

## 9.2 Planning Application PL16/026955 at 90-96 Tram Road, Doncaster for the development of an eight-storey apartment building with associated basement car parking and alteration of vehicle access

File Number:	IN18/135
Responsible Director:	Director City Planning
Applicant:	Urbis Pty Ltd
Planning Controls:	Activity Centre Zone, Schedule 1 (ACZ1); Development Contributions Plan Overlay, Schedule 1 (DCPO1); Parking Overlay, Schedule 1 (PO1)
Ward:	Koonung
Attachments:	1 Decision Plans 2 Legislative Requirements

### EXECUTIVE SUMMARY

#### Purpose

1. This report provides Council with an assessment of the planning permit application submitted for land at 90-96 Tram Road, Doncaster and recommends approval of the submitted proposal subject to amendments that will be addressed by way of permit conditions. The application is being reported to Council given that it is a Major Application (with a development cost of more than \$5 million).

#### Proposal

2. The proposal is for the use and development of the land at 90-96 Tram Road, Doncaster for the development of the land with an eight-storey apartment building comprising 158 dwellings, with two levels of associated basement car parking and alteration of access to a road in a Road Zone, Category 1.
3. The land has a total area of 4,097 square metres. The proposal has a site coverage of 63%, a site permeability of 18% and a maximum building height of 21.5 metres. A total of 203 car parking spaces are provided over two basement levels, comprising 187 resident spaces and 16 visitor spaces. 60 bicycle spaces are provided.

#### Advertising

4. Notice of the application was given over a three-week period which concluded on 7 March 2018.
5. To-date, no objections have been received.

#### Key issues in considering the application

6. The key issues for Council in considering the proposal relate to:
  - State and Local Planning Policy Frameworks (SPPF and LPPF);
  - Design and built form;
  - On-site and internal amenity;

- Off-site amenity; and
- Car parking, access, traffic, Land Adjacent to a Road Zone Category 1 and bicycle facilities.

### Assessment

7. The development of the land with a high density residential apartment building is consistent with the relevant objectives of state and local planning policies of 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.
8. The proposed development features a contemporary design, which subject to conditions meets the mandatory maximum building height prescribed for the zone and presents a scale and design that complements other high density developments that have been both approved and developed in the vicinity.

### Conclusion

9. The relevant planning controls seek an intensive residential or mixed use development for the subject site. The proposed development complies with the various requirements of the ACZ1 as they relate to siting, height and building presentation and transitions appropriately to surrounding development. This report concludes that the proposal complies with the relevant planning policy in the Scheme and should be supported, subject to conditions requiring modest design changes to the building and the submission of management plans for Council approval.
10. It is recommended that the application be supported, subject to conditions.

## 1. RECOMMENDATION

### That Council:

**Issue a PLANNING PERMIT in relation to Planning Application PL16/026955 at 90-96 Tram Road, Doncaster for the development of the land with an eight-storey apartment building with associated basement car parking and alteration of access to a road in a Road Zone, Category 1 subject to the following conditions –**

1. **Before the development starts, amended plans drawn to scale and dimensioned, must be submitted to the satisfaction of and approved by the Responsible Authority. When approved the plans will then form part of the permit. The plans must be generally in accordance with the decision plans (prepared by Fender Katsalidis Architects, Job No. 16019, Revision 2 dated 8 November 2017), but modified to show the following:**

#### **Design and built form**

- 1.1 **Demonstrate that the maximum building height does not exceed 21.5 metres above natural ground level at any given point, excluding lift overruns, roof plant and associated screening as**

specified in Clause 4.4 in Clause 37.08 (Activity Centre Zone) of the Manningham Planning Scheme;

- 1.2 The ground floor podium setback at least 5 metres from the site frontage;

**Car parking, access, bicycle parking and storage**

- 1.3 Visibility splays demonstrated to comply with Design Standard 1 of Clause 52.06-9 (Car Parking) of the Manningham Planning Scheme;

- 1.4 All car parking space and accessway width dimensions, including for the tandem car parking spaces, demonstrated to comply with Design Standard 2 of Clause 52.06-9 (Car Parking) of the Manningham Planning Scheme;

- 1.5 The location of any security gate and associated intercom to the basement entry;

- 1.6 Allocation of bicycle parking for visitors;

- 1.7 Allocation of storage to each dwelling;

- 1.8 Details (type, materials, dimensions and cubic volume) for each storage area enclosure and confirmation that each will be secure;

- 1.9 A notation detailing that any section of redundant vehicle crossover be removed and the footpath, nature strip, kerb and channel be reinstated;

**Landscaping**

- 1.10 A detailed landscape design for the Level 7 communal roof terrace areas;

- 1.11 Detail the extent of shade areas to the Level 7 communal roof terrace areas;

- 1.12 Details of the boulevard treatment (including paving materials) along Tram Road, in accordance with the Doncaster Hill Strategy;

**Design detail**

- 1.13 Avoidance of apartment entry doors located directly opposite other apartment entry doors where practicable;

- 1.14 A plan notation clearly indicating the ground floor glazing to the front façade is clear;

- 1.15 The plastic mod-wood substituted with a high quality timber-look aluminium;

**Services**

- 1.16 **Greater detail of the scale of the utility cabinets, gas and water meters, external fire services, including design details of either adequate screenings of these elements or ensuring that these cabinets are located and finished to complement the overall development and not dominate the front façade;**
- 1.17 **Approval from Australia Post for the proposed mailbox location. Should Australia Post require the mailboxes be relocated to the site frontage, it must be integrated appropriately and not dominate the front façade;**
- 1.18 **A plan notation that a centralised TV antenna must be installed and connections made to each dwelling;**

**Other**

- 1.19 **A schedule listing all sustainability features / commitments applicable to the approved development, as described in the approved Sustainability Management Plan, and including the provision of third pipe; and**
- 1.20 **All recommendations and design changes as required by VicRoads, the SMP, WMP, Disability Access, Pedestrian Wind Environment Statement, acoustic and any other report approved under conditions of this permit.**

**Endorsed Plans**

2. **The development, including the location of buildings, services, engineering works, fences and landscaping as shown on the approved plans must not be altered without the written consent of the Responsible Authority.**

**Construction Management Plan**

3. **Before the development starts, a Construction Management Plan (CMP) must be submitted via email and approved by the Responsible Authority. When approved the plan will form part of the permit. The Construction Management Plan is to be prepared in accordance with the template within Council's CMP Guidelines. The CMP must address:**
  - 3.1 **Element A1: Public Safety, Amenity and Site Security;**
  - 3.2 **Element A2: Operating Hours, Noise and Vibration Controls;**
  - 3.3 **Element A3: Air Quality and Dust Management;**
  - 3.4 **Element A4: Stormwater and Sediment Control and Tree Protection (also as per the specific requirements of this permit);**
  - 3.5 **Element A5: Waste Minimisation and Litter Prevention; and**

**3.6 Element A6: Traffic and Parking Management.**

Council's Works Code of Practice (June 2016) and Construction Management Plan Guideline (June 2016) are available on Council's website.

