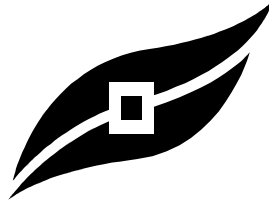


# MINUTES



**MANNINGHAM**  
BALANCE OF CITY AND COUNTRY

## Ordinary Meeting of the Council

**MEETING DETAILS:**

MEETING NO: 11  
MEETING DATE: 27 October 2015  
TIME: 7:00 PM  
LOCATION: Council Chamber  
699 Doncaster Road, Doncaster

# MINUTES

## **PLEASE NOTE**

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

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

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

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**MANNINGHAM CITY COUNCIL**  
**MINUTES OF THE ORDINARY COUNCIL MEETING**  
**HELD AT COUNCIL CHAMBER**  
**ON**  
**27 OCTOBER 2015**

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The meeting commenced at 7:00 PM.

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

Officers Present: Chief Executive Officer, Mr Joe Carbone  
Director Assets & Engineering, Mr Leigh Harrison  
Director Community Programs, Mr Chris Potter  
Director Planning & Environment, Ms Teresa Dominik  
Director Shared Services, Mr Philip Lee  
Manager Strategic Governance – Ms Melissa Harris

**1. OPENING PRAYER & STATEMENT OF ACKNOWLEDGMENT**

The Mayor read the Opening Prayer & Statement of Acknowledgement.

**2. APOLOGIES**

There were no Apologies for this meeting.

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

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

There were no disclosures of conflict of interest.

**4. CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 29 SEPTEMBER 2015**

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

**That the Minutes of the Ordinary Meeting of Council held on 29 September 2015 be confirmed.**

**CARRIED**

**5. PRESENTATIONS**

**5.1 Donvale Tennis Club**

The Mayor presented to the Chief Executive Officer a Certificate of Appreciation received from the Donvale Tennis Club in recognition of 50 years support to the Club.

**6. PETITIONS AND JOINT LETTERS**

There were no Petitions and Joint Letters.

**7. ADMISSION OF URGENT BUSINESS**

There were no items of Urgent Business.

## 8. PLANNING PERMIT APPLICATIONS

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

Responsible Director: Director Planning & Environment

File No. PL14/024793

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

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

#### SUMMARY

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

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

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

- *height, design and built form;*

- *off-site amenity concerns including visual bulk, overlooking and overshadowing, loss of view, loss of sunlight and residential noise;*
- *on-site amenity concerns including the limited open space provision for the new dwellings and a lack of existing public open space in the area to accommodate the number of dwellings proposed (being contrary to Council's Open Space Strategy);*
- *traffic concerns, including inadequate on-site car parking spaces provided and the impact that this would have on existing car parking provision on-street, traffic congestion and the impact that this will have on existing services and public transport; and*
- *the proposal being an overdevelopment of the site and high density, which will ultimately create safety concerns due to the resulting increase in population.*

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

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

## 1 BACKGROUND

### Subject Site

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



- 1.2 The subject site is located at the intersection of two (2) major roads with street frontages to Doncaster Road (north) and Blackburn Road (west). It is irregular in shape, with a frontage of approximately 53.65 metres to Doncaster Road, a splayed north-west corner, a frontage to Blackburn Road of approximately 67.73 metres and an overall site area of approximately 4,250 square metres.
- 1.3 The subject site comprises six (6) lots on separate titles and is more formally known as Lots 1, 2, 3 on TP 84051 and Lot 1 on TP 84045, 84047 and 108753.



- 1.4 The subject site is currently developed with a single-storey (split-level) concrete church building (the Doncaster Christian Fellowship), associated structures (sheds) and at-grade bitumen car parking. Existing buildings are generally located within the north-west portion of the subject site, with car parking provided on the eastern side of the existing building fronting Doncaster Road (abutting the boundary common with number 1032 Doncaster Road) and to the south of the church building (abutting the boundaries common with numbers 2 and 4 Rupert Street and 148 Blackburn Road). Doncaster East Pre-School Centre also operates from the subject site.
- 1.5 The subject site is provided with a single-width crossover to Doncaster Road located in the north-east corner of the site. There are three (3) single-width crossovers spaced at regular intervals along the Blackburn Road frontage. Pedestrian access to the subject site is provided from Doncaster Road and Blackburn Road.
- 1.6 Landscaping is currently provided on-site along the Blackburn Road frontage, within the existing car parking areas and along site boundaries.
- 1.7 The subject site's frontage to Blackburn Road has no fencing. The site's Doncaster Road frontage has limited fencing and is partially bounded by a concrete brick front fence/wall. Fencing along the subject site's eastern and southern boundary comprises 1.6m high paling fencing, save for the fencing along the boundary common with number 4 Rupert Street, which is 2.1m high paling.
- 1.8 The topography of the subject site includes a fall from east to west of between 2.2 metres and 2.4 metres, and north to south of between 950mm and 1.6 metres.
- 1.9 There is a 1.83 metre wide easement along the site's internal northern boundary and along the eastern site boundary (namely the abuttal with land at numbers 2 and 4 Rupert Street).

#### Surrounds

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

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

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

Direction	Address	Description
		<p>abutting the subject; and</p> <ul style="list-style-type: none"> <li>land at number 4 Rupert Street, which is developed with double-storey dwellings (the rear most dwelling has secluded private open space area at the rear (west side) immediately abutting the subject site.</li> </ul>
West	145 Blackburn Road 147 Blackburn Road	<p>To the site's immediate west is Blackburn Road, a Road Zone Category 1 road. A bus stop is located on Blackburn Road immediately adjacent to the subject site. Beyond this, on the western side of Blackburn Road (on the south-west corner of Blackburn Road and Doncaster Road) is a multi-level (3-storey equivalent, approximately) commercial building.</p> <p>Land at number 147 Blackburn Road, is developed with a double-storey, multi-unit development.</p> <p>Land at number 145 Blackburn Road is developed with a single-storey dwelling occupied by <i>Active Health Solutions - Physiotherapy</i>.</p> <p>Land on the western side of Blackburn Road, opposite the subject site, is located within the Commercial 1 Zone and the General Residential Zone – Schedule 2.</p>

1.11 Development along Doncaster Road in the vicinity of the subject site includes a mix of land uses, with commercial/retail uses to the site's west, and a mix of non-residential uses (medical practitioners, dentist etc) and residential development to the site's east. Development along this section of Blackburn Road includes a mix of commercial and non-residential uses (including a veterinary clinic) on the northern side of Doncaster Road and residential development on the southern side. Building heights in the area generally range between one and three storeys for commercial and residential development.

1.12 The subject site is within close proximity to a range of services including the following:

- Bus Route Nos. 151, 157, 160, 207, 286, 304, 306, 307, 901 and 906, all running along either Doncaster Road or Blackburn Road (noting a bus stop is located adjacent to the subject site along Blackburn Road);
- Eastern Freeway, approximately 1.2km to the site's south;

- Doncaster Principal Activity Centre, located approximately 3km to the site's west;
- Devon Plaza Neighbourhood Activity Centre and Tunstall Square Neighbourhood Activity Centre, located within 600 metres of the subject site;
- East Doncaster Secondary College, St. Peter and Paul's Primary School, Beverley Hills Primary School, Donburn Primary School, Doncaster Gardens Primary School, and Donvale Primary School/Heatherwood School, all within a 2km radius of the subject site; and
- Donvale Reserve and sports oval, Doncaster Reserve, St. Clems Reserve, Bulleen Street Reserve, Boronia Grove Reserve, all within a 1.2km radius of the subject site.

### **Planning History**

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

## **2 PROPOSAL**

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

- 2.7 At Basement Level 2 – 87 x car parking spaces, 77 x storage spaces for residents, 31 x bicycle parking spaces, central lifts to level below and levels above, two stair access points, and ramps to levels below and above.
- 2.8 At Basement Level 1 – main vehicle access from Blackburn Road, 89 x car parking spaces, 37 x bicycle parking spaces, services, refuse storage, 88 x storage spaces for residents, central lifts to levels above and below, two stair access points, and ramps to levels above and below.
- 2.9 Ground level – 4 x 1 bedroom units, 14 x 2 bedroom units, and lower level of 10 x duplex-style apartments, each provided with courtyard/terraces ranging between 20.4sqm and 74.9qm in size, main pedestrian entrance and lobby via Blackburn Road, centralised lifts and stairs to levels below and above, refuse chute, vehicle access ramp to basement level car park, 4 x visitor bicycle parking spaces, mail boxes and substation.
- 2.10 Level 1 – 2 x 1 bedroom units, 13 x 2 bedroom units, 2 x 3 bedroom units, and upper level of 10 x duplex style apartments, each provided with balconies/terraces ranging between 8.1sqm and 21.5sqm in size, refuse chute, common lobby and lifts and stairs to levels below and above.
- 2.11 Level 2 – 2 x 1 bedroom units, 19 x 2 bedroom units, and 3 x 3 bedroom units, each provided with balconies/terraces ranging between 8.1sqm and 16.7sqm in size, refuse chute, common lobby and lifts and stairs to levels below and above.
- 2.12 Level 3 – 2 x 1 bedroom units, 9 x 2 bedroom units, 1 x 3 bedroom unit, and 2 x 4-bedroom units, each provided with balconies/terraces ranging between 8.6sqm and 414.4sqm, refuse chute, common lobby and lifts and stairs to levels below and above.
- 2.13 Level 4 – 3 x 1 bedroom units, 11 x 2 bedroom units, and 1 x 3 bedroom unit, each provided with balconies/terraces ranging between 8.1sq.m and 79.4sq.m, refuse chute, common lobby and lifts and stairs to levels below and above.
- 2.14 Level 5 – 4 x 1 bedroom units, 10 x 2 bedroom units, and 1 x 3 bedroom unit, each provided with balconies/terraces ranging between 8.1sq.m and 35.8sq.m, refuse chute, common lobby and lifts and stairs to levels below and above.
- 2.15 Level 6 – 3 x 2 bedroom units, and 5 x 3 bedroom units, each provided with balconies/terraces ranging between 16.2sq.m and 124.5sq.m, refuse chute, common lobby and lifts and stairs to levels below;
- 2.16 Roof – plant equipment and north-facing solar panels.
- 2.17 A communal area is proposed to be provided at ground level, on the south and eastern sides of the development providing a landscaped garden with seating.
- 2.18 The main pedestrian entry is proposed via Blackburn Road, with a ground level lobby, three central lifts and stairs.
- 2.19 Vehicle access is proposed via the existing crossover at the south-west corner of the site, off Blackburn Road. All other existing crossovers are to be reinstated.

- 2.20 A total of 250 on-site car parking spaces provided at basement levels for residents and visitors.
- 2.21 A total of 69 on-site bicycle parking provided over the ground and basement levels. Of these, there would be 56 on-site resident bicycle parking spaces and 13 visitor bicycle parking spaces.
- 2.22 The building would be of modern contemporary construction, comprising a range of building materials including select concrete finish, tile cladding, timber cladding, metal finish, applied finish and glazing. The development would have a flat roof form.
- 2.23 Fencing would be provided along the Doncaster Road and Blackburn Road frontages in the form of semi-transparent fencing and solid planters up to 2.24 metres in height (maximum).

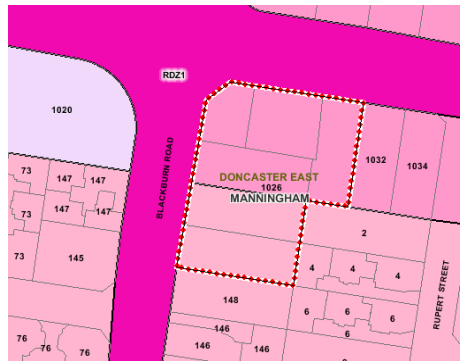
### **Relevant Legislation**

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

### **Manningham Planning Scheme (the Scheme)**

#### Zoning

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



### General Residential Zone

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

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

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

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

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

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

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

#### Residential Growth Zone

- 2.32 The **northern** portion of the subject site (which equates to approximately 2,646sqm) is located in the Residential Growth Zone. The purpose of the Residential Growth Zone (clause 32.07 of the Scheme) is:
- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
  - *To provide housing at increased densities in buildings up to and including four storey buildings.*
  - *To encourage a diversity of housing types in locations offering good access to services and transport including activities areas.*
  - *To encourage a scale of development that provides a transition between areas of more intensive use and development and areas of restricted housing growth.*
  - *To allow educational, recreational, religious, community and a limited range of other non residential uses to serve local community needs in appropriate locations.*
- 2.33 A dwelling is a section 1 use (no permit required) under the zone.
- 2.34 Pursuant to clause 32.07-7 of the Scheme, a planning permit is required to construct two or more dwellings on a lot in this zone. The requirements of clause 55 of the Scheme do not apply to a development if is over five storeys in height.
- 2.35 Pursuant to clause 32.07-7 of the Scheme (Maximum building height requirement for a dwelling or residential building) the maximum height of a residential building must not exceed the building height specified in a schedule to the zone and if no building height is specified, the maximum building height should not exceed 13.5 metres unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building should not exceed 14.5 metres.
- 2.36 Schedule 2 to the Residential Growth Zone applies to the northern portion of the subject site (Residential areas along main roads) and there is no maximum building height requirement specified in that schedule for a residential building and no decision guidelines are specified. The decision



guidelines at clause 32.07-11 of the Scheme for development in the GRZ therefore apply, noting that these are essentially the same as the decision guidelines for development within the RGZ.

- 2.37 Pursuant to clause 32.07-8 (Buildings on lots that abut another residential zone) of the Scheme, a building or works constructed abutting land in a General Residential Zone, Neighbourhood Residential Zone or Township Zone must meet the requirements of Clauses 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 of the Scheme along that boundary. While pursuant to clause 32.07-7 of the Scheme, the requirements of clause 55 of the Scheme do not apply to a development if is over five storeys in height, pursuant to clause 32.07-8 of the Scheme, the requirements of these specific ResCode clauses apply to the portion of the proposed building which abuts number 2 Rupert Street.

### Overlays

- 2.38 The subject site is covered by the Design and Development Overlay (DDO) and is affected by Schedule 8 to the DDO (DDO8). The purpose of the DDO is *to identify areas which are affected by specific requirements relating to the design and built form of new development and to implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*



- 2.39 Pursuant to the DDO and (relevant) decision guidelines at clause 42.03-5 of the Scheme, the Responsible Authority must consider, as appropriate, the following:
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
  - *The design objectives of the relevant schedule to this overlay.*
  - *The provisions of any relevant policies and urban design guidelines.*
  - *Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
  - *Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*

- *The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking.*
- 2.40 The DDO8 (Residential areas surrounding activity centres and along main roads) directs the Responsible Authority to consider the following (relevant) design objectives:
- *To increase residential densities and provide a range of housing types around activity centres and along main roads.*
  - *To encourage development that is contemporary in design that includes an articulated built form and incorporates a range of visually interesting building materials and façade treatments.*
  - *To support three storey, 'apartment style', developments within the Main Road sub-precinct and in sub-precinct A, where the minimum land size can be achieved.*
  - *To support two storey townhouse style dwellings with a higher yield within sub-precinct B and sub-precinct A, where the minimum land size cannot be achieved.*
  - *To ensure new development is well articulated and upper storey elements are not unduly bulky or visually intrusive, taking into account the preferred neighbourhood character.*
  - *To encourage spacing between developments to minimise a continuous building line when viewed from a street.*
  - *To ensure the design and siting of dwellings have regard to the future development opportunities and future amenity of adjoining properties.*
  - *To ensure developments of two or more storeys are sufficiently stepped down at the perimeter of the Main Road sub-precinct to provide an appropriate and attractive interface to sub-precinct A or B, or other adjoining zone.*
  - *Higher developments on the perimeter of sub-precinct A must be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct B or other adjoining zone.*
  - *To ensure overlooking into adjoining properties is minimised.*
  - *To ensure the design of carports and garages complement the design of the building.*
  - *To ensure the design of basement and undercroft car parks complement the design of the building, eliminates unsightly projections of basement walls above natural ground level and are sited to allow for effective screen planting.*
  - *To create a boulevard effect along Doncaster Road and Manningham Road by planting trees within the front setback that are consistent with the street trees.*
  - *To encourage landscaping around buildings to enhance separation between buildings and soften built form.*

- 2.41 Pursuant to clause 2 (Building height and setbacks) of the DDO8, building or works must comply with the requirements set out in the tables to the Schedule. A permit cannot be granted to vary the minimum land size or the configuration specified in the table and a permit cannot be granted to vary the Maximum Building Height specified in the table.
- 2.42 For sub-precinct DDO8-1 (Main Road sub precinct) and for sub-precinct DDO8-2 (Sub precinct A) the table specifies a maximum building height of 11 metres provided the minimum land size is met (1,800sqm must be in the same sub-precinct) and where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage. If the condition is not met, the maximum height is 9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the site of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres. For setbacks, the minimum front street setback and minimum side street setbacks are specified in clause 55 of the Scheme.
- 2.43 The DDO8 directs that development must meet the following:
- Form
- *Ensure that the site area covered by buildings does not exceed 60 percent.*
  - *Provide visual interest through articulation, glazing and variation in materials and textures.*
  - *Minimise buildings on boundaries to create spacing between developments.*
  - *Where appropriate, ensure that buildings are stepped down at the rear of sites to provide a transition to the scale of the adjoining residential area.*
  - *Where appropriate, ensure that buildings are designed to step with the slope of the land.*
  - *Avoid reliance on below ground light courts for any habitable rooms.*
  - *Ensure the upper level of a two storey building provides adequate articulation to reduce the appearance of visual bulk and minimise continuous sheer wall presentation.*
  - *Ensure that the upper level of a three storey building does not exceed 75% of the lower levels, unless it can be demonstrated that there is sufficient architectural interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation.*
  - *Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos.*
  - *Be designed and sited to address slope constraints, including minimising views of basement projections and/or minimising the height of finished floor levels and providing appropriate retaining wall presentation. Be designed to minimise overlooking and avoid the excessive application of screen devices.*

- *Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all mobilities.*
- *Ensure the projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties.*
- *Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site.*
- *Integrate car parking requirements into the design of buildings and landform by encouraging the use of undercroft or basement parking and minimise the use of open car park and half basement parking.*
- *Ensure the setback of the basement or undercroft car park is consistent with the front building setback and is setback a minimum of 4.0m from the rear boundary to enable effective landscaping to be established.*
- *Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces.*
- *Ensure that service equipment, building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces.*

#### Car parking and Access

- *Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback.*
- *Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open space or is appropriately screened, as is necessary.*
- *Ensure that where garages are located in the street elevation, they are set back a minimum of 1.0m from the front setback of the dwelling*
- *Ensure that access gradients of basements car parks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements.*

#### Landscaping

##### *Development must:*

- *on sites where a three storey development is proposed, include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at maturity; or*

- *on sites where one or two storey development is proposed include at least 1 canopy tree within the front setback, which has a spreading crown, and is capable of growing to a height of 8.0m or more at maturity; and*
- *provide opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form.*

Fencing

- *A front fence must be at least 50 per cent transparent.*
  - *On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn and Mitcham Roads, a fence must:*
    - *not exceed a maximum height of 1.8m;*
    - *be setback a minimum of 1.0m from the front title boundary;*
    - *and a continuous landscaping treatment within the 1.0m setback must be provided.*
- 2.44 Acknowledging the different zoning and DDO8 controls across the subject site, the following policy summary is provided:
- 2.45 The northern portion of the subject site is located in the **RGZ** and is covered by the **DDO8-1 (Main Road sub precinct)**. In terms of specific design objectives, policy at clause 21.05 of the Scheme supports a three-storey 'apartment style' development within this sub-precinct. In terms of height, the RGZ supports a height of 13.5 metres, however Schedule 2 to the RGZ specifies no maximum building height for a residential building. The height control is at the DDO8-1 which supports a maximum building height of 11 metres due to the slope of the land. The DDO8-1 height control is discretionary whereby Council can consider a variation to this height. In terms of building setbacks, the DDO8-1 prescribes a minimum front (street) setback from Doncaster Road of 6 metres, noting that the site has a secondary frontage to Blackburn Road. The DDO8 prescribes a 4 metre setback for the basement from the rear site boundaries, landscaping provision in the side and rear setbacks and fence heights of 1.8 metre maximum, with a 1 metre setback for any fence fronting Doncaster Road and Blackburn Road.
- 2.46 Pursuant to clause 32.07-8 (Buildings on lots that abut another residential zone) of the Scheme, a building or works constructed abutting land in a General Residential Zone must meet the requirements of Clause 55.04-1 (Side and rear setbacks), Clause 55.04-2 (walls on boundaries), Clause 55.04-3 (Daylight to existing windows), Clause 55.04-5 (Overshadowing open spaces) and Clause 55.04-6 (Overlooking) of the Scheme along that boundary. The requirements of these ResCode clauses therefore apply to the portion of the proposed building which has a boundary common with number 2 Rupert Street.
- 2.47 The southern portion of the subject site is located in the GRZ and is covered by the **DDO8-2 (Residential areas surrounding activity centres and along main roads)**. In terms of specific design objectives, policy supports a three-storey 'apartment style' development. In terms of height, the GRZ does not specify a height requirement. The DDO8-2 supports a maximum building

height of 10 metres and this height control is mandatory whereby Council cannot consider or approve a planning permit to vary this height. In terms of building setbacks, the DDO8-2 prescribes a minimum front (street) setback of 6 metres and a 4 metre setback for the basement from the rear site boundary, landscaping provision in the side and rear setbacks of the building, and maximum fence heights of 1.8m with a 1 metre setback for any fence fronting Blackburn Road.

#### State Planning Policy Framework

2.48 Clause 11.01-1 (Activity Centres) includes the objective:

- *To build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres.*

2.49 Clause 11.01-2 (Activity Centre Planning) includes the objective:

- *To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.*

2.50 It is a requirement of this clause, as well as other clauses within the SPPF, to have regard to the following policy documents where relevant:

- *Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004)*
- *Activity Centre Design Guidelines (Department of Sustainability and Environment, 2005)*
- *Safer Design Guidelines for Victoria (Crime Prevention Victoria and Department of Sustainability and Environment, 2005)*

2.51 Clause 15.01-1 (Urban Design) seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. Strategies towards achieving this are identified as follows:

- *Promote good urban design to make the environment more liveable and attractive.*
- *Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.*
- *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*
- *Ensure transport corridors integrate land use planning, urban design and transport planning and are developed and managed with particular attention to urban design aspects.*
- *Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.*

2.52 Clause 15.01-2 (Urban Design Principle) policy objective is:

- *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*
- 2.53 The strategy to achieve this is to apply the listed strategies to development proposals for non-residential development or residential development not covered by Clause 54, Clause 55 or Clause 56.
- 2.54 Under this Clause, Responsible Authorities are also required to have regard to the Department of Sustainability and Environment's (DSE) *Design Guidelines for Higher Density Housing*, which is referenced at Clause 15.01 of the Scheme.
- 2.55 The strategies include the application of design principles to the proposed development relating to context, public realm, safety, pedestrian spaces, energy and resource efficiency, architectural quality and landscape quality.
- 2.56 Clause 15.01-4 (Design for Safety) policy objective is:
- *To improve community safety and encourage neighbourhood design that makes people feel safe.*
- 2.57 The policy seeks to improve community safety and encourage neighbourhood design that makes people feel safe. The strategy identified to achieve this objective is to ensure the design of buildings, public spaces and the mix of activities contribute to safety and perceptions of safety.
- 2.58 Clause 15.01-5 (Cultural Identity and Neighbourhood Character) policy objective is:
- *To recognise and protect cultural identity, neighbourhood character and sense of place.*
- 2.59 The clause includes several strategies to achieve this objective, including to:
- *Ensure development responds and contributes to existing sense of place and cultural identity.*
  - *Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.*
  - *Ensure development responds to its context and reinforces special characteristics of local environment and place by emphasising:*
    - *The underlying natural landscape character.*
    - *The heritage values and built form that reflect community identity.*
    - *The values, needs and aspirations of the community.*
- 2.60 Clause 15.02-1 Sustainable development: Energy and resource efficiency has the policy objective:
- *To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*
- 2.61 The clause has the following strategies:

- *Ensure that buildings and subdivision design improves efficiency in energy use.*
  - *Promote consolidation of urban development and integration of land use and transport.*
  - *Improve efficiency in energy use through greater use of renewable energy.*
  - *Support low energy forms of transport such as walking and cycling.*
- 2.62 Clause 16.01-1 Residential development: Integrated housing policy objective is:
- *To promote a housing market that meets community needs.*
- 2.63 The clause has the following strategies:
- *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.*
  - *Ensure that the planning system supports the appropriate quantity, quality and type of housing, including the provision of aged care facilities.*
  - *Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.*
  - *Encourage housing that is both water efficient and energy efficient.*
- 2.64 Clause 16.01-2 Residential development: Location of residential development policy objective is:
- *To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.*
- 2.65 The clause includes several strategies to achieve this objective, they include:
- *Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.*
  - *Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.*
  - *Ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development.*
  - *Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.*



- *Identify opportunities for increased residential densities to help consolidate urban areas.*
- 2.66 Clause 16.01-3 Strategic redevelopment sites policy objective is:
- *To identify strategic redevelopment sites for large residential development in Metropolitan Melbourne.*
- 2.67 Specific reference is made at clause 16.01-3 to “strategic redevelopment sites” which are described as:
- *in and around Central Activity Centres;*
  - *in or within easy walking distance of Principal or Major Activity Centres;*
  - *in or beside Neighbourhood Activity Centres that are well served by public transport;*
  - *on or abutting tram, train, light rail and bus routes that are part of the Principal Public Transport Network and close to employment corridors, Central Activities Districts, Principal or Major Activity Centres;*
  - *in or near major modal public transport interchanges that are not in Principal or Major Activity Centres;*
  - *able to provide ten or more dwellings, close to activity centres and well served by public transport.*
- 2.68 Clause 16.01-4 Housing diversity policy objective is:
- *To provide for a range of housing types to meet increasingly diverse needs.*
- 2.69 Clause 16.01-5 seeks to deliver more affordable housing closer to jobs, transport and services.
- 2.70 Clause 18.01-1 Integrated Transport: Land use and transport planning policy objective is:
- *To create a safe and sustainable transport system by integrating land-use and transport.*
- 2.71 Clause 18.01-2 seeks to encourage higher land use densities and mixed use developments near railway stations, major bus terminals, transport interchanges, tramways and principal bus routes.
- 2.72 Clause 18.02-1 Movement networks: Sustainable personal transport policy objective is:
- *To promote the use of sustainable personal transport.*
- 2.73 Clause 18.02-2 Cycling policy objective is:
- *To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.*
- 2.74 The clause includes several strategies to achieve this objective including the following:
- *To require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, shopping and*

*community facilities and other major attractions when issuing planning approvals.*

- 2.75 Clause 18.02-4 – Management of the road system policy objective is:
- *To manage the road system to achieve integration, choice and balance by developing and efficient and safe network and making the most of existing infrastructure.*
- 2.76 Clause 18.02-5 Car parking policy objective is:
- *To ensure an adequate supply of car parking that is appropriately designed and located.*
- 2.77 The policy is relevant to the proposal because the application meets the minimum car parking requirements however there is a lot of objector concern relating to on-site car parking provision. The policy objective is to ensure an adequate supply of car parking that is appropriately designed and located. It is also required to allocate or require land to be set aside for car parking subject to the existing and potential modes of access, including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking. Proposals are also encouraged to facilitate the use of public transport.

