45.5 square metres.

2.4 The retail spaces have activated frontages to Doncaster Road accessible by both direct openings from the paved area immediately forward and via the common foyer (which separates the two spaces).

2.5 A communal WC facility is provided adjacent to the stairwell and lift.

Office Use

2.6 At first floor level, two separate office premises are proposed on either side of a central foyer, described on advertised plans as "Office 1" and "Office 2". Collectively, the total office floor space is 333.5 square metres with "Office 1" to be 159.7 square metres and "Office 2" to be 173.8 square metres.

2.7 Balconies are proposed to the north of each office premises, as follows:

2.7.1 Office 1 – 17.2 sqm

2.7.2 Office 2 - 20.02 sqm.

2.8 One communal balcony (58.9 sqm) is proposed to the south side of both office spaces. This balcony extends along the width of the site and projects out by 1.46 metres from the southern wall.

2.9 Communal WC facilities (male and female) are also provided at this level.

2.10 A total of fifteen (15) car spaces are proposed to be shared between the office and retail uses.

Residential Use (Levels 2 and 3)

2.11 Eight (8) residential apartments are proposed within the building four, (4) at each level. The dwelling mix encompasses:

2.11.1 7 x 2 bedroom apartments (Apartments 1-7);

2.11.2 1 x 3 bedroom apartment (Apartment 8).

2.12 The apartments vary in floor area between 73 and 106 square metres.

2.13 A total of nine (9) car spaces are proposed for the residential use. Each two bedroom apartment is provided with one car space. The single, three bedroom apartment is allocated two spaces within a car stacker.

Car Parking & Access

2.14 Car parking is proposed across one and a half levels, including an undercroft style parking level to the south of the retail premises (as shown on the ground floor plan) and a basement car park directly beneath (as shown on the basement floor plan) .

2.15 At ground floor, a total of eleven (11) car spaces are proposed, including one disabled car space. With the exception of the disabled car space, all other spaces are proposed at 4.9 metres (long) by 2.6 metres (wide). A communal bin store area is proposed adjacent to the disabled car space.

2.16 At the basement level, a total of thirteen (13) car spaces are to be provided. Six of the thirteen car spaces are provided within a car stacker arrangement. These spaces are located at the south-eastern end of the basement footprint. Plans indicate these car spaces are to be allocated as follows:

2.16.1 One car stacker (2 spaces) to Office 1

2.16.2 One car stacker (2 spaces) to Office 2

- 2.16.3 One car stacker (2 spaces) to Apartment 8 (3-bedroom apartment).
- 2.17 Eight (8) storage areas are provided at the basement level all of which exceed 6 cubic metres in size and will be secured by the use of roller shutter doors.
- 2.18 A bicycle storage room with eight (8) bicycle spaces is also proposed at this level.
- 2.19 Vehicle access is proposed via the Council laneway in the form of a 6.4 metres wide accessway. As it ramps down to the basement level, the internal ramp narrows to 3.5 metres before increasing in width to a maximum 6.4 metres.
- 2.20 It is proposed to close all vehicular access to Doncaster Road by the removal of the existing crossover.
- 2.21 A waiver of the loading/unloading requirement is sought as loading/unloading of goods associated with the development is proposed to occur from outside of the property boundary.

Building Setbacks

Basement

- 2.22 Minimum building setbacks are as follows:
- 2.22.1 Northern boundary – 4.1m increasing to 4.8m;
- 2.22.2 Southern boundary – 2.5 metres;
- 2.22.3 Western boundary – 0 metres;
- 2.22.4 Eastern boundary – 0 metres.

Ground Floor

- 2.23 Minimum building setbacks are as follows:
- 2.23.1 Northern boundary – 3.2m increasing to 3.9m;
- 2.23.2 Southern boundary – 2.5 metres;
- 2.23.3 Western boundary – 0 metres;
- 2.23.4 Eastern boundary – 0 metres.

First Floor

- 2.24 Minimum building setbacks are as follows:
- 2.24.1 Northern boundary – 3.2m increasing to 3.9m;
- 2.24.2 Southern boundary – 5.6 metres (exc. balcony, inc. balcony is 3.9m);
- 2.24.3 Western boundary – 0 metres;
- 2.24.4 Eastern boundary – 0 metres.

Second Floor

- 2.25 Minimum building setbacks are as follows:
- 2.25.1 Northern boundary – 5.7m (exc. balcony, inc balcony is 3.2m)

2.25.2 Southern boundary – 3.9m (exc. balcony, inc balcony is 2.4m)

2.25.3 Western boundary – 0 metres;

2.25.4 Eastern boundary – 0 metres.

Third Floor

2.26 Minimum building setbacks are as follows:

2.26.1 Northern boundary – 5.7m (exc. balcony, inc balcony is 4.4m)

2.26.2 Southern boundary – 4.4m (exc. balcony, inc balcony is 2.9m)

2.26.3 Western boundary – 0 metres;

2.26.4 Eastern boundary – 1.2 metres (exc. balcony, inc balcony is 0m).

Building Heights

2.27 The proposed maximum building height is 14.7 metres which occurs at a central location along the eastern elevation.

2.28 Across the Doncaster Road streetscape elevation (northern elevation), the proposed maximum building height is generally 14 metres.

2.29 Across the southern elevation, the maximum building height ranges between 13.1 metres (south-east corner) to 14 metres (south-west corner).

Materials & Finishes

2.30 Minimal information has been provided in respect of the proposed materials and finishes. It is apparent that the proposed building relies heavily on rendered finishes in a colour range consisting of white, brown and black. Aluminium composite cladding (in an orange tone) will be utilised in limited sections across the front (northern) and side (eastern) elevations.

Other Matters

2.31 The pedestrian entry to the building is via Doncaster Road. A series of steps about the front title boundary leading to a large paved area associated with the two retail spaces. Bicycle racks are positioned on either side of the building's covered entry.

2.32 A 1:14 disability ramp is also proposed accessible from the north-east corner of the site. At the north-west corner of the frontage, a fire services cabinet is proposed to be flanked by a raised planter bed in which two indicative canopy trees are proposed.

2.33 The proposed building has a site coverage of 79% and an impervious site coverage of 92%.

2.34 In support of the planning application, the following documentation has been submitted with the proposal:

2.34.1 Architectural drawings, as prepared by Paul Shaw & Associates, Revision BV, dated 11 April 2016;

2.34.2 Colour perspective drawings, as prepared by Paul Shaw & Associates, received by Council on 31 July 2015;

2.34.3 Feature Survey Plan, as prepared by JCA Consultants, 20 March 2015;

2.34.4 Planning Report, as prepared by SJB Planning, April 2015;

- 2.34.5 Traffic Impact Report, as prepared by Ratio, dated April 2015 and additional traffic related advice, dated 12 January 2016;
- 2.34.6 Sustainability Management Plan, as prepared by Efficient Energy Choices, dated 2 April 2015;
- 2.34.7 Waste Management Plan, as prepared by R B Waste Consulting Service, dated 14 April 2015.

3 PRIORITY/TIMING

- 3.1 The statutory time for considering a planning application is 60 days. Having regard to the amended application pursuant to Section 57A, the statutory time is due to lapse on 14 June 2016.

4 RELEVANT LEGISLATION

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

5 MANNINGHAM PLANNING SCHEME

Zoning

- 5.1 Pursuant to the Manningham Planning Scheme, the site is included in the Commercial 1 Zone (C1Z).
- 5.2 The purpose of the Commercial 1 Zone is:
 - To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
 - To provide for residential uses at densities complementary to the role and scale of the commercial centre.
- 5.3 Pursuant to Clause 34.01-4, a planning permit is required to construct a building or construct or carry out works.
- 5.4 Clause 34.01-8 sets out the Decision Guidelines that a Responsible Authority must consider, in addition to the decision guidelines in Clause 65, the relevant ones to this application being:

General

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The interface with adjoining zones, especially the relationship with residential areas.

Buildings and Works

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The availability of and connection to services.
- The design of buildings to provide for solar access.
- The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

Overlays

- 5.5 The site is also included in the Design and Development Overlay Schedule 1 (DDO1) under the provisions of the Manningham Planning Scheme.
- 5.6 The purpose of the Design and Development Overlay is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
 - To identify areas which are affected by specific requirements relating to the design and built form of new development.
- 5.7 Pursuant to Clause 43.02-2, a planning permit is required to construct a building or construct or carry out works.
- 5.8 Buildings and works must be constructed in accordance with any requirements in a schedule to this overlay. A permit may be granted to construct a building or construct or carry out works which are not in accordance with any requirement in a schedule to this overlay, unless the schedule specifies otherwise.
- 5.9 Clause 43.02-5 sets out the Decision Guidelines that a Responsible Authority must consider, in addition to the decision guidelines in Clause 65, the relevant ones to this application being:
- 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 the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.
 - 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
 - Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.
 - Any other matters specified in a schedule to this overlay.
- 5.10 Schedule 1 to the DD01 refers to the Doncaster Road Strategy Area. At Clause 1, the Design Objectives of the DD01 are:
- To achieve good design outcomes.
 - To improve the attractiveness of Doncaster Road and to ensure that new development enhances the visual amenity and role of Doncaster Road as a viewing corridor.