**Sustainability Management Plan**

4. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an amended Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. When approved the Plan will form part of the permit. The recommendations of the Plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the occupation of any dwelling. The Plan must be generally in accordance with the plan prepared by prepared by Low Impact Development Consulting, dated 29 January 2018, but modified to show the following:

**4.1 Water 1.1 Water Efficient Fixtures**

- 4.1.1 Identify in the BESS assessment whether there is a commitment to providing washing machines and dishwashers as part of the building fit-out. If not, amend the entries to 'default/unrated' in BESS;

**4.2 Water 2.1 Rainwater Collection & Reuse**

- 4.2.1 Include installation of the mandatory Yarra Valley Water 3<sup>rd</sup> pipe for recycled water for toilet, laundry and irrigation;

**4.3 Energy 1.1 Thermal Performance Rating - Non-Residential**

- 4.3.1 A commitment to achieving at least a 10% improvement on National Construction Code (NCC) minimum energy efficiency requirements (e.g. 6.6-stars);

- 4.3.2 The report currently indicates the project "will target a minimum of 6.5 star average", whereas the BESS assessment indicates a 7-star average. This is required to correspond;

**4.4 Energy 3.4 Clothes Drying**

- 4.4.1 Plan notations to indicate every dwelling is provided with an indoor clothesline as noted in report;
- 4.4.2 Provide plan detail demonstrating laundry areas have no capacity for a clothes dryer to correspond with BESS results. Or alternatively, the BESS entry must be amended to 1-star;

**4.5 Stormwater**

- 4.5.1 Amend the proposed rainwater tank to the mandatory

requirements to connect to 3rd pipe. Amend stormwater strategy accordingly. The revised stormwater management strategy must adhere to Council's Guideline for Recycled Water and Rainwater in Medium to High Density Developments September 2017. Amend plans to include size, location and connections of stormwater management system;

**4.6 IEQ 1.1 Daylight Access – Living areas**

**4.6.1 Amend the BESS entry to NO;**

**4.7 Overall**

**4.7.1 Provide the BESS report as a finalised version; and**

**4.7.2 The project must meet the minimum 50% overall score with minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS.**

**Waste Management Plan**

- 5. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an amended Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the submitted draft Waste Management Plan (WMP) prepared by Low Impact Development Consulting, dated 9 January 2018, but be modified to include swept path diagrams for the waste truck, demonstrating it can safely enter and exit the site in a forward direction. The developer must ensure that the private waste contractor can access the basement garage to access the waste bins and no waste contractor bins can be left outside the development boundary or left unattended at any time on the street frontage for any reason.**

**Acoustic Report**

- 6. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an Acoustic Report 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 acoustic report prepared by Marshall Day Acoustics dated 16 June 2017 submitted with the application but be modified to reflect any changes shown on plans endorsed under this permit or other conditions of this permit.**

**Pedestrian Wind Environment Report**

- 7. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, a Pedestrian Wind Environment Report 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 report prepared by Windtech Consultants, dated 22 June 2017, submitted with the application but be modified to reflect any changes shown on plans endorsed under this permit or other conditions of this permit.

#### **Disability Access**

8. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, a Disability Access Plan that implements the recommendations of a Disability Access Audit, prepared by a suitably qualified person that demonstrates compliance with the relevant Australian Standards for access, including AS1428 Part 2, 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 include but is not limited to:

- 8.1 Vehicular and pedestrian access into the building;
- 8.2 Access to the lifts;
- 8.3 The provision of tactile indicators;
- 8.4 The provision of braille indicators for the lifts;
- 8.5 The use of contrasting paving materials to assist the vision impaired;
- 8.6 All emergency exits; and
- 8.7 Basement car parking.

#### **Management Plan Compliance**

9. The Management Plans approved under Conditions 3, 4, 5, 6, 7 and 8 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.
10. Before the occupancy of the development, a report from the author of the Sustainability Management Plan approved pursuant to this permit, or similar qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures / commitments in the Sustainability Management Plan approved under Condition 4 of this permit, and the third pipe requirements, have been implemented in accordance with the approved plans and the planning permit.

#### **Landscape Plan**

11. Before the development starts, an amended landscaping plan must be submitted to the Responsible Authority for approval. The plan must be generally in accordance with the approved site layout plan and the decision plan prepared by John Patrick Landscape Architects, Job No. 16-927 dated April 2017, but modified to show:

- 11.1 Species, locations, approximate height and spread of proposed planting;
- 11.2 Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;
- 11.3 A separate sectional detail of Tram Road boulevard canopy tree planting methods, which includes appropriate root director or root cell technology incorporated to ensure that the boulevard paving is not damaged by tree roots over time;
- 11.4 Details of planting to the Level 7 communal roof terraces, to demonstrate how this area will function and be maintained;
- 11.5 Details of the site frontage to Tram Road, including the location of bicycle parking, ramps, planter bed and floor materials, to demonstrate how this area will function and be maintained to ensure a purposeful interaction with the public realm;
- 11.6 All canopy trees and screen planting to be at least 1.5 metres in height at the time of planting, with the exception of trees within the Tram Road boulevard, which must be at least 3.5 metres in height at the time of planting; and
- 11.7 The irrigation of any lightweight planter boxes controlled by sensors.

#### **Public Art**

12. Before the commencement of the development, an appropriate sculptural piece must be selected/commissioned in consultation with the Responsible Authority, the cost of which is to be borne by the developer. The sculptural piece must be installed prior to the occupation of the development to the satisfaction of the Responsible Authority.

#### **Landscape Bond**

13. Before the release of the approved plan for the development, a \$15,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.

#### **Completion and Maintenance**

14. Before the occupation of any approved dwelling the following works must be completed generally in accordance with the approved plans and to the satisfaction of the Responsible Authority:
  - 14.1 All privacy screens and obscured glazing must be installed, noting that the use of obscure film fixed to transparent windows



is not considered to be 'obscured glazing';

14.2 All driveways, bicycle and car parking areas fully constructed, with appropriate grades and transitions, line marked and/or signed and available for use; and

14.3 All landscape areas must be fully planted and mulched or grassed.

15. Once the permitted development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.

16. Buildings, including screening, engineering works, fences and landscaped areas must be maintained to the satisfaction of the Responsible Authority.

17. The landscaping as shown on the approved landscaping plan must be maintained by replacing any dead, diseased, dying or damaged plants as soon as practicable and not using the areas set aside for landscaping for any other purpose, to the satisfaction of the Responsible Authority.

#### Stormwater – On-site detention (OSD)

18. The owner must provide on-site 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:

18.1 Be designed for a 1 in 5 year storm; and

18.2 Storage must be designed for 1 in 10 year storm.

#### Construction Plan (OSD)

19. Before the development starts, a construction plan for the system required by Condition 18 of this permit must be submitted to and approved by the Responsible Authority. The system must be maintained by the Owner thereafter in accordance with the approved construction plan to the satisfaction of the Responsible Authority.

