

0.0 Planning Application PLN18/0687 at 21-23 Clay Drive, Doncaster for the use and development of a three-storey building comprising fifteen (15) dwellings and a child care centre

File Number:	IN19/326
Responsible Director:	Director City Planning and Community
Applicant:	The Ellis Group Architects C/- Apex Town Planning
Planning Controls:	General Residential Zone, Schedule 2 (GRZ-2); Development and Development Overlay, Schedule 8 (DDO8-2)
Ward:	Koonung
Attachments:	1 Decision Plans 2 Legislative Requirements

EXECUTIVE SUMMARY**Purpose**

1. This report provides Council with an assessment of the planning permit application submitted for 21-23 Clay Drive, Doncaster and recommends refusal of the submitted proposal. The application is being reported to Council as it is a Major Application (15 or more dwellings and a development cost of more than \$5 million).

Proposal

2. It is proposed to construct a three-storey apartment building comprising 15, two-bedroom dwellings and a child care centre for 100 children over two lots with a combined area of 1,881m². The building comprises one basement level of car parking, a ground floor comprising 6 apartments and part of the child care centre (for 28 children) with associated outdoor play area. The first floor comprises the remaining 9 apartments, and the second floor comprises the child care centre (for the remaining 72 children) with associated rooftop play areas. No apartments are located on the second floor.
3. The number of car spaces provided complies with the car parking requirements of the Manningham Planning scheme. 24 car parking spaces are allocated for the child care centre (including three tandem staff spaces), and 15 resident car spaces. Visitor parking is not provided as the site is within the Principal Public Transport Network. However, three unallocated surplus car spaces are provided. Two bicycle spaces are also provided within the basement car park.

Advertising

4. Notice of the application was given for a three week period which concluded on 1 May 2019.
5. Three objections have been received to-date. The objections express concerns relating to the proposed use, bulk, lack of privacy, overlooking, on-site amenity, lack of off-street/on-street car parking and traffic congestion.
6. The property locations of all objectors are shown on the map below.



Key issues in considering the application

7. The key issues for Council in considering the proposal relate to:
 - Planning Policy Frameworks;
 - Design and built form;
 - Two or more dwellings on a lot and residential buildings;
 - Child Care centre;
 - Car parking and traffic; and
 - Objector concerns.

Assessment

8. The development of the land for a three-storey apartment building over two lots with a total area of 1,881m² is consistent with policy objectives for urban consolidation and substantial change.
9. However, the proposal does not comply with various policies relating to the built form, amenity impacts to nearby properties and poor on-site amenity to future residents. A review of the plans shows that the development provides a site coverage of 63.7%. In addition, the required garden area for each of the lots does not comply with the requirements of the planning scheme (34.3% and 30.9%).
10. The proposed child care centre also does not comply with policy given its scale and the site’s location.

11. The proposal also does not provide adequate on-site amenity relating to daylight and solar access for the dwellings, functional layout of the living areas, adequate sense of address and has safety concerns.

Conclusion

12. This report concludes that the proposal does not comply with relevant planning policy in the Scheme and should not be supported.
13. It is recommended that the application be refused.

1. RECOMMENDATION

That Council:

- A. **Having considered all objections, issue a NOTICE OF REFUSAL in relation to Planning Application PLN18/0687 at 21-23 Clay Drive, Doncaster for the use and development of a three-storey building comprising 15 dwellings and a child care centre, on the following grounds:–**

1. **The proposal fails to comply with the mandatory garden area requirement under Clause 32.08 General Residential Zone of the Manningham Planning Scheme.**
2. **The scale and form of the development does not respect the character of the area and will result in unacceptable bulk and massing to the streetscape and adjoining properties and is contrary to Clause 21.05 Residential, Clause 22.05 Non-Residential Uses in Residential Areas, Clause 43.08 Design and Development Overlay, Schedule 8, Clause 55.02-1 Neighbourhood Character, Clause 55.02-2 Residential Policy, Clause 55.03-3 Site Coverage and Clause 55.06-1 Design Detail of the Manningham Planning Scheme.**
3. **The development results in unreasonable off-site amenity impacts to nearby properties. In particular, overlooking into adjoining properties, unreasonable overshadowing of existing private open space areas and solar access to existing north-facing windows which is contrary to Clause 55.04-4 North-facing Windows, Clause 55.04-5 Overshadowing Open Space and Clause 55.04-6 Overlooking of the Manningham Planning Scheme.**
4. **The layout of the development does not adequately accommodate both the dwelling and child care centre uses and results in poor amenity for future residents. In particular, it provides a poor sense of identity to the building entrance and dwelling entries, does not provide common property areas that are practically designed, provides limited passive surveillance opportunities, raises concerns of safety and security for its users and noise impacts from the child care centre. This does not comply with Clause 52.06 Car Parking, Clause 55.02-5 Integration with Street, Clause 55.03-7 Safety of the Manningham Planning Scheme, Clause 55.06-3 Common Property, Clause 55.07-6 Noise Impacts and Clause 55.07-8 Building Entry and Circulation of the Manningham Planning Scheme.**

5. The development fails to provide adequate on-site amenity to the future residents. In particular, it fails to provide dwellings with appropriate private open space, solar access, daylight and natural ventilation, does not provide an adequately functional layout of dwellings, fails to meet the needs of people with limited mobility and provides inconvenient storage areas. This does not comply with Clause 55.05-4 Private Open Space, Clause 55.05-5 Solar access to open space, Clause 55.07-1 Energy Efficiency, Clause 55.07-7 Accessibility, Clause 55.07-10 Storage, Clause 55.07-12 Functional Layout and Clause 55.07-15 Natural Ventilation of the Manningham Planning Scheme.
6. The development does not provide a range of housing types to provide housing diversity, which does not comply with Clause 16.01-3S - Housing Diversity and Clause 55.02-3 - Housing Diversity of the Manningham Planning Scheme.
7. The location of the child care centre is inappropriate particularly as it is not located on a main road and is isolated from other non-residential uses, resulting in unreasonable off-site amenity impacts to nearby properties from increased traffic on a local street. This does not comply with Clause 21.05-6 Economic Development Issues and Clause 22.05 Non-Residential Uses in Residential Areas of the Manningham Planning Scheme.
8. The vehicle crossover is inadequately set back from the existing street tree, which does not comply with Clause 43.02 Design and Development Overlay, Schedule 8 and Clause 55.03-8 Landscaping of the Manningham Planning Scheme.

2. BACKGROUND

- 2.1 Planning Permit PL14/024702 was issued on 17 April 2016, for the construction of seven, two-storey dwellings with basement car parking at 21 Clay Drive, Doncaster. The permit has been extended, with a required development commencement date of 17 April 2020.
- 2.2 The current application was submitted to Council on 4 October 2018.
- 2.3 The proposal was presented to the Sustainable Design Taskforce meeting on 22 November 2018.
- 2.4 A request for further information was sent on 20 November 2018. The letter also raised a number of concerns with the proposal including those contained in the grounds of refusal.
- 2.5 All requested further information was received on 8 April 2019.
- 2.6 Notice of the application has been given for a three-week period which concluded on 1 May 2019.

- 2.7 The statutory time for considering a planning application is 60 days, which is due on 7 June 2019.
- 2.8 The land titles are not affected by any covenants or restrictions.