- To enhance the viability and vitality of commercial activities along Doncaster Road.
- To ensure that advertising signs are compatible with the style of the built form and do not create visual clutter.
- To enhance the residential environment and improve facilities for public transport, pedestrians and cyclists.
- To promote safe pedestrian and bicycle access.
- To improve traffic efficiency and safety.
- To protect and enhance the amenity and liveability of residential areas.

5.11 In respect of buildings and works, Clause 2 specifies new development must:

- Recognise the importance of Doncaster Road as a main viewing corridor.
- Be set back 5 metres from the Doncaster Road frontage or have a sufficient setback from the Doncaster Road frontage to create a consistent built edge and incorporate tree planting and landscaping to achieve a boulevard character (This does not apply to dwellings).
- Create distinctive identities for gateways.
- Ensure that car parking areas are kept to the rear of buildings if possible.
- Allow vehicles to exit the site in a forward direction.
- Protect the capacity of the road and promote public safety by minimising the number of access points to Doncaster Road.
- Create visual interest and be compatible with the neighbourhood character by providing:
 - Articulated building facades and highlighted building entries.
 - Façade materials that do not exceed 70 per cent glazing.
 - Building heights that are responsive to the heights of adjoining buildings and do not cause a significant loss of amenity to adjoining properties.
- The landscape design must integrate development with adjoining properties and provide an attractive environment and buffer to these properties.
- Planting within the building setback area must include a row of avenue trees.

State Planning Policy Framework (SPPF)

5.12 Clause 11.01-1 (Activity Centres) includes the objective to build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres.

- 5.13 Clause 11.01-2 (Activity Centre Planning) includes the objective to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.
- 5.14 Clause 15.01-1 (Urban Design) seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. Strategies towards achieving this are identified as follows:
- *Promote good urban design to make the environment more liveable and attractive.*
 - *Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability*
 - *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*
 - *Ensure transport corridors integrate land use planning, urban design and transport planning and are developed and managed with particular attention to urban design aspects*
 - *Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.*
- 5.15 Clause 15.01-4 (Design for Safety) seeks to improve community safety and encourage neighbourhood design that makes people feel safe. The strategy identified to achieve this objective is to ensure the design of buildings, public spaces and the mix of activities contribute to safety and perceptions of safety.
- 5.16 Clause 15.01-5 (Cultural Identity and Neighbourhood Character) seeks to recognise and protect cultural identity, neighbourhood character and sense of place. The clause emphasises the importance of neighbourhood character and the identity of neighbourhoods and their sense of place. Strategies towards achieving this are identified as follows:
- *Ensure development responds and contributes to existing sense of place and cultural identity.*
 - *Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.*
 - *Ensure development responds to its context and reinforces special characteristics of local environment and place.*
- 5.17 Clause 15.02-1 (Energy and Resource Efficiency) seeks to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.
- 5.18 Clause 16.01-1 (Integrated Housing) seeks to promote a housing market that meets community needs. Strategies towards achieving this are identified as follows:

- *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations.*
 - *Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.*
- 5.19 Clause 16.01-2 (Location of Residential Development) seeks to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. Strategies towards achieving this are identified as follows:
- *Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.*
 - *In Metropolitan Melbourne, locate more intense housing development in and around Activity centres, in areas close to train stations and on large redevelopment sites.*
 - *Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.*
 - *Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.*
- 5.20 Clause 16.01-4 (Housing Diversity) seeks to provide for a range of housing types to meet increasingly diverse needs. Strategies towards achieving this are identified as follows:
- *Ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.*
 - *Encourage the development of well-designed medium-density housing which respects the neighbourhood character.*
 - *Improves housing choice.*
 - *Makes better use of existing infrastructure.*
 - *Improves energy efficiency of housing.*
 - *Support opportunities for a wide range of income groups to choose housing in well serviced locations.*
- 5.21 Clause 16.01-5 (Housing affordability) seeks to deliver more affordable housing closer to jobs, transport and services.
- 5.22 Clause 18.01-1 (Integrated Transport: Land use and transport planning) seeks to create a safe and sustainable transport system by integrating land-use and transport.
- 5.23 Clause 18.02-1 (Movement networks: Sustainable personal transport) has the objective to promote the use of sustainable personal transport.

- 5.24 Clause 18.02-2 (Cycling) seeks to integrate planning for cycling with land use and development planning and encourage as alternative modes of travel. The clause includes several strategies to achieve this objective including to:
- Require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, shopping and community facilities and other major attractions when issuing planning approvals.

5.25 Clause 18.02-4 (Management of the road system) has the objective to manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.

5.26 Clause 18.02-5 (Car parking) seeks to ensure an adequate supply of car parking that is appropriately designed and located.

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

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

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

5.29 Clause 21.09 (Activity Centre and Commercial Areas) outlines that *principal, major and identified neighbourhood activity centres will be the focus of increased residential growth and development.*

5.30 In respect of Neighbourhood Activity Centres, it states:

Manningham's Neighbourhood Activity Centres provide a limited mix of uses to meet local convenience needs. A key issue is to ensure that these centres remain viable and can evolve to meet the future needs of the community.

These centres will continue to be community hubs and meeting places for local residents, and opportunities for locating a range of social, community and recreational services within these centres will be encouraged. The activity centres located west of the Mullum Mullum Creek will be a focus for increased medium density development.

Development in the activity centres should improve functionality, accessibility, safety, social interaction, promote sustainability, and address scale and identity through site responsive design.

5.31 Clause 21.09-4 Neighbourhood Activity Centres sets out the following objectives:

- *To maintain the role of Neighbourhood Activity Centres to meet local convenience needs.*
- *To achieve active street frontages in Neighbourhood Activity Centres.*
- *To discourage the location of new commercial and retail development outside Neighbourhood Activity Centres.*
- *To minimise the negative impact of Neighbourhood Activity Centres on the amenity of adjoining residential areas.*
- *To achieve high quality urban design which promotes a sense of place, community identity, social interaction and a safe environment.*
- *To provide landscaping to soften built form.*
- *To achieve building design which includes accessibility and reduces the need to modify or alter buildings, in response to future changing needs and uses.*
- *To ensure that public spaces provide a high standard of amenity, convenience, accessibility and safety.*
- *To provide quality community services and facilities in proximity to and within Neighbourhood Activity Centres.*
- *To ensure that adequate infrastructure is provided as part of any development.*
- *To improve pedestrian, bicycle and public transport access to Neighbourhood Activity Centres.*
- *To achieve effective and safe pedestrian movement within Neighbourhood Activity Centres.*
- *To ensure appropriate traffic management and adequate parking provision.*
- *To ensure that development provides the highest level of access for all people.*

5.32 Clause 21.09-6 Commercial Areas contains the following objectives:

- *To contain commercial development within existing commercial areas or activity centres.*
- *To minimise the impact of commercial development on the amenity of other adjoining uses.*
- *To achieve development with a high standard of amenity, functionality and safety.*
- *To ensure that the range of uses within mixed use developments are compatible.*
- *To achieve high quality urban design that makes a positive visual contribution to existing commercial areas.*
- *To reduce the visual impacts of car parking and driveway areas.*

- *To provide landscaping to soften built form.*
- 5.33 Clause 21.10 (Ecologically Sustainable Development) highlights Council's commitment to ESD and outlines a number of ESD principles to which regard must be given. These relate to:

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

Local Planning Policy

- 5.34 Clause 22.01 Design and Development Policy sets out the following objectives:

- *To ensure that the design, location and appearance of development respects the height and massing of surrounding development where this is a recognised and valued feature.*
- *To encourage contemporary architecture combined with innovative urban design and building techniques, where appropriate.*
- *To promote the siting of land uses and development, which reduces the need to travel and encourages multi-purpose trips.*
- *To retain existing vegetation where possible and ensure that a high standard of landscaping is achieved.*
- *To achieve a 'boulevard' character and well-defined built edge along Doncaster Road.*
- *To discourage development that restricts significant views from main roads.*
- *To achieve design, which is functional, safe, convenient, attractive, accessible and responsive to the site and surrounds.*
- *To facilitate the creation of functional and high quality built form and urban spaces.*
- *To encourage active street frontages.*
- *To ensure protection from unreasonable overlooking or overshadowing of abutting and nearby residential properties.*
- *To ensure that land used for vehicle access and parking is properly designed, constructed and drained.*

- 5.35 Clause 22.08 Safety Through Urban Design seeks to:

- *To provide and maintain a safer physical environment for those who live in, work in or visit the City of Manningham.*
- *To minimise opportunities for crime, through well designed and well maintained buildings and spaces.*

- *To encourage the use of public spaces.*
 - *To improve accessibility by creating attractive, vibrant, walkable environments.*
 - *To discourage graffiti and vandalism.*
- 5.36 Clause 22.09 Access for disabled people has the following objectives:
- *To facilitate the integration of people with a disability into the community.*
 - *To ensure that people with a disability have the same level of access to buildings, services and facilities as any other person.*