#### Drainage

20. 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. A connection to Council maintained assets must not be constructed unless a Miscellaneous Works Permit is first obtained from the Responsible Authority.

21. The whole of the land, including landscaped and paved areas must be

graded and drained to the satisfaction of the Responsible Authority, to prevent ponding and to minimise overland flows onto adjoining properties.

#### **Development Contribution**

22. Prior to the occupation of the development, a Development Contribution as agreed by the Responsible 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.

#### **Lighting**

23. The development must be provided with external lighting capable of illuminating access to each car parking space, storage, rubbish bin, recycling bin, pedestrian walkways, stairwells, lift, dwelling entrances 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.

#### **Underground Services**

24. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.

#### **Department of Transport**

25. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Tram Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to the Head, Transport for Victoria 8 weeks prior.
26. The existing bus stop and associated infrastructure on Tram Road must not be altered without prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.

#### **VicRoads**

27. Prior to the commencement of works:
- 27.1 A Functional Layout Plan (FLP) must be submitted to and approved by VicRoads. The FLP must show:
- 27.1.1 The deceleration lane widened to 3.5 metres and designed in accordance with AustRoads standards;
- 27.1.2 1.0 metre separation between the footpath and back of kerb and channel; and

**27.1.3** An amended property line, if so required, such that all roadworks, verge and footpath are contained within the road reserve.

**27.2** Amended plans must be submitted to and approved by VicRoads. Once approved by VicRoads, the plans may be endorsed by the Responsible Authority and form part of the permit. The plans must be generally in accordance with the advertised plans and amended to show:

**27.2.1** The roadworks and amended property boundary in accordance with the approved FLP; and

**27.2.2** The design of the porte-cochere justified with respect to an emergency service design vehicle.

**28.** Prior to the commencement of the use:

**28.1** Detailed design plans must be submitted to, and approved by, VicRoads. The detailed design plans must be generally in accordance with the approved FLP to the satisfaction of VicRoads, and subject to any further minor amendments as required by VicRoads;

**28.2** A plan of subdivision must be submitted to, and approved by VicRoads, showing the vesting of that part of the land as ROAD to the Roads Corporation in accordance with the amended property line shown on the approved FLP;

**28.3** The road works in accordance with the approved FLP and detailed design plans must be constructed to the satisfaction of, and at no cost to, VicRoads; and

**28.4** That part of the land must be vested as ROAD to the Roads Corporation in accordance with Condition 28.2, and at no cost to VicRoads.

**29.** Vehicles must enter and exit the land in a forward direction at all times.

**Permit Expiry**

**30.** This permit will expire if one of the following circumstances applies:

**30.1** The development is not started within four (4) years of the date of this permit; and

**30.2** The development is not completed within eight (8) years of the date of this permit.

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

## 2. BACKGROUND

- 2.1 A pre-application advice request was submitted to Council on 13 October 2016 and the proposal was presented to the Sustainable Design Taskforce meeting on 8 December 2016.
- 2.2 The application was submitted to Council on 13 December 2016.
- 2.3 A request for further information was sent on 9 January 2017 and raised preliminary concerns relating to building height, boulevard treatment along Tram Road, side and rear interfaces, access and amenity.
- 2.4 All requested further information was received by Council on 1 February 2018. A significant delay in the response was due to ongoing discussions to achieve an improved design outcome and the consequential amendments to all submitted reports.
- 2.5 Notice of the application was given over a three-week period which concluded on 7 March 2018.
- 2.6 The statutory time for considering a planning application is 60 days, which lapsed on 2 April 2018.
- 2.7 The land title is not affected by any covenants or restrictions.

## 3. THE SITE AND SURROUNDS

### The Site

- 3.1 The site is situated on the eastern side of Tram Road, approximately 110 metres south of the intersection with Doncaster Road, Doncaster.
- 3.2 The site has a frontage width of 76 metres, a northern boundary length of 67.88 metres, a rear boundary length of 73.56 metres and a southern boundary length of 46.28 metres. The site has a total area of 4,097 square metres.
- 3.3 A three-storey commercial building presently occupies the site with access via a crossover and driveway at the southern end of the frontage to Tram Road. A traffic island within the site frontage separates traffic. An undercroft ground floor car park is located at the rear of the site. The building is well screened by mature vegetation to the site frontage and to the side and rear boundaries.
- 3.4 The site is affected by a 3 metre wide and 11.86 metre long powerline easement in favour of United Energy drainage and sewerage easement in the north-western corner of the site. In addition, a 1.05 to 1.2 metre wide section across the length of the site frontage is vested to VicRoads.
- 3.5 The topography rises to the rear of the site by 3 to 5 metres, with a 4 to 5 metre cross fall.
- 3.6 Trees to the front of the site are generally modestly-sized trees with a small diameter. Small native shrubs are located along the northern boundary. The rear of the site is dominated by native Banksia trees and four gum trees are located along the southern boundary.

### The Surrounds

3.7 The site has a direct abuttal with seven properties, as follows:

Direction	Address	Description
North	602-630 Doncaster Road	An 8,317 square metre allotment at the corner of Tram and Doncaster Roads. This property is tenanted by commercial businesses of Officeworks and Autobarn. A continuous row of uncovered car parking spaces are located along the common boundary. A loading area to the Officeworks building is located beyond these car spaces.
East	Five residential properties comprising 9, 11, 13, 15 and 17 Frederick Street	Each property has an area of between 760 and 1,070 square metres and is developed with one, two-storey brick dwelling with either a hipped or gable tile roof. The dwellings are setback between 16.94 and 25 metres from the common boundary, with the land between provided as private open space that generally features open lawn with sporadic shrub and tree planting.
South	86-88 Tram Road	A 1,465 square metre allotment containing a seven-storey apartment building with two levels of basement car parking. The building has a minimum 4.5 metre setback from the common boundary with sunken living and private open space areas at the lower level. Each level above contains between two and three balconies that project beyond the building setback. All balconies and habitable room windows are unscreened. Vehicle access is provided via a crossover and driveway on the southern end of the frontage.
West	95-99 Tram Road  91-93 Tram Road	A six-storey apartment building 'Oakhill' (comprising 35 dwellings) with associated basement car parking on a 2,055 square metre lot.  10-storey apartment building 'Madison' (comprising 85 dwellings), with associated basement car parking on a 1,947 square metre lot.

- 3.8 The site abuts Tram Road, an arterial road with two lanes of traffic in both directions. A deceleration lane provides access to the crossover and driveway to the site. Therefore, no on-street car parking is available.
- 3.9 The subject site is located within the Doncaster Hill Principal Activity Centre. The Activity Centre spans along the main arterial roads (Doncaster Road, Tram, Elgar and Williamsons Road corridors) and forms a central hub of residential, commercial, retail and recreational facilities. It is apparent that the area is changing in line with Council's vision, evidenced by the construction of several residential apartment towers within the precinct, including as described above. The subject site is located in the south-central section of the ACZ, with all surrounding land also zoned ACZ.
- 3.10 In terms of public transport, the subject site is well serviced by bus routes operating along Tram and Doncaster Roads, connecting activity centres and residential areas within the municipality to Melbourne's Central Activity District. A major bus interchange is situated within the Westfield Doncaster complex within 450 metres walking distance to the north. In addition to having access to the numerous retail, restaurant and entertainment venues within the Shopping Centre, which itself is within 250 metres walking distance. The site is well serviced by other community and local facilities and parks.

