

0.0 Planning Application PL16/026580 at 810 Elgar Road, Doncaster for the use and development of the land for an 11-storey residential hotel with associated basement car parking, waiver of the associated requirement for bicycle facilities and the creation and alteration of access to a road in a Road Zone, Category 1

File Number:	IN17/408
Responsible Director:	Director Planning and Environment
Applicant:	SJB Planning
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 810 Elgar Road, Doncaster. This report recommends refusal of the proposed development in its submitted form. The application is being reported to Council given that it is a Major Application (a development cost of more than \$5 million).

Proposal

2. The proposal is for the use and development of the land for an 11-storey building (a residential hotel comprising 116 suites) with associated basement car parking in the form of 27 car parking spaces over two basement levels. The application seeks a waiver of the associated bicycle facilities required by the Manningham Planning Scheme and the creation and alteration of access to a road in a Road Zone, Category 1. The subject site has a site area of 993 square metres. The development proposes a site coverage of 22%, a site permeability of 37% and a maximum building height of 32.5 metres.

Key issues in considering the application

3. The key issues for Council in considering the proposal relate to:
 - policy (consistency with state and local planning policy);
 - design and built form;
 - guidelines for higher density residential development;
 - car parking, access, traffic and bicycle parking; and
 - objector concerns.

Objector concerns

4. Eleven objections have been received for the application, raising issues which are summarised as:
 - overdevelopment;

- land use;
- traffic, car parking and bicycle facilities;
- design and built form (building height, setbacks and opportunity for landscaping); and
- off-site amenity impacts (overshadowing, loss of daylight, overlooking and loss of privacy, noise and safety, loss of views and outlook, reduction in property values and construction impacts).

Assessment

5. The proposed use of the site for a residential hotel is generally consistent with the relevant objectives of state and local planning policies of the Manningham Planning Scheme (the Scheme). However, the proposal fails to meet a number of key requirements in Schedule 1 to the Activity Centre Zone (ACZ1).
6. While the proposal meets the mandatory maximum building height, it fails to provide an adequate height transition and stepping the adjoining land to the south. The setback of the podium from the south is limited, which is not in accordance with the requirements of the ACZ1.
7. The proposal also fails to provide an adequate number of on-site car parking spaces commensurate with the intensity of the use. Further, it fails to provide an adequate turning area for vehicles using the drop-off area and fails to provide any bicycle parking on site, including for staff.

Conclusion

8. The report concludes that while the proposed development meets some of the relevant planning policy, in terms of its design it fails to provide an adequate transition in height in accordance with the provisions of the zone, it provides insufficient on-site car parking and no bicycle spaces and it fails to provide an adequate turning area for vehicles using the drop-off area. On this basis, refusal of the submitted proposal is recommended.

1. RECOMMENDATION

That Council:

- A. **Having considered all objections, issues a NOTICE OF DECISION TO REFUSE TO GRANT A PERMIT in relation to Planning Application PL16/026580 at 810 Elgar Road, Doncaster for the use and development of the land for an 11-storey building (a residential hotel comprising 116 suites) with associated basement car parking, waiver of the associated requirement for bicycle facilities and the creation and alteration of access to a road in a Road Zone Category 1, for the following reasons:**

1. **The proposal includes an inappropriate height transition that does not adequately step down to the adjoining properties to the south located in the Residential Growth Zone, which is contrary to Schedule 1 to the Activity Centre Zone of the Manningham Planning Scheme.**
2. **The proposal will result in unreasonable off-site amenity impacts to adjoining properties, particularly given the limited setbacks, lack of landscaping provided along the northern site boundary,**

overshadowing impacts and the sense of visual bulk and massing, which is contrary to Schedule 1 to the Activity Centre Zone of the Manningham Planning Scheme.

3. The proposed on-site car parking provision for a residential hotel use is not to the satisfaction of the Responsible Authority, and is contrary to Clause 52.06-6 (Car Parking) of the Manningham Planning Scheme.
4. The design of the turning area for vehicles exiting the drop-off area, to enable vehicles to exit the site in a forward direction, is inadequate and an inadequate passing area is provided at the site frontage, which is contrary to Design Standard 1 (Accessways) at Clause 52.06-9 (Car Parking) of the Manningham Planning Scheme.
5. The proposal does not provide any bicycle spaces or associated facilities for staff, which fails to meet the requirements at Clause 52.34 (Bicycle Facilities) of the Manningham Planning Scheme.
6. The proposal does not provide an adequate level of accessibility to pedestrians at the principal street entrance, which is contrary to Clause 22.09 and Schedule 1 to the Activity Centre Zone of the Manningham Planning Scheme.

2. BACKGROUND

- 2.1 A pre-application advice request was submitted to Council on 5 May 2016.
- 2.2 The application was received on 11 August 2016 and at that time proposed an eight-storey apartment building (17 dwellings) with 3 levels of associated basement car parking and the creation and alteration of access to a road in Road Zone Category 1.
- 2.3 The proposal was presented to a meeting of the Sustainable Design Taskforce on 25 August 2016. Issues raised at the meeting included building height, the presentation and transition to the south, limited setback and overshadowing to the south, limited landscaping adjacent to side and rear boundaries and architectural presentation.
- 2.4 A request for further information was sent on 31 August 2016 and officers raised preliminary concerns relating to the lack of compliance with a number of the ACZ1 requirements.
- 2.5 The applicant amended the application under Section 50 of the *Planning and Environment Act 1987* on 10 March 2017 to use and develop the site for an 11-storey residential hotel and alteration of vehicle access to a road in a Road Zone, Category 1. All requested further information requested was received by Council on 17 May 2017.
- 2.6 Notice of the application was given over a three-week period which concluded on 20 June 2017.
- 2.7 The statutory time for considering a planning application is 60 days, which lapsed on 16 July 2017.

- 2.8 The application was deferred from the August 2017 Council Meeting following discussions between officers and the applicant to provide an opportunity for the applicant to review the design and gain officer support. The applicant has unfortunately been unable to obtain instructions from their client to address officer concerns and as such no changes have been made to the proposal. The applicant is aware that the submitted proposal does not have officer support and that officers will be recommending refusal of the proposal.
- 2.9 The land title is not affected by any covenants or restrictions.