Particular Provisions

- 5.37 Clause 52.06 (Car Parking) is relevant to this application. Pursuant to Clause 52.06-5, car parking is required to be provided at the following rate:
- *1 space for 1 and 2 bedroom dwellings*
 - *2 spaces for 3 or more bedroom dwellings*
 - *1 visitor space to every 5 dwellings for developments of 5 or more dwellings.*
- 5.38 In terms of the proposed retail use, car parking is required as follows:
- *4 car spaces to each 100 sq m of leasable floor area.*
- 5.39 The office use triggers the following car parking rate:
- *3.5 car spaces to each 100 sq m of net floor area.*
- 5.40 It is noted that definitions of leasable and net floor area, are contained at Clause 72 of the Scheme, as follows:
- Leasable Floor Area*
That part of the net floor area able to be leased. It does not include public or common tenancy areas, such as malls, verandahs, or public conveniences.
- Net floor area*
The total floor area of all floors of all buildings on a site. It includes half the width of any party wall and the full width of all other walls. It does not include the area of stairs, loading bays, accessways, or car parking areas, or any area occupied by machinery required for air conditioning, heating, power supply, or lifts.
- 5.41 Clause 52.06-8 outlines various design standards for parking areas that should be achieved.
- 5.42 Clause 52.07 (Loading and Unloading of Vehicles) seeks to set aside land for loading and unloading of commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.
- 5.43 Clause 52.29 (Land Adjacent to a Road Zone Category 1) seeks to ensure appropriate access to identified roads. A permit is required to create or alter access to a road in a Road Zone, Category 1. All applications must be referred to VicRoads for comment.

- 5.44 Clause 52.34 (Bicycle Facilities) is applicable to this application. The statutory bicycle parking requirements are that in developments of four or more storeys, 1 bicycle space must be provided to each 5 dwellings (for residents) and 1 bicycle parking space for visitors is required for every 10 dwellings. While there are requirements for retail and office uses, these are not triggered in this instance due to the small size of these proposed uses.

General Provisions

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

Other Relevant Documents

Tunstall Square Structure Plan, March 2015

- 5.46 The Structure Plan for the Tunstall Square Neighbourhood Activity Centre was adopted in March 2015. The Plan establishes a preferred vision for the Tunstall Square Activity Centre for the next 20 years. The Plan states that it will:
- *Provide greater certainty for residents, businesses, landowners and investors about the future form and land use within the Centre*
 - *Manage change to ensure the ongoing sustainability and viability of the Centre as a place to live, work and do business.*
 - *Guide decision makers and other relevant key stakeholders at State and local government level regarding works and initiatives*
 - *Guide future land use and development in a way that is consistent with State and Local Planning policy*
 - *Direct Council resources to best serve the needs of the community.*
- 5.47 The Plan outlines that it will be used by Council
- *In the assessment of the planning permit applications and requests for Planning Scheme Amendments*
 - *To determine the application of local planning policy, zones and overlays in the Manningham Planning scheme*
 - *To support and plan for investment in public infrastructure within the Study Area.*
- 5.48 The subject site sits within the Study Area identified at Section 1.3 of the Plan.

- 5.49 The Structure Plan is organised into nine sections. Section 4 is titled Issues and Opportunities. Issues relevant to the application include: the Centre lacks a strong built form and identification presence from Doncaster Road (page 15) and the centre is a car dominated environment, both physically and visually (page 18).
- 5.50 At Section 6, the Structure Plan identifies a series of overarching objectives and strategies that will implement the vision for Tunstall Square.
- 5.51 Section 6.1.1. Housing (page 21) identifies that there is currently little or no housing within the commercial heart of the centre and there is the opportunity to provide for additional apartment style housing within the existing shopping centre where there is excellent access to shops, public transport and services and minimal residential interfaces.
- 5.52 As such, Objective 1 of the Plan seeks to provide a range of housing types to cater for the needs of the current and emerging population.
- 5.53 Section 6.2 Built Form (page 25) recognises that there are currently no restrictions on the height of buildings within the commercial part of the Study Area. The Plan states:
- Given that the commercial precinct is relatively flat, is reasonably self-contained, and has limited direct interfaces with residential properties; a built form of up to 16 metres (5 storeys) is proposed along Doncaster Road, with a form of up to 13.5 metres (4 storeys) proposed for specific sections of the commercial parts of the centre.*
- All buildings need to be of a high quality and designed so that the upper levels are 'stepped in' to minimise visual bulk and provide a reasonable transition to the adjoining residential properties.*
- 5.54 The Built Form Framework (Figure 4) identifies the site as one capable of accommodating a four storey building projected at having a maximum building height of 13.5 metres.
- 5.55 Objective 4 of the Plan seeks to provide for future redevelopment in selected locations within the commercial precinct of a design quality and height that reinforces the village atmosphere and has regard to the adjoining residential area.
- 5.56 Section 6.4.4 Car Parking (page 35) notes that the Centre experiences moderate to high parking demands interspersed with periods of higher congestion. The importance of ensuring that the efficiency of the operation of the car park is maximised is acknowledged.
- 5.57 Objective 9 of the Plan seeks to provide well designed car parking that is easy to find and access with minimal conflict with pedestrian, cyclists and public transport. Strategies to achieve this objective (as relevant to the application), include:
- *Optimise parking and improve pedestrian safety in the western car park*
 - *Encourage use of the Council laneway to provide access to additional car parking for private properties.*

6 ASSESSMENT

6.1 Having set out the planning policy and provisional framework of the Manningham Planning Scheme, an assessment of the proposal will now follow under the below headings:

- State Planning Policy Framework (SPPF)
- Local Planning Policy Framework (LPPF)
- Commercial 1 Zone (C1Z)
- Design and Development Overlay Schedule 1 (DD01)
- Particular Provisions
- Clause 65 Decision Guidelines

and against the Tunstall Square Structure Plan, March 2015.

State Planning Policy Framework

6.2 The proposed development meets the aforementioned objectives and strategies of the State Planning Policy Framework. The proposal meets the community's needs for a mixed use development comprising residential apartment opportunities within an existing, established activity centre where higher density living is best located. Housing diversity is provided and it is considered that the built form successfully responds to its urban context with a high degree of integration provided with the Doncaster Road streetscape from where public bus transportation is readily accessible.

Local Planning Policy Framework

6.3 The proposal is generally consistent with Council's Municipal Strategic Statement (MSS) and relevant local planning policies. The proposal facilitates additional residential living opportunities in an appropriate location in the midst of a range of community services, facilities and infrastructure.

6.4 The proposal features a number of the attributes sought by the MSS in respect to new development in Activity Centres (Clause 21.09), namely:

- It activates the Doncaster Road frontage by virtue of its integration with the streetscape and connectivity with the existing footpath network
- It provides an accessible building
- It offers on-site car parking and appropriate linkages to public transport
- It proposes a built form that does not cause any adverse amenity impacts
- It provides for some planting opportunities with the front and rear setbacks.

6.5 The proposal features a range of ecologically sustainable development initiatives as evidenced in the submitted Sustainability Management Plan to meet the requirements of Clause 21.10.

6.6 In respect to built form, the development responds favourably to the objectives of Clause 22.01 by:

- Its location within an Activity Centre which reduces car dependency and the need for multi-purpose trips;
 - The scale and massing of the four-storey mixed-use building;
 - Its adoption of a contemporary architectural style;
 - Its positive relationship with the Doncaster Road frontage and well considered front setback layout which facilitates an activated frontage.
- 6.7 In regards to other relevant local planning policies (Clauses 22.08 and 22.09), it is considered that the design response is accessible to people of limited mobility by the provision of an appropriate ramp grade to enable access into the building. Once inside, all levels are serviced by lift. However, there are aspects of the detailed design that are considered likely to attract vandalism and graffiti. The proposed two-storey, white rendered wall along the eastern elevation presents as a “blank canvas” for this purpose. To avoid this likely ongoing maintenance issue for any future owners corporation, as well as to avoid this aspect of the building being an eyesore to all, it is proposed to require a permit condition that this wall be constructed of a durable material (for e.g. brick, glazed brickwork) and finished/treated appropriately. The wall must also not be finished in white (**Condition 1.18**).