3. THE SITE AND SURROUNDS

The Site

- 3.1 The site has a combined frontage along Clay Drive of 37.18m (comprising 18.59m for each lot) and a depth of 50.58m, resulting in a total area of 1,881m².
- 3.2 The site consists of a 4.5m cross fall from the north-west to the south-east corner and an approximately 3.5m fall from the northern to the southern boundary along the frontage.
- 3.3 A 2.44m wide drainage and sewerage easement encumbers the rear boundary.
- 3.4 Each lot is occupied by a single storey split-level brick dwelling with a hipped roof. The dwellings are setback 9m to 12m from the Clay Drive frontage. The lots are moderately vegetated within the front and rear setbacks.
- 3.5 Side and rear fencing consists of 1.6m high timber palings.
- 3.6 A 7m high *Lophostemon Confertus* 'Queensland Box' street tree is located to the north of the existing crossover for 23 Clay Drive.

The Surrounds

- 3.7 The site and all adjoining properties are subject to the same planning controls.
- 3.8 The site has direct abutments with the following properties:

Direction	Address	Description
North	19 Clay Drive	A single storey split-level brick dwelling setback 3.09m from the shared common boundary. The driveway is located adjacent to the common boundary. A garage is also located on the boundary further towards the rear of the site.
West	20 and 22 Frederick Street	Both lots are occupied by a single storey split-level dwelling setback approximately 19m from the common boundary incorporating secluded private open spaces areas. Planning Permit PL16/026250 was issued at 22 Frederick Street for the construction of eight, two storey dwellings over a shared basement. The approved development will be setback at least 4m from the common boundary.
South	4 and 6 Merlin Street, and 6/25 Clay Drive	4 and 6 Merlin Street are each occupied by a single-storey dwelling setback approximately 19 metres from the common boundary incorporating secluded private open spaces areas. 25 Clay Drive has been developed with six, two-storey townhouses, of which 6/25 adjoins the subject site. The

		townhouse is setback approximately 1.7 metres from the common boundary. Secluded private open space of 6/25 Clay Drive is located adjacent to the common boundary.
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- 3.9 The character of the broader area is mixed, with existing commercial buildings to the north-west along Tram Road, a number of high rise developments to the north along Doncaster Road, as well as three to five storey apartments and two-storey townhouses under construction along Frederick Street, Clay Drive and Merlin Street. The closest apartment building under construction is at 19-21 Frederick Street with an approval for a five storey building comprising of 42 apartments with associated basement car park.
- 3.10 Abutting the site to the east is Clay Drive, a 7.1m wide local road, which allows for restricted kerbside parking on both sides. Restrictions on the western side of Clay Drive are 2 hours between 8am-6pm Saturday-Sunday (closer to Doncaster Road/Clay Drive intersection) followed by Permit Zone between 8am-6pm Monday-Sunday up to Merlin Street/Clay Drive intersection. Along the eastern side of Clay Drive, 2 hour parking between 8am-5pm Monday- Friday is available closer to the Doncaster Road/Clay Drive intersection followed by a restriction of 2 hours between 8am-6pm Saturday-Sunday. A 2 hour parking restriction applies between 8am-6pm Monday-Wednesday and between 8am-9pm Thursday-Friday on both sides to the south of the Clay Drive/Merlin Street intersection. However with the recent adoption of Council's revised Parking Permit Policy, residents of this apartment building if approved, would not have access to on-street car parking permits.
- 3.11 The site is serviced by bus routes operating along Tram and Doncaster Roads, connecting activity centres and residential areas within the municipality to Melbourne's Central Activity District. A major bus interchange is situated at Westfield Doncaster approximately 1km walking distance to the north. Numerous retail, restaurant and entertainment venues are provided within the shopping centre, which itself is within 500m walking distance. The site is well serviced by other community and local facilities and parks, including Walker Reserve within 200m walking distance to the east.

4. THE PROPOSAL

- 4.1 The proposal is outlined on the plans prepared by The ELLIS Group Architects, Job No. 2607, dated 29 March 2019 and a landscape plan prepared by Keystone Alliance Pty Ltd, Project No. L7014, dated 20 February 2019. Refer to Attachment 1.
- 4.2 The following reports were provided in support of the application:
- Town Planning report prepared by Apex Town Planning, dated October 2018;
 - Acoustic report prepared by Renzo Tonin, dated 7 September 2018;
 - Traffic Impact Assessment prepared by Irwin Consult, Job No. 18ME05699, Revision 02, dated 10 September 2018;
 - Waste Management Plan prepared by Frater dated 8 October 2018;
 - Green Travel Plan prepared by Frater dated 08 February 2019;

- Sustainable Management Plan prepared by Frater dated 21 September 2018;
- Green Travel Plan prepared by LID dated 31 January 2019; and
- Arboricultural Impact Assessment and Tree Protection Management Plan prepared by All Trees Consulting Services Pty Ltd, dated 6 December 2018.

Development summary

4.3 A summary of the development is provided as follows:

Land Size:	1,881m ²	Minimum wall setback to Clay Drive	Basement:	6.69m
Site Coverage:	63.7%		Ground:	7.4m
Permeability:	27%		First:	7.4m
Maximum Building Height:	11m		Second Floor wall:	11.9m
Garden Area		Minimum wall setback to northern boundary	Second Floor Balcony:	5.27m
21 Clay Drive:	34.3%		Basement:	2.7m
23 Clay Drive:	30.9%		Ground:	3.52m
Minimum garden area requirement = 35%			First:	3.52m
Number of Dwellings	15 dwellings (2 bedroom units)	Minimum wall setback to southern boundary	Second Floor wall:	8.4m
Dwelling Density:	One per 125.4m ²		Second Floor Balcony:	3.02m
<u>Child Care</u>			Basement:	2.365m
No. of children:	100	Minimum wall setback to western boundary	Ground:	1.91m
Room 1 (47 m ²)	12		First:	3.76m
Room 2 (58 m ²)	16		Second Floor wall:	9.3m
Room 3 (58m ²)	16		Second Floor Balcony:	5.86m
Room 4 (78 m ²)	22		Basement:	5.79m
Room 5 (79 m ²)	22		Ground:	4.29m
Room 6 (47 m ²)	12	First:	4.29m	
Car parking		Car Parking Required:	Second Floor wall:	11.7m
• Total:			Second Floor Balcony:	4.99m
• 15 dwellings (2 Bedroom):		Car Parking Provided:	• 42 spaces	
• Child Care (0.22 per child)			• 15	
• Visitor:			• 24	
			• 0	
			• 3 unallocated	

Design layout

4.4 The ground floor comprises six, two-bedroom dwellings and part of the child care centre with two children rooms, cot area, kitchen, staff room, office, store room

and play areas. The child care centre is located in the south-western corner of the site with the play area adjacent to the western and southern boundaries. Dwellings G04, G05 and G06 are proposed with secluded private open space along the northern site boundary, whereas Dwelling G02 and G03 will be provided with private open space within the front setback along Clay Drive. Dwelling G01 is provided with a 10sqm terrace facing Clay Drive and a narrow screened south facing balcony ranging in width from 800mm to 1.4 metres.

- 4.5 The first floor contains nine, two-bedroom dwellings accessible via a lift and a staircase. This level also contains a communal lounge area and a storage area providing 6m³ to each dwelling. Dwellings are provided with a balcony each with sizes varying from 10m² to 16m².
- 4.6 The second floor comprises four children rooms, an art room and surrounding play areas (partly shaded). The play area will be enclosed by a 1.8m high non-climbable balustrade with part of the balustrading (acoustically treated) clad in a patterned concrete finish along its northern, southern and western elevations.