#### Local Planning Policy Framework

##### Municipal Strategic Statement (MSS)

- 2.78 Clause 21.03 (Key Influences) identifies that future housing need and residential amenity are critical land-use issues. The MSS acknowledges that there is a general trend towards smaller household size as a result of an aging population and smaller family structure which would lead to an imbalance between the housing needs of the population and the actual housing stock that is available.
- 2.79 The increasing pressure for re-development raises issues about how these changes affect the character and amenity of our local neighbourhoods. In meeting future housing needs, the challenge is to provide for residential redevelopment in appropriate locations, to reduce pressure for development in more sensitive areas, and in a manner that respects the residential character and amenity valued by existing residents.
- 2.80 Clause 21.05 (Residential) of the Scheme applies to the subject site in light of the subject site being zoned General Residential and Residential Growth.
- 2.81 Clause 21.05 of the Scheme recognises that infill residential development and redevelopment of key strategic sites that consolidate the role of established urban areas and reduce developmental pressure in the areas with environmental values will be encouraged. The key emerging trend is the smaller household type and there is a need identified for a greater mix of housing in the form of medium and higher density residential developments with the latter encouraged by policy to be in close proximity to activity centres and along major roads and transport routes. Key Redevelopment sites offer urban consolidation opportunities in well serviced areas and localities. The subject site is not identified in the Scheme as a Key Redevelopment Site in Manningham.
- 2.82 Clause 21.05 of the Scheme includes key strategic directions for future residential development and of the four Residential Character Precincts at

this clause, the subject site is identified as being within '*Precinct 2 - Residential Areas Surrounding Activity Centres and along Main Roads*'. The precincts seek to channel increased housing densities around activity centres and main roads where facilities and services are available.

- 2.83 Precinct 2 (*Residential Areas Surrounding Activity Centres and along Main Roads*) applies to the areas surrounding activity centres (Bulleen Plaza, Tunstall Square, Macedon Square, Jackson Court, Donburn, Devon Plaza, Templestowe Village, The Pines and Doncaster Hill) and the areas along Main Roads. The Doncaster Hill Activity Centre is regarded as the prime location for redevelopment for residential, commercial and community uses in the municipality. The main roads identified in this precinct include Doncaster Road and Blackburn Road. These areas are developed with a range of commercial and residential uses. Whilst landscaping exists along the main roads, there are opportunities to introduce better landscaping and improve the appearance of the main roads. A substantial level of change is anticipated in Precinct 2 with these areas being a focus for higher density developments.
- 2.84 That said, policy at clause 21.05 of the Scheme also sets out the main DDO8 requirements (development style, minimum lot size and maximum site coverage) and for the Main Road and sub-precinct A the policy explicitly requires higher developments to be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct A or B or other adjoining zone.
- 2.85 Development in Precinct 2 should:
- *Provide for contemporary architecture*
  - *Achieve high design standards*
  - *Provide visual interest and make a positive contribution to the streetscape*
  - *Provide a graduated building line from side and rear boundaries*
  - *Minimise adverse amenity impacts on adjoining properties*
  - *Use varied and durable building materials*
  - *Incorporate a landscape treatment that enhances the overall appearance of the development*
  - *Integrate car parking requirements into the design of buildings and landform.*
- 2.86 The MSS therefore recognises that while there is a need to consolidate, accommodate housing growth and provide a diversity of appropriate housing, there is also a need to assess the potential impact of new development on the surrounding area and achieve an appropriate scale and form of residential development and appropriately consider its impact on neighbourhood character. Strategies also seek to ensure that development is designed to provide a high level of internal amenity for residents.
- 2.87 Clause 21.05 of the Scheme identifies the subject site as being an area of *substantial change*.
- 2.88 Clause 21.09 (Activity Centre and Commercial Areas) of the Scheme outlines that *principal, major and identified neighbourhood activity centres*

*will be the focus of increased residential growth and development.* The subject site is located outside the Doncaster Hill Principal Activity Centre where Council has actively delineated various precincts in accordance with their topographic orientation and aspect on Doncaster Hill, their relationship to main roads, and their present and future uses. Further, it is located just outside the Doncaster East Neighbourhood Activity Centre.

- 2.89 Clause 21.10 (Ecologically Sustainable Development) of the Scheme highlights Council's commitment to environmental sustainable design (ESD) and outlines a number of ESD principles to which regard must be given. These include building energy management, water sensitive design, external environmental amenity, waste management, quality of public and private realm and transport.

#### Local Planning Policy

- 2.90 Clause 22.08 (Safety through urban design) of the Scheme seeks to provide and maintain a safer physical environment for those who live in, work in or visit Manningham. The policy seeks attractive, vibrant and walkable public spaces where crime, graffiti and vandalism is minimised.
- 2.91 Clause 22.09 (Access for disabled people) of the Scheme seeks to ensure that people with a disability have the same level of access to buildings, services and facilities as any other person.

#### Particular Provisions

- 2.92 Clause 52.06 (Car Parking) of the Scheme requires that before a new use commences or the floor area or site area of an existing use is increased, that the number of car parking spaces required by the Scheme are provided.
- 2.93 For a dwelling, clause 52.06-5 of the Scheme requires the following number of car parking spaces to be provided for residents:
- 1 space to each one or 2 bedroom dwelling; and
  - 2 spaces to each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedroom); and
  - for visitors, 1 space to every five dwellings for development of 5 or more dwellings.
- 2.94 The design standards for car parking provided at clause 52.06-8 of the Scheme are required to be met unless the Responsible Authority agrees otherwise.
- 2.95 Pursuant to clause 52.29 (Land adjacent to a Road Zone Category 1) of the Scheme, a planning permit is required to alter access to a road in a Road Zone Category 1. The proposal includes alteration to the Doncaster Road vehicle access by virtue of reinstating a crossover and a realigned access to Blackburn Road and use of this as the main vehicle access for the 121 dwellings. As such, a planning permit is required under this clause and a referral is required to Vic Roads under this provision.
- 2.96 Clause 52.34 (Bicycle facilities) of the Scheme encourages cycling as a mode of transport and to provide secure, accessible and convenient bicycle

parking spaces. Clause 52.34-1 of the Scheme states that a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

- 2.97 Pursuant to clause 52.34-3 of the Scheme, in developments of four or more levels, 1 resident bicycle parking space should be provided for every 5 dwellings and 1 visitor space for every 10 dwellings.
- 2.98 The decision guidelines at clause 52.34 set out the following:
- *Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:*
  - *Whether the proposed number, location and design of bicycle facilities meets the purpose of this clause.*
  - *The location of the proposed land use and the distance a cyclist would need to travel to reach the land.*
  - *The users of the land and their opportunities for bicycle travel.*
  - *Whether showers and change rooms provided on the land for users other than cyclists are available to cyclists.*
  - *The opportunities for sharing of bicycle facilities by multiple uses, either because of variation of bicycle parking demand over time or because of efficiencies gained from the consolidation of shared bicycle facilities.*
  - *Australian Standard AS 2890.3 1993 parking facilities Part 3: Bicycle parking facilities.*
  - *Any relevant bicycle parking strategy or equivalent.*
- 2.99 Clause 52.35 (Urban Context Report and Design Response for Residential Development of Four or More Storeys) of the Scheme states that, pursuant to clause 52.35-01 of the Scheme, a development of four or more storeys must be accompanied by an urban context report and a design response. These were satisfactorily provided.
- 2.100 Clause 52.36 (Integrated Public Transport Planning) of the Scheme and specifically clause 52.36-1 of the Scheme states that an application for more than 60 dwellings must be referred in accordance with section 55 of the Act to the Director of Public Transport. The application has been referred to the Director of Public Transport (Public Transport Victoria) and their referral comments are detailed later in this report.

#### General Provisions

- 2.101 Clause 65 (Decision Guidelines) of the Scheme outlines that before deciding on an application, the responsible authority must consider, as appropriate (and relevant):
- *the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
  - *the purpose of the zone, overlay or other provision;*

- *any matter required to be considered in the zone, overlay or other provision;*
- *the orderly planning of the area;*
- *the effect on the amenity of the area;*
- *the proximity of the land to any public land;*
- *whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*

Other relevant document

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

### **3 PRIORITY/TIMING**

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

### **4 ASSESSMENT**

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

4.2 Following is an assessment of the proposal against:

- Relevant policy
- Zoning and overlay requirements (including height, design and built form policy in the Scheme)
- Off-site amenity

- On-site amenity
- Traffic, car parking and bicycle parking.

#### Relevant policy

- 4.3 When assessing the proposal against both state and local policies, there is clear support for development of the land in terms of urban consolidation and a proposed increase in density. Specific reference is made at clause 16.01-3 of the Scheme as to what constitutes a strategic redevelopment site. While the subject site is not identified in the Scheme as a Key Redevelopment Site in Manningham or a Strategic Redevelopment Site, it clearly has many of the attributes of a strategic redevelopment site identified at this clause.
- 4.4 State policy provides strategic support for consolidating urban areas which are well connected to facilities including public transport and services, especially areas which are close to an activity centre or considered by policy to be a strategic development site. The subject site is well serviced by infrastructure (including public transport) and community services. Development of the subject site would ensure efficient use of infrastructure and is consistent with state policy which directs higher density residential development to more strategic redevelopment sites.
- 4.5 The proposed development supports the key vision objectives which encourage a higher density and innovative contemporary design by providing residential development within a building in a location that is highly accessible to the community. In that regard it is consistent with policy. That said, there are land use policy objectives in the Scheme that encourage commercial uses at the lower level of buildings which have high-density above. This is not achieved in the submitted design given that a residential only use is proposed on all levels of the development.

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

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

#### Building Height

- 4.8 The **northern portion** of the subject site is located in the RGZ2 and is covered by the DDO8-1 (Main Road sub precinct). Based on the consolidated lot size for the northern portion of the site (which exceeds 1,800sqm) the DDO8 prescribes a maximum building height of 11 metres. The proposed development (a 6-storey component) has a maximum building

height in excess of 20 metres in parts. This exceeds the maximum building height by approximately 9 metres (realistically equating to approximately 2-3 levels).

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

#### Building Setbacks

- 4.14 The DDO8 prescribes a front setback of 6m (minimum) and a basement (rear) setback of 4m. These setbacks are preferred minimum requirements (in other words, a permit may be granted to vary the minimum side and rear setbacks specified in the precinct provisions) and minor buildings elements such as balconies, sunshades and screens can be constructed within the



setbacks specified, provided they are designed and located to the satisfaction of the Responsible Authority.

- 4.15 For the northern portion, the building has setbacks of 3.9m at each basement level, 0.7m at ground floor, 5.69m (3.67m to balcony edge) at first floor, between 5m and 5.3m at level 2, between 5m and 5.6m at levels 3 to 5 and a setback of 8m at level 6. These setbacks do not meet the DDO8 requirements (the required setbacks are met at level 6 only).
- 4.16 For the southern portion of the building, from Blackburn Road, the building is setback between 2.9m and 3.3m at each basement level, 5m (minimum) at ground level and 4.13m (minimum) at each upper level. In terms of the 4m rear basement setback requirement of the DDO8, the building is setback 4m (each basement level) from the boundary with 148 Blackburn Road (to the south). The building includes a 4.2m setback at each basement level to 2 Rupert Street (east).
- 4.17 The lack of compliance with the street setbacks prescribed under the DDO8 is a fundamental concern. This lack of compliance generates a scenario where considerable bulk and massing would be imposed on the street frontages. Further, it eliminates the ability to provide appropriate or meaningful soft landscaping in-ground along the street frontages.
- 4.18 In relation to side setbacks:
- For the northern portion of the building, from the eastern site boundary (1032 Doncaster Road) the proposal includes setbacks of 4.6m at each basement level, 2.5m at ground floor up to level 3, 6.5m at level 4, 8.5m at level 5 and 13.1m at level 6.
  - For the northern portion of the building, from its southern site boundary with 2 Rupert Street, the proposal includes setbacks of 4m at each basement level, 9.4m at ground floor (7.2m setback to terrace edge), 9.5m (minimum) at levels 1 to 3, 13.1m at level 4, and 15.2m at levels 5 and 6.
  - For the southern portion of the building, from its eastern site boundary (with 2 and 4 Rupert Street) the proposal includes setbacks of 4.24m at each basement level, 3m at ground floor (2m setback to balcony edges) and 9m setback at levels 1 and 2.
  - For the southern portion of the building, from its southern site boundary (with 148 Blackburn Road) the proposal includes setbacks of 5.27m (with terraces encroaching into this setback) at ground level, 5.17m (minimum) at level 1 and 2, and 9m and 34.4m at second floor.
- 4.19 Overall, the proposed setbacks are considered unreasonable for the site context and envisaged for the site under the DDO8. Neither appropriate space nor appropriate provision of screen planting along site boundaries and between buildings is achieved in the submitted form. The inability to plant in-ground screen planting above the basement levels also eliminates the ability to provide meaningful soft landscaping to appropriately screen the development.
- 4.20 In addition to the DD08 requirements, the northern portion of the site is in the GRZ and has an abuttal to 2 Rupert Street and must meet the requirements of Clause 55.04-1 (Side and rear setbacks) of the Scheme which has a

policy objective to *limit the impact on the amenity of existing dwellings*. The impact on the south and the south-east adjoining dwellings is considered unreasonable for the site context.

- 4.21 The proposed development is not considered to be site responsive to the sensitive interfaces in terms of appropriate height, setbacks and transitioning or façade articulation.

#### Form

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

#### *Context*

- 4.28 The subject site is located on the southern side of Doncaster Road which is characterised by a mix of development types. While an important component of the subject site's context is its interface to Doncaster Road and proximity to an activity centre, so too is the appropriateness of the proposed development and the built form character of the surrounding area. The DSE Guidelines require new development to be informed by a comprehensive understanding of the site context to ensure buildings respond creatively to their existing context and to agreed aspirations for the future development of the area.
- 4.29 Objective 2.1 of the DSE Guidelines and policy at clause 15.01-5 of the Scheme seek to recognise and protect neighbourhood character and sense of place by development that responds and contributes to the existing sense of place and identity. They also seek to ensure that development responds to its context and reinforces special characteristics of local environment and built form that reflect community identity. For the subject site, the 'identity' is predominantly low-rise residential built form to the south and east with larger scale commercial built form fronting Doncaster Road. Development of the subject site needs to have regard to proportion, scale and relationships that constitutes the adjoining residential character and overall it is considered that the changes shown on the plans in regard to the transitioning have not given appropriate regard for the residential built form adjoining the subject site. The design detailing would not go far enough to mitigate the scale and bulk of the proposed building when viewed from the south and south-east. The proposed development is not an appropriate response to the constraints of the subject site and does not respond to the site context or provide a reasonable level of amenity to future occupants and adjoining properties.

*Public realm and safety*

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

*Landmarks, views and vistas*

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

*Pedestrian spaces*

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

*Consolidation of sites and empty sites*

- 4.34 Site consolidation has undoubtedly created a viable development proposal which in theory could provide an improved contribution to the optimal development of the site. While the proposed building would extend across all lots it is considered to be an inappropriate response to the subject site and its physical context.

*Light and shade*

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

*Energy and resource efficiency*

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

*Architectural quality*

- 4.40 The building has been well-designed in principle and each elevation is unique and would offer a legible and coherent presentation that is dynamic and visually stimulating. Colour perspectives lodged with the application demonstrate that overall the building incorporates materials and a colour palette with a variety of textures and tones to provide a reasonable level of visual interest and articulation consistent with similar multi-unit developments in the locality. The construction materials have been well considered. Views of the building would be afforded 'in the round' and from all approaches to the site.

- 4.41 The DDO8 specifies that *the upper level of a three storey building must not exceed 75% of the lower levels, unless it can be demonstrated that there is sufficient architectural interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation.* The upper levels of the building are smaller than the ground floors, however the intent of the design guideline is to reduce visual bulk and minimise continuous sheer wall presentation. This is not fully achieved (particularly on the southern sides of the building).
- 4.42 While officers are generally supportive of the style of development, the starting points for any new development on the site (height, transitioning and setbacks) prescribed by policy have not been achieved. The articulation provided in the materials does not in this instance compensate for a built form that fails to meet other design element requirements (in other words building height and setbacks).
- 4.43 While there is policy support for a 'substantial change' for the precinct in terms of development, the level of change in the design response submitted, is not supported by policy.
- 4.44 While there is some in-principle agreement in relation to dwelling type, the resulting high yield and high density that would occur as a result of the non-compliance with the prescribed height controls and height transitioning, is not supported.
- 4.45 While the subject site fronts Doncaster Road and is on a prominent corner lot on the intersection with Blackburn Road, the site it is also located on the edge of an established residential area. The amenity of residents must be respected and protected and any infill development on a large consolidated lot must be duly mindful of the site context and sensitive interfaces. The limited setbacks and lack of appropriate height transitioning across the site do not go far enough to mitigate the scale of the building to its southern and south-eastern interfaces and when viewed from the low-rise adjoining built form.
- 4.46 The DDO8 seeks to ensure that *service equipment, building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces.* A roof plan shows the location of plant and solar panels and the basement levels show bin storage. Services are proposed to be provided within the Blackburn Road frontage. To ensure the integration of all service equipment into the design of the development, if a planning permit were to be issued, a condition would require plans to show all plant and equipment and ensure their limited visibility / screening from the street.

#### *Landscape architecture*

- 4.47 On sites where a three storey development is proposed, the DDO8 requires *at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8m or more at maturity and opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form.*
- 4.48 While there is no on-boundary construction proposed above ground, the setbacks of the basement levels would have a detrimental impact on the type

of screen planting provided at ground level and a detrimental impact on the spacing created between buildings.

- 4.49 The limited eastern setbacks would not allow any perimeter (buffer) screening along the interface with number 1032 Doncaster Road, to the detriment of new residents in the lower level east-facing dwellings. While canopy trees would be planted along the balance of the internal common boundaries, this does not go far enough to mitigate the scale of the submitted built form to its southern and south-eastern (sensitive) interfaces and low-rise adjoining dwellings.
- 4.50 Proposed planting along the street frontages is confined to planter boxes as a result of the limited building setbacks. In-ground planting of canopy trees is limited only to the north-west corner of the subject site. Given the scale of the proposed development, a meaningful level of landscape treatment is an essential element. This has not been achieved in the submitted form. Any development meeting the minimum setback requirements of the DDO8 provisions would in turn be able to provide for an appropriate level of in-ground landscaping and screen planting.

#### Off-site amenity

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

#### *Visual bulk*

- 4.53 There is a sensitive interface to the south at number 2 Rupert Street which has an area of secluded private open space within a 9 metre radius of the subject site. In addition to the DDO8 provisions, the requirements of clause 32.07-8 (Buildings on lots that abut another residential zone) of the Scheme apply specifically to this interface and the proposed development must meet the requirements of Clause 55.04-1 (Side and rear setbacks) and Clause 55.04-6 (Overlooking) of the Scheme along that boundary.
- 4.54 This interface has balconies orientated to the south however these are set back in excess of 9 metres and overall it is considered that the massing and design of this portion of the building generally acknowledges this sensitive interface.

- 4.55 There are also sensitive interfaces to the south and south-east of the subject site which includes dwellings (habitable room windows and areas of secluded private open space) within a 9 metre radius of the subject site. The southern-most portion of the development is set back from the eastern site boundary (common with numbers 2 and 4 Rupert Street) by 4.24 metres at each basement level, 3 metres at ground floor (2 metre set back to balcony edges) and 9 metres at levels 1 and 2. The development is setback from the southern site boundary (common with numbers 148 Blackburn Road) by 5.27 metres (with terraces encroaching into this setback) at ground level, 5.17 metres (minimum) at level 1 and 2 and by 9 metres and 34.4 metres at the second floor (noting that the latter is essentially the setback for the 6-storey building component).
- 4.56 There are east-facing balconies and while they would be set back from the eastern site boundary by 9 metres, they are not easily distinguishable from the wall of the building and would present more as a continuous line with some variation in construction materials but limited setback variations. Visual bulk and off-site amenity impacts are considered to be unreasonable for the site context and the massing of this portion of the proposed building is not considered to go far enough to limit off-site amenity impacts on the east adjoining residential zone. The proposed development in its submitted form is not considered to be appropriately site responsive and does not adequately take into account the expectations of adjoining residential amenity.

*Overshadowing and loss of light to surrounding properties*

- 4.57 The DDO8 does not specifically consider overshadowing or loss of light to adjoining dwellings, however a design objective requires consideration of *ensuring the design and siting of dwellings to have regard to the future development opportunities and future amenity of adjoining properties*, and that *height and form of buildings of 2 or more storeys are sufficiently stepped down at the perimeter of the Main Road sub precinct to provide an appropriate and attractive interface to sub precinct A or B or other adjoining zone*.

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

reduction in sunlight on the existing use of the existing secluded private open space would have.

- 4.58 Submitted shadow diagrams demonstrate that existing boundary fencing and built form of the south adjoining dwelling cast shadows over its north-facing habitable room windows and private open space along its fence line throughout the day (between 9am and 3pm). Proposed shadows demonstrate that for the south adjoining dwelling, additional shadows would be limited generally to along the driveway and fence line, with marginal increases in shadows to the rear secluded private open space area but again limited to along the fence line. Obviously, due to the fact that the subject site is undeveloped in the southern portion (an at-grade car parking area exists) existing shadows to the south-east adjoining dwellings (2 and 4 Rupert Street) are limited to boundary fencing. The proposed development would create additional shadows to these properties from 1pm when areas of open space along fence lines would be affected. While the secluded private open space area at the rear of number 2 Rupert Street would be limited to additional shadows cast along fence lines, it is the rear secluded private open space for the rear most dwelling at 4 Rupert Street that would be most adversely affected because of its orientation and relatively small area of private open space. Approximately half of its secluded private open space area would be overshadowed from 1pm, approximately three-quarters would be overshadowed at 2pm and from 3pm almost the entire area of secluded private open space would be in shadow.
- 4.59 Again, due to the limited development on site currently, existing shadows to the east adjoining dwelling at 1032 Doncaster Road are limited to boundary fences. Proposed shadow diagrams demonstrate that from 1pm onwards additional shadows would be cast along the western fence line of this east adjoining dwelling and within its side and rear setbacks. The building is being used for non-residential purposes however and as such technically the standard does not apply.
- 4.60 In terms of site context, the subject site and surrounds are located in an urban location and as such some degree of overshadowing to adjoining land is inevitable. That said, requiring the proposed development to be redesigned in this south-east corner at least in order to alleviate overshadowing to 4 Rupert Street and beyond to 2 Rupert Street is not considered unreasonable, especially given that the standard and objectives at clause 55.04-5 (Overshadowing open space) directly apply to this interface. If height transitioning and setbacks were provided along the southern wall of the 6-level component of the building and along the eastern wall of the 3-level component of the building, in line with the DDO8 requirements, overshadowing to adjoining dwellings would ultimately be reduced.