Zoning & Overlay

Commercial 1 Zone (C1Z)

- 6.8 The proposal is consistent with the three purposes of the C1Z.
- 6.9 Firstly, as stated above, the proposal is consistent with the objectives and strategies contained within the SPPF and LPPF.
- 6.10 Secondly, the proposed mixed use development seeks to compliment and enhance the existing vibrancy of the Tunstall Square Neighbourhood Activity Centre by providing additional retail and office floor space to further employment and economic development opportunities to support the Centre’s ongoing viability and attractiveness to existing and new patrons.
- 6.11 Thirdly, the inclusion of two levels of residential provides an appropriate number and level of diversity in apartment type to facilitate opportunities for future residents seeking to live within an activity centre environment. The overall scale is compatible with the existing and preferred character of the Tunstall Square Neighbourhood Activity Centre.
- 6.12 The proposal is generally consistent with the decisions guidelines of the Zone (Clause 34.01-8) due to:
- Its provision of on-site car parking (although it is noted that there is a shortfall of two statutory car spaces)
 - A waste room incorporated with the building footprint and the building’s waste to be privately managed
 - The ability for ongoing maintenance to be definitive and manageable having regard to the front setback layout and common property arrangement in respect of the car parking area

- The building's design maximises solar access, particularly for the retail and office uses which will benefit from a northerly aspect. The ground level layout seeks to facilitate a small, north-facing alfresco style space for both retail premises while the balconies to both office spaces at first level will provide a high level of amenity for office workers to enjoy this space which will in turn provide for passive surveillance opportunities.
 - The proposal is considered to positively comply with a number of the objectives, standards and decision guidelines of Clause 55 having regard to the building's integration with the streetscape, opportunities for canopy tree planting to soften the streetscape elevation, regard to off-site amenity impacts, on-site open space provision in the form of appropriately sized and dimensioned balconies, storage provision for all dwellings and solar penetration into the habitable room spaces of the majority of dwellings.
- 6.13 While the proposal does not meet the relevant standard at Clause 55.04-1 side and rear setback objectives, it is considered that it meets the objective - to ensure that the height and setback of a building from a boundary respects the existing and preferred neighbourhood character and limits the impact on the amenity of existing dwellings.
- 6.14 The site is within a commercial zoning where it adjoins a laneway to its eastern boundary and an existing two storey wall on its western boundary. There is considered to be no unreasonable amenity impacts as a result of constructing to the eastern boundary while the future development of the land to the west at 1094 Doncaster Road (also zoned commercial) is to be afforded the same opportunity as the current proposal to build to the boundary to four storeys. As such, the development is not considered to unreasonably prejudice the future development opportunities of the land to the west.
- 6.15 To the rear, the land is zoned for residential purposes but is presently used as a non-residential use (physiotherapy & pilates). As previously noted, an open air car park adjoins the boundary common with the site. As such, the amenity protection for the property to the south (No. 2 Elvie Street) is not as great as if it were used for residential purposes and private open space was to be directly impacted by the built form. So, while there will be some overshadowing implications caused by the development's rear wall heights, these are not considered to be so unreasonable as to warrant modifications to the building for this purpose, or on neighbourhood character grounds.
- 6.16 From an equitable development perspective, a permit condition will however, seek a minimum 4.5 metre wall setback to the common boundary with No. 2 Elvie Street to avoid the need to screen south facing habitable room windows and afford the adjoining lot the same opportunity if/when it redevelops (**Condition 1.16**). This figure is derived having regard to the 9m distance sought by the overlooking objective at Clause 55.04-6 of the Manningham Planning Scheme. The encroachment of the balconies associated with Apartments 2 & 6 into this 4.5m space is reasonable (without screening) as it is considered a future design response on the adjoining lot can take their positioning into account (and respond in their design to avoid a direct outlook).

Schedule 1 to the Design and Development Overlay (DD01)

- 6.17 The proposal is generally consistent with the requirements of Clause 2 of the DD01 and is consistent with the requirements of the decision guidelines of the DD0 and DD01 due to:
- The scale and massing of the built form considered to be “in keeping” with the desired character for Doncaster Road and the site’s contribution to the Tunstall Square Neighbourhood Activity Centre.
 - The building generating a high level of visual interest by virtue of an appropriate building height, the appropriate level of glazing (being less than the 70% sought), achievement of an articulated building facade and readily identifiable building entry.
 - The integration of car parking within the building rather than presenting as an eyesore in the front setback.
 - The design of car parking to enable egress in a forward direction.
 - It minimising the number of access points onto Doncaster Road (it proposes no crossovers) and thereby protects the capacity of the road and provides for public safety for users of the Doncaster Road footpath.
 - The provision for some planting, including canopy tree planting, within the front setback (although does not meet the requirement to include a row of avenue trees within the building setback).
- 6.18 The 5 metre setback requirement to the Doncaster Road frontage is not met by the proposal. At ground level, the minimum setback of the building to Doncaster Road is 3.2 metres (Retail 2) increasing to 3.9 metres (Retail 1). However, the proposed setback of Retail 2 is consistent with the existing setback of the building at 1094 Doncaster Road and thereby provides a consistent building edge, as sought by the DD01. On this basis, the proposed setback of the mixed use building is considered acceptable.

Particular Provisions Assessment

- 6.19 An assessment follows against the relevant particular provisions of the Scheme:

Clause 52.06 Car Parking

- 6.20 Prior to a new use commencing or a new building being occupied, Clause 52.06-2 requires the number of car parking spaces outlined at Clause 52.06-5 to be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the Responsible Authority.
- 6.21 This clause requires resident car parking at a rate of one space for each dwelling with one or two bedrooms and two spaces for each dwelling with three or more bedrooms.
- 6.22 Visitor car parking is required at a rate of one car parking space for every 5 dwellings.

- 6.23 The proposal satisfies the residential occupant car parking requirement by providing one car space to each two bedroom apartment (Apartments 1-7) and two car spaces in a mechanical car stacker for Apartment 8. However, it does not provide the one (1) residential visitor car space required by the Clause.
- 6.24 Having regard to the net floor area of office proposed, the proposal is required to provide a total of eleven (11) car spaces. The proposal provides the required spaces in the form of two mechanical stackers (4 spaces) at the basement level and seven (7) spaces at the car park entry level. It is anticipated that the stacker spaces will be allocated to office staff, rather than visitors (**Condition 1.1**).
- 6.25 In regards to the retail use, a total of five (5) statutory car spaces are required. The proposal provides four (4), including a disabled car space. As such there is a shortfall of one retail (1) space.
- 6.26 Overall, the proposal now seeks a reduction in the provision of two (2) spaces: one being for the retail use and the other for the residential (visitor) use. An assessment as to the reasonableness of this request requires a consideration of the extensive list of requirements at Clause 52.06-6 of the Manningham Planning Scheme. This list includes: the Car Parking Demand Assessment submitted in support of the application which has regard to, among other things, opportunities for multi-purpose trips, short-term vs long-term stay requirements of the uses, bicycle parking provision, access to public transport, and any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.
- 6.27 The Car Parking Demand Assessment, April 2015, prepared by Ratio Consultants, acknowledges parking occupancy to be “reasonably high” within the survey period (surveys were conducted between 8am to 9pm on a Friday and 11am to 4pm on a Saturday and found a maximum occupancy of 79% and 85%, respectively).
- 6.28 Notwithstanding the high “take up” of car parking within the Activity Centre, the parking surveys do confirm that there is available public spaces in the vicinity of the site at all times, including during peak times, to cater to any off-site visitor parking demand. This is a relevant consideration.
- 6.29 Also a relevant consideration is the position of the Doncaster Road bus stop at the doorstep of the entry to the development. The Doncaster Road bus service has a dedicated bus lane along Doncaster Road which provides westbound access to a range of facilities, including Westfield Doncaster and the Melbourne Centre Activities District. Such convenient and proximate access to one of the best bus services in the municipality presents itself as an important (and relevant) consideration.
- 6.30 The proposal's inclusion of a series of bicycle parking facilities both at ground entry level and within the basement is also relevant, as is the proposed development's accessibility to pedestrians.
- 6.31 It is considered that the installation of mechanical stackers into the building to reduce the extent of the car parking reduction sought has been an important and positive adjustment to the proposal since the application was advertised. By the quantum of on-site car spaces increasing, it has also affected their allocation with a full compliance now achieved for the office

use. Given the longer term-stay associated with an office use, this is considered to be an important change.

- 6.32 This is to be contrasted to the retail use which is more likely to have shorter term visitor demand and be “a multi-purpose trip” generator with visitors also likely to attend the conveniences within the Tunstall Square Activity Centre.
- 6.33 It is the view of the permit applicant’s traffic engineer, in relation to the retail reduction sought, that:

“it is a common and acceptable outcome for all customer parking for retail tenancies of the size and location (within or near to an Activity Centre) to be accommodated in nearby on and off-street public parking locations, as proposed for this development”.
- 6.34 It is also noteworthy that the opportunity should exist for residential visitors to utilise the office visitor spaces outside of office hours. Signage to this effect could be helpful and will be required by permit condition (**Condition 1.9**).
- 6.35 Therefore, having regard to the above relevant considerations, the proposed car parking reduction is considered reasonable. It is not considered that by supporting this reduction that Council is causing an adverse economic impact on the viability of the Activity Centre. Rather, it is considered that the overall proposal serves to enhance the vibrancy and economic vitality of the Activity Centre. It is considered the number of spaces and the nature of the spaces to be waived is critical in the decision to support the car parking reduction and in drawing to the ultimate conclusion that the waiver will not have an adverse effect on the Centre.
- 6.36 Clause 52.06-8 contains seven (7) design standards with which the proposal should comply:

Design Standard	Met/Not Met
1 - Accessways	<p>Met with conditions</p> <p>The access has been proposed to enable vehicles to exit the site in a forward direction.</p> <p>It is considered that the 6.4 metre wide aisle width serves as the required passing area for the purpose of this development. This view is shared by the permit applicant’s traffic engineer.</p> <p>A permit condition will seek clarification that the headroom clearance of the building satisfies the 2.1 metre requirement of the standard (Condition 1.3).</p> <p>The perforated metal screens on either side of the accessway should allow for a good level of transparency to ensure appropriate sightlines. However, a permit condition will seek the design detail of these screens to ensure a minimum 50% transparency. Furthermore, the need for a security door across the crossover will need to adopt a similar transparent design to ensure the site lines of exiting vehicles can be maximised. In conjunction with a requirement to install an amber warning light to alert</p>