Pedestrian and vehicle access and layout

- 4.7 A common pedestrian entrance provides access to the dwellings and child care centre from Clay Drive via steps and ramps. A fire hydrant booster and gas meter compartments are located within the site frontage, adjacent to the pedestrian path.
- 4.8 Vehicle access to the development is provided via a modified existing crossover adjacent to the southern boundary. This crossover provides access to the basement car park. A service and waste storage room are provided within the basement along with a 10,000L underground water tank.
- 4.9 Car parking for the child care centre is limited to the front portion of the basement, whilst the remaining spaces are allocated to residents. Line marking with signage above is proposed to delineate between spaces for residents and child care centre users. The apartments and child care centre will each be provided with a dedicated lift from the basement level.
- 4.10 Two bicycle spaces are provided within the basement.

Landscaping

- 4.11 All existing vegetation will be removed from the site. Screen planting is proposed along the side and rear boundaries. Landscaping within the front setback is proposed varying from trees capable of reaching a height of 11m to shrubs and ground cover.

Design detail

- 4.12 The proposed development features a contemporary architectural design, incorporating a combination of white render, grey tone face brickwork, light weight vertical cladding and patterned concrete. The projections and recession of the first and second floor levels provide for variation in the setbacks towards the south, east and west elevations. Balcony balustrades consist of clear glazing or a concrete finish with integrated aluminium vertical screens. Fencing to the frontage of the site is designed to complement the vertical form of the design features of the building.

Child care centre

- 4.13 The planning report does not provide details on the number of staff required for the Child Care Centre and its operating hours. However, the submitted Acoustic report states that the Child Care will operate from 6:30am to 6:30pm from Monday to Friday. Council's Children Services Officer also advised that the proposed child care centre with 100 children would require at least 21 staff at any one time.

5. LEGISLATIVE REQUIREMENTS

- 5.1 Refer to Attachment 2.
- 5.2 A permit is required under the following Clauses of the Manningham Planning Scheme:
- Clause 32.08-6 (General Residential Zone, Schedule 2 – GRZ2), to construct two or more dwellings on a lot;
 - Clause 32.08-6 (General Residential Zone, Schedule 2 – GRZ2), to use and develop the land for a child care centre (Section 2 use);
 - Clause 43.02-2 (Design and Development Overlay Schedule 8 – DDO8), to construct a building and construct or carry out works.

6. REFERRALS

External

- 6.1 There are no applicable determining or recommending referral authorities.

Internal

- 6.2 The application was referred to a number of service teams within Council. Reference to conditions would apply if a permit were to be issued. The following table summarises the responses:-

Service Unit	Comments
Infrastructure Services Unit – Drainage	<ul style="list-style-type: none"> • No objection subject to conditions for the provision of on-site storm water detention.
Infrastructure Services Unit – Vehicle Crossing	<ul style="list-style-type: none"> • The new crossover for the development is not supported because the widening of the crossover is within the TPZ of the street tree.
Infrastructure Services Unit – Access and Driveway	<ul style="list-style-type: none"> • No objection.
Infrastructure Services Unit – Traffic and Car	<ul style="list-style-type: none"> • The number of car parking spaces provided is adequate. • The number of car parking spaces is provided in accordance with Clause 52.06-5 and are satisfactory.

Service Unit	Comments
Parking	<ul style="list-style-type: none"> • Clay Drive and Merlin Street currently experience high levels of parking demands generated from the nearby activity centres and bus stops located along Tram Road. • Any on-street car parking demand further generated by the staff members is highly undesirable as it would increase congestion along Clay Drive.
Infrastructure Services Unit – Car Parking Layout	<ul style="list-style-type: none"> • The car park layout is satisfactory.
Infrastructure Services Unit – Construction Management	<ul style="list-style-type: none"> • No objection subject to a requirement for the provision of a construction management plan.
Infrastructure Services Unit – Waste	<ul style="list-style-type: none"> • No objection subject to conditions for on-site private waste collection and for the provision of an approved waste management plan.
Infrastructure Services Unit – Easements	<ul style="list-style-type: none"> • No objection.
Infrastructure Services Unit – Flooding	<ul style="list-style-type: none"> • The site is not subject to inundation from Council's drainage systems.
City Amenity Unit – Parks	<ul style="list-style-type: none"> • Parks has inspected the site and is not supportive of removal of the street tree (Tree 1) for the following reasons: <ul style="list-style-type: none"> • - The tree is in a good healthy condition and does not currently meet removal criteria • - Is currently matching the streetscape • - The Useful Life Expectancy (ULE) of the tree is more than 25 years
Integrated Planning Unit – Sustainability	<ul style="list-style-type: none"> • The submitted BESS report includes incorrect and inadequate information for the development, such as the size of the water tank. Therefore, it does not yet meet Council's current expectations for Environmentally Sustainable Design (ESD) standards for a development of this type and scale in its current form.

7. CONSULTATION / NOTIFICATION

- 7.1 Notice of the application was given over a three-week period which concluded on 1 May 2019, by sending letters to nearby properties and displaying a sign at the frontage of each lot (2 signs in total).

- 7.2 Three objections have been received to date from the following properties:
- 19 Clay Drive (North adjoining dwelling);
 - 4 Merlin Street (South adjoining dwelling); and
 - 41 Clay Drive.
- 7.3 The main grounds of the objection can be summarised into the following categories:
- Off-site amenity impacts (lack of privacy, overlooking, noise generated by children and mechanical equipment); and
 - Design and built form (height and bulk);
 - Traffic and car parking (lack of off-street and on-street car parking, traffic congestion); and
 - Location of the child care centre in a multi-level building.
- 7.4 A response to the grounds of objection are included in the assessment section of this report.

8. ASSESSMENT

- 8.1 The proposal has been assessed against the relevant state and local planning policies, the zone and overlay and the relevant particular provisions and general provisions of the Scheme.
- 8.2 The following assessment is made under the following headings:
- Planning Policy Frameworks;
 - Design and built form;
 - Two or more dwellings on a lot and residential buildings;
 - Child care centre;
 - Car parking and traffic; and
 - Objector concerns.

Planning Policy Frameworks

- 8.3 Key objectives of the PPF and LPPF aim at directing land uses to appropriate locations, emphasising the need for provision of diverse housing stock within high density residential developments in and around activity centres, along main roads and on strategic redevelopment sites. The policies also encourage land uses with a community service role to be located in close proximity to activity centres whilst ensuring that operation of non-residential uses do not detrimentally affect the residential amenity.
- 8.4 Under Clause 21.05 Residential, the site is within Precinct 2 - Residential Areas Surrounding Activity Centres and along Main Roads where a substantial level of change is anticipated. The Design and Development Overlay, Schedule 8 (DDO8) provides design objectives, which direct the built form outcomes and drive the preferred character, with regard to building height and setbacks, form, car parking, landscaping and fencing.
- 8.5 The construction of a three storey building comprising of 15 dwellings with basement car parking over two lots comprising a total land area of 1881sqm

would be consistent with policy objectives for urban consolidation and substantial change.

- 8.6 However, this does not mean any development should be approved as a range of other matters need to be considered, such as built form design, interface with adjoining properties and on-site amenity to determine if the proposal is appropriate in the specific site and policy context.
- 8.7 The scale and form of the development is not considered to make a positive contribution to the streetscape or the character of the local area and also fails to provide high level of internal amenity to the future residents as per Clause 21.05-4 Built Form and Neighbourhood Character of the Scheme. This will be further discussed in the report.
- 8.8 Additionally, the provision of only two bedroom dwellings fails to facilitate housing diversity that offers choice and meets changing household needs as per Clause 16.01-3S: Housing Diversity of the Scheme.
- 8.9 The purpose of the General Residential Zone allows for the provision of non-residential use to serve local community needs, such as the proposed child care centre. However, the location of the site and the nature of the proposal is considered inappropriate when considering the policies in Clauses 21.05-6 Economic Development Issues and 22.05 Non-Residential Uses in Residential Areas, resulting in unreasonable amenity impacts to the nearby properties. This will be further discussed later in this report.
- 8.10 The failure to provide any direct visibility to the ground floor child care centre from the street frontage, also does not assist in providing legibility for the child care centre users and visitors.

