

# MINUTES



## **Special Meeting of the Council**

**MEETING DETAILS:**

MEETING NO: 11  
MEETING DATE: 13 September 2016  
TIME: 7:00 PM  
LOCATION: Council Chamber, Civic Centre  
699 Doncaster Road, Doncaster

# MINUTES

## **PLEASE NOTE**

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

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

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

**INDEX**

<b>1.</b>	<b>OPENING PRAYER &amp; STATEMENTS OF ACKNOWLEDGEMENT</b>	<b>3555</b>
<b>2.</b>	<b>APOLOGIES FOR ABSENCE AND GRANTING OF LEAVE OF ABSENCE</b>	<b>3555</b>
<b>3.</b>	<b>PRIOR NOTIFICATION CONFLICTS OF INTEREST</b>	<b>3555</b>
<b>4</b>	<b>Planning Application PL15/025350 - 9-11 Williamsons Road Doncaster - Use and development of the land to construct a twelve-storey building comprising 137 dwellings and ground level retail premises, plus basement car parking and a waiver of associated loading/unloading facilities.</b>	<b>3556</b>
<b>5</b>	<b>Planning Application PL09/020097.01 - 969- 973 Doncaster Road, Doncaster – Amendment to Planning Permit PL09/020097 by undertaking a number of changes to the building to increase the number of apartments from 22 to 38, including the addition of a fourth storey to increase the overall maximum building height to 14.4 metres, reducing setbacks to all boundaries, and introducing car stackers into the basement car park</b>	<b>3637</b>
<b>6</b>	<b>Warrandyte Special Rate Scheme Renewal - Notice of Intention to Declare Special Rate</b>	<b>3694</b>
<b>7</b>	<b>Parks and Reserves Benchmarking Survey - April 2016</b>	<b>3735</b>
<b>8</b>	<b>Acquisition of Land at the Rear of 997, 999 and 1001 Doncaster Road, Doncaster East (Montgomery Precinct Laneway)</b>	<b>3770</b>
<b>9</b>	<b>Annual Report 2015/2016 in Principle Approval</b>	<b>3774</b>
<b>10</b>	<b>Documents for Sealing - 13 September 2016</b>	<b>3954</b>

**MANNINGHAM CITY COUNCIL**  
**MINUTES OF THE SPECIAL COUNCIL MEETING**  
**HELD AT COUNCIL CHAMBER, CIVIC CENTRE**  
**ON**  
**13 SEPTEMBER 2016**

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The meeting commenced at 7:00 PM.

Present: Councillor Paul McLeish (Mayor)  
Councillor Dot Haynes (Deputy Mayor)  
Councillor Meg Downie  
Councillor Sophy Galbally  
Councillor Geoff Gough  
Councillor Jim Grivokostopoulos  
Councillor Michelle Kleinert  
Councillor Stephen O'Brien

Officers Present: Chief Executive Officer, Mr Warwick Winn  
Director Assets & Engineering, Mr Leigh Harrison  
Director Community Programs, Mr Chris Potter  
Director Planning & Environment, Ms Teresa Dominik  
Manager Community Relations & Marketing, Ms Juanita Haisman  
Acting Executive Manager People & Governance, Ms Georgina Snaddon

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

The Mayor read the Opening Prayer & Statements of Acknowledgement.

**2. APOLOGIES FOR ABSENCE AND GRANTING OF LEAVE OF ABSENCE**

There were no Apologies.

**3. PRIOR NOTIFICATION CONFLICTS OF INTEREST**

The Chairman invited Councillors to disclose any interest or conflict of interest in any item listed on the Council Agenda.

There were no notifications of conflict of interest.

**4 Planning Application PL15/025350 - 9-11 Williamsons Road Doncaster - Use and development of the land to construct a twelve-storey building comprising 137 dwellings and ground level retail premises, plus basement car parking and a waiver of associated loading/unloading facilities.**

Responsible Director: Director Planning & Environment

File No. T16/203

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

**Land:** 9-11 Williamsons Road, Doncaster  
(Lot 1 TP143327E)

**Zone** Activity Centre Zone (ACZ1)  
Development Contributions Plan  
Overlay (DPCO1)  
Parking Overlay (PO1)

**Applicant:** SPEC Property Developments

**Ward:** Koonung

**Melway Reference:** 33D12

**Time to consider:** 23 October 2016

## **SUMMARY**

*It is proposed to use and develop land known as 9-11 Williamsons Road with a twelve (12) storey building comprising 137 dwellings and ground floor retail (131.6sqm). The dwellings span each level of the building, with communal open space areas offered at both ground and rooftop levels. There are (3) levels of basement car parking, with the uppermost basement level incorporating townhouse style dwellings with independent entries accessed via Carnarvon Street. Car parking is provided in accordance with the Manningham Planning Scheme, but permission is sought to waiver requirements for loading/unloading facilities associated with the retail component.*

*The application proceeded to public notification and the formal referral process in June 2016. This process attracted two (2) objections, with grounds relating to traffic congestion along Carnarvon Street, building bulk, and amenity impacts upon the approved building to the south in terms of overshadowing and overlooking. Council's internal Urban Design and Engineering referral advice also expressed some design and layout issues.*

*In response to these objections and, more particularly, referral comments, the applicant amended the proposal under Section 57A of the Planning & Environment Act 1987 (the Act) superseding the originally submitted development plans and making some adjustments to address concerns. The application was not formally re-advertised pursuant to Section 57B of the Act as the changes resulted in a smaller building footprint and fewer amenity impacts. One objection was withdrawn following discussions with the applicant.*

*An officer assessment of the application (as amended under Section 57A) concludes that the proposal is consistent with the relevant objectives of state and local planning policies and generally complies with the Manningham Planning Scheme (the Scheme), including the requirements of the Activity Centre Zone 1 (ACZ1) and supporting policy relating to the Doncaster Hill Principal Activity Centre. Further, objector concerns have or can be mitigated.*

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

## **1 BACKGROUND**

- 1.1 The site is located on the western side of Williamsons Road, and is bound by Lawford Street to the north and Carnarvon Street to the west. The site is irregularly shaped and has a frontage to Williamsons Road of 35.86m, a frontage to Lawford Street of 50.81m, and frontage to Carnarvon Street of 57.48m. This yields an overall site area in the order of 2,662sqm.
- 1.2 The site has a significant fall of approximately 6.0m from east to west, with the Williamsons Road frontage being the highest point of the site.
- 1.3 The site is occupied by a two storey commercial brick building, which has been most recently used as a gymnasium. The building is placed in the northern portion of the site, with at-grade and undercroft sealed parking situated to its south. Two double crossovers service the car park via Carnarvon Street (no other street frontage provides vehicular access), with a redundant single crossover also located in the vicinity of the southern boundary.
- 1.4 The site is fenced with a low wire mesh fence to the Williamsons Road frontage in part, incorporating pedestrian stair connection from the footpath to the significant drop down to the car park that has been benched into the slope.
- 1.5 The area to the west of the building is notably vegetated, containing four mature Eucalypts and dense understorey planting. It is noted that the Title boundary does not extend right up to the footpath along Carnarvon Street, however appears to, due to the continuation of the site's landscaping into the nature-strip reserve area. The landscaping provides some screening of the building and car park from Carnarvon Street.
- 1.6 Three immature street trees are located outside the site in Carnarvon Street. The Lawford Street frontage contains indented kerb-side parking in what would otherwise be a nature strip, presumably to make additional parking available to the site and its previous commercial uses.
- 1.7 There are no easements or other restrictions registered on title.
- 1.8 The site has only one direct abuttal and this is to the property to the south. The land (No.5-7 Williamsons Road) is currently vacant, containing only car parking and landscaping. The site has been issued with Planning Permit PL13/023469 which allows for the construction of an eleven storey building comprising 69 dwellings and associated basement car parking. The Permit is yet to be acted upon and currently has an expiration date of 3 February 2018 to commence construction.

- 1.9 Opposite the site to the west at No. 3 Carnarvon Street, is a contemporary townhouse development comprising of eight, three storey dwellings. Ground level garaging is accessed via a double crossover and shared driveway area centrally along the frontage. No. 1 Carnarvon Street to its north contains a two storey brick dwelling of typical late 1970's construction, and forms part of a multi-unit development to its rear.
- 1.10 To the north of the site, on the opposite side of Lawford Street is the Shoppingtown Hotel. A substantial area of sealed, terraced car parking is located in proximity to Lawford Street, with the Hotel itself located beyond at the northern end and consisting of a series of buildings (Bottle-Shop, Bistro and Accommodation) which step down the site with the west-ward slope.
- 1.11 To the east of the site, on the opposite side of Williamsons Road, is Westfield Shopping Centre.
- 1.12 Williamsons Road is a Primary Arterial Road under the jurisdiction of VicRoads. In the vicinity of the site, it contains three traffic lanes in each direction, separated by a vegetated median strip. Peak directional 'clearway' restrictions apply on both sides. Williamsons Road is classified as pedestrian, bus and bicycle priority route as per the VicRoads SmartRoads Network Operating Plans (October 2012).
- 1.13 Carnarvon Road is a local road that runs in a north-south direction between Doncaster Road and Lawford Street. In the vicinity of the site, it has one traffic lane in each direction with kerbside parallel parking permitted along the western side and 'No Sopping' restrictions along the east. Beyond the site to the south, it operates in a one-way (northbound only) configuration between Doncaster Road and Firth Street.
- 1.14 Lawford Street is a local street with one traffic lane in each direction, and indented kerbside parallel parking permitted on both sides in the vicinity of the site.
- 1.15 The subject site is located within the Doncaster Hill Principal Activity Centre. The Activity Centre spans along the main arterial roads (Doncaster Road, Tram, Elgar and the Williamsons Road corridors) and forms a central hub of residential, commercial, retail and recreational facilities. It is apparent that the area is changing in line with Council's vision, evidenced by the redevelopment of Westfield and construction of several residential apartment towers within the precinct. The subject site is located quite centrally within the Activity Centre, and therefore is surrounded by land which falls within the same Activity Centre Zoning (ACZ). Albeit, the land opposite to the north, east and west is within different precincts of the ACZ, which mandate differing building heights and general requirements catered specifically to each.
- 1.16 In terms of public transport, the subject site is well service by bus routes operating along Williamsons Road, connecting activity centres and residential areas within the municipality to Melbourne's Central Activity District. A major bus interchange is situated within the Westfield Doncaster complex directly opposite the site. In addition to having access to the numerous retail, restaurant and entertainment venues within the Shopping Centre, the site is well serviced by other community and local facilities include Lawford Reserve, Schramms Reserve, Carawatha Reserve, Doncaster Primary and Doncaster Secondary College.

**Planning History**

- 1.17 The proposal was presented at the pre-application stage to the Sustainable Design Taskforce in May 2015. The application as presented to taskforce and initially lodged was quite conceptual in the level of detail, consequently the extent of feedback provided was more general in nature. Between lodgement and public notification, the applicant engaged a different Architect, resulting in a substantial design shift in relation to the basement design, material palette and design element presentation.
- 1.18 Following public notification, the applicant submitted amended plans pursuant to Clause 57A of the Act on 25 August 2016. The amended plans sought to address particular Council officer concerns and concerns mirrored in referral comments, in addition to the objections lodged. The changes to the plans include:
- Setbacks to southern boundary typically increased to minimum 4.6 metres (with angled elements in southwest corner regularised).
  - Front setback from Williamsons Road reduced to podium. Building line set back 6.1 metres (previously 7.5m), framing elements to balconies now set back 5 metres (previously 5.7m) and balconies set back 4.6 metres (previously 5.7m).
  - Design element redesigned to better mirror northern half of element. Minimum setback increased from 7.35 metres to 10 metres (not including slight protrusion of curved element into the setback).
  - Internal reconfigurations to reflect building footprint changes.
  - Additional landscaping opportunities to Lawford Street through the introduction of planter boxes; Williamsons Road through continuation of planting theme along frontage, and the southern boundary through addition of planter boxes capable of accommodating trees. This was accompanied by correspondence from Tract Landscape Consultants confirming there is sufficient soil depth within the planters boxes to accommodate tree planting.
  - Design element area reduced to 14.9% of the rooftop area.
  - Revised colour of render to substation.
- 1.19 The amended plans were accompanied by a formal withdrawal of one of the initial objections to the application.
- 1.20 The amended plans were not advertised pursuant to Section 57B of the Act, as changes were not considered to cause increased detriment to the amenity of adjoining or nearby property owners. Specifically, the changes proposed along the southern elevation will reduce amenity impacts on the southern adjoining property, as the building now maintains a south setback of at least 4.5m for its entirety, and the setback of the design element at levels 8 and 9 has increased by 2.65m in most part from the southern boundary. The building line and framing elements along the front elevation have been pushed closer toward Williamsons Road, however as this change has been



made to specifically meet the expected 'uniform 5.0m setback to a podium frontage' as required to create the 'Boulevard character' in the ACZ.

- 1.21 The applicant has engaged in discussions with the objector to the south and advised that a withdrawal of objection to the amended plans has been indicated, however this has not been received by Council to date.

## **2 PROPOSAL**

- 2.1 It is proposed to develop the land with a 12 storey building comprising 137 dwellings, in addition to the use and development of a retail premises, and a waiver of associated loading/unloading facilities. The building takes the form a U-shape, centred around a ground level communal open space area toward the west of the site, located centrally to the Carnarvon Street frontage. An overview of the decision plans is as follows:

### **Residential Use**

- 2.2 A total of one hundred and thirty seven (137) apartments are proposed across 12 levels (Basement 1 and 2, Ground to Level 9). The dwelling mix encompasses:
- 15 x 1 bedroom apartments;
  - 106 x 2 bedroom apartments; and
  - 16 x 3 bedroom apartments.
- 2.3 Included in this are seven, two level townhouses located to the west of Basements levels 1 and 2. Each contains a courtyard within the Carnarvon Street frontage which also has independent entries directly accessible from the street.
- 2.4 The apartments vary in area from 48sqm to 105sqm, with the four, three bedroom penthouses larger again at 120-132sqm in area. The penthouses form the design element.
- 2.5 Dwellings are all provided with balconies or courtyards between 8sqm and 94.5sqm, with the exception of Dwelling 2.05 which is 7.1sqm in size. Most are provided with an outlook toward each site boundary, however some with an internal outlook toward the communal courtyard.

### **Retail Use**

- 2.6 A retail premises is proposed at the northern end of the ground level, being 130sqm in area and directly accessible from the site frontage to Williamsons Road.

### **Development**

- 2.7 The building presents a 10 storey form to Williamsons Road and 12 storey form to Carnarvon Street. The proposed building height is 28.3 metres (excluding the design element). Including the design element, the building reaches an overall maximum building height of 34.7 metres. The U-shape of the building essentially creates a northern and southern core, with separate stair and lift access servicing each.

### **Basement Levels**

- 2.8 The building is proposed to have four (4) basement levels. Vehicle access is provided from Carnarvon Street via a proposed double-width crossover.

Access between the basement levels is available via internal double-width ramps.

- 2.9 Basement levels are generally constructed to the north, south and east boundaries (with exception of Basement 4), and feature an angled wall which follows the Lawford Street title boundary. A total of 171 car spaces are provided. Storage cages are provided either at the end of car spaces or within designated stand alone spaces. In summary, each basement provides:

**Basement 4**

- A total of 27 car spaces;
- 35 storage cages (6 cubic metres each);
- Fire tank storage, 30,000 litre rainwater tank and services area;
- A total footprint of 1145sqm, constructed to northern and southern boundaries and well offset from east and west boundaries.

**Basement 3**

- A total of 66 car spaces;
- 10 vertical mounted bike racks (Ned Kelly model);
- 51 storage cages (6 cubic metres);
- Fire pump room and domestic hot water storage;
- A total footprint of 2,524sqm built to each title boundary (with varying setback between 300mm and 3.4m to east).

**Basement 2**

- Vehicle entry to the basement from Carnarvon Street is provided at the southern end of this level, via a 6.1m crossover and entrance ramp. A pedestrian ramp into the basement car park is provided adjacent. Due to the westward slope, this level effectively presents at-grade to Carnarvon Street.
- A total of 41 car spaces, with 13 allocated to visitors and 5 allocated to the retail premises (including one accessible space);
- 18 storage cages (6 cubic metres);
- Waste Rooms 1 and 2, being 19.9sqm and 35.2sqm in net area respectively, with direct waste chutes provided from the levels above;
- There are (7) townhouse dwellings (TH01-07) located to the west of the basement car park. Each contains direct access from the car park, with the adjacent car spaces generally allocated to these dwellings.
- From Carnarvon Street, the townhouses are setback 5.0m with the intervening space providing each with a terrace/courtyard. The terraces are enclosed by a 1.7m high

metal picket fence and pedestrian gates defining the entry points. To manage the level difference between the footpath and entries, six pedestrian pathways are excavated into the road reserve, with stair connections within each terrace.

- The total footprint is 1,874sqm, with the basement car parking area constructed to boundaries generally as per the level above.

#### **Basement 1**

- This is the top basement level and provides a total 37 car spaces;
- 17 vertical mounted bike racks (Ned Kelly model);
- 43 storage cages (6 cubic metres);
- Main switch room;
- The second storey of the 7 townhouses located to the west of the car park;
- 2 x two-bedroom dwellings to the north of the car park fronting Lawford Street;
- Total footprint is 1,568sqm, with the basement car parking area generally constructed to boundaries as per the level above. Townhouses are setback 5.0m from Carnarvon Street, with projecting balconies setback 3.2m. Dwellings are setback between 2.5 and 4.5m from Lawford Street, with terraces extending within the setback area.

#### **Ground Level**

- 2.10 The main pedestrian entry of the development is centrally located along the front façade and directly accessible from Williamsons Road. An internal amenities area (75.5sqm) is a central feature within the lobby, offering a sitting/lounge space partially enclosed by glass walls. Beyond this is the outdoor communal area (205sqm) which features seating and landscaping with an open westerly aspect. From the central lobby space, the building branches out into the northern and southern cores and their respective lift /stairwell access points.
- 2.11 This level comprises 13 residential apartments, consisting of 11 x two - bedrooms, 1 x one-bedroom and 1 x three bedroom.
- 2.12 The retail floor area (130.4sqm) is proposed to the north-east of the ground level and is open-planned. The main entry point is provided within the glazed façade, accessible via the Williamsons Road frontage, with a secondary entrance internal to the building.
- 2.13 A fire booster and substation are positioned at the southern end of the frontage.
- 2.14 Minimum ground level setbacks (excluding balconies) are as follows:
- Eastern boundary – 5.0 metres;
  - Northern boundary – 3.5 metres;

- Southern boundary – 4.5 metres;
- Western boundary – 5.0 metres.

**Levels 1-3 (Podium)**

- 2.15 A total of 17 apartments provided at each level, consisting of 3 x one-bedroom, 13 x two-bedroom and 1 x three-bedroom apartments.
- 2.16 Apartment sizes range from 52.9sqm to 100.5sqm.
- 2.17 Minimum building setbacks are as follows:
- Western boundary – 6.1 metres (5.0m to framing features);
  - Northern boundary – 3.5 metres;
  - Southern boundary – 4.5 metres;
  - Western boundary – 5.0 metres.

**Levels 4-6 (Tower)**

- 2.18 A total of 16 apartments are provided at each level, comprising of 1 x one-bedroom, 14 x two-bedroom and 1 x three-bedroom apartments.
- 2.19 Apartment sizes range from 51sqm to 100.5sqm.
- 2.20 Minimum setbacks are as follows:
- Eastern boundary – 9.0 metres;
  - Northern boundary – 3.5 metres;
  - Southern boundary – 4.5 metres;
  - Western boundary – 5.0 metres.

**Level 7 (Tower)**

- 2.21 A total of 12 apartments in this level, comprising of 2 x one-bedroom, 7 x two-bedroom and 3 x three-bedroom apartments.
- 2.22 Apartment sizes range from 50sqm to 106.4sqm.
- 2.23 Minimum setbacks are as follows:
- Eastern boundary – 9.0 metres;
  - Northern boundary – 3.5 metres;
  - Southern boundary – 4.5 metres;
  - Western boundary – 10.6 metres.

**Levels 8-9 (Design Element)**

- 2.24 The Design Element is separated into two building platforms. They feature largely curved and glazed exteriors and are generally spaced above the northern and southern cores of the building. Between the two building elements is a central communal rooftop garden (120sqm), providing landscaping, steel pergola structures, timber feature walls and communal BBQ and seating/dining spaces.
- 2.25 Situated within the Design Element Area are four, three-bedroom apartments (two in each of the building platform) which are at least 120sqm in area.

Each dwelling is provided with a westerly aspect to their living spaces and adjacent rooftop terraces.

- 2.26 The Design Element equates to 14.9% of the rooftop area, and provides for generous boundary setbacks between 7.3m and 18.5m.

#### **Materials & Finishes**

- 2.27 The building proposes to draw on a varied palette of materials, including precast concrete with textured ribbing, metal cladding, reconstituted timber cladding, glazed ceramic brickwork, and a renderock FC concrete finish. The colour scheme is based on whites, greys and charcoals with timber accents. Perforated metal screens are featured as an operable louver. Balcony balustrades are contrasted with both glass and metal fins.
- 2.28 The design element is largely glazed, with the primary feature being the operable louvers.
- 2.29 Submitted with the application are a range of reports dealing with such matters as Traffic and Car Parking, Waste Management, Sustainability and Landscaping. Information from these reports is referenced through this report where relevant.

### **3 PRIORITY/TIMING**

- 3.1 The statutory time for considering a planning application is 60 days. Due to the submission of Amended Plans, the statutory time lapses on 23 October 2016.

### **4 POLICY IMPLICATIONS**

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

- 4.3 Section 61(4) of the Act makes specific reference to covenants. The subject site is not affected by a restrictive covenant.

## 5 MANNINGHAM PLANNING SCHEME

### Zoning

- 5.1 The site is located in the Activity Centre Zone – Schedule 1 (ACZ1).
- 5.2 In the ACZ1, a dwelling is a section 1 use – no planning permit required. A retail premises is a section 2 use – permit required, and must be in conjunction with one or more other Section 1 or 2 uses. A planning permit is required for buildings and works under the ACZ1 (Clause 37.08-5).
- 5.3 The relevant purposes of the Activity Centre Zone are:
- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
  - *To encourage a mixture of uses and the intensive development of the activity centre:*
    - *As a focus for business, shopping, working, housing, leisure, transport and community facilities.*
    - *To support sustainable urban outcomes that maximise the use of infrastructure and public transport.*
  - *To deliver a diversity of housing at higher densities to make optimum use of the facilities and services.*
  - *To create through good urban design an attractive, pleasant, walkable, safe and stimulating environment.*
  - *To facilitate use and development of land in accordance with the Development Framework for the activity centre.*
- 5.4 Schedule 1, relevant to the Doncaster Hill Principal Activity Centre outlines the following objectives:
- Land use and development objectives to be achieved
- *To advance Doncaster Hill as a sustainable and vibrant mixed-use activity centre with a strong sense of place and civic identity.*
  - *To develop the centre as a focus for contemporary high density residential development incorporating a mix of complementary retail, social, commercial and entertainment uses.*
  - *To ensure the activity centre enhances the social, environmental, economic and cultural elements of the municipality and region, advancing Doncaster Hill as a destination in Melbourne's East.*
- Land use
- *To provide for a vibrant range of mixed uses that support the strategic role of the Doncaster Hill Principal Activity Centre.*
  - *To provide for a high level of activity that attracts people, provides a focal point for the community, creates an attractive*

*and safe urban environment, increasing opportunities for social interaction.*

- *To ensure mixed use development comprises flexible floor spaces for a range of uses.*
- *To substantially increase the provision, intensity and diversity of housing (especially affordable housing), that allows for all sectors of the community to live in the centre.*
- *To provide for high-density residential development on individual sites in conjunction with a diversity of other uses including a mix of retail, commercial, social, community and entertainment uses.*
- *To encourage commercial and small-scale retail uses at the lower level of buildings, with high-density apartment style residential development on upper levels.*

#### Built form

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

#### Environmental sustainability

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

#### Public realm

- *To encourage active street frontages and pedestrian generating activities to be located along main roads.*
- *To ensure public spaces are minimally impacted by overshadowing, including preserving solar access in mid-winter*

*to the key boulevards of Doncaster Road and Williamsons Road.*

- *To facilitate the enjoyment of public urban spaces/plazas, streetscapes, pedestrian and bicycle paths by ensuring that these areas are not excessively overshadowed or affected by wind tunnelling.*
- *To encourage artwork in suitable locations to contribute to creating a distinctive sense of identity.*

#### Open space and landscaping

- *To achieve development that provides accessible, safe, attractive and functional private and public open space opportunities, which are well connected and integrated within a permeable urban environment.*
- *To create a healthy and consistently landscaped environment that is dominated by native and indigenous planting.*
- *To maximise opportunities for landscaping in the public and private realm.*
- *To ensure each precinct has ready access to well designed public open space.*

#### Transport and access

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

5.5 Within the Doncaster Hill Principal Activity Centre there are various precincts delineated in accordance with their topographic orientation and aspect on Doncaster Hill, their relationship to main roads, and their present and future uses. The application site, together with all land on the south side of Doncaster Road west of the application site is within Precinct 7.

