

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

Responsible Director: Director Planning & Environment

File No. T16/174

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

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

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

Applicant: E.J Grech & Associates Pty Ltd

Ward: Koonung

Melway Reference: 48 A1

Time to consider: 17 June 2016

SUMMARY

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

The application was advertised and 3 objections were received.

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

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

The introduction of the car stackers within the basement car park is not considered practical, given that different apartments are allocated the two car spaces within

each stacker. Furthermore, the car stackers are only provided with a vehicle clearance height of 1.5m within the lower and 1.55m within the upper stacker car space, which is contrary to Design Standard 4 of Clause 52.06 and will not accommodate most medium special utility vehicles.

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

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

1 BACKGROUND

- 1.1 The site comprises of three separate parcels of land, namely Nos. 969, 971 and 973 Doncaster Road.
- 1.2 The property at No. 969 is legally referred to as Lot 1 TP558372K, Volume 8431 Folio 984. The property at No. 971 is legally referred to as Lot 1 TP190192K, Volume 9350 Folio 210 and No. 973 is legally referred to as lot 1 TP339074R, Volume 986 Folio 8431.
- 1.3 The site has a combined frontage of 50.67m, a depth of 40.49m, with a combined site area of 2049.75m². A 2.44m wide easement is located along the rear northern boundary.
- 1.4 The site originally contained three, single detached dwellings, which have recently been demolished. The site is vacant and a temporary fence is erected along the property frontage.
- 1.5 A dilapidated timber paling fence with one section missing is located along the northern boundary. A dilapidated timber paling fence with a significant lean towards the site is located along the eastern and western boundary.
- 1.6 The site has abuttals with six properties. Surrounding development is described as follows:

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

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

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

2 PROPOSAL

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

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

3 PRIORITY/TIMING

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

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

4 MANNINGHAM PLANNING SCHEME

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

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

State Planning Policy Framework

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

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

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement

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

- 4.20 This increasing pressure for re-development raises issues about how these changes affect the character and amenity of our local neighbourhoods. In meeting future housing needs, the challenge is to provide for residential redevelopment in appropriate locations, to reduce pressure for development in more sensitive areas, and in a manner that respects the residential character and amenity valued by existing residents.
- 4.21 Clause 21.05 (Residential) outlines the division of Manningham into four Residential Character Precincts. The precincts seek to channel increased housing densities around activity centres and main roads where facilities and services are available. In areas which are removed from these facilities a lower intensity of development is encouraged. A low residential density is also encouraged in areas that have identified environmental or landscape features.
- 4.22 The site is within “Precinct 2 –Residential Areas Surrounding Activity Centres and Along Main Roads”.
- 4.23 This area is aimed at providing a focus for higher density development and a substantial level of change is anticipated. Future development in this precinct is encouraged to:
- *Provide for contemporary architecture and achieve high design standards*
 - *Provide visual interest and make a positive contribution to the streetscape*
 - *Provide a graduated building line from side and rear boundaries*
 - *Minimise adverse amenity impacts on adjoining properties*
 - *Use varied and durable building materials*
 - *Incorporate a landscape treatment that enhances the overall*
- 4.24 Within this precinct, there are three sub-precincts which each stipulate different height, scale and built form outcomes to provide a transition between each sub-precinct and adjoining properties, primarily those in Precinct 1 – Residential Areas Removed from Activity Centres and Main Roads.
- 4.25 The three sub-precincts within Precinct 2 consist of:
- Sub-precinct – Main Road (DDO8-1)*** is an area where three storey (11 metres) ‘apartment style’ developments are encouraged on land with a minimum area of 1,800m². 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 1800m². 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 1800m² must all be in the same sub-precinct. In this sub-precinct, if a lot has an area less than 1800m², a townhouse style development proposal only will be considered, but development should be a maximum of two storeys. All development in Sub-precinct A should have a maximum site coverage of 60 percent.