	<p>motorists and pedestrians utilising the laneway (a suggestion of the applicant's traffic engineer), these measures in conjunction with one another are considered will ensure the access into and out of the proposed development will be safe and accessible (Conditions 1.4, 1.5, 1.6).</p>
2 – Car Parking Spaces	<p>Met with condition Council's Engineering department has considered the size of proposed car parking spaces and aisle widths and considered them to be appropriate.</p> <p>Council's Engineers have raised concern with the location of car parking spaces 6, 7, 8 and 9 in relation to their proximity to the entry to the car park and in terms of the ability for these spaces to be used safely. It is considered with the adoption of the aforementioned requirements to improve the sightlines at the crossover point and the installation of an amber warning light to alert motorists and pedestrians along the laneway of an exiting vehicle (as discussed in the response to Design Standard 1), the concerns of Council's engineers with these spaces is considered to have been addressed.</p> <p>Council's Engineers seek the residential car parking spaces at the basement level to be made secure. This can be addressed by permit condition (Condition 1.8).</p>
3 - Gradients	<p>Met with condition Council's Engineering department have raised no concern with any proposed entry grades associated with the internal accessway although a condition recommended by them seeks clarification of the grades within the car park. They have asked for a section to confirm this and the appropriateness of headroom clearance within (Condition 1.11).</p>
4 – Mechanical Parking	<p>Met with conditions The proposed mechanical stackers will not be utilised by visitors to the building. They can be appropriately allocated to one residential apartment and the office use (occupiers, rather than visitors). A permit condition will confirm this by way of plan notation (Condition 1.1).</p> <p>Some further detail regarding the specifications associated with the design of the stackers will be sought by permit condition, including demonstration that head clearances accord with the requirement of this design standard (Condition 1.10)</p>
5 – Urban Design	<p>Met with conditions The presentation of the accessway, as viewed from the public realm, is deemed to be appropriate. To achieve the</p>

	right balance between site permeability and security, a security door with an appropriate level of transparency will be required by permit condition. (Conditions 1.4, 1.5).
6 – Safety	Met with conditions Given the high useage of the laneway, and the potential for conflict with pedestrians and the range of vehicles that utilise the laneway, it is considered very important to implement some safety measures at the car park entry to ensure public safety as outlined above in the response to Design Standard 1. Ratio Consultants have proposed a number of measures which could be adopted by permit condition to achieve this outcome, including the installation of an amber warning light (Conditions 1.4, 1.5, 1.6).
7 – Landscaping	Considered Met Given the access occurs ‘at grade’ and directly from the existing Council laneway, the typical opportunity to achieve a landscaped vehicle accessway is not permitted by the design response. Due to the site’s commercial zoning and location of the accessway, this is not considered to be an issue in this application.

- 6.37 It follows from the above assessment that the proposal is generally compliant with the applicable design standards at Clause 52.06-8 of the Manningham Planning Scheme with areas of concern resolvable by permit condition.

Clause 52.07 Loading and Unloading of Vehicles

- 6.38 Clause 52.07 requires land used for the manufacture, servicing, storage or sale of goods/materials to set aside space for the loading and unloading of vehicles. Accordingly, the proposed two retail tenancies are required to provide a loading bay.
- 6.39 A permit may be granted to reduce or waiver this requirement for an on-site loading bay if either:
- The land area is insufficient
 - Adequate provision is made for loading and unloading of vehicles to the satisfaction of the Responsible Authority.
- 6.40 As most retail tenancies of this size and in such locations rely on off-site loading (either along the road frontage or adjoining ROW), it is considered reasonable to permit this arrangement in this instance. While Doncaster Road accommodates a dedicated bus lane and clearway during the hours of 7am to 9am and 4pm to 7pm, there is scope outside of these hours for a vehicle to prop outside the Doncaster Road frontage and directly enter the ground level retail spaces. The eastern side of the Council laneway would also be available for short term parking by delivery vehicles in a similar manner that occurs with many of the other business serviced by this laneway.
- 6.41 It follows from the above that the proposed waiver of the loading/unloading requirement is reasonable in the circumstance.

Clause 52.29 Land Adjacent to a Road Zone Category 1

- 6.42 The closure of the current access to Doncaster Road is supported by the Roads Authority, who by way of background, provided preliminary advice to the permit applicant that they would not support access to the proposed mixed use development from Doncaster Road (given the adjacent laneway access). As such, the permit applicant embarked on a design response which relies on the Council laneway for site access. Standard conditions will be applied, as sought by VicRoads, to ensure the removal and reinstatement of the nature strip, kerb and channel. The removal of the crossover to Doncaster Road is also consistent with the DD01 which serves to reduce the extent of crossovers to Doncaster Road in the interests of pedestrian safety.

Clause 65 Decision Guidelines

- 6.43 Clause 65 states because a planning permit can be granted, does not imply that a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause. Before deciding on an application, the Responsible Authority is required to consider up to twelve items which include *“the matters set out in Section 60 of the Planning and Environment Act 1987”*, *“the orderly planning of the area”* and *“the effect on the amenity of the area”*.
- 6.44 Having regards to the decision guidelines of this clause, it is considered that the proposed development constitutes orderly planning and will not have an unreasonable effect on the amenity of the neighbourhood for reasons discussed throughout this report.

Tunstall Square Structure Plan, March 2015

- 6.45 A review of the proposal against the policy aspirations, statements and objectives as contained within the Tunstall Square Structure Plan reveals a scheme that is highly compliant with the Plan.
- 6.46 The Structure Plan, as outlined above, specifically seeks to facilitate a four-storey mixed use building encompassing a significant residential component on the subject site. While it is acknowledged that the overall maximum building height exceeds the recommended 13.5 metres, the overall building height of the proposal is generally no greater than 14 metres (across the Doncaster Road streetscape elevation) where it is considered that a minor (500mm) deviation above the height limit can be readily absorbed. A section of the building that projects to 14.7 metres across the eastern elevation similarly exceeds the height limit contained within the Structure Plan. This 1.2 metre projection above the 13.5 metre height provision within the Plan occurs as the design incorporates a skillion roof form at a central-to-southern section of the built form. While a condition could seek a reduction to the overall building height, it is considered this would come at the expense of the articulation of the building as the roofline has been designed to accentuate the built form and provide visual interest where it could have otherwise adopted a flat roof. It is also noted that the height of the roof in this location presents no amenity impacts to adjoining properties. At the rear of the building, the heights steps down to between 13.1-14 metres (at the fourth level) and 10.5 metres (at the third level) which provides for a level of transition across the site to the residential zoned land to the rear (south).

- 6.47 In terms of car parking provision, the Structure Plan makes some observations in relation to the operation and demand for car parking within the commercial core of the Activity Centre. Opportunities to improve the car parking layout are noted but there are no explicit statements that the car parking is at saturation or that there is a need to introduce more car parking into the Centre. Rather, the focus in relation to access and circulation are heavily steered towards reducing car dependency and improving the experience for pedestrians and cyclists within the Centre. As such, the car parking reduction sought by the proposal is not considered to be contrary to the Structure Plan.
- 6.48 Critically, the proposal's reliance on the Council laneway to facilitate access to the development's basement car park is consistent with the Structure Plan which specifically calls for the use of the Council laneway to provide access to additional car parking for private properties.

7 REFERRALS

- 7.1 VicRoads is the statutory referral authority under the Manningham Planning Scheme. On 10 September 2015, VicRoads advised Council that they have no objection to the proposed development subject to the inclusion of some standard conditions relating to the removal of the existing crossover to Doncaster Road.
- 7.2 The application was referred to a number of Service Units within Council the following table summarises their responses:

Service Unit	Comments
Engineering & Technical Services Unit (Drainage)	<ul style="list-style-type: none"> • Point of discharge is available for the site. All runoff is to be directed to the point of discharge subject to standard conditions. • Requires the provision of an on-site stormwater detention system.
Engineering & Technical Services Unit (Vehicle Crossings)	<ul style="list-style-type: none"> • Existing power pole needs to be relocated to facilitate vehicle access from the laneway. • Existing crossover along Doncaster Road to be removed and reinstated.
Engineering & Technical Services Unit (Access & Driveway)	<ul style="list-style-type: none"> • Proposed accessway serves more than 10 car spaces and the accessway is more than 50m long. Applicant is to provide a 5m wide and 7m long passing area at the entrance in accordance with Design Standard 1 of Clause 52.06-8. • Car spaces 6, 7, 8 and 9 are constrained and manoeuvrability of these spaces will have impacts to the