5.6 Under the ACZ1, the subject site is located in *Precinct 5: Williamsons Road West*, and more particularly, *Sub-precinct 5D*. The objectives for Precinct 5 (Clause 5.5-2) are as follows:

- *To encourage an appropriate mix of residential and commercial uses in the precinct.*
- *To encourage high density development along the Williamsons Road ridgeline, with less dense development progressively stepping down the hill towards the west.*



- *To capitalise on broad views and vistas obtained from strategic points along the Williamsons Road ridgeline, including from public urban spaces/plazas.*
- *To provide for an improved pedestrian network with stronger links to Westfield Doncaster, public transport interchanges, and nearby open space*
- *To create a significant area of public urban space/plaza both within and convenient to the precinct to help cater for the proposed high-density development in the surrounding precincts*
- *To create a landmark gateway building at the southern end of the precinct.*
- *To provide a pedestrian network that will provide positive linkages to the adjacent precincts in particular the Westfield Doncaster site, the public transport interchanges and Lawford Reserve*
- *To encourage the inclusion of public open space abutting Williamsons Road that accommodates vistas to the city and has convenient links to Westfield Doncaster*

- 5.7 Table 5.5-3 of the Scheme sets out the following precinct requirements for Sub-Precinct 5D:

<b>Maximum height (excluding basement)</b>	<b>Design Element Height:</b>	<b>Setbacks</b>
29.0m	5.8m above maximum height	5m to front podium edge from front boundary 9m to front tower edge from front boundary 4.5m from side boundaries 5.0m from rear boundary

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

Use

- *Whether the proposal achieves an appropriate mix of uses within the site to complement and support the strategic role of Doncaster Hill Principal Activity Centre;*
- *Whether the proposal provides for flexible non-residential floor spaces that can be adapted in the future to a variety of alternative non-residential uses;*
- *The contribution that the proposal made towards the achievement of residential population targets as set out in the Doncaster Hill Strategy (October 2002) and as envisaged by this scheme;*

- *Whether the proposal will create a mix of active uses and pedestrian generating activities, particularly at street level, that contribute to a vibrant public realm;*
- *The contribution made towards the achievement of employment targets, including commercial and retail floor space forecasts as set out in the Doncaster Hill Strategy (October 2002, Revised 2004);*
- *Whether the proposal provides for an appropriate scale of development in order to accommodate the mix and intensity of uses envisaged for each precinct.*

#### Design and built form

- *Whether the proposed development:*
  - *creates a strong visual interest by providing unique building types based on innovative, contemporary architecture, urban design and ecologically sustainable development;*
  - *is site responsive and achieves an appropriate scale with a stepping down in built form that responds to Doncaster Hill's natural topography;*
  - *incorporates side and rear setbacks to enhance pedestrian safety and amenity, and assists in the retention of view lines, penetration of sunlight and creation of landscape buffers;*
  - *ensures that any environmental wind effects to the adjoining and surrounding neighbourhood is minimised to the satisfaction of the responsible authority;*
  - *provides overhead weather protection features adjoining key pedestrian walkways and nodal points;*
  - *ensures dwelling balconies have an open space area of at least 8 square metres, and a minimum dimension of 1.6 metres;*
  - *complements, where relevant, the form, scale, materials, colour and lighting of a heritage place on the same or adjoining site;*
  - *meets the objectives, standards and decision guidelines of Clause 55. This does not apply to a development of four or more storeys, excluding a basement.*

#### Signage

- *Whether the design and siting of any advertising sign/s satisfies the following design principles:*
  - *signs should be integrated into the design of the building façade, preferably within the first 3 levels of the podium;*
  - *signs should be of a size and height that is complementary to the built form of the building and surrounding landscape treatments;*

- *signs should be limited in number and incorporate limited detail other than is necessary to identify the building name and key tenants;*
- *signs should be consolidated in mixed use and commercial developments to avoid the visual clutter of signage and displays (eg. vehicles, products, promotional material and free standing signs).*

#### Access

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

#### Overlays

##### Development Contributions Plan Overlay

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

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.*

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

5.11 Pursuant to the DCPO1, a permit granted must include a condition that gives effect to the contribution and levies imposed by the schedule (Condition 16).

##### Parking Overlay

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

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

- *To identify areas where financial contributions are to be made for the provision of shared car parking.*
- 5.13 Clause 45.09-1 sets out the operation of the clause explaining that the overlay operates in conjunction with Clause 52.06.
- 5.14 Schedule 1 to the Parking Overlay applies to land in the Doncaster Hill Principal Activity Centre. Clause 2 sets out the number of car parking spaces required relative to the land use, requiring the following:
- One or two bedroom dwelling – 1 car space per dwelling;
  - Three bedroom dwelling – 2 car spaces per dwelling;
  - Visitor (resident spaces) - 1 visitor parking space for ten dwellings;
  - Shop – 2.7 car spaces to each 100sqm of net floor area.
- 5.15 Clause 3 sets out the application requirements and decision guidelines for permit applications.
- State Planning Policy Framework (SPPF)**
- 5.16 Clause 11.01-1 (Activity Centres) includes the objective to build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres.
- 5.17 Clause 11.01-2 (Activity Centre Planning) includes the objective to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.
- 5.18 It is a requirement of this Clause, as well as other Clauses within the SPPF, to have regard to, as relevant, the following policy documents:
- Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004)
  - Activity Centre Design Guidelines (Department of Sustainability and Environment, 2005)
  - Safer Design Guidelines for Victoria (Crime Prevention Victoria and Department of Sustainability and Environment, 2005)
- 5.19 As relevant, an assessment against the abovementioned policy documents will be carried out at Section 6 of this report.
- 5.20 Clause 15.01-1 (Urban Design) seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. Strategies towards achieving this are identified as follows:
- *Promote good urban design to make the environment more liveable and attractive.*
  - *Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability*

- *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*
  - *Ensure transport corridors integrate land use planning, urban design and transport planning and are developed and managed with particular attention to urban design aspects*
  - *Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.*
- 5.21 Clause 15.01-4 (Design for Safety) seeks to improve community safety and encourage neighbourhood design that makes people feel safe. The strategy identified to achieve this objective is to ensure the design of buildings, public spaces and the mix of activities contribute to safety and perceptions of safety.
- 5.22 Clause 15.01-5 (Cultural Identity and Neighbourhood Character) seeks to recognise and protect cultural identity, neighbourhood character and sense of place. The clause emphasises the importance of neighbourhood character and the identity of neighbourhoods and their sense of place. Strategies towards achieving this are identified as follows:
- *Ensure development responds and contributes to existing sense of place and cultural identity.*
  - *Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.*
  - *Ensure development responds to its context and reinforces special characteristics of local environment and place.*
- 5.23 Clause 15.02-1 (Energy and Resource Efficiency) seeks to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.
- 5.24 Clause 16.01-1 (Integrated Housing) seeks to promote a housing market that meets community needs. Strategies towards achieving this are identified as follows:
- *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations.*
  - *Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.*
- 5.25 Clause 16.01-2 (Location of Residential Development) seeks to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. Strategies towards achieving this are identified as follows:
- *Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.*

- *In Metropolitan Melbourne, locate more intense housing development in and around Activity centres, in areas close to train stations and on large redevelopment sites.*
  - *Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.*
  - *Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.*
- 5.26 Clause 16.01-4 (Housing Diversity) seeks to provide for a range of housing types to meet increasingly diverse needs. Strategies towards achieving this are identified as follows:
- *Ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.*
  - *Encourage the development of well-designed medium-density housing which respects the neighbourhood character.*
  - *Improves housing choice.*
  - *Makes better use of existing infrastructure.*
  - *Improves energy efficiency of housing.*
  - *Support opportunities for a wide range of income groups to choose housing in well serviced locations.*
- 5.27 Clause 16.01-5 (Housing affordability) seeks to deliver more affordable housing closer to jobs, transport and services.
- 5.28 Clause 18.01-1 (Integrated Transport) seeks to create a safe and sustainable transport system by integrating land-use and transport.
- 5.29 Clause 18.02-1 (Movement networks) seeks to promote the use of sustainable personal transport.
- 5.30 Clause 18.02-2 (Cycling) seeks to integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.
- 5.31 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.*
- 5.32 Clause 18.02-4 (Management of the road system) seeks to manage the road system to achieve integration, choice and balance by developing and efficient and safe network and making the most of existing infrastructure.
- 5.33 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)**

- 5.34 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.
- 5.35 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.
- 5.36 Clause 21.09 (Activity Centre and Commercial Areas) outlines that *principal, major and identified neighbourhood activity centres will be the focus of increased residential growth and development*. In particular, Doncaster Hill Principal Activity Centre will:
- *Challenges mainstream community planning and building design to achieve desired environmental outcomes.*
  - *Provides more local jobs to reduce journey to work trips.*
  - *Provides housing where residents may walk to facilities and services.*
  - *Encourages reduced levels of car ownership and increased public transport usage.*
- 5.37 The vision for Doncaster Hill Principal Activity Centre is outlined in Council's *Doncaster Hill Strategy (2002)* and includes:
- *To implement the objectives of Melbourne 2030 in respect of Principal Activity Centres as a focus for retail, social, commercial, entertainment, civic and residential uses.*
  - *To integrate ecologically sustainable development principles and techniques into every facet of the design, construction and operation/occupancy stages of new development to raise the aspirations of all users, appropriate for a city looking towards a long-term, responsible and sustainable future.*
  - *To ensure that built form outcomes demonstrate the use of contemporary architecture combined with innovative urban design and building techniques that incorporate ecologically sustainable design principles.*
  - *To emphasise the existing dramatic landform of Doncaster Hill through built form that steps down the hill.*
  - *To encourage high density, high rise residential development.*
  - *To provide a greater diversity of dwelling types.*
  - *To alleviate pressure for more intense residential development in established urban areas.*
  - *To reduce travel demand and change travel behaviour.*

- *To promote the development of sustainable transport options.*
- *To meet the future infrastructure requirements of Doncaster Hill in a comprehensive, timely and equitable way.*
- *To develop an integrated mixed-use precinct for Doncaster Hill Activity Centre which provides for an appropriate mix of uses and functions on a location specific level, including the provision of:*
  - *mixed uses within buildings, particularly along boulevard locations*
  - *small scale retail opportunities at ground floor level in conjunction with other mixed use developments*
  - *additional commercial/office floor space*
  - *flexible floor spaces within buildings to ensure life cycle adaptability.*

5.38 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**

5.39 Clause 22.08 (Safety through urban design) is relevant to this application and seeks to provide and maintain a safer physical environment for those who live in, work in or visit the City of Manningham. The policy seeks attractive, vibrant and walkable public spaces where crime, graffiti and vandalism is minimised.

5.40 Clause 22.09 (Access for disabled people) is relevant to this application and seeks to ensure that people with a disability have the same level of access to buildings, services and facilities as any other person.

#### **Particular Provisions**

5.41 Schedule Clause 52.01 (Public Open Space Contribution and Subdivision) applies to all land in the Doncaster Hill Activity Centre. At the time of land subdivision, a 5% public open space contribution is required to Council for the purpose of funding public open space.

5.42 Clause 52.06 (Car Parking) is relevant to this application and must be read in conjunction with Schedule 1 to Clause 45.09 Parking Overlay – Doncaster Hill Principal Activity Centre. The design standards for car parking provided at Clause 52.06-8 of the Scheme are required to be met unless the Responsible Authority agrees otherwise



- 5.43 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. It is under this Clause that the applicant is seeking to waive the need for an loading/unloading area associated with the commercial tenancy in the building.
- 5.44 Clause 52.29 (Land adjacent to a Road Zone Category 1) is relevant as the subject site sits adjacent to Williamsons Road under the jurisdiction of the Roads Authority (VicRoads).
- 5.45 Clause 52.34 (Bicycle Facilities) is applicable to this application. The statutory bicycle parking requirements are that in developments of four or more storeys, 1 bicycle space must be provided to each 5 dwellings (for residents) and 1 bicycle parking space for visitors is required for every 10 dwellings.
- 5.46 Clause 52.35 (Urban Context Report and Design Response for Residential Development of Four or More Storeys) requires a development of four or more storeys to be accompanied by an urban context report and a design response.

#### **General Provisions**

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

## **6 ASSESSMENT**

- 6.1 Section 5 of this report has outlined the purposes and objectives of the ACZ1, including the specific visions for Precinct 5 of the Doncaster Hill Principal Activity Centre where the site is located. The ACZ1 sets a number of mandatory and preferred maximums/minimums for buildings within the Activity Centre. These mainly relate to the scale of the development, such as height. The requirements establish a three dimensional building envelope for each site. A permit may be issued where a preferred (not mandatory) requirement is not met.
- 6.2 The following assessment identifies and considers these mandatory and preferred requirements from the ACZ1:
- Building Height - met**
- 6.3 The maximum building height, as outlined earlier in this report, is a mandatory maximum requirement. The maximum building height permitted for this site by the ACZ1 is 29m, with a further height allowance of 5.8m attributed to a design element providing a number of criteria can be satisfied.
- 6.4 The proposed building height reaches a maximum of 28.3m, with this tallest element placed toward the rear of the building. The design element, whilst being 6.5m in height, is placed toward the frontage, ensuring that the total

height remains at or below the 34.8m total permitted. The requirement relating to maximum building height in the ACZ1 is therefore achieved.

- 6.5 Furthermore, sectional drawings demonstrate that there is no encroachment above the 3.6m permissible height for lift overruns or any plant equipment. The roof area occupied by such equipment is 42.8% and is to be appropriately inset and screened.
- 6.6 In accordance with Clause 4.4 of the ACZ1, the design element should also:
- *Substantially contribute to the overall built form and appearance by forming part of a distinctive architectural or ecologically sustainable design feature;*
  - *Be based on contemporary architectural and innovative urban design techniques that incorporate ecologically sustainable design principles;*
  - *Be located where built form will have the greatest impact and be able to make an architectural statement, including the highest areas on ridgelines, the area surrounding the intersection of Doncaster and Williamsons Road, and the entry points/gateways into Doncaster Hill Principal Activity Centre;*
  - *Not occupy greater than 15% of the overall roof area of the building.*
  - *Not substantially increase the visual mass of the building; and*
  - *Not cast additional overshadowing upon adjacent and nearby properties and public spaces at 12 noon on 22 June.*
- 6.7 The design element has undergone a significant redesign from the original planning submission. One of the most significant changes (and improvements) to the proposal has been the shift in architectural language of the design element.
- 6.8 Assessing the Design Element against the abovementioned criteria reveals the following:
- The architectural language and prominence of the design element is considered to make a substantial contribution to the overall built form expression. The element will be a unique feature, providing a high level of visual interest by virtue of its dual components and curved fascia. The use of two built form components is considered a fitting response to the larger proportions of the site and building width, and its u-shaped expression.
  - There is a sense of distinction in building materials by the predominant reliance on glazing for the external skin coupled with directional, perforated metal louvers. This combination provides lightness to its presentation, with the operable louvers creating a sense of movement as one passes the site. The design element is also able to essentially transform its appearance, depending on the direction of the louvers, or whether they are open or shut, which is an extremely clever and interesting response. Its curved façade will create a suitable balance between points of prominence and recess,

and offers contrast to the more rectangular proportions and bolder material palette of the remainder of the building. This response will create a point of interest, without substantially increasing the visual mass of the building.

- The positioning of the design element at the eastern end of the building is consistent with the desire to create the greatest built form presence toward Williamsons Road, at the higher end of the ridgeline.
- The design element will not produce additional shadows to adjacent and nearby properties and public spaces at 12 noon on 22 June.
- The design element is proposed to account for 14.9% of the total roof area of the building. This is within the limits, however noting that the communal rooftop garden area is omitted from this calculation. This is considered reasonable, as the garden space will not particularly contribute to the overall appearance of the design element at a human scale.

### **Buildings Setbacks**

#### **Front Setback - met**

- 6.9 A permit cannot be granted to vary the front setbacks, including the front podium and front tower setbacks. As such, the requirement to achieve a 5 metre setback at the podium level and a 9 metre setback to the tower are both mandatory requirements. However, there is scope for:

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

- 6.10 The building 'fronts' Williamsons Road where the main pedestrian access is located. At ground level, the building is setback the required 5.0m. However, the site has a 7.23m length splay at its north-eastern corner. Due to the angled nature of the splay, the retail component of the ground floor is setback 3.0m at this point. It is generally accepted that a single splay does not form part of the 'frontage', therefore a reduction at this point is seen as reasonable. Activating retail space in proximity to the frontage is also beneficial in engaging the public realm. It is also noted that the floor levels above include an indent which effectively achieve a consistent 5.0m setback from the splay.
- 6.11 The remaining podium levels above propose a 6.1m front setback. Balconies project 1.5m into this setback as permitted. Instead of relying on the front façade to form a distinct podium, the design relies on feature framing elements around the balconies to define the podium. These framing elements achieve a uniform 5.0m setback and extend from levels 1 to 3 to a height of up to 13.3m. Whilst a different approach, the relatively bold and solid nature of the framing elements is considered to achieve the intended podium presentation.
- 6.12 The front façade defines the 9.0m setback of the tower element as per the requirements. Like the podium, there are several balconies and some wing

walls that project partly within the 9m setback, but this is limited and the projection generally helps provide the building articulation and visual interest.

**Side and Rear Building Setbacks – met, subject to conditions 1.1, 1.2 & 1.3**

- 6.13 There are preferred minimum requirements relating to side and rear setbacks (i.e. they can be varied by a permit). The minimum setback from a side boundary is 4.5m while the minimum setback from a rear boundary is 5.0m. As per the front setback, there is provision for elements such as balconies, sunshades and screens to be constructed within the specified setback *“provided they are designed and located to the satisfaction of the responsible authority”*.
- 6.14 In terms of the rear, the building is compliant with the required minimum setback of 5m from Carnarvon Street. There are some relatively strong two storey framing features around townhouses at Basement Levels 1 and 2 (presenting as ground/first floor to Carnarvon Street) which project some 1.2m into the setback area. These are considered a positive feature which more clearly defines each townhouse to provide a sense of identity to each.
- 6.15 Setbacks to the south boundary from the ground level and above are provided at a minimum 4.5m. Balconies are incorporated into the main footprint so as not to encroach into this setback. This is particularly important to maximise the separation between the proposed building and the approved building (yet to be constructed) to its south at 5-7 Williamsons Road. The approved neighbouring building incorporates an angled façade which, at points, is setback less than 4.5m from the shared boundary. Maintaining a minimum 4.5m setback inclusive of balconies will therefore achieve a sharper sense of separation between the buildings which can be appreciated from the Williamsons Road ridgeline. Level 7 of the building is also stepped in to 5.0m for the most of the south boundary, with the design element pulled in to 10.0m for most parts, offering greater relief as building height increases.
- 6.16 An exception to these south setbacks are the basement levels, which are to be built hard up to the boundary. Basement Level 2 projects partially above the natural ground level at the western end. Basement level 1 projects quite substantially above the natural ground level (up to 4.0m) for the remaining boundary length. These projections above ground and within the desired setback have the potential to impact detrimentally on development to the south, however being similarly affected by slope constraints, the approved development at No. 5-7 Williamsons Road also proposes basement projections upon the shared boundary, negating the projections as an issue.
- 6.17 In making a decision whether the setbacks are appropriate Council needs to turn its mind to why the setbacks are required and whether reducing them has an unreasonable impact on achieving the reasons. The reasons for the side setbacks include:
- *To provide a separation between buildings that can be appreciated from the public realm (particularly from along the ridge line of Williamsons Road, where glimpses to the Melbourne CBD skyline are to be maintained).*
  - *To provide landscaping that can soften built form.*

- *To provide future residents light access, an outlook and a reasonable level of privacy when tall buildings are constructed next to each other.*
  - *To provide equity in achieving the above outcomes.*
- 6.18 Requiring Basement Level 1 to be offset from the boundary where it directly abuts the simultaneously constructed boundary wall is futile, as there will be no benefit in achieving any of the above. The area of contention, however, is a 7.0m extension of the Basement level 1 beyond the adjoining simultaneously constructed wall, and its impact upon one particular dwelling approved within No. 5-7 Williamsons Road (dwelling LG.03) by way of restricting light access and dominating outlook.
- 6.19 There is no guarantee that the adjoining development will be built, however some weight must be placed on potential amenity impacts and the issue of equity. Regardless of the wall, this dwelling (LG.03) will inevitably be in shadow due to its ground level location. To improve the outlook from the dwelling there is indicative screen planting shown within the raised garden bed lining the northern edge of the terrace. Given screening plants typically reach a height of 3-4m, it can reasonably be expected that the wall will be largely concealed with greenery. Further, future owners of the dwelling could implement additional treatments to reduce the visual impacts of the wall such as creepers or the like.
- 6.20 Given the likelihood and potential for the wall to be screened, modifications to the proposed basement are not considered necessary. However, to avoid any additional sense of height and bulk, offsetting the metal fence and associated screen planting of apartment G.08 is considered necessary. This should be inset at least 500mm from the boundary, leaving the wall with a simple parapet. A condition to this affect will be required (Condition 1.1).
- 6.21 In addressing the remaining considerations for the reduced setback, the impacts of the proposed basement boundary construction are negligible. Given it sits beneath the natural ground level at the Williamsons Road frontage, the wall projections created by the land slope would not be read from Williamsons Road. Nor would it impede City views from the frontage, or the sense of spacing read between the two buildings.
- 6.22 The ability to provide landscaping to soften built form can still be achieved in the form of raised planters atop of the basement roof. To some degree, raising the level of the planting above the sloping landform may actually improve its effectiveness in creating a visible landscape buffer, particularly as seen from Williamsons Road.
- 6.23 From Lawford Street, the building is setback less than the 4.5m recommended, being between 3.5m-4.5m for both the podium and tower components. The basement construction upon the northern boundary also results in hard edge wall projections above the natural ground along parts of Lawford Street (although lower in height compared to the southern boundary). Townhouse 7 at the Basement Level 1 also includes a visible 2.5m setback at the western end of the boundary.
- 6.24 With Lawford Street essentially being a secondary frontage, the above-mentioned considerations for a reduced side setbacks are of little relevance, as there are no amenity or equity considerations, and Lawford Street itself will retain the desired viewing corridor toward the city skyline beyond.

- 6.25 It can reasonably be said that a 3.5m setback to a secondary frontage is a fair reduction. However, the projection of the balcony framing elements (similar to those framing the front podium level) does bring the built form forward to 2.5m from the frontage. These framing elements offer interest and privacy between balconies, however some modification is deemed necessary to improve the sense of depth and relief to the streetscape. This could be achieved by way of removing, or reducing the depth of the two outer frames (eastern-most and western-most) by at least 500mm. This would also provide an added benefit of offering these balconies further views toward the eastern or western aspects. Condition 1.2 will therefore require the framing elements be modified as such.
- 6.26 The basement projections above the natural ground also cause some restrictions in the ability to achieve a reasonable depth of space allocated to landscape softening. The inclusion of indented planters along this frontage will be of some benefit, however some further modifications to the basement projections and balcony planters are considered appropriate to improve this interface, without requiring modification to the basement footprint itself, as discussed in further detail below.
- 6.27 The upper level of Townhouse 7 proposes a setback of only 2.5m from Lawford Street in part. This will be quite a prominent projection, particularly given the wall sits relatively close to the natural ground level at this point along the street. An increased setback is considered necessary to ensure this wall either sits flush with, or not far beyond the adjacent framing elements which will be reduced or removed (as per the requirement discussed above). Condition 1.3 will therefore require that the northern wall of Townhouse 7 be increased to a minimum of 3.0m. This modification will not compromise the usability of the affected dwellings bedroom.

**Overshadowing land outside of the activity centre – met**

- 6.28 This is a preferred maximum requirement that development avoid casting shadows on adjacent properties outside the activity centre between 11:00am and 2:00pm on 22 September.
- 6.29 Shadow diagrams provided with the application demonstrate no shadowing over land outside the activity centre during the control period and therefore the preferred requirement is achieved.

**Boulevard Character – met, subject to condition 8**

- 6.30 The ACZ1 sets a boulevard character requirement for development along Doncaster, Williamsons and Tram Road.
- 6.31 Along Williamsons Road, the development provides for a 5m wide setback from the building's frontage in which to facilitate the boulevard tree planting sought by the Scheme. Indicative boulevard tree planting has been notated on the development plans to demonstrate the achievability and commitment towards this strategic streetscape outcome. The basement (B1) is proposed to sit directly below the southern-most *Autumn Glory Tree*, and the central one in part. A sectional view of the basement shows that the basement ceiling height will be lowered in the location of the southern-most tree to accommodate a soil depth of 2.0m deep by 1.5m in width. It is envisaged that this would be of a sufficient soil volume to enable the tree to grow to its intended height and spread.