#### *Overlooking*

- 4.61 The requirements of Clause 55.04-6 (Overlooking) of the Scheme apply to the portion of the proposed building which has a boundary common with number 2 Rupert Street. Although ResCode does not apply to this application as a whole, the overlooking standard is an accepted planning principle to assess the impact of the proposal on adjoining properties.
- 4.62 Standard B22 of clause 55 of the Scheme applies to views within a horizontal distance of 9m and a 45 degree arc, and seeks to avoid direct views within



this distance. This is further supported by the DSE Guidelines (objective 2.9). The DDO8 (design objective) requires buildings to *be designed to minimise overlooking and avoid the excessive application of screen devices*.

- 4.63 The proposed development includes balconies and windows that are oriented to the south, east, west and north. A significant number of the new dwellings would need to have screened windows and screened terraces in order to limit overlooking opportunities to existing dwellings within a 9 metre radius of the site. Details would ultimately be required to ensure that overlooking to adjoining dwellings within a 9 metre radius of the site is limited while solar penetration to dwellings on-site is not unduly compromised acknowledging that east-facing dwellings within the 3-level component of the development are single-aspect. Further, visual bulk as a result of terrace screens requires more consideration, particularly on the south-eastern interface.

#### *Noise*

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

#### On-site (internal) amenity

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

#### *Building layout and design*

- 4.66 An objective of the DSE's Guidelines is to ensure that a good standard of natural light and ventilation is provided to internal building spaces. The Guidelines encourage the provision of direct light and air to all rooms wherever possible and encourage direct natural light and ventilation to all habitable rooms in the form of operable windows. The 'borrowing' of light and air should be avoided, particularly in ventilating. It is recognised that this may not always be possible for bedrooms.
- 4.67 The proposed development includes a mix of dwelling sizes. The building layout allows upper level dwellings (level 2 upwards) reasonable access to natural daylight, however a high proportion of the dwellings would be single-aspect, with an east or westerly aspect. Some of the lower level dwellings would have a compromised level of sunlight penetration due to them being single-aspect, orientated east or west and long and narrow in size and layout. The lower level north-facing dwellings fronting Doncaster Road would also have a compromised level of sunlight penetration due to the front retaining walls. A substantial internal re-design and a loss of a number of dwellings would be required to alleviate this issue.

- 4.68 In relation to outdoor space, generally the recommended minimum area for a secluded private open space in a multi-unit development is 8 square metres. While all dwellings would be provided with a minimum terrace size of 8 square metres, their size, design and orientation are not ideal for a good amenity outcome.
- 4.69 A communal area is proposed to be provided at ground level. This area is not easily identified (it is located at the rear of the building) or designed (while some seating and tables are provided, the balance is along fence lines and therefore the usability is questionable). In addition, access to it is convoluted (a small pedestrian door is provided in the building's southern wall and would require walking around the south and eastern perimeters of the building). While the site context does offer other benefits such as its proximity to services and facilities, and while the provision of communal open space in principle is supported, it has no real merit in its submitted form.
- 4.70 Other communal areas are generally well located and designed to be easily recognisable and accessible for all residents, which is a requirement of the DDO8 (which seeks to *ensure design solutions respect the principle of equitable access at the main entry of any building for people of all motilities*). The design response does not include a portico or any formal ground level entrance (in line with DDO8 requirements), moreover the main pedestrian entry to the building is via a paved pathway on the Blackburn Road frontage. The width and internal gradients of the entrance foyer are adequate to accommodate prams and wheelchairs, however it is relatively small in size and no formal lobby area is provided. Lift access to all levels is provided from the basement car parks and from the main entrance foyer. Most dwellings (save the duplex dwellings fronting Doncaster Road) have a single-floor layout and given that the building is serviced with lifts, all dwellings could be adequately accessed by people with limited mobility.
- 4.71 Not all dwellings are large enough to provide adequate storage internally. Storage areas for dwellings are provided at basement level (and are a minimum of 6 cubic metres) however the majority of storage cages are located above-bonnet, at the rear of each car parking space and some are impractically located within the corners of the basement and access to them would be impeded by parked vehicles. An allocation schedule has not been submitted. A reconfigured layout for the basement levels would be required to alleviate this issue.
- 4.72 In relation to internal views, screening between balconies is 1.7 metre or 1.8 metre in height or in the form of full height walls. Internal views have largely been designed-out although this creates in some instances tunnelled views and compromised solar access to dwellings.
- 4.73 Council is not in a position where it can directly control the number of dwellings in the development (as 'dwelling' is as-of-right use in the residential zones) or set smaller parameters in terms of built form than those outlined in the DDO8. That said, the dwellings are typical layouts (single aspect and battle axe) where there may be a compromised supply of natural light to habitable rooms for many of the dwellings and minimal size of private open space. While height transitioning needs to be addressed, this is unlikely to result in complete reconfiguration of dwellings. Notwithstanding the urban context, on balance, there is an unacceptable level of amenity for future residents within the proposed development.

*Circulation and services*

- 4.74 In relation to corridor widths, the DSE Guidelines recommend a width of 1.8 metres. All corridor widths are approximately 1.75 metres widening to 2 metres at the entrance foyer and 4 metres around the lift entrances. On the southern side of the development, at the end of the corridor at each level of the building, are operable windows which would provide some ventilation and natural daylight at the end of each corridor, resulting in a good amenity outcome for some residents.
- 4.75 Vehicle access to the basement car parking is provided from Blackburn Road (realignment of an existing crossover in the south-west corner of the subject site). The proposed car parking and services provided (including bin storage) would be hidden from public view. Site services are located to allow for ease of service (a substation would front Blackburn Road and be located behind the bus stop) and maintenance by private contractors.

## Traffic, car parking and bicycle parking

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

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

*On-site parking provision*

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

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

- 4.79 The applicant submits that the rate for a '2 bedroom plus study' dwelling is 1 space while officers have calculated this to be 2 spaces per dwelling based on the clarification provided at table 1 of clause 52.06 referencing "with studies or studios that are separate rooms counted as a bedroom". In other words, the applicant calculates the total number of resident car parking spaces to be 136 while officers calculate it to be 179 (a difference of 43 car parking spaces).
- 4.80 For visitors, the Scheme requires the provision of 24 on-site car parking spaces for the 121 dwellings based on a rate of 1 per 5 dwellings.

- 4.81 In total, the Scheme therefore requires 179 on-site car parking spaces for residents and 24 on-site car parking spaces for visitors, equating to a total of 203 car parking spaces.
- 4.82 The proposed development provides a total of 250 on-site car parking spaces across 3 basement levels (74 car parking spaces at basement 1, 87 car parking spaces at basement 2 and 89 at basement 3) of which 24 are visitor spaces. Regardless of the rate calculations, the Scheme requirements are met. No formal allocation schedule has been submitted with the application.

*Provision of 3 basement levels of parking*

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

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

Design Standard	Met/Not Met
	<p>by way of conditions on any permit issued.</p> <p>Council's traffic engineers raise concern in relation to the location of several car parking spaces within the development (next to blind aisles, lift entrances etc). An allocation schedule has not been submitted. Two adjacent car spaces to each 3 and 4 bedroom dwelling is recommended.</p> <p>Car spaces for people with disabilities must be provided in accordance with DDA requirements (recommended in Basement 1 so that visitors have access to the disabled car spaces) and in accordance with AS/NZS 2890.6:2009.</p> <p>Bin storage is provided at basement level 1 which is hidden from public view. The size and capacity of the storage area to accommodate the 121 dwellings is questionable.</p>
3 - Gradients	<p><b>Not Met</b></p> <p>The transition length for the 1:6 grade in Basement 1 Floor Plan - TP1.02 Rev C is less than 2m. The minimum transition length must be 2m to comply with Design Standard 2 of Clause 52.06-8.</p> <p>Basement 1 Floor plan - Car spaces 35 to 40 and 43 to 48 are accessible from a ramp of grade 1:16. The driveway grade must be parallel to the angle of parking. Floor levels and grades of these car spaces must be in comply with clause 2.4.6 of AS/NZS 2890.1:2004.</p> <p>Basement 2 Floor plan - Car spaces 74 to 79 and 80 to 87 are accessible from a ramp of grade 1:16. The driveway grade must be parallel to the angle of parking. Floor levels and grades of these car spaces must be in accordance with clause 2.4.6 of AS/NZS 2890.1:2004.</p> <p>Basement 3 Floor plan - Car spaces 74 to 79 and 80 to 87 are accessible from a ramp of grade 1:16. The driveway grade must be parallel to the angle of parking. Floor levels and grades of these car spaces must be in accordance with clause 2.4.6 of AS/NZS 2890.1:2004.</p>
4 – Mechanical Parking	<p><b>Not Applicable</b></p> <p>No mechanical car parking (stackers) is proposed.</p>
5 – Urban Design	<p><b>Mostly Met</b></p> <p>The entrance to the car park would not visually dominate the public realm and the access would be set</p>

Design Standard	Met/Not Met
	<p>back 10.6 metres from the Blackburn Road frontage.</p> <p>Vehicle access and the safety of pedestrians using the footpath is paramount and details of the sight lines (to ensure soft landscaping does not obscure oblique views of the entrance) are required to ensure safe vehicle and pedestrian movement.</p>
6 – Safety	<p><b>Not Met</b></p> <p>Internally, the car park has aisle widths of 6.4m and ramp widths of 6.2 metres that provide an appropriate level of visibility and safety for pedestrians. The practicality and safety of residents utilizing the car and bicycle parking spaces, storage cages and staircase is a concern of officers which would only be alleviated through a reconfigured basement design.</p> <p>Lighting is not shown on plans. This is a design detail that could be addressed by way of a condition if a permit were to be issued. Details of lighting, signage and line markings would be required to be submitted to ensure user safety.</p>
7 – Landscaping	<p><b>Not Applicable</b></p> <p>Given the basement location of the car parking, internal landscaping (or provision of any water sensitive urban design treatment) is neither required nor appropriate.</p>

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

*Bicycle parking*

- 4.87 Pursuant to clause 52.34-3 of the Scheme, in developments of four or more levels, 1 resident bicycle parking space should be provided for every 5 dwellings and 1 visitor space for every 10 dwellings.
- 4.88 For the proposed development the Scheme therefore requires a total of 36 spaces (24 resident spaces and 12 visitor spaces) to be provided on-site.

- 4.89 The proposed development provides a total of 69 on-site bicycle parking spaces including 56 resident spaces and 13 visitor spaces of which four (4) spaces are provided external to the building at the Blackburn Road frontage. The balance of the bicycle parking spaces are located within basement levels (a non-enclosed, non-secure storage area is provided at basement 1 and an enclosed, secure storage area is provided at basement 2) in the form of wall-mounted fixed racks. The number of bicycle spaces provided on site exceeds the Scheme's requirements.
- 4.90 The Scheme requires the provision of one (1) change room or direct access to a communal change room to each shower to be provided within the proposed development. This is not provided on site, however for a residential development the non compliance of this is not considered to be critical or create any unreasonable on-site amenity impacts to future residents.
- 4.91 In terms of the design of the bicycle spaces (requirement at clause 52.34-4 of the Scheme) and access and practicality, residents could utilise the pedestrian access and pedestrian lift to gain access down to the basement levels and access the bicycle storage areas in the south-eastern corners of the car parks. Alternatively, residents would utilise the vehicle access ramp into the basement levels, which raises obvious safety concerns. The publicly located visitor bicycle parking spaces are accessible and, while non-secure, would benefit from active surveillance from the roads and footpaths. Overall, the bicycle parking provided is considered to be conveniently located without creating any undue hazards or having any unreasonable interference from obstacles within the building. Lighting and signage would be a consideration of the design detailed stage and appropriately conditioned on any permit issued.

## 5 CONSULTATION

### Advertising

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

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

5.3 Objections were received from the following:

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

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

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

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

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

5.6 A full assessment against the relevant guidelines is provided in the assessment section of this report. In terms of visual bulk and loss of sunlight,



it is considered that the development in its submitted form does not provide appropriate height transitioning across the site or to adjoining residential land, thereby resulting in visual bulk to adjoining dwellings to the south and south east, which is unreasonable for the site context.

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

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

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

*Traffic*

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

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

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

- 5.20 In terms of pedestrian safety, the application has been referred to Council's traffic engineering unit and to Vic Roads and PTV. The submitted proposal does not demonstrate that appropriate sightlines are provided.

### Referrals

#### *External*

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

#### *Internal*

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

<b>Services Unit</b>	<b>Comments</b>
Traffic Engineering	<p>Require the following to be shown on plans:</p> <ul style="list-style-type: none"> <li>• All runoff directed to the point of discharge.</li> <li>• Provision of on-site storm water detention storage.</li> <li>• New vehicle crossing constructed subject to standard conditions and a footnote requiring a "Vehicle Crossing Permit".</li> <li>• Existing crossings removed and the nature strip / kerb and channel / footpath reinstated.</li> </ul> <p>The Responsible Authority for care and management of Doncaster Road and Blackburn Road is Vic Roads. The relocation of the existing bus stop must be to the satisfaction of PTV (relocation further north is not recommended given the proximity to the intersection of Blackburn Road and Doncaster Road).</p>
Waste Services	<p>Require prior to the issue of the permit:</p> <ul style="list-style-type: none"> <li>• the developer to demonstrate that a private waste collection vehicle has relevant height clearances (specifically at the basement garage door entrance) so when the garage door is open the door is not obstructing access to the basement.</li> </ul>

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

Services Unit	Comments
	<p>connected).</p> <ul style="list-style-type: none"> <li>• Include overflow to detention via gravity flow.</li> <li>• Reflect on latest plans roof area of 2,380m<sup>2</sup> harvested for minimum 65,000L rainwater storage and connection to toilet numbers from 100 bedrooms and irrigation (as per STORM report).</li> </ul>

## 6 CONCLUSION

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

## RECOMMENDATION

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

- (A) **The proposed development exceeds the height controls required by Schedule 8 to the Design and Development Overlay.**
- (B) **The proposed development fails to fully achieve the purpose of the Residential Growth Zone and the General Residential Zone, is not site responsive and does not provide a scale of development that is justified or appropriately transitions from the street frontages to the south and south-eastern interfaces which are located in the General Residential Zone.**

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

**MOVED: O'BRIEN**  
**SECONDED: YANG**

**That the Recommendation be adopted.**

**CARRIED**

**DIVISION**

A Division having been demanded the Council divided as follows:

FOR (9): Councillors Galbally, Downie, Yang, O'Brien, Haynes, Gough, Grivokostopoulos, Kleinert & McLeish.

AGAINST (0): Nil.

**THE MOTION WAS DECLARED CARRIED**

"Refer Attachments"

\* \* \* \* \*

## 8.2 Planning Application No. PL15/024973 for 13-15 May Street, Doncaster East - Construction of fifteen (15) dwellings comprising eleven (11) three storey dwellings and four (4) two storey dwellings with associated car parking at 13-15 May Street, Doncaster East

Responsible Director: Director Planning & Environment

File No. PL15/024973

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

<b>Land:</b>	13 May Street, Doncaster East 15 May Street, Doncaster East
<b>Zone</b>	General Residential Zone Schedule 2 (GRZ2) Design & Development Overlay Schedule 8 (DD08)
<b>Applicant:</b>	Sky Hao Architects
<b>Ward:</b>	Koonung
<b>Melway Reference:</b>	34B11, 34C11, 34B11, 34B12
<b>Time to consider:</b>	26 October 2015

### SUMMARY

*It is proposed to develop two residential lots known as 13 and 15 May Street, Doncaster East with a total of fifteen (15) dwellings.*

*More specifically, the proposal consists of eleven (11) three-storey dwellings and four (4) two-storey dwellings with associated car parking.*

*Given the combined lot area of 2000 square metres, the Schedule 8 to the Design and Development Overlay (DD08) provides for development of the land up to a mandatory height of eleven (11) metres. The proposed dwellings range in overall maximum building height from 5.7 metres to 10.4 metres.*

*The application was advertised and attracted two (2) objections. The grounds of objection include: overshadowing, impact to existing boundary fencing, insufficient on-site car parking, traffic implications, demolition and construction management concerns.*

*The proposal is an example of the higher density, contemporary architecture contemplated by the Manningham Planning Scheme for this site as expressed in the Schedule 8 to the Design and Development Overlay (DD08). The proposal minimises off-site amenity impacts by meeting the car parking requirements of Clause 52.06 Car Parking (including three (3) visitor car parking spaces), providing good buildings setbacks at all levels and creating opportunities for meaningful perimeter landscaping. Some minor concerns of officers with regard to internal amenity are resolvable by permit condition.*

*It is therefore Council officers' recommendation to support the application, subject to conditions.*



## 1 BACKGROUND

- 1.1 The subject site comprises two lots known as 13 and 15 May Street, Doncaster East. The lots are legally described as: Lot 19 on LP 23320, Volume 7940 Folio 189 and Lot 20 on LP 23320 Volume 7803 Folio 085.
- 1.2 The site has a western, front boundary and a rear, eastern boundary of 36.6 metres. The length of side boundaries, north and south, are 54.64 metres and 54.43 metres, respectively. The total site area is 2000 square metres.
- 1.3 The site rises from its front, southern corner to its rear, northern corner by 3.7 metres.
- 1.4 No easements or covenants affect the site.
- 1.5 Each lot currently accommodates one single storey brick dwelling with pitched, tiled roofing. Both dwellings are positioned centrally on each allotment. Both lots have two outbuildings to their rear and vehicle access for both is via crossovers and driveways positioned adjacent to their respective northern boundaries.
- 1.6 Minimal paved areas exist in either open space with open expansive lawn areas characterising both rear yards. A small number of scattered trees are located in the rear yard of both dwellings. The lot at No 13 May Street has a large English Oak tree adjacent to its rear boundary.
- 1.7 There is no fencing across either frontage. Overgrown trees and shrubs are scattered across the front setback, particularly of No. 15 May Street, screening views of existing buildings from the streetscape.
- 1.8 The height of boundary fencing varies across the site. Two (2) metre high timber palings line the rear boundary, while side boundaries having fencing ranging in height from 1.5 metres to 1.65 metres.
- 1.9 An established Paperbark tree and an immature Pear tree are located within the nature strip forward of the site. A Council parking restriction pole and sign is also positioned here.
- 1.10 The site has boundaries common with four (4) properties, as follows:

Direction	Address	Description
South	No. 11 May Street	<ul style="list-style-type: none"> <li>The lot is 991 sqm (approx).</li> <li>It accommodates a double fronted, single storey, weatherboard dwelling with tiled pitched roofing. The dwelling has a 17 metre setback to the front of the site.</li> <li>An attached carport and brick garage is situated to the south-east of the dwelling adjacent to its southern boundary.</li> <li>Across its northern side, the dwelling is stepped so that it has multiple setbacks to the boundary common with the subject site. At its minimum,</li> </ul>

Direction	Address	Description
		<p>the dwelling is set back by 3 metres increasing to a maximum 6.5 metres.</p> <ul style="list-style-type: none"> <li>• The dwelling has a total of four (4) windows across its northern side which face towards the subject site. Two of these windows are to habitable rooms, and two of these are to non-habitable rooms.</li> <li>• Similar to the subject site, this lot has a large open lawn area characterising its secluded private open space.</li> <li>• An established Golden Elm tree is situated in the front setback no more than 4 metres from the front title boundary.</li> </ul>
<b>North</b>	No. 17 May Street	<ul style="list-style-type: none"> <li>• The lot is 298 sqm (approx).</li> <li>• It accommodates one compact double storey townhouse constructed of brick with tiled pitched roofing. An upper level verandah provides an outlook onto May Street. An attached double car garage is accessed via a crossover and driveway situated at the southern end of the lot's frontage.</li> <li>• Habitable room windows are situated across the southern side of this dwelling at both ground and upper levels.</li> <li>• The lot's secluded private open space is situated to its north-east.</li> <li>• The front setback is characterised by paving softened by a small strip of lawn and small manicured low level planting.</li> </ul>
	No. 2-4 George Street	<ul style="list-style-type: none"> <li>• The lot is 1471 sqm (approx).</li> <li>• A large homestead style, single storey brick dwelling with tiled, hipped roofing stretches the width of the allotment.</li> <li>• The dwelling is used as a medical centre providing a range of health services, including medical imaging.</li> <li>• A large setback of 20 metres is</li> </ul>

Direction	Address	Description
		<p>provided to George Street in which a large open air car park is located. Some small garden beds with low to medium level planting are positioned along the front title boundary.</p> <ul style="list-style-type: none"> <li>• A minimum setback of 1.65 metres is provided to the boundary common with the site, excluding a verandah. The verandah itself is positioned adjacent to the shared boundary.</li> <li>• A number of air conditioning units are positioned on the rooftop of the medical centre set back by only a few metres from the common boundary with the site.</li> </ul>
<b>East</b>	No. 233 Blackburn Road (2 lots)	<ul style="list-style-type: none"> <li>• The combined total of the lots is 1776 sqm (approx).</li> <li>• Both lots form part of the open air concrete car park associated with the Taipan Restaurant.</li> <li>• Vegetation of various maturities is located adjacent to the boundary common with the site, including a Pin Oak tree that is positioned about 3.5 metres from the western boundary.</li> <li>• The site is currently the subject of a separate planning application which is being managed by the same permit applicant and progresses the construction of a four storey apartment building and a series of three storey townhouse style dwellings with associated basement car parking. Plans have been advertised. That application has not been determined to this time.</li> </ul>

- 1.11 The subject site is located within a diverse streetscape which comprises a mix of older, more traditional suburban housing, unit development from the 1990s and early 2000s and an emergence of more modern development, such as the small apartment building on the south-west corner of the May and George Street intersection.
- 1.12 Due to the absence of solid, high level fencing, the eastern side of May Street has a more open feel than the west side in the vicinity of the subject site.

- 1.13 The landscape character of the surrounding area is similarly diverse. A number of established exotic trees, such as various species of Oaks, are scattered across the neighbourhood.
- 1.14 May Street is a local street with a width between kerbs of approximately 8 metres. Parking is permitted on both sides. While the west side of May Street is unrestricted, there are 1 hour parking restrictions applicable 8am – 6pm Mon - Sunday (resident permit exceptions) on the east side of May Street.
- 1.15 May Street connects to George Street to the north and Blackburn Road to the south-east. George Street is a collector road in the local road network which, in the vicinity of the site, provides a single traffic lane in each direction.
- 1.16 The site is exceptionally well located to the Donburn Neighbourhood Activity Centre at a distance of between 220-250 metres. An extensive range of bus services are available along George Street and Blackburn Road. Bus stops along these main roads are all within 250-300 metres. The site provides access to the Melbourne Central Activity District, Westfield Doncaster, train stations at Heidelberg, Mitcham and Box Hill and to a large range of local schools and inner city schools.
- 1.17 Doncaster East Secondary College is positioned within 200 metres from the site. Dryden Reserve, a neighbourhood park with playground equipment and Zerbes Reserve, a larger open space with sporting grounds, are situated within 700 metres of the site.

#### **Planning History/Application History**

- 1.18 There is no relevant planning permit history for the subject site.
- 1.19 The proposal was presented to a Sustainable Design Taskforce meeting on 9 April 2015 where the application was generally well received. The main area of feedback related to improving internal amenity.

## **2 PROPOSAL**

- 2.1 It is proposed to demolish the existing dwellings and all other buildings on the site, and remove all vegetation in order to construct a total of fifteen (15) dwellings with associated car parking.

#### **Dwelling Breakdown**

- 2.2 The proposal for fifteen dwellings consists of eleven (11) three-storey dwellings and four (4) two-storey dwellings.
- 2.3 The development is proposed to be configured in two rows of attached built form along the length of the site. In this regard, Dwellings (labelled) 1, 2, 5-10 are to be situated along the northern side of the site, while Dwellings 3, 4 and 11-15 are to be positioned along the southern side of the site. The two rows are physically separated by the one, centrally located vehicular crossover and accessway. This accessway will service all dwellings, their respective garages and the three (3) visitor spaces at the rear of the site.
- 2.4 The proposed two storey dwellings are Dwellings 3, 7, 11 and 14. These are to be situated within the two rows of attached built form thereby offering visual breaks when viewing the development from neighbouring properties located on either side of the site. All other dwellings are proposed as three-storey.

