

Planning Application PL14/024406 for 600 Doncaster Road, Doncaster - Use and development of the land for a twelve (12) storey mixed use building comprising office and residential (174 apartments)

Responsible Director: Director Planning & Environment

File No. PL14/024406

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

Land: 600 Doncaster Road, Doncaster (Lot 1 PS 608338X Vol 11184 Fol 052)
Zone Activity Centre Zone 1 (ACZ1)
Development Contribution Plan Overlay 1 (DCPO1)
Parking Overlay 1 (PAO1)
Applicant: Hansen Planning Services
Ward: Koonung
Melway Reference: 47D1
Time to consider: Wednesday 9 March 2016

SUMMARY

It is proposed to develop land known as 600 Doncaster Road, Doncaster with a twelve (12) level, mixed use apartment building. At ground level, the proposal consists of 701 square metres of office floor area. A total of 174 residential apartments span from ground level to Level 12 with three (3) levels of basement car parking. The proposal also requires permission in respect of its position relative to a road in a Road Zone Category 1 (RDZ1).

The application was received by Council's Statutory Planning department on 16 June 2014. Following a number of meetings and correspondence expressing concerns with the proposal, the development nevertheless proceeded to public notification and the formal referral process in January 2015. This process attracted objection from one (1) local resident and VicRoads. Council's internal Urban Design and Engineering referral advice also expressed a number of issues with the original proposal echoing the preliminary assessment of Council's Planning department.

Following a series of negotiations and meetings spanning 2015, the permit applicant amended their proposal under section 57A of the Planning & Environment Act 1987 (the Act) superseding all originally submitted development plans and making some significant adjustments to address referral authority and Council officer concerns.

The application was advertised pursuant to Section 57B of the Act and received no further objections.

A review of all referral comments to the Section 57A application and an officer assessment of the application now concludes that the proposal is consistent with the relevant objectives of state and local planning policies and generally complies with the Manningham Planning Scheme (the Scheme), including the requirements of the

Activity Centre Zone 1 (ACZ1) and supporting policy relating to the Doncaster Hill Principal Activity Centre.

The relevant planning controls within the Manningham Planning scheme actively encourage an intensive, mixed use development on this site. A possible building height of 39m (inclusive of a 32.5m maximum building height and a 6.5m high design element) is stipulated in the controls facilitating the achievement of a high density outcome. For the reasons that will be discussed in this report, the proposed offers a contemporarily designed, high-density, mixed-use building in Doncaster Hill complying with the various requirements of the ACZ1 as they relate to siting, height and built form presentation. Complementing the mixed-use building under construction to the site's east at 101-105 Tram Road, Doncaster, it is concluded that the proposal contributes positively towards the creation of a robust development within Precinct 7A at the intersection of Doncaster and Elgar Roads – a key site within the Doncaster Hill Activity Centre.

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

1 BACKGROUND

The Site

- 1.1 The subject site is 600 Doncaster Road legally described as Lot 1 PS 608338X, Vol 11184 Fol 052.
- 1.2 Located at the corner of Doncaster and Elgar Roads, Doncaster, the site is an irregular shaped allotment with a total area of 3231 square metres.
- 1.3 Two adjoining single storey office buildings currently exist on the site together with a temporary sales building associated with the neighbouring Panorama apartment development. An “at grade” car park is situated in between the fixed and temporary buildings. The car park is accessible via Elgar Court, an accessway which exists through the site linking Elgar Road to Tram Road. The site is presently used for the parking of construction vehicles associated with the development of the two adjoining building sites.
- 1.4 Generally, the site falls gently from north to south by approximately two (2) metres. At the site's north-western end, the land drops by about half a metre towards the Elgar Road footpath.
- 1.5 The site is burdened by the following:
 - 1.5.1 A 7.05 metre wide carriageway easement is located at the south-eastern corner of the site. The carriageway easement facilitates future connection between Elgar Road and Tram Road via a shortened Elgar Court and a driveway over both the application site and the neighbouring site to the east (101-105 Tram Road). The carriageway easement is three dimensional with a height of 4.5m above ground (i.e. a clearance height that can be constructed over with the necessary town planning approvals).
 - 1.5.2 A Section 173 Agreement, as registered by Instrument of Transfer AH47028G. The Agreement imposes specific obligations on the property owner in relation to the payment of a public open space contribution.

The Surrounds

- 1.6 The site has abuttals with two (2) properties, as follows:

Direction	Address	Description
East	101-105 Tram Road, Doncaster	The lot is presently under construction for a 13-storey mixed use apartment building comprising residential apartments (201 dwellings) and ground level retail tenancies (Panorama Apartments).
South	4, 5 & 812 Elgar Court, Doncaster	The lot is also currently under construction for an 11-storey apartment building comprising residential apartments (132 dwellings). (Gardenhill Apartments)

- 1.7 The subject site is located within the Doncaster Hill Principal Activity Centre – the municipality’s premier activity centre precinct. The 52 hectare area spans the Doncaster Road corridor from the boundary with the former Eastern Golf Course site at its most western point to the Manningham City Council Municipal Council offices to the east. The Activity Centre also includes land along the Tram, Elgar and Williamsons Road corridors.
- 1.8 The character of the Centre presently includes completed residential and mixed use buildings, a regional shopping complex (Westfield Doncaster), larger scale office buildings (generally along the Doncaster Road corridor), established car dealerships (at the western end of the precinct) and smaller scale shops (at the eastern end of the precinct). Land south of the subject site falls away and is typically developed with a combination of single and multi-unit dwellings. While surrounding land, including immediately to the south of the subject site is located within the Activity Centre Zone, land beyond to both the south-east and south-west of the subject site along the Elgar Road corridor is located in the Residential Growth Zone Schedule 2 (RGZ2). Land further afield is zoned General Residential Zone Schedule 2 (GRZ2).
- 1.9 In terms of public transport, the subject site is well service by bus routes operating along Doncaster Road, connecting activity centres and residential areas within the municipality to Melbourne’s Central Activity District. A major bus interchange is situated within the Westfield Doncaster complex at a distance of 300 metres from the site.
- 1.10 In addition to local neighbourhood park opportunities at Carawatha Reserve to the west (550 metres away), Schramms Reserve is located 1km away (approx) at the north-eastern corner of the Activity Centre.

Planning History/Application History

- 1.11 The site has been the subject of a Planning Scheme Amendment – Amendment C76 to the Manningham Planning Scheme. Gazetted on 23 October 2008, Amendment C76 rezoned and consolidated a number of land parcels (some of which were Council-owned) to facilitate a private land rationalisation and consolidation opportunity to seek the fulfilment of the

objectives of the Doncaster Hill Strategy, October 2002 for the gateway Doncaster Hill site.

- 1.12 Prior to the lodgement of this planning permit application, there is no relevant planning permit history for the subject site.
- 1.13 Submitted on 22 October 2014, Planning Application PL14/024734 approved the removal of a redundant sewerage easement (E-5 for sewerage on Lot 1 PS 608338X, Vol 11184 Fol 052) on 24 December 2014. The easement removal was issued following the removal of sewer assets associated with and to facilitate the adjoining development at 101-105 Tram Road, Doncaster. The easement removal application was lodged after the submission of the subject application. As such, the application the subject of this assessment no longer needs to consider the easement's removal.
- 1.14 The proposal was presented to a Sustainable Design Taskforce meeting on 12 December 2013. Feedback provided at the Taskforce covered a range of matters including: the presentation of the built form (including the need for articulation and visual interest across the western elevation), the lack of podium definition, the architectural expression of the "design element" and need for physical connectivity with the public realm at ground level, including the Doncaster Hill boulevard treatment.
- 1.15 Following the lodgement of the permit application on 16 June 2014, a number of discussion/meetings occurred and written correspondence was exchanged between Council's Statutory Planning department and the permit applicant (and their project team). Notwithstanding the range of concerns raised, the development nevertheless proceeded to public notification and the formal referral process in January 2015. Public notification resulted in the receipt of objections from one (1) local property owner/resident and VicRoads. Council's internal Urban Design and Engineering referral advice also expressed a number of issues with the original proposal echoing preliminary concerns raised by Council's Planning department.
- 1.16 Following a series of negotiations and meetings spanning 2015, the permit applicant amended their proposal under section 57A of Act superseding all originally submitted development plans and making some adjustments to address referral authority and Council officer concerns.
- 1.17 On 18 December 2015, the application was amended pursuant to Section 57A of the Act. Overall, the Section 57A plans do a number of things including:
 - 1.17.1 Providing for an increased site coverage and modified built form across the western, northern and southern elevations which serves to strengthen the sense of the front podium to Elgar Road.
 - 1.17.2 A redesign of the "Design Element" to provide it with an architectural "point of difference" and a minor reduction to its overall footprint.
 - 1.17.3 Undertaking consequential modifications to the number and layout of residential apartments and the ground level office floor space. This consists of increases in apartment numbers from 173 to 174 apartments and office floor area from 609 to 700.8 square metres.

- 1.17.4 Modifying vehicle access to the site to respond to VicRoads' referral advice.
- 1.17.5 Adjust aspects of the basement car parking, including increasing the number of car parking spaces from 220 to 229 car spaces.
- 1.18 Across January-February 2016, the application was advertised pursuant to Section 57B of the Act and received no further objections.
- 1.19 Following the receipt of updated referral comments from relevant internal and external departments, it is now appropriate for a planning decision to be made on the Section 57A plans.

2 PROPOSAL

- 2.1 An overview of the Section 57A/decision plans now follows:

Residential Use

- 2.2 A total of one hundred and seventy four (174) apartments are proposed across 12 levels (Ground to Level 11). The dwelling mix encompasses:
 - 2.2.1 84 x 1 bedroom apartments; and
 - 2.2.2 83 x 2 bedroom apartments; and
 - 2.2.3 7 x 3 bedroom apartments.

Office Use

- 2.3 Seven hundred and one (701) square metres of office floor area is proposed at the northern end of the ground level.

Development

- 2.4 A twelve (12) storey, mixed use apartment development (providing dwellings at each level and a ground level office floorspace) fronting (and accessed from) Elgar Road. The development proposes a site coverage of 61%.

Basement Levels

- 2.5 The building is proposed to have three (3) basement levels. Vehicle access is provided via Elgar Court via a proposed double-width crossover. Access between the basement levels are available via internal double-width ramps.
- 2.6 Basement levels tend to be constructed to title boundaries with minimal setbacks provided to the northern, southern and western boundaries. Car parking spaces are provided across the levels in single and tandem arrangements. A mix of above-bonnet and stand-alone storage cages for each dwelling at each basement levels is provided.
- 2.7 A breakdown on the basement levels now follows:

Basement 1

- 2.7.1 A total of fifty-four (54) car spaces, including seventeen (17) visitor car spaces and one accessible car space (located opposite the lifts);
- 2.7.2 Seventeen (17) bicycle racks;
- 2.7.3 A 64.8 square metre waste room;
- 2.7.4 A 7.6m x 3.6m loading bay to the west side of the car park entry;

- 2.7.5 Twenty-three (23) storage cages (3 cubic metres each);
- 2.7.6 A secured gated access;
- 2.7.7 Integrated substation to the east side of the car park entry;
- 2.7.8 Emergency exit to the west of the loading bay.

Basement 2

- 2.7.9 A total of ninety-four (94) car spaces, including twenty-six in a tandem arrangement associated with residential apartments;
- 2.7.10 Eighty-two (82) storage cages (3 cubic metres);
- 2.7.11 Thirty-six (36) bicycle racks;
- 2.7.12 A 30,000 litre rainwater tank.