- 6.32 The area between the paved promenade and front wall of the building has been treated with pavements and landscaping improvements, and a consistent 'human' scale of buildings adjacent to the street frontage

**Landscape Design – met with conditions 1.4, 1.5, 1.6 & 1.7**

- 6.33 A generally well considered landscape response, as prepared by Tract Consultants, was submitted with the application. A particular feature of the design is the inclusion of the large communal garden amidst the two building cores. The pedestrian spaces are completed with spreading feature shade trees with seasonal variations, and complimentary understory plants. The space will be useable by future building occupants but will also provide a pleasant "green" outlook from within the building.
- 6.34 A linear corridor of glass is provided from the building entrance through to the communal garden, potentially allowing views of the landscaping to be appreciated from aspects along the street frontage. Outlooks toward the building from Carnarvon Street will also be softened by this planting.
- 6.35 The rooftop courtyard will also incorporate complementary planting. The row of magnolias lining the front edge of the courtyard in particular will provide a subtle softening between the design elements. It is anticipated that raised planters will be required to enable the trees to be adequately established within the communal spaces. This detailing is to be provided on the Landscape Plan.
- 6.36 The southern boundary incorporates a garden bed with a 1.0m width adjacent to the terraces of dwellings G.06 to G.08, including three intermittent planters with a 2m x 2m sizing and 1.0m depth. Whilst these widened planters can accommodate small-medium tree within each, the landscape plan indicates that the remainder of the garden bed will contain low scale native plantings. Increasing the width of the narrow garden bed sections to the required 1.5m width is considered necessary, as the intention of this requirement is to enable screen planting to be established. This can be reasonably achieved with little consequence the terrace areas of these dwellings, as they are substantially sized. Condition 1.4 will require changes to this affect.
- 6.37 Correspondence from Tract Consultants confirms that the proposed three larger planters are of a sufficient soil volume to enable the suggested medium trees to grow to their intended height. Further evidence to this effect will also be required (Condition 1.5) to demonstrate that the remainder of the garden bed can also accommodate screening plants or trees. The plans, however, will need to demonstrate that the planter depths will not result in any increase in the south boundary wall height.
- 6.38 Similar to the southern elevation, the boundary along Lawford Street will be defined by a series of basement wall projections. Forming the edge of the north-facing terraces, metal fencing is proposed above these walls for the most part of the boundary. The northern edges of the terraces incorporate 600mm wide planter beds which are shown to contain upright grasses and climbing plants, with 5 larger indentations intermittently along the length of the frontage to incorporate small to medium sized trees. There is concern that the landscape solution may be insufficient in adequately softening this 'hard-edge' street presentation.

- 6.39 The first obvious solution is to increase the width of the narrower garden bed adjacent to the terrace of apartments B1-08 and B1-09 and TH07 to at least 1.0m. This would enable a more layered and substantial landscape theme to be provided adjacent to the frontage. The second solution is to setback the steel fencing by 700mm from the frontage, and to 2.0m where tree planters are proposed. This also addresses potential maintenance issues, ensuring the more contributory parts of the landscaping are kept in common property, whilst the remaining 300mm of garden bed can be made available to each terrace. Conditions 1.6 will require these changes.
- 6.40 Lawford Street itself could also make a more causative landscape contribution by way of reinstating street trees into the indented parking bays adjacent to the site. Given the initial need for these car spaces has changed as land uses have evolved, a loss of some parking is not of concern. The inclusion of at least two street trees should therefore be provided at the cost of the developer, and to the design and satisfaction of the Responsible Authority. This will be required by Condition 1.7.

**Wind Effects – met**

- 6.41 The Wind Effect Statement submitted in support of the application The Statement concludes that wind impacts within the development are reasonable, particularly in relation to the usability of the communal rooftop elements.

**Access and Mobility – met subject to condition 1.10**

- 6.42 As relevant to this application, Clause 4.4 of the ACZ1 requires new development to provide a high level of accessibility at the principal front entry for any residential development and to comply with the Australian Standard AS1428 Part 2 provisions for access and mobility.
- 6.43 As the proposal provides at grade access to its front entry and to the retail component across Williamsons Road, the proposal would appear to achieve a high level of access for persons of limited mobility.
- 6.44 It is also noted that the building entry achieves the requirements of Council's Local Planning Policy with respect to public safety and access for disabled people. The lobby provides passive surveillance to Williamsons Road and adjacent spaces.
- 6.45 The secondary pedestrian entry access via Carnarvon Street, however, may not achieve the required gradients and will therefore require amending to show a gradient of 1:14 (Condition 1.10).

**Clause 8 Decision Guidelines**

- 6.46 Clause 8 of the ACZ1 sets out a series of Decision guidelines, requiring the responsible authority to consider a series of guidelines under the headings of use, design and built form, and access (Subdivision not being relevant to this application). Consideration of the proposal against these guidelines now follows:

**Use - met**

- 6.47 The land use objectives for Doncaster Hill in the ACZ1 seek a vibrant 'mixed use' centre. The retail use, in conjunction with the provision of 137 residential apartments, is consistent with the following key objective of the ACZ1:



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

- 6.48 The provision of retail at ground level with residential above will complement and support the strategic role of Doncaster Hill, noting its complementary location opposite Westfield Doncaster.
- 6.49 The number of residential dwellings will make a significant contribution towards the achievement of the residential population targets as set out by the Doncaster Hill Strategy, which envisaged the provision of over 4000 apartments within the Activity Centre.
- 6.50 The open planned layout of the retail floor space and the size of it also provides for flexibility to enable the space to be adaptable to any potential future occupants.
- 6.51 The use of land for retail has car parking implications which are discussed further under the relevant heading. Car parking for the retail use is to be provided within the basement car park of the building in conjunction with the residential parking.

**Design and Built Form – met subject to condition 1.8**

- 6.52 The twelve storey, mixed-use residential and retail building will provide a robust development along the Williamsons Road streetscape.
- 6.53 In terms of height and scale, the proposed building will fit in comfortably with the neighbouring development approved to its south. In this regard, the building will make its contribution towards the emphasis of the dramatic landform of Doncaster Hill by it stepping down with the natural fall toward the west.
- 6.54 Following some adjustments from the original submission, the proposal now provides a legible distinction between the tower /podium levels and design element in a manner greater resembling that contemplated by the ACZ1. The façade articulation is generally well expressed with protruding balcony forms of contrasting materials and colours, creating a strong pattern of texture on the north, east and west facades. A vertical indent runs through the central core of the front façade, providing a distinct break in the facade length, which is cohesive with the dual core theme of both the building and design element.
- 6.55 An angled façade is applied to the north-west corner of the building which perceptively addresses the adjacent corner splay and provides a receding built form in the approach toward the Carnarvon/Lawford Street intersection. The contrasting of these angled walls with bold, linear projecting canopies provides an exciting design feature.
- 6.56 The rear elevation will see the building mass largely dispersed by its parting into two separated components toward Carnarvon Street. These two building components essentially present a uniform 5.0m setback for a 9 storey height, before being substantially recessed at the top three levels. From a height perspective, this approach is reasonable, however there is scope to provide a more subtle relationship between Levels 6 and 7. The architectural framing elements provide a bold projection from the building that extends up to Level 6, and will effectively screen Level 7 from a westerly perspective.

- 6.57 To show a more gradual stepping down toward the west and its lower landform, it is considered that the framing element should cease at the finished floor level of Level 6. Anything above this could then be treated with alternative, less prominent canopy projections/blades. These should not project more than 500mm beyond the façade, and utilise contrasting colours and generally more understated materials to achieve a sense of recess at this level. This would effectively reduce the perceived building height as viewed from the lower scale dwellings to the west, and give a more distinct sense of stepping down with the land slope. Changes to this affect will be required by Condition 1.8.
- 6.58 The southern elevation is of reasonable architectural quality, with the angled walls central to the elevation balancing the more linear and repetitive sections on the outer sides. Vertical white concrete elements offer some articulation. With the adjoining approved building angling much of its windows to have outlooks toward the north-east and north-west, this visibility of this elevation from the public realm is limited.
- 6.59 It is concluded from the above that the proposal can make a positive architectural contribution to its respective streetscapes and the wider Doncaster Hill Activity Centre.

#### **Car Parking and Access - met**

- 6.60 Schedule 1 to Clause 45.09 of the Manningham Planning Scheme requires the proposed mixed-use building to provide a total of 171 spaces in accordance with the car parking rates outlined at the Table to Clause 2 of this provision (including 153 resident spaces, 13 visitor spaces and 5 commercial spaces). The development supplies a total of 171 car parking spaces across four levels of basement car parking and thereby meets the statutory requirement. Unlike some other approved mixed use development on Doncaster Hill, no sharing of residential visitor and commercial visitor spaces is proposed.
- 6.61 It is noted that the visitor parking is well located and easily accessible from the access driveway on entry to the building. Pedestrian safe zones within the basements offer pedestrians waiting for lifts protection from vehicle movements. The one disabled visitor space is provided on entry and opposite the lift area. No tandem spaces are provided.
- 6.62 Clause 52.06 provides guidance in terms of car parking design and sets out a number of design standards that a permit application should meet such as aisle widths, parking space dimensions and maximum gradients. The proposal has been considered against these requirements by Council's Engineers and the proposal is considered compliant in most instances. There are a couple of minor modifications require as per the referral advice outlined in Section 7 of this report.
- 6.63 Access to the car park is via a single entry off Carnarvon Street that is sufficiently wide for two-way vehicle movements and offers appropriate sightlines. Council's Engineers have raised no issue with the arrangement.

#### **Pedestrian Access - met**

- 6.64 Pedestrian access is provided via a centrally located lobby fronting the boulevard (treatment) along Williamsons Road. It is appropriately sized and identifiable due to its recessive and covered design. From the entry, there is

easy and direct access to Westfield via a set of pedestrian lights 70m north of the site.

- 6.65 Inside the building there is generous lobby area filled with natural light and views over the shared landscaped courtyard. Lifts in the lobby access each floor and descend into the basement.

**Loading and Unloading (Clause 52.07) – waiver supported**

- 6.66 The Clause requires Council consider loading and unloading areas associated with the commercial tenancy in the building. The small retail space (130sqm) is likely to be used to sell convenience items or as a small cafe, and it is unlikely to generate the need for frequent deliveries via a dedicated loading area or a large vehicle.
- 6.67 Small delivery vans associated with the retail space should be able to stop and prop within the basement for a short time without interfering other vehicle movements (similar to the waste vehicle), or, more likely, to stop within the indented parking on Lawford Street. There is no need to provide a dedicated loading/unloading area for a retail space of this size.

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

**Amenity Impacts - met**

- 6.68 The Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) provide design criteria for assessing amenity impacts. The most critical issues are protecting neighbours from overlooking and overshadowing.
- 6.69 The Guidelines seek 'equitable access' in relation to outlook and sunlight (objective 2.6) and suggest new development be designed to achieve Clause 55 requirements in relation to overlooking and overshadowing secluded private open space. The notion of 'equitable' is particularly important in relation to the adjacent properties as they are also within Doncaster Hill and therefore provided opportunities for higher density development.
- 6.70 The site itself is relatively unique as it has no direct neighbours. Some weight can, and should, be given to the approved development to the south, but it is limited as there is no guarantee that the development will be constructed, or constructed in the form currently approved. The only nearby site that requires specific protection and assessment under the control is the dwelling at 1 Carnarvon Street and the modest apartment building at 3 Carnarvon Street. These properties are to the west and opposite the site.

**External Amenity - met**

*Overshadowing*

- 6.71 The proposal will not cause any unreasonable overshadowing. The shadow diagrams provided with the application indicate that there is no overshadowing of buildings or private open space outside of the activity centre after 11am on the 22 September.
- 6.72 Within the Activity Centre, some shade will be cast over the site to the south where a development approval has been granted (No.5-7 Williamsons Road), however, this is inevitable where titles are aligned in the manner they are. The applicant has made changes to the design to reduce the

unreasonableness of this shade, including setting back the design element and top level of the building. Further, the approved building to the south has been designed with open space and windows orientated to the north-east and north-west, rather than directly north, virtually predicting and acknowledging shade will be cast over this boundary. The level of shading over this neighbouring property meets an 'equitable' test, and will not unreasonably impact future residents should both buildings be constructed.

*Overlooking*

- 6.73 In relation to overlooking, the guidelines (Objective 2.9) require Council to consider 'direct overlooking' within a 9m radius of habitable room windows and balconies (the same as Clause 55).
- 6.74 There are no opportunities for direct overlooking other than towards the proposed building approved to the south, and the applicant has been sensitive to this to minimise impact. Due to the narrow nature of the land title to the south, proposed north-facing windows and open space will be within a distance of 9m (7m being the minimum separation). However, to protect residents of both buildings, the applicant has chosen to recess balconies within the building footprint, rather than having them projecting. This minimises oblique angle views, and the direct views will be screened by operable screens.
- 6.75 Further, similar to the approved building to the south, windows have been orientated south-east or south-west, rather than south to limit opportunities for direct overlooking. The limited viewing arrangement in the proposed building, and the interface between the two buildings more generally should they be constructed, is acceptable.

**Internal Amenity and Servicing – met subject to condition 1.20**

- 6.76 In terms of dwelling diversity, the proposal offers appropriate variation across the spectrum of apartment levels. The proposal includes a combination of single, two and three bedroom apartments. A number of apartments include study nooks and some extra service space. Similar to most apartment offerings, the larger premium apartments are generally located on the upper levels, or face west with views over the Melbourne skyline.
- 6.77 The internal amenity provided to the apartments is generally high. Many apartments are located within a corner of the building where cross ventilation can be achieved. Further, there is no reliance on borrowed light or light courts throughout the design. Where bedrooms rely on a light corridor (and this is limited to two per floor), the corridors are short and wide, maximising the amount of natural light that will enter the rooms. All apartments have a pleasant outlook, either views over Doncaster Hill or views over an internal landscaped courtyard. Internal overlooking is generally avoided by the considered placement of windows and balconies, which also offers some level of solar protection. Balconies are generally limited to around 10sqm, although larger offerings are provided to the premium apartments.
- 6.78 Solar penetration to the lobby area at each level will provide for a good level of daylight to the internal corridor/walkway. Lifts are situated centrally and two are provided, together with an adjoining emergency stairwell, and a waste chute.

- 6.79 In relation to storage, the basement design provides the necessary number of storage facilities per apartment. Storage is provided in cupboards/or cages to the rear of car parking spaces and in dedicated areas which is superior to the above bonnet style that is sometimes accepted.
- 6.80 Given the site's main road location, a condition will require an acoustic report to ensure habitable rooms in the apartments facing Williamsons Road are protected from vehicle noise (Condition 1.20)
- 6.81 Waste and recycling will be stored in a dedicated waste room in the basement car park at ground level. The Waste Management Plan (WMP) provided with the application indicates waste and recycling bins will be collected from the designated bin storage area by a private contractor's rear-lift vehicle during off-peak traffic periods. The Report specifies that collection staff shall have access to the bin store and will be responsible to transfer bins back to the store post-collection.
- 6.82 A Sustainability Management Plan (SMP) has been provided that outlines how the building will achieve the sustainability objectives of the ACZ1 in the areas of Building Energy Management, Water Sensitive Urban Design, Indoor Environment Quality, Waste Management, Quality of Private and Public Realm, Transport, and Demolition and Construction.
- 6.83 As the building is within Yarra Valley Water's mandated third pipe recycled water scheme area it can minimise potable water demand through connecting to the scheme when it becomes available. The SMP will need to be amended to reflect this, as well as the Doncaster Hill District Energy Service.

## 7 REFERRALS

- 7.1 Public Transport Victorias (PTV) is the statutory referral authority under the Manningham Planning Scheme.
- 7.2 The application as initially advertised, and as amended under Section 57A of the Act were both referred to PTV. No objection was raised in both instances, subject to the inclusion of the following condition:
- *The permit holder must take all reasonable steps to ensure that disruption to bus operation along Williamsons Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicate to Public Transport Victoria fourteen (14) days prior.*
- 7.3 The application (as originally advertised prior to amending) was referred to a number of Service Units within Council and the following table summarises their responses:

Service Unit	Comments
Engineering and Technical-Drainage	<ul style="list-style-type: none"> <li>• Point of discharge (drainage) is available for the site;</li> <li>• Provide an on-site stormwater detention system (Condition 12).</li> <li>• All areas are to be drained to the point of discharge.</li> </ul>

Service Unit	Comments
Engineering and Technical- Vehicle Crossing	<ul style="list-style-type: none"> <li>• A "Vehicle Crossing Permit" is required and any redundant crossings are to be removed (Conditions 17 and 18).</li> <li>• Tree removal within naturestrip to be carried out to the satisfaction of the Responsible Authority</li> </ul>
Engineering and Technical – Access & Driveway	<ul style="list-style-type: none"> <li>• Driveway grades to be revised to ensure 1:10 grade provided within 5m of frontage. (Condition 1.9).</li> <li>• Proposed footpath grade required at 1:14 to provide disabled access. (Condition 1.10).</li> <li>• Shared spaces of Disabled car space required a bollard. Refer to the AS2890.6-2009.</li> </ul>
Engineering and Technical – Traffic, Car & Bicycle Parking	<ul style="list-style-type: none"> <li>• No traffic issues having considered the proposal in the context of the traffic and surrounds.</li> <li>• Proposed car parking provision are in accordance with table 1 of Clause 52.06.</li> <li>• Car parking spaces are appropriate having regard to Design Standard 2.</li> <li>• Proposed bicycle parking is compliant with Clause 52.34.</li> <li>• Disable car space to be signed and directed.</li> <li>• Pedestrian signage required at the entrance to the bicycle parking area, lift and stairway entrances (Condition 1.13).</li> </ul>
Engineering and Technical - Car Parking Layout	<ul style="list-style-type: none"> <li>• Visitor car parking spaces, retail car spaces and visitor bicycle spaces are required to be signed and directed. (Condition 1.13).</li> <li>• Lift and fire exits to be signed and directed. (Condition 1.13).</li> </ul>
Engineering and Technical – Construction Management	<ul style="list-style-type: none"> <li>• Requires the submission and approval of a Construction Management Plan as a condition of permit (Condition 6).</li> </ul>
Engineering and Technical- Waste Services	<ul style="list-style-type: none"> <li>• Requires Waste Management Plan to be submitted generally in accordance with that submitted with application, though to specify that no bins be left outside the development boundary or left unattended at any time on any street frontage for any reason (Condition 5).</li> </ul>
Engineering and Technical- Easement	<ul style="list-style-type: none"> <li>• The easement over the land should be removed should future subdivision occur.</li> </ul>
Economic and Environmental Planning - Urban Design	<ul style="list-style-type: none"> <li>• Comments overall were supportive of the design, façade treatment and articulation, however areas of improvement were identified relating to the following:</li> </ul>

Service Unit	Comments
	<ul style="list-style-type: none"> <li>○ Massing of south elevation;;</li> <li>○ Design element footprint and southern treatment;</li> <li>○ Podium treatment;</li> <li>○ Cladding/colour treatment of sub-station;</li> <li>○ Availability of light into communal area;</li> <li>○ Landscape buffer along south boundary;</li> <li>○ Boulevard planting and extent of car parking.</li> </ul> <ul style="list-style-type: none"> <li>● The submitted Section 57A amendment included a number of design changes that were made directly in response to these comments. It is noted that Council's Urban Designer was involved in a meeting held between the applicant and the Council Officer during this re-design period, during which input was given to confirm that the amended design adequately addressed the more significant items above-mentioned.</li> </ul>
Strategic Sustainability Planner	<ul style="list-style-type: none"> <li>● Has reviewed the Sustainability Management Plan (SMP) by Urban Digester (dated 11 April 2016) and original development plans.</li> <li>● Requires some minor adjustments to the report to the satisfaction of the Responsible Authority. (Condition 3).</li> </ul>

- 7.4 There are no significant issues that are raised in these responses that cannot be addressed via conditions. In response to concerns relating to vehicle movements, a further swept path analysis has been submitted and demonstrates suitable accessibility to all car spaces queried in the referral advice.

## 8 CONSULTATION

- 8.1 The original permit application was advertised by the sending of notices to adjoining and nearby properties together with the placement of one (1) large notification sign along the Williamsons Road frontage, and two small signs along the Carnarvon Street and Lawford Road frontages, for a 3 week period in June 2016.
- 8.2 The original application attracted two (2) objections from:
- 8.2.1 5-7 Williamsons Road, Doncaster; and
- 8.2.2 91 Carnarvon Street, Doncaster.
- 8.3 As already discussed above, the re-advertising of the amended application lodged under Section 57A was not deemed necessary given improvements proposed. The objection from No. 91 Carnarvon Street (on grounds of traffic congestion and visual bulk) was withdrawn upon lodgement of the Section 57A amendment.

- 8.4 The objection grounds raised from 5-7 Williamsons Road, Doncaster include:
- Overshadowing affecting the north elevation of approved residential development to the south
  - Overlooking affecting the north elevation of approved residential development to the south
  - Overdevelopment due to lack of setbacks and landscaping along southern interface
  - Enclosed communal garden creating safety issues
  - Impact on local infrastructure

A response to these grounds of objection now follow:

#### **Overshadowing**

- 8.5 As already discussed in the previous sections of the report, the development to the south will be impacted by some shadowing, however this is inevitable where land adjoins on this axis. The amended plans have made efforts to increase setbacks to the south from Level 7 and above, noting that the design element is now offset some 10m from the shared boundary which will effectively reduce shadowing impacts to some degree.
- 8.6 Further, the proposed building has been designed in a manner that reduces shadow by enclosing balconies within the building footprint and not having them project within the 4.5m preferred setback.

#### **Overlooking**

- 8.7 There are limited examples of where direct overlooking between the developments will occur, largely due to the angled nature of balconies on the approved building to the south, and provision of operable privacy screens upon much of the proposed south balcony elevations. The western-most dwellings on the south elevation will have bedroom windows which are separated some 8.6m from the approved north facing bedroom windows. Views at such a distance would not be considered of any detriment, particularly given that the windows are offset from each other, and are to bedrooms, rather than any primary living areas. Operable screens are a clever choice, allowing directional views to be obtained whilst ensuring only oblique views to the south are available.

#### **Overdevelopment, setbacks and landscaping along southern interface**

- 8.8 The substituted Section 57A plans propose more generous south boundary setbacks at level 7 and from the design element, exceeding the 4.5m requirement. The western end of the building also removes any previous encroachment of the built from within the 4.5m side boundary setback. As previously discussed, it is reasonable for the garden bed lining the common boundary to be conditioned to require a width of at least 1.5m to ensure that the envisaged screen planting can be established to soften the interface between the buildings. The objection also makes mention of the building exceeding the maximum permitted building height, however the development is compliant in this regard.

#### **Existing Infrastructure strains**



- 8.9 The pressure on existing infrastructure and the need for improvements and new infrastructure has been and will continue to be carefully considered in the strategic planning of Doncaster Hill.
- 8.10 Council's Drainage Engineers have checked the proposed development, and have raised no issues with the sites drainage capacity and stormwater system.

## 9 CONCLUSION

- 9.1 It is recommended Council issue a Notice of Decision to Grant a Permit as the proposal is acceptable subject to changes that can be implemented through conditions.
- 9.2 As a built form expression, the mixed-use building will be robust, but visually stimulating. It will sit comfortably within the surrounding (emerging) physical development context at its key position within Doncaster Hill. The proposal arrives at an acceptable balance between observing the amenity of adjoining and nearby properties, with its attention to the internal amenity of future occupants.
- 9.3 The development will enable an increase in housing density and diversity in a location that has good access to services being opposite Westfield Doncaster and along several Smart Bus routes.
- 9.4 It follows from the assessment in this report that the proposal achieves an acceptable level of compliance against the relevant considerations as expressed in the Manningham Planning Scheme. As such, it is Council officers' recommendation that the proposal be supported, subject to conditions.

## RECOMMENDATION

That having considered all objections A NOTICE OF DECISION TO GRANT A PERMIT be issued to Planning Application No.PL15/025350 relating to 9-11 Williamsons Road, Doncaster, for the use and development of the land to construct a twelve-storey building comprising 137 dwellings and ground level retail premises, plus basement car parking and a waiver of associated loading/unloading facilities in accordance with the endorsed plans and subject to the following conditions

1. Before the use and development starts, two (2) copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the decision plans (*Drawn by Bruce Henderson Architects, Job No 36023, dated March 2016 and as received by Council on 23 August 2016*) but modified to show:
  - 1.1. The metal fence and adjacent garden bed south of the G.08 terrace to be setback at least 500mm from the south boundary.
  - 1.2. The two outer framing elements upon the north elevation removed, or reduced in depth by at least 500mm, with any internal overlooking addressed where necessary.

- 1.3. The northern setback of TH.07 at Basement Level 1 increased from 2.5m to at least 3.0m.
- 1.4. The 1.0m wide planter beds south of the terraces of G.06, G0.07 and G.08, widened to at least 1.5m and of a depth demonstrated as being capable of accommodating screen planting.
- 1.5. Further details to demonstrate that any planter beds along the south boundary will not increase boundary wall heights.
- 1.6. The planter beds north of the B1.08 and B1.09 and TH.07 terraces increased to at least 1.0m in width. The associated metal facing is to be setback from the northern boundary to provide a garden bed of at least a 700mm width in front, in addition to the widened tree planters.
- 1.7. The implementation of two street trees within the indented parking bay along Lawford Street, in accordance with Condition 33.
- 1.8. The west elevation of Level 6 modified so as that the feature framing elements do not to extend above the balcony finished floor levels, with alternative, less prominent treatments to any canopy projections/blades above. These should not project more than 500mm beyond the façade, and utilise subtle colours and materials.
- 1.9. The accessway to achieve a 1:10 gradient where within 5.0m of the Carnarvon Street frontage.
- 1.10. The pedestrian entry accessed via Carnarvon Street to achieve a gradient of 1:14.
- 1.11. A plan notation that explains how the proposed car parking area will be secured given the mix of residential, office and visitor car parking spaces;
- 1.12. Details of basement ventilation, including the location and design treatment of any mechanical intake or outlet required;
- 1.13. The location and details of signage to assist pedestrians/motorists in the following locations;
  - 1.13.1. on either side of the vehicle crossover to assist pedestrians to safe refuge along Carnarvon Street;
  - 1.13.2. location of visitor parking spaces, retail parking spaces and visitor bicycle spaces;
  - 1.13.3. the location of the lift and stairwell
  - 1.13.4. bicycle parking space allocation;
  - 1.13.5. the location normal and emergency exits;
  - 1.13.6. directional signage within the basement levels.
- 1.14. A detailed design of the Design Element (at a scale of 1:50) illustrating its composition in respect of all building elements including materials and finishes with the general distances between blades dimensioned.
- 1.15. Any planting above a floor level to demonstrate that planters can accommodate a sufficient soil volume relative to the species, with suitable supporting evidence demonstrating as such.