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

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

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

4.27 Clause 21.05-2 Housing contains the following objectives:

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

4.28 The strategies to achieve these objectives include:

- *Ensure that the provision of housing stock responds to the needs of the municipality's population.*
- *Promote the consolidation of lots to provide for a diversity of housing types and design options.*
- *Ensure higher density residential development occurs around the prescribed activity centres and along main roads identified as Precinct 2 on the Residential Framework Plan 1 and Map 1 to this clause.*

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

Local Planning Policy

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

Particular Provisions

- 4.34 Clause 52.06 (Car Parking) is relevant to this application. Pursuant to Clause 52.06-5, car parking is required to be provided at the following rate:

- 1 space for 1 and 2 bedroom dwellings
 - 2 spaces for 3 or more bedroom dwellings
 - 1 visitor space to every 5 dwellings for developments of 5 or more dwellings
- 4.35 Clause 52.06-8 outlines various design standards for parking areas that should be achieved.
- 4.36 Clause 52.34 (Bicycle Facilities) seeks to encourage cycling as a mode of transport and provide secure, accessible and convenient bicycle parking spaces.
- 4.37 Clause 55 (Two or More Dwellings on a Lot) applies to all applications for two or more dwellings on a lot. Consideration of this clause is outlined in the Assessment section of this report.

General Provisions

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

5 ASSESSMENT

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

- Clause 52.34 Bicycle Facilities
- Clause 55 Two or More Dwellings on a Lot
- Clause 65 Decision Guidelines

Local Planning Policy Assessment

Clause 21.05 Residential

- 5.5 The development site is situated within Precinct 2 – Residential Areas Surrounding Activity Centres and Along Main Roads, where higher density is encouraged. Given the site is a consolidated lot with an area of 2049.75m², a maximum preferred building height of 11 metres is applicable. The development has a site coverage of 60%, which is within the threshold of the maximum specified in the DDO8. The apartment building has a maximum building height of 14.4m, an increase of 3.5m (10.9m) from the current proposal.
- 5.6 The proposal does not provide adequate setbacks to all boundaries, thereby providing spacing and separation to alleviate amenity impact to adjoining properties. In particular, the western boundary is only provided with a setback of 1.0m – 1.24m from the edge of the driveway ramp for the provision of landscaping and the eastern boundary is setback 2.44m from the edge of the building for the provision of landscaping, where a 2.44m wide easement exists. There are inadequate pervious surfaces around the development to provide perimeter landscaping, so that a visual barrier can be provided to adjoining properties and to soften the built form of the development.
- 5.7 It appears that the desire to maximise dwelling yield has resulted in the creation of substandard bedrooms that rely on borrowed light. Bedroom 1 of Apartments A15, A16, A17, A18, A19, A25, A26, A30, A 31 & A34) have access to 0.71m wide long corridors for natural light. These bedrooms generally have a corridor length of 4.0m from the window. The poor internal amenity of the apartments will result in poor comfort and liveability, which impacts the operational cost of the building, as there will be a greater reliance on mechanical ventilation and artificial lighting.
- 5.8 Overall, the design response is considered to be inconsistent with Council's policy expectations at Clause 21.05 Residential.

Clause 21.10 Ecologically Sustainable Development

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

Clause 22.08 Safety through Urban design

- 5.10 Council's Local Planning policy at Clause 22.08 applies to all land in the municipality and therefore has a broad range of objectives and policy

requirements in relation to the design of buildings, street layout/access, lighting and car parks.

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

Clause 22.09 Access for Disabled People

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

Schedule 8 to the Design and Development Overlay

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

Design Element	Level of Compliance
<p>DDO8-1 (Main Road Sub-precinct)</p> <ul style="list-style-type: none"> • The minimum lot size is 1800 square metres, which must be all the same sub-precinct. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage • 11 metres provided the condition regarding minimum land size is met. If the condition is not met, the maximum height is 9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the site of the 	<p>Not Met</p> <p>The site comprises of three consolidated lots, all within the Main Road Sub-precinct, with a total site area of 2049.75m². Therefore, the maximum building height is 11 metres. The proposal has a maximum building height of 14.4m. Although, there are some opportunity for a fourth storey on Doncaster Road, due to its main road location, it is considered that an additional height of 3.4m above the 11.0m height is considered excessive. Additionally, the size and scale of the upper floors extend across the site with no additional setback from the street, to provide visual relief and articulation. The ground floor through to the second floor are all provided with a front setback of 6.0m.</p>