2.5 A summary of the dwelling breakdown is provided in the table below:

Dwelling No.	No. of Storeys	No. of Bedrooms	No. of Car Parking Spaces
1.	Three	3	2
2.	Three	3	2
3.	Two	3	2
4.	Three	3	2
5.	Three	3	2
6.	Three	3	2
7.	Two	3	2
8.	Three	3	2
9.	Three	2	1
10.	Three	2	1
11.	Two	3	2
12.	Three	3	2
13.	Three	3	2
14.	Two	3	2
15.	Three	2	2

### **Street Setbacks**

#### Western Boundary

2.6 Dwellings 1 and 2 will have a streetscape presentation to May Street. Both dwellings are proposed to have a minimum street setback of 6 metres at ground level, increasing to 6.6 metres at the first level and 8.2 metres at the second level. Balconies to both dwellings would encroach into this setback at the first level.

### **Rear/Side Setbacks**

#### Eastern Boundary

2.7 Minimum wall setbacks to the eastern boundary, otherwise known as the boundary common with the Taipan Site at No. 233 Blackburn Road, are as follows:

2.7.1 Ground Level – 3.86 metres (Dwelling 10);

2.7.2 Second Level – 3.34 metres, with a 2.88 balcony setback (Dwelling 10);

2.7.3 Third Level – 3.94 metres (Dwelling 10).

Northern Boundary

- 2.8 Minimum setbacks to the northern boundary, otherwise known as the boundary common with 17 May Street and 2-4 George Street, are as follows:
- 2.8.1 Ground Level – 3.56 metres (Dwelling 10);
  - 2.8.2 Second Level – 4.64 metres (Dwelling 10); and
  - 2.8.3 Third Level – 4.64 metres (Dwelling 10).

Southern Boundary

- 2.9 Minimum setbacks to the southern boundary, otherwise known as the boundary common with 11 May Street, are as follows:
- 2.9.1 Ground Level – 3.9 metres (Dwelling 2);
  - 2.9.2 Second Level – 2.5 metres (Dwelling 4); and
  - 2.9.3 Third Level – 5 metres (Dwelling 12).

**Materials/Colours/Finishes**

- 2.10 The proposed dwellings will be constructed with a range of building materials and finishes with a range of textures and colours. It is proposed to draw on a combination of face brickwork (dark brown), rendered brickwork (dark grey and white), cladding (timber, bronze and *Colorbond* – dark grey), glazing and solid balustrading. Detailed finishes such as to garage openings and patterned concrete treatments are also proposed.

**Building Heights**

- 2.11 Due to the combination of two and three storey developments across the two rows of attached built form, the development steps up and down across both northern and southern elevations.
- 2.12 The proposed development has a maximum building height of 10.4 metres above natural ground level. This occurs at Dwelling 2's south-west corner (see the western, streetscape elevation of the advertised plans). Dwelling 1, also across the May Street streetscape, has a maximum building height of 9.95 metres above natural ground level.
- 2.13 Across the northern row of dwellings, building heights vary from the front of the site (Dwelling 1), being 9.1 metres, to 5.9 metres to 8.62 metres to 5.7 metres, rising up to 8.9-9 metres (Dwelling 10).
- 2.14 Across the southern row of dwellings, building heights vary from the front of the site (Dwelling 2), being 10.4 metres, to 9.6 metres to 7.5 metres to 9.6 metres to 7.3 metres and rising up to 9.5 metres (Dwelling 15).
- 2.15 New 1.8 metre high boundary fencing is proposed along the full length of the southern and northern boundaries. The rear, eastern boundary is to be unfenced. A plan notation explains that it is intended that the development on the adjoining land (Taipan site) will be spatially connected to the subject site, rather than fenced off.

**Vehicle Access**

- 2.16 Access to all dwellings is proposed via the one, centrally located crossover and accessway.

- 2.17 The crossover is proposed to be 5.5 metre wide and will require alteration to one of the two existing crossovers to the site. The other is proposed to be removed.
- 2.18 The accessway will be 5.5 metres wide for the first 3.75 metres and will then reduce in width to 3 metres for a short distance, before increasing to 6.4 metres.
- 2.19 The accessway is proposed to service a total of thirty (30) vehicles, including twelve double car garages, three single car garages and three visitor car spaces. The finished surface level of the accessway, garages and visitor car parking spaces varies but ramps upwards with the rise in the land.
- 2.20 A patterned concrete treatment is to be applied to the common accessway and to visitor car parking spaces. The materials schedule indicates that three different patterned treatments are to be applied, although it is not clear from the plans as to which will apply where. **Condition required.**

#### **Pedestrian Access**

- 2.21 Each dwelling would have its own pedestrian access from one of the two pedestrian accessways provided. Both pedestrian paths link up to the May Street footpath.
- 2.22 A 1.2 metre wide pedestrian path is proposed adjacent to the northern boundary, on the northern side of the northern row of dwellings. A 1.2 metre wide pedestrian path is proposed adjacent to the southern boundary, on the southern side of the southern row of dwellings.
- 2.23 Landscaping is proposed on either side of the pedestrian pathways, with sizeable landscape strips adjacent to site boundary and opportunities for lower level landscaping adjacent to front entries. Each dwelling is also proposed to have a 1.2 metre high concrete blockwork front fence to demarcate "future" private title.

#### **Earthworks**

- 2.24 In order to facilitate the proposal, some earthworks will be required. A cut of up to one (1) metre is necessary at the rear of the site. To this end, a retaining wall is proposed along the length of the boundary with 233 Blackburn Road.
- 2.25 Along the northern boundary, a site cut of up to 1.4 metres will also be required. Retaining walls to manage this cut are shown on the proposed site plan. They extend along the full length of this boundary. Retaining walls are to be set back a distance of at least 1.1 metres from the side boundary to allow for landscaping to be planted at natural ground level (i.e. on top of the retaining wall).

#### **Site Coverage/Impervious Surface Calculations**

- 2.26 The site coverage for the overall proposal is indicated to be 48%.
- 2.27 The impervious site area is shown to be 32%.
- 2.28 In support of the planning application, the following documentation was submitted:
- 2.28.1 Architectural and colour perspective drawings, as prepared by Sky Hao Architects, dated 30 June 2015.

- 2.28.2 Planning Report, including Rescode Assessment, prepared by Melbourne Planning Solutions, dated 10 June 2015.
- 2.28.3 A Concept Landscape Plan, as prepared by Thai Tongue, dated 1 July 2015.
- 2.28.4 An Arborist Report, prepared by BlueGum, dated 28 December 2014.
- 2.28.5 A Traffic Impact Assessment, as prepared by TTM, dated 20 July 2015.
- 2.28.6 Waste Management Plan (WMP), Leigh Design, 3 June 2015.
- 2.28.7 An Infrastructure and Spatial Report, dated 29 April 2015.
- 2.28.8 A Feature Survey Plan, prepared by Victorian Survey Group, dated 12 November 2014.

### **PRIORITY/TIMING**

- 2.29 The statutory time for considering a planning application is 60 days. Allowing for the time taken to advertise the application, the statutory time lapses on 26 October 2015.

### **3 RELEVANT LEGISLATION**

- 3.1 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.
- 3.2 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.
- 3.3 Section 61(4) of the Act makes specific reference to covenants. The subject site is not affected by any covenant.

### **4 MANNINGHAM PLANNING SCHEME**

#### **Zoning**



- 4.1 The site is included in the General Residential Zone, Schedule 2 (GRZ2) pursuant to the Manningham Planning Scheme.
- 4.2 Adjoining land to the north and south and land to west is also contained within the General Residential Zone, Schedule 2.
- 4.3 Adjoining land to the east, i.e. land at 233 Blackburn Road, is zoned Residential Growth Zone Schedule 2.
- 4.4 A planning permit is required to construct two or more dwellings on a lot in the GRZ2 under Clause 32.08-4.
- 4.5 The purpose of the General Residential Zone is:
- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
  - To encourage development that respects the neighbourhood character of the area
  - To implement neighbourhood character policy and adopted neighbourhood character guidelines.
  - To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.
  - To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.
- 4.6 Assessment is required under the provisions of Clause 55 of the Manningham Planning Scheme.
- 4.7 The purpose of Clause 55 is generally to provide well designed and lifestyle choice for occupants, while at the same time, maintaining the amenity and character of the locality, with particular emphasis on the amenity of adjoining residents.
- Overlays**
- 4.8 The site is also included in the Design and Development Overlay Schedule 8 (DDO8) under the provisions of the Manningham Planning Scheme.
- 4.9 The subject site is located within DDO8-2 Sub-Precinct A, where the maximum allowable building height for land more than 1800 square metres in size is 11 metres. The 11 metre height limit is a mandatory requirement, and a permit cannot be granted to allow a higher building.
- 4.10 Surrounding land is similarly affected by the DD08, although land fronting Blackburn Road is situated within the Main Roads Precinct (DD08-1), as opposed to land to the north, south and west which is contained within Sub Precinct A (DD08-2) – the same as the subject site.
- 4.11 The Design Objectives of the DD08 are:
- *To increase residential densities and provide a range of housing types around activity centres and along main roads.*

- *To encourage development that is contemporary in design that includes an articulated built form and incorporates a range of visually interesting building materials and façade treatments.*
  - *To support three storey, 'apartment style', developments within the Main Road 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 sub-precinct A or B, or other adjoining zone.*
  - *Higher developments on the perimeter of sub-precinct A must be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct B or other adjoining zone.*
  - *To ensure overlooking into adjoining properties is minimised.*
  - *To ensure the design of carports and garages complement the design of the building.*
  - *To ensure the design of basement and undercroft car parks complement the design of the building, eliminates unsightly projections of basement walls above natural ground level and are sited to allow for effective screen planting.*
  - *To create a boulevard effect along Doncaster Road and Manningham Road by planting trees within the front setback that are consistent with the street trees.*
  - *To encourage landscaping around buildings to enhance separation between buildings and soften built form.*
- 4.12 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.
- 4.13 There is a range of requirements outlined in Schedule 8 to the DDO under the headings of building height and setbacks, form, car parking and access, landscaping and fencing.

**State Planning Policy Framework (SPPF)**

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

- 4.19 Clause 16.01-2 (Location of Residential Development) seeks to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. Strategies towards achieving this are identified as follows:
- *Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.*
  - *In Metropolitan Melbourne, locate more intense housing development in and around Activity centres, in areas close to train stations and on large redevelopment sites.*
  - *Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.*
  - *Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.*
- 4.20 Clause 16.01-4 (Housing Diversity) seeks to provide for a range of housing types to meet increasingly diverse needs. Strategies towards achieving this are identified as follows:
- *Ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.*
  - *Encourage the development of well-designed medium-density housing which respects the neighbourhood character.*
  - *Improves housing choice.*
  - *Makes better use of existing infrastructure.*
  - *Improves energy efficiency of housing.*
  - *Support opportunities for a wide range of income groups to choose housing in well serviced locations.*
- 4.21 Clause 16.01-5 (Housing affordability) seeks to deliver more affordable housing closer to jobs, transport and services.
- Local Planning Policy Framework (LPPF)  
Municipal Strategic Statement (Clause 21)**
- 4.22 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.
- 4.23 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.

- 4.24 Clause 21.05 (Residential) outlines the division of Manningham into four Residential Character Precincts. The precincts seek to channel increased housing densities to 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.
- 4.25 The site is within "Precinct 2 – Residential Areas Surrounding Activity Centres and Along Main Roads".
- 4.26 This area is aimed at providing a focus for higher density development and a substantial level of change is anticipated. Future development in this precinct is encouraged to:
- *Provide for contemporary architecture*
  - *Achieve high design standards*
  - *Provide visual interest and make a positive contribution to the streetscape.*
  - *Provide a graduated building line from side and rear boundaries.*
  - *Minimise adverse amenity impacts on adjoining properties.*
  - *Use varied and durable building materials.*
  - *Incorporate a landscape treatment that enhances the overall appearance of the development*
  - *Integrate car parking requirements into the design of buildings and landform.*
- 4.27 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.
- 4.28 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.

- 4.29 **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.
- 4.30 The site is located within **Sub-Precinct A (DDO8-2)**.
- 4.31 Clause 21.05-2 Housing contains the following objectives:
- *To accommodate Manningham's projected population growth through urban consolidation, infill developments and Key Redevelopment Sites.*
  - *To ensure that housing choice, quality and diversity will be increased to better meet the needs of the local community and reflect demographic changes.*
  - *To ensure that higher density housing is located close to activity centres and along main roads in accordance with relevant strategies.*
  - *To promote affordable and accessible housing to enable residents with changing needs to stay within their local neighbourhood or the municipality.*
  - *To encourage development of key Redevelopment Sites to support a diverse residential community that offers a range of dwelling densities and lifestyle opportunities.*
  - *To encourage high quality and integrated environmentally sustainable development.*
- 4.32 The strategies to achieve these objectives include:
- *Ensure that the provision of housing stock responds to the needs of the municipality's population.*
  - *Promote the consolidation of lots to provide for a diversity of housing types and design options.*
  - *Ensure higher density residential development occurs around the prescribed activity centres and along main roads identified as Precinct 2 on the Residential Framework Plan 1 and Map 1 to this clause.*

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

#### **Local Planning Policy**

- 4.36 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.
- 4.37 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**

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

- *2 spaces for 3 or more bedroom dwellings*
  - *1 visitor space to every 5 dwellings for developments of 5 or more dwellings.*
- 4.39 Clause 52.06-8 outlines various design standards for parking areas that should be achieved.
- 4.40 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.
- 4.41 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 Manningham Planning Scheme, and in particular by its application of Schedule 8 to the Design and Development Overlay over the subject site and part of this neighbourhood, created a planning mechanism that has, and will in time further alter the existing neighbourhood character in this part of Doncaster East.
- 5.2 As articulated by the DD08, Council's planning preference is for higher density, multi-unit developments which can include apartment style developments on larger lots. Higher density housing is thereby envisaged as the "preferred neighbourhood character" guided by the design elements contained within the Schedule 8 to the Design and Development Overlay, in conjunction with an assessment against Clause 21.05 and Clause 55 (Rescode). In DD08 areas, a substantial level of change is anticipated from the existing character of primarily single dwellings and dual occupancies. As a consequence, the resultant built form is contemplated to comprise a more intense and less suburban outcome.
- 5.3 Notwithstanding the opportunity to increase residential densities in areas well located to public transport, and in this case the Donburn Neighbourhood Activity Centre, any design response must have careful and considered regard to its potential impacts on local amenity.
- 5.4 Given the 2000sqm site area, a maximum building height limit of 11 metres is applicable. On this basis, there is policy support for a 3 storey apartment style development on the site.
- 5.5 Rather than propose an apartment building on the subject site, the applicant has sought to develop the site with a total of fifteen (15) townhouse style dwellings. It is understood this was a conscious decision by the applicant to provide a development that would be more respectful to the May Street streetscape.



- 5.6 An assessment of the proposal will now be made against the following planning controls:
- Clause 21.05, 21.10, 22.08 & 22.09
  - Schedule 8 to the Design and Development Overlay (DD08)
  - Clause 52.06 Car Parking
  - Clause 55 Two or More Dwellings on a Lot
  - Clause 65 Decision Guidelines

### **Local Planning Policy Assessment**

#### **Clause 21.05 Residential**

- 5.7 The development site is situated within Precinct 2 – Residential Areas Surrounding Activity Centres and Along Main Roads, Sub Precinct A (DD08-2) where high density is encouraged. Given the site exceeds 1800sqm in area, and is located within Sub Precinct A (DD08-2), a maximum building height of 11 meters is applicable.
- 5.8 Notwithstanding this opportunity, there are expectations in regards to the standard of development and what constitutes a reasonable level of development.
- 5.9 While the development proposes a higher density outcome, the proposal comfortably comes within the maximum building heights possible within this Sub Precinct and has a proposed site coverage well beneath the permissible 60%.
- 5.10 The proposal provides generous setbacks to all boundaries, thereby providing spacing and good separation from/to adjoining properties. Consequently, opportunities for landscaping can be realised along the perimeter of the site, in particular adjacent to sensitive interfaces to the north and south.
- 5.11 In addition to good setbacks, the design response across all elevations is considered to be of a high standard. Visual interest is provided across all elevations by the incorporation of a variety of building materials comprising a neutral colour palette. Articulation is offered via a combination of cantilevering of the first level over ground level and by recessing the uppermost level of three storey dwellings.
- 5.12 Garages have been integrated into the built form and decorative concrete treatments are to be applied throughout the development to heighten visual interest.
- 5.13 Overall, the design response is considered to be consistent with Council's policy expectations at Clause 21.05 Residential.

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

- 5.14 Council's MSS outlines ESD requirements to be incorporated into larger developments within the municipality.
- 5.15 A Sustainability Management Plan, which will be a requirement of permit condition, will ensure that the proposal offers a number of positive ESD measures, such as the incorporation of rainwater tanks and solar hot water

systems into the design response which would satisfy this Clause. **Condition 3.**

**Clause 22.08 Safety through Urban Design**

- 5.16 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.
- 5.17 While a number of items are not relevant to this application, a number of the requirements in relation to building design are, including *"Buildings be orientated to maximise surveillance of entrances and exits from streets"* and *"The location of building entrances and windows maximise opportunities for passive surveillance of streets and other public spaces"*.
- 5.18 By the very layout of the development it wouldn't be possible to have all dwellings face the street, but the proposal manages to orientate the front two dwellings (Dwelling 1 and 2) to integrate successfully with the May Street streetscape. By the provision of two (2) sizeable pedestrian paths with windows and balconies looking over/down it, it is considered the design response provides a high level of surveillance over these common areas.

**Clause 22.09 Access for Disabled People**

- 5.19 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.
- 5.20 Based on the lack of stair or minimal stair access to the ground level, a number of the dwellings throughout the development present good examples of dwellings which would be suitable for access by persons of limited mobility. Examples include Dwellings 1-3.

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

- 5.21 An assessment follows against the design requirements of the DD08:

Requirement	Level of Compliance
<p><b>DDO8-1 (Sub-Precinct A)</b></p> <ul style="list-style-type: none"> <li>• 11 metres provided the condition regarding minimum land size is met.</li> </ul> <p>If the condition is not met, the maximum height is 9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the site of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.</p>	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>• As the land area of the subject site is 2000 square metres, the site is permitted to have a maximum building height of eleven (11) metres. This is a mandatory requirement and the development is not permitted to exceed this height limit.</li> <li>• Advertised elevation plans show that the proposal comfortably comes within this height requirement. The maximum building above natural ground level is 10.4 metres which applies to Dwelling 2 at its south-west corner.</li> <li>• A key characteristic of the</li> </ul>

Requirement	Level of Compliance
	<p>development is the diversity offered in the design response in respect to overall building heights. To this end, building heights range from 5.7 metres to 10.4 metres, with a number of the dwellings at around the 9 metre height mark.</p>
<ul style="list-style-type: none"> <li>Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser.</li> <li>Minimum side street setback is the distance specified in Clause 55.03-1.</li> </ul>	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>A 6 metre, ground floor level street setback is provided to both Dwellings 1 and 2 along the May Street frontage.</li> <li>Setbacks at upper levels are over 6 metres.</li> <li>Not-applicable.</li> </ul>
<p><b>Form</b></p> <ul style="list-style-type: none"> <li>Ensure that the site area covered by buildings does not exceed 60 percent.</li> </ul>	<p><b>Met (with condition)</b></p> <ul style="list-style-type: none"> <li>While advertised plans suggest that the building site coverage is 48% of the site area, it is unclear from the development summary table whether this does or does not include balconies at the upper levels. A condition of permit will require this to be clarified, however, this is to ensure an accurate calculation only. Even including the area of the site covered by these balconies it is not considered that the proposal would fail to come within the 60%. <b>Condition 1.29.</b></li> </ul>
<ul style="list-style-type: none"> <li>Provide visual interest through articulation, glazing and variation in materials and textures.</li> </ul>	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>Various materials, colours and finishes are proposed across all elevations to provide for a visually stimulating presentation across all elevations.</li> <li>A neutral colour palette, comprising of greys, browns and white, is proposed to be used in a manner that creates a high level of visual interest. The combined use of face brickwork, two tones of render, three varieties of cladding (bronze, timber and <i>Colorbond</i> in a dark grey) will provide an appropriate level of variation and texture. An appropriate level of glazing is also proposed to mitigate visual</li> </ul>

Requirement	Level of Compliance
	<p>bulk.</p> <ul style="list-style-type: none"> <li>• Additional paving treatments, such as the three varieties of coloured concrete further heighten the visual interest proposed by the development.</li> <li>• A high level of articulation is provided across all elevations, with a combination of stepping and cantilevering utilised.</li> <li>• Balconies are spaced to avoid their appearance across side elevations as one long continuous form, which is a positive outcome. Along the southern elevation, balconies are located at different levels. This has been carefully considered and further assists to articulate the built form.</li> <li>• The proposal has provided a combination of two and three storey dwellings and, in doing so, provided opportunities for visual breaks across side elevations to offer visual relief to adjoining properties. The careful placement of two storey dwellings has also maximised access to natural light and sunlight to aid internal amenity. For example, Dwellings 4 and 13 and their north facing balconies along the southern row of dwellings benefit from the gap provided between Dwellings 1 and 5 and between Dwellings 6 and 8, respectively.</li> </ul>
<ul style="list-style-type: none"> <li>• Minimise buildings on boundaries to create spacing between developments.</li> </ul>	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>• The absence of any boundary wall is a highlight of the proposal.</li> <li>• The retaining wall along the eastern boundary is considered to be appropriate having regard to the adjoining property to the east being the subject of a current development application that is being managed by the same applicant.</li> </ul>
<ul style="list-style-type: none"> <li>• Where appropriate ensure that buildings are stepped down at the</li> </ul>	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>• The design response does not step</li> </ul>

Requirement	Level of Compliance
<p>rear of sites to provide a transition to the scale of the adjoining residential area.</p>	<p>down to the rear of the site as is sought by the design element. However, this is considered appropriate in this instance for a few reasons. Firstly, the physical context and the fact that the adjoining land presently is a restaurant car park, rather than a sensitive residential interface. Secondly, the adjoining land to the rear is affected by the same DD08 planning control and indeed is affected by the RGZ2, a zone that aspires a higher density outcome. Thirdly, the adjoining lot to the east is currently the subject of a planning application that is being managed by the same applicant where it is also proposed to have three storey townhouse style developments of a similar to higher scale to the heights proposed by Dwellings 10 and 15.</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>Met</b></p> <ul style="list-style-type: none"> <li>The design response steps subtly with the rise in the land and this is considered appropriate.</li> </ul>
<ul style="list-style-type: none"> <li>Avoid reliance on below ground light courts for any habitable rooms.</li> </ul>	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>The proposal does not rely on below ground habitable rooms as part of the design response.</li> </ul>
<ul style="list-style-type: none"> <li>Ensure the upper level of a two storey building provides adequate articulation to reduce the appearance of visual bulk and minimise continuous sheer wall presentation.</li> </ul>	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>Four of the fifteen dwellings are proposed to be two storey dwellings. These dwellings are Dwellings 3, 7, 11 and 14.</li> <li>All of these dwellings have upper levels with balconies which cantilever over the ground level below. This is considered to provide an articulated built form outcome without causing any adverse amenity impacts to adjoining properties.</li> </ul>
<ul style="list-style-type: none"> <li>Ensure that the upper level of a three storey building does not exceed 75% of the lower levels, unless it can be demonstrated that there is sufficient architectural</li> </ul>	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>The remaining eleven (11) dwellings (being Dwellings 1-2, 4-6, 8-10, 12-13, 15) will have a three storey built form.</li> </ul>

Requirement	Level of Compliance
<p>interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation.</p>	<ul style="list-style-type: none"> <li>The third level footprints of these dwellings are relatively modest and generally all recessed from the level below. In particular, across streetscape and sensitive residential interfaces, the third level is stepped in from the level directly below. This mitigates any visual bulk concerns and provides for an acceptable presentation across all elevations.</li> </ul>
<ul style="list-style-type: none"> <li>Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos.</li> </ul>	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>It is considered that there are no imposing design elements and all design expressions are considered to be well integrated into the overall design of the building.</li> </ul>
<ul style="list-style-type: none"> <li>Be designed and sited to address slope constraints, including minimising views of basement projections and/or minimising the height of finished floor levels and providing appropriate retaining wall presentation.</li> </ul>	<p><b>Met (with condition)</b></p> <ul style="list-style-type: none"> <li>The design has considered the crossfall and proposed appropriate finished floor and surface levels.</li> <li>The construction of townhouses, rather than a large apartment building, is considered to be a more site responsive outcome. This conclusion is based on the ability for dwellings to be designed in a more site responsive manner than an apartment, which typically relies on basement construction that is not so readily able to be stepped with the natural contours of the land.</li> <li>While the site requires some excavation to facilitate appropriate driveway levels, this is considered reasonable, with maximum site cuts not exceeding 1.4 metres, and typically being less than 1 metre. Along the south side of the building, the development will be generally constructed at grade.</li> <li>Driveway levels have been considered by Council's Engineers and deemed appropriate.</li> <li>Details for retaining wall materials and overall presentation, including a</li> </ul>