Design and Built Form

Garden Area

- 8.11 Each lot that makes up the site exceeds 650 square metres and therefore needs to provide at least 35% of the lot as garden area.
- 8.12 The submitted plans (TP-A110) shows the provision of a minimum of 36.59% and 35.10% of garden area for lots 21 and 23 Clay Drive respectively. However, these calculations have included areas that are excluded from the definition of garden area under Clause 73.01 of the Scheme, such as the basement projection above ground level to the south of Children Room 2, the areas under the upper level building projections towards the south-west corner and towards the street frontage and on the northern side of the ground floor terraces for Dwellings G03, G04, G05 and G06.
- 8.13 The calculations confirm that the proposed garden areas of the 21 and 23 Clay Drive are approximately 34.3% and 30.9% respectively, which does not meet the mandatory requirement of the Clause 32.08-4 of the Scheme.

Design and Development Overlay, Schedule 8 (DDO8 – 2)

- 8.14 A detailed consideration of design and built form of the development is carried out against DDO8 as follows:

Design Element	Compliance
Building Height and Setbacks DDO8-2 (Sub-Precinct A)	
<ul style="list-style-type: none"> 11 metres provided the condition regarding minimum land size (1800sqm all in the same precinct) is met. 	<p>Satisfied</p> <p>The land has an area of 1881sqm and a maximum building height of 11 metres, therefore complies with the requirement. The lift overrun that exceeds the 11m maximum height is an allowable encroachment.</p>
<ul style="list-style-type: none"> Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser. 	<p>Satisfied</p> <p>A 6.0m front setback is achieved to Glendale Avenue.</p> <p>The top level balcony for the play area has a street setback of 5.275 metres, which encroaches into the 6 metre street setback. Although the encroachment of a balcony within the street setback is allowed under the DDO8, it is considered that this design response presents poorly to the street. This will be further discussed in the assessment below.</p>
Form	
<ul style="list-style-type: none"> Ensure that the site area covered by buildings does not exceed 60 percent. 	<p>Satisfied</p> <p>According to the submitted plans the site coverage is below 60%. However, a review of the plans show that the site coverage of the proposed development is approximately 63.7%, based on the inclusion of the the roofed terraces and the upper level projections.</p>
<ul style="list-style-type: none"> Provide visual interest through articulation, glazing and variation in materials and textures. 	<p>Not Satisfied</p> <p>The development is provided with a mix of materials at both levels. However, excessive site coverage combined with the northern sheer walls, extensive cantilevering of second floor play areas to the northern and eastern façades and first floor levels to the western and southern facedes, will present to the adjoining properties with unreasonable visual bulk.</p> <p>This is exacerbated by the use of patterned concrete to second floor balcony balustrades along the side and rear elevations, which intensifies the bulk and massing of the building and also fails to create adequate architectural interest.</p>
<ul style="list-style-type: none"> Minimise buildings on boundaries to create spacing between developments. 	<p>Satisfied</p> <p>No buildings are proposed on any of the boundaries.</p>

Design Element	Compliance
<ul style="list-style-type: none"> 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. 	<p>Not Satisfied The lack of graduation and the cantilevering of the first floor at the rear elevation fails to provide stepping down to the rear.</p>
<ul style="list-style-type: none"> Where appropriate, ensure that buildings are designed to step with the slope of the land. 	<p>Not Satisfied Although there is some stepping of the finished floor levels on the ground and first floor, the overall building is not designed to step with the slope of the land given the child care centre on the top level is on one level.</p>
<ul style="list-style-type: none"> Avoid reliance on below ground light courts for any habitable rooms. 	<p>Satisfied No below ground light courts are proposed.</p>
<ul style="list-style-type: none"> 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. 	<p>Not Applicable The proposal is three storey.</p>
<ul style="list-style-type: none"> 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. 	<p>Not Satisfied The child care centre walls on the second floor is setback from the side and rear site boundaries however the requirement for play areas, pushes the floor plate closer towards the boundaries of the site producing unnecessary overhangs and contributing to visual bulk.</p>
<ul style="list-style-type: none"> Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos. 	<p>Not Satisfied The play area on the top level associated with the child care centre is imposing given it is cantilevered over the levels below and the solid presentation of the balustrades.</p>
<ul style="list-style-type: none"> 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. 	<p>Satisfied The basement car park is appropriately excavated into the slope of the land therefore limiting the projections above ground to a maximum of 1.19m towards the south and east elevations.</p>
<ul style="list-style-type: none"> Be designed to minimise overlooking and avoid the excessive application of screen devices. 	<p>Not Satisfied While the elevations demonstrate 1.7m high external screening to some habitable room windows, concerns of overlooking continue to remain for a large section of the first floor level habitable room windows and balconies. This will be discussed in detail further in the report.</p>
<ul style="list-style-type: none"> Ensure design solutions respect 	<p>Satisfied</p>

Design Element	Compliance
the principle of equitable access at the main entry of any building for people of all mobilities.	The pedestrian entry to the building is provided with ramps having maximum gradients of 1:14 to meet the needs of people with limited mobility.
<ul style="list-style-type: none"> Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties. 	<p>Satisfied</p> <p>The basement projections do not result in excessive building height.</p>
<ul style="list-style-type: none"> Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site. 	<p>Satisfied</p> <p>The basement car park is not visually obtrusive when viewed from the street.</p>
<ul style="list-style-type: none"> 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. 	<p>Satisfied</p> <p>Parking is provided at basement level.</p>
<ul style="list-style-type: none"> 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. 	<p>Satisfied</p> <p>Basement car park is setback 5.7m from the rear site boundary.</p>
<ul style="list-style-type: none"> 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. 	<p>Satisfied</p> <p>Sufficient setbacks for screen planting are provided throughout the development.</p>
<ul style="list-style-type: none"> Ensure that service equipment, building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces. 	<p>Satisfied</p> <p>The plans do not show the location of service equipment. This can be addressed via condition if a permit were to be issued.</p>
Car Parking and Access	
<ul style="list-style-type: none"> Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian 	<p>Not Satisfied</p> <p>The development proposes the widening of an existing crossover. However this will be within 1.5m of the existing street tree and will considerably encroach the tree protection</p>

Design Element	Compliance
<p>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.</p>	<p>zone. Council's City Amenity Unit does not approve of the removal of the street tree and as it has not been demonstrated that the location of the crossover will not adversely impact on the viability of the street tree. The crossover is not supported.</p>
<ul style="list-style-type: none"> 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. 	<p>Satisfied The basement projection above ground to the south is proposed to be used as a children play area and paved open space.</p>
<ul style="list-style-type: none"> 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. 	<p>Not applicable</p>
<ul style="list-style-type: none"> Ensure that access gradients of basement car parks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements. 	<p>Satisfied Gradients are in accordance with Clause 52.06 of the Scheme.</p>
<p>Landscaping</p>	
<ul style="list-style-type: none"> On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at maturity. 	<p>Satisfied At least three canopy trees are proposed within the frontage of the site.</p>
<ul style="list-style-type: none"> 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. 	<p>Satisfied There is opportunity for screen planting along the side and rear boundaries as shown in the landscape plan.</p>
<p>Fencing</p>	
<ul style="list-style-type: none"> A front fence must be at least 50 per cent transparent. On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn and Mitcham Roads, a fence must: <ul style="list-style-type: none"> not exceed a maximum height of 1.8m 	<p>Satisfied A new retaining wall is proposed along the frontage of the site.</p> <p>The fence of G01 and G02 enclosing the private open spaces is setback to allow the area in front of the fence to be landscaped..</p>

Design Element	Compliance
<ul style="list-style-type: none"> be setback a minimum of 1.0m from the front title boundary <p>and a continuous landscaping treatment within the 1.0m setback must be provided.</p>	

Two or more dwellings on a lot and residential buildings

8.15 Pursuant to Clause 55 (Two or more dwellings on a lot and residential buildings), a development must meet all of the objectives of this clause and should meet all of the standards. Furthermore, Clauses 55.03-5, 55.03-6, 55.04-8, 55.05-1, 55.05-2 and 55.05-6 are not applicable to an application to construct an apartment development.