History

- 2.10 Planning Permit PL07/018817 was issued on 4 March 2008 for the construction of 22 apartments within a six-storey building, including a basement car park, and alteration of access to a Road Zone Category 1. This approval pre-dates the inclusion of the ACZ1 over this property. The permit was not acted upon and has since expired.
- 2.11 Planning Permit PL14/024419 was issued on 5 April 2016 for the development of the land for the construction of eight, three-storey dwellings (town houses) and alteration to access to a Road Zone Category 1. While plans have not been endorsed, that permit is still valid.

3. THE SITE AND SURROUNDS

The Site

- 3.1 The site is situated on the eastern side of Elgar Road, approximately 130 metres south of the intersection with Doncaster Road.
- 3.2 The site has an angled frontage width of 17.77 metres, a depth of 56.59 to 61.38 metres, a rear boundary width of 16.78 metres and a total area of 993 square metres.
- 3.3 The site presently accommodates a single-storey brick dwelling with a tiled gable roof. The dwelling is set back 7.9 metres from the site frontage and 33 metres from the rear boundary. A shared vehicle crossing with 808 Doncaster Road is provided on the southern side of the lot, servicing a single garage. Private open space area is located to the east of the dwelling.
- 3.4 The topography falls from the north-western corner (front) to the north-eastern corner (rear) by approximately 3.22 metres, with a cross-fall of approximately 1 metre in a north-south direction across the site.
- 3.5 A 1.83 metre wide drainage and sewerage easement runs adjacent to the eastern (rear) boundary.
- 3.6 No fence is located on the frontage. Paling fences are provided on the side and rear property boundaries.

The Surrounds

- 3.7 The site directly abuts four properties to the north, east and south. The surrounding development is described as follows:

Direction	Address	Description
North	5 Elgar Court	An 11-storey apartment building 'Gardenhill' (comprising 104 dwellings), with associated basement car parking, on a 2,382 square metre lot. The building has a 4.5 metre setback to the common boundary, with a central column of balconies projecting into this setback by 1.7 metres. Unscreened habitable room windows at each floor level face the site.
East	95-99 Tram Road	This property diagonally abuts the site from the north-east. A six-storey apartment building 'Oakhill' (comprising 35 dwellings) with associated basement car parking on a 2,055 square metre lot.
	91-93 Tram Road	A 10-storey apartment building 'Madison' (comprising 85 dwellings), with associated basement car parking on a 1,947 square metre lot. The building has a minimum 2 metre setback to the common boundary at ground level and a minimum 4 mere setback to the levels above.
South	808 Elgar Road	The land is developed with established medium density housing comprising six, single-storey brick veneer townhouses. The common driveway of this development abuts most of the common boundary.
	2/808 Elgar Road	A single-storey brick dwelling with a tiled, hipped roof that abuts the eastern portion of the site's southern boundary. The dwelling is set back a minimum 2.9 metres from the common boundary, with habitable room windows facing the site and private open space to the north and east.
	1/808 Elgar Road	This property is not a direct abuttal as it is separated from the site by the common driveway. The property contains a single-storey dwelling set back a minimum 6.3 metres from the common boundary, with private open space to the west.

- 3.8 The character of the broader area is mixed, with a number of high rise developments to the north and east, existing housing stock to the south and west, and medium density housing to the south. All adjoining properties within the ACZ1 have now been developed with apartment buildings, as described above.
- 3.9 To the west of the site is Elgar Road, an arterial road with two lanes of traffic in both directions. On-street car parking is unrestricted outside clearway periods, which apply between 6:30-9:30 am and 4:00-6:30 pm Monday to Friday in both directions. Elgar Road is serviced by a number of bus routes.
- 3.10 The subject site is located within the Doncaster Hill Major Activity Centre. The Activity Centre is located along the main arterial roads (Doncaster Road, Tram, Elgar and the 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. The subject site is located at the southern edge of the ACZ1, with land opposite to the west and to the south being located within the Residential Growth Zone.

- 3.11 In terms of public transport, the subject site is well serviced by bus routes operating along Elgar Road and 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, within 650 metres walking distance to the north. In addition to having access to the numerous retail, restaurant and entertainment venues within Westfield, the site is well serviced by other community and local facilities, including Hanke Reserve, Schramms Reserve, Carawatha Reserve, Doncaster Primary and Doncaster Secondary College.

4. THE PROPOSAL

- 4.1 It is proposed to use and develop the land for an 11-storey residential hotel, comprising 116 suites with associated basement car parking, alteration of access to a road in a Road Zone, Category 1, and waiver of the associated requirement for bicycle facilities.
- 4.2 A 'residential hotel' is defined in the Scheme as *land used to provide accommodation in serviced rooms for persons away from their normal place of residence. If it has at least 20 bedrooms, it may include the sale of liquor for consumption on, or off, the premises, function or conference rooms, entertainment, dancing, amusement machines, and gambling.*

Submitted plans and documents

- 4.3 The proposal is outlined on the plans prepared by Kyriacou Architects, dated 20 April 2017 (received 17 May 2017) and a landscape plan prepared by John Patrick Landscape Architecture Pty Ltd, dated 1 December 2016 (received 10 March 2017). Refer to Attachment 1.
- 4.4 The following reports were submitted to support the application:
- planning report prepared by SJB Planning, dated March 2017;
 - urban context and design response report prepared by David Lock Associates, dated February 2017;
 - traffic report prepared by Traffix Group, dated January 2017;
 - waste management plan prepared by NJM Design, dated 15 May 2017;
 - sustainability management plan prepared by NJM Design, dated 10 February 2017;
 - acoustic report prepared by Burton Acoustic Group dated 19 March 2017; and
 - environmental wind assessment prepared by MEL Consultants dated 28 February 2017.