#### 4. THE PROPOSAL

- 4.1 It is proposed to clear the site to develop the land with an eight-storey apartment building providing 158 dwellings, with two levels of associated basement car parking. To facilitate this, the proposal requires alteration of access to a road in a Road Zone, Category 1.

##### Submitted plans and documents

- 4.2 The proposal is outlined on the plans prepared by Fender Katsalidis Architects, Job No. 16019, Revision 2 dated 8 November 2017 and landscape plans prepared by John Patrick Landscape Architects, Job No. 16-927 dated April 2017. Refer to Attachment 1.
- 4.3 The following most recently updated reports were submitted to support the application:
- planning report prepared by Urbis, dated 23 January 2018;
  - arboricultural report prepared by John Patrick Landscape Architects, dated 20 February 2017;
  - waste management plan prepared by Low Impact Development Consulting, dated 9 January 2018;
  - traffic report prepared by MGA traffic Pty Ltd, dated 23 January 2018;
  - sustainability management report prepared Low Impact Development Consulting, dated 29 January 2018;
  - daylight assessment report prepared by Low Impact Development Consulting, dated 9 June 2017;

- acoustic report prepared by Marshall Day Acoustics dated 16 June 2017; and
- pedestrian wind environment statement prepared by Windtech Consultants, dated 22 June 2017.

### Development summary

4.4 A summary of the development is provided as follows:

Land Size:	4,097m <sup>2</sup>	Tower Height:	21.5m, complies with mandatory 21.5m
Site Coverage:	63%	Design Element Height:	N/A
Permeability:	18%	Maximum Building Height:	21.5m
Number of Dwellings:	158 <ul style="list-style-type: none"> <li>• 1 bedroom: • 4</li> <li>• 2 bedrooms: • 133</li> <li>• 3 bedrooms: • 21</li> </ul>	Street setback to Tram Road (west)	Basement – 0.813m Ground floor – 4.5m Levels 1-6 – 5m Level 7 – 9m Level 8 – 38.6m
Dwelling Density:	One per 26m <sup>2</sup>  Floor areas ranging from 69m <sup>2</sup> to 147m <sup>2</sup>	Setback to northern boundary	Basement – 1m Ground floor – 1m Levels 1-6 – 4.5m Level 7 – 4.5m Level 8 – 4.5m
Office floor area:	672m <sup>2</sup> for 12 offices	Setback to eastern rear boundary	Basement – 0m Ground floor – 1.7m Levels 1-6 – 5m Level 7 – 5m Level 8 – 5m
Total car parking spaces:	203 <ul style="list-style-type: none"> <li>• Residents: • 187</li> <li>• Visitors: • 16</li> </ul>	Setback to southern boundary	Basement – 2.5m Ground floor – 3m Levels 1-6 – 4.5m Level 7 – 10m Level 8 – 48.5m

### Design layout

- 4.5 The ground level consists of eight dwellings, with each of these being duplex townhouses provided at ground and first floor levels, 6 communal residential office spaces, communal facilities including gymnasium, swimming pool, exercise room, cinema and lounge area and 60 bicycle spaces within two secure storage rooms.
- 4.6 Level 1 consists of 11 dwellings and 6 communal office spaces. Levels 2 to 6 consists of between 23 to 26 dwellings per level. Level 7 contains 11 dwellings, 3

of which are duplex penthouses provided at Level 7 and Level 8. Two communal roof terraces provide a total of 231 square metres open space on Level 7.

- 4.7 The dwellings incorporate a mix of layouts, consisting of one to three bedrooms which vary from 69 square metres to 147 square metres for penthouses. There are a range of layouts for each dwelling type, with varied balcony sizes provided.

#### **Pedestrian and vehicle access and layout**

- 4.8 The pedestrian entry to the building is provided via a central secure entry at ground floor to a lounge and library area leading to an open atrium with direct views to the sky.
- 4.9 Vehicle access is provided via the existing deceleration lane to a driveway on the southern end of the Tram Road frontage. It leads to a 6.3 metre wide basement entry providing access to the basement car park. The two basement levels comprise 203 car parking spaces, waste services and 103 storage spaces. A further 55 storage spaces are provided at ground floor.

#### **Landscaping**

- 4.10 Canopy trees are proposed within the frontage to Tram Road to provide a boulevard treatment that is designed to follow the curvilinear form of the first floor balcony design. Canopy trees are also provided to the southern boundary with a row of Lilly-pillys provided to the northern and eastern boundaries. Screen planting is proposed at the rear of the site. Communal areas on Level 7 are proposed provided with seating areas without landscaping.

#### **Design detail**

- 4.11 The proposed building features a contemporary architectural design, which is described in the submitted town planning report as a slender vertical tower, with materials and finishes that primarily incorporate a combination of concrete and timber finishes with clear, light, mid and dark glazing. Horizontal architectural features are emphasised to visually break up the built form. Two podium elements have been provided instead of a continuous podium across the frontage, together with a change in material banding is provided to break up the built form.

### **5. LEGISLATIVE REQUIREMENTS**

- 5.1 Refer to Attachment 2.
- 5.2 A permit is required under the following Clauses of the Manningham Planning Scheme:
- Clause 37.08-6 (Activity Centre Zone, Schedule 1), a permit is required to construct a building or construct or carry out works.
  - Clause 52.29 (Land Adjacent to a Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road), a permit is required to create or alter access to a road in a Road Zone, Category 1.



## 6. REFERRALS

### External

- 6.1 Given the proposal involves the alteration of access to Tram Road, it is a statutory requirement to refer the application to VicRoads as a determining referral authority.
- 6.2 VicRoads have no objection subject to conditions being included on any permit issued with relate to provision of a functional layout plan showing the widening of the deceleration lane to 3.5 metres.
- 6.3 As the proposal involves a residential development comprising 60 or more dwellings, it is a statutory requirement to refer the application to Public Transport Victoria as a determining referral authority.
- 6.4 Public Transport Victoria has no objection subject to a condition on any permit issued requiring the permit holder take all reasonable steps to ensure that disruption to bus operation along Tram Road is minimised during construction.