Requirement	Level of Compliance
	requirement for the encroaching retaining wall across the pedestrian pathway along the rear boundary be deleted, is the subject of planning permit conditions. <b>Conditions 1.28, 30.</b>
<ul style="list-style-type: none"> <li>Be designed to minimise overlooking and avoid the excessive application of screen devices.</li> </ul>	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>The finished floor levels of the dwellings result in no overlooking issues at ground level. New boundary fencing will be provided at 1.8 metres which will ensure privacy is maintained to adjoining properties.</li> <li>At upper levels, some screening is inevitable but it is considered that the design response has sought to minimise the application of unnecessary screening, whilst preserving the privacy of adjoining properties in accordance with Clause 55.04-6 of the Manningham Planning Scheme. This will be further discussed in response to this Clause later in this report.</li> </ul>
<ul style="list-style-type: none"> <li>Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all mobilities.</li> </ul>	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>Pedestrian entries to the ground level of some dwellings, including Dwellings 1, 2 and 3, are at grade, which is a good outcome. Dwellings 1 and 2 have both bedrooms and sitting areas at ground level which can be easily accessed by persons with limited mobility.</li> <li>While not all dwellings would be suitable for persons of limited mobility, it is considered that the proposal provides for some level of diversity in housing layout and type which could allow some of the dwellings to be suitable to persons of limited mobilities.</li> </ul>
<ul style="list-style-type: none"> <li>Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties.</li> </ul>	<p><b>Not applicable</b></p>

Requirement	Level of Compliance
<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> <ul style="list-style-type: none"> <li>Car parking associated with the development is sufficiently integrated with the overall built form and will not be visually obtrusive across the streetscape elevation due to the provision of an operable metal gate fronting the street. A condition of permit will require the design detail of the opening to be provided to ensure it does not compromise vehicle ingress/egress. <b>Condition 1.14.</b></li> </ul>
<ul style="list-style-type: none"> <li>Integrate car parking requirements into the design of buildings and landform by encouraging the use of undercroft or basement parking and minimise the use of open car park and half basement parking.</li> </ul>	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>As above, the garages associated with the dwellings are appropriately integrated with the overall development.</li> </ul>
<ul style="list-style-type: none"> <li>Ensure the setback of the basement or undercroft car park is consistent with the front building setback and is setback a minimum of 4.0m from the rear boundary to enable effective landscaping to be established.</li> </ul>	<p><b>Not applicable</b></p>
<ul style="list-style-type: none"> <li>Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces.</li> </ul>	<p><b>Met (with condition)</b></p> <ul style="list-style-type: none"> <li>Along the rear boundary (at the northern end), a minimum 3.9 metre setback is provided from Dwelling 10 to the eastern boundary in which a communal open space area is proposed. This area can be complemented by appropriate landscaping, including canopy trees.</li> <li>The setback to the rear boundary at the southern end (to Dwelling 15) is up to 6.6 metres. As with the area between Dwelling 10, there is some communal open space proposed which can be further complemented by landscaping.</li> <li>A consistent 950mm to 1 metre landscaping strip is proposed along the length of the eastern boundary which could offer some green relief.</li> </ul>



Requirement	Level of Compliance
	<p>However, Council's Engineers recommend that this be removed to provide an increased paved area to improve egress for vehicles using the rear of the site. As a dedicated area will also need to be provided for waste collection (with the present proposal adjacent to garage openings not supported by Council Engineers), it is considered appropriate to require the landscaping strip to be substituted for permeable paving. <b>Condition 1.15.</b></p>
<ul style="list-style-type: none"> <li>Ensure that service equipment, building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces.</li> </ul>	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>With the exception of solar hot water system/solar panels, there is no proposal to install any equipment atop any of the roofs.</li> <li>These services are proposed to be screened by the use of aluminium louver style screens, which is considered appropriate.</li> </ul>
<p><b><u>Car Parking and Access</u></b></p> <ul style="list-style-type: none"> <li>Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be set back 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 (with condition)</b></p> <ul style="list-style-type: none"> <li>It is proposed to alter (by widening) the existing crossover to 5.5 metres.</li> <li>The proposal has minimised the number and size of this crossover.</li> <li>The crossover will not affect any street tree but will require the relocation of a Council parking restriction sign. <b>Condition 1.21.</b></li> </ul>
<ul style="list-style-type: none"> <li>Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open space or is appropriately screened, as is necessary.</li> </ul>	<p><b>Not applicable</b></p>
<ul style="list-style-type: none"> <li>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</li> </ul>	<p><b>Not applicable</b></p>

Requirement	Level of Compliance
dwelling.	
<ul style="list-style-type: none"> <li>Ensure that access gradients of basement carparks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements.</li> </ul>	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>The driveway gradient to the common accessway rises with the upward slope of the land but does not present any gradient challenges. Council's Engineers raise no concern in this regard.</li> </ul>
<p><b>Landscaping</b></p> <ul style="list-style-type: none"> <li>On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at maturity.</li> <li>On sites where one or two storey development is proposed include at least 1 canopy tree within the front setback, which has a spreading crown, and is capable of growing to a height of 8.0m or more at maturity.</li> </ul>	<p><b>Met (with condition)</b></p> <ul style="list-style-type: none"> <li>Given the 6 metre setback to May Street, there is ample room in which to locate at least three canopy trees within the front setback of the site. Indeed a total of five canopy trees are earmarked on the concept landscape plan advertised with the proposal and it is considered a total of six can be provided in this front space. The full species details of these canopy trees will be required to be provided on a final landscape plan. <b>Condition 8.5.</b></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>Met (with condition)</b></p> <ul style="list-style-type: none"> <li>Given the sizeable areas along the southern boundary and at the rear (adjacent to communal spaces), there is an exciting opportunity to provide some appropriately sized canopy trees in these spaces. An avenue of Ornamental Pears, for example, would be an aesthetically pleasing outcome along this southern boundary, providing a quality entry to the southern group of dwellings, while softening the built form to the adjoining property to the south. Deciduous, ornamental trees could also be utilised to the north of both communal areas to provide some valuable shade to these spaces. <b>Condition 8.6.</b></li> <li>Along the northern boundary, given the narrower space between the edge of the retaining wall and the boundary,</li> </ul>

Requirement	Level of Compliance
	<p>a combination of canopy, shrub planting and smaller plants could be provided to constitute a layered landscape effect. <b>Condition 8.7.</b></p>
<p><b><u>Fencing</u></b></p> <ul style="list-style-type: none"> <li>• A front fence must be at least 50 per cent transparent.</li>   <li>• On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn and Mitcham Roads, a fence must:             <ul style="list-style-type: none"> <li>• not exceed a maximum height of 1.8m</li> <li>• be setback a minimum of 1.0m from the front title boundary</li> </ul> </li> </ul> <p>and a continuous landscaping treatment within the 1.0m setback must be provided.</p>	<p><b>Met</b></p> <ul style="list-style-type: none"> <li>• While front fencing within the May Street frontage is solid concrete blockwork (and thereby not transparent), the fencing is no greater than 1.2 metres above natural ground level and is set in from the front title boundary by a minimum of 3 metres. The layout of fencing is angled and does not extend along the length of the site, rather serves to delineate some “private” open space to Dwellings 1 and 2. It is considered a reasonable design response and can be complemented by the landscaping which is to be provided within the front setback.</li> </ul> <p><b>Not applicable</b></p>

5.22 Having regard to the above assessment against the requirements of Schedule 8 to the Design and Development Overlay, it is considered that the proposed development provides a high level of compliance.

5.23 The role of the DD08 is to facilitate increased densities in well-located areas without compromising internal or external amenity. It is considered that the proposal achieves this.

**Clause 52.06 Car Parking**

5.24 Prior to a new use commencing or a new building being occupied, Clause 52.06-2 requires the number of car parking spaces outlined at Clause 52.06-5 to be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the Responsible Authority.

- 5.25 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.
- 5.26 Visitor car parking is required at a rate of one car parking space for every 5 dwellings.
- 5.27 In terms of provision, the proposal complies with the number of resident and visitor car parking spaces required by the Planning Scheme. Each three bedroom dwelling is provided with a double car garage, while the three two bedroom dwellings each have a single car garage. A total of three (3) visitor car parking spaces are provided uncovered at the rear of the site.
- 5.28 The following tables provides an assessment of the proposal against the seven (7) design standards at Clause 52.06-8:

Design Standard	Met/Not Met
1 - Accessways	<p><b>Met with condition</b></p> <p>The access has been proposed to enable vehicles to exit the site in a forward direction.</p> <p>Passing areas have not been provided in accordance with this design standard, but this can be addressed by permit condition. <b>Condition required.</b></p> <p>There are no encroachments within corner splays adjacent to the crossover to adversely affect sightlines.</p>
2 – Car Parking Spaces	<p><b>Not Met</b></p> <p>Council’s Engineering department has considered the layout and size of proposed car parking spaces and aisle widths and considered them to be appropriate.</p> <p>However, access for the waste collection vehicle has been assessed to be tight. Further detail and potential adjustments will be required to demonstrate waste collection can safely occur from within the site. <b>Condition 1.12.</b></p>
3 - Gradients	<p><b>Met</b></p> <p>Council’s Engineering department have raised no concern with the proposed grade of the accessway and garage access.</p>
4 – Mechanical Parking	Not applicable – No mechanical parking proposed.
5 – Urban Design	<p><b>Met</b></p> <p>The presentation of the accessway, as viewed from the public realm, is deemed to be appropriate.</p>
6 – Safety	<p><b>Met with condition</b></p> <p>Lighting bollards are shown at ground level adjacent to garage openings although this has been raised by Council’s Engineers as an issue. As such, lighting will be required atop</p>

	garage openings, rather than at ground level. <b>Condition 1.24.</b>
7 – Landscaping	<b>Met</b> Landscaping is proposed adjacent to the accessway, and although this will be reduced to achieve compliance with Design Standard 1, the resulting amount of landscaping provided is acceptable.

5.29 It follows from the above assessment that the proposal is generally compliant with the applicable design standards at Clause 52.06-8 of the Manningham Planning Scheme. Areas of minor concern can be resolved by permit condition.

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

5.30 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.

5.31 The following table sets out the level of compliance with the objectives of this clause:

<b>OBJECTIVE</b>	<b>OBJECTIVE MET/NOT MET</b>
55.02-1 - 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.	<b>Met</b>  As outlined in the assessment of the proposal against the policy requirements of the Schedule 8 to the Design and Development Overlay (DD08), it is considered that the proposed development will provide a positive contribution to the preferred neighbourhood character and can respect the natural features of the site, and its surrounds as contemplated by this planning control.
55.02-2 - 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.  To support medium densities in areas where development can take advantage of public transport and community	<b>Met</b>  The application was accompanied by a written statement that explained how, in the view of the permit applicant, the development accords with State, Local and Council policy.  Council’s assessment concludes that the proposal is a respectful example of a higher density, built form outcome in an area nominated for a substantial level of change and where a preferred neighbourhood area has been envisaged.

OBJECTIVE	OBJECTIVE MET/NOT MET
infrastructure and services.	
55.02-3 - To encourage a range of dwelling sizes and types in developments of ten or more dwellings.	<p><b>Met</b></p> <p>The development proposes a mix of two and three bedroom dwellings across two and three storeys.</p> <p>Some dwellings offer sitting/living areas at ground level and many provide at least one bedroom at the ground level. The front two dwellings will have some ground level open space, albeit within the front setback. Balconies vary in size and layout. The diversity offered by the design response is considered satisfactory.</p>
<p>55.02-4 - 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 (with condition)</b></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. <b>Conditions 11, 12.</b></p>
55.02-5 - To integrate the layout of development with the street.	<p><b>Met</b></p> <p>A good level of integration is offered in the design response to the May Street elevation. Dwellings 1 and 2 have a number of openings, including their front doors and balconies, presenting to the streetscape which will provide a high level of surveillance and engagement with the neighbourhood.</p>
55.03-1 - 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><b>Met</b></p> <p>As discussed earlier in this report, the front setback of the development complies with the 6 metre requirement set by the DD08, thereby meeting the preferred neighbourhood character.</p>
55.03-2 - To ensure that the height of buildings respects the existing or preferred neighbourhood character.	<p><b>Met</b></p> <p>The maximum building height (Dwelling 2) is beneath the permissible 11 metres. The maximum building heights of most dwellings are within the 9-10 metre range, and double storey dwellings are typically less than 6.5 metres in overall building height above natural ground level. It is considered the proposal is respectful of the preferred</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	neighbourhood character and its implications to the amenity of existing dwellings.
<p>55.03-3 - To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</p>	<p><b>Met (with condition)</b></p> <p>The site coverage, while not exceeding 60%, may not be accurate on the basis of it appearing to exclude overhanging balconies and cantilevering elements of the proposal. This will be clarified by permit condition, although it is considered that the objective will be met as the site coverage will come well within the 60% requirement. <b>Condition 1.29.</b></p>
<p>55.03-4 - To reduce the impact of increased stormwater run-off on the drainage system.</p> <p>To facilitate on-site stormwater infiltration.</p>	<p><b>Met</b></p> <p>The impervious surface calculation for the overall development at 32% is considered will provide a sufficient area in which to absorb run-off.</p>
<p>55.03-5 - To achieve and protect energy efficient dwellings.</p> <p>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p>	<p><b>Met</b></p> <p>The majority of dwellings have living areas and open space positioned to the north (or east or west, where north is not an option) to gain greatest solar exposure.</p> <p>It is considered that the permit applicant has sought to maximise the northerly aspect to the extent possible with balconies to the northern row of dwellings all orientated to the northern side of these dwellings.</p> <p>In regard to the southern row of dwellings, placing balconies on the north side of these dwellings at the second level would have had no practical benefit due to internal overshadowing (and the consequence of reducing internal separation between dwellings which would be undesirable from an internal and external visual amenity perspective).</p> <p>Some dwellings at the third level within the southern row of dwellings have balconies facing north (for example Dwelling 4 and 13). Dwellings 2 and 15 have been provided with westerly and easterly solar exposure, respectively. These are all good outcomes for these dwellings across this southern row.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>55.03-6 – To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</p>	<p><b>Met</b></p> <p>Given the rectangular layout of the site, and the provision of the common accessway through the central core of the site, there is limited opportunity to locate the communal open space in a central location. Therefore, its positioning at the eastern end of the site is considered to be a reasonable outcome. It will have good amenity due to solar exposure (easterly and northerly sun) and be situated within a landscaped setting.</p> <p>Both the northern and southern communal spaces are readily accessible by pedestrians via the two pedestrian walkways and there will also be awareness as to these recreational areas based on the proximate location of visitor car parking spaces. To ensure these spaces are safe it is considered appropriate to require, by permit condition, safety measures. This will include wheel stops to visitor car spaces and a physical barrier (fencing) between car parking and communal areas.</p> <p><b>Conditions 1.18, 1.19.</b></p>
<p>55.03-7 - To ensure the layout of development provides for the safety and security of residents and property.</p>	<p><b>Met</b></p> <p>The proposal offers a level of passive surveillance within the development by the extent of openings over common areas and the placement of balconies over both pedestrian accessways. Both pedestrian pathways are well considered with lighting and appropriate landscaping to be provided.</p>
<p>55.03-8 - To encourage development that respects the landscape character of the neighbourhood.</p> <p>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</p> <p>To provide appropriate landscaping.</p> <p>To encourage the retention of mature vegetation on the site.</p>	<p><b>Met (with condition)</b></p> <p>There are several positives of the landscape design response across the overall development.</p> <p>Firstly, the front setback provides ample room in which to locate a significant number of canopy trees which can, over time, make a positive contribution to the May Street streetscape. The concept plan submitted with the development indicates five to be provided in this space. It is considered up to six could be located given the canopy spread of the Prickly Paperbark street tree is shown rather generously (and this tree has indeed been severely lopped to avoid impact to overhead powerlines). It is appropriate to condition this accordingly. <b>Condition 8.5.</b></p>



OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>Secondly, the rear of the site provides another great opportunity to achieve a well considered landscape outcome, particularly with regards to the proposed communal spaces. The concept landscape plan offers some suggested treatments, including inbuilt outdoor furniture with the potential for a BBQ surrounded by permeable paving. A final landscape plan should further consider and confirm final treatments for both communal spaces as well as plan the location of trees carefully to offer shade to these spaces. <b>Condition 8.6.</b></p> <p>Thirdly, the northern boundary offers an opportunity to plant continuously along the length of this boundary atop a 1 metre+ high retaining wall. Suitable species of plants should be placed atop these spaces and this too can be finalised by permit condition. <b>Condition 8.7.</b></p> <p>Fourthly, there is an exciting opportunity to create an avenue of canopy trees down the length of the southern boundary with ample room to also include low level planting around canopy trees. It is considered appropriate to condition this outcome accordingly. <b>Conditions 8.6, 8.8.</b></p> <p>A good density of low level planting will also be required adjacent to dwellings. <b>Condition 8.9.</b></p>
<p>55.03-9 - To ensure vehicle access to and from a development is safe, manageable and convenient</p> <p>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</p>	<p><b>Met (with condition)</b></p> <p>The proposal seeks to utilise the one 5.5 metre crossover resulting in a net decrease in one crossover. While the new crossover will be wider, there will be a gain in on-street parking at the northern end of the site by the decommissioning of No. 15 May Street's existing crossover.</p> <p>Council's Engineers have considered the proposed vehicle access and deemed it to be suitable, subject to a condition requiring a passing area to be provided in accordance with Design Standard 1 of Clause 52.06-8.</p>
<p>55.03-10 - To provide convenient parking for resident and visitor vehicles.</p> <p>To avoid parking and traffic difficulties in the development</p>	<p><b>Met (with condition)</b></p> <p>The proposed visitor and residential car parking will be convenient located and conveniently accessible for residents and visitors, subject to some permit changes. These include minor adjustments to the</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>and the neighbourhood.</p> <p>To protect residents from vehicular noise within developments.</p>	<p>location of landscaping, the addition of an intercom and design detail to demonstrate the security gate will provide for a safe opening. <b>Conditions 1.12, 1.13, 1.14.</b></p>
<p>55.04-1 - To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p><b>Met</b></p> <p>In terms of wall setbacks to the northern, eastern and southern boundaries, there are no non-compliances with the Standard in respect of any dwelling at any level.</p> <p>A key characteristic of the overall development is the good level of spacing offered to side and rear boundaries with ground level setbacks all over 3 metres, first level setbacks no less than 2.5 metres and second level setbacks no less than 3.9 metres.</p> <p>In many instances, at the uppermost level, dwellings have over 4.5 metre setbacks to side boundaries (northern boundary) and over 5 metre setbacks to the southern boundary.</p>
<p>55.04-2 - To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p><b>Not applicable</b></p> <p>No are no building walls on boundary are proposed as part of the development.</p> <p>(There is a retaining wall proposed along the length of the eastern boundary).</p>
<p>55.04-3 - To allow adequate daylight into existing habitable room windows.</p>	<p><b>Met</b></p> <p>Due to the generous setbacks from boundaries, as mentioned above, the proposal will not compromise the ability for any existing habitable room window to achieve daylight access.</p>
<p>55.04-4 - To allow adequate solar access to existing north-facing habitable room windows.</p>	<p><b>Met</b></p> <p>As above, the generous spacing provided from the southern row of dwellings to the two habitable room windows on 11 May Street will ensure that the solar access to these windows will not be compromised. Except for the introduction of higher boundary fencing, the property to the south at 11 May Street will have no overshadowing implications as a consequence of the development.</p>
<p>55.04-5 - To ensure buildings</p>	<p><b>Met</b></p>