Development summary

- 4.5 A summary of the development is provided as follows:

Land Size:	993m ²	Maximum Building Height:	32.5m
Site Coverage:	22%	Street setback to Elgar Road (west)	Basement – 0.45m Ground floor – 9m Podium (1-3) – 3.7m Tower (4-9) – 7.4m Penthouse (10) – 7.4m
Permeability:	37%	Setback to northern boundary	Basement – boundary Ground floor – 4.5m Podium (1-3) – 4.5m Tower (4-9) – 4.5m Penthouse (10) – 4.5m
Number of suites:	116	Setback to eastern boundary	Basement – 2.485m Ground floor – 4.5m Podium (1-3) – 4.35m Tower (4-9) – 4.305m Penthouse (10) – 4.35m
Suite Density:	One per 11.68m ² Ranging from 16m ² to 52m ²	Setback to southern boundary	Basement – boundary Ground floor – 4.5m Podium (1-3) – 3m Tower (4-9) – 4.145m Penthouse (10) – 4.245m
Total car parking spaces:	32		
• Staff and guest spaces	27	• Visitor and drop-off spaces:	4 visitor 1 drop-off

Design layout

- 4.6 The ground floor consists of an airlock entry that provides access to the lobby with lounge seating and reception. An ancillary restaurant is also provided, exclusive to hotel guests, with seating for 44 patrons across an 88 square metre floor area. Two lift wells and a stairwell are provided central to the building.
- 4.7 Each suite in the residential hotel contains beds to accommodate a maximum of two people, with a desk, bathroom, robe and luggage rack.
- 4.8 The podium levels 1 to 3 consist of 42 suites comprising three room types, varying in floor area from 16 square metres to 25 square metres.
- 4.9 The tower levels 4 to 9 consist of 72 suites comprising two room types, varying in floor area from 20 square metres to 22 square metres.

- 4.10 Level 10 comprises two penthouse suites located at the western end of the building, each with a floor area of 52 square metres. These suites include a bedroom that is separate from a living area and a kitchenette. A 143 square metre roof plant area is located at the eastern end of the building.

Pedestrian and vehicle access and layout

- 4.11 The pedestrian entry to the building is provided via a central footpath that is flanked by landscaping and opens up to a large central paved area with bench seating.
- 4.12 Vehicle access is provided via a proposed 6.25 metre wide crossover on the northern side of the frontage. A single vehicle space drop-off point is located on the northern side of the building. The driveway follows the northern building line, providing four visitor spaces at the rear of the site and a ramp down to the basement.
- 4.13 The two basement levels consist of an additional 27 car spaces, 18 of which are tandem spaces. Parking access is proposed to be via a valet system only, whereby hotel staff will park and retrieve cars.
- 4.14 The basement incorporates service areas, including a bin room, linen room, fire pump and tank rooms, security and communications rooms, cool room, domestic water pump room, main water meter assembly room and a main switch room.

Landscaping

- 4.15 No existing trees are proposed to be retained within the site. At the western interface, low scale vegetation cover will be provided in the vicinity of the pedestrian path, with trees ranging from 7 to 10 metres in height along the southern boundary. Trees are also proposed to the rear boundary.
- 4.16 The frontage is not proposed to be fenced, however a fire booster cupboard and gas meter enclosure are proposed adjacent to the site frontage.

Design detail

- 4.17 The design adopts a podium and tower form, whereby the tower is set back greater than the podium. The most distinguishing factor between these two forms is the design of the podium, which features a distinctive architectural design utilising a concrete exposed structure over clear glazing, with the tower largely clad in tinted glazing in dark, medium and light blues.

5. LEGISLATIVE REQUIREMENTS

- 5.1 The relevant planning policy and planning permit triggers are included in Attachment 2.

6. REFERRALS

External

- 6.1 Given that the proposal involves the creation and alteration of access to Elgar 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 which relate to the construction of the crossover, the provision of a 6.1 metre by 7 metre passing area at the entrance to the site, the provision of appropriate pedestrian sight lines, removal of the redundant existing crossover and reinstatement works and maintenance of driveways.
- 6.3 As the proposal involves a residential building comprising 60 or more lodging rooms, it is also 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 to take all reasonable steps to ensure that disruption to bus operation along Elgar Road is minimised during the construction phase.

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"> • There is an adequate point of discharge for the site. All runoff is to be directed to the point of discharge. • Provide an on-site stormwater detention system.
Engineering & Technical Services Unit – Vehicle Crossing	<ul style="list-style-type: none"> • The existing disused vehicle crossover is required to be removed and the nature strip, kerb and channel and footpath reinstated. • The modified vehicle crossover must be 1 metre away from the power pole. • A “Vehicle Crossing Permit” is required.
Engineering & Technical Services Unit – Access and Driveway	<ul style="list-style-type: none"> • Adequate sight lines are available from the exit lane. • 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. • There is at least 2.1 metres headroom beneath overhead obstructions.
Engineering & Technical Services Unit – Traffic and Car Parking	<ul style="list-style-type: none"> • Dimensions are not provided for spaces 7 – 10 on the Basement 1 plan. • The rate of 0.25 car spaces per suite is too low. A parking survey(s) needs to be done at a comparable location. • The provision of only 27 car spaces in an area with no on-street parking relies too heavily on public transport and is not satisfactory. • A waiver of bicycle spaces is not acceptable.
Engineering & Technical Services Unit – Car Parking Layout	<ul style="list-style-type: none"> • The car parking layout is satisfactory.
Engineering & Technical Services Unit – Construction	<ul style="list-style-type: none"> • A construction management plan is required.

Service Unit	Comments
Management	
Engineering & Technical Services Unit – Waste	<ul style="list-style-type: none"> Private waste collection will be required. Parking restrictions need to be implemented to assist in the facilitation of an orderly private waste collection service, including 'No Parking' restrictions which restrict vehicles parking in the required vehicle turning parking space within the basement on waste collection days. A final Waste Management Plan needs to be approved as part of the permit.
Engineering & Technical Services Unit – Easements	<ul style="list-style-type: none"> Build over easement approval is not required.
Strategic Projects Unit – Sustainability	<ul style="list-style-type: none"> The following amendments to the submitted Sustainability Management Plan are required before any approval: <ul style="list-style-type: none"> <u>Shading</u> <ul style="list-style-type: none"> The design proposes large areas of glazing. Operable external shading should be provided to exposed North, East and West facing glazing. This could be in the form of external operable louvers, sliding shutters, venetian or roller blinds. <u>Water 4.1 Building Systems Water Use Reduction</u> <ul style="list-style-type: none"> This credit requires the specification of chillers and fire safety test systems that will reduce potable water consumption by over 80%. Include commitment to non-water-based chillers in report or amend BESS assessment. <u>Energy</u> <ul style="list-style-type: none"> BESS entry indicates a 21% improvement on National construction code Section J requirements, however report only details commitment to 10% improvement. Please clarify and amend reports accordingly and provide evidence of the energy modelling conducted. Information must match what is entered into the BESS energy category. <u>Stormwater</u> <ul style="list-style-type: none"> The strategy includes the installation of Envisi Sentinel pits for stormwater treatment. The use of a proprietary product is problematic as it would require product specific maintenance, whereas a generic infiltration pit or raingarden could be maintained in perpetuity, regardless of the availability of product types.