- 1.16. A detailed design in plan, sections, or perspectives of the two communal garden areas.
  - 1.17. Details of paving and surface finishes of all common areas at ground and elevated levels clearly labelled;
  - 1.18. Demonstration of the integration of all infrastructure, including the fire booster cupboard, into the building to the satisfaction of the Responsible Authority;
  - 1.19. Details of external lighting to be installed to provide for the safety of occupants and visitors of the building;
  - 1.20. A report from a qualified person investigating whether specific acoustic measures are required in apartments adjacent to Williamsons Road to combat noise from traffic and the apartments adjacent to the trade supplies and restricted retail premise nursery area. The report is to use Australian Standards as benchmarks. Any recommended measures are to be incorporated into the plans.
2. All use and development must accord with the endorsed plans. Any alterations must be approved in writing by the Responsible Authority.

#### Sustainability Management Plan

3. Prior to the approval of Condition 1 plans, two (2) copies of an amended Sustainability Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the submitted Sustainability Management Plan (SMP) prepared by Urban Digestor (dated 11 April 2016) but be amended to include the following:
  - 3.1. LED fittings throughout due to cost parity to fluorescents (including T5s) which are becoming obsolete from higher OMR costs, reduced performance in low external temperatures and contain mercury.
  - 3.2. Latest drawings to reflect 13kW (approx. Area 107m<sup>2</sup>) Solar PV array for communal area energy.
  - 3.3. Stormwater/ Rainwater reuse - YVW requires all toilets and laundry to connect directly to the recycled 'purple' pipe (not via rainwater tanks) with an interim cross connection to mains water. 30,000L rainwater storage harvested from minimum 1,061m<sup>2</sup> will then be connected to a 'green' pipe and reused for hotwater, landscaping and/or car park hose down (refer to pdf "Doncaster Hill Water Plan Information Pack" <http://www.doncasterhill.com/publications> );
  - 3.4. Provide raingarden standard drawings with filter media types and depth in compliance with FAWB guidelines;
  - 3.5. Raingardens to be compliant with the drainage and landscape plans.
4. Prior to the occupation of any building approved under this permit, a report from the author of the SMP report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.

#### Waste Management

5. Before the development starts, an amended Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the submitted Waste Management Plan (WMP) prepared by Leigh Design (dated 11 April 2016) but be amended to specify that to specify that no bins be left outside the development boundary or left unattended at any time on any street frontage for any reason

#### Construction Management

6. Before the development starts, two (2) copies of a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will form part of the permit. The plan must address, but not be limited to, the following:
  - 6.1. Hours of demolition and construction to be to the satisfaction of the Responsible Authority;
  - 6.2. 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);
  - 6.3. Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;
  - 6.4. On site facilities for vehicle washing;
  - 6.5. Delivery and unloading points and expected frequency;
  - 6.6. A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - 6.7. The movement of construction vehicles to and from the site must be regulated to ensure that no traffic hazards are created in and around the site;
  - 6.8. Measures to minimise the impact of construction vehicles arriving at and departing from the land;
  - 6.9. An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services;
  - 6.10. The processes to be adopted for the separation, re-use and recycling of demolition materials;
  - 6.11. The measures to minimise the amount of waste construction materials; the provision for the recycling of demolition and waste materials; and the return of waste materials to the supplier (where the supplier has a program of reuse or recycling);
  - 6.12. The measures to minimise noise and other amenity impacts from mechanical equipment and demolition/construction activities, especially outside of daytime hours;
  - 6.13. The provision of adequate environmental awareness training for all on-site contractors and sub contractors; and
  - 6.14. An agreed schedule of compliance inspections.

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

#### Landscaping

8. Prior to the approval of Condition 1 plans, a landscaping report and landscape plan/s must be prepared by a suitably qualified landscape architect and must be submitted to and approved by the Responsible Authority. Once approved, the landscape report and plan/s will be endorsed and will then form part of the permit. The report and plan/s must be consistent with the development plans and generally in accordance with the report and plans prepared by Tract Consulting Architects, dated 22 August 2016, but modified to show:
  - 8.1. Any details as relevant or directed by any other condition of this Permit;
  - 8.2. A detailed planting schedule of the species, numbers of plants, approximate height, spread of proposed planting and planting/pot size for all trees, shrubs and all other plants;
  - 8.3. Details of soil depths for all planter beds proposed above basement/floor levels, accompanied by suitable evidence that the soil volumes are sufficient for each relevant chosen species;
  - 8.4. Details of paved and surface treatments;
  - 8.5. Continuation of the general planting theme established in respect of Doncaster Road by the Doncaster Hill Strategy (October 2002), along the Williamsons Road frontage to the satisfaction of the Responsible Authority;
  - 8.6. Details of any irrigation and any water sensitive urban design treatment for the site consistent with the Sustainability Management Plan required by Condition 3 of this permit;
  - 8.7. The use of landscaping to screen any water meters or similar infrastructure from unsightly view to the satisfaction of the Responsible Authority;
  - 8.8. An ongoing maintenance regime for the entire landscaping of the site;
  - 8.9. The inclusion of screen plants capable of reaching at least 4.0m in height within the garden bed along the south boundary;
  - 8.10. A layered planting theme within the garden bed along the northern boundary.

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

#### Engineering Works & Drainage

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

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

- 10.1. Be designed for a 1 in 5 year storm; and
- 10.2. Storage must be designed for 1 in 10 year storm.
11. Before the development starts, a construction plan for the system required by Condition No. 10 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.
12. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor.

#### Completion of Landscaping

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

#### Landscape Bond

15. Prior to the release of the plans approved at Conditions 1, 3, 5 and 6 of this permit, a \$20,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.

#### Development Contributions

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

#### Vehicle Crossings

17. Prior to the construction of any vehicle crossing, the applicant must obtain a Vehicle Crossing Permit and construct the vehicle crossing to the satisfaction of the Responsible Authority.
18. All redundant crossovers must be removed and reinstated with kerb, channel, footpath and nature strip to the satisfaction of the Responsible Authority.

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

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

#### Lighting

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

#### Noise

22. All noise emanating from any commercial premises must comply with the State Environment Protection Policy N-1 (Noise from commerce industry and trade) and in the event of the Responsible Authority receiving justifiable complaints regarding noise from such sources, the onus will be on the owner of the development site to prove compliance with the relevant policy to the satisfaction of the Responsible Authority.

#### Site Services

23. No air-conditioning units may be installed on the building so as to be visible from public or private realm, including on balconies, to the satisfaction of the Responsible Authority.
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. Unless depicted on a roof plan approved by this permit, no roof plant (includes air conditioning units, basement exhaust ducts, solar panels or hot water systems) which is visible to immediate neighbours or from any street may be placed on the roof of the approved building, without details in the form of an amending plan being submitted to and approved by the Responsible Authority.
26. All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively to the satisfaction of the Responsible Authority.

27. A centralised TV antenna system must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.
28. No individual dish antennas may be installed on balconies or walls.
29. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
30. In the event of gas being supplied to the approved dwellings, the owner must liaise with the relevant service authority to determine an appropriately discrete location for the placement of gas meters to the satisfaction of the Responsible Authority.

#### General

31. Once the permitted development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
32. Buildings, engineering works, privacy screens, obscure glazing, fencing and landscaped areas must be maintained to the satisfaction of the Responsible Authority.
33. The implementation of two street trees within the indented parking bay along Lawford Street must be designed and installed to the satisfaction of, and at no cost to the Responsible Authority.

#### Public Transport Victoria Condition

34. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Williamsons Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicate to Public Transport Victoria fourteen (14) days prior.

#### Permit Expiry

35. This permit will expire if:
  - 35.1. the development does not start within two (2) years of the date of the issue of this permit;
  - 35.2. the development is not completed within two (2) years of the date this development was started; and
  - 35.3. the use is not commenced within two (2) years of the development being completed.

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

### ALTERNATIVE OFFICER RECOMMENDATION

- (A) **Council notes that the objection to this application has been withdrawn, as per letter dated 12 September 2016 and received by Council on 13 September 2016.**
- (B) **That a PLANNING PERMIT be issued for Planning Application No. PL15/025350 relating to 9-11 Williamsons Road, Doncaster, for the use and development of the land to construct a twelve-storey building comprising 137**



dwelling and ground level retail premises, plus basement car parking and a waiver of associated loading/unloading facilities in accordance with the endorsed plans and subject to the following conditions

1. Before the use and development starts, two (2) copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the decision plans (*Drawn by Bruce Henderson Architects, Job No 36023, dated March 2016 and as received by Council on 23 August 2016*) but modified to show:
  - 1.1. The metal fence and adjacent garden bed south of the G.08 terrace to be setback at least 500mm from the south boundary.
  - 1.2. The two outer framing elements upon the north elevation removed, or reduced in depth by at least 500mm, with any internal overlooking addressed where necessary.
  - 1.3. The northern setback of TH.07 at Basement Level 1 increased from 2.5m to at least 3.0m.
  - 1.4. The 1.0m wide planter beds south of the terraces of G.06, G0.07 and G.08, widened to at least 1.5m and of a depth demonstrated as being capable of accommodating screen planting.
  - 1.5. Further details to demonstrate that any planter beds along the south boundary will not increase boundary wall heights.
  - 1.6. The planter beds north of the B1.08 and B1.09 and TH.07 terraces increased to at least 1.0m in width. The associated metal facing is to be setback from the northern boundary to provide a garden bed of at least a 700mm width in front, in addition to the widened tree planters.
  - 1.7. The implementation of two street trees within the indented parking bay along Lawford Street, in accordance with Condition 33.
  - 1.8. The west elevation of Level 6 modified so as that the feature framing elements do not to extend above the balcony finished floor levels, with alternative, less prominent treatments to any canopy projections/blades above. These should not project more than 500mm beyond the façade, and utilise subtle colours and materials.
  - 1.9. The accessway to achieve a 1:10 gradient where within 5.0m of the Carnarvon Street frontage.
  - 1.10. The pedestrian entry accessed via Carnarvon Street to achieve a gradient of 1:14.
  - 1.11. A plan notation that explains how the proposed car parking area will be secured given the mix of residential, office and visitor car parking spaces;
  - 1.12. Details of basement ventilation, including the location and design treatment of any mechanical intake or outlet required;
  - 1.13. The location and details of signage to assist pedestrians/motorists in the following locations;

- 1.13.1. on either side of the vehicle crossover to assist pedestrians to safe refuge along Carnarvon Street;
  - 1.13.2. location of visitor parking spaces, retail parking spaces and visitor bicycle spaces;
  - 1.13.3. the location of the lift and stairwell
  - 1.13.4. bicycle parking space allocation;
  - 1.13.5. the location normal and emergency exits;
  - 1.13.6. directional signage within the basement levels.
- 1.14. A detailed design of the Design Element (at a scale of 1:50) illustrating its composition in respect of all building elements including materials and finishes with the general distances between blades dimensioned.
  - 1.15. Any planting above a floor level to demonstrate that planters can accommodate a sufficient soil volume relative to the species, with suitable supporting evidence demonstrating as such.
  - 1.16. A detailed design in plan, sections, or perspectives of the two communal garden areas.
  - 1.17. Details of paving and surface finishes of all common areas at ground and elevated levels clearly labelled;
  - 1.18. Demonstration of the integration of all infrastructure, including the fire booster cupboard, into the building to the satisfaction of the Responsible Authority;
  - 1.19. Details of external lighting to be installed to provide for the safety of occupants and visitors of the building;
  - 1.20. A report from a qualified person investigating whether specific acoustic measures are required in apartments adjacent to Williamsons Road to combat noise from traffic and the apartments adjacent to the trade supplies and restricted retail premise nursery area. The report is to use Australian Standards as benchmarks. Any recommended measures are to be incorporated into the plans.
2. All use and development must accord with the endorsed plans. Any alterations must be approved in writing by the Responsible Authority.

#### **Sustainability Management Plan**

3. Prior to the approval of Condition 1 plans, two (2) copies of an amended Sustainability Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the submitted Sustainability Management Plan (SMP) prepared by Urban Digestor (dated 11 April 2016) but be amended to include the following:
  - 3.1. LED fittings throughout due to cost parity to fluorescents (including T5s) which are becoming obsolete from higher OMR costs, reduced performance in low external temperatures and contain mercury.
  - 3.2. Latest drawings to reflect 13kW (approx. Area 107m<sup>2</sup>) Solar PV array for communal area energy.

- 3.3. Stormwater/ Rainwater reuse - YVW requires all toilets and laundry to connect directly to the recycled 'purple' pipe (not via rainwater tanks) with an interim cross connection to mains water. 30,000L rainwater storage harvested from minimum 1,061m<sup>2</sup> will then be connected to a 'green' pipe and reused for hotwater, landscaping and/or car park hose down (refer to pdf "Doncaster Hill Water Plan Information Pack" <http://www.doncasterhill.com/publications> );
  - 3.4. Provide raingarden standard drawings with filter media types and depth in compliance with FAWB guidelines;
  - 3.5. Raingardens to be compliant with the drainage and landscape plans.
4. Prior to the occupation of any building approved under this permit, a report from the author of the SMP report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.

#### Waste Management

5. Before the development starts, an amended Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the submitted Waste Management Plan (WMP) prepared by Leigh Design (dated 11 April 2016) but be amended to specify that no bins be left outside the development boundary or left unattended at any time on any street frontage for any reason

#### Construction Management

6. Before the development starts, two (2) copies of a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will form part of the permit. The plan must address, but not be limited to, the following:
  - 6.1. Hours of demolition and construction to be to the satisfaction of the Responsible Authority;
  - 6.2. 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);
  - 6.3. Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;
  - 6.4. On site facilities for vehicle washing;
  - 6.5. Delivery and unloading points and expected frequency;
  - 6.6. A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced;

- 6.7. The movement of construction vehicles to and from the site must be regulated to ensure that no traffic hazards are created in and around the site;
  - 6.8. Measures to minimise the impact of construction vehicles arriving at and departing from the land;
  - 6.9. An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services;
  - 6.10. The processes to be adopted for the separation, re-use and recycling of demolition materials;
  - 6.11. The measures to minimise the amount of waste construction materials; the provision for the recycling of demolition and waste materials; and the return of waste materials to the supplier (where the supplier has a program of reuse or recycling);
  - 6.12. The measures to minimise noise and other amenity impacts from mechanical equipment and demolition/construction activities, especially outside of daytime hours;
  - 6.13. The provision of adequate environmental awareness training for all on-site contractors and sub contractors; and
  - 6.14. An agreed schedule of compliance inspections.
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

#### Landscaping

8. Prior to the approval of Condition 1 plans, a landscaping report and landscape plan/s must be prepared by a suitably qualified landscape architect and must be submitted to and approved by the Responsible Authority. Once approved, the landscape report and plan/s will be endorsed and will then form part of the permit. The report and plan/s must be consistent with the development plans and generally in accordance with the report and plans prepared by Tract Consulting Architects, dated 22 August 2016, but modified to show:
- 8.1. Any details as relevant or directed by any other condition of this Permit;
  - 8.2. A detailed planting schedule of the species, numbers of plants, approximate height, spread of proposed planting and planting/pot size for all trees, shrubs and all other plants;
  - 8.3. Details of soil depths for all planter beds proposed above basement/floor levels, accompanied by suitable evidence that the soil volumes are sufficient for each relevant chosen species;
  - 8.4. Details of paved and surface treatments;
  - 8.5. Continuation of the general planting theme established in respect of Doncaster Road by the Doncaster Hill Strategy (October 2002), along the Williamsons Road frontage to the satisfaction of the Responsible Authority;

- 8.6. Details of any irrigation and any water sensitive urban design treatment for the site consistent with the Sustainability Management Plan required by Condition 3 of this permit;
- 8.7. The use of landscaping to screen any water meters or similar infrastructure from unsightly view to the satisfaction of the Responsible Authority;
- 8.8. An ongoing maintenance regime for the entire landscaping of the site;
- 8.9. The inclusion of screen plants capable of reaching at least 4.0m in height within the garden bed along the south boundary;
- 8.10. A layered planting theme within the garden bed along the northern boundary.

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

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

9. All engineering works relating to access, parking and drainage must be carried out in accordance with detailed construction plans approved by the Responsible Authority prior to the commencement of site works.
10. The owner must provide onsite storm water detention storage or other suitable system (which may include but is not limited to the re-use of stormwater using rainwater tanks), to limit the Permissible Site Discharge (PSD) to that applicable to the site coverage of 35 percent of hard surface or the pre existing hard surface if it is greater than 35 percent. The PSD must meet the following requirements:
  - 10.1. Be designed for a 1 in 5 year storm; and
  - 10.2. Storage must be designed for 1 in 10 year storm.
11. Before the development starts, a construction plan for the system required by Condition No. 10 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.
12. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor.

#### **Completion of Landscaping**

13. Prior to the commencement of the uses allowed by this permit, or the occupation of the building hereby permitted, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained thereafter to the satisfaction of the Responsible Authority.
14. Prior to the commencement of the uses allowed by this permit, or the occupation of the building hereby permitted, an in-ground, automatic

**watering system must be installed to the main garden areas to the satisfaction of the Responsible Authority.**

#### **Landscape Bond**

- 15. Prior to the release of the plans approved at Conditions 1, 3, 5 and 6 of this permit, a \$20,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.**

#### **Development Contributions**

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

#### **Vehicle Crossings**

- 17. Prior to the construction of any vehicle crossing, the applicant must obtain a Vehicle Crossing Permit and construct the vehicle crossing to the satisfaction of the Responsible Authority.**
- 18. All redundant crossovers must be removed and reinstated with kerb, channel, footpath and nature strip to the satisfaction of the Responsible Authority.**

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

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

#### **Lighting**

- 20. External lighting must be designed so as to minimise loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority.**
- 21. The development must be provided with lighting capable of illuminating access to each car parking space, storage, rubbish bin, recycling bin, pedestrian walkways, stairwells, lift, building entrance and entry foyer. Lighting must be located, directed, shielded and of limited intensity so**

that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.

#### Noise

22. All noise emanating from any commercial premises must comply with the State Environment Protection Policy N-1 (Noise from commerce industry and trade) and in the event of the Responsible Authority receiving justifiable complaints regarding noise from such sources, the onus will be on the owner of the development site to prove compliance with the relevant policy to the satisfaction of the Responsible Authority.

#### Site Services

23. No air-conditioning units may be installed on the building so as to be visible from public or private realm, including on balconies, to the satisfaction of the Responsible Authority.
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. Unless depicted on a roof plan approved by this permit, no roof plant (includes air conditioning units, basement exhaust ducts, solar panels or hot water systems) which is visible to immediate neighbours or from any street may be placed on the roof of the approved building, without details in the form of an amending plan being submitted to and approved by the Responsible Authority.
26. All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively to the satisfaction of the Responsible Authority.
27. A centralised TV antenna system must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.
28. No individual dish antennas may be installed on balconies or walls.
29. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
30. In the event of gas being supplied to the approved dwellings, the owner must liaise with the relevant service authority to determine an appropriately discrete location for the placement of gas meters to the satisfaction of the Responsible Authority.

#### General

31. Once the permitted development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
32. Buildings, engineering works, privacy screens, obscure glazing, fencing and landscaped areas must be maintained to the satisfaction of the Responsible Authority.
33. The implementation of two street trees within the indented parking bay along Lawford Street must be designed and installed to the satisfaction of, and at no cost to the Responsible Authority.

#### Public Transport Victoria Condition

34. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Williamsons Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicate to Public Transport Victoria fourteen (14) days prior.

**Permit Expiry**

35. This permit will expire if:
- 35.1. the development does not start within two (2) years of the date of the issue of this permit;
  - 35.2. the development is not completed within two (2) years of the date this development was started; and
  - 35.3. the use is not commenced within two (2) years of the development being completed.

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

**MOVED: O'BRIEN**  
**SECONDED: GRIVOKOSTOPOULOS**

**That the Alternative Recommendation be adopted.**

**CARRIED**

"Refer Attachments"

\* \* \* \* \*



**5 Planning Application PL09/020097.01 - 969- 973 Doncaster Road, Doncaster – Amendment to Planning Permit PL09/020097 by undertaking a number of changes to the building to increase the number of apartments from 22 to 38, including the addition of a fourth storey to increase the overall maximum building height to 14.4 metres, reducing setbacks to all boundaries, and introducing car stackers into the basement car park**

Responsible Director: Director Planning & Environment

File No. T16/174

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

**Land:** Lot 1 TP558372K Vol 8431 Fol 984  
 Lot 1 TP190192K Vol 9350 Fol 210  
 Lot 1 TP339074R Vol 8431 Fol 986

**Zone** Residential Growth Zone Schedule 2  
 Design and Development Overlay  
 Schedule 8  
 Land Adjacent to a Road Zone  
 Category 1

**Applicant:** E.J Grech & Associates Pty Ltd

**Ward:** Koonung

**Melway Reference:** 48 A1

**Time to consider:** 17 June 2016

## SUMMARY

*It is proposed to amend planning permit PL09/020097 by approving amended plans that show the addition of a fourth storey, an increase to the number of apartments from 22 to 38, an increase to the maximum building height from 10.9m to 14.4m, a reduction to setbacks on all boundaries and introducing car stackers within the basement car park (5 stackers for 10 car spaces).*

*The application was advertised and 3 objections were received.*

*Grounds mainly relate to the appropriateness of the fourth storey, privacy, additional building height, reduced setbacks, visual bulk and overlooking.*

*It is considered that the application is contrary to the provisions of the Design and Development Overlay Schedule 8, as the fourth storey when viewed from public realm generates a scale and maximum building height that is excessive. Inadequate setbacks around the perimeter of the building to support the provision of perimeter landscaping to provide a visual barrier and to soften the built form. The apartments are provided with inadequate internal amenity including natural light and ventilation.*

*The introduction of the car stackers within the basement car park is not considered practical, given that different apartments are allocated the two car spaces within each stacker. Furthermore, the car stackers are only provided with a vehicle clearance height of 1.5m within the lower and 1.55m within the upper stacker car space, which is contrary to Design Standard 4 of Clause 52.06 and will not accommodate most medium special utility vehicles.*

*The proposal constitutes an overdevelopment, as it results in the creation of substandard apartments with poor internal amenity.*

*Since the report has been written, the Applicant has lodged an application of review at the Victorian and Civil Administrative Tribunal for failure to determine the application within the prescribed time. It is recommended that the application be not supported, if Council had the ability to determine the application.*

## 1 BACKGROUND

- 1.1 The site comprises of three separate parcels of land, namely Nos. 969, 971 and 973 Doncaster Road.
- 1.2 The property at No. 969 is legally referred to as Lot 1 TP558372K, Volume 8431 Folio 984. The property at No. 971 is legally referred to as Lot 1 TP190192K, Volume 9350 Folio 210 and No. 973 is legally referred to as lot 1 TP339074R, Volume 986 Folio 8431.
- 1.3 The site has a combined frontage of 50.67m, a depth of 40.49m, with a combined site area of 2049.75m<sup>2</sup>. A 2.44m wide easement is located along the rear northern boundary.
- 1.4 The site originally contained three, single detached dwellings, which have recently been demolished. The site is vacant and a temporary fence is erected along the property frontage.
- 1.5 A dilapidated timber paling fence with one section missing is located along the northern boundary. A dilapidated timber paling fence with a significant lean towards the site is located along the eastern and western boundary.
- 1.6 The site has abutments with six properties. Surrounding development is described as follows:

Direction	Address	Description
North	10 Roderick Street	The property contains a single-storey, brick dwelling with a hipped, tiled roof. The dwelling has a rear setback of 16.0m from the common boundary. Secluded private open space is located within the rear yard. Vehicle access is via a concrete driveway and crossover located adjacent to the eastern boundary.
	8 Roderick Street	The property contains three, two-storey, rendered finish Neo-Georgian dwellings with a hipped,

Direction	Address	Description
		<p>tiled roof. Separate vehicle access is provided for Dwelling 1, via a driveway and crossover located adjacent to the western boundary. Common vehicle access is via a crossover and driveway located adjacent to the eastern boundary. The dwellings are in a tandem arrangement. Unit 3 has a rear setback of 2.5m. There are two habitable room windows orientated to the common boundary, with one window having dimensions of 1.5m by 2.1m and the other being 600mm by 600mm.</p>
	6 Roderick Street	<p>The property contains a single-storey, brick dwelling with a gabled, tiled roof. The dwelling has a rear setback of 21m from the common boundary.</p>
West	967 Doncaster Road	<p>The property contains two dwellings in a tandem arrangement. Unit 1 is a single-storey dwelling in a rendered finish, with a gabled, tiled roof with a front setback of 7.6m. The rear dwelling is a two-storey dwelling. Both dwellings have a side setback of 2.0m from the common boundary. Vehicle access is via a common driveway and crossover located adjacent to the western boundary.</p>
East	975 Doncaster Road	<p>A single-storey, brick dwelling with a hipped, tiled roof is setback 14m from the street and 2.0m from the common boundary. A double carport is located forward of the dwelling. Vehicle access is via a driveway and crossover located adjacent to the eastern boundary. Secluded private open space is located to the rear. There are two habitable room windows orientated to the common boundary, of which one is a highlight window and the other has dimensions 1.5m by 1.8m.</p>

- 1.7 The character of the area is in transition. While single detached brick dwellings are still common on many properties, an increasing number of lots are being developed with two or more townhouse style dwellings, with apartments style developments on either side of Doncaster Road. Directly opposite the site is a childcare centre and within 37m to the east is the Doncaster Police Station. There are many medical centres operated from existing dwellings on Doncaster Road.
- 1.8 Doncaster Road is a major arterial road, within the jurisdiction of VicRoads. Doncaster Road has 6 lanes of traffic, divided by a raised median strip that contains various native canopy trees. The far left lane is a designated bus priority lane.
- 1.9 The site is well located to a range of services, including a bus stop located 36m (in front of Police Station) and Devon Plaza Shopping Centre located on the opposite side of Doncaster Road (28m). A childcare centre is located on the opposite side of Doncaster Road (27m) and Montgomery Reserve is located 229m from the east side of the site.