building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.	
<ul style="list-style-type: none"> Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser. 	<p>Met A minimum front setback of 6.0m is provided.</p>
<p>Form</p> <ul style="list-style-type: none"> Ensure that the site area covered by buildings does not exceed 60 percent. 	<p>Met The development will have a site coverage of 60%.</p>
<ul style="list-style-type: none"> Provide visual interest through articulation, glazing and variation in materials and textures. 	<p>Met The walls will entail feature brick, feature tiling, render, feature panel with expressed lines, Alucobond feature and canopies over windows on the upper floors.</p>
<ul style="list-style-type: none"> Minimise buildings on boundaries to create spacing between developments. 	<p>Met No part of the development will be located on the boundary.</p>
<ul style="list-style-type: none"> Where appropriate ensure that buildings are stepped down at the rear of sites to provide a transition to the scale of the adjoining residential area. 	<p>Not Met The third storey is setback 7.0m to the edge of the balconies from the rear and the second storey is setback 5.2m – 6.0m. It is considered that there insufficient stepping from the third storey rear setback to alleviate the appearance of the three-storey built form when viewed from the sides and rear. Rear adjoining properties are within a Sub-Precinct B, which will likely accommodate a two-storey townhouse development, rather than a three-storey apartment.</p>
<ul style="list-style-type: none"> Where appropriate, ensure that buildings are designed to step with the slope of the land. 	<p>Not Met There is a modest fall from front to rear which means that the apartments are benched into the ground a maximum of 1.25m and the rear apartments rely on elevated balconies 800mm above the ground. The proposal would benefit from some subtle stepping through internal corridor rooms or similar to reduce these projections and benching and remove the need to screen the rear ground floor balconies to improve amenity. It is considered that the development has not been designed to respond to the natural</p>

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

<p>equitable access at the main entry of any building for people of all mobilities.</p>	<p>the entry foyer, which will assist people of all mobilities. The ramp is located parallel to the property frontage, with no landscaping in front. Should approval be granted, the pedestrian ramp be setback 1.0m from the title boundary to enable the provision of continuous landscape treatment.</p>
<ul style="list-style-type: none"> • Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties. 	<p>Not Met The basement projection of 800mm will result in a maximum building height of 14.4m.</p>
<ul style="list-style-type: none"> • Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site. 	<p>Met The basement will not be visually obtrusive when viewed from the street. The rear setback is generally consistent with the approved development under the existing planning permit. However the side setbacks, particularly the eastern setback is reduced from 3.0m to 2.44m.</p>
<ul style="list-style-type: none"> • Integrate car parking requirements into the design of buildings and landform by encouraging the use of undercroft or basement parking and minimise the use of open car park and half basement parking. 	<p>Met The use of a basement configuration for the development is considered appropriate.</p>
<ul style="list-style-type: none"> • Ensure the setback of the basement or undercroft car park is consistent with the front building setback and is setback a minimum of 4.0m from the rear boundary to enable effective landscaping to be established. 	<p>Not Met The basement is provided with a rear setback of 5.0m. The minimum front setback of the basement is not aligned with the 6.0m front setback on the ground floor. The basement has a minimum front setback 4.0m, which comes forward 2.0m from the current approval.</p>
<ul style="list-style-type: none"> • Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces. 	<p>Not Met The building has not been adequately setback from all boundaries to enable the provision and establishment of effective screen planting and canopy trees. The northern and eastern boundaries contain a 2.44m wide easement, which is intended to provide pedestrian access from the emergency stairs in the basement and is the only area for perimeter landscaping. This reduces the planting area to 1.4m at best on the east, as it is constrained by the easement. The 1.0m setback on the western</p>

	boundary can be acceptable subject to confirmation that traditional piling that creates concrete walls of 0.6m thick will not be used as these would reduce setbacks to 0.4m or less.
<ul style="list-style-type: none"> Ensure that service equipment, building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces. 	<p>Met Aluminium privacy screens will be erected around the services area on the roof to minimise the aesthetic impact on the streetscape and unreasonable amenity on surrounding properties.</p>
<p><u>Car Parking and Access</u></p> <ul style="list-style-type: none"> Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback. 	<p>Met Vehicle access is via one 6.0m wide crossover, which remains unchanged.</p>
<ul style="list-style-type: none"> Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open space or is appropriately screened, as is necessary. 	<p>Met The area that extends beyond the built form is the western area adjacent to Apartment A13 and to the east of A17. This area is proposed to have pebbles. The private open space areas within the ground floor apartments will be located above the basement car park and this area is proposed to have lawn.</p>
<ul style="list-style-type: none"> Ensure that where garages are located in the street elevation, they are set back a minimum of 1.0m from the front setback of the dwelling. 	<p>N/A</p>
<ul style="list-style-type: none"> Ensure that access gradients of basement car parks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements. 	<p>Met No change.</p>