Service Unit	Comments
	<p>Furthermore, information provided does not contain sufficient independent verification in relation to the stormwater quality outcomes from the use of these pits. Therefore it is not possible to conclude that the pits would result in the stormwater quality objectives required.</p> <ul style="list-style-type: none"> • Amend stormwater strategy to comply. <p><u>Waste 2.1 Food and Garden Waste</u></p> <ul style="list-style-type: none"> • The BESS report for the project states that this will be provided, however there are no notations or allocation for this to occur on the drawings or report. Update the plans and report and/or BESS report to reflect what is being proposed. • Given that a number of the BESS categories need to be updated, it is important to note that the project still needs to meet the minimum 50% overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS. In areas falling short of the aforementioned targets, adjustments will need to be made to demonstrate that the project meets the BESS minimums.
<p>City Strategy Unit – Urban Design</p>	<p><u>Strategic Context</u></p> <ul style="list-style-type: none"> • The site is located in the ACZ1 where higher density uses are encouraged. Accordingly, there is evidence of significant redevelopment and regeneration occurring in the area. In particular, immediately to the north of the site there is an 11-storey apartment building at 5 Elgar Court and a 10-storey apartment building to the east (rear) at 91-93 Tram Road. These emerging built forms within the Activity Centre boundaries are juxtaposed next to large car dealerships, large format retail premises and detached dwellings which are yet to be redeveloped. • The subject site is located at the edge of the activity centre and as such, a more distinct residential grain and profile exists to the south of the site. It is acknowledged that land to the immediate south of the site is within a Residential Growth Zone and the detached nature of the existing dwellings will change, as evident by the recent development of a three-storey apartment building at 804 Elgar Road. However, this residential area will remain a residential area that backdrops the higher scale development of the activity centre and

Service Unit	Comments
	<p>as such, there needs to be a transition between these two zones.</p> <p><u>Overall Height</u></p> <ul style="list-style-type: none"> • The proposal is in accordance with the maximum mandatory height set down by the ACZ1. However, whilst the height of 32.5m has been identified for the subject site, regard still must be given to neighbouring properties. Land to the south is located within a residential zone, (outside the ACZ1). Furthermore, Schedule 1 to the ACZ1 specifies that proposed built form should provide an appropriate transition in height, both within the activity centre and to surrounding neighbourhoods. The proposal fails to achieve this. • Given the context of the site (i.e. 11 storeys to the north of the site, 10 to the rear and 1-2 storeys townhouses on strata titles to the south), the subject site provides the opportunity to transition from the large format to the north to the smaller scale to the south. • The constrained site dimensions do not allow for the transition in built form to occur on the site (i.e. the proposed building stepping down in scale). Accordingly, the building itself must offer the transition, through the removal of two storeys. The removal of the upper 2 storeys will then not only provide a better transition to the smaller scale development to the south, but also matches the height of the building to the rear (east) at 91-93 Tram Road. • As a result of the deletion of two storeys and their associated rooms will also assist with the allocation of car parking spaces, which is presently limited. • The two penthouse suites should be retained, but relocated to the new upper level. <p><u>Floorplate arrangement and uses</u></p> <ul style="list-style-type: none"> • If the overall height of the building were to be reduced, the floor plates, in particular ground floor, could be raised to ensure that the lobby is at grade with the pedestrian footpath. As currently proposed, there are three steps down into the lobby which does not enhance the 'sense of address' and arrival. It is recommended that the entrance be at grade with the pedestrian path. • As a result of the proposal largely complying with the side and rear setback prescribed by

Service Unit	Comments
	<p>the ACZ1 (i.e. 4.5m), adequate space has been provided between buildings to ensure an acceptable level of outlook and amenity between built forms.</p> <ul style="list-style-type: none"> • Whilst acknowledged that the proposed use is for a hotel, the lack of inclusion of some balconies to provide further variety to the accommodation available is a missed opportunity. It is recommended that the hotel short stay use is conditioned to prevent the rooms from being used as longer term or permanent accommodation, as the proposal does not allow adequate internal amenity outcomes for longer stay accommodation. • To provide a greater variety and flexibility in hotel rooms, it is recommended that some dual key rooms are created, providing the opportunity for two-bedroom suites. <p><u>Visual bulk and massing</u></p> <ul style="list-style-type: none"> • The southern elevation presents with visual bulk and massing. Given that the site is at the edge of the activity centre, this southern elevation will remain exposed and therefore greater regard needs to be given to providing visual interest and 'breaking up' the bulk on this elevation. As currently proposed, the expanse of glass is excessively dominant when viewed from within the residential area. It is recommended that some additional architectural treatment (perhaps expanding the podium expression) should be applied to the central sections of the southern elevation, aligning with the internal stair case. <p><u>Materials and finishes</u></p> <ul style="list-style-type: none"> • The materials applied, including the application of a tinted curtain wall glazing and a continuous concrete exoskeleton frame at podium level, is consistent with the architectural expression of the form, which presents as a distinctive architectural response as required by the ACZ1. <p><u>Streetscape Interface</u></p> <ul style="list-style-type: none"> • As previously identified, the streetscape would benefit from raising the height of the ground level so pedestrians do not have to step down into the lobby, rather just walk straight out onto the pavement. • Whilst acknowledged that there is a need for the gas meters and fire boosters to be located

Service Unit	Comments
	within the street frontage, it is disappointing to see that they have not been more carefully resolved. According, it is recommended that the services be consolidated and/or applied with an architectural treatment to sit more politely in the streetscape.

6.6 If a permit were to be issued the above requirements would need to be specified as conditions of permit.

7. CONSULTATION / NOTIFICATION

7.1 Notice of the application was given over a three-week period which concluded on 20 June 2017, by sending letters to nearby properties and displaying one large sign on site (street frontage).