Basement 3

- 2.7.13 A total of eighty-one (81) car spaces, including twenty-six in a tandem arrangement associated with residential apartments;
- 2.7.14 Seventy-two (72) storage cages (3 cubic metres).

Residential Levels**Ground Level**

- 2.8 As previously noted, the office floor area is proposed at the northern end of the ground level and is open-planned. Amenities are provided at the southern end of the space. Proposed entries to the office tenancy are provided to both Doncaster and Elgar Roads.
- 2.9 Four (4), two-bedroom residential apartments are provided at the south-western end of the ground level. All apartments have direct access onto the external common area that comprises the western, front setback of the development site.
- 2.10 A 174.38 square metre internal communal area comprising a “residential club lounge” sits between office to the north and residential to the south. The internal space includes amenities (kitchen and WC) and is connected to external common areas on both the east and west sides of the building. Along the east, a 38.7 square metre deck adjoins the club lounge and is one of the features of the 5.45 metre wide landscaped space which consists of a combination of permeable and non-permeable finished surfaces.
- 2.11 Pedestrian entry to the apartment development is situated across the western side of the building framed by a large forecourt and orchard-inspired landscaped front area. A sizeable lobby leads directly to two adjoining residential lifts. The stairwell adjoins to the south. A communal mailbox area is provided to the south-east of the ground level lobby.
- 2.12 Minimum ground level setbacks are as follows:
 - 2.12.1 Western boundary – 4 metres (5 metres required by ACZ1);
 - 2.12.2 Northern boundary – 1.6 metres;
 - 2.12.3 Southern boundary – 5 metres;
 - 2.12.4 Eastern boundary – 5.5 metres.

Levels 1-3 (Podium)

- 2.13 Nineteen (19) apartments, a combination of one and two bedroom apartments, make up each of Levels 1, 2 and 3.
- 2.14 Apartment sizes range from 51.8 square metres to 103.6 square metres. Balconies range in size from 8.96 square metres along the eastern side of the building (setback 4.3 metres to the eastern boundary) up to 55.28 square metres (at the north-western corner).
- 2.15 Minimum building setbacks are as follows:
 - 2.15.1 Western boundary – 7 metres (5 metres required by ACZ1);
 - 2.15.2 Northern boundary – 2.7 metres;
 - 2.15.3 Southern boundary – 4.9 metres;
 - 2.15.4 Eastern boundary – 5.3 metres.
- 2.16 Adjacent to the lobby at each level is an external, landscaped balcony area for common use.
- 2.17 A waste chute is provided at all levels.

Levels 4-9 (Tower)

- 2.18 A total of eighteen (18) apartments are situated at Levels 4-9, inclusive. A combination of one and two bedroom apartment make up each of Levels 6-9, while one (1) three bedroom apartment is located at each of Levels 4 and 5. Balconies range in size from 8.96 square metres along the eastern side of the building (setback 4.3 metres to the eastern boundary) up to 82 square metres at Level 6's south-western corner (setback 7.99 metres to the western boundary).
- 2.19 Apartment sizes range from 51.8 square metres to 112.6 square metres.
- 2.20 Minimum setbacks are as follows:
 - 2.20.1 Western boundary – 10.5 metres (9 metres required by ACZ1);
 - 2.20.2 Northern boundary – 2.6 metres;
 - 2.20.3 Southern boundary – 6.2 metres;
 - 2.20.4 Eastern boundary – 5.65 metres.
- 2.21 Adjacent to the lobby at each level is an external, landscaped balcony area for common use.
- 2.22 A waste chute is provided at all levels.

Levels 10-11 (Design Element)

- 2.23 Situated within the "Design Element" Area, five (5), duplex style residential apartments comprise Levels 10 and 11. Common lift access stops at Level 10 with each individual apartment to have its own private lift access to Level 11.
- 2.24 Level 10 of all apartments consists of an open planned living area, including a kitchen, spilling out onto private balconies. Northerly or western orientations are maximised. Access to the common landscaped area (which at Level 10 includes a decked area) is possible adjacent to the lobby area.

- 2.25 Level 11 of all apartments comprises three (3) bedrooms, the master bedroom containing an ensuite and walk-in-robe.

Building Heights

- 2.26 The proposed building height is 31.3 metres (excluding the design element). Including the design element, the building reaches an overall maximum building height of 37.9 metres.

Materials & Finishes

- 2.27 The building proposes to draw on precast concrete (in natural and charcoal/textured finishes), high performance clear and platinum glazing, and rendered finishes (charcoal).

Landscape Response

- 2.28 A key feature of the overall design response is a feature orchard landscape treatment across the western side of the site. The orchard feature is proposed at both ground level and extends up through the centre of the western facade resulting in a "Vertical Garden" anchored by canopy trees. The vertical space is to be a common area accessed by all future residents from Levels 1-10, inclusive. A third landscape area is provided along the eastern side of the building adjacent to the office floorspace and the residential club lounge.
- 2.29 Indicative boulevard type tree planting is shown along Doncaster Road while an extension of the on-site, orchard themed tree planting occurs into the public realm along Elgar Road.
- 2.30 In support of the planning application, the following documentation was submitted:
- 2.30.1 Architectural and colour perspective drawings, as prepared by BKK Architects, dated 18 December 2015.
 - 2.30.2 A Traffic Impact Assessment, as prepared by Ratio, dated December 2015.
 - 2.30.3 A Concept Landscape Plan, as prepared by BKK Architects & Oculus, dated 18 December 2015.
 - 2.30.4 Oculus Landscape Design report, 4 June 2014.
 - 2.30.5 Waste Management Plan (WMP), Leigh Design, 29 April 2014.
 - 2.30.6 Sustainability Management Plan, Urban Digestor, 30 May 2014.
 - 2.30.7 Town Planning Assessment Report, Hansen Planning, May 2014.
 - 2.30.8 BKK Architects Design Response Statement, April 2014.
 - 2.30.9 Windtech Pedestrian Wind Statement, 30 May 2014.

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 9 March 2016.

4 RELEVANT LEGISLATION

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

5 MANNINGHAM PLANNING SCHEME

Zoning

- 5.1 The site is located in the Activity Centre Zone – Schedule 1 (ACZ1).
- 5.2 In the ACZ1, a dwelling is a section 1 use – no planning permit required. Office is a section 2 use – permit required, and must be in conjunction with one or more other Section 1 or 2 uses. A planning permit is required for buildings and works under the ACZ1 (Clause 37.08-5).
- 5.3 The relevant purposes of the Activity Centre Zone are:
- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - *To encourage a mixture of uses and the intensive development of the activity centre:*
 - *As a focus for business, shopping, working, housing, leisure, transport and community facilities.*
 - *To support sustainable urban outcomes that maximise the use of infrastructure and public transport.*
 - *To deliver a diversity of housing at higher densities to make optimum use of the facilities and services.*

- *To create through good urban design an attractive, pleasant, walkable, safe and stimulating environment.*
- *To facilitate use and development of land in accordance with the Development Framework for the activity centre.*

5.4 Schedule 1, relevant to the Doncaster Hill Principal Activity Centre outlines the following objectives:

Land use and development objectives to be achieved

- *To advance Doncaster Hill as a sustainable and vibrant mixed-use activity centre with a strong sense of place and civic identity.*
- *To develop the centre as a focus for contemporary high density residential development incorporating a mix of complementary retail, social, commercial and entertainment uses.*
- *To ensure the activity centre enhances the social, environmental, economic and cultural elements of the municipality and region, advancing Doncaster Hill as a destination in Melbourne's East.*

Land use

- *To provide for a vibrant range of mixed uses that support the strategic role of the Doncaster Hill Principal Activity Centre.*
- *To provide for a high level of activity that attracts people, provides a focal point for the community, creates an attractive and safe urban environment, increasing opportunities for social interaction.*
- *To ensure mixed use development comprises flexible floor spaces for a range of uses.*
- *To substantially increase the provision, intensity and diversity of housing (especially affordable housing), that allows for all sectors of the community to live in the centre.*
- *To provide for high-density residential development on individual sites in conjunction with a diversity of other uses including a mix of retail, commercial, social, community and entertainment uses.*
- *To encourage commercial and small-scale retail uses at the lower level of buildings, with high-density apartment style residential development on upper levels.*

Built form

- *To create treed boulevards framed by podiums, consistent front setbacks and a high quality landscape along Doncaster, Williamsons and Tram Roads.*
- *To encourage innovative, contemporary architecture that provides a distinctive sense of identity for the Doncaster Hill Principal Activity Centre.*
- *To emphasise the existing dramatic landform of Doncaster Hill through built form that steps down the hill.*
- *To ensure an appropriate transition in height both within the activity centre and to surrounding neighbourhoods.*

- *To encourage built form that capitalises on key views and vistas including to the middle-ground and distant features including Dandenongs, the Kinglake Ranges and the central Melbourne skyline.*
- *To encourage the provision of urban art within built form or in adjacent public areas.*
- *To encourage the built form at gateway locations identified in the Framework Plan to be designed to act as markers with distinguishing architectural or urban design treatments.*

Environmental sustainability

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

Public realm

- *To encourage active street frontages and pedestrian generating activities to be located along main roads.*
- *To ensure public spaces are minimally impacted by overshadowing, including preserving solar access in mid-winter to the key boulevards of Doncaster Road and Williamsons Road.*
- *To facilitate the enjoyment of public urban spaces/plazas, streetscapes, pedestrian and bicycle paths by ensuring that these areas are not excessively overshadowed or affected by wind tunnelling.*
- *To encourage artwork in suitable locations to contribute to creating a distinctive sense of identity.*

Open space and landscaping

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

Transport and access

- *To achieve development of circulation networks that focus on providing strong linkages within the Doncaster Hill Principal Activity Centre, and enhance public transport, pedestrian and bicycle users' amenity.*
- *To provide for well-defined vehicular, bicycle and pedestrian access both within and external to all precincts, with strong pedestrian crossing points to be established between the north and south sides of Doncaster Road.*

- *To encourage the integration of car parking areas into buildings and the unique sloping landform, including providing under-croft and basement as opposed to open-lot parking.*
- 5.5 Within the Doncaster Hill Principal Activity Centre there are various precincts delineated in accordance with their topographic orientation and aspect on Doncaster Hill, their relationship to main roads, and their present and future uses. The application site, together with all land on the south side of Doncaster Road west of the application site is within Precinct 7.
- 5.6 Under the ACZ1, the subject site is located in **Precinct 7A**. The objectives for Precinct 7A (Clause 5.7-2) are as follows:
- To encourage an appropriate mix of residential and commercial uses in the precinct.
 - To create a vibrant and commercially viable mix of uses, generally on smaller allotments than is proposed for precincts located further east in Doncaster Hill.
 - To ensure the precinct has ready access to well design public open space.
 - To improve pedestrian access through this precinct to Doncaster Road from the residential land to the south.
 - To create a landmark gateway building at the eastern and western ends of the precinct.
- 5.7 Table 5.7-3 of the Scheme sets out the following precinct requirements:

Maximum height (excluding basement)	Design Element Height:	Setbacks
32.5m	6.5m above maximum height	5m to front podium edge from front boundary 9m to front tower edge from front boundary 4.5m from side boundaries 4.5m from rear boundary

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

Use

- whether the proposal achieves an appropriate mix of uses within the site to complement and support the strategic role of Doncaster Hill Principal Activity Centre;
- whether the proposal provides for flexible non-residential floor spaces that can be adapted in the future to a variety of alternative non-residential uses;
- the contribution that the proposal made towards the achievement of residential population targets as set out in the

Doncaster Hill Strategy (October 2002) and as envisaged by this scheme;

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

Design and built form

Whether the proposed development:

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

Signage

Whether the design and siting of any advertising sign/s satisfies the following design principles:

- signs should be integrated into the design of the building façade, preferably within the first 3 levels of the podium;
- signs should be of a size and height that is complementary to the built form of the building and surrounding landscape treatments;

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

Access

Whether the proposed development:

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

Overlays

Development Contributions Plan Overlay

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

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

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

5.11 Pursuant to the DCPO1, a permit granted must include a condition that gives effect to the contribution and levies imposed by the schedule (Condition 19).