<p><u>Landscaping</u></p> <ul style="list-style-type: none"> On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at maturity. 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. 	<p>Met</p> <p>The landscape plan shows the provision of 4 canopy trees within the frontage.</p>
<ul style="list-style-type: none"> Provide opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form. 	<p>Not Met</p> <p>There are inadequate pervious surfaces around the building for the provision of a substantial landscape buffer to provide a visual barrier and to soften the four storey built form.</p>
<p><u>Fencing</u></p> <ul style="list-style-type: none"> A front fence must be at least 50 per cent transparent. On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn and Mitcham Roads, a fence must: <ul style="list-style-type: none"> not exceed a maximum height of 1.8m be setback a minimum of 1.0m from the front title boundary <p>and a continuous landscaping treatment within the 1.0m setback must be provided.</p>	<p>Not Met</p> <p>Horizontal slat fences with a height of 2.4m are proposed within the frontage. These area excessive in height as they obscure all surveillance opportunities at ground level and enclose the front apartment's terrace with a barrier 3.6m (2.4m fence and 1.2m retaining wall). Should approval be granted, the fences be spaced to achieve a minimum of 50% transparency and the height reduced to 1.5m.</p>

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

Clause 52.06 Car Parking

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

- 5.19 This clause requires resident car parking at a rate of one space for each dwelling with one or two bedrooms and two spaces for each dwelling with three or more bedrooms. Visitor car parking is required at a rate of one car parking space for every five (5) dwellings.
- 5.20 The proposal requires 40 car spaces for residents and visitor car spaces. This number is provided. However, there are 10 car spaces located within five car stackers.
- 5.21 The following table provides an assessment of the proposal against the seven (7) design standards of Clause 52.06-8:

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

appearance and provide water infiltration.
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Clause 52.34 Bicycle Facilities