7.2 Eleven objections have been received from the following properties:

- 2/808 Elgar Road, Doncaster;
- 508/91-93 Tram Road, Doncaster;
- 509/91-93 Tram Road, Doncaster;
- 609/91-93 Tram Road, Doncaster;
- 612/91-93 Tram Road, Doncaster;
- 704/91-93 Tram Road, Doncaster;
- 804/91-93 Tram Road, Doncaster;
- 904/91-93 Tram Road, Doncaster;
- 908/91-93 Tram Road, Doncaster; and
- 811 Elgar Road, Doncaster.

7.3 The grounds of objection are summarised as follows:

- overdevelopment;
- land use;
- traffic and car parking;
- design and built form (building height, setbacks and opportunity for landscaping, car parking and bicycle parking); and

- off-site amenity impacts (overshadowing, loss of daylight, overlooking and loss of privacy, noise, safety, loss of views and outlook, reduction in property values and construction impacts).
- 7.4 A response to the grounds of objection is included in the assessment at section 8.67 to section 8.84 of this report.

8. ASSESSMENT

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

8.2 The assessment is made under the following headings:

- Land use;
- Design and built form;
- Guidelines for higher density residential development;
- Car parking, access, traffic, Land Adjacent to a Road Zone Category 1 and bicycle facilities; and
- Objector concerns.

Land use

- 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 single use of the land for a residential hotel requires a planning permit pursuant to the ACZ1, as it is not in conjunction with another use. The use of the site for the purpose of a residential hotel 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 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, chiefly through the ACZ1.
- 8.6 Within the Doncaster Hill Major 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 on the south side of Doncaster Road west of Tram Road, is within Precinct 7.
- 8.7 Under the ACZ1, the subject site is located in Precinct 7A. The relevant objectives for Precinct 7A (Clause 5.7-2) are:

- *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 designed public open space.*
- *To improve pedestrian access through this precinct to Doncaster Road from the residential land to the south.*

8.8 A residential hotel development on this site is generally consistent with the broad objectives of Council's planning policy outlined at Clause 21.09 and the objectives of the ACZ1 of the Manningham Planning Scheme, except that the land use objectives for Doncaster Hill in the ACZ1 seek a vibrant 'mixed use' centre. The proposed residential hotel does not strictly meet this objective through its single use, given that the restaurant component is an ancillary use that will only be available to guests of the residential hotel. Similarly, the proposed use is not considered to be designed to provide an active use or pedestrian generating activities in the public realm. However, on balance and in light of the limited size of the site and its location at the edge of the ACZ1, the site is considered best-suited to a single use, such as a residential hotel.

8.9 Overall, the use of the land for a residential hotel is considered appropriate given the limited size of the site and its positioning at the edge of the activity centre, which limits its potential to fulfil the objective of mixed-uses. The use of short-stay accommodation is also suited to this site due to the reduced amenity that is afforded to the suites on the northern side of the building as a result of the proximity to the adjoining development at 5 Elgar Court. This reduced amenity is considered appropriate for short-staying customers, rather than permanent residents if a residential apartment building been proposed.

8.10 That said, there are some aspects of the use that would require further consideration if a permit were to be issued. Firstly, there does not appear to be sufficient kitchen area within the ground floor restaurant. A small preparation area is allocated, which lacks detail on plans to determine if there is sufficient area for aspects such as cooking appliances and washing up facilities. Further, the hotel reception is limited in size and does not include any office space.

Design and built form

8.11 The ACZ1 sets a number of mandatory and preferred maximums/minimums for buildings within the Activity Centre. These mainly relate to the scale of development, such as height and setback distances. The requirements essentially establish a three-dimensional building envelope for each site.

8.12 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

8.13 The maximum building height 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. The proposal does not incorporate a design element.

- 8.14 The proposed building reaches a height of 32.5 metres which is at the limit of the maximum building height. The lift overrun extends beyond the maximum building height, but is compliant as it does not exceed more than 50% of the roof area, is located in a position on the roof so as to minimise additional overshadowing and does not extend higher than 3.6 metres above the maximum building height.
- 8.15 As such, the proposal is fully compliant with the mandatory maximum building height.
- 8.16 Notwithstanding the building's compliance with the mandatory maximum height requirement, the height of the building should also (in accordance with the land use and development objectives of Clause 2.0 of the ACZ1):
- *Emphasise the existing dramatic landform of Doncaster Hill through built form that steps down the hill.*
 - *Ensure an appropriate transition in height both within the activity centre and to surrounding neighbourhoods.*
- 8.17 The 11-storey residential hotel, while providing a generally acceptable design response, is required to provide a transition from the high-rise built form of properties within the ACZ1, to the northern low-scale residential properties within the Residential Growth Zone to the south.
- 8.18 While Precinct 7A of the ACZ1 allows development up to a height of 32.5 metres, the submitted design has not fully considered its prominent location in terms of the topography of the area and the visibility of the site at the edge of the Doncaster Hill Activity Centre. In terms of height and scale, the proposed building should contribute towards the emphasis of the dramatic landform of Doncaster Hill by stepping down Elgar Road. Instead, the building fails to provide adequate transition from the adjoining building at 5 Elgar Court and proposes the same maximum height of 32.5 metres. The subtle change proposed in the glazing up the tower of the building and the prominent podium form are not sufficient in providing this required transition.
- 8.19 Local policy also encourages gateway treatments to include buildings showcasing unique contemporary architecture. While the site is not identified as a gateway site in the ACZ1, the site is at the southern edge of Doncaster Hill and there are prominent views to the site from the south. This requires the development to adopt an urban design treatment that contributes to the identification of the activity centre, whilst minimising off-site amenity impacts to adjoining residential zones.
- 8.20 While the proposal complies with the mandatory maximum height, it does not meet the policy objective to provide appropriate transitions in building height. It is acknowledged, that it would be difficult to achieve a transition in height on the site due to the site width. However it follows that the building height itself must be reduced to provide a transition between the development to the north (that is located within the ACZ1) and the existing dwellings to the south (which are located within the Residential Growth Zone).