Service Unit	Comments
	<p>laneway's operation.</p> <ul style="list-style-type: none"> • Car spaces 7 and 8 are at blind aisles and should be reviewed to allow visibility within sight triangles having regard to pedestrian movement along the laneway. • The applicant is to provide a security door for the residential car park. • No stopping parking restrictions to be installed on the eastern wall of the building to prevent vehicular parking along the laneway close to the intersection with Doncaster Road at the cost of the developer. • "Give-way" line marking and associated signage to be installed at the intersection of the laneway and Doncaster Road at the cost of the developer. • There are no footpath provisions in the laneway to facilitate safe pedestrian movement between the development and the shopping area. • Requires public lighting along the laneway adjacent to the proposed development. • More details on plans to be provided – cross sections for the two ramps, headroom clearance, reduced levels along the driveway.
<p>Engineering & Technical Services Unit (Parking & Traffic)</p>	<ul style="list-style-type: none"> • The initial proposal to seek a car parking reduction in the order of 5 car parking spaces is not supported by Council's engineers. (The waiver consisted of three spaces associated with the retail use and two spaces associated with the office component of the development. Noting that the proposed shops require short-term car spaces for customers while the office use required long term car parking spaces especially during week days, it was recommended that the applicant provide the entire car parking requirement within the development). • The applicant is required to

Service Unit	Comments
	<p>demonstrate how and where loading and unloading operations for the proposed two shops are to be undertaken.</p> <ul style="list-style-type: none"> Bicycle parking is satisfactory and in accordance with Clause 52.34.
Engineering & Technical Services Unit (Waste Management)	<ul style="list-style-type: none"> Confirms private waste collection and there be no bins left outside the development boundary or left unattended at any time on any street frontage for any reason. Requires the developer to adhere to the draft Waste Management Plan, as prepared by Waste Consulting Services, dated 14 April 2015.
Engineering & Technical Services Unit (Construction Management)	<ul style="list-style-type: none"> Requires a Construction Management Plan to be lodged as a condition of approval.
Economic & Environmental Planning (Urban Design)	<ul style="list-style-type: none"> Considers the proposal to be “mainly successful” in providing for an increased diversity of retail, commercial and residential tenancies into the Activity Centre. The size and general amenity of the apartments is considered to be good with the exception of the bedrooms looking into the light well and provides some specific recommendations on how this can be addressed/improved. Notes that the site is suitable for a 4-storey mixed use development of this scale while the height “<i>is considered within an acceptable margin from the recommended 13.5 metres</i>”. Identifies some issues concerning equitable development, particularly in relation to the encroachment of balconies into the rear setback. Recommends that setbacks to the southern boundary be increased to allow for equitable development of the neighbouring site. Recommends the relocation of proposed bicycle racks to avoid

Service Unit	Comments
	<p>impeding pedestrian movement within the front setback.</p> <ul style="list-style-type: none"> • Recommends securing access to the car park. • Highlights that there is a large reliance on painted and rendered finishes, the durability of which are questioned. It is recommended that more quality materials and finishes are utilised with embedded colour and texture. • The use of white render to the laneway facade is a significant concern. • The location of the windows in the laneway facade at the lower two levels should be more carefully considered having regard to internal amenity. • Recommends the removal of the white rendered recesses in favour of just the recesses across the western elevation (two uppermost levels). • Recommends requiring a detailed materials board/schedule to ensure the quality and longevity of the selected materials. • Seeks clarification of the treatment/approach to the car park entry, its impact on the laneway and the internal safety of the car park.
Economic & Environmental Planning (Economic Development)	<ul style="list-style-type: none"> • Concerned about the allocation of car parking spaces and access from the laneway at the back of the shops. • Notes that while access from the laneway is ideal in that it takes traffic off Doncaster Road, it presents as an issue as this laneway is used for delivery of goods and access to parking for the nearby businesses. Any permission to use the laneway needs to consider the needs of the businesses and retention of the right of access to these businesses.
Economic & Environmental Planning (Sustainability Planner)	<ul style="list-style-type: none"> • Requires some amendments to the submitted Sustainability Management Plan, as prepared by Efficient Energy

Service Unit	Comments
	Choices, dated 2 April 2015, as outlined in the referral advice received on 10 May 2016. (Refer Condition 3).
Engineering & Technical Services Unit (Easements)	<ul style="list-style-type: none"> Applicant has been granted Build Over Easement approval in accordance with the conditions in letter dated 16 July 2015.

- 7.3 It is considered the above matters arising from the referral of the application to internal council departments can be, as considered appropriate by the assessing planning officer, applied as permit conditions to any decision to issue.

8 CONSULTATION

- 8.1 The planning application was placed on public notice for a three (3) week period which concluded on 4 October 2015. The public were notified by the sending of letters to adjoining and nearby properties and by the display of two (2) signs across each frontage.
- 8.2 Council has received eleven (11) objections from ten (10) properties/entities being:

Address
1094 Doncaster Road, Doncaster East
Apartment 28/1042 Doncaster Road, Doncaster East
4 Tunstall Square, Doncaster East
6 Tunstall Square, Doncaster East
10 Tunstall Square, Doncaster East
11 Tunstall Square, Doncaster East
21 Tunstall Square, Doncaster East
24 Tunstall Square, Doncaster East
141 Beverley Street, Doncaster East
Tunstall Square Traders Association, Manager.

- 8.3 The grounds of objection are:

Grounds:

- Laneway
 - Impact to the laneway (including character of the lane way)
 - Additional traffic, including on the Council laneway

- Reliance on the Council Laneway for access (safety issues, restrictions to conducting business and precedent for further development)
 - Impact to the structural integrity of the Laneway during potential construction
 - Internal Amenity Impacts (as a consequence of Tunstall Square traders loading/unloading in the laneway)
 - Insufficiency of Public Notice (having regard to the extent of reliance on the Council laneway)
 - The removal of the accessway to Doncaster Road
- Lack of Car Parking Provision/Oppose Car parking reduction
 - Inappropriateness of the Waiver of the loading/unloading requirement
 - Overdevelopment of the site
 - Proposal's accordance with the Tunstall Square Structure Plan
 - Amenity implications of the construction to the property at 1094 Doncaster Road (shadow & access to light).
- 8.4 As evidenced by the above list of grounds, a key issue for owners and occupiers within and around the Tunstall Square Activity Centre is the proposed use and reliance of the Council laneway to facilitate access to the site. A summarised response to the laneway related concerns now follows:
- Laneway related concerns**
- 8.5 A number of the objectors have expressed a range of concerns (as listed above) relating to the proposed use of the Council laneway to facilitate access to the development site.
- 8.6 Noting that there is already existing access to the subject site from the laneway, it is further noted that there is no prohibition for a private land owner to seek to rely on the Council laneway for an intensified use of the land.
- 8.7 There is also no policy in the Planning Scheme that recommends against this approach. To the contrary, the Tunstall Square Structure Plan specifically calls for the use of the laneway to "provide access to additional car parking for private properties".
- 8.8 On that basis, it would seem that it is the very intention of the Structure Plan to facilitate access from the laneway in the way that the proposal seeks to do, and this is an approach supported by Council in its adoption of the Structure Plan. As such, concerns raised about additional traffic in the laneway, the shared use of the laneway with delivery vehicles and the potential for additional properties to propose a similar arrangement are not considered to be persuasive reasons to not support the proposed access via the laneway.
- 8.9 By contrast, the extensive public consultation informing the development of this Structure Plan, and the relatively recent adoption of this Plan (March 2015), are considered highly relevant reasons to support the development

site utilising the laneway, as proposed, as contemplated by the Structure Plan.

- 8.10 There are some technical concerns with the physical design of the access into and out of the site which will need to be addressed by permit condition. **(Conditions 1.4, 1.5, 1.14 and 1.15)**. These include: measures across the eastern elevation to ensure an appropriate level of transparency and traffic devices to facilitate safe entry and egress (as has been previously discussed). However, subject to the appropriate implementation of these measures, it is not considered unreasonable for the proposed development site to achieve access from its existing crossover along its eastern boundary in the manner proposed.
- 8.11 In terms of the other laneway related matters raised,
- There is no specific reason to suggest that the physical integrity of the laneway would be diminished as a consequence of any construction vehicles. A permit condition could seek to ensure that any such damage would be recoverable from the permit holder. Incidentally a Construction Management Plan requirement would be a condition of any permit to issue to ensure that the operation of the laneway was not impeded adversely as a consequence of any development of the site proceeding **(Condition 5, in particular Condition 5.3)**.
 - It is considered future residents would understand the physical context in which they find themselves in (i.e. adjacent to the laneway and have to accept its function) as part of activity centre living.
 - The removal of the access to Doncaster Road is supported by VicRoads. There is also planning policy support in the form of the DD01.
 - While not all owners and occupiers with a direct abuttal to the accessway were provided with an individual notice of the planning application, Council did directly notify a number of the immediately proximate owners and occupiers of the laneway and required two public notices on each of the frontages of the site for the notification period to alert interested parties to the proposal.
- 8.12 Other grounds of objection are also responded to, as below:
- Car Parking**
- 8.13 A number of the objectors have expressed their dissatisfaction with the proposal failing to provide the car parking requirement of the Manningham Planning Scheme, or in their individual views, the necessary level of car parking to support the proposed uses. Some objectors are calling for “more than the base minimum spaces” to be provided.
- 8.14 Since the proposal was advertised, as already discussed throughout this report, the proposal has been amended pursuant to Section 57A of the *Planning & Environment Act 1987* to reduce the extent of the car parking reduction from a total of five spaces to two spaces. While some objectors might agree this is an improvement, it is still recognised by Council officers

that this adjustment is unlikely to entirely appease residents, traders and property owners' concerns. However, for the reasons discussed in the Assessment section of this report, it is considered that the request to reduce the car parking provisional requirement of this proposal by two car spaces is not unreasonable having regard to the shortfall now affecting one residential visitor space and one retail visitor space. The proposal satisfies the car parking rate for each apartment occupant, based on the number of bedrooms, and meets the car parking requirement of the Planning Scheme for the proposed office use. Refer to Sections 6.26 to 6.37.