OBJECTIVE	OBJECTIVE MET/NOT MET
do not significantly overshadow existing secluded private open space.	<p>Except for the introduction of higher boundary fencing, the property to the south at 11 May Street Doncaster (situated to the south of the site) will have no overshadowing implications as a consequence of the development.</p> <p>As demonstrated by the submitted shadow diagrams, there will not be any other overshadowing consequence to 11 May Street.</p> <p>Only at 3pm at the September equinox is there a small shadow implication to the adjoining lot to the rear at 233 Blackburn Road. In addition to this being a very minor level of shadow for a small period of the day, it is also noted that this site is not a sensitive abuttal, rather it is presently used as a restaurant car park.</p>
55.04-6 - To limit views into existing secluded private open space and habitable room windows.	<p><b>Met (with condition)</b></p> <p>Given their streetscape outlook, there is no requirement to screen windows or balconies across the western elevation (Dwellings 1 and 2).</p> <p>Similarly, across the eastern elevation (Dwellings 10 and 15), the outlook towards the Taipan Restaurant car park is not one that is required to be protected by this Clause. However, having regard to the potential development on the adjoining lot to the east, the designer has proposed obscured windows to the uppermost level of these dwellings.</p> <p>Across the southern, external elevation, first and second level habitable room windows and balconies are all screened and fully comply with Standard B22. This is to address unreasonable overlooking to the secluded private open space and habitable room windows of No. 11 May Street. There are no concerns with ground level windows overlooking secluded private open space or habitable rooms windows, particularly given the introduction of higher (1.8 metre) boundary fencing.</p> <p>Across the northern, external elevation, the outlook for the majority of these dwellings is towards the George Street Medical Centre, rather than secluded private open space or habitable room windows of a residential dwelling. On this basis, the Clause offers no protection to this building. As such, the permit applicant has sought to capitalise on this by proposing a number of habitable room</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>windows and unscreened balconies to this northern row of dwellings. In this circumstance, this is considered to be acceptable.</p> <p>The exception is to the north facing openings applicable to Dwellings 1 and 3 which are within 9 metres of the habitable room windows of No. 17 May Street. Upper levels windows and balconies to these dwellings will need to be screened in accordance with Standard B22. <b>Condition 1.1.</b></p> <p>Furthermore, a detailed section will be required to demonstrate that balcony screening is compliant with Standard B22. <b>Condition 1.10.</b></p>
<p>55.04-7 - 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 (with condition)</b></p> <p>Given the configuration and internal layout of the development, a very close assessment to ensure there are no unreasonable internal views is critical to this application.</p> <p>Across the northern, external elevation and southern external elevation, Dwellings 1 and 2, respectively are proposed to have identical sitting room and bedroom arrangements which have window openings looking onto their corresponding pedestrian walkways. All openings are within 1 metre of the pedestrian path. Given this pathway is intended to service either 7 or 8 dwellings, it is considered appropriate for these openings to have raised sill heights. A condition of approval will require these changes to assist the internal amenity (privacy) of Dwellings 1 and 2. <b>Conditions 1.2, 1.3, 1.4.</b></p> <p>All other dwellings further down the eastern end are provided with some habitable space, usually a bedroom at the ground level adjacent to the walkway, however these have a slightly larger setback to the pedestrian walkway (up to 1.3 metres along the southern row) and/or have a low level front fence and an entry gate as a barrier between the window and the pathway. On this basis, it is considered that there will be no formal measure employed to require an adjustment to these windows.</p> <p>In respect of the internal, southern elevation, first and second level (where applicable) balconies and openings to habitable room windows are proposed to be unscreened to capitalise on their northerly</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>exposure. Importantly, habitable room windows (there are no balconies) facing south (and therefore directly at these openings) across the internal northern elevation are all proposed to have obscured or highlight windows. This is shown consistently on both the relevant floor plan and the internal elevations.</p> <p>Between balconies along the first level of the northern row of dwellings, and between balconies 11 &amp; 12, and 14 and 15 in the southern row, it is appropriate to consistently require internal screening to a minimum height of 1.7 metres above finished balcony level. (Some notations have been provided to this effect, but not for all dwellings).</p> <p><b>Condition 1.5.</b></p> <p>Given their small area, it is not considered necessary to extend the requirement to the second level balconies.</p>
<p>55.04-8 - To contain noise sources in developments that may affect existing dwellings.</p> <p>To protect residents from external noise.</p>	<p><b>Met</b></p> <p>In terms of existing residents, the location of air conditioning units has been shown on proposed plans and they are to be located on the rooftop where they are to be appropriately screened and at a sufficient distance away from neighbouring properties.</p> <p>As Council's Urban Designer has noted, the minimum separation distance between the northern and southern row of dwellings is, at its minimum, 5.3 metres. While at first glance this could present some acoustic challenges, having regard to the fact that all rooms along this central stretch of the development are bedrooms, rather than living areas or balconies, it is considered that there will be no unreasonable noise consequence to future residents.</p>
<p>55.05-1 - To encourage the consideration of the needs of people with limited mobility in the design of developments.</p>	<p><b>Met</b></p> <p>While all dwellings do not provide accessible entries, there are examples within the overall development which offer habitable room spaces at ground level. Examples include Dwellings 1, 2 and 3.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>55.05-2 - To provide each dwelling or residential building with its own sense of identity.</p>	<p><b>Met (with condition)</b>  All dwellings are accessible via a pedestrian walkway which has been well thought-out, by virtue of an appropriate attractive pavement treatment, lighting and complimentary landscaping. The width of the pathway and spacing on either side is appropriate.</p> <p>Each dwelling has a fenced area demarcating the entry and providing a sense of personal address and transitional space. Balconies and cantilevering elements of the first floor level offer some shelter protection to the ground level.</p> <p>A further sense of entrance can be provided by the numbering of dwelling entries “1, 2, 3, 4 or 5”, as applicable. <b>Condition 1.8.</b></p>
<p>55.05-3 - To allow adequate daylight into new habitable room windows.</p>	<p><b>Met</b>  All habitable room windows proposed throughout the 15 dwellings are located to face an outdoor space clear to the sky ensuring direct access to daylight.</p>
<p>55.05-4 - To provide adequate private open space for the reasonable recreation and service needs of residents.</p>	<p><b>Met</b>  All dwellings have at least one balcony with at least an area of 8 sqm, with a minimum 1.6m width and access from a habitable room, usually a living area. Dwellings 1 and 2 also have ground level open space.</p>
<p>55.05-5 - To allow solar access into the secluded private open space of new dwellings and residential buildings.</p>	<p><b>Met</b>  Most dwellings will achieve northerly orientated private open space which is a good outcome. This occurs even for some dwellings along the southern row where the third level is used to site the balcony.</p> <p>Inevitably, it is not possible to achieve northerly exposure to all townhouses. However, it is considered where this has not occurred, that the designer has utilised either a westerly or easterly location (Dwellings 1, 2, 10 and 15 are examples of this).</p> <p>The only purely south facing open spaces are thereby to Dwellings 11, 12 and 14 being 3 of the 15 dwellings (at 20% of the overall development). This is considered to be an acceptable outcome</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	given the orientation of the allotment.
55.05-6 - To provide adequate storage facilities for each dwelling.	<p><b>Met</b></p> <p>All dwellings are to be provided with storage provision of approximately 6 cubic metres within their respective garages.</p>
55.06-1 - To encourage design detail that respects the existing or preferred neighbourhood character.	<p><b>Met (with condition)</b></p> <p>The proposal offers a high level of detailed design work to demonstrate that it will be an appropriate addition to the May Street streetscape as part of its transition towards a preferred neighbourhood character for this neighbourhood. The proposal also provides interesting treatments to side and rear elevations to ensure that it will present both interestingly and respectfully to the private realm.</p> <p>The use of an interesting and varied mix of materials, colours and finishes accentuates the level of articulation across all elevations. The combined use of render colours and dark brown face brickwork together with three varieties of cladding will provide a high level of visual interest. Indeed Council's Urban Designer recognises the significance of maintaining the proposed external materials palette, which she considers to be a <i>"key element of the architectural language of the building"</i>. She calls for any building material substitutions to be <i>"carefully assessed"</i>.</p> <p>It is Council's Urban Designer's view that the development proposes a <i>"well-articulated design through the modulation of form and surface treatments, including varying facades, fenestration (arrangement of windows) and rooflines, to create strong visual interest and reduce the overall massing of the building form"</i>.</p> <p>In particular, the use of bronze cladding that wraps around the south-west corner of Dwelling 2 and the north-east corner of Dwelling 1 is especially a bold architectural statement employed in the design response. The necessity for it to project up to 7 metres above natural ground level (Dwelling 2) along the southern elevations and by about 6 metres (Dwelling 1) along the northern elevation is queried. Indeed, it is considered that it need not extend beyond the height of the balustrading to the first level balconies to both dwellings. A condition to</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>this effect will be included. <b>Condition 1.6.</b></p> <p>A lightweight canopy (detached from the balustrading) can be introduced over these west facing balconies to provide solar relief. <b>Condition 1.7.</b></p> <p>A combination of cantilevering and recessing of upper levels relative to levels below has been employed in the overall design response to achieve a good level of articulation. Critically, across the streetscape elevation, the level of separation between the two rows of dwellings has been maximised. Similarly, an appropriate level of separation is to be provided between Dwellings 10 and 15 at the rear of the site.</p> <p>Dedicated pedestrian walkways have been well planned and will be finished with an interesting concrete treatment. The common accessway will also employ a decorative concrete treatment while a further treatment will be utilised to highlight visitor car parking spaces. The materials schedule and plans will need to clarify what type of concrete treatment is to be provided where. <b>Condition 1.9.</b></p> <p>Finer grain detail has also been carefully considered in respect of materials and finishes to fencing, security gates, screening and garage door treatments.</p> <p>A bicycle rack and letterbox structures are shown, although a condition will require a rack to be provided adjacent to each of the pedestrian walkways, where it is considered to more practically located. <b>Condition 1.26.</b></p> <p>Lastly, garages do not present as visual intrusions on the streetscape. This is a further positive of the overall development. The accessway being for vehicles only is a good outcome for internal amenity.</p>
<p>55.06-2 - To encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p><b>Met</b></p> <p>The design and height of proposed fencing to May Street is considered to be appropriate for the reasons discussed earlier in the report.</p>
<p>55.06-3 - To ensure that communal open space, car parking, access areas and site facilities are practical,</p>	<p><b>Met</b></p> <p>The common areas, including the accessways and their associated landscaping will be maintained by</p>



OBJECTIVE	OBJECTIVE MET/NOT MET
<p>attractive and easily maintained.</p> <p>To avoid future management difficulties in areas of common ownership.</p>	<p>an Owners' Corporation. There are no apparent difficulties associated with future management of these areas, particularly as landscaping is considered to be easily accessible.</p> <p>Given a communal open space area is proposed, it is appropriate to require plans to include the details of the furniture and facilities to be provided in these spaces. <b>Condition 1.31.</b></p>
<p>55.06-4 - 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 (with conditions)</b></p> <p>Two communal mailbox structures are proposed adjacent to both the northern and southern pedestrian walkways although both will need to be relocated adjacent to the front title boundary to meet Australia Post guidelines. <b>Condition 1.27.</b></p> <p>Solar hot water systems are proposed as an energy measure and these are to be situated atop the roof of each dwelling with rooftop screening to be applied.</p> <p>Rainwater tanks have not been shown but are likely to be required by a Sustainability Management Plan and/or to fulfil OSD requirements. A permit condition will require this detail having regard to the conclusions drawn from the OSD and SMP assessments. <b>Condition 1.30, 3, 11, 12.</b></p> <p>A permit condition will require retractable clotheslines to be installed to all balconies to ensure they do not present as visual eyesores to neighbouring properties. <b>Condition 1.11.</b></p> <p>Waste collection is proposed to be collected privately and from within the site, although the precise location and manner in which this will occur will need to be demonstrated by permit condition. <b>Conditions 1.16, 1.17.</b></p>

### Clause 65 Decision Guidelines

- 5.32 Clause 65 states because a planning permit can be granted, does not imply that a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause. Before deciding on an application, the Responsible Authority is required to consider up to twelve items which include *“the matters set out in Section 60 of the Planning and Environment Act 1987”*, *“the orderly planning of the area”* and *“the effect on the amenity of the area”*.

- 5.33 Having regards to the decision guidelines of this clause, it is considered that the proposed development constitutes orderly planning and will not have an unreasonable effect on the amenity of the neighbourhood for reasons discussed throughout this report.

## 6 REFERRALS

- 6.1 There were no external referral authorities for the application.
- 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>• Point of discharge is available for the site. All runoff is to be directed to the point of discharge subject to standard conditions.</li> <li>• Requires the provision of an on-site stormwater detention system.</li> </ul>
Engineering & Technical Services Unit (Vehicle Crossings)	<ul style="list-style-type: none"> <li>• Existing crossover (which is not to be utilised as part of the development) needs to be removed and the nature strip, kerb and channel and footpath reinstated.</li> </ul>
Engineering & Technical Services Unit (Access & Driveway)	<ul style="list-style-type: none"> <li>• Proposed accessway serves more than 10 car spaces and the accessway is more than 50m long. Applicant must keep a 5m wide and 7m long passing area at the entrance in accordance with Design Standard 1 of Clause 52.06-8.</li> <li>• Proposed landscaped strip at the end of the accessway requires to be removed and the accessway to be extended by 1m as Visitor 02 and visitor 03 car spaces are at blind aisles.</li> <li>• The proposed landscaped buffer at each side of BR 01 of Unit 1 and Unit 2 affects the vehicle manoeuvres of Unit 1 and Unit 2 western car spaces.</li> <li>• Waste truck swept paths appear to be too tight and requires more than 3 manoeuvres. Waste truck vehicle manoeuvres obstruct the three visitor car spaces and overhang the proposed garden bed.</li> <li>• Proposed small buffers between two garages requires to be removed and wall mounted lighting arrangement is</li> </ul>

Service Unit	Comments
	<p>proposed instead the bollards.</p> <ul style="list-style-type: none"> <li>• Visitor car parking space needs to be signed and directed.</li> </ul>
Engineering & Technical Services Unit (Parking & Traffic)	<ul style="list-style-type: none"> <li>• The development is compliant in respect of resident and visitor car parking provision.</li> </ul>
Engineering & Technical Services Unit (Waste Management)	<ul style="list-style-type: none"> <li>• Advises private waste collection is required.</li> <li>• Requires an on-site location for the waste bins to be collected by the waste truck to be specified which is not along the 6.4m width accessway where it would obstruct the vehicle manoeuvres of the residential garages.</li> <li>• The developer is required to demonstrate (swept path diagrams) that a private waste collection vehicle can collect waste from within the development, have the ability to perform a 3 point turn within the site as well as enter/exit in a forward direction.</li> <li>• The developer must show there is sufficient room surrounding visitor parking bay 1/2 &amp; 3 to undertake a 3 point turn by a waste collection vehicle.</li> </ul>
Engineering & Technical Services Unit (Construction Management)	<ul style="list-style-type: none"> <li>• Requires a Construction Management Plan to be lodged as any condition of approval.</li> </ul>
Economic & Environmental Planning (Urban Design)	<ul style="list-style-type: none"> <li>• Suggests the development is a well-articulated design through its modulation of form and surface treatments, including varying facades, fenestration (arrangement of windows) and rooflines, to create strong visual interest and reduce the overall massing of the building form.</li> <li>• Considers the material palette to be of a high quality and a key element of the architectural language of the building. Suggests that any building material substitutions be carefully assessed by Council.</li> <li>• Recognises that the first floor levels of</li> </ul>

Service Unit	Comments
	<p>units are stepped in and out along the alignment of the central driveway; with a minimum (window to window) dwelling separation distance of 5.3m between Dwellings 3 &amp; 4, 6 &amp; 12, and 8 &amp; 14. Notes if space was afforded, then suggests that this separation be increased to provide a more generous acoustic buffer. However, in this case, considers an increase of the width of the driveway – even with the deletion of a unit - would create a number of much more serious amenity issues both for these future residents, and for the neighbouring properties to the north and south. With that in mind, and understanding also that the driveway will have little to no pedestrian movement along it, thinks that widening it is not required in this circumstance.</p> <ul style="list-style-type: none"> <li>• Identifies building entries to be well-designed with integrated letterboxes and the provision of bicycle racks.</li> <li>• Notes path lighting is to be provided but considers is should be integrated into the landscape, be vandal-proof, and that it be designed to minimise light spill into neighbouring properties.</li> <li>• Hard landscaping materials and design are adequate. The proposal seeks to maximise the opportunity for feature canopy trees on the boundaries of the site.</li> </ul>

6.3 It is considered the above matters arising from the referral of the application to internal council departments can be, as necessary, applied as permit conditions to any decision to issue.

**7 CONSULTATION**

7.1 The planning application was placed on public notice for a three (3) week period which concluded on 3 September 2015. The public were notified by the sending of letters to adjoining and nearby properties and by the display of two (2) signs across the frontage of each lot comprising the site.

7.2 Council has received two (2) objections from the following properties:

Address
11 May Street, Doncaster East (abutting property to the south of the site)

**Address**

2-4 George Street, Doncaster East  
(abutting property to the north of the site)

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

- 7.3.1 Overshadowing,
- 7.3.2 Impact to existing boundary fencing
- 7.3.3 Insufficient on-site car parking
- 7.3.4 Traffic implications
- 7.3.5 Demolition & construction management issues.

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

**Overshadowing**

- 7.5 The property owner to the south of the site, at 11 May Street, has objected on overshadowing grounds.

- 7.6 Having assessed the shadow diagrams submitted with the application, there are no shadow implications at any time of the day as a consequence of the proposed development to the objector's property. There will only be a very minor increase in shadow to this property caused by a higher boundary fence that is proposed across the common boundary.

**Impact to existing boundary fencing**

- 7.7 The objecting property owner at 11 May Street has also raised concern with regard to impact to existing boundary fencing during the construction phase of the development. In particular, the objector is concerned for her privacy during the construction process. This is a valid concern and one that can be managed (and enforced if need be) by permit condition. **Condition 28.**

**Insufficient on-site car parking**

- 7.8 Both objectors have expressed concern with the car parking provision for the development.

- 7.9 As discussed under the response to the assessment of the proposal against Clause 52.06 of the Manningham Planning Scheme, the development is providing the commensurate number of car parking spaces relative to bedroom numbers. Also, the proposal is providing three (3) on-site visitor car spaces at the rear of the site which is similarly compliant with the requirements of the Planning Scheme.

- 7.10 While it is noted that both objectors have raised the current pressure on on-street car parking within May Street, this is not a matter that can be considered as part of this planning application noting that the applicant is providing the required number of on-site car parking spaces. Opportunities to alleviate pressure on on-street car parking and consideration of any other measures along May Street is a matter that can be looked into by Council's Engineering department. As such, it has been forwarded to this department for further investigation.

**Traffic implications**

- 7.11 In relation to this application, it is not considered that the traffic challenges of May Street and those surrounding the site should prevent its redevelopment. While it is acknowledged that objectors consider this proposal would exacerbate the existing situation, the applicant is providing the required number of on-site car parking spaces and submitted a traffic report which, in the expert opinion of its author, concludes that the level of traffic to be generated by the proposal *“is well within the capacity of May Street and will have a minimal impact on traffic operations on the surrounding road network”*. This view is not challenged by Council’s Engineering department.

#### **Demolition & construction management issues**

- 7.12 The property owner to the south of the site at 11 May Street has expressed concerns about the impact of the demolition of the existing buildings on the subject site and the impacts to her amenity during the construction phase of the development.
- 7.13 With the exception of heritage properties, the planning process does not regulate the demolition of buildings. As such, the demolition process cannot be controlled by any planning permit to issue.
- 7.14 In terms of construction management, it is appropriate to require a Construction Management Plan as a condition of any approval. A Construction Management Plan will require, among other things, details as to where workers attending the site will park legally to ensure no adverse amenity impacts to the objector and other properties within May Street.

## **8 CONCLUSION**

- 8.1 The proposal presents a number of positive elements, including an opportunity to introduce an increased level of density in a well located site proximate to public transport along Blackburn Road and George Street and within comfortable walking distance to the Donburn Neighbourhood Activity Centre and East Doncaster Secondary College.
- 8.2 The proposal presents no unreasonable external amenity impacts while some minor issues with the development are rectifiable with permit condition.
- 8.3 It is therefore considered appropriate to support the planning application, subject to conditions.

## **RECOMMENDATION**

**That having considered all objections A NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application No. PL15/024973 for the construction of fifteen (15) dwellings with associated car parking in accordance with the endorsed plans and subject to the following conditions –**

- 1. Before the development starts, two copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application (prepared by Sky Hao Architects, dated 30 June 2015 and as received by Council on 3 July 2015) but modified to show:**

**Dwellings**

- 1.1. Dwelling 1 and 3's balconies and habitable room windows screened in accordance with Standard B22 of Clause 55.04-6 of the Manningham Planning Scheme;
- 1.2. Dwelling 1 and 2's, Bedroom 2 with a operable highlight window;
- 1.3. Dwelling 1's, north facing Sitting Room with a operable highlight window/s;
- 1.4. Dwelling 2's, south facing Sitting Room with a operable highlight window/s;
- 1.5. Barriers between balconies at the first level to be non-transparent and a minimum of 1.7 metres high above finished floor level to ensure internal privacy for future occupants. This to be notated on the first floor plan and the relevant elevations;
- 1.6. The bronze cladding treatment to Dwelling 1 and 2 to extend no higher than the first level, balustrading;
- 1.7. The provision of solar protection to all west and north facing windows and the use of a lightweight canopy to the upper level west facing balconies of Dwellings 1 and 2;
- 1.8. A sense of personal address adjacent to the entry of all dwellings by numbering the entry "1, 2, 3, 4, etc, as applicable";
- 1.9. An updated colour schedule (to correspond to elevations, as applicable) to include details of all materials and colours, including paving, fencing, screening, retaining walls and all building and facade treatments, including specification as to where the various concrete treatments are to be applied across the site;
- 1.10. The design detail of proposed external balcony screening at a scale of 1:20 or 1:50 to achieve full compliance with Standard B22 of Clause 55.04-6 of the Manningham Planning Scheme;
- 1.11. Retractable clotheslines to all balconies to limit their visibility to public and private realms;

**Vehicle Accessway/Car Parking**

- 1.12. Deletion of the landscaping within the passing area at the entrance of the development (i.e. within the first 7 metres) to accord with Design Standard 1 of Clause 52.06-8 of the Manningham Planning Scheme;
- 1.13. An intercom (connected to each dwelling) to facilitate convenient 24 hour access to the visitor car parking spaces and to enable access to the site for waste collection purposes;
- 1.14. The design detail of the security gate across the accessway demonstrating it will not impede entering and exiting vehicles;
- 1.15. A permeable paving treatment along the eastern boundary in the section adjacent to visitor car parking spaces;
- 1.16. A designated location at the rear of the site where a private waste contractor will collect all waste. This may encompass the permeable paved area referred to in Condition 1.15 but may need to

be larger to cater to the surface area required for bin storage. This must be determined in accordance with the Waste Management Plan required by Condition 6 of this permit;

- 1.17. A swept path diagram/s to illustrate the ability for a waste collection vehicle to conveniently enter and exit the rear of the site in order to undertake waste collection in accordance with the Waste Management Plan required by Condition 6 of this permit;
- 1.18. A physical barrier, such as timber slat fencing, to separate visitor car parking spaces from communal areas;
- 1.19. A wheel stop to all visitor car parking spaces;
- 1.20. The provision of a visitor spaces sign visible from the site frontage to direct visitors to car parking at the rear of the site. The sign must be integrated with the built form;
- 1.21. A plan notation that the Council parking restriction sign within the nature strip is to be relocated to facilitate the widened crossover;
- 1.22. A plan notation that the redundant crossover is to be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority;
- 1.23. A plan notation that on-street car parking is to be modified in light of the development's crossover location;
- 1.24. Lighting along the vehicle accessway to be situated atop garage openings, rather than at ground (surface) level;

#### Pedestrian Accessway

- 1.25. Lighting adjacent to pedestrian accessways to be integrated with the landscaping treatments required by Condition 8 of this permit;
- 1.26. The bicycle racks relocated adjacent to each of the pedestrian accessways;
- 1.27. The relocation of both sets of letterboxes to the front title boundary;
- 1.28. The encroachment of the retaining wall within the pedestrian accessway along the rear boundary deleted;

#### General

- 1.29. A site coverage calculation that includes overhanging balconies and cantilevering elements;
- 1.30. Any further modifications required as a result of the Plans required by Conditions 3, 6 and 12, including the nomination and location of rainwater tank/s (if applicable);
- 1.31. Details of the furniture and facilities to be provided in the communal open space areas.

#### **Endorsed Plans**

2. The development as shown on the approved plans must not be modified for any reason, without the written consent of the Responsible Authority.

#### **Sustainability Management Plan**



3. **Before the development starts or the issue of a building permit for the development, whichever is the sooner, two copies of a Sustainability Management Plan (SMP), prepared by a suitably qualified environmental engineer or equivalent must be submitted to and approved by the Responsible Authority. When approved the plan will form part of the permit. The recommendations of the plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the occupation of any dwelling. The Plan must include, but not be limited to the following:**
  - 3.1. **Identify how the development will achieve the sustainability objectives of the Manningham Planning Scheme contained in Clause 21.10;**
  - 3.2. **Identify the responsibilities and timing for achieving the above objectives;**
  - 3.3. **Identify the key performance indicators which give effect to the relevant policy and statutory obligations;**
  - 3.4. **Encourage initiatives which range from current best practice, emerging technology to continuous innovation;**
  - 3.5. **Demonstrate that the design elements, technologies and operational practices that comprise the SMP can be maintained over time;**
  - 3.6. **The individual components of the Sustainability Management Plan should address:**
    - 3.6.1. **Building Energy Management**
    - 3.6.2. **Water Sensitive Design**
    - 3.6.3. **External Environmental Amenity**
    - 3.6.4. **Waste Management**
    - 3.6.5. **Quality of Public and Private Realm**
    - 3.6.6. **Transport.**
4. **Prior to the occupation of any building approved under this permit, a report from the author of the SMP report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.**

#### **Construction Management Plan**

5. **Before the development starts, two copies of a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved the plan will form part of the permit. The plan must address, but not be limited to, the following:**
  - 5.1. **A liaison officer for contact by residents and the responsible authority in the event of relevant queries or problems experienced;**
  - 5.2. **Hours of construction in accordance with the Manningham Local Law;**

- 5.3. Delivery and unloading points and expected frequency;
- 5.4. On-site facilities for vehicle washing;
- 5.5. Parking facilities/locations for construction workers to be illustrated in map form and to be informed by existing parking restrictions in the immediate area;
- 5.6. Other measures to minimise the impact of construction vehicles arriving at and departing from the land;
- 5.7. Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;
- 5.8. The measures for prevention of the unintended movement of building waste and other hazardous materials and pollutants on or off the site, whether by air, water or other means;
- 5.9. An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services;
- 5.10. The measures to minimise the amount of waste construction materials;
- 5.11. Measures to minimise impact to existing boundary and front fencing on adjoining properties;
- 5.12. The measures to minimise noise and other amenity impacts from mechanical equipment/construction activities, especially outside of daytime hours; and
- 5.13. Adequate environmental awareness training for all on-site contractors and sub-contractors.

#### **Waste Management Plan**

6. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an amended Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved the plan will form part of the permit. The Plan must generally be in accordance with the plan prepared by Leigh Design, as prepared on 3 June 2015, but modified to provide for:
  - 6.1. A layout plan consistent with the Condition 1 plans;
  - 6.2. Future occupants of the site to place their bins at a dedicated location at the rear of the site, rather than along the vehicle accessway, in accordance with the Condition 1 development plan. The size of this area must be informed by the size required for relevant bin storage;
  - 6.3. The waste collection contractor to collect waste bins from the rear of the site, rather than along the vehicle accessway;
  - 6.4. The nomination of a waste collection vehicle that can safely and conveniently enter and exit the site to the satisfaction of the Responsible Authority. This is to be informed by the provision of swept path diagrams and turning templates to demonstrate that a waste service vehicle can undertake a 3-point turn and manoeuvre within the basement in order to exit the site in a forward direction;

- 6.5. The nomination of a waste collection vehicle that can achieve the requirements of Condition 6.3 and 6.4;
  - 6.6. The hours and frequency of pick up for general waste and recyclables to the satisfaction of the Responsible Authority.
  - 6.7. A statement that no bins are to be left on the nature strip or elsewhere on the site in common areas, other than the dedicated on-site waste collection area.
7. The Management Plans approved under Conditions 6, 8 and 9 of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.

#### **Landscape Plan**

8. Before the development starts, a landscaping plan prepared by a landscape architect or person of approved competence must be submitted to the Responsible Authority for approval. Such plan must be generally in accordance with the approved plan, and must show species, locations, approximate height and spread of proposed planting and the retention of existing trees and shrubs, where appropriate or as directed by any other condition of this Permit. Such plan must show:
  - 8.1. Any details as relevant or directed by any other condition of this Permit;
  - 8.2. A layout consistent with the plans approved under Condition 1, including the location of all retaining walls;
  - 8.3. A planting schedule detailing the species, numbers of plants, approximate height, spread of proposed planting and planting/pot size for all trees, shrubs and all other plants;
  - 8.4. Surface treatments;
  - 8.5. A minimum of six (6) canopy trees within the front setback of the site, four (4) of which must be capable of reaching a height of eight (8) metres at maturity. The trees must be a minimum height of 1.5 metres at the time of planting;
  - 8.6. A row of deciduous ornamental trees, such as Ornamental Pears, along the full length of the southern boundary and to provide shade within the communal open spaces at the rear;
  - 8.7. Layered landscaping (low to medium level) along the full length of the northern property boundary atop the retaining wall;
  - 8.8. Low to medium level landscaping along the full length of the southern boundary;
  - 8.9. Low level landscaping adjacent to dwelling entries.