## **2 PROPOSAL**

- 2.1 The proposal is to amend plans approved under existing planning permit PL09/020097, as follows:
- The addition of a fourth storey;
  - Apartments increased from 22 to 38 (meaning a new configuration of apartments);
  - Increase to building height to 14.4m;
  - Reduction to all setbacks; and
  - Car stackers within basement car park.
- 2.2 The amended application has the following setbacks to site boundaries:
- Front Setbacks
    - Basement - 4.0m reduced from 6.0m
    - Ground Floor – 6.0m reduced from 6.04m
    - First Floor – 6.0m reduced from 6.04m
    - Second Floor – 6.0m reduced from 6.04m
    - Third Floor -6.0m
  - Western Side Setbacks
    - Basement – 1.2m reduced from 7.5m
    - Ground Floor – 2.47m reduced from 7.5m
    - First Floor – 4.0m reduced from 8.4m
    - Second Floor – 7.0m reduced from 12.1m
    - Third Floor -8.0m
  - Eastern Side Setbacks
    - Basement – 2.5m reduced from 3.0m

- Ground Floor – 2.5m reduced from 3.0m
  - First Floor – 3.5m reduced from 4.5m
  - Second Floor – 5.0m reduced from 7.5m
  - Third Floor – 6.0m
  - Northern Rear Setbacks
    - Basement -2.4m to stairs, 5.0m to edge of wall, reduced from 5.1m
    - Ground Floor – 6.0m reduced from 7.1m
    - First Floor -6.0m reduced from 7.1m
    - Second Floor – 9.0m reduced from 12.2m
    - Third Floor -16.5m
- 2.3 The amended proposal will comprise of two, three-bedrooms apartments and two one-bedroom apartment, with the remaining 34 apartments two-bedrooms.
- 2.4 The basement carpark has provision for 40 car spaces for residents, of which 10 car spaces will be within 5 car stackers. There will 8 visitor car spaces within the basement and 8 Ned Kelly bicycle spaces are centrally located for residents.
- 2.5 The proposed building will have a maximum building height of 14.4m (north), increased from 10.9m (west). The development will have a site coverage of 60%, increased from 52.76%.
- 2.6 A 1.7m – 2.4m high timber, slat fence is proposed within 2.0m of the property frontage to enclose a private open space for the ground floor apartments (A2, A3, A4, A5 & A6). These apartments are benched 1.25m into the ground. There are 6 apartments to rely on internal light courts that descend the four floors of the building to illuminate the bedrooms for natural light and ventilation.
- 2.7 The proposed development has a modulated architectural design, which includes a flat roof and articulated facade presentation on all sides. The facades consist of a mix of render and timber cladding, feature brickwork, feature tiling in random pattern of cream and limestone colour, feature panels with expressed lines (front facade) and architectural feature cladding, in Alucobond to the edges of the building. Aluminium louvre privacy screens are provided for windows with overlooking potential and canopies are provided to the upper floor windows in dark charcoal. Balcony balustrades are in a mix of clear glass or obscured glass and aluminium louvers.
- 2.8 Documentation supporting the application included a Sustainability Management Plan, Traffic Impact Assessment, Waste Management Plan and a Landscape Plan.

### **3 PRIORITY/TIMING**

- 3.1 The statutory time for considering a planning application is 60 days. Allowing for the time taken to advertise the application, the statutory time lapsed on 17 June 2016.

- 3.2 The Planning and Environment Act 1987 is the relevant legislation governing planning in Victoria. The Act identifies subordinate legislation in the form of Planning Schemes to guide future land use and development.
- 3.3 Section 60 of the Act outlines what matters a Responsible Authority must consider in the determination of an application. The Responsible Authority is required to consider:
- the relevant planning scheme; and
  - the objectives of planning in Victoria; and
  - all objections and other submissions which it has received and which have not been withdrawn; and
  - any decision and comments of a referral authority which it has received; and
  - any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.
- 3.4 Section 61(4) of the Act makes specific reference to covenants. The subject site is not affected by a restrictive covenant.
- 3.5 It is further noted that the subject land is also not encumbered by any Section 173 Agreements.

#### **4 MANNINGHAM PLANNING SCHEME**

- 4.1 The site is included in the Residential Growth Zone, Schedule 2 under the provisions of the Manningham Planning Scheme.
- 4.2 A planning permit is required to construct two or more dwellings on a lot in the Residential Growth Zone.
- 4.3 The purpose of the Residential Growth Zone relates primarily to providing housing at increased densities, encouraging diversity of housing types and encouraging a scale of development that provides a transition between areas of more intensive use and development and areas of restricted housing growth.
- 4.4 An assessment for buildings and works for two or more dwellings is required under the provisions of Clause 55 of the Manningham Planning Scheme.
- 4.5 The purpose of Clause 55 is generally to provide well designed dwellings with considered regard to internal amenity, while at the same time, maintaining the amenity and character of the locality, with particular emphasis on the amenity of adjoining residents.
- 4.6 The site is affected by the Design and Development Overlay Schedule 8 (DDO8) of the Manningham Planning Scheme
- 4.7 The Design Objectives of the DD08 are:
- *To increase residential densities and provide a range of housing types around activity centres and along main roads.*
  - *To encourage development that is contemporary in design that includes an articulated built form and incorporates a range of visually interesting building materials and façade treatments.*

- *To support three storey, 'apartment style', developments within the Main Road subprecinct and in sub-precinct A, where the minimum land size can be achieved.*
  - *To support two storey townhouse style dwellings with a higher yield within subprecinct B and sub-precinct A, where the minimum land size cannot be achieved.*
  - *To ensure new development is well articulated and upper storey elements are not unduly bulky or visually intrusive, taking into account the preferred neighbourhood character.*
  - *To encourage spacing between developments to minimise a continuous building line when viewed from a street.*
  - *To ensure the design and siting of dwellings have regard to the future development opportunities and future amenity of adjoining properties.*
  - *To ensure developments of two or more storeys are sufficiently stepped down at the perimeter of the Main Road sub-precinct to provide an appropriate and attractive interface to subprecinct A or B, or other adjoining zone.*
  - *Higher developments on the perimeter of sub-precinct A must be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct B or other adjoining zone.*
  - *To ensure overlooking into adjoining properties is minimised.*
  - *To ensure the design of carports and garages complement the design of the building.*
  - *To ensure the design of basement and undercroft car parks complement the design of the building, eliminates unsightly projections of basement walls above natural ground level and are sited to allow for effective screen planting.*
  - *To create a boulevard effect along Doncaster Road and Manningham Road by planting trees within the front setback that are consistent with the street trees.*
  - *To encourage landscaping around buildings to enhance separation between buildings and soften built form.*
- 4.8 Planning permission is required for buildings and works which must comply with the requirements set out in either Table 1 or Table 2 of the Schedule.
- 4.9 Being located within the Main Road sub-precinct, the maximum building height for land more than 1800 square metres in area is 11 metres. A permit can be granted to vary the maximum building height.
- 4.10 There is a range of policy requirements outlined in this control under the headings of building height and setbacks, form, car parking and access, landscaping and fencing.

### **State Planning Policy Framework**

- 4.11 Clause 15.01-1 (Urban Design) seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. Strategies towards achieving this are identified as follows:
- *Promote good urban design to make the environment more liveable and attractive.*
  - *Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability*
  - *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*
  - *Ensure transport corridors integrate land use planning, urban design and transport planning and are developed and managed with particular attention to urban design aspects*
  - *Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.*
- 4.12 Clause 15.01-4 (Design for Safety) seeks to improve community safety and encourage neighbourhood design that makes people feel safe. The strategy identified to achieve this objective is to ensure the design of buildings, public spaces and the mix of activities contribute to safety and perceptions of safety.
- 4.13 Clause 15.01-5 (Cultural Identity and Neighbourhood Character) seeks to recognise and protect cultural identity, neighbourhood character and sense of place. The clause emphasises the importance of neighbourhood character and the identity of neighbourhoods and their sense of place. Strategies towards achieving this are identified as follows:
- *Ensure development responds and contributes to existing sense of place and cultural identity.*
  - *Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.*
  - *Ensure development responds to its context and reinforces special characteristics of local environment and place.*
- 4.14 Clause 15.02-1 (Energy and Resource Efficiency) seeks to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.
- 4.15 Clause 16.01-1 (Integrated Housing) seeks to promote a housing market that meets community needs. Strategies towards achieving this are identified as follows:
- *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations.*
  - *Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.*



- 4.16 Clause 16.01-2 (Location of Residential Development) seeks to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. Strategies towards achieving this are identified as follows:
- *Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.*
  - *In Metropolitan Melbourne, locate more intense housing development in and around Activity centres, in areas close to train stations and on large redevelopment sites.*
  - *Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.*
  - *Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.*
- 4.17 Clause 16.01-4 (Housing Diversity) seeks to provide for a range of housing types to meet increasingly diverse needs. Strategies towards achieving this are identified as follows:
- *Ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.*
  - *Encourage the development of well-designed medium-density housing which respects the neighbourhood character.*
  - *Improves housing choice.*
  - *Makes better use of existing infrastructure.*
  - *Improves energy efficiency of housing.*
  - *Support opportunities for a wide range of income groups to choose housing in well serviced locations.*
- 4.18 Clause 16.01-5 (Housing affordability) seeks to deliver more affordable housing closer to jobs, transport and services.

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

#### **Municipal Strategic Statement**

- 4.19 Clause 21.03 (Key Influences) identifies that future housing need and residential amenity are critical land-use issues. The MSS acknowledges that there is a general trend towards smaller household size as a result of an aging population and smaller family structure which will lead to an imbalance between the housing needs of the population and the actual housing stock that is available.
- 4.20 This increasing pressure for re-development raises issues about how these changes affect the character and amenity of our local neighbourhoods. In meeting future housing needs, the challenge is to provide for residential

redevelopment in appropriate locations, to reduce pressure for development in more sensitive areas, and in a manner that respects the residential character and amenity valued by existing residents.

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

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

***Sub-precinct A (DDO8-2)*** is an area where two storey units (9 metres) and three storey (11 metres) 'apartment style' developments are encouraged. Three storey, contemporary developments should only occur on land with a minimum area of 1800m<sup>2</sup>. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage. The area of 1800m<sup>2</sup> must all be in the same sub-precinct. In this

sub-precinct, if a lot has an area less than 1800m<sup>2</sup>, a townhouse style development proposal only will be considered, but development should be a maximum of two storeys. All development in Sub-precinct A should have a maximum site coverage of 60 percent.

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

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

4.26 The site is located within Main Road Sub-precinct (DDO8-1).

4.27 Clause 21.05-2 Housing contains the following objectives:

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

4.28 The strategies to achieve these objectives include:

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

- 4.29 Clause 21.05-4 (Built form and neighbourhood character) seeks to ensure that residential development enhances the existing or preferred neighbourhood character of the residential character precincts as shown on Map 1 to this Clause.
- 4.30 The strategies to achieve this objective include:
- *Require residential development to be designed and landscaped to make a positive contribution to the streetscape and the character of the local area.*
  - *Ensure that where development is constructed on steeply sloping sites that any development is encouraged to adopt suitable architectural techniques that minimise earthworks and building bulk.*
  - *Ensure that development is designed to provide a high level of internal amenity for residents.*
  - *Require residential development to include stepped heights, articulation and sufficient setbacks to avoid detrimental impacts to the area's character and amenity.*
- 4.31 Clause 21.10 (Ecologically Sustainable Development) highlights Council's commitment to ESD and outlines a number of ESD principles to which regard must be given. These are:
- Building energy management
  - Water sensitive design
  - External environmental amenity
  - Waste management
  - Quality of public and private realm
  - Transport

#### **Local Planning Policy**

- 4.32 Clause 22.08 (Safety through urban design) applies to all land in Manningham. It endeavours to provide and maintain a safer physical environment for those who live in, work in or visit the City of Manningham. The policy seeks attractive, vibrant and walkable public spaces where crime, graffiti and vandalism is minimised.
- 4.33 Clause 22.09 (Access for disabled people) also applies to all land in Manningham. It seeks to ensure that people with a disability have the same level of access to buildings, services and facilities as any other person. The policy requires the needs of people with a disability to be taken into account in the design of all proposed developments.

#### **Particular Provisions**

- 4.34 Clause 52.06 (Car Parking) is relevant to this application. Pursuant to Clause 52.06-5, car parking is required to be provided at the following rate:
- 1 space for 1 and 2 bedroom dwellings
  - *2 spaces for 3 or more bedroom dwellings*

- 1 visitor space to every 5 dwellings for developments of 5 or more dwellings
- 4.35 Clause 52.06-8 outlines various design standards for parking areas that should be achieved.
- 4.36 Clause 52.34 (Bicycle Facilities) seeks to encourage cycling as a mode of transport and provide secure, accessible and convenient bicycle parking spaces.
- 4.37 Clause 55 (Two or More Dwellings on a Lot) applies to all applications for two or more dwellings on a lot. Consideration of this clause is outlined in the Assessment section of this report.

#### **General Provisions**

- 4.38 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.*

## **5 ASSESSMENT**

- 5.1 Council has, through its policy statements throughout the Planning Scheme and in particular by its adoption of Schedule 8 to the Design and Development Overlay over part of this neighbourhood, created a planning mechanism that has and will, in time, alter the existing neighbourhood character.
- 5.2 Council's planning preference is for higher density, multi-unit developments which can include apartment style developments on larger lots. This higher density housing thereby provides for the "preferred neighbourhood character" which is guided by the design elements contained within the Schedule 8 to the Design and Development Overlay, in conjunction with an assessment against Clause 21.05 and Clause 55 – Rescode. The resultant built form is contemplated to have a more intense and less suburban outcome.
- 5.3 An apartment building has been approved on the site under Planning Permit PL09/020097. Council must now decide whether the intensification now proposed is acceptable under the planning controls.
- 5.4 An assessment of the proposal will be made based on the following clauses:
- Local Planning Policy Framework
  - Schedule 8 to the Design and Development Overlay (DDO8)
  - Clause 52.06 Car Parking
  - Clause 52.29 Land Adjacent to a Road Zone Category 1
  - Clause 52.34 Bicycle Facilities
  - Clause 55 Two or More Dwellings on a Lot

- Clause 65 Decision Guidelines

### **Local Planning Policy Assessment**

#### **Clause 21.05 Residential**

- 5.5 The development site is situated within Precinct 2 – Residential Areas Surrounding Activity Centres and Along Main Roads, where higher density is encouraged. Given the site is a consolidated lot with an area of 2049.75m<sup>2</sup>, a maximum preferred building height of 11 metres is applicable. The development has a site coverage of 60%, which is within the threshold of the maximum specified in the DDO8. The apartment building has a maximum building height of 14.4m, an increase of 3.5m (10.9m) from the current proposal.
- 5.6 The proposal does not provide adequate setbacks to all boundaries, thereby providing spacing and separation to alleviate amenity impact to adjoining properties. In particular, the western boundary is only provided with a setback of 1.0m – 1.24m from the edge of the driveway ramp for the provision of landscaping and the eastern boundary is setback 2.44m from the edge of the building for the provision of landscaping, where a 2.44m wide easement exists. There are inadequate pervious surfaces around the development to provide perimeter landscaping, so that a visual barrier can be provided to adjoining properties and to soften the built form of the development.
- 5.7 It appears that the desire to maximise dwelling yield has resulted in the creation of substandard bedrooms that rely on borrowed light. Bedroom 1 of Apartments A15, A16, A17, A18, A19, A25, A26, A30, A 31 & A34) have access to 0.71m wide long corridors for natural light. These bedrooms generally have a corridor length of 4.0m from the window. The poor internal amenity of the apartments will result in poor comfort and liveability, which impacts the operational cost of the building, as there will be a greater reliance on mechanical ventilation and artificial lighting.
- 5.8 Overall, the design response is considered to be inconsistent with Council's policy expectations at Clause 21.05 Residential.

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

- 5.9 Council's MSS outlines ESD requirements to be incorporated into larger developments within the municipality. The poor internal layout of the development will greatly affect the overall comfort and liveability of the apartments. The battleaxe apartments which rely on internal light courts for natural light and ventilation and the corridors which do not have access to daylight and ventilation, in addition to the south-facing subterranean apartments will have an impact on the operational cost of the building. Therefore, the Sustainability Management Plan and the proposal would be required to be reviewed. Detailed comments are located in Section 6 of this report.

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

- 5.10 Council's Local Planning policy at Clause 22.08 applies to all land in the municipality and therefore has a broad range of objectives and policy requirements in relation to the design of buildings, street layout/access, lighting and car parks.

- 5.11 While a number of items are not relevant to the application, a number of the requirements in relation to building design area, including *“Buildings be orientated to maximise surveillance of entrances and exits from streets”, “Public spaces are adequately illuminated and are subject to surveillance from overlooking windows”* and *“The location of building entrances and windows maximise opportunities for passive surveillance of streets and other public spaces”*
- 5.12 It is considered that the design response is consistent with the requirements of this clause with a concerted effort made to ensure that passive surveillance is provided to the pedestrian pathway to the front of the site, although the 1.7m to 2.4m high front fence should be reduced for passive surveillance.

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

- 5.13 The Access for Disabled People Policy is based on the Disability Discrimination Act and requires that persons with a disability have the same level of access to buildings, services and facilities as any other person. It requires that the design of new building account for the needs of persons of limited mobility.
- 5.14 Provision is made for an accessible ramp to the front entry and a lift is provided within the building.

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

- 5.15 In the tables below, Officers have used the term ‘Met’ where an objective and performance standard or policy requirement is achieved and ‘Met subject to conditions’ where the objective or performance standard or policy requirement has not been met and modifications are required.
- 5.16 The assessment is against the design requirements of the DDO8:

Design Element	Level of Compliance
<p><b>DDO8-1 (Main Road Sub-precinct)</b></p> <ul style="list-style-type: none"> <li>The minimum lot size is 1800 square metres, which must be all the same sub-precinct. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage</li> <li>11 metres provided the condition regarding minimum land size is met. If the condition is not met, the maximum height is 9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the site of the building is 2.5 degrees or more, in which case the maximum height must not</li> </ul>	<p><b>Not Met</b></p> <p>The site comprises of three consolidated lots, all within the Main Road Sub-precinct, with a total site area of 2049.75m<sup>2</sup>. Therefore, the maximum building height is 11 metres. The proposal has a maximum building height of 14.4m. Although, there are some opportunity for a fourth storey on Doncaster Road, due to its main road location, it is considered that an additional height of 3.4m above the 11.0m height is considered excessive. Additionally, the size and scale of the upper floors extend across the site with no additional setback from the street, to provide visual relief and articulation. The ground floor through to the second floor are all provided with a front setback of 6.0m.</p>

exceed 10 metres.	
<ul style="list-style-type: none"> <li>Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser.</li> </ul>	<p><b>Met</b> A minimum front setback of 6.0m is provided.</p>
<p><b>Form</b></p> <ul style="list-style-type: none"> <li>Ensure that the site area covered by buildings does not exceed 60 percent.</li> </ul>	<p><b>Met</b> The development will have a site coverage of 60%.</p>
<ul style="list-style-type: none"> <li>Provide visual interest through articulation, glazing and variation in materials and textures.</li> </ul>	<p><b>Met</b> The walls will entail feature brick, feature tiling, render, feature panel with expressed lines, Alucobond feature and canopies over windows on the upper floors.</p>
<ul style="list-style-type: none"> <li>Minimise buildings on boundaries to create spacing between developments.</li> </ul>	<p><b>Met</b> No part of the development will be located on the boundary.</p>
<ul style="list-style-type: none"> <li>Where appropriate ensure that buildings are stepped down at the rear of sites to provide a transition to the scale of the adjoining residential area.</li> </ul>	<p><b>Not Met</b> The third storey is setback 7.0m to the edge of the balconies from the rear and the second storey is setback 5.2m – 6.0m. It is considered that there insufficient stepping from the third storey rear setback to alleviate the appearance of the three-storey built form when viewed from the sides and rear. Rear adjoining properties are within a Sub-Precinct B, which will likely accommodate a two-storey townhouse development, rather than a three-storey apartment.</p>
<ul style="list-style-type: none"> <li>Where appropriate, ensure that buildings are designed to step with the slope of the land.</li> </ul>	<p><b>Not Met</b> There is a modest fall from front to rear which means that the apartments are benched into the ground a maximum of 1.25m and the rear apartments rely on elevated balconies 800mm above the ground. The proposal would benefit from some subtle stepping through internal corridor rooms or similar to reduce these projections and benching and remove the need to screen the rear ground floor balconies to improve amenity. It is considered that the development has not been designed to respond to the natural slope of the land.</p>
<ul style="list-style-type: none"> <li>Avoid reliance on below ground light courts for any habitable rooms.</li> </ul>	<p><b>Not Met</b> The south-facing ground floor apartments are subterranean, as they are benched</p>



	1.25m in the ground (A2, A3, A4, A5 & A6). These apartments also have a southern aspect, therefore, there will be reduced natural light to these apartments.
<ul style="list-style-type: none"> <li>Ensure the upper level of a two storey building provides adequate articulation to reduce the appearance of visual bulk and minimise continuous sheer wall presentation.</li> </ul>	<b>N/A</b>
<ul style="list-style-type: none"> <li>Ensure that the upper level of a three storey building does not exceed 75% of the lower levels, unless it can be demonstrated that there is sufficient architectural interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation.</li> </ul>	<p><b>Not Met</b></p> <p>There is insufficient stepping in front facade to reduce the scale and visual dominance of the four storey building to Doncaster Road. The ground floor through to the second floor all have a minimum front setback of 6.0m.</p>
<ul style="list-style-type: none"> <li>Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos.</li> </ul>	<p><b>Met</b></p> <p>No imposing design element incorporated.</p>
<ul style="list-style-type: none"> <li>Be designed and sited to address slope constraints, including minimising views of basement projections and/or minimising the height of finished floor levels and providing appropriate retaining wall presentation.</li> </ul>	<p><b>Not Met</b></p> <p>The basement projects 800mm above ground on the rear façade and the front portion of the building is benched in the ground, resulting in subterranean apartments that are sunken 1.25m in the ground.</p>
<ul style="list-style-type: none"> <li>Be designed to minimise overlooking and avoid the excessive application of screen devices.</li> </ul>	<p><b>Not Met</b></p> <p>All eastern, western and all northern (rear) habitable room windows and open spaces from the ground floor through to the second floor are required to be screened. This is due to the inadequate setbacks and stepping of the building to provide setbacks from the level below and parapet walls to restrict downward views. It is considered that the building has excessive reliance on louvered screening devices.</p>
<ul style="list-style-type: none"> <li>Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all mobilities.</li> </ul>	<p><b>Met</b></p> <p>A pedestrian ramp is provided in front of the entry foyer, which will assist people of all mobilities. The ramp is located parallel to the property frontage, with no landscaping in front. Should approval be granted, the pedestrian ramp be setback</p>

	1.0m from the title boundary to enable the provision of continuous landscape treatment.
<ul style="list-style-type: none"> <li>Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties.</li> </ul>	<p><b>Not Met</b></p> <p>The basement projection of 800mm will result in a maximum building height of 14.4m.</p>
<ul style="list-style-type: none"> <li>Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site.</li> </ul>	<p><b>Met</b></p> <p>The basement will not be visually obtrusive when viewed from the street. The rear setback is generally consistent with the approved development under the existing planning permit. However the side setbacks, particularly the eastern setback is reduced from 3.0m to 2.44m.</p>
<ul style="list-style-type: none"> <li>Integrate car parking requirements into the design of buildings and landform by encouraging the use of undercroft or basement parking and minimise the use of open car park and half basement parking.</li> </ul>	<p><b>Met</b></p> <p>The use of a basement configuration for the development is considered appropriate.</p>
<ul style="list-style-type: none"> <li>Ensure the setback of the basement or undercroft car park is consistent with the front building setback and is setback a minimum of 4.0m from the rear boundary to enable effective landscaping to be established.</li> </ul>	<p><b>Not Met</b></p> <p>The basement is provided with a rear setback of 5.0m. The minimum front setback of the basement is not aligned with the 6.0m front setback on the ground floor. The basement has a minimum front setback 4.0m, which comes forward 2.0m from the current approval.</p>
<ul style="list-style-type: none"> <li>Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces.</li> </ul>	<p><b>Not Met</b></p> <p>The building has not been adequately setback from all boundaries to enable the provision and establishment of effective screen planting and canopy trees. The northern and eastern boundaries contain a 2.44m wide easement, which is intended to provide pedestrian access from the emergency stairs in the basement and is the only area for perimeter landscaping. This reduces the planting area to 1.4m at best on the east, as it is constrained by the easement. The 1.0m setback on the western boundary can be acceptable subject to confirmation that traditional piling that creates concrete walls of 0.6m thick will not be used as these would reduce setbacks to 0.4m or less.</p>
<ul style="list-style-type: none"> <li>Ensure that service equipment,</li> </ul>	<p><b>Met</b></p>

<p>building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces.</p>	<p>Aluminium privacy screens will be erected around the services area on the roof to minimise the aesthetic impact on the streetscape and unreasonable amenity on surrounding properties.</p>
<p><b><u>Car Parking and Access</u></b></p> <ul style="list-style-type: none"> <li>• Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback.</li> </ul>	<p><b>Met</b> Vehicle access is via one 6.0m wide crossover, which remains unchanged.</p>
<ul style="list-style-type: none"> <li>• Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open space or is appropriately screened, as is necessary.</li> </ul>	<p><b>Met</b> The area that extends beyond the built form is the western area adjacent to Apartment A13 and to the east of A17. This area is proposed to have pebbles. The private open space areas within the ground floor apartments will be located above the basement car park and this area is proposed to have lawn.</p>
<ul style="list-style-type: none"> <li>• Ensure that where garages are located in the street elevation, they are set back a minimum of 1.0m from the front setback of the dwelling.</li> </ul>	<p><b>N/A</b></p>
<ul style="list-style-type: none"> <li>• Ensure that access gradients of basement car parks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements.</li> </ul>	<p><b>Met</b> No change.</p>
<p><b><u>Landscaping</u></b></p> <ul style="list-style-type: none"> <li>• On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and</li> </ul>	<p><b>Met</b> The landscape plan shows the provision of 4 canopy trees within the frontage.</p>

<p>are capable of growing to a height of 8.0m or more at maturity.</p> <ul style="list-style-type: none"> <li>On sites where one or two storey development is proposed include at least 1 canopy tree within the front setback, which has a spreading crown, and is capable of growing to a height of 8.0m or more at maturity.</li> </ul>	
<ul style="list-style-type: none"> <li>Provide opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form.</li> </ul>	<p><b>Not Met</b></p> <p>There are inadequate pervious surfaces around the building for the provision of a substantial landscape buffer to provide a visual barrier and to soften the four storey built form.</p>
<p><b>Fencing</b></p> <ul style="list-style-type: none"> <li>A front fence must be at least 50 per cent transparent.</li> <li>On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn and Mitcham Roads, a fence must: <ul style="list-style-type: none"> <li>not exceed a maximum height of 1.8m</li> <li>be setback a minimum of 1.0m from the front title boundary</li> </ul> </li> </ul> <p>and a continuous landscaping treatment within the 1.0m setback must be provided.</p>	<p><b>Not Met</b></p> <p>Horizontal slat fences with a height of 2.4m are proposed within the frontage. These area excessive in height as they obscure all surveillance opportunities at ground level and enclose the front apartment's terrace with a barrier 3.6m (2.4m fence and 1.2m retaining wall). Should approval be granted, the fences be spaced to achieve a minimum of 50% transparency and the height reduced to 1.5m.</p>

5.17 Having regard to the above assessment against the requirements of Schedule 8 to the Design and Development Overlay, it is considered that the proposed amended design fails to meet the preferred neighbourhood character and does not responds to the features of the site.