8.16 The following assessment under the provisions of Clause 55 is provided:-

OBJECTIVE	OBJECTIVE MET/NOT MET
Clause 55.02 Neighbourhood Character and Infrastructure	
<p>55.02-1 – Neighbourhood Character</p> <ul style="list-style-type: none"> To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. To ensure that development responds to the features of the site and the surrounding area. 	<p>Not Satisfied</p> <p>There are examples of townhouses and apartment developments within the surrounding area. However, the scale and built form of the proposed development is not considered to provide an appropriate interface or transition to the surrounding properties.</p> <p>As outlined in the assessment of the proposal against the policy requirements of the State and Local Planning Policies, and Assessment Table of the Design and Development Overlay, Schedule 8 (DDO8), it is considered that the proposed development does not appropriately respond to the preferred neighbourhood character and outcomes, or respect its surrounds.</p>
<p>55.02-2 – Residential Policy</p> <ul style="list-style-type: none"> To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework. To support medium densities in areas where development can take 	<p>Not Satisfied</p> <p>The application was accompanied by a written statement that demonstrated how the applicant considers the development to be consistent with State, Local and Council policy.</p> <p>However, as discussed above an assessment confirms that the development does not comply with the state and local</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>advantage of public transport and community infrastructure and services.</p>	<p>policy framework, thereby not meeting the objective.</p>
<p>55.02-3 – Dwelling Diversity</p> <ul style="list-style-type: none"> To encourage a range of dwelling sizes and types in developments of 10+ dwellings. 	<p>Not Satisfied</p> <p>The proposed development provides for 15 two-bedroom dwellings, failing to provide any diverse choice in terms of number of bedrooms.</p>
<p>55.02-4 – Infrastructure</p> <ul style="list-style-type: none"> To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure. 	<p>Satisfied</p> <p>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.</p> <p>There are no service supply issues in the subject neighbourhood.</p>
<p>55.02-5 – Integration With Street</p> <ul style="list-style-type: none"> To integrate the layout of development with the street. 	<p>Not Satisfied</p> <p>The proposed development is oriented to face Clay Drive however provides a narrow and low key entry to the building. Furthermore, the entry is enclosed and partly obscured by fencing enclosing the secluded private open space of ground floor dwellings.</p> <p>The proposed development provides adequate vehicle links via the basement.</p>
<p>Clause 55.03 Site Layout and Building Massing</p>	
<p>55.03-1 – Street Setback</p> <ul style="list-style-type: none"> To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. 	<p>Not Satisfied</p> <p>Although the front setback satisfies the requirement under DDO8, the projection of the top level play area within the front setback results in poor streetscape presentation and unreasonable visual impacts when viewed from the street.</p>
<p>55.03-2 – Building Height</p> <ul style="list-style-type: none"> To ensure that the height of buildings respects the existing or preferred neighbourhood character. 	<p>Satisfied</p> <p>The maximum building height is 11m above natural ground level complying with the DDO-8 requirement.</p>
<p>55.03-3 – Site Coverage</p> <ul style="list-style-type: none"> To ensure that the site coverage respects the existing or preferred neighbourhood character and 	<p>Not Satisfied</p> <p>As discussed above, the calculations carried out (including the roofed terraces</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>responds to the features of the site.</p>	<p>and the upper level projections) reveal that the proposed site coverage is approximately 63.7% exceeding the standard requirement.</p>
<p>55.03-4 – Permeability and stormwater management</p> <ul style="list-style-type: none"> • To reduce the impact of increased stormwater run-off on the drainage system. • To facilitate on-site stormwater infiltration. 	<p>Satisfied</p> <p>At least 20% of the site is comprised of pervious surfaces.</p> <p>The plans show that nearly 34% of the site will be permeable. However, calculations on the landscape plan show that nearly 27% of the site will be permeable, given the use of proposed synthetic turf within the ground floor play areas of the child care centre.</p>
<p>55.03-5 – Energy Efficiency</p> <ul style="list-style-type: none"> • To achieve and protect energy efficient dwellings. • To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. 	<p>This clause does not apply to an apartment development.</p>
<p>55.03-6 – Open Space</p> <ul style="list-style-type: none"> • To integrate the layout of development with any public and communal open space provided in or adjacent to the development. 	<p>This clause does not apply to an apartment development.</p>
<p>55.03-7 – Safety</p> <ul style="list-style-type: none"> • To ensure the layout of development provides for the safety and security of residents and property. 	<p>Not Satisfied</p> <p>The pedestrian entrance to the building is obscured by the fence enclosing the private open spaces of Dwellings G02 and G03 which also hinders the natural surveillance opportunities, not meeting the standard requirements.</p> <p>The gate to the basement would be open during the day, providing unrestricted access between residential car parking and child care car parking, raising a safety issue.</p> <p>The shared pedestrian access to both uses within the development and lack of separation between the entries to both the child care centre and some of the apartments is also considered to provide poor safety and security to its users.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>55.03-8 – Landscaping</p> <ul style="list-style-type: none"> 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. 	<p>Not Satisfied</p> <p>The submitted landscape plan demonstrates a mix of canopy trees, understory and ground covers within the front setback and screen planting capable of growing to maximum height of 3m along the side and rear site boundaries.</p> <p>The development proposes a canopy tree within the private open space of Dwellings G03, G04, G05 and G06 along the northern site boundary.</p> <p>It is proposed to extend the existing crossover into the Tree Protection Zone of an existing Council street tree. Council's City Amenity Unit objects to the proposal given the tree is in a good condition. This forms part of the ground for refusal.</p>
<p>55.03-9 – Access</p> <ul style="list-style-type: none"> To ensure the number and design of vehicle crossovers respects the neighbourhood character. 	<p>Satisfied</p> <p>The 6.6m wide accessway would not exceed 12.2m (33% of 37.18m) as allowed by the standard.</p>
<p>55.03-10 – Parking Location</p> <ul style="list-style-type: none"> To provide convenient parking for resident and visitor vehicles. To protect residents from vehicular noise within developments. 	<p>Satisfied</p> <p>The basement provides convenient access for car parking via separate lifts for each use as well as a central staircase.</p>
<p>Clause 55.04 Amenity Impacts</p>	
<p>55.04-1 – Side And Rear Setbacks</p> <ul style="list-style-type: none"> 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>Satisfied</p> <p>The proposed development complies with the setback requirements of Clause 55.04-1 for all levels.</p>
<p>55.04-2 – Walls On Boundaries</p> <ul style="list-style-type: none"> 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>N/A</p> <p>No walls on boundaries are proposed.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>55.04-3 – Daylight To Existing Windows</p> <ul style="list-style-type: none"> To allow adequate daylight into existing habitable room windows. 	<p>Satisfied</p> <p>Windows in neighbouring dwellings are provided the necessary light court and setbacks from the development.</p>
<p>55.04-4 – North Facing Windows</p> <ul style="list-style-type: none"> To allow adequate solar access to existing north-facing habitable room windows. 	<p>Not Satisfied</p> <p>The habitable room windows of south adjoining dwelling at 6/25 Clay Drive are within 3m from the common site boundary. The southern setback (approx. 3.4m) of the development at first floor living room of Dwelling 102, with a wall height of approximately 8.4m does not comply with the standard requirement, impeding the northern solar access to the existing windows.</p>