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.

#### **Landscape Bond**

9. Before the release of the approved plans under Condition 1, a \$15,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.
10. Before the occupation of the dwellings, landscaping works as shown on the approved plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

#### **Stormwater — On–Site Detention System**

11. The owner must provide onsite 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:
  - 11.1. Be designed for a 1 in 5 year storm; and
  - 11.2. Storage must be designed for 1 in 10 year storm.
12. Before the development starts, a construction plan for the system required by Condition No. 11 of this permit must be submitted to and approved by the Responsible Authority. The system must be maintained by the Owner thereafter in accordance with the approved construction plan to the satisfaction of the Responsible Authority.

#### **Drainage**

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

#### **Vehicle Accessways**

14. Prior to occupation of the approved dwellings, any modified vehicular crossover must be constructed in accordance with the approved plans of this permit to the satisfaction of the Responsible Authority.
15. Before the occupation of the approved dwellings, all visitor car parking spaces must be line–marked and signposted to the satisfaction of the Responsible Authority.
16. Visitor parking spaces must not be used for any other purpose to the satisfaction of the Responsible Authority.
17. Any redundant vehicle crossover must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.

#### **Site Services**

18. Unless depicted on a roof plan approved by this permit, no roof plant (includes air conditioning units, basement exhaust ducts, solar panels or hot water systems) which is visible to immediate neighbours or from the

street may be placed on the roof of the approved building, without details in the form of an amending plan being submitted to and approved by the Responsible Authority.

19. If in the opinion of the Responsible Authority, roof plant proposed under the permit is acceptable subject to the erection of sight screens, such sight screen details must be included within any amending plan and must provide for a colour co-ordinated, low maintenance screen system with suitable service access to the satisfaction of the Responsible Authority.
20. If allowed by the relevant fire authority, external fire services must be enclosed in a neatly constructed, durable cabinet finished to complement the overall development, or in the event that enclosure is not allowed, associated installations must be located, finished and landscaped to minimise visual impacts from the public footpath in front of the site to the satisfaction of the Responsible Authority.
21. All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively to the satisfaction of the Responsible Authority.
22. 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.
23. 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.
24. An intercom and an automatic door opening system (connected to each dwelling) must be installed, so as to facilitate convenient 24 hour access to the visitor car parking spaces to the satisfaction of the Responsible Authority.
25. A centralised TV antenna system must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.
26. No individual dish antennas may be installed on balconies or walls.
27. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.

#### **Maintenance/Nuisance**

28. In the event of excavation causing damage to an existing boundary fence, the owner of the development site must at their own cost repair or replace the affected fencing to the satisfaction of the Responsible Authority.
29. Privacy screens, obscure glazing, replacement boundary fencing as shown on the approved plans must be installed prior to occupation of the dwellings to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority. The use of the obscure film fixed to transparent windows is not considered to be obscured glazing or an appropriate response to screen overlooking.

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

**Time Limit**

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

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

**MOVED: O'BRIEN**  
**SECONDED: GALBALLY**

That the Recommendation be adopted.

**CARRIED**

"Refer Attachments"

\* \* \* \* \*

## 9. PLANNING & ENVIRONMENT

### 9.1 Amendment C110 - Review of Statutory and Policy Gaps (Non-Residential Uses, Aged Care Facilities and Outbuildings in the LDRZ - Adoption of Amendment

Responsible Director: Director Planning & Environment

TRIM No. T15/192

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 purpose of this report is for Council to consider the adoption of Amendment C110 to the Manningham Planning Scheme.*

*The Amendment affects all properties within the Residential Growth Zone, General Residential Zone, Neighbourhood Residential Zone and Low Density Residential Zone.*

*The Amendment seeks to address a number of statutory and policy gaps in the Manningham Planning Scheme that were identified as actions and recommendations, either within the Manningham Residential Strategy (2012), the Planning Scheme Review (2014), or as part of more recently identified planning issues. More specifically, the amendment seeks to:*

- amend the Municipal Strategic Statement (MSS) at Clause 21.06 Low Density and Clause 21.16 Key References to introduce a new reference document;*
- amend two existing Clause 22 policies (Clause 22.04 Residential Accommodation and 22.05 Non-Residential uses in Residential Areas); and*
- introduce a new policy at Clause 22.19 Outbuildings in the Low Density Residential Zone and to insert a permit trigger for outbuildings into the schedule to the Low Density Residential Zone.*

*These statutory and policy gaps in the Scheme have emerged, in part, as a result of emerging development trends and the recent changes to a range of planning provisions, including the new reformed residential zones. In particular, a shortcoming of the current policy framework is that there needs to be a distinction as to the suitability of residential and non-residential uses and development, based on the level of change anticipated for the particular residential zoning.*

*The Amendment was exhibited from 20 August to 21 September 2015. No submissions have been received. However, minor changes to the exhibited amendment have subsequently been proposed by Council officers to address typographical errors to refine the proposed controls to better reflect the use of appropriate planning terminology, provide greater clarity and to ensure a more consistent approach between the MSS, local policy and guidelines.*

*As no submissions were received during the exhibition period, it is recommended that pursuant to section 29 of the Planning and Environment Act 1987, Council adopts Amendment C110 to the Manningham Planning Scheme generally as exhibited but with some minor changes, as identified in Attachment 1 (parts 1A to 1I) and forwards the Amendment as adopted to the Minister for Planning for approval in accordance with section 31 of the Act.*

## **1 BACKGROUND**

1.1 A number of policy gaps in the Manningham Planning Scheme have been highlighted as actions and recommendations within the *Manningham Residential Strategy (2012)*, the *Planning Scheme Review (2014)*, and as part of more recently identified planning issues.

### **Manningham Residential Strategy (2012)**

1.2 Relevant short (1-4 years) and medium (5-10 years) actions are as follows:

- Action 1:11 (short-long term)  
*'Investigate mechanisms to minimise the 'under-development of sites' including:*
  - *Site consolidation;*
  - *Review of the existing policies such as Clause 22.05 'Non-residential uses in Residential Areas Policy.'*
- Action 1.19 (short term)  
*'Assess the location of retirement villages and determine the locations and areas where they would be encouraged and discouraged. Review Clause 22.04 'Accommodation Premises Policy' and provide more direction regarding the location, design and siting of retirement villages.'*
- Action 1.20 (medium term)  
*'Determine the implications of having retirement villages in the municipality and their social and economic implications.'*

### **Manningham Planning Scheme Review (2014)**

1.3 Relevant recommendations in the *Manningham Planning Scheme Review (2014)*, are as follows:

- Recommendation No. 2 (medium priority - to commence 2015/16 depending on resources)  
*'Examine the need for a policy to provide guidance for built form and earth works in Green Wedge areas, along the Yarra River corridor and in Low Density Residential areas.'*
- Recommendation No. 11 (high priority - to commence 2014/15)  
*'Review the Non-residential Uses in Residential areas Policy taking into consideration potential competition for land between commercial uses and diversity of housing.'*
- Recommendation No. 21 (low priority - unlikely to commence before 2016/17)



*'Examine the need for additional policy guidance for non-residential land uses within DDO8 areas in particular, evaluate the need to discourage non-residential uses within DDO8 areas and along main roads.'*

- Recommendation No. 23 (high priority - to commence 2014/15)

*'Review policy to improve management of built form and increased pressure for aged care facilities and other non-residential uses in low density areas.'*

### Emerging Planning Issues

- 1.4 A statutory and policy planning gap relating to outbuildings in the Low Density Residential Zone (LDRZ) was also identified as a high priority for review.
- 1.5 Whilst this issue had not previously been identified in either the *Manningham Residential Strategy (2012)* or the *Manningham Planning Scheme Review (2014)*, it emerged through more recent development trends.
- 1.6 It has been identified that 6% of all properties (approximately 287 properties) within the LDRZ have no permit trigger for the assessment of outbuildings. The majority of the properties within the LDRZ are also affected by Overlay provisions which include tighter permit triggers i.e. the Environmental Significance Overlays (ESO) and Significant Landscape Overlays (SLO) and these overlay controls trigger the need for a permit for an outbuilding.
- 1.7 The amenity impacts of large scale outbuildings has highlighted the need for clearer guidance in the Manningham Planning Scheme in relation to the size, design, siting and function of outbuildings in the LDRZ.
- 1.8 On 23 June Council considered a report in relation to Amendment C110 to the Manningham Planning Scheme. More specifically, Council resolved to:
  - (A) ***Note the statutory and policy changes being proposed as part of Amendment C110 to the Manningham Planning Scheme; and***
  - (B) ***Under section 8A of the Planning and Environment Act 1987 requests that the Minister for Planning authorises Council to prepare Amendment C110 to the Manningham Planning Scheme to:***
    1. ***introduce a permit trigger requirement for outbuildings within the schedule to the Low Density Residential Zone at Clause 32.03;***
    2. ***amend the MSS at Clause 21.06 to introduce information on the role of traffic, parking and the road network in the Low Density Residential Zone;***
    3. ***introduce a new Reference Document in Clause 21.16 Key References;***
    4. ***amend existing policies Clause 22.04 Accommodation Premises Policy and Clause 22.05 Non Residential Uses in Residential Areas Policy; and***
    5. ***introduce a new Local Planning Policy on Outbuildings at Clause 22.19 Outbuildings in the Low Density Residential Zone,***

**(C) Advises the Minister for Planning that:**

- ***Pursuant to Section 19(1A) of the Planning and Environment Act 1987, Council considers it impractical to notify all owners and occupiers individually of Amendment C110. Given the large number of properties affected by Amendment C110 (all properties within the Residential Growth Zone, General Residential Zone, Neighbourhood Residential Zone and Low Density Residential Zone), it is proposed to only directly notify the property owners and occupiers (approximately 300 properties) that will be affected by the statutory changes which seek to introduce a permit trigger of 80sqm in the schedule to the Low Density Residential Zone (LDRZ); and***
- ***Council will give notice of the amendment in accordance with section 19(1B) of the Act (including giving notice in a paper circulating within the affected areas inviting submissions to be made) and will also undertake non-statutory consultation measures to ensure awareness of the proposed amendment.***

- 1.9 Amendment C110 was subsequently placed on public exhibition from 20 August to 21 September 2015. Notices were sent to owners and occupiers within the LDRZ affected by the permit trigger for outbuildings, key resident groups and aged care facility operators and to prescribed Ministers on 17 August 2015. Notices were placed in the Manningham Leader and the Government Gazette and an article appeared in the September 2015 edition of Manningham Matters.
- 1.10 Whilst no submissions have been received in response to the public exhibition of the Amendment, officers are proposing minor changes to address typographical errors to refine the controls to better reflect the use of appropriate planning terminology, to provide greater clarity and to ensure a more consistent approach between the MSS, local policy and guidelines.

## **2 PROPOSAL/ISSUE**

- 2.1 It is proposed to address the issues and actions identified in the *Manningham Residential Strategy (2012)*, the *Manningham Planning Scheme Review (2014)*, and as part of more recently identified emerging issues in Amendment C110 to the Manningham Planning Scheme. These actions and recommendations are outlined in the background of this report.
- 2.2 The Amendment seeks to address three key themes:
- Non Residential uses in Residential Areas (in particular Residential Growth Zone and Low Density Residential Zone Areas);
  - Residential Aged Care Facilities in Low Density Residential Zone Areas; and
  - Outbuildings in the Low Density Residential Zone.

### **Overview of Changes Proposed in Amendment C110**

- 2.3 Amendment C110 to the Manningham Planning Scheme seeks to address the identified statutory and policy gaps in the Manningham Planning Scheme by providing additional statutory and policy direction.

- 2.4 Within the Residential Growth Zone, the proposed changes will:
- Ensure that the preferred development character of the area is achieved;
  - Avoid the underdevelopment of strategic sites; and
  - Encourage more intensive forms of mixed use development, while ensuring that the internal amenity of the building and the amenity of the surrounding neighbourhood is protected.
- 2.5 Within the General Residential Zone and the Neighbourhood Residential Zone, the proposed changes will:
- Ensure that the use and development is responsive to existing neighbourhood character and environmental and landscape values.
- 2.6 Within the Low Density Residential Zone, the proposed changes will:
- Ensure that the use and development is responsive to existing neighbourhood character, road network and typology, environmental and landscape values; and
  - Ensure that there are clear criteria to guide the appropriate location, design and siting of residential and non-residential development, with a permit trigger to control the size of outbuildings.

#### **Details of Key Changes Proposed in Amendment C110**

##### ***Non-Residential Uses in Residential Areas (Residential Growth Zone and Low Density Residential Areas)***

- 2.7 Amendment C110 proposes to amend Clause 22.05 *Non-Residential Uses in Residential Areas* Policy to ensure that discretionary non residential uses are responsive to the existing or preferred character and amenity of their residential location as follows:
- In the Residential Growth Zone areas, discretionary non-residential uses need to be responsive to the preferred neighbourhood character and additional objectives are to:
    - encourage the consolidation of existing allotments to facilitate integrated mixed use development on larger sites, to avoid the underutilisation of land;
    - encourage non-residential uses within the Residential Growth Zone to be integrated at ground level within development with residential uses above; and
    - encourage more intensive forms of mixed use development while ensuring that the internal amenity of the building and amenity of the surrounding neighbourhood area is protected.
- 2.8 In addition, the MSS, at Clause 21.06 Low Density, is proposed to be amended to address a gap in the Clause, with the inclusion of a new section in the overview titled '*Traffic and Carparking*'. This new section acknowledges the characteristics of the local road network in parts of the low density areas, as well as objectives and strategies to respond to the identified key issues relating to traffic and carparking within the LDRZ. In particular, it recognises that the existing local road network within some locations of the Low Density Residential Area is characterised by narrow, single lane roads, including unsealed roads, well vegetated road verges, unmade kerbs and channels and no footpaths and that this will have

implications for the location of non-residential uses (and residential aged care facilities) in these areas.

***Residential Accommodation (Residential Aged Care) in Low Density Residential Areas***

- 2.9 Amendment C110 proposes to address policy gaps in Clause 22.04 *Accommodation Premises* (title to be changed to *Residential Accommodation*) by the inclusion of criteria to assess residential or other sensitive interfaces, topography, environmental and landscape values, traffic and carparking requirements, access to infrastructure and reticulated sewerage and proximity to activity centres, services and public transport.
- 2.10 As noted earlier, the Amendment also proposes to make changes to *Clause 21.06 Low Density* to reflect the importance of the existing local road network and typology to the character of the low density residential area.

***Outbuildings in the Low Density Residential Zone***

- 2.11 There is currently an absence of planning control over the construction of outbuildings for approximately 6% (287 properties) within the LDRZ, that are not affected by overlay controls that trigger the need for a permit for outbuildings.
- 2.12 Based on an assessment of planning applications for outbuildings within the LDRZ, it is considered that outbuildings with an area greater than 80sqm, have the potential to detrimentally impact on the amenity and the low density character of the LDRZ area.
- 2.13 Amendment C110 therefore proposes to amend the schedule to Clause 32.03 LDRZ to introduce a permit trigger of 80sqm for outbuildings within the zone.
- 2.14 Amendment C110 also proposes to introduce a new policy at Clause 22.19 *Outbuildings in the Low Density Residential Zone* to guide the siting, size, design, and function of outbuildings.
- 2.15 Amendment C110 also proposes to include '*Manningham City Council, Guidelines for Outbuildings in the Low Density Residential Zones, October 2015*' as a Reference Document within Clause 22.16. The Guidelines will be a 'user-friendly' handbook, that includes illustrations to assist property owners with the appropriate siting and design of outbuildings.

**Changes following Exhibition of Amendment C110**

- 2.16 Whilst no submissions have been received in respect to the exhibited C110, a number of minor changes to the exhibited documents, are being proposed by Council officers, to refine the proposed controls to address typographical errors to better reflect the use of planning terminology; to provide greater clarity, and to ensure a more consistent approach between the MSS, local policies and guidelines.
- 2.17 Table 1 describes the proposed key changes to the exhibited amendment documents in more detail.
- 2.18 It is important to note that the changes proposed in Table 1 do not alter the policy intent of the exhibited amendment.

**TABLE 1: Proposed key changes to exhibited amendment documents**

1.	22.04 Residential Accommodation (Attachment 1E)	<p>Under Clause 22.04-2 Objectives:</p> <p>Amend the second dot point to state: <i>'To ensure that safe and convenient vehicle and pedestrian access is provided with, to and from the site.'</i></p> <p>And</p> <p>Add in as a fifth dot point an additional objective which states: <i>'To ensure that the location of the use does not adversely affect the role and function of the road network and that adequate provision is made for on site carparking.'</i></p>	<p>The MSS Clause 21.06 identifies as a key issue the capacity of the existing road network. This issue is not adequately reflected in the objectives of Clause 22.04 and 22.05. There needs to be a strengthening of the objectives in Clauses 22.04 and 22.05 to better reflect the capacity of the surrounding road network as a key planning consideration. The intent of the revised objectives is to ensure that the capacity of the surrounding road network, including pedestrian accessibility is not compromised by the intensification of the proposed use. This is of particular relevance where there is a cluster of non residential and/or aged care facilities in the same location.</p>
2.	Clause 22.04 Residential Accommodation (Attachment 1E)	<p>Under 22.04-3 'Policy', under 'Location', remove the reference to the requirement <i>that 'land is within 800m walking distance to an activity centre and community facilities external to the site'</i> and replace with <i>'The land has convenient access to an activity centre and community facilities external to the</i></p>	<p>The intent of this requirement will be better met by removing reference to the 800m walking requirement to an activity centre or community facility and include a more performance-based terminology, which allows for flexibility and greater discretion in its interpretation and application. This</p>

		<p><i>site</i>'.</p>	<p>change will also provide for consistency with terminology used in the remainder of the policy. More specifically, it will assist in the exercise of discretion in assessing development applications, acknowledging that the level of mobility of residents will differ between facilities. i.e. higher care versus lower care aged care facilities.</p> <p>This proposed change to a more performance based requirement rather than being a more prescriptive requirement may also avoid the excessive 'clustering' affect of uses within the 800m catchment.</p>
3.	<p>Clause 22.04 Residential Accommodation</p> <p>(Attachment 1E)</p>	<p>Under Clause 22.04-3 Design and Built form, include:</p> <p>The addition of a preamble stating that it is policy that the requirements apply to all zones identified in the preamble to this clause, unless specifically identified otherwise.</p> <p>and</p> <p>Amend the second dot point with the addition of the bolded text to read as follows: <i>'Building and site design should avoid excessive overshadowing and visual bulk to adjoining residential properties to maintain the privacy of adjoining residential</i></p>	<p>This change is required to provide clarity in the consideration of the requirements.</p> <p>This change is required to provide clarity to the policy requirement which seeks to address amenity impacts to neighbouring</p>

		<i>properties</i> '.	properties.
4.	22.05 Non-Residential uses in Residential Areas (Attachment 1F)	Under Clause 22.05-2 'Objectives', amend the sixth dot point six to read as follows; <i>'To ensure that the location of the use does not adversely affect the role and function of the road network and that adequate provision is made for on-site carparking.'</i>	The MSS Clause 21.06 identifies as a key issue the capacity of the existing road network. This issue is not adequately reflected in the objectives of Clause 22.04 and 22.05. There needs to be a strengthening of the objectives in Clauses 22.04 and 22.05 to better reflect the capacity of the surrounding road network as a key planning consideration. The intent of the revised objectives is to ensure that the capacity of the surrounding road network, including pedestrian accessibility is not compromised by the intensification of the proposed use. This is of particular relevance where there is a cluster of non residential and/or aged care facilities in the same location.
5.	22.05 Non-Residential uses in Residential Areas (Attachment 1F)	Under Clause 22.05-3 Policy, amend the preamble with the inclusion of the wording:  <i>It is policy that non-residential discretionary uses are assessed against the following criteria which applies to all zones identified in the preamble to this clause,</i>	This change is required to provide clarity in the consideration of the requirements.

		<i>unless specifically identified otherwise;</i>	
6.	22.19 Outbuildings in the Low Density Residential Zone  (Attachment 1G)	Under 22.19-3 'Policy', change first dot point to replace the word <i>'incidental'</i> with <i>'ancillary'</i> .	To state that 'outbuildings shall be used for purposes ancillary to the domestic use of the dwelling is more appropriate. The use of the word 'ancillary' is a more recognised planning term and also creates consistency between the terminology used in the policy and the proposed Outbuilding Guidelines.
7.	Development Guide – Outbuildings in the Low Density Residential Zone  (Attachment 1I)	Amend the following part of the last paragraph on Page 1 which states: <i>'The majority of the properties within the LDRZ are also affected by Overlay provisions which include tighter controls over the size of outbuildings above which a planning permit its required. i.e. the Environmental Significance Overlays (ESO) and Significant Landscape Overlays (SLO) and these overlay controls trigger the need for a permit for an outbuilding that exceeds 50sqm in size.'</i>  With:  <i>'The majority of the properties within the LDRZ are also affected by Overlay provisions i.e. the Environmental Significance Overlays (ESO) and Significant Landscape Overlays</i>	The changes seek to clarify that there are different permit trigger requirements. While the majority of properties affected by ESO or SLO controls have a trigger for outbuildings exceeding 50sqm, ESO1 and ESO2 includes a permit trigger for buildings and works associated with any outbuilding.



		<p><i>(SLO) which include tighter planning permit triggers for an outbuilding’.</i></p> <p>Amend the date of the document to reflect when the updated changes were made (October 2015). Reflect this change in all relevant amendment documentation.</p>	<p>Updates date on Reference Document to reflect date of most recent changes made to the document</p>

2.19 The amendment documents recommended for adoption by Council in Attachment 1 have been amended to incorporate the above changes.

**3 PRIORITY/TIMING**

3.1 Subject to Council’s resolution, it is proposed that the adopted Amendment C110 to the Manningham Planning Scheme, be submitted generally in accordance with documents in Attachment 1 (parts 1A to 1I) to the Minister for approval, pursuant to section 31 of the Act.

**4 POLICY/PRECEDENT IMPLICATIONS**

- 4.1 It is considered that the changes proposed as part of Amendment C110 to the Manningham Planning Scheme are not substantial shifts in planning policy, with the exception of outbuildings which proposes a permit requirement for outbuildings to be included in the LDRZ and a new policy to guide Council discretion.
- 4.2 Amendment C110 seeks to address statutory and policy gaps in the Manningham Planning Scheme that were identified, either as actions within the *Manningham Residential Strategy (2012)*, the *Planning Scheme Review (2014)*, or as a more recently identified planning issue.
- 4.3 It is considered that the minor changes proposed by officers post exhibition further refine the intent of the changes proposed by Amendment C110.
- 4.4 As part of amending or preparing the new local policies, regard has been given to use of language and formatting being consistent with the State Government *Planning Practice Note 8 – Writing a Local Planning Policy (September 2013)*.

**5 CUSTOMER/COMMUNITY IMPACT**

5.1 It is considered that the changes will positively benefit property owners / applicants by providing greater clarity and certainty regarding the manner in which a property can be developed for non-residential uses, aged care facilities and the construction of outbuildings.

**6 FINANCIAL RESOURCE IMPLICATIONS**

- 6.1 The resourcing of the work to prepare Amendment C110 to the Manningham Planning Scheme has been supported by a specific budget allocation of \$40,000 identified in the 2014/15 Budget to implement the short term actions of the Manningham Residential Strategy 2012 in the context of the State Government's reformed residential zones and Metropolitan Strategy.
- 6.2 Planning Scheme Amendments are prepared and administered by the Economic and Environmental Planning Unit. Administrative costs incurred as part of the Amendment will be covered through the allocated budget.

**7 SUSTAINABILITY**

- 7.1 It is considered that the statutory and policy changes as proposed by the amendment documents included in Attachment 1 (parts 1A to 1I) will result in social and environmental benefits by ensuring that uses are more responsive to the existing or preferred neighbourhood character, as follows:
- Within areas designated for residential growth, the policy changes seek to encourage the consolidation of existing allotments to facilitate integrated mixed use development to avoid the underutilisation of land; and
  - Within areas designated for incremental or limited change, the policy changes seek to encourage the uses to be more responsive to the existing neighbourhood character and environmental landscape values.
- 7.2 Amendment C110 also seeks to ensure that the on site amenity and amenity of the surrounding area is protected.

**8 CONSULTATION**

- 8.1 The Amendment was placed on public exhibition for four (4) weeks from 20 August to 21 September 2015. Public notice of the Amendment was placed in the Manningham Leader on 17 August and in the Government Gazette on 20 August 2015.
- 8.2 Notice of the Amendment was sent by mail to the owners and occupiers of approximately 300 properties that were affected by the statutory changes which seek to introduce a permit trigger of 80sqm for outbuildings in the schedule to the Low Density Residential Zone (LDRZ).
- 8.3 Council gave notice of the amendment in accordance with section 19(1B) of the Act (including giving notice in a paper circulating within the affected areas inviting submissions to be made) and also undertook non-statutory consultation measures to ensure awareness of the proposed amendment. In addition to the statutory notices that appeared in the Manningham Leader and the Government Gazette, Amendment C110 was also made available for viewing on Council's website, the front counter of the municipal offices and the branch libraries.
- 8.4 Relevant resident/community groups were also directly notified of the Amendment.
- 8.5 It is important to note, however, that while no submissions were received, the visitor summary report to the Amendment C110 page on Council's website recorded a total of 139 site visits.

- 8.6 Whilst no submissions were received, officers are proposing a number of minor changes to the amendment. It is considered that the changes proposed are not substantial shifts in policy and are intended to address typographical errors and provide further clarity and refinement to guide decision making in the residential zones.

## 9 CONCLUSION

- 9.1 Amendment C110 to the Manningham Planning Scheme seeks to address statutory and policy gaps in the Manningham Planning Scheme that were identified, either as actions within the *Manningham Residential Strategy (2012)*, the *Planning Scheme Review (2014)*, or as more recently identified planning issues.
- 9.2 Given that no submissions have been received, Council is now in a position to consider adopting the subject Amendment and submitting it to the Minister for Planning for approval.
- 9.3 Whilst it is considered that the proposed changes in the exhibited Amendment address the identified statutory and policy gaps in the Scheme, in adopting the Amendment, it is considered appropriate to address typographical errors and to refine the proposed controls in order to better reflect the use of appropriate terminology, provide greater clarity and ensure a more consistent approach between the MSS, local policy and the outbuilding guidelines.

### OFFICER'S RECOMMENDATION

That Council:

- (A) Pursuant to section 29 of the *Planning and Environment Act 1987*, adopts Amendment C110 to the Manningham Planning Scheme as exhibited with minor changes in accordance with the amendment documentation included in Attachment 1 (parts 1A to 1I); and
- (B) Requests that the Minister for Planning approve Amendment C110 to the Manningham Planning Scheme under section 31 of the *Planning and Environment Act 1987*, generally in accordance with the amendment documentation included in Attachment 1 (parts 1A to 1I).

MOVED: GOUGH  
SECONDED: DOWNIE

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

Attachment 1 (parts 1A to 1I): Manningham Planning Scheme Amendment C110

\* \* \* \* \*

## 10. ASSETS & ENGINEERING

### 10.1 2015-2016 Capital Works Program - End of September Status Report

Responsible Director: Director Assets and Engineering

File No. T15/197

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 attached Capital Works Status Report, for the period ending 30 September 2015, is provided for review and consideration.*

*To the end of September, the majority of projects are progressing satisfactorily and are meeting the specified timelines. Some minor delays have been experienced on a few projects, but none of these are considered beyond reasonable control. Project planning and design has commenced on a number of projects and several projects that were carried forward from 2014/15 are currently in progress or are at practical completion. Two projects will not proceed, and it is proposed that the unspent funds be transferred to the Aquarena Master Plan project to enable continued progress and effective utilisation of funds is made under the current program (Refer Table E in the attached Status Report).*

*The value of works completed at end of September is \$5.771 million, which is \$1.392 million (31.8%) above the YTD Budget of \$4.379 million and \$0.242 million (4.4%) above the YTD Forecast amount of \$5.529 million.*

*It can be concluded that the end of September position, with respect to the 2015/2016 Capital Works Program, reveals that satisfactory progress has been made in terms overall performance in the implementation of the Capital Works Program.*

#### 1 BACKGROUND

- 1.1 Reporting on the status of the 2015/2016 Capital Works Program is carried out on a quarterly basis to Council.
- 1.2 A financial chart of performance, with trend graphs and milestone program ('traffic light'), are presented as indicators of performance, which have been previously endorsed by Council as the agreed set of monitoring tools for status reporting. Commentary on performance is by exception and as appropriate.
- 1.3 Key Performance Indicators are also provided to assist in comparing our performance in terms of our budget position against the adopted budget and year end forecast, and in regard to measuring the scope and progress of key capital projects.

- 1.4 A year end expenditure of \$40.332 million is currently forecast against the adopted budget total of \$37.616 million. The increase in the projected capital expenditure arises from a higher level of carry forwards from 2014/15 of \$0.937 million, plus an increase of grant funded works of \$1.779 million for new works to be undertaken this financial year.
- 1.5 The value of works completed at end of September is \$5.771 million, which is \$1.392 million (31.8%) above the YTD Budget of \$4.379 million and \$0.242 million (4.4%) above the YTD Forecast amount of \$5.529 million.
- 1.6 Whilst in financial terms the completed works is shown as an unfavourable variance, this is largely due to work on those projects that were carried forward from 2014/15, or further advanced than originally planned. In terms of the delivery of the Capital Works Program, the YTD outcomes show a higher level of works being achieved when compared to the adopted budget.
- 1.7 Of the \$5.771 million of works completed at the end of September, the value of budgeted works completed, excluding the carry forward projects and new post budget adoption projects, is \$4.542 million. The completed value of the carry forward projects that were delayed from 2014/15, including those in the 2015/16 adopted budget, is \$1.108 million. The value of new post budget adoption projects is \$0.121 million.
- 1.8 Income received related to capital projects is ahead YTD budget income at the end of September, with a variance of 132.2%, which can be attributed to an increase in additional grants and income for works to be undertaken in 2015/16.
- 1.9 The 'traffic light' program of performance against key milestones is included with the attached Status Report. To the end of September, the majority of projects are progressing satisfactorily and are meeting the specified timelines. Some minor delays have been experienced on a few projects, but none of these are considered beyond reasonable control. Project planning is underway on a number of projects and several projects that were carried forward from 2014/15 are currently in progress or are at practical completion. The Leeds Street Indented Parking Bays and Sheahans Reserve upgrade projects have been deferred to 2016/17, and it is proposed that the unspent funds be transferred to the Aquarena Master Plan project to meet contractual requirements to enable continued progress and effective utilisation of funds is made under the current program.
- 1.10 The following explanations are provided on the performance of some projects where specific issues have been identified (in some cases projects have been flagged on the "traffic light" program and include comments 'Marginal delay', and it is anticipated, that whilst these projects are experiencing some minor delays, they are expected to be completed):  
Drainage Strategy - Bolin Bolin Wetlands (Line 27) - A shortfall in funding has been identified to complete the works. A review is currently being undertaken to either value manage the project to meet the budget, or to seek additional external funding from the funding partners. Consultation and approval delays have also been encountered in relation to Melbourne Hill Road Drainage Scheme. A separate report regarding modifications to the scheme is expected to be presented to be presented to Council in November.

Aquarena Master Plan Implementation (Line 41) - Additional funds required to complete the Aquarena Master Plan project to meet contractual requirements following variations (increases in cost) due to latent soil conditions (excavation of rock under the indoor centre, and additional works created by deep soft spots found on the west side of the indoor centre). It is proposed that the cost increases be funded from a number of current year projects (Refer Table E in the attached Status Report).

Colman Park Pavilion Upgrade (Line 48) - A shortfall in funding has been identified for the Council option to upgrade the pavilion. Additional funds to be sought at the MYR or from potential savings identified under the current program. Additional external funds to be sought for the club option, if preferred, including the possibility of the club providing in-kind contributions.

Sheahans Road Highball Facility (Line 59) - The successful delivery of the project is dependent on a contribution of \$600K from the Bulleen Templestowe Basketball club, which will be required prior to the signing of the contract to commence works.

AMS Buildings - Swanston Street Gym (Line 82) - A potential funding shortfall has been identified to refurbish the building that includes opportunities for a mixed use facility. A review of scoping requirements is to be undertaken and SRV funding is to be sought.

## **2 PROPOSAL/ISSUE**

- 2.1 It is proposed that the attached Capital Works Program Status Report for the period ending 30 September 2015 be noted.

## **3 FINANCIAL RESOURCE IMPLICATIONS**

- 3.1 There are no adverse or unfavourable financial resource implications identified in this report. Works under the capital program are being implemented within budget, or where variations/shortfalls have been identified, these are accommodated within the current budget.

## **4 CONCLUSION**

- 4.1 It can be concluded that satisfactory progress has been made in regard to the implementation of the Capital Works Program to the end of September.

## **OFFICER'S RECOMMENDATION**

That Council:

- (A) Receive and note the attached Capital Works Program Status Report for the period ending 30 September 2015.
- (B) Note and approve the transfer of \$1.041 million, as indicated in the attached Status Report (Refer Table E), to enable effective utilisation of capital funds and additional progress is made under the program.

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

**That the Recommendation be adopted.**

**CARRIED**

"Refer Attachments"

- Capital Works Status Report (Council) - September 15
- Traffic Light Program September 15

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**11. COMMUNITY PROGRAMS**

There are no Community Program reports.



## 12. CORPORATE SERVICES

### 12.1 2014/2015 Annual Report

Responsible Director: Director Shared Services

File No. T15/242

The ultimate destination for this report is: COUNCIL AGENDA

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

#### SUMMARY

*Council publishes an Annual Report on its operations and financial position as part of Council's commitment to open and transparent governance. The Annual Report contains details required by the Local Government Act 1989 (the Act) and associated Regulations.*

*The 2014/2015 Annual Report was presented to the Minister for Local Government (the Minister) on 30 September 2015.*

*Section 134 (2a) of the Act and the supporting Local Government (Planning and Reporting) Regulations 2014 state that "a Council must hold a meeting to consider the annual report within one month after providing the annual report to the Minister pursuant to Section 131 (6) of the Act."*

*Public notice of this meeting of Council was given in The Age on 10 October 2015 and details provided in Council's half page advertisement printed in the Manningham Leader on 12 October 2015.*

*This report seeks endorsement to publish the 2014/2015 Annual Report.*

#### 1 BACKGROUND

1.1 The Annual Report provides the community with a report of Council's operations during the financial year, containing a range of information, including:

- A review of Council's performance against the 2013-2017 Council Plan and the strategic indicators contained within it
- An overview of the legislative, economic and other factors that have had an impact on Council's performance
- Performance, standard and financial statements
- Major policy initiatives, operations, works undertaken
- Information on the nature and range of activities and services delivered
- Highlights, achievements and challenges for Council
- Names of the Councillors and their details
- 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.

- 1.2 This is the first 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 A public notice was placed in *The Age* on 10 October 2015 advertising this meeting of Council to the public in accordance with Section 134 (2b) of the Act, with details also included in Council's half page advertisement printed in the *Manningham Leader* on 12 October 2015.
- 1.4 The public notice advised the community that the Annual Report was available for viewing at:
  - Civic Centre (Customer Service Desk) at 699 Doncaster Road, Doncaster, between 8.00 am and 5.00 pm, Monday to Friday
  - Public libraries within the boundaries of the City of Manningham, during library opening hours
  - Council's website, [www.manningham.vic.gov.au](http://www.manningham.vic.gov.au)
- 1.5 In addition, under Section 131 (12) of the Act, public notice must be given that the Council has received the copy of the Auditor's Report under Section 9 of the *Audit Act 1994*. This was also advertised in the public notice related to this meeting of Council.

## 2 PROPOSAL/ISSUE

- 2.1 The 2014/2015 Annual Report was submitted to the Minister on 30 September 2015. Discussing the Annual Report at Council's meeting in October ensures Council can meet its obligations under Section 134 (2a) of the Act.

## 3 PRIORITY/TIMING

- 3.1 Council has a statutory obligation to prepare an annual report that is in accordance with Section 131 of the *Local Government Act 1989*. The annual report must contain certain information, including: a report of the Council's operations, audited standard statements, audited financial statements, and an audited performance statement.
- 3.2 The performance statement, standard statements and financial statements were approved by Council at a Special Meeting of Council on 8 September 2015. Council also gave 'in principle' approval to the general contents and structure of the 2014/2015 Annual Report at the Council meeting on 29 September 2015.
- 3.3 The annual report must be lodged with the Minister for Local Government by 30 September each year.
- 3.4 The annual report is a requirement of the *Local Government Act 1989* and *Local Government (Planning and Reporting) Regulations 2014*, and Council is required to publicly discuss the report within 30 days of providing the annual report to the Minister.

## 4 COUNCIL PLAN/ MEASURE OF ACHIEVEMENT OF ACTION

- 4.1 The 2014/2015 Annual Report contains an overall summary of Council's performance against the strategic objectives in the 2013-2017 Council Plan.

**5 FINANCIAL RESOURCE IMPLICATIONS**

- 5.1 The general approach in producing the Annual Report is to minimise costs and maximise readability.

**6 SUSTAINABILITY**

- 6.1 An online version of the Annual Report 2014/2015 will be placed onto Council's corporate website to complement the printed publication.

**7 COMMUNICATIONS STRATEGY**

- 7.1 As required by the *Local Government Act 1989* public notice was given advising that the 2014/2015 Annual Report was available for public inspection.
- 7.2 The report includes the interpretation services icon 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 Ordinary Council Meeting on 27 October 2015:
- An online version of the 2014/2015 Annual Report will be produced and placed on to Council's corporate website
  - Hard copies will be printed and made available at the Civic Centre and Manningham libraries
  - Copies will be distributed to the Executive Management Team (EMT), councillors, managers and co-ordinators, Eastern Regional Metropolitan councils, and other interested persons (upon request).

**8 CONCLUSION**

- 8.1 Ensuring the Annual Report is available provides the community with access to the main reporting document, which contains extensive information about Council's operations during the 2014/2015 financial year.

**OFFICER'S RECOMMENDATION**

That

- A. Council, having discussed the 2014/2015 Annual Report in accordance with Section 134 of the *Local Government Act 1989* and noting the actions that have been taken in compliance with legislative requirements, endorses the publication of the 2014/2015 Annual Report as presented.

**OFFICER'S ALTERNATIVE RECOMMENDATION**

That

- A. Council, having discussed the 2014/2015 Annual Report in accordance with Section 134 of the *Local Government Act 1989* and noting the actions that have been taken in compliance with legislative requirements, endorses the publication of the 2014/2015 Annual Report as presented; and
- B. The VAGO Independent Auditors Report be added to the 2014/2015 Annual Report.

**MOVED: O'BRIEN**  
**SECONDED: YANG**

**That the Alternative Recommendation be adopted.**

**CARRIED**

'Refer Attachment'

- VAGO Independent Auditor's Report Annual Report 2014-15
- 2014/2015 Annual Report

\* \* \* \* \*

## 12.2 Financial Status Report - September 2015

Responsible Director: Director Shared Services

File No. .

The ultimate destination for this report is: COUNCIL AGENDA

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

### SUMMARY

*The attached Financial Status Report for the period ending 30 September 2015 is provided for review and consideration.*

*The September report details an overall positive performance and indicates that Council is on track to meet the operating results and financial positions as detailed in the 2015/16 Adopted Budget.*

### 1 BACKGROUND

- 1.1 The attached Financial Status Report for the period ending 30 September 2015 concludes that Council's budgetary operating and financial position are sound and are meeting target. Commentary on performance is by exception and as appropriate.
- 1.2 Reporting on the performance of the Capital Works Program, Customer Feedback System, Council Plan Initiatives, Local Government Performance and Reporting Framework and Councillor expenditure is provided through alternate reporting mechanisms.

### 2 PROPOSAL/ISSUE

- 2.1 It is proposed that the attached Financial Status Report for the period ending 30 September 2015 be noted.

### 3 FINANCIAL RESOURCE IMPLICATIONS

- 3.1 There are no adverse financial resource impacts arising from the review of Council's September 2015 financial results.

### 4 CONCLUSION

- 4.1 It can be concluded that satisfactory progress has been made in regard to the achievement of budget outcomes to the end of September 2015.

### OFFICER'S RECOMMENDATION

**That Council note the attached Financial Status Report detailing the financial performance of Council to 30 September 2015.**

**MOVED: GRIVOKOSTOPOULOS  
SECONDED: DOWNIE**

**That the Recommendation be adopted.**

**CARRIED**

"Refer Attachments"

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## 12.3 Record of Assembly of Councillors - October 2015

Responsible Manager: Strategic Governance

File No. EF12/18153

The ultimate destination for this report is: COUNCIL AGENDA

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

### SUMMARY

*Section 80A of the Local Government Act 1989 requires a record of each meeting that constitutes an Assembly of Councillors to be reported to the next ordinary meeting of Council and those records be incorporated into the minutes of the Council Meeting. The Assemblies to be reported to this Council Meeting took place between 20 July and 16 October 2015 (both dates inclusive). They are:-*

- *Strategic Briefing Session on 21 July*
- *Submitters Meeting on 27 July*
- *Council Meeting Briefing Session on 28 July*
- *Municipal Fire Management Planning Committee on 7 August*
- *Strategic Briefing Session on 11 August*
- *Strategic Briefing Session on 18 August*
- *Transport Advisory Committee on 24 August*
- *Council Meeting Briefing Session on 25 August*
- *Open Space and Streetscape Design Advisory Committee on 31 August*
- *Strategic Briefing Session on 8 September*
- *Senior Citizens Reference Group Committee on 9 September*
- *Strategic Briefing Session on 15 September*
- *Council Meeting Briefing Session on 29 September*
- *Access & Equity Advisory Committee on 5 October*
- *Strategic Briefing Session on 6 October*
- *Strategic Briefing Session on 13 October*
- *Senior Citizens Reference Group Committee on 14 October*

### 1 BACKGROUND

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

1.1.1 the subject of a decision of the Council; or

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

- 1.2 An advisory committee can be any committee or group appointed by Council and does not necessarily have to have the term 'advisory' or 'advisory committee' in its title.
- 1.3 Written records of Assemblies of Councillors must be kept and present that record to the next practicable ordinary meeting of Council. The record is to include the names of all Councillors and members of Council staff attending, a list of the matters considered, any conflict of interest disclosures made by a Councillor attending and whether a Councillor who has disclosed a conflict of interest leaves the assembly for the item in which he or she has an interest.
- 1.4 A Councillor who has a conflict of interest at an assembly of Councillors must disclose to the meeting that he or she has a conflict of interest, and leave the meeting while the matter is being discussed.
- 1.5 The details of each Assembly are shown in the Attachments to this report.

## **2 PROPOSAL/ISSUE**

- 2.1 That Council formally note the reports of Assemblies of Councillors as contained within the Attachments to this report.

### **OFFICER'S RECOMMENDATION**

**That the records of the Assemblies of Councillors as listed in the summary to this report and shown attached be noted and incorporated in the minutes of this Council Meeting.**

**MOVED: DOWNIE  
SECONDED: YANG**

**That the Recommendation be adopted.**

**CARRIED**

"Refer Attachments"

\* \* \* \* \*

## 12.4 Documents for Sealing - 27 October 2015

Responsible Director: Strategic Governance

File No. .

The ultimate destination for this report is: COUNCIL AGENDA

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

### SUMMARY

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

#### 1 BACKGROUND

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

### OFFICER'S RECOMMENDATION

**That the following documents be signed and sealed:**

**Consent Agreement to Build Over an Easement  
Section 173 of the Planning and Environment Act 1987  
Council and T Nianiakos, E Nianiakos, C Arvanitis & E Licht-Arvanitis  
10 Ronald Avenue, Bulleen**

**Consent Agreement to Build Over an Easement  
Section 173 of the Planning and Environment Act 1987  
Council and K & N M Howells  
2 Capri Court, Doncaster**

**Consent Agreement to Build Over an Easement  
Section 173 of the Planning and Environment Act 1987  
Council and M C Lee & A K H Vo  
11 Totara Court, Templestowe Lower**

**Consent Agreement to Build Over an Easement  
Section 173 of the Planning and Environment Act 1987  
Council and Bagas Homes Pty Ltd  
26 Morinda Crescent, Doncaster East**

**Consent Agreement to Build Over an Easement  
Section 173 of the Planning and Environment Act 1987  
Council and A L F Sio  
1 Cavalier Street, Doncaster East**



**Consent Agreement to Build Over an Easement  
Section 173 of the Planning and Environment Act 1987  
Council and L K & H M Wong  
1 Astley Street, Templestowe Lower**

**Consent Agreement to Build Over an Easement  
Section 173 of the Planning and Environment Act 1987  
Council and M & H M Appleyard  
1 Craiglea Court, Doncaster East**

**MOVED: GALBALLY  
SECONDED: KLEINERT**

**That the Recommendation be adopted with the addition of the following agreements:**

**Deed of Surrender  
Council and Yarra Valley Pre-School Inc  
18 Hovea Street, Templestowe**

**Consent Agreement to Build Over an Easement  
Section 173 of the Planning and Environment Act 1987  
Council and Eight Star Building Pty Ltd  
450 and 452 Doncaster Road, Doncaster**

**CARRIED**

\* \* \* \* \*

**13. CHIEF EXECUTIVE OFFICER****13.1 Appointment of Acting Chief Executive Officer - 11 November 2015 to 27 November 2015**

Responsible Director: Strategic Governance

File No. .

The ultimate destination for this report is: COUNCIL AGENDA

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

**SUMMARY**

*The Chief Executive Officer will be away on annual leave from 11 November 2015 – 27 November 2015. The Council is required to appoint an Acting Chief Executive Officer in the absence of the Chief Executive Officer.*

**1 BACKGROUND**

- 1.1 The Chief Executive Officer has various powers and authorities that he undertakes by virtue of his position. These powers and authorities arise from legislative provisions as well delegations by Council.
- 1.2 For these powers and authorities to be exercised by an Acting Chief Executive Officer, an officer needs to be formally appointed to the position by Council.

**2 PROPOSAL/ISSUE**

- 2.1 It is proposed that Mr Leigh Harrison, Director Assets & Engineering be appointed Acting Chief Executive Officer for the period from 11 November 2015 to 27 November 2015, both dates inclusive.

**OFFICER'S RECOMMENDATION**

That

- (A) **Mr Leigh Harrison, Director Assets & Engineering, be appointed Acting Chief Executive Officer for the period from 11 November 2015 to 27 November 2015, both dates inclusive; and**
- (B) **The Acting Chief Executive Officer to be authorised to exercise all powers and authorities of the position of Chief Executive Officer for the period of his appointment.**

MOVED: YANG  
SECONDED: GRIVOKOSTOPOULOS

That the Recommendation be adopted.

**CARRIED**

\* \* \* \*

**15. QUESTIONS FROM THE PUBLIC**

There were no questions from the public

**16. CONFIDENTIAL REPORTS**

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

**That the Council consider two confidential matters in open Council Meeting.**  
**CARRIED**

**16.1 Eastern Regional Organics Processing Facility - Memorandum of Understanding**

*This matter has been declared confidential by the Chief Executive Officer pursuant to S89(2) of the Local Government Act 1989. The relevant grounds for making this declaration are that the information contains contractual matters and disclosure of its contents may be prejudicial to the interests of the Council and/or other parties.*

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

**That the recommendation be adopted and this matter remain confidential on the understanding that the report and attachments are to remain confidential as disclosure of its contents may be prejudicial to the interests of the Council and/or other parties, subject to Officers being authorised to take appropriate action to implement the resolution.**

**CARRIED**

\* \* \* \* \*

**16.2 Manningham Centre Association - Terms for proposed Agreement 2015-2032**

This matter has been declared confidential by the Chief Executive Officer pursuant to S89(2) of the Local Government Act 1989. The relevant grounds for making this declaration are that the information contains contractual matters.

**MOVED: YANG**  
**SECONDED: GRIVOKOSTOPOULOS**

**That the recommendation be adopted and this matter remain confidential on the understanding that the report and attachments are to remain confidential as disclosure of its contents may be prejudicial to the interests of the Council and/or other parties, subject to Officers being authorised to take appropriate action to implement the resolution.**

**CARRIED**

\* \* \* \* \*

**17. QUESTIONS WITHOUT NOTICE**

**17.1 Vale – Mr Cliff Wood**

Cr Gough advised of the recent passing of Mr Cliff Wood and acknowledged before Council the valuable contribution made by Cliff to the Manningham community through his role with the Manningham Recreational Association for over 20 years.

Cr Downie table a petition from 17 members of the YMCA exercise program at Domeney Reserve requesting Council to plant a gum tree and install a seat with a plaque acknowledging Mr Wood.

The Mayor advised that the petition would be referred to the appropriate Officer for consideration.

\* \* \* \* \*

The meeting concluded at 7:46pm.

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Chairman  
CONFIRMED THIS 24 NOVEMBER 2015