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

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

5.19 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. Visitor car parking is required at a rate of one car parking space for every five (5) dwellings.

5.20 The proposal requires 40 car spaces for residents and visitor car spaces. This number is provided. However, there are 10 car spaces located within five car stackers.

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

<b>Design Standard</b>	<b>Met/Not Met</b>
1 – Accessways	<b>Met</b> Access to the development is via a 6.0m wide crossover with clear sightlines, descending in a 5.5m wide driveway to the basement. The basement will have a height clearance of 2.2m. Two-way vehicle access and a passing area are provided within the driveway ramp.
2 – Car Parking Spaces	<b>Met</b> The dimensions of the car spaces are provided in accordance with the design standard.
3 – Gradients	<b>Met</b> The driveway will have a gradient of 1:10 for the first 5m, with a maximum ramp grade of 1:5 and a transition grade of 1:8 for the remainder of the driveway.
4 – Mechanical Parking	<b>Not Met</b> There are 10 car spaces provided within the five car stackers. The car space within the lower stacker will have a vehicle clearance of 1.5m and car space within the upper stacker will have a vehicle clearance of 1.55m. The design standard requires a minimum of 25 per cent of the mechanical car spaces to accommodate a vehicle clearance height of 1.8m. Should a planning approval be granted for the development, the floor to ceiling heights for the stackers are required to be increased and pits introduced to 1.8m.
5 – Urban Design	<b>Met</b> The basement will not visually dominate the public realm. Concern is expressed in relation to the impact on private realm and internal amenity due to a 800mm – 870mm projection on the northern elevation.
6 – Safety	<b>Met</b> The basement car park is conveniently accessible either via stairs or lift. The design of the basement is appropriate and no unsafe spaces are created.
7 – Landscaping	<b>Not Met</b> It is considered that there are inadequate pervious surfaces around the development for the provision of substantial landscaping, which will soften the built form appearance and provide water infiltration.

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

5.22 Pursuant to Table 1, a minimum of 8 bicycle spaces are required for residents and 4 bicycle spaces for visitors. Based on the plans, there is provision for 8 Ned Kelly racks within the basement for residents and two for visitors in front of the entry. Should approval be granted, a minimum of 4 spaces are required for visitors.

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

- 5.23 This Clause sets out a range of objectives which must be met. Each objective is supported by standards which should be met. If an alternative design solution to the relevant standard meets the objective, the alternative may be considered.

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

OBJECTIVE	OBJECTIVE MET/NOT MET
<p><b>55.02-1 Neighbourhood Character</b> To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>To ensure that development responds to the features of the site and the surrounding area.</p>	<p><b>Not Met</b> As outlined in the assessment of the proposal against the policy requirements of the Schedule 8 to the Design and Development Overlay (DD08), it is considered that the proposed apartment development fails to respond positively to the preferred neighbourhood character, and does not respect the natural features of the site and its surrounds.</p>
<p><b>55.02-2 Residential Policy</b> To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</p> <p>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p>	<p><b>Met</b> The application was accompanied by a written statement that has demonstrated how the development is consistent with State, Local and Council policy.</p>
<p><b>55.02-3 Dwelling Diversity</b> To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p><b>Met</b> The proposed development provides for 2 one-bedroom and 2 three-bedroom apartments, with the remaining 34 apartments being two-bedrooms.</p>
<p><b>55.02-4 Infrastructure</b> To ensure development is provided with appropriate utility services and infrastructure.</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p>	<p><b>Met</b> The site has access to all services. The applicant will be required to provide an on-site stormwater detention system to alleviate pressure on the drainage system. The pedestrian entry itself is recessed but of sufficient width to be reasonably recognisable.</p>
<p><b>55.02-5 Integration with street</b></p>	<p><b>Not Met</b></p>

OBJECTIVE	OBJECTIVE MET/NOT MET
To integrate the layout of development with the street.	It is considered that the 2.4m high timber slat fence to be too high and obscures too much of the ground floor areas. The ground floor private open spaces occupy a significant portion of the front setback which cannot be landscaped with canopy trees.
<b>55.03-1 Street Setback</b> To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.	<b>Met</b> The development is provided with a minimum front setback of 6.0m, which complies with the provisions of the DDO8.
<b>55.03-2 Building Height</b> To ensure that the height of buildings respects the existing or preferred neighbourhood character.	<b>Not Met</b> Pursuant to the provisions of the DDO8, the maximum building height is 11.0m for the Main Road Sub-precinct. The development has a maximum building height of 14.4m.  Having regards to the decision guidelines, the proposed building height is considered to be excessive. Although there is scope for some four storey element in sizable apartment building on Doncaster Road. The proposed fourth storey in this proposal is too large and not setback sufficiently from Doncaster Road to generate more of a pop up visual perspective. It also generates excessive massing to the eastern and western side, resulting in an unreasonable amenity impact to the adjoining properties.
<b>55.03-3 Site Coverage</b> To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.	<b>Met</b> The development will have a site coverage of 60%.
<b>55.03-4 Permeability</b> To reduce the impact of increased stormwater run-off on the drainage system.  To facilitate on-site stormwater infiltration.	<b>Met</b> The development will have a permeability of 26%.
<b>55.03-5 Energy Efficiency</b> To achieve and protect energy efficient dwellings.	<b>Not Met</b> Bedroom 1 of A2, A3, A4, A5, A15, A16, A17, A18, A25, A26, A28, A29 & Bedroom 2 of A27 have 'snorkel' bedroom designs. The

OBJECTIVE	OBJECTIVE MET/NOT MET
To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.	design is liken to the shape of a battleaxe, with deep corridors and rely on 0.7m wide windows for natural light and ventilation. The length of the corridors is generally 4.0m in length, which is too long to enable penetration of natural light. The battleaxe bedroom designs should be reduced and the length of the corridors should be reduced to a maximum of 2.0m to allow for natural light penetration. There are other battleaxe bedrooms to the north but the length of the corridors are generally shorter (2.0m approximately). The development will have poor internal amenity for future occupants.
<b>55.03-6 Open Space</b> To integrate the layout of development with any public and communal open space provided in or adjacent to the development.	<b>N/A</b> No communal open space provided.
<b>55.03-7 Safety</b> To ensure the layout of development provides for the safety and security of residents and property.	<b>Met</b> The development is well designed to prevent the creation of unsafe spaces. Balconies and ground floor courtyards are appropriately delineated to prevent public access.
<b>55.03-8 Landscaping</b> To encourage development that respects the landscape character of the neighbourhood.  To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.  To provide appropriate landscaping.  To encourage the retention of mature vegetation on the site.	<b>Not Met</b> There are inadequate pervious surfaces around the development for the provision of substantial landscaping to form a visual barrier and to enable the establishment of canopy trees. Minimal canopy vegetation can be accommodated along the eastern and western boundaries, as a driveway setback 1.24m from the western boundary and a 2.44m wide easement occupies the eastern boundary.
<b>55.03-9 Access</b> To ensure vehicle access to and from a development is safe, manageable and convenient  To ensure the number and design of vehicle crossovers respects the neighbourhood character.	<b>Met</b> The provision for a basement for the development is considered appropriate and the number of access points is appropriate.
<b>55.03-10 Parking Location</b>	<b>Met</b>



OBJECTIVE	OBJECTIVE MET/NOT MET																																								
<p>To provide convenient parking for resident and visitor vehicles.</p> <p>To avoid parking and traffic difficulties in the development and the neighbourhood.</p> <p>To protect residents from vehicular noise within developments.</p>	<p>The provision of basement carparking is appropriate, as it is convenient and secure for residents and visitors.</p>																																								
<p><b>55.04-1 Side and Rear Setbacks</b> To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p><b>Not Met</b> The development does not exceed the required setbacks.</p> <table border="1" data-bbox="815 770 1390 1182"> <thead> <tr> <th>Wall</th> <th>Minimum Setback</th> <th>Setback Proposed</th> <th>Comply ✓ ✗</th> </tr> </thead> <tbody> <tr> <td colspan="4"><b>Western</b></td> </tr> <tr> <td>Third Floor</td> <td>4.9m</td> <td>7.0m</td> <td>✓</td> </tr> <tr> <td>Fourth Floor</td> <td>7.89m</td> <td>8.0m</td> <td>✓</td> </tr> <tr> <td colspan="4"><b>Eastern</b></td> </tr> <tr> <td>Third Floor</td> <td>5.49m</td> <td>7.02m</td> <td>✓</td> </tr> <tr> <td>Fourth Floor</td> <td>7.69m</td> <td>6.0m</td> <td>✗</td> </tr> <tr> <td colspan="4"><b>Northern</b></td> </tr> <tr> <td>Third Floor</td> <td>4.9m</td> <td>7.01m (balcony)</td> <td>✓</td> </tr> <tr> <td>Fourth Floor</td> <td>7.89m</td> <td>16.5m</td> <td>✓</td> </tr> </tbody> </table> <p>The fourth floor, eastern wall of family/meals area and Bedroom 2 of Apartment 38 and the balcony of Apartment 37 does not meet the minimum setback requirements of the standard. Should approval be granted to the development, these walls and balconies should be revised or deleted.</p>	Wall	Minimum Setback	Setback Proposed	Comply ✓ ✗	<b>Western</b>				Third Floor	4.9m	7.0m	✓	Fourth Floor	7.89m	8.0m	✓	<b>Eastern</b>				Third Floor	5.49m	7.02m	✓	Fourth Floor	7.69m	6.0m	✗	<b>Northern</b>				Third Floor	4.9m	7.01m (balcony)	✓	Fourth Floor	7.89m	16.5m	✓
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<p><b>55.04-2 Walls on Boundaries</b> To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p><b>Not applicable</b> No walls on boundaries are proposed.</p>																																								
<p><b>55.04-3 Daylight to Existing Windows</b> To allow adequate daylight into existing habitable room windows.</p>	<p><b>Met</b> There is one habitable room window located at Unit 2, 967 Doncaster Road, two at 975 Doncaster Road and two at Unit 3, 8 Roderick Street.</p> <p>Pursuant to the standard, the third floor western wall is required to setback 4.5m from</p>																																								

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>the edge of the window at Unit 2, 967 Doncaster Road. The third floor western wall is setback 9.0m from the window, which exceeds the minimum setback requirement.</p> <p>Pursuant to the standard, the third floor, eastern wall is required to be setback 4.9m from the edge of the window at 975 Doncaster Road. The third floor, eastern wall is setback 9.0m from the edge of the window, which complies with the standard.</p> <p>The third floor, northern wall is required to be setback 4.8m from the edge of the window at Unit 3, 8 Roderick Street. The balcony of Apartment A33 &amp; A32 are setback 9.6m from the edge of the windows, which exceeds the minimum requirements.</p>
<p><b>55.04-4 North Facing Windows</b> To allow adequate solar access to existing north-facing habitable room windows.</p>	<p><b>Met</b> There are no north-facing windows within 3.0m of the boundary.</p>
<p><b>55.04-5 Overshadowing Open Space</b> To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p><b>Met</b> The proposed development will not have any unreasonable overshadowing to any adjoining secluded private open spaces. At 3pm, the existing dwelling at 975 Doncaster Road will have shading over the dwelling and the front yard.</p>
<p><b>55.04-6 Overlooking</b> To limit views into existing secluded private open space and habitable room windows.</p>	<p><b>Not Met</b> Overlooking from the northern, eastern and western habitable room windows are alleviated by aluminium louvre screens and fixed obscure glazing to balconies. There are some first floor north-facing bedroom windows that do not have any form of screening. Should approval be granted these windows will be required to be screened.</p> <p>Having regards to the decision guidelines, it is considered that the design response is inappropriate. There are too many windows reliant on screening devices and balconies with screens to prevent overlooking to the east, west and northern sides. Overlooking from the upper floor levels generally can be mitigated through designs, such as greater setback offsets between levels, the parapet</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	roofs from the levels below can restrict downward views and a smaller upper floor area.
<p><b>55.04-7 Internal Views</b> To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</p>	<p><b>Met</b> There is no internal overlooking between adjoining habitable room windows and secluded private open spaces.</p>
<p><b>55.04-8 Noise Impacts</b> To contain noise sources in developments that may affect existing dwellings.  To protect residents from external noise.</p>	<p><b>Met</b> Should approval be granted for the development, all windows orientated to Doncaster Road should have acoustically treated glass for noise attenuation.</p>
<p><b>55.05-1 Accessibility</b> To encourage the consideration of the needs of people with limited mobility in the design of developments.</p>	<p><b>Met</b> A pedestrian ramp is provided to the entry foyer and a lift is provided within the building to meet the needs of people with limited mobility.</p>
<p><b>55.05-2 Dwelling Entry</b> To provide each dwelling or residential building with its own sense of identity.</p>	<p><b>Not Met</b> The main entry to the building is not very well defined, as the entry is located 1.1m below the footpath. Should approval be granted, a portal frame or architectural feature be provided to enhance and frame the entry presentation.</p>
<p><b>55.05-3 Daylight to New Windows</b> To allow adequate daylight into new habitable room windows.</p>	<p><b>Met</b> There are 6 apartments with access to an internal light court (A1, A7, A14, A20, A26 &amp; A30). Although it is undesirable to have natural light and ventilation provided via internal light courts, good practice guidelines for apartments, including this standard anticipates development to have light courts for natural daylight. The size of these light courts is of an appropriate size, with dimensions of 2.46m by 3.85m or 2.7m by 5.35m.  It is considered that the objective is met.</p>
<p><b>55.05-4 Private Open Space</b> To provide adequate private open space for the reasonable recreation and service needs of residents.</p>	<p><b>Met</b> The ground floor apartments will have access to courtyards (A2, A3, A4, A5 &amp; A6) with an area from 25m<sup>2</sup> to 33m<sup>2</sup> with a dimension of 3.5m – 4.0m).</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>All remaining apartments will have access to a balcony with an area from 8m<sup>2</sup> to 11m<sup>2</sup>, with a dimension of between 1.8m – 2.5m. Should air conditioning condensers be located within the balconies, then the size and dimensions be increased to offset the condensers.</p> <p>The private open space provided is considered adequate to meet the recreational needs of future occupants.</p>
<p><b>55.05-5 Solar Access to Open Space</b> To allow solar access into the secluded private open space of new dwellings and residential buildings.</p>	<p><b>Not Met</b> The development has 39% of south-facing apartments, of which 5 will be subterranean apartments, which are benched 1.25m into the ground, thereby limiting natural light. Based on the overshadowing diagrams, the south-facing ground level apartments will be overshadowed throughout the day from 9am-3pm during the equinox. Apartments on located on the corner, such as A15 and A19 on the upper floors should have balconies reorientated to face east or west, so that natural light is enhanced to these apartments. Therefore, a significant portion of the apartments will be in the dark, with poor internal amenity.</p>
<p><b>55.05-6 Storage</b> To provide adequate storage facilities for each dwelling.</p>	<p><b>Met</b> All storages are provided within the basement. There are a variety of options and spaces provided and over bonnet storage is limited to two.</p>
<p><b>55.06-1 Design Detail</b> To encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p><b>Not Met</b> The proposed architectural design is of a reasonable standard and offers a contemporary statement that responds positively to the preferred neighbourhood character.</p> <p>The varied materials palette, in addition to the articulated facades and the projecting awnings to the windows adds depth and emphasis. The different textures and colours provides contrast and variety, whilst the mosaic feature tiles and the feature cladding to wall edges enhances the architectural presentation of the building. Sufficient variety</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>to window proportions and design detail is provided.</p> <p>There is however, inadequate stepping from the front (southern facade), modulation and variation in setbacks between the second and third levels. A reduction to the third storey, with greater setbacks and stepping would alleviate the building mass and bulk of the building.</p>
<p><b>55.06-2 Front Fence</b> To encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p><b>Not Met</b> A 2.4m high timber slat fence is proposed within the property frontage. The height of the fence is considered excessive and the slats should be spaced so that it provides a minimum transparency of 50% to enable views to the courtyards.</p>
<p><b>55.06-3 Common Property</b> To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</p> <p>To avoid future management difficulties in areas of common ownership.</p>	<p><b>Met</b> The driveway, letterboxes, visitor car spaces and parts of the basement, including the landscaping around the building will be maintained by an Owners' Corporation. There are no apparent difficulties associated with future management of these areas.</p>
<p><b>55.06-4 Site Services</b> To ensure that site services can be installed and easily maintained.</p> <p>To ensure that site facilities are accessible, adequate and attractive.</p>	<p><b>Met</b> The site has access to all relevant services. Waste removal will be via a private contractor and a Waste Management Plan will be required.</p>

## 6 REFERRALS

- 6.1 The application was referred to VicRoads as the relevant road authority for Doncaster Road.
- 6.2 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"> <li>On site stormwater detention will be a requirement.</li> </ul>
Engineering & Technical	<ul style="list-style-type: none"> <li>Existing crossover to be removed, with kerb</li> </ul>

Service Unit	Comments
Services Unit (Vehicle Crossing)	and channelling reinstated to the satisfaction of the Responsible Authority.
Engineering & Technical Services Unit (Access and Driveway)	<ul style="list-style-type: none"> <li>• Gradients comply with Design Standard 3 of Clause 52.06.</li> <li>• Adequate sight lines for driveway.</li> <li>• Adequate height clearance for basement.</li> </ul>
Engineering & Technical Services Unit (Traffic and Car Parking)	<ul style="list-style-type: none"> <li>• No objection, other than issues identified with mechanical parking.</li> </ul>
Engineering & Technical Services Unit (Construction Management)	<ul style="list-style-type: none"> <li>• Submission of a Construction Management Plan.</li> </ul>
Engineering & Technical Services Unit (Waste)	<ul style="list-style-type: none"> <li>• Private waste collection will be required.</li> <li>• Compliance with draft Waste Management Plan, prepared by Solution Traffic Engineers, dated December 2015.</li> </ul>
Strategic Projects Unit (Sustainability)	<ul style="list-style-type: none"> <li>• Indoor Environment Quality will be greatly impeded with limited access to daylight and natural ventilation which will have poor comfort and liveability, which will impact operational costs of the building as there will be greater reliance on mechanical ventilation and artificial lighting.</li> <li>• The development plans and Sustainability Management Plan are required to be amended to address the following as a minimum: <ul style="list-style-type: none"> <li><u>Indoor Environment Quality and Energy Efficiency</u> <ul style="list-style-type: none"> <li>○ Limited natural ventilation and daylight to battleaxe bedrooms with narrow 0.71m glazed light corridors, in particular to south-facing apartments.</li> <li>○ Southern bedrooms with deep overhangs will have poor daylight, in particular Bedroom 1 in Apartments A3 &amp; A4.</li> <li>○ Long corridors (southern end) between apartment with no daylight and ventilation.</li> <li>○ Adjustable external blinds to west facade to control summer glare while allowing winter solar gains.</li> </ul> </li> <li><u>Energy Efficiency</u> <ul style="list-style-type: none"> <li>○ Indicate locations of air conditioning condenser units to ensure external areas are not impeded and to alleviate visual</li> </ul> </li> </ul> </li> </ul>

Service Unit	Comments
	<p>impact.</p> <p><u>Renewable Energy</u></p> <ul style="list-style-type: none"> <li>○ Provide solar hot water or photovoltaic (PV) system and indicate on roof plans.</li> </ul> <p><u>Stormwater Management</u></p> <ul style="list-style-type: none"> <li>○ Architectural drawings indicate 40,000 litres grey water reuse. Incorrect terminology, it should be referenced as rainwater reuse, whereas SMP indicates 21,000 litres.</li> <li>○ Roof plan to reflect 1,350m<sup>2</sup> harvested to rain storage and connected to all (27) toilets on ground and first floors.</li> <li>○ Ensure rainwater re-use overflow to be connected to detention system via gravity.</li> </ul> <p><u>Location and transport</u></p> <ul style="list-style-type: none"> <li>○ Bicycle parking should be in a secure lockable room to mitigate rising theft within apartment basement car parks.</li> </ul>
Economic and Environmental Planning Unit (Urban Design)	<ul style="list-style-type: none"> <li>• Fourth storey building envelope is too large to alleviate impacts on Doncaster Road streetscape and adjoining properties. The fourth storey does not constitute a 'minor component' above three levels as required, but would clearly read as a fourth level to Doncaster Road, with minimal stepping back from the road. Other Doncaster Road apartments do not exceed three levels other than minor components.</li> <li>• The third level has not stepped back sufficiently from the residential interface to the north.</li> <li>• The north side of Doncaster Road including footpath and naturestrip will be in shadow for most of the day at the September equinox, while the dwelling at 975 Doncaster Road will be overshadowed in the afternoon. Additional stepping at the third level would assist in reducing the impacts of overshadowing to the street and to 975 Doncaster Road.</li> <li>• The offsets to the basement carpark are insufficient along the western boundary. A minimum offset of 2.0 – 2.5m would be required to allow for appropriate screen planting.</li> <li>• There are significant number of windows and balconies overlooking adjoining dwellings to the north, east and west,</li> </ul>

Service Unit	Comments
	<p>resulting in overlooking and privacy concerns on all three sides. This impact can be reduced with greater offsets and alternative treatments to the transparent balustrading and windows.</p> <ul style="list-style-type: none"> <li>• Building form is suitably articulated and materials/colour palette is acceptable to provide visual interest.</li> <li>• The front fence is considered unnecessarily high and would benefit from a softer appearance, such as deeper recesses and better use of landscaping in front.</li> <li>• The concept landscape plan does not indicate which of the plants list will be planted on the site. The Pencil Pines on the perspective appear to have little impact on the western boundary.</li> </ul>

- 6.3 As appropriate, should approval be granted for the development, the requirements of internal departments and external authorities will be added in the form of planning permit conditions or notes.

## 7 CONSULTATION

- 7.1 The planning application was placed on public notice for a three (3) week period which concluded on 6 May 2016. The public was notified by the sending of letters to nearby properties and by the display of three (3) signs at the site frontage.
- 7.2 Council has received three (3) objections from the following property:

Address
6 Roderick Street, DONCASTER EAST VIC 3109
12 Roderick Street, DONCASTER EAST VIC 3109
975 Doncaster Road, DONCASTER EAST VIC 3109

- 7.3 The following is a summary of the grounds upon which the above properties have objected to the proposal:
- Appropriateness of fourth storey;
  - Additional height
  - Privacy to 975 Doncaster Road;
  - Overshadowing impact to 975 Doncaster Road;
  - Potential damage during construction to 975 Doncaster Road;
  - Financial burden for fencing cost to 975 Doncaster Road;
  - North-facing windows and balconies affect privacy to 6 Roderick Street;
  - Privacy from west-facing windows and balconies to 12 Roderick Street;



- Visual bulk; and
- Appropriateness of reduced setbacks.