<p>55.04-5 – Overshadowing Open Space</p> <ul style="list-style-type: none"> To ensure buildings do not significantly overshadow existing secluded private open space. 	<p>Not Satisfied</p> <p>Given the areas of secluded private open spaces of adjoining properties (4 and 6 Merlin Street, and 20 and 22 Frederick Street) to the west and south, will continue to receive adequate sunlight during the relevant times of the day, the proposal complies with the standard requirement.</p> <p>The south adjoining dwelling at 6/25 Clay Drive also has its secluded private open space adjacent to the common site boundary.</p> <p>The plans do not clearly demonstrate the area of its secluded private open receiving sunlight, however it is calculated to be less than 40sqm. In this instance the development should not further reduce the solar access to this private open space any further.</p> <p>An assessment of the shadow diagrams submitted with the application show that the shadow angles and their lengths during the relevant times of the day are inaccurate.</p> <p>Therefore, it is anticipated that the shadow of the proposed development will further reduce the solar access to the existing private open space of 6/25 Clay Drive, not meeting the objective.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>55.04-6 – Overlooking</p> <ul style="list-style-type: none"> To limit views into existing secluded private open space and habitable room windows. 	<p>Not Satisfied</p> <p>Ground floor level: The views from the ground floor level private open spaces, windows, children room and play areas are adequately screened by the proposed boundary fences.</p> <p>The views from the ground floor bedrooms and south facing balcony of G01 are screened. However this screening will be detrimental to internal amenity given the narrowness of part of the balcony. Concern is raised with views from the ground floor childcare centre windows to the south and in some instances it is difficult to determine the extent of any potential overlooking as a result of planting shown on the plans and the visibility of the clarity of the type and height of windows.</p> <p>First floor level: Development raises concerns of overlooking into the private open spaces and habitable room windows of adjoining properties from the following locations:</p> <ul style="list-style-type: none"> Bedrooms/Living room and balcony of Dwelling 105, 106 and 107 towards north elevation Living room, bedrooms and balconies of Dwelling 107 and 108 towards west elevation Living room, kitchen and bedroom of Dwelling 102 and balconies of Dwellings 101 and 108 towards south elevation. The proposed 1.39m high balustrade with angled screening to these balconies is considered inadequate to limit overlooking as per the standard requirement. <p>In summary, a number of non-screened habitable room windows and balconies have direct views to habitable room windows of adjoining properties to the north and south.</p> <p>The amount of screening required at the first floor levels habitable windows and balconies is considered extensive which if</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	treated with external screens will contribute to poor internal amenity for future residents.
<p>55.04-7 – Internal Views</p> <ul style="list-style-type: none"> To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development. 	<p>Satisfied</p> <p>Screened through dividing walls and 1.7m high screens.</p> <p>The internal views between the uses at ground floor level will be limited by 1.8m high internal fencing.</p> <p>The views from the first floor south facing balconies into the play areas at the ground floor are proposed to be limited by 1m balustrades with 390mm high, 45 degree angle screening atop. Similarly west facing balcony of Dwelling 108 is proposed with a balustrade and angled screening to limit overlooking into the play area below.</p>
<p>55.04-8 – Noise Impacts</p> <ul style="list-style-type: none"> To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise. 	<p>This clause does not apply to an apartment development.</p>
<p>Clause 55.05 Onsite Amenity and Facilities</p>	
<p>55.05-1 – Accessibility</p> <ul style="list-style-type: none"> To encourage the consideration of the needs of people with limited mobility in the design of developments. 	<p>This clause does not apply to an apartment development.</p>
<p>55.05-2 – Dwelling Entry</p> <ul style="list-style-type: none"> To provide each dwelling or residential building with its own sense of identity. 	<p>This clause does not apply to an apartment development.</p>
<p>55.05-3 – Daylight To New Windows</p> <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. 	<p>Satisfied</p> <p>All habitable room windows of the proposed dwellings face onto an outdoor space with minimum area of 3m² and a minimum dimension of 1.0m, in accordance with Standard B27.</p>
<p>55.05-4 – Private Open Space</p> <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents. 	<p>Not Satisfied</p> <p>Ground floor dwellings G02, G03, G04, G05 and G06 are provided with adequate secluded private open space.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	However dwelling G01 is provided with only 10sqm that does not comply with standard requirement.
<p>55.05-5 – Solar Access To Open Space</p> <ul style="list-style-type: none"> To allow solar access into the secluded private open space of new dwellings and residential buildings. 	<p>Not Satisfied</p> <p>Most balconies/terraces and private open spaces are either northern, eastern or western orientation and will receive a suitable amount of sunlight.</p> <p>Apartments 101 and 109 however, will have south facing balconies and will generally be overshadowed. It is noted that these balconies are likely to receive some sunlight from an easterly or westerly aspect, be that marginal.</p>
<p>55.05-6 – Storage</p> <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling. 	<p>This clause does not apply to an apartment development.</p>
<p>Clause 55.06 Detailed Design</p>	
<p>55.06-1 – Design Detail</p> <ul style="list-style-type: none"> To encourage design detail that respects the existing or preferred neighbourhood character. 	<p>Not Satisfied</p> <p>As discussed above, the objectives and design guidelines of Clause 43.02 (DDO8) envisage contemporary, articulated and integrated architectural expression taking into account the existing and preferred neighbourhood character. The proposal fails to deliver as follows:</p> <ul style="list-style-type: none"> The extent of the built form combined with the robust architectural expression especially at second floor level is considered inappropriate. The extent of external screening (already provided and required) to limit overlooking along-side and rear elevations will also unnecessarily contribute to the perceived visual bulk of the development and poor internal amenity for future occupiers of the building.
<p>55.06-2 – Front Fence</p> <ul style="list-style-type: none"> To encourage front fence design that respects the existing or preferred neighbourhood character. 	<p>Satisfied</p> <p>Fencing enclosing the private open spaces of G02 and G03 are setback 3.1m from the site frontage and will be adequately</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	screened by proposed landscaping.
<p>55.06-3 – Common Property</p> <ul style="list-style-type: none"> To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership. 	<p>Not Satisfied</p> <p>Common Property is proposed within the basement, pedestrian entrances, foyers and communal areas.</p> <p>The shared lobby area between the child care centre and the apartments is not practically designed and will potentially result in management difficulties.</p> <p>Additionally, shared access between residents and users of the centre from Clay Drive is not considered a great design outcome.</p>
<p>55.06-4 – Site Services</p> <ul style="list-style-type: none"> To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive. 	<p>Satisfied</p> <p>Meters are provided in cabinets by the main pedestrian entrance, perpendicular to the street.</p> <p>Bin and recycling for both residential and retail uses is suitably located within the basement.</p> <p>No roof top equipment is indicated on the plans however.</p>
Clause 55.07 Apartment Developments	
<p>55.07-1 – Energy efficiency</p> <ul style="list-style-type: none"> To achieve and protect energy efficient dwellings and buildings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. To ensure dwellings achieve adequate thermal efficiency. 	<p>Not Satisfied</p> <p>The submitted Sustainability Management Plan states that for the purpose of BESS assessment 6.5 star average results have been assumed with cooling energy lower than 30MJ/M².</p> <p>8 of the 15 dwellings will have living areas opening out to balconies and terraces with northern orientation. The rest of the dwellings except for Dwellings 101 and 109, will either have exposure to the eastern or western sun. However, the projection of the second floor area to the eastern building façade will limit solar access and daylight to Dwellings 102 and 103.</p> <p>Dwellings 101 and 109 are also considered to perform poorly in terms of access to daylight and solar energy given that the</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>habitable room windows are proposed to be externally screened up to 1.7m to limit unreasonable overlooking.</p> <p>Additionally, the north facing Bedrooms of Dwellings G03, G06, 104 and 107 are proposed with highlight windows, which will also limit northern solar access into the dwellings that does not meet the objective.</p>