Inappropriateness of the Waiver of the loading/unloading requirement

- 8.15 Some objectors are concerned about the proposal not providing a loading/unloading bay associated with the retail use (there is no requirement for the residential or office uses to provide loading/unloading).
- 8.16 For the reasons discussed in the Assessment section of the report, it is considered the small footprint of the two retail premises would not pose an unreasonable strain on the abutting vehicle carriageways (either Doncaster Road or the laneway). Future delivery vehicles would need to obey parking restrictions as do all current delivery vehicles.

Overdevelopment of the site

- 8.17 It is not considered that the proposal presents an overdevelopment of the site. The Tunstall Square Structure Plan earmarks the site for a four-storey built form. While the overall building height marginally exceeds the 13.5 metres recommended by the Plan, this deviation is not a great departure from what the Plan contemplates for the site. Having regard to other considerations, including building setbacks and the design response itself, the scale of the proposal is considered to be compatible within its physical context while also meeting the planning requirements of the Scheme.

Proposal's accordance with the Tunstall Square Structure Plan

- 8.18 The proposal has been carefully measured against the policy objectives and statements contained within the Tunstall Square Structure Plan. In terms of the mix of uses, four-storey scale of the building and point of access via the Council laneway, the proposal achieves a high level of compliance with the recently adopted Structure Plan. The minor exception is a slight deviation from the recommended overall maximum building height of 13.5 metres. For the reasons previously noted, this is not considered to be fatal to the application as the overall building height does not cause adverse amenity or negative streetscape impacts.

Amenity implications of the construction to the western property boundary (shadow & access to light)

- 8.19 The adjoining property to the west at 1094 Doncaster Road has expressed concern with the proposal's reliance on the common boundary and overshadowing and access to light implications.
- 8.20 Noting that the adjoining property is similarly zoned Commercial 1, is constructed to the common boundary with the site and has no windows or other openings facing the site, the proposed ground of objection is not considered to warrant adjustments to the proposed building.

9 CONCLUSION

- 9.1 It is considered appropriate to support the planning application, as amended pursuant to Section 57A of the Planning and Environment Act 1987, subject to changes. Changes will consist of amendments to the proposed development plans to address issues arising through the assessment, including a range of conditions to ensure safe access from/to the car park, an appropriate internal amenity arrangement, and improvements to the built form.
- 9.2 The scale of the built form is consistent with the desired four-storey vertical footprint contemplated by the Tunstall Square Structure Plan, March 2015 for the site. While tipping 14 metres, the building's overall height across is not considered to be unreasonable – a view shared by Council's Urban Designer. The compact nature of the building will ensure that the building projecting to a height of 14.7 metres across the elevation facing the laneway and 14 metres to other elevations does not create visual massing or other unreasonable amenity issues.
- 9.3 Having regard to the objectives of the Tunstall Square Structure Plan, including promoting a greater village style atmosphere in the Centre to be facilitated by the approval of mixed use residential development and actively seeking the use of the Council laneway to facilitate access to private properties, it is considered this proposal is consistent with the future aspirations for one of the municipality's largest Neighbourhood Activity Centres.
- 9.4 It is acknowledged that the proposal does not strictly satisfy the requirements of Clause 52.06 Car Parking with the proposal falling short by a total of two (2) car spaces. For the reasons discussed earlier in the report, this is not considered to be fatal to the application as the absence of a dedicated residential visitor space and one retail space can be alleviated by the general availability of car parking within Tunstall Square, the site's position at the doorstep of a west bound, bus service, provision for on-site bicycle parking and opportunities for the sharing of on-site car parking outside of the offices' operation.
- 9.5 It is the view of Council officers that the proposal presents no unreasonable off-site amenity impacts. Subject to some improvements to be required by permit condition, the mixed use building will generally afford a good level of internal amenity for future occupants and visitors.
- 9.6 It follows from the assessment in this report that the proposal achieves an acceptable level of compliance against the relevant considerations as expressed in the Manningham Planning Scheme and key Council strategic documents, in particular the Tunstall Square Structure Plan. As such, it is Council officers' recommendation that the proposal be supported, subject to conditions.

RECOMMENDATION

That having considered all objections A NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application No. PL15/025181 relating to 1096 Doncaster Road, Doncaster East for the development of the land for a four storey mixed use building (comprising retail, office and residential) with

associated ground level and basement car parking, a reduction in car parking pursuant to Clause 52.06, waiver of the loading/unloading requirement pursuant to Clause 52.07 and removal of access to a road in a Road Zone Category 1 (RDZ1) pursuant to Clause 52.29 of the Manningham Planning Scheme and for no other purpose in accordance with the endorsed plans and subject to the following conditions

Endorsed Plans

1. **Before the use and development starts, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans as prepared by Paul Shaw and Associates (Revision B) and received by Council on 12 April 2016, but modified to show:**

Car Parking/Vehicle Access

- 1.1. **The allocation of the car spaces to each office and retail Use (staff and visitor), which must include two (2) of the basement level mechanical stackers allocated to office staff, rather than office visitors. The number of car spaces attributed to the office use must accord with Clause 52.06 Car Parking of the Manningham Planning Scheme;**
- 1.2. **Removal of reference to the car parking areas as “residential” and “commercial”;**
- 1.3. **Demonstration that headroom clearance to the car park entry accords with Design Standard 1 of Clause 52.06 Car Parking;**
- 1.4. **The provision of a security door (adopting a minimum 50% transparency) across the entry to the car park;**
- 1.5. **The design detail of the car park enclosure (located on either side of the vehicle accessway) to be a minimum 50% transparent to the satisfaction of the Responsible Authority;**
- 1.6. **Details of a system comprising an amber warning light to be positioned adjacent to the car park entry/exit on the east side of the building programmed to “give warning” on the opening of the car park security door;**
- 1.7. **The provision of an intercom to enable visitor access to the car park;**
- 1.8. **A security door on the ramp to the basement level car park to provide additional security for the residential and office (non-visitor) car parking;**
- 1.9. **The provision of car park signage allocating car spaces accordingly and providing for the sharing of office visitor spaces (outside of office hours) with residential visitors;**
- 1.10. **The design detail and amended cross-section drawings to demonstrate the height clearance associated with the mechanical stackers to accord with Design Standard 4 of Clause 52.06 Car Parking;**

- 1.11. Amended cross-sectional drawings to demonstrate the head room clearance and vehicle access grades within the car park to be to the satisfaction of the Responsible Authority;
- 1.12. Details of basement ventilation, including the location of any exhaust intake or outlet required;
- 1.13. A plan notation that the removal or relocation of the power pole adjoining the eastern boundary of the site to facilitate car park access to be at the full cost of the permit holder and to the satisfaction of the relevant authority.
- 1.14. A plan notation that no stopping parking restrictions are to be installed on the eastern wall of the building on either side of the accessway at the full cost of the permit holder and to the satisfaction of the relevant authority.
- 1.15. A plan notation that "Giveaway" line marking and associated signage is to be installed at the intersection of the laneway and Doncaster Road at the full cost of the permit holder and to the satisfaction of the relevant authority.

Built Form

- 1.16. The setback of the southern wall of the building at levels 2 and 3 to be no less than 4.5 metres (excluding balconies) and any other consequential internal and/or external changes to the satisfaction of the Responsible Authority;
- 1.17. The deletion of the south facing balcony to Apartment 5 to optimise solar access to the adjoining bedroom;
- 1.18. A durable material and finish/treatment, such as Brickwork or glazed brickwork, to the two-storey "white rendered" wall along the eastern elevation to avoid it being a target for graffiti, requiring ongoing maintenance and presenting as an eyesore to the satisfaction of the Responsible Authority.
- 1.19. Removal of the colour treatment to the third and fourth level "recesses" across the western elevation;
- 1.20. A comprehensive colour schedule on all elevations to include details of all materials and colours, including all building and facade treatments, paving, retaining walls etc;

Internal Amenity

- 1.21. The windows to the lightwell to be operable and the lightwell to be open to the sky to allow for fresh air;
- 1.22. Obscured glazing to the lightwell to be up to a finished floor level of 2 metres and transparent above;
- 1.23. Acoustically rated glass to all window and door openings facing Doncaster Road and the Council laneway;
- 1.24. Deletion of the east facing windows to the retail premises;
- 1.25. Having regard to optimising internal amenity, reconsideration of the location and size of the east facing windows to the office premises;