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

Clause 55 Two or More Dwellings on a Lot

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

Clause 55 Assessment – Two or more dwellings on a lot

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>55.02-1 Neighbourhood Character To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>To ensure that development responds to the features of the site and the surrounding area.</p>	<p>Not Met As outlined in the assessment of the proposal against the policy requirements of the Schedule 8 to the Design and Development Overlay (DD08), it is considered that the proposed apartment development fails to respond positively to the preferred neighbourhood character, and does not respect the natural features of the site and its surrounds.</p>
<p>55.02-2 Residential Policy To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</p> <p>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p>	<p>Met The application was accompanied by a written statement that has demonstrated how the development is consistent with State, Local and Council policy.</p>
<p>55.02-3 Dwelling Diversity To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p>Met The proposed development provides for 2 one-bedroom and 2 three-bedroom apartments, with the remaining 34 apartments being two-bedrooms.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>55.02-4 Infrastructure 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>Met The site has access to all services. The applicant will be required to provide an on-site stormwater detention system to alleviate pressure on the drainage system. The pedestrian entry itself is recessed but of sufficient width to be reasonably recognisable.</p>
<p>55.02-5 Integration with street To integrate the layout of development with the street.</p>	<p>Not Met It is considered that the 2.4m high timber slat fence to be too high and obscures too much of the ground floor areas. The ground floor private open spaces occupy a significant portion of the front setback which cannot be landscaped with canopy trees.</p>
<p>55.03-1 Street Setback 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>	<p>Met The development is provided with a minimum front setback of 6.0m, which complies with the provisions of the DDO8.</p>
<p>55.03-2 Building Height To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p>	<p>Not Met Pursuant to the provisions of the DDO8, the maximum building height is 11.0m for the Main Road Sub-precinct. The development has a maximum building height of 14.4m.</p> <p>Having regards to the decision guidelines, the proposed building height is considered to be excessive. Although there is scope for some four storey element in sizable apartment building on Doncaster Road. The proposed fourth storey in this proposal is too large and not setback sufficiently from Doncaster Road to generate more of a pop up visual perspective. It also generates excessive massing to the eastern and western side, resulting in an unreasonable amenity impact to the adjoining properties.</p>
<p>55.03-3 Site Coverage To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</p>	<p>Met The development will have a site coverage of 60%.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>55.03-4 Permeability To reduce the impact of increased stormwater run-off on the drainage system.</p> <p>To facilitate on-site stormwater infiltration.</p>	<p>Met The development will have a permeability of 26%.</p>
<p>55.03-5 Energy Efficiency 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>Not Met Bedroom 1 of A2, A3, A4, A5, A15, A16, A17, A18, A25, A26, A28, A29 & Bedroom 2 of A27 have 'snorkel' bedroom designs. The design is liken to the shape of a battleaxe, with deep corridors and rely on 0.7m wide windows for natural light and ventilation. The length of the corridors is generally 4.0m in length, which is too long to enable penetration of natural light. The battleaxe bedroom designs should be reduced and the length of the corridors should be reduced to a maximum of 2.0m to allow for natural light penetration. There are other battleaxe bedrooms to the north but the length of the corridors are generally shorter (2.0m approximately). The development will have poor internal amenity for future occupants.</p>
<p>55.03-6 Open Space To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</p>	<p>N/A No communal open space provided.</p>
<p>55.03-7 Safety To ensure the layout of development provides for the safety and security of residents and property.</p>	<p>Met The development is well designed to prevent the creation of unsafe spaces. Balconies and ground floor courtyards are appropriately delineated to prevent public access.</p>
<p>55.03-8 Landscaping 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>Not Met There are inadequate pervious surfaces around the development for the provision of substantial landscaping to form a visual barrier and to enable the establishment of canopy trees. Minimal canopy vegetation can be accommodated along the eastern and western boundaries, as a driveway setback 1.24m from the western boundary and a 2.44m wide easement occupies the eastern boundary.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET																																								
To encourage the retention of mature vegetation on the site.																																									
<p>55.03-9 Access 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>Met The provision for a basement for the development is considered appropriate and the number of access points is appropriate.</p>																																								
<p>55.03-10 Parking Location To provide convenient parking for resident and visitor vehicles.</p> <p>To avoid parking and traffic difficulties in the development and the neighbourhood.</p> <p>To protect residents from vehicular noise within developments.</p>	<p>Met The provision of basement carparking is appropriate, as it is convenient and secure for residents and visitors.</p>																																								
<p>55.04-1 Side and Rear Setbacks 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>Not Met The development does not exceed the required setbacks.</p> <table border="1" data-bbox="815 1193 1406 1603"> <thead> <tr> <th>Wall</th> <th>Minimum Setback</th> <th>Setback Proposed</th> <th>Comply ✓*</th> </tr> </thead> <tbody> <tr> <td colspan="4">Western</td> </tr> <tr> <td>Third Floor</td> <td>4.9m</td> <td>7.0m</td> <td>✓</td> </tr> <tr> <td>Fourth Floor</td> <td>7.89m</td> <td>8.0m</td> <td>✓</td> </tr> <tr> <td colspan="4">Eastern</td> </tr> <tr> <td>Third Floor</td> <td>5.49m</td> <td>7.02m</td> <td>✓</td> </tr> <tr> <td>Fourth Floor</td> <td>7.69m</td> <td>6.0m</td> <td>*</td> </tr> <tr> <td colspan="4">Northern</td> </tr> <tr> <td>Third Floor</td> <td>4.9m</td> <td>7.01m (balcony)</td> <td>✓</td> </tr> <tr> <td>Fourth Floor</td> <td>7.89m</td> <td>16.5m</td> <td>✓</td> </tr> </tbody> </table> <p>The fourth floor, eastern wall of family/meals area and Bedroom 2 of Apartment 38 and the balcony of Apartment 37 does not meet the minimum setback requirements of the standard. Should approval be granted to the development, these walls and balconies should be revised or deleted.</p>	Wall	Minimum Setback	Setback Proposed	Comply ✓*	Western				Third Floor	4.9m	7.0m	✓	Fourth Floor	7.89m	8.0m	✓	Eastern				Third Floor	5.49m	7.02m	✓	Fourth Floor	7.69m	6.0m	*	Northern				Third Floor	4.9m	7.01m (balcony)	✓	Fourth Floor	7.89m	16.5m	✓
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<p>55.04-2 Walls on Boundaries To ensure that the location, length</p>	<p>Not applicable No walls on boundaries are proposed.</p>																																								