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

#### **Appropriateness of fourth storey**

- 7.4 The four storey component is visually overwhelming viewed from Doncaster Road and the eastern and western sides. The fourth storey is too large and extends across the site from the west to east. Other developments along Doncaster Road comprise of smaller fourth storeys that are generally well setback from the front facade of the building. It is considered that the design and configuration of the fourth storey is inappropriate and results in a significant visual impact to the street and overshadowing of the footpath, resulting in undesirable urban design implications.
- 7.5 The fourth storey has resulted in a maximum building height of 14.4m to the feature parapet wall and major sections of the building being 13.1m – 13.7m. The additional building height is considered excessive, given the presence on Doncaster Road and the building has not been adequately stepped in from either the sides or front.

#### **Privacy to 975 Doncaster Road**

- 7.6 The building has many habitable room windows and 5 balconies orientated to the east. The use of the balconies may have amenity impact on the adjoining property at 975 Doncaster Road, as the balconies are only setback 4.5 – 6.0m.
- 7.7 The ground floor only has a setback of 2.44m, which also contains an easement and a pathway. There are inadequate pervious surfaces on the eastern boundary to provide a substantial landscaping that will form a visual barrier to eastern facade.

#### **Overshadowing impact to 975 Doncaster Road**

- 7.8 During the September equinox in the afternoon (3pm), the development will overshadow half the adjoining dwelling and over half of the front yard at 975 Doncaster Road. The significant overshadowing impact will be mitigated if the fourth storey is reduced and be provided with greater side setbacks.

#### **Potential damage during construction to 975 Doncaster Road**

- 7.9 During the construction process, the appointed building surveyor will determine if there is any risk of damage to any adjoining properties and provide the relevant notice in accordance with relevant Building Regulations. There is no relevant planning requirement that regulates the construction process.

#### **Financial fencing cost to 975 Doncaster Road**

- 7.10 Should approval be granted, the developer/applicant should bear the cost of erecting a new boundary fence on the eastern boundary.

#### **North-facing windows and balconies affect privacy to 6 Roderick Street**

- 7.11 There are 5 balconies that have a direct interface with 6 Roderick Street from the ground floor to the second floor. The use of the balconies would have amenity impact to the rear adjoining property at 6 Roderick Street, as the balconies are setback from 4.0m -7.4m. The balcony and windows on the

third floor (fourth storey) will not have any overlooking potential. Additionally, the first floor windows for Bedroom 2 have not been screened. Should approval be granted, these windows will be required to be screened to prevent overlooking.

**Privacy from west-facing windows and balconies to 12 Roderick Street**

- 7.12 The west-facing windows and balconies are unlikely to have amenity impact to 12 Roderick Street, as it is located to the rear south-western corner. Therefore, there will be no direct interaction to the objector's property.

**Visual bulk**

- 7.13 The four storey component is considered visually bulky on Doncaster Road and from the eastern and western sides. The fourth storey should be reduced significantly and the third storey requires greater variety in setbacks, to present a tiered built form and alleviate the building mass.

**Appropriateness of reduced setbacks**

- 7.14 The amended development has resulted in the reduction to all side setbacks on all levels, due to the larger building footprint on all levels. Given that the larger building footprint, greater side and rear setbacks should be provided so that effective landscaping can be established and greater variety in setbacks on the upper floor to provide for articulation and modulation, which may also assist in mitigating overlooking concerns.

**8 CONCLUSION**

- 8.1 It is considered appropriate to not support the application.
- 8.2 The proposal is inconsistent with the vision of the Manningham Planning Scheme, in particular Clause 21.05 Residential, Schedule 8 to the Design and Development Overlay (DDO8), and Clause 55 (ResCode). It will however, allow an increase in housing density and diversity in a location that has good access to services. The site is suitable to develop an apartment. There is suitable variety in materials and colours, with adequate visual interest.
- 8.3 The proposal has failed to achieved an acceptable balance between considering the amenity of nearby properties and to provide adequate internal amenity to the apartments with good natural light and ventilation, adequate stepping between the floors, and the impact of the fourth storey and its additional building height. The development has resulted in the creation of battleaxe bedrooms with long corridors from small windows to provide natural light and ventilation. The desire to maximise dwelling yield has resulted in a four storey building with excessive building heights, inadequate setbacks due to a larger floor plan and substandard apartments with poor internal amenity. It is for these reasons, that the development does not constitute orderly planning and is an overdevelopment.
- 8.4 It is therefore considered appropriate to not support the planning application, subject to the grounds of refusal outlined in the recommendation.

**RECOMMENDATION**

- (A) That having considered all objections, had Council determined the application within the prescribed period, it would have issued a REFUSAL TO GRANT A**

**PLANNING PERMIT in relation to Amended Planning Permit Application No. PL09/020097.01 - Construction of a four storey apartment building, comprising 38 apartments with a basement car park and alteration to access to a Road Zone, at Nos. 969 – 973 Doncaster Road, Doncaster East, subject to the following grounds:**

- 1. The location, scale, size and height of the fourth floor overwhelms Doncaster Road and does not provide the built form aspiration or the amenity protection to neighbours sought under Clause 21.05-Residential or Design and Development Overlay No. 8.**
- 2. The building's setbacks do not accord with Clause 55.04-1 and are inadequate to provide acceptable transition to neighbouring development including sufficient space for perimeter landscaping to soften the built form outcome.**
- 3. The design, orientation and lack of ground floor stepping with the fall of the land generates poor internal amenity through an excessive reliance on screening devices and limited daylight access (due to apartments being south-facing, benched into the site behind high fencing and/or reliant on long and narrow light corridors in bedrooms).**
- 4. The car stackers proposed in the basement do not provided adequate height clearance to comply with Design Standard 4 of Clause 52.06.**
- 5. The 2.4m high front fence unreasonably dominates the public realm, limits passive surveillance and unreasonably enclosed the courtyards of the south-facing ground level apartments.**
- 6. The proposal does not have adequate provision for visitor bicycle spaces, thus not meeting Clause 52.34.**

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

**That the Recommendation be adopted.**

**CARRIED**

**DIVISION**

A Division having been demanded the Council divided as follows:

**FOR (8):** Councillors Haynes, O'Brien, Grivokostopoulos, Downie, Gough, Kleinert, Galbally and McLeish.

**AGAINST (0):** Nil

**THE MOTION WAS DECLARED CARRIED UNANIMOUSLY**

"Refer Attachments"

\* \* \* \* \*

## 6 Warrandyte Special Rate Scheme Renewal - Notice of Intention to Declare Special Rate

Responsible Director: Director Planning & Environment

File No. T16/184

The ultimate destination for this report is: COUNCIL AGENDA

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

### SUMMARY

*The purpose of this report is to seek endorsement from Council to commence the statutory procedures under the Local Government Act 1989 to declare a Special Rate Scheme for the Warrandyte Activity Centre for the purposes of marketing and promotion in accordance with a new business plan which has been developed for the Centre.*

*Council has received a written request from the Warrandyte Business Association (the Association) to renew the Special Rate Scheme (for the purposes of marketing and promotion) for the Warrandyte Activity Centre. The request is supported by the majority of the businesses who are liable to pay the special rate.*

*The previous scheme commenced on 1 January 2011 and concluded on 31 December 2015. The Business Association seeks to renew the Scheme for a five year period commencing on 1 January 2017 and to maintain the levy payable by each business as was payable under the previous scheme.*

*The Association has requested that the proposed Scheme be applied to all commercial properties within the Warrandyte Activity Centre precinct, being a total of 81 commercial properties, which will raise an amount of \$50,278.40 in each year of the Scheme. Properties have been categorised into those that receive a "Primary Special Benefit" (calculated at 0.0015 in the dollar) and those that receive a "Secondary Special Benefit" (calculated at 0.00065 in the dollar) in accordance with their location within the Activity Centre. The proposed Scheme will raise an amount of \$251,392.00 over the 5 year period of the Scheme.*

*There are some changes to the properties to be included in the proposed Scheme as compared to the previous scheme. One property has been subdivided into three separate properties since the previous scheme and will therefore be treated now as three properties. An additional property has also been added to the Scheme as its use has changed from a library to a commercial business. Three properties have been removed from the Scheme due to their use changing to qualify as contiguous. Another property has also been removed from the Scheme as its use has changed to a private residence.*

*It is recommended that Council commences the statutory process by giving notice of its intention to declare the Special Rate Scheme for Warrandyte.*

## 1 BACKGROUND

- 1.1 The *Local Government Act 1989* (LG Act) enables Council to levy a special rate or charge on properties within a defined area if it considers that the land in that area will receive a 'special benefit' from the expenditure of the funds raised in accordance with the functions of Council.
- 1.2 Council has received a written request from the Warrandyte Business Association (the Association) to renew the Special Rate Scheme for the Warrandyte Activity Centre (**Attachment 1**). The Business Association's request is accompanied by evidence of the support of a majority of businesses who are required to pay the rate (62.4% of businesses have signed an "in-principle support" form for the Scheme to continue).
- 1.3 The Scheme is proposed to operate over a five year period, commencing on 1 January 2017 and ending on 31 December 2021.
- 1.4 A special rate scheme has operated in the Warrandyte Activity Centre since 2011. The previous scheme expired on 31 December 2015. That scheme raised a total of \$247,822 over the past five years (\$49,564.40 per annum). It has funded the development and implementation of a business plan to target promotional initiatives such as seasonal marketing campaigns, Christmas decorations for the Centre, festivals, refreshed branding for the Centre, business support and development workshops and a new website featuring a directory of businesses within the Centre. The previous scheme also funded the employment of a part-time marketing coordinator appointed by the Business Association to execute the actions of the business plan.
- 1.5 The Business Association has worked with Council's Economic Development team to undertake a review of the previous scheme and to develop a new business plan in order to outline key directions and activities to guide the expenditure of the funds received through a renewed Special Rate Scheme.

## 2 PROPOSAL/ISSUE

- 2.1 This report seeks endorsement by Council to commence the statutory procedures under the LG Act to declare a Special Rate Scheme for the Warrandyte Activity Centre.
- 2.2 The area known as the Warrandyte Activity Centre (Yarra Street through to the Goldfields Plaza) is a defined area that is based on an analysis of zoning under the Manningham Planning Scheme and an assessment of the current and potential land use for commercial, retail and professional purposes.
- 2.3 A list of the properties that are proposed to be included in the Scheme, showing the amount payable per property, forms a part of the Proposed Declaration of the Special Rate (**Attachment 2**). A map of the Scheme area is included as **Attachment 3** (and also forms a part of the Proposed Declaration of Special Rate).
- 2.4 In order to raise \$50,278.40 per annum, the properties included in the Scheme will be levied a Special Rate quarterly, for each year of the Scheme, based on whether the property receives a "Primary Special Benefit" or a "Secondary Special Benefit". The "Primary Special Benefit" properties will be defined as those properties located within the core precinct areas of Yarra Street and Warrandyte Goldfields. The "Secondary Special Benefit"

properties will be defined as those properties located on the periphery of the core precinct areas of Yarra Street and Warrandyte Goldfields.

- 2.5 The Business Association must adhere to the conditions provided in its funding agreement to ensure that, at all times, it is acting in accordance with the legal requirements for expenditure of the Special Rate. The funding agreement must be renewed with Council upon the declaration of the new Scheme and its conditions must be adhered to prior to any Special Rate payments being made to the Business Association.
- 2.6 The services proposed to be provided from the proceeds of the Special Rate relate to professional co-ordination assistance, promotions, advertising, marketing and other incidental purposes associated with the encouragement of commerce, retail and professional activity and employment at the Warrandyte Activity Centre.
- 2.7 The Warrandyte Business Association is required to create and maintain a business precinct plan (**Attachment 6**) for the duration of the Scheme, with annual implementation plans approved by Council officer.
- 2.8 These services will only provide a 'special benefit' to the owners and the occupiers of the land and the commercial properties located in the Scheme area. For this reason, the whole of the proposed Special Rate will be levied against the commercial properties located in the Scheme area.
- 2.9 A total of 88 rateable properties are located within the Scheme area, however six of these properties are contiguous and occupied by a single business operating from combined shopfronts and one property is used as a residence. For the contiguous properties; the Special Rate will be payable for only one of the properties (the higher rate applicable). The Scheme will therefore be made up of 81 participant properties, being 77 "Primary Special Benefit" properties and 4 "Secondary Special Benefit" properties.

### **3 PRIORITY/TIMING**

- 3.1 The previous scheme expired on 31 December 2015. This report seeks to introduce a new Scheme to commence on 1 January 2017, which is to continue for a term of five years.

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

- 4.1 Council generally requires more than a mere majority of support from persons who are liable to pay the special rate or charge (usually the tenant or business under the terms of a lease), prior to proceeding with the formal statutory process.
- 4.2 Manningham's *Special Rates and Charges Contributory Projects Policy*, which was last updated in August 2012, states, amongst other things, that  
*"The final outcome of many proposals of Council's contribution towards the cost of the works or services will depend to a large degree on community support .... In some instances following community consultation Council may not proceed unless at least 75% support is received from persons required to pay the Special Rate or Special Charge ...*  
*.... Council reserves the right to continue with the preparation of a special charge, should the level of community support be less than 75% if it is*

*deemed by Council that it would be in the interests of the community to proceed with the proposed works or services.”*

- 4.3 While property owners/landlords are liable to pay the special rate under the LG Act, it is the tenants or businesses who are most often required to pay the rate as part of standard commercial leases, where all building outgoings included special rates, are passed on to the commercial tenant.
- 4.4 With the above in mind, Council officers required the Association to identify the level of support from the businesses/tenants of the properties included in the Scheme area as part of its request to Council.
- 4.5 The Warrandyte Activity Centre is made up of 85 businesses (some traders occupy more than one property and some properties house more than one business). The Business Association has submitted evidence that 53 of the business owners (being 62.4%) are in support of the Scheme (this includes two property owners of vacant premises). Nine business owners do not support the Scheme and have indicated as such on their 'Indication of Support' forms. Currently 20 businesses and two property owners (of vacant premises) have not responded. This response is considered sufficient to show a positive level of support for Council to proceed with the formal Notice of Intention to Declare. A copy of the blank 'Indication of Support' form is provided as **Attachment 4**.
- 4.6 The distribution of support is spread evenly throughout the three sections of the Warrandyte Business Precinct. This is reflected in the spread of those not supporting the scheme and those who have not made a response either way. The spread of businesses not supporting the scheme is across the broad sectors of Professional Services, Restaurants and Retail.
- 4.7 The *Manningham Economic Development Strategy 2011-2030* aims to generate support for the retail sector through planning and programs to attract local economic opportunities, specifically the development and implementation of special rate and charge schemes for the purposes of marketing, promotion and business development.

## **5 CUSTOMER/COMMUNITY IMPACT**

- 5.1 The purpose of the Scheme is to encourage and generate commerce, retail and professional activity and employment in the Warrandyte Activity Centre through expenditure of the Special Rate funds on professional co-ordination assistance, promotions, advertising, marketing and other incidental expenses. The expenditure of the Special Rate funds on these services will provide a 'special benefit' to the owners and the occupiers of the land and the commercial and business properties located in the Scheme area. Customers, and the community generally, value an active and well-functioning shopping precinct that can respond to, serve, and cater for, all their needs.
- 5.2 The Scheme will also support the Business Association to actively work with the traders, Council and the community generally to deliver a range of initiatives that focus on generating increased economic activity and vibrancy to the Warrandyte Activity Centre.
- 5.3 Decision making in relation to expenditure of the Special Rate funds will include input from the members of the Business Association. Members of the Association are invited to regular monthly meetings, where they have

opportunities to vote and to have input into the business plan for the Centre. The Association will be communicating regularly with traders at the Centre in relation to the business plan and its progress.

## **6 COUNCIL PLAN**

- 6.1 A renewal of the Special Rate Scheme for the Warrandyte Activity Centre is in accordance with Council's overall vision and capacity to support a vibrant and desirable retail and commercial hub within this activity centre.
- 6.2 The *Manningham Council Plan (2013-2017)* supports sustainable, cohesive and well-resourced communities with appropriate services and facilities. Council seeks to ensure that all community members have access to vital services that meet their needs and which value our distinct local villages and activity centres, seeking to promote and support businesses and traders to build a resilient local economy. A key strategic indicator in the current Manningham Council Plan is measured by the participation of special rate and charge schemes for the purposes of marketing and promotion.

## **7 FINANCIAL PLAN**

- 7.1 The Business Association has requested that the proposed Scheme raise approximately \$50,000 per annum to be consistent (as much as possible) with the previous scheme. Accordingly, there will be only minor changes to the levy payable by each property in the proposed Scheme when compared to the previous scheme. Three new properties have been included in the Scheme due to a subdivision (these three properties were combined as one property in the previous scheme). An additional property has also been included in the Scheme which did not previously participate as its use (previously a library) did not qualify (this particular property is now a commercial business). Three properties have been removed from the Scheme as they are now classified as contiguous. A further property has also been removed based on its use, now being residential.
- 7.2 The rate applicable to each property is based on the capital improved value (CIV) of each property and uses a multiplier method, being 0.0015 for "Primary Special Benefit" properties and 0.00065 for "Secondary Special Benefit" properties.
- 7.3 At the request of the Business Association and after consideration and agreement by Council officers, it is proposed that the CIV for each property remain equal in the new Scheme to those used in the previous scheme (which commenced in 2011). This includes the new properties created by subdivision, CIV has been calculated to match the same value as they would have had in 2011.
- 7.4 For properties where a business occupies more than one contiguous property, the Special Rate payable will be for only one of the contiguous properties and will be the higher rate applicable. The Special Rate for all properties is capped at a minimum of \$300 and a maximum of \$3000.
- 7.5 Based on this structure, with a total of 81 properties, the Special Rate Scheme will raise an amount of \$50,278.40 in each year of the Scheme. In total, the Scheme will raise an amount of \$251,392.00 over the 5 year period of the Scheme.



- 7.6 Property owners are legally liable to pay the Special Rate, however under a standard commercial lease the requirement to pay is usually passed on to the tenant (trader/business operator). In rare cases, where a standard commercial lease is not in place, it is a matter between the property owner and the tenant to decide who is responsible to pay the Special Rate.
- 7.7 In accordance with the funding agreement, Council will require the Business Association to have a high level of financial and management accountability of the funds.
- 7.8 Financial requirements will include the submission by the Business Association of quarterly profit and loss statements and budgets, evidence of promotions conducted in accordance with the business plan, an annual plan and budget, and certified annual financial statements at the end of each financial year.
- 7.9 The Business Association will be required to enter into a new funding agreement with Council, as a precondition to any funds from the proceeds of the Special Rate being paid to the Business Association.

## **8 FINANCIAL RESOURCE IMPLICATIONS**

- 8.1 The financial implications for Council will include administrative support of the Scheme. Council is responsible for monitoring the quarterly progress of the Scheme and dispersing the funds to the Business Association upon receipt and approval of the financial documentation.

## **9 SUSTAINABILITY**

- 9.1 The Special Rate Scheme will provide economic benefit and sustainability to all property owners, tenants and the Warrandyte Activity Centre as a whole. Raising the profile of the Warrandyte Activity Centre will continue to support a successful shopping centre with quality traders, services, higher employment and prosperous businesses. The renewal of the Special Rate Scheme will support the economic sustainability of the shopping centre.

## **10 REGIONAL/STRATEGIC IMPLICATIONS**

- 10.1 A study by Mainstreet Australia and Essential Economics (The Economic Value of Main Street, May 2011) indicated that there were at that time in excess of 70 special rate and/or charge schemes (for the purposes of marketing and promotion) operating throughout Victoria. The study highlighted that management and marketing programs funded by special rates and charges are becoming increasingly important in supporting the viability and health of main streets in Victoria. The study highlighted that there are schemes in nearly one third of Victorian municipalities and approximately \$7.6 million dollars is generated directly by special rates and charges. The adoption of a special rate and/or charge scheme is identified as the current best practice financial model to sustain a long term marketing and management framework for main street precincts, shopping and town centres.
- 10.2 Several competing centres within the City of Manningham and in neighbouring municipalities currently operate under a special rate and/or charge scheme, such as the Tunstall Square Shopping Precinct. The renewal of the Warrandyte Special Rate Scheme will facilitate the

competitive positioning of a local centre through marketing and promotion, while demonstrating the continuation of Council support for growth in the local economy.

## 11 CONSULTATION

11.1 The Business Association and Council's Economic Development team, with the support of an independent consultant, have been working to review the current program and to develop future priorities.

11.2 As a part of the process, traders and business owners included in the Scheme have:

- Been provided with a survey to complete to give feedback on past activities and suggestions for future marketing plans. A total of 18 surveys were completed and these have been referred to the Business Association for consideration in its planning.
- Been visited on several occasions by the project consultant to discuss input into the business plan, issues or suggestions for improvement and answer any questions on the Special Rate Scheme.
- Been provided with the pro-forma support form (62.45% expressed support for the renewal and 10.6% did not support the renewal), together with an information sheet providing an overview of the Special Rate Scheme and future marketing plan priorities.
- Received a personal invitation to attend a trader workshop to discuss the successes and opportunities from the previous scheme. This included an opportunity for input on any ideas for the future that could be considered as a part of the new business plan. Key activities of the draft "Warrandyte Activity Centre Business Plan" include actions such as improving the business mix by attracting appropriate new businesses; incorporating the Centre branding into beautification works throughout the Centre; strategic and targeted advertising campaigns; promotional events; and community development initiatives.

11.3 In order to declare a Special Rate Scheme, Council is required to comply with the statutory process under the LG Act. The process provides the community with the opportunity to make a submission in relation to the proposal and also provides those persons liable to pay the Special Rate with a right of objection to the proposal. Council (through a Committee, to be called the "Warrandyte Special Rate Submissions Committee") will consider any submissions and take into account any objections in accordance with the LG Act, prior to making a final decision to declare a Special Rate Scheme for the Warrandyte Activity Centre. Council cannot make a declaration if it receives objections from a majority of persons required to pay the Special Rate (in respect to a majority of affected rateable properties).

## 12 COMMUNICATIONS STRATEGY

12.1 Statutory communications must be adhered to throughout the declaration process and is planned as follows:

Action	Date
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Action	Date
Council meeting to endorse Notice of Intention to Declare a Special Rate	Tuesday, 13 September 2016
Public Notice of Proposed Declaration in Manningham Leader and The Age newspapers	Friday, 23 September/Monday, 26 September 2016
Statutory letter to property owners and occupiers advising of Council's intention to declare a Special Rate Scheme (including copy of public notice) and providing opportunity to lodge a submission and/or objection	Friday, 23 September 2016
Media Release to local media	Friday, 23 September 2016
28 day period allowing opportunity to lodge submissions and objections regarding the Scheme	26 September 2016 – 28 October 2016
Letter to submitters inviting them to Council Submissions Hearing (if required)	Wednesday, 31 October 2016
Council Submissions Hearing (if required) to hear submissions	Thursday, 17 November 2016
Council Meeting – Consideration of submissions – Notice of Decision as to whether to proceed with the Declaration of the Scheme	13 December 2016
Statutory letter to property owners and occupiers and also all persons who made a submission advising of Council's decision and reasons for decision	16 December 2016

### 13 CONCLUSION

- 13.1 The proposed Special Rate is a positive local economic development initiative which will encourage and generate competitive commerce, retail and professional activity and employment in the Warrandyte Activity Centre.
- 13.2 It is considered that all of the commercial properties and businesses located in the Warrandyte Activity Centre will derive a special benefit from the expenditure of the Special Rate proceeds. Directly and indirectly, the viability of the Warrandyte Activity Centre as a commercial, retail and professional area will be further enhanced through increased economic activity by:
- Collective marketing and promotion of the precinct as a whole, which will assist to create a greater awareness and profile of the area, including what it has to offer to the community and its customers;
  - All businesses benefitting from the continuation of a Business Association that coordinates the daily management of activities and drives the overall strategic direction of the precinct with the support of Council; and

- Enhanced value, use, enjoyment and occupation of properties and overall business goodwill, resulting in the Warrandyte Activity Centre being considered a more desirable location to conduct business.

**OFFICER'S RECOMMENDATION**

That Council:

- (A) Notes the letter received from the Warrandyte Business Association (*Business Association*) requesting the reintroduction of a Special Rate Scheme for the Warrandyte Activity Centre (Attachment 1), and having considered all relevant matters, commences the statutory process under the *Local Government Act 1989 (LG Act)* to reintroduce by way of renewal a Special Rate Scheme to and for the properties within the Warrandyte Activity Centre (Yarra Street through to the Goldfields Plaza). Such Special Rate is to raise an amount of \$50,278.40 in each year of the Scheme and to commence on 1 January 2017 and end on 31 December 2021 (over the 5 year period of the Scheme the Special Rate will raise a total amount of \$251,392.00).
- (B) Acting in accordance with sections 163(1A) and 163B(3) of the LG Act, directs that public notices be placed in "The Age" daily newspaper and the "Manningham Leader" newspaper of the intention of Council to declare the Special Rate at its special meeting to be held on 13 September 2016 in accordance with the Proposed Declaration of Special Rate (Attachment 2), such Special Rate to be for the purposes of defraying expenses to be incurred by Council in providing funds to the incorporated body known and operating as the Warrandyte Business Association. The funds are to be used by the Business Association, on an administrative basis only and subject always to the approval, direction and control of Council, for the purposes of contracted support, promotional, advertising, marketing, business development and other incidental expenses as approved by and agreed to from time to time between Council and the Business Association, all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Warrandyte Activity Centre.
- (C) Directs that, in accordance with section 163(1C) of the LG Act, the first statutory letter enclosing a copy of the public notice be sent to the owners and the occupiers of the properties referred to and set out in the listing of rateable properties set out in Schedule 2 of the Proposed Declaration of Special Rate, advising of the intention of Council to declare the Special Rate at its ordinary meeting to be held on 13 December 2016 (Attachment 5). The letter will also include other such relevant matters as the amount for which the property owner or the occupier (being a person who as a condition of a lease under which the person who occupies the property is required to pay the Special Rate) will be liable, the basis of the calculation and distribution of the Special Rate and notifying such persons that submissions and/or objections in writing in relation to the Proposed Declaration of Special Rate will be considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the LG Act.
- (D) Advises the Business Association of the matters specified in paragraphs (A), (B) and (C) of this resolution.