Parking Overlay

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

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

- To identify areas and uses where local car parking rates apply.
 - To identify areas where financial contributions are to be made for the provision of shared car parking.
- 5.13 Clause 45.09-1 sets out the operation of the clause explaining that the overlay operates in conjunction with Clause 52.06.
- 5.14 Schedule 1 to the Parking Overlay applies to land in the Doncaster Hill Principal Activity Centre. Clause 2 sets out the number of car parking spaces required relative to the land use, requiring the following:
- One or two bedroom dwelling – 1 car space per dwelling;
 - Three bedroom dwelling – 2 car spaces per dwelling;
 - Visitor (resident spaces) - 1 visitor parking space for ten dwellings;
 - Office – 2.5 car spaces to each 100sqm of net floor area.
- 5.15 Clause 3 sets out the application requirements and decision guidelines for permit applications.
- State Planning Policy Framework (SPPF)**
- 5.16 Clause 11.01-1 (Activity Centres) includes the objective to build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres.
- 5.17 Clause 11.01-2 (Activity Centre Planning) includes the objective to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.
- 5.18 It is a requirement of this Clause, as well as other Clauses within the SPPF, to have regard to, as relevant, the following policy documents:
- Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004)
 - Activity Centre Design Guidelines (Department of Sustainability and Environment, 2005)
 - Safer Design Guidelines for Victoria (Crime Prevention Victoria and Department of Sustainability and Environment, 2005)
- 5.19 As relevant, an assessment against the abovementioned policy documents will be carried out at Section 6 of this report.
- 5.20 Clause 15.01-1 (Urban Design) seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. Strategies towards achieving this are identified as follows:
- *Promote good urban design to make the environment more liveable and attractive.*
 - *Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and*

choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability

- *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*
- *Ensure transport corridors integrate land use planning, urban design and transport planning and are developed and managed with particular attention to urban design aspects*
- *Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.*

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

sites, and reduce the share of new dwellings in greenfield and dispersed development areas.

- *In Metropolitan Melbourne, locate more intense housing development in and around Activity centres, in areas close to train stations and on large redevelopment sites.*
- *Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.*
- *Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.*

5.26 Clause 16.01-4 (Housing Diversity) seeks to provide for a range of housing types to meet increasingly diverse needs. Strategies towards achieving this are identified as follows:

- *Ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.*
- *Encourage the development of well-designed medium-density housing which respects the neighbourhood character.*
- *Improves housing choice.*
- *Makes better use of existing infrastructure.*
- *Improves energy efficiency of housing.*
- *Support opportunities for a wide range of income groups to choose housing in well serviced locations.*

5.27 Clause 16.01-5 (Housing affordability) seeks to deliver more affordable housing closer to jobs, transport and services.

5.28 Clause 18.01-1 integrated Transport: Land use and transport planning

5.29 The policy objective is:

- To create a safe and sustainable transport system by integrating land-use and transport.

5.30 Clause 18.02-1 Movement networks: Sustainable personal transport

5.31 The policy objective is:

- To promote the use of sustainable personal transport.

5.32 Clause 18.02-2 Cycling

5.33 The policy objective is:

- To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.

5.34 The clause includes several strategies to achieve this objective including to:

- Require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, shopping

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

5.35 Clause 18.02-4 Management of the road system

5.36 The policy objective is:

- To manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.

5.37 Clause 18.02-5 Car parking

5.38 The policy objective is:

- To ensure an adequate supply of car parking that is appropriately designed and located.

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

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

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

5.41 Clause 21.09 (Activity Centre and Commercial Areas) outlines that *principal, major and identified neighbourhood activity centres will be the focus of increased residential growth and development*. In particular, Doncaster Hill Principal Activity Centre will:

- Challenges mainstream community planning and building design to achieve desired environmental outcomes.
- Provides more local jobs to reduce journey to work trips.
- Provides housing where residents may walk to facilities and services.
- Encourages reduced levels of car ownership and increased public transport usage.

5.42 The vision for Doncaster Hill Principal Activity Centre is outlined in Council's *Doncaster Hill Strategy (2002)* and includes:

- To implement the objectives of Melbourne 2030 in respect of Principal Activity Centres as a focus for retail, social, commercial, entertainment, civic and residential uses.
- To integrate ecologically sustainable development principles and techniques into every facet of the design, construction and operation/occupancy stages of new development to raise the

aspirations of all users, appropriate for a city looking towards a long-term, responsible and sustainable future.

- To ensure that built form outcomes demonstrate the use of contemporary architecture combined with innovative urban design and building techniques that incorporate ecologically sustainable design principles.
- To emphasise the existing dramatic landform of Doncaster Hill through built form that steps down the hill.
- To encourage high density, high rise residential development.
- To provide a greater diversity of dwelling types.
- To alleviate pressure for more intense residential development in established urban areas.
- To reduce travel demand and change travel behaviour.
- To promote the development of sustainable transport options.
- To meet the future infrastructure requirements of Doncaster Hill in a comprehensive, timely and equitable way.
- To develop an integrated mixed-use precinct for Doncaster Hill Activity Centre which provides for an appropriate mix of uses and functions on a location specific level, including the provision of:
 - mixed uses within buildings, particularly along boulevard locations
 - small scale retail opportunities at ground floor level in conjunction with other mixed use developments
 - additional commercial/office floor space
 - flexible floor spaces within buildings to ensure life cycle adaptability.

5.43 As previously noted, the subject site is located in sub-precinct 7A.

5.44 Clause 21.10 (Ecologically Sustainable Development) highlights Council's commitment to ESD and outlines a number of ESD principles to which regard must be given. These relate to:

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

Local Planning Policy

5.45 Clause 22.08 (Safety through urban design) is relevant to this application and seeks to provide and maintain a safer physical environment for those who live in, work in or visit the City of Manningham. The policy seeks

attractive, vibrant and walkable public spaces where crime, graffiti and vandalism is minimised.

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

Particular Provisions

- 5.47 Schedule Clause 52.01 (Public Open Space Contribution and Subdivision) applies to all land in the Doncaster Hill Activity Centre. At the time of land subdivision, a 5% public open space contribution is required to Council for the purpose of funding public open space.
- 5.48 Clause 52.06 (Car Parking) is relevant to this application and must be read in conjunction with Schedule 1 to Clause 45.09 Parking Overlay – Doncaster Hill Principal Activity Centre. The design standards for car parking provided at clause 52.06-8 of the Scheme are required to be met unless the Responsible Authority agrees otherwise
- 5.49 Clause 52.07 (Loading and Unloading of Vehicles) seeks to set aside land for loading and unloading of commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.
- 5.50 Clause 52.29 (Land adjacent to a Road Zone Category 1) is relevant as the subject site sits adjacent to both Doncaster and Elgar Roads – both being roads under the jurisdiction of the Roads Authority (VicRoads).
- 5.51 Clause 52.34 (Bicycle Facilities) is applicable to this application. The statutory bicycle parking requirements are that in developments of four or more storeys, 1 bicycle space must be provided to each 5 dwellings (for residents) and 1 bicycle parking space for visitors is required for every 10 dwellings.
- 5.52 Clause 52.35 (Urban Context Report and Design Response for Residential Development of Four or More Storeys) requires a development of four or more storeys to be accompanied by an urban context report and a design response.

General Provisions

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

6 ASSESSMENT

- 6.1 Section 5 of this report has outlined the purposes and objectives of the ACZ1, including the specific visions for Precinct 7 of the Doncaster Hill Principal Activity Centre in which the site is located. However, the ACZ1 is much more prescriptive than simply listing policy ambitions. The ACZ1 sets a number of

mandatory and preferred maximums/minimums for buildings within the Activity Centre. These mainly relate to the scale of the development, such as height and setback distances. The requirements establish a three dimensional building envelope for each site.

- 6.2 The following assessment identifies and considers these mandatory and preferred requirements from the ACZ1, as outlined at Clause 4.4 Design and Development, before moving onto other issues:

Clause 4.4 Design and Development

Building Height - met

- 6.3 The maximum building height, as outlined earlier in this report, is a mandatory maximum requirement. The maximum building height permitted for this site by the ACZ1 is 32.5m. There is a further height allowance of 6.5m attributed to a design element providing a number of criteria can be satisfied.
- 6.4 Without the design element, the proposed building reaches a height of 31.3 metres which comes within the maximum building height permissible.
- 6.5 With the design element, a maximum building height of 37.9 metres is reached. This is also within the parameters of the maximum permitted by the ACZ1. As such, the proposal is fully compliant with prescribed building heights.
- 6.6 Furthermore, sectional drawings demonstrate that there is no encroachment above the design element permissible height for lift overruns or any plant equipment.

Design Element – considered met with conditions

- 6.7 Notwithstanding the design element's compliance with height, it should also (in accordance with Clause 4.4 of the ACZ1):
- *Substantially contribute to the overall built form and appearance by forming part of a distinctive architectural or ecologically sustainable design feature;*
 - *Be based on contemporary architectural and innovative urban design techniques that incorporate ecologically sustainable design principles;*
 - *Be located where built form will have the greatest impact and be able to make an architectural statement, including the highest areas on ridgelines, the area surrounding the intersection of Doncaster and Williamsons Road, and the entry points/gateways into Doncaster Hill Principal Activity Centre;*
 - *Not occupy greater than 15% of the overall roof area of the building.*
 - *Not substantially increase the visual mass of the building; and*
 - *Not cast additional overshadowing upon adjacent and nearby properties and public spaces at 12 noon on 22 June.*
- 6.8 The design element has undergone a significant redesign from the original planning submission. Indeed, as part of the Section 57A application, one of the most significant changes (and improvements) to the proposal has been the shift in architectural language of the design element.