Building Setbacks

- 8.21 A permit may be granted to vary the front setbacks, including the front podium and front tower setbacks, as this property does not abut Doncaster Road, Williamsons Road or Tram Road. As such, the requirement to achieve a 5 metre setback at the podium level and a 9 metre setback to the tower are both preferred rather than mandatory requirements. Both the podium and tower front setbacks fall short of these preferred setbacks, which is attributed to the angled site frontage. The podium has a minimum setback of 3.7 metres and the tower has a minimum setback of 7.4 metres to the north-western corner of the building. However, the building has a maximum 6.6 metre podium setback and a maximum 10.2 metre tower setback to the south-western corner. Therefore, on balance, the setbacks provided are considered appropriate.
- 8.22 There are preferred minimum requirements relating to side and rear setbacks (i.e. they can be varied by a permit), which specify the minimum setbacks from a side or rear boundary to be 4.5metres.
- 8.23 Building setbacks to the north are compliant with the 4.5 metre setback requirement at all levels.
- 8.24 Similar to the front setback, the rear setbacks vary from the 4.5 metre setback requirement due to the angled rear boundary. All levels are provided with a minimum rear setback of approximately 4.3 metres and a maximum setback of approximately 4.7 metres. This minor variation from the preferred setback requirements is considered negligible and is unlikely to cause any unreasonable off-site amenity impacts.
- 8.25 Building setbacks to the south do not meet the preferred setback requirement of 4.5 metres. The most significant departure from the requirements is the 3 metre podium setback. This podium has a minimum height of 12.9 metres at the front of the site, increasing to approximately 15 metres at the rear. Similarly, the southern side setback to the tower is 4.145 metres. The reduced setbacks to the podium and tower, and in particular the substantial height to the podium, is likely to cause unreasonable off-site amenity impacts. As the height of the podium increases towards the rear of the site, so too does the severity of the impact to the adjoining property to the south, including 2/808 Elgar Road, which is located substantially closer to the common boundary than the other property to the south at 1/808 Elgar Road. This reduced setback will also exacerbate overshadowing to the south.

Overshadowing

- 8.26 The ACZ1 provides that development should not overshadow adjacent properties outside of the activity centre between the hours of 11am and 2pm on the 22 September. The adjoining property to the south is located outside of the activity centre.
- 8.27 Submitted shadow diagrams for between 9am and 3pm on 22 September show the level of shadows cast by existing buildings within the activity centre over the property to the south as well as the level of shade cast by the proposed building. The level of shadow cast by the development, in addition to the level of shade already cast over sensitive areas, is limited to portions of the secluded private open space areas at 1/808, 2/808 and 3/808 Elgar Road. It is acknowledged that overshadowing of the south adjoining properties will be unavoidable if development is to occur on the site, given the limited width of the site.

Landscape Design

8.28 The development provides an acceptable landscape response in the context of the limited width of the site. Minimum 1.5 metre wide landscape buffers are provided to the east and south, incorporating numerous canopy trees. A well-landscaped frontage has also been achieved. The majority of this landscaping is to be planted within planter boxes, given the extent of basement footprint below. However, landscaping has not been achieved along the majority of the northern boundary, due to the driveway location.

Access and Mobility

- 8.29 As relevant to this application, 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.
- 8.30 The development provides an appropriate pedestrian link through its entrance, however the three steps required to access the entrance do not adequately cater for cyclists, or people with a disability or limited mobility, and would likely require an access ramp to meet the requirements of Australian Standard AS1428 Part 2.
- 8.31 The design successfully integrates car parking into the design through the use of basement car parking. As a separate matter, the proposal does not provide an adequate number of on-site car parking spaces, which will be explored within a later section of this report.
- 8.32 The proposal has limited the number of crossovers to one. This requires the removal of the existing redundant crossing and construction of a new crossing on the northern side of the site frontage, which can be reasonably accommodated.

Guidelines for higher density residential development

- 8.33 The scale of the proposed building is generally consistent with the expectations for development outlined in the ACZ1. However, 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*.
- 8.34 These guidelines have been removed from the Scheme under Planning Scheme Amendment VC 139 which was gazetted on 29 August 2017, and were replaced by the *Urban Design Guidelines for Victoria 2017*, which focus 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 used in conjunction with the *Apartment Design Guidelines for Victoria 2017*, which focus on internal and external amenity.
- 8.35 However, given the Apartment Design Guidelines do not apply to this application, the responsibility to assess amenity and due to the Urban Design Guidelines 2017 not providing assessment criteria for amenity, this report will use the relevant sections of the *Guidelines for Higher Density Residential Development 2004* as a guide to assess the proposal.

Off-site amenity

- 8.36 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.
- 8.37 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.

Overshadowing

- 8.38 The shadow diagrams provided with the application have been assessed under the provisions of the ACZ1, as discussed in an earlier section of this report.

Overlooking

- 8.39 In relation to overlooking, the guidelines (Objective 2.9) require Council to consider 'direct overlooking' within a 9 metre radius of habitable room windows and balconies (the same as Clause 55).
- 8.40 To the north, the development proposes a 4.5 metre boundary setback, to create a 9 metre buffer to the adjoining building at 5 Elgar Court, which limits direct overlooking.
- 8.41 There are no windows on the eastern side of the building, which prevents overlooking to the building at 91-93 Tram Road.
- 8.42 The most sensitive interface is the two adjacent dwellings to the south at 808 Elgar Road. The development provides a 9 metre buffer to the adjacent dwelling at 1/808 Elgar Road to limit overlooking. The adjacent dwelling at 2/808 Elgar Road is located within 9 metres of the proposed building and contains two habitable room windows facing the development, as well as north and east-facing private open space. The development contains windows within the podium that are setback 3 metres and windows within the tower that are set back 4.1 metres. A submitted section plan demonstrates that the height of the development should limit direct overlooking, as a view over the roof of 2/808 Elgar Road should be more apparent than overlooking into any habitable room windows. The lack of balconies in the design should also assist with the limiting of downward views.

Noise

- 8.43 Occupants of the proposed building would be short-stay users aware of the subject site's proximity to potential noise sources, including the site's location on an arterial road, as well as the ancillary restaurant proposed within the ground level of the building. The submitted acoustic report recommends glazing treatments to the western, southern and northern facades, including to the southern glazing of the restaurant. Noise from the restaurant at ground floor will be contained within the building and would be required to not exceed the prescribed limits. If a permit were to be issued, a condition would require the recommendations of the acoustic report to be adopted into the design of the building to limit the potential for noise disturbance as far as practicable.