OBJECTIVE	OBJECTIVE MET/NOT MET
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>55.04-3 Daylight to Existing Windows To allow adequate daylight into existing habitable room windows.</p>	<p>Met There is one habitable room window located at Unit 2, 967 Doncaster Road, two at 975 Doncaster Road and two at Unit 3, 8 Roderick Street.</p> <p>Pursuant to the standard, the third floor western wall is required to setback 4.5m from the edge of the window at Unit 2, 967 Doncaster Road. The third floor western wall is setback 9.0m from the window, which exceeds the minimum setback requirement.</p> <p>Pursuant to the standard, the third floor, eastern wall is required to be setback 4.9m from the edge of the window at 975 Doncaster Road. The third floor, eastern wall is setback 9.0m from the edge of the window, which complies with the standard.</p> <p>The third floor, northern wall is required to be setback 4.8m from the edge of the window at Unit 3, 8 Roderick Street. The balcony of Apartment A33 & A32 are setback 9.6m from the edge of the windows, which exceeds the minimum requirements.</p>
<p>55.04-4 North Facing Windows To allow adequate solar access to existing north-facing habitable room windows.</p>	<p>Met There are no north-facing windows within 3.0m of the boundary.</p>
<p>55.04-5 Overshadowing Open Space To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>Met The proposed development will not have any unreasonable overshadowing to any adjoining secluded private open spaces. At 3pm, the existing dwelling at 975 Doncaster Road will have shading over the dwelling and the front yard.</p>
<p>55.04-6 Overlooking To limit views into existing secluded private open space and habitable room windows.</p>	<p>Not Met Overlooking from the northern, eastern and western habitable room windows are alleviated by aluminium louvre screens and fixed obscure glazing to balconies. There are</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>some first floor north-facing bedroom windows that do not have any form of screening. Should approval be granted these windows will be required to be screened.</p> <p>Having regards to the decision guidelines, it is considered that the design response is inappropriate. There are too many windows reliant on screening devices and balconies with screens to prevent overlooking to the east, west and northern sides. Overlooking from the upper floor levels generally can be mitigated through designs, such as greater setback offsets between levels, the parapet roofs from the levels below can restrict downward views and a smaller upper floor area.</p>
<p>55.04-7 Internal Views To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</p>	<p>Met There is no internal overlooking between adjoining habitable room windows and secluded private open spaces.</p>
<p>55.04-8 Noise Impacts To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise.</p>	<p>Met Should approval be granted for the development, all windows orientated to Doncaster Road should have acoustically treated glass for noise attenuation.</p>
<p>55.05-1 Accessibility To encourage the consideration of the needs of people with limited mobility in the design of developments.</p>	<p>Met A pedestrian ramp is provided to the entry foyer and a lift is provided within the building to meet the needs of people with limited mobility.</p>
<p>55.05-2 Dwelling Entry To provide each dwelling or residential building with its own sense of identity.</p>	<p>Not Met The main entry to the building is not very well defined, as the entry is located 1.1m below the footpath. Should approval be granted, a portal frame or architectural feature be provided to enhance and frame the entry presentation.</p>
<p>55.05-3 Daylight to New Windows To allow adequate daylight into new habitable room windows.</p>	<p>Met There are 6 apartments with access to an internal light court (A1, A7, A14, A20, A26 & A30). Although it is undesirable to have natural light and ventilation provided via</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>internal light courts, good practice guidelines for apartments, including this standard anticipates development to have light courts for natural daylight. The size of these light courts is of an appropriate size, with dimensions of 2.46m by 3.85m or 2.7m by 5.35m.</p> <p>It is considered that the objective is met.</p>
<p>55.05-4 Private Open Space To provide adequate private open space for the reasonable recreation and service needs of residents.</p>	<p>Met The ground floor apartments will have access to courtyards (A2, A3, A4, A5 & A6) with an area from 25m² to 33m² with a dimension of 3.5m – 4.0m). All remaining apartments will have access to a balcony with an area from 8m² to 11m², with a dimension of between 1.8m – 2.5m. Should air conditioning condensers be located within the balconies, then the size and dimensions be increased to offset the condensers.</p> <p>The private open space provided is considered adequate to meet the recreational needs of future occupants.</p>
<p>55.05-5 Solar Access to Open Space To allow solar access into the secluded private open space of new dwellings and residential buildings.</p>	<p>Not Met The development has 39% of south-facing apartments, of which 5 will be subterranean apartments, which are benched 1.25m into the ground, thereby limiting natural light. Based on the overshadowing diagrams, the south-facing ground level apartments will be overshadowed throughout the day from 9am-3pm during the equinox. Apartments on located on the corner, such as A15 and A19 on the upper floors should have balconies reorientated to face east or west, so that natural light is enhanced to these apartments. Therefore, a significant portion of the apartments will be in the dark, with poor internal amenity.</p>
<p>55.05-6 Storage To provide adequate storage facilities for each dwelling.</p>	<p>Met All storages are provided within the basement. There are a variety of options and spaces provided and over bonnet storage is limited to two.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>55.06-1 Design Detail To encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p>Not Met The proposed architectural design is of a reasonable standard and offers a contemporary statement that responds positively to the preferred neighbourhood character.</p> <p>The varied materials palette, in addition to the articulated facades and the projecting awnings to the windows adds depth and emphasis. The different textures and colours provides contrast and variety, whilst the mosaic feature tiles and the feature cladding to wall edges enhances the architectural presentation of the building. Sufficient variety to window proportions and design detail is provided.</p> <p>There is however, inadequate stepping from the front (southern facade), modulation and variation in setbacks between the second and third levels. A reduction to the third storey, with greater setbacks and stepping would alleviate the building mass and bulk of the building.</p>
<p>55.06-2 Front Fence To encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p>Not Met A 2.4m high timber slat fence is proposed within the property frontage. The height of the fence is considered excessive and the slats should be spaced so that it provides a minimum transparency of 50% to enable views to the courtyards.</p>
<p>55.06-3 Common Property To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</p> <p>To avoid future management difficulties in areas of common ownership.</p>	<p>Met The driveway, letterboxes, visitor car spaces and parts of the basement, including the landscaping around the building will be maintained by an Owners' Corporation. There are no apparent difficulties associated with future management of these areas.</p>
<p>55.06-4 Site Services To ensure that site services can be installed and easily maintained.</p> <p>To ensure that site facilities are accessible, adequate and</p>	<p>Met The site has access to all relevant services. Waste removal will be via a private contractor and a Waste Management Plan will be required.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
attractive.	