6.9 Assessing the Design Element against the abovementioned criteria reveals the following:

- The architectural language and prominence of the design element is now considered to make a substantial contribution to the overall built form expression. The element will be a distinctive feature of the overall development providing a high level of visual interest by virtue of its resemblance to a “jewel” like feature piece on top of the building. Council officers are satisfied that the differentiation in building materials by the predominant reliance on high performance glazing for the external skin of the design element will provide it with a high level of architectural prominence. As the Sustainability Management Plan submitted with the application has not been amended to discuss the revised design now incorporating the revised design element, it will be appropriate to ensure this is addressed by requiring a revised SMP as a permit condition to understand the feature’s ability to meet the ecologically sustainable design aspirations of the Scheme (Condition 1.13).
- As the land slopes in a southerly direction, the northern end of the site is the highest part of the site. The positioning of the design element at the northern end of the building is consistent with the desire for the design element to be located where it will have the greatest built form presence.
- The use of glazing for the facade treatment and the alternative architectural language (when compared to the design of the tower) are both critical to the arrival of the view that the redesign of Levels 10 and 11 will not substantially increase the visual mass of the building. A key issue for officers in the original submission was the opinion that the design element was a mere replica or extension of the tower component which failed to provide a lack of distinctiveness. The use of a “lighter” material has successfully addressed the issue of visual bulk which was ingrained in the original submission. The design element is also appropriately recessed from the roof edge below to avoid visual massing concerns.
- The design element will not produce additional shadows to adjacent and nearby properties and public spaces at 12 noon on 22 June.
- While the provision of habitable space within the design element is not expressly discussed in the provision, the association of a percentage of floorspace does not rule it out. So while in some Doncaster Hill developments, such as the Madison Apartments at 91-93 Tram Road, the expression has been the application of a design feature extending above the roofline across the facade there are multiple examples of developments, including the neighbouring mixed use building at 101-105 Tram Road, where residential levels have been approved as and within the design element.
- The design element is proposed to account for 19% of the total roof area of the building, a 4% increase above the 15% outlined by the ACZ1. It is, however, not the only example in Doncaster Hill which exceeds 15%. Indeed the development at 101-105 Tram Road, has a design element occupying almost 20% of the roof area.

- The footprint of the design element draws parallels with the adjacent building at 101-105 Tram Road, which in addition to resembling a similar size, is also comparable in respect to layout and its location at the northern end of the buildings. As was observed in the 101-105 Tram Road Council report, it is also agreed that in this case the Design Element serves to achieve the following vision statement of the Doncaster Hill Strategy 2002:
 - *To emphasise the existing dramatic landform of Doncaster Hill through built form that steps down the hill.*
 - On the basis that the minor encroachment over the 15% is the only criteria which the revised design element does not meet, and on the basis that the architectural presentation of the Design Element is now seen as making a key architectural contribution to the overall building, it is considered the footprint size of the element is acceptable.
- 6.10 It follows from the above assessment that the Design Element is considered to be a distinct and identifiable building element and should be supported subject to a permit condition which requires a detailed design of the Element to be submitted clarifying materials and finishes and spacing between fins (Condition 1.13).

Buildings Setbacks – considered met with conditions

Front Setback

- 6.11 A permit cannot be granted to vary the front setbacks, including the front podium and front tower setbacks. As such, the requirement to achieve a 5 metre setback at the podium level and a 9 metre setback to the tower are both mandatory requirements. However, there is scope for:
- Minor buildings and works such as verandas, architectural features, balconies, sunshades, screens, artworks and street furniture may be constructed within the setback areas specified in the precinct provisions at Clause 5 of this Schedule*
- 6.12 Given the corner location of the site, the permit applicant can elect their front setback. This is important when assessing the development's compliance with the front building setback. In this instance, the development's frontage is to Elgar Road evidenced by the building's entry and feature landscaped frontage.
- 6.13 As the site has a twofold splayed boundary at its north-western end (the Doncaster Road and Elgar Road intersection), Council officers consider the reduced setback exhibited by the development at this location (similar to that occurring at the neighbouring development at 101-105 Tram Road) as forming part of the Doncaster Road setback. Indeed, the north-western corner will read and contribute more readily to the Doncaster Road streetscape, than Elgar Road, particularly when considering its angle is best exposed to the north-western side of Doncaster Road.
- 6.14 On this basis, the setbacks which are as little as one (1) metre to this twofold splayed corner are not considered contrary to the mandatory front setback requirement in the ACZ1.
- 6.15 However, in an endeavour to strengthen the design of the podium levels of the development's ground level, the Section 57A plans have encroached into the Elgar Road setback at the south-eastern corner resulting in a minimum setback of 4 metres associated with Apartment 002 (the south-easternmost

located apartment at the ground level). This apartment has an “angled” western exterior wall, so, while its south-western corner indeed achieves the 5 metre setback sought by the control, at its north-western corner it has a 4 metre setback to Elgar Road. Notwithstanding the articulation offered by this splayed design, the mandatory nature of the control presents no alternative other than to require a 5 metre setback to Elgar Road. As such, this will be required by permit condition and a redesigned apartment will need to result (Condition 1.11). At Levels 1-3, inclusive, the proposal comfortably complies with the 5 metre setback to Elgar Road.

- 6.16 Building setbacks at the tower level are compliant with the 9 metre setback requirement.
- 6.17 Without question, there are a number of balconies at all podium associated levels which encroach into the 5 metre setback. However, as outlined above, the ACZ1 provides for the encroachment of balconies into the setback *“provided they are designed and located to the satisfaction of the responsible authority”*.
- 6.18 To ensure a strengthened podium design, Council officers have encouraged the permit applicant to increase the footprint at the podium levels to provide the building a solid grounding to achieve a greater level of integration with the streetscape and to distinguish the tower component of the development (Levels 4-9). Given the negative consequences to internal amenity of extending the internal span of the building to the west, an opportunity to strengthen the podiums levels and increase the articulation of the western facade of the building has been achieved by redesigning the lower levels and increasing the size of balconies across this elevation. Balconies which admittedly encroach into the 5 metre front setback to Elgar Road accomplish this very objective and are, as such, considered to be designed and located to Council officers’ satisfaction.
- 6.19 Albeit it to a lesser extent, there is also balcony encroachment within the tower component of the building. At Level 4, Apartment 415’s balcony has a 7 metre setback to Elgar Road, Apartment 515 (directly above) a 7.5 metre setback, Apartment 615 (directly above again) a 8 metre setback and so the pattern continues.
- 6.20 The balconies constituting the cascading Vertical Garden similarly make a small encroachment into the western, front setback (at Levels 4–7 where the setbacks range from 7.54m (Level 4) to 8.7 metres (Level 7).
- 6.21 Again, the encroachment into this setback of this “green” communal balcony space is considered to be a key architectural and landscape feature of the overall development. Its minor encroachment into the 9 metre “tower” front setback at four levels is considered to be within the parameters of the ACZ1 providing a key point of articulation and visual interest across the western facade.

Side and Rear Building Setbacks – considered met

- 6.22 There are preferred minimum requirements relating to side and rear setbacks (i.e. they can be varied by a permit). The minimum setback from a side (or rear) boundary is 4.5m. As for the front setback, there is provision for elements such as balconies, sunshades and screens to be constructed within the specified setback *“provided they are designed and located to the satisfaction of the responsible authority”*.

- 6.23 To the side boundary to Doncaster Road, the proposal has taken guidance from the zero setback of the Panorama development at 101-105 Tram Road. The justification in the Council officer assessment of the neighbouring development at 101-105 Tram Road, Doncaster concluded that:

Planning policy is particularly strong that a landmark building is required in this major gateway location being the centre of Doncaster Hill. This aspect of the development provides a strong and striking elevation to the intersection and activates it with a zero metre setback to the glazed commercial façade of the retail use at ground level. The intersection already experiences a zero setback (the curved wall of Westfield Doncaster). The reduction of the required setback, which is considered to be a preferred minimum setback, to zero at the Tram Road / Doncaster Road intersection is a feature of the proposal which should be supported.

- 6.24 The proposal seeks to continue the built form presentation from around the Doncaster/Tram Road corner (that has been already established by the neighbouring apartment development) around to the Doncaster/Elgar Road intersection. Given the peninsula nature of the site, there is considered merit in the continuity of this design approach. As such, a reduced setback to the preferred 4.5 metres is considered to be acceptable.
- 6.25 In relation to the eastern and southern boundaries, the proposal achieves podium level building setbacks of 4.5 metres and is thereby compliant with the ACZ1.
- 6.26 Across the eastern boundary, balconies encroach at all levels of the podium and tower by 200mm resulting in a continuous setback line of 4.3 metres to the balcony edge. This level of encroachment is considered to be negligible noting minor encroachments generally in the vicinity of 600mm into the 4.5 metre setback have been permitted on the neighbouring development site's western elevation. Furthermore, balconies at the north-western corner of 101-105 Tram Road have been permitted with balconies setback by 2.44 metres from the common boundary. Where this occurs, however, it is noted that the 600 Doncaster Road development proposes its north-eastern most balcony with a 5.5 metre side setback. As such, a reasonably comfortable level of separation is provided for between adjacent apartment developments.

Overshadowing - met

- 6.27 Clause 4.4 of the ACZ1 provides that development within the ACZ1 should not overshadow adjacent properties outside of the activity centre between the hours of 11am and 2pm on the 22 September. The development causes no such shadow during these times. The only property outside of the development to be affected by shadowing at any time of the day is the front yard of 813 Elgar Road, Doncaster which will have approximately half of its front setback in shade at 9am. By 10am, the property is however not affected.

Landscape Design - met

- 6.28 A sophisticated landscape response, as prepared by Oculus Landscape Architects, was submitted with the permit application demonstrating a commitment to the creation of three main landscape types: Elgar Road Orchard, The Elevated Orchard and The Eastern Garden.

- 6.29 The Elgar Road Orchard is an expansive orchard themed environment consisting of rows of two or three orchard type trees (situated in an east-west orientation) spaced in 3 metre intervals in the section between the building and the western property boundary. The orchard planting will be complemented by a series of paved pedestrian treatments and permeable spaces together with soft, lower level planting around furnishings including cycle racks and seating. The transformation of this setback space into an orchard is a key characteristic of the overall development and a vision of the property owners to the realisation of a particular landscape outcome.
- 6.30 An extension of the ground level orchard, is the proposal of a vertical or Elevated Orchard which ascends up the western facade of the building via a series of common balcony spaces. To be maintained by the Owners Corporation, the landscape design report explains the balconies will incorporate deep soil planting zones which will be sufficient to sustain small trees. The balcony outstands alternate their orientation at each level to enable a double floor to ceiling height for tree growth.
- 6.31 The Eastern Garden provides a private space for future occupants adjacent to the residential ground level lobby and office floor area. The space will be useable by future building occupants but will also provide a pleasant “green” outlook from within the building with advanced tree planting and climbing species to feature.
- 6.32 The landscape design response for the site, if it is executed as proposed, will be the most exciting and attractive landscape outcome in all of Doncaster Hill. To ensure the layout of landscape resembles the Section 57A plans and includes the appropriate species of trees, densities, soil depths, irrigation, ongoing maintenance, etc are provided, a detailed landscape plan requiring this information be required as a condition of permit.

Wind Effects – met subject to condition

- 6.33 Notwithstanding the impressiveness of the proposed landscape design response for the site, there is genuine officer concern for its execution. A key reason for this concern is the effects of strong south-westerly winds and western sun on the vertical and ground level orchard. Council officers have maintained from the outset that more detail is required to provide officers with the confidence that this scheme will work and will be able to be maintained for the life of the building.
- 6.34 The Wind Effect Statement submitted in support of the application does not address this issue. A request for an addendum to the Statement as part of Council’s further information furnished a response from the authors of the original report (Windtech, 9 December 2014) which stated:

Windtech Consultants will be engaged to accurately determine the expected peak drag forces on the trees in proposed elevated locations on the western aspect of the proposed building. The aim of this study is to inform the landscape architect of the expected wind conditions and the structural engineer so that he can allow for sufficient soil depth as counterbalance and to properly account for the expected drag from the trees and weight of soil load on the supporting structure. Windtech Consultants have undertaken similar studies in the past such as for the trees on the podium of the Chatswood Civic Centre, in Sydney. We trust that this measure will allay councils concerns with regards to the elevated trees.