Wind

- 8.44 A wind assessment was submitted with the application and considered wind tunnelling and wind generated by the building in relation to pedestrians using the footpaths. The report makes recommendations for modifications to the building design, including a wind break screen to improve the walking comfort to the undercroft entrance. Findings demonstrate that wind levels for all remaining parts of the proposed building are within the recommended criteria. If a permit were to be issued, a condition would require the recommendations of the wind report to be adopted into the design of the building.

Internal Amenity and Servicing

- 8.45 In terms of diversity of suites, the proposal offers some level of variation across the spectrum of suites, however each suite is only suitable for two people. This is considered acceptable, given the use is for a residential hotel for short-stay customers.
- 8.46 The development has made the best use of an outlook from each suite, having regard to the site orientation and limitations of the dimensions of the site.
- 8.47 Across the building, all suites have been designed to avoid any reliance on borrowed or artificial light.
- 8.48 The absence of balconies and the design of the building avoids any internal overlooking.
- 8.49 Waste and recycling will be stored in a dedicated waste room in the basement car park. The Waste Management Plan (WMP) provided with the application indicates waste and recycling bins will be collected three times a week from within the basement, with food waste collected daily.
- 8.50 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.
- 8.51 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.

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

Car parking, access and traffic

- 8.52 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 be provided on the land or, as approved under Clause 52.06-3, to the satisfaction of the responsible authority. Where a use of land is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, Clause 52.06-6 requires that before a new use commences, car parking spaces must be provided to the satisfaction of the responsible authority.

- 8.53 The use of land for a Residential Hotel is not specified in Table 1, in another provision of the Planning Scheme, or in the Parking Overlay. Car parking spaces must therefore be provided to the satisfaction of the responsible authority.
- 8.54 The development of the residential hotel comprising 116 suites proposes a total of 32 car parking spaces, comprising 27 basement car parking spaces, four visitor spaces at ground level at the rear of the site and one drop-off space adjacent to the entrance at ground floor. The provision of 27 car spaces for customers equates to a rate of 0.23 car spaces per hotel suite.
- 8.55 The submitted traffic report identifies that parking access will be via a valet system only, and that guests would be advised prior to their arrival as to the availability of car parking or that car parking would form part of the booking process. The valet system is essential to the functionality of the hotel, given the reliance on tandem car parking within the basement. On-street parking is noted to be unsuitable for hotel guests due to parking limitations. It is therefore considered that the use of the residential hotel may place a heavy reliance on other modes of transport, including taxi and bus services.
- 8.56 The assessment of the level of car parking that would be required for this use is made difficult by an unknown maximum occupancy rate during peak times and a lack of known examples of similar uses within a comparable distance to the site. While a 'hotel' use does have a requisite car parking requirement, its definition is distinctly different from the 'residential hotel' proposed in this case, and therefore is therefore not directly comparable.
- 8.57 The traffic report submitted with the application relies on one case study of an existing hotel in St Kilda, which has only 67 rooms but provides nearly three times as many more car spaces than the proposal. Setting this aside, the study calculated that the demand for car parking at the St Kilda hotel generated a demand for 0.25 car spaces per hotel room, therefore concluding that peak demand would equate to 29 cars, which could be accommodated on site for this proposal.
- 8.58 The traffic report presents limited evidence, with only one example for a hotel in the inner city rather than a suburban location, and provides no analysis of anticipated staff numbers, which provides little guidance regarding the necessary allocation of car parking to staff. With no detail regarding the anticipated occupancy rates of the residential hotel, it cannot be reasonably concluded that the provision of 27 car spaces, which equates to a rate of 0.23 car spaces per hotel suite, will provide adequate on-site car parking.
- 8.59 An assessment against the car parking design standards at Clause 52.06-9 is provided in the table below:

Design Standard	Met/Not Met
1 – Accessways	<ul style="list-style-type: none"> • The accessway to the basement car park meets the minimum width and height clearance requirements. • A minimum 6.1 metre by 7 metre passing area is not clearly provided at the entrance to the site. A minimum width of 6.1 metres appears to be achieved, however it is unclear whether a length of 7 metres has been provided due to the tapering of the driveway.

Design Standard	Met/Not Met
	<ul style="list-style-type: none"> All vehicles are able to exit the site in a forward direction, except that it has not been demonstrated how a vehicle parked in the drop-off bay will turn around and exit the site in a forward direction. A vehicle that has parked in the drop-off area immediately after entering the site also has a restricted sightline of incoming vehicles exiting the site from the basement. Given that vehicles using this drop-off space are likely to include all customers, including those being dropped-off, this layout is not considered to be satisfactory. An adequate visibility splay area is provided along the exit lane. Within the basement, a 4 metre internal radius is provided at changes of direction. Convex mirrors are to be provided at the top and bottom of each ramp to provide adequate sightlines for drivers.
2 – Car Parking Spaces	<ul style="list-style-type: none"> Car parking spaces are designed in accordance with the requirements, with minimum dimensions of 2.6 metres wide, a length of 4.9 metres and accessed from an aisle width of at least 6.4 metres. Tandem spaces are provided with an additional 0.5 metres in length between each space. Clearance is provided adjacent to car parking spaces as per the standard.
3 – Gradients	<ul style="list-style-type: none"> The driveway ramp includes transition sections at least 2 metres in length, with the exception of a 1:8 gradient within the site frontage. All other driveway gradients have been assessed as compliant with the standard.
4 – Mechanical Parking	<ul style="list-style-type: none"> No mechanical parking is proposed.
5 – Urban Design	<ul style="list-style-type: none"> The vehicle crossing and accessway located on the eastern side of the site will not dominate the landscape. Parking areas and the entrance to the basement are nestled at the rear of the building and will not be visible from the street.
6 – Safety	<ul style="list-style-type: none"> The basement car park is provided with a security gate for access to valet staff only. Pedestrian access from the site frontage is clearly separated from the driveway.
7 – Landscaping	<ul style="list-style-type: none"> Landscaping is well-placed around ground level car parking. There is a lack of landscaping along the northern property boundary to soften the appearance of the accessway.