### Internal

- 6.5 The application was referred to a number of Service Units within Council. The following table summarises the responses:

Service Unit	Comments
Engineering & Technical Services Unit – Drainage	<ul style="list-style-type: none"> <li>• There is adequate point of discharge for the site. All runoff is to be directed to the point of discharge.</li> <li>• Provide an on-site stormwater detention system.</li> </ul>
Engineering & Technical Services Unit – Vehicle Crossing	<ul style="list-style-type: none"> <li>• Any section of redundant vehicle crossover is required to be removed and the footpath, nature strip, kerb and channel reinstated.</li> <li>• A “Vehicle Crossing Permit” is required.</li> </ul>
Engineering & Technical Services Unit – Access and Driveway	<ul style="list-style-type: none"> <li>• Visibility splays must be demonstrated to comply with Design Standard 1: Accessways of Clause 52.06-8 Car Parking of the Manningham Planning Scheme.</li> <li>• The width and internal radius of the driveway allow sufficient turning areas for all vehicles to reverse and exit the site in a forward direction.</li> <li>• There is at least 2.1 metres headroom beneath overhead obstructions.</li> </ul>
Engineering & Technical Services Unit – Traffic and Car Parking	<ul style="list-style-type: none"> <li>• The number of car parking spaces provided is satisfactory.</li> <li>• There are no traffic issues in the context of the traffic and the surrounding street network.</li> </ul>
Engineering & Technical Services Unit – Car Parking Layout	<ul style="list-style-type: none"> <li>• The car parking layout is satisfactory subject to the tandem car parking spaces being provided with an extra 0.5 metres between the spaces as per Design Standard 2 of Clause</li> </ul>

Service Unit	Comments
	52.06-8 Car Parking of the Manningham Planning Scheme.
Engineering & Technical Services Unit – Construction Management	<ul style="list-style-type: none"> <li>• A construction management plan is required.</li> </ul>
Engineering & Technical Services Unit – Waste	<ul style="list-style-type: none"> <li>• Private waste collection will be required within the development.</li> <li>• Waste truck swept path diagrams are required.</li> <li>• No private waste contractor bins can be left outside the property boundary for any reason.</li> <li>• A final Waste Management Plan needs to be approved as part of the permit.</li> </ul>
Engineering & Technical Services Unit – Easements	<ul style="list-style-type: none"> <li>• Build over easement approval is not required.</li> </ul>
Strategic Projects Unit – Sustainability	<p>The following amendments to the submitted Sustainability Management Plan are required before approval (<b>Conditions required</b>):</p> <p><u>Water 1.1 Water Efficient Fixtures</u></p> <ul style="list-style-type: none"> <li>• Identify in the BESS assessment whether there is a commitment to providing washing machines and dishwashers as part of the building fit-out. If not, amend the entries to default/unrated in BESS.</li> </ul> <p><u>Water 2.1 Rainwater Collection &amp; Reuse</u></p> <ul style="list-style-type: none"> <li>• The BESS assessment indicates all toilets are connected to the rainwater tank. Rainwater tank solution is inappropriate as there are mandatory requirements to connect to 3rd pipe for future recycled water connection for toilet, laundry and irrigation purposes.</li> </ul> <p><u>Energy 1.1 Thermal Performance Rating - Non-Residential</u></p> <ul style="list-style-type: none"> <li>• A commitment to achieving at least a 10% improvement on National Construction Code (NCC) minimum energy efficiency requirements (e.g. 6.6-stars).</li> <li>• The report currently indicates the project “will target a minimum of 6.5 star average”; this is not a commitment. BESS assessment indicates a 7-star average. This is required to correspond.</li> </ul> <p><u>Energy 3.4 Clothes Drying</u></p> <ul style="list-style-type: none"> <li>• Plan notations to indicate every dwelling is provided with an indoor clothesline as noted in report.</li> <li>• Provide plan detail demonstrating laundry</li> </ul>

Service Unit	Comments
	<p>areas have no capacity for a clothes dryer to correspond with BESS results. Or alternatively, the BESS entry must be amended to 1-star.</p> <p><u>Stormwater</u></p> <ul style="list-style-type: none"> <li>• Rainwater tank solution is inappropriate as there are mandatory requirements to connect to 3rd pipe. Amend stormwater strategy accordingly. The revised stormwater management strategy must adhere to Council's <i>Guideline for Recycled Water and Rainwater in Medium to High Density Developments September 2017</i>. Amend plans to include size, location and connections of stormwater management system.</li> </ul> <p><u>IEQ 1.1 Daylight Access – Living areas</u></p> <ul style="list-style-type: none"> <li>• Consider layout changes to improve daylight access. Daylight modelling report indicates that living rooms on levels 1 to 6 facing into the light court fail to meet the BESS daylight criteria due to the current overall design of the building mass. Maximum glazing area has been provided to these living rooms yet they still do not have ample daylight access.</li> <li>• Amend the BESS entry to NO.</li> <li>• Common sitting areas adjacent to the north-south corridor of Levels 1 to 7 are provided with poor daylight access. This is unlikely to provide amenity benefits to residents.</li> </ul> <p><u>Overall</u></p> <ul style="list-style-type: none"> <li>• The BESS report must be submitted as a finalised report.</li> <li>• The project must meet the minimum 50% overall score with minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS.</li> </ul>
City Strategy Unit – Doncaster Hill	<ul style="list-style-type: none"> <li>• A shared 'green' space should be provided at roof level. A <b>condition</b> will require the communal open spaces on Level 7 to incorporate a landscape design.</li> <li>• The proposal should incorporate a commercial use to further activate the ground level. The proposal instead activates the ground level through a series of amenities for residents, including a large atrium.</li> <li>• An external urban plaza for residents and visitors with associated landscaping and boulevard treatment at ground level would significantly enhance the amenity of the site.</li> </ul>

Service Unit	Comments
City Strategy Unit – Urban Design	<ul style="list-style-type: none"> <li>• With its glazed curvilinear facades and balcony extrusions and use of vertical timber fins, the building is elegant and will provide a positive contribution to the Tram Road view corridor. The folded detail proposed for the solid component of the balconies, and the glazed radius corners proposed on the upper levels of the development are particularly exciting.</li> <li>• Timber-look elements add a much-needed warmth to the otherwise monochrome facades. The repetition of the timber vertical fin detail across all levels provides visual continuity. A plastic mod-wood product will not be accepted as an appropriate timber-look material for external use on this building. A <b>condition</b> will require a high quality timber-look aluminium to be utilised.</li> <li>• Positive inclusion of a communal lounge, library, terrace, dining spaces, cinema, a landscaped courtyard, bicycle storage, gym and pool at the ground floor level of this development. The location of the lifts and mailboxes in relation to all of these shared facilities will encourage social interaction and inclusion.</li> <li>• The incorporation of irrigated planter boxes and vertical cables to encourage climbing plants to grow on the east-facing façades lining the internal courtyard is exciting.</li> <li>• The Doncaster Hill standard boulevard trees and footpath treatment have been incorporated into the Tram Road frontage landscaping. This treatment will be consistent with the recent development to the south, and those on the opposite side of Tram Road. A typical tree planting detail is provided on the landscape plan submitted. A <b>condition</b> will require a separate tree planting detail that relates specifically to the boulevard trees and surrounding paving. This detail should include appropriate root director or root cell technology be incorporated to ensure that the boulevard paving is not damaged by tree roots over time.</li> <li>• A sculpture and panels for feature artwork have been incorporated into the frontage landscaping. A <b>condition</b> will require that Council's Arts Curator approve the selection of piece/s and / or the commissioning brief.</li> <li>• The substation is proposed to be housed within the building, however there is concern regarding the lack of screening proposed for</li> </ul>