- 6.35 Therefore, a permit condition will be required at Condition 1 for the submission of a Wind Effects report, as prepared by a suitably qualified person such as Windtech, investigating how and recommending on the specific measures required to ensure both the ground level and elevated/vertical landscaping can withstand foreseeable wind pressures (Condition 1.31).

Boulevard Character – met subject to conditions

- 6.36 The ACZ1 sets a boulevard character requirement for development along Doncaster, Williamsons and Tram Road, but no such requirement for Elgar Road.
- 6.37 Along Doncaster Road, the development provides for a 4.8m-5m wide setback from the building's frontage in which to facilitate the boulevard tree planting sought by the Scheme. Indicative boulevard tree planting has been notated on both development and landscape plans to demonstrate the achievability and commitment towards this strategic streetscape outcome. The response is to the satisfaction of Council's Urban Designer/Landscape Architect.
- 6.38 While not required to by the Scheme, the Elgar Road frontage will see the extension of the orchard themed environment from within the development site into a row of trees to be planted along the Elgar Road streetscape. Council's Urban Designer/Landscape Architect is supportive of the integration of ornamental pears into the design of the building and forecourt which she considers will create a strong visual connection between the building and public realm. She notes that sufficient root depth and volume is provided to establish the ornamental pears. While commenting that the trees planted over the basement slab and on balcony projections will not achieve the same height and spread as the trees planted in less constrained conditions, automatic irrigation and careful management will ensure that they develop into an exciting landscape and architectural element. As such conditions to this effect must be included on any permit to issue (Condition 1.30 & Condition 6).
- 6.39 Further conditions will need to specify the species type and be mindful of VicRoads' requirement that public trees must be planted no less than 1.2 metres from the kerb (Condition 39).

Access and Mobility – met subject to condition

- 6.40 As relevant to this application, Clause 4.4 of the ACZ1 requires new development to provide a high level of accessibility at the principal front entry for any residential development and to comply with the Australian Standard AS1428 Part 2 provisions for access and mobility.
- 6.41 As the proposal provides at grade access to its front entry across Elgar Road and to the office entry along Doncaster Road, the proposal would appear to achieve a high level of access for persons of limited mobility.
- 6.42 In terms of compliance with Australian Standard AS1428 Part 2 provisions for access and mobility, a permit condition can require the submission and approval of a Disability Access Plan (Condition 1.33).
- 6.43 It is also noted that the building entry achieves the requirements of Council's Local Planning Policy with respect to public safety and access for disabled people. The lobby provides passive surveillance to Elgar Road and the orchard environment before it.

Clause 8 Decision Guidelines

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

Use

6.45 The land use objectives for Doncaster Hill in the ACZ1 seek a vibrant 'mixed use' centre. The office use, in conjunction with the provision of 174 residential apartments, is consistent with the following key objective of the ACZ1:

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

6.46 The provision of office at ground level with residential above will complement and support the strategic role of Doncaster Hill.

6.47 The number of residential dwellings will make a significant contribution towards the achievement of the residential population targets as set out by the Doncaster Hill Strategy, which envisaged the provision of over 4000 apartments within the Principal Activity Centre.

6.48 The open planned layout of the office floor space and the size of it also provides for flexibility to enable the space to be adaptable to any potential future occupants.

6.49 The use of land for office has car parking implications which are discussed further under the relevant heading. Car parking for the office use is to be provided within the basement car park of the building.

Design and Built Form

6.50 The twelve storey, mixed-use residential and office building will provide a dynamic and robust development along the Elgar Road and Doncaster Road streetscapes.

6.51 In terms of height and scale, the proposed building will fit in comfortably with the neighbouring development's presently under construction to both the east and to the south. In this regard, the building will make its contribution towards the emphasis of the dramatic landform of Doncaster Hill by it stepping down the Hill as well as with the natural fall along Elgar Road.

6.52 This proposal has been designed to establish a strong dialogue with the development at 101-105 Tram Road both in terms of its architecture (use of horizontal banding, graduating podium design) and siting (the reduced setback to Doncaster Road as it wraps around from the Tram/Doncaster Road intersection to the Elgar/Doncaster Road intersection). By virtue of this response, the two buildings will not only share, but complement one another, on this prominent peninsula site within the Doncaster Hill Activity Centre.

6.53 Following some significant adjustments from the original submission, the proposal now provides a legible distinction between the tower and podium levels in a manner greater resembling that contemplated by the ACZ1. The tapering setback of the tower in relation to the podium is considered appropriate with the contrast in colour/shade providing a subtle, but

distinguishable, difference between the two forms. This is an outcome evidenced across all public elevations.

- 6.54 The southern elevation is of reasonable architectural quality with the visual cascading of the levels to create a dynamic and strong sense of visual interest when viewed from a southern point on Elgar Road.
- 6.55 The eastern elevation is admittedly linear and repetitive in design but will not be visible from the public realm.
- 6.56 The key elevations, however, being the western and northern elevations will present striking examples of architecture. They will be characterised by bands of concrete that cascade upwards inspired, according to the applicant, by geomorphic language of rock forms and escarpments. The potential heaviness associated with the robustness of concrete is balanced out by the proposal's adoption of a high level of glazing. The use of this glazing is applied at all levels but most significantly employed at the uppermost levels as part of the distinctive and high quality Design Element.
- 6.57 It cannot be understated the extent to which the high quality architecture of the Design Element is critical to the ultimate decision to now be supportive of this planning application.
- 6.58 The execution of the three landscape types, but in particular, the Elevated/Vertical Orchard is also critical to the success of the overall development.
- 6.59 The Vertical Garden is achieved by the provision of the sequence of cascading balconies which extend from Level 1 to Level 10 of the building. For the purpose of the ground level entry, the balcony at Level 1 provides an entry canopy over and marking the main Elgar Road entrance to the building.
- 6.60 The landscape design response has been impressively integrated into the overall built form response that, its modification or removal from the proposal, would be a significant loss to the integrity of the overall development. It plays a significant role in the articulation of the western facade that it is considered essential that appropriate planning conditions be applied on any decision to issue to ensure the realisation of the elevated orchard.
- 6.61 From a pedestrian perspective, the ground level orchard area is important and appropriate landscaping conditions will need to be applied to ensure it comes to fruition in the manner represented by proposed plans. Along Doncaster Road, the transparency of the façade of the office floor space will offer a high degree of passive surveillance, visual interest and continuity given the similar design response to the retail premises at ground level associated with the 101-105 Tram Road development.
- 6.62 It is concluded from the above consideration of the design and built form response that the proposal can make a positive architectural contribution to the Elgar and Doncaster Road streetscapes and the wider Doncaster Hill Activity Centre.

Access
Car Parking

- 6.63 Schedule 1 to Clause 45.09 of the Manningham Planning Scheme requires the proposed mixed-use building to provide a total of 215 spaces in accordance with the car parking rates outlined at the Table to Clause 2 of this

provision. The development supplies a total of 229 car parking spaces across three levels of basement car parking and thereby exceeds the statutory requirement.

- 6.64 However, eight (8) of the eighteen (18) spaces allocated for the offices use are to provided in a tandem arrangement and will be made available for visitors to the residential development outside of business office hours (between 7pm-6am Monday to Friday and all day Saturday and Sunday). This means that the allocation is considered collectively which prevents the office and residential components of the proposal from meeting their respective requirements individually. The spaces are proposed to be shared and marked 'visitor', rather than delineated for 'residential visitors' or 'office visitors'.
- 6.65 The permit applicant's Traffic and Car Parking Assessment considers the appropriateness of providing shared visitor car parking at a rate lower than if they were delineated for individual uses and suggests the outcome is better. Furthermore, they state that the proposal to share some (not all) office and visitor spaces during non-business hours is not uncommon and has been considered by the Victorian Civil and Administrative Tribunal (where on their advice, it appears to have been generally accepted).
- 6.66 The general support for this approach by the Tribunal appears to essentially be based on the notion that the demand for visitor car parking between office visitors and residential visitors will be at different times of the day and week. Council's Engineering department indicated they have no objection, subject to appropriate signage being installed to ensure users of these spaces are fully aware of the arrangement (Condition 1.10).
- 6.67 It is noted that the visitor parking is well located and easily accessible from the access driveway at the upper ground floor level. Pedestrian safe zones within the basements offer pedestrians waiting for lifts protection from vehicle movements. The one disabled visitor space is provided opposite the lift area. It too will need to be appropriate signed to ensure it is accessible to both residential and office visitors (Condition 1.10).
- 6.68 A further condition will be added to allocate the car spaces so that the tandem spaces are allocated to the largest apartments (including the 7 x three bedroom dwellings). (Condition 1.1)
- 6.69 Clause 52.06 provides guidance in terms of car parking design and sets out a number of design standards that a permit application should meet. The proposal has been considered against these requirements by Council's Engineers and the proposal is considered compliant, subject to a series of conditions including meeting sight lines required by Design Standard 1.

Vehicle Access

- 6.70 Elgar Court will be extended through to Tram Road along a shared carriageway easement with the adjoining development at 101-105 Tram Road. The applicant will also create a left turn tapering treatment from the north of Elgar Road into Elgar Court to improve the safety and operation of this movement. In addition, both developments will be restricted to left turn exit movements onto Elgar Road and Tram Road. VicRoads referral advice acknowledges the amended arrangement is to their satisfaction and requires only the addition of half a dozen conditions which relate to the completion of road works to VicRoads requirements, signage requirements for public safety

purposes and a particular setback distance for canopy tree planting from the edge of kerb (Elgar Road).

Pedestrian Access

- 6.71 Primary pedestrian access is provided via a centrally located footpath across the western setback to Elgar Road. This leads to the apartment building's entry and directly to the lobby area where basement car parking, all residential levels and the office use are all readily accessible. It is considered good pedestrian connections are provided to the public footpaths along Doncaster and Elgar Roads and in terms of internal circulation, including along the landscaped space to the east side of the building.
- 6.72 The assessment above indicates that the scale, mix of uses, design and built form and access is generally consistent with the expectations of development outlined in the ACZ1.

What other matters can be considered?

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

Amenity Impacts

- 6.73 The *Design Guidelines for Higher Density Residential Development* (Department of Sustainability and Environment, 2004) provide design criteria for assessing amenity impacts. The most critical issues are protecting neighbours from overlooking and overshadowing.
- 6.74 The Guidelines seek 'equitable access' in relation to outlook and sunlight (objective 2.6) and suggest new development be designed to achieve Clause 55 requirements in relation to overlooking and overshadowing secluded private open space. The notion of 'equitable' is particularly important in relation to the adjacent properties as they are also within Doncaster Hill and therefore provided opportunities for higher density development.

External Amenity

Overshadowing

- 6.75 The proposal will not cause any unreasonable overshadowing.
- 6.76 The shadow diagrams provided with the application indicate that there is no overshadowing of land outside of the activity centre after 10am on the 22 September.
- 6.77 Within the Activity Centre, some shade is to be cast over the development site to the south at 812 Elgar Road (from 12pm onwards) and to the east at 101-105 Tram Road (from 1pm onwards). Given their location within Precinct 7A (and thereby a building height opportunity of 32.5m plus design element of 6.5m) this would be unavoidable having regard to the identical height opportunities available to the neighbouring sites.

Overlooking

- 6.78 In relation to overlooking, the guidelines (Objective 2.9) require Council to consider 'direct overlooking' within a 9m radius of habitable room windows and balconies (the same as Clause 55).