<p>55.07-2 – Communal Open Space</p> <ul style="list-style-type: none"> To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development. 	<p>N/A</p> <p>No external communal open space is proposed.</p>
<p>55.07-3 – Solar Access to Communal Open Space</p> <ul style="list-style-type: none"> The communal outdoor open space should be located on the north side of a building, if appropriate. 	<p>N/A</p> <p>No external communal open space is proposed.</p>
<p>55.07-4 – Deep soil areas and canopy trees</p> <ul style="list-style-type: none"> To promote climate responsive landscape design and water management in developments to support thermal comfort and reduce the urban heat island effect. 	<p>Satisfied</p> <p>The proposed development would provide adequate opportunities (approximately 180 m² within the front setback of the development) for deep soil planting and landscaping. The submitted landscape plan shows plantation of four canopy trees within this deep soil area meeting the requirement of the standard.</p>
<p>55.07-5 Integrated water and stormwater management</p> <ul style="list-style-type: none"> To encourage the use of alternative water sources such as rainwater, stormwater and recycled water. To facilitate stormwater collection, utilisation and infiltration within the development. To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site. 	<p>Satisfied</p> <p>A 10,000L underground rainwater tank is proposed within the basement, according to the Sustainable Management Plan, and will be connected to toilets for flushing and landscape irrigation.</p> <p>Council's Engineers have required an on-site stormwater detention system to alleviate pressure on the drainage system.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>55.07-6 Noise Impacts</p> <ul style="list-style-type: none"> To contain noise sources in developments that may affect existing dwellings. To protect residents from external and internal noise sources. 	<p>Not Satisfied</p> <p>The submitted acoustic report provides measures to protect the adjoining residential properties from the noise levels generated by the proposed uses. These include the provision of acoustic fences, cavities between common walls of child care centre and Dwelling G06, construction of a minimum of 200mm concrete slab for the first floor level dwellings, installing rubber underlay in floor areas of child care centre amongst other recommendation.</p> <p>However, the balconies of Dwellings 108 and 109 are considered to be affected by the noise from the play areas below, providing poor amenity to the dwellings.</p> <p>Furthermore, a shared entrance to the building from Clay Drive will also add to potential noise issues, especially for GO1 and GO2.</p>
<p>55.07-7 Accessibility</p> <ul style="list-style-type: none"> To ensure the design of dwellings meets the needs of people with limited mobility. 	<p>Not Satisfied</p> <p>The dwelling entries are measured to be at least 1.0m wide and one of the bedroom doors is provided with a minimum opening of 850mm.</p> <p>However, most dwellings assessed under the Standard do not comply with the requirements and therefore do not comply with Standard B41.</p> <ul style="list-style-type: none"> Bathrooms of most of the dwellings appear to have a maximum 800mm door opening and these are not opposite the shower areas (except for Dwellings G01 and 102). The toilets have not been located in the corner or closest to the door opening.
<p>55.07-8 Building Entry And Circulation</p> <ul style="list-style-type: none"> To provide each dwelling and building with its own sense of identity. 	<p>Not Satisfied</p> <p>The building entry has not been designed to allow for clear identification and provide a sense of entry given its narrow width and limited size. The fences enclosing the front private open spaces will additionally</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<ul style="list-style-type: none"> To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents. To ensure internal communal areas provide adequate access to daylight and natural ventilation. 	<p>obscure the views to this building entrance. The reliance on timber arches is considered an afterthought and does not adequately define the entry but will instead be detrimental to the overall streetscape presentation.</p> <p>The entry to the ground floor dwellings are provided via a lobby which also provides an entry to the users of the child care centre. This common entrance fails to clearly distinguish entrances to residential and non-residential areas as per the objective.</p> <p>Dwelling entries to G01 and G02 directly opposite the entrance of the child care centre is considered a poor transitional space around the entry. The amenity of the residents of these dwellings will also be affected by children strolling around the entrance of the child care centre during the pick-up and drop-off times.</p> <p>Similarly dwelling entries for G03 and G04 from the common lobby and at the first floor level entries to Dwellings 101, 108 and 109 down the hallway adjacent to the storage enclosure, is considered to be an undesirable design outcome providing a poor sense of identity to the dwellings.</p> <p>An unclear transition space between these dwelling entries and child care centre also raises safety concerns for children at the centre.</p> <p>The ground floor corridors providing access to G01,G02, G05 and G06 does not include source of natural light or ventilation providing a poor entrance to the dwellings.</p> <p>The communal lounge at the first floor level is also considered to offer little amenity benefit to the residents due to its poor access to natural light and direct access from Dwellings 102,103, 104 and 105, not meeting the objectives of the standard B42.</p>
<p>55.07-9 Private Open Space Above Ground Floor</p> <ul style="list-style-type: none"> To provide adequate private open 	<p>Satisfied</p> <p>The dwellings are provided with appropriate private open space areas, with each dwelling having a minimum of 10sqm of</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
space for the reasonable recreation and service needs of residents.	terrace/balcony.
<p>55.07-10 Storage</p> <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling. 	<p>Not Satisfied</p> <p>The plans do not demonstrate that compliance with the provision of 14 m³ of storage space for each dwelling is provided.</p>
<p>55.07-11 Waste and Recycling</p> <ul style="list-style-type: none"> To ensure dwellings are designed to encourage waste recycling. To ensure that waste and recycling facilities are accessible, adequate and attractive. To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm. 	<p>Satisfied</p> <p>The submitted waste management plan proposes a private waste collection provided within the basement. Separate bins will be provided for residential and child care use within the development.</p>
<p>55.07-12 Functional Layout</p> <ul style="list-style-type: none"> To ensure dwellings provide functional areas that meet the needs of residents. 	<p>Not Satisfied</p> <p>All of the bedrooms comply with the minimum dimensions required under the standard. However, the minimum living areas provided for Dwellings G02, G04, G04, 105 and 106 are inclusive of the dining areas, which do not comply with the standard.</p> <p>Further details are required in relation to floor to ceiling heights internally within some of the bedrooms adjacent to emergency staircases.</p>
<p>55.07-13 Room Depth</p> <ul style="list-style-type: none"> To allow adequate daylight into single aspect habitable rooms. 	<p>Satisfied</p> <p>The depth of the living/dining/kitchen areas of the dwellings comply with this standard requirement as their maximum depth is 8.5m (except for Dwelling 103) with kitchens located furthest from the windows.</p> <p>The maximum depth of living/kitchen/dining room of Dwelling 103 is 9.05m, with the kitchen furthest from the window. This minor non-compliance is not considered detrimental to the amenity of the dwelling.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>55.07-14 Windows</p> <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. 	<p>Satisfied</p> <p>The orientation of the rooms will allow for adequate daylight into the habitable room windows in accordance with the standard.</p>
<p>55.07-15 Natural Ventilation</p> <ul style="list-style-type: none"> To encourage natural ventilation of dwellings. To allow occupants to effectively manage natural ventilation of dwellings. 	<p>Not Satisfied</p> <p>The breeze paths for more than 40% of the dwellings are shown between openings on the same orientation (e.g. G02, G04, G05, 101, 103, 105, 106, 108 and 109), which does not comply with the standard that requires them to be measured between ventilation openings on different orientations of the dwellings.</p> <p>The breeze paths for Dwellings G03, G06, 104 and 107 are between a full sized window and a highlight window on the north elevation, which does not comply with the standard for them to be between ventilation openings with approximately the same area.</p> <p>Only Dwellings G01 and 102 comply with the requirements of the standard, which fails to achieve an overall 40 per cent of dwellings providing effective cross ventilation under the standard.</p>