Service Unit	Comments
	<p>gas and water meters that are shown on plans in the south-eastern corner of the development site. A <b>condition</b> will require the screening of utility infrastructure to ensure that they are sufficiently and tastefully obscured from public and private view.</p> <ul style="list-style-type: none"> <li>• The plans show appropriate screening included for roof plant.</li> <li>• Concern is raised in relation to the six offices shown on the ground floor and level 1. Their location and reducing daylight access creates potential issues in relation to client access, business exposure and residential privacy and security. More detail should be provided for Council review in relation to these issues, and, if necessary, that this northern end of the ground and first floor levels be reconfigured to resolve them.</li> <li>• Plans provided and 'View 6' on TP05 indicates that the ground floor activity will be highly visible and accessible from the street and boulevard which is in keeping with the vision for main road development in Doncaster Hill.</li> <li>• A <b>condition</b> will require a notation to TP201 to make it clear that the ground floor glazing will be 'G1' (clear).</li> <li>• Plans show a number of instances where apartment entry doors are located directly opposite other apartment entry doors, which is bad practise. A <b>condition</b> will seek that this be modified where practicable.</li> <li>• Plans show postboxes positioned within the ground floor foyer. Australia Post has strict requirements regarding post box access. A <b>condition</b> requires the applicant to seek approval from Australia Post, and that if the post boxes are required to be located outside, that they be tastefully integrated into the design of the entry landscape.</li> </ul>

## 7. CONSULTATION / NOTIFICATION

- 7.1 Notice of the application was given over a three-week period which concluded on 7 March 2018, by sending letters to nearby properties and displaying a large sign on site.
- 7.2 No objections have been received.

## 8. ASSESSMENT

8.1 The proposal has been assessed against the relevant state and local planning policies, the zone and overlay and the relevant particular provisions and general provisions of the Scheme.

8.2 The following assessment is made under the headings:

- State and Local Planning Policy Frameworks (SPPF and LPPF);
- Design and built form;
- On-site and internal amenity;
- Off-site amenity; and
- Car parking, access, traffic, Land Adjacent to a Road Zone Category 1 and bicycle facilities.

### **State and Local Planning Policy Frameworks (SPPF and LPPF)**

8.3 Key objectives of the SPPF and LPPF seek to intensify activity centres as a focus for high-quality development and encourage increased activity and density as a way to achieve broader urban consolidation objectives.

8.4 At both the SPPF and LPPF levels, policy emphasises the need for mixed use development with a focus on high density residential development in the Doncaster Hill Activity Centre, in which the site is located. The use of the site for the purpose of a residential apartment building is appropriate within the zoning of the land and the strategic context of the site. The site's location places it within very good proximity to access to public transport and existing services.

8.5 Council has, through its policy statements throughout the Planning Scheme, sought to implement this policy as it relates to Doncaster Hill at Clause 21.09 through Schedule 1 to the Activity Centre Zone.

8.6 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 site, together with all land within the ACZ on the south side of Doncaster Road east of Tram Road, is within Precinct 2.

8.7 Under the ACZ1, the subject site is located in Precinct 2E. The relevant objectives for Precinct 2E (Clause 5.2-2) are:

- *To encourage an appropriate mix of residential and commercial uses in the precinct.*
- *To encourage the greatest area of high-density development to locate along the Doncaster Road ridgeline.*
- *To encourage the provision of cafes, restaurants and outdoor eating within the precinct.*

- *To support and connect with the pedestrian link proposed for the Doncaster Road, Williamsons and Tram Roads intersection at the western end of the precinct.*
- 8.8 The land use for a dwelling is a use that is supported under the ACZ1 that does not require a planning permit, and the subject site is located within the Doncaster Hill Principal Activity Centre which supports a mixed-use development within the activity centre. The proposal provides an appropriate use, which while not a mixed-use, is permitted under the zone. The office use is an ancillary use, anticipated to be operated by residents of the building. The building is in a location that is highly accessible to the community and the proposal is consistent with the vision for the Doncaster Hill area. In particular, it supports the key vision objectives, which encourage high density, high-rise development and innovative contemporary design. The provision of a single-use development has provided an opportunity to maximum amenities for residents, through the inclusion of a swimming pool, gym, exercise room, cinema, ancillary offices, dining rooms and a large atrium incorporating a lounge and library at ground floor.

### **Design and built form**

- 8.9 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.
- 8.10 The following assessment identifies and considers these mandatory and preferred requirements from the ACZ1, as outlined at Clause 4.4 (Design and Development), as well as the decision guidelines at Clause 8.0.

#### Building Height

- 8.11 In relation to building height, the maximum building height is a mandatory requirement. The maximum building height permitted for this site under the ACZ1 is 21.5 metres with no allowance for any additional design element feature.
- 8.12 Acknowledging the slope of the site, the proposed building reaches a height of 21.5 metres. A minor area of non-compliance above this height relates to a pergola/ feature to the front façade of the building which exceeds the maximum height by 0.3 metres. A **condition** will require this feature be modified to comply with the mandatory maximum building height requirement.
- 8.13 Plant screens and lift overruns are also shown exceeding the maximum building height. The ACZ1 makes allowances for plant rooms, plant, screens and lift-overruns above the maximum building height if certain criteria are met, which they are in this instance.

#### Podium and Front Setbacks

- 8.14 A permit cannot be granted to vary the front setbacks for properties that abut Tram Road, 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. Both the podium and tower front setbacks exceed these mandatory setbacks, with the exception of a 9 metre long section of the podium which is setback 4.5 metres from the site frontage. This area relates to a stairwell down to the basement and ramp for bicycle access. A **condition** will require this wall to be setback at least 5 metres

to meet this mandatory requirement. The mandatory requirements are otherwise met.

- 8.15 The ACZ allows for minor buildings and works within the setbacks (such as verandas, architectural features, balconies, sunshades, screens, artworks and street furniture setbacks) provided they are designed and located appropriately. The podium incorporates extensive balconies to dwellings fronting Tram Road. These balconies encroach into the prescribed 5 metre setback by a maximum of 2.8 metres, at both ends of the façade. The central section of the façade exceeds the 5 metre setback due to the design providing a break in the podium. While the extent of this encroachment is not insignificant, the balconies are designed to weave forward and backward to create a distinct architectural form and maintain a boulevard tree canopy line. The balconies are therefore considered to be designed and located appropriately.