- 6.79 Along the eastern boundary, windows and balconies are consistently setback 4.3m from the boundary with 101-105 Tram Road resulting in separation of almost 9m between buildings to prevent 'direct overlooking'. As stated earlier in the report, there are examples on the neighbouring development where 4.5 metres or thereabouts has not been achieved due to a small portion of balcony, usually a corner, protruding into this space. There is also the example of larger balconies at the northern end of the development. This proposal has been given some latitude to propose a continuous 4.3 metre setback, which is considered reasonable and 'equitable', having regard to the positioning of balconies and some encroachments into the 4.5 metre setback exhibited on the adjoining development site.
- 6.80 Given the site only abuts the neighbouring development site at 812 Elgar Road for 8 metres, the extent of overlooking potential is significantly less when compared to 101-105 Tram Road. Residential apartments directly opposite the common boundary with 812 Elgar Road are setback a distance of at least 4.9 metres from the balcony edge (Apartment 114 is one example). As such, this is considered entirely reasonable and equitable to the adjoining development noting that there are no apartments on this building directly opposite Apartment 114 and its vertical neighbours, i.e. Apartment 214, 314, and so on. (The Garden Hill development has its balconies encroaching into the 4.5 metre setback by as much as 1.7 metres so thereby the edge of balcony is setback 2.8 metres from the common boundary but this does not occur opposite proposed apartments at 600 Doncaster Road, Doncaster).

Internal Amenity and Servicing

- 6.81 In terms of dwelling diversity, the proposal offers some level of variation across the spectrum of apartment levels. The proposal includes a combination of mainly single and two bedroom apartments (84 and 83, respectively). Some of the two bedroom apartments are larger in size and also include study nooks.
- 6.82 The proposal provides only seven (7) three bedroom apartments across the overall development at a percentage of 4% of the overall yield. Given the architectural merit, well-conceived landscape response and the internal and external communal spaces provided within the development site, this seems somewhat surprising and perhaps a missed opportunity to target a family demographic who would be more likely attracted to an apartment with more bedrooms. However, there is no specific control or policy requirement stipulating a higher yield of three or more bedroom apartments. As such, the dwelling mix must be accepted. It should also be noted, amendments have been made to other Doncaster Hill developments, such as at 101-105 Tram Road (Panorama) and 5 Sovereign Point Court (The Imperial) during construction that have seen the consolidation of apartments to provide larger floor areas and additional 3 bedroom apartments.
- 6.83 One bedroom apartments tend to be located along the eastern core of the building where the internal condition of the apartments will be affected by the shadowing of the adjoining development at 101-105 Tram Road and which have balconies no greater than 9 square metres. While this could be perceived as being a poor outcome, it should hopefully provide for a more affordable housing opportunity for lone person or smaller households (such as a student or younger resident being able to purchase their first property and to enter the Manningham market in a prime location opposite and close to

premium retail, commercial, entertainment and public transport services). This in turn provides for a positive outcome to the overall likely future population which will inhabit the apartment building enabling them to and have access to internal facilities, such as the residential club lounge and communal garden spaces (including the Vertical Garden). All one bedroom apartments are at least 50 square metres in size.

- 6.84 It is noted that the proposal does incorporate some one bedroom apartments along the western core of the building, where improved access to sunlight and larger balconies are proposed.
- 6.85 The size and outlook of two bedroom apartments vary with their placement at northern, southern and western parts of the building and provision for a variety of internal and balcony layouts and sizes. Providing for a point of difference, the four (4) ground level apartments will have direct access to their respective entries via a staired entry from the common area rather than via the lobby area.
- 6.86 Of the seven (7), three bedroom apartments, five (5) are situated at Levels 10 and 11 as duplex style dwellings within the Design Element. These apartments will clearly be the premium, penthouse style product in the building. The amenity of these spaces will be incredibly high with the provision of the larger internal and external spaces balconies, highest access to city views and the northerly and/or westerly aspect. That said, the level of solar penetration and opportunity for solar protection given the northerly, westerly and north-westerly aspect will need to be carefully considered and an updated Sustainability Management Plan must take this matter into strong consideration (Conditions 1.13, 1.34, 4).
- 6.87 Across the building, corner apartments will achieve cross ventilation while all apartments have been designed to avoid any reliance on borrowed or artificial light.
- 6.88 Apartments at each level adjoining the Vertical Garden will need to be carefully planned for with respect to sill heights and types of windows to avoid direct internal overlooking of these spaces and any noise concerns (Conditions 1.15 & 1.16). Access to the Vertical Garden and design detail of a walkway and any seating will also need to be specified (Condition 1.22).
- 6.89 Otherwise, internal overlooking and some level of solar protection is generally avoided by the considered placement of windows and balconies. A permit condition will be required to relocate the internal dividing fence between apartments 116 & 117, 216 & 217 and 316 and 317 which will need to be located at a 45 degree angle between the apartment spaces (in the manner that has occurred at Level 4 upwards). (Condition 1.17).
- 6.90 Solar penetration to the lobby area at each level via the vertical garden opening along the western side of the building will provide for a good level of daylight to the internal corridor/walkway. Lifts are situated centrally and two are provided, together with an adjoining emergency stairwell, and a waste chute.
- 6.91 In relation to storage, the basement design provides the necessary number of storage facilities albeit at 3 square metre of storage space per apartment. The type of storage to be provided and a storage allocation schedule will be required by permit condition to ensure the appropriate allocation of these spaces relative to their location across basement levels (Condition 1.2).

- 6.92 Given the site's main road location, a condition will require an acoustic report to ensure habitable rooms in the apartments facing Elgar and Doncaster Roads are protected from vehicle noise (Condition 1.32).
- 6.93 Waste and recycling will be stored in a dedicated waste room in the basement car park at ground level. The Waste Management Plan (WMP) provided with the application indicates waste and recycling bins will be collected from the onsite loading bay (located adjacent to the vehicle entry) by a private contractor's rear-lift vehicle during off-peak traffic periods. The Report specifies that collection staff shall have access to the bin store and will be responsible to transfer bins back to the store post-collection.
- 6.94 A Sustainability Management Plan (SMP) has been provided that outlines how the building will achieve the sustainability objectives of the ACZ1 in the areas of Building Energy Management, Water Sensitive Urban Design, Indoor Environment Quality, Waste Management, Quality of Private and Public Realm, Transport, and Demolition and Construction.
- 6.95 As the building is within Yarra Valley Water's mandated third pipe recycled water scheme area it can minimise potable water demand through connecting to the scheme when it becomes available. The SMP will need to be amended to reflect this, as well as the Doncaster Hill District Energy Service. As already discussed, the amended SMP will need to have specific regard to the energy efficiencies of the redesigned Design Element (Condition 4.1).

Easements

- 6.96 With the condition required by Engineering to delete the wall to the east of the loading bay for sight line purposes (Condition 1.4), the proposal will also avoid any undesirable construction over the carriageway easement burdening the site. The construction over the 4.5 metres carriageway easement is appropriate.

7 REFERRALS

- 7.1 VicRoads is the statutory referral authority under the Manningham Planning Scheme.
- 7.2 On 10 March 2016, VicRoads advised Council that they have assessed the amendment of plans and consider that the proposal will not have any detrimental impact on the operational efficiency of Doncaster Road. They advise that should consider the application be considered favourably, that six (6) permit conditions be included on any permit to issue. These conditions relate to compliance with VicRoads "Standard Requirements – Developer Funded Projects" policy document, the completion of traffic works to facilitate a right turn ban from Elgar Court to Elgar Road, specific tree planting setbacks from Elgar Road and the inclusion of road signage to facilitate safe vehicle movements. Their conditions will be added to the ultimate decision to issue.
- 7.3 The application was referred to a number of Service Units within Council and the following table summarises their responses:

Service Unit	Comments
Engineering and Technical-	<ul style="list-style-type: none"> Point of discharge (drainage) is available for the site;

Service Unit	Comments
Drainage	<ul style="list-style-type: none"> • Provide an on-site stormwater detention system (Condition 14). • All areas are to be drained to the point of discharge.
Engineering and Technical- Vehicle Crossing	<ul style="list-style-type: none"> • A "Vehicle Crossing Permit" is required and any redundant crossings are to be removed (Conditions 20 & 21).
Engineering and Technical – Access & Driveway	<ul style="list-style-type: none"> • The proposed ramp gradients are satisfactory. • Modifications are required to provide adequate sight lines - as per Design Standard 1. This includes relocating or redesigning the loading bay and substation (Condition 1.4). • Requires the inclusion of pedestrian signage on both sides of the proposed crossover to improve pedestrian safety for users of Elgar Court (Condition 1.10).
Engineering and Technical – Traffic, Car & Bicycle Parking	<ul style="list-style-type: none"> • No traffic issues having considered the proposal in the context of the traffic and surrounds. • Car parking spaces are appropriate having regard to Design Standard 2. • The number and allocation of car parking spaces, including the proposed sharing arrangement between office and residential visitors is acceptable subject to adequate notification of the arrangement (Condition 1.10). • Proposed bicycle parking is compliant with Clause 52.34 although needs to be allocated between residential or office use (Condition 1.3).
Engineering and Technical - Car Parking Layout	<ul style="list-style-type: none"> • A number of minor recommendations are listed in the referral advice (dated 3 March 2016) relating to all three levels of basement (Several conditions).
Engineering and Technical – Construction Management	<ul style="list-style-type: none"> • Requires the submission and approval of a Construction Management Plan as a condition of permit (Condition 10).
Engineering and Technical- Waste Services	<ul style="list-style-type: none"> • Requires an amended Waste Management Plan to be submitted and approved to the satisfaction of the Responsible Authority (Condition 9). • The amended plan must update the number of dwellings for the site and specify that no private waste contractor bins can be left outside the development boundary or left unattended at any time on any street frontage for any reason.
Engineering and Technical-	<ul style="list-style-type: none"> • Requires the carriageway easement burdening the

Service Unit	Comments
Easement	land to be clearly demarcated (Condition 1.14).
Economic and Environmental Planning - Doncaster Hill Unit	<ul style="list-style-type: none"> The design and built form response is appropriate for the Doncaster Hill Activity Centre.
Economic and Environmental Planning - Urban Design	<ul style="list-style-type: none"> Considers the Design Element to be a visually interesting, distinct and identifiable building element. Requires a permit condition to ensure the detailed design of his Element is provided in regards to the detailed design to be to the satisfaction of Council officers (Condition 1.13). Views the tapering setback of the tower in relation to the podium to be appropriate. The colour/shade of the podium in relation to the tower also assists to differentiate the podium from the tower. Notes that at the north-easternmost point of the building, the 'zero' tower-to-podium setback mirrors the neighbouring mixed use tower at 101-105 Tram Road. Considers tree spaces shown and plan notes referencing the provision of the Doncaster Hill standard boulevard treatment to be satisfactory. Is supportive of the landscape design response for the site although requires the provision of a small and publically accessible play space to be substituted for landscape elements that provide opportunity for sitting, balancing, and clambering (Condition 1.20). Requires conditions to ensure appropriate irrigation to landscaped areas and material type to the very large plant pots proposed on the corner of Doncaster Road and Elgar Road (Condition 6). Requires permit condition to ensure lockability of bicycle spaces (Condition 1.19). Requires any building identification or similar signage to be integrated into the fabric of the building or landscape with any future application for building-mounted commercial signage to be referred to Council's Urban Designer (Condition 1.21).
Economic and Environmental Planning – Strategic Sustainability Planner	<ul style="list-style-type: none"> Has reviewed the Sustainability Management Plan (SMP) by Urban Digestor (dated 30 May 2014) and original development plans. Requires some minor adjustments to the report to consider the Doncaster Hill District Energy Service,

Service Unit	Comments
	the provision of reverse cycle units energy rating to be within 1 star of best available and clarification regarding the water sensitive urban design treatment and landscape irrigation (Condition 4).