6 REFERRALS

6.1 The application was referred to VicRoads as the relevant road authority for Doncaster Road.

6.2 The application was referred to a number of Service Units within Council, the following table summarises their responses:

Service Unit	Comments
Engineering & Technical Services Unit (Drainage)	<ul style="list-style-type: none"> On site stormwater detention will be a requirement.
Engineering & Technical Services Unit (Vehicle Crossing)	<ul style="list-style-type: none"> Existing crossover to be removed, with kerb and channelling reinstated to the satisfaction of the Responsible Authority.
Engineering & Technical Services Unit (Access and Driveway)	<ul style="list-style-type: none"> Gradients comply with Design Standard 3 of Clause 52.06. Adequate sight lines for driveway. Adequate height clearance for basement.
Engineering & Technical Services Unit (Traffic and Car Parking)	<ul style="list-style-type: none"> No objection, other than issues identified with mechanical parking.
Engineering & Technical Services Unit (Construction Management)	<ul style="list-style-type: none"> Submission of a Construction Management Plan.
Engineering & Technical Services Unit (Waste)	<ul style="list-style-type: none"> Private waste collection will be required. Compliance with draft Waste Management Plan, prepared by Solution Traffic Engineers, dated December 2015.
Strategic Projects Unit (Sustainability)	<ul style="list-style-type: none"> Indoor Environment Quality will be greatly impeded with limited access to daylight and natural ventilation which will have poor comfort and liveability, which will impact operational costs of the building as there will be greater reliance on mechanical ventilation and artificial lighting. The development plans and Sustainability Management Plan are required to be amended to address the following as a

Service Unit	Comments
	<p>minimum:</p> <p><u>Indoor Environment Quality and Energy Efficiency</u></p> <ul style="list-style-type: none"> ○ Limited natural ventilation and daylight to battleaxe bedrooms with narrow 0.71m glazed light corridors, in particular to south-facing apartments. ○ Southern bedrooms with deep overhangs will have poor daylight, in particular Bedroom 1 in Apartments A3 & A4. ○ Long corridors (southern end) between apartment with no daylight and ventilation. ○ Adjustable external blinds to west facade to control summer glare while allowing winter solar gains. <p><u>Energy Efficiency</u></p> <ul style="list-style-type: none"> ○ Indicate locations of air conditioning condenser units to ensure external areas are not impeded and to alleviate visual impact. <p><u>Renewable Energy</u></p> <ul style="list-style-type: none"> ○ Provide solar hot water or photovoltaic (PV) system and indicate on roof plans. <p><u>Stormwater Management</u></p> <ul style="list-style-type: none"> ○ Architectural drawings indicate 40,000 litres grey water reuse. Incorrect terminology, it should be referenced as rainwater reuse, whereas SMP indicates 21,000 litres. ○ Roof plan to reflect 1,350m² harvested to rain storage and connected to all (27) toilets on ground and first floors. ○ Ensure rainwater re-use overflow to be connected to detention system via gravity. <p><u>Location and transport</u></p> <ul style="list-style-type: none"> ○ Bicycle parking should be in a secure lockable room to mitigate rising theft within apartment basement carparks.
<p>Economic and Environmental Planning Unit (Urban Design)</p>	<ul style="list-style-type: none"> ● Fourth storey building envelope is too large to alleviate impacts on Doncaster Road streetscape and adjoining properties. The fourth storey does not constitute a 'minor component' above three levels as required, but would clearly read as a fourth level to Doncaster Road, with minimal stepping back from the road. Other Doncaster Road