1.26. External shading treatments to east facing windows;**General**

- 1.27. The reduction in the number of bicycle spaces provided in the front setback to no more than two (2) spaces and the spaces to be located so as not to impede access to the retail premises;**
 - 1.28. Demonstration that all fire service and electrical cabinets (including substations) will be integrated into the architectural design, so as not to present as visually dominating elements across any streetscape;**
 - 1.29. The location of all air-conditioning units to be screened from public and private realms;**
 - 1.30. Retractable clotheslines to all ground level open spaces and balconies to limit their visibility to public and private realms;**
 - 1.31. An amended roof plan containing services (including air conditioning units, basement exhaust ducts, solar panels, hot water systems, etc) consistent with the ESD initiatives in the Sustainability Management Plan (including rainwater capture to be utilised for toilet and irrigation) and be screened to the satisfaction of the Responsible Authority.**
- 2. The development as shown on the approved plans must not be modified for any reason, without the written consent of the Responsible Authority.**

Sustainability Management Plan

- 3. Before the development starts or the issue of a building permit for the development, whichever is the sooner, two copies of an amended Sustainability Management Plan (SMP), prepared by a suitably qualified environmental engineer or equivalent must be submitted to and approved by the Responsible Authority. When approved the Plan will form part of the permit. The recommendations of the Plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the occupation of any dwelling. The Plan must be generally in accordance with the plan prepared by Efficient Energy Choices, dated 2 April 2015, but modified to reflect the revised development plans (approved at Condition 1), provide all reference to the Manningham Planning Scheme and include the following:**
- 3.1. Energy Efficiency**
 - 3.1.1. Use of LED for lighting;**
 - 3.1.2. Solar gas booster hot water system with minimum energy savings of 30% for the residential dwellings;**
 - 3.2. Water**
 - 3.2.1. Overflow to detention via gravity flow;**
 - 3.2.2. An amended STEPS report that include solar hot water system in renewable system size, basins to be minimum 5 star WELS and the roof area connected to rainwater storage.**

4. **Prior to the occupation of any building approved under this permit, a report from the author of the SMP report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.**

Construction Management Plan

5. **Before the development starts, two copies of a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved the plan will form part of the permit. The plan must address, but not be limited to, the following:**
 - 5.1. **Hours of demolition and construction to be to the satisfaction of the Responsible Authority;**
 - 5.2. **Adequate parking facilities for the anticipated number and type of construction workers to be detailed in plan form to the satisfaction of the Responsible Authority. The location of parking must be compliant with any applicable Council parking restrictions or with any relevant permissions granted by any private land owner (in the event of the use of private land);**
 - 5.3. **If the Council laneway is sought to be relied upon in any way in order for construction vehicles to access the site, a series of measures to be detailed to ensure that the operation and structural integrity of the laneway is not to be adversely impacted to the satisfaction of the Responsible Authority. Any physical damage to the laneway must be repaired and/or replaced at the full cost of the permit holder, and carried out to the satisfaction of the Responsible Authority at the direction of the Responsible Authority;**
 - 5.4. **Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;**
 - 5.5. **On site facilities for vehicle washing;**
 - 5.6. **Delivery and unloading points and expected frequency;**
 - 5.7. **A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced;**
 - 5.8. **The movement of construction vehicles to and from the site must be regulated to ensure that no traffic hazards are created in and around the site;**
 - 5.9. **Measures to minimise the impact of construction vehicles arriving at and departing from the land;**
 - 5.10. **An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services;**
 - 5.11. **The processes to be adopted for the separation, re-use and recycling of demolition materials;**
 - 5.12. **The measures to minimise the amount of waste construction materials; the provision for the recycling of demolition and**

waste materials; and the return of waste materials to the supplier (where the supplier has a program of reuse or recycling);

- 5.13. The measures to minimise noise and other amenity impacts from mechanical equipment and demolition/construction activities, especially outside of daytime hours;
- 5.14. The provision of adequate environmental awareness training for all on-site contractors and sub contractors; and
- 5.15. An agreed schedule of compliance inspections.

Waste Management Plan

6. The Waste Management Plan, as prepared by Waste Consulting Services, dated 14 April 2015, must be complied with at all times to the satisfaction of the Responsible Authority.
7. The Management Plans approved under Conditions 3, 5 and 6 of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.

Landscape Plan

8. Before the development starts, a landscaping plan prepared by a landscape architect or person of approved competence must be submitted to the Responsible Authority for approval. Such plan must be generally in accordance with the plans approved under Condition 1 of this permit, and must show:
 - 8.1. Species, locations, approximate height and spread of proposed planting;
 - 8.2. A minimum of two (2) canopy trees (capable of reaching a minimum mature height of 8.0 metres) and one (1) canopy tree (capable of reaching a minimum mature height of 6.0 metres), within the front setback of the site. The trees must be a minimum height of 1.5 metres at the time of planting;
 - 8.3. Shallow rooted screen planting along the full length of the southern boundary to be capable of reaching a height at maturity of a minimum of four (4) metres. The trees must be a minimum height of 1.5 metres at the time of planting;
 - 8.4. A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties.
9. Before the release of the approved plans under Condition 1, a \$5,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.
10. Before the occupation of the dwellings, landscaping works as shown on the approved plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

Stormwater — On-Site Detention System

11. The owner must provide onsite stormwater detention storage or other suitable system (which may include but is not limited to the re-use of stormwater using rainwater tanks), to limit the Permissible Site Discharge (PSD) to that applicable to the site coverage of 35 percent of hard surface or the pre existing hard surface if it is greater than 35 percent. The PSD must meet the following requirements:
 - 11.1. Be designed for a 1 in 5 year storm; and
 - 11.2. Storage must be designed for 1 in 10 year storm.
12. Before the development starts, a construction plan for the system required by Condition No. 11 of this permit must be submitted to and approved by the Responsible Authority. The system must be maintained by the Owner thereafter in accordance with the approved construction plan to the satisfaction of the Responsible Authority.

Drainage

13. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor.

Basement Car Parking/Vehicle Accessways

14. Before the occupation of the development, the areas set aside for the parking of vehicles, together with the aisles and access lanes as delineated on the endorsed plans must:
 - 14.1. be provided and completed to the satisfaction of the Responsible Authority prior to the commencement of the development hereby permitted;
 - 14.2. be line-marked, numbered and signposted and maintained as such at all times to the satisfaction of the Responsible Authority;
 - 14.3. be made available for such use at all times and not used for any other purpose;
 - 14.4. be properly formed to such levels that it can be used in accordance with the endorsed plan; and
 - 14.5. be drained and sealed with an all weather seal coat.
15. all basement parking spaces must be line-marked, numbered and signposted to provide allocation to each dwelling and visitors to the satisfaction of the Responsible Authority.
16. Visitor parking spaces must not be used for any other purpose to the satisfaction of the Responsible Authority.
17. Prior to occupation of the approved dwellings, any new or modified vehicular crossover must be constructed in accordance with the approved plans of this permit to the satisfaction of the Responsible Authority.

18. Any redundant vehicle crossover must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.

Site Services

19. Unless depicted on a roof plan approved by this permit, no roof plant (includes air conditioning units, basement exhaust ducts, solar panels or hot water systems) which is visible to immediate neighbours or from the street may be placed on the roof of the approved building, without details in the form of an amending plan being submitted to and approved by the Responsible Authority.
20. If in the opinion of the Responsible Authority, roof plant proposed under the permit is acceptable subject to the erection of sight screens, such sight screen details must be included within any amending plan and must provide for a colour co-ordinated, low maintenance screen system with suitable service access to the satisfaction of the Responsible Authority.
21. If allowed by the relevant fire authority, external fire services must be enclosed in a neatly constructed, durable cabinet finished to complement the overall development, or in the event that enclosure is not allowed, associated installations must be located, finished and landscaped to minimise visual impacts from the public footpath in front of the site to the satisfaction of the Responsible Authority.
22. All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively to the satisfaction of the Responsible Authority.
23. No air-conditioning units may be installed on the building so as to be visible from public or private realm to the satisfaction of the Responsible Authority.
24. Any clothes-drying rack or line system located on a balcony must be lower than the balustrade of the balcony and must not be visible from off the site to the satisfaction of the Responsible Authority.
25. An intercom and an automatic basement door opening system (connected to each dwelling) must be installed, so as to facilitate convenient 24 hour access to the basement car park by visitors, to the satisfaction of the Responsible Authority.
26. A centralised TV antenna system must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.
27. No individual dish antennas may be installed on balconies, terraces or walls to the satisfaction of the Responsible Authority.
28. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.

Maintenance

29. In the event of excavation causing damage to an existing boundary fence, the owner of the development site must at their own cost repair or

replace the affected fencing to the satisfaction of the Responsible Authority.

30. Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.
31. Communal lighting must be connected to reticulated mains electricity and be operated by a time switch, movement sensors or a daylight sensor to the satisfaction of the Responsible Authority.
32. All noise emanating from any mechanical plant must comply with the relevant State noise control legislation and in particular, any basement exhaust duct/unit must be positioned, so as to minimise noise impacts on residents of the buildings and adjacent properties to the satisfaction of the Responsible Authority.

VicRoads Conditions

33. All disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the buildings or works.
34. The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation).

Time Limit

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

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

“Refer Attachments”

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