Child Care Centre

- 8.17 Clause 22.05 supports a range of non-residential uses within residential areas and encourages uses with a community role to be located in close proximity to activity centres.
- 8.18 Clause 22.05 further states that..... *'Non-residential uses should abut a Road Zone, and where possible, with vehicular access from a service road to avoid the generation of additional through traffic on residential streets, particularly where such uses are likely to serve catchments beyond the local level.'* The proposed child care centre with a 100 children capacity is considered to serve a catchment beyond the local level and in the absence of a main road abuttal or a service road access, the traffic generated on the residential streets will adversely affect the amenity of the neighbourhood.
- 8.19 The site is also isolated from any other non-residential uses not meeting the objective of the policy under Clause 22.05 which encourages clustering of non-residential uses benefiting the local community by allowing multi-purpose trips reducing car dependency.

- 8.20 Clause 22.05 also emphasises that in '*locations not identified for residential growth, non-residential uses are encouraged to utilise existing residential buildings (where appropriate converted to suit the use), in preference to a purpose-built premise.*' For sites not meeting the location criteria, the policy recommends use of existing built form to be re-purposed for non-residential uses. The subject site is not identified under areas for residential growth, and therefore a purpose built premise for a 100 space child care does not comply with the location objective of the policy.
- 8.21 The provision of six dwellings at the ground floor level with an approximate area of 130sqm of central area for circulation, results in pushing the child care centre and associated play areas to the southern and western edges of the site. Child care centres of this scale have high amounts of on-site activity levels and therefore its placement to the sensitive interface of the site is not appropriate and does not comply with the objectives of Clause 22.05 of the Scheme.
- 8.22 The proposed child care centre is also considered to affect the amenity of the future residents of the development. For instance, although Dwellings 108 and 109 are proposed with acoustic glazing to reduce the noise levels, the balconies of these dwellings will not be protected from the noise levels generated by the outdoor play areas thereby affecting the amenity of the future residents. Additionally, as discussed above the overhangs and projections of the first and second floor towards the south and west facades not only contribute to the visual bulk but will also result in poor solar access to child rooms at the ground floor level resulting in poor on-site amenity, not complying with the objectives of Clause 22.05 of the Scheme.

Car Parking and traffic

Car Parking

- 8.23 Pursuant to Clause 52.06 of the Manningham Planning Scheme each two-bedroom dwelling is required to provide one vehicle space per dwelling and a 0.22 car spaces per child.
- 8.24 Given that the development is for more than five dwellings and that the site is located within the Principal Public Transport Network buffer area, the development does not necessitate provision of any visitor car parking space.
- 8.25 The development therefore generates a car parking requirement of 37 car parking spaces (15 for dwellings and 22 for the child care centre). The proposal provides for a total of 42 car parking spaces which exceeds the planning scheme requirement by 5 spaces. The submitted plans show the provision of 2 additional car spaces for the child care centre and 3 additional spaces within the designated residential car parking area.
- 8.26 An assessment against the car parking design standards at Clause 52.06-9 is provided in the table below:

Design Standard	Assessment
1 – Accessways	<ul style="list-style-type: none"> The accessway to the basement car park meets the minimum width and height clearance requirements. A minimum 2.1m headroom has been provided beneath the overhead obstruction. A passing area is not required as the accessway is

Design Standard	Assessment
	<p>less than 50m long. A convex mirror at the bottom of the ramp will assist visibility on the blind corner.</p> <ul style="list-style-type: none"> Submitted swept path diagrams show that all vehicles are able to exit the site in a forwards direction. An adequate visibility splay area is provided along the exit lane. A 4 metre internal radius is provided at changes of direction.
2 – Car Parking Spaces	<ul style="list-style-type: none"> Car parking spaces are provided in accordance with the dimensions and clearance areas required.
3 – Gradients	<ul style="list-style-type: none"> Driveway gradients have been assessed as compliant with the standard.
4 – Mechanical Parking	<ul style="list-style-type: none"> No mechanical parking is proposed.
5 – Urban Design	<ul style="list-style-type: none"> The double width crossover and driveway does not dominate public space however the crossover impacts on an existing street tree. The basement projection will be approximately 1.1m above natural ground level towards the site frontage. This is considered to be obscured by the proposed landscaping and ground floor projection.
6 – Safety	<ul style="list-style-type: none"> Access to the residential car parking area is secured by a security gate which will remain open during childcare operating hours. This does not provide security for residential tenants. Pedestrian access from the site frontage is clearly separated from the roadway.
7 – Landscaping	<ul style="list-style-type: none"> The proposed landscaping is considered to soften the appearance of the driveway and the basement car park. Appropriate landscaping has been proposed along the site boundaries.

Traffic

- 8.27 Council Engineers have raised concerns regarding high levels of parking demands already on Clay Drive and Merlin Street due to the nearby activity centre and bus stop along Tram road. Any additional on-street parking demand by the Child care centre is undesirable as it will increase traffic congestion along Clay Drive and will present a potential traffic hazard.
- 8.28 It is also considered that the increase in traffic as a result of the child care centre being located on a local residential street will result in additional amenity impacts to the nearby properties.
- 8.29 The traffic movements associated with the child care centre during peak hours will also result in on-site amenity impacts to the residents, given the car park layout will result in a conflict of traffic movements between vehicles for the child care centre and the residents.

Objector Concerns

8.30 A response to the grounds of objection is provided in the paragraphs below:

Off-site amenity impacts (lack of privacy, overlooking, noise generated by children and mechanical equipment):

8.31 As discussed in the report, the development results in unreasonable off-site amenity impacts to the adjoining properties including overlooking.

Design and built form (height and bulk):

8.32 As discussed in the report, the development does not adequately respond to the character of the area and results in unreasonable visual bulk.

Traffic and car parking (lack of off-street and on-street car parking, traffic congestion)

8.33 The number of on-site car parking spaces provided meets the requirement for the proposed uses.

8.34 As discussed above, the increase in traffic and potential demand for on-street car parking as a result of the child care centre being located on a local residential street will result in additional amenity impacts to the nearby properties.

Location of the child care centre in a multi-level building

8.35 As discussed in the report, the location of the child care centre is considered inappropriate when assessed against Clause 22.05 of the Scheme.

9. CONCLUSION

9.1 It is recommended that the application be refused.

10. DECLARATION OF CONFLICT OF INTEREST

10.1 No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.