- 7.4 There are no significant issues that are raised in these responses that cannot be addressed via conditions.

8 CONSULTATION

- 8.1 The original permit application was advertised by the sending of notices to adjoining and nearby properties together with the placement of two (2) large notification signs across each frontage for a 3 week period in January 2015.
- 8.2 The original application attracted one (1) objection from 813 Elgar Road, Doncaster. The grounds being:

Grounds:

- Proximity of Building to Objector's Property
- Construction Management concerns
- Traffic Impacts
- Overshadowing
- Loss of Privacy
- Adverse Impact to Property Value
- Strain on existing Infrastructure/Oversupply of High Density Development

- 8.3 A response to those grounds of objection now follow:

Proximity of Building to Objector's Property

- 8.4 The objector claims the proposed development is within 3 metres of their land and this is of concern to them. However, this calculation is incorrect as the objector's property is situated on the opposite side of Elgar Road (four lanes of traffic) at an estimated distance of at least 27 metres from the boundaries of the subject site. The development is proposed to be constructed within title boundaries. There is no substance to this ground of objection.

Construction Management concerns

- 8.5 The objector expresses concern at the impact on his property as a consequence of the construction of the proposed development siting amenity, noise, dust and foundation issues.

- 8.6 Council is able to include a Construction Management Plan as a conditional requirement of the planning permit in order to mitigate the impact of some amenity relates concerns (Condition 10). The physical nature of construction falls outside the planning jurisdiction and is a matter governed by the relevant building surveyor as part of any future building permit process.

Traffic Impacts

- 8.7 The potential traffic impacts have been assessed by the permit applicant's traffic consultant, Ratio, and Council's engineering department who have both concluded that, on considering the proposal in the context of the traffic and the surrounding street network, the proposal can be readily accommodated on the adjacent road network without creating adverse traffic safety or capacity problems.

Overshadowing

- 8.8 The proposal will not "block out sunlight" as claimed by the objector as the proposal generates no overshadowing impact to the objector's property located on the opposite side of Elgar Road except for approximately half of the front yard of this property at 9am. By 10am, the property is not affected by any shadow caused by the proposed building.

Loss of Privacy

- 8.9 The proposal will not generate any unreasonable privacy issues on the objector's property, which is located on the opposite side of Elgar Road at a distance of over nearly 30 metres from the front property boundary and almost 50 metres from the proposed building.

Adverse Impact to Property Value

- 8.10 Any possible impact to the value of the objector's property is considered a subjective claim and not a ground which should be given any relevancy in the consideration of the planning permit application.

Strain on Existing Infrastructure/ Oversupply of High Density Buildings

- 8.11 The objector raises concerns that the additional population to be introduced by the mixed-use apartment building will place a greater burden on existing road, car parking and bus infrastructure and there is no need for further high density buildings around the area.
- 8.12 The Doncaster Hill Activity Centre Strategy, October 2002, the policy framework for the implementation of the Activity Centre Zone within the Manningham Planning Scheme would disagree. The extensive strategic work that was undertaken to underpin the Strategy plans for the provision of more than 5,000 new apartments over the next 20 years within the municipality's only Principal Activity Centre. As such, Council officers do not agree that the proposal presents an oversupply of apartments as there is a projected need for additional dwellings within the Activity Centre.
- 8.13 The pressure on existing infrastructure and the need for improvements and new infrastructure has been and will continue to be carefully considered in the strategic planning of Doncaster Hill.
- 8.14 Developers are required to contribute funding toward the provision of community infrastructure, such as the construction of new roads and social infrastructure (for example, the Council's community hub, MC², which is used by existing and future residents of Manningham). As part of the planning for Doncaster Hill, a traffic study was commissioned by Council to assess road improvements necessary to best facilitate the associated development.
- 8.15 Further modelling of traffic conditions in Doncaster Hill undertaken as part of the Doncaster Hill Parking and Traffic Management Study 2011, forecast a significant increase in locally generated traffic for Doncaster Hill when the area is fully developed in the next 20 to 30 years. Locally generated traffic is

a major contributor to likely future road congestion within Doncaster Hill. The Study recommended the achievement of a 30% mode shift to sustainable transport modes (public transport, walking and cycling), to minimise future traffic congestion. The study also recognised that the existing bus lanes are not continuous through Doncaster Hill and terminate prior to the intersection of Williamsons Road and Doncaster Road, resulting in buses mixing with through traffic. Council understands that a solution to this issue must be found to maximise mode shift for Doncaster Hill to mitigate future congestion.

- 8.16 Accordingly, Council has developed the *Doncaster Hill Mode Shift Plan* and associated *Behaviour Change Plan*, to assist the Doncaster Hill community to reduce reliance on car travel. Key actions to be undertaken as part of the mode shift plan will include infrastructure improvements, advocacy to the State Government in relation to public transport improvements and the management of the arterial road space, identification of opportunities to improve integration of transport modes and work with the community to identify and minimise barriers to the adoption of sustainable transport modes.
- 8.17 Also, Council meets regularly with VicRoads to seek action in relation to reduction of speed limits along Doncaster Road, in keeping with increasing pedestrian traffic levels. Advocacy to the government for improved public transport has already resulted in improved DART and SmartBus services to the City. Patronage on the four DART services increased by 47% on weekdays, 212% on Saturdays and 146% on Sundays from 2012 to 2014. Council also continues to advocate for the provision of continuous bus lanes through the Hill and a heavy rail line to Doncaster, including a train station at Doncaster.
- 8.18 No further objections have been received following the re-notification of the Section 57A application to the adjoining properties and the abovementioned objecting property.

9 CONCLUSION

- 9.1 Arriving at the conclusion to support this application has been a journey spanning 21 months.
- 9.2 It is now considered appropriate to support the planning application, as amended pursuant to Section 57A of the Planning and Environment Act 1987, subject to changes. Changes will consist of amendments to the proposed development plans to address issues arising through the assessment, including the adherence to a 5 metre setback to Elgar Road at the podium level, a series of conditions to ensure the realisation of the proposed built form and landscape outcome and a range of conditions to ensure an appropriate internal arrangement, including at the basement level.
- 9.3 As a built form expression, the mixed-use building will be robust, but visually stimulating. It will sit comfortably within the surrounding (emerging) physical development context at its key position within Doncaster Hill. Council officers are buoyant of, the architectural quality associated with the building generally and particularly the Design Element which has the potential to be a striking piece of architecture on the Hill. Similarly, the Vertical Orchard has the potential to make this building a landmark.
- 9.4 The proposal meets the car parking requirements of the Scheme while proposing no unreasonable off-site amenity impacts. Within the site, the

mixed use building generally affords a good level of internal amenity through the siting of the office floorspace, design and layout of apartments, access to natural light and sunlight, and the provision of well considered internal and external common areas.

- 9.5 It follows from the assessment in this report that the proposal achieves an acceptable level of compliance against the relevant considerations as expressed in the Manningham Planning Scheme. As such, it is Council officers' recommendation that the proposal be supported, subject to conditions.

RECOMMENDATION

That having considered all objections A NOTICE OF DECISION TO GRANT A PERMIT be issued for Planning Permit Application No. PL14/024406 relating to land at 600 Doncaster Road, Doncaster for the use and development of the land for a 12-storey mixed use apartment building (comprising office and residential) with three (3) levels of basement car parking and altered access to a road in a Road Zone Category 1 (RDZ1) in accordance with the endorsed plans and subject to the following conditions:

- 1. Before the use and development starts, two (2) copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the decision plans (*Drawn by BKK Architects, Job No BKK271, dated 18 December 2015 and as received by Council on 18 December 2015*) but modified to show:**

Basement levels

- 1.1. An allocation schedule for on-site car parking space provision (in a table and shown on plan) demonstrating the allocation of the basement car parking spaces between the dwellings and office uses and their operation (in relation to shared spaces between the different uses). Tandem car spaces must be allocated to the largest apartments to the satisfaction of the Responsible Authority;**
- 1.2. An allocation schedule for storage to each dwelling (no less than 1 storage cage per dwelling) and details of storage types to be illustrated;**
- 1.3. The allocation of bicycle parking spaces for residential or office use;**
- 1.4. Sight lines to be provided in accordance with the Design Standard 1 of Clause 52.06-8 of the Manningham Planning Scheme by appropriate modifications to the design and/or location of the loading bay and substation;**
- 1.5. Visitor car parking clearly labelled;**
- 1.6. Doors providing access to the substation to open inwards or to slide to avoid obstructing pedestrians or vehicles to the satisfaction of the Responsible Authority;**
- 1.7. A plan notation that explains how the proposed car parking area will be secured given the mix of residential, office and visitor car parking spaces;**

- 1.8. Details of basement ventilation, including the location and design treatment of any mechanical intake or outlet required;
- 1.9. A plan notation detailing how the rainwater tank will be accessed;
- 1.10. The location and details of signage to assist pedestrians/motorists in the following locations;
 - 1.10.1. on either side of the vehicle crossover to assist pedestrians to safe refuge along Elgar Court;
 - 1.10.2. loading bay;
 - 1.10.3. shared allocation of visitor parking to residential and office uses;
 - 1.10.4. shared use of the disabled car parking space between residential and office visitors at all times;
 - 1.10.5. bicycle parking space allocation;
 - 1.10.6. the location normal and emergency exits;
 - 1.10.7. the location of the lift and stairwell;
 - 1.10.8. directional signage within the basement levels;
 - 1.10.9. in accordance with the VicRoads Conditions 40 and 41 of this permit.

General

- 1.11. The external wall of the south-eastern most apartment (currently labelled Apartment 002) setback a minimum 5 metres from Elgar Road and a subsequent redesign of the apartment;
- 1.12. The provision of one Apartment 002, rather than two;
- 1.13. A detailed design of the Design Element (at a scale of 1:50) illustrating its composition in respect of all building elements including materials and finishes with the width and distances between fins to be dimensioned. Details of energy measures, as recommended by the Sustainability Management Plan required by this permit, must be incorporated and clearly labelled;
- 1.14. The carriageway easement clearly labelled on site plans and to be clear of any building encroachments;
- 1.15. Details of all internal barriers between apartment balconies, and adjacent to the Vertical/Elevated Garden;
- 1.16. Details of window and door openings to residential apartments adjacent to the Vertical/Elevated Garden to be designed to avoid any internal overlooking;
- 1.17. The relocation of the internal barriers between Apartments 116 and 117, Apartments 216 and 217, and Apartments 316 and 317 to a 45 degree angle in between the respective balcony spaces (as occurs for the apartments at Level 4 upwards);
- 1.18. The accurate labelling of Levels 7 and 8 floor plans;
- 1.19. All bicycle parking spaces at ground level to be secure;

- 1.20. The play space in the front setback substituted for landscape elements that provide opportunity for seating or passive activities (rather than active play);
- 1.21. A plan notation that any building identification of similar signage must be integrated into the fabric of the building or landscape to the satisfaction of the Responsible Authority;
- 1.22. Details of paving and surface finishes of all common areas at ground and elevated levels clearly labelled;
- 1.23. Location, material and height details of all retaining walls;
- 1.24. Demonstration of the integration of all infrastructure, including the fire booster cupboard, into the building to the satisfaction of the Responsible Authority;
- 1.25. Details of external lighting to be installed to provide for the safety of occupants and visitors of the building;
- 1.26. Retractable clotheslines to all ground level open spaces and balconies to limit their visibility to public and private realms;
- 1.27. A roof plan containing services (including air conditioning units, basement exhaust ducts, solar panels or hot water systems) which must be screened to the satisfaction of the Responsible Authority.
- 1.28. Any relevant changes as a result of changes required by VicRoads Conditions 36 to 39 of this permit.