Service Unit	Comments
	<p>apartments do not exceed three levels other than minor components.</p> <ul style="list-style-type: none"> • The third level has not stepped back sufficiently from the residential interface to the north. • The north side of Doncaster Road including footpath and naturestrip will be in shadow for most of the day at the September equinox, while the dwelling at 975 Doncaster Road will be overshadowed in the afternoon. Additional stepping at the third level would assist in reducing the impacts of overshadowing to the street and to 975 Doncaster Road. • The offsets to the basement carpark are insufficient along the western boundary. A minimum offset of 2.0 – 2.5m would be required to allow for appropriate screen planting. • There are significant number of windows and balconies overlooking adjoining dwellings to the north, east and west, resulting in overlooking and privacy concerns on all three sides. This impact can be reduced with greater offsets and alternative treatments to the transparent balustrading and windows. • Building form is suitably articulated and materials/colour palette is acceptable to provide visual interest. • The front fence is considered unnecessarily high and would benefit from a softer appearance, such as deeper recesses and better use of landscaping in front. • The concept landscape plan does not indicate which of the plants list will be planted on the site. The Pencil Pines on the perspective appear to have little impact on the western boundary.

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

7 CONSULTATION

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

Address

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

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

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

Appropriateness of fourth storey

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

Privacy to 975 Doncaster Road

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

Overshadowing impact to 975 Doncaster Road

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

Potential damage during construction to 975 Doncaster Road

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

Financial fencing cost to 975 Doncaster Road

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

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

- 7.11 There are 5 balconies that have a direct interface with 6 Roderick Street from the ground floor to the second floor. The use of the balconies would have amenity impact to the rear adjoining property at 6 Roderick Street, as the balconies are setback from 4.0m -7.4m. The balcony and windows on the third floor (fourth storey) will not have any overlooking potential. Additionally, the first floor windows for Bedroom 2 have not been screened. Should approval be granted, these windows will be required to be screened to prevent overlooking.

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

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

Visual bulk

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

Appropriateness of reduced setbacks

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

8 CONCLUSION

- 8.1 It is considered appropriate to not support the application.
- 8.2 The proposal is inconsistent with the vision of the Manningham Planning Scheme, in particular Clause 21.05 Residential, Schedule 8 to the Design and Development Overlay (DDO8), and Clause 55 (ResCode). It will however, allow an increase in housing density and diversity in a location that

has good access to services. The site is suitable to develop an apartment. There is suitable variety in materials and colours, with adequate visual interest.

- 8.3 The proposal has failed to achieved an acceptable balance between considering the amenity of nearby properties and to provide adequate internal amenity to the apartments with good natural light and ventilation, adequate stepping between the floors, and the impact of the fourth storey and its additional building height. The development has resulted in the creation of battleaxe bedrooms with long corridors from small windows to provide natural light and ventilation. The desire to maximise dwelling yield has resulted in a four storey building with excessive building heights, inadequate setbacks due to a larger floor plan and substandard apartments with poor internal amenity. It is for these reasons, that the development does not constitute orderly planning and is an overdevelopment.
- 8.4 It is therefore considered appropriate to not support the planning application, subject to the grounds of refusal outlined in the recommendation.

RECOMMENDATION

(A) **That having considered all objections, had Council determined the application within the prescribed period, it would have issued a REFUSAL TO GRANT A PLANNING PERMIT in relation to Amended Planning Permit Application No. PL09/020097.01 - Construction of a four storey apartment building, comprising 38 apartments with a basement car park and alteration to access to a Road Zone, at Nos. 969 – 973 Doncaster Road, Doncaster East, subject to the following grounds:**

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

"Refer Attachments"

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