#### Side and Rear Building Setbacks

- 8.16 Policy includes preferred minimum requirements relating to side and rear setbacks (i.e. they can be varied by a permit). The minimum setback from a side boundary is 4.5 metres and the minimum setback from a rear boundary is 5 metres. Setbacks to the building above natural ground level are compliant from all boundaries at all levels.

#### Overshadowing

- 8.17 The development avoids casting shadows on adjacent properties outside the activity centre, meeting the overshadowing requirements of the ACZ. An assessment of overshadowing within the ACZ will follow at section 8.30 to 8.34 of this report.

#### Boulevard Character

- 8.18 The proposed development will provide a minimum 5 metre podium setback, subject to a **condition** (previously described) and provides two podium lengths, each greater than 12 metres long, separated centrally to enable a landscape focal point. A 3.6 metre wide paved promenade across the site frontage will replace the existing footpath and a landscaped boulevard in front of the building on Tram Road, is provided as required by policy. A **condition** will require dimensions and greater details to ensure the boulevard treatments properly reflects the requirements. The development contributes positively to the local urban character and enhances the public realm by providing an active frontage to Tram Road and creates a boulevard treatment by providing a designated area for landscaping at the frontage of the site. The provision of deep soil canopy trees along the boulevard will achieve the streetscape character and public realm appearance supported under the ACZ1.

#### Landscape Design

- 8.19 The ground level landscaped areas appear to be commensurate with other high density developments within Doncaster Hill. Ground level screen planting is provided along all boundaries, providing a buffer between built form, incorporating numerous canopy trees to the southern boundary and large to medium size shrubs to the northern and eastern boundaries. There is scope for landscaping to be achieved on the Level 7 roof terraces, which will be required as a **condition**. Landscaping along the western edge of the northernmost terrace will also provide some softening to the built form, as viewed from the street.

#### Access and Mobility



- 8.20 A **condition** will require the submission of a Disability Access Plan that implements the recommendations of a Disability Access Audit (prepared by a suitably qualified person) that demonstrates compliance with the relevant Australian Standards for vehicle and pedestrian access into the building, to the satisfaction of the Responsible Authority. The pedestrian entry is at grade and it is considered that any further external changes to the building recommended by the Plan and Audit will be designed appropriately so as not to have any unreasonable impact on the public realm.

#### **On-site and internal amenity**

- 8.21 The scale of the proposed building is generally consistent with the expectation of development outlined in the ACZ1. Notwithstanding the policy support for the site's redevelopment, urban consolidation is not the only relevant planning consideration. Good design, neighbourhood character and amenity considerations must also be considered (as outlined at clauses 15.01 of the Scheme) as well as supplementary guidance within the *Guidelines for Higher Density Residential Development 2004*.
- 8.22 These guidelines have been removed from the Scheme under Planning Scheme Amendment VC139 which was gazetted on 29 August 2017, and were replaced by the *Urban Design Guidelines for Victoria 2017*, which focuses on the design of public spaces and building design in relation to a building's interface with public spaces. These new guidelines are to be assessed in conjunction with the *Apartment Design Guidelines for Victoria 2017* under Clause 58 (Apartment developments), which focuses on internal and external amenity.
- 8.23 While the Apartment Design Guidelines do not apply to this application due to the transitional provisions, whereby Clause 58 does not apply to an application lodged before the introduction of Amendment VC136 gazetted on 13 April 2017, an amenity assessment is considered necessary and accordingly the development will be assessed broadly against the on-site and internal amenity provisions of Clause 58 and to assess off-site amenity using the provisions of *Guidelines for Higher Density Residential Development 2004*.
- 8.24 The relevant apartment standards for on-site amenity include accessibility, building entry and circulation, private open space and storage. The standards for internal amenity include functional layout, room depth, windows and natural ventilation. The dwellings demonstrate a high level of compliance with these standards, with the exception of accessibility and instances of non-compliance with the private open space and functional layout requirements.

#### Accessibility

- 8.25 At least 50% of dwellings should have a clear opening width of at least 0.85 metres at the entrance of the dwelling and main bedroom. All apartment entrance doors are 0.92 metres wide, which complies, however bedroom doors will be less than 0.85 metres wide, which does not meet the standard. The proposal does, however comply with the relevant Disability Discrimination Act requirements within the building regulations and this is therefore considered acceptable. The remaining accessibility requirements are considered met.

#### Private open space

- 8.26 Above ground dwellings should have private open space consisting of a balcony with a minimum area of 8 square metres with a minimum dimension of 1.8 metres

for a 1 bedroom lodging room, with these quantities scaling up as the number of bedrooms increase. In all dwelling layout types, the minimum dimension is met, however the minimum area is not met for dwelling type 2C West which provides a 7 square metre area. Given that this dwelling type only relates to 3 of the 158 apartments within the development, this is considered a marginal area of non-compliance, particularly as the minimum 1.8 metre dimension has been met, providing a readily usable area for occupants.

#### Functional layout

- 8.27 Bedrooms should meet minimum internal room dimensions of 3 metres by 3.4 metres for the main bedroom and 3 metres by 3 metres for other bedrooms. All dwelling layout types meet this requirement except the third bedroom of Penthouse 3 East, which has dimensions of 4.3 metres by 2.5 metres. Given there is one instance of this in the development, it is a third bedroom, could be used as a study and has a generous room depth, it is considered acceptable. The remaining functional layout requirements are considered met.
- 8.28 Overall, the dwellings provide a high degree of internal amenity, with only marginal areas of non-compliance relating to accessibility, private open space and functional layout.

#### **Off-site amenity**

- 8.29 The *Design Guidelines for Higher Density Residential Development 2004* provided design criteria for assessing amenity impacts.

#### Overshadowing

- 8.30 The ACZ1 considers overshadowing on dwellings outside the activity centre only and the State Guidelines reference clause 55 of ResCode for consideration of the overshadowing impact (namely Standard B21) which seeks to ensure buildings do not significantly overshadow existing secluded private open spaces, regardless of the zone.
- 8.31 When constructed, the proposed development would overshadow secluded private open space areas of all north-facing ground floor dwellings within the development at 86-88 Tram Road due to the orientation of these dwellings. In light of policy controls for the subject site and the south adjoining land and the slope of the land, it is considered likely that any built form on the subject site would substantially overshadow development on the adjoining property to the south.
- 8.32 Shadow diagrams submitted with the application demonstrate that overshadowing will occur throughout the day, including and in addition to the shadows cast by the existing fence. The eastern component of northern open space at 86-88 Tram Road would be most affected in the morning and the western side most affected in the afternoon. This will mean that apartments will not be in complete shade throughout the day.
- 8.33 As the subject site and the adjoining property to the south are located within an activity centre, some degree of overshadowing from taller buildings within an activity centre is inevitable. The extent of overshadowing is not considered unreasonable for the site context.

- 8.34 Given the site orientation, overshadowing will occur into the adjoining properties to the east in the afternoon, particularly from 2pm. Given that these sites will not experience any overshadowing from the subject site before 1pm, the extent of overshadowing is not considered unreasonable for the site context.