- (E) **Appoints and authorises the Mullum Mullum Ward Councillors to be the members of the Committee established by Council under section 223(1)(b)(i) of the LG Act to be known as the “Warrandyte Special Rate Submissions Committee” to hear any persons who in their written submissions under section 223 of the LG Act have requested that they be heard in support of their submissions.**
- (F) **Authorises the Mullum Mullum Ward Councillors to elect a chair prior to the meeting.**
- (G) **Notes it is anticipated that a further report will be submitted to December 2016 Council Meeting to consider submissions received.**

**MOVED: DOWNIE  
SECONDED: GALBALLY**

**That the Recommendation be adopted.**

**CARRIED**

**Attachment 1** – Letter from Warrandyte Business Association requesting reintroduction of Special Rate

**Attachment 2** – Notice of Intention to Declare Special Rate

**Attachment 3** – Map of Scheme area and listing of rateable properties

**Attachment 4** – Copy of blank ‘Indication of Support’ form

**Attachment 5** – First statutory Council letter to traders and property owners (enclosing copy of public notice)

**Attachment 6** – Warrandyte Business Association Business Plan 2016-2021

\* \* \* \* \*

## 7 Parks and Reserves Benchmarking Survey - April 2016

Responsible Director: Director Assets and Engineering

File No. T16/81

The ultimate destination for this report is: COUNCIL AGENDA

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

### SUMMARY

*This report considers the outcomes of the annual parks and reserves maintenance and infrastructure benchmarking survey of Manningham against five (5) other municipalities, carried out during April 2016. A detailed and comprehensive parks and reserves benchmarking survey report is attached.*

*The parks and reserves infrastructure benchmarking survey is solely an initiative of Council, which has been conducted annually since 2000 and provides valuable trend data, and is a key exercise in assisting with the prioritising of Council's resources.*

*The results indicate that Manningham continues to present its parks and reserves at a high standard and is generally performing well against the other councils.*

*It is recommended that the report and benchmarking survey outcomes be noted, including the key improvement opportunity to raise the overall level of performance, in relation to the standard of maintenance of parks and reserves throughout Manningham.*

### 1 BACKGROUND

- 1.1 An external consultant, Gilbert Consulting and Council's Asset Coordinator carried out a parks and reserves maintenance benchmarking survey of Manningham against five (5) other municipalities. The other councils surveyed were the Cities of Whitehorse, Monash, Maroondah, Knox and Banyule.
- 1.2 The parks and reserves benchmarking survey was carried out on 5<sup>th</sup> and 6<sup>th</sup> April 2016.
- 1.3 Parks and reserves infrastructure benchmarking surveys have been conducted annually since 2000, and the results of the key elements inspected have been compared over this period. In addition, the results for Manningham over the past surveys have been compiled, to assist in identifying any key trends or issues that may require further analysis, and to assist with resource prioritisation. The surveys are an initiative of Manningham.
- 1.4 The main objective of the benchmarking survey exercise is to determine the overall performance, from a community perspective, of each council surveyed in terms of parks and reserves maintenance and infrastructure, and to establish an appropriate visual benchmark on which to compare the overall performance and urban amenity with that of Manningham.

- 1.5 The parks and reserves benchmarking survey is assessed by a “walk around” approach to determine performance by a visual assessment, in much the same way as a general user or visitor to that park or reserve would determine the standard of maintenance and overall presentation.
- 1.6 The parks and reserves survey included the random selection of four (4) sporting reserves, four (4) major reserves and four (4) pocket parks within each municipality, incorporating the following items; litter, basic infrastructure, grass height and quality, garden beds and overall appearance.

## 2 PROPOSAL

- 2.1 It is proposed that the report and parks and reserves benchmarking survey outcomes be noted, including the key improvement opportunity to raise the overall level of performance in relation to the standard of maintenance of parks and reserves throughout Manningham.

## 3 ISSUE

- 3.1 Summaries of the survey results for Manningham, and the comparisons of performance against the other councils surveyed, are outlined in the following table:

(The table summarises the number of ratings recorded for the various assessment items within the park & reserves survey. The higher the rating, the higher the standard of maintenance / presentation at the time of the survey).

Ratings				
Parks and Reserves - Assessment Items	Manningham	Average Rating (All Councils)	Highest Rating (All Councils)	Lowest Rating (All Councils)
<b>SPORTING RESERVES</b>				
Litter	4.5	4.3	4.5	3.8
Basic Infrastructure	4.2	4.2	4.5	3.9
Grass Height	4.6	4.4	4.8	4.3
Grass Quality	4.3	4.2	4.5	4.0
Garden Beds	4.2	3.9	4.3	3.5
<b>MAJOR RESERVES</b>				
Litter	4.4	4.2	4.8	3.6
Basic Infrastructure	4.3	4.3	4.6	4.0
Grass Height	3.9	3.8	4.4	3.3
Grass Quality	3.7	3.8	4.5	3.3
Garden Beds	4.0	4.2	4.6	3.7
<b>POCKET PARKS</b>				
Litter	4.4	4.3	4.8	4.1
Basic Infrastructure	4.3	4.2	4.4	4.0
Grass Height	3.6	3.7	4.5	3.0
Grass Quality	3.8	3.7	3.9	3.4
Garden Beds	3.8	-	-	-

### Notes:

- Ratings are out of 5.0.
  - Due to an overall lack of garden beds in pocket parks across all councils surveyed, garden beds have been removed from this park survey category in comparing performance against other councils, but will continue to be included to assess Manningham's performance history and trends in performance year to year.
- 3.2 The results of the parks and reserves survey indicate that Manningham's performance has remained relatively consistent over previous surveys, with

an improvement in the overall presentation of reserves in comparison to the 2015 assessment (see Chart 44 on page 28 of the attached report).

- 3.3 The results show that Manningham continues to present its parks and reserves at a high standard and is generally performing well against the other councils surveyed.
- 3.4 All reserves were found to be to have consistent performance and improving trend for overall tidiness and appearance, litter management and garden beds across all park categories.
- 3.5 Evidence from the 2015 and 2016 surveys indicates a strong commitment by Council towards infrastructure renewal funding, with a high standard in the presentation of its reserves and corresponding infrastructure. However, Council faces a challenge of maintaining a high comparative standard with other councils over the next few years, as the 2016 survey observed a trend, first identified in 2015, of a high level of new and upgraded infrastructure being implemented across the other councils.
- 3.6 Sporting reserves also had consistent performance for grass height and grass quality, reflecting a trend of continuous improvement. Some inconsistencies were found in grass height on pocket parks and grass quality on major reserves, with a slight decline from previous results.
- 3.7 The following is a summary of Manningham's performance in comparison to the other councils surveyed, including trends over past surveys:
  - **Litter** - Consistent high standards being achieved on all reserves with a trend of progressive improvement, and is well above the overall Industry Mean.
  - **Basic Infrastructure** - Consistent performance reflecting a strong commitment in renewal and maintenance, although slight decrease in sporting reserves from last year, but still above the overall Industry Mean.
  - **Grass Height** - Consistent performance, although some inconsistencies in grass height on pocket parks, but still above the overall Industry Mean.
  - **Grass Quality** - Continuous improvement, particularly on sporting reserves and pocket parks, although slight decline in performance of major reserves from last year's result, which was adversely influenced by two reserves.
  - **Garden Beds** - Consistent performance with continued improvement on sporting reserves and pocket parks compared to past surveys, although a slight drop in performance on major reserves from last year, but still indicating an overall upward trend in performance and well above the overall Industry Mean.
- 3.8 The appearance of public areas, such as Council parks and reserves, is well regarded, and historically, Manningham's performance over time has rated well in comparison to other councils.
- 3.9 An improvement opportunity/recommendation has been identified, as a result of the parks and reserves benchmarking survey, to meet the needs and reasonable expectations of the community and improve the overall standard of maintenance of major reserves and pocket parks. The following is a summary of the recommended action plan and management response:



Recommended Action	Management Response
1. The inconsistencies in grass quality and height across major and pocket parks be continually reviewed and assessed to improve the overall standard and consistency of presentation.	Agreed.

#### 4 BEST VALUE

- 4.1 The survey provides a comprehensive urban amenity benchmark to assist in comparing Manningham's overall performance and amenity, in regard to park infrastructure maintenance and presentation, and enables comparisons with other councils surveyed.

#### 5 FINANCIAL RESOURCE IMPLICATIONS

- 5.1 The parks and reserves benchmarking survey is provided for within the Assets and Engineering budget.

#### 6 CONSULTATION

- 6.1 The Manager of Parks & Recreation has been consulted in regard to the outcomes and improvement opportunity identified, as a result of the benchmarking survey.

#### 7 CONCLUSION

- 7.1 The annual parks and reserves benchmarking survey, involving the cities of Manningham, Whitehorse, Monash, Knox, Maroondah and Banyule, continues to provide Council with a practical means of measuring its performance against similar councils. It also enables trends to be identified and effective process improvements to be implemented, to improve the consistency in performance.
- 7.2 The survey has identified an improvement opportunity to raise the overall level of performance and standard of parks and reserves throughout Manningham.

#### OFFICER'S RECOMMENDATION That Council

- (A) Receive and note the report.
- (B) Note the improvement opportunity and resultant action plan identified in the report, to improve the overall level of performance in relation to the standard of maintenance of parks and reserves throughout Manningham.

MOVED: GOUGH  
SECONDED: KLEINERT

That the Recommendation be adopted.

**CARRIED**

"Refer Attachments"

- Manningham Parks and Reserves Benchmarking Survey - April 2016

\* \* \* \* \*

## **8 Acquisition of Land at the Rear of 997, 999 and 1001 Doncaster Road, Doncaster East (Montgomery Precinct Laneway)**

Responsible Director: Director Shared Services

File No. T16/181

The ultimate destination for this report is: COUNCIL AGENDA

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

### **SUMMARY**

*The purpose of this report is to consider the acquisition of land which is currently privately owned. In order to facilitate the upgrading, including widening of the laneway at the rear of the commercial properties facing the north side of Doncaster Road in the Doncaster East Village precinct (the Montgomery Street Laneway). (Refer Attachment 1).*

*The laneway is owned by or vested in Council. There is a need to make the laneway more uniform and to allow for two way vehicular traffic rather than being narrow allowing for only a single vehicle to pass carriage at the rear of the properties at 997, 999 and 1001 Doncaster Road, Doncaster East.*

*The proposed sale of Council's land at 6 (part)-10 Montgomery Street will allow Council to fund the purchase of the rear parcels of land totalling 72 m<sup>2</sup> from the properties at 997, 999 and 1001 Doncaster Road, Doncaster East.*

*Council officers have liaised with the owners of the properties at 997, 999 and 1001 Doncaster Road and received in principle agreement to allow Council to acquire the land, which will include the potential relocation of the toilet facility, which is still in use at the rear of 999 Doncaster Road.*

*This report seeks approval to purchase a total of 72m<sup>2</sup> of land at the rear of 997, 999 and 1001 Doncaster Road, Doncaster East.*

### **1 BACKGROUND**

- 1.1 Council owns or has a vested interest in five parcels of land which together constitute a road that comprises the laneway at the rear of the 989-1025 Doncaster Road located on the north side of the Doncaster East shopping centre and abutting the land within the Montgomery Street precinct which is owned by Council.
- 1.2 On 26 July 2016 Council resolved to commence the expression of interest process sell its land at 8-10 Montgomery Street, Doncaster East.
- 1.3 As part of the proceeds from the sale of this property, Council agreed to the upgrading of the adjacent laneway (with the cost and date of works yet to be confirmed).
- 1.4 The upgrading of the laneway is an integral part of the redevelopment of the Montgomery Street subprecinct, in terms of improving pedestrian accessibility, and visual amenity for the residential properties which will eventually face the laneway. While ongoing access to the rear of the

commercial premises will be important, there is an opportunity to activate the rear of the retail premises.

- 1.5 As shown in Attachment 1, there are three privately owned lots, at 997-1001 Doncaster Road, the rear of which impedes the required two way vehicular access which needs to be provided along the laneway.

## **2 PROPOSAL/ISSUE**

- 2.1 It is proposed that Council proceeds to undertake the acquisition of a total of approximately 72m<sup>2</sup> of the rear portion of land (approximately 3.5 metres in depth) from the owners of the properties at 997, 999 and 1001 Doncaster Road, Doncaster East.
- 2.2 The acquisition of all rear portions of land will enable Council to provide for a more uniform laneway that will allow for the creation of a shared pedestrian/ vehicle access and maximise opportunities to active the laneway for other uses.
- 2.3 As part of the acquisition of the rear portion of land, it will be necessary for Council to relocate the existing toilet facility located at the rear of 999 Doncaster Road.
- 2.4 Council officers have liaised with the owners of the properties at 997, 999 and 1001 Doncaster Road, Doncaster East with the view to establishing support for the sale of a rear portion of their land that abuts the laneway.

## **3 PRIORITY/TIMING**

- 3.1 Given discussions and in principle support for acquisition was provided as part of Places Victoria's proposal a number of years ago, it is timely to provide certainty to current owners.
- 3.2 It is recommended that Council should be placed in a position to acquire the rear portion of the privately owned land once it has sold the Council land at 8-10 Montgomery Street, which is expected to be by way of an expression of interest campaign during 2016/17.
- 3.3 The acquisition will allow Council to prepare for the upgrading of the laneway following any proposed development of the land at 8-10 Montgomery Street, along with the upgrading and line marking of the carpark at Council's land at 6 Montgomery Street.

## **4 POLICY/PRECEDENT IMPLICATIONS**

- 4.1 The upgrading of the laneway is identified as an action in the *Doncaster East Village Structure Plan* adopted by Council in November 2011 and updated in July 2012.

## **5 CUSTOMER/COMMUNITY IMPACT**

- 5.1 The widening of the laneway by the purchase of the subject land will optimize the opportunities for upgrading of the laneway to improve pedestrian accessibility, improve the visual amenity for the residential properties which will eventually face the laneway, and to provide ongoing access to the rear of the commercial premises.
- 5.2 It is also envisaged that the upgrade provides opportunities for activation of the rear of the commercial properties.

## 6 FINANCIAL PLAN

- 6.1 At its meeting on 24 November 2015, Council resolved inter alia to:
- “Subject to the successful resolution of the necessary statutory processes, agrees to investigate and implement a car parking management plan for the Montgomery Street precinct and to commit funds from the sale of the proposed development site at 6 (part)-10 Montgomery Street towards the upgrading of the laneway.”*
- 6.2 The cost of acquiring the rear portion of lands and relocation of the ablution block are to be part of the sale proceeds from 8-10 Montgomery Street, Doncaster East.
- 6.3 Execution of acquisition will be timed to coincide with funds being received for the sale of 8-10 Montgomery Street, Doncaster East.

## 7 CONCLUSION

- 7.1 Acquisition of the rear portion of the properties at 997, 999 and 1001 Doncaster Road, Doncaster East will allow Council to control the land on which it intends to upgrade the laneway once the sale of the Council land at 8-10 Montgomery Street has been sold.

## OFFICER’S RECOMMENDATION

That Council:

- A. Notes that the land purchase is required to enable the widening of the laneway at the rear of 997, 999 and 1001 Doncaster Road, Doncaster East;
- B. Notes that the owners of the these properties have been in active discussions with officers for a number of years;
- C. Resolves to purchase a total of approximately 72m<sup>2</sup> of land at the rear of 997, 999 and 1001 Doncaster Road, Doncaster East;
- D. Resolves that the land be incorporated as a road reserve into the laneway at the rear of 2-4 Montgomery Street which abuts 997, 999 and 1001 Doncaster Road, Doncaster East;
- E. Authorises the CEO, in consultation with the City Valuer, to set a maximum price for negotiations, based on reasonable valuation.
- F. Authorises the Chief Executive Officer to execute any documents associated with the purchase of the land;
- G. Affixes the common seal to the Transfer of Land and any other documents required to effect the purchase and transfer of the land to Council;
- H. Notes that a project brief and business case for the “*Montgomery Street Laneway Enhancement*” will be prepared for consideration by Council at a later date.

MOVED: HAYNES  
SECONDED: GOUGH

That the Recommendation be adopted.

CARRIED

Attachment 1 - Aerial Map showing location of required land

\* \* \* \* \*

# ATTACHMENT 1

Aerial Map Showing Location of Required Land



## 9 Annual Report 2015/2016 in Principle Approval

Responsible Director: Director Shared Services

File No. .

The ultimate destination for this report is: COUNCIL AGENDA

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

### SUMMARY

*All Victorian councils have a statutory obligation to prepare an annual report that is in accordance with section 131 of the Local Government Act 1989 (the Act). The annual report must be lodged with the Minister for Local Government (the Minister) by 30 September each year.*

*Council is being requested to give 'in principle' approval of the draft Annual Report 2015/2016 at the Special Meeting of Council on 13 September 2016. Council is also required to publicly consider the annual report within one month after it has been sent to the Minister by the 30 September deadline. A further report to this effect will be presented to the 4 October 2016 Special Meeting of Council, during the Election Period.*

*The Annual Report is an exempt document from the requirements of the Election Period and does not need certification by the Chief Executive Officer. However Council will ensure that the Annual Report produced will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual councillors.*

*In principle approval of the performance statement and financial statements (i.e. the audited section of the annual report) will be provided in a separate report presented at the 30 August 2016 Ordinary Meeting of Council.*

### 1 BACKGROUND

- 1.1 The Annual Report is a key reporting tool used to monitor Council's performance. It must include a report of Council's operations, audited standard statements, audited financial statements and audited performance statement.
- 1.2 This is the second year Council is reporting on a number of service performance, financial and sustainability indicators under the new Local Government Performance Reporting Framework (LGPRF).
- 1.3 Council is now in a position to review and give 'in principle' approval to the general content and structure of the Annual Report 2015/2016 prior to its publication.
- 1.4 The Annual Report provides the community with a comprehensive overview of Council's performance during the 2015/2016 financial year, covering a range of information, including:
  - 1.4.1 A review of Council's performance against the 2013-2017 Council Plan and the strategic indicators contained within it

- 1.4.2 A statement of progress in relation to the major initiatives and initiatives identified in the Annual Budget 2015/2016
- 1.4.3 The indicators, measures and results of the prescribed service performance indicators and measures as part of the Local Government Performance Reporting Framework
- 1.4.4 The results in the prescribed form of Council's assessment against the governance and management checklist
- 1.4.5 An overview of the legislative, economic and other factors that have had an impact on Council's performance
- 1.4.6 Performance, standard and financial statements
- 1.4.7 Major policy initiatives, operations and works undertaken
- 1.4.8 Information on the nature and range of activities and services delivered
- 1.4.9 Highlights, achievements and challenges for Council
- 1.4.10 Names of the Councillors and their details
- 1.4.11 The administrative structure of Council, including the name of the Chief Executive Officer/senior officers and their areas of responsibility, the organisational chart and Council's contact details.

## **2 PROPOSAL/ISSUE**

- 2.1 It is proposed that Council approves 'in principle' the Annual Report 2015/2016 for the year ended 30 June 2016.

## **3 PRIORITY/TIMING**

- 3.1 Following the Council's 'in principle' approval of the Annual Report 2015/2016, a copy inclusive of the audited 2015/2016 Performance Statement and Financial Statements, will be forwarded to the Minister by 30 September 2016.

## **4 POLICY/PRECEDENT IMPLICATIONS**

- 4.1 Council has a legal obligation to submit its Annual Report 2015/2016 to the Minister by 30 September 2016. Failure to submit by the due date will result in this being published in the Annual Report of the Department of Environment, Land, Water and Planning.
- 4.2 Council is required to comply with section 131 of the *Local Government Act 1989* and, in addition, to the *Local Government (Planning and Reporting) Regulations 2014*, which prescribe further information that is required to be included in the Annual Report.
- 4.3 Following Council's in principle approval of the Financial Report and Performance Statement on 30 August 2016, the statutory statements were submitted to the Auditor-General's Office for final audit clearance. No issues of significance arose during the audit that needed to be brought to management's attention.
  - 4.3.1 It is anticipated that the Auditor General's Report will be received prior to the 13 September Special Council meeting for this to be

included in the Annual Report. If this report is not received prior to this meeting, it will be incorporated once received, before the Annual Report is submitted to the Minister.

- 4.4 In accordance with statutory requirements, the Annual Report 2015/2016 is to be presented to the Special Meeting of Council on 4 October 2016, in line with the *Local Government Act 1989* which requires councils to publicly consider the annual report within one month of submitting it to the Minister.
- 4.5 The Annual Report is an exempt document from the requirements of the Election Period and does not need certification by the Chief Executive Officer.
  - 4.5.1 Council has ensured that the Annual Report produced does not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual councillors.
  - 4.5.2 A Special Meeting of Council is required to consider the Annual Report 2015/2016 on 4 October 2016 to confirm the completion of the Annual Report.

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

- 5.1 The Annual Report contains a summary of Council's performance against the strategic objectives in the 2013-2017 Council Plan.

## **6 SUSTAINABILITY**

- 6.1 An online version of the Annual Report 2015/2016 will be placed onto Council's website to complement the printed publication.

## **7 COMMUNICATIONS STRATEGY**

- 7.1 Following in principle approval of the Annual Report, as required by the *Local Government Act 1989*, public notice will be given advising that the Annual Report 2015/2016 is available for public inspection
  - 7.1.1 Public notice advertisements will be placed in *The Age* (Saturday 17 September) and *Manningham Leader* (Monday 19 September)
- 7.2 The report includes the interpreter services symbol and phone number on the back page to direct non-English readers to contact Council's language services for information about the document or Council services in general.
- 7.3 Following the Special Meeting of Council on 4 October 2016:
  - 7.3.1 An online version of the Annual Report 2015/2016 will be produced and placed on Council's corporate website
  - 7.3.2 Hard copies will be printed and made available at the Manningham Civic Centre and Manningham libraries
  - 7.3.3 Copies will be distributed to the Executive Management Team (EMT), councillors, managers and co-ordinators, Eastern Region Metropolitan councils, and other interested persons (upon request).



**8 CONCLUSION**

- 8.1 The Annual Report 2015/2016 provides a comprehensive review of Council's performance during the 2015/2016 financial year. Council is now in a position to give 'in principle' approval to the general contents and structure prior to its publication.

**OFFICER'S RECOMMENDATION**

That:

- (A) Council gives 'in principle' approval to the tabled version of the Annual Report 2015/2016 and for the Report to be sent to the Minister for Local Government by 30 September 2016.
- (B) The Annual Report 2015/2016 be presented to the Special Meeting of Council on 4 October 2016, in line with the *Local Government Act 1989* which requires councils to publicly consider the annual report within one month of submitting it to the Minister for Local Government.
- (C) That a public notice be placed in the *Manningham Leader* and *The Age* advising the community that the Annual Report 2014/2015 is available for public inspection and of the 4 October 2016 Special Meeting of Council.

MOVED: GRIVOKOSTOPOULOS  
SECONDED: GOUGH

That the Recommendation be adopted with 2014/15 in part (C) being changed to 2015/16.

**CARRIED**

Refer Attachment

\* \* \* \* \*

## 10 Documents for Sealing - 13 September 2016

Responsible Director: Executive Manager People & Governance

File No. .

The ultimate destination for this report is: COUNCIL AGENDA

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

### SUMMARY

*The following documents are submitted for signing and sealing by Council.*

#### 1 BACKGROUND

- 1.1 The Council's common seal must only be used on the authority of the Council or the Chief Executive Officer under delegation from the Council. An authorising Council resolution is required in relation to the documents listed in the Recommendation section of this report.

### OFFICER'S RECOMMENDATION

That the following documents be signed and sealed:

**Lease  
(Installation of an Air Quality Monitoring Station)  
Council and ConnectEast Pty Ltd  
Part 16 Savaris Court, Donvale (Hillcrest Reserve)**

**Consent Agreement to Build Over an Easement  
Section 173 of the Planning and Environment Act 1987  
Council and C Q & Y Wang  
62 Dryden Street, Doncaster East**

**MOVED: GRIVOKOSTOPOULOS  
SECONDED: KLEINERT**

That the Recommendation be adopted.

**CARRIED**

\* \* \* \* \*

**PROCEDURAL MOTION**

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

**That the Meeting Procedures standing orders be suspended to allow comments concerning the 2015/16 municipal year.**

**CARRIED**

**Address By Outgoing Mayor**

The Mayor, Cr Paul McLeish, addressed the Council in respect of his term as Mayor for 2016.

Councillors Galbally, Gough and Haynes acknowledged the Mayor on behalf of their respective Wards. Councillors Kleinert, O'Brien and Grivokostopoulos also commented upon the achievements of the term of the Council.

The Chief Executive Officer, Mr Warwick Winn, acknowledged the Mayor on behalf of the staff and presented the outgoing Mayor with a memento gavel.

**PROCEDURAL MOTION**

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

**That the Meeting Procedures standing orders be resumed.**

**CARRIED**

The Mayor declared the Meeting closed at 7.58pm

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Chairman  
CONFIRMED on 15 NOVEMBER 2016

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