8.60 The submitted traffic impact assessment identifies that the proposed development is expected to generate 7 vehicle movements per peak hour and concludes that the volume of traffic generated by the development can be comfortably accommodated by the nearby road network. The site's proximity to the signalised intersection with Doncaster Road is considered to assist vehicles

entering and exiting the site, as the traffic signals will provide regular gaps in traffic.

- 8.61 Council's Engineering Services Unit has not raised no concern in relation to the expected volume of traffic generated by the proposed development as assessed in the submitted traffic report.

Land Adjacent to a Road Zone Category 1

- 8.62 A permit is required under Clause 52.29 of the Manningham Planning Scheme as the proposal involves the removal of the existing crossover and creation of a new crossover to Elgar Road, which is zoned Road Zone Category 1.

- 8.63 VicRoads has provided conditional consent to the proposal, therefore the access arrangement is considered appropriate.

Bicycle Facilities

- 8.64 A residential hotel use is nested under a 'residential building' in Clause 75 of the Scheme. In developments for a residential building of four or more storeys, one bicycle space is required for every ten lodging rooms (for staff) and one bicycle space is required for every ten lodging rooms (for customers). For this proposal, that would equate to the provision of 24 bicycle spaces.
- 8.65 The development does not provide any bicycle spaces. The traffic report concludes that the location of the development is unlikely to generate a demand for bicycle parking as guests are likely to be travelling from areas further afield and would be carrying luggage that is incompatible with bicycle transport. The report also finds that Council may require provision of a low level of bicycle parking for staff (two spaces).
- 8.66 Council officers agree with the findings relating to bicycle parking for customers, but disagree that there is a justified reason to provide a low level of bicycle parking for staff. The suggested provision of only two bicycle spaces for staff has not been adequately reasoned in the submitted traffic report. The Scheme requires 12 spaces for staff and no reasons have been submitted as to why this should not be provided on site. It is noted that the Scheme requires staff bicycle parking to be provided in a locker or in a lockable compound, which in turn requires convenient access to other bicycle facilities, including showers and change rooms. Within the development there is limited scope to provide the required area for either the bicycle spaces in a lockable compound or locker, or associated facilities. As identified at section 8.10 of this report, this is another indication that the use and operation of the site as a residential hotel has not been fully considered.

Objector concerns

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

Overdevelopment

- 8.68 The *Doncaster Hill Activity Centre Strategy October 2002* and the policy framework for the implementation of the ACZ1 within the Manningham Planning Scheme plans for the provision of more than 5,000 new apartments over the next

20 years within Doncaster Hill. As such, Council officers do not agree with the objectors concern that the proposal represents an oversupply of accommodation.

Land use

- 8.69 The proposed use of the land for a residential hotel is generally supported by the ACZ1, although it is acknowledged that there is policy support for mixed use developments. Given the constraints of the site (including the site context, site dimensions and site area), officers agree that it would be difficult for the site to support a mixed use development.
- 8.70 The proposed use requires a permit under the zone and, being a residential use, is considered to comply with policy objectives to provide high density residential accommodation. Should a permit be issued for the use however, conditions would control its operation (staff numbers waste collection, deliveries etc).

Traffic, car parking and bicycle facilities

- 8.71 Council officers agree that an insufficient number of car parking spaces has been provided.
- 8.72 The potential traffic impacts have been assessed by the permit applicant's traffic consultant and Council's engineering unit who have both concluded that, considering the proposal in the context of the traffic and the surrounding street network, it can be readily accommodated on the adjacent road network without creating adverse traffic safety or capacity problems.
- 8.73 While no bicycle spaces have been provided, it is considered that the use will not generate any need for bicycle parking for customers. However, the proposal's failure to provide bicycle spaces and facilities for staff is not acceptable.

Design and built form (building height, setbacks and opportunity for landscaping)

- 8.74 The building height meets the mandatory maximum 32.5 metre requirement stipulated in the ACZ1, however the design response does not provide adequate transition in height to the adjoining zone to the south.
- 8.75 The proposed setbacks generally satisfy the setback provisions of the ACZ1, with the exception of the 3 metre podium setback to the southern boundary, which falls short of the 4.5 metre setback requirement. This significant reduction to the building setback is unacceptable in the context of its interface to an adjoining residential zone.
- 8.76 The level of landscaping is generally acceptable and is predominantly provided adjacent to those adjoining properties that have objected. The landscaping proposed in these areas generally exceeds the level of landscaping anticipated for development within this zone.

Overshadowing and loss of daylight

- 8.77 The extent of shadows cast will impact on the amenity of adjoining properties. Given the constraints of the site, it is not possible for overshadowing to adjoining properties to be avoided in its entirety. While shadows cast exceeds those shadows cast by adjoining developments, the extent of overshadowing is not significantly greater than the other developments.

8.78 Given that the tower of the development generally satisfies the 4.5 metre setback requirements, it is considered that the level of daylight afforded to adjoining properties will not be unreasonably reduced.

Overlooking and loss of privacy

8.79 The proposal will not result in any unreasonable privacy issues to adjoining properties, particularly as the development does not include any east-facing windows, which has an interface to the objecting properties within the ten-storey apartment development at 91-93 Tram Road.

Noise and safety

8.80 Given that parking areas within the basement will be limited to staff managing valet parking, it is unlikely that the four visitor spaces at the rear of the site alone will cause unreasonable noise impacts.

8.81 Pedestrians will generally congregate within the internal lobby and utilise paths at the front of the site to enter and exit the site. It is unlikely that any unreasonable noise or safety concerns will arise, given that the design encourages a strong link with the public realm and as patrons outside will likely be visible from the reception area.

Loss of views and outlook

8.82 Side and rear setbacks are generally designed to retain view lines. There are no specific controls within the Manningham Planning Scheme that protect residents' rights to a view, particularly any existing views maintained over the site.

Reduction in property values

8.83 Any possible impact to the value of the objector's property is considered a subjective claim and not a ground that can be considered in the assessment of the planning permit application.

Construction impacts

8.84 Council would include a Construction Management Plan as a condition on any planning permit to issue in order to mitigate the impact of some amenity relates concerns. 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.

9. CONCLUSION

9.1 It is recommended that the application be refused in its submitted form.

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.