Overlooking (and loss of privacy)

- 8.35 Although ResCode does not apply to this application, the overlooking standard is an accepted planning principle to assess the impact on adjoining properties. Standard B22 of Clause 55 of the Scheme applies to views within a horizontal distance of 9 metres and a 45 degree arc and seeks to avoid direct views within this distance. This is reflected in the State Guidelines (objective 2.9), which states that *existing dwellings should be protected from potential overlooking in accordance with the requirements of Clause 55 of Planning Schemes*.
- 8.36 The proposal comprises balconies and windows orientated to face existing housing stock to the east and the apartment building at 86-88 Tram Road to the south. The windows and balconies generally maintain a 9 metre separation from the balconies of the adjoining building to the south with the exception of an 8 metre separation to balconies opposite. Windows and balconies overlook up to four metres of the secluded private open space area of each of the five adjoining dwellings to the east. Given that these adjoining dwellings are within the ACZ and that there is a likelihood the properties will be redeveloped, the level of overlooking from the development is not considered unreasonable.

Noise

- 8.37 In interface areas where there are often points of conflict between different uses, there is a need to maintain the viability of existing commercial areas.
- 8.38 Future occupants of the proposed building would be aware of the subject site's proximity to potential noise sources including existing businesses located along Tram Road and its location on an arterial road. A **condition** will require the recommendations of the acoustic report to be adopted into the design of the building to limit the potential for noise disturbance to new residents as far as practicable.

Wind

- 8.39 A wind assessment was submitted with the application and considered wind tunnelling, wind generated by the building to pedestrians using the footpaths, wind within private balconies and to the Level 12 communal terrace. The submitted report recommends impermeable balustrades to the northern and western edges of the southernmost Level 7 terrace, the western balcony balustrades of Levels 1 to 4, full-height impermeable screening to the western side of Level 5 balustrades, and either hedge planting or impermeable balustrades to the perimeter of the penthouse balconies. A **condition** will require the recommendations of the wind assessment to be adopted into the design of the building to provide acceptable wind conditions throughout the site.

**Car parking, access, traffic, Land Adjacent to a Road Zone Category 1 and bicycle facilities**

Car parking and access

- 8.40 Prior to a new use commencing or a new building being occupied, Clause 52.06-2 requires that the number of car parking spaces outlined in Table 1 at Clause

52.06-5 to be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the Responsible Authority.

- 8.41 For the ACZ1 resident car parking are required at a rate of one space for each dwelling with one or two bedrooms and two spaces for each dwelling with three or more bedrooms. The Scheme requires a **179** car parking spaces for residents. Visitor car parking is required at a rate of one car parking space for every ten dwellings. For 158 dwellings, this equates to the requirement for 16 visitor spaces. Therefore, a total of **195** car parking spaces for the proposed development. A total of **203** car parking spaces are proposed over the two basement levels, which exceeds this requirement by 8 car parking spaces.
- 8.42 Dwelling type 2F North has been identified as a dwelling that could conceivably be converted from a two bedroom dwelling to three bedrooms given the nature of its layout. There is only one instance of Dwelling 2F North within the development on Level 1. If this dwelling were to be converted to three bedrooms, the dwelling would generate a requirement for one additional car parking space. Given the surplus of parking spaces provided across the development, the extra space required could be accommodated.
- 8.43 An assessment against the relevant car parking design standards at Clause 52.06-9 of the Scheme is provided in the table below:

Design Standard	Assessment
1 – Accessways	<ul style="list-style-type: none"> <li>• The accessway to the basement car park meets the minimum width and height clearance requirements.</li> <li>• A minimum 6.1 metre by 7 metre passing area is provided at the entrance to the basement.</li> <li>• All vehicles are able to exit the site in a forwards direction.</li> <li>• An adequate visibility splay area is provided along the exit lane.</li> <li>• Within the basement, a 4 metre internal radius is provided at changes of direction.</li> </ul>
2 – Car Parking Spaces	<ul style="list-style-type: none"> <li>• Car parking spaces appear to be provided in accordance with the requirements, however a <b>condition</b> will require that all dimensions are provided to demonstrate compliance with this standard.</li> <li>• Two tandem spaces proposed. Given there is a surplus in car parking spaces provided, the use of these tandem spaces can be reasonably managed by residents.</li> </ul>
3 – Gradients	<ul style="list-style-type: none"> <li>• The existing access road provides appropriate driveway gradients. All other driveway gradients have been assessed as compliant with the standard.</li> </ul>
5 – Urban Design	<ul style="list-style-type: none"> <li>• The development utilises existing access road infrastructure, which will not dominate the landscape.</li> <li>• Parking areas are all incorporated into the basement levels and will not be visible from the street.</li> </ul>

Design Standard	Assessment
6 – Safety	<ul style="list-style-type: none"> <li>• A <b>condition</b> will require details of any security gate to the basement entry.</li> <li>• Pedestrian access from the site frontage is clearly separated from the roadway.</li> </ul>
7 – Landscaping	<ul style="list-style-type: none"> <li>• Landscaping is well-placed around the entrance to the basement, along the southern boundary at ground level.</li> </ul>

### Traffic

- 8.44 The submitted traffic report identifies that the proposed development is expected to generate 50 vehicle movements per peak hour and up to 500 vehicle movements per day. The site will be restricted to left in/left out movements only, with U-turn opportunities provided at the signalised intersection of Doncaster and Tram roads to the north.
- 8.45 The submitted traffic report submits that taking into account the existing use of the site, which generates 50 vehicle movements per peak hour and up to 400 vehicle movements per day. The level of anticipated traffic is considered commensurate to the projected peak hour volumes generated by the existing use.
- 8.46 The submitted traffic report considers that future infrastructure works at the intersection of Tram Road and Merlin Street to the south will assist with the distribution of traffic in the precinct. Council's Engineering Services Unit raise no concern in relation to the expected traffic generated by the proposed development as confirmed in the submitted report.
- 8.47 Overall, the traffic generated as a result of the proposed use and development, is considered to be generally compliant with the broader policy objectives of encouraging sustainable transport modes.

### Land Adjacent to a Road Zone Category 1

- 8.48 A permit is required under Clause 52.29 of the Scheme as the proposal involves the alteration of access to Tram Road, which is zoned Road Zone Category 1. The decision guidelines of this clause include the views of the relevant road authority.
- 8.49 VicRoads has provided conditional consent to the proposal, therefore the access arrangement is considered appropriate.

### Bicycle Facilities

- 8.50 In developments for a residential building of four or more storeys, the Scheme requires 1 resident bicycle parking space to be provided for every 5 dwellings and 1 visitor space for every 10 dwellings. For the proposal this equates to 33 resident bicycle spaces and 16 residential visitor spaces, for a total 49 spaces. The proposal provides 60 bicycle spaces, which exceeds the requirements of the Scheme.

**9. CONCLUSION**

9.1 It is recommended that the application be supported, subject to conditions.

**10. DECLARATION OF CONFLICT OF INTEREST**

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