Landscaping

- 1.29. The Doncaster Hill boulevard treatment along Doncaster Road in accordance with Part D of the Doncaster Hill Strategy (October 2002) to the satisfaction of the Responsible Authority;
- 1.30. A Landscape report and plan/s in accordance with Condition 6 of this permit;

Reports

- 1.31. A Wind Effects report, as prepared by a suitably qualified person, investigating how and recommending on the specific measures required to ensure both the ground level and elevated/vertical landscaping will withstand foreseeable wind pressures. The recommendations of the report must be included/reflected on relevant development and landscape plans to the satisfaction of the Responsible Authority.
- 1.32. An Acoustic report, as prepared by a suitably qualified person, investigating and recommending on the specific acoustic measures required for apartments adjacent to or facing Elgar Road or Doncaster Road to combat noise from traffic and anywhere elsewhere in the building (such as where the openings are positioned over or adjacent to a basement entry). The report is to use Australian Standards as benchmarks. The recommendations of the report must be included/reflected on relevant development plans to the satisfaction of the Responsible Authority.
- 1.33. A Disability Access Plan, as prepared by a suitably qualified person, investigating and recommending on the specific access

measures to be implemented throughout the building and within the development site. The recommendations of the report must be included/reflected on relevant development plans to the satisfaction of the Responsible Authority.

- 1.34. An amended Sustainability Management Plan in accordance with Condition 4 of this permit with any specification recommendations on the Design Element to be included on relevant development plans.
- 1.35. A plan notation that the removal of any drainage pipeline within the site is to be carried out to the satisfaction of the Responsible Authority.
2. All use and development must accord with the endorsed plans. Any alterations must be approved in writing by the Responsible Authority.
3. Floor levels shown on the endorsed plans must not be altered or modified. Any alterations must be approved in writing by the Responsible Authority.

Sustainability Management Plan

4. Prior to the approval of Condition 1 plans, two (2) copies of an amended Sustainability Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the submitted Sustainability Management Plan (SMP) prepared by Urban Digester (dated 30 May 2014) but be amended to include the following:
 - 4.1. An analysis of the updated plans incorporating the revised Design Element (BKK Architects, 18 December 2015) and the sustainability of the Design Element, with any recommendations in relation to (but not limited to) solar access to be provided;
 - 4.2. The Doncaster Hill District Energy Service;
 - 4.3. Connection to the recycled water third pipe;
 - 4.4. Reverse cycle units to be within 1 star of the best available;
 - 4.5. Specific regard to the amended landscape report and plan, as prepared by Oculus Landscape and required by Condition 6 of this permit, to include a detailed discussion on the water sensitive urban design treatment and landscape irrigation of the entire development site.
5. 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.

Landscaping

6. Prior to the approval of Condition 1 plans, a landscaping report and landscape plan/s must be prepared by a suitably qualified landscape architect and must be submitted to and approved by the Responsible Authority. Once approved, the landscape report and plan/s will be

endorsed and will then form part of the permit. The report and plan/s must be consistent with the development plans and generally in accordance with the report and plans prepared by Oculus Landscape Architects, dated 4 June 2014 and 18 December 2015, but modified to show:

- 6.1. Any details as relevant or directed by any other condition of this Permit;
- 6.2. A detailed planting schedule of the species, numbers of plants, approximate height, spread of proposed planting and planting/pot size for all trees, shrubs and all other plants;
- 6.3. Details of soil depths for all orchard associated canopy trees to be clearly dimensioned in accordance with the Wind Effects Consultant's report required by Condition 1.31 of this permit;
- 6.4. The particular species type of trees to comprise both the ground and elevated orchard tree planting in accordance with the Wind Effects Consultant's report required by Condition 1.31 of this permit;
- 6.5. Details of paved and surface treatments;
- 6.6. Continuation of the general planting theme established in respect of Doncaster Road by the Doncaster Hill Strategy (October 2002), including the use of advanced 'Autumn Glory' Plane and 'Chanticleer Pear' trees (minimum height 3.5m at time of planting) along the Doncaster Road frontage to the satisfaction of the Responsible Authority;
- 6.7. Canopy trees to be planted adjacent to Elgar Road to be situated no less than 1.2 metres from the edge of kerb in accordance with Condition 39 of this permit;
- 6.8. Details of irrigation and the water sensitive urban design treatment for the site consistent with the Sustainability Management Plan required by Condition 4 of this permit;
- 6.9. The material type of any large pot plants proposed within either the Doncaster or Elgar Road frontages to be to the satisfaction of the Responsible Authority.
- 6.10. The use of landscaping to screen any water meters or similar infrastructure from unsightly view to the satisfaction of the Responsible Authority;
- 6.11. An ongoing maintenance regime for the entire landscaping of the site, with particular emphasis on the Vertical Orchard.

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.

Acoustic Report

7. Prior to the approval of Condition 1 plans, an Acoustic report prepared by a suitably qualified expert must be submitted to and approved by the

Responsible Authority. Once approved, the acoustic report will be endorsed and will then form part of the permit. The report must include an assessment of how the requirements of State Environment Protection Policy N-1 and relevant Australian Standards will be met and must prescribe the form of acoustic treatment to the following (addressing on-site and off-site amenity impacts):

- 7.1. any proposed air conditioner units;
 - 7.2. commercial plant and equipment; and
 - 7.3. on-site residential amenity to protect against vehicular noise and all other foreseeable noise sources.
8. The recommendations and any works contained in the approved acoustic report must be implemented and completed and where they are recommendations of an ongoing nature must be maintained to the satisfaction of the Responsible Authority.

Waste Management

9. Before the development starts, an amended Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the submitted Waste Management Plan (WMP) prepared by Leigh Design (dated 29 April 2014) but be amended to include the following:
- 9.1. The updated number of units to be developed.
 - 9.2. The updated office floorspace.
 - 9.3. Calculations showing that all occupiers will be sufficiently catered for with the proposed number of garbage and recycling bins (estimated garbage & recycling generation rates).
 - 9.4. An express statement that no private waste contractors bins are to be left on any nature strip, public road or outside property boundaries to the satisfaction of the Responsible Authority.
 - 9.5. Information showing that units will be insulated from noise to comply with the residential amenity provisions if they are adjacent to or above:
 - 9.5.1. chutes or waste storage facilities, or
 - 9.5.2. chute discharge, or
 - 9.5.3. waste compaction equipment, or
 - 9.5.4. waste collection vehicle access points
 - 9.6. Frequency of waste collection;
 - 9.7. The off peak hours in which waste collection is to occur to be to the satisfaction of the Responsible Authority.

Construction Management

10. Before the development starts, two (2) copies of a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will form part of the permit. The plan must address, but not be limited to, the following:

- 10.1. Hours of demolition and construction to be to the satisfaction of the Responsible Authority;
 - 10.2. Adequate parking facilities for the anticipated number and type of construction workers to be detailed in plan form to the satisfaction of the Responsible Authority. The location of parking must be compliant with any applicable Council parking restrictions or with any relevant permissions granted by any private land owner (in the event of the use of private land);
 - 10.3. Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;
 - 10.4. On site facilities for vehicle washing;
 - 10.5. Delivery and unloading points and expected frequency;
 - 10.6. A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - 10.7. The movement of construction vehicles to and from the site must be regulated to ensure that no traffic hazards are created in and around the site;
 - 10.8. Measures to minimise the impact of construction vehicles arriving at and departing from the land;
 - 10.9. An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services;
 - 10.10. The processes to be adopted for the separation, re-use and recycling of demolition materials;
 - 10.11. The measures to minimise the amount of waste construction materials; the provision for the recycling of demolition and waste materials; and the return of waste materials to the supplier (where the supplier has a program of reuse or recycling);
 - 10.12. The measures to minimise noise and other amenity impacts from mechanical equipment and demolition/construction activities, especially outside of daytime hours;
 - 10.13. The provision of adequate environmental awareness training for all on-site contractors and sub contractors; and
 - 10.14. An agreed schedule of compliance inspections.
11. The Management Plans approved under Conditions 4-10 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

Engineering Works & Drainage

12. All engineering works relating to access, parking and drainage must be carried out in accordance with detailed construction plans approved by the Responsible Authority prior to the commencement of site works.
13. 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:

- 13.1. Be designed for a 1 in 5 year storm; and
- 13.2. Storage must be designed for 1 in 10 year storm.
14. Before the development starts, a construction plan for the system required by Condition No. 13 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.
15. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor.

Completion of Landscaping

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

Landscape Bond

18. Prior to the release of the plans approved at Conditions 1, 4, 6 and 7 of this permit, a \$20,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.

Development Contributions

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

Vehicle Crossings

20. Prior to the construction of any vehicle crossing, the applicant must obtain a Vehicle Crossing Permit and construct the vehicle crossing to the satisfaction of the Responsible Authority.

21. All redundant crossovers must be removed and reinstated with kerb, channel, footpath and nature strip to the satisfaction of the Responsible Authority.

On-site car parking and bicycle parking

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

Lighting

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

Noise

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

Site Services

26. 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.
27. 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.
28. Unless depicted on a roof plan approved by this permit, no roof plant (includes air conditioning units, basement exhaust ducts, solar panels or hot water systems) which is visible to immediate neighbours or from any street may be placed on the roof of the approved building, without

details in the form of an amending plan being submitted to and approved by the Responsible Authority.

29. All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively to the satisfaction of the Responsible Authority.
30. A centralised TV antenna system must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.
31. No individual dish antennas may be installed on balconies or walls.
32. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
33. In the event of gas being supplied to the approved dwellings, the owner must liaise with the relevant service authority to determine an appropriately discrete location for the placement of gas meters to the satisfaction of the Responsible Authority.

General

34. Once the permitted development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
35. Buildings, engineering works, privacy screens, obscure glazing, fencing and landscaped areas must be maintained to the satisfaction of the Responsible Authority.

VicRoads Conditions

36. The preparation of the detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current VicRoads' policy, procedures and standards and at no cost to VicRoads. In order to meet VicRoads' requirements for these tasks the applicant will be required to comply with the requirements documented as "Standard Requirements - Developer Funded Projects" and any other requirements considered necessary depending on the nature of the work.
37. Before the use of the permitted development, all works required by VicRoads under this permit, and the right turn ban from Elgar Court to Elgar Road, must be completed to the satisfaction of VicRoads and at no cost to VicRoads.
38. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.
39. Any street trees planted along Elgar Road must be at least 1.2m from the kerb.
40. Two (2) no right turn symbol signs need to be installed on the west exit to Elgar Road, one on the median island and one on the roadside on south. The no right turn sign on the south side can be mounted on the existing signage pole.
41. One (1) T-intersection warning needs to be installed on the roadside of Elgar Road. This sign could be mounted on the existing light pole.

Permit Expiry

42. This permit will expire if:

42.1. the development does not start within two (2) years of the date of the issue of this permit;

42.2. the development is not completed within two (2) years of the date this development was started; and

42.3. the use is not commenced within two (2) years of the development being completed.

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

“Refer